



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, December 12, 2023
3:00 PM**

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

TELECONFERENCE LOCATION - 1404 LE ROY AVE, BERKELEY, CA 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

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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 public participation may be addressed to the City Clerk Department (510) 981-6900. The City Council may take action related to any subject listed on the Agenda.

Pursuant to the City Council Rules of Procedure and State Law, the presiding officer may remove, or cause the removal of, an individual for disrupting the meeting. Prior to removing an individual, the presiding officer shall warn the individual that their behavior is disrupting the meeting and that their failure to cease their behavior may result in their removal. The presiding officer may then remove the individual if they do not promptly cease their disruptive behavior. “Disrupting” means engaging in behavior during a meeting of a legislative body that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to, a failure to comply with reasonable and lawful regulations adopted by a legislative body, or engaging in behavior that constitutes use of force or a true threat of force.

Preliminary Matters

Roll Call:

Action Calendar

The public may comment on each item listed on the agenda for action as the item is taken up. For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again at the time the matter is taken up during the Action Calendar.

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.

Action Calendar – Public Hearing

Staff shall introduce the public hearing item and present their comments. For certain hearings, this is followed by five-minute presentations each by the appellant and applicant. The Presiding Officer will request that persons wishing to speak use the "raise hand" function to be recognized and 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. 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.

When applicable, each member of the City Council shall verbally disclose all ex parte contacts concerning the subject of the hearing. Councilmembers shall also submit a report of such contacts in writing prior to the commencement of the hearing. Written reports shall be available for public review in the office of the City Clerk.

1. North Berkeley BART Objective Design Standards

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion adopt a Resolution approving the North Berkeley Bay Area Rapid Transit (BART) Objective Design Standards (ODS).

Financial Implications: See report

Contact: Jordan Klein, Planning and Development, (510) 981-7400

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 30th day of November, 2023.



Jesse Arreguin, Mayor

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

ATTEST:



Date: November 30, 2023
Mark Numainville, City Clerk

NOTICE CONCERNING YOUR LEGAL RIGHTS: *If you object to a decision by the City Council to approve or deny a use permit or variance for a project the following requirements and restrictions apply: 1) No lawsuit challenging a City decision to deny (Code Civ. Proc. §1094.6(b)) or approve (Gov. Code 65009(c)(5)) a use permit or variance may be filed 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 use permit or variance, 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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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

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Please refrain from wearing scented products to this meeting.



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Office of the City Manager

PUBLIC HEARING
December 12, 2023

To: Honorable Mayor and Members of the City Council
 From: Dee Williams-Ridley, City Manager
 Submitted by: Jordan Klein, Director, Planning and Development Department
 Subject: North Berkeley BART Objective Design Standards

RECOMMENDATION

Conduct a public hearing and upon conclusion adopt a Resolution approving the North Berkeley Bay Area Rapid Transit (BART) Objective Design Standards (ODS).

SUMMARY

This staff report provides an overview of the policy framework guiding the ODS, the proposed ODS (**Attachment 1, Exhibit A**) and the mechanisms for ODS compliance. It also provides rationale for the recommendation, alternatives considered and background about the process to develop the ODS.

FISCAL IMPACTS OF RECOMMENDATION

There are a variety of potential fiscal impacts to the City related to North Berkeley BART transit-oriented development (TOD), including the allocation of affordable housing funding and operational costs related to on-street parking management adjacent to the stations. The actions in the above recommendations do not result in direct fiscal impacts, and future funding commitments will require additional Council action. Staff will provide more detail about these potential fiscal impacts in advance of possible future actions.

CURRENT SITUATION AND ITS EFFECTS

Advancing TOD at the North Berkeley BART station area is a Strategic Plan Priority Project, supporting the City's goal to create affordable housing and housing support services for our most vulnerable community members. City Council approval of the ODS is a milestone identified by the City and BART June 2022 Memorandum of Agreement that will advance development at the North Berkeley BART station area.

A. Policy Framework

The ODS are informed by the City and BART's adopted agreements, policies and regulations, which are based on State law, site planning and financial feasibility studies,

and the extensive community engagement undertaken to date. Key guidance is provided by:

- **City of Berkeley Zoning.** In June 2022, the City Council adopted a new zoning district for the North Berkeley and Ashby BART station areas – BART Mixed Use Zoning District (R-BMU; BMC Section 23.202.150) – and related amendments to the Berkeley Municipal Code.¹ The zoning includes development standards, open space requirements, parking requirements (for the mixed-use development), and permitted uses, as well as some limited requirements related to shaping the volume and massing of future development. Greater detail related to building form was not included because it would be addressed during the subsequent process to prepare ODS for each station area.
- **City and BART Joint Vision and Priorities for Transit-Oriented Development at the Ashby and North Berkeley BART Stations (“JVP”).** In June 2022, the City and BART adopted the Joint Vision and Priorities for Transit-Oriented Development for Ashby and North Berkeley Stations. The JVP expresses the City and BART’s shared, high-level expectations for future development. The JVP provides important guidance on Affordable Housing, Public and Civic Space, Land Use, Building Form, and Station Access and Parking. The JVP includes aspirational statements as well as minimum requirements. Each topic includes an overall vision statement, followed by “shared priorities” for both station areas, and additional priorities specific to each station, where applicable.
- **June 2022 City and BART Memorandum of Agreement (“MOA”).** The MOA clarifies the processes that BART and the City will pursue to develop BART-owned property at the North Berkeley and Ashby BART station areas. The MOA establishes objectives and minimum requirements for the North Berkeley BART TOD project, such as minimum affordability requirements, a minimum of 1000 bedrooms, and the requirement to prepare ODS (MOA, Exhibit C). The City and BART have agreed to the process outlined in the MOA to develop, approve and require compliance with ODS adopted by the City Council.
- **2020 City of Berkeley Pedestrian Plan and 2017 Berkeley Bicycle Plan.** The City’s 2020 Pedestrian Plan and 2017 Bicycle Plan sets policy for streetscape design and character including preferred sidewalk widths.^{2,3}
- **BART – North Berkeley Station Access Plan.** As part of the development process, BART requires a station access plan to be prepared which evaluates current and projected access needs to the North Berkeley BART Station, assesses how the proposed TOD project will impact these needs, and proposes

¹ <https://berkeley.municipal.codes/BMC/23.202.150>

² <https://berkeleyca.gov/your-government/our-work/adopted-plans/pedestrian-plan-2020>

³ <https://berkeleyca.gov/your-government/our-work/adopted-plans/berkeley-bicycle-plan>

solutions to ensure safe and efficient access to the project area, including city streets.

Several State laws, including but not limited to AB 2923 and SB 35, allow that projects which meet specified affordability criteria and development standards be entitled to a streamlined or “ministerial” approval process. This means that eligible projects would be evaluated for conformance with adopted objective planning standards at a staff level, and the entitlement process will not include any discretionary review by the Zoning Adjustments Board or any other commission, or the City Council. Future development on the North Berkeley BART station site may be eligible to utilize State Density Bonus Law to secure concessions and/or waivers of development standards required by local zoning (e.g., height limitations, open space requirements) that would otherwise preclude the development project due to physical constraints or impacts to financial feasibility. While the North Berkeley Housing Partners (NBHP) development team has yet to submit a development application to the City (anticipated in January 2024), based on information reviewed to date, staff believes that the NBHP may be eligible for State Density Bonus and/or a streamlined approval process.

B. Proposed ODS

The draft ODS are based on a thorough analysis of the policy framework and site-specific conditions such as existing street and building types, neighborhood conditions, and City and BART requirements with respect to station operation, access, and safety. Development of the draft ODS has also included consideration of community input.

The draft ODS include standards relating to:

- **Public Realm.** Standards for the public realm relate to internal circulation and the design of streetscapes surrounding the North Berkeley BART site. The primary focus is to provide ample and suitable pedestrian, bicycle, transit, and vehicular access to the site while ensuring a high-quality public realm and attractive streetscapes.
- **Building Design.** The draft ODS provide technical standards for building height, massing and articulation, and selected design elements. The draft ODS strive to balance JVP priorities to ensure that building size and mass provide adequate transitions between public and private spaces and reduce the perception of building size and mass.

The draft ODS document is divided into two sections:

- Part 1 details the specific policy guidance from the JVP, zoning, and other source documents that inform the ODS about the public realm and building design.
- Part 2 includes definitions and detailed technical standards that seek to ensure that the proposed development achieves design objectives.

The contents and structure of the ODS are described in further detail in the October 18, 2023 staff report to the Planning Commission (**Attachment 2**), pages 5-7.

At its October 18, 2023 meeting the Planning Commission recommended that the City Council adopt the North Berkeley BART Objective Design Standards presented by staff with the revisions summarized below:

1. Reduce required setbacks to five feet, the minimum required by zoning.
2. Apply rules for projections allowed on Sacramento Street to Virginia Street.
3. Simplify major breaks by increasing maximum primary facade length to 250' for Delaware, Acton and Virginia streets; eliminating maximum secondary facade length; only applying Section 2.2.3 Major Breaks to facades greater than 200' in length; and eliminating Major Breaks in secondary facades.
4. Increase the 65 percent limit for a single material to 80 percent and apply the percentage to all building exteriors as a whole.
5. Remove the requirement that panel systems shall not have exposed fasteners.
6. Eliminate utility/refuse/loading access requirements.
7. Add an option that facades that have ornament on at least 5 percent of the wall shall not be required to have major or minor breaks and may exceed the maximum for one material.

These revisions were based on feedback received in a letter from NBHP (covering items 1 through 6), and a memorandum provided by Planning Commissioner Alfred Twu (item 7). These materials are included as **Attachment 3**.

In order to implement the Planning Commission's recommendation, staff revised Parts 1 and 2 of the draft ODS as noted above, along with any associated changes needed related to the setbacks and projections section to maintain the intent of the section to promote greater facade articulation (see **Attachment 1, Exhibit A**). Staff also made minor, non-substantive edits throughout the document for clarity of language. An underline/strikeout version that highlights the changes from the version of the ODS discussed at the October 18th Planning Commission meeting is provided as **Attachment 4**.

C. ODS Compliance

The City of Berkeley will review all applications for development at the North Berkeley BART station for compliance with the ODS, in accordance with State law. In addition to this regulatory authority, the June 2022 Memorandum of Agreement between BART and the City establishes BART's commitment to require that development partners comply with City-adopted ODS, provided that they are consistent with State law and do not reduce development capacity by more than 10% from the development standards

established in AB 2923. On October 10, 2023, BART staff sent a letter to Planning & Development staff (**Attachment 5**) confirming that the draft ODS as recommended by staff meet the requirements established in the MOA, and that therefore BART will require development partners to comply with the ODS to the extent that they are consistent with state law. The letter also noted that BART would not prevent a development partner from taking advantage of waivers or concessions from development standards to which they may be entitled under State Density Bonus law.

BACKGROUND

The development of ODS for the North Berkeley BART site is part of a larger, multi-year process to build homes and complementary uses on the existing surface parking lots at the BART station that was initiated by the passage of Assembly Bill 2923 in 2018. The June 2022 City and BART Memorandum of Agreement establishes guidelines for developing the ODS, and minimum development thresholds for the ODS. The process specifies that input about the ODS will be solicited from the community, BART and the selected development team in order to ensure that they will be consistent with the intent of the City and BART Joint Vision and Priorities and reflect what can be feasibly developed at the site.

From November 2022 through September 2023, the City, BART, and the North Berkeley Housing Partners development team held four community-wide meetings and open houses, and attended other community and neighborhood events, as part of the process to develop ODS for the North Berkeley BART site. A summary of the community engagement process and description of the community feedback on prior drafts of the ODS are provided in the October 18, 2023 staff report to the Planning Commission (**Attachment 3**).

BART Rider Parking

The ODS do not impact the amount of BART rider parking that is replaced as part of the TOD project, as that determination is solely within the purview of BART. During the process to develop the ODS, many participants commented on the amount of replacement parking for BART patrons, and some specifically commented on the preservation of accessible parking spaces at the site. There are currently 19 ADA spaces at the North Berkeley BART station. On June 9, 2022, the BART Board approved the maximum level of BART rider parking at the station: 120 spaces at the station (to be created within the new development) and 80 spaces in the auxiliary parking lots (as they exist now). The Board also determined that accessible parking would be provided pursuant to the Americans with Disabilities Act requirements, which would be up to a maximum of five spaces. BART staff have indicated that BART will continue to monitor accessible space occupancy at North Berkeley BART and is open to providing a higher number of accessible spaces to meet demonstrable demand. BART may pursue flexible design of garage space to allow for increases in the number of spaces as demand for those spaces increases.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The draft ODS document is a milestone identified in the June 2022 City and BART Memorandum of Agreement and will therefore facilitate the development of the North Berkeley BART site. 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 goals of being a global leader in addressing climate change, advancing environmental justice, and protecting the environment. The impacts from the proposed objective design standards were evaluated in the Ashby and North Berkeley BART Stations Transit-Oriented Development (TOD) Zoning Project Environmental Impact Report (SCH #: 2020110320) which was certified by the Berkeley City Council on June 2, 2022.^{4,5} Therefore, no further environmental review is required.

RATIONALE FOR RECOMMENDATION

The draft ODS were developed based on a thorough analysis of the North Berkeley BART site including:

- Community input.
- State and local policy framework.
- Street and building types and neighborhood conditions.
- City and BART requirements with respect to station operation, access and safety.
- Development team input about architectural and design feasibility.

As noted during the process to adopt new zoning for the North Berkeley and Ashby BART sites, the zoning intentionally did not include detailed design standards because of the anticipated subsequent process to develop site-specific objective design standards. The draft ODS are intended to balance the potentially competing priorities in the JVP to maximize the number of new homes while also providing contextual buildings, and to accommodate the minimum project requirements in the City and BART's MOA.

While the NBHP development team has yet to submit a development application to the City (anticipated in January 2024), based on information reviewed to date, staff believes that the NBHP's currently proposed development concept largely complies with the draft ODS, and achieves minimum project requirements established in the City and BART MOA. Staff believes that the draft ODS, as proposed, achieve a balance of JVP

⁴ Final Environmental Impact Report SCH#2020110320,
https://berkeleyca.gov/sites/default/files/documents/Ashby%20and%20NB%20BART%20Stations%20TOD%20Zoning%20Project_Final%20EIR_3-29-22.pdf

⁵ June 2, 2022 City Council Report – Ashby and North Berkeley BART,
<https://berkeleyca.gov/sites/default/files/documents/2022-06-02%20Special%20Item%2001%20Ashby%20and%20North%20Berkeley%20BART.pdf>

priorities, allowing for design flexibility, ample development, and the potential for surgical sculpting of the zoning envelope. Thus, staff recommend that the City Council adopt the draft ODS.

Furthermore, the NBHP proposed project includes four affordable housing buildings that each anticipate requiring State HCD funding. Since 2020, with the passage of Assembly Bill 434, the majority of the State's affordable housing resources are awarded through a common application process, called the "SuperNOFA" (Notice of Funding Availability). The SuperNOFA is released annually and requires that all affordable housing funding requests be submitted by June of each year. In order to meet the program's threshold eligibility requirements, affordable housing developments must be fully entitled at the time of application. The four NBHP affordable buildings each anticipate requiring State HCD funding and thus would need entitlement approval by June 2024 in order to avoid an additional delay of one year before applying for funding. In order to meet the June 2024 deadline, the Planning Commission and City Council would need to approve the ODS by year-end 2023 to allow for a potential ministerial entitlement application review process within 180 days, as allowed by State laws such as AB 2923 and SB 35.

ALTERNATIVE ACTIONS CONSIDERED

Based on feedback received during the engagement process, staff considered a range of options to potentially modify the draft ODS. Staff considered revised standards that would limit development more than the draft ODS. However, more restrictive standards would reduce the amount of residential square footage allowed by the ODS to a level that is lower than the development capacity required by the MOA, and would therefore jeopardize BART's commitment to require the development team to comply with the ODS.

Staff also considered more permissive development standards to provide more flexibility to prospective development teams and allow for more residential capacity. Ultimately, staff presented draft ODS to the Planning Commission at its October 18 meeting that fulfill the intent of the JVP and meet minimum requirements established in the MOA between the City and BART. As noted above, the Planning Commission recommended to revise the ODS to allow for more flexibility and greater residential capacity to prospective development teams when compared to the standards originally proposed by staff.

CONTACT PERSON

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

Attachments:

1: Resolution

- Exhibit A: North Berkeley BART Objective Design Standards

- 2: October 18, 2023 Planning Commission Staff Report: North Berkeley BART Objective Design Standards
- 3: October 13, 2023 Letter to Planning Commission from North Berkeley Housing Partners and October 18, 2023 Proposed Addition to ODS from Commissioner Alfred Twu (Distributed at the Planning Commission meeting).
- 4: North Berkeley BART Objective Design Standards (with ~~strikeout~~/underline showing revisions from October 18, 2023 Planning Commission version)
- 5: October 10, 2023 Letter to City of Berkeley Planning Director Jordan Klein from BART Transit Oriented Development Group Manager, Carli Paine.
- 6: Public Hearing Notice

RESOLUTION NO. ##,###-N.S.

APPROVAL OF NORTH BERKELEY BART OBJECTIVE DESIGN STANDARDS

WHEREAS, the City of Berkeley (“City”) and the San Francisco Bay Area Rapid Transit District (“BART”) executed a Memorandum of Understanding (“MOU”) to cooperatively pursue Transit Oriented Development (“TOD”) at the Ashby and North Berkeley BART station areas in March 2020; and

WHEREAS, in furtherance of the MOU, the City and BART executed a Memorandum of Agreement (MOA) regarding the projects at the North Berkeley and Ashby BART station areas in June 2022; and

WHEREAS, Section IV and Exhibit D of the MOA establish minimum requirements regarding the preparation and parameters of objective design standards (“ODS”) for the TOD project at the North Berkeley BART station area; and

WHEREAS, the MOA further establishes that the City and BART “agree that under Assembly Bill 2923 (AB 2923) and Senate Bill 35 (SB 35), a development application that qualifies for streamlined review is subject to ODS that have been duly adopted by the City prior to submittal of the development application consistent with the timeline shown in section II.B, and that such ODS are enforceable as permit conditions by the City, provided that the ODS are compliant with conditions in this Section IV” (of the MOA), and

WHEREAS, the City initiated a process in November 2022 to develop the ODS, and held four community meetings and related events on the topic in February, May and September 2023; and

WHEREAS, the ODS that have emerged through that process address the North Berkeley BART Station Area site that is bounded by Sacramento, Delaware, Acton, and Virginia Streets. The site includes parcels with the following Assessor Parcel Numbers: 058-2146-016-05, 058-2149-019-04, 058-2148-017-04, and 058-2147-018-05; and

WHEREAS, the ODS are based on a thorough analysis of the policy framework and site-specific conditions at the North Berkeley BART Station Area such as existing street and building types, neighborhood conditions, as well as input from the community, City, BART, and the development team; and

WHEREAS, the ODS balance competing priorities in the City and BART Joint Vision and Priorities for the North Berkeley and Ashby BART station areas (Exhibit B of the MOA) and project feasibility; and

WHEREAS, the ODS implement the R-BMU zoning (BMC Section 23.202.150), which were evaluated in the Ashby and North Berkeley BART Stations Transit-Oriented

Development (TOD) Zoning Project Environmental Impact Report (SCH #: 2020110320), certified by the City of Berkeley City Council on June 2, 2022; and

WHEREAS, in recognition of the City's commitment of significant affordable housing funding, BART has committed to require its development partners to comply with City-adopted ODS, provided that the ODS are consistent with state law and do not reduce development capacity by more than 10% from the development standards established in AB-2923, in accordance with the MOA; and

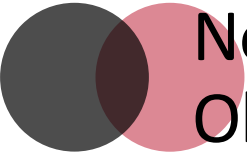
WHEREAS, on October 18, 2023, the Planning Commission held a duly noticed public hearing and took public testimony regarding the ODS, and

WHEREAS, on December 12, 2023, the City Council held a duly noticed public hearing and took public testimony regarding the ODS.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council approves the North Berkeley BART Station Area Objective Design Standards (Exhibit A).

Exhibit

A: North Berkeley BART Station Area Objective Design Standards



North Berkeley BART Station Area Objective Design Standards (ODS)

NOVEMBER 2023

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Introduction and Policy Framework

Introduction

The draft Objective Design Standards (ODS) for the North Berkeley BART Station Area establish detailed design standards for future transit-oriented development. The draft ODS build upon adopted zoning and reflect the goals and priorities identified in the City of Berkeley (City) and BART's Joint Vision and Priorities document, described below, and other adopted policies and regulations (described further below).

The draft ODS are based on a thorough analysis of the North Berkeley BART site, considering existing street sections, neighborhood conditions and building types. The analysis also considered City and BART requirements with respect to station operation, access and safety, based on what can be assessed at this time from the proposed development concept. Development of the draft ODS has included consideration of community input.

This document provides the site context and policy framework for the draft ODS followed by a description of the design intent and detailed technical standards and definitions.

Site Context

The North Berkeley BART station site is bounded by Sacramento, Delaware, Acton, and Virginia Streets. The site is divided by the Zone of Influence (ZOI) of the underground train box that runs diagonally through the site from the corner of Sacramento and Delaware Streets to Virginia and Acton Streets (Figure 1). The ZOI is an approximately 140-foot wide area that includes the underground station plus buffer areas on either side where buildings would require special foundations. The existing Traction Power Substation (TPSS) and required maintenance and staging area is located at the corner of Acton and Virginia Streets. The site slopes downward from Sacramento Street to Acton Street. The change in elevation is approximately 17 feet.

Figure 1. Site Context



Policy Framework

Several of the City and BART’s adopted agreements, policies and regulations form the framework for the draft Objective Design Standards (ODS). The draft ODS reflect consideration of these documents, as well as State law, site planning and financial feasibility studies, and the extensive community engagement undertaken as part of the planning process to build transit-oriented development at the Ashby and North Berkeley BART sites. Key guidance is provided by:

- **June 2022 City and BART Memorandum of Agreement (“MOA”).**¹ The MOA clarifies the processes that BART and the City will pursue to develop BART-owned property at the North Berkeley and Ashby BART station areas. The MOA establishes objectives and minimum requirements for the North Berkeley BART transit-oriented development (TOD) project, such as minimum affordability requirements, a minimum of 1000 bedrooms, and the requirement to prepare ODS. State laws, such as AB 2923 and the State Density Bonus Law, limit the City’s discretionary authority over projects that meet specified development standards and affordability levels. In recognition of this and the City’s substantial contribution of \$53 million of the City’s affordable housing funding towards affordable housing at both the North Berkeley and Ashby BART sites, the City and BART have agreed to the process defined in the MOA to develop, approve and enforce ODS adopted by the City Council. BART will enforce the ODS through its real estate agreements, provided the adopted ODS will not unduly restrict potential development.
- **City of Berkeley Zoning.** In June 2022, the City Council adopted a new zoning district for the North Berkeley and Ashby BART station areas – BMC Section 23.202.150 Residential – BART Mixed Use Zoning District (R-BMU) – and related amendments to the Berkeley Municipal Code.² The zoning includes development standards, open space requirements, parking requirements (for the mixed-use development), and permitted uses, as well as some limited requirements relating to shaping the volume and massing of future development. Greater detail related to building form was not included because it would be addressed during the subsequent process to prepare ODS for each station area. The R-BMU zoning district includes development standards that address the following:
 - Street-Facing Ground Floor Frontages
 - Open Space
 - Setbacks and Step-Backs
 - Frontage Improvements
 - Ground Floor Residential and Non-Residential Frontage
 - On-Site Pedestrian Access
 - Transparency
 - Building Entrances
 - Parking Design and Access
- **City and BART Joint Vision and Priorities for Transit-Oriented Development at the Ashby and North Berkeley BART Station (“JVP”).**³ In June 2022, the City and BART adopted the Joint Vision and Priorities for Transit-Oriented Development for Ashby and North Berkeley Stations (JVP). The JVP expresses the City and BART’s shared, high-level expectations for future development. The JVP provides important guidance on the following topics: Affordable Housing,

¹ <https://berkeleyca.gov/sites/default/files/documents/UpdatedMOA%20North%20Berkeley-Ashby%20TOD%2005.16.23.pdf>

² <https://berkeley.municipal.codes/BMC/23.202.150>

³ (See Exhibit B)

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

Public and Civic Space, Land Use, Building Form, and Station Access and Parking. The JVP includes aspirational statements as well as minimum requirements. Each topic includes an overall vision statement, followed by “shared priorities” for both station areas, and additional priorities specific to each station, where applicable.

- **2020 Pedestrian Plan, 2017 Berkeley Bicycle Plan.** The City’s 2020 Pedestrian Plan and 2017 Bicycle Plan sets policy for streetscape design and character including preferred sidewalk widths.^{4,5}
- **North Berkeley BART Station Access Plan.** As part of the development process, BART requires a station access plan to be prepared which evaluates current and projected access needs to the North Berkeley BART Station, assesses how the proposed TOD project will impact these needs, and proposes solutions to ensure safe and efficient access to the project area, including city streets.

Role of ODS

The goal of the ODS is to effectively balance and synthesize the JVP, zoning, the MOA, and community input into standards that will guide development. The ODS play a pivotal role in guaranteeing that the project design incorporates essential features and elements that are consistent with the JVP’s identified goals and priorities, while balancing priorities to both “maximize the number of new homes” and “consider the scale and character of the surrounding built environment.”⁶

⁴ <https://berkeleyca.gov/your-government/our-work/adopted-plans/pedestrian-plan-2020>

⁵ <https://berkeleyca.gov/your-government/our-work/adopted-plans/berkeley-bicycle-plan>

⁶ See JVP sections: Affordable Housing (Shared Priorities, A. Housing Priorities) and Building Form (Shared Priorities, B. Context).

Part I: ODS Intent and Objectives

The draft ODS are standards that address the public realm and building design, and include a definitions section that explains terms used in the standards. Part I details the specific policy guidance from the JVP, zoning, and other source documents that inform the ODS, while Part II includes detailed technical standards that ensure that the proposed development achieves the design objectives outlined in Part I.

Public Realm

Internal Connections

These standards address internal circulation and design of streetscapes surrounding the North Berkeley BART site. The primary focus is to provide ample and suitable pedestrian, bicycle, transit, and vehicular access to the site while ensuring a high-quality public realm and attractive streetscapes. The draft ODS describe internal street connections and the public circulation network by defining locations to enhance the station entrance and to effectively link key elements such as the Ohlone Greenway and other public or pedestrian facilities.

The ODS for Internal Connections address the following topics:

- **Mid-block Connections and Publicly Accessible Walkways** to break up the site into smaller blocks, and provide new connections to the station and lines of site between buildings.
- **Public Circulation Network** to provide a pedestrian connection between all buildings and amenities.

Key elements of JVP and/or zoning related to the ODS regarding internal connections:

- **Ohlone Greenway Connection.** The development should include a landscaped (as feasible given BART operational needs) protected bikeway that connects the disjointed ends of the Ohlone Greenway to each other and to BART, providing a primary access route and orientation of the development that enables a prioritized pedestrian and bicycle connection from approximately the southeast corner of the site to the northwest corner of the site and across the streets. (JVP: Public and Civic Space, Priorities for North Berkeley, A. Ohlone Greenway Connection).
- **Public Space Use.** Public space should provide opportunities for both active and passive public use, with strong connections to the station entrance, the Ohlone Greenway, or other public spaces and pedestrian facilities. (JVP: Public and Civic Space, Priorities for North Berkeley, B. Public Space Use)
- **Location and Orientation.** The development should locate and design new buildings to enhance public spaces while mitigating impacts on existing neighbors through site orientation, setbacks, lines of sight between buildings, landscape and topography. (JVP: Building Form, Shared Priorities, C. Location and Orientation).
- **Small Blocks.** The development should prioritize site designs with smaller blocks and building footprints instead of larger blocks. (JVP: Building Form, Shared Priorities, E. Small Blocks).
- **On-site Pedestrian Access: Internal Connections.** A system of publicly accessible pedestrian walkways (e.g. public sidewalks) shall connect all buildings on a site to each other, to on-site bicycle and automobile parking and drop-off areas, to any on-site open space areas or pedestrian amenities, and to the publicly accessible pedestrian circulation network. (BMC Section 23.202.150(F)(9)(a)).
- **On-site Pedestrian Access: To the Public Circulation Network.** A publicly accessible on-site walkway shall connect the building lobby entry or entries on each street or on-site pathway frontage to the public pedestrian circulation network. Connections to publicly accessible on-site

walkways provided at least every 300 feet along portions of the development site perimeter that are adjacent to public rights-of-way. (BMC Section 23.202.150(F)(9)(b)).

- **On-site Pedestrian Access: To Neighbors.** Publicly accessible pedestrian access shall be provided from residential and commercial building entrances and public space to adjoining residential and commercial areas. (BMC Section 23.202.150(F)(9)(c)).
- **On-site Pedestrian Access: To Transit.** Publicly accessible pedestrian connections from the public circulation network shall be provided to all transit stops and entrances including elevators outside the station. (BMC Section 23.202.150(F)(9)(d)).

Streetscape Design

The existing sidewalks along the perimeter streets of the North Berkeley BART station were designed for the existing use of the site as a surface parking lot. However, with the upcoming development of residential buildings, sidewalks shall be improved to provide adequate space and landscaping to accommodate the change of use. Improvements should create ample space and incorporate landscaping to better serve the needs of the community. The improved sidewalks will require a lot line adjustment to the new back-of-sidewalk.

The ODS for Sidewalk Design the following topics:

- **Minimum Total Width** to accommodate the needs of all users and landscaping.
- **Minimum Clear Path of Travel** to ensure comfort and safety of pedestrians.
- **Minimum Planting Area** to create a buffer between the street and walking path.
- **Street Trees** to provide shade, reduce heat island effect, mitigate the size and scale of new development, and ensure comfort of pedestrians.

Key elements of JVP and/or zoning related to the ODS regarding sidewalk design:

- **Street Design.** The design of surrounding streets should be considered as a strategy to accommodate public space needs, increase the tree canopy, and improve safety for pedestrians and bicycles. Explore the feasibility of reducing the width and number of traffic lanes in adjacent streets to their original (pre-BART) condition, aligning curbs with adjacent blocks in a manner that builds upon and is consistent with the City and BART's recent Complete Streets and roadway improvement projects in the area. Streets may retain their current width where there is some functional use for the extra space, such as bike lanes and cycle tracks that previously did not exist, and there may be bulb-outs at intersections. Perimeter sidewalks should consider generous pedestrian space and tree canopy. (JVP, Public Civic Space, Priorities for North Berkeley, C. Street Design)
- **Adjacent Streets.** Consider the role and design of adjacent streets – including Sacramento Street, Delaware Street, Virginia Street, and Acton Street – in multi-modal access planning for the North Berkeley Station. (JVP, Station Access, Priorities for North Berkeley, A. Adjacent Streets).
- **Frontage Improvements.** Any area between a building and the front property line, or any area between a building and on-site public space or the public circulation network, shall be improved as part of a wider sidewalk, outdoor seating area, outdoor dining area, yard area, landscaping, or other usable open space. (BMC Section 23.202.150(F)(8))
- **Preferred Width of Sidewalk Zones.** The 2020 Pedestrian Plan establishes preferred width of sidewalk zones. The surrounding streets fall into the following categories with the proposed redevelopment: Sacramento: Mixed-Use Boulevard, Total Sidewalk Width 16'-24'; Delaware: Neighborhood Connector, Total Sidewalk Width 13'-16'; Acton and Virginia: Total Sidewalk Width 10'-14'. The City of Berkeley used this guideline along with consideration of the minimum project size (i.e., 1000 bedrooms) to determine sidewalk widths in the ODS (2020 Pedestrian Plan. Appendix B: Engineering & Design Guidance B-8: Preferred Width of Sidewalk Zones)

Building Setbacks

Building setbacks ensure smooth transition from public to private space, minimize building shadows on streets, create interesting street-facing frontages, and provide opportunities for landscaping.

The minimum and maximum dimensions for setbacks in the draft ODS are consistent with and required by the R-BMU zoning. The draft ODS regulates the type of projections that are allowed within the minimum setback area and defines a minimum percentage of landscaped area.

The ODS for Building Setbacks address the following topics:

- **Building Projections** to allow for limited building articulation within the setback area to create human-scaled design and visual interest.
- **Building Setback Landscaping** to create minimum areas for landscaping consistent with the neighborhood character.
- **Maximum Continuous Façade** to break up the massing and create smaller, human-scale facades.

Key elements of JVP and/or zoning related to building setbacks:

- **Street Design.** The design of surrounding streets should be considered as a strategy to accommodate public space needs, increase the tree canopy, and improve safety for pedestrians and bicycles. Explore the feasibility of reducing the width and number of traffic lanes in adjacent streets to their original (pre-BART) condition, aligning curbs with adjacent blocks in a manner that builds upon and is consistent with the City and BART's recent Complete Streets and roadway improvement projects in the area. Streets may retain their current width where there is some functional use for the extra space, such as bike lanes and cycle tracks that previously did not exist, and there may be bulb-outs at intersections. Perimeter sidewalks should consider generous pedestrian space and tree canopy. (JVP: Public Civic Space, Priorities for North Berkeley, C. Street Design)
- **Context.** Building design should consider the scale and character of the surrounding built environment. (JVP: Building Form, Priorities for North Berkeley, B. Context)
- **Location and Orientation.** Locate and design new buildings to enhance public spaces while mitigating impacts on existing neighbors through site orientation, setbacks, lines of sight between buildings, landscape and topography. (JVP: Building Form, Priorities for North Berkeley, C. Location and Orientation)
- **Front Setbacks.** Setbacks are not required at Sacramento Street. Setbacks along all other frontages along public rights-of-way and internal publicly-accessible pathways shall range from five feet (minimum) to 15 feet (maximum) for at least 50 percent of any building's linear street frontage, including all frontages within 50 lineal feet of an intersecting corner. (BMC Section 23.202.150(F)(4))

Building Design

Building Height

Priorities in the JVP emphasize incorporating variations in building height and design at both stations. The primary objective is to ensure that the development adheres to good urban design principles by creating variations in volume, while taking into account the surrounding residential neighborhoods. To achieve this, the draft ODS will step down building heights along the perimeter of the site and narrower street, thereby ensuring new development blends with the existing scale of the neighborhood. In line with this approach, the JVP proposes concentrating higher density, larger building forms, and increased height near strategic locations such as the Ohlone Greenway and the center of the site, as well as along Sacramento Street. The draft ODS provide standards that are consistent with the R-BMU zoning district maximum height of 7 stories/80 feet.

Future development on the site may be eligible to utilize provisions of the State Density Bonus Law for increases in density and/or concessions and/or waivers of development standards (such as height) that would otherwise physically preclude the construction of the development. Thus, the draft ODS provide alternative standards for a building of up to 8 stories, or 85 feet in the event a developer successfully obtains a waiver of the 7-story/80 feet R-BMU maximum height limit via the Density Bonus Law. In the event that a developer obtains a waiver of the 7-story/80 feet R-BMU maximum height limit pursuant to the Density Bonus Law, the ODS contemplates a building of up to 8 stories/85 feet in the interior of the site and along a portion of Sacramento Street, along with a lower building height and massing along the Virginia and Acton Street frontages and at specific corners where Sacramento Street intersects with Virginia and Delaware Streets.

The ODS for Building Height addresses the following topic:

- **Maximum building heights-** to allow buildings to step down along the street edge, minimize shade, and create volumetric variation in massing.

Key elements of JVP and/or zoning related to the ODS about building height:

- **Height Variation.** AB 2923 does not permit the City's zoning controls to restrict building height below seven stories on the station sites. The City and BART will support variations in building height and form at both stations. It is anticipated that some buildings and some portions of buildings will be shorter than the maximum height in keeping with good urban design practice. (JVP: Building Form, Shared Priority, A. Height Variation)
- **Massing and Height Focus.** Focus density, larger building forms and height towards the Ohlone Greenway and the center of the site, as well as towards Sacramento Street. (JVP: Building Form, Priorities for North Berkeley, A. Massing and Height Focus)
- **Massing Breaks and Step-downs.** Provide massing breaks, step-downs in height, and frequent pedestrian building entrances along Delaware Street, Acton Street, and Virginia Street, with building forms and frontages that create a residential character and scale. (JVP: Building Form, Priorities for North Berkeley, B. Massing Breaks and Step-Downs)
- **Maximum building height:** 80 feet/seven stories (BMC Section 23.202.150(F)).

Building Massing and Articulation

The JVP includes guidance for the project to prioritize smaller blocks and building footprints to reflect the scale and character of the surrounding built environment. To realize the design guidance in the JVP, the ODS will have the effect of limiting the overall size and scale of the building and the perceived mass through upper floor step backs, maximum façade lengths, and major breaks within the constraints of the City's MOA with BART. The ODS seek to ensure that the project maintains a human scale, creating a pleasant walking environment while ensuring interesting design.

The ODS for Building Massing and Articulation address the following topics:

- **Minimum Upper Floor Step Backs** to create a human-scale streetscape and to minimize impact of large buildings on the neighborhood.
- **Maximum Primary Facade Length** to provide regular breaks in building forms and encourage smaller blocks.
- **Major Breaks** to break up the massing and create smaller, human-scale facades.
- **Minor Breaks/Modulations** to create a residential rhythm and pattern to building facades to respond to the neighborhood context and character.

Key elements of JVP and/or zoning related to the ODS about building massing and articulation:

- **Context.** Building design should consider the scale and character of the surrounding built environment. (JVP: Building Form, Shared Priority B. Context)
- **Small Blocks.** Prioritize site designs with smaller blocks and building footprints instead of larger blocks. (JVP: Building Form, Shared Priorities, E. Small Blocks)
- **Architectural Variety.** Design buildings to provide visual interest with variation in height, scale, massing, rooflines, materials, and architectural elements. (JVP: Building Form, Shared Priority F. Architectural Variety)
- **Building Scale.** Provide regular breaks in building forms, as well as both horizontal and vertical detail to respond to the existing neighborhood context and character, particularly at the edges of the site. Provide adequate perimeter space for pedestrian volume and tree canopy/vegetation. (JVP: Building Form, Shared Priority F. Architectural Variety)
- **Massing and Height Focus.** Focus density, larger building forms and height towards the Ohlone Greenway and the center of the site, as well as towards Sacramento Street. (JVP: Building Form, Priorities for North Berkeley, A. Massing and Height Focus)
- **Massing Breaks and Step-downs.** Provide massing breaks, step-downs in height, and frequent pedestrian building entrances along Delaware Street, Acton Street, and Virginia Street, with building forms and frontages that create a residential character and scale. (JVP: Building Form, Priorities for North Berkeley, B. Massing Breaks and Step-Downs)
- **Front Upper-Story Step Backs.** Any street-facing building frontage above four stories in height that is not within 100 linear feet of Sacramento Street shall step back from the property line for portions of the building above four stories. (BMC Section 23.202.150(F)(5))

Design Elements

The JVP includes guidance for projects to provide visual interest with variation in architectural elements and materials. The draft ODS will define standards that encourage the use of high-quality materials, finishes, and detailing that create visual interest and enhance the neighborhood's overall aesthetic.

The ODS for Design Elements address the following topics:

- **Window** to create clean geometries and shadow lines.
- **Materials** to ensure high-quality materials and harmony of styles.
- **Location of Utilities** to ensure access while minimizing blank walls.

Key elements of JVP and/or zoning related to the ODS about building massing and articulation:

- **Architectural Variety.** Design buildings to provide visual interest with variation in height, scale, massing, rooflines, materials, and architectural elements. (JVP: Building Form, Shared Priority F. Architectural Variety)
- **Required Openings.** Ground-level exterior walls facing and within 20 feet of a front lot line or publicly accessible pathway or Public Open Space shall run in a continuous plane for no more than 30 feet without a window, door, or other similar building opening. (BMC Section 23.202.150(F)(10))

Part II: Development Standards and Definitions

Definitions

Continuous Building Facade Length

The length of a facade as measured from either the corner of a building to the opposite corner of the building, a change in angle of the facade that is greater than 35 degrees, or a major break with a minimum width and depth of 20 feet. If building facades are curved, length of facade as measured to tangent parallel to interior corridor.

Facade Plane

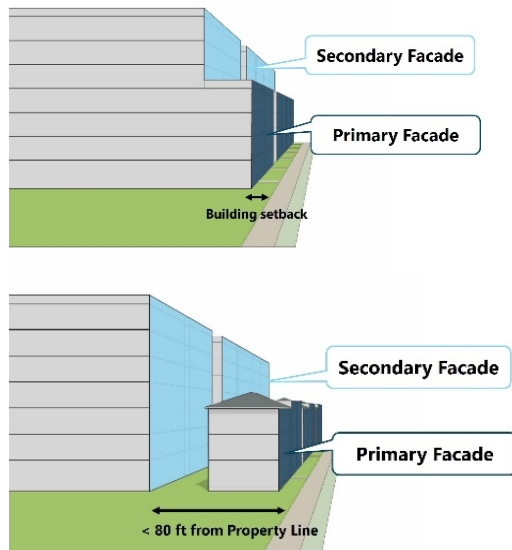
Portion of a facade located between a corner of a building to either the opposite corner of the building or a major break.

Primary Facade

Portions of a building directly fronting a street, publicly accessible open space or internal pathway, typically located within the minimum and maximum building setback.

Secondary Facade: Portions of the building facing a street or internal pathway that is within 80 feet of the property line or internal pathway. The secondary facade may be separate from or part of the same building as the primary facade. The secondary facade is typically located behind the primary facade through a deeper building setback, upper floor step back, and/or major break.

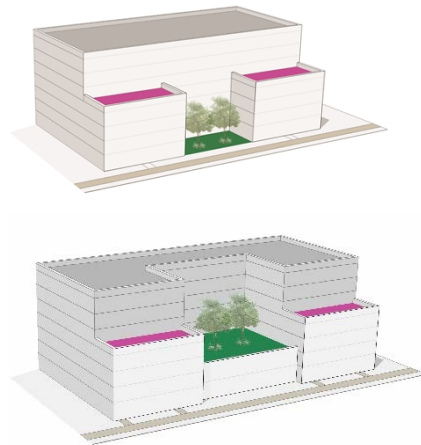
Figure 2. Primary and Secondary Facades



Frontage Court Buildings

A building where part of the secondary facade is set back at a deeper dimension than the primary facade to create a frontage court building entry or open space. Frontage courts may be a combination of both ground level and podium courtyards.

Figure 3. Frontage Court Buildings



Major Break

A massing break or facade modulation that is wide and deep enough that it divides up the facade of a building to create the sense of multiple separate building masses. Minimum dimensions for a major break are provided in the design standards.

Minor Breaks/Modulations

Horizontal changes to the facade plane that provide articulation to the building facade. Minor Breaks/Modulations typically occur to distinguish a residential rhythm and pattern to a building facade with modulations spaced to the width of a room, unit, or group of units. Minor breaks and modulations may be recesses or projections like bay windows.

1 Public Realm

1.1 Public Circulation Network

1.1.1 Ohlone Greenway Connection

1. A multi-use publicly accessible pathway shall connect from the corner of Delaware and Sacramento Streets through the site to either Virginia or Acton Streets to complete the Ohlone Greenway.
2. The multi-use pathway shall be a minimum of 14 feet wide.

1.1.2 Mid-block Connections and Publicly Accessible Walkways

1. A minimum of one publicly accessible on-site walkway shall be located at least every 300 feet along each public right-of-way.
2. Mid-block Connection. A minimum of one Mid-block connection shall be made from each public street frontage that connects to the station.
 - a. Mid-block connections shall have a minimum building-to-building width of 40 feet.
 - b. Mid-block connections may have one bridge over the pathway meeting the minimum standard in 1.1.4.2 Internal Connection Design.
 - c. Stoops, balconies, planters, trellises, and other non-habitable architectural features may project within the minimum building-to-building dimension. The total of the upper floor projections shall not exceed more than 25% of the facade plane at the minimum building-to-building dimension or back-of-walk if an internal street.
 - d. Mid-block connections shall be open during all hours of active BART transit service.
 - e. Mid-block connections shall include a minimum of one publicly-accessible pedestrian walkway with a minimum of eight feet in width. Location of the walkway within the Mid-block Connection may vary.
 - f. Mid-block connections shall include a minimum of one tree per 25 linear feet.
 - g. Mid-block connections with private vehicle access shall have a minimum of one tree per 30 linear feet of sidewalk where technically feasible and allowed by code. (The area directly above the BART train box is exempt).
 - h. At least one Mid-block connection shall have direct vehicle access to station entrance. This connection shall include publicly accessible sidewalks and vehicle access to drop-off areas for BART riders and shall meet all of BART and City requirements outlined in the North Berkeley BART Station Access Plan. Sidewalk widths, lane configuration, bike facilities, and total number of loading spaces will be determined by the North Berkeley BART Station Access Plan.

1.1.3 Frontage Specific Standards

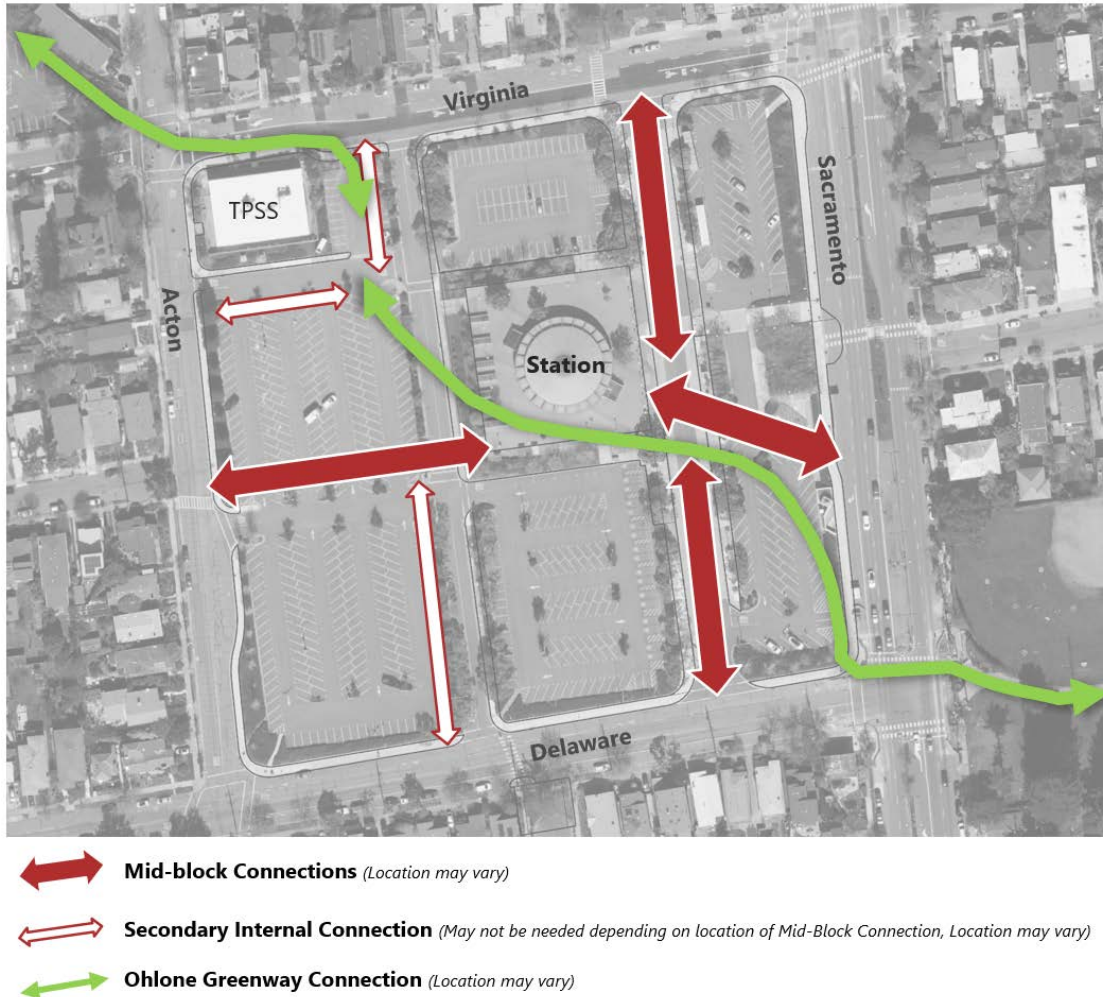
1. From Sacramento Street. A Mid-block connection in the form of a plaza and multi-use pathway shall be located within the Zone of Influence (ZOI) connecting from Sacramento Street to the station.
2. From Acton Street. A Mid-block connection shall be located such that one edge of the pathway is within 50 feet of the centerline of the adjacent Francisco Street right-of-way that connects through the development to the station area.

1.1.4 Internal Connection Design

The R-BMU zoning regulations require specified types of on-site pedestrian access (BMC 23.202.150(F)(9)). Additional publicly accessible on-site walkways may be needed depending on the location of a proposed project's Mid-block connections. These internal connections may occur through buildings if they meet the standards below:

1. Publicly Accessible Pedestrian Pathway
 - a. Pathway shall have a minimum width of eight feet.
2. Bridges over Internal Connections
 - a. Building-to-building dimension of pathway is a minimum 30 feet in width. Walkway width shall have a minimum eight feet clear path of travel dimension.
 - b. Minimum floor-to-bridge ceiling height is greater than 20 feet; a bridge may be located within the floor-to-ceiling space if the bridge has a maximum width of 10 feet.
 - c. Maximum depth of building/bridge projecting over the path is 40 feet.
 - d. Internal connection may change grade and go over a parking podium that is a maximum 15 feet above grade at sidewalk connection if the full connection length is ADA accessible.
3. Internal Connection through Public Parking Structure
 - a. A direct connection through the parking area.
 - b. Pathway and entrance shall have a minimum width of six feet.
 - c. Floor-to-ceiling height minimum of nine feet.
 - d. Floor markings shall identify the full length of internal connection.

Figure 4. Public Circulation Network.

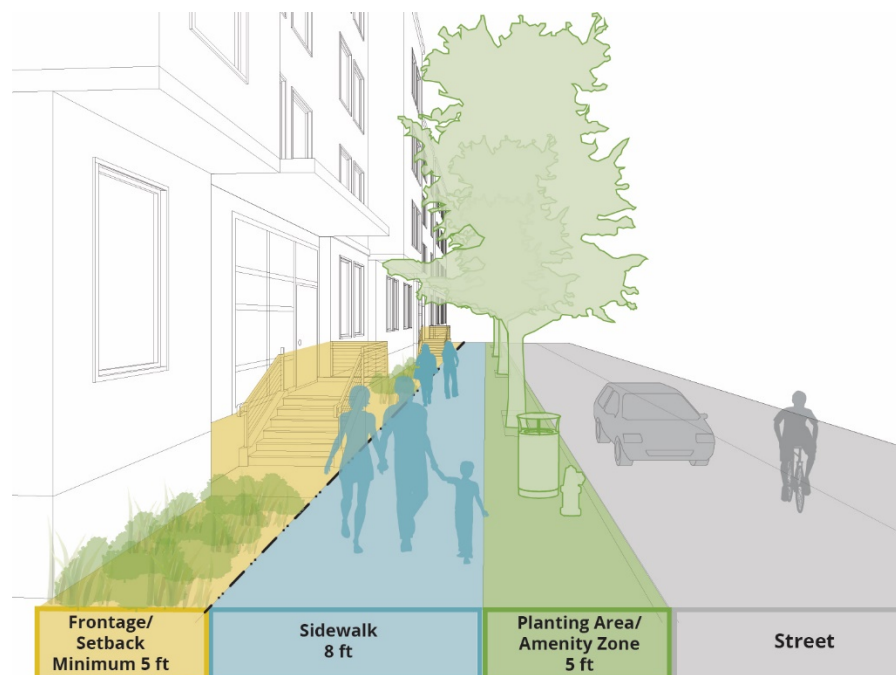


1.2 Streetscape Design

1.2.1 Sidewalk Width

1. Sacramento Street
 - a. Minimum Total Sidewalk Width
 - i. 19 feet north of Francisco Street or maximum potential sidewalk width while maintaining a 35 feet curb-to-curb dimension from sidewalk to median.⁷
 - ii. 13 feet in other locations except where existing structures such as the BART elevator prevent minimum width.⁸
 - b. Minimum Clear Path of Travel
 - i. Eight feet clear and five feet clear along curb adjacent to casual carpool which is located on Sacramento Street north of Francisco Street crosswalk.
2. Delaware, Virginia, and Acton Streets
 - a. Minimum Total Sidewalk Width: 13 feet
 - b. Minimum Clear Path of Travel: 8 feet
 - c. Minimum Planting/Amenity Zone: 5 feet

Figure 5. Typical Sidewalk Design (Delaware, Acton, Virginia)



⁷ Exact geometry to be determined in BART's Station Access Plan.

⁸ To be studied further as part of BART's Station Access Plan.

1.2.2 Street Trees + Planting Area/Amenity Zone

1. Pattern. Trees shall be planted with a minimum of one tree per 25 linear feet of sidewalk length. Exceptions may be made in locations where existing infrastructure, utilities, or BART tunnel prohibit planting of trees.
2. Location. Trees shall be evenly spaced between the curb and sidewalk or evenly spaced within the width of a planting strip. Trees shall be planted so that at maturity the trunk is at least three feet from the face of curb where loading occurs and at least five feet from face of curb where casual carpool is located on Sacramento Street north of Francisco Street crosswalk.
3. Ground Plane.
 - a. Sacramento Street. Trees shall be provided in planters a minimum three feet wide and a minimum six feet long located 18 inches from face of curb and minimum of five feet from face of curb where casual carpool is located on Sacramento Street north of Francisco Street crosswalk.
 - b. Delaware Street. Trees shall be provided in a continuous planter with a minimum of four and a half feet width. Areas between trees shall be landscaped.
 - c. Acton and Virginia Streets. Trees shall be provided in planters a minimum of three and a half feet wide and a minimum of six feet long, located 18 inches from the face of curb. A minimum four feet wide pathway between planters shall be required for every loading/parking space. Where loading/parking areas are not adjacent to the curb, trees shall be provided in a continuous planter that is a minimum four and a half feet wide and areas between trees shall be landscaped.
4. Subsurface.
 - a. A minimum of 120 cubic feet of well aerated soil per inch of trunk diameter at maturity shall be located within six feet of each tree.
 - b. Continuous structure soil with a minimum width of four feet shall connect all consecutive street trees.

1.3 Building Setbacks

Front building setbacks are set in the R-BMU zoning. The following standards regulate projections and landscaping in the minimum setback area.

1.3.1 Building Setbacks

1. Building setbacks are not required for internal streets.
2. Ground floor residential units shall have 3 feet minimum front setback for all frontages where no building setback is required in the R-BMU zoning.

1.3.2 Building Projections in Required Building Setback

1. Stoops, porches, uncovered decks, landings, and stairs less than three feet in height may project within the setback area.
2. Building features including eaves, cornices, canopies, awnings, and other weather protection features like sun-shades features may project a maximum of two-and-a-half feet into a required minimum setback.
3. On Virginia Street, Delaware Street and Acton Street, habitable building features such as bay windows or balconies may project within the 5 feet minimum setback for a maximum of 3 feet, total projections shall not exceed 25% of the facade length of the building wall to which it is attached.

1.3.3 Building Projections in the Right-of-Way.

Buildings fronting Sacramento Street may project into the public right-of-way a maximum of 3 feet. Total projections shall not exceed 25% of the facade length of the building wall to which it is attached. Projections over the right-of-way require a Minor Encroachment Permit from the Department of Public Works.

1.3.4 Building Projections over internal lot line conditions.

Building projections including balconies and bay windows are allowed across the lot line up to three feet in depth and may not exceed 30% facade area for the length of building wall to which they are attached.

1.3.5 Building Setback Landscaping.

A minimum of 60% of the first five feet of building setback area as measured from the property line shall be landscaped. A minimum of 40% of the remaining building setback area shall be landscaped. The area used for mid-block breaks, internal pathways and vehicle entries shall be excluded from this calculation.

2 Building Design

Building massing and height shall meet all the standards below as well as those specified in the R-BMU zoning district (See BMC Section 23.202.150).

2.1 Building Height

2.1.1 Maximum Building Height

Maximum building height is consistent with R-BMU zoning at seven-stories/80 feet, except in areas where upper floor step backs are required as noted below in Section 2.2.1 and Table 1.

2.2 Building Massing and Articulation

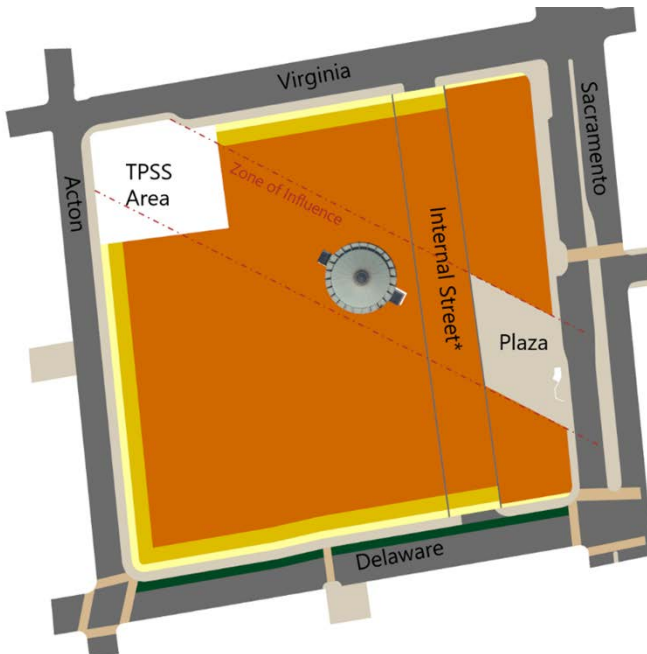
2.2.1 Upper Floor Step Backs

Table 2 sets upper floor step back requirements for specific building frontages. Requirements for building setbacks (Section 1.3 above) and building massing (Table 1 below) are illustrated in a plan diagram in Figure 6.

2.2.2 Maximum Facade Length

Table 1 sets maximum facade lengths for primary building facades for specific building frontages.

Figure 6. Building Height and Upper Floor Step Backs Diagram



*Location/geometry of Internal Street subject to change

- Building Setback Area:** Varies
- 4-Story Upper Floor Step Back Area:** 25-30 feet; see Table 1
- 7-Story/80 feet Area**

Table 1. Building Massing

Building Massing					
	Sacramento Street	Delaware Street	Acton Street	Virginia Street	Primary Internal Street and Publicly Accessible Pathways
Minimum upper floor step backs above 4 th floor (measured from property line)	n/a	25 feet 20 feet for frontage court buildings if frontage court depth is a minimum 50 feet *	30 feet 20 feet for frontage court buildings if frontage court depth is a minimum 50 feet	30 feet, first 100 feet of building façade length from Sacramento façade exempt**	none required
Maximum primary facade length:	250 feet	250 feet	250 feet	250 feet	270 ft for internal street 300 ft for pathways

Notes:

**On Delaware Street: For any street-facing building frontage within 125 linear feet of Sacramento Street, buildings 6 stories or less are not required to have an upper floor step back. For any street-fronting building frontage that is not within 100 linear feet of Sacramento Street, buildings 7 stories or greater shall have an upper floor step back above the 4th floor with a minimum depth of 10 feet from property line.*

***On Virginia Street: For any street-facing building frontage within the 110 linear feet of Sacramento Street, buildings 6 stories or less are not required to have an upper floor step back. For any street-fronting building frontage that is not within 100 linear feet of Sacramento Street, buildings 7 stories or greater shall have an upper floor step back above the 4th floor with a minimum depth of 10 feet from property line.*

2.2.3 Major Breaks.

Required for continuous building facade lengths greater than 200 feet in length. Alternatively, continuous building facades greater than 200 feet in length may meet the Ornamental Facade Alternative standard - see Section 2.2.5 below).

1. All Major Breaks.
 - a. A major break shall be a continuous break in the facade from the ground through the roof plane except where noted below.
 - b. If two major breaks are provided on a facade, a minimum of one major break shall extend to the ground plane. Other required major breaks shall extend to the first floor.
 - c. Major breaks shall be located a minimum 25 feet from the facade edge or corner of the building.
 - d. Weather protection and sunshades up to three feet in depth may project into major breaks.
2. For Primary Facades facing public streets.
 - a. For portions of a building greater than 200 feet in length, a minimum of one major break with a minimum width and depth of eight feet and minimum plan area of 100 square feet.
 - b. For buildings five stories or more, and greater than 200 feet in length, a minimum of one major break with a minimum width and depth of 18 feet or two major breaks with a minimum width and depth of seven feet and minimum plan area of 70 square feet.

- c. Facades immediately adjacent to a property line may reduce the depth of the major break to a minimum of two feet for the first floor. Planters up to four feet in height are allowed where a major break meets the ground.
3. For Primary Facades facing Publicly Accessible Walkways and Publicly Accessible Open Spaces.

For portions of a building greater than 200 feet in length, a minimum of one major break with a minimum width and depth of 10 feet and minimum plan area of 120 square feet, or two major breaks with a minimum width and depth of seven feet and minimum plan area of 60 square feet.

2.2.4 Minor Breaks/Modulations

Vertical Rhythm and Pattern: Facade planes on Primary or Secondary Facades exceeding 60 feet in length shall express a vertical rhythm and pattern that reflects the size and scale of a residential unit and/or individual rooms and spaces through meeting the following standards (alternatively, continuous building facades greater than 60 feet in length may meet the Ornamental Facade Alternative standard - see Section 2.2.5 below):

1. A vertical recess or projection of the building massing shall occur at an average minimum of one per 40 feet of linear facade length with no facade length greater than 50 feet in width without a minor break/modulation.
2. The vertical recess or projection of the building massing shall have a minimum depth of two feet.
3. The vertical recess or projection shall occur for a minimum 60% of the facade height measured from the average ground plane to the top of structure for the specific facade plane of the minor break/modulation.
4. The minimum width of a recess shall be two feet and not exceed 30 feet in width. Recesses shall extend through the roof plane.
5. The minimum width of a projection shall be four feet, and maximum width shall not exceed 15 feet.
6. Change in plane may be a combination of recesses and projections that meet the standards above.
7. A building base up to three stories in height with a non-residential ground floor that does not exceed 150 feet in length is exempt from meeting the standards above. Portions of the building above the base shall meet the standards, percentages shall be calculated only using the facade area above the building base.

Figure 7. Major Breaks

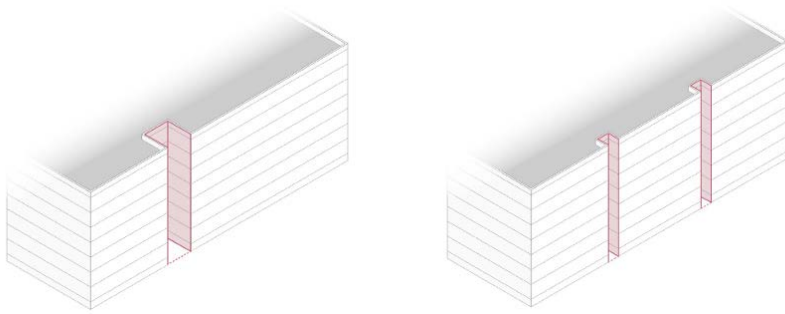
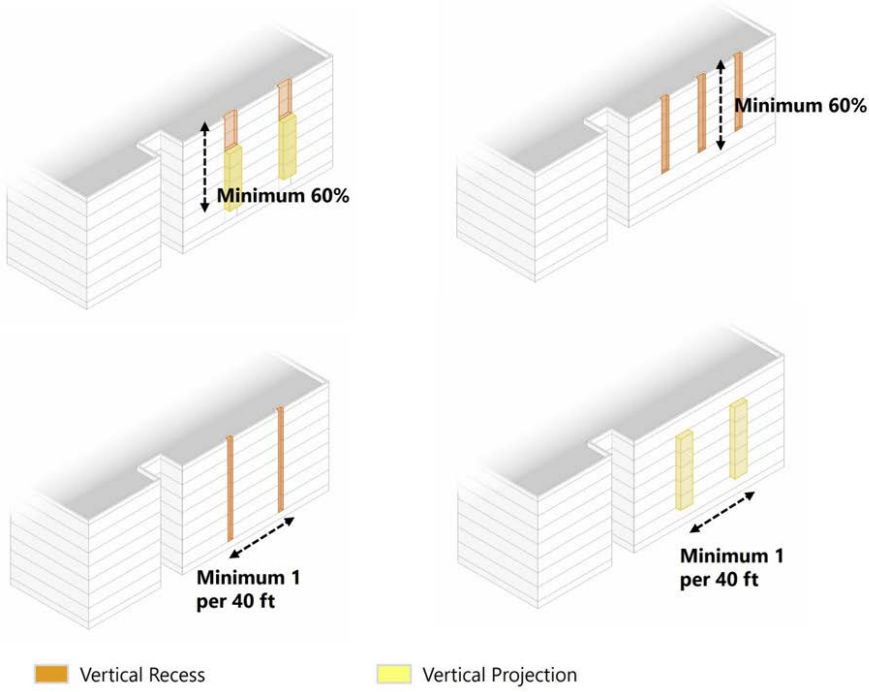


Figure 8. Minor Breaks/Modulations



2.2.5 Ornamental Facade Alternative

In lieu of meeting the major or minor break requirements (Sections 2.2.3 and 2.2.4) ornamentation must be provided such that it covers 5% of the area of a building facade. Ornamentation is defined as any exterior articulation such as projections, recesses, columns, banding, fins, decorative molding, trim, artistic inlays or reliefs, cornices, or sculptures with a minimum depth of 8"; or decorative tile or murals. Ornamentation must deviate in color and/or material from the wall material behind it or be constructed from brick, stone, ceramics, metal, wood, tile, or fiber-cement board. Ornamentation shall not include built-up stucco trim or molding (also known as "plant-ons").

2.2.6 Exposed Parking Structures

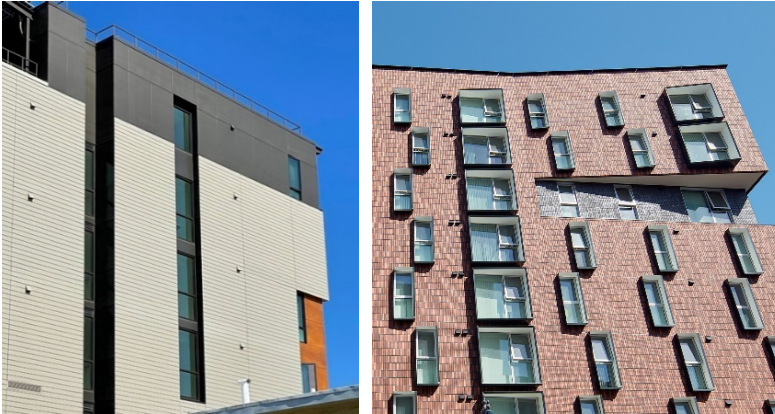
1. All exposed parking structures shall be fully screened.
 - a. Exterior facing walls of parking structures shall be articulated with artwork, ornamentation (as defined in Section 2.2.5), and/or a landscaping/planting wall at minimum intervals of three feet. The articulation shall occupy a minimum depth of 18 inches.
 - b. Parking structures extending above the ground floor and not located behind an upper floor step back shall have a minimum of one large canopy tree per 25 linear feet of exposed structure. Trees shall be located within 30 feet of facade of exposed structure. A mature tree shall be planted with a minimum crown height of 25 feet. Volume of soil shall be adequate to support a full growth tree height greater than 60% of the exposed parking structure height.
2. Lighting
 - a. No light fixtures within the parking structure shall be directly visible from any point of the exterior of the building.
 - b. Screening or exterior facade of parking structure shall not have exterior building lighting above the first floor.
 - c. Lighting for signage shall be shielded and directed down. Signage shall not be located above 20 feet from grade.

2.3 Design Elements

2.3.1 Windows

Windows shall meet one of the following requirements:

1. Windows shall be punched with a minimum recess of two inches from the facade or shall be framed with a minimum projection of 4 inches from the facade. Built-up stucco trim or molding (also known as "plant-ons") are prohibited.
2. Windows that are flat or flush with the facade are prohibited unless applied to a recessed portion of the building facade with a minimum four inches in depth. Vertical window edges shall be directly adjacent to recess.

Figure 9. Windows Within a Recess and Framed Windows

2.3.2 Materials

Each facade shall include the following materials:

1. No single material shall cover more than 80% of the cumulative facade area of a building (excluding windows, doors, garage doors, and building trim).
2. Brick, stone, ceramics, metals, wood, fiber-cement panels, or other composite panel systems may exceed the 80% maximum in 2.3.2(1).

2.4 Alternative Massing and Building Height

A future developer of the North Berkeley BART station site might obtain waivers of the R-BMU zoning maximum height limit of 7 stories/80 feet pursuant to the State Density Bonus Law if the developer shows that the R-BMU's maximum height limit would physically preclude the construction of the development. In the event a building(s) with eight stories is allowed pursuant to the State Density Bonus law, the alternative massing and building height guidelines described below and shown in Figure 10 shall apply.

2.4.1 Height and Massing Along Acton, Virginia and Delaware Streets

Acton Street:

- Three-story/35 feet within 45 feet from the property line
- Six-story/65 feet within 45 to 80 feet from the property line

Virginia Street (west of the Internal Street shown in Figure 10):

- Three-story/35 feet within 45 feet from the property line

Delaware Street:

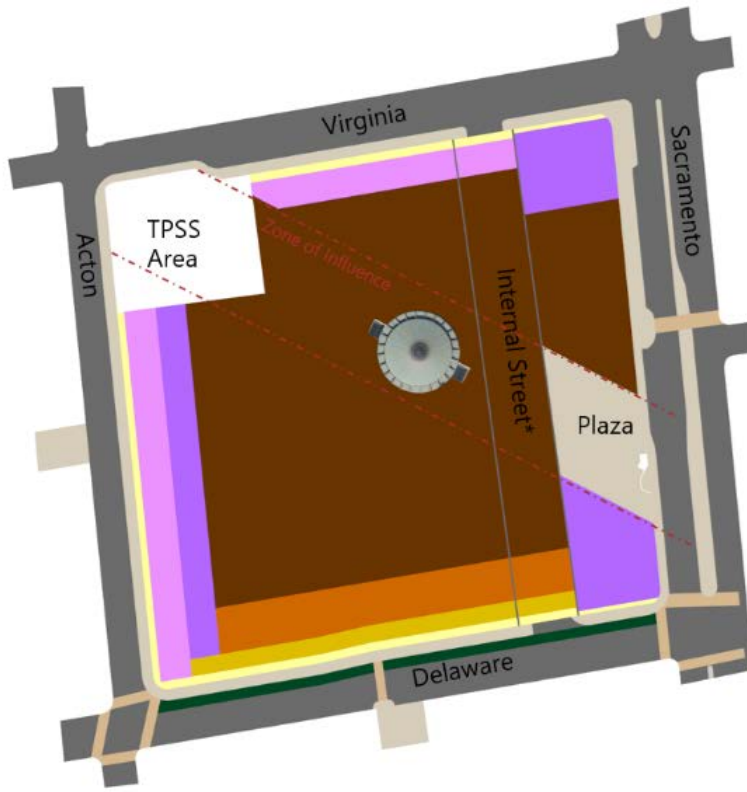
- Four-story/45 feet within 25 to 30 feet from the property line
- Seven-story/80 feet within 25 to 30 feet from property line

Height and Massing Interior to the Site or Along Specified Sections of Sacramento Street

Figure 10 illustrates alternative standards for buildings, applicable in the event that the Density Bonus law permits an 8-story building, as follows:

- 8 stories/85 feet along a portion of the site fronting Sacramento Street and within the interior of the site
- 6 stories/65 feet between Sacramento Street and internal street (location and geometry of internal street subject to change based on project design), and in the first 100 feet south of Virginia Street and between Delaware Street and the Zone of Influence.

Figure 10. Building Height and Massing (State Density Bonus Scenario with 8-story buildings)



**Location/geometry of Internal Street subject to change*

- Building Setback Area:** Varies,
- 3-Story Area:** First 45 feet from property line (PL) on Acton and Virginia
- 6-Story Area:** 45 to 80 feet from PL on Acton and at locations between Sacramento and Internal Street identified in diagram above
- 4-Story Upper Floor Step Back Area:** 25-30 feet from PL on Acton on Delaware
- 7-Story/80 feet Area:** 25 to 80 feet from PL on Delaware
- 8-Story/85 feet Area**



Planning and Development Department
Land Use Planning Division

STAFF REPORT
October 18, 2023

TO: Members of the Planning Commission

FROM: Alisa Shen, Principal Planner

SUBJECT: North Berkeley BART Objective Design Standards (ODS)

RECOMMENDATION

Discuss the draft North Berkeley BART Objective Design Standards (ODS) (Attachment 1, Exhibit A), receive public comment, and make a recommendation to City Council to adopt the ODS.

BACKGROUND

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 approved a Memorandum of Understanding (MOU) in December 2019 and January 2020, respectively, 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 in 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. The developer team, the North Berkeley Housing Partners, is comprised of lead nonprofit developer BRIDGE Housing, 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.

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.¹

State laws, such as Assembly Bill 2923 (AB 2923) and the State Density Bonus Law, limit the City's discretionary authority for projects that meet specified development standards and affordability levels. AB 2923 provides that "eligible TOD projects" on BART property that meet certain affordability criteria are entitled to a streamlined or "ministerial" approval process, as outlined under Senate Bill 35 (SB 35). Given that the City and BART have already agreed to a minimum of 35 percent affordable at specified levels of affordable housing as part of overall project minimum requirements, the future development at the North Berkeley BART site will likely be eligible for a ministerial approval process. This means that the proposed development will be evaluated for conformance with adopted objective planning standards at a staff level, and the entitlement process will not include any discretionary review by the Zoning Adjustments Board, City Council, or any other commission. Future development on the North Berkeley BART station site may be eligible to utilize State Density Bonus Law to secure concessions and/or waivers of development standards required by local zoning (e.g., height limitations, open space requirements) that would otherwise preclude the development project due to physical constraints or impacts to financial feasibility.²

Because of this, and the City's substantial contribution of \$53 million of the City's affordable housing funding towards affordable housing at both the BART sites, the City and BART negotiated the process described in the June 2022 Memorandum of Agreement ("MOA") to develop, approve and require compliance with ODS adopted by the City Council.³ BART will utilize its real estate agreements to require development partners to comply with the ODS, provided the adopted ODS will not unduly restrict potential development and are consistent with State law (MOA, Section IV and Exhibit D).

A. Site Context

The draft ODS reflect the site-specific development constraints. The North Berkeley BART station site is bounded by Sacramento, Delaware, Acton, and Virginia Streets. The site is divided by the Zone of Influence (ZOI) of the underground train box that runs diagonally through the site from the corner of Sacramento and Delaware Streets to Virginia and Acton Streets. The ZOI represents an approximately 140-foot wide area

¹ See July 18, 2023 City Council Worksession Report for more information about the status of planning for the Ashby BART station area transit-oriented development.

<https://berkeleyca.gov/sites/default/files/documents/2023-07-18%20WS%20Item%2001%20REVISED%20Ashby%20BART%20Station%20Transit.pdf>

² California Government Code Sections 65915 – 65918.

³ City and BART Memorandum of Agreement RE: North Berkeley and Ashby Transit-Oriented Developments (June 2022), Section IV and Exhibit D.

that includes the underground station and buffer areas on either side where buildings would require special foundations. The existing traction power substation (TPSS) and required maintenance and staging area is located at the corner of Acton and Virginia Streets. The site slopes downward from Sacramento Street down to Acton Street. The change in elevation is approximately 17 feet but varies slightly across the site. (See Attachment 1, Exhibit A - Draft ODS, Figure 1)

B. Planning Process

The development of ODS for the North Berkeley BART site is part of a larger, multi-year process to build homes and complementary uses on the existing surface parking lots at the BART station. The City and BART MOA establishes guidelines for developing the ODS, and minimum development thresholds for the ODS. The process specifies that input about the ODS will be solicited from the community, BART and the selected development team in order to ensure that they will be consistent with the intent of the City and BART Joint Vision and Priorities (“JVP”) and reflect what can be feasibly developed at the site.

The City initiated the ODS process with a community meeting in November 2022. The purpose of this meeting was to provide information about what “objective design standards” are, why ODS were being developed, and the policy framework that guides and constrains ODS. This meeting was also an opportunity to start discussing different types of design elements and how they shape development, such as: streets and sidewalks, building setbacks, upper floor step backs, and building height and massing. During and after the meeting, many people expressed that it was difficult to discuss design standards without more specific information about an actual project.

Based on this feedback, at the next two public meetings (in February and May 2023) the development team presented their proposed development concept and received public input on the proposed design. This input was used by City staff and consultants to inform the initial draft of the ODS. Throughout 2023, City staff and the North Berkeley Housing Partners (NBHP) development team have been working in parallel, iterative processes:

- City staff—including Planning & Development, Public Works, Fire, and Parks Recreation and Waterfront—have engaged with BART staff to ensure that ODS do not conflict with safety, access and operational requirements.
- The NBHP development team has been working on its design for the site, responding to both City and BART requirements and community feedback, and providing input regarding how potential design standards may affect development potential due to architectural constraints.

On September 11, 2023, the City held a community meeting and open house where City and consultant staff presented a set of draft ODS and the NBHP development team presented their revised development concept. The presentations were followed by an open house where the public could talk to members of the City or the NBHP teams

about the draft ODS or the proposed development concept at various information stations.⁴

C. Policy Framework

The ODS are informed by the City and BART's adopted agreements, policies and regulations, which were based on State law, site planning and financial feasibility studies, and the extensive community engagement undertaken to date. Key guidance is provided by:

- **City of Berkeley Zoning.** In June 2022, the City Council adopted a new zoning district for the North Berkeley and Ashby BART station areas – BMC Section 23.202.150 Residential – BART Mixed Use Zoning District (R-BMU) – and related amendments to the Berkeley Municipal Code.⁵ The zoning includes development standards, open space requirements, parking requirements (for the mixed-use development), and permitted uses, as well as some limited requirements related to shaping the volume and massing of future development. Greater detail related to building form was not included because it would be addressed during the subsequent process to prepare ODS for each station area.
- **City and BART Joint Vision and Priorities for Transit-Oriented Development at the Ashby and North Berkeley BART Station (“JVP”).** In June 2022, the City and BART adopted the Joint Vision and Priorities for Transit-Oriented Development for Ashby and North Berkeley Stations (JVP). The JVP expresses the City and BART's shared, high-level expectations for future development. The JVP provides important guidance on the following topics: Affordable Housing, Public and Civic Space, Land Use, Building Form, and Station Access and Parking. The JVP includes aspirational statements as well as minimum requirements. Each topic includes an overall vision statement, followed by “shared priorities” for both station areas, and additional priorities specific to each station, where applicable.
- **June 2022 City and BART Memorandum of Agreement (“MOA”).** The MOA clarifies the processes that BART and the City will pursue to develop BART-owned property at the North Berkeley and Ashby BART station areas. The MOA establishes objectives and minimum requirements for the North Berkeley BART transit-oriented development (TOD) project, such as minimum affordability requirements, a minimum of 1000 bedrooms, and the requirement to prepare ODS (MOA, Exhibit C). The City and BART have agreed to the process outlined in the MOA to develop, approve and require compliance with ODS adopted by the City Council.

⁴ 9/11/23 North Berkeley BART Community Meeting and Open House Presentations: <https://cityofberkeley.box.com/s/hksnv1hstfbnwbe9ljl4g509ulky9o36>. All meeting materials from the 9/11/23 public meeting, including the September 2023 Draft ODS are available at www.berkeleyca.gov/bartplanning under the “Past Meetings” section.

⁵ <https://berkeley.municipal.codes/BMC/23.202.150>.

- **2020 City of Berkeley Pedestrian Plan and 2017 Berkeley Bicycle Plan.** The City's 2020 Pedestrian Plan and 2017 Bicycle Plan sets policy for streetscape design and character including preferred sidewalk widths.^{6,7}
- **BART – North Berkeley Station Access Plan.** As part of the development process, BART requires a station access plan to be prepared which evaluates current and projected access needs to the North Berkeley BART Station, assesses how the proposed TOD project will impact these needs, and proposes solutions to ensure safe and efficient access to the project area, including city streets.

D. Proposed Draft ODS

The draft ODS are based on a thorough analysis of the policy framework and site-specific conditions such as existing street and building types, neighborhood conditions, and City and BART requirements with respect to station operation, access and safety. Development of the draft ODS has also included consideration of community input. The draft ODS document is divided into two sections:

- Part I details the specific policy guidance from the Joint Vision and Priorities (JVP), zoning, and other source documents that inform the ODS about the public realm and building design.
- Part 2 includes definitions and detailed technical standards that ensure that the proposed development achieves design objectives while not being overly prescriptive.

Changes from the September 2023 draft ODS (published in advance of the September 11 community meeting and open house) to the current October 2023 draft ODS (Attachment 1, Exhibit A) primarily consist of streamlining narrative text in Part I of the ODS and revising text in Part II of the ODS to clarify definitions and how standards are described or measured and/or small revisions.⁸

The draft ODS include standards relating to the public realm and building design, covering the following topics:

1. **Public Realm.** Standards for the public realm relate to internal circulation and the design of streetscapes surrounding the North Berkeley BART site. The primary focus is to provide ample and suitable pedestrian, bicycle, transit, and vehicular access to the site while ensuring a high-quality public realm and attractive streetscapes.
 - a) **Internal Connections.** The draft ODS establish requirements for internal connections to break up the site into smaller blocks and to provide new connections to the station and lines of sight between buildings. The draft ODS also establish the public circulation network by defining locations to enhance

⁶ <https://berkeleyca.gov/your-government/our-work/adopted-plans/pedestrian-plan-2020>.

⁷ <https://berkeleyca.gov/your-government/our-work/adopted-plans/berkeley-bicycle-plan>.

⁸ These revisions are noted in the draft ODS (Attachment 1, Exhibit A) and shown in gray highlighted text.

the station entrance and to effectively link key elements such as the Ohlone Greenway and other public or pedestrian facilities/amenities.

- b) **Streetscape Design.** The draft ODS reflects the context of North Berkeley with ample room for pedestrian volume, planting and stoops that create a residential character and scale as noted in the JVP. The draft ODS establish minimum sidewalk zone widths based on guidance from the City's 2020 Pedestrian Plan and consideration of the minimum project size (e.g., 1000 bedrooms pursuant to the MOA) in order to provide adequate space for landscaping and streetscape improvements to serve the new residential and complementary uses that will be developed at the site. The Draft ODS establish standards for minimum total sidewalk width, minimum clear path of travel and a minimum width for planting/amenity zone, which varies by street type.⁹
 - c) **Building Setbacks.** Building setbacks ensure smooth transition from public to private space, minimize building shadows on streets, create interesting street-facing frontages, and provide opportunities for landscaping. The draft ODS set the minimum building setback in relation to the size and scale of the building (see Attachment 1, Exhibit A Draft ODS, Table 1). For example, buildings that are three stories or have frontage courts are required to have an 8-foot average setback while buildings that are four stories or more have a greater required setback set at an average of 10 feet. Using an average setback allows for design flexibility and space for minor breaks and building articulation. The draft ODS were developed in consideration of site constraints that impact development (e.g., small or irregular-shaped lots). For this reason, buildings three stories or less on Virginia Street have a reduced minimum setback requirement in comparison to other areas. Consistent with the R-BMU zoning, the draft ODS do not require setbacks along Sacramento Street.
2. **Building Design.** The draft ODS provide technical standards for building height, massing and articulation, and selected design elements. The draft ODS were designed to ensure that building size and mass provide adequate transitions and reduce the perception of building size and mass, in accordance with the JVP.
- a) **Building Height.** The draft ODS step down building heights along the perimeter of the site along narrower streets, in order to blend the new development with the existing scale of the neighborhood. In line with this approach, the JVP proposes concentrating higher density, larger building forms, and increased height near strategic locations such as the Ohlone Greenway and the center of the site, as well as along Sacramento Street. The draft ODS provide standards that are consistent with the R-BMU zoning

⁹ The draft ODS assume the existing curb-to-curb width of the right of way for the streets surrounding the North Berkeley BART site. Consideration of various options for internal site circulation as well as potential changes to the surrounding streets (e.g., curb-to-curb width and uses of the City's right-of-way) are currently being studied separately as part of BART's North Berkeley Access Plan.

district maximum height of 7 stories/80 feet, and consistent with priorities established by the JVP to incorporate variations in building height and design at both stations and to consider the scale of the surrounding built environment (See Attachment 1, Exhibit A, Figure 9).

- b) **Building Massing and Articulation.** The draft ODS establish requirements for upper floor step backs, maximum facade lengths for primary and secondary facades, and major and minor breaks in buildings, which vary by street (see Attachment 1, Exhibit A, Draft ODS, Table 2). These standards are intended to limit the overall size, scale and perceived mass of the buildings from the surrounding neighborhood. The draft ODS seek to ensure that the project maintains a human scale, creating a pleasant walking environment while ensuring interesting design. The draft ODS reflect JVP guidance to prioritize smaller blocks and building footprints to reflect the scale and character of the surrounding built environment.
- c) **Design Elements.** The draft ODS define standards for selected architectural elements such as windows, materials and the location of utilities. The draft ODS require the use of high-quality materials, finishes, and detailing that create visual interest and enhance the neighborhood's overall aesthetic.
- d) **Alternative Height and Massing Standards.** Future development on the site may be eligible to utilize provisions of the State Density Bonus Law for increases in density and/or concessions and/or waivers of development standards that would otherwise physically preclude the construction of the development. Thus, the draft ODS provide alternative standards, which only apply if the project qualifies for waivers and/or concessions pursuant to Density Bonus Law. The alternative standards for height and massing would allow a building of up to 8 stories/85 feet in the interior of the site and along a portion of Sacramento Street, only allowed when coupled with building height and massing standards along the Virginia and Acton frontages and at specific corners where Sacramento Street intersects with Virginia and Delaware that are lower than the maximum allowed by the R-BMU zoning. The alternative height maximum, which is 5 feet more than the existing R-BMU zoning maximum, responds to community feedback requesting that taller buildings be set toward the central and eastern part of the site and that heights along the western and southern edges of the site be lower. The alternative standards are consistent with priorities established by the JVP to incorporate variations in building height and design at both stations and to consider the scale of the surrounding built environment. (See Attachment 1, Exhibit A, Figure 10)

E. Community Input on Draft ODS

Overall, feedback about the draft ODS has focused on the requirements related to building height (maximum height and step backs at the perimeter), setbacks and massing breaks. Some commenters stated that the draft ODS should be approved as proposed or should be revised to further limit the massing, bulk and height of buildings

in relationship to the surrounding neighborhood. Other commenters stated that the draft ODS should be revised to allow for greater design flexibility and potential to maximize the number of residential units. These proposals are addressed in the section below: F. Alternative Policy Considerations.

Some comments were not about the draft ODS but instead covered issues including (but not limited to) the amount of BART rider parking that will be provided at the site (which is solely in the purview of BART to determine); the amount of affordable housing that will be included in the proposed development (which is determined by the City and BART MOA); the eventual design and width of the City right-of-way on the perimeter streets of the site (which will be informed by the North Berkeley Station Access Plan, a study that BART is conducting in a parallel process, in coordination with the City of Berkeley and AC Transit); and the North Berkeley Housing Partner's proposed development concept for the site.

F. Alternative Policy Considerations

Based on feedback received during the engagement process, staff considered a range of options to potentially modify the draft ODS. Staff considered revised standards that would limit development more than the draft ODS. However, more restrictive standards could reduce the amount of residential square footage allowed by the ODS to a level that is lower than the development capacity required by the MOA between the City and BART, and could therefore jeopardize BART's commitment to require the development team to comply with the ODS.

Staff also considered more permissive development standards to provide more flexibility to prospective development teams and allow for more residential capacity, including:

- **Building setbacks:** The draft ODS require setbacks that vary depending on the street and building height, requiring average setbacks ranging from eight to ten feet on Delaware, Acton and Virginia Streets (See Attachment 1, Exhibit A, Draft ODS, Table 1). Staff considered reducing building setbacks to five feet, the minimum required by the R-BMU zoning regardless of street type or building height.
- **Upper Floor Stepbacks.** The draft ODS establish requirements for upper floor stepbacks above the fourth floor for buildings fronting Acton, Delaware and portions of Virginia Streets ranging from 25 to 30 feet. Staff considered eliminating upper floor stepbacks from the recommended standards.
- **Massing: Major Breaks.** The draft ODS establish requirements for major breaks in buildings, which vary by street (see Attachment 1, Exhibit A, Table 2). Staff considered reducing or eliminating major break requirements.
- **Building height:** The draft ODS provide alternative height and massing standards, which only apply if the project qualifies for waivers and/or concessions pursuant to Density Bonus Law, that would allow up to 8 stories/85 feet in the interior of the site and along a portion of Sacramento Street, only when coupled with building height and massing standards along the Virginia and Acton

frontages and at specific corners where Sacramento Street intersects with Virginia and Delaware that are lower than the maximum allowed by the R-BMU zoning. Staff considered making the alternative standards more permissive at the perimeter to allow up to four stories at Virginia, Acton and Delaware Streets and six to eight stories on Sacramento Street (inclusive of the corners of Sacramento and Delaware and Virginia Streets, respectively).

While these more permissive development standards were considered, ultimately staff found that the draft ODS as proposed allow for design flexibility and ample development potential, with surgical sculpting of the zoning envelope, that fulfills the intent of the JVP and meets minimum requirements established in the MOA between the City and BART.

G. ODS Compliance

The City of Berkeley will review all applications for development at the North Berkeley BART station for compliance with the ODS, in accordance with State law. In addition to this regulatory authority, the June 2022 Memorandum of Agreement between BART and the City establishes BART's commitment to require development partners to comply with City adopted ODS provided that they are consistent with State law and do not reduce development capacity by more than 10% from the development standards established in AB-2923. On October 10, BART staff sent a letter to Planning & Development staff (Attachment 2) confirming that the draft ODS as recommended by staff meet the requirements established in the MOA, and that therefore BART will require development partners to comply. However, the letter also noted that BART would not prevent a development partner from taking advantage of waivers or concessions from development standards that they may be entitled to under State Density Bonus law.

Staff will also recommend to the City Council to incorporate a requirement to comply with the ODS into future affordable housing funding agreements for the North Berkeley BART site.

ENVIRONMENTAL AND CLIMATE SUSTAINABILITY IMPACTS

The draft ODS document is a milestone identified in the June 2022 City and BART Memorandum of Agreement and will therefore facilitate the development of the North Berkeley BART site. 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.

The proposed objective designed standards were evaluated in the Ashby and North Berkeley BART Stations Transit-Oriented Development (TOD) Zoning Project Environmental Impact Report (SCH #: 2020110320) which was certified by the City of

Berkeley City Council on June 2, 2022.^{10,11} No further environmental review is required.

RATIONALE FOR RECOMMENDATION

The draft ODS were developed based on a thorough analysis of the North Berkeley BART site including:

- Community input.
- State and local policy framework.
- Street and building types and neighborhood conditions.
- City and BART requirements with respect to station operation, access and safety.
- Development team input about architectural and design feasibility.

As noted during the process to adopt new zoning for the North Berkeley and Ashby BART sites, the zoning intentionally did not include detailed design standards because of the anticipated subsequent process to develop site-specific objective design standards. The draft ODS are intended to balance the potentially competing priorities in the JVP to maximize the number of new homes while also providing contextual buildings, and to accommodate the minimum project requirements in the City and BART's MOA.

The draft ODS as proposed represent approximately a 6% to 8% reduction in the development envelope permitted under the R-BMU zoning. While the NBHP development team has yet to submit a development application to the City (anticipated in January 2024), based on information reviewed to date, staff believes that the NBHP's currently proposed development concept largely complies with the draft ODS and the alternative height and massing standards, and achieves minimum project requirements established in the City and BART MOA. Staff believes that the draft ODS, as proposed, achieve a balance of JVP priorities. Thus, staff recommends that the Planning Commission recommend to the City Council to adopt the draft ODS.

Furthermore, the NBHP proposed project includes four affordable housing buildings that each anticipate requiring State HCD funding. Since 2020 with the passage of Assembly Bill 434, the majority of the State's affordable housing resources are awarded through a common application process, called the "SuperNOFA" (Notice of Funding Availability). The SuperNOFA is released annually and requires that all affordable housing funding requests be submitted by June of each year. In order to meet the program's threshold eligibility requirements, affordable housing developments must be fully entitled at the time of application. The four NBHP affordable buildings each anticipate requiring State HCD funding and thus would need entitlement approval by June 2024 in order to avoid an additional delay of one year before applying for funding. In order to meet the June

¹⁰ Final Environmental Impact Report SCH#2020110320

https://berkeleyca.gov/sites/default/files/documents/Ashby%20and%20NB%20BART%20Stations%20TO%20Zoning%20Project_Final%20EIR_3-29-22.pdf

¹¹ June 2, 2022 City Council Report – Ashby and North Berkeley BART

<https://berkeleyca.gov/sites/default/files/documents/2022-06-02%20Special%20Item%2001%20Ashby%20and%20North%20Berkeley%20BART.pdf>

2024 deadline, the Planning Commission and City Council would need to approve the ODS by January 2024 to allow for the anticipated 180-day entitlement application review process (pursuant to AB 2923 and SB 35).

NEXT STEPS

Upon receiving further public comment and Planning Commission recommendation, staff will forward the proposed revised ODS to the City Council for consideration and adoption.

ATTACHMENTS

1. Resolution
 Exhibit A: Objective Design Standards (ODS) for the North Berkeley BART Transit Oriented Development (October 2023)
2. October 10, 2023 Letter to City of Berkeley Planning Director Jordan Klein from BART Transit Oriented Development Group Manager, Carli Paine.
3. Public Comments Regarding Draft ODS (Received between 9/11/23 and 9/29/23)
4. Public Hearing Notice



BUILDING SUSTAINING LEADING

October 13, 2023

BRIDGE HOUSING
CORPORATION

BRIDGE PROPERTY
MANAGEMENT COMPANY

BAY AREA SENIOR SERVICES, INC.

BRIDGE ECONOMIC
DEVELOPMENT CORPORATION

Subject: North Berkeley Housing Partners Request for Modifications to Objective Design Standards to Ensure Financial Feasibility and Buildability

Dear Planning Commissioners:

The members of North Berkeley Housing Partners, including non-profit affordable housing developers BRIDGE Housing, Insight Housing, and East Bay Asian Local Development Corp. (EBALDC), and our market-rate partner AvalonBay Communities were proud to be selected by BART to develop the North Berkeley BART Station. Collectively, our three affordable housing firms have built more than 100 affordable housing buildings across the Bay Area. We look forward to delivering a completed project that reflects the vision and priorities of the Berkeley community – one that is livable, walkable, and creatively designed.

We have listened closely to the feedback received by members of the community on our project’s design and made modifications to incorporate this input. We have also worked closely with City of Berkeley staff to develop the Objective Design Standards (ODS) that will guide development at the North Berkeley BART site. These discussions have helped to shape the proposed design of our project. We are now proceeding to the next level of detailed design and financial feasibility analysis for the purpose of our upcoming permit application to the City. As we enter this more detailed level of design, we have concerns that certain aspects of the ODS as drafted will likely pose barriers to the buildability and financial feasibility for both our planned market-rate and affordable-housing buildings. This will make it harder to deliver the market-rate homes and affordable housing fee revenue anticipated by the City and community. For the affordable housing buildings, we are concerned that these specific aspects of the ODS could drive up the cost per unit, which would have the deleterious effect of making our project less competitive for state affordable housing funding and could unduly prolong an already lengthy timeline for project completion.

While the ODS is underpinned by sound design principles, we fear that it errs on the side of being overly prescriptive. In order to plan for buildable and feasible buildings, we respectfully request greater flexibility in certain areas, specified below:



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North Berkeley Housing Partners Request for Modifications to Objective Design Standards to Ensure Financial Feasibility and Buildability

- **Section 1.3 Building Setbacks** Recommend reducing required setbacks to the minimum required by zoning of five feet to provide greater design flexibility. We believe that the planting buffer, sidewalks, and a setback of five feet minimum provide ample separation between the buildings and the street. This change will allow for more creative design and more flexibility, if needed, to achieve financial feasibility.
 - **Projections:** Recommend projections provided for on Sacramento Street to apply on Virginia Street.

- **Section 2.2 Building Massing and Articulation** Recommend simplifying major breaks in order to better provide family-sized units:
 - Increase maximum primary facade length to 250' for Delaware, Acton and Virginia streets.
 - Simplify by eliminating maximum secondary facade length, as the length is already limited to 300' by block sizes and given they are secondary that should be sufficient.
 - **Section 2.2.3 Major Breaks** should only apply to facades greater than 200' in length (increase from 150').
 - Major Breaks in secondary facades should be eliminated as they are already recessed and have primary facades with breaks in front of them.
 - Minor breaks would still apply to all facades and would inspire design creativity.

- **Section 2.3.2 Materials** - We support the use of high-quality materials and the requirement to use at least two materials on each exterior; however, the 65 percent limit for a single material is too low. We recommend that it be increased to 80 percent and that the percentage apply to all building exteriors as a whole. Further, recommend removing the requirement that panel systems shall not have exposed fasteners as many premium facade systems have exposed fasteners.

- **Section 2.3.3 Utility/Refuse/Loading Access** - Recommend eliminating these added requirements, as they are overly prescriptive and could adversely impact “back-of-house” access to these buildings. We believe these issues are adequately addressed by the zoning standards and access study and further restrictions could affect long-term operating costs, especially for the smaller affordable buildings.

We look forward to our continued partnership with the City of Berkeley to deliver homes that live up to the promise and potential of this site.

Respectfully,
North Berkeley Housing Partners



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North Berkeley Housing Partners Request for Modifications to Objective Design Standards to Ensure Financial Feasibility and Buildability

For North Berkeley Housing Partners:



Jonathan Stern, Director - Acquisition & Planning
BRIDGE Housing



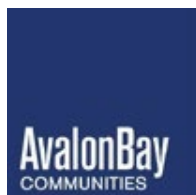
Calleene Egan, CEO
Insight Housing



Liz Probst, Director of Real Estate Development
East Bay Asian Local Development Corp. (EBALDC)



Joe Kirchofer, Senior Vice President
AvalonBay Communities



Distributed by Commissioner Alfred Twu at the 10/18/23 PC Meeting

Suggested change:

2.2.3 / 2.2.4

Add: "Facades that have ornament on at least 5% of the wall shall not be required to have major or minor breaks."

2.3.2

Add: "Facades that have ornament on at least 5% of the wall may exceed the 65% maximum for one material."

Shattuck Hotel

Facade Length = 267 feet

Facade Material = Stucco with ornament

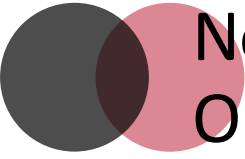


2322 Shattuck Ave

Facade Length = 260 feet

Facade Material = Stucco with ornament





North Berkeley BART Station Area Objective Design Standards (ODS)

PUBLIC DRAFT—OCTOBER-NOVEMBER 2023

Note: Text changes from the October 2023 Draft ODS presented to the Planning Commission (PC) are shown in underline/~~strikethrough~~ text (corrections to formatting/grammar/typographical errors from the October PC draft are not shown).

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Introduction and Policy Framework

Introduction

The draft Objective Design Standards (ODS) for the North Berkeley BART Station Area establish detailed design standards for future transit-oriented development. The draft ODS build upon adopted zoning and reflect the goals and priorities identified in the City of Berkeley (City) and BART's Joint Vision and Priorities document, described below, and other adopted policies and regulations (described further below).

The draft ODS are based on a thorough analysis of the North Berkeley BART site, considering existing street sections, neighborhood conditions and building types. The analysis also considered City and BART requirements with respect to station operation, access and safety, based on what can be assessed at this time from the proposed development concept. Development of the draft ODS has included consideration of community input.

This document provides the site context and policy framework for the draft ODS followed by a description of the design intent and detailed technical standards and definitions.

Site Context

The North Berkeley BART station site is bounded by Sacramento, Delaware, Acton, and Virginia Streets. The site is divided by the Zone of Influence (ZOI) of the underground train box that runs diagonally through the site from the corner of Sacramento and Delaware Streets to Virginia and Acton Streets (Figure 1). The ZOI is an approximately 140-foot wide area that includes the underground station plus buffer areas on either side where buildings would require special foundations. The existing Traction Power Substation (TPSS) and required maintenance and staging area is located at the corner of Acton and Virginia Streets. The site slopes downward from Sacramento Street to Acton Street. The change in elevation is approximately 17 feet.

Figure 1. Site Context



Policy Framework

Several of the City and BART’s adopted agreements, policies and regulations form the framework for the draft Objective Design Standards (ODS). The draft ODS reflect consideration of these documents, as well as State law, site planning and financial feasibility studies, and the extensive community engagement undertaken as part of the planning process to build transit-oriented development at the Ashby and North Berkeley BART sites. Key guidance is provided by:

- **June 2022 City and BART Memorandum of Agreement (“MOA”).**¹ The MOA clarifies the processes that BART and the City will pursue to develop BART-owned property at the North Berkeley and Ashby BART station areas. The MOA establishes objectives and minimum requirements for the North Berkeley BART transit-oriented development (TOD) project, such as minimum affordability requirements, a minimum of 1000 bedrooms, and the requirement to prepare ODS. State laws, such as AB 2923 and the State Density Bonus Law, limit the City’s discretionary authority over projects that meet specified development standards and affordability levels. In recognition of this and the City’s substantial contribution of \$53 million of the City’s affordable housing funding towards affordable housing at both the North Berkeley and Ashby BART sites, the City and BART have agreed to the process defined in the MOA to develop, approve and enforce ODS adopted by the City Council. BART will enforce the ODS through its real estate agreements, provided the adopted ODS will not unduly restrict potential development.
- **City of Berkeley Zoning.** In June 2022, the City Council adopted a new zoning district for the North Berkeley and Ashby BART station areas – BMC Section 23.202.150 Residential – BART Mixed Use Zoning District (R-BMU) – and related amendments to the Berkeley Municipal Code.² The zoning includes development standards, open space requirements, parking requirements (for the mixed-use development), and permitted uses, as well as some limited requirements relating to shaping the volume and massing of future development. Greater detail related to building form was not included because it would be addressed during the subsequent process to prepare ODS for each station area. The R-BMU zoning district includes development standards that address the following:
 - Street-Facing Ground Floor Frontages
 - Open Space
 - Setbacks and Step-Backs
 - Frontage Improvements
 - Ground Floor Residential and Non-Residential Frontage
 - On-Site Pedestrian Access
 - Transparency
 - Building Entrances
 - Parking Design and Access
- **City and BART Joint Vision and Priorities for Transit-Oriented Development at the Ashby and North Berkeley BART Station (“JVP”).**³ In June 2022, the City and BART adopted the Joint Vision and Priorities for Transit-Oriented Development for Ashby and North Berkeley Stations (JVP). The JVP expresses the City and BART’s shared, high-level expectations for future development. The JVP provides important guidance on the following topics: Affordable Housing,

¹ <https://berkeleyca.gov/sites/default/files/documents/UpdatedMOA%20North%20Berkeley-Ashby%20TOD%2005.16.23.pdf>

² <https://berkeley.municipal.codes/BMC/23.202.150>

³ (See Exhibit B)

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

Public and Civic Space, Land Use, Building Form, and Station Access and Parking. The JVP includes aspirational statements as well as minimum requirements. Each topic includes an overall vision statement, followed by “shared priorities” for both station areas, and additional priorities specific to each station, where applicable.

- **2020 Pedestrian Plan, 2017 Berkeley Bicycle Plan.** The City’s 2020 Pedestrian Plan and 2017 Bicycle Plan sets policy for streetscape design and character including preferred sidewalk widths.^{4,5}
- **North Berkeley BART Station Access Plan.** As part of the development process, BART requires a station access plan to be prepared which evaluates current and projected access needs to the North Berkeley BART Station, assesses how the proposed TOD project will impact these needs, and proposes solutions to ensure safe and efficient access to the project area, including city streets.

Role of ODS

The goal of the ODS is to effectively balance and synthesize the JVP, zoning, the MOA, and community input into standards that will guide development. The ODS play a pivotal role in guaranteeing that the project design incorporates essential features and elements that are consistent with the JVP’s identified goals and priorities, while balancing priorities to both “maximize the number of new homes” and “consider the scale and character of the surrounding built environment.”⁶

⁴ <https://berkeleyca.gov/your-government/our-work/adopted-plans/pedestrian-plan-2020>

⁵ <https://berkeleyca.gov/your-government/our-work/adopted-plans/berkeley-bicycle-plan>

⁶ See JVP sections: Affordable Housing (Shared Priorities, A. Housing Priorities) and Building Form (Shared Priorities, B. Context).

Part I: ODS Intent and Objectives

The draft ODS are standards that address the public realm and building design, and include a definitions section that explains terms used in the standards. Part I details the specific policy guidance from the JVP, zoning, and other source documents that inform the ODS, while Part II includes detailed technical standards that ensure that the proposed development achieves the design objectives outlined in Part I.

Public Realm

Internal Connections

These standards address internal circulation and design of streetscapes surrounding the North Berkeley BART site. The primary focus is to provide ample and suitable pedestrian, bicycle, transit, and vehicular access to the site while ensuring a high-quality public realm and attractive streetscapes. The draft ODS describe internal street connections and the public circulation network by defining locations to enhance the station entrance and to effectively link key elements such as the Ohlone Greenway and other public or pedestrian facilities.

The ODS for Internal Connections address the following topics:

- **Mid-block Connections and Publicly Accessible Walkways** to break up the site into smaller blocks, and provide new connections to the station and lines of site between buildings.
- **Public Circulation Network** to provide a pedestrian connection between all buildings and amenities.

Key elements of JVP and/or zoning related to the ODS regarding internal connections:

- **Ohlone Greenway Connection.** The development should include a landscaped (as feasible given BART operational needs) protected bikeway that connects the disjointed ends of the Ohlone Greenway to each other and to BART, providing a primary access route and orientation of the development that enables a prioritized pedestrian and bicycle connection from approximately the southeast corner of the site to the northwest corner of the site and across the streets. (JVP: Public and Civic Space, Priorities for North Berkeley, A. Ohlone Greenway Connection).
- **Public Space Use.** Public space should provide opportunities for both active and passive public use, with strong connections to the station entrance, the Ohlone Greenway, or other public spaces and pedestrian facilities. (JVP: Public and Civic Space, Priorities for North Berkeley, B. Public Space Use)
- **Location and Orientation.** The development should locate and design new buildings to enhance public spaces while mitigating impacts on existing neighbors through site orientation, setbacks, lines of sight between buildings, landscape and topography. (JVP: Building Form, Shared Priorities, C. Location and Orientation).
- **Small Blocks.** The development should prioritize site designs with smaller blocks and building footprints instead of larger blocks. (JVP: Building Form, Shared Priorities, E. Small Blocks).
- **On-site Pedestrian Access: Internal Connections.** A system of publicly accessible pedestrian walkways (e.g. public sidewalks) shall connect all buildings on a site to each other, to on-site bicycle and automobile parking and drop-off areas, to any on-site open space areas or pedestrian amenities, and to the publicly accessible pedestrian circulation network. (BMC Section 23.202.150(F)(9)(a)).
- **On-site Pedestrian Access: To the Public Circulation Network.** A publicly accessible on-site walkway shall connect the building lobby entry or entries on each street or on-site pathway frontage to the public pedestrian circulation network. Connections to publicly accessible on-site

walkways provided at least every 300 feet along portions of the development site perimeter that are adjacent to public rights-of-way. (BMC Section 23.202.150(F)(9)(b)).

- **On-site Pedestrian Access: To Neighbors.** Publicly accessible pedestrian access shall be provided from residential and commercial building entrances and public space to adjoining residential and commercial areas. (BMC Section 23.202.150(F)(9)(c)).
- **On-site Pedestrian Access: To Transit.** Publicly accessible pedestrian connections from the public circulation network shall be provided to all transit stops and entrances including elevators outside the station. (BMC Section 23.202.150(F)(9)(d)).

Streetscape Design

The existing sidewalks along the perimeter streets of the North Berkeley BART station were designed for the existing use of the site as a surface parking lot. However, with the upcoming development of residential buildings, sidewalks shall be improved to provide adequate space and landscaping to accommodate the change of use. Improvements should create ample space and incorporate landscaping to better serve the needs of the community. The improved sidewalks will require a lot line adjustment to the new back-of-sidewalk.

The ODS for Sidewalk Design the following topics:

- **Minimum Total Width** to accommodate the needs of all users and landscaping.
- **Minimum Clear Path of Travel** to ensure comfort and safety of pedestrians.
- **Minimum Planting Area** to create a buffer between the street and walking path.
- **Street Trees** to provide shade, reduce heat island effect, mitigate the size and scale of new development, and ensure comfort of pedestrians.

Key elements of JVP and/or zoning related to the ODS regarding sidewalk design:

- **Street Design.** The design of surrounding streets should be considered as a strategy to accommodate public space needs, increase the tree canopy, and improve safety for pedestrians and bicycles. Explore the feasibility of reducing the width and number of traffic lanes in adjacent streets to their original (pre-BART) condition, aligning curbs with adjacent blocks in a manner that builds upon and is consistent with the City and BART's recent Complete Streets and roadway improvement projects in the area. Streets may retain their current width where there is some functional use for the extra space, such as bike lanes and cycle tracks that previously did not exist, and there may be bulb-outs at intersections. Perimeter sidewalks should consider generous pedestrian space and tree canopy. (JVP, Public Civic Space, Priorities for North Berkeley, C. Street Design)
- **Adjacent Streets.** Consider the role and design of adjacent streets – including Sacramento Street, Delaware Street, Virginia Street, and Acton Street – in multi-modal access planning for the North Berkeley Station. (JVP, Station Access, Priorities for North Berkeley, A. Adjacent Streets).
- **Frontage Improvements.** Any area between a building and the front property line, or any area between a building and on-site public space or the public circulation network, shall be improved as part of a wider sidewalk, outdoor seating area, outdoor dining area, yard area, landscaping, or other usable open space. (BMC Section 23.202.150(F)(8))
- **Preferred Width of Sidewalk Zones.** The 2020 Pedestrian Plan establishes preferred width of sidewalk zones. The surrounding streets fall into the following categories with the proposed redevelopment: Sacramento: Mixed-Use Boulevard, Total Sidewalk Width 16'-24'; Delaware: Neighborhood Connector, Total Sidewalk Width 13'-16'; Acton and Virginia: Total Sidewalk Width 10'-14'. The City of Berkeley used this guideline along with consideration of the minimum project size (i.e., 1000 bedrooms) to determine sidewalk widths in the ODS (2020 Pedestrian Plan. Appendix B: Engineering & Design Guidance B-8: Preferred Width of Sidewalk Zones)

Building Setbacks

Building setbacks ensure smooth transition from public to private space, minimize building shadows on streets, create interesting street-facing frontages, and provide opportunities for landscaping.

The minimum and maximum dimensions for setbacks in the draft ODS are consistent with and required by the R-BMU zoning. The draft ODS regulates the type of projections that are allowed within the minimum setback area and defines a minimum percentage of landscaped area.

~~The draft ODS build on the zoning to set a minimum front building setback for each public street frontage consistent with JVP guidance on street design to “consider the scale and character of the surrounding built environment”; “provide transition spaces from private frontages to public spaces”; and “provide adequate perimeter space for pedestrian volume and tree canopy/vegetation”.⁷~~

~~The draft ODS set the minimum building setbacks in relation to the size and scale of the building. Buildings that are three stories or have frontage courts are allowed a reduced setback while buildings that are four stories or more have a greater required setback. The draft ODS also recognize that there are site constraints that impact development (e.g. small or irregular-shaped lots). For this reason, buildings three stories or less on Virginia Street have a reduced minimum setback requirement in comparison to other areas. Consistent with the R-BMU zoning, the draft ODS do not require setbacks along Sacramento Street.~~

The ODS for Building Setbacks address the following topics:

- ~~Minimum Building Setback Depth~~ to create a smooth transition from the public to the private realm.
- **Building Projections** to allow for limited building articulation within the setback area to create human-scaled design and visual interest.
- **Building Setback Landscaping** to create minimum areas for landscaping consistent with the neighborhood character.
- **Maximum Continuous Façade** to break up the massing and create smaller, human-scale facades.

Key elements of JVP and/or zoning related to building setbacks:

- **Street Design.** The design of surrounding streets should be considered as a strategy to accommodate public space needs, increase the tree canopy, and improve safety for pedestrians and bicycles. Explore the feasibility of reducing the width and number of traffic lanes in adjacent streets to their original (pre-BART) condition, aligning curbs with adjacent blocks in a manner that builds upon and is consistent with the City and BART’s recent Complete Streets and roadway improvement projects in the area. Streets may retain their current width where there is some functional use for the extra space, such as bike lanes and cycle tracks that previously did not exist, and there may be bulb-outs at intersections. Perimeter sidewalks should consider generous pedestrian space and tree canopy. (JVP: Public Civic Space, Priorities for North Berkeley, C. Street Design)
- **Context.** Building design should consider the scale and character of the surrounding built environment. (JVP: Building Form, Priorities for North Berkeley, B. Context)
- **Location and Orientation.** Locate and design new buildings to enhance public spaces while mitigating impacts on existing neighbors through site orientation, setbacks, lines of sight between buildings, landscape and topography. (JVP: Building Form, Priorities for North Berkeley, C. Location and Orientation)
- **Front Setbacks.** Setbacks are not required at Sacramento Street. Setbacks along all other frontages along public rights-of-way and internal publicly-accessible pathways shall range from

⁷ ~~JVP: Building Form, Shared Priority B. Context, Shared Priority C. Building Scale and J. Outward-facing Entrances.~~

five feet (minimum) to 15 feet (maximum) for at least 50 percent of any building's linear street frontage, including all frontages within 50 lineal feet of an intersecting corner. (BMC Section 23.202.150(F)(4))

DRAFT

Building Design

Building Height

Priorities in the JVP emphasize incorporating variations in building height and design at both stations. The primary objective is to ensure that the development adheres to good urban design principles by creating variations in volume, while taking into account the surrounding residential neighborhoods. To achieve this, the draft ODS will step down building heights along the perimeter of the site and narrower street, thereby ensuring new development blends with the existing scale of the neighborhood. In line with this approach, the JVP proposes concentrating higher density, larger building forms, and increased height near strategic locations such as the Ohlone Greenway and the center of the site, as well as along Sacramento Street. The draft ODS provide standards that are consistent with the R-BMU zoning district maximum height of 7 stories/80 feet.

Future development on the site may be eligible to utilize provisions of the State Density Bonus Law for increases in density and/or concessions and/or waivers of development standards (such as height) that would otherwise physically preclude the construction of the development. Thus, the draft ODS provide alternative standards for a building of up to 8 stories, or 85 feet in the event a developer successfully obtains a waiver of the 7 story/80 feet R-BMU maximum height limit via the Density Bonus Law authorize exceeding the 7 story/80 feet limit in the R-BMU zoning. ~~In the event that a developer obtains a waiver of the 7 story/80 feet R-BMU maximum height limit pursuant to the Density Bonus Law, the ODS contemplates~~ These alternative standards contemplate a building of up to 8 stories/85 feet in the interior of the site and along a portion of Sacramento Street, along with a lower building height and massing along the Virginia and Acton Street frontages and at specific corners where Sacramento Street intersects with Virginia and Delaware Streets.

The ODS for Building Height addresses the following topic:

- **Maximum building heights-** to allow buildings to step down along the street edge, minimize shade, and create volumetric variation in massing.

Key elements of JVP and/or zoning related to the ODS about building height:

- **Height Variation.** AB 2923 does not permit the City's zoning controls to restrict building height below seven stories on the station sites. The City and BART will support variations in building height and form at both stations. It is anticipated that some buildings and some portions of buildings will be shorter than the maximum height in keeping with good urban design practice. (JVP: Building Form, Shared Priority, A. Height Variation)
- **Massing and Height Focus.** Focus density, larger building forms and height towards the Ohlone Greenway and the center of the site, as well as towards Sacramento Street. (JVP: Building Form, Priorities for North Berkeley, A. Massing and Height Focus)
- **Massing Breaks and Step-downs.** Provide massing breaks, step-downs in height, and frequent pedestrian building entrances along Delaware Street, Acton Street, and Virginia Street, with building forms and frontages that create a residential character and scale. (JVP: Building Form, Priorities for North Berkeley, B. Massing Breaks and Step-Downs)
- **Maximum building height:** 80 feet/seven stories (BMC Section 23.202.150(F)).

Building Massing and Articulation

The JVP includes guidance for the project to prioritize smaller blocks and building footprints to reflect the scale and character of the surrounding built environment. To realize the design guidance in the JVP, the ODS will have the effect of limiting the overall size and scale of the building and the perceived mass through upper floor step backs, maximum façade lengths, and major breaks within the constraints of the City's MOA with BART. The ODS seek to ensure that the project maintains a human scale, creating a pleasant walking environment while ensuring interesting design.

The ODS for Building Massing and Articulation address the following topics:

- **Minimum Upper Floor Step Backs** to create a human-scale streetscape and to minimize impact of large buildings on the neighborhood.
- **Maximum Primary and Secondary Facade Length** to provide regular breaks in building forms and encourage smaller blocks.
- **Major Breaks** to break up the massing and create smaller, human-scale facades.
- **Minor Breaks/Modulations** to create a residential rhythm and pattern to building facades to respond to the neighborhood context and character.

Key elements of JVP and/or zoning related to the ODS about building massing and articulation:

- **Context.** Building design should consider the scale and character of the surrounding built environment. (JVP: Building Form, Shared Priority B. Context)
- **Small Blocks.** Prioritize site designs with smaller blocks and building footprints instead of larger blocks. (JVP: Building Form, Shared Priorities, E. Small Blocks)
- **Architectural Variety.** Design buildings to provide visual interest with variation in height, scale, massing, rooflines, materials, and architectural elements. (JVP: Building Form, Shared Priority F. Architectural Variety)
- **Building Scale.** Provide regular breaks in building forms, as well as both horizontal and vertical detail to respond to the existing neighborhood context and character, particularly at the edges of the site. Provide adequate perimeter space for pedestrian volume and tree canopy/vegetation. (JVP: Building Form, Shared Priority F. Architectural Variety)
- **Massing and Height Focus.** Focus density, larger building forms and height towards the Ohlone Greenway and the center of the site, as well as towards Sacramento Street. (JVP: Building Form, Priorities for North Berkeley, A. Massing and Height Focus)
- **Massing Breaks and Step-downs.** Provide massing breaks, step-downs in height, and frequent pedestrian building entrances along Delaware Street, Acton Street, and Virginia Street, with building forms and frontages that create a residential character and scale. (JVP: Building Form, Priorities for North Berkeley, B. Massing Breaks and Step-Downs)
- **Front Upper-Story Step Backs.** Any street-facing building frontage above four stories in height that is not within 100 linear feet of Sacramento Street shall step back from the property line for portions of the building above four stories. (BMC Section 23.202.150(F)(5))

Design Elements

The JVP includes guidance for projects to provide visual interest with variation in architectural elements and materials. The draft ODS will define standards that encourage the use of high-quality materials, finishes, and detailing that create visual interest and enhance the neighborhood's overall aesthetic.

The ODS for Design Elements address the following topics:

- **Window** to create clean geometries and shadow lines.
- **Materials** to ensure high-quality materials and harmony of styles.
- **Location of Utilities** to ensure access while minimizing blank walls.

Key elements of JVP and/or zoning related to the ODS about building massing and articulation:

- **Architectural Variety.** Design buildings to provide visual interest with variation in height, scale, massing, rooflines, materials, and architectural elements. (JVP: Building Form, Shared Priority F. Architectural Variety)
- **Required Openings.** Ground-level exterior walls facing and within 20 feet of a front lot line or publicly accessible pathway or Public Open Space shall run in a continuous plane for no more than 30 feet without a window, door, or other similar building opening. (BMC Section 23.202.150(F)(10))

Part II: Development Standards and Definitions

Definitions

Continuous Building Facade Length

The length of a facade as measured from either the corner of a building to the opposite corner of the building, a change in angle of the facade that is greater than 35 degrees, or a major break with a minimum width and depth of 20 feet. If building facades are curved, length of facade as measured to tangent parallel to interior corridor.

Facade Plane

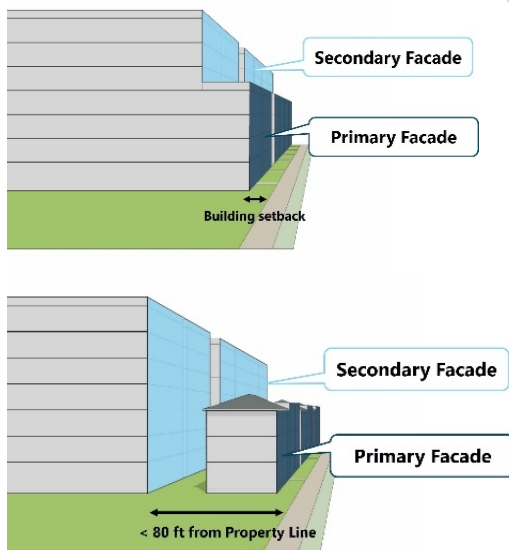
Portion of a facade located between a corner of a building to either the opposite corner of the building or a major break.

Primary Facade

Portions of a building directly fronting a street, [publicly accessible open space](#) or internal pathway, typically located within the minimum and maximum building setback.

Secondary Facade: Portions of the building facing a street or internal pathway that is within 80 feet of the property line or internal pathway. The secondary facade may be separate from or part of the same building as the primary facade. The secondary facade is typically located behind the primary facade through a deeper building setback, upper floor step back, and/or major break.

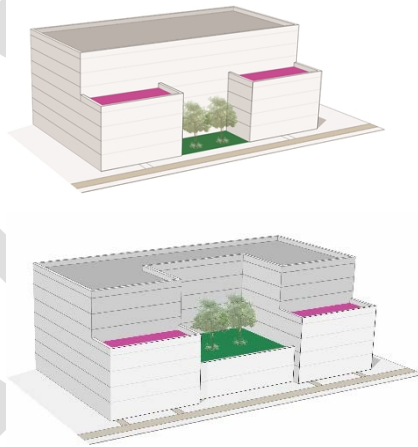
Figure 2. Primary and Secondary Facades



Frontage Court Buildings

A building where part of the secondary facade is set back at a deeper dimension than the primary facade to create a frontage court building entry or open space. Frontage courts may be a combination of both ground level and podium courtyards.

Figure 3. Frontage Court Buildings



Major Break

A massing break or facade modulation that is wide and deep enough that it divides up the facade of a building to create the sense of multiple separate building masses. Minimum dimensions for a major break are provided in the design standards.

Minor Breaks/Modulations

Horizontal changes to the facade plane that provide articulation to the building facade. Minor Breaks/Modulations typically occur to distinguish a residential rhythm and pattern to a building facade with modulations spaced to the width of a room, unit, or group of units. Minor breaks and modulations may be recesses or projections like bay windows.

1 Public Realm

1.1 Public Circulation Network

1.1.1 Ohlone Greenway Connection

1. A multi-use publicly accessible pathway shall connect from the corner of Delaware and Sacramento Streets through the site to either Virginia or Acton Streets to complete the Ohlone Greenway.
2. The multi-use pathway shall be a minimum of 14 feet wide.

1.1.2 Mid-block Connections and Publicly Accessible Walkways

1. A minimum of one publicly accessible on-site walkway shall be located at least every 300 feet along each public right-of-way.
2. Mid-block Connection. A minimum of one Mid-block connection shall be made from each public street frontage that connects to the station.
 - a. Mid-block connections shall have a minimum building-to-building width of 40 feet.
 - b. Mid-block connections may have one bridge over the pathway meeting the minimum standard in 1.1.4.2 Internal Connection Design.
 - c. Stoops, balconies, planters, trellises, and other non-habitable architectural features may project within the minimum building-to-building dimension. The total of the upper floor projections shall not exceed more than 25% of the facade plane at the minimum building-to-building dimension or back-of-walk if an internal street.
 - d. Mid-block connections shall be open during all hours of active BART transit service.
 - e. Mid-block connections shall include a minimum of one publicly-accessible pedestrian walkway with a minimum of eight feet in width. Location of the walkway within the Mid-block Connection may vary.
 - f. Mid-block connections shall include a minimum of one tree ~~average~~ per 25 linear feet.
 - g. Mid-block connections with private vehicle access shall have a minimum of one tree per 30 linear feet of sidewalk where technically feasible and allowed by code. (~~Areas~~The area directly above the BART train box is exempt).
 - h. At least one Mid-block connection shall have direct vehicle access to station entrance. This connection shall include publicly accessible sidewalks and vehicle access to drop-off areas for BART riders and shall meet all of BART and City requirements outlined in the North Berkeley BART Station Access Plan. Sidewalk widths, lane configuration, bike facilities, and total number of loading spaces will be determined by the North Berkeley BART Station Access Plan.

1.1.3 Frontage Specific Standards

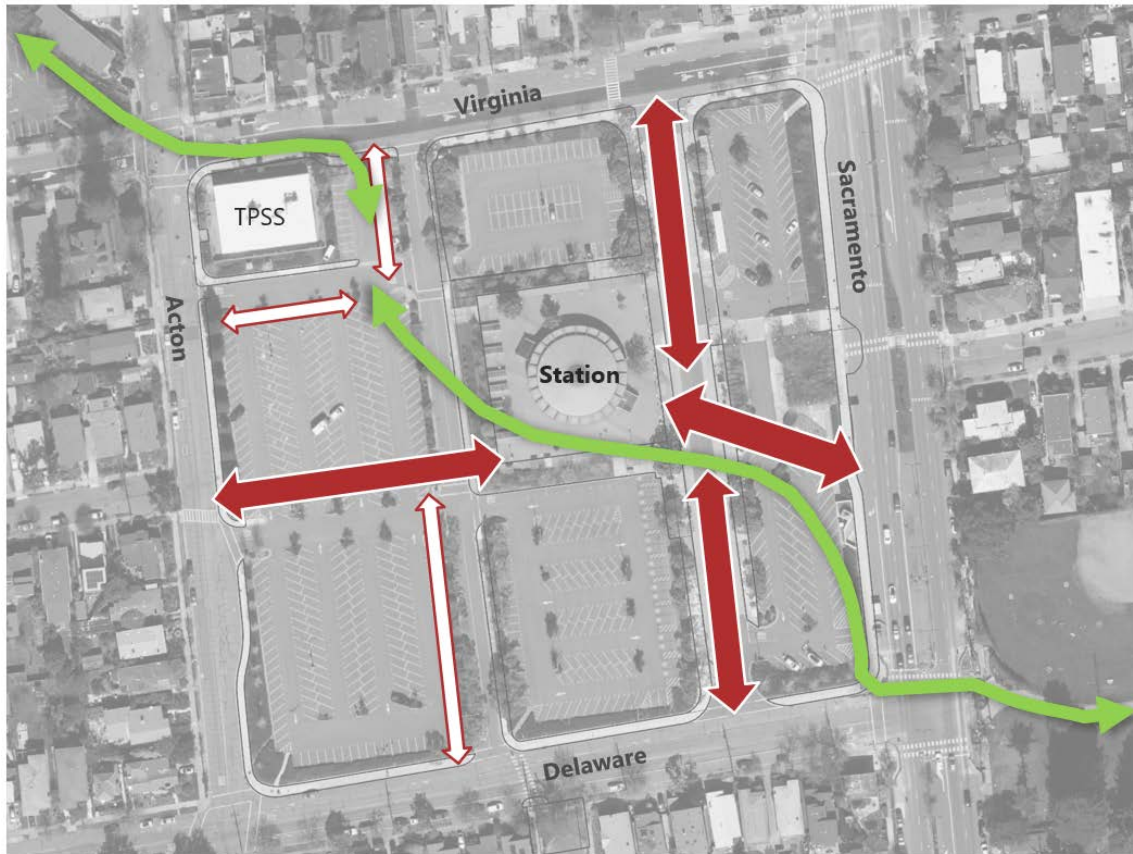
1. From Sacramento Street. A Mid-block connection in the form of a plaza and multi-use pathway shall be located within the Zone of Influence (ZOI) connecting from Sacramento Street to the station.
2. From Acton Street. A Mid-block connection shall be located such that one edge of the pathway is within 50 feet of the centerline of the adjacent Francisco Street right-of-way that connects through the development to the station area.




1.1.4 Internal Connection Design

The R-BMU zoning regulations require specified types of on-site pedestrian access (BMC 23.202.150(F)(9)). Additional publicly accessible on-site walkways may be needed depending on the location of a proposed project's Mid-block connections. These internal connections may occur through buildings if they meet the standards below:

1. Publicly Accessible Pedestrian Pathway
 - a. Pathway shall have a minimum width of eight feet.
2. Bridges over Internal Connections
 - a. Building-to-building dimension of pathway is a minimum 30 feet in width. Walkway width shall have a minimum eight feet clear path of travel dimension.
 - b. Minimum floor-to-bridge ceiling height is greater than 20 feet; a bridge may be located within the floor-to-ceiling space if the bridge has a maximum width of 10 feet.
 - c. Maximum depth of building/bridge projecting over the path is 40 feet.
 - d. Internal connection may change grade and go over a parking podium that is a maximum 15 feet above grade at sidewalk connection if the full connection length is ADA accessible.
3. Internal Connection through Public Parking Structure
 - a. A direct connection through the parking area.
 - b. Pathway and entrance shall have a minimum width of six feet.
 - c. Floor-to-ceiling height minimum of nine feet.
 - d. Floor markings shall identify the full length of internal connection.

Figure 4. Public Circulation Network.



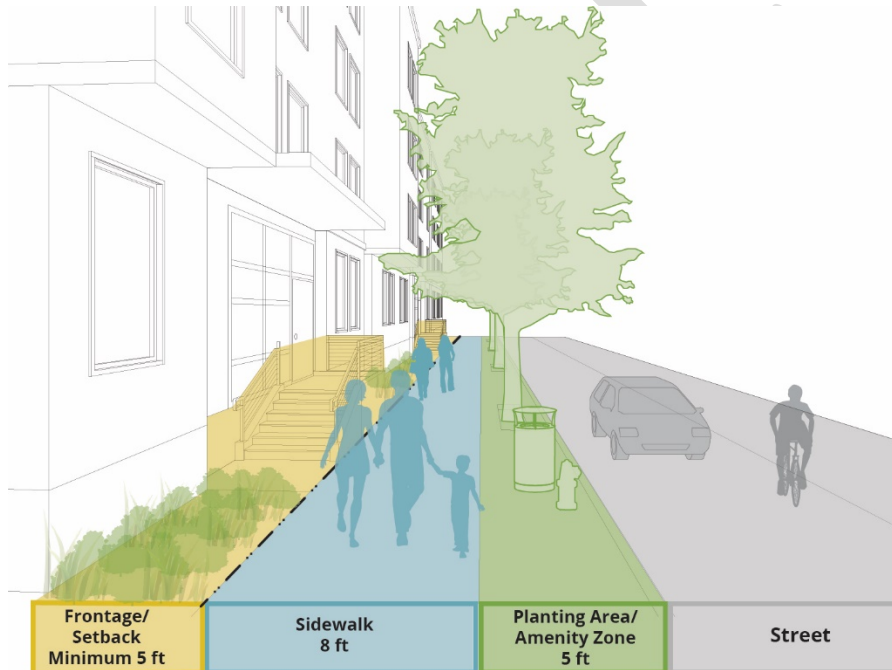
-  **Mid-block Connections** (Location may vary)
-  **Secondary Internal Connection** (May not be needed depending on location of Mid-Block Connection, Location may vary)
-  **Ohlone Greenway Connection** (Location may vary)

1.2 Streetscape Design

1.2.1 Sidewalk Width

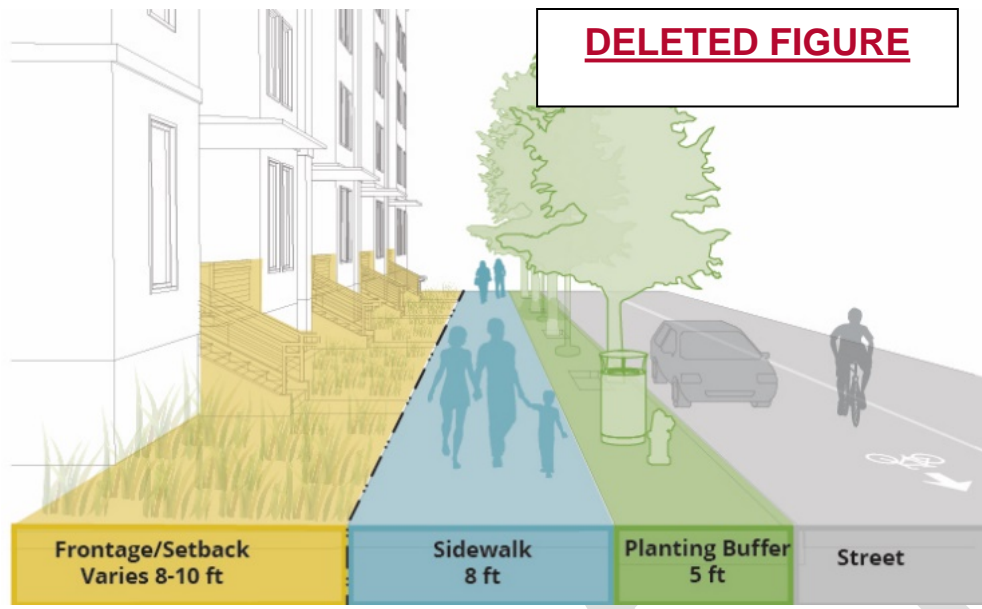
1. Sacramento Street
 - a. Minimum Total Sidewalk Width
 - i. 19 feet north of Francisco Street or maximum potential sidewalk width while maintaining a 35 feet curb-to-curb dimension from sidewalk to median.⁸
 - ii. 13 feet in other locations except where existing structures such as the BART elevator prevent minimum width.⁹
 - b. Minimum Clear Path of Travel
 - i. Eight feet clear and five feet clear along curb adjacent to casual carpool which is located on Sacramento Street north of Francisco Street crosswalk.
2. Delaware, Virginia, and Acton Streets
 - a. Minimum Total Sidewalk Width: 13 feet
 - b. Minimum Clear Path of Travel: 8 feet
 - c. Minimum Planting/Amenity Zone: 5 feet

Figure 5. Typical Sidewalk Design (Delaware, Acton, Virginia)



⁸ Exact geometry to be determined in BART's Station Access Plan.

⁹ To be studied further as part of BART's Station Access Plan.



1.2.2 Street Trees + Planting Area/Amenity Zone

1. **Pattern.** Trees shall be planted with a minimum of one tree per 25 linear feet of sidewalk length. Exceptions may be made in locations where existing infrastructure, utilities, or BART tunnel prohibit planting of trees.
2. **Location.** Trees shall be evenly spaced between the curb and sidewalk or evenly spaced within the width of a planting strip. Trees shall be planted so that at maturity the trunk is at least three feet from the face of curb where loading occurs and at least five feet from face of curb where casual carpool is located on Sacramento Street north of Francisco Street crosswalk.
3. **Ground Plane.**
 - a. **Sacramento Street.** Trees shall be provided in planters a minimum three feet wide and a minimum six feet long located 18 inches from face of curb and minimum of five feet from face of curb where casual carpool is located on Sacramento Street north of Francisco Street crosswalk.
 - b. **Delaware Street.** Trees shall be provided in a continuous planter with a minimum of four and a half feet width. Areas between trees shall be landscaped.
 - c. **Acton and Virginia Streets.** Trees shall be provided in planters a minimum of three and a half feet wide and a minimum of six feet long, located 18 inches from the face of curb. A minimum four feet wide pathway between planters shall be required for every loading/parking space. Where loading/parking areas are not adjacent to the curb, trees shall be provided in a continuous planter that is a minimum four and a half feet wide and areas between trees shall be landscaped.
4. **Subsurface.**
 - a. A minimum of 120 cubic feet of well aerated soil per inch of trunk diameter at maturity shall be located within six feet of each tree.
 - b. Continuous structure soil with a minimum width of four feet shall connect all consecutive street trees.

1.3 Building Setbacks

Front building setbacks vary by individual street and the type and scale of the building located along the frontage. All buildings shall meet one of the following building setback options for the building type fronting the street.

Front building setbacks are set in the R-BMU zoning. The following standards regulate projections and landscaping in the minimum setback area.

1.3.1 Building Setbacks

1. Building setbacks are not required for internal streets.
2. Ground floor residential units shall have 3 feet minimum front setback for all frontages where no building setback is required in the R-BMU zoning.
1. ~~All buildings shall be setback from the front property line as provided in Table 1 below.~~
2. ~~Average Setbacks:~~
 - a. ~~Where an average setback is permitted in Table 1, the building facade may project within the setback area if parts of the facade are stepped back behind the average setback line so that the weighted average of the building setback is greater than the minimum average required.~~
 - b. ~~No portion of the building facade shall project beyond the minimum “not less than” setback dimension provided in Table 1 below.~~
 - e.a. ~~For instances where multiple buildings are situated along a street frontage between required Mid-block or internal connections, the area between buildings shall be measured 10 feet from (i.e., recessed from as opposed to projecting) required average setback line.~~

1.3.2 Building Projections in Required Building Setback

1. ~~Stoops, porches, uncovered decks, landings, and stairs less than three feet in height may project within the required setback area.~~
 - a. ~~At no point shall these features project within the first two feet of setback area on Delaware Street.~~
 - b. ~~At no point shall these features project within the first five feet of setback area on Acton and Virginia Streets.~~
2. ~~Building features including eaves, cornices, canopies, awnings, and other weather protection features like sun-shades features may project a maximum of two-and-a-half feet into a required minimum setback.~~
3. ~~Habitable building features shall not at any point project into the first five feet of setback area on Delaware, Acton and Virginia Streets.~~
3. On Virginia Street, Delaware Street and Acton Street, habitable building features such as bay windows or balconies may project within the 5 feet minimum setback for a maximum of 3 feet, total projections shall not exceed 25% of the facade length of the building wall to which it is attached.
4. ~~Where an average setback is provided in Table 1 below, no additional habitable projections including bays, bay windows, or balconies may project beyond the building facade planes used to determine whether the required average facade dimension has been met.~~

1.3.3 Building Projections in the Right-of-Way.

Buildings fronting Sacramento Street may project into the public right-of-way a maximum of 3 feet. Total projections shall not exceed 25% of the facade length of the building wall to which it is attached. Projections over the right-of-way require a Minor Encroachment Permit from the Department of Public Works.

1.3.4 Building Projections over internal lot line conditions.

Building projections including balconies and bay windows are allowed across the lot line up to three feet in depth and may not exceed 30% facade area for the length of building wall to which they are attached.

1.3.5 Building Setback Landscaping.

A minimum of 60% of the first five feet of building setback area as measured from the property line shall be landscaped. A minimum of 40% of the remaining ~~required~~ building setback area shall be landscaped. The area used for mid-block breaks, internal pathways and vehicle entries shall be excluded from this

calculation.

Figure 6. Average Setback Calculations

How to calculate minimum average setback compliance
 Average X feet, with a minimum not less than Y feet
 Average Setback Calculation: $[A + B + C + D] > X$ feet
 $A = (\% \text{ Facade Area} \times \text{Depth from PL})$
 Facade Area = $(H \times L)$

DELETED FIGURE

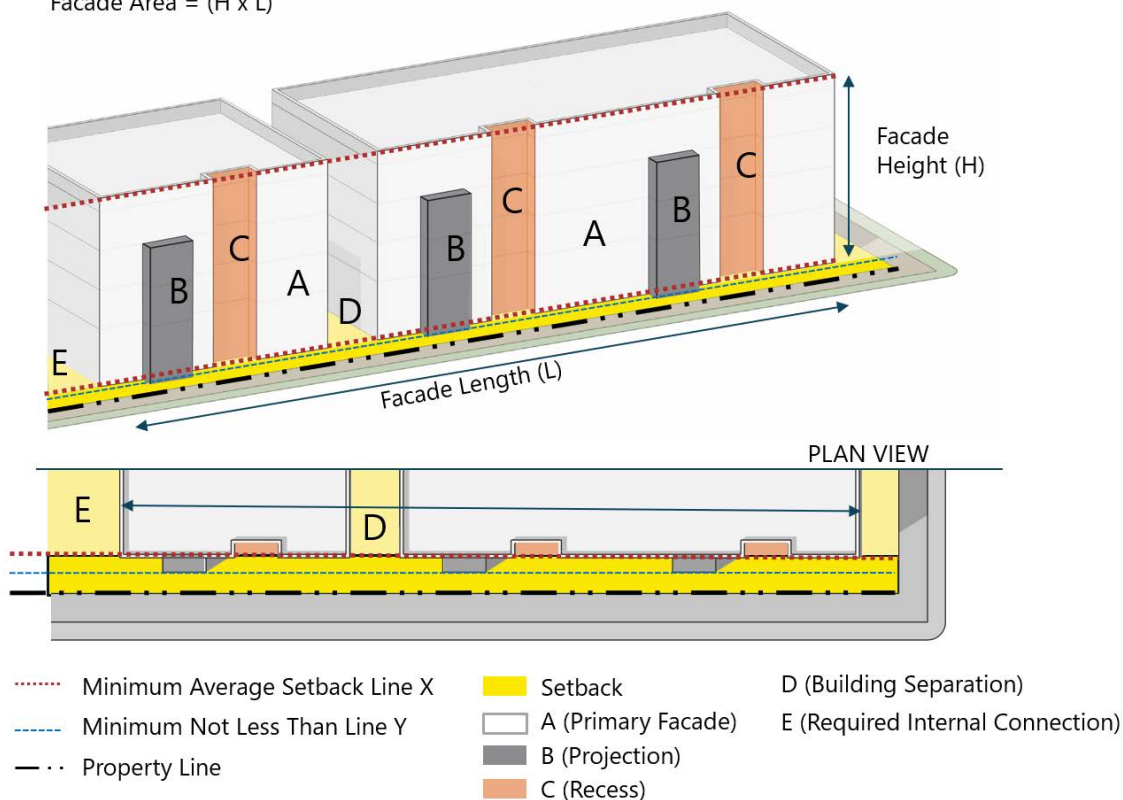


Table 1. Building Setbacks

Minimum Building Setback					
	Sacramento Street	Delaware Street	Acton Street	Virginia Street	Internal Street
Buildings located between Sacramento Street and Internal Street					
Minimum depth	0 feet for non-residential and residential accessory spaces	5 feet	n/a	5 feet	None required
	3 feet for ground floor residential units				
Three Stories or less					
Minimum depth	None required	Average 8 feet, with a minimum not less than 6 feet	Average 8 feet, with a minimum not less than 6 feet	5 feet	None required
Four Stories or more					
Minimum depth	None required	Average 10 feet, with a minimum not less than 8 feet	Average 10 feet, with a minimum not less than 8 feet	Average 10 feet, with a minimum not less than 8 feet	0 feet for non-residential and residential accessory spaces 3 feet for ground floor residential
Frontage Court Buildings					
Maximum Continuous Facade Length	None required	90 feet	70 feet	70 feet	None required
Minimum depth	n/a	Average 8 feet, with a minimum not less than 6 feet	Average 8 feet, with a minimum not less than 6 feet	Average 8 feet, with a minimum not less than 6 feet	n/a
Additional Standards for Frontage Court Buildings:					
<i>Frontage courts shall face the street for a minimum 25% of total linear building facade length.</i>					
<i>Frontage courts shall be located on either side of the primary facade and have a minimum width of 40 feet and depth of 30 feet from the property line.</i>					
<i>Frontage court buildings where the courtyard is located on an upper level less than 15 feet above sidewalk grade shall have a minimum 20 feet landscape buffer from property line.</i>					

2 Building Design

Building massing and height shall meet all the standards below as well as those specified in the R-BMU zoning district (See BMC Section 23.202.150).

2.1 Building Height

2.1.1 Maximum Building Height

Maximum building height is consistent with R-BMU zoning at seven-stories/80 feet, except in areas where upper floor step backs are required as noted below in Section 2.2.1 and Table 21.

2.2 Building Massing and Articulation

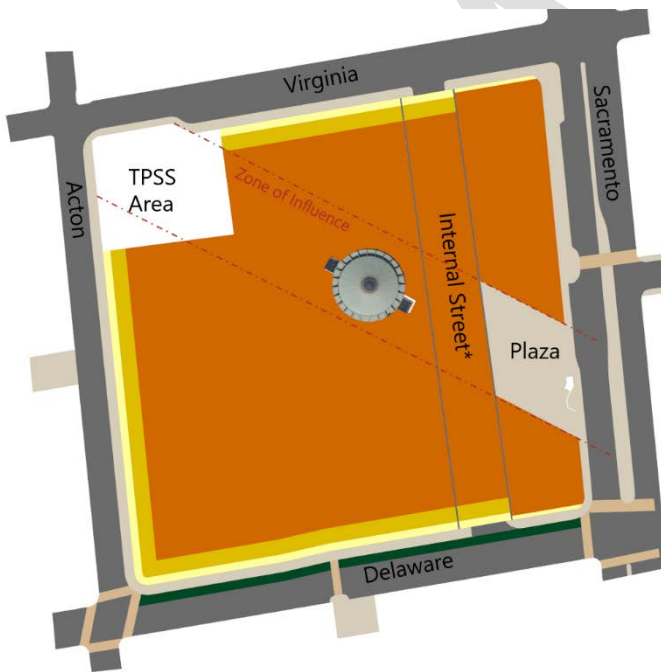
2.2.1 Upper Floor Step Backs

Table 2 sets upper floor step back requirements for specific building frontages. Requirements for building setbacks (Table 1 Section 1.3 above) and building massing (Table 2-1 below) are illustrated in a plan diagram in Figure 6.

2.2.2 Maximum Facade Length

Table 2-1 sets maximum facade lengths for primary and secondary building facades for specific building frontages.

Figure 7-Figure 6. Building Height and Upper Floor Step Backs Diagram



*Location/geometry of Internal Street subject to change

- Building Setback Area:** Varies
- 4-Story Upper Floor Step Back Area:** 25-30 feet; see Table 1
- 7-Story/80 feet Area**

Table 1. Building Massing

Building Massing					
	Sacramento Street	Delaware Street	Acton Street	Virginia Street	Primary Internal Street and Publicly Accessible Pathways
Minimum upper floor step backs above 4 th floor (measured from property line)	n/a	25 feet 20 feet for frontage court buildings if frontage court depth is a minimum 50 feet *	30 feet 20 feet for frontage court buildings if frontage court depth is a minimum 50 feet	30 feet, first 100 feet of building façade length from Sacramento façade exempt**	none required
Maximum primary facade length:	250 feet	200-250 feet	200-250 feet	200-250 feet	270 ft for internal street 300 ft for pathways
Maximum secondary facade length:	250 feet	250 feet	270 feet	200 feet	270 ft for internal street 300 ft for pathways

Notes:

*On Delaware Street: For any street-facing building frontage within 125 linear feet of Sacramento Street, buildings 6 stories or less are not required to have an upper floor step back. For any street-fronting building frontage that is not within 100 linear feet of Sacramento Street, buildings 7 stories or greater shall have an upper floor step back above the 4th floor with a minimum depth of 10 feet from property line.

**On Virginia Street: For any street-facing building frontage within the 110 linear feet of Sacramento Street, buildings 6 stories or less are not required to have an upper floor step back. For any street-fronting building frontage that is not within 100 linear feet of Sacramento Street, buildings 7 stories or greater shall have an upper floor step back above the 4th floor with a minimum depth of 10 feet from property line.

2.2.3 Major Breaks.

Required for continuous building facade lengths greater than ~~150-200~~ feet in length. Alternatively, continuous building facades greater than 200 feet in length may meet the Ornamental Facade Alternative standard - see Section 2.2.5 below).

1. All Major Breaks.
 - a. A major break shall be a continuous break in the facade from the ground through the roof plane except where noted below.
 - b. If two major breaks are provided on a facade, a minimum of one major break shall extend to the ground plane. Other required major breaks shall extend to the first floor.
 - c. Major breaks shall be located a minimum 25 feet from the facade edge or corner of the building.
 - d. Weather protection and sunshades up to three feet in depth may project into major breaks.
2. For Primary Facades facing public streets.

- a. For portions of a building ~~four stories or less, and~~ greater than ~~150-200~~ feet in length, a minimum of one major break with a minimum width and depth of eight feet and minimum plan area of 100 square feet.
 - ~~b. For portions of a building five stories or more, and 150 to 200 feet in length, a minimum of one major break with a minimum width and depth of eight feet and minimum plan area of 100 square feet.~~
 - ~~e.b.~~ For buildings five stories or more, and greater than 200 feet in length, a minimum of one major break with a minimum width and depth of 18 feet or two major breaks with a minimum width and depth of seven feet and minimum plan area of 70 square feet.
 - ~~d.c.~~ Facades immediately adjacent to a property line may reduce the depth of the major break to a minimum of two feet for the first floor. Planters up to four feet in height are allowed where a major break meets the ground.
- ~~3. For Secondary Facades facing public streets:~~
- ~~a. Major breaks shall extend from the height of primary facade or building between the secondary facade and street through the roof plane.~~
 - ~~b. For portions of a building five stories or more, and 150 to 200 feet in length, a minimum of one major break with a minimum width and depth of eight feet.~~
 - ~~c. For portions of a building five stories or more, and greater than 200 feet in length, a minimum of one major break with a minimum width and depth of 12 feet, or two major breaks with a minimum width and depth of seven feet and minimum plan area of 70 square feet.~~
- ~~4.3. For Primary Facades facing Publicly Accessible Walkways and Publicly Accessible Open Spaces.~~
- ~~a. For portions of a building five stories or more, and 150 to 200 feet in length, a minimum of one major break with a minimum width and depth of six feet and minimum plan area of 60 square feet~~
 - ~~b. For portions of a building five stories or more, and~~ greater than 200 feet in length, a minimum of one major break with a minimum width and depth of 10 feet and minimum plan area of 120 square feet, or two major breaks with a minimum width and depth of seven feet and minimum plan area of 60 square feet.

2.2.4 Minor Breaks/Modulations

Vertical Rhythm and Pattern: Facade planes ~~visible at any angle from a public street or publicly accessible space on Primary or Secondary Facades~~ exceeding 60 feet in length shall express a vertical rhythm and pattern that reflects the size and scale of a residential unit and/or individual rooms and spaces through meeting the following standards ~~(alternatively, continuous building facades greater than 60 feet in length may meet the Ornamental Facade Alternative standard - see Section 2.2.5 below).~~:

1. A vertical recess or projection of the building massing shall occur at an average minimum of one per 40 feet of linear facade length with no facade length greater than 50 feet in width without a minor break/modulation.
2. The vertical recess or projection of the building massing shall have a minimum depth of two feet.
3. The vertical recess or projection shall occur for a minimum 60% of the facade height measured from the average ground plane to the top of structure for the specific facade plane of the minor break/modulation.
4. The minimum width of a recess shall be two feet and not exceed 30 feet in width. Recesses shall extend through the roof plane.
5. The minimum width of a projection shall be four feet, and maximum width shall not exceed 15 feet.
6. Change in plane may be a combination of recesses and projections that meet the standards above.

- 7. A building base up to three stories in height with a non-residential ground floor that does not exceed 150 feet in length is exempt from meeting the standards above. Portions of the building above the base shall meet the standards, percentages shall be calculated only using the facade area above the building base.

Figure 8: Figure 7. Major Breaks

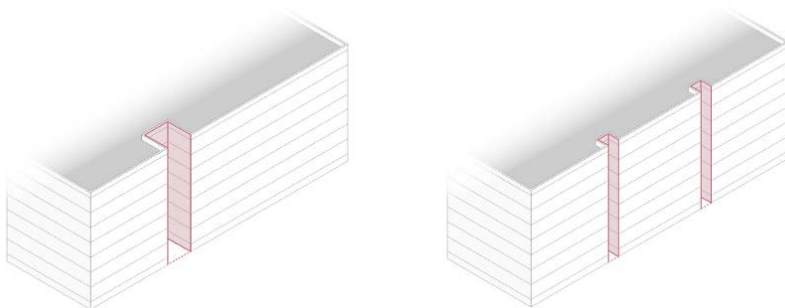
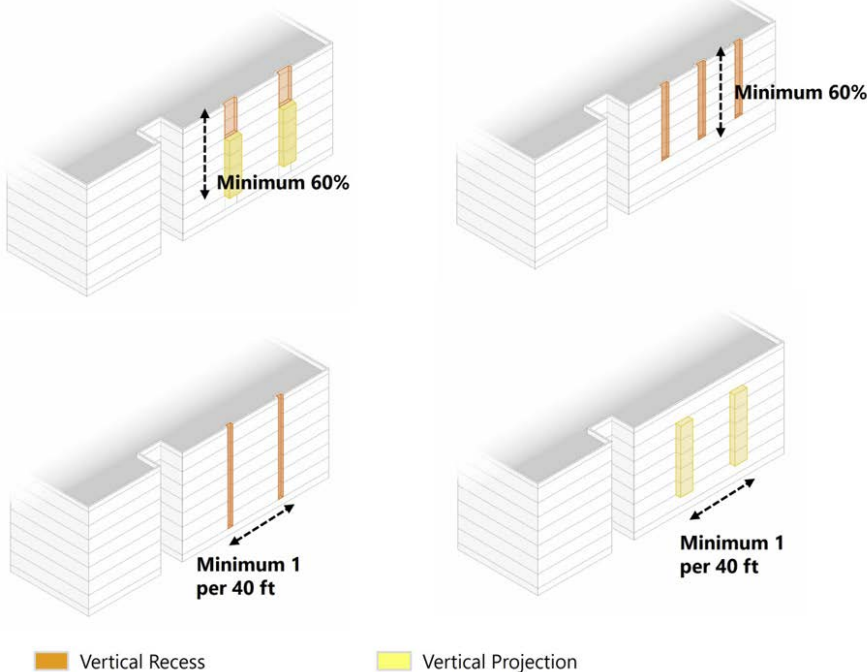


Figure 9: Figure 8. Minor Breaks/Modulations



2.2.5 Ornamental Facade Design Alternative

In lieu of meeting the major or minor break requirements (Sections 2.2.3 and 2.2.4) ornamentation must be provided such that it covers 5% of the area of a building facade. Ornamentation is defined as any exterior articulation such as projections, recesses, columns, banding, fins, decorative molding, trim, artistic inlays or reliefs, cornices, or sculptures, with a minimum depth of 8"; or decorative tile or murals. Ornamentation must deviate in color and/or material from the wall material behind it or be constructed from brick, stone, ceramics, metal, wood, tile, or fiber-cement board. Ornamentation shall not include built-up stucco trim or molding (also known as "plant-ons").

2.2.5.2.6 Exposed Parking Structures

1. All exposed parking structures shall be fully screened.
 - a. Exterior facing walls of parking structures shall be articulated with artwork, architectural elements ornamentation (as defined in Section 2.2.5), and/or a landscaping/planting wall at minimum intervals of three feet. The articulation shall occupy a minimum depth of 18 inches.
 - b. Parking structures extending above the ground floor and not located behind an upper floor step back shall have a minimum of one large canopy tree per 25 linear feet of exposed structure. Trees shall be located within 30 feet of facade of exposed structure. A mature tree shall be planted with a minimum crown height of 25 feet. Volume of soil shall be adequate to support a full growth tree height greater than 60% of the exposed parking structure height.
2. Lighting
 - a. No light fixtures within the parking structure shall be directly visible from any point of the exterior of the building.
 - b. Screening or exterior facade of parking structure shall not have exterior building lighting above the first floor.
 - c. Lighting for signage shall be shielded and directed down. Signage shall not be located above 20 feet from grade.

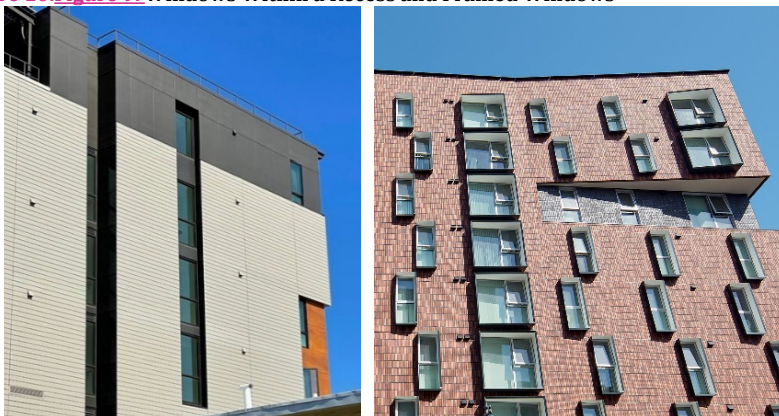
2.3 Design Elements

2.3.1 Windows

Windows shall meet one of the following requirements:

1. Windows shall be punched with a minimum recess of two inches from the facade or shall be framed with a minimum projection of 4 inches from the facade. Built-up stucco trim or molding (also known as "plant-ons") are prohibited.
2. Windows that are flat or flush with the facade are prohibited unless applied to a recessed portion of the building facade with a minimum four inches in depth. Vertical window edges shall be directly adjacent to recess.

Figure 10. ~~Figure 9.~~ **Windows Within a Recess and Framed Windows**



2.3.2 Materials

Each facade shall include the following materials:

1. No single material shall cover more than ~~65~~80% of the cumulative facade area of a building each exterior building facade greater than 40 feet in length (excluding windows, doors, garage doors, and building trim).
2. ~~High-quality materials such as b~~Brick, stone, ceramics, metals, wood, fiber-cement panels, or other composite panel systems may exceed the 6580% maximum in 2.3.2(1). ~~Panel systems shall not have exposed bolts or fasteners.~~

2.3.3 Utility/Refuse/Loading Access

~~Facade areas used for access of utilities, refuse collection, loading, or other maintenance uses shall meet the following requirements:~~

- ~~1. Shall not exceed 30 feet in facade length without a window where technically feasible and permitted by public agency or utility.~~
- ~~2. Shall be set back a minimum two feet from the property line or back-of-walk for internal streets.~~
- ~~3. A landscape pocket or planter with a minimum depth of one foot shall be located in the setback area. Landscape pocket or planter shall extend a minimum 60% of any blank wall facade length without a door, window or similar building open.~~

2.4 Alternative Massing and Building Height

A future developer of the North Berkeley BART station site might obtain waivers of the R-BMU zoning maximum height limit of 7 stories/80 feet pursuant to the State Density Bonus Law if the developer shows that the R-BMU's maximum height limit Future development on the North Berkeley BART station site may be eligible to utilize provisions of the State Density Bonus Law for increases in density and/or concessions and/or waivers of development standards (such as height) that would otherwise physically preclude the construction of the development. In the event a building(s) with eight stories is permitted allowed by pursuant to the State Density Bonus law, the alternative massing and building height standards guidelines described below and shown in Figure 11-10 shall apply.

2.4.1 Height and Massing Along Acton, Virginia and Delaware Streets

Acton Street:

- Three-story/35 feet within 45 feet from the property line
- Six-story/65 feet within 45 to 80 feet from the property line

Virginia Street (west of the Internal Street shown in Figure 10):

- Three-story/35 feet within 45 feet from the property line

Delaware Street:

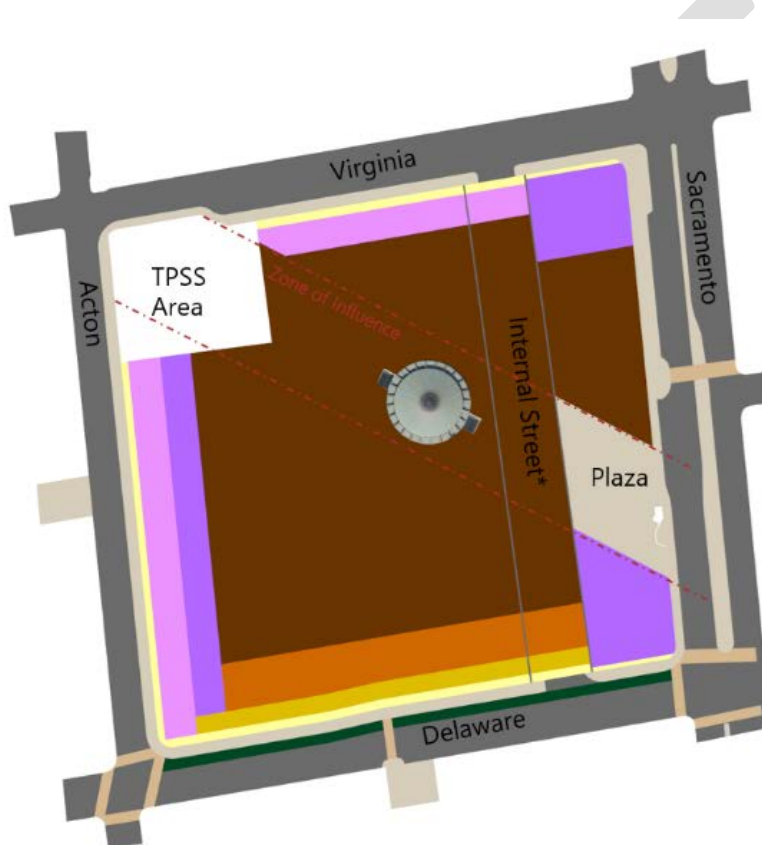
- Four-story/45 feet within 25 to 30 feet from the property line
- Seven-story/80 feet within 25 to 30 feet from property line

2.4.2 Height and Massing Interior to the Site or Along Specified Sections of Sacramento Street

Figure ~~11-10~~ illustrates ~~an~~ alternative standards for buildings, applicable in the event that the Density Bonus law permits an 8-story building, as follows:

- up to 8 stories/85 feet along a portion of the site fronting Sacramento Street and within the interior of the site, ~~to be applicable in the event that the Density Bonus law permits an 8-story building.~~
- 6 stories/65 feet between Sacramento Street and internal street (location and geometry of internal street subject to change based on project design), and in the first 100 feet south of Virginia Street and between Delaware Street and the Zone of Influence.

Figure 11-10. Building Height and Massing (State Density Bonus Scenario with 8-story buildings)



**Location/geometry of Internal Street subject to change*

- Building Setback Area:** Varies,
- 3-Story Area:** First 45 feet from property line (PL) on Acton and Virginia
- 6-Story Area:** 45 to 80 feet from PL on Acton and at locations between Sacramento and Internal Street identified in diagram above
- 4-Story Upper Floor Step Back Area:** 25-30 feet from PL on Acton on Delaware
- 7-Story/80 feet Area:** 25 to 80 feet from PL on Delaware
- 8-Story/85 feet Area**



2023

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October 10, 2023

Jordan Klein
Planning Director
City of Berkeley
2180 Milvia Street
Berkeley, CA 94704

RE: North Berkeley BART Objective Design Standards

Dear Mr. Klein,

On behalf of the San Francisco Bay Area Rapid Transit District (BART), I would like to commend the City of Berkeley for your staff’s tireless work to craft the North Berkeley Objective Design Standards published in draft form last month (Draft ODS). This is a critical milestone towards advancing our shared goal of creating an inclusive and well-designed transit-oriented community at the North Berkeley BART station, building on our original Memorandum of Understanding (2020)ⁱ and the City – BART Joint Vision and Priorities for Transit-Oriented Development at the Ashby and North Berkeley BART stations (2022).ⁱⁱ

In anticipation of BART selecting a development team, the Memorandum of Agreement re North Berkeley and Ashby Transit-Oriented Developments (MOA) executed by the City of Berkeley and BART on June 30, 2022,ⁱⁱⁱ states in Section F that:

BART agrees to enforce the City’s Objective Design Standards through its ENA [Exclusive Negotiating Agreement] and other real estate agreements, provided that the resulting ODS are consistent with state law, including but not limited to SB 35, and with all other requirements for the ODS established by this MOA, and so long as they do not diminish the zoning envelope by more than ten percent (10%) below what AB 2923 heights and floor-area-ratio would allow, as calculated based on the maximum square footage that could be built with a reasonable circulation framework and open space provided, utilizing the methodology attached hereto as Exhibit D.

On December 1, 2022, following an evaluation process conducted jointly with the City, BART selected North Berkeley Housing Partners (NBHP) as the developer for the site based on that team’s extensive track record and excellent preliminary design, which relied on limited use of the state density bonus law for a 50% affordable housing program. Following extensive community engagement, last month NBHP presented a revised design to the public for the six-building master development. This revised design incorporates community feedback and was well received. NBHP states that the project design substantially conforms to the Draft ODS. It relies on the Draft ODS’s alternative massing concept and use of the state density bonus law to achieve the designs for two of the affordable housing buildings.

Jordan Klein
City of Berkeley
Re: North Berkeley BART Objective Design Standards

BART has reviewed the Draft ODS released in September and finds that it appears to be consistent with the requirements of the MOA, including Exhibit D.^{iv} Assuming its adoption in the form reviewed, and assuming that there is no successful legal challenge to the Objective Design Standards, BART would require that any developer of the North Berkeley Station comply with the Objective Design Standards. We respectfully note that any additional reductions in gross residential square footage resulting from changes to the Objective Design Standards would likely cause the standards to be inconsistent with Exhibit D.

BART affirms our commitment to require the developer's compliance with ODS meeting the above requirements. As provided in the referenced language of the MOA above, BART will enforce ODS to the extent they are and remain consistent with state law, including but not limited to SB 35 and the density bonus law, and thus BART would not prohibit a qualifying project from utilizing those tools. Nevertheless, we recognize that the City may impose conditions related to ODS on future awards of City affordable housing funds to the North Berkeley BART TOD project; BART respects and defers to the City's authority in that matter.

We are deeply grateful for your collaboration over these past years, and are excited to move forward together with the City and NBHP to realize NBHP's plan for a vibrant and beautifully designed transit-oriented community with high levels of affordable housing at North Berkeley BART.

Sincerely,



Carli Paine
Transit-Oriented Development Group Manager

Att: Exhibit D from Memorandum of Agreement re North Berkeley and Ashby Transit-Oriented Developments (MOA), June 30, 2022

ⁱ Available at https://www.bart.gov/sites/default/files/docs/BART-Berk%20MOU_Signed3-6-2020.pdf

ⁱⁱ Available at <https://www.bart.gov/sites/default/files/docs/JVP%20-%20final%20adopted.pdf>

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

^{iv} BART understands the ODS Capacity (referenced in Exhibit D of the MOA) to be no less than 905,000 residential square feet, exclusive of any square footage for parking.

Exhibit D: Methodology for Establishing Developer Requirement to Comply with Objective Design Standards

BART will require the developer to comply with City's future Objective Design Standards ("ODS") for the North Berkeley BART site utilizing its real estate agreements, provided:

1. The City's adopted zoning for the Project, as it relates to AB 2923, allows a minimum of 75 units per acre, at least 80 feet, and at least 7 stories in height;
2. The ODS will be adopted by the City of Berkeley for the BART property within 9 months of ENA execution as provided for in the MOA
3. The ODS are consistent with the City's Zoning Ordinance;
4. The ODS are consistent with state law including but not limited to SB 35 and, as it relates to parking standards, AB 2923; and
5. The gross square footage allowable under the ODS ("ODS Capacity") is not less than 90% of the baseline square footage allowable under AB 2923 floor to area ratio (FAR) ("AB 2923 Baseline Capacity"), as specified below.

Net Developable Area

Both the ODS Capacity and AB 2923 Baseline Capacity will utilize the same net developable area in their calculations. This is defined as the gross site area of the North Berkeley BART Project, exclusive of the auxiliary lots, and exclusive of surface areas utilized for public site circulation, public civic space, and BART infrastructure. The Net Developable Area will be determined based on the following methodology:

- The Selected Developer's preliminary development concept shall establish the initial concept for the net developable area.
- Within 30 calendar days of ENA execution, both BART and City staff shall provide comments to one another on changes required to ensure the net developable area is compatible with BART and City operational and fire/life safety needs.
- Within 45 calendar days of ENA execution, BART and City staff shall meet to combine their respective comments into a single set of changes to be submitted to the developer. If BART and City staff cannot resolve any conflicts between their comments within this time, the City's Planning Director and BART's Chief Planning & Development Officer shall confer to address any disputes.
- The Selected Developer shall have 30 additional calendar days after receipt of the combined BART and City comments to incorporate them into the final net developable area. Both BART and the City must mutually agree that the Selected Developer has addressed all comments. If the Selected Developer believes that comments would result in an inability to deliver a feasible development, the Selected Developer must notify BART and the City within 15 calendar days of receiving the combined BART and City comments so that the City and BART can confer to resolve any issues.
- The final Net Developable Area shall be used solely for the purposes of calculating AB 2923 Baseline Capacity and ODS Capacity, and shall not bind BART, the City or the Selected Developer in any way to this concept for their final project.

AB 2923 Baseline Capacity

The AB 2923 Baseline Capacity shall be calculated by multiplying the net developable area by 4.2, which is the minimum floor area ratio for Urban Neighborhood/City Center projects required by AB 2923.

ODS Capacity

The ODS Capacity shall be determined by calculating the gross square footage that is allowable on the Net Developable Area under the R-BMU zoning and under the ODS, accounting for square footage that is lost due to required setbacks, stepbacks, massing breaks, or other required features (e.g. fire and life safety requirements). This determination shall be made by a design professional such as a member of the American Institute of Certified Planners (AICP) or licensed architect, to be selected by mutual agreement of BART and the City.

Timing for Determining ODS Capacity

The ODS Capacity must be calculated prior to public release of the final draft ODS, to ensure that there will be transparency to the community about whether BART will require the developer to comply with the ODS.

Other Conditions

BART will not require developer compliance with any increase in parking requirements above the 0.5 spaces per unit required in AB 2923, but will require compliance related to height and massing provided above conditions are met. Square footage for parking will not count towards the ODS Capacity or Baseline Capacity Calculations.

Both Baseline and ODS Capacity will be calculated for the entirety of the Project, and not individual buildings or blocks.

**NOTICE OF PUBLIC HEARING
BERKELEY CITY COUNCIL
ADOPTION OF OBJECTIVE DESIGN STANDARDS FOR THE
NORTH BERKELEY BART STATION AREA**

The public may participate in this hearing by remote video or in-person.

The Department of Planning and Development is proposing Objective Design Standards (ODS) that address the North Berkeley BART Station Area site that is bounded by Sacramento, Delaware, Acton, and Virginia Streets. The site includes parcels with the following Assessor Parcel Numbers: 058-2146-016-05, 058-2149-019-04, 058-2148-017-04, and 058-2147-018-05. The ODS establish detailed design standards for future transit-oriented development. The ODS build upon, and further implement the adopted zoning (BMC Chapter 23.202.150 Residential-BART Mixed Use Zoning District), the goals and priorities identified in the City and BART Joint Vision and Priorities for Transit-Oriented Development at the Ashby and North Berkeley BART Station, the City and BART Memorandum of Agreement RE: North Berkeley and Ashby BART Transit Oriented Developments (approved by the Berkeley City Council in June 2022), as well as other related adopted policies and regulations. More information about the overall planning effort to plan for transit-oriented development at the North Berkeley and Ashby BART stations is available at www.berkeleyca.gov/bartplanning.

The hearing will be held on, December 12, 2023 at 3:00 p.m. in the School District Board Room, located at 1231 Addison Street, Berkeley CA 94702.

A copy of the agenda material for this hearing will be available on the City's website at <https://berkeleyca.gov/> as of November 30, 2023. **Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology, as well as any health and safety requirements for in-person attendance.**

For further information, please contact Alisa Shen, Principal Planner at (510) 981-7409. Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, or e-mailed to council@berkeleyca.gov in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

Communications to the Berkeley 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 or in person to the City Clerk. 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 at (510) 981-6900 or clerk@berkeleyca.gov for further information.

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I hereby certify that the Notice for this Public Hearing of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on November 30, 2023.

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Mark Numainville, City Clerk

