**Planning and Development Department**
Land Use Planning Division

# STAFF REPORT

DATE: June 4, 2025

To: Members of the Planning Commission

From: Justin Horner, Principal Planner

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

## RECOMMENDATION

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

## BACKGROUND

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

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

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

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

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

## DISCUSSION

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

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

### *Allowed Uses*

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

*Table 1. Allowed Uses*

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

*Development Standards*

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

*Table 2. Development Standards Summary*

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

[1] One unit on a 5,000 sf lot is approximately 9 units per acre.
[2] Two units on a 5,000 sf lot is approximately 17 units per acre.

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

## ENVIRONMENTAL REVIEW

*Housing Element Update EIR*
Development projections for this project and all reasonably foreseeable growth resulting from development contemplated by the City's updated Housing Element, which included the proposed rezoning of the R-1A parcels, were analyzed in the Environmental Impact Report (EIR) for the 2023-2031 Housing Element Update ("Housing Element Update EIR"), which was certified by the City Council on January 18, 2023.[1]

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

## CONTACT PERSON
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Attachments:
1: Resolution
    A: Zoning Map Changes
2: Published City Council Report, Middle Housing Zoning Change, April 29, 2025.
3: Public Hearing Notice.

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