



Public Hearing:

# **Response to the Short Term Referral for Amendments to the ADU Ordinance and Related Definitions to Address Public Safety Concerns**

Planning Commission  
April 7, 2020



# Overview

- Planning Commission Role
- Background
- Proposed Ordinance
- Next Steps

## Planning Commission will be asked to...



- Hold a public hearing
- Receive and provide comment on the proposed Zoning Ordinance amendments to the **ADU Ordinance**
- Make a recommendation for consideration by the City Council.

# Background



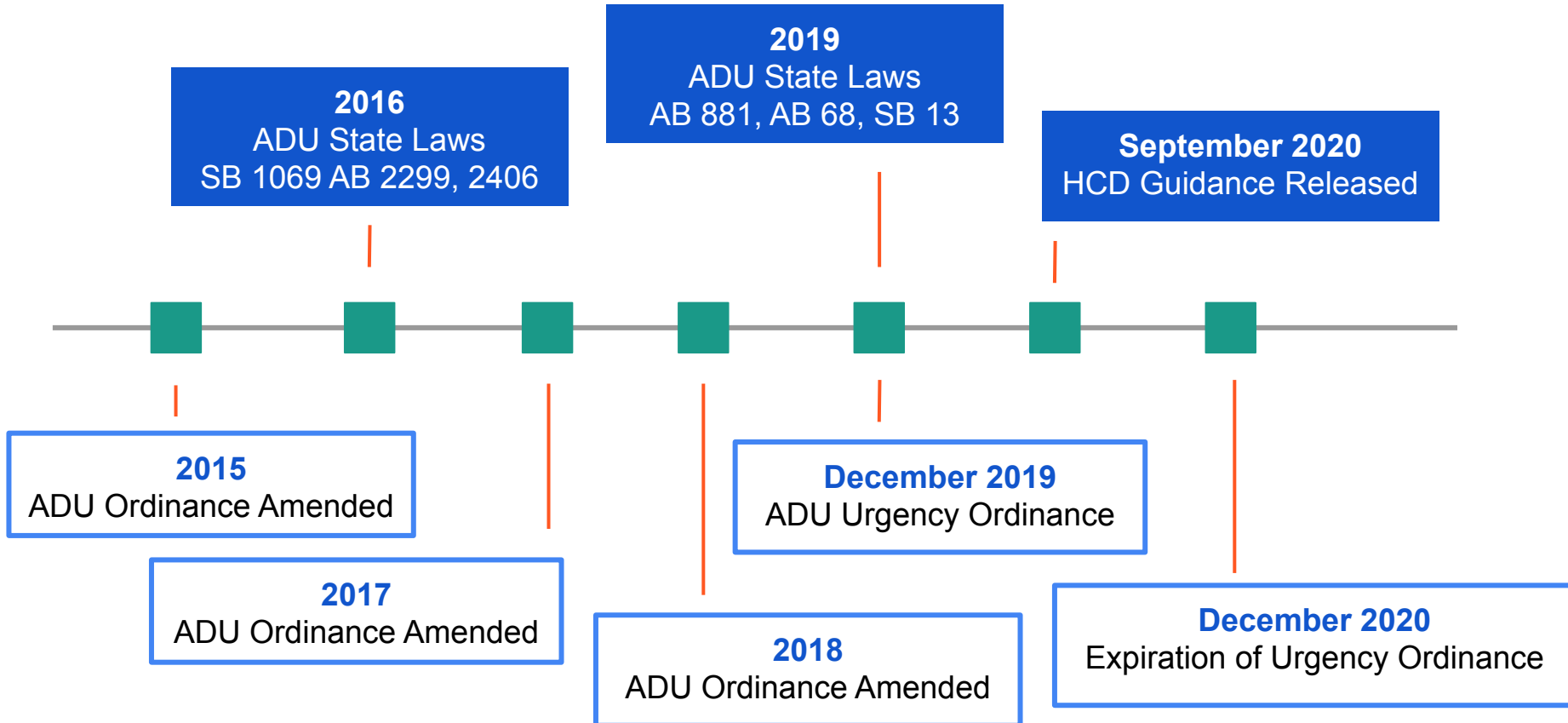


## **Background** | City Council 90-Day Referral - 2021

### Referral Asks

- Address emergency access and egress - **Fire**
- Sprinklers in new construction - **Fire**
- Parking concerns in Fire Zones 2 +3 - **Fire**
- Maximum size of ADUs - **Planning**
- Objective standards (i.e front yard setbacks, open space, and coverage) - **Planning**

# Background | Timeline of Local and State ADU Actions





## Background | 2019 State Laws

- Ministerial approval of ADUs
- Multi-Family structures eligible for ADUs
- No owner occupancy requirements for ADUs
- Statewide development standards for types of ADUs



## Background | 2019 State Laws

<b>Types</b> <i>(Single/ Multi-Family)</i>	<b>Height</b>	<b>Size</b>	<b>Setbacks</b> <i>(Rear/ Side)</i>	<b>Parking</b>
<b>New Construction</b> <ul style="list-style-type: none"><li>- Detached</li><li>- Attached (i.e. addition)</li></ul>	16 feet	800 SF to 1200 SF	4 feet	No replacement parking required.
<b>Conversion</b>	N/A	N/A	N/A	No replacement parking required.



# Proposed Ordinance





## Structure

[23C.24.010](#) Applicability of Regulations

[23C.24.020](#) Purposes

[23C.24.030](#) Permit Procedures

[23C.24.040](#) Development Standards

[23C.24.050](#) Special Provisions



## 23C.24.040 (B) Maximum Size

	JADU	Hillside Overlay or ES-R	1 - Bedroom	2- Bedroom
<b>Maximum Size</b> <i>(square feet)</i>	500	800	850	1,000

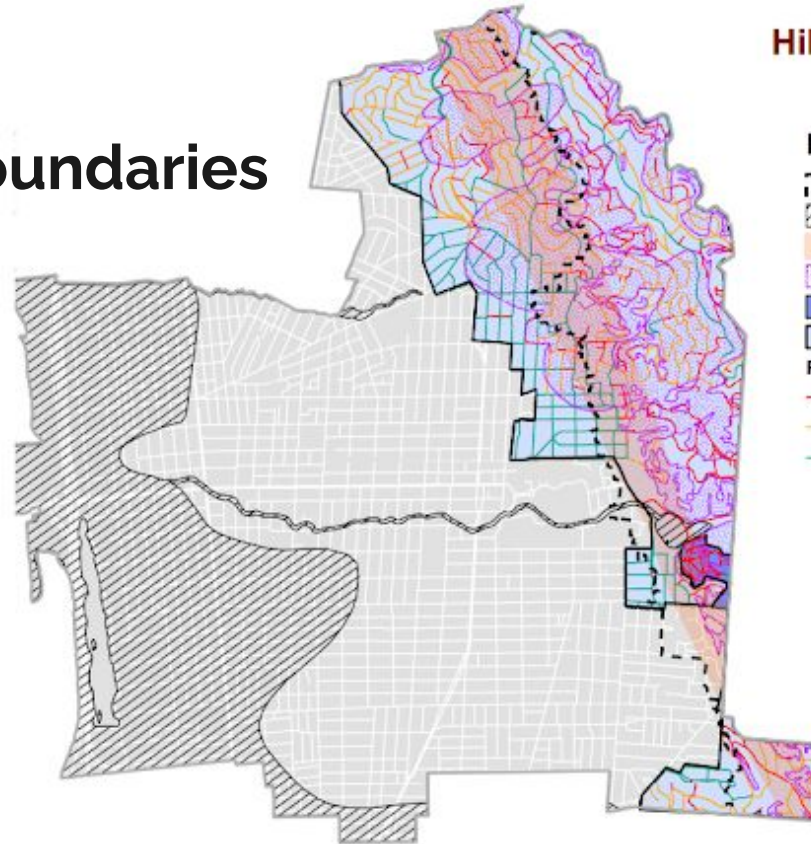
## City of Berkeley Hillside Conditions Map

### Clarification of Boundaries

VHFHSZ:

Very High Fire

Hazard Severity Zone



### Legend

- Very High Fire Hazard Severity Zone
- CGS Seismic Hazard Zone: Liquefaction
- CGS Seismic Hazard Zone: Earthquake Fault
- CGS Seismic Hazard Zone: Landslide
- ES-R Zoning District
- Hillside Overlay
- Pavement Width**
- Less than or equal to 20 feet
- 21 to 26 feet
- Greater than 27 feet

Updated:  
November 14, 2019



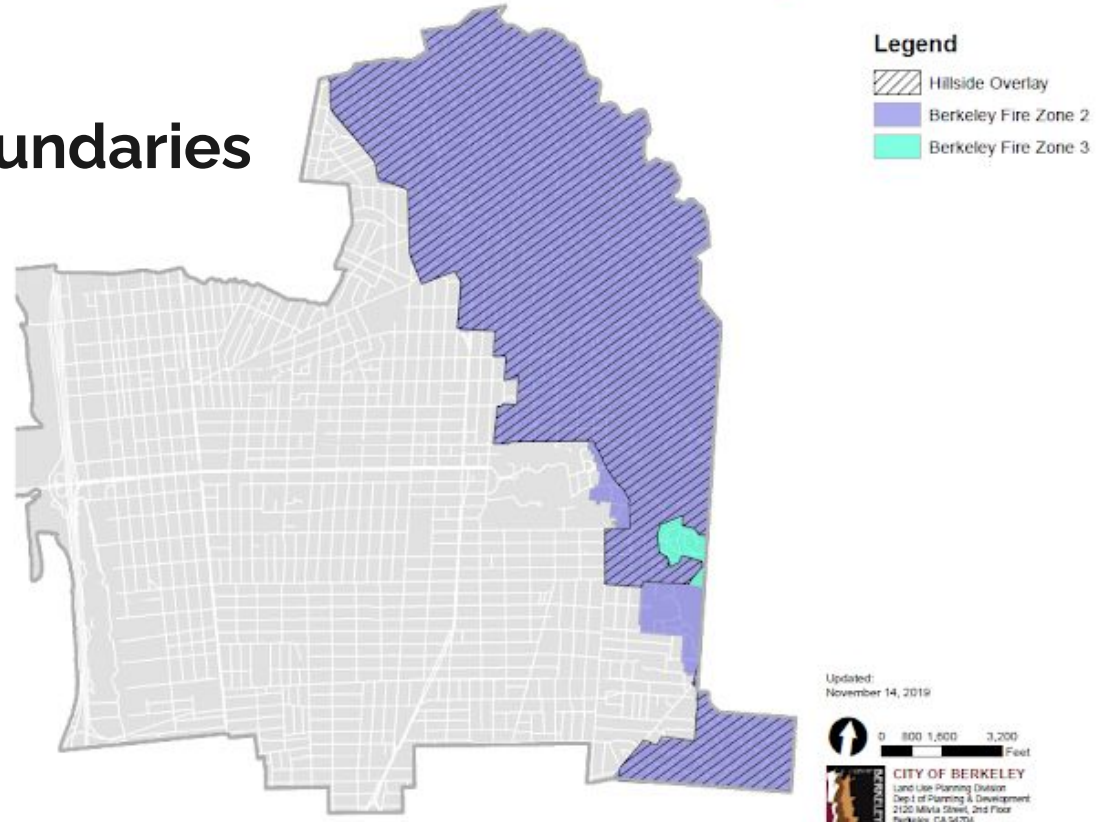
## Hillside Overlay and Fire Zones 2 and 3



# Clarification of Boundaries

Fire Zones 2 & 3

Hillside Overlay & ES-R





## 23C.24.040 (D, E & F) Setbacks

	<b>New Construction Detached</b>	<b>Conversion</b>	<b>Addition</b>
<b>Front Yard</b> <i>(feet)</i>	Underlying Zoning	N/A	Underlying Zoning
<b>Rear/ Side Yard</b> <i>(feet)</i>	4*	N/A	4*
<b>Projections</b>	Architectural features may project 2 feet into the setbacks as long as feature maintains 2 feet from the property line.		

\*or underlying zoning, whichever is less



## Goals

- 1) Develop a Local Ordinance
- 2) Address Referral

### Referral Asks

- Address emergency access and egress - **Fire**
- Sprinklers in new construction - **Fire**
- Parking concerns in Fire Zones 2 +3 - **Fire**
- Maximum size of ADUs - **Planning**
- Objective standards (i.e front yard setbacks, open space, and coverage) - **Planning**

# Next Steps



Planning Commission is asked to

- Hold a public hearing
- Receive and provide comment on the proposed Zoning Ordinance amendments
- Make a recommendation for consideration by the City Council.

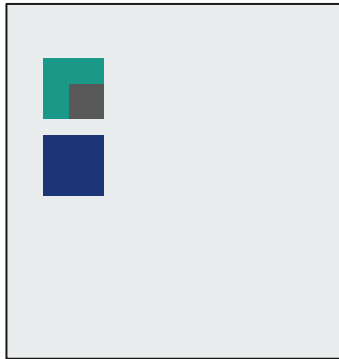




# Questions?

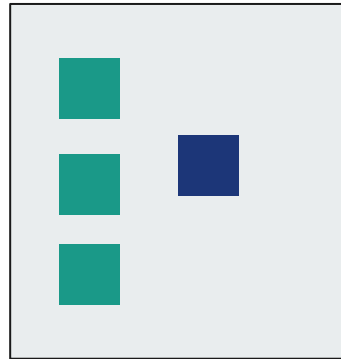
# Number of ADUs

1 Single Family Dwelling



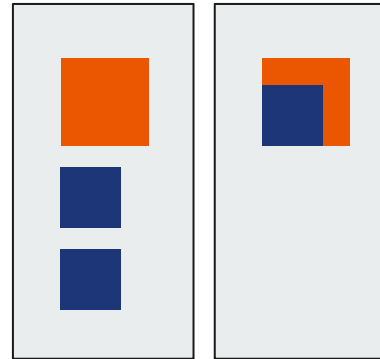
- 1 ADU
- 1 JADU

2+ Single Family Dwellings



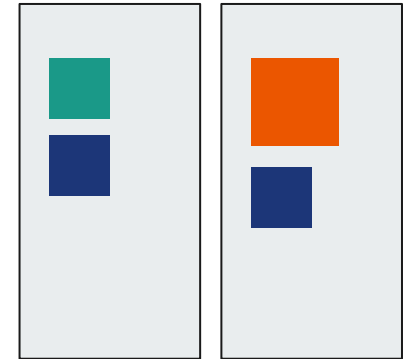
- 1 ADU

\*Duplex or Multi-Family



- 2 Detached ADUs
- or;
- 1/25% of number of Existing Units (conversion)

Group Living Accomodation

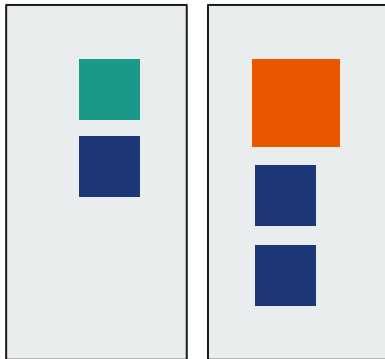


- 1 ADU



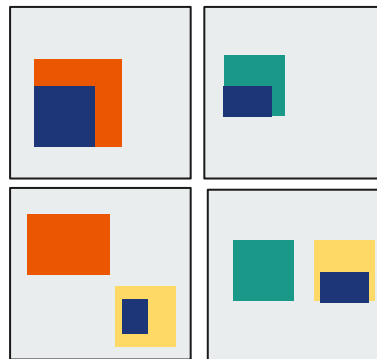
## 23C.24.040 (A) Which Development Standards Apply?

Detached/ New Construction



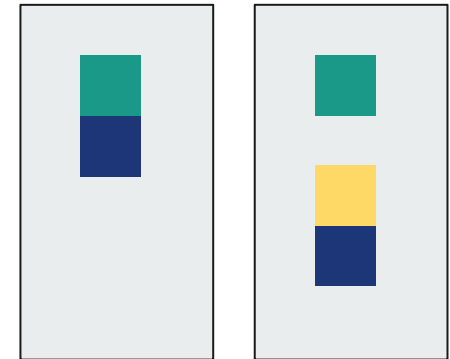
**All ADU  
Development  
Standards Apply**

Conversion



**ADU  
Development  
Standards Don't  
Apply**

Addition

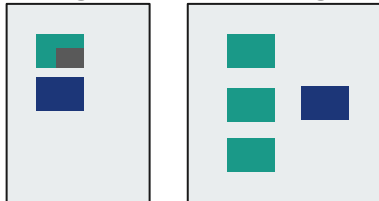


**Size applies to entire ADU.  
Other ADU Development  
Standards Apply to  
Addition Only.**

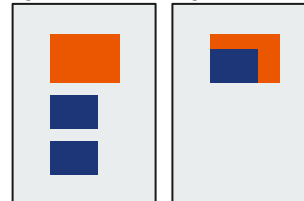
## 23C.24.010 (B) -- Number of ADUs Allowed

- 1 Single Family Dwelling = 1 ADU + 1 JADU
- 2+ Single Family Dwellings = 1 ADU
- Duplex or Multiple Dwelling Use:
  - 2 Detached ADUs **OR**
  - At least 1 Internal ADU & max up to a max of 25% number of units
- Group Living Accommodation = 1 ADU

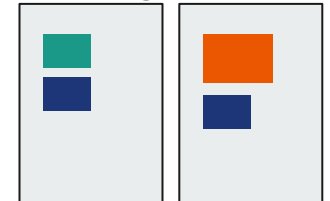
Single Family Dwelling (s)



Duplex or Multiple Dwelling



Group Living Accommodation





## 23C.24.020 Purposes

- A. Implement California Government Code Section [65852.2](#) and [65852.22](#).
- B. Increase overall supply and range of housing options in Berkeley.
- C. Expedite small-scale infill development.
- D. Support Housing Element goals of facilitating construction of Accessory Dwelling Units and increasing the number of housing units that are more affordable to Berkeley residents.
- E. Encourage development of Accessory Dwelling Units in zoning districts with compatible land uses and infrastructure.
- F. Reduce potential impacts of new development in high fire hazard severity areas.**



## 23C.24.010 (A) Applicability of Regulations

The provisions of this Chapter apply to all lots that have at least one existing or proposed Dwelling Unit or **Group Living Accommodation** that is not a Fraternity House, Sorority House or Dormitory.