



Lori Droste
Vice Mayor, District 8

To Members of the City Council,

This is a supplemental item responding to Councilmember Harrison and Hahn's suggested edits to our resolution to end exclusionary zoning. Some of the councilmembers' proposed edits align with edits submitted by the authors, while others we disagree with. We have grouped them into various categories below.

Tenant Protections

We agree that any changes with zoning should coincide with anti-displacement and tenant protections. Tenants should not be displaced. In her letter of support for our resolution to end exclusionary zoning, Senator Nancy Skinner documented her legislation to ban the demolition of rent-controlled units. This was already mentioned in the body of the document as well (p.11). *"When these changes are made in historically redlined areas where lower-income and minority households tend to be more concentrated, it is especially important to ensure those policies do not result in displacement or the loss of rent-controlled or naturally affordable housing units."* Our revised resolution also explicitly states that "elimination of exclusionary zoning by 2022 must coincide with strong anti-displacement and tenant protections." The specifics of the tenant protection language is currently in amended form and under consideration by the land use committee.

Affordability and Land Value Recapture

Councilmember Harrison and Hahn also edited the resolution to specify that our existing affordable housing requirements for larger units apply to under four units. While this is a resolution and not actual zoning revisions, we argue this is a conversation for the actual zoning revisions. Nevertheless, we cite high housing costs and the need for affordability several times throughout the resolution.

In the background of the report, Councilmember Harrison and Hahn reference Karen Chapple's work with the Urban Displacement Project and ostensibly her likely support

for affordability requirements in projects under four units; however, Chapple wrote to City Council to refute this assertion in her letter to Council on February 23, 2021.

“Adding affordability requirements, such as mandating affordability for one unit out of four, is not wise--yet...A more supportive approach, as we build familiarity with the missing middle concept and the capacity of locals to implement it, would be to carefully monitor the rent levels in units created in duplexes, triplexes, a see nd fourplexes, intervening to preserve affordability as needed later, after the concept matures.”

The original authors of the resolution want to make it easier for a senior to duplex his or her house and not be subjected to burdensome fees. In subsequent legislation, we delve into the operational details of how we might approach affordability but **only the resolution to end exclusionary zoning is before us on Tuesday**. Furthermore, simply allowing multi-unit properties relative to the status quo of single family homes will help ensure racial and economic diversity (Trounstine, Menendian, Lens, etc.). It also will lift the ban on affordable housing in all areas of Berkeley. The evidence is also clear that market rate single family homes are the most expensive housing available.

Zoning Reform Geography

It is the original authors' intent to lift the multi-unit ban of 2-4 units in all of Berkeley. While Councilmember Harrison and Hahn's edits request that zoning changes only occur in formerly non red-lined areas –North and East Berkeley—it is our assertion that all of Berkeley would benefit from zoning reform because of high rates of housing unaffordability and homelessness. Furthermore, the narrative of the whole item, beginning with the racial covenants with Mason-McDuffie, was to encapsulate areas that currently bar duplexes, triplexes and fourplexes, like the Elmwood. While public safety will and should always be considered, all areas of Berkeley should be initially considered and potentially allowed greater zoning flexibility.

We also believe we should not shut out people living in South and West Berkeley from this opportunity. It could be a powerful weapon against displacement. Again, while the specifics are still being worked out in the land use committee, the intent has always been to focus on equalizing the entire city rather than exclusionary carve outs.

The Deletion of Single Family Zoning Having Its Roots in Exclusionary Zoning and Saying that Redlining is the “Current Problem”

As authors, we disagree with this amendment of our problem statement because it is not accurate. Redlining was a lending approach that directed federally subsidized loans to wealthier, whiter neighborhoods, which had already been established due to racial covenants and exclusionary zoning. Just as explicit racial zoning is no longer practiced,

redlining is no longer practiced. Of the full suite of policies that created and reinforced segregated neighborhoods, single family zoning is the only policy that continues intact in its original form to this day. Misidentifying the problem will only lead to an inaccurate assessment of solutions. The impacts of redlining and current zoning practices are well-documented by the UC Othering and Belonging Institute, Rothstein, Trounstein, Moretti and countless other scholars studying affordability and displacement. Single family zoning has been identified as exclusionary by federal housing rules like Affirmatively Furthering Fair Housing which encourages municipalities to allow for multi-family homes. ***In no way are we claiming that single family homes or those who live in them are bad or racist.*** On the contrary, we believe if one doesn't want to live in multi-unit housing, they don't have to. The problem is banning the types of housing – duplexes, triplexes, and fourplexes– that are most accessible to tenants and lower-income individuals in one half of the city but not the other. Furthermore, many of our constituents have expressed this type of flexibility so they can ensure family members can still live in Berkeley. Housing scholars recognize the current form of single-family zoning, which the NAACP sued in cities under the Fair Housing Act, as the “Berkeley Model” and with that, comes the responsibility to end it.¹

Thank you for considering this,
Vice Mayor Lori Droste
Councilmember Terry Taplin

¹https://vtechworks.lib.vt.edu/bitstream/handle/10919/48185/hirt_to_zone_or_not_to_zone.pdf?sequence=4