CITY OF BERKELEY

PLANNING COMMISSION

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Efficiency Dwelling Units

Planning Commission informational item

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Meeting Agenda

Introductory topics

- What is an Efficiency Dwelling Unit
- City Council Referral
- State Law Exception
- Possible Changes in BMC

The staff seeks policy direction before preparing the ordinance language.

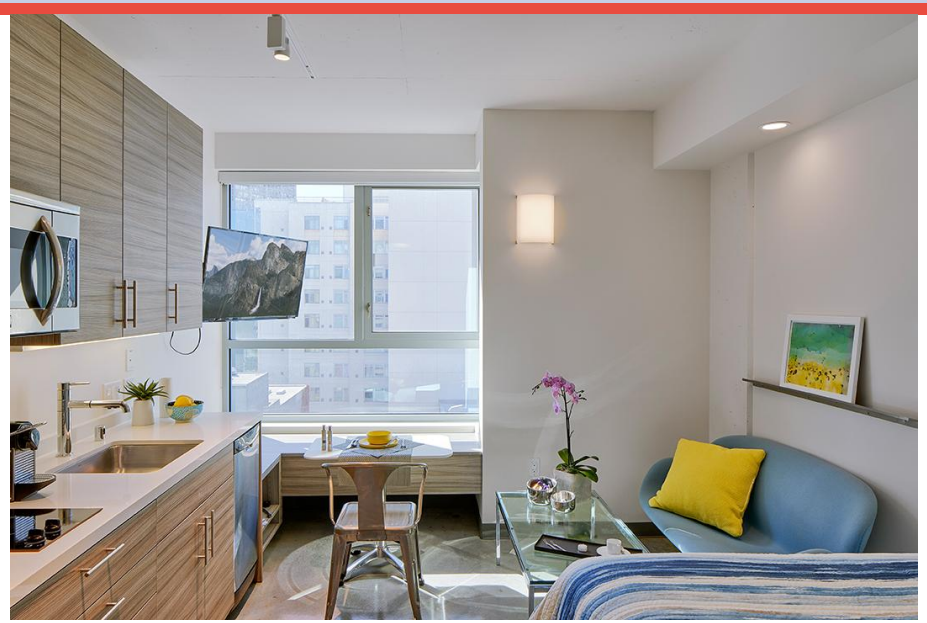
Meeting Agenda

Policy issues

1. Efficiency Dwelling Unit definition
2. Applicability
3. Unit size
4. Usable open space
5. Bicycle parking
6. Kitchen and bathroom facilities
7. Density requirements

The staff seeks policy direction before preparing the ordinance language.

What is an Efficiency Dwelling Unit?







City Council Referral

The referral asks whether Berkeley should implement Efficiency Units as small independent Dwelling Units.

Direction to staff

- Study provisions under Health and Safety Code Section 17958.1
- Consider unit size, bathrooms, kitchens, and shared facilities
- Consider location and affordability
- Review Davis, Santa Barbara, and other jurisdictions

Issue identified by the referral

- Projects functioned like independent small units but were reviewed as GLAs or Residential Hotels
- GLAs use different density and open-space measures
- Berkeley has no clear Efficiency Dwelling Unit category

The staff seeks policy direction before preparing the ordinance language.

State law exception

Health and Safety Code Section 17958.1 is enabling authority, not the default standard.

State Code

- At least 190 square feet of habitable space
- Living, sleeping, eating, and cooking in one room
- Separate closet and complete private bathroom
- Kitchen sink, cooking appliance, and refrigerator

Local ordinance under Section 17958.1

- May reduce the minimum to 150 square feet
- Applies to units for no more than two occupants
- May allow partial kitchen or bathroom facilities

Without a local ordinance, the State Code applies.

What Berkeley can change

The City cannot amend the Building Code.

Title 23 may

- Define Efficiency Dwelling Unit as a Dwelling Unit type
- Identify where the use is permitted
- Establish zoning and development standards
- Address maximum size, open space, and bicycle parking

Building and Safety must

- Coordinate on the Efficiency Unit/efficiency kitchen definition language
- Confirm the minimum and maximum unit size standards
- Confirm required kitchen requirements and appliances
- Coordinate fire and life-safety requirements

Suggested code locations: definition in BMC 23.502.020 and supplemental standards in Chapter 23.302.

1. Proposed zoning definition

EFFICIENCY DWELLING UNIT

A Dwelling Unit designed for occupancy by no more than two persons that complies with California Health and Safety Code Section 17958.1 and applicable Building Code requirements. All permanent provisions for living, sleeping, eating and cooking are contained in a single habitable room. An Efficiency Dwelling Unit may contain an Efficiency Kitchen. Efficiency Dwelling Unit is not a Group Living Accommodation room or Residential Hotel room.

Effect of the definition

- A subtype of Dwelling Unit
- Not a GLA room or Residential Hotel room
- An ADU only when it independently meets ADU law and Chapter 23.306
- One unit for density, inclusionary housing, and RHNA

2. Where Efficiency Dwelling Units may be permitted

The referral asks whether the unit type should be citywide or limited to selected areas.

Citywide

- Allowed wherever Dwelling Units are permitted
- Underlying zoning continues to control the development envelope
- Supports a wider variety of housing types throughout Berkeley

Selected areas

- Could focus units near campus or transit
- Would require additional geographic rules
- State law restricts specific numerical caps near transit, car share, and UC or CSU campuses

STAFF APPROACH

Permit citywide where residential uses are allowed.

Policy question: Citywide or limited to certain areas or zoning districts?

3. Unit size and occupancy

The local ordinance may reduce the minimum size. State law does not establish a maximum size.

Standard	Options	Consideration
Minimum size	190 sf of habitable space 150 sf through local ordinance	190 sf retains the state code baseline. 150 sf uses the local exception.
Maximum size	No maximum 300, 350, or 400 sf	A maximum ties any reduced standards to units that remain small.
Occupancy	No more than two persons	Included in the proposed local definition.

Policy questions: 190 or 150 sf minimum? Maximum of 300, 350, 400 sf, or none?

4. Usable open space

A per-unit standard can become a practical limit on the number of small units.

Existing standards

- Some districts require 40 to 400 sf per Dwelling Unit
- Other districts require 150 sf per 1,000 sf of gross residential floor area
- The same per-unit requirement applies regardless of unit size

Standard under consideration

- 100 sf per 1,000 sf of Efficiency Unit floor area
- Calculated at the project level
- May be private or shared usable open space

Unit size	150 sf	190 sf	300 sf	350 sf	400 sf
Approx. open space	15 sf	19 sf	30 sf	35 sf	40 sf

Policy question: Calculate open space by floor area or per unit?

5. Bicycle parking

Efficiency Dwelling Units are zero-bedroom units but would be treated as one-bedroom units, as studios are.

Current multifamily standard

- R-BMU: one long-term space per unit
- Other districts: one long-term space per three bedrooms for projects with five or more units
- Short-term: two spaces or one per 40 bedrooms, whichever is greater

Policy considerations

- Small units provide less room for bicycle storage
- A high per-unit requirement could consume substantial project floor area
- The City could retain the existing studio treatment or create a tailored standard

Policy question: Should bicycle parking requirements be revised for Efficiency Dwelling Units?

6. Private kitchen and bathroom facilities

The referral asks whether any functions may be externalized to shared facilities.

Building Code baseline

- Separate complete bathroom
- Kitchen sink
- Cooking appliance
- Refrigerator

Staff approach

- Complete private bathroom
- Private kitchen facilities within each unit
- Shared kitchens and bathrooms do not substitute for private facilities
- Projects relying on shared facilities remain GLAs

Policy question: What minimum private kitchen facilities should be required?

Density and existing housing requirements

The proposed category would generally be treated as a Dwelling Unit under existing City and State frameworks.

Topic	Proposed treatment	Key issue
Residential density	One Dwelling Unit	The 70 du/acre Middle Housing maximum may be reached before the building envelope.
Inclusionary housing	One Residential Unit	Existing 20% requirement applies. No change proposed.
RHNA	One housing unit	Counted when permitted and reported through the City's housing production process.

Section 17958.1 states that local density, setback, lot-coverage, and height requirements are not considered numerical limits on Efficiency Units in the protected areas.

Policy question: Should Efficiency Dwelling Units be treated differently in residential density calculations?

Policy questions for Commission input

Staff will use the Commission's input to prepare draft amendments for a noticed public hearing.

Unit definition and location

- Is the proposed definition acceptable?
- Should the unit type be citywide or limited to certain areas?
- Should the minimum be 190 or 150 square feet?
- Should there be a 300, 350, or 400 square foot maximum, or no maximum?

Development standards

- How should usable open space be calculated?
- Should bicycle parking requirements be revised?
- What minimum private kitchen facilities should be required?
- Should density calculations treat these units differently?

Next step: staff returns with draft ordinance language.

Thank you!

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