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Berkeley

TOGETHER



How Does Up Zoning Affect You?

Dear Readers,

The **Berkeley Neighborhoods Council** has alerted us to this extremely

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that is mentioned below.

Notice to Berkeley Residents from the Berkeley Neighborhoods Council: Ready for a 3-story apartment building next door?

Every year, BNC receives requests for help from neighbors who find out about proposed projects near their homes and are shocked to learn that they have no recourse because all the planning and zoning rules have been followed. The time to act is BEFORE these rules are put in place and that time is NOW!

The City Council is currently working on an ordinance that changes the zoning rules across the city to allow development of 4-6 units on any property in the city, up to 3 stories (35') high. Construction will be “by right” -- neighbors will not be notified, and appeals will not be allowed. If a developer chooses to use the State Density Bonus, the building could be higher and/or have a larger footprint. What can you do? Educate yourself about the ordinance and let city Council know your concerns. The first reading occurred on July 23 and the changes could pass as early as September. Although promoted as the way we should address the housing needs in our city, we disagree!

To read the whole proposed ordinance, please go to the City of Berkeley website, City Council July 23, 2024, meeting agenda: <https://berkeleyca.gov/sites/default/files/documents/2024-07-23%20Special%20330%20Item%2001%20Zoning%20Ordinance%20and%20General%20-%20Supp%202%20Planning.pdf>

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Here are some facts:

1. The proposed changes allow a property owner (or developer who owns the property) anywhere in the city to tear down an existing home and replace it with a 3 story (35 ft high) building with no notification of the neighbors and no appeal. Depending on the final decisions of the Council, the building could go right up to the sidewalk and/or to the side property lines.
2. **Do not mistake “Middle Housing” for Middle-Income Housing.** Councilmember Kesarwani’s July 22 Newsletter states that these homes are “affordable by design,” but there is no requirement for any unit to be offered at below market rate rents in any construction up to 3 stories. All units can be offered at market rate unless the State Density Bonus is used.
3. Past racism is being used to justify why all neighborhoods need to have the same zoning standards, but the current zoning code already allows up to 4 units on any property in the city. Formerly red-lined neighborhoods in South and West Berkeley will likely continue to bear the brunt of new construction as properties in the hills and North Berkeley are too expensive and too physically sloped to make more construction feasible.
4. No one has studied the environmental impacts of this proposal. The last environmental impact report done was based on an increase of 9,000 units over the next 6 years. This ordinance hopes to result in even more units being built but does not study the impact this will have on our city infrastructure or safety. The Disaster and Fire Commission is developing an evacuation plan that will be completed in November. If the up-zoning

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5. The City Council called for community workshops to explain these issues to Berkeley residents, but nothing has been scheduled yet. When will these be scheduled?

Berkeley Neighborhoods Council is a 501(c)3 organization committed to giving neighborhoods a voice in our city government.

Come to our September 14, 2024, meeting on Zoom, or visit our website, [BerkeleyNeighborhoodsCouncil.com](https://berkeleyneighborhoodscouncil.com) for more information and to get more involved.

Berkeley Neighborhoods Council (BNC)

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To Subscribe to Our Newsletter: [BerkeleyTogether.org](https://berkeleytogether.org)

For more information: [Livable California](https://www.livablecalifornia.org) and [United Neighbors](https://www.unitedneighbors.org)

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years, Berkeleyans have fought for building with nature, saving the bay, neighborhood preservation, housing and school equity, undergrounding BART, context and scale in the built environment, clean water, parks and recreation. Berkeley Together strives to pursue a good and fair life for all—the best of Berkeley—in the face of new mandates and challenges.

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