MEMORANDUM

DATE: February 5, 2020

TO: Members of the Planning Commission

FROM: Elizabeth Greene, Senior Planner

SUBJECT: Southside EIR Project Description

INTRODUCTION
A draft Project Description has been developed to identify the range of ordinance changes to study in the Southside Zoning Ordinance Environmental Impact Report (EIR); it is attached to this memorandum. The Planning Commission should review the scope of ordinance changes proposed in Section 1.8 of the Project Description and provide feedback on the adequacy of the scope.

BACKGROUND
On January 19, 2019, in response to six Council referrals, the Planning Commission (PC) discussed Zoning Ordinance and Zoning Map changes that could promote the production of more housing in the Southside area. Because these changes are expected to exceed the growth studied in the original Southside Plan, the California Environmental Quality Act (CEQA) mandates that the potential environmental impacts of the regulations must be analyzed and mitigated as necessary. The Planning Department has hired Rincon Consultants to prepare the Environmental Impact Report (EIR).

The Project Description is the first step in the EIR process. An EIR’s Project Description broadly establishes the parameters to be analyzed in the study. This means that it limits the range of the changes that can be eventually adopted. Options that are not studied in the EIR cannot be implemented. For this reason, Project Descriptions often describe more comprehensive changes than what are finally adopted, in order to give decision makers a range of options to consider.

DISCUSSION
This memo explains the contents of the Project Description, the feedback from the Planning Commission Southside Subcommittee (Subcommittee), and next steps in the CEQA analysis process.

Content of Project Description
The Project Description (Attachment 1) provides the following information:

- Background information regarding the Southside area, the regulations that currently apply to the area, and the Council referrals that prompted this study (Sections 1.4, 1.5 and 1.6)
- Project Objectives that describe the objectives and assumptions that informed the proposed modifications (Section 1.7). The rough buildout assumptions (Section 1.9) will be distributed at the PC meeting.
- Proposed Ordinance and Map Modifications (Section 1.8)

The complete Project Description is included to provide background information which will inform the entire Zoning Ordinance amendments and CEQA process. The PC should focus its attention on the proposed ordinance and map modifications (Section 1.8).

The zoning issues proposed for consideration would modify the Zoning Ordinance and Zoning Map and fall into the following categories:

- Building Height
- Building Footprint
- Parking
- Ground-floor Residential Uses
- Zoning District Locations

Feedback from December 17, 2019 Subcommittee meeting
On December 17, 2019, the Subcommittee held a meeting to review options to consider in the Project Description. The Subcommittee was generally supportive of the options provided by staff (Attachment 2). Their main concern was whether the current boundary of the Southside contains enough opportunity sites to justify the EIR and zoning changes. A list of comments from the meeting and maps of potentially constrained and unconstrained sites are attached (Attachments 3 and 4).

CEQA Next Steps
After the Commission provides feedback on the scope of the ordinance changes in the Project Description, work will begin on the Draft EIR. Below is the estimated timeline for the public portions of the CEQA review and consideration of zoning changes:

<table>
<thead>
<tr>
<th>Description</th>
<th>Timing</th>
<th>Public Review Process</th>
</tr>
</thead>
<tbody>
<tr>
<td>30-day NOP Comment Period</td>
<td>Ends early May 2020</td>
<td>Scoping Meeting at Planning Commission</td>
</tr>
<tr>
<td>Draft EIR released for 45-day review and comment period</td>
<td>September – October 2020</td>
<td>Planning Commission hearing</td>
</tr>
</tbody>
</table>
Discussion of Zoning Ordinance changes | October – December 2020 | Subcommittee and Planning Commission review
---|---|---
Final EIR and Final Zoning Ordinance released | February – March 2021 | Planning Commission recommendation; City Council action

**NEXT STEPS**
The Planning Commission should review and provide feedback to staff on the scope of the proposed Zoning Ordinance and Zoning Map changes (Section 1.8) included in the Project Description.

**ATTACHMENTS**
1. Draft Project Description
2. Proposed Zoning Amendments, December 17, 2019 Southside Subcommittee meeting, Attachment 4
3. List of Subcommittee questions and comments from December 17, 2019 meeting
1 Project Description

1.1 Project Title
Southside Zoning Ordinance Updates Project

1.2 Lead Agency/Project Proponent
City of Berkeley
Planning and Development Department
1947 Center Street, 2nd Floor
Berkeley, CA 94704

1.3 Contact Person and Phone Number
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1.4 Project Location and Setting
The project location is the “Southside” or “Southside Area” of the City of Berkeley, as defined in the Southside Plan (2011) and shown in Figure 1 (Regional Location) and Figure 2 (Southside Area). The Southside Area encompasses approximately 28 full city blocks and several more partial city blocks, directly south of the main campus of the University of California at Berkeley (“the University”). It is generally bounded by Bancroft Way and the University on the north; Dwight Way on the south (including parcels on both sides of Dwight Way); Prospect Street on the east (including parcels on both sides of Prospect Street); and Fulton Street on the west (including some parcels extending west from Fulton towards Shattuck Avenue and Downtown Berkeley). The Southside Area also includes properties extending south along Telegraph between Dwight Way and Parker Street.

Existing Land Use and Ownership
The Southside contains a diverse mix of land uses, including housing, offices, retail, religious and cultural institutions, schools, hotels, parking, recreational uses, and public streets. The most common existing use is residential, which currently occupies approximately 60% of the developable land in the Southside (excluding streets).

In addition to housing, the Southside includes the important retail and social corridor of Telegraph Avenue, a major student-oriented street that provides storefront shopping, restaurants, community activity, and street vendors.
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Figure 1 Regional Location
Figure 2  Southside Area Location
An array of other shops and businesses used by students, visitors, and residents is also found elsewhere in the Southside. This includes longstanding establishments such as Caffe Strada and Free House at College and Bancroft; the retail and commercial block along Dwight Way between Shattuck and Fulton; and the many shops and restaurants along streets perpendicular to Telegraph – particularly along Bancroft Way and Durant Avenue.

Most land in the area is owned by private individuals or institutions. However, the Southside contains a significant number of University-owned parcels, mostly west of College Avenue, as shown in Figure 3. Some of these University-owned parcels contain University-operated housing, such as the Unit 1 and 2 Residence Halls along College Avenue; the Unit 3 Residence Halls on Dana Street between Channing Way and Durant Avenue; Beverly Cleary Hall between Haste Street and Channing Way; and Martinez Commons near Telegraph Avenue between Channing Way and Haste Street.

The Southside also contains University-owned housing operated by the Berkeley Student Cooperative (the largest student non-profit housing cooperative in the United States, in operation since 1933), including Fenwick Weavers Village and the Rochdale Apartments. Other University-owned land has a non-residential use associated with the University, such as the Miller Institute and Anna Head Alumnae Hall, the Tang Health Center, the Legends Aquatic Center, the UC Berkeley Safe Transportation Research and Education Center, and the University’s Residential and Housing Services Center. Other existing University-owned land – such as the Channing Tennis Courts and People’s Park – is the location of active development projects in the planning phases, mostly focused on University housing and open space.

In addition to University-owned housing, there is a significant amount of existing housing that is privately owned, or owned by institutions besides the University. Some existing privately-owned housing – such as Wesley House and David Blackwell Hall along Bancroft; the Metropolitan at Durant and Ellsworth; or the Garden Village Apartments along Dwight – is targeted towards a student population. Other existing housing, particularly further south from the University such as along Dwight Way or along Fulton Street, is not specifically student-focused and likely has a mix of student and non-student residents. Several large houses owned by fraternities and sororities are located along Piedmont Avenue and further uphill to the east. There are also a significant number of non-University institutional uses throughout the Southside, including the Wright Institute, the American Baptist Seminary of the West, the Berkeley Free Clinic, and the Berkeley Architectural Heritage Association.

Historic Resources

The Southside is the location of many designated historic landmarks or structures of merit. This includes the Julia Morgan-designed Berkeley City Club; many of Berkeley’s oldest and largest places of worship such as the Bernard Maybeck-designed First Church-Christian Scientist, Saint Mark’s Episcopal Church, Trinity Church, First Congregational Church of Berkeley, and Newman Hall-Holy Spirit Parish; and a variety of architecturally significant historic housing such as the Thorsen House, the Picardo Arms Apartments, and many other early 20th century apartments, retail, and mixed-use buildings.
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Figure 3 University-owned Parcels
Existing Development Pattern

The existing building heights and intensities east of College Avenue are generally lower than those west of College Avenue. This is consistent with the historic zoning pattern pre-dating the current Southside Plan, which limited heights to four stories east of College Avenue (formerly the “R-4H” district before 2009, currently the “R-3” district) while allowing up to six stories west of College Avenue (formerly the “R-4” district before 2009, currently a mix of districts including R-SMU, R-S, and C-T). At the same time, the development pattern east of College Avenue remains relatively compact, with a large percentage of parcels containing three- or four-story apartment buildings with high lot coverage and urban frontages close to the street. Many of these middle-density housing types were built in the early- to mid-20th century and have defined the urban form and character of this area for decades. Many of the parcels east of College Avenue are small (less than 0.5-acre, with many less than 0.25-acre), and very few have obvious development opportunities such as vacant land or buildings, surface parking lots, or under-utilized single-story buildings, or structures.

The existing pattern of height, intensity, and parcel pattern west of College Avenue is more varied, with existing intensity focused along Telegraph Avenue and Bancroft Way, as well as at major University-owned sites such as the eight- and nine-story Unit 1 and Unit 2 Residence Halls. Heights along Telegraph Avenue range from three to five stories, mostly consisting of mixed-use buildings with housing over retail, along with some single-story retail buildings. Multi-unit housing and many institutional buildings in a range of heights, intensities, and building types are common in other locations west of College Avenue. This includes smaller three and four story urban apartment buildings – mostly built in the early to mid-20th century – along with many five and six story apartment and mixed use buildings constructed in the early to mid-20th century as well as more recently.

Most of the tallest and most prominent existing buildings in the Southside are west of College Avenue and include the historic six-story Picardo Arms apartment building at 2491 Ellsworth; the historic six-story Telegraph Commons Apartments; the seven-story historic Graduate Hotel and restaurant (formerly The Durant Hotel); and the landmarked six-story Berkeley City Club, along with more recently constructed buildings such as the eight-story David Blackwell Hall and the five-story Metropolitan. Other prominent buildings including the historic Trinity Church and First Congregational Church have features such as steeples or towers with heights rivaling nearby six and story story buildings. Many of the large multi-story buildings on the UC Berkeley campus are also visible from much of the Southside. The area west of College Avenue includes the largest University-owned buildings and residence halls, including several eight- and nine-story buildings, as described above.

Besides the main retail areas along and perpendicular to Telegraph Avenue (described above), most of the ground-floor frontages in the Southside are residential, along with some institutional and office frontages. There are a small number of single-family residential buildings in the Southside. Many buildings that were originally single-family residences have been converted into multi-unit housing or non-residential uses over time. In contrast to the area east of College Avenue, the area west of College Avenue contains a greater mix of small parcels (less than 0.5 acre) and large parcels (greater than 0.5 acre), and more sites where new housing may be likely to be built, such as those with existing surface parking lots or single-story structures. The area west of College Avenue has also seen the majority of recent new housing development and proposals in recent years, particularly along Telegraph Avenue and Bancroft Way.
Existing Street and Circulation Pattern

Telegraph Avenue functions as a gathering place and spine of pedestrian activity for the Southside and adjacent neighborhoods, connecting the main University campus with other Berkeley neighborhoods – and eventually Downtown Oakland – further south. College Avenue is also an important north-south corridor connecting the University with neighborhoods further south such as Elmwood in Berkeley and Rockridge in Oakland. Larger east-west corridors such as Bancroft Avenue and Dwight Way provide connections between the Southside and other neighborhoods in central and west Berkeley. The remainder of the Southside is connected by a regular grid of streets and small blocks, most of which measure around 250 feet (north-south) by 600 feet (east-west), and all of which have sidewalks on both sides of the street. This connected grid – along with the Southside’s location near the University, large student population, compact development pattern, and mix of residential and non-residential uses – contribute to some of the highest rates of walking and cycling in Berkeley, and some of the lowest vehicle miles traveled (VMT) per resident.

1.5 Regulatory Setting

City of Berkeley General Plan

Berkeley’s General Plan, adopted in 2001, is a comprehensive, long-range statement of community priorities and values developed to guide public decision-making in future years. The Plan’s goals are implemented through decisions and actions consistent with the objectives, policies, and actions of each of the nine Elements: Land Use, Transportation, Housing, Disaster Preparedness & Safety, Open Space & Recreation, Environmental Management, Economic Development and Employment, Urban Design & Preservation and Citizen Participation. These elements contain goals, policies, and actions that apply to all land within City limits.

The Land Use Element categorizes areas in Berkeley into different land use classifications and includes a Land Use Diagram that maps these classifications. As noted specifically in the Land Use Element, the Diagram “depicts the general distribution, location, and density of land uses in Berkeley based upon the policies of the General Plan and existing land uses” but is not intended to portray the specific use or other development regulations of each parcel of land, which is determined by the City’s Zoning Ordinance.

General Plan land use designations for parcels in the Southside include Avenue Commercial, Residential Mixed-Use, Medium Density Residential, and High Density Residential.

City of Berkeley Southside Plan

The existing Southside Plan was adopted in 2011. The Southside Plan and its strategies and policy guidance are intended to remain as the primary planning policy document for the Southside, both during and after the proposed Southside Zoning Ordinance Updates in the Southside Area. The Southside Plan’s boundaries are shown in Figure 2 and are identical to the “Southside Area” project boundary for this study. The Southside Plan’s major goals (pages 7-8) are intended to be supported by the proposed Southside Zoning Ordinance Updates, and are as follows:

- Housing: Create additional housing at appropriate locations to help meet the housing demand for students and people employed nearby, thus taking advantage of proximity to the University
and Downtown to reduce automobile dependence and to increase travel to work or school by non-automobile transportation. Encourage the provision of affordable housing.

- **Land Use**: Provide for a high-density residential and commercial mixed-use edge to the University of California campus and the “spine” along Telegraph Avenue. The high-density edge and spine are the focus for infill development. Development becomes progressively less dense and more residential in use the greater the distance from Bancroft and Telegraph, providing a buffer and transition to the lower density residential areas to the east and south of the Southside Area.

- **Transportation**: Increase the quality, amenity, and use of all non-automotive modes (public transit, bicycles, and pedestrian), and reduce the number of trips made in single-occupant automobiles.

- **Economic Development**: Enhance the commercial district so that it better meets the needs of the wide variety of users who frequent the neighborhood. Improve access, marketing, and safety.

- **Community Character**: Recognize, preserve, and enhance the unique physical character of the Southside.

- **Public Safety**: Improve public safety, address social needs, and act to minimize loss of life and property in the event of a natural disaster.

The Southside Plan also includes a series of specific land use and housing strategies (pages 30-31), which remain applicable and supported by the proposed Southside Zoning Ordinance Updates. These strategies are as follows:

- Encourage creation of additional affordable housing in the Southside for students and for year-round residents, including UC employees and other area employees, by the University, the private sector, student cooperatives, non-profits or a combination of these groups working in partnership;

- Encourage the construction of infill buildings, particularly new housing and mixed-use developments, on currently underutilized sites such as surface parking lots and vacant lots;

- Protect and conserve the unique physical, historic, and social character of the Southside;

- Protect and enhance historic and architecturally significant buildings, and ensure that new development complements the existing architectural character of the area through design review;

- Encourage reinvestment in deteriorating housing stock to improve the overall physical quality of the neighborhood;

- Enhance the pedestrian orientation of the Southside;

- Improve the Bancroft Way corridor as a physical connection and transition between the University and the Southside;

- Encourage a land use pattern in the Southside which provides for a high-density residential and commercial mixed-use edge to the University of California campus and a “spine” along Telegraph Avenue. The high density edge and spine are adjoined by areas which progressively become less dense and more residential in use and provide a buffer and transition to the lower density residential areas to the east and south of the Southside Area;

- Refine and reinforce the existing land use patterns in the Southside by acknowledging five distinct “subareas” of land uses in the area: two residential subareas, a mixed use subarea, and two commercial subareas. Create specific policies for each subarea;

- Limit office and institutional development to areas closest to the UC campus and to the Bancroft-Durant transit corridor. Give preference to housing over new office and institutional development throughout the Southside; and
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- Encourage relocation of office and institutional uses from residential subareas to appropriate locations closer to campus and to transit corridors.

The strategies, goals, and policies of the Southside Plan are not intended to be significantly updated or changed as part of this process. Minor adjustments to plan content may be necessary for consistency with zoning amendments adopted as part of the Southside Zoning Ordinance Updates Project.

City of Berkeley Zoning Ordinance

The City’s Zoning Ordinance and associated Zoning map identifies specific zoning districts in Berkeley, and development standards that apply to each district. The zoning districts that currently exist in the Southside Area are as follows:

- C-T (Telegraph Avenue Commercial District)
- R-SMU (Residential Southside Mixed Use District)
- R-S (Residential Southside High Density District)
- R-3 (Multiple-Family Residential District)
- C-SA (South Area Commercial District)

These existing zoning districts are shown in Figure 4, and their requirements are summarized in Table 1. The Southside Plan also established a “Car-Free Housing Zone,” which currently applies to the C-T district, the R-SMU district, and some portions of the R-S district. The C-T district, R-SMU district, and R-S district – along with the Car-Free Housing Zone – only occur in the Southside. The R-3 and C-SA districts occur in other parts of the City as well as the Southside.
Figure 4  Existing Southside Zoning Districts
Table 1  Summary of Existing Southside Zoning District Standards

<table>
<thead>
<tr>
<th>General Plan Description</th>
<th>C-T (north of Dwight)</th>
<th>C-T (south of Dwight)</th>
<th>R-SMU</th>
<th>C-SA</th>
<th>R-S</th>
<th>R-3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Max Height (stories)</td>
<td>None (assume 6 based on height)</td>
<td>4</td>
<td>4 (5 with UP)</td>
<td>5 if residential, 3 if non-res</td>
<td>3 (4 with UP)</td>
<td>3</td>
</tr>
<tr>
<td>Max Height (feet)</td>
<td>65' (75' with UP)</td>
<td>50' (65' with UP)</td>
<td>60' (65' or 75' with UP)</td>
<td>60' if residential; 36' if non-res</td>
<td>35' (45' with UP)</td>
<td>35'</td>
</tr>
<tr>
<td>Front Setback</td>
<td>None</td>
<td>None</td>
<td>10' (0' with AUP)</td>
<td>15' (see R-4)</td>
<td>10' (0' with AUP)</td>
<td>15'</td>
</tr>
<tr>
<td>Rear Setback</td>
<td>None</td>
<td>None</td>
<td>10’ – 19’ (0’ with AUP)</td>
<td>15’-21’ (see R-4)</td>
<td>10’ – 17’ (can be reduced w/ AUP)</td>
<td>15’ (can be reduced w/ AUP)</td>
</tr>
<tr>
<td>Side Setback</td>
<td>None</td>
<td>None</td>
<td>4’ – 10’ (0’ with AUP)</td>
<td>4’-12’ (see R-4)</td>
<td>4’ – 8’</td>
<td>4’ – 6’</td>
</tr>
<tr>
<td>Max Lot Coverage</td>
<td>100%</td>
<td>100%</td>
<td>40% - 60% (100% with AUP)</td>
<td>40-50% (see R-4)</td>
<td>55% - 70%</td>
<td>40% - 50%</td>
</tr>
<tr>
<td>Residential Parking</td>
<td>None required</td>
<td>None required</td>
<td>None required</td>
<td>1 parking space/unit</td>
<td>None required</td>
<td>1 parking space/unit</td>
</tr>
<tr>
<td>Max Residential Density</td>
<td>See R-3 standards. (GLA density can be increased with UP)</td>
<td>See R-3 standards (GLA density can be increased with UP)</td>
<td>175 sf/GLA resident (greater density with UP)</td>
<td>See R-4 Standards (GLA density can be increased with UP)</td>
<td>350 sf/GLA resident (no option to exceed)</td>
<td>350 sf/GLA resident (no option to exceed)</td>
</tr>
<tr>
<td>Max FAR</td>
<td>5.0 (6.0 with UP)</td>
<td>4.5</td>
<td>N/A</td>
<td>4.0</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Min Open Space</td>
<td>40 sf/DU</td>
<td>40 sf/DU</td>
<td>40 sf/DU</td>
<td>40 sf/DU</td>
<td>50 sf/DU</td>
<td>200 sf/DU</td>
</tr>
<tr>
<td>Ground-floor residential</td>
<td>Not allowed</td>
<td>Not allowed</td>
<td>Allowed</td>
<td>Allowed</td>
<td>Allowed</td>
<td>Allowed</td>
</tr>
</tbody>
</table>

1.6 Project Background

Since 2016, the City Council has forwarded six referrals to the Planning Commission related to increasing housing production and availability in the Southside area. The six council referrals are show in Table 2.
# Table 2  Southside Council Referrals

<table>
<thead>
<tr>
<th>Date of Referral</th>
<th>Council Referral Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>7/12/16</td>
<td>Allow increased development potential in the Telegraph Commercial (C-T) District between Dwight Avenue and Bancroft Avenue and develop community benefit requirements, with a focus on labor practices and affordable housing.</td>
</tr>
<tr>
<td>4/4/17</td>
<td>Create a Use Permit process to allow non-commercial use on the ground floor in appropriate locations, where commercial might otherwise be required. A pilot project is suggested for the C-T District.</td>
</tr>
<tr>
<td>5/30/17</td>
<td>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.</td>
</tr>
<tr>
<td>10/31/17</td>
<td>Facilitate student housing by increasing the height and Floor Area Ratio (FAR) in the portions of the R-SMU, R-5 and R-3 District which are located within the Southside area west of College Avenue.</td>
</tr>
<tr>
<td>1/28/18</td>
<td>Convert commercial space in the C-T to residential use, expand the Car-Free Housing overlay in the Southside, allow two (2) high-rises for student housing, and consider micro-units and modular units.</td>
</tr>
<tr>
<td>5/1/18</td>
<td>Convert commercial space into residential use within all districts in the Southside located west of College Avenue.</td>
</tr>
</tbody>
</table>

Responding to these six council referrals – along with City policy goals for increasing the availability and production of housing at all income levels – is the primary impetus for this project to update the zoning requirements in the Southside Area.

## 1.7 Project Objectives

Specific topical objectives and scope assumptions for the proposed Zoning Ordinance Updates are as follows:

- **Focus on Zoning and Housing.** Update the Southside zoning standards, particularly as they relate to housing capacity and the six referrals from City Council (listed in Table 2).
- **Encourage Affordable Housing.** Support affordable housing production at a mix of income levels, including housing for students, existing and future residents, and those that may have been displaced or burdened by rising housing costs.
- **Continue to Protect Important Southside Resources.** Encourages the continued protection and support of important existing Southside resources, including historic buildings, cultural resources, local businesses and merchants, and existing housing – including market rate and rent-controlled housing, and including both renter-occupied and owner-occupied housing.
- **Understand and Coordinate with University Development Plans.** Understand and coordinating with University development plans, recognizing that the City does not have final zoning control over land owned by the University of California, which is controlled by the State of California.
- **Provide Programmatic CEQA Analysis for Future Housing.** Provide programmatic CEQA clearance for future housing development.
- **Address Fire Safety and Disaster Preparedness.** Address continued planning for fire safety and disaster preparedness in the Southside, including coordinating with the Fire Department on other citywide disaster preparedness efforts.
- **Encourage Alternatives to Driving.** Encourage walking, biking, transit, ride-sharing, and other alternatives to driving.
- **Align Development Standards with City Housing Goals.** Refine development standards to support City goals for housing availability and production at all income levels.
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There are a number of topics for which this process will defer to other laws or processes outside the scope of this effort, including the following specifically:

- Improvements to street and public rights-of-way will be addressed through the Southside Complete Streets effort and other Public Works efforts such as the 5-year Street Paving Plan.
- The City of Berkeley’s JSISHL (Joint Subcommittee for the Implementation of State Housing Law) is currently developing citywide guidance for regulating residential density and residential open space. The Southside zoning effort will defer to this ongoing citywide process and will not propose changes in these areas.
- State laws related to housing and development – such as state density bonus for affordable housing, accessory dwelling units, and objective design standards – will continue to apply in the Southside as in other parts of the City.
- City policies and requirements – including for inclusionary housing, required fees, and historic preservation – will continue to apply in the Southside as elsewhere in the City.

1.8 Proposed Ordinance Modifications

Table 3 identifies proposed modifications to the existing zoning ordinance that are intended to achieve the project objectives listed in Section 1.7 and the City Council referrals described in Section 1.6. The proposed zoning modifications represent a range of zoning standards, concepts, or intended results that will be studied in this Initial Study and Environmental Impact Report, and which form the basis for the buildout forecast and assumptions studied in the EIR (Section 1.9 below).

These proposed zoning modifications are intended to increase housing capacity and production in the Southside through changes in a targeted number of zoning parameters: building heights, building footprints (including setbacks and lot coverage), parking, ground-floor residential use, and adjustments to the existing zoning district boundaries (shown in Figure 5). Focusing on these specific components of zoning is anticipated and intended to expand housing capacity on a limited number of suitable future development sites, as described in Section 1.9. The majority of existing uses and parcels in the Southside are not anticipated to change or develop as a result of these proposed zoning changes.

Proposed changes are limited to development standards in existing zoning districts within the Southside Plan area.

Figure 5 Proposed Zoning District Boundary Changes

*Placeholder figure will be inserted once zoning district boundary changes determined*
## Table 3  Proposed Zoning Ordinance Modifications

### Building Height

Zoning standards for building height are anticipated to be changed in the following ways:

- For all Southside zoning Districts, remove the Use Permit option to exceed height limits. Height limits stated in the zoning ordinance will be the maximum allowed through local zoning, and are not intended to be exceeded through use permits.
- Institute building height limits in the Southside Area as follows:
  - Allow up to 65’ (6 stories) in R-SMU, and up to 68’ if including ground-floor retail (increase from 60’, 4 stories)
  - Allow up to 68’ (6 stories) in C-T north of Dwight (increase from 65’, no stories given)
  - Allow up to 55’ (5 stories) in R-S (increase from 35’, 3 stories)
  - Allow up to 45’ (4 stories) in R-3 within the Southside (increase from 35’, 3 stories)
  - No changes for C-SA (24’ – 36’, 2-3 stories, depending on use) and C-T south of Dwight (50’, 4 stories)
- Include zoning provisions to allow construction of 12-story buildings in the R-SMU and/or C-T (north of Dwight) districts. The Buildout Forecast for the environmental analysis will study construction of up to three 12-story buildings in the Southside, within the R-SMU or C-T districts, but the exact zoning tool or provision for enabling these buildings will be determined when zoning is finalized following environmental analysis.

### Building Footprint (Setback and Lot Coverage)

Zoning standards for building setbacks and lot coverage are anticipated to be changed in the following ways:

- For all Southside Districts, remove specified discretionary review option to modify setbacks and lot coverage.
- Allow 0’ front setback by right for R-SMU, R-S, and C-SA (currently already allowed with an AUP in R-SMU and R-S, and by right in C-T).
- Allow 0’ street side setbacks (for frontages along side streets) for R-SMU, and R-S.
- Allow 0’ side setback by right for non-residential portions of R-SMU buildings.
- Reduce lower-story and upper story rear setbacks for R-SMU, R-S, and R-3.
- Eliminate requirement for shade studies in C-T.
- Change existing lot coverage requirements as follows:
  - Permit 85% lot coverage in all R-SMU locations by right (increase from current 60% maximum)
  - Permit 75% lot coverage in all R-S locations by right (increase from current 70% maximum)
  - Permit 70% lot coverage in all Southside R-3 locations by right (increase from current 50% maximum)
  - No changes to C-SA locations.

### Parking

Zoning standards for parking are anticipated to be changed in the following ways:

- Extend provisions of the Car-Free Housing (C-FH) Zone to all districts found in the Southside including R-3 (within Southside), and all of R-S. C-FH provisions will continue to apply in C-T and R-SMU.
- Adjust the provisions of the Car-Free Housing Zone as follows:
  - Allow removal of parking from existing housing anywhere in the C-FH without a use permit (parking for existing housing in the C-FH can currently be removed with a use permit).
  - Allow conversion of existing structured parking space into habitable residential or non-residential use anywhere in the C-FH.
- Eliminate all automobile parking minimums in the C-FH, and allow any new housing to be built with no automobile parking or reduced automobile parking. Institute parking maximums.

### Ground-floor Residential Use

Zoning standards for ground-floor residential use are anticipated to be changed in the following ways:
1.9 Buildout Forecasts and Assumptions

[Buildout forecasts and assumptions to be provided separately prior to hearing]

1.10 Required Approvals

In order for the proposed zoning ordinance updates to be implemented, they would require adoption by the City Council of the City of Berkeley. Prior to review by the City Council, the Planning Commission will review and forward its recommendations to the City Council. This EIR is intended to provide the information and environmental analysis necessary to assist the City in considering the approvals and actions necessary to adopt and implement the project. Such actions/approvals include:

- Certification of the EIR. Certify the Southside Zoning Ordinance Updated Project EIR and make environmental findings pursuant to CEQA.
- Amendments to the City of Berkeley Municipal Code. Amend Municipal Code text and map to include the zoning ordinance updates.

The City intends to use the streamlining/tiering provisions of CEQA to the maximum feasible extent, so that future environmental review of specific projects is expeditiously undertaken without the need for repetition and redundancy, as provided in CEQA Guidelines Section 15152 and elsewhere.

1.11 Have California Native American Tribes Traditionally and Culturally Affiliated with the Project Area Requested Consultation Pursuant to Public Resources Code Section 21080.3.1?

No California Native American Tribes have requested consultation pursuant to Public Resources Code Section 21080.3.1.
Project Description

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Proposed Zoning Amendments

Staff and the consultant team have identified the following concepts to consider for zoning amendments to the existing zoning districts in the Southside Plan area. The zoning districts that currently exist in the Southside Plan area are:

- C-T (Telegraph Avenue Commercial)
- R-SMU (Residential Southside Mixed Use)
- R-S (Residential Southside High Density)
- R-3 (Multiple-Family Residential), and
- C-SA (South Area Commercial).

These existing districts are shown in the accompanying map, and their requirements are summarized in the accompanying table. The Southside Plan also established a Car-Free Housing Overlay District (C-FH), which currently applies to the C-T District, the R-SMU District, and some portions of the R-S District. The C-T, R-SMU, and R-S Districts – along with the C-FH – only occur in the Southside. Therefore, proposed changes to these “Southside-only” districts would only affect the Southside area. This may allow more flexibility for refinements to these districts through this effort. In contrast, the R-3 and C-SA districts occur in other parts of the City as well as the Southside. Proposed changes to these “citywide” districts would affect other parts of the City, which may complicate or allow less flexibility for potential refinements to these districts as part of this effort.

<table>
<thead>
<tr>
<th>Topic</th>
<th>Potential Zoning Updates for Consideration</th>
<th>Notes and Questions</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Building Height</td>
<td>• For all Southside Districts, remove the Use Permit option to exceed height limits.</td>
<td>Like in all districts of the City, some projects could choose to use state density bonus to exceed height maximums by providing affordable housing. However, requirements for “Type 1” concrete construction about 7 stories make it unlikely that projects with allowed heights of 5 or 6 stories would use state density bonus to exceed 7 stories.</td>
</tr>
<tr>
<td></td>
<td>• Institute new height limits in Southside District as follows:</td>
<td>--------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td></td>
<td>o Allow up to 65’ (6 stories) in R-SMU (68’ if including ground-floor retail)</td>
<td>--------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td></td>
<td>o Allow up to 68’ (6 stories) in C-T north of Dwight</td>
<td>--------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td></td>
<td>o Allow up to 55’ (5 stories) in R-S</td>
<td>--------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td></td>
<td>• Allow up to two high rises of up to 12 stories in C-T (north of Dwight) or R-SMU.</td>
<td>--------------------------------------------------------------------------------------------------------</td>
</tr>
</tbody>
</table>
### 2. Building Footprint (Setbacks and Lot Coverage)

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>For all Southside Districts, remove discretionary review option to modify setbacks and lot coverage.</td>
</tr>
<tr>
<td>2.</td>
<td>Remove front setback requirement for R-SMU and R-S (currently already allowed with AUP, and by right in C-T).</td>
</tr>
<tr>
<td>3.</td>
<td>Consider decreasing side and/or rear setbacks for R-SMU, R-S, and/or R-3, as has been done in other urban districts in Berkeley such as C-T, Downtown Districts, or proposed Adeline zoning.</td>
</tr>
<tr>
<td>4.</td>
<td>Increase permitted lot coverage in R-SMU from 60% to 85% by right.</td>
</tr>
<tr>
<td>5.</td>
<td>Increase permitted lot coverage in R-S from 70% to 75% by right.</td>
</tr>
</tbody>
</table>

Many current setback ranges for R-SMU, R-S, C-SA, and R-3 are more consistent with lower density residential neighborhoods than with mixed-use, walkable urban neighborhoods like the Southside.

Many existing residential buildings already have setbacks below existing zoning code minimums.

Open space requirements would still apply regardless of lot coverage maximums.

R-3 maximum lot coverage of 40%-50% is low for urban multi-family housing.

### 3. Parking

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Extend the Car-Free Housing Overlay District (C-FH) to all Southside districts, not just C-T, R-SMU, and R-S.</td>
</tr>
<tr>
<td>2.</td>
<td>Parking for existing housing in the C-FH can currently be removed with a Use Permit; allow parking removal without a Use Permit.</td>
</tr>
<tr>
<td>3.</td>
<td>Allow conversion of parking spaces to residential or non-residential use (similar to what is now allowed with state ADU law).</td>
</tr>
<tr>
<td>4.</td>
<td>Allow new housing in the Southside to be built with no parking or reduced parking, and consider parking maximums.</td>
</tr>
</tbody>
</table>

The C-FH was established by the Southside Plan in 2011, and currently extends to all of C-T, all of R-SMU, and part of R-S (see map in Southside Plan).

Large student population, low car ownership rates, and high rates of walking, biking, and transit use make Southside a good candidate for parking reductions.
| 4. Ground-floor Residential Use | Allow ground-floor residential anywhere in C-T if it is located behind an active commercial use, with the commercial use fronting the street.  
 Allow new or converted ground-floor residential uses in C-T for the small number of parcels without frontage on Telegraph or Bancroft (such as along Bowditch) or on other side-street parcels where C-T transitions to R-SMU (such as on Channing, Haste, or portions of Durant).  
 In all Southside locations where there is ground-floor residential use, consider ground-floor activation strategies or requirements like:  
 o Frequent pedestrian entries, porches, and/or stoops  
 o Avoidance of blank walls through use of regular windows, façade details, and massing breaks  
 o Active uses like community rooms, lobbies, usable space instead of utilities or parking.  
 | Are there other strategies or considerations for ground-floor residential use? |
|---|---|
| 5. Zoning District Locations | Change some portions of R-S to R-SMU (see attached map)  
 Change some portions of R-3 to R-S (see attached map)  
<p>| The primary effect of converting R-S locations to R-SMU, or of converting R-3 locations to R-S, would be additional height and housing development capacity. |</p>
<table>
<thead>
<tr>
<th>Topic</th>
<th>General Direction from Subcommittee</th>
<th>Question/Concern</th>
<th>Staff Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Should the option for discretionary review to modify height, setback and lot coverage requirements be removed?</td>
<td>Support. Development standards should only be exceeded through density bonus process.</td>
<td>Can affordability or dedicated student housing be incentivized by reserving the greatest development potential for projects that go beyond the State’s density bonus?</td>
<td>To be considered in zoning changes</td>
</tr>
</tbody>
</table>
| Are the proposed height limits appropriate from the different districts?  
Are there particular locations in the C-T and R-SMU where 12-story buildings would be more or less appropriate, such as next to existing 9-story UC residence halls?  
Should more than two 12-story buildings be allowed? | Support for studying greater building heights in the Southside. Options for increased building heights east of College Avenue, additional 12-story buildings, and buildings taller than 12 stories were discussed. | Where should 12-story buildings go so they don’t impact historic structures?  
Are 12-story buildings feasible?  
Should we consider taller buildings? | 12-story buildings could be limited to specific areas within the Southside.  
At this time, 12-story buildings are considered feasible. Feasibility of taller buildings in Southside is not known and will require further study. |
| Are the proposed setbacks and lot coverage appropriate for the different districts?  
Should the R-3 maximum lot coverage (40% - 50%) be increased? | Support for studying greater lot coverage in the Southside. | Make sure increased lot coverage/reduced setbacks won’t impact stormwater run-off. | To be studied in EIR |
<p>| Make sure to allow for some setbacks/green space for walkability/livability | | | |
| To be considered in zoning changes |
| Are there other parking rules that should be considered for new development in the Southside? | Support for removing parking requirements for new and existing housing | OK to remove parking, but don’t push parking into other neighborhoods | To be studied in EIR |</p>
<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>Are the options for conversion of ground floor commercial uses to residential appropriate?</td>
<td>Support for limiting conversion to the areas of the C-T that don’t front Telegraph or Bancroft, unless the residential area is located behind a commercial tenant space.</td>
<td>Should consider limiting ground floor conversions along the potions of side streets that are within ½ block Telegraph. Have development standards to ensure ground floor uses are attractive.</td>
<td>Ground floor conversions in the C-T along Durant, Channing, Haste and Dwight will be considered when developing the Development Potential in the EIR. The ½ block of these streets may not significantly change this calculation. Development standards will be considered in the zoning changes.</td>
</tr>
<tr>
<td>Are the proposed locations for zoning district changes appropriate? Are there other locations where R-S and R-SMU could be extended?</td>
<td>Support proposed expansion of R-S and R-SMU districts, except onto parcels primarily developed with a landmark (Maybeck First Church building)</td>
<td>Could R-S be considered east of College Avenue?</td>
<td>The area east of College is not conducive for significant changes to density due to the size of lots and the density already in the area. Additional height and lot coverage could be allowed with changes to R-3 District. Revised map to be considered at 2-5-20 PC meeting.</td>
</tr>
<tr>
<td>Other topics from Subcommittee/public</td>
<td>Density - Support greater density in the Southside.</td>
<td>Are there enough developable sites to justify this project?</td>
<td>Yes. See maps for information on sites that do not have constraints.</td>
</tr>
<tr>
<td>Feedback from other Commissions – Subcommittee did not give direction.</td>
<td>Feedback from other Commissions – Subcommittee did not give direction.</td>
<td>Should zoning changes be considered to the west and south of the current Plan area?</td>
<td>Expanding the area of zoning changes would have CEQA implications and change the scope of the project.</td>
</tr>
<tr>
<td></td>
<td>Feedback from other Commissions – Subcommittee did not give direction.</td>
<td>How will the Southside baseline population be calculated?</td>
<td>Consider best practices and information from UC. Use census data if available.</td>
</tr>
<tr>
<td></td>
<td>Feedback from other Commissions – Subcommittee did not give direction.</td>
<td>Should City Commissions, particularly the Design Review Commission, be involved in review of development standard changes?</td>
<td>This is a policy change that should be considered on a City-wide basis.</td>
</tr>
</tbody>
</table>
Southside Development Potential

Potential Developable Parcel + Zoning

- C-SA
- C-T
- R-3(H)
- R-S(H)
- R-SMU

*Parcel constraints include: Recent development, UC owned parcels, rent controlled units, and local historic resources.