



Rent Stabilization Board  
Office of the Executive Director

DATE: September 23, 2021

TO: Honorable Members of the Berkeley Rent Board

FROM: Honorable Members of the IRA/AGA/Registration Committee  
By: Matt Brown, Acting Executive Director *MB*

SUBJECT: Recommendation to adopt Resolution 21-22 to fund a report regarding upzoning policy recommendations from the Anti-Eviction Mapping Project

**Recommendation:**

That the Board adopt Resolution 21-22, to direct the Acting Executive Director to enter into a contract not to exceed \$32,000 to produce a report to advise the elected Berkeley Rent Board Commissioners regarding policy recommendations as they relate to current or future upzoning proposals.

**Background and Need for Rent Stabilization Board Action:**

In January and February of 2021, Council initiated several proposals that would allow for a significant increase in housing density through various conversions of smaller properties. The process is commonly referred to as “upzoning.” The Board became aware of this and expressed concerns regarding tenant displacement and decreasing affordability. At its March 18, 2021 meeting, the Board voted to send a letter to Council expressing concerns regarding their upzoning proposal. Since that time the Board has sought the expertise of the Anti-Eviction Mapping Project (AEMP) to assist with delivering policy recommendations surrounding best practices for protecting tenants and preserving affordability in light of the proposed enhanced ability to increase density in existing residential properties.

**Conclusion:**

The IRA/AGA/Registration Committee voted at its July 28, 2021 meeting to pay AEMP to write this report and deliver policy recommendations to the Board. Since that date the proposal has changed, and the amount requested has increased. The attached report reflects those changes.

**Name and Telephone Number of Contact Person:**

Matt Brown, Acting Executive Director (510) 981-4905

Attachment:

Proposed Resolution 21-22

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RESOLUTION 21-22

INSTRUCTING EXECUTIVE DIRECTOR TO EXECUTE A CONTRACT WITH THE ANTI-EVICTION MAPPING PROJECT TO STUDY BERKELEY RESIDENTIAL HOUSING UPZONING AND MAKE POLICY RECOMMENDATIONS TO THE ELECTED BOARD AIMED AT PREVENTING DISPLACEMENT AND PRESERVING AFFORDABILITY

WHEREAS, Council initiated several proposals in January and February of this year to significantly increase housing density through various conversions of smaller residential properties through changes to the Planning Code that would allow for this upzoning; and

WHEREAS, Commissioners have expressed grave concern that upzoning will displace tenants and erode affordability in rental properties; and

WHEREAS, the Board voted to send a letter to Council at its March 18, 2021 meeting relaying their concerns to Council; and

WHEREAS, the IRA/AGA/Registration Committee have discussed this issue several times over the past year and have requested that the Board enter into contract with consultants who will be able to advise the Board regarding best practices for conversion of residential rental properties when there is an increased allowance for density; and

WHEREAS, the Anti-Eviction Mapping Project (AEMP) is uniquely qualified to perform this work having engaged in numerous land use studies throughout the state with the lens of preserving affordability and preventing displacement of sitting tenants; and

WHEREAS, the IRA/AGA/Registration Committee voted on July 18, 2021, to fund the AEMP to write a report and deliver policy recommendations to the Board;

NOW, THEREFORE BE IT RESOLVED that the City of Berkeley Rent Stabilization Board hereby directs the Acting Executive Director to execute a contract with AEMP for \$32,000 to perform the work that is outlined in detail in the report from AEMP attached hereto as Exhibit A.

Dated: September 23, 2021

Adopted by the Rent Stabilization Board of the City of Berkeley by the following vote:

YES:

NO:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
Leah Simon-Weisberg, Chair  
Rent Stabilization Board

Attest: \_\_\_\_\_  
Matt Brown, Acting Executive Director



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## Proposal for AEMP's Berkeley Upzoning Report

### Problem Statement

In updating the city's Housing Element, the Berkeley City Council intends to adopt the principles of equity and affordability and ensure more affordable housing throughout the city. To this end, the Council suggests that the Planning Commission increase density in certain residential zones by considering middle housing types such as accessory dwelling units (ADUs), junior accessory dwelling units (JADUs), duplexes, triplexes, and fourplexes to match the scale of existing buildings in the neighborhood. The Berkeley City Council has also adopted a resolution to end exclusionary zoning in Berkeley by December 2022, arguing that "single family residential zoning has its roots in racist exclusionary zoning policy and leads to racial and economic segregation" and to promote multi-family housing throughout Berkeley.

Yet, it is unclear whether zoning for more multifamily housing would inevitably lead to more affordable housing, less displacement, and less segregation. While the Regional Housing Needs Allocation (RHNA) mandates Berkeley to zone for 8,934 additional homes (43% of which should be affordable for low or very low-income households), it does not actually mandate the city build housing. This essentially leaves the fate of affordable housing to the private sector. Just as the outlawing of redlining and racial covenants did not lead to more inclusionary housing, upzoning in and of itself may not necessarily alleviate the effects of exclusionary zoning. In some contexts, like New York City and Chicago,<sup>1</sup> upzoning has led to speculation and sharply increased housing and mortgage costs. New construction projects can lead to displacement for development or conversions, threatening the livelihoods of long-time residents.

### Historical Context

Modern zoning has its roots in Berkeley with the adoption of an ordinance in 1916 that was in part created to institutionalize and systematize the racial restrictions previously enforced through private deed restrictions. Neighborhoods could opt into the system, and they sometimes did so for explicitly racial reasons, for instance using zoning to push out businesses such as Chinese-run

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<sup>1</sup>Davis, Jenna. 2021. "How Do Upzonings Impact Neighborhood Demographic Change? Examining the Link between Land Use Policy and Gentrification in New York City." *Land Use Policy* 103 (April): 105347.  
<https://doi.org/10.1016/j.landusepol.2021.105347>.

laundries and dance halls serving the Black community.<sup>2</sup> Berkeley's zoning ordinance was the first in the US to institute single-family zoning, which was used to formalize and make implicit racism that had previously been explicit and enforced by private entities.<sup>3</sup> The spread of zoning coincided with the migration of Blacks, Chinese, and other racialized groups to new areas of the US, including into Berkeley.

While Berkeley's zoning laws were a key tool in racial segregation, their impact has been more complex than this history might indicate. Black and Japanese residents built political power and sometimes wealth in segregated South Berkeley, for example, and marginalized communities have used the land use process to fight gentrification and displacement. The current calls for upzoning in Berkeley harken to zoning's racist past, but also have the potential to address inequality by increasing density in the city.

In this report, we propose to analyze the relationship between upzoning and equity, specifically looking at the impact of upzoning on tenants. By supplementing qualitative research with analysis of demographic data from the American Community Survey and parcel-level data from the Berkeley Rent Stabilization Board and Alameda County Assessor, we will map out the relationship between zoning and the displacement of low-income residents and people of color in Berkeley. We will investigate cases in which single-family housing zones have excluded or displaced residents, but also cases in which they have historically protected Black and Japanese residents. Through this research we will answer the question of if and how neighborhoods can be upzoned in modes that prevent the displacement of low-income residents and residents of color.

### **Capacity and Experience of AEMP**

The Anti-Eviction Mapping Project (AEMP) is a data-visualization, critical cartography, and multimedia storytelling collective documenting dispossession and resistance upon gentrifying landscapes. Primarily working in the San Francisco Bay Area, Los Angeles, and New York City, we produce digital maps, software and tools, narrative multimedia work, murals, reports, and community events. Working with a number of community partners and in solidarity with housing movements globally, we study and visualize entanglements of housing policy, race, class, and political economy, while providing tools for resistance. Our narrative oral history and video work centers the displacement of people and complex social worlds, but also modes of resistance. Maintaining antiracist and feminist analyses as well as decolonial methodology, the project creates tools and disseminates data contributing to collective resistance and movement building. Some past reports that we have made can be found [here](#),<sup>4</sup> which includes analysis completed in San Francisco, Alameda County, San Mateo County, and more.

The primary work of AEMP is to inform, empower and activate individuals who are negatively impacted by housing inequity and displacement, and to support the work of organizations in this space. We are a multigenerational and multiracial collective, composed of local artists, evicted

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<sup>2</sup> Othering & Belonging Institute. 2019. "Roots, Race, & Place: Exclusionary Zoning." October 2019. <https://belonging.berkeley.edu/rootsraceplace/exclusionaryzoning>.

<sup>3</sup> Othering & Belonging Institute. 2019.

<sup>4</sup> Anti-Eviction Mapping Project. "Reports." Anti-Eviction Mapping Project. Accessed September 13, 2021. <https://antievictionmap.com/reports-new>.

tenants, oral historians, architects, filmmakers, geographers, data analysts, coders, writers and more. It is the dynamic, diverse and collective nature of AEMP's organizational structure that gives it its unique capacity to research and create strong tools and assets that support policy and educational work on contemporary housing issues. Our process allows us to bring together team members from diverse backgrounds and with varying working styles in order to develop the strongest outcomes. The team for this report will consist of AEMP members from different professional backgrounds who are all passionate about creating a more equitable Bay area housing landscape. They will each bring their knowledge and experience to the completion of this report.

*Please see detailed bios of the team at the end of this document.*

## **Approach**

### **Overview of Tenant Demographics in Berkeley**

Using data from the U.S. Census Bureau's American Communities Survey (ACS), we will produce a socio-demographic profile of Berkeley households which is relevant to the interpretation of upzoning impacts across the city. In providing an overview of the current status of Berkeley tenants across neighborhoods, we will provide context for the orientation of the report broadly which informs the specific policy analysis, interrogation of displacement risks, and addresses the applicability of case study comparisons. The presentation of socio-demographic data in maps and figures will also provide a useful snapshot of the state of Berkeley neighborhoods and the economic conditions of tenants.

### **Comparisons before and after upzoning in Downtown and South Side Berkeley neighborhoods**

To assess the potential impact of upzoning in Berkeley, we will analyze the impact of past upzoning projects. The passage of the Southside Area Plan in 2011 and the Downtown Area Plan in 2012 opened up those neighborhoods to taller, denser development. While both neighborhoods and both plans have their particularities, they provide an opportunity to analyze the impact of increasing density through upzoning Berkeley neighborhoods. Using ACS data, we will compare key demographic data (race, ethnicity, income and poverty levels, and disability) prior to upzoning, 5 years after upzoning, and in the present day. These data are available at both the census tract and block group levels. This work will allow us to answer: Does upzoning in Berkeley tend to displace non-white residents, as has been seen in other cities,<sup>5</sup> or does it have different impacts? What projections can we make about how present-day Berkeley may be impacted by upzoning based on past data?

Pending data availability, we will also use data from the Berkeley Rent Board to analyze the impact of the zoning changes on the rent-controlled units in these neighborhoods. Were rent-controlled units lost to demolitions, conversions, Ellis Act evictions, or owner move-in evictions? Did the average length of tenancy change over time? Were there impacts on the

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<sup>5</sup> Davis, 2021.

average rent ceiling? If these data are not available, we will use summary data from the Berkeley Rent Board's quarterly reports to assess the impact of upzoning by submarket area. How many new units were registered each year? How did average rent ceilings change over time?

We will also create case studies of several representative parcels to analyze the mechanics of the impact of upzoning. For these case studies, we will use rent registry data, planning data, and relevant ACS data to construct a history of these parcels over time. Finally, we will analyze data on building demolitions from the Planning Department and the Berkeley Rent Board to track the impact of upzoning. How successful were Berkeley's demolition ordinances in preventing displacement? Were there loopholes to the ordinance that developers tried to exploit?

### **The Vulnerability Index**

In order to assist the Board in assessing the equity impacts of rezoning choices, we will develop a multiscalar composite index of tenant displacement vulnerability in Berkeley neighborhoods. This index will include analyses of the likelihood of redevelopment at the property scale and vulnerability to displacement under conditions of upzoning at the census tract scale. The index will be created from an analysis of the relative performance of each parcel and neighborhood across several key indicators of redevelopment risk and displacement threat.

The redevelopment component of the index will evaluate the relative risk of the components of Berkeley's housing stock to displacement-causing redevelopment by analyzing the physical, economic, and locational characteristics of each parcel in the city, using data primarily derived from the Contra Costa County Assessor's property rolls, as well as the Board's rental registry. The displacement vulnerability component of the index will evaluate the relative risk that redevelopment spurred by upzoning will result in the displacement of low-income households (particularly tenants but with applicability to homeowners) in Berkeley's census tracts using sociodemographic data primarily derived from the American Communities Survey.

The composite index of displacement threat applicable to the neighborhood scale will be generated by integrating the two previously described indices. Geographical indices of risk are an increasingly popular policymaking tool. The determination of relevant metrics to be used in the construction of the index will be informed by a review of the robust scholarly literature on displacement analytics and the impacts of upzoning, including both theoretical and empirical research which investigates factors predictive of displacement risk.<sup>6</sup>

The composite index will provide the Board with an analysis of the relative risk of displacement faced by tenants under conditions of upzoning across Berkeley census tracts, assessed in relation to the statistically average Berkeley tenant. The purpose of the index is to enable the Board to make a data driven assessment of the equity concerns arising from choices concerning which areas within the city may be selected for upzoning.

### **Other Cities: Case Study Research**

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<sup>6</sup> For a survey of relevant topics, see: Chapple, Karen and Miriam Zuk. 2016. "Forewarned: The Use of Neighborhood Early Warning Systems for Gentrification and Displacement." *Cityscape* 18 (3): 109–30.

Cities that have recently updated their Housing Element or are implementing upzoning reforms include Minneapolis, Portland, Austin, San Diego, New York, Los Angeles, Sacramento, Chicago, Denver and Grand Rapids. We plan to comparatively evaluate rezoning plans and their impact on communities. We will create a comparative table with key characteristics of each city's rezoning, answering questions such as:

- When did the rezoning occur?
- What were the intentions and goals of the rezoning?
- How were these intentions reflected in the rezoning plan?
- What policies and regulations did each city put in place to achieve its goal?
- Were there unintended consequences?
- What criteria was used to draw rezoning boundaries?
- What were the density and height regulations?
- What were the zoning district types?
- How were equity and community benefits incentivized or mandated in the zoning plan?
- Were there special safeguards against displacement put in place?
- If rent stabilization laws were in place, how did zoning changes affect rent-controlled tenants?

By gathering and analyzing this comparative data, we will evaluate the effectiveness of upzoning in other cities, and in particular, their impact on affordable housing preservation, production, and protection.

### **Policy Recommendations**

Based on the literature review, research, and analysis described above we will synthesize findings and propose evidence-based policy directions. After thoroughly considering how previous upzoning has affected specific neighborhoods within Berkeley, the case studies of how zoning changes in other cities have changed demographics and affordability, and the displacement vulnerability of census tracts in Berkeley we expect to generate recommendations on:

- How to most effectively protect/preserve current rent-controlled units and avoid displacement of current tenants.
- Given the limitations of the Costa-Hawkins Rental Housing Act, how to ensure long-term affordability of the designated percentage (or more) of newly created units
- Best practices for collecting data so the effect on neighborhoods (demographically and affordability) can be clearly charted following zoning changes
- If/where upzoning should be utilized
- How to incorporate equity considerations

### **Budget Proposal**

Our estimate for completing this report is 32,000. These funds will support our team through the phases of qualitative research, data analysis, report writing and design. It also includes project management and other administrative work related to the creation of the report. As we are a

collective, all roles are paid at the same rate of 40.00 per hour. Given that we are able to attain all of the data sets necessary in the timeframe indicated, as well as receive timely feedback from the rent board on any report drafts, AEMP plans to deliver our initial findings to the Berkeley Rent Board at its November meeting where we will receive feedback. This feedback will be integrated into a first draft to be distributed to members for final feedback by mid-January 2022 and the final report will be completed, including design, by the end of February.

**Budget Breakdown**

Activity	Time commitment and deliverables	% of time and resources	(\$)
<b>Phase 1: Research + Data Analysis (September - November 2021)</b>			
Qualitative Research	Case study and historical research (16 hrs a week for 6 weeks @ 40.00 per hr.)	12%	\$3,840
Data Analysis	Heavy lift for 8 weeks to analyze series of datasets and produce visuals (30 hrs a week for 6 weeks @ 40.00 per hr.)	30%	\$9,600
	<b>Deliverable:</b> Presentation for Rent Board in November with initial data findings		
<b>Phase 2: Report Writing (December 2021 - mid-January 2022)</b>			
Qualitative Research	Continued qualitative research (10 hrs a week for 4 weeks @ 40.00 per hr.)	5%	\$1,600
Data analysis	Refine analysis, maps, and graphics based on feedback from Rent Board (10 hrs a week for 4 weeks @ 40.00 per hr.)	5%	\$1,600
Writing	Synthesize research and findings into draft report (13 hrs a week for 8 weeks @ 40.00 per hr.)	13%	\$4,160
	<b>Deliverable:</b> Draft report, send to partners for review + feedback		
<b>Phase 3: Final Report Production (mid- January - February 2022)</b>			
Writing	Integrate feedback from partners; copy/edit; proofread (8 hrs a week for 4 weeks @ 40.00 per hr.)	4%	\$1,280
Design	Layout and design for report once final copy is ready (13.3 hrs a week for 6 weeks @ 40.00 per hr.)	10%	\$3,200
	<b>Deliverable:</b> Final report		
<b>On-going</b>			
Project Management	(3.6 hrs a week for 20 weeks @ 40.00 per hr.)	9%	\$2,880
Fiscal Sponsorship		12.0%	\$3,840
<b>TOTAL</b>		<b>100%</b>	<b>\$32,000</b>

## **Team Bios**

**Alex Ferrer** is an AEMP member and urban planning graduate student at UCLA. He has been a housing researcher with Strategic Actions for a Just Economy in Los Angeles for over 5 years, producing a series of public facing reports on gentrification and the corporate ownership of housing, and helping to develop the statistical methodology of a web-based displacement risk tool currently used by the Los Angeles County Development Authority.

**Anna Ferrarie** is a writer, filmmaker, and public health professional. While pursuing her Master's in Public Health (MPH) at UCLA she was awarded the Public Health Fellowship in Population Health Advocacy in 2016. In addition to her work with AEMP, she volunteers on the No Place To Go II committee and is a founding member of Public Health Awakened Los Angeles.

**Catherine Guimond** is a Program Analyst at Centro Legal, supporting the work of the Tenants' Rights Program by researching emerging trends in the challenges faced by tenants, managing the program's data, and analyzing local policies and services to help Centro determine how best to address the Bay Area's housing crisis. Before joining Centro Legal, Katy taught classes on geography and urban studies at University of California, Berkeley and the San Francisco Art Institute. Katy received her PhD in Geography from the University of California, Berkeley. Katy has been active in tenant organizing since 2010 in New York and the East Bay.

**Alexandra Lacey** is a San Francisco-based filmmaker and producer who works at the intersection of media and activism with a focus on anti-gentrification and housing rights. In her work with the Anti-Eviction Mapping Project, she has managed and overseen multiple projects, including *(Dis)location: Black Exodus*, a multi-media zine and workshop series, the *Counterpoints* virtual launch event, and the documentary, *Tenant's Rise Up!*. Most recently, she has also worked with the San Mateo Anti-Displacement Coalition on several projects, including the participatory research project and report, *Our Values, Our Voices*.

**Amy Lee** is a member of AEMP and teaches at UC Berkeley's Fall Program for Freshmen. Formerly, she worked with tenants facing building-wide evictions in New York City as a member of CAAAV: Organizing Asian Communities. She has published articles on the mediascapes of displacement, gentrification, and the disappearance of Chinatowns.

**Carla Leshne** has worked with AEMP since 2014 and contributed to the production of maps, articles, exhibits, presentations and actions. She has collaborated on a number of reports and online resources including *Disrupting Displacement Financing in Oakland 2018*, *Precarious Housing: The Loss of SRO Hotels in Oakland 2017*, *Counterpoints Alameda County 2016*, *Public Spaces San Francisco 2016*, the 'zine *We Are Here 2015*, *Evictorpages*, and the 2021 publication *Counterpoints: A San Francisco Bay Area Atlas of Displacement and Resistance*.

**Erin McElroy** is an Assistant Professor of American Studies and Digital Studies at the University of Texas at Austin with a focus on San Francisco Bay Area gentrification and landlord technologies, and is cofounder of the Anti-Eviction Mapping Project and the Radical Housing Journal. Erin has spearheaded numerous reports written by the AEMP in San Francisco, Alameda, and San Mateo counties, and was a co-editor of the AEMP's recently published

*Counterpoints: A San Francisco Bay Area Atlas of Displacement and Resistance.* Erin is currently working with the AEMP on a new digital lookup tool, Evictorbook, which brings together eviction and ownership data in San Francisco and Oakland, as well as a new report focused on intermediary lease occupancies in San Francisco.

**Claire Morton** is a student studying Mathematical and Computational Science at Stanford University. She has a background in quantitative environmental justice research and has collaborated with groups such as the United Nations, the Local Government Commission, and the City of Oakland on data analysis and presentation. Claire is passionate about using data and statistics to expose inequities, particularly in California.

**Manon Vergerio** is a Brooklyn-based housing advocate with a background in tenant organizing, research, and GIS analysis. In recent years, she has organized around rezonings and displacement in New York, taught GIS classes to municipal employees, and produced collaborative maps and research for numerous clients including UC Berkeley, UCLA, NYU, and the NYC Right to Counsel Coalition. She holds an MS in Design and Urban Ecologies from Parsons School of Design.