

RECEIVED
COUNCIL MEETING OF:

JUL 23 2024

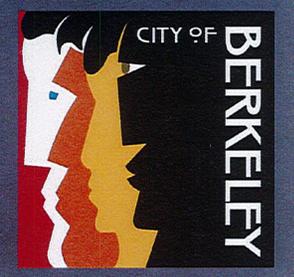
CITY OF BERKELEY
CITY CLERK DEPARTMENT



Residential Objective Standards

MIDDLE HOUSING

CITY COUNCIL PUBLIC HEARING
July 23, 2024



Overview

- **Background**
- **9 Standards and Proposed Amendments**
- **5 Standards where Planning Commission and staff recommendation differ**

**** Council direction needed ****

What is Middle Housing?

Multiple Units on One Property – Not Single Family and Not Podium or High-Rise



Existing



New



Both!

Why are we encouraging Middle Housing?

City Council Referrals + Reports

- Housing Accountability Act (2017)
- Missing Middle Housing (2019)
- Eliminating Exclusionary Zoning (2021)

Housing Element Update (January 2023)

- Program 29 – Middle Housing
Amend BMC to allow multi-unit development on one lot in lower density residential districts

How did we get here?

2017 -2021

City Council Referrals

2022

Planning and Commission and City Council discussions

January 2023

Adoption of Housing Element

Spring-Fall 2023

Southside Zoning Project

Summer/Fall 2023

Outreach

November 2023

Planning Commission Discussion

Winter 2023 - 2024

Refinement and Code Drafting

February 2024

Planning Commission Public Hearing

July 2024

City Council Public Hearing [WE ARE HERE!]

Council, Commission and Community Outreach

City Council Worksessions

- 1) September 21, 2021
- 2) December 9, 2021
- 3) March 15, 2022
- 4) September 20, 2022

City Council Briefings

August 2023

Commission Meetings

PC/ZAB Subcommittee

- 1) December 15, 2021
- 2) February 16, 2022

Planning Commission

- 1) June 1, 2022
- 2) November 1, 2023
- 3) February 7, 2024

Community Outreach

Housing Element Outreach

- 1) Stakeholder interviews
- 2) Community-wide survey
- 3) Small format meetings

Public Workshops

- 1) December 7, 2021
- 2) January 27, 2022
- 3) June 29, 2022

WHAT WE'VE HEARD

1. More affordable housing
2. More housing production
3. More Housing for Special Needs and Extremely Low Income Population – including people experiencing homelessness

Presented to 13 Berkeley Boards & Commissions¹

Held 18 Meetings with 14 Stakeholder Interest Groups²

Held two online public workshops, ~60 participants

Tabled at a Downtown Farmers Market

Received 745 responses from Nov '21 citywide survey

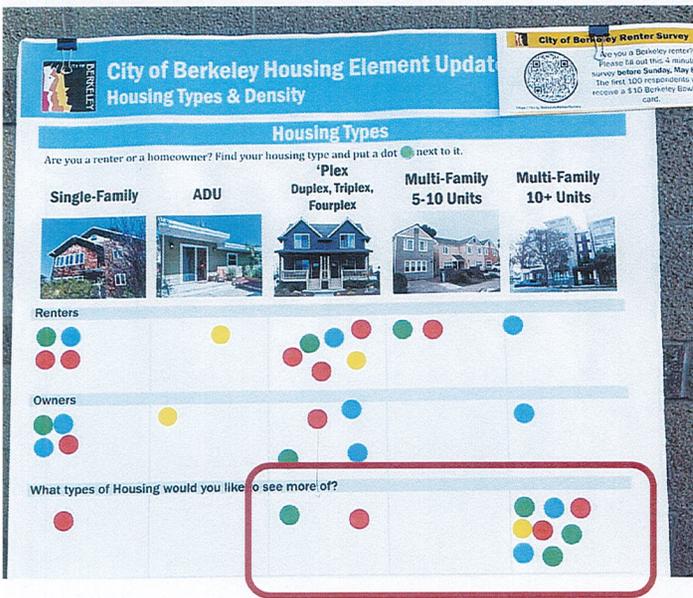
Received 49 responses from Residential Tours survey

¹ Planning Commission (9/1/21); Homeless Services Panel of Experts (9/1/21); Commission on Disability (9/1/21); Landmarks Preservation Commission (9/2/21); Zoning Adjustments Board (9/9/21); Commission on Aging (9/15/21); Energy Commission (9/22/21); Children, Youth, and Recreation Commission (9/27/21); Housing Advisory Commission (9/30/21); Rent Stabilization Board (11/18/21); Civic Arts Commission (1/9/22); City/UC Committee (1/28/22); ZORP SC's (2/16/22)

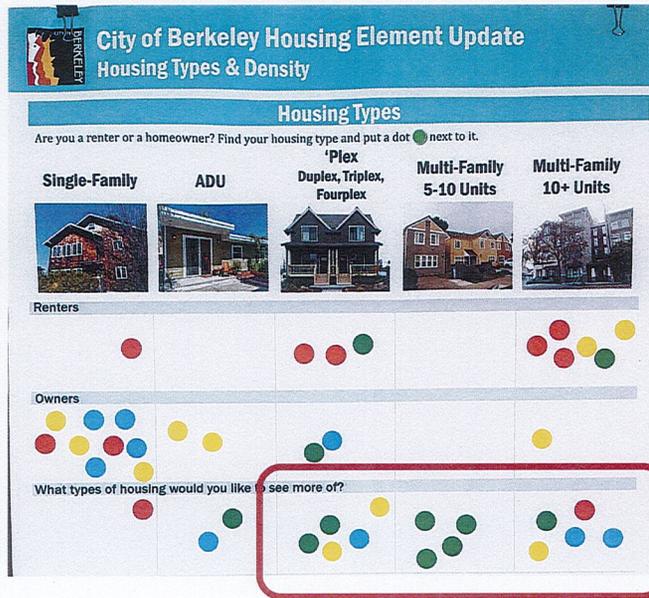
² Black/African American Faith Institution, Market Rate Developers, Affordable Developers, Senior Center, Real Estate Professional, Property Managers, Homeless Services, Housing Advocacy, Disabilities Services, Latinx Advocacy, Institutions (BUSD, UC Berkeley), West Berkeley Business Owners/Neighborhood Assoc.

“What type of housing would you like to see more of?”

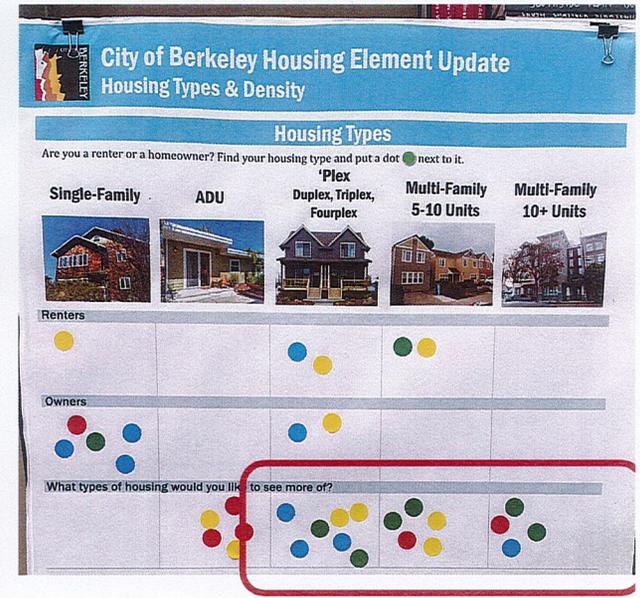
Berkeley Bowl 4/25/22



Roses in Bloom 5/14/22



Poppin Skate Party 5/19/22



Desire for a mix of housing types and higher density living



CEQA

-An Environmental Impact Report (EIR) was prepared and adopted for the 2023-2031 Housing Element (SCH2022010331).

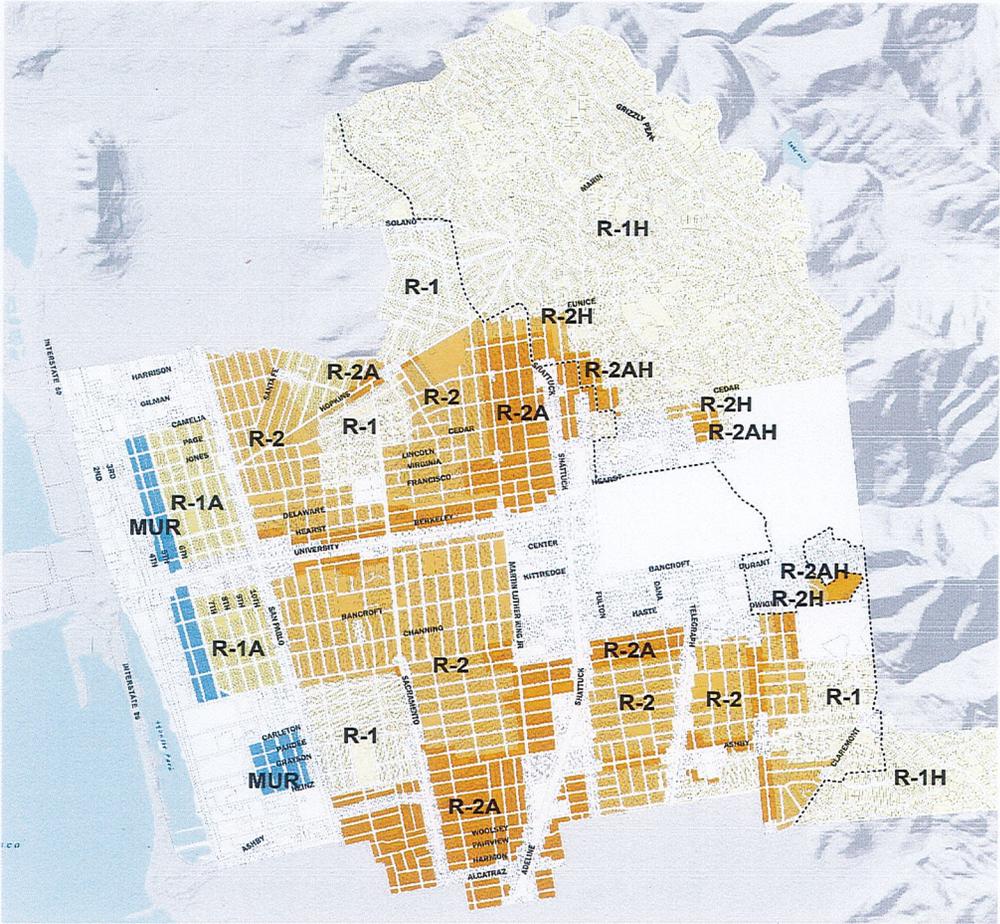
-The Middle Housing Program is included in the Housing Element Implementation Plan and analysis was conducted to evaluate the impacts associated with this policy.

MIDDLE HOUSING STANDARDS

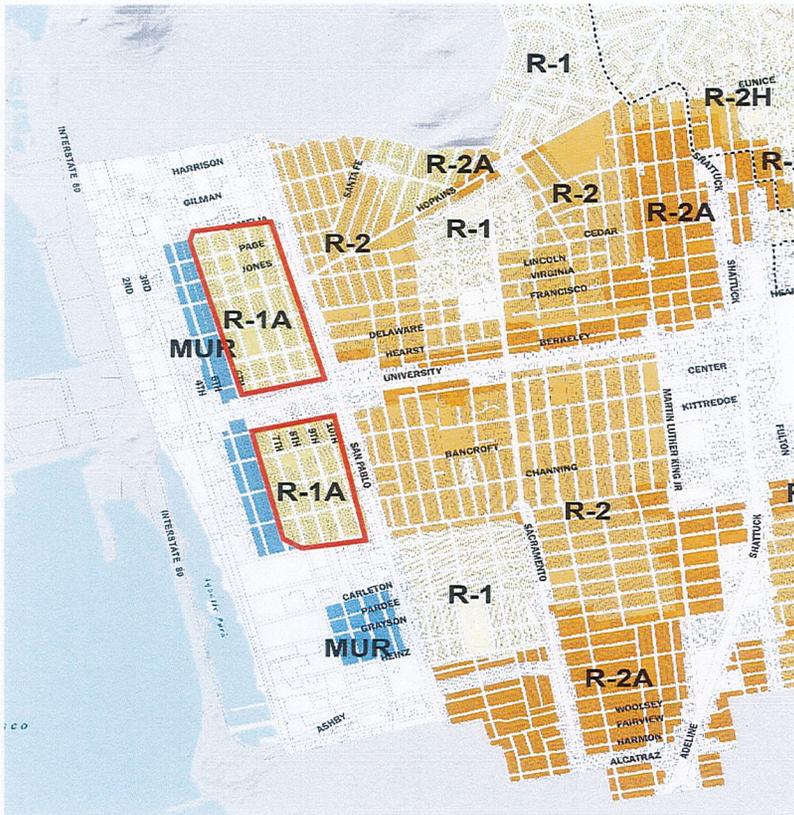
1. Zoning Districts
2. Merging R-1A and R-2
3. Allowed Uses & Permits
4. Minimum Density
5. Maximum Height
6. Maximum Lot Coverage
7. Open Space
8. Setbacks & Building Separation
9. Demolition of Single Family Homes

LOWER DENSITY DISTRICTS

- R-1, R-1H
- R-1A
- R-2, R-2H
- R-2A, R-2AH,
- MUR



Zoning Map Amendment – Merge R-1A & R-2



ZONING DISTRICTS

R-1	Single Family Residential
R-1A	Limited Two-family Residential
R-2	Restricted Two-family Residential
R-2A	Restricted Multiple-family Residential
MUR	Mixed Use-Residential

General Plan Land Use Classification	Compatible Zoning District
Low Density Residential	R-1, ES-R
Low Medium Density Residential	R-1A, R-2
Medium Density Residential	R-2A, R-3
High Density Residential	R-4, R-5, R-S, R-SMU
Neighborhood Commercial	C-N, C-E C-NS C-SA C-SO
Avenue Commercial	C-C C-U C-T C-W, C-AC
Downtown	C-DMU
Mixed Use-Residential	MU-R

Land Use & Permits Requirements

	R-1/R-1H	R-2/R-2H	R-2A/R-2AH	MU-R
	Residential Multi-Unit 1	Residential Multi-Unit 2	Residential Multi-Unit 2A	Mixed-Use Residential
Single-Family Residential	ZONING CERTIFICATE*			
Multi-Unit Residential				

Residential Additions and Additional Bedrooms

Residential Additions

- *Currently: AUP required for additional floor area.*
- *Proposed: Permitted with a ZC if they comply with development standards for Main Buildings.*

New Bedrooms on a Lot

- *Currently: AUP (or UP) required for new bedrooms on a lot.*
- *Proposed: no permits required for new bedrooms.*



Minimum Density (Units per Acre)

	R-1	R-1H	R-2	R-2H	R-2A	R-2AH	MU-R
Min. Density (du/ac)	10	No min.	10	No min.	20	No min.	20

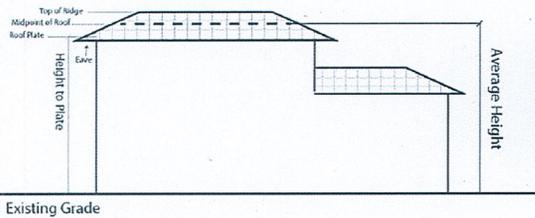
Resulting units on a 4,000 sf lot...

Min. # Units	1		1		2		2
+ ADUs	Varies						

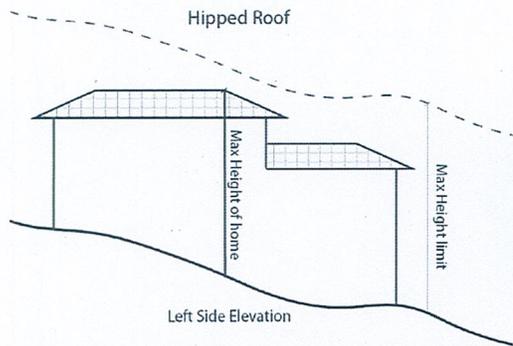
Note: Minimum densities would apply for new development on a vacant lot or redevelopment of a nonvacant lot.

Building Height Standards

CURRENT STANDARDS – R Districts



28 ft average height

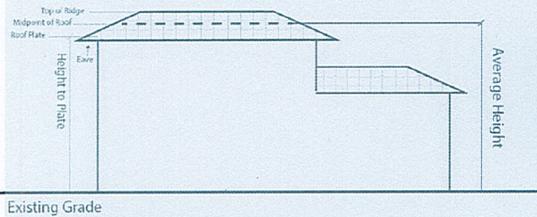


35 ft max height with AUP

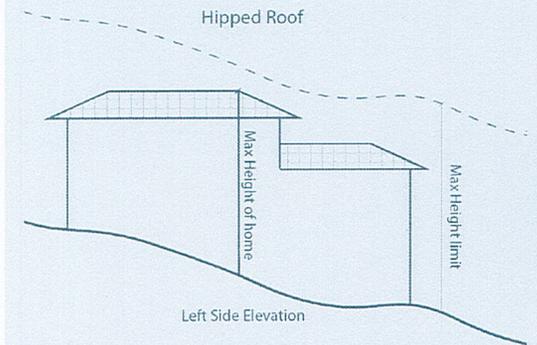
**CURRENT STANDARD – MUR:
35 ft max height**

Building Height Standards

CURRENT STANDARDS – R Districts



28 ft average height

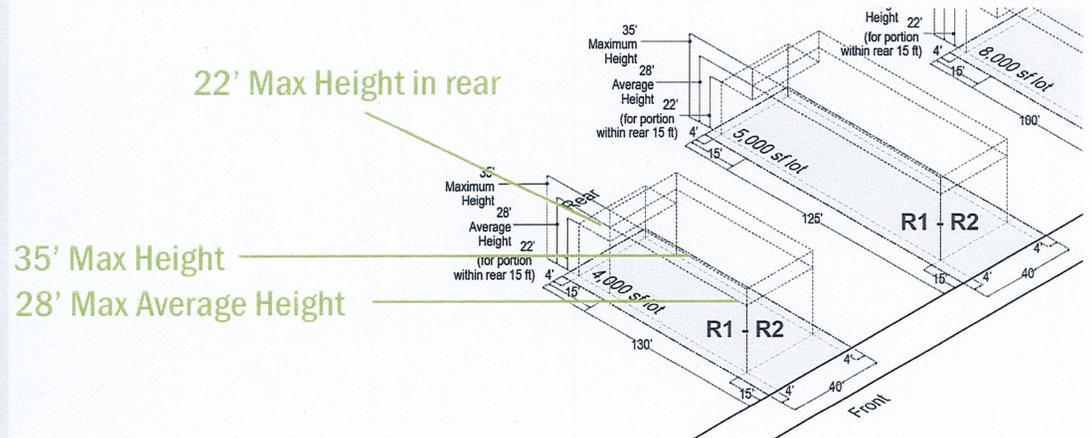


35 ft max height with AUP

CURRENT STANDARD – MUR:
35 ft max height

PROPOSED STANDARD

- R Districts: 28-foot max average height AND 35-foot max height
- MUR District: No change (35-foot max height)
- Reduce to 22 feet max height within rear 15 feet of lot



Lot Coverage

CURRENT STANDARDS

	R-1/H	R-1A	R-2/H	R-2A/H	MU-R
1 story	40%	40%	45%	45%	100%
2 stories	40%	40%	40%	40%	100%
3 stories	40%	40%	35%	35%	100%

Lot Coverage

CURRENT STANDARDS

	R-1/H	R-1A	R-2/H	R-2A/H	MU-R
1 story	40%	40%	45%	45%	100%
2 stories	40%	40%	40%	40%	100%
3 stories	40%	40%	35%	35%	100%

PROPOSED STANDARDS

	R-1/H	R-2/H	R-2A/H	MU-R
1-2 units				100%
3-7 units		60%		100%
8+ units				100%

Minimum Required Open Space

CURRENT REQUIREMENTS

400 sf *open space* per unit
(R-1 and R-2)

300 sf *open space* per unit
(R-2A)

150 sf *open space* per unit
(MU-R)

Minimum Required Open Space

CURRENT REQUIREMENTS

400 sf *open space* per unit
(R-1 and R-2)

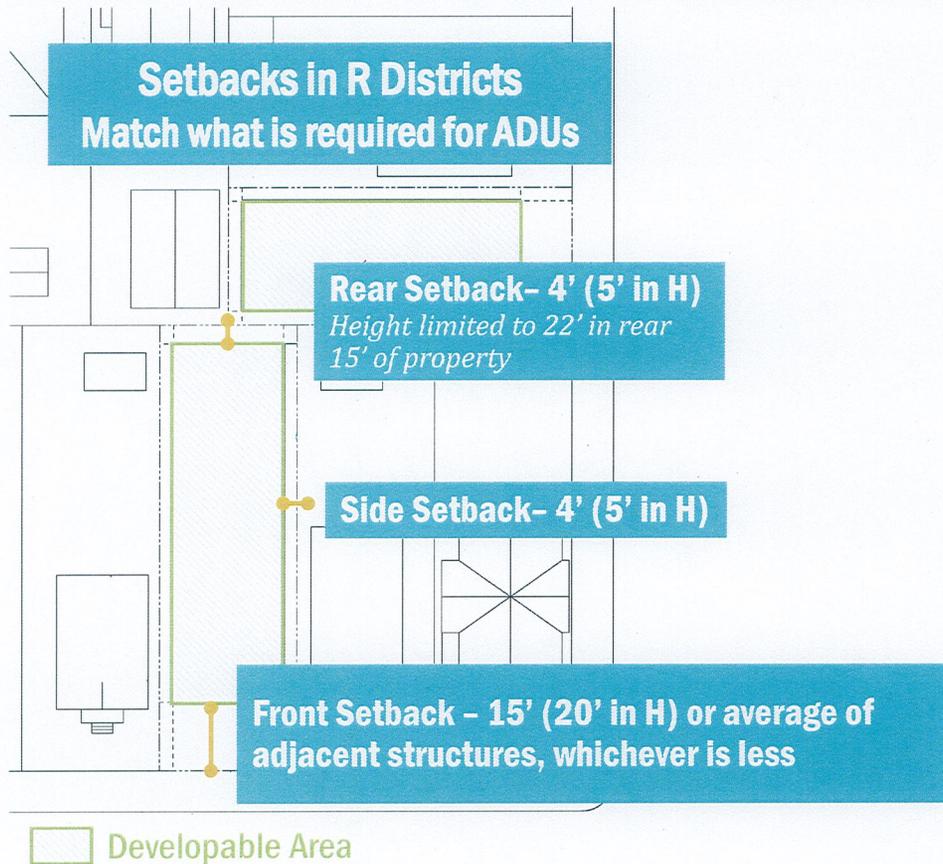
300 sf *open space* per unit
(R-2A)

150 sf *open space* per unit
(MU-R)

PROPOSED STANDARD

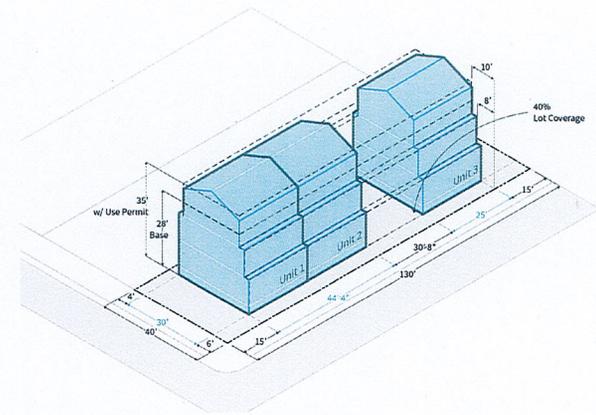
150 sf *open space*
per 1,000 sf *residential floor area*

Setbacks & Building Separation



Building Separation

Match what is required for ADUs



Five foot building separation
Building and Fire Codes still apply

By-Right Demolition of Single Family Homes

City Council Demolition Ordinance – July 2024

- AUP for SFHs *without tenants* only
- *Must result in net increase in units*

By-Right Demolition of Single Family Homes

City Council Demolition Ordinance – July 2024

- AUP for SFHs *without tenants* only
- *Must result in net increase in units*



Proposed Ordinance

- ZC for SFHs *without tenants* only
- *Must result in net increase in units*

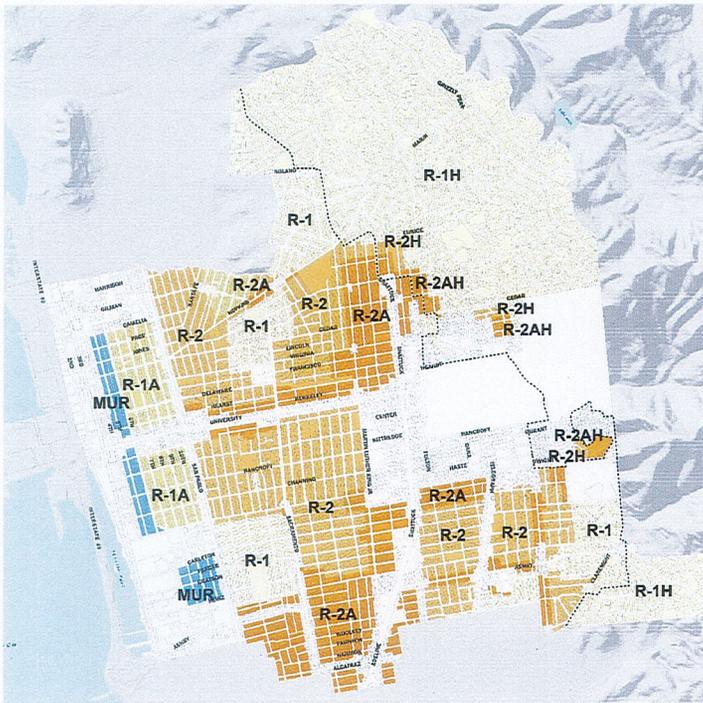
MIDDLE HOUSING DEVELOPMENT STANDARDS

ALTERNATIVE ACTIONS CONSIDERED

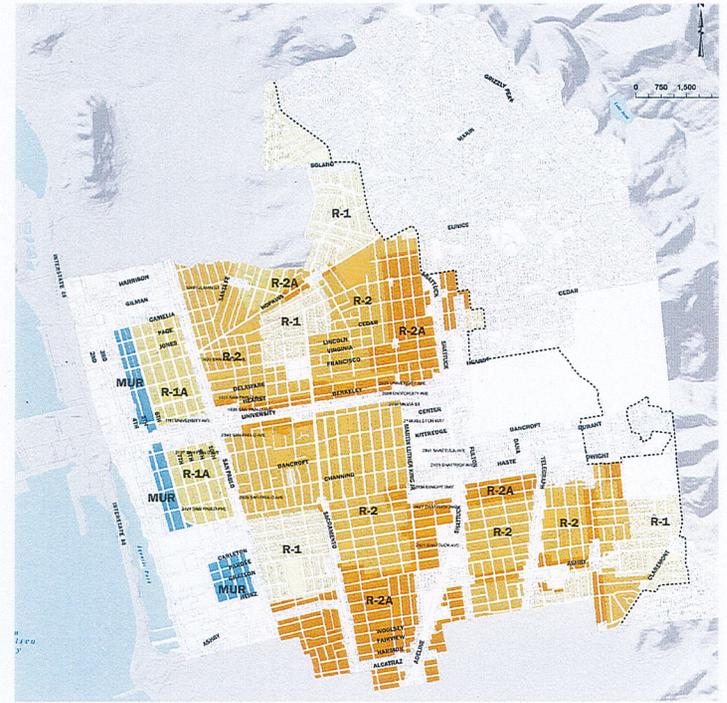
1. Exclude Hillside Overlay
2. Allowed Uses & Permits
3. Minimum *and Maximum* Density
4. Scaled Floor Area Ratio (FAR)
5. Scaled Maximum Lot Coverage

Hillside Overlay

PLANNING COMMISSION
Include Overlay



STAFF ALTERNATIVE
Exclude Overlay



Allowed Uses & Permits

CURRENT STANDARDS

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

PLANNING COMMISSION

	R-1/H	R-2/H	R-2A/H	MU-R
All projects	ZC			

STAFF ALTERNATIVE

	R-1/H	R-2/H	R-2A/H	MU-R
Single-Family	UP(PH)	UP(PH)	UP(PH)	AUP
Multi-Family	ZC			

Permits - Residential Additions

CURRENT STANDARDS

AUP required for additional floor area and heights are lower than main buildings.

PLANNING COMMISSION

Permitted with a ZC if the project complies with development standards for main buildings.

STAFF ALTERNATIVE

Permitted with a ZC if they comply with development standards for main buildings and result in new additional units.

Permit - Adding Bedrooms on Lot

CURRENT STANDARDS

AUP or UP required to add bedrooms to a lot.

PLANNING COMMISSION

No additional permits to add new bedrooms.

STAFF ALTERNATIVE

No additional permits to add new bedrooms that are part of new units.

Density Standards

CURRENT STANDARD

No existing standard

PLANNING COMMISSION

	R-1	R-1H	R-2	R-2H	R-2A	R-2AH	MU-R
Min. Density (du/ac)	10	No min.	10	No min.	20	No min.	20
Max. Density (du/ac)	No maximum						

STAFF ALTERNATIVE

	R-1	R-1H	R-1A	R-2	R-2H	R-2A	R-2AH	MU-R
Min. Density (du/ac)	10	No min.	10	10	No min.	20	No min.	20
Max. Density (du/ac)	25	20	35	35	20	55	55	55

Floor Area Ratio

CURRENT STANDARD
No existing standard

PLANNING COMMISSION

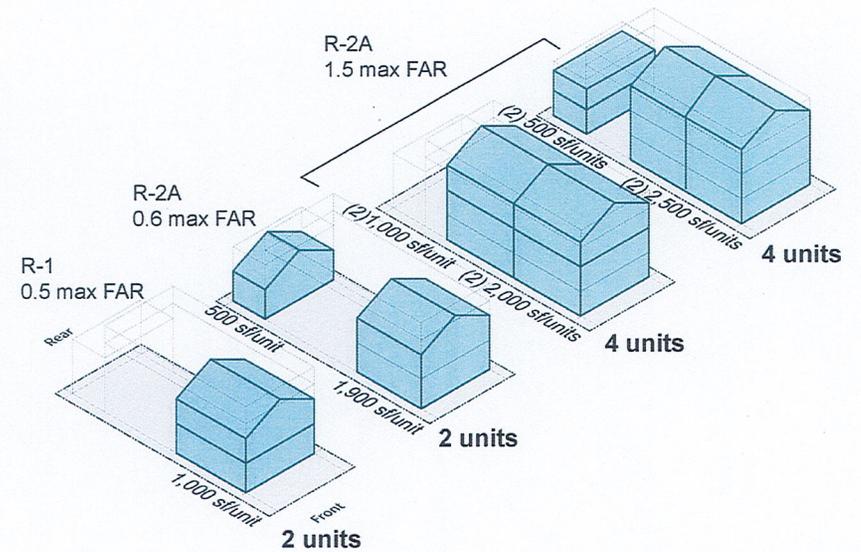
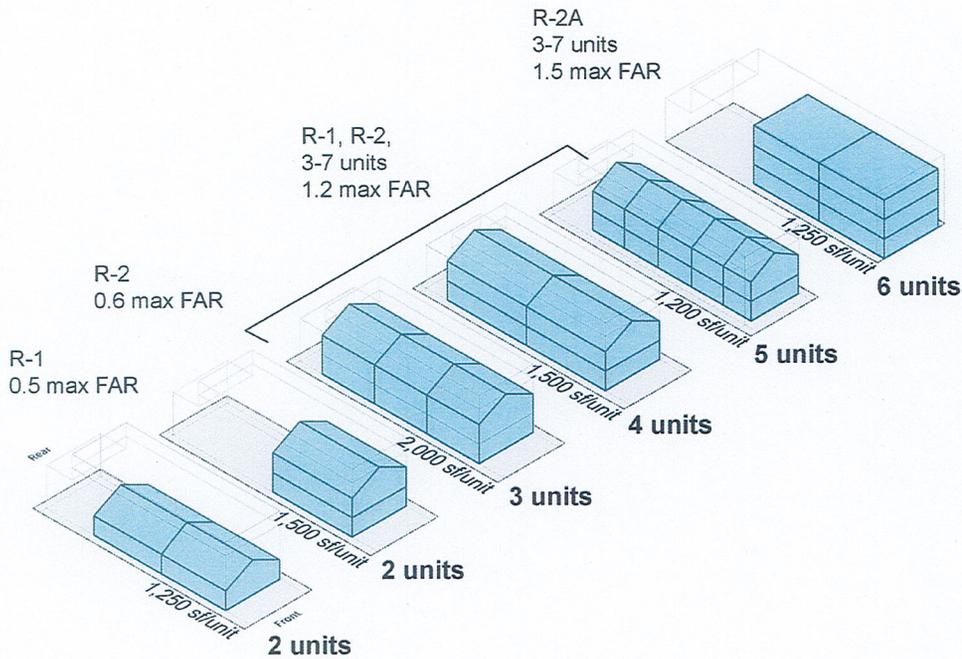
No Floor Area Ratio (FAR) standard

- Building bulk and massing controlled by height, setback and lot coverage standards.

STAFF ALTERNATIVE

	R-1	R-1H	R-2	R-2H	R-2A	R-2AH	MU-R
1 unit and Non-Residential	1.2	1.2	1.2	1.2	1.2	1.2	1.5
2 units	0.5	0.5	0.6	0.6	0.6	0.6	1.5
3-7 units	1.2	1.2	1.2	1.2	1.5	1.5	1.5
8+ units	1.5	1.25	1.5	1.25	1.75	1.5	1.75

Maximum Floor Area Ratio (FAR)



FAR increases as number of units increases to encourage more units, not just larger units in low-density projects.

Lot Coverage

CURRENT STANDARDS

	R-1/H	R-1A	R-2/H	R-2A/H	MU-R
1 story	40%	40%	45%	45%	100%
2 stories	40%	40%	40%	40%	100%
3 stories	40%	40%	35%	35%	100%

PLANNING COMMISSION

	R-1/H	R-2/H	R-2A/H	MU-R
All projects		60%		100%

STAFF ALTERNATIVE

	R-1/H	R-2/H	R-2A/H	MU-R
1-2 units	40%	50%	50%	100%
3-7 units	50%	55%	55%	100%
8+ units	55%	60%	60%	100%

Next Steps

Provide direction to staff on proposed amendments