



**East Bay Housing Organizations**

December 22, 2022

Jose Ayala  
Housing Policy Specialist  
Housing and Community Development  
9342 Tech Center Drive, Suite 550  
Sacramento, CA 95826

RE: Berkeley Draft Housing Element dated 12/1/22

Mr. Ayala,

We write to express our significant concern that Berkeley's draft Housing Element, dated 12/1/22, in its current form does not take adequate action to affirmatively further fair housing, with deficiencies in both its Sites Inventory as well as its Policies & Programs. Moreover, there has been no meaningful indication of steps to address these deficiencies, despite our organizations raising them repeatedly in the public comment process. Failure to take such actions will leave Berkeley with a Housing Element that is neither worthy of the city's values, nor worthy of approval by HCD.

We wish to highlight three major shortcomings in the draft Housing Element as currently structured:

1. Housing opportunity sites, particularly for lower income housing, are disproportionately found in the relatively less affluent areas of Berkeley, and disproportionately absent from the relatively more resourced neighborhoods in North & Southeast Berkeley.
2. Similarly, the city's major rezoning plans are vague, lacking both commitment & urgency, when it comes to increasing capacity for multifamily housing along affluent commercial corridors.
3. Berkeley's existing zoning was not sufficient to meet its 5th Cycle RHNA requirement, yet the city is currently claiming that it will be able to meet the 6th Cycle RHNA targets without changing the zoning, even though the targets are now much higher. It seems

unlikely that the same zoning will produce significantly more housing over the next 8 years than it did for the last 8 years.

In order to meet its obligation to Affirmatively Further Fair Housing, the City must ensure that the opportunity sites identified, including the sites for affordable housing, are distributed throughout the jurisdiction, and not overly concentrated in lower resource areas. Currently, opportunity sites are largely absent from the city's wealthiest neighborhoods in North Berkeley, Elmwood, and Claremont. As such, less than 2% of the inventory is sited in Highest Resource census tracts, despite Berkeley having 6 such tracts.

The proposed programs also put relatively more new capacity into development in relatively less affluent neighborhoods than in more highly resourced ones. The draft proposes two specific rezoning plans, the San Pablo Avenue PDA Specific Plan and the Southside Plan Area, in Program 27: Priority Development Areas PDAs), Commercial and Transit Corridors. These plans are both in historically lower resourced & less affluent areas of the city, West Berkeley & student-heavy Southside (respectively). They are matched by a third, vague statement of intent to "evaluate zoning map and development standards to accommodate housing capacity and growth on transit and commercial corridors, particularly in the highest resource neighborhoods."

This third element of Program 27 is not only the last on the timeline (December 2026, vs 2024 for San Pablo & 2025 for Southside), it is also the least specific in terms of where it will cover and how much capacity it will provide. "Evaluat[ion] [of] zoning map and development standards" in high-resource areas is at best a commitment to a process, not an equitable outcome. As currently written, it plainly does not meet HCD's standards for providing concrete and actionable metrics to evaluate success.

Berkeley must match its plans to upzone in West Berkeley & Southside with an equally strong commitment to increase multifamily housing capacity along more affluent transit & commercial corridors: College Ave in Claremont, and North Shattuck & Upper Solano in North Berkeley. Failure to make this commitment is especially concerning given that none of these high resource transit & commercial corridors are currently designated as PDAs, despite the fact that all three have frequent transit service. Leaving these corridors out of the rezoning program would leave Berkeley's wealthiest neighborhoods largely absent of opportunities to build multifamily and affordable housing.

These rezoning programs are likely to be necessary for Berkeley to meet its total RHNA goals, but this fact is not acknowledged in the draft. Berkeley's inventory of opportunity sites does not identify any needed rezonings, other than those underway at BART. The suggestion, then, is that Berkeley's current zoning is adequate to meet its RHNA targets for the 6th Cycle. However, that zoning was insufficient to meet even the much lower 5th Cycle targets. What reason is there to believe that housing production within that same zoned capacity will increase so significantly in the next 8 years over what it was in the last 8 years? Moreover, current development patterns show multifamily & affordable housing largely absent from Berkeley's

wealthiest neighborhoods, further emphasizing the need for the city to commit to rezonings there.

In total, Berkeley's current draft Housing Element is inadequate to fully meet its housing needs or to remedy ongoing patterns of racial & economic exclusion. The city should commit to making meaningful changes, including but not limited to those suggested in this letter, and HCD should refuse to certify a Housing Element that does not do so. Our organizations remain committed to working with you to ensure these changes are successfully implemented, and that Berkeley is able to successfully meet its needs for housing at all income levels over the next 8 years, in a way consistent with its duty to Affirmatively Further Fair Housing.

Sincerely,

John Minot  
Jonathan Singh  
Co-Executives  
East Bay for Everyone

Rev. Sophia DeWitt  
Program Director  
East Bay Housing Organizations

cc:  
Office of Senator Nancy Skinner  
Office Assemblymember Buffy Wicks