

Reminding our City Planners and Zoning Adjustments Board (ZAB) Members of their regulatory responsibility. Remarks given by BNC at the December 12, 2019 ZAB Meeting.

I would like to bring up the issue of “Regulatory Capture.” This is a term economists use to describe the situation where an agency that is supposed to act in the public’s interest acts instead for the benefit of the industry it is supposed to be regulating. Examples of this currently in the news is the relationship between the FAA and Boeing and the EPA and companies that pollute.

Real estate interests claim that democratically adopted zoning and careful, deliberative decision making are prime culprits in the shortage of affordable housing. City Planning Staff and ZAB members who buy into this false narrative work very hard to give the developer what they want.

Planning Staff must navigate confusing and sometimes conflicting building codes, local zoning ordinances and state law. Developers have the greatest financial stake in trying to manipulate these documents toward their best interests. They may present things as “facts”, but how do you decide what to believe and what to question?

When the City is forced to close University Ave. and evacuate the neighbors because of a developer’s false claim that digging the building’s foundation would not jeopardize the mature redwood trees on the property, Planning Staff missed an opportunity to safeguard the neighborhood. When a car repair shop is allowed to build an entrance that does not accommodate a car on a tow truck and Shattuck Ave. is blocked for the unloading of this car, the neighborhood is again the loser. Is it surprising that neighborhoods are distrustful that the Adeline Corridor Plan will have any positive impact on South Berkeley?

When Planning Staff and ZAB members are presented with an ambiguity in the zoning code, we ask that you uphold your regulatory responsibility and curb the impulse to allow the real estate industry to guide the dialogue shaping Berkeley's future.