

Sophie Hahn
Councilmember District 5

SUPPLEMENTAL AGENDA MATERIAL for Supplemental Packet 2

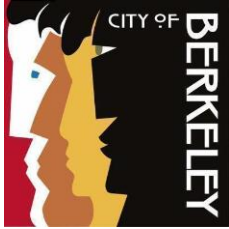
Meeting Date: November 14, 2023

Item Number: 13

Item Description: Amendments to Berkeley Municipal Code Title 23 (Zoning Ordinance), the Zoning Map, General Plan Land Use Diagram, and the General Plan Relating to the Southside Zoning Implementation Program of the 2023-2031 Housing Element Update

Submitted by: Councilmember Sophie Hahn

Proposing for consideration measures to increase green space, trees, and public space for students and residents, compensate the community for increased land values, support low income housing models, and protect historic resources.



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City of Berkeley, District 5

ACTION CALENDAR
November 14, 2023

TO: Honorable Mayor and Members of the City Council

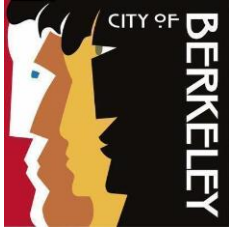
FROM: Councilmember Sophie Hahn

SUBJECT: Supplemental 2 Recommendations for Amendments to Berkeley Municipal Code, the Zoning Map, General Plan Land Use Diagram, and the General Plan Relating to the Southside Zoning Implementation Program of the 2023-2031 Housing Element Update

RECOMMENDATION

The Southside upzoning before us today significantly increases potential housing production in an area with a large number of students, and can be expected to increase the number of students and other community members who can reside in areas close to UC Berkeley. For students, the ability to live close to campus will significantly increase the positive experience of attending college, and hopefully the concentration of students in areas adjacent to the University can alleviate some of the pressure exerted on other residential areas of Berkeley, where the lack of housing for an increasing number of students has resulted, over time, in displacement of lower income longer-term residents, in particular in areas of Berkeley that formerly housed large African American communities.

The proposal before us today likely comes close to doubling the development potential of the project area - a significant increase. It should be noted as well that most of the Southside upzoning referrals were made prior to the State increasing density bonuses to 50% and in some cases 100%, so an increase in development potential had already taken place even without action by the City of Berkeley. State density bonuses are tied to the provision of additional affordable housing; upzoning at the local level, as presented to us today, bestows significant additional value to existing property owners - without requiring an increase in housing affordability or other significant community benefits. The proposal before us also reduces open space requirements in an area with essentially no parks, adjacent to a campus that has already significantly reduced green spaces through the development of academic buildings and facilities, and is likely to continue to fill in green spaces over time.

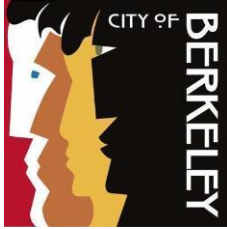


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The following suggestions address some of these impacts. Upzoning at the proposed scale is a huge win for housing, and for student housing in particular. I believe we still have room to express some of our other values as we continue to actively address the extreme housing shortage in our City, for UC Students, and regionally, and invite my colleagues to consider the following:

1. Consider requiring green roofs and/or terraces - of any kind - in the Southside area being upzoned. These could be accessible green roof decks or terraces with trees and landscaping, farms growing food or flowers, or green roofs that are not accessible, but provide the benefits of cooling, carbon sequestration, and more. As we fully urbanize this area, with tall buildings and no setbacks or lot coverage limits, we risk creating an area subject to excessive heat, and a lack of trees and greenery.
2. Consider requiring main living areas and bedrooms have windows. Berkeley's codes do not include standards for units to include windows, as maximum lot coverage standards have traditionally had the indirect effect of making windows "inevitable." When maximum lot coverage standards are removed, as is proposed here, there is a disincentive to create buildings in "O" and "U" configurations, which are the shapes that allow for ample windows, light, and air. The new zoning standards proposed would allow for "solid block" buildings without light and air shafts. Requiring windows in units and specifically for both "living areas" and bedrooms will force developers to design units with access to natural light, air, and ensure students and other residents aren't subject to substandard living conditions.
3. Consider requiring sidewalk widening throughout the area via front setbacks, and green front-of-building amenities on major pedestrian corridors such as Telegraph, Durant, Bancroft, College, and possibly additional or all streets. The significant increase in density being proposed via local upzoning - amplified by the larger State bonuses now provided, as well as the trend towards very small unit sizes - will likely result in a doubling and possible tripling of the number of people living in the area. As the number of people increases, it is imperative that the width of sidewalks also increases.

Currently, there is significant pedestrian spillage into the street on Telegraph Avenue during peak times of use. Doubling or tripling the number of residents in the area will significantly exacerbate these conditions on Telegraph and on other major pedestrian streets, and possibly throughout the area. Urbanized areas

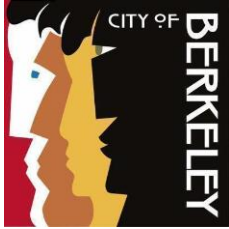


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have wider sidewalks that currently exist in Berkeley's Southside areas. There are only two ways to increase sidewalk capacity - the City can extend into what is now street area, at its own expense, displacing other current street uses (transit, bikes, vehicles) or buildings can be required to be set back from the front lot line, and wider sidewalks and other useable green and quasi-public space provided by property owners.

The wonderful proposal for "optional" landscaped and activated areas in front of buildings should be enshrined as a requirement, and potentially expanded to include sidewalk widening, on all major pedestrian corridors. This will ensure that, as the area is developed and population increases, the ground floor experience is lively, green, and accommodates the volume of new residents that upzoning invites to the area. Standards for expansion of sidewalks - inward towards buildings - via front setbacks, should also be incorporated throughout, to ensure that as population increases, sidewalk widths are also increased. Strict requirements for property owners to regularly maintain the sidewalks, landscaping and other amenities in front of their buildings - with penalties for noncompliance - can ensure these areas remain in good condition in perpetuity.

4. Consider requiring both traditional "Open Space" and indoor amenities. The additional value being conferred on these properties via local upzoning, and the amplification of local upzoning through density bonuses, is significant. There is no reason why properties cannot provide both open space and indoor shared amenities. These are both necessary for the wellbeing of students and other residents. Combined with a green roof requirement, outdoor open space requirements should not be difficult to achieve. Decks, terraces, and other amenities are important in more urbanized environments, especially in areas without parks. The Southside area has no City parks, and the University's only "open space," People's Park, is programmed to be partially developed, reducing the amount of green space in the area. The campus cannot be relied upon as open and green space for students and other residents, as green space is continually reduced through addition of buildings on-campus.
5. Consider referring to the City and LPC to pro-actively study and landmark all historic and cultural buildings and sites in the area, to ensure historic/cultural buildings and sites - of which there are several in the area being upzoned are appropriately protected. Landmarked status does not preclude development of a parcel, or even removal of an historic resource, but would require a permitting process that takes into account the historic or cultural value of the site. We can



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meet our housing needs without unduly impacting historic and cultural resources. This would require a budget allocation to support the work of researching and potentially landmarking sites on an expedited basis. Historic and cultural resources have traditionally been "protected" de facto because development pressures were less intense. As we upzone, we increase pressure to remove older buildings and sites, and the potential for loss of historic and cultural resources is significantly increased.

6. Consider how affordable student housing can be incorporated into the upzoning. Many low-income students attend UC Berkeley, including many who are first in their family to attend college. Some experience homelessness during their time as students. The upzoned area includes numerous cooperative housing developments ("the Co-ops"). As we upzone, pressure on those parcels increases as well, without any assurance that Co-ops - if displaced - might be replaced with similar low-income and cooperative housing. Provision must be considered for affordable cooperative and other student housing via the upzoning being proposed. Significant additional value is being conferred on property owners, which is amplified via significant State bonuses - some of which are "earned" by simply adhering to local inclusionary requirements, resulting in a State-level "reward" for doing something already required by the City. Some or all of this value should be recaptured in the form of additional affordable housing requirements at the local level.

Of particular value would be to require all Berkeley-mandated affordable housing to be built on site, and to remove the option of fees in lieu of affordable housing for this area. As we create an expanded "student area," we must ensure that low-income students can also live close to campus. Allowing developers to fee-out of their affordable housing requirements will deepen the divisions between affluent and low-income students. Requiring all affordable housing to be built on site will ensure low-income students are fully integrated into student living and campus life. Affordable housing built elsewhere in Berkeley, via developer fees, cannot replicate the experience of living near campus, and the time savings, access to libraries and student amenities, and important extracurricular and social life that are so critical to student success.

I urge my colleagues to consider how these ideas can be incorporated into the action we are being asked to take, and potentially continue the item so staff can return specific proposals/amendments that accommodate these considerations.