



PROCLAMATION CALLING A SPECIAL MEETING OF THE BERKELEY CITY COUNCIL

In accordance with the authority in me vested, I do hereby call the Berkeley City Council in special session as follows:

**Tuesday, April 19, 2022
6:00 PM**

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – RIGEL ROBINSON
DISTRICT 8 – LORI DROSTE

PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH VIDEOCONFERENCE AND TELECONFERENCE

Pursuant to Government Code Section 54953(e) and the state declared emergency, this meeting of the City Council will be conducted exclusively through teleconference and Zoom videoconference. The COVID-19 state of emergency continues to directly impact the ability of the members to meet safely in person and presents imminent risks to the health of attendees. Therefore, no physical meeting location will be available.

Live captioned broadcasts of Council Meetings are available on Cable B-TV (Channel 33) and via internet accessible video stream at <http://www.cityofberkeley.info/CalendarEventWebcastMain.aspx>.

To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://us02web.zoom.us/j/87841008933>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen.

*To join by phone: Dial 1-669-900-9128 or 1-877-853-5257 (Toll Free) and enter Meeting ID: 878 4100 8933. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

Please be mindful that the teleconference will be recorded as any Council meeting is recorded, and all other rules of procedure and decorum will apply for Council meetings conducted by teleconference or videoconference.

To submit a written communication for the City Council's consideration and inclusion in the public record, email council@cityofberkeley.info.

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900. The City Council may take action related to any subject listed on the Agenda. Meetings will adjourn at 11:00 p.m. - any items outstanding at that time will be carried over to a date/time to be specified.

Preliminary Matters

Roll Call:

Worksession

- 1. Fire Department Standards of Coverage and Community Risk Assessment Study**
From: City Manager
Contact: Abe Roman, Fire, (510) 981-3473
- 2. Ashby and North Berkeley BART Transit-Oriented Development**
From: City Manager
Contact: Paul Buddenhagen, City Manager's Office, (510) 981-7000

Public Comment - Items on this agenda only

Adjournment

I hereby request that the City Clerk of the City of Berkeley cause personal notice to be given to each member of the Berkeley City Council on the time and place of said meeting, forthwith.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the City of Berkeley to be affixed on this 14th of April, 2022.



Jesse Arreguin, Mayor

Public Notice – this Proclamation serves as the official agenda for this meeting.

ATTEST:



Date: April 14, 2022
Mark Numainville, City Clerk

NOTICE CONCERNING YOUR LEGAL RIGHTS: *If you object to a decision by the City Council to approve or deny an appeal, the following requirements and restrictions apply: 1) Pursuant to Code of Civil Procedure Section 1094.6 and Government Code Section 65009(c)(1)(E), no lawsuit challenging a City decision to deny or approve a Zoning Adjustments Board decision may be filed and served on the City more than 90 days after the date the Notice of Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred. 2) In any lawsuit that may be filed against a City Council decision to approve or deny a Zoning Adjustments Board decision, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.*

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Archived indexed video streams are available at <http://www.cityofberkeley.info/citycouncil>. Channel 33 rebroadcasts the following Wednesday at 9:00 a.m. and Sunday at 9:00 a.m.

Communications to the City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service to the City Clerk Department at 2180 Milvia Street. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk Department for further information.

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be posted on the City's website at <http://www.cityofberkeley.info>.

Agendas and agenda reports may be accessed via the Internet at <http://www.cityofberkeley.info/citycouncil>

COMMUNICATION ACCESS INFORMATION:

To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at (510) 981-6418 (V) or (510) 981-6347 (TDD) at least three business days before the meeting date.



Captioning services are provided at the meeting, on B-TV, and on the Internet.

Communications

Council rules limit action on Communications to referral to the City Manager and/or Boards and Commissions for investigation and/or recommendations. All communications submitted to Council are public record. Copies of individual communications are available for viewing through [Records Online](#).

Item #2: Ashby and North Berkeley BART Transit-Oriented Development

1. 31 similarly-worded form letters (I am a resident)
2. 25 similarly-worded form letters (I live in)
3. 20 similarly-worded form letters (12 stories)
4. 19 similarly-worded form letters (Generational opportunity)
5. 11 similarly-worded form letters (1-4, a-c)
6. 9 similarly-worded form letters (Please ensure)
7. Anne Boersma
8. Naomi Janowitz
9. Bernard Marszalek
10. Carolyn McNiven
11. Mary Rose
12. Jodi Ravel
13. Elie Hassenfeld
14. Elana Auerbach
15. Mary Dorst
16. Cindy Shamban
17. Lynda Caesara
18. Basak Altan

19. David Brandon
20. Summer Brenner
21. Ben Gerhardstein
22. Kori Kody and Steve Jackson
23. Josh Cohen
24. Paul Bickmore
25. Theo Posselt (2)
26. Andrew Doran
27. Margot Smith
28. Libby Lee-Egan
29. Susan Segal
30. Barbara Fisher
31. Carole Cool
32. Stephen Sperber
33. Anne Torney
34. Oren Cheyette
35. Helena Chang
36. Carla Woodworth
37. Tony Corman
38. Phil Allen
39. Andrew Fox
40. Nat Kane
41. Raymon Sutedjo-The
42. Jonathan Packman
43. Emily Lin
44. Barry Fike
45. Sarah Bell
46. Janet Byron
47. Emily Klion
48. Anirvan Chatterjee
49. Alisa (2)
50. Yoni Mayeri
51. Stephanie Allan
52. Xander Boutelle
53. Ayushi Samaddar
54. David Mendelsohn
55. Councilmember Kesarwani
56. Steven Morris
57. Laura Stevens
58. Becca Schonberg
59. Annie Preston
60. Maureen Sedonaen
61. Stephen Dalton
62. Doris Nassiry
63. Susan Mathews
64. Anandamayi Arnold
65. Ignacio Dayrit
66. Hayley Currier
67. Virginia Browning
68. Emma Lydon

69. Lauren O'Brien
70. Susan Holbrook
71. Avram Gur Arye
72. Mary Behm Steinberg
73. Michael Caplan
74. Reynaldo Santa Cruz
75. Toni Casal



Standards of Cover and Community Risk Assessment Study Mid-Project Briefing

City of Berkeley Fire Department

April 6, 2022

Today's Briefing

- Understand the analysis work conducted
- Review deployment findings and recommendations
- Questions, public comment, and Council discussion

Risk Assessment

Values at Risk

- **People**
 - Resident population: +/- **119,619**
 - Daytime population: +/- **144,863 (+21%)**
 - **2040 forecast: 141,000 (+18%)**
- **Buildings**
 - More than **51,000** residential housing units
- **Economic resources**
 - +/- **7,000** businesses
 - +/- **98,000** employees
- Many infrastructure **critical facilities**
- Many **cultural, historic, and natural** resources

Berkeley Fire Department Map 2a Population Density By Block Group

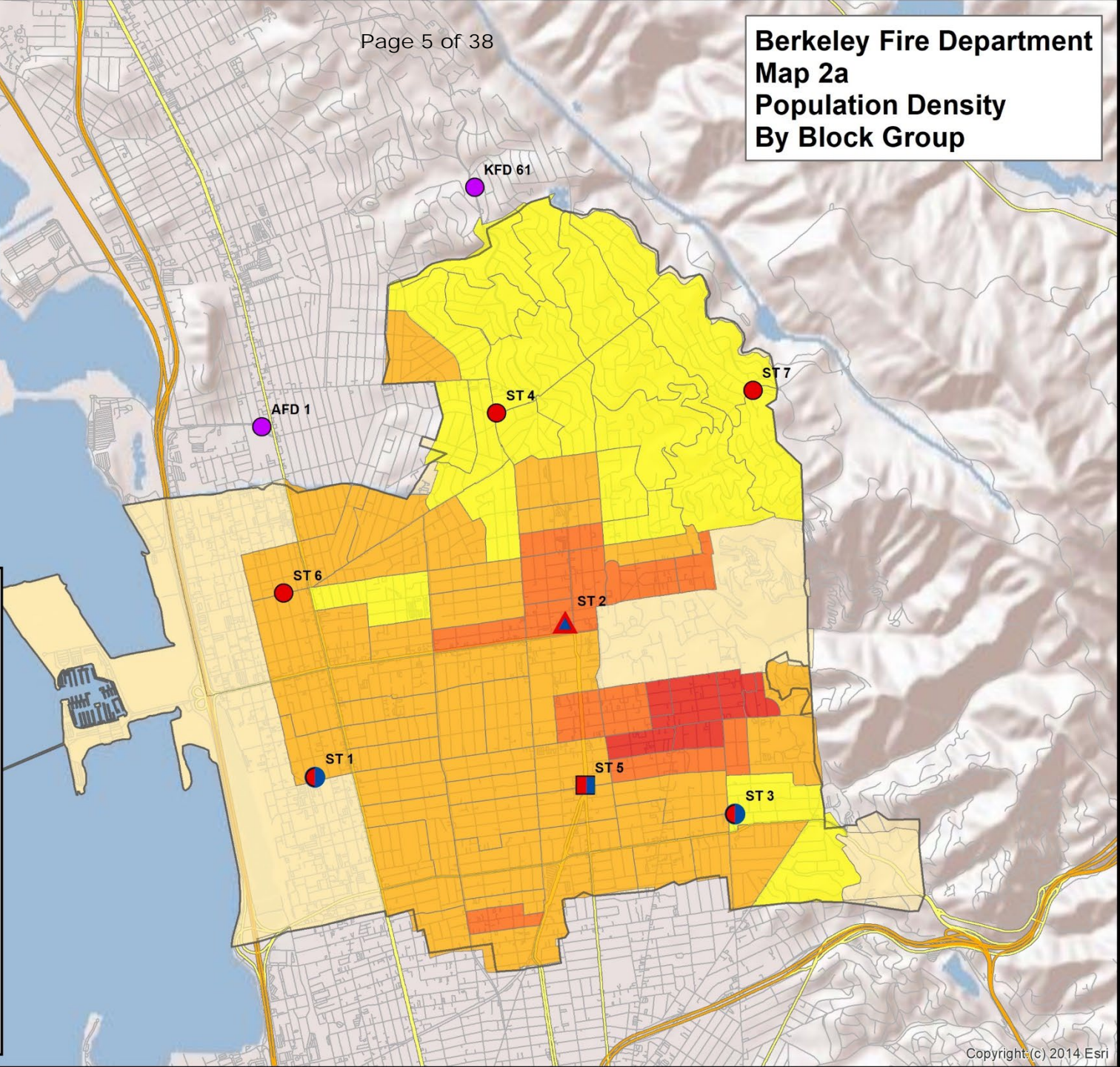
Legend

Fire Stations

- E
- E, M
- E, T, M
- ▲ E, T, M, BC
- MA

Density Per Sq. Mile

- 0 - 5,000
- 5,001 - 10,000
- 10,001 - 20,000
- 20,0001 - 40,000
- Greater Than 40,000



Risk Assessment Methodology

- Identify/quantify key **values at risk** by fire station area
- Identify **hazards to be evaluated** related to Berkeley services
- Determine **probability** of a hazard occurrence
 - Based on prior service demand by hazard type
- Identify *probable* **impact severity** of a hazard occurrence
- Determine **overall risk** by hazard and battalion
 - Based on *probability of occurrence and impact severity*

Risk Assessment Impact Severity

Impact Severity Category	Characteristics
<p style="text-align: center;">Insignificant</p>	<ul style="list-style-type: none"> • No injuries or fatalities • No to few persons displaced for short duration • Little or no personal support required • None to inconsequential damage • None to minimal community disruption • No measurable environmental impacts • None to minimal financial loss • No wildland Fire Hazard Severity Zones (FHSZs)
<p style="text-align: center;">Minor</p>	<ul style="list-style-type: none"> • Few injuries; no fatalities; minor medical treatment only • Some displacement of persons for less than 24 hours • Some personal support required • Some minor damage • Minor community disruption of short duration • Small environmental impacts with no lasting effects • Minor financial loss • No wildland FHSZs
<p style="text-align: center;">Moderate</p>	<ul style="list-style-type: none"> • Medical treatment required; some hospitalizations; few fatalities • Localized displacement of persons for fewer than 24 hours • Personal support satisfied with local resources • Localized damage • Normal community functioning with some inconvenience • No measurable environmental impacts with no long-term effects, or small impacts with long-term effect • Moderate financial loss • Less than 25% of area in <i>Moderate</i> or <i>High</i> wildland FHSZs
<p style="text-align: center;">Major</p>	<ul style="list-style-type: none"> • Extensive injuries; significant hospitalizations; many fatalities • Large number of persons displaced for more than 24 hours • External resources required for personal support • Significant damage • Significant community disruption; some services not available • Some impact to environment with long-term effects • Major financial loss with some financial assistance required • More than 25% of area in <i>Moderate</i> or <i>High</i> wildland FHSZs; less than 25% in <i>Very High</i> wildland FHSZs
<p style="text-align: center;">Catastrophic</p>	<ul style="list-style-type: none"> • Large number of severe injuries requiring hospitalization; significant fatalities • General displacement for extended duration • Extensive personal support required • Extensive damage • Community unable to function without significant external support • Significant impact to environment and/or permanent damage • Catastrophic financial loss; unable to function without significant support • More than 50% of area in <i>High</i> wildland FHSZs; more than 25% of area in <i>Very High</i> wildland FHSZs

Summary Risk Analysis

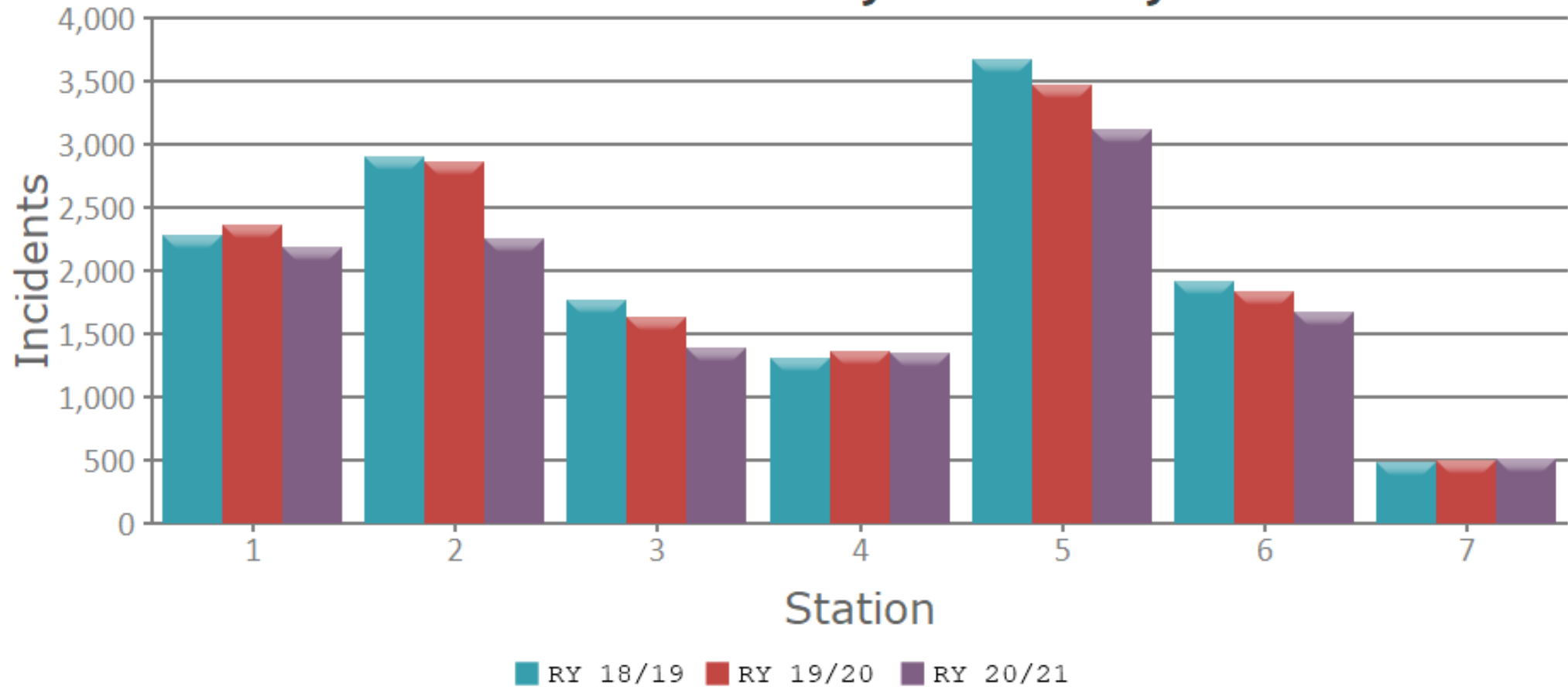
Hazard		Risk Planning Zone						
		Sta. 1	Sta. 2	Sta. 3	Sta. 4	Sta. 5	Sta. 6	Sta. 7
1	Building Fire	Moderate	Moderate	Moderate	Moderate	Moderate	Moderate	Moderate
2	Vegetation/Wildland Fire	Low	Extreme	Extreme	Extreme	Moderate	Low	Extreme
3	Medical Emergency	High	High	High	High	High	High	High
4	Hazardous Materials	Moderate	Moderate	Moderate	Moderate	Moderate	Moderate	Moderate
5	Technical Rescue	Moderate	Moderate	Moderate	Moderate	Moderate	Moderate	Low
6	Marine Incident	Moderate	Low	Low	Low	Low	Moderate	Low



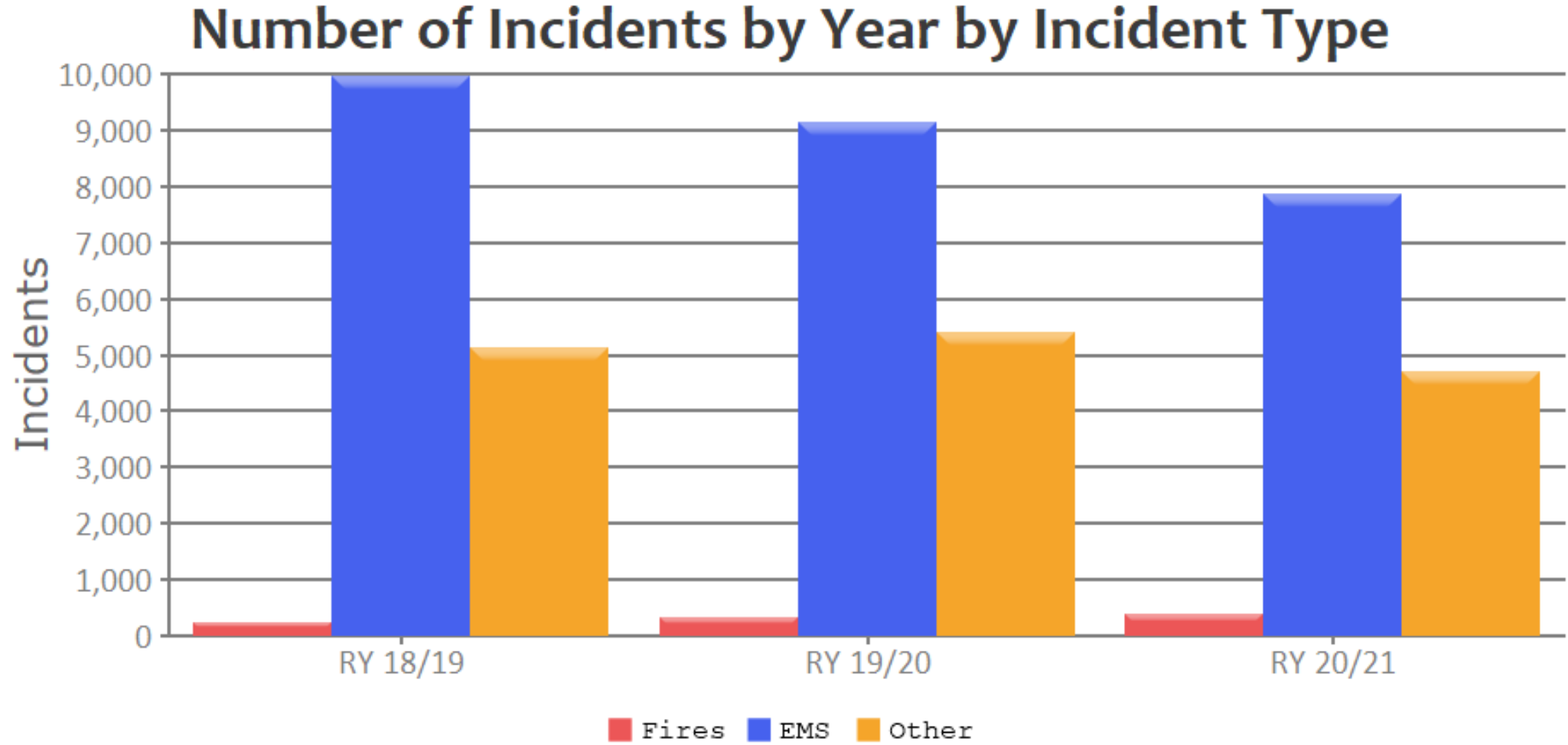
Service Demand

Service Demand by Station by Year

Number of Incidents by Station by Year

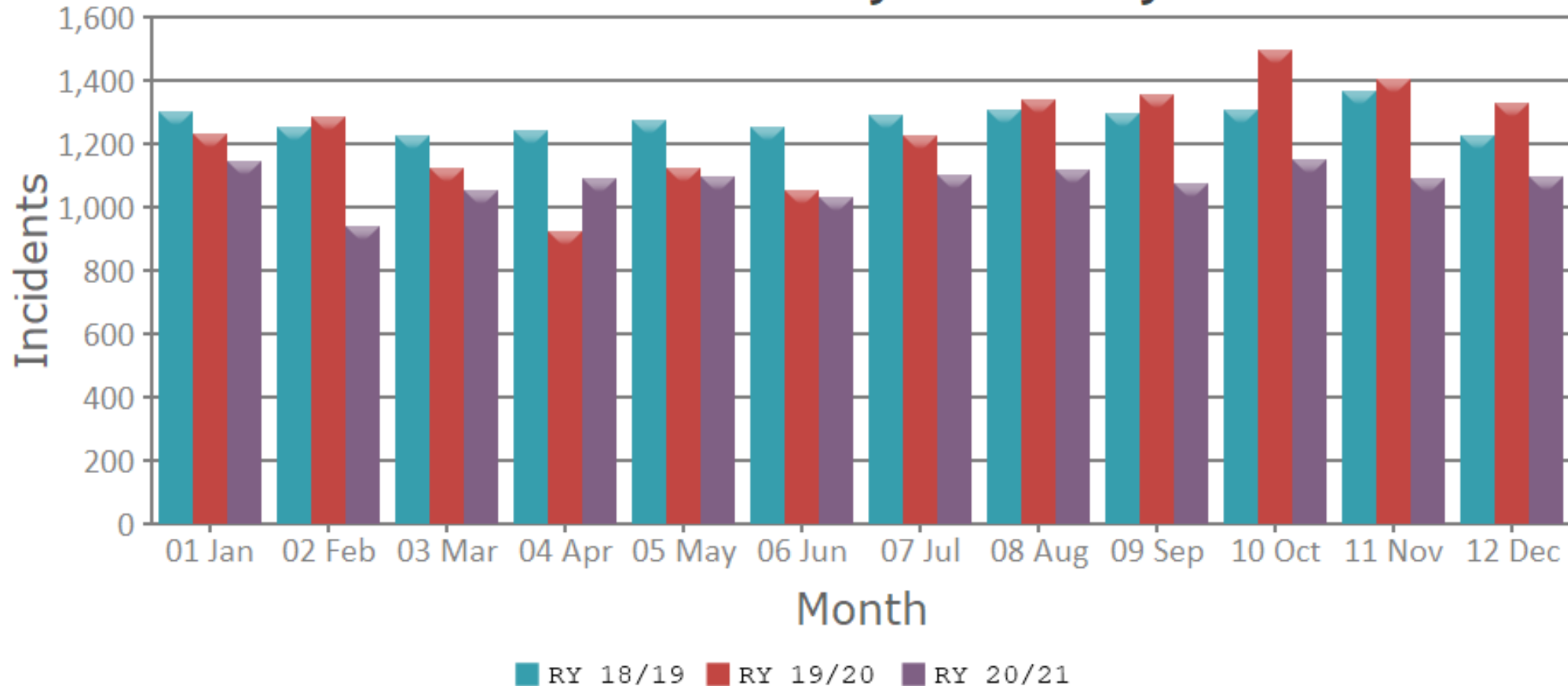


Service Demand by Incident Type



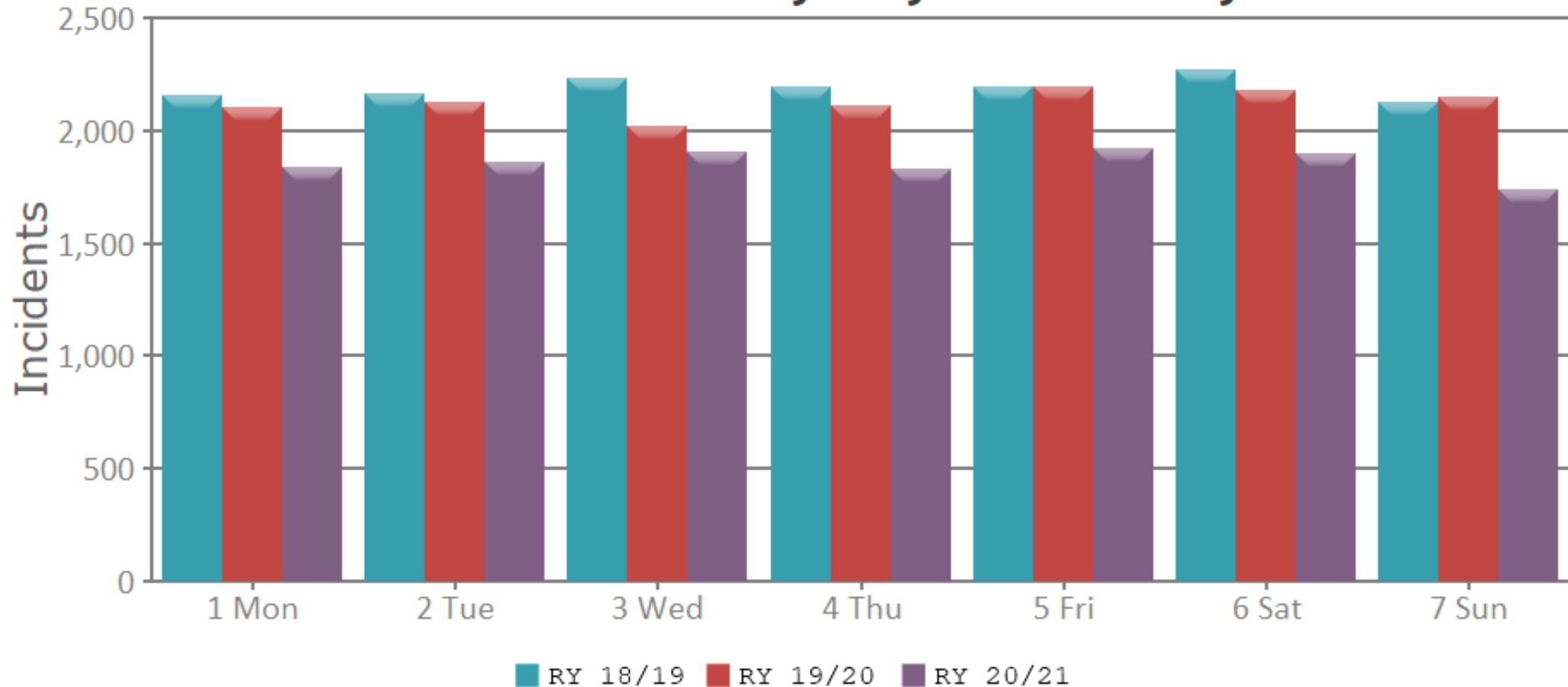
Service Demand by Month

Number of Incidents by Month by Year

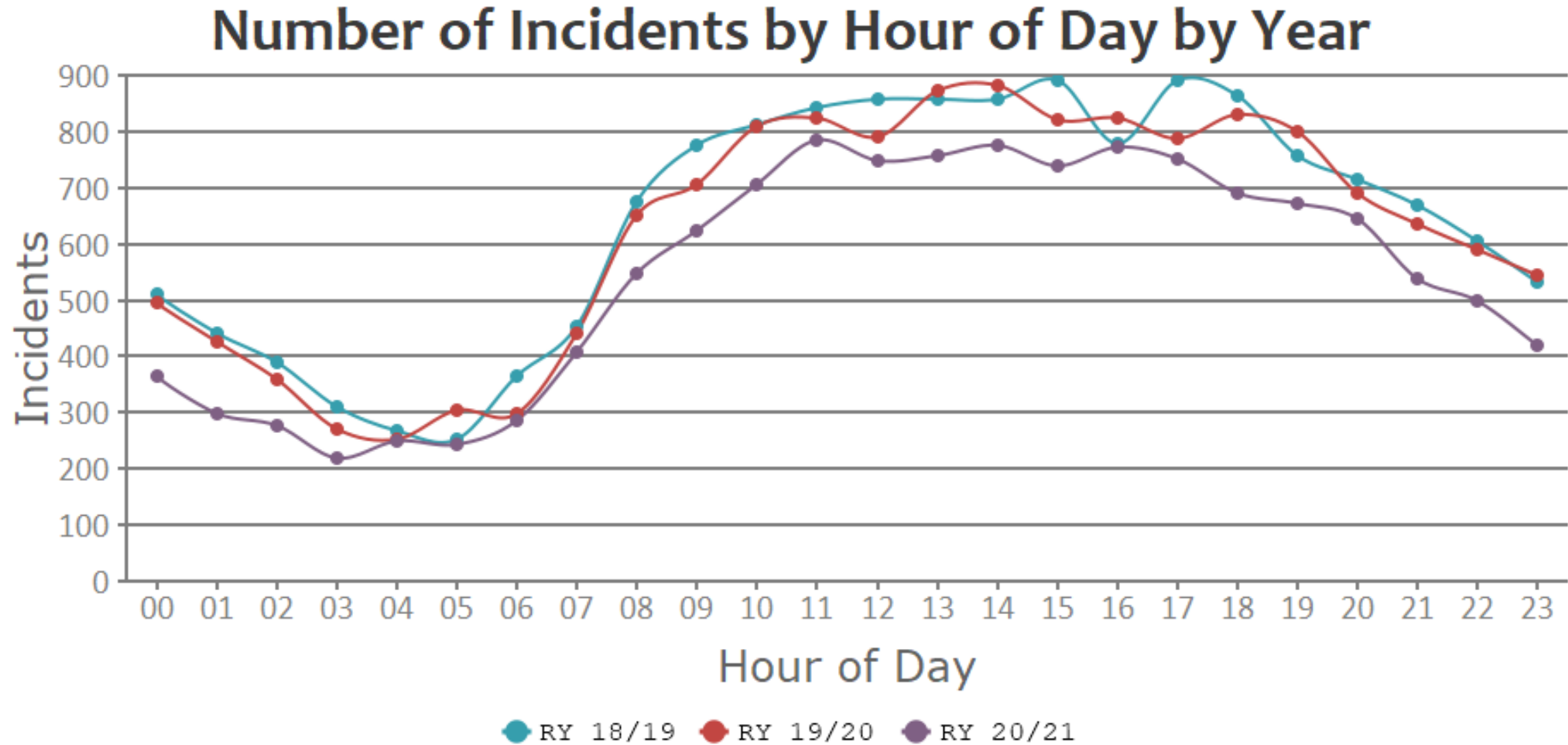


Service Demand by Day of Week

Number of Incidents by Day of Week by Year



Service Demand by Time of Day



Station Demand by Hour of Day (2020/21)

Hour	Station 5	Station 1	Station 2	Station 6	Station 4	Station 3	Station 7
00:00	21.74%	11.41%	16.63%	7.31%	8.65%	10.09%	0.20%
01:00	28.69%	7.89%	12.51%	11.30%	4.72%	9.36%	3.37%
02:00	16.63%	9.43%	9.42%	11.91%	7.34%	7.92%	1.89%
03:00	12.94%	5.73%	12.75%	6.95%	8.09%	4.70%	2.06%
04:00	11.73%	13.08%	10.10%	10.18%	6.15%	6.81%	1.69%
05:00	18.04%	6.47%	12.14%	4.66%	9.92%	4.62%	2.21%
06:00	10.51%	13.17%	9.45%	14.55%	8.50%	5.18%	2.89%
07:00	26.58%	23.15%	23.63%	13.70%	14.34%	8.93%	6.29%
08:00	31.99%	32.88%	22.55%	16.48%	21.16%	12.99%	8.69%
09:00	50.11%	34.29%	27.28%	20.21%	22.31%	11.88%	4.35%
10:00	51.53%	40.86%	34.06%	20.78%	21.47%	15.59%	8.74%
11:00	58.42%	35.57%	41.15%	30.88%	25.81%	21.49%	6.69%
12:00	49.57%	33.68%	32.07%	26.06%	23.79%	17.48%	5.85%
13:00	51.45%	41.97%	32.32%	23.90%	31.00%	24.68%	5.00%
14:00	51.21%	38.36%	31.16%	30.24%	30.13%	16.52%	10.40%
15:00	42.32%	33.61%	29.72%	29.15%	18.03%	16.48%	6.96%
16:00	52.54%	34.13%	30.53%	27.48%	25.85%	18.63%	10.64%
17:00	41.14%	33.18%	36.27%	21.31%	19.09%	18.21%	8.04%
18:00	32.67%	30.22%	30.25%	22.83%	18.58%	17.90%	10.74%
19:00	34.88%	28.75%	25.35%	26.03%	21.19%	15.74%	8.21%
20:00	26.52%	29.77%	24.02%	20.44%	16.03%	14.12%	7.31%
21:00	33.19%	19.78%	20.77%	17.04%	10.90%	13.61%	6.10%
22:00	26.09%	20.26%	17.93%	12.35%	8.98%	12.54%	4.79%
23:00	17.09%	18.52%	13.91%	17.47%	12.53%	8.43%	3.85%

Unit-Hour Utilization – Engines (2020/21)

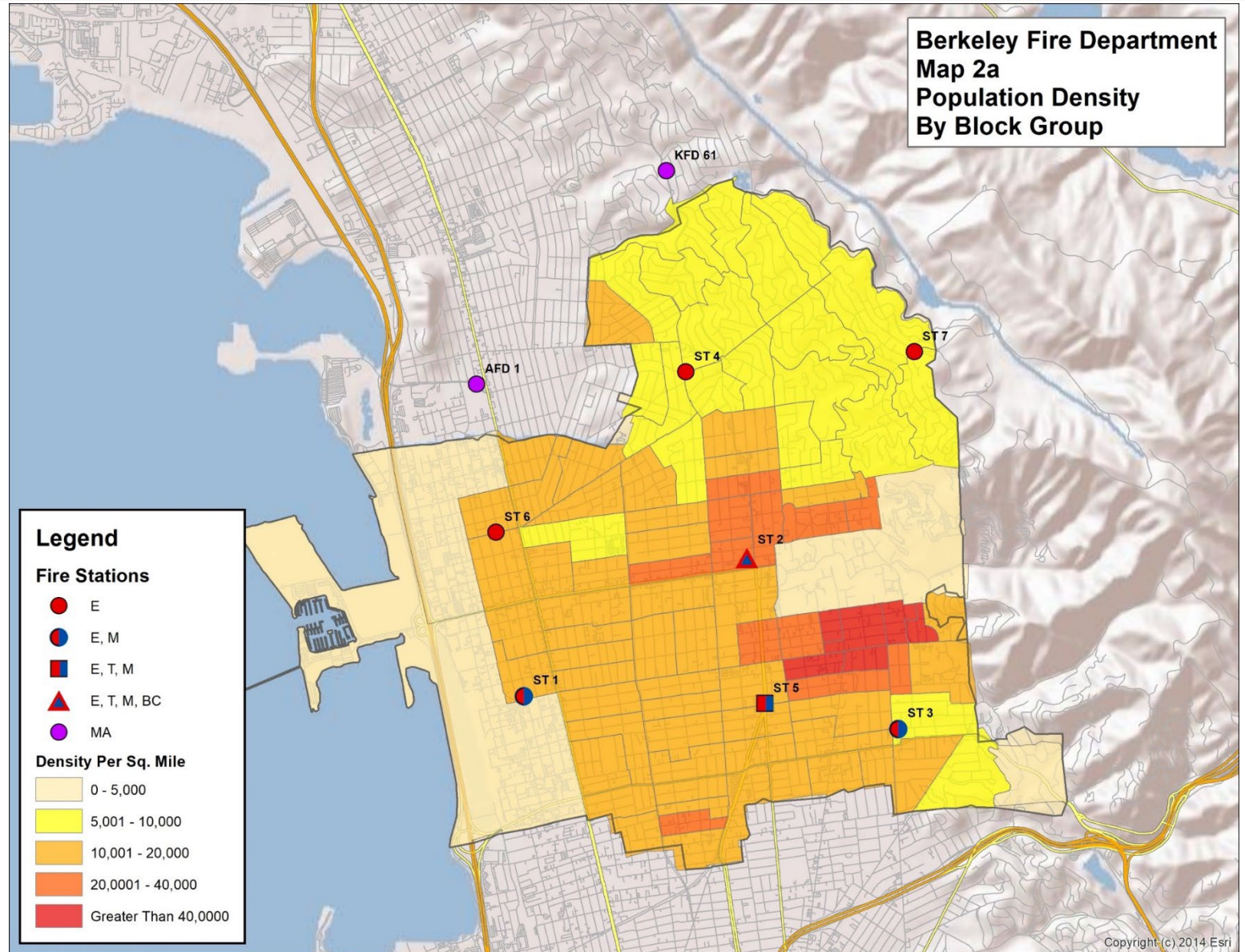
Hour	Engine 5	Engine 1	Engine 2	Engine 6	Engine 4	Engine 3	Engine 7
00:00	23.23%	15.11%	17.16%	9.62%	10.14%	11.33%	0.58%
01:00	25.88%	10.21%	15.51%	11.19%	6.41%	9.09%	3.37%
02:00	18.81%	12.81%	10.79%	11.12%	9.66%	7.74%	3.56%
03:00	13.47%	6.63%	12.40%	6.71%	7.76%	4.40%	2.06%
04:00	11.55%	13.59%	10.26%	10.62%	7.61%	7.62%	1.69%
05:00	15.01%	6.44%	7.62%	3.69%	9.87%	4.93%	2.59%
06:00	11.08%	19.01%	10.05%	9.78%	13.02%	5.63%	3.00%
07:00	25.01%	21.97%	20.84%	18.37%	13.97%	8.97%	6.10%
08:00	30.47%	31.19%	22.80%	20.58%	20.92%	13.10%	5.44%
09:00	38.00%	31.75%	22.75%	28.75%	21.67%	14.57%	5.65%
10:00	41.58%	42.32%	28.32%	23.47%	25.77%	19.88%	11.49%
11:00	52.86%	31.20%	35.07%	41.62%	28.02%	23.70%	7.28%
12:00	49.05%	28.41%	31.70%	34.37%	20.78%	18.56%	9.29%
13:00	53.48%	43.37%	30.66%	31.32%	31.70%	29.91%	7.95%
14:00	45.24%	43.90%	39.12%	34.42%	36.53%	25.40%	15.68%
15:00	38.09%	38.93%	32.49%	31.93%	20.30%	18.31%	7.38%
16:00	47.27%	34.35%	34.50%	28.96%	22.18%	20.99%	12.14%
17:00	44.46%	33.94%	34.26%	22.25%	22.90%	20.69%	8.62%
18:00	32.84%	31.45%	30.75%	22.85%	23.40%	20.74%	11.46%
19:00	29.80%	30.92%	25.06%	29.59%	21.39%	18.51%	10.09%
20:00	25.59%	32.76%	23.66%	24.96%	20.72%	15.76%	9.20%
21:00	29.23%	20.37%	20.49%	18.23%	12.64%	12.76%	6.77%
22:00	26.99%	21.79%	16.67%	12.63%	9.51%	12.90%	4.69%
23:00	19.81%	24.27%	15.45%	21.47%	16.11%	8.64%	3.85%

Unit-Hour Utilization – Ladder Trucks (2020/21)

Hour	Truck 5	Truck 2
00:00	6.87%	5.07%
01:00	4.84%	4.42%
02:00	4.63%	3.45%
03:00	1.68%	1.41%
04:00	3.10%	3.53%
05:00	1.95%	2.76%
06:00	4.25%	6.36%
07:00	3.96%	7.08%
08:00	7.73%	11.87%
09:00	20.38%	14.38%
10:00	24.35%	18.19%
11:00	26.10%	15.98%
12:00	14.58%	13.39%
13:00	23.15%	20.47%
14:00	20.43%	13.91%
15:00	16.57%	12.32%
16:00	22.90%	13.25%
17:00	24.16%	12.88%
18:00	14.36%	13.44%
19:00	11.24%	8.43%
20:00	9.11%	11.14%
21:00	6.00%	6.70%
22:00	6.74%	7.34%
23:00	4.05%	8.37%

Unit-Hour Utilization – Ambulances (2020/21)

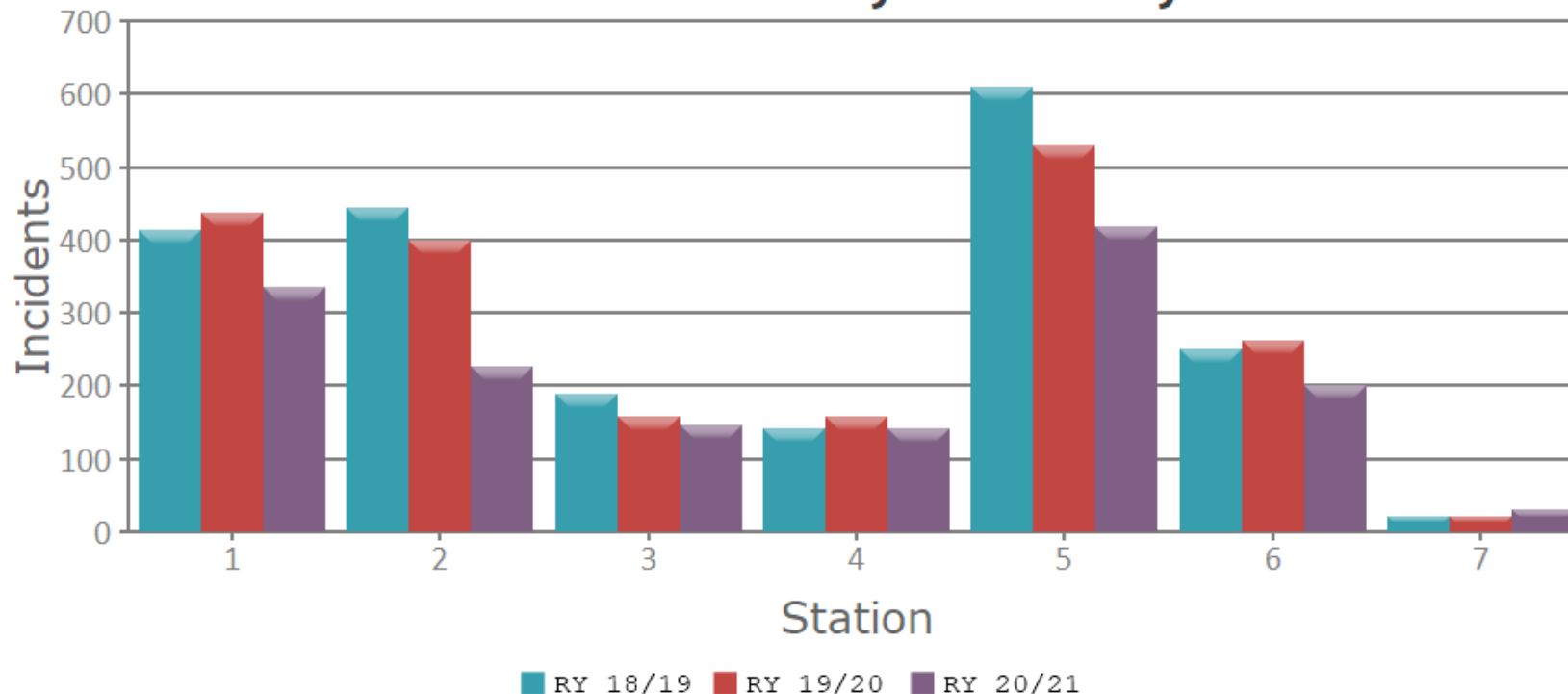
Hour	M5	M2	M1	M3
00:00	22.87%	17.48%	12.56%	9.32%
01:00	22.85%	15.75%	19.46%	9.27%
02:00	17.34%	16.40%	17.53%	7.35%
03:00	13.61%	16.98%	10.92%	4.04%
04:00	8.71%	14.86%	18.86%	6.86%
05:00	13.06%	14.24%	8.26%	3.46%
06:00	8.95%	13.17%	16.14%	2.94%
07:00	25.50%	34.83%	33.70%	12.56%
08:00	48.33%	29.77%	33.16%	15.43%
09:00	44.71%	39.61%	38.97%	27.70%
10:00	48.82%	45.75%	42.94%	33.54%
11:00	51.40%	60.08%	41.92%	34.01%
12:00	49.60%	55.48%	42.34%	27.61%
13:00	51.46%	44.70%	54.43%	42.82%
14:00	65.37%	47.39%	56.38%	36.85%
15:00	45.36%	37.26%	52.01%	28.99%
16:00	52.28%	54.10%	44.79%	36.74%
17:00	41.93%	46.57%	42.89%	27.86%
18:00	48.24%	46.87%	35.45%	25.95%
19:00	31.61%	34.82%	42.09%	19.44%
20:00	30.19%	34.40%	38.01%	15.91%
21:00	22.49%	30.65%	26.78%	17.02%
22:00	26.16%	22.41%	23.65%	11.37%
23:00	21.09%	26.63%	25.70%	6.88%



Simultaneous Incident Activity

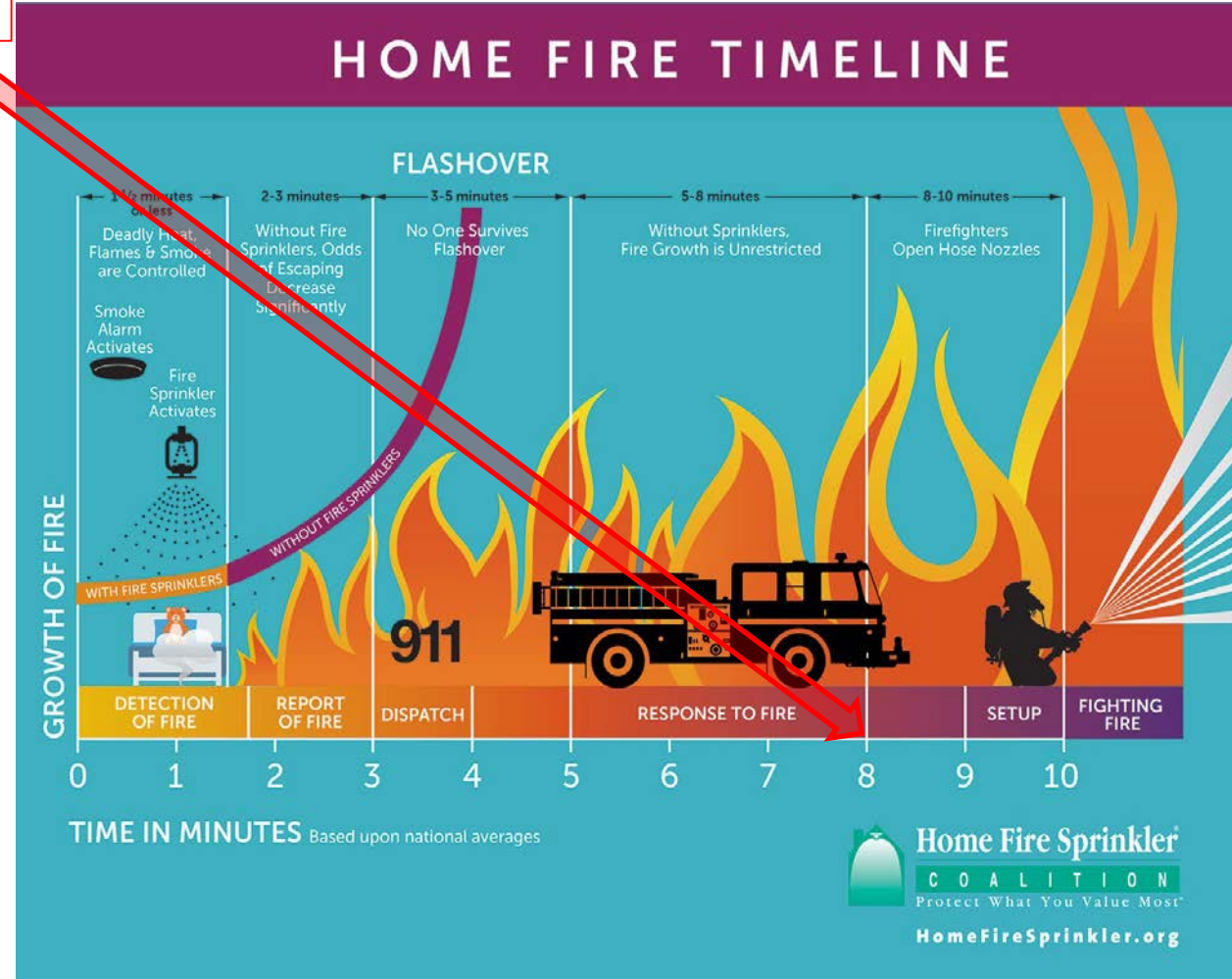
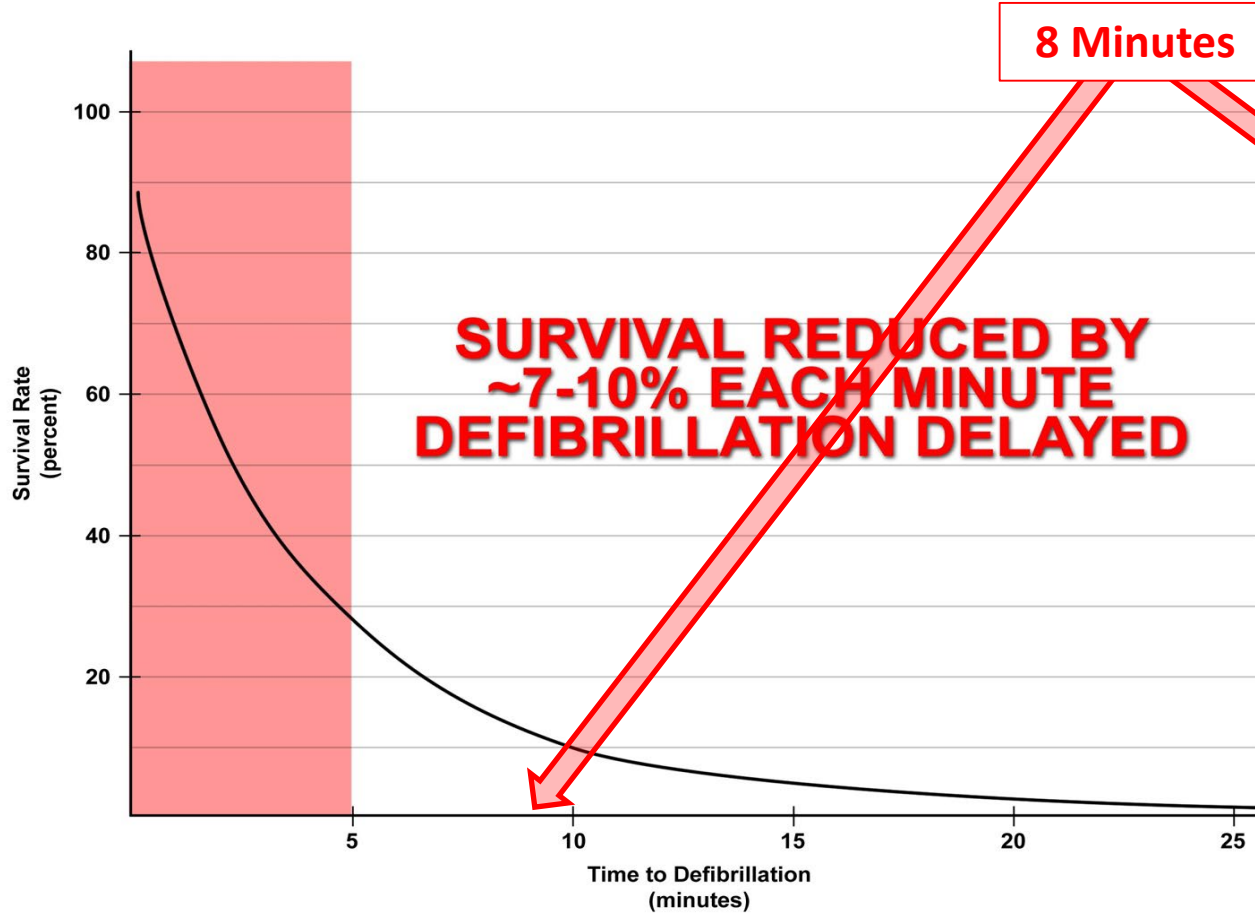
- 2 or more simultaneous incidents: **77.31%**
- 3 or more simultaneous incidents: **47.18%**
- 4 or more simultaneous incidents: **23.49%**

Number of Incidents by Station by Year



Response Time Performance

Emergency Timeline Targets



Response Performance to Fire/EMS Calls (2020/21)

Response Component	Best Practice		90 th Percentile Performance	Time Difference
	Time	Reference		
Call Processing / Dispatch	1:30	NFPA	2:29*	+ 0:59
Crew Turnout	2:00	Citygate	2:05	+ 0:05
First-Due Travel	4:00	NFPA Citygate	5:53	+ 1:53
First Unit Call to Arrival	7:30	Citygate	9:32	+ 2:02
1st Alarm Travel	8:00	NFPA Citygate	15:24	+ 7:24
1st Alarm Call to Arrival	11:30	Citygate	17:28	+ 5:58

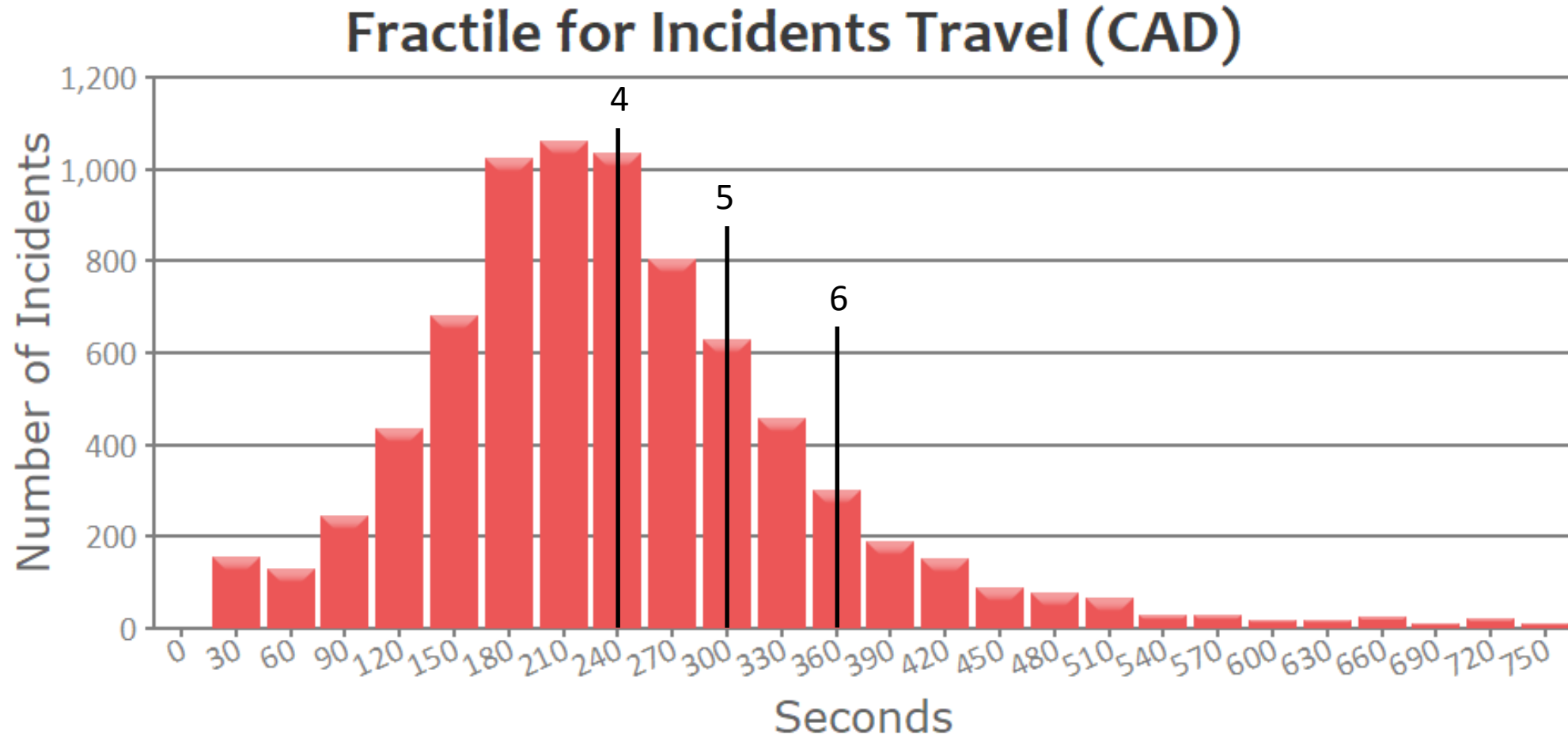
** Dispatch time does not include 9-1-1 call answered to first data entry keystroke*

Travel Time at 90% to Fire/EMS Calls

Station	RY 20/21
Department-Wide	5:53
Station 1	6:19
Station 2	5:13
Station 3	5:23
Station 4	6:51
Station 5	5:09
Station 6	6:18
Station 7	8:05

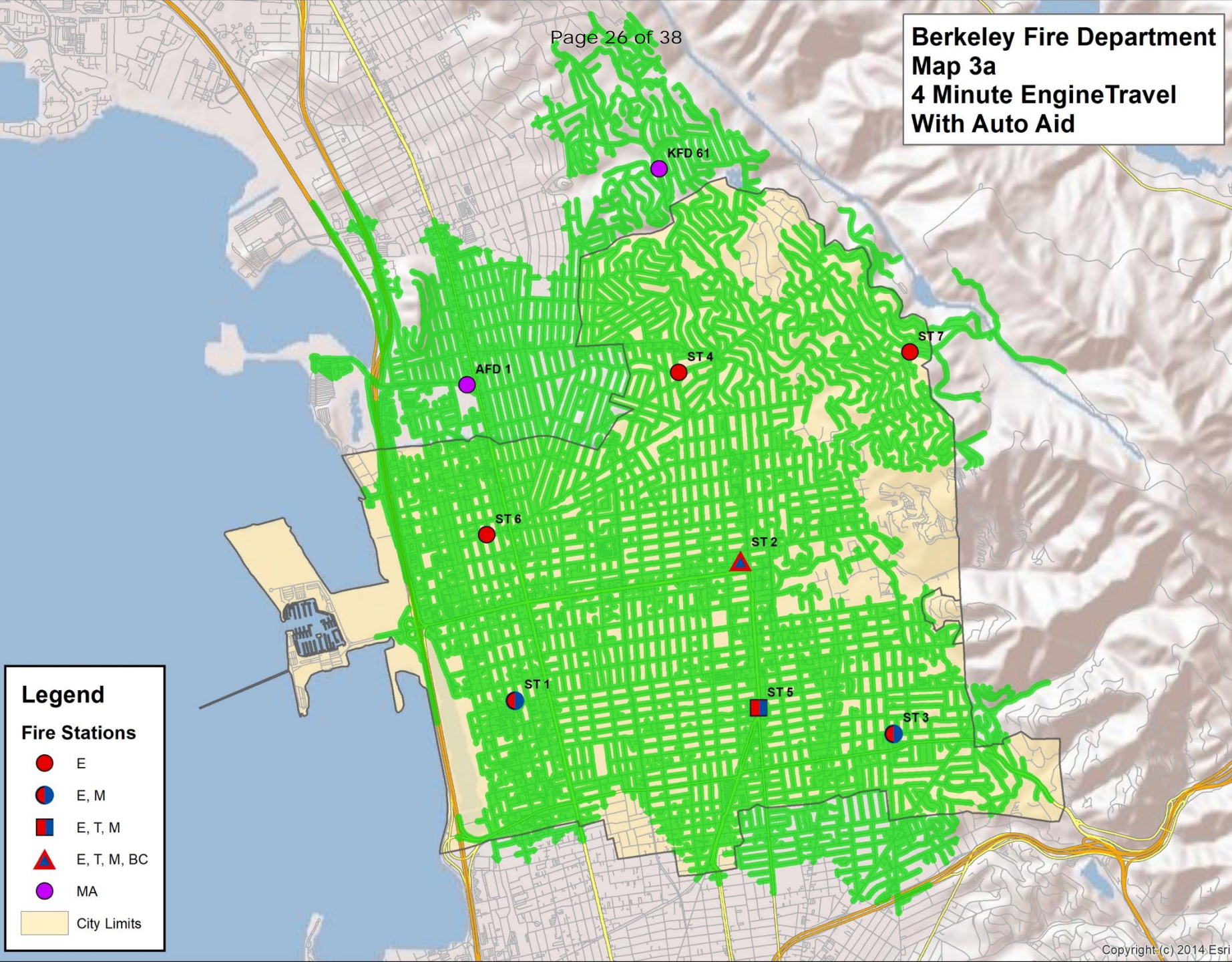
Best practice is **4:00** minutes

Travel Time by Minute at 90% to Fire/EMS Calls



Geographic Coverage Analysis

Berkeley Fire Department Map 3a 4 Minute Engine Travel With Auto Aid





Legend

Fire Stations







- Red Circle: E
- Blue and Red Circle: E, M
- Red and Blue Square: E, T, M
- Red Triangle: E, T, M, BC
- Purple Circle: MA
- Yellow Area: City Limits

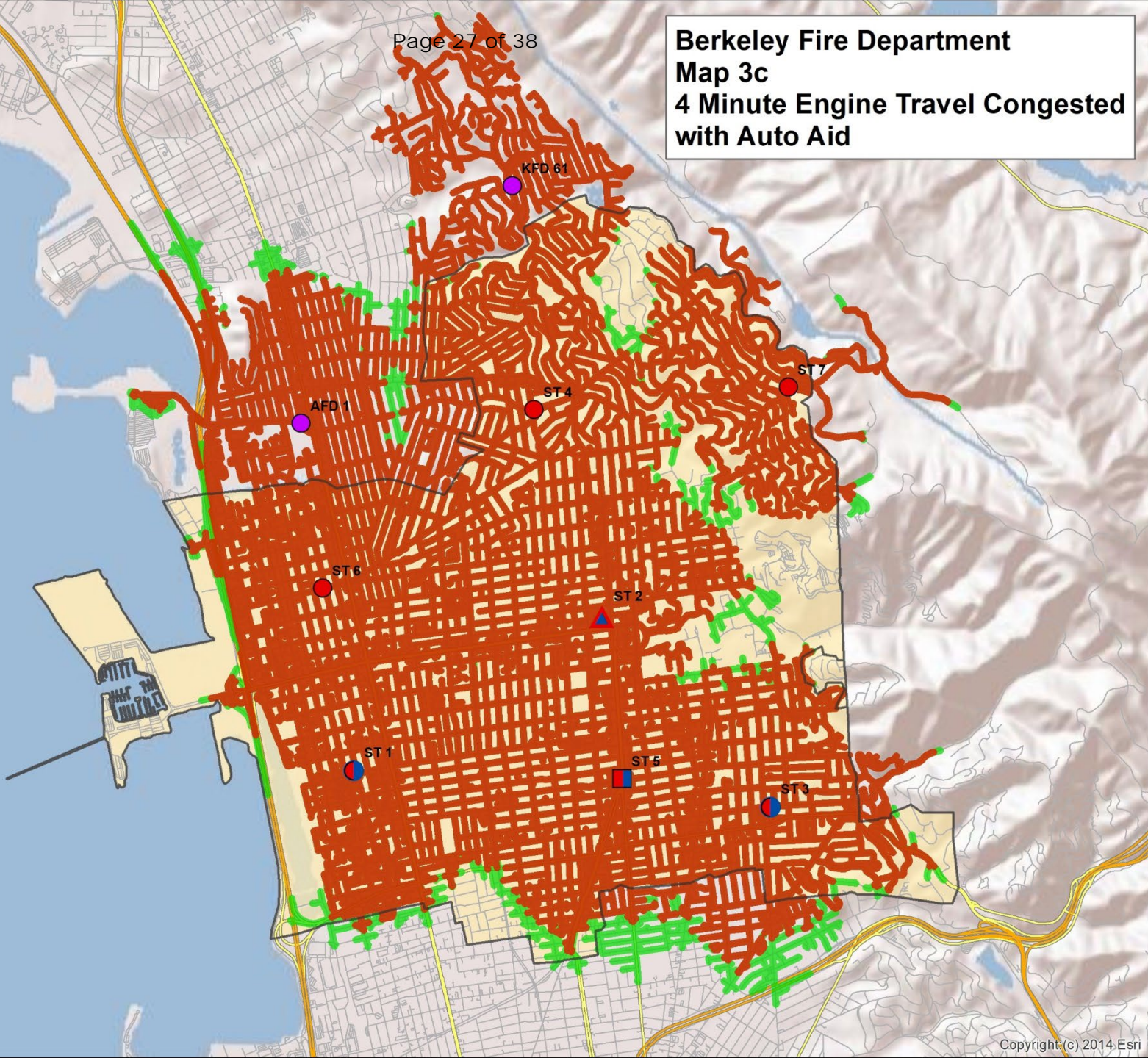
**Berkeley Fire Department
Map 3c
4 Minute Engine Travel Congested
with Auto Aid**

Legend

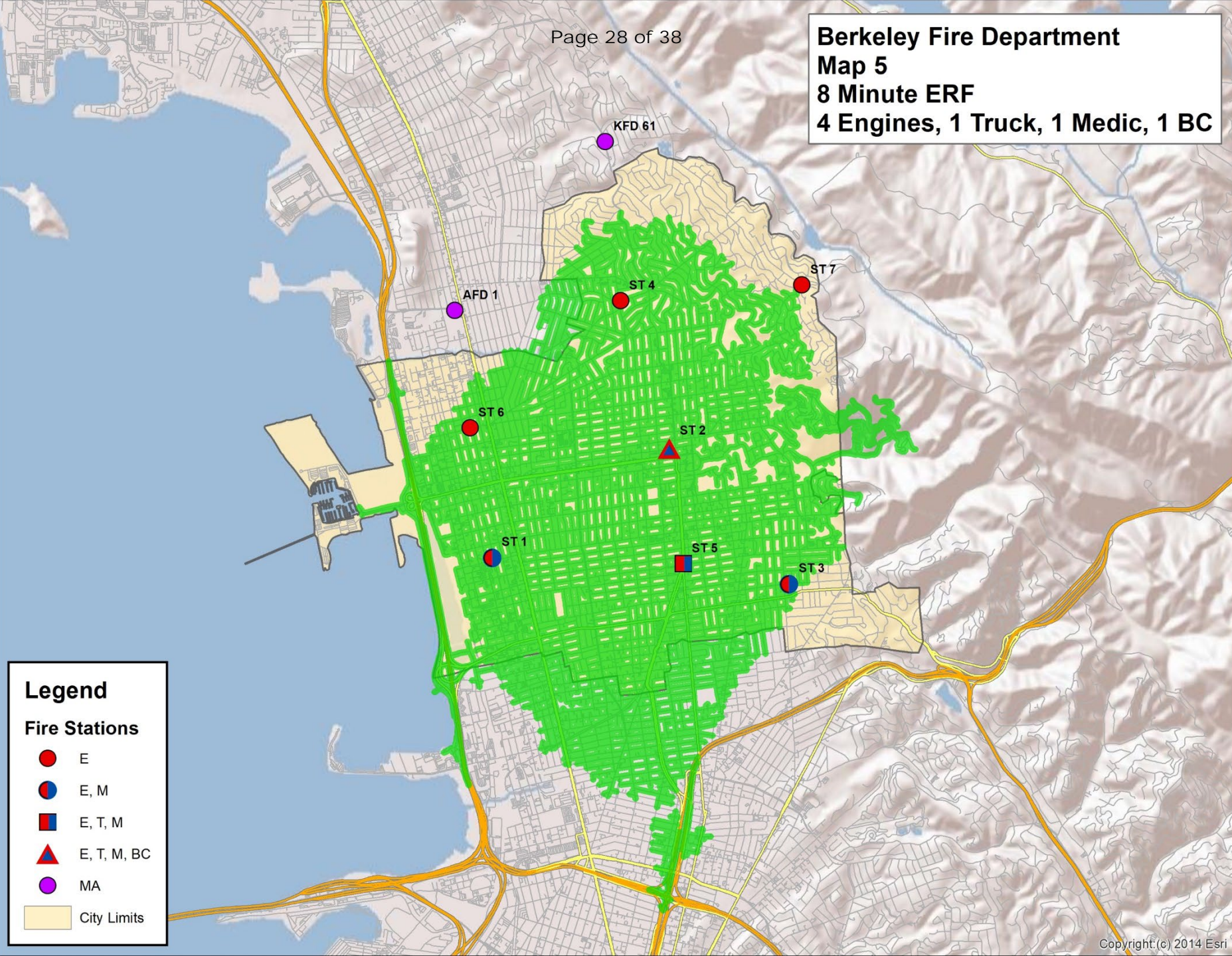
-  Congested
-  Uncongested

Fire Stations

-  E
-  E, M
-  E, T, M
-  E, T, M, BC
-  MA
-  City Limits



**Berkeley Fire Department
Map 5
8 Minute ERF
4 Engines, 1 Truck, 1 Medic, 1 BC**



Legend







Fire Stations

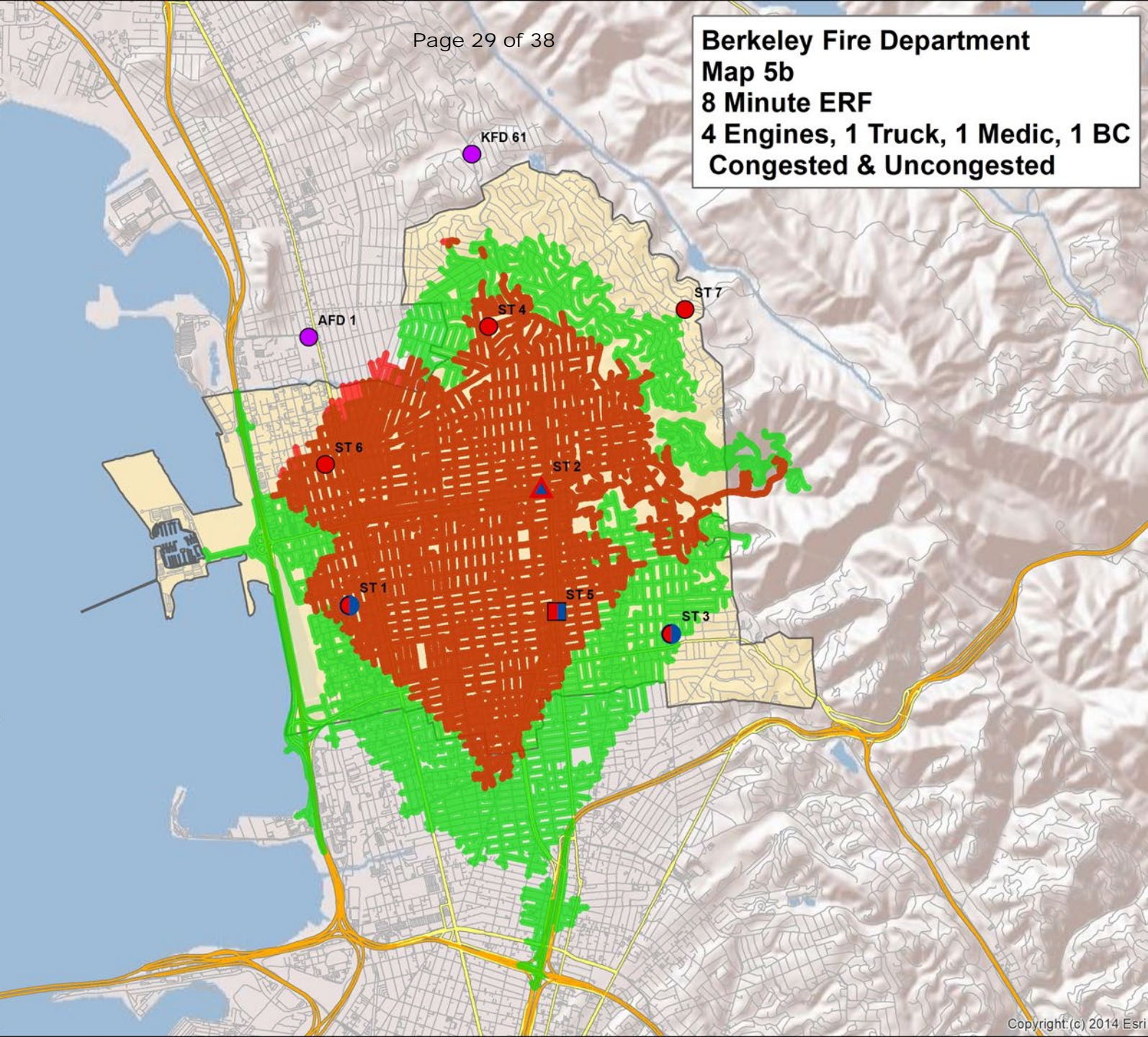
- E
- E, M
- E, T, M
- ▲ E, T, M, BC
- MA
- City Limits

**Berkeley Fire Department
Map 5b
8 Minute ERF
4 Engines, 1 Truck, 1 Medic, 1 BC
Congested & Uncongested**

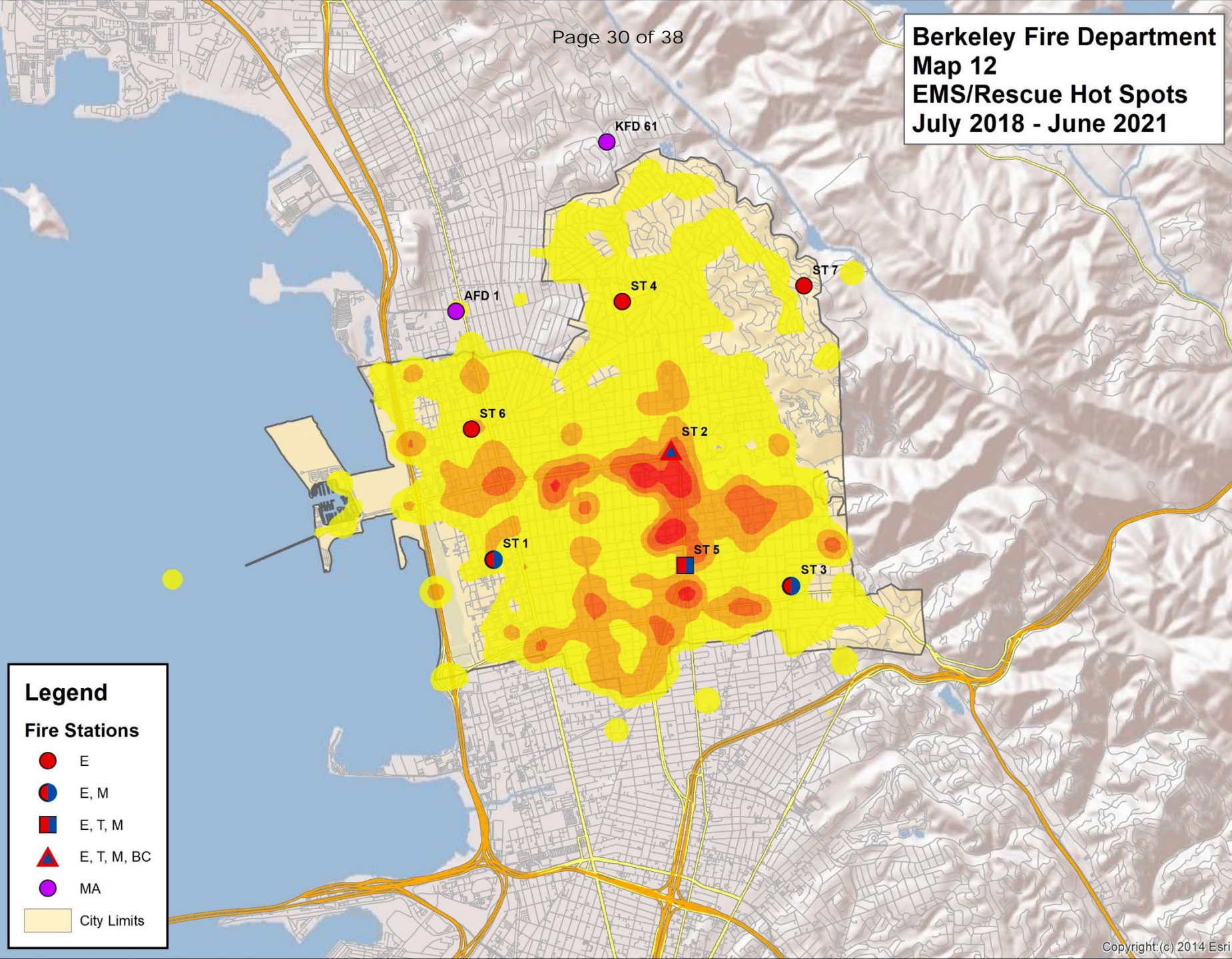
Legend

Fire Stations

-  E
-  E, M
-  E, T, M
-  E, T, M, BC
-  MA
-  City Limits



**Berkeley Fire Department
Map 12
EMS/Rescue Hot Spots
July 2018 - June 2021**

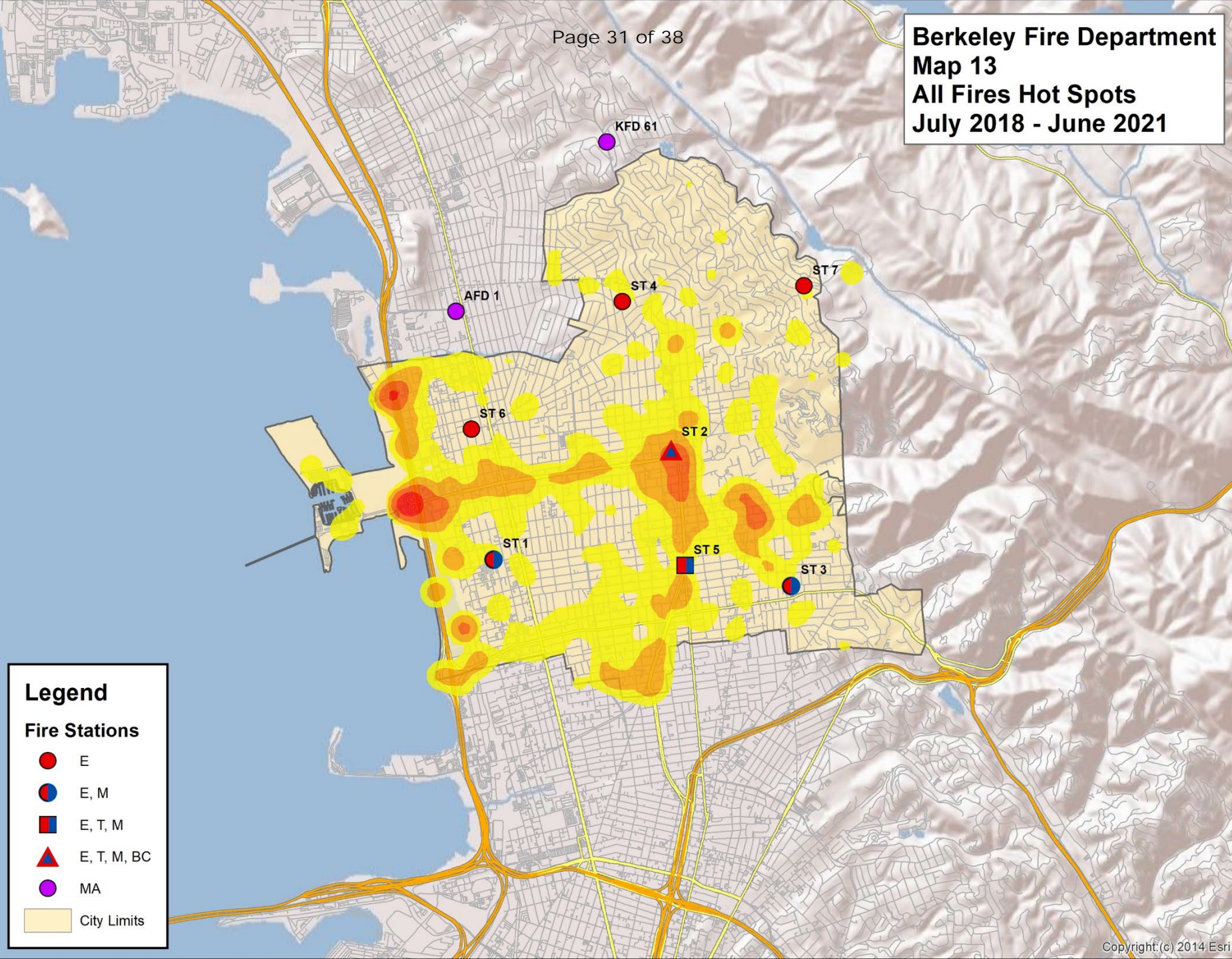


Legend

Fire Stations

- E
- ● E, M
- ■ E, T, M
- ▲ E, T, M, BC
- MA
- City Limits

**Berkeley Fire Department
Map 13
All Fires Hot Spots
July 2018 - June 2021**

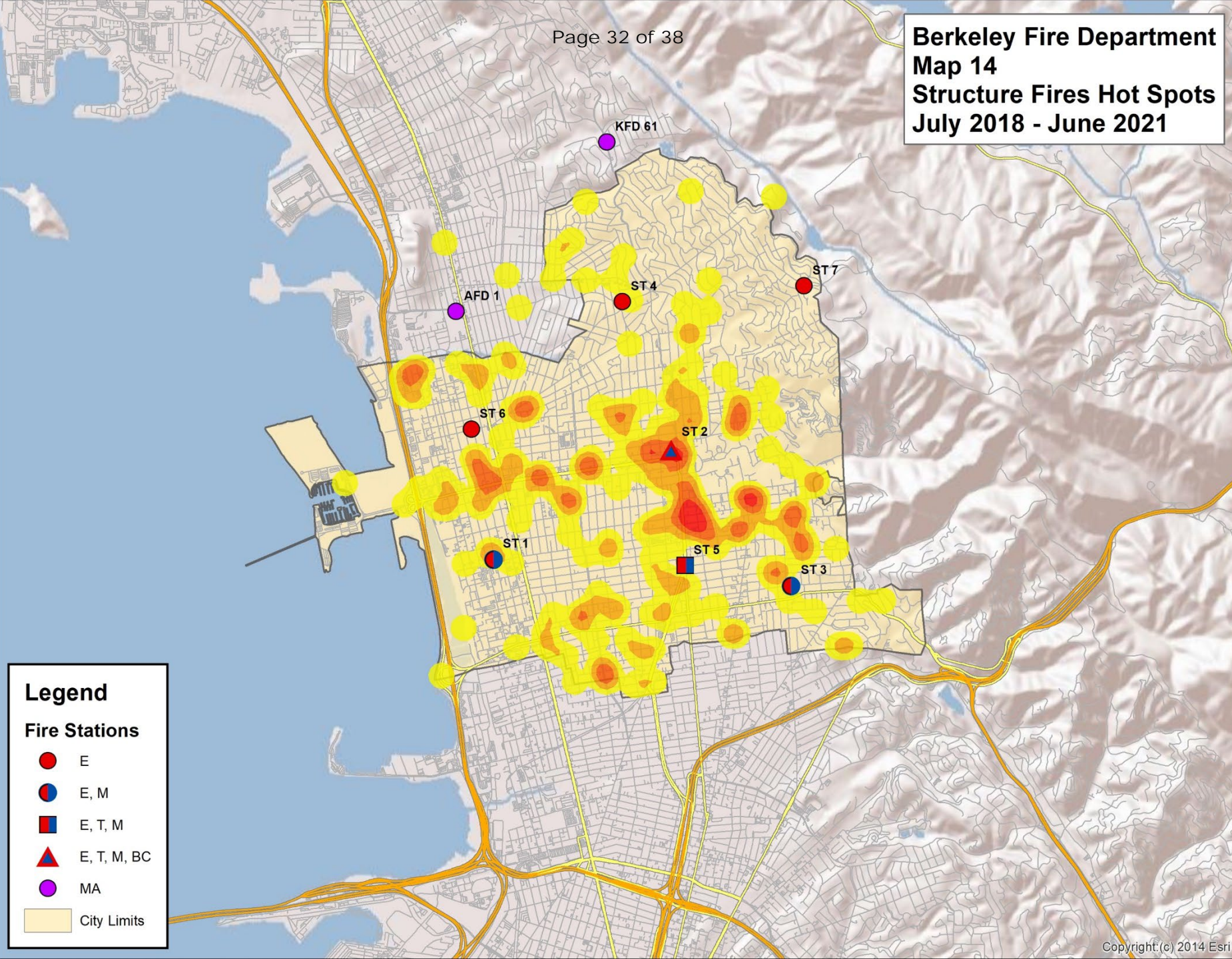


Legend

Fire Stations







- E
- E, M
- E, T, M
- ▲ E, T, M, BC
- MA
- City Limits

**Berkeley Fire Department
Map 14
Structure Fires Hot Spots
July 2018 - June 2021**



Legend

Fire Stations

-  E
-  E, M
-  E, T, M
-  E, T, M, BC
-  MA
-  City Limits

Road Mile Coverage

Travel Time Measure	Total Public Road Miles	Miles Covered Non-Congested	Percent of Total Miles Covered	Miles Covered Congested	Percent of Total Miles Covered	Percent Difference
4:00-Minute 1st-Due	327	285	87%	274	84%	-3.36%
8:00-Minute ERF	327	257	79%	172	53%	-25.99%

ERF = 4 Engines, 1 Truck, 1 Medic Unit, 1 Battalion Chief

Deployment Summary

- Time of day and day of week indicate need for 24/7/365 minimum service
- Dispatch time needs urgent improvement
- Crew turnout times need modest improvement
- Travel time is excessive, more so when multiple units are needed
 - Streets layout, hills, traffic congestion, traffic calming, and simultaneous incidents
- Physical station locations are adequate
- Engine and ambulance crew utilization hourly is at *excessive* saturation and needs *immediate* attention
- Low-acuity EMS demand is lengthening travel time and causing high crew workloads

Deployment Recommendations

- The expanded ambulance program to start later this year is essential
- The City needs a minimum of six full-time ambulances
- The City needs to implement a non-fire unit alternative response team for non-acute, non-9-1-1 *medical* calls
- Mental health patients need their own appropriate clinical response – the City’s envisioned Specialty Care Unit (SCU)

Deployment Recommendations

- 9-1-1 fire/EMS dispatch times must shorten to best practices
- Implement the recommendations of the 9-1-1 dispatch center study when complete to enable pre-arrival instructions and Medical Priority Dispatch for non-acute response
- If the alternative non-acute programs do not substantially lower demand on engine crews, then the City needs at least three added peak-hour engine crews, 10 hours per day, weekdays

Next Steps

- **Near Term**
 - Discuss how the added ambulances already in progress can be used more to add capacity, not only provide paramedic relief
 - Fund costs and implementation for medical priority dispatch
 - Implement several low-acuity EMS non-9-1-1 response teams
 - Citygate to prepare a full project report with exhibits
- **Longer Term**
 - Ensure engines and ladder crews still have capacity for fire/rescue incidents during periods of high EMS incidents
 - Consider a heavy rescue squad in the western City

Discussion



Office of the City Manager

WORKSESSION

April 19, 2022

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Paul Buddenhagen, Deputy City Manager

Subject: Ashby and North Berkeley BART Transit-Oriented Development

SUMMARY

The development of the Ashby and the North Berkeley BART station sites is a complex, multi-year, multi-phase process, including ongoing community engagement. Over the next several months, staff will advance policy decisions and potential actions to City Council that relate to compliance with AB 2923 and outstanding issues that require resolution in order to facilitate issuance of Requests for Qualifications to solicit developer teams for the two BART sites. This report provides an overview of the key milestones required to enable equitable transit-oriented development (TOD) at these two BART sites, including future decisions for consideration by the City Council and the BART Board of Directors, and how these milestones relate to the overall planning process.

CURRENT SITUATION AND ITS EFFECTS

Advancing transit-oriented development at the Ashby and North Berkeley BART station areas is a Strategic Plan Priority Project, advancing our goals to:

- Create affordable housing and housing support service for our most vulnerable community members.
- Champion and demonstrate social and racial equity.
- Be a global leader in addressing climate change, advancing environmental justice, and protecting the environment.

The development of the Ashby and the North Berkeley BART station sites is a multi-year, multi-phase process, including ongoing community engagement. The projects must incorporate transit stations and related infrastructure, are adjacent to major arterial streets, and are anticipated to incorporate high levels of affordable housing and other community amenities, making them much more complex than typical development projects. The purpose of this worksession is to identify the milestones that will involve decisions and approvals by the City Council and the BART Board of Directors and how

these milestones relate to the context of the overall planning process for equitable TOD at these two BART sites.

The Berkeley City Council and BART Board of Directors approved a Memorandum of Understanding (MOU) to plan for TOD at the stations in December 2019 and January 2020, respectively. Over the past two years, staff from the City Manager's Office, Planning and Development, City Attorney's Office, Health Housing and Community Services and Public Works have focused on the milestones outlined in the MOU, including the development of zoning for the sites, reservation of City affordable housing funding to support a minimum of 35% affordable housing at each site, defining the developer solicitation process, and studying station access issues.

Planning for development at the two BART sites will evolve and become more fine-grained as new information, analysis and resources become available—some of which will come from and be funded by selected developer teams. Over the next several months, staff will advance proposed policy decisions and actions to City Council that relate to compliance with AB 2923 and the City's adopted TOD zoning, as well as other outstanding issues that require resolution in order to facilitate issuance of Requests for Qualifications to solicit developer teams. These include:

- A. Adopt City and BART Joint Vision and Priorities (JVP) for TOD at the Ashby and North Berkeley BART Station Areas.
- B. Adopt zoning consistent with AB 2923 and associated General Plan amendments, after certification of the EIR.
- C. Identify preferred options for Adeline Street roadway reconfiguration and locating the Berkeley Flea Market while accommodating Ashby BART Station site constraints.
- D. Enhance station access while mitigating potential neighborhood impacts.
- E. Amend and update the agreement with BART to plan for station area development.

A. Adopt City and BART Joint Vision and Priorities (JVP) for TOD at the Ashby and North Berkeley BART Station Areas.

The MOU between BART and the City of Berkeley calls for the City and BART, with input from the City's Council-appointed Community Advisory Group (CAG), to establish a "Joint Vision and Priorities" document (JVP) for the Ashby and North Berkeley BART station areas. The goal of this document is to provide a concise statement of the City and BART's shared, high-level expectations for future development of both the Ashby and North Berkeley BART properties. Pursuant to the MOU, the JVP will be incorporated into future Request(s) for Qualifications (RFQs) for development of both the Ashby and North Berkeley Station areas. The JVP will help guide the process from developer selection through project construction.

The JVP was developed through an extensive public process that began in June 2020 and included eight public meetings of the CAG and three community workshops. On April 6, 2022, the Planning Commission took action to recommend that the City Council:

- Certify the EIR;¹
- Consider a set of companion recommendations for incorporation into the zoning, JVP, (future) Objective Design Standards, or other agreement between the City and BART, as appropriate;²
- Adopt EIR “Alternative 3: Increased Height” as the preferred alternative and revise the zoning and General Plan amendments to conform to Alternative 3.^{3,4}

Staff anticipates bringing the JVP to City Council for consideration and adoption on May 31, 2022.

The JVP builds on the framework provided by the City and BART’s adopted plans, policies and regulations, and the additional land use, site planning and financial feasibility studies undertaken as part of this planning process. The JVP is organized around five key topics: Affordable Housing, Public and Civic Space, Land Use, Building Form, and Station Access. Each topic includes an overall vision statement, followed by “shared priorities” for both station areas, and additional priorities specific to each station, if applicable. The five topic areas are:

- **Affordable Housing.** The JVP establishes baseline requirements as well as some aspirational goals for housing development, including the total number of housing units, affordability levels, 10-year time horizon to deliver units, sequencing of affordable housing units, unit-type, and type of developers desired. This section was informed by financial feasibility analyses that estimated the City subsidy required to

¹ Planning Commission motion passes unanimously (Gould/Kapla - 9 yes votes).

² Planning Commission motion passes unanimously (Gould/Kapla - 9 yes votes). The companion recommendations included: 1) Establish a commitment by developer to abide to the results of the negotiation; 2) As part of request for public subsidy, require disclosure of the amount of public subsidy and the amount and type of affordable units and third party certification of that request for subsidy; 3) Requirement for achievement of adequate sidewalk space for the anticipated users; 4) Study strategies for honoring the cultural and historic resources of the Ashby and North Berkeley neighborhoods (e.g. public art, programming of public space, trees and plants) that come from working with the community; 5) Drop-off zone for deliveries and separate passenger pick-up and drop-off zone on site. Staff will return to Council on May 31st with a recommendation regarding how these items should be incorporated in the various documents Council will be considering for approval.

³ Planning Commission motion passes (Gould/Kapla - 5 yes votes; 4 no votes).

⁴ See Draft EIR, p.6-17 for a description of Alternative 3: Increased Height that would include a maximum height standard of 12 stories and maximum Floor Area Ratio of 5.5:
https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Land_Use_Division/Ashby%20and%20North%20Berkeley%20BART%20Stations%20Zoning%20Project%20DEIR%20October%202021.pdf

achieve varying levels of affordable housing.⁵ The Ashby-specific priorities include the Adeline Corridor Specific Plan goal of striving for 100% affordable housing, development that prioritizes inclusion of residents with disabilities, and a preference for those who live or have been displaced from South Berkeley.

- **Public and Civic Space.** The shared priorities consist of designing new public and civic space to minimize maintenance costs, supporting new public and civic space and station access goals while maximizing space for affordable housing.
 - o For Ashby: Priorities include design and programming for public and civic space to reinforce South Berkeley's role as the historic hub for African American/Black life in the Bay Area; providing a permanent and improved space for the Berkeley Flea Market in a prominent location (on Adeline Street and/or the Ashby site); and the specific need to increase parks and usable green spaces.
 - o For North Berkeley: Creating a connection to the Ohlone Greenway is identified as a priority.
- **Land Use.** The shared priorities emphasize that uses at the two BART sites should serve community needs and be predominantly transit-oriented housing, complemented by public space and non-residential uses that encourage community interaction, customized to meet the unique needs of each station and neighborhood.
 - o For Ashby: Priorities for non-residential uses include those that reinforce the area's historic role as a center of neighborhood commerce, social connection, economic empowerment and Black identity and culture. Non-residential uses should support adjacent uses such as the Flea Market, the Ed Roberts Campus and existing theaters and other businesses, and not negatively impact businesses south of the Ashby BART station along Adeline Street.
 - o For North Berkeley: Uses in future development at North Berkeley should be focused on meeting neighborhood needs and complementing nearby University Avenue businesses, and existing parks. Non-residential uses should be oriented towards the station entrance and/or Sacramento Street.
- **Building Form.** The shared priorities provide high-level guidance about overall site and building design such as: building height, location and orientation, scale, architectural variety, ground-floor non-residential frontages. The station-specific priorities provide additional guidance about building massing and their relationship to existing surrounding development.
- **Station Access.** The shared priorities emphasize utilizing space, financial and other resources to prioritize affordable housing and other desired community benefits, transportation demand management, wayfinding and signage and curbside management in order to secure safe and equitable access.
 - o For Ashby: Station-specific priorities relate to pedestrian and bicycle connections to and through the site, and to reconfiguring Adeline Street to create safer space for all modes of transportation.

⁵ See [4/27/21 City Council Meeting Staff Report](#) (Item 31) and Attachment 1 – Estimate of City Subsidy Needed for MOU-Required Minimum of 35% Affordable Housing (or more) at Ashby and North Berkeley BART Station Areas (Memorandum prepared by Street Level Advisors).

- o For North Berkeley: Station-specific priorities relate to considering the role of adjacent streets in multi-modal access planning for the station and to prioritize any parking for commuters over parking for residential and/or potential community or non-profit retail uses.

B. Adopt zoning consistent with AB 2923 and associated General Plan amendments, and certify the associated EIR.

Zoning for the Ashby and North Berkeley BART station areas must be amended to be consistent with AB2923.⁶ The proposed zoning amendments will create a new Residential - BART Mixed Use (R-BMU) zoning district and amend the Zoning Map to apply the new R-BMU zoning district to the Ashby and North Berkeley BART sites. General Plan amendments are needed to ensure consistency between the Zoning Ordinance and the General Plan. The General Plan changes will add a new land use classification (the Ashby/North Berkeley BART Transit Oriented Development) and the General Plan map will be updated to apply a new land use classification to the Ashby and North Berkeley BART sites.

The proposed zoning standards governing development and allowed uses for the Ashby and North Berkeley BART stations consist primarily of the new Residential – BART Mixed Use District, Chapter 23.202.150, as well as additional conforming amendments to other sections of the Municipal Code in order to ensure that the provisions are comprehensively and consistently incorporated into the Berkeley Zoning Ordinance.⁷ The key features of the proposed zoning for the BART sites include:

- **Basic Development Standards and Definitions.** The R-BMU zoning sets forth regulations for development standards and related definitions (if different from those already included in the Berkeley Municipal Code or because they do not exist).
- **Allowed Uses.** Following the format of the Baseline Zoning Ordinance, allowed and prohibited uses are specified in Section 23.202.020 of the Berkeley

⁶ AB 2923 requires BART to develop transit-oriented development (TOD) zoning standards for eligible BART-owned properties within Alameda, San Francisco and Contra Costa counties, establishing minimum local zoning requirements for height, density, parking, and floor area ratio. Cities and counties have until July 1, 2022 to rezone BART's property to align with or exceed the AB 2923 baseline zoning standards. Otherwise, BART's Transit-Oriented Development standards become the baseline zoning standards for BART's property governed by AB2923.

⁷ See 4/6 Planning Commission Agenda which includes links to Item 9 and Supplemental Packet 1.A. for proposed zoning and General Plan amendments, City and BART Joint Vision and Priorities document and links to associated CEQA documents:

[https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Commission_for_Planning/2022-04-06%20PC%20Agenda_linked\(1\).pdf](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Commission_for_Planning/2022-04-06%20PC%20Agenda_linked(1).pdf)

Municipal Code and also in Table 23.202.150-1, related to Street-Facing Ground Floor Uses.

- **Other Development Standards.** The proposed zoning also includes some limited requirements relating to shaping the volume and massing of future development. Greater detail related to building form will be addressed during a subsequent planning process to prepare objective design standards for each station area. The process as currently envisioned would include review by appropriate Boards and Commissions and City Council adoption of these standards.
- **Approval Process and Public Review.** The proposed zoning establishes an approval process governed by a “Master Development Permit” (MDP) that includes two types of submittals: a Preliminary Development Plan (PDP) and a Final Development Plan (FDP). PDPs and FDPs shall be reviewed by the Zoning Adjustments Board, the decisions of which are appealable to the City Council.

AB 2923 and the State Density Bonus constrain what the City can adopt regarding zoning development standards and the development approval process. AB 2923 expressly states that “eligible TOD projects” that meet the streamlining criteria in AB 2923 remain eligible for the streamlined approval process after the addition of a density bonus.⁸ The BART sites will likely achieve high levels of affordability; therefore, it is likely that the BART sites will be eligible for this streamlined approval process. This means that they could be exempt from some elements of the development permit review process in the proposed zoning for the BART sites (including the PDP and FDP). However, the City retains separate discretionary authority related to its roles as an affordable housing funder and as a property owner through its option to purchase the air rights over the western parcel at the Ashby BART station.

The Planning Commission held a public hearing on the proposed zoning and General Plan amendments and Final EIR at its April 6, 2022 meeting and recommended that the Council should: 1) certify the EIR; 2) consider a set of companion recommendations for incorporation into the zoning, JVP, (future) Objective Design Standards or other agreement between the City and BART, as appropriate, and; 3) Adopt EIR “Alternative 3: Increased Height” as the preferred alternative and revise the zoning and General Plan amendments to conform to the description of Alternative 3.⁹ Staff anticipates bringing these documents to City Council for review and approval on May 31, 2022.

⁸ Pub. Util. Code, § 29010.7(c).

⁹ See footnote 2 on p.3 of this report.

C. Identify preferred options for Adeline Street roadway reconfiguration and locating the Berkeley Flea Market while accommodating Ashby BART Station site constraints.

Three interrelated studies funded through BART's Federal Transit Administration (FTA) grant are currently underway that impact the potential roadway configuration of Adeline and the determination of a feasible location for the Berkeley Flea Market at the Ashby BART station area:

- Flea Market Options Feasibility Study. The Berkeley Flea Market is an important community asset and resource that is currently held in the west parking lot at the Ashby BART station on weekends. As emphasized in the Adeline Corridor Specific Plan and in the JVP, a priority for the Ashby BART site is to “provide a permanent viable home for the Berkeley Flea Market, offering supportive amenities such as public restrooms, limited office/storage space, electrical and water access and weather protection” in a prominent location on the site and/or in a nearby location. In order to maximize the housing goals articulated in the JVP while accommodating the Berkeley Flea Market, BART and the City are working with design consultants to study alternative sites for a permanent home for the Berkeley Flea Market in a potential linear plaza along Adeline Street. BART and the City are regularly engaging members of the Berkeley Flea Market Board, whose input is helping shape these alternatives that are informed by the two studies described below.
- Adeline Corridor Roadway Reconfiguration Feasibility Study (Adeline Reconfiguration Study). The Ashby, Adeline, and Martin Luther King Jr. Way roadway pattern presents challenges for people traveling on foot or by bike. The Adeline Corridor Specific Plan recognized this by adopting design objectives that include increasing pedestrian comfort and safety and providing low-stress bicycle facilities, within the context of the overall Transportation Goal to “provide safe and equitable transportation options that meet the mobility needs of all residents, regardless of age, means, and abilities, and that further the attainment of the City’s greenhouse gas reduction goals.” A priority for Ashby TOD in the Draft JVP is to “provide high-quality, safe pedestrian and bicycle connections to and through the site”. In recognition of the challenges on Adeline, in February 2020 City Council referred an analysis of a potential reduction of Adeline to two lanes (a “road diet”) in order “to increase safety for pedestrians, cyclists, and people living with disabilities, while also meeting the needs of public transit and emergency vehicles”.¹⁰ In response to this referral, the Adeline Reconfiguration Study is evaluating whether a road diet on Adeline would be feasible and could be used to provide a plaza for the Flea Market within the existing street right of way.

¹⁰ https://www.cityofberkeley.info/Clerk/City_Council/2020/02_Feb/Documents/2020-02-11_Item_21_2-Lane_Option_on_Adeline_St.aspx

Options under study include various scenarios that convert the existing four general purpose lanes (two in each direction) to two lanes (one in each direction), as well as scenarios that keep a total of four lanes but include dedicated transit lanes. This option would have one general purpose lane and one transit lane in each direction, with lanes narrower than their existing widths and the inclusion of an off-street cycle track.

BART and City staff, with the assistance of consulting engineers and designers, are continuing to study the different scenarios in order to develop a recommendation on how the Adeline roadway should be reconfigured. Staff is also exploring the possibility of applying for One Bay Area Grant 3 (OBAG3) funding for transportation and public improvements in support of Ashby BART TOD. The above-described scenarios are being evaluated with respect to the evaluation criteria being applied to the OBAG3 grant applications.

- Ashby Station Assessment. BART has engaged a consultant firm to conduct a station assessment that provides a summary of site constraints that are necessary for BART's operations, a site and circulation assessment, and an opportunity assessment that identifies potential improvements for the passenger experience as well as developable land for the TOD. Results of this study are expected to inform the assessment of the feasibility of options for the Berkeley Flea Market, circulation requirements and connections directly from Adeline Street to the future development.

Staff intends return to Council with more information and planning level cost estimates for options for the Adeline Street right-of-way and the Berkeley Flea Market.

D. Enhance Station Access While Mitigating Potential Neighborhood Impacts.

Most of the options to improve access to BART go well beyond the station areas. BART received funding from Caltrans and the FTA to develop the Berkeley-El Cerrito Corridor Access Plan (BECCAP) in recognition that improving the transportation network across multiple cities at a larger scale would be more feasible and effective than improving the area around one station alone.¹¹ The BECCAP is a collaborative effort of BART and the cities of Berkeley and El Cerrito as well as multiple regional agencies to identify options for riders to get to and from BART before transit-oriented development occurs at Ashby, North Berkeley and El Cerrito Plaza stations' surface parking lots.

¹¹ BART will be leading another Online Open House and survey in April and May 2022 to get more input on walking, biking, transit, and parking strategies to be included in the Corridor Access Plan. For more information about upcoming public engagement and general information about the BECCAP planning effort, go to: www.bart.gov/beccap.

The goal of the BECCAP is to develop new strategies that equitably distribute investments in walking, rolling, biking, riding transit, driving, and parking, as well as explore how to make the most of existing transit service, bikeways, walkways, and parking, and add new and innovative technologies to enhance access to BART. The BECCAP effort is different from future station-specific access plans that will be funded by selected developer team(s). Future station-specific access plans will identify circulation and infrastructure needs in the immediate station area and on public streets nearby based on the eventual proposed project concepts for each station site (e.g. building location, entrances, orientation). The BECCAP is being done in advance of these station-specific access plans to identify a toolkit of corridor-wide strategies. Some BECCAP strategies would then be incorporated into each station access plan. The BECCAP is anticipated to be completed in fall 2022 while the access plans for each station will be completed later, during the design process prior to entitlements.

At the March 9, 2022 BECCAP Advisory Committee/Community meeting, BART staff presented preliminary access strategies that will be studied further for comment and discussion.¹² These strategies focused on improvements to:

- Safety and security (e.g. improved lighting, traffic calming and other roadway improvements for all users of all ages, abilities and transportation modes);
- Walking, biking and “rolling” (e.g. improving facilities for pedestrians, cyclists, the disabled community and other micro-mobility users);
- Local bus service, other mobility options and overall customer experience (e.g. car share, car pool);
- Parking Management (e.g. BART rider parking, on-street parking, existing Downtown and other parking garages/lots; best-practices for parking pricing and shared parking).

At the March 9, 2022 BECCAP Advisory Committee/Community meeting, BART staff also presented recommendations for on-site BART rider parking maximums for each station:

- Ashby station: 85 spaces.
- North Berkeley station: 120 spaces. The roughly 80 parking spaces in the existing auxiliary lots will not be developed and will still be dedicated to BART rider parking, resulting in a total maximum of 200 parking spaces.¹³

The ultimate decision on BART rider replacement parking is under BART purview. The parking maximums will be included in the Requests for Qualifications for developers after they have been approved by the BART Board in mid-2022. The final number of

¹² March 9, 2022 2022 BECCAP Advisory Committee/Community Meeting presentation:

https://www.bart.gov/sites/default/files/docs/2022Mar09_Presentation_BECCAP_Advisory-CommMtg_0.pdf

¹³ There are currently 646 parking spaces at the North Berkeley main station site (which will be reduced to 622 spaces after completion of BART’s bicycle and pedestrian access improvements project) and 79 BART rider parking spots that are located on auxiliary lots northwest of the station. There are currently 532 vehicle parking spaces at the Ashby BART station available to BART riders.

parking spaces up to the approved maximum for each station will be approved by the BART Board once the development team for each station advances design together with the community. It will be based on a better understanding of funding opportunities for access improvements, design considerations, and community benefits and tradeoffs at each station.

City staff are working with BART and consultants to study options to improve management of on-street parking around the stations, such as expansions of the City's Residential Preferential Parking (RPP) permit program with increased enforcement, and other strategies to address potential impacts of "spillover" parking by BART commuters on adjacent neighborhoods.^{14,15} The BECCAP is anticipated to be completed in fall 2022.

E. Amend and Update the Agreement with BART to Plan for Station Area Development

The collaboration between the City and BART to facilitate development at the two station sites is approaching the conclusion of the preliminary planning phase covered in the existing MOU between the two agencies. The City and BART have been working on updates to the agreement to cover subsequent phases of the projects including developer selection, project design, and entitlement. The City's goals in these negotiations include facilitating development that is equitable, expeditious, feasible, that maximizes community benefits, and that is aligned with the goals and priorities outlined in the JVP; ensuring meaningful City participation in the developer(s) selection process; and guaranteeing a process for the preparation and enforcement of objective design standards for both sites. The specific issues that are anticipated to be covered in the updated agreement include:

- Project phasing and timelines.
- Establishment and enforcement of objective design standards.
- Developer selection, application and entitlement processes.
- Minimum project requirements required to ensure the City's commitment of affordable housing funding and its option to purchase development rights at a portion of the Ashby Station area.

¹⁴ See July 23, 2019 City Council Meeting: Residential Preferential Parking Permit Program: Summer 2019 Update (Item 30) for background about Council discussion and action about staffing the enforcement of existing RPP areas and options for expansion of RPP program citywide:

[https://www.cityofberkeley.info/Clerk/City_Council/2019/07_Jul/Documents/2019-07-23_Item_30_Residential_Preferential_Parking_\(RPP\).aspx](https://www.cityofberkeley.info/Clerk/City_Council/2019/07_Jul/Documents/2019-07-23_Item_30_Residential_Preferential_Parking_(RPP).aspx)

¹⁵ See November 9, 2021 City Council Meeting: Budget Referral: West Berkeley Residential Preferential Parking (RPP), Item 12 for background about Council discussion and actions regarding RPP and budget request for expansion of RPP for West Berkeley:

[https://www.cityofberkeley.info/Clerk/City_Council/2021/11_Nov/Documents/2021-11-09_Item_12_Budget_Referral_West_Berkeley_Residential_Preferential_Parking_\(RPP\).aspx](https://www.cityofberkeley.info/Clerk/City_Council/2021/11_Nov/Documents/2021-11-09_Item_12_Budget_Referral_West_Berkeley_Residential_Preferential_Parking_(RPP).aspx)

- Affordable housing goals and funding sources.
- Infrastructure and maintenance costs.

City staff anticipate returning to City Council by June 14, 2022 with a draft agreement for consideration.

BACKGROUND

The current planning and development activities build upon community planning efforts, the most recent of which date back to 2018, to establish a vision and goals for future development of the Ashby and North Berkeley BART stations. This includes the Adeline Corridor Specific Plan (adopted by Council in December 2020) and a community process to develop North Berkeley BART Development Goals and Objectives (approved by Council in May 2019).¹⁶

BART, the City and other public agencies have different roles and responsibilities related to the Ashby and North Berkeley BART stations:

- BART is a transit operator and the property owner. Consistent with state, regional and city policies, BART undertakes TOD to increase ridership and reinvest in BART operations create affordable housing to address the regional housing crisis, and contribute to neighborhood vitality, among other goals. BART's approach is to enter into long-term ground-leases with developers selected competitively via Requests for Qualifications (RFQs) or Proposals (RFPs).
- The City has land use authority to adopt zoning regulations that set development standards and the approval process for proposed development projects. State laws, such as AB 2923 and the State Density Bonus Law, substantially limit municipalities' discretionary authority regarding development standards and the project approval process for projects that meet specified development standards and affordability levels.¹⁷ However, the City plays a separate role as a funder for affordable housing projects, and retains an option to purchase the air rights over the western parcel at Ashby BART. This may restore some of the discretion limited by State laws.
- Other public agencies (e.g., Alameda County Transportation Commission, Caltrans, AC Transit) have varying degrees of regulatory authority related to circulation and access around the station areas.

¹⁶ See March 29, 2022 Off Agenda Memos to Mayor and City Council ([https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_General/Transit-Oriented%20Development%20\(TOD\)%20BART%20Stations%20032922.pdf](https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_General/Transit-Oriented%20Development%20(TOD)%20BART%20Stations%20032922.pdf)) for an overview about public engagement related to the Ashby and North Berkeley BART Station areas, and www.cityofberkeley.info/bartplanning for meeting materials for specific meetings.

¹⁷ See 9/1/21 Planning Commission Staff Report, Item 9, Section II. Regulatory Framework, C. State Laws Related to Housing and the Development Approval Process, p.6-7 for more detailed description of AB 2923 and State Density Bonus: https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Commission_for_Planning/2021-09-01_PC_Item_9_with%20attachments.pdf

The Berkeley City Council and BART Board of Directors approved a Memorandum of Understanding (MOU) to plan for TOD at the stations in December 2019 and January 2020, respectively. The MOU was executed in March 2020 and established a process for community engagement, development of zoning, station access, affordable housing decisions, and other relevant topics. In 2020, BART secured major grants from Caltrans and the Federal Transit Administration to support planning for TOD, providing approximately \$1,700,000 for work specifically targeting Berkeley BART station area TOD projects, including affordable housing finance and economic analysis, station access planning, and community engagement.

Over the past two years, City and BART staff have utilized the goals and process established in the MOU to advance towards development projects, including meeting with a Council-appointed Community Advisory Group (CAG), community meetings and public meetings of the Planning Commission to develop the draft City and BART Joint Vision and Priorities for the two BART sites and the proposed zoning consistent with AB 2923 and associated General Plan amendments. In April 2021, City Council approved a reservation of \$53 million in City affordable housing funds to support at least 35% of the housing units proposed at each of the stations being deed-restricted low, very-low and/or extremely low-income affordable housing.¹⁸

The City team engaging with BART on this multifaceted effort include staff from Planning and Development, Health Housing and Community Services, Public Works, the Offices of the City Manager and the City Attorney, and Mayor Arreguin and staff from the Mayor's Office. This team has regularly updated Councilmembers Bartlett and Kesarwani given their representation of BART station districts. Many of the important details of the future BART station projects—such as project-specific station access and parking management, site and building design, affordable housing unit count, affordability levels and populations served—cannot be determined until after developer teams have been selected and actual projects have been designed.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Creating equitable, transit-oriented mixed-use development that includes affordable housing and housing support services for Berkeley's most vulnerable community members is a City Strategic Plan goal, which also helps advance the environmental goals of being a global leader in addressing climate change, advancing environmental justice, and protecting the environment.

¹⁸ For more information about how the City subsidy estimate was derived, see Council Meeting 4/27/21 Item 31, Attachment 2: https://www.cityofberkeley.info/Clerk/City_Council/2021/04_Apr/Documents/2021-04-27_Item_31_City_Affordable_Housing_Funds_Ashby_and_North_Berkeley_BART_Station_Areas_and_Future_Housing_Funding_Notices_of_Funding_Availabilit_.aspx

POSSIBLE FUTURE ACTION

In May/June 2022, staff will ask the Council to consider and approve/certify the following: Final Environmental Impact Report, draft zoning and General Plan amendments, City-BART Joint Vision and Priorities, and amended MOU and/or other agreement(s) between City and BART.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

There are a variety of potential fiscal impacts to the City related to Ashby and North Berkeley BART TOD, including the allocation of affordable housing funding, capital expenditures related to Adeline Street roadway reconfiguration, and operational costs related to on-street parking management adjacent to the stations. Staff will provide more detail about these potential fiscal impacts in advance of possible future actions.

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Communications

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