



Office of the City Manager

SUPPLEMENTAL AGENDA MATERIAL for Supplemental Packet 2

Meeting Date: June 26, 2025

Item Number: 1

Item Description: Zoning Ordinance and General Plan Amendments Relating to Middle Housing

Submitted by: Jordan Klein, Director, Planning and Development Department

The enclosed memo provides additional analysis regarding the environmental review of the proposed zoning and General Plan amendments.



Planning and Development Department

June 25, 2025

To: Mayor Ishii and Members of the City Council

From: Jordan Klein, Director, Department of Planning and Development

Re: **Supplemental Consistency Analysis: CEQA and Proposed Density Increases**

I. Purpose

The purpose of this memorandum is to verify if additional development that could result from an increase in maximum permitted densities up to 90 dwelling units (du) per acre falls within the development projection included in the 2023-2031 Housing Element Update Environmental Impact Report ("Housing Element EIR") (State Clearinghouse No. 2022010331) and was adequately analyzed.

II. Short Answer

The proposed maximum densities would not result in a unit increase greater than the 19,098 total new units analyzed in the Housing Element EIR. The Housing Element EIR adequately analyzed the impacts of these zoning changes and no further environmental review is required under CEQA.

III. Background

Program 29 – Middle Housing, in the [*City of Berkeley 2023-2031 Housing Element \(Housing Element, pg. 146-147\)*](#), includes an action to amend the Berkeley Municipal Code to allow multi-unit development on single lots within Berkeley's lower-density residential districts: Single-Family Residential (R-1), Limited Two-family Residential (R-1A), Restricted Two-family Residential (R-2), Restricted Multiple-family Residential (R-2A) and Mixed Use-Residential (MU-R) zoning districts. Program 29 also includes revisions to the city's Demolition Ordinance and an amendment to the city's Affordable Housing Fee schedule, both with the goal of facilitating multi-unit development on lower-density residential parcels.

The Housing Element EIR analyzed an overall growth assumption of 19,098 units and 1,745 units were specifically attributed to the proposed middle housing zoning changes (*Housing Element* p. 146). The Housing Element EIR evaluated this projection as part of the overall development that could result from implementation of the Housing Element. As noted on page 2-10 of the Housing Element EIR, the total of 1,745 units was the sum of an estimated 770 units distributed throughout the R-1 zoning district, and 975 additional units distributed throughout the R-1A, R-2, R-2A, and MU-R zoning districts.

Attachment 5 (C) Att 1 of the June 26, 2025 City Council agenda is an *Evaluation of Consistency with the 2023-2031 Housing Element Update Environmental Impact Report* ("Consistency

Analysis”) for the middle housing zoning changes (“proposed middle housing zoning changes”) of that same agenda. The purpose of the Consistency Analysis is to ensure that the projected buildout that could result from the proposed middle housing zoning changes was adequately analyzed in the Housing Element EIR. In brief, as the proposed middle housing zoning changes are very similar to the zoning changes contemplated by the EIR and also do not apply to the Hillside Overlay zone, the number of units projected to result from the proposed middle housing zoning changes is 876 units. Since this is less than the 1,745 units attributed to Program 29 in the Housing Element EIR, the document concludes that the proposed middle housing zoning standards were adequately analyzed in the Housing Element EIR and no further environmental review is necessary.

City Council may consider a proposed amendment that would increase the maximum allowable densities in all middle housing zoning districts to 90 du/acre. Since this change would permit more units than were considered in the Consistency Analysis, this memo evaluates an updated unit projection and compares it to the total number of units analyzed in the Housing Element EIR.

IV. Analysis

The Housing Element EIR includes an analysis of 19,098 new units, 1,745 of which are projected to result from implementation of the proposed middle housing zoning changes. The 19,098 total units analyzed exceeds the 8,934 units assigned to the City of Berkeley through the Regional Housing Needs Allocation process, as well as the 30% buffer of extra units that was recommended by the California Department of Housing and Community Development (HCD). This higher overall growth projection was intentionally included to facilitate an analysis of growth that exceeds what would typically be expected under standard conditions, with the anticipation that there may be opportunities to further encourage development (such as with an increase in maximum allowable densities). The Project Description notes:

For purposes of the HEU CEQA analysis, the EIR assesses a higher amount of development potential than the total HEU sites inventory capacity in order to fully analyze possible environmental impacts based on proposed HEU implementation programs, account for the possibility that proposed project could utilize State Density Bonus, and to account for a scenario in which development occurs at a rate higher than it has historically. (Housing Element Update FEIR, page 2-6).

The analysis below includes:

- A revised unit projection with a maximum allowable density of 90 du/acre;
- A comparison of that revised projection to the Housing Element EIR’s projection of total units and units attributable to the Middle Housing zoning program;
- A summary of the number of building permits issued in 2023 and 2024 (the first two years of the Housing Element Update period), the total number of units associated with the Ashby and North Berkeley BART projects, as well as additional units attributed to the Southside rezoning and a comparison with the Housing Element EIR’s projections; and
- A summary of and a comparison with the Housing Element EIR’s projection of total units at those stations.

The analysis considers whether any additional units attributable to an increase in the maximum density standard to 90 du/acre are within the scope analyzed in the Housing Element EIR and finds that they are.

A. Projected Additional Units Attributable to an Increase in Maximum Densities to 90 du/acre

The Consistency Analysis includes a projection of 876 units for the proposed middle housing zoning changes. This total was derived from analyzing 8,380 parcels that met the following conditions:

- Located in the R-1, R-1A, R-2, R-2A and MU-R districts;
- Are not in the Hillside Overlay;
- Are at least 3,000 square feet in area (estimated minimum size for likely middle housing development); and
- Are either vacant or occupied by a single-family dwelling unit or a duplex.

As described below, the increase in the maximum allowable density to 90 du/acre would, for the same 8,380 parcels, result in a total of **2,628 units**. This was projected using a variation of the methodology used in the 2023 EIR. Estimated buildout includes:

- **3,246 parcels in the R-1 District: 780 units.** The projection of 780 units throughout the R-1 zoning district is based on an update of the Turner Center study of redevelopment potential in low-density zones subject to SB 9.¹ The California Department of Housing and Community Development recommended that this methodology be used, and accepted the Housing Element EIR in which it is used. Further, the methodology is specific to our geographic area and therefore its results are applicable to the City. SB 9 permits lot splits and multi-family development on parcels in single-family zoning districts. Within this projection, a redeveloped parcel would typically result in a net increase of 3 units (1 existing single-family home, redeveloped into 4 units). Turner Center's SB 9 modeling indicated that the City of Berkeley could anticipate approximately an 0.08 utilization rate from eligible parcels. The Consistency Analysis estimated that this would result in (3,246 eligible parcels x 0.08) 260 total units.

City Council may consider an amendment to zoning regulations that would permit up to 90 du/acre, or 10 units on a typical 5,000 square foot lot. In most cases, this would result in a net increase of 9 units per parcel (1 existing single-family home, redeveloped into 10 units), or triple the number of units projected in the Consistency Analysis, or (3,246 eligible parcels x 0.08 x 3) 780 units.

- **5,134 parcels in the R-1A, R-2, R-2A, and MU-R districts: 1,848 units.** The projection of the additional 1,848 units throughout the R-1A, R-2, R-2A and MU-R zoning districts is based upon the application of a utilization rate to 5,134 parcels in these districts identified as single-family homes or duplexes, and therefore most likely to redevelop under the middle housing zoning changes. The Housing Element EIR used the Turner Center's methodology in the case of these parcels, as well, but increased the rate by 50% (to 0.12). This increased rate was based on a review of project proposals and development trends at the time of the preparation of the 2023 EIR, as well as an assumption that it was more likely that

¹ <https://turnercenter.berkeley.edu/wp-content/uploads/2021/07/SB-9-Brief-July-2021-Final.pdf>

redevelopment would take place on more standard flatlands lots. The Consistency Analysis estimated that this would result in (5,134 parcels x 0.12) 616 total units.

Amendments to the zoning ordinance to permit up to 90 du/acre would allow 10 units on a typical 5,000 square foot lot. Therefore, a net increase of 9 units per parcel is assumed, as is the assumption that this would be triple the number of units projected in the Consistency Analysis, or (5,134 eligible parcels x 0.12 x 3) 1,848 units.

B. Comparison with Housing Element EIR Projections

The Housing Element EIR includes an analysis of 19,098 new units, 1,745 of which are projected to result from implementation of the proposed middle housing zoning changes. The table below summarizes the Housing Element EIR's projected buildout:

	Total New Units
EIR Sites Inventory	
Likely Sites	4,685
Pipeline Sites	1,215
Opportunity Sites	8,053
Implementation Programs	
Middle Housing Rezoning	1,745
Southside Zoning Modification Project	1,000
Ashby and North Berkeley BART Stations	2,300
TOTAL	19,098

The 2,682 units projected to result from the increase in maximum allowable density to 90 du/acre are within the total number of new units analyzed in the Housing Element EIR, because actual development and entitlements have resulted in fewer projected new units overall, as described below. But that increase in allowable density would result in **937 more units** than the 1,745 units specifically attributed to the middle housing zoning changes.

C. Total Units Completed, BART Stations and Southside

Total Units: The Housing Element EIR includes an analysis of 13,953 new units included as part of the EIR Sites Inventory, or 1,744 units per year for each of the eight years of the Housing Element period. The table below summarizes the first two years of the Housing Element Update period (2023 and 2024):

Year	Housing Element EIR Projection	Building Permits	Difference (Projected – Actual)
2023	1,744	431	1,313
2024	1,744	731	1,013
	3,488 units	1,162 units	2,326

			fewer units than analyzed in EIR
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Ashby and North Berkeley BART Stations: The Housing Element EIR includes an analysis of 2,400 units which are attributed to developments at the Ashby and North Berkeley BART stations. The table below compares this projection to the actual number of anticipated units.

Station	Housing Element EIR Projection	Actual	Difference (Projected – Actual)
North Berkeley BART	1,200	739	461
Ashby BART	1,200	850 ¹	350
	2,400 units	1,589 units	811 fewer units than analyzed in EIR
1. 850 units is an estimate. The terms of the City-BART exchange agreement have not yet been finalized			

Southside Rezoning: The Housing Element EIR includes an analysis of 1,000 units attributed to the rezoning of the Southside Plan Area. The Southside Plan Area rezoning was passed by the City Council in 2023 and was projected to result in more units than analyzed in the Housing Element EIR. Accordingly, an EIR Addendum was prepared for the rezoning. The table below compares this projection to the actual number of anticipated units.

	Housing Element EIR Projection	Revised Projection	Difference (Projected – Revised Projection)
Southside Rezoning	1,000 units	2,652 units	1,652 more units than analyzed in EIR

The following table summarizes the information above:

	Housing Element EIR Projection	Actual	Difference (Projected – Revised Projection)
2023 and 2024 HE Inventory	3,488	1,162	2,326
BART Stations	2,400	1,589	811
Southside Rezoning	1,000	2,652	(1652)
	6,888 units	5,403 units	1,485 fewer units than analyzed in EIR

V. Conclusion

An increase in the maximum zoning standard to 90 du/acre is projected to result in approximately 2,682 units, which is **937 more units** than attributed to the middle housing zoning changes in the Housing Element EIR.

However, as shown above, since certification of the Housing Element EIR, actual building permit issuances, the further formalization of agreements to develop the Ashby and North Berkeley BART stations, and the Southside rezoning EIR Addendum have resulted in **1,485 fewer units** than analyzed in the Housing Element EIR.

It is a reasonable conclusion that the Housing Element EIR adequately analyzed the middle housing zoning changes, even with the increase in the maximum allowable density to 90 du/acre.

1. While there may be 937 more units associated with the middle housing zoning changes as a result of an increase in maximum allowable density to 90 du/acre, the number of *total* units is still within the scope analyzed in the Housing Element EIR;
2. The middle housing zoning changes considered by the City Council include provisions that would also streamline the approval of single-family homes and make it easier to add bedrooms and additions to existing buildings. The middle housing zoning changes could therefore result in owners choosing to expand existing dwelling units, or replace existing single-family homes with larger single-family homes, instead of creating additional units; and
3. The potential environmental impacts analyzed in the Housing Element EIR are not parcel-specific but rather result from increased development citywide; and
4. Since the certification of the Housing Element EIR, no new information has been received by the City of Berkeley that would require new or additional environmental review of the proposed Middle Housing zoning changes.

Therefore, the middle housing zoning changes, with the increase in maximum allowable density to 90 du/acre, were adequately analyzed in the Housing Element EIR and no new or additional environmental review is required pursuant to CEQA.