



Office of the City Manager

PUBLIC HEARING
February 24, 2026

To: Honorable Mayor and Members of the City Council
 From: Paul Buddenhagen, City Manager
 Submitted by: Jordan Klein, Director, Planning and Development Department
 Subject: Amendments to Title 21 (Subdivisions Ordinance) and Title 23 (Zoning Ordinance) to implement Senate Bill (SB) 684

RECOMMENDATION

Conduct a public hearing, and upon conclusion, adopt the first reading of an Ordinance to amend Berkeley Municipal Code Titles 21 (Subdivisions Ordinance) and 23 (Zoning Ordinance) to implement Senate Bill (SB) 684 by establishing:

1. A ministerial, SB 684–compliant path for small-lot subdivisions and related housing; and
2. A local Parcel-Map path for lower-density projects that meet minimum residential density requirements but do not qualify under SB 684.

SUMMARY

SB 684 requires ministerial approval for qualifying small-lot subdivisions. The proposed ordinance organizes implementation across two titles: Title 21 sets the subdivision process (applications, eligibility, ministerial timelines, recordation), while Title 23 identifies where Middle Housing Infill Projects (MHIPs) are allowed and the objective standards used in ministerial review (lot standards, density, and open space and parking requirements). A local Parcel-Map MHIP path provides a streamlined option for smaller infill projects that still meet minimum residential density requirements.

FISCAL IMPACTS OF RECOMMENDATION

The proposed ordinance is expected to be cost-neutral, with plan check, map review and inspection cost-recovered by fees paid by project applicants. Revenues may increase due to ownership changes and new construction. Parcel-based taxes may increase with the creation of new parcels. Streamlined approvals may reduce staff review time and per-project fee revenue, which could be partially offset by higher application volume over time.

CURRENT SITUATION AND ITS EFFECTS

Senate Bill 684 (SB 684) establishes a ministerial approval pathway for qualifying small-lot subdivisions and related housing developments to expand attainable homeownership on infill sites. The policy intent behind SB 684 is to remove procedural barriers to small-scale, ownership-oriented infill while preserving objective standards.

In January 2025, the City Council referred SB 684 implementation to staff (“Expanding Homeownership Opportunities for Middle-Income Earners”, **Attachment 2**), to begin preparation of local code amendments. In parallel, the City’s Middle Housing zoning updates increased maximum allowable residential densities in several districts to enable more housing. SB 684 requires that projects utilizing its streamlining provisions must include at least 66% of the parcel’s maximum allowable residential density. The relatively high maximum residential densities included in the Middle Housing zoning changes unintentionally made some smaller, lower-density sites ineligible under SB 684. The proposed Parcel Map path is intended to facilitate small lot subdivisions that do not meet SB 684’s residential density requirements.

The City of Berkeley’s subdivision procedures are codified in BMC Title 21, and zoning regulations and objective development standards are codified in BMC Title 23. The proposed ordinance aligns the two by organizing SB 684 procedures in Title 21 and cross-referencing objective standards in Title 23.

BACKGROUND

At its January 21, 2025, meeting, the City Council referred implementation of SB 684 to staff as part of the “Expanding Homeownership Opportunities for Middle-Income Earners” referral (**Attachment 2**).

At its July 16, 2025, meeting, the Planning Commission received an informational report on implementation of SB 684 (**Attachment 3**) and provided input to inform the preparation of ordinance amendments to Titles 21 (Subdivisions) and 23 (Zoning) establishing a ministerial SB 684 track and a local Parcel Map track. The Planning Commission’s input included: (1) avoid adding new objective design standards associated with the subdivision process; (2) allow ADUs and JADUs on MHIP lots; (3) do not require full build-out at map approval; and (4) create a streamlined local parcel-map pathway for lower-density projects that still meet minimum zoning density.

At its October 8, 2025, meeting, the Planning Commission received staff’s recommendation to amend BMC Title 21 to create Chapter 21.30 (Small-Lot Subdivisions / Middle Housing Infill Projects) and make companion amendments to Title 23. Planning Commission adopted a resolution recommending the proposed amendments included in **Attachment 1**.

A summary of the proposed ordinance follows:

Title 21 (Subdivisions) Changes

Ord. Sec.	BMC Code Section	New Provisions
1	21.16.10 – Tentative Maps-General	Reference to a new map process.
2	21.24 – Title	New provision that subdivisions of more than five parcels that do not qualify for SB 684 may be eligible for Parcel Map process.
3	21.24.001 -- Applicability	New provision that subdivisions of more than five parcels that do not qualify for SB 684 may be eligible for Parcel Map process.
4	21.24.030 – Accompanying data and reports	Revision to implement a Parcel Map process for subdivisions that do not qualify for SB 684.
5	21.24.030 – Approval of parcel maps	Revision to implement a Parcel Map process subdivisions that do not qualify for SB 684.
6	21.24.080 – Ministerial parcel maps	New process to ministerially approve subdivisions that do not qualify for SB 684.
7	21.30 – Small Lot Subdivisions (Middle Housing Infill Projects)	New Chapter to implement SB 684 ministerial path (2–10 lots/units) and a local parcel-map path (2–4 lots/units) for lower-density infill.
	21.30.010 – Purpose & Intent	
	21.30.020 – Definitions	
	21.30.030 – Applicability	Defines when Chapter 21.30 applies to a subdivision proposal.
	21.30.040 – Application & Procedures	Includes submittal requirements, review timelines, and review process
	21.30.050 – Qualifying Criteria	Includes what sites are eligible and includes SB 684’s 10 unit maximum. Prohibits further small-lot splits after an SB 684 split.
	21.30.060 – Development Standards	Includes objective development standards, such as minimum lot size, lot dimensions and residential density. Specifies Inclusionary Housing

		requirements for Middle Housing Infill Projects.
	21.30.070 and 080 – Approval and Recordation, Expiration	Provides for ministerial approval of SB 684 projects, required covenants, and map and permit sequencing consistent with state law.
	21.30.090 – Enforcement, Savings and Severability Clauses	City Attorney remedies.

Title 23 (Zoning) Changes

Ord. Sec.	BMC Code Section	New Provisions
8	23.202 – Residential Districts	Permits Middle Housing Infill Projects (MHIP) where multifamily is allowed (i.e. all residential districts except R-1(H)).
9	23.204 – Commercial Districts	Permits SB 684 MHIPs in commercial districts where multifamily is allowed.
10	23.206 – Manufacturing Districts	Permits SB 684 MHIPs in the M-UR district.
11	23.304.020(A)(5) – Lot Requirements	States that objective standards are applied to a lot before it is subdivided.
12	23.304.090 – Usable Open Space	Includes usable open space standards for MHIPs.
13	23.304.160 – Middle Housing Infill Project Standards	Includes setback and average unit size requirements, as well as state law provisions that require jurisdictions to waive standards that preclude projects that meet certain density requirements
14	23.502.020 – Glossary (MHIP)	Cross-references MHIP definition in 21.30.020(A) for consistency across Titles 21 and 23.

The ordinance provides two approval tracks.

The first is for SB 684 MHIPs. This would allow subdivisions that result in two to ten lots and units, would require compliance with the State density requirement, and would apply the average 1,750-square-foot unit size cap specified by SB 684. Pursuant to Gov. Code 66499.41(a)(9)(C), parcels located within a Very High Fire Hazard Severity Zone (VHFHSZ) are not eligible for development under SB 684 (**Attachment 6**, City-

adopted VHFHSZ map). SB 684 MHIPs would be processed ministerially and are therefore exempt from CEQA.

The second is an approval path for projects that do not meet all SB 684 criteria but do meet minimum residential density standards. The ordinance would create a special class of projects called “Parcel Map MHIPs.” The unit-size cap that applies to SB 684 MHIPs would not apply to Parcel Map MHIPs, and special development standards (such as a reduced minimum lot size) would apply. Parcel Map MHIP applications can be processed as parcel maps pursuant to the Subdivision Map Act and BMC Chapter 21.24.

Because parcel map approvals are discretionary under state law, Parcel Map MHIPs are subject to CEQA. Staff would evaluate on a case-by-case basis whether they qualify for categorical exemptions (such as Class 15 for minor land divisions, Class 3 for small residential projects, or Class 32 for infill development) or rely on prior environmental review.

The ordinance adds BMC Section 21.24.080 for parcel maps that satisfy objective standards and require no public improvements or dedications. These approvals are streamlined, as the tentative map is not required. Most MHIPs are expected to be processed ministerially. In the flatlands, in areas subject to the Middle Housing zoning standards, qualifying MHIP housing development (two to four units on existing or newly created lots) would be ministerially approved under objective standards. In the Hillside Overlay, housing development projects that occur in conjunction with a subdivision will only be allowed under SB 684 (and SB 1123), which also provides a ministerial path for qualifying subdivisions and associated housing. As a result, in both the Middle Housing areas and in the hills, the housing development component of most projects enabled by this ordinance will likely be processed ministerially and thus either would not subject to CEQA or would likely be eligible for streamlined categorical exemptions.

The table below summarizes the two approval tracks included in the proposed ordinance.

Approval Pathways

Track	Lots/Units	Density Requirement	Unit Size Cap	CEQA	Process
SB 684 MHIP (State Track)	2–10	State density floor (per SB 684) or 66% of maximum density	Avg less than 1,750 sf (SB 684 only)	Not a project (ministerial)	Ministerial; ≤ 60-day decision; covenants + recordation per Ch. 21.30

Parcel-Map MHIP (Local Track) with Parcel Map Procedure	2-4	Local minimum density (20 du/acre fallback where none)	No average unit cap	CEQA applies to Parcel Maps. Housing Development likely exempt.	Processed under Title 21 parcel-map procedures
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ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The proposed ordinance amendments to Title 21 implement Senate Bill 684 (SB 684). Pursuant to Government Code Section 66499.41(i), “An ordinance adopted to implement this section shall not be considered a project under Division 13 (commencing with Section 21000) of the Public Resources Code.” As such, the ordinance is not a project under CEQA, and no further environmental review is required.

SB 684 MHIPs would be processed ministerially and are therefore not subject to CEQA.

Parcel-Map MHIPs projects proposed in conjunction with the subdivision would be subject to CEQA but would likely qualify for certain categorical exemptions. These could include Class 15 (exemption of minor subdivisions in urbanized areas of four or fewer parcels), Class 3 (exemption of up to three single-family homes, or a multi-family structure of up to four units, in an urbanized area), or Class 32 (exemption for in-fill development projects).

RATIONALE FOR RECOMMENDATION

The proposed ordinance amendments to Title 21 (Subdivisions) and Title 23 (Zoning) fulfill the City Council’s 2025 referral to implement SB 684 and provide an alternative, similarly streamlined local pathway for lower-density middle-housing projects, thereby expanding attainable homeownership options on infill parcels.

ALTERNATIVE ACTIONS CONSIDERED

Council could consider not adopting the local Parcel-Map track and rely only on the SB 684 track. However, the Planning Commission identified a risk that some smaller sites would be ineligible under the state density requirement, reducing ownership opportunities.

CONTACT PERSON

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Attachments:

- 1: Ordinance
- 2: City Council Referral to implement SB 684, January 21, 2025.
- 3: Planning Commission Staff Report, July 16, 2025
- 4: Planning Commission Staff Report, October 8, 2025
- 5: Public Hearing Notice
- 6: City of Berkeley Fire Hazard Severity Zones Map

ORDINANCE NO. -N.S.
AMENDMENTS TO TITLE 21 (SUBDIVISIONS) AND TITLE 23 (ZONING) TO PERMIT
SMALL-LOT SUBDIVISIONS

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

Section 1. That section 21.16.10 be amended to read as follows:

21.16.010 General.

The tentative map shall be prepared by a registered civil engineer or licensed land surveyor and shall be clearly and legibly drawn to show the details of the plan. The size of each sheet shall be eighteen by twenty-six inches. Tentative maps shall be signed by the civil engineer or licensed land surveyor. (Ord. 5793-NS § 2 (part), 1987)

This Chapter applies to subdivisions for which a tentative map is required by the Subdivision Map Act. Subdivisions that are exempt from the tentative map requirement under the Subdivision Map Act, including but not limited to subdivisions that qualify under Government Code Section 66426(a)–(e), shall not be processed under this Chapter and shall instead require only a parcel map pursuant to Chapter 21.24.

Section 2. That Chapter 21.24 title be amended to read as follows:

PARCEL MAPS (FOUR OR LESS PARCELS)

Section 3. That section 21.24.001 be amended to read as follows:

21.24.001 Applicability.

The provisions of this chapter shall apply to ~~all subdivisions of four or less parcels~~ except those:

A. All subdivisions of four or fewer parcels, except those:

1. Made solely for the purpose of opening or widening of a public street or alley.
2. Which are necessary solely for the conveyance, transfer, creation or establishment of an easement for to or from a governmental agency, public

entity, public utility, or subsidiary of a public utility for conveyance to that public utility for rights-of-way, pedestrian or vehicular access, sewer, water or public utility connection or service.

3. Where the City Engineer and the Director of Planning determine that all of the following conditions exist.

- i. ~~4.~~ The division results in the same or fewer number of lots.
- ii. ~~2.~~ The division is not in conflict with other provisions of this title.
- iii. ~~3.~~ The division is not in conflict with the General Plan or any applicable specific plan. The division does not reorient any lot or parcel so as to establish a frontage on a different street than that on which the lot or parcel previously fronted.

4. Which are made solely because of the acquisition of property by government agencies.

~~A. Lot line adjustments (See Chapter 21.32). (Ord. 5793-NS § 2 (part), 1987)~~

- B. Subdivisions creating five or more parcels that are exempt from the requirement for a tentative and final map, and instead require a parcel map, pursuant to Government Code Section 66426(a)-(e).

Section 4. That section 21.24.030 be amended to read as follows:

21.24.030 Accompanying data and reports.

Except as provided in Section 21.24.080, ~~t~~The regulations described in Section [21.16.040](#) shall apply to parcel maps. (Ord. 5793-NS § 2 (part), 1987)

Section 5. That section 21.24.040 be amended to read as follows:

21.24.040 Approval of parcel maps.

A. Except as provided in Section 21.24.080, ~~The the~~ regulations described in Sections [21.16.010](#) through [21.16.090](#) shall apply to the approval of all parcel maps with the exception that the advisory agency under Government Code Section [66415](#) for purposes of approval of parcel maps shall not be the Planning Commission, but shall be the City Manager or their designee and accordingly that no public hearing is required for approval of a parcel map. All other provisions of Section [21.16.010](#) through [21.16.090](#) continue to apply to approval of parcel maps. (Ord. 6459-NS § 1, 1998; Ord. 5793-NS § 2 (part), 1987)

B. Parcel maps processed pursuant to Section 21.24.080 shall be approved, conditionally approved, or denied in accordance with the procedures and

standards set forth in that Section and are not subject to the provisions of Sections 21.16.010 through 21.16.090, except where expressly cross-referenced.

Section 6. BMC Section 21.24.080 be added to read as follows:

21.24.080 Parcel maps qualifying under Government Code Section 66426(a).

A. Eligibility. A parcel map may be processed ministerially under this Section only if all of the following criteria are met:

1. The subdivision is subject to the Subdivision Map Act and would otherwise require a tentative and final map pursuant to Government Code Section 66426;
2. The subdivision qualifies for the tentative map exemption in Government Code Section 66426(a), in that:
 - a. The land before division contains less than five (5) acres;
 - b. Each parcel created by the division will abut upon a maintained public street or highway; and
 - c. No dedications or off-site improvements are required by the City as a condition of the subdivision;
3. The subdivision will create no more than twelve (12) parcels; and
4. Each parcel created will comply with:
 - a. The minimum lot area, width, depth, and other dimensional standards of the applicable zoning district;
 - b. The General Plan land use designation; and
 - c. All applicable objective subdivision design and improvement standards of this Title and other applicable codes.

B. Advisory Agency and procedure.

1. For purposes of this Section, the advisory agency under Government Code Section 66415 shall be the City Manager or their designee, in consultation with the City Engineer and the Director of Planning and Development.
2. Parcel maps under this Section shall be reviewed and acted upon administratively by City staff.
3. Applications shall be submitted on forms provided by the City and shall include all information necessary to demonstrate compliance with the eligibility criteria in

Subsection A and with applicable objective standards.

4. Any decision of the advisory agency to approve, conditionally approve, or deny a parcel map under this Section may be appealed to the City Council in accordance with the appeal procedures set forth in Section 21.16.050.

C. Approval standards.

1. The advisory agency shall approve a parcel map under this Section if it finds, based on substantial evidence in the record, that:

a. The subdivision satisfies all eligibility criteria in Subsection A; and

b. The advisory agency finds that none of the conditions set forth in Government Code Section 66474(a) through (g) exist.

2. The advisory agency shall deny a parcel map under this Section if it cannot make the findings in Paragraph 1 of this Subsection.

3. Conditions of approval, if any, shall be limited to:

a. Requirements necessary to ensure compliance with objective standards expressly set forth in this Title, Title 23, or other applicable codes; and

b. Technical corrections necessary to ensure conformity with the Subdivision Map Act and to correct drafting or surveying errors on the parcel map.

D. Subsequent small-lot subdivisions.

A parcel created pursuant to this Section may subsequently be subdivided pursuant to a ministerial small-lot subdivision under Government Code Section 66499.41 and any provisions of Title 21, provided that the subsequent subdivision meets all eligibility criteria in state law and/or this Title.

Section 7. BMC Chapter 21.30 be added to read as follows:

Chapter 21.30 – Small Lot Subdivisions (Middle Housing Infill Projects)

21.30.010 – Purpose and Intent

A. The purpose of this Chapter is to implement the provisions of Government Code Sections 66499.41, 65913.4.5, and 65852.28 (Senate Bill 684 (2023), as amended by subsequent legislation), which require a ministerial process for approval of certain

small-lot subdivisions creating up to ten lots for residential development, and to provide a parcel-map process for similar small-lot subdivisions that meet minimum zoning density but do not qualify under Section 66499.41.

B. This Chapter establishes local procedures and objective standards for the subdivision of qualifying parcels, referred to as Middle Housing Infill Projects (MHIPs), consistent with the Subdivision Map Act and Titles 21 and 23 of the Berkeley Municipal Code.

C. The intent of this Chapter is to: (1) facilitate homeownership opportunities; (2) ensure consistency with state law; (3) apply zoning development standards at the parent-parcel level; (4) apply objective standards for access and development standards; and (5) ensure compliance with replacement-housing requirements under Government Code Section 66300(d) and BMC Chapter 23.326 (Demolition and Dwelling Unit Controls).

21.30.020 – Definitions

A. *Middle Housing Infill Project (MHIP)*. A subdivision and related housing development processed under this Chapter.

1. *SB 684 MHIP*. A subdivision creating up to ten lots and up to ten dwelling units, that meets all of the eligibility criteria of Government Code Section 66499.41 as well as the minimum density in BMC Section 21.30.060(E). SB 684 MHIPs shall be processed ministerially under Section 21.30.040(B)(1).
2. *Parcel-Map MHIP*. A subdivision creating two to four lots, that meets or exceeds the minimum residential density of the underlying zoning district, but does not meet all SB 684 criteria. Parcel-Map MHIPs are processed under BMC Chapter 21.24 (Parcel Maps).

B. *Parent Parcel*. The legally-established parcel that exists prior to a subdivision creating a MHIP. For purposes of applying zoning development standards under this Chapter, the parent parcel shall be treated as a single lot prior to subdivision.

C. *Protected Unit*. A dwelling unit that, at any time within the five years prior to submittal of a subdivision application, was:

1. occupied by tenants,
2. subject to affordability restrictions,
3. subject to rent-control provisions, or
4. located on a parcel on which an owner of residential real property has, within the past fifteen (15) years, exercised rights under Chapter 12.75

(commencing with Section 7060) of Division 7 of Title 1 of the Government Code (the “Ellis Act”) to withdraw accommodations from rent or lease.

D. Vacant Lot. For the purposes of this Chapter, “vacant” has the same meaning as in Government Code Section 66499.41(a)(2)(A).

21.30.030 – Applicability

A. Zoning Districts. This Chapter applies to:

1. Parcels in zoning districts where Multi-Family Dwellings are a permitted use; and
2. Vacant parcels zoned for single-family residential development as specified in Section 21.30.050(A)(1).

B. Project Types. This Chapter applies to Middle Housing Infill Projects (MHIP), as defined in Section 21.30.020 (Definitions).

21.30.040 – Application and Procedures

A. Application. Applications shall be filed on City forms with required fees and shall include all of the following:

1. A parcel map prepared pursuant to Chapter 21.24 or a tentative map prepared pursuant to Chapter 21.16.
2. Project plans, including a site plan, floor plans, tabulation of dwelling units, open-space and parking diagrams, and massing elevations, sufficient to demonstrate objective compliance with Titles 21 and 23 at the parent parcel scale.
3. Housing development plans demonstrating compliance with applicable objective standards in Titles 21 and 23.
4. An affidavit of ownership, and a tenancy history for the 5 years prior to the submission of the application, for the parent parcel.
5. Evidence of access and utility service easements for each proposed lot.

6. Any other information necessary to verify compliance with applicable objective standards.

B. Review Process.

1. SB 684 MHIPs. Applications shall be processed ministerially, consistent with Government Code Section 66499.41. A decision shall be rendered within sixty (60) days of a complete map application.
2. Parcel-Map MHIPs. Applications shall be processed pursuant to BMC Chapter 21.24 (Parcel Maps).

C. Approving Authority. The Planning Director, or their designee, shall serve as the advisory agency for SB 684 MHIPs. The Planning Director shall serve as the advisory agency for Parcel-Map MHIPs.

D. Appeals. Decisions on SB 684 MHIPs, including any associated parcel maps processed ministerially pursuant to this Chapter, are ministerial determinations and are not subject to appeal.

21.30.050 – Qualifying Criteria

A. Eligible Parcels. An MHIP may be approved only if the parent parcel meets all of the following requirements:

1. The parent parcel is either:
 - a. Zoned to allow Multi-Family residential uses, and is no larger than five (5) acres; or
 - b. Vacant and zoned for single-family residential development, and is no larger than one and one-half (1.5) acres.
2. The parent parcel is located within an urbanized area or urban cluster and meets all locational eligibility requirements in Government Code Section 66499.41(a)(9).
 - a. The parent parcel is not located on prime farmland or farmland of statewide importance, on land zoned or designated by a voter-approved ballot measure for agricultural protection or preservation, in wetlands, or on lands identified for conservation, habitat for protected species, or lands under a conservation easement, as described in Government Code Section 66499.41(a)(9)(A), (B), and (H) through (J).

b. The parent parcel is not located within a Very High Fire Hazard Severity Zone, as identified by the State Fire Marshal and designated by the City pursuant to Government Code Sections 51178 through 51179. For purposes of this subsection, the City's "High Fire Hazard Severity Zone" designation alone does not render a parcel ineligible under this Chapter unless the parcel is also designated as a Very High Fire Hazard Severity Zone under Government Code Section 51178.

c. If the parent parcel is located on a hazardous waste site, within an earthquake fault zone, a special flood hazard area, or a regulatory floodway, it shall be eligible under this Chapter only to the extent permitted by, and in compliance with, the conditions for such locations in Government Code Section 66499.41(a)(9)(D) through (G).

B. Lot and Unit Count.

1. An SB 684 MHIP may create two to ten lots and up to ten dwelling units.
2. A Parcel-Map MHIP may create two to four lots.
3. No MHIP shall result in more than ten dwelling units on the parent parcel.

C. Protected Units. No MHIP shall require the demolition of, or result in the loss of, any Protected Units unless replacement housing is provided consistent with Government Code Section 66300.6 and BMC Chapter 23.326.

D. Further Subdivision. The lot was not established pursuant to this section, including a designated remainder parcel described in Section 66499.41(a)(1)(B), or Section 66411.7 (SB 9 – Urban lot split).

21.30.060 – Development Standards

A. Parent Parcel Compliance. Zoning development standards, including minimum lot size, density, floor-area ratio, lot coverage, usable open space, setbacks, and parking, shall be applied at the parent parcel level prior to subdivision. The Planning Director shall waive or modify any such standard if its application would physically preclude construction of the minimum residential density required under Section 21.30.060(E). Any waiver or modification shall be the minimum necessary to achieve compliance with that density requirement.

B. Minimum Lot Dimensions.

1. Multi-Family-zoned parent parcel. The minimum lot size for each new lot shall be six hundred (600) square feet.

2. Vacant single-family-zoned parent parcel. The minimum lot size for each new lot shall be one thousand two hundred (1,200) square feet.

C. Street Frontage. Street frontage is required and may be satisfied through a public street, alley, or recorded access easement consistent with Fire and Building Codes.

D. Access and Utilities. Each lot shall have recorded vehicular and emergency access easements and recorded utility easements sufficient for water, sewer, power, and drainage service.

E. Residential Density.

1. SB 684 MHIPs shall satisfy one of the following:

a. If the parent parcel is identified in the City's Housing Element for the current planning period, the development shall result in at least the number of dwelling units (and affordable units, if applicable) identified for that site; or

b. If the parent parcel is not identified in the City's Housing Element, the development shall result in at least sixty-six percent of the maximum allowable residential density specified by the underlying zoning. If the underlying zoning district does not establish a minimum residential density, the project shall meet or exceed 20 dwelling units per acre.

2. Parcel-Map MHIPs shall meet or exceed the minimum residential density required by the underlying zoning district. If the underlying zoning district does not establish a minimum residential density, the project shall meet or exceed 20 dwelling units per acre.

F. Floor Area Limits. SB 684 MHIPs are subject to the floor area limits in BMC 23.304.160(D)(3).

G. Parking.

1. Transit Exemption. No parking shall be required if the parcel is located within one-half mile walking distance of either a stop in a high-quality transit corridor, as defined in Public Resources Code Section 21155(b) or a major transit stop, as defined in Public Resources Code Section 21064.3.

2. Application of Local Standards. Where the transit exemption does not apply, off-street parking shall conform to the requirements of BMC Chapter 23.322, except where superseded by state law.

3. *Parking Configuration.* Shared driveways, tandem spaces, and unbundled parking are permitted, provided they meet dimensional standards.

4. *Consistency with State Law.* Where state law establishes fewer required off-street parking spaces than this Section, those rules shall govern.

H. *Inclusionary Housing.* All MHIP housing developments shall comply with the City's inclusionary housing requirements (BMC Chapter 23.328 or successor), including on-site affordable units and/or in-lieu fees, as applicable. For purposes of this section, "MHIP housing development" or "project" means the entire development approved under this Chapter, regardless of whether lots are subsequently sold, transferred, or developed separately.

1. In-Lieu Fee Option. For MHIP housing developments that elect to comply via payment of an in-lieu fee pursuant to BMC Section 23.328.030(B), the in-lieu fee shall be due and payable upon issuance of the first Certificate of Occupancy for any unit within the MHIP housing development, or earlier at the applicant's election. No additional Certificates of Occupancy shall be issued until the in-lieu fee is paid. The in-lieu fee may not be prorated across the units.

2. On-Site Affordable Units Option. For MHIP housing developments that elect to comply via the construction of affordable units:

(a) The required affordable units shall each be subject to a recorded affordability restriction consistent with BMC Chapter 23.328.

(b) Prior to recordation of the final map, the subdivider shall record a covenant, in a form approved by the City, binding all parcels created under this Chapter to the inclusionary housing obligations of the MHIP housing development until those obligations are satisfied.

(c) Phased Development Timing

(1) At least fifty percent (50%) of the required affordable units shall have received building permits prior to the issuance of building permits for more than fifty percent (50%) of the market-rate units.

(2) All required affordable units shall receive Certificates of Occupancy prior to the issuance of any Certificate of Occupancy for the final market-rate unit within the MHIP housing development.

I. *Sale or Financing Sequencing.* Parcels created under this Chapter may be sold, leased, or financed as permitted by Gov. Code Section 66499.41(e)(1). Notwithstanding Gov. Code Section 66499.41(e)(1), and pursuant to Gov. Code Section 66499.41(e)(2), the City authorizes the sale, lease, or financing of a parcel without a completed dwelling unit upon issuance of a building permit for at least one

dwelling unit on that parcel. This authorization shall be secured by a recorded covenant under Section 21.30.070(D).

J. *Ownership Forms.* For SB 684 MHIPs, the resulting housing shall be constructed on fee-simple lots, or be part of a common-interest development, a housing cooperative, a community land trust, or a tenancy in common, consistent with Government Code Section 66499.41.

21.30.070 – Approval of SB 684 MHIPs and Recordation

A. SB 684 MHIPs shall be approved ministerially by the Planning Director within sixty (60) days of a complete map application.

B. *Approval.* Approval requires substantial conformance with the submitted project plans under Section 21.30.040(A)(2) and compliance with applicable objective standards and state law.

C. *Recordation.* A final or parcel map shall be recorded prior to issuance of building permits, unless otherwise allowed by the Planning Director with a recorded covenant ensuring consistency between the approved map and subsequent permits. Submission of building permits or certificates of occupancy shall not be a prerequisite to map recordation.

D. *Covenants.* A covenant shall be recorded against each lot created under this Chapter which prohibits further small-lot subdivision under Government Code Section 66499.41 (SB 684) and urban lot splits under Government Code Section 66411.7 (SB 9).

E. *CEQA.* Pursuant to Government Code Section 66499.41, SB 684 MHIPs are ministerial actions not subject to the California Environmental Quality Act (CEQA).

F. *Application Denial.* SB 684 MHIPs may be denied only upon written findings by the Planning Director that the proposed development would have a specific, adverse impact on public health and safety or the physical environment, and that no feasible method exists to satisfactorily mitigate or avoid the impact, consistent with Government Code Sections 65913.4.5, 66499.41, and 65852.28.

21.30.080 – Expiration

Tentative or parcel maps approved under this Chapter shall expire pursuant to applicable provisions of Berkeley Municipal Code Title 21 and relevant state law. The Planning Director may approve extensions consistent with such provisions.

21.30.090 – Enforcement

A. The City Attorney is authorized to enforce this Chapter by injunction, civil action,

or any other remedy provided by law.

B. Any violation of this Chapter or conditions of approval shall constitute a violation of the Berkeley Municipal Code and may be enforced as provided in BMC Chapter 1.28.

C. Remedies are cumulative and not exclusive.

21.30.100 – Savings Clause

A. Each provision of this Chapter shall be applied only to the extent it is consistent with state law.

21.30.101 – Severability Clause

A. If any provision of this initiative is found to be invalid or unconstitutional, such finding shall not affect the validity or constitutionality of the remaining provisions.

Section 8. That BMC Section 23.202.030(E) be added to read as follows:

E. Middle Housing Infill Projects. Middle Housing Infill Projects, as defined in BMC Section 21.30.020(A) (Definitions), are permitted in any residential district where Multi-Family dwellings are an allowed use, subject to the underlying zoning standards, the standards in Section 23.304 (General Development Standards) and the subdivision procedures in Title 21.

Section 9. That BMC Section 23.204.030(F) be added to read as follows:

F. Middle Housing Infill Projects. Middle Housing Infill Projects that comply with the eligibility criteria of Government Code Section 66499.41 (SB 684 MHIPs), as defined in BMC Section 21.30.020(A) (Definitions), are permitted in any commercial district where Multi-Family dwellings are an allowed use, subject to the underlying zoning standards, the standards in Section 23.304 (General Development Standards) and the subdivision procedures in Title 21.

Section 10. That BMC Section 23.206.030(G) be added to read as follows:

G. Middle Housing Infill Projects. Middle Housing Infill Projects that comply with the eligibility criteria of Government Code Section 66499.41 (SB 684 MHIPs), as defined in BMC Section 21.30.020(A) (Definitions), are permitted in the Mixed-Use Residential (MU-R) zoning district, subject to the underlying zoning standards, the standards in Section 23.304 (General Development Standards) and the subdivision procedures in Title 21.

Section 11. That section 23.304.020(A)(5) be amended to read as follows:

5. Parent Parcel (Middle Housing Infill Projects) For purposes of a Middle Housing Infill Project, zoning development standards shall be applied to the parent parcel as a single lot at the time of subdivision approval. Following subdivision, each newly created lot shall be deemed a separate lot for purposes of ownership and subsequent development. Compliance with zoning development standards shall be determined based on the parent parcel at the time of subdivision approval, except that subsequently adopted regulations that are less restrictive shall apply.

56. Projections Over Lot Lines. A building or structure may not project over a lot line except that:

- (a) Awnings and other architectural features may project over a lot line into the public right-of-way; and
- (b) Fences may be erected on shared lot lines.

Section 12. That BMC Section 23.304.090(A) be amended to read as follows:

A. *Applicability.* The standards in this section apply to areas used to satisfy minimum usable open space requirements.

1. Southside Plan Area Standards.

(a) For parcels located in the R-3, R-S, R-SMU, or C-T districts within the Southside Plan boundaries, the minimum usable open space required is calculated on a per 1,000 square feet of gross residential floor area basis.

(b) Certain development projects located in the R-3, R-S, R-SMU or C-T districts within the Southside Plan boundaries may satisfy a portion of the required usable open space by providing residential amenities that meet the qualifying criteria in Section 23.304,090(D) and (E).

2. Middle Housing Infill Project Standards.

a. Middle Housing Infill Projects shall provide a minimum of 200 square feet of usable open space per unit, evaluated at the parent parcel level, which may be in private balconies, patios, or rooftop areas or shared courtyards, terraces, or rooftop assemblies designed for use by all residents.

Section 13. That BMC Section 23.304.160 be added to read as follows:

23.304.160 – Middle Housing Infill Project Standards

A. Applicability. This Section applies to all Middle Housing Infill Projects (MHIPs) approved pursuant to BMC Chapter 21, including SB 684 MHIPs and Parcel Map MHIPs.

B. Standards. A proposed MHIP housing development shall comply with all objective zoning, subdivision, and design review standards applicable to the parcel, as well as the Specific Standards included under subsection 23.304.160(D).

C. Modifications.

1. SB 684 MHIPs. The Planning Director shall waive or modify any objective standard if its application would physically preclude the construction of the minimum number of dwelling units required under Government Code Section 66499.41.

2. Parcel Map MHIPs. The Planning Director shall waive or modify any objective standard if its application would physically preclude the construction of the minimum residential density required by the underlying zoning district. If the zoning district does not establish a minimum residential density, the project shall meet or exceed sixty-six percent of a density of 30 dwelling units per acre.

D. Specific Standards.

1. No separation is required between units, except as required by the California Building Code.

2. Rear and side yard setbacks from the original parent parcel lot line shall be four (4) feet, except that:

a. no setback is required for an existing legally created structure, or for a structure reconstructed in the same location and to the same dimensions as such legally created structure, and

b. where the applicable zoning district allows a rear or side yard setback less than four (4) feet, the smaller standard shall apply.

3. Average Unit Size. For SB 684 MHIPs, the average net habitable floor area of dwelling units shall not exceed 1,750 square feet per unit. This limit shall not apply to Parcel Map MHIPs.

4. For development on a vacant lot zoned single-family, the applicable height limit shall be no less than the maximum height otherwise permitted in the zoning district.

Section 14. That BMC Section 23.502.020(M)(11) to (18) are amended to read as follows:

11. Middle Housing Infill Project. See 21.30.020(A) (Definitions)

4412. Mini-storage. A storage warehouse characterized by individual separate spaces, which are accessible by customers for storing and retrieval of goods.

4213. Mixed Use. The use of a lot or building with two or more different land uses including, but not limited to, residential, commercial retail, office or manufacturing, in a single structure or a group of physically integrated structures.

4314. Mixed-Use Residential. A development project with both residential and non-residential uses which are either 1) located together in a single building; or 2) in separate buildings on a single site of one or more contiguous properties.

4415. Microcell. A set of antenna nodes networked with each other and connected to a wireless service source, such that a one or more high-power antennas that serve a given area are replaced by a group of lower-power antennas to serve the same geographic area.

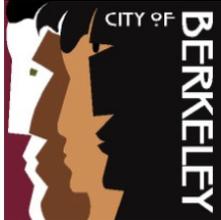
4516. Monopole. A single pole support structure greater than 15 feet in height erected on the ground or on a structure to support antennas and related communications equipment.

4617. Motel, Tourist. An establishment which provides overnight lodging and parking which contains six or more guest rooms used, designed or intended to be used, let or hired out for occupancy by six or more transient individuals for compensation, whether direct or indirect, and in which the rooms are usually accessible from an outdoor parking lot.

4718. Multi-Family Dwelling. A building, group of buildings, or portion of a building used or designed as three or more dwelling units.

4819. 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 15. 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.



Councilmember Rashi Kesarwani

CONSENT CALENDAR

January 21, 2025

TO: Honorable Mayor Adena Ishii and Members of the City Council

FROM: Councilmember Rashi Kesarwani (Author)

SUBJECT: Expanding Homeownership Opportunities for Middle-Income Earners

RECOMMENDATION

Refer to the City Manager to develop modifications to Berkeley Municipal Code Title 21 (Subdivisions) and refer to the City Manager and Planning Commission to develop modifications to Title 23 (Zoning) to enhance ownership opportunities for middle housing—in alignment with unanimous Council direction for a Middle Housing Ordinance and allowances under Chapter 783, Statutes of 2023 (S.B. 684, Caballero).

CURRENT SITUATION AND ITS EFFECTS

High Housing Costs Are Harming Berkeley's Middle Income Earners Like Nurses, Firefighters, and Teachers. The nine-county Bay Area region is facing an acute shortage of homes affordable for working families, reflecting the broader statewide shortage of 3.5 million homes across California.¹ In the Bay Area, only one new home is added for every 3.5 jobs created, exacerbating the housing shortage.² In Berkeley, the median sale price of a home is \$1.4 million, a figure that places immense strain on low-, moderate-, and middle-income households. As a result, California has the second-lowest homeownership rate in the nation, reflecting the growing affordability gap.³ The Bay Area is among the most expensive housing

¹ Woetzel, J., Mischke, J., Peloquin, S., and Weisfield, D. (2016, October). A Toolkit to Close California's Housing Gap: 3.5 Million Homes by 2025. McKinsey Global Institute, <https://www.mckinsey.com/featured-insights/urbanization/closing-californias-housing-gap>

² Metropolitan Transportation Commission. (2018). Vital Signs. <http://www.vitalsigns.mtc.ca.gov/>

³ iProperty Management. (2022, October). Home Ownership Rates By State. <https://ipropertymanagement.com/research/homeownership-rate-by-state>

markets in the U.S., with prices roughly 2.5 to 3.5 times higher than the national median. For a Bay Area family to afford the principal, interest, taxes, and insurance payments on a median-priced home of \$1.4 million, they would need to earn more than \$300,000 annually, assuming they can make a 20 percent down payment.⁴ This cost barrier means that many public employees, including nurses, firefighters, and teachers, cannot afford to buy homes. While the Berkeley Unified School District is planning to develop more than 100 units of teacher housing, the demand still outpaces the supply. According to a 2017 Berkeley Unified School District (BUSD) survey, 69 percent of teachers and staff believed that high housing costs would impact their ability to remain in their BUSD positions.⁵ Since most teachers are not classified as low-income, they do not qualify for affordable housing units. With few subsidies available, middle-income families often must rely on the private market for housing in the Bay Area, further deepening the affordability crisis.

Middle Housing Ownership Options Can Give Middle Income Earners the Opportunity to Stay in Berkeley and Build Wealth. Many Americans, particularly middle income and younger households, are increasingly seeking smaller, more affordable, and diverse homeownership options as single family home prices continue to rise.⁶ Middle housing options—including duplexes, triplexes, and fourplexes—can provide a more attainable entry point to homeownership for middle- and lower-income families in Berkeley. According to the U.S. Census American Community Survey, median household income for middle housing types was much lower than for single-family homes, as shown in Exhibit 1.⁷ This pattern suggests that smaller multifamily housing can offer more affordable options for a wider range of income levels. The data underscore the potential of middle housing to provide affordable homeownership opportunities, helping middle-income families stay in Berkeley and build wealth in a challenging housing market.

⁴ Prakash, Anushka. (2024, February). Home Buyers Need to Earn \$47,000 More Than in 2020. Zillow. <https://www.zillow.com/research/buyers-income-needed-33755/>

⁵ Berkeley Unified School District. (2017). Board of Education Approves Berkeley Adult School Parking Lot as Site for Educator Housing. <https://www.berkeleyschools.net/2021/02/board-of-education-approves-berkeley-adult-school-parking-lot-as-site-for-educator-housing/>

⁶ Harvard's Joint Center for Housing Studies. (2021). The State of the Nation's Housing. https://www.jchs.harvard.edu/sites/default/files/reports/files/Harvard_JCHS_State_Nations_Housing_2021.pdf

⁷ American Community Survey. (2017-2022). Public Use Microdata Set. US Census.

Exhibit 1: Median Household Income for Middle Housing Types is Significantly Lower than Median Household Income for Single-Family Homes

Median Income in Housing By Year Built & Density: Berkeley & Albany 2017 - 2022 ACS Microdata					
	Pre-1950	1950-1969	1970-1989	1990-2009	2010-
Single-family detached	\$189,258.43	\$165,280.91	\$120,095.89	\$216,669.57	\$225,410.84
Single-family attached	\$134,389.27	\$186,637.84	\$153,046.07	\$104,387.94	\$190,075.78
2-4 units	\$119,151.43	\$67,601.07	\$61,408.32	\$54,760.54	\$46,795.45
5-19 units	\$54,080.86	\$57,614.32	\$56,837.16	\$69,186.01	\$33,510.30
20-49 units	\$35,140.16	\$52,419.21	\$43,777.06	\$35,566.36	\$48,179.16
50+ units	\$49,070.72	\$32,495.92	\$76,961.53	\$34,113.76	\$75,567.55

Source: American Community Survey, 2017-2022, as analyzed by Darrell Owens

BACKGROUND

Senate Bill 684 Creates Opportunity to Enhance Ownership Options for Middle-Income Earners. . . In 2023, the California State Legislature passed Senate Bill 684 (Caballero) to address the shortage of homeownership opportunities across the state.⁸ This bill mandates that local agencies review, in a ministerial (non-discretionary) manner, parcel maps or tentative and final maps for housing development projects that meet specific criteria.⁹

Key site and project criteria of SB 684 include:

- The subdivision results in 10 or fewer parcels.
- The development includes no more than 10 residential units.
- The area is zoned for multi-family development and is less than five acres.
- The project was not created under the ministerial subdivision authority in Senate Bill 9 (Cal. Gov. Code Sec. 66411.7).
- The subdivision must not create new lots smaller than 600 square feet, unless the local agency has approved smaller minimum parcel sizes.
- The resulting housing will be simple ownership lots, part of a common interest development or cooperative or owned by a community land trust.
- The housing development must meet specific affordability criteria, providing either the projected number of low- or very-low-income units for the parcel, or if not listed in the Housing Element, must comply with the maximum allowable residential density.

⁸ Caballero, Anna. (2024). Senate Bill 684.
https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB684

⁹ Sarjapur, Melinda. (2024). SB 684—How to Apply New State Law Allowing Ministerial Approval for up to 10-Lot Subdivisions on Small Lots
<https://static1.squarespace.com/static/5f2c2d67c58236227115e0de/t/66a3d0be22486b760b9eb302/1722011839196/Casita-Coalition-Reuben-Junius-Rose-SB-684-final-memo-0725204.pdf>

- The average total floor area cannot exceed 1,750 net habitable square feet.

Projects must comply with objective zoning, design and subdivision criteria that do not conflict with SB 684. Additionally, a local agency may not apply certain standards, such as:

- Density standards that would prohibit low-income housing.
- Minimum lot size requirements, beyond the 600 square foot minimum.
- Additional setbacks between the units, beyond those required by the Building Code.
- Enclosed or covered parking
- Side and rear setbacks greater than those allowable under Senate Bill 9 (four feet for new structures)
- Floor Area Ratio ("FAR") limits that are less than the following:
 - For 3 to 7 units, a FAR that is less than 1.0
 - For 8 to 10 units, a FAR that is less than 1.25

... Requiring Berkeley to Amend the Municipal Code to Enhance Availability of SB 684 Ownership Options, Given Council Direction for a Middle Housing Ordinance. In a 2022 study, the Turner Center published research that indicated that lack of clarity around subdivision is a driving force for developers abandoning ownership models in favor of more predictable and less-risky rental development.¹⁰ To address the Bay Area's housing crisis and promote more affordable ownership opportunities, amendments to the Berkeley Municipal Code are needed to allow for the development of middle housing ownership opportunities through subdivision of parcels. By creating more diverse housing options, Berkeley can attract and retain a diverse workforce, lower housing costs, and increase affordability for a wider range of residents.

RATIONALE FOR RECOMMENDATION

Amending the Berkeley Municipal Code to align with unanimous Council direction for a Middle Housing Ordinance and Senate Bill 684 is essential to addressing the city's acute housing affordability crisis. Berkeley's current median home price of \$1.4 million creates insurmountable barriers for middle-income families who are critical to the community's functioning. Senate Bill 684 offers a framework to streamline the approval of small-scale housing developments, ensuring affordability while expanding ownership opportunities. By modifying Title 21 and potentially Title 23 to enable greater middle housing ownership options, Berkeley can expand entry-level homeownership opportunities for middle-income earners. These changes will support a more equitable housing market, foster a diverse workforce, and align with Berkeley's broader goals of sustainable and inclusive growth.

¹⁰ Garcia, Alameldin, Metcalf, and Fulton. (2022, December). Unlocking the Potential of Missing Middle Housing. UC Berkeley Turner Center for Housing Innovation. <https://turnercenter.berkeley.edu/wp-content/uploads/2022/12/Missing-Middle-Brief-December-2022.pdf>

FISCAL IMPACTS

Staff time to amend various sections of the Berkeley Municipal Code.

ENVIRONMENTAL SUSTAINABILITY

Creating denser, smaller-scale housing options maximizes land use efficiency, reduces the need for long commutes, and promotes walkable, transit-oriented neighborhoods. This can significantly lower greenhouse gas emissions by reducing reliance on cars and encouraging more energy-efficient housing designs. Additionally, utilizing existing infrastructure for compact development minimizes environmental impacts associated with new construction on undeveloped land, preserving green space and biodiversity.

CONTACT PERSON

Councilmember Rashi Kesarwani

(510) 981-8100



Planning and Development Department
 Land Use Planning Division

STAFF REPORT
 July 16, 2025

TO: Members of the Planning Commission

FROM: Branka Tatarevic, Associate Planner

SUBJECT: Senate Bill 684 (2023) Small Lot Subdivision and Housing Development

RECOMMENDATION

Staff recommends that the Planning Commission review the staff report, receive the staff presentation, consider public comments, and provide feedback to staff on policy issues regarding Senate Bill 684 (SB 684) implementation.

BACKGROUND

The implementation of SB 684 has been prompted by a City Council referral, “Expanding Homeownership Opportunities for Middle-Income Earners,” which instructs staff and the Planning Commission to amend Title 21 (Subdivisions) and possibly 23 (Zoning) to implement Senate Bill 684 (Caballero, 2023).

Senate Bill 684 (2023) Small Lot Subdivision and Housing Development

SB 684 (Gov. Code §§ 65852.28, 65913.4.5 & 66499.41), effective July 1, 2024, allows a city to adopt a local ordinance enabling ministerial approval of a housing development, on a site zoned for multi-family use¹ of less than 5 acres or a vacant lot zoned for single-family residential development that is no larger than one and one-half acres, with up to 10 dwelling units, which may be subdivided ministerially into no more than 10 ownership units. Parcel or tentative maps for such a project must be approved within 60 days, must be located on multi-family zones sites², and are exempt from review under the California Environmental Quality Act (CEQA).

In Berkeley, such small-lot subdivisions have been infeasible because of the City's minimum lot size requirements (5,000 square feet per new lot in many zoning districts). Condominium subdivisions also triggered full discretionary development and subdivision review under the Subdivision Map Act, adding cost, delay, and uncertainty that has discouraged entry-level homeownership projects.

¹ In Berkeley, that includes the following districts: R-1(outside the Hillside Overlay zone), R-2, R-2A; R-3, R-4, R-5, R-S, R-SMU, R-BMU, C-C, C-U, C-N, C-E, C-NS, C-SA, C-T, C-SO, C-DMU, C-W, C-AC, and MU-R.

² In Berkeley, that includes all zoning districts except M, MM, MU-LI and M-RD zoning district.

SB 684 (2023) Small Lot Subdivision and Housing Development Implementation Planning Commission
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By limiting local review to objective standards and eliminating public hearings, SB 684 creates a streamlined path for starter homes and other missing-middle ownership housing.

On January 21, 2025, the City Council adopted a referral, “Expanding Homeownership Opportunities for Middle-Income Earners” (**Attachment 1**), directing the City Manager and Planning Commission to revise BMC Titles 21 (Subdivisions) and 23 (Zoning) to implement SB 684 by establishing a ministerial approval process for small-lot subdivisions. The referral highlights the bill’s potential to expand fee-simple and common-interest ownership opportunities, such as duplexes, triplexes, and other middle housing types, for moderate-income residents who are currently priced out of Berkeley’s housing market.

Senate Bill 1123 (Caballero 2024)

Senate Bill 1123 (SB 1123) was signed into law on September 19, 2024. SB 1123 amends SB 684 to broaden ministerial small-lot subdivision beyond multifamily-zoned sites. Beginning July 1, 2025, projects of ten or fewer units may also qualify on vacant single-family lots up to 1.5 acres in size³, provided newly created lots are at least 1,200 square feet. Accessory Dwelling Units (ADUs) and Junior ADUs are expressly excluded from the 10-unit cap, and local agencies may impose only an objective height limit on qualifying vacant single-family sites. The bill also confirms that any existing dwelling(s) must remain under a common title after subdivision, preventing fee-simple splits of current structures.

Additional amendments align the law with a wider range of ownership models and relaxed development standards. Qualifying projects may now be held in tenancy-in-common (TIC) or on land owned by a community land trust. Density compliance is eased from 100 percent to not less than least 66 percent of the maximum allowable residential density, and minimum street-frontage requirements are eliminated altogether. As with the SB 684, ministerial approval must occur within statutory timelines and remains exempt from CEQA, with statewide application to charter and general-law cities.

Los Angeles Small-Lot Subdivision Ordinance: Precedent for SB 684

The City of Los Angeles pioneered California’s small-lot subdivision concept in the early 2000s, reducing minimum lot sizes so townhouse-style homes could be built on underutilized commercial and multifamily parcels. From 2010-2020 the city issued certificates of occupancy for 1,413 small-lot dwellings—averaging 39 dwelling units per acre (du/ac) in multifamily zones and 61 du/ac in medium-high zones, compared with roughly 8 du/ac in single-family districts. Los Angeles’ Small-Lot Subdivision Ordinance still requires small-lot projects to complete a two-step tentative/final map process,

³ The City’s remaining single-family zone is the R-1H.

SB 684 (2023) Small Lot Subdivision and Housing Development Implementation Planning Commission
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adding time and cost even when the resulting density matches what an apartment building could achieve on the same site.⁴

SB 684 applies this Los Angeles model statewide, and allows jurisdictions to approve small-lot subdivisions ministerially under objective standards.

Examples of Local Implementation of SB 684

City of Los Angeles

Los Angeles City Planning issued a July 2024 memorandum detailing how ministerial processing for up to 10-unit small-lot subdivisions would be handled, including objective standards, eligibility checklists, and electronic processing. The memorandum details how an SB 684 project is processed differently than a project under Los Angeles' Small Lot Subdivision Ordinance.⁵

City of Campbell

In 2024, Campbell's City Council adopted Urgency Ordinance No. 2311, explicitly amending its Subdivision and Zoning Code to allow SB 684-eligible small-lot subdivisions via a ministerial pathway, and suspending conflicting local standards.⁶

City of Hayward

The City of Hayward is accepting SB 684 "Small Lot Subdivision" applications ministerially via its e-Permit Portal, with a streamlined checklist published as of March 6, 2025, and compliant with SB 1123 updates.⁷

City of Lafayette

Rather than adopting a local ordinance, Lafayette is administering SB 684 directly through updated permit forms and application materials, effective July 1, 2024. The informational page notes upcoming updates, pursuant to SB 1123.⁸

DISCUSSION

Required Provisions for a Local SB 684 / SB 1123 Ordinance

⁴ [Assembly Committee on Local Government, Bill Analysis for SB 684 \(Caballero\), July 12 2023, pp. 5-6.](https://alcl.assembly.ca.gov/sites/alcl.assembly.ca.gov/files/SB%20684%20%28Caballero%29.pdf)

⁵ [LA City Planning SB 684 Implementation Memorandum](https://planning.lacity.gov/odocument/923cfe89-a931-41c5-9ada-71c0ca9def52/684%20memo_final%20for%20re-sign_HP%20Update.pdf)

⁶ [City of Campbell Ordinance 2311 - Urgency Measures to Implement Senate Bill No. 684 \(2023\)](https://flink.campbellca.gov/LFLINK/DocView.aspx?dbid=0&id=215653&repo=CityHall)

⁷ [City of Hayward Informational Page about SB 684](https://hayward-ca.gov/services/permits/small-lot-subdivisions-sb-684)

⁸ [City of Lafayette Informational Page about SB 684](https://www.lovelafayette.org/city-hall/city-departments/planning-building/do-i-need-a/sb-684)

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SB 684 allows a city to adopt a local ordinance enabling ministerial approval of a housing development with up to 10 dwelling units, which may be subdivided ministerially into no more than 10 ownership units. For the Planning Commission’s consideration, *Attachment 2* is a model ordinance for SB 684 implementation, developed by Association of Bay Area Governments (ABAG). The SB 684 Model Ordinance includes provisions that must be included in any local implementation ordinance, and also a number of optional provisions a jurisdiction may choose to incorporate. Table 1, below, includes all of the required elements of any local ordinance.

Table 1. Required State Law Elements, as Included in ABAG Model Ordinance

Model Ordinance Section	Content
Purpose / Authority / CEQA Findings (Sections 1-3)	<ul style="list-style-type: none"> • Notes that the chapter implements Gov. Code Sections 65852.28, 65913.4.5, and 66499.41. • Affirms ministerial approval of qualifying subdivisions and projects. • Notes that the ordinance is not a “project” under CEQA, and is therefore exempt from CEQA.
Definitions (Section 4)	Includes statutory terms that appear later in the bill.
Small-Lot Subdivision – Ministerial Review (Section 5)	Requires the Planning Director to approve a parcel or tentative/final map within 60 days if all qualifying criteria are met, with no public hearing.
Qualifying Criteria (Section 5)	<p>A project qualifies only if all of the following are satisfied:</p> <ul style="list-style-type: none"> • Parcel location/size – Urban multifamily zone on parcels less than 5 acres or vacant single-family zone parcels less than 1.5 acres. • Max scope – fewer than 10 parcels and fewer than 10 primary units. • Minimum lot size – 600 square feet (multifamily) or 1,200 square feet (vacant single-family). • Legal parcel, not previously split under SB 684 or SB 9. • Surrounded by qualified urban uses. • Density floor – If listed in Housing Element, must meet projected units; if not listed, must achieve at least 66 % of maximum zoning density (or of Gov. Code § 65583.2(c)(3)(B), which is 30 dwelling units per acre statewide default applicable to Berkeley). • Average new unit size must be less than 1,750 net habitable square feet.

SB 684 (2023) Small Lot Subdivision and Housing Development Implementation Planning Commission
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Model Ordinance Section	Content
	<ul style="list-style-type: none"> • Tenant / Rent-controlled protections – no demolition or alteration of protected or recently occupied units; no Ellis-Act withdrawals within 15 years. • Exclusion areas – may not be farmland, wetlands, VHFHSZ (unless standards met), hazardous-waste sites, fault zones, floodways, etc. • Utilities – parcels must be served by public water and municipal sewer. • Title restriction – subdivision may not leave any existing dwelling on a separate title from another existing dwelling. • Objective-standards clause – only objective zoning/subdivision/design standards may be imposed; no minimum frontage/lot dimensions beyond those above; no mandatory HOA formation.
Housing Development of Small Lot Subdivisions (Section 6)	<ul style="list-style-type: none"> • Ministerial approval within 60 days. • Setbacks – 4 ft side/rear from original lot line; no interior setbacks. • Height – no new limit lower than base zoning for vacant single-family parcels. • Parking – maximum 1 space per unit; zero spaces if within half-mile walk of a major transit stop/High Quality Transit Corridor. • FAR caps – 1.0 (3–7 units) and 1.25 (8–10 units). • Waiver clause – City must waive/modify any standard that would physically preclude achieving the statutory density (at least the ten-unit project).
Specific Adverse Impact Test (Section 7)	Project or subdivision may only be denied if the City makes a written finding of a specific, quantifiable, unavoidable public-health-or-safety impact with no feasible mitigation.
Severability & Effective Date (Sections 8-9)	<ul style="list-style-type: none"> • Standard severability clause. • Ordinance takes effect 30 days after adoption

Optional Provisions for a Local SB 684 / SB 1123 Ordinance

State law allows a jurisdiction to include additional optional provisions. These are summarized in Table 2, below. All come from the “Recommended” or “POLICY” notes in the ABAG Model Ordinance and may be adopted, modified, or omitted at the city’s discretion.

Table 2. Optional State Law Elements, as Included in ABAG Model Ordinance

Model Ordinance Section	Optional provisions
Definitions	Decide whether to define income tiers (“extremely-,” “very-,” “low-,” “moderate-income household”) and use them in local inclusionary or fee programs.
Qualifying Criteria (Subdivision)	<ul style="list-style-type: none"> • ADU/JADU treatment. <ul style="list-style-type: none"> ○ Exclude ADUs/JADUs from the 10-unit cap, and/or ○ Prohibit future ADUs/JADUs on new lots. • Mandatory build-out — Require at least one primary dwelling on every new lot (“Development on Each Lot”). • Urban Lot Split ban — Prohibit subsequent § 66411.7 urban-lot-split maps on parcels created under SB 684. • Tenant-history affidavit — Require a signed declaration of prior tenancies and proof of no recent displacement. • If any existing dwelling unit is proposed to be demolished, require compliance with the replacement housing provisions of Government Code Section 66300.
Housing Development on Small-Lot Subdivisions	<ul style="list-style-type: none"> • Density requirement for waivers. Choose the required density that forces staff to waive standards that would physically preclude the project. • FAR maximums — Keep the template (1.0 for 3-7 units, 1.25 for 8-10) or set different ratios.
Building-Permit Stage	<ul style="list-style-type: none"> • Recorded covenant — Require proof that the final map will record before any certificate of occupancy is issued. • Performance security — Set a bond/letter-of-credit requirement (up to 300 % of improvement cost) to guarantee subdivision conditions.
Enforcement (multiple sections)	Add or tailor civil-action tools for ordinance violations and covenant breaches.

SB 684 (2023) Small Lot Subdivision and Housing Development Implementation Planning Commission
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Lot Design Standards - Reference Model Los Angeles Small-Lot Subdivision Ordinance

Los Angeles' Small-Lot Subdivision Ordinance includes Small Lot Design Standards (SLDS) review, which reduces the minimum lot size to 600 square feet and minimum lot width to 16 feet, allows zero interior side-yard setbacks between homes within a project, and requires common-access easements, clearly defined pedestrian pathways, and recorded maintenance agreements. It also applies 5-foot perimeter setbacks for roof decks and limits driveway widths to preserve streetscape character.

Because Los Angeles' Small-Lot Subdivision process predates SB 684, some of these standards are not permitted under SB 684, while others are allowed, provided they are objective. For example, the 16-foot minimum frontage is not allowed because SB 684 bars minimum width/frontage requirements. Table 3, below, provides an overview of these standards, and the full checklist is available on the Los Angeles City Planning webpage.⁹

Table 3. Los Angeles Planning Small-Lot Subdivision Standards, Summary

Potential Standard	Permitted under SB 684 / SB 1123
Minimum parcel area of 600 square feet	Yes. Statute sets this as the floor for multifamily-zoned sites (1,200 square feet for vacant single-family lots). Cities may adopt smaller lot size requirements (cities may allow smaller parcels but cannot require larger ones).
Zero interior setbacks between buildings on new lots	Yes. Cities may not require greater interior setbacks.
Minimum parcel frontage (lot width)	No. Gov. Code 66499.41(b)(1) specifies that a qualifying project "is not required to comply with any minimum requirement on the size, width, depth, or frontage of an individual parcel beyond the minimum parcel size."
Pedestrian pathway from street	Yes. This is a site-planning feature, not a parcel-dimension rule.
Single shared driveway / max one curb cut	Yes. Access design standards are allowed if objective.
Recorded maintenance covenants	Yes. Cities may require objective long-term maintenance provisions.
Façade articulation, roof modulation, open-space ratios, tree planting, etc.	Yes, provided the standards are objective and do not physically preclude achieving the required density (Gov. Code 65852.28(b)(2)).

⁹ [Los Angeles City Planning Small Lot Design Standards](https://planning.lacity.gov/odocument/01d4a580-f174-4a97-b144-9b3c98616ddf/SmallLotDesignStandards.pdf)
<https://planning.lacity.gov/odocument/01d4a580-f174-4a97-b144-9b3c98616ddf/SmallLotDesignStandards.pdf>

Policy Questions

The Planning Commission is asked to consider the optional provisions discussed above, including state-law references and possible Lot-Design Standards, and provide direction on each.

Optional Provisions for a Local SB 684 / SB 1123 Ordinance

Income-Tier Definitions

- Should the ordinance add local definitions for "Lower-Income Household" and "Very Low Income Household"?

Future ADUs/JADUs on New Lots

- Should the ordinance prohibit new ADUs or JADUs on parcels created through SB 684?

Mandatory Build-Out

- Should each and every newly created lot be required to contain or build at least one primary dwelling unit?

Subsequent Urban Lot Split Prohibition

- Should parcels created under SB 684 be barred from subsequent SB 9 lot splits?

Tenant-History Affidavit

- Should applicants be required to submit a declaration of prior tenancies and certify no recent displacement?

Density Threshold for Waiving Standards

- What minimum density (e.g., 30 du/ac) should trigger the waiver of local standards that would physically preclude development?

Floor-Area-Ratio (FAR) Caps

- Should the default FAR limits (1.0 for 3-7 units; 1.25 for 8-10 units) be retained or adjusted?

Recorded Covenant Before C of O

- Should proof of final-map recordation be required before a certificate of occupancy is issued?

Performance Security

- Should applicants post a bond or letter of credit (up to 300 % of improvement costs) to guarantee subdivision conditions?

Enforcement Tools

- Should the City add or customize civil-action remedies for violations of the SB 684 ordinance and related covenants?

SB 684 (2023) Small Lot Subdivision and Housing Development Implementation Planning Commission
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Small-Lot Design Standards

BMC Title 21 currently contains only general design criteria (street frontage, lot depth, improvement standards) written for conventional subdivisions. Berkeley lacks objective standards tailored to the very small parcels that SB 684 will enable. Staff seeks direction on whether to draft Berkeley-specific small-lot design standards—for example:

- Minimum parcel size or width beyond the statutory 600 sq ft floor
- Perimeter setbacks, building separation, and height transitions to adjacent lots.
- Requirements for shared driveways, pedestrian access, and utility easements.
- Private versus common open-space ratios.
- Recorded maintenance or homeowners-association provisions for shared elements.

Should staff return with draft objective design standards for inclusion in the local SB 684 ordinance, or rely on the baseline statutory criteria alone? Feedback will guide the next ordinance draft.

ENVIRONMENTAL REVIEW

There are no identifiable environmental effects or opportunities associated with this informational report.

NEXT STEPS

Staff would be drafting a local SB 684/SB 1123 ordinance that integrates the new ministerial subdivision provisions into BMC Title 21, cross-references Berkeley's Demolition and Dwelling-Unit Protections (BMC 23.326), and identifies any optional, objective small-lot design standards for Commission consideration.

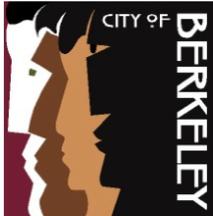
With the Planning Commission's feedback tonight, staff will work on preparing a complete ordinance package, circulate it for inter-departmental and public review, and return for a noticed public hearing and with recommendation. Following Commission action, staff would move forward with the required steps for final adoption of any BMC amendments by the City Council.

CONTACT PERSON

Branka Tatarevic, Planning and Development Department, 510-981-7472

ATTACHMENTS

1. Referral to Implement SB 684
2. ABAG SB 684 Implementation Model Ordinance
3. City of Los Angeles Small Lot Design Standards



Councilmember Rashi Kesarwani

CONSENT CALENDAR

January 21, 2025

TO: Honorable Mayor Adena Ishii and Members of the City Council
FROM: Councilmember Rashi Kesarwani (Author)
SUBJECT: Expanding Homeownership Opportunities for Middle-Income Earners

RECOMMENDATION

Refer to the City Manager to develop modifications to Berkeley Municipal Code Title 21 (Subdivisions) and refer to the City Manager and Planning Commission to develop modifications to Title 23 (Zoning) to enhance ownership opportunities for middle housing—in alignment with unanimous Council direction for a Middle Housing Ordinance and allowances under Chapter 783, Statutes of 2023 (S.B. 684, Caballero).

CURRENT SITUATION AND ITS EFFECTS

High Housing Costs Are Harming Berkeley's Middle Income Earners Like Nurses, Firefighters, and Teachers. The nine-county Bay Area region is facing an acute shortage of homes affordable for working families, reflecting the broader statewide shortage of 3.5 million homes across California.¹ In the Bay Area, only one new home is added for every 3.5 jobs created, exacerbating the housing shortage.² In Berkeley, the median sale price of a home is \$1.4 million, a figure that places immense strain on low-, moderate-, and middle-income households. As a result, California has the second-lowest homeownership rate in the nation, reflecting the growing affordability gap.³ The Bay Area is among the most expensive housing

¹ Woetzel, J., Mischke, J., Peloquin, S., and Weisfield, D. (2016, October). A Toolkit to Close California's Housing Gap: 3.5 Million Homes by 2025. McKinsey Global Institute, <https://www.mckinsey.com/featured-insights/urbanization/closing-californias-housing-gap>

² Metropolitan Transportation Commission. (2018). Vital Signs. <http://www.vitalsigns.mtc.ca.gov/>

³ iProperty Management. (2022, October). Home Ownership Rates By State. <https://ipropertymanagement.com/research/homeownership-rate-by-state>

markets in the U.S., with prices roughly 2.5 to 3.5 times higher than the national median. For a Bay Area family to afford the principal, interest, taxes, and insurance payments on a median-priced home of \$1.4 million, they would need to earn more than \$300,000 annually, assuming they can make a 20 percent down payment.⁴ This cost barrier means that many public employees, including nurses, firefighters, and teachers, cannot afford to buy homes. While the Berkeley Unified School District is planning to develop more than 100 units of teacher housing, the demand still outpaces the supply. According to a 2017 Berkeley Unified School District (BUSD) survey, 69 percent of teachers and staff believed that high housing costs would impact their ability to remain in their BUSD positions.⁵ Since most teachers are not classified as low-income, they do not qualify for affordable housing units. With few subsidies available, middle-income families often must rely on the private market for housing in the Bay Area, further deepening the affordability crisis.

Middle Housing Ownership Options Can Give Middle Income Earners the Opportunity to Stay in Berkeley and Build Wealth. Many Americans, particularly middle income and younger households, are increasingly seeking smaller, more affordable, and diverse homeownership options as single family home prices continue to rise.⁶ Middle housing options—including duplexes, triplexes, and fourplexes—can provide a more attainable entry point to homeownership for middle- and lower-income families in Berkeley. According to the U.S. Census American Community Survey, median household income for middle housing types was much lower than for single-family homes, as shown in Exhibit 1.⁷ This pattern suggests that smaller multifamily housing can offer more affordable options for a wider range of income levels. The data underscore the potential of middle housing to provide affordable homeownership opportunities, helping middle-income families stay in Berkeley and build wealth in a challenging housing market.

⁴ Prakash, Anushka. (2024, February). Home Buyers Need to Earn \$47,000 More Than in 2020. Zillow. <https://www.zillow.com/research/buyers-income-needed-33755/>

⁵ Berkeley Unified School District. (2017). Board of Education Approves Berkeley Adult School Parking Lot as Site for Educator Housing. <https://www.berkeleyschools.net/2021/02/board-of-education-approves-berkeley-adult-school-parking-lot-as-site-for-educator-housing/>

⁶ Harvard's Joint Center for Housing Studies. (2021). The State of the Nation's Housing. https://www.jchs.harvard.edu/sites/default/files/reports/files/Harvard_JCHS_State_Nations_Housing_2021.pdf

⁷ American Community Survey. (2017-2022). Public Use Microdata Set. US Census.

Exhibit 1: Median Household Income for Middle Housing Types is Significantly Lower than Median Household Income for Single-Family Homes

Median Income in Housing By Year Built & Density: Berkeley & Albany 2017 - 2022 ACS Microdata					
	Pre-1950	1950-1969	1970-1989	1990-2009	2010-
Single-family detached	\$189,258.43	\$165,280.91	\$120,095.89	\$216,669.57	\$225,410.84
Single-family attached	\$134,389.27	\$186,637.84	\$153,046.07	\$104,387.94	\$190,075.78
2-4 units	\$119,151.43	\$67,601.07	\$61,408.32	\$54,760.54	\$46,795.45
5-19 units	\$54,080.86	\$57,614.32	\$56,837.16	\$69,186.01	\$33,510.30
20-49 units	\$35,140.16	\$52,419.21	\$43,777.06	\$35,566.36	\$48,179.16
50+ units	\$49,070.72	\$32,495.92	\$76,961.53	\$34,113.76	\$75,567.55

Source: American Community Survey, 2017-2022, as analyzed by Darrell Owens

BACKGROUND

Senate Bill 684 Creates Opportunity to Enhance Ownership Options for Middle-Income Earners. . . . In 2023, the California State Legislature passed Senate Bill 684 (Caballero) to address the shortage of homeownership opportunities across the state.⁸ This bill mandates that local agencies review, in a ministerial (non-discretionary) manner, parcel maps or tentative and final maps for housing development projects that meet specific criteria.⁹

Key site and project criteria of SB 684 include:

- The subdivision results in 10 or fewer parcels.
- The development includes no more than 10 residential units.
- The area is zoned for multi-family development and is less than five acres.
- The project was not created under the ministerial subdivision authority in Senate Bill 9 (Cal. Gov. Code Sec. 66411.7).
- The subdivision must not create new lots smaller than 600 square feet, unless the local agency has approved smaller minimum parcel sizes.
- The resulting housing will be simple ownership lots, part of a common interest development or cooperative or owned by a community land trust.
- The housing development must meet specific affordability criteria, providing either the projected number of low- or very-low-income units for the parcel, or if not listed in the Housing Element, must comply with the maximum allowable residential density.

⁸ Caballero, Anna. (2024). Senate Bill 684.

https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB684

⁹ Sarjapur, Melinda. (2024). SB 684—How to Apply New State Law Allowing Ministerial Approval for up to 10-Lot Subdivisions on Small Lots

<https://static1.squarespace.com/static/5f2c2d67c58236227115e0de/t/66a3d0be22486b760b9eb302/1722011839196/Casita-Coalition-Reuben-Junius-Rose-SB-684-final-memo-0725204.pdf>

- The average total floor area cannot exceed 1,750 net habitable square feet.

Projects must comply with objective zoning, design and subdivision criteria that do not conflict with SB 684. Additionally, a local agency may not apply certain standards, such as:

- Density standards that would prohibit low-income housing.
- Minimum lot size requirements, beyond the 600 square foot minimum.
- Additional setbacks between the units, beyond those required by the Building Code.
- Enclosed or covered parking
- Side and rear setbacks greater than those allowable under Senate Bill 9 (four feet for new structures)
- Floor Area Ratio ("FAR") limits that are less than the following:
 - For 3 to 7 units, a FAR that is less than 1.0
 - For 8 to 10 units, a FAR that is less than 1.25

. . . Requiring Berkeley to Amend the Municipal Code to Enhance Availability of SB 684 Ownership Options, Given Council Direction for a Middle Housing Ordinance. In a 2022 study, the Turner Center published research that indicated that lack of clarity around subdivision is a driving force for developers abandoning ownership models in favor of more predictable and less-risky rental development.¹⁰ To address the Bay Area's housing crisis and promote more affordable ownership opportunities, amendments to the Berkeley Municipal Code are needed to allow for the development of middle housing ownership opportunities through subdivision of parcels. By creating more diverse housing options, Berkeley can attract and retain a diverse workforce, lower housing costs, and increase affordability for a wider range of residents.

RATIONALE FOR RECOMMENDATION

Amending the Berkeley Municipal Code to align with unanimous Council direction for a Middle Housing Ordinance and Senate Bill 684 is essential to addressing the city's acute housing affordability crisis. Berkeley's current median home price of \$1.4 million creates insurmountable barriers for middle-income families who are critical to the community's functioning. Senate Bill 684 offers a framework to streamline the approval of small-scale housing developments, ensuring affordability while expanding ownership opportunities. By modifying Title 21 and potentially Title 23 to enable greater middle housing ownership options, Berkeley can expand entry-level homeownership opportunities for middle-income earners. These changes will support a more equitable housing market, foster a diverse workforce, and align with Berkeley's broader goals of sustainable and inclusive growth.

¹⁰ Garcia, Alameldin, Metcalf, and Fulton. (2022, December). Unlocking the Potential of Missing Middle Housing. UC Berkeley Turner Center for Housing Innovation. <https://turnercenter.berkeley.edu/wp-content/uploads/2022/12/Missing-Middle-Brief-December-2022.pdf>

FISCAL IMPACTS

Staff time to amend various sections of the Berkeley Municipal Code.

ENVIRONMENTAL SUSTAINABILITY

Creating denser, smaller-scale housing options maximizes land use efficiency, reduces the need for long commutes, and promotes walkable, transit-oriented neighborhoods. This can significantly lower greenhouse gas emissions by reducing reliance on cars and encouraging more energy-efficient housing designs. Additionally, utilizing existing infrastructure for compact development minimizes environmental impacts associated with new construction on undeveloped land, preserving green space and biodiversity.

CONTACT PERSON

Councilmember Rashi Kesarwani

(510) 981-8100

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DISCLAIMER: This document is intended solely as a technical overview of SB 684 (2023), as amended by SB 1123 (2024). It is not legal advice regarding any jurisdiction's specific policies or any proposed subdivision or housing development project. Local staff should consult with their city attorney or county counsel when determining the applicability and form of these provisions.

SB 684 Model Ordinance

NOTE: Unless otherwise noted, provisions in this document reflect the required provisions in SB 684, as amended by SB 1123. “Recommended” provisions are suggestions to clarify ambiguities in the statute, assist in enforcement, or are optional in SB 684 as amended by SB 1123, but recommended depending on the local agency’s policy decisions. “Policy” provisions are optional provisions in the statute for local agencies to consider. A [Template Application Review Checklist](#) is provided to accompany this model ordinance.

This model ordinance has been updated to reflect the updates made to SB 684 by SB 1123 (2024). SB 1123 becomes operational on July 1, 2025.

ORDINANCE NO. _____

AN ORDINANCE OF THE [CITY/COUNTY] OF [XX] AMENDING THE MUNICIPAL CODE TO UPDATE THE CITY’S DENSITY BONUS ORDINANCE TO REFLECT CHANGES MADE IN STATE LAW.

WHEREAS, on October 11, 2023, Senate Bill 684 (Chapter 783, Statutes of 2023) was approved by the Governor of the State of California and filed with the Secretary of State, adding to the Government Code Sections 65852.28, 65913.4.5, and 66499.41, allowing ministerial approval of a subdivision of 10 or fewer parcels and 10 or fewer residential units that meet specified requirements, effective July 1, 2024; and

WHEREAS, the California legislature subsequently enacted Senate Bill 1123 (Chapter 294, Statutes of 2024), signed by the Governor of the State of California on September 19, 2024 and filed with the Secretary of State, which amends Government Code Sections 65852.28 and 66499.41 to, among other things, expand the ministerial approval process to certain vacant single-family zoned lots and make clarifying changes to the provisions enacted by SB 684, with such amendments becoming operative on July 1, 2025; and

WHEREAS, state law allows a local agency to adopt an ordinance to implement the provisions in Senate Bill 684 as subsequently amended by Senate Bill 1123; and

WHEREAS, the [City/County of _____ (the “City”/the “County”)] has implemented land use policies based on the [City/County]’s General Plan, which provide an overall vision for the community and balance important community needs, and the [City/County] seeks to ensure

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that Senate Bill 684, as amended by Senate Bill 1123, projects are consistent with those policies; and

WHEREAS, the proposed amendments to the [City of _____ Municipal Code/County of _____ County Code] implement requirements of state law and add local policies that are consistent with the state law and implement the [City/County]'s General Plan; and

WHEREAS, the Planning Commission of the [City/County of ____] held a duly and properly noticed public hearing on [date], to take public testimony and recommended the [City Council/Board of Supervisors] adopt the proposed ordinance; and

WHEREAS, the [City Council/Board of Supervisors] has found that the provisions of this ordinance are consistent with the goals and policies of the [City/County]'s General Plan; and

WHEREAS, the proposed code amendments are intended to implement Senate Bill 684 and Senate Bill 1123 and are not considered a project under Division 13 (commencing with Section 21000) of the Public Resources Code, as provided in Government Code Sections 65852.28(e), 65913.4.5(b), and 66499.41(i).

NOW, THEREFORE, THE [CITY COUNCIL OF THE CITY OF XX/BOARD OF SUPERVISORS OF THE COUNTY OF XX] DOES ORDAIN AS FOLLOWS:

SECTION 1. Purpose. The purpose of this chapter is to provide objective zoning standards for small lot subdivisions with 10 or fewer units , to implement the provisions of state law as reflected in Government Code Section 65852.28, Section 65913.4.5, and Section 66499.41, and to facilitate the development of new residential housing units consistent with the [City/County]'s General Plan and ensure sound standards of public health and safety.

SECTION 2. CEQA Findings. The proposed [Municipal/County Code] amendment has been reviewed with respect to the applicability of the California Environmental Quality Act (Public Resources Code Section 21000 *et seq*) ("CEQA"). The [City Council/Board of Directors] has determined that the text amendment in this ordinance is not a project under CEQA pursuant to Government Code Sections 65852.28(e), 659.13.4.5(b), and 66499.41(i) and thus is not subject to further environmental review under CEQA.

SECTION 3. Authority. The [City Council/Board of Supervisors] enacts this ordinance under the authority granted to cities by Article XI, Section 7 of the California Constitution and Government Code Sections 65852.28, 65913.4.5, and 66499.41.

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SECTION 4. Definitions.

- A. **[Recommended provision]** “Extremely low-income household” has the meaning set forth in Health & Safety Code Section 50106.
- B. **[Recommended provision]** “Lower-income household” has the meaning set forth in Health & Safety Code Section 50079.5.
- C. **[Recommended provision]** “Moderate income household” has the meaning set forth in Health & Safety Code Section 50093.
- D. “Net habitable square feet” has the meaning set forth in Government Code Section 66499.41(a)(6).
- E. “Qualified urban use” has the meaning set forth in Public Resources Code Section 21072.
- F. “Substantially surrounded” has the meaning set forth in Public Resources Code Section 21159.25.
- G. “Vacant” has the meaning set forth in Government Code Section 66499.41(a)(2)(A)(ii).
- H. **[Recommended provision]** “Very low-income household” has the meaning set forth in Health & Safety Code Section 50105.

SECTION 5. Small Lot Subdivision.

- A. The **[Director]** shall ministerially review, without a hearing, an application for a parcel map or a tentative and final map for a housing development project, and shall approve the application if the criteria in Government Code Section 66499.41 and this section are satisfied.
- B. **Qualifying Criteria.** Within 60 days from the receipt of a complete application, the **[Director]** shall determine if the parcel map or tentative and final map for the subdivision meets all the following requirements:
 - 1. The parcel is one of the following:
 - a. Located within one of the following multi-family residential zones: **[list of applicable zones]**; or
 - b. Vacant and located within one of the following single-family residential zones: **[list of applicable zones]**.
 - 2. The proposed subdivision will result in 10 or fewer parcels and the housing development project on the lot proposed to be subdivided will contain 10 or

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fewer residential units [include this provision if electing to allow ADUs/JADUs on parcels created by this statute – “not including any permitted accessory dwelling units or junior accessory dwelling units”].

3. The lot is substantially surrounded by qualified urban uses and meets the following maximum lot area requirements:
 - a. No larger than five acres, if the lot is zoned for multi-family residential; or
 - b. No larger than one and one-half acres, if zoned for single-family residential.
4. The lot is a legal parcel.¹
5. The lot was not established pursuant to this Section [identify municipal/county code this is in] or an urban lot split pursuant to Government Code Section 66411.7 and Section [include municipal/county code section if it exists].
6. The newly created parcels meet the following minimum lot area requirements²:
 - a. No smaller than 600 square feet if zoned for multi-family residential; or
 - b. No smaller than 1,200 square feet if zoned for single-family residential.
7. The housing units on the lot proposed to be subdivided are one of the following:
 - a. Constructed on fee simple ownership lots;
 - b. Part of a common interest development;
 - c. Part of a housing cooperative, as defined in Civil Code Section 817;
 - d. Constructed on land owned by a community land trust meeting the requirements of Government Code Section 66499.41; or
 - e. Part of a tenancy in common, as described in Civil Code Section 685.

¹ Note this section only applies if the parcel is located in an incorporated city, the boundaries of which include some portion of an urbanized area, or an urbanized area/urban cluster in a county with a population greater than 600,000 based on the most recent US Census Bureau data. See Government Code Section 66499.41 for definition of Urbanized Area and Urban Cluster.

² Local agencies may allow for a smaller minimum parcel size if they desire.

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8. The proposed development must meet one of the following³:
 - a. If the parcel is identified in the Housing Element for the current planning period, the development must result in at least as many units as projected for the parcel in the Housing Element. If the parcel is identified to accommodate low- or very-low income households, the development must result in at least as many low- or very-low income units as projected in the Housing Element. These units shall be subject to a recorded affordability restriction of at least 45 years.
 - b. If the parcel is not identified in the Housing Element for the current planning period, the development must result in 66 percent of the maximum allowable residential density specified in the zoning district in which the parcel is located or 66 percent of the applicable residential density specified in Government Code Section 65583.2(c)(3)(B), whichever is greater. If the zoning district in which the parcel is located does not specify a maximum allowable density, then the development must result in 66 percent of the applicable residential density specified in Government Code Section 65583.2(c)(3)(B).
9. The average total area of floorspace for the proposed housing units on the lot proposed to be subdivided does not exceed 1,750 net habitable square feet.
10. The housing development project on the lot proposed to be subdivided complies with Section [include section where city/county inclusionary zoning ordinance is located. If city/county does not have an inclusionary zoning ordinance, remove this subsection].
11. The housing development project on the lot proposed to be subdivided would not require demolition or alteration of any of the following types of housing:
 - a. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of low-, very low-, or extremely low-income.
 - b. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

³ Note that the statute requires the housing element to be in substantial compliance with Housing Element law. This ordinance assumes the Housing Element is substantially compliant and does not add this qualifier in the ordinance.

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- c. Housing occupied by tenants within the five years preceding the date of the application, including housing that has been demolished or that tenants have vacated prior to the submission of the application for a development permit.
 - d. A parcel on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 of the Government Code to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.
12. The lot being subdivided is not located on a site that is any of the following:
- a. Either prime farmland or farmland of statewide importance, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the voters of that jurisdiction.
 - b. Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).
 - c. Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178 of the Government Code, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code.
 - d. A hazardous waste site that is listed pursuant to Section 65962.5 of the Government Code or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to former Section 25356 of the Health and Safety Code, unless the State Department of Public Health, State Water Resources Control Board, or Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.
 - e. Within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building

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code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by the building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2 of the Government Code.

- f. Within a special flood hazard area subject to inundation by the 1-percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency. If a development proponent is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph, the [city/county] shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by the [city/county] that is applicable to that site. A development may be located on a site described in this subparagraph if either of the following are met: (1) the site has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the [city/county]; or (2) the site meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.
- g. Within a regulatory floodway as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency, unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations. If a development proponent is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, the [city/county] shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by the [city/county] that is applicable to that site.

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- h. Lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan.
 - i. Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).
 - j. Lands under conservation easement.
13. The proposed subdivision shall conform to all applicable objective requirements of the Subdivision Map Act (commencing with Government Code Section 66410), except as otherwise expressly provided in this chapter and Government Code Section 66499.41.
14. The proposed subdivision complies with all applicable standards established in Section [list code section for housing development below] and Government Code Section 65852.28.
15. The parcels created pursuant to this Section must be served by a public water system and a municipal sewer system.
16. The proposed subdivision will not result in any existing dwelling unit being alienable separate from the title to any other existing dwelling unit on the lot.
17. The development proposed on the parcels complies with all objective zoning standards, objective subdivision standards, and objective design review standards applicable to the parcel as provided in the zoning district in which the parcel is located,⁴ except that a proposed housing development is not required to comply with either a minimum requirement on size, width, depth, frontage, or

⁴ Local agencies may wish to specify which ordinance(s) or code section(s) designate these objective standards.

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dimensions of an individual parcel beyond the minimum parcel size specified in Section 6 [above] or the formation of a homeowners' association, except as required by the Davis-Stirling Common Interest Development Act (Part 5 (commencing with Section 4000) of Division 4 of the Civil Code).

18. [Recommended provision] If any existing dwelling unit is proposed to be demolished, the applicant will comply with the replacement housing provisions of Government Code Section 66300(d).

[POLICY CONSIDERATIONS: The following are included in the statute as things the local agency may do, but is not required to do. These provisions could be added in the text, above, in a new section located after Section B.]

- C. [A local agency should consider whether it wants to require development of housing on each of the lots created pursuant to this statute. If yes, suggest the following be added:]
“**Development on Each Lot.** At least one residential structure in compliance with applicable provisions of the California Building Standards Code [or including municipal/county code section] must be developed on each resulting parcel that does not already contain an existing legally permitted residential structure or is reserved for internal circulation, open space, or common area.”
- D. [A local agency should consider whether it wants to allow accessory dwelling units (ADU) and/or junior accessory dwelling units (JADU) on the parcels created by this statute. If no, the following text should be added:]
“**Prohibition of Accessory Dwelling and Junior Accessory Dwelling Units.** An accessory dwelling unit or junior accessory dwelling unit shall not be permitted on a parcel created through this chapter.”
- E. [Local agency should consider whether it wants to allow further subdivision by an Urban Lot Split. If it does not, the following text should be added:]
“**Prohibition of Urban Lot Splits.** A parcel created under this chapter may not be further subdivided pursuant to an urban lot split under Section [municipal/county code for Urban Lot Splits] or Government Code Section 66411.7.”
- F. [Recommended provision] **Declaration of Prior Tenancies.** If any existing housing is proposed to be demolished, the owner of the property proposed for the subdivision shall sign an affidavit, in the form approved by the [Director/city attorney/county counsel], stating that none of the conditions listed in Section 11 above exist and shall provide a comprehensive history of the occupancy of the units to be altered or demolished for the past five years on a form approved by the [Director].

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- G. Specific Adverse Impacts.** In addition to the criteria listed in this section, a subdivision proposed under this chapter may be denied if the [Director] makes a written finding, based on a preponderance of the evidence, that the proposed subdivision or proposed housing development project would have a specific, adverse impact upon public health and safety, for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. A “specific adverse impact” is a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. Inconsistency with the zoning ordinance or general plan land use designation and eligibility to claim a welfare exemption are not specific health or safety impacts.
- H. [Recommended provision⁵] Enforcement.** The [city attorney/county counsel] shall be authorized to abate violations of this chapter and to enforce the provisions of this chapter and all implementing agreements and affidavits by civil action, injunctive relief, and any other proceeding or method permitted by law. Remedies provided for in this chapter shall not preclude the [City/County] from any other remedy or relief to which it otherwise would be entitled under law or equity.

SECTION 6. Housing Development of Small Lot Subdivisions.

- A.** The [Director] shall ministerially review, without a hearing, an application for a housing development project on a lot that is subdivided pursuant to Section [municipal/county code section for small lot subdivision above] and Government Code Section 66499.41, and shall approve the application if the criteria in Government Code Section 65852.28 and this section are satisfied.
- B. Qualifying Criteria.** Within 60 days from the receipt of a complete application, the [Director] shall determine if the housing development project meets all the following requirements:
1. The proposed housing development is on a lot created in accordance with Section [municipal/county code section above for subdivision] and Government Code Section 66499.41.
 2. The proposed housing development complies with all objective zoning standards, objective subdivision standards, and objective design review

⁵ An enforcement mechanism is recommended. Sample language is provided if it is needed, however, this could be omitted if there is a global enforcement mechanism in the zoning code, or a citation to where enforcement is provided.

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standards applicable to the parcel as provided in the zoning district in which the parcel is located⁶ that do not conflict with Section [municipal/county code section above for subdivision] and Government Code Sections 65852.28 and 66499.41; provided, however:

- a. The [Director], or their designee, shall modify or waive any standard if the standard would have the effect of physically precluding the construction of the development project at [10/15/20/30]⁷ dwelling units per acre⁸. Any modifications of development standards shall be the minimum modification necessary.
 - b. No setback between the units is required, except as provided in the California Building Code (Title 24 of the California Code of Regulations).
 - c. Required rear and side yard setbacks from the original lot line shall equal four feet, except that no setback shall be required for an existing legally created structure or a structure constructed in the same location and to the same dimensions as an existing legally created structure.
 - d. For development on a vacant lot zoned for single-family residences, no height limit may be applied that is less than what is allowed per the existing zoning designation applicable to the lot.
3. **Parking.** One parking space,⁹ which may be uncovered or not enclosed, shall be required per unit constructed on a parcel created pursuant to the procedures in this section, except that no parking may be required where the parcel is located within one-half mile walking distance of either a stop located in a high-quality

⁶ Local agencies may wish to specify which ordinance(s) or code section(s) designate these objective standards.

⁷ Housing should be allowed at densities specified in Government Code Section 65583.2: 10 dwelling units per acre for an unincorporated area in a nonmetropolitan county; 15 dwelling units per acre for both an incorporated city in a nonmetropolitan county and a micropolitan area in an unincorporated nonmetropolitan county; 20 dwelling units per acre for a suburban jurisdiction; 30 dwelling units per acre for a jurisdiction in a metropolitan county.

⁸ Local agency may adopt a greater density; if a greater density is applicable, this paragraph should be modified.

⁹ Agencies may reduce parking standards if desired.

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transit corridor, as defined in Public Resources Code Section 21155(b), or a major transit stop, as defined in Public Resources Code Section 21064.3.

4. **Floor Area Ratio Standards.** The following floor area ratios shall apply¹⁰:

- a. For a housing development project consisting of three to seven units, inclusive, the floor area ratio is 1.0.
- b. For a housing development project consisting of eight to 10 units, inclusive, the floor area ratio is 1.25.

C. Specific Adverse Impacts. In addition to the criteria listed in this section, a proposed housing development may be denied if the building official makes a written finding, based on a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact upon public health and safety or the physical environment, for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. A “specific adverse impact” is a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. Inconsistency with the zoning ordinance or general plan land use designation and eligibility to claim a welfare exemption are not specific health or safety impacts.

D. [Recommended provision¹¹] Enforcement. The [city attorney/county counsel] shall be authorized to abate violations of this chapter and to enforce the provisions of this chapter and all implementing agreements and affidavits by civil action, injunctive relief, and any other proceeding or method permitted by law. Remedies provided for in this chapter shall not preclude the [city/county] from any other remedy or relief to which it otherwise would be entitled under law or equity.

SECTION 7. Building Permits for Housing Development of Small Lot Subdivisions

A. The [Building Official] shall issue a building permit for one or more residential units that are part of a housing development project on a lot that is subdivided pursuant to Section [municipal/county code section for small lot subdivision above] and Government Code Section 66499.41, and shall approve the application if the criteria in

¹⁰ These FARs are minimums. Local agency may provide greater FARs if desired.

¹¹ An enforcement mechanism is recommended. Sample language is provided if it is needed, however, this could be omitted if there is a global enforcement mechanism in the zoning code, or a citation to where enforcement is provided.

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Government Code Section 65852.28 and this section are satisfied and has met the following criteria:

1. The applicant has received a tentative map or parcel map approval for the subdivision.
 2. The applicant has submitted a complete building permit application.
- B.** Any dedication, improvement, and sewer requirements identified in the approved tentative map or parcel map or its conditions of approval shall be guaranteed to the [City/County]'s satisfaction.
- C.** [Recommended provision] The applicant must submit proof, to the satisfaction of the [Director/city attorney/county counsel], of a recorded covenant and agreement enforceable by the [city/county] that the applicant agrees the building permit is issued on condition that a certificate of occupancy or equivalent final approval for the building will not be issued unless the final map has been recorded.
- D.** [Recommended provision] The applicant shall provide security to ensure faithful performance of the requirements identified in the approved tentative or parcel map or its conditions of approval in the form of bonds, an instrument of credit from one or more financial institutions subject to regulation by the state or federal government and pledging that the sufficient funds necessary to carry out the act or agreement are on deposit and guaranteed for payment, or a letter of credit from such a financial institution. The amount of the security shall be [an amount not more than 300%] of the total estimated cost of improvements or acts to be performed.
- E. Specific Adverse Impacts.** In addition to the criteria listed in this section, issuance of a building permit may be denied if the Building Official makes a written finding, based on a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact upon public health and safety or the physical environment, for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. A "specific adverse impact" is a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. Inconsistency with the zoning ordinance or general plan land use designation and eligibility to claim a welfare exemption are not specific health or safety impacts.

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F. **[Recommended provision¹² Enforcement.** The [city attorney/county counsel] shall be authorized to abate violations of this chapter and to enforce the provisions of this chapter and all implementing agreements and affidavits by civil action, injunctive relief, and any other proceeding or method permitted by law. Remedies provided for in this chapter shall not preclude the [city/county] from any other remedy or relief to which it otherwise would be entitled under law or equity.

SECTION 8. Severability. ¹³ If any section, subsection, paragraph, sentence, clause or phrase of the Ordinance, or its application to any person or circumstance, is for any reason held to be invalid and unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The [City Council/Board] declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases hereof be declared invalid or unenforceable.

SECTION 9. Effective Date. This Ordinance shall take effect and be in force 30 days from and after its adoption. (*Note: If Coastal Commission approval is required, use following alternate language, "This Ordinance shall take effect upon approval of the California Coastal Commission."*)

¹² An enforcement mechanism is recommended. Sample language is provided if it is needed, however, this could be omitted if there is a global enforcement mechanism in the zoning code, or a citation to where enforcement is provided.

¹³ A severability section should be included; however, the city/county should use language consistent with what is normally included in their ordinances. Sample language is provided here if it is needed.

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INTRODUCED AND FIRST READ at a regular meeting of the [City Council of the City of XX/Board of Supervisors of the County of XX] held on the on the ____ day of _____, 202_; and thereafter **PASSED AND ADOPTED** at a regular meeting of the [City Council of the City of XX/Board of Supervisors of the County of XX], California, on the ____ day of _____, 202_, by the following vote:

AYES: [Councilmembers/Supervisors] –
NOES: [Councilmembers/Supervisors] –
ABSENT: [Councilmembers/Supervisors] –

[Mayor/Chair]

ATTEST:

[NAME]

[CITY/COUNTY CLERK]

APPROVED AS TO FORM:

[NAME]

[CITY ATTORNEY/COUNTY COUNSEL]



Small Lot Design Standards

An Illustrated Guide for
Small Lot Design Standards



Small Lot Design Standard

An Illustrated Guide for
Small Lot Design Standards

SMALL LOT DESIGN STANDARDS

ILLUSTRATED GUIDE FOR SMALL LOT DESIGN STANDARDS

OVERVIEW

INTRODUCTION

In 2005, the City of Los Angeles adopted the Small Lot Subdivision Ordinance (“Ordinance”) which introduced a new housing typology to the City. The new housing type, a small lot home, was enabled by the Ordinance’s subdivision regulations that permitted fee-simple homeownership of homes located on conventionally smaller lots and in zones where apartment units would be permitted by-right. Such permitting regulations included reduced minimum lot areas, setback and passageway requirements, and the altogether elimination of standardized open space and guest parking requirements. As a result, the Small Lot Subdivision Ordinance enabled new infill housing development, presented as a hybrid between single- and multi-family housing, that has been a smart growth alternative to traditional suburban style single-family subdivisions.

While the Ordinance created new homeownership opportunities to the traditional single-family or condominium, small lot projects faced challenges related to spatial planning and neighborhood compatibility. After over ten years of implementation of the Ordinance, and in response to Council motions, project appeals and ongoing community discussion, the Department of City Planning has updated the regulations and procedures for small lot subdivisions. The intent of the Update was to equip the City with the tools necessary to review and revise proposed small lot subdivisions with the overarching goal to improve a project’s compatibility with existing by-right zoning and neighborhood contexts.

The Update consisted of amending the Ordinance to: 1) recognize a clear set of map standards to be discretionarily administered to all small lot subdivision maps; 2) establish an administrative review process that permits an enforceable design review of individual small lot homes; 3) reduce previous incentives for newly constructed small lot homes by way of requiring greater setbacks and reducing maximum lot coverage; and 4) create a clear path to retain existing dwelling units and convert them small lot homes.

APPLYING THE DESIGN STANDARDS

Supplemental design standards have been created to assist in shaping this type of development with its unique complexities. All small lot subdivision projects are required to comply with the Small Lot Design Standards through an Administrative Clearance process. The application for the Administrative Clearance shall be filed concurrent with the tract or parcel map application and at any time a subsequent building permit is requested following the issuance of initial certificates of occupancy.

The term “Project” includes the erection or construction, reconstruction, rehabilitation, relocation, addition to, or exterior alteration of any building or structure, which require the issuance of a demolition permit, grading permit, or building permit. Projects include the preservation of existing structures in a single lot and the subdivision of land for Small Lot purposes. The term Project excludes work that consists solely of interior remodeling, interior rehabilitation or repair work that does not result in alterations to the façade or change in floor area. The following are examples of building permits that are generally exempt from administrative review:

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Exempt from Administrative Clearance:

- Re-roof with no alterations to the existing roof form, roof details, eave depth, eave details, or facades of the buildings;
- Maintenance, repair, and/or rehabilitation of existing foundations;
- In-ground swimming pool where permitted by the LAMC;
- Mechanical equipment;
- Roof-mounted solar modules; and
- Exterior lighting.

SMALL LOT DESIGN STANDARDS

The Design Standards create specific and enforceable rules regarding the design for all small lots, including building orientation, primary entryways, façade articulation, roofline variation, building modulation, pedestrian pathways, landscaping, and common open space areas.

This document consists of two parts: the Small Lot Design Standards Checklist (“Checklist”) and the Illustrated Guide. The Checklist should be used by applicants to show compliance with the Design Standards, and should be included in the application packet at the time of filing. The Illustrated Guide provides Small Lot project examples, as well as guidance and direction for applying the Design Standards. Both the Checklist and Illustrated Guide are intended for use by the Planning Department, other City agencies and Department staff, developers, architects, as well as community members in evaluating project applications.

The Checklist includes five sections:

- A. Building Design
- B. Pedestrian Connectivity and Access
- C. Landscaping
- D. Mixed Use Small Lots
- E. Bungalow Courts and Existing Structures

All new small lot dwellings must comply with Section A through C; Mixed-Use projects must comply with Sections A through D; and Bungalow Courts and Existing Structures Small Lot projects must comply with the design standards set out in Section E. If new dwellings are added to a Bungalow Court or Existing Structure Small Lot project, they must also comply with Sections A through C.

The Design Standards should be used in conjunction with relevant policies from the General Plan Framework and Community Plans. Tentative tract and parcel maps for small lot subdivisions must be consistent with the City’s General Plan and Community Plans in order to be approved. The provisions of the Small Lot Ordinance shall supersede the provisions of a Specific Plan or other overlay district. The provisions of a Specific Plan or other legislatively adopted overlay district (not exempted under the Small Lot Ordinance) shall otherwise supersede. It is important to review all relevant City documents for policies that may affect your small lot design and layout.

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CHECKLIST

	Yes	No	N/A	<i>Plan Sheet</i>
A. BUILDING DESIGN				
1. Dwelling Orientation				
a. Small Lot Homes abutting a right-of-way, including a public street, walk street, public stairways ("right-of-way") or private street shall orient the primary entryway ("front door") toward the right-of-way or, where there is a physical site constraint, shall provide a clearly identifiable pedestrian entry to the site from the right-of-way.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
b. Small Lot Homes located in the interior of the subdivision shall orient the primary entryway toward and be visible from a pedestrian pathway that is connected to the right-of-way.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
c. Small Lot Homes that abut an alley shall orient the primary entryway toward the alley, or shall be connected to a pedestrian pathway that leads directly to a right-of-way.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
2. Primary Entryways				
a. All Small Lot Homes shall have a primary entryway. All primary entryways shall provide the address or unit identification, ornamental low-level lighting to illuminate the entry area, and a landing area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
b. All primary entryways shall incorporate <u>at least four of the following</u> elements:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/> i. The entryway shall be recessed at least 2 feet from the building façade to create a covered porch or landing area.				
<input type="checkbox"/> ii. The doorway shall be recessed at least 3 inches from the building façade.				
<input type="checkbox"/> iii. The entryway shall be designed with an overhead projection of at least 6 inches such as an awning or other architectural design features so as to distinguish the front door from the rest of the building façade, unless prohibited by LAMC Section 12.22 C.20.				
<input type="checkbox"/> iv. The entryway shall be clearly marked with a side lite window panel, adjacent window, or a door with a window.				
<input type="checkbox"/> v. The entryway shall be raised or sunken at least one stair step from the pedestrian pathway.				
<input type="checkbox"/> vi. The entryway landing area shall be enhanced with unique paving material, texture, pattern, or color that is differentiated from the pedestrian pathway.				

SMALL LOT DESIGN STANDARDS

ILLUSTRATED GUIDE FOR SMALL LOT DESIGN STANDARDS

CHECKLIST (continued)

Yes No N/A *Plan Sheet*

3. Primary Entryways Between Small Lot Homes

- a. Small Lot Homes shall provide at least an 8-foot separation between the face of a primary entryway of a Small Lot Home and the adjacent building wall of a neighboring Small Lot Home. The separation may include projections as listed in 2.b.iii above, but be clear to sky for a minimum of 7 feet. The separation shall be measured along the portion of the pedestrian pathway that provides access to the entryway.

4. Façade Articulation

- a. Façades facing a right-of-way, the project perimeter, and all portions of exterior building elevations located greater than 7 feet from an adjacent Small Lot Home, shall be treated with an equal level of detail and articulation, and shall incorporate all of the following façade articulation techniques:
 - i. Change in exterior building materials to include at least two high-quality building façade materials that accentuate or correspond to variations in building massing. Building materials may include, but are not limited to: wood, glass, brick, metal spandrel, cement board siding, or tile.
 - ii. Porticos, awnings, terraces, balconies, eyebrows, or trellises of at least 6 inches in depth that provide variations in the building plane.
 - iii. Window treatments that are extruded or recessed from the building façade a minimum of 3 inches. Windows or doors that are flush with the plane of the building (rather than extruded or recessed at least 3 inches) will not qualify as facade articulation.
 - iv. A break in the façade plane of a minimum of 6 inches in depth that is applied to at least 10 vertical feet of the facade.
 - v. Other additional architectural enhancements to the floor of the primary entrance and below, so as to create a human scale to the building. Examples include handrails, fixed planters, and ornamental details, such as lighting, molding, or tiles.

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CHECKLIST (continued)

	Yes	No	N/A	Plan Sheet
5. Varied Roofline				
a. For any Small Lot Home façade fronting a right-of-way exceeding two stories in height, the roofline shall be articulated by incorporating <u>two of the following</u> :	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/> i. A roof with a slope equal to or greater than 2 inches to 12 inches, including but not limited to a sloped or curved roofline at the top of the dwelling.				
<input type="checkbox"/> ii. An open deck with a minimum of 6 feet in depth and 8 feet in width.				
<input type="checkbox"/> iii. A flat roof with a minimum of 2 feet vertical height difference for a minimum of 10 horizontal feet along the roofline of each building façade.				
<input type="checkbox"/> iv. A break in façade plane of a minimum of 6 inches in depth that is carried up to the roofline.				
<input type="checkbox"/> v. Any form of roofline modulation such as a step back, an outdoor stairwell, or a corner balcony.				
6. Roof Decks				
a. All roof decks along the project perimeter and abutting residential uses shall be stepped back a minimum of 5 feet from the roof edge, so that they are oriented away from and screened to prevent direct views of abutting residential neighbors. Roof decks facing a right-of-way are not required to be stepped back.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
7. Building Massing Variation				
a. Small Lot Homes shall be grouped into clusters to avoid long spans of building wall. Clusters of Small Lot Homes shall be no more than six Small Lot Homes in a single continuous row or 180 linear feet, whichever is smaller. Clusters of Small Lot Homes shall be separated with a building gap of a minimum of 6 feet in width, which shall be treated with a combination of landscaping, open space, and common walkways or driveways.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
b. Small Lot Homes in a single row shall provide a lateral shift or break in the façade of a minimum of 6 inches for every three Small Lot Homes or 90 linear feet, whichever is smaller.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
c. Small Lot Homes shall be unique in design so that there is variety between Small Lot Homes within a subdivision. For a Small Lot Subdivision containing more than six Small Lot Homes in a single row, there shall be at least <u>two</u> variations in building design, such as changes in dwelling orientation, primary entryways, fenestration pattern, façade articulation, or varied roofline as prescribed in Subsections 1-5. For a Small Lot Subdivision of 20 or more Small Lot Homes, there shall be at least <u>three</u> variations in building design as stated above.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____

SMALL LOT DESIGN STANDARDS

ILLUSTRATED GUIDE FOR SMALL LOT DESIGN STANDARDS

CHECKLIST (continued)

B. PEDESTRIAN CONNECTIVITY AND ACCESS	Yes	No	N/A	<i>Plan Sheet</i>
1. Pedestrian Pathways				
a. Pedestrian pathways of a minimum width of 3 feet shall be provided from the right-of-way to all primary entryways and common areas, such as common open space areas, guest parking, mailboxes, and centralized trash enclosures.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
b. A pedestrian pathway located within or parallel to a Common Access Driveway shall be constructed and/or treated with a change of materials, finishes, pattern, or paving that distinguishes the pathway from vehicular traffic.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
c. Small Lot Subdivisions of 20 or more Small Lot Homes shall provide pedestrian and bicycle access to surrounding neighborhood rights-of-way.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
2. Fences/Walls				
a. Fences or walls abutting the street or common open space areas shall be decorative, including but not limited to latticework, ornamental fences, screen walls, hedges or dense shrubs or trees. Solid masonry walls along the right-of-way are not permitted.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
b. Fences or walls abutting the right-of-way and within the yard shall provide a point of entry into each lot abutting the right-of-way.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
C. LANDSCAPING				
1. Landscaping, Common Open Space Areas, and Amenities				
a. All setback and open areas not used for buildings, parking areas, driveway, pedestrian pathways, utilities, and common open space areas shall be attractively landscaped and maintained.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
b. Required Common Open Space Areas must:				
<input type="checkbox"/> i. Be open to the sky and have no structures that project into the common open space area, except as provided in Section 12.22 C.20 (b).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/> ii. Be located at grade level, contiguous or connected, and readily accessible to all residents of the site.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/> iii. Have a minimum area of 300 sq. ft. with no horizontal dimension less than 15 feet when measured perpendicular from any point on each of the boundaries of the open space area. Driveways, parking spaces, or pedestrian pathways cannot be counted toward the open space requirement.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____

SMALL LOT DESIGN STANDARDS

ILLUSTRATED GUIDE FOR SMALL LOT DESIGN STANDARDS

CHECKLIST (continued)

- | | Yes | No | N/A | Plan Sheet |
|---|--------------------------|--------------------------|--------------------------|------------|
| c. The combination of required Common Open Space Areas shall be multi-functional and designed to accommodate a range of passive, active, or social uses, with enhancements such as landscaping, activity lawns, swimming pools, spas, picnic tables, benches, children's play areas, ball courts, barbecue areas, sitting areas, decorative bike racks, and/or dog washing stations. Common open space areas may include enhanced side yards and rear yards that meet the minimum area and dimension requirement above. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| d. All yards of a subdivision abutting the right-of-way shall be improved with landscaping (combination of groundcover, shrubs, and trees) and amenities. Amenities may include: decorative fencing, uncovered patios, enhanced pedestrian pathways, garden walls, seating areas, and/or decorative bike racks. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | _____ |

D. MIXED USE SMALL LOTS

Small Lot Subdivisions may provide Small Lot Homes that contain commercial uses at the ground floor ("Mixed Use Small Lot Homes"). Mixed Use Small Lots must comply with all other applicable regulations governing the site with regards to parking, signage, access, and FAR limitations in the LAMC. The following Design Standards shall be required for any Mixed Use Small Lot Home in addition to the other Design Standards contained in this document.

1. Building Orientation and Entry

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------|
| a. Mixed Use Small Lot Homes shall be first located along the perimeter of the subdivision abutting the right-of-way. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| b. A Mixed Use Small Lot Home shall provide a separate ground floor entrance to the commercial use, or an identifiable lobby that serves both the residential and commercial uses. The commercial entrance shall be directly accessible from the right-of-way and open during the normal business hours posted by the business. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | _____ |

2. Building Design

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------|
| a. A Mixed Use Small Lot Home shall be designed with an identifiable ground floor commercial component. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| b. Store entrances shall be recessed, not flush, with the edge of the building facade to articulate the storefront and provide shelter for persons entering and exiting. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| c. The ground floor commercial use shall be visually separated from upper residential floors, with a façade treatment such as an awning, framing, setback, or overhang of at least 18 inches in depth, so as to distinguish the commercial base of the building. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | _____ |

SMALL LOT DESIGN STANDARDS

ILLUSTRATED GUIDE FOR SMALL LOT DESIGN STANDARDS

CHECKLIST (continued)

- | | Yes | No | N/A | Plan Sheet |
|---|--------------------------|--------------------------|--------------------------|------------|
| d. The storefront of a ground floor non-residential use that fronts a right-of-way shall consist of at least fifty percent transparent windows and doors, unless otherwise prohibited by other sections of the L.A.M.C. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| e. Signage for the ground floor commercial use shall be located at or adjacent to the ground level, and be located no higher than 14 feet. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | _____ |

E. BUNGALOW COURTS AND EXISTING STRUCTURES SMALL LOTS

Existing bungalow courts and detached single, duplex, or triplex dwelling structures may be subdivided in accordance with the 2018 Small Lot Code Amendment. The conversion of an existing “Bungalow Court or Existing Structure” to a Small Lot Subdivision shall only be required to comply with the following Design Standards.

1. Common Access Driveway

Existing Common Access Driveways, pedestrian pathways, and central common open space areas shall be maintained and not reduced in size.

2. Pedestrian Pathway

Pedestrian pathways of a minimum width of 3 feet shall be provided from the public rights-of-way to all primary entryways and common areas, such as centralized trash enclosures, guest parking, and open space easements. If narrower pathways exist, they may be maintained in the same footprint and area and shall not be further reduced in width.

3. Existing Structures

New dwelling construction or additions to a designated or identified historic structure shall be in conformance with the Secretary of the Interior’s Standards for Rehabilitation.

4. New Dwelling

All new dwellings proposed in addition to a Bungalow Court or Existing Structure Small Lot project shall also meet the applicable design standards in sections A, B, and C of the Small Lot Design Standards.

5. Landscaping

All open areas not used for buildings, parking areas, driveway, pedestrian pathways, utilities, or amenity areas shall be attractively landscaped and maintained.



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Small Lot Design Standards

ILLUSTRATED GUIDE FOR SMALL LOT DESIGN STANDARDS

A. BUILDING DESIGN

1. DWELLING ORIENTATION

Small lot developments can face numerous spatial challenges that require innovative design solutions. Builders and designers should consider all possible configurations that take advantage of the site topography and consider how characteristics of the street and adjacent structures affect the overall form and orientation of the proposed development.

a. Small Lot Homes abutting a public right-of-way, including a public street, walk street, public stairways (“right-of way”) or private street shall orient the primary entryway (“front door”) toward the right-of-way or, where there is a physical site constraint, shall provide a clearly identifiable entry to the site from the right-of-way.

b. Small Lot Homes located in the interior of the subdivision shall orient the primary entryway toward and be visible from a pedestrian pathway that is connected to the public right-of-way or private street.

c. Small Lot Homes that abut an alley shall orient the primary entryway toward the alley, or shall be connected to a pedestrian pathway that leads directly to a right-of-way.



The proposed small lot development on Sanborn Avenue takes advantage of the site’s topography and orients the primary entryways towards a common pedestrian pathway that leads to the public right-of-way.



The front units at the 5112 Melrose small lot development have a strong relationship to the street.



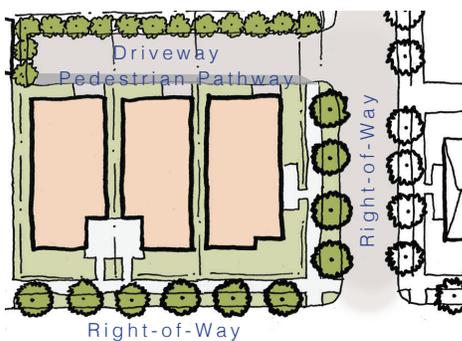
The Flores Street small lot development provides varied driveway access from Flores Street, the alley, and the shared driveway. The four front units have a strong relationship to the street and the interior units have a connection to the shared pedestrian pathway. On Flores St., the center driveway provides access to multiple homes, therefore minimizing the number of driveways and curb cuts.

Small Lot Design Standards

ILLUSTRATED GUIDE FOR SMALL LOT DESIGN STANDARDS

A. BUILDING DESIGN

1. DWELLING ORIENTATION: POSSIBLE CONFIGURATIONS

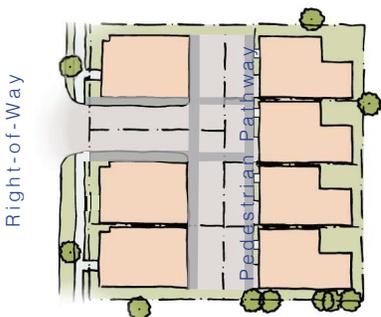


When rear driveways are used:

The right-of-way should give the appearance of an entry. Primary entryways are oriented toward and have direct access to the right-of-way.



When rear T-driveways are used all units should have direct access to the public sidewalk.



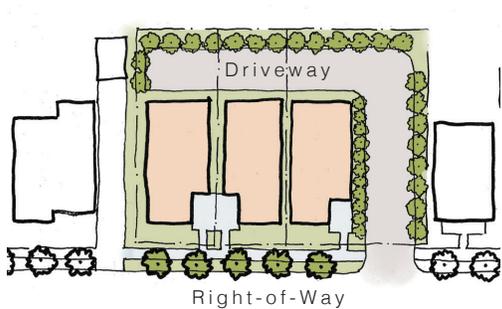
This alternative T-driveway configuration separates rear units from the right-of-way.

The primary entranceways for the rear units have direct access to the pedestrian pathway (as described in section B.1)

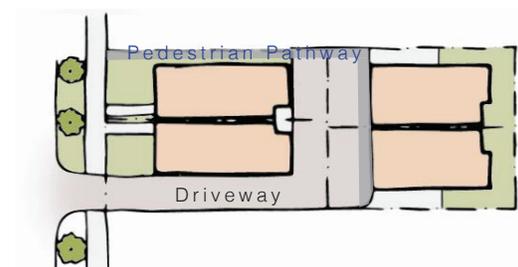
Small Lot Design Standards

A. BUILDING DESIGN

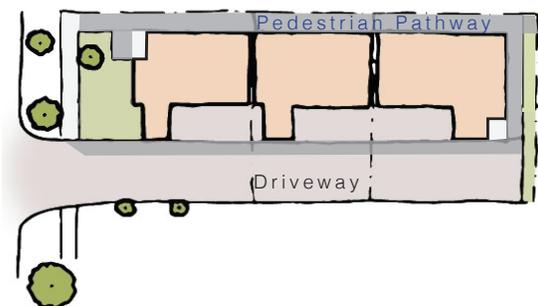
1. DWELLING ORIENTATION: POSSIBLE CONFIGURATIONS (continued)



When rear L-driveways are used, all units front directly onto the public right-of-way.



When an alternate L-driveway is used, all rear units that do not front the right-of-way should have access to the pedestrian pathways that connect to the right-of-way (as described in Section B.1).



When side access driveways are used, the primary entranceway of the front home should be accessible from the right-of-way or a pedestrian pathway that is directly connected to the right-of-way.

Interior homes should be accessible from both the driveway and a private walkway directly connected to the right-of-way at the front of the homes.

Small Lot Design Standards

A. BUILDING DESIGN

2. PRIMARY ENTRYWAYS

When entries are well articulated and easy to find, they function as gateways, simultaneously welcoming visitors, allowing for seasonal decorations, and clearly delineating the boundaries of the private realm.

- a. All Small Lot Homes shall have a primary entryway. All primary entryways shall provide the **address or unit identification, ornamental low-level lighting to illuminate the entry area, and a landing area.**



Small Lot Design Standards

A. BUILDING DESIGN

2. PRIMARY ENTRYWAYS (continued)

In addition to the address identification, lighting, and landing area, the primary entryways shall be articulated in order to enhance the overall quality of the project. Entryways may also offer habitable outdoor space in the form of a small front porch or patio.

b. All primary entryways shall incorporate **at least four** of the following elements:

- i.** The entryway shall be recessed at least 2 feet from the building façade to create a porch or landing area.
- ii.** The doorway shall be recessed at least 3 inches from the building façade.
- iii.** The entryway shall be designed with an overhead projection of at least 6 inches such as an awning or other architectural design features so as to distinguish the front door from the rest of the building façade, unless prohibited by LAMC Section 12.22 C.20.
- iv.** The entryway shall be clearly marked with a side lite window panel, adjacent window, or a door with a window.
- v.** The entryway shall be raised or sunken at least one stair step from the pedestrian pathway.
- vi.** The landing area shall be enhanced with unique paving material, texture, pattern, or color that is differentiated from the pedestrian pathway.



Entryways, porches, landing areas, and stoops clearly delineate public and private realms while maintaining a comfortable relationship between these realms and their users.



Small overhangs above the doors at Maltman Bungalows (left) and Modative's Fay small lot development (right) provides shade and shelter, as well as adding articulation to the entryway.



Small Lot Design Standards

A. BUILDING DESIGN

3. PRIMARY ENTRYWAYS BETWEEN SMALL LOT HOMES

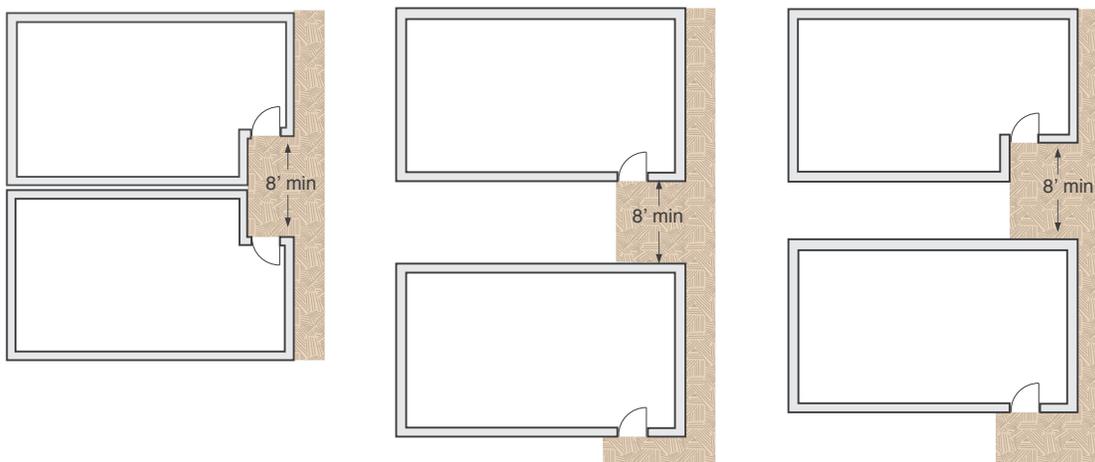
Small lot developments can face several spatial challenges, however designers should consider how the configuration of the building responds to adjacent small lot homes; in particular the relationship between the primary entryway and the abutting properties. Providing access to air, light, and ventilation is more challenging for small lot developments compared to typical single-family designs. Thus, it is important for the design of small lot homes to strive to create livable environments.

- a. Small Lot Homes shall provide at least an 8 foot separation between the face of a primary entryway of a Small Lot Home and the adjacent building wall of a neighboring Small Lot Home. The separation may include projections as listed in 2.b.iii, but be clear to sky for a minimum of 7 feet. The separation shall be measured along the portion of the pedestrian pathway that provides access to the entryway.

POSSIBLE CONFIGURATIONS

The 8-foot separation from a primary entryway and the adjacent building wall allows for a more livable, inviting space for residents and visitors.

Note: The Design Standards specify the distance between the entryway and abutting wall, not the distance between two entryways.



Small Lot Design Standards

ILLUSTRATED GUIDE FOR SMALL LOT DESIGN STANDARDS

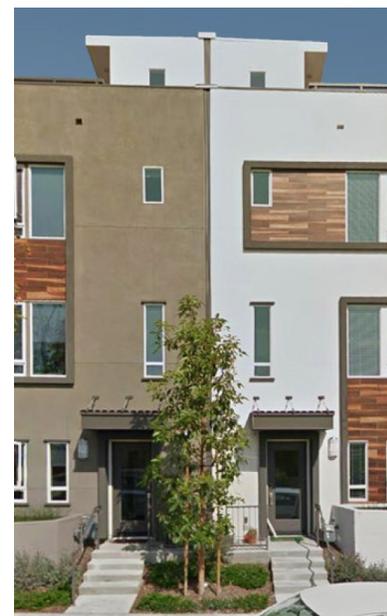
A. BUILDING DESIGN

4. FAÇADE ARTICULATION

The building facade is a crucial element in relating the building to the street and neighborhood. Effectively placed and articulated doors, windows, and balconies can enhance the overall quality of the project. Additionally, architecture often varies in style even within Los Angeles's neighborhoods. Therefore, context and surrounding structures should inform the choice of materials for small lot development.

a. Façades facing a right-of-way, the project perimeter, and all portions of exterior building elevations located greater than 7 feet from an adjacent Small Lot Home, shall be treated with an equal level of detail and articulation, and shall incorporate **all of the following** façade articulation techniques:

- i.** Change in exterior building materials to include at least two high-quality building façade materials that accentuate or correspond to variations in building massing. Building materials may include, but are not limited to: wood, glass, brick, metal spandrel, cement board siding, or tile.
- ii.** Porticos, awnings, terraces, balconies, or trellises that provide variations in the building plane.
- iii.** Window treatments that are extruded or recessed from the building façade a minimum of 3 inches. Windows or doors that are flush with the plane of the building (rather than extruded or recessed at least 3 inches) will not qualify as facade articulation.
- iv.** A break in the façade plane of a minimum of 6 inches in depth that is applied to at least 10 vertical feet of the façade.
- v.** Other additional architectural enhancements to the floor of the primary entrance and below, so as to create a human scale to the building. Examples include handrails, fixed planters, and ornamental details, such as lighting, molding, or tiles.



The Gramercy Place small lot development (right) features varied façade materials.

The Parkman small lot development (left), utilizes Spanish Colonial architectural features that relate to the context and surrounding structures in the neighborhood.

Small Lot Design Standards

ILLUSTRATED GUIDE FOR SMALL LOT DESIGN STANDARDS

A. BUILDING DESIGN

5. VARIED ROOFLINE

Roofs are an integral part of any house and are one of the most important elements. To design a visually stimulating house, a few different roof types may be used together or several of the same structure may be utilized in different ways. This creates a home that uniquely responds to both its interior function and its exterior individuality. Small lot home roofs should exhibit individuality, but should also be sensitive to context and surrounding structures.



a. For any Small Lot Home façade fronting a right-of-way exceeding two stories in height, the roofline shall be articulated by incorporating **two of the following**:

- i.** A roof with a slope equal to or greater than 2 inches to 12 inches, including but not limited to a sloped or curved roofline at the top of the dwelling.
- ii.** An open deck with a minimum of 6 feet in depth and 8 feet in width.
- iii.** A flat roof with a minimum of 2 feet vertical height difference for a minimum of 10 horizontal feet along the roofline of each building façade.
- iv.** A break in façade plane of a minimum of 6 inches in depth that is carried up to the roofline.
- v.** Any form of roofline modulation such as a step back, an outdoor stairwell, or a corner balcony.



The Blackbirds Small Lot Development (below) in Echo Park features a pitched roof.



Small Lot Design Standards

ILLUSTRATED GUIDE FOR SMALL LOT DESIGN STANDARDS

A. BUILDING DESIGN

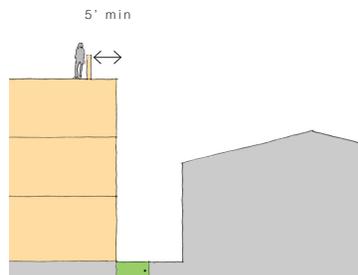
6. ROOF DECKS

Within small lot developments, the addition of roof decks is not intended to provide additional living space, but offers the opportunity for fully private outdoor space for each dwelling. Small lot developments are encouraged to maximize access to private outdoor space, light, and air.

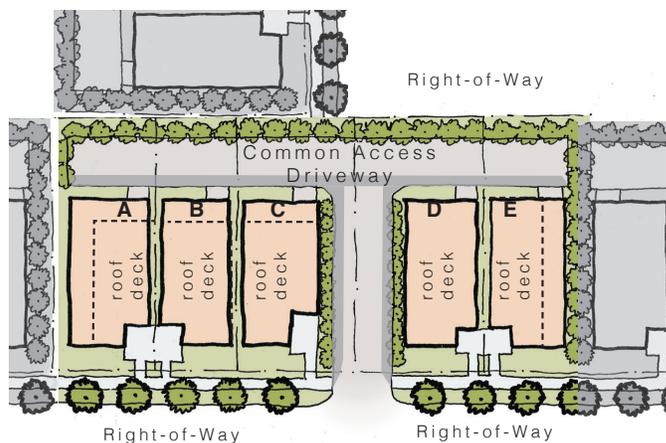
A roof deck is a flat open portion atop a roof, such as a terrace or sundeck, and is the base upon which the entire roofing system is dependent. If a roof deck is located above the maximum permitted building height it shall have an open design with no rooftop structures, as they count towards building height. The setback space between the guardrail and roof perimeter should include buffering or landscaping that does not exceed the maximum allowable height.

a. All roof decks along the project perimeter and abutting residential uses shall be stepped back a minimum of 5 feet from the roof edge, so that they are oriented away from and screened to prevent direct views of abutting residential neighbors. Roof decks facing a right-of-way are not required to be stepped back.

Note: If rooftop guardrails are located above the maximum permitted building height the applicant will need to request height relief and comply with the requirements for rooftop guardrails specified in the LAMC Section 12.21.1B3(a).



Roof decks facing residential uses stepped back by a minimum of 5 feet provides for greater privacy for all residents.



- Small Lot A:** Roof deck setback by 5 ft. on the side and rear because home abuts residential uses. No setback in front required because of right-of-way.
- Small Lot B:** Roof deck setback by 5 ft. on rear only because of abutting residential uses.
- Small Lot C:** Roof deck setback by 5 ft. on rear only because of abutting residential neighbor.
- Small Lot D:** No roof deck setback required.
- Small Lot E:** Roof deck setback on sideyard because of abutting residential uses.



The roof decks for this KTGy COVO small lot project are setback from the abutting residential units and face toward the common access driveway.

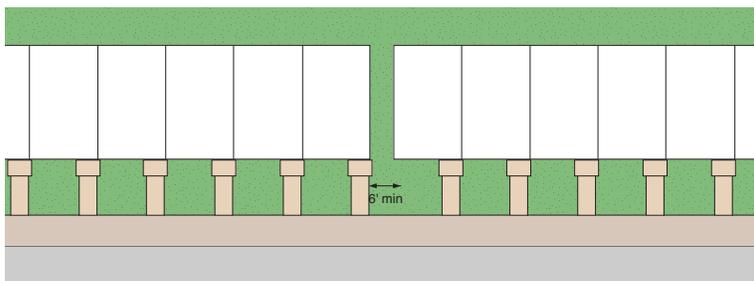
Small Lot Design Standards

ILLUSTRATED GUIDE FOR SMALL LOT DESIGN STANDARDS

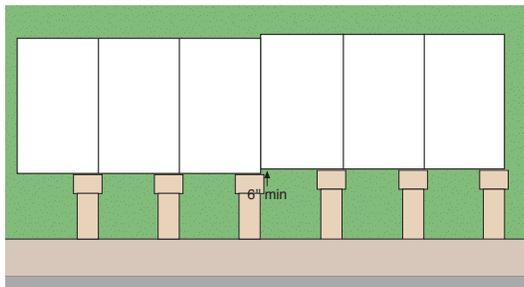
A. BUILDING DESIGN

7. BUILDING MASSING VARIATION

Variation in the building massing and placement creates a greater contrast in the facade and more articulated building edges, which enhances the overall quality of the street by providing visual interest and a pedestrian scale.



a. Small Lot Homes shall be grouped into clusters to avoid long spans of building wall. Clusters of Small Lot Homes shall be no more than six Small Lot Homes in a single continuous row or 180 linear feet, whichever is smaller. Clusters of Small Lot Homes shall be separated with a building gap of a minimum of 6 feet in width, which shall be treated with a combination of landscaping, open space, and common walkways or driveways.



b. Small Lot Homes in a single row shall provide a lateral shift or break in the façade of a minimum of 6 inches for every three Small Lot Homes or 90 linear feet, whichever is smaller.

c. Small Lot Homes shall be unique in design so that there is variety between Small Lot Homes within a subdivision. For a Small Lot Subdivision containing more than six Small Lot Homes in a single row, there shall be **at least two variations** in building design, such as changes in dwelling orientation, primary entryways, fenestration pattern, façade articulation, or varied roofline as prescribed in Subsections 1-5. For a Small Lot Subdivision of 20 or more Small Lot Homes, there shall be **at least three variations** in building design as stated above.



Small Lot Design Standards

ILLUSTRATED GUIDE FOR SMALL LOT DESIGN STANDARDS

B. PEDESTRIAN CONNECTIVITY AND ACCESS

1. PEDESTRIAN PATHWAYS

Small lot developments should maintain a high-quality public and private living environment, while also accommodating for the automobile. In poor design layouts, parking, driveways, and garages can dominate the landscape, creating conflicts for pedestrians and decreasing the aesthetic quality of the development. Therefore, the small lot development should allow for a pedestrian access path separate from the driveway whenever possible. When the driveway provides pedestrian access to individual dwellings, a distinguishable path should be provided.

- a. Pedestrian pathways of a minimum width of 3 feet shall be provided from the public rights-of-way to all primary entryways and common areas, such as common open space areas, guest parking, mailboxes, and centralized trash enclosures.
- b. A pedestrian pathway located within or parallel to a Common Access Driveway shall be constructed and/or treated with a change of materials, finishes, pattern, or paving that distinguishes the pathway from vehicular traffic.
- c. Small Lot Subdivisions of 20 or more Small Lot Homes shall provide pedestrian and bicycle access to surrounding neighborhood rights-of-way.



Rock Row uses permeable paving to provide a more hospitable pedestrian path along the driveway.



The proposed Parkman Small Lot project integrates pedestrian paths through the center and sides of the site, which allows for a direct connection with the right-of-way.



Pedestrian paths through the center of a project provide both access from parking and common amenity space.

Small Lot Design Standards

ILLUSTRATED GUIDE FOR SMALL LOT DESIGN STANDARDS

B. PEDESTRIAN CONNECTIVITY AND ACCESS

2. FENCES and WALLS



The Gaspar SLS fences provides a point of entry for each individual home.

Fences and walls facing the public right of way play an important function, since they serve as a bridge between the public and private outdoor spaces, and therefore deserve particular attention.

The Small Lot Ordinance Code Amendment requires that fences and walls within the yard setback areas adjacent to a public right of way, except alleys, and along the perimeter of the proposed subdivision shall be no more than three and one-half feet in height. Fences and walls within the yard setback areas along the perimeter, not adjacent to the public right of way, of the proposed subdivision shall be no more than six feet in height.

- a. Fences or walls abutting the street or common open space areas shall be decorative, including but not limited to latticework, ornamental fences, screen walls, hedges or dense shrubs or trees. Solid masonry walls along the right-of-way are not permitted.
- b. Fences or walls abutting the right-of-way and within yard setback area shall provide a point of entry into each lot abutting the right-of-way.



The June Street Collection SLS (left) and the example on the right provide examples of decorative fences facing the public right of way.

Small Lot Design Standards

ILLUSTRATED GUIDE FOR SMALL LOT DESIGN STANDARDS

C. LANDSCAPING

1. LANDSCAPING, COMMON OPEN SPACE, AND AMENITIES

Landscaping within small lot development should be visually interesting, sustainable, and relatively easy to maintain. The landscape design should be integrated with the building and the intended use of the space. Ultimately, the landscape should enhance the natural environment of the neighborhood. Open space is encouraged for all small lot communities. Open space, when provided should be usable, safe, and convenient, and should accommodate a wide range of passive, active, or social uses.

a. All setback and open areas not used for buildings, parking areas, driveway, pedestrian pathways, utilities, and common open space areas shall be attractively landscaped and maintained.

b. Required Common Open Space Areas must:

i. Be open to the sky and have no structures that project into the common open space area, except as provided in Section 12.22 C.20(b).

ii. Be located at grade level, contiguous or connected, and readily accessible to all residents of the site.

iii. Have a minimum area of 300 sq. ft. with no horizontal dimension less than 15 feet when measured perpendicular from any point on each of the boundaries of the open space area. Driveways, parking spaces, or pedestrian pathways cannot be counted toward the open space requirement.

c. The combination of required Common Open Space Areas shall be multi-functional and designed to accommodate a range of passive, active, or social uses, with enhancements such as landscaping, activity lawns, swimming pools, spas, picnic tables, benches, children's play areas, ball courts, barbecue areas, sitting areas, decorative bike racks, and/or dog washing stations. Common open space areas may include enhanced side yards and rear yards that meet the minimum area and dimension requirement above.

d. All yards of a subdivision abutting the right-of-way shall be improved with landscaping (combination of groundcover, shrubs, and trees) and amenities. Amenities may include: decorative fencing, uncovered patios, enhanced pedestrian pathways, garden walls, seating areas, and/or decorative bike racks.



This side yard with a pedestrian pathway is wide enough to allow for layers of planting and decorative paving.



At grade, common open space with active uses and landscaping.

Small Lot Design Standards

ILLUSTRATED GUIDE FOR SMALL LOT DESIGN STANDARDS

D. MIXED USE SMALL LOTS

Small Lot Subdivisions may include Small Lot Homes that contain commercial uses at the ground floor (“Mixed Use Small Lot Homes”). Mixed Use Small Lot projects must comply with all other applicable regulations governing the site with regards to parking, signage, access, and FAR limitations specified in the LAMC. The following Design Standards shall be required for any Mixed Use Small Lot Home in addition to the other Design Standards contained in this document.

1. BUILDING ORIENTATION AND ENTRY

- a. Mixed Use Small Lot Homes shall be first located along the perimeter of the subdivision abutting the right-of-way.
- b. A Mixed Use Small Lot Home shall provide a separate ground floor entrance to the commercial use, or an identifiable lobby that serves both the residential and commercial uses. The commercial entrance shall be directly accessible from the right-of-way and open during the normal business hours posted by the business.



2. BUILDING DESIGN

- a. A Mixed Use Small Lot Home shall be designed with an identifiable ground floor commercial component.
- b. Store entrances shall be recessed, not flush, with the edge of the building façade to articulate the storefront and provide shelter for persons entering and exiting.
- c. The ground floor commercial use shall be visually separated from upper residential floors, with a façade treatment such as an awning, framing, setback or overhang of at least 18 inches in depth, so as to distinguish the commercial base for the building.
- d. The storefront of a ground floor non-residential use that fronts a right-of-way shall consist of at least fifty percent transparent windows and doors, unless otherwise prohibited by other sections of the L.A.M.C.
- e. Signage for the ground floor commercial use shall be located at or adjacent to the ground level, and be located no higher than 14 feet.



Example of a proposed mixed-use Small Lot Development in Eagle Rock by Encore Funds. Individual commercial tenants occupy the ground floor of the single-family homes along a commercial corridor.

Small Lot Design Standards

ILLUSTRATED GUIDE FOR SMALL LOT DESIGN STANDARDS

E. BUNGALOW COURTS AND EXISTING STRUCTURES

Existing bungalow courts and detached single, duplex, or triplex dwelling structures may be subdivided in accordance with the 2018 Small Lot Code Amendment. Existing dwellings and bungalow courts that are nonconforming as to density, yards, or parking may be subdivided provided that the subdivision does not further increase the density nor reduce the yards, and that existing parking be maintained, respectively.

1. Common Access Driveway

Existing Common Access Driveways, pedestrian pathways, and central common open space areas shall be maintained and not reduced in size.

2. Pedestrian Pathway

Pedestrian pathways of a minimum width of 3 feet shall be provided from the public rights-of-way to all primary entryways and common areas, such as centralized trash enclosures, guest parking, and open space easements. If narrower pathways exist, they may be maintained in the same footprint and area and shall not be further reduced in width.

3. Existing Structures

New dwelling construction or additions to a designated or identified historic structure shall be in conformance with the Secretary of the Interior's Standards for Rehabilitation.

4. New Dwellings

All new dwellings proposed in addition to a Bungalow Court or Existing Structure Small Lot project shall meet the applicable design standards in sections A, B, and C of the Small Lot Design Standards.

5. Landscaping

All open areas not used for buildings, parking areas, driveway, pedestrian pathways, utilities, or amenity areas shall be attractively landscaped and maintained.



The Morton Village small-lot subdivision consists of 15 newly constructed units at the rear of the property and the remodel of 3 existing bungalows that face the street.



Restoration preserved and enhanced the charm of the original Maltman Bungalows.







Planning and Development Department
Land Use Planning Division

STAFF REPORT

DATE: October 8, 2025

To: Members of the Planning Commission

From: Branka Tatarevic, Associate Planner

Subject: Amendments to Berkeley Municipal Code Title 21 (Subdivisions), and Title 23 Sections 23.202.030, 23.204.030, and 23.206.030 (Additional Permit Requirements), Chapter 23.304 (General Development Standards) and Chapter 23.502 (Glossary) to implement Senate Bill 684 (Small-Lot Subdivisions)

RECOMMENDATION:

Receive public comment and adopt a resolution recommending that the City Council approve amendments to Title 21 (Subdivisions Ordinance) and Title 23 (Zoning Ordinance) to implement Senate Bill (SB) 684. The amendments establish:

- A ministerial, SB 684–compliant path for approval of small-lot subdivisions and housing developments defined as Middle Housing Infill Projects (MHIPs); and
- A local Parcel-Map process for lower-density MHIPs that do not meet all SB 684 criteria but achieve minimum density under local zoning.

BACKGROUND AND DISCUSSION:

The proposed amendments (**Attachment 1**) to the Subdivision and Zoning Ordinances respond to the City Council’s January 2025 referral on “Expanding Homeownership Opportunities for Middle-Income Earners” (**Attachment 2**). That referral directed staff to prepare ordinance amendments implementing Senate Bill (SB) 684 (Caballero, 2023), which requires cities to establish a ministerial process for approval of certain small-lot subdivisions, defined in the proposed amendments as Middle Housing Infill Projects (MHIPs).

The Council referral highlighted the urgent housing challenges facing middle-income residents in Berkeley, who are increasingly priced out of the city’s housing market. It emphasized the potential for middle housing ownership options, such as duplexes,

triplexes, and small-lot subdivisions, to provide more affordable entry-level ownership opportunities, help retain a diverse local workforce, and allow families to build wealth.

At its July 16, 2025 meeting, the Planning Commission received an informational report from staff regarding SB 684 implementation and provided policy direction on several questions to guide preparation of the ordinance. The Commission's direction focused on balancing clarity of standards with flexibility for design and incremental development. The proposed ordinance reflects the following policy direction:

Design Standards: The Commission did not recommend including additional local design standards for SB 684 projects. Commissioners emphasized avoiding unnecessary regulatory complexity, the risk of unintended consequences from prescriptive rules, and the value of maintaining flexibility for architects and designers.

Accessory Dwelling Units (ADUs) and Junior ADUs (JADUs): The Commission expressed a preference for allowing ADUs and JADUs on lots created under SB 684, noting there was no clear justification for treating these lots differently than other residential lots. Commissioners also affirmed the importance of supporting additional housing production, while recognizing that feasibility may be constrained by site conditions and density standards.

Full Build-Out Requirement: The Commission did not recommend requiring full build-out of all subdivided lots at the time of subdivision approval. Commissioners supported allowing approval of undeveloped lots, highlighting the value of incremental urban development and the opportunity for greater diversity in housing types and designs over time.

Local Parcel-Map Pathway: In addition to the SB 684-compliant ministerial track, the Commission expressed support for creating a streamlined local subdivision process for projects that may be proposed at densities lower than those required by SB 684 and/or that reduce minimum lot sizes. Commissioners noted this option could broaden ownership opportunities while still maintaining a clear minimum density requirement under state law.

ORDINANCE STRUCTURE

The ordinance defines a new type of development project, a Middle Housing Infill Project (MHIP), for the purposes of administering the proposed small-lot subdivision regulations:

Middle Housing Infill Project. A subdivision and related housing development processed under this Chapter.

1. *SB 684 MHIP.* A subdivision creating between two and ten lots, and up to ten dwelling units, that meets all of the eligibility criteria of Government Code Section 66499.41 as well as the minimum density in BMC Section 21.30.060(E). SB 684 MHIPs shall be processed ministerially under Section 21.30.040(B)(1).
2. *Parcel-Map MHIP.* A subdivision creating two to four lots, and two to four dwelling units, that meets or exceeds the minimum residential density of the underlying zoning district, but does not meet all SB 684 criteria. Parcel-Map MHIPs are processed under BMC Chapter 21.24 (Parcel Maps (Four or Less Parcels)).

The ordinance is organized so that Title 21 establishes how a qualifying subdivision is approved (process, eligibility, and recordation), while Title 23 establishes where MHIPs are allowed and the objective development standards used in ministerial review.

A summary explanation of the proposed ordinance follows:

Chapter 21.30 Small-Lot Subdivisions (Middle Housing Infill Projects)

21.30.010 Purpose and Intent.

- Implements SB 684 by creating a ministerial subdivision path for qualifying small-lot projects and a local parcel-map path for lower-density projects.

21.30.020 Definitions.

- Defines two MHIP types:
 - (1) SB 684 MHIPs (which meet state standards and can be approved through SB 684's streamlined process); and
 - (2) Parcel-Map MHIPs (which do not meet state density standards and can be through the local parcel-map path).
- Defines Parent Parcel for applying standards before subdivision.

21.30.030 Applicability.

- Identifies when Chapter 21.30 applies to a subdivision proposal.

21.30.040 Application and Procedures.

- Specifies submittal requirements, review timelines (60 days for SB 684 MHIPs), and other procedures.

21.30.050 Qualifying Criteria.

- Defines site eligibility criteria; sets the maximum number of MHIP units at 10 units; defines protected-unit provisions; and introduces the prohibition on further lot splits after an SB 684 split.

21.30.060 Development Standards.

- Introduces objective standards that are applied to the Parent Parcel (i.e. the parcel *before* it is subdivided). Pursuant to state law, the Planning Director must waive or modify any standard that would physically preclude a project that meets the required minimum density.
- Establishes new minimum lot sizes for subdivided parcels:
 - 600 square feet for a new lot established from a Multi-Family zoned Parent Parcel;
 - 1,200 square feet for a new lot established from a vacant single-family zoned Parent Parcel.

21.30.070 Approval of SB 684 MHIPs and Recordation.

- Includes ministerial approval, required recorded covenants, and sequencing of map recordation and permits consistent, with state law.

21.30.090 Enforcement.

- Includes City Attorney remedies.

Title 23 — Zoning (Division 2 – Zoning Districts)

23.202 Residential Districts.

- Permits MHIPs in any residential district where Multi-Family dwellings are an allowed use (all zoning districts except the R-1(H) zoning district).

23.204 Commercial Districts.

- Permits MHIPs in commercial districts.

23.206 Manufacturing Districts.

- Permits MHIPs in the M-UR zoning district.

Title 23 — Zoning: Objective Standards (Division 3 – Citywide Provisions)

23.304.160 MHIP Development Standards.

- Includes the objective standards that are applied to the Parent Parcel before it is subdivided. These include the minimum densities required by SB 684, and the

requirement that SB 684 MHIP units cannot exceed an average of 1,750 square feet (this size restriction does not apply to Parcel-Map MHIPs).

23.304.090 MHIP Open Space Standard.

- Clarifies usable open space standards for MHIPs.

23.304.020(A)(5) Parent Parcel Definition.

- Codifies that standards are applied to the Parent Parcel before a subdivision, and provides that resulting lots are separate for ownership after recordation, provided the overall project remains compliant.

Title 23 — Zoning: Glossary (Division 5)

23.502.020 (Middle Housing Infill Project) cross-references the definition in BMC 21.30.020(A), creating consistency between Title 23 (Zoning) and Title 21 (Subdivisions).

The ordinance provides two complementary approval tracks.

The first is for SB 684 MHIPs. This would allow subdivisions creating two to ten lots and units, would require compliance with the State density requirement, and would apply the average 1,750-square-foot unit size cap specified by SB 684. SB 684 MHIPs would be processed ministerially and are therefore exempt from CEQA.

The second is for Parcel-Map MHIPs. This would accommodate two to four lots and units for projects that do not meet all SB 684 criteria but meet at least the local minimum residential density. The unit-size cap would not apply to Parcel-Map MHIPs, and these applications are processed under the City's parcel-map procedures in Title 21. Parcel-Map MHIPs would be subject to CEQA, but would likely qualify for certain categorical exemptions. These could include Class 15 (exemption of minor subdivisions in urbanized areas of four or fewer parcels), Class 3 (exemption of up to three single-family homes, or an multi-family structure of up to four units, in an urbanized area), or Class 32 (exemption for in-fill development projects).

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The proposed ordinance amendments to Title 21 implement Senate Bill 684 (SB 684). Pursuant to Government Code Section 66499.41(i), "An ordinance adopted to implement this section shall not be considered a project under Division 13 (commencing with Section 21000) of the Public Resources Code" the ordinance is not a project under CEQA, and no further environmental review is required.

NEXT STEPS AND RECOMMENDATION

Staff recommends that the Planning Commission receive public comment, discuss the proposed ordinance amendments, and forward a recommendation to the City Council to adopt the amendments, including any modifications identified through Commission discussion and action.

Attachments:

1. Planning Commission Resolution and SB 684 Implementation Ordinance, Title 21 and Title 23.
2. *Expanding Homeownership Opportunities for Middle-Income Earners*, City Council Referral, January 21, 2025.
3. Planning Commission Staff Report, July 16, 2025.
4. Public Hearing Notice

**NOTICE OF PUBLIC HEARING
BERKELEY CITY COUNCIL
AMENDMENTS TO BMC TITLES 21 (SUBDIVISIONS) AND 23 (ZONING)**

The public may participate in this hearing by remote video or in-person.

Notice is hereby given by the City Council of the City of Berkeley that on **TUESDAY, February 24, 2026 at 6:00 P.M.** a public hearing will be conducted to consider the Planning and Development Department proposal to amend BMC Titles 21 (Subdivisions) and 23 (Zoning) Section 23.204.020 to implement Senate Bill 684 (small-lot subdivisions).

The hearing will be held on February 24, 2026 at 6:00 p.m. in the School District Board Room, located at 1231 Addison Street, Berkeley CA 94702.

For further information, please contact Branka Tatarevic, Associate Planner at (510) 981-7472.

A copy of the agenda material for this hearing will be available on the City’s website at <https://berkeleyca.gov/> as of February 11, 2026. **Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology, as well as any health and safety requirements for in-person attendance.**

Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, or e-mailed to council@berkeleyca.gov in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

Communications to the Berkeley City Council are public record 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 the City Council, 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 City Clerk. 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 City Clerk at (510) 981-6900 or clerk@berkeleyca.gov for further information.

Published: February 13, 2026 – The Berkeley Voice

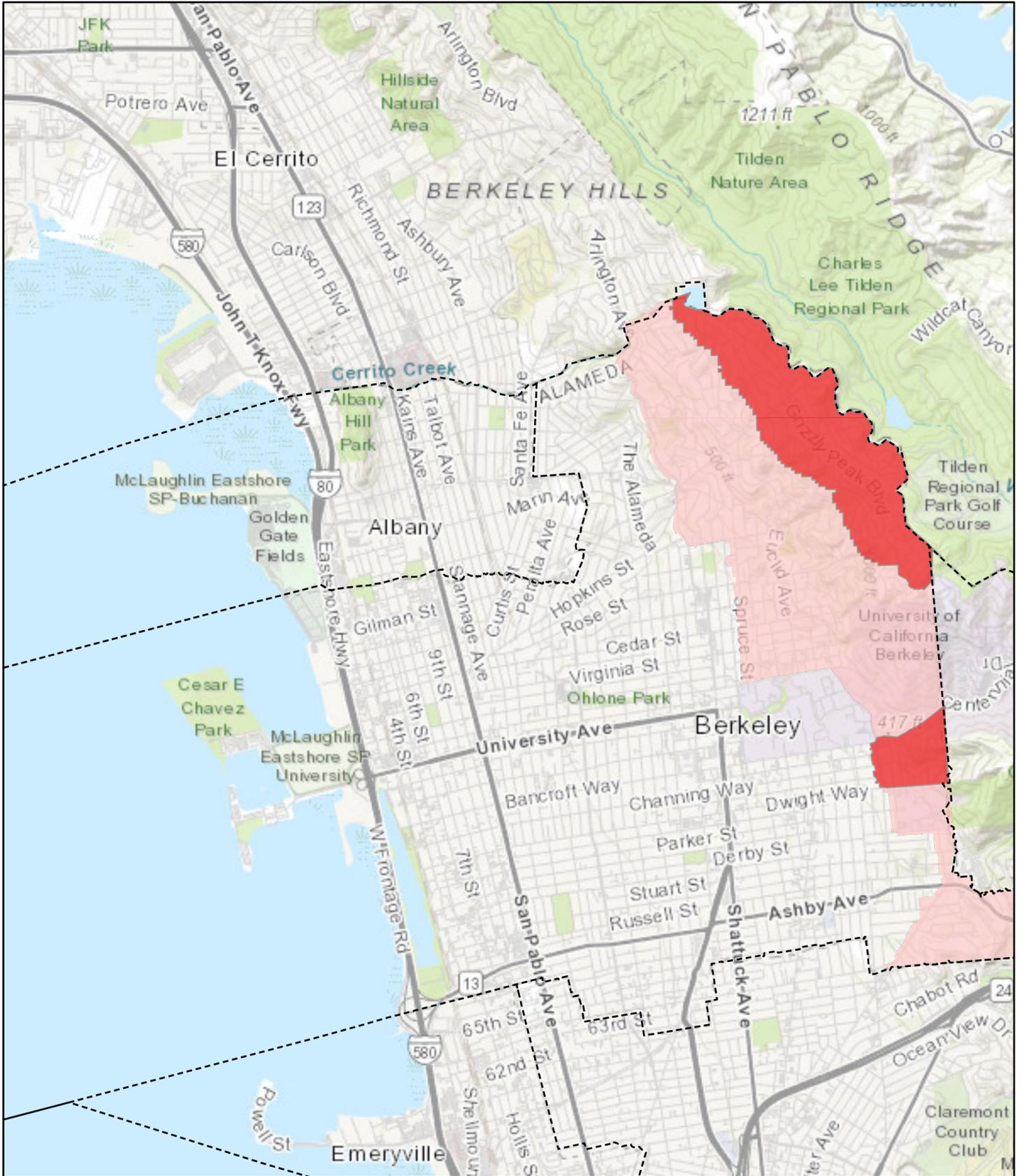
Public Hearing required by BMC 23.412.050 and Govt Code 65853; notice provided according to Govt Code 65090 and BMC 23.404.040.

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I hereby certify that the Notice for this Public Hearing of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek

Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on February 11, 2026.

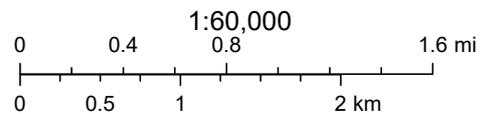
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Mark Numainville, City Clerk



10/27/2025, 1:10:35 PM

-  Boundary
-  High Fire Hazard Severity Zone 2025
-  Very High Fire Hazard Severity Zone 2025



Bureau of Land Management, Esri, HERE, Garmin, USGS, NGA, EPA, USDA, NPS

