

TO: Mayor Bates and Members of the City Council  
C Daniel, City Manager  
City Clerk

FROM: Berkeley Neighborhoods Council

Re: July 2, 1013, Agenda Item #17, Amendments to Section 23C, Demolition and Dwelling Unit Controls

The Berkeley Neighborhoods Council requests that you take no action on this matter at your meeting tonight. As you are no doubt aware, this is an extremely complicated matter and there is every reason to believe that adoption of the proposed amendments will result in unintended consequences that will affect neighborhoods across this City.

At this time, our request to hold the matter over for further study is predominately based upon the fact that there has been no notice with subsequent public input into the proposed amendments. On the two occasions that it has been before the City Council, the Planning Director has stated that the intention of the proposed amendment is to “make it easier” to demolish and replace older buildings with new, larger ones. Making it “easier” may be defined as clarifying existing ordinance requirements for developers and/or protecting the low rents of some tenants of older buildings. We are not objecting to those goals but would like to point out that impacts such as on tenants in general, on neighborhoods as a whole, on environmental issues around demolition, or on historic resources have not even been mentioned, let alone discussed or analyzed. Without any language that addresses these impacts, it seems as if the intention is simply to demolish small, older buildings and replace them with new, larger, more expensive ones. This is not acceptable.

We are taken aback and very concerned that when these proposed amendments were before the Planning Commission, that body actually passed a motion stating that members of the Rent Board and staff should “meet outside of the Planning Commission” to develop the language to be presented to the Council for approval. As far as we know, no members of the public were notified of these meetings and these meetings were held privately. Additionally, no subsequent notice has been sent out regarding the amendments which are before you tonight. This process raises very real questions regarding legality as well as City policy regarding public participation in matters that significantly affect them.

We understand that you have received letters of concern from both the Berkeley Architectural Heritage Association and the Rent Stabilization Board. We, too, request that do not take action tonight, but instead hold the matter over for further evaluation.

Thank you for your consideration of this request.

Shirley Dean