



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, July 18, 2023
6:00 PM**

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702

TELECONFERENCE LOCATION - 1404 LE ROY AVE, BERKELEY 94708

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 – MARK HUMBERT

This meeting will be conducted in a hybrid model with both in-person attendance and virtual participation. For in-person attendees, face coverings or masks that cover both the nose and the mouth are encouraged. If you are feeling sick, please do not attend the meeting in person.

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Please be mindful that the meeting will be recorded and all rules of procedure and decorum apply for in-person attendees and those participating by teleconference or videoconference.

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

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953 and applicable Executive Orders as issued by the Governor that are currently in effect. 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

Public comment is limited to items on this agenda only. The public may comment on each item listed on the agenda as the item is taken up.

The Presiding Officer will request that persons wishing to speak line up at the podium, or use the "raise hand" function in Zoom, to determine the number of persons interested in speaking at that time. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may, with the consent of persons representing both sides of an issue, allocate a block of time to each side to present their issue.

Action items may be reordered at the discretion of the Chair with the consent of Council.

- 1. Ashby BART Station Transit-Oriented Development (TOD)**
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400
- 2. City Policies for Managing Parking Around BART Stations** *(Continued from November 29, 2022)*
From: City Manager
Contact: Liam Garland, Public Works, (510) 981-6300

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 July 11, 2023.



Jesse Arreguin, Mayor

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

ATTEST:



Date: July 11, 2023

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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City Clerk Department - 2180 Milvia Street, First Floor
Tel: 510-981-6900, TDD: 510-981-6903, Fax: 510-981-6901
Email: clerk@berkeleyca.gov

Libraries: Main – 2090 Kittredge Street,
Claremont Branch – 2940 Benvenue, West Branch – 1125 University,
North Branch – 1170 The Alameda, Tarea Hall Pittman South Branch – 1901 Russell

COMMUNICATION ACCESS INFORMATION:

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Please refrain from wearing scented products to this meeting.



Captioning services are provided at the meeting, on B-TV, and on the Internet. In addition, assisted listening devices for the hearing impaired are available from the City Clerk prior to the meeting, and are to be returned before the end of the meeting.



Office of the City Manager

WORKSESSION

July 18, 2023

To: Honorable Mayor and Members of the City Council
 From: Dee Williams-Ridley, City Manager
 Submitted by: Jordan Klein, Director, Planning and Development
 Subject: Ashby BART Station Transit-Oriented Development (TOD)

SUMMARY

This report provides an update on activities to facilitate transit-oriented development (TOD) at the Ashby BART station area, including:

- The City's Option to Acquire Air Rights to the Western Parking Lot
- Draft Framework for Community Benefits
- Ashby BART Station Infrastructure and Operations and Future Development
- Additional Funding Sources for Affordable Housing and/or Infrastructure.

The purpose of this worksession is to update the City Council on efforts related to the Ashby BART TOD project and to obtain input about the draft framework for community benefits and other aspects of the project.

CURRENT SITUATION AND ITS EFFECTS

For the past several years, the City and BART have been collaborating to facilitate transit-oriented development at the North Berkeley and Ashby BART sites. The City Council and BART Board of Directors executed a Memorandum of Understanding (MOU) in March 2020 and a Memorandum of Agreement (MOA) in June 2022 that outlined key milestones to advance to a solicitation for developer teams. Several of the milestones outlined in these agreements have been completed already, including:

- Reservation of \$53 million of City Affordable Housing Funding for the North Berkeley and Ashby BART Sites in April 2021.
- New zoning and General Plan amendments consistent with Assembly Bill 2923 adopted in June 2022.

- City and BART adoption of Joint Vision and Priorities for Transit-Oriented Development at the Ashby and North Berkeley BART Station (“JVP”) in June 2022.
- Council approval of preferred option for redesign of Adeline Street at Ashby BART that includes new plaza as a permanent location for the Berkeley Flea Market (November 2022).
- Issuance of a Request for Developer Qualifications and Notice of Funding Availability for the North Berkeley BART station area in July 2022 and selection of a developer team in December 2022.

Due to the additional complex issues that must be resolved prior to issuance of solicitation(s) for developer teams for the Ashby BART station area, the efforts to advance TOD at the North Berkeley and Ashby BART stations are on different timelines. These outstanding issues were identified in the June 2022 MOA. The status of efforts to resolve them are described in more detail below.

A. City’s Option to Acquire Air Rights for the Western Parking Lot

As a result of an agreement between the City and BART in October 1964 (prior to the construction of BART), and subsequent agreements and transactions including those related to construction of the Ed Roberts Campus, the City of Berkeley retains an option to acquire the air rights over the western parking lot for \$55,000. This arrangement requires cooperation between the City and BART in devising the ultimate terms of a transaction to develop this site.

City staff from the City Manager’s Office, Planning and Development, City Attorney’s Office, Health Housing and Community Services, and Public Works have conducted extensive research to inform options under discussion by the City (led by Major Jesse Arreguin) and BART (led by BART Board Director Lateefah Simon). The negotiating teams are exploring options that would protect and advance both the City’s and BART’s respective objectives, while establishing processes and parameters that do not dissuade the most qualified developer teams from participating in future developer solicitations. Staff anticipates returning to Council in the fall to discuss property negotiations and disposition.

B. Draft Framework for Community Benefits

The June 2022 MOA outlines a set of minimum requirements for the North Berkeley BART station area transit-oriented development, many of which are derived from the JVP and other City and BART Board-adopted requirements (e.g., project labor requirements). Since the JVP establishes both minimum expectations for development as well as aspirational goals, the intent in the MOA is to clearly convey a minimum level of requirements any potential developer team would be required to

meet for the North Berkeley BART site. The MOA also establishes mechanisms by which BART, the City, or both will reinforce these requirements. Requirements for the North Berkeley BART station area include a project with a residential program with a minimum of 1,000 bedrooms in a variety of sizes, minimum affordability requirements, and a connection to the Ohlone Greenway, among other elements.

The draft framework for community benefits and other project requirements for the Ashby BART site being negotiated by the City and BART reflect: the June 2022 MOA, the JVP, the Adeline Corridor Specific Plan, and key input from a parallel effort, “Equitable Black Berkeley”. Equitable Black Berkeley (EBB) is an initiative spearheaded by the Mayor’s Office, in partnership with Healthy Black Families, that is exploring innovative funding proposals and policies for the Ashby BART station and “Adeline Community” area. This effort is part of a grant-funded, community-driven effort to develop options to support equity, opportunity and the well-being of Berkeley’s African American community.¹ The central premise established by EBB for Ashby TOD is that the project must begin to reverse and repair the inter-generational harm that resulted from the development of the Ashby BART station and redlining.

As noted above, the City has a property interest (the option to acquire air rights) in the western parking lot at Ashby BART, which makes the City a necessary partner in determining the use of the site. The City Council and the BART Board of Directors must ultimately approve the community benefits for Ashby BART, as well as any related agreements and real estate transaction documents. Many of the details, including funding sources and enforcement mechanisms, are still being negotiated, and will be affected by the disposition of the City’s air rights option. The City and BART negotiation teams have been discussing elements of the draft community benefits framework. To date, the BART Board of Directors has not had the opportunity to review or discuss this draft community benefits framework.

The draft framework for community benefits for the Ashby BART station area includes the following elements:

1. **Affordable housing:** Minimum of 35% of new housing units to be developed shall be affordable or Below Market Rate (BMR) housing, with a goal of 50%, in accordance with income targets identified in the JVP (or other Affordable Housing Framework adopted by the City Council for the Ashby BART station area). The draft framework for community benefits reflects proposals being explored to finance the anticipated infrastructure/right-of-way improvements and affordable housing at the Ashby BART site. These proposals include the potential of forming an Enhanced Infrastructure District (EIFD). An EIFD encompassing Ashby (or both Ashby and North Berkeley stations) could capture the City’s share

¹ <https://healthyblackfam.org/e4bb>

of any property tax increment over a 45-year period. Income restricted lower income housing units would generally be exempt from property tax so only market rate units would contribute to the tax increment.² While some community members have advocated for the Ashby TOD project to be 100% affordable, the funding to finance that amount of affordable housing does not currently exist. Even with the City's reservation of its affordable housing funding, the project would need to rely on application to multiple cycles of future state and federal funding which would add significant delay and uncertainty to the TOD project; for those reasons, BART would not likely agree to this as a minimum requirement. Additionally, there is not a consensus among stakeholders that the entirety of the Ashby BART site should be 100% affordable. Some stakeholders have advocated for a mixed-income community (with 100% affordable projects, including at moderate income levels and market rate projects that could have below market rate inclusionary units) in order to better promote economic mobility and to provide a source of funding (e.g. property tax increment) that goes towards affordable housing and infrastructure needs.³

2. **Permanent home for the Berkeley Flea Market.** The Ashby TOD project will include a permanent home for the Berkeley Flea Market and other public markets and microenterprise businesses (e.g., with a plaza, market stalls, and/or other relevant amenities). The City of Berkeley will allow some portion of adjacent Adeline Street right-of-way to also be utilized to support the Berkeley Flea Market (and other public programming). The project will include an installation celebrating the history of the Flea Market, office space for the Flea Market administration, and additional amenities to facilitate the Flea Market and other public markets and microenterprise businesses.
3. **Ground floor space for civic uses at below market rate rent.** Consistent with the vision to have the Ashby BART station area be a vibrant neighborhood center that includes affordable space for community non-profits, the draft framework for community benefits includes a requirement that space at below market rate rent be provided to civic and community uses. The location and amount of space is still being negotiated.

² Senate Bill 628 "Enhanced Infrastructure Financing Districts" (1/2/2015), Assembly Bill 464 "Enhanced Infrastructure Financing Districts: allowable facilities and projects" (6/29/2021), Assembly Bill 336 "Enhanced infrastructure financing districts: public financing authority: members: joint powers authorities" (6/29/2021).

³ 4/27/21 City Council Item #31: City Affordable Housing Funds: Ashby and North Berkeley BART Station Areas and Future Housing Funding Notices of Funding Availability (NOFA), Attachment 2, p.36 regarding estimate of City subsidy needed to exceed 35% affordable housing:
<https://berkeleyca.gov/sites/default/files/documents/2021-04-27%20Item%2031%20City%20Affordable%20Housing%20Funds%20%20Ashby%20and%20North%20Berkeley%20BART%20Station%20Areas%20and%20Future%20Housing%20Funding%20Notices%20of%20Funding%20Availabilit....pdf>

4. **A plaza and/or development that is adjacent and connected to Adeline Street at southern portion of the west parking lot.** The JVP and the Adeline Corridor Specific Plan prioritize that future development should connect directly to the greatest extent possible with Adeline Street. The Ashby TOD project shall be directly connected to Adeline Street at the southern end of the western parking lot (which could be possible through construction of a podium), as shown in the preferred right-of-way redesign concept for Adeline Street at Ashby BART selected by the City Council (see section C below for more details). The connection could become part of the future plaza and/or development. The source of funding for this aspect of the future TOD is still under negotiation and includes identifying grant funding.
5. **A reparative community benefits fund for South Berkeley.** Beyond construction of the TOD project itself, the Ashby BART TOD project can play a deeper role in repairing and reversing the intergenerational harm generated by the displacement of homes and businesses as a result of construction of the Ashby BART station. Equitable Black Berkeley has been central in shaping the proposal that a portion of the revenue generated from the future development project must be dedicated to a fund to be used for and by the greater South Berkeley community. A community advisory committee or similar body would direct the expenditure of the funds. The source of funding for this benefit is still subject to negotiation.

There are also other project elements under discussion which would be included in the future solicitation(s) for developer teams where prospective teams would be encouraged to use their creativity and expertise to include in their project proposals, such as:

- An accessible gymnasium on the east parking lot (to the west of Adeline Street and the Ed Roberts Campus), complementary to existing service providers for persons with disabilities;
- Development that interfaces directly with Adeline Street to the greatest extent possible in additional locations other than the southern portion of the west parking lot (in a manner that meets BART's station operations and BART and the City's life safety requirements);
- Additional publicly accessible civic space, green space or other amenities.

The City and BART have also been discussing other aspects of the project and have reached agreement or are nearing agreement on:

- A two-part developer solicitation process. Due in part to the additional complexity to develop the Ashby BART station site, the solicitation process must consist of a two-part process that includes a request for developer

qualifications, followed by a request for proposals from a short-list of respondents.

- Incorporation of the public artwork by Mildred Howard that was recently commissioned by the City of Berkeley (with the specific location subject to consultation with the artist).
- An interpretive display that satisfies Cultural Resources Mitigation Measure CR-1 in the Ashby and North Berkeley BART Stations Transit-Oriented Development (TOD) Zoning Project EIR.⁴

C. Ashby BART Station Infrastructure and Operations and Future Development

The Adeline Corridor Specific Plan and the JVP identify a goal to create an at-grade connection between Adeline Street and the planned development on the west parking lot. On April 20, 2023 BART held a community meeting to present information about Ashby BART station operation and infrastructure needs and how that impacts the connection of the future TOD to Adeline Street.⁵ BART staff presented information about the design process and constraints that led to the current configuration of the new Traction Power Substation (TPSS) planned for the Ashby Station.⁶ BART staff presented the maintenance, access, and clearance requirements for any development on top of or adjacent to the substation (Attachment 1).

BART staff also presented conceptual studies for opportunities for TOD to connect directly to Adeline Street, given safety and operational constraints. Based on information available at this time, the opportunities to connect to future development on the west parking lot to connect to Adeline Street appear to be most constrained in the northern two-thirds of the Adeline Street frontage due to the requirements of the TPSS and safety requirements related to station egress. As noted above, the preferred right-of-way redesign concept for Adeline Street at Ashby BART selected by the City Council included the potential for an expanded plaza at the southern end of the western parking lot. It is anticipated that the future solicitation(s) for developer teams will invite teams to propose creative solutions to maximize opportunities to connect to Adeline Street while still maintaining BART's safety and operational requirements for the Ashby station.

⁴ <https://berkeleyca.gov/sites/default/files/documents/2022-07-06%20MMRP.pdf>

⁵ Presentation from BART's 4/20/23 community meeting is available at: https://www.bart.gov/sites/default/files/docs/23_0420_Ashby_Presentation.pdf

⁶ BART runs trains using electrical power provided by Pacific Gas and Electric (PG&E), which in-turn supplies to over one hundred substations throughout the system that convert electricity to the voltage required to propel BART cars. These substations exist in all kinds of communities throughout the BART system. A traction power substation also exists at the North Berkeley BART station at the southeast corner of the intersection of Acton and Virginia Streets.

D. Additional Funding Sources for Affordable Housing and/or Infrastructure

The City and BART recognize that to achieve mutual goals for TOD at the Ashby BART station area, additional funding will need to be identified and secured beyond what the development project can provide to support desired levels of affordable housing, the redesign of Adeline Street, support for the Berkeley Flea Market and other community benefits. City and BART staff are seeking grant and other funding opportunities on an on-going basis. At this juncture, City and BART staff have submitted and/or been awarded the following:

- 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.
- In June 2023, the City was awarded a \$600,000 grant from the Alameda County Transportation Commission to further refine the preferred concept for redesign of Adeline Street at Ashby BART station.
- In May 2023, BART and the City submitted an application to the State of California's 2021 Regional Early Action Planning Grants (REAP) 2.0 for the Affordable Housing Predevelopment Loan Fund and City of Berkeley Community Benefits Fund.⁷
- In June 2023, the City nominated the Ashby and the North Berkeley BART Station Areas for the Metropolitan Transportation Commission/Association of Bay Area Governments' Priority Site Pilot Program (which provides regional predevelopment funding).

Advancing TOD at the Ashby and North Berkeley BART stations is a Strategic Plan Priority, advancing our goals to:

- Create affordable housing and housing support service for our most vulnerable community members.

⁷ As part of the required application process, the City Council adopted Resolution 70,687-N.S. on January 31, 2023 to authorize the City Manager to execute a grant agreement with the California Housing and Community Development Department should BART and the City be awarded the grant. The application includes \$10 million for BART to create a predevelopment loan fund to help BART partner with local community development organizations who work in Disadvantaged Communities and often lack the working capital to finance predevelopment work themselves. The application also includes \$1 million to the City of Berkeley to set up its first Enhanced Infrastructure Financing District (EIFD) in the Ashby BART station area in order to increase the number of affordable residential homes in the Ashby TOD project and provide a revenue stream to provide investment in the community that surrounds the Ashby BART station.

- Champion and demonstrate social and racial equity.
- Be a global leader in addressing climate change, advancing environmental justice, and protecting the environment.

BACKGROUND

Spurred by the passage of Assembly Bill 2923, the City and BART have been closely collaborating for the past few years to advance TOD at the Ashby and North Berkeley BART station areas. A first set of key milestones outlined in the March 2020 MOU between BART and the City of Berkeley were completed in June 2022. These milestones included:

- **Reservation of \$53 million of City Affordable Housing Funding for the North Berkeley and Ashby BART Sites.** The 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.
- **New zoning and General Plan amendments consistent with Assembly Bill 2923.** Zoning for the Ashby and North Berkeley BART station areas was amended to be consistent with AB 2923. The zoning amendments established a new Residential - BART Mixed Use (R-BMU) zoning district and amended the Zoning Map to apply the new R-BMU zoning district to the Ashby and North Berkeley BART sites. General Plan amendments added a new land use classification (the Ashby/North Berkeley BART Transit-Oriented Development) and the General Plan was updated for the Ashby and North Berkeley BART sites.
- **City and BART Joint Vision and Priorities for Transit-Oriented Development at the Ashby and North Berkeley BART Station (“JVP”).** The JVP was informed by an 18-month community process that included public meetings with a Council-appointed Community Advisory Group and the community at-large. 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, and is incorporated into the City and BART Memorandum of Agreement (See Referenced Links: June 2022 MOA, Exhibit C). The JVP was adopted by both the City Council and the BART Board of Directors in June 2022.

- **City and BART Memorandum of Agreement (“MOA”).** The June 2022 MOA clarifies the processes that BART and/or the City will pursue to develop BART-owned property at North Berkeley BART Station and includes a timeline for pending actions related to the Ashby BART site.

Completion of these milestones enabled BART to issue a Request for Qualifications for developer teams and the City to issue a Notice of Funding Availability for the North Berkeley BART Station Area in July 2022. On December 1, 2022, the BART Board of Directors approved the selection of a development team to build housing at the North Berkeley BART station site. The team comprises lead nonprofit developer BRIDGE, nonprofit development partners East Bay Asian Local Development Corporation (EBALDC) and Insight Housing (formerly Berkeley Food and Housing Project), and market-rate developer Avalon Bay Communities. As outlined in the June 2022 MOA, the City initiated a process to develop Objective Design Standards (ODS) for the North Berkeley BART site in November 2022. Staff is anticipating bringing draft ODS to the Council in November/December 2023.

In addition, in November 2022, the City Council completed a milestone in the June 2022 MOA related to the Ashby BART station area.⁸ On November 29, 2022, the City Council selected a preferred concept to redesign the Adeline Street right-of-way at Ashby BART (between Ashby Avenue and Martin Luther King Jr. Way) in order to improve safety and access, and to create a new public plaza that would serve as the new permanent home for the Berkeley Flea Market.⁹ The Council adopted a resolution to authorize the City Manager to direct staff to proceed with the preliminary engineering and detailed engineering design based on the recommended conceptual design with Two-Lane Adeline option as the conceptual, pending identification of funding. Redesigning Adeline Street at Ashby BART supports future housing development plans for the Ashby BART station by designing future plaza space that could accommodate the needs of the Berkeley Flea Market that currently utilizes the parking lot (west of Adeline Street).

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.

⁸ In addition to the June 2022 MOA, a Council Budget Referral (Feb. 2020) and a recommendation from the Adeline Corridor Specific Plan (Dec. 2020) also identified studying potential reconfigurations of Adeline Street to increase safety and opportunities for public space as a priority.

⁹ 11/29/22 City Council Meeting, Item 15: Adeline Street at Ashby BART Conceptual Design: <https://berkeleyca.gov/sites/default/files/documents/2022-11-29%20Item%2015%20Adeline%20Street%20at%20Ashby%20BART.pdf>

POSSIBLE FUTURE ACTION

Following further negotiation meetings between the City and BART, it is anticipated that staff will return to Council in Fall 2023 with proposed amendments to the City and BART's June 2022 Memorandum of Agreement (MOA), as well as related agreements and documentation in order to advance solicitation of developer(s) for the Ashby BART station area.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

There are a variety of potential fiscal impacts to the City related to Ashby 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. The actions for possible future consideration by the City Council do not result in direct fiscal impacts, since future funding commitments will return to Council for action. Staff will provide more detail about these potential fiscal impacts in advance of possible future actions.

CONTACT PERSON

Alisa Shen, Principal Planner, Planning Department, (510) 981-7409.

Links to Referenced Documents:

1: June 2022 City and BART Memorandum of Agreement for Transit-Oriented Development at the Ashby and North Berkeley BART Station Areas:

<https://berkeleyca.gov/sites/default/files/documents/UpdatedMOA%20North%20Berkeley-Ashby%20TOD%2005.16.23.pdf>

Attachment:

1: Ashby Substation Access and Clearance Requirements, BART Memorandum, March 15, 2023.



Ashby Substation Access and Clearance Requirements

Summary: This document summarizes the design process and constraints that led to the current configuration of the new Traction Power Substation (TPSS) planned for the Ashby Station. BART understands a desire exists to create an at grade-connection between Adeline Street and the planned development on the western surface parking lot, so this document also aims to outline the maintenance, access, and clearance requirements for any development on top of or adjacent to the substation.

Background: BART runs trains using electrical power provided by Pacific Gas and Electric (PG&E), which in-turn supplies to over one hundred substations throughout the system that convert electricity to the voltage required to propel BART cars. These substations exist in all kinds of communities throughout the BART system and are not unique to South Berkeley.

Substation improvements are part of a systemwide effort allowing BART to provide more frequent and timely service and to upgrade and replace aging infrastructure. Measure RR was an approved 2016 bond measure that includes funds to rebuild substations. New substations are included in the Core Capacity program which is partially funded by the Federal government. The construction schedule of the substations has been impacted by the pandemic and ensuing price escalation.

Current Design: BART street level facilities allows for more efficient maintenance and emergency access to the traction power equipment, and makes replacing the equipment much less complicated and expensive. The at-grade preference is being pursued at Ashby Passenger Station (Alternative #3), but it is worth noting that BART considered three alternatives at the location:

1. Installing the substation within the footprint of the existing underground facility.
2. Building the Alternating Current (AC) and Direct Current (DC) houses in one large facility adjacent to the existing TPSS
3. Separating the AC and DC houses in a narrower facility adjacent to the existing TPSS.

The first alternative was eliminated because the space couldn't accommodate the new equipment needed for a modern power system. The second alternative eliminated the accessible path to the station at the corner of Adeline St. and Ashby Ave.

The third alternative was ultimately selected because it was most cost effective, and most efficient to maintain.

The following sections detail the access needs that were incorporated into the current design and must be merged into any buildings adjacent to or over the planned substation at the Ashby Passenger Station.



Ashby Substation Access and Clearance Requirements

Access Requirements

1. Vehicular Access:
 - a. A minimum of 6 unobstructed parking spaces directly adjacent the facility must be provided for BART service trucks and vans.
 - b. Access to the substation must be provided by specified entrance and exit points, as well as turnarounds for cranes and emergency vehicles must be provided. As required by the California Building Code requirement for Emergency Vehicle Access (EVA) lanes.
 - c. These access points will need to be exclusive to BART and first responders, and that they are separated by bollards.
2. Crane Access: Cranes with a rating axis between 80 and 800-tons must be able to access the facility and manipulate these transformers. This requires the following:
 - a. A clear width of 30 feet for a crane, with an additional 5 feet-clear on both sides to accommodate outriggers.
 - b. A clear length of 175-feet to accommodate a 60-foot crane, the equipment trailer, and working clearances around and between vehicles.
 - c. Any cover over the Ashby TPSS must allow a crane to be staged next to the facility to extend a lifting boom and attached hoisting into the substation, lift it above the wall surrounding the facility, and place it onto a flatbed or carrier vehicle. **Figure 1** shows the working range of a crane BART has identified as capable of lifting all substation equipment. Any development over the substation must accommodate the vertical space necessary to support the operating radius of a capable crane.
 - d. The clearance between the Ashby TPSS and any development must also provide adequate space for replacing electrical equipment. Airspace must be provided to accommodate the hoist and swing of equipment capable of lifting a minimum of 60,000 pounds as refer in Figures 1 & 2. Figures 1 & 2 illustrate the dimensions of equipment known to be capable of meeting BART's maintenance needs.
3. Staging Requirements:
 - a. A secure laydown area of at least 43' x 36' must be included adjacent to the substation to store equipment.
 - b. An additional area must be reserved to accommodate three trailers housing a temporary substation. The average trailer measures 38' L x 9' W x 14' H, so 1,200 square feet (trailers situated end-end-end) or 1,350 sq ft (trailers situated side-side-by side) adjacent to the substation will be required in the event the substation fails. All areas would be off-limits to the public, would need to comply with all applicable building code requirements, and must always be accessible by BART maintenance staff and first responders.



Ashby Substation Access and Clearance Requirements

Fire and Life Safety Requirements

This document does not preclude those requirements mandated by the California Building Code, California Occupational Safety and Health Administration, National Electrical Code, Title 24, or any other applicable local, state, and Federal building or safety codes.

working range – MEGALIFT

142'-197' MEGALIFT lift

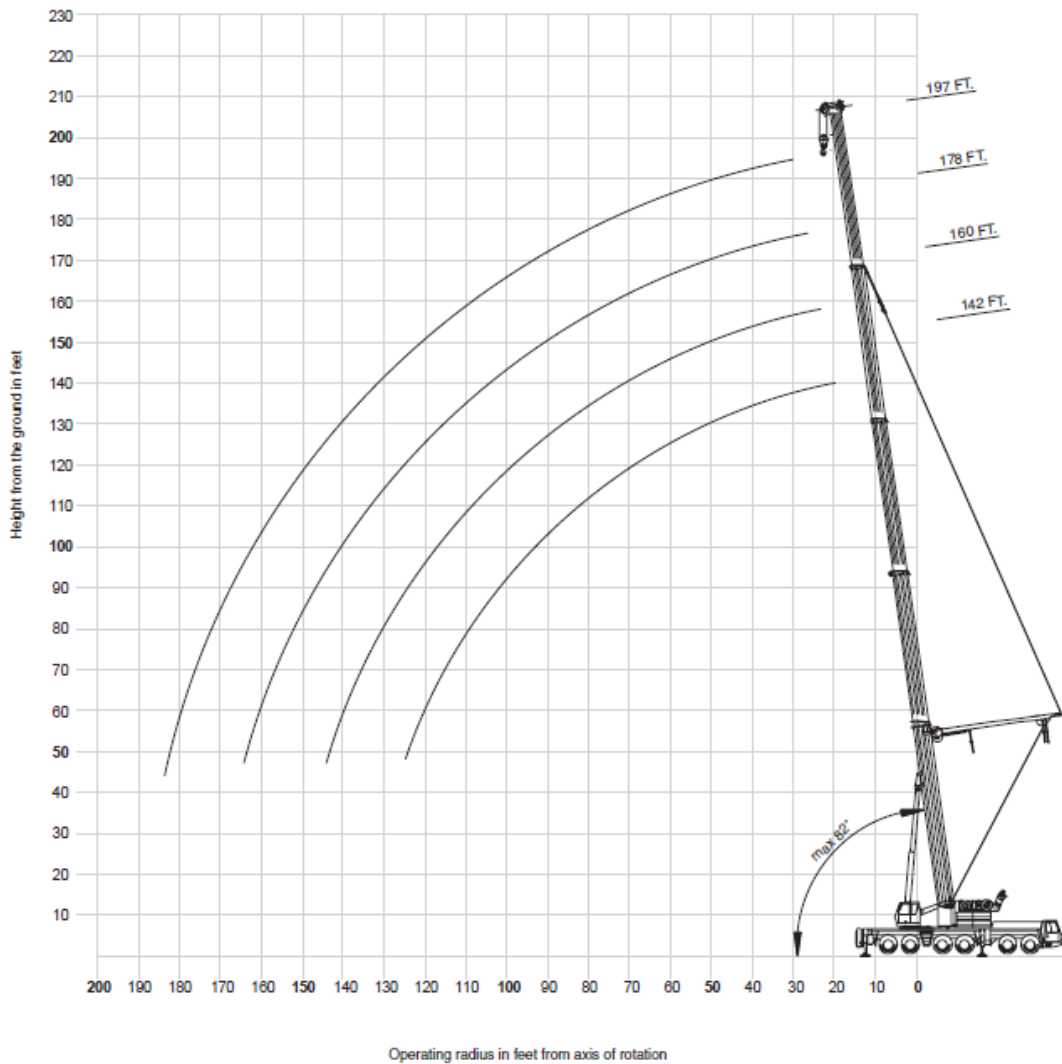


Figure 1: Typical Crane Operating Radius



Ashby Substation Access and Clearance Requirements

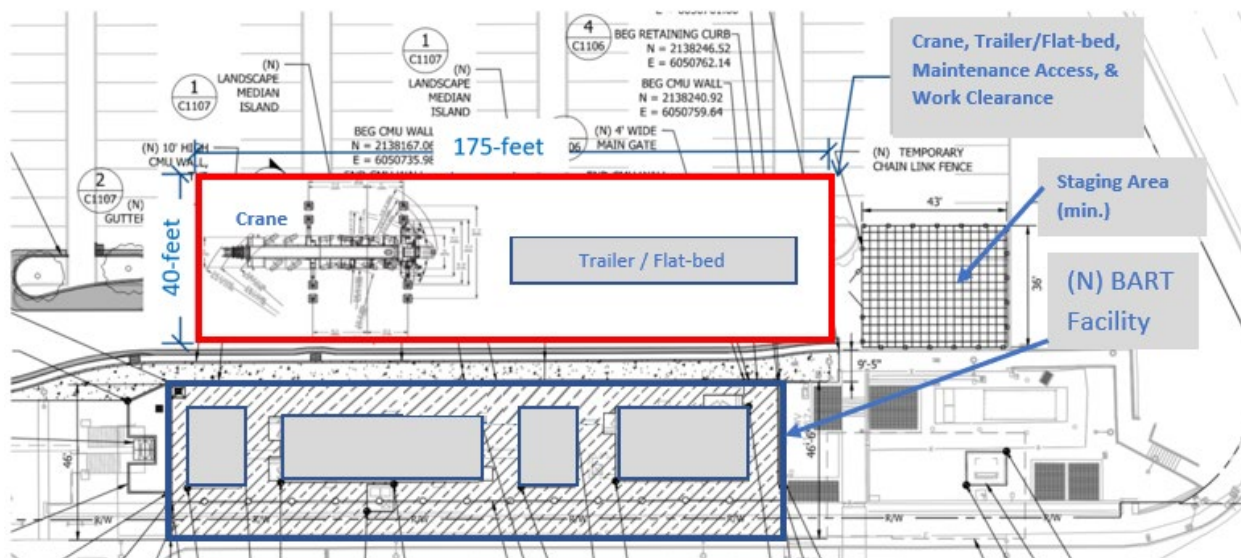


Figure 2: Typical layout of Crane and Trailer at High Voltage (HV) Substation

N.T.S



Office of the City Manager

02**Worksession Item**WORKSESSION

July 18, 2023

(Continued from November 29, 2022)

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Liam Garland, Director, Public Works

Subject: City Policies for Managing Parking Around BART Stations

SUMMARY

This report provides an overview of the parking management programs and policies the City of Berkeley will use to manage parking demand around the Ashby and North Berkeley BART stations as new housing is built. In residential areas, the City will evaluate new resident and/or Council initiated requests to join the Residential Preferential Parking (RPP) Program. In commercial areas, the City will consider the use of demand-responsive pricing to generate parking availability for local customers and/or accommodate some BART parking demand under the goBerkeley program.

CURRENT SITUATION AND ITS EFFECTS

BART's planned housing at the Ashby and North Berkeley stations is expected to significantly affect parking conditions around the stations. While BART has been conducting a planning process for station access needs—the Berkeley-El Cerrito Corridor Access Plan (BECCAP)¹ with anticipated completion in Winter 2022/23—the City seeks to mitigate future parking demand using existing parking programs, including the Residential Preferential Parking (RPP) Program in residential areas and goBerkeley demand-responsive pricing in commercial areas.

Planned Changes to Parking Supply and Demand

As part of the new housing developments, BART will not provide 100% replacement of existing BART rider parking spaces. After BART presented recommended BART rider parking maximums for the two stations to the BECCAP Advisory Committee and Community in March 2022,² in June 2022, the BART Board approved a maximum of 85 rider parking spaces (16% of the current 535 spaces) for Ashby and 200 rider parking spaces (29% of the current 700 spaces, including 80 spaces in the two auxiliary lots) for North Berkeley.³ Based on the analysis and outreach from the BECCAP, BART expects that those who historically parked at the two stations will: 1) walk, bike, bus or

¹ BECCAP Project website: <http://bit.ly/3NSm6C1>

² BECCAP Advisory Committee/Community Meeting, March 9, 2022, p. 22: <https://bit.ly/3BTdR2W>

³ BART Board Meeting, June 9, 2022: <https://bit.ly/3DTT8gK>

rideshare to access BART, 2) work from home, or 3) park at Downtown Berkeley parking garages or other off-street options.⁴ Yet, there may still be spillover parking into surrounding neighborhoods. Note: BART has not determined the final amount of on-site rider parking at the two stations. The final parking number will be determined after the future development teams advance design together with the community, and BART, the City and the Developer teams have a better understanding of funding opportunities for access/parking improvements, design considerations, and community benefit tradeoffs.

The amount of on-site parking for residents at the new housing developments is still under consideration. Regardless, per City policy, residents of the new developments will not be eligible for RPP permits and could seek parking on nearby residential streets.

Managing Parking in Residential Areas

Residential parking in the immediate vicinity of the Ashby and North Berkeley BART stations is within the boundaries of the RPP Program, though the number of streets that have “opted-in” to the Program, i.e., streets that are signed and enforced for RPP time limit restrictions, vary between the two stations.⁵ The City expects resident-initiated opt-in requests around Ashby BART and North Berkeley BART to grow over the next several years, particularly after new housing is built. Residents may choose to petition for RPP to mitigate demand from residents of the new housing developments as well as partially displaced BART patrons.

To accommodate these requests, the City will follow existing guidelines for RPP Opt-Ins, summarized in Berkeley Municipal Code (BMC) Section 14.72.050.⁶ The BMC also allows for Council to initiate opt-in requests if so desired. Streets that are outside of the RPP Program boundary are not eligible to opt-in; Council action would be required to allocate additional funding for Parking Enforcement staff and equipment to expand the Program.

Managing Parking in Commercial Areas

Parking on Adeline Street across from the Ashby BART station and along University Avenue south of the North Berkeley BART station is managed under the goBerkeley parking program. Parking on Ashby Avenue and MLK Jr Way fronting Ashby BART is either controlled by RPP, time limits, or unregulated. Adeline Street south of Woolsey Street is time limited, though the City is evaluating whether to install metered parking in this area as part of a parking benefit district. There is no parking on the periphery of the North Berkeley BART site, but this could change with future housing development.

Based on outreach with merchants and/or other stakeholders, the City could convert existing time limited or unregulated parking in commercial areas or on the periphery of

⁴ BECCAP Advisory Committee/Community Meeting, March 9, 2022, p. 23-24: <https://bit.ly/3BTdR2W>

⁵ City of Berkeley RPP Web Map: <https://bit.ly/3LLDpDY>

⁶ Berkeley Municipal Code 14.72.050: “Designation of a residential permit parking area”
<https://berkeley.municipal.codes/BMC/14.72.050>

station areas to goBerkeley metered parking. Consistent with on-street parking elsewhere in the City, the goals will be to ensure customer parking availability and turnover by periodically observing parking behavior and adjusting prices for optimum availability – 65-85% occupied, or 1-2 open spaces. goBerkeley features “Premium” zones with prices driven by customer demand and shorter time limits that encourage turnover, and in the vicinity of Ashby and North Berkeley, could exclude BART patrons. If there is surplus capacity, some areas may be designated as Value zones with longer time limits that could be used by BART patrons, but priced to maintain adequate turnover.

goBerkeley allows the City to be flexible in the face of changing conditions. Pending further discussion, the City could implement an escalating price scale that starts at low prices for short stays, but scales up to higher prices for all-day parking, potentially providing parking for local customers while accommodating some BART patrons. In the vicinity of Ashby BART, this could provide a new source of revenue supporting a Lorin parking benefit district.

BACKGROUND

In September 2018, Governor Jerry Brown signed Assembly Bill (AB) 2923,⁷ state legislation that affects zoning requirements on existing BART-owned property within one-half mile of stations in Alameda, Contra Costa and San Francisco Counties.

The City of Berkeley has been working closely with BART to develop the zoning and site planning parameters that meet the requirements of AB 2923, the goals of the City and the community, and the goals of BART as the property owner. The City and BART executed a Memorandum of Understanding (MOU) in March 2020 that established a framework for development of the Ashby and North Berkeley BART stations, including a community advisory process and other community engagement; milestones and a timeline to develop zoning that complies with AB 2923; solicitation of developer(s); and further studies/planning for the two station areas.⁸

In June 2022, the City Council adopted zoning at the North Berkeley and Ashby BART stations that complies with AB 2923. As outlined in the original City-BART Memorandum of Understanding (MOU) and the new Memorandum of Agreement (MOA), the planning effort moving forward will build upon separate community engagement efforts that have been underway for several years relating to the Ashby and North Berkeley BART stations, and other adopted plans and policies of the City and of BART. The MOA establishes a timeline for milestones regarding the addressing of potential spillover impacts to parking around the North Berkeley and Ashby BART stations that includes this City Council update regarding use of existing tools for on-street parking strategy in November 2022.

⁷ AB 2923: <https://bit.ly/3DYji3m>

⁸ Current City of Berkeley/BART Memorandum of Understanding (MOU): <https://bit.ly/3CfJFR8>

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Incremental expansion of the RPP Program to include additional blocks may have a minor beneficial environmental effect, and may make alternative transportation options more attractive. A modal shift by commuters to walking, bicycling, public transportation, or carpooling may also lead to a decrease in greenhouse gasses. However, based on expansion of RPP to other areas, the “two-hour shuffle” (i.e., moving a vehicle every two hours to avoid a ticket) may also begin to occur in new RPP areas among commuters who continue to drive. This behavior would have an adverse impact on traffic congestion, air quality, and excess fuel consumption.

Parking management in commercial areas using demand-responsive pricing under the goBerkeley parking program should improve parking management and lessen traffic congestion and vehicle emissions, as drivers are anticipated to spend less time searching for available parking spaces. Reducing greenhouse gas emissions produced by vehicular traffic is one of the City’s 2009 Climate Action Plan goals.

POSSIBLE FUTURE ACTION

The City will continue to monitor parking demand in the vicinity of the Ashby and North Berkeley BART stations, processing RPP opt-in requests and/or discussing parking options in commercial areas with merchants and business groups as warranted.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

There are no immediate fiscal impacts. The parking management policies discussed in this report are baseline programs and the housing projects are still being planned.

Moving forward, each incremental expansion of RPP within the Program’s current boundaries will incur costs for the procurement and installation of new signage. Depending on the geographic scope of new opt-in petitions, discussions with the Police Department’s Parking Enforcement may be needed to verify that existing staffing and equipment levels are sufficient to absorb the new areas. Expansion beyond the existing boundaries of the RPP Program will require new staff and equipment.

Fiscal impacts of potential new goBerkeley parking meters in commercial areas near or fronting the BART stations are difficult to forecast as parking behaviors resulting from demand-responsive price adjustments may vary. However, as in other areas of the City, incremental parking revenue should be sufficient to cover expected expenditures of the program, including the purchase of new meter equipment.

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