



Councilmember Rashi Kesarwani

REVISED AGENDA MATERIAL

for Supplemental Packet 1

Meeting Date: June 26, 2025

Item Number: 1

Item Description: Middle Housing Ordinance Amendments

Submitted by: Councilmembers Rashi Kesarwani, Ben Bartlett, Cecilia Lunaparra and Mayor Adena Ishii

The item amends the ordinance to establish uniform density standards across R-1, R-2, R-2A, and M-UR zoning districts, increases the maximum dwelling units per acre, incentivizes pitched roofs and rooftop access, and refers an equity impact analysis as well as the development of objective design standards to Planning staff.



Councilmember Rashi Kesarwani

June 26, 2025

To: Honorable Mayor and Members of the City Council

From: Councilmembers Rashi Kesarwani (Author), Councilmember Ben Bartlett (Co-Sponsor), Mayor Adena Ishii (Co-Sponsor) and Councilmember Cecilia Lunaparra (Co-Sponsor)

Subject: Amendments to the Middle Housing Ordinance to Enhance Equity, Accessibility, and Livability

RECOMMENDATION

1. Equalize dwelling units per acre (dua) across all residential zones to which the Middle Housing Ordinance applies, R-1, R-2, R-2A, and M-UR (excludes Hillside Overlay Zone).

The proposed ordinance currently allows for a maximum of 40 dwelling units per acre (dua) in areas formerly zoned for single-family homes (i.e., R-1), while permitting 50 to 60 dua in other neighborhoods historically subject to redlining and disinvestment. While the intent may be to align with existing zoning conditions, this approach has the effect of perpetuating past patterns of racial exclusion by continuing to limit housing opportunities in neighborhoods that have historically excluded lower-income residents and people of color.

Notably, the Hillside Overlay Zone¹ remains excluded from rezoning under the ordinance, as the Fire Department continues to study legitimate and documented fire safety and evacuation concerns.

Residential density standards should be equalized citywide to promote equity and fair access to housing across Berkeley. Parcels in all residential neighborhoods can and should support the same density standard, subject to the same design and form standards. This ensures that every neighborhood contributes equally to providing housing opportunities, rather than concentrating greater development capacity in historically red-lined neighborhoods.

¹ City of Berkeley, "Hillside Overlay Fire Zone Map." Accessed June 9, 2025, <https://berkeleyca.gov/sites/default/files/2022-04/Berkeley-Fire-Zone-Map.pdf>

2. Increase maximum allowed density units per acre (dua) to 90 dua to enable more smaller units (if desired) to promote greater affordability in all zones currently subject to the ordinance R-1, R-2, R-2A, and M-UR (excludes Hillside Overlay Zone).

While the ordinance includes well-designed form standards, such as height limits that are the same as what's currently allowed in residential neighborhoods, setbacks, and open space requirements, the proposed limits on maximum dwelling units per acre may discourage full use of a code-compliant building envelope.

In practice, this means a property owner could design a well-scaled building that complies with all physical standards, but still be prohibited from adding a unit simply because the density formula is restrictive. This mismatch between form and allowable unit count results in underutilized space and missed opportunities to add modest housing in an otherwise compliant project.

Increasing the allowable maximum dwelling units per acre would remove the arbitrary constraint on a property owner's right to create more smaller units within the confines of the ordinance's form-based development standards.

This policy change would not alter the scale or appearance of buildings. Instead, it would ensure the ordinance functions as intended by allowing more homes to fit within the permitted building form.

3. To encourage a diversity of roof design options, allow a maximum eave height of 35 feet with a total roof height of 38 feet to incentivize pitched or gabled roofs.

This minor adjustment—permitting three additional feet above the 35-foot height limit—would promote architectural variety, enhance livability, and improve compatibility with existing neighborhood homes. Many of Berkeley's older homes feature gabled, hipped, or pitched roofs. Builders may default to a flat roof without this slight height allowance to encourage design flexibility. Allowing up to 38 feet for pitched roofs, while maintaining the 35-foot cap at the eave, supports designs that better match historic form, create usable attic or loft space, and improve drainage and energy efficiency, all without expanding the building's footprint.

4. To encourage open space, allow protrusions of five feet to enable rooftop access.

To address resident concerns about the loss of open backyard space resulting from the possibility of middle housing development, we recommend the ability to add a five-foot protrusion above a 35-foot flat roof to enable rooftop access via a stair or elevator door for added sunlight and fresh air. In this case, if a builder chooses to add rooftop access, the maximum buildable height allowance would be 35 feet, including guardrails and parapet. Five additional feet would be allowed beyond 35 feet to enable rooftop access that is universally accessible to people of all ages and abilities. This would facilitate rooftop access for recreational uses such as growing fruits and vegetables, maintenance of utilities such as a heat pump or water heater, and solar panel access.

5. Refer to the City Manager to conduct an equity impact analysis two years after implementation of the Middle Housing Ordinance.

To ensure the Middle Housing Ordinance achieves its intended goals of expanding housing access, promoting equity, and supporting sustainable growth, the City should study the effects of Berkeley's locally adopted zoning changes two years after implementation. This analysis should assess how the reforms are working citywide and whether they are advancing inclusive outcomes, with particular attention to any disparate impact on marginalized communities in South and West Berkeley. A data-driven impact study will allow the City to evaluate real-world outcomes, fine-tune future efforts, and uphold our commitment to equitable housing and neighborhood stability.

6. Refer to the City Manager the development of objective design standards for R-1, R-2, R-2A, and MU-R.

Objective design standards will ensure new middle housing integrates predictably and fairly into residential neighborhoods. By using clear, measurable criteria and objective standards, subjectivity is removed from the review process, delays are reduced, transparency is improved, and bias is limited. They also provide certainty to architects and neighbors, helping to maintain consistent design quality without stifling creativity. As Berkeley updates its zoning to allow more diverse housing types, objective design standards will be critical in ensuring that new development is well-designed across all neighborhoods.

CURRENT SITUATION AND ITS EFFECTS

Middle Housing Development Standards Fit the Look and Feel of Existing Residential Neighborhoods. In addition to the proposed amendments, the ordinance includes clear, enforceable, context-sensitive development standards to ensure middle housing blends seamlessly into Berkeley's existing residential neighborhoods.

The previous unanimous Council direction recommended the following development standards:

- **A maximum height of 35 feet**, which is the same as what is currently allowed in Berkeley's lowest density residential district, R-1. Currently, a height of 35 feet is routinely approved in residential zones through an Administrative Use Permit.
- **A required rear stepdown** from three stories to two stories within 15 feet of the rear property line to preserve rear-yard privacy and access to sunlight.²

² In response to community concerns about sunlight and privacy, City staff commissioned a solar access study comparing shadow impacts under current and proposed zoning standards, including a 35-foot height limit with a required rear stepdown to 22 feet within 15 feet of the rear property line. The study modeled shadows cast between 8:00 AM and 4:00 PM on solar equinox days, assuming no trees or obstructions, and found the average increase in shadow area between a 28-foot and 35-foot structure to be less than 10 percent. These findings were presented publicly at the September 20, 2022 City Council work session (Staff Report, pp. 12–13; Figure 3.7 in Attachment 3), and at numerous community meetings and commission hearings from 2022–2025.

- **A combined front and rear setback of 20 feet**, with a minimum of at least 5 feet each in the front and back. The setback requirement will ensure that middle homes match the existing neighborhood context.
- **Minimum 4-foot side setbacks** on each side of the property, consistent with existing zoning standards.
- **At least 40% of the lot should be maintained as open space**, including landscaping, trees, and yards.

In addition to these form-based requirements, the ordinance also supports entry-level homeownership. In January 2025, Councilmember Rashi Kesarwani introduced a Council item to facilitate subdivision of qualifying parcels that use the Middle Housing Ordinance.³ For example, a homeowner could legally subdivide a large backyard and build two separate cottages, each with the potential to be owned individually. This flexibility promotes generational wealth-building, equity, and long-term affordability for middle-class families.

Middle Housing Is Needed to Ensure Berkeley Can Attract and Retain the Next Generation of Teachers, Health Care Workers, and First Responders. The sharp rise in home prices has made homeownership increasingly unattainable for middle-class earners, young adults, and essential workers like teachers, health care workers, and first responders. In Berkeley, the median home price has reached \$1.6 million,⁴ which requires an annual household income of \$330,000 to afford.⁵ This mismatch between housing costs and typical incomes highlights the growing affordability crisis.

Across California, housing prices are roughly 2.5 times the national average, contributing to one of the most severe affordability crises in the country.⁶ A 2022 study by the Turner Center found that middle-income households in California often spend over 30–50% of their income on housing, placing them in the cost-burdened or severely cost-burdened categories.⁷

Middle housing, such as duplexes, fourplexes, and cottage courts, offers a more attainable alternative. Census data shows that in Berkeley, even new middle housing units built in recent years are typically occupied by households earning between \$60,000 and \$97,000, compared to over \$200,000 for single-family homes. With Berkeley’s median household income at \$106,000,

³ Kesarwani, Rashi. “Expanding Homeownership Opportunities for Middle-Income Earners.” January 2025, <https://berkeleyca.gov/sites/default/files/documents/2025-01-21%20Item%2026%20Expanding%20Homeownership%20-%20Rev%20%28Supp%20%29.pdf>

⁴ Redfin. *Berkeley, CA Housing Market*. Accessed June 16, 2025. <https://www.redfin.com/city/1590/CA/Berkeley/housing-market>

⁵ Assumptions include a 20% downpayment, 2025 average interest rates, property taxes, insurance costs, and capping housing costs at 35% of gross income.

⁶ CalMatters, “Californians: Here’s Why Your Housing Costs Are So High,” *CalMatters*, <https://calmatters.org/explainers/california-housing-costs-explainer/>

⁷ David Garcia, Shazia Manji, Quinn Underiner, and Carolina Reid, *The Landscape of Middle-Income Housing Affordability in California* (Berkeley: Turner Center for Housing Innovation, April 2022), <https://turnercenter.berkeley.edu/wp-content/uploads/2022/04/Landscape-of-Middle-Income-Housing-Affordability-April-2022.pdf>

these housing types better align with what middle-income earners can afford.⁸ Middle housing directly benefits essential workers and the middle class, not the wealthy. Without expanding these options, Berkeley will remain out of reach for the very people who keep the city running.

Middle Housing Represents an Incremental Approach to Change, Similar to Backyard Cottages. The Middle Housing Ordinance is designed to support gradual, small-scale additions to Berkeley's housing supply, not sudden or speculative redevelopment. Unlike commercial properties, which may attract investors or speculative buyers, the vast majority of lots eligible for middle housing are owned by long-term residents, who are unlikely to sell or redevelop en masse. New housing will most often result from individual decisions by families to create multi-generational or ownership homes on their existing property in a predictable, community-oriented way.

City staff estimated the middle ordinance would result in no more than 1,745 units over eight years, or approximately 200 homes per year citywide—a figure comparable to the City's accessory dwelling unit (ADU) production, which averages around 100 units annually.^{9,10} At a July 2024 City Council meeting on middle housing, Planning Director Jordan Klein described this forecast as a “trickle of projects” over time, emphasizing the limited pace and scale of expected change.¹¹

Housing experts agree. The former housing policy director at UC Berkeley's Turner Center for Housing Innovation explained that reforms like middle housing zoning are “so incremental that it's going to take 10, 20 years for anyone to notice that there are duplexes and triplexes in neighborhoods that didn't used to have them before.”¹² The change may even be less noticeable in Berkeley's case since duplexes and triplexes built before our zoning code became very restrictive are fairly common.

Further reinforcing the gradual nature of change, a recent study commissioned by the City found that, under current economic conditions, only ownership-oriented middle housing is financially viable.¹³ These feasible models include ownership of small-lot single-family homes created by subdividing larger parcels or fourplex condominiums or townhomes.

⁸ U.S. Census Bureau. *American Community Survey 2019–2023 Public Use Microdata Sample (PUMS)*. Accessed June 18, 2025. <https://www.census.gov/programs-surveys/acs>. “Income by Building Age and Size,” GitHub, https://github.com/DarrellOWensRCD/ACS_MicroData_Query/blob/master/income_by_building_age_size.ipynb.

⁹ City of Berkeley, *Housing Element 2023-2031*, February 17, 2023, p.154, https://berkeleyca.gov/sites/default/files/documents/Berkeley_2023-2031%20Housing%20Element_02-17-2023v2_0.pdf

¹⁰ City of Berkeley, *Draft Environmental Impact Report*, August 2022, p. 163, <https://berkeleyca.gov/sites/default/files/documents/Berkeley%202023-2031%20Housing%20Element%20Update%20Draft%20EIR.pdf>

¹¹ Berkeley City Council. *City Council Regular Meeting*. Video, April 16, 2024. City of Berkeley. https://berkeley.granicus.com/player/clip/5297?view_id=5&redirect=true

¹² National Public Radio. “Facing Housing Crunch, California Cities Rethink Single Family Neighborhoods.” *NPR*, March 13, 2021, <https://www.npr.org/transcripts/973770308>

¹³ Strategic Economics and Street Level Advisors, *In-Lieu Fee Recommendations*, prepared for the City of Berkeley, February 25, 2025 https://berkeleyca.gov/sites/default/files/documents/IHO%20In%20Lieue%20Fee%20CC%20Mtg%202.25.25_v4.pdf

Berkeley Already Has Strong Protections to Ensure Tenants Receive Relocation Assistance, Right of First Refusal, and a Replacement Unit. Berkeley’s Demolition Ordinance has some of the strongest tenant protections in California, designed to prevent displacement as the city adds new housing. The ordinance ensures that rent-controlled homes, units with low-income deed restrictions, and homes rented by low-income households (making 80 percent of the area median income or less) must be replaced on-site with new affordable units if demolished. If the income of existing tenants is unknown, households are presumed to be low-income.

Tenants living in any unit slated for demolition are entitled to robust protections, including relocation assistance, a right of first refusal, and a replacement unit comparable in size, amenities, and rent, as required by local and state law (Senate Bill 330). In addition, any recent no-fault evictions or tenant harassment automatically blocks demolition.

These protections are especially critical as Berkeley pursues missing middle reforms. As Professor Karen Chapple, a leading expert on displacement and supporter of these proposed amendments to Berkeley’s missing middle ordinance, explains, zoning reform “results in more affordable housing — without displacement.”¹⁴ She further explains, “At present, there is no viable path to broad housing affordability in Berkeley, and only our most affluent residents get to see their children and grandchildren live in Berkeley. Single-family zoning, with its origins in systemic racism, threatens to lock us out of our own community – i.e., exclusionary displacement.”¹⁵ In short, missing middle supports stability—it doesn’t displace. And with Berkeley’s strong tenant protections, long-time residents can stay and thrive as the city evolves.

Developers Most Likely to Deliver Units in 750-900 Square Foot Range. Based on recent feasibility analyses commissioned by the City, the most financially viable middle housing types today are ownership-based and in the 750 to 900 square foot range. These homes are roughly the size of a two-bedroom apartment or a compact bungalow.¹⁶

Smaller homes like these are more affordable to build and maintain, and they serve a clear need for starter homes, senior downsizing, and multi-generational living. This unit size range ensures middle housing stays “people-scaled” and compatible with surrounding development while expanding housing choices for working families and individuals.

¹⁴ Chapple, Karen. Support Letter to City of Berkeley, March 24, 2021. https://loridroste.com/wp-content/uploads/2022/11/Letter_on_Housing_Element_Update_Referral_-_Chapple_-_3.24.21.pdf

¹⁵ Chapple, Karen. Support Letter to City of Berkeley, June 24, 2025.

¹⁶ Strategic Economics and Street Level Advisors, *In-Lieu Fee Recommendations*, prepared for the City of Berkeley, February 25, 2025
https://berkeleyca.gov/sites/default/files/documents/IHO%20In%20Lie%20Fee%20CC%20Mtg%202.25.25_v4.pdf

California Density Bonus Not Feasible for Middle Housing Projects

Middle housing projects are unlikely to use the State Density Bonus Law due to financial and regulatory barriers. According to City Planning staff, no mid-sized projects of this scale in Berkeley have used the density bonus, despite it being available in some zoning districts.

Developer interviews conducted by staff revealed that the cost and complexity of complying with below-market-rate (BMR) requirements make the bonus infeasible at this scale. These projects often face:

- Increased construction costs, as any building over three stories, must follow the California Building Code, which is significantly more expensive than the California Residential Code, which is used for smaller buildings.¹⁷
- Long-term compliance burdens, including income verification, deed restrictions, long-term affordability monitoring, and annual reporting, are requirements that small developers or homeowners are rarely equipped to handle.
- Reduced financial return and lack of meaningful benefit, since setting aside even one BMR unit to gain a density bonus can eliminate a substantial portion of the overall rental or resale value, without gaining enough density to offset the lost revenue and justify the tradeoffs.

Given these constraints, the density bonus law is poorly suited for middle housing. The middle housing ordinance instead provides a more practical, scalable pathway to encourage modest home creation, without relying on incentives that are rarely, if ever, used in this context.

BACKGROUND

Berkeley Pioneered Single-Family Zoning to Exclude People By Race and Class.

While Berkeley officials have taken care to affirm that today's residents of low-density neighborhoods are not motivated by racism, it is historically inaccurate to ignore that the city's zoning patterns were originally rooted in racial exclusion. Berkeley pioneered single-family residential zoning in 1916, beginning with the Elmwood neighborhood. This zoning regulation limited development to one house per lot. A year earlier, City Attorney Frank V. Cornish had expressed hostility toward apartment buildings, threatening single-family homeowners. The consultant who helped draft Berkeley's first zoning ordinance argued for preserving neighborhoods from what he described as "the less desirable and floating renter class."¹⁸ These land-use regulations, coupled with racially restrictive deeds promoted by the Mason-McDuffie real estate company, effectively barred Black, Indigenous, and other people of color

¹⁷ *California Residential Code*, § R101.2 (2022). "The provisions of the California Residential Code shall apply to detached one- and two-family dwellings and townhouses not more than three stories above grade plane in height with a separate means of egress and their accessory structures."

¹⁸ F. V. Cornish, "The Legal Status of Zone Ordinances," and C. Chen, "The Necessity for a Zone Ordinance in Berkeley," *Berkeley Civic Bulletin*, May 18, 1915.

from accessing housing in much of East Berkeley.¹⁹ One such covenant declared that any sale or lease of property to individuals of African or Asian descent before 1930 would render the transaction void.²⁰ In 1916, McDuffie began advocating for zoning policies that would prevent what he called the negative impacts of unregulated development, especially in Elmwood and Claremont.²¹ Although the 1917 *Buchanan v. Warley* decision made explicitly racial zoning unconstitutional, the zoning framework continued to emphasize maintaining neighborhood “character,” and Mason-McDuffie contracts still required property owners to be white.²²

Today, Low- and Middle-Income Families Struggle to Afford Living in Berkeley. Berkeley's housing market has become increasingly unaffordable for low- and middle-income families. In 2014, the median sale price of a single-family home in Berkeley was approximately \$800,000. By May 2025, this figure had risen to \$1,663,000, representing an increase of about 108% over the decade.²³ The average rent for a two-bedroom unit is \$3,181/month.²⁴ These escalating housing costs force many households to spend more of their income on housing, leaving less for essentials like food and health care. Many Bay Area residents endure overcrowded living conditions or lengthy commutes exceeding 90 minutes to afford housing.

While subsidized housing remains essential, it alone cannot resolve the housing crisis. Most low-income individuals rely on non-subsidized housing, which is increasingly scarce. Middle-income families face similar challenges in affording housing in Berkeley. Many families are fleeing the Bay Area due to the high cost of living. According to a study by the Turner Center for Housing Innovation, the income and racial patterns of out-migration and in-migration indicate that “the region risks backsliding on inclusion and diversity and displacing its economically vulnerable and minority residents to areas of more limited opportunity.”²⁵

The census shows that the average income for a household living in a detached single-family home in Berkeley is \$235,000, whereas the average income for a household living in a large apartment building is \$61,000.²⁶ Consequently, by creating smaller, more accessible housing types, lower and middle-income individuals and families will be more able to live here.

Lifting the Ban on Small and Mid-Sized Units Can Make Berkeley More Affordable and Inclusive. The evidence is clear: building more housing lowers rents, reduces home prices, and

¹⁹ Wollenberg, Charles. *Berkeley: A City in History*. (Berkeley: University of California Press, 2008).

²⁰ Claremont Park Company Indenture. (1910).

²¹ M. T. Lory, “A History of Racial Segregation, 1878–1960,” *The Concord Review* 24, no. 2 (2013).

²² Agreement Regulating Use and Occupancy of Property. (1929)

²³ Redfin, “Berkeley Housing Market: House Prices & Trends,” *Redfin*, <https://www.redfin.com/city/1590/CA/Berkeley/housing-market>.

²⁴ Apartments.com, *Rental Market Trends: Berkeley, CA* (2025), <https://www.apartments.com/rent-market-trends/berkeley-ca/>.

²⁵ Issi Romem and Elizabeth Kneebone, *Disparity in Departure: Who Leaves the Bay Area and Where Do They Go?* (Berkeley: Turner Center for Housing Innovation, October 2018), accessed June 16, 2025, <https://turnercenter.berkeley.edu/disparity-in-departure>.

²⁶ *American Community Survey Microdata Query*. Jupyter Notebook, April 2025. Analysis from Darrell Owens based on data from the U.S. Census Bureau's American Community Survey. https://github.com/DarrellOwensRCD/ACS_MicroData_Query/blob/master/income_by_building_age_size.ipynb.

helps prevent displacement.²⁷²⁸²⁹ When we allow more people to live in Berkeley—especially in high-opportunity neighborhoods—we make it possible for teachers, nurses, first responders, seniors, and young adults who grew up here to remain in the community they call home.

Recent real-world examples reinforce this point. In 2025, the City of Portland released a progress report on its middle housing program with striking results:³⁰ in 2023–24, the average sale price of a new market-rate middle housing unit was approximately \$250,000 less than that of a new single-family detached home. This shows that even unsubsidized, modestly sized homes can deliver meaningful affordability gains when zoning allows them.

These findings align with an overwhelming body of academic research showing that new housing—especially in high-demand cities—helps to stabilize prices and reduce displacement pressures. A 2021 study of San Francisco found that housing built within 100 meters of existing buildings reduced nearby rents by 2% and lowered the risk of displacement for lower-income residents by 17%.³¹ Similarly, new market-rate housing sets off “migration chains,” freeing up older, more affordable homes for households with moderate and lower incomes.³² In this way, new construction benefits those who move in first and helps ease pressure across the entire housing market.

Middle housing plays a uniquely important role in this equation. Duplexes, fourplexes, cottage courts, and small apartment buildings offer more attainable homeownership opportunities and flexibility for diverse household types. Portland’s experience demonstrates that thoughtful zoning reform can yield lower-cost housing without requiring direct subsidies. If Berkeley adopts similar reforms, we can support working families, multigenerational living, and longtime residents who are increasingly priced out. Failing to act means allowing those who serve our city—educators, care workers, emergency responders—to be pushed further away. If we are serious about equity, sustainability, and inclusion, we must make room for more neighbors in every part of Berkeley.

Berkeley Is Fulfilling Its Commitment to Fair Housing and Ending Exclusionary Zoning—Once and For All. In 2019, the Berkeley City Council initiated a process to study missing middle housing as a strategy to address the city’s worsening housing crisis. Two years later, in

²⁷ Edward L. Glaeser and Joseph Gyourko, *The Impact of Zoning on Housing Affordability*, NBER Working Paper No. 8835 (Cambridge, MA: National Bureau of Economic Research, 2002), <https://www.nber.org/papers/w8835>.

²⁸ Elizabeth Kneebone and Mark Trainor, *How Housing Supply Shapes Access to Opportunity* (Berkeley: UC Berkeley Turner Center for Housing Innovation, November 12, 2019), accessed June 16, 2025, <https://turnercenter.berkeley.edu/research-and-policy/supply-and-access/>.

²⁹ Sarah Holder, “No. Really. Building More Housing Can Combat Rising Rents,” *Bloomberg CityLab*, November 20, 2023, <https://www.bloomberg.com/news/articles/2023-11-20/does-building-new-housing-cause-gentrification>.

³⁰ City of Portland, *Middle Housing in the Single-Dwelling Zones* (January 2025), accessed June 16, 2025, <https://efiles.portlandoregon.gov/record/17159748>.

³¹ Kate Pennington, *Does Building New Housing Cause Displacement? The Supply and Demand Effects of Construction in San Francisco*, June 15, 2021, <https://ssrn.com/abstract=3867764>.

³² Evan Mast, *New Construction Makes Homes More Affordable—Even for Those Who Can’t Afford the New Units* (Kalamazoo, MI: W.E. Upjohn Institute for Employment Research, 2019), accessed June 16, 2025, <https://www.upjohn.org/research-highlights/new-construction-makes-homes-more-affordable-even-those-who-cant-afford-new-units>.

2021, the Council unanimously adopted a resolution to end exclusionary zoning and launch a robust public engagement and rezoning effort as part of the Housing Element Update.³³ For over six years, the City has held over fifty public hearings, neighborhood meetings, public workshops, commission discussions, Council work sessions, community event tabling, walking tours, interviews, and online surveys to shape and refine middle housing proposals.³⁴

This extensive public process has ensured that community input and sound planning principles deeply inform the resulting policies. City staff incorporated feedback from residents, neighborhood associations, housing providers, architects, and commissioners to design a proposal that balances the urgent need for more housing with attention to neighborhood context. The Middle Housing Ordinance is not a rushed initiative—it is the product of years of thoughtful analysis, public dialogue, and compromise.

Importantly, the 2021 Council resolution to end exclusionary zoning aimed to implement these reforms by 2022. It is now 2025. With the Housing Element adopted and state housing mandates in effect, further delay risks noncompliance and displacement. The time for study is over—Berkeley must now act on what it has learned and move forward with bold, equitable housing solutions.

ENVIRONMENTAL SUSTAINABILITY

As noted in his 2025 support letter to the City of Berkeley, Dan Kammen—a lead author of the Nobel Prize-winning Intergovernmental Panel on Climate Change—explained that allowing middle housing in existing neighborhoods is the “single best land use strategy” to cut emissions by using existing infrastructure, reducing sprawl, and enabling more people to live in compact, walkable neighborhoods that reduce car dependence and associated greenhouse gas emissions.³⁵ This land-efficient development pattern minimizes energy use per household while enabling more efficient public transit and reducing the per capita environmental footprint of housing.

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³³ Droste, Lori, *Resolution to End Exclusionary Zoning in Berkeley and Initiation of the Public Process and Zoning Concepts for the 2023–2031 Housing Element Update* (2021), <https://loridroste.com/equitable-zoning-reform/>.

³⁴ Zoning Ordinance and General Plan Amendments. City of Berkeley, April 29, 2025, p. 203 <https://berkeleyca.gov/sites/default/files/documents/2025-04-29%20Item%2030%20Zoning%20Ordinance%20and%20General%20Plan%20Amendments%20Relating%20to%20Middle%20Housing.pdf>

³⁵ Kammen, Dan. Support Letter to City of Berkeley, June 24, 2025.