ORDINANCE NO. 7,696-N.S.

AMENDMENT TO MODIFY BERKELEY MUNICIPAL CODE SECTIONS 23D.16.030, 23D.20.030, 23D.24.030, 23D.28.030, 23D.32.030, 23D.36.030, 23D.40.030, 23D.44.030, 23D.48.030, 23D.52.030, 23E.36.030, 23E.40.030, 23E.44.030, 23E.48.030, 23E.52.030, 23E.56.030, 23E.60.030, 23E.68.030, 23E.80.040, 23E.80.090, 23E.84.040, 23E.84.090.H, AND 23F.04.010 TO MODIFY DEFINITION AND PERMITTING REGULATIONS FOR FAMILY DAYCARE HOMES IN ALL RESIDENTIAL AND NON-RESIDENTIAL DISTRICTS.

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

<u>Section 1.</u> That the "Accessory Uses and Structures" section of Table 23D.16.030 in Chapter 23D.16 Section 23D.16.030 of the Berkeley Municipal Code is amended to read as follows:

Table 23D.16.030		
Use and Required Permits		
Use	Classification	Special Requirements (if any)
Accessory Uses and	Structures	
Accessory Buildings or Structures	ZC	Must satisfy the requirements of Chapter 23D.08
If has either habitable space and/or exceeds the requirements under Chapter <u>23D.08</u>	AUP	
When located on a vacant lot without a Main Building	AUP	
With Urban Agriculture	ZC	Subject to <u>23C.26</u> , <u>23D.08.010</u> , <u>23D.08.020</u> , <u>23D.08.050</u> , and <u>23D.08.060</u>
Accessory Dwelling Units in compliance with Section <u>23C.24.050</u>	ZC	
Accessory Dwelling Unit that does not comply with requirements under Section <u>23C.24.050</u>	AUP	Subject to making applicable findings in Section 23C.24.070
Short-Term Rental	ZC	Subject to requirements of Chapter 23C.22

Child Care; Family Daycare Home (Small or Large)	ZC	
Fences		
If six ft. or less in height	ZC	
Exceed six ft. in height	AUP	In required setbacks
Home Occupations		
Low Impact	ZC	If the requirements of Section <u>23C.16.020</u> are met
Moderate Impact, teaching-related	AUP	Subject to the requirements of Section <u>23C.16.030</u> .A
Moderate Impact	UP(PH)	Subject to the requirements of Section <u>23C.16.030</u> .B
Hot Tubs, Jacuzzis, Spas	AUP	See Section 23D.08.060.C
Stables for Horses	AUP	

Page 3 of 36

Section 2. That the "Accessory Uses and Structures" section of Table 23D.20.030 in Chapter 23D.20 Section 23D.20.030 of the Berkeley Municipal Code is amended to read as follows:

Table 23D.20.030		
Use and Required Permits		
Use	Classificati on	Special Requirements (if any)
Accessory Uses and Structures		
Accessory Buildings or Structures	ZC	Must satisfy the requirements of Chapter 23D.08
If has either habitable space and/or exceeds the requirements under Chapter 23D.08	AUP	
When located on a vacant lot without a Main Building	AUP	
With Urban Agriculture	ZC	Subject to 23C.26, 23D.08.010, 23D.08.020, 23D.08.050, and 23D.08.060
Accessory Dwelling Units in compliance with Section <u>23C.24.050</u>	ZC	
Accessory Dwelling Unit that does not comply with requirements under Section 23C.24.050	AUP	Subject to making applicable findings in Section 23C.24.070
Short-Term Rental	ZC	Subject to requirements of Chapter 23C.22
Child Care; Family Daycare Home (Small or Large)	ZC	
Fences	70	
If six ft. or less in height	ZC	
Exceeding six ft. in height Home Occupations	AUP	In required yards
Low Impact	ZC	If the requirements of Section 23C.16.020 are met
Moderate Impact, teaching- related	AUP	Subject to the requirements of Section 23C.16.030.A
Moderate Impact	UP(PH)	Subject to the requirements of Section 23C.16.030.B
Hot Tubs, Jacuzzis, Spas	AUP	See Section 23D.08.060.C
Stables for Horses	AUP	

Page 4 of 36

Section 3. That the "Accessory Uses and Structures" section of Table 23D.24.030 in Chapter 23D.24 Section 23D.24.030 of the Berkeley Municipal Code is amended to read as follows:

Table 23D.24.030				
Use and Required Permits				
Use	Classification	Special Requirements (if any)		
Accessory Uses and Struc	ctures			
Accessory Buildings or Structures				
Under 100 sq. ft.	ZC	Must satisfy the requirements of Chapter 23D.08		
100 or more sq. ft.	UP(PH)	If has either habitable space and/or exceeds the requirements of Chapter 23D.08		
Located on a vacant lot without a Main Building	UP(PH)			
Accessory Dwelling Units	Prohibited			
Child Care: Family Daycare Homes (Small or Large)	ZC			
Fences				
Four ft. or less in height	ZC			
Exceeding four ft. in height	AUP	Subject to Fire Department review and comment		
Home Occupations				
Low Impact	AUP	If the requirements of Section 23C.16.020 are met		
Moderate Impact	UP(PH)	Subject to the requirements of Section 23C.16.030, except that no non-resident employees or customer visits are allowed in ES- R District		
Hot Tubs, Jacuzzis, Spas or Swimming Pools	UP(PH)	See Section 23D.08.060.C		
Rental of Rooms	UP(PH)	Not to exceed four persons. Occupancy of a single dwelling unit by a single household as defined in Sub-title 23F is permitted		
Stables for Horses	AUP			

Page 5 of 36

<u>Section 4.</u> That the "Accessory Uses and Structures" section of Table 23D.28.030 in Chapter 23D.28 Section 23D.28.030 of the Berkeley Municipal Code is amended to read as follows:

Table 23D.28.030			
Use and Required Permits			
Use	Classification	Special Requirements (if any)	
Accessory Uses and Structure	S		
Accessory Buildings or Structures	ZC	Must satisfy the requirements	
		of Chapter 23D.08	
If has either habitable space	AUP		
and/or exceeds the			
requirements under Chapter 23D.08			
When located on a vacant	AUP		
lot without a Main Building			
With Urban Agriculture	ZC	Subject to 23C.26, 23D.08.010, 23D.08.020, 23D.08.050, and 23D.08.060	
Accessory Dwelling Units in compliance with Section 23C.24.050	ZC		
Accessory Dwelling Unit that does not comply with requirements under Section 23C.24.050	AUP	Subject to making applicable findings in Section 23C.24.070	
Short-Term Rental	ZC	Subject to requirements of Chapter 23C.22	
Child Care; Family Daycare Home (Small or Large)	ZC		
Fences			
If six ft. or less in height	ZC		
Exceeding six ft. in height	AUP	In required setbacks	
Home Occupations			
Low Impact	ZC	If the requirements of Section 23C.16.020 are met	
Moderate Impact, teaching- related	AUP	Subject to the requirements of Section 23C.16.030.A	
Moderate Impact	UP(PH)	Subject to the requirements of Section 23C.16.030.B	
Hot Tubs, Jacuzzis, Spas	AUP	See Section 23D.08.060.C	
Stables for Horses	AUP		

Page 6 of 36

<u>Section 5.</u> That the "Accessory Uses and Structures" section of Table 23D.32.030 in Chapter 23D.32 Section 23D.32.030 of the Berkeley Municipal Code is amended to read as follows:

Table 23D.32.030 Use and Required Permits		
Use	Classification	Special Requirements (if any)
Accessory Uses and Structure	S	
Accessory Buildings or Structures	ZC	Must satisfy the requirements of Chapter 23D.08
If has either habitable space and/or exceeds the requirements under Chapter 23D.08	AUP	
When located on a vacant lot without a Main Building	AUP	
With Urban Agriculture	ZC	Subject to 23C.26, 23D.08.010, 23D.08.020, 23D.08.050, and 23D.08.060
Accessory Dwelling Units in compliance with Section 23C.24.050	ZC	
Accessory Dwelling Unit that does not comply with requirements under Section 23C.24.050	AUP	Subject to making applicable findings in Section 23C.24.070
Short-Term Rental	ZC	Subject to requirements of Chapter 23C.22
Child Care; Family Daycare Home (Small or Large) Fences	ZC	
	ZC	
If six ft. or less in height	AUP	In required cothacks
Exceeding six ft. in height Home Occupations	AUF	In required setbacks
Low Impact	ZC	If the requirements of Section 23C.16.020 are met
Moderate Impact, teaching- related	AUP	Subject to the requirements of Section 23C.16.030.A
Moderate Impact	UP(PH)	Subject to the requirements of Section 23C.16.030.B
Hot Tubs, Jacuzzis, Spas	AUP	See Section 23D.08.060.C
Stables for Horses	AUP	

<u>Section 6.</u> That the "Accessory Uses and Structures" section of Table 23D.36.030 in Chapter 23D.36 Section 23D.36.030 of the Berkeley Municipal Code is amended to read as follows:

Table 23D.36.030

Page	7	of	36

	Use and Requi Permits	ired
Use	Classificati on	Special Requirements (if any)
Accessory Uses and Structures		
Accessory Buildings or Structures	ZC	Must satisfy the requirements of Chapter 23D.08
If has either habitable space and/or exceeds the requirements under Chapter <u>23D.08</u>	AUP	
When located on a vacant lot without a Main Building	AUP	
With Urban Agriculture	ZC	Subject to 23C.26, 23D.08.010, 23D.08.020, 23D.08.050, and 23D.08.060
Accessory Dwelling Units in compliance with Section 23C.24.050	ZC	
Accessory Dwelling Unit that does not comply with requirements under Section 23C.24.050	AUP	Subject to making applicable findings in Section 23C.24.070
Short-Term Rental	ZC	Subject to requirements of Chapter 23C.22
Child Care; Family Daycare Home (Small or Large)	ZC	
Fences	70	
If six ft. or less in height		In required esthesize
Exceeding six ft. in height Home Occupations	AUP	In required setbacks
Low Impact	ZC	If the requirements of Section 23C.16.020 are met
Moderate Impact, teaching- related	AUP	Subject to the requirements of Section 23C.16.030.A
Moderate Impact	UP(PH)	Subject to the requirements of Section 23C.16.030.B
Hot Tubs, Jacuzzis, Spas	AUP	See Section 23D.08.060.C
Stables for Horses	AUP	

Page 8 of 36

<u>Section 7.</u> That the "Accessory Uses and Structures" section of Table 23D.40.030 in Chapter 23D.40 Section 23D.40.030 of the Berkeley Municipal Code is amended to read as follows:

Table 23D.40.030		
	Use and Require Permits	d
Use	Classification	Special Requirements (if any)
Accessory Uses and Structures		
Accessory Buildings or Structures	ZC	Must satisfy the requirements of Chapter 23D.08
If has either habitable space and/or exceeds the requirements under Chapter 23D.08	AUP	
When located on a vacant lot without a Main Building	AUP	
With Urban Agriculture	ZC	23C.26, 23D.08.010, 23D.08.02
		0, 23D.08.050, and 23D.08.060.
Accessory Dwelling Units in compliance with Section 23C.24.050	ZC	
Accessory Dwelling Unit that does not comply with requirements under Section 23C.24.050	AUP	Subject to making of applicable findings set forth in Section 23C.24.070
Short-Term Rental	ZC	Subject to requirements of Chapter 23C.22
Child Care; Family Daycare Home (Small or Large)	ZC	
Fences	70	
Six ft. or less in height Exceeding six ft. in height	ZC AUP	In required setbacks
Home Occupations	/(01	
Low Impact	ZC	If the requirements of Section 23C.16.020 are met
Moderate Impact, teaching- related	AUP	Subject to the requirements of Section 23C.16.030.A
Moderate Impact	UP(PH)	Subject to the requirements of Section 23C.16.030.B
Hot Tubs, Jacuzzis, Spas	AUP	See Section 23D.08.060.C
Stables for Horses	AUP	
Stores and Shops (Incidental to another Use)	UP(PH)	Contained within a building with no street access and no displays or merchandise visible from the street

<u>Section 8.</u> That the "Accessory Uses and Structures" section of Table 23D.44.030 in Chapter 23D.44 Section 23D.44.030 of the Berkeley Municipal Code is amended to read as follows:

Table 23D.44.030		
	Use and Required Permits	
Use	Classification	Special Requirements (if any)
Accessory Uses and Structures		
Accessory Buildings or Structures	ZC	Must satisfy the requirements of Chapter 23D.08
If has either habitable space and/or exceeds the requirements under Chapter <u>23D.08</u>	AUP	
When located on a vacant lot without a Main Building	AUP	
With Urban Agriculture	ZC	23C.26, 23D.08.010, 23D.08.02 0, 23D.08.050, and 23D.08.060
Accessory Dwelling Units in compliance with Section 23C.24.050	ZC	
Accessory Dwelling Unit that does not comply with requirements under Section 23C.24.050	AUP	Subject to making applicable findings set forth in Section 23C.24.070
Short-Term Rental	ZC	Subject to requirements of Chapter 23C.22
Child Care, Family Daycare Home (Small or Large)		
Fences		
Six ft. or less in height	ZC	
Exceeding six ft. in height	AUP	In required setbacks
Home Occupations		
Low Impact	ZC	If the requirements of Section 23C.16.020 are met
Moderate Impact, teaching- related	AUP	Subject to the requirements of Section 23C.16.030.A
Moderate Impact	UP(PH)	Subject to the requirements of Section 23C.16.030.B
Hot Tubs, Jacuzzis, Spas	AUP	See Section 23D.08.060.C
Stables for Horses	AUP	
Stores and Shops (Incidental to another Use)	UP(PH)	Contained within a building with no street access and no displays or merchandise visible from the street

<u>Section 9.</u> That the "Accessory Uses and Structures" section of Table 23D.48.030 in Chapter 23D.48 Section 23D.48.030 of the Berkeley Municipal Code is amended to read as follows:

Table 23D.48.030		
	Use and Require Permits	d
Use	Classification	Special Requirements (if any)
Accessory Uses and Structure	es	
Accessory Buildings or Structures	ZC	Must satisfy the requirements of Chapter 23D.08
If has either habitable space and/or exceeds the requirements under Chapter 23D.08	AUP	
When located on a vacant lot without a Main Building	AUP	
With Urban Agriculture	ZC	Subject to 23C.26, 23D.08.010, 23D.08.020, 23D.08.050, and 23D.08.060
Accessory Dwelling Units in compliance with Section 23C.24.050	ZC	
Accessory Dwelling Unit that does not comply with requirements under Section 23C.24.050	AUP	Subject to making applicable findings set forth in Section 23C.24.070
Short-Term Rental	ZC	Subject to requirements of Chapter 23C.22
Child Care, Family Daycare Home (Small or Large)	ZC	
Fences Six ft. or less in height Exceeding six ft. in height	ZC AUP	In required setbacks
Home Occupations Low Impact	ZC	If the requirements of Section
Moderate Impact, teaching- related	AUP	23C.16.020 are met Subject to the requirements of Section 23C.16.030.A
Moderate Impact	UP(PH)	Subject to the requirements of Section 23C.16.030.B
Hot Tubs, Jacuzzis, Spas	AUP	See Section 23D.08.060.C
Stables for Horses	Prohibited	
Stores and Shops (Incidental to another Use)	UP(PH)	Contained within a building with no street access and no displays or merchandise visible from the

Page 11 of 36

street

Page 12 of 36

<u>Section 10.</u> That the "Accessory Uses and Structures" section of Table 23D.52.030 in Chapter 23D.52 Section 23D.52.030 of the Berkeley Municipal Code is amended to read as follows:

Table 23D.52.030			
Use and Required Permits			
Use	Classification	Special Requirements (if any)	
Accessory Uses and Structures			
Accessory Buildings or Structures	ZC	Must satisfy the requirements of Chapter 23D.08	
If has either habitable space and/or exceeds the requirements under Chapter <u>23D.08</u>	AUP		
When located on a vacant lot without a Main Building	AUP		
With Urban Agriculture	ZC	23C.26, 23D.08.010, 23D.08.020 , 23D.08.050, and 23D.08.060	
Accessory Dwelling Units in compliance with Section 23C.24.050	ZC		
Accessory Dwelling Unit that does not comply with requirements under Section 23C.24.050	AUP	Subject to making applicable findings set forth in Section 23C.24.070	
Short-Term Rental	ZC	Subject to requirements of Chapter 23C.22	
Child Care; Family Daycare Home (Small or Large)	ZC		
Fences Six ft. or less in height	ZC	In required setbacks	
Exceeding six ft. in height	AUP		
Home Occupations Low Impact	ZC	If the requirements of Section 23C.16.020 are met	
Moderate Impact, teaching- related	AUP	Subject to the requirements of Section 23C.16.030.A	
Moderate Impact	UP(PH)	Subject to the requirements of Section 23C.16.030.B	
Hot Tubs, Jacuzzis, Spas	AUP	See Section 23D.08.060.C	
Stables for Horses	Prohibited		

Stores and Shops (Incidental to	UP(PH)	Contained within a building with
another Use)		no street access and no displays
		or merchandise visible from the
		street

Section 11. That the "Uses Permitted in Residential Districts" section of Table 23E.36.030 in Chapter 23E.36 Section 23E.36.030 of the Berkeley Municipal Code is amended to read as follows:

Table 23E.36.030			
Use and Required Permits			
Use	Classification	Special Requirements (if any)	
Uses Permitted in Residential Distr			
Accessory Dwelling Unit in	ZC		
compliance with Section			
23C.24.050			
Accessory Dwelling Unit that does	AUP	Subject to making applicable	
not comply with requirements under		findings in Section 23C.24.070	
Section 23C.24.050			
Accessory Uses and Structures	Per R-3 District	See Table 23D.36.030	
Accessory Buildings and Structures	ZC	23C.26, 23D.08.010,	
with Urban Agriculture		23D.08.020, 23D.08.050, and	
		23D.08.060	
Short-Term Rental	ZC	Subject to requirements of	
		Chapter 23C.22	
Child Care Centers	UP(PH)		
Child Care; Family Daycare Home	ZC		
(Small or Large)			
Clubs, Lodges	UP(PH)		
Community Centers	UP(PH)		
Dwelling Units, subject to R-3	UP(PH)	Standards may be modified	
Standards		under Section 23E.36.070.E.	
		Residential-only projects are	
		prohibited within the University	
		Avenue Node Overlay areas,	
		and permitted within University	
		Avenue Overlay Mixed Use	
		areas	
Group Living Accommodations	UP(PH)	Standards may be modified	
subject to R-3 Standards		under Section 23E.36.070.E	
Hospitals	UP(PH)	Subject to parking requirements;	
		see Section 23E.36.080	
Hotels, Residential, including Single	UP(PH)		
Room Occupancy (SRO) Hotels	. ,		
Libraries	UP(PH)	Subject to parking requirements;	
	· · ·	see Section 23E.36.080	
Nursing Homes	UP(PH)	Subject to parking requirements;	
		see Section 23E.36.080	
Parks and Playgrounds	ZC		
Public Safety and Emergency	UP(PH)		
Services	. ,		
Religious Assembly Uses	UP(PH)		
Schools, Public or Private	UP(PH)		

Senior Congregate Housing		Changes of use from an existing
Six or fewer people	ZC	dwelling unit
Seven or more persons	AUP	
New Construction	UP(PH)	

<u>Section 12.</u> That the "Uses Permitted in Residential Districts" section of Table 23E.40.030 in Chapter 23E.40 Section 23E.40.030 of the Berkeley Municipal Code is amended to read as follows:

Table 23E.40.030			
Use and Required Permits			
Use	Classification	Special Requirements (if any)	
Uses Permitted in Residentia			
Accessory Dwelling Unit in compliance with Section 23C.24.050	ZC		
Accessory Dwelling Unit that does not comply with requirements under Section 23C.24.050	AUP	Subject to making applicable findings in Section 23C.24.070	
Accessory Uses and Structures	Per R-3 District	See Table 23D.36.030	
Accessory Buildings and Structures with Urban Agricultures	ZC	23C.26, 23D.08.010, 23D.08.020, 23D.08.050, and 23D.08.060	
Child Care Centers	UP(PH)		
Child Care; Family Daycare Home (Small or Large)	ZC		
Clubs, Lodges	UP(PH)		
Community Centers	UP(PH)		
Dwelling Units, subject to R-3 Standards	UP(PH)	Standards may be modified under Section 23E.40.070.E	
Group Living Accommodations subject to R-3 Standards	UP(PH)	Standards may be modified under Section 23E.40.070.E	
Hospitals	Prohibited		
Hotels, Residential, including Single Room Occupancy (SRO) Hotels	UP(PH)		
Libraries	UP(PH)	Subject to parking requirements; see Section 23E.40.080.B	
Nursing Homes	UP(PH)	Subject to parking requirements; see Section 23E.40.080.B	
Parks and Playgrounds	ZC		
Public Safety and Emergency Services	UP(PH)		
Religious Assembly Uses	UP(PH)		
Schools, Public or Private	UP(PH)		
Senior Congregate Housing		Changes of use from an existing	
Six or fewer persons	ZC	dwelling unit	

Page 17 of 36

Seven or more persons	AUP	
New Construction	UP(PH)	

Section 13. That the "Uses Permitted in Residential Districts" section of Table 23E.44.030 in Chapter 23E.44 Section 23E.44.030 of the Berkeley Municipal Code is amended to read as follows:

Table 23E.44.030 Use and Required Permits			
Use	Classification	Special Requirements (if any)	
Uses Permitted in Residential Dist	ricts	· · · · · · · · · · · · · · · · · · ·	
Accessory Dwelling Unit in	ZC		
compliance with Section			
23C.24.050			
Accessory Dwelling Unit that does	AUP	Subject to making applicable	
not comply with requirements under		findings in Section 23C.24.070	
Section 23C.24.050			
Accessory Uses and Structures	Per R-3 District	See Table 23D.36.030	
Accessory Buildings and Structures	ZC	23C.26, 23D.08.010,	
with Urban Agriculture		23D.08.020, 23D.08.050, and	
		23D.08.060	
Child Care Centers	UP(PH)		
Child Care; Family Daycare Home	ZC		
(Small or Large)			
Clubs, Lodges	UP(PH)		
Community Centers	UP(PH)		
Dwelling Units, subject to R-3	UP(PH)	Standards may be modified under	
Standards		Section 23E.44.070.F	
Group Living	UP(PH)	Standards may be modified under	
Accommodations, subject to R-		Section 23E.44.070.F	
3 Standards			
Hospitals	Prohibited		
Hotels, Residential, including	UP(PH)		
Single Room Occupancy (SRO)			
Hotels			
Libraries	UP(PH)	Subject to parking requirements	
		under Section 23E.44.080	
Nursing Homes	UP(PH)	Subject to parking requirements	
		under Section 23E.44.080	
Parks and Playgrounds	ZC		
Public Safety and Emergency	UP(PH)		
Services			
Religious Assembly Uses	UP(PH)		
Schools, Public or Private	UP(PH)		
Senior Congregate Housing		Changes of use from an existing	
Six or fewer persons	ZC	dwelling unit	
Seven or more persons	AUP		
New Construction	UP(PH)		

Section 14. That the "Uses Permitted in Residential Districts" section of Table 23E.48.030 in Chapter 23E.48 Section 23E.48.030 of the Berkeley Municipal Code is amended to read as follows:

Table 23E.48.030			
Use and Required Permits			
Use	Classification	Special Requirements (if any)	
Uses Permitted in Residential Dist			
Accessory Dwelling Unit in	ZC		
compliance with Section			
23C.24.050			
Accessory Dwelling Unit that does	AUP	Subject to making applicable	
not comply with requirements under		findings in Section 23C.24.070	
Section 23C.24.050			
Accessory Uses and Structures	Per R-3 District	See Table 23D.36.030	
Accessory Buildings and Structures	ZC	23C.26, 23D.08.010,	
with Urban Agriculture		23D.08.020, 23D.08.050, and	
		23D.08.060	
Short-Term Rental	ZC	Subject to requirements of	
		Chapter 23C.22	
Child Care Centers	UP(PH)		
Child Care; Family Daycare Home	ZC		
(Small or Large)			
Clubs, Lodges	Prohibited		
Community Centers	UP(PH)		
Dwelling Units, subject to R-3	UP(PH)	Subject to the standards under	
Standards		Section 23E.48.070.F	
Group Living	UP(PH)	Subject to the standards under	
Accommodations, subject to R-		Section 23E.48.070.F	
3 Standards			
Hospitals	Prohibited		
Hotels, Residential, including	UP(PH)		
Single Room Occupancy (SRO)			
Hotels			
Libraries	UP(PH)	Subject to parking requirements	
		see Section 23E.48.080	
Nursing Homes	UP(PH)	Subject to parking requirements	
-		see Section 23E.48.080	
Parks and Playgrounds	ZC		
Public Safety and Emergency	UP(PH)		
Services	、 <i>,</i>		
Religious Assembly Uses	UP(PH)		
Schools, Public or Private	UP(PH)		
Senior Congregate Housing		Change of use from an existing	
Six or fewer persons	ZC	dwelling unit	
·	AUP	_	
Seven or more persons	UP(PH)		
New Construction	- ()		

Page 20 of 36

<u>Section 15.</u> That the "Uses Permitted in Residential Districts" section of Table 23E.52.030 in Chapter 23E.52 Section 23E.52.030 of the Berkeley Municipal Code is amended to read as follows:

Table 23E.52.030			
Use and Required Permits			
Use	Classification	Special Requirements (if any)	
Uses Permitted in Residential			
Accessory Dwelling Unit in compliance with Section 23C.24.050	ZC		
Accessory Dwelling Unit that does not comply with requirements under Section 23C.24.050	AUP	Subject to making applicable findings in Section 23C.24.070	
Accessory Uses and Structures	Per R-3 District	See Table 23D.36.030	
Accessory Buildings and Structures with Urban Agriculture	ZC	23C.26, 23D.08.010, 23D.08.020, 23D.08.050, and 23D.08.060	
Short-Term Rental	ZC	Subject to requirements of Chapter 23C.22	
Child Care Centers	UP(PH)		
Child Care; Family Daycare Home (Small or Large)	ZC		
Clubs, Lodges	UP(PH)		
Community Centers	UP(PH)		
Dwelling Units, subject to R-3 Standards	UP(PH)	Subject to the standards under Section 23E.52.070.E	
Group Living Accommodations subject to R-3 Standards	UP(PH)	Subject to the standards under Section 23E.52.070.E	
Hospitals	Prohibited		
Hotels, Residential, including Single Room Occupancy (SRO) Hotels	UP(PH)		
Libraries	UP(PH)	Subject to parking requirements; see Section <u>23E.52.080</u>	
Nursing Homes	UP(PH)	Subject to parking requirements; see Section 23E.52.080	
Parks and Playgrounds	ZC		
Public Safety and Emergency Services	UP(PH)		
Religious Assembly Uses	UP(PH)		
Schools, Public or Private	UP(PH)		

_		-	
Page	22	of	36

Senior Congregate Housing		Change of use from an existing
Six or fewer people	ZC	dwelling unit
Seven or more people	AUP	
New construction	UP(PH)	

<u>Section 16.</u> That the "Uses Permitted in Residential Districts" section of Table 23E.56.030 in Chapter 23E.56 Section 23E.56.030 of the Berkeley Municipal Code is amended to read as follows:

Table 23E.56.030			
Use and Required Permits			
Use		Special Requirements (if any)	
Uses Permitted in Residential Dis			
Accessory Dwelling Unit in	ZC		
compliance with Section			
23C.24.050			
Accessory Dwelling Unit that does	AUP	Subject to making applicable findings in	
not comply with requirements		Section 23C.24.070	
under Section 23C.24.050	Per R-3	See Table 23D.36.030	
Accessory Uses and Structures	District	See Table 23D.30.030	
Accessory Buildings and	ZC	23C.26, 23D.08.010, 23D.08.020,	
Structures with Urban Agriculture	20	23D.08.050, and 23D.08.060	
Short-Term Rental	ZC	Subject to requirements of Chapter	
	20	23C.22	
Child Care Centers	UP(PH)		
Child Care; Family Daycare Home	ZC		
(Small or Large)			
Clubs, Lodges	UP(PH)		
Community Centers	UP(PH)		
Dwelling Units, subject to R-3	UP(PH)	Subject to the standards under	
Standards		Section 23E.56.070.E	
Group Living Accommodations	UP(PH)	Subject to the standards under Section	
subject to R-3 Standards	Drahihitad	23E.56.070.E	
Hospitals	Prohibited		
Hotels, Residential, including Single Room Occupancy (SRO)	UP(PH)		
Hotels			
Libraries	UP(PH)		
Nursing Homes	UP(PH)		
Parks and Playgrounds	ZC		
Public Safety and Emergency	UP(PH)		
Services			
Religious Assembly Uses	UP(PH)		
Schools, Public or Private	UP(PH)		
Senior Congregate Housing		Change of use from an existing dwelling unit	
Six or fewer people	ZC		
Seven or more persons	AUP		
New Construction	UP(PH)		

Section 17. That the "Uses Permitted in Residential Districts" section of Table 23E.60.030 in Chapter 23E.60 Section 23E.60.030 of the Berkeley Municipal Code is amended to read as follows:

Use and Required PermitsUse Permitted in Residential DistrictsAccessory Dwelling Unit in compliance with Section 23C.24.050ZCAccessory Dwelling Unit that does not comply with requirements under Section 23C.24.050AUPSubject to making applicable findings in Section 23C.24.070Accessory Dwelling Unit that does not comply with requirements under Section 23C.24.050AUPSubject to making applicable findings in Section 23C.24.070Accessory Uses and Structures with Urban AgriculturePer R-3 DistrictSector 23C.26, 23D.08.010, 23D.08.020, 23D.08.050, and 23D.08.020, 23D.08.050, and 23D.08.060Child Care CentersUP(PH)Child Care; Family Daycare Home (Small or Large)ZCClubs, LodgesProhibitedClubs, LodgesProhibitedCommunity CentersUP(PH)StandardsSection 23E.60.070.FGroup Living Accommodations, subject to R-3UP(PH)StandardsUP(PH)Hotels, Residential, including Single Room Occupancy (SRO)UP(PH)Subject to parking requirements; see Section 23E.60.080Nursing HomesUP(PH)Subject to parking requirements; see Section 23E.60.080Nursing HomesUP(PH)Setoin 23E.60.080Nursing HomesUP(PH)Setoin 23E.60.080Nursing HomesUP(PH)Setoin 23E.60.080Setoin 23E.60.080Nursing HomesUP(PH)Setoin 23E.60.080Setoin 23E.60.080Nursing HomesUP(PH)<	Table 23E.60.030			
Uses Permitted in Residential Districts ZC Accessory Dwelling Unit in compliance with Section 23C 24.050 ZC Accessory Dwelling Unit that does not comply with requirements under Section 23C 24.050 AUP Subject to making applicable findings in Section 23C.24.070 Accessory Uses and Structures Per R-3 District See Table 23D.36.030 Accessory Buildings and Structures ZC 23C.26, 23D.08.010, 23D.08.020, 23D.08.050, and 23D.08.020, 23D.08.050, and 23D.08.060 Child Care Centers UP(PH) ZC Child Care; Family Daycare Home (Small or Large) ZC Clubs, Lodges Prohibited Community Centers UP(PH) Dwelling Units, subject to R-3 UP(PH) Standards UP(PH) Standards UP(PH) Accommodations, subject to R-3 UP(PH) Standards Prohibited Hospitals Prohibited Hotels, Residential, including Single Room Occupancy (SRO) UP(PH) Subject to parking requirements; see Section 23E.60.080 Subject to parking requirements; see Section 23E.60.080 Nursing Homes UP(PH) Subject to parking requirements; see Section 23E.60.080 Parks and Playgrounds ZC	Use and Required Permits			
Accessory Dwelling Unit in compliance with Section 23C.24.050ZCAccessory Dwelling Unit that does not comply with requirements under Section 23C.24.050AUPSubject to making applicable findings in Section 23C.24.070Accessory Uses and Structures Accessory Buildings and Structures with Urban AgriculturePer R-3 DistrictSee Table 23D.36.030Accessory Buildings and Structures with Urban AgricultureZC23C.26, 23D.08.010, 23D.08.020, 23D.08.050, and 23D.08.060Child Care Centers (Small or Large)UP(PH)ZCClubs, Lodges Group LivingProhibitedCommunity Centers StandardsUP(PH)Standards HospitalsUP(PH)Standards HospitalsProhibitedHotels, Residential, including Single Room Occupancy (SRO) HotelsUP(PH)Subject to parking requirements; see Section 23E.60.080Nursing HomesUP(PH)Parks and Playgrounds Section 23E.60.080Nursing HomesUP(PH)Subject to parking requirements; see Section 23E.60.080Parks and Playgrounds Religious Assembly UsesZCPublic Safety and Emergency ServicesUP(PH)Senoir Congregate Housing Six or fewer persons Seven or more personsZCAUP UP(PH)Change of use from an existing dwelling unit			Special Requirements (if any)	
compliance with Section 23C.24.050AUPSubject to making applicable findings in Section 23C.24.070Accessory Dwelling Unit that does not comply with requirements under Section 23C.24.050AUPSubject to making applicable findings in Section 23C.24.070Accessory Uses and Structures with Urban AgriculturePer R-3 DistrictSee Table 23D.36.030Accessory Buildings and Structures with Urban AgricultureZC23C.26, 23D.08.010, 23D.08.020, 23D.08.050, and 23D.08.060Child Care Centers (Small or Large)UP(PH)Clubs, LodgesClubs, LodgesProhibitedCCommunity CentersUP(PH)Standards may be modified under Section 23E.60.070.FGroup Living Accommodations, subject to R-3 StandardsUP(PH)Standards may be modified under Section 23E.60.070.FHospitalsProhibitedStandards Section 23E.60.070.FStandards Section 23E.60.070.FHospitalsProhibitedUP(PH)StandardsUP(PH)Standards may be modified under Section 23E.60.080Nursing HomesUP(PH)Subject to parking requirements; see Section 23E.60.080Nursing HomesUP(PH)Subject to parking requirements; see Section 23E.60.080Public Safety and Emergency Schools, Public or PrivateUP(PH)Senior Congregate Housing Six or fewer persons Seven or more personsZCVUP(PH)VP(PH)Change of use from an existing dwelling unit	Uses Permitted in Residential Distric	ts		
Section 23C.24.050 AUP Subject to making applicable findings in Section 23C.24.070 Accessory Uses and Structures Per R-3 District See Table 23D.36.030 Accessory Uses and Structures ZC 23C.26, 23D.08.010, 23D.08.050, and 23D.08.050, and 23D.08.060 Child Care Centers UP(PH) ZC 23D.08.060 Clubs, Lodges Prohibited ZC Community Centers UP(PH) Standards may be modified under Section 23E.60.070.F Group Living UP(PH) Standards may be modified under Section 23E.60.070.F Group Living UP(PH) Standards may be modified under Section 23E.60.070.F Standards Prohibited Section 23E.60.070.F Mospilals Prohibited Section 23E.60.070.F Hospilals Prohibited Section 23E.60.070.F Nursing Homes UP(PH) Standards may be modified under Section 23E.60.080 Nursing Homes UP(PH) Subject to parking requirements; see Section 23E.60.080 Nursing Homes UP(PH) Subject to parking requirements; see Section 23E.60.080 Purs and Playgrounds ZC ZC Public Safety and Emergency UP(PH) Subject to parking requirements; see Section 23E.60.080 </td <td></td> <td>ZC</td> <td></td>		ZC		
Accessory Dwelling Unit that does not comply with requirements under Section 23C.24.050AUPSubject to making applicable findings in Section 23C.24.070Accessory Uses and Structures with Urban AgriculturePer R-3 DistrictSee Table 23D.36.030Accessory Buildings and Structures with Urban AgricultureZC23C.26, 23D.08.010, 23D.08.020, 23D.08.050, and 23D.08.060Child Care Centers (Small or Large)UP(PH)CClubs, Lodges Community Centers Group Living Accomodations, subject to R-3 StandardsProhibitedCroup Living Accomodations, subject to R-3 StandardsUP(PH)Standards may be modified under Section 23E.60.070.FGroup Living Accomodations, subject to R-3 StandardsUP(PH)Standards may be modified under Section 23E.60.070.FMospitals LibrariesProhibitedUP(PH)Standards may be modified under Section 23E.60.070.FNursing HomesUP(PH)Subject to parking requirements; see Section 23E.60.080Nursing HomesUP(PH)Subject to parking requirements; see Section 23E.60.080Parks and Playgrounds ServicesZCP(PH)Schools, Public or Private Setor PrivateUP(PH)Change of use from an existing dwelling unitSix or fewer persons Six or fewer personsZCAUPSeven or more personsZCAUPVIP(PH)UP(PH)Change of use from an existing dwelling unit				
not comply with requirements under Section 23C.24.050findings in Section 23C.24.070Accessory Uses and Structures with Urban AgriculturePer R-3 DistrictSee Table 23D.36.030Accessory Buildings and Structures with Urban AgricultureZC23C.26, 23D.08.010, 23D.08.020, 23D.08.050, and 23D.08.060Child Care CentersUP(PH)Child Care; Family Daycare Home (Small or Large)ZCClubs, LodgesProhibitedCommunity CentersUP(PH)Dwelling Units, subject to R-3 StandardsUP(PH)StandardsUP(PH)StandardsUP(PH)StandardsSection 23E.60.070.FGroup Living Accommodations, subject to R-3 StandardsUP(PH)StandardsProhibitedHospitalsProhibitedHospitalsProhibitedIthrainsUP(PH)Subject to parking requirements; see Section 23E.60.080Nursing HomesUP(PH)Subject to parking requirements; see Section 23E.60.080Parks and PlaygroundsZCPublic Safety and Emergency ServicesUP(PH)Senior Congregate Housing Six or fewer personsZCAUP UP(PH)Change of use from an existing dwelling unitSix or fewer persons Seven or more personsZCAUP UP(PH)Change of use from an existing dwelling unit				
Section 23C.24.050 Per R-3 District See Table 23D.36.030 Accessory Uses and Structures ZC 23C.26, 23D.08.010, 23D.08.020, 23D.08.050, and 23D.08.060 Child Care Centers UP(PH) 23D.08.060 Child Care; Family Daycare Home (Small or Large) ZC 23C.26, 23D.08.070, 23D.08.050, and 23D.08.060 Clubs, Lodges Prohibited ZC Community Centers UP(PH) Standards may be modified under Section 23E.60.070.F Group Living UP(PH) Standards may be modified under Section 23E.60.070.F Accessory (SRO) UP(PH) Standards may be modified under Section 23E.60.070.F Standards UP(PH) Standards may be modified under Section 23E.60.070.F Standards UP(PH) Standards may be modified under Section 23E.60.070.F Accessory (SRO) UP(PH) Standards Nursing Homes UP(PH) Subject to parking requirements; see Section 23E.60.080 Nursing Homes UP(PH) Subject to parking requirements; see Section 23E.60.080 Parks and Playgrounds ZC Public Safety and Emergency Public Safety and Emergency UP(PH) Schools, Public or Private Senior Congregate Housing ZC Change of use		AUP		
Accessory Uses and Structures Per R-3 District See Table 23D.36.030 Accessory Buildings and Structures ZC 23C.26, 23D.08.010, 23D.08.050, and 23D.08.060 Child Care Centers UP(PH) 23D.08.060 Child Care Centers UP(PH) Child Care; Family Daycare Home (Small or Large) ZC Clubs, Lodges Prohibited Community Centers UP(PH) Dwelling Units, subject to R-3 UP(PH) Standards UP(PH) Accommodations, subject to R-3 UP(PH) Standards UP(PH) Hospitals Prohibited Hospitals Prohibited Hospitals Prohibited Hotels, Residential, including UP(PH) Single Room Occupancy (SRO) UP(PH) Hotels Subject to parking requirements; see Section 23E.60.080 Nursing Homes UP(PH) Subject to parking requirements; see Section 23E.60.080 Public Safety and Emergency UP(PH) Subject to parking requirements; see Section 23E.60.080 Public Safety and Emergency UP(PH) Subject to parking requirements; see Section 23E.60.080 Public Safety and Emergency UP(PH)			findings in Section 23C.24.070	
Accessory Buildings and Structures with Urban AgricultureZC23C.26, 23D.08.010, 23D.08.020, 23D.08.050, and 23D.08.060Child Care CentersUP(PH)Child Care; Family Daycare Home (Small or Large)ZCClubs, LodgesProhibitedCommunity CentersUP(PH)Dwelling Units, subject to R-3 StandardsUP(PH)StandardsStandards may be modified under Section 23E.60.070.FGroup Living Accommodations, subject to R- 3 StandardsUP(PH)StandardsProhibitedHospitalsProhibitedHotels, Residential, including Single Room Occupancy (SRO) HotelsUP(PH)Subject to parking requirements; see Section 23E.60.080Nursing HomesUP(PH)Subject to parking requirements; see Section 23E.60.080Public Safety and Emergency ServicesUP(PH)Schools, Public or Private Secior Congregate Housing Six or fewer personsUP(PH)Six or fewer persons Seven or more personsZC				
with Urban Agriculture23D.08.020, 23D.08.050, and 23D.08.060Child Care CentersUP(PH)Child Care; Family Daycare Home (Small or Large)ZCClubs, LodgesProhibitedClubs, LodgesProhibitedCommunity CentersUP(PH)Dwelling Units, subject to R-3 StandardsUP(PH)StandardsUP(PH)StandardsSection 23E.60.070.FGroup Living Accommodations, subject to R- 3 StandardsUP(PH)StandardsSection 23E.60.070.FHospitalsProhibitedHospitalsProhibitedHotelsResidential, including Single Room Occupancy (SRO)LibrariesUP(PH)Subject to parking requirements; see Section 23E.60.080Nursing HomesUP(PH)Public Safety and Emergency ServicesUP(PH)Religious Assembly Uses Seven or more personsUP(PH)Six or fewer persons Seven or more personsZC AUP UP(PH)				
Child Care CentersUP(PH)Child Care; Family Daycare Home (Small or Large)ZCClubs, LodgesProhibitedClubs, LodgesProhibitedCommunity CentersUP(PH)Dwelling Units, subject to R-3UP(PH)StandardsStandards may be modified under Section 23E.60.070.FGroup Living Accommodations, subject to R-3UP(PH)StandardsVP(PH)HospitalsProhibitedHospitalsProhibitedHospitalsUP(PH)Single Room Occupancy (SRO) HotelsUP(PH)Subject to parking requirements; see Section 23E.60.080Nursing HomesUP(PH)Subject to parking requirements; see Section 23E.60.080Parks and PlaygroundsZCPublic Safety and Emergency ServicesUP(PH)Seligious Assembly UsesUP(PH)Section Congregate Housing Six or fewer persons Seven or more personsZCAUP UP(PH)UP(PH)		ZC		
Child Care CentersUP(PH)Child Care; Family Daycare Home (Small or Large)ZCClubs, LodgesProhibitedClubs, LodgesProhibitedCommunity CentersUP(PH)Dwelling Units, subject to R-3UP(PH)StandardsUP(PH)Group Living Accommodations, subject to R-3UP(PH)StandardsVP(PH)StandardsUP(PH)HospitalsProhibitedHotels, Residential, including Single Room Occupancy (SRO)UP(PH)LibrariesUP(PH)Subject to parking requirements; see Section 23E.60.080Nursing HomesUP(PH)Parks and PlaygroundsZCPublic Safety and Emergency ServicesUP(PH)Seligious Assembly Uses SeviesUP(PH)Section Congregate Housing Six or fewer persons Seven or more personsZCAUP UP(PH)UP(PH)	with Urban Agriculture			
Child Care; Family Daycare Home (Small or Large)ZCClubs, Lodges Community CentersProhibitedCommunity CentersUP(PH)Dwelling Units, subject to R-3 StandardsUP(PH)StandardsUP(PH)Group Living Accommodations, subject to R- 3 StandardsUP(PH)Accommodations, subject to R- 3 StandardsUP(PH)Hotels, Residential, including Single Room Occupancy (SRO)UP(PH)Subject to parking requirements; see Section 23E.60.080Nursing HomesUP(PH)Subject to parking requirements; see Section 23E.60.080Parks and PlaygroundsZCPublic Safety and Emergency ServicesUP(PH)Religious Assembly Uses Seven or more personsUP(PH)Six or fewer persons Seven or more personsZC			23D.08.060	
(Small or Large) Prohibited Clubs, Lodges Prohibited Community Centers UP(PH) Dwelling Units, subject to R-3 UP(PH) Standards UP(PH) Group Living UP(PH) Accommodations, subject to R-3 UP(PH) Standards UP(PH) Hospitals Prohibited Hotels, Residential, including UP(PH) Single Room Occupancy (SRO) UP(PH) Hotels UP(PH) Libraries UP(PH) Subject to parking requirements; see Section 23E.60.080 Nursing Homes UP(PH) Subject to parking requirements; see Section 23E.60.080 Nursing Homes UP(PH) Subject to parking requirements; see Section 23E.60.080 Public Safety and Emergency UP(PH) Services UP(PH) Religious Assembly Uses UP(PH) Schools, Public or Private UP(PH) Services ZC Religious Assembly Uses UP(PH) Services AUP Six or fewer persons ZC AUP AUP				
Clubs, Lodges Prohibited Community Centers UP(PH) Dwelling Units, subject to R-3 UP(PH) Standards UP(PH) Group Living UP(PH) Accommodations, subject to R-3 UP(PH) Standards UP(PH) Accommodations, subject to R-3 UP(PH) Standards Prohibited Hospitals Prohibited Hotels, Residential, including UP(PH) Single Room Occupancy (SRO) UP(PH) Hotels UP(PH) Libraries UP(PH) Subject to parking requirements; see Section 23E.60.080 Nursing Homes UP(PH) Subject to parking requirements; see Section 23E.60.080 Parks and Playgrounds ZC Public Safety and Emergency UP(PH) Services UP(PH) Religious Assembly Uses UP(PH) Senior Congregate Housing ZC Six or fewer persons ZC AUP UP(PH) UP(PH) UP(PH)		ZC		
Community CentersUP(PH)Dwelling Units, subject to R-3UP(PH)Standards may be modified under Section 23E.60.070.FGroup LivingUP(PH)Standards may be modified under Section 23E.60.070.FGroup LivingUP(PH)Standards may be modified under Section 23E.60.070.FAccommodations, subject to R- 3 StandardsProhibitedHospitalsProhibitedHotels, Residential, including Single Room Occupancy (SRO)UP(PH)Subject to parking requirements; see Section 23E.60.080Nursing HomesUP(PH)Subject to parking requirements; see Section 23E.60.080Parks and PlaygroundsZCPublic Safety and Emergency ServicesUP(PH)Schools, Public or PrivateUP(PH)Senor Congregate Housing Six or fewer persons Seven or more personsZCAUP UP(PH)ZCAUP UP(PH)Change of use from an existing dwelling unit	(Small or Large)			
Community CentersUP(PH)Dwelling Units, subject to R-3UP(PH)Standards may be modified under Section 23E.60.070.FGroup LivingUP(PH)Standards may be modified under Section 23E.60.070.FGroup LivingUP(PH)Standards may be modified under Section 23E.60.070.FAccommodations, subject to R- 3 StandardsProhibitedHospitalsProhibitedHotels, Residential, including Single Room Occupancy (SRO)UP(PH)Subject to parking requirements; see Section 23E.60.080Nursing HomesUP(PH)Subject to parking requirements; see Section 23E.60.080Parks and PlaygroundsZCPublic Safety and Emergency ServicesUP(PH)Schools, Public or PrivateUP(PH)Senor Congregate Housing Six or fewer persons Seven or more personsZCAUP UP(PH)ZCAUP UP(PH)Change of use from an existing dwelling unit				
Dwelling Units, subject to R-3 StandardsUP(PH)Standards may be modified under Section 23E.60.070.FGroup Living Accommodations, subject to R- 3 StandardsUP(PH)Standards may be modified under Section 23E.60.070.FHospitals Hotels, Residential, including Single Room Occupancy (SRO) HotelsProhibitedLibrariesUP(PH)Subject to parking requirements; see Section 23E.60.080Nursing HomesUP(PH)Subject to parking requirements; see Section 23E.60.080Parks and PlaygroundsZCPublic Safety and Emergency ServicesUP(PH)Schools, Public or Private Senior Congregate Housing Six or fewer personsUP(PH)Six or fewer persons Seven or more personsZCAUP UP(PH)UP(PH)				
StandardsSection 23E.60.070.FGroup LivingUP(PH)Standards may be modified under Section 23E.60.070.FAccommodations, subject to R- 3 StandardsProhibitedHospitalsProhibitedHotels, Residential, including Single Room Occupancy (SRO) HotelsUP(PH)Subject to parking requirements; see Section 23E.60.080Nursing HomesUP(PH)Subject to parking requirements; see Section 23E.60.080Parks and PlaygroundsZCPublic Safety and Emergency ServicesUP(PH)Schools, Public or PrivateUP(PH)Senior Congregate Housing Six or fewer personsZC AUP UP(PH)Seven or more personsZC AUP UP(PH)				
Group Living Accommodations, subject to R- 3 StandardsUP(PH)Standards may be modified under Section 23E.60.070.FHospitalsProhibitedHotels, Residential, including Single Room Occupancy (SRO) HotelsUP(PH)LibrariesUP(PH)LibrariesUP(PH)Subject to parking requirements; see Section 23E.60.080Nursing HomesUP(PH)Subject to parking requirements; see Section 23E.60.080Parks and PlaygroundsZCPublic Safety and Emergency ServicesUP(PH)Religious Assembly UsesUP(PH)Schools, Public or PrivateUP(PH)Senior Congregate Housing Six or fewer personsZC AUP UP(PH)Seven or more personsZC AUP UP(PH)	J	UP(PH)		
Accommodations, subject to R- 3 StandardsSection 23E.60.070.F3 StandardsProhibitedHospitalsProhibitedHotels, Residential, including Single Room Occupancy (SRO) HotelsUP(PH)LibrariesUP(PH)LibrariesUP(PH)Subject to parking requirements; see Section 23E.60.080Nursing HomesUP(PH)Subject to parking requirements; see Section 23E.60.080Parks and PlaygroundsZCPublic Safety and Emergency ServicesUP(PH)Religious Assembly UsesUP(PH)Schools, Public or PrivateUP(PH)Senior Congregate Housing Six or fewer personsZCAUP UP(PH)ZCAUP UP(PH)Change of use from an existing dwelling unit				
3 StandardsProhibitedHospitalsProhibitedHotels, Residential, including Single Room Occupancy (SRO) HotelsUP(PH)LibrariesUP(PH)LibrariesUP(PH)Subject to parking requirements; see Section 23E.60.080Nursing HomesUP(PH)Subject to parking requirements; see Section 23E.60.080Parks and PlaygroundsZCPublic Safety and Emergency ServicesUP(PH)Religious Assembly UsesUP(PH)Schools, Public or PrivateUP(PH)Senior Congregate Housing Six or fewer persons Seven or more personsZC AUP UP(PH)		UP(PH)	-	
HospitalsProhibitedHotels, Residential, including Single Room Occupancy (SRO) HotelsUP(PH)LibrariesUP(PH)LibrariesUP(PH)Subject to parking requirements; see Section 23E.60.080Nursing HomesUP(PH)Subject to parking requirements; see Section 23E.60.080Parks and PlaygroundsZCPublic Safety and Emergency ServicesUP(PH)Religious Assembly UsesUP(PH)Schools, Public or PrivateUP(PH)Senior Congregate Housing Six or fewer personsZC AUP UP(PH)Seven or more personsZC AUP UP(PH)			Section 23E.60.070.F	
Hotels, Residential, including Single Room Occupancy (SRO) HotelsUP(PH)UP(PH)LibrariesUP(PH)Subject to parking requirements; see Section 23E.60.080Nursing HomesUP(PH)Subject to parking requirements; see Section 23E.60.080Parks and PlaygroundsZCPublic Safety and Emergency ServicesUP(PH)Religious Assembly UsesUP(PH)Schools, Public or PrivateUP(PH)Senior Congregate Housing Six or fewer personsZC AUP UP(PH)		Deals the transfer		
Single Room Occupancy (SRO) HotelsUP(PH)Subject to parking requirements; see Section 23E.60.080LibrariesUP(PH)Subject to parking requirements; see Section 23E.60.080Nursing HomesUP(PH)Subject to parking requirements; see Section 23E.60.080Parks and PlaygroundsZCPublic Safety and Emergency ServicesUP(PH)Religious Assembly UsesUP(PH)Schools, Public or PrivateUP(PH)Senior Congregate Housing Six or fewer persons Seven or more personsZCAUP UP(PH)UP(PH)	•			
HotelsUP(PH)Subject to parking requirements; see Section 23E.60.080LibrariesUP(PH)Subject to parking requirements; see Section 23E.60.080Nursing HomesUP(PH)Subject to parking requirements; see Section 23E.60.080Parks and PlaygroundsZCPublic Safety and Emergency ServicesUP(PH)Religious Assembly UsesUP(PH)Schools, Public or PrivateUP(PH)Senior Congregate Housing Six or fewer persons Seven or more personsZCAUP UP(PH)UP(PH)		UP(PH)		
LibrariesUP(PH)Subject to parking requirements; see Section 23E.60.080Nursing HomesUP(PH)Subject to parking requirements; see Section 23E.60.080Parks and PlaygroundsZCPublic Safety and Emergency ServicesUP(PH)Religious Assembly UsesUP(PH)Schools, Public or PrivateUP(PH)Senior Congregate Housing Six or fewer persons Seven or more personsZCAUP UP(PH)AUP UP(PH)				
Nursing HomesUP(PH)see Section 23E.60.080Nursing HomesUP(PH)Subject to parking requirements; see Section 23E.60.080Parks and PlaygroundsZCPublic Safety and Emergency ServicesUP(PH)ServicesUP(PH)Religious Assembly UsesUP(PH)Schools, Public or PrivateUP(PH)Senior Congregate Housing Six or fewer personsZC AUP UP(PH)Seven or more personsZC AUP UP(PH)				
Nursing HomesUP(PH)Subject to parking requirements; see Section 23E.60.080Parks and PlaygroundsZCPublic Safety and EmergencyUP(PH)ServicesUP(PH)Religious Assembly UsesUP(PH)Schools, Public or PrivateUP(PH)Senior Congregate HousingZCSix or fewer personsZCSeven or more personsZCUP(PH)UP(PH)	Libraries	UP(PH)		
Parks and PlaygroundsZCPublic Safety and EmergencyUP(PH)ServicesUP(PH)Religious Assembly UsesUP(PH)Schools, Public or PrivateUP(PH)Senior Congregate HousingZCSix or fewer personsZCSeven or more personsZCUP(PH)UP(PH)				
Parks and PlaygroundsZCPublic Safety and Emergency ServicesUP(PH)Religious Assembly UsesUP(PH)Schools, Public or PrivateUP(PH)Senior Congregate Housing Six or fewer personsZC AUP UP(PH)Seven or more personsZC AUP UP(PH)	Nursing Homes	UP(PH)		
Public Safety and Emergency ServicesUP(PH)ServicesUP(PH)Religious Assembly UsesUP(PH)Schools, Public or PrivateUP(PH)Senior Congregate Housing Six or fewer persons Seven or more personsZC AUP UP(PH)	Darlea, and Disconstruction	70	see Section 23E.60.080	
ServicesUP(PH)Religious Assembly UsesUP(PH)Schools, Public or PrivateUP(PH)Senior Congregate HousingChange of use from an existingSix or fewer personsZCSeven or more personsUP(PH)	· ·			
Religious Assembly UsesUP(PH)Schools, Public or PrivateUP(PH)Senior Congregate HousingChange of use from an existing dwelling unitSix or fewer personsZCSeven or more personsAUP UP(PH)		UP(PH)		
Schools, Public or PrivateUP(PH)Senior Congregate HousingChange of use from an existingSix or fewer personsZCSeven or more personsAUPUP(PH)UP(PH)		(ווס/סוו)		
Senior Congregate Housing Six or fewer personsZC AUP UP(PH)Change of use from an existing dwelling unit	·			
Six or fewer personsZCdwelling unitSeven or more personsUP(PH)		UP(PH)	Change of use from an evicting	
Seven or more persons AUP UP(PH)		70		
UP(PH)	Six or fewer persons			
	Seven or more persons			
New Construction	New Construction	UP(PH)		

Page 25 of 36

<u>Section 18.</u> That the "Residential and Related Uses" section of Table 23E.64.030 in Chapter 23E.64 Section 23E.64.030 of the Berkeley Municipal Code is amended to read as follows:

Table 23E.64.030	so and Poquirod Pormite	
Use	se and Required Permits Permits Required to Establish, Expand or Change Use (sq. ft.)	Special Requirements (if any)
Residential and Related Use		
Accessory Dwelling Unit in compliance with Section 23C.24.050	ZC	
Accessory Dwelling Unit that does not comply with requirements under Section 23C.24.050	AUP	Subject to making applicable findings in Section 23C.24.070
Additions, Major Residential	AUP	See definition in Sub-title 23F. Subject to required finding under Section 23E.64.090.G
Short-Term Rental	ZC	Subject to requirements of Chapter 23C.22
Child Care; Family Daycare Home (Small or Large)	ZC	
Child Care Centers	UP(PH)	
Clubs, Lodges	UP(PH)	
Community Care Facilities/Home s	ZC	
Community Centers	UP(PH)	
Dwelling Units	UP(PH)	Subject to Development Standards under Section 23E.64.070
Group Living Accommodations	UP(PH)	Subject to Development Standards under Section 23E.64.070
Home Occupations Low Impact	ZC	If the requirements of Section 23C.16.020 are met
Moderate Impact, teaching-related	AUP	Subject to the requirements of Section <u>23C.16.030</u> .A
Moderate Impact	UP(PH)	Subject to the requirements of Section <u>23C.16.030</u> .B
Hospitals	UP(PH)	Subject to parking requirements; see Section <u>23E.64.080</u> .F

Hot Tubs, Jacuzzis, Spas	AUP	See Section 23D.08.070.C
Hotels, Residential, including Single Room Occupancy (SRO)	UP(PH)	
Libraries	UP(PH)	Subject to parking requirements; see Section <u>23E.64.080</u> .F
Nursing Homes	UP(PH)	
Parks and Playgrounds	AUP	
Public Safety and Emergency Services	UP(PH)	
Religious Assembly Uses	AUP	
Schools, Public or Private	UP(PH)	
Senior Congregate Housing		Changes of use from an
Six or fewer persons	ZC	existing dwelling unit
Seven or more persons	AUP	
New Construction	UP(PH)	
All other Residential Accessory Structures and Uses not listed	Per R-3 District	See Table <u>23D.36.030</u>
Accessory Buildings and Structures with Urban Agriculture	ZC	<u>23C.26</u> , <u>23D.08.010</u> , <u>23D.08.020</u> , <u>23D.08.050</u> , and <u>23D.08.060</u>

<u>Section 19.</u> That the "Uses Permitted in Residential Districts" section of Table 23E.68.030 in Chapter 23E.68 Section 23E.68.030 of the Berkeley Municipal Code is amended to read as follows:

Table 23E.68.030	a and Bagwirad Da	rmito
Use and Required PermitsUseClassificationSpecial Requirements		
Uses Permitted in Residential		Special Requirements
Accessory Dwelling Unit in	ZC	
compliance with Section	20	
23C.24.050		
Accessory Dwelling Unit that	AUP	Subject to making applicable
does not comply with		findings in Section
requirements under Section		23C.24.070
23C.24.050		
Accessory Uses and Structures	As per R-5	See Table 23D.44.030
,	District	
Accessory Buildings and	ZC	23C.26, 23D.08.010, 23D.08.020,
Structures with Urban		23D.08.050, and 23D.08.060
Agriculture		
Short-Term Rental	ZC	Subject to requirements of Chapter
		23C.22
Child Care Centers	AUP	
Child Care; Family Daycare	ZC	
Home (Small or Large)		
Clubs, Lodges	UP(PH)	
Community Centers	UP(PH)	
Dwelling Units, including	UP(PH)	Subject to the standards under
multifamily developments		Section 23E.68.060.F
Group Living Accommodations	UP(PH)	Subject to the standards under
subject to R-3 Standards		Section 23E.68.060.F
Hospitals	UP(PH)	
Hotels, Residential, including	UP(PH)	Subject to Section 23E.68.060.F
Single Room Occupancy		
(SRO) Hotels		
Libraries	UP(PH)	
Nursing Homes	UP(PH)	
Parks and Playgrounds	ZC	
Public Safety and Emergency	UP(PH)	
Services	()	
Religious Assembly Uses	UP(PH)	
Schools, Public or Private	UP(PH)	
Senior Congregate Housing	. ,	Change of use of an existing
		dwelling unit
Six or fourier no only	70	
Six or fewer people	ZC	

Page 28 of 36

Seven or more persons	AUP	
New Construction	UP(PH)	Subject to Section 23E.68.070

<u>Section 20.</u> That the "Residential and Related Uses" section of Table 23E.80.030 in Chapter 23E.80 Section 23E.80.030 of the Berkeley Municipal Code is amended to read as follows:

Table 23E.80.030				
Use and Required Permits				
Uses	Estab Chan	hits Requ blish, Exp ge use b Area (sq.	and, or y Floor	Special Requirements (if any)
	Under 20,000	20,000 - 30,000	More than 30,000	
Residential and Related Uses				
Child Care Centers		UP(PH)		Subject to the findings in Section 23E.80.090.I
Child Care; Family Daycare Home (Small or Large)		ZC		
Clubs, Lodges, Union Halls and similar uses for persons working in the district		UP(PH)		
Dwelling Units		Prohibite	d	
Group Living Accommodations		Prohibite	d	
Major Residential Additions Public Safety and Emergency Services		Prohibite UP(PH)		
Religious Assembly Uses Schools		Prohibite	d	
Public or Private (other than vocational)		Prohibite		
Vocational	ZC	AUP	UP(PH)	Must provide training for occupations and/or industries found in the West Berkeley Plan area
Shelters for Homeless Persons		Prohibite	d	Existing shelter shall not be considered a non- conforming use and may add floor area with a UP(PH)
Utility Substations, Buildings and Tanks		UP(PH)		
All Other uses permitted in residential districts		Prohibite	d	
Accessory Buildings and Structures with Urban Agriculture		ZC		Subject to <u>23C.26</u> , <u>23D.08.010</u> , <u>23D</u> .08.020, <u>23D.08.050</u> , and <u>23D.08.060</u>

<u>Section 21.</u> That the "Residential and Related Uses" section of Table 23E.84.030 in Chapter 23E.84 Section 23E.84.030 of the Berkeley Municipal Code is amended to read as follows:

	Table	
23E.84.030		
Uses	e and Required Permits Permit Required to Establish, Expand or Change Use (sq. ft.)	Special Requirements (if any)
Residential and Related Uses		
Accessory Dwelling Unit in compliance with Section 23C.24.050	ZC	
Accessory Dwelling Unit that does not comply with requirements under Section 23C.24.050	AUP	Subject to making applicable findings in Section 23C.24.070
Additions, Major Residential	AUP	See Definition in Sub-title 23F. Subject to finding required under 23E.84.090.L; see limitations on location in Section 23E.84.060.G
Short-Term Rental	ZC	Subject to requirements of Chapter 23C.22
Child Care Centers	UP(PH)	Subject to the findings in Section 23E.84.090.H
Child Care; Family Daycare Home (Small or Large)	ZC	
Clubs, Lodges	UP(PH)	
Community Care Facilities/Homes (Changes of Use)	ZC	Subject to parking requirements; see Section 23E.84.080.B
Community Centers	UP(PH)	
Dwelling Units		See limitation on location in Section 23E.84.060.G. Subject to development standards of Section 23E.84.070 and parking requirements in Section 23E.84.080.B
1 – 4 Units	AUP	

5+ Units	UP(PH)	
Group Living Accommodations, subject to R-3 District Standards	UP(PH)	See limitations on location in Section 23E.84.060.G
Home Occupations		
Low Impact	ZC	Subject to requirements under Section 23C.16.020
Moderate Impact, teaching- related	AUP	Subject to requirements under Section 23C.16.030.A
Moderate Impact	UP(PH)	Subject to requirements under Section 23C.16.030.B
Hospitals	Prohibited	
Hotels, Residential	Prohibited	
Hot Tubs, Jacuzzis, Spas	AUP	See Section 23D.08.060.C
Libraries	UP(PH)	Subject to additional parking requirements; see Section 23E.84.080.B
Nursing Homes	UP(PH)	Subject to additional parking requirements; see Section 23E.84.080.B
Parks, Playgrounds, and outdoor recreation facilities	UP(PH)	If the park, playground, or outdoor recreation facility is likely to be used by children, subject to the finding under 23E.84.090.H
Public Safety and Emergency Services	UP(PH)	
Public Utilities Substations, Buildings, Tanks	UP(PH)	
Religious Assembly Uses	UP(PH)	
Schools, Public or Private and Other Educational Institutions	UP(PH)	Subject to the findings in Section 23E.84.090.H
Senior Congregate Housing Six or fewer persons Seven or more persons New Construction	ZC AUP UP(PH)	Changes of use from an existing dwelling unit

Accessory Buildings and	ZC	Subject
Structures with Urban		to <u>23C.26</u> , <u>23D.08.010</u> , <u>23D.</u>
Agriculture		<u>08.020</u> , <u>23D.08.050</u> ,
		and <u>23D.08.060</u>

Section 22. That Berkeley Municipal Code Section 23E.80.040.A is amended to read as follows:

23E.80.040 Special Provisions: Protected Uses

A. The following uses which were lawfully in place as of July 6, 1989 are Protected Uses where the affected space is used exclusively for a Protected Use or the Protected Use is combined with residential use in the form of a Live/Work Unit. Protected Uses are divided into two categories, as follows:

Category 1	Art/Craft Studio
Category 2	Art Galleries, ancillary to Art/Craft Studios and when located in the
	same building
	Child Care Facility
	Family Daycare Home
	Fine arts performance, instruction and rehearsal studios (dance,
	music, theater)
	Theaters, Stage Performance, but excluding Motion Picture Theaters

<u>Section 23.</u> That Berkeley Municipal Code Section 23E.80.090.I is amended to read as follows:

23E.80.090 Findings

I. In order to approve a Permit for the establishment or expansion of a child care center, or recreational or educational facility to be used by children, the Zoning Officer or Board must make all of the following findings:

1. Development of the school, child care center, or recreational facility to be used by children is not, in the particular circumstances of the project, incompatible with adjacent and nearby uses, including industrial uses;

2. An appropriate risk analysis or risk assessment, as defined by the City, has been made and has shown that there is not significant risk to children in the use from other activities near the site;

3. The applicants have made adequate provisions to ensure that all parents of students or children in the school, child care center, or recreational facility to be

used by children will be notified in writing (on a form approved by the City) that the school is in the West Berkeley Plan MU-LI District, and that 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, including a requirement that each parent will indicate that they have read and understood this information by means of a written statement returned to the school or child care center and available for review. (Ord. 7194-NS § 8, 2011; Ord. 7167-NS §§ 20 - 22, 2011; Ord. 6478-NS § 4 (part), 1999)

Section 24. That Berkeley Municipal Code Section 23E.84.040.A is amended to read as follows:

23E.84.040 Special Provisions: Protected Uses

A. The following uses which were lawfully in place as of July 6, 1989 are Protected Uses where the affected space is used exclusively for a Protected Use or the Protected Use is combined with residential use in the form of a Live/Work Unit. Protected Uses are divided into two categories, as follows:

Category 1	Art/Craft Studio
Category 2	Art Galleries, ancillary to Art/Craft Studios and when located in the same building
	Child Care Facility
	Family Daycare Home
	Fine arts performance, instruction and rehearsal studios (dance, music,
	theater)
	Theaters, Stage Performance, but excluding Motion Picture Theaters

<u>Section 25.</u> That Berkeley Municipal Code Section 23E.84.090.H is amended to read as follows:

23E.84.090 Findings

H. In order to approve a Use Permit for the establishment or expansion of a school, child care center, or recreational or educational facility to be used by children, the Zoning Officer or Board must make all of the following findings:

1. Development of the school, child care center, or recreational facility to be used by children is not, in the particular circumstances of the project, incompatible with adjacent and nearby uses;

2. An appropriate risk analysis or risk assessment, as defined by the City, has been made and has shown that there is not significant risk to children in the use from other activities near the site;

3. The applicants have made adequate provisions to ensure that all parents of students or children in the school, child care center or recreational facility to be used by children will be notified in writing (on a form approved by the City) that the school is in the West Berkeley Plan MU-R District, and that 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, including a requirement that each parent will indicate that they have read and understood this information by means of a written statement returned to the school or child care center and available for review.

<u>Section 26.</u> That Berkeley Municipal Code Chapter 23F.04 is amended to revise the spelling of "day care" and "family day care home" as follows:

23F.04.010 Definitions

Child Care Center or Facility: An establishment providing daycare for children, other than a Family Daycare Home, which is licensed by the State of California Department of Social Services.

Community Care Facility: Any facility, place or building where non-medical care and supervision of children, adolescents, adults or elderly persons is conducted under license from the California State Department of Social Services (SDSS), but not including medical care institutions, skilled nursing facilities, nursing homes, foster homes, Family Daycare Homes, child care facilities or transitional housing.

<u>Section 27.</u> That Berkeley Municipal Code Chapter 23F.04 is amended to revise the definition of "Family Day Care Home" as follows:

23F.04.010 Definitions

For the purposes of this chapter certain terms used herein are defined as follows:

Family Daycare Home: A facility that regularly provides care, protection, and supervision for 14 or fewer children, in the provider's own home, for periods of less than 24 hours per day, while the parents or guardians are away, and is either a large family daycare home or a small family daycare home as licensed by the State of California. Includes Small Family Daycare Home and Large Family Daycare Home.

Small Family Daycare Home: The use of a dwelling for eight (8) or fewer children, including children under 10 years of age who reside at the home, as set forth by the State of California.

Large Family Daycare Home: The use of a dwelling for nine (9) to fourteen (14) children, including children under 10 years of age who reside at the home, as set forth by the State of California.

<u>Section 28.</u> 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 April 14, 2020, this Ordinance was passed to print and ordered published by posting by the following vote:

- Ayes: Bartlett, Davila, Droste, Hahn, Harrison, Kesarwani, Robinson, Wengraf, and Arreguin.
- Noes: None.
- Absent: None.