



Berkeley Neighbors for Housing and Climate Action
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Berkeley, CA

March 15th, 2022

Dear Honorable Mayor and Members of the City Council,

On behalf of our 300+ members, we are writing in strong support of the zoning changes up for consideration at tonight's Housing Element Worksession.

The proposed objective standards for 2-4 unit buildings would address many of the existing zoning restrictions that make these "missing middle" homes currently infeasible. The proposed increases in permitted height and lot coverage for more units, along with the reduction in minimum lot area requirements, are effective approaches that would facilitate the creation of new homes while also ensuring new buildings would fit in with the existing built environment in many of Berkeley's neighborhoods.

There is still room for improvement, however. Firstly, and critically, the staff report reveals that these proposed objective standards are only intended for areas outside of the Hillside Overlay.

The Resolution to End Exclusionary Zoning in Berkeley explicitly committed to ending the ban on multi-family housing in certain parts of Berkeley and intended to allow for more multifamily housing throughout Berkeley. Neglecting to include the Hillside Overlay in *any* way flies in the face of the intent of this Resolution.

However, we also recognize that the most fire-prone parts of Berkeley likely also need a different approach than the rest of the city. We would encourage Council and staff to strongly consider applying these multi-family zoning provisions to the areas of the Hillside Overlay *which are zoned R-2 or higher*. This would encompass parts of Northside, parts of Arch/Spruce/Oxford/Walnut just at the border of the Hillside Overlay, and a sliver off Dwight at Hillside Ave (near Clark Kerr). These neighborhoods have already been determined to be suitable for greater housing density, so we should permit it.

More broadly, we encourage Council and staff to explore ways to delineate hazards within the Hillside Overlay through the use of zoning: R-1 could delineate the most dangerous parts of the fire zone, with the greatest restrictions; and R-2 could indicate those areas which are less dangerous and with easier evacuation routes. Some of these areas of the Hillside Overlay which are less dangerous and currently zoned R-1 may include some areas west of the Arlington, the Marin Circle, and Spruce. These could be re-zoned R-2 through the Housing Element process, helping to affirmatively further fair housing while also minimizing fire risk in Berkeley's most dangerous neighborhoods. As always, we encourage Council to commit to the most stringent parking and vegetation management, and fire safety practices, for those areas of the hills which are too dangerous for people to live in, as well as exploring opportunities for strategic retreat.

While we believe that generally the draft proposed standards for 2-4 units are well-developed for areas outside of the Hillside Overlay, we are concerned that the proposed density maximum (36 du/acre) conflicts with lot area per dwelling unit (600 sq ft). An acre is roughly 44,000 square feet, and 36 units per acre translates to a required lot area of over 1,200 sq ft per unit. As a result, this proposed density limit would appear to preclude the proposed reduction in minimum lot area from having any effect. We believe the reduced minimum lot area is an important feature of the new regulations, and encourage Council and staff to raise or eliminate the proposed density limit.

We also support the proposal to allow all-residential construction in commercial corridors the same built envelope as mixed-use projects. Berkeley has far too many vacant storefronts as it is, and the inability to find a tenant could provide an impetus for a building owner to drive up rents in mixed-use buildings. Allowing ground-floor space to be used for housing will make more homes available and allow for lower rents throughout the building.

Lastly, we strongly support the suggestion to raise maximum heights and/or uncap the number of tall buildings in Downtown and Southside once objective standards are in place. According to recent census data, 55% and 60% of households in Downtown and Southside, respectively, own 0 cars. Allowing for significantly more housing in these neighborhoods, particularly with on-site affordable housing, can help Berkeley meet both its RHNA targets and our climate action goals. Missing middle housing is unlikely to provide the subsidized BMR housing Berkeley needs, and concentrating taller buildings in Downtown can

reduce the need to upzone other areas (though we should still aim to ensure a distribution of new housing on commercial corridors throughout the city).

We look forward to the discussion tonight.

Sincerely,

Berkeley Neighbors for Housing and Climate Action Steering Committee, on behalf of the BNHCA membership:

Ben Gould
Theo Posselt
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