



Planning Commission

# AGENDA

## REGULAR MEETING OF THE PLANNING COMMISSION

This meeting is held in a wheelchair accessible location.

**Wednesday, October 9, 2024**

6:00 PM

**North Berkeley Senior Center**

1901 Hearst Avenue, Berkeley

See **“MEETING PROCEDURES”** below.

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

### **PRELIMINARY MATTERS**

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

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

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

- 10. **Action:** **Public Hearing: Middle Housing General Plan Amendments**
- Recommendation:** Conduct a public hearing, discuss the proposed General Plan amendments, and provide a recommendation to the City Council.
- Written Materials:** Attached.
- Presentation:** N/A

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

**Information Items:** None.

**Communications:** None.

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

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

**ADJOURNMENT**

## **Meeting Procedures**

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

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

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

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

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

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

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

***Communications are Public Records:*** Communications to Berkeley boards, commissions, or committees are public records and will become part of the City’s electronic records, which are accessible through the City’s website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission, or committee, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service, or in person, to the Secretary of the relevant board, commission, or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the Secretary to the relevant board, commission, or committee for further information.

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

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

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

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



Planning Commission

1                   **DRAFT MINUTES OF THE REGULAR PLANNING COMMISSION MEETING**  
2                   **September 4, 2024**

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

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

5   • **ROLL CALL:**

6       **Commissioners Present:** Blaine Merker, Jeff Vincent, Chip Moore, Christina Oatfield, Elisa  
7       Mikiten, Emily Marthinsen, Alfred Twu, Savlan Hauser, and Barnali Ghosh.

8  
9       **Commissioner Absent:** None.

10  
11       **Staff Present:** Secretary Justin Horner, Clerk Zoe Covello, Uttara Ramakrishnan, and Anne  
12       Hersch.

13 • **LAND ACKNOWLEDGEMENT.**

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

29       Vice Chair Ghosh shared that she was excited to see Filoli partnered with the Association of  
30       Ramaytush Ohlone to create the new Lamchin Interpretive Center where folks can go to  
31       learn about the tribe's history and the impacts of colonization on people and ecosystems.

32 • **ORDER OF AGENDA:** No changes.

33 • **PUBLIC COMMENT PERIOD:** 0.

34 • **PLANNING STAFF REPORT:**

35 • Anticipated Planning Commission Items:

36 ○ October:

- 37 • Additional General Plan Amendments related to Middle Housing
- 38 • Update on the San Pablo Avenue Specific Plan

39 ○ November:

- 40 • Gilman Gateway Rezoning
- 41 • Planning Commission Workplan
- 42 • 2025 Calendar

43 ○ December:

- 44 • Affordable Housing Fee

45 ○ January:

- 46 • Public Hearing on the Local Hazard Mitigation Plan (tentative)

- 47 • On July 23<sup>rd</sup>, the Middle Housing Zoning Amendments went to City Council, no action
- 48 was taken. Staff were directed to conduct additional community outreach and
- 49 schedule the item for a future date.

50 • Upcoming Community Events:

51 ○ Thursday, September 12<sup>th</sup>, 6:00 – 8:00 pm - Ashby BART TOD Community

52 Meeting, in-person at the Ed Roberts Campus

53 ○ Friday, September 13<sup>th</sup>, 12:30 - 1:30 pm – Ashby BART TOD Zoom Office

54 hours will be held

55 ○ Monday, September 16<sup>th</sup>, 6:00 pm – Special City Council meeting to discuss

56 the Ashby BART TOD Term Sheet

57 ○ Thursday, September 26<sup>th</sup>, 5:45 pm – San Pablo Avenue Specific Plan

58 Community Meeting, in-person at the San Pablo Park Community Room

59 ○ Monday, September 30<sup>th</sup>, 6:30 – 8:00 pm - Waterfront Specific Plan

60 Community Meeting on the release of the draft Waterfront Specific Plan over

61 Zoom

- 62 • Secretary announced that staff will now institute a Planning Commission Resolution,
- 63 which will serve as a more formalized memorialization of the motion.

64 **Information Items:**

- 65 • None.

66 **Communications:**

- 67 • General.

68 **Late Communications:**

- 69 • None.

70

71 • **CHAIR REPORT:**

72           • None.

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

75

76           • None.

77   **8. APPROVAL OF MINUTES:**

78   Motion/Second/Carried (Mikiten/Oatfield) to approve the Planning Commission Meeting  
79 Minutes from July 17, 2024.

80

81   Ayes: Merker, Vincent, Moore, Oatfield, Mikiten, Marthinsen, Twu, Hauser, and Ghosh. Noes:  
82 None. Abstain: None. Absent: Moore. (9-0-0-0)

83

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

85           • None.

86

87   **AGENDA ITEMS**

88   **10. Public Hearing: Development Agreements**

89   Associate Planner Uttara Ramakrishnan presented on proposed amendments to Berkeley  
90 Municipal Code Chapter 22.16 “Development Agreement Procedures.” The Commissioners  
91 expressed support for the decision to update the Development Agreement Procedures and the  
92 potential community benefits that could come from it. Commissioners asked questions and  
93 made comments including, but not limited to: clarifying that the City Manager has discretion to  
94 approve or reject a request to embark on a Development Agreement; how a denial might be  
95 appealed; what the criteria for negotiating would be; how other Commissions’ comments would  
96 be taken into consideration; what the implications of Development Agreements might be on the  
97 future; potentially leaving in a community workshop requirement to share information publicly  
98 and better be able to determine what a community benefit is; and potential amendments to the  
99 Purpose section of the ordinance. There were no public commenters.

100

Motions/Second/Carried (Vincent/Twu) to close the public hearing at 6:48 pm.

101

102   Ayes: Merker, Vincent, Moore, Oatfield, Mikiten, Marthinsen, Twu, Hauser, and Ghosh. Noes:  
103 None. Abstain: None. Absent: Moore. (9-0-0-0)

104

105   Motions/Second (Mikiten/Vincent) to recommend that City Council adopt staff's  
106 recommendation, and direct staff to make the following revisions to the proposed ordinance:

107

- 108 1. **22.16.010 Intent and Purpose** - Include clear statement of purpose; emphasize  
109 importance and value of community benefit; include 'mutual benefit'. Include "there are unique  
110 or compelling reasons .....final development agreement."
- 111 2. **22.16.030 E Initial Review of Applications** – Elaborate on the process to include timeline  
112 for responses when an application is accepted, rejected. Also clarify that City Manager has  
113 the ability or discretion to accept or reject the proposal.
- 114 3. **22.16.090 Miscellaneous Provisions** - Future entitlements – To check with the City  
115 Attorney's Office if deleted point can be included and suggests retaining idea – 'flexibility for  
116 future entitlements are negotiable but do not extend to projects not included in the application.'
- 117 4. **22.16.070 Annual Review** – Delete new sentence "who has submitted.."
- 118 5. **22.16.040 Contents** - Delete "relating to subsequent reimbursement over time."
- 119 at 8:12 pm.  
120  
121 Ayes: Merker, Vincent, Moore, Mikiten, Marthinsen, Twu, Hauser, and Ghosh. Noes: None.  
122 Abstain: Oatfield. Absent: None. (8-0-1-0)  
123

124 **Public Comments: 0**

125 Motion/Second/Carried (Ghosh/Merker) to adjourn the meeting at 8:14 pm.  
126  
127 Ayes: Merker, Vincent, Moore, Oatfield, Mikiten, Marthinsen, Twu, Hauser, and Ghosh. Noes:  
128 None. Abstain: None. Absent: None. (9-0-0-0)  
129

130 **Members in the public in attendance: 5**

131 **Public Speakers: 0**

132 **Length of the meeting: 2 hr 11 min**



Planning and Development Department  
Land Use Planning Division

## STAFF REPORT

DATE: October 9, 2024  
TO: Members of the Planning Commission  
FROM: Justin Horner, Principal Planner  
SUBJECT: Amendments to the General Plan to Encourage Middle Housing

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### RECOMMENDATION

Hold a public hearing, receive and provide comment on General Plan text and map amendments related to Middle Housing, and make a recommendation to the City Council.

### BACKGROUND

At its February 7, 2024 meeting, the Planning Commission held a public hearing and made a recommendation to the City Council regarding zoning ordinance amendments to promote middle housing in parcels currently located in the Single-Family Residential (R-1), Limited Two-family Residential (R-1A), Restricted Two-family Residential (R-2), Restricted Multiple-family Residential (R-2A) and Mixed Use-Residential (MU-R) zoning districts ("Middle Housing zoning amendments."). The Planning Commission's recommendation required conforming amendments to the General Plan and General Plan Map, which the Planning Commission considered at its April 3, 2024 meeting and made a recommendation to the City Council (**Attachment 1**).

On July 23, 2024, the City Council held a public hearing on the proposed Middle Housing zoning amendments. The City Council directed staff to revise the Planning Commission's recommendation, and, among other actions, directed staff to review the General Plan to ensure that the City Council's recommendation was consistent with the General Plan (**Attachment 2**). Staff performed the review and identified additional General Plan amendments, which are presented in this report for Planning Commission consideration and recommendation, per BMC Section 22.04.020.

### DISCUSSION

To ensure conformance between the General Plan and the City Council's recommendation, staff are proposing amendments to the text of the Introduction, Land Use Element and Urban Design and Preservation Element of the General Plan, as well as amendments to the General Plan map (**Attachment 3**).

Table 1 summarizes the General Plan amendments considered by the Planning Commission at its April 3, 2024 meeting. Two of the amendments are the same as those considered by the Planning Commission at its April 3, 2024 meeting, and three are similar to amendments considered at the April 3, 2024 meeting but are revised based on the City Council’s recommendation on Middle Housing.

Table 2 summarizes General Plan amendments that have not been considered by the Planning Commission and are presented here for the first time.

The amendments are discussed in greater detail below.

*Table 1 General Plan Amendments Summary – Reviewed April 3, 2024*

	<b>Element and Section of General Plan</b>	<b>Summary</b>	<b>Rationale</b>
<b>NO CHANGE FROM APRIL 3, 2024 PLANNING COMMISSION MEETING</b>			
1	Policy LU-7 Neighborhood Quality of Life (Land Use Element)	Removes mention of R-1A	Zoning ordinance amendments merge R-1A and R-2.
2	Low Medium Density Residential Land Use Classification (Land Use Element)	Removes this Land Use Classification	Zoning ordinance amendments merge R-1A and R-2, and R-2 is now more typical of the Medium Density Residential classification.
3	General Plan Map	Revised to remove Low Medium Density Residential Land Use Classification.	Conformity with General Plan text amendments.
<b>REVISED FROM APRIL 3, 2024 PLANNING COMMISSION MEETING</b>			
4	Lower Density Residential Land Use Classification (Land Use Element)	Revisions to density and development standards. Renaming.	Changed to reflect City Council recommendation of July 23, 2024
5	Medium Density Residential Land Use Classification (Land Use Element)	Revisions to density and development standards. Renaming.	
6	Mixed-Use Residential Land Use Classification	Revision of height standard.	

**Table 2 General Plan Amendments Summary -- New Amendments**

	<b>Element and Section of General Plan</b>	<b>Summary</b>	<b>Rationale</b>
7	Encourage Infill Development (Introduction)	Adds language to note State law requirements, the Housing Element, and encouraging infill in low-density neighborhoods.	Changed to reflect City Council recommendation of July 23, 2024
8	Improve Citizen Participation (Introduction)	Adds language acknowledging State and local policies that mandate timely review of housing projects.	Changed to reflect City Council recommendation of July 23, 2024, particularly permitting residential development with a ZC.
9	Page LU-3 (Land Use Element)	Revises language to include areas “in proximity” to transit corridors.	The Middle Housing zoning amendments encourage residential development in areas proximate to transit, not just on parcels <i>on</i> transit corridors.
10	Page LU-4 (Land Use Element)	Revises language to encourage “zoning development standards that are consistent with historic development patterns that include smaller multi-family dwellings on a single lot” in place of “maintaining existing zoning.”	The Middle Housing zoning amendments change existing development standards in residential neighborhoods.
11	Policy UD-22 Regulating New Construction and Alteration (Urban Design and Preservation Element)	Remove section that requires Use Permits for all residential projects “to enable the imposition of area sensitive conditions.”	The Middle Housing zoning amendments permit residential projects with a ZC and establish objective standards.

General Plan Amendments: Previously Considered by Planning Commission

**1. Policy LU-7 Neighborhood Quality of Life (Land Use Element)**

The proposed Middle Housing zoning amendments would merge the R1-A and R2 zoning districts. The proposed General Plan amendment in the Land Use Element removes a mention of the R-1A zoning district. There are no other proposed changes to this section.

This proposed amendment was reviewed and recommended by the Planning Commission at its April 3, 2024 meeting.

### *2. Low Medium Density Residential Land Use Classification*

Currently, there are three different land use classifications that characterize the R-1, R-1A, R-2, and R-2A zoning districts:

1. Low Density Residential for the R-1 and Environmental Safety Residential (ES-R) zoning districts;
2. Low Medium Density Residential for the R-1A and R-2 zoning districts; and
3. Medium Density Residential for the R-2A and R-3 zoning districts.

Staff proposes reducing the number of land use classifications that apply to these districts to two. This is consistent with the City Council's recommendation to consolidate the R-1A and R-2 zoning districts and to adopt development standards that are largely consistent across these low-density residential zoning districts. Specifically, staff recommends:

- Renaming the Low Density Residential classification to Low Medium Density Residential;
- Assigning the Medium Density Residential classification to the R-2, R-2A and R-3 zoning districts; and
- Including technical edits that reflect the City Council's recommendation with respect to the names of zoning districts and the proposed development standards.

These proposed amendments were reviewed and recommended by the Planning Commission at its April 3, 2024 meeting.

### *3. General Plan Map Amendments*

Consistent with the recommended General Plan text changes above, the General Plan Map would be amended to a) rename the Low Density Residential classification; and b) expand the Medium Density Residential classification to include the R-2 zoning district.

These proposed map amendments were reviewed and recommended by the Planning Commission at its meeting of April 3, 2024.

### *4.-6. Land Use Classification Amendments: Revision of Standards and Renaming*

The Land Use Element of the General Plan includes descriptions of each of the General Plans Land Use Classifications. These descriptions include information about the typical zoning districts covered by the Classification, as well as summary information about typical population densities, typical residential densities, and height standards within the Classification.

The proposed General Plan amendments include revisions to three of the Land Use Classification descriptions to reflect the projected population densities, the permitted

residential densities, and the permitted height standards in the City Council's recommendation, as well as the new names for the zoning districts.

The Planning Commission reviewed similar amendments at its April 23, 2024 meeting, which reflected the development standards included in the Planning Commission's recommended Middle Housing zoning amendments. The proposed amendments differ, in that they reflect the City Council's recommendation from their July 23, 2024 meeting.

#### General Plan Amendments, Pursuant to City Council's July 23, 2024 Meeting

The following proposed General Plan amendments have not been reviewed by the Planning Commission before. As part of its recommendation at its July 23, 2024 meeting, the City Council directed staff to review the General Plan to ensure that the City Council's recommendation and the General Plan were consistent with one another. As a result of that review, staff is proposing the following additional General Plan amendments.

#### *7. Encourage Appropriate Infill Development (Introduction)*

This section in the Introduction summarizes the General Plan's approach to infill development, and includes some statements that are incompatible with the Middle Housing zoning ordinance amendments. For example, this section states that the General Plan leaves in place most development standards and zoning created and implemented through previous area plan policies. In fact, the Middle Housing zoning ordinance amendments include significant changes to existing zoning, particularly when compared to the zoning in place at the time of the adoption of the General Plan. Additionally, this section includes the intent that zoning will encourage housing in the Downtown and along the city's transit corridors, but will not encourage new infill housing in traditionally residential neighborhoods.

The proposed General Plan amendments include statements that infill would also be encouraged in traditionally low density residential neighborhoods, and that State law changes and the adopted Housing Element are also factors that influence infill development in the city. The changes also include removal of the intent to leave in place development standards and zoning in existing residential areas.

#### *8. Improve Citizen Participation (Introduction)*

This section in the Introduction summarizes the General Plan's approach to citizen participation, and includes statements that citizens should be involved in decisions about "anything" that will have an impact on them and their neighborhoods, and that the General Plan mandates "maximum citizen involvement" in all public planning.

The proposed General Plan amendments include modifications to these statements to note that citizen involvement should be maximized "within the context of local and State policies and legal requirements that encourage and mandate the timely review of residential development projects." The Middle Housing zoning amendments include provisions to allow residential development with the Zoning Certificate, which is a ministerial action, and the proposed amendments reflect the fact that this policy would be in place with adoption of the Middle Housing zoning amendments.

### *9. Page LU-3: Transit Corridors*

This section of the Land Use Element notes that additional housing development should be encouraged on utilized sites within the major transit corridors and Downtown. It is not clear from this section whether it applies only to parcels immediately adjacent to a transit corridor, or to parcels that are *in proximity* to a high-quality transit corridor. Many recently-adopted land use policies rely on the State's definition of high-quality transit corridor, which is typically any parcel within 1/4 mile of a major transit corridor. CEQA analysis of transportation impacts, and the city's parking maximum requirements are two examples of existing policies that rely on this broader definition.

The proposed General Plan amendments include language that clarifies that housing is to be encouraged on sites within and in proximity to high-quality transit corridors. This reflects broader land use policies regarding transit proximity of new development, as well as including the phrase "high quality transit corridor" that is common in State law and other local regulations.

### *10. Page LU-4: Zoning Standards*

This section of the Land Use Element describes the intention to maintain existing zoning and development standards in residential areas, and to encourage new housing only along transit corridors and in Downtown.

The Middle Housing zoning amendments include changes to the residential development standards in place at the time of the adoption of the General Plan, but also encourage development that is consistent with historic development patterns in Berkeley that include smaller multi-unit structures. The proposed General Plan amendments include statements to this effect, and also specifies that high density residential development, not all residential development, should be focused along transit corridors.

### *11. Policy UD-22 Regulating New Construction and Alteration*

This section of the Urban Design and Preservation Element states that the intention of the General Plan is to continue to require Use Permits and public hearings for all residential projects.

The Middle Housing zoning amendments allow residential development with a Zoning Certificate. Accordingly, the proposed General Plan Amendments remove the section that includes the requirement for Use Permits for all residential projects.

## **ENVIRONMENTAL REVIEW**

Development projections for this project were analyzed in the Environmental Impact Report (EIR) for the 2023-2031 Housing Element Update, which was certified by the City Council on January 18, 2023.<sup>1</sup>

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

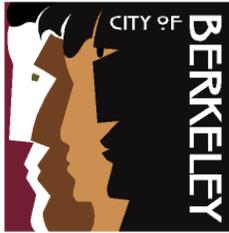
[https://berkeleyca.gov/sites/default/files/documents/ATT%20%20FEIR\\_RTC.pdf](https://berkeleyca.gov/sites/default/files/documents/ATT%20%20FEIR_RTC.pdf)

**NEXT STEPS**

Upon receiving Planning Commission recommendation and public comment, staff will forward the General Plan text and map amendments, to City Council for consideration and adoption.

**ATTACHMENTS**

1. Planning Commission Staff Report – April 3, 2024.
2. City Council Annotated Agenda and Minutes – July 23, 2024.
3. Resolution and General Plan Text and Map Amendments
4. Public Hearing Notice



Planning and Development Department  
Land Use Planning Division

## STAFF REPORT

DATE: April 3, 2024  
TO: Members of the Planning Commission  
FROM: Justin Horner, Associate Planner  
SUBJECT: Amendments to the General Plan to Encourage Middle Housing

---

### RECOMMENDATION

Planning Commission is asked to hold a public hearing, receive and provide comment on General Plan text and map amendments, and make a recommendation for consideration by the City Council.

### BACKGROUND

At its February 7, 2024 meeting, the Planning Commission held a public hearing and made a recommendation to City Council regarding zoning ordinance amendments to promote middle housing in parcels currently located in the Single-Family Residential (R-1), Limited Two-family Residential (R-1A), Restricted Two-family Residential (R-2), Restricted Multiple-family Residential (R-2A) and Mixed Use-Residential (MU-R) zoning districts (**Attachment 1**). The Planning Commission's recommendation requires conforming amendments to the General Plan and General Plan Map (**Attachment 2**) before it can be considered and adopted by the City Council.

### DISCUSSION

To ensure conformance between the General Plan and the Planning Commission's recommendation, staff are proposing amendments to the text of the Land Use Element of the General Plan as well as amendments to the General Plan map (**Attachment 2**).

#### General Plan Text Amendments

*Land Use Classification Descriptions:* Currently, there are three different land use classifications that characterize the R-1, R-1A, R-2, and R-2A zoning districts:

1. Low Density Residential for the R-1 and Environmental Safety Residential (ES-R) zoning districts;
2. Low Medium Density Residential for the R-1A and R-2 zoning districts; and

3. Medium Density Residential for the R-2A and R-3 zoning districts.

Staff proposes reducing the number of land use classifications that apply to these districts to two. This is consistent with the Planning Commission's recommendation to consolidate the R-1A and R-2 zoning districts and to adopt development standards that are largely consistent across these low-density residential zoning districts. Specifically, staff recommends:

1. Renaming the Low Density Residential classification to Low Medium Density Residential;
2. Assigning the Medium Density Residential classification to the R-2, R-2A and R-3 zoning districts; and
3. Including technical edits that reflect the Planning Commission's recommendation with respect to the names of zoning districts and the proposed development standards.

The proposed General Plan amendments also include minor changes to the Mixed-Use Residential land use classification to accurately state the zoning district's Floor Area Ratio and height regulations.

#### General Plan Map Amendments

Consistent with the recommended General Plan text changes, the General Plan Map would be amended to a) rename the Low Density Residential classification; and b) expand the Medium Density Residential classification to include the R-2 and R-2A zoning districts.

#### **ENVIRONMENTAL REVIEW**

Development projections for this project were analyzed in the Environmental Impact Report (EIR) for the 2023-2031 Housing Element Update, which was certified by the City Council on January 18, 2023.<sup>1</sup>

#### **NEXT STEPS**

Upon receiving Planning Commission recommendation and public comment, staff will forward the General Plan text and map amendments, to City Council for consideration and adoption.

#### **ATTACHMENTS**

1. Planning Commission Staff Report – February 7, 2024.
2. Draft Resolution - General Plan Map and Text Amendments
3. Public Hearing Notice

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

**ANNOTATED AGENDA  
SPECIAL MEETING OF THE  
BERKELEY CITY COUNCIL**

**Tuesday, July 23, 2024  
3:30 PM**

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI  
DISTRICT 2 – TERRY TAPLIN  
DISTRICT 3 – BEN BARTLETT  
DISTRICT 4 – IGOR TREGUB

DISTRICT 5 – SOPHIE HAHN  
DISTRICT 6 – SUSAN WENGRAF  
DISTRICT 7 – CECILIA LUNAPARRA  
DISTRICT 8 – MARK HUMBERT

*This meeting will be conducted in a hybrid model with both in-person attendance and virtual participation. If you are feeling sick, please do not attend the meeting in person.*

*Live captioned broadcasts of Council Meetings are available on Cable B-TV (Channel 33) and via internet accessible video stream at [http://berkeley.granicus.com/MediaPlayer.php?publish\\_id=1244](http://berkeley.granicus.com/MediaPlayer.php?publish_id=1244).*

*Remote participation by the public is available through Zoom. To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL: <https://cityofberkeley-info.zoomgov.com/j/1600197323>. To request to speak, use the “raise hand” icon by rolling over the bottom of the screen. To join by phone: Dial **1-669-254-5252 or 1-833-568-8864 (Toll Free)** and enter Meeting ID: **160 019 7323**. If you wish to comment during the public comment portion of the agenda, Press \*9 and wait to be recognized by the Chair. Please be mindful that the meeting will be recorded.*

*To submit a written communication for the City Council’s consideration and inclusion in the public record, email [council@berkeleyca.gov](mailto:council@berkeleyca.gov).*

*This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953 and applicable Executive Orders as issued by the Governor that are currently in effect. Any member of the public may attend this meeting. Questions regarding public participation may be addressed to the City Clerk Department (510) 981-6900. The City Council may take action related to any subject listed on the Agenda.*

*Pursuant to the City Council Rules of Procedure and State Law, the presiding officer may remove, or cause the removal of, an individual for disrupting the meeting. Prior to removing an individual, the presiding officer shall warn the individual that their behavior is disrupting the meeting and that their failure to cease their behavior may result in their removal. The presiding officer may then remove the individual if they do not promptly cease their disruptive behavior. “Disrupting” means engaging in behavior during a meeting of a legislative body that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to, a failure to comply with reasonable and lawful regulations adopted by a legislative body, or engaging in behavior that constitutes use of force or a true threat of force.*

## Preliminary Matters

**Roll Call:** 3:36 p.m.

**Present:** Kesarwani, Taplin, Tregub, Hahn, Wengraf, Lunaparra, Humbert, Arreguin

**Absent:** Bartlett

Councilmember Bartlett present at 3:47 p.m.

## Action Calendar – Public Hearings

### 1. **Zoning Ordinance and General Plan Amendments Relating to Middle Housing From: City Manager**

**Recommendation:** Conduct a public hearing, and upon conclusion:

1. Adopt the first reading of an Ordinance amending Berkeley Municipal Code Title 23 (Zoning Ordinance) and the Zoning Map, for the purposes of encouraging development of “middle housing” in areas currently zoned R-1, R-1A, R-2, R-2A and MU-R (“low-density residential districts”); and
2. Adopt a Resolution amending the General Plan Designations and Land Use diagram for the same purpose.

**Financial Implications:** See report

Contact: Jordan Klein, Planning and Development, (510) 981-7400

**Public Testimony:** The Mayor opened the public hearing. 91 speakers.

**Action:** M/S/Failed (Lunaparra/Humbert) to direct staff to return with an ordinance based on the Planning Commission recommendation, except R1-H, which would return to Council after the evacuation study is complete, and including the amendments from Mayor Arreguin and Councilmember Kesarwani except for density maximums.

**Vote:** Ayes – Taplin, Bartlett, Lunaparra; Noes – Hahn, Wengraf; Abstain – Kesarwani, Tregub, Humbert, Arreguin.

**Action:** M/S/Carried (Arreguin/Kesarwani) to provide Council direction to staff to prepare a Middle Housing Ordinance that:

Exempts application in the Hillside Overlay Zone and ES-R District, as staff originally proposed. Council expresses its desire to receive and review the Fire Department’s Evacuation Study in order to better understand public safety risks prior to consideration of Middle Housing standards in this zone.

Outside of the Hillside Overlay Zone, make the following amendments:

**MAXIMUM DENSITY PER ACRE STANDARD.** Include a maximum density per acre standard as follows:

- R-1 - 40 units/acre - Resulting in 5 units on a 5,000 square foot lot
- R-1A - 50 units/acre - Resulting in 6 units on a 5,000 square foot lot
- R-2 - 50 units/acre - Resulting in 6 units on a 5,000 square foot lot
- R-2A - 60 units/acre - Resulting in 7 units on a 5,000 square foot lot
- MU-R - 60 units/acre - Resulting in 7 units on a 5,000 square foot lot

## Action Calendar – Public Hearings

**REGULATE THE SIZE OF ONE NEW PRIMARY UNIT.** A large single-family home with multiple bedrooms can be an affordable housing option when rented out to students, young professionals, a group of artists, or others wishing to live together in a communal fashion. To maintain this option while controlling against excessively large single-family homes, place a limit on the size when these standards are used to create one primary unit: **the primary unit square footage may be no more than half the lot size (i.e., 2,500 square feet maximum primary unit size for a lot of 5,000 square feet or 3,000 square feet maximum primary unit size for a lot of 6,000 square feet, etc.), or no larger than 2,500 square feet, whichever is greater.** These square footage limitations shall also apply to home additions for a primary unit (when there is only one primary unit on the lot) seeking approval via Zoning Certificate; one primary unit that exceeds these square footage limitations for a home addition would require an Administrative Use Permit.

**HEIGHT.** Maximum height of **35 feet or 3 stories** in order to provide certainty that structures do not exceed three stories. **Delete maximum average height of 28 feet** in order to ensure that ceiling heights are not substandard; a maximum average height is more costly to design and build, and less energy efficient. Keep the 22 feet lower height limit within 15 feet of the rear property line.

**FRONT- AND REAR-SETBACK.** To provide greater flexibility for smaller parcels and promote backyard space, **the front- and rear-setback are to be a total of 20 feet combined, with a minimum of 5 feet in the front and a minimum of 5 feet in the rear.** This is to ensure that smaller parcels are not required to maintain a 15-foot front setback and lose the possibility of a private backyard, which might encourage fencing of the front facing open space—a deleterious outcome for promoting neighborhood cohesion. Existing front yards vary in depth from five- to 15 feet currently.

**NEIGHBOR NOTICE.** Require a neighbor notice for neighboring properties similar to the requirement under the Accessory Dwelling Unit Ordinance. The language from the Accessory Dwelling Unit Ordinance should be adapted for the Middle Housing Ordinance:

1. *Scope and Timing of Notice.* Notice of an ADU application shall be mailed to tenants of the subject property, and owners and tenants of the adjacent, confronting, and abutting properties, within ten working days of submission of the building permit application to the City.
2. *Content of Notice.* Notice shall provide the address of the project, allowable hours of construction, a link to the City's webpage, and information for tenants of the subject property on how to contact a Rent Board Housing Counselor by e-mail or phone and any other resource or information deemed relevant.
3. *Mailing Fees.* The applicant shall be responsible for the cost of materials, postage, and staff time necessary to process and mail notices.

### **REFERRAL**

Refer \$200,000 to the November AAO #1 budget process to fund a citywide historic context statement. This document would describe broad patterns of historical development and identify property types of significance to help establish criteria for protecting cultural resources within the City. After developing a citywide historic context statement, the Council expresses its intent to fund and conduct a citywide historic resource survey to identify resources for landmark initiation.

## Action Calendar – Public Hearings

The motion also includes the amendments listed below:

- Request to provide opportunity to have community workshops throughout the city in the time between now and when staff brings the ordinance back to Council
- Analysis of 5,000 sq. ft. for density standard for illustrative purposes
- More through General Plan analysis
- Report back on how this ordinance current proposal interfaces with Mini Dorm Ordinance and the potential for more mini dorm configurations
- Analysis of how this ordinance conforms to Demolition Ordinance

Public hearing continued to a future date.

**Vote:** All Ayes.

## Adjournment

**Action:** M/S/C (Arreguin/Hahn) to adjourn the meeting.

**Vote:** All Ayes.

Adjourned at 8:42 p.m.

## Communications

### Item #1: Zoning Ordinance and General Plan Amendments Relating to Middle Housing

1. JT Rueppel

## Supplemental Communications and Reports 1

### Item #1: Zoning Ordinance and General Plan Amendments Relating to Middle Housing

1. Supplemental material submitted by Fire Department
2. Lisa Goodman
3. Kevin Burke
4. Jonathan Bailey
5. 3 Similarly-worded form letters

## Supplemental Communications and Reports 2

### Item #1: Zoning Ordinance and General Plan Amendments Relating to Middle Housing

1. Revised material, submitted by Planning and Development Department
2. Kevin Donahue
3. Alene
4. Stephanie Lesh
5. Evan Tschuy
6. Zachary Russ
7. Becca Schonberg

**PLANNING COMMISSION  
RESOLUTION NO. 2024-02**

**A RESOLUTION OF THE CITY OF BERKELEY PLANNING COMMISSION  
RECOMMENDING THAT THE CITY COUNCIL ADOPT PROPOSED GENERAL  
PLAN AMENDMENTS, INCLUDING AMENDMENTS TO THE LAND USE  
DIAGRAM TO RE-DESIGNATE CERTAIN PARCELS, TO BE CONSISTENT WITH  
ASSOCIATED ZONING TEXT AMENDMENTS TO PROMOTE MIDDLE HOUSING**

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

**WHEREAS**, the adopted 2023-2031 Housing Element Update includes “Program 29 – Middle Housing” to pursue zoning map and development standard amendments to allow multi-unit development on one lot in the lower density districts: R-1, R-1A, R-2, R-2A and MU-R; and

**WHEREAS**, on October 9, 2024, the Planning Commission held a public hearing and considered all public comments received, the presentation by City staff, the staff report, and all other pertinent documents regarding the proposed request; and

**WHEREAS**, a public hearing notice was published in the Berkeley Voice and posted in three public places pursuant to California Government Code Section 65090 on September 27, 2024 for the public hearing held on October 9, 2024; and

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

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

**WHEREAS**, the proposed General Plan amendments reflect zoning ordinance amendments that were analyzed in the Environmental Impact Report (EIR) for the 2023-2031 Housing Element Update, which was certified by the City Council on January 18, 2023;

**NOW, THEREFORE, IT BE RESOLVED** that pursuant to California Government Code Sections 65353 and 65853, the Planning Commission makes the following findings to support its recommendation for the General Plan text and map amendments included as Exhibits A and B of this resolution:

- (1) The proposed amendments are in the public interest.

Evidence: The General Plan amendments serve the public interest by facilitating additional housing capacity and production to better meet housing demand, by reversing historically discriminatory land use policies, and Affirmatively Furthering Fair Housing;

(2) The proposed amendment is consistent and compatible with the General Plan.

Evidence: The proposed General Plan amendments would ensure internal consistency among General Plan elements.

(3) The potential effects of the proposed amendment have been evaluated and have been determined not to be detrimental to the public health, safety, or welfare.

Evidence: The General Plan amendments would not be detrimental to the public health, safety and welfare of the City because they would facilitate development that would be completed in compliance with current building and fire codes and regulations; and would be subject to the City's standard conditions of approval regarding noise and air quality, waste diversion, toxics and stormwater requirements, as well as applicable mitigation measures included in the Housing Element Update EIR.

BE IT FURTHER RESOLVED that the Planning Commission does hereby recommend to the City Council of the City of Berkeley to adopt the General Plan text and map amendments included in Exhibit A and Exhibit B of this resolution; and

I HEREBY CERTIFY the foregoing resolution was passed and adopted by the Planning Commission of the City of Berkeley, at a regular meeting thereof, held on the 9th day of October 2024, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

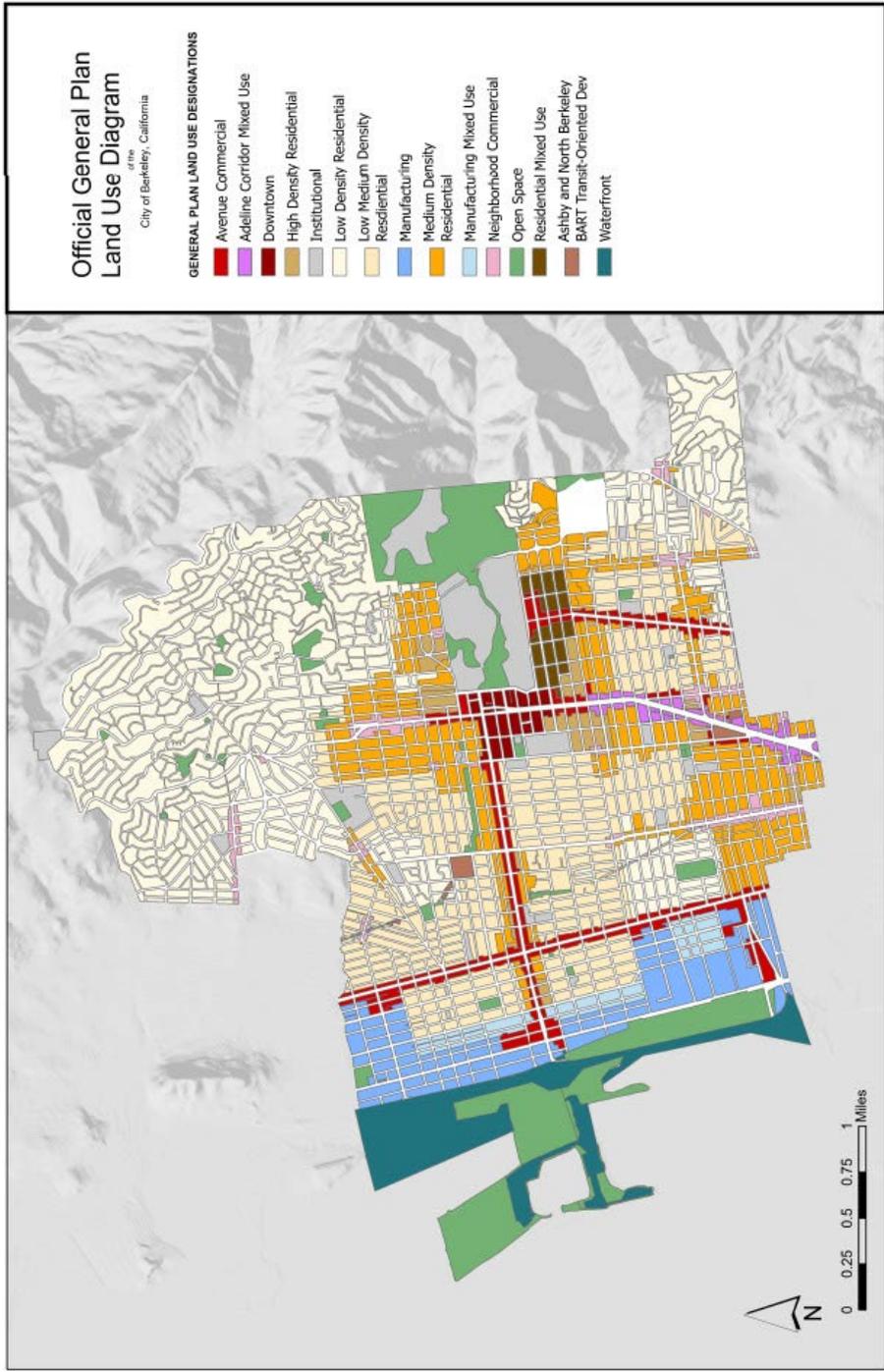
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**Alisa Shen, Principal Planner**

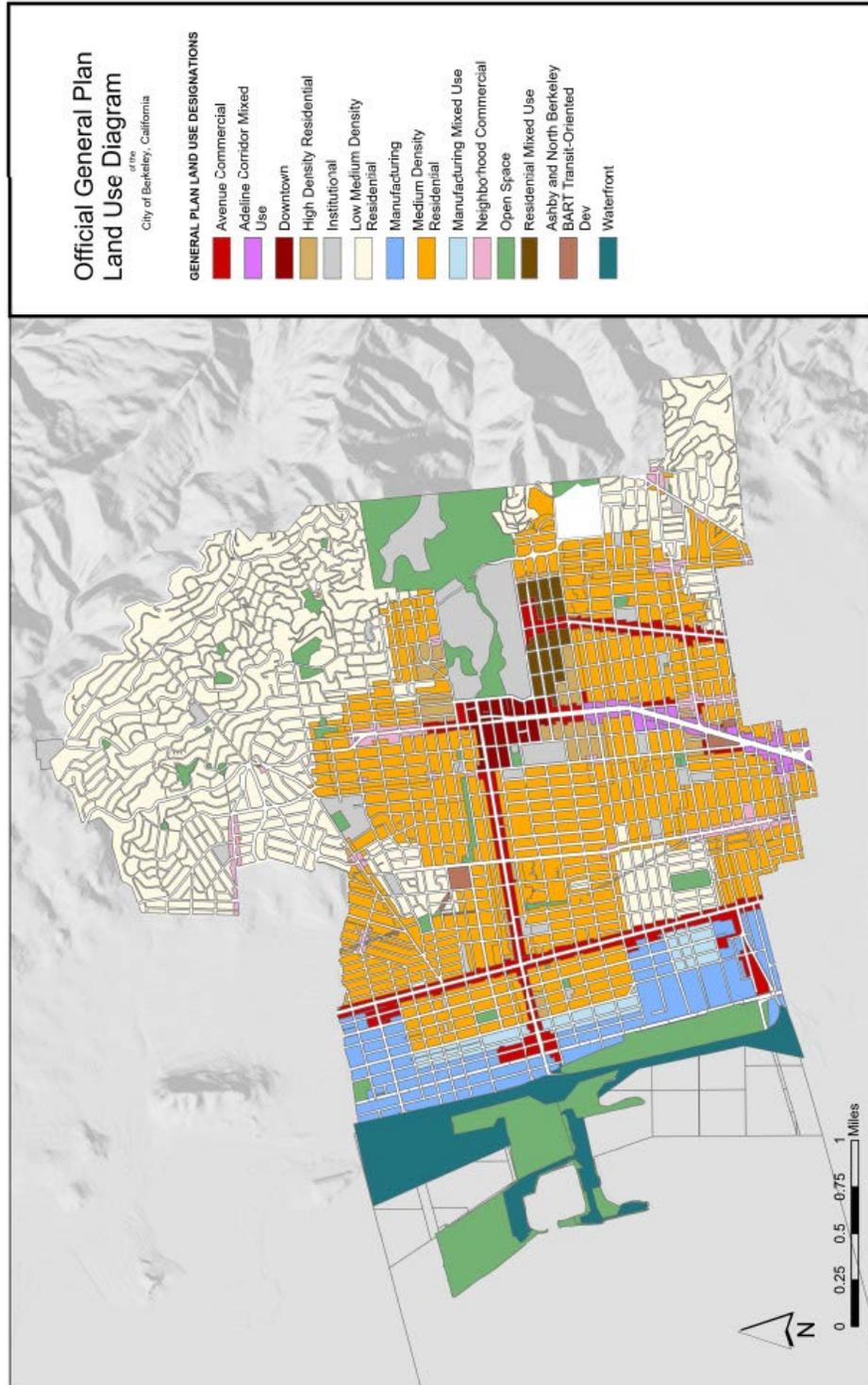
**SECRETARY TO THE PLANNING COMMISSION**

### EXHIBIT A

Map 1. Existing General Plan Land Use Designations



Map 2. Proposed General Plan Land Use Designations



## Exhibit B

### General Plan Amendments for Middle Housing

#### Introduction

*Page I-3*

Goal #1. Preserve Berkeley's unique character and quality of life

Encourage Appropriate Infill Development. With little vacant land available for development, all new development in Berkeley will be infill development. To preserve Berkeley's character, it is essential that infill development be sensitively designed and thoughtfully planned to fit in with the existing built environment. The General Plan ~~leaves in place most~~ includes development standards and zoning created and implemented through previous area place processes, State law changes, and the implementation of the Housing Element. This zoning encourages development in downtown, ~~and~~ along the city's transit corridors, and in traditionally low-density residential neighborhoods. The General Plan calls for new development to contribute to the provision of necessary public improvements to serve current and future populations such as open space, transportation and affordable housing...

*Page I-6*

GP Goal: 4. Maximize and improve citizen participation in municipal decision making

#### *Improve Citizen Participation*

Citizens should be actively involved in making decisions about anything that will have an impact on them and their families and neighborhoods. The Plan mandates maximum citizen involvement in all public planning within the context of local and State policies and legal requirements that encourage and mandate the timely review of residential development projects. The Plan stresses the important role of neighborhoods and neighborhood groups in land use decisions.

#### Land Use Element

*Page LU-3*

Land Use Element policies are designed to maintain Berkeley's unique physical character, while allowing for additional housing development on underutilized sites within and in proximity to within the major high-quality transit corridors and Downtown and other changes to land use that are necessary to maintain, improve, adapt, and, where necessary, replace existing development

*Page LU-4*

The Land Use Element maintains and enhances Berkeley residential neighborhoods by ~~maintaining existing~~ including zoning development standards that are consistent with historic development patterns that include smaller multi-family dwellings on a single lot, emphasizing the importance of protections from non-residential uses, and directing new higher-density housing to ~~the~~ high-quality transit corridors and the Downtown.

*Page LU-11*

Policy LU-7 Neighborhood Quality of Life

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

Actions:

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

## LAND USE CLASSIFICATIONS

*Pages LU-21 and LU-22*

### **Lower Density Residential**

These areas are generally characterized by single-family homes, and small multi-family structures. Appropriate uses for these areas include: residential, community services, schools, home occupations, recreational uses, and open space and institutional facilities. Building intensity will can range from one to ~~40~~ 50 dwelling units per net acre<sup>1</sup>, not including secondary units, and the population density will generally not exceed ~~22~~ 110 persons per acre.

For information purposes, the compatible zoning districts for this classification are: ~~Single-Family Residential~~ Multi-Unit 1 (R-1), ~~which allows approximately 9 principle dwelling unit/acre,~~

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and Environmental Safety- Residential (ES-R), which allows approximately 5 dwelling units per acre. Height limits in these zoning districts ~~are typically 28 feet with provisions to~~ allow up to 35 feet.

### **Low-Medium Density Residential**

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

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

### **Medium Density Residential**

These areas of Berkeley are generally characterized by a mix of single-family homes and small to medium sized multi-family structures. The same uses appropriate in Lower Density Residential are appropriate in Medium Density Residential areas. Building intensity ~~will~~ can range from 20 to ~~40~~ 60 dwelling units per net acre, and the population density will generally range from 44 to ~~88~~ 132 persons per acre, with the exception of the Southside Plan Area.

Within the R-3 within the Southside Plan Area, except in areas located in the Hillside Overlay zoning district, building intensity will range from a FAR of less than 1.0 to a FAR of 3.0. Residential development is subject to a minimum density of 60 dwelling units per acre and a minimum population density of 150 persons per acre. There is no residential density limit. This allows for greater flexibility in housing types to maximize housing opportunities in the Southside Plan Area.

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

*Page LU-24*

### **Mixed Use-Residential**

These areas are intended to maintain and preserve areas of the city for lighter manufacturing and industrial uses and allow for additional uses, including residential, where determined appropriate by zoning, and only if the use will not weaken Berkeley's manufacturing and industrial economy. Appropriate uses for these areas are identified in the West Berkeley Plan. Within these areas, building intensity will generally range from a Floor Area Ratio (FAR) of less than 1 to an FAR of 1.5. Population density will generally range from 22 to 44 persons per acre, where housing is allowed.

For information purposes, the compatible zoning district for this classification is Mixed Use-Residential (MU-R), which allows a maximum FAR of 1.5 for non-residential uses and a maximum building height of ~~28 to~~ 35 feet.

### **Urban Design and Preservation Element**

*Page UD-17 [New]*

Policy UD-22 Regulating New Construction and Alteration:

~~A. Except in the downtown area and consistent with the Green pathway approved by the voters November 2010, continue to require full Use Permits (with public hearings) for all residential projects, thereby enabling both the imposition of area sensitive conditions or approval and a ready means for citizen input.~~

~~BA.~~ Continue to encourage, ~~and consider requiring,~~ consultation with interested citizen groups in the early stages of a project.

~~CB.~~ Consider requiring developers to have a formal conference with City staff before they submit actual permit applications.



# PLANNING COMMISSION

## Notice of Public Hearing

**Wednesday, October 9, 2024**

### **Adoption of General Plan Amendments to Encourage Middle Housing**

The Planning Commission of the City of Berkeley will hold a public hearing on the above matter, pursuant to Zoning Ordinance Section 23.412, on **Wednesday, October 9, 2024 at 6:00 p.m.** at the **North Berkeley Senior Center**, 1901 Hearst Ave, Berkeley (wheelchair accessible). In accordance with the Brown Act, Planning Commission meetings will be held in person only.

The agenda will be posted on the Planning Commission website (<https://berkeleyca.gov/your-government/boards-commissions/planning-commission>) no later than 5:00 p.m. on Friday, March 29, 2024.

#### **PROJECT DESCRIPTION**

On July 23, 2024, the City Council conducted a public hearing regarding amendments to the City's Zoning Ordinance (Title 23), in response to City Council referrals, and the requirements of the City's 2023-2031 Housing Element to promote "middle housing" (2-6 units) in the Single-Family Residential (R-1), Limited Two-Family Residential (R-1A), Restricted Two-Family Residential (R-2), Restricted Multiple-Family (R-2A) and Mixed-Use Residential (MU-R) zoning districts.

The recommended Zoning Ordinance amendments require conforming edits to the City's General Plan before they can be adopted by the City Council. The proposed General Plan amendments include revisions to land use descriptions and designations, as well as technical edits to reflect the City Council's recommended Zoning Ordinance amendments.

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

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

#### **ENVIRONMENTAL REVIEW STATUS**

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

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

## **PUBLIC COMMENT & FURTHER INFORMATION**

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

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

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

Correspondence received by **12pm on Tuesday, October 1, 2024**, will be included as a Communication in the agenda packet. Correspondence received after this deadline will be conveyed to the Commission and the public in the following manner:

- Correspondence received by **12pm on Monday, October 7, 2024** will be included in a Supplemental Packet, which will be posted to the online agenda as a Late Communication one day before the public hearing.
- Correspondence received by **5pm on Tuesday, October 8, 2024** will be included in a second Supplemental Packet, which will be posted to the online agenda as a Late Communication by 5pm on the day of the public hearing.
- Correspondence received **after 5pm on Tuesday, October 8, 2024** will be saved as part of the public record.

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

## **COMMUNICATION ACCESS**

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

## **FURTHER INFORMATION**

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