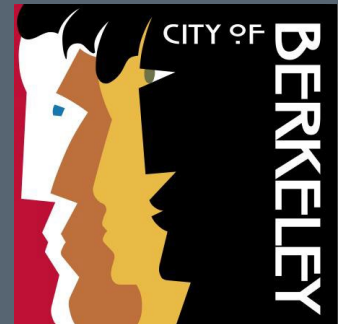




# Residential Objective Standards

## MIDDLE HOUSING & SOUTHSIDE

September 20, 2022  
CITY COUNCIL WORKSESSION



# Why are we creating Residential Objective Standards?

## City Council Referrals + Reports

1. Community Benefits within C-T (2016)
2. Non-Commercial Ground Floor in C-T (2017)
3. Pilot Density Program in C-T (2017)
4. Increase Height and FAR in Southside (2017)
5. Housing Accountability Act (2017)
6. Increase Student Housing (2018)
7. More Student Housing Now (2018)
8. Missing Middle Housing (2019)
9. Eliminating Exclusionary Zoning (2021)
10. Objective Standards for Design, Design, Shadows (2021)
11. Affordable Housing Overlay (2021)

Residential Objective Standards  
Lower Density Districts  
Southside Area

# What are Objective Standards?

## SUBJECTIVE

Often require interpretation and personal judgement

*“A side setback can be reduced if appropriate given the architectural design of surrounding buildings.”*

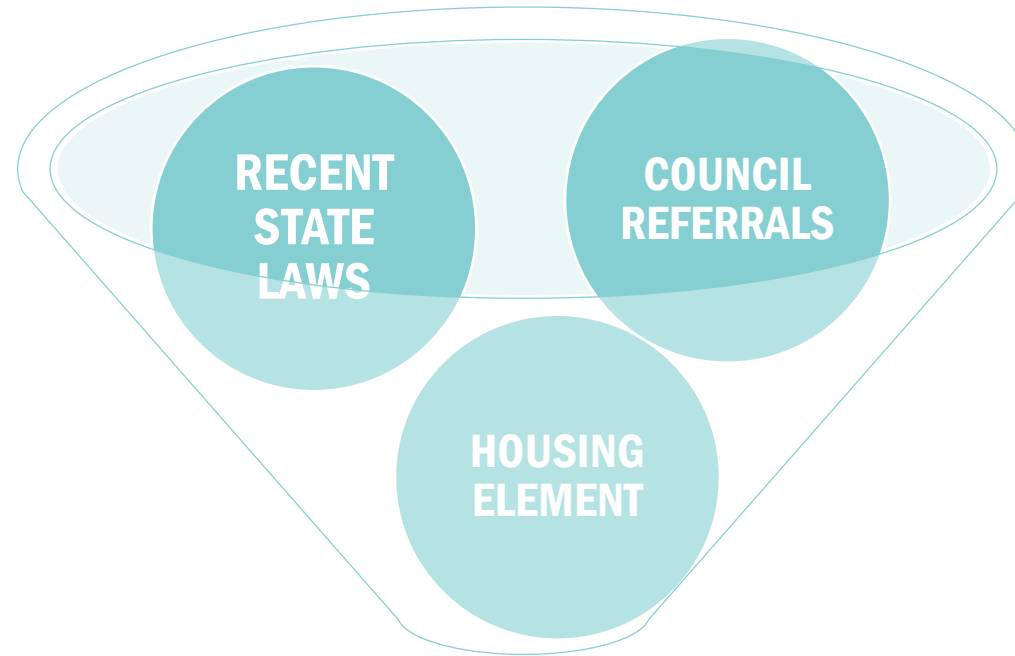


## OBJECTIVE

Measurable, verifiable, and knowable to all parties

*“The minimum side setback is 4 feet.”*

# What is the goal of Residential Objective Standards?



**OUTCOMES**

**STREAMLINED**

**REDUCE ADMINISTRATIVE  
BURDEN & COSTS**

**PREDICTABILITY**

**CLEAR MULTI-UNIT  
DEVELOPMENT CRITERIA**

**HOUSING**

**RESIDENTIAL DEVELOPMENT  
AND AFFORDABLE HOMES**

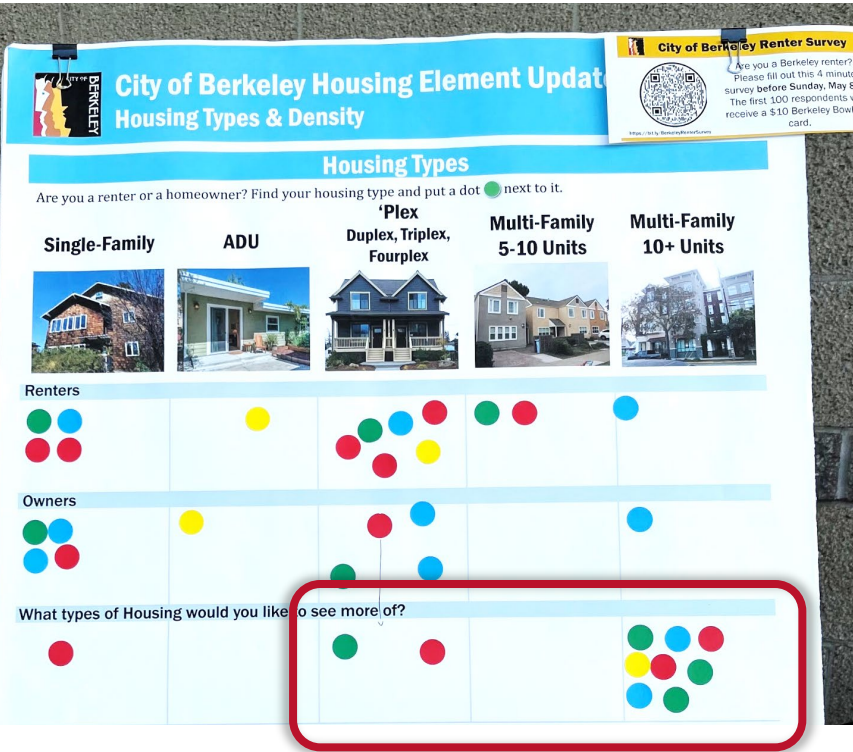




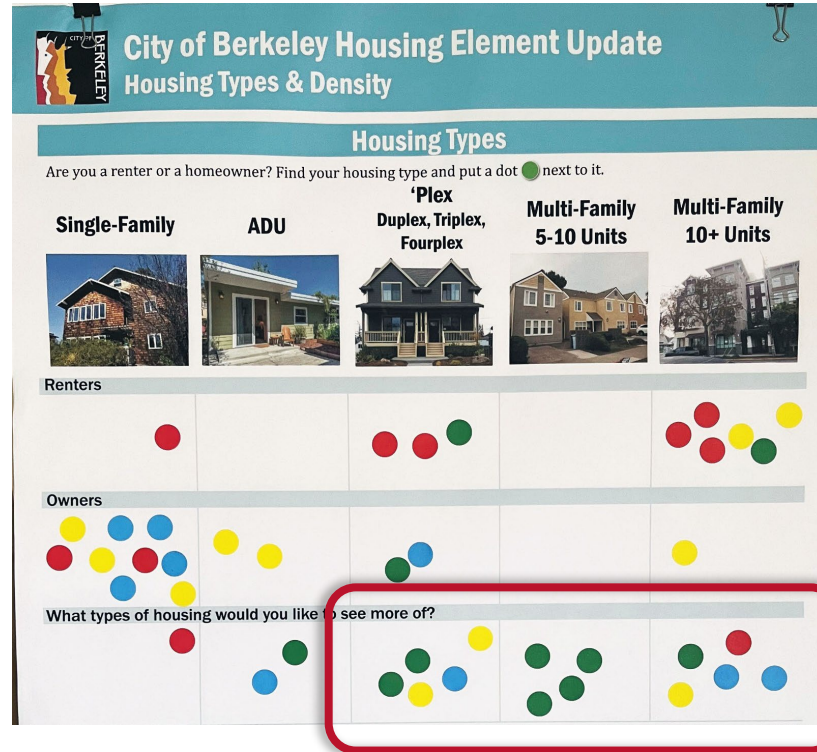


# “What type of housing would you like to see more of?”

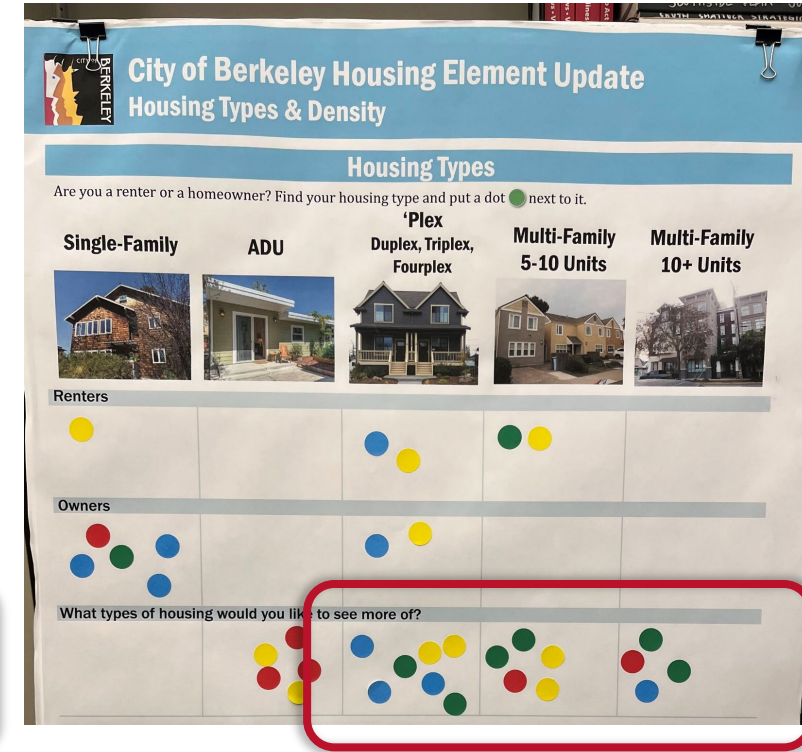
Berkeley Bowl 4/25/22



Roses in Bloom 5/14/22



Poppin Skate Party 5/19/22



Desire for a mix of housing types and higher density living

# Council, Commission, and Committee Feedback

## ZORP Subcommittees (12/15 & 2/16)

Encourage smaller units that are “affordable by design”

Permitting more density while discouraging financial speculation

Balance protecting solar access and allowing higher densities

## Planning Commission (6/1)

Encourage smaller unit sizes

Reduce minimum open space dimensions

Neighbor negotiation over solar & shadows

Concern about blank facades

## City Council (3/15)

Consider merging zoning districts

Permit higher density equitably throughout the City, including the Hillside Overlay

Incentive for adaptive reuse and smaller, more affordable units, allow more than four units

Embrace climate adaption, but solar access should not be a barrier to creating more housing

# AGENDA – 2 PARTS

---

## **PART I – MIDDLE HOUSING**

1. Draft Proposed Standards
2. Wildfire, Views, and Solar

## **PART II – SOUTHSIDE AREA**

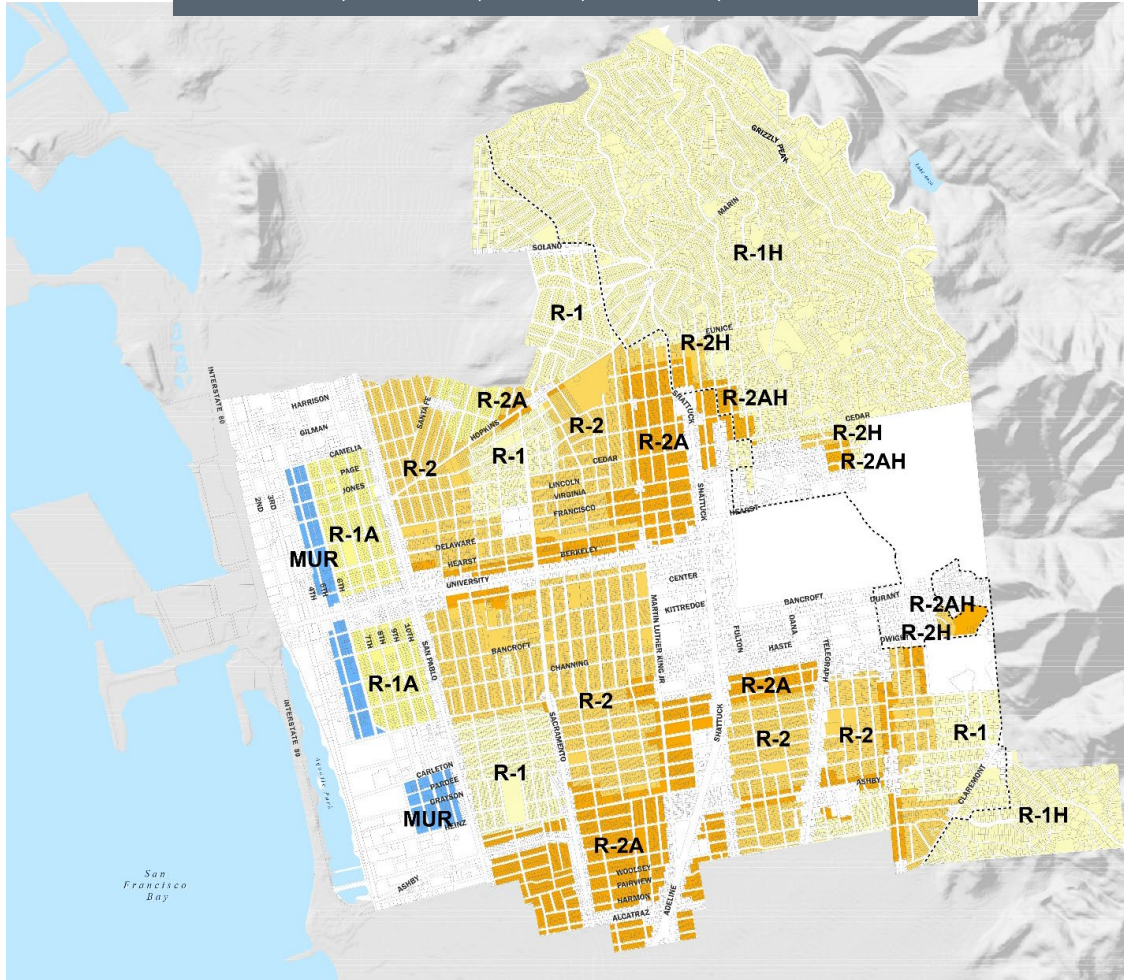
1. Draft Proposed Standards

## **DISCUSSION**



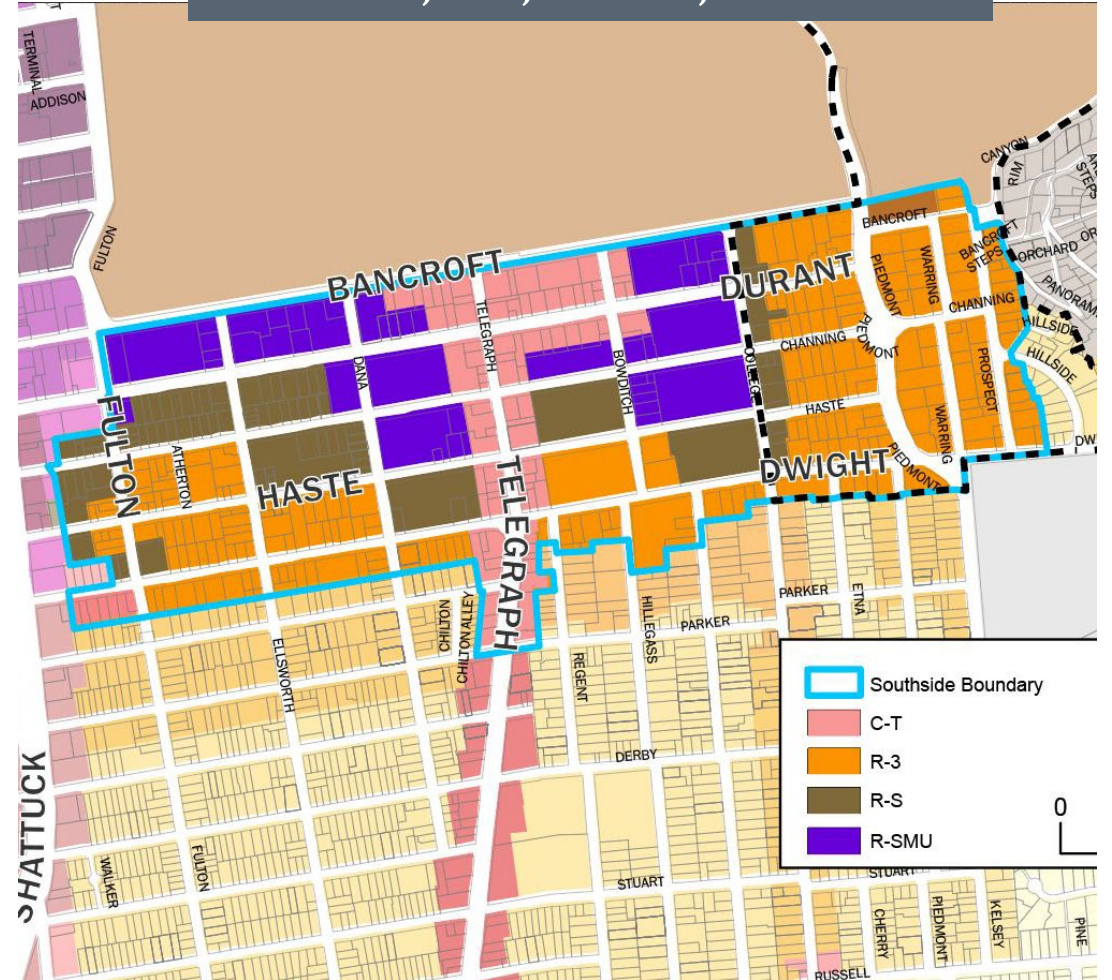
# LOWER DENSITY DISTRICTS

R-1, R-1A, R-2, R-2A, and MUR



# SOUTHSIDE AREA

R-3, R-S, R-SMU, and C-T



# MIDDLE HOUSING DEVELOPMENT STANDARDS

---

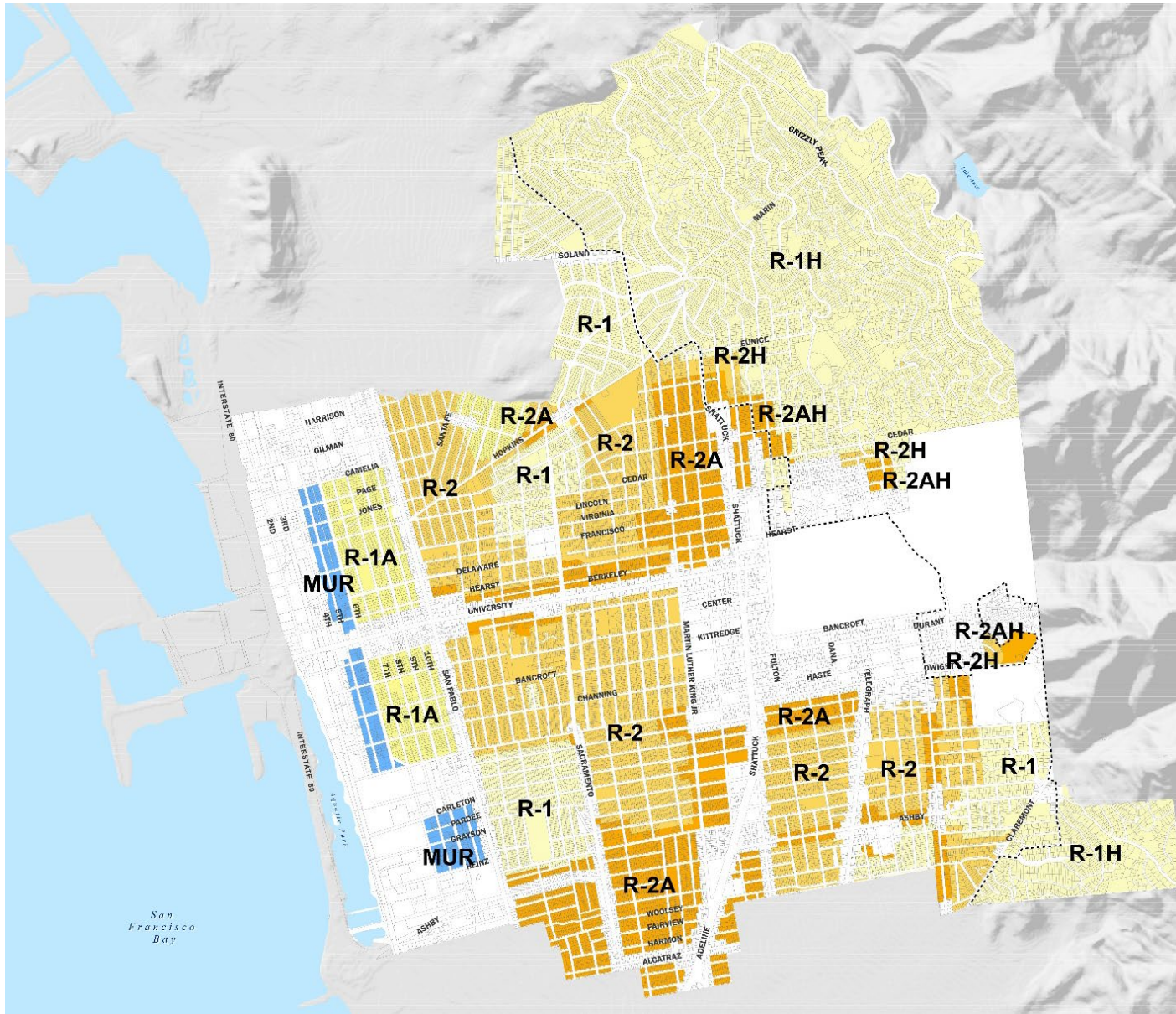
1. Merging Zoning Districts
2. Allowed Uses & Permits Required
3. Min and Max Density (Units per Acre)
4. Max Floor Area Ratio (FAR)
5. Min Open Space
6. Max Height
7. Min Lot Coverage & Setbacks
8. Min Separation

## NOT A BLANK SLATE

- Existing Standards
- Development Patterns
- City Council Referrals
- State Laws
- Environmental/Social/Economic/  
Demographic Factors



# Middle Housing Map Amendment – Merge R-1A and R-2



## ZONING DISTRICTS

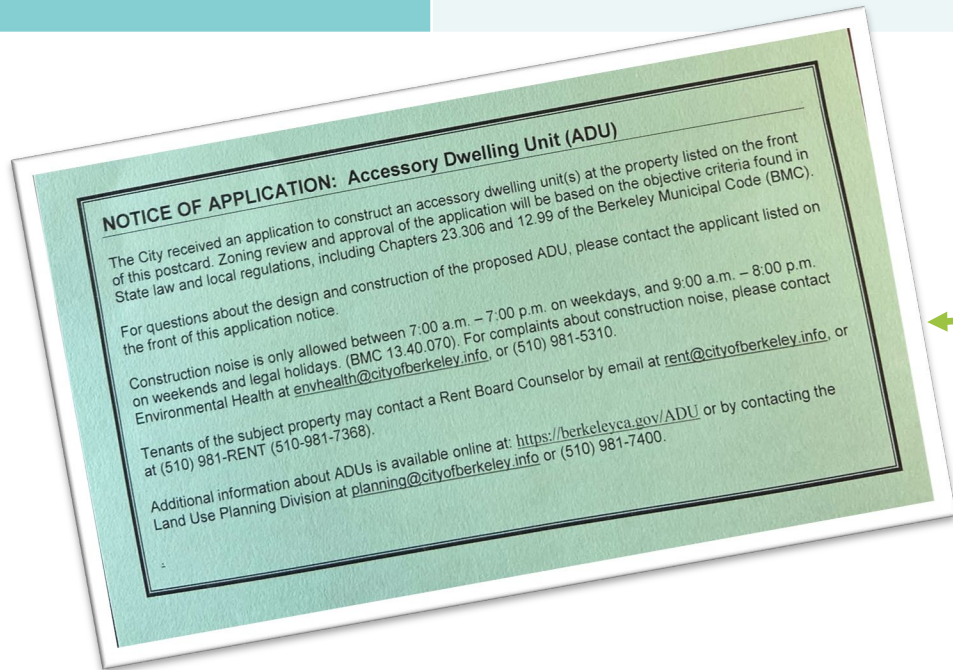
R-1	Single Family Residential
R-1A	Limited Two-family Residential
R-2	Restricted Two-family Residential
R-2A	Restricted Multiple-family Residential
MUR	Mixed Use-Residential

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

# Land Use & Permits & Noticing Required

SB 9 applies

	R-1	R-1H	R-2	R-2H	R-2A	R-2AH	MU-R
	Residential Multi-Unit 1		Residential Multi-Unit 2		Residential Multi-Unit 2A		Mixed-Use Residential
<b>Multi-Unit Residential</b>	<b>ZONING CERTIFICATE*</b>						



Neighbor Notification required within 10 days of submittal

\*Discretionary permit still required for -

- Structures of Historic Merit → Structural Alteration Permit
- Cortese List Hazardous Waste and Substances site



# Minimum & Maximum Density (Units per Acre)

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

## Resulting units on a 5,000 sf lot...

Min. # Units	1	1	2	2	No min.	No min.	No min.
Max. # Units	3	4	6	6	2	2	6
+ ADUs!	Varies*						

\*ADUs allowed per <https://berkeley.municipal.codes/BMC/23.306>

- More than 1 detached dwellings → max 1 ADU
- Duplex or attached multi-family dwellings → max 2 detached ADUs OR 25% of # existing units converted

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

# Density - Examples

20 du/ac



3 units

35 du/ac



4 units

52 du/ac



5 units



6,505 sf (0.15 ac)



5,000 sf (0.11 ac)



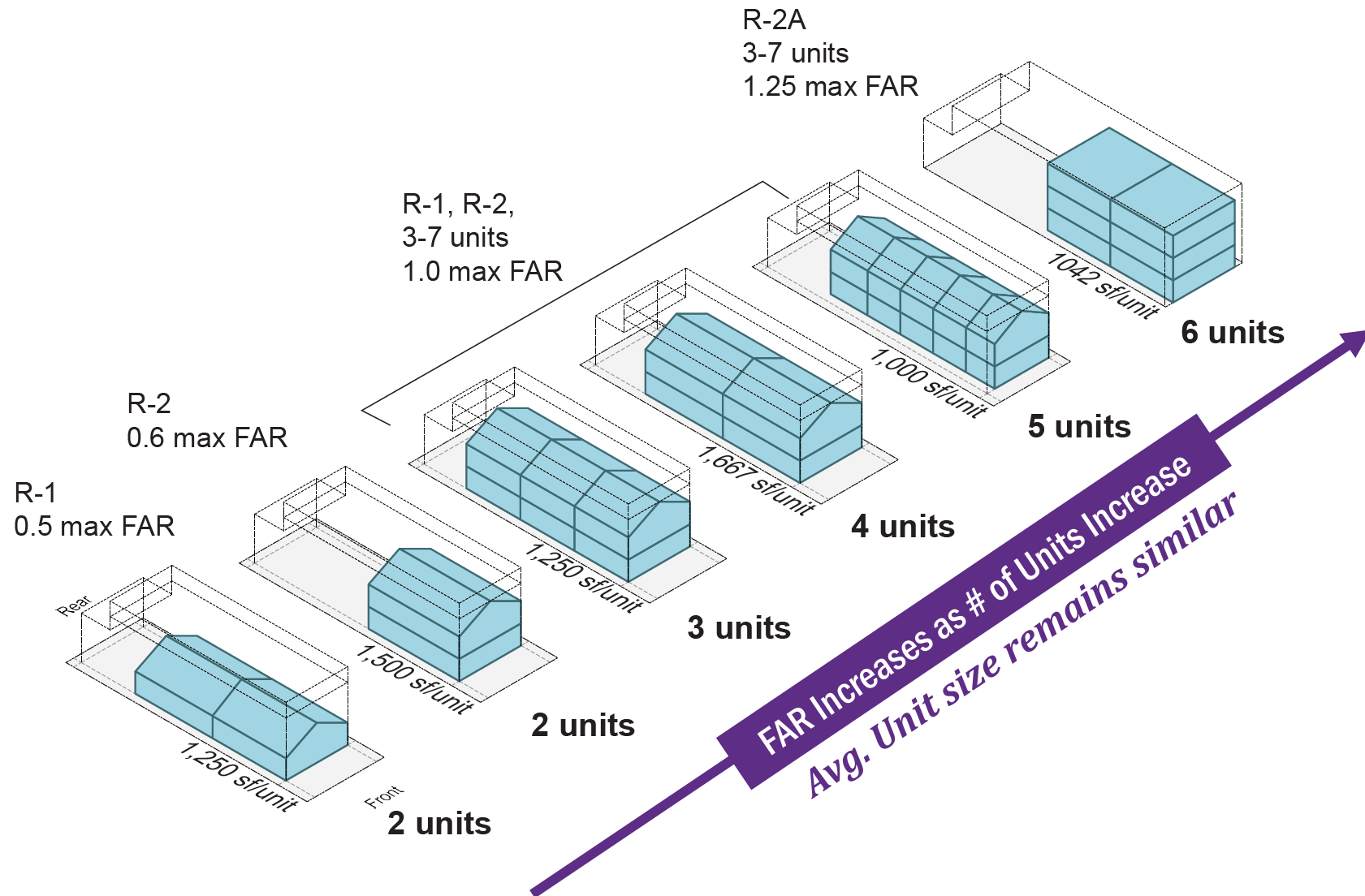
4,200 sf (0.096 ac)

1911 Ninth Street

1028-1030 Grayson Street

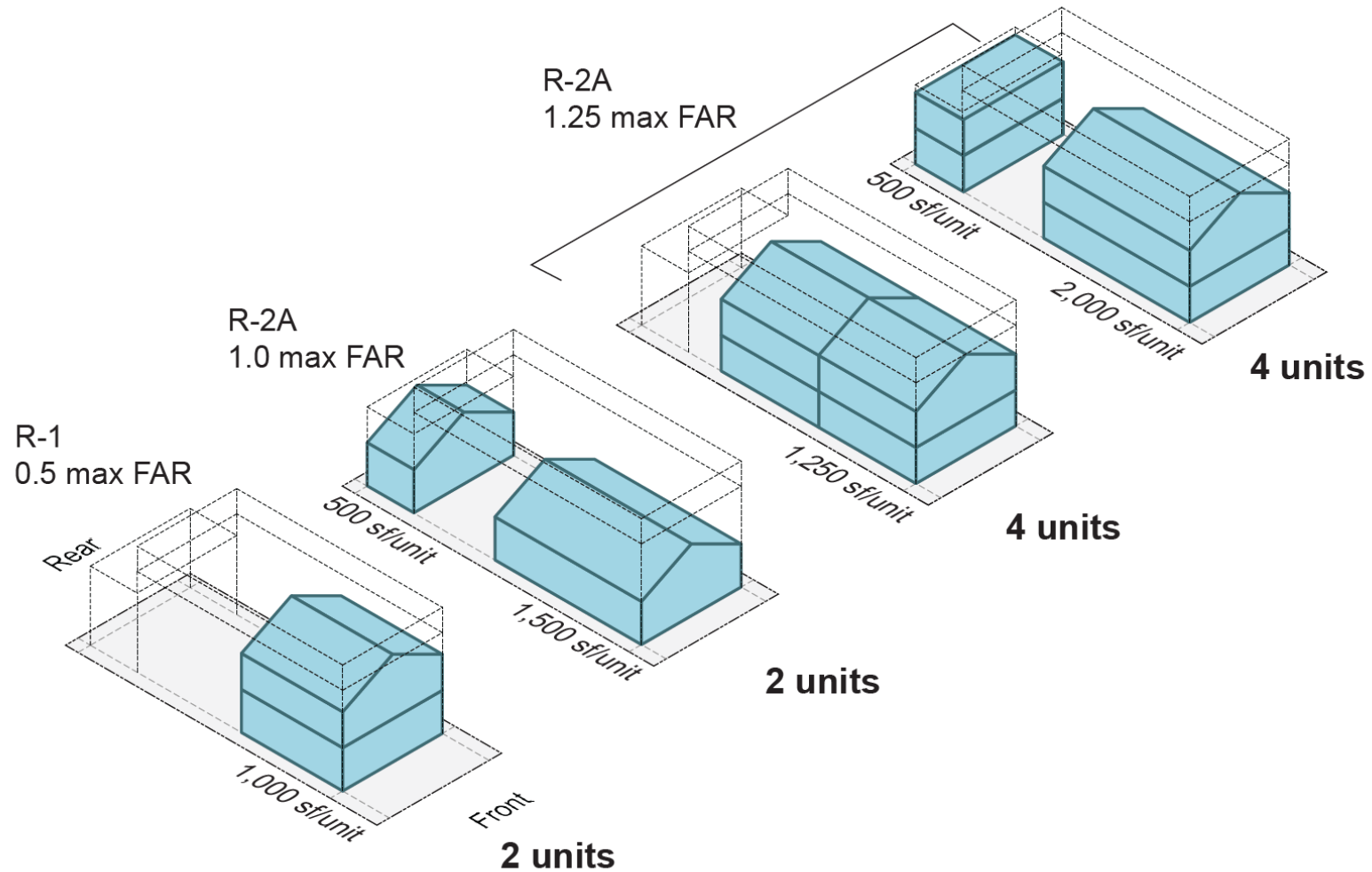
1744-1756 10<sup>th</sup> Street

# Floor Area Ratio: Encourage smaller unit sizes





# Floor Area Ratio: Encourage a mix of housing types





# FAR - Examples

0.95 FAR



3 units, Avg. 2,060 sf/du

1.2 FAR



4 units, Avg. 1,265 sf/du

0.76 FAR



5 units, Avg. 636 sf/du



6,505 sf (0.15 ac)



5,000 sf (0.11 ac)



4,200 sf (0.096 ac)

1911 Ninth Street

1028-1030 Grayson Street

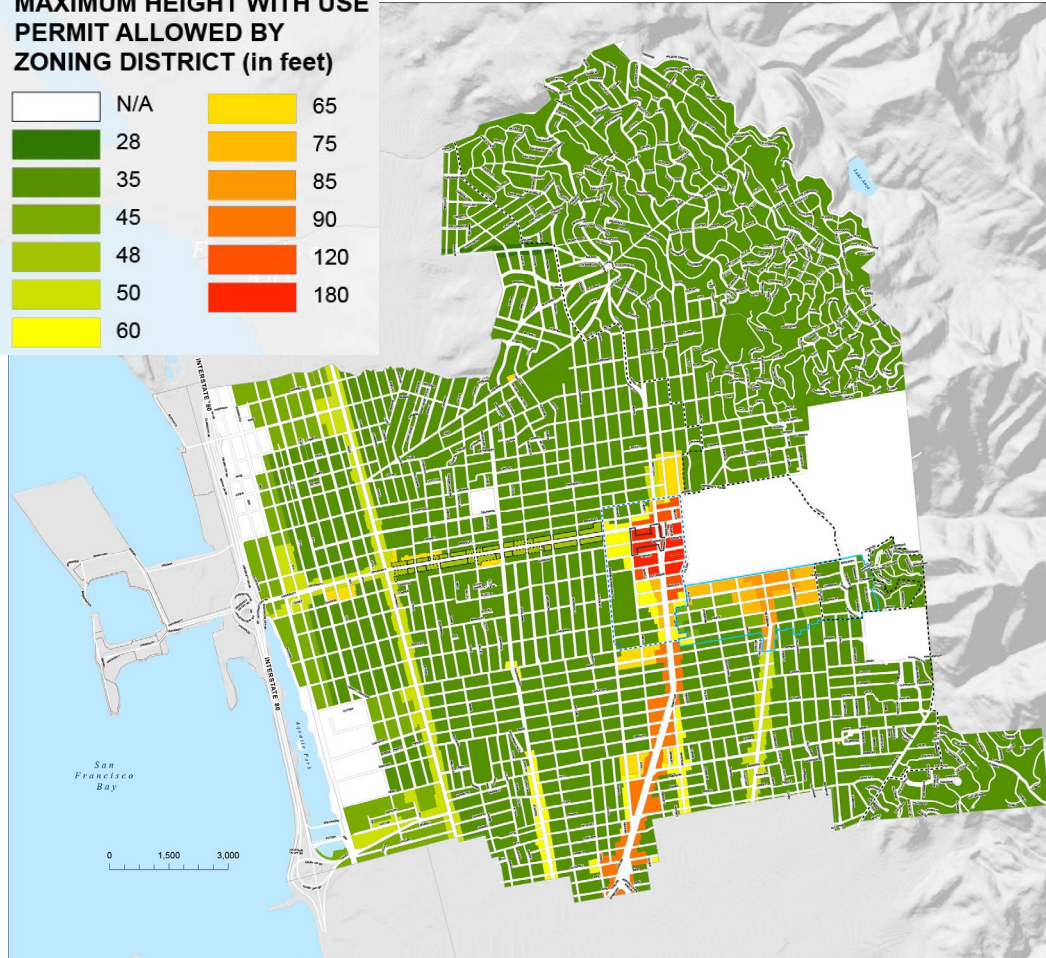
1744-1756 10<sup>th</sup> Street



# Building Height Standards

MAXIMUM HEIGHT WITH USE PERMIT ALLOWED BY ZONING DISTRICT (in feet)

White	N/A	Yellow	65
Dark Green	28	Orange	75
Medium Green	35	Light Orange	85
Light Green	45	Red-Orange	90
Yellow-Green	48	Red	120
Yellow	50	Dark Red	180
Light Yellow	60		



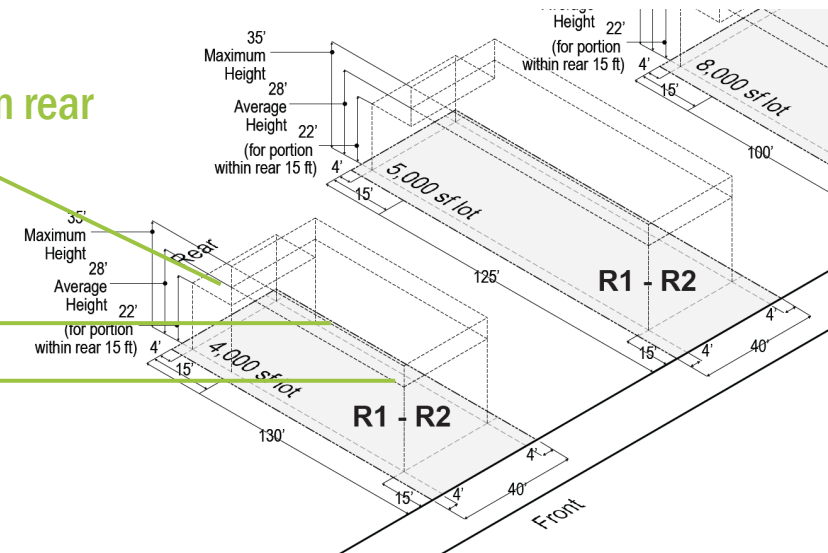
## 28-foot max average height AND 35-foot max height

- *Except MUR, which maintains 35-foot max height only*
- *Reduce to 22 feet max height within rear 15 feet of lot*
- *Reduce to 28 feet max height in the H Overlay*
- *Limit by height in feet; not # of stories*
- *Main buildings and additions treated the same*

35' Max Height

28' Max Average Height

22' Max Height in rear







← 34'11" maximum height

← 29'6" average max height

← 25'3" eave

## 1911 Ninth



6,505 sf (0.15 ac)





Structure of Merit property

28'5" max height

25'2" average max height

33'6" max height

30'6" average max height

## 2411 Fifth Street



7,051 sf (0.16 ac)

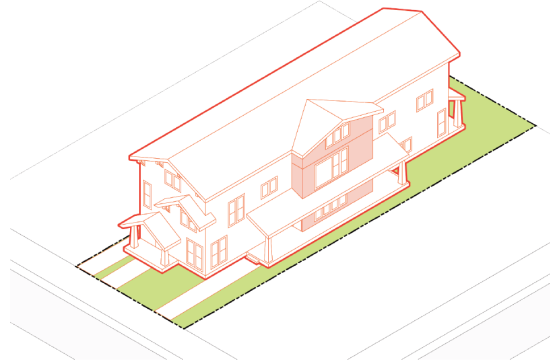


# Four Prototype Models & Neighborhood Context

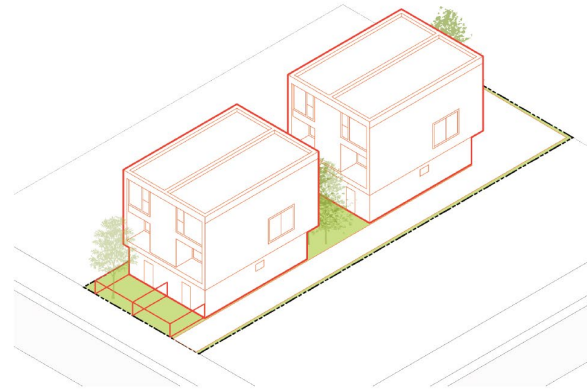
**New Detached Building Behind Existing**



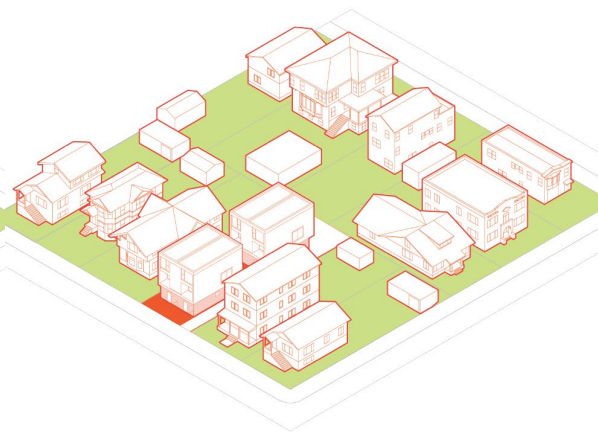
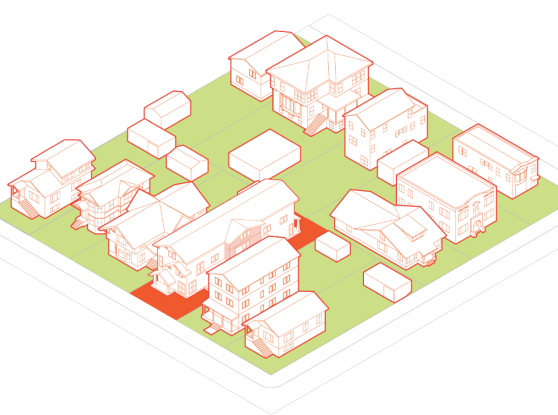
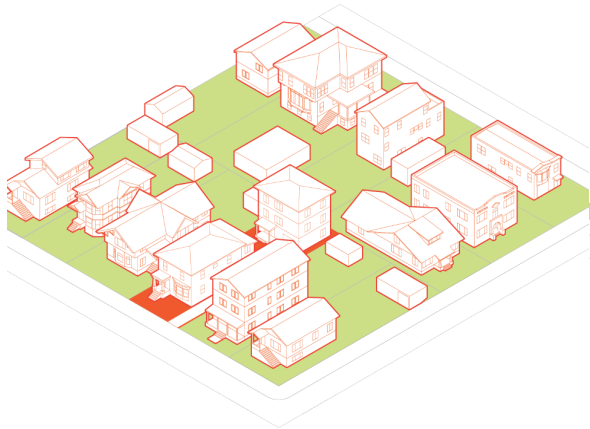
**Attached Sidecourt**



**Detached Cluster**



**Attached Row Homes**

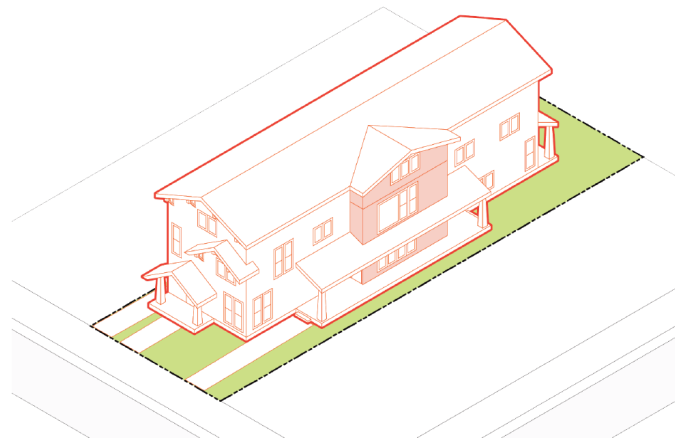


# Development Standard Considerations

## Lot Coverage

More Units  
→ More Coverage

For most lots, max lot coverage is 50 or 55%.



## Setbacks

Match neighbors (front);  
Match ADUs (side/rear)

Remove “wedding cake” requirements

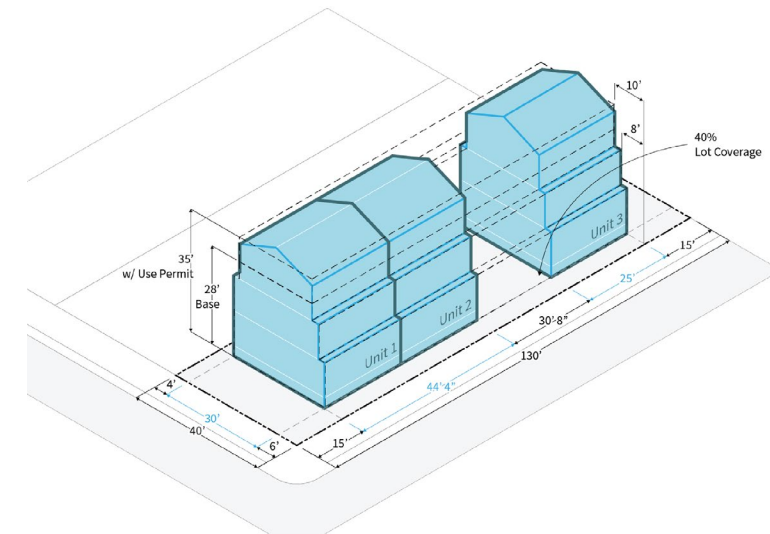
## Open Space

Ratio based on **total floor area**, not per unit

More flexible,  
Still usable

## Bldg Separation

Remove “wedding cake” requirements



# Front Elevation Facade



1911 Ninth Street, Berkeley  
Openings are approximately 20%



908 Cedar, Berkeley  
Openings are approximately 30%



1444 Fifth Street, Berkeley  
Openings are approximately 19%



1030 Grayson, Berkeley  
Openings are approximately 32%

## MIN 20% VISUAL INTEREST

- *Entries*
- *Windows or glazing, incl. trim, shutters*
- *Railings*





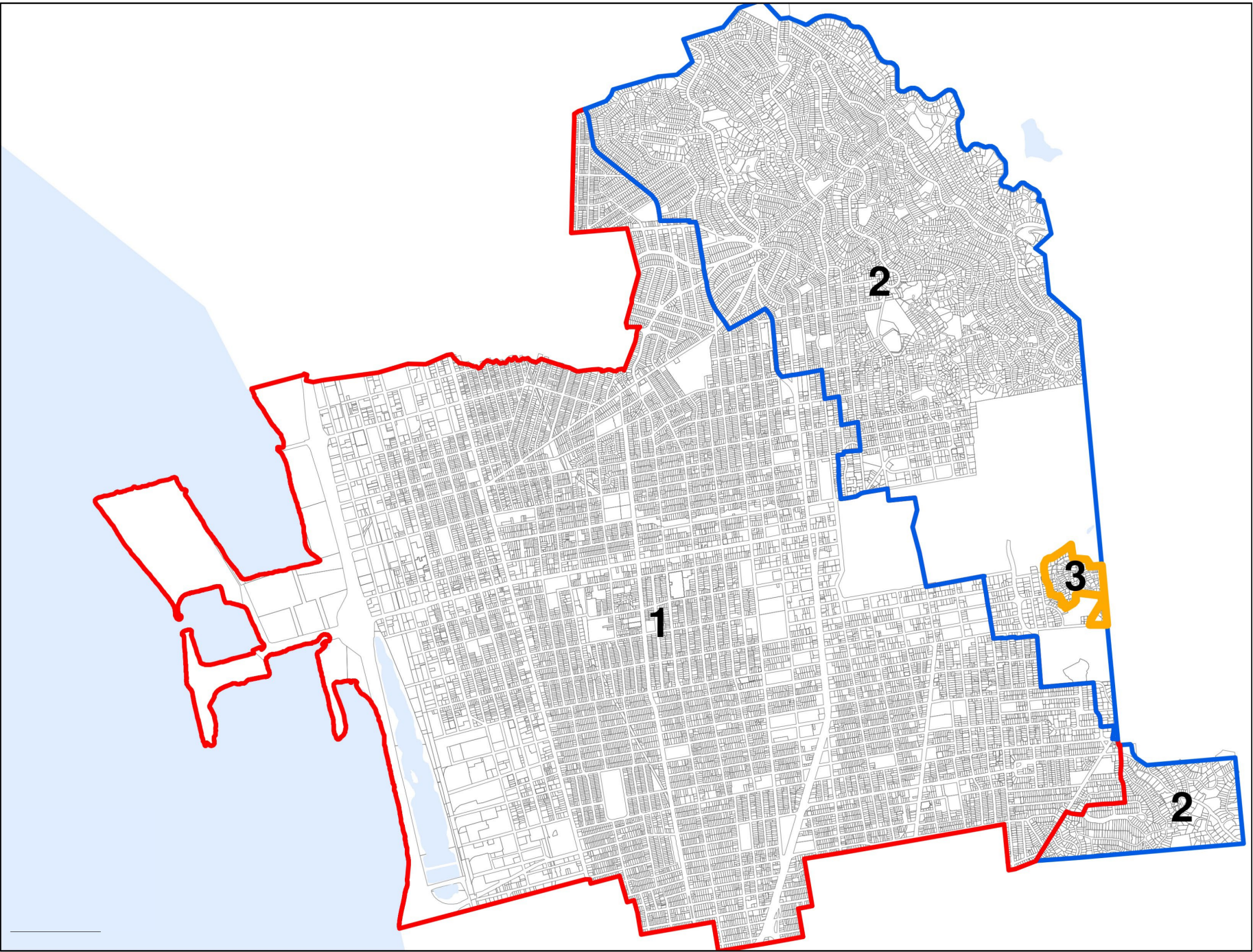
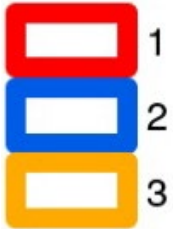


# OTHER CONSIDERATIONS

---

1. Wildfire
2. Views
3. Solar Access

# Berkeley Fire Zones

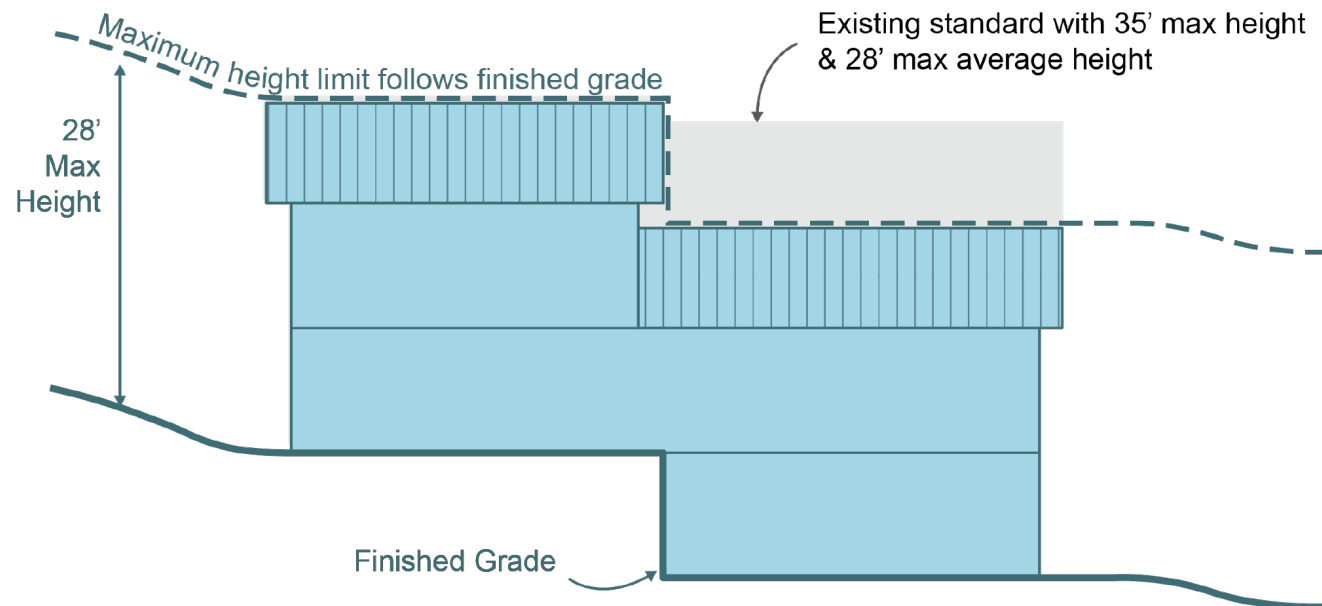


# Wildfire Hazards Mitigation

**Height:** Reduced height from 35 to 28 feet

**Interior Side Setback:** Increased to 5 feet

**Proposed**





# Private View Impacts

## **Existing rules:**

- AUP or Use Permit required for major residential addition or new home
- Residential additions may not “unreasonably obstruct sunlight, air, or views”
- Additions and new homes may not be “detrimental or injurious” to adjacent properties
- A project resulting in the “unreasonable obstruction of a neighbor’s significant view” may be considered detrimental

# Private View Impacts

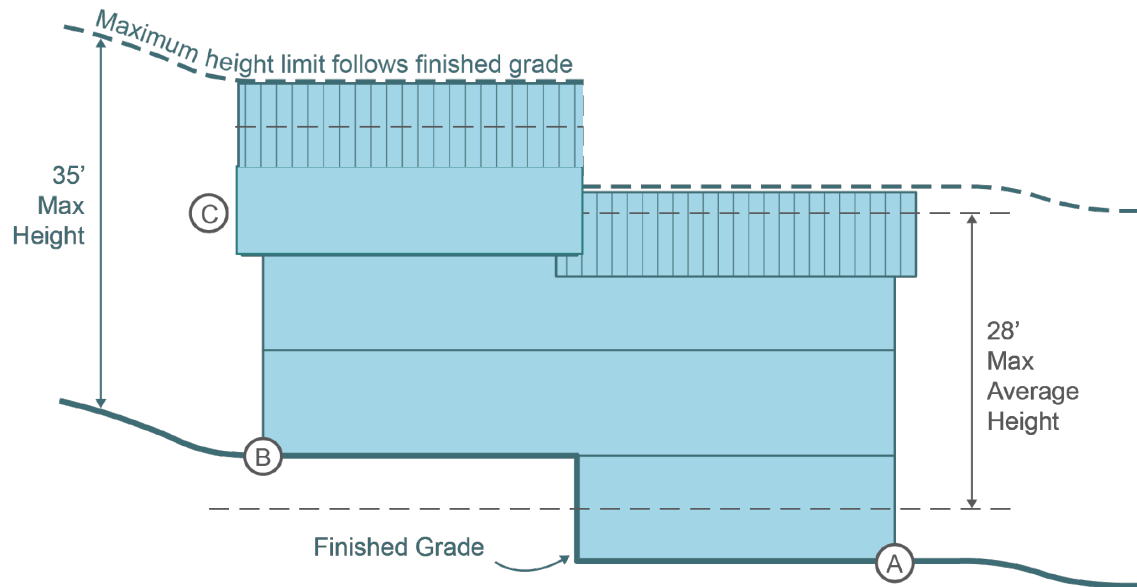
- Proposed standards would allow middle housing by-right
- The City would no longer use the discretionary permit process to consider potential neighbor view impacts
- Proposed standards include changes to building height standards to address private view impacts for middle housing projects



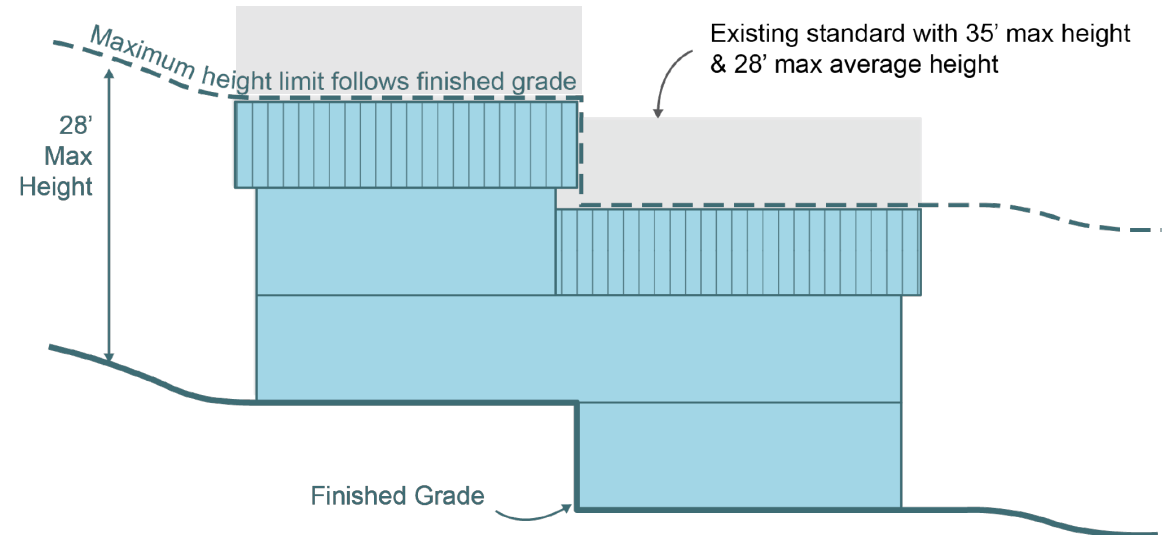


# Hillside Overlay Height Standard

## Existing



## Proposed

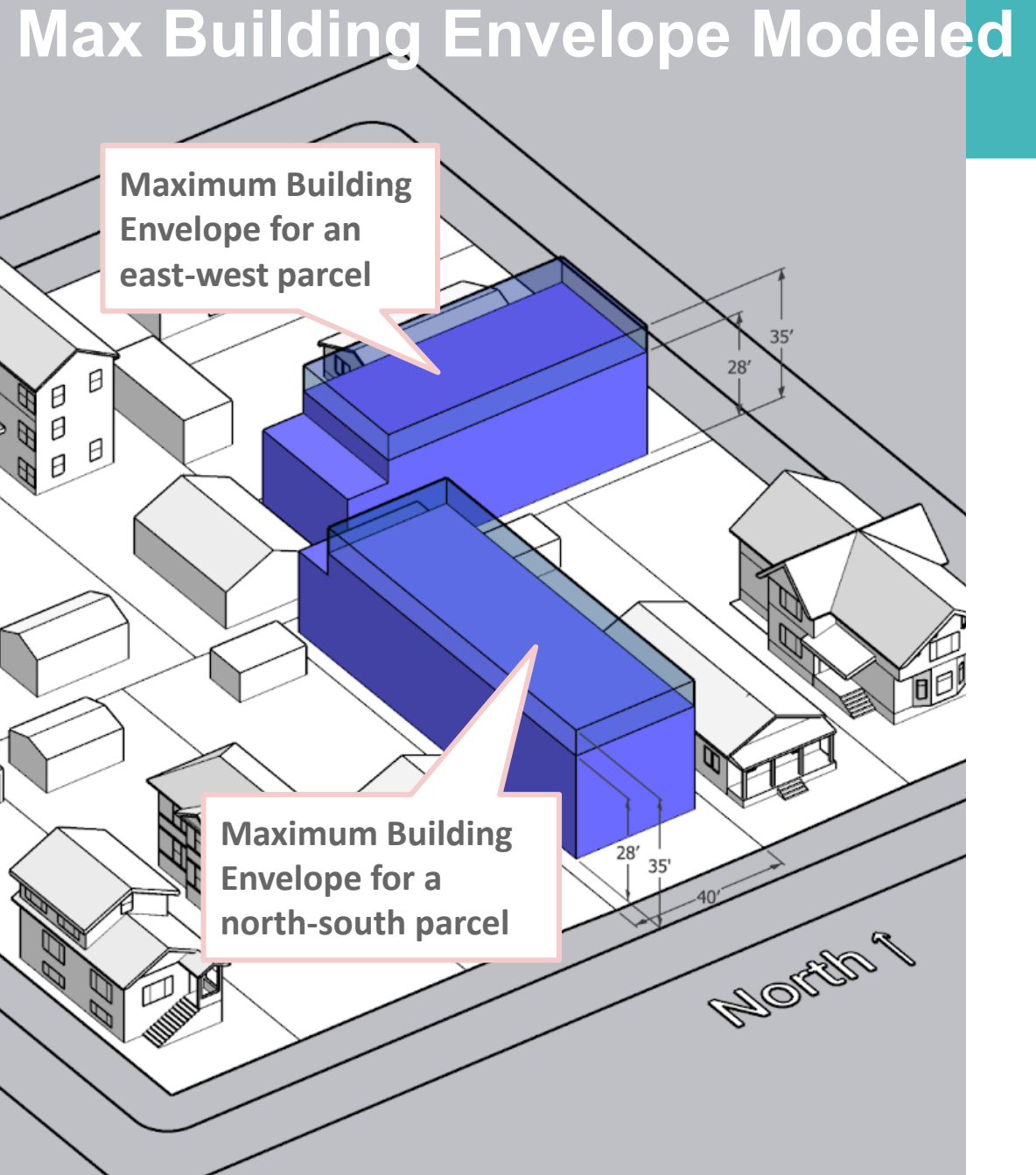


# Shadow Studies

## Purpose:

- Better understand and quantify potential shadow impacts on adjacent rooftops
- Assess whether additional standards are needed
- Consider how effective additional standards would be in reducing shadow impacts

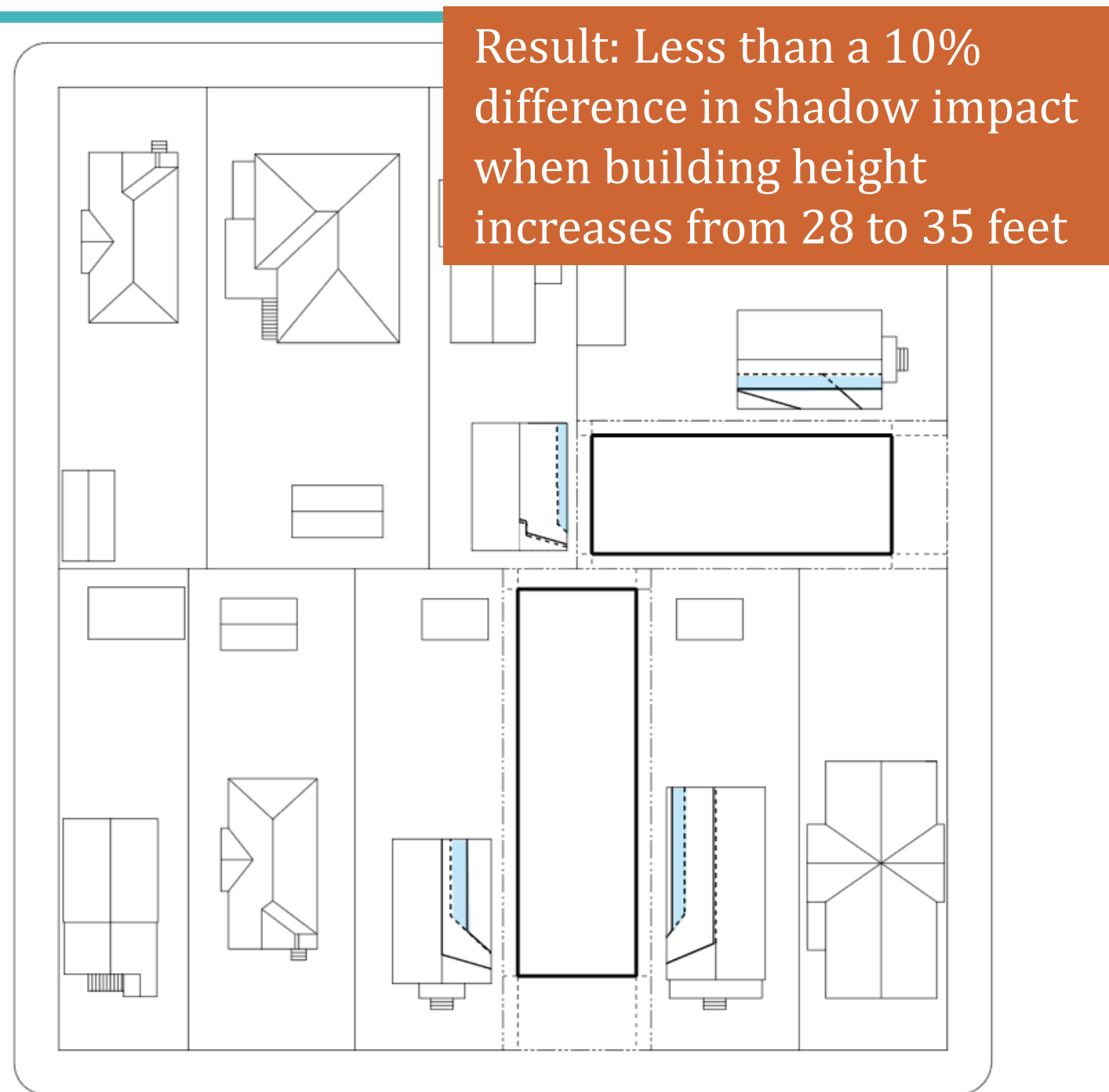
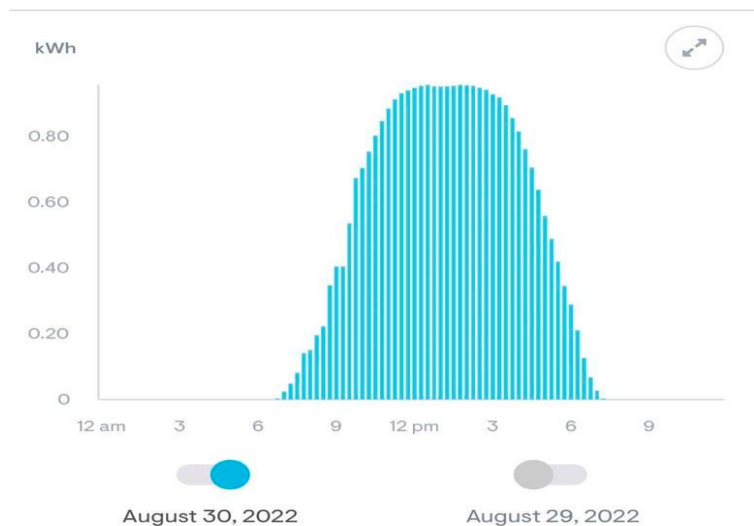
<https://vimeo.com/711872142>



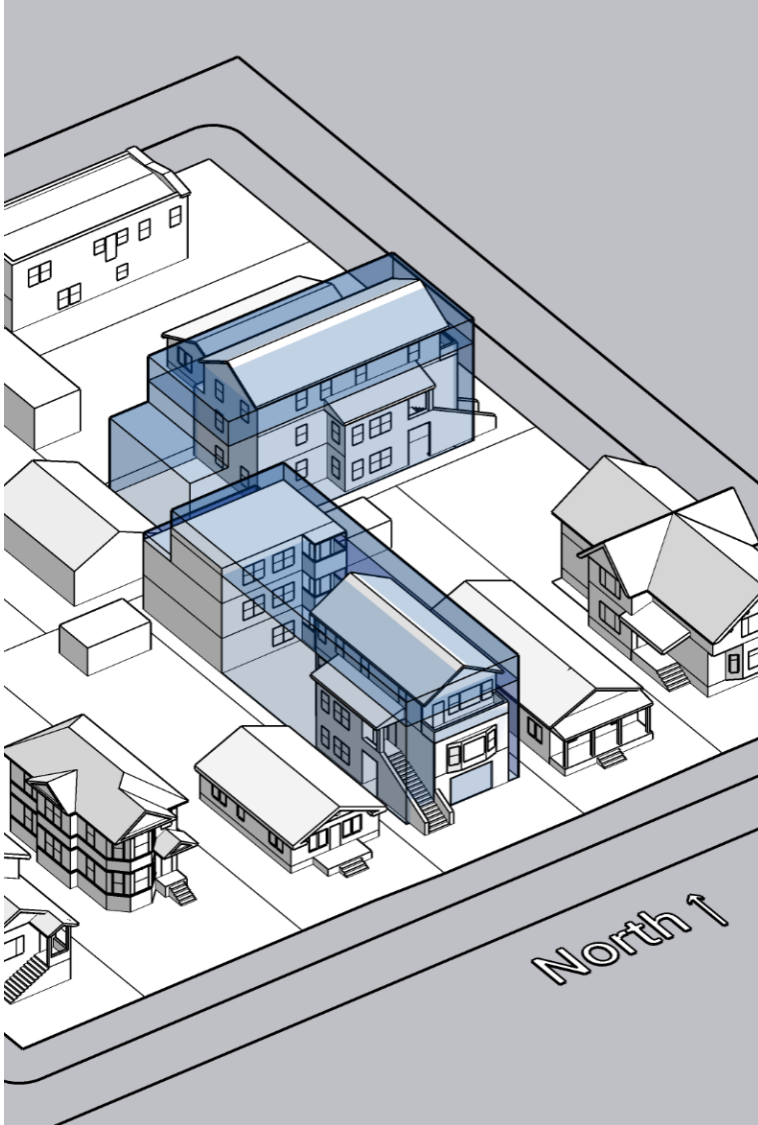


# Model Methodology

- Projected shadows from allowed building envelopes on the equinox (March or September 21)
- Calculated the percentage of adjacent rooftops shaded at 8am, 10am, noon, 2pm, and 4pm



# Proposed Standards Based on Model Results



- Proposed height and setbacks standards are sufficient to address rooftop solar impacts; **additional standards are not needed**
- Proposed middle housing standards, including lot coverage and FAR limitations, are **sufficient** to address privacy and aesthetic impacts on adjacent properties
- Homeowners may establish a solar easement with their neighbor to guarantee no future reduction in solar access (not enforced by the City)



# SOUTHSIDE DEVELOPMENT STANDARDS

---

1. Background
2. Fall 2022 Outreach & Engagement
3. Zoning Map Amendments
4. Allowed Uses & Permits Required
5. Max Height
6. Min Lot Coverage & Setbacks
7. Min Open Space
8. Min Separation



# Southside Background

## City Council Referrals + Reports

1. Community Benefits within C-T (2016)
2. Non-Commercial Ground Floor in C-T (2017)
3. Pilot Density Program in C-T (2017)
4. Increase Height and FAR in Southside (2017)
5. Housing Accountability Act (2017)
6. Increase Student Housing (2018)
7. More Student Housing Now (2018)
8. Missing Middle Housing (2019)
9. Eliminating Exclusionary Zoning (2021)
10. Objective Standards for Design, Design, Shadows (2021)
11. Affordable Housing Overlay (2021)

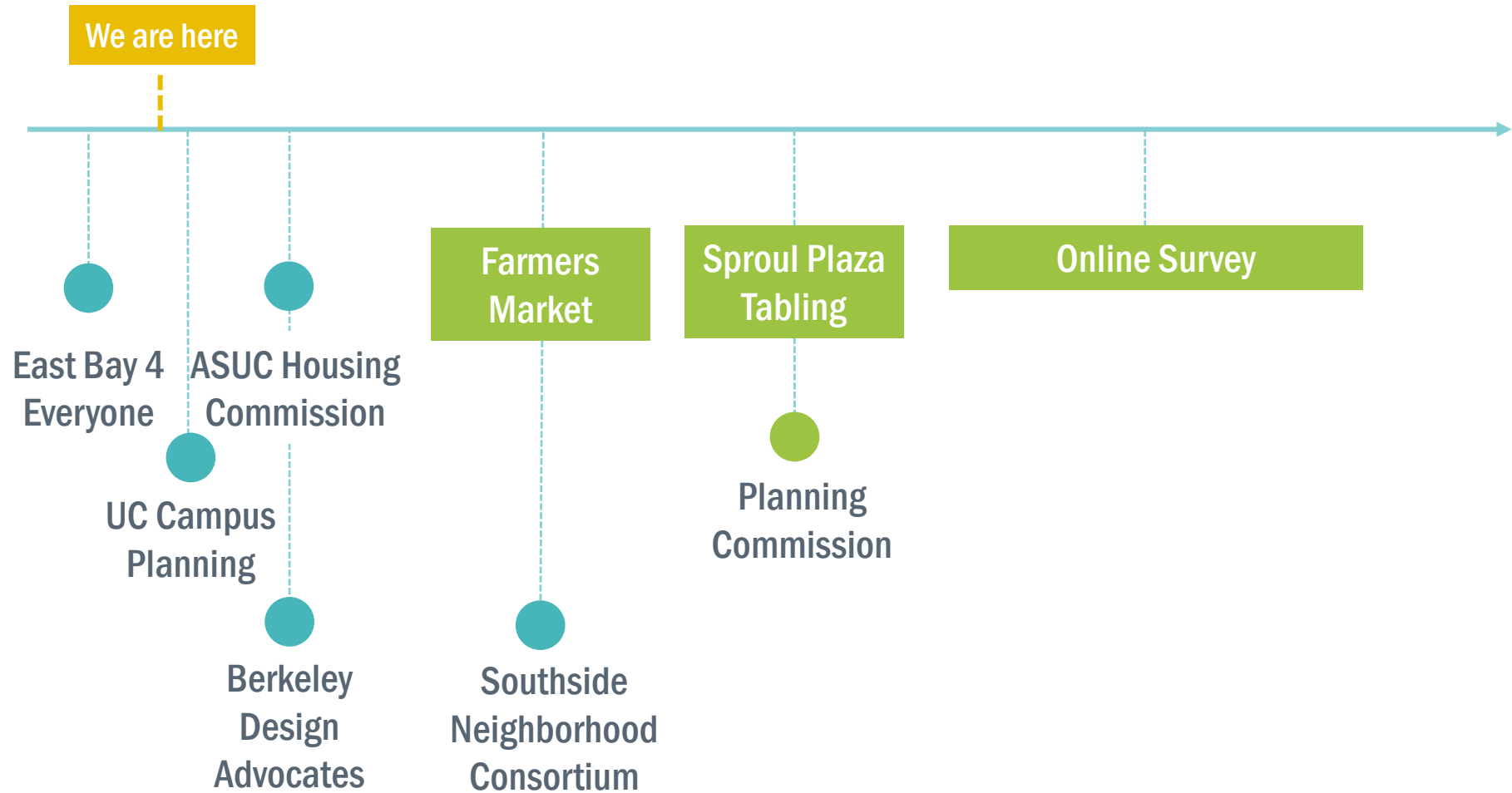
## Southside Zoning Ordinance Amendments Project (2020)

- Zoning map adjustments
- New development standards
- Revised permitted land uses
- Administrative Draft EIR  
→ Housing Element EIR

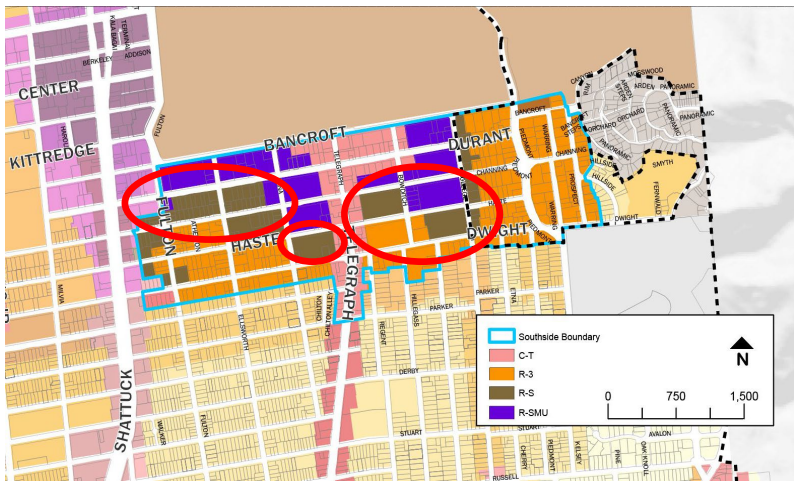
These proposed standards encourage more development than the 2020 proposal



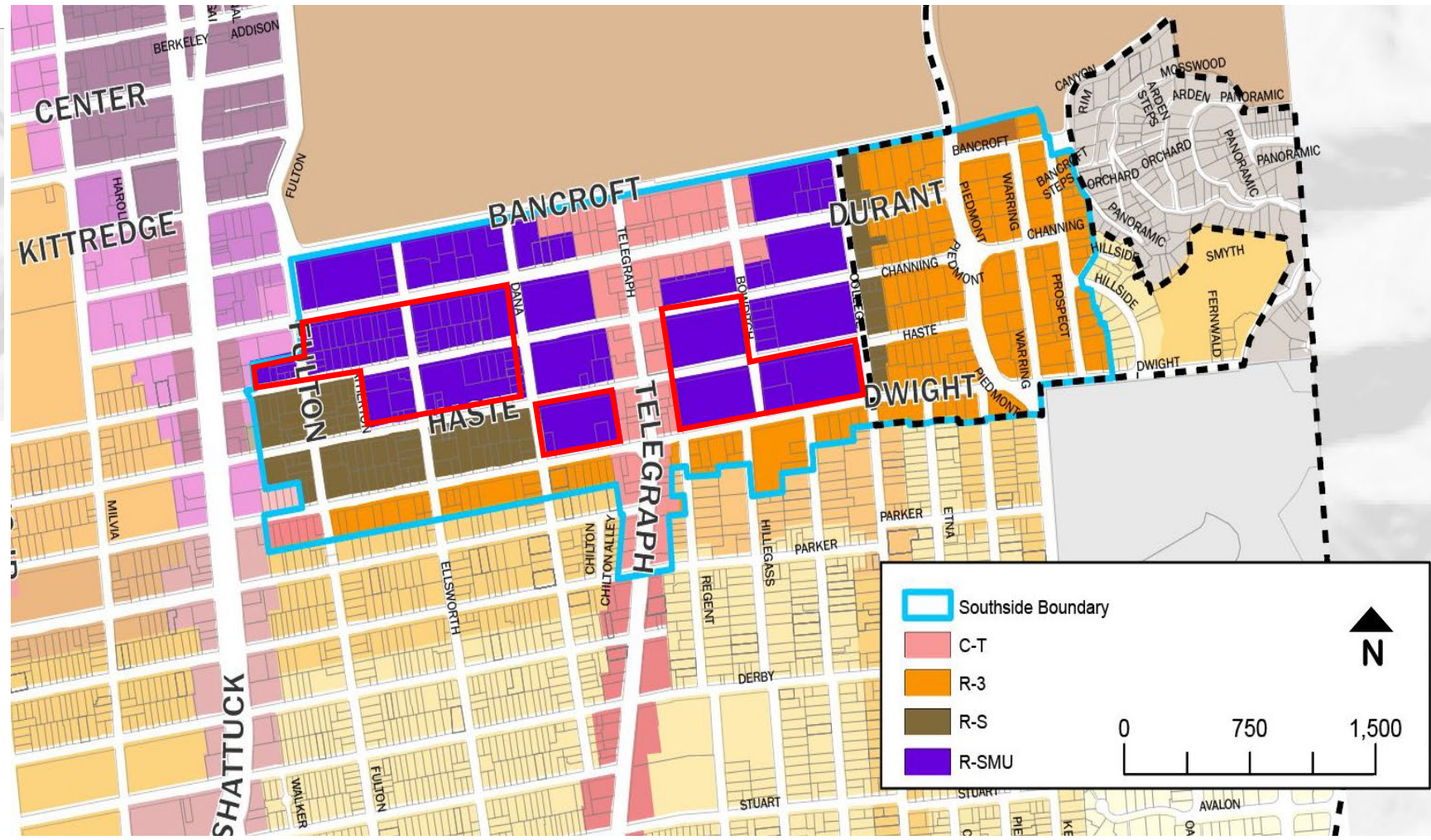
# Outreach & Engagement Fall 2022



# Southside Map Amendments – Expand R-SMU



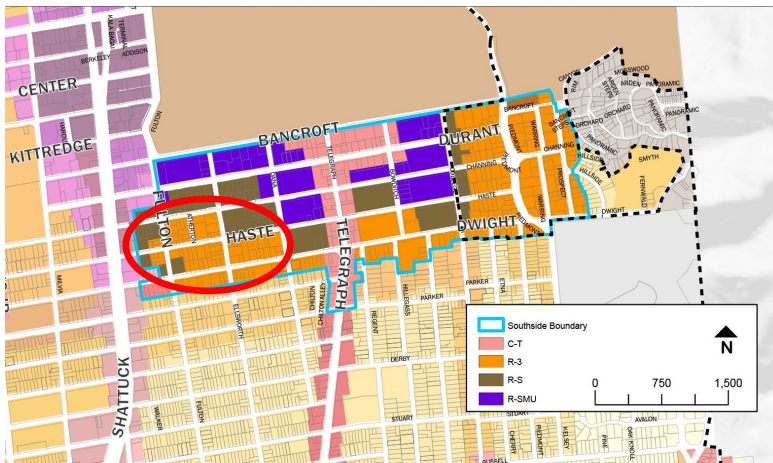
Current



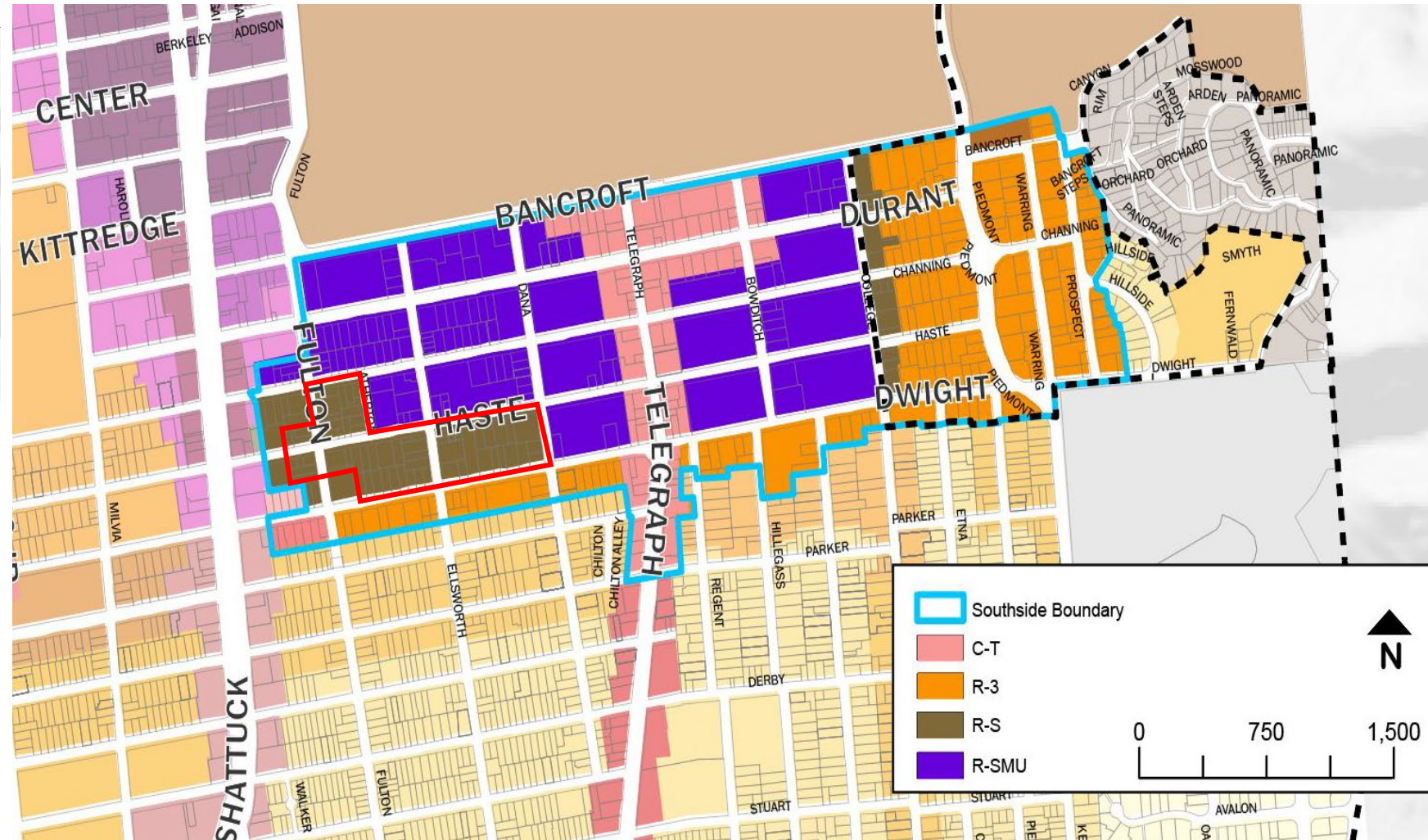
Proposed



# Southside Map Amendments – R-3 to R-S



Current



Proposed

# Proposed Southside Development Standard Changes

## Land Use & Permits

Permit residential uses  
at the ground floor in  
the C-T

## Maximum Heights

Increase maximum  
heights by 10 ft to 20 ft

## Lot Coverage

Increase lot coverage to  
between 70% and 85%

## Minimum Setbacks

Reduce most setbacks  
in the R-S and R-SMU

Reduce side setbacks in  
the R-3

## Bldg. Separation

Eliminate building  
separation  
requirements  
(Fire and Building Code  
still apply)

## Open Space

New ratio based on  
**total floor area, not per  
unit**



# Southside: Pending additional analysis & input

## Density...

Per unit? Per room? Per bed?

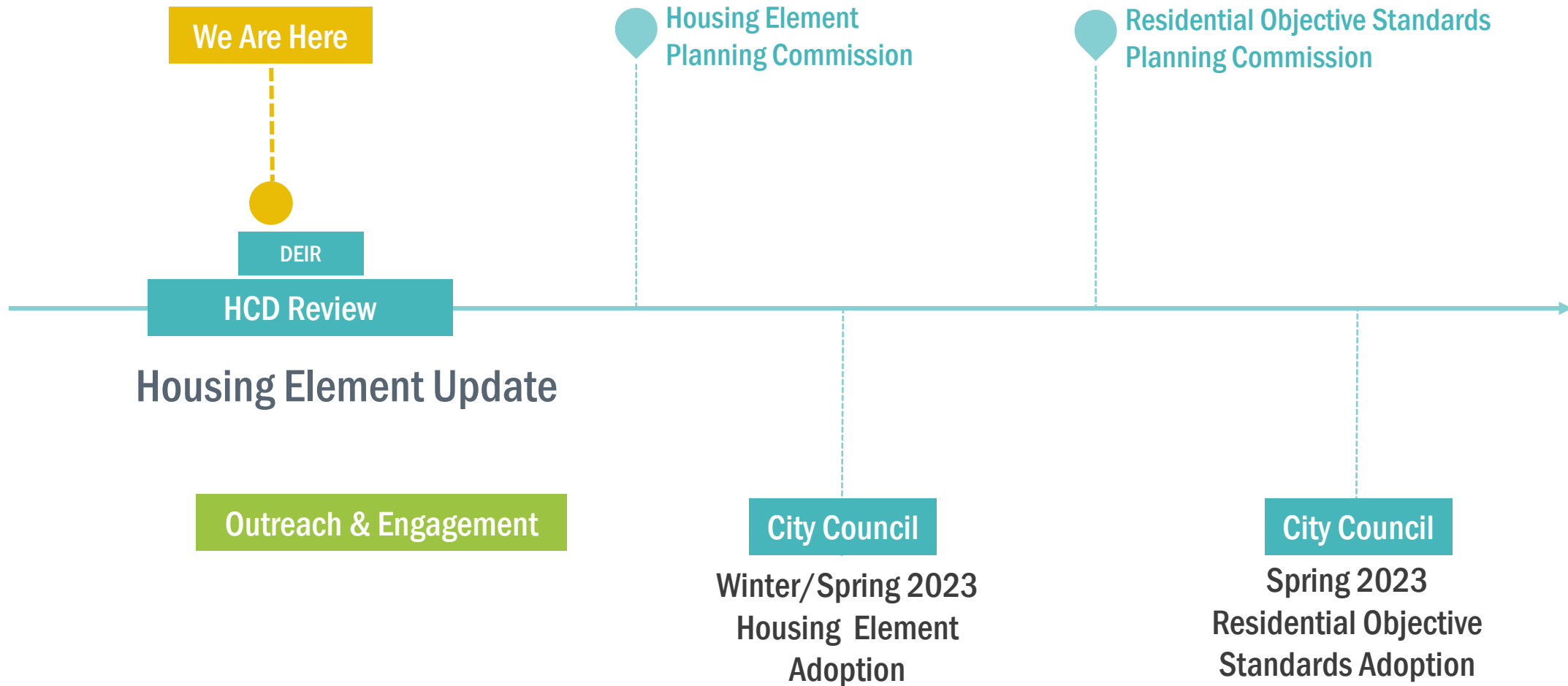
State (& local) density bonus

Housing Element RHNA:  
Separate living quarters

## Floor Area Ratio....

Sliding scale?

# Possible Future Actions



# THANK YOU

---



Photo Credit Jessica Christian / The Chronicle [LINK](#)

## CONTACT US

[HousingElement@cityofberkeley.info](mailto:HousingElement@cityofberkeley.info)

### Meeting the Referral Goals?

*Do the proposed development standards achieve the goals of the City Council referrals, namely encouraging the development of middle housing in lower density districts and increasing housing production and availability in the Southside area?*

### Changes or Revisions?

*Are there provisions of the proposed zoning standards that should be changed or revised?*

### Additional Considerations?

*Are there additional considerations that remain unaddressed by the proposed development standards?*