



Office of the City Manager

01

WORKSESSION

March 15, 2022

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Jordan Klein, Director, Planning and Development Department  
Subject: Housing Element Update and Residential Objective Standards

SUMMARY

The City of Berkeley's Housing Element Update for the Statewide "6<sup>th</sup> Cycle" is underway alongside its counterpart project, Multi-Unit Residential Objective Standards ("Objective Standards"). This report follows up on the December 9, 2021 Council worksession on the Housing Element and provides an update on progress to date. The purpose of this report and worksession is to:

1. Share the feedback from recent public engagement efforts.
2. Present the preliminary sites inventory and describe the environmental review process.
3. Present on the analysis and draft development standards for two- to four-unit projects in the R-1, R-1A, R-2, R-2A, and MU-R Districts outside of the Hillside Overlay.
4. Describe the preliminary methodology for analyzing and drafting development standards for residential projects with five or more units and mixed-use projects.
5. Receive direction from the City Council on Housing Element policy, zoning standards for missing middle housing, and development criteria for residential projects with five or more units.

CURRENT SITATUTION AND ITS EFFECTS

**Public Outreach Feedback**

At the time this report was written, the Housing Element team had made presentations to 13 Berkeley boards, commissions, and committees<sup>1</sup>, conducted 18 stakeholder

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<sup>1</sup> Planning Commission (9/1/2021); Homeless Services Panel of Experts (9/1/2021); Commission on Disability (9/1/2021); Landmarks Preservation Commission (9/2/2021); Zoning Adjustments Board (9/9/2021); Commission on Aging (9/15/2021); Energy Commission (9/22/2021); Children, Youth, and Recreation Commission (9/27/2021);

interviews, met with Housing Commission representatives from the Associated Students of the University of California (ASUC), held two public workshops with more than 60 participants each, and released two citywide online surveys.

Since the December Council Housing Element work session, the project team held a public workshop, completed a citywide online survey and held two concurrent meetings of the Planning Commission and Zoning Adjustments Board subcommittees. The following are key takeaways from these outreach efforts:

1. **Public Workshop.** The second public workshop occurred over Zoom on January 27, 2022. The goal for the workshop was to share insights from community engagement efforts, update the Berkeley community on Housing Element sites inventory methodology, introduce the Residential Objective Standards project, and receive input on zoning standards to facilitate housing production.

An invitation and registration link for the public workshop was sent to over 340 subscribers of the Housing Element email list and attended by approximately 60 participants, comparable to the first public workshop in September 2021.

During the second public workshop, several key themes were reiterated:

- a. *Locations to facilitate housing production.* Participants identified both higher density neighborhoods (Downtown, Southside) and lower density neighborhoods (West, North, and South Berkeley) as locations to consider for increasing housing capacity through added height and/or density. Several comments highlighted the desire to avoid clustering affordable housing primarily along high traffic corridors.
- b. *Housing criteria.* Proximity to community resources, including grocery stores and retail, are important criteria. Several participants commented on the need for active ground floor uses and more mixed-uses to further foster a walkable environment.
- c. *Multi-Unit 2-4.* Participants generally supported the concept of increasing allowable density in low-density residential districts, particularly if constructed with objective standards to maintain appropriate neighborhood scale and adequate planting, landscaping, and open space.
- d. *Multi-Unit 5+ and Mixed Use.* Participants shared support for encouraging innovative and creative design, as well as incentivizing community and shared open spaces, particularly for multi-family projects. Several commenters expressed that developments should minimize solar impacts on adjacent residential units.

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Housing Advisory Commission (9/30/2021); Rent Stabilization Board (11/18/2021); Zoning Ordinance Revision Project Subcommittees (12/15/2021 and 2/16/2022); Civic Arts Commission (1/19/2022); City/UC/Student Relations Committee (1/28/2022).

2. Downtown and West Berkeley Tour and Online Survey. Two residential walking tours and online surveys were made available from November 24, 2021 through January 31, 2022. The goal of the tours was to inform and get feedback from community members on the diversity of housing types and building sizes in the City and to understand what makes residential development compatible with neighborhood scale.

The walking tours and surveys were advertised at the December 9, 2021 Council work session, on the flyer for the January Housing Element workshop, and emailed to more than 330 subscribers of the Housing Element email list in November, early January, and late January. They were also announced at the December and January Planning Commission meetings, at December subcommittee meetings of the Zoning Adjustments Board and the Planning Commission and the January 4x6 meeting.

- a. *The Downtown Walking Tour* received a total of 23 survey responses and included 11 tour stops, primarily mixed-use residential projects with five or more units in addition to two smaller residential-only developments. The most common features that participants found to be compatible were building height, massing, and design features such as building articulation, color and materials, and windows. Features that would establish more compatibility included additional landscaping, planting, architectural details, and vehicular access and loading.
  - b. *The West Berkeley walking tour* received a total of 26 survey responses and included 12 tour stops, with a range of “missing middle” housing types including multiple detached units on one lot, cottage court housing, and mixed-use projects. The most common features that survey participants found compatible were placement of structures (setbacks and location on lot), heights, and overall building shape, size, and form. The features that would create more compatibility included building and parking orientation, and additional landscaping and planting.
3. Subcommittee meetings of the Planning Commission and the Zoning Adjustments Board. These concurrent meetings occurred over Zoom on December 15, 2021 and February 16, 2022. The goal for the meetings was to introduce the Objective Standards project, discuss an analysis of Berkeley’s development standards for two- to four-unit residential projects and receive targeted feedback on a number of key issues. Analysis involved development of two to four-unit housing prototypes and an assessment of project feasibility based on current development standards. Over 25 members of the public attended the February meeting – many of whom were design professionals or interested residents – providing feedback on the technical nature of the material. There was general support for ministerial approval of projects that met objective standards and tiered standards that incentivized density and preservation of

existing housing stock. Commissioners and the public requested refinements or further research to:

- Create more flexible open space requirements.
- Understand shadow impacts to solar.
- Incentivize smaller units / denser projects which naturally encourage housing that is more affordable.
- Model adjacent and abutting lots for improved neighborhood context.

### **Preliminary Sites Inventory Capacity and Environmental Review**

The City is required by the State Department of Housing and Community Development (HCD) to meet its Regional Housing Needs Allocation (RHNA) and identify sufficient sites to accommodate 8,934 residential units to meet the anticipated population growth between 2023 to 2031. In addition, HCD recommends that cities identify a “buffer” of 15% to 30% above RHNA for lower- and moderate-income categories to account for No Net Loss (AB 166)<sup>2</sup>. Thus, the overall sites inventory must accommodate between approximately 9,750 and 10,500 units. The sites must be zoned to allow for residential uses and the zoning standards must allow for the unit capacities assumed in the sites inventory.

The sites inventory process assessed capacity in three categories:

1. Likely Sites include projects that received their land use entitlement after 2018 but have not received their certificate of occupancy. For these projects, the affordability breakdown reflects actual project plans, including density bonus units. HCD also allows jurisdictions to include accessory dwelling units (ADUs) in the “likely sites” category based on recent development trends and assumed levels of affordability based on ABAG’s Affordability of ADUs report<sup>3</sup>. The North Berkeley and Ashby BART stations are included under “likely sites” based on current planning efforts. The site inventory estimates 1,200 units to be developed at those sites during the 6<sup>th</sup> cycle, with 35% affordability split evenly between Very Low- and Low-Income affordability levels. *The preliminary assessment of “likely sites” to develop account for over 5,100 units towards our 8,934 RHNA goal, and 33 percent of the lower income allocation.*
2. Pipeline Sites include projects that are under review or actively engaging with the City in anticipation of submitting an application for review. Affordability levels reflect proposed project plans to the extent they are known. *The preliminary*

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<sup>2</sup> AB 166 requires cities to demonstrate capacity is available for affordable units in the case that development on a specific site results in fewer units (total number and by income category) than assumed in the Housing Element.

<sup>3</sup> September 8, 2021. Draft Affordability of Accessory Dwelling Units. ABAG. <http://21elements.com/documents-mainmenu-3/housing-elements/rhna-6-2022-2030/1327-draft-adu-affordability-report-sep-8-2021-1/file>

*assessment of “pipeline sites” account for over 2,400 units, and 10 percent of the lower income allocation.*

3. Opportunity Sites are not associated with actual development proposals. These parcels are identified as “opportunity sites” or potential sites for future housing development using HCD’s criteria and methodology (outlined below). Berkeley’s zoning districts, with the exception of the C-AC district, do not have maximum density standards expressed in “dwelling units per acre”. As a result, unit assumptions for opportunity sites were calculated using the average mean of the *base density* from recent entitlement projects within the district (or districts with similar zoning standards if there were no recent projects within the district to analyze). *The preliminary assessment of “opportunity sites” account for over 9,000 units distributed across 364 parcels, and accommodates 86 percent of the lower income RHNA goal.*

AB 1397 requires that 5th cycle opportunity sites re-used in the 6th cycle and identified to accommodate lower income units (Very Low-Income and Low-Income) be subject to by-right approval if projects include 20% affordable units for lower income households on-site. Preliminary analysis shows that this will affect approximately 18 opportunity sites (1,419 units), located along commercial corridors.

HCD’s criteria for selecting opportunity sites includes:

- a. *Vacant.* Land is identified as vacant in the Alameda County Assessor’s land use data.
- b. *Underutilized.* Parcel has an improvement-to-land assessed value ratio of 0.75 or less.
- c. *Older.* Buildings on the parcel are greater than 30 years old for non-residential buildings and greater than 40 years old for residential buildings.
- d. *Jurisdiction.* Parcel is not Federal-, State- or county-owned.
- e. *Historic or Landmarked.* Parcel does not contain historic buildings or landmarked resources.
- f. *Existing Residential.* Parcel does not contain condos, large apartment buildings, or rent-controlled units.
- g. *Supermarkets.* Unless a developer has expressed interest in a particular site, HCD typically does not accept supermarkets as potential opportunity sites due to their long-term leases and community need.

HCD’s affordability assumptions are based on the premise that affordable units are more likely to be developed on larger sites that allow for higher densities and a greater total number of units. For the purposes of affordability assumptions on opportunity sites, HCD’s methodology combines the “lower income” categories,

Very Low- and Low-Income. The affordability assumptions, based on the State's guidance, are:

- a. *Parcel Size*. On sites that are less than 0.35 acres, the potential unit capacity is included solely in the moderate and above-moderate categories. On sites that are greater than 0.5 acre, the affordability distribution is then dependent on the resulting density and unit capacity calculations. Note, adjacent parcels under the same ownership are included and consolidated to achieve a minimum 0.5 acre threshold.
- b. *Density*. The potential unit capacity from opportunity sites where the assumed density is less than 75 units per acre are placed in the Above Moderate-Income category. On sites where the assumed density is greater than or equal to 75 units per acre, the potential units are split among the three affordability categories (Lower-, Moderate-, and Above Moderate-Income) based on the number of units that can be accommodated on the site.
- c. *Unit Capacity*. If a site can accommodate up to 30 units, then the potential capacity is categorized in the Above Moderate-Income category. If a site can accommodate between 31 and 50 units, the potential capacity is categorized in the Moderate-Income category. If a site can accommodate more than 50 units, the potential units are categorized in the Lower-Income category.

*Preliminary analysis of Berkeley's "Likely Sites", "Pipeline Sites", and "Opportunity Sites" using HCD's methodology yields over 16,500 units and meets RHNA requirements within each income category.* This suggests that the City's existing zoning is adequate to meet HCD requirements for a compliant Housing Element.

Recent development activity, however, suggests current zoning alone does not deliver the level of deed-restricted affordable housing and economic diversity that the City aims to achieve. Density Bonus and inclusionary units have fallen short of providing the overall 20% Very-Low and Low-Income units expressed in the City's inclusionary housing ordinance in part because projects typically pay a fee in lieu of providing all or part of the inclusionary requirement.

City Council has provided direction on where and how to encourage additional housing, particularly affordable housing that supports a diversity of income levels and household types (see Attachment 1, Council Housing Referrals). Based on Council's referrals and resolutions, the City is preparing a programmatic Draft Environmental Impact Report

(DEIR) that will study potential environmental impacts that could result from up-zoning and new policies in the following areas, by traffic analysis zone (TAZ)<sup>4</sup>:

1. North Berkeley and Ashby BART TOD projects assumed a maximum of 2,400 units in its EIR<sup>5</sup> and the Housing Element EIR will match that assumption. The Sites Inventory estimate currently assumes 1,200 units will be permitted during the Housing Element 2023-2031 cycle.
2. R-1 and R-1A districts are anticipated to increase in density based on SB 9 and zoning amendments in response to Council's referral for missing middle housing<sup>6</sup> and resolution to end exclusionary zoning<sup>7</sup>. The Turner Center's SB 9 modeling indicates that the City of Berkeley could anticipate approximately 1,100 new market-feasible units through SB 9<sup>8</sup>. Using HCD's 70<sup>th</sup> percentile methodology, the EIR assumes 770 additional units distributed throughout the R-1 and R-1A districts for the 2023-2031 period.
3. Southside Zoning Modification Project proposed an expansion of approximately 800 units over existing Southside Plan Area zoning in its July 2020 Initial Study<sup>9</sup>. Given past development trends and the limited number of opportunity sites in the Southside, the Housing Element EIR assumes approximately 1,200 units total to accommodate up-zoning in the C-T, R-S and R-SMU districts.

As part of the environmental review process, the Housing Element team will be evaluating foreseeable physical impacts as well as a reasonable range of alternatives and mitigation strategies to reduce or avoid potential environmental effects. The alternatives may consider increases in allowed heights and densities or find that higher unit capacities result in greater potential impacts. Ultimately, the EIR must study a realistic development potential for the eight-year period of the Housing Element Update

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<sup>4</sup> July 2014. Final Traffic Analysis Zones (TAZs) Map. Alameda County Transportation Commission (ACTC)  
[https://www.alamedactc.org/wp-content/uploads/2018/12/ModelFinalTAZ\\_North-1.pdf](https://www.alamedactc.org/wp-content/uploads/2018/12/ModelFinalTAZ_North-1.pdf)

<sup>5</sup> October 2021. Ashby and North Berkeley BART Station TOD EIR.  
[https://www.cityofberkeley.info/uploadedFiles/Planning\\_and\\_Development/Level\\_3\\_-\\_Land\\_Use\\_Division/Ashby%20and%20North%20Berkeley%20BART%20Stations%20Zoning%20Project%20DEIR%20October%202021.pdf](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Land_Use_Division/Ashby%20and%20North%20Berkeley%20BART%20Stations%20Zoning%20Project%20DEIR%20October%202021.pdf)

<sup>6</sup> April 23, 2019. Missing Middle Housing Report. Berkeley City Council.  
[https://www.cityofberkeley.info/Clerk/City\\_Council/2019/04\\_Apr/Documents/2019-04-23\\_Supp\\_2\\_Reports\\_Item\\_32\\_Rev\\_Droste\\_pdf.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2019/04_Apr/Documents/2019-04-23_Supp_2_Reports_Item_32_Rev_Droste_pdf.aspx)

<sup>7</sup> February 23, 2021. Resolution to End Exclusionary Zoning in Berkeley. Berkeley City Council.  
[https://www.cityofberkeley.info/Clerk/City\\_Council/2021/02\\_Feb/Documents/2021-02-23\\_Item\\_29\\_Resolution\\_to\\_End\\_Exclusionary.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2021/02_Feb/Documents/2021-02-23_Item_29_Resolution_to_End_Exclusionary.aspx)

<sup>8</sup> July 21, 2021, Will Allowing Duplexes and Lot Splits on Parcels Zoned for Single-Family Create New Homes? Turner Center. <https://turnercenter.berkeley.edu/wp-content/uploads/2021/08/Turner-Center-SB9-model-jurisdiction-output.xlsx>

<sup>9</sup> July 2020. Southside Zoning Ordinance Amendments Projects Initial Study.  
[https://www.cityofberkeley.info/uploadedFiles/Planning\\_and\\_Development/Level\\_3\\_-\\_Land\\_Use\\_Division/Final%20Southside%20Zoning%20Ordinance%20Amendments\\_Initial%20Study.pdf](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Land_Use_Division/Final%20Southside%20Zoning%20Ordinance%20Amendments_Initial%20Study.pdf)

to avoid overestimating impacts and unduly burdening future development projects with increased mitigation measures.

### **Rezoning: Two to Four Unit Residential Objective Standards**

In alignment with the Housing Element Update and EIR, the Objective Standards team is studying modifications to zoning standards for residential development with two to four units in the R-1, R-1A, R-2, R-2A, and MU-R zoning districts outside of the Hillside Overlay. These standards are intended to implement the Council’s direction to eliminate exclusionary zoning and allow for multifamily “missing middle” housing in Berkeley’s lower-density residential districts.

To inform the development of these standards, the City a) illustrated and analyzed existing development standards in the R-1, R-1A, R-2, R-2A, and MU-R districts; and b) prepared four prototype models of example two- to four-unit development projects. These models show a range of configurations for “missing middle” projects in Berkeley and highlight potential conflicts with existing standards (Attachment 2, Illustrated Missing Middle Models).

Key observations from the analysis of existing development standards and prototype feasibility include:

1. Lot Coverage. In R-1, R-1A, R-2, R-2A, the maximum lot coverage varies between 35 percent and 50 percent depending on the location of a lot (internal or corner) and the height of the proposed development (one and two stories or three stories). Maximum lot coverage is a limiting standard, particularly for internal lots, and lot coverage standards that vary by number of stories are more complicated to apply.
2. Open Space. A minimum of 400 square feet of usable open space per dwelling unit is currently required in the R-1, R-1A, and R-2. A minimum of 300 square feet and 150 square feet of usable open space per dwelling unit is required in the R-2A and MU-R, respectively. A minimum width and length of 10 foot by 10 foot is required for ground floor open space; a minimum length of six feet is required for above-ground usable open space. Two of the four prototypes studied do not meet minimum usable open space requirements due to side yard driveways and paved on-site parking area.
3. Height and Stories. In R-1, R-2A, R-2, R-2A, the maximum average height is 28 feet and three stories. A maximum average height of 35 feet is achievable with an administrative use permit (AUP) and is commonly granted by the Zoning Adjustments Board (ZAB) with few—if any—modifications. For some buildings, it is possible to incorporate four stories into a 35-foot average building height, which would increase total habitable floor area.
4. Setbacks. In the R-1 and R-1A, a four-foot side setback is required for all floors, while setbacks in the R-2 and R-2A vary between the first two floors (four-foot side setback) and the third floor (six-foot side setback) and cannot be reduced



with an AUP. MU-R has no minimum side setback requirement. The upper floor setbacks add complexity to three-story construction. Three of the four prototypes studied do not meet the increased third-story interior side setback required in the R-2 and R-2A districts.

5. Floor Area and Floor Area Ratio (FAR). Achievable floor areas based on modeling of existing zoning standards demonstrate a range between 4,881 square feet on an internal lot in the R-2A to 7,800 square feet on a corner lot in the MU-R. There is no maximum FAR standard in the R-1, R-1A, R-2, and R-2A districts; achievable floor area is limited by other standards such as lot coverage, height, stories, and setbacks. In MU-R, the maximum FAR is 1.5, which is a limiting standard where existing standards otherwise allow for 100% lot coverage, up to 10-foot setbacks, 35-foot height and three stories.

Based on the existing standards and prototype analysis, the Objective Standards team drafted proposed standards and alternative options for residential projects with two to four units in the R-1, R-1A, R-2, R-2A, and MU-R districts outside of the Hillside Overlay (Attachment 3, Draft Proposed Multi-Unit 2-4 Development Standards). Proposed standards would apply only to two- to four-unit projects; single-family dwellings will continue to be subject to existing standards. *The standards will be further revised and refined to address ZORP Subcommittees and Council input.*

Key proposed zoning modifications for consideration include:

1. Lot Coverage. To promote housing production and allow for a range of project configurations, the draft proposed standards increase allowed lot coverage as the number of units increases.
2. Open Space. To allow for flexibility in the location and configuration of usable open space while maintaining existing minimum dimensions, the draft proposed standards modify the standards to include outdoor area on the ground within front, street side, or rear setback areas and also above ground (e.g. balconies) used for active or passive recreation use.
3. Height and Stories. To incentivize multi-unit housing production, the draft proposed standards allow maximizing height and increasing the maximum to four stories for projects with three or four units.
4. Setbacks. The draft proposed standards include applying a maximum front setback (*measured from the front property line*) to ensure consistent building placement with adjacent structures, and reducing minimum rear setbacks to be consistent with existing ADU and SB 9 requirements.
5. Step backs. To enhance the feasibility for multi-unit configurations, the proposed draft standards apply a front step back (*measured from the face of the building wall and not the property line*) and removes all other upper-story setback and step back requirements.

6. Floor Area and FAR. The City Council previously directed the City Manager to consider scaling the FAR to increase as the number of units increase on a site. The proposed draft standards increase height, number of stories, and lot coverage as the number of units on the site increases, which effectively increases achievable floor area as number of units increase without creating a new FAR standard.
  7. Preservation. To incentivize preservation of existing housing units, the proposed draft standards consider an option to increase allowable floor area for sites with retained existing habitable space.
  8. Permit Requirements. City Council direction calls for allowing two-to four-unit projects in R-1, R-1A, R-2, R-2A, MU-R zoning districts. The proposed draft standards would allow two- to four-unit projects with a Zoning Certificate in the R-1, R-1A, R-2, R-2A, and MU-R districts. Two- to four-unit projects are currently permitted by-right in the R-1 under SB 9. Three- and four-unit projects are currently not permitted in the R-1A zones. Where permitted, two- to four-unit projects all require a Use Permit and a public hearing.
- **Staff requests City Council’s feedback on the proposed zoning modifications and development standards for two- to four-unit projects in low-density residential districts.**

### **Rezoning: Multi-Unit 5+ and Mixed-Use Residential Objective Standards**

The City is in the preliminary stages of developing objective standards for residential projects with five or more units and mixed-use projects (“multi-unit 5+”). The intent of this effort is to add, remove, or modify objective standards as needed to provide clarity and predictability for streamlined projects (e.g. SB 35), reduce the number of use permits a project requires, and to ensure that such projects are compatible with the scale of the surrounding neighborhood.

The following is a summary of the overall methodology for developing multi-unit 5+ standards:

1. Analyze Recent Project Approval Findings. Using residential projects entitled since 2016, the Objective Standards team will compare the current Zoning Ordinance requirements to as-built dimensions and analyze the relevant non-detriment findings in the staff reports to inform potential objective standards. The initial list of development standards to review will be based on the standards currently being evaluated for two- to four-unit projects (e.g. coverage, height, setbacks).
2. Identify Trends by Zoning District and Project type. The Objective Standards team will study recent development trends by zoning district and by residential project type (e.g., mixed-use, multifamily, or group living accommodations) to determine where modifying of existing standards is necessary.

3. Tailoring Draft Standards. Using the findings and trends analysis, the Objective Standards team will develop preliminary draft zoning standards. Draft development standards will recognize the different residential types and scales of multi-unit 5+ projects. For example, a three-story, five-unit residential-only building may require different objective standards from a five-story, 100-unit mixed-use building especially when transitioning between low-density residential neighborhoods and higher density, or mixed-use areas.

Included in this effort is consideration of how new development under revised building envelope standards may impact neighboring rooftop solar access where a Commercial or MU-R district borders a Residential district.

In the initial review of existing development standards for multi-unit 5+, the Objective Standards team has identified key early policy questions that require Council input.

1. Mixed-Use vs. Residential-Only. In all Commercial districts except the C-T, C-DMU, and C-AC, development standards vary between mixed-use residential and residential-only projects, providing significantly greater achievable floor area for mixed-use projects. These regulations were intended to encourage mixed-use development along the City's commercial corridors; however, this incentive has resulted in unintended ground floor vacancies. This was noted in a 2017 Council referral requesting flexible ground floor uses<sup>10</sup> to fill vacancies.

Modifying the development standards along the commercial corridors outside the nodes would provide residential-only projects the benefits afforded to mixed-use residential projects. This change would provide flexibility of uses while continuing to support areas of commercial activity and increasing housing capacity.

- **Staff requests City Council's feedback on whether residential-only projects on commercial corridors—outside designated nodes—should have the same built envelope and maximum floor area as mixed-use residential projects.**

2. Height and Stories. In the C-DMU Core, the ZAB may issue a Use Permit to increase the height to a maximum of 180 feet for three buildings and a maximum of 120 feet for two buildings. To-date, one 180-foot building has been constructed, one 120-foot building has been issued building permits, one 180-foot building has been entitled, and one 180-foot building is awaiting entitlement. The Southside Plan's preliminary environmental analysis projected up to three 12-story buildings that would include up to 500 units.

To provide clarity and predictability for future potential projects, and increase housing capacity in the limited number of identified opportunity sites in the

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<sup>10</sup> April 4, 2017. Referral to allow non-commercial ground floor uses. Wengraf et al. [https://www.cityofberkeley.info/Clerk/City\\_Council/2017/04\\_Apr/Documents/2017-04-04\\_Item\\_21\\_Referral\\_to\\_the\\_Planning\\_Commission\\_to\\_Allow\\_Non-commercial\\_Use.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2017/04_Apr/Documents/2017-04-04_Item_21_Referral_to_the_Planning_Commission_to_Allow_Non-commercial_Use.aspx)

Downtown and Southside areas (approximately 14 parcels in Downtown and nine in Southside), rezoning provides an opportunity to increase maximum heights and/or the number of tall buildings allowed within C-DMU Core and Southside.

- **Staff requests City Council’s feedback on potentially raising maximum heights and/or uncapping the number of tall buildings in Downtown and the Southside once objective standards and programmatic elements to incentivize affordable units are in place.**

### **Project Timeline and Implications**

In order to meet the Housing Element’s statutory deadline of January 31, 2023, the EIR timeline and HCD’s review periods, environmental review for this project has been initiated. Berkeley is on target to meet the statutory deadline for the Housing Element with little or no leeway in the timeline due to a 74-day decrease in timeline imposed by AB 215 which came in to effect on January 1, 2022.

The schedule will remain uncertain until the project nears completion. The project team is working diligently to meet the statutory deadline for a compliant Housing Element, but recognizes that final adoption requires various parties, within and outside the City, to act under very tight timelines. The Housing Element EIR will cover rezoning and Residential Objective Standards; however, adoption of these elements can occur a few months after adoption of the Housing Element without penalty from the State if additional time or review is required.

### **BACKGROUND**

Berkeley’s 6<sup>th</sup> cycle RHNA is 8,934 residential units<sup>11</sup>. The City is not required to build housing, but it is required to identify and zone sufficient sites to accommodate the anticipated growth over the next eight-year period. If actual housing production is less than the RHNA, eligible affordable housing projects are subject to a streamlined approvals process (SB 35).

**Table 1: Berkeley RHNA Allocation, 5th & 6th Cycles**

<b>Income Level</b>	<b>2015-2023 RHNA Units</b>	<b>2023-2031 RHNA Units</b>
Very Low (< 50% AMI)	532	2,446
Low (50-80% AMI)	442	1,408
Moderate (80-120% AMI)	584	1,416
Above Moderate (>120% AMI)	1,401	3,664

<sup>11</sup> December 16, 2021. Final RHNA Plan: San Francisco Bay Area, 2023-2031. ABAG. <https://abag.ca.gov/tools-resources/digital-library/proposed-finalrhnaallocationreport2023-2031pdf>

<b>Total</b>	<b>2,959</b>	<b>8,934</b>
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### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The Housing Element Update is expected to result in greater infill housing development potential near transit and in employment-rich areas. Prioritizing density and affordable housing in these areas will incentivize community members to use alternative modes of transportation and reduce vehicle miles traveled (VMT), which are critical for reducing greenhouse gas emissions, and will bring the City closer to meeting its Climate Action Plan and Climate Emergency goals.

### POSSIBLE FUTURE ACTION

Based on Council direction, project findings, and stakeholder and public input to date, the Housing Element team will prepare and release a public draft Housing Element Update in early Summer 2022. The general public will have 30 days to review and submit comments, and the City must allocate a minimum of two weeks to address and respond to public comments before submitting a Draft Housing Element to HCD for a 90-day review. After incorporating HCD comments, a final Housing Element Update is anticipated to be submitted to Council in early 2023 for local adoption prior to submittal for State certification.

### FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

Housing Elements are subject to regulatory oversight by HCD. If the State does not certify the 6<sup>th</sup> Cycle Housing Element prior to May 31, 2023, the City faces a number of penalties and consequences. In addition to significant fines of up to \$100,000 per month, the City can be sued by individuals, developers, third parties, or the State. A court may limit local land use decision-making authority until the City brings its Housing Element into compliance. Failure to comply would also impact Berkeley's eligibility and competitiveness for federal, state, and regional affordable housing and infrastructure funding sources.

### CONTACT PERSON

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Alene Pearson, Principal Planner, Land Use Planning Division, (510) 981-7489

### ATTACHMENTS

1. Council Housing Referrals
2. Illustrated Missing Middle Models
3. Draft Proposed Standards for Two- to Four-Unit Residential Development in the R-1, R-1A, R-2, R-2A, and MU-R zoning districts.



## LINKS:

1. December 9, 2021. *Housing Element Update Work Session 2*. Report from City Manager to Berkeley City Council.  
[https://www.cityofberkeley.info/Clerk/City\\_Council/2021/12\\_Dec/City\\_Council\\_12-09-2021\\_-\\_Special\\_Meeting.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2021/12_Dec/City_Council_12-09-2021_-_Special_Meeting.aspx)
2. November 9, 2021. *Objective Standards for Density, Design, and Shadows. Supplemental Packet 3*. Report to Berkeley City Council, Councilmember Hahn et al.  
[https://www.cityofberkeley.info/Clerk/City\\_Council/2021/11\\_Nov/Documents/2021-11-09\\_Item\\_20\\_Objective\\_Standards\\_Recommendations\\_for\\_Density,\\_Design\\_and\\_Shadows.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2021/11_Nov/Documents/2021-11-09_Item_20_Objective_Standards_Recommendations_for_Density,_Design_and_Shadows.aspx)
3. November 9, 2021. *Objective Standards for Density, Design, and Shadows. Supplemental Packet 2*. Report to Berkeley City Council, Councilmember Droste et al.  
[https://www.cityofberkeley.info/Clerk/City\\_Council/2021/11\\_Nov/Documents/2021-11-09\\_Supp\\_2\\_Reports\\_Item\\_20\\_Supp\\_Droste\\_pdf.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2021/11_Nov/Documents/2021-11-09_Supp_2_Reports_Item_20_Supp_Droste_pdf.aspx)
4. September 21, 2021. *Housing Element Update Work Session 1*. Report from City Manager to Berkeley City Council.  
[https://www.cityofberkeley.info/Clerk/City\\_Council/2021/09\\_Sep/City\\_Council\\_09-21-2021\\_-\\_Special\\_\(WS\)\\_Meeting\\_Agenda.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2021/09_Sep/City_Council_09-21-2021_-_Special_(WS)_Meeting_Agenda.aspx)
5. April 28, 2021. *Housing Element Update and Annual Progress Report*, Off-Agenda Memo from City Manager to Berkeley City Council.  
[https://www.cityofberkeley.info/uploadedFiles/Clerk/Level\\_3\\_-\\_General/Housing%20Element%20Update%20042821.pdf](https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_General/Housing%20Element%20Update%20042821.pdf)
6. March 25, 2021, *Initiation of Public Process and Zoning Concepts for 2023-2031 Housing Element Update*. Report to Berkeley City Council, Councilmember Droste et al.  
[https://www.cityofberkeley.info/uploadedFiles/Clerk/City\\_Council/2021/03\\_Mar/Documents/Initiation%20of%20Public%20Process%20and%20Zoning%20Concepts%20-%20Mayor%2003-25-21.pdf](https://www.cityofberkeley.info/uploadedFiles/Clerk/City_Council/2021/03_Mar/Documents/Initiation%20of%20Public%20Process%20and%20Zoning%20Concepts%20-%20Mayor%2003-25-21.pdf)

7. March 25, 2021, *Initiation of Participatory Planning for Berkeley's Regional Housing Needs Allocation (RHNA)*. Supplemental report to Berkeley City Council, Councilmember Hahn et al.  
[https://www.cityofberkeley.info/Clerk/City\\_Council/2021/03\\_Mar/Documents/2021-03-25\\_\(Special\)\\_Supp\\_2\\_Reports\\_Item\\_2\\_Supp\\_Hahn\\_pdf.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2021/03_Mar/Documents/2021-03-25_(Special)_Supp_2_Reports_Item_2_Supp_Hahn_pdf.aspx)



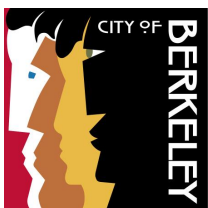
## Table of City Council Housing Referrals

Date	Description
7/12/16	<p>Allow increased development potential in the Telegraph Commercial (C-T) District between Dwight Avenue and Bancroft Avenue and refer to the City Manager development of community benefit requirements with a focus on labor practices and affordable housing.</p> <p><a href="http://records.cityofberkeley.info/Agenda/Documents/DownloadFile/7_12_2016%3b%20CLK%20-%20Report%20(Public)%3b%20DISTRICT%207%3b%20%3b%20REGULAR%3b%20ALLOW%20INCREAS.pdf?documentType=1&amp;meetingId=192&amp;itemId=2338&amp;publishId=6522&amp;isSection=False&amp;isAttachment=">http://records.cityofberkeley.info/Agenda/Documents/DownloadFile/7_12_2016%3b%20CLK%20-%20Report%20(Public)%3b%20DISTRICT%207%3b%20%3b%20REGULAR%3b%20ALLOW%20INCREAS.pdf?documentType=1&amp;meetingId=192&amp;itemId=2338&amp;publishId=6522&amp;isSection=False&amp;isAttachment=</a></p>
4/4/17	<p>Create a citywide Use Permit process to allow non-commercial use on the ground floor in appropriate locations, where commercial might otherwise be required. Consider a pilot project in the C-T District.</p> <p><a href="https://www.cityofberkeley.info/Clerk/City_Council/2017/04_Apr/Documents/2017-04-04_Item_21_Referral_to_the_Planning_Commission_to_Allow_Non-commercial_Use.aspx">https://www.cityofberkeley.info/Clerk/City_Council/2017/04_Apr/Documents/2017-04-04_Item_21_Referral_to_the_Planning_Commission_to_Allow_Non-commercial_Use.aspx</a></p>
5/30/17	<p>Develop a pilot Density Bonus program for the C-T District to generate in-lieu fees that could be used to build housing for homeless and extremely low-income residents.</p> <p><a href="http://www.cityofberkeley.info/Clerk/City_Council/2017/05_May/Documents/05-30_Annotated.aspx">http://www.cityofberkeley.info/Clerk/City_Council/2017/05_May/Documents/05-30_Annotated.aspx</a></p>
10/31/17	<p>Facilitate student housing by increasing the height and Floor Area Ratio (FAR) in the portions of the R-SMU, R-S and R-3 District which are located within the Southside area west of College Avenue.</p> <p><a href="https://www.cityofberkeley.info/Clerk/City_Council/2017/10_Oct/Documents/2017-10-31_Item_27_City_Manager_and_Planning_Commission_-_Rev.aspx">https://www.cityofberkeley.info/Clerk/City_Council/2017/10_Oct/Documents/2017-10-31_Item_27_City_Manager_and_Planning_Commission_-_Rev.aspx</a></p>
1/23/2018	<p>More Student Housing Now Resolution</p> <p><a href="https://www.cityofberkeley.info/Clerk/City_Council/2018/01_Jan/Documents/2018-01-23_Item_30_Adopt_a_More_Student_Housing.aspx">https://www.cityofberkeley.info/Clerk/City_Council/2018/01_Jan/Documents/2018-01-23_Item_30_Adopt_a_More_Student_Housing.aspx</a></p>
5/1/18	<p>Convert commercial space into residential use within all districts in the Southside located west of College Avenue.</p> <p><a href="https://www.cityofberkeley.info/Clerk/City_Council/2018/05_May/Documents/2018-05-01_Item_25_Referral_to_the_Planning.aspx">https://www.cityofberkeley.info/Clerk/City_Council/2018/05_May/Documents/2018-05-01_Item_25_Referral_to_the_Planning.aspx</a></p>
11/27/18	<p>Move forward with parts of More Student Housing Now resolution and implementation of SB 1227.</p> <p><a href="https://www.cityofberkeley.info/Clerk/City_Council/2018/11_Nov/Documents/Item_26_Supp_Worthington.aspx">https://www.cityofberkeley.info/Clerk/City_Council/2018/11_Nov/Documents/Item_26_Supp_Worthington.aspx</a></p>

4/23/19	Analyze and report back on possible Zoning Ordinance changes to foster alternative housing types under a “Missing Middle Initiative” <a href="https://www.cityofberkeley.info/Clerk/City_Council/2019/04_Apr/Documents/04-23_Annotated_Agenda.aspx">https://www.cityofberkeley.info/Clerk/City_Council/2019/04_Apr/Documents/04-23_Annotated_Agenda.aspx</a>
3/25/21	Initiate public process and zoning concepts (including ending exclusionary zoning) in the 2023-2031 Housing Element Update <a href="https://www.cityofberkeley.info/uploadedFiles/Clerk/City_Council/2021/03_Mar/Documents/Initiation%20of%20Public%20Process%20and%20Zoning%20Concepts%20-%20Mayor%203-25-21.pdf">https://www.cityofberkeley.info/uploadedFiles/Clerk/City_Council/2021/03_Mar/Documents/Initiation%20of%20Public%20Process%20and%20Zoning%20Concepts%20-%20Mayor%203-25-21.pdf</a>
3/25/21	Initiate participatory planning for Berkeley’s RHNA and Housing Element Update <a href="https://www.cityofberkeley.info/Clerk/City_Council/2021/03_Mar/Documents/2021-03-25_(Special)_Supp_2_Reports_Item_2_Supp_Hahn_pdf.aspx">https://www.cityofberkeley.info/Clerk/City_Council/2021/03_Mar/Documents/2021-03-25_(Special)_Supp_2_Reports_Item_2_Supp_Hahn_pdf.aspx</a>
11/9/21	Consider an Affordable Housing Overlay as part of the Housing Element Update to allow increased height and density for 100% affordable projects. <a href="https://www.cityofberkeley.info/Clerk/City_Council/2021/11_Nov/Documents/2021-11-09_Item_09_Affordable_Housing_Overlay.aspx">https://www.cityofberkeley.info/Clerk/City_Council/2021/11_Nov/Documents/2021-11-09_Item_09_Affordable_Housing_Overlay.aspx</a>
11/9/21	Adopt a Resolution recognizing housing as a human right; refer to the City Manager’s office several measures to begin developing social housing in the City of Berkeley. <a href="https://www.cityofberkeley.info/Clerk/City_Council/2021/11_Nov/Documents/2021-11-09_Item_13_Resolution_Recognizing_Housing_as_Human_Right_Referring_to_City_Manager_Several_Measures_to_Begin_Developing_Social_Housing_in_the_City_of_Berkeley.aspx">https://www.cityofberkeley.info/Clerk/City_Council/2021/11_Nov/Documents/2021-11-09_Item_13_Resolution_Recognizing_Housing_as_Human_Right_Referring_to_City_Manager_Several_Measures_to_Begin_Developing_Social_Housing_in_the_City_of_Berkeley.aspx</a>
2/25/22	Promote artist housing, including the use of ground floor retail space, as part of the Housing Element Update <a href="https://www.cityofberkeley.info/Clerk/City_Council/2022/01_Jan/Documents/2022-01-25_Item_11_Referring_the_Civic_Arts_Commission.aspx">https://www.cityofberkeley.info/Clerk/City_Council/2022/01_Jan/Documents/2022-01-25_Item_11_Referring_the_Civic_Arts_Commission.aspx</a>

# City of Berkeley Missing Middle Illustrations

February 7, 2022



Prepared by:  
Ben Noble  
Urban Field Studio

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# Introduction

## **Project Overview**

Illustrations of the existing Zoning Ordinance were produced to identify development standards that may require revisions to achieve the goals of the Objective Standards project. Existing zoning standards may require revisions to allow 2-4 units in R1, R-1A, R-2, R-2A, and MU-R zoning districts. This will be the first of two studies; a subsequent study will feature revisions to allow 5+ units.

The revisions may include allowed land uses, permit requirements, Use Permit findings, and development standards to facilitate the City Council's referrals for Missing Middle Development<sup>1</sup> and to End Exclusionary Zoning<sup>2</sup>. Areas of subjectivity particularly in relation to standards that can be modified with discretionary permits will be studied separately as well. This report compares the existing standards (Part 1) with prototypes of missing middle housing (Part 2) to illustrate desired forms of 2-4 unit housing and to highlight considerations for amendments of existing development standards.

## **Part 1: Illustrated Existing Standards**

An analysis and comparison of existing development standards and methods of measurement for zoning districts appropriate for 2-4 units were studied. The illustrations do not demonstrate design, but show how a standard lot (measuring 40' by 130' and 5,200 sf) can sustain up to four units. In Part 1, the existing developable envelope is shown with a dashed line that illustrates setbacks, lot coverage, open space, and average building height. Furthermore, the habitable floor area and building envelope are also limited by setbacks and FAR requirements. The resulting developable volume is illustrated with a blue volume to highlight the maximum allowable building massing allowed by existing standards. These illustrations visually explain the standards and provide context as we contemplate the scale and size of the units that are already allowed, or could be allowed in zones that allow 2-4 units. Generally, no parking is required, though parking is shown selectively where space allows. A summary table is provided at the end of the section to summarize the models.

## **Part 2: Development Feasibility Studies for 2-4 units**

Prototypes of missing middle housing were developed to show how 2-4 units reasonably fit on a typical lot to guide discussion and development of the Objective Standards. A comparison is drawn between what existing zoning allows and what is shown in the prototypes to spur discussion about adjustments needed for any of the zoning districts, the compatibility with neighboring buildings, and other aspects of design.

1. [https://www.cityofberkeley.info/Clerk/City\\_Council/2019/04\\_Apr/Documents/2019-04-23\\_Item\\_32\\_Missing\\_Middle\\_Report.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2019/04_Apr/Documents/2019-04-23_Item_32_Missing_Middle_Report.aspx)

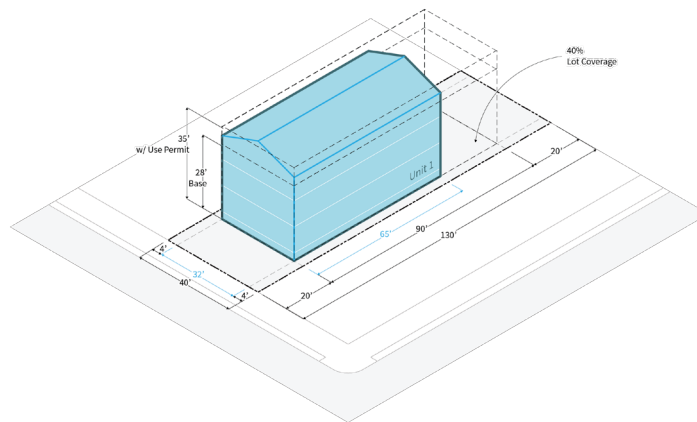
2. [https://www.cityofberkeley.info/Clerk/City\\_Council/2021/02\\_Feb/Documents/2021-02-23\\_Item\\_29\\_Resolution\\_to\\_End\\_Exclusionary.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2021/02_Feb/Documents/2021-02-23_Item_29_Resolution_to_End_Exclusionary.aspx)

# Part 1: Existing Standards Illustrated

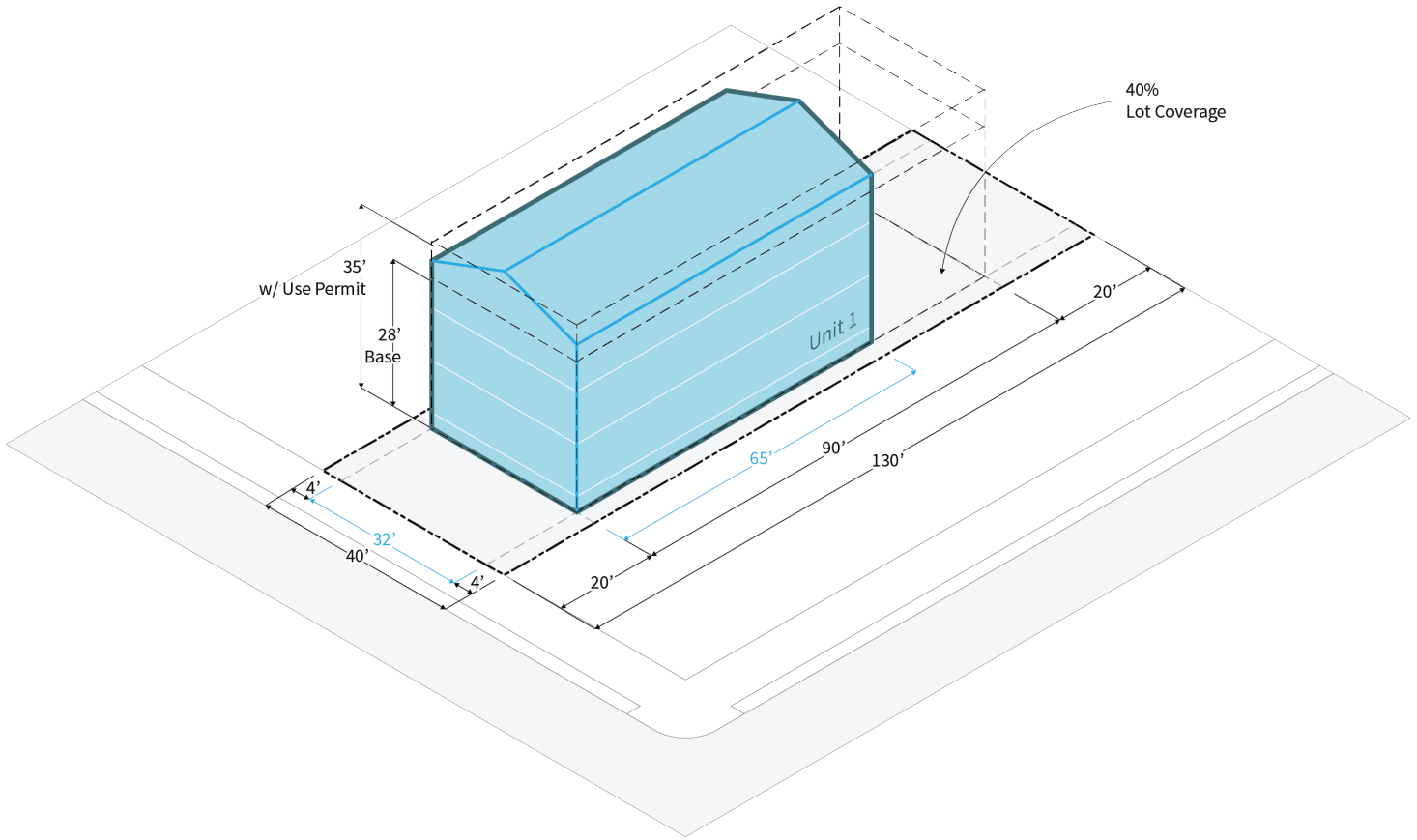
## R-1 Existing Standards

Model 1 shows how the existing development standards apply to the typical R-1 lot. The R-1 district allows single-family dwellings, but not two-family or multifamily dwellings except as provided for under SB 9.

Model 1



# Model 1: R-1 Single Building on Internal Lot

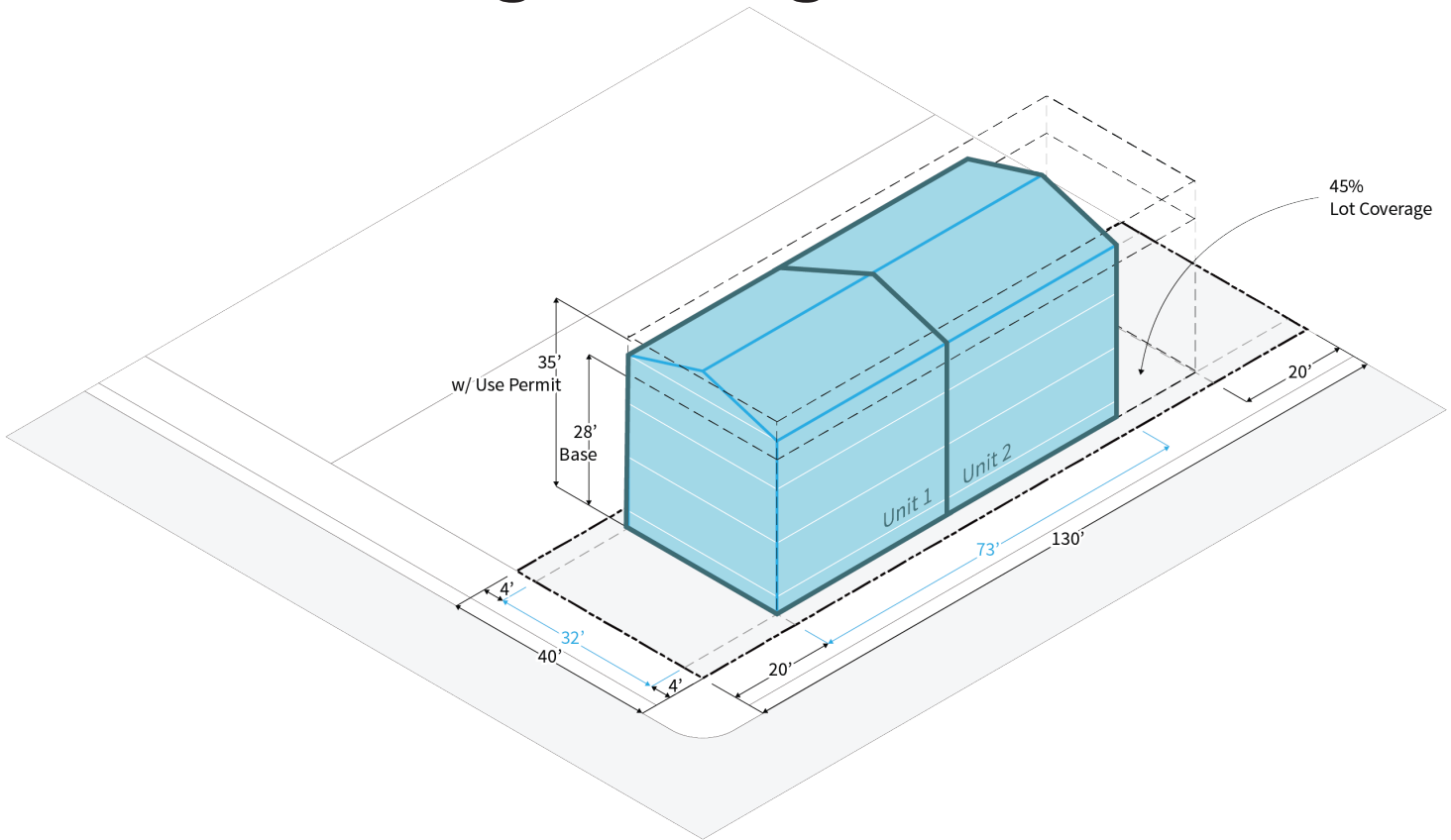


This first model shows the typical maximum building envelope on a standard R-1 lot for one unit only. This is the prevailing typical single-family housing typology for residential zoning. As shown in this model, **lot coverage is a limiting standard in the R-1 district** that prevents the blue building volume from occupying the entire developable envelope shown by the dashed line.

Standards	Existing Standard	Illustrated Volume	Assumptions	Existing Standard	Illustrated Volume
Primary Dwelling Units	1	1	Lot Area	5,000 sf min	5,200 sf
Average Height	28', 35' w AUP	35**	Lot Area per Dwelling Unit	No minimum	Meets standard
Stories	3	3	Lot Dimension	Not limited	40' x 130'
Lot Coverage	40% max	40%	<b>Outputs</b>		
Setbacks			Total Footprint	Not limited	2,080 sf
Front	20' min	20'	Total Floor Area	6,000 sf	6,240 sf
Rear	20' min	20'	FAR	Not limited	1.2
Side	4' min	4'	Density	1 unit per lot	8.4 du/ac
Street Side	4' min	N/A	Usable Open Space	400 sf/du	Meets standard
Building Separation	N/A	N/A			

\* This requires an AUP \*\* May be reduced with an AUP

# Model 2: R-1A Single Building on Corner Lot



The R-1A district allows up to two primary dwellings on one lot. Model 2 shows how a single building can be divided into two units. This scenario could apply to the renovation of an existing building dividing either horizontally (floor by floor) or vertically (front from back) or to new construction. As shown in this model, **lot coverage is a limiting standard in the R-1A district** that prevents the blue building volume from occupying the entire developable envelope shown by the dashed lines.

Standards	Existing Standard	Illustrated Volume	Assumptions	Existing Standard	Illustrated Volume
Primary Dwelling Units	2	2	Lot Area	5,000 sf min 4,500 sf for 2 units	5,200 sf
Average Height	28'; Additions: 14', 22' for rear, 35' w AUP	35**	Lot Area per Dwelling Unit	2,250 sf min (2 units max)	2,600 sf
Stories	3, 2 for a rear building	3	Lot Dimension	Not limited	40' x 130'
Lot Coverage	45% max on corner lot	45%	<b>Outputs</b>		
Setbacks			Total Footprint	Not limited	2,336 sf
Front	20'	20'	Total Floor Area	6,750 sf	7,008 sf
Rear	20 min **	20'	FAR	Not limited	1.3
Side	4' min	4'	Density	Max 2 units per lot	16.75 du/ac
Street Side	4' min	N/A	Usable Open Space	400 sf/du	Meets standard
Building Separation	8' min for 1 story, 12' for 2 stories, 16' for 3 stories**	N/A			

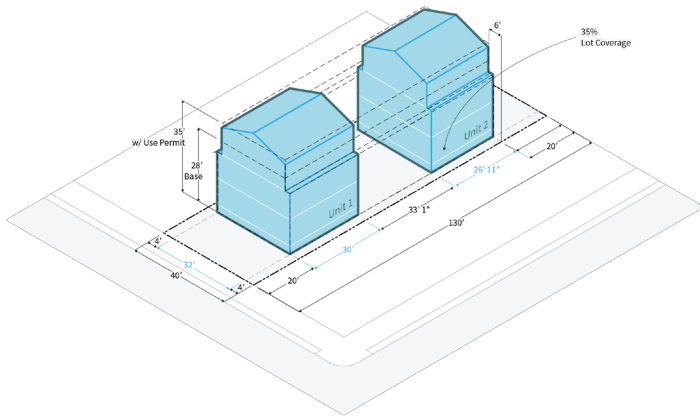
\* This requires an AUP \*\* May be reduced with an AUP



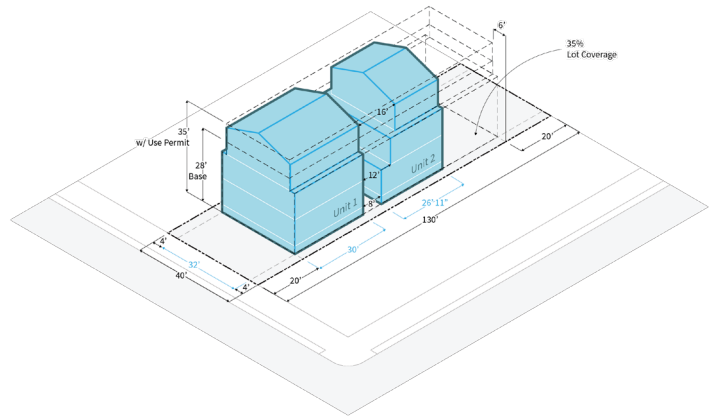
# R-2 Existing Standards

The R-2 district allows single-family, two-family, and multifamily dwellings subject to minimum lot size requirements. Model 3, 4, and 5 show the existing development standards for R-2 which allows each to have two units on a 5,200sf lot. Models 3 and 4 show internal R-2 lots and Model 5 shows a corner lot condition. Model 3 shows how two units are located at the property edges, which is typical construction because it maximizes the open space between units. Model 4 illustrates the minimum separation requirements between two buildings for R-2. Model 5 illustrates the setbacks applicable to a corner lot and minimum separation requirements between units.

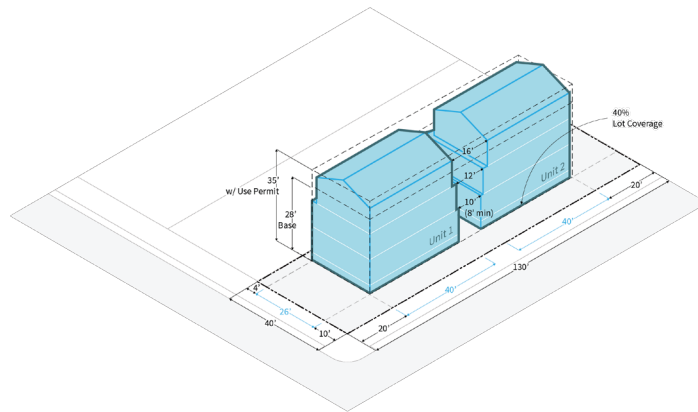
**Model 3 (Interior Lot)**



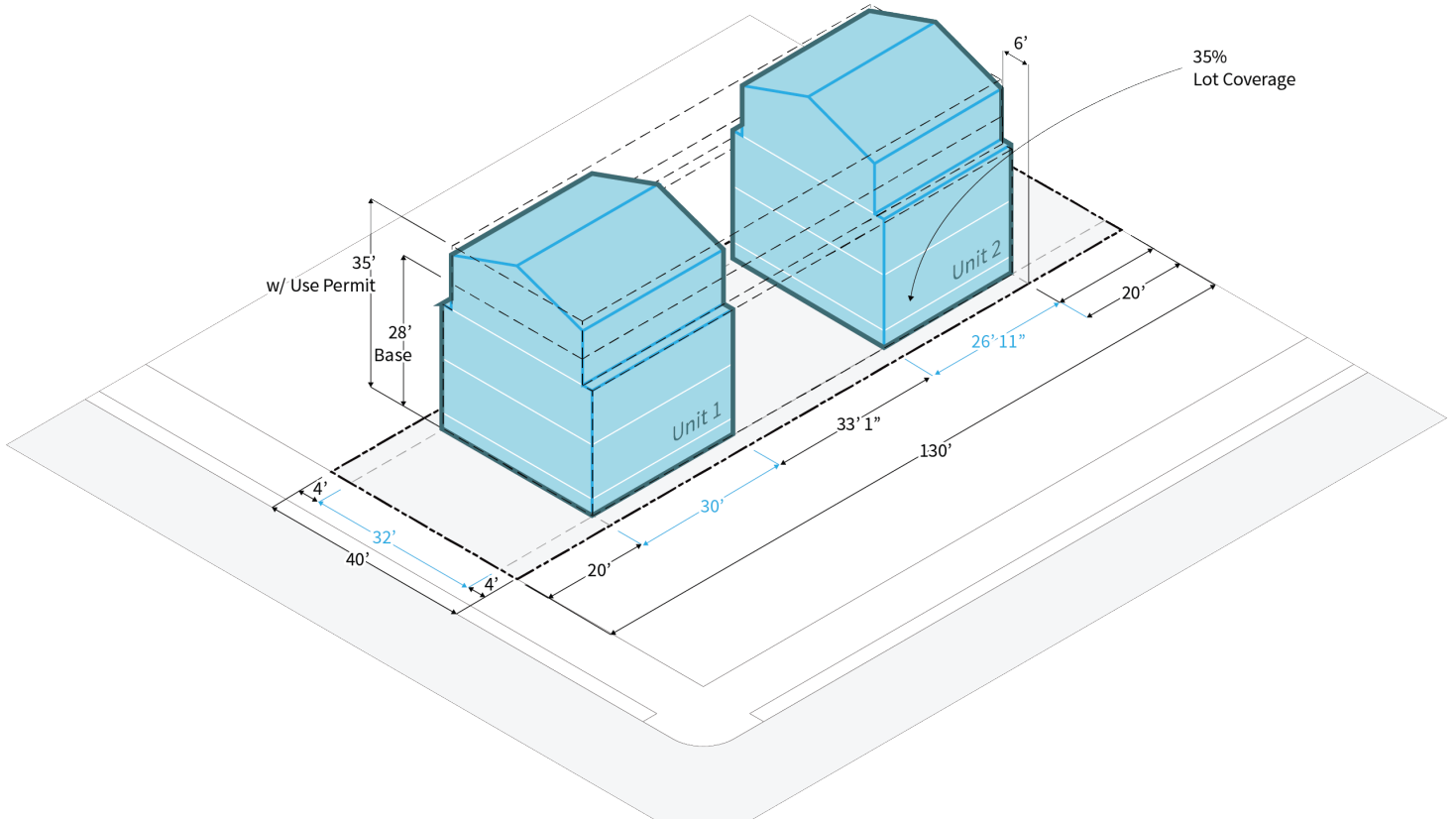
**Model 4 (Interior Lot)**



**Model 5 (Corner Lot)**



# Model 3: R-2 Two Buildings on an Internal Lot

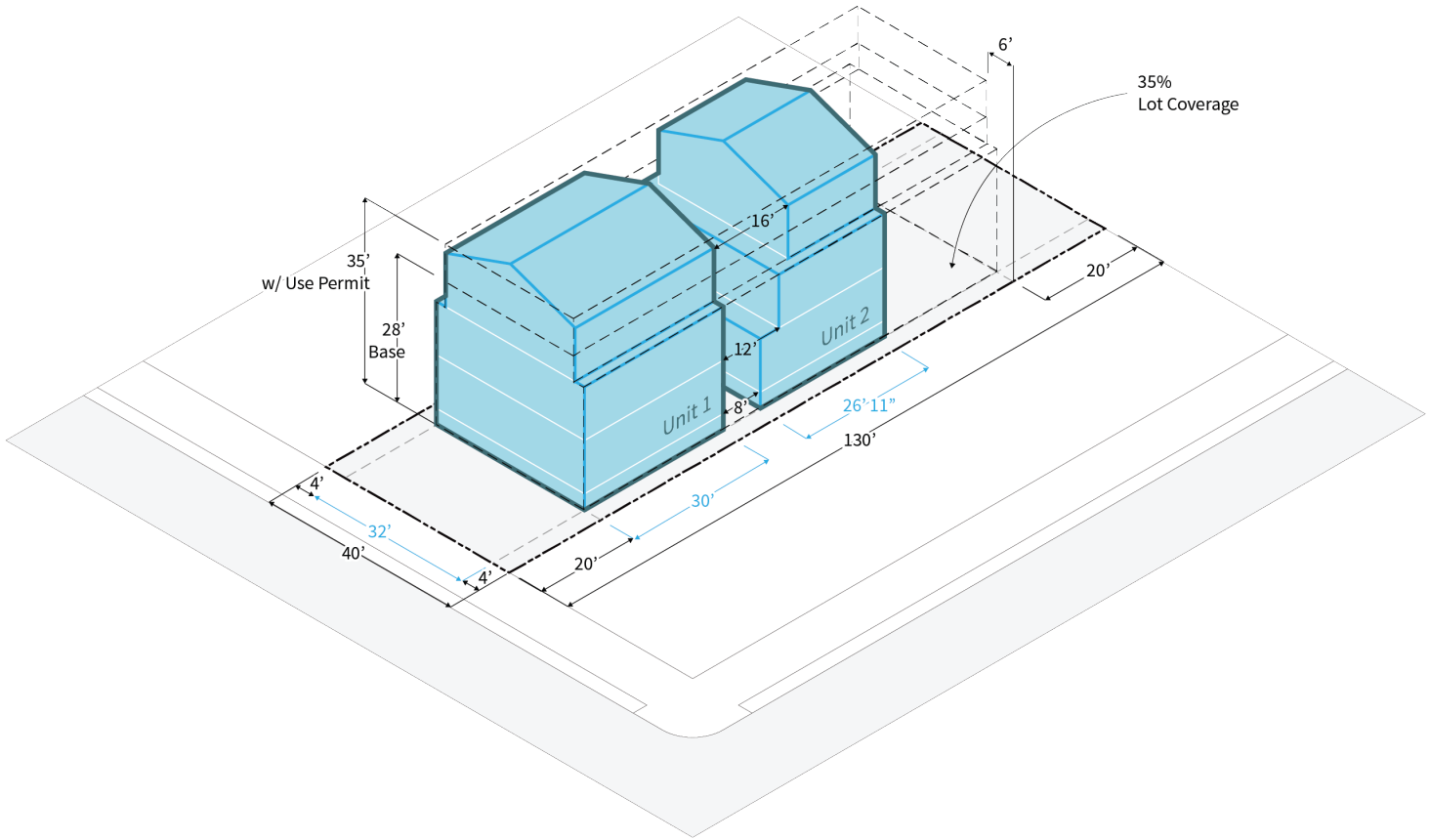


Model 3 shows two buildings, a larger one at the street frontage and a smaller one at the back. This could illustrate an existing building with a new additional dwelling unit added behind, or new construction of two buildings. Upper level stepbacks are illustrated which require a two foot stepback at the third floor. This model exceeds minimums for building separation to maximize the open space between both units. **In the R-2 district lot coverage and third-story stepbacks are limiting standards** that prevent the blue building volume from occupying the entire developable envelope shown by the dashed line.

Standards	Existing Standard	Illustrated Volume	Assumptions	Existing Standard	Illustrated Volume
Primary Dwelling Units	2	2	Lot Area	5,000 sf min	5,200 sf
Average Height	28'; Additions: 14', 35' w AUP	35**	Lot Area per Dwelling Unit	2,500 sf	2,600 sf
Stories	3	3	Lot Dimension	Not limited	40' x 130'
Lot Coverage	35% for 3 story building on interior lot	35%	<b>Outputs</b>		
Setbacks			Total Footprint	Not limited	1,820
Front	20' min	20'	Total Floor Area	Not limited	5,229
Rear	20' min **	20'	FAR	Not limited	1.0
Side	4' for first two stories, 6' for third story	4' /6'	Density	3+ units per lot	16.75 du/ac
Street Side	10'	N/A	Usable Open Space	400 sf/du	Meets standard
Building Separation	8' min for 1st story, 12' for 2nd story, 16' for 3rd story**	Meets standard			

\* This requires an AUP \*\* May be reduced with an AUP

# Model 4: R-2 Two Buildings on Internal Lot

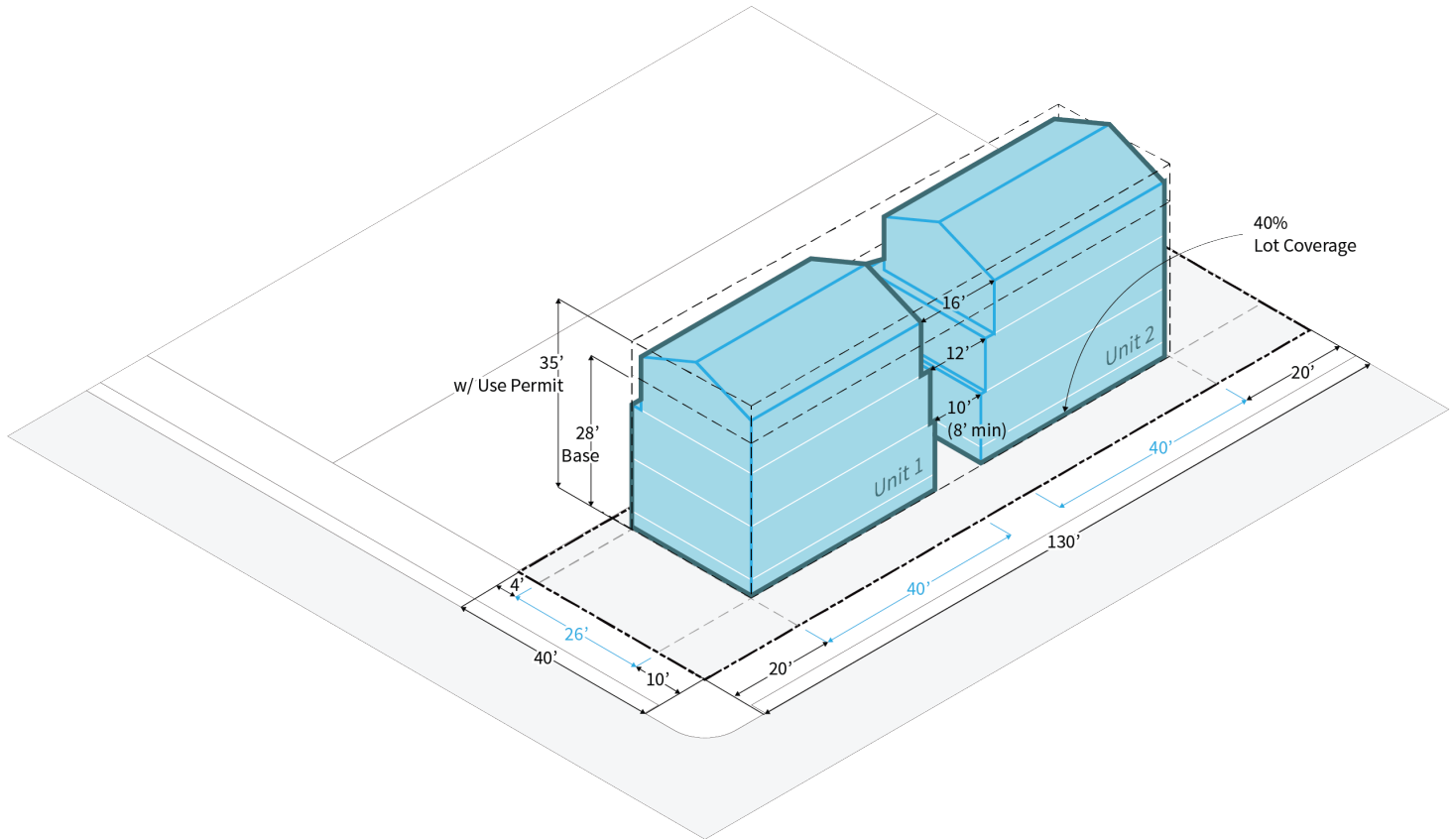


Model 4 shows the developable volume of two units based on stepback and building separation standards that vary by story. Between Model 2 and 4, the FAR drops from 1.0 to 0.9 because of building separation standards. In this model, **building separation as well as lot coverage and third-story stepbacks are limiting standards** that prevent the blue building volume from occupying the entire developable envelope shown by the dashed line.

Standards	Existing Standard	Illustrated Volume	Assumptions	Existing Standard	Illustrated Volume
Primary Dwelling Units	2	2	Lot Area	5,000 sf min	5,200 sf
Average Height	28', Additions: 14', 35' w AUP	35'	Lot Area per Dwelling Unit	2,500 sf	2,600 sf
Stories	3	3	Lot Dimension	Not limited	40' x 130'
Lot Coverage	35% max for 3 story building on interior lot	35%	<b>Outputs</b>		
Setbacks			Total Footprint	Not limited	1,820 sf
Front	20' min	20'	Total Floor Area	Not limited	4,881 sf
Rear	20' min	20'***	FAR	Not limited***	0.9
Side	4' for first two stories, 6' for third story	4' / 6'	Density	3+ units per lot	16.75 du/ac
Street Side	10'	N/A	Usable Open Space	400 sf/du	Meets standard
Building Separation	8' min for 1st story, 12' for 2nd story, 16' for 3rd story**	Meets standard			

\* This requires an AUP \*\* May be reduced with an AUP \*\*\* SB 478 prohibits a floor area ratio standard of less than 1.0

# Model 5: R-2 Two Buildings on Corner Lot



Model 5 shows two separate units built on a corner lot in the R-2 zone. Setbacks are bigger for a corner lot in comparison to an internal lot. This shows how the building separation increases by story, however the ground floor is shown at 10 feet because this is the resulting distance between two buildings on the lot given the configuration of setbacks and lot coverage. It exceeds the 8-foot building separation at the ground floor. On a corner lot, **the street side setback and building separation are limiting standards** which further constrains the developable envelope compared to interior lots.

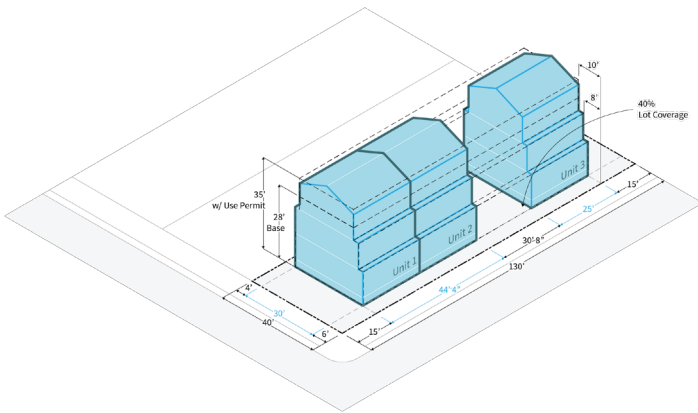
Standards	Existing Standard	Illustrated Volume	Assumptions	Existing Standard	Illustrated Volume
Primary Dwelling Units	2 max	2	Lot Area	5,000 sf min	5,200 sf
Average Height	28'; Additions: 14', 35' w AUP	35'	Lot Area per Dwelling Unit	2,500 sf min	2,600 sf
Stories	3 max	3	Lot Dimension	Not limited	40' x 130'
Lot Coverage	40% max for 3 story building on corner lot	40%	<b>Outputs</b>		
Setbacks			Total Footprint	Not limited	2,080
Front	20' min	20'	Total Floor Area	Not limited	5,884
Rear	20' min	20'	FAR	Not limited	1.1
Side	4' for first two stories, 6' for third story	4'	Density	3+ units per lot	16.75 du/ac
Street Side	10' min	10'	Usable Open Space	400 sf/du min	Meets standard
Building Separation	8' min for 1st story, 12' for 2nd story, 16' for 3rd story**	Meets standard			

\* This requires an AUP \*\* May be reduced with an AUP

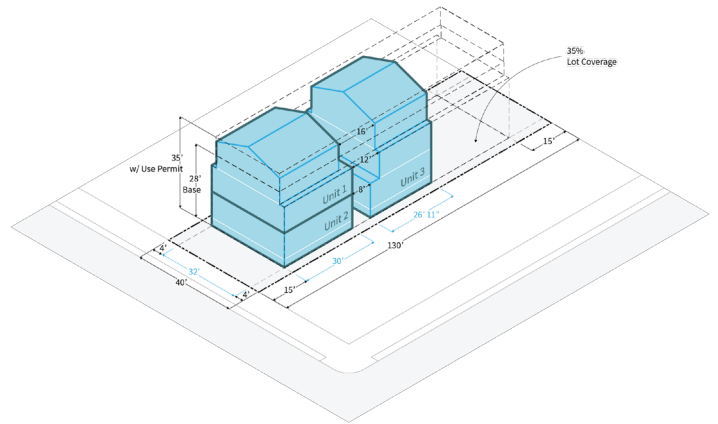
# R-2A Existing Standards

The R-2A district allows single-family, two-family, and multifamily dwellings subject to minimum lot size requirements. Model 6 and 7 show the existing development standards for R-2A which allows three units on a 5,200sf lot. Model 6 shows the three units on a corner lot. Model 7 shows the three units on an interior lot. Corner lots (40%) and interior lots (35%) have different lot coverage requirements for three-story buildings. Models 6 and 7 illustrate the stepback requirements that vary by story. Model 7 also illustrates the building separation requirements that vary by story.

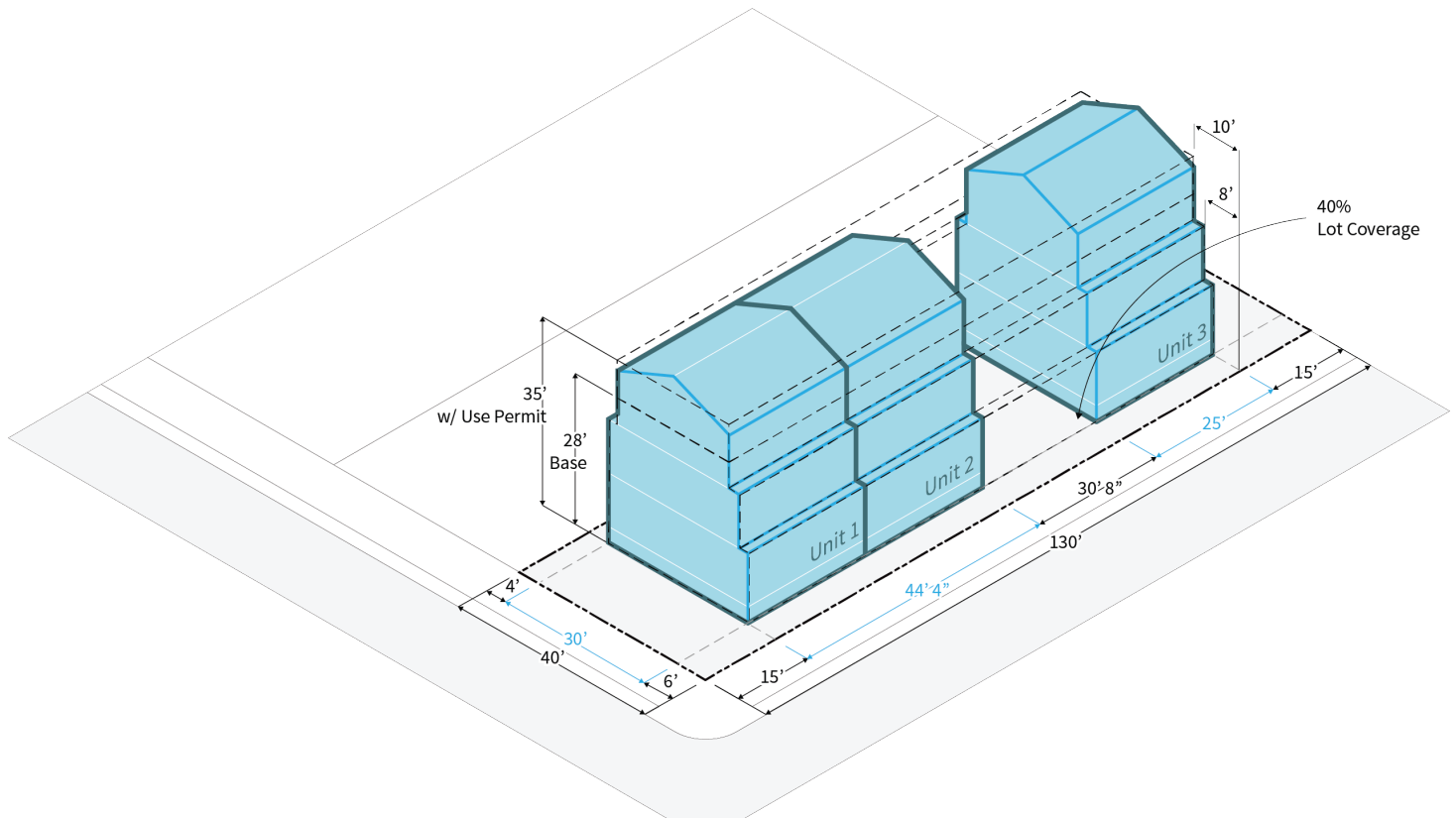
Model 6 (Corner Lot)



Model 7 (Interior Lot)



# Model 6: R-2A Two Buildings on a Corner Lot

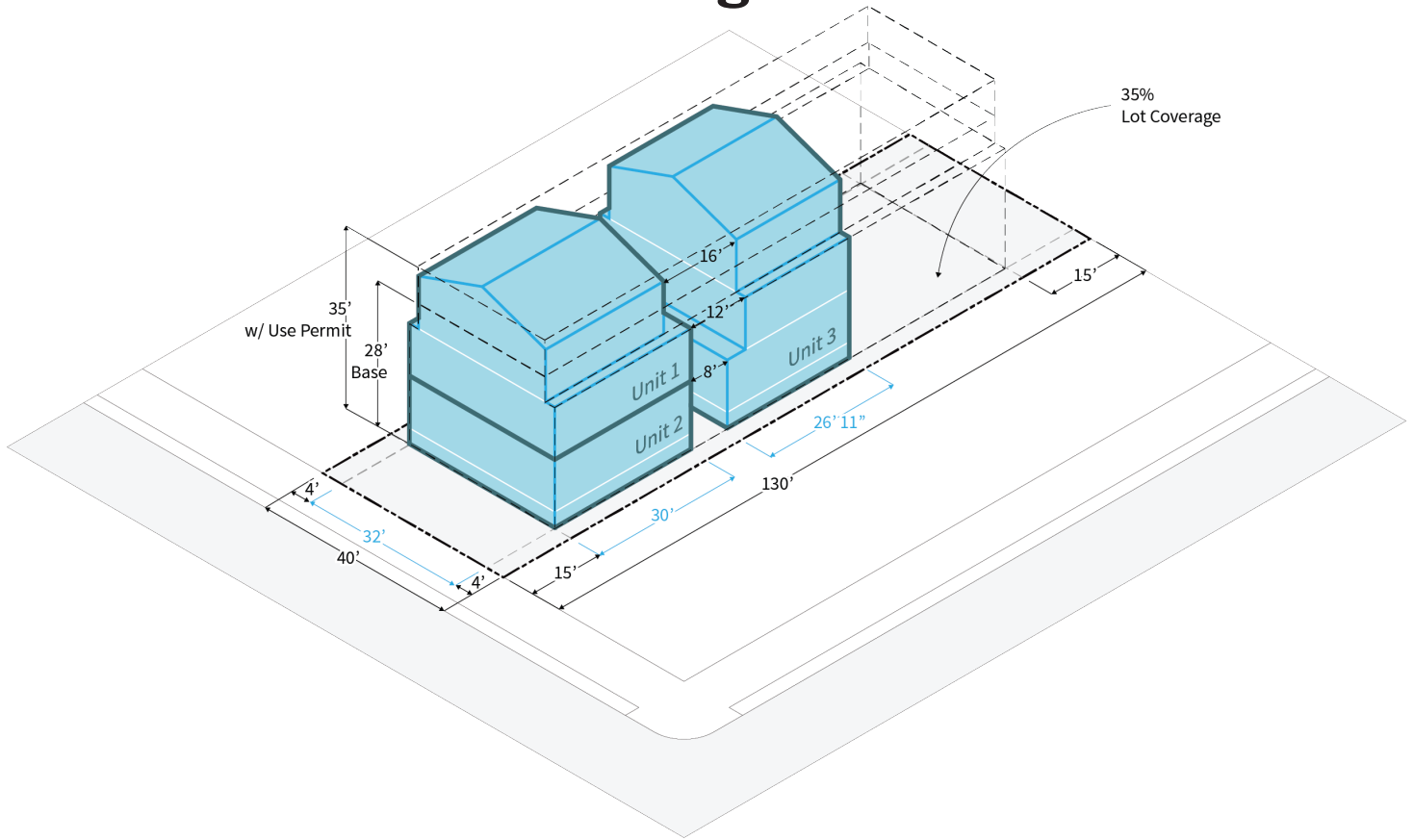


Models 6 and 7 compare R-2A conditions with Model 6 on a corner lot and Model 7 for an internal lot. The larger of the two buildings shown in Model 6 is split into two units to make three units total on the lot. This model shows that **lot coverage is a limiting standard** that prevents the blue building volume from occupying the entire developable envelope shown by the dashed line. The developable envelope is also **further limited by increased side setbacks for second and third stories**.

Standards	Existing Standard	Illustrated Volume	Assumptions	Existing Standard	Illustrated Volume
Primary Dwelling Units	3 max	3	Lot Area	5,000 sf min	5,200 sf
Average Height	28' max, Additions: 14', 35' w/ AUP	35'*	Lot Area per Dwelling Unit	1,650 sf min	1,733 sf
Stories	3 max	3	Lot Dimension	Not limited	40' x 130'
Lot Coverage	40% for 3 story building on corner lot	40%	<b>Outputs</b>		
Setbacks			Total Footprint	Not limited	2,080
Front	15' min	20'	Total Floor Area	Not limited	6,212
Rear	15' min	20'**	FAR	Not limited	1.2
Side	4' min for first two stories, 6' for 3rd story	Meets standard	Density	3+ units per lot	25.1 du/ac
Street Side	6' min for 1st story, 8' for 2nd story, 10' for 3rd story	Meets standard	Usable Open Space	300 sf/du min	Meets standard
Building Separation	8' min for 1st story, 12' for 2nd story, 16' for 3rd story**	N/A			

\* This requires an AUP \*\* May be reduced with an AUP

# Model 7: R-2A Two Buildings on Internal Lot



Model 7 shows two buildings on an internal lot with the bigger one split into two units (on separate levels) to make three units total on the lot. Stepbacks differ from the R-2 Zone. This shows how the building separation varies between 8-16 feet at each story. This model shows that **lot coverage is a limiting standard** on an interior lot and reduces that possible building volume below what is allowed on a corner lot.

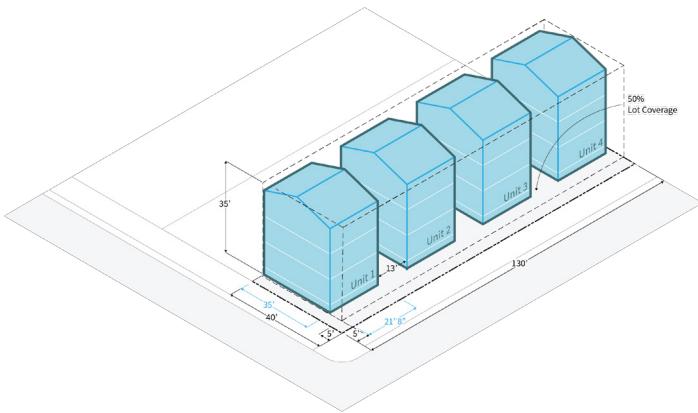
Standards	Existing Standard	Illustrated Volume	Assumptions	Existing Standard	Illustrated Volume
Primary Dwelling Units	3 max	3	Lot Area	5,000 sf min	5,200 sf
Average Height	28' max, Additions: 14', 35' w AUP	35'	Lot Area per Dwelling Unit	1,650 sf min	1,733 sf
Stories	3 max	3	Lot Dimension	Not limited	40' x 130'
Lot Coverage	35% max for 3-story interior lot building	35%	<b>Outputs</b>		
Setbacks			Total Footprint	Not limited	1,820 sf
Front	15' min	15'	Total Floor Area	Not limited	4,881 sf
Rear	15' min	15 <sup>***</sup>	FAR	Not limited <sup>***</sup>	0.9
Side	4' min for first two stories, 6' for 3rd story	Meets standard	Density	3+ units per lot	25.1 du/ac
Street Side	6' min for 1st story, 8' for 2nd story, 10' for 3rd story	N/A	Usable Open Space	300 sf/du	Meets standard
Building Separation	8' for 1st story, 12' for 2nd story, 16' for 3rd story <sup>**</sup>	Meets standard			

\* This requires an AUP \*\*May be reduced with an AUP \*\*\* SB 478 prohibits a floor area ratio standard of less than 1.0

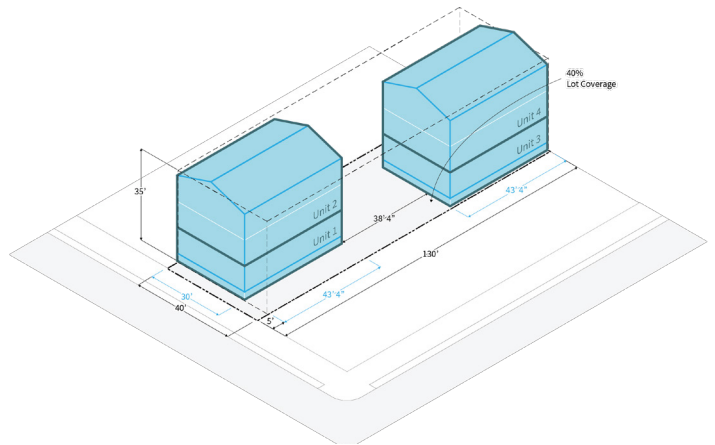
# MU-R Existing Standards

The MU-R district allows single-family, two-family, and multifamily dwellings. Model 8 and 9 show the existing development standards for MU-R which allow four units on a 5,200 sf lot with minimal setbacks but a 1.5 FAR maximum. Model 8 shows the four units on a corner lot. Model 9 shows the four units separated into two buildings on an interior lot.

Model 8 (Corner Lot)

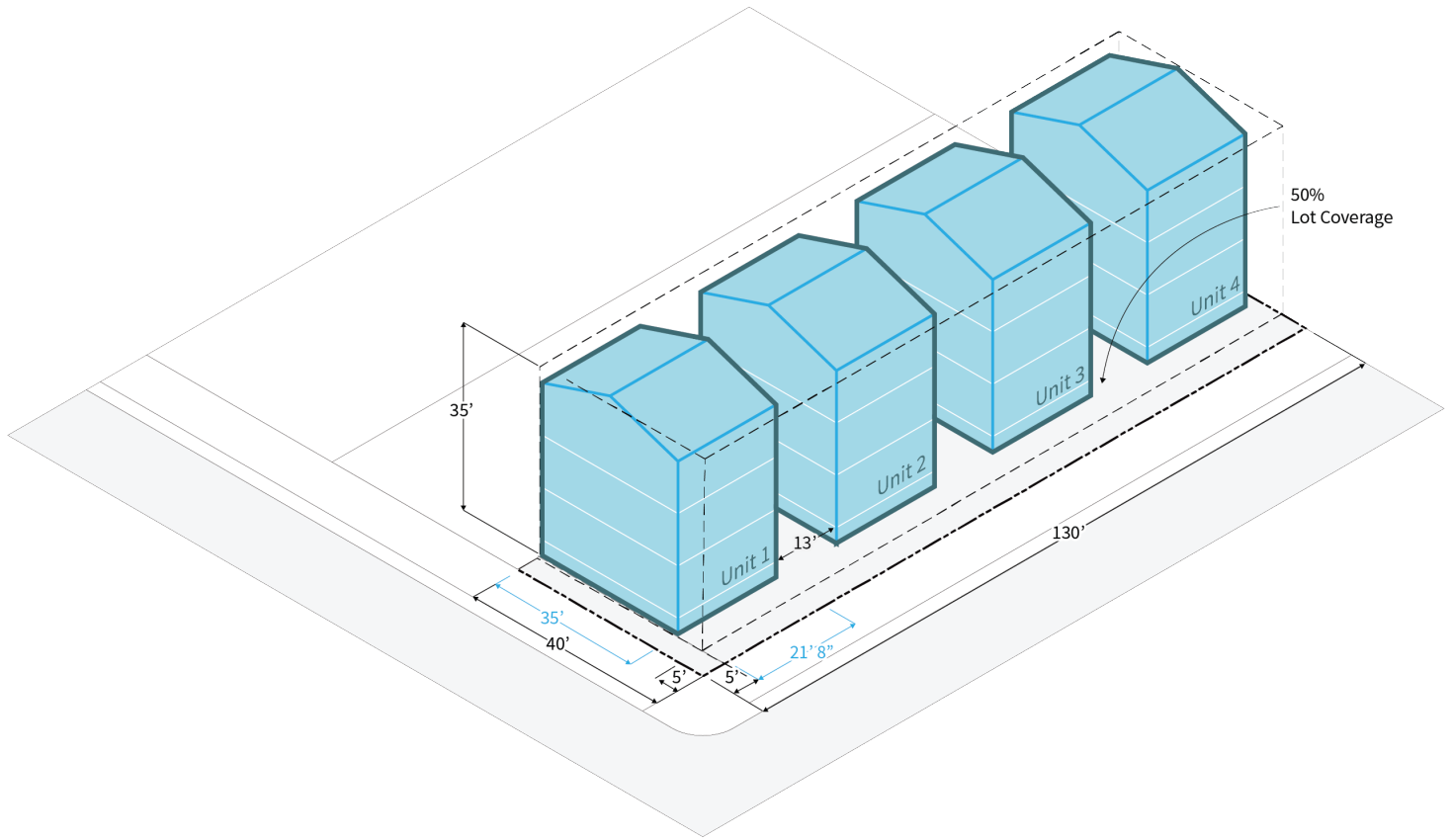


Model 9 (Interior Lot)





# Model 8: MU-R Four Buildings on Corner Lot

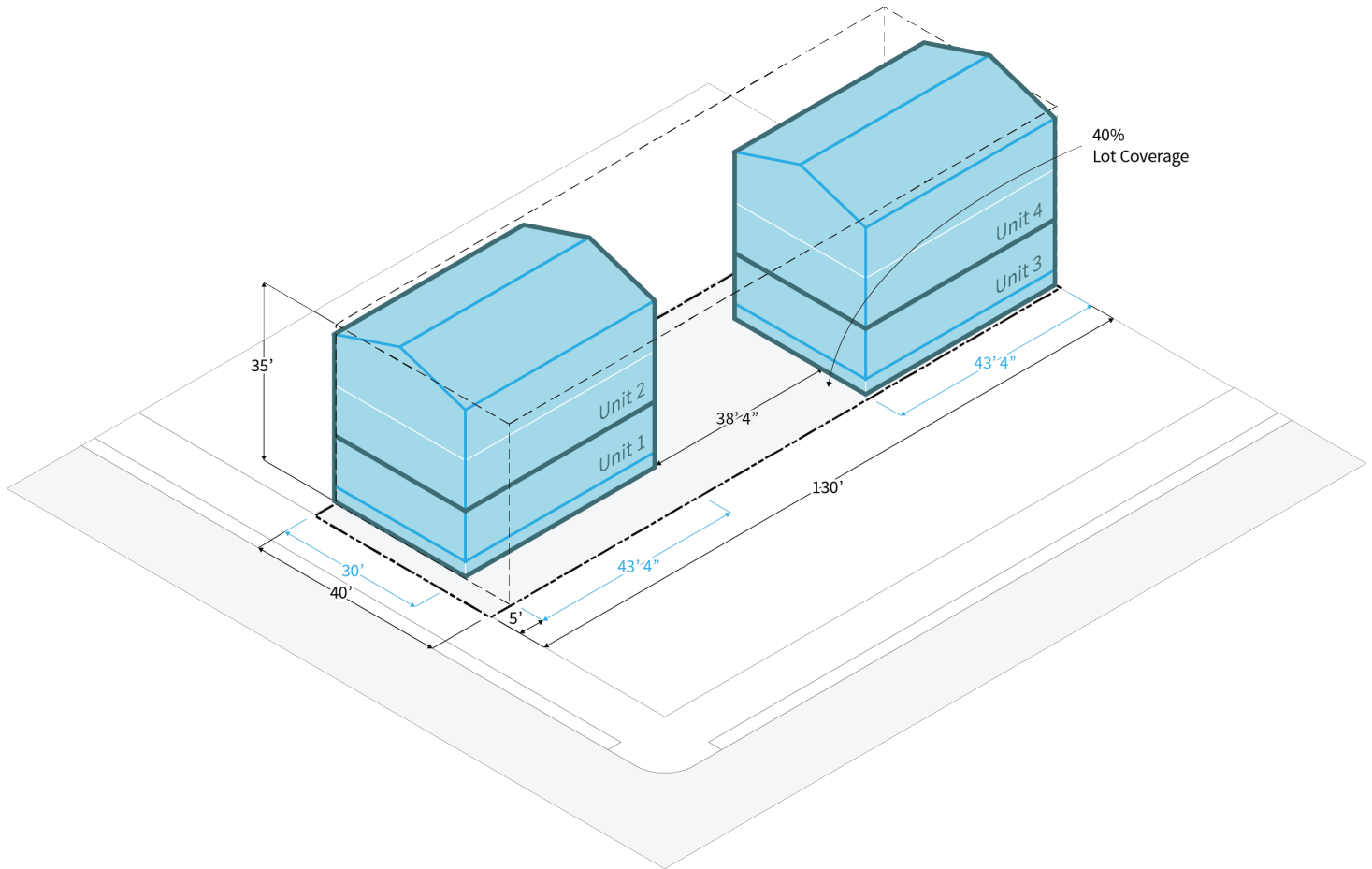


Model 8 shows four units as detached single-unit homes on a corner lot. Access to tuck-under parking can be provided along the long side of the lot and patios are associated with each home. The distribution of the building area that 1.5 FAR results in is equal across the lot and not restricted by building separation standards. As shown in this model, **floor area ratio (FAR) is the limiting standard in the MU-R district** that prevents the blue building volume from occupying the entire developable envelope shown by the dashed line.

Standards	Existing Standard	Illustrated Volume	Assumptions	Existing Standard	Illustrated Volume
Primary Dwelling Units	4 max	4	Lot Area	Not limited	5,200 sf
Average Height	35' max	35'	Lot Area per Dwelling Unit	1,250 sf min	1,300 sf
Stories	3 max	3	Lot Dimension	40' min width	40' x 130'
Lot Coverage	100% max	50%	<b>Outputs</b>		
Setbacks			Total Footprint	Not limited	2,600 sf
Front	5' min	5'	Total Floor Area	7,800 sf	7,800 sf
Rear	No min	0'	FAR	1.5 max	1.5
Side	No min	0'	Density	3+ units per lot	33.5 du/ac
Street Side	5' min	5' min.	Usable Open Space	150 sf per du	Meets standard
Building Separation	No min				

\* This requires an AUP \*\* May be reduced with an AUP

# Model 9: MU-R Two Buildings on Internal Lot

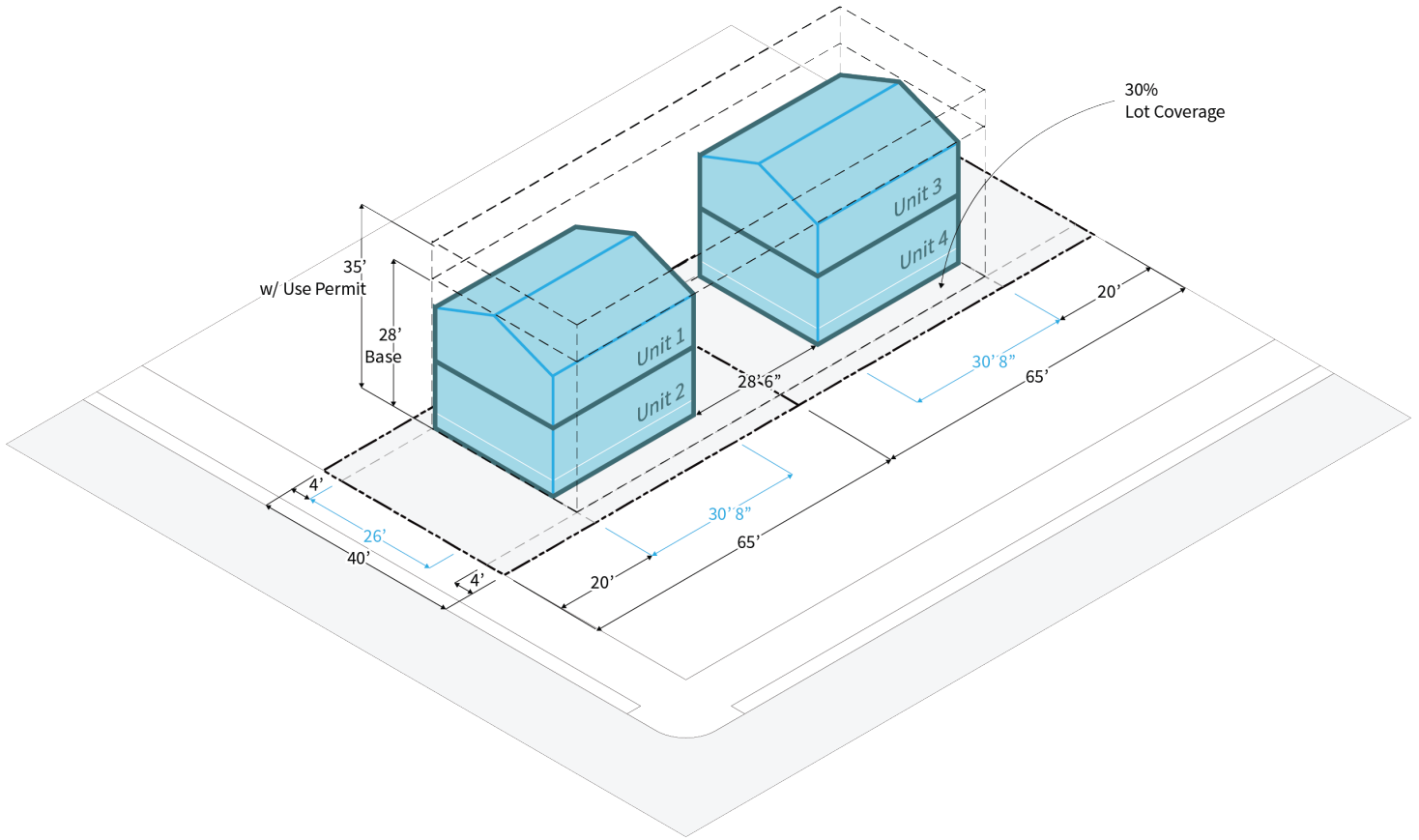


Model 9 shows two stacked flat duplexes on an internal lot and the maximum FAR of 1.5. **Maximum FAR is the limiting standard** that prevents the blue building volume from occupying the entire developable envelope shown by the dashed line.

Standards	Existing Standard	Illustrated Volume	Assumptions	Existing Standard	Illustrated Volume
Primary Dwelling Units	4 max	4	Lot Area	Not limited	5,200 sf
Average Height	35' max	35'	Lot Area per Dwelling Unit	1,250 sf	1,300 sf
Stories	3 max	3	Lot Dimension	40' min width	40' x 130'
Lot Coverage	100%	40%	<b>Outputs</b>		
Setbacks			Total Footprint	Not limited	2,600 sf
Front	5' min	5'	Total Floor Area	7,800 sf	7,800 sf
Rear	No min	0'	FAR	1.5 max	1.5
Side	No min	0'	Density	3+ units per lot	33.5 du/ac
Street Side	5' min	N/A	Usable Open Space	150 sf per du	Meets standard
Building Separation	No min	38' 4"			

\* This requires an AUP \*\* May be reduced with an AUP

# Model 10: R-1 Two Buildings with Split Lot (SB 9)



SB 10 allows an existing R-1 lot to be split into two lots. This example shows the potential for SB 9 lot split with two units on each resulting lot, sized at 800 sf per unit and stacked on top of each other. It does not illustrate the maximum lot coverage, because this design assumes each unit is a single story. The model shows building stories and coverage less than the R-1 standard due to the minimum 800 square-foot unit size under SB 9.

Standards	Existing Standard	Illustrated Volume	Assumptions	Existing Standard	Illustrated Volume
Primary Dwelling Units	4*	4	Lot Area	1,200 sf min for lot split*	2,600 sf
Average Height	28', 35' w AUP	35'	Lot Area per Dwelling Unit	600 sf min*	1,300 sf
Stories	1	2	Lot Dimension	Not limited	40' x 65'
Lot Coverage	40% max	30%	<b>Outputs</b>		
Setbacks			Total Footprint	1,040 sf max	1,040 sf
Front	20' min	20'	Total Floor Area	Not Limited	2,400 sf
Rear	4' min*	20'	FAR	1 unit per lot	0.9
Side	4' min	4'	Density	Not Limited	33.5 du/ac
Street Side	4' min	N/A	Usable Open Space	400 sf/du	Meets standard
Building Separation	Only as required by building code	Meets standard	Unit Size	800 sf*	800 sf

\* Must be allowed under SB 9

# Summary of Part 1

The FAR and densities from all models are provided here to gain a sense of maximum development intensity allowed under existing standards. Theoretically, the resulting development should result in the same maximum floor area with the same development standards, but what the illustrations show is that **there is a difference due to whether or not units are attached and whether they are on corner lots or internal lots.**

The “limiting factors” column identifies the standards that limit the achievable floor area within the developable envelope defined by height and setback standards.

	Units	Floor Area	FAR	Density	Limiting Factors
<b>R-1</b>					
Model 1: Single Building on Internal Lot	1	6,240 sf	1.2	8.4 du/ac	Lot coverage
<b>R-1A</b>					
Model 2: Single Building on Corner Lot	2	7,008 sf	1.3	16.9 du/ac	Lot coverage
<b>R-2</b>					
Model 3: Two Buildings on Internal Lot	2	5,229 sf	1.0	16.9 du/ac	Corner lot building separation, upper story setbacks, and lot coverage
Model 4: Two Buildings on Internal Lot	2	4,881 sf	0.9	16.9 du/ac	
Model 5: Two Buildings on Corner Lot	2	5,884 sf	1.1	16.9 du/ac	
<b>R-2A</b>					
Model 6: Two Buildings on a Corner Lot	3	6,212 sf	1.2	25.1 du/ac	Corner lot setbacks and lot coverage
Model 7: Two Buildings on Internal Lot	3	4,881 sf	0.9	25.1 du/ac	
<b>MU-R</b>					
Model 8: Two Buildings on Internal Lot	4	7,800 sf	1.5	33.5 du/ac	FAR
Model 9: Four Buildings on Corner Lot	4	7,800 sf	1.5	33.5 du/ac	
<b>SB 9</b>					
Model 10: Two Buildings with Split Lot (SB9)	4	2,400 sf	0.9	33.5 du/ac	SB 9 allows 800 sf min per unit

## Observations

- **Lot Coverage.** Maximum lot coverage is a limiting standard in all R districts. Lot coverage standards on interior lots further reduces building volumes compared to corner lots. Lot coverage standards that vary by number of stories are complicated.
- **Height and Stories.** For some buildings it may be possible to incorporate four stories into a 35-foot average building height.
- **Upper-Floor Side Stepbacks.** Setbacks in R-2 and R-2A vary per floor, which provides an odd wedding-cake shape to three story buildings. A uniform side setbacks requirement for all floor would be easier to construct.
- **Building Separation.** Building separation standards that vary by floor also force odd design and may not be needed or desirable for buildings sharing a single lot.
- **FAR.** In the case of MU-R, FAR is the limiting standard that constrains the building volume from occupying the developable area.

## **Part 2: Missing Middle Models of 2-4 units**

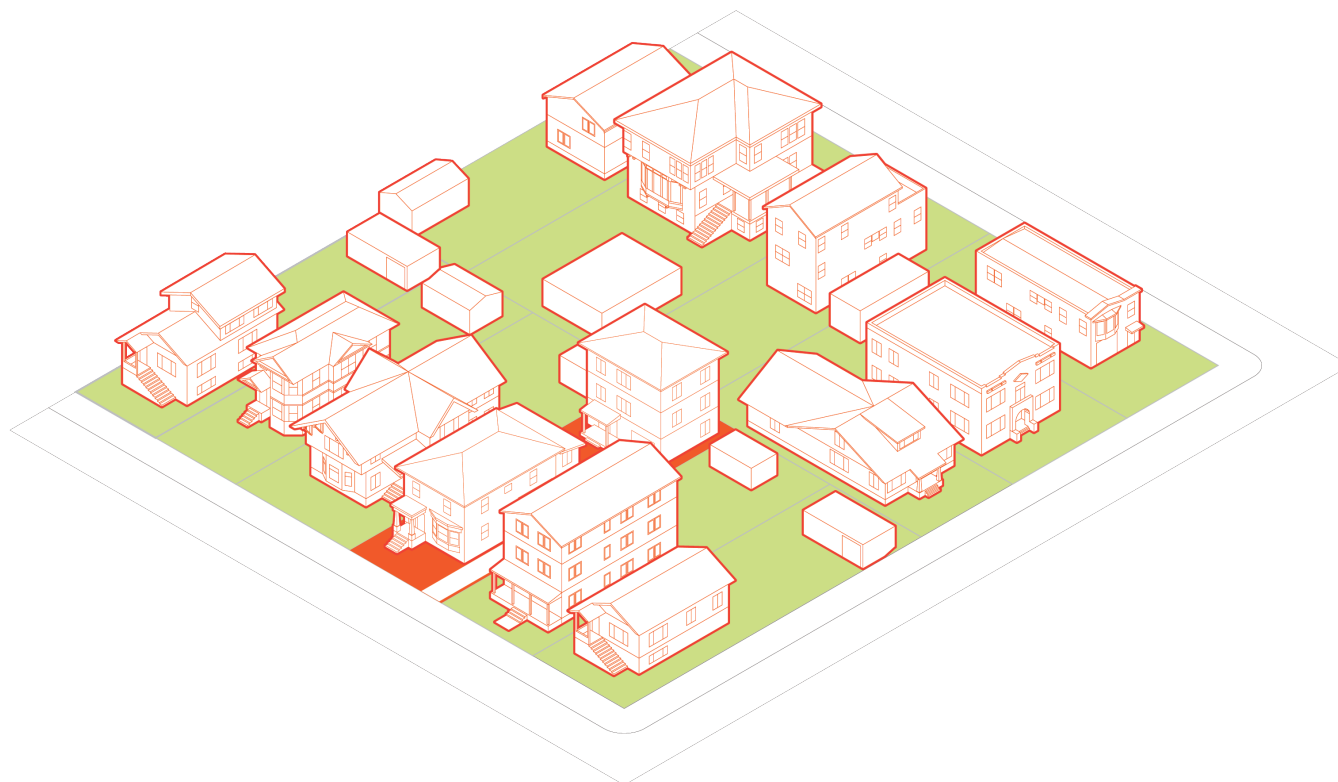
This exercise references the existing standards illustrated in Part 1, but does not follow them. The intent of providing prototypes of missing middle housing is to explore how lots could be developed based on observation of typical design and precedents in the area and identify where existing standards are in conflict. The prototypes explore a range of possible development configurations. **For that reason, some common configurations, such as three or four new detached single-family homes on one lot, were not selected for modeling.**

Four prototypes were chosen to demonstrate how lots may densify. The prototypes include:

- Prototype 1: An existing building with a separate new building behind
- Prototype 2: Detached cluster of two duplexes
- Prototype 3: Attached sidecourt building
- Prototype 4: Attached row homes

# Prototype 1: New Detached Building behind Existing

Prototype 1 shows an existing building split into two units with a new three-story, two unit building built in the backyard. This version shows on-site parking for the rear building. This example is for four units on an interior lot of a block. The context within the neighborhood block is provided below.



# Comparison Table for Prototype 1

Model Info		Complies with Existing Standards?				
		R-1	R-1A	R-2	R-2A	MU-R
Number of Units	4	No	No	Yes	Yes	Yes
Lot Area Per Unit	1,300 sf	No	No	No	No	Yes
Total Footprint	2,100 sf	Yes	Yes	Yes	Yes	Yes
Total Floor Area	5,000 sf	Yes	Yes	Yes	Yes	Yes
Lot Area	5,200 sf	Yes	Yes	Yes	Yes	Yes
Lot Coverage	40%	Yes	Yes	No	No	Yes
Lot Width	40'	Yes	Yes	Yes	Yes	Yes
Lot Depth	130'	Yes	Yes	Yes	Yes	Yes
Usable Open Space Per Dwelling Unit	≈ 215 sf	No	No	No	No	Yes
Floor Area Ratio	1.0	Yes	Yes	Yes	Yes	Yes
Building Height, Average	27-32'	Yes*	Yes*	Yes*	Yes*	Yes
Stories	2-3	Yes	Yes	Yes	Yes	Yes
Setbacks						
Front	20'	Yes	Yes	Yes	Yes	Yes
Rear	5'	No	No	Yes*	Yes*	Yes
Side	4'	Yes	Yes	Yes	Yes	Yes
Street Side	n/a	n/a	n/a	n/a	n/a	n/a
Building Separation	30 ft.	Yes	Yes	Yes	Yes	Yes

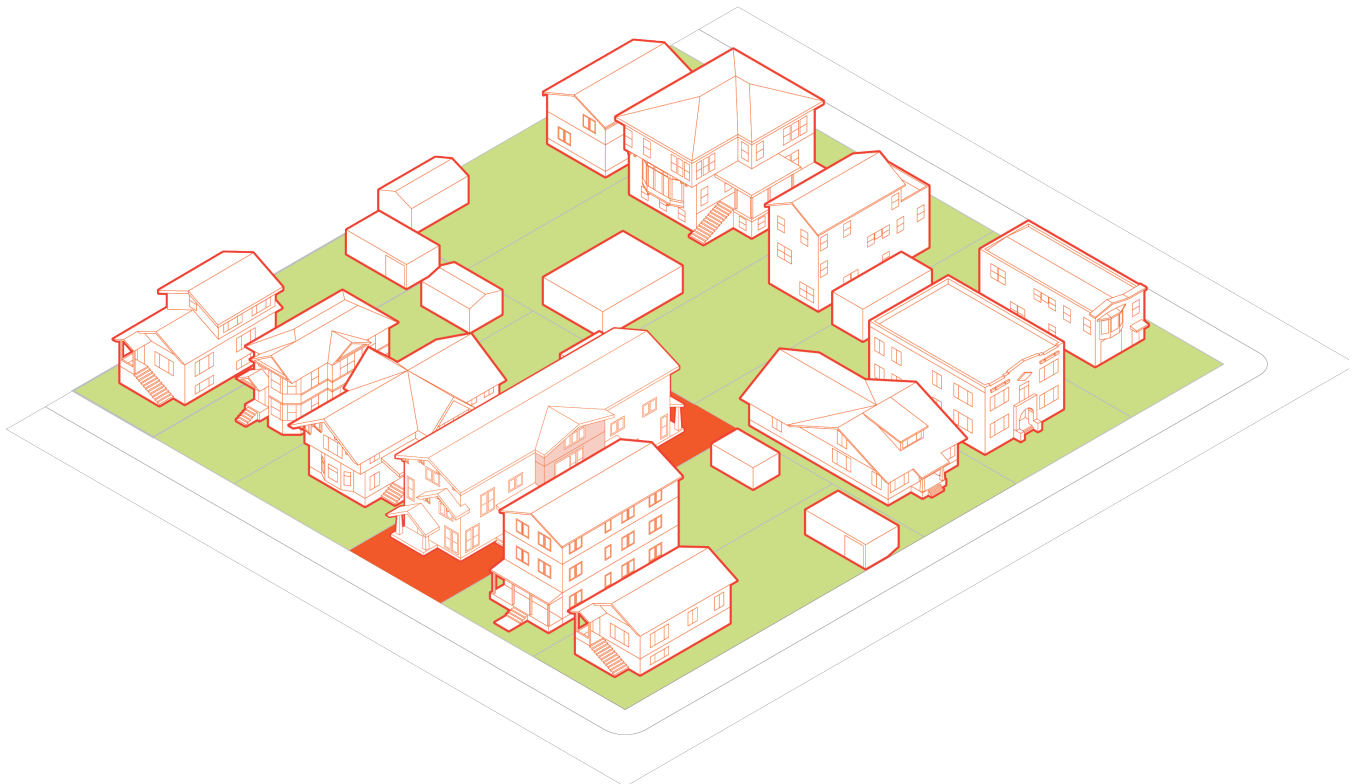
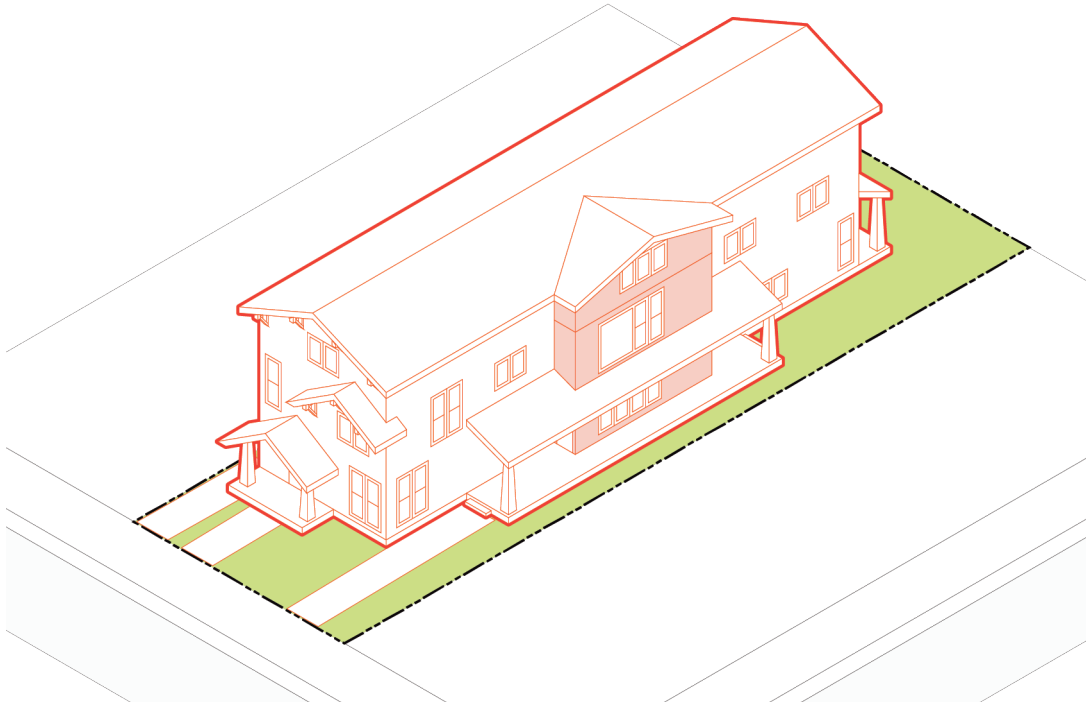
\* AUP required

## Key Takeaways:

- **Minimum Lot Area Per Unit.** On a typical 5,200 sq. ft. lot, a four-unit project does not meet the minimum lot area per unit requirement in all of the R districts.
- **Rear Setback.** The new building in the rear yard conflicts with the rear setback standard in the R-1 and R-1A district. In the R-2 and R-2A districts the building is allowed in the rear setback with an AUP.
- **Lot Coverage.** In the R-2 and R-2 A districts, the prototype conflicts with the lot coverage standard because it is a three-story building on an interior lot. If it were on a corner lot or two stories or less, the prototype would conform with the lot coverage standard in these districts.
- **Usable Open Space.** This prototype conflicts with the usable open space standard in all R districts.
- **MU-R District.** This prototype conforms with all existing standards in the MU-R district.

## Prototype 2: Attached Sidecourt

Prototype 2 shows a new or remodeled building split into three units with entries in the front, rear and side, on an interior lot of a block. The context within the neighborhood block is provided below.





# Comparison Table for Prototype 2

Model Info		Complies with Existing Standards?				
		R-1	R-1A	R-2	R-2A	MU-R
Number of Units	3	No	No	Yes	Yes	Yes
Lot Area Per Unit	1,733 sf	No	No	No	Yes	Yes
Total Footprint	2,160 sf	Yes	Yes	Yes	Yes	Yes
Total Floor Area	6,480 sf	Yes	Yes	Yes	Yes	Yes
Lot Area	5,200 sf	Yes	Yes	Yes	Yes	Yes
Lot Coverage	41%	No	No	No	No	Yes
Lot Width	40'	Yes	Yes	Yes	Yes	Yes
Lot Depth	130'	Yes	Yes	Yes	Yes	Yes
Usable Open Space Per Dwelling Unit <sup>2</sup>	≈ 400 sf	Yes	Yes	Yes	Yes	Yes
Floor Area Ratio	1.2	Yes	Yes	Yes	Yes	Yes
Building Height, Average	30"	Yes*	Yes*	Yes*	Yes*	Yes
Stories	3	Yes	Yes	Yes	Yes	Yes
Setbacks						
Front	20'	Yes	Yes	Yes	Yes	Yes
Rear	20'	No	No	Yes*	Yes*	Yes
Side	4'	Yes	Yes	No	No	Yes
Street Side	n/a	n/a	n/a	n/a	n/a	n/a
Building Separation	n/a	Yes	Yes	Yes	Yes	Yes

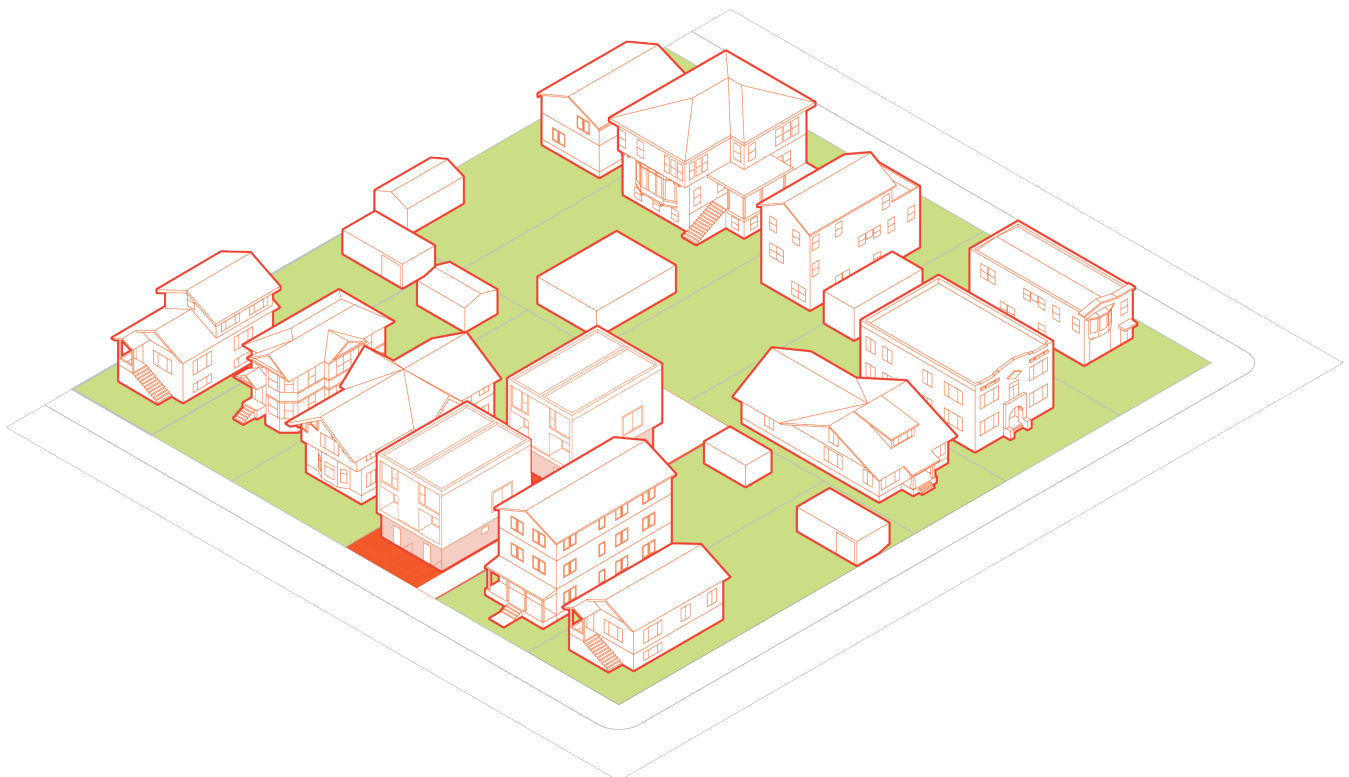
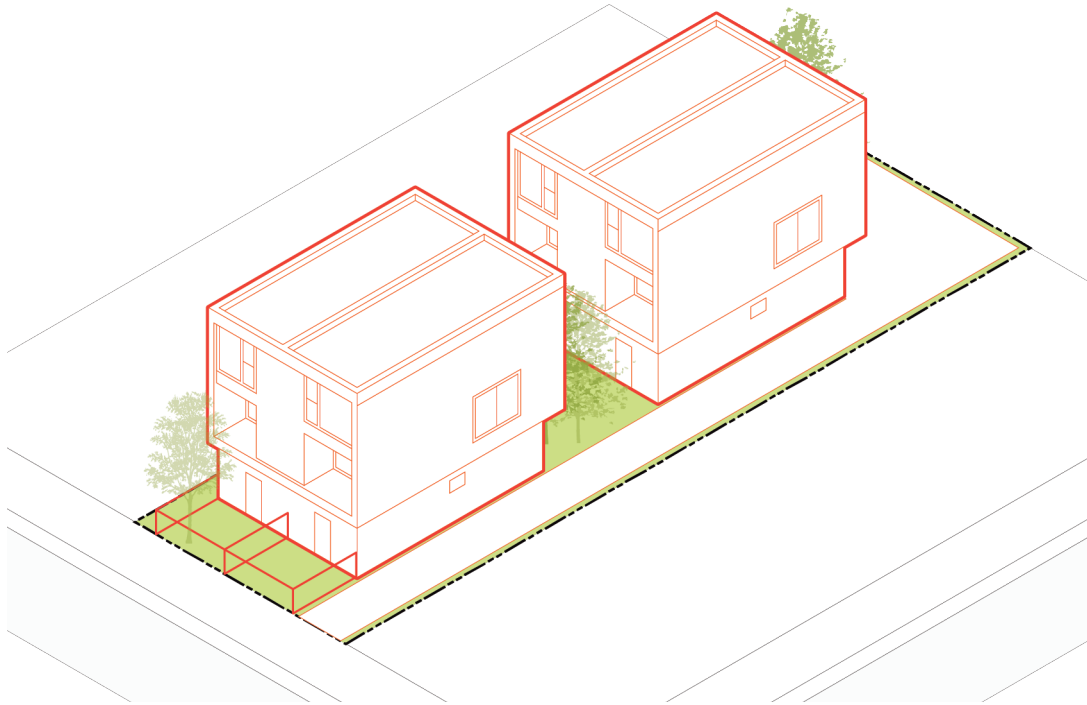
\* AUP required

## Key Takeaways:

- **Rear Setback.** The building extending into the rear yard conflicts with the rear setback standard in the R-1 and R-1A district. In the R-2 and R-2A districts the building is allowed in the rear setback with an AUP.
- **Lot Coverage.** The prototype conflicts with the lot coverage standard in all R districts.
- **Interior Side Setback.** The R-2 and R-2A districts require increased 6-foot interior side setbacks for three-story buildings. This prototype conflicts with this standard.
- **Lot Area Per Unit.** On a typical 5,200 sq. ft. lot, a three-unit prototype does not meet the minimum lot area per unit requirement in the R-1, R-1A, and R-2 districts.
- **MU-R District.** This prototype conforms with all existing standards in the MU-R district.

# Prototype 3: Detached Cluster

This model shows two new three-story duplexes (two units each). This version shows on-site parking. This example is for four units on an interior lot block, the context is provided below.



# Comparison Table for Prototype 3

Model Info		Complies with Existing Standards?				
		R-1	R-1A	R-2	R-2A	MU-R
Number of Units	4	No	No	Yes	Yes	Yes
Lot Area Per Unit	1,300 sf	No	No	No	No	Yes
Total Footprint	1,820 sf	Yes	Yes	Yes	Yes	Yes
Total Floor Area	3,640 sf	Yes	Yes	Yes	Yes	Yes
Lot Area	5,200 sf	Yes	Yes	Yes	Yes	Yes
Lot Coverage	35%	Yes	Yes	Yes	Yes	Yes
Lot Width	40'	Yes	Yes	Yes	Yes	Yes
Lot Depth	130'	Yes	Yes	Yes	Yes	Yes
Usable Open Space Per Dwelling Unit	≈ 330 sf	No	No	No	Yes	Yes
Floor Area Ratio	0.7	Yes	Yes	Yes	Yes	Yes
Building Height, Average	32'	Yes*	Yes*	Yes*	Yes*	Yes
Stories	3	Yes	Yes	Yes	Yes	Yes
Setbacks						
Front	12'	No	No	No	No	Yes
Rear	26'	Yes	Yes	Yes	Yes	Yes
Side	4' & 10'	Yes	Yes	No	No	Yes
Street Side	n/a	n/a	n/a	n/a	n/a	n/a
Building Separation	21'	Yes	Yes	Yes	Yes	Yes

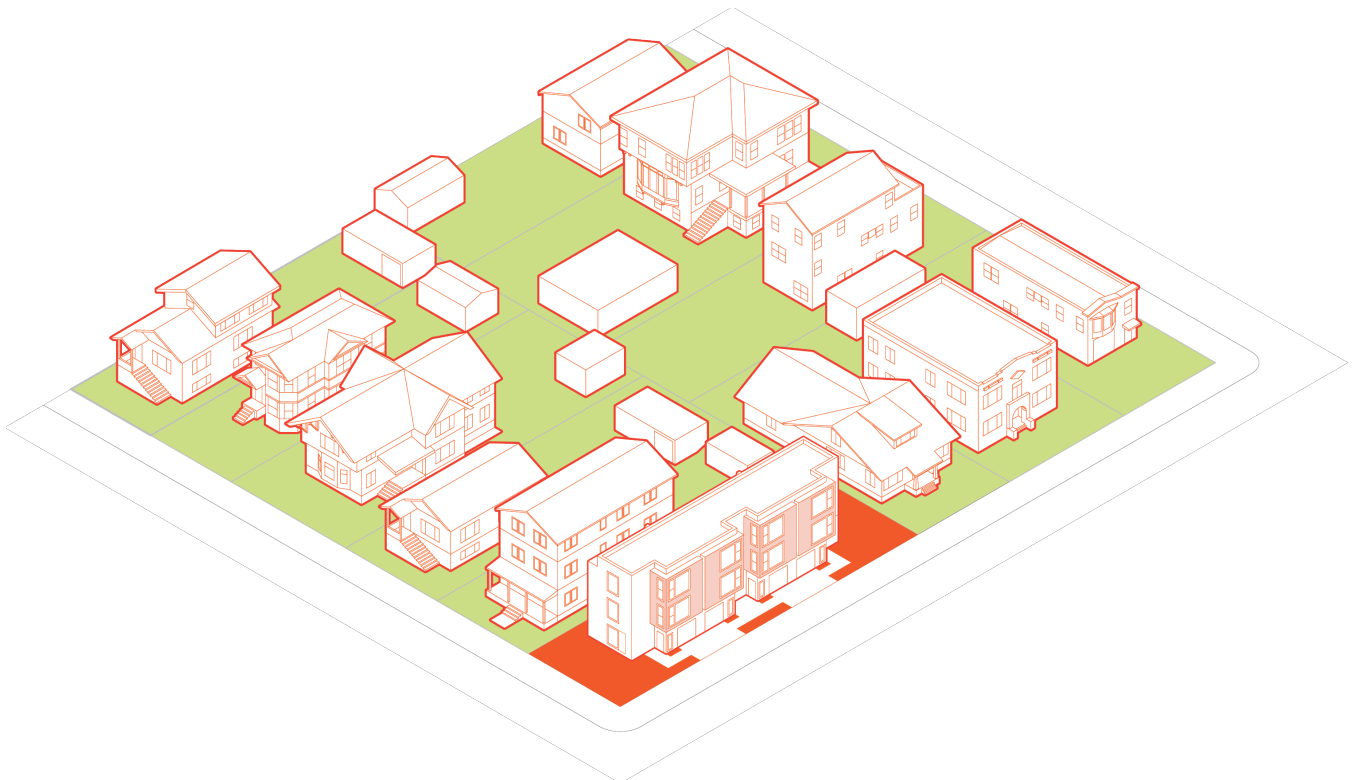
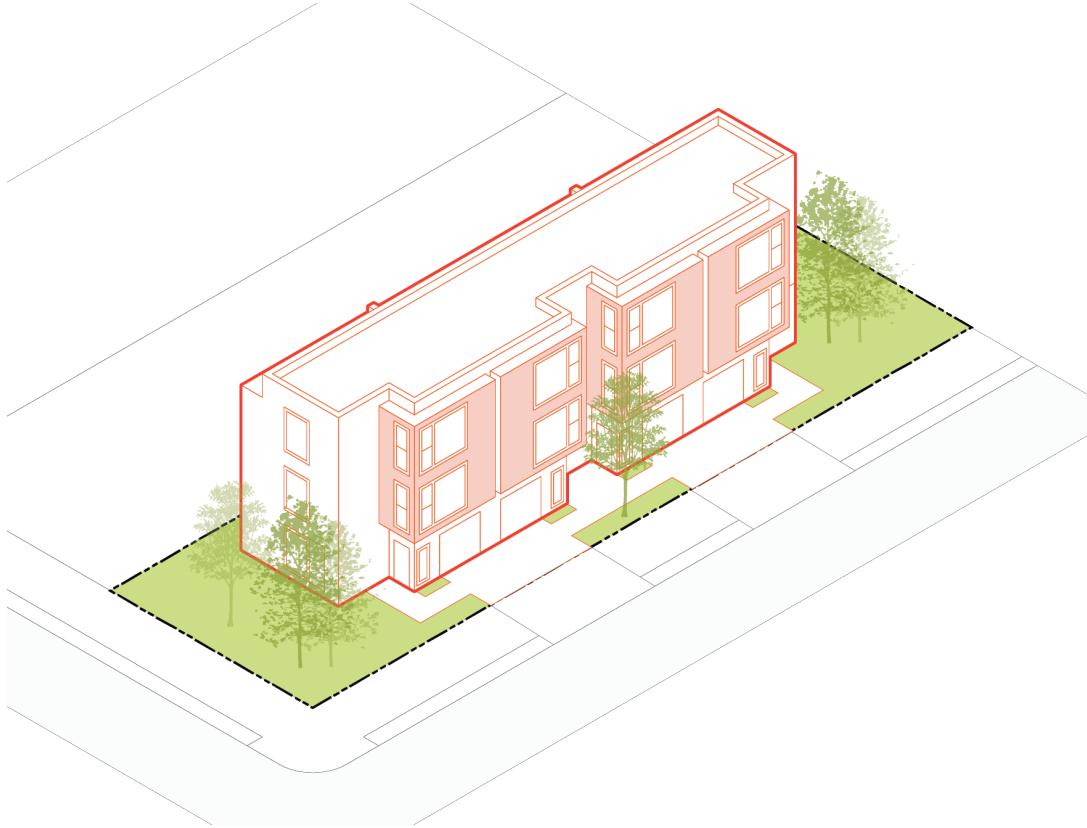
\* AUP required

## Key Takeaways:

- **Front Setbacks.** With a 12-foot front setback, this prototype conflicts with front setback standards in the R-1, R-1A, R-2, and R-2A districts.
- **Usable Open Space.** With approximately 330 square feet of usable open space, this prototype meets the usable open space standard in the R-2A and MU-R districts but conflicts with the standard in the R-1, R-1A, and R-2 districts.
- **Interior Side Setback.** The R-2 and R-2A districts require increased 6-foot interior side setbacks for three-story buildings. This prototype conflicts with this standard.
- **Lot Area Per Unit.** On a typical 5,200 sq. ft. lot, a four-unit prototype does not meet the minimum lot area per unit requirement in the R districts.
- **MU-R District.** This prototype conforms with all existing standards in the MU-R district.

# Prototype 4: Attached Row homes

This model shows a new building split into four three-story row homes. This version shows on-site parking.



# Comparison Table for Prototype 4

Model Info		Complies with Existing Standards?				
		R-1	R-1A	R-2	R-2A	MU-R
Number of Units	4	No	No	Yes	Yes	Yes
Lot Area Per Unit	1,300 sf	No	No	No	No	Yes
Total Footprint	2,130 sf	Yes	Yes	Yes	Yes	Yes
Total Floor Area	6,390 sf	Yes	Yes	Yes	Yes	Yes
Lot Area	5,200 sf	Yes	Yes	Yes	Yes	Yes
Lot Coverage	40%	Yes	Yes	Yes	Yes	Yes
Lot Width	40'	Yes	Yes	Yes	Yes	Yes
Lot Depth	130'	Yes	Yes	Yes	Yes	Yes
Usable Open Space Per Dwelling Unit	≈ 490 sf	Yes	Yes	Yes	Yes	Yes
Floor Area Ratio	1.2	Yes	Yes	Yes	Yes	Yes
Building Height, Average	32'	Yes*	Yes*	Yes*	Yes*	Yes
Stories	3	Yes	Yes	Yes	Yes	Yes
Setbacks						
Front	20'	Yes	Yes	Yes	Yes	Yes
Rear	20'	Yes	Yes	Yes	Yes	Yes
Side	4'	Yes	Yes	No	No	Yes
Street Side	10'	Yes	Yes	Yes	Yes	Yes
Building Separation	0'	Yes	Yes	Yes	Yes	Yes

\* AUP required

## Key Takeaways:

- **Lot Area Per Unit.** On a typical 5,200 square foot lot, this prototype with four units conflicts with the minimum lot area per unit standard in the R districts.
- **Interior Side Setback.** The R-2 and R-2A districts require increased 6-foot interior side setbacks for three-story buildings. This prototype conflicts with this standard.
- **MU-R District.** This prototype conforms with all existing standards in the MU-R district.

## Summary of Part 2

The tables show that the following limit the prototypes shown in Part 2:

- Lot area per unit
- Lot coverage
- Front setbacks
- Rear setbacks
- Side setbacks
- Usable open space per dwelling unit

**The City may wish to consider the following changes to existing standards to accommodate 2-4 unit development in the R-1, R-1A, R-2, R-2A, and MUR districts:**

- Simplify “wedding cake” upper story side setbacks and building separation requirements. Requiring a singular 4’ side setback and eliminating building separation requirements would allow projects to be more easily constructed.
- Simplify lot coverage regulations by applying a single standard for each zoning district that does not vary by number of stories. Also, consider increasing allowed lot coverage as the number of units increase (max 50%) to incentivize housing producing and accommodate a broader range of development types.
- Reduce rear setbacks to 4 feet setbacks to allow for more capacity on site.

**DRAFT STANDARDS FOR RESIDENTIAL PROJECTS WITH TWO TO FOUR UNITS  
IN THE R-1, R-1A, R-2, R-2A, AND MU-R ZONING DISTRICTS**

This document presents draft standards for residential projects with two to four units in the R-1, R-1A, R-2, R-2A, and MU-R zoning districts. These standards are intended to implement the City Council’s direction to eliminate exclusionary zoning and allow for small-scale multifamily development in Berkeley’s lower-density residential districts.

These draft standards also reflect Senate Bill (SB) 9, which requires all California cities to allow two dwelling units on one parcel in a single-family zone if the development meets certain requirements. SB 9 also requires cities to allow an “urban lot split” in a single-family zone, with two units allowed on each of the two newly created parcels (resulting in four units total).

The draft standards in this document are organized into two main sections:

- Allowed Uses and Permits Required
- Development Standards

For certain standards, different options are presented along with staff recommendations. City staff and consultants will request feedback on these options at the ZORP Subcommittee meeting on February 16, 2022.

**ALLOWED USES AND PERMITS REQUIRED**

City Council direction calls for the City to allow 2-4 unit projects in R-1, R-1A, R-2, R-2A, MU-R districts. The options below address permits required for this use.

**Option 1: Allow All 2-4 Unit Projects By-right (Recommended)**

Option 1 would allow 2-4 unit residential development, including new buildings and additions, with a Zoning Certificate in the R-1, R-1A, R-2, R-2A, and MU-R districts. The City would approve the development ministerially if it complies with all objective standards – which are being developed as part of this project. No discretionary permit or public hearing would be required. Table 1 shows proposed changes to the allowed use table for residential districts consistent with this option.

**TABLE 1: PERMITS REQUIRED FOR 2-4 UNIT PROJECTS (OPTION 1)**

ZC = Zoning Certificate UP(PH) = Use Permit required AUP = Administrative Use Permit required NP = Not Permitted	Districts				
	R-1	R-1A	R-2	R-2A	MU-R
Dwelling Types					
<del>Multi-Unit 2-4 Two-Family</del>	<u>ZC NP</u>	<u>ZC UP(PH)</u>	<u>ZC UP(PH)</u>	<u>ZC UP(PH)</u>	<u>ZC AUP</u>
<del>Multi-Family Unit 5+</del>	NP	NP	UP(PH)	UP(PH)	UP(PH)

Option 1 reflects the requirement under SB 9 for the City to allow up to four units by-right on a lot in the R-1 district. This option applies this same permit requirement to 2-4 unit projects in the R-1A, R-2, R-2A, and MU-R districts. Staff and consultants recommend this option so that permit requirements for 2-4 unit projects are uniform in all of the lower-density residential districts and in the MU-R district.

***Option 2: SB 9 Projects By-right; Use Permit for Other 2-4 Unit Projects***

As shown in Table 2, a second option would allow 2-4 unit projects by-right in the R-1 district as required by SB 9. In all other lower-density residential districts, 2-4 unit projects would continue to require a Use Permit (or AUP in MU-R). This option limits by-right approval of projects to those eligible SB 9 projects in the R-1 district.

**TABLE 2: PERMITS REQUIRED FOR 2-4 UNIT PROJECTS (OPTION 2)**

ZC = Zoning Certificate UP(PH) = Use Permit required AUP = Administrative Use Permit required NP = Not Permitted	Districts				
	R-1	R-1A	R-2	R-2A	MU-R
Dwelling Types					
<del>Multi-Unit 2-4 Two-Family</del>	<u>ZC NP [1]</u>	UP(PH)	UP(PH)	UP(PH)	AUP
<del>Multi-Family Unit 5+</del>	NP	NP	UP(PH)	UP(PH)	UP(PH)

[1] A Zoning Certificate is required for projects qualifying for ministerial approval pursuant to Government Code Section 65852.21 and/or Section 66411.7. All other projects require a Use Permit.

**DEVELOPMENT STANDARDS**

Table 3 shows existing development standards in the R-1, R-1A, R-2, R-2A, and MU-R districts and proposed new standards for 2-4 unit projects in these districts. Proposed standards would apply only to 2-4 unit projects; other types of projects (e.g., single-family dwellings) would continue to be subject to existing standards. An asterisk (\*) following a standard signifies alternative options are presented after the table.



**TABLE 3: DRAFT PROPOSED DEVELOPMENT STANDARDS FOR 2-4 UNIT PROJECTS**

	R-1	R-1A	R-2	R-2A	MU-R
Density, Maximum	<u>Existing:</u> No max. <u>Proposed:</u> 36 du/ac	<u>Existing:</u> No max. <u>Proposed:</u> 36 du/ac	<u>Existing:</u> No max. <u>Proposed:</u> 36 du/ac	<u>Existing:</u> No max. <u>Proposed:</u> 36 du/ac	<u>Existing:</u> No max. <u>Proposed:</u> 36 du/ac
Lot Area, Minimum					
New Lot	<u>Existing:</u> 5,000 sq. ft. <u>Proposed:</u> 1,200 sq. ft.	<u>Existing:</u> 5,000 sq. ft. <u>Proposed:</u> 1,200 sq. ft.	<u>Existing:</u> 5,000 sq. ft. <u>Proposed:</u> 1,200 sq. ft.	<u>Existing:</u> 5,000 sq. ft. <u>Proposed:</u> 1,200 sq. ft.	<u>Existing:</u> No min. <u>Proposed:</u> No min.
Per Dwelling Unit	<u>Existing:</u> N/A <u>Proposed:</u> 600 sq. ft. [2]	<u>Existing:</u> 2,250 [1] <u>Proposed:</u> 600 sq. ft. [2]	<u>Existing:</u> 2,500 sq. ft. [1] <u>Proposed:</u> 600 sq. ft. [2]	<u>Existing:</u> 1,650 sq. ft. [1] <u>Proposed:</u> 600 sq. ft. [2]	<u>Existing:</u> 1,250 sq. ft. [1] <u>Proposed:</u> 600 sq. ft. [2]
Lot Width, Minimum	<u>Existing:</u> No min. <u>Proposed:</u> No min.	<u>Existing:</u> No min. <u>Proposed:</u> No min.	<u>Existing:</u> No min. <u>Proposed:</u> No min.	<u>Existing:</u> No min. <u>Proposed:</u> No min.	<u>Existing:</u> 40 ft. <u>Proposed:</u> No min.
Usable Open Space per Dwelling Unit, Minimum	<u>Existing:</u> 400 sq. ft. <u>Proposed:</u> 400 sq. ft.*	<u>Existing:</u> 400 sq. ft. <u>Proposed:</u> 400 sq. ft.*	<u>Existing:</u> 400 sq. ft. <u>Proposed:</u> 400 sq. ft.*	<u>Existing:</u> 300 sq. ft. <u>Proposed:</u> 300 sq. ft.*	<u>Existing:</u> 150 sq. ft. <u>Proposed:</u> 150 sq. ft.
Floor Area Ratio, Maximum	<u>Existing:</u> No max. <u>Proposed:</u> No max.*	<u>Existing:</u> No max. <u>Proposed:</u> No max.*	<u>Existing:</u> No max. <u>Proposed:</u> No max.*	<u>Existing:</u> No max. <u>Proposed:</u> No max.*	<u>Existing:</u> 1.5 <u>New:</u> 1.5 for 2 units; 1.7 for 3 units, 1.9 for 4 units*
Main Building Height, Average					
New Buildings	<u>Existing:</u> 28 ft. and 3 stories; 35 ft. w/ AUP <u>Proposed:</u> 28 ft. and 3 stories for 2 units; 35 ft. and 3 stories for 3 or 4 units*	<u>Existing:</u> 28 ft. and 3 stories; 35 ft. w/ AUP; 22 ft. and 2 stories for rear main building <u>Proposed:</u> 28 ft. and 3 stories for 2 units; 35 ft. and 3 stories for 3 or 4 units*	<u>Existing:</u> 28 ft. and 3 stories; 35 ft. w/ AUP <u>Proposed:</u> 35 ft. and 3 stories for 2 units; 35 ft. and 4 stories for 3 or 4 units*	<u>Existing:</u> 28 ft. and 3 stories; 35 ft. w/ AUP <u>Proposed:</u> 35 ft. and 3 stories for 2 units; 35 ft. and 4 stories for 3 or 4 units*	<u>Existing:</u> 35 ft. and 3 stories <u>Proposed:</u> 35 ft. and 3 stories for 2 units; 35 ft. and 4 stories for 3 or 4 units*
Additions	<u>Existing:</u> 14 ft.; 35 ft. w/ AUP <u>Proposed:</u> Same as new buildings	<u>Existing:</u> 14 ft.; 35 ft. w/ AUP <u>Proposed:</u> Same as new buildings	<u>Existing:</u> 14 ft.; 35 ft. w/ AUP <u>Proposed:</u> Same as new buildings	<u>Existing:</u> 14 ft.; 35 ft. w/ AUP <u>Proposed:</u> Same as new buildings	<u>Existing:</u> 35 ft. and 3 stories <u>Proposed:</u> Same as new buildings

\* Other options presented outside of table

[1] Additional unit allowed for remaining lot area per district standards

[2] If a lot existing as of [ordinance effective date] is subdivided, no more than 4 units is allowed for all newly created lots combined

	R-1	R-1A	R-2	R-2A	MU-R
Lot Line Setbacks					
Front, Min.	Existing: 20 ft. Proposed: 20 ft. [3]*	Existing: 20 ft. Proposed: 20 ft. [3]*	Existing: 20 ft. Proposed: 20 ft. [3]*	Existing: 15 ft. Proposed: 15 ft. [3]*	Existing: 5 ft. Proposed: 5 ft. [3]*
Front, Max.	Existing: No max. Proposed: 25 percent more than the average front setback of adjacent homes*				
Rear, Min.	Existing: 20 ft. Proposed: 4 ft.*	Existing: 20 ft. Proposed: 4 ft.*	Existing: 20 ft. Proposed: 4 ft.*	Existing: 15 ft. Proposed: 4 ft.*	Existing: No min. [4] Proposed: No min.
Interior Side, Min.	Existing: 4 ft. Proposed: 4 ft.*	Existing: 4 ft.; 6 ft. for rear main building Proposed: 4 ft.*	Existing: 4 ft.; 6 ft. for third story Proposed: 4 ft.*	Existing: 4 ft.; 6 ft. for third story Proposed: 4 ft.*	Existing: No min. Proposed: No min.
Street Side, Min.	Existing: 4 ft. Proposed: 4 ft.*	Existing: 4 ft.; 6 ft. for rear main building Proposed: 4 ft.*	Existing: 10 ft. Proposed: 4 ft.*	Existing: 6/8/10 ft. for 1/2/3 stories Proposed: 4 ft.*	Existing: 5 ft. Proposed: No min.
Third Story Step Back, Minimum					
Front	Existing: No min. Proposed: 5 ft.*	Existing: No min. Proposed: 5 ft.*	Existing: No min. Proposed: No min.*	Existing: No min. Proposed: No min.*	Existing: No min. Proposed: No min.*
Rear	Existing: No min. Proposed: No min.*	Existing: No min. Proposed: No min.*	Existing: No min. Proposed: No min.*	Existing: No min. Proposed: No min.*	Existing: No min. Proposed: No min.*
Interior Side	Existing: No min. Proposed: No min.*	Existing: No min. Proposed: No min.*	Existing: No min. [5] Proposed: No min.*	Existing: No min. [5] Proposed: No min.*	Existing: No min. Proposed: No min.*
Street Side	Existing: No min. Proposed: No min.*	Existing: No min. Proposed: No min.*	Existing: No min. Proposed: No min.*	Existing: No min. [5] Proposed: No min.*	Existing: No min. Proposed: No min.*
Building Separation, Minimum	Existing: No min. Proposed: No min.	Existing: 8-16 ft. [6] Proposed: No min.	Existing: 8-16 ft. [6] Proposed: No min.	Existing: 8-16 ft. [6] Proposed: No min.	Existing: No min. Proposed: No min.
Lot Coverage, Maximum	Existing: 40% Proposed: 40% for 2 units, 45% for 3 units, 50% for 4 units*	Existing: 40-45% [7] Proposed: 40% for 2 units, 45% for 3 units, 50% for 4 units*	Existing: 35-50% [6][7] Proposed: 40% for 2 units, 45% for 3 units, 50% for 4 units*	Existing: 35-50% [6][7] Proposed: 40% for 2 units, 45% for 3 units, 50% for 4 units*	Existing: 100% Proposed: 100%

\* Other options presented outside of table

[3] Or average front setback of adjacent homes, whichever is less.

[4] Minimum 5 ft. if rear of lot abuts a street

[5] Increased third-story setback requirement may result in a step back from lower building wall

[6] Varies by number of stories

[7] Varies by location of lot (interior or corner)

**1. Usable Open Space Per Dwelling Unit**

A minimum of 400 square feet of usable open space per dwelling unit is currently required in the R-1, R-1A, and R-2. A minimum of 300 square feet and 150 square feet of usable open space per dwelling unit is required in the R-2A and MU-R, respectively.

***Option 1: Modifying Standards for Usable Open Space (Recommended)***

To allow for flexibility in the location and configuration of usable open space, this option would modify the standards defined in BMC Section 23.304.090 Usable Open Space to include outdoor area on the ground within front, street side, or rear setback areas and also above ground (e.g. balconies) used for active or passive recreation use. Minimum width and length for ground floor usable open space remains 10 feet and minimum width and length of above ground usable open space remains six feet.

***Option 2: Reducing Required Open Space Area***

To encourage housing production and reduce constraints to development, this alternative option proposes a decrease in required usable open space area per dwelling unit and maintains the standards defined in BMC Section 23.304.090 Usable Open Space, which limits the area that a balcony can contribute to the required usable open space to 50 percent.

**TABLE 4: MINIMUM USABLE OPEN SPACE REQUIREMENT OPTION 2**

	R-1	R-1A	R-2	R-2A	MU-R
Usable Open Space per Dwelling Unit, Minimum	200 sq. ft.	200 sq. ft.	200 sq. ft.	200 sq. ft.	150 sq. ft.

**2. Building Height**

A maximum average building height of 35 feet is currently allowed with a Use Permit in all lower-density residential districts, and without a Use Permit in the MU-R district. New height standards for 2-4 unit projects are designed to allow for multi-unit projects while considering impacts on and compatibility with surrounding homes.

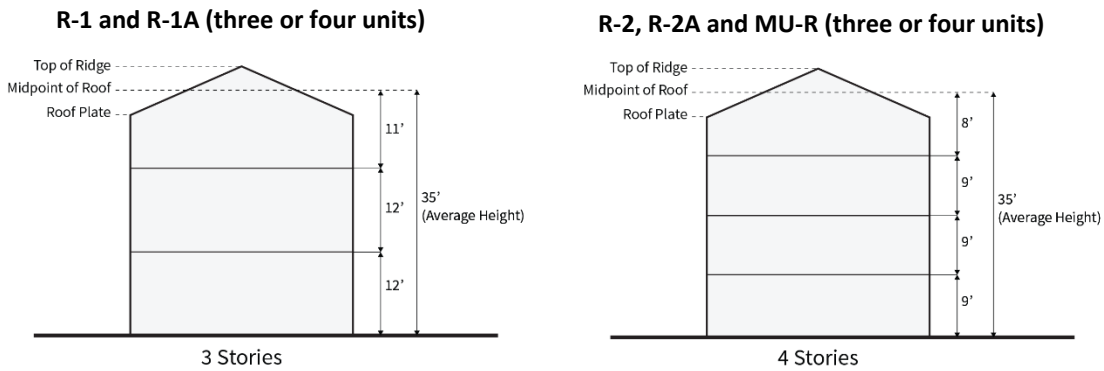
***Option 1: Increased High/Stories with Additional Units (Recommended)***

To incentivize housing production, this option allows increased height or stories for projects with three or four units (see Table 4). In R-1 and R-1A districts, 28 feet and 3 stories would be allowed for two-unit projects, and 35 feet and 3 stories would be allowed for three or four-unit projects. In the R-2, R-2A, and MU-R districts, 35 feet and three stories would be allowed for two-unit projects, and 35 feet and 4 stories would be allowed for three or four-unit projects. Buildings may also be subject to upper floor step backs as described in Section 3 below.

**TABLE 5: MAXIMUM BUILDING HEIGHT OPTION 1**

	R-1	R-1A	R-2	R-2A	MU-R
Two Units					
Feet	28 ft.	28 ft.	35 ft.	35 ft.	35 ft.
Stories	3 stories	3 stories	3 stories	3 stories	3 stories
Three or Four Units					
Feet	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.
Stories	3 stories	3 stories	4 stories	4 stories	4 stories

**FIGURE 1: MAXIMUM BUILDING HEIGHT OPTION 1**



Staff and consultants recommend this option to incentivize housing production and maximize the number of units possible on a site consistent with the existing 35-foot height limit.

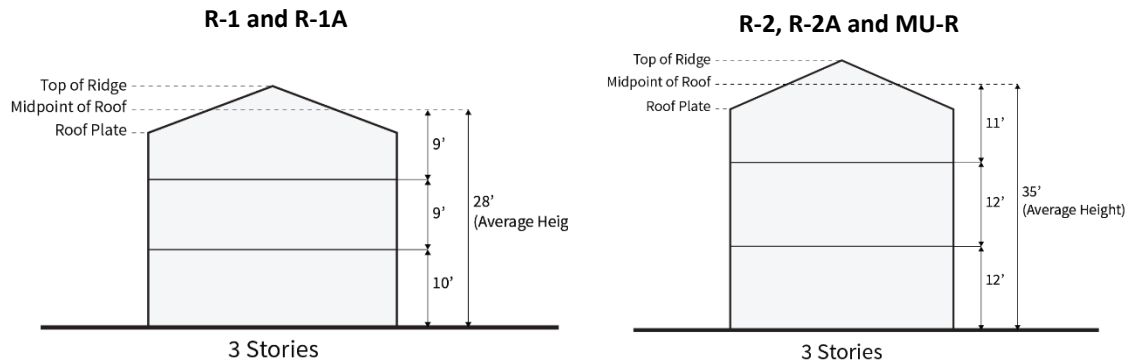
**Option 2: 28 Feet in R-1 and R-1A; 35 Feet in R-2, R-2A, and MU-R**

As shown in Table 5, this option limits building height to 28 feet and 3 stories in the R-1 and R-1A districts, which is the current base height allowed without an AUP. Maximum height in the R-2, R-2A, and MU-R district would be 35 feet and 3 stories.

**TABLE 6: MAXIMUM ALLOWED MAIN BUILDING HEIGHT OPTION 2**

	R-1	R-1A	R-2	R-2A	MU-R
Feet	28 ft.	28 ft.	35 ft.	35 ft.	35 ft.
Stories	3 stories	3 stories	3 stories	3 stories	3 stories

FIGURE 2: MAXIMUM BUILDING HEIGHT OPTION 2



### 3. Setbacks

The setback options described below consider existing standards and setbacks required under SB 9 and State ADU law. For SB 9 projects, the City may require setbacks of no more than 4 feet from side and rear property lines. State ADU law also requires the City to allow ADUs 4 feet from side and rear property line. The existing Zoning Ordinance also allows, with an AUP, a reduced setback to 0 feet in the R-2 and R-2A and to 12 feet in the R-1A.

#### ***Option 1: Minimum and Maximum Front and Side/Rear Matching SB 9/ADU Law (Recommended)***

As shown in Table 7, this option allows for a reduced minimum front setback to match the existing front setbacks of adjacent homes and adds a new maximum setback to ensure that building placement is compatible with adjacent structures. For all districts, the maximum setback is 25 percent more than the average front setback of adjacent structures to allow for flexibility by approximately five feet. If the average setback of adjacent homes is 20 feet, this standard would require a new building to be setback no more than 25 feet from front property line. On corner lots, the maximum setback would be measured by the front setback of the adjacent front yard property.

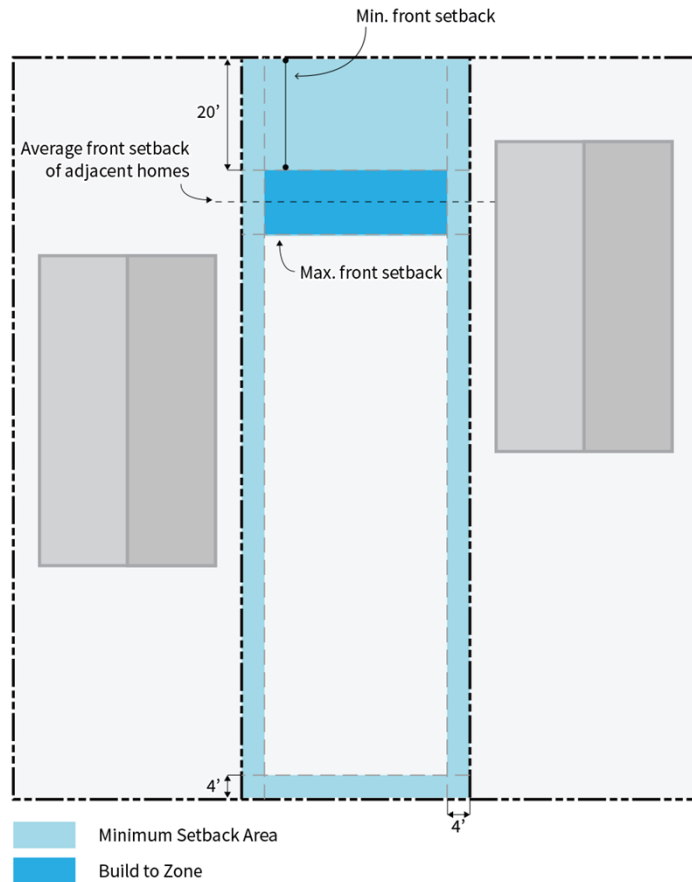
Rear setbacks are reduced to 4 feet for three and four-unit projects. Interior side and street side setbacks match existing. Figure 3 illustrates this option with dimensions shown for the R-1, R-1A, and R-2 districts.

**TABLE 7: LOT LINE SETBACKS OPTION 1**

	R-1	R-1A	R-2	R-2A	MU-R
<b>Front</b>					
Min.	20 ft. [1]	20 ft. [1]	20 ft. [1]	15 ft. [1]	5 ft. [1]
Max.	25 percent more than the average front setback of adjacent homes				
<b>Rear, Min.</b>					
Two Units	20 ft.	20 ft.	20 ft.	15 ft.	0 ft.
Three or Four Units	4 ft.	4 ft.	4 ft.	4 ft.	No min.
<b>Interior Side, Min.</b>	4 ft.	4 ft.	4 ft.	4 ft.	No min.
<b>Street Side, Min.</b>	4 ft.	4 ft.	4 ft.	4 ft.	No min.

[1] Or average front setback of adjacent homes, whichever is less.

**FIGURE 3: OPTION 1 SETBACKS FOR R-1, R-1A, AND R-2 (3 AND 4-UNIT PROJECTS)**



Staff recommends Option 1 setbacks to maximize the number of units on typical lots, to require building placement consistent with surrounding context, and to allow rear setbacks consistent with SB 9 and State ADU law.

***Option 2: Maintain Existing Setbacks Except as Required for SB 9 projects***

This option maintains existing minimum setbacks with a reduced rear setback only in the R-1 district for qualifying SB 9 projects (see Table 7). Figure 4 illustrates this option with dimensions shown for the R-1 district.

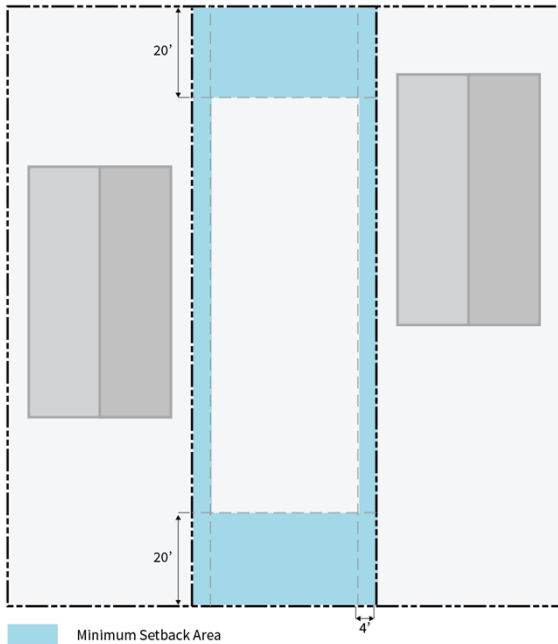
**TABLE 8: LOT LINE SETBACKS OPTION 2**

	R-1	R-1A	R-2	R-2A	MU-R
<b>Front</b>					
Min.	20 ft.	20 ft.	20 ft.	15 ft.	5 ft.
Max.	No maximum				
<b>Rear, Min.</b>	20 ft. [1]	20 ft. [2]	20 ft [2]	15 ft. [2]	0 ft.
<b>Interior Side, Min.</b>	4 ft.	4 ft.	4 ft.	4 ft.	0 ft.
<b>Street Side, Min.</b>	4 ft.	6 ft.	10 ft.	10 ft.	5 ft.

[1] 4 feet minimum for qualifying projects pursuant to Government Code Section 65852.21 and/or Section 66411.7.

[2] A reduced setback to 0 feet in the R-2 and R-2A and to 12 feet in the R-1A allowed with AUP

**FIGURE 4: OPTION 2 SETBACKS FOR R-1**



**4. Third-Story Step backs**

Options for third-story step backs aim to mitigate visual and neighbor impacts from new three or four-story buildings. Step backs are measured from the face of the building, as opposed to set backs, which are measured from the property line.

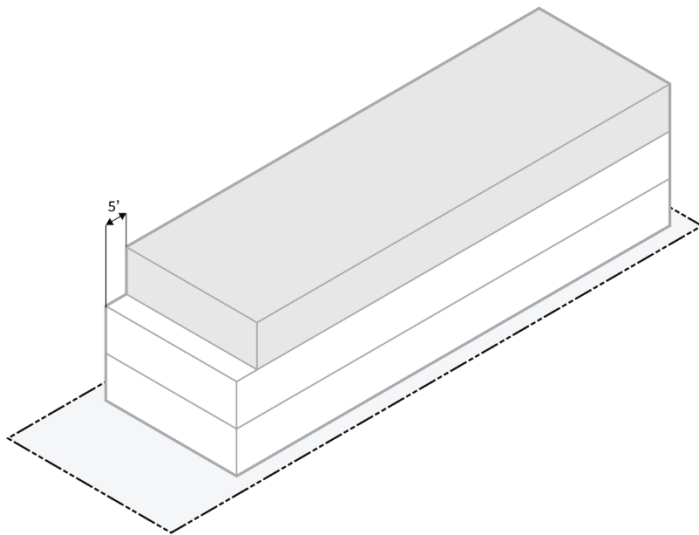
**Option 1: Front third-story step back in R-1 and R-1A Only**

This option requires a minimum 5-foot third-story front step back in the R-1 and R-1A districts (see Table 8). No other third-story step backs would be required.

**TABLE 9: THIRD-STORY STEP BACKS OPTION 1**

	R-1	R-1A	R-2	R-2A	MU-R
Front, minimum	5 ft.	5 ft.	No min.	No min.	No min.
Rear, minimum	No min.	No min.	No min.	No min.	No min.
Interior Side, minimum	No min.	No min.	No min.	No min.	No min.
Street Side, minimum	No min.	No min.	No min.	No min.	No min.

**FIGURE 5: THIRD-STORY STEP BACKS IN R-1 AND R-1A (OPTION 1)**



Staff and consultant recommend this option to allow for three and four-unit projects on typical lot conditions. Building volume would also continue to be constrained by other standards, such as maximum lot coverage.



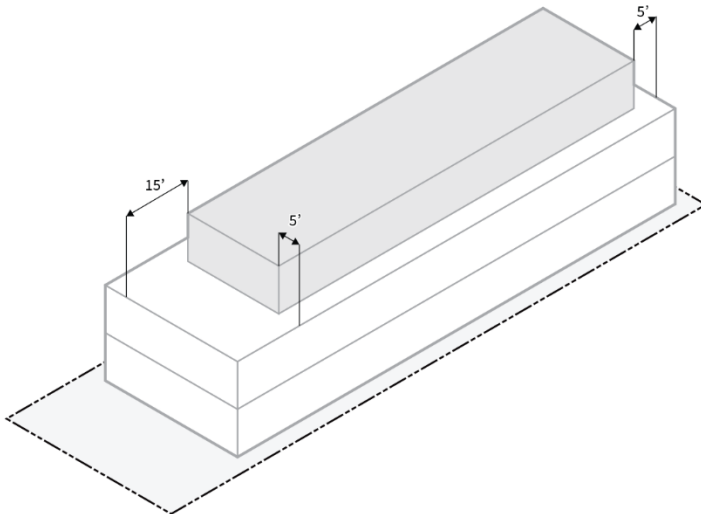
**Option 2: Front/Side/Rear Step Backs in R-1 and R-2; Front Step Backs in R-2, R-2A, MU-R**

This option requires a 15-foot front, 5-foot rear, and 5-foot interior side step back in the R-1 and R-2 districts (see Table 9). A 5-foot front step back is required in the R-2, R-2A, and MU-R districts. On a 5,000 square foot lot with a 40 percent coverage, this option would reduce floor area by approximately 1065 square feet, or about 46.7 percent of the total potential 2,000 square feet.

**TABLE 10: THIRD-STORY STEP BACK OPTION 2**

	R-1	R-1A	R-2	R-2A	MU-R
Front, minimum	15 ft.	15 ft.	5 ft.	5 ft	5 ft.
Rear, minimum	5 ft.	5 ft.	No min.	No min.	No min.
Interior Side, minimum	5 ft.	5 ft.	No min.	No min.	No min.
Street Side, minimum	No min.	No min.	No min.	No min.	No min.

**FIGURE 6: THIRD-STORY STEP BACKS IN R-1 AND R-1A (OPTION 2)**



**5. Lot Coverage**

Maximum lot coverage is a limiting standard in the R-1, R-1A, R-2, and R-2A districts, particularly for 3- and 4-unit projects. The options below consider changes to existing lot coverage standards to allow for different types of multi-unit projects in these districts.

**Option 1: Increased Allowed Lot Coverage with Additional Units (Recommended)**

As shown in Table 11, this option increases allowed lot coverage in the R districts as the number

of units increases. The allowed lot coverage in the MU-R district remains unchanged. Staff recommends this option to incentivize housing production.

**TABLE 11: MAXIMUM LOT COVERAGE OPTION 1**

	R-1	R-1A	R-2	R-2A	MU-R
Two Units	40%	40%	45%	45%	100%
Three Units	45%	45%	50%	50%	100%
Four Units	50%	50%	55%	55%	100%

**Option 2: Reduced Maximum Lot Coverage for All 2-4 Unit Projects**

As shown in Table 12, this option increases allowed lot coverage to 50 percent in the R districts for all 2-4 unit projects. The allowed lot coverage in the MU-R district remains unchanged.

**TABLE 12: MAXIMUM LOT COVERAGE OPTION 2**

	R-1	R-1A	R-2	R-2A	MU-R
Two, Three, and Four Units	50%	50%	50%	50%	100%

**6. Floor Area Ratio**

Currently there is no FAR standard for the R-1, R-2, R-2, and R-2A districts and a maximum 1.5 FAR in the MU-R district. The City Council has directed staff to consider scaling the FAR to increase as the number of units increase on a site.

Senate Bill (SB) 478 adopted in 2021 requires a minimum FAR of 1.0 for projects with three to seven units. If a city has no FAR standard, other development standards, such as lot coverage and height, may not preclude an FAR of at least 1.0 for these projects.

**Option 1: No New FAR Standard in R District; Scaled FAR in MU-R (Recommended)**

This option does not establish a maximum FAR in the R districts. Allowed floor area is constrained by maximum building height, lot coverage, and setback standards. In the MU-R district, allowed FAR would increase as the number of units increase on the site.

Staff and consultants recommend this option as other standards in the R districts will be sufficient to control the maximum allowed building envelop. An additional FAR standard is not needed. Staff-recommended standards for height, coverage, and setbacks scale to increase with increased units to address prior City Council direction.

**Option 2: Increased FAR for Preservation and Increased Units**

This option establishes a new FAR standard in the R-1, R-2, R-2, and R-2A districts. Allowed FAR increases when more units are provided on a site and when an existing street-facing building is

preserved. SEE TABLE 13.

**TABLE 13: MAXIMUM FLOOR AREA RATIO (OPTION 2)**

	R-1	R-1A	R-2	R-2A	MU-R
<b>2 units</b>					
Demolition [1]	0.8	0.8	0.8	0.8	0.8
No demolition	1.1	1.1	1.1	1.1	1.1
<b>3 units</b>					
Demolition	1.0	1.0	1.3	1.3	1.4
No demolition	1.3	1.3	1.6	1.6	1.7
<b>4 units</b>					
Demolition	1.2	1.2	1.5	1.5	1.6
No demolition	1.5	1.5	1.8	1.8	1.9

[1] "Demolition" means demolition of existing street facing main building

On a 5,200 sq. ft. lot, a 0.8 FAR would allow for two 2,080 square-foot homes (4,160 square feet total). For projects with three or four units, Table 13 shows a maximum FAR of at least 1.0 as required by SB 478. On a typical 5,200 square-foot lot, an FAR of 1.0 would allow for three 1,733 square foot homes.

