



Kate Harrison  
Councilmember District 4

## **SUPPLEMENTAL AGENDA MATERIAL for Supplemental Packet 2**

**Meeting Date:** February 23, 2021

**Item Number:** 29

**Item Description:** Resolution to End Exclusionary Zoning in Berkeley

**Submitted by:** Councilmember Harrison

The item has been amended to:

- Clarify that the Council's approach to end exclusionary zoning, including potential upzoning, must not disproportionately burden formerly redlined neighborhoods or needlessly displace tenants;
- Clarify that the City Council intends to end exclusionary zoning in Berkeley with a focus on formerly non-redlined districts;
- Express the Council's preference with respect to new development resulting from possible zoning changes for construction techniques such as division, contextual addition and adaptive reuse over demolition;
- Express Council's intent to prevent demolition or elimination of housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income, (i.e., subsidized affordable units, inclusionary housing or units under Section 8 contract) or units subject to Berkeley's Rent Stabilization and Eviction for Good Cause Ordinance;
- Express the Council's intent that new development resulting from such changes does must conform to expanded and permanent tenant protections pursuant to Government Code 663001;
- Express Council's intent to prohibit ministerial approval if the building was removed from the rental market under the Ellis Act during the preceding five (5) years or there have been verified cases of harassment or threatened or actual illegal eviction during the immediately preceding three years, and to require notice be provided

to tenants of an application for demolition, elimination or consolidation of units to create new units.

- Express that it is the intent of the Council to preserve rental units consistent with Berkeley's proposed Tenant Opportunity to Purchase Act (TOPA).
- Express the intent of Council that some affordable housing requirements be applied in projects of fewer than four units built as result of new zoning policies to prevent displacement, reduce housing costs, and diversify communities.
- Express that Council intends to work with the State to ensure that Berkeley receives full credit for any new units pursuant to the Regional Housing Needs Allocation and Berkeley's Housing Element