

**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:

Thursday, May 9, 2019

6:00 P.M.

LONGFELLOW SCHOOL AUDITORIUM – 1500 DERBY STREET, BERKELEY, CA

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – CHERYL DAVILA
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – KATE HARRISON

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

Preliminary Matters

Roll Call:

Public Comment - Limited to items on this agenda only

Action Calendar

The public may comment on each item listed on the agenda for action as the item is taken up.

The Presiding Officer will request that persons wishing to speak line up at the podium 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

- 1. Adopting North Berkeley BART Development Goals and Objectives; Directing the City Manager to Engage with BART to Develop a Memorandum of Understanding (MOU) to Guide the Planning Process Moving Forward; Referring to Planning Commission to Develop Implementing Zoning for the North Berkeley BART site**

From: Mayor Arreguin and Councilmember Kesarwani

Recommendation:

1. Adopt the proposed North Berkeley BART Goals and Objectives to inform the development of a Memorandum of Understanding with BART and future project planning;
2. Direct the City Manager to engage with BART to develop an MOU that outlines the project planning process including feasibility analysis, project goals, and roles and responsibilities;
3. Refer to the Planning Commission to study development of zoning for the site, including feedback on the conceptual land use scenarios developed by City staff (as per direction of the January 15 Worksession).

Financial Implications: See report

Contact: Jesse Arreguin, Mayor, 981-7100

- 2. North Berkeley BART Guiding Design Principles and Conceptual Massing Scenarios**

From: City Manager

Contact: Timothy Burroughs, Planning and Development, 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 2nd day of May, 2019.



Jesse Arreguin, Mayor

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

ATTEST:



Date: May 2, 2019

Mark Numainville, City Clerk

NOTICE CONCERNING YOUR LEGAL RIGHTS: *If you object to a decision by the City Council to approve or deny an appeal, the following requirements and restrictions apply: 1) Pursuant to Code of Civil Procedure Section 1094.6 and Government Code Section 65009(c)(1)(E), no lawsuit challenging a City decision to deny or approve a Zoning Adjustments Board decision may be filed and served on the City more than 90*

days after the date the Notice of Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred. 2) In any lawsuit that may be filed against a City Council decision to approve or deny a Zoning Adjustments Board decision, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.

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Communications

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

Item #1: Adopting North Berkeley BART Development Goals and Objectives; Directing the City Manager to Engage with BART to Develop a Memorandum of Understanding (MOU) to Guide the Planning Process Moving Forward; Referring to Planning Commission to Develop Implementing Zoning for the North Berkeley BART site

1. Michael Stevens
2. David Lerman
3. Nicole Chabot
4. Oliver Fross
5. Wendy Niles
6. Jerry Skrainar
7. Krista Denton
8. Laurie Stevens
9. Chris Gallo
10. Laura Flores
11. Diana Damonte
12. Jacqueline Wilson

ACTION CALENDAR

May 9, 2019

To: Members of the City Council

From: Mayor Arreguin and Councilmember Kesarwani

Subject: Adopting North Berkeley BART Development Goals and Objectives; Directing the City Manager to Engage with BART to Develop a Memorandum of Understanding (MOU) to Guide the Planning Process Moving Forward; Referring to Planning Commission to Develop Implementing Zoning for the North Berkeley BART site

RECOMMENDATION

1. Adopt the proposed North Berkeley BART Goals and Objectives to inform the development of a Memorandum of Understanding with BART and future project planning;
2. Direct the City Manager to engage with BART to develop an MOU that outlines the project planning process including feasibility analysis, project goals, and roles and responsibilities;
3. Refer to the Planning Commission to study development of zoning for the site, including feedback on the conceptual land use scenarios developed by City staff (as per direction of the January 15 Worksession).

SUMMARY

Assembly Bill 2923 enables BART to develop zoning standards on its sites, and requires BART to develop its zoning standards by July 1, 2020. Berkeley has until July 1, 2022, to adopt zoning that conforms to AB 2923 guidelines. The North Berkeley BART site is currently unclassified, meaning there is no zoning designation, and therefore zoning and development standards will have to be developed by the Planning Commission in consultation with the community.

Direction to Develop MOU

The established timelines are tight, and for this reason, first and foremost, the Council must move forward expeditiously in developing an MOU with BART to ensure the City's involvement and participation in BART's development of standards for the site. The MOU will define the project scope, specify the terms of development on the site,

formalize commitments between BART and the City, and ensure agreement on the process moving forward.

Specifically, the MOU will outline the process and parameters for creating zoning standards for the site and will clarify the roles and responsibilities of both the City and BART throughout the creation and implementation of zoning. Proceeding with an MOU exhibits the City's commitment to achieving a vision for transit-oriented housing development at the site, and ensures BART's continued focus and cooperation on working with the City to achieve this vision.

In the coming months, the BART Board of Directors will be considering their 10-year work plan. It is expected that the North Berkeley and Ashby stations will be placed in the 0-5 year category for development. Therefore, it is crucial that, on May 9, the Council direct City Staff to develop an MOU with BART to formalize our partnership, in advance of actions by BART in response to AB 2923.

Significant work has been done to engage neighbors and work extensively with the community to develop a shared understanding of the values with which we should approach future development on the site. See Background, below, for additional detail.

Planning Commission Referral

Based on Council direction at its January 15, 2019, meeting, conceptual land use scenarios have been created to guide discussion of principles, priorities, and tradeoffs for future development of the site. Council feedback on land use scenarios will be referred to the Planning Commission for their use as they study development of zoning standards for the site.

The North Berkeley BART site is currently zoned U-Unclassified¹. This zoning designation must be updated in order to realize the vision that will guide this process. The Planning Commission should use the information and scenarios prepared by Planning staff, as well as feedback on those scenarios from the Council during this meeting, to develop appropriate zoning for the site.

New zoning for the site may be based on existing City zoning designations, or may require a special zoning designation specific to this unique 8-acre site. While studying potential zoning for the site, the Planning Commission should also consider:

¹ https://www.cityofberkeley.info/uploadedFiles/IT/Level_3_-_General/Zoning%20Map%2036x36%2020050120.pdf [PDF]

connections to other public transit options such as AC Transit; successful active transportation routes for safe and convenient cycling and walking; public open space and the potential programming of that open space to ensure it is a major amenity for the community; and zoning for commercial retail that facilitates successful space for neighborhood-serving business uses and is flexible enough to respond to both community needs and the changing retail environment.

An overarching goal during the Planning Commission's process should be the realization of a vibrant neighborhood where the site successfully integrates a variety of new households and fully utilizes both the publicly-owned land and its transit advantages. This can be accomplished through a design sensitive to the surrounding community and one that is also responsive to the wider community's interest.

BACKGROUND

We began this process in late 2017 — before the introduction of AB 2923 — as a community-driven effort to create a positive vision for housing at the North Berkeley BART Station, involving extensive conversations and work with the neighborhood². AB 2923 (Chiu, 2018)³, signed into law in September 2018, codifies BART's ability to pursue transit-oriented development on their parcels. The legislation grants BART the authority to establish transit-oriented development (TOD) zoning standards that apply to its property across the Bay Area, including the North Berkeley and Ashby BART Station sites. The intent of the law is to enable BART to work together with cities to maximize the public benefit of scarce transit-adjacent land. Under AB 2923, BART has until July 1, 2020, to fully develop its TOD zoning standards and cities like Berkeley have until July 1, 2022, to adopt zoning that conforms to the TOD guidelines established for this parcel. This is the reason for embarking on this thorough process.

Additional information on early phases of the community process are available here:

Read more about our progress to date at: <http://www.jessearreguin.com/north-berkeley-bart>

Read more about the process in the Mayor's Report to Council, January 15, 2019:

https://www.cityofberkeley.info/Clerk/City_Council/2019/01_Jan/Documents/2019-01-15_WS_Item_03a_North_Berkeley_BART_Zoning_pdf.aspx

² <http://www.jessearreguin.com/north-berkeley-bart> & <http://www.rashikesarwani.com/issues/north-berkeley-bart>

³ https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB2923

Video of the January 15, 2019, Council Worksession (starts at 1:56:00):
http://berkeley.granicus.com/MediaPlayer.php?publish_id=4fa753c3-1a77-11e9-b021-0050569183fa

On January 15, 2019, hundreds of residents came to the City Council Worksession to share their opinions on what kind of development they would like to see on the North Berkeley BART parking lot. Many shared positive visions for the future of the site, including the potential for affordable housing, the desire for a significant neighborhood asset, new open spaces, and extension to the Ohlone Greenway bicycle and walking path. Some also expressed concerns about housing affordability, prioritizing housing for families, and that new buildings should be sensitive to the surrounding neighborhood. Another concern repeatedly expressed related to the loss of parking and its impact on ridership. Concerns included the need for parking for older and disabled residents who have fewer options.

Council directed staff to return in spring 2019 with land use scenarios to inform the Council's direction on a vision for development. Staff work has included site assessment (to identify buildable areas and areas that must remain undeveloped due to BART tunnel constraints and therefore provide opportunities for open space and cycling and walking paths) as well as context studies and, finally, development of conceptual land use scenarios.

ENVIRONMENTAL SUSTAINABILITY

The current use of the North Berkeley BART Station parking lots solely for vehicle parking is not the optimal environmental use of scarce, publicly-owned land. By creating housing on this site, the City Council would further its goals to address the Climate Emergency⁴ and reduce greenhouse gas emissions from vehicle miles traveled. A reconfigured use of the site can allow for improved bicycle and pedestrian facilities and safer routes to encourage alternate means of access to the BART station, while maintaining some optimally designed parking for those who must drive to access the station.

FISCAL IMPACTS

The fiscal impacts of any future development of the North Berkeley BART Station site will be analyzed at a later date, once there is more specific direction on options and

⁴ The Berkeley City Council unanimously passed a Declaration of Climate Emergency on June 12, 2018 [https://www.cityofberkeley.info/Clerk/City_Council/2018/06_June/Documents/06-12_Annotated_Agenda.aspx (PDF)]

development potential. For example, the potential availability of public funding to support affordable housing, or any fiscal benefits of new housing or commercial uses, would be assessed when more information is known.

CONTACT

Mayor Jesse Arreguin	510-981-7100
Councilmember Rashi Kesarwani	510-981-7110

ATTACHMENTS

1. North Berkeley BART Development Goals and Objectives
2. Letter from Mayor Arreguin and Councilmember Kesarwani to Assemblymember Chiu regarding AB 2923

North Berkeley BART Development Goals and Objectives

State law (AB 2923, Chiu) passed in 2018 requires the San Francisco Bay Area Rapid Transit District (BART) to develop transit-oriented development (TOD) zoning standards for each BART station, establishing minimum local zoning requirements for height, density, parking, and floor area ratio by July 1, 2020.

Prior to the enactment of AB 2923, the Berkeley City Council initiated a community process to explore the potential for transit-oriented development at the North Berkeley BART station. Creating homes at the North Berkeley BART parking lots will help the City of Berkeley address the shortage of affordable homes; reduce vehicle miles traveled and meet our climate change goals; and improve the livability of the surrounding neighborhood through the creation of green open space, pedestrian and bicycle infrastructure improvements; and possible small-scale community, non-profit, and/or retail uses.

AB 2923 requires local jurisdictions like Berkeley to adopt a local zoning ordinance that conforms to BART TOD zoning standards.

While the Berkeley City Council voted at its May 29, 2018 meeting to oppose AB 2923, the City Council recognizes that we now have an obligation to comply with the law. The Council is seeking to comply as soon as possible with AB 2923 for the purposes of developing the North Berkeley BART station in order to ensure that the community has a meaningful opportunity to engage with BART on how the site is developed.

The Berkeley City Council expresses its intent to zone the North Berkeley BART parking lot in accordance with AB 2923.

At the same time, the Berkeley City Council acknowledges the unique neighborhood characteristics of each BART station and expresses its intent to incorporate a station-specific design that is sensitive to the existing single-family (R-1) and two-family (R-2) residential zoning directly adjacent to the North Berkeley BART station.

The City of Berkeley seeks to enter into a Memorandum of Understanding with BART that enumerates, among other terms, the following goals and objectives for development:

Community Input

Engage the community in a meaningful input process in order to ensure that the site reflects the community's values for equity, sustainability, and sense of place. In particular, community input should be considered for: the number of affordable below-market-rate units and populations to be served; the size, scale, spacing, and setbacks of buildings; the design of green open space; exploration of small-scale community, non-profit, and/or retail space to serve the immediate neighborhood; parking needs; as well as design to promote bicycle and pedestrian safety.

Affordability

Maximize the number of affordable below-market-rate units that are available to low-income households of diverse types and sizes. We seek to exceed BART's 35% system-wide affordability goal by aiming for a high number of affordable units—to potentially be funded in part by the Measure O affordable housing bond approved by Berkeley voters in November 2018 and other state and regional funding sources.

We will seek to support the creation of local jobs through a project labor agreement for construction of the development.

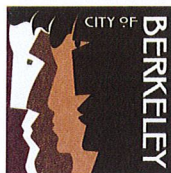
We will engage in a community dialogue that is positive, productive, and thoughtful in regards to community benefits and financial feasibility.

Livability

Enhance the livability of the neighborhood surrounding the North Berkeley BART station. The site should create a visual and physical connection with the neighborhood through its architectural design and scale. In particular, we seek a development that steps down in height around the perimeter of the station in order to blend in visually and physically with the residential neighborhoods surrounding the station; such a design honors a common theme of many of the designs submitted as part of the October 2018 visioning event. We also seek reasonable spacing between buildings and setbacks at the perimeter of the station.

The inclusion of green open space should serve as an amenity that enhances the neighborhood’s sense of place.

The streetscape design should strive to minimize neighborhood traffic and congestion impacts and support safe access to the station for bicyclists and pedestrians. Transportation demand management and other best practices should be used to reduce traffic and parking impacts in the surrounding neighborhood. In addition, we intend to conduct a traffic study to help determine the number of parking spaces that are needed at the site, including reserved spaces for people with disabilities. We note that AB 2923 in Section 29010.6(h) requires BART—in cases in which commuter parking is reduced as a result of a TOD project—to develop and fund an access plan that maintains station access for at least the number of customers affected by the reduced number of commuter parking spaces, with specific consideration for customers who live further than one-half mile from the station. As part of developing a station access plan for implementation, we seek to explore feasible and effective alternatives to individuals driving to and parking at the station, such as reserved parking spaces for carpools and car-share vehicles, ride-share, enhanced bus/shuttle service, and additional electric-assist bikes and scooters. We note that the station access plan should take into account the rapid evolution of mobility trends and technologies and consider the adaptability of the plan to future mobility patterns.



Office of the Mayor

Jesse Arreguín
Mayor

April 22, 2019

Honorable David Chiu
California State Assembly, District 17
State Capitol
P.O. Box 942849
Sacramento, CA 94249-0017

Dear Assemblymember Chiu:

We are writing to inform you of our progress in implementing your sponsored legislation, Assembly Bill 2923, in the City of Berkeley. We also write to request your assistance in addressing questions we have about the law as we continue our efforts to create homes at the North Berkeley Bay Area Rapid Transit (BART) station parking lot, followed by the Ashby BART station parking lot.

The City of Berkeley strongly supports the objectives described in AB 2923 to address the region's significant shortage of affordable homes and to locate development close to public transit in order to reduce greenhouse gas emissions. We are committed to zoning the North Berkeley BART station parking lot in accordance with BART transit-oriented development (TOD) zoning standards, as required under AB 2923. In fact, the City of Berkeley initiated an effort to create homes at the North Berkeley BART station in late 2017—before the introduction of AB 2923—as a community-led effort to address our City's shortage of affordable homes and meet our climate change goals. Our progress to date has included a well-attended initial community meeting in March 2018; a visioning event for community members to present development concepts in October 2018; followed by a City Council Work Session in January 2019, in which BART and City staff provided information on the process and timeline for development of the North Berkeley BART station. On May 9, 2019 the Berkeley City Council will review land-use scenarios and consider adoption of goals and objectives for development of the North Berkeley BART station. We are eager to continue our progress and are genuinely excited about the potential to enhance the livability of the neighborhood surrounding the BART station by, for example, creating green open space, connecting Ohlone Park to the greenway, and enhancing safety for bicyclists and pedestrians accessing the station.

While this process is an exciting opportunity for our City to meet its goals for equity and sustainability, we are also seeking to provide clarity to members of our community on how the minimum zoning standards specified in AB 2923 will guide development of the North Berkeley BART station. Section 29010.6(a)(2) of the Public Utilities Code (codified in AB 2923) requires BART to adopt TOD zoning standards that “establish, for each district station, the lowest permissible limit for height, density, and floor area ratio, and the highest permissible parking minimums and maximums.” Further, Section 29010.6(b)(1) requires the solicitation of community input in developing these zoning standards, including a public hearing and direct outreach to local jurisdictions and communities of concern. One issue of concern to us is that AB 2923 requires BART to use zoning guidelines specified in a May 2017 TOD Guidelines report prepared by BART staff as the minimum allowable density and height limits for its TOD zoning standards. In codifying a staff report as the minimum zoning standards to which BART must adhere, our concern is that public input by stakeholder communities may not be fully considered. Through an information request to BART, we learned that no public meetings were

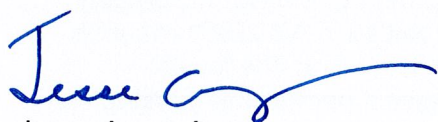
held to specifically seek input on the 2017 TOD Guidelines staff report. While we support the goals of AB 2923, we are concerned about the lack of opportunity for our community—and other impacted communities—to provide input on the TOD Guidelines that will serve as the minimum zoning standards. Of particular concern to us is the place-type designation of the North Berkeley BART station as “Urban Neighborhood / City Center” in the TOD Guidelines staff report, requiring a minimum zoned height of seven stories. We note that at our January 15, 2019 City Council Work Session, the BART TOD Program Manager described seven stories as the “maximum height envisioned” at the North Berkeley BART station, suggesting there may be some flexibility in interpreting the TOD Guidelines staff report.

We write to you seeking clarification on the flexibility afforded by AB 2923 on the building height for each place-type designation specified in the TOD Guidelines staff report. We note that the TOD Guidelines report only created three place-type designations for 48 BART stations and did so without public input. Therefore, it is our strong belief that local jurisdictions and BART should be granted some flexibility in adhering to these development standards. **It is our desire to meet or exceed the minimum density requirement specified in the report (minimum of 75 units per developable acre) in a manner that provides for flexibility in the height of the approved development.** We seek clarification on this point so that BART can incorporate this guidance into its development of TOD zoning standards, which must be completed no later than July 1, 2020.

As elected officials, we are eager to create homes at the North Berkeley BART station and have our community be part of the solution to the regional housing shortage. In order to foster trust between BART and community stakeholders, we seek your clarification on the minimum zoning standards set forth in AB 2923. When we embarked on our community process to create homes at the North Berkeley BART station prior to the passage of AB 2923, we did so with the understanding that BART would work with our community to create a development that fits our neighborhood context. In an October 8, 2018 letter to former Councilmember Linda Maio, BART General Manager Grace Crunican wrote of the importance of community input: “We have found that working with neighborhoods and local elected officials to consider community needs is not only respectful, it is the most efficient way to get the job done.” We continue to hope that this will be possible and ask for your support in specifying that the minimum density guideline should take precedence over the height guideline when BART develops its TOD zoning standards for the North Berkeley BART station.

We thank you for your leadership in addressing our region’s shortage of affordable homes, and we look forward to working with you.

Sincerely,



Jesse Arreguin
Mayor of Berkeley



Rashi Kesarwani
Berkeley Councilmember

CC:
Buffy Wicks, Assemblymember (District 15)
Nancy Skinner, State Senator (District 9)
BART Board of Directors
Grace Crunican, BART General Manager



Office of the City Manager

ACTION CALENDAR

May 9, 2019

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Timothy Burroughs, Director, Planning and Development Department

Subject: North Berkeley BART Guiding Design Principles and Conceptual Massing Scenarios

INTRODUCTION

At its January 15 Worksession, City Council requested that City Planning Department staff return to Council in Spring 2019 with conceptual land use scenarios for the North Berkeley BART to inform initial Council direction and Planning Commission recommendations on creation of zoning and eventually development of the site. Council emphasized that the conceptual scenarios must be informed by community input received to date as well as constraints and opportunities specific to the context of the site.

The purpose of this report is to respond to Council's request and present the "Guiding Design Principles and Conceptual Massing Scenarios" study attached to this report. The study was developed in a very short timeframe – approximately three months – by Opticos Design, Inc., in collaboration with City staff and another consultant, Street Level Advisors. The purpose of the study is to provide some context and background on the North Berkeley BART site, articulate some guiding design principles based on community input to date, and to illustrate some high-level massing scenarios that demonstrate some of the constraints, opportunities, and trade-offs associated with future development at the site. The scenarios are conceptual only and are meant to generate questions and ideas that, along with additional community input and further study, can then inform future zoning regulations for the site.

CURRENT SITUATION AND ITS EFFECTS

The "Guiding Design Principles and Conceptual Massing Scenarios" study (Attachment 1) provides:

- A summary of the North Berkeley BART existing conditions;
- A summary of how new State legislation – AB 2923 – applies to the North Berkeley BART Station;
- Guiding design principles based input received from the community to date;

- Conceptual massing scenarios and high-level analysis of potential development parameters such as parking, affordable housing, building scale and transitions, open space, and other community amenities;
- High-level analysis of the economic feasibility and other tradeoffs of conceptual scenarios

It is important to emphasize that the scenarios presented in the study are conceptual. They are designed to generate input that can inform future zoning and development parameters, such as input on levels of parking, levels of affordable housing, building scale, and transitions to the surrounding neighborhood. No specific development is being proposed at this time and will not be proposed until many additional steps have been taken, with several opportunities for community input along the way. Next steps would include, but are not limited to, development of an MOU with BART that further outlines next steps in the planning process; further feasibility, parking, and transportation analyses; and a public process at the Planning Commission to develop new zoning for the site.

BACKGROUND

Assembly Bill 2923 (AB 2923) went into effect on January 1, 2019 (Attachment 2). It enables BART to develop zoning standards on its property by July 1, 2020. The City of Berkeley then has until July 1, 2022 to adopt conforming zoning. The North Berkeley BART site is zoned as “Unclassified”, meaning that zoning standards will have to be developed by City staff and the Planning Commission in consultation with the community.

The City of Berkeley has actively engaged with BART, the goal being to collaboratively listen to community input and embark on a shared planning process for the future of the site. Most recently, at its January 2019 Worksession, Council considered BART, City staff, and community input and requested that staff develop some conceptual development scenarios to help generate additional input from Council and the community that can inform next steps.

In addition to the work underway focused on North Berkeley BART, the City is also deep into the process of developing an Adeline Corridor Plan, which will provide guiding principles and objectives for development at the Ashby BART Station. The City will continue to engage the community and work with BART on future development at Ashby BART.

ENVIRONMENTAL SUSTAINABILITY

By adding housing and other uses to the North Berkeley BART Station parking lots, the City would further its goals to address the Climate Emergency and reduce greenhouse gas emissions from vehicle miles traveled. A reconfigured use of the site can allow for improved bicycle and pedestrian facilities to encourage alternate means of access to

the BART station, while maintaining some optimally designed parking for those who must drive to access the station.

POSSIBLE FUTURE ACTION

BART Board and staff are working on providing additional guidance to local jurisdictions regarding development parameters required by AB2923 (anticipated in summer 2019). Preliminary steps to move forward with the planning process for North Berkeley BART would include engagement with BART to develop a Memorandum of Understanding (MOU) to guide the planning process moving forward, including opportunities for community input, and work by City staff and the Planning Commission to develop zoning for the site.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

The fiscal impacts of any future development of the North Berkeley BART site are not known at this time. Fiscal impacts will be analyzed at a later date, once there is more specific direction on options and development potential.

CONTACT PERSON

Timothy Burroughs, Director, Planning and Development Department, (510) 981-7437.

Attachments:

- 1: North Berkeley BART Guiding Principles and Conceptual Massing Scenarios (May 2019) Prepared by Opticos Design and Street Level Advisors
- 2: Assembly Bill 2923 Fact Sheet, prepared by BART (March 2019)



North Berkeley BART Guiding Design Principles and Conceptual Massing Scenarios

City of Berkeley, CA

North Berkeley BART Study

May 02, 2019



What's Inside?

Context and Background

01

Guiding Design Principles

02

Conceptual Massing Scenarios

03

Context and Background



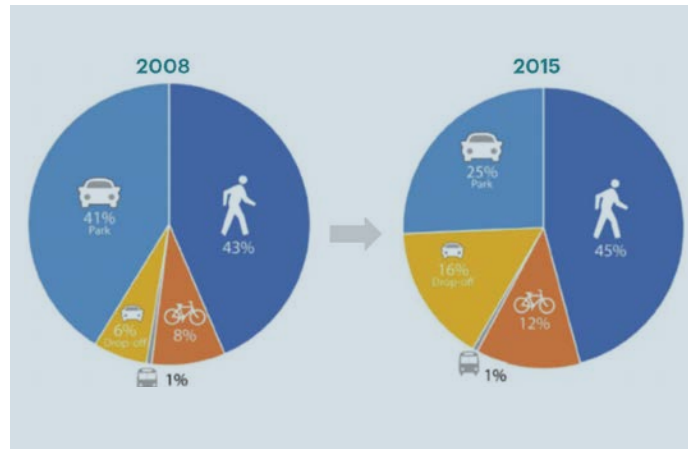
Context and Background



View of the North Berkeley BART site looking north. At present, the site is used as a parking lot by BART patrons. The site is surrounded by residential neighborhoods, and is along the Ohlone Greenway, one of Berkeley's primary bike-pedestrian connections. However, the Greenway does not currently bisect the site.



█ BART Easement (approx. 3 acres)
█ Developable Area (approx. 5 acres)
 Total Site Area = approx. 8 acres



According to ACS Census data, the ratio of BART users parking at the North Berkeley station has dropped from 41% to 25% over the last 10 years.

Existing Conditions

- The North Berkeley BART station site is located along Sacramento Street, a few blocks north of University Avenue. The streets framing the site are Delaware, Virginia, Acton and Sacramento.
- The total site area is approximately **8 acres**. The underground BART tunnel requires an at-grade easement diagonally across the site that cannot be built upon. The easement, approximately 150 feet wide, is approximately **3 acres**.
- The site is currently used for surface parking, with approximately **650 parking spaces** that are a combination of permit and fee parking. There are 170 additional spaces in adjacent lots.
- The station has low-cost secured bike parking and informal carpool along Sacramento Street.
- According to BART surveys of residents within a 1/2 mile (10 minute) walk of the station, **43% do not drive to work** (they use transit, walk or bike) and **70% own 1 car or none**.
- The ratio of BART users parking at the station has dropped from **41% in 2008 to 25% in 2015**.

Context and Background

BART TOD Guidelines and AB2923

- North Berkeley BART is an '**Urban with Parking**' station type. BART's vision for the site includes housing, focusing on affordable housing (20% minimum).
- BART TOD standards specify a minimum density of **75 dwelling units per acre** (du/ac), a **parking maximum** for residential uses (0.5 space per unit) and office uses (1.6 spaces per 1,000 sf). BART standards require no replacement parking.

Assembly Bill 2923

- **AB2923**, signed by Governor Brown in 2018, prioritizes TOD and **grants BART the authority to zone its properties**.
- By **July 2022**, local jurisdictions must rezone to meet BART TOD Zoning Standards.



Assembly Bill 2923 Fact Sheet for Local Jurisdictions

2017 BART TOD Guidelines by Place Type
Minimum residential density: 75 Units/Acre

BART TOD place type	Parking overall	Residential vehicle parking maximum (spaces/unit)	Office vehicle parking maximum (spaces/1,000 square feet)	Height	Floor-to-Area Ratio Minimum ⁽¹⁾	Stations with BART-owned buildable land within a ½ mile of the station faregates or entrances		
Regional Center	<ul style="list-style-type: none"> • No vehicle parking minimum • Shared/ unbundled • Secure bike parking – minimum 1 space/ residential unit 	0.375	0	12 stories	7.2	<ul style="list-style-type: none"> • 19th Street • 12th Street-Oakland City Center 		
Urban Neighborhood - City Center		0.5	1.6	7 stories	4.2	<ul style="list-style-type: none"> • Ashby • Balboa Park • Coliseum • El Cerrito Plaza • Fremont 	<ul style="list-style-type: none"> • Fruitvale • Glen Park • Hayward • MacArthur • North Berkeley 	<ul style="list-style-type: none"> • Rockridge • San Leandro • Union City • Warm Springs • West Oakland
Neighborhood -Town Center		1	2.5	5 stories	3.0	<ul style="list-style-type: none"> • Antioch • Bay Fair • Castro Valley • Concord • Daly City 	<ul style="list-style-type: none"> • Dublin-Pleasanton • El Cerrito del Norte • Lafayette • North Concord-Martinez 	<ul style="list-style-type: none"> • Pittsburg-Bay Point • Pittsburg Center • Pleasant Hill • South Hayward

⁽¹⁾ Floor-to-Area Ratio (FAR) minimums set by AB 2923, by multiplying height by 0.6

Context and Background



Existing Development and Regulations

- The North Berkeley BART station is surrounded by residential neighborhoods having a mix of single-family homes and small multiplexes.
- The area surrounding the station is zoned R-1 and R-2 and allows one or two units per lot (and sometimes three units on large lots). Typical heights are up to 3 stories.
- The map on the left shows existing units per parcel as well as the number of stories of the main building in the neighborhoods surrounding the site.
- The area to the south is a mix of development along University Avenue, which is C-1 zoning.
- The N/A category (shown in black) denotes parcels that are either vacant, surface parking, or commercial.

Guiding Design Principles



Guiding Design Principles

Methodology

The Guiding Design Principles are based on **common themes from the community design proposals** and comments in 2018.

These principles have been developed to guide community discussion on these topics that could, in turn, inform future zoning and development standards for the North Berkeley BART site.

1	Pedestrian-Scaled Streets	
2	Smaller Edge Buildings, Taller Core Buildings	
3	Multimodal Connectivity + Access	
4	Connect to the Ohlone Greenway	
5	A New Public Space as the Central Focus	
6	Reinforce City and BART Policies	

Guiding Principles

1

Pedestrian-Scaled Streets + Blocks

Design the site with small blocks and narrow streets as an extension of the urban fabric.



Why is this important?

- Compatibility with the existing grid of streets and blocks.
- A small-block network has greater connectivity, which promotes walkability.
- Improves safety and active use of public spaces and amenities.



Smaller Edge Buildings, Taller Core Buildings

The scale, form and arrangement of buildings should be contextual and enhance neighborhood character.

2

Why is this important?

- Smaller, detached buildings at the edges will fit the context, with taller buildings in the core.
- Articulation of built massing can scale down large buildings.
- Using a range of building types can prevent the development from looking like a 'project'.

3

Multimodal Connectivity + Access

Ensure multimodal connectivity both within and through the site and improve access to BART.



Why is this important?

- Improved station access for residents and commuters, supported by new uses, can promote BART ridership
- Planning for all modes can simplify circulation and avoid traffic impacts.

Please note: the massing scenarios, including the street and block network, are conceptual in nature and are intended as illustratives for the purpose of community discussion.

Guiding Design Principles

4

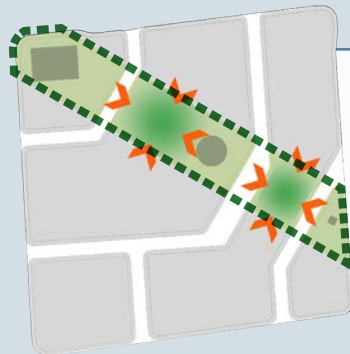
Connect to the Ohlone Greenway

The BART easement can be used to create a bike-pedestrian route across the site, connecting to the Ohlone Greenway.



Why is this important?

- Provides a direct and safe route across the site for pedestrians and cyclists.
- Improves access to BART for non-vehicular modes.
- Strengthens the overall bike-pedestrian network.



New Public Space as Central Focus

Prioritizing public open space at a central location where the community can gather, will also strengthen the connection to Ohlone Way and BART.

5

Why is this important?

- A well-designed, active public space can support BART ridership and new non-residential uses.
- It can be a venue for community activities and events, both for the new development and the established neighborhoods.

6

Reinforce City + BART Policies

The project is an opportunity to implement community-supported policies related to growth, affordable housing and sustainability.



Why is this important?

- The project can promote walkability and a car-free (or car-light) lifestyle.
- A variety of housing types can increase housing access and affordability.
- It can provide community-serving uses and amenities.

Please note: the massing scenarios, including the street and block network, are conceptual in nature and are intended as illustratives for the purpose of community discussion.

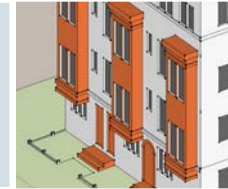
Strategies to Break Down Building Scale

Methodology

Smaller, separated buildings with carefully articulated facades can create a more compatible edge condition. A few key strategies to achieve this are listed to the right

Architectural Features

Add bay windows, balconies, double-story porches, galleries and other facade elements.



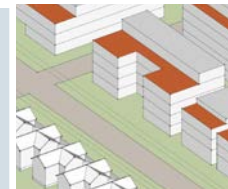
Horizontally Articulate Building Facades

Step back building facades to break up the facade and avoid a continuous 'wall' along the street edge.



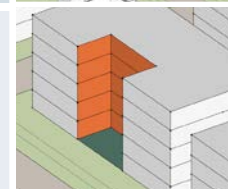
Height Step-Backs

Step back upper floors of buildings to reduce the perceived bulk from the street edge.



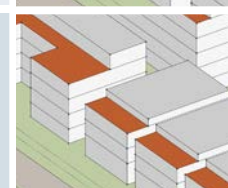
Buildings Stepbacks Along Edges

Step back buildings to create front yards and 'courtyards' that create interest for passers by.



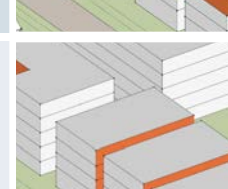
Detached Buildings Along Edges

Use separate, smaller buildings along the site edges as compared to a single large building to create a more porous edge.



Separate Edge and Interior Buildings

Physically separate smaller buildings along the street from larger buildings in the site interior with internal courtyards, parking areas, etc.



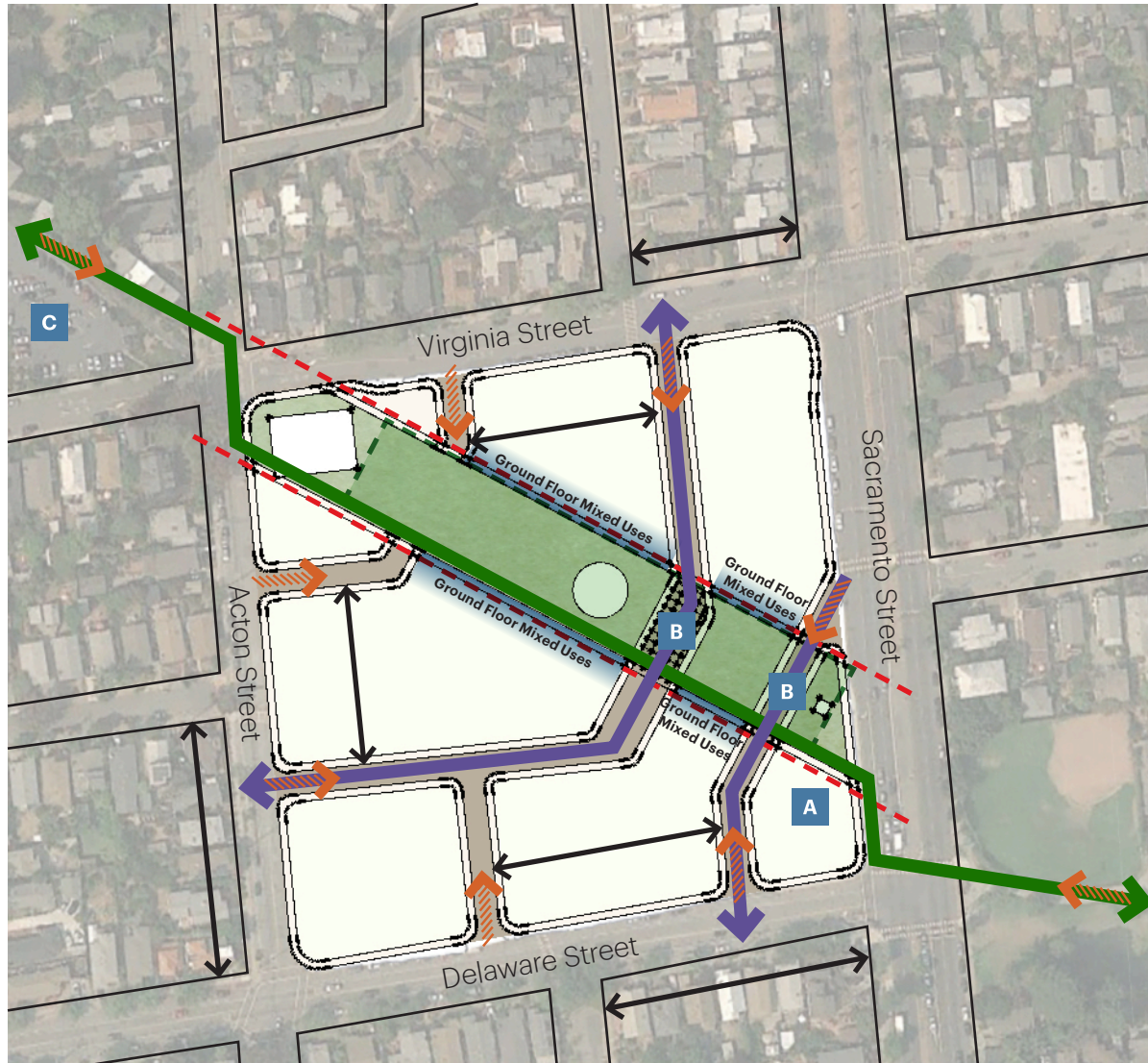
Please note: the massing scenarios, including the street and block network, are conceptual in nature and are intended as illustratives for the purpose of community discussion.

Guiding Design Principles and Conceptual Massing Scenarios — May 02, 2019

Massing Scenarios



Shared Site Plan Characteristics for All Scenarios



Scale 1" = 200'



Please note: the massing scenarios, including the street and block network, are conceptual in nature and are intended as illustratives for the purpose of community discussion.

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Constraints

- Existing BART buildings are difficult and expensive to relocate.
- The unbuildable area on the BART tunnel easement reduces developable land within the site.

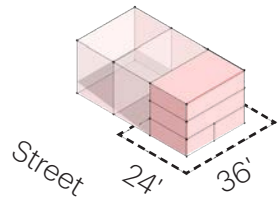
Opportunities

- The easement area can become a new public open space connecting the Ohlone Greenway, and improve pedestrian and bike access to BART.
- Convenient vehicular pick-up and drop-off can be provided adjacent to BART station entrance.
- Neighborhood access and connectivity can be improved by sizing the street and block network appropriately to the existing urban fabric.

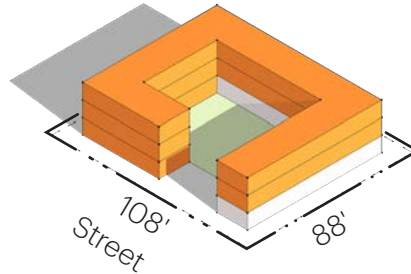
Key

- BART tunnel easement
- New public space
- ↔ Block sizes appropriate for neighborhood
- A New public amenity space
- B Pick-up/drop-off for BART
- C Existing BART parking to remain (172 spaces)
- ▨ Pedestrian- and bike-friendly access
- ➡ Connectivity through site and to BART
- ➡ Connectivity through Ohlone Greenway

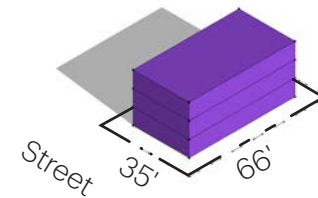
Assumed Building Types Used in Massing Scenarios



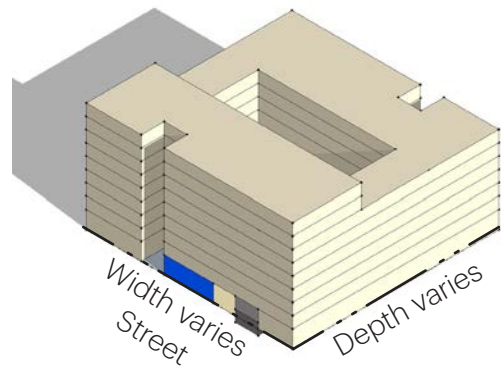
Townhouse Over Flat Building (2-Unit) ¹	
Number of Units	2
Number of Parking Spaces ³	2
Density (du/ac)	33
Number of Stories	3



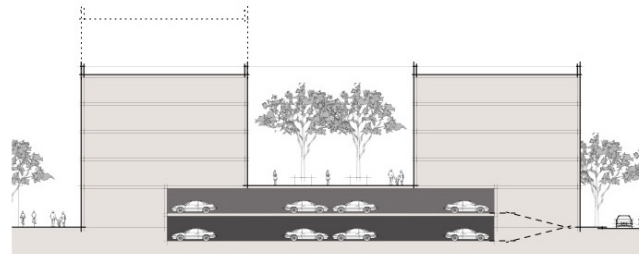
Courtyard Building ¹	
Number of Units	15
Number of Parking Spaces ³	15
Density (du/ac)	47
Number of Stories	3



Multiplex Building (6-Unit) ¹	
Number of Units	6
Number of Parking Spaces	0
Density (du/ac)	55
Number of Stories	3



Conventional Podium Building ²	
Number of Units	180
Number of Parking Spaces ⁴	88
Density (du/ac)	243
Number of Stories	5 to 7



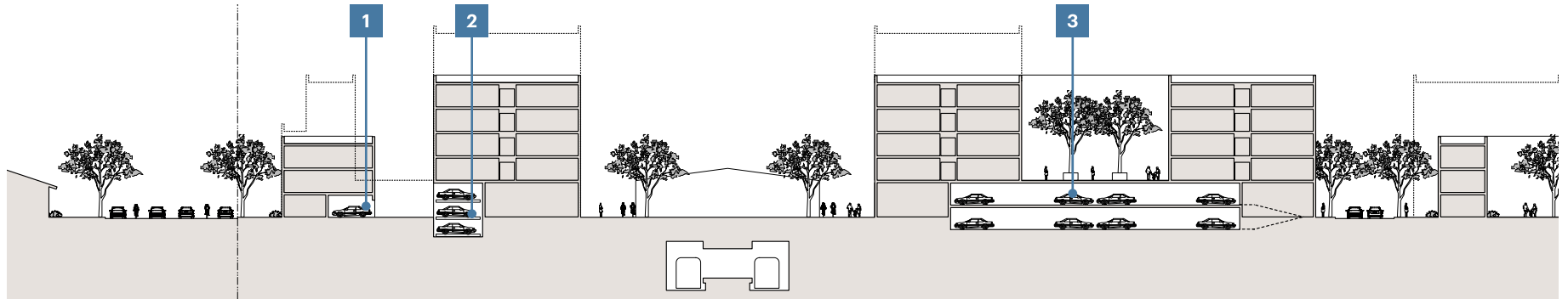
Notes

Dashed black line represents assumed lot size.

- ¹ Assuming 10' building setback on all sides
- ² Conventional example of podium building with footprint of 180' x 180' and 0' street-side setback
- ³ Tuck-under parking provided
- ⁴ Structured parking above and below grade shown, scenarios may also have stacked parking

Please note: the massing scenarios, including the street and block network, are conceptual in nature and are intended as illustratives for the purpose of community discussion.

Assumed Parking Types Used in Massing Scenarios



1 Tuck-Under Parking	
Head in parking space integrated into rear of building, one space deep	
Typical area required per parking space	150 sf
Cost per parking space	\$10,000



2 Stacked Parking	
Parking using parking lifts	
Typical area required per parking space	50 sf
Cost per parking space	\$25,000



3 Structured Parking	
Dedicated structure designed for parking, with access ramps	
Typical area required per parking space	350 sf
Cost per parking space	\$50-80,000

Please note: the massing scenarios, including the street and block network, are conceptual in nature and are intended as illustratives for the purpose of community discussion.

Scenario 1 Summary: Mixed Building Types



Program Table

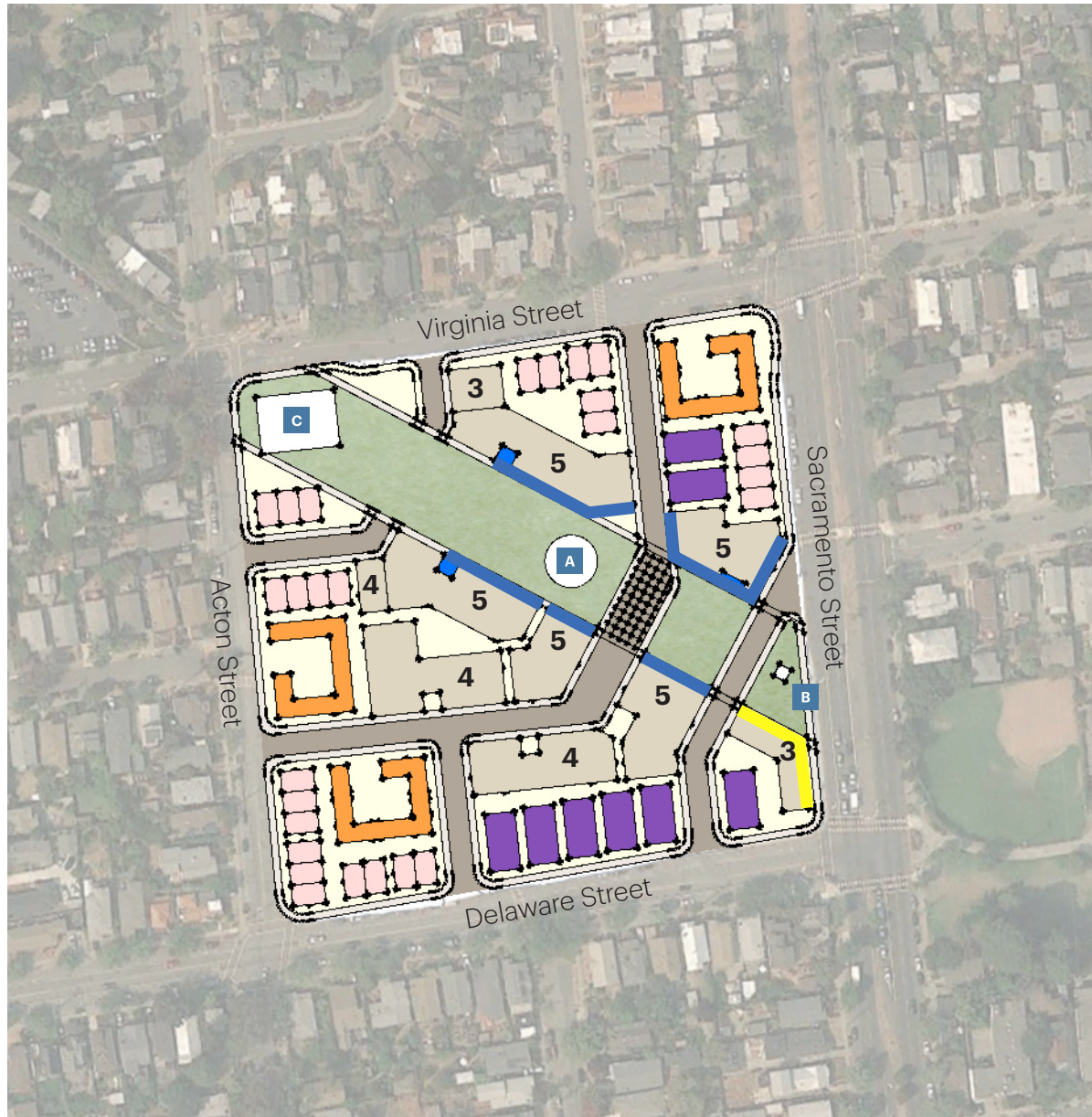
Number of Units	453 du
Density	88 du/ac
FAR	2.2 FAR
Open Space	2.98 ac
Commercial Area	21,680 sf
Residential Parking	225 sp
Flex Parking	0 sp

Approach to Form and Scale

- | | |
|-----------------------|---|
| Design | <ul style="list-style-type: none"> Contextually responsive mix of building types serves as the transition from the project edge to the existing neighborhood Mixed use podium building type line both sides of the proposed greenway connection |
| Buildings at Edge | <ul style="list-style-type: none"> 3-story, small footprint (width and depth) buildings. Detached buildings Breaks between edge and interior buildings |
| Buildings at Interior | <ul style="list-style-type: none"> Primarily 5-story podium buildings types Office, commercial, and service ground floor frontages along greenway |
| Parking | <ul style="list-style-type: none"> 225 residential parking spaces provided No office, commercial, and BART replacement parking provided |

Please note: the massing scenarios, including the street and block network, are conceptual in nature and are intended as illustratives for the purpose of community discussion.

Scenario 1 Site Plan: Mixed Building Types

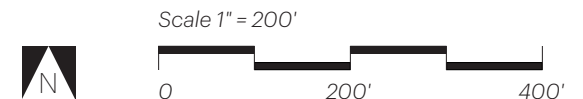


Key

- Townhouse Building (2-unit)
- Multiplex Building (6-unit)
- Courtyard Building
- Podium Building (Mixed-use)
- Civic Frontage
- Office / Commercial / Services Frontage
- # Building Height (Stories)
- A BART Main Entrance (Existing)
- B BART Elevator (Existing)
- C BART Utility Building (Existing)

Please note: the massing scenarios, including the street and block network, are conceptual in nature and are intended as illustratives for the purpose of community discussion.

Guiding Design Principles and Conceptual Massing Scenarios — May 02, 2019



Scenario 1 Aerial Views: Mixed Building Types



Aerial from Sacramento looking NW



Aerial from Delaware looking NE



Aerial from Acton looking SE



Aerial from Virginia looking SW

Please note: the massing scenarios, including the street and block network, are conceptual in nature and are intended as illustratives for the purpose of community discussion.

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Scenario 2 Summary: Conventional Podium Type



Program Table

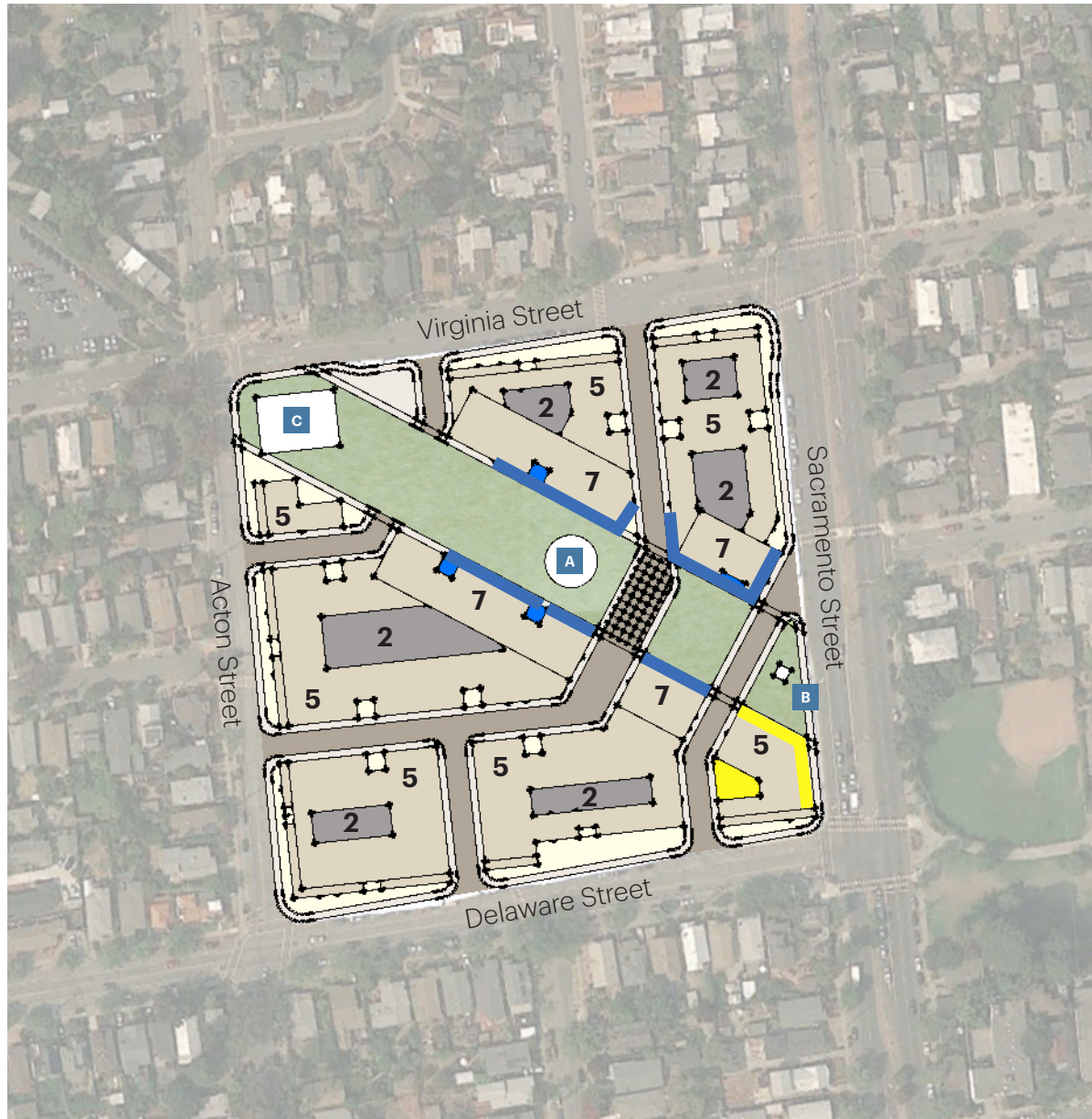
Number of Units	773 du
Density	151 du/ac
FAR	3.6 FAR
Open Space	2.98 ac
Commercial Area	21,480 sf
Residential Parking	252 sp
Flex Parking	208 sp

Approach to Form and Scale

- | | |
|-----------------------|--|
| Design | <ul style="list-style-type: none"> Mixed use podium building type throughout increases project density. |
| Buildings at Edge | <ul style="list-style-type: none"> 5-story podium buildings stepping 10' back after 3rd story, except along Sacramento Street. Breaks provide facade articulation |
| Buildings at Interior | <ul style="list-style-type: none"> Primarily 5-story podium buildings with 7-story mixed use podium buildings lining both sides of the proposed greenway connection. |
| Parking | <ul style="list-style-type: none"> Approximately 250 residential parking spaces provided Approximately 210 for office, commercial, and BART replacement parking provided |

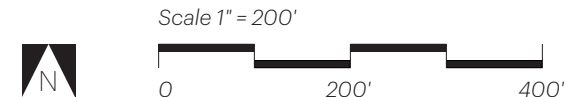
Please note: the massing scenarios, including the street and block network, are conceptual in nature and are intended as illustratives for the purpose of community discussion.

Scenario 2 Site Plan: Conventional Podium Type



Key

- Podium Building (Mixed-use)
- Civic Frontage
- Office / Commercial / Services Frontage
- Structured Parking
- # Building Height (Stories)
- A BART Main Entrance (Existing)
- B BART Elevator (Existing)
- C BART Utility Building (Existing)



Please note: the massing scenarios, including the street and block network, are conceptual in nature and are intended as illustratives for the purpose of community discussion.

Guiding Design Principles and Conceptual Massing Scenarios — May 02, 2019

Scenario 2 Aerial Views: Conventional Podium Type



Aerial from Sacramento looking NW



Aerial from Delaware looking NE



Aerial from Acton looking SE



Aerial from Virginia looking SW

Please note: the massing scenarios, including the street and block network, are conceptual in nature and are intended as illustratives for the purpose of community discussion.

Scenario 3 Summary: Mixed Building Types (Added Parking)



Program Table

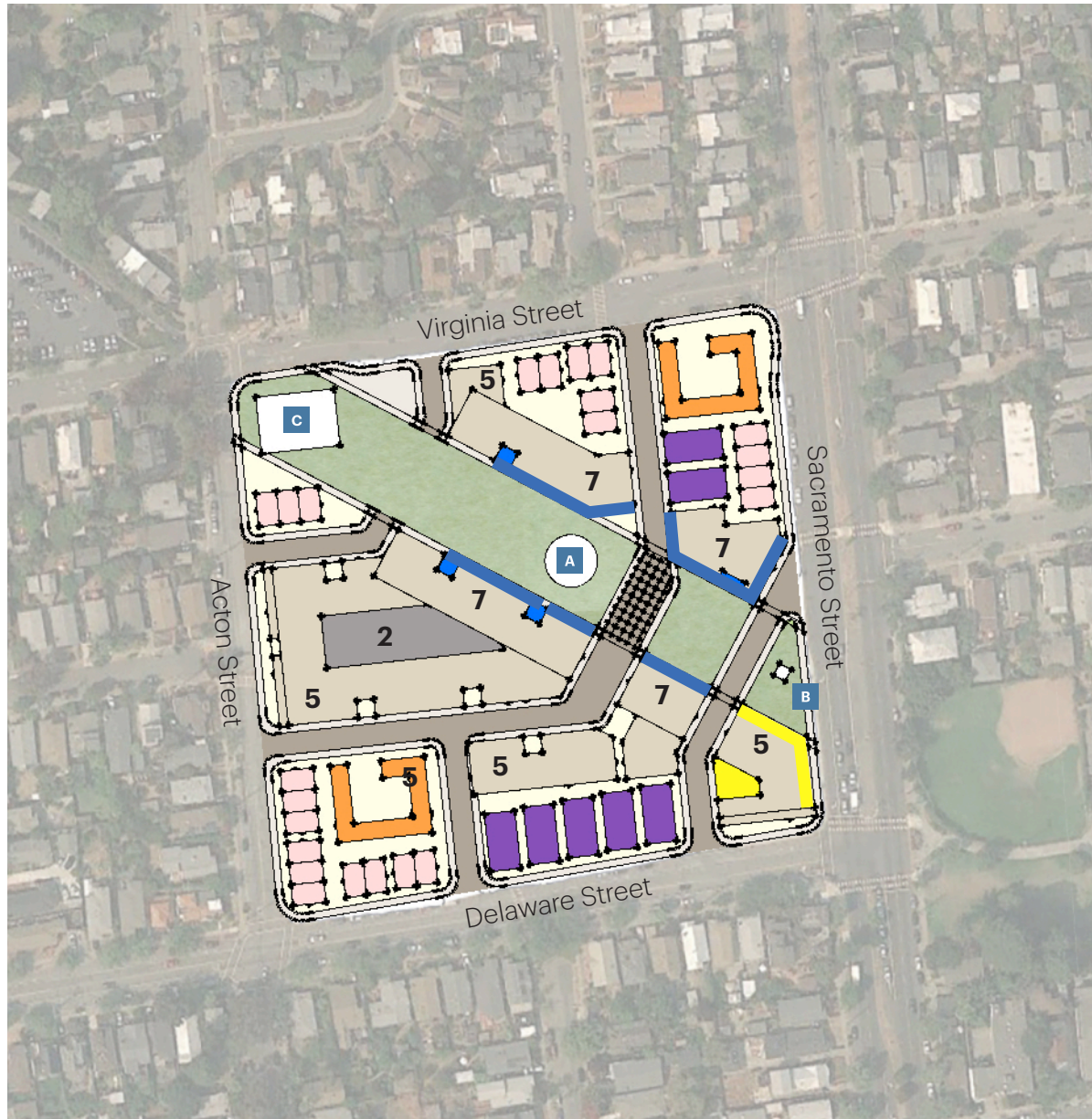
Number of Units	582 du
Density	114 du/ac
FAR	2.8 FAR
Open Space	2.98 ac
Commercial Area	22,000 sf
Residential Parking	187 sp
Flex Parking	176 sp

Approach to Form and Scale

- | | |
|-----------------------|---|
| Design | <ul style="list-style-type: none"> • Blending edge building types from Scenario 1 with interior podium buildings from Scenario 2. • Provide more parking than Scenario 1. |
| Buildings at Edge | <ul style="list-style-type: none"> • 3-story, small footprint (width and depth) buildings. • Primarily detached buildings and some podium buildings. • Breaks between edge and interior buildings. |
| Buildings at Interior | <ul style="list-style-type: none"> • Primarily 5-story podium buildings with 7-story mixed use podium buildings lining both sides of the proposed greenway connection. • Some 3-story, small footprint buildings. |
| Parking | <ul style="list-style-type: none"> • Approximately 180 dedicated residential parking spaces provided. • Approximately 170 additional spaces for office, commercial, and BART replacement parking. |

Please note: the massing scenarios, including the street and block network, are conceptual in nature and are intended as illustratives for the purpose of community discussion.

Scenario 3 Site Plan: Mixed Building Types (Added Parking)

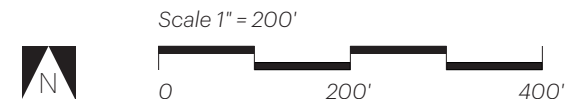


Key

- Townhouse Building (2-unit)
- Multiplex Building (6-unit)
- Courtyard Building
- Podium Building (Mixed-use)
- Civic Frontage
- Office / Commercial / Services Frontage
- Structured Parking
- # Building Height (Stories)
- A BART Main Entrance (Existing)
- B BART Elevator (Existing)
- C BART Utility Building (Existing)

Please note: the massing scenarios, including the street and block network, are conceptual in nature and are intended as illustratives for the purpose of community discussion.

Guiding Design Principles and Conceptual Massing Scenarios — May 02, 2019



Scenario 3 Aerial Views: Mixed Building Types (Added Parking)



Aerial from Sacramento looking NW



Aerial from Delaware looking NE



Aerial from Acton looking SE



Aerial from Virginia looking SW

Please note: the massing scenarios, including the street and block network, are conceptual in nature and are intended as illustratives for the purpose of community discussion.

Guiding Design Principles and Conceptual Massing Scenarios — May 02, 2019

Scenario Comparison: Development Program



Summary	Scenario 1 Mixed Building Types		Scenario 2 Conventional Podium Type		Scenario 3 Mixed Building Types (Added Parking)	
Total Residential Units ¹	453	units	773	units	582	units
Non-Residential Uses	25,877	ft ²	32,902	ft ²	33,419	ft ²
Open Space (public)	Approx. 2.98	acres	Approx. 2.98	acres	Approx. 2.98	acres
Car Parking: Dedicated Residential	225	spaces	252	spaces	187	spaces
Car Parking: Flex	0	spaces	208	spaces	176	spaces
Bike Parking	450	spaces	795	spaces	600	spaces
Developable Area	5.12	acres	5.12	acres	5.12	acres
Density	88	du/ac	151	du/ac	114	du/ac
FAR (Floor Area Ratio)	2.22		3.6		2.8	
# of Townhouse Units	54	du	0	du	46	du
# of Multiplex Units	48	du	0	du	42	du
# of Courtyard Units	45	du	0	du	30	du
# of Podium Units	306	du	773	du	464	du

¹ Average Unit Size = 1,000 gsf

Please note: the massing scenarios, including the street and block network, are conceptual in nature and are intended as illustratives for the purpose of community discussion.

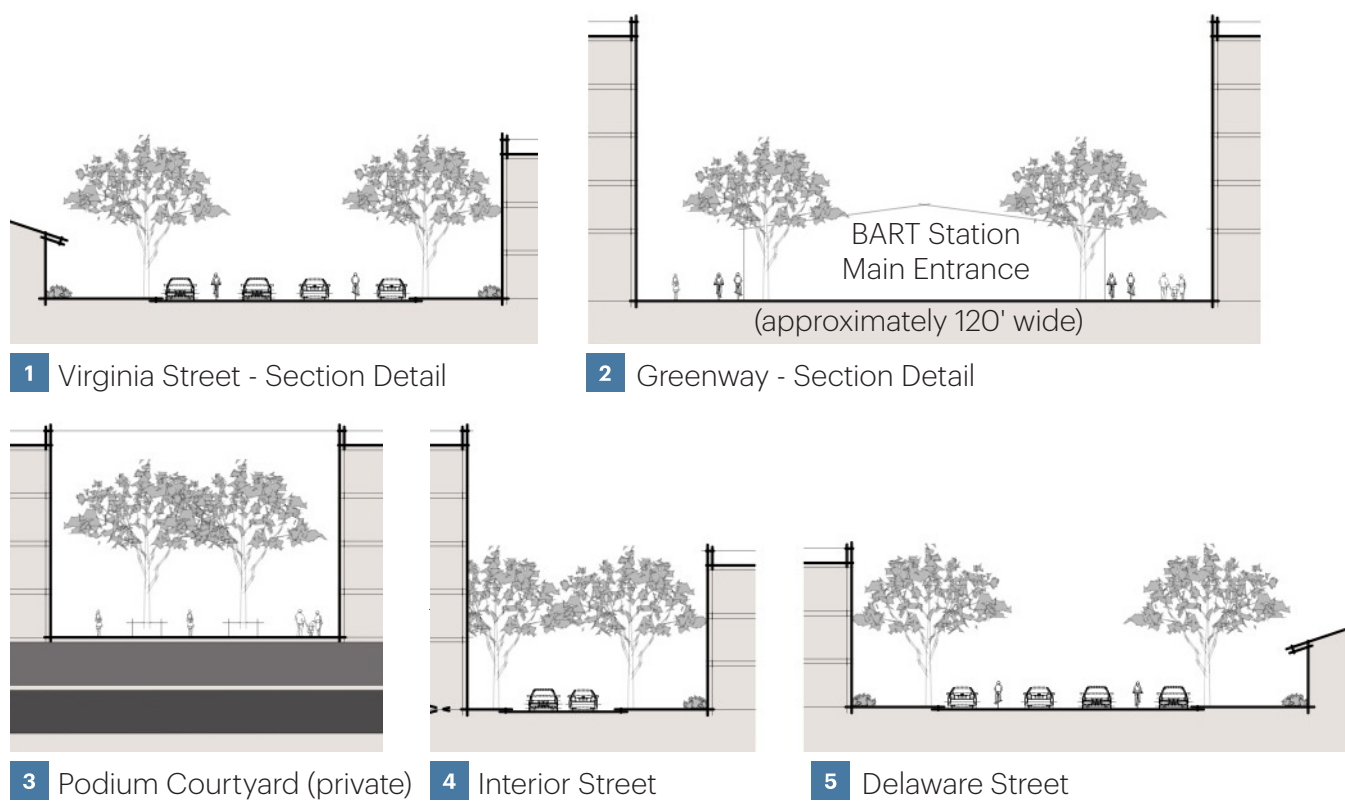
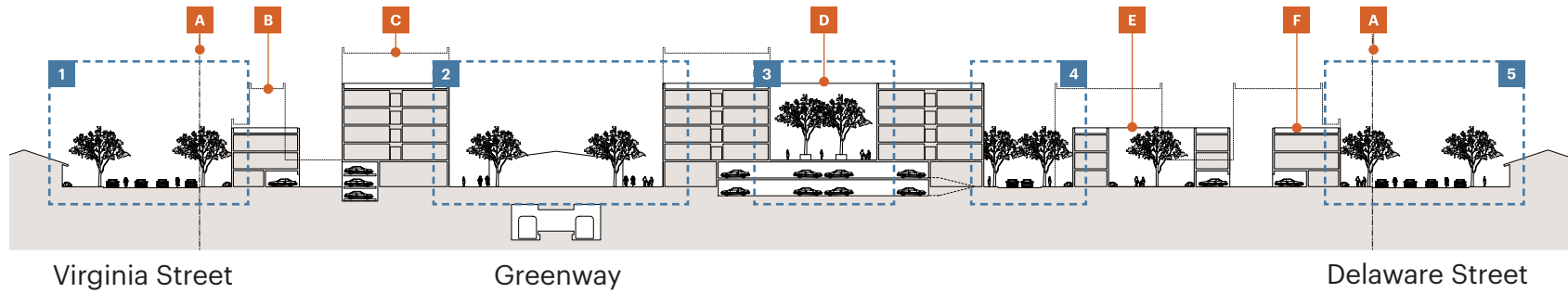
Elements to Consider

Interrelated Elements that Affect Each Other and Project Feasibility

Each element shown on the right informs the vision, economic viability, and the physical and spatial character of the project.

1	Parking
2	Building Scale
3	Edge Transitions
4	Affordable Housing
5	Mix of Uses, Open Space, and Other Community Amenities

Elements to Consider: Building Scale

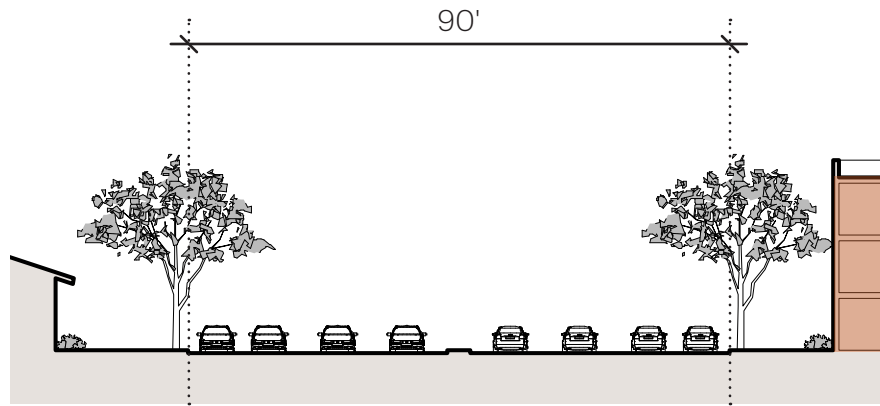


Key

- A** Project Boundary
- B** Outline of 5-story building with stepbacks
- C** Outline of 7-story building
- D** Podium building with structured parking
- E** Courtyard building
- F** Townhouse building

Please note: the massing scenarios, including the street and block network, are conceptual in nature and are intended as illustratives for the purpose of community discussion.

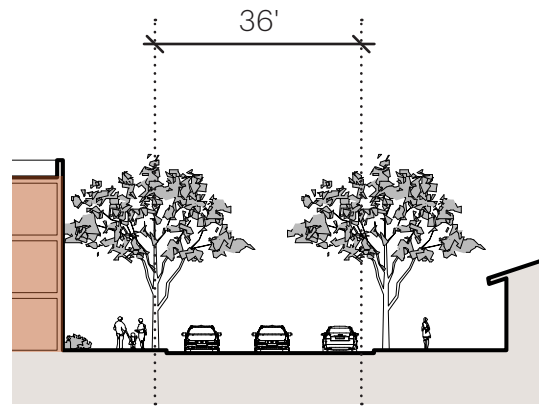
Elements to Consider: Edge Transitions



Sacramento Street Section

1- to 3-story existing residential buildings

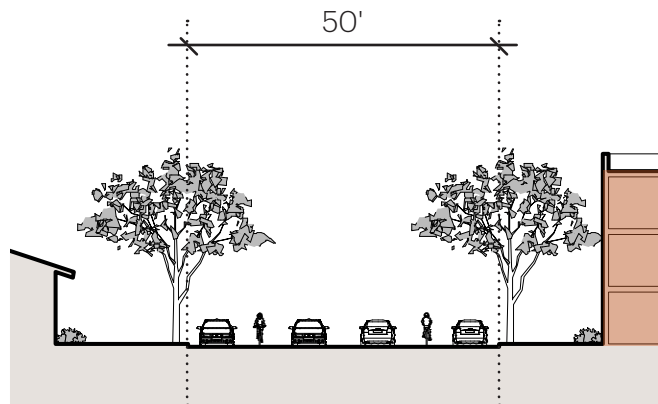
New 3-story development on BART site



Acton Street Section

1-story existing residential buildings

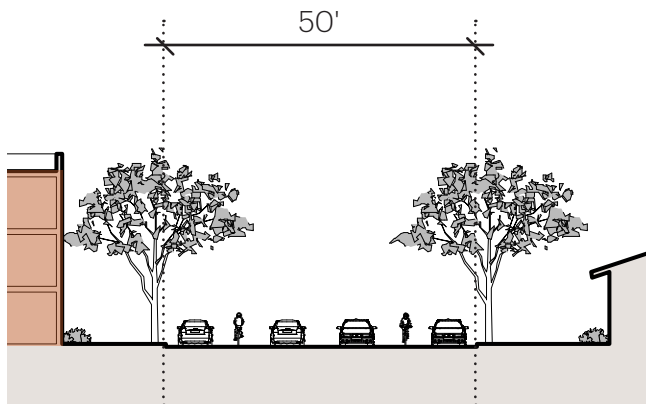
New 3-story development on BART site



Virginia Street Section

1- to 2-story existing residential buildings

New 3-story development on BART site



Delaware Street Section

1-story existing residential buildings

New 3-story development on BART site

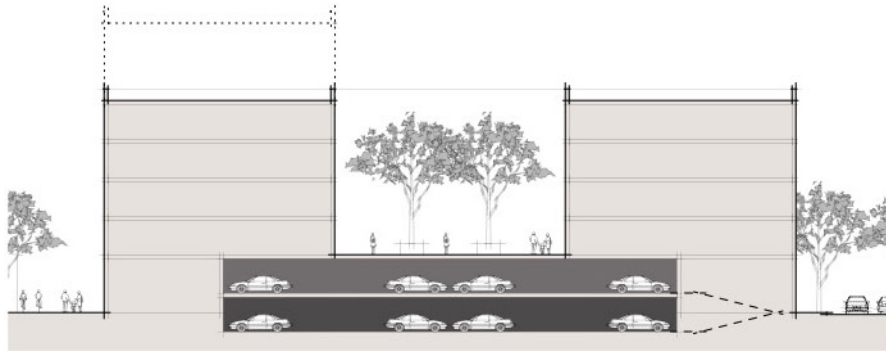
Right-sizing project buildings at the edge streets

- Sacramento Street is ~90' wide curb to curb, so 3 to 5 stories may be more suitable for the scale of the street
- Acton Street is ~36' wide curb to curb, so 3 stories as a maximum may be more suitable for the scale of the street.
- Virginia and Delaware are both ~50', a curb to curb width which is suitable for 3 stories minimum.

Please note: the massing scenarios, including the street and block network, are conceptual in nature and are intended as illustratives for the purpose of community discussion.

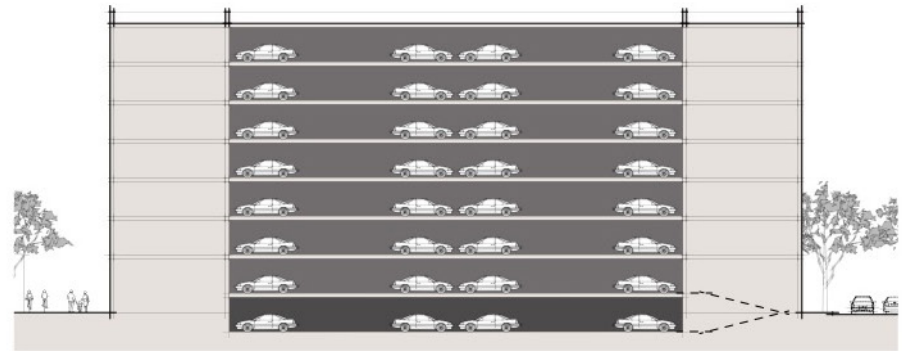
Elements to Consider: Parking

'Scenario 3: Mixed Building Types with Added Parking' is used below to illustrate the trade-offs in providing replacement parking for BART. As the two approaches below show, a much larger structure would impact the scale and form of the podium building southwest of the main entrance to the BART station. In addition to adding height and bulk, this also reduces the number of units that can be provided in the building.



Podium building with ~180 flexible BART replacement parking spaces.

Above the ground floor, the four residential floors are mostly double-loaded with units on both sides of the corridor. A private open space is provided above the garage podium.

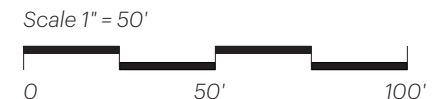


Podium building with ~620 flexible BART replacement parking spaces.

The trade-off for replacing most of the existing on-site BART parking include building more stories, providing lesser residential units, and no private open space.

Approximate cost to provide each parking space: **\$50,000 - \$85,000.**

Cost for 100% replacement of existing 650 BART parking spaces: **\$32,500,000 - \$55,250,000.**



Please note: the massing scenarios, including the street and block network, are conceptual in nature and are intended as illustratives for the purpose of community discussion.

Guiding Design Principles and Conceptual Massing Scenarios — May 02, 2019

Scenario Comparison: Elements to Consider



Elements	Scenario 1 Mixed Building Types	Scenario 2 Conventional Podium Type	Scenario 3 Mixed Building Types (Added Parking)
Number of Housing Units	453	773	582
Affordable Units (%)	114 (25%)	201 (26%)	65 (11%)
Variety of Building Types	Yes	No	Yes
Parking Spaces	225	460	363
Edge Transitions: Heights	Yes	No	Yes
Edge Transitions: Detached Buildings	Yes	No	Yes
Internal Heights	5	Mostly 5	7
New Public Open Space	Yes, 3 acres	Yes, 3 acres	Yes, 3 acres
Connection to Ohlone Way	Yes	Yes	Yes
Community-Serving Uses	Yes	Yes	Yes

Please note: the massing scenarios, including the street and block network, are conceptual in nature and are intended as illustratives for the purpose of community discussion.

Scenario Comparison: Economic Viability

	Public Parking	Affordable Units*	Affordable Housing %	Bond \$ Needed
Scenario 1	0	114	25%	\$8.5 million
Scenario 2	208	201	26%	\$18 million
Scenario 3	176	65	11%	\$0

* Maximum affordable housing units possible when paying \$5 million land value

Please note: the massing scenarios, including the street and block network, are conceptual in nature and are intended as illustratives for the purpose of community discussion.

Guiding Design Principles and Conceptual Massing Scenarios — May 02, 2019

Trade-offs: Parking vs Affordable Housing

	Public Parking	Affordable Units*	Affordable Housing %	Bond \$ Needed
Scenario 3 is used as an example to illustrate trade-offs between providing parking and a larger % of affordable housing	0	214	37%	\$27.5 million
	50	172	30%	\$17.5 million
	100	130	22%	\$7.5 million
	133	98	17%	\$0
	176	65	11%	\$0

* Maximum affordable housing units possible when paying \$5 million land value

Please note: the massing scenarios, including the street and block network, are conceptual in nature and are intended as illustratives for the purpose of community discussion.

Guiding Design Principles and Conceptual Massing Scenarios — May 02, 2019



Assembly Bill 2923 Fact Sheet for Local Jurisdictions

On September 30, 2018, Governor Jerry Brown signed AB 2923. The intent of this bill is to help address California's housing and climate crises by supporting BART's own goal to produce 20,000 homes – 35% affordable – and 4.5 million square feet of commercial space on its property by 2040.

BART has been building transit-oriented development (TOD) in collaboration with its partner cities for over 25 years and has built nearly 2,000 homes, with approximately 2,000 more on the way. BART has found that projects are only successful with local support. For this reason, BART's own policies reinforce that BART will only initiate projects in places with a transit-supportive land use plan.

Effect on Zoning – Process and Timeline

By July 1, 2020 BART Board must adopt TOD Zoning Standards:

- Property affected: Existing BART-owned, >1/4 acre, within 1/2 mile of existing station entrances, Alameda, Contra Costa, San Francisco counties only.
- TOD Zoning Standards to establish lowest permissible building height, residential density, floor area ratio, highest permissible parking minimums/maximums.
- Board must stay above lowest permissible height limit shown in Table 1. Board may increase height limit to taller of: 150% of height in Table 1, or tallest approved height allowable w CUP within Municipal Code or Specific/Area Plan.
- Local jurisdiction is exempt from TOD Zoning Standards if current site zoning within 10% of height and FAR for 2017 TOD Guidelines (see Table 1). Parking requirements shall be set to align with 2017 TOD Guidelines.
- BART must be lead agency on CEQA document for TOD Zoning Standards. Public hearing and notice requirements apply.
- If BART does not adopt Standards, the 2017 TOD Guidelines become Standards.
- BART will be developing AB 2923 implementation guidance to provide clarification on Standards Implementation.

By July 1, 2022 local jurisdictions must rezone to meet BART TOD Zoning Standards

- Match Height, FAR, Parking Min/Max. CEQA document must tier off BART's CEQA work.
- BART may adopt TOD Standards later, and locals will have two years to rezone.
- If local jurisdiction does not meet deadline, 2017 TOD Guidelines become zoning.

Effect on Development

- AB 2923 does not require BART to develop property on any particular timeline. However, BART is creating a 10-year work plan for development in tandem with the bill's implementation.
- AB2923 allows BART's partner developers to enact the streamlining provisions in SB35 (2017), if half of the development area is residential, 20% affordable to low- and very-low income households, and labor standards are met. SB 35 caps local review to 90-180 days, applies ministerial approvals, and limits design review to objective, City/County-adopted standards that are broadly applied.

What's Next

April-May 2019: Meet w local jurisdictions
May 23: Recommendation to Board for standard setting approach and 10-Year TOD Work Plan
Fall 2019: Local Engagement, Draft standards / alternatives for Board review, other AB 2923 requirements

Fall 2019-June 2020: Public Hearings and CEQA
2020-2022: Work w local jurisdictions on zoning
2019-2024: TOD Implementation for first 5 years of work plan



Assembly Bill 2923 Fact Sheet for Local Jurisdictions

2017 BART TOD Guidelines by Place Type Minimum residential density: 75 Units/Acre

BART TOD place type	Parking overall	Residential vehicle parking maximum (spaces/unit)	Office vehicle parking maximum (spaces/1,000 square feet)	Height	Floor-to-Area Ratio Minimum ⁽¹⁾	Stations with BART-owned buildable land within a ½ mile of the station faregates or entrances		
Regional Center	<ul style="list-style-type: none"> No vehicle parking minimum Shared/unbundled Secure bike parking – minimum 1 space/residential unit 	0.375	0	12 stories	7.2	<ul style="list-style-type: none"> 19th Street 12th Street-Oakland City Center 		
Urban Neighborhood - City Center		0.5	1.6	7 stories	4.2	<ul style="list-style-type: none"> Ashby Balboa Park Coliseum El Cerrito Plaza Fremont 	<ul style="list-style-type: none"> Fruitvale Glen Park Hayward MacArthur North Berkeley 	<ul style="list-style-type: none"> Rockridge San Leandro Union City Warm Springs West Oakland
Neighborhood -Town Center		1	2.5	5 stories	3.0	<ul style="list-style-type: none"> Antioch Bay Fair Castro Valley Concord Daly City 	<ul style="list-style-type: none"> Dublin-Pleasanton El Cerrito del Norte Lafayette North Concord-Martinez 	<ul style="list-style-type: none"> Pittsburg-Bay Point Pittsburg Center Pleasant Hill South Hayward

⁽¹⁾ Floor-to-Area Ratio (FAR) minimums set by AB 2923, by multiplying height by 0.6



Assembly Bill 2923 Fact Sheet for Local Jurisdictions

OTHER AB 2923 REQUIREMENTS (Timing)

Outreach:

Direct outreach to Communities of Concern around each station (on proposed TOD Zoning Standards)

Housing:

Strategy with local jurisdictions to increase affordable housing options, incentivize tenant protections for very-low and low-income residents near TOD Project area; address mitigations for direct and indirect impacts from demolition of housing units (no timing stated in bill)

Develop and implement approach to evaluating affordable housing proposals that considers quantity and depth of affordability, validity and feasibility (BART already does this)

Reporting Requirements:

Biennial report to Department of Housing and Community Development stating the percentage of units that are restricted as affordable, by levels of affordability (Biannually)

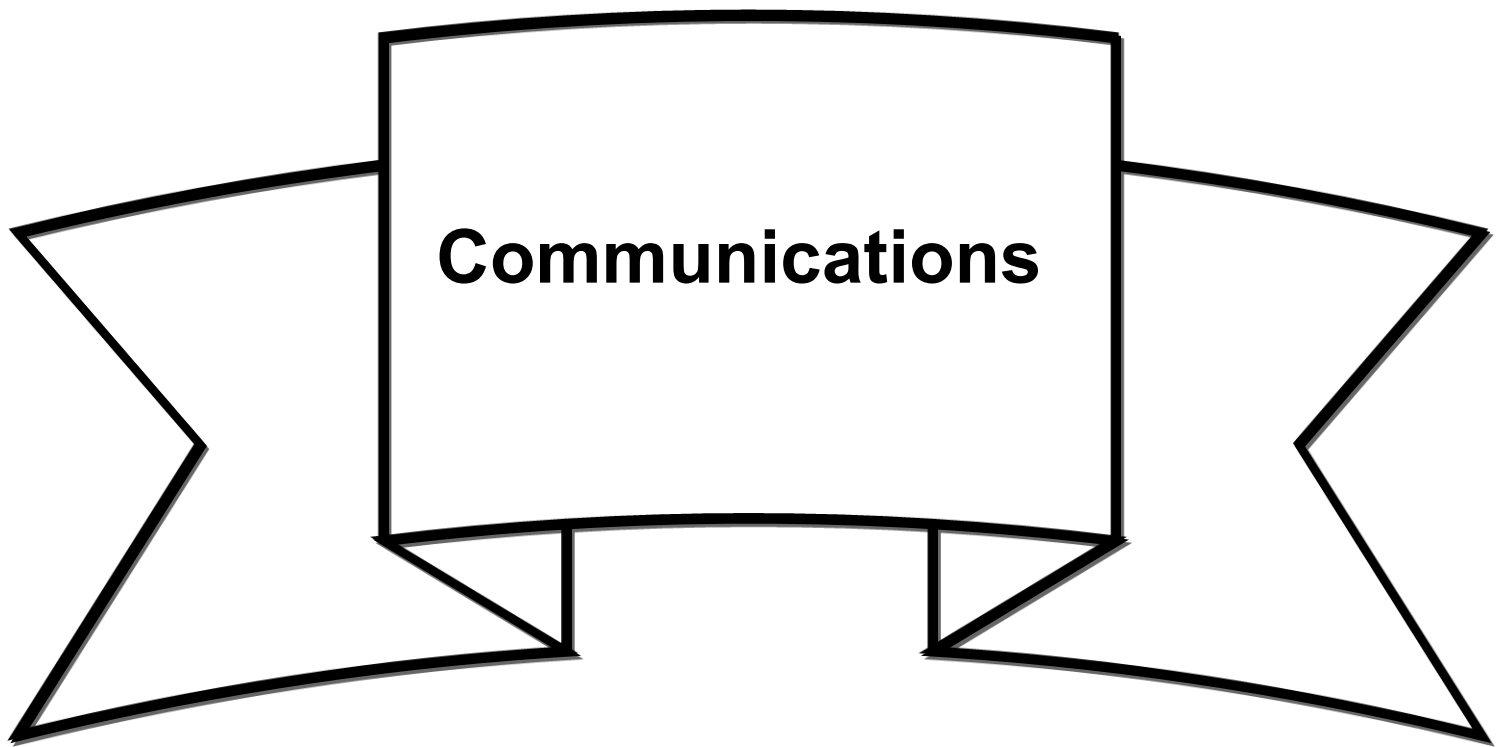
Report to legislature assessing whether provisions of bill accelerate and improve quality of TOD at BART stations. Report shall include: average TOD project delivery time before and after 1/1/2019; summary of data on travel behavior and choices for TOD residents and workers; summary of housing affordability for projects begun after 1/1/2019; summary of which projects used streamlined approval process vs discretionary approval process; cost comparison of discretionary and ministerial TOD projects; other factors pertinent to whether bill should be extended or sunset. (Before 1/1/2027)

Parking and Mobility:

Travel demand management requirements for BART TOD (prior to, or with adoption of Standards)

Parking replacement policy, consistent with BART's practice at auto-dependent stations and the Station Access Policy, with specific provisions to ensure that auto-dependent stations are still accessible by private automobile. Specifically consider parking replacement needs for auto-dependent, end-of-the-line stations (no timing stated in bill)

Develop and fund an access plan when BART commuter parking is reduced as a result of a TOD project where TOD zoning standards apply. Maintain station access for at least the number of customers affected by the reduced number of commuter parking spaces, with specific consideration for those further than ½ mile from station (with development)



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City Clerk Department

2180 Milvia Street
Berkeley, CA 94704
(510) 981-6900

Records Online

<http://www.cityofberkeley.info/recordsonline>

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4. Click the “Search” button
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