



PLANNING AND DEVELOPMENT DEPARTMENT
LAND USE PLANNING DIVISION

PLANNING COMMISSION MEETING AGENDA

Date: Wednesday, June 4th, 2025

Time: 6:00 PM

Location: North Berkeley Senior Center
1901 Hearst Avenue, Berkeley

The Planning Commission meeting packet is available for review on the City's website, and linked here:

<https://berkeleyca.gov/your-government/boards-commissions/planning-commission>

The Commission currently consists of nine members appointed by City Council:

Blaine Merker, District 1
Jeff Vincent, Chair, District 2
Darrell Owens, District 3
Christina Oatfield, District 4
Charles Kahn, District 5
Emily Marthinsen, District 6
Alfred Twu, District 7
Savlan Hauser, District 8
Vacant, Mayor



ACCESSIBILITY INFORMATION / ADA DISCLAIMER

This material is available in alternative formats upon request. Alternative formats include audio-format, braille, large print, electronic text, etc. To request alternative formats, please contact the Disability Services Specialist at: Email: ADA@berkeleyca.gov; Phone: 1-510-981-6418; TTY: 1-510-981-6347, and allow 7-10 days for production of the material in an alternative format.

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: Email: ADA@berkeleyca.gov; Phone: 1-510-981-6418; TTY: 1-510-981-6347, at least three business days before the meeting date. Please refrain from wearing scented products to this meeting.

For inclusion in the Commissioners' agenda packet, please submit written comments by Wednesday the week prior to the meeting. One set of "late communications" will be distributed to the Commissioners two days before the meeting. Please submit any material for distribution as "late communications" no later than 12:00 noon on the Tuesday prior to the meeting. Please be advised: Commissioners do not have an opportunity to read written materials handed out at the meeting.

Correspondence and Notice of Decision Requests

- **To distribute correspondence for inclusion in the agenda packet** -- submit comments **by 12:00 noon, Wednesday May 28, 2025**. Please provide 12 copies of any correspondence with more than ten (10) pages or if in color or photographic format. This method is strongly preferred.
- **Late Communications** must be submitted **by 12:00 noon, Tuesday June 3, 2025**. Any correspondence received after this deadline will be given to Commission members on the meeting date just prior to the meeting. Correspondence received later, and after the meeting, will be posted to the website following the meeting.
- Staff will not deliver to Commission members any additional written (or e-mail) materials received after 12:00 noon on the day of the meeting.
- Members of the public may submit written comments themselves at the meeting. To distribute correspondence at the meeting, please provide 12 copies and submit to the Planning Commission Secretary. **Please be advised: You are strongly advised to submit written comments *prior* to the meeting date as Commission members do not have an opportunity to read written materials handed out at the meeting.**
- Written comments or request for a Notice of Decision should be directed to the Planning Commission Secretary.

Communications to Berkeley Boards, Commissions or Committees 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 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.**

Contact:

Alisa Shen, Planning Commission Secretary
(510) 981.7409 | ashen@berkeleyca.gov | 1947 Center Street, Berkeley CA 94704

1. **ROLL CALL:** Please put all cellular phones and ringers on silent during the meeting.
2. **LAND ACKNOWLEDGEMENT STATEMENT:** The Commission 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 uncaded 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. **PUBLIC COMMENT on Non-Agenda and Information Items** (Three minutes per person; five minutes per organization, or at the discretion of the Chairperson)
4. **ORDER OF AGENDA**
5. **CHAIRPERSON REPORT**
6. **AD HOC Subcommittees and Liaison Comments**
Receive opportunity reports on status of projects for which the Planning Commission has established a subcommittee or liaison.
7. **COMMISSIONER ANNOUNCEMENTS**
8. **STAFF ANNOUNCEMENTS**
9. **APPROVAL OF MINUTES**
10. **ACTION AND DISCUSSION ITEMS**
 - A. **Public Hearing:** *Public Hearing: Amendments to the Zoning Map to Redesignate Parcels Zoned R-1A (Limited Two-Family Residential) to R-2 (Restricted Two-Family Residential).*
Recommendation: Conduct a public hearing, receive public comment, and upon conclusion, make a recommendation to the City Council on proposed amendments to the Zoning Map (**Attachment 1**), to redesignate parcels currently zoned R-1A (Limited Two-Family Residential) to R-2 (Restricted Two-Family Residential).
Written Materials: Attached.
Presentation: N/A

- | | |
|---|--|
| <p>B. Public Hearing:</p> <p>Recommendation:</p> <p>Written Materials:</p> <p>Presentation:</p> | <p>Public Hearing: Amendments to Title 23 (Zoning) to ensure compliance with State ADU laws.</p> <p>Conduct a public hearing, take public comment, and make a recommendation to the City Council to adopt proposed amendments to Title 23 to bring Berkeley's ADU regulations into compliance with State law.</p> <p>Attached</p> <p>N/A</p> |
| <p>C. Public Hearing:</p> <p>Recommendation:</p> <p>Written Materials:</p> <p>Presentation:</p> | <p>Public Hearing: Amendments to Title 23 (Zoning) to require undergrounding of transformers on private property.</p> <p>Conduct a public hearing, receive public comment, and upon conclusion make a recommendation to City Council on proposed amendments to Berkeley Municipal Code (BMC) Section 23.304.100.</p> <p>Attached</p> <p>N/A</p> |

11. INFORMATION REPORTS: General Plan and Housing Element Annual Progress Reports (APRs). The APRs were submitted to the California Department of Housing and Community Development (HCD) on March 26, 2025 to comply with state law. Commissioners may ask for discussion to be scheduled on a future agenda (per Brown Act, no deliberation or final action may be taken).

12. CORRESPONDENCE

13. NEXT COMMISSION MEETING: Wednesday July 16, 2025 6:00 PM.

14. ADJOURN

NOTICE CONCERNING LEGAL RIGHTS

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.



Planning Commission

**DRAFT MINUTES OF THE REGULAR PLANNING COMMISSION MEETING
May 7, 2025**

The meeting was called to order at 6:02 p.m.

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

1. ROLL CALL:

Commissioners Present: Christina Oatfield, Alfred Twu, Darrell Owens, Emily Marthinsen, Blaine Merker, Savlan Hauser and Charles Kahn

Commissioners Absent: Jeff Vincent

Staff Present: Secretary Alisa Shen, Clerk Faye Messner, Justin Horner, Branka Tatarevic

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 (Chochen-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 uncanceled 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. PUBLIC COMMENT: 1

4. ORDER OF AGENDA:

5. CHAIRPERSON REPORT:

- None

6. AD HOC SUBCOMMITTEES AND LIASON COMMENTS

- None

7. COMMISSIONER ANNOUNCEMENTS

- None

8. STAFF ANNOUNCEMENTS

- June 4th Meeting Agenda
 - Amendments to Title 23 relating to ADUs
 - Undergrounding of Transformers
 - Public Hearing on the rezoning of the R1-A district to R2
 - Council meeting on June 26th for Middle Housing Zoning Ordinance Changes
- The Planning Dept. held a virtual workshop for North Shattuck, Solano, and College avenue corridors
- The Office of Emergency Services Evacuation Time Study is still being finalized. Date to be brought to City Council forthcoming.
- General Plan and Housing Element Annual Progress Report Off-Agenda memo to be shared as information item in the June agenda packet
- Director Jordan Klein will be bringing an overview of the Planning Department including staff and Commission roles to the September meeting

9. APPROVAL OF MINUTES:

Motion/Second (Twu/Hauser) to approve the Planning Commission Meeting Minutes from April 16, 2025.

Ayes: Kahn, Oatfield, Twu, Kahn, Owens, Marthinsen, and Hauser. Noes: None. Abstain: None. Absent: Vincent (7-0-0-1). Motion passed.

10. ACTION AND DISCUSSION ITEMS

A. Action: Amendments to Title 21 (Subdivisions) to allow separate sale of ADUs as Condominiums

Associate Planner Branka Tatarevic presented on proposed amendments to the Subdivision Ordinance (Title 21) to allow the sale of ADUs as condos to implement Assembly Bill 1033. Commissioners took public comment, asked questions and made comments including, but not limited to: options for the tenant's exclusive right to purchase an ADU converted to a condo, simplifying processes to make ADU condo conversions easier, the necessity of code compliant ADUs for condo conversion eligibility and the need for data to follow up on the outcomes of this policy.

Motions/Second (Twu/Owens) to strike 21.29.050.c and, in 21.29.010, strike the line "12 consecutive months or more" and replace it with "starting on or before May 1, 2025."

Substitute Motions/Second (Kahn/Hauser) to strike 21.29.010.c.2 and 21.29.050.c and in two years' time from the date of implementation of the law have staff report to the Planning Commission the impacts of the ordinance on sitting tenants.

Vote on Twu/Owens motion tabled pending outcome of the following substitute motion:

Substitute Motions/Second (Oatfield/Twu) to take the draft ordinance and refer it to the Rent Board for technical review and feedback to make sure it aligns with existing tenant protection laws and to come back with revised ordinance that explores alternative language around code compliance issues and focuses on safety and code compliance and legal requirements per the state subdivision map act and if there is staff capacity to elaborate on the mechanics of the tenant right to purchase process.

Vote on Oatfield/Twu motion:

Ayes: Oatfield, Twu. Noes: Merker, Owens, Kahn, Marthinsen, Hauser. Abstain: None. Absent: Vincent (2-5-0-1). Motion Failed.

Final vote on Kahn/Hauser motion:

Ayes: Merker, Owens, Kahn, Marthinsen, Hauser. Noes: Oatfield. Abstain: Twu. Absent: Vincent. (5-1-1-1). Motion Passed.

Public Comments: 4

12. INFORMATION REPORTS

- None

13. CORRESPONDENCE

- General

14. NEXT COMMISSION MEETING: Wednesday, June 4th, 2025 at 6:00pm

15. ADJOURN

Motions/Second (Merker/Kahn) to adjourn the meeting at 7:50 pm.

Ayes: Kahn, Oatfield, Merker, Twu, Owens, Marthinsen, and Hauser. Noes: None. Abstain: None. Absent: Vincent (7-0-0-1). Motion passed.

Members in the public in attendance: 8

Public Speakers: 5

Length of the meeting: 1 hour and 48 minutes



Planning and Development Department
Land Use Planning Division

STAFF REPORT

DATE: June 4, 2025

To: Members of the Planning Commission

From: Justin Horner, Principal Planner

Subject: Public Hearing: Amendments to the Zoning Map to Redesignate Parcels Zoned R-1A (Limited Two-Family Residential) to R-2 (Restricted Two-Family Residential).

RECOMMENDATION

Conduct a public hearing, receive public comment, and upon conclusion, make a recommendation to the City Council on proposed amendments to the Zoning Map (**Attachment 1**), to rezone parcels currently zoned R-1A (Limited Two-Family Residential) to R-2 (Restricted Two-Family Residential).

BACKGROUND

At its meeting of February 4, 2024, the Planning Commission held a public hearing on amendments to the Zoning Ordinance, Zoning Map, and General Plan related to encouraging middle housing. The amendments were prepared in response to a number of City Council referrals and to satisfy the requirements of Program 29 -- Middle Housing in the Adopted Housing Element. Detailed discussion of the relevant referrals, Program 29 of the Housing Element, and previous deliberations on the issue of middle housing can be found in **Attachment 2**. At the February 4, 2024 meeting, the Planning Commission considered the policy proposal to merge the R-1A and R-2 districts and had recommended approval of that rezoning to the City Council.

On July 23, 2024, the City Council considered the Planning Commission's recommendation on the middle housing zoning changes. The City Council provided direction to staff to revise the proposed ordinance, hold additional public meetings, complete tribal notification, and respond to a variety of other questions. In response to that direction, staff prepared agenda-related materials for a City Council public hearing, which was scheduled for April 29, 2025.

Prior to the April 29, 2025 public hearing, staff determined that there was an error the public hearing notice process. Berkeley Municipal Code Section 23.404.050 includes a number of noticing requirements related to amending the Zoning Map. Notice was not

provided to property owners and residents within the R-1A zoning district about the proposed rezoning. These requirements include advertising the public hearing on the rezoning in the local paper, conducting a mailing to property owners and residents within the subject zoning district, and posting physical notices in the vicinity of the proposed rezoning.

As staff had not complied with BMC requirements with respect to the noticing for the rezoning, staff is required to return to Planning Commission to hold a properly-noticed public hearing specifically on the zoning map amendments that redesignate parcels currently zoned R-1A to R2.

DISCUSSION

During the development of the middle housing zoning changes, the City Council directed staff to merge zoning districts when the regulatory differences between them would be negligible. As is summarized below, the R-1A and R-2 districts are already quite similar with respect to allowed uses and permitted development intensity. As the middle housing zoning changes were designed to simplify and streamline development standards across low-density residential districts, the middle housing zoning changes package included the recommendation to rezone all parcels located in the R-1A zoning district as R-2 zones.

As the middle housing zoning changes have not been adopted yet, the following discussion includes a comparison of the current R-1A zoning district, the current R-2 zoning district, and the proposed middle housing R-2 zoning district. The rezoning of the R-1A parcels is dependent upon the adoption of the middle housing zoning changes. If, for any reason, the middle housing zoning changes are not adopted, neither would this zoning map amendment.

Allowed Uses

Under current zoning regulations, the R-1A and R-2 zoning districts differ only slightly with respect to allowed uses. Table 1 below summarizes the uses that currently differ between the R-1A and the R-2 zoning districts, and compares them to the proposed middle housing R-2 zoning district. If a land use is *not* included in Table 1, there is *no* difference in permit requirements between the current R-1A and R-2 zoning districts, and there is *no* proposed change in the middle housing R-2 zoning district.

Table 1. Allowed Uses

	Current R-1A	Current R-2	Middle Housing R-2
Multi-Family Housing	Not Permitted	Use Permit (Public Hearing)	Zoning Certificate
Low Barrier Navigation Center [1]	Not Permitted	Zoning Certificate	Zoning Certificate
Supportive Housing [1]	Not Permitted	Zoning Certificate	Zoning Certificate
[1] State law requires Low Barrier Navigation Center and Supportive Housing uses to be approved ministerially in any multi-family zoning district.			

Development Standards

Table 2 summarizes the current development standards in the R-1A and R-2 zoning districts, and compares them both to the proposed middle housing R-2 zoning standards. As shown in Table 2, the only current differences between the R-1A and the R-2 zoning districts is in Maximum Stories for a Rear Building and Maximum Lot Coverage. All other current development standards are the same.

Table 2. Development Standards Summary

		R-1A		R-2	Middle Housing R-2
Minimum Lot Area (sf)		5,000			5,000
Minimum Open Space (sf)	Per Unit	400			
	Per 1,000 sf floor area				150
Maximum Height (ft)	Base	28			35 (22 within 15' of rear)
	Increase with AUP	35			
Maximum Height (ft) Residential Addition	Base	14			35
	Increase with AUP	35			
Maximum Stories	Main Bldg.	3			3
	Rear Bldg.	2	3		
Maximum Lot Coverage	1 story (through lot/corner lot)	40%/45%	45%/50%		60%
	2 story (through lot/corner lot)		40%/45%		
	3 story (through lot/corner lot)		35%/40%		
Min. Setbacks (ft)	Front	20			5
	Rear	20			Rear + Front must be at least 20
	Side	4			4
Min. Building Separation (ft)	1 st story	8			5
	2 nd story	12			
	3 rd story	16			
Min. Residential Density	Units per lot (5,000 sf) [1]	1			
	Units per acre				10
Max. Residential Density	Units per Lot (5,000 sf) [2]	2			
	Units per acre				50
[1] One unit on a 5,000 sf lot is approximately 9 units per acre.					
[2] Two units on a 5,000 sf lot is approximately 17 units per acre.					

Given the existing similarities between the R-1A and R-2 zoning districts with respect to allowed uses and development standards, the City Council's direction to permit multi-family development in low-density residential zoning districts and the City Council's direction to merge districts that are regulated similarly, staff found no justification for maintaining two separate zones under the middle housing zoning changes. Therefore, staff proposes to merge the R-1A and R-2 zoning districts by amending the Zoning Map to rezone all R-1A parcels as R-2.

ENVIRONMENTAL REVIEW

Housing Element Update EIR

Development projections for this project and all reasonably foreseeable growth resulting from development contemplated by the City's updated Housing Element, which included the proposed rezoning of the R-1A parcels, 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, 2023.¹

NEXT STEPS

The City Council is scheduled to hold a Special Meeting on June 26, 2025 to consider the middle housing zoning changes, including the proposed rezoning of parcels in the R-1A zoning district.

CONTACT PERSON

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

Attachments:

1: Resolution

A: Zoning Map Changes

2: Published City Council Report, Middle Housing Zoning Change, April 29, 2025.

3: Public Hearing Notice.

¹ Housing Element Update 2023-2031 Final EIR.

https://berkeleyca.gov/sites/default/files/documents/ATT%202%20FEIR_RTC.pdf

ATTACHMENT 1

**PLANNING COMMISSION
RESOLUTION NO. 2024-05**

**A RESOLUTION OF THE CITY OF BERKELEY PLANNING COMMISSION
RECOMMENDING THE CITY COUNCIL ADOPT PROPOSED AMENDMENTS TO THE
ZONING MAP TO REZONE ALL PARCELS DESIGNATED R-1A (LIMITED TWO-FAMILY
RESIDENTIAL) TO R-2 (RESTRICTED TWO-FAMILY RESIDENTIAL).**

WHEREAS, in response to City Council referrals, and as required pursuant to the adopted *2023-2031 Housing Element Update*, the Planning and Development Department has prepared zoning ordinance amendments to encourage “middle housing” (or multi-unit residential development projects that are larger than single-family projects, but smaller than mid-rise and high-rise projects) in the city’s low-density residential districts (the R-1, R-1A, R-2, R-2A and MU-R zoning districts); and

WHEREAS, as part of this effort, the City Council has directed staff to consolidate zoning districts when regulatory distinctions between similar districts are minimal. Under the proposed middle housing zoning amendments, the R-1A and R-2 zoning districts would be similarly-regulated enough to justify consolidation; and

WHEREAS, on February 4, 2024 the Planning Commission held a public hearing on Zoning Ordinance amendments, Zoning Map changes, and General Plan amendments related to encouraging middle housing.; and

WHEREAS, on July 23, 2024 the City Council considered the Planning Commission's recommendation on the middle housing zoning changes. The City Council provided direction to staff to revise the proposed ordinance, hold additional public meetings, complete tribal notification, and respond to a variety of other questions. The City Council did not propose any revisions to the Planning Commission’s recommendation to rezone R-1A parcels to R-2; 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, a public hearing notice was published in the Berkeley Voice pursuant to California Government Code Section 65090 on May 9, 2025, and also published in the Berkeley Voice pursuant to BMC Section 23.404.040 on May 16, 2025 and May 23, 2025 for the public hearing held on June 4, 2025; and

WHEREAS, a public hearing notice was physically posted pursuant to BMC Section 23.404.040 within the R-1A zoning district on May 23, 2025; and

WHEREAS, residents and owners within the R-1A zoning district were mailed a notice of the public hearing pursuant to BMC Section 23.404.040; 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.

WHEREAS, development projections for this project and all reasonably foreseeable growth resulting from development contemplated by the City's updated Housing Element, which included the proposed rezoning of the R-1A parcels, 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; now

THEREFORE, IT BE RESOLVED that the Planning Commission does hereby recommend to the City Council of the City of Berkeley to: adopt the Zoning Map amendments included in Exhibit A, which rezone all parcels currently designated R-1A to R-2; and

BE IT FURTHER RESOLVED that pursuant to Berkeley Municipal Code Section 23.412.060, the Planning Commission recommends the following findings to support its recommendation for the Zoning Map amendment:

- (1) **The proposed amendment is consistent with the General Plan and any applicable specific plan or area plan.** The proposed Zoning Map amendment is proposed pursuant to City Council direction to simplify the Zoning Ordinance and to treat areas that are regulated similarly with a single zoning designation. The proposed Zoning Map amendment is consistent with Zoning Ordinance, Zoning Map and General Plan amendments recommended to the City Council by the Planning Commission at their meeting of February 4, 2024.
- (2) **The proposed amendment is consistent with state law.** The proposed Zoning Map amendment has been properly noticed pursuant to California Government Code and Berkeley Municipal Code requirement, and the authority of the Planning Commission and City Council to consider and approve Zoning Map amendments is codified in the California Government Code and Berkeley Municipal Code.
- (3) **The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare.** The Zoning Map 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
- (4) **The proposed amendment is internally consistent with other applicable provisions of the Zoning Ordinance.** The proposed Zoning Map amendment would be considered by the City Council accompanied by Zoning Ordinance and General Plan amendments to ensure consistency with the Zoning Map amendments.
- (5) **The affected sites are physically suitable in terms of design, location, shape, size, and other characteristics to ensure that the permitted land uses and development will comply with the Zoning Ordinance and General Plan and contribute to the health, safety, and welfare of the property, surrounding properties, and the community at large.** The proposed Zoning Map Amendments would rezone parcels currently designated R-1A as R-2. As detailed in the accompanying staff report for the June 4, 2025 Planning Commission public hearing, the parcels in the R-1A and R-2 zoning districts are already regulated similarly with respect to permitted uses and development

intensity.

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 4 day of June 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Alisa Shen, SECRETARY TO THE PLANNING COMMISSION

Exhibit A: Ordinance for Zoning Map Amendment

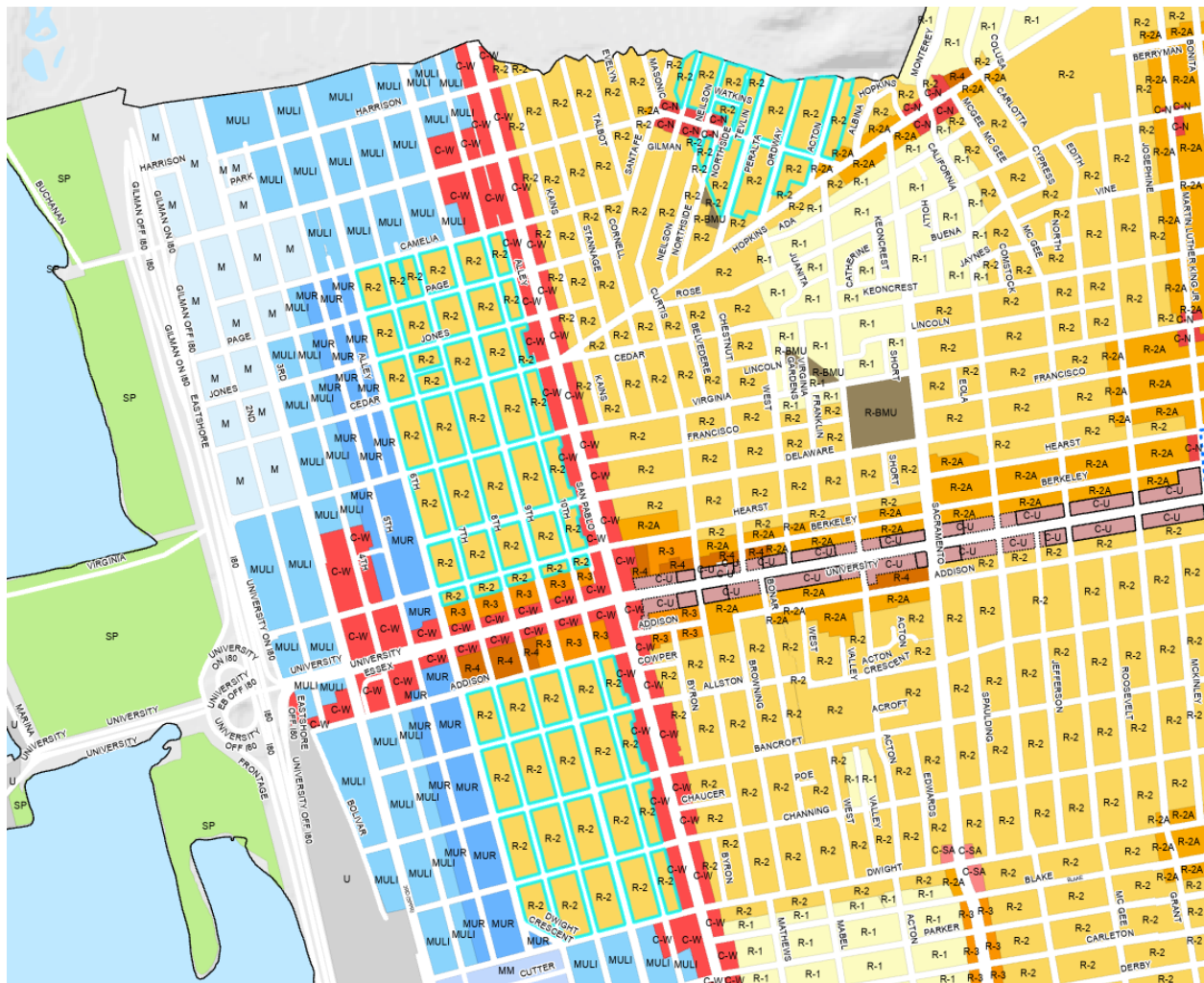
EXHIBIT A

ORDINANCE NO. -N.S.

A ZONING MAP AMENDMENT TO REDESIGNATE PARCELS CURRENTLY ZONED R-1A (LIMITED TWO-FAMILY RESIDENTIAL) TO R-2 (RESTRICTED TWO-FAMILY RESIDENTIAL)

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

Section 1. The Zoning Map, as referenced in BMC Section 23.108.030, shall be amended to rezone all parcels currently zoned R-1A to R-2, as shown below. All affected parcels are outlined in light blue.:





Office of the City Manager

PUBLIC HEARING
April 29, 2025

To: Honorable Mayor and Members of the City Council
From: Paul Buddenhagen, City Manager
Submitted by: Jordan Klein, Director, Planning and Development Department
Subject: Zoning Ordinance and General Plan Amendments Relating to Middle Housing

RECOMMENDATION

Conduct a public hearing, and upon conclusion:

1. Adopt 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”), with an effective date of September 1, 2025; and
2. Adopt a Resolution amending the General Plan for the same purpose.

SUMMARY

The proposed ordinance (**Attachment 1**) includes zoning changes to encourage the development of Multi-Family Residential Uses in the R-1, R-1A, R-2, R-2A and MU-R zoning districts, as directed by City Council at its meeting on July 23, 2024, and recommended by the Planning Commission. The proposed changes include:

- Permitting Single-Family Residential and Multi-Family Residential uses with a Zoning Certificate (ZC).
- Consolidating the R-1A and R-2 zoning districts.
- Revising development standards related to building height, lot coverage and setbacks, to permit larger residential buildings.
- Establishing new minimum and maximum density standards.
- Revising requirements related to Residential Additions and additional bedrooms;
- Regulating the size of new single-family homes on a single lot.
- Permitting demolition of single-family homes with a ZC if they are part of a project that includes a net increase in units.
- Authorizing the Zoning Officer to attach Standard Conditions of Approval to projects approvable with a ZC.

Page 2 of 209

Zoning Ordinance Amendments Relating to Middle Housing

PUBLIC HEARING
April 29, 2025

To provide adequate time for staff to prepare the necessary forms, public information materials, and internal processes needed to implement the proposed ordinance, as well as to conduct staff training and update the Fee Schedule, staff recommends an effective date for the proposed ordinance of September 1, 2025.

FISCAL IMPACTS OF RECOMMENDATION

The proposed zoning changes are intended to increase the development potential of properties in low-density residential districts. This could result in higher property tax revenues. Additionally, the Berkeley Unified School District Facilities Fee could be expected to generate increased revenues.¹ However, the proposed zoning changes also include revisions that would streamline project approvals, which could reduce staff review times and accompanying fees.

CURRENT SITUATION AND ITS EFFECTS

In January 2023, the City Council adopted the 2023-2031 Housing Element Update. The Housing Element Update includes Program 29—Middle Housing, in which the City Council committed to amend the zoning code to allow multi-unit development on single lots in the low-density residential districts.

City Council Meeting – July 23, 2024

At its meeting on July 23, 2024 (***Attachment 3***), the City Council held a public hearing to consider the Planning Commission's recommendation for an ordinance amending Title 23 to facilitate the production of middle housing in low-density residential districts. Upon conclusion of the public hearing, City Council provided the following direction to staff:

- Prepare a Middle Housing Zoning ordinance that:
 - Exempts the Hillside Overlay Zone and Environmental Safety-Residential (ES-R) zoning district;
 - Includes a maximum density per acre standard;
 - Regulates the size of one new primary unit on a lot;
 - Establishes a maximum height standard of 35 feet or 3 stories;
 - Establishes setback standards that require the sum of the front and rear setbacks to be at least 20 feet, with a minimum of five feet in the front and five feet in the rear; and
 - Includes neighborhood noticing requirements.

¹ \$5.17 per square foot for new residential development and residential additions resulting in an increase of assessable space in excess of 500 square feet, and \$0.84 per square foot for new commercial and industrial spaces.

Page 3 of 209

Zoning Ordinance Amendments Relating to Middle Housing

PUBLIC HEARING
April 29, 2025

- Perform a thorough General Plan analysis to ensure that the proposed zoning amendments are consistent with the General Plan, and bring forward any necessary amendments;
- Provide the opportunity for community workshops throughout the city; and
- Provide the following information in a revised staff report:
 - An analysis of how the proposed zoning amendments interface with the Mini-Dorm ordinance and the potential for more mini-dorm configurations; and
 - An analysis of how the proposed zoning amendments conform to the Demolition Ordinance.

In addition, this staff report includes additional information on other topics raised by City Council at its July 23, 2023 meeting, including:

- Charging stations;
- Land value recapture;
- Review of the original City Council referrals on Middle Housing; and
- Middle Housing and affordable housing.

Revised Middle Housing Zoning Ordinance

Table 1 summarizes the proposed zoning amendments, along with a brief rationale for each change. Many of the proposed amendments in Table 1 were presented to City Council at its July 23, 2024 meeting. The rightmost column (“Changes from July 2024 Meeting”) identifies sections of the Ordinance that were revised to respond to City Council direction from the July 23, 2024 meeting **in bold**. Entirely new sections are also indicated **in bold**.

An annotated version of the proposed ordinance, which indicates the rationale for each change in the ordinance itself, is included as **Attachment 2**.

Page 4 of 209

Zoning Ordinance Amendments Relating to Middle Housing

PUBLIC HEARING
April 29, 2025

TABLE 1 SUMMARY OF PROPOSED MIDDLE HOUSING ZONING AMENDMENTS

Ord. Sect.	BMC Section & Title	Description of Changes	Rationale	Changes from July 2024 Meeting
Title 23, Division 1 – General Provisions				
1	23.108.020 Zoning Districts	- R-1A district removed. - R-1, R-2, and R-2A renamed.	Conforming edits.	No changes.
Title 23, Division 2 – Zoning Districts				
2	23.202.020 Allowed Land Uses Table	- R-1A district removed; - Two-Family land use type removed. - Multi-Family Residential land use type revised. - Single Family and Multi Family Residential permitted with a ZC in the R-1, R-2, and R-2A zoning district. - Supportive housing and low barrier navigation centers permitted with a ZC in the R-1 zoning district.	Permitting middle housing by-right. Compliance with State law (Gov. Code § 65651)	Maintains UP(PH) requirements in the Hillside Overlay. Includes new references to noticing requirements and size limitations on single-family homes.
3	23.202.030 Additional Permit Requirements	All Residential Additions permitted with a ZC in R-1, R-2 and R-2A zoning districts.	Promoting middle housing.	No changes.
4	23.202.030 Additional Permit Requirements	- R-1A district removed. - All requirements for additional bedrooms removed.	Conforming edit. Promoting middle housing.	New exemption added to reflect state law requirements (AB 916)
5	23.202.040 Additional Permit Requirements	Restrictions on the size of new single-family dwellings on one lot. Noticing requirements for new dwelling units.	Per City Council direction at July 23, 2024 meeting	New section.

Page 5 of 209

Zoning Ordinance Amendments Relating to Middle Housing

PUBLIC HEARING
 April 29, 2025

6, 7	23.202.050 R-1 Title and District Purpose	• R-1 renamed. • District purpose revised.	Clarifying that R-1 is not a single-family only district.	No changes.
8, 9	23.202.050 R-1 Development Standards	• Development standards revised: ○ Height. ○ Setbacks. ○ Lot Coverage. ○ Minimum and maximum density. ○ Open space.	Promoting middle housing.	Provides separate development standards for inside and outside Hillside Overlay Zone. Includes updated height, setback and maximum density standards.
10	23.202.060 R-1A District	• R-1A district removed.	Merging of R-1A and R-2 zoning districts.	No changes.
11, 12	23.202.080 R-2 Title and District Purpose	• R-2 district renamed. • District purpose revised.	Conforming edit.	No changes.
13	23.202.080 R-2 Development Standards	• Development standards revised. ○ Height. ○ Setbacks. ○ Lot Coverage. ○ Minimum and maximum density. ○ Open space.	Promoting middle housing.	Provides separate development standards for inside and outside Hillside Overlay Zone. Includes updated height, setback and maximum density standards
14, 15	23.202.090 R-2A Title and District Purpose	• R-2A district renamed. • District purpose revised.	Conforming edit.	No changes.
16	23.202.090	• Development standards revised.	Promoting middle housing.	Provides separate

Page 6 of 209

Zoning Ordinance Amendments Relating to Middle Housing

PUBLIC HEARING
 April 29, 2025

	R-2A Development Standards	○ Height. ○ Setbacks. ○ Lot Coverage. ○ Minimum and maximum density. ○ Open space.		development standards for inside and outside Hillside Overlay Zone. Includes updated height, setback and maximum density standards
17-34	Various	• Renumbering.	Renumbering.	No changes.
35	23.204.020 Allowed Land Uses in the Commercial Districts	• Revising residential use type titles.	Conforming edits.	No changes.
36	23.206.020 Allowed Land Use in Manufacturing Districts	• Two-Family land use type removed. • Multi-Family Residential land use type revised. • 100% residential projects permitted with a ZC in the MU-R district.	Permitting middle housing by-right in the MU-R.	No changes.
37	23.206.030 MU-R Additional Permit Requirements	• Allow Major Additions with a ZC. • Provisions conditioning residential uses in the MU-R district removed • Noticing requirement for new units.	Permitting middle housing by-right in the MU-R.	Noticing requirement for new units added.
38	23.206.090 MU-R Development Standards	• Development standards revised. ○ Height. ○ Setbacks. ○ Lot Coverage. ○ Minimum and maximum density.	Promoting middle housing.	Maximum density standard added.

Page 7 of 209

Zoning Ordinance Amendments Relating to Middle Housing

PUBLIC HEARING
 April 29, 2025

		○ Open space.		
39	23.210.020 Hillside Overlay Zone Development Standards	• R-1A district removed;	Conforming edit.	No changes.
Title 23, Division 3 – Citywide Provisions				
40	23.304.030 Setbacks	• R-1A district removed.	Conforming edit.	No changes.
41	23.304.030 Allowed Setback Reductions	• R-1A district removed. • Revised minimum setback with reduction to 4 feet in the R-2 and R-2A zoning districts. • Setback reduction allowed on smaller lots.	Conforming edits.	Provision added to permit reduced rear setback requirements on small lots.
42	23.304.040 Permits Required for Building Separation	• R-1A district removed.	Conforming edit.	No changes.
43	23.322.100 On-site Loading Spaces	• R-1A district removed.	Conforming edit	No changes.
44	23.324.050 Conforming and Nonconforming Structures or Buildings	• Provision added to allow a residential addition to a single-family home in the R-2A without triggering minimum density requirement of two units.	Encourage adding living space to existing dwelling units.	New provision.
45	23.326.030 Eliminating Dwelling Units through Demolition	• Dwelling Unit corrected to Residential Unit	Technical edit added during ordinance review.	New technical edit.
46	23.326.030 Eliminating Dwelling Units through Demolition	• Demolition of single-family dwellings permitted with a ZC, if project results in increased density.	Promoting middle housing.	No change

Page 8 of 209

Zoning Ordinance Amendments Relating to Middle Housing

PUBLIC HEARING
 April 29, 2025

Title 23, Division 4 – Permits and Administration				
47	23.406.020 Zoning Certificates	• Authorizes Zoning Officer to attach Standard Conditions of Approval to projects approvable with a Zoning Certificate.	Ensuring compliance with existing regulations.	New provision, recommended by Planning Commission
Title 23, Division 5 – Glossary				
48	23.502.020 Defined Terms	• Revised definition of Multi-family Dwelling from three or more units to two or more units. • Define Multi-Family Residential land use type.	Promote middle housing. Conforming edit.	Language added to clarify that definition does not include ADUs or JADUs.
49		• Remove definition of rear main building. • Renumbering	Conforming edit.	No change.
50		• Add Single-Family Residential land use type.	Conforming edit.	Language added to clarify that definition does not include ADUs or JADUs.
51		• Remove definition of Two-Family Dwelling.	Conforming edit.	No changes.
Administrative Provision				
52		• Set an effective date of the Ordinance of September 1, 2025	Implementation.	Provide time for staff training and developing administrative processes.
Zoning Map				
Att. A	Zoning Map	• Replace all R-1A zone labels with R-2.	Conforming edit.	No changes.

Descriptions and discussion of items indicated in Table 1 as “no changes” are included in the staff report for City Council’s July 23, 2024 meeting (**Attachment 3**). New provisions—those that are bolded in Table 1—are described below.

Page 9 of 209

Zoning Ordinance Amendments Relating to Middle Housing

PUBLIC HEARING
 April 29, 2025

Permits and Levels of Discretion (Attachment 2, Section 1)

Current Policy: Table 2 includes the current permit requirements in the low-density residential districts for residential projects that include dwelling units.

TABLE 2 CURRENT PERMIT REQUIREMENTS

	R-1	R-1A	R-2	R-2H	R-2A	MU-R
Single-Family	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	AUP
Two-family	NP	UP(PH)	UP(PH)	NP	UP(PH)	AUP
Multi-Family	NP	NP	UP(PH)	NP	UP(PH)	AUP or UP(PH)
AUP: Administrative Use Permit; UP(PH): Use Permit with a Public Hearing; NP: Not Permitted						

Proposed Standard: The proposed zoning amendments would combine Two-Family and Multi-Family Residential uses into a single Multi-Family Residential use type, which would apply to all projects with two or more units.

Single-Family or Multi-Family Residential projects located outside of the Hillside Overlay Zone that comply with all objective standards would be permitted with a ZC; no discretionary permit or public hearing would be required. The proposed standards would not change any permit requirements for Group Living Accommodation or Mixed-Use Residential uses in these zones.

Proposed residential projects in the R-1H, R-2H, and R-2AH zoning districts would continue to be subject to a UP(PH) requirement. Note that Multi-Family Residential uses in the R-2H zoning district would not be permitted, per BMC Section 23.210.020(B)(2).²

Table 3 summarizes the recommendation:

TABLE 3 PROPOSED PERMIT REQUIREMENTS

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

² 23.210.020(B)(2): *Multiple Dwellings in R-2.* When the H overlay zone is combined with the R-2 district, multiple dwellings on a single property are not permitted.

Page 10 of 209

Zoning Ordinance Amendments Relating to Middle Housing

PUBLIC HEARING
April 29, 2025

Additional Bedrooms (Attachment 2, Section 4)

As presented to City Council at its July 23, 2024 meeting, the proposed zoning amendments would remove additional permit requirements for bedrooms that are added to existing dwellings or lots developed with existing residential uses. Currently, BMC Section 23.202.030 requires an Administrative Use Permit (AUP) when adding a fifth bedroom to a lot, and a UP(PH) for adding any bedroom beyond the fifth to a lot. As the proposed ordinance would permit altogether new Multi-Family Residential buildings ministerially, requiring a discretionary review process for an additional bedroom would discourage the conversion or adaptive reuse of existing buildings. Accordingly, additional permit requirements for adding bedrooms in the R-1, R-2, and R-2A zoning districts were removed.

In preparing the revised ordinance, staff has included new language regarding additional bedroom requirements, per AB 916, which restricts local jurisdiction's ability to limit or control additional bedrooms.

Restrictions on Size of Single-Family Dwellings on a Single Lot (Attachment 2, Section 6)

At its meeting of July 23, 2024, the City Council directed staff to prepare new ordinance amendments to include restrictions on the size of new single-family dwellings on a single lot. The intention of the provision is to avoid encouraging large single-family homes under the new proposed development standards that streamline residential approvals and permit more development on a lot.

The City Council's direction included limiting the size of new single-family homes on a single lot to 2,500 square feet, or 50% of the lot area, whichever is larger. In addition, the City Council direction included a provision to exceed these size limitations with an AUP. To issue an AUP, specific findings must be made, and this section includes findings tailored to the policy intent of generally avoiding large single-family homes while permitting larger single-family homes in specific cases.

Noticing Requirements (Attachment 2, Sections 6 and 38)

At its meeting of July 23, 2024, the City Council directed staff to prepare new ordinance amendments to include noticing requirements for residential projects that could be approved with a ZC. The proposed zoning amendments include these requirements, which are modeled on the current neighborhood notification requirements for ADUs, and would apply to projects proposed in the low-density residential districts. There are no proposed changes to existing requirements for projects proposed on lots in the Hillside Overlay district.

Page 11 of 209

Zoning Ordinance Amendments Relating to Middle Housing

PUBLIC HEARING
April 29, 2025

Development Standard Revisions

The following sections of this report summarize changes to the development standards in the low-density residential districts. The proposed development standards reflect the overall goals of City Council's referrals and Program 29-Middle Housing of the Housing Element to a) permit more development on a lot; and b) be based on objective standards that cannot be modified with additional permits or discretionary processes.

Per City Council direction from the July 23, 2024 meeting, the proposed zoning amendments include separate development standards tables for parcels within and outside of the Hillside Overlay Zone.

Existing and proposed development standards are summarized in tables in **Attachment 4**.

Density Standard (Attachment 2, Sections 9, 13, 16, and 39)

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

Proposed Standard: Table 4 summarizes the proposed density standards expressed in units per acre, and includes the number of units that may result from those standards on a typical 5,000 square foot lot in each zone. These density standards would not apply to lots in the Hillside Overlay Zone.

The minimum density standards included in Table 4 are the same as those presented to the City Council at their meeting of July 23, 2024. The maximum density standards reflect the City Council's direction to staff from that meeting.

TABLE 4 PROPOSED DENSITY STANDARDS

	R-1	R-2	R-2A	MU-R
Minimum Density (DU/acre)	10	10	20	20
Maximum Density (DU/acre)	40	50	60	60
Resulting units on a 5,000 sf lot				
Minimum Units	1	1	2	2
Maximum Units	5	6	7	7

Page 12 of 209

Zoning Ordinance Amendments Relating to Middle Housing

PUBLIC HEARING
April 29, 2025

The proposed density standards do not include any eligible Accessory Dwelling Units (ADUs) or Junior ADUs.

Building Height (Attachment 2, Sections 9, 13, 16, and 39)

Current Policy: The Berkeley Municipal Code generally limits average building heights for Main Buildings in most low-density residential districts to 28 feet and three stories, with a possible increase to 35 feet with an AUP. In the MU-R, the maximum height is 35 feet and 3 stories without the need for an additional AUP. Current policy also limits the height of Residential Additions to 14 feet, with a possible increase to 35 feet with an AUP.

Proposed Policy: Per City Council direction at the July 23, 2024 meeting, the proposed development standard for maximum building height for parcels outside the Hillside Overlay zone would be 35 feet. As presented to the City Council at the July 23, 2024 meeting, maximum height would be restricted to 22 feet in the rear 15 feet of a lot. Existing height standards within the Hillside Overlay Zone would be unchanged.

Minimum Setbacks (Attachment 2, Sections 9, 13, 16, and 39)

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

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

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

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

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

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

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

Page 13 of 209

Zoning Ordinance Amendments Relating to Middle Housing

PUBLIC HEARING
April 29, 2025

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

Proposed Policy: The proposed development standards are summarized below and would only apply to parcels outside of the Hillside Overlay Zone. There would be no changes to setback requirements for parcels located in the Hillside Overlay zone.

- **Front and Rear Setbacks:** Per City Council direction at the July 23, 2024 meeting, the minimum required front and rear setbacks would be 5 feet. Additionally, the front and rear setbacks would be required to add up to at least 20 feet. The intention of this policy is to provide flexibility for the placement of structures on a lot, while controlling overall bulk.
- **Interior and Street Side Setbacks:** The side setbacks in the R-1, R-2 and R-2A zoning districts would be 4 feet. The MU-R would maintain its existing regulations. The proposed standards would also remove existing interior setbacks that increase at upper stories. These existing standards not only reduce available square footage for residential uses, but also result in buildings that are designed with a layered “wedding cake” appearance. These side set back standards are unchanged from the standards presented to the City Council at its July 23, 2024 meeting.

The proposed amendments also include revisions to BMC Section 23.304.030 related to permitted setback reductions. Language was added to permit a reduction in the rear setback on lots that are less than 100 feet in depth.

Conforming and Nonconforming Structures or Buildings (Attachment 2, Section 45)

Current Policy: BMC Section 23.324.050(D) includes provisions related to nonconforming structures and requires a Use Permit for a residential addition to that exceeds the maximum allowed lot coverage, floor area ratio, or residential density.

Proposed Policy: The proposed zoning amendments include a minimum density standard in the R-2A zoning district, which would require two units on a typical 5,000 square foot lot. Under current policy, an application for a residential addition to an existing single-family dwelling in the R-2A zoning district could trigger the minimum density requirement, which could result in requiring an applicant to add a unit to their parcel. To avoid this, language is added to this Section to allow an addition to a single-family dwelling in the R-2A zoning district without triggering a minimum density requirement of two units.

Demolition of Single-Family Structures (Attachment 2, Sections 46 and 47)

The proposed zoning amendments include a technical change to the recently-adopted amendments to the Demolition Ordinance. In one section, the phrase “dwelling unit” was used, when the phrase “residential unit” should have been used. The proposed

Page 14 of 209

Zoning Ordinance Amendments Relating to Middle Housing

PUBLIC HEARING
April 29, 2025

zoning amendments have provided an opportunity for City Council to consider this technical change.

Standard Conditions of Approval for Zoning Certificates (Attachment 2, Sections 46 and 47)

Current Policy: Berkeley Municipal Code (BMC) Chapter 23.404.050 (Public Hearings and Decisions) authorizes the City of Berkeley to attach “reasonable conditions to any discretionary permit that it deems reasonable and necessary to achieve consistency with the General Plan and the Zoning Ordinance, as well as to promote public health, safety and welfare.” A discretionary permit includes an Administrative Use Permit (AUP) or a Use Permit Public Hearing (UPPH).

A Zoning Certificate (ZC) is a *ministerial approval* and projects approvable with a ZC are thereby not subject to the conditioning authority granted by BMC Chapter 23.404.050. A ZC application is reviewed to verify compliance with the Zoning Ordinance, and if the project complies with all applicable requirements, the application is approved. To subject a ZC application to Standard Conditions of Approval, they must be included, or referenced, within the BMC. At its meeting of March 5, 2025, the Planning Commission recommended that the City Council adopt the following amendment (redlined) to the Zoning Ordinance:

E. Review and Action.

1. The Zoning Officer shall review a Zoning Certificate application to verify compliance with the Zoning Ordinance. If the project complies with all applicable requirements, the Zoning Officer shall approve the application.
2. The Zoning Officer may attach to the Zoning Certificate project plans and other information as needed to document project compliance with the Zoning Ordinance.

3. The Zoning Officer may attach to the Zoning Certificate any applicable uniformly applied Standard Conditions of Approval.

Glossary (Attachment 2, Sections 49 and 51)

The proposed zoning amendments include two technical changes to the definitions of Single-Family Residential and Multi-Family Residential land uses. The revisions clarify that neither of these definitions include ADUs or JADUs.

Zoning Ordinance Amendments Relating to Middle Housing

PUBLIC HEARING
April 29, 2025

General Plan Review

At its meeting of July 23, 2024, City Council directed staff to revise the Planning Commission's recommendation, and, among other actions, directed staff to perform a review of the General Plan to ensure that the City Council's recommendation was consistent with the General Plan. Staff performed the review and identified additional General Plan amendments, which were presented to the Planning Commission at their October 9, 2024 meeting, per BMC Section 22.04.020.

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 5**).

The tables below summarize the proposed amendments.

Table 5 summarizes the General Plan amendments considered by the Planning Commission at its October 9, 2024 meeting. Two of the amendments are the same as those considered by the City Council at its July 23, 2024 meeting, and three are similar to amendments considered at that meeting, but are revised based on the City Council's direction.

Table 6 summarizes General Plan amendments that have not been considered by the City Council and are presented here for the first time.

The amendments are discussed in greater detail below.

Table 5 General Plan Amendments Summary – Reviewed July 23, 2024

	Element and Section of General Plan	Summary	Rationale
	NO CHANGE FROM JULY 23, 2024 CITY COUNCIL MEETING		
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.

Page 16 of 209

Zoning Ordinance Amendments Relating to Middle Housing

PUBLIC HEARING
 April 29, 2025

3	General Plan Map	Revised to remove Low Medium Density Residential Land Use Classification.	Conformity with General Plan text amendments.
REVISED FROM JULY 23, 2024 CITY COUNCIL MEETING			
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 6 General Plan Amendments Summary – New Amendments

	Element and Section of General Plan	Summary	Rationale
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	The Middle Housing zoning amendments change existing development standards

Page 17 of 209

Zoning Ordinance Amendments Relating to Middle Housing

PUBLIC HEARING
April 29, 2025

		single lot" in place of "maintaining existing zoning."	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 City Council

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

The proposed zoning amendments would merge the R1-A and R2 zoning districts. This proposed amendment to 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 included in the agenda packet for City Council's July 23, 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.

Page 18 of 209

Zoning Ordinance Amendments Relating to Middle Housing

PUBLIC HEARING
April 29, 2025

These proposed amendments were included in the agenda packet for City Council's July 23, 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 included in the agenda packet for City Council's July 23, 2024 meeting.

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

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

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

Page 19 of 209

Zoning Ordinance Amendments Relating to Middle Housing

PUBLIC HEARING
April 29, 2025

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 General Plan 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 underutilized sites within the major transit corridors and Downtown. 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 specify 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.

Page 20 of 209

Zoning Ordinance Amendments Relating to Middle Housing

PUBLIC HEARING
April 29, 2025

The proposed Middle Housing zoning amendments—as well as various housing development projects permitted under different state laws, such as SB 9 and AB 2011—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.

Tribal Consultation and Other California Government Code Requirements for General Plan Amendments

California Public Resources Code § 65352.3 – 65352.4 (Senate Bill 18) requires local governments to conduct meaningful consultation with California Native American tribes on the contact list maintained by the Native American Heritage Commission (NAHC) prior to the adoption or amendment of a city or county general plan, for the purpose of protecting cultural places on lands affected by the proposal.

On July 22, 2024, a letter was sent to the NAHC requesting a current SB 18 Native American Contact List for the vicinity of the project area. The NAHC provided the Contact List on August 5, 2024 and letters were sent to all Tribes included on the NAHC Contact List describing the proposed project and offering consultation, on August 8, 2024. SB 18 provides a 90-day timeframe in which a Tribe can request consultation, which ended on November 6, 2024.

On September 6, 2024, the City received an email from the Confederated Villages of Lisjan, requesting additional information and consultation. Planning Department staff responded to the request on September 6, 2024 and again on September 16, 2024. On October 9, 2024, Planning Department staff held a consultation with representatives of the Confederated Villages of Lisjan. As a result of that consultation, the City agreed to:

- Prepare a map that would indicate known archeological or Tribal Cultural Resources sites in Berkeley, as well as areas where the presence of such resources would be expected (the historic Bay shoreline, or riparian areas near creeks, for instance). Residential projects located in these areas that could be approved with a ZC would be subject to the City's standing condition of approval for accidental discovery of archeological or Tribal Cultural resources; and
- Amend the City's Standard Conditions of Approval related to archeological, paleontological, and tribal cultural resources, as well as the condition related to the discovery of human remains

Pursuant to SB 18, on March 14, 2025, the City sent letters to all of the Tribes on the NAHC Contact List providing a 45 day comment period on the proposed General Plan amendments. No comments have been received.

Page 21 of 209

Zoning Ordinance Amendments Relating to Middle Housing

PUBLIC HEARING
April 29, 2025

California Government Code § 65352 requires cities proposing General Plan amendments to inform specified public agencies of the proposed actions and provide 45 days for these agencies to provide comments. These agencies include neighboring municipalities, the Berkeley Unified School District, the East Bay Municipal Utilities District, the Bay Area Air Quality Management District, and the Alameda Local Area Formation Commission. City staff sent letters to these agencies on September 26, 2024. No comments were received.

Additional Information Requested by City Council

Charging Stations

BMC Chapter 19.37 includes electric vehicle charging regulations and requirements. For single family homes and duplexes, at least one parking space per dwelling unit with on-site parking must be equipped with capacities to support a future level 2 EV charging station. In multifamily residential buildings, 5% of available parking spaces must be installed with level 2 EV charging stations, 25% of any parking spaces must be EV ready and 20% of parking spaces must be EV capable. It should be noted that there are no off-street parking requirements for residential uses in the City of Berkeley, except for parcels located adjacent to narrow roadways. These EV charging requirements would apply to any parking spaces provided, but in cases where there are no off-street parking spaces present, there would be no requirement to provide EV charging.

The proposed zoning amendments do not include any changes to these requirements, nor do they include any additional requirements specific to middle housing.

Mini-Dorms

At its meeting of July 23, 2024 members of the City Council requested additional information as to how the proposed zoning amendments interface with BMC Chapter 13.42 (Operating Standards for Mini-Dorms and Group Living Accommodations) and whether the proposed zoning amendments could increase the number of mini-dorm configurations.

BMC Chapter 13.42 applies specific regulations to buildings in the R-1, R-1A, R-2, R-2A and R-3 zoning districts that contain a dwelling unit that is occupied by six or more persons. These regulations include registration with the City of Berkeley, the requirement to hire a property manager in some cases, and the designation of a responsible resident by the occupants of the mini-dorm. Additional regulations relate to public nuisances, parties and other possible sources of neighborhood disturbance. The proposed zoning amendment do not include any changes to these existing provisions or amendments to BMC Chapter 13.42. Any residential development project that meets

Page 22 of 209

Zoning Ordinance Amendments Relating to Middle Housing

PUBLIC HEARING
April 29, 2025

the applicability standards of BMC Chapter 13.42 would be subject to those requirements.

The proposed zoning amendments include development standards for residential development that increase allowable development and the number of units on an individual parcel. While these development standards do permit more development on a parcel, in the low-density residential districts, the proposed development standards are not inconsistent with the historical development pattern in many of these neighborhoods.

It is not anticipated that the proposed zoning standards would result in the development of mini-dorms at a rate higher than currently observed. Recently, the City of Berkeley has received a number of applications, and has approved, projects that would be characterized as missing middle projects. None of these approved projects have been classified as mini-dorms. Larger Group Living Accommodations, or multi-unit buildings with large numbers of small units, or units with many bedrooms, are more typically proposed along commercial districts and in higher density residential areas.

Demolition Ordinance

On July 9, 2024, City Council adopted amendments to BMC Chapter 23.326 (Demolition and Dwelling Unit Controls). These amendments brought the city's Demolition Ordinance into conformance with State law, and also included a number of Berkeley-specific provisions to protect sitting tenants, preserve affordable housing, and prevent displacement.

The adopted Demolition Ordinance creates a class of units called "protected units," which include units that are subject to low-income affordable deed restrictions, units that are subject to rent control, or units that are rented by a household at 80% area median income or below, even if otherwise not subject to any rent or price control. The Demolition Ordinance includes affordability requirements for replaced units, as well as rights for sitting tenants.

The proposed zoning amendments include a change to the Demolition Ordinance. The current Demolition Ordinance permits the demolition of a single-family home with an AUP if that home is not tenant occupied and the demolition is included in a project that will result in a net increase in units. Program 29 of the Adopted Housing Element requires the City Council to consider permitting the demolition of single-family homes with a ZC. The rationale for this change is that given that the City of Berkeley is largely built out, middle housing projects will most commonly be the result of redevelopment of existing developed parcels. It would be inconsistent with the City Council's intent to permit the construction of residential uses with a ZC, if a higher level permit were required for the demolition of an existing single family home. Therefore, in that instance where a single family home that is not tenant occupied is part of a middle housing

Page 23 of 209

Zoning Ordinance Amendments Relating to Middle Housing

PUBLIC HEARING
April 29, 2025

project that will result in more units, that demolition would be allowed to move forward with the zoning certificate.

Aside from this change, there are no substantive amendments to the Demolition Ordinance included in the proposed zoning amendments.

Land Value Recapture

On July 25, 2017, the City Council adopted a Land Value Recapture Policy. This policy requires that land value recapture be included in the preparation and implementation of all area plans, and referred to the City Manager specific action regarding land value recapture in the preparation of the Adeline Corridor Plan, being undertaken at that time.

The proposed zoning amendments are amendments to the zoning code, but are not area plans. Therefore, the land value recapture policy does not specifically apply to the proposed zoning amendments. While it is anticipated that the upzoning of parcels in the low-density residential districts would result in increased property values, the proposed zoning amendments do not include any specific policies or mechanisms to capture any increment of that increase in value. However, on previous occasions, including the upzoning of the Southside Plan Area, the City Council has referred to other existing policies, such as the City's Inclusionary Zoning requirements, as tools that achieve the goal of land value recapture. The City Council has also indicated that increasing the housing supply is in itself a value to the wider community, and has included the Middle Housing zoning changes as a strategy to affirmatively further fair housing and end exclusionary zoning. The City Council has also modified the City's Inclusionary Zoning requirements to include exemptions for smaller, Middle Housing projects, indicating that protecting the economic feasibility of these projects is a land use policy goal for Berkeley.

Historic Landmarks and Middle Housing

The proposed zoning amendments allow residential development projects that conform with objective development standards to be approved with a Zoning Certificate. However, BMC Chapter 3.24.200 states that "any construction, alteration or demolition for which a permit is required" that is "to be carried out on a designated landmark, in a designated historic district or structure of merit" must be approved by the Landmarks Preservation Board. While a ZC is not a permit, a project approved with a ZC needs to obtain a Building Permit, so would be subject to this requirement, if applicable.

The proposed zoning amendments permit the demolition of a single-family home that is not tenant occupied with a ZC if the subsequent project results in a net increase in units. Additional language has been added to exempt designated landmarks, structures in a designated historic district or structures of merit from this streamlined requirement. Such projects would be required to obtain the approval of the Landmarks Preservation Commission for a demolition.

Page 24 of 209

Zoning Ordinance Amendments Relating to Middle Housing

PUBLIC HEARING
April 29, 2025

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

Review of City Council Referrals on Middle Housing

At its meeting of July 23, 2024, the City Council directed staff to review previous referrals and to respond to any specific questions or requests included in those referrals. Responses to those referrals are included in **Attachment 6** of this report.

BACKGROUND

Additional background information on topics including relevant state laws, community engagement and input, and the Planning Commission and City Council review of the proposed zoning amendments can be found in the July 23, 2024 City Council report (**Attachment 3**).

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Housing Element Update EIR

Development projections for this project and all reasonably foreseeable growth resulting from development contemplated by the City’s updated Housing Element were analyzed in the Environmental Impact Report (EIR) for the 2023-2031 Housing Element Update (“Housing Element Update EIR”), which was certified by the City Council on January 18, 2023.³

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

³ Housing Element Update 2023-2031 Final EIR.
https://berkeleyca.gov/sites/default/files/documents/ATT%202%20FEIR_RTC.pdf

Page 25 of 209

Zoning Ordinance Amendments Relating to Middle Housing

PUBLIC HEARING
April 29, 2025

Element EIR included a statement of overriding consideration that provides reasons the Housing Element could be adopted even though those impacts could occur.

Pursuant to CEQA Guidelines Section 15168(c)(2), a consistency analysis was prepared to analyze the proposed Middle Housing zoning changes in light of the project described in the Housing Element EIR. This analysis did not find any new impacts, or any substantial increase in the magnitude of any previously disclosed impact, nor did it reveal any other significant new information, that was not previously disclosed and analyzed in the Middle Housing EIR. Therefore, no additional environmental review under CEQA is required.

RATIONALE FOR RECOMMENDATION

The proposed ordinance includes the City Council's recommended zoning ordinance amendments to encourage the development of middle housing in low density residential districts, consistent with Housing Element Program 29—Middle Housing and City Council referrals.

ALTERNATIVE ACTIONS CONSIDERED

During the middle housing policy development process, staff received feedback from both the City Council and the Planning Commission that the middle housing standards should promote the creation of more housing units, and should not simply allow larger unit sizes at low densities. The key trade-off within middle housing is that larger development projects are permitted, with the understanding that these projects contribute to addressing the city's housing shortage by providing more housing units. In response, staff had proposed development standards that would scale based on the number of units included in a proposed project; that is, if a project includes more units, it can be larger.

While the proposed ordinance includes development standards that would permit Multi-Family Residential uses that include more units, they would also streamline the approval of larger Single-Family Residential uses. To address this issue, the City Council had directed staff to add provisions to the proposed ordinance to limit the size of single-family homes that could be approved with a ZC.

Maximum Floor Area Ratio (FAR): While an effective maximum FAR can be calculated based on existing standards for lot coverage and maximum height, the Berkeley Municipal Code does not include a specific FAR standard in the R-1, R-1A, R-2, and R-2A districts. The City Council had initially provided feedback to staff to consider scaling an FAR standard to increase as the number of units increase on a site, and previous Zoning Adjustments Board and Planning Commission subcommittees have supported standards that encourage the development of smaller or medium-sized, cost-efficient units.

The proposed ordinance does not include any FAR standards. The Planning Commission felt that building size was sufficiently regulated by height, setback and lot

Page 26 of 209

Zoning Ordinance Amendments Relating to Middle Housing

PUBLIC HEARING
 April 29, 2025

coverage standards, and that an additional development standard would complicate the project design process and was unnecessary.

Both the Planning Commission and City Council had expressed support for development standards that encourage unit sizes that may be more affordable “by design.” A sliding Maximum FAR standard can be tailored to encourage, at least on paper, an average unit size.

Example: Maximum FAR Standards to Control for Unit Size

The proposed ordinance includes development standards related to maximum density, height and lot coverage standards, which on a typical 5,000 square foot lot would result in a maximum project buildout of roughly 9,000 square feet. Maximum development under these standards could result in the average unit sizes, at full build out on a typical 5,000 square foot lot, shown in Table 7.

Table 7 Examples of unit sizes by Zoning District under proposed Ordinance

Units on 5,000 sf Lot	R-1	R-2	R-2A	MU-R
1	9,000 sf			
2	4,500 sf			
3	3,000 sf			
4	2,250 sf			
5	1,800 sf			
6		1,542 sf		
7			1,286 sf	

Adopting a maximum FAR could disincentivize lower density projects with large unit sizes, in favor of projects with smaller units. For example, the standards shown in Table 8 could help achieve a policy goal of encouraging the development of residential units that are no more than 1,400 square feet in size on a 5,000 square foot lot.

Page 27 of 209

Zoning Ordinance Amendments Relating to Middle Housing

PUBLIC HEARING
 April 29, 2025

Table 8. Possible FAR Standards

1-2 units	0.75
3-5 units	0.8
6-7 units	1.5
8 + units	1.75

Utilizing the maximum FAR standards included in Table 7, along with the proposed maximum density, height, and lot coverage standards included in the proposed ordinance, could result in average unit sizes for a typical 5,000 square foot lot shown in Table 9.

Table 9. Examples of unit sizes by Zoning District Utilizing a Scaled FAR standard

Units on 5,000 sf Lot	R-1	R-2	R-2A	MU-R
1	3,750 sf		Minimum 2 units per lot	
2	1,875 sf			
3	1,333 sf			
4	1,000 sf			
5	800 sf			
6	Exceeds Maximum Density	1,042 sf	1,250 sf	
7		Exceeds Maximum Density	1,071 sf	

A maximum FAR standard can also control height and bulk of a proposed project, and result in additional usable open space. The theoretical projects in Table 9 could all meet their Maximum FAR and Maximum Density without exceeding two stories. A project that would proposed to go higher would need to provide more undeveloped area elsewhere on the lot to meet the Maximum FAR standard.

Page 28 of 209

Zoning Ordinance Amendments Relating to Middle Housing

PUBLIC HEARING
April 29, 2025

CONTACT PERSON

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

Attachments:

- 1: Ordinance
 - Exhibit A: Parcels Rezoned from R-1A and R-2
- 2: Proposed Ordinance, Annotated
- 3: City Council Report: July 23, 2024
- 4: Development Standards Tables
- 5: General Plan Resolution, Text and Map Changes and CEQA Findings
 - A: Maps of existing and proposed General Plan Land Use Diagram.
 - B: Text of General Plan amendments.
 - C: CEQA Findings and Statement of Overriding Consideration
 - Att 1 CEQA Consistency Analysis
- 6: Review of Prior City Council Actions and Referrals Related to Middle Housing
- 7: Public Hearing Notice



PLANNING COMMISSION

Notice of Public Hearing

Wednesday, June 4, 2025

Adoption of a Zoning Map Amendment to Redesignate Parcels Currently Zoned R-1A (Limited Two-Family Residential) to R-2 (Restricted Two-Family Residential)

The Planning Commission of the City of Berkeley will hold a public hearing on the above matter, pursuant to Zoning Ordinance Section 23.412.040, on **Wednesday, June 4, 2025 at 6:00 p.m.** at the **North Berkeley Senior Center**, 1901 Hearst Avenue, Berkeley (wheelchair accessible). In accordance with the Brown Act, Planning Commission meetings will be held in person only.

The agenda will be posted on the Planning Commission website (<https://berkeleyca.gov/your-government/boards-commissions/planning-commission>) no later than **5pm on May 30, 2025**.

PROJECT DESCRIPTION

In response to City Council referrals, and as required pursuant to the adopted *2023-2031 Housing Element Update*, the Planning and Development Department has prepared zoning ordinance amendments to encourage “middle housing” (or multi-unit residential development projects that are larger than single-family projects, but smaller than mid-rise and high-rise projects) in the city’s low-density residential districts (the R-1, R-1A, R-2, R-2A and MU-R zoning districts). As part of this effort, the City Council has directed staff to consolidate zoning districts when regulatory distinctions between similar districts are minimal. Under the proposed middle housing zoning amendments, the R-1A and R-2 zoning districts’ regulations would be similar enough to justify consolidation. Staff is therefore proposing to amend the Zoning Map to redesignate all parcels currently zoned R-1A to R-2.

LOCATION: The proposed Zoning Map amendment would apply to all parcels currently zoned R-1A, as indicated in the map in Figure 1.

ENVIRONMENTAL REVIEW STATUS

Pursuant to CEQA Guidelines § 15168(c), the proposed Zoning Map amendments are within the scope of the Final Environmental Impact Report (Final EIR) prepared by the City of Berkeley for the City of Berkeley 2023-2031 Housing Element Update (HEU) Project, and the Final EIR adequately describes the proposed project for the purposes of CEQA.

PUBLIC COMMENT

All persons are welcome to attend the public 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:

Faye Messner
Planning Commission Clerk
Email: fmessner@berkeleyca.gov

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

Correspondence received by **12 pm on Tuesday, May 27, 2025** 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, June 2, 2025** 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 one day before this public hearing, 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 one day before this public hearing will be saved as part of the public record.

COMMUNICATION ACCESS

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

FURTHER INFORMATION

Questions can be directed to Justin Horner, Principal Planner at (510) 981-7476 jhorner@berkeleyca.gov.

Information about the Middle Housing Zoning Changes can be found at:

<https://berkeleyca.gov/construction-development/land-use-development/general-plan-and-area-plans/middle-housing-zoning>.

Current and past Planning Commission agendas are available at: <https://berkeleyca.gov/your-government/boards-commissions/planning-commission>.

Figure 1 R-1A Zoning District



Government Code Section 66322(b) states that local jurisdictions must approve ADU applications even when the proposed ADU involves correcting existing zoning or building violations or converting an unpermitted structure, so long as the condition does not pose a health or safety hazard and is not directly impacted by the proposed ADU construction. The amended ordinance ensures compliance with this statutory mandate.

- **JADUs and Enclosed Uses:** Amend the BMC to explicitly state that *all* enclosed uses within a proposed or existing single-family residence, not just those included in the single-family residence or its garage, are eligible for JADU conversions, ensuring compliance with State law and HCD guidance.
- **Deed Restriction:** Amend the BMC to remove the requirement that a deed restriction be submitted as part of a completed ADU application.

HCD cited Government Code Section 66317, which states, “No local ordinance, policy, or regulation shall be the basis for the delay or denial of a building permit or a use permit under this section.” While staff previously interpreted the deed restriction requirement as part of application completeness—and not a condition of approval—the Commission concluded that even this procedural requirement may result in a delay in permit issuance.

- **JADU Rental Term:** Amend the BMC to remove the 30-day minimum rental term requirement for JADUs, ensuring consistency with Government Code Section 66333, which only permits the imposition of a 30-day minimal rental term for ADUs. The 30-day minimum rental term for ADUs remains unchanged, as it is authorized under State law.
- **Front Setback and Building Separation Standards:** Amend the BMC to remove both the front setback and building separation requirements for all ADUs, not just those subject to Government Code Section 66323. This action reflects the Commission’s intent to comprehensively align the City’s ADU regulations with State law.

The proposed zoning amendments are contained in Berkeley Municipal Code Chapter 23.306 (Accessory Dwelling Units). The revisions implement recent changes to State law, respond to comments received from the California Department of Housing and Community Development (HCD), and incorporate direction provided by the Planning Commission, as discussed above. The following table summarizes the proposed revisions:

ADUs - Amendments to BMC to Conform to State Law

Planning Commission
June 4, 2025

Table1 Summary of ADU Ordinance Changes – BMC Chapter 23.306

Section	Section Title	Summary of Change	Rationale
23.306.010	Purpose	Updates code references from former Gov. Code sections to new Gov. Code § 66314–66339.	Technical edit: update reference.
23.306.020(C)	Density and Growth Limits	Revises BMC to explicitly state that ADUs do not count toward density, are consistent with GP/zoning, and are exempt from growth controls (per Gov. Code § 66319).	State law requirement.
Table 23.306-1	Number of Units Allowed	Clarifies that one conversion ADU, one new construction ADU, and one JADU are permitted on lots with single-family dwellings. For lots with multifamily dwellings, allows up to 8 detached ADUs (not exceeding number of units) and interior ADUs up to 25% of the total units.	Planning Commission direction.
Table 23.306-2	ADU Development Standards	Removes front setback and building separation standards.	Planning Commission direction.
23.306.030(A)(2)	Duplex or Multi-Family Dwelling Conversion	Updates BMC to reflect State law by replacing “main building” with “multifamily building structures” and refining examples of non-living space. Removes the term “Duplex” for consistency with related changes throughout the BMC.	Technical edits.
23.306.030(A)(3)	Accessory Building or Accessory Structure Conversion	Removes “legally established” requirement and adds 150 sq. ft. ingress/egress allowance without need to meet local development standards (per Gov. Code § 66322(b)).	Planning Commission direction.
23.306.030(A)(4)	Front Setback, New Construction	Removes section for consistency with revisions to Table 23.306-2, Development Standards.	Technical edit: consistency.
23.306.030(A)(7)	Building Separation for Attached ADU	Removes section for consistency with revisions to Table 23.306-2, Development Standards.	Technical edit: consistency.
23.306.040(A)	Zoning Certificate Review	Clarifies that review of ADUs is ministerial, and applications must be approved or denied within 60 days. Adds denial notice requirement per Gov. Code § 66317(b).	State law requirement.
23.306.040(C)	Deed Restriction	Updates section to refer to BMC Chapter 21.29 and state law for separate sale; clarifies JADU	Planning Commission direction.

ADUs - Amendments to BMC to Conform to State Law

Planning Commission
June 4, 2025

		rental/sale terms per Gov. Code § 66333, 66340–66341.	
23.306.040(D)	Qualified Nonprofit Developer Sales	Updates state law reference to Gov. Code § 66341; clarifies required TIC agreement provisions.	State law requirement.
23.322.030	Parking Requirements	Revises reference to Gov. Code § 66322 for ADU parking exemptions and correct definition of public transit from Gov. Code § 66313(m).	Technical edits: State law requirements.

ENVIRONMENTAL REVIEW

The proposed ordinance amendments are statutorily exempt from the California Environmental Quality Act, per Guidelines Section 15282 "Other Statutory Exemptions" (h) which states:

(h) The adoption of an ordinance regarding second units in a single-family or multifamily residential zone by a city or county to implement the provisions of Sections 65852.1 and 65852.2 of the Government Code as set forth in Section 21080.17 of the Public Resources Code.

NEXT STEPS

Staff recommends that the Planning Commission conduct a public hearing, 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.

CONTACT PERSON

Branka Tatarevic, Associate Planner, Planning and Development, 510-981-7472

Attachments:

1. Resolution;
Att. A: ADU Ordinance Amendments
- 2: Planning Commission Staff Report, March 5, 2025.
- 3: HCD ADU Ordinance Review Letter
- 4: Public Hearing Notice.

ATTACHMENT 1

**PLANNING COMMISSION
RESOLUTION NO. 2024-06**

**A RESOLUTION OF THE CITY OF BERKELEY PLANNING COMMISSION
RECOMMENDING THE CITY COUNCIL ADOPT PROPOSED AMENDMENTS TO TITLE 23
(ZONING) TO ENSURE COMPLIANCE WITH STATE ADU LAWS**

WHEREAS, the City of Berkeley must ensure that its Zoning Ordinance complies with State law with respect to Accessory Dwelling Units (ADUs), so from time to time must amend the Zoning Ordinance; 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, on March 5, 2025, the Planning Commission held a publicly-noticed meeting on recent changes to State law regarding ADUs and provided direction to City staff to prepare Zoning Ordinance amendments; and

WHEREAS, on June 4, 2025, 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 May 9, 2025 for the public hearing held on June 4, 2025.

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.

WHEREAS, the proposed ordinance amendments are statutorily exempt from the California Environmental Quality Act, per Guidelines Section 15282(h).

NOW, THEREFORE, IT BE RESOLVED that the Planning Commission does hereby recommend to the City Council of the City of Berkeley to amend Title 23, as shown in Attachment A; and

BE IT FURTHER RESOLVED, that pursuant to Berkeley Municipal Code Section 23.412.060(A)(1)-(3), the Planning Commission makes the following findings to support its recommendation for the zoning ordinance amendments:

- 1. The proposed amendment is consistent with the General Plan and any applicable specific plan or area plan.**

Evidence: Per California Government Code § 66319, an ADU shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the

allowable density for the lot upon which it is located and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot.

2. The proposed amendment is consistent with state law.

Evidence: The proposed amendments are recommended specifically because they are required for the City of Berkeley's ADU regulations to be consistent with state law.

3. The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare.

Evidence: The zoning ordinance amendments serve the public interest by facilitating additional housing capacity and production to better meet housing demand.

BE IT FURTHER RESOLVED, that pursuant to Berkeley Municipal Code Section 23.412.060 (B) the Planning Commission makes the following findings to support its recommendation for the zoning ordinance amendment:

B. The proposed amendment is internally consistent with other applicable provisions of the Zoning Ordinance.

Evidence: Per California Government Code § 66319, an ADU shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located and shall be deemed to be a residential use that is consistent with the zoning designations for the lot.

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 4th day of June 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Alisa Shen,
SECRETARY TO THE PLANNING COMMISSION

EXHIBIT A
DRAFT
ADU ORDINANCE AMENDMENTS

CHAPTER 23.306
ACCESSORY DWELLING UNITS

Sections:

23.306.010 Purpose.
23.306.020 Applicability.
23.306.030 Development Standards
23.306.040 Permit Procedures.

23.306.010 Purpose

This Chapter establishes accessory dwelling unit (ADU) and junior accessory dwelling unit (Junior ADU) standards that:

- A. Implement California Government Code Sections 66314 through 66339
- B. Increase overall supply and range of housing options in Berkeley.
- C. Expedite small-scale infill development.
- D. Support Housing Element goals of facilitating construction of accessory dwelling units and increasing the number of housing units that are more affordable to Berkeley residents.
- E. Encourage development of accessory dwelling units in zoning districts with compatible land uses and infrastructure.

23.306.020 Applicability

- A. The provisions of this chapter apply to zoning districts where residential uses are permitted, on lots that have at least one existing or proposed Dwelling Unit or Group Living Accommodation that is not a Fraternity House, Sorority House or Dormitory.
- B. *Number Permitted.* See Table 23.306-1--ADU and Junior ADU Maximum Number of

Units per Lot.

C. *Density Exemption and Growth Limits.* ADUs are considered an accessory use consistent with the parcel's General Plan and zoning designations, shall not count toward the allowable density, and shall not be subject to any local ordinance, policy, or program that limits residential growth.

Table 23.306-1 ADU AND JUNIOR ADU MAXIMUM NUMBER OF UNITS PER LOT

USE, PRIMARY	ADU AND JADU, MAXIMUM PER LOT
Single Family Dwelling, one unit on lot	1 Conversion ADU, 1 New Construction ADU, and 1 Junior ADU, all are permitted
Single Family Dwelling, more than one unit on lot	1 ADU
Existing Multifamily Dwelling	8 new construction ADUs, provided that the number of ADUs does not exceed the number of existing units, and at least one interior ADU up to 25% of the total number of existing duplex or multi-family dwelling units on the lot.
Proposed Multifamily Dwelling	2 New Construction ADUs
Group Living Accommodation	1 ADU

23.306.030 Development Standards

A. *Basic Standards.* See Table 23.306-2: ADU Development Standards.

Table 23.306-2 ADU DEVELOPMENT STANDARDS

BASIC STANDARDS		SUPPLEMENTAL STANDARDS
Gross Floor Area, Maximum		23.306.030(A)(1)
Studio or 1 bedroom	850 sq. ft.	23.306.030(A)(2)
2+ bedrooms	1,000 sq. ft.	23.306.030(A)(3)
Building Height, Maximum		
Conversion	Same as existing structure	23.306.030(A)(1) 23.306.030(A)(3)
Detached, New Construction	20 ft.	
Attached, New Construction	25 ft.	23.306.030(A)(5) 23.306.030(A)(8)
Lot Line Setbacks, Minimum		
		23.306.030(A)(3)
		23.306.030(A)(4)
		23.306.030(A)(6)
Rear	4 ft.	
Interior Side	4 ft.	
Street Side	4 ft.	
Required Off-Street Parking Spaces		See 23.322.030 – Required

	Parking Spaces
--	----------------

1. *Existing Building Conversion.* An ADU created entirely through conversion with no modifications to the existing building envelope that exceeds the development standards for maximum gross floor area in Table 23.306-2, ADU Development Standards, is allowed a physical addition of no more than 150 square feet. The addition must comply with maximum height and setback requirements.
2. *Multifamily Dwelling Conversion.* Interior ADU(s) must be created entirely through non-habitable residential portions of the existing multifamily dwelling structures that are not within the living space of a dwelling unit (e.g. basements, attics, garages, storage rooms, boiler rooms, passageways).
3. *Accessory Building or Accessory Structure Conversion.* An ADU converted from an accessory building or accessory structure is allowed to maintain non-conformity to the same location and dimensions of the existing accessory building or accessory structure, provided that the ADU meets fire and safety standards set forth in the California Building Standards Code adopted in BMC Title 19. A physical expansion of up to 150 square feet is permitted to accommodate ingress and egress. Any of the additions must comply with the development standards in Table 23.306-2.
4. *Attached ADU.* An ADU shall be considered attached if sharing a common wall with a primary dwelling.
5. *Detached ADU Setback Exceptions.* If there is a lesser setback allowed in 23.304.060 -- Accessory Buildings and Enclosed Accessory Structures for a comparable accessory building or accessory structure in the underlying zoning district, that setback shall apply.

6. *Attached ADU, New Construction Height.* Attached ADUs with height up to 25 ft. allowed with a Zoning Certificate.

B. *Junior ADUs.*

1. *Basic Standards.* A Junior ADU shall be contained entirely within an existing or proposed single family dwelling (including basements, attics, storage rooms, boiler rooms, and passageways) or its attached garage, and have no more than 500 square feet in floor area.

2. *Shared Sanitation Facility.* If a Junior ADU shares a sanitary facility with a single-family dwelling, an internal connection between the Junior ADU and the main living area of the single family dwelling is required.

3. *Junior ADU Floor Area.* The Junior ADU gross floor area calculation excludes any shared sanitation facility with the single family dwelling.

C. *Projections.*

1. *Outside of the Hillside Overlay.* Chimneys, water heater enclosures, flues, heating and cooling equipment, eaves, cornices, canopies, awnings, bay windows, and balconies may project two feet into the required front and side setbacks, so long as there remains at least a two-foot setback from property lines. Bay windows and balconies may not project into a required rear ADU setback.

2. *Within the Hillside Overlay.* No projections shall be allowed within a required setback.

D. *Rooftop Decks within the Hillside Overlay.* Roofs on ADUs within the Hillside Overlay may not be designed, converted, or used as usable open space.

23.306.040 Permit Procedures

A. *Zoning Certificate*. An application for an ADU or Junior ADU shall be allowed with a Zoning Certificate. The review must be completed, and the application approved or denied, within 60 days of receipt of a completed application. A completed application must include evidence of compliance with this Chapter, including development standards.

1. If an application to create an ADU or Junior ADU is submitted as part of a project that requires discretionary review, a Zoning Certificate for a building permit shall not be issued for the ADU or Junior ADU until the discretionary approval(s) has/have been granted and any applicable appeal periods have expired. See 23.404.060(A) Post-Decision Provisions (Effective Dates).
2. Issuance of a Zoning Certificate shall not be denied for the construction or conversion of an ADU or Junior ADU that complies with the requirements of Government Code Section 66323.
3. Issuance of a Zoning Certificate for the construction or conversion of an ADU or Junior ADU shall not be denied based on the failure of an applicant to correct a nonconforming zoning condition.
4. If the Zoning Officer denies an application, the applicant shall be provided, within the same 60-day period, a written notice identifying all deficiencies in the application and a description of how the application may be corrected.

B. *Neighbor Noticing*.

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 ADU 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 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.

C. *Deed Restriction.* The property owner shall file a deed restriction with the Alameda County Recorder which states:

1. The Junior ADU shall not be sold separately from the main building;
2. The ADU shall not be sold separately from the main building, unless authorized under BMC Chapter 21.29 (ADU Condominium Ordinance) or under BMC 23.306.040(D) -- ADUs Developed by a Qualified Nonprofit Developer, or as otherwise permitted by state law. ;
3. The ADU shall not be rented for a term that is shorter than 30 days; and
4. If the property includes a Junior ADU, the Junior ADU or the Single Family Dwelling in which the Junior ADU is located shall be owner-occupied.

D. *ADUs Developed by a Qualified Nonprofit Developer.* An ADU built or developed by a "qualified nonprofit corporation" may be sold or conveyed separately from the main building to a "qualified buyer," as such terms are defined in subdivision (b) of Section 66340 of the California Government Code. The ADU must be held pursuant to a recorded tenancy in common agreement recorded on or after December 31, 2021 that includes the following elements:

1. Delineation of all areas of the property that are for the exclusive use of a cotenant;

2. Delineation of each cotenant's responsibility for the costs of taxes, insurance, utilities, general maintenance and repair, and improvements associated with the property;
3. Procedures for dispute resolution among cotenants before resorting to legal action;
4. Allocates to each qualified buyer an undivided, unequal interest in the property based on the size of the dwelling each qualified buyer occupies;
5. A repurchase option that requires the qualified buyer to first offer the qualified nonprofit corporation to buy the ADU or primary dwelling if the buyer desires to sell or convey the property;
6. A requirement that the qualified buyer occupy the ADU or primary dwelling as the buyer's principal residence; and
7. Affordability restrictions on the sale and conveyance of the ADU or primary dwelling that ensure the ADU and primary dwelling will be preserved for low-income housing for 45 years for owner-occupied housing units and will be sold or resold to a qualified buyer.
8. If requested by a utility providing service to the primary residence, the ADU shall have a separate water, sewer, or electrical connection to that utility.

**CHAPTER 23.322.030
REQUIRED PARKING SPACES**

Table 23.322-1 REQUIRED OFFSTREET PARKING IN RESIDENTIAL DISTRICTS

Land Use	Number of Required Off-Street Parking Spaces
Residential Uses	
Accessory Dwelling Units	<u>Junior ADU</u> : None required <u>ADU outside of Hillside Overlay</u> : None required <u>ADU within Hillside Overlay</u> : 1 per ADU unless the parcel satisfies the criteria in Government Code

	Section 66322, using the definition of public transit as established in subdivision (m) of Government Code 66313.
--	---



Planning and Development Department
Land Use Planning Division

STAFF REPORT
March 5, 2025

TO: Members of the Planning Commission

FROM: Branka Tatarevic, Associate Planner

SUBJECT: Accessory Dwelling Unit (ADU) Ordinance Amendments

RECOMMENDATION

Staff recommends that the Planning Commission review the staff report, receive the staff presentation, consider public comments, and provide feedback to staff on potential amendments to the ADU Ordinance.

BACKGROUND

The consideration of updates to the ADU ordinance has been prompted by a number of factors including a City Council referral for implementation of Assembly Bill (AB) 1033, the California Department of Housing and Community Development's (HCD) review of Berkeley's ADU Ordinance, and changes to state law pertaining to ADUs.

Assembly Bill 1033 (ADU Condominiums)

AB 1033 (Gov. Code § 66340 – 66342), which took effect on January 1, 2024, allows ADUs to be sold separately from the primary residence as condominiums, creating new opportunities for entry-level homeownership. Prior to AB 1033, California law prohibited the separate conveyance of ADUs, requiring them to remain under the same ownership as the primary dwelling unit. AB 1033 lifts this restriction, but local jurisdictions must opt-in by adopting an ordinance to enable separate ADU sales.

On May 14, 2024, the Berkeley City Council approved a referral (***Attachment 1***) directing the City Manager to implement AB 1033 by amending the Berkeley Municipal Code to eliminate restrictions on the sale of ADUs and adopt an ordinance allowing their separate sale. The referral emphasizes the potential of ADU condominiums to increase homeownership opportunities for moderate-income households, help existing homeowners generate equity, and expand naturally affordable housing options in the city.

As of today, the City of San José remains the only jurisdiction in California to have adopted an ADU condominium ordinance (***Attachment 4***). Staff have met with the San José team to discuss their approach to AB 1033 implementation, as well as their processing procedures. San José's ADU Condominium Ordinance is separate from its

existing ADU, subdivision or other land use regulations and applies only to the creation of ADU condominiums. The ordinance limits ADU condo projects to a maximum of four units, as subdivisions with four or fewer units can be processed ministerially as Parcel Maps, rather than through the discretionary process required for Tentative Tract Maps. Unlike Berkeley, San José does not have its own policies to disincentivize condo conversions or mitigate the impacts of condo conversions on the affordability of the rental housing market.

ADU Letter from California Housing and Community Development Department

As part of its oversight of local ADU regulations, HCD issued a letter to the City of Berkeley on May 3, 2024 (***Attachment 2***), reviewing the Berkeley Municipal Code Chapter 23.306 (Accessory Dwelling Units)¹, which was adopted on October 10, 2023. In the letter, HCD asserted that several provisions of BMC Chapter 23.206 do not align with state ADU law and must be amended.

The City responded to HCD's letter on June 3, 2024 (***Attachment 3***). The City's letter determined that:

- a number of the HCD's suggested changes were minor. These minor changes were included in the State Law and Technical Edits package the Planning Commission recommended in June 2024;
- a select number of findings did not require any changes; and
- an additional set of findings required policy consultation with the City Council. These are the findings included in this report for policy recommendations from the Planning Commission.

California Government Code Section 66323 includes types of ADUs that the City must approve ministerially. Generally speaking, these are ADUs that are 800 square feet or less, meet specified height requirements, and comply with specified rear and side setback requirements. While the City can adopt development standards and regulations for larger ADUs, cities are limited in the regulation of these "Section 66323 ADUs"

Senate Bill 1211

Senate Bill 1211 (SB 1211) was signed into law in on September 19, 2024. SB 1211 contains two provisions which could require amendments to the BMC.

Previously, state law allowed only two detached ADUs on a multifamily lot. SB 1211 now permits up to eight detached ADUs on a multifamily lot, or a number equal to the existing units on the lot, whichever is less. BMC Chapter 23.206 is proposed to be amended to comply with SB 1211 as part of the annual State Law and Technical Edits (STLE) package which the Planning Commission will review in the spring.

Additionally, SB 1211 includes a provision which prohibits the City from imposing objective development or design standards on Section 66323 ADUs beyond what is authorized in state law.

¹ <https://berkeley.municipal.codes/BMC/23.306>

DISCUSSION

Assembly Bill 1033 and ADU Condominiums

AB 1033 Local Ordinance Requirements

AB 1033 allows a city to adopt a local ordinance permitting separate sale of the primary dwelling and one or more ADUs as condominiums. To do so, the local ordinance **must** include the following components:

- Compliance with:
 - the Subdivision Map Act;
 - the Davis-Stirling Act (the state law that regulates condominiums); and
 - the City's Subdivision Ordinance (Title 21).
- A procedure to obtain lienholders' consent (i.e., the property owner must get the mortgage lender's sign-off before a separate sale would be permitted).
- A process to conduct and verify a safety inspection. Obtaining a Certificate of Occupancy from the city, or obtaining an inspection report from a HUD-certified inspector are two of the most common approaches to meeting this requirement.
- Mandatory consumer disclosures regarding lender requirements.

If an ADU is tenant-occupied and the property owner seeks to sell the ADU as a separate condominium under an AB 1033 ADU Condominium Ordinance (once the city adopts it), the city may require that a tenant receive a right of first refusal. If the city were interested in implementing an ordinance with a right of first refusal requirement, an AB 1033 ADU Condominium Ordinance could treat ADU condos the same as typical condos under the city's own Condo Conversion Ordinance (BMC Chapter 21.28)², or it could include different requirements for the conversion of ADUs to condos.

Existing City Regulations Governing Condominiums

Existing Subdivision Ordinance (BMC Title 21 (Subdivisions))³

BMC Title 21 (Subdivisions) was enacted for the purpose of adopting regulations to implement and supplement the State's Subdivision Map Act. Title 21 includes:

- A ministerial process for the creating a Parcel Map for four or fewer parcels or condo units;
- A discretionary process for Tentative Maps for creating five or more parcels or condo units;
- Condo conversion regulations; and
- Design requirements, procedures for lot line adjustments and subdivision improvement requirements.

² <https://berkeley.municipal.codes/BMC/21.28>

³ <https://berkeley.municipal.codes/BMC/21>

*Existing Condominium Conversion Ordinance (BMC Chapter 21.28)*⁴

Berkeley's Condominium Conversion Ordinance lays out the procedures, fees, and required tenant protections for applicants proposing to convert existing dwelling units into condominiums. It also includes the city's annual limit on allowable condo conversions.

Generally, BMC Chapter 21.28 requires:

- Payment of a Condo Conversion Mitigation Fee;
- Tenant protections, including notice, relocation assistance, and right of first refusal.

Since 1992, the City of Berkeley has imposed a Condo Conversion Housing Mitigation Fee. Revenues from the fee accrue to the Berkeley Housing Trust Fund to help finance construction and rehabilitation of permanently affordable housing in Berkeley.

The fee is calculated by dividing the difference between the costs of owning the unit as a condominium less the rental costs by the current fixed mortgage rate. The following is an example of a fee calculation from the city's *Residential Condominium Conversion Packet*.⁵

- Rental Costs = \$1,500 per month x 12 months/year = \$18,000 annually
- Ownership Cost (including principal, interest, taxes, insurance, and homeowners' association dues) = \$2,700 per month x 12 = \$32,400
- Assume a mortgage rate of 6.5 percent.
- Increased housing cost due to ownership conversion of the unit = \$32,400 - \$18,000 = \$14,400
- Mitigation Fee = \$14,400/0.065 = \$221,538

In addition, Berkeley's Condo Conversion Housing Mitigation Fee is designed to encourage property owners to extend protections to their tenants. Owners providing additional tenant protections specified in the Condo Conversion Ordinance receive a decrease in the amount of the fee, which is capped at 8% of the total sales price, or 4% of the total sales prices for 2-unit properties.

*Berkeley Rent Ordinance (BMC Chapter 13.76)*⁶

⁴ <https://berkeley.municipal.codes/BMC/21.28>

⁵ City of Berkeley, *Residential Condominium Conversion Packet*, Updated: July 1, 2022.
https://berkeleyca.gov/sites/default/files/documents/Condo%20Packet%2007-01-2022_Posted%20Online.pdf

⁶ <https://berkeley.municipal.codes/BMC/13.76>

Under Berkeley's Rent Stabilization Ordinance, units with a Certificate of Occupancy issued after June 30, 1980, are generally exempt from rent ceiling controls. Most ADUs fall into this "new construction" exemption, though they still must follow just-cause eviction rules (BMC § 13.76.130).

Policy Questions for Planning Commission Discussion

1) Regulation of ADU Condos.

Should ADU condos be treated as any other condominium under Chapter 21.28—including payment of the Condominium Conversion Mitigation Fee, tenant protections, and discretionary approval for five or more units—or should the city create a streamlined path for ADU condominiums (as San Jose does)?

2) Right of First Refusal.

Should an AB 1033 ordinance require a right of first refusal for any tenant occupying an ADU that is being sold as a separate condominium? If so, should the right be the same as the current Condo Conversion Ordinance (i.e., one year to respond) or should it include a different timeline for ADU condominiums?

ADU Letter from California Housing and Community Development Department

On May 3, 2024, HCD sent a letter regarding the ADU Ordinance (***Attachment 2***), and the city responded on June 3, 2024 (***Attachment 3***). The letter included a set of findings which called for policy consultation with the Planning Commission, which are included below.

Number of ADUs Permitted

In its letter of May 3, 2024, HCD found that BMC Chapter 23.306 did not permit as many Section 66323 ADUs as required under state law. Currently, Table 23.306-1 (Unit Allowance) permits one ADU and one Junior ADU on a parcel with an existing single-family dwelling. HCD asserted that Government Code Section 66323 permits a homeowner, who meets specified requirements, to create one converted ADU; one detached, new construction ADU; and one JADU, for a total of three Section 66323 ADUs.

This is consistent with the latest *HCD ADU Handbook (January 2025)*⁷, which explains that on single-family lots specifically, local agencies must allow Category (a)(1) (converted ADU) and Category (a)(2) (detached ADU) together, plus one JADU (also described in Gov. Code § 66323(a)(1)).

⁷ California Housing and Community Development Department, *Accessory Dwelling Unit Handbook*, January 2025. <https://www.hcd.ca.gov/sites/default/files/docs/policy-and-research/adu-handbook-update.pdf>

Originally, BMC Section 23.306.020(B) was drafted based on HCD's *December 2020 ADU Handbook*, which stated that the two new ADU/JADU categories under former subdivision (e) "are not required to be combined." At that time, it appeared an applicant seeking to build both an ADU and a JADU would have to choose between a single-family ADU+JADU "conversion configuration" or "detached configuration," rather than do both. However, in July 2022, HCD updated its guidance to clarify that the four statutory categories of ADUs "may be combined"—meaning a local government "must allow (A) and (B) together or (C) and (D) together."

Question for the Planning Commission: Should the Berkeley Municipal Code (BMC) be amended to clearly allow up to three units on a single-family property: one interior/converted ADU, one detached new-construction ADU, and one JADU?

Conversion of Accessory Structures

In its letter of May 3, 2024, HCD found that the city must amend the BMC to remove the words "legally established" from BMC Section 23.306.030(A)(3), related to the conversion of accessory structures.

BMC Section 23.306.030(A)(3) states "An ADU converted from a legally established accessory building or accessory structure is allowed to maintain non-conformity to the same location and dimensions of the existing accessory building or accessory structure...."

Question for the Planning Commission: Should the Berkeley Municipal Code (BMC) be amended to remove the requirement that an accessory building or structure be "legally established" to be eligible for conversion to an ADU?

JADUs and Enclosed Uses

BMC Section 23.306.030(B) allows JADUs "within an existing or proposed single family dwelling or its attached garage...." It is later defined in Section 23.502.020(A)(4)(a) as, "A unit that is contained entirely within the walls of an existing or proposed single family dwelling, or a single-family dwelling unit's attached garage."

In its letter of May 3, 2024, HCD found that Government Code Section 66333 provides a broader allowance, stating "For purposes of this subdivision, enclosed uses within the residence, such as attached garages, are considered a part of the proposed or existing single-family residence," and that the BMC must allow JADUs in other enclosed uses not limited to the single-family residence and an attached garage.

City staff interprets the existing BMC language to already include other enclosed areas of the single-family dwelling. Specifically, the BMC definition of "accessory uses" (BMC Section 23.502.020(B)(2)(a)) is broad and extends beyond just the attached garage (e.g., storage rooms, basements). There is no instance staff could envision where an enclosed space would be excluded from conversion under the current definition.

Question for the Planning Commission: Should the Berkeley Municipal Code (BMC) be amended to explicitly expand eligibility to all “enclosed uses”?

Deed Restriction

BMC Section 23.306.040 states that “A completed [ADU] application must include evidence of compliance with this Chapter, including development standards, deed restrictions, and neighborhood noticing.”

In its letter of May 3, 2024, HCD found Government Code section 66317, states, “No local ordinance, policy, or regulation shall be the basis for the delay or denial of a building permit or a use permit under this section,” and therefore the city may not condition approval of an ADU application on the recordation of a deed restriction.

Under the ADU Ordinance, the requirement that a deed restriction be recorded is not a condition of approval; it is a requirement for a completed application. City staff does not interpret this provision as allowing the city to delay or deny a permit solely for lack of a recorded deed restriction.

Question for the Planning Commission: Should the Berkeley Municipal Code (BMC) be amended to remove the deed restriction requirements for a completed application?

JADU Rental Term

BMC Section 23.306.040(C)(3) states that a JADU cannot be rented for a term that is shorter than 30 days. In its letter of May 3, 2024, HCD found that while Government Code section 66333 allows the city to adopt an ordinance to provide for the creation of JADUs, and includes the provisions that can be included in the ordinance, the provisions do not include requiring a minimum rental term of 30 days. Therefore, HCD states that the 30-day rental term minimum for JADUs must be removed. The current 30-day minimum rental term for ADUs complies with state law.

Question for the Planning Commission: Should the Berkeley Municipal Code (BMC) be amended to remove the 30 days minimum rental term for JADUs?

Senate Bill 1211

SB 1211 (signed on September 19, 2024) allows up to eight detached ADUs on a lot with an existing multifamily dwelling (subject to certain limits). Staff intends to incorporate this statutory update into the upcoming State Law and Technical Edits (SLTE) Zoning Amendments package that will come before the Planning Commission for public hearing this Spring.

SB 1211 also includes a provision which prohibits the City from imposing objective development or design standards on Section 66323 ADUs beyond what is authorized in state law. There are two provisions in the BMC which may conflict with this provision.

1) *ADUs in the Front Setback*: BMC Chapter 23.306.030(A)(4) prohibits the placement of ADUs in the front setback unless the only location on a lot that can accommodate an 800 square foot ADU is within the front setback. The section also includes specific front setback requirements that apply only to ADUs that qualify to be located within the front setback. State law currently permits only the establishment of side and rear setbacks for Section 66323 ADUs, not front setbacks. SB 1211 could be interpreted to limit the city's ability to prohibit Section 66323 ADUs in the front setback even if an ADU could be located elsewhere on a lot.

2) *ADU Building Separation*: BMC Chapter 23.306.030(A) includes basic development standards for ADUs, which include building separation standards. State law currently only permits the establishment of side and rear setbacks for Section 66323 ADUs. There is no provision for the establishment of building separation standards, nor is there any explicit prohibition. The building separation requirement was adopted by the City Council to address concerns about fire safety and firefighter access to buildings on a property. State law provides the establishment of side and rear setbacks "for fire safety," but does not specifically mention building separation requirements for Section 66323 ADUs.

Question for the Planning Commission: Should BMC Chapter 23.306.030 be amended to remove the front setback and building separation provisions for Section 66323 ADUs, or should those provisions be removed for all ADUs?

ENVIRONMENTAL REVIEW

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

NEXT STEPS

Staff is currently reviewing HCD's comments and exploring policy options to meet state requirements, particularly regarding separate ADU conveyance and other statutory changes. With Planning Commission's input, we will incorporate them into draft amendments, solicit public feedback, and move forward with the required steps for final adoption of any Zoning Ordinance amendments.

CONTACT PERSON

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

ATTACHMENTS

1. Referral to Implement AB 1033
2. HCD ADU Ordinance Review Letter
3. City's Response to HCD's Letter
4. San Jose ADU Condominium Ordinance

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov



May 3, 2024

Jordan Klein, Director,
Department of Planning and Development
City of Berkeley
1947 Center St, 2nd Floor
Berkeley, CA 94704

Dear Jordan Klein:

RE: Review of Berkeley's Accessory Dwelling Unit (ADU) Ordinance under State ADU Law (Gov. Code, §§ 66313 - 66342)

Please Note: As of March 25, 2024, with the Chaptering of Senate Bill (SB) 477 (Chapter 7, Statutes of 2024), the sections of Government Code relevant to State ADU and Junior Accessory Dwelling Unit (JADU) Law have been re-numbered (Enclosure 1).

Thank you for submitting the City of Berkeley (City) accessory dwelling unit (ADU) Ordinance No. 7,888-N.S. (Ordinance), adopted October 10, 2023, to the California Department of Housing and Community Development (HCD). HCD has reviewed the Ordinance and submits these written findings pursuant to Government Code section 66326, subdivision (a). HCD finds that the Ordinance does not comply with State ADU and JADU Laws in the manner noted below. Under Government Code section 66326, subdivision (b)(1), the City has up to 30 days to respond to these findings. Accordingly, the City must provide a written response to these findings no later than June 3, 2024.

HCD notes that HCD's previous ADU Ordinance review letter, dated October 17, 2022, raised the issue of the Ordinance's restrictions on ADUs in the Very High Fire Hazard Severity Zone. Upon review of the City's Ordinance 7,888-N.S. and supporting evidence, HCD has determined that the City addressed HCD's findings.

The Ordinance addresses many statutory requirements; however, HCD finds that the Ordinance does not comply with State ADU Law in the following respects:

1. Table 23.306-1 – *Unit Allowance* – The Ordinance states a single-family dwelling is permitted, at maximum, "1 ADU and 1 Junior ADU." However, Government Code section 66323, subdivision (a) states, "Notwithstanding Sections 66314 to 66322, inclusive, a local agency shall ministerially approve an application for a building permit within a residential or mixed-use zone to

Jordan Klein, Director, Department of Planning and Development
Page 2

create any of the following: (1) One accessory dwelling unit and one junior accessory dwelling unit per lot with a proposed or existing single-family dwelling...(A) The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single family dwelling or existing space of a single-family dwelling or accessory structure.” Subdivision (a)(2) permits, “[o]ne detached, new construction, accessory dwelling unit that does not exceed four-foot side and rear yard setbacks.” The use of the term “any” followed by an enumeration of by-right ADU types permitted indicate that any of these ADU types can be combined on a lot zoned for single family dwellings.

This permits a homeowner, who meets specified requirements, to create one converted ADU; one detached, new construction ADU; and one JADU. Thus, if the local agency approves an ADU that is created from existing (or proposed) space, and the owner subsequently applies for a detached ADU (or vice versa) that meets the size and setbacks pursuant to the subdivision, the local agency cannot deny the application, nor deny a permit for a JADU under this section. Therefore, the City must amend the Ordinance to permit all by-right combinations required by State ADU Law.

2. 23.306.030 A.1 – *150 Sq. ft. Expansion* – The Ordinance states “ADU Development Standards is allowed a physical addition of no more than 150 square feet.” However, Government Code section 66323, subdivision (a)(1)(A) allows, an “expansion of not more than 150 square feet beyond the same physical dimensions as the **existing accessory structure**. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.” The statute intends for this expansion only with the conversion of an existing accessory structure. Therefore, the Ordinance allowing expansion for all building conversions is inconsistent with State ADU Law. The City must amend the Ordinance to limit the expansion only in conjunction with the conversion of existing accessory structures.
3. 23.306.030 A.2 – *“Main Building” and Conversion* – The Ordinance states that for a duplex or multifamily building, “Interior ADU(s) must be created entirely through non-habitable residential portions of the existing main building that are not within the living space of a dwelling unit (e.g. basement, attic, garages, storage room).” The term “main building” is problematic as Government Code section 66323, subdivision (a)(3)(1), allows “Multiple accessory dwelling units within the portions of **existing multifamily dwelling structures** that are not used as livable space....” The term “the existing main building” refers to a single building, whereas State ADU Law refers to “existing multifamily dwelling structures.” As worded, the Ordinance could lead to confusion as many multifamily projects could have multiple building with units within them.

Additionally, the adjective “main” is not objective, especially in situations wherein multiple dwelling structures occupy a single lot. Government Code

Jordan Klein, Director, Department of Planning and Development
Page 3

section 66314, subdivision (b)(1) requires the use of “objective standards” for ADUs, which are defined in Government Code section 66313, subdivision (h) as “standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal.” The use of such a subjective term is inconsistent with State ADU Law.

In summary, the City must amend the Ordinance to comply with State ADU Law.

4. 23.306.030 A.3. – *Accessory Conversion* – The Ordinance states “An ADU converted from a legally established accessory building or accessory structure is allowed to maintain non-conformity to the same location and dimensions of the existing accessory building or accessory structure....” However, Government Code section 66323, subdivision (a)(1)(A) allows, an “expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.” Therefore, the City must amend the Ordinance to allow for the expansion of an accessory structure for ingress and egress.
5. 23.306.030 A.8, 23.306.040 A, 23.324.060 (C) – *Zoning Certificate* – The Ordinance states that, generally, “An application for an ADU or Junior ADU shall be allowed with a Zoning Certificate. Review must be completed within 60 days of submission of a completed application.” It also provides more specific conditions that engage with a zoning certificate, stating “Attached ADUs with height up to 25 ft. allowed with a Zoning Certificate,” allowing specific “...alterations of a lawful nonconforming existing structure or building that is an existing ADU or proposed to be converted to an ADU are permitted with a Zoning Certificate,” and allowing new windows or doors with “...a lawful nonconforming existing structure or building that is an existing ADU or proposed to be converted to an ADU... with a Zoning Certificate.”

The Ordinance states that the “review” will be completed within 60 days. The Ordinance does not specify that the review will end with an approval or denial within the 60-day period. The term “Zoning Certificate” is not defined or explained in Section 23.502.020, and it is unclear whether the review process is ministerial or discretionary. Government Code section 66317, subdivision (a) requires, that a “A permit application for an accessory dwelling unit or a junior accessory dwelling unit shall be considered and approved ministerially without discretionary review. The permitting agency shall either approve or deny the application to create or serve an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the permitting agency receives a completed application.” Subdivision (b) further states that “If a permitting agency denies an application for an accessory dwelling unit or junior accessory

Jordan Klein, Director, Department of Planning and Development
Page 4

dwelling unit pursuant to subdivision (a), the permitting agency shall, within the time period described in subdivision (a), return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.”

Therefore, the City must amend the Ordinance to specify ministerial approval or denial within 60 days and add provisions for a denial process according to State ADU Law.

6. 23.306.030 B – JADU Entry – The Ordinance states “A Junior ADU shall be contained entirely within an existing or proposed single family dwelling or its attached garage and have no more than 500 square feet in floor area.” However, Government Code section 66333, subdivision (e) states, that local JADU ordinances must “Require a permitted junior accessory dwelling unit to include a separate entrance from the main entrance to the proposed or existing single-family residence.” Therefore, the City must amend the Ordinance to require a separate entrance to the JADU.
7. 23.306.030 B, 23.502.020 A.4.a – *JADUs and Enclosed Uses* – The Ordinance allows JADUs “within an existing or proposed single family dwelling or its attached garage....” It is later defined in Section 23.502.020 (A)(4)(a) as, “A unit that is contained entirely within the walls of an existing or proposed single family dwelling, or a single-family dwelling unit's attached garage.” However, Government Code section 66333, subdivision (d), provides a broader allowance, stating “For purposes of this subdivision, enclosed uses within the residence, such as attached garages, are considered a part of the proposed or existing single-family residence.” The City must therefore allow JADUs in other enclosed uses not limited to an attached garage. The City must amend the Ordinance accordingly.
8. 23.306.040 A and C – *Deed Restriction* – Ordinance section 23.306.040 A states “A completed application must include evidence of compliance with this Chapter, including development standards, deed restrictions, and neighborhood noticing.” Section 23.306.040 C states, “The property owner shall file a deed restriction with the Alameda County Recorder which states... 2. The ADU shall not be sold separately from the main building unless the conditions of BMC 23.306.040(0) ADUs Developed by a Qualified Nonprofit Developer are met; 3. The ADU... shall not be rented for a term that is shorter than 30 days.”

However, Government Code section 66317, subdivision (c) states, “No local ordinance, policy, or regulation shall be the basis for the delay or denial of a building permit or a use permit under this section,” and section 66315 states “Section 66314 establishes the maximum standards that a local agency shall use to evaluate a proposed accessory dwelling unit on a lot that includes a proposed or existing single-family dwelling. No additional standards, other than those provided in Section 66314, shall be used or imposed....” Section 66314 does not require a deed restriction for a building permit; therefore, this section

Jordan Klein, Director, Department of Planning and Development
Page 5

of the Ordinance is not consistent with State ADU Law. The City may not give condition approval of an ADU application on the recordation of a deed restriction. Although the City may have other authority by which to require a deed restriction, this requirement may not be the basis of delay or deny an ADU application and the issuance of a building permit. Therefore, the City must amend the Ordinance accordingly.

Pursuant to Government Code section 66333, subdivision (c) the City shall, “[r]equire the recordation of a deed restriction, which shall run with the land...” The deed restriction is limited to the provisions of subdivision (c)(1) and (c)(2). The deed restriction for JADUs do not include a minimum 30-day rental term. Therefore, the City must amend the Ordinance accordingly.

9. 23.306.040 B – *Neighbor Noticing* – The Ordinance states “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... Notice shall provide the address of the project, allowable hours of construction, a link to the City’s ADU 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 information deemed relevant.”

However, Government Code section 66317, subdivision (c) states, “No local ordinance, policy, or regulation shall be the basis for the delay or denial of a building permit or a use permit under this section,” and section 66315 states “Section 66314, establishes the maximum standards that a local agency shall use to evaluate a proposed accessory dwelling unit on a lot that includes a proposed or existing single-family dwelling. No additional standards, other than those provided in Section 66314, shall be used or imposed....” Section 66314 does not require neighbor noticing for an ADU building permit. Therefore, the City must remove this section.

10. 23.306.040 C.2 – *Separate Sale* – The Ordinance states “The ADU shall not be sold separately from the main building unless the conditions of BMC 23.306.040(D) ADUs Developed by a Qualified Nonprofit Developer are met....” Please note that Government Code section 66342 states “a local agency may also adopt a local ordinance to allow the separate conveyance of the primary dwelling unit and accessory dwelling unit or units as condominiums...” which are then subject to the standards listed in that section.
11. 23.306.040 C.3 – *JADU Terms* – The Ordinance states “The ADU and/or Junior ADU shall not be rented for a term that is shorter than 30 days....” However, Government Code section 66333 provides, “Notwithstanding Article 2 (commencing with Section 66314), a local agency may, by ordinance, provide for the creation of junior accessory dwelling units in single-family residential zones. The ordinance may require a permit to be obtained for the creation of a junior accessory dwelling unit and shall do all of the following:” The section then

Jordan Klein, Director, Department of Planning and Development
Page 6

lists the provisions that are required to be in the JADU ordinance. The provisions do not require a minimum rental term of 30 days. Therefore, the City must amend the Ordinance accordingly.

- 12.23.306.040 C.4 – *JADU Owner Occupancy* – The Ordinance requires that the “Junior ADU or the Single Family Dwelling in which the Junior ADU is located shall be owner-occupied.” However, Government Code section 66333, subdivision (b) states, “Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.” Therefore, the City must note the exception.

In response to the findings in this letter, and pursuant to Government Code section 66326, subdivisions (b)(2)(A) and (b)(2)(B), the City must either amend the Ordinance to comply with State ADU Law or adopt the Ordinance without changes. Should the City choose to adopt the Ordinance without the changes specified by HCD, the City must include findings in its resolution that explain the reasons the City finds that the Ordinance complies with State ADU Law despite the findings made by HCD. Accordingly, the City’s response should provide a plan and timeline to bring the Ordinance into compliance.

Please note that, pursuant to Government Code section 66326, subdivision (c)(1), if the City fails to take either course of action and bring the Ordinance into compliance with State ADU Law, HCD may notify the City and the California Office of the Attorney General that the City is in violation of State ADU Law.

HCD appreciates the City’s efforts in the preparation and adoption of the Ordinance and welcomes the opportunity to assist the City in fully complying with State ADU Law. Please contact Mike Van Gorder, of our staff, at (916) 776-7541 or at mike.vangorder@hcd.ca.gov if you have any questions or would like HCD’s technical assistance in these matters.

Sincerely,



Jamie Candelaria
Senior Housing Accountability Unit Manager
Housing Policy Development Division

Enclosure

State ADU/JADU Law Statutory Conversion Table

New Government Code Sections	Previous Government Code Sections
Article 1. General Provisions	
66310	65852.150 (a)
66311	65852.150 (b)
66312	65852.150 (c)
66313	General Definition Section 65852.2 (j) 65852.22 (j)
Article 2. Accessory Dwelling Unit Approvals	
66314	65852.2(a)(1)(A), (D)(i)-(xii), (a)(4)-(5)
66315	65852.2 (a)(8)
66316	65852.2 (a)(6)
66317	65852.2 (a)(3), (a)(7)
66318	65852.2 (a)(9), 65852.2 (a)(2)
66319	65852.2 (a)(10)
66320	65852.2 (b)
66321	65852.2 (c)
66322	65852.2 (d)
66323	65852.2 (e)
66324	65852.2 (f)
66325	65852.2 (g)
66326	65852.2 (h)
66327	65852.2 (i)
66328	65852.2 (k)
66329	65852.2 (l)
66330	65852.2 (m)
66331	65852.2 (n)
66332	65852.23.
Article 3. Junior Accessory Dwelling Units	
66333	65852.22 (a)
66334	65852.22 (b)
66335	65852.22 (c)
66336	65852.22 (d)
66337	65852.22 (e)
66338	65852.22 (f)-(g)
66339	65852.22 (h)
Article 4. Accessory Dwelling Unit Sales	
66340	65852.26 (b)
66341	65852.26 (a)
66342	65852.2 (a)(10)



PLANNING COMMISSION

Notice of Public Hearing

Wednesday, June 4, 2025

Amendments to Berkeley Municipal Code Chapter 23.306 Accessory Dwelling Units

The Planning Commission of the City of Berkeley will hold a public hearing on the above matter, pursuant to Zoning Ordinance Section 23A.20.030, on **Wednesday, June 4, 2025, beginning at 6:00 PM.**

PROJECT DESCRIPTION

Amend the Berkeley Municipal Code (BMC) to codify references to statewide Accessory Dwelling Unit (ADU) regulations in response to Planning Commission feedback received on March 5, 2025. The amendments pertain to the number of allowed units, development standards, and application requirements. Non-substantive technical edits are also included. These changes clarify the structure and language of the ADU ordinance and update it to ensure conformance with State law and local regulations.

LOCATION: Citywide.

ENVIRONMENTAL REVIEW STATUS

The proposed zoning ordinance amendments do not include any allowances for additional development capacity or other new physical changes to the environment that are not already permitted and previously evaluated under CEQA. Adoption of the proposed amendments would in no way have a significant effect on the environment, and therefore is not subject to CEQA (CEQA Guidelines Section 15061(b)(3), Common Sense Exemption).

PUBLIC COMMENT & FURTHER INFORMATION

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

Faye Messner
Planning Commission Clerk
Email: PlanningPC@berkeleyca.gov

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

Correspondence received by **12pm on Tuesday, May 27, 2025**, 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, June 2, 2025** 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, June 3, 2025** 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, June 3, 2025 will be saved as part of the public record.

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

COMMUNICATION ACCESS

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

FURTHER INFORMATION

Questions should be directed to Branka Tatarevic, at (510) 981-7472 or btatarevic@berkeleyca.gov. Current and past agendas are available on the City of Berkeley website at: <https://berkeleyca.gov/your-government/boards-commissions/planning-commission>.



Planning and Development Department
Land Use Planning Division

STAFF REPORT

DATE: June 4, 2025

TO: Members of the Planning Commission

FROM: Branka Tatarevic, Associate Planner

SUBJECT: Amendments to Title 23 (Zoning Ordinance) of Berkeley Municipal Code to require undergrounding of transformers on private property

RECOMMENDATION

Conduct a public hearing, receive public comment, and upon conclusion make a recommendation to City Council on proposed amendments to Berkeley Municipal Code (BMC) Section 23.304.100 (***Attachment 1***).

BACKGROUND

The existing BMC Section 23.304.100 specifies requirements for site features within residential districts, primarily addressing screening and pedestrian access. However, current zoning standards do not sufficiently address the placement of transformers in all zoning districts.

The proposed ordinance amendment originates from recent rejections by Pacific Gas & Electric (PG&E) to allow the undergrounding of transformers for medium-sized development projects in Berkeley. In response, a City Councilmember requested consideration of undergrounding requirements on private property and interest was expressed by Planning Commissioners at the March 5, 2025 Planning Commission meeting.

PG&E currently requires that transformers be installed above-ground unless a jurisdiction has explicit regulations to require undergrounding of electrical equipment. This requirement for the placement of above-ground transformers has created design and circulation conflicts. Recent development projects have highlighted the need for regulations to optimize lot usage and avoid conflicts with site layout and circulation. In response, the City proposes to update the Zoning Ordinance to require underground installation of transformers for all new development projects.

DISCUSSION

The key changes proposed to BMC Section 23.304.100 include:

- Expanding applicability from Residential Districts to all zoning districts. Requiring new transformers serving residential or mixed-use development on parcels below a specified size to be installed below ground for new development.
- Defining conditions under which above-ground electrical equipment, if approved, must be located and screened from public view.

ENVIRONMENTAL REVIEW

The proposed zoning ordinance amendments do not include any allowances for additional development capacity or other new physical changes to the environment that are not already permitted and previously evaluated under CEQA. Adoption of the proposed amendments would in no way have a significant effect on the environment and therefore is not subject to CEQA (CEQA Guidelines Section 15061(b)(3), Common Sense Exemption).

NEXT STEPS

Upon a recommendation from the Planning Commission, the City Council will conduct a public hearing on the proposed ordinance.

CONTACT PERSON

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

ATTACHMENTS

1. Planning Commission Resolution
Exhibit A. Draft Zoning Ordinance Amendments
2. Public Hearing Notice

ATTACHMENT 1

**PLANNING COMMISSION
RESOLUTION NO. 2025-04**

**A RESOLUTION OF THE CITY OF BERKELEY PLANNING COMMISSION
RECOMMENDING THE CITY COUNCIL ADOPT PROPOSED AMENDMENTS TO
BERKELEY MUNICIPAL CODE SECTION 23.304.100 TO REQUIRE UNDERGROUNDING
OF TRANSFORMERS ON PRIVATE PROPERTY**

WHEREAS, the City of Berkeley regulates development on private land through the Berkeley Municipal Code, including Title 23 (Zoning); and

WHEREAS, BMC Section 23.304.100 currently addresses certain site features in residential districts, but does not address the placement of electrical equipment in all zoning districts; and

WHEREAS, the proposed amendment was prompted by a City Councilmember request, Planning Commission interest, and staff experience processing medium-sized development applications where above-ground electrical equipment created design and circulation challenges;

WHEREAS, the proposed undergrounding requirement supports the quality urban design, efficient land use, and improved visual character; 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 for the public hearing held on June 4, 2025.

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 proposed amendments would have no adverse effect on the environment, and are thereby exempt from CEQA under CEQA Guidelines Section 15061(b)(3).

NOW, THEREFORE, IT BE RESOLVED that the Planning Commission does hereby recommend to the City Council of the City of Berkeley to adopt the amendment to BMC Section 23.304.100, as contained in **Exhibit A**, attached hereto and hereby incorporated by reference; and

BE IT FURTHER RESOLVED, that pursuant to Berkeley Municipal Code Section 23.412.060, the Planning Commission makes the following findings to support its recommendation for the zoning ordinance amendments:

- (1) **The proposed amendment is consistent with the General Plan and any applicable specific plan or area plan.** The zoning ordinance amendments are not inconsistent with the General Plan or any specific or area plan. The General Plan's Disaster Preparedness and Safety Element prioritizes undergrounding of utility infrastructure.

- (2) **The proposed amendment is consistent with state law.** The zoning ordinance amendments are consistent with state law, and similar regulations have been adopted by other jurisdictions without legal challenge or determination of illegality;
- (3) **The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare.** The zoning ordinance amendments serve the public interest by requiring the undergrounding of transformers that may otherwise occupy locations on a site that may decrease development potential or obstruct internal circulation, while also providing exceptions to the undergrounding requirement in certain cases;
- (4) **The proposed amendment is internally consistent with other applicable provisions of the Zoning Ordinance.** The zoning ordinance amendments revise an existing set of site standards and do not contradict other provisions within the zoning ordinance.

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 7th day of May 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Alisa Shen
SECRETARY TO THE PLANNING COMMISSION

Exhibit A: Ordinance

EXHIBIT A

ORDINANCE NO. -N.S.

AMENDMENTS TO TITLE 23 (ZONING ORDINANCE) OF BERKELEY MUNICIPAL
CODE TO REQUIRE UNDERGROUNDING OF TRANSFORMERS ON PRIVATE
PROPERTY.

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

Section 1. That Berkeley Municipal Code Section 23.304.100 is amended to read as follows:

23.304.100 Site Features in Residential Districts.

A. *All Districts.* The standards in this section apply in all Zoning Districts.

1. Undergrounding Requirement.

- a. Residential and Mixed-Use Properties. For residential and mixed-use developments on lots 6,000 square feet or smaller and containing five or more dwelling units, all transformers serving the development shall be installed below grade (subsurface).
- b. Commercial Properties. For exclusively commercial properties, pad-mounted transformers may be permitted provided that:
 - i. Above-ground installation is accommodating public infrastructure design, and
 - ii. Located outside required setbacks;
 - iii. Not located between the building and a public street or sidewalk unless no alternative location is feasible; and

Screened by landscaping, fencing, or architectural features consistent with the design of the building

B. *Residential Districts.* The standards in this section apply in Residential Districts.
1. *Garbage Cans.* All garbage cans shall be effectively screened from view from the public right-of-way and surrounding properties.

2. *Utility Meters.* For buildings with two or more units, all utility meters shall be effectively screened from view from the public right-of-way and surrounding properties.

3. *Pedestrian Walkway for Multiple Dwellings.*

- a. All multi-family dwellings shall have an unobstructed walkway for pedestrian access from the public right-of-way to the building.
- b. The required walkway shall be separated and physically protected from a driveway or off-street parking spaces with a minimum 2-foot wide landscaped strip.

4. *Exterior Lighting.*

- 1. All exterior lighting shall be shielded and directed downward and away from lot lines to prevent excessive glare beyond the property on which the light is located.
- 2. Lights on motion sensors may not be triggered by movement or activity located off the property on which the light is located.

Section 2. 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.



PLANNING COMMISSION

Notice of Public Hearing

Wednesday, June 4, 2025

Amendments to Berkeley Municipal Code Section 23.304.100 (Site Features in Residential Districts)

The Planning Commission of the City of Berkeley will hold a public hearing on the above matter, pursuant to Zoning Ordinance Section 23A.20.030, on **Wednesday, June 4, 2025, beginning at 6:00 PM.**

PROJECT DESCRIPTION

Amend the Berkeley Municipal Code (BMC) to include citywide requirements for the undergrounding of electric transformers and other electrical equipment. The amendments would revise the section title to reflect citywide applicability, introduce the citywide undergrounding requirement for transformers and other electrical equipment, and renumber sections applicable only to residential districts.

LOCATION: Citywide.

ENVIRONMENTAL REVIEW STATUS

The proposed zoning ordinance amendments do not include any allowances for additional development capacity or other new physical changes to the environment that are not already permitted and previously evaluated under CEQA. Adoption of the proposed amendments would in no way have a significant effect on the environment, and therefore is not subject to CEQA (CEQA Guidelines Section 15061(b)(3), Common Sense Exemption).

PUBLIC COMMENT & FURTHER INFORMATION

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

Faye Messner
Planning Commission Clerk
Email: PlanningPC@berkeleyca.gov

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

Correspondence received by **12pm on Tuesday, May 27, 2025**, 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, June 2, 2025** 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, June 3, 2025** 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, June 3, 2024 will be saved as part of the public record.

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

COMMUNICATION ACCESS

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

FURTHER INFORMATION

Questions should be directed to Branka Tatarevic, at (510) 981-7472 or btatarevic@berkeleyca.gov. Current and past agendas are available on the City of Berkeley website at: <https://berkeleyca.gov/your-government/boards-commissions/planning-commission>.



Office of the City Manager

March 28, 2025

To: Honorable Mayor and Members of the City Council
From: Paul Buddenhagen, City Manager
Re: Housing Element and General Plan Annual Progress Reports

SUMMARY

On Friday, March 21, 2025, the City submitted the 2024 Housing Element Annual Progress Report (APR) (Attachment 1) and General Plan APR (Attachment 2) to the California Department of Housing and Community Development (HCD) and to the Governor's Office of Land Use and Climate Innovation (LCI). This memorandum provides a high-level summary of both reports.

BACKGROUND

Pursuant to Government Code (GC) §65400, the Housing Element APR and General Plan APR must be submitted to HCD and LCI annually by April 1 and must cover the previous calendar year. The purpose of the APRs is to inform the State and the public on the status and progress of implementing the City's General Plan and 2023-2031 Housing Element (6th Cycle), and to provide the opportunity to identify necessary adjustments to improve local implementation. Following submittal, HCD may request corrections to the 2024 Housing Element APR. Please refer to HCD's APR Data Dashboard for the most up to date information.¹

2024 GENERAL PLAN AND HOUSING ELEMENT ANNUAL PROGRESS REPORTS

The General Plan APR informs LCI of statewide trends in land use development, policy, and implementation. LCI also uses the APR to track local jurisdictions' progress on their General Plans.

¹California Department of Housing and Community Development, Annual Progress Reports - Data Dashboard and Download, <https://www.hcd.ca.gov/planning-and-community-development/housing-element-implementation-and-apr-dashboard>

Page 2
March 28, 2025
Re: Annual Progress Reports

The Housing Element APR updates HCD on each jurisdiction's progress in meeting their share of Regional Housing Need Allocation (RHNA) goals as determined by the Association of Bay Area Governments (ABAG).

The Housing Element APR reporting requirements are established by legislation and have continued to expand over the years. Broadly, the APR tracks overall housing unit production and affordability. In 2023, HCD introduced additional tracking requirements to implement recently adopted State laws. Local jurisdictions now report on project addresses, permit numbers, dates of completed application submittals, entitlements issued, building permits issued, building permits finalized, affordability levels, housing tenure (ownership and rentals), and streamlining applications for the January 1 to December 31 reporting period.

2024 Housing Element APR Data Highlights

The 2024 Housing Element APR is provided as Attachment 1; highlights include:

1. Completed Housing Applications Received and Entitled in 2024

In 2024, the City received 39 complete housing development applications, with a total of 3,832 proposed units, which was 1,608 more units than were proposed in 2023 (see Table 1).² Of the 3,832 units that applied for entitlement in 2024, 1,235 units were granted entitlements in the same year. The remaining 2,597 units are still under review.

Table 1: Housing Development Applications (2022-2024)

	2022	2023	2024
Total Housing Development Applications Submitted	26	25	39
Number of Proposed Units in All Applications Received	1,324	2,224	3,832
Total Housing Units Granted Entitlements	474	1,256	1,235

2. Total Entitlements Granted in 2024

Some applications which had been reported in 2023 and earlier years also received entitlements in 2024. In total, from applications received during any reporting period, 2,037 units were entitled in 2024. By comparison, 2,095 total units (from any application dates) were entitled in 2023. These include a range of unit types (see Table 2).

Table 2: Units by Structure Type (2024)

Structure Type	Entitled	Building Permits Issued	Completed
Single Family, Attached	0	0	0
Single Family, Detached (multiple on one lot)	7	16	6

² HCD defines a housing development application as a formal submittal of a housing development for approval. These applications can include housing developments ranging from a single unit to multiple units and discretionary and nondiscretionary approvals.

Page 3
 March 28, 2025
 Re: Annual Progress Reports

2 to 4 Unit	8	19	5
5+ Units	1,920	594	606
ADU	102	102	91
Mobile Home	0	0	0
Total Units	2,037	731	708

3. Building Permits Issued

In 2024, the City saw an increase in total units issued building permits, with 731 total units compared to 2023's 431 units (see Table 3 below).

Table 3: Building Permits Issued by Income Category (2022-2024)

Income Level		2022	2023	2024
Very Low	Deed Restricted	88	29	47
	Non-Deed Restricted	0	28	31
Low	Deed Restricted	58	5	4
	Non-Deed Restricted	0	27	31
Moderate	Deed Restricted	0	0	0
	Non-Deed Restricted	0	28	30
Above Moderate		741	314	588
Total Units		887	431	731

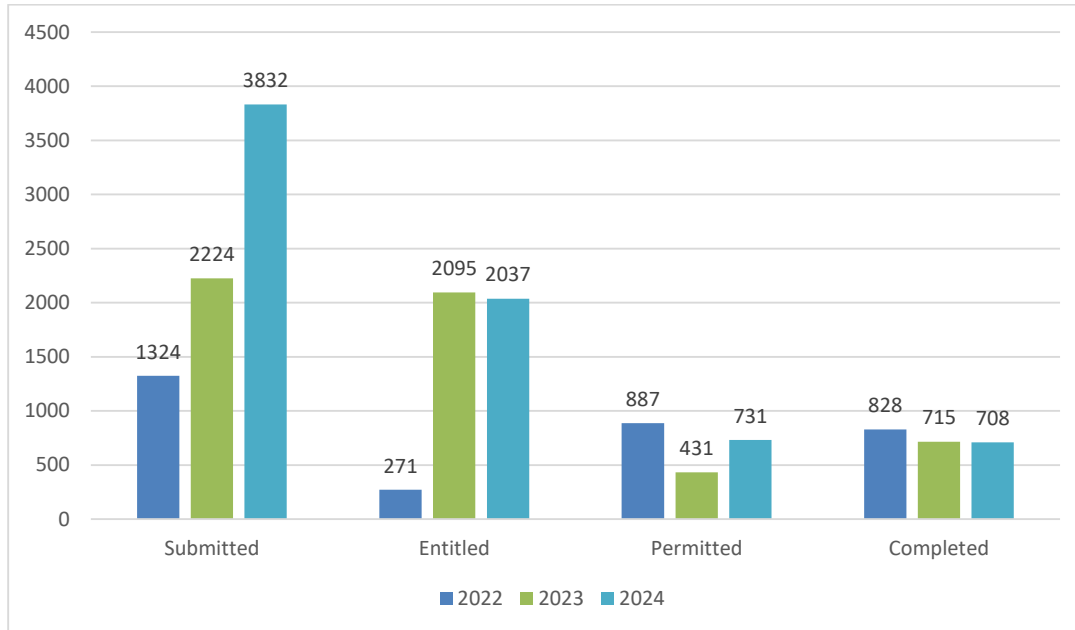
4. Completed Projects

The City saw a marginal decrease in completed projects with 708 total units completed (issued Certificates of Occupancy) in 2024, compared to 715 in 2023.

Error! Reference source not found. shows the change in submitted, entitled, permitted, and completed projects by unit count between 2022 and 2024.

Page 4
March 28, 2025
Re: Annual Progress Reports

Figure 1: Development Projects Permit Status 2022-2024



5. 6th Cycle RHNA Progress

The 6th Cycle RHNA extends from 2023 to 2031. 2024 is the second year that units issued building permits will count towards a new RHNA allocation (see Table 4 below).

Table 4: Regional Housing Needs Allocation Progress, Permitted Units Issued by Affordability³

Income Level	RHNA Allocation	Projection Period (June 30-2022-1/30/23) ⁴	2023 Permitted Units	2024 Permitted Units	Total Units to Date	Total Remaining RHNA by Income Level
Very Low	2,446	25	57	78	160	2,286
Low	1,408	-	32	35	67	1,341
Moderate	1,416	25	28	30	83	1,333
Above Moderate	3,664	442	314	588	1,344	2,320
Total	8,934	492	431	731	1,654	7,280

³ The RHNA progress data in Table 4 for the current reporting period (2024) and previous reporting period (2023) differ from Table B of the Housing Element APR (Attachment 1). The small inconsistency is due to a data discrepancy for 2023 in the electronic file that was prepopulated and provided by HCD, and cannot be altered by City staff. The unit counts in Table 4 rely on the Housing Element APR that the City submitted and HCD approved for the 2023 reporting period.

⁴ Units permitted since the start of the 6th cycle RHNA projection period (June 30, 2022) is also displayed on Table B, and is auto-filled in the APR form by HCD.

Page 5
March 28, 2025
Re: Annual Progress Reports

2024 General Plan APR Highlights

The 2024 General Plan APR is provided as Attachment 2; highlights include:

- **Ashby and North Berkeley BART Station Planning.** The City, BART and the community have completed many milestones to advance the transformation of the Ashby and North Berkeley BART stations as vibrant places that include housing, open space and community amenities.
 - North Berkeley BART. In February 2024, the Developer for the North Berkeley Station, North Berkeley Housing Partners submitted a housing project application for streamlined entitlements pursuant to AB 2011. On December 11, 2024, the City approved a land use application under AB 2011 for the North Berkeley BART site. The project includes 739 homes, 381 of which will be affordable to lower-income households, as well as public open space improvements.
 - Ashby BART. In September 2024, City Council adopted a nonbinding Term Sheet for Ashby BART Transit Oriented Development. The Term Sheet was executed by the City and BART on September 21, 2024. On December 3, 2024, the City Council approved an ordinance authorizing agreements with BART, aligning with the term sheet adopted in September 2024. That same day, the City and BART issued a joint Request for Proposals and Notice of Funding Availability for developers of the Ashby BART West Lot. On December 6, 2024, the City published Preliminary Objective Design Standards for the Ashby BART West Lot, reflecting City and BART policies, state laws, and community input.
- **Density Bonus Projects.** In 2024, 83% of the 24 approved projects greater than five units were approved using State Density Bonus provisions.
- **ADUs.** During the 2024 reporting period, the City issued building permits for 102 ADUs, seven more than in 2023, and issued 91 certificates of occupancy for ADUs. In the 2023 reporting period, 95 ADUs were issued building permits, and 91 received Certificates of Occupancy.

On February 24, 2024, following discussions between ABAG and HCD about ADU affordability assumptions and Annual Progress Reports, ABAG informed jurisdictions that they should utilize actual or anticipated affordability levels for ADU reporting. However, it was subsequently determined that if this information is not available—as is the case in the City of Berkeley—jurisdictions could utilize assumptions based on ABAG’s ADU affordability methodology for their Annual Progress Reports covering calendar years 2023 and 2024. This methodology, which was used to project ADU affordability in the 6th Cycle Housing Element Update, sets affordability levels at: 30% very low income, 30% low income, 30% moderate income and 10% above moderate income.

Page 6
March 28, 2025
Re: Annual Progress Reports

Table 5 shows the number of ADUs that were entitled, permitted, and completed in 2024, broken down using this affordability methodology.

Table 5: ADU Units by Estimated Affordability (2024)

		Entitled	Permitted	Completed
Very Low		31	31	28
Low		31	31	27
Moderate		30	30	27
Above Moderate		10	10	9
Total		102	102	91

For future APRs using ABAG's affordability methodology, jurisdictions will need to use more recent data. ABAG is exploring an opt-in, regional survey that will help with this requirement; staff are participating in that effort and hope to utilize it to determine more accurate affordability levels for the City of Berkeley.

AUDITING BERKELEY'S RHNA NUMBERS

Discrepancies are inherent to the annual APR process. Permits may be resubmitted and reissued, which can result in a change in the number of units or double-counting of units. When asked by staff about how to report reissued building permits, HCD responded that reporting each reissuance is permissible as long as it is noted as a reissuance in the report.

NEXT STEPS

Staff will continue working on implementing the programs and policies identified in the 6th cycle Housing Element, which runs from 2023 to 2031. The certified Housing Element can be found on the City's website.⁵ Staff will also continue working on improving the consistency and accuracy by which housing data is tracked.

⁵ City of Berkeley, Housing Element Update <https://berkeleyca.gov/construction-development/land-use-development/general-plan-and-area-plans/housing-element-update>

Page 7
March 28, 2025
Re: Annual Progress Reports

ATTACHMENTS

1. 2024 Housing Element APR
2. 2024 General Plan APR

cc:

Dave White, Deputy City Manager
Jenny Wong, City Auditor
Farimah Brown, City Attorney
Mark Numainville, City Clerk
Matthai Chakko, Assistant to the City Manager
Jordan Klein, Planning and Development Director

ATTACHMENT 1

Jurisdiction	Berkeley	
Reporting Year	2024	(Jan. 1 - Dec. 31)
Housing Element Planning Period	6th Cycle	01/31/2023 - 01/31/2031

Building Permits Issued by Affordability Summary		
Income Level		Current Year
Very Low	Deed Restricted	47
	Non-Deed Restricted	31
Low	Deed Restricted	4
	Non-Deed Restricted	31
Moderate	Deed Restricted	0
	Non-Deed Restricted	30
Above Moderate		588
Total Units		731

Note: Units serving extremely low-income households are included in the very low-income

Units by Structure Type	Entitled	Permitted	Completed
Single-family Attached	0	0	0
Single-family Detached	7	16	6
2 to 4 units per structure	8	19	5
5+ units per structure	1920	594	606
Accessory Dwelling Unit	102	102	91
Mobile/Manufactured Home	0	0	0
Total	2037	731	708

Infill Housing Developments and Infill Units Permitted	# of Projects	Units
Indicated as Infill	119	501
Not Indicated as Infill	0	0

Housing Applications Summary	
Total Housing Applications Submitted:	39
Number of Proposed Units in All Applications Received:	3,832
Total Housing Units Approved:	1,235
Total Housing Units Disapproved:	0

Use of SB 423 Streamlining Provisions - Applications	
Number of SB 423 Streamlining Applications	0
Number of SB 423 Streamlining Applications Approved	0

Units Constructed - SB 423 Streamlining Permits			
Income	Rental	Ownership	Total
Very Low	0	0	0
Low	0	0	0
Moderate	0	0	0
Above Moderate	0	0	0
Total	0	0	0

Streamlining Provisions Used - Permitted Units	# of Projects	Units
SB 9 (2021) - Duplex in SF Zone	2	2
SB 9 (2021) - Residential Lot Split	2	2
AB 2011 (2022)	0	0
SB 6 (2022)	0	0
SB 423 (2023)	0	0

Ministerial and Discretionary Applications	# of	Units
Ministerial	3	741
Discretionary	34	2980

Density Bonus Applications and Units Permitted	
Number of Applications Submitted Requesting a Density Bonus	20
Number of Units in Applications Submitted Requesting a Density Bonus	3423
Number of Projects Permitted with a Density Bonus	4
Number of Units in Projects Permitted with a Density Bonus	360

Housing Element Programs Implemented and Sites Rezoned	Count
Programs Implemented	78
Sites Rezoned to Accommodate the RHNA	0

Jurisdiction	Berkeley	
Reporting Year	2024	(Jan. 1 - Dec. 31)
Planning Period	6th Cycle	01/31/2023 - 01/31/2031

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

Note: "+" indicates an optional field

Cells in grey contain auto-calculation formulas

Table A

Housing Development Applications Submitted

Project Identifier					Unit Types		Date Application Submitted	Proposed Units - Affordability by Household Incomes								Total Approved Units by Project	Total Disapproved Units by Project	Streamlining	Density Bonus Law Applications		Application Status	Project Type	Notes
1					2	3	4	5							6	7	8	9	10		11	12	13
Prior APN ⁺	Current APN	Street Address	Project Name ⁺	Local Jurisdiction Tracking ID	Unit Category (SFA,SFD,2 to 4,5+,ADU,MH)	Tenure R=Renter O=Owner	Date Application Submitted (see instructions)	Very Low-Income Deed Restricted	Very Low-Income Non Deed Restricted	Low-Income Deed Restricted	Low-Income Non Deed Restricted	Moderate-Income Deed Restricted	Moderate-Income Non Deed Restricted	Above Moderate-Income	Total PROPOSED Units by Project	Total APPROVED Units by project	Total DISAPPROVED Units by Project	Please select state streamlining provision/s the application was submitted pursuant to.	Did the housing development application seek incentives or concessions pursuant to Government Code section 65915?	Were incentives or concessions requested pursuant to Government Code section 65915 approved?	Please indicate the status of the application.	Is the project considered a ministerial project or discretionary project?	Notes ⁺
Summary Row: Start Data Entry Below								497	23	136	0	37	0	3139	3832	1235	0						
	063 298803800	1136 KEITH Ave, BERKELEY, CA 94708		PLN2024-0047	SFD	O	7/29/2024							1	1	1	0	SB 9 (2021) - Duplex ii	No	No	Approved	Ministerial	1 SFD Demolished, 1 SFD Rebuilt
	058 214901904	1750 SACRAMENTO	North Berkeley BART	PLN2024-0010	5+	R	12/11/2024	248		133				358	739	739	0	AB 2011 (2022)	Yes	Yes	Approved	Ministerial	
	055 187802000	2462 BANCROFT Way, BERKELEY, CA 94704		ZP2023-0107	5+	R	2/15/2024	3						63	66	66	0	NONE	Yes	Yes	Approved	Discretionary	
	055 188400600	2317 CHANNING Way, BERKELEY, CA 94704		ZP2024-0033	5+	R	4/18/2024							5	5	5	0	NONE	No	No	Approved	Discretionary	Modification to approved UPPH
	058 224402501	0 LE ROY Ave, BERKELEY, CA 94708		PLN2024-0024	SFD	O	4/24/2024							1	1		0	SB 9 (2021) - Duplex ii	No	No	Pending	Ministerial	
	057 202901500	2138 KITTREDGE St, BERKELEY, CA 94704		ZP2024-0114	5+	R	9/5/2024	5						61	66		0	NONE	No	Yes	Pending	Discretionary	
	055 183001400	2201 BLAKE St, BERKELEY, CA 94704		ZP2024-0060	2 to 4	R	10/24/2024							3	3		0	NONE	No	No	Pending	Discretionary	See also SB 330 Pre-App PLN2024-0064
	055 183001600	2204 DWIGHT Way, BERKELEY, CA 94704		ZP2024-0059	2 to 4	R	6/6/2024							2	2		0	NONE	No	No	Pending	Discretionary	
	053 166101100	2820 SAN PABLO Ave, BERKELEY, CA 94702		ZP2022-0038	SFD	O	12/06/2024							1	1	1	0	NONE	No	No	Approved	Discretionary	
	056 192802200	2427 SAN PABLO Ave, BERKELEY, CA 94702		ZP2022-0115	5+	R	12/6/2024	5		3					8	8	0	NONE	No	No	Approved	Discretionary	
	057 205300200	1974 SHATTUCK Ave, BERKELEY, CA 94704		ZP2023-0040	5+	R	4/11/2024	58						541	599		0	NONE	Yes	Yes	Pending	Discretionary	
	055 189400200	2037 DURANT Ave, BERKELEY, CA 94704		ZP2023-0064	5+	R	3/29/2024	4						70	74	74	0	NONE	Yes	Yes	Approved	Discretionary	
	057 202800300	2274 SHATTUCK Ave, BERKELEY, CA 94704		ZP2023-0079	5+	R	1/4/2024	23						204	227	227	0	NONE	Yes	Yes	Approved	Discretionary	
	054 174203200	2733 SAN PABLO Ave, BERKELEY, CA 94702		ZP2023-0090	5+	R	5/9/2024	16						136	152		0	NONE	Yes	Yes	Pending	Discretionary	
	057 202301601	2109 MILVIA St, BERKELEY, CA 94704		ZP2023-0099	5+	R	4/11/2024	11						94	105		0	NONE	Yes	Yes	Pending	Discretionary	
	053 165803500	2833 SEVENTH St, BERKELEY, CA 94710		ZP2023-0123	5+	R	2/26/2024							1	1	1	0	NONE	No	No	Approved	Discretionary	
	055 187701601	2530 BANCROFT Way, BERKELEY, CA 94704		ZP2023-0126	5+	R	03/12/2024	11						99	110	110	0	NONE	Yes	Yes	Approved	Discretionary	
	057 202201701	2100 MILVIA St, BERKELEY, CA 94704		ZP2023-0163	5+	R	5/17/2024	11						190	201		0	NONE	No	No	Pending	Discretionary	
	057 211700401	1614 SIXTH St, BERKELEY, CA 94710		ZP2024-0008	2 to 4	R	2/22/2024							2	2	2	0	NONE	No	No	Approved	Discretionary	
	061 255503101	1048 KEITH Ave, BERKELEY, CA 94708		ZP2024-0014	SFD	O	2/29/2024							1	1		0	NONE	No	No	Pending	Discretionary	
	055 187100103	2680 BANCROFT Way, BERKELEY, CA 94704		ZP2024-0029	5+	R	4/30/2024	9						70	79		0	NONE	Yes	Yes	Pending	Discretionary	SB 330
	055 189700600	2450 SHATTUCK Ave, BERKELEY, CA 94704		ZP2024-0047	5+	R	9/6/2024	8						86	94		0	NONE	Yes	Yes	Pending	Discretionary	SB 330
	055 182601802	2655 SHATTUCK Ave, BERKELEY, CA 94704		ZP2024-0057	5+	R	8/19/2024	10						87	97		0	NONE	Yes	Yes	Pending	Discretionary	
	054 172300100	2700 SHATTUCK Ave, BERKELEY, CA 94705		ZP2024-0058	5+	R	10/10/2024		23					253	276		0	NONE	Yes	Yes	Pending	Discretionary	SB 330 Resubmitted/Updated in 2024
	055 188700100	2298 DURANT Ave, BERKELEY, CA 94704		ZP2024-0126	5+	R	10/21/2024	5						60	65		0	NONE	Yes	Yes	Pending	Discretionary	
	058 217801800	2109 VIRGINIA St, BERKELEY, CA 94709		ZP2024-0066	5+	R	7/3/2024	11				9		111	131		0	NONE	Yes	Yes	Pending	Discretionary	
	055 187800701	2425 DURANT Ave, BERKELEY, CA 94704		ZP2024-0162	5+	R	11/21/2024	13				13		143	169		0	NONE	Yes	Yes	Pending	Discretionary	SB 330 Pre App PLN2024-0064
	057 207100601	1581 UNIVERSITY Ave, BERKELEY, CA 94703		ZP2024-0074	5+	R	11/17/2024	14				9		135	158		0	NONE	Yes	Yes	Pending	Discretionary	SB 330
	054 174400700	2720 SAN PABLO Ave, BERKELEY, CA 94702		ZP2024-0076	5+	R	11/15/2024	10				6		101	117		0	NONE	Yes	Yes	Pending	Discretionary	
	053 168602000	2847 SHATTUCK Ave, BERKELEY, CA 94705		ZP2024-0077	5+	R	11/22/2024	13						123	136		0	NONE	Yes	Yes	Pending	Discretionary	
	055 189401704	2036 BANCROFT Way, BERKELEY, CA 94704		ZP2024-0079	5+	R	11/15/2024	4						83	87		0	NONE	Yes	Yes	Pending	Discretionary	SB330
	056 198304201	2147 SAN PABLO Ave, BERKELEY, CA 94702		ZP2024-0096	5+	R	8/28/2024	3						13	16		0	NONE	Yes	Yes	Pending	Discretionary	Use Permit Mod - only additional units
	055 182901100	0 PARKER St, BERKELEY, CA 94703		ZP2024-0100	SFD	O	8/8/2024							1	1	1	0	NONE	No	No	Approved	Discretionary	
	052 157405200	3035 COLBY St, BERKELEY, CA 94705		ZP2024-0112	2 to 4	R	9/16/2024							2	2		0	NONE	No	No	Pending	Discretionary	demo rebuild 1:1

	059 231501400	811 CEDAR St, BERKELEY, CA 94710	ZP2024-0116	SFD	O	12/19/2024							1	1			NONE	No	No	Pending	Discretionary	Demo SFD to construct a mixed
	052 157404601	3036 REGENT St, BERKELEY, CA 94705	ZP2024-0122	SFD	O	10/7/2024							1	1			NONE	No	No	Pending	Discretionary	
	055 188101800	2442 HASTE St, BERKELEY, CA 94704	ZP2024-0070	5+	R	10/8/2024	2						34	36			NONE	Yes	Yes	Pending	Discretionary	SB 330 Pre-App PLN2024-0009 C
	059 227901600	1627 JAYNES St, BERKELEY, CA 94703	ZP2024-0129	SFD	O	10/18/2024							1	1			NONE	No	No	Pending	Discretionary	
	057 201502200	2145 GRANT St, BERKELEY, CA 94703	ZP2024-0138	2 to 4	R	10/24/2024							1	1			NONE	No	No	Pending	Discretionary	

June 4, 2025

[illegible]

Item 11: Information Reports - 2024 Annual Progress Reports
Planning Commission
June 4, 2025

[illegible]

[illegible]

Item 11: Information Reports - 2024 Annual Progress Reports
Planning Commission
June 4, 2025

Jurisdiction	Berkeley	
Reporting Year	2024	(Jan. 1 - Dec. 31)
Planning Period	6th Cycle	01/31/2023 - 01/31/2031

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation

This table is auto-populated once you enter your jurisdiction name and current year data. Past year information comes from previous APRs.
Please contact HCD if your data is different than the material supplied here

Table B Regional Housing Needs Allocation Progress Permitted Units Issued by Affordability														
		1	Projection Period	2								3	4	
Income Level		RHNA Allocation by Income Level	Projection Period - 06/30/2022-01/30/2023	2023	2024	2025	2026	2027	2028	2029	2030	2031	Total Units to Date (all years)	Total Remaining RHNA by Income Level
Very Low	Deed Restricted	2,446	25	36	47	-	-	-	-	-	-	-	167	2,279
	Non-Deed Restricted		3	25	31	-	-	-	-	-	-	-		
Low	Deed Restricted	1,408	25	25	4	-	-	-	-	-	-	-	112	1,296
	Non-Deed Restricted		3	24	31	-	-	-	-	-	-	-		
Moderate	Deed Restricted	1,416	-	-	-	-	-	-	-	-	-	-	59	1,357
	Non-Deed Restricted		4	25	30	-	-	-	-	-	-	-		
Above Moderate		3,664	443	285	588	-	-	-	-	-	-	-	1,316	2,348
Total RHNA		8,934												
Total Units			503	420	731	-	-	-	-	-	-	-	1,654	7,280
Progress toward extremely low-income housing need, as determined pursuant to Government Code 65583(a)(1).														
		5		2023	2024	2025	2026	2027	2028	2029	2030	2031	6 Total Units to Date	7 Total Units Remaining
Extremely Low-Income Need														
Extremely Low-Income Units*		1,223		-	3	-	-	-	-	-	-	-	3	1,220

*Extremely low-income housing need determined pursuant to Government Code 65583(a)(1). Value in Section 5 is default value, assumed to be half of the very low-income RHNA. May be overwritten.

Please Note: Table B does not currently contain data from Table F or Table F2 for prior years. You may login to the APR system to see Table B that contains this data.

Note: units serving extremely low-income households are included in the very low-income RHNA progress and must be reported as very low-income units in section 7 of Table A2. They must also be reported in the extremely low-income category (section 13) in Table A2 to be counted as progress toward meeting the extremely low-income housing need determined pursuant to Government Code 65583(a)(1).

Please note: For the last year of the 5th cycle, Table B will only include units that were permitted during the portion of the year that was in the 5th cycle. For the first year of the 6th cycle, Table B will only include units that were permitted since the start of the planning period. Projection Period units are in a separate column.

Please note: The APR form can only display data for one planning period. To view progress for a different planning period, you may login to HCD's online APR system, or contact HCD staff at apr@hcd.ca.gov.

VLI Deed Restricted
VLI Non Deed Restricted

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

Jurisdiction	Berkeley		
Reporting Year	2024	(Jan. 1 - Dec. 31)	
Table D			
Program Implementation Status pursuant to GC Section 65583			
Housing Programs Progress Report			
Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.			
1	2	3	4
Name of Program	Objective	Timeframe in H.E	Status of Program Implementation
Affordable Housing Berkeley	Complete Strategic Plan for Affordable Housing Berkeley Inc.	Dec-23	Completed: ABH has developed its strategic plan which the Board Members approved in October 2023. The focus is geared towards small housing purchase of up to seven building units. ABH anticipates the searching for potential properties in 2024.
Housing Choice Vouchers	Continue to assist up to 2,000 households during the 2023-2031 period through: Moderate Rehabilitation Program, SRO Program - 98 units, Housing Choice Vouchers - 400 households, Emergency Housing Vouchers - 51 households, Mainstream Voucher Program - 91 households, VASH - 40 households	2031	Ongoing: In 2024, BHA issued 179 new vouchers to Housing Choice Voucher (VASH), Veterans Affairs Supportive Housing (VASH) and Mainstream applicants on the Waitlist. Of these vouchers, 112 have successfully leased up during the year and are now housed. Altogether, BHA housed an average of 1759 households in 2024 and is continuously issuing new vouchers to families on the waitlist. Additionally, BHA executed a Master HAP Contract with Blake Apartments LP in March 2024 for 17 new project based units. These project based units will provide housing for disabled and low income households.
Citywide Affordable Housing Requirements	Amend Berkeley Municipal Code (BMC) Chapter 23.38, updating the Citywide Affordable Housing Requirements (AHR) in the Zoning Ordinance. Adopt a Resolution addressing regulations for a voucher program and establishing an in-lieu fee pursuant to BMC Section 23.328.020(A)(2).	Jun-23	Completed: City Council adopted Ordinance 7,853-N.S. (2/28/22) and Resolution No. 70,698-N.S. (2/14/22).
Citywide Affordable Housing Requirements	Conduct a follow-up residential financial feasibility study to inform modifications to the City’s affordable housing fees and continue to ensure a realistic development environment. (See also Program 35 -Affordable Housing Overlay and Southside Local Density Bonus)	Dec-25	Completed: Consultant hired via competitive solicitation process to begin economic feasibility analysis in July 2023. Analysis was completed and reviewed by the Planning Commission in 2024. City Council is expected to consider the changes in March 2025.
Housing Trust Fund	Homekey 2 project completion Homekey 3 RFP process (target selection and funding of project) Housing Trust Fund Program funding awards for pipeline projects Small Sites Program North Berkeley project completion to preserve and renovate 13 units (1685 Solano Ave)	Dec-23	In Progress: The Homekey 2 project - Golden Bear Homes - is fully occupied. The owner completed the accessibility rehab, and is planning to install a modular unit in calendar year 2025 that will add services and community space to the project. In 2024, the City approved its third Small Sites Program project - 2627 California Street. BACLT acquired the site in late 2024, and will undertake renovations in calendar year 2025.
Housing Trust Fund	BART - See also Program 28 - BART Station Area Planning: Predevelopment funding award	Feb-23	Completed: City Council approved a total of \$2M in predevelopment funds for the North Berkeley BART affordable housing developers at their December 13, 2022 meeting (with Resolution 70,643) and at their July 25, 2023 meeting (with Resolution 70,991). City Council approved an additional \$3M in predevelopment funding for the North Berkeley BART team, which is part of their overall development funding reservation of \$26.5M (June 25, 2024, Resolution 71,428).
Housing Trust Fund	Project completion for funded affordable projects: Maudelle Miller Shirek Community (2001 Ashby) and Blake Apartments (2527 San Pablo)	Dec-24	In Progress: The Grinnell (2527 San Pablo Avenue, formerly known as Blake Apartments, was completed and fully occupied in 2024. Completion and lease-up for Maudelle Miller Shirek Community (2001 Ashby) is happening in calendar year 2025.
Housing Trust Fund	Issue Housing Trust Fund RFP BART - See also Program 28 - BART Station Area Planning: Initial development funding award	Dec-25	Not Started: Three of the affordable housing development projects at the North Berkeley BART site received development funding reservations from the City in June 2024 (Resolution 71,428). RFPs for the Ashby BART sites (west and east lots) are planned for calendar year 2025.
Preservation of At-Risk Housing	During the 2023-2031 period, continue to implement the City's affordable housing policies and administer the Housing Trust Fund and Small Sites Programs that subsidize both new affordable housing development and rehabilitation of existing projects to preserve and extend their affordability. Annually monitor status of the at-risk project with the goal of preserving the 92 at risk units Ensure tenants are properly noticed by the property owners should a Notice of Intent to opt out of low income use is filed. Notices must be filed three years, one year, and six months in advance of conversion. Pursue acquisition of the affordable units through Affordable Housing Berkeley should conversion to market rate housing	2023-2031	Ongoing: HCS staff continue to implement the Housing Trust Fund and Small Sites Programs. The City issued a Notice of Funding Availability for the Small Sites Program in July 2024 and received one proposal that was awarded nearly \$3.6M in funding.
Fair Housing Outreach and Enforcement	Continue to provide fair housing services to residents, landlords, and housing professionals. Increase outreach and education to Homeowners Associations	2023-2031	Ongoing: Eden Council for Hope and Opportunity (ECHO) provided Fair Housing services to 101 Berkeley residents in 2024. These services included Fair Housing counseling, educational trainings and workshops, outreach events, and audits.

Fair Housing Outreach and Enforcement	Conduct nine education/training workshops for tenant-focused CBOs and property owner associations. Provide 70 Fair Housing Counseling sessions on fair housing information, respond to information alleging potential discrimination, and provide basic information on State and Federal fair housing laws to tenants and landlords. Conduct 22 outreach events to inform Berkeley residents of their rights. Conduct 10 tenant/landlord mediation sessions to resolve disputes and/or legal problems.	2023-2031	Ongoing: ECHO conducted 14 group education workshops to assist service providers and their clients to recognize illegal housing discrimination in its various forms. ECHO provided 61 clients with Fair Housing counseling services. ECHO's Counselors respond to all inquiries and complaints regarding illegal housing discrimination based on race, sex, national origin, marital status, familial status, physical and mental disability, religion, source of income, sexual orientation, and all other arbitrary forms of discrimination as defined in state and federal fair housing law. All fair housing calls are responded to by ECHO's staff within a twenty-four hour period, whenever feasible. ECHO conducts outreach events to inform Berkeley residents of their fair housing rights. ECHO offers mediation or attempted conciliation of housing disputes, which consist of telephone or face-to-face efforts on behalf of the disputing parties to resolve the dispute.
Fair Housing Outreach and Enforcement	Conduct an Equity Study to target program marketing.	Dec-25	Not Started
Rent Stabilization and Tenant Protection	Continue to enforce the Rent Stabilization Ordinance. Maintain rent stabilization on approximately 21,000 units and monitoring the effect of the Ellis Act. Pursue new affordable housing to replenish unites removed due to Ellis.	Ongoing	Ongoing: Throughout 2024, the Berkeley Rent Board continued its ongoing work to enforce the Rent Stabilization Ordinance. This included registering 19,568 rent-controlled units and over 6,000 additional tenant-occupied residential units that were eligible for the eviction protections of the Rent Stabilization Ordinance. The Rent Board continued to monitor all eviction notices received for the City of Berkeley, including those for the Ellis Act. In 2024, Rent Board staff reviewed 513 eviction notices submitted, two of which were Ellis Act Evictions. By doing so, the Rent Board helped ensure that tenants were not unlawfully evicted from their homes. To further assist tenants, property owners, and other rental property stakeholders, the Rent Board housing counselors provided information on the Rent Stabilization Ordinance and related housing laws. In 2024, housing counselors logged 3,116 client cases and responded to over 3,000 phone calls. They also responded to approximately 500 client emails per month, providing valuable insight and assistance to anyone who reached out. In addition to its ongoing work to enforce the Rent Stabilization Ordinance, the Rent Board also reviewed and provided input on proposed revisions to Berkeley's Demolition Ordinance. The Board recommended that Berkeley require one-for-one replacement of demolished residential units with replacement affordable housing units, ensuring that the city's housing supply remained stable and accessible to all. The Berkeley City Council passed revisions to the Demolition Ordinance that include one-for-one replacement, which went into effect in August of 2024.
Rental Housing Safety	The City is currently working on expanding the proactive inspections program, with the goal of inspecting every building during a 5-year cycle as part of the Rental Housing Safety Program.	Ongoing	This work is ongoing.
Rental Housing Safety	Complete the Housing Inspector Manual	Dec-22	Completed: Completed in March 2022 and reissued in June 2023.
Rental Housing Safety	Hire five additional staff, including two inspectors and one administrative staff person, and two additional inspectors	Dec-23	Ongoing: New inspectors and administrative staff people were hired, but due to turnover, recruitments are underway for inspectors.
Rental Housing Safety	Rewrite and adopt the Berkeley Housing Code	Dec-23	Completed: The rewritten Berkeley Housing Code was adopted in January 2023.
Tenant Survey	Conduct Tenant Survey. Provide summary of data to the Rent Stabilization Board	Dec-23	Completed: Survey Completed in 2023 and Final results presented to Rent Board on 9-21-2023
Housing Preference Policies	The City will adopt a housing preference policy. The City plans to conduct outreach on an ongoing basis, coordinate preferences with the Alameda County Housing Portal for applications, and collect data and monitor annually to asses impact.	Dec-23	Completed: City Council unanimously adopted a housing preference policy on July 11, 2023 (resolution No. 70,960-N.S). The policy became effective on January 1, 2024. To date (as of 1/29/25), the preferences have been implemented on three new properties with affordable housing units. The City implements the policy on an ongoing basis, partnering on outreach, coordinating preferences with online housing portals for applications, and collecting data to assess impact.
Rental Assistance	Provide rental assistance to 50-75 new households (or 400-600 new households over eight years)	Annually	Ongoing: 97 households received rental assistance. This is includes, BACS North County Rapid Rehousing, BACS North County Shallow Subsidy and BACS Stair Navigation Center Rapid Rehousing Programs.
Workforce Housing	Entitle construction of 110 affordable units, with a preference for Berkeley Unified School District employees.	Jun-23	Completed: The BUSD Workforce Housing project received its planning approvals in March 2023. The developers will start construction of the project in early calendar year 2025.
Homeless Services	Establish programs and services with the goal of assisting homeless populations by: Increasing capacity for housing the homeless by 43 beds/persons at Golden Bear Inn; Increasing capacity for housing the homeless by 43 beds/persons at the Rodeway; Serving an average of 15-25 unhoused persons the drop-in center daily; Maintaining transitional housing for 12 transition aged youth at 3404 King Street; Maintaining capacity for housing persons experiencing homelessness by 27 beds/households at the Berkeley Inn	Dec-24	Ongoing: 37 Households were served at Rodeway Inn. 54 Households were served at Berkeley Inn 46 Households were served at Golden Bear Inn. 8 Transition Aged Youth Households were served at 3404 King Street. The site was under construction for part of the year. Drop-in Centers in Berkeley serve more than 25 unhoused persons daily.
Housing for Homeless Persons with Disabilities	Approve and assist in the construction of a 119-unit very low-income housing project.	Dec-23	Not Started: Supportive Housing in People's Park was delayed due to a lawsuit that has since been resolved. The original nonprofit developer stepped away from the project, so the UC will need to select a new partner to develop the permanent supportive housing.
Shelter Plus Care	Enroll 10 new clients as vouchers become available due to existing clients exiting the program	Annually	Shelter Plus Care successfully enrolled 4 new referrals in 2024.

Home Modification for Accessibility and Safety	Assist home modifications for approximately 13 homes (a total of 104 homes over the 2023-2031 period)	Annually	Ongoing: In the calendar year 2024, the Single-Family Rehabilitation programming completed a total of 35 health & safety repairs and ADA access improvement projects for low-income Berkeley homeowners. Habitat for Humanity East Bay/Silicon Valley, Inc. successfully completed seven housing rehabilitation projects, Rebuilding Together East Bay-North completed 18 housing rehabilitation projects and the City of Berkeley's Senior and/or Disabled Rehabilitation Loan Program completed two projects during this reporting period. Additionally, the Center for Independent Living accomplished eight housing projects aimed at enhancing accessibility through ADA improvements.
Accessible Housing	Develop and amend the Zoning Ordinance to adopt Objective Design Standards for residential and mixed-use developments to facilitate first floor residential and live/work uses that encourages accessible design in higher density districts (e.g. R3, R-4, and commercial districts).	Dec-25	Not Started.
Accessible Housing	Promote residential units to be developed with universal design and visitability principles in future PBV Master Contracts or exemptions for requiring a modified unit to be returned to its original state upon vacating the unit. As part of BHA's MTW application addressed in Affordable Housing Berkeley, the fiscal flexibilities include the ability to spend up to \$500 per unit to help landlords pay for unit modifications. This benefit cannot be combined with the CIL program addressed in Home Modification for Accessibility and Safety.	December 20256	Ongoing: Two of the Moving To Work (MTW) activities approved by HUD offer landlord incentives. The Unit Turn-over programs funds to cover up to \$1,500 in rehabilitation expenses incurred by landlords to ready a vacant unit for lease up in the Housing Choice Voucher Program. In 2024, 13 landlords availed of this reimbursement benefit upon leasing a new Section 8 family. The Vacancy Loss, however, offers an incentive to landlords, when a current tenant dies while occupying the unit, of one month of rent, as long as the landlord agrees to rent the unit to another HCV participant. The landlord will receive the incentive upon leasing to another HCV tenant and executive the HAP contract and Tenancy Addendum with the BHA.
Senior/Disabled Home Improvement Loan	Provide two interest-free loans for a total of 16 loans over eight years.	Annually	Ongoing: In the calendar year of 2024, no new loans were issued through the Senior & Disabled Rehabilitation (Home) Rehabilitation Loan Program (SDRLP). During CY24, SDRLP had nine active projects in various phases of completion. Presently, the SDRLP issued three loans in early 2025 and has six active projects aimed at enhancing housing conditions for seniors and individuals with disabilities within the Berkeley community. SDRLP will begin to actively enroll additional projects in March 2025.
Housing Conditions Standards	Adopt and commence implementation of a Building and Safety Amnesty Program for Unpermitted Dwelling Units. Under BHA's Housing Quality Standards Program: Conduct an Annual Inspection approximately 9 months after the initial inspection, and every 9-10 months thereafter; Written notice of the inspection is mailed to the tenant and landlord approximately 2 weeks prior to the scheduled inspection. A person 18 or older must be present to grant the inspector permission to enter the unit; Minor repairs to be conducted on the spot if a maintenance person is available in order to avoid the need for a reinspection; If all deficiencies noted at the inspection are not repaired and confirmed by the scheduled reinspection date, rental subsidies will be withheld effective the first day of the month following the failed inspection. Payments will resume effective upon confirmation of all required repairs.	Dec-24	Ongoing: The Building & Safety Division launched a pilot Amnesty Program for Unpermitted Dwelling Units January 1, 2025. The 4-year program seeks to promote inspection and legalization of unpermitted ADUs and JADUs on single family lots. : To attract and incentivize qualified landlords to participate in the HCV program, the BHA will allow vacant units to be pre-inspected prior to occupancy. The pre-inspection will be conducted within 90 days of a participant occupying the unit, HQS inspection standards, as found at 24 CFR 982.401, will not be altered, and all participants will be able to request an interim inspection. The BHA has already instituted qualified biennial inspections, meaning annual inspections that pass on their first attempt will skip a year before the next annual HQS inspection, and annual inspections that fail on their first attempt will have an annual HQS inspection the following year. Landlords and program participants will continue to be able to request a Special Inspection at any time, whether the unit passes or fails the first attempt of the most recent HQS inspection. BHA reserves the right to accept inspections performed by another entity (city, housing developers in conformity with HOME or LIHTC rules) in lieu of conducting an annual inspection, but at this time will continue to schedule annual inspections to be conducted by BHA's contract inspector
Livable Neighborhoods	Create an updated registry of GLAs	Dec-22	Ongoing: The Neighborhood Service Code Enforcement (NSCE) Unit continues to monitor and update the registry of 300 plus GLA, Mini-Dorm and Co-Ops registered in the City of Berkeley. In 2024, the NSCE unit monitored annual registration and violations related to the Berkeley Municipal Code for group living accommodations.
Livable Neighborhoods	Expand NSCE capacity by adding additional staff and/or outsourcing administrative functions.	Dec-23	In Progress: No Staff were added in 2024.
Livable Neighborhoods	Fund and complete Quick Build pedestrian improvements on Martin Luther King Jr Way (South) Dwight to Adeline and Sacramento Street from Dwight to Southern City Limits. (Pedestrian Plan and Vision Zero)	Dec-23	In Progress: Quick Build pedestrian improvements on Martin Luther King Jr Way (South) Dwight to Adeline were completed in 2024 and Sacramento Street from Dwight to Southern City Limits will be completed in 2025.
Livable Neighborhoods	Add 2 new Community Gardens that give priority to low SES students and residents that live in apartments	Dec-23	In progress: The community garden at Grove Park was completed in 2024. The community garden at Berkeley Mini-Park has been designed and will be implemented in FY25-26.
Livable Neighborhoods	Work collaboratively with BUSD to authorize joint registration for scholarships to City Recreation Programs.	Dec-23	Completed: Completed in 2024.

Livable Neighborhoods	Develop and provide 6 Low SES 11th grade Berkeley students with the opportunity to learn career skills through project-based internships. Effort will include development of outreach network, communication with BUSD, and training opportunities.	Dec-23	Completed: Completed in 2023.
Livable Neighborhoods	Return to Council for review and adoption of the 5-Year Street Maintenance and Rehabilitation Plan.	Jan-24	Completed: Latest 5-year repaving plan was adopted by the Berkeley City Council in November 2023.
Livable Neighborhoods	Finalize construction of the Southside Complete Streets project	Dec-24	In progress: Southside Complete Streets Project will be complete in 2025.
Livable Neighborhoods	Plant 200 trees in the right of way for South and West Berkeley Residents through the City's Make Life Better program, established to inform residents of free tree planting and watering opportunities.	Dec-24	Ongoing: The City's Forestry Unit operates the Tree Request Program throughout the year. The program is described on the Forestry webpage on the City's website and provides a packet that includes a Tree Request Form, a Tree Care Agreement with the requesting resident, Tree Care Instructions for residents, and other resources that help ensure the success of the program.
Livable Neighborhoods	Fund and complete the design phase of a permanent pedestrian, bicycle, and transit improvement strategy on Adeline from Ashby to Southern City Limits. (Pedestrian Plan and Vision Zero, Capital Intensive Project, Adeline Corridor Specific Plan)	Jun-25	In progress: Preliminary Engineering (public engagement, conceptual design, environmental clearance, City Council approval) are funded by grants from Alameda County Transportation Commission. Preliminary engineering should be complete by end of 2026. Detailed engineering design and construction phases are unfunded as of February 2025.
Livable Neighborhoods	Fund and complete a permanent pedestrian, bicycle, and transit improvement strategy on San Pablo from University to Dwight. (Pedestrian Plan and Vision Zero, Capital Intensive Project)	Dec-27	In progress: Being implemented by Alameda County Transportation Commission San Pablo Avenue Corridor Projects. Anticipated completion in 2026/2027.
Livable Neighborhoods	Report to City Council on the progress of the City's Vision Zero Action Plan	Annually	In progress: Delayed due to staff capacity issues. Annual reports were provided in 2021 and 2022 but not 2023. City Manager's Officer is currently consolidating the Vision Zero Program and Reimagining Public Safety update process.
Livable Neighborhoods	Bring updated BeST Plan to City Council for approval	Every two years	Not Started: Delayed due to staff capacity issues. Projected to be completed in 2025/2026, aligned with next OBAG call for funding.
Livable Neighborhoods	Bring updated Vision Zero Action Plan to City Council for approval	Every three years	Not Started: Delayed due to staff capacity issues. Projected to be completed in 2025
Livable Neighborhoods	Bring updated Pedestrian and Bicycle Plans to City Council for approval	Every five years	In progress: Updated Pedestrian Plan adopted in 2020. Updated Bicycle Plan to be adopted in 2025. Bike Plan delayed due to staff capacity issues.
Lead-Poisoning Prevention	Continue to assist approximately 12 households(or more, as needed) during the 2023-2031 period by: Conduct an Environmental Investigation (EI) for presence of lead when peeling lead paint has been identified or if/when a child has elevated blood lead levels. Proactive inspections will be conducted in high-risk areas citywide, which include a visual assessment and notifications to homeowners and landlords. The average inspection process from start to finish should take approximately 30 days to complete; Environmental Investigation timeframes – If blood lead level is: 44.5-69.4 mcg/dL à Perform EI within 48 hours of PHN referral; 14.5-19.4 mc/dLà Perform EI within two weeks of PHN referral; 19.5-44.4 mcg/dL à Perform EI within one week of PHN referral; 44.5-69.4 mcg/dL à Perform EI within 48 hours of PHN referral;	Annually	Ongoing: The office of Environmental Health is not conducting Environmental Investigations as part of the CLPPP (Childhood Lead Poisoning Prevention program) after State funding for the program was suspended.
Seismic Safety and Preparedness Programs	Earthquake Brace and Bolt program: Annually, the City's goal is to help at least 50 homeowners complete seismic retrofits and obtain rebates.	Annually	In Progress: As of February 7, 2025, over 600 grants have been provided to Berkeley residents under the Earthquake Brace and Bolt Program since 2016, totaling roughly \$2M. In Spring of 2023, the California Earthquake Authority also launched a pilot Earthquake Soft Story (ESS) Program, which provides grant funding to single-family soft story homes with living spaces over a garage. As of February 7, 2025, 10 Berkeley property owners have received grant funding under the ESS Program.
Seismic Safety and Preparedness Programs	Seismic Retrofit Transfer Tax Rebate Program: Continue to issue building permit seismic upgrades and facilitate transfer tax rebates for qualifying properties.	Ongoing	In Progress: During 2024, 108 transfer tax rebates were disbursed, totaling more than \$1.4M
Seismic Safety and Preparedness Programs	Provide Retrofit Grants to 50-60 property owners.	Dec-25	In Progress: As of February 3, 2025, nearly \$3.5M of grant funding has been disbursed to Berkeley property owners and 107 buildings have been strengthened under the Retrofit Grants Program .

Seismic Safety and Preparedness Programs	Soft Story Program: Facilitate the compliance of the remaining soft story buildings, including newly added properties since 2018. Newly added buildings may be subject to extended deadlines and additional buildings may be added to the inventory as needed. Unreinforced Masonry Ordinance: By December 2025, facilitate the retrofitting of the remaining four unreinforced masonry (URM) building. Of the approximately 600 buildings originally included in the City's URM inventory, roughly 99 percent have been seismically retrofitted, demolished or demonstrated to have adequate reinforcement.	Dec-26	In Progress: As of February 3, 2025, out of 371 buildings on the soft story inventory, 288 buildings (containing approximately 3,202 units) have completed a seismic retrofit, 62 buildings complied with soft story program requirements and were removed from the inventory, and 21 soft story buildings (containing ~166 dwelling units) must still come into compliance with mandatory retrofit requirements. Of the remaining 21 buildings, five owners have obtained building permits, 11 have applied for permits and 5 have yet to apply. Unreinforced Masonry Ordinance: Of the approximately 600 buildings originally included in the City's URM inventory, roughly 99.5 percent have been seismically retrofitted, demolished or demonstrated to have adequate reinforcement. As of February 3, 2025, three buildings remain on the city's URM list and are required to retrofit in order to avoid further penalties. One of the three building owners has a retrofit permit issued, and two have expired permit applications.
Berkeley Pilot Climate Equity Fund	Commence program implementation, with the goal of retrofitting 12 low and moderate income units. Depending on program effectiveness, pursue additional funding to continue program.	Jun-23	In Progress: In 2024, an income qualified single-family home and two income-qualified multifamily buildings completed electrification upgrades. The upgraded multifamily buildings include a 22-unit limited-equity cooperative and a nonprofit student housing building, with 40 low-income, first generation UC Berkeley students. Upgrades included heat pump HVAC systems and heat pump water heaters. Implementation for an additional 8-unit low-income multifamily property is in progress with anticipated completion by early 2026.
Berkeley Existing Buildings Electrification (BEBE) Strategy	Complete Energy Equity for Renters Technical Assistance program with ACEEE and receive its research results. This is one implementation of BEBES that is tied to housing preservation. Within two years of receiving research results, develop programs and policies that promote energy efficiency while protecting tenants from displacement.	Dec-23	Completed: The ACEEE Energy Equity for Renters Toolkit was published in November 2022. The City continues to look for opportunities to develop programs and policies that provide meaningful renter protections, and is coordinating with other jurisdictions and regional organizations to find potential opportunities.
Berkeley Existing Buildings Electrification (BEBE) Strategy	Explore funding opportunities for equity programs, including integration of electrification measures into housing protection and preservation programs, such as the City's Senior and Disabled Home Loan Program or Section 8 housing voucher program.	Dec-25	In Progress: The City continues to look for funding opportunities for climate equity programs. In June 2022, City Council approved a resolution to develop a Just Transition Pilot Program, with a budget of \$1,500,000 to help income-qualified homeowners make electrification and resilience upgrades. The program requires that upgrades be completed by pre-qualified contractors who meet minimum labor standards, to ensure that residential electrification construction work also provides equitable benefits to workers. In 2023, the City released a RFP and selected Rebuilding Together East Bay Network to implement the Just Transition program. Implementation of the upgrades started in 2024 and will continue through 2025.
Building Emissions Saving Ordinance (BESO)	Amend ordinance to update requirements for building upgrades	Dec-25	In Progress: Continuing the engagement process from 2023, proposed amendments to BESO incorporated additional feedback from realtors, neighborhood and environmental organizations and the City Council's Land Use, Housing and Economic Development Policy Committee in 2024. The proposed amendments, scheduled to go to City Council in 2025, would require small residential building to complete resilience upgrades when sold.
Building Emissions Saving Ordinance (BESO)	On average, around 400 buildings complete BESO assessments each year.	Annually	In Progress: In 2024, 483 buildings completed a BESO assessment.
BayREN Single-Family Homes and Multi-Family Homes Programs	Continue to assist in recruiting participants to BayREN's rebate programs through BESO and other outreach, with the goal of assisting at least 75 single-family homes and 125 multi-family dwelling units annually in receiving BayREN incentives for qualifying renovations (or 600 single-family homes and 1,000 multi-family dwelling units over eight years).	Annually	In Progress: Staff continues to promote regional and statewide rebate programs, including BayREN Home+ and TECH Clean California, through BESO and other outreach. In 2024, Berkeley residents completed 206 energy efficiency and electrification upgrades through BayREN's Home+ program, receiving a total of \$72,290 in rebates. Additionally, 72 multifamily units upgraded through BayREN's BAMBE program in 2024 resulting in an estimated annual savings of 30,314 kWh and 9,464 therms.
Priority Development Areas (PDAs) Commercial and Transit Corridors	Complete Telegraph PDA/Southside Plan Area zoning map amendments and up-zoning	Dec-24	Completed: In December 2023, the City Council adopted zoning changes that increase residential development potential in the Southside Plan Area (Resolution # 71, 107-N.S) (Program 27-Priority Development Areas, Commercial and Transit Corridors; Program 33-Zoning Code Amendment: Residential)
Priority Development Areas (PDAs) Commercial and Transit Corridors	Update Land Use, Safety, and Environmental Justice Elements of the General Plan to increase new housing opportunities by at least 2000 units on commercial and transit corridors, particularly in the highest resource and higher income neighborhoods, to achieve consistency among all transit and commercial corridors, and revise the City's zoning map and development standards to be consistent. The City commits to initiate this work within one year of certification of the Housing Element	Dec-26	In Progress: The City issued an RFP for the City of Berkeley's Environmental Justice Element, Safety Element Update, and Equitable Climate and Resilience Metrics (Specification No. 24-11641-C). In accordance with the terms of the OPR APGP grant that is funding the work, Public Drafts of the General Plan Elements are anticipated to be completed by January 2026. The City also plans to issue an RFP for the City of Berkeley Corridor Upzoning project in the spring of 2024.

BART Station Area Planning	June 2022, the City adopted zoning and associated General Plan amendments consistent with AB 2923; adopted City – BART Joint Vision and Priorities for Transit Oriented Development at the Ashby and North Berkeley BART Station Areas and certified EIR on these documents. The goal for development for both stations is by 2031. As stipulated in the June 2022 City and BART MOA, the next milestones include: July 2022 – Complete. Developer Request for Qualification (RFQ) and City of Berkeley Notice of Affordable Housing Funding (NOFA); November 2022. Right-Of-Way Redesign Options for Adeline Street at Ashby BART Station to City Council; December 2022. Developer selection for the North Berkeley BART station area; February 2023. City Affordable Housing Funding (Predevelopment Funding Award); April 2023. Exclusive Negotiating Agreement (ENA) execution with North Berkeley BART selected developer team; June 2023. An amended Memorandum of Agreement (MOA) for the Ashby BART Station. The amended MOA will include a refined timeline for the developer solicitation process. Structure of the developer solicitation process and project requirements and community benefits are currently in process of	2022-2027	Completed: North Berkeley BART Transit Oriented Development (TOD) In February 2024, the North Berkeley Housing Partners development team submitted a mixed-use development project application for streamlined entitlements pursuant to AB 2011. On December 11, 2024, the City approved a land use application under AB 2011 for the North Berkeley BART site. The project includes 739 homes, 381 of which will be affordable to lower-income households, as well as public open space improvements. In Progress: Ashby BART Transit Oriented Development (TOD)In September 2024, City Council adopted a nonbinding Term Sheet for Ashby BART Transit Oriented Development (Resolution No. 71,514-N.S). The Term Sheet was executed by the City and BART on September 21, 2024. On December 3, 2024, the City Council approved an ordinance (No. 7,939-N.S.) authorizing agreements with BART, aligning with the term sheet adopted in September 2024. That same day, the City and BART issued a joint Request for Proposals (RFP) and Notice of Funding Availability (NOFA) for developers of the Ashby BART West Lot. On December 6, 2024, the City published Preliminary Objective Design Standards (ODS) for the Ashby BART West Lot, reflecting City and BART policies, state laws, and community input. Next steps include: Ashby BART West Lot Potential Developer Selection - May 2025, Adoption of Ashby BART West Lot Objective Design Standards - end '25/early 2026; Ashby BART East Lot Developer Solicitation Process - end 2025/early 2026.
Middle Housing	Amend Affordable Housing Fee schedule to introduce a sliding scale for projects with less than 12,000 square feet (see also Program 3 -Citywide Affordable Housing Requirements).	Jun-23	Completed:
Middle Housing	Amend Zoning code to allow multi-unit development on one lot in the lower density districts: R-1, R-1A, R-2, R-2A, and MU-R districts. Consider amending the Demolition Ordinance to provide a by-right pathway for demolition of single-family homes for projects that add density and are not tenant-occupied within the past five years and in which Ellis Act eviction did not occur within the preceding five years. This policy will be referred for consideration to the 4x4 Committee of the City Council and Rent Board. Further, explore the effect on local and state laws relating to the demolition of historic resources.	Dec-23	In Progress: The Planning Commission reviewed the recommended Zoning Code amendments in in February 2024 and associated General Plan Amendments in October 2024. City Council is expected to consider these changes in Spring 2025.
Accessory Dwelling Units	Provide contact info for dedicated ADU planner on the City's ADU webpage.	Jun-23	In Progress: The City has identified the Zoning Officer as the lead contact for ADU information.
Accessory Dwelling Units	Amend the City's local ADU ordinance based on revised statutory requirements.	Dec-23	Completed: The City's local ADU ordinance was amended to comply with state law and took effect on November 9, 2023.
Accessory Dwelling Units	Assess if ADU production is on the trajectory to meet RHNA assumptions. If not, by January 2026, the City will initiate additional efforts needed (including, but not limited to, rezoning or pre-approved building plans) to incentivize ADUs, to be completed by January 2028.	Dec-25	In progress, no update.
Accessory Dwelling Units	Annually: Update ADU webpage to ensure information addresses questions raised by applicants Annually: Provide update on ADU permit progress to Planning Commission and City Council Throughout the 2023-2031 period: Coordinate ADU policies with the Community Wildfire Protection Plan (CWPP) and Fire Department Standards of Coverage assessment.	Annually/2023-2031	Ongoing: The City continues to update the ADU webpage to make sure the information is as current as possible and provides annual ADU permitting updates to the City via publication of the APR. The City is in the process of updating the ADU ordinance to comply with State Law and plans to work with the Fire Department as part of the process.
Zoning Code Amendment: Special Needs Housing	Review and adopt new zoning provisions and definitions to align land use standards with State law requirements for special needs housing.	Dec-23	Completed: On July 11, 2023 City Council adopted Zoning Ordinance Amendments to Title 23 to align land use standards with state law requirements for special needs housing. The Zoning Ordinance amendments reflect requirements related to; Emergency Shelters (AB 139 & AB 2339), Low Barrier Navigation Center (AB101), Supportive Housing (AB 2162), Employee Housing Act, Landterman Developmental Disabilities Service Act, Supportive Child Care Family Home Expansion (SB 234), Minimum Parking Requirements (AB 2097) and conformed City's definition of "household" to align with state law.

By-Right Approval on Reused Sites for Affordable Housing	Amend the Zoning Code to provide by-right approval of projects with 20 percent lower income units on opportunity sites that are reused from the previous Housing Element cycles. In the meantime, the city applies the law in a manner that supersedes local zoning. Create an additional GIS layer in the public facing Community Map portal to identify all Sites Inventory sites, with a color to identify the reused opportunity sites that must be approved by-right for 20 percent lower income units. As projects are entitled, permitted, and constructed, the GIS layer must be updated, by unit count and affordability categories.	Dec-23	Completed: A new GIS layer in the public facing Community Map portal has been created. It identifies all Site Inventory Sites and allows viewers to see Site Inventory Category of selected parcels.
Zoning Code Amendment: Residential	By June 2024, as part of the Multi-Unit Residential Objective Standards project, minimum densities will be applied to all residential and mixed-use developments with five or more units.	Jun-24	Ongoing: Objective Design Standards for low density residential districts are a part of the zoning amendments to encourage "middle housing" that were presented to the Planning Commission will be heard by the Berkeley City Council in the spring of 2025.
Zoning Code Amendment: Residential	Develop and amend the Zoning Ordinance to adopt Objective Design Standards for residential and mixed use developments in order to reduce reliance on the use permit process and non-detriment findings for larger (e.g. 10+ units) housing projects in higher density districts(e.g. R-3, R-4, and commercial districts), and commercial living situations, such as live/work units.	Dec-25	In Progress: In 2024, Land Use Planning began the initial stages of a preliminary study for the Corridors Upzoning project. This initiative seeks to expand housing capacity, tackle development challenges, and promote equity while preserving each corridor's unique character. Following a competitive bidding process, the City selected Raimi + Associates to lead the project in 2024. The planning process is expected to take about two years, with draft objective development standards anticipated by early 2026. Community engagement will run from winter 2025 through late 2026, featuring four key efforts: targeted stakeholder meetings, citywide community meetings, pop-up events, and surveys.
Permit Processing	Functionality will be added to the permit tracking software and the Planning Department website to provide on-demand reporting of project status, which will include up to date completeness, CEQA and other actions.	Jun-23	Completed : Zoning Permit application information is up-to-date with project status and maintained on a rolling basis. On-demand reporting added to ACA for "Zoning Permits -- Open Appeal Period" (April, 2023). On-demand reporting for active Zoning Permits (January, 2024)
Permit Processing	The City will conduct a needs assessment, develop an RFP for the Planning and Building permit and records management systems, and hire a consultant to implement a software upgrade.	Jun-24	Ongoing: The Permit Software Procurement (PSP) project advanced in 2024 with the completion of a multi-departmental needs assessment, RFP release, and ongoing vendor evaluations and stakeholder discussions to determine the best path forward for implementation.
Permit Processing	As part of the Objective Design Standards effort (Program 33 - Zoning Code Amendment: Residential), City staff will also develop Zoning Ordinance amendments to reduce reliance on the use permit process and non-detriment findings, and increase the thresholds for discretionary review of residential and mixed-use residential projects for City Council consideration.	Dec-25	Ongoing: The Middle Housing project will include Zoning Ordinance amendments to streamline permitting. The Middle Housing Zoning Ordinance amendments are expected to be considered by City Council in the spring of 2025.
Permit Processing	The City will implement the updated permit tracking software and continually maintain permit statuses and monitor project progress.	Dec-27	Not Started
Affordable Housing Overlay and Southside Local Density Bonus	Adopt a local density bonus program in the Southside, concurrent with the Zoning Ordinance amendments proposed for the Southside in Program 27 - Priority Development Areas (PDAs), Commercial and Transit Corridors.	Dec-24	In Progress: Planning Commission has provided initial feedback on this issue and staff is awaiting further City Council direction.
Affordable Housing Overlay and Southside Local Density Bonus	Adopt an Affordable Housing Overlay Density Bonus, concurrent with the residential financial feasibility study (Program 3 -Citywide Affordable Housing Requirements), Residential Objective Design Standards (Program 33 -Zoning Code Amendment: Residential), and the General Plan Land Use Element Update	Dec-25	In Progress: Planning Commission has provided initial feedback on this issue. Staff may return to Planning Commission later in 2025. Recent state efforts to encourage 100% affordable housing projects may obviate the need for a separate local policy.
Adequate Sites for RHNA and Monitoring	Within 3 months of a certified Housing Element, the City will publish an inventory of the available sites for residential development and provide it to prospective residential developers.	2023-2026	Completed: The City published an inventory of the available sites for residential development on the Community GIS Portal: https://berkeley.maps.arcgis.com/apps/webappviewer/index.html?id=2c7dfa6bb1f64e159f4fdf28a52f51c6&showLayers=Berkeley%20Parcels;Base%20Data;Planning%20and%20Building The City also published an accompanying Sites Inventory guide on their Housing Element webpage: https://berkeleyca.gov/sites/default/files/documents/HEU_Sites%20Inventory_Tables-webpage.pdf
Adequate Sites for RHNA and Monitoring	The City will publish a list of entitled projects to facilitate market-driven transactions to advance development.	Annually	The City shares information on entitled projects through the publication of the Annual Progress Report.

Adequate Sites for RHNA and Monitoring	Assess the 3-year development progress of entitled and pipeline sites, and implement a formal evaluation procedure pursuant to Government Code Section 65863 to monitor the development of vacant and nonvacant sites in the sites inventory and ensure that adequate sites are available to meet the remaining RHNA by income category. Should resulting development capacity be below assumed potential, the City will identify and complete additional efforts by January 2028, including but not limited to rezoning or streamlined processes, to accommodate the shortfall of sites to meet the RHNA. Assess the progress and effectiveness of AFFH actions identified in Table 5.6: Summary of AFFH Actions. Should progress on the AFFH metrics be below the rate assumed, the City will identify and make adjustments, as appropriate, by January 2028.	Jan-26	In Progress: No update.
Replacement Housing/Demolition Ordinance	Update the Zoning Code to address the replacement requirements in a revised Demolition Ordinance.	Dec-23	Completed: City council adopted revised Demo Ordinance in July 2024.

Jurisdiction	Berkeley	
Reporting Period	2024	(Jan. 1 - Dec. 31)
Planning Period	6th Cycle	01/31/2023 - 01/31/2031

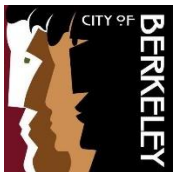
ANNUAL ELEMENT PROGRESS REPORT

Table K
Tenant Preference Policy

Local governments are required to inform HCD about any local tenant preference ordinance the local government maintains when the jurisdiction submits their annual progress report on housing approvals and production, per Government Code 7061 (SB 649, 2022, Cortese). Effective January 1, 2023, local governments adopting a tenant preference are required to create a webpage on their internet website containing authorizing local ordinance and supporting materials, no more than 90 days after the ordinance becomes operational.

Does the Jurisdiction have a local tenant preference policy?	Yes	
If the jurisdiction has a local tenant preference policy, provide a link to the jurisdiction's webpage containing authorizing local ordinance and supporting materials.	https://berkeleyca.gov/community-recreation/affordable-housing-berkeley/apply-affordable-housing-preferences	
Notes	City Council Resolution No. 70,960-N.S. - Adopting a Housing Preference Policy for Affordable Units Developed with City Subsidy and Through the Below Market Rate Program (7/11/2023)	

ATTACHMENT 2



2024 General Plan Annual Progress Report
City of Berkeley

Submitted March 21, 2025

TABLE OF CONTENTS

1. Introduction	3
2. Land Use Element	4
3. Transportation	8
4. Housing	11
5. Disaster Preparation and Safety	14
6. Open Space and Recreation	16
7. Environmental Management	18
8. Economic Development	29
9. Urban Design	32
10. Citizen Participation	34

INTRODUCTION

Government Code Section 65400(a)(2) requires planning agencies to provide an annual report to their legislative body, the Governor's Office of Land Use and Climate Innovation (LCI) and California Department of Housing and Community Development (HCD) on the status of their General Plan and progress in its implementation. The report must detail the progress in meeting the jurisdiction's share of the regional housing need and address efforts by the local agency towards removing governmental constraints to the maintenance, improvement, and development of housing.

The purpose for the Annual Progress Report is to: 1) assess how the General Plan is being implemented in accordance with adopted goals, policies and implementation measures; 2) identify any necessary adjustments or modifications to the General Plan as a means to improve local implementation; 3) provide a clear correlation between land use decisions that have been made during the 12-month reporting period and the goals, policies, and implementation measures contained in the General Plan; and 4) provide information regarding local agency progress in meeting its share of the regional housing need.

The current City of Berkeley General Plan was originally adopted on **December 18, 2001 and April 23, 2002**. The General Plan contains the seven State-required elements which are Land Use, Circulation, Housing, Conservation, Open Space, Noise and Safety. The State allows the combining of elements or the addition of new elements as long as the required seven elements are present in some fashion. The Berkeley General Plan contains the following nine elements:

- Land Use
- Transportation
- Housing
- Disaster Preparedness & Safety
- Open Space & Recreation
- Environmental Management
- Economic Development & Employment
- Urban Design & Preservation
- Citizen Participation

Local governments are required to keep their General Plans current and internally consistent. The Berkeley Housing Element was last updated and adopted by the City Council on January 18, 2023 and certified by HCD on February 28, 2023 for the 2023-2031 planning period.

The City of Berkeley continues to actively implement the policies of the General Plan including the goals, policies and programs of the Housing Element. The following represents the progress the City has made towards implementing the General Plan and Housing Element during the **Calendar Year (CY) 2024** reporting period, which looks at the 2023-2031 6th Cycle Housing Element that was certified as that was the Housing Element in effect during the CY 2024.

The information to follow is organized to correspond with the elements of the Berkeley General Plan.

LAND USE ELEMENT

AMENDMENTS

State Law limits the number of times each mandatory element of the General Plan, such as the Land Use Element, can be amended to a maximum of four times per calendar year.

The Land Use Element of the Berkeley General Plan was not amended during CY 2024.

PROGRESS TOWARDS MEETING THE GOALS AND GUIDING POLICIES OF THE LAND USE ELEMENT

Ashby and North Berkeley BART Station Planning

Planning is underway to re-imagine the Ashby and North Berkeley BART stations as vibrant places that include housing, open space and community amenities. Both sites are owned by the San Francisco Bay Area Rapid Transit District (BART).

- **North Berkeley BART**

In February 2024, the Developer for the North Berkeley Station, North Berkeley Housing Partners submitted a housing project application for streamlined entitlements pursuant to AB 2011. On December 11, 2024, the City approved a land use application under AB 2011 for the North Berkeley BART site. The project includes 739 homes, 381 of which will be affordable to lower-income households, as well as public open space improvements.

- **Ashby BART**

In September 2024, City Council adopted a nonbinding Term Sheet for Ashby BART Transit Oriented Development (Resolution No. 71,514-N.S.). The Term Sheet was executed by the City and BART on September 21, 2024. On December 3, 2024, the City Council approved an ordinance (No. 7,939-N.S.) authorizing agreements with BART, aligning with the term sheet adopted in September 2024. That same day, the City and BART issued a joint

Request for Proposals and Notice of Funding Availability for developers of the Ashby BART West Lot. On December 6, 2024, the City published Preliminary Objective Design Standards for the Ashby BART West Lot, reflecting City and BART policies, state laws, and community input.

Density Bonus Projects

In CY 2024, 83% of projects greater than 5 units were approved using State Density Bonus provisions. The following Density Bonus projects were either approved, under construction, or completed this past year.

- 1598 University Ave
Demolish a non-residential structure and construct a 127,492 square-foot, eight-story (89 feet- 2 inches) mixed-use residential building containing 207 dwelling units (21 Very Low-Income) and 5,943 square foot commercial space, with 39 automobile parking spaces and 92 bicycle parking spaces, utilizing State Density Bonus.
- 1750 Sacramento St
AB 2011 Ministerial Application. The proposed project is a transit-oriented in-fill development of 13 mixed-use and multi-family residential buildings totaling approximately 769,300 SF and one wrap garage structure with approximately 296 parking spaces in parking lots surrounding the North Berkeley BART Station. Buildings range in height from 3 to 8 stories and consist of 739 units with over 50% of the homes at affordable rent levels. The project includes improvements to the Ohlone Greenway and over 6,000 SF of community-serving ground floor uses as well as street and public realm upgrades, and over 48,000 SF of publicly accessible open space.
- 1752 Shattuck Ave
Demolish an existing 2,998 square-foot, one story commercial building and construct a 47,137 square-foot, seven-story mixed-use building containing 74 dwelling units and 1,210 square feet of commercial floor area. Project utilizes State Density Bonus.
- 2000 University Ave
Phase 2 of construction of a new 8- story mixed use building with 81 dwelling units, Ground level lobby, Commercial space (Warm Shell), with state of California Density bonus. This phase consists of all building elements except foundation, 3-story concrete podium, and underground utilities.
- 2037 Durant Ave
Demolish 1-story 13,000 square foot commercial building, and construct an 8-story (90 feet), 76,373 square foot mixed-use building with 1,552 square feet of ground floor commercial space and 74 units of multi-family housing (including 4 VLI), utilizing State Density Bonus

- 2099 Martin Luther King Jr. Way
New Mixed-use Building: 72 units of market rate housing and ground floor retail/commercial space. 5 floors of Type III-A construction over 2 floors Type I construction. 12 parking spaces on the 1st floor, 72 units including 5 Very Low Income.
- 2115 Kittredge St
Construction of a 15-story, mixed-used building (155,741 sq. ft) with a live performance theater (19,108 sq. ft) on the ground and basement floors, and 214 dwelling units. Density Bonus Project includes 22 affordable units with amenity spaces on the 2nd, 14th, and 15th floors, which is included in the total amount of dwelling units.
- 2128 Oxford St
SB330 Application – Demolition of existing structure(s) (includes 16 rent-controlled units and construction of 26-Story, mixed use building with 485 dwelling units (includes 5 ELI and 42 VLI) and 13,500 SF of commercial space. Closed LUST Site (2148 Center). Eligible National Register Historic (2132 Center).
- 2136 San Pablo Ave
Demolition of the existing building and construction of a new 6 story mixed-use building with 126 dwelling units (of which 3 are live/work) and 10 are provided as low-income units.
- 2137 Dwight Way
Phase 2: Wood superstructure; Levels 2-6 of new (6) story building to include 58 residential units and ground floor amenity space
- 2300 Ellsworth St
Demolish two residential buildings with a total of 12 dwelling units and construct a 7-story residential apartment building (72,500 square feet) and 69 dwelling units (7 Very Low Income and 2 Low-Income units). The 6,500 square commercial building at 2300 Ellsworth will be retained.
- 2427 San Pablo Ave
Demolish two existing multifamily buildings and construct a 36,280 square foot, five-story (70 feet, 8 inches), residential building containing 8 replacement apartment units and a Residential Hotel (Group Living Accommodation) with 70 single-occupancy rooms (3 Extremely Low-Income, 2 Very Low-Income units, and 3 Low-Income) for a total of 78 units, utilizing State Density Bonus. Fifteen off-street automobile parking spaces would be provided.

- 2462 Bancroft Way
Demolish an existing non-residential structure and construct at 40,086 square foot, eight-story (88 feet 6 inches) mixed use residential building containing 66 dwelling units (3 Very Low-Income units Density Bonus qualifying units), 1,312 square feet of commercial space, and 28 bicycle parking spaces.
- 2527 San Pablo Ave
Demolish an existing vacant service station building and construct a 6-story, mixed use building with 63 dwelling units, including 12 below market rate units for qualified persons with intellectual and developmental disabilities (I/DD); 3,179 square feet of combined ground floor commercial space for restaurant use including incidental service of beer and wine; and ground level parking for 49 vehicles.
- 2530 Bancroft Way
Removal of existing commercial structure. Construction of a new 12-story mixed use housing development over ground-level commercial and lobbies for a total of 110 dwelling units proposed.
- 2538 Durant Ave
A Density Bonus project that would demolish a four-story (52 feet), 14,780 square foot residential building that includes 12 dwelling units; five residential off-street parking spaces; and a surface parking lot with 30 vehicle parking spaces to construct an eight-story (88 feet and 8 inches), 80,829 -square-foot mixed-use building with 83 units (including six Very Low-Income units) and 1,460 square feet of ground floor commercial space.
- 2555 College Ave
Demolish two single-story (11 feet, 9 inches) commercial structures with a combined size of 834 square feet and construct a, four-story (47 feet, 3 inches), 10,024 square-foot multifamily residential building with 11 units (one Very-Low Income), utilizing State Density Bonus.
- 2587 Telegraph Ave
Construction of 8-story mixed-use development with 52 dwelling units and 2500 sf of ground-floor commercial space. This project includes residential amenities and usable open space
- 2701 Shattuck Ave
Construct a 5-story, 62'-tall, 27,980-square-foot, mixed-use building with 57 dwelling units (including 5 VLI units), a 600-square-foot ground-floor Food Service Establishment, 30 automobile parking spaces, and secure storage for 44 bicycles.

- 3030 Telegraph Ave
Demolish a one-story medical office building and two duplexes containing four units (2330 Webster Street and 2334-2336 Webster Street), and construct a five-story (63-foot) mixed-use building with 1,550 square feet of commercial area and 144 dwelling units, including eight Below Market Rate units (seven Very Low-Income units and one Low-Income unit), utilizing a State Density Bonus.
- 805 Jones St
Construct three, two-story duplexes for a total of six units (5,510 square feet) with a height of 26 feet and a 455 square foot second-story (22 feet) addition to the existing 1,750 square foot commercial building.

Accessory Dwelling Units (ADUs)

During the CY 2024 reporting period, the City issued building permits for 102 ADUs and issued certificates of occupancy for 91 ADUs.

TRANSPORTATION

AMENDMENTS

The Transportation Element was not amended during CY 2024.

PROGRESS TOWARDS MEETING THE GOALS AND GUIDING POLICIES OF THE TRANSPORTATION ELEMENT

Citywide Demand-Responsive Parking Meter Pricing and SmartSpace Parking Program: By the end of 2023, all of the City's parking meters were transitioned to the goBerkeley program, which uses demand-responsive pricing and longer time limits to create more parking options and availability. In summer 2023, the City also made the SmartSpace pilot program permanent, which is a program to reduce excess greenhouse gas emissions from visitors frequently re-parking in residential permit areas to avoid posted two-hour time limits. The pilot includes new long-term paid parking for visitors in a residential permit area immediately south of UC Berkeley campus and parking permits for employees of local neighborhood businesses in the Elmwood neighborhood.

Addison Bike Boulevard: The City applied for and received funding from the California Active Transportation Program (ATP) grant program Cycle 6 to complete the remaining segments of the Addison Street Bicycle Boulevard from Sacramento Street to Aquatic Park and from Milvia Street to the UC Berkeley Campus. When complete, this route will provide the only continuous east-west bikeway connecting the UC Berkeley Campus with Downtown Berkeley, West Berkeley, and the Bay Trail along the San Francisco Bay Shoreline. Public Works staff initiated preliminary work on this project at the San Pablo Avenue/Addison Street intersection in 2023 as part of the Alameda County Transportation Commission San Pablo Avenue Corridor projects, and initiated work on funding allocation for the next phase of project design to begin in 2025.

Telegraph Corridor Study: In 2021, the City acquired a grant from the Alameda County Transportation Commission to conduct a study and perform preliminary engineering for major transit and bikeway improvements along Telegraph Avenue from Dwight Way to the Oakland border. Project components may include new bus-only lanes and a Class IV protected bikeway. The City kicked off the study process, collecting and analyzing existing conditions data and conducting the first phase of public engagement and concept design by the end of 2022. Project was on hold during 2023 but will be restarted in 2024 with the goal of completing conceptual design, public engagement, environmental clearance, and City Council approval by end of 2025.

Southside Complete Streets: This project will improve conditions for people walking, biking, riding transit, driving, and delivering goods and services in Berkeley's Southside neighborhood along Bancroft Way, Fulton Street, and Dana Street. In February of 2022 the Berkeley City Council approved conceptual designs for each of the four corridors. By the end of 2022 the City completed detailed engineering design and requested allocation of construction funds to be able to begin construction of transportation improvements in 2023. Construction funds were allocated, an open public bid process was conducted, a construction contract was executed, and construction was initiated in mid-December 2023. Construction is anticipated to be complete in spring 2025.

Adeline Complete Streets: This project will improve conditions for people walking, biking, riding transit, driving, and delivering goods and services along Berkeley's Adeline Street corridor from Ashby Avenue, alongside the Ashby BART station, and down to the Berkeley/Oakland border. In 2022 the City advertised for a consultant contract for the currently-funded conceptual design, public engagement, and environmental phase, interviewed consultants, and picked a consultant with whom to negotiate scope, schedule, and budget. The project was on hold in 2023 but was restarted in 2024 with City Council award of a consultant contract in the first half of 2024. Completion of conceptual design, public engagement, environmental clearance, and City Council approval is anticipated by end of 2026.

Ohlone Greenway Modernization Project: The goals of the Ohlone Greenway Safety Improvements Project are to upgrade a portion of the existing multi-use pathway, from Virginia Gardens to the south to Santa Fe Avenue to the north, to better accommodate the needs of all users and improve safety, especially at roadway intersections and during non-daylight hours. Upgrades will be focused on the following: Improving safety of pathway/roadway intersections, widening the pathway where feasible, improved connection at pathway gap on Peralta Avenue, enhanced pathway lighting to improve safety and security, and landscaping work to improve lighting and safety. The project completed conceptual design and public engagement in 2023 and will complete detailed engineering design in early 2025, with construction anticipated in late 2025.

Martin Luther King Jr Way Vision Zero Quick Build: This project implements elements of one of the high-priority pedestrian crossing safety corridors from the 2020 Berkeley Pedestrian Plan,

prioritized according to the 2020 Vision Zero Action Plan. The project consists of the installation of median refuge islands, hardened centerlines, solar-powered Rectangular Rapid Flashing Beacons (RRFBs), crosswalk lighting, roadway signage, detectable warning surfaces, roadway striping, pavement markings, red curb painting, pavement rehabilitation, and concrete curb ramp construction. The project completed detailed engineering design in late 2022, started construction in July 2023, and was completed in mid-2024.

Sacramento Street Pedestrian Safety Project: This project implements elements of one of the high-priority pedestrian crossing safety corridors from the 2020 Berkeley Pedestrian Plan, prioritized according to the 2020 Vision Zero Action Plan. The project consists of the installation of median refuge islands, hardened centerlines, solar-powered Rectangular Rapid Flashing Beacons (RRFBs), crosswalk lighting, roadway signage, detectable warning surfaces, roadway striping, pavement markings, red curb painting, pavement rehabilitation, and concrete curb ramp construction. The project reached 95% completion of detailed engineering design in late 2023. Detailed engineering design was completed in 2024, with construction occurring beginning in Spring 2025.

Vision Zero Program: The Vision Zero program uses Engineering, Education, and Enforcement strategies to try to achieve the Berkeley City Council adopted goal of eliminating severe injury and fatal traffic crashes by 2028. During 2023 the program continued work on major grant-funded capital Vision Zero and Complete Streets projects listed above. Other Vision Zero program activities were largely on hold during 2023 and 2024, but anticipate being restarted in 2025, including the Vision Zero Coordinating Committee and continuing work on developing Rapid Response communications and Quick Build traffic safety implementation programs.

Transit-First Policy Implementation Plan: The City of Berkeley General Plan has a Transit-First Policy (Berkeley General Plan Policy T-4), which gives “priority to alternative transportation and transit over single occupant vehicles on transit routes identified on the [General Plan] Transit Network map.” The Berkeley Transit-First Policy Implementation Plan is intended to create a set of policies and design guidelines that provide procedures for the implementation of the Transit-First Policy and for future planning for the City’s existing transit primary routes. The Berkeley City Council approved the Berkeley Transit-First Policy Implementation Plan in March, 2023.

Washington Elementary and Berkeley High School Safe Routes to School Project: The City applied for and received funding from the California Active Transportation Program (ATP) grant program Cycle 6 to implement recommendations for improving pedestrian safety at thirteen intersections in the Downtown area blocks around Washington Elementary School and Berkeley High School and at school frontages on Milvia Street and McKinley Avenue. Public Works staff initiated work on funding allocation for the next phase of project design to begin in 2025.

HOUSING

AMENDMENTS

The Berkeley Housing Element was not amended during CY 2024.

PROGRESS TOWARD MEETING THE GOALS AND GUIDING POLICIES OF THE HOUSING ELEMENT

Pursuant to Government Code Section 65400, the City Council is required to prepare an annual report on the status and progress in implementing the City’s Housing Element using forms and definitions adopted by HCD. The completed forms for CY 2024 are attached as **Exhibit A** to this report.

As shown in Table 1, the City of Berkeley’s RHNA for the applicable planning period is 8,934 residential units, broken down by income category. HCD regulations require that excess units in one income category cannot be used to reduce the unaccommodated need from the other categories.

Table 1: Regional Housing Needs Allocation 2023-2031

2023-2031	Income Category
2,446	Very Low Income
1,408	Low Income
1,416	Moderate Income
3,664	Above Moderate Income
8,934	Total

In 2024, the City issued building permits for 731 dwelling units, including 588 above moderate-income units, 30 moderate income units, 35 low-income units, and 78 very low-income units. Table 2 below shows the City’s progress in working towards the 6th Cycle RHNA allocation.

Table 2: Berkeley's Progress in Meeting Regional Housing Needs ¹

Income Level	RHNA Allocation	Projection Period (June 30-2022-1/30/23) ²	2023 Permitted Units	2024 Permitted Units	Total Units to Date
Very Low	2,446	25	57	78	160
Low	1,408	25	32	35	67
Moderate	1,416	0	28	30	83
Above Moderate	3,664	442	314	588	1,344
Total	8,934	492	431	731	1,654

As required by state law, the City must zone land to accommodate the RHNA and develop programs and policies that promote an environment where housing construction is encouraged at all income levels.

Additionally, in 2024, the City completed the following notable objectives from the 6th Cycle Housing Element:

Program 2 – Housing Choice Vouchers

- In 2024, the Berkeley Housing Authority (BHA) issued 179 new vouchers to Housing Choice Voucher (VASH), Veterans Affairs Supportive Housing (VASH) and Mainstream applicants on the waitlist. Of these vouchers, 112 have successfully leased up during the year and are now housed. Altogether, BHA housed an average of 1759 households in 2024 and is continuously issuing new vouchers to families on the waitlist. Additionally, BHA executed a Master Housing Assistance Payment (HAP) Contract with Blake Apartments LP in March 2024 for 17 new project based units. These project-based units will provide housing for disabled and low income households.

Program 4 – Housing Trust Fund

- Three of the affordable housing development projects at the North Berkeley BART site received development funding reservations from the City in June 2024 (Resolution 71,428). RFPs for the Ashby BART sites (west and east lots) are planned for calendar year 2025.

¹ The RHNA progress data in Table 2 for the current reporting period (2024) and previous reporting period (2023) differ from Table B of the Housing Element APR (Exhibit A). The small inconsistency is due to a data discrepancy for 2023 in the electronic file that was prepopulated and provided by HCD, and cannot be altered by City staff. The unit counts in Table 2 rely on the Housing Element APR that the City submitted and HCD approved for the 2023 reporting period.

² Units permitted since the start of the 6th cycle RHNA projection period (June 30, 2022) is also displayed on Table B, and is auto-filled in the APR form by HCD.

Program 10 – Housing Preference Policies

- City Council unanimously adopted a citywide housing preference policy on July 11, 2023. The policy became effective on January 1, 2024. To date (as of 1/29/25), the preferences have been implemented on three new properties with affordable housing units. The City implements the policy on an ongoing basis, partnering on outreach, coordinating preferences with online housing portals for applications, and collecting data to assess impact.

Program 20 – Livable Neighborhoods

- Quick Build pedestrian improvements on Martin Luther King Jr Way (South) from Dwight to Adeline were completed in 2024 and Sacramento Street from Dwight to Southern City Limits will be completed in 2025.
- The community garden at Grove Park was completed in 2024.

Program 22 – Seismic Safety and Preparedness Programs

- In 2024, nearly \$3.5M of grant funding has been disbursed to Berkeley property owners and 107 buildings have been strengthened under the Retrofit Grants Program.

Program 23 – Berkeley Pilot Climate Equity Fund

- In 2024, an income qualified single-family home and two income-qualified multifamily buildings completed electrification upgrades. The upgraded multifamily buildings include a 22-unit limited-equity cooperative and a nonprofit student housing building, with 40 low-income, first generation UC Berkeley students. Upgrades included heat pump HVAC systems and heat pump water heaters. Implementation for an additional 8-unit low-income multifamily property is in progress with anticipated completion by early 2026.

Program 27 – Priority Development Areas (PDAs), Commercial and Transit Corridors

- In April 2023, MTC and ABAG awarded the consulting team a contract to assist the City of Berkeley with the development of the San Pablo Avenue Specific Plan. In 2024, the consultant team and City staff have conducted various forms of community outreach including stakeholder interviews, small group meetings, multiple pop-up tabling events, intercept surveys and community workshops. Approximately 62 attendees participated in the community open house and approximately 31 attendees participated in the workshop. The workshop focused on specific plan topics related to transportation, housing, safety, commercial activity and land use policies.
- The City issued an RFP for the City of Berkeley's Environmental Justice Element, Safety Element Update, and Equitable Climate and Resilience Metrics (Specification No. 24-11641-C). In accordance with the terms of the OPR APGP grant that is funding the work, Public Drafts of the General Plan Elements are anticipated to be completed by January 2026.
- In 2024, Land Use Planning began the initial stages of a preliminary study for the Corridors Upzoning project. This initiative seeks to expand housing capacity, tackle

development challenges, and promote equity while preserving each corridor’s unique character. Following a competitive bidding process, the City selected Raimi + Associates to lead the project in 2024. The planning process is expected to take about two years, with draft objective development standards anticipated by early 2026. Community engagement will run from winter 2025 through late 2026, featuring four key efforts: targeted stakeholder meetings, citywide community meetings, pop-up events, and surveys.

Program 29 – Middle Housing

- City Council stated, via a 2021 Resolution and a 2019 referral, its desire to review, research and consider rezoning of lower density residential districts to allow for more dense housing. This resolution and referral align with the proposed programs in the Housing Element and the Housing Element EIR assess 770 additional units distributed throughout the R-1 and R-1A districts. Staff have presented preliminary development standards to City Council, Planning Commission, and the Zoning Ordinance Revision Project (ZORP) subcommittees, and presented a draft ordinance for Middle Housing to the Planning Commission on November 1, 2023 and again on February 7, 2024. Upon receiving further direction and recommendation from the Planning Commission, staff presented to City Council on July 23, 2024, received additional direction on the project and plan to return to the Council with a final recommended zoning ordinance and zoning map changes in the spring of 2025.

Program 37 – Replacement Housing/Demolition Ordinance

- City council adopted revisions to its Demolition Ordinance in July 2024.

For a comprehensive list of Housing Element Implementation, please refer to Table D of the Housing Element APR, which was submitted separately to LCI (found in Exhibit A).

DISASTER PREPAREDNESS & SAFETY

AMENDMENTS

The Disaster Preparedness and Safety Element was not amended during CY 2024.

PROGRESS TOWARDS MEETING THE GOALS AND GUIDING POLICIES OF THE DISASTER PREPAREDNESS AND SAFETY ELEMENT

Emergency Response Coordination

The City provided a coordinated response to multiple emergency situations in 2024, as described below.

Extreme Fire Weather

In October 2024, the National Weather Service forecasted weather that qualified for “Extreme Fire Weather” designation in Berkeley. The City issued alerts to hills communities recommending they leave the hills during the weather event, because a fire starting under

those conditions could quickly become catastrophic and the hills' roadway infrastructure will not support a quick evacuation. The City activated its Emergency Operations Center and upstaffed for extra fire readiness during this period. Luckily the weather was milder than forecast and a fire did not ignite.

Atmospheric River

City staff coordinated response to an atmospheric river in November 2024. Response efforts included management of downed trees and nuisance flooding, as well as community alerting for safety.

Tsunami Warning

On December 5, 2024, the National Tsunami Warning Center issued a Tsunami Warning including Berkeley. The City established an Emergency Operations Center, activated emergency alerting systems, and conducted evacuations of the waterfront and areas in west Berkeley. Approximately 1 hour after the tsunami warning was issued, it was canceled.

Berkeley Ready

Staff continued work on many community-facing efforts of the Berkeley Ready program. This included in-person Berkeley Ready programming in the community – at large in-person events such as Solano Stroll and the Harvest Festival, at smaller recreation events, in neighborhoods and at places of worship.

Local Hazard Mitigation Plan

In 2024, staff continued development of the 2024 Local Hazard Mitigation Plan. The plan addresses natural hazards in Berkeley and their potential impacts, as well as a strategic plan to mitigate those impacts.

Evacuation Time Study

Staff continued collaboration with a consulting firm on studies to comply with State evacuation planning requirements, including SB99, AB747, and AB1409. These require identification residential developments that do not have at least two emergency evacuation routes, assessment of the safety, capacity, and viability of evacuation routes under a range of emergency scenarios, and identification of evacuation locations. In addition, staff began work with the consulting firm on the Evacuation Time Estimates, which will provide specific times to clear out areas of the City for various emergency scenarios. Study results will be presented in 2025.

OPEN SPACE & RECREATION

AMENDMENTS

Space Element was not amended during CY 2024.

PROGRESS TOWARDS MEETING THE GOALS AND GUIDING POLICIES OF THE OPEN SPACE AND RECREATION ELEMENT

Funding

Parks, Recreation and Waterfront (PRW) capital funding is made up of Recurring Capital from the Parks Tax, the General Fund, the Marina Fund, and the Camps Fund; and one-time funding sources like grants and insurance. Below are descriptions of some of these funding sources.

- Parks Tax/Measure Y: In 2024, Berkeley voters approved a 20% increase in the Parks Tax to fund a tree planting unit, Waterfront parks and landscaped areas, and an additional \$1.45M for capital projects. This increased the total Parks Tax annual funding for capital projects to approximately \$2.5M. In CY24, the Parks Tax contributed \$3.87M to projects like the MLK Youth Services Center and the Glendale La Loma Park 2-5 and 5-12 play structures and accessibility improvements. The Parks Tax also provides a yearly \$475,000 allocation for minor maintenance projects, which in CY24 included basketball and tennis court resurfacing in San Pablo Park and Grove Park, fence installation and replacement across several parks and gardens, and the repainting of both King and West Campus pools, among other improvements.
- Measure T1: In 2016 voters approved a \$100 million-dollar bond measure to repair and improve existing city facilities and infrastructure. The City completed \$41 million in Phase 1 projects in 2021, and is now implementing Phase 2 of the bond program in city wide improvements. Approximately half of this funding is going towards improvements in city parks, camps and waterfront. Phase 2 projects are largely focused in South and West Berkeley facility and restroom improvements and include parks projects such as the replacement of the Willard Clubhouse and the renovation of the Martin Luther King Youth Service Center.
- Grants: In 2024, PRW applied for 9 grants and was awarded 4 of those, totaling \$4.2 million. These included a \$385,000 State Coastal Conservancy grant for preliminary design, environmental and permitting for the Marina Blvd East Trail project; a \$76,000 California Division of Boating & Waterways grant for removal and disposal of abandoned vessels; and a \$100,000 California Department of Education grant for the City's Summer Lunch program.

Recently Completed Capital Improvements/Major Maintenance Park Projects (last 2 years)

2024

- Camps: Berkeley Tuolumne Camp Electric Vehicle Charging Stations (General Fund)
- Camps: Echo Lake ADA Improvements (General Fund & Camps Fund)
- Camps: Berkeley Tuolumne Camp Driveway Repairs (General Fund)
- Parks: Aquatic Park Tree Planting (200 trees) (Grant)
- Parks: Aquatic Park: East Streetscape and Landscape (Dev Agreement)
- Parks: Grove Park Playground Renovation (Parks Tax, T1, General Fund, Grants)
- Parks: Grove Park Field Renovation (Parks Tax, T1, General Fund, Grants)
- Parks: Solano-Peralta Bench and Irrigation (Donation)

2023

- Camps: Echo Lake Tree Removal (General Fund)
- Camps: Cazadero Riverbed Erosion – Phase 1 (Camps Fund)
- Parks: Ohlone 2-5, 5-12 Play Structures and Mural Garden (Parks Tax, T1)
- Parks: Solano-Peralta Play Structure – Phase 1 (Parks Tax)
- Parks: John Hinkel Park Hut- Design Only (Parks Tax)
- Parks: 63rd Mini- Park Community Garden (Parks Tax)
- Parks: James Kenney Skate Spot – Design Only (Parks Tax)
- Pools: King Pool Painting, Floors, Mechanical and Electrical Improvements (General Fund)
- Waterfront: Bike Park - Design only (Parks Tax)
- Waterfront: Misc. Piling Replacement (CIP, GF, Marina Fund, T1)
- Waterfront: Finger Dock Replacement Phases 3 and 4 (Marina Fund)

Parks, Recreation and Waterfront Major Capital Improvement Projects (CIP)

The PRW Department has over 50 projects on its CIP list. The following 8 projects represent some of the largest projects:

- Construction Projects
 - Willard Clubhouse and Restroom Replacement, Completion April 2025
 - Cesar Chavez Park Perimeter Pathway Renovation, Completion December 2025
 - Marina Main Channel Dredging, Completion December 2025
 - D and E Dock Replacement, Completion December 2025
 - Martin Luther King Jr, Youth Service Center Renovation, Completion May 2026
 - Tom Bates Sports Complex Restroom/Community Space, Completion December 2026
- Planning Projects
 - Berkeley Water Transportation Pier Ferry Project - Design & Environmental Phase, February 2027
 - Waterfront Specific Plan, 2027

Berkeley Volunteer Programs

The City of Berkeley has a combination of year-round, monthly or even daily opportunities to volunteer within our department. Below is a brief description of a handful of different opportunities available to Berkeley residents.

- **Pollinator Gardens:** In 2024, Parks staff worked with volunteers to install pollinator gardens and planters at Grove Park and Remillard Park, as well as at the intersections of Alcatraz Ave and Adeline St and Monterey Ave and Posen Ave.
- **Shoreline Cleanup:** The City hosts individuals, families and groups on the third Saturday of each month for small cleanups that meet at the Shorebird Park Nature Center at the Berkeley Waterfront. These events feature a safety talk, a service-learning presentation on the impact of trash and plastics in our oceans and waterways, and how we can help. The City also organizes larger groups for the annual Coastal Cleanup Day.
- **Tree Planting:** The City hosted 6 major tree planting events in 2024. Tree planting sites in 2024 included Indian Rock Park, Aquatic Park, and the South Cove Area of the Berkeley Marina. Staff and volunteers planted over 1,000 trees.
- **Reseeding of Cesar Chavez Off-Leash Area:** Volunteers joined staff in reseeding the off-leash area of Cesar Chavez Park. The project involved seeding hillsides, roadsides, and pathways with native grass to outcompete invasive weed species.

ENVIRONMENTAL MANAGEMENT

AMENDMENTS

The Environmental Management Element was not amended during CY 2024.

PROGRESS TOWARD MEETING THE GOALS AND GUIDING POLICIES OF THE ENVIRONMENTAL MANAGEMENT ELEMENT

Environmental Management Programs

Regional Networks

The City participates, often in leadership roles, in local and regional environmental management groups including:

- Bay Area Air District (Air District) Indoor Appliance Implementation Working Group
- Bay Area Climate Adaptation Network (BayCAN)
- Bay Area Electric Vehicle Coordinating Council and Steering Committee
- Bay Area Regional Climate Action Planning Initiative (BARCAPI) Bay Area Regional Energy Network (BayREN)
- Berkeley Lab Community Advisory Group (CAG)
- California Building Decarbonization Coalition

- California Climate and Energy Collaborative (CCEC)
- Green Cities California (GCC)
- Local Government Sustainable Energy Coalition (LGSEC)
- National Building Performance Standard Group
- Resilient Cities Network (R-Cities)
- Ride and Drive Clean
- StopWaste Technical Advisory Group (TAG) and Technical Advisory Committee (TAC)
- Urban Sustainability Directors Network (USDN)
- U.S. Green Building Council California (USGBC-CA) California Building Performance Standard Group

Grants/In-Kind Services

- High Road Training Partnership (H RTP): The City of Berkeley is a partner in Rising Sun Center for Opportunities' Bay Area Residential Building Decarbonization High Road Training Partnership (H RTP). H RTP is working to create high-quality, clean energy jobs in the residential building decarbonization sector that are accessible to women, people of color and other underrepresented groups. The partnership is comprised of local governments, workforce and training nonprofits, labor unions, contractors and regional agencies from across the Bay Area. In 2024, H RTP developed labor standards and policy recommendations for public agencies that promote equity, job quality, and job access as well as published several papers and guides available on Rising Sun's website.
- Prepared, Safe and Healthy Berkeley Project: The City of Berkeley received \$497,042 in funding from the State of California's Adaptation Planning Grant Program to help update the General Plan Disaster Preparedness & Safety Element, create a new Environmental Justice Element, and develop community-driven climate and resilience metrics. The City's community partner, the Ecology Center, has been leading equity-driven engagement with a Community Advisory Committee comprised of organizations serving communities who have been marginalized and are impacted first and hardest by climate change. In 2024, the project team began hosting community events to gather input and ideas on how the City can create policies that better prepare Berkeley for natural disasters and climate change and reduce exposure to pollution. The project is anticipated to be completed in 2027.
- U.S. Department of Energy (DOE) Zero Code Award: DOE awarded Berkeley and San Francisco a \$19.9 million grant — \$5.7 million of which will go to Berkeley — to develop Building Performance Standards as part of Berkeley's Building Emission Saving Ordinance (BESO) large building program. The grant will be used to develop requirements that lead to the emissions reductions in the cities' large buildings. The first stage of BPS development is slated to begin in 2025.

- Home Equity Electrification Project (HEEP): Berkeley participated in a two-year, \$1M grant award from ICLEI and Google.org, to advance electrification in income-qualified homes. The team was led by Habitat for Humanity East Bay/Silicon Valley and also included the cities of Fremont, Hayward and Oakland, as well as partners GRID Alternatives, Rebuilding Together East Bay Network, and Cal State East Bay. In 2024, the project team created tools to assist cities in scaling electrification for low-income residents, conducted contractor trainings, and installed direct improvements, including energy audits, solar + storage installation, electrical upgrades, and/or new electric appliances in three Berkeley income-qualified homes.

Climate Equity Fund Pilot Program

In 2021, Berkeley City Council established a Pilot Climate Equity Fund, with a budget of \$600,000, to promote building and transportation electrification for income-qualified residents. There are three Climate Equity Fund program areas, and all continued their implementation in 2024:

- Program Area 1: Resilient Home Retrofits (\$250,000) – In 2024, an income-qualified single-family home and two income-qualified multifamily buildings completed electrification upgrades with the help of the Climate Equity Fund. The Climate Equity Fund is working with an additional low-income multifamily property to implement electrification upgrades, with anticipated completion in 2026.
- Program Area 2: Berkeley Equity E-Bike Program (BEEP) (\$250,000) –With funding from the Climate Equity Fund, Waterside Workshops, with assistance from GRID Alternatives, implemented BEEP, an electric bike (e-bike) program for income-qualified Berkeley households, and an e-bike youth education and workforce training program to service e-bikes and provide job training opportunities. BEEP provided safety training and distributed, with additional support from the UC Berkeley’s Chancellor’s Grant, a total of 56 e-bikes to program recipients. BEEP also provided ongoing e-bike safety and maintenance service, community building activities, and additional support to participants for at least a year, until the program conclusion in September 2024. The BEEP Report (Feb 2025) details the program design, implementation, and participant experience including transportation mode shifts and decreased spending on transportation.
- Program Area 3: Climate Equity Collaborative (\$100,000) – The Climate Equity Fund provided funding to the Ecology Center, to develop and convene a Climate Equity Collaborative of about a dozen community organizations serving Berkeley communities who have been marginalized. Through the Climate Equity Collaborative, the Ecology Center provided climate change education at community events and distributed resilience measures such as Clipper cards, induction hobs and air filters to income-qualified residents. The Ecology Center also provided stipends to community

ambassadors representing communities who have been marginalized to support program implementation. Work will conclude in 2025.

- Kala Artist-in-Residence: The Planning Department participated in Kala Art Institute's Print Public Municipal Artist-in-Residence Program, an arts-integrated approach to urban planning and community activation. The goal of the program was for artists to work with city departments as cultural strategists to help approach challenges in new ways, and lift up voices that are less often heard. In 2024, artist Cheryl Derricotte partnered on the Climate Equity Pilot and artist Marcel Pardo Ariza partnered on the San Pablo Area Plan. Their culminating art show, titled "Roadwork" was on display at Kala from October 24, 2024 – February 14, 2025.

Just Transition Pilot Program

To ensure that income qualified residents and construction workers benefit from the transition off fossil fuels, City Council approved a resolution to develop a Just Transition Pilot Program (2022) with a budget of \$1,500,000. This program aggregates electrification and resilience installations for low-to-moderate income households (at or below 120% of the Area Median Income) and requires that upgrades be completed by pre-qualified contractors who meet minimum labor standards, to ensure that residential electrification construction work also provides equitable benefits to workers. Through a competitive process the City selected Rebuilding Together East Bay Network as the program implementor. In 2024 the team worked to develop labor standards, building on the work of the H RTP, and started to develop a pipeline of income-qualified homes. This work will be finalized in 2025 along with providing support and training to contractors and releasing a request for proposals for contractors. The program is slated to complete implementation by the end of 2025.

Green Business Program

The City supports sustainable business practices and partners with the Alameda County Green Business Program to offer support to local businesses that want to improve their environmental practices. The program offers free assistance to businesses to help them reduce greenhouse gas emissions, improve energy efficiency, conserve water, and divert solid waste from the landfill.

Sustainability Outreach

- Community Webinars: The City collaborated with governmental and community organizations, and municipalities in both Alameda and Contra Costa counties to host or promote webinars on a variety of topics such as building electrification, induction cooking, climate justice, residential energy efficiency, electric cars and bikes, and solar and storage.
- Resources & Incentives: The City promoted various incentive programs for residents to access discounted solar and storage through the annual *Bay Area SunShares* program, and electric bike and vehicles through *Ride & Drive Clean* seasonal discount campaigns.

All of these programs provide time-limited group discounts, vetted providers, community workshops, and a streamlined process to remove barriers to solar and electric transportation adoption. The City also promoted programs and rebates to help homeowners and multifamily property owners access resources and incentives for energy and water saving upgrades to increase savings and resilience, improve indoor air quality and comfort, and decarbonize buildings.

- East Bay Green Home Tour: Since 2021, the City has hosted virtual *East Bay Green Home Tour* showcasing various efforts of local residents to save water and energy, increase resilience to drought and heat, electrify their appliances, and reduce the carbon footprint of their homes. In 2024, in addition to the virtual tour, the event added in-person tours at 13 homes. Hundreds of people attended the event, and online videos continue to receive thousands of views.
- Ride Electric: The City hosted its 7th *Annual Ride Electric* in conjunction with the City Harvest Festival on October 19, 2024. This event offers electric bike and scooter test rides through the City's shared electric mobility providers and local bicycle retailers, and a municipal fleet electric vehicle showcase. The City offered multiple resources to income-qualified residents to help electrify their ride as well as showcasing adaptive mobility options that accommodate all abilities.
- Conference/Workshop presentations: In addition to community-facing outreach, the staff from Berkeley's Office of Energy and Sustainable Development spoke at virtual and in-person conferences and workshops in 2024. These speaking engagements included the Annual Urban Sustainability Directors' Network (USDN) Conference, the National Association of State Energy Officials (NASEO) and a Department of Energy (DOE) webinar, among others.

Greenhouse Gas (GHG) Inventory

Community-wide GHG emissions in 2022 decreased 37% from the 2000 baseline, and decreased 7% from 2021.

Race to Zero

On May 11, 2021, Berkeley City Council adopted a resolution committing the City of Berkeley to the C40 Cities Race to Zero Campaign, and on November 30, 2021 established a 2030 emission reduction target that reflects Berkeley's fair share of the 50% global reduction in CO₂e by committing to reduce emissions 60.5% from 2018 levels by 2030.

Global Covenant of Mayors

The City of Berkeley maintained compliance in the Global Covenant of Mayors in 2024.

Local Hazard Mitigation Plan (LHMP)

The LHMP is the main document that houses the City's climate adaptation work. It was updated in 2023, approved by the California Office of Emergency Services and Federal Emergency Management Agency in 2024, and in 2023 was in the process of being updated. A public draft was released in May 2024, and the final plan is anticipated to be adopted by Berkeley City Council in 2025.

Extreme Heat Planning

An extreme heat day is when temperatures reach the 98th percentile of historic maximum temperature. In Berkeley, an extreme heat day is a day above 88.3 degrees Fahrenheit. The City has developed extreme heat protocols for City operations. This work continues to evaluate city infrastructure and community needs, and is integrating best practices from other jurisdictions. The City is also participating in a regional group coordinated with UC Berkeley, the Berkeley Lab, and several Bay Area jurisdictions, to share and plan around extreme heat.

Solid and Hazardous Waste and Regulations

Landfill Solid Waste Emissions

Total community-wide landfill solid waste and overall emissions from the waste sector increased by 4% in 2022 compared to 2021, placing current waste sector emissions 47% below the 2000 baseline.

SB 1383 Organic Waste Composting

In 2016, California State Senate Bill 1383 was signed into law. This legislation is designed to reduce short-lived climate pollutants and requires 75% organic waste reduction by 2025 and a 20% increase in recovery of edible food that is currently disposed by 2025. Local jurisdictions have significant, new requirements to implement additional waste reduction programs and enhanced reporting and enforcement protocols to comply with the state legislation. The City began implementation of the requirements in 2022 and enforcement in 2024. The City has 153 Edible Food Generators that accept donated excess edible food and eight food recovery organizations. In 2023 (most recent available data), 425,286 pounds of edible food was recovered by food recovery organizations.

Single Use Disposable (SUDs) Ordinance Implementation

The City's Single Use Foodware and Litter Reduction Ordinance requires businesses selling prepared food, for both on-site dining and take-out, to follow guidelines to reduce single-use foodware, including providing reusable foodware, color coded recycling and compost bins, and compostable take-out containers. In 2024, staff inspected 648 restaurants, and found that 175 or 27% were complying by providing reusables for on-site dining. Additionally in 2024, staff and California Climate Action Corp fellows conducted outreach to food-serving business, offering free technical assistance and up to \$300 to purchase reusable foodware containers or up to \$2,500 toward the rental or purchase of a dishwasher.

Construction and Demolition Debris Diversion

The City requires residential construction projects over a certain value and all nonresidential projects to recycle construction and demolition debris. Through increased collaboration between Zero Waste and Planning Department staff, Zero Waste staff now participate in the New Construction Plan Check process to help architects and contractors understand and comply with all City Zero Waste requirements before breaking ground on new developments or renovations.

Air Quality

Indoor Appliances Implementation Working Group for the Bay Area Air District

Berkeley participated in the Bay Area Air District Indoor Appliances Working Group (IWG). To improve indoor air quality, the Bay Area Air District adopted amendments to Rule 9-4 and Rule 9-6 in March 2023 which establish zero-nitrogen oxide (NOx) emissions standards for gas furnaces and water heaters. These rules phase in requirements, beginning in 2027, that will ultimately only allow heat pumps (zero NOx appliances) to be sold and installed in the Bay Area for new water heaters and furnaces. The IWG is assisting the Bay Area Air District in identifying and addressing implementation issues including technical and workforce readiness of the market and equitable transition to compliant appliances, with a focus on residential water heaters in 2024.

Wildfire Smoke

To better address the threat of wildfire smoke, in 2019 the City of Berkeley participated in a grant led by Alameda County to create a communications protocol for responding to wildfire smoke and other air quality conditions. In addition, in 2023 the Office of Emergency Services secured 28 air cleaners for air filtration from a Bay Area Air District (Air District) grant. These air cleaners were distributed to public facing sites including libraries and community centers for use during poor air quality events. The City is also working to advance emergency and resilience planning for extreme heat and high air quality index (AQI) events, including coordination with cities around North America, and local collaboration outreach with community partners serving communities who have been marginalized.

Transportation Emissions

Total community-wide emissions from the transportation sector increased by 4% in 2022 compared to 2021, placing current transportation sector emissions 26% below the 2000 baseline.

Electric Mobility Roadmap

Implementation of Berkeley's Electric Mobility Roadmap, adopted in July 2020, continued in 2024, including bi-weekly meetings of the interdepartmental Electric Mobility Working Group. The Roadmap supports clean transportation, including walking, biking, public transportation, and a wide range of electric vehicles, with a focus on equitable and affordable access.

Electric Vehicles and Charging

The City continues to promote the use of electric vehicles (EVs) and facilitate the installation of EV charging stations by offering streamlined permitting, educating property owners about EV charging and grant opportunities, and providing EV charging on municipal property. In 2023, the EV adoption rate showed that 11% of the registered vehicles in Berkeley were zero emission (EVs and hydrogen fuel cell vehicles) or near-zero emission (plug-in hybrid electric vehicles) compared to 9% in 2022. Based on the most recent field verification, conducted in October 2023, there were currently 129 publicly available EV charging ports in Berkeley (Level 2 and Direct Current Fast Chargers, or DCFC) The City is partnering with Ava to develop future public DCFC Hubs at two locations in Berkeley. Local amendments to the 2022 California Green Building Standards Code (effective January 2023) require levels of EV charging in new buildings in Berkeley which exceed state requirements.

Electrification of City Fleet Vehicles

Staff worked with Ava Community Energy to conduct a municipal fleet electrification assessment including a plan for EV deployment and associated charging infrastructure through 2030, presented to City Council in July 2020. The City is currently working to add EV charging for fleet vehicles at the Corporation Yard, and has continued to increase the number of EVs in the municipal fleet. There are 50 electric vehicles as part of the City's fleet, including 5 vehicles (4 F150 Lightning Pick-Up Trucks and 1 Polaris Ranger) that were delivered in 2024.

Shared Electric Micromobility- Electric Scooters and E-Bikes

In 2021, the City adopted a resolution to establish a shared electric micromobility program to provide Berkeley residents and visitors with electric scooters and e-bikes rentals. To ensure equitable access, at least 50% of the devices must be deployed in designated equity priority areas and operators are required to provide low-income programs and accessible devices, such as sit scooters. In 2024, a total of 241,508 trips, representing 210,265 total miles, were taken on these shared electric scooters and bikes. This represents an 8% increase in number of trips from 2023.

Water Quality and Creeks

Water Consumption

Water consumption in Berkeley decreased by 31% between 2000-2022, and by 1% between 2021-2022 as reported in 2024.

Water Efficient Landscape Ordinance (WELO)

The City of Berkeley continued to enforce the California Water Efficient Landscape Ordinance (WELO), regulating the water use of new (500 square feet or more) or rehabilitated (2,500 square ft or more) landscapes in projects applying for zoning or buildings permits. In 2024, 10 projects, with a total of 21,976 square feet of landscaping, were completed in Berkeley that were subject to WELO.

Sea Level Rise

In 2019, the City initiated the Waterfront Specific Plan project to develop a long-term vision for achieving a financially self-sustainable publicly-owned Waterfront. The team conducted an extensive community outreach process and a draft Sea Level Rise Study for the Berkeley Waterfront. Preliminary findings indicate that three locations at the Berkeley Waterfront may experience periodic flooding by 2050 during a 100-year storm and King tide.

Groundwater Rise

Shallow groundwater in coastal communities will rise as sea levels rise, increasing the risk of flooding communities from below. The City participated in a project funded through a 2020 – 2022 California Resilience Challenge grant, led by the San Francisco Estuary Institute Aquatic Science Center. The final report provides groundwater mapping for existing and future conditions, suggestions on how to use this dataset for planning purposes, recommendations for additional modeling and assessments, and potential next steps. The City built upon this work by evaluating the impact of shallow groundwater rise and sea level rise on toxic materials stored underground, through an analysis conducted as part of the Prepared, Safe & Healthy Berkeley Project, taking place from 2024-2026.

Habitat and the Urban Forest

Urban Forest Tree Planting Program – Tree Equity

The City of Berkeley has a vibrant urban forest made up of approximately 38,000 street, park and median trees, managed and maintained by the Urban Forestry Unit of the Parks, Recreation & Waterfront Department. Current tree inventories and canopy coverage data illustrate fewer trees are located in the West and South Berkeley, neighborhoods which also have higher populations of lower-income and historically marginalized communities. To address tree equity, over 1,000 trees were planted in Aquatic Park in 2024. In addition, the City plans to plant another 1,000 new trees in West and South Berkeley neighborhoods over the next year. Funds have been secured to cover most costs through an Urban Greening Grant of \$726,000 and an Environmental Enhancement and Mitigation Grant of \$576,000. Both grants are sponsored by the California Natural Resources Agency. In addition, the City was awarded a federal Urban and Community Forestry grant from the Inflation Reduction Act for \$1,000,000 to hire staff and continue tree planting work over the next three years. This project aims to eliminate the past barriers to growing new street trees by promoting tree planting opportunities, engaging with communities and gathering specific tree planting requests in areas with low tree counts, purchasing and planting drought tolerant trees and then providing the three years of watering investment to establish these trees. These new trees will help to provide shade, cooling, storm water benefits, and beautification in neighborhoods that have been historically underserved.

Pollinator Gardens

Pollinator gardens support bees and other insects that are responsible for the pollination of much of the world's crops and flowering plants and also provide access to natural spaces in

urban communities. Since 2020 several Berkeley Parks and medians have been renovated in collaboration with the community to create space for native pollinator gardens and corridors. In 2024, 3 gardens were constructed at the following locations:

- Grove Park Pollinator Garden
- Grove Park Collaborative Garden (Food, Faith, & Justice, McGee Baptist Church)
- Aquatic Park: 8,413 new native plants and grasses installed on Bolivar Dr. in between Addison and Bancroft

Local Food Systems

Farmer's Markets

The Ecology Center Farmers' Markets are open-air marketplaces where California farmers bring fresh, locally-grown produce and farm-processed foods to sell directly to consumers. As in past years, the Ecology Center supported three markets each week, year-round, in Berkeley in 2024. These markets are committed to supporting small-scale farmers who practice sustainable agriculture, and always accept WIC and EBT. To support customers with disabilities, the Ecology Center offers an *Accessibility Fast Pass* to skip the lines at the farmers' markets.

Energy and Lighting

Building Energy Emission Reductions

Berkeley's 2022 overall greenhouse gas emissions from the building sector were 47% below the 2000 baseline. Emissions from community-wide electricity decreased 50% between 2021 to 2022. Emissions from community-wide natural gas usage decreased by 6% from 2021 to 2022, and has decreased by 26% since 2000.

Berkeley Existing Buildings Electrification Strategy

The City in 2021 completed a comprehensive strategy on how to equitably electrify all its existing buildings as soon as possible. The report, involved a robust targeted community engagement process that focused on marginalized communities. The strategy includes short- and long-term strategies, a proposed timeline, and a set of "equity guardrails" which provide a minimum set of equity standards that must be met in order for any of the proposed policies to be advanced. The strategy was adopted by City Council on November 20, 2021, and implementation is ongoing.

Municipal Building Upgrades in 2024 included:

- Building Lighting Upgrades to LED: In 2024, lighting was upgraded at the administrative building at 1947 Center Street and at the Main Library (Phase 1).
- Kitchen Electrification: The South Berkeley Senior Centers received electric cooking equipment (stove tops and drywells) in 2023. In 2025, North Berkeley Senior Center's kitchen electrification and major wiring upgrades are anticipated to be completed.
- Heat Pump Water Heaters: High efficiency heat pumps were installed at the following sites in 2023: Main Library, South Branch Library, North Branch Library, Corporation

Yard Green Room, Corp Yard Ratcliff Building, Fire Station #3, Fire Station #6, Marina Restroom, Women's Daytime Drop-In Center, and the Harrison House. No new heat pumps were installed in 2024.

Building Emissions Saving Ordinance

The City of Berkeley adopted the Building Emissions Saving Ordinance (BESO) in 2015 to accelerate energy and emissions savings in Berkeley's existing buildings.

- **BESO Time of Sale Program**: The BESO Time of Sale Program (for buildings under 25,000 square feet) requires building owners to complete and publicly report comprehensive assessments of their building's energy performance and opportunities for improvement prior to listing a building for sale. In 2024, 483 buildings completed a BESO assessment. In 2023, staff assembled a Technical Advisory Committee (TAC) of building decarbonization experts from local, state, and federal organizations, including PG&E, Ava, California Energy Commission, the Berkeley Lab, Building Decarbonization Coalition, contractors and architects, to advise on potential requirements at time of sale. Staff worked with the TAC, Bridge Association of Realtors, the Berkeley Rent Board, and the Environment and Climate Commission to further develop a policy proposal. In 2024, staff presented the proposal to City Council's Land Use, Housing and Economic Development Policy Committee. The proposed BESO amendments to for energy and resilience upgrade requirements are scheduled to go to City Council in 2025.
- **BESO Large Building Program**: The BESO Large Building Program (buildings over 25,000 square feet) requires annual energy benchmarking reports and energy assessments on a five-year recurring cycle for large multifamily and commercial buildings. In 2024, a total of 342 energy benchmarks were submitted, achieving a 62.4% compliance rate. BESO staff also launched a benchmarking scorecard to help building owners understand their buildings' energy performance, with 312 scorecards distributed. In addition, staff applied for and was awarded a US Department of Energy (DOE) Zero Code grant, in partnership with the City of San Francisco, to develop Building performance standards (BPS) to establish building-level requirements, such as minimum GHG emissions standards, by a specified date.

Ava Community Energy (Ava)

The City participates on the Joint Powers Agency Board of Directors for the community choice aggregation (CCA) program in Alameda County called Ava Community Energy (Ava). Authorized by California law in 2002, CCA enables cities and county governments to pool the electricity demand within their jurisdictions in order to procure or generate electrical power supplies on behalf of the residents and businesses in their communities. Ava began providing electrical account holders with electricity services beginning in 2018. In 2019, the City opted up its municipal accounts to receive 100% carbon-free electricity, reducing municipal greenhouse gas emissions by more than 50%. Starting in March 2021, the City's electrical power for municipal buildings were generated from 100% renewable sources. On June 29, 2021, Berkeley City

Council adopted a resolution to upgrade all current and new Berkeley residential and commercial customer accounts to Renewable 100 (100% renewable energy from California solar and wind) for their default electricity service plan, excluding residential customers in low-income assistance programs. These changes became effective in March 2022 for residential customers and in October 2022 for commercial/industrial customers.

Solar + Storage at Critical Municipal Facilities

The City is working with Ava Community Energy on a procurement for resilient solar + storage systems at critical municipal facilities. This project will improve resilience by providing clean renewable back-up power for critical facilities when the grid is down and will reduce reliance on polluting diesel generators. Ava conducted a full technical analysis of locations and sizing potential for installing solar + storage at critical municipal facility sites. Ava will lead the procurement on behalf of six cities including Berkeley in order to reduce the cost and complexity of potential system deployment. City Council approved entering into a Power Purchase Agreement with Ava for the proposed sites for solar + storage installations in Berkeley are the Corp Yard and Live Oak Community Center in 2024. Construction is scheduled to start in 2025 and be completed by 2026.

Natural Gas Prohibition

In July 2019, the City Council adopted the first ordinance in the nation to prohibit the use of natural gas in newly constructed buildings. Berkeley's Natural Gas Prohibition, was implemented from January 2020 to January 2024. The ordinance was repealed in 2024 following a Ninth Circuit Court of Appeals ruling that the ordinance was preempted by the Energy Policy and Conservation Act (EPCA).

ECONOMIC DEVELOPMENT AND EMPLOYMENT

AMENDMENTS

The Economic Development and Employment Element was not amended during CY 2024.

PROGRESS TOWARDS MEETING THE GOALS AND GUIDING POLICIES OF THE ECONOMIC DEVELOPMENT AND EMPLOYMENT ELEMENT

Revolving Loan Fund (RLF)

In April 2024, the City of Berkeley's Revolving Loan Fund (RLF) was defederalized from the funding granted by the Economic Development Administration (EDA) in 1980. The RLF funds remained with the City and continue to provide access to capital for businesses that don't qualify for traditional commercial loans. All current RLF recipients (6 active loans) have resumed payments (a pause was offered during the pandemic) and after defederalization, the Loan Administration Board amended the RLF Administrative Plan to allow for a third-party administrator to service the RLF loans which will improve the experience for the existing and future Berkeley RLF borrowers.

COVID-19 Resiliency Loan Program (RLP)

In July of 2020, The City was awarded a \$814,000 federal CARES Act grant to provide additional funding to existing businesses. Using the grant, OED launched the COVID-19 Resiliency Loan Program (RLP) for Berkeley businesses that are at least two years old and have less than 50 employees. This program streamlines the approval of 0%-1% interest loans for businesses in need of working capital, to provide additional assistance and support for Berkeley's entrepreneurs. To date, the RLP portfolio has 18 loans with an outstanding principal of \$435,000 and the program is now serviced by Working Solutions, a certified Community Development Financial Institution.

Grants for artists and cultural practitioners

In 2024 the City of Berkeley Civic Arts program provided grants to support a vibrant arts ecosystem, strengthen diverse cultural expressions, and ensure equitable access to arts and culture throughout Berkeley. Civic Arts Grants Awarded in 2024 included: 11 individual arts project grants (\$44,000), 34 community festivals (\$199,680) and 55 arts organizations (\$444,799). The City also leveraged a matching grant from the National Endowment for the Arts for the second year in a row to support a newer Civic Arts grant program with \$80,000 to distribute in grants (up to \$5,000 each) for: Berkeley nonprofit (not-art specific) organizations producing arts and cultural programming in partnership with an arts organization or teaching artist; or Greater Bay Area arts nonprofit organizations producing arts and cultural programming in Berkeley. A new program, the *Capital Projects Grants*, was funded with \$300,000 in December of 2023 and established to retain and sustain the vitality of Berkeley's arts sector through real estate and capital project support. In 2024 two grants of \$150,000 were awarded to Berkeley-based nonprofit arts and cultural organizations, this program will likely not run again in 2025 due to lack of funds.

Investment in Public Art

In 2024, the Civic Arts Program implemented a portfolio of public art projects in Berkeley valued at nearly \$700,000. Some of the projects included: the commission of a large bronze sculpture by Mildred Howard installed at Adeline and Alcatraz Avenues, and the restoration of a collaborative public art installation at the Berkeley transit node created by muralist John Wehrle and poet Betsy Davids, "MakRoote."

Business Outreach and Technical Assistance

In calendar year 2024, the Office of Economic Development (OED) conducted the following outreach and technical assistance activities:

- Fielded thousands of direct business inquiries by phone & email
- Issued [OED newsletters](#) with relevant information and opportunities for businesses
- Partnered with the Berkeley Chamber to organize Berkeley Business District Network (BBDN) Forums for the business community at large to gain information, ask questions

and share resources related to ongoing commercial district management and special events.

- OED partnered with other staff sections to provide easy-to-digest information on how to engage with the city and work, invest, and grow a business in Berkeley. A new [Doing Business in Berkeley webpage](#), webinars, and downloadable materials from the City of Berkeley website were published now help local business leaders navigate government requirements for launching or expanding a business in Berkeley.

Equity-focused programming for the innovation sector

Berkeley Ventures, Berkeley Values was launched in 2019 to align the growth of Berkeley's innovation sector with the community values of diversity, equity and inclusion. Berkeley Ventures Berkeley Values programing includes activities that engage Berkeley startup founders, funders, and STEM industry professionals to build a local economy that benefits our entire community. Programs include: STEM CareerX Day tours for Berkeley High School students at local startups and innovation companies, developing a community of practice for Berkeley investors focused on implementing diversity, equity and inclusion (DEI) best practices. In 2024, dozens of Berkeley High School students saw how their science, technology, engineering and math (STEM) skills apply in Berkeley's workplaces during the 7 STEM CareerX Tours that took 125 Berkeley High School students to Berkeley companies in 2024.

Business succession planning for worker owned cooperatives

Beginning in 2018, OED partnered with Project Equity to meet the local demand for business succession planning; and provide technical assistance to Berkeley's businesses wishing to transition to employee ownership. Special funds (ARPA dollars) were leveraged to support a multi-year engagement with Project Equity. The funds enable Project Equity to stay as an on-call advisor to businesses in Berkeley that want to transition to worker ownership. Project Equity's work also implements strategies to measure business retention risk in Berkeley on an ongoing basis.

#BerkeleyHolidays Gift Fair, Berkeley Bucks Marketing Campaign – Local Shopping

A partnership between OED, the Berkeley Chamber, Visit Berkeley and business districts citywide, the #BerkeleyHolidays Gift Guide, local scrip Berkeley Bucks, and marketing campaign promoted local shopping during the holiday season and featured an in-person holiday fair in Downtown Berkeley in December of 2024.

Discovered in Berkeley – Local Business Marketing and advertising

The #DiscoveredinBerkeley business marketing campaign was launched in 2019 to, "inspire pride among Berkeley residents and business owners alike about the amazing commercial activity happening in the neighborhoods where they live and work, encourage local shopping, raise awareness of the business services offered by the City's Office of Economic Development and enhance Berkeley's reputation as a good place to do business." In 2024, funding was allocated to Cityside, the publisher of the local independent online news publication,

Berkeleyside, to support the creation of sponsored stories, banner ads, and graphics for social media and the [DiscoveredinBerkeley.com](https://discoveredinberkeley.com) website highlighting exceptional businesses in Berkeley. Remaining funds were spent in 2024 on events, social media, and additional media channels that will increase local businesses' sales, visibility in the region, reputation, and community pride. In 2024, the City continued its marketing initiatives to highlight businesses in several districts, around a number of relevant and seasonal themes. The 'Discovered in Berkeley' local marketing campaign featured a thoughtful roster of unique local-serving storefront businesses and the business districts in which they reside, by highlighting Berkeley businesses that fall into the categories of "Food Forward," "The Upcycle," "Dare to Share", and "Local Love." By year end, the campaign had made approximately 4.4M impressions and generated nearly 179,000 concrete engagements online.

Business Improvement Districts

The City facilitates five business improvement districts (BIDs) in the Downtown, Telegraph, Elmwood, North Shattuck, and Solano commercial districts that generate funds through a self-assessment to help promote and maintain their districts. There is also a city-wide Tourism BID which is funded by the self-assessment of Berkeley's hotels and motels and directly supports Visit Berkeley, the City's Convention and Visitor's Bureau. Over the past year, the City has continued to provide technical assistance to each of the BIDs, with particular focus on bolstering the wider Berkeley Business District Network (BBDN) (an organization which all commercial districts participate in), increasing the frequency of meetings to allow for improved communication and sharing across district networks.

URBAN DESIGN AND PRESERVATION

AMENDMENTS

The Urban Design and Preservation Element was not amended during CY 2022.

PROGRESS TOWARDS MEETING THE GOALS AND GUIDING POLICIES OF THE URBAN DESIGN & PRESERVATION ELEMENT

The City continues to review projects on a case-by-case basis for conformance with the principles, policies and implementation measures of the Urban Design and Preservation Element to ensure that they are designed to enhance the livability of Berkeley and encourage a high level of quality design while encouraging well designed sustainability measures.

Preservation

- In CY 2024, three properties were designated as City Landmarks or Structures of Merit and added to the local register: 2442 Haste Street, 2227 Parker Street and 2500-2512/1094-1098 Dwight Way.

- The Landmarks Preservation Ordinance (LPO) was maintained in 2024 with no changes, revisions or updates.
- The established process for identifying and designating historically or culturally important buildings, sites, and areas is open to all and remains so. All of the recently designed properties were the result of either a public petition or the initiation of the Landmarks Preservation Commission.
- The existing referral process prior to demolition continues with 7 referrals in 2024; no ordinance changes occurred in 2024.
- The City of Berkeley continues to serve as a Certified Local Government (CLG); no CLG grant applications were submitted in 2024. The City continues to maintain a formal partnership with SHPO. Other organizations, such as BAHA, communicated regularly with the City in 2024 through correspondence and presentations to LPC.
- An outstanding Notice of Violation for un-permitted exterior alterations and signage installation remained under review in 2024.
- In 2024, the City's GIS mapping system includes the inventory of City Landmark and Structures of Merit sites.
- In 2024, the City possessed generalized information about sites that are known to contain sub-surface cultural resources and those that may possibly contain these resources.
- In 2024, a seismic retrofit program continued to provide incentives for the owners of "soft-story" properties, including several historically significant properties, to complete seismic upgrades.
- Design Review Staff has been assisting with this effort to review projects for FEMA funds and encourages preservation-sensitive measures.
- The City Manager maintains cooperative relations with UC Berkeley leadership and confer regularly on the implementation of the Long-Range Development Plan where specific activities relate to the preservation and treatment of historical resources.
- The City maintains a relationship with the school district on matters of cultural resource management. In 2024, consultants for the district provided an advisory presentation to the Landmarks Preservation Commission describing a planned improvements project for a district-owned City Landmark site.

- In 2024, City staff continued to encourage project proponents to make use of the State Historical Building Code; most often this occurs during building permit application review.
- The City received and granted three requests for a Mills Act contract in 2024.
- New development is encouraged throughout the City where infill proves viable. These areas may contain historic resources, and the City's ongoing practice encourages retention of resources and treatments consistent with the Secretary of the Interior's Standards.
- The City continued its work on the Civic Center Vision Plan (adopted 2020) and completed Phase 2, which involved development and refinement of a design concept. In 2024, the Office of Economic Development began to plan for and roll out Phase 3 of the project.

Urban Design

- There were no new ordinance changes for design review in 2024. Both Staff and the Design Review Committee (DRC) continued the General Plan Policies already set in place.
- The DRC was able to forward a favorable recommendation to the Zoning Adjustments Board (ZAB) on eight (8) residential projects in 2024. Please see the list of project addresses below:
 1. 2530 Bancroft Way
 2. 2462 Bancroft Way
 3. 2037 Durant Avenue
 4. 2128 Oxford Street
 5. 2136 San Pablo Avenue
 6. 2820 San Pablo Avenue
 7. 2274 Shattuck Avenue
 8. 2550 Shattuck Avenue

CITIZEN PARTICIPATION

AMENDMENTS

The Citizen Participation Element was not amended during CY 2024.

PROGRESS TOWARDS MEETING THE GOALS AND GUIDING POLICIES OF THE CITIZEN PARTICIPATION

New Environmental Justice Element

In 2024, significant progress was made towards the creation of a new Environmental Justice Element. The new Environmental Justice element will include new programs and policies that aim to add to and improve upon existing policies relating to civic engagement. The civic

engagement topics in the new Environmental Justice Element will replace the Citizen Participation Element, which has not been updated since 2002.

Land Use Planning Commissions and Bodies

Citizen participation takes place in the arena of policy-making and advisory citizen bodies, such as the Berkeley City Council, the Planning Commission, and the Zoning Adjustments Board. The following commissions held over 100 public meetings where projects and land use policies were discussed:

- Zoning Adjustments Board
- Planning Commission
- Landmarks Preservation Commission
- Design Review Committee

Correspondence

From: BDA Berkeley Design Advocates <berkeleydesignadvocates@yahoo.com>
Sent: Tuesday, May 20, 2025 12:38 PM
To: Planning Commission
Subject: Berkeley Design Advocates Invitation to Design Awards June 5
Attachments: BDA Design Awards Invite Letter 2025 PC.pdf

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Greetings Chair Vincent, Commission Members and Secretaries Horner and Shen:

Please see the attached invitation to attend Berkeley Design Advocates' 16th Design Awards.

Berkeley Design Advocates

Berkeley Design Advocates



15 May 2025

Mr Jeff Vincent
Chair, Planning Commission
City of Berkeley
1947 Center Street, 2nd Floor
Berkeley, California 94704

Dear Chair Vincent and Commission Members:

Re: 2025 BDA Design Awards

Please accept our invitation to attend the 16th biennial Berkeley Design Advocates Design Awards ceremony. The ceremony will be held on Thursday June 5th, with doors opening at 600 pm and the ceremony starting at 645pm, at the Aurora Theater, 2081 Addison Street.

Berkeley Design Advocates is dedicated to improving the built environment and has worked for good planning and design in Berkeley since 1973. Our biennial design awards are the opportunity for the Berkeley community to celebrate great design in the built environment. This year we will honor three outstanding projects that were completed between January 2023 and December 2024, along with an Award of Honor to an architectural firm.

We hope that you can join us for this fun and often inspirational event. We look forward to seeing you.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Anthony Bruzzone', is written over a faint, light blue circular watermark.

Anthony Bruzzone, President
Berkeley Design Advocates

cc: Director Klein
Secretaries Horner and Shen

Correspondence

From: Lucas Cantor <lucas@cantor.cloud>
Sent: Wednesday, May 21, 2025 1:29 PM
To: Messner, Faye
Subject: Public Comment in Support of Zoning Map Amendment – R-1A to R-2

Follow Up Flag: Follow up
Flag Status: Completed

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Members of the Planning Commission,

I am writing to express my strong support for the proposed zoning map amendment to redesignate parcels currently zoned R-1A (Limited Two-Family Residential) to R-2 (Restricted Two-Family Residential). This is a necessary step toward addressing Berkeley's ongoing housing crisis by allowing more flexibility and modest increases in residential density.

The R-1A zoning designation has functioned in practice as a barrier to the creation of new housing. Re-zoning to R-2 would permit a broader range of housing types, including duplexes and small multi-family homes, that are well-suited to the character of Berkeley's neighborhoods and desperately needed to meet our housing goals.

This change will:

- Enable a greater diversity of housing options in existing neighborhoods.
- Support Berkeley's climate and equity goals by making better use of land in already-developed areas.
- Help alleviate displacement pressures by creating more homes in high-demand areas.

Berkeley cannot afford to maintain exclusionary zoning policies that restrict housing supply and drive up costs. The R-2 designation still respects neighborhood scale while making more efficient and equitable use of our limited residential land.

I respectfully urge the Planning Commission to recommend adoption of this amendment and move forward with zoning reforms that make Berkeley a more affordable and inclusive city for all.

Thank you for your work and consideration.

Sincerely,
Lucas Cantor

Correspondence

From: cafred1@juno.com
Sent: Wednesday, May 21, 2025 11:10 PM
To: Messner, Faye
Subject: COMMENTS FOR JUNE 4, 2025 PLANNING COMMISSION MEETING PACKET

Follow Up Flag: Follow up
Flag Status: Completed

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

5-20-2025

Hello Ms. Messner,
Please include these comments in the June 4, 2025 Planning Commission meeting packet.
Please confirm receipt.
thank you,
Clifford Fred

May 20, 2025
Clifford Fred
Berkeley California

TO THE BERKELEY PLANNING COMMISSION FOR YOUR JUNE 4, 2025 MEETING

OPPOSITION TO PROPOSED "MISSING MIDDLE" RESIDENTIAL UP-ZONING OPPOSITION TO UP-ZONING THE R-1A DISTRICTS TO R2

THE PROPOSED RESIDENTIAL DISTRICTS UP-ZONING ("MISSING MIDDLE PLAN") INCLUDING THE UP-ZONING OF THE R-1A DISTRICT TO R-2, NEEDS A NEW ENVIRONMENTAL IMPACT REPORT – EIR

BASED ON THE CALIFORNIA ENVIRONMENTAL QUALITY ACT – CEQA, A NEW EIR IS REQUIRED:

NO ACTION ON THIS PLAN SHOULD BE TAKEN UNTIL THE BERKELEY FIRE DEPARTMENT'S PENDING EVACUATION AND RESPONSE TIME STUDY IS AVAILABLE AND CAN BE REVIEWED BY THE PUBLIC

Please note my opposition to the far-reaching Residential Districts Up-Zoning Plan ("Missing Middle Plan"), including the proposal to upzone the R-1A district to R-2.

Please note that several years ago, SB35 abolished single family zoning throughout Berkeley and the state. ADU's and other second units can already be built on most single family home lots in Berkeley BY RIGHT, with no discretionary review.

There was already a major upzoning within the R-1A zoning district about six years ago.

Over a year ago, San Francisco Supervisor Aaron Peskin pointed out on KPFA that there have been at least 35 bills signed by Governor Newsom in recent years that weakened local control over zoning and land use and/or weakened the California Environmental Quality Act. There is very little local control over development left. Please let Berkeley's non Hill district keep what zoning controls we have left.

Berkeley is most likely now the most densely populated city in California.

This building boom is adding 15,000 to 20,000 new residents to Berkeley and many thousands more cars; yet the City wants to REMOVE street parking on Hopkins, Peralta, Virginia, Rose and on other streets. This makes no sense at all.

Our city parks are already overcrowded. Yet there are no new parks planned for the many thousands of new residents that will live here.

Berkeley City officials are turning what used to be a beautiful, low-rise, human scaled city into an ugly warren of high rises and massive buildings stretching relentlessly from the Oakland border to the Albany border.

Berkeley City officials are turning a once livable city into a decidedly un-livable city.
This proposed far-reaching residential districts up-zoning would make Berkeley even more un-livable.

FAILURE TO CONSIDER LOSS OF PARKING SPACES BASED ON STATE MANDATED “DAY LIGHTING”

The proposed up-zoning fails to consider the impact on available parking from the loss of hundreds of parking spaces in Berkeley resulting from the state mandated creation of red zones at intersections i.e. “daylighting”. The 2022 Housing Element EIR being used for the current R-1A to R-2 up-zoning and for the more far-reaching “missing middle” up-zoning plan is inadequate because it does not consider the loss of residential parking due to the state mandated daylighting red zones.

FAILURE TO CONSIDER MEASURE ‘S’ WHICH WAS APPROVED BY VOTERS IN 1979

Measure ‘S’ was approved by Berkeley voters in April 1979. It states that new development cannot be approved if it would result in nearby intersections reaching gridlock levels. No new development or new up-zoning plans should be approved until Measure ‘S’ is finally implemented.

LARGE SCALE DEVELOPMENT CONTRIBUTES TO GLOBAL WARMING

The May 3, 2025 addition of the New York Times reports that “according to the American Institute of Architects, almost 40% of greenhouse gas emissions world wide result from the building industry.”

It is wrong to claim radically up-zoning and developing Berkeley’s residential districts will fight global warming. Big buildings and increased building density create heat, while open space and trees cool the planet. Yet Berkeley is taking away open space, not providing more open space.

I urge the Planning Commission and the City Council to reject these plans.

BASED ON THE CALIFORNIA ENVIRONMENTAL QUALITY ACT – CEQA, A NEW EIR IS REQUIRED:

1 – There have been substantial changes in the Berkeley’s built environment since the Berkeley Planning Commission approved a Housing Element EIR in 2022.

2 – In the last three years, there have been substantial changes in the circumstances in which the R1-A to R-2 up-zoning would be undertaken, and in which the larger proposed missing middle up-zoning would be undertaken.

And there is a considerable amount of new information that was not available at the time the EIR was approved in 2022:

A – The state legislature has been adopting and is continuing to adopt laws that significantly weaken local control over land use.

B – The Berkeley City Council has been adopting and is continuing to adopt new zoning ordinances and other policies to allow considerably more development in Berkeley, and considerably larger scale development in Berkeley than previously allowed.

C- An unprecedented amount of large scale development has recently been approved in Berkeley, or is now in the pipeline to be approved and built in Berkeley.

All of the above means that the cumulative impacts of the Residential Districts Up-Zoning, and all of the reasonably foreseeable development in Berkeley would be far more adverse, severe and overwhelming than was anticipated in the 2022 Housing Element EIR.

The Berkeley Planning Commission approved an Environmental Impact Report – EIR for the City Housing Element 2022, three years ago. Since then, there has been an unprecedented amount of high-rise & large scale new apartment construction applied for, approved but not yet built, or approved & now under construction that were not considered at the time that the Housing Element EIR was approved.

Over 15,000 new housing units are planned and/or under construction in Berkeley. Berkeley is now, or soon will be, the most densely populated city in all of California.

Since 2022, there has been an unprecedented weakening of City Zoning Laws. Significant Increases in the allowable heights and densities have been approved by the City Council through out Downtown Berkeley, north, west, and south of Downtown, in the Southside Neighborhood and in West Berkeley.

And, since 2022, there have been numerous bills passed by the California State Legislature and signed into law by the governor further weakening local control over development, and further weakening the ability of cities to enact reasonable zoning regulations.

The California Environmental Quality Act – CEQA, mandates that new EIRs must be prepared when significant new information becomes available about the project itself and/or of the cumulative impacts of the project and reasonable foreseeable other projects that had not been know about at the time that the original EIR was approved, after a previous EIR is approved but before the project itself is approved and/or before construction has begun.

CEQA – Public Resources Code Section 21166 states that a subsequent EIR must be prepared after an original EIR was approved if:

(a)Substantial changes are proposed in the project;

(b)Substantial changes with respect to the circumstances under which the Project is undertaken are learned of;

(c)New information, which was not known at the time the EIR was certified as complete becomes available.

Section 15162 of the CEQA Guidelines describes the circumstances under which subsequent EIRs are necessary. In addition to the criteria in Public Resources Code Section 21166, Section 15162 of the CEQA Guidelines states that a Subsequent EIR is necessary is any of the following apply:

(1)The project will have one or more significant effects not discussed in the original EIR;

(2)Significant effects previously examined will be substantially more severe than shown in the first EIR;

(3)Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more of the projects' significant effects; OR

(4) Mitigation measures or alternatives that were not previously considered would substantially lessen one or more significant effects on the environment.

CUMULATIVE IMPACTS

CEQA GUIDELINES – Section 15130 – An EIR must discuss cumulative impacts when they are significant. Cumulative impacts are defined as “two or more individual effects which when considered together are considerable or which compound or increase other environmental impacts.”

CEQA GUIDELINES – Section 15355 – “Individual effects may be changes resulting from a single project or a number of separate projects.”

“The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.”

MASSIVE MULTI-BLOCK NORTH BERKELEY BART DEVELOPMENT APPROVED:

The North Berkeley BART development as currently proposed by the Bridge development consortium, would be taller, bigger and more dense, and would provide less open space than anticipated by the April 2022 North Berkeley BART zoning EIR. The project as currently proposed would overwhelm the existing neighborhood, make life miserable during construction and afterwards, and would drive down property values.

Buildings would be 5-8 stories, or more, and the project would have at least 1200 housing units.

The North Berkeley BART Project would apparently include 28 separate buildings, covering the entire North Berkeley BART parking lot. It would overwhelm local streets with gridlock traffic, and would overwhelm the already stretched thin Berkeley Fire and Police Departments.

In April 2022 the Berkeley Planning Commission approved an EIR for the zoning amendment it adopted at the same meeting for the North Berkeley & Ashby BART site. The Berkeley City Council approved the EIR & the zoning amendment in June 2022.

Since April 2022, there have been major changes in, and new information revealed about the proposed North Berkeley BART Project.

We have learned that 500 or more parking spaces at the North Berkeley BART lot would be removed.

And we have recently learned that BART and the City of Berkeley want to remove all parking spaces on the north side of Virginia Street between Acton Street and West Drive (facing the the BART lot proposed development site). This would further exacerbate the critical parking shortage that would be created by the proposed large-scale development of the North Berkeley BART site. Removing this street parking was not anticipated in the April 2022 zoning amendments for the North Berkeley BART site, nor was it anticipated in the April 2022 North Berkeley BART site EIR. This proposal was unanimously approved by the Berkeley Transportation and Infrastructure Commission in June 2024.

We have learned that there is a very strong likelihood that the North Berkeley BART station would be closed for the two plus years of construction. The Berkeley District One City Council member announced at a public meeting on the BART project in March 2023 that there would be a shuttle from the North Berkeley BART station to the Downtown Berkeley BART station during the two plus years of construction, suggesting that the North Berkeley BART station would be closed during construction.

It is hard to fathom how the station could stay open while the entire multi-block area surrounding the BART station's ingress and egress would be full of construction equipment, construction workers, and more than two dozen large buildings being constructed.

In December 2023, the Berkeley City Council gave its approval for far greater density in the project than had been previously assumed.

There have also been recent revelations of a large homeless supportive housing element in the Project, information which had previously been kept from the public.

ASHBY BART DEVELOPMENT

Large scale development is also now being planned for the Ashby BART site. This information was not available when the Housing Element EIR was approved in 2022.

San Pablo Avenue Planning :

The City is in the midst of a planning process to increase height and density limits along San Pablo Avenue in Berkeley, which is just a very few blocks from the BART station lot. More development along San Pablo Ave will further exacerbate the cumulative impacts of the proposed North Berkeley BART development. The County of Alameda is separately in the midst of a planning process for San Pablo Avenue.

More detailed information can be obtained from the City of Berkeley Planning Department.

PEOPLES PARK HIGH RISE DORMITORY COMPLEX

UCB is constructing a massive high rise dormitory complex at Peoples Park in Berkeley with 1100 or more beds. Peoples Park was the only open space of any significance in the southside area of Berkeley, which is the most densely populated area of Berkeley.

The loss of Peoples Park as open space will, combined with the many thousands of apartment units planned, under construction or recently built in Berkeley, including the North Berkeley BART development plan, create a cumulative lack of open space crises in Berkeley that the 2022 City of Berkeley Housing Element EIR did not anticipate.

When the Housing Element EIR was approved in 2022, the proposed Peoples Park development was in the early stages of litigation, and there was a high probability that it would never happen. However, in 2023, the state legislature passed a bill that weakened CEQA in a way that made it more difficult to litigate the inadequacy of the university's Peoples Park EIR.

In May 2024, the state Supreme Court ruled against a citizens' challenge to the People's Park EIR.

Thus, large scale Peoples Park development is now underway. But at the time the Housing Element EIR was approved in 2022, the Peoples Park development was only a possibility.

OTHER MAJOR NEW PENDING PROJECTS NOT KNOWN ABOUT WHEN THE HOUSING ELEMENT EIR WAS APPROVED IN 2022

The following are some, but by no means all of the unprecedented level of new high-rise & large scale new apartment construction and other projects applied for, approved but not yet built, or approved & now under construction that were not considered in the 2022 Housing Element EIR.

Included is a proposed 28 story apartment high rise at 1998 Shattuck Ave, at the NW corner of Shattuck and University Ave and extending all the way to Berkeley Way, – Isaiah Stackhouse – developer; This project would evict numerous small businesses, including the McDonald’s restaurant that is the last place in downtown Berkeley that a low-income person can get a hot meal. The Zoning Adjustments Board approved this project in March 2025

Included is a 26 story apt high rise at 2161 Allston Way;

Included is a 25 story apt high rise at 2190 Shattuck Ave; This project has already evicted a Walgreens pharmacy, which had been the last remaining pharmacy in Downtown Berkeley.

An 18 story apartment complex on Kittredge, near Oxford Street, was approved by the Berkeley City Council in June 2024.

A 17 story apartment complex 2274 Shattuck Avenue at the site of the landmarked UA Theatre. In April 2025, the City Council approved the development of this project, despite strong community opposition.

A new 14 story apartment complex planned at 2109 Milvia Street – Isaiah Stackhouse developer;

A new 10 story apartment complex at 2900 Shattuck. This project would evict the Eastern Supply True Value hardware store, the last remaining hardware store in South Berkeley.

A pending 8-story apartment complex at 1598 University Ave., at the southeast corner of California. This project would be just a few blocks from the proposed North Berkeley BART development, and the adverse impacts of each would be exacerbated by the impacts of the other. This project – now under construction, has already evicted the popular North Beach Pizza restaurant.

A proposed 7-story apartment building at 1581 University Avenue, that would displace the popular Three Stone Hearth.

A proposed 5-story apartment building at 1652 University Avenue, SE corner of Jefferson.

A proposed 8-story, 205 unit, 209,296 sq. ft. apt development at 2100-2108 Milvia Street.

A 7 story apt building at 1753 Shattuck at Francisco that is now under construction;

An 8 story apartment building recently approved at 2065 Kittredge, for which landmarked buildings have been demolished.

A seven story, 75 unit apartment structure at 2550 Shattuck Ave, at the southwest corner of the Blake Street. This project would evict the AIMC Acupuncture & Integrative Medicine College and Clinic.

A 219 unit apartment project at 2015 Blake Street, between Shattuck and Milvia, extending all the way to Dwight Way. The building’s height could not be determined.

A proposed 8 story apt building at 2601 San Pablo Ave, at SE corner of Parker Street – Isaiah Stackhouse developer;

A proposed 6 story apartment complex at 2136-2154 San Pablo Avenue, with 123 living units,

A proposal for a 5-story apt building a 2429-2433 San Pablo Ave, with 77 group living units.

The massive 761 unit multi- square block Albany Village Graduate Student Apartments housing development on Monroe Street nearby in Albany will add considerable more traffic to the already congested northwest Berkeley neighborhood surrounding the BART station.

The City's Planning Department would have a more comprehensive list of projects that are now in the pipeline and thus reasonable foreseeable but were not known about when the Housing Element EIR was approved in 2022.

And also included is the horrifically full square block UCB Helen Diller Building at Walnut and Berkeley Way, that replaced two reasonably scaled rent controlled apartment buildings. How did the City Council let UCB get away with constructing such a massive out of scale building at this site?

A sprawling multi-block industrial – bio-tech complex is now under construction in southwest Berkeley near Aquatic Park.

SO-CALLED UC BERKELEY INNOVATION ZONE ON OXFORD STREET

A very large-scale new development is being planned by the University of California on the West Side of the campus. The so-called UC Berkeley Innovation Zone is located on a 1.86-acre site in Downtown Berkeley across Oxford Street from UC Berkeley Campus

Brief Project Description: The Berkeley Innovation Zone Project would involve the demolition of existing on-site structures and the construction and operation of two laboratory buildings, referred to as the South Building and the North Building. The South Building would provide an approximately 176,000-gross-square-foot new laboratory building that would include five above-ground floors, a non-occupied mechanical space at the roof, and a below-grade basement. The South Building would provide space for permanent occupancy of up to 340 people.

The North Building would provide an approximately 310,000-gross-square-foot building with 11 above-ground floors, a non-occupied mechanical space at the roof, and a below-ground basement. The North building would include space for laboratory and office uses, as well as a parking garage with up to 350 spaces. This building would also include roughly 5,000 gross square feet of ground-floor commercial space. The North Building would provide space for permanent occupancy of up to 750 people.

This large-scale UC project was approved by the UC Regents in May 2024.

NEW SOUTHSIDE ZONING

In November 2023, the Berkeley City Council approved new zoning regulations and a General Plan amendment for the large Southside area south of the UC campus which will allow and encourage much greater building heights and density than previously allowed. According to Berkeley's mayor, the new regulations will allow and encourage 2650 new housing units in this already very densely populated neighborhood.

And according to then City Councilmember Rigel Robinson, "this final up-zoning plan is so incredibly ambitious and will bring tremendous new investment to the neighborhood." (Berkeley Times 12-1-2023)

And the City Council recently stated it wants even taller & more dense buildings downtown than currently allowed. And an ambitious planning process to allow taller and more dense construction all along San Pablo Ave. in Berkeley is currently in process.

And, the Berkeley City Council is in the process of weakening the City's demolition regulations, resulting in even more new development occurring than was anticipated at the time the Housing Element EIR was approved in 2022.

And, a Hopkins Corridor Plan that would remove over 150 street parking spaces on Hopkins Street just a few blocks from the N. Berkeley BART station has been proposed by City officials. Although the Plan was recently tabled, it has not been cancelled.

And, the Ohlone Greenway Modernization and Safety Project would remove more parking spaces in the vicinity and would encourage more bicycle-pedestrian & e-scooter collisions by not providing a separate pedestrian pathway.

MASSIVE BERKELEY MARINA DEVELOPMENT PLANNED

Large-scale development at the Berkeley Marina is currently in the final stages of approval. This Marina development will add considerable regional traffic to Berkeley, while removing waterfront open space. Even as city officials lament the rise in sea level which they say will be the inevitable result of climate change, they are agreeing to very large scale development right at the water's edge, which would also pose a threat to water quality.

NO ACTION ON THE PROPOSAL SHOULD BE TAKEN UNTIL THE BERKELEY FIRE DEPARTMENT'S PENDING EVACUATION AND RESPONSE TIME STUDY IS AVAILABLE AND CAN BE THOROUGHLY REVIEWED BY THE PUBLIC

The Berkeley Fire Department has retained consultants to produce an Evacuation and Response Time Study. Planners should know that more development causes more traffic congestion, which results in longer response times by the Fire Department to fires and health emergencies, which thus leads to more fatalities.

The Berkeley Fire Department's Standards of Coverage and Community Risk Assessment Study states that current response times are already too long, and that these problems will worsen s Berkeley's density further increases. The report states that survival decreases by 7-10% for every minute of delay getting to a heart attack victim.

The Berkeley Residential Up-zoning Plan should be put on hold until the Fire Department's Evacuation and Response Time Study is completed and available for review.

Once the Fire Department's Evacuation and Response Time Study becomes available in July 2025, a thorough new EIR for the proposed Residential Districts Up-Zoning is needed which incorporates the findings in the above Study.

A thorough new analysis of the City's Fire and Police departments' ability to respond to emergency calls in light of all the above described new development and new zoning changes is needed in a new Residential Districts Up-Zoning EIR.

The impacts of the proposed Residential Districts Up-Zoning combined with all the other reasonable foreseeable projects cited in this report would very likely result in very many more fatalities due to the inability of emergency responders to get to heart attack victims and other critically ill and injured people timely.

Thus, the cumulative impacts of the proposed Residential Districts Up-Zoning, combined with all the reasonably foreseeable and anticipated development in the surrounding community would be far worse now than when the Planning Commission approved the Housing Element EIR 2022.

Clearly a new EIR is needed for the proposed Residential Districts Up-Zoning, to properly analyze and mitigate the cumulative impacts of the project(s) and all the reasonable foreseeable development that is now in the works.

The 2022 Berkeley Housing Element EIR is seriously antiquated due to the rapid pace of new development being proposed, approved and built in Berkeley, and the unrelenting push to allow taller and more dense development in Berkeley than is currently allowed.

Please insist on a new EIR before any action is taken on up-zoning the R-1A district to R-2 and before approved the major "missing middle" residential up-zoning plan.

Thank you,
Clifford Fred
Berkeley California

Correspondence

From: Alicia Carter <antycoco@gmail.com>
Sent: Sunday, May 25, 2025 10:15 AM
To: Messner, Faye
Subject: Zoning Map Amendment

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

I request that this amendment be amended to require that any R-2 permit with 4 or more units offer 50% reduction in market rate rental costs so that Berkeley significantly increases the stock of truly affordable housing. If this is not possible, as a resident of West Berkeley for over 25 years I oppose this zoning amendment on the basis that it will negatively alter the nature of our neighborhood. It would only be acceptable if it significantly addresses the lack of genuinely affordable housing in Berkeley.

Sincerely,

ALICIA CARTER, LCSW
2426 10th Street
Berkeley, CA 94710
510 684 3388