

Late Correspondence
Received after Noon
Tuesday, April 14, 2026
Planning Commission April
15, 2026

Late Correspondence

From: Todd Andrew <toddcandrew@gmail.com>
Sent: Sunday, April 19, 2026 12:26 AM
To: Diane Mintz
Cc: Kesarwani, Rashi; Gerstein, Beth; All Council; Berkeley Mayor's Office; Manager, C; Planning Commission; Zoning Adjustments Board (ZAB)
Subject: Pre-Exclusionary Zoning Fwd: High-rises in all commercial districts, local businesses gone, no affordable housing.

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Diane,

Thanks for your note, and for staying on top of local issues. I wonder what you think of this comment by Jeffrey Baker, on Nextdoor, in response to concerns about housing development in the Elmwood Business District?:

"The obviously superior solution is to return the surrounding area to its pre-1978 R-4 and R-5 zoning, so people live in the neighborhood and not on College Ave. itself. But nobody is putting that alternative on the table..."

By the way, new construction is both more fire- and earthquake-resistant than most existing housing.

Good to hear from you!

Best,
Todd



Jeffrey Baker • Rose District

The obviously superior solution is to return the surrounding area to its pre-1978 R-4 zoning, so people live in their neighborhood and not on College Ave. itself. Elected officials are putting that alternative on the table and the CENA could literally murder me if they do that.

----- Forwarded message -----

From: **Diane Mintz** <diane.mintz@gmail.com>

Date: Fri, Apr 17, 2026, 2:48 PM

Subject: Fwd: High-rises in all commercial districts, local businesses gone, no affordable housing.

To: Gerstein, Beth <BGerstein@berkeleyca.gov>, Kesarwani, Rashi <RKesarwani@berkeleyca.gov>, Todd Andrew <todd@toddandrewproperties.com>

Hope you find this as interesting as I did. I wonder if this angle has been sufficiently studied.

----- Forwarded message -----

From: **Bob Herman** <RHerman@hclarchitecture.com>

Date: Fri, Apr 17, 2026 at 1:31 PM

Subject: RE: High-rises in all commercial districts, local businesses gone, no affordable housing.

To: Diane Mintz <diane.mintz@gmail.com>

CC: Susie Coliver <SColiver@hclarchitecture.com>

Diane & Mark,

Thanks for sending your email (copied way below), way back on March 3rd, about a Berkeley Planning proposal to substantially increase residential zoning height limits along San Pablo Avenue, Solano and Elmwood.

I began responding, but left it in my DRAFT file, when out of time; so, here's the rest of the story!

Increasing the supply of inclusionary affordable housing by providing a substantial proportion of *affordable* with market-rate apartments, in exchange for allowing taller and more housing along commercial corridors seems reasonable.

I very strongly agree with your email comment: "I am concerned about the small businesses which make both Solano and Shattuck community hubs."

However, let's temporarily set aside that crucial concern around displacement of existing sidewalk level, relatively affordable retail and service uses, some even for start-ups.

Consider, for the moment, a fundamental question of how tall is too tall for housing located in Berkeley's top Seismic Zone #4 location? Economic building construction height "sweet spots" favor an inconvenient choice between 7-8 versus 18 or more stories of housing. When an earthquake strikes, post-tremor damage is experienced simultaneously throughout the city, unlike typical, occasional fire emergencies. Instead, Fire Department rescue and fire control teams are simultaneously chasing seismic emergencies especially during the first 30 minutes when buildings shake and sway, possibly fracturing electrical or gas lines igniting fire and smoke, inhibiting residents' exiting.

Following the 1989 Loma Prieta Earthquake, as chair of the SFAIA Housing committee, we invited San Francisco's Fire Marshal to discuss the Fire Department's ability to implement rescue services immediately following the quake. He acknowledged the challenge as if it was simply a condition beyond everyone's control. I personally had a hunch that nobody wanted to discuss the question any further.

Earthquakes, unlike major fire hazards, provide little or no forewarning, affecting ALL buildings simultaneously, seemingly beyond the capacity of any Fire Department's ability to reach damaged buildings within, say 30 minutes.

Unlike housing, however, OFFICE buildings are occupied by tenants who are AWAKE, even during evenings. If an earthquake strikes, occupants are reasonably alert, shortening the time for reaching safety.

On the other hand, RESIDENTIAL buildings are occupied by residents, some seniors or those with disabilities, who are typically asleep during late night and wee hours of the morning, when, upon an earthquake striking, are unconscious, then confused, in bed clothes looking for shoes. Their exiting is less swift, taking longer time to navigate exiting while dangerous fire & smoke conditions may develop, threatening escape.

Please keep in mind that both San Francisco's 1906 monumental earthquake and more recently, the colossal quake in Turkey occurred during WEE hours of the morning when residents were sleeping.

Tall buildings, especially higher than **Type 1, 7-8 story HOUSING "Life Safety's" height limit**, are beyond the reach of Aerial Fire Truck Ladder rescue, especially affecting residents with infirmities.

If this narrative has legs, it might agitate "pushback" from Berkeley owners and developers of tall, residential buildings. As an information gathering step, rather than an individual architect, might the AIA East Bay Chapter's Regional and Urban Design Committee request a meeting with Oakland's Fire Marshal for discussion. (Note: "The AIA East Bay chapter has a strong focus on housing, featuring a Regional and Urban Design committee that explores affordable housing, as well as holding regular [2024 Lecture Series: Housing](#) session.")

Best,

Bob

PS: We're still unusually busy trying to catch up with time sensitive "To Do" items, but I wanted to write this before this zoning issue becomes old news.

From: cornell-avenue@googlegroups.com <cornell-avenue@googlegroups.com> **On Behalf of** Diane Mintz

Sent: Tuesday, March 3, 2026 5:41 AM

To: cornell-avenue <cornell-avenue@googlegroups.com>

Subject: Fwd: High-rises in all commercial districts, local businesses gone, no affordable housing.

I am concerned about the small businesses which make both Solano and Shattuck community hubs.

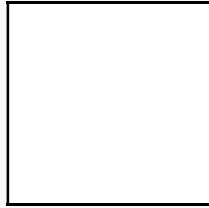
----- Forwarded message -----

From: **Build a Better Berkeley** <info@buildabetterberkeley.org>

Date: Mon, Mar 2, 2026 at 10:38 PM

Subject: High-rises in all commercial districts, local businesses gone, no affordable housing.

To: <diane.mintz@gmail.com>



On March 4, the [Planning Commission will be meeting](#) to discuss the commercial rezoning plan

Hello Diane,

The City Council is again proposing an alarming major change to our zoning laws. When we first formed Build a Better Berkeley, it was in response to huge changes regarding what could be built throughout the city residential areas. This time it is an assault on three of our most important and popular commercial zones. Here's what is being suggested:

- **Solano, No. Shattuck, and the Elmwood district of College Avenue will allow high rise residential buildings**, even if it means destroying local businesses that currently serve the community and provide a tax base for the city.
- **Ground floor space will be allowed to be all residential**, forever eliminating small businesses that could serve the neighborhoods and turning our commercial areas into residential ones.
- **Developers won't have to include on-site low-income housing in what the city predicts will be the most commonly built structures – ones that are 7-8 stories high.**

Why This Matters

Berkeley doesn't have a shortage of market rate housing, but it definitely lacks sufficient affordable housing. The proposed change takes away all the incentive for developers to add affordable housing into their projects.

Here's How It Works

State law lets developers build more than what is allowed by current local zoning laws and exceed height limits if, **and only if**, they include a specific amount of low income/affordable housing in their buildings. This is referred to as the **density bonus**, and it was specifically included in the law to increase the amount of low-income housing being developed.

City staff and developers contend that a construction "sweet spot" is in buildings about 7-stories high, where the costs of materials are relatively low. Generally speaking, at over 7-8 stories, materials and construction methods are more expensive. Developers however, are still eager to build more profitable higher buildings, particularly higher than about 18 stories.

But Here's the Rub

Right now, current zoning of 2-3 stories in the three areas under consideration won't allow "sweet spot" construction, **unless** a developer is compelled to trigger the **density bonus** – that is, the requirement to include a certain amount of low-income housing.

However, if the zoning is changed as is being proposed, the city is giving developers what they want — the ability to build high-rises without having to produce a single unit of below market rate housing.

So, What Do We Get Out of this Proposal?

- **NOTHING** to make certain our great small businesses on these streets will continue to thrive and generate much needed tax revenues for the city.
- **NOTHING** to help bring down the high cost of housing.
- **NOTHING** that provides affordable housing for baristas, store clerks, service workers, and all the people who make our city vibrant and our lives easier and more pleasant.
- **NOTHING** that adds to the ambience or beauty or interest of the city.

But we probably will get one thing: **another bond measure on the 2026 ballot asking us to raise our taxes to make up for all the deficiencies of this zoning proposal and all the other unjustifiable actions by the city.**

And here's another thing that *will* probably happen: because of the development potential of the commercial lots, land values will go up and owners will sell out to developers, who will consolidate lots, get entitlements from the city for their projects, and demolish the buildings and all the small businesses along with them. They'll sit on the empty lots until their values increase even more, waiting to sell the building entitlements, which is even more profitable than developing the property. And then, still more of the city will look like downtown.

What can you do?

Tell the planners and councilmembers that we do not need to rezone the corridors. A 100% density bonus project on North Shattuck, where Poulet used to be, was just okayed, showing that it is already possible to develop to the 7-8 story sweet spot under current zoning and get some low-income housing included at the same time. What is the point of allowing developers to build more than existing zoning allows **without having to include anything affordable?**

Tell the Planning Commission this plan is not necessary, will result in less affordable housing being built *now*, when we need it, and will be ruinous for the great small businesses that serve our neighborhoods!

Attend the meeting in person:

Wednesday, March 4, 2026 at 6:30 PM

North Berkeley Senior Center

[1901 Hearst Ave.](#)

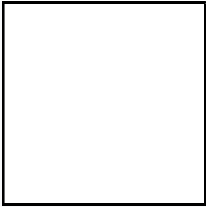
Attend remotely using Zoom:

<https://cityofberkeley-info.zoomgov.com/j/1617173983>

Send email to the Planning Commission:

planningpc@berkeleyca.gov

Sent via ActionNetwork.org. To update your email address, change your name or address, or to stop receiving emails from Build a Better Berkeley, please [click here](#).



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You can access our shared Google Drive here:

https://drive.google.com/drive/u/0/folders/1xM_AEKzuY3ZkbQkuPa6fn7EWy_i1JxYV

You received this message because you are subscribed to the Google Groups "cornell-avenue" group.

To unsubscribe from this group and stop receiving emails from it, send an email to cornell-avenue+unsubscribe@googlegroups.com.

To view this discussion visit https://groups.google.com/d/msgid/cornell-avenue/CABxN0E3CD%2B5zobjkfpPsVYAkruC_aWkyonWcqWqWQ69dNG%3DE7Tg%40mail.gmail.com.

Late Correspondence

From: Sophie Devaney <noreply@adv.actionnetwork.org>
Sent: Friday, April 17, 2026 8:34 PM
To: Planning Commission
Subject: Support for Berkeley taking bold action to allow more housing along its commercial corridors

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Planning Commissioners,

Dear Planning Commissioners,

We are writing to strongly support the City Council's direction to set seven-story base zoning for North Shattuck, College, and Solano Avenues. We commend Council for taking a real stand on housing and urge you to fully implement this vision. We support at least seven stories' base zoning and ask you not to water down the proposal with setbacks, stepdowns, and other requirements that would reduce the number of homes that could get built on any parcel. Many of these parcels are oddly shaped or present other obstacles to development, so they need whatever flexibility we can provide.

Seven-story zoning could contribute meaningful amounts of housing to address affordability and create mixed-income neighborhoods where teachers, service workers, young families, and long-time residents can live. Seven stories is transit-appropriate for corridors with AC Transit service and is standard in successful transit-oriented neighborhoods throughout the Bay Area.

Seven-story base zoning will also support local businesses with more foot traffic, reduce car dependency to support our climate commitments, and open Berkeley's opportunity-rich neighborhoods to everyone. We have a legal and a moral duty to affirmatively further fair housing.

We urge you to support the Council's clear direction without reduction or compromise. What's at stake is having people in our commercial districts to keep our businesses alive.

Respectfully,

Sophie Devaney

Sophie Devaney

sophdev630@gmail.com

2753 Ashby Place

Berkeley , California 94705

Late Correspondence

From: Brianna Morales <brianna@housingactioncoalition.org>
Sent: Wednesday, April 15, 2026 3:52 PM
To: Planning Commission
Subject: Letters of Support – Planning Commission Items 10A and 10B
Attachments: Support re_ SB 79 and AB 893 Full Implementation.pdf; Letter of Support re_ Corridors Ground Floor ODS.pdf

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Dear Chair Marthinsen and Members of the Berkeley Planning Commission,

The Housing Action Coalition (HAC) is a pro-housing advocacy organization working to build more homes at all income levels across California. We are writing in support of two items on tonight's agenda -- Item 10A on SB 79 / AB 893 implementation and Item 10B on Objective Design Standards -- and have attached separate letters for each.

Taken together, these two items represent some of the most consequential housing policy decisions Berkeley will make this year. SB 79 unlocks the potential for thousands of new homes near Berkeley's three BART stations: transit-served, climate-aligned, equity-driven infill that the city urgently needs. And the Corridors ODS being workshopped tonight will determine what kind of buildings get built on those sites.

Our asks are straightforward:

On SB 79 / AB 893: Implement both laws fully and faithfully. Berkeley made a commitment to HCD when it certified its Housing Element in 2023: 8,934 homes, rezoned corridors, objective standards that work. SB 79 is one of the most significant tools the state has given Berkeley to deliver on that commitment. Every parcel exclusion the city grants is a home that doesn't get built near BART. We urge the Commission to signal clearly tonight that Berkeley intends to embrace this law.

On Objective Design Standards: The Corridors Ground Floor ODS framework is well-designed and we support it. As the Commission refines the details, we'd encourage some additional thought on a few open questions, including how the floor-to-floor height requirements interact with project feasibility, how retail depth standards can best serve small businesses, and how to address food access concerns in a way that doesn't inadvertently create barriers to housing.

Thank you for your continued work on housing in Berkeley.

--

In support,

Brianna Morales | Pronouns: She/Her

Community Organizer | Housing Action Coalition

555 Montgomery St, San Francisco, CA 94111

Cell: (619) 535-6182 | Email: brianna@housingactioncoalition.org



To opt out of all HAC emails, respond to this email with "unsubscribe all".



April 15, 2026

Berkeley Planning Commission
City of Berkeley
1947 Center Street
Berkeley, CA 94704

Re: Item 10A – Support re: SB 79 and AB 893 Full Implementation

Dear Chair and Members of the Planning Commission,

The Housing Action Coalition (HAC) writes in support of the full and faithful implementation of Senate Bill 79 (Abundant and Affordable Homes Near Transit Act) and Assembly Bill 893 in the City of Berkeley.

HAC is a statewide pro-housing advocacy organization representing builders, affordable housing developers, labor, businesses, and community members committed to building more homes at every income level across California. We actively supported SB 79 through the legislative process, and we are closely monitoring its implementation across the state.

With three Tier 1 BART stations (Ashby, Downtown Berkeley, and North Berkeley) Berkeley is among the California cities most directly positioned to benefit from SB 79. Thousands of parcels near world-class transit are now eligible for significantly increased housing capacity under state law. This represents a once-in-a-generation opportunity to build the homes Berkeley needs, close to jobs, transit, and the services that make neighborhoods thrive.

We recognize that SB 79 provides local governments with limited tools to tailor implementation. We are not opposed to thoughtful use of these tools where they are genuinely justified. However, we urge this commission to approach exclusions with care and restraint.

Broad exclusions, particularly of residential zones across the ¼- and ½-mile TOD areas, would significantly reduce Berkeley's housing capacity at exactly the moment the state is working to expand it. Any alternative plan must maintain equivalent overall housing capacity across all TOD zones, as required by the statute, and will be subject to HCD review. We encourage this commission to hold that bar clearly in mind as it provides direction to staff.

Exclusions based solely on neighborhood character, local zoning preferences, or resistance to change are not consistent with the intent of the law, and we would expect HCD to scrutinize any plan that uses the Alternative Plan pathway to produce fewer homes than the state standards would otherwise allow.

In addition, AB 893's campus development zone ministerial pathway is a meaningful expansion of the AB 2011 framework. By enabling streamlined approvals within ½ mile of UC Berkeley and Berkeley City College, and by specifically including students, faculty, staff, and students experiencing homelessness as eligible for affordable units, AB 893 directly addresses the student housing shortage that drives up



555 Montgomery Street
Suite 720
San Francisco, CA 94111
info@housingactioncoalition.org
housingactioncoalition.org

rents across the entire East Bay rental market. Berkeley should implement AB 893 without carving out parcels that are otherwise eligible under the law.

We respectfully urge the Planning Commission to:

1. Support full implementation of SB 79 across Berkeley's TOD zones without broad residential exclusions;
2. If an Alternative Plan is developed, commit to maintaining or exceeding the housing capacity provided by the state standards;
3. Implement AB 893's campus development zone pathway without unnecessary exemptions; and
4. Send a clear signal to staff, to HCD, and to the region that Berkeley intends to use these tools to build more homes, not to soften state law.

The housing crisis is real, and the people most harmed by it are the people who can least afford it. Berkeley can be a model for how California cities implement transit-oriented housing law. We hope this commission will embrace that role.

Sincerely,

A handwritten signature in black ink, appearing to read "Brianna Morales".

Brianna Morales, *Community Organizer*
Housing Action Coalition (HAC)

A handwritten signature in black ink, appearing to read "Corey Smith".

Corey Smith, *Executive Director*
Housing Action Coalition (HAC)



April 15, 2026

Berkeley Planning Commission
City of Berkeley
1947 Center Street
Berkeley, CA 94704

Re: Item 10B – Support re: Objective Design Standards Discussion; Corridors Ground Floor ODS

Dear Chair and Members of the Planning Commission,

The Housing Action Coalition (HAC) is a pro-housing advocacy organization working to build more homes at all income levels across California. We are writing in connection with tonight's discussion on Objective Design Standards, and specifically to provide input on the draft Corridors Ground Floor ODS presented as Attachment 3.

In February 2023, HCD certified Berkeley's 6th Cycle Housing Element, committing the city to rezoning its commercial corridors and adopting objective design standards that enable housing production toward Berkeley's 8,934-unit RHNA target. The Corridors Zoning Update, and the ODS being workshopped tonight are primary vehicles for delivering on those commitments. Standards that are not truly objective, or that embed requirements making projects infeasible, do not just affect individual buildings. They put Berkeley's implementation track record at risk and make it harder for the city to demonstrate meaningful progress to HCD.

The framework in Attachment 3 is largely well-designed. The draft Corridors Ground Floor ODS represent a serious, technically grounded effort to define what good ground floors look like in measurable, buildable terms. However, two standards warrant further looking into before adoption.

The 18-foot floor-to-floor minimum for the North Shattuck corridor (C-NS) is the most financially significant standard in the packet. While deeper floor-to-floor heights improve retail functionality, 18 feet is at the upper end of what even high-performing restaurant and retail tenants require. In a constrained building envelope, each additional foot of ground floor height reduces residential floor plate capacity above. We ask the Commission to encourage a feasibility analysis of this standard against typical project economics for North Shattuck before it is adopted, so as not to block otherwise viable housing projects.

On retail depth, we prefer Alternative 2 (average 35 feet with a 25-foot minimum) over Alternative 1 (a flat 40-foot minimum). The averaging approach provides flexibility that better serves a range of tenant types, including smaller businesses that are often most valued by Berkeley residents but least able to absorb prescriptive space requirements.

Finally, we understand the concern motivating the question on slide 24: Berkeley has grocery stores and large-format retail on some of its highest-value corridor sites, and redevelopment of those sites



could eliminate neighborhood-serving amenities. Food access is a real community stability concern, particularly for lower-income residents.

However, we want to make sure that we do not significantly constrain the economics of redeveloping some of Berkeley's most important infill sites. Large floor-plate commercial replacement requirements add cost, reduce residential floor plate efficiency, and can make a project viable only for the largest and best-capitalized developers, disadvantaging nonprofit developers and smaller builders. We hope to continue working with the city to provide city-level food access policy – potentially through a community benefits framework, a targeted tenant assistance program, or a separate land use policy.

Objective design standards fulfill their purpose when they give developers a clear, buildable target and give the city the ground floors it actually wants. Any standard that cannot be met by a financially viable project serves neither goal. We look forward to continuing to engage as the Corridors ODS are finalized, and we are happy to connect the Commission or planning staff with developers active on these corridors who can speak directly to feasibility questions.

Thank you for your work on this item.

Sincerely,

A handwritten signature in black ink, appearing to read "Brianna Morales".

Brianna Morales, *Community Organizer*
Housing Action Coalition (HAC)

A handwritten signature in black ink, appearing to read "Corey Smith".

Corey Smith, *Executive Director*
Housing Action Coalition (HAC)

Late Correspondence

From: Warren Wells <noreply@adv.actionnetwork.org>
Sent: Wednesday, April 15, 2026 1:34 PM
To: Planning Commission
Subject: Implement SB 79 Now — Don't Wait 7 Years

Follow Up Flag: Flag for follow up
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Planning Commissioners,

Dear Planning Commissioners,

I'm writing to urge you to implement SB 79's zoning changes now, rather than deferring them to the next Housing Element cycle. I also ask the city not to put forward an alternative plan; SB 79 locates housing exactly where it needs to be.

SB 79 — California's landmark transit-oriented housing law — requires cities to allow mid-rise housing near major transit stops. Berkeley is exactly the kind of transit-rich city this law was designed for. More homes near BART means more residents who can live car-free, reduce their emissions, and support the transit infrastructure we've already built. Waiting seven years to implement it means seven more years of housing scarcity, rising rents, and missed opportunities to build the walkable, transit-oriented neighborhoods Berkeley should be leading on.

Please act now. The housing crisis won't wait, and neither should Berkeley.

Thank you for your service to our community.

Warren Wells
warrenjwells@gmail.com
1810 Ward Street
Berkeley, California 94703

Late Correspondence

From: Molly Miller <mollykbmiller@gmail.com>
Sent: Wednesday, April 15, 2026 5:55 AM
To: Planning Commission
Subject: Implement SB 79 now

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Hello! My name is Molly and I live a block away from the Ashby BART. I'm really excited for SB 79 to allow more housing near the station, so that other people can have the same easy access to transit that I have, and so that fewer people will need to rely on vehicles to live in the Bay.

I'm hoping that Berkeley will implement SB 79 as soon as possible rather than waiting for the next Housing Element cycle, and not put forward an alternative plan that would place more housing further away from public transit.

Thanks for working on this, and I'm looking forward to seeing SB 79 implemented!

Best,
Molly

Late Correspondence

From: Hanah Goldov <noreply@adv.actionnetwork.org>
Sent: Tuesday, April 14, 2026 9:18 PM
To: Planning Commission
Subject: Implement SB 79 Now — Don't Wait 7 Years

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Please act now. The housing crisis won't wait, and neither should Berkeley.

Thank you for your service to our community.

Hanah Goldov
hgoldov@gmail.com
2227 Stuart St
Berkeley, California 94705

Late Correspondence

From: Emily McAfee <noreply@adv.actionnetwork.org>
Sent: Tuesday, April 14, 2026 9:16 PM
To: Planning Commission
Subject: Implement SB 79 Now — Don't Wait 7 Years

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Please act now. The housing crisis won't wait, and neither should Berkeley.

Thank you for your service to our community.

Emily McAfee
emilymcafee1@gmail.com
2227 Stuart St
Berkeley, California 94705