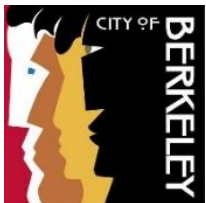


Accessory Dwelling Units: Separate Sale Implementation

Amendments to Title 21 (Subdivisions)



Branka Tatarevic, Associate Planner

Process to Date – Planning Commission

Title 21 – ADU Condos

- March, 2025: PC reviewed AB 1033 report; directed staff to draft ordinance
- May 2025: PC recommended adoption (new BMC §21.29)
- July 29: CC continued the item to this meeting

Title 21 – Why ADU Condominiums?

- Implement AB 1033 to allow separate sale of ADUs in Berkeley
- City Council directed staff to draft ordinance enabling ADU condominiums to expand moderate-income homeownership
- Amend BMC Title 21 to create a streamlined path (Chapter 21.29) distinct from standard condo conversions (Chapter 21.28)

Title 21 – BMC 21.29 Structure

- **Purpose & Authority:** Implements AB 1033 within Title 21; aligns with Subdivision Map Act & Davis-Stirling Act.
- **Applicability:** Separate conveyance of ADUs on eligible lots; map type based on unit count.
- **Submittal & Process:** Parcel Map or Tentative Map.
- **Prerequisites:** Lienholder consent; safety inspection; consumer disclosures.

Title 21 – BMC 21.29 Structure

- **Tenant Provisions:** If ADU is a Covered Rental, provide right of first refusal & right to remain per Ch. 21.28.
- **CC&Rs & Access:** HOA, maintenance responsibilities, and easements as needed.
- **Fees:** ADU Condos would be exempt from conversion mitigation fee;
- **Conformity:** Must meet objective standards; no new standards beyond state law.

Staff Recommendation

Staff recommends the City Council:

- Conduct the public hearing and
- Adopt the first reading of ordinances to:

Implement AB 1033 ADU condominium sales (Title 21)

Thank you!

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