



Planning Commission

# AGENDA

## REGULAR MEETING OF THE PLANNING COMMISSION

This meeting is held in a wheelchair accessible location.

Wednesday, February 7, 2024

6:00 PM

North Berkeley Senior Center

1901 Hearst Avenue, Berkeley

See “*MEETING PROCEDURES*” below.

All written materials identified on this agenda are available on the Planning Commission webpage: <https://berkeleyca.gov/your-government/boards-commissions/planning-commission>

### PRELIMINARY MATTERS

- 1. Roll Call:** **Merker, Blaine**, appointed by Councilmember Kesarwani, District 1  
**Vincent, Jeff, Chair**, appointed by Councilmember Taplin, District 2  
**Moore III, John E. “Chip”**, appointed by Councilmember Bartlett, District 3  
**Oatfield, Christina**, appointed by Councilmember Harrison, District 4  
**Mikiten, Elisa**, appointed by Councilmember Hahn, District 5  
**Marthinsen, Emily**, appointed by Councilmember Wengraf, District 6  
**Twu, Alfred**, appointed by Councilmember Robinson, District 7  
**Hauser, Savlan**, appointed by Councilmember Droste, District 8  
**Ghosh, Barnali, Vice Chair**, appointed by Mayor Arreguín
- 2. Land Acknowledgement:** The City of Berkeley recognizes that the community we live in was built on the territory of xučyun (Huchiun (Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley’s residents have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley’s incorporation in 1878. As stewards of the laws regulating the City of Berkeley, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today. The City of Berkeley will continue to build relationships with the Lisjan Tribe and to create meaningful actions that uphold the intention of this land acknowledgement.

- 3. **Order of Agenda:** The Commission may rearrange the agenda or place items on the Consent Calendar.
- 4. **Public Comment:** Comments on subjects not included on the agenda. Speakers may comment on agenda items when the Commission hears those items. (See “Public Testimony Guidelines” below):
- 5. **Planning Staff Report:** In addition to the items below, additional matters may be reported at the meeting. **Next Commission meeting: March 6, 2024**
- 6. **Chairperson’s Report:** Report by Planning Commission Chair.
- 7. **Committee Reports:** Reports by Commission committees or liaisons. In addition to the items below, additional matters may be reported at the meeting.
- 8. **Approval of Minutes:** Approval of Draft Minutes from the regular meeting on January 17, 2024.
- 9. **Future Agenda Items and Other Planning-Related Events:** None.

**AGENDA ITEMS:** All agenda items are for discussion and possible action. Public Hearing items require hearing prior to Commission action.

10. **Action:** **Planning Commission Elections**  
**Recommendation:** Elect Commissioners for Chair and Vice Chair.  
**Written Materials:** N/A.  
**Presentation:** N/A.

11. **Action:** **Public Hearing: Middle Housing**  
**Recommendation:** Review the revised proposed zoning ordinance amendments. Take public comment, discuss, and make a recommendation to City Council.  
**Written Materials:** Attached.  
**Presentation:** N/A.

**ADDITIONAL AGENDA ITEMS:** In compliance with Brown Act regulations, no action may be taken on these items. However, discussion may occur at this meeting upon Commissioner request.

**Information Items:**

- The Request for Proposals (RFP) for the Corridor Upzoning of College, Shattuck and Solano Avenues was released on January 29, 2024, <https://berkeleyca.gov/doing-business/working-city/bid-proposal-opportunities/north-shattuck-college-and-solano-avenue>.

**Communications:** None.

**Late Communications:** (Received after the packet deadline):

**Late Communications:** (Received and distributed at the meeting):

## **ADJOURNMENT**

### **Meeting Procedures**

#### **Public Testimony Guidelines:**

Speakers are customarily allotted up to two minutes each and may not cede their time to another speaker. The Commission Chair may limit the number of speakers and the length of time allowed to each speaker to ensure adequate time for all items on the Agenda. **To speak during Public Comment or during a Public Hearing, please line up behind the microphone.** Customarily, speakers are asked to address agenda items when the items are before the Commission rather than during the general public comment period. Speakers are encouraged to submit comments in writing. See “Procedures for Correspondence to the Commissioners” below.

#### **Consent Calendar Guidelines:**

The Consent Calendar allows the Commission to take action with no discussion on projects to which no one objects. The Commission may place items on the Consent Calendar if no one present wishes to testify on an item. Anyone present who wishes to speak on an item should submit a speaker card prior to the start of the meeting, or raise his or her hand and advise the Chairperson, and the item will be pulled from the Consent Calendar for public comment and discussion prior to action.

#### **Procedures for Correspondence to the Commissioners:**

To distribute correspondence to Commissioners prior to the meeting date, submit comments by 12:00 p.m. (noon), eight days before the meeting day (Tuesday) (email preferred):

- If correspondence is more than 20 pages, requires printing of color pages, or includes pages larger than 8.5x11 inches, please provide 15 copies.
- Any correspondence received after this deadline will be given to Commissioners on the day just prior to the meeting.
- Staff will not deliver to Commissioners any additional written (or emailed) materials received after 12:00 p.m. (noon) on the day of the meeting.
- Members of the public may submit written comments themselves early in the meeting. To distribute correspondence at the meeting, please provide 15 copies and submit to the Planning Commission Secretary just before, or at the beginning of, the meeting.
- Written comments should be directed to the Planning Commission Secretary, at the Land Use Planning Division (Attn: Planning Commission Secretary).

**Communications are Public Records:** Communications to Berkeley boards, commissions, or committees are public records and will become part of the City’s electronic records, which are accessible through the City’s website. **Please note: e-mail addresses, names, addresses,**

**and other contact information are not required, but if included in any communication to a City board, commission, or committee, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service, or in person, to the Secretary of the relevant board, commission, or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the Secretary to the relevant board, commission, or committee for further information.

***Written material*** may be viewed in advance of the meeting at the Department of Planning & Development, Permit Service Center, **1947 Center Street, 3<sup>rd</sup> Floor**, during regular business hours.

***Note:*** ***If you object to a project or to any City action*** or procedure relating to a project application, any lawsuit which you may later file may be limited to those issues raised by you or someone else in the public hearing on the project, or in written communication delivered at or prior to the public hearing. The time limit within which to commence any lawsuit or legal challenge related to these applications is governed by Section 1094.6, of the Code of Civil Procedure, unless a shorter limitations period is specified by any other provision. Under Section 1094.6, any lawsuit or legal challenge to any quasi-adjudicative decision made by the City must be filed no later than the 90th day following the date on which such decision becomes final. Any lawsuit or legal challenge, which is not filed within that 90-day period, will be barred.

***Meeting Access:*** **This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services Specialist, at 981-6418 (V) or 981-6347 (TDD), at least three business days before the meeting date.**

***Please refrain from wearing scented products to public meetings.***



Planning Commission

1                   **DRAFT MINUTES OF THE REGULAR PLANNING COMMISSION MEETING**  
2                   **January 17, 2024**

3   The meeting was called to order at 6:03 p.m.

4   **Location:** North Berkeley Senior Center, 1901 Hearst Avenue, Berkeley, CA 94709

5   • **ROLL CALL:**

6       **Commissioners Present:** Debra Sanderson (alternate for Blaine Merker), Jeff Vincent, John  
7       E. Moore, Christina Oatfield, Elisa Mikiten, Emily Marthinsen, Alfred Twu, Kathleen Crandall  
8       (alternate for Savlan Hauser), and Barnali Ghosh.

9  
10       **Commissioner Absent:** Blaine Merker (excused) and Savlan Hauser (excused).

11  
12       **Staff Present:** Secretary Anne Hersch, Clerk Zoe Covello, Justin Horner, and Jordan Klein.

13 • **LAND ACKNOWLEDGEMENT.**

14   The City of Berkeley recognizes that the community we live in was built on the territory of  
15   xučyun (Huchiun (Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-  
16   chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the  
17   sovereign Verona Band of Alameda County. This land was and continues to be of great  
18   importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin  
19   our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the  
20   documented 5,000-year history of a vibrant community at the West Berkeley Shellmound,  
21   and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's  
22   residents have and continue to benefit from the use and occupation of this unceded stolen  
23   land since the City of Berkeley's incorporation in 1878. As stewards of the laws regulating  
24   the City of Berkeley, it is not only vital that we recognize the history of this land, but also  
25   recognize that the Ohlone people are present members of Berkeley and other East Bay  
26   communities today. The City of Berkeley will continue to build relationships with the Lisjan  
27   Tribe and to create meaningful actions that uphold the intention of this land  
28   acknowledgement.

29 • **ORDER OF AGENDA:** No changes.

30 • **PUBLIC COMMENT PERIOD:** 2.

31 • **PLANNING STAFF REPORT:**

- 32       • San Pablo Avenue Specific Plan Public Open House will be held on Wednesday,  
33       January 24<sup>th</sup> at 5:30pm at the Berkeley Adult School.

34 **Information Items:** None.

35 **Communications:**

- 36       • General.

37 **Late Communications:**

- 38       • Supplemental 1.

39

40       • **CHAIR REPORT:**

- 41             • None.

42       • **COMMITTEE REPORT:** Reports by Commission committees or liaisons. In addition to the  
43 items below, additional matters may be reported at the meeting.

44

- 45             • The Demolition Ordinance Subcommittee met on December 20, 2023.

46 **8. APPROVAL OF MINUTES:**

47 Motion/Second/Carried (Vincent/Ghosh) to approve the Planning Commission Meeting  
48 Minutes from December 6, 2023.

49

50 Ayes: Sanderson, Vincent, Oatfield, Mikiten, Marthinsen, Twu, Crandall, and Ghosh. Noes:  
51 None. Abstain: Moore. Absent: None. (8-0-1-0)

52

53 **9. OTHER PLANNING RELATED EVENTS:**

- 54       • None.

55

56 **AGENDA ITEMS**

57 **10. Public Hearing: Demolition Ordinance**

58 Associate Planner Justin Horner presented proposed amendments to the Berkeley Municipal  
59 Code Chapter 23.326 (Demolition and Dwelling Unit Controls). The Commissioners asked staff  
60 questions, held a public hearing, took public comment, discussed the proposed ordinance  
61 language, and recommended the ordinance to City Council with revisions, and provided two  
62 additional directives to staff.

63

64 Motion/Second/Carried (Vincent/Moore) to close the public hearing at 7:13 pm.

65

66 Ayes: Sanderson, Vincent, Moore, Oatfield, Mikiten, Marthinsen, Twu, Crandall, and Ghosh.  
67 Noes: None. Abstain: None. Absent: None. (9-0-0-0)

68

69 **Public Comments: 7**

70 Motion/Second/Carried (Oatfield/Mikiten) to recommend that City Council adopt staff's  
71 recommended ordinance with the following changes:

72  
73 1. Revise the ordinance to reflect the two technical changes recommended by staff during the  
74 presentation;

75 2. Revise the ordinance to reflect Commissioner Twu's suggested edits:

76 i. In BMC Ch. 23.326.020(A)(1), specify that the term "Residential Unit" includes "any ADU on  
77 a property with two or more dwelling units", and

78 ii. In BMC Ch. 23.326.020(B)(2), add the phrase "without sitting tenants" and change the  
79 Zoning Certificate to an AUP.

80  
81 The Planning Commission also directed staff to revise the ordinance to integrate Rent Board  
82 Chair Leah Simon-Weisberg's memorandum on Proposed Amendments to the Demolition  
83 Ordinance (dated January 17, 2024), and to work with the City Attorney's Office to further  
84 clarify the definition of "comparable unit", at 8:51 pm.

85  
86 Ayes: Vincent, Moore, Oatfield, Mikiten, Marthinsen, Twu, and Ghosh. Noes: None. Abstain:  
87 Sanderson and Crandall. Absent: None. (7-0-2-0)

88  
89 **11. Action: 2024 Nominations for Chair and Vice Chair**

90 Commissioners put forward nominations for the Chair and Vice Chair election.

91 Motions/seconds for Chair:

92 1. (Sanderson/Ghosh) to nominate Chair Vincent

93  
94 Motions/seconds for Vice Chair:

95 1. (Vincent/Martinsen) to nominate Vice Chair Ghosh

96  
97 **Public Comments: 0**

98 Motion/Second/Carried (Vincent/Oatfield) to adjourn the meeting at 8:56 pm.

99  
100 Ayes: Sanderson, Vincent, Moore, Oatfield, Mikiten, Marthinsen, Twu, Crandall, and Ghosh.  
101 Noes: None. Abstain: None. Absent: None. (9-0-0-0)

102  
103 **Members in the public in attendance: 13**

104 **Public Speakers: 9**

105 **Length of the meeting: 2 hr 53 minutes**







Planning and Development Department  
Land Use Planning Division

## STAFF REPORT

DATE: February 7, 2024  
To: Members of the Planning Commission  
From: Justin Horner, Associate Planner  
Subject: Public Hearing: Amendments to Title 23, the Zoning Map, and the General Plan Relating to Middle Housing

### RECOMMENDATION

Conduct a public hearing, receive public comment, and upon conclusion, make a recommendation to the City Council on proposed amendments to Title 23 (**Attachment 1**), the Zoning Map, and the General Plan (**Attachment 4**) to encourage the development of “middle housing” in areas currently zoned R-1, R-1A, R-2, R-2A and MU-R (“low-density residential districts”).

### BACKGROUND

The proposed zoning amendments are prepared in response to a number of City Council referrals and to satisfy the requirements of Program 29—Middle Housing in the adopted Housing Element. Detailed discussion of the relevant referrals, Program 29 of the Housing Element, and previous deliberations on the issue of middle housing can be found in **Attachment 2**.

At its meeting of November 1, 2023, the Planning Commission received an informational report from staff on the development of zoning changes to encourage middle housing in low-density residential districts and provided the following direction to staff:

- **Middle Housing Zoning:** Prepare zoning ordinance amendments that include changes to development standards to encourage middle housing;
- **Demolition of Single-Family Homes:** Prepare zoning ordinance amendments to permit demolition of single-family dwellings with a Zoning Certificate (ZC) if associated with a middle housing project.

At its January 17<sup>th</sup>, 2024 meeting, the Planning Commission recommended a change to the Demolition Ordinance which permitted demolition of a single-family dwelling without tenants with an Administrative Use Permit (AUP). The 4x4 Joint

Task Force Committee on Housing has recommended a set of changes to the Demolition Ordinance that maintained the requirement of a Use Permit for the demolition of any dwelling unit.

The proposed ordinance includes a new revision to the Demolition Ordinance that permits the demolition of single-family dwellings with a ZC, as long as the demolition is part of a development project that results in an increase in density. Pursuant to SB 9, demolition for the purposes of increasing density on a lot is permitted by-right in the R-1 zoning district, which is currently a single-family zone. The proposed ordinance, however, includes revisions to the R-1 development standards which would result in the R-1 no longer qualifying as a single-family zone, thus eliminating the by-right demolition conveyed by SB 9. Therefore, the proposed ordinance includes a by-right demolition provision to preserve a right that already exists in the R-1 zoning district. Most middle housing development is anticipated to involve the redevelopment of existing properties. Maintaining a requirement to obtain a Use Permit to demolish a single-family dwelling to develop middle housing effectively creates a Use Permit threshold for approval of a middle housing project.

As the Environmental Impact Report for the Housing Element disclosed, “development accommodated by the proposed Housing Element Update [including middle housing and by-right demolition] could adversely affect known and previously unidentified historic period resource.” Currently, the requirement to obtain a Use Permit to demolish a structure requires properties more than 40 years old to be subject to an Historic Resource Evaluation (HRE), which helps establish whether a property is an historic or cultural resource. If demolition were permitted with a ZC, an HRE would not be required. As a result, some properties that have not yet had their historic or cultural resources status evaluated could be subject to demolition without preservation review.

The Housing Element EIR includes the following mitigation measure to address this potential impact:

**CUL-1 Historic Context Statement, Cultural Resources Survey and Designations.** During the period of this Housing Element, the City should conduct a citywide historic context statement and a cultural resource survey to identify historic resources, with priority given to sites in the EIR Site Inventory, to determine if there are designed built environment features which are over 40 years of age proposed to be altered or demolished. Designation of historic or cultural resources should be conducted by the Landmarks Preservation Commission pursuant to 3.24.260 of the Berkeley Municipal Code.

The development of a citywide historic context statement has been proposed but has not yet been budgeted. As part of its recommendation, the Planning Commission could include a suggestion that the City Council provide funding for a citywide historic context statement. To reduce the time and cost related to such a study, an historic context statement could also be focused geographically on areas of the city that are either a) particularly rich in potential historic resources, and/or b) are anticipated to experience redevelopment as a result of the proposed ordinance.

- **Hillside Overlay Zone:** Ensure that the proposed zoning amendments apply to low-density residential districts both within, and outside of, the Hillside Overlay zone.

Staff's recommendation to the Planning Commission at its November 1, 2023 meeting excluded parcels in the R-1H, R-2H, and R-2AH from the proposed middle housing standards. The proposed ordinance includes those parcels, which would be subject to specific development standards (minimum and maximum densities, and front, rear, and side setbacks) that would apply only to parcels in the Hillside Overlay zone, as presented to the City Council in September, 2022.

Planning Commissioners also provided the following suggestions:

- **Remove Floor Area Ratio (FAR) maximums.** Some commissioners remarked that building bulk is adequately-regulated through development standards related to height, setbacks and lot coverage.
- **Remove maximum residential density standards.** Some commissioners remarked that development standards should only regulate the size and bulk of a building, not the maximum number of units within it. A maximum density standard was seen as an unnecessary cap on the number of housing units when building size and bulk are regulated through development standards related to height, setbacks and lot coverage.
- **Increase maximum lot coverage to 60%.** Some commissioners remarked that allowing 60% lot coverage on all parcels would increase the feasibility of middle housing projects while preserving sufficient open space for resident use and maintaining the residential feel of these zoning districts.

The proposed ordinance maintains staff's November 1, 2023 recommendation for these three development standards. During the development of the proposed ordinance, staff received feedback from both the City Council and the Planning Commission that the middle housing standards should promote the creation of more housing units, and should not simply allow larger unit sizes at low densities. The key trade-off within the proposed ordinance is that larger development projects are permitted, with the understanding that these projects contribute to addressing the city's housing shortage by providing more housing units. Accordingly, FAR and lot coverage are scaled up so as to be more expansive for projects that include more units. Staff continues to recommend this approach.

- **Maintain parking maximums** for middle housing projects. Although parking maximums may make the marketing of middle housing projects more difficult, the City's policies related to greenhouse gas reduction and promoting alternatives to private vehicle travel continue to justify this policy. The proposed ordinance does not include any revisions to the maximum parking requirements.

The proposed ordinance also includes the following three revisions that relate to the conversion of existing residential buildings:

- The definition of a **Residential Addition** is revised to exclude floor area associated with new dwelling units that are added to an existing single-family or multi-family dwelling. Currently, BMC Section 23.502.020.A.8 requires an AUP for a Residential Addition that exceeds a certain size, and the Addition is subject to height limits that are more restrictive than those for new main buildings. As the proposed ordinance would permit altogether new Multi-Family Residential buildings ministerially, it would be inconsistent to require a discretionary review process for additional units that are added to an existing building. The AUP requirement would remain for a Residential Addition that is solely for the purpose of expanding the size of an existing unit;
- The proposed ordinance includes a revision which excludes **bedrooms** proposed within new dwelling units that are added to existing dwellings or lots developed with existing residential uses. Currently, BMC Section 23.202.030 requires an AUP when adding a fifth bedroom *to a lot*, and a UP for adding any bedroom beyond the fifth *to a lot*. As the proposed ordinance would permit altogether new Multi-Family Residential buildings ministerially, it would be inconsistent to require a discretionary review process for the additional bedrooms that would be added to the lot as a result of a new building or addition that includes new units. The AUP and UP requirements would remain for projects adding bedrooms to an existing lot solely for the purpose of expanding the size(s) of an existing unit(s); and
- A note is added to the **Floor Area Ratio, Maximum** development standard in the R-1, R-2 and R-2A Development Standards Tables that clarifies that the FAR of an existing residential building does not need to be reduced to comply with the maximum Floor Area Ratio standard to add new units. There may be cases where an existing residential building exceeds the allowable maximum FAR. If there were a requirement to reduce the size of the existing building to comply with the maximum FAR applicable to a new building, it could deter the creation of more dwelling units within that existing building.

The proposed zoning amendments are included in **Attachment 1** and are summarized in Table 1, below. Existing and proposed development standards are also summarized in comparative tables in **Attachment 3**.

**Table 1. Summary of Proposed Middle Housing Zoning Amendments**

Item 11 - Staff Report - Middle Housing  
 Planning Commission  
 February 7, 2024

Ord. Sect.	BMC Section & Title	Description of Changes	Rationale
<b>Title 23, Division 1 – General Provisions</b>			
1	23.108.020 Zoning Districts	<ul style="list-style-type: none"> <li>• R-1A district removed;</li> <li>• R-1, R-2, and R-2A renamed.</li> </ul>	Conforming edits.
<b>Title 23, Division 2 – Zoning Districts</b>			
2	23.202.020 Allowed Land Uses Table	<ul style="list-style-type: none"> <li>• R-1A district removed;</li> <li>• Two-Family land use type removed;</li> <li>• Multi-Family Residential land use type revised: two or more units permitted with a ZC in the R-1, R-2, and R-2A zoning district.</li> </ul>	Permitting middle housing by-right.
3	23.202.030 Additional Permit Requirements	<ul style="list-style-type: none"> <li>• R-1A district removed.</li> <li>• Requirements for additional bedrooms in new units removed.</li> </ul>	<p>Conforming edit.</p> <p>Promoting middle housing.</p>
4, 5	23.202.050 R-1 Title and District Purpose	<ul style="list-style-type: none"> <li>• R-1 renamed;</li> <li>• District purpose revised.</li> </ul>	Clarifying that R-1 is not a single-family only district.
6	23.202.050 R-1 Development Standards	<ul style="list-style-type: none"> <li>• Development standards revised.</li> </ul>	Promoting middle housing.
7	23.202.060 R-1A District	<ul style="list-style-type: none"> <li>• R-1A district removed.</li> </ul>	Merging of R-1A and R-2 zoning districts.
8, 9	23.202.070 ES-R District	<ul style="list-style-type: none"> <li>• Renumbering.</li> </ul>	Renumbering.
10, 11	23.202.080 R-2 Title and District Purpose	<ul style="list-style-type: none"> <li>• R-2 district renamed.</li> <li>• District purpose revised.</li> </ul>	Conforming edit.
12	23.202.080 R-2 Development Standards	<ul style="list-style-type: none"> <li>• Development standards revised.</li> </ul>	Promoting middle housing.
13, 14	23.202.090 R-2A Title and District Purpose	<ul style="list-style-type: none"> <li>• R-2A district renamed.</li> <li>• District purpose revised.</li> </ul>	Conforming edit.
15	23.202.090 R-2A Development Standards	<ul style="list-style-type: none"> <li>• Development standards revised.</li> </ul>	Promoting middle housing.
16-33	Various	<ul style="list-style-type: none"> <li>• Renumbering.</li> </ul>	Renumbering.

34	23.206.020 Allowed Land Use in Manufacturing Districts	<ul style="list-style-type: none"> <li>Two-Family land use type removed;</li> <li>Multi-Family Residential land use type revised: two or more units permitted with a ZC in the MU-R district.</li> </ul>	Permitting middle housing by-right in the MU-R.
35	23.206.090 MU-R District	<ul style="list-style-type: none"> <li>Provisions conditioning residential uses in the MU-R district removed.</li> </ul>	Permitting middle housing by-right in the MU-R.
36	23.206.090 MU-R Development Standards	<ul style="list-style-type: none"> <li>Development standards revised.</li> </ul>	Promoting middle housing.
37	23.210.020 Hillside Overlay Zone	<ul style="list-style-type: none"> <li>Prohibition of multiple dwellings on a parcel in the R-2H removed.</li> </ul>	Promoting middle housing.
38	23.210.020 Hillside Overlay Zone Development Standards	<ul style="list-style-type: none"> <li>R-1A district removed;</li> <li>3 stories maximum removed (maximum height unchanged).</li> </ul>	Conforming edit.  Promoting middle housing.
<b>Title 23, Division 3 – Citywide Provisions</b>			
39	23.304.030 Setbacks	<ul style="list-style-type: none"> <li>R-1A district removed.</li> </ul>	Conforming edit.
40	23.304.030 Allowed Setback Reductions	<ul style="list-style-type: none"> <li>R-1A district removed.</li> <li>Revised minimum setback with reduction to 4 feet in the R-2 and R-2A zoning districts</li> </ul>	Conforming edits.
41	23.304.040 Permits Required for Building Separation	<ul style="list-style-type: none"> <li>R-1A district removed.</li> </ul>	Conforming edit.
42	23.322.100 On-site Loading Spaces	<ul style="list-style-type: none"> <li>R-1A district removed.</li> </ul>	Conforming edit
43	23.326.030 Eliminating Dwelling Units through Demolition	<ul style="list-style-type: none"> <li>Demolition of single-family dwellings permitted with a ZC, if project results in increased density.</li> </ul>	Promoting middle housing.
<b>Title 23, Division 5 – Glossary</b>			
44	23.502.020 Defined Terms	<ul style="list-style-type: none"> <li>Revised definition of Addition to exclude new floor area that consists of new unit(s).</li> </ul>	Promote middle housing.
45		<ul style="list-style-type: none"> <li>Revised definition of Multi-family Dwelling from three or more units to two or more units.</li> </ul>	Promote middle housing.  Conforming edit.

		<ul style="list-style-type: none"> <li>Define Multi-Family Residential land use type.</li> </ul>	
46		<ul style="list-style-type: none"> <li>Remove definition of rear building.</li> </ul>	Conforming edit.
47		<ul style="list-style-type: none"> <li>Add Single-Family Residential land use type</li> </ul>	Conforming edit.
48		<ul style="list-style-type: none"> <li>Remove definition of Two-Family Dwelling</li> </ul>	Conforming edit.
<b>Zoning Map</b>			
Att. A	Zoning Map	<ul style="list-style-type: none"> <li>Replace all R-1A zone labels with R-2.</li> </ul>	Conforming edit.

The proposed zoning changes require conforming General Plan amendments. **Attachment 4** is a resolution that includes the text of these amendments. The amendments are summarized below:

- *Removal of R-1A Zoning District:* The proposed zoning changes include consolidating parcels currently zoned as R-1A and R-2 into a single R-2 zoning district. The proposed General Plan amendments include removal of references to the R-1A zoning district.
- *Renaming R-1, R-2, and R-2A Zoning Districts:* The proposed zoning changes include new names for the R-1, R-2 and R-2A zoning districts. The proposed General Plan amendments incorporate these new names.
- *Density, Height and FAR:* The proposed zoning changes include revisions to development standards related to density, height and FAR. The General Plan includes descriptions of each Land Use Classification that note the density, height and FAR anticipated to characterize each area. The proposed General Plan amendments include updates to the Low Density Residential, Low Medium Density Residential, Medium Density Residential and Mixed-Use Residential descriptions to reflect the revised development standards in the proposed zoning changes.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

*Housing Element Update EIR*

Development projections for this project and all reasonably foreseeable growth resulting from development contemplated by the City’s updated Housing Element were analyzed in the Environmental Impact Report (EIR) for the 2023-2031 Housing Element Update (“Housing Element Update EIR”), which was certified by the City Council on January 18, 2023.<sup>1</sup>

<sup>1</sup> Housing Element Update 2023-2031 Final EIR.  
[https://berkeleyca.gov/sites/default/files/documents/ATT%202%20FEIR\\_RTC.pdf](https://berkeleyca.gov/sites/default/files/documents/ATT%202%20FEIR_RTC.pdf)

The Housing Element EIR identified one significant and unavoidable environmental impact related to Cultural Resources (impacts to historic-period resources), one significant and unavoidable impact related to Noise (temporary construction noise) and four significant and unavoidable impacts related to Wildfire (emergency evacuation and response, wildfire risk and pollutant exposure, terrain and slope impacts, and infrastructure). All other environmental effects of the proposed Project can be reduced to less than significant levels through implementation of Standard Condition(s) of Approval and/or recommended mitigation measures. Adopting the Housing Element EIR included a statement of overriding consideration that provides reasons the Housing Element could be adopted even though those impacts could occur.

CONTACT PERSON

Justin Horner, Associate Planner, Planning and Development, 510-981-7476

Attachments:

1: Ordinance

A: Zoning Map Changes

2: Planning Commission Staff Report, November 1, 2023

3: Existing and Proposed Development Standards Tables

4: Resolution -- General Plan Amendments

5: Public Hearing Notice



ORDINANCE NO. -N.S.

MIDDLE HOUSING ZONING AMENDMENTS

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

Section 1. That Table 23.108-1 Zoning Districts within BMC Chapter 23.180.020 is amended to read as follows:

**TABLE 23.108-1: ZONING DISTRICTS**

DISTRICT SYMBOL	NAME OF DISTRICT
<b>Residential Districts</b>	
R-1	<del>Single-Family Residential</del> <u>Multi-Unit 1</u>
<del>R-1A</del>	<del>Limited Two-family Residential</del>
ES-R	Environmental Safety Residential
R-2	<del>Restricted Two-family Residential</del> <u>Multi-Unit 2</u>
R-2A	<del>Restricted Multiple-family Residential</del> <u>Multi-Unit 2A</u>
R-3	Multiple-family Residential
R-4	Multi-family Residential
R-5	High Density Residential
R-S	Residential Southside
R-SMU	Residential Southside Mixed Use
R-BMU	Residential BART Mixed Use
<b>Commercial Districts</b>	
C-C	Corridor Commercial
C-U	University Avenue Commercial
C-N	Neighborhood Commercial
C-E	Elmwood Commercial
C-NS	North Shattuck Commercial
C-SA	South Area Commercial
C-T	Telegraph Avenue Commercial
C-SO	Solano Avenue Commercial
C-DMU	Downtown Mixed-Use

Text highlighted in gray is just renumbering or other minor technical edit.

<b>DISTRICT SYMBOL</b>	<b>NAME OF DISTRICT</b>
C-W	West Berkeley Commercial
C-AC	Adeline Corridor Commercial
<b>Manufacturing Districts</b>	
M	Manufacturing
MM	Mixed Manufacturing
MU-LI	Mixed Use-Light Industrial
MU-R	Mixed Use-Residential
<b>Special Districts</b>	
S	Specific Plan
U	Unclassified

Text highlighted in gray is just renumbering or other minor technical edit.

Section 2. That Table 23.202-1 Allowed Land Uses in Residential Districts within BMC Section 23.202.020 is amended to read as follows:

**TABLE 23.202-1: ALLOWED LAND USES IN RESIDENTIAL DISTRICTS**

ZC = Zoning Certificate AUP = ADMINISTRATIVE USE PERMIT UP(PH) = Use Permit NP = Not Permitted * Use-Specific Regulations Apply **Required permits for specific uses are set forth in the R-BMU Master Development Permit (MDP). See 23.202.150.A and 23.202.150.D	RESIDENTIAL DISTRICTS											USE-SPECIFIC REGULATIONS APPLIES TO USES WITH AN ASTERISK FOLLOWING THE PERMIT REQUIREMENT (E.G., ZC*)	
	R-1	R-1A	ES-R	R-2	R-2A	R-3	R-4	R-5	R-S	R-SMU	R-BMU**		
<b>Residential Uses</b>													
Accessory Dwelling Unit	See 23.306—Accessory Dwelling Units		NP	See 23.306—Accessory Dwelling Units									
<b>Dwellings</b>													
Single-Family <u>Residential</u>	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	NP	23.302.070(H)
<u>Two-Family</u>	NP	UP(PH)	NP	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	NP	23.302.070(H)
Multi-Family <u>Residential</u>	NP ZC	NP	NP	UP(PH) ZC	UP(PH) ZC	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	23.302.070(H)
Group Living Accommodation	NP	NP	NP	NP	NP	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	23.302.070(H)
Senior Congregate Housing	NP	NP	NP	NP	See 23.302.070.H– Use-Specific Regulations								
Mixed-Use Residential	NP	NP	NP	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	23.302.070(H)
<b>Public and Quasi-Public Uses</b>													
Child Care Center	UP(PH)	UP(PH)	NP	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	23.302.070(H)
Club/Lodge	UP(PH)	UP(PH)	NP	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	23.302.070(H)
Columbaria	AUP*	AUP*	NP	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	NP	23.302.070.C– Use-Specific Regulations
Community Care Facility	See 23.202.040.A– Use-Specific Regulations												
Community Center	UP(PH)	UP(PH)	NP	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	

Text highlighted in gray is just renumbering or other minor technical edit.

Item 11, Attachment 1 - Middle Housing  
 Planning Commission  
 February 7, 2024

ZC = Zoning Certificate AUP = ADMINISTRATIVE USE PERMIT UP(PH) = Use Permit NP = Not Permitted * Use-Specific Regulations Apply **Required permits for specific uses are set forth in the R-BMU Master Development Permit (MDP). See 23.202.150.A and 23.202.150.D	RESIDENTIAL DISTRICTS											USE-SPECIFIC REGULATIONS APPLIES TO USES WITH AN ASTERISK FOLLOWING THE PERMIT REQUIREMENT (E.G., ZC*)	
	R-1	R-1A	ES-R	R-2	R-2A	R-3	R-4	R-5	R-S	R-SMU	R-BMU**		
Emergency Shelter, 15 beds or fewer	NP	NP	NP	NP	NP	NP	ZC	ZC	ZC	ZC	ZC	23.308-Emergency Shelters	
Emergency Shelter, more than 15 beds	NP	NP	NP	NP	NP	NP	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	23.308-Emergency Shelters	
Hospital	NP	NP	NP	NP	NP	UP(PH)	UP(PH)	UP(PH)	NP	UP(PH)	NP		
Library	UP(PH)	UP(PH)	NP	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)		
Low Barrier Navigation Center	NP	NP	NP	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC		
Nursing Home	NP	NP	NP	-	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	NP		
Park/Playground	ZC	ZC	UP	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC		
Public Safety and Emergency Service	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)		
Public Utility Substation/Tank	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)		
Religious Assembly	UP(PH)	UP(PH)	NP	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)		
School	UP(PH)	UP(PH)	NP	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)		
Supportive Housing	NP	NP	NP	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	23.302.070.I-Supportive Housing	
<b>Commercial Uses</b>													
Alcoholic Beverage Service	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	ZC	UP(PH)	23.310—Alcoholic Beverage Sales and Service
Food Products Store	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	UP(PH)*	UP(PH)	23.202.140.B.3– R-SMU Residential Southside Mixed Use District
Food Service Establishment, Under 3,000 sq. ft.	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	ZC*	ZC*	23.302.070.(E) – Use=Specific Regulations
Food Service Establishment, 3,000 sq. ft. or larger	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	AUP*	AUP*	23.302.070.(E) – Use=Specific Regulations
Group Instruction	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	UP(P)	23.202.150(C) – R-BMU

Text highlighted in gray is just renumbering or other minor technical edit.

Item 11, Attachment 1 - Middle Housing  
 Planning Commission  
 February 7, 2024

ZC = Zoning Certificate AUP = ADMINISTRATIVE USE PERMIT UP(PH) = Use Permit NP = Not Permitted * Use-Specific Regulations Apply **Required permits for specific uses are set forth in the R-BMU Master Development Permit (MDP). See 23.202.150.A and 23.202.150.D	RESIDENTIAL DISTRICTS											USE-SPECIFIC REGULATIONS APPLIES TO USES WITH AN ASTERISK FOLLOWING THE PERMIT REQUIREMENT (E.G., ZC*)
	R-1	R-1A	ES-R	R-2	R-2A	R-3	R-4	R-5	R-S	R-SMU	R-BMU**	
											H)	Residential BART Mixed Use District
Health and Fitness Facility	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	UP(PH)	23.202.150 (C) – R-BMU Residential BART Mixed Use District
Hotel, Tourist	NP	NP	NP	NP	NP	NP	UP(PH)	UP(PH)	UP(PH)	UP(PH)	NP	
Laundromat and Cleaner	NP	NP	NP	NP	NP	NP	NP	NP	NP	UP(PH)	UP(PH)	
Office	NP	NP	NP	NP	NP	NP	UP(PH)	UP(PH)	NP	UP(PH)	UP(PH)	23.202.150.C – R-BMU Residential BART Mixed Use District
Parking Lot/Structure	UP(PH) *	UP(PH) *	UP(PH) *	UP(PH) *	UP(PH) *	UP(PH) *	UP(PH) *	UP(PH) *	UP(PH) *	UP(PH) *	UP(PH) *	23.302.070.G– Unenclosed Accessory Structures in Residential Districts  23.322.100– On-site Loading Spaces
Personal and Household Service, General	NP	NP	NP	NP	NP	NP	NP	NP	NP	ZC*	ZC*	23.202.140.B.2– R-SMU Residential Southside Mixed Use District
Retail, General	NP	NP	NP	NP	NP	NP	UP(PH) *	UP(PH) *	UP(PH) *	UP(PH) *	UP(PH)	23.202.040.B– Use-Specific Regulations
Veterinary Clinic	NP	NP	NP	NP	NP	NP	NP	NP	NP	UP(PH)	UP(PH)	
Video Tape/Disk Rental	NP	NP	NP	NP	NP	NP	NP	NP	NP	UP(PH)	NP	
<b>Incidental Uses</b>												
Live Entertainment Unamplified	NP	NP	NP	NP	NP	NP	NP	NP	NP	ZC	NP	
Live Entertainment Amplified	NP	NP	NP	NP	NP	NP	NP	NP	NP	AUP	NP	
<b>Industrial and Heavy Commercial Uses</b>												
Commercial Excavation	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	
<b>Other Uses</b>												

Text highlighted in gray is just renumbering or other minor technical edit.

ZC = Zoning Certificate <b>AUP = ADMINISTRATIVE USE PERMIT</b> UP(PH) = Use Permit NP = Not Permitted * Use-Specific Regulations Apply **Required permits for specific uses are set forth in the R-BMU Master Development Permit (MDP). See 23.202.150.A and 23.202.150.D	<b>RESIDENTIAL DISTRICTS</b>											<b>USE-SPECIFIC                      REGULATIONS</b>  APPLIES TO USES WITH AN ASTERISK FOLLOWING THE PERMIT REQUIREMENT (E.G., ZC*)
	R-1	R-1A	ES-R	R-2	R-2A	R-3	R-4	R-5	R-S	R-SMU	R-BMU**	
Accessory Uses	See 23.302.020.A– General Use Regulations											
Art/Craft Studio	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	ZC	
ATM: Exterior and Attached to Bank or Interior or Exterior and Not With Bank	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	AUP	
Home Occupations	See 23.302.040– Home Occupations											
Live/Work	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	UP(PH) *)	23.312—Live/Work
Public Market, Open Air	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	AUP	
Public Market, Enclosed	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	AUP	
Short-Term Rental	ZC*	ZC*	NP	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	23.314—Short-Term Rentals
Temporary Uses	See 23.302.030– Temporary Uses and Structures											
Urban Agriculture, Low-Impact	ZC*	ZC*	NP	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	23.318—Urban Agriculture
Urban Agriculture, High-Impact	AUP*	AUP*	NP	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	23.318—Urban Agriculture
Wireless Telecommunication Facility	See 23.332—Wireless Communication Facilities											

Text highlighted in gray is just renumbering or other minor technical edit.

Section 3. That BMC Section 23.202.030(B)(1) is amended to read as follows:

1. In the R-1, ~~R-1A~~, R-2, R-2A, and R-3 districts, adding a bedroom to a lot requires permits as follows:
  - (a) Adding a first, second, third, or fourth bedroom to a lot: no permit required.
  - (b) Adding a fifth bedroom to a lot: AUP.
  - (c) Adding a bedroom to a lot beyond the fifth: Use Permit.
  
2. The following are excluded from the bedroom count for the purposes of permit requirements in Section 23.202.030(B)(1):
  - (a) Bedrooms associated solely with any proposed new dwelling unit or units added to an existing single-family dwelling, multi-family dwelling, or lot developed with residential uses.
  - (b) Bedrooms associated with an existing or proposed Accessory Dwelling Unit or Junior Accessory Dwelling Unit.
  - (c) Up to two bedrooms created entirely from interior reconfiguration of existing habitable space within a main building.

~~2~~ 3. See Section 23.502.020.B--Defined Terms ("B" Terms) for bedroom definition.

~~3~~ 4. In the ES-R district, any alteration to create a new bedroom in a single-family detached home on a single lot requires an AUP. See Section 23.202.070.H.6 (Land Use Intensification) for required finding.

~~4~~ 5. In the R=3, R-S, or R-SMU districts within the Southside Plan boundaries, adding any bedroom to a lot requires a Zoning Certificate.

Section 4. That BMC Section 23.202.050(A) is amended to read as follows:

- A. **District Purpose.** The purpose of the ~~Single-Family~~ Residential Multi-Unit 1 (R-1) district is to:
1. Implement the General Plan by encouraging the development of residential areas consistent with a pattern of housing types ranging from single-family to small apartment structures ~~Recognize and protect the existing pattern of development in the low-density, single-family residential areas of the city consistent with the General Plan;~~
  2. Make housing available for persons who desire detached and multi-unit housing ~~with and a relatively large amount of~~ usable open space;
  3. Provide objective standards to protect adjacent properties from unreasonable

Text highlighted in gray is just renumbering or other minor technical edit.

obstruction of light and air; and

4. Permit community facilities such as religious assembly uses, schools, parks, and libraries which serve the local population and are not detrimental to the immediate neighborhood.

Section 5. That the title of BMC Section 23.202.050 is amended to read as follows:

23.202.050 – R-1 ~~Single-Family~~ Residential Multi-Unit 1 District

Section 6. 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
Usable Open Space per <u>1,000 sq. ft. Gross Residential Floor Area Dwelling Unit</u> , Minimum	<u>150 400</u> sq. ft.	23.304.090 – Usable Open Space
Floor Area Ratio, Maximum <u>[1]</u>	<del>No maximum</del>	<u>23.106.050 - Floor Area Ratio</u>
<u>1 Unit and Non-Residential Uses</u>	<u>1.2</u>	
<u>2 Units</u>	<u>0.5</u>	
<u>3-7 Units</u>	<u>1.2</u>	
<u>8+ Units</u>	<u>1.5</u>	
Main Building Height, <del>Average</del>		23.304.050 – Building Height
New Buildings <del>or and</del> Non-Residential Additions, <u>Average</u>	28 ft. <del>and 3 stories</del> <u>[1]</u>	
<u>New Buildings and Non-Residential Additions, Maximum</u>	<u>35 ft.</u>	
<u>Within 15 ft. of Rear Property Line</u>	<u>22 ft.</u>	
Residential Additions, <u>Average</u>	14 ft. <u>[2]</u>	
<u>Residential Density (DU/acre)</u>		<u>23.106.100 – Residential Density</u>
<u>Minimum</u>	<u>10</u>	
<u>Within Hillside Overlay Zone</u>	<u>No minimum</u>	
<u>Maximum</u>	<u>40</u>	
<u>Within Hillside Overlay Zone</u>	<u>20</u>	

Text highlighted in gray is just renumbering or other minor technical edit.



BASIC STANDARDS		SUPPLEMENTAL STANDARDS
Lot Line Setbacks, Minimum		23.304.030 – Setbacks
Front	<del>15</del> [3] <del>20</del> ft.	
<u>Within Hillside Overlay Zone</u>	<u>20 ft.</u>	
Rear	<del>4</del> <u>20</u> ft.	
<u>Within Hillside Overlay Zone</u>	<u>20 ft.</u>	
Interior Side	4 ft.	
<u>Within Hillside Overlay Zone</u>	<u>5 ft.</u>	
Street Side	4 ft.	
Building Separation, Minimum	<del>No minimum</del> <u>5 ft.</u>	
Lot Coverage, Maximum		23.304.120 – Lot Coverage
<u>1-2 Units and Non-Residential Uses</u>	<u>40%</u>	
<u>3-7 Units</u>	<u>50%</u>	
<u>8+ Units</u>	<u>55%</u>	
Notes:		
<p><del>[1] Maximum 35 ft. with an AUP. When adding a dwelling unit or dwelling units to an existing residential main building entirely through conversion, with no modifications to the existing building envelope, the maximum FAR does not apply.</del></p> <p><del>[2] Additional average building H-height greater than 14 ft. up to 28 ft. allowed with an AUP, subject to a maximum building height of .Height greater than 28 ft up to 35 ft. allowed with an additional AUP.</del></p> <p><del>[3] Or average of front lot line setback of adjacent structure(s), whichever is less.</del></p>		

Section 7. That BMC Chapter 23.202.060 is repealed as follows:

~~23.202.060 R-1A Limited Two-Family Residential District Reserved~~

~~A. **District Purpose.** The purpose of the Limited Two-Family Residential (R-1A) district is to:~~

- ~~1. Recognize and protect the existing pattern of low-medium-density residential areas characterized by reasonable open and spacious type of development consistent with the General Plan;~~
- ~~2. Protect adjacent properties from unreasonable obstruction of light and air;~~
- ~~3. Allow flexibility in the use of property for residential purposes by permitting two dwelling units on one lot under limited conditions; and~~

Text highlighted in gray is just renumbering or other minor technical edit.

4. ~~Appropriately regulate the rear and side setback areas for the construction of a dwelling unit in areas west of San Pablo Avenue.~~

~~B. **Allowed Land Uses.** See Table 23.202-1: Allowed Land Uses in Residential Districts~~

~~C. **Additional Permit Requirements.** See Subsection A (Residential Additions) and Subsection B (Adding Bedrooms) of Section 23.202.030 Additional Permit Requirements.~~

~~D. **Development Standards.**~~

~~1. **Basic Standards.** See Table 23.202-3: R-1A Development Standards.~~

~~2. **Supplemental Standards.** Supplemental development standards that apply in the R-1A district are noted in Table 23.202-3: R-1A Development Standards.~~

**TABLE 23.202-3: R-1A DEVELOPMENT STANDARDS**

<b>BASIC STANDARDS</b>		<b>SUPPLEMENTAL STANDARDS</b>
Lot Area, Minimum		23.304.020—Lot Requirements
New Lots	5,000 sq. ft.	
For Two Dwelling Units	4,500 sq. ft. [1]	
Usable Open Space Per Dwelling Unit, Minimum	400 sq. ft. [2]	23.304.090—Usable Open Space
Floor Area Ratio, Maximum	No maximum	
Main Building Height, Average		23.304.050—Building Height
New Buildings and Non-Residential Additions	28 ft. and 3 stories [3]	
Rear Main Buildings	22 ft. and 2 stories	
Residential Additions	14 ft. [4]	
Lot Line Setbacks, Minimum		23.304.030—Setbacks
Front	20 ft.	
Rear	20 ft.	
Interior Side	4 ft.	
Street Side	4 ft.	
Interior and Street Side for Rear Main Building	6 ft.	
Building Separation, Minimum		23.304.040—

Text highlighted in gray is just renumbering or other minor technical edit.

<del>BASIC STANDARDS</del>		<del>SUPPLEMENTAL STANDARDS</del>
1-story	8-ft.	<del>Building Separation in Residential Districts</del>
2-stories	12-ft.	
3-stories	16-ft.	
<del>Lot Coverage, Maximum</del>		<del>23.304.120—Lot Coverage</del>
<del>Interior and Through Lot</del>	40%	
<del>Corner Lot</del>	45%	
<p>Notes:</p> <p><del>[1] Maximum two units per lot.</del></p> <p><del>[2] Open space is not required for accessory dwelling unit.</del></p> <p><del>[3] Maximum 35 ft. with an AUP.</del></p> <p><del>[4] Height greater than 14 ft. up to 28 ft. allowed with an AUP. Height greater than 28 ft up to 35 ft allowed with an additional AUP.</del></p>		

Section 8. That BMC Chapter 23.202.070(H)(1) and (2) are amended to read as follows:

H. *Development Standards.*

1. *Basic Standards.* See Table 23.202-~~43~~: ES-R Development Standards.
2. *Supplemental Standards.* Supplemental development standards that apply in the ES-R district are noted in Table 23.202-~~43~~: ES-R Development Standards.

Section 9. That the title of Table 23.202-4 ES-R Development Standards within 23.202.070 is amended to read as follows:

**Table 23.202-~~34~~. ES-R DEVELOPMENT STANDARDS**

Section 10. That the title of BMC Section 23.202.080 is amended to read as follows:

**23.202.080- R-2 ~~Restricted Two-Family~~ Residential Multi-Unit 2 District**

Section 11. That BMC Section 23.202.080(A) is amended to read as follows:

A. **District Purpose.** The purpose of the ~~Restricted Two-Family~~ Residential Multi-Unit 2 (R-2) district is to:

1. Implement the General Plan by encouraging the development of ~~low-medium-density~~ residential areas ~~characterized by a reasonably open and spacious~~

Text highlighted in gray is just renumbering or other minor technical edit.

~~type of development with a pattern with a range of housing types ranging from single-family to duplexes and small apartment structures;~~

2. Make available housing for persons who desire a range of housing choice with ~~a relatively large amount of useable~~ open space; and
3. Provide objective standards to protect adjacent properties from unreasonable obstruction of light and air.

Section 12. That BMC Section 23.202.080(D) is amended to read as follows:

**D. Development Standards.**

1. **Basic Standards.** See Table 23.202-~~54~~: R-2 Development Lot and Height Development Standards, Table 23.202-5: R-2 Setback and Building Separation Standards, and Table 23.202-6: R-2 Lot Coverage Standards for development standards in the R-2 district.
2. **Supplemental Standards.** Supplemental development standards that apply in the R-2 district are noted in Table 23.202-~~54~~: R-2 Lot and Height Development Standards, Table 23.202-5: R-2 Setback and Building Separation Standards, and Table 23.202-6: R-2 Lot Coverage Standards.

**TABLE 23.202-~~54~~: R-2 LOT AND HEIGHT DEVELOPMENT STANDARDS**

BASIC STANDARDS		SUPPLEMENTAL STANDARDS
Lot Area, Minimum		23.304.020 – Lot Requirements
New Lots	5,000 sq. ft.	
<u>Per Dwelling Unit</u>	<u>2,500 sq. ft. [1]</u>	
Usable Open Space Per <u>1,000 sq. ft. Gross Residential Floor Area Dwelling Unit</u> , Minimum		23.304.090 – Usable Open Space
Floor Area Ratio, Maximum <u>[1]</u>		23.106.050 - Floor Area Ratio
<u>1 Unit and Non-Residential Uses</u>	<u>1.2</u>	
<u>2 Units</u>	<u>0.6</u>	
<u>3-7 Units</u>	<u>1.2</u>	
<u>8+ Units</u>	<u>1.25</u>	
Main Building Height, <del>Average</del>		23.304.050 – Building Height
New Buildings and Non-Residential Additions, <u>Average</u>	28 ft. <del>and 3 stories</del> <u>[2]</u>	

Text highlighted in gray is just renumbering or other minor technical edit.

BASIC STANDARDS		SUPPLEMENTAL STANDARDS
<u>New Buildings and Non-Residential Additions, Maximum</u>	<u>35 ft.</u>	
<u>Within 15 feet of Rear Property Line</u>	<u>22 ft.</u>	
Residential Additions, <u>Average</u>	14 ft. [ <u>32</u> ]	
<u>Residential Density (DU/acre)</u>		
<u>Minimum</u>	<u>10</u>	<u>23.106.100 – Residential Density</u>
<u>Within Hillside Overlay Zone</u>	<u>No minimum</u>	
<u>Maximum</u>	<u>50</u>	
<u>Within Hillside Overlay Zone</u>	<u>50</u>	
<u>Lot Line Setbacks, Minimum</u>		
<u>Front</u>	<u>15 [3] 20 ft.</u>	<u>23.304.030 – Setbacks</u>
<u>Within Hillside Overlay Zone</u>	<u>20 ft.</u>	
<u>Rear</u>	<u>4 ft.</u>	
<u>Within Hillside Overlay Zone</u>	<u>20 ft.</u>	
<u>Interior Side</u>	<u>4 ft.</u>	
<u>Within Hillside Overlay Zone</u>	<u>5 ft.</u>	
<u>Street Side</u>	<u>4 ft.</u>	
<u>Building Separation, Minimum</u>	<u>5 ft.</u>	
<u>Lot Coverage, Maximum</u>		
<u>1-2 Units and Non-Residential Uses</u>	<u>50%</u>	<u>23.304.120 – Lot Coverage</u>
<u>3-7 Units</u>	<u>55%</u>	
<u>8+ Units</u>	<u>55%</u>	

Text highlighted in gray is just renumbering or other minor technical edit.

BASIC STANDARDS	SUPPLEMENTAL STANDARDS
Notes: [1] <del>One additional dwelling unit is allowed for any remaining lot area between 2,000 and 2,500 square feet. When adding a dwelling unit or dwelling units to an existing residential main building entirely through conversion, with no modifications to the existing building envelope, the maximum FAR does not apply.</del> [2] <del>Maximum 35 ft. with an AUP. Additional average height greater than 14 ft. up to 28 ft. allowed with an AUP, subject to a maximum building height of . Addition height greater than 28 ft up to 35 ft. allowed with an additional AUP.</del> [3] <del>Or average front lot line setback of adjacent structure(s), whichever is less.</del>	

**TABLE 23.202-5: R-2 SETBACK AND BUILDING SEPARATION STANDARDS**

	STANDARDS BY BUILDING STORY			SUPPLEMENTAL STANDARDS
	1 <sup>ST</sup>	2 <sup>ND</sup>	3 <sup>RD</sup>	
<b>Lot Line Setbacks, Minimum</b>				
Front	20 ft.	20 ft.	20 ft.	23.304.030— Setbacks
Rear	20 ft.	20 ft.	20 ft.	
Interior	4 ft.	4 ft.	6 ft.	
Street Side	10 ft.	10 ft.	10 ft.	
Building Separation, Minimum	8 ft.	12 ft.	16 ft.	23.304.040— Building Separation in Residential Districts

**TABLE 23.202-6: R-2 LOT COVERAGE STANDARDS**

	STANDARD BASED ON BUILDING HEIGHT			SUPPLEMENTAL STANDARDS
	1 STORY	2 STORIES	3 STORIES	
<b>Lot Coverage, Maximum</b>				
Interior and Through Lot	45%	40%	35%	23.304.120—Lot Coverage
Corner Lot	50%	45%	40%	

Text highlighted in gray is just renumbering or other minor technical edit.

Section 13. That the title BMC Section 23.202.090 is amended to read as follows:

**23.202.090- R-2A ~~Restricted Multiple-Family Residential~~ Multi-Unit 2A District**

Section 14. That BMC Section 23.202.090(A) is amended to read as follows:

A. **District Purpose.** The purpose of the ~~Restricted Multiple-Family Residential~~ Multi-Unit 2A (R-2A) district is to:

1. Implement the General Plan by encouraging the development of ~~medium-density~~ residential areas characterized by a range of housing types small multiple-family and garden-type apartment structures with a maximum of open space consistent with this type of development;
2. Make available housing for persons who desire apartment-type accommodations with ~~a maximum of~~ open space; and
3. Provide objective standards to P-protect adjacent properties from unreasonable obstruction of light and air; and
4. ~~Permit only land use intensity which is compatible with existing low-density residential structures and is not detrimental to the immediate neighborhood.~~

Section 15. That BMC Section 23.202.090(D) is amended to read as follows:

D. **Development Standards.**

1. **Basic Standards.** See Table 23.202-~~58~~: R-2A Lot and Height Development Standards, ~~Table 23.202-8: R-2A Setback and Building Separation Standards~~, and ~~Table 23.202-9: R-2A Lot Coverage Standards~~.
2. **Supplemental Standards.** Supplemental development standards that apply in the R-2A district are noted in Table 23.202-~~58~~: R-2A Lot and Height Development Standards, ~~Table 23.202-8: R-2A Setback and Building Separation Standards~~, and ~~Table 23.202-9: R-2A Lot Coverage Standards~~.

**TABLE 23.202-~~58~~: R-2A LOT AND HEIGHT DEVELOPMENT STANDARDS**

BASIC STANDARDS		SUPPLEMENTAL STANDARDS
Lot Area, Minimum		
New Lots	5,000 sq. ft.	23.304.010 <u>- Lot Requirements</u>
<del>Per Dwelling Unit</del>	<del>1,650 sq. ft. [1]</del>	

Text highlighted in gray is just renumbering or other minor technical edit.

Usable Open Space Per <u>1,000 sq. ft. Gross Residential Floor Area Dwelling Unit</u> , Minimum	<u>150,300</u> sq. ft.	23.304.090 = <u>Usable Open Space</u>
<u>Floor Area Ratio, Maximum [1]</u>		
<u>1 Unit and Non-Residential Uses</u>	<u>1.2</u>	<u>23.106.050 - Floor Area Ratio</u>
<u>2 Units</u>	<u>0.6</u>	
<u>3-7 Units</u>	<u>1.5</u>	
<u>8+ Units</u>	<u>1.75</u>	
<u>Main Building Height, Average</u>		23.304.050 – Building Height
<u>New Buildings and Non-Residential Additions, Average</u>	<u>28 ft. and 3 stories [2]</u>	
<u>New Buildings and Non-Residential Additions, Maximum</u>	<u>35 ft.</u>	
<u>Within 15 ft. of Rear Property Line</u>	<u>22 ft.</u>	
<u>Residential Additions, Average</u>	<u>14 ft. [23]</u>	
<u>Residential Density (DU/acre)</u>		<u>23.106.100 – Residential Density</u>
<u>Minimum</u>	<u>20</u>	
<u>Within Hillside Overlay District</u>	<u>No minimum</u>	
<u>Maximum</u>	<u>60</u>	
<u>Within Hillside Overlay District</u>	<u>60</u>	
<u>Lot Line Setbacks, Minimum</u>		<u>23.304.030 – Setbacks</u>
<u>Front</u>	<u>10 ft. [3]</u>	
<u>Within Hillside Overlay Zone</u>	<u>15 ft.</u>	
<u>Rear</u>	<u>4 ft.</u>	
<u>Within Hillside Overlay Zone</u>	<u>15 ft.</u>	
<u>Interior Side</u>	<u>4 ft.</u>	
<u>Within Hillside Overlay Zone</u>	<u>5 ft.</u>	
<u>Street Side</u>	<u>4 ft.</u>	
<u>Building Separation, Minimum</u>	<u>5 ft.</u>	
<u>Lot Coverage, Maximum</u>		<u>23.304.120 – Lot Coverage</u>
<u>1-2 Units and Non-Residential Uses</u>	<u>50%</u>	
<u>3-7 Units</u>	<u>55%</u>	
<u>8+ Units</u>	<u>60%</u>	

Text highlighted in gray is just renumbering or other minor technical edit.



Notes:

[1] ~~One additional dwelling unit is allowed for remaining lot area between 1,300 and 1,650 square feet. When adding a dwelling unit or dwelling units to an existing residential main building entirely through conversion, with no modifications to the existing building envelope, the maximum FAR does not apply.~~

[2] ~~Maximum 35 ft. with an AUP. Additional average building height greater than 14 ft. up to 28 ft. allowed with an AUP, subject to a maximum building height of Addition height greater than 28 ft up to 35 ft.. allowed with an additional AUP.~~

[3] ~~Or average front setback of adjacent structure(s), whichever is less.~~

**TABLE 23.202-8: R-2A SETBACK AND BUILDING SEPARATION STANDARDS**

	STANDARDS BY BUILDING STORY			SUPPLEMENTAL STANDARDS
	1 <sup>ST</sup>	2 <sup>ND</sup>	3 <sup>RD</sup>	
<b>Lot Line Setbacks, Minimum</b>				
Front	15 ft.	15 ft.	15 ft.	23.304.030– Setbacks
Rear	15 ft.	15 ft.	15 ft.	
Interior	4 ft.	4 ft.	6 ft.	
Street Side	6 ft.	8 ft.	10 ft.	
Building Separation, Minimum	8 ft.	12 ft.	16 ft.	23.304.040– Building Separation in Residential Districts

**TABLE 23.202-9: R-2A LOT COVERAGE STANDARDS**

	STANDARD BASED ON BUILDING HEIGHT			SUPPLEMENTAL STANDARDS
	1 STORY	2 STORIES	3 STORIES	
<b>Lot Coverage, Maximum</b>				
Interior and Through Lots	45%	40%	35%	23.304.120
Corner Lots	50%	45%	40%	

Section 16. That BMC Section 23.202.100(E)(2) is amended to read as follows:

- Supplemental Standards.** Supplemental development standards that apply in the R-3 district are noted in Table 23.202-640: R-3 Development

Text highlighted in gray is just renumbering or other minor technical edit.

Standards.

Section 17. That the title of Table 23.202-10: R-3 Development Standards within BMC Section 23.202.100 is amended to read as follows:

**TABLE 23.202-~~640~~: R-3 DEVELOPMENT STANDARDS**

Section 18. That the BMC Sections 23.202.100(E)(1) and (2) are amended to read as follows:

**E. Development Standards.**

1. **Basic Standards.** See Table 23.202-~~742~~: R-4 Lot and Height Standards, Table 23.202-~~843~~: R-4 Setback and Building Separation Standards, and Table 23.202-~~944~~: R-4 Lot Coverage Standards.
2. **Supplemental Standards.** Supplemental development standards that apply in the R-4 district are noted in Table 23.202-~~742~~: R-4 Lot and Height Standards, Table 23.202-~~843~~: R-4 Setback and Building Separation Standards, and Table 23.202-~~944~~: R-4 Lot Coverage Standards.

Section 19. That the title of Table 23.202-12: R-4 Lot and Height Standards within BMC Section 23.202.110 is amended to read as follows:

**TABLE 23.202-~~742~~: R-4 LOT AND HEIGHT STANDARDS**

Section 20. That the title of Table 23.202-13: R-4 Setback and Building Separation Standards within BMC Section 23.202.110 is amended to read as follows:

**TABLE 23.202-~~843~~: R-4 SETBACK AND BUILDING SEPARATION STANDARDS**

Section 21. That the title of Table 23.202-14: R-4 Lot Coverage Standards within BMC Section 23.202.110 is amended to read as follows:

**TABLE 23.202-~~944~~: R-4 LOT COVERAGE STANDARDS**

Section 22. That BMC Section 23.202.120(D)(1) and (2) be amended to read as follows:

**D. Development Standards.**

1. **Basic Standards.** See Table 23.202-~~105~~: R-5 Lot and Height Standards, Table 23.202-~~116~~: R-5 Setback and Building Separation Standards, and Table 23.202-~~127~~: R-5 Lot Coverage Standards.

Text highlighted in gray is just renumbering or other minor technical edit.

- 2. Supplemental Standards.** Supplemental development standards that apply in the R-5 district are noted in Table 23.202-~~105~~: R-5 Lot and Height Standards, Table 23.202-~~116~~: R-5 Setback and Building Separation Standards, and Table 23.202-~~127~~: R-5 Lot Coverage Standards.

Section 23. That the title of Table 23.202-15: R-5 Lot and Height Standards within BMC Section 23.202.120 is amended to read as follows:

**TABLE 23.202-~~105~~: R-5 LOT AND HEIGHT STANDARDS**

Section 24. That the title of Table 23.202-16: R-5 Setback and Building Separation Standards within BMC Section 23.202.120 is amended to read as follows:

**TABLE 23.202-~~116~~: R-5 SETBACK AND BUILDING SEPARATION STANDARDS**

Section 25. That the title of Table 23.202-17: R-5 Lot Coverage Standards within BMC Section 23.202.120 is amended to read as follows:

**TABLE 23.202-~~127~~: R-5 LOT COVERAGE STANDARDS**

Section 26. That BMC Section 23.202.130(E)(1) and (2) are amended to read as follows:

**E. Development Standards.**

- 1. Basic Standards.** See Table 23.202-~~138~~: R-S Development Standards.
- 2. Supplemental Standards.** Supplemental development standards that apply in the R-S district are noted in Table 23.202-~~138~~: R-S Development Standards.

Section 27. That the title of Table 23.202-18: R-S Development Standards within BMC Section 23.202.130 is amended to read as follows:

**TABLE 23.202-~~138~~: R-S DEVELOPMENT STANDARDS**

Section 28. That BMC Section 23.202.140(E)(1) is amended to read as follows:

- 1. Basic Standards.** See Table 23.202-~~149~~: R-SMU Development Standards.

Section 29. That the title of Table 23.202-19: R-SMU Development Standards within BMC Section 23.202.140 is amended to read as follows:

Text highlighted in gray is just renumbering or other minor technical edit.

**TABLE 23.202-149: R-SMU DEVELOPMENT STANDARDS**

Section 30. That BMC Section 23.202.150(D) is amended to read as follows:

**D. Ground-floor Uses.** See Table 23.202-1520: Permitted Street-Facing Ground Floor Uses.

Section 31. That the title of Table 23.202-20: Permitted Street-Facing Ground Floor Uses within BMC Section 23.202.150 is amended to read as follows:

**TABLE 23.202-1520: PERMITTED STREET-FACING GROUND FLOOR USES**

Section 32. That BMC Section 23.202.150(F)(1) and (2) are amended to read as follows:

1. **Basic Standards.** See Table 23.202-1624.
2. **Supplemental Standards.** Supplemental standards that apply in the R- BMU district are noted in Table 23.202-1624.

Section 33. That the title of Table 23.202-21 within BMC Section 23.202.150 is amended to read:

**TABLE 23.202-1624: R-BMU DEVELOPMENT STANDARDS**

Section 34. That the lines “Two Family,” “Multi-Unit Family” and “Mixed Use Residential” in Table 23.206-1: Allowed Land Uses in Manufacturing Districts within BMC Section 23.206.020 are amended to read as follows:

ZC = Zoning Certificate AUP = Administrative Use Permit UP(PH) = Use Permit -- = Permitted with an AUP, see 23.206.020(B) NP = Not Permitted [#] = Floor Area Permit Requirement * Use-Specific Standards Apply	MANUFACTURING DISTRICTS				<b>Use-Specific Standards</b> Applies to uses with an asterisk following the permit requirement (e.g., ZC*)
	M	MM	MU-LI	MU-R	
<b>Residential Uses</b>					
<b>Dwellings</b>					
Single-Family <u>Residential</u>	NP	NP	NP	AUP*	23.206.090.B.8
<del>Two Family</del>	<del>NP</del>	<del>NP</del>	<del>NP</del>	<del>AUP*</del>	<del>23.206.090.B.8</del>
<u>Multi-Unit Residential</u> Family	NP	NP	NP	<u>ZC</u> <u>UP(PH)</u> <u>*</u>	23.206.090.B.7&8

Text highlighted in gray is just renumbering or other minor technical edit.

ZC = Zoning Certificate AUP = Administrative Use Permit UP(PH) = Use Permit -- = Permitted with an AUP, see 23.206.020(B) NP = Not Permitted [#] = Floor Area Permit Requirement * Use-Specific Standards Apply	MANUFACTURING DISTRICTS				Use-Specific Standards Applies to uses with an asterisk following the permit requirement (e.g., ZC*)
	M	MM	MU-LI	MU-R	
Mixed-Use Residential	NP	NP	NP	UP(PH) * -	23.206.090.B.7 <b>8&amp;9</b>

Section 35. That BMC Section 23.206.090(B)(7) to (9) are amended to read as follows:

~~7. Multi-Family Dwellings. Table 23.206-13 shows permits required for multi-family dwellings in the MU-R district.~~

**TABLE 23.206-13: MU-R MULTI-FAMILY DWELLING PERMIT REQUIREMENTS**

NUMBER OF UNITS	PERMIT REQUIRED
<del>3 or 4</del>	<del>AUP</del>
<del>5 or more</del>	<del>UP(PH)</del>

**8. Residential Uses.**

- ~~(a) A Use Permit is required to establish a dwelling unit, group living accommodation, or live/work unit MU-R that is within 150 feet of:
 
  - ~~i. An M or MM district; or~~
  - ~~ii. A construction product manufacturing or primary product manufacturing use.~~~~
- ~~(b) To deny a Use Permit required by Paragraph (a) above, the ZAB must find that:
 
  - ~~i. The proposed residential use would unreasonably interfere with existing or reasonably foreseeable adjacent land uses in the M or MM district; or~~
  - ~~ii. Existing or reasonably foreseeable adjacent land uses in the M or MM district would have a material adverse effect on the proposed residential use.~~~~
- ~~(c) As a condition of approval for a Use Permit required by Paragraph (a) above, the residential property owner shall record an acknowledgement that existing or reasonably foreseeable adjacent land uses in the M or MM district may create noise, dust, odors, light/glare, and other impacts that will not be considered a nuisance if they are developed and conducted pursuant to the standards of the district.~~

**9. 7. Residential Mixed-Use.** To approve an AUP or Use Permit to establish or expand of a residential mixed-use building in the MU-R district, the review

Text highlighted in gray is just renumbering or other minor technical edit.

authority must find that the specific combination of proposed residential and non-residential uses will not be hazardous or detrimental to persons living and/or working on the site or within the project vicinity.

Section 36. That Table 23.206-14- MU-R Development Standards within Section 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 <del>Dwelling Unit</del> or Live/Work Unit	1,250 sq. ft. <del>[4]</del>	
Lot Width, Minimum	40 ft.	
Usable Open Space, Minimum		23.304.090 – Usable Open Space
Per <del>Dwelling Unit</del> <u>Gross 1,000 sq. ft. of residential floor area</u>	150 sq. ft.	
Per Live/Work Unit	40 sq. ft.	
Floor Area Ratio, Maximum, <u>Non-Residential</u>	1.50 <del>[12]</del>	<u>23.106.050 - Floor Area Ratio</u>
<u>Floor Area Ratio, Maximum, Residential</u>		
<u>1-7 Dwelling Units</u>	<u>1.5</u>	
<u>8+ Dwelling Units</u>	<u>1.75</u>	
<u>Residential Density (DU/acre)</u>		<u>23.106.100 – Residential Density</u>
<u>Minimum</u>	<u>20</u>	
<u>Maximum</u>	<u>60</u>	
Main Building Height, Maximum		23.304.050 - Building Height
Live/work	28 ft. and 3 stories <del>[23]</del>	
Residential or mixed-use <del>[34]</del>	35 ft. <del>and 3 stories</del>	
<u>Within 15 ft. of rear property line</u>	<u>22 ft.</u>	
All other uses	35 ft. and 2 stories <del>[45]</del>	
Lot Line Setbacks, Minimum		23.304.030 – Setbacks
Front	5 ft.	

Text highlighted in gray is just renumbering or other minor technical edit.

Rear	No minimum <del>[56]</del>	
Interior Side	No minimum	
Street Side	5 ft.	
Building Separation, Minimum	<del>No minimum</del> 5 ft.	
Lot Coverage, Maximum	100% <del>No maximum</del>	

Notes:

~~[1] One additional dwelling unit allowed for remaining lot area between 750 and 1,250 square feet.~~

[12] Maximum 1.5 for buildings with 50 percent or more residential or live/work floor area

[23] Maximum 35 ft. with a Use Permit.

[34] Mixed use is defined here as a building with 50 percent or more of gross floor area used for residential (including live/work) purposes.

[45] Maximum 3 stories for arts/craft studios and light manufacturing (with no other non-residential uses) on a block without dwelling units.

[56] Minimum 5 ft. if rear of lot abuts a street.

~~[7] Setbacks required when abutting or confronting a Residential District. See 23.304.030.C.2.~~

Section 37. That BMC Section 23.210.020(B)(2) is amended to read as follows:

~~2. Multiple Dwellings in R-2. When the H overlay zone is combined with the R-2 district, multiple dwellings on a single property are not permitted.~~

Section 38. That Table 23.210-1: H Overlay Zone Maximum Allowed Height within Section 23.210.020 is amended to read as follows:

**TABLE 23.210-1: H OVERLAY ZONE MAXIMUM ALLOWED HEIGHT**

UNDERLYING BASE DISTRICT	ALLOWED HEIGHT		MAXIMUM STORIES
	AVERAGE	MAXIMUM	
New Buildings			
R-1, <del>R-1A</del> , R-2, R-2A	28 ft.	35 ft.	<del>3 stories</del> No maximum
R-3, R-4, R-5, R-S, C-N, C-NS	35 ft.	35 ft.	3 stories

Text highlighted in gray is just renumbering or other minor technical edit.

Residential Additions	As required by the base district or the highest existing portion of the roof, whichever is lower	20 ft.	N/A
-----------------------	--	--------	-----

**Section 39.** That BMC Section 23.304.030(B)(1) is amended to read as follows:

1. **Corner Lots with a Rear Lot Line Abutting a Key Lot.** For corner lots in the R-1, ~~R-1A~~, R-2 and R-2A districts with a rear lot line abutting a key lot, the minimum street side setback is either:
  - (a) One-half the front setback required or existing on the key lot, whichever is less; or
  - (b) Four feet if the corner lot maintains 50 feet or more rear setback.

**Section 40:** That Table 23.304-1 Allowed Setback Reductions in Residential District within BMC Section 23.304.030 is amended to read:

**TABLE 23.304-1: ALLOWED SETBACK REDUCTIONS IN RESIDENTIAL DISTRICTS**

DISTRICT WHERE ALLOWED	WHEN ALLOWED	MINIMUM SETBACK WITH REDUCTION	REQUIRED PERMIT	REQUIRED ADDITIONAL FINDINGS [1]
<b>Front Setback Reductions</b>				
ES-R	On any lot	No minimum.	UP(PH) [2]	The reduced setback is: 1) necessary to allow economic use of property due to the size, shape of the lot or the topography of the site; and 2) consistent with the ES-R district purpose.
<b>Rear Setback Reductions</b>				

Text highlighted in gray is just renumbering or other minor technical edit.



DISTRICT WHERE ALLOWED	WHEN ALLOWED	MINIMUM SETBACK WITH REDUCTION	REQUIRED PERMIT	REQUIRED ADDITIONAL FINDINGS [1]
ES-R [3]	On any lot	No minimum	UP(PH) [2]	The reduced setback is: 1) necessary to allow economic use of property due to the size, shape of the lot or the topography of the site; and 2) consistent with the ES-R district purpose.
<del>R-1, R-1A</del>	<del>On a lot less than 100 ft. deep</del>	<del>20% of lot depth</del>	<del>ZC</del>	<del>None</del>
<del>R-1A</del>	<del>To construct a dwelling unit</del>	<del>12 ft.</del>	<del>AUP</del>	<del>The unit would not cause a detrimental impact on emergency access; or on light, air or privacy for neighboring properties.</del>
R-2, R-2A, R-3, R-4, R-5 [4],	On a lot with two or more main buildings with dwelling units	No minimum	AUP	No additional findings
<b>Side Setback Reductions</b>				
ES-R [3]	Any lot	No minimum	UP(PH) [2]	The reduced setback is: 1) necessary to allow economic use of property due to the size, shape of the lot or the topography of the site; and 2) consistent with the ES-R district purpose.
<del>R-1, R-1A</del>	<del>Lot width less than 40 ft. [5]</del>	<del>10% of lot width or 3 ft., whichever is greater</del>	<del>ZC</del>	<del>None</del>

Text highlighted in gray is just renumbering or other minor technical edit.

DISTRICT WHERE ALLOWED	WHEN ALLOWED	MINIMUM SETBACK WITH REDUCTION	REQUIRED PERMIT	REQUIRED ADDITIONAL FINDINGS [1]
R-2, R-2A	Lot width less than 40 ft.	First and second stories: 10% of lot width or 3 ft., whichever is greater; Third story: 5 4 ft.	ZC	None
<p>Notes:</p> <p>[1] Findings are in addition to any AUP or Use Permit findings required in 23.406-Specific Permit Requirements.</p> <p>[2] Fire Department must review and approve reduced setbacks in respect to fire safety.</p> <p>[3] For lots less than 5,000 square feet, reductions are not allowed for property lines abutting a property under different ownership.</p> <p>[4] Parcels located within the R-3 district within the Southside Plan boundaries are exempt from this section.</p> <p>[5] Not permitted for rear main buildings in the R-1A district.</p>				

Section 41. That the line “R-1A” in Table 23.304-4: Permits Required for Building Separation in Residential Districts within BMC Section 23.304.040 is amended to read as follows

DISTRICT WHERE ALLOWED	WHEN ALLOWED	PERMIT REQUIRED	FINDINGS [1]
<del>R-1A</del>	<del>On a lot with two or more main buildings with a dwelling unit</del>	<del>AUP</del>	<del>The unit would not cause a detrimental impact on emergency access; or on light, air or privacy for neighboring properties.</del>

Section 42. That BMC Section 23.322.100(C)(1) is amended to read as follows:

1. General. The following requirements apply to required on-site loading spaces in all districts except for the R-1, ~~R-1A~~, R-2, R-2A districts.

(a) *Dimensions.* A required loading space must be at least 12 feet wide and 25 feet long with a minimum vertical clearance of 14 feet.

Text highlighted in gray is just renumbering or other minor technical edit.

(b) *Location*. A required loading spaces must be located on the same lot as the structure or use the space is designed to serve.

(c) *Parking Spaces*. A required parking space may not be used to satisfy the requirements for an off-street loading space.

(d) *Access and Paving*. A required loading space must have adequate means of access from a street or alley. Both the space and access driveway must be paved with a durable, dustless material that is usable under all weather conditions.

Section 43. That BMC Section 23.326.030.D is added to read as follows:

D. A single-family dwelling may be demolished with a Zoning Certificate, if the demolition is part of a development project that would result in a net increase in residential density.

Section 44. That BMC Section 23.502.020.A.8 is amended to read as follows:

8. *Addition, Residential*. The creation of any new portion of a main building which results in a vertical or horizontal extension of the building, or results in additional residential gross floor area to an existing main building, as long as such new gross floor area does not exceed 15 percent of the lot area or 600 square feet, whichever is less.

**For purposes of this definition gross floor area does not include:**

(a) Additions of gross floor area devoted to required off-street parking spaces, creation of mezzanines or lofts within the building's shell;

(b) Making previously unusable attics into habitable floor area (except where new areas with vertical clearance of 6 feet or greater are created through expansions of the building shell);

(c) Excavations of earth within the existing building footprint (i.e. expansion of existing basements or new basements), or

(d) Replacement of existing floor area that was lawfully constructed and is located entirely within the addition's shell.

(e) The floor area associated with any existing or proposed accessory dwelling unit or junior accessory dwelling unit, up to 800 square feet per lot.

(f) The floor area associated solely with any proposed new dwelling unit or units added to an existing single-family dwelling or multi-family dwelling.

Section 45. That BMC Section 23.502.020.M.17 and 18 are amended to read as follows:

Text highlighted in gray is just renumbering or other minor technical edit.

17. **Multi-Family Dwelling.** A building, group of buildings, or portion of a building used or designed as ~~three~~ two or more dwelling units.

18. **Multi-Family Residential.** A residential use that includes two or more units on a single lot.

~~19.~~ 19. **Municipal Animal Shelter.** A City-owned facility providing services for humane animal care with programs and services focused on maximizing opportunities for animal adoption. Supporting facilities may include medical care (including spay/neuter), kennels, exercise areas and adoption centers.

Section 46. That BMC Section 23.502.020.R is amended to read as follows:

R. "R" Terms.

~~1. **Rear Main Building.** A main building situated behind another main building existing or proposed on a parcel located in the R-1A district.~~

21. **Receiving Lot.** See Lot, Receiving.

32. **Recycled Materials Processing.** A facility that receives and processes recyclable materials. Processing means preparation of material for efficient shipment, or to an end-user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and remanufacturing.

43. **Recycling Redemption Center.** A facility, use, or structure for the collection of recyclable goods, including beverage containers and newspapers.

54. **Related Equipment.** All equipment necessary for or related to the provision of personal wireless services. Such equipment may include, but is not limited to, cable, conduit and connectors, equipment pads, equipment shelters, cabinets, buildings and access ladders.

65. **Religious Assembly.** A building or space primarily used for an assembly of persons to conduct worship or other religious ceremonies, including, but not limited to, churches, synagogues, temples, mosques or shrines.

76. **Repair Service, Non-Vehicle.** An establishment that provides repair and maintenance services for household appliance, home electronics, office equipment, furniture and other similar items. Excludes vehicle repair.

87. **Research and Development.** An establishment engaged in the following activities: 1) industrial, biological or scientific research; and/or 2) product or process design, development, prototyping, or testing. This may include labs,

Text highlighted in gray is just renumbering or other minor technical edit.

offices, warehousing, and light manufacturing functions as part of the overall Research and Development use.

**98.** *Resident.* A person whose primary residence is in Berkeley.

**409.** *Residential Care Facility.* See Community Care Facility.

**4410.** *Residential Hotel.* See Hotel, Residential.

**4211.** *Residential Addition.* See Addition, Residential.

**4312.** *Residential Districts.* The districts listed under the Residential Districts heading in Table 23.108-1: Zoning Districts.

**4413.** *Residential Hotel Room.* A room which is:

- (a) Used, designed, or intended to be used for sleeping for a period of 14 consecutive days or more;
- (b) Not a complete dwelling unit, as defined in this chapter; and
- (c) Not a Tourist Hotel Room, as defined in this chapter.

**4514.** *Residential Use.* Any legal use of a property as a place of residence, including but not limited to dwelling units, group living accommodations, and residential hotels.

**4615.** *Retail, General.* A retail establishment engaged in the sales of personal, consumer, or household items to the customers who will use such items. This use includes antique stores, art galleries, arts and crafts supply stores, bicycle shops, building materials and garden supplies stores, clothing stores, computer stores, cosmetic/personal care items, department stores, drug paraphernalia stores, drug stores, fabric, textile and sewing supply shops, flower and plant stores, food product stores, furniture stores, garden supply stores, nurseries, gift/novelty shops, household hardware and housewares stores, household electronics/electrical stores, jewelry/watch shops, linen shops includes bedding, musical instruments and materials stores, office supply stores, paint stores, photography equipment supply stores, secondhand stores, sporting goods stores, stationery, cards and paper goods stores toy stores and variety stores. This use excludes video rental stores, service of vehicle parts, and firearm/munition sales.

**4716.** *Retaining Wall.* A wall designed to contain and resist the lateral displacement of soil and of which such soil is at a higher elevation on one side of the wall.

Text highlighted in gray is just renumbering or other minor technical edit.

~~1817~~. **Review Authority.** The City official or body responsible for approving or denying a permit application or other form of requested approval under the Zoning Ordinance.

~~1918~~. **Rooming House.** A building used for residential purposes, other than a hotel, where lodging for 5 or more persons, who are not living as a single household, is provided for compensation, whether direct or indirect. In determining the number of persons lodging in a rooming house, all residents shall be counted, including those acting as manager, landlord, landlady or building superintendent. See also Boarding House.

Section 47. That BMC Section 23.502.020.S.21 through 23.502.020.S.36 is amended to read as follows:

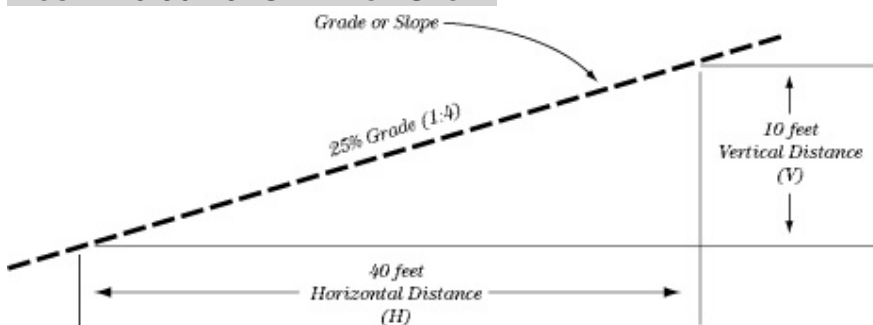
**21. Single-Family Residential.** A residential use that includes only one single-family dwelling on a single lot.

**22.4. Single Residential Occupancy (SRO) Room.** A room for residential or sleeping purposes in a residential hotel which is designed for occupancy of one person only.

**23. 2. Skateboard Ramp.** A ramp, platform, course or facility used for skateboard riding and made of wood or other solid material.

**24. 3. Slope.** The steepness of a site, measured as the ratio of the vertical distance to the horizontal distance between the highest and lowest points of the site. See Figure 23.502-5: Grade or Slope.

**FIGURE 23.502-5: GRADE OR SLOPE**



**25.4. Small Vehicle Sales and Service.** An establishment which sells or leases long-term new, used, or pre-owned motorized vehicles other than passenger automobiles and trucks which are characterized by fewer than four wheels or a minimal frame. Types of vehicles sold or leased by this use include motorcycles, scooters, three-wheel motorcycles, electric carts, electric scooters, and such vehicles designed or refurbished for alternative fuels/power sources (alternative to conventional gasoline).

Text highlighted in gray is just renumbering or other minor technical edit.

~~26.5~~ **Smoke Shop.** An establishment engaged primarily in the sale of tobacco and/or tobacco-related products.

~~27.6~~ **Solar Energy Device/Equipment.** Any solar collector or other solar energy device or any structural design feature of a building of which the primary purpose is to provide for the collection, storage or distribution of solar energy for space heating or cooling, water heating or the generation of electricity.

~~28.7~~ **Sorority House.** A building used for group living accommodations by an organization recognized by the UC Berkeley, or other institution of higher learning.

~~29.8~~ **Source Lot.** See Lot, Source.

~~30.29~~ **Story.** See Section 23.106.060 (Story)

~~31.30~~ **Street.** A public or private thoroughfare which provides principal means of access to abutting lots, including but not limited to, avenue, place, way, manor, drive, circle, lane, court, boulevard, highway, road and any other thoroughfare except an alley or a path as defined in this chapter.

~~32.31~~ **Street Line.** The boundary between a lot and an adjacent street.

~~33.32~~ **Structural Alteration.** Any physical change to or removal of the supporting members of a building, foundation or bearing walls, columns, beams or girders or creation or enlargement of a window or door, change of a roofline or roof shape, including creating, enlarging or extending a dormer.

~~34.33~~ **Structural Alteration, Public Safety.** Any structural alteration or physical change to a building that provides greater safety to the public or occupants by strengthening the building against seismic activity, which does not result in new floor area except that created by necessary structural improvements or physical changes as required under Municipal Code Chapter 19.38 and 19.39.

~~35.34~~ **Structure.** Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. A building is a structure for the purposes of this chapter.

- (a) **Accessory Structure.** A detached structure, other than an accessory building, in which non-habitable uses or activities other than the principal use of the property are conducted. Residential accessory structures include, but are not limited to, enclosed structures such as garages, carports, garden or tool sheds, and non-enclosed structures such as, but not limited to, fences, gazebos, ground-mounted satellite dishes, skateboard ramps and wheelchair ramps. Non-residential accessory structures include, but are not limited to, storage buildings, garages, sheds and other outbuildings.
- (b) **Subterranean Structure.** A roofed structure constructed underground, with no building stories aboveground, of which the roof does not exceed 3 feet

Text highlighted in gray is just renumbering or other minor technical edit.

above the pre-existing grade. Such structures are either separated from a building or connected to a building only by a passageway or hallway with no openings to finished grade except for a doorway.

(c) **Temporary Structure.** A tent, tent-house, trailer, mobile office, mobile home or other movable structure or other temporary structure whose construction does not require a building permit.

~~36. 35~~ **Studio.** See Art/Craft Studio.

~~37. 36~~ **Supportive Housing.** As defined in Health and Safety Code 50675.14(b)(2), housing with no limit on length of stay that is occupied by the target population as defined in Health and Safety Code 50675.14(b)(3) and is linked to on- or off-site services that assist the supportive housing residents in retaining the housing, improving their health status, and maximizing their ability to live and, when possible, work in the community.

Section 48. That BMC Section 23.502.020.T.14 is removed as follows:

~~14. **Two-Family Dwelling.** A building or use of a lot designed for, or occupied exclusively by, two households.~~

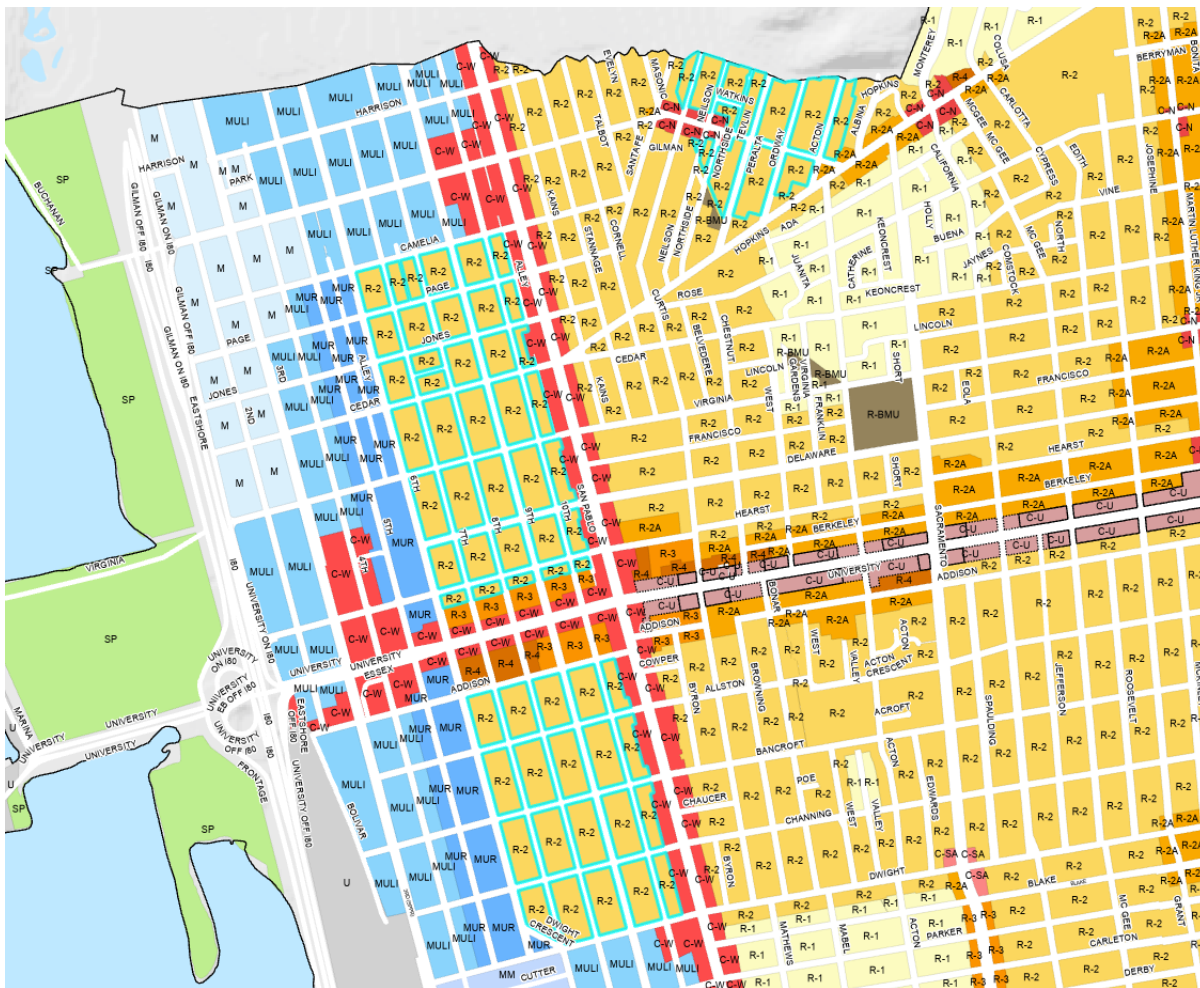
Section 49. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

Text highlighted in gray is just renumbering or other minor technical edit.



### Attachment A Proposed Zoning Map Changes

The zoning map below reflects the elimination of the R-1A zoning district and the redesignation of R-1A parcels as R-2 parcels. All affected parcels are outlined in light blue.



Text highlighted in gray is just renumbering or other minor technical edit.



**Item 11**

**November 1, 2023**



**Planning and Development Department**

Land Use Planning Division

DATE: November 1, 2023  
TO: Members of the Planning Commission  
FROM: Justin Horner, Associate Planner  
SUBJECT: Middle Housing Discussion

---

**INTRODUCTION**

Pursuant to City Council referrals and Program 29—Middle Housing, adopted as part of the City’s *2023-2031 Housing Element Update* (“the Housing Element”), the Planning Commission is asked to consider:

1. Objective residential development standards (“zoning changes”) to encourage the development of “middle housing” in the R-1, R-1A, R-2, R-2A and MU-R zoning districts (“low-density residential districts”);
2. Amendments to Berkeley Municipal Code (BMC) Chapter 23.326 Demolition and Dwelling Unit Control (“Demolition Ordinance”) to permit by-right demolition of single-family homes for projects that add density and have not been occupied by tenants within the past five years and in which Ellis Act eviction did not occur within the preceding five years; and
3. Changes to parking maximums for middle housing.

The intent of middle housing policies is to implement the City Council’s direction to eliminate exclusionary zoning and encourage duplexes, triplexes/fourplexes, courtyard apartments and other small-scale multi-family housing types that have historically appeared in Berkeley neighborhoods primarily comprised of single-family homes.

Planning Commission is asked to receive a report and provide feedback on the proposed zoning policy changes. Subsequent to this discussion and further community outreach, staff plans return to present a draft ordinance to the Planning Commission in Spring 2024 for public hearing and recommendation to City Council.

**BACKGROUND**

**City Council Referrals**

The proposed zoning changes are presented in response to the City Council referrals and resolutions summarized in Table 1:

**Table 1. City Council Referrals and Resolutions**

<p>Housing Accountability Act (2017)</p>	<p>On July 11, 2017, the City Council adopted a referral regarding the State Housing Accountability Act (Government Code Section 65589.5) and requested research into a set of objective zoning standards for new development projects in the following four areas:                  Density and/or building intensity;                  Public health and safety standards;                  Design review standards; and                  Views, shadows, and other impacts that underlie detriment findings.</p>
<p><i>Missing Middle Housing (2019)</i></p>	<p>On April 23, 2019 the City Council directed the City Manager to examine methods to provide for a broader range of housing types in areas of Berkeley with access to parks, schools, employment, transit, and other services. The Council directed the City Manager to explore opportunities to allow “missing middle” housing types in the R-1, R-1A, R-2, and R-2A zoning districts.</p>
<p><i>Eliminating Exclusionary Zoning (2021)</i></p>	<p>On February 23, 2021 the City Council adopted a resolution declaring the intent of the Council to allow multi-family housing in residential neighborhoods throughout Berkeley, and to allow for small-scale multi-family development in the R-1, R-1A, R-2, and R-2A zoning districts. As part of this effort, the resolution calls for the city to also:                  Protect public safety in all neighborhoods;                  Allow for new housing that reflects the existing mix of multi-family housing types within neighborhoods;                  Provide strong anti-displacement and tenant protections;                  Accommodate families in new and rehabilitated multi-family housing developments;                  Ensure that new development does not demolish any rent-controlled or below market-rate housing;                  Explore incentives for projects to contribute to the need for affordable housing; and                  Carry out a robust community process when developing zoning changes.</p>

## Housing Element

The Housing Element includes Program 29—Middle Housing, which calls for the City to amend “the Zoning Code and applicable development standards to encourage and promote a mix of dwelling types and sizes, particularly infill and converted existing housing in high resource areas.” Program 29 includes three specific actions:

1. Amend the Affordable Housing Fee schedule to introduce a sliding scale for projects that are less than 12,000 square feet in size.

**Status:** This task has been completed. The sliding scale is based on “residential unit floor area,”<sup>1</sup> and includes an exemption for projects with 5,000 square feet or less of residential floor area.

---

<sup>1</sup> See definition: [BMC Section 23.328.020\(J\)](#)

2. Amend the Berkeley Municipal Code to allow multi-unit development on one lot in lower density residential districts;

Status: This task is a subject of this report and Planning Commission meeting.

3. Consider amending the Demolition Ordinance to provide a by-right pathway for demolition of single-family homes for projects that add density, with provisions to protect tenants.

Status: This task is a subject of this report and Planning Commission meeting.<sup>2</sup>

### Previous Planning Commission and City Council Discussion

As part of the planning and engagement process for the Housing Element Update, staff received feedback pertinent to the proposed zoning changes at three prior Planning Commission and City Council meetings.

At the March 15, 2022 City Council worksession,<sup>3</sup> Councilmembers identified the following considerations:

- Permit **higher density** equitably throughout the City, including in high resource, high income neighborhoods, and consider provisions for the Hillside Overlay.
- Create an incentive for **adaptive reuse and smaller, more affordable units**, including allowing for more than four units in lower density districts.
- Consider **treating Residential zones similarly** and adopting the same standards for the R-1, R-1A, R-2 and R-2A districts (i.e., merging zoning districts).
- Embrace climate adaptation and resilience through local power generation, but **solar access should not be a barrier** to creating more housing.

At its June 1, 2022 meeting,<sup>4</sup> the Planning Commission received an informational report and provided feedback to staff on proposed zoning changes. At the meeting, commissioners identified the following considerations:

- Encourage **smaller unit sizes** and consider **eliminating minimum lot size** requirements.
- **Reduce minimum required open space dimensions.** Currently a minimum width and length of 10 feet is required, or a minimum of six feet for balconies.

---

<sup>2</sup> Staff anticipates bringing forward a separate revised Demolition Ordinance for a public hearing at the Planning Commission in the Winter of 2023 that will not contain provisions for by-right demolition of single-family dwellings, which is being considered as part of this subsequent Middle Housing effort.

<sup>3</sup> <https://berkeleyca.gov/sites/default/files/2022-04/2022-03-15%20Item%2001%20Housing%20Element.pdf>

<sup>4</sup> [https://berkeleyca.gov/sites/default/files/documents/2022-06-01\\_PC\\_Item%209\\_linked%20.pdf](https://berkeleyca.gov/sites/default/files/documents/2022-06-01_PC_Item%209_linked%20.pdf)

On September 20, 2022,<sup>5</sup> the City Council held a worksession to review and discuss proposed zoning changes for middle housing and the Southside. At the meeting, the City Council identified the following additional considerations:

- Consider **potential speculation** and whether increasing development potential in these zones puts homeowners and families in competition with developers.
- **Incentivize more units** by increasing allowed densities while encouraging smaller units.

### **Outreach to City Councilmembers, Middle Housing Architects, and Community Groups**

Due to the prioritization of adopting the Housing Element and zoning amendments for the Southside Plan Area, accessory dwelling units, special needs housing, and bird safe buildings, neither the Planning Commission nor the City Council have discussed middle housing for more than a year. To restart this effort, staff conducted outreach in September and October of 2023 to City Councilmembers, Berkeley architects who specialize in middle housing, and community organizations.<sup>6</sup> These meetings provided opportunities to reintroduce the proposed zoning changes to important stakeholders and to receive updated feedback to inform the Planning Commission's discussion.

Feedback on individual development standards are mentioned below, as appropriate. The following general considerations are summarized:

*Missing Middle Architects.* Six local architects were consulted for their feedback on the proposed standards and their views on the feasibility of middle housing projects, generally. They indicated that there was a high demand for middle housing product types in Berkeley, especially for ownership units that are larger than 1,000 square feet and detached homes. In their experience, middle housing projects are most feasible on lots that are vacant or with a relatively low-value existing home, and exempt the City's Inclusionary Housing threshold (currently Residential Unit Floor Area of 5,000 square feet or less). On lots with an existing home that is retained, adding one to three units may be feasible, but it may be easier to add one or two ADUs. Projects with five or more units will likely be uncommon, due to construction costs, code requirements, inclusionary zoning requirements, buyer preferences and typical lot sizes, among other factors.

*Community Groups.* Staff met with several East Bay and Berkeley community groups who provided feedback on the proposed standards and middle housing, generally.

---

<sup>5</sup> <https://berkeleyca.gov/sites/default/files/documents/2022-09-20%20WS%20Item%2001%20Residential%20Objective%20Standards.pdf>

<sup>6</sup> East Bay for Everyone (10/6/2023), Berkeley Neighborhoods Council (10/14/2023), and Berkeley Design Advocates (11/1/2023)

On October 14, 2023, staff made a presentation to the Berkeley Neighborhoods Council. Attendees expressed concern that the proposed standards, which encourage more density, would lead to a diminishment of open space, increased demand for emergency response services and, through an increase in building and paving, contribute to the urban heat island effect.

Staff is scheduled to meet with the Berkeley Design Advocates on November 1, 2023. Their feedback will be included as part of the presentation to the Planning Commission at the meeting that evening.

### PROPOSED MIDDLE HOUSING ZONING CHANGES

Table 2 below provides a summary glance at the proposed standards, the general direction of the recommended changes and the policy rationale for each recommendation. Each standard is further discussed below and the specific development standard changes can be found in **Attachment 1**.

*Table 2. Summary of Proposed Standards*

Zoning Standard	Recommendation	Policy Goal
Permits and Levels of Discretion	Projects with 2 or more units can be approved with a ZC	Encourage housing development; Streamline process; Increase predictability of approval process; Match typical state law definition of multifamily.
Minimum and Maximum Densities	Set minimum and maximum densities expressed in units per acre	Encourage appropriate densities; Provide predictability; Maintain middle housing scale in low-density residential districts
Maximum Floor Area Ratio (FAR)	Set a maximum FAR that scales up as units increase	Maintain middle housing scale in low-density residential districts; Encourage unit sizes that are “affordable by design”; Comply with SB 478, signed into law by the Governor on September 28, 2021, which prohibits a local agency from imposing a FAR less than 1.0 on a housing project with 3 to 7 units, or less than 1.25 on a housing project with 8 to 10 units.
Minimum Open Space	Set requirement on a per 1,000 square feet basis, rather than per unit	Provide flexibility for varying middle housing typologies and unit sizes.
Maximum Height	Set a maximum height based on meeting objective standards for setbacks; Remove maximum stories standard	Streamline process; Increase predictability of approval process; Maintain consistency for allowable heights in the rear.
Lot Coverage and Setbacks	Increase lot coverage as units increase, and reduce rear setbacks with reduced height	Encourage housing development

Building Separation	Remove building separation requirement based on stories	
---------------------	---	--

Most of the proposed development standards are the same as those presented to the Planning Commission and City Council last year. Changes or revisions from last year’s proposal are specifically noted and explained under each standard.

**ZONING MAP, LAND USE, AND PERMIT AMENDMENTS**

The proposed zones and permit requirements have been revised since the Planning Commission and City Council discussed middle housing in 2022. Properties located in the Hillside Overlay would not be subject to these new permit requirements, but would rather continue to be subject to existing permit requirements (Multi-Unit Residential is Not Permitted in the R-1H and R-2H zoning districts, and is permitted with a Use Permit in the R-2AH zoning district).

*Current Policy:* Table 3 includes the current permit requirements in low-density residential districts for residential projects that include more than one dwelling unit. The proposed standards *do not change* any permit requirements for Single-Family, Group Living Accommodation or Mixed-Use Residential uses in these zones.

*Table 3. Current Permit Requirements*

	R-1	R-1H	R-1A	R-2	R-2H	R-2A	R-2AH	MU-R
Two-family	NP	NP	UP(PH)	UP(PH)	NP	UP(PH)	UP(PH)	AUP
Multi-Family	NP	NP	NP	UP(PH)	NP	UP(PH)	UP(PH)	AUP UP(PH)

*Proposed Standard:* The proposed zoning changes include three changes related to zoning districts, permits and levels of discretion:

1. *Zoning map amendment.* The proposed R-1A and R-2 standards are identical and can be merged to simplify zoning administration. Both R-1A and R-2 are currently in the same General Plan land use designation: Low Medium Density Residential. Accordingly, parcels currently zoned R-1A would be rezoned R-2.
2. *Land use amendment.* Combine two residential land use types (Two-Family and Multi-Family) into one (Multi-Unit Residential) for residential projects that include more than one dwelling unit.
3. *Required permit and level of discretion.* Permit Multi-Unit Residential projects that comply with all objective standards with a Zoning Certificate (ZC); no discretionary permit or public hearing would be required. Table 4 summarizes the recommendation:



*Table 4. Proposed Permit Requirements*

	R-1	R-1H	R-2	R-2H	R-2A	R-2AH	MU-R
Multi-Unit Residential	ZC	NP	ZC	NP	ZC	UP(PH)	ZC

**MINIMUM AND MAXIMUM DENSITIES**

The proposed density standards have been revised since the Planning Commission and City Council discussed middle housing last year. These changes include:

- Increasing the maximum densities for all of the lower density residential zoning districts outside of the Hillside Overlay. This would achieve the following potential project types:
  - Ensuring the ability to have at least four units in the R-1 zone on a 4,000 square foot lot;
  - Ensuring the ability to have five units on a 4,000 square foot lot in the R-2 zone, which could allow projects to utilize State Density Bonus and/or add affordable units; and
  - Ensuring the ability to have six units on a 4,000 square foot lot in the relatively higher-density R-2A and MU-R zoning districts.
- Removing properties in the Hillside Overlay from the new density standards. The values included for R-1H, R-2H and R-2AH in Table 5 reflect existing development standards. Staff recommend that zoning modifications for the Hillside Overlay be taken up at a later date so that it can be informed by pending work on an evacuation study, an update to the General Plan Safety Element, and other work to inform wildfire mitigation measures.

*Current Policy:* The Berkeley Municipal Code does not include any minimum or maximum density standards for low-density residential zones that are expressed in “units per acre”. In the R-1, R-1A, R-2, and R-2A districts, density is limited by requirements for a “minimum lot size per unit” standard and by specific residential land use types (e.g. “Single-Family”, “Two-Family”).

*Proposed Standard:* Table 5 summarizes the proposed density standards expressed in units per acre, and includes an example of the maximum number of units that may result from each standard on a 4,000 square foot lot in each zone. The proposed density standards *do not include* any eligible Accessory Dwelling Units (ADUs) permitted under the City’s ADU provisions.<sup>7</sup> There is no minimum density requirement for lots in the Hillside Overlay. Minimum densities would apply for new development on vacant lot or redevelopment and infill of existing nonvacant lots.

---

<sup>7</sup> On a lot with one single-family dwelling: 1 ADU and 1 Junior ADU; on a lot with more than one detached dwelling: 1 ADU; on a lot with a duplex or attached multi-family dwelling: 2 ADUs and at least one 1 interior ADU, up to an additional 25% of existing units.

*Table 5. Proposed Density Standards*

	R-1	R-1H	R-2	R-2H	R-2A	R-2AH	MU-R
Minimum Density (DU/acre)	10	0	10	0	20	0	20
Maximum Density (DU/acre)	40	20	50	20	60	55	60
Resulting units on a 4,000 square foot lot							
Minimum Units	1	0	1	0	2	0	2
Maximum Units	4	2	5	2	6	5	6

In interviews, missing middle architects noted that project densities would more likely be influenced by considerations unrelated to specific density standards, such as construction costs, code requirements, inclusionary zoning requirements, buyer preferences and typical lot sizes, among other factors. They also noted that projects that utilize State Density Bonus are typically feasible only with 11 units or more. To achieve an allowed density of 11 units, projects would need to be located on larger lots in the R-2A (6,300 square feet), MU-R (5,500 square feet), R-2 (8,800 square feet) and R-1 (11,000 square feet) zoning districts.

**MAXIMUM FLOOR AREA RATIO (FAR)**

The proposed FAR standards have been revised since the Planning Commission and City Council discussed middle housing last year. The changes include:

- The maximum FAR standard in the R-1 and R-2 zoning district for 3-7 units was increased to 1.2. During outreach, both missing middle architects and East Bay for Everyone encouraged FAR standards that would permit units of at least 1,200 square feet when a project includes four units on a 4,000 square foot lot. An FAR of 1.2 in these zones would make that more feasible.
- Properties located in the Hillside Overlay would not be subject to an FAR standard; no change from the existing development standards.

*Current Policy:* While an effective maximum FAR can be calculated based on existing standards for lot coverage and maximum number of stories, the Berkeley Municipal Code does not include a specific FAR standard in the R-1, R-1A, R-2, and R-2A. The BMC does include a maximum 1.5 FAR in the MU-R district.

*Proposed Policy:* Table 6 summarizes the proposed maximum FAR standards. No FAR limit is applied if a project is subdividing existing habitable space to create additional dwelling units.

Staff propose scaling the FAR standard to increase as the number of units increase on a site; that is, if a project includes more units, it can be larger. This would have the

potential to incentivize the development of more units, as well as smaller units that may be offered at lower rents than larger units. In addition, state law prohibits a local agency from imposing a FAR less than 1.0 on a housing project with 3 to 7 units, or less than 1.25 on a housing project with 8 to 10 units.

*Table 6. Proposed Maximum FAR Standards*

	R-1	R-2	R-2A	MU-R
1 unit and nonresidential	1.2	1.2	1.2	1.5
2 units	0.5	0.6	0.6	1.5
3-7 units	1.2	1.2	1.5	1.5
8 + units	1.5	1.5	1.75	1.75

**MINIMUM REQUIRED OPEN SPACE**

The proposed open space standard has been revised since the Planning Commission and City Council discussed middle housing last year. Properties located in the Hillside Overlay would not be subject to the proposed open space standards and would continue to be evaluated under existing development standards (400 square feet per dwelling unit in the R-1H and R-2H zoning districts and 300 square feet per dwelling unit in the R-2AH zoning district).

*Current Policy:* Table 7 summarizes minimum open space requirements in low-density residential zones, on a per unit basis.

*Table 7. Required Open Space*

	R-1	R-1A	R-2	R-2A	MU-R
CURRENT: Per dwelling unit (square feet)	400			300	150
PROPOSED: Per 1,000 square feet of floor area (square feet)	150				

*Proposed Policy:* The proposed development standard would require 150 square feet of open space for every 1,000 square feet of floor area on a project site, in each of the lower density residential districts. Note that required open space is no longer based on the number of units, but on a project’s total floor area. The proposed open space standard is designed to preserve the requirement to provide residents with usable open space permit while also providing for flexibility in how the open space is arranged and allocated on a lot that may include different housing configurations.

**MAXIMUM HEIGHT**

The proposed height standard has been revised since the Planning Commission and City Council discussed middle housing last year to keep the Hillside Overlay as-is. The proposed zoning changes largely preserve existing height limits and apply objective height standards by removing discretionary processes to exceed allowable heights. The

proposed standards also include provisions for lower maximum heights near the rear property line in consideration of potential impacts on neighboring properties.

*Current Policy:* The Berkeley Municipal Code generally limits average building heights for main buildings in most low-density residential districts to 28 feet and three stories, with a possible increase to 35 feet with an AUP. In the MU-R, the maximum height is 35 feet and 3 stories. Current policy also limits the height of residential additions to 14 feet, with a possible increase to 35 feet with an AUP. Accessory buildings and structures are permitted with a maximum average height of 24 feet, although portions of buildings located between 4 feet and 10 feet from a lot line are limited to a 12 foot maximum average height, and portions of buildings and structures less than four feet from a lot line are limited to a 10 foot maximum average height.

*Proposed Policy:* The proposed development standards for maximum building height include the following:

- The maximum *average* building height in low-density residential districts would be 28 feet, with a maximum height at any one point of 35 feet. This would accommodate three-story residential projects while controlling the overall bulk of a proposed project. The maximum height would be reduced to 22 feet within 15 feet of a rear property line;
- Maximum height would only be measured in feet and the limit on the maximum number of stories would be removed;
- Maximum height standards for main buildings and residential additions would be the same.

Properties located in the Hillside Overlay would not be subject to the proposed height standards and would continue to be evaluated under existing development standards. These include a maximum average height of 28 feet and three stories, with a possible increase to 35 feet with an AUP. Projects in the H overlay would *not* be limited to 22 feet in height within 15 feet of the rear property line, and height regulations unique to residential additions would be preserved.

**MAXIMUM LOT COVERAGE**

The proposed lot coverage standards have been revised since the Planning Commission and City Council discussed middle housing last year to keep the Hillside Overlay as-is.

*Current Policy:* Table 7 summarizes existing maximum lot coverage requirements. Current requirements distinguish between interior and corner lots, and reduce maximum lot coverage for taller projects.

*Table 7. Current Maximum Lot Coverage Standards*

	R-1	R-1A	R-2	R-2A	MU-R
<b>Interior &amp; Through-Lots</b>					

1 story	40%	40%	45%	45%	100%
2 stories	40%	40%	40%	40%	100%
3 stories	40%	40%	35%	35%	100%
<b>Corner Lots</b>					
1 story	40%	50%	50%	50%	100%
2 stories	40%	45%	45%	45%	100%
3 stories	40%	45%	40%	40%	100%

*Proposed Policy:* The proposed development standards, summarized in Table 8:

- Increase maximum lot coverage in most low-density residential districts;
- Use the total number of units in a project as the controlling factor for the standard, instead of the number of stories; and
- Eliminate the distinction between interior/through lots and corner lots to simplify the standard.

*Table 8. Proposed Maximum Lot Coverage Standards*

	R-1	R-2	R-2A	MU-R
1-2 units & non-residential	40%	50%	50%	100%
3-7 units	50%	55%	55%	100%
8+ units	55%	55%	60%	100%

Properties located in the H overlay district would not be subject to the proposed lot coverage standards and would continue to be evaluated under existing development standards, which are included in Table 7, above.

**MINIMUM SETBACKS**

The proposed setback standards have been revised since the Planning Commission and City Council discussed middle housing last year to keep the Hillside Overlay standards as-is.

*Current Policy:* The Berkeley Municipal Code currently regulates four types of setbacks:

- Front and Rear Setbacks: Front and rear setbacks are 20 feet in the R-1, R-1H, R-1A, R-2 and R-2H zoning districts, and 15 feet in the R-2A and the R-2AH districts.

In the MU-R zoning district, lots adjacent to a non-residential district have no rear setback, unless they abut a street, in which case a 5 foot rear setback is required. A lot in the MU-R adjacent to a residential district must provide a rear setback of either 10 feet or 10 percent of the lot width, whichever is less.

- **Interior Side Setbacks:** Interior side setbacks are based on building height. The interior side setback is 4 feet at the first story for all low-density residential districts, except the MU-R. At the second story, the interior setback increases to 6 feet in the R-2, R-2H, R-2A, and R-2H districts. Interior side setbacks can be reduced to 3 feet (or 5 feet) with a ZC, as the specific setback distance and eligibility depend on the zoning district and the particular story of the building being measured.

In the MU-R district, lots adjacent to a residential district must provide an interior side setback of either 10 feet or 10 percent of the lot width, whichever is less. There are no other interior side setback requirements in the MU-R.

- **Street Side Setbacks:** Street side setbacks are 4 feet in the R-1, R-1H, and R-1A districts, 10 feet in the R-2 and R-2H districts, and vary by height in the R-2A and R-2AH districts (6 feet at first story, 8 feet at second story and 10 feet at third story).

In the MU-R district, lots adjacent to a non-residential district must provide a 5 foot street side setback. Lots adjacent to a residential district must provide a street side setback of either 10 feet or 10 percent of the lot width, whichever is less. There are no other street side setback requirements in the MU-R.

A Zoning Officer may approve an AUP to reduce the minimum setbacks in the H Overlay.

*Proposed Policy:* The proposed development standards include the following:

- **Front Setbacks:** Front setback standards would be reduced by 5 feet in the R-1 and R-2 zoning districts (from 20 feet to 15 feet), and the R-2A zoning district (from 15 feet to 10 feet). Projects could provide a smaller setback that is the average of the front setback(s) of adjacent structure(s), if that is less than the required setback.
- **Rear Setbacks:** The rear setback in the R-1, R-2, and R-2A zoning districts would be 4 feet; the MU-R would maintain its existing regulations. This is consistent with the required setbacks required for ADUs. As noted above, a building's maximum height is limited to 22 feet within 15 feet of the rear property line.
- **Interior Side Setbacks:** The interior side setback in the R-1, R-2, and R-2A zoning districts would be a consistent 4 feet regardless of height. The MU-R would maintain its existing regulations.
- **Street Side Setbacks:** Street side setbacks in the in the R-1, R-2, R-2A zoning districts would be a consistent 4 feet would be 4 feet. There would be no changes to street side setbacks in the MU-R.

Members of the Berkeley Neighborhoods Council expressed concern that reducing setbacks could impede emergency response and urged consultation with the Berkeley Fire Department before these standards are finalized. The Fire Department noted that a

5-foot rear and side setbacks would provide enough room to place ladders for accessing buildings during a fire or other emergency.

**BUILDING SEPARATION**

The proposed building separation standards have been revised since the Planning Commission and City Council discussed middle housing last year. The proposed standards would maintain the Hillside Overlay standards as-is, and reduce, but not eliminate, building separation standards in the R-1, R-2, and R-2A zoning districts.

*Current Policy:* Current building separation requirements are summarized in Table 9:

*Table 9. Current Building Separation Standards*

	R-1	R-1H	R-1A	R-2	R-2H	R-2A	R-2AH	MU-R
1 story (feet)	No min	No min	8	8	8	8	8	No min
2 stories (feet)	No min	No min	12	12	12	12	12	No min
3 stories (feet)	No min	No min	16	16	16	16	16	No min
Reduce with an AUP	--	--	AUP	AUP	AUP	AUP	AUP	--

*Proposed Policy:* The proposed development standards would create a 5-foot building separation requirement in the R-1, R-2, R-2A and MU-R zoning districts, consistent with the separation requirements recently adopted for ADUs, and summarized below in Table 10. Building and fire code requirements fire rating and separation would still apply. Members of the Berkeley Neighborhoods Council expressed concern that eliminating building separation standards could impede emergency response and urged consultation with the Berkeley Fire Department before these standards are finalized.

*Table 10. Proposed Building Separation Standards*

	R-1	R-1H	R-2	R-2H	R-2A	R-2AH	MU-R
Building Separation (feet)	5	No changes. See Table 9	5	No changes. See Table 9	5	No changes. See Table 9	5

**BY-RIGHT DEMOLITION OF SINGLE-FAMILY STRUCTURES**

The adopted Housing Element commits the City Council to consider permitting the demolition of single-family homes with a Zoning Certificate, with provisions to protect existing tenants, in cases where the proposed project would include a net increase in the number of dwelling units.

Any proposal to demolish a dwelling unit must comply with BMC Chapter 23.326- Demolition and Dwelling Unit Control (“the Demolition Ordinance” -- **Attachment 2**). The Demolition Ordinance includes the following:

- A Use Permit (UP(PH)) is required to demolish a single-family home. To approve a UP, the Zoning Adjustments Board must find that “eliminating the dwelling unit would not be materially detrimental to the housing needs and public interest of the affected neighborhood and Berkeley;” and
- Demolition of a single-family unit is not allowed if it was removed from the rental market under the Ellis Act during the preceding five years or if there have been verified cases of harassment or threatened or actual illegal eviction during the preceding three years.

At its meeting of February 2, 2023, the Planning Commission received a report from staff asking for a recommendation regarding amendments to the Demolition Ordinance. The impetus for these revisions was recent changes in state law that provide additional requirements for new housing development projects that involve the demolition of existing residential units. The 4x4 Joint Task Force Committee on Housing has recommended additional modifications to the Demolition Ordinance, related primarily to replacement unit requirements, tenant protections, and other technical amendments to bring the local ordinance into alignment with state law.

### **PARKING MAXIMUMS**

BMC Section 23.322.070—Off-Street Parking Maximums for Residential Development limits the amount of off-street parking that can be provided for new residential projects of two or more units within 0.25 miles of a major transit stop or transit corridor to one space for every two units. The parking maximum can be exceeded with a discretionary AUP.

Planning staff have noted a trend of smaller, middle housing-scale projects requesting AUPs to exceed the parking maximum, usually to a ratio of one space per unit. Project sponsors, as well as the middle housing architects interviewed as part of community outreach, note that the maximum parking standard discourages middle housing production as builders are concerned about selling or renting units, particularly those that are marketed to first-time homebuyers and families with children. The ZAB has been sympathetic to these concerns for middle housing-scale projects, and has regularly issued AUPs to permit more parking.

The Planning Commission is asked to consider possible revisions to parking maximums. Feedback from community outreach includes the following suggestions:

- Eliminating parking maximums for projects of 9 units or less;
- Adjusting the parking maximum to one space per unit for middle housing projects, with an added requirement that the spaces have chargers for electric vehicles.



## **ALTERNATIVES CONSIDERED**

*Unbundled Parking.* As part of community outreach, there was a suggestion to require unbundled parking in middle housing projects, particularly for projects that may be permitted to exceed parking maximums.

BMC Section 23.334.030—Transportation Demand Management Requirements states that projects that include ten or more dwelling units must lease or sell parking spaces separately from the rental and purchase of the dwelling units themselves. Middle housing projects would typically include fewer than ten units. In addition, given the relatively small numbers of dwelling units and parking spaces in each middle housing project, applying unbundled parking in these cases would be difficult to enforce and may complicate the marketability of units.

## **DISCUSSION**

The Planning Commission is asked to review the proposed development standards, and the suggested revisions to the Demolition Ordinance and parking maximums, and provide direction to staff for the purposes of preparing a Zoning Ordinance for Planning Commission consideration and recommendation.

## **ATTACHMENTS**

1. Middle Housing Development Standards Comparison Table
2. Demolition Ordinance



**ATTACHMENT 3. EXISTING AND PROPOSED DEVELOPMENT STANDARDS TABLES**

**Table 1. Existing Development Standards – Lower Density Residential Districts**

"-" = not applicable; P = Permitted AUP = Administrative Use Permit UPPH = Use Permit Public Hearing NP = Not Permitted		R-1	R-1H	R-1A	R-2	R-2H	R-2A	R-2AH	MU-R
		Single-Family Residential	Ltd. Two-Family Residential	Restricted Two-Family Residential	Restricted Multi-Family Residential	Mixed-Use Residential			
Single-Family		UPPH	UPPH	UPPH	UPPH	UPPH	UPPH	UPPH	AUP [1]
Two-Family		NP	NP	UPPH	UPPH	NP	UPPH	UPPH	AUP
Multi-Family		NP	NP	NP	UPPH	NP	UPPH	UPPH	AUP/ UPPH[7]
Group Living Accommodation		NP	NP	NP	NP	NP	NP	NP	UPPH
Mixed-Use Residential		NP	NP	NP	UPPH	NP	UPPH	UPPH	UPPH
Live/Work		NP	NP	NP	NP	NP	NP	NP	AUP/ UPPH[10]
Max. ADUs		Varies [11]	1	Varies [11]	Varies [11]	1	Varies [11]	1	Varies [11]
Min. Lot Area (sf)	New Lots	5000	5000	5000	5000	5000	5000	5000	No Min.
	Min. Lot Width (ft)	-	-	-	-	-	-	-	40
	Per Unit	No Min.	No Min.	No Min.	2500	2500	1650	1650	1,250
	2 Units	-	-	4500	No Min.	No Min.	No Min.	No Min.	-
Max FAR		No Max.	No Max.	No Max.	No Max.	No Max.	-	-	1.5 [2]
Min. Open Space (sf)	Per Unit	400	400	400	400	400	300	300	150
	Live/Work	-	-	-	-	-	-	-	40
Max. Height, New Bldg. or Non-Res. Addition (ft)	Max. Avg. Height	28	28	28	28	28	28	28	-
	Max. Height w/AUP	35	35	35	35	35	35	35	35
	Increase w/AUP	-	No Max.	-	-	No Max.	-	No Max.	-
	Max. Avg. Height, Rear Main (ft)	-	-	22	-	-	-	-	-
	ADU	20	16	20	20	16	20	16	20
	Max. Height, Res./MU	-	-	-	-	-	-	-	35
	Max. Height, Live-Work	-	-	-	-	-	-	-	28
Max. Avg Height, Res. addition (ft)		14	14	14	14	14	14	14	-
	w/AUP	35	35	35	35	35	35	35	-
Max. Stories, New Bldg. or Non-Res. Addition		3	3	3	3	3	3	3	3
Max. Stories, Rear Main		-	-	2	-	-	-	-	-
Max. Lot Coverage - Interior/Thru Lot (%)	1 Story	40	40	40	45	45	45	45	100
	2 Stories	40	40	40	40	40	40	40	100
	3 Stories	40	40	40	35	35	35	35	100
	Increase w/AUP	-	-	-	-	-	-	-	100
Max. Lot Coverage - Corner Lot (%)	1 Story	40	40	45	50	50	50	50	100
	2 Stories	40	40	45	45	45	45	45	100
	3 Stories	40	40	45	40	40	40	40	100
	Increase w/UPPH	-	-	-	-	-	-	-	-
Min. Setback, Front (ft)	1st-2nd Story	20	20	20	20	20	15	15	-
	3rd Story	20	20	20	20	20	15	15	-
	Adjacent Non-Res. District	-	-	-	-	-	-	-	5
	Adjacent Res. District	-	-	-	-	-	-	-	10
	Reduce w/AUP	-	No Min.	-	-	No Min.	-	No Min.	No Min.
Min. Setback, Rear (ft)	1st-2nd Story	20	20	20	20	20	15	15	-
	3rd Story	20	20	20	20	20	15	15	-
	ADU	4	4	4	4	4	4	4	4
	Adjacent Non-Res. District	-	-	-	-	-	-	-	No Min./5 [8]
	Adjacent Res. District	-	-	-	-	-	-	-	10/10% [9]
	Reduce w/ZC	20% [3]	20% [3]	20% [3]	-	-	-	-	-
	Reduce w/AUP	-	-	12 [6]	-	-	-	-	-
Min. Setback, Interior Side (ft)	1st-2nd Story	4	4	4	4	4	4	4	-
	3rd Story	-	-	-	6	6	6	6	-
	1st-2nd Story w/ZC	3/10% [4]	3/10% [4]	3/10% [4]	3/10% [4]	3/10% [4]	3/10% [4]	3/10% [4]	-
	3rd Story w/ZC	3/10% [4]	3/10% [4]	3/10% [4]	5 [4]	5 [4]	5 [4]	5 [4]	-
	ADU	4	4	4	4	4	4	4	4
	Adjacent Non-Res. District	-	-	-	-	-	-	-	No Min.
	Adjacent Res. District	-	-	-	-	-	-	-	10/10% [9]
Min. Setback, Street Side (ft)	1st Story	4	4	4	10	10	6	6	-
	2nd Story	-	-	-	10	10	8	8	-
	3rd Story	-	-	-	10	10	10	10	-
	Adjacent Non-Res. District	-	-	-	-	-	-	-	5

"-" = not applicable; P = Permitted AUP = Administrative Use Permit UPPH = Use Permit Public Hearing NP = Not Permitted		R-1	R-1H	R-1A	R-2	R-2H	R-2A	R-2AH	MU-R
		Single-Family Residential	Ltd. Two-Family Residential	Restricted Two-Family Residential	Restricted Multi-Family Residential	Mixed-Use Residential			
Adjacent Res. District	-	-	-	-	-	-	-	-	10/10% [9]
Min. Setback, Interior/Street Rear Bldg. (ft)	-	-	6	-	-	-	-	-	-
Min. Building Separation (ft)	1st Story	No Min.	No Min.	8 [6]	8	8	8	8	No Min.
	2nd Story	No Min.	No Min.	12 [6]	12	12	12	12	No Min.
	3rd Story	No Min.	No Min.	16 [6]	16	16	16	16	No Min.
	Reduce w/UP	-	-	P (AUP)	P (AUP)	P (AUP)	P (AUP)	P (AUP)	-
Off-Street Parking (spaces per unit)	Min. Spaces	No Min.	No Min.	No Min.	No Min.	No Min.	No Min.	No Min.	No Min.
	Min. Spaces, Roadway width < 26 ft	-	1	-	-	1	-	1	-
	Max. Spaces, 2+ DU, 0.25 from Transit Hub or Corridor	0.5	0.5	0.5	0.5	0.5	0.5	0.5	-
	Tandem Parking	w/AUP	w/AUP	w/AUP	w/AUP	w/AUP	w/AUP	w/AUP	w/AUP
	Landscaped Buffer (ft)	2/4 [5]	2/4 [5]	2/4 [5]	2/4 [5]	2/4 [5]	2/4 [5]	2/4 [5]	2/4 [5]
	Max. Driveway Width (ft)	20	20	20	20	20	20	20	20
Min. Long-Term Residential Bicycle Parking	1-4 Units: None 5+ Units: 1 per 3 bedrooms GLA: Greater of 2 or 1 per 2.5 bedrooms								
Min. Short-Term Residential Bicycle Parking	1-4 Units: None 5+ Units: Greater of 2 or 1 per 40 bedrooms GLA: Greater of 2 or 1 per 20 bedrooms								

[1] A Use Permit is required to establish a unit that is within 150 feet of an M or MM district; or a construction product manufacturing or primary product manufacturing use. [BMC 23.206.090(B)(8) MU-R Mixed Use-Residential District]

[2] If min 50% of floor area is Residential

[3] On a lot less than 100 ft deep, reduction of rear setback by 20% of lot depth with ZC

[4] On a lot width less than 40 ft, reduction of side setback by 10% of lot width of 3 ft., whichever is greater. Third story is 5 ft. for R-2, R-2A. Not permitted for rear main buildings in R-1A [BMC 23.304.030(B)(2) Setback Reductions]

[5] All paved areas for off-street parking must be separated from adjacent lot lines and the public right-of-way by a landscaped strip. 2 ft for 1-3 parking spaces; 4 ft for 4 or more parking spaces. (BMC 23.322.080(H) Landscape Buffers)

[6] R-1A Separation Standard based on building height, not by story.

[7] 3 to 4 units requires AUP, 5+ units requires UP(PH)

[8] Min 5 ft rear setback if rear of lot abuts a street

[9] 10 ft or 10% of lot width, whichever is less

[10] AUP if meets all development and parking requirements, less than 5,000 SF of GSF is added or changed, less than five live/work units are created, and a dwelling unit is not changed into a live/work unit; otherwise UP required.

[11] If on a lot with a duplex or attached multi-family dwelling, max 2 detached ADUs or up to 25% of the total number of existing units may be converted into ADUs, otherwise max 1 ADU if more than 1 detached dwelling unit on a lot. A maximum of 1 ADU or JADU is permitted in the R-1H, R-2H, and R-2AH.

**Table 2. Proposed Development Standards – Lower Density Residential Districts**

"-" = not applicable; P = Permitted AUP = Administrative Use Permit UPPH = Use Permit Public Hearing NP = Not Permitted		R-1	R-1H	R-2	R-2H	R-2A	R-2AH	MU-R
		Residential Multi-Unit 1		Residential Multi-Unit 2		Residential Multi-Unit 2A		Mixed-Use Residential
Single-Family Residential		UPPH	UPPH	UPPH	UPPH	UPPH	UPPH	AUP [1]
Multi-Family Residential		ZC	ZC	ZC	ZC	ZC	ZC	ZC [1]
Group Living Accommodation		NP	NP	NP	NP	NP	NP	UPPH
Mixed-Use Residential		NP	NP	UPPH	NP	UPPH	UPPH	UPPH
Live/Work		NP	NP	NP	NP	NP	NP	ZC[1]
Min. Density (DU/acre) - Round to the nearest whole number		10	No Min.	10	No Min.	20	No Min.	20
Max. Density (DU/acre) – Round to the nearest whole number		40	20	50	50	60	60	60
Max. ADUs		Varies [5]	1	Varies [5]	1	Varies [5]	1	Varies [5]
Min. Lot Area (sf)		New Lots	5000	5000	5000	5000	5000	No Min.
Max. FAR	1 Unit and Non-Res. Uses	1.2	1.2	1.2	1.2	1.2	1.2	1.5
	2 Units	0.5	0.5	0.6	0.6	0.6	0.6	1.5
	3-7 Units	1.2	1.2	1.2	1.2	1.5	1.5	1.5
	8+ Units	1.5	1.5	1.25	1.25	1.75	1.75	1.75
Min. Open Space (sf)		Per 1,000 sf Floor Area	150	150	150	150	150	150
Max. Height, New Bldg. or Non-Res. Addition (ft)	Max. Avg. Height	28	28	28	28	28	28	-
	Max. Height	35	35	35	35	35	35	35
	Within 15' of Rear Property Line	22	22	22	22	22	22	22
	ADU	20	20	20	20	20	20	20
Max. Lot Coverage (%)	1-2 Units and Non-Res. Uses	40	40	50	50	50	50	100
	3-7 Units	50	50	55	55	55	55	100
	8+ Units	55	55	55	55	60	60	100
Min. Setback, Front (ft)		15 [4]	20	15 [4]	20	10 [4]	15	-
	Adjacent Non-Res. District	-	-	-	-	-	-	5
	Adjacent Res. District	-	-	-	-	-	-	10
	Reduce w/AUP	-	-	-	-	-	-	No Min.
Min. Setback, Rear (ft)		4	20	4	20	4	15	-
	ADU	4	4	4	4	4	4	4
	Adjacent Non-Res. District	-	-	-	-	-	-	No Min./5 [2]
	Adjacent Res. District	-	-	-	-	-	-	10/10% [3]
Min. Setback, Interior Side (ft)		4	5	4	5	4	5	-
	ADU	4	4	4	4	4	4	4
	Adjacent Non-Res. District	-	-	-	-	-	-	0
	Adjacent Res. District	-	-	-	-	-	-	10/10% [3]
Min. Setback, Street Side (ft)		4	4	4	4	4	4	-
	Adjacent Non-Res. District	-	-	-	-	-	-	5
	Adjacent Res. District	-	-	-	-	-	-	10/10% [3]
Min. Building Separation (ft)		5	5	5	5	5	5	5
Off-Street Parking (spaces per unit)	Min. Spaces	No Min.	No Min.	No Min.	No Min.	No Min.	No Min.	No Min.
	Min. Spaces if Roadway width < 26 ft	-	1	-	1	-	1	-
	Max. Spaces if 0.25mi from Transit Hub or Corridor	1 du: 0 2+ du: 0.5	1 du: 0 2+ du: 0.5	1 du: 0 2+ du: 0.5	1 du: 0 2+ du: 0.5	1 du: 0 2+ du: 0.5	1 du: 0 2+ du: 0.5	-
	Max. Driveway Width (ft)	20	20	20	20	20	20	20
Min. Long-Term Residential Bicycle Parking		1-4 Units: None 5+ Units: 1 per 3 Bedrooms GLA: Greater of 2 or 1 per 2.5 Bedrooms						
Min. Short-Term Residential Bicycle Parking		1-4 Units: None 5+ Units: Greater of 2 or 1 per 40 Bedrooms GLA: Greater of 2 or 1 per 20 Bedrooms						

[1] A Use Permit is required to establish a unit that is within 150 feet of an M or MM district; or a construction product manufacturing or primary product manufacturing use. ([BMC 23.206.090\(B\)\(8\)](#) MU-R Mixed Use-Residential District)  
 [2] Min 5 ft rear setback if rear of lot abuts a street  
 [3] 10 ft of 10% of lot width, whichever is less  
 [4] Or average front setback of adjacent structure(s), whichever is less.  
 [5] If on a lot with a duplex or attached multi-family dwelling, max 2 detached ADUs or up to 25% of the total number of existing units may be converted into ADUs, otherwise max 1 ADU if more than 1 detached dwelling unit on a lot. A maximum of 1 ADU or JADU is permitted in the R-1H, R-2H, and R-2AH.



RESOLUTION NO. ##,###-N.S

A RESOLUTION APPROVING AND ADOPTING GENERAL PLAN AMENDMENTS TO THE LOW DENSITY RESIDENTIAL, LOW MEDIUM DENSITY RESIDENTIAL, MEDIUM DENSITY RESIDENTIAL, AND MIXED-USE RESIDENTIAL LAND USE DESIGNATIONS TO BE CONSISTENT WITH ASSOCIATED ZONING TEXT AMENDMENTS TO ENCOURAGE MIDDLE HOUSING.

WHEREAS, the City of Berkeley, in accordance with the provisions of California Government Code Section 65300 et seq., is required to adopt a General Plan for its long-range development, and further to periodically update that plan to reflect current conditions; and

WHEREAS, on January 18, 2023, the City Council of the City of Berkeley approved and adopted a General Plan Amendment to update the Housing Element for the period of 2023-2031, including extensive community outreach and public input between June 2021 and January 2023, and certified the Final Environmental Impact Report (referred to as EIR or Final EIR) (Resolution No. 70,669-N.S), which evaluated the environmental effects of the proposed amendments prepared in connection with the Housing Element Update (HEU); and

WHEREAS, on February 28, 2023, the California Department of Housing and Community Development (HCD) found the adopted Housing Element to be in substantial compliance with State Housing Element Law; and

WHEREAS, the adopted Housing Element includes “Program 29 – Middle Housing” to pursue zoning ordinance to allow multi-unit development on one lot in lower density residential districts (R-1, R-1A, R-2, R-2A and MU-R); and

WHEREAS, on February 7, 2024, the Planning Commission held a duly noticed public hearing and took public testimony, which was preceded by the distribution of notices in accordance with State and local noticing requirements; and, after conducting and closing the public hearing, recommended that the City Council (1) Adopt a Resolution, as recommended by the Planning Commission to, amend the Low Density Residential, Low Medium Density Residential, Medium Density Residential and Mixed-Use Residential General Plan Land Use Designations to be consistent with associated zoning text amendments that increase residential development potential; and (2) Adopt an Ordinance, as recommended by the Planning Commission, amending the Berkeley Municipal Code (BMC) to allow multi-unit development on one lot in lower density residential districts, adopt Zoning Map changes, and make conforming changes to other BMC sections; and

WHEREAS, on XXX, 2024 the City Council held a duly noticed public hearing to consider the General Plan amendments, as well as an ordinance amending the BMC to allow multi-unit development on one lot in lower density residential districts, adopt Zoning Map changes, and make conforming changes to other BMC sections; and

WHEREAS, the proposed amendments are consistent with the adopted Housing Element and serve the public interest by facilitating additional housing capacity and production; and

WHEREAS, the amendments would not be detrimental to the public health, safety and welfare of the City because they would facilitate development that does not substantially deviate from the current pattern of development and mix of land uses within the low density residential districts; would be completed in compliance with current building and fire codes and regulations; and would be subject to the City's standard conditions of approval regarding noise and air quality, waste diversion, toxics and stormwater requirements, as well as applicable mitigation measures included in the Housing Element Update EIR ; and

WHEREAS, the amendments do not change the designation of any parcel to reduce the intensity of use allowed under the existing General Plan or zoning pursuant to Gov. Code section 66300(b)(1); and

WHEREAS, all documents constituting the record of this proceeding are and shall be retained by the City of Berkeley Planning and Development Department, Land Use Planning Division, at 1947 Center Street, Berkeley, California.

NOW THEREFORE, BE IT RESOLVED, that the amendments are consistent with Program 29 of the adopted HEU; that the environmental effects of the amendments were evaluated in the certified Final EIR of the HEU and the Addendum to the Final EIR; and

NOW THEREFORE, BE IT FURTHER RESOLVED by the City Council that the General Plan Land Use Designations are hereby amended, as shown in Exhibit A; and

BE IT FURTHER RESOLVED that the City Council hereby authorizes the City Manager to make non-substantive, technical conforming edits (e.g., correction of typographical errors and/or clerical errors) to the Berkeley Municipal Code, including but not limited to page, figure or table numbering, or internal cross-references to amended or new sections of the Berkeley Municipal Code, and to return to the Planning Commission and City Council for major revisions only; and

BE IT FURTHER RESOLVED that nothing in this Resolution shall be interpreted or applied so as to create a requirement, power, or duty in conflict with any federal or State law.

Exhibits

A: Text of General Plan Land Use Designation amendments.



## Exhibit A

### Policy LU-7 Neighborhood Quality of Life

Preserve and protect the quality of life in Berkeley's residential areas through careful land use decisions.

#### Actions:

- A. Require that new development be consistent with zoning standards and compatible with the scale, historic character, and surrounding uses in the area.
- B. Carefully evaluate and monitor new and existing uses to minimize or eliminate negative impacts on adjacent residential uses.
- C. Carefully review and regulate proposals for additional residential development in the Hill Fire Hazard Area and the tsunami, seismic and landslide hazard areas identified in the Disaster Preparedness and Safety Element. (Also see Disaster Preparedness and Safety Policies S-14 and S-16.)
- D. Strengthen Zoning Ordinance language to ensure greater protection of solar access to adjacent properties when new projects or additions are proposed.
- E. Acquire an analysis of the implications of revising R-1, ~~R-1A~~, R-2, R-2A, MU-R, and C-N zoning to require a Use Permit and public hearings for projects that exceed 28 feet.

### Land Use Classifications

#### Low Density Residential

These areas are generally characterized by single-family homes. Appropriate uses for these areas include: residential, community services, schools, home occupations, recreational uses, and open space and institutional facilities. Building intensity will range from ~~one 10~~ to ~~40 40~~ dwelling units per net acre<sup>1</sup>, not including secondary units, and the population density will generally not exceed ~~22 98~~ persons per acre.

For information purposes, the compatible zoning districts for this classification are: ~~Single Family Residential Multi-Unit 1~~ (R-1), which allows approximately ~~40 9 principal~~ dwelling units/acre<sup>2</sup> and Environmental Safety- Residential (ES-R), which allows approximately 5 dwelling units per acre. ~~The Hheight limits~~ in these zoning districts ~~is~~ ~~are typically 28 feet with provisions to allow up to~~ 35 feet.

---

<sup>1</sup> Net acreage excludes land area dedicated to roads, watercourses, and dedicated rights-of-way.

<sup>2</sup> State law requires and Berkeley zoning provides for property owners to add one accessory unit under specified conditions and standards described in the R-1 zoning provisions, which may increase density in these areas.

### **Low Medium Density Residential**

These areas are generally characterized by single-family homes and small multi-family structures with two or three units. The same uses appropriate in Low Density Residential are appropriate in Low Medium Density Residential areas. Building intensity will range from 10 to ~~50~~ ~~20~~ dwelling units per net acre, not including secondary units, and the population density will generally range from 22 to ~~122~~ ~~44~~ persons per acre.

For information purposes, the compatible zoning districts for this classification ~~is are:~~ ~~Limited Two-family Residential (R-1A) and Restricted Two-family Residential~~ Multi-Unit 2 (R-2), which allows approximately 17 dwelling units per acre. Height limits in ~~these~~ this zoning district ~~is s are typically 28 feet with provisions to allow up to~~ 35 feet.

### **Medium Density Residential**

These areas of Berkeley are generally characterized by a mix of single-family homes and small to medium sized multi-family structures. The same uses appropriate in Low Density Residential are appropriate in Medium Density Residential areas. Building intensity will range from 20 to 40 dwelling units per net acre, and the population density will generally range from 44 to 88 persons per acre, with the exception of the Southside Plan Area.

Within the Southside Plan Area, except in areas located in the Hillside Overlay zoning district, building intensity will range from a FAR of less than 1.0 to a FAR of 3.0. Residential development is subject to a minimum density of 60 dwelling units per acre and a minimum population density of 150 persons per acre. There is no residential density limit. This allows for greater flexibility in housing types to maximize housing opportunities in the Southside Plan Area.

For information purposes, the compatible zoning districts for this classification are: ~~Restricted Multi-family Residential~~ Multi-Unit 2A (R-2A), which allows ~~approximately 17~~ 60 dwelling units per acre, and Multiple-family Residential (R-3), which allows approximately 26 dwelling units per acre. ~~The Hheight~~ height limits in the R-2A, R-3 and R-3H zoning districts ~~is are typically 28 feet with provisions to allow up to~~ 35 feet, ~~and are 35 feet in the R-3 and R-3H zoning district~~ (or 45 feet in the R-3 zoning district within the Southside Plan Area).

### **Mixed Use-Residential**

These areas are intended to maintain and preserve areas of the city for lighter manufacturing and industrial uses and allow for additional uses, including residential,

where determined appropriate by zoning, and only if the use will not weaken Berkeley's manufacturing and industrial economy. Appropriate uses for these areas are identified in the West Berkeley Plan. Within these areas, building intensity will generally range from a Floor Area Ratio (FAR) of less than 1 to an FAR of 1.75. Population density will generally range from ~~22~~ 48 to ~~44~~ 108 persons per acre, where housing is allowed.

For information purposes, the compatible zoning district for this classification is Mixed Use-Residential (MU-R), which allows a maximum FAR of ~~1~~ to 1.75 and a maximum building height of ~~28~~ to 35 feet.





# PLANNING COMMISSION

---

## Notice of Public Hearing

---

### Wednesday, February 7, 2024

### **Adoption of Zoning Ordinance Amendments to Title 23 of the Berkeley Municipal Code, Zoning Map Amendments, and General Plan Amendments to Encourage Middle Housing**

The Planning Commission of the City of Berkeley will hold a public hearing on the above matter, pursuant to Zoning Ordinance Section 23.412, on **Wednesday, February 7, 2024 at 6:00 p.m.** at the **North Berkeley Senior Center**, 1901 Hearst Ave, Berkeley (wheelchair accessible). In accordance with the Brown Act, Planning Commission meetings will be held in person only.

The agenda will be posted on the Planning Commission website (<https://berkeleyca.gov/your-government/boards-commissions/planning-commission>) no later than 5pm on Friday, February 2, 2024.

#### **PROJECT DESCRIPTION**

The proposed amendments to the City's Zoning Ordinance (Title 23) respond to City Council referrals, and the requirements of the City's 2023-2031 Housing Element to promote "middle housing" (2-6 units) in the Single-Family Residential (R-1), Limited Two-Family Residential (R-1A), Restricted Two-Family Residential (R-2), Restricted Multiple-Family (R-2A) and Mixed-Use Residential (MU-R) zoning districts.

Proposed amendments affect the following Sections of Title 23: 23.108.020 (Zoning Districts), 23.202.020 (Allowed Land Uses), 23.202.030 (Additional Permit Requirements), 23.202.050 (R-1 Single Family Residential District), 23.202.060 (R-1A Limited Two-Family Residential District), 23.202.070 (ES-R Environmental Safety-Residential District), 23.202.080 (R-2 Restricted Two-Family Residential District), 23.202.090 (R-2A Restricted Multi-Family Residential District), 23.206.020 (Allowed Land Uses and Permit Requirements), 23.206.090 (MU-R Mixed-Use Residential District), 23.210.020 (Hillside Overlay Zone), 23.304.030 (Setbacks), 23.304.040 (Building Separation in Residential Districts), 23.322.100 (On-site Loading Spaces), 23.326 (Demolition and Dwelling Unit Control), and 23.502.020 (Glossary). The proposed amendments also include conforming Zoning Map amendments, and non-substantive technical corrections to ensure consistency throughout the Zoning Ordinance.

**LOCATION:** The proposed amendments would apply to all parcels currently located in the Single-Family Residential (R-1), Limited Two-Family Residential (R-1A), Restricted Two-Family Residential (R-2), Restricted Multiple-Family (R-2A) and Mixed-Use Residential (MU-R) zoning districts. The proposed changes would require conforming Zoning Map and General Plan text amendments. The zoning and general plan map is available online:

<https://berkeley.maps.arcgis.com/apps/webappviewer/index.html?id=2c7dfafbb1f64e159f4fdf28a52f51c6&showLayers=Berkeley%20Parcels;Planning%20and%20Building>

#### **ENVIRONMENTAL REVIEW STATUS**

Development projections for this project and all reasonably foreseeable growth resulting from development contemplated by the City's updated Housing Element, including the proposed amendments, were analyzed in the Environmental Impact Report (EIR) for the 2023-2031 Housing Element Update ("Housing Element Update EIR"), which was certified by the City Council on January

18, 2023.<sup>1</sup>

### **PUBLIC COMMENT & FURTHER INFORMATION**

All persons are welcome to attend the hearing and will be given an opportunity to address the Commission. Comments may be made verbally at the public hearing and/or in writing before the hearing. Written comments must be directed to:

Zoe Covello  
Planning Commission Clerk  
Email: [PlanningPC@berkeleyca.gov](mailto:PlanningPC@berkeleyca.gov)

City of Berkeley, Land Use Planning Division  
1947 Center Street, 2<sup>nd</sup> Floor  
Berkeley, CA 94704

Correspondence received by **12pm on Tuesday, January 30, 2024**, will be included as a Communication in the agenda packet. Correspondence received after this deadline will be conveyed to the Commission and the public in the following manner:

- Correspondence received by **12pm on Monday, February 5, 2024** will be included in a Supplemental Packet, which will be posted to the online agenda as a Late Communication one day before the public hearing.
- Correspondence received by **5pm on Tuesday, February 6, 2024** will be included in a second Supplemental Packet, which will be posted to the online agenda as a Late Communication by 5pm on the day of the public hearing.
- Correspondence received **after** 5pm on Tuesday, February 6, 2024 will be saved as part of the public record.

Members of the public may submit written comments just before or at the beginning of the meeting by providing 15 printed copies of the correspondence to the Planning Commission Secretary.

### **COMMUNICATION ACCESS**

To request a meeting agenda in large print, Braille, or on audiocassette, or to request a sign language interpreter for the meeting, call (510) 981-7410 (voice) or 981-6903 (TDD). Notice of at least five (5) business days will ensure availability. All materials will be made available via the Planning Commission agenda page online at <https://berkeleyca.gov/your-government/boards-commissions/planning-commission>.

### **FURTHER INFORMATION**

Questions should be directed to Justin Horner, at (510) 981-7476 or [jhorner@berkeleyca.gov](mailto:jhorner@berkeleyca.gov). Current and past agendas are available on the City of Berkeley website at: <https://berkeleyca.gov/your-government/boards-commissions/planning-commission>.

---

<sup>1</sup> Housing Element Update 2023-2031 Final EIR.

[https://berkeleyca.gov/sites/default/files/documents/ATT%202%20FEIR\\_RTC.pdf](https://berkeleyca.gov/sites/default/files/documents/ATT%202%20FEIR_RTC.pdf)

1947 Center Street, Berkeley, CA 94704 Tel: 510.981.7410 TDD: 510.981.7474  
E-mail: [planning@berkeleyca.gov](mailto:planning@berkeleyca.gov)