



Item 32:

Response to the Short Term Referral for Amendments to the ADU Ordinance and Related Definitions to Address Public Safety Concerns

City Council
October 26, 2021



Overview

- Background
- Proposed ADU Ordinance
- Additional Clarifications
- Next Steps

Background

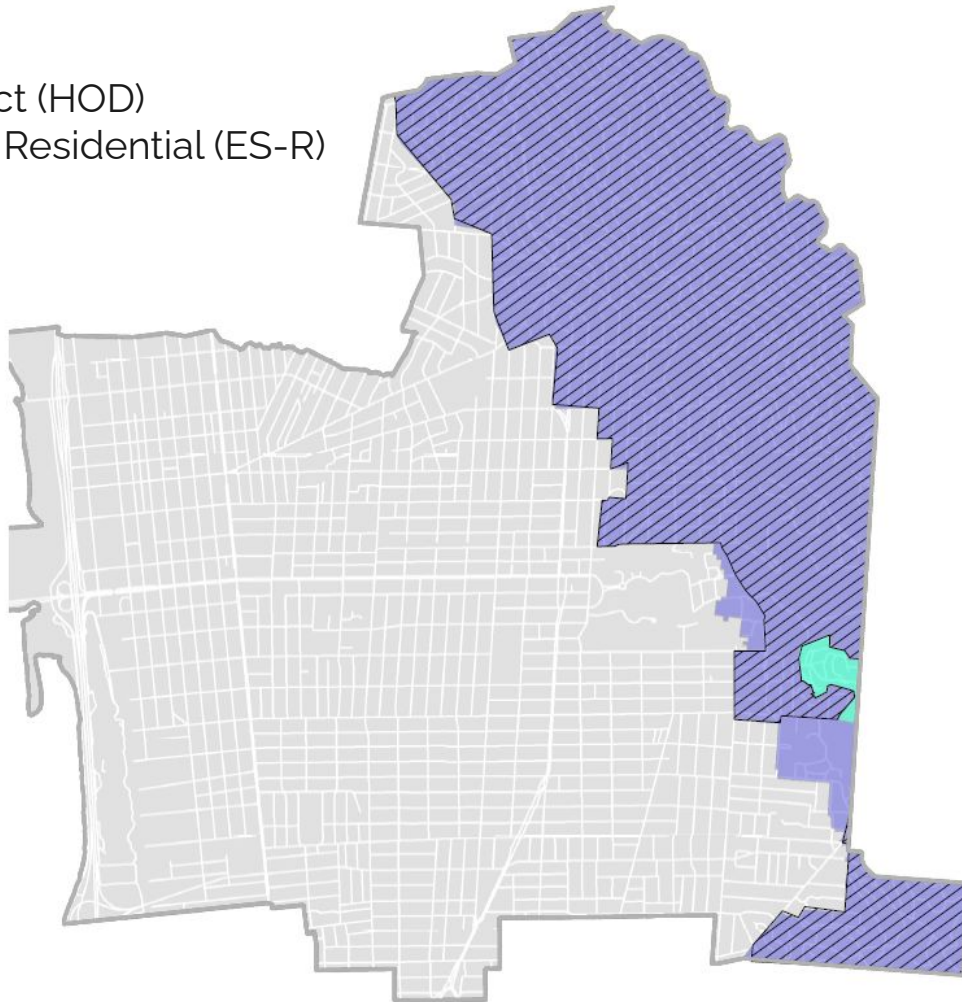
City Council ADU Short Term Referral - January 2021

- Emergency access and egress - **Fire**
- Sprinklers in new construction - **Fire**
- Parking concerns in Fire Zones 2 +3 - **Fire (Public Works, and Planning)**
- Maximum size of ADUs - **Planning**
- Objective standards (front yard setbacks, open space and coverage) - **Planning**




Background

Hillside Overlay District (HOD)

Environmental Safety Residential (ES-R)




Legend

-  Hillside Overlay
-  Berkeley Fire Zone 2
-  Berkeley Fire Zone 3 (ES-R)

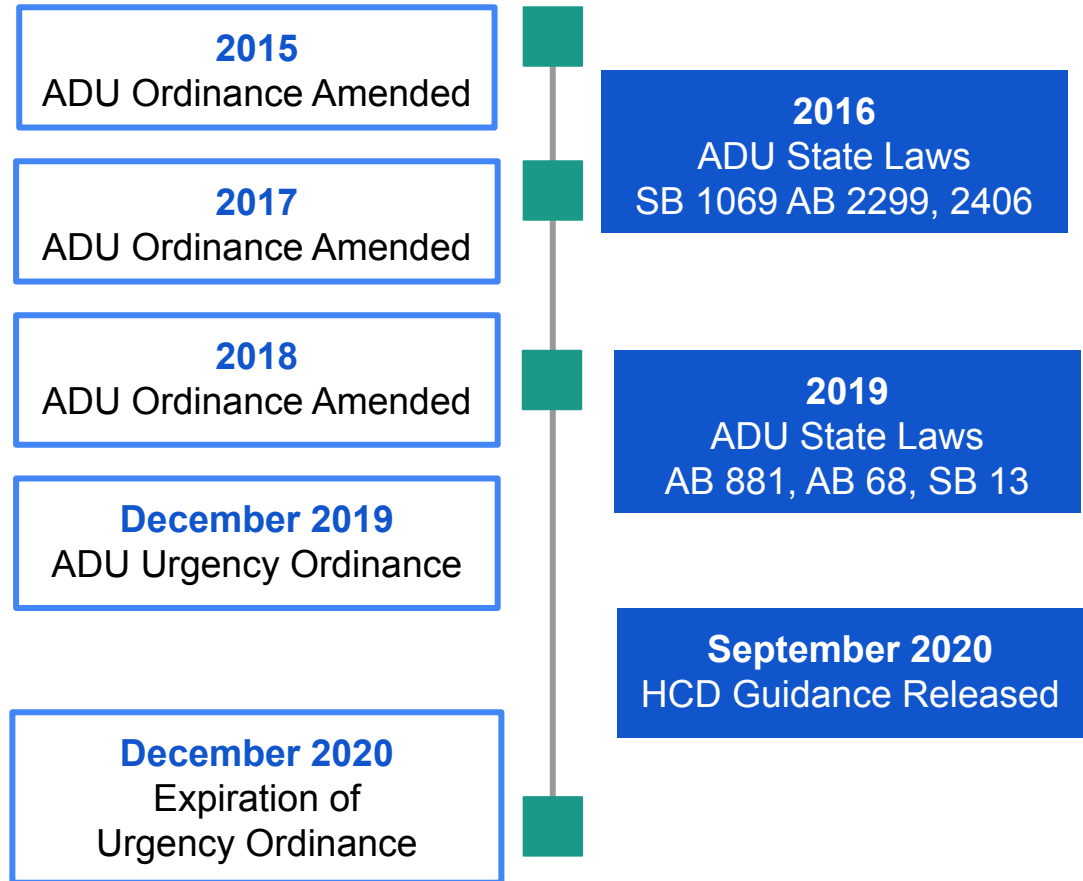
(Fire Zone 2+3
=Very High Fire Hazard
Severity Zone)

Updated:
November 14, 2019



 **CITY OF BERKELEY**
Land Use Planning Division
Dept. of Planning & Development
2120 Milvia Street, 2nd Floor
Berkeley, CA 94704

Background | Timeline of Local and State ADU Actions



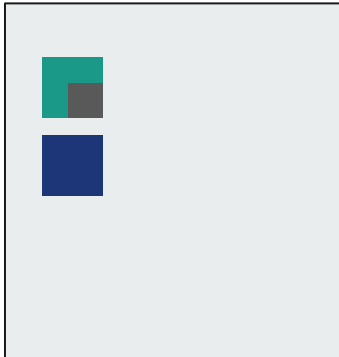


Background | Existing ADU State Regulations

- Must allow **ADUs on every lot** with proposed or existing residential unit
- ADU Development Standards
 - Rear/ side setbacks: **4 feet**
 - Maximum height: **16 feet**
 - Size: **Up to 1200 square feet**
- **No parking** requirements
- **No discretion** - ministerial approval

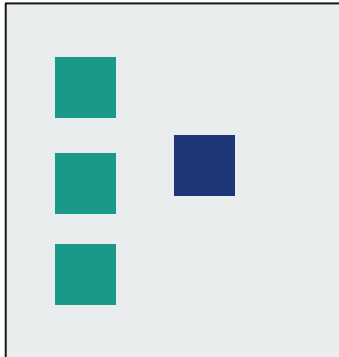
Background | Number of ADUs Permitted by State Law

1 Single Family Dwelling



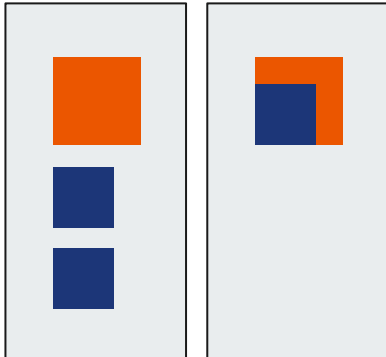
- 1 ADU
- 1 JADU

2+ Single Family Dwellings



- 1 ADU

*Duplex or Multi-Family



- 2 Detached ADUs
or
- 1 or 25% of
number of
Existing Units
(conversion)

■ ADU ■ Single - Family
■ JADU ■ Multi - Family

Proposed ADU Ordinance

- Adopts language and amends/ adds definitions consistent with State Law

- ADU Development Standards
 - Size
 - Height
 - Setbacks
- Codify practices where State Law is silent

Proposed ADU Ordinance | Development Standards

ADUs

	Height Feet
State Law <i>Existing Regulations Applied</i>	16
Proposed Ordinance <i>Planning Commission Recommendation/ Supplemental</i>	<u>18</u>
<i>Staff Report Original Ordinance</i>	<ul style="list-style-type: none">- HOD & ES-R: <u>16</u>- All other Zones: <u>18</u>



Proposed ADU Ordinance | Development Standards

ADUs

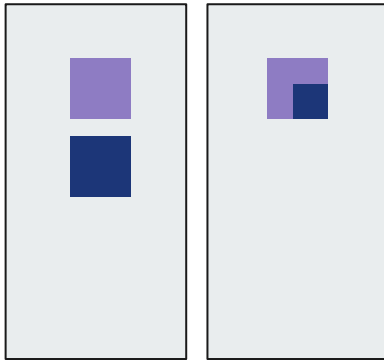


	Size <i>Square Feet</i>	Setbacks <i>Feet</i>
State Law <i>Existing Regulations Applied</i>	Up to 1,200	- Rear/ Side: <u>4</u>
Proposed Ordinance <i>Planning Commission Recommendation</i>	- HOD & ES-R: <u>800</u> - 1-Bed: <u>850</u> - 2-Bed: <u>1,000</u>	- Rear / Side: <u>4</u> - Underlying District

Proposed ADU Ordinance | Development Standards

- **1 ADU** for GLAs

Group Living Accomodation (GLA)



■ GLA
■ ADU

- Rooftop decks: **Allowed on new ADUs**
- **Projections:** Features may project up to 2 feet into the setback

Clarification | **Supplemental Materials**



- Maximum Height
- Maximum Size
- Setbacks
- Allowable Projections
- Roof Decks
- Building Separation
- Additions to Non-conforming Buildings and Structures
- Objective Standards
- Parking Requirements / Parking Allowances
- Number of ADUs permitted

Clarification | **Building Separation**



BMC 23E.04.030 (Yards and Building Separations)

An accessory building or structure, other than a subterranean structure, that is attached to or is within three (3) feet of a main building, shall be considered a part of the main building....”

Proposed ADU Ordinance:

A detached, new construction ADU is defined as having a 3-foot separation from a Main Building per Section 23E.04.030.

Clarification | **Non-conforming Buildings & Structures**



- **Benefit of Setbacks: Increased Accessibility and Circulation on Lots**
 - **ADUs within the Setbacks** -- same building footprint + 150 square foot addition
 - **ADUs outside the Setbacks** -- 800-1000 square feet max size

Next Steps



- Discuss ADU Ordinance and and staff provide feedback
- Request that the ADU Ordinance be drafted in BZO format