



## Ashby and North Berkeley BART Stations Transit-Oriented Development (TOD) Zoning Project

Final Environmental Impact Report  
SCH#2020110320

*prepared by*

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# 1 Introduction

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## 1.1 Purpose of the Response to Comments Document

This document has been prepared to respond to comments received on the Draft Environmental Impact Report (Draft EIR) prepared for the proposed Ashby and North Berkeley BART Stations Transit-Oriented Development (TOD) Zoning Project (proposed project). The Draft EIR identifies the likely environmental consequences associated with development of the project and recommends mitigation measures to reduce potentially significant impacts. This Response to Comments (RTC) document provides responses to comments on the Draft EIR and makes revisions to the Draft EIR, as necessary, in response to those comments or to clarify, amplify, or make insignificant modifications to the text of the Draft EIR (CEQA Guidelines Section 15088.5(b)). This document, together with the Draft EIR, constitutes the Final EIR for the proposed project.

## 1.2 Environmental Review Process

Pursuant to the California Environmental Quality Act (CEQA), lead agencies are required to consult with public agencies having jurisdiction over a proposed project and to provide the general public with an opportunity to comment on the Draft EIR.

On November 20, 2020, the City of Berkeley issued a Notice of Preparation (NOP) for a 30-day comment period to receive input on the scope and content of the EIR and help identify the types of impacts that could result from the project as well as potential areas of controversy. The NOP was filed with the County Clerk, published in a local newspaper, mailed to public agencies (including the State Clearinghouse), organizations, and individuals considered likely to be interested in the project and its potential impacts. The City received written responses to the NOP regarding the scope and content of the EIR. The City also held an EIR scoping meeting as part of the regularly scheduled Planning Commission meeting on December 2, 2020. At the hearing, members of the public and Planning Commissioners provided oral comments on the scope and content of the EIR.

The Draft EIR was made available for public review on October 15, 2021. The Notice of Availability of a Draft EIR was posted with the County Clerk, filed with the State Clearinghouse for distribution to state agencies, published in a local newspaper, and mailed to local agencies and interested organizations. A Notice of Completion was also filed with the State Clearinghouse. The Draft EIR and an announcement of its availability were posted electronically on the City's website. The Draft EIR comment period closed on December 1, 2021. During the comment period, the City Planning Commission held a hearing on the Draft EIR on November 3, 2021. The City received 127 comment letters (including emails) on the Draft EIR during the public comment period. Copies of those written comments are included in Chapter 3 of this document. Oral comments made at the November 3, 2021 public hearing comments are summarized in Chapter 4.

## 1.3 Document Organization

This RTC document consists of the following chapters:

- *Chapter 1: Introduction.* This chapter discusses the purpose and organization of this RTC document and the Final EIR and summarizes the environmental review process for the project.
- *Chapter 2: List of Commenters.* This chapter contains a list of the agencies, individuals, and organizations that submitted written comments during the public review period on the Draft EIR.
- *Chapter 3: Comments and Responses – Letters and Emails.* This chapter contains reproductions of comment letters and e-mails received on the Draft EIR. Written responses to comments raising significant environmental issues received during the public review period are provided. Each response is keyed to the corresponding comment.
- *Chapter 4: Comments and Responses – Public Hearing Comments.* This chapter contains a summary of the oral comments received at the public hearing held on the Draft EIR (Planning Commission, November 3, 2021)). Written responses to oral comments raising significant environmental issues received at the hearing are provided.
- *Chapter 5: Draft EIR Text Revisions.* Clarifications, amplifications, and insignificant modifications to the text of the Draft EIR including modifications made in response to comments received are contained in this chapter. Underlined text represents language that has been added to the Draft EIR; text with ~~strikeout~~ formatting has been deleted from the Draft EIR.

## 2 List of Commenters

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This chapter presents a list of comment letters (including emails) received during the public review period and describes the organization of the letters and comments that are included in Chapters 3 and 4 of this document.

### 2.1 Organization of Comment Letters and Responses

The comment letters and e-mails are listed in Table 1 below. Letters are grouped into three categories: letters from public agencies (Group A), letters from organizations (Group B), and letters from individuals (Group C). Each comment letter has been numbered sequentially and each separate issue raised by the commenter has been assigned a number. The responses to each comment identify first the number of the comment letter, and then the number assigned to each issue (Response A1.1, for example, indicates that the response is for the first issue raised in comment letter A1).

### 2.2 Public and Agency Comments Received

The following written comments were submitted to the City during the public review period.

**Table 1 List of Letter Numbers and Commenters**

Letter Number and Commenter		Page Number
<b>Public Agencies</b>		
A1	East Bay Municipal Utility District	15
<b>Organizations</b>		
B1	North Berkeley Neighborhood Alliance	22
B2	North Berkeley Neighborhood Alliance	27
B3	South Berkeley Now! Steering Committee	29
B4	Ashby Recreation & Community Housing	31
B5	North Berkeley Neighborhood Alliance	33
<b>Individuals</b>		
C1	Sabrina McMurtry	68
C2	Jason Warriner	70
C3	Paul Bickmore	72
C4	Teresa Clarke	74
C5	Aaron Foxworthy	76
C6	Tyson Miklebost	78
C7	Jonathan Singh	80
C8	Teresa Clarke	82
C9	Alex Steffen	85
C10	Bhima Sheridan	87
C11	Christian Bucknell	89
C12	David Soffa	91
C13	Gary Miguel	93

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Letter Number and Commenter		Page Number
C14	Ariella Granett	95
C15	Pablo Diaz Gutierrez	97
C16	Jane Scantlebury	99
C17	Theo Posselt	101
C18	Jeffrey Westcott	103
C19	Dirk Neyhart	105
C20	Matthew Wadlund	107
C21	Kimiye and Justin Owens	111
C22	Warren Wells	113
C23	Betsy Thagard	115
C24	Matthew Wadlund	117
C25	Eileen Hughes	118
C26	Margot Smith	123
C27	Matthew Lewis	125
C28	David Kellogg	127
C29	Anne Torney	129
C30	Linda Franklin	131
C31	Matthew Solomon	134
C32	Louise Rosenkrantz	137
C33	Charlene Woodcock	139
C34	Victoria Eisen	141
C35	Carla Woodworth	143
C36	David Brandon	146
C37	David Cobb	149
C38	Jeff Hobson	151
C39	Blaine Merker	153
C40	Matthew Wadlund	155
C41	Jeffrey Wescott	157
C42	Margot Kushel	159
C43	Vanessa Boehm	161
C44	Deborah Matthews	164
C45	Josh Cohen	168
C46	Sarah Bell	170
C47	Anonymous #1	173
C48	Anonymous #2	175
C49	Alex Benn	181
C50	Ross Bernet	183
C51	Martin Bourqui	185
C52	David Britt	187
C53	Alex Brouwer	189
C54	Jordan Burns	191
C55	Steve Cassavant	193



Letter Number and Commenter		Page Number
C56	Clifford Fred	195
C57	Carolyn McMillan	198
C58	Lindsay Dixon	200
C59	Shawn Drost	202
C60	Drew Finke	204
C61	Kimberly Fisher	206
C62	Rhonda Grossman	208
C63	Jill Holloway	210
C64	Jessica Fain	210
C65	Christopher Kaplan	212
C66	Valerie Knepper	216
C67	Serena Lim	220
C68	Luke Terlaak Poot	222
C69	Mattison Ly	223
C70	Colette Meunier	228
C71	Annie Preston	236
C72	Ranjit Bharvirkar	238
C73	Eric Robinson	240
C74	Becca Schonberg	243
C75	Aviv Schifrin	245
C76	Lois Smith	247
C77	Suzanne McMillan	249
C78	Steve Sperber	251
C79	Bill Newton	253
C80	James Sayre	255
C81	David Lerman	257
C82	James Chow Trotter	261
C83	Jesse King	264
C84	D.E. Neyhart	266
C85	Michael Escobar	268
C86	Barbara Fisher	270
C87	A. Spehr	272
C88	Linda Spindler	274
C89	Mary Lawrence Hicks	276
C90	Leslie Valas	278
C91	Michael Katz	280
C92	Walter Wood	282
C93	Claudia Valas	284
C94	Shari Simburg	286
C95	Ellen Kramer	287
C96	Carol Cohen	290
C97	Vicki Sommer	292

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<b>Letter Number and Commenter</b>		<b>Page Number</b>
C98	Meryl Siegal	294
C99	Julieta McCarthy	297
C100	David Brandon	299
C101	Lois F. Smith	302
C102	Virginia Browning	304
C103	Laura García Moreno	306
C104	Cindy Shamban	308
C105	Phil Allen	311
C106	Barney Greinke	313
C107	Peter Lydon	315
C108	Mary Behm-Steinberg	317
C109	Mary Rose	319
C110	Jennifer Natali	321
C111	Margo Schueler	326
C112	Susan Kay Mathews	328
C113	Erika Larson	330
C114	Buddy Williams	332
C115	Emily Lin	335
C116	Matt Nichols	337
C117	Maureen Sedonaen	349
C118	Mimi Torres	341
C119	Kevin James and Tom Reilly	343
C120	Elana Naftalin-Kelman	348
C121	Thomas Moreno	350

## 3 Comments and Responses

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Written responses to each written comment received on the Draft EIR, as well as topical responses to recurring comments, are provided in this chapter. Comment letters are provided in their entirety.

Revisions to the Draft EIR in response to the comments received and responses provided, or necessary to amplify or clarify material in the Draft EIR, are included in the responses. Underlined text represents language that has been added to the Draft EIR; text with ~~strikeout~~ has been deleted from the Draft EIR. All revisions are then compiled in the order in which they would appear in the Draft EIR (by page number) in Chapter 5, Draft EIR Text Revisions, of this document.

Many comment letters included comments related to the merits or features of the proposed project itself that do not specifically raise environmental issues or relate directly to the adequacy of the information or analysis within the Draft EIR. In those cases, no response is required, according to CEQA Guidelines Section 15088 and 15132.

### 3.1 Topical Responses

This subsection includes topical responses to recurring written and oral comments relating to the environmental analysis and conclusions in the Draft EIR. These will be referred to in the individual responses in Section 3.2 and Chapter 4.

#### **Topical Response A: Project-Related Comments**

Many commenters provided comments on the proposed project, rather than on the adequacy of the information or analysis in the Draft EIR. These comments were on topics such as the proposed Residential BART Mixed-Use District (R-BMU) density, height, and development standards and on the text of the priorities and goals described in the Joint Vision and Priorities document. Commenters made a range of statements about the proposed height and density standards of the proposed project (which include a maximum building height of 80 feet and 7 stories and a minimum residential density of 75 units per acre), including the statement that they should be maximums or that they should be minimums. There were also comments about the affordability levels and amount of affordable housing that should be part of future development. While the commenters' statements and suggestions related to the proposed project are noted, they do not address the analysis or conclusions of the Draft EIR. As stated in Section 15088 of the CEQA Guidelines, "The lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response. The lead agency shall respond to comments raising significant environmental issues received during the noticed comment period..." As stated in the Guidelines, the lead agency is only required to evaluate comments on environmental issues. Nonetheless, all comments will be forwarded to the City of Berkeley Planning Commission and City Council for their consideration.

#### **Topical Response B: Transportation**

Recurring comments on this topic are summarized below, with responses following each.

- *Some commenters suggested that the Draft EIR does not address the impact of eliminating vehicle parking for BART riders.*
- *Some commenters suggested that the Draft EIR does not address secondary impacts (such as air quality and safety) associated with people driving around the North Berkeley BART station looking for parking.*

**Vehicle Parking Impact Analysis.** As discussed on Draft EIR pages 4.11-17, the proposed project meets the Public Resources Code section 21099(d) criteria as a residential, mixed-use infill project in a transit priority area. Therefore, the proposed project's parking impacts are not a significant environmental impact for the purposes of CEQA.

**Vehicle Parking Supply for BART Riders.** As stated in Section 2, *Project Description*, of the Draft EIR, the ultimate decision on BART rider replacement parking is under BART's purview and the number of replacement parking spaces will be determined by BART's ongoing access plan efforts. Therefore, as stated on Draft EIR pages 4.11-24 to 4.11-25, for the purposes of CEQA, this analysis assumes no BART rider replacement parking spaces on either BART station site; however, it is assumed that 79 spaces in the auxiliary parking lots at the North Berkeley BART station site would remain; and it also assumes some level of parking as part of the future transit-oriented mixed-use development.

As discussed on Draft EIR page 4.11-23, BART is currently leading the Berkeley-El Cerrito Corridor Access Plan (or BECCAP) process, partnering with the cities of Berkeley and El Cerrito to identify station access strategies for BART riders at the El Cerrito Plaza, North Berkeley, Downtown Berkeley, and Ashby stations. The consideration of the corridor as a whole, as opposed to a station-by-station approach, is anticipated to provide more opportunities for serving a wide variety of riders, including those who have historically driven to the station. This study will determine a reasonable and feasible amount of parking for BART riders as well as recommendations for access strategies including other modes of access. Future developers will fund station-specific access plans to determine the actual amount of BART rider parking spaces.

**BART Ridership & Station Access.** As discussed in Section 4.11, *Transportation*, of the Draft EIR, as a result of the change in the supply of vehicle parking spaces for BART riders if the sites are developed for transit oriented development (TOD), people who currently access the station by private vehicle may choose to use another mode (e.g., taxi/transportation network company, transit, bike, or walk); drive and park at another station; drive to their destination; or continue to drive to the station and attempt to find parking on streets or parking lots located near the site. Additionally, to reduce the potential for impacts related to vehicle travel and BART rider parking reductions and encourage use of sustainable modes, future development would be required to implement transportation demand management (TDM) strategies to reduce the potential for impacts related to vehicle travel and BART rider parking reductions and encourage use of sustainable modes of transportation. While the specific TDM measures have not yet been determined and the effects of the TDM plan cannot yet be quantified, the reduction of a ready supply of vehicle parking spaces, combined with available alternatives to vehicle travel, such as riding transit, biking, and walking, would induce people to shift to non-auto travel modes. For the purposes of CEQA, estimating this mode shift, for example, the number of people who currently drive and park at BART that would stop taking transit and drive and park in San Francisco or any ultimate destination, would be speculative because of the multiple unknown variables and data involved. As stated in Sections 15144, 15145, and 15146(b) of the CEQA Guidelines, the lead agency is not required to, nor should it, engage in speculation or conjecture.

According to BART travel and customer satisfaction survey data, it is anticipated that there could be a long-term reduction in overall BART ridership system-wide as many people continue to telecommute and work from home. There is also anticipated to be a reduction in the number of BART riders who drive and park at the Ashby and North Berkeley BART stations as other transportation options improve, the cost of driving and parking increases, and vehicle parking supply at each station is reduced.

BART Station Profile Surveys data from 2008 and 2015, as well as 2019 average ridership data, show the total number and the overall percentage of BART users who drive and park at the North Berkeley BART station has been declining. Pre-pandemic, 75 percent of people who used the North Berkeley BART station walked, biked, took transit or were dropped off at the station (Draft EIR page 4.11-46). Based on a survey conducted in 2019 for the El Cerrito Plaza BART Station, less than 6 percent of respondents would choose to drive directly to their destination if there were no parking at the station, indicating that mode shift in accessing the station is much more likely than mode shift away from using BART.

Additionally, BART is forecasting reduced ridership, post-pandemic, from customers who drive and park at BART stations. This is based on surveys from BART indicating that a large share of riders who drive and park at BART stations, particularly those with higher incomes that largely compose the pre-pandemic park and ride cohort, will work from home at least 1-2 days a week. These reduced ridership forecasts for those who drive and park at BART stations mean that there would be less demand for vehicle parking from BART riders.

**Secondary Impacts Related to Vehicle Parking.** The analysis of secondary impacts related to parking, as with other environmental analysis topics, compares the proposed project to existing conditions and also evaluates whether the proposed project would be in conflict with plans and policies adopted for the purpose of mitigating an environmental effect. Section 4.11 of the Draft EIR assesses the potential impacts of changes in travel patterns and the potential for conflicts between vehicles, bicyclists, and pedestrians on streets adjacent to the project sites. As described in that section, because the type and extent of the travel pattern changes cannot be predicted and the potential for conflicts by itself does not represent a traffic hazard, impacts were found to be less than significant.

Due to the projects' locations, the projects also would be expected to encourage transit use and walking. For these reasons, significant secondary impacts related to people (BART riders, and residents, tenants, and visitors to the future development) searching for vehicle parking are not anticipated. Furthermore, as explained in Topical Response C, the projects have the potential to decrease VMT as a result of the location of residential units and other land uses adjacent to BART stations and high-quality transit. This may partially or fully offset the increased VMT associated with BART riders who might choose to drive, instead of use BART, for their commutes and other trip types, after completion of the proposed project. However, as stated previously, it is speculative to complete this analysis for the purposes of the Draft EIR because of the multiple unknown variables and data involved.

No significant impacts were identified related to secondary impacts associated with vehicle parking.

**Conclusion.** For the reasons outlined above, the analysis in the Draft EIR can be considered conservative, because it may overestimate BART ridership and the number of BART riders that would choose to drive and park near the station.

The comments received on the Draft EIR do not present evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

### Topical Response C: Greenhouse Gas (GHG) Emissions

Recurring comments on this topic are summarized below, with responses following each.

- *Some commenters suggested that the Draft EIR does not include an analysis of embodied carbon in building materials and other project components.*

CEQA Guidelines Section 15126.2(a) requires that the “direct and indirect significant effects of the project on the environment shall be clearly identified and described” in an EIR. CEQA Guidelines Section 15358(a)(2) states that “Effects include...Indirect or secondary effects which are caused by the project and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect or secondary effects may include growth-inducing effects and other effects related to induced changes in the pattern of land use, population density, or growth rate, and related effects on air and water and other natural systems, including ecosystems.” In its *Final Statement of Reasons for Regulatory Action for the Amendments to the State CEQA Guidelines Addressing Analysis and Mitigation of Greenhouse Gas Emissions Pursuant to SB97 (2009)*,<sup>1</sup> the California Natural Resources Agency (the agency responsible for publishing the CEQA Guidelines) states:

Even if a standard definition of the term "lifecycle" existed, requiring such an analysis may not be consistent with CEQA. As a general matter, the term could refer to emissions beyond those that could be considered “indirect effects” of a project as that term is defined in section 15358 of the State CEQA Guidelines. Depending on the circumstances of a particular project, an example of such emissions could be those resulting from the manufacture of building materials. (CAPCOA White Paper, at pp. 50-51.) CEQA only requires analysis of impacts that are directly or indirectly attributable to the project under consideration. (State CEQA Guidelines, § 15064(d).) In some instances, materials may be manufactured for many different projects as a result of general market demand, regardless of whether one particular project proceeds. Thus, such emissions may not be “caused by” the project under consideration. Similarly, in this scenario, a lead agency may not be able to require mitigation for emissions that result from the manufacturing process. Mitigation can only be required for emissions that are actually caused by the project. (State CEQA Guidelines, § 15126.4(a)(4).) Conversely, other projects may spur the manufacture of certain materials, and in such cases, consideration of the indirect effects of a project resulting from the manufacture of its components may be appropriate.

Embodied GHG emissions (i.e., those GHG emissions produced by the raw materials extraction, processing, manufacturing, and transportation supply chains for items such as consumer goods, food, and building materials) would be generated as a result of general market demand for mixed-use residential development regardless of whether the proposed project proceeds. Therefore, pursuant to the above guidance from the CEQA Guidelines and the California Natural Resources Agency, GHG emissions produced from these sources are not considered to be indirect effects of the proposed project under CEQA because they are not “caused by” the proposed project itself. Therefore, the inclusion of these emissions in the GHG emissions analysis for the proposed project and its alternatives would not be consistent with the purpose of an EIR, which is to identify the significant direct and indirect

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<sup>1</sup> California Natural Resources Agency. 2009. *Final Statement of Reasons for Regulatory Action for the Amendments to the State CEQA Guidelines Addressing Analysis and Mitigation of Greenhouse Gas Emissions Pursuant to SB97*. December 2009. [https://resources.ca.gov/CNRALegacyFiles/ceqa/docs/Final\\_Statement\\_of\\_Reasons.pdf](https://resources.ca.gov/CNRALegacyFiles/ceqa/docs/Final_Statement_of_Reasons.pdf) (accessed December 2021).

effects of a proposed project on the environment (Public Resources Code Section 21002.1; CEQA Guidelines Section 15126.2[a]).

In addition, CEQA Guidelines Section 15064.4(c) states that “The lead agency has discretion to select the model or methodology it considers most appropriate to enable decision makers to intelligently take into account the project’s incremental contribution to climate change. The lead agency must support its selection of a model or methodology with substantial evidence.” As discussed above, analyzing the embodied carbon associated with a proposed project is not required under CEQA. Rather, the City, as the lead agency, has the discretion to select the model or methodology it considers most appropriate to complete the GHG emissions analysis in a manner that facilitates the decision makers’ review of the project’s contribution to climate change. In this case, the City has chosen to use the California Emissions Estimator Model (CalEEMod) to estimate the project’s GHG emissions. CalEEMod and its associated emissions calculation methodology were developed by the South Coast Air Quality Management District and are used by jurisdictions throughout the state to quantify GHG emissions from land use development projects. This model is widely accepted by air districts and public agencies throughout California for calculating a project’s GHG emissions for the purposes of CEQA analysis and is therefore supported by substantial evidence as being an appropriate methodology and model for evaluating the proposed project’s GHG emissions.

The Bay Area Air Quality Management District’s (BAAQMD) May 2017 *CEQA Air Quality Guidelines* provides guidance on assessing and mitigating construction-related air quality and GHG emissions impacts under CEQA. Specifically, Section 4.1.1 of the BAAQMD’s May 2017 *CEQA Air Quality Guidelines* states that the BAAQMD’s recommended modeling tool for air pollutant and GHG emissions “quantifies emissions from area sources (e.g., natural gas fuel combustion for space and water heating, wood stoves and fireplace combustion, landscape maintenance equipment, consumer products, and architectural coating) and operational-related emissions (mobile sources).” In addition, Section 8.2 of the BAAQMD’s May 2017 *CEQA Air Quality Guidelines* states that “Sources of construction-related GHGs only include exhaust, for which the same detailed guidance as described for criteria air pollutants and precursors should be followed.” CalEEMod is listed on the BAAQMD’s “Tools and Methodologies” webpage, which contains “analytical tools to assist practitioners in evaluating air quality and greenhouse gas impacts during the environmental review process pursuant to the California Environmental Quality Act.” On this webpage, CalEEMod is described as a “statewide land-use emissions computer model designed to quantify potential criteria pollutant and GHG emissions associated with both construction and operations from a variety of land-use projects.”<sup>2</sup> CalEEMod does not include embodied carbon in its calculations, and the analysis of embodied carbon is not standard practice for evaluating GHG emissions under CEQA. Furthermore, the City of Berkeley’s baseline 2005 GHG emissions inventory, on which the project-specific GHG emissions threshold is based, also does not include embodied carbon in its calculations. Therefore, it would be inappropriate and inaccurate to calculate the project’s emissions taking into account embodied carbon, then compare those estimated emissions to a threshold that is derived from a GHG emissions inventory that does not include embodied carbon in its calculations. As such, the GHG emissions analysis contained in the Draft EIR is complete and adequate under CEQA without the analysis of embodied carbon.

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<sup>2</sup> BAAQMD. 2021. “Tools and Methodologies.” <https://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/ceqa-tools> (accessed December 2021).

- *Some commenters suggested that the Draft EIR does not include an analysis of GHG emissions from the increase in trips associated with BART riders not being able to park at the BART stations.*

Please see Topical Response B: Transportation for a discussion of impacts related to the provision of BART rider parking. As stated in Section 4.11, *Transportation*, approximately 690 daily station entries are made by people who arrived by car and parked at the Ashby BART station, and approximately 820 similar daily station entries are made at the North Berkeley BART station during a 24-hour period. In total, approximately 1,510 daily station entries were made by people who arrived by car at these two stations. Therefore, there is the potential that the project would result in approximately 1,510 car-dependent BART riders needing to change their current travel patterns due to the potential elimination of BART rider parking. However, as stated in Section 4.4, *Greenhouse Gas Emissions*, of the Draft EIR, it is speculative to quantify how removing parking would affect travel patterns because people who currently access the station by private vehicle may choose to: use another mode (e.g., taxi/transportation network company, transit, bike, or walk); drive and park at another station; drive to their destination; or continue to drive to the station and attempt to find parking on streets or parking lots located near the project sites (see also Topical Response B: Transportation). There would also be an increase in the number of people who would live within walking distance of the BART stations as part of the proposed project who would not need to drive to access the stations. The proposed project would facilitate the development of up to 2,400 new housing units on the project sites, which would accommodate approximately 5,424 new residents (see Section 4.9, *Population and Housing*, of the Draft EIR). Therefore, there is the potential for up to 2,400 households and their associated 5,424 residents to stop using private vehicles for their work commutes due to their proximity to the adjacent Ashby and North Berkeley BART stations.

As a result, although some car-dependent BART riders may choose to complete their commutes using only their private vehicles after construction of the proposed project, other car-dependent people may move into the proposed residential units and no longer use private vehicles for their commutes. There is therefore the potential that the decrease in VMT associated with siting new residential units adjacent to these BART stations may partially or fully offset the increased VMT associated with the car-dependent BART riders who choose to no longer use BART for their commutes after completion of the proposed project. However, as stated previously, it is speculative to complete this analysis for the purposes of the Draft EIR because of the multiple unknown variables and data involved.

Given the above discussion, the GHG emissions analysis contained in the Draft EIR is complete and adequate under CEQA, and the inclusion of an analysis of GHG emissions from the increase in trips associated with BART riders not being able to park at the BART stations in the Draft EIR is not warranted.

#### **Topical Response D: EIR Alternatives**

Recurring comments on this topic are summarized below, with responses following each.

- *Some commenters suggested that the Draft EIR should have included an alternative based on a maximum residential density of 75 units/acre.*

As required under CEQA Guidelines Section 15126.6, an EIR must describe a range of reasonable alternatives which would feasibly attain most of the basic project objectives and avoid or lessen the significant environmental effects of the project. For this project, only two significant effects were identified, one related to construction noise, and one cumulative significant and unavoidable impact related to cultural resources. An alternative with a



maximum residential density of 75 units/acre would likely reduce the estimated maximum reasonable buildout scenario that was analyzed in the Draft EIR, resulting in fewer units on each site. However, such an alternative would still facilitate development of hundreds of units and non-residential space on the station sites. Such development would still require construction methods similar to the proposed project and the analyzed alternatives, and even with the reduction of total units that would result from a 75 units/acre development, would not eliminate the significant and unavoidable construction noise impact.

As further explained in Section 15126.6, “An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives which are infeasible.”

As explained in Section 6, *Alternatives*, of the Draft EIR, the City considered a 75 Unit Per Acre Maximum Standard Alternative that would keep all other proposed development standards listed in Section 2, *Project Description*, constant. The station sites are subject to AB 2923, which requires that local jurisdictions rezone applicable areas to conform to BART’s Transit Oriented Development (TOD) standards. AB 2923 establishes that BART’s TOD standards are minimum standards for height, floor area ratio (FAR) and density. BART’s Technical Guide to Zoning for AB 2923 Conformance states that “Every AB 2923-eligible parcel must be zoned to allow both the residential density and the FAR, as specified in the baseline zoning standards.”

A development that achieves the minimum height of seven stories and minimum FAR under BART’s TOD development standards would generally exceed a density of 75 units/acre. Recent development trends in the City’s mixed-use, transit rich areas range from 100 to 200 dwelling units/acre when developed at a height of five or more stories. BART’s TOD development standards set the same minimum density for all station types in the BART system, despite significant differences in height and FAR, which indicates that it was not meant as a limiting factor. Given the City and BART’s policies to address housing needs and climate change goals, it would be premature to set 75 units/acre as a maximum residential density thus preclude options that have higher densities and maximize levels of affordable housing and other desired community amenities.

In addition, the application of BART’s TOD development standards combined with 75 units/acre applied as a maximum rather than minimum density could result in the development of larger units (in the range of 1,600 to 2,000 square feet each) that are atypical for TOD projects and may affect the financial feasibility of achieving the goal of providing high numbers of affordable housing units.

Therefore, the City considered but rejected the 75 Unit Per Acre Maximum Standard Alternative.

- *Some commenters suggested that the City should approve Alternative 3 because it is the environmentally superior alternative.*

The commenters’ statements about project components and the eventual project that should be approved by the City will be considered by City decision-makers (see Topical Response A: Project-Related Comments). It is also noted that CEQA requires Alternatives to meet most of the basic objectives of the project while also reducing or eliminating any of the environmental impacts of the proposed project. The lead agency is not obligated to select the Environmentally Superior Alternative for implementation if it would not accomplish the basic project objectives and/or is infeasible. The ultimate determination of whether an alternative is actually feasible is made by the decision-making body as part of its Findings

rather than in the EIR itself. As statutorily defined, “‘Feasible’ means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.” An alternative may also be eliminated from consideration if it does not avoid significant environmental impacts. As explained in Section 6, *Alternatives*, of the Draft EIR, Alternative 3 would not eliminate the unavoidably significant construction noise impact.

- *Some commenters suggested that the Draft EIR should have concluded that Alternative 2 is the environmentally superior alternative.*

For the reasons described in Section 6, *Alternatives*, of the Draft EIR, Alternative 3 is considered the environmentally superior alternative. However, neither Alternative 2 or Alternative 3 would reduce the significant construction noise impact associated with the project. No feasible alternatives were identified that would eliminate the significant unavoidable construction noise impact.

## 3.2 Written Comments

This subsection includes written comments on the Draft EIR, provided in their entirety, and responses.

Revisions to the Draft EIR necessary in light of the comments received and responses provided, or necessary to amplify or clarify material in the Draft EIR, are included in Chapter 5, Draft EIR Text Revisions, of this document.



Received

DEC 06 2021

Land Use Planning

November 29, 2021

Alisa Shen, Principal Planner  
City of Berkeley  
Department of Planning & Development  
1947 Center Street, 2<sup>nd</sup> Floor  
Berkeley, CA 94704

Re: Notice of Availability of a Draft Environmental Impact Report for the Proposed  
Ashby BART Station and North Berkeley BART Station Transit-Oriented  
Development Zoning Project, Berkeley

Dear Ms. Shen:

1

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Ashby BART Station and North Berkeley BART Station Transit-Oriented Development Zoning Project located at the Ashby BART Station and North Berkeley BART Station in the City of Berkeley (City). EBMUD commented on the Notice of Preparation of a DEIR for the project on December 14, 2020 and a water supply assessment was approved for the project in March 2021. EBMUD's original comments (see enclosure) still apply regarding water service, wastewater service, water recycling, and water conservation.

If you have any questions concerning this response, please contact Timothy R. McGowan, Senior Civil Engineer, Major Facilities Planning Section at (510) 287-1981.

Sincerely,

David J. Rehnstrom  
Manager of Water Distribution Planning

DJR:KTL:djr  
sb21\_323.Ashby and N Berkeley BART TOD Zoning NOA DEIR Response

Enclosure



December 14, 2020

Alisa Shen, Principal Planner  
Planning and Development Department  
1947 Center Street, 2<sup>nd</sup> floor  
Berkeley, CA 94704

Re: Notice of Preparation of a Draft Environmental Impact Report for the Proposed  
Ashby BART Station and North Berkeley BART Station Transit-Oriented  
Development Zoning Standards, Berkeley

Dear Ms. Shen:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR) for the Ashby BART Station and North Berkeley BART Station Transit-Oriented Development Zoning Standards Project located at the Ashby BART Station and North Berkeley BART Station in the City of Berkeley (City). EBMUD has the following comments.

### **WATER SERVICE**

Pursuant to Section 15155 of the California Environmental Quality Act Guidelines and Sections 10910-10915 of the California Water Code, the project meets the threshold requirement for a Water Supply Assessment (WSA), because the entire scope of the project includes at least 500 dwelling units. Please submit a written request to EBMUD to prepare a WSA. EBMUD requires the lead agency to provide future water demand data and estimates for the project site for the analysis of the WSA. Please be aware that the WSA can take up to 90 days to complete from the day on which the request is received.

Effective January 1, 2018, water service for new multi-unit structures shall be individually metered or sub-metered in compliance with State Senate Bill 7 (SB-7). SB-7 encourages conservation of water in multi-family residential and mixed-use multi-family and commercial buildings through metering infrastructure for each dwelling unit, including appropriate water billing safeguards for both tenants and landlords. EBMUD water services shall be conditioned for all development projects that are subject to SB-7 requirements and will be released only after the project sponsor has satisfied all requirements and provided evidence of conformance with SB-7.

EBMUD's Central Pressure Zone, with a service elevation range between 0 and 100 feet, or Aqueduct Pressure Zone, with a service elevation range between 100 and 200 feet, or Claremont Pressure Zone, with a service elevation range between 100 and 200 feet, will

serve the proposed transit-oriented development zone. A water main extension, at the project sponsor's expense, may be required to serve the properties within the transit-oriented development zone area depending on EBMUD's metering requirements and fire flow requirements set by the local fire department. Off-site pipeline improvements, also at the project sponsor's expense, may be required. Off-site pipeline improvements include, but are not limited to, replacement and/or relocation of existing water mains serving the proposed development areas. The project sponsor should contact EBMUD's New Business Office and request a water service estimate to determine the costs and conditions of providing water service to proposed developments within the transit-oriented development zone. Engineering and installation of water mains, off-site pipeline improvements, and services require substantial lead time, which should be provided for in the project sponsor's development schedule.

A minimum 20-foot wide right-of-way is required for installation of new and replacement water mains. Utilities to be installed in the right-of-way with the water mains must be located such that the new water mains meet the minimum horizontal and vertical separation distances with other utilities as set forth in the California (Waterworks Standards) Code of Regulations, Title 22, Section 64572 (Water Main Separation) and EBMUD requirements for placement of water mains within a right-of-way. These minimum horizontal separation distance requirements include, but are not limited to, 10 feet between the water main and sewer, 5 feet between the water main and storm drain, 7 feet from the face of curb, and 5 feet from the edge of the right-of-way. In addition, water mains must be vertically located a minimum of one foot above sewers and storm drains.

EBMUD's Standard Site Assessment Report indicates the potential for contaminated soils or groundwater to be present within the project site boundaries. The project sponsor should be aware that EBMUD will not install piping or services in contaminated soil or groundwater (if groundwater is present at any time during the year at the depth piping is to be installed) that must be handled as a hazardous waste or that may be hazardous to the health and safety of construction and maintenance personnel wearing Level D personal protective equipment. Nor will EBMUD install piping or services in areas where groundwater contaminant concentrations exceed specified limits for discharge to the sanitary sewer system and sewage treatment plants. The project sponsor must submit copies to EBMUD of all known information regarding soil and groundwater quality within or adjacent to the project boundary and a legally sufficient, complete, and specific written remediation plan establishing the methodology, planning, and design of all necessary systems for the removal, treatment, and disposal of contaminated soil and groundwater.

EBMUD will not design pipelines or services until soil and groundwater quality data and remediation plans have been received and reviewed and will not start underground work until remediation has been carried out and documentation of the effectiveness of the remediation has been received and reviewed. If no soil or groundwater quality data exists, or the information supplied by the project sponsor is insufficient, EBMUD may require the project sponsor to perform sampling and analysis to characterize the soil and groundwater that may be encountered during excavation, or EBMUD may perform such sampling and

analysis at the project sponsor's expense. If evidence of contamination is discovered during EBMUD work on the project site, work may be suspended until such contamination is adequately characterized and remediated to EBMUD standards.

## **WASTEWATER SERVICE**

EBMUD's Main Wastewater Treatment Plant (MWWTP) and interceptor system are anticipated to have adequate dry weather capacity to accommodate the proposed wastewater flows from this project and to treat such flows provided that the wastewater generated by the project meets the requirements of the EBMUD Wastewater Control Ordinance. However, wet weather flows are a concern. The East Bay regional wastewater collection system experiences exceptionally high peak flows during storms due to excessive infiltration and inflow (I/I) that enters the system through cracks and misconnections in both public and private sewer lines. EBMUD has historically operated three Wet Weather Facilities (WWFs) to provide primary treatment and disinfection for peak wet weather flows that exceed the treatment capacity of the MWWTP. Due to reinterpretation of applicable law, EBMUD's National Pollutant Discharge Elimination System (NPDES) permit now prohibits discharges from EBMUD's WWFs. Additionally, the seven wastewater collection system agencies that discharge to the EBMUD wastewater interceptor system ("Satellite Agencies") hold NPDES permits that prohibit them from causing or contributing to WWF discharges. These NPDES permits have removed the regulatory coverage the East Bay wastewater agencies once relied upon to manage peak wet weather flows.

A federal consent decree, negotiated among EBMUD, the Satellite Agencies, the Environmental Protection Agency (EPA), the State Water Resources Control Board (SWRCB), and the Regional Water Quality Control Board (RWQCB), requires EBMUD and the Satellite Agencies to eliminate WWF discharges by 2036. To meet this requirement, actions will need to be taken over time to reduce I/I in the system. The consent decree requires EBMUD to continue implementation of its Regional Private Sewer Lateral Ordinance ([www.eastbaypsl.com](http://www.eastbaypsl.com)), construct various improvements to its interceptor system, and identify key areas of inflow and rapid infiltration over a 22-year period. Over the same time period, the consent decree requires the Satellite Agencies to perform I/I reduction work including sewer main rehabilitation and elimination of inflow sources. EBMUD and the Satellite Agencies must jointly demonstrate at specified intervals that this work has resulted in a sufficient, pre-determined level of reduction in WWF discharges. If sufficient I/I reductions are not achieved, additional investment into the region's wastewater infrastructure would be required, which may result in significant financial implications for East Bay residents.

To ensure that the proposed project contributes to these legally required I/I reductions, the lead agency should require the project sponsor to comply with EBMUD's Regional Private Sewer Lateral Ordinance. Additionally, it would be prudent for the lead agency to require the following mitigation measures for the proposed project: (1) replace or rehabilitate any existing sanitary sewer collection systems, including sewer lateral lines to ensure that such

systems and lines are free from defects or, alternatively, disconnected from the sanitary sewer system, and (2) ensure any new wastewater collection systems, including sewer lateral lines, for the project are constructed to prevent I/I to the maximum extent feasible while meeting all requirements contained in the Regional Private Sewer Lateral Ordinance and applicable municipal codes or Satellite Agency ordinances.

## **WATER RECYCLING**

EBMUD's Policy 9.05 requires that customers use non-potable water, including recycled water, for non-domestic purposes when it is of adequate quality and quantity, available at reasonable cost, not detrimental to public health, and not injurious to plant, fish and wildlife to offset demand on EBMUD's limited potable water supply. Appropriate recycled water uses include landscape irrigation, commercial and industrial process uses, toilet and urinal flushing in non-residential buildings, and other applications.

The Project is not currently a candidate for recycled water, however, future recycled water pipeline expansion towards the City could potentially serve proposed developments within the transit-oriented development zone. Recycled water is appropriate for outdoor landscape irrigation and EBMUD is evaluating options of recycled water for in-building and commercial non-potable use. As EBMUD further plans its recycled water program, feasibility of providing recycled water to this region may change. EBMUD encourages the City and its developers to coordinate closely with EBMUD during the planning of the various project components to further explore the options and requirements relating to recycled water use.

## **WATER CONSERVATION**

The project presents an opportunity to incorporate water conservation measures. EBMUD requests that the City include in its conditions of approval a requirement that the lead agency comply with Assembly Bill 325, "Model Water Efficient Landscape Ordinance," (Division 2, Title 23, California Code of Regulations, Chapter 2.7, Sections 490 through 495). The lead agency should be aware that Section 31 of EBMUD's Water Service Regulations requires that water service shall not be furnished for new or expanded service unless all the applicable water-efficiency measures described in the regulation are installed at the project sponsor's expense.

Alisa Shen, Principal Planner  
December 14, 2020  
Page 5

If you have any questions concerning this response, please contact Timothy R. McGowan,  
Senior Civil Engineer, Major Facilities Planning Section at (510) 287-1981.

Sincerely,



David J. Rehnstrom  
Manager of Water Distribution Planning

DJR:JRK:btf  
sb20\_250.doc



## Letter A1

**COMMENTER:** David J Rehnstrom, Manager of Water Distribution Planning, East Bay Municipal Utilities District (EBMUD)

**DATE:** November 29, 2021

### Response A1.1

The commenter states that EBMUD's original comments sent during the NOP period, dated December 14, 2020, regarding water service, wastewater service, water recycling, and water conservation still apply. The commenter includes their December 2021 letter as an attachment to this Draft EIR comment letter.

Comments received during the NOP period were considered as the Draft EIR was prepared. Responses to NOP comments and a description of how they were considered are included in Table 1-1 in Section 1, *Introduction*, of the Draft EIR. This Response to Comments document includes responses to comments on the Draft EIR. EBMUD's NOP comments do not include specific comments on the information, analysis, or conclusions of the Draft EIR. However, impacts related to water supply and wastewater generation were analyzed in Section 4.12, *Utilities and Service Systems*, of the Draft EIR. Based on the water supply assessment (WSA) approved for the project in March 2021 and estimated wastewater generation, impacts were found to be less than significant. Future development under the proposed zoning project would be required to be consistent with requirements in the State's Model Water Efficient Landscape Ordinance (WELO) and comply with EMBUD requirements related to the provision of water and wastewater services.

Letter B1

**From:** North Berkeley Neighborhood Alliance <[nbneighborhoodalliance@gmail.com](mailto:nbneighborhoodalliance@gmail.com)>

**Sent:** Friday, October 29, 2021 3:31 PM

**To:** Berkeley Mayor's Office <[mayor@cityofberkeley.info](mailto:mayor@cityofberkeley.info)>; All Council <[council@cityofberkeley.info](mailto:council@cityofberkeley.info)>; Pearson, Alene <[apearson@cityofberkeley.info](mailto:apearson@cityofberkeley.info)>

**Subject:** Comments on draft zoning and Joint Visions and Priorities documents

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The following are recommended revisions and comments submitted for the record regarding the Joint Vision and Zoning drafts presented recently at the June 2021 CAG 7 meeting.

Affordable Housing (1 revision)

**CURRENT:** "New housing at a variety of income levels at both the Ashby and North Berkeley BART Stations will address the City's housing crisis, stem the displacement of residents—especially of the African American community in Berkeley—and support more equitable access to housing for lower-income families and individuals. New housing must also be created quickly to reflect the urgency of the climate crisis, capturing the inherent environmental benefits of walkable, transit-oriented housing in Berkeley's most transit-rich areas. North Berkeley and Ashby will provide a new model for delivering affordable housing in neighborhoods that are rich in infrastructure and strategically located to make regional transit, economic opportunity, and community amenities more broadly and equitably accessible."

**REVISION:** New housing at the Ashby and North Berkeley BART Stations should be 100 percent affordable, to meet the City's below-market family and individual needs, stem the displacement of residents—especially of the African American community in Berkeley—and support more equitable access to housing for lower-income families and individuals.. While the time required to achieve this may be long and substantial additional funding will certainly be needed, these two sites are the only large public land opportunities and offer the most effective use of the City's affordable housing funds. North Berkeley and Ashby will provide a new model for delivering affordable housing in neighborhoods that are rich in infrastructure and strategically located to make regional transit, economic opportunity, and community amenities more broadly and equitably accessible.

**Comment:** The need for housing affordable to those with below-market means dwarfs any other rationale for these housing projects. There are many sites in Berkeley for market rate housing, and no other publicly owned lands that can play such a powerful role in meeting affordable housing needs. BART's artificial deadlines and faulty rationales for ridership and lease income should not overrule the driving need for 100 percent affordable housing at these stations as the dominant vision in this document.

Shared Priorities (2 revisions):

**CURRENT:** "A. Housing Priorities. Maximize the number of new homes, and especially permanently affordable, deed-restricted homes. We anticipate a range of 550-1200 units at each station with a variety of unit sizes."

**REVISION:** A. Housing Priorities. Ensure that all development at these stations meets Berkeley's affordable housing needs. We anticipate a range of 550-1200 units at Ashby station and a range of 400-600 at North Berkeley with a variety of unit sizes.

Comment: The community at Ashby should guide any unit size ranges, my comments apply to North Berkeley. 4-600 units at North Berkeley best accords with the most cost-efficient building means for affordability, and meets the critical goal of integrating into the surrounding neighborhood.

CURRENT: "B. Urgency. Deliver new housing within 10 years to reflect the urgency of the climate and housing crises."

REVISION: B. Urgency. Deliver affordable housing in whatever time frame is required to achieve 100 percent affordability, to meet the core of the City's housing crisis, and to ensure highest transit use which thereby supports climate goals more effectively.

Comment: Affordable housing will take time, but it is THE need for the City of Berkeley; transit ridership is higher for affordable units than for market rate, meaning more effectiveness in reducing emissions, particularly when construction methods for large market rate structures are taken into account.

Building Form (2 revisions):

Vision

CURRENT: A. 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."

REVISE TO: A. Height Variation. While AB 2923 does not permit the City's zoning controls to restrict building height below seven stories on the station sites, nothing prevents development projects from proposing other heights. The City and BART will support variations in building height and form at both stations. It is anticipated that all or part of some or many buildings will be shorter than the maximum height in keeping with good urban design practice, best approach to affordability and meeting the goals for neighborhood context, below.

CURRENT: "B. Context. Building design should consider the scale and character of the surrounding built environment. "

REVISION - Add the following at the beginning of this section: For North Berkeley, 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.

Comment: This specific formulation was advanced by Councilmember Kesarwani as the best approach to meeting various views on station planning, enabling a unanimous vote by Council to adopt the Goals and Objectives in May 2019 - it should be retained verbatim in the new Joint Vision document.

Priorities for North Berkeley

REVISION: At the beginning of this section, insert the following paragraph:

To enhance the livability of the neighborhood surrounding the North Berkeley BART station development should create a visual and physical connection with the neighborhood through its architectural design and scale, stepping down in height around the perimeter of the station in order to blend in visually and physically with the residential neighborhoods surrounding the station

Comment: This reiterates the guidance noted above.

2) Draft Zoning Document

General: Zone the site as recommended by Berkeley Planning staff on September 1st: 7-story maximum, 4.2 floor area ratio maximum, 75 units per acre maximum.

a) TABLE 23.202.150-2: R-BMU DEVELOPMENT STANDARDS

REVISION: set residential density to: "Maximum" (75 units per acre)

Comment: The three zoning standards mandated by AB 2923 (density, height, FAR) provide conflicting baselines, particularly FAR and height. Minimum 4.2 FAR is equal to over a million square feet of development, very likely equal to having three MacArthur towers (400 units each) at North Berkeley; a 7 story minimum height across the entire developable site would likely yield 800 units; 75 units per acre yields approximately 400 units.

Because these three standards conflict in various ways; and because there is universal agreement that the proposed project does not have to be consistent with these factors, and because the City has almost no negotiating leverage with BART over the final project design (other than what it gets from its commitment of affordable housing funding), providing maximums for density and height creates a stronger negotiating position. To be clear: there is nothing about the 2923 provisions that makes any sense as a definite planning standard and absolutely nothing in AB 2923 that mandates any one of them has priority over any other two, continuing the illogic with a density maximum is a completely reasonable thing to do, given the realities of this perverse situation. An actual project could well be in the 90-100 unit per acre range, and also be 4-5 stories in height, lower at the edges. That the zoning is divorced from a project reality is the result of AB 2923, not any laws of planning.

b) D. R-BART Mixed Use District Master Development Plan (MDP)

REVISION: Address the critical but so-far ignored vested right provision in AB 2923 - conduct further legal and planning analysis before adopting the zoning ordinance to understand and then ensure that this provision does not lead to out of control development. Define how density bonuses and streamlining provisions will affect the overall project size, in general and in relation to the vested right provision.

Comment:

AB 2923, Section 29010.10. (a) When the district enters into an exclusive negotiating agreement with a developer for the development of an eligible TOD project, that agreement shall confer a vested right to proceed with development in substantial compliance with the provisions of Sections 29010.6, 29010.7, 29010.8, and 29010.9.

This section comprises all of the City's development processes proposed in the draft Zoning Ordinance. With development rights vesting prior to any proposed project design (at the negotiating agreement phase!), a developer will have the compensable right to insist on 4.2 FAR and 7 stories across the entire site, and there is nothing BART or the City can do to block that compensable claim. This is an absurd and outrageous provision; the City should conduct a full legal and planning analysis of how it can maintain control of this process, given this provision, BEFORE taking any further steps toward zoning.

More generally, the ordinance draft fails to clearly outline how density bonus provisions and streamlining will be handled, particularly in light of the vested right provision.

3) General Comments

a) The City of Berkeley needs a full, official City Attorney analysis of the City's options in regard to AB 2923 and BART's planning guidance documents, particularly in terms of achieving the Council's stated goal of contextual development at North Berkeley station. The May 2021 assessment from the City Attorney's office provided by Councilmember Kesarwani to the North Berkeley Neighborhood Alliance (and sent by them to City staff) is completely inadequate as a legal opinion and contains numerous flaws of interpretation of AB 2923.

b) The failure to conduct clear analysis of the pros and cons of two, specific development alternatives at the two stations is a profound flaw in the overall planning process to date. At North Berkeley, there are two (and possibly three) specific development projects that could have been carefully evaluated as whole choices and compared to one another in order to determine which offered the most effective approach for meeting goals for these stations - a 4-500 unit, a 800 unit and if needed a 1200 unit project. Instead, the CAG process debated abstractly about what kind of project would result and never saw a head to head comparison of what it would mean to build these alternatives. This was well within reach of the consultants' and staff expertise, and would have allowed all participants to see how a whole choice balanced a wide range of needs. Instead, the process stayed generalized and avoided showing the pitfalls of large projects in particular (as well as the challenges of a small project). The Planning Commission and certainly the Council should insist on such alternatives comparison before adopting any zoning - everyone understands that 2923 compels certain zoning conditions, but everyone also understands (reinforced by staff and consultants) that an actual project could be VERY different than the zoning. Yet assessment of the real choice - the project nature - was hidden in favor of non-specific analysis of individual components of development.

c) Affordability mandate - the City's new RHNA allocation is 9,000 units, of which 5500 are to meet below-market needs. Approximately 600 below market units can be secured through developer set-asides of the 3500 market rate units in the RHNA goal. That leaves just under 5,000 below market units - units which cannot be zoned for, by definition - and for which subsidy is required. How much subsidy? The City's consultants identified \$200,000 per unit as the City funds required for low/very low affordable projects. Using a figure of just half this - \$100,000, considering more moderate income housing as well as low - yields an investment required of \$500,000,000 to actually produce the number of affordable units called for in the RHNA figures. Coupled with other City needs, this becomes a gigantic number to provide for - and this is why every single opportunity to most efficiently use critical land resources is essential. There are no better sites than the two BART stations for below market housing - there will never be better sites. This is why 100 percent affordability, no matter how long it takes setting aside other secondary issues, must be the overall goal for these stations.

END

## Letter B1

**COMMENTER:** North Berkeley Neighborhood Alliance

**DATE:** October 29, 2021

The commenter provides recommended revisions and comments related to the proposed Joint Vision and Priorities document and proposed zoning ordinance revisions, and not on the information, analysis, or conclusions contained in the Draft EIR.

Please see Topical Response A: Project-Related Comments.

Letter B2

---

**From:** North Berkeley Neighborhood Alliance <nbneighborhoodalliance@gmail.com>

**Sent:** Friday, October 29, 2021 3:50 PM

**To:** Berkeley Mayor's Office <mayor@cityofberkeley.info>; All Council <council@cityofberkeley.info>; Pearson, Alene <apearson@cityofberkeley.info>

**Subject:** Please extend the comment period for draft BART TOD EIR

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Dear Mayor, City Council members, and Planning Commissioners:

1 On behalf of the highly interested 300+ households who comprise the North Berkeley Neighborhood Alliance, we'd like to request a longer comment period for the recently released draft of the Environmental Impact Review for zoning our BART stations. The current comment period ends right after the Thanksgiving holiday, and we are doing a close reading of certain technical aspects that we find concerning. We'd appreciate it if you extend the comment period until December 15.

Respectfully,

Larry Orman, Tony Corman, Laura Klein, Gary Dahl, Michael Katz, Vicki Sommer, Sue Martin, Meryl Siegal

On behalf of NBNA

## Letter B2

**COMMENTER:** North Berkeley Neighborhood Alliance

**DATE:** October 29, 2021

### **Response B2.1**

The commenter requests an extension of the EIR comment period.

The City considered the commenter's request for an extension of the comment period but determined not to extend the comment period. The comment period lasted for 47 days from October 15, 2021, to December 1, 2021, more than the required 45 days. The City has determined that the comment period was consistent with the requirements of CEQA, the CEQA Guidelines, and City of Berkeley environmental review procedures and is sufficient for the purposes of CEQA compliance. Nonetheless, the public will have further opportunities to provide public comment at the public hearings to consider the Final EIR and project approval.



## Letter B3

Date: October 31, 2021

From: South Berkeley Now! Steering Committee

To: Planning Commission- Agenda Nov 3<sup>rd</sup> 2021

RE: Proposed Zoning for Ashby and North Berkeley BART (**RBMU Residential Mixed Use District**)

The proposed zoning standards generally reflect the community priorities developed through the CAG process. We support the CAG process and the MOU with BART and strongly urge the Planning Commission to approve new zoning standards as soon as possible so that we can move forward with transforming these surface parking lots into new homes, including as many affordable homes as feasible. These zoning standards are only one part of the process of creating new transit villages. There are many more steps to come, including developing detailed design standards for each BART station, and selecting a strong development team that is committed to the community vision for our BART stations. Let's keep this process moving!

The August 2021 Draft reflects several of the past comments and recommendations from South Berkeley Now! (SBN) that will encourage a vibrant mix of housing for the future of our city. Thank you to the Planning Staff for including those recommendations. Before finalizing these standards, we request the Planning Commission consider two key adjustments related to the Ashby BART Station zoning, and one adjustment related to both stations:

1. **Increase Allowable height on West Parking Lot:** For Ashby BART we recommend increasing the base height from 7 to 8 stories on the west parking areas to allow the flexibility to take advantage of new construction types and to create more mixed income homes. This portion of the Ashby site is bordered by wide public right of ways on all sides and this one story of additional height would not create shadows on surrounding homes. Allowing more new homes on the West Parking lot will also help pay for other community benefits such as a new permanent home for the Flea Market, traffic calming and lane reductions.
2. **Active Building Frontage on Adeline Street:** We envision Adeline as a two lane street and linear public plaza that could be the heart of our new transit village, and provide a permanent home for the Berkeley Flea Market. To support this goal it is critical that the new development at West Parking Lot Ashby create an active building frontage along the entire length of Adeline. On Page 14 of the draft zoning documents, the diagram leaves the existing driveway on the west side of BART outside the proposed zoning. We recommend that clarifying language be provided in the zoning document to ensure that new buildings at Adeline provide active uses at the same level as the existing Adeline Street, with no gap between public frontage and ground floor uses.
3. **Link Zoning to Community Vision:** The proposed zoning should include a clear linkage to the Joint Vision and Priorities Document that was developed through the CAG process. This will ensure that the community vision developed in the CAG process is clearly recognized as the foundation and reference point for these new zoning regulations

Thank you for your consideration,

The SBN Steering Committee: Teresa Clarke, Ariella Granett, Jon Lau, Matt Lewis, Deborah Matthews, Betsy Thagard, Peter Waller

## Letter B3

**COMMENTER:** South Berkeley Now! Steering Committee

**DATE:** October 31, 2021

The commenter provides recommended revisions and comments related to the proposed zoning standards and not on the information, analysis, or conclusions contained in the Draft EIR.

Please see Topical Response A: Project-Related Comments.



Letter B4

A Collaboration of EBSHC and BORP\*

Date: November 30, 2021

To: City of Berkeley Planning Commission

We submit three comments on the Draft Environmental Impact Report (DEIR) for the Ashby and North Berkeley BART Station Transit Oriented Development zoning standards, on behalf of ARCH (Ashby Recreation & Community Housing), a housing and recreation project proposed by EBSHC and BORP. Envisioned on the East Lot of the Ashby station adjacent to the Ed Roberts Campus, the proposed ARCH project has been previously introduced to both the Planning Commission and the Berkeley CAG. It is described further in an attachment to this letter entitled "ARCH Overview." Our comments follow:

1

1. With regard to our proposed recreational facility, we request that the zoning language that is eventually developed explicitly allow adaptive, fully accessible recreation and fitness facilities for use by the disability, South Berkeley, and greater Bay Area communities. The FEIR should clarify that the project description includes health clubs and gyms.

2

2. With regard to the proposed housing component, we hope to build model housing that includes a percentage of units set aside for persons with mental health challenges. Within the larger structure, but separately managed with full-time staff, we hope to embed a desperately needed licensed, adult residential facility (ARF) for 12-16 residents. Both the larger, integrated component and the ARF will require allocation of space for onsite supportive services. We envision on the ground floor, space for a community room and kitchen, two bathrooms, and several offices in addition to commercial space. The ARF would also require congregate dining and office space. Therefore, we request that the zoning that is eventually developed explicitly allow such supportive facilities for on-site, integrated, supportive housing.

3

3. We recognize that any use of open space for non-housing purposes necessarily involves a trade-off between the community benefit of elements that support the quality of life and space for critically needed housing. But we believe that both needs can be served by building tall, high-density housing, above seven stories where appropriate. The FEIR should clearly specify that the seven-floor minimum zoning allowance is not intended as a maximum.

Thank you for your consideration of our requests.

Kathleen Sikora, EBSHC Chair

Rick Smith, BORP Executive Director

## Letter B4

**COMMENTER:** Ashby Recreation & Community Housing

**DATE:** November 30, 2021

### **Response B4.1**

The commenter requests that zoning language allow recreation and fitness facilities and that the EIR should clarify that the project description includes health clubs and gyms.

The specific uses that would be allowed under the proposed R-BMU district are included in Appendix B of the Draft EIR. As shown in Table 23.202.020-1, gym/health club uses would be allowed with a use permit. Based on the allowed uses under the proposed project, the analyses in Section 4.11, *Transportation*, as well as in Sections 4.1, *Air Quality*, and 4.4, *Greenhouse Gas Emissions*, assume 50,000 square feet of Health/Fitness Club uses to represent the potential Ashby Recreation and Community Housing project of the Bay Area Outreach and Recreation Program and the East Bay Supportive Housing Collaborative.

### **Response B4.2**

The commenter requests that the zoning allow supportive facilities for on-site, integrated, supportive housing.

Please see Topical Response A: Project-Related Comments.

### **Response B4.3**

The commenter expresses support for tall, high density housing above seven stories and states that the EIR should clearly specify that the seven-floor minimum zoning allowance is not intended as a maximum.

Please see Topical Response A: Project-Related Comments.

North Berkeley Neighborhood Alliance

November 30, 2021

Department of Planning & Development
1947 Center Street, 2nd Floor
Berkeley, California 94704
Attn: Alisa Shen, Principal Planner

Re: Draft Environmental Impact for Ashby and North Berkeley BART Stations Transit-Oriented Development Zoning Project

Dear Ms. Shen,

The North Berkeley Neighborhood Alliance (NBNA) is a group of over 300 households located near North Berkeley BART. We, the NBNA Steering Committee, have reviewed the Draft DEIR for the BART Zoning Project (DEIR) dated October 2021 and prepared the following comments to be addressed by the City of Berkeley in its final environmental impact report on the zoning. Our comments are primarily for how the DEIR applies to the North Berkeley BART site, though they may also be applicable to the Ashby site.

The DEIR has serious flaws in methodology, significant omissions in analysis and numerous conclusions unsupported by evidence. The overview below summarizes our primary concerns and objections:

Affordability: The DEIR fails to include affordability as a project objective.

1

- The project sites are the most suitable sites in Berkeley to meet the state mandate to provide more affordable housing by 2030.
Recognizing the urgent need for affordable housing, the City has committed \$53 million to increase the percentage of affordable housing on these sites, the largest single investment in affordable housing that Berkeley has committed to date.
The project goal of affordability will influence the environmental analysis of the project because of the relationship between affordability and the size, height, massing, greenhouse gas emissions, noise and traffic associated with the project.

Greenhouse Gas Emissions: The methodology used by the DEIR to analyze greenhouse gas emissions is completely inadequate. The methodology:

2

- omits analysis of the vast majority of greenhouse gas emissions associated with the project
relies upon outdated population data and erroneous mathematical calculations of project-specific per-capita thresholds
omits the impact of eliminating car-dependent BART rider access and the consequent substantial increase in total vehicle miles traveled by displaced BART commuters
assumes without any analysis or substantial evidence that mere compliance with the minimums required by state and local climate action plans is sufficient to support a finding of less than significant greenhouse gas emissions impacts
fails to analyze the relationship between project size and total greenhouse gas emissions, considering only the relationship to per capita emissions rather than total emissions

3 | **Land Use Planning:** With proposed story heights of 7 to 12 or more stories in an existing neighborhood of single family homes and small apartment buildings of 1 to 3 stories, the proposed project and the DEIR alternatives to the proposed project are inconsistent with the leading goals of the Berkeley General Plan, including:

- “Preserve Berkeley’s unique character and quality of life.”
- To Preserve Berkeley’s character, it is essential that infill development be sensitively designed and thoughtfully planned to fit in with the existing built environment.”

4 | **Noise:** The DEIR fails to consider the impact of project size on project construction and operating noise. The DEIR also fails to include effective mitigations of the significant and unavoidable impacts of construction noise.

5 | **Alternatives Considered but Rejected:** The DEIR considered but failed to include an AB 2923-compliant alternative that met project objectives that was repeatedly requested by the community because it substantially reduced adverse environmental impacts. The DEIR cited five invalid reasons for rejecting the study of an alternative that would set the maximum density at 75 units/acre and leave all other zoning criteria constant:

- Mis-represents AB 2923 to imply that because AB 2923 does not allow zoning for a maximum height of less than 7 stories, that AB 2923 also requires that an actual project must achieve a minimum height of at least 7 stories. Although the cost of building to 7 stories would likely discourage actually building to 7 stories to achieve a 75 unit/acre density when that density could be achieved with lower story heights, zoning for a 75 unit/acre density would not legally preclude building to 7 stories if the developer chose to do.
- States that recent project densities in mixed-use city center projects have occasionally exceeded 75 units/acre. While a true statement, it is irrelevant to the North Berkeley BART site because it is not in a mixed-use city center location.
- Without any analysis, logic, or relevance, states that a 75 unit/acre maximum density would result in large unit sizes and adversely impact affordability. Due to lower construction costs, affordability is in fact actually increased with lower density and lower story heights.
- Speculates that the intent of AB 2923 was not to establish density as limiting factor, despite the fact that AB 2923 clearly and explicitly establishes 75 units/acre as the minimum allowable zoning density, regardless of location. If that was not the intent of AB 2923, the law could easily have been written to provide for varying minimum allowable densities, just as it was written to provide for varying minimum story heights and floor area ratios dependent upon location.
- Employs a highly convoluted legal logic to conclude that setting a maximum density of 75 units/acre would violate AB 2923, despite the clear language of AB 2923 that sets 75 unit/acre as the requirement and despite both a legal opinion by the Berkeley City Attorney and an updated July 2021 BART policy clarification that unequivocally agrees that the City may set the maximum density at 75 units/acre if it chooses to do so.

6 | **Alternative 3:** Without substantial evidence, the DEIR concludes that Alternative 3 is environmentally superior to the proposed project because it is larger than the proposed project.

6, cont.

- The conclusion that the larger Alternative 3 would support greenhouse gas reduction goals is not supported by evidence or logic. In fact, Alternative 3 would significantly increase greenhouse gas emissions by a disproportionately larger percentage than the 50% increase in project population.
- The DEIR fails to relate noise to project size; Alternate 3 would clearly increase significant and unavoidable construction noise and duration, operating noise, traffic and associated traffic noise.
- The DEIR conclusion that Alternate 3 is environmentally superior is primarily based upon an unfounded assumption and article of faith that “transit-oriented” development reduces greenhouse gas emissions relative to conventional suburban development and that providing more transit-oriented development will displace an equal amount of conventional suburban development. No evidence is provided to support the assumption that the transit-oriented development would actually achieve its supposed environmental benefits, nor was there any analysis of the suburban development “ghost” alternative, nor was there any evidence or logic to support the belief that transit-oriented development actually replaces suburban development and is not merely additive, even assuming that it is actually environmentally superior.
- Lastly, the “ghost” alternative of suburban development cannot be considered a true alternative to the proposed project because it does not meet project objectives and does not comply with CEQA criteria for an alternative.

**Conclusion:**

The North Berkeley Alliance supports the construction of a transit-oriented development at the North Berkeley BART station that is environmentally responsible, affordable and respectful of the neighborhood in compliance with Berkeley’s General Plan.

The DEIR is required by CEQA to analyze an AB 2923-compliant alternative that meets project objectives and has the potential to reduce adverse environmental consequences, including minimizing the increase in greenhouse gas emissions and minimizing the increase in noise, both of which are unavoidable. The DEIR should therefore analyze a smaller project alternative that limits the maximum density to 75 units/acre while keeping all other zoning criteria constant.

We are confident that an objective, accurate and comprehensive analysis corrected to address the flaws and omissions identified in our detailed comments would result in a conclusion that a smaller project is environmentally superior to the proposed project.

Our comments on specific sections of the DEIR are on the following pages and include analytical comments as well as Actions we propose be taken in revising the DEIR.

## EXECUTIVE SUMMARY

### Project Objectives (page ES-1)

#### NBNA COMMENT:

##### **A. The DEIR fails to include affordable housing in the project objectives**

8 The DEIR fails to include affordable housing as a project objective. The state Regional Housing Needs Assessment mandates that Berkeley provide for 5,270 units of very low, low, and moderate income housing within the next eight years. The two project sites in this DEIR are uniquely suited to address the mandate in Berkeley due to their large size, ideal transit-oriented location, immediate availability, public ownership and economic feasibility.

Recognizing the urgent need for affordable housing, the City has committed \$53 million in Berkeley taxpayer-funded bonds to increase the percentage of affordable housing on these sites, the largest single project investment in affordable housing that Berkeley has committed to date.

Although an evaluation of the social benefits and the financial feasibility of affordable housing is beyond the purview of the DEIR, affordability should be included in the DEIR list of project objectives because meeting this objective will have environmental impacts, including impacts related to height, density, population size, construction type, greenhouse gas emissions, traffic, and parking.

**Action:** The DEIR should add affordable housing as a primary objective.

## 4.4 – GREENHOUSE GAS EMISSIONS

### 4.4.2.a – Impact Analysis - Methodology and Significance Thresholds

#### Methodology (pages 4.4-13-15)

#### NBNA COMMENTS:

##### **A. The Greenhouse Gas Emissions analysis is incomplete and deficient because the majority of greenhouse emissions resulting from the proposed project were omitted from the analysis.**

9 The DEIR states “The geographic scope of GHQ emissions analysis is global because impacts of climate change are experienced on a global scale regardless of the location of GHQ emission sources.” (page 4.4.-13) Paradoxically, the DEIR then describes and employs an analysis methodology that omits the overwhelming majority of greenhouse gas emissions resulting from the proposed project and its associated population growth, except for a small percentage of emissions that occur on the site or within Berkeley itself.

**Omitted** from the analysis is nearly all **consumption**-based greenhouse gas emissions from the increase in the city’s population associated with the proposed project, including nearly all consumer goods production, industrial production, food production, deforestation, air travel, and shipping transportation that occur outside the city limits as a direct result of the project.



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Research by the UC Berkeley CoolClimate Network has shown that the average Berkeley household is responsible of 39 metric tons/year in total emissions, equal to 17.7 metric tons/capita-year based upon an average household size of 2.2 persons. In contrast, the DEIR greenhouse gas emissions analysis is based upon a highly limited subset of emissions that DEIR estimates at less than 1.2 metric tons/capita-year.

The DEIR even excludes nearly **all** greenhouse gas emissions directly related to the construction of the project itself, as discussed in detail below.

**ACTION:** The DEIR should include an analysis of all greenhouse gas emissions caused by the project and its associated increase in city population, using a complete consumption-based greenhouse gas inventory such as the inventory available from the UC Berkeley CoolClimate Network.

10

**B. The Greenhouse Gas Emissions analysis is incomplete and deficient because it omits analysis of the significant amount of greenhouse gas emissions resulting from the production of materials required to construct the project.**

The DEIR purports to include construction-related GHG emissions but in fact analyzes only a very small fraction of the actual total construction-related greenhouse emissions. The DEIR analyzes only the emissions generated by construction equipment used on-site and emissions generated by vehicle trips associated with construction. The DEIR completely omits the far larger quantity of greenhouse gas emissions associated with the production of construction materials used to construct the project.

Studies have shown that the greenhouse gas emissions associated with the production of construction materials used to construct a project can be equal in quantity to the greenhouse gas emissions from the operational use of the project over its entire life cycle.

Not only are greenhouse gas emissions embodied in construction materials possibly the single largest source of greenhouse gas emissions associated with the proposed project, but they have a disproportionate impact on global warming because they are released in a very short time before the project is even completed and not over the lifetime of the project. Reducing greenhouse gas emissions embodied in construction materials is critically important because reducing greenhouse gas emissions emitted early in the life cycle of the proposed project reduces the impact of feedback loops that will accelerate catastrophic global warming in the critical next decade.

**ACTION:** The DEIR should include an analysis of the greenhouse gas emissions embodied in the construction materials of the proposed project.

**ACTION:** The project's emissions should be analyzed based upon the actual point in time at which they will be released into the atmosphere rather than pro-rated over the life of the project.

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cont.

**ACTION:** The analysis of greenhouse gas emissions in the construction materials for the proposed project and each alternative should take into consideration the significant variation in the intensity of embodied emissions resulting from the different types of construction for each alternative associated with story height and other factors.

**C. The Greenhouse Gas Analysis is incomplete and deficient because it omits analysis of the greenhouse gas impacts of eliminating BART rider parking and reaches a conclusion without supporting evidence.**

The proposed project eliminates nearly all existing BART rider parking on the project sites and states “The calculations of mobile emissions associated with the project do not include the change in travel associated with BART rider travel to the sites because it is speculative to assume how removing parking would affect travel patterns.” (page 4.4-14) Despite this admission, the DEIR then goes on to conclude, **without any supporting evidence, logic, methodology or surveys**, that “Reducing the share of riders who access BART via private vehicles would reduce associated mobile emissions”.

Many BART riders at the North Berkeley station are car-dependent due to a variety of factors, including lack of busses and shuttles made infeasible by the low density of outer neighborhoods, hilly topography making bicycles infeasible for many, long walking distances, a disproportionate percentage of aged and disabled in the hills and families with child care and school transportation needs.

11 Because of the factors listed above, it is reasonable to assume that most car-dependent BART riders will drive to their final destination if they are unable to park at the BART station, increasing vehicle miles traveled from the current distance of 1 or 2 miles to 10 or 20 or more miles per trip. It is unlikely that most car-dependent BART riders will stay at home, adopt whole new modes of transport, or simply disappear, as assumed by the DEIR.

Prior to the Covid pandemic, ridership at the North Berkeley BART station steadily declined, in part because existing parking was completely full with a long waiting list. By not providing parking for most of the residents in the proposed project, the amount of street parking currently available for BART riders will likely be even further reduced by competition for limited street spaces with the future residents.

**ACTION:** The DEIR must include an analysis of the likelihood of a very large increase in greenhouse gas emissions resulting from the BART’s desire to eliminate rider parking in order to maximize the amount of market rate housing for high income households.

**ACTION:** the DEIR must retract its conclusion that “Reducing the share of riders who access BART via private vehicles would reduce associated mobile emissions” unless it is able to provide substantial evidence to support that conclusion.

12.

**ACTION:** If BART is unwilling or unable to sufficiently define its plans for alternative modes of station access and its plans for commuter parking at this time, then the final DEIR should be delayed until such time as sufficient information is available to analyze the significant environmental impact of eliminating most car-dependent access to these BART stations and to allow the public to review and comment on the proposed plans and analysis.

**Significant Thresholds** (page 4.4-15-18)

NBNA COMMENTS:

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**A. The DEIR Greenhouse Gas Emissions methodology is deficient because it assumes that mere compliance with existing local and state climate action policies and thresholds will result in a less than significant cumulative impact on the environment, without providing any evidence that existing local and state climate action policies are sufficient to actually achieve that goal.**

The DEIR asserts a legal theory that compliance with local and state greenhouse gas emissions policies establishes the threshold for greenhouse gas emissions that do not have a significant impact on the environment. However, **no evidence is provided** that compliance with local and state policies and thresholds will in fact result in a less than significant cumulative impact on the environment. As discussed in the previous comments, local and state policies are based upon reducing a small subset of greenhouse gas emissions that ignore the majority of Berkeley’s greenhouse gas emissions that have been “exported” to other regions, states and nations.

Local and state policies have established a Berkeley average of 1.2 metric tons/capita-year as the maximum amount of greenhouse gas emissions allowed to be compliant with state Assembly Bill 32 by 2030, when multiplied by the estimated 2030 service population of 254,565. The DEIR analysis assumes that the project-specific threshold should be set to be the same as the average limit on per capita emissions. Since most per capita emissions are linked to existing infrastructure that will be difficult and unlikely to be significantly reduced over the next 8 years, it is almost impossible for Berkeley to reduce the average to 1.2 metric tons/capita if new projects such as the proposed project are not aggressively reduced to a much **lower** threshold than the city-wide average.

**ACTION:** The DEIR must either provide substantial evidence that compliance with AB 32 is sufficient to establish the level at which greenhouse gas emissions are not significant or it must adopt a more appropriate threshold.

**B. The DEIR Greenhouse Gas Emissions methodology is deficient because it is based upon outdated population projections, resulting in an erroneous calculation of the greenhouse gas emissions threshold.**

The DEIR per capita greenhouse gas emissions threshold is 1.2 metric tons/capita, derived by dividing Berkeley's 2030 AB 32 goal of 293,703 metric tons by its estimated 2030 "service population" of 254,565 persons.

The estimate of the 2030 service population of 254,565 is based upon 2017 ABAG Plan 2040 population projections of a household population of 119,875, a group living population of 15,805 and a jobs population of 118,885.

ABAG recently released its Plan 2050 but has not yet released updated population projections for Plan 2050. However, it is clear from the current Regional Housing Needs Assessment housing mandates and from the recently adopted UC Berkeley Long Range Development Plan that the 2030 household population, the group living population and the jobs population will all substantially exceed the ABAG Plan 2040 population projections used to calculate the DEIR's project-specific greenhouse gas emissions threshold.

The RHNA requires that Berkeley provide for housing to increase its household population by about 19,655 persons by 2030, based upon 8,934 households times an average household size of 2.2 persons. The ABAG Plan 2040 projected a household population increase of only 6,480 persons by 2030. The DEIR household population estimate is thus underestimated by 13,175 persons.

The UC Berkeley LRDP provides for a group living population increase of 11,730 by 2035, which can be pro-rated to a group living population increase of approximately 8,000 by 2030. The ABAG Plan 2040 projected a group living population increase of only 1,680 persons by 2030. The DEIR group living population estimate is thus underestimated by at least 6,320 persons, and almost certainly more because UC Berkeley's group living population does not comprise Berkeley's entire group living population.

The UC Berkeley LRDP also provides for an increase in faculty and staff population of 3,580 by 2035, which can be pro-rated to an increase of 2,400 by 2030. The ABAG Plan 2040 projected an increase of 2,450 jobs by 2030. However, the ABAG projection was for ALL employers in Berkeley, and UC Berkeley jobs accounted for only 13% of all jobs in Berkeley in 2020. The ABAG projection clearly did not provide for the current projected increase in UC Berkeley jobs, nor did it account for the more than 1,000 new jobs related to the expansion of the Bayer manufacturing facility in Berkeley. Thus a conservative estimate is that the DEIR job population is understated by at least 3,000 jobs.

Based upon the data above, the service population in 2030 will be at least 22,495 persons more than the ABAG Plan 2040 projection for 2030, equal to 277,060 persons. Dividing Berkeley's 2030 AB 32 goal of 293,703 metric tons by the more accurate service population of 277,060 persons yields a greenhouse

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cont

gas emissions threshold of 1.06 metric tons/capita, equal to a 12% reduction of the 1.2 metric tons/capita threshold used in the DEIR analysis.

**ACTION:** The DEIR greenhouse gas emissions per capita threshold must be revised to be based upon the most current and accurate service population projection.

**4.4.b. Project impacts and Mitigation Measures**

Mitigation Measures

*GHG-1 GHG Reduction Program (page 4.4-19)*

15

NBNA COMMENT:

**See NBNA comment in the previous section on construction-related GHG emissions.**

**ACTION:** Add: “During the design phase, construction projects shall be required to use a detailed modeling program to quantify greenhouse gas emissions embodied in the proposed design and shall identify and consider alternative material options that reduce embodied greenhouse gas emissions.”

**ACTION:** Add: “To reduce greenhouse gas emissions associated with the project, the size of the project shall be limited to the minimum size required to meet the project objectives.”

**ACTION:** Include an analysis of an Alternative that meets project objectives, sets a maximum density of 75 units/acre, a maximum height of 7 stories, a maximum FAR of 4.2 and a sufficient amount of commuter parking to retain car-dependent BART ridership that would otherwise abandon mass transit entirely.

## 4.7 Land Use Planning

Local (pages 4.7-7-12)

NBNA COMMENT :

### **A. The DEIR bases its alternatives and analyses of the project on flawed interpretations of the land use policies in the Berkeley General Plan.**

While the DEIR does not have to be exactly consistent with all plan policies, the proposed project would in fact preclude the attainment of the leading goal of the Berkeley General Plan\*, as applied to the North Berkeley station.

The Berkeley General Plan identifies seven major goals, the first of which (this is no accident in the priority listing as it was intended to be primary) is to “Preserve Berkeley’s unique character and quality of life.” This goal is further elaborated in the subsection “Encourage Appropriate Infill Development”, which includes this language: “To preserve Berkeley’s character, it is essential that infill development be sensitively designed and thoughtfully planned to **fit in with the existing built environment**” (emphasis added).

The project and the preferred alternative would be anything but this – they would be at least 7-12 stories in tower blocks sitting in an area that for over .5 miles in all directions (excepting University Avenue itself) is a rich mix of single family homes, ADUs, duplexes, quadplexes and apartments that are generally 3-4 stories. There is no reasonable interpretation of the City’s General Plan that would consider the DEIR project to be consistent with this primary General Plan goal – particularly when there is another alternative (proposed by NBNA and hundreds of citizens) that provides for substantial housing development 4-500 units, with likely greater affordability and better environmental sustainability. This again underscores the failure of the DEIR’s alternatives formulation and analysis.

It must also be pointed out that the smaller alternative project is completely consistent with all of Berkeley’s General Plan goals, unlike the over-large DEIR project.

\*See:

[https://www.cityofberkeley.info/Planning\\_and\\_Development/Home/General\\_Plan\\_A\\_Guide\\_for\\_Public\\_Decision-Making.aspx](https://www.cityofberkeley.info/Planning_and_Development/Home/General_Plan_A_Guide_for_Public_Decision-Making.aspx)

## 4.8 NOISE, Mitigation Measures (page 4.8-19)

NBNA COMMENT:

### **A. The DEIR Unlawfully and Unkindly Fails to Consider Improvements to Mitigation Measure N-1.**

The only impact that the DEIR evaluates as significant and unavoidable impact under CEQA is Construction Noise.

Mitigation Measure N-1 proposes to mitigate this impact, but not to a degree that would reduce the impact to less than significant.

While it is likely that Mitigation Measure N-1 cannot be modified to reduce the Construction Noise impact to less than significant, there are several measures the City can require that will substantially improve the quality of life for the people in the residential areas within earshot of the Ashby and North Berkeley BART stations. These relate to the hours of work during the construction of the developments at the two stations. The DEIR states, regarding construction hours:

**Standard Conditions of Approval**

To minimize the effect of construction noise on sensitive receptors, the City would impose its standard conditions of approval on future developments on the project sites. The following conditions of approval would apply to projects involving construction in non- residential zoning districts:

Construction Hours. Construction activity shall be limited to between the hours of 7:00 AM and 6:00 PM on Monday through Friday, and between 9:00 AM and 4:00 PM on Saturday. No construction-related activity shall occur on Sunday or any Federal Holiday.

This condition would restrict construction activity to daytime hours on Monday through Saturday, avoiding adverse effects on sensitive receptors during normal sleeping hours and reducing exposure to construction noise on weekends.<sup>1</sup>

Due to the size of the two developments, their location in areas with substantially (Ashby) or almost exclusively (North Berkeley) residential surroundings, and likely years-long duration of construction, the City should consider reasonable modifications to its standard hours of work for these projects that will improve the quality of life for thousands of residents.

The City should modify the start of work so that working hours begin at 8 am on weekdays. This will keep thousands of people from being woken up for years by construction noise. The City should also modify the hours of work on Saturdays from 9 am to 4 pm to 9 am to 1 pm, and disallow pile drivers on Saturdays. This will retain at least half of Saturdays, when many people are home, from disruption by construction.

Nine working hours during the week and four hours on Saturday is plenty of time for orderly and workmanlike progress with substantially less disturbance of the surrounding neighborhoods.

**ACTION: Modify Mitigation Measure N-1 as noted above.**

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<sup>1</sup> DEIR, p. 4.8-16/pdf. p. 237.

## 6 – Alternatives (page 6-1 and following)

### 6.1 Alternatives Considered but Rejected (page 6-4)

NBNA COMMENTS:

**A. The DEIR has failed to adhere to CEQA Guidelines that require that the lead agency identify and evaluate a reasonable range of alternatives intended to reduce the significant environmental impacts of proposed project while still satisfying most of the basic project objectives.**

In the DEIR public scoping session on planning commissioners and members of the public and neighborhood organizations requested that the DEIR include an alternative project whose size met but did not exceed the minimum zoning parameters for density, height and FAR established by AB 2923.

18 The City also considered a 75 Unit Per Acre Maximum Standard Alternative that would keep all other proposed development standards listed in Section 2, Project Description, constant.

In addition, the entire City of Berkeley’s planning process over the past 3 years has been characterized by widespread and frequent public support of a project in the 4-500 unit range, with hundreds of people requesting this approach.

**ACTION: The DEIR should be revised to include the alternative of a smaller project.**

The following is our analysis of the list of **five** reasons cited in the DEIR for rejecting a study of the smaller project alternative (page 6-4):

**1) “A development that achieves the minimum height of seven stories and minimum FAR under BART’s TOD development standards would generally exceed a density of 75 units/acre.” (page 6-4)**

AB 2923 does **not** require that a **project** on this site achieve the minimum height of seven stories and the minimum FAR of 4.2. In fact, AB 2923 does not require that a project actually achieve any of the minimum zoning parameters.

AB 2923 simply requires that **zoning** for this site shall not establish a unit density of less than 75 units/acre, a story height of less than 7 stories, and a floor area ratio of less than 4.2. It is normal in development that a theoretical maximum project size allowed by one zoning parameter may be limited by other zoning parameters – this is not an error or conflict and does not invalidate the more restrictive parameters.

Moreover, the project itself that forms the basis for the DEIR does not contain sufficient density to achieve the zoning minimum FAR of 4.2, achieving an FAR of only 3.4 as shown in Table 2-3 “Buildout Projection.”



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cont.

**ACTION:** This first reason for rejecting the alternative for a maximum of 75 units/acre should be **deleted** because it is based upon a misrepresentation of AB 2923 and is based upon selection criteria that is not met by the project itself and has been arbitrarily applied only to the rejected alternative.

**2) “Recent development trends in the City’s mixed-use, transit rich areas range from 100 to 200 dwelling units/acre and often exceed this range.”**

Although some recent projects in the city center and in high density commercial corridors have a density of over 75 units/acre, this is irrelevant to the North Berkeley BART station site because it is not a mixed-use zone and because it is surrounded by 1 and 2 story residences, mostly single family homes with a mix of multi-unit buildings, and is not a high density commercial, institutional and high-rise apartment zone.

**ACTION:** This second reason for rejecting the alternative for a maximum of 75 units/acre should be **deleted** because it is not relevant to the context of the project site.

**3) “The application of BART’s TOD development standards combined with 75 du/acre applied as a maximum rather than minimum density would yield very large units (in the range of 1,600 to 2,000 square feet) and may affect the financial feasibility of achieving high levels of affordable housing.”**

- There is no explanation or evidence provided in the DEIR to support the conclusion that a 75 unit/acre maximum would result in very large units.
- There is no explanation, evidence or analysis of how a 75 unit/acre maximum would affect financial feasibility.
- Achieving a high level of affordability was not listed as one of the project goals in Section 2.7 “Project Objectives”.
- Financial analysis with respect to affordability is well beyond the appropriate scope of an CEQA analysis of the physical and environmental impacts of the proposed project.

**ACTION:** This third reason for rejecting the alternative for a maximum of 75 units/acre should be **rejected** because its conclusions are not supported by the evidence and because it is beyond regulatory scope of an DEIR.

**4) “Furthermore, BART’s TOD development standards set the same minimum density for all station types in the BART system, despite significant differences in height and FAR, which indicates that it was not meant as a limiting factor.”**

If density was not meant as a limiting factor, why were BART’s TOD development standards clearly and explicitly written to establish the same minimum density of 75 units/acre for all station types and why were these standards incorporated into AB 2923? Had the intent been what the authors of the DEIR

have speculated, it would have been very easy to have established different minimum densities as was done for minimum story heights and minimum FAR's.

**ACTION: This fourth reason for rejecting the alternative for a minimum of 75 units/acre should be deleted because it is highly inappropriate for the DEIR to conclude that the intent of the AB 2923 is completely different from what the law very clearly and explicitly states.**

**5) "Ultimately BART must determine conformance of the City proposed zoning of the Ashby and North Berkeley BART sites with AB2923. If BART determines that a maximum density standard of 75 dwelling units/acre would make achieving the other required TOD development standards infeasible, then this alternative could fail to meet the project objectives of complying with AB 2923."**

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cont.

AB 2923 clearly requires that BART must adopt and enforce local zoning if it meets the zoning parameters specifically mandated in AB 2923. Nowhere in AB 2923 does it state that a zoning density of greater than 75 units/acre must be adopted if necessary to facilitate achieving 7 stories or higher and a floor area ratio of 4.2 or higher for an actual project.

In an opinion dated 10/19/21, the Berkeley City Attorney confirmed in a communication to Councilmember Kate Harrison that the City is required to zone only to meet the minimum parameters established by AB 2923, stating,

"You were particularly interested in whether zoning standards for building height, floor area ratio ("FAR"), and residential density are linked to one another in such a way that the City could be required to adopt a density standard higher than the 75 units/acre minimum required by the BART TOD Guidelines.

To summarize: you are correct that there is not a legal link between the density and the building height or the FAR. In July, BART clarified its position, and announced that conformance with AB2923 will be based exclusively on the four parameters (the minimums for building height, FAR, residential density and parking).

The concern expressed in the memo relates a scenario (relatively large units) that could result in legal exposure if BART asserts that Berkeley's adopted density renders projects that are built to height and FAR minimums infeasible, perhaps due to market conditions or other reasons why a building with relatively large units (averaging between 1,600 - 2,000 sq. ft). However, that scenario seems unlikely in light of the July 2021 release of BART's Technical Guide. Therefore, so long as the residential density standard is at least 75 units/acre, any decision to adopt a higher residential density is a policy question."

In addition, BART Director Rebecca Salzman, whose district includes the North Berkeley BART station, has stated in public meetings that BART would approve Berkeley's zoning even Berkeley limited density to 75 units/acre, provided only that all other zoning parameters were also in compliance with the requirements of AB 2923.

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**ACTION:** This fifth and final reason for rejecting the alternative for a maximum of 75 units/acre should be **deleted** because it is based upon legal speculation by the authors of the DEIR, it is inconsistent with the actual requirements of AB 2923, and it is inconsistent with the legal opinion of the City Attorney and is inconsistent with BART policy as updated in July 2021, which both agree that the City is required only to zone in accordance with the explicit minimum parameters listed in AB 2923.

**OVERALL CONCLUSION:**

**ACTION:** The Final (Program) DEIR should evaluate the Lower Height Alternative and the 75 Unit Per Acre Maximum Standard Alternative, and not dismiss them by treating them differently than the alternatives the DEIR analyzes.

19

**6.3.2a. – Air Quality** (page 6-8)

NBNA COMMENT:

**A. No evidence is provided for the conclusion that Alternate 2, retaining a portion of the BART rider parking, “would result in a greater increase in criterial air pollutants” relative to the proposed project that completely eliminates BART rider parking.**

It is likely that an analysis would show that air quality would be improved by Alternate 2 as discussed in Alternate 3, Section 6.4.2.a.

**ACTION:** The DEIR should be revised to state that Alternative 2 will improve air quality.

**ACTION:** Relative to the proposed project and Alternate 3, the DEIR should show that energy, greenhouse gas emissions and noise would all be reduced by reducing the size of the project and retaining some rider parking as proposed in Alternate 2.

#### 6.4.2.d – Greenhouse Gas Emissions (page 6-19)

##### NBNA COMMENT:

##### **A. The conclusion that Alternative 3 would support greenhouse gas reduction goals to a greater extent than the proposed project is not supported by evidence or logic.**

Under current and foreseeable technologies and polices, all growth increases greenhouse gas emissions whether the growth is “transit-oriented” or not.

20 Although transit-oriented development growth, in some circumstances, may offer minor reductions of per capita greenhouse gas emissions compared to development growth not well served by public transit, this theoretical overall reduction in overall greenhouse gas emissions is **only realized if the non-transit oriented growth is reduced by an amount equal to the transit-oriented growth.**

If there is no equivalent reduction in non-transit oriented development, then the greenhouse gas emissions from the transit-oriented development are simply additive to the greenhouse gas emissions from the non-transit oriented development.

The DEIR conclusion that the proposed project reduces greenhouse gas emissions is not supported by any evidence that the construction of small transit-oriented rental apartments in Berkeley will reduce the construction of large low density family-owned homes in the suburbs due to either public policy changes or market changes - there is simply no demonstrated linkage between these very different housing markets. Therefore, the conclusion that an even larger project, such as Alternative 3, would reduce overall greenhouse gas emissions to a greater extent than the proposed project is also **not supported by the evidence.**

The conclusion that a larger project is more favorable for greenhouse gas reductions is not only unsupported by the evidence, it is **contradicted** by logic and market reality.

Public market demand for low density, non-transit oriented growth in suburban areas continues to be very strong and is driven by many factors, including a desire for larger units, yard space for children, gardening and entertaining, parking for multiple vehicles, lower crime rates, better schools and the opportunity for household wealth building through home equity.

The DEIR provides **no evidence or logic** that any portion of the large market segment seeking lower density suburban housing, motivated by the factors listed above, will be in any way reduced if Berkeley constructs the proposed project consisting of relatively small rental apartments with no private yards, little or no parking, in a city with an exceptionally high crime rate in a project with no opportunity to build home equity.

The population growth enabled by the proposed project is therefore additive, substantially increasing greenhouse gas emissions relative to current emissions.

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**ACTION:** The DEIR should be revised to state that Alternative 3 increases overall greenhouse gas emissions by more than 50% relative to the proposed project. It is very likely the increase in greenhouse gas emissions for Alternate 3 will actually increase disproportionately greater than 50% due to lower building energy efficiency and greater construction and embodied materials emissions intensity associated with the higher rise construction required to achieve the density of Alternate 3.

**6.4.2.h Noise** (page 6-22)

21

NBNA COMMENT:

**A. Alternate 3 clearly increases construction noise and duration, increases HVAC operating noise and increases traffic and associated traffic noise.**

The DEIR fails to connect noise to project size – Alternative 3 is by DEIR’s own figures 50% larger than the proposed project (see Table 6-1, pages 6-2,3)

**ACTION:** The DEIR should be revised to state that Alternate 3 increases significant and unavoidable noise by approximately 50% relative to the proposed project in proportion to the 50% increase in project size and population.

**6.5 Environmentally Superior Alternative** (page 6-26 and following)

22

NBNA COMMENTS:

**A. The Finding that Alternative 3 (Increased Height Alternative) Is the Environmentally Superior Alternative Is Not Supported by Substantial Evidence. The DEIR must re-evaluate the alternatives, including those alternatives that, as discussed above, the DEIR improperly excluded from analysis, and determine the Environmentally Superior Alternative or Alternatives based on substantial evidence.**

Table 6-4 of the DEIR provides the basis of comparison by which the DEIR finds that Alternative 3 is the Environmentally Superior Alternative.

As shown in Table 6-4, there are only two categories in which any of the alternatives evaluated are different from the Proposed Project - Greenhouse Gas Emissions and Land Use and Planning.<sup>2</sup> Table 6-4 states that impacts of Alternative 2 under these categories would be “worse” than the Proposed Project and that the impacts of Alternative 3 would be “better” than the Proposed Project. These evaluations in Table 6-4 are not supported by substantial evidence.

<sup>2</sup> The DEIR’s written analysis of “Energy” under Alternative 2 reprises the Greenhouse Gas Emissions arguments without adding substance. See p. 6-9/pdf p. 358.

**1. Alternative 2 (BART Rider Parking) Would Create Fewer Greenhouse Gas Emissions than the Proposed Project, and the Proposed Project Would Create Fewer Greenhouse Gas Emissions than Alternative 3 (Increased Height).**

The existing BART facilities provide 646 parking spaces at North Berkeley and 532 parking spaces at Ashby.<sup>3</sup> Alternative 2 of the DEIR assumes that existing parking would be replaced by 300 parking spaces at North Berkeley and 160 parking spaces at Ashby.<sup>4</sup>

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The DEIR claims that Alternative 2 would create more air pollutants than the Proposed Project, stating: “Because Alternative 2 would allow construction of more parking than the proposed project, it would facilitate increased single-occupancy vehicle trips to and from the project sites compared to the proposed project. Therefore, Alternative 2 would result in a greater increase of criteria air pollutants.”<sup>5</sup>

However, this analysis in the DEIR does not consider the additional vehicle trips that the new developments will generate, and the comparative number of vehicle trips between developments with 1000 units per site (Alternative 2) and 1200 units per site (Proposed Project).

Consider, first, the number of vehicle trips each parking space creates. First, assume that each drive and park trip has one entry and one exit. This is borne out by Appendix G, Table 9, in which the number of entries and exists at each station is roughly equivalent. Dividing the higher number of average daily entries or exits at each station shown in Table 9 by the number of parking spaces at each station, the document shows consistently that on average there are 1.3 vehicle trips per parking space at both Ashby and North Berkeley. Thus, 300 parking spaces at North Berkeley as evaluated in Alternative 2 could be expected to generate 390 vehicle trips per day; 160 parking spaces at Ashby as evaluated in Alternative 2 could be expected to generate 208 vehicle trips per day. Thus, the parking spaces in Alternative 2 could be expected to generate a total of 598 vehicle trips per day at both stations.

In contrast, we calculate that 200 additional housing units at each site under the Proposed Project as compared to Alternative 2 would generate an additional 1021 additional vehicle trips per day. Our calculation is shown in the table below:

**Table 1: Vehicle trips per day per site by alternative**

Alternative	Units per Site	Residential Person Trips Ashby	Residential Person Trips North Berkeley	Vehicle Trips Ashby	Vehicle Trips North Berkeley	2 Sites Total Vehicle Trips
Proposed Project	1200	10365	10365	3172	2943	6115
2 BART Rider Parking	1000	8637	8637	2642	2452	5094
3 Increased Height	1800	15547	15547	4757	4415	9172

*Sources and calculation methodology:*

<sup>3</sup> DEIR, p. 6-6/pdf p. 355.

<sup>4</sup> DEIR, p. 6-7/pdf p. 356.

<sup>5</sup> DEIR, p. 6-8/pdf. p. 357. It is not necessarily true that the vehicle trips to park at BART are “single-occupancy.” However, it is equally unknown if trips from new developments at the two BART sites would be single-occupancy either.

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cont.

*Units per site: DEIR, Chapter 6 Alternatives*

*Residential Person Trips: DEIR Appendix G, Table 2, pdf p. 6 for Proposed Project*

*Person trips for BART Rider Parking Alternative: Value for Proposed Project multiplied by .833 (1000 units vs. 1200 units)*

*Person trips for Increased Height Alternative: Value for Proposed Project multiplied by 1.5 (1000 units vs. 1500 units)*

*Vehicle Trips: DEIR Appendix G, Attachment A (Trip Generation Calculations), pdf p. 22, ratios of person trips per day to vehicle trips per day shown in table at bottom right ("Person Trips by Mode"):*

*Ashby = 30.6% of person trips per day gives number of vehicle trips per day*

*North Berkeley = 28.4% of person trips per day gives number of vehicle trips per day*

Therefore, in the first instance, Alternative 2 would create on average 423 fewer vehicle trips per day than the Proposed Project.

Moreover, Alternative 3, by virtue of creating 1800 units at each site, would create a total of 3057 vehicle trips per day more than the Proposed Project and 3480 more vehicle trips per day than Alternative 2.

Table 6-4 is therefore incorrect in showing that Alternative 2 has more Greenhouse Gas Emission impact than the Proposed Project. Table 6-4 is also incorrect in showing that Alternative 3 has less and Greenhouse Gas Emission impact than the Proposed Project. In terms of impacts on Greenhouse Gas Emissions, Alternative 2, the BART Rider Parking Alternative has the least impact, followed by the Proposed Project. The Increased Height Alternative has the greatest impacts on Greenhouse Gas Emissions.

24

**2. The DEIR Presents No Evidence that Land Use Planning Would Be Worse Under Alternative 2 and Better Under Alternative 3 When Compared to the Proposed Project.**

The DEIR's discussion of Land Use under Alternative 2 relies almost entirely on the analysis of vehicle trips per day to support the assertion that Land Use impacts under Alternative 2 are "worse" than under the Proposed Project. The DEIR states "Additional parking associated with use of the BART stations would generate more vehicle trips, which would be less consistent with General Plan Policy T-10 (Trip Reduction) to reduce automobile traffic and congestion."<sup>6</sup> This analysis fails to account for increased vehicle trips due to increased number of units, as discussed above in relation to Greenhouse Gas Emissions.

In its discussion of alternatives, the DEIR makes a series of statements regarding the degree to which the alternatives conform to various policy objectives. That is all fine and well, but it does not change what the environmental impacts of the project actually are. It is one thing for a policy to seek to promote reduced vehicle miles and greenhouse gas emissions. That does not mean, however, that an alternative

<sup>6</sup> DEIR, p. 6-12/pdf p. 363.

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cont.

that more closely conforms to a general policy necessarily does a better job of meeting the objectives of the policy in practice.

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**3. AB 2923’s Provision that Vehicle Trips Created by a Transit-Oriented Development Does Not Create a Significant Impact under CEQA Does Not Shield the DEIR from an Accurate Incremental Analysis of Greenhouse Gas Emission Impacts.**

AB 2923 shields vehicle trips created by a “transit-oriented development” from a finding under CEQA that the impact of such trips is significant. However, none of the vehicle trips analyzed in the DEIR, including potential use of new parking facilities at the 2 BART stations, is categorized as significant under CEQA. The issue rather is an incremental analysis comparing numbers of trips. The DEIR just does not consider trips created by new residential units in its incremental comparison. The result is an inaccurate comparison and an unwarranted conclusion regarding the Environmentally Superior Alternative.

26

**4. The DEIR fails to Consider Whether Unavailability of Parking at Ashby and North Berkeley BART Stations Will Lead to a Net Increase in Vehicle Miles due to Increased Drop-Offs by Vehicles or Reversion to Driving in Place of BART Use.**

The DEIR appears to assume that drivers who lose parking opportunities at BART will continue to use BART but not drive from their locations at the start of the day to BART stations. There is no evidence to support this assumption.

It is likely that some people who presently drive to BART and park will in the future be dropped off and picked up by vehicles, effectively doubling the number of vehicle miles they travel because of the need for two daily round trips instead of one.

It is likely that some people who presently drive to BART and park will in the future choose to commute to work in their vehicles, thus increasing their vehicle miles substantially.

The DEIR makes no apparent effort to quantify the likelihood of these options or their impacts.

27

**5. The DEIR’s analytical methods and conclusions regarding Alternative 3’s greenhouse gas emissions are not supported by evidence**

The concluding paragraph of the entire DEIR states: “Alternative 3 would have slightly reduced impacts to air quality and GHQ emissions due to the resulting increase in density in proximity to transit which is an effective way to encourage alternative transportation and reduce vehicle use. Therefore, Alternative 3 is the environmentally superior alternative.”

As noted in previous comments, the conclusion that the proposed project reduces greenhouse gas emissions is not supported by the evidence. Similarly, the conclusion that because Alternate 3 increases density, making the project even larger than the proposed project, and would therefore reduce greenhouse gas emissions is not supported by the evidence.



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As noted in previous comments concerning the greenhouse gas emissions analysis methodology, the methodology is based upon numerous major omissions, outdated information and erroneous calculations -- and it is this methodology that leads to the patently absurd claim that making the project much larger will result in fewer greenhouse gas emissions.

**6. The DEIR provides no evidence for its assertions about the environmental advantages of the proposed project.**

28

The DEIR is rife with assertions, implications and conclusions that the proposed project is environmentally superior because it is "transit-oriented". The DEIR takes this position as an article of faith but does not provide any evidence that it is true. In fact, studies of transit-oriented developments have shown that the claims of greenhouse gas reductions are often exaggerated at best, and that greenhouse gas emissions remain the same or are even larger than the prior condition at worst.

The DEIR implies that there is an environmentally inferior alternative to the proposed project, without analysis of this "ghost" alternative and without even defining what exactly is being compared to the proposed project. It then leaps to the unsupported conclusion that Alternative 3 is environmentally superior to the proposed project because it results in even more development than the proposed project.

Not only does the DEIR lack an analysis of the "ghost" alternative that underpins its conclusion of the environmental superiority of the proposed project and, by extension, Alternate 3, but DEIR cannot even consider the "ghost" alternate at all because it does not meet CEQA requirements for a true alternative. CEQA requires that an alternate must generally be capable of meeting the objectives of the project; a suburban development not located on the Ashby or North Berkeley BART station property does not meet this criteria.

## Conclusion

The North Berkeley Alliance supports the construction of a transit-oriented development at the North Berkeley BART station that is environmentally responsible, affordable and respectful of the neighborhood in compliance with Berkeley's General Plan. The DEIR is required by CEQA to analyze an AB 2923-compliant alternative that meets project objectives and has the potential to reduce adverse environmental consequences, including increased greenhouse gas emissions and increased noise, both of which are unavoidable. The DEIR should therefore analyze a smaller project than the proposed project that limits the maximum density to 75 units/acre while keeping all other zoning criteria constant. We are confident that an objective, accurate and comprehensive analysis would result in a conclusion that the smaller project is environmentally superior.

**ACTIONS:** For all of the reasons noted above, DEIR should retract its conclusion that Alternative 3 is environmentally superior to the proposed project.

**ACTION:** After correcting the numerous omissions, deficiencies and errors in the greenhouse gas emissions analysis methodology, the DEIR should re-analyze the proposed project, Alternatives 1-3 and the new Alternative described in our comments on Section 6.1 before concluding which project is environmentally superior.

Thank you for the opportunity to comment on the DEIR and we look forward to the City's response to our comments. If you'd be so kind, please acknowledge receipt of these comments.

Anthony Corman, Gary Dahl, Michael Katz, Laura Klein, Sue Martin, Larry Orman, and Vicki Sommer

## Letter B5

**COMMENTER:** North Berkeley Neighborhood Alliance

**DATE:** November 30, 2021

### Response B5.1

The commenter states that the Draft EIR fails to include affordability as a project objective which they further suggest affects the way the environmental analysis is carried out. The commenter further states that a goal of affordability would influence the environmental analysis for the project because of the relationship between affordability and the size, height, massing, greenhouse gas emissions, noise, and traffic associated with the project.

The Draft EIR analyzes the proposed project, which includes the R-BMU Residential BART Mixed-Use District provisions and the Joint Vision and Priorities (JVP) Document. Both are summarized in Section 2, *Project Description*, of the Draft EIR and included in Appendix B of the Draft EIR. As shown on the first page of the JVP in Appendix B, the JVP includes goals related to affordable housing. In accordance with CEQA, the project description also includes the project objectives and the proposed project alternatives are discussed insofar as they are consistent with the project objectives. As discussed in Section 2, *Project Description*, the Draft EIR analyzes impacts associated with a maximum reasonable impact scenario of future development of up to 2,400 units and 125,000 square feet of development on both project sites. The Draft EIR analyzes a conservative development scenario. Including a higher percentage of affordable units would not affect the GHG emissions, noise, or traffic associated with the project such that impacts would be increased compared to what is analyzed in the Draft EIR.

### Response B5.2

The commenter states that the methodology used to analyze GHG emissions in the Draft EIR is inadequate. The commenter suggests that the methodology does not evaluate all of the GHG emissions associated with the project, uses outdated population data and inaccurate calculations for the per-capita threshold, does not evaluate the impact of eliminating car-dependent BART rider access, assumes that compliance with the minimum requirements of State and local climate action plans supports a finding of less-than-significant GHG emissions impacts, and does not analyze the relationship between project size and total GHG emissions.

The commenter elaborates on many of the points contained in this comment in comments B5.9 through B5.15. Refer to Responses B5.9 and B5.10 for responses to the assertion that the Draft EIR omits analysis of the majority of GHG emissions associated with the project. Refer to Response B5.14 for a response to the assertion that the Draft EIR relies on outdated population data and inaccurate calculations for the per-capita threshold. Refer to Response B5.12 for a response to the assertion that the Draft EIR omits the impact of eliminating car-dependent BART ride access under the proposed project. Refer to Response B5.13 for a response to the assertion that the Draft EIR assumes that compliance with the minimum requirements of State and local climate action plans supports a finding of less-than-significant GHG emissions impacts. The GHG emissions analysis in the Draft EIR is adequate with the incorporation of minor revisions to the project-specific efficiency threshold and Mitigation Measure GHG-1 as outlined in Response B5.14.

The Draft EIR does not include an analysis of the project size (which term is not defined in the comment) in relationship to its total GHG emissions. As explained in this response, the analysis of GHG emission in the Draft EIR is based on methodology approved by the BAAQMD. CEQA Guidelines Section 15064.4(c) states that “The lead agency has discretion to select the model or methodology it considers most appropriate to enable decision makers to intelligently take into account the project’s incremental contribution to climate change. The lead agency must support its selection of a model or methodology with substantial evidence.” The City, as the lead agency, has the discretion to select the model or methodology it considers most appropriate to complete the GHG emissions analysis. For the purposes of the Draft EIR, the City has chosen to evaluate the project’s GHG emissions impacts on a per-service-person basis using a locally-applicable, project-specific efficiency threshold, which is also expressed on a per-service-person basis. This methodology is considered to be an appropriate option for evaluating both plan-level and project-level GHG emissions impacts by the BAAQMD, as stated in Sections 2.2 and 9.2 of the BAAQMD May 2017 *CEQA Air Quality Guidelines*. Analyzing the relationship between project size and total GHG emissions is not required under CEQA. Therefore, the GHG emissions analysis contained in the Draft EIR is supported by substantial evidence and is complete and adequate under CEQA. No revisions to the Draft EIR were made in response to this comment.

### **Response B5.3**

The commenter states that the project and the EIR alternatives are inconsistent with the goals of the General Plan to preserve Berkeley’s unique character and quality of life.

These comments are further discussed later in the letter. Please see Response B5.16.

### **Response B5.4**

The commenter states that the EIR fails to consider the impact of project size on construction and operation noise and fails to include mitigation measures for significant and unavoidable construction noise impacts.

It is unclear what the commenter means by the Draft EIR failing to consider the impact of the project size on construction and operating noise. The Draft EIR analyzes construction and operational impacts associated with the proposed development of up to 1,200 units on each site as well as up to 100,000 square feet of commercial development at the Ashby BART station site and 25,000 square feet of development on the North Berkeley BART station site. Construction and operational noise impacts are analyzed in Section 4.8, *Noise*, of the Draft EIR. Operational noise impacts were found to be less than significant with mitigation, and construction noise impacts were found to be significant and unavoidable even with adherence to City standard conditions of approval and required mitigation related to pile driving. Please also see Response C104.4.

### **Response B5.5**

The commenter states that the Draft EIR failed to include an AB 2923-compliant alternative that meets project objectives. The commenter summarizes the reasons for rejecting this alternative and explains why they believe that they are invalid.

These comments are explained in more detail further in the letter. Please see Responses B5.18.

**Response B5.6**

The commenter disagrees with the Draft EIR conclusion that Alternative 3 is the environmentally superior alternative, suggesting that Alternative 3 would increase GHG emissions and construction and operational noise. The commenter also states that a “ghost” alternative of suburban development cannot be considered a true alternative.

It is unclear what the commenter means by considering a “ghost” alternative. The Draft EIR considered several alternatives and analyzed three alternatives in depth: No Project/Implement AB 2923 Standards (Alternative 1), BART Rider Parking (Alternative 2) and Increased Height (Alternative 3). For a discussion of Alternative 3 and potential impacts related to GHG and noise, please see responses B5.19 through B5.23.

**Response B5.7**

The commenter summarizes statements expressed throughout the letter. The commenter states that they support the construction of a transit-oriented development at the North Berkeley BART station site that is environmentally responsible, affordable, and respectful of the neighborhood, and compliant with the City’s General Plan. The commenter restates that the Draft EIR is required to analyze an AB 2923-compliant alternative that meets the project objectives and reduces unavoidable GHG and construction noise impacts. The commenter provides additional specific comments on specific sections of the Draft EIR and recommendations for changes to the Draft EIR.

Detailed responses to the comments raised are provided in responses B5.8 through B5.29. As explained in comments B5.9 through B5.15, the proposed project would not result in a significant unavoidable GHG impact.

**Response B5.8**

The commenter states that the Draft EIR should have included affordable housing as a project objective, citing the required number of low-income housing units for which the City would be required to demonstrate that it has the zoning capacity to accommodate under the state Regional Housing Needs Assessment, and stating that affordability should be included in the Draft EIR’s list of project objectives because meeting this objective would have environmental impacts related to height, density, population size, construction type, GHG emissions, traffic, and parking.

The commenter does not provide evidence to support the statement that including affordable housing as a project objective would have physical environmental impacts that should be analyzed in the Draft EIR. As discussed in Response B5.1, the Draft EIR analyzes a maximum reasonable buildout scenario and construction and operational impacts associated with potential future buildout on the project sites related to land use, population, GHG emissions, and transportation are analyzed in the Draft EIR as required under CEQA. It is assumed that a certain proportion of the analyzed buildout would be affordable units in accordance with the affordable housing goals in the Joint Vision and Priorities document. Contrary to the commenter’s statement, changing the proportion of assumed affordable housing would not result in increased project impacts that were not analyzed in the Draft EIR.

### Response B5.9

The commenter states that the GHG emissions analysis in the Draft EIR is deficient because the majority of GHG emissions resulting from the proposed project were omitted from the analysis. The commenter states that nearly all consumption-based GHG emissions were omitted from the analysis and recommends the GHG emissions analysis utilize a complete consumption-based GHG emissions inventory method.

Please see Topical Response C: Greenhouse Gas Emissions. GHG emissions produced by consumer goods production, industrial production, food production, deforestation, air travel, shipping transportation, and building materials production would be generated as a result of general market demand regardless of whether the proposed project proceeds. Therefore, pursuant to the CEQA Guidelines and California Natural Resources Agency guidance discussed in Topical Response C: Greenhouse Gas Emissions, GHG emissions produced from these sources are not considered to be direct or indirect effects of the proposed project under CEQA because they are not “caused by” the proposed project itself. Therefore, the inclusion of these emissions in the GHG emissions analysis for the proposed project and its alternatives would not be consistent with the purpose of an EIR, which is to identify the significant direct and indirect effects of a proposed project on the environment (Public Resources Code Section 21002.1; CEQA Guidelines Section 15126.2[a]).

The GHG emissions analysis contained in the Draft EIR is complete and adequate under CEQA. No revisions to the Draft EIR were made in response to this comment.

### Response B5.10

The commenter states that the GHG emissions analysis in the Draft EIR is deficient because it does not include an analysis of the GHG emissions resulting from the production of materials required to construct the project. The commenter recommends that the Draft EIR include an analysis of the GHG emissions embodied in the construction materials of the proposed project and suggests the project’s GHG emissions should be analyzed based on the actual point in time at which they are released into the atmosphere rather than pro-rated over the lifetime of the project. The commenter also suggests that the alternatives analysis in the Draft EIR consider the differences in embodied GHG emissions resulting from the different types of construction for each alternative.

Please refer to Topical Response C: Greenhouse Gas Emissions and Response B5.9, which explains why GHG emissions embodied in project construction materials are not included in the GHG emissions analysis of the Draft EIR or its alternatives. In addition, in Section 4.4, *Greenhouse Gas Emissions*, the Draft EIR includes a quantification and disclosure of both the total quantity of GHG emissions generated during project construction (approximately 3,369 metric tons [MT] of carbon dioxide equivalents [CO<sub>2</sub>e] per year) as well as the estimated construction-related GHG emissions as amortized over the replacement lifetime of future development under the project (approximately 112 MT of CO<sub>2</sub>e per year). As stated under Impact GHG-1, the BAAQMD has not established a quantitative significance threshold for evaluating construction-related emissions; therefore, construction-related GHG emissions are quantified and disclosed for informational purposes only, pursuant to BAAQMD guidance (BAAQMD 2017). The GHG emissions analysis contained in the Draft EIR is complete and adequate under CEQA. No revisions to the Draft EIR were made in response to this comment.

**Response B5.11**

The commenter states that the GHG emissions analysis in the Draft EIR is deficient because it does not include an analysis of the GHG emissions impacts of eliminating BART rider parking and reaches a conclusion not supported by evidence. The commenter suggests that the Draft EIR should include an analysis of the increase in GHG emissions that would likely result from the elimination of rider parking and retract the conclusion that the commenter believes is not supported by substantial evidence.

Please see Topical Response B: Transportation.

The commenter also states that the Draft EIR makes an unsubstantiated conclusion that “Reducing the share of riders who access BART via private vehicles would reduce associated mobile emissions.” However, this sentence, which is located in Section 4.4.2(a), *Methodology and Significance Thresholds*, of Section 4.4, *Greenhouse Gas Emissions*, does not state that the proposed project would result in a reduction in mobile source emissions. Rather, this sentence is a background factual statement that if private vehicle usage decreases, fewer mobile source emissions are generated.

Given the above discussion, the GHG emissions analysis contained in the Draft EIR is complete and adequate under CEQA. No revisions to the Draft EIR were made in response to this comment.

**Response B5.12**

The commenter requests that the EIR be delayed until such time as BART is able to define its plans for alternative modes of station access and its plans for commuter parking so that those plans and their environmental impacts can be reviewed by the public.

If the City does not take action to rezone the station sites, both station sites would be effectively rezoned by default to the development standards included in AB 2923. In order for the City to rezone the sites to R-BMU and with the zoning standards developed by the City and with community input, the City plans to move forward with completing the Final EIR and considering approval of the proposed project. BART’s process to develop station access and make recommendations for BART rider replacement parking are also subject to public review, and members of the public will be able to comment on BART’s recommendations as part of the BART process. Future development at the project sites also would be subject to City review and approval, as well as any environmental review required by CEQA, which would involve opportunities for additional public input.

**Response B5.13**

The commenter states that the GHG emissions analysis in the Draft EIR is deficient because it assumes that compliance with existing State and local climate action policies and thresholds would result in a less-than-significant cumulative impact on the environment without providing evidence that these existing policies are sufficient to achieve that goal. The commenter suggests that the project-specific threshold should be set at a lower limit than the citywide average per capita emissions because GHG emissions from existing development and infrastructure will be more difficult to reduce than GHG emissions from new development. The commenter recommends that the Draft EIR provide additional evidence that compliance with Assembly Bill 32 is sufficient to establish the level at which GHG emissions are not significant or that the Draft EIR use a more appropriate threshold.

As discussed in Section 4.4.2(a), *Methodology and Significance Thresholds*, in Section 4.4, *Greenhouse Gas Emissions*, of the Draft EIR, the project-specific threshold used to evaluate the project's GHG emissions was developed using data from the City's 2005 baseline communitywide GHG emissions inventory and the State's GHG emission reduction target for 2030 established by Senate Bill 32 (not Assembly Bill 32, as the commenter states). The State's GHG emission reduction target for 2030 under SB 32 "demonstrates that we [California] are doing our part in the global effort under the Paris Agreement to reduce GHGs and limit global temperature rise below two degrees Celsius in this century" (CARB 2017). This two degrees Celsius limit is in line with the Paris Agreement goals and is the level that scientists say is necessary to avoid dangerous climate change (CARB 2017). Therefore, project-level compliance with the SB 32 GHG reduction target would result in a less-than-significant cumulative impact on the environment because it would be in furtherance of the State's overall contribution to the global effort to reduce GHG emissions and limit the effects of climate change on the environment. As such, the project-specific efficiency threshold is based on scientific and factual data regarding the level of emissions reductions necessary to ensure the project does not result in a cumulatively considerable contribution to the cumulative impact of climate change. Accordingly, the project-specific threshold utilized in the Draft EIR is appropriate and adequate to use to evaluate the significance of the project's GHG emissions impacts.

Future development in the areas that are proposed to be rezoned by the proposed project will be required to address and mitigate its own contribution to the cumulative impact of climate change through adherence to City regulations, policies, conditions of approval, and through implementation of Mitigation Measure GHG-1. It is appropriate to use a project-specific per capita threshold based on the 2030 average per capita emissions anticipated to be necessary for Berkeley to achieve consistency with the State's 2030 GHG emissions reduction target. The GHG emissions analysis contained in the Draft EIR is complete and adequate under CEQA. No revisions to the Draft EIR were made in response to this comment.

#### **Response B5.14**

The commenter states that the methodology of the GHG emissions analysis in the Draft EIR is deficient because it is based on outdated population projections that result in an erroneous calculation of the GHG emissions threshold.

The most recently available (2017) population forecast data from the Association of Bay Area Governments for the city of Berkeley projects a population of 135,680 residents by 2030. The City's existing (2020) population is approximately 122,580 residents (California Department of Finance 2020a). Therefore, the Association of Bay Area Governments projects that the city's population will increase by approximately 13,100 residents by 2030.

The *Final Regional Housing Needs Allocation (RHNA) Plan: San Francisco Bay Area, 2023-2031*, was adopted on December 16, 2021 after the Draft EIR was circulated for public review. The RHNA Plan allocates 8,934 residential units to Berkeley.<sup>3</sup> Based on an average household size for Berkeley of 2.26 persons per household, these 8,934 housing units would accommodate approximately 20,191 residents by 2031 (California Department of Finance 2020a). Therefore, the RHNA Plan would result in an additional 7,091 residents beyond that projected by the Association of Bay Area Governments for Berkeley by 2030,

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<sup>3</sup> Association of Bay Area Governments. 2021. *Final Regional Housing Needs Allocation (RHNA) Plan: San Francisco Bay Area, 2023-2031* December 16, 2021. [https://abag.ca.gov/sites/default/files/documents/2021-12/Final\\_RHNA\\_Allocation\\_Report\\_2023-2031-approved\\_0.pdf](https://abag.ca.gov/sites/default/files/documents/2021-12/Final_RHNA_Allocation_Report_2023-2031-approved_0.pdf) (accessed December 2021).



rather than the additional 13,175 residents suggested for inclusion by the commenter. To account for this additional population growth, Table 4.4-2 in Section 4.4, *Greenhouse Gas Emissions*, was revised as shown in Chapter 5, Draft Text EIR Revisions, of this document.

The 2021 Long Range Development Plan (LRDP) Update for the University of California, Berkeley (UC Berkeley) projects a net increase of 8,490 students and 3,580 faculty and staff (UC Berkeley 2021a). The Draft EIR for the 2021 LRDP Update states that “Up to 11,073 net new student beds...may be constructed under the proposed LRDP Update in the Clark Kerr Campus and the City Environs Properties. This number of student beds would accommodate the projected increase of 8,492 new students as well as a portion of the existing student population” (UC Berkeley 2021b). GHG emissions generated by UC Berkeley’s on-campus student housing are outside the purview of the City’s jurisdiction because this is a State facility that prepares its own GHG emissions inventory and climate action plan. For UC Berkeley, these plans include the 2009 Climate Action Plan and the 2025 Carbon Neutrality Planning Framework (UC Berkeley 2021c). Therefore, it is not appropriate to include the anticipated increase in students in the City’s service population.

Similarly, it is not appropriate to include UC Berkeley faculty and staff in the “jobs” portion of the City’s service population calculation because job-related emissions by faculty and staff are encompassed by UC Berkeley’s GHG emissions inventory and climate action plans, not those of the City. The increase of 3,580 faculty and staff members may result in an increase in the residential population of Berkeley; however, only approximately 29 percent of faculty and staff at UC Berkeley live in Berkeley (UC Berkeley 2021b). Therefore, the increased faculty and staff would result in approximately 1,038 new residents in Berkeley. It is possible that this residential growth was not accounted for by ABAG in its projections for Berkeley’s population because the ABAG population forecast for Berkeley was released in 2017 prior to the publication of the 2021 LRDP Update. Therefore, Table 4.4-2 in Section 4.4, *Greenhouse Gas Emissions*, was revised as shown in Chapter 5, Draft EIR Text Revisions, to conservatively account for this additional population growth associated with new faculty and staff at UC Berkeley.

As stated in the Draft EIR for the Bayer Healthcare LLC Development Agreement Amendment Project, buildout of the amended Development Agreement will result in a net increase of 108 employees beyond what was anticipated under the entitled buildout of the prior Development Agreement for the Bayer Healthcare campus, which had been in effect since 1999.<sup>4</sup> (City of Berkeley 2021). Given that the prior Development Agreement was in place before development of ABAG’s 2017 jobs forecast data, it is reasonable to assume that the jobs that could be generated by buildout of the Bayer Healthcare campus under the prior Development Agreement were accounted for in ABAG’s 2017 jobs forecast data, which projected an increase in total employment in Berkeley of 2,450 jobs between 2020 and 2030 (ABAG 2017). Therefore, rather than including an additional 1,000 jobs in the City’s service population as the commenter suggests, Table 4.4-2 in Section 4.4, *Greenhouse Gas Emissions*, was revised as shown at in Chapter 5, Draft Text EIR Revisions, to include an additional 108 jobs because these jobs were likely not accounted for in ABAG’s 2017 jobs forecast.

In response to the commenter’s suggestions, revisions have been made to Section 4.4, *Greenhouse Gas Emissions*. Revisions are shown in Chapter 5, Draft EIR Text Revisions, of this document. These revisions do not result in any new or substantially more severe

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<sup>4</sup> Berkeley, City of. 2021. *Bayer Healthcare LLC Development Agreement Amendment Project Draft Subsequent Environmental Impact Report (SCH# 2020100559)*. May 2021. [https://www.cityofberkeley.info/uploadedFiles/Planning\\_and\\_Development/Level\\_3\\_-\\_ZAB/Draft%20Subsequent%20EIR%20-%20Bayer%20HealthCare%20DA%20Amendment.pdf](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_ZAB/Draft%20Subsequent%20EIR%20-%20Bayer%20HealthCare%20DA%20Amendment.pdf) (accessed December 2021).

significant impacts that were not analyzed in the Draft EIR such that recirculation of the Draft EIR would be required.

### **Response B5.15**

The commenter references their prior comments on construction-related GHG emissions (Comments B5.9 and B5.10) and recommends the addition of the following to Mitigation Measure GHG-1:

- A requirement to quantify embodied GHG emissions in the proposed project design and to identify and consider alternative material options that reduce embodied GHG emissions
- A requirement to limit the project size to the minimum size required to meet project objectives

The comment also recommends the inclusion of an alternative that meets project objectives, sets a maximum density of 75 units per acre, a maximum height of seven stories, a maximum FAR of 4.2, and a sufficient amount of commuter parking to retain car-dependent BART ridership.

Inclusion of the commenter's first requested addition to Mitigation Measure GHG-1 is not necessary because the Draft EIR does not identify a significant construction-related GHG emissions impact. Furthermore, as discussed in Responses B5.19 and B5.10 and Topical Response C: Greenhouse Gas Emissions, an analysis of the embodied GHG emissions in the project's construction materials is beyond the purview of CEQA; therefore, there is no nexus for requiring mitigation of the project's embodied GHG emissions pursuant to CEQA Guidelines Section 15126.4(a)(4)(A).

With regard to the commenter's second requested addition to Mitigation Measure GHG-1, limiting the project size would not necessarily reduce the project's per-service-person GHG emissions. A smaller project size would reduce the project's total GHG emissions; however, per-service-person emissions would likely remain similar to the proposed project because any change in emissions would be proportional to the change in service population, not project size. Therefore, there is no nexus under CEQA Guidelines Section 15126.4(a)(4)(A) for requiring limitations on project size as part of Mitigation Measure GHG-1 because it would not serve to further reduce project emissions below the threshold of significance.

With respect to the commenter's third requested action to include a different project alternative, please see Response B5.18.

### **Response B5.16**

The commenter states that the Draft EIR and its alternatives and analysis are based on flawed interpretations of land use policies in the Berkeley General Plan. The commenter states that the General Plan has a primary goal to "preserve Berkeley's unique character and quality of life" which includes that infill development be sensitively designed to "fit in with the existing built environment." The commenter explains that the proposed project and the preferred alternative would not fit in with the existing built environment as the proposed 7-12 story buildings would not fit in with the surrounding neighborhood.

As explained in Section 2, *Project Description*, of the Draft EIR, the proposed project is designed to be consistent with AB 2923. The proposed R-BMU development standards include a maximum height of 80 feet and 7 stories. Twelve-story buildings are not proposed.

Further, the R-BMU standards include requirements related to setbacks and massing. These standards have been designed to implement AB 2923 while providing flexibility for the City to ensure that development is sensitive to the existing built environment. As discussed in Section 4.13, *Effects Found not to be Significant*, of the Draft EIR, according to SB 743, which became effective January 1, 2014, “aesthetic...impacts of a residential, mixed-use, or employment center project on an infill site within a transit priority area shall not be considered significant impacts on the environment.” The proposed project meets these criteria of SB 743. As such, aesthetic changes resulting from projects of this type may not be considered significant impacts on the environment under CEQA. Moreover, land use impacts only relate to conflict with plans “adopted for the purpose of avoiding or mitigating an environmental effect.”

### **Response B5.17**

The commenter suggests changes to Mitigation Measure N-1 to reduce allowed construction hours to start at 8:00 a.m. on weekdays, limit hours to 9:00 a.m. to 1:00 p.m. on Saturdays, and disallow pile drivers on Saturdays. The commenter states that these changes would likely not reduce construction noise impacts to less than significant but would reduce construction noise.

As stated in Section 4.8, *Noise*, in the Draft EIR, and stated by the commenter, the City has a standard condition of approval to limit construction hours to between 7:00 a.m. and 6:00 p.m. on weekdays, 9:00 a.m. and 4:00 p.m. on Saturdays, and to prohibit construction-related activity on Sundays or federal holidays. Because construction activity would be prohibited on Sundays, no pile driving would occur on Sundays. The suggestion to further limit construction hours as suggested by the commenter may not be feasible based on economic and technological factors of construction and would serve to extend the duration of construction, thus extending the time duration that sensitive receptors would be exposed to construction noise. Further, as noted by the commenter, these changes would not eliminate the unavoidably significant impact related to construction noise. Therefore, no changes to the EIR have been made.

### **Response B5.18**

The commenter states that the Draft EIR fails to evaluate a reasonable range of alternatives intended to reduce the significant environmental impacts of the project while satisfying the project objectives. The commenter suggests that the EIR should evaluate a lower height alternative and a 75 units per acre maximum alternative.

The alternatives analyzed in Section 6, *Alternatives*, of the Draft EIR were identified by the City based on feedback during the public EIR scoping process and were designed to reduce the significant physical environmental effects associated with the proposed project. The only unavoidably significant project level impact identified in the Draft EIR is construction noise. No feasible alternative that would meet the project objective to comply with AB 2923 and also would eliminate the significant and unavoidable construction noise impact was not identified because feasible alternatives would still facilitate construction of development of the station sites with residential and non-residential development in accordance with AB 2923. Nonetheless, the Draft EIR analyzes a range of alternatives that would reduce some identified environmental impacts and meet the basic project objectives.

Please also see Topical Response D: EIR Alternatives.

### **Response B5.19**

The commenter states that the Draft EIR should be revised to state that Alternative 2 would improve air quality and that the Draft EIR should show that energy, GHG emission, and noise would be reduced by reducing the size of the project and retaining rider parking as proposed in Alternative 2.

The commenter does not provide substantial evidence to support the statement that air quality, energy, GHG emissions, and noise impacts would be reduced by Alternative 2. CEQA does not require that alternatives be analyzed at the same level of detail as the proposed project. As discussed in Section 6, *Alternatives*, impacts related to air quality, GHG emissions, energy, and noise were found to be approximately the same as under the proposed project. While some impacts were found to be slightly greater than under the proposed project, none of the impact conclusions related to air quality, GHG emissions, energy, or noise would change with Alternative 2.

### **Response B5.20**

The commenter states that the conclusion that Alternative 3 would support GHG reduction goals to a greater extent than the project is not supported by evidence. The commenter states that the Draft EIR should be revised to state that Alternative 3 increases overall GHG emissions by 50 percent compared to the proposed project and that Alternative 3 may have greater than a 50 percent increase in emissions due to lower energy efficiency and greater construction and embodied materials emissions intensity.

As described in Section 4.4, *Greenhouse Gas Emissions*, of the Draft EIR, GHG impacts are evaluated with respect to two thresholds, a quantitative comparison of emissions compared to BAAQMD thresholds (Impact GHG-1), and a qualitative analysis of consistency with applicable GHG reduction goals including the goals of Plan Bay Area 2040 and the City's Climate Action Plan (Impact GHG-2). For the quantitative comparison, as described in Section 6, *Alternatives*, although Alternative 3 would involve 50 percent more units which may increase overall emissions, Alternative 3 would also increase the service population of residents; therefore, emissions per service population would remain approximately the same as under the proposed project. The commenter states that Alternative 3 would involve buildings with lower energy efficiency is not supported by substantial evidence. Future construction in Berkeley would be required to comply with all applicable local and state energy efficiency requirements for new construction. With respect to embodied materials, please see Responses B5.19 and B5.10 and Topical Response C: Greenhouse Gas Emissions.

With respect to the GHG analysis and consistency with applicable plans and policies to meet GHG reduction goals, contrary to what is stated by the commenter, the applicable GHG reduction goals in Plan Bay Area and the City's Climate Action Plan are to encourage transit-oriented development and development near transit, which has been demonstrated to reduce GHG emissions. The proposed project and Alternative 3 are consistent with these goals.

### **Response B5.21**

The commenter states that Alternative 3 would increase construction noise and duration, increase HVAC operating noise, and increase traffic noise because it is 50 percent larger than the proposed project in project size and population.

As explained in Section 6, *Alternatives*, of the Draft EIR, it is acknowledged that because Alternative 3 would involve construction of more units than the proposed project, noise and vibration levels from construction activity may be increased compared to the proposed project. Further, additional HVAC equipment may be needed, and noise levels would be 1-2 dBA higher than those generated by the proposed project. In addition, it is acknowledged that there would be additional trips associated with the additional residential units which would increase traffic-related noise. As described in Section 4.8, *Noise*, a doubling of the energy of a noise source, such as a doubling of traffic volume, would increase the noise level by 3 dB. Therefore, a 50 percent increase in trips associated with this alternative would increase traffic noise by an estimated 1.5 dBA, which would not be a significant noise impact. The Alternatives analysis concludes that the main impact conclusions would be the same as under the proposed project. Construction noise impacts would continue to be significant and unavoidable even with included mitigation; impacts associated with HVAC equipment would continue to be less than significant with implementation of Mitigation Measure N-2; and traffic noise impacts would be less than significant. Please also see Topical Response D: EIR Alternatives.

### **Response B5.22**

The commenter states that the finding that Alternative 3 is environmentally superior is not supported by evidence, specifically calling out impacts related to GHG and land use and planning.

Please see Responses B5.23 and B5.24 for specific responses.

### **Response B5.23**

The commenter states that Alternative 2 would create fewer GHG emissions than the proposed project and the proposed project would create fewer GHG emissions than Alternative 3. The commenter provides an analysis comparing trips associated with Alternatives 2 and 3 and the proposed project and states that because Alternative 3 would create additional trips that GHG emissions would be higher.

First, it is unclear what methodology the commenter uses to estimate vehicle trips associated with the project and alternatives. The Draft EIR includes trip generation estimates for the proposed project in Section 4.11, *Transportation*. These trip generation estimates are based on data provided by the Institute of Transportation Engineers and take into account trip reduction from internal capture trips, mode share, and accessibility to transit. The commenters do not follow the same methodology based on established practices to calculate trips. Second, although Alternatives 2 and 3 would have different trip generation than the proposed project (Alternative 2 would involve fewer trips and Alternative 3 would involve an increase in trips), as described in Response B5.20, these alternatives would have a proportional decrease or increase in service population such that GHG emissions per service population would be roughly the same. Please also see Topical Response D: EIR Alternatives.

### **Response B5.24**

The commenter states that the Draft EIR provides no evidence that land use and planning impacts would be worse under Alternative 2 when compared to the proposed project. The commenter states that the analysis fails to account for the increase in vehicle trips due to the increase in units.

The commenter is correct that Alternative 2 would result in an increase in vehicle trips compared to the proposed project due to the additional units analyzed under this alternative; however, it would also not encourage the reduction of vehicle use to the same extent as the proposed project by providing BART rider parking to allow driving to the BART station site. Please also see Topical Response D: EIR Alternatives.

### **Response B5.25**

The commenter states that AB 2923's provision that vehicle trips generated by a TOD project do not create a significant impact under CEQA does not shield the Draft EIR from an accurate analysis of GHG impacts.

SB 743 is the state legislation that eliminated level of service (LOS) as a basis for determining significant transportation impacts under CEQA and provides a new performance metric of VMT. Therefore, while the Draft EIR does not use the number of trips to determine transportation impacts, the number of trips is taken into account with respect to air quality, GHG, and noise impacts for the proposed project and the EIR alternatives.

### **Response B5.26**

The commenter states that the Draft EIR fails to consider whether unavailability of parking at the BART stations would lead to a net increase in VMT due to increased drop-offs by vehicles or reversion to driving in place of BART use.

Please see Topical Response B: Transportation. BART's Station Access Policy (adopted in 2016) characterizes the Ashby and North Berkeley BART stations as "Urban with Parking" stations. BART's current Transit Oriented Development (TOD) Policy (adopted in 2016 and amended in 2020) encourages development of TOD at station sites with "no or limited parking replacement at 'Urban with Parking' stations" (BART 2020). The proposed project assumes there would be no replacement BART rider parking at either station site because the ultimate decision on BART rider replacement parking is under BART purview and the number of replacement parking spaces will be determined by BART's ongoing access planning efforts as part of the Berkeley-EI Cerrito Corridor Access Plan.

Also, as discussed in Section 4.11, *Transportation*, a project is presumed to have a less than significant impact related to vehicle miles traveled (VMT) if it is located within a Transit Priority Area and would not have any of the following characteristics:

- FAR of less than 0.75 for office uses;
- Include more than 200,000 square feet of office or commercial space;
- Include more parking supply than the project's estimated demand;
- Be consistent with the City's General Plan, an applicable Specific Plan, or an applicable Sustainable Communities Strategy (as determined by the City, with input from MTC);
- Replace affordable residential units with market-rate residential units; and
- Have project-specific or location-specific information that indicates that the project will generate significant levels of VMT.

The proposed project and alternatives would meet the City's screening criteria for VMT, and therefore the impact to VMT would be less than significant.

**Response B5.26**

The commenter states that the Draft EIR fails to consider whether unavailability of parking will lead to an increase in VMT due to increased drop-offs by vehicles or revision to driving instead of BART use.

Please see Topical Response B: Transportation.

**Response B5.27**

The commenter states that neither the proposed project nor Alternative 3 would reduce GHG emissions. The commenter also states that the GHG methodology used in the Draft EIR is based on errors.

Please see Responses B5.9 through B5.15, B5.20, Topical Response C: Greenhouse Gas Emissions, and Topical Response D: EIR Alternatives.

**Response B5.28**

The commenter states that the Draft EIR provides no evidence for its assertions about the environmental benefits of the proposed project. The commenter refers to unidentified studies which allegedly show that GHG reductions associated with transit-oriented developments are exaggerated. The commenter states that the Draft EIR implies that there is an environmentally inferior alternative to the project, referred to by the commenter as a “ghost” alternative, and that the conclusion that Alternative 3 is environmentally superior is unsupported.

CEQA requires that an EIR analyze a proposed project for any potential significant effects on the environment. Public Resource Code section 21068 defines “significant effect on the environment” as “a substantial, or potentially substantial, *adverse* change in the environment.” [emphasis added]. An EIR is not required to disclose or analyze potential changes in the environment that are not adverse; an EIR need not disclose, analyze or justify any potential environmentally beneficial effects of a project. All impacts analyzed in the DEIR were found to be less than significant, less than significant with mitigation, or significant and unavoidable. The commenter does not provide evidence as to what studies show that GHG reductions associated with TOD are exaggerated. Please also see Responses B5.6 and Topical Response D: EIR Alternatives.

**Response B5.29**

The commenter summarizes comments and states that the Draft EIR should retract the conclusion that Alternative 3 is environmentally superior and should correct alleged errors in the GHG methodology and re-analyze the proposed project.

Please see Responses B5.9 through B5.15, B5.20, Topical Response C: Greenhouse Gas Emissions, and Topical Response D: EIR Alternatives.

Letter C1

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**From:** Sabina McMurtry <sabinamcmurtry@yahoo.com>  
**Sent:** Thursday, October 28, 2021 10:02 AM  
**To:** Pearson, Alene <apearson@cityofberkeley.info>  
**Subject:** building at the North Berkeley and Ashby Bart stations

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

To Planning Commissioners:

I strongly support the city staff's proposal to use the minimum requirements for building as maximum requirements. We need more affordable housing without unnecessary density and workarounds that benefit developers instead of Berkeley citizens.

Sabina McMurtry



## Letter C1

**COMMENTER:** Sabrina McMurtry

**DATE:** October 28, 2021

The commenter makes statements related to the proposed project and not on the information, analysis, or conclusions contained in the Draft EIR.

Please see Topical Response A: Project-Related Comments.

Letter C2

**From:** [Pearson, Alene](#)  
**To:** [Lapira, Katrina](#); [Shen, Alisa](#)  
**Subject:** FW: Zoning for North Berkeley BART  
**Date:** Thursday, October 28, 2021 10:04:55 AM

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**From:** Jason Warriner <jason.jaywar@gmail.com>  
**Sent:** Thursday, October 28, 2021 9:55 AM  
**To:** Pearson, Alene <apearson@cityofberkeley.info>  
**Subject:** Zoning for North Berkeley BART

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Planning Commissioners:

As someone who will be directly affected by the North Berkeley BART development, I humbly request the following zoning rules:

- 1) *Zone the required minimums as maximums, as recommended by staff on September 1:*
  - *Maximum 7 stories*
  - *Maximum 4.2 floor-area ratio*
  - *Maximum 75 units per acre*
  
- 2) *In the Joint Visions and Priorities documents, prioritize affordability and neighborhood context.*
  
- 3) *Affordable housing built with city funds must not be leveraged by private developers toward a density bonus. Public funds for the public good!*

This will be a permanent change to our neighborhood and to Berkeley as a whole. I hope that the need to add more housing to an existing neighborhood of single family homes can be harmonized by limiting the size of the development so that the effects are positive for all stake holders.

Thank you for your consideration.

-----  
Jason

## Letter C2

**COMMENTER:** Jason Warriner

**DATE:** October 28, 2021

The commenter makes statements related to the proposed project and not on the information, analysis, or conclusions contained in the Draft EIR.

Please see Topical Response A: Project-Related Comments.

Letter C3

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**From:** Paul <paulbickmore@gmail.com>  
**Sent:** Sunday, October 31, 2021 8:30 PM  
**To:** Pearson, Alene <apearson@cityofberkeley.info>  
**Cc:** All Council <council@cityofberkeley.info>  
**Subject:** Ashby Housing

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Planning Commissioners:

Allow as much housing as possible without delay! Keep this process moving!

Create a viable development with as many affordable housing units as feasible, and a right to return for displaced residents.

Calm the traffic that has nearly killed me going south on Adeline and reduce the number of lanes on Adeline Street to ensure a safe environment for all.

Zoning should maximize the housing allowed: Allow up to eight stories and up to ninety feet so building designs can provide the number of homes we need while responding to neighborhood context with step downs.

Activate Adeline Street with a continuous, pedestrian-friendly building frontage, with lots of doors along the block and a linear park for street vendors and amenities. People walking, rolling, and selling should be prioritized over vehicle access and BART equipment.

Yours truly,

Paul Bickmore

## Letter C3

**COMMENTER:** Paul Bickmore

**DATE:** October 31, 2021

The commenter makes statements related to the proposed project and not on the information, analysis, or conclusions contained in the Draft EIR.

Please see Topical Response A: Project-Related Comments.

Letter C4

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**From:** Clarke Teresa <tkclarke2@yahoo.com>  
**Sent:** Sunday, October 31, 2021 5:22 PM  
**To:** Pearson, Alene <apearson@cityofberkeley.info>  
**Cc:** All Council <council@cityofberkeley.info>  
**Subject:** BART housing development

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Planning Commissioners:  
Thank you for your hard work on the BART station developments.  
Please ensure that we build as much housing as possible without delay. Keep this process moving.

1. Create a viable development with as many affordable housing units as feasible, and a right to return for displaced residents;
2. Calm traffic and reduce the number of lanes on Adeline St. to ensure a safe environment for all South Berkeley Residents;
3. Ensure a permanent home for the Flea Market that allows it to thrive and include affordable ground space for local businesses and non-profits.
4. Zoning should maximize the housing allowed: Allow up to 8 stories and up to 90 feet so building designs can provide the number of homes we need while responding to neighborhood context with step downs.
5. Activate Adeline Street with a continuous, pedestrian-friendly building frontage and a linear park for vendors and amenities. People walking and rolling should be prioritized over vehicle access and BART equipment.

Sincerely,  
Teresa Clarke  
Berkeley Resident

## Letter C4

**COMMENTER:** Teresa Clarke

**DATE:** October 31, 2021

The commenter makes statements related to the proposed project and not on the information, analysis, or conclusions contained in the Draft EIR.

Please see Topical Response A: Project-Related Comments.

Letter C5

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**From:** Aaron Foxworthy <ajfox4@yahoo.com>  
**Sent:** Sunday, October 31, 2021 5:33 PM  
**To:** Pearson, Alene <apearson@cityofberkeley.info>  
**Cc:** All Council <council@cityofberkeley.info>  
**Subject:** BART housing development

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Planning Commissioners:

I am writing to express my priorities for Adeline Corridor and Ashby BART development. I live less than a mile away at Dwight and McGee, Ashby is my primary commuter station and I use Adeline every week as a commuter and for shopping on bike and in car. Please ensure that we build as much housing as possible and a human-scale Corridor without delay. Keep this process moving.

1. Create a viable development with as many affordable housing units as feasible;
2. Calm traffic and reduce the number of lanes on Adeline St. to ensure a safe environment for all South Berkeley Residents;
3. Zoning MUST maximize the housing allowed: Allow up to 8 stories and up to 90 feet. We don't live in Disneyland, we must let our living city evolve with new building forms so that we can meaningfully address our housing and climates crises.
5. Activate Adeline Street with a continuous, pedestrian-friendly building frontage and a linear park for vendors and amenities. People walking and rolling should be prioritized over vehicle access and BART equipment.

Sincerely,

Aaron Foxworthy,  
Central/South Berkeley resident



## Letter C5

**COMMENTER:** Aaron Foxworthy

**DATE:** October 31, 2021

The commenter makes statements related to the proposed project and not on the information, analysis, or conclusions contained in the Draft EIR.

Please see Topical Response A: Project-Related Comments.

Letter C6

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**From:** Tyson Miklebost <miklebos@hotmail.com>  
**Sent:** Sunday, October 31, 2021 5:50 PM  
**To:** Pearson, Alene <apearson@cityofberkeley.info>  
**Cc:** All Council <council@cityofberkeley.info>  
**Subject:** BART housing development

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Planning Commissioners:

Thank you for your hard work. Please ensure that we build as much housing as possible without delay. Keep this process moving.

1. Create a viable development with as many affordable housing units as feasible, and a right to return for displaced residents;
2. Calm traffic and reduce the number of lanes on Adeline St. to ensure a safe environment for all South Berkeley Residents;
3. Ensure a permanent home for the Flea Market that allows it to thrive and include affordable ground space for local businesses and non-profits.
4. Zoning should maximize the housing allowed: Allow up to 8 stories and up to 90 feet so building designs can provide the number of homes we need while responding to neighborhood context with step downs.
5. Activate Adeline Street with a continuous, pedestrian-friendly building frontage and a linear park for vendors and amenities. People walking and rolling should be prioritized over vehicle access and BART equipment.

Sincerely,

Berkeley Resident

## Letter C6

**COMMENTER:** Tyson Mickleboost

**DATE:** October 31, 2021

The commenter makes statements related to the proposed project and not on the information, analysis, or conclusions contained in the Draft EIR.

Please see Topical Response A: Project-Related Comments.

Letter C7

---

**From:** Jonathan Singh <jonathan.c.singh@gmail.com>  
**Sent:** Sunday, October 31, 2021 10:48 PM  
**To:** Pearson, Alene <apearson@cityofberkeley.info>  
**Cc:** All Council <council@cityofberkeley.info>  
**Subject:** 11/3 meeting, Item 9, BART housing development

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Planning Commissioners:

Thank you for your service to Berkeley. Please ensure that we build as much housing as possible without delay at both Ashby and North Berkeley. Let's keep this process moving.

1. Create a viable development with the greatest number of affordable housing units possible and a right to return for displaced residents.
2. Calm traffic and reduce the number of lanes on Adeline St. to ensure a safe environment for all South Berkeley Residents. some lane space should be dedicated to bikes and buses instead of cars.
3. Ensure a permanent home for the Flea Market that allows it to thrive and include affordable ground space for local businesses and non-profits.
4. Zoning should maximize the housing allowed: Allow up to 8 stories and up to 90 feet so building designs can provide the number of homes we need while responding to neighborhood context with step downs.
5. Activate Adeline Street with a continuous, pedestrian-friendly building frontage and a linear park for vendors and amenities. People walking and rolling should be prioritized over vehicle access and BART equipment.
6. Address Berkeley's obligations for its next Housing element update and ensure the greatest number of affordable and market rate homes at BART stations.

Sincerely,

Jonathan Singh

## Letter C7

**COMMENTER:** Jonathan Singh

**DATE:** October 31, 2021

The commenter makes statements related to the proposed project and not on the information, analysis, or conclusions contained in the Draft EIR.

Please see Topical Response A: Project-Related Comments.

**From:** Clarke Teresa <tkclarke2@yahoo.com>  
**Sent:** Monday, November 1, 2021 12:53 PM  
**To:** Pearson, Alene; All Council  
**Subject:** PC Nov 3rd: Alternative 3 is environmentally superior- Draft Environmental Impact Report-Ashby & North Berkeley BART

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Planning Commissioners, Mayor and City Council:

The housing and climate crises are not going away. As a city, we must take **BOLD ACTION NOW** as we plan for the future. The zoning is our plan for the future of BART development and we cannot be timid. There is just too much at stake.

**Based on the Draft EIR, the Planning Commission and the City Council must consider the superior environmental alternative #3 as the one to adopt.** The public planning process does not always come up with the right answer. It is up to you, our civic leaders, to look past the many self interests in that process and look to the future of our city, region and planet, and make the correct and difficult decision to allow the increased height alternative for both BART stations.

## 6.4 Alternative 3: Increased Height

### 6.4.1 Description

The Increased Height Alternative would allow for the development of 12-story buildings on the station sites, whereas the proposed project would allow for buildings up to seven stories tall. Increasing the maximum building height by 5 stories would allow for an increase in FAR, assumed to be up to 5.5. Buildout under this alternative could include up to 3,600 residential units combined for both sites, or 1,200 more than under the proposed project. It is assumed that the change in allowable building height would not affect the size of commercial use, which would still be an estimated 125,000 square feet. All other proposed development standards as shown in Table 2-1 in Section 2, Project Description, including vehicle and bicycle parking requirements, minimum open space, and minimum public space, would remain the same.

This alternative would meet the project objective to comply with AB 2923, by allowing new development consistent with the law's development standards at the station sites. By further increasing residential density in a Transit Priority Area, it would also meet the project objective to promote green development as well as location efficiency and sustainable

transportation modes, to a greater extent than would the proposed project.

## 6.5 Environmentally Superior Alternative

CEQA requires the identification of the environmentally superior alternative among the options studied, which is the alternative among those studied that has the fewest significant environmental impacts.

Table 6-4 indicates whether each alternative's environmental impact is greater, lesser, or similar to the proposed project. As shown therein, the No Project Alternative would not reduce impacts and would therefore not be environmentally superior to the proposed project.

Of the development alternatives, neither Alternative 2 nor Alternative 3 would eliminate the unavoidably significant impact related to construction noise. Further, neither alternative would eliminate the need for mitigation measures identified in this EIR; mitigation related to air quality, cultural resources, GHG emissions, hazardous materials, and noise would still be required.

Alternative 2 would involve an estimated 400 fewer residential units compared to the proposed project and therefore impacts related to public services, recreation, and utilities and service systems would be slightly reduced, whereas those impacts would be increased for Alternative 3 which involves 1,200 additional units compared to the proposed project. Alternative 2 would also involve slightly greater impacts related to GHG emissions and land use and planning, as this alternative would involve more vehicle travel to and from the sites which would increase GHG emissions and this alternative would not be consistent with applicable policies related to transit-oriented development, energy efficiency, pedestrian-oriented design, and sustainable design in the City's General Plan and ACSP to the same extent as the project. **Alternative 3 would provide additional transit-oriented development and would meet these goals to a greater extent than the proposed project.** Overall, Alternative 2 would result in two slightly greater impacts than the proposed project (GHG Emissions and Land Use and Planning) and two slightly reduced impacts compared to the proposed project because it involves fewer units (Public Services and Recreation and Utilities and Service Systems). **Alternative 3 would involve two slightly reduced impacts compared to the proposed project related to GHG Emissions.....**

When taking into account the project objectives, the provision of on-site vehicular parking for BART riders under Alternative 2 would not meet project objectives related to residential density and use of sustainable modes as well as the proposed project. This is because increased supply of vehicle parking would reduce the amount of residential space that could be provided and encourage vehicle use by making it more convenient to drive. **Alternative 3 would have slightly reduced impacts to air quality and GHG emissions due to the resulting increase in density in proximity to transit which is effective way to encourage alternative transportation and reduce vehicle use. Therefore, Alternative 3 is the environmentally superior alternative.**

Sincerely,

*Teresa Clarke  
Berkeley resident  
Resident of Planet Earth  
Affordable housing developer  
Former Planning Commissioner  
Former Zoning Adjustments Board member  
Founder and member of South Berkeley NOW!*

## Letter C8

**COMMENTER:** Teresa Clarke

**DATE:** November 1, 2021

The commenter recommends the Planning Commission and the City Council adopt Alternative 3.

Please see Topical Resource D: Alternatives.



Letter C9

**From:** Alex Steffen <alexsteffentrip@gmail.com>  
**Sent:** Monday, November 1, 2021 11:33 AM  
**To:** Pearson, Alene  
**Subject:** North Berkeley BART

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Berkeley Planning Commission,

I am writing to encourage you to maximize housing density and minimize parking at the North Berkeley BART station.

More compact housing will help reduce the housing shortage we face, increase housing fairness, and fight climate change.

Please push the limits, here. This is a rare chance to build a bunch more housing at a time when housing costs are pushing out long-time Berkeley families and even pushing some people on to the streets. Every unit matters.

Thank you  
Alex Steffen

--  
Alex Steffen  
Writer, Speaker, Planetary Futurist  
Site - [AlexSteffen.com](http://AlexSteffen.com)  
Twitter - [@AlexSteffen](https://twitter.com/AlexSteffen)  
Books - Worldchanging: A User's Guide for the 21st Century; Carbon Zero  
Latest talk - [ted.com/talks/alex\\_steffen.html](https://ted.com/talks/alex_steffen.html)  
Australian bookings - [http://www.ovations.com.au/presenter\\_detail/alex\\_steffen/58461/1](http://www.ovations.com.au/presenter_detail/alex_steffen/58461/1)

## Letter C9

**COMMENTER:** Alex Steffen

**DATE:** November 1, 2021

The commenter makes statements related to the proposed project and not on the information, analysis, or conclusions contained in the Draft EIR.

Please see Topical Response A: Project-Related Comments.

Letter C10

**From:** Bhima Sheridan <bhima.sheridan@gmail.com>  
**Sent:** Monday, November 1, 2021 10:41 AM  
**To:** Pearson, Alene  
**Cc:** All Council  
**Subject:** BART housing development

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Planning Commissioners:

Thank you for your hard work. Please ensure that we build as much housing as possible without delay. Keep this process moving.

1. Create a viable development with as many affordable housing units as feasible, and a right to return for displaced residents;
2. Calm traffic and reduce the number of lanes on Adeline St. to ensure a safe environment for all South Berkeley Residents;
3. Ensure a permanent home for the Flea Market that allows it to thrive and include affordable ground space for local businesses and non-profits.
4. Zoning should maximize the housing allowed: Allow up to 8 stories and up to 90 feet so building designs can provide the number of homes we need while responding to neighborhood context with step downs.
5. Activate Adeline Street with a continuous, pedestrian-friendly building frontage and a linear park for vendors and amenities. People walking and rolling should be prioritized over vehicle access and BART equipment.

Sincerely,

Bhima Sheridan  
Berkeley Resident

## Letter C10

**COMMENTER:** Bhima Sheridan

**DATE:** November 1, 2021

The commenter makes statements related to the proposed project and not on the information, analysis, or conclusions contained in the Draft EIR.

Please see Topical Response A: Project-Related Comments.

Letter C11

---

**From:** Christian Bucknell <christianbucknell@gmail.com>

**Sent:** Monday, November 1, 2021 8:04 AM

**To:** Pearson, Alene <apearson@cityofberkeley.info>

**Cc:** All Council <council@cityofberkeley.info>

**Subject:** BART housing development

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

*This is of course a pre-written letter by an organization. However, I've read and agree with all of the points made. Ashby Bart and the surrounding area is one of the most important and feasible sites for high-density, transit-oriented, climate-friendly housing. Let's make sure we don't regret not going big; we won't have a second chance.*

Dear Planning Commissioners:

Thank you for your hard work. Please ensure that we build as much housing as possible without delay. Keep this process moving.

1. Create a viable development with as many affordable housing units as feasible, and a right to return for displaced residents;
2. Calm traffic and reduce the number of lanes on Adeline St. to ensure a safe environment for all South Berkeley Residents;
3. Ensure a permanent home for the Flea Market that allows it to thrive and include affordable ground space for local businesses and non-profits.
4. Zoning should maximize the housing allowed: Allow up to 8 stories and up to 90 feet so building designs can provide the number of homes we need while responding to neighborhood context with step downs.
5. Activate Adeline Street with a continuous, pedestrian-friendly building frontage and a linear park for vendors and amenities. People walking and rolling should be prioritized over vehicle access and BART equipment.

Sincerely,

Christian Bucknell  
1106 Russell St.  
Berkeley, CA 94702

Berkeley Resident

## Letter C11

**COMMENTER:** Christian Bucknell

**DATE:** November 1, 2021

The commenter makes statements related to the proposed project and not on the information, analysis, or conclusions contained in the Draft EIR.

Please see Topical Response A: Project-Related Comments.

Letter C12

**From:** David Soffa <djsoffa@yahoo.com>  
**Sent:** Monday, November 1, 2021 11:41 AM  
**To:** Pearson, Alene  
**Cc:** All Council  
**Subject:** BART housing development

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Planning Commissioners: Thank you for your hard work. Please ensure that we build as much housing as possible without delay. Keep this process moving. 1. Create a viable development with as many affordable housing units as feasible, and a right to return for displaced residents; 2. Calm traffic and reduce the number of lanes on Adeline St. to ensure a safe environment for all South Berkeley Residents; 3. Ensure a permanent home for the Flea Market that allows it to thrive and include affordable ground space for local businesses and non-profits. 4. Zoning should maximize the housing allowed: Allow up to 8 stories and up to 90 feet so building designs can provide the number of homes we need while responding to neighborhood context with step downs. 5. Activate Adeline Street with a continuous, pedestrian-friendly building frontage and a linear park for vendors and amenities. People walking and rolling should be prioritized over vehicle access and BART equipment. Sincerely, Berkeley Resident

## Letter C12

**COMMENTER:** David Soffa

**DATE:** November 1, 2021

The commenter makes statements related to the proposed project and not on the information, analysis, or conclusions contained in the Draft EIR.

Please see Topical Response A: Project-Related Comments.



Letter C13

**From:** Gary Miguel <garymm@garymm.org>  
**Sent:** Monday, November 1, 2021 9:30 AM  
**To:** Pearson, Alene  
**Cc:** All Council  
**Subject:** BART housing development

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Planning Commissioners:

Thank you for your hard work. Please ensure that we build as much housing as possible without delay. Keep this process moving.

1. Create a viable development with as many affordable housing units as feasible;
2. Maximize the housing allowed: Tall buildings are OK! Build them big and beautiful.

Sincerely,  
Gary Miguel  
Resident of Ellis St

## Letter C13

**COMMENTER:** Gary Miguel

**DATE:** November 1, 2021

The commenter makes statements related to the proposed project and not on the information, analysis, or conclusions contained in the Draft EIR.

Please see Topical Response A: Project-Related Comments.

Letter C14

---

**From:** Ariella Granett <granett.ariella@gmail.com>  
**Sent:** Monday, November 1, 2021 8:00 AM  
**To:** Pearson, Alene <apearson@cityofberkeley.info>  
**Cc:** All Council <council@cityofberkeley.info>  
**Subject:** ASHBY BART housing development

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Planning Commissioners:

Thank you for your hard work. Please ensure that we build as much housing as possible without delay. Keep this process moving.

1. Create a viable development with as many affordable housing units as feasible, and a right to return for displaced residents;
2. Calm traffic and reduce the number of lanes on Adeline St. to ensure a safe environment for all South Berkeley Residents;
3. Ensure a permanent home for the Flea Market that allows it to thrive and include affordable ground space for local businesses and non-profits.
4. Zoning should maximize the housing allowed: Allow up to 8 stories and up to 90 feet so building designs can provide the number of homes we need while responding to neighborhood context with step downs.
5. Activate Adeline Street with a continuous, pedestrian-friendly building frontage and a linear park for vendors and amenities. People walking and rolling should be prioritized over vehicle access and BART equipment.

Sincerely,  
Ariella Granett  
District 3 Berkeley Resident

## Letter C14

**COMMENTER:** Ariella Granett

**DATE:** November 1, 2021

The commenter makes statements related to the proposed project and not on the information, analysis, or conclusions contained in the Draft EIR.

Please see Topical Response A: Project-Related Comments.

Letter C15

**From:** Pablo Diaz Gutierrez <ihaveajob@gmail.com>  
**Sent:** Monday, November 1, 2021 10:09 AM  
**To:** Pearson, Alene  
**Cc:** All Council  
**Subject:** BART housing development

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Planning Commissioners:

Thank you for your hard work. Please ensure that we build as much housing as possible without delay. Keep this process moving.

1. Create a viable development with as many affordable housing units as feasible, and a right to return for displaced residents;
2. **Calm traffic** and reduce the number of lanes on Adeline St. to ensure a safe environment for all South Berkeley Residents;
3. Ensure a permanent home for the Flea Market that allows it to thrive and include affordable ground space for local businesses and non-profits.
4. Zoning should maximize the housing allowed: Allow up to 8 stories and up to 90 feet so building designs can provide the number of homes we need while responding to neighborhood context with step downs.
5. Activate Adeline Street with a continuous, pedestrian-friendly building frontage and a linear park for vendors and amenities. People walking and rolling should be prioritized over vehicle access and BART equipment.

Regards,  
Pablo Diaz-Gutierrez  
94703 resident

## Letter C15

**COMMENTER:** Pablo Diaz Gutierrez

**DATE:** November 1, 2021

The commenter makes statements related to the proposed project and not on the information, analysis, or conclusions contained in the Draft EIR.

Please see Topical Response A: Project-Related Comments.

Letter C16

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**From:** Jane Scantlebury <jscantlebury@lmi.net>  
**Sent:** Monday, November 1, 2021 6:20 AM  
**To:** Pearson, Alene <apearson@cityofberkeley.info>  
**Cc:** All Council <council@cityofberkeley.info>  
**Subject:** BART housing development

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Planning Commissioners:

Thank you for your hard work. Please ensure that we build as much housing as possible without delay. Keep this process moving.

1. Create a viable development with as many affordable housing units as feasible, and a right to return for displaced residents;
2. Calm traffic and reduce the number of lanes on Adeline St. to ensure a safe environment for all South Berkeley Residents;
3. Ensure a permanent home for the Flea Market that allows it to thrive and include affordable ground space for local businesses and non-profits.
4. Zoning should maximize the housing allowed: Allow up to 8 stories and up to 90 feet so building designs can provide the number of homes we need while responding to neighborhood context with step downs.
5. Activate Adeline Street with a continuous, pedestrian-friendly building frontage and a linear park for vendors and amenities. People walking and rolling should be prioritized over vehicle access and BART equipment.

Sincerely,  
Jane Scantlebury

As a Berkeley Resident living half a block away from the Ashby BART station, I so look forward to our new neighbors and neighborhood.

## Letter C16

**COMMENTER:** Jane Scantlebury

**DATE:** November 1, 2021

The commenter makes statements related to the proposed project and not on the information, analysis, or conclusions contained in the Draft EIR.

Please see Topical Response A: Project-Related Comments.



## Pearson, Alene

---

**From:** Theo Posselt <tposselt.sf@gmail.com>  
**Sent:** Monday, November 1, 2021 10:00 AM  
**To:** Pearson, Alene  
**Cc:** All Council  
**Subject:** BART housing development

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Planning Commissioners:

Thank you for your hard work on the housing planning for both BART sites. Please ensure that we build as much housing as possible without delay. Keep this process moving.

1. Create a viable development with as many affordable housing units as feasible, and a right to return for displaced residents;
2. Allow up to 8 stories and up to 90 feet so building designs can provide the number of homes we need while responding to neighborhood context with step downs.
3. Specific to Ashby BART:
  - Calm traffic and reduce the number of lanes on Adeline St. to ensure a safe environment for all South Berkeley Residents;
  - Ensure a permanent home for the Flea Market that allows it to thrive and include affordable ground space for local businesses and non-profits.
  - Activate Adeline Street with a continuous, pedestrian-friendly building frontage and a linear park for vendors and amenities. People walking and rolling should be prioritized over vehicle access and BART equipment.
4. Specific to North Berkeley BART
  - Include a 'biking speed' corridor to link the Ohlone Greenway between the connection to the north and the connection to the east. Include safe methods to cross Sacramento. Separate bike and foot traffic across the BART site.
  - Use 'step downs' as needed to the north, west, and south but not to the east (Sacramento street side). Sacramento is a very wide street and can easily support taller facing without being disruptive to eastern neighbors.

Sincerely,  
Theo Posselt

Berkeley Resident (Northside / D6)  
BNHCA steering committee member

## Letter C17

**COMMENTER:** Theo Posselt

**DATE:** November 1, 2021

The commenter makes statements related to the proposed project and not on the information, analysis, or conclusions contained in the Draft EIR.

Please see Topical Response A: Project-Related Comments.

## Shen, Alisa

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**From:** Pearson, Alene  
**Sent:** Monday, November 1, 2021 8:59 AM  
**To:** Lapira, Katrina; Shen, Alisa  
**Subject:** FW: BART housing development

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**From:** Jeffrey Wescott <jeffrey.wescott@gmail.com>  
**Sent:** Monday, November 1, 2021 8:32 AM  
**To:** Pearson, Alene <apearson@cityofberkeley.info>  
**Cc:** All Council <council@cityofberkeley.info>  
**Subject:** BART housing development

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Planning Commissioners: Thank you for your hard work. Please ensure that we build as much housing as possible without delay. Keep this process moving. 1. Create a viable development with as many affordable housing units as feasible, and a right to return for displaced residents; 2. Calm traffic and reduce the number of lanes on Adeline St. to ensure a safe environment for all South Berkeley Residents; 3. Ensure a permanent home for the Flea Market that allows it to thrive and include affordable ground space for local businesses and non-profits. 4. Zoning should maximize the housing allowed: Allow up to 8 stories and up to 90 feet so building designs can provide the number of homes we need while responding to neighborhood context with step downs. 5. Activate Adeline Street with a continuous, pedestrian-friendly building frontage and a linear park for vendors and amenities. People walking and rolling should be prioritized over vehicle access and BART equipment. Sincerely, Berkeley Resident

## Letter C18

**COMMENTER:** Jeffrey Wescott

**DATE:** November 1, 2021

The commenter makes statements related to the proposed project and not on the information, analysis, or conclusions contained in the Draft EIR.

Please see Topical Response A: Project-Related Comments.

Letter C19

**From:** genetic@igc.org <genetic@igc.org>  
**Sent:** Monday, November 1, 2021 5:28 PM  
**To:** Pearson, Alene <apearson@cityofberkeley.info>  
**Subject:** North Berkeley BART development. This NIMBY says no

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Hi Planners,

I live a block away on Hearst Avenue.

1 | The loss of parking spaces in the neighborhood during construction and thereafter will make life ever-less pleasant for this Berkeley resident in his eighth decade who went to elementary and middle school and Cal Berkeley and now owns two homes on Hearst Avenue.

Where are you going to find parking for all the BART commuters?

This plan sounds like a good idea for tow truck operators.

2 | Where are you going to find the water? The drought may well not end for six years and at that time our average rainfall may well be less and our Hetch Hetchy water may be less for decades to come.

3 | A greater public service would be to provide a charging station for all the electric vehicles that are coming our way.

↑  
Let us plan to live within our resources.

3,  
cont.

If the commission is indeed recommending this plight and the fix is in, I think the DA should check the tax records of all the commissioners.

I hope to speak for 30 or 40 seconds in opposition to the notion at Wednesday's meeting.

Dirk Neyhart

1405 Hearst

[genetic@igc.org](mailto:genetic@igc.org)

510xnx644nxn1405

xxx

---

### Ten Facts about the United Nations

- 1) Provides food to 90 million people in 80 countries
- 2) Vaccinates 58 percent of the world's children, saving 3 million lives a year
- 3) Assists over 38.7 million refugees and people fleeing war, famine or persecution
- 4) Works with 193 countries to combat climate change and make development sustainable
- 5) UN Keeps peace with 120,000 peacekeepers in 16 operations on 4 continents

- 6) Fights poverty, helping improve the health and well-being of 420 million rural poor
- 7) Protects and promotes human rights on site and through some 80 treaties/declarations
- 8) Mobilizes USD 22 billion in humanitarian aid to help people affected by emergencies
- 9) Uses diplomacy to prevent conflict: assists some 60 countries a year with their elections
- 10) Promotes maternal health, saving the lives of 30 million women a year

## Letter C19

**COMMENTER:** Dirk Neyhart

**DATE:** November 1, 2021

### **Response C19.1**

The commenter expresses concern about the loss of parking spaces in the neighborhood and asks where the parking for BART commuters will go.

Please see Topical Response B: Transportation.

### **Response C19.2**

The commenter expresses concern over water supply and drought.

Impacts related to water supply are addressed in Section 4.12, *Utilities and Service Systems* of the Draft EIR under Impact UTL-2. As discussed, a Water Supply Assessment (WSA) was prepared by the East Bay Municipal Utilities District (EBMUD). The WSA found that existing and projected water supply would be adequate to serve the project sites demands, with demand management measures required by EBMUD. Impacts related to water supplies would be less than significant.

### **Response C19.3**

The commenter makes statements about the project.

Please see Topical Response A: Project-Related Comments.



Letter C20

---

**From:** Matthew Wadlund <[mwadlund@wdsplus.com](mailto:mwadlund@wdsplus.com)>  
**Sent:** Monday, November 1, 2021 8:38 AM  
**To:** Pearson, Alene <[apearson@cityofberkeley.info](mailto:apearson@cityofberkeley.info)>  
**Cc:** All Council <[council@cityofberkeley.info](mailto:council@cityofberkeley.info)>  
**Subject:** BART housing development

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Planning Commissioners,

Thank you for your hard work.

Please ensure that we build as much housing as possible without delay by:

1. Creating viable development with as many affordable housing units as feasible, and a right to return for displaced residents;
2. Calm traffic and reduce the number of lanes on Adeline St. to ensure a safe environment for all South Berkeley Residents;
3. Maximize the housing allowed: Allow up to 8 stories and up to 90 feet so building designs can provide the number of homes we need while responding to neighborhood context with step downs.
4. Activate Adeline Street with a continuous, pedestrian-friendly building frontage and a linear park for vendors and amenities. People walking and rolling should be prioritized over vehicle access and BART equipment.

Sincerely,

Matthew Wadlund  
Berkeley Resident

## Letter C20

**COMMENTER:** Matthew Wadlund

**DATE:** November 1, 2021

The commenter makes statements related to the proposed project and not on the information, analysis, or conclusions contained in the Draft EIR.

Please see Topical Response A: Project-Related Comments.

Letter C21

**From:** Kimi Owens <kimiye.owens@gmail.com>  
**Sent:** Monday, November 1, 2021 8:39 PM  
**To:** Pearson, Alene; Kesarwani, Rashi  
**Cc:** justin owens  
**Subject:** North Berkeley residents in favor of housing density at NB BART

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Planning commissioners and Councilmember Kesarwani,

My husband and I are North Berkeley residents who strongly support maximizing housing density at North Berkeley BART.

Despite now having a household income in the six figures, owning a home in the neighborhood where we've lived for almost fifteen years is beyond our reach. We want to see as many lower income residents possible subsidized, and a vibrant community of mixed-income neighbors thriving in the space.

As a former bike-commuter turned pedestrian, my walk to work has become increasingly dangerous as the streets become more congested, and my husband and I are eager to see alternatives to driving prioritized alongside density.

On top of believing that area businesses and neighborhood character would benefit with more residents and increased foot traffic, with the impact of climate change looming, we are strong advocates for ensuring a design that protect and support people who walk, bike, or use alternatives in place of cars.

Thank you for your time,

Kimiye Owens and Justin Owens

## Letter C21

**COMMENTER:** Kimi Owens

**DATE:** November 1, 2021

The commenter makes statements related to the proposed project and not on the information, analysis, or conclusions contained in the Draft EIR.

Please see Topical Response A: Project-Related Comments.

Letter C22

**From:** Warren Wells <warrenjwells@gmail.com>  
**Sent:** Monday, November 1, 2021 11:34 PM  
**To:** Pearson, Alene  
**Cc:** All Council  
**Subject:** BART housing development

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Planning Commissioners:

My name is Warren Wells and I'm a South Berkeley renter. I live in a downzoned multi-unit building that could not be constructed today. Despite being nearly 100 years old, the rent for my unit takes up more than 1/3 of my partner's and my income (we are both professionals with advanced degrees).

The housing crisis is the result of far too little housing being built in the Bay Area for decades. As a result, I ask that you please ensure that we build as much housing as possible without delay.

1. Create a viable development with as many affordable housing units as feasible, and a right to return for displaced residents;
2. Calm traffic and reduce the number of lanes on Adeline St. to ensure a safe environment for all South Berkeley Residents - crossing this street by bike is one of the most dangerous things I have to do;
3. Ensure a permanent home for the Flea Market that allows it to thrive and include affordable ground space for local businesses and non-profits.
4. Zoning should maximize the housing allowed: Allow up to 8 stories and up to 90 feet so building designs can provide the number of homes.
5. Activate Adeline Street with a continuous, pedestrian-friendly building frontage and a linear park for vendors and amenities. People walking and rolling should be prioritized over vehicle access and BART equipment.

Sincerely,

Warren J. Wells  
South Berkeley Resident (Ward St between MLK and Grant)

## Letter C22

**COMMENTER:** Warren Wells

**DATE:** November 1, 2021

The commenter makes statements related to the proposed project and not on the information, analysis, or conclusions contained in the Draft EIR.

Please see Topical Response A: Project-Related Comments.

Letter C23

**From:** Betsy Thagard <betsythagard@gmail.com>  
**Sent:** Tuesday, November 2, 2021 6:44 AM  
**To:** Pearson, Alene  
**Cc:** All Council  
**Subject:** BART housing development

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Planning Commissioners:

Thank you for your hard work. Please ensure that we build as much housing as possible without delay. Keep this process moving.

1. Create a viable development with as many affordable housing units as feasible, and a right to return for displaced residents;
2. Calm traffic and reduce the number of lanes on Adeline St. to ensure a safe environment for all South Berkeley Residents;
3. Ensure a permanent home for the Flea Market that allows it to thrive and include affordable ground space for local businesses and non-profits.
4. Zoning should maximize the housing allowed: Allow up to 8 stories and up to 90 feet so building designs can provide the number of homes we need while responding to neighborhood context with step downs.
5. Activate Adeline Street with a continuous, pedestrian-friendly building frontage and a linear park for vendors and amenities. People walking and rolling should be prioritized over vehicle access and BART equipment.

Sincerely,

Betsy Thagard  
South Berkeley Resident

--

Betsy

## Letter C23

**COMMENTER:** Betsy Thagard

**DATE:** November 2, 2021

The commenter makes statements related to the proposed project and not on the information, analysis, or conclusions contained in the Draft EIR.

Please see Topical Response A: Project-Related Comments.



Letter C24

**From:** Matthew Wadlund <mwadlund@wdsplus.com>  
**Sent:** Tuesday, November 2, 2021 8:40 AM  
**To:** Planning Dept. Mailbox; Pearson, Alene  
**Subject:** Another Berkeleyan for paradise instead of a parking lot

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Planning commissioners,

I live in Berkeley, and I can't wait the North Berkeley BART station parking lot to become paradise in the form of abundant homes and lovable public spaces. I stand with my neighbors and North Berkeley Now! to tell you the following:

When it comes to affordability, we want mixed income at North Berkeley BART.

The majority of commenters on Sept 1 said "maximize housing" and we agree. **Don't set BART's minimums as our maximums.**

Alternatives to driving must also be a priority. We support smart infrastructure that keeps cars away from people so we all feel safe getting to BART.

Thank you for your consideration,

Matthew Wadlund  
WADLUND+ Design Studio

## Letter C24

**COMMENTER:** Matthew Wadlund

**DATE:** November 2, 2021

The commenter makes statements related to the proposed project and not on the information, analysis, or conclusions contained in the Draft EIR.

Please see Topical Response A: Project-Related Comments.

Letter C25

**From:** Eileen Hughes <jnyahsgrandma@gmail.com>  
**Sent:** Tuesday, November 2, 2021 9:10 AM  
**To:** Pearson, Alene; Berkeley Mayor's Office; Kesarwani, Rashi  
**Subject:** Fwd: URGENT CALL TO ACTION; Wed 7PM (tomorrow) and speak up to save your neighborhood!  
**Attachments:** NB\_CompareOpticos\_4Macarthur.pdf

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

I am unable to attend the council meeting this Wednesday.

I strongly support the NBNA position outlined in the attached email.

In addition, existing parking capacity should be maintained and adequate parking provided for new units.

I am strongly opposed to dense development for profit. Public land for public good!

Sincerely  
Eileen Hughes  
1721 Sacramento Street

Begin forwarded message:

**From:** North Berkeley Neighborhood Alliance <[nbneighborhoodalliance@gmail.com](mailto:nbneighborhoodalliance@gmail.com)>  
**Date:** November 2, 2021 at 8:06:35 AM PDT  
**To:** North Berkeley Neighborhood Alliance <[nbneighborhoodalliance@gmail.com](mailto:nbneighborhoodalliance@gmail.com)>  
**Subject:** URGENT CALL TO ACTION; Wed 7PM (tomorrow) and speak up to save your neighborhood!

Dear neighbor,

It's essential that you speak up for a sane approach to housing at North Berkeley BART tomorrow night (Wed Nov 3) at the 7 PM Planning Commission Zoom meeting. The commission will be recommending zoning and will be approving the [Joint Vision and Priorities](#) document, which is important because it guides development on the site. YIMBYs will be calling in to request no maximum on development.

[\[Meeting agenda\]](#)

[\[Meeting link\]](#)

Ask the Planning Commision and the city to:

- Zone the site as recommended by Berkeley Planning staff on September 1st: maximum 7 stories, maximum 4.2 floor/areas ratio, maximum 75 units per acre.
- Focus on creating affordable housing, not market rate rentals.

The recent draft of the environmental impact report recommends 1200 units as the greenest approach to the site. This would be ENORMOUS! (For comparison, MacArthur Tower is 25 stories and 400 units.)

Please look at the attached flyer for a comparison of a green, contextual, affordable approach versus the high-rise market rate one that is being promoted. Share the flyer with your friends and neighbors, and encourage them to speak up.

Most importantly, come to the meeting and **tell the city what you want at North Berkeley BART: affordable, contextual, green housing. Public land for the public good!**

Real

# Let's build a paradise at North Berkeley BART

- ✓ Affordable
- ✓ Sustainable
- ✓ Respectful



... Not a developer's money machine!



Current zoning proposals could result in the equivalent of 3 26-story towers (like the one at Macarthur BART at left) at North Berkeley BART



Join us! North Berkeley Neighborhood Alliance

Send inquiry to: [nbneighborhoodalliance@gmail.com](mailto:nbneighborhoodalliance@gmail.com)

## Letter C25

**COMMENTER:** Eileen Hughes

**DATE:** November 2, 2021

The commenter makes statements related to the proposed project and not on the information, analysis, or conclusions contained in the Draft EIR.

Please see Topical Response A: Project-Related Comments.

Letter C26

**From:** margots999@aol.com  
**Sent:** Tuesday, November 2, 2021 9:48 AM  
**To:** All Council; Pearson, Alene  
**Subject:** BART Housing

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear City Council Members,

We all agree there is a dire need for more affordable housing, and Berkeley does not have much land for additional construction.

However, when planning housing over and around the BART stations, please do not forget the commuters from the flats and hills far from BART stations who need to park there to commute; they rely on BART to get to work.

Berkeley does not have adequate public transportation in areas away from its main streets and probably never will. Many of us must drive to BART. We who rely on BART need parking to use it.

We also need low income and affordable housing. Think of all of us.

Margot Smith  
1300 A Shattuck Ave  
Berkeley, CA 94709  
510-486-8010  
Margots999@aol.com

## Letter C26

**COMMENTER:** Margot Smith

**DATE:** November 2, 2021

The commenter makes statements related to the proposed project and not on the information, analysis, or conclusions contained in the Draft EIR.

Please see Topical Response A: Project-Related Comments.



Letter C27

**From:** Matthew Lewis <matthew@matthewmlewis.com>  
**Sent:** Tuesday, November 2, 2021 10:08 AM  
**To:** Pearson, Alene; All Council  
**Cc:** Bartlett, Ben; Berkeley Mayor's Office  
**Subject:** BART station zoning - city must approve the "environmentally superior" Alternative

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Planning Commissioners, Mayor and City Council:

The City of Berkeley has known for decades that denser, transit-oriented housing reduces environmental impacts. The City's existing climate plan, transportation plan, and General Plan -- all of which are products of the democratically-elected City Council and its talented staff -- have all acknowledged, multiple times across many years, that denser, taller residential buildings near transit hubs is the single-most important contribution Berkeley can make to reducing carbon emissions and other environmental impacts.

It should therefore be no surprise that the Draft Environmental Impact Report for zoning at Ashby and North Berkeley BART parking lots [draws this same conclusion](#):

Alternative 3 would have slightly reduced impacts to air quality and GHG emissions due to the resulting increase in density in proximity to transit which is affective way to encourage alternative transportation and reduce vehicle use. Therefore, Alternative 3 is the environmentally superior alternative.

If the City is to stay true to its values, and the expectation by voters that Berkeley will always choose the environmentally-superior approach to local issues of governance and development, then **the Planning Commission and the City Council must adopt Alternative 3 and zone both parking lots for up to 12 stories of mixed-use residential and commercial buildings.**

Given the reality of Berkeley politics, it is likely that political forces opposed to housing, which includes residents who falsely believe they have a legal right to park their cars at BART stations, will stridently oppose tall buildings, or any buildings, that jeopardize the parking the citizens of the Bay Area provide to them with heavy, non-sustainable government subsidy.

The city's decision on this matter will indicate what it holds in higher regard: The need to reduce pollution while providing affordable housing to its residents? Or the needs of a few hundred drivers who park their cars at heavily subsidized rates on lands we all own, and pay for, collectively?

The whole world is watching.

Sincerely,

Matthew Lewis  
South Berkeley Now! Steering Committee  
South Berkeley (District 3) Homeowner  
25 year climate policy consultant

## Letter C27

**COMMENTER:** Matthew Lewis

**DATE:** November 2, 2021

The commenter recommends that the Planning Commission and the City Council adopt Alternative 3 and zone both parking lots for up to 12 stories of mixed-use residential and commercial buildings.

Please see Topical Response D: EIR Alternatives.

Letter C28

**From:** David Kellogg <david.kellogg@gmail.com>  
**Sent:** Tuesday, November 2, 2021 10:47 AM  
**To:** Pearson, Alene  
**Subject:** Public Comment: 11/2 hearing on Bart development

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Planning Commissioners,

I urge you to embrace the Alternative 3 project, featuring increased height and density, which is identified by the professional staff as the "**Environmentally Superior Alternative.**"

In my opinion, the primary benefit of Alternative 3 is that it would result in 1,800 badly needed homes, rather than merely 1,200 in the base project.

Additionally, it seems readily apparent that Alternative 3 would result in more affordable housing than the base project. (I could not find specific numbers in the Draft EIR, a real missed opportunity.)

Best,  
David Kellogg

## Letter C28

**COMMENTER:** David Kellogg

**DATE:** November 2, 2021

The commenter recommends that the Planning Commission and the City Council adopt Alternative 3.

Please see Topical Response D: EIR Alternatives.

## Communication

---

**From:** Anne Torney <annemtorney@gmail.com>  
**Sent:** Tuesday, November 2, 2021 11:39 AM  
**To:** Pearson, Alene  
**Subject:** North Berkeley BART - Yes on maximizing housing and minimizing parking

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Planning Commissioners,

I live close to the North Berkeley BART station. It is 'my' station for getting into SF and around the Bay. I walk, bike or get a ride to and from the station - I rarely park there.

I urge the commission not to miss this important opportunity to demonstrate that Berkeley is a leader in equity and environmental responsibility by firmly supporting the following at North Berkeley BART

- Maximizing housing, minimizing parking
- A mix of market-rate and affordable, to enable financial feasibility, and ensure we have new housing sooner rather than later (or never!)
- tall buildings at the center of the site, skillfully integrated with shorter buildings at the perimeter
- less parking - the minimum, just enough to ensure accessibility for those who may not have other options - coupled with bus, bike and walk access improvements.
- Prioritizing these measures for the greater good of the City region and planet over those few voices of adjacent residents who object.

Best regards,

Anne Torney  
1932 Thousand Oaks Blvd

## Letter C29

**COMMENTER:** Anne Torney

**DATE:** November 2, 2021

The commenter makes statements related to the proposed project and not on the information, analysis, or conclusions contained in the Draft EIR.

Please see Topical Response A: Project-Related Comments.

## Communication

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**From:** Linda Franklin <godzilinda@gmail.com>  
**Sent:** Tuesday, November 2, 2021 12:03 PM  
**To:** All Council; City Clerk; Pearson, Alene; <bca-steering-committee@googlegroups.com>  
**Subject:** Fwd: URGENT CALL TO ACTION; Wed 7PM (tomorrow) speak up for affordable housing  
**Attachments:** NB\_CompareOpticos\_4Macarthur.pdf

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

I am writing to ask you to **support housing at our BART stations that is scaled for nonprofit affordable housing developers, not for market rate developers of high rise buildings. Public land should be used for public benefit, not private profit-making.** Tall buildings cost more to build per square foot so affordable housing developers can't afford to build them. If you want affordable housing at BART stations, then you should support the zoning proposed by staff and supported by the North Berkeley Neighborhood Alliance. Please look at the attached flyer for a comparison of a green, contextual, affordable approach versus the high-rise market rate one that is being promoted. I ask the Planning Commission and the city to:

- Zone the site as recommended by Berkeley Planning staff on September 1st: maximum 7 stories, maximum 4.2 floor/areas ratio, maximum 75 units per acre.
- Focus on creating affordable housing, not market rate rentals.

There is such a desperate need for housing that is affordable to the low income residents of Berkeley, especially those who are very low income, elderly and disabled. Please think of these people when you make your decision.

--  
Linda Franklin

Real

# Let's build a paradise at North Berkeley BART

- ✓ Affordable
- ✓ Sustainable
- ✓ Respectful



... Not a developer's money machine!



Current zoning proposals could result in the equivalent of 3 26-story towers (like the one at Macarthur BART at left) at North Berkeley BART



Join us! North Berkeley Neighborhood Alliance

Send inquiry to: [nbneighborhoodalliance@gmail.com](mailto:nbneighborhoodalliance@gmail.com)



## Letter C30

**COMMENTER:** Linda Franklin

**DATE:** November 2, 2021

The commenter makes statements related to the proposed project and not on the information, analysis, or conclusions contained in the Draft EIR.

Please see Topical Response A: Project-Related Comments.

## Letter C31

**From:** Matthew Solomon <matthew.solomon1@gmail.com>  
**Sent:** Tuesday, November 2, 2021 12:25 PM  
**To:** Pearson, Alene  
**Subject:** Comments on Ashby / North Berkeley BART Housing Proposal

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Hi Berkeley Planning Commission,

I am writing regarding tomorrow's Public Hearing on the BART parking lot developments at Ashby and North Berkeley. I am resharing a message I sent before the Sept 1 informational session advocating for **as many housing units as possible on these sites, including maximizing the number of affordable units**. The vast majority of the speakers at that session shared this sentiment and I was very proud to see many of the Commissioners agreed.

I'm a renter, currently living in Emeryville, who is unable to buy a single-family home in the area but would love to be able to build a family and community in Berkeley in the future. I love these neighborhoods and want to see them grow and include more people!

Sharing some of the comments I made before:

- The priority should be maximizing this space as much as possible - this means that we should **maximize the number of affordable housing units**, not the percentage. This is one of Berkeley's best opportunities to build new housing in one go without the neighborhood disruption that so many fear - we should take advantage of that as much as possible.
- My preferred path to get there would be a **mixed income development** - I love the diversity of Berkeley and this is the best way to make sure that the city builds density sustainably and fairly. The market-rate units in this development will almost certainly be cheaper than single-family homes that currently exist in the neighborhood. In addition, the market-rate units will help pay for more affordable units, which is the whole point of building more housing! This means both different levels of affordability and market-rate, but also different sizes and types of apartments, access for differently abled folks, space for adults and kids to be outside and play, etc.
- **The buildings should be as tall as is feasible** - again, this is going to be one of the cheapest opportunities Berkeley has to increase its housing stock, and we should take full advantage now so that we're not stuck getting caught up to our RHNA allocation later. **Don't set BART's minimums as our maximums.**
- In order to achieve this density, the development should have **as little parking as possible**. The housing will be directly next to a BART stop, and for both Ashby and North Berkeley within easy walking/biking distance of restaurants, grocery stores, shops, etc. **Reducing the parking as much as possible - even to zero** - will make it easier and cheaper to include more units (including affordable), reduce traffic in the rest of Berkeley, and thereby reduce Berkeley's climate impact.
  - More transit and bike access to these developments will be crucial and has a substantially lower environmental impact than driving. The design and infrastructure should prioritize non-driving access from the beginning.
  - The extra money gained by adding housing units instead of parking can go to building out this infrastructure and funding other crucial city services.

Thank you for all of your efforts.

Best,  
Matthew Solomon

## Letter C31

**COMMENTER:** Matthew Solomon

**DATE:** November 2, 2021

The commenter makes statements related to the proposed project and not on the information, analysis, or conclusions contained in the Draft EIR.

Please see Topical Response A: Project-Related Comments.

Letter C32

**From:** Louise Rosenkrantz <louiseandgene@sbcglobal.net>  
**Sent:** Tuesday, November 2, 2021 12:57 PM  
**To:** All Council; Pearson, Alene  
**Subject:** Support nonprofit, affordable BART housing

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

To the Council and Planning Commission,

I am writing in support of housing at our BART stations that is on a scale that can be built by non profit developers and provides housing for low income people. BART station housing is being built on public land. This public land was taken from residents by public domain. This land should not given over to for profit developers. We have enough market rate housing already built and in the pipeline. Let's start building housing for the rest of Berkeley. Please support public development.

Louise Rosenkrantz

Sent from my iPad

## Letter C32

**COMMENTER:** Louise Rosenkrantz

**DATE:** November 2, 2021

The commenter makes statements related to the proposed project and not on the information, analysis, or conclusions contained in the Draft EIR.

Please see Topical Response A: Project-Related Comments.

## Communication

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**From:** Charlene Woodcock <charlene.woodcock@protonmail.ch>  
**Sent:** Tuesday, November 2, 2021 1:25 PM  
**To:** Berkeley Mayor's Office; Bartlett, Ben; Wengraf, Susan; Harrison, Kate; Hahn, Sophie; Kesarwani, Rashi; Taplin, Terry; Droste, Lori; City Clerk; Pearson, Alene  
**Cc:** Becky O'Malley; Sally Nelson; Moni Law  
**Subject:** Median and low income housing in Berkeley

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Mayor, City Council members, and Planning Commission members,

The majority of the Berkeley City Council and the Planning Commission have approved countless new market-rate residential development projects over the past ten years, but these have included only a tiny fraction of units designated for below median income.

The BART parking lots present an opportunity, that must NOT be lost, to dedicate these public spaces to the segment of our population that has lost housing or been priced out of housing, sometimes homes passed on for generations.

It is past time for the city to figure out how to facilitate the work of non-profit developers of median and low income housing, as you did with the Berkeley Way project. As the Episcopal Church did with the Oxford & Cedar Street project. I once thought inclusive development projects were the best solution, but much too little low-income housing has come from the few in-lieu projects that have been built. The aggressive developer lobby has succeeded over and over again in Berkeley to ensure the highest profits for developers, without regard to our real needs.

It is time for the council majority to defend the needs of the Berkeley community for median to low-income housing and family housing. That means zoning as recommended by Berkeley Planning staff for a maximum height of 7 stories and a maximum of 4.2 floor/areas ratio, a maximum 75 units per acre. We don't want to see Berkeley further manhattanized. Berkeley families need affordable housing with open space for children and for everyone's mental health.

We need housing design that meets the most rigorous energy efficiency standards and that achieves Net Zero energy.

Please work to represent the needs of Berkeley residents, not the interests of for-profit developers.

Sincerely,

Charlene M. Woodcock  
Berkeley

## Letter C33

**COMMENTER:** Charlene Woodcock

**DATE:** November 2, 2021

The commenter makes statements related to the proposed project and not on the information, analysis, or conclusions contained in the Draft EIR.

Please see Topical Response A: Project-Related Comments.



**Communication**

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**From:** Victoria Eisen <victoria@eisenletunic.com>  
**Sent:** Tuesday, November 2, 2021 1:46 PM  
**To:** Pearson, Alene  
**Subject:** Planning Commission BART station zoning item

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Ms. Pearson,

I would appreciate it if you would please forward this note to the Planning Commission to help inform their discussion of zoning at the North Berkeley and Ashby BART stations tomorrow evening.

Thank you!

Victoria Eisen  
1516 McGee Avenue  
Berkeley

+++++

To the Berkeley Planning Commission,

I live a quarter-mile from the North Berkeley BART station. I am writing to thank you for all you've done to help transform the parking lots of the North Berkeley and Ashby stations into homes for hundreds of new neighbors, and to encourage you to support zoning that maximizes the number of affordable units and market rate units to help finance them.

To make this future possible will rely on surrounding this new development with world class, safe and convenient bus, bike and walk access to compensate for the lost parking and allow residents to live car- or nearly car-free and provide more options to other BART passengers.

Thank you for all of your work on this.

Victoria Eisen  
1516 McGee Avenue  
Berkeley

## Letter C34

**COMMENTER:** Victoria Eisen

**DATE:** November 2, 2021

The commenter makes statements related to the proposed project and not on the information, analysis, or conclusions contained in the Draft EIR.

Please see Topical Response A: Project-Related Comments.

Communication

From: Carla Woodworth <carla@tennypress.com>  
Sent: Tuesday, November 2, 2021 2:12 PM  
To: Pearson, Alene; All Council  
Subject: North Berkeley BART Proposed Housing

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

BY EMAIL: [apearson@cityofberkeley.info](mailto:apearson@cityofberkeley.info), [council@cityofberkeley.info](mailto:council@cityofberkeley.info)

Tuesday, November 2, 2021

Berkeley Planning Commission  
1947 Center Street, third floor  
Berkeley, CA 94704

Subject: Zoning for the North Berkeley BART Station

Dear Members of the Berkeley Planning Commission,

1 | I am writing to support building affordable housing (not market rate units) at the North Berkeley BART Station.

2 | I still have serious questions about how BART patrons will actually get to the North Berkeley BART station without having access to adequate parking. Recent studies indicate that car services such as Uber & Lyft are not “green” and actually cause more air pollution. If Uber is the only realistic option for residents living in the hills (most people living in zip codes 94707, 94708 and 94709 won’t bicycle to the station) we may instead see an increase in pollution. Or in the worst case scenario, residents may avoid the extra time and hassle and just take their own vehicles to get to work.

3 | However, if the BART project continues to move forward, the Planning Commission should approve the zoning, recommended by city planning staff (on September 1, 2021). This zoning would create a maximum of seven stories, a maximum 4.2 floor/areas ratio and a maximum of 75 units per acre. The City should do as much as it possibly can to create affordable housing units on this site. Berkeley has many market rate units (recently built) sitting vacant on transportation corridors throughout town. Other scattered housing in town, once used for affordable rental housing is now being rented out by owners through AirBNB or VRBO, making housing even scarcer. Our city needs housing that is affordable for those who make well under six figures and this site could make that possible.

A proposed plan identified in the EIR that would build 1,200 units should be rejected. The monster MacArthur Tower at the MacArthur BART station, 25 stories tall with 400 units is not a project that should be a model for the North Berkeley BART neighborhood. Instead I hope you will support affordable and environmentally sound housing. Public land, appropriate for affordable housing is fast disappearing. Expensive land is one of the reasons there is a dearth of affordable housing being built so let’s not miss this opportunity.

I encourage you to see this BART parking lot as an opportunity to support the use of public land for the public good. Let’s meet the needs of Berkeley residents who need affordable housing. Zone a maximum of 7 stories, maximum of 4.2 floor/areas ratio and a maximum of 75 units per acre and if possible, 100% affordable housing.

Sincerely,

Carla Woodworth  
2335 Parker Street #2  
Berkeley, CA 94704  
Email: [carla@tennypress.com](mailto:carla@tennypress.com)

## Letter C35

**COMMENTER:** Carla Woodworth

**DATE:** November 2, 2021

### **Response C35.1**

The commenter expresses support for building affordable housing at the North Berkeley BART station.

Please see Topical Response A: Project-Related Comments.

### **Response C35.2**

The commenter questions how BART patrons would access the North Berkeley BART station without having access to adequate parking and suggests that use of ridesharing services may cause more air pollution.

Please see Topical Response B: Transportation and Topical Response C: Greenhouse Gas Emissions.

### **Response C35.3**

The commenter provides additional statements on the project, but does not provide comments on the information, analysis, or conclusions contained in the Draft EIR.

Please see Topical Response A: Project-Related Comments.

## Communication

---

**From:** David Brandon <davidbrandon@comcast.net>  
**Sent:** Tuesday, November 2, 2021 3:51 PM  
**To:** Pearson, Alene; All Council; Berkeley Mayor's Office; Shen, Alisa  
**Subject:** Zone for minimum height and density that comply with AB2923  
**Attachments:** How BART pictures the North Berkeley BART neighborhood.jpg

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Planning Commissioners (cc: City leadership):

I urge you to support the zoning recommendations presented by the City Planning Staff at the September 1st Planning Commission meeting for North Berkeley BART TOD:

Maximum height: 7 stories/80 feet

Maximum floor/area ratio: 4.2

Density: 75 units per acre

These limits are ALREADY EXCESSIVE for the site and MUST NOT BE EXCEEDED. Let's also try to achieve maximum affordability, with a scale appropriate for the low-rise North Berkeley neighborhood.

I recently reviewed the photos used by BART to promote its upgrade of bicycle paths that traverse North Berkeley BART. (See the attachment or photos at [https://www.bart.gov/about/planning/station-access/north-berkeley-bike.](https://www.bart.gov/about/planning/station-access/north-berkeley-bike)) We see a "healthy" low-rise neighborhood with a visible horizon. There's plenty of light and air--without wind tunnels and long shadows.

These are just the elements that the City is placing at grave risk unless zoning is done at the MINIMUM levels that comply with AB2923.

I ALSO urge you to ensure that any state-mandated density bonus for the project excludes the publicly-funded affordable housing. Private developers should not profit from public funding!

Thank you.

David Brandon

District 1 resident, Berkeley



## Letter C36

**COMMENTER:** David Brandon

**DATE:** November 2, 2021

The commenter makes statements related to the proposed project and not on the information, analysis, or conclusions contained in the Draft EIR.

Please see Topical Response A: Project-Related Comments.



**Communication**

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**From:** David Cobb <capecobb@sonic.net>  
**Sent:** Tuesday, November 2, 2021 5:34 PM  
**To:** Pearson, Alene  
**Cc:** David Cobb  
**Subject:** BART Housing

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Planning Staff and Commissioners,

We write to express our strong desire to see lots of housing at the North Berkeley BART station. We are in general agreement with the language of the working draft of proposed zoning guidelines (June 2021), with the caveat that height limits should allow for up to eight stories in case that is required to meet the viable number of units, maximize the number of affordable units, and facilitate a tasteful step-down of massing at the perimeters.

Limiting main building height maximum to "eighty ft. and 7 stories" may impose unforeseeable restrictions on design, especially when considering that portions of the roof may be occupied as public or private space. There will almost certainly be multiple buildings on the site, and one of them may need to be higher to achieve the greater good of more affordable units while achieving design that steps down to the residential borders.

The loss of station parking is a major concern. Funding for enhanced public transit opportunities (e.g. shuttle service) needs to be included as part of the development lest commuters remain in their cars and drive to work. One of us walked to the North Berkeley station hundreds of times over the past twenty years but understand that there are many who cannot, or will not walk or bike there.

We also strongly agree with the language concerning developer selection and accountability as drafted in the Joint Vision and Priorities (redlined version, June 2021). A team player that embraces the City's vision is essential to the success of this project.

Thank you all for your efforts on housing at the North Berkeley and Ashby stations.

Sincerely,

David Cobb & Annette Doornbos

Beverly Place, Berkeley

## Letter C37

**COMMENTER:** David Cobb

**DATE:** November 2, 2021

The commenter makes statements related to the proposed project and not on the information, analysis, or conclusions contained in the Draft EIR. The commenter also expresses concern over the loss of parking for BART riders at the North Berkeley BART station site.

Please see Topical Response A: Project-Related Comments and Topical Response B: Transportation.

## Communication

---

**From:** Jeff Hobson <jeffhobson2@gmail.com>  
**Sent:** Tuesday, November 2, 2021 9:10 PM  
**To:** Pearson, Alene  
**Cc:** Taplin, Terry  
**Subject:** Please approve lots of new homes for a range of income levels at North Berkeley

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Planning Commissioners,

I like people. And I'd like more of them at and around the North Berkeley BART station. I've lived near and used the station for over 20 years, and I've never found joy from the sea of asphalt that greets me when I come home from work. I'd much rather have people's homes, a connected greenway, and shops and services. That's why I joined with like-minded neighbors in creating North Berkeley Now! As you consider these decisions, please keep the following in mind:

Please approve the **highest housing density possible** at the BART station. We have a housing crisis; more homes will help. We have a climate crisis: more homes near transit will help. Most of the commenters at your September 1 meeting said "maximize housing." Please follow their advice. Please don't set BART's minimums as our maximums.

Please **maximize the number of affordable homes** at North Berkeley BART. I care much more about the number of homes than I do about the percentage: 100% of nothing is nothing. And 100% of a small development is a small number of places for people to live. Please approve a plan for mixed-income development -- after all, even market-rate apartments will be a lot cheaper than the single-family homes that currently surround the station.

Please **prioritize alternatives to driving, including the safety of pedestrians and cyclists**. Most BART riders do not drive to the North Berkeley BART station. We walk, ride a bike, take transit, or get dropped off. The City and BART can further reduce the demand for parking by providing better connectivity and access for surface transit and alternative mobility. As someone who sometimes drives around the station, I understand that prioritizing the safety of pedestrians and cyclists will mean less convenience for drivers, and I welcome that change. Please support smart infrastructure that keeps cars away from people so we all feel safe getting to BART.

Thank you for your work as Planning Commissioners, and thank you for your consideration.

Best,  
Jeff Hobson

2220-F Sacramento Street  
Berkeley CA 94702

## Letter C38

**COMMENTER:** Jeff Hobson

**DATE:** November 2, 2021

The commenter makes statements related to the proposed project and not on the information, analysis, or conclusions contained in the Draft EIR.

Please see Topical Response A: Project-Related Comments.

November 2, 2021

To the Berkeley Planning Commission:

I have served on the Community Advisory Group (CAG) over the last 18 months. As a neighbor immediately adjacent to the North Berkeley station, I have an interest in the quality of the station redevelopment projects, the dialogue with existing neighbors throughout the planning and design process, and the wellbeing and inclusion of my many new neighbors who will be able to move into the homes provided by these projects. As an urban designer practicing in California and internationally for 20 years, I have tried to bring my professional expertise to bear on the process wherever relevant.

My message to the Planning Commission is that I support the CAG's recommendations expressed in the Joint Vision and Priorities document and the proposed BMU zoning. Both documents align with state law, city policy on housing, transportation, equity and climate, and contain best practice urban design principles. There are points to be refined which I hope you will take up in your debate, but the overall process has led to a sound pair of planning documents.

In terms of potential refinements, I support comments made by some other community organizations recently submitted to the Planning Commission, including:

- Increasing the allowable height on the Ashby West Parking Lot and central area of North Berkeley Station and along Sacramento, from 7 to 8 stories, which allows for more flexibility in construction types and takes advantage of the proportions of adjacent wide street widths.
- Requiring or encouraging active ground floor uses *connected to the street* along Adeline at Ashby. For this street, and a linear Flea Market concept, to be successful, activating building uses need to have a seamless connection to the life of the street.
- Allowing for flexible step-backs above 4 stories rather than a prescriptive dimension.
- Narrow surrounding streets at North Berkeley to encourage safer driving and prioritize active mobility over street space for cars.
- Provide a mechanism to require a mix of unit sizes for different household types within project sites. We need to enable diversity in our neighborhoods, and this requires providing a diversity of home types so that renters can "move in place" as their family structures change.

We have made a lot of progress over the last 18 months of work, and we need to keep the momentum going so that these projects can be built in our lifetimes. I urge you to approve and adopt the Joint Vision and Priorities and BMU zoning and certify the project's DEIR.

With kind regards,  
Blaine Merker  
1624 Acton Street  
BART Community Advisory Group (CAG)

## Letter C39

**COMMENTER:** Blaine Merker

**DATE:** November 2, 2021

The commenter makes statements related to the proposed project and not on the information, analysis, or conclusions contained in the Draft EIR.

Please see Topical Response A: Project-Related Comments.

## Communication

---

**From:** Matthew Wadlund <mwadlund@wdsplus.com>  
**Sent:** Wednesday, November 3, 2021 3:05 PM  
**To:** Pearson, Alene  
**Subject:** I support a minimum zoning of 8 stories at Berkeley's BART stations!

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Secretary Berkeley Planning Commission,

To Berkeley's Planning Commissioners,

As a Berkeley resident, I'm writing to express my strong support for zoning for at least eight stories at Berkeley's BART stations, because:

1. BART is a regional resource, which needs density to operate efficiently.
2. Zoning for at least eight stories at Berkeley's BART stations gives the most flexibility for home creation later in the process, including adding a higher number of affordable homes.
3. Zoning for a minimum of eight stories helps reach our climate goals by locating homes near transit and getting more residents out of their cars.
4. Every neighborhood in every city must do their part to house the Bay Area. We cannot sacrifice needed homes by exempting historically exclusionary neighborhoods.

For these reasons and many others, I strongly urge you to support zoning for a minimum of eight stories at Berkeley's BART stations.

Thank you very much!

Matthew Wadlund  
mwadlund@wdsplus.com  
805 Jones Street  
Berkeley, California 94710

## Letter C40

**COMMENTER:** Matthew Wadlund

**DATE:** November 3, 2021

The commenter makes statements related to the proposed project and not on the information, analysis, or conclusions contained in the Draft EIR.

Please see Topical Response A: Project-Related Comments.



## Communication

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**From:** Jeffrey Wescott <info@email.actionnetwork.org>  
**Sent:** Wednesday, November 3, 2021 2:08 PM  
**To:** Pearson, Alene  
**Subject:** I support a minimum zoning of 8 stories at Berkeley's BART stations!

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Secretary Berkeley Planning Commission,

To Berkeley's Planning Commissioners,

As a Berkeley resident, I'm writing to express my strong support for zoning for at least eight stories at Berkeley's BART stations. Some of the many reasons include:

1. Zoning for at least eight stories at Berkeley's BART stations gives the most flexibility for home creation later in the process, including adding a higher number of affordable homes.
2. Zoning for a minimum of eight stories helps reach our climate goals by locating homes near transit and getting more residents out of their cars. Encouraging people to use public transit instead of driving is one of the most effective land use strategies for reducing carbon emissions.
3. Every neighborhood in every city must do their part to house the Bay Area. We cannot sacrifice needed homes by exempting historically exclusionary neighborhoods, despite dogwhistles to do so.

For these reasons and many others, I urge you to support zoning for a minimum of eight stories at Berkeley's BART stations.

Thank you very much!

Jeffrey Wescott  
jeffrey.wescott@gmail.com  
1635 Fairview St  
Berkeley, California 94703

## Letter C41

**COMMENTER:** Jeffrey Wescott

**DATE:** November 3, 2021

The commenter makes statements related to the proposed project and not on the information, analysis, or conclusions contained in the Draft EIR.

Please see Topical Response A: Project-Related Comments.

## Communication

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**From:** Margot Kushel <margot.kushel@gmail.com>  
**Sent:** Wednesday, November 3, 2021 12:37 AM  
**To:** Pearson, Alene  
**Subject:** North Berkeley BART Housing

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Commissioners:

I am a resident of Central Berkeley, living a few blocks from North Berkeley BART. I strongly support building housing on the North Berkeley BART parking lot.

I support the maximum density with the largest amount of subsidized housing possible.

Berkeley, like the rest of the Bay Area is suffering from a severe housing crisis that is an existential threat. We need housing—particularly deeply affordable housing near transit. Building housing (with as much subsidized housing as possible) would be a win for the environment and for all Berkeleyans.

I cannot wait to welcome my new neighbors.

Thank you,

Margot Kushel

## Letter C42

**COMMENTER:** Margot Kushel

**DATE:** November 3, 2021

The commenter makes statements related to the proposed project and not on the information, analysis, or conclusions contained in the Draft EIR.

Please see Topical Response A: Project-Related Comments.

## Communication

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**From:** Vanessa Boehm <info@email.actionnetwork.org>

**Sent:** Wednesday, November 3, 2021 10:44 AM

**To:** Pearson, Alene <apearson@cityofberkeley.info>

**Subject:** I support a minimum zoning of 8 stories at Berkeley's BART stations!

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Secretary Berkeley Planning Commission,

To Berkeley's Planning Commissioners,

As a Berkeley resident, I'm writing to express my strong support for zoning for at least eight stories at Berkeley's BART stations. Some of the many reasons include:

1. Zoning for at least eight stories at Berkeley's BART stations gives the most flexibility for home creation later in the process, including adding a higher number of affordable homes.
2. Zoning for a minimum of eight stories helps reach our climate goals by locating homes near transit and getting more residents out of their cars. Encouraging people to use public transit instead of driving is one of the most effective land use strategies for reducing carbon emissions.
3. Every neighborhood in every city must do their part to house the Bay Area. We cannot sacrifice needed homes by exempting historically exclusionary neighborhoods, despite dogwhistles to do so.

For these reasons and many others, I urge you to support zoning for a minimum of eight stories at Berkeley's BART stations.

Thank you very much!

Vanessa Boehm

[boehmvanessa@gmail.com](mailto:boehmvanessa@gmail.com)

2456 Hilgard Ave

Berkeley, California 94709

## Letter C43

**COMMENTER:** Vanessa Boehm

**DATE:** November 3, 2021

The commenter makes statements related to the proposed project and not on the information, analysis, or conclusions contained in the Draft EIR.

Please see Topical Response A: Project-Related Comments.

## Communication

---

**From:** Deborah Matthews <thebroka@gmail.com>

**Sent:** Wednesday, November 3, 2021 10:34 AM

**To:** Pearson, Alene <apearson@cityofberkeley.info>; All Council <council@cityofberkeley.info>; Ariella Granett <granett.ariella@gmail.com>; Betsy Thagard <betsythagard@gmail.com>; Jon Lau <jonlau72@yahoo.com>; Peter Waller <peterjwaller@comcast.net>; mateo <mewlatt@gmail.com>; Teresa Clarke <tclarke2930@gmail.com>

**Subject:** Draft Environmental Impact Report-Ashby & North Berkeley BART | Alternative 3

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

GM,

Please see the correspondence attachment

Thanks, Deborah Matthews

--

Deborah Matthews

2020 Candidate Berkeley City Council District 3, South Berkeley

Former Commissioner Chair | Zoning | Planning | Housing, City of Berkeley | [www.ci.berkeley.ca.us](http://www.ci.berkeley.ca.us)

Real Estate Broker | Community Consultant | *The Broka Realty Group*

American Political Activist | Blog Founder | Curator | [www.deborahspotlight.com](http://www.deborahspotlight.com)

Executive Producer | "*Healing the American Dream*" | *documentary film in the process*

E. [thebroka@gmail.com](mailto:thebroka@gmail.com) D. 510.421.4433

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Nov 3, 2021

Dear Planning Commissioners, Mayor and City Council:

We are living in a housing and climate emergency. The City of Berkeley, must move forward with **Courage and take BOLD ACTION NOW** in planning for our future. The zoning is our plan for the future of BART development and we cannot handle policy and business as usual. This is our opportunity to get it right for all the residents of Berkeley.

1 | **Based on the Draft EIR, the Planning Commission and the City Council must consider the superior environmental alternative #3 as the one to adopt.** The public planning process often does not come up with the right answer. It is up to you, our civic leaders, to look past the continued self-interests repetitive message in this process and look to the future of our city, region and planet, and make the correct and difficult decision to allow the increased height alternative for both BART stations that will serve everyone in Berkeley.

## 6.4 Alternative 3: Increased Height

### 6.4.1 Description

The Increased Height Alternative would allow for the development of 12-story buildings on the station sites, whereas the proposed project would allow for buildings up to seven stories tall. Increasing the maximum building height by 5 stories would allow for an increase in FAR, assumed to be up to 5.5. Build out under this alternative could include up to 3,600 residential units combined for both sites, or 1,200 more than under the proposed project. It is assumed that the change in allowable building height would not affect the size of commercial use, which would still be an estimated 125,000 square feet. All other proposed development standards as shown in Table 2-1 in Section 2, Project Description, including vehicle and bicycle parking requirements, minimum open space, and minimum public space, would remain the same.

This alternative would meet the project objective to comply with AB 2923, by allowing new development consistent with the law's development standards at the station sites. By further increasing residential density in a Transit Priority Area, it would also meet the project objective to promote green development as well as location efficiency and sustainable transportation modes, to a greater extent than would the proposed project.

## 6.5 Environmentally Superior Alternative

CEQA requires the identification of the environmentally superior alternative among the options studied, which is the alternative among those studied that has the fewest significant environmental impacts.

Table 6-4 indicates whether each alternative's environmental impact is greater, lesser, or similar to the proposed project. As shown therein, the No Project Alternative would not reduce impacts and would therefore not be environmentally superior to the proposed project.

Of the development alternatives, neither Alternative 2 nor Alternative 3 would eliminate the unavoidably significant impact related to construction noise. Further, neither alternative would eliminate the need for mitigation measures identified in this EIR; mitigation related to air quality, cultural resources, GHG emissions, hazardous materials, and noise would still be required.

Alternative 2 would involve an estimated 400 fewer residential units compared to the proposed project and therefore impacts related to public services, recreation, and utilities and service systems would be slightly reduced, whereas those impacts would be increased for Alternative 3 which involves 1,200 additional units compared to the proposed project. Alternative 2 would also involve slightly greater impacts related to GHG emissions and land use and planning, as this alternative would involve more vehicle travel to and from the sites which would increase GHG emissions and this alternative would not be consistent with applicable policies related to transit-oriented development, energy efficiency, pedestrian-oriented design, and sustainable design in the City's General Plan and ACSP to the same extent as the project. **Alternative 3 would provide additional transit-oriented development and would meet these goals to a greater extent than the proposed project.**

Overall, Alternative 2 would result in two slightly greater impacts than the proposed project (GHG Emissions and Land Use and Planning) and two slightly reduced impacts compared to the proposed project because it involves fewer units (Public Services and Recreation and Utilities and Service Systems). **Alternative 3 would involve two slightly reduced impacts compared to the proposed project related to GHG Emissions.....**

When taking into account the project objectives, the provision of on-site vehicular parking for BART riders under Alternative 2 would not meet project objectives related to residential density and use of sustainable modes as well as the proposed project. This is because increased supply of vehicle parking would reduce the amount of residential space that could be provided and encourage vehicle use by making it more convenient to drive.

**Alternative 3 would have slightly reduced impacts to air quality and GHG emissions due to the resulting increase in density in proximity to transit which is effective way to encourage alternative transportation and reduce vehicle use. Therefore, Alternative 3 is the environmentally superior alternative.**

Sincerely,

*Deborah Matthews*

*Deborah Matthews | South Berkeley resident*

- Affordable Housing Developer, Oakland & The World Inc.  
100% very low- income, formerly incarcerated housing, West Oakland
- Former Vice-Chair, Planning Commissioner
- Former Chair, Zoning Adjustments Board
- Zoning, Adjustments Board member (Alternate)
- Former Chair, Housing Commission (HAC)
- Co-Founder, of South Berkeley NOW!
- Tackling Systemic Injustice | Housing, Economic, Health & Environment

## Letter C44

**COMMENTER:** Deborah Matthews

**DATE:** November 3, 2021

The commenter recommends the Planning Commission and City Council adopt Alternative 3.

Please see Topical Response D: EIR Alternatives.

## Communication

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**From:** Josh Cohen <joshcohen724@gmail.com>  
**Sent:** Wednesday, November 3, 2021 10:19 AM  
**To:** Pearson, Alene <apearson@cityofberkeley.info>  
**Cc:** Hahn, Sophie <SHahn@cityofberkeley.info>  
**Subject:** Please maximize housing at North Berkeley BART

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Planning commissioners,

I live several blocks from the North Berkeley BART station, and I strongly urge you to build housing on the BART-owned parking lots. I stand with my neighbors at North Berkeley Now! to share the following:

North Berkeley is a lovely area, but we are in sore need of more housing. This project represents a great way to get both market-rate and affordable housing built on what is currently a place to store cars.

Market rate apartments are more affordable than the million-dollar single-family homes we have now, and they are needed for people who don't qualify for new, subsidized, affordable housing. We also want the largest amount of subsidized housing possible in the context of an ambitious development, not least because lower income residents are more likely to use transit than they live next to.

Given the shortage of housing and the climate change-fighting benefits of living near transit, we want the highest density possible at our BART station. The majority of commenters on Sept 1 said "maximize housing" and we agree. Don't set BART's minimums as our maximums.

We are in a climate crisis, and this transit-oriented-design will encourage more environmentally-friendly land-use, where new residents will be able to bike, walk, and take the bus around our area.

Please, build this paradise instead of a parking lot, and set the height minimums at 8 stories to help us get lots of new neighbors.

Best,

Josh Cohen  
1303 Acton St.

## Letter C45

**COMMENTER:** Josh Cohen

**DATE:** November 3, 2021

The commenter makes statements related to the proposed project and not on the information, analysis, or conclusions contained in the Draft EIR.

Please see Topical Response A: Project-Related Comments.

**Communication**

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**From:** Sarah Bell <info@email.actionnetwork.org>  
**Sent:** Wednesday, November 3, 2021 11:21 AM  
**To:** Pearson, Alene <apearson@cityofberkeley.info>  
**Subject:** I support a minimum zoning of 8 stories at Berkeley's BART stations!

safe.

Secretary Berkeley Planning Commission,

To Berkeley's Planning Commissioners,

As a Berkeley resident who lives near North Berkeley BART, I'm writing to express my strong support for zoning for at least eight stories at Berkeley's BART stations. Some of the many reasons include:

1. Zoning for at least eight stories at Berkeley's BART stations gives the most flexibility for home creation later in the process, including adding a higher number of affordable homes.
2. Zoning for a minimum of eight stories helps reach our climate goals by locating homes near transit and getting more residents out of their cars. Encouraging people to use public transit instead of driving is one of the most effective land use strategies for reducing carbon emissions.
3. Every neighborhood in every city must do their part to house the Bay Area. We cannot sacrifice needed homes by exempting historically exclusionary neighborhoods.

Please, please zone for at least eight stories around BART. Building homes around BART is probably the best thing we can do for equity, for traffic, and, most importantly, for the climate crisis. We'll quickly come to regret losing the opportunity to house more people near this important transit station if we don't take a forward-looking mindset today.

Thank you very much!

Sarah Bell

[bell.sarah@gmail.com](mailto:bell.sarah@gmail.com)

1080 Jones St Apt 540

Berkeley, California 94710

## Letter C46

**COMMENTER:** Sarah Bell

**DATE:** November 3, 2021

The commenter makes statements related to the proposed project and not on the information, analysis, or conclusions contained in the Draft EIR.

Please see Topical Response A: Project-Related Comments.



C47 Placeholder

## Letter C47

**COMMENTER:** Anonymous #1

**DATE:** November 3, 2021

The commenter makes statements related to the proposed project and not on the information, analysis, or conclusions contained in the Draft EIR.

Please see Topical Response A: Project-Related Comments.

28 OCT. 2021

Received

NOV 03 2021

Land Use Planning

TO THE CITY OF BERKELEY  
PLANNING COMMISSION :

THIS IS IN RESPONSE TO A NOTICE OF PUBLIC HEARING  
ON THE BART STATIONS IN THE CITY OF BERKELEY,  
BAY AREA RAPID TRANSIT.

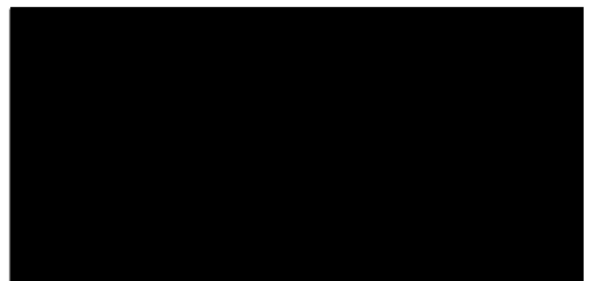
NOTICE WAS POSTED IN THE 'BERKELEY VOICE'  
page A 30, THE EDITION OF FRIDAY, OCT. 22, 2021,  
WHICH IS PRESENTLY AVAILABLE, AS FAR AS I KNOW,  
AS AN INSERT IN THE FRIDAY EDITIONS OF THE  
'EAST BAY TIMES'. I HAVE ALWAYS BEEN A SUBSCRIBER  
TO THE 'BERKELEY VOICE' BUT THAT PUBLICATION IS  
NO LONGER BEING DELIVERED TO MY HOME.  
THEREFORE IT WAS ONLY BY CHANGE THAT I RECEIVED  
THE NOTICE OF PUBLIC HEARING, WHICH WAS BURIED IN  
THE BACK PAGES AMONG THE WANT-ADS.

WITH THE PUBLIC NOTICE OF OCTOBER 22, AND A DEADLINE  
TO COMPLETE OUR COMMENTS WITH RECEIPT AT CITY  
PLANNING COMMISSION HEADQUARTERS NINE DAYS  
BEFORE THE HEARING, THAT WOULD GIVE THE PUBLIC  
THE WEEKEND OF OCTOBER 23 and 24 TO PREPARE  
MEANINGFUL COMMENTS, AND THE POST OFFICE WILL  
NOT BE AVAILABLE TO DELIVER THOSE COMMENTS ON TIME.

I AM A CONCERNED CITIZEN BUT NOT A USER OF COMPUTERS OR ANY OF THE VARIATIONS OF THAT, SUCH AS online or email or apearson @ cityofberkeley.info.

AS A NON-USER OF COMPUTER-BASED INFORMATION EXCHANGE, I ALSO DO NOT WANT MY COMMENTS TO BE POSTED TO THE ONLINE SYSTEM, NOR SHOULD I BE SENT AN ANSWER TO MY COMMENTS BY COMPUTER, AND IN ADDITION, MY COMMENTS ARE NOT DESIGNED TO BE BROADCAST DIGITALLY TO THE WHOLE WORLD, BUT INSTEAD WERE DIRECTED TO THE ARM OF OUR GOVERNMENT WHICH IS RESPONSIBLE FOR THE BART PROPOSAL. IF THE PUBLIC HEARING MEETING HAD BEEN HELD, ANYONE THERE WOULD HAVE HEARD EVERYONE ELSE'S COMMENTS, AND THAT IS EXPECTED, BUT NO MEETING WILL ACTUALLY BE HELD.

SO THE ENTIRE CONCEPT OF THE COMMISSION'S PUBLIC HEARING, ALONG WITH THE RULINGS IMPOSED, IS NOT WORKING. THANKS FOR LISTENING.



## AFFORDABLE HOUSING

IF, LIKE AT PRESENT TIMES IN AMERICA, HOUSING IS EXPECTED TO HAVE WIRING AND ACCESS TO THE ELECTRICAL GRID, ALONG WITH INTERNET AND ZOOM AND AN OPTION TO CHARGE PHONES AND BATTERIES ;

AND IF THAT HOUSING ALSO WILL BE EXPECTED TO HAVE A PLUMBING SYSTEM WITH CLEAN RUNNING WATER, BOTH HOT AND COLD, WITH BASINS AND BATH AND TOILET CONNECTED TO A SANITARY WASTE-WATER SYSTEM ;

AND IF THE HOUSING WHICH WILL BE BUILT FOR PEOPLE, WILL BE MULTI-STORY STRUCTURES AS HIGH AS 7-17 LEVELS, IT WILL NEED TO HAVE ELEVATORS AND A FIRE-ESCAPE SYSTEM ;

AND IT WILL NEED MANAGERS AND JANITORS FOR THE COMMON SPACES AND FOR THE OPERATION OF THE BUILDING ITSELF ;

MAYBE A SECURITY SYSTEM, AND CERTAINLY A METHOD TO DISPOSE OF TRASH AND RECYCLING ; AND A MAIL DELIVERY AREA AND TELEPHONES AND FIRE ALARMS, ALONG WITH AIR DUCTS AND AN AIR FILTRATION SYSTEM WITH EQUIPMENT TO ASSURE CLEAN BREATHABLE AIR TO ITS INHABITANTS ESPECIALLY IF THE WINDOWS OF THE BUILDING ARE NOT MADE TO OPEN ; AND IF THE WINDOWS CAN BE OPENED, THEN A SAFETY SYSTEM WILL NEED TO BE CONSIDERED AT THE PLANNING STAGES.

AND LIGHTING FOR THE HALLWAYS AND THE BUILDING'S PERIPHERIES, AND SOMEONE TO MAINTAIN ALL OF THIS —

SO OUR MODERN HOUSING REQUIREMENTS ARE HIGHER THAN THOSE OF A FAMILY LIVING IN A LOG CABIN SUCH AS PRESIDENT LINCOLN GREW UP IN, WITH A FIRE PLACE FOR BOTH LIGHT AND HEAT.

WE MODERN FOLK NEED TO BE REALISTIC ABOUT WHAT WE WANT AND NEED IN OUR HOUSING AT THE PRESENT TIME, AND HOW THAT CAN BE FORTHCOMING.

WE WANT EVERY HUMAN BEING TO HAVE A CLEAN, SAFE PLACE TO CALL HOME, JUST AS THE CREATURES OF THE NATURAL WORLD DO: A NEST FOR A BIRD, A WAX-HONEYCOMB FOR A BEE, AND A NICELY-MADE MID-STREAM STICK-STRUCTURE FOR A BEAVER.

WHAT THE PUBLIC NEEDS TO KNOW, IS - IF THE PUBLIC OFFERS UP ITS BART-TRANSIT SYSTEM LAND FOR A HIGH-RISE AFFORDABLE APARTMENT BUILDING, CAN THE COSTS FOR ALL OF THE REQUIREMENTS BE PLANNED AND ACTUALLY BE AFFORDABLE TO THE FUTURE RENTERS? OR WILL EACH APARTMENT BE OWNED BY ITS OCCUPANTS?

THIS NEEDS TO BE KNOWN BEFORE PLANS ARE MADE AND GROUND IS BROKEN, WHAT ARE THE FINANCIAL FACTS: WILL COUNTY PROPERTY TAXES BE IMPOSED, AND WHAT ABOUT BOND MEASURES, AND FEES AND PERMIT CHARGES AND ALL THE REST, THAT OWNERS OR RENTERS ARE EXPECTED TO PAY. WILL THOSE MAKE THE UNITS 'UNAFFORDABLE'?

ALL THAT CITIZENS OF BERKELEY AND THE GREATER BAY AREA HAVE HEARD, IS THAT THERE IS A GREAT NEED FOR AFFORDABLE HOUSING. BUT CAN NEW HOUSING BE BUILT NOWADAYS AND STILL BE AFFORDABLE. GIVE US THE FACTS.

# Quake study: A grim scenario

## Major temblor on Hayward fault would knock out cell service, power, water for weeks

FRIDAY, OCTOBER 22, 2021

By Rong-Gong Lin II

Los Angeles Times

A major earthquake in California is likely to knock out many communications services for days or weeks, including the vast majority of cellphones in the areas closest to the epicenter, according to a landmark new analysis by the U.S. Geological Survey.

The widespread disruption would imperil the public's access to 911 operators and lead to delays in reporting fires and calls for medical help.

Cell towers are vulnerable to sustained power outages. The same goes for cellular equipment on power poles and buildings at risk of extreme shaking, liquefaction and fire, the USGS said. California's cellphone networks have been notoriously unreliable during blackouts that occur during life-threatening emergencies, such as during wildfires in 2019, where wide swaths of the San Francisco Bay Area were cut off from cell service for significant periods.

In a grim estimate of the challenges, a magnitude 7 earthquake that struck on the Bay Area's Hayward fault could leave Alameda County — its hardest hit area — able to provide only 7% of the demand for voice and data service after the quake. That is identical to the communications service failure in New York City after the 9/11 attacks in 2001, when 93% of cellphone calls failed.

The findings in the USGS study are one of many vulnerabilities uncovered by the government agency, which formally presented its findings at a news conference Thursday.

The report comprises about 780 pages, adding to nearly 600 pages of findings released since 2018 on the so-called HayWired scenario. The report is the third volume in a series of

## Quake

FROM PAGE 1

reports researched over six years focused on a future earthquake on the Hayward fault; the final volume was written by 20 main authors and 80 contributors.

The Hayward fault has been called a "tectonic time bomb," and a major quake on it represents a nightmare scenario because it runs through densely populated areas with old buildings, including directly beneath the East Bay cities of Oakland, Berkeley, Hayward and Fremont.

The Hayward fault is one of California's fastest moving, and on average, it produces a major earthquake about once every 150 to 160 years, give or take seven or

eight decades.

It has been 153 years since the last major quake — a magnitude 6.8 — on the Hayward fault. The USGS estimates a magnitude 7 quake today on that fault could result in at least 800 deaths; hundreds more could die from fire following the quake, which would make this scenario California's deadliest since the great 1906 earthquake destroyed much of San Francisco.

In this hypothetical seismic scenario, electricity services could be out for weeks, while gas and water service could be interrupted for months. The USGS estimates an East Bay resident could be without water from six weeks to six months, and water supply outages could hobble firefighting efforts.

Transportation systems could be disrupted for years.

The USGS report said the region's backbone commuter rail system, BART, could see its Hayward train yard heavily damaged or collapse, while train stations in Oakland, Hayward and San Leandro could be so damaged that it could take one to three years to repair them. The USGS simulations for the kind of ground shaking that could occur are far worse than for what BART was designed, meaning even some seismically retrofitted facilities at the Hayward train yard could be destroyed, the report said.

While BART's earthquake safety program was designed to keep commuters alive during an earthquake, some sections of the

B  
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T

system — including parts of the East Bay — are not equipped to keep the transit service operational after a severe quake, the report said.

The USGS also identified more than 50 bridges at high risk for damage and collapse, and noted it could take three to 10 months to repair them. Many are along Interstate 880, a key artery connecting Oakland to San Jose; other freeways at risk include Interstate 680 between Fremont and Pleasanton and Interstate 580 between Oakland and Pleasanton.

With so many freeways that could potentially be damaged, "emergency response, evacuation and debris removal would be hampered and recovery ... could take longer than anticipated," the report said. De-

struction to East Bay freeways could be so bad it may be easier to flee by heading over the bay to the west, toward San Francisco and San Mateo County.

Neighborhoods across the East Bay, such as those in Oakland, Berkeley, Richmond, Alameda, San Leandro, Hayward, Castro Valley, Union City and Pleasanton, are at risk for having more than 20% of their buildings suffer extensive damage or be destroyed. That's a potential tipping point in which people may decide en masse to leave their homes or workplaces — even if they're still structurally intact — because their neighborhoods have ceased to function normally.

Old buildings are a major risk. In places like Oakland, Berkeley, Hayward and Al-

ameda, there are many so-called soft-story apartment buildings, with flimsy first floors housing carports that can collapse in an earthquake, as well as old, vulnerable brick and brittle concrete residential buildings.

While Oakland, Berkeley and San Francisco have passed mandatory retrofit laws for soft-story apartment buildings — as have cities such as Los Angeles, Santa Monica, West Hollywood, Beverly Hills and Pasadena in Southern California — many other cities have not.

California stands to suffer \$74 billion in cumulative property damage, with 1 million residential buildings and 39,000 nonresidential buildings damaged, in a major Hayward fault quake.

## Letter C48

**COMMENTER:** Anonymous #2

**DATE:** November 3, 2021

The commenter makes statements the procedure for commenting on the Draft EIR and rulings and questions the affordability of housing.

The comment period lasted for 47 days, from October 15, 2021 to December 1, 2021. The public will also have further opportunities to provide public comment at the public hearings to consider the Final EIR and project approval.

Please see Topical Response A: Project-Related Comments.



Letter C49

**From:** Alex Benn <info@email.actionnetwork.org>  
**Sent:** Wednesday, November 3, 2021 3:41 PM  
**To:** Pearson, Alene  
**Subject:** I support a minimum zoning of 8 stories at Berkeley's BART stations!

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Secretary Berkeley Planning Commission,

To Berkeley's Planning Commissioners,

As a Berkeley resident, I'm writing to express my strong support for zoning for at least eight stories at Berkeley's BART stations. Some of the many reasons include:

1. Zoning for at least eight stories at Berkeley's BART stations gives the most flexibility for home creation later in the process, including adding a higher number of affordable homes.
2. Zoning for a minimum of eight stories helps reach our climate goals by locating homes near transit and getting more residents out of their cars. Encouraging people to use public transit instead of driving is one of the most effective land use strategies for reducing carbon emissions.
3. Every neighborhood in every city must do their part to house the Bay Area. We cannot sacrifice needed homes by exempting historically exclusionary neighborhoods, despite dogwhistles to do so.

For these reasons and many others, I urge you to support zoning for a minimum of eight stories at Berkeley's BART stations.

Thank you very much!

Sincerely,  
Alex Benn  
1530 MLK Jr Way  
Council district 5

## Letter C49

**COMMENTER:** Alex Benn

**DATE:** November 3, 2021

The commenter makes statements related to the proposed project and not on the information, analysis, or conclusions contained in the Draft EIR.

Please see Topical Response A: Project-Related Comments.

Letter C50

**From:** Ross Bernet <info@email.actionnetwork.org>  
**Sent:** Wednesday, November 3, 2021 7:04 PM  
**To:** Pearson, Alene  
**Subject:** I support a minimum zoning of 8 stories at Berkeley's BART stations!

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Secretary Berkeley Planning Commission,

To Berkeley's Planning Commissioners,

As a Berkeley resident, I'm writing to express my strong support for zoning for at least eight stories at Berkeley's BART stations. Some of the many reasons include:

- 1. Zoning for at least eight stories at Berkeley's BART stations gives the most flexibility for home creation later in the process, including adding a higher number of affordable homes.
- 2. Zoning for a minimum of eight stories helps reach our climate goals by locating homes near transit and getting more residents out of their cars. Encouraging people to use public transit instead of driving is one of the most effective land use strategies for reducing carbon emissions.
- 3. Every neighborhood in every city must do their part to house the Bay Area. We cannot sacrifice needed homes by exempting historically exclusionary neighborhoods, despite dogwhistles to do so.

For these reasons and many others, I urge you to support zoning for a minimum of eight stories at Berkeley's BART stations.

Thank you very much!

Ross Bernet  
ross.bernet@gmail.com  
2919 Benvenue Avenue  
Berkeley, California 94705

## Letter C50

**COMMENTER:** Ross Bernet

**DATE:** November 3, 2021

The commenter makes statements related to the proposed project and not on the information, analysis, or conclusions contained in the Draft EIR.

Please see Topical Response A: Project-Related Comments.

## Communication

---

**From:** martin Bourqui <info@email.actionnetwork.org>  
**Sent:** Wednesday, November 3, 2021 1:46 PM  
**To:** Pearson, Alene  
**Subject:** I support a minimum zoning of 8 stories at Berkeley's BART stations!

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Secretary Berkeley Planning Commission,

To Berkeley's Planning Commissioners,

As a Berkeley resident, I'm writing to express my strong support for zoning for at least eight stories at Berkeley's BART stations. Some of the many reasons include:

1. Zoning for at least eight stories at Berkeley's BART stations gives the most flexibility for home creation later in the process, including adding a higher number of affordable homes.
2. Zoning for a minimum of eight stories helps reach our climate goals by locating homes near transit and getting more residents out of their cars. Encouraging people to use public transit instead of driving is one of the most effective land use strategies for reducing carbon emissions.
3. Every neighborhood in every city must do their part to house the Bay Area. We cannot sacrifice needed homes by exempting historically exclusionary neighborhoods, despite dogwhistles to do so.

For these reasons and many others, I urge you to support zoning for a minimum of eight stories at Berkeley's BART stations.

Thank you very much!

martin Bourqui  
mbourqui@gmail.com  
2907 Harrison St  
Oakland, California 94611

## Letter C51

**COMMENTER:** Martin Bourqui

**DATE:** November 3, 2021

The commenter makes statements related to the proposed project and not on the information, analysis, or conclusions contained in the Draft EIR.

Please see Topical Response A: Project-Related Comments.

Letter C52

**From:** davidkbritt@gmail.com <info@email.actionnetwork.org>  
**Sent:** Wednesday, November 3, 2021 5:34 PM  
**To:** Pearson, Alene  
**Subject:** I support a minimum zoning of 8 stories at Berkeley's BART stations!

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Secretary Berkeley Planning Commission,

To Berkeley's Planning Commissioners,

As a Berkeley resident, I'm writing to express my strong support for zoning for at least eight stories at Berkeley's BART stations. Some of the many reasons include:

1. Zoning for at least eight stories at Berkeley's BART stations gives the most flexibility for home creation later in the process, including adding a higher number of affordable homes.
2. Zoning for a minimum of eight stories helps reach our climate goals by locating homes near transit and getting more residents out of their cars. Encouraging people to use public transit instead of driving is one of the most effective land use strategies for reducing carbon emissions.
3. Every neighborhood in every city must do their part to house the Bay Area. We cannot sacrifice needed homes by exempting historically exclusionary neighborhoods, despite dogwhistles to do so.

For these reasons and many others, I urge you to support zoning for a minimum of eight stories at Berkeley's BART stations.

Thank you very much!

davidkbritt@gmail.com  
2109 JUNCTION AVE  
EL CERRITO, California 94530

## Letter C52

**COMMENTER:** David Britt

**DATE:** November 3, 2021

The commenter makes statements related to the proposed project and not on the information, analysis, or conclusions contained in the Draft EIR.

Please see Topical Response A: Project-Related Comments.



Letter C53

**From:** Alex Brouwer <info@email.actionnetwork.org>  
**Sent:** Thursday, December 02, 2021 8:17 PM  
**To:** bartplanning  
**Subject:** I support a minimum zoning of 8 stories at Berkeley's BART stations!

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

North Berkeley/BART Planning,

To Berkeley's Planning Commissioners,

As a Berkeley resident and someone who lives only 1 block from the Ashby BART station, I'm writing to express my strong support for zoning for at least eight stories at Berkeley's BART stations. Some of the many reasons include:

- 1. Zoning for at least eight stories at Berkeley's BART stations gives the most flexibility for home creation later in the process, including adding a higher number of affordable homes.
- 2. Zoning for a minimum of eight stories helps reach our climate goals by locating homes near transit and getting more residents out of their cars. Encouraging people to use public transit instead of driving is one of the most effective land use strategies for reducing carbon emissions.
- 3. Every neighborhood in every city must do their part to house the Bay Area. We cannot sacrifice needed homes by exempting historically exclusionary neighborhoods, despite dogwhistles to do so.

For these reasons and many others, I urge you to support zoning for a minimum of eight stories at Berkeley's BART stations.

Thank you very much!  
Alex Brouwer  
2942 Harper St  
Berkeley, CA 94703

Alex Brouwer  
alextrbrouwer@gmail.com

## Letter C53

**COMMENTER:** Alex Brouwer

**DATE:** December 2, 2021

The commenter makes statements related to the proposed project and not on the information, analysis, or conclusions contained in the Draft EIR.

Please see Topical Response A: Project-Related Comments.

Letter C54

**From:** Jordan Burns <info@email.actionnetwork.org>  
**Sent:** Thursday, December 02, 2021 7:00 PM  
**To:** bartplanning  
**Subject:** I support a minimum zoning of 8 stories at Berkeley's BART stations!

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

North Berkeley/BART Planning,

To Berkeley's Planning Commissioners,

As a Berkeley resident, I'm writing to express my strong support for zoning for at least eight stories at Berkeley's BART stations. Some of the many reasons include:

1. Zoning for at least eight stories at Berkeley's BART stations gives the most flexibility for home creation later in the process, including adding a higher number of affordable homes.
2. Zoning for a minimum of eight stories helps reach our climate goals by locating homes near transit and getting more residents out of their cars. Encouraging people to use public transit instead of driving is one of the most effective land use strategies for reducing carbon emissions.
3. Every neighborhood in every city must do their part to house the Bay Area. We cannot sacrifice needed homes by exempting historically exclusionary neighborhoods, despite dogwhistles to do so.

For these reasons and many others, I urge you to support zoning for a minimum of eight stories at Berkeley's BART stations.

Thank you very much!

Jordan Burns  
jordanpburns13@gmail.com  
2151 1/2 Russell street  
Berkeley, California 94609

## Letter C54

**COMMENTER:** Jordan Burns

**DATE:** December 2, 2021

The commenter makes statements related to the proposed project and not on the information, analysis, or conclusions contained in the Draft EIR.

Please see Topical Response A: Project-Related Comments.

**From:** Steve Cassavant <info@email.actionnetwork.org>  
**Sent:** Wednesday, November 3, 2021 5:10 PM  
**To:** Pearson, Alene  
**Subject:** I support zoning of minimum 8 stories for housing at Berkeley's BART stations

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Secretary Berkeley Planning Commission,

To: Berkeley Planning Commissioners,

As a Berkeley resident, with two children in household in the Berkeley schools, I'm writing to express my strong support for zoning for at least eight stories at Berkeley's BART stations.

Key reasons include:

1. Flexibility for development, including potential to maximize number of homes on the site, and to include affordable housing while keeping project economics feasible.
2. Climate - density helps reach our climate goals by locating more homes near transit and reducing car dependency/emissions.
3. Every neighborhood in every city must do their part to house the Bay Area. We cannot sacrifice needed homes by exempting historically exclusionary neighborhoods.

For these reasons and many others, I urge you to support zoning for a minimum of eight stories at Berkeley's BART stations.

Thank you for your attention-

Steve

Steve Cassavant  
steve.cassavant@gmail.com  
1131 Ward Street  
Berkeley, California 94702

## Letter C55

**COMMENTER:** Jordan Burns

**DATE:** December 2, 2021

The commenter makes statements related to the proposed project and not on the information, analysis, or conclusions contained in the Draft EIR.

Please see Topical Response A: Project-Related Comments.

**Communication**

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-----Original Message-----

From: cafred1@juno.com <cafred1@juno.com>  
Sent: Wednesday, November 3, 2021 3:32 PM  
To: Alnas-Benson, Tiana <TAlnas-Benson@cityofberkeley.info>  
Subject: Nov 3 Planning Commission Agenda - How can Commission Certify a DRAFT EIR?

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

11-3-2021  
RE: North Berkeley BART Development Draft EIR

Hello Ms. Alnas-Benson,  
I'm troubled by the part of this evening's Planning Commission Agenda concerning the proposed North Berkeley Bart development stating that the Commission is to "Certify the Draft EIR & make recommendations to the Council.

1

You don't "Certify" a Draft EIR. You take comments on how well or poorly the public and advisory boards believe the Draft EIR does in properly analyzing the proposed project, and in presenting alternatives to the project. Then the Draft EIR is revised into a Final EIR, or a Draft Final EIR, or a Revised Draft EIR. Something is not right here.

I proposed the following in my EIR scoping comments several months back, and request that the following comments be shared this evening.

Please note I never received a separate notice from the City re: the available of the Draft EIR, even though I had made extensive Scoping Comments.

When is the Draft EIR comment deadline?  
Is there still time to make comments?

2

**THE DRAFT EIR**  
The Draft EIR should have a minimum 75 day comment period. Because of the ongoing Covid pandemic, people have less time to devote to reading the Draft EIR and preparing comments. There should be at least two Public Hearings on the Draft EIR, both being held toward the end of the comment period.

**REQUEST FOR SECOND ROUND OF ENVIRONMENTAL REVIEW** Because this project is so big and controversial, and because it would have massive permanent impacts on northwest Berkeley, the city planners should agree to allow a second round of environmental review after the Draft environmental impact report – EIR for the project is made available. After the comment period ends and public hearing(s) on the project have been held, a Revised Draft EIR



2,  
cont

↑ should be prepared, in which everyone's comments are responded to and in which changes to the project and the various project alternatives are made.

A Revised Draft EIR is needed so that people can see the responses to their comments and any changes make to the project and project and project alternatives, and thus make further comments as appropriate. The Revised Draft EIR should have a minimum 60 day comment period.

thank you,  
Clifford Fred  
Berkeley Calif.

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Choose to be safer online.  
Opt-in to Cyber Safety with NortonLifeLock.  
Plans starting as low as \$6.95 per month.\*  
[https://store.netzero.net/account/showService.do?serviceId=nz-nLifeLock&utm\\_source=mktg&utm\\_medium=taglines&utm\\_campaign=nzlifelk\\_launch&utm\\_content=tag695&promoCode=A34454](https://store.netzero.net/account/showService.do?serviceId=nz-nLifeLock&utm_source=mktg&utm_medium=taglines&utm_campaign=nzlifelk_launch&utm_content=tag695&promoCode=A34454)



## Letter C56

**COMMENTER:** Clifford Fred  
**DATE:** November 3, 2021

### **Response C56.1**

The commenter asks about the November 3, 2021 Planning Commission agenda which includes an agenda item to certify the Draft EIR and make a recommendation to Council.

This was an error on the Planning Commission agenda. The Planning Commission hearing was to take comments on the Draft EIR. The public comment period closed on December 1, 2021. This RTC document responds to written and oral comments received and will be considered by City decision-makers as they make a decision on the project.

### **Response C56.2**

The commenter requests that the Draft EIR should have a minimum 75-day comment period and that there should be at least two public hearings on the Draft EIR. The commenter requests a second round of environmental review.

The City considered the commenter's request for an extension of the comment period but determined not to extend the comment period. The comment period lasted for 47 days from October 15, 2021, to December 1, 2021, more than the required 45 days. The City has determined that the comment period was consistent with the requirements of CEQA, the CEQA Guidelines, and City of Berkeley environmental review procedures and is sufficient for the purposes of CEQA compliance. Nonetheless, the public will have further opportunities to provide public comment at the public hearings to consider the Final EIR and project approval.

Letter C57

**From:** Carolyn McMillan <csmac22@gmail.com>  
**Sent:** Wednesday, November 3, 2021 7:31 PM  
**To:** Pearson, Alene; Shen, Alisa; All Council; Berkeley Mayor's Office  
**Subject:** Zoning for North Berkeley BART

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear City of Berkeley Planning Commissioners and other city officials --

I am writing to urge you to zone North Berkeley BART for a **maximum** of 7 stories, a **maximum** of 4.2 floor/area ratio, and a **maximum** of 75 units per acre, as required by AB-2923.

I also urge you to focus on ensuring that any new housing be **affordable**, not market rate.

North Berkeley BART should never have been zoned as an urban setting. It is located in a quiet residential neighborhood. The North Berkeley BART development project has become a target of those who want as much housing as possible, regardless of community or neighborhood desires. I understand their frustration over high housing costs but exceeding the 7-story maximum would be grossly out of sync with the rest of the neighborhood.

High housing costs are a regional and statewide crisis. Cramming a huge development on the North Berkeley BART parcel won't fix it. Rather, it will become a permanent example of an out-of-scale development that deteriorates the quality of life for everyone who lives here now or will live here in the future.

I am not anti-development. I am not anti-housing. But I am strongly in favor of housing that respects the character of the current neighborhood and prioritizes affordability and human scale for this new neighborhood.

Sincerely,

Carolyn McMillan  
1611 Lincoln Street  
Berkeley, CA 94703

## Letter C57

**COMMENTER:** Carolyn McMillan

**DATE:** November 3, 2021

The commenter makes statements related to the proposed project and not on the information, analysis, or conclusions contained in the Draft EIR.

Please see Topical Response A: Project-Related Comments.

Letter C58

**From:** Lindsay Dixon <dixon.lindsay@gmail.com>  
**Sent:** Wednesday, November 3, 2021 7:59 PM  
**To:** Pearson, Alene; Shen, Alisa; All Council; Berkeley Mayor's Office  
**Subject:** North Berkeley BART development plan

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Planning Commission,  
Regarding the North Berkeley BART development plan...

I'm writing to urge you to zone the North Berkeley BART site as recommended by Berkeley Planning staff for a maximum of 7 stories, a maximum of 4.2 floor/areas ratio and a maximum of 75 units per acre.

We need housing. But it needs to feel like an organic part of the existing community. State law and CEQA may not care about aesthetics, but certainly the thousands of families who make their home around North Berkeley BART do. We live here in large part because of its residential nature. I urge you to prioritize green space, affordable housing, and protecting the residential atmosphere of this neighborhood.

Lindsay Dixon  
1611 Lincoln Street

## Letter C58

**COMMENTER:** Lindsay Dixon

**DATE:** November 3, 2021

The commenter makes statements related to the proposed project and not on the information, analysis, or conclusions contained in the Draft EIR.

Please see Topical Response A: Project-Related Comments.

## Communication

---

**From:** Shawn Drost <info@email.actionnetwork.org>  
**Sent:** Wednesday, November 3, 2021 3:12 PM  
**To:** Pearson, Alene  
**Subject:** I support a minimum zoning of 8 stories at Berkeley's BART stations!

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Secretary Berkeley Planning Commission,

To Berkeley's Planning Commissioners,

As a Berkeley resident, I'm writing to express my strong support for zoning for at least eight stories at Berkeley's BART stations. Some of the many reasons include:

1. Zoning for at least eight stories at Berkeley's BART stations gives the most flexibility for home creation later in the process, including adding a higher number of affordable homes.
2. Zoning for a minimum of eight stories helps reach our climate goals by locating homes near transit and getting more residents out of their cars. Encouraging people to use public transit instead of driving is one of the most effective land use strategies for reducing carbon emissions.
3. Every neighborhood in every city must do their part to house the Bay Area. We cannot sacrifice needed homes by exempting historically exclusionary neighborhoods, despite dogwhistles to do so.

For these reasons and many others, I urge you to support zoning for a minimum of eight stories at Berkeley's BART stations.

Thank you very much!

Shawn Drost  
sdrost@gmail.com  
1278 Campus Dr  
Berkeley, California 94708-2045

## Letter C59

**COMMENTER:** Shawn Drost

**DATE:** November 3, 2021

The commenter makes statements related to the proposed project and not on the information, analysis, or conclusions contained in the Draft EIR.

Please see Topical Response A: Project-Related Comments.

Letter C60

**From:** Drew Finke <info@email.actionnetwork.org>  
**Sent:** Wednesday, November 3, 2021 5:14 PM  
**To:** Pearson, Alene  
**Subject:** I support a minimum zoning of 8 stories at Berkeley's BART stations!

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Secretary Berkeley Planning Commission,

To Berkeley's Planning Commissioners,

As someone who lives and works in Berkeley I'm writing to express my strong support for zoning for at least eight stories at Berkeley's BART stations. Some of the many reasons include:

1. Zoning for at least eight stories at Berkeley's BART stations gives the most flexibility for home creation later in the process, including adding a higher number of affordable homes.
2. Zoning for a minimum of eight stories helps reach our climate goals by locating homes near transit and getting more residents out of their cars. Encouraging people to use public transit instead of driving is one of the most effective land use strategies for reducing carbon emissions.
3. Every neighborhood in every city must do their part to house the Bay Area. We cannot sacrifice needed homes by exempting historically exclusionary neighborhoods, despite dogwhistles to do so.

For these reasons and many others, I urge you to support zoning for a minimum of eight stories at Berkeley's BART stations.

Thank you very much!

Drew Finke  
drewfinke@me.com  
2328 Fulton Street #2  
Berkeley, California 94704



## Letter C60

**COMMENTER:** Drew Finke

**DATE:** November 3, 2021

The commenter makes statements related to the proposed project and not on the information, analysis, or conclusions contained in the Draft EIR.

Please see Topical Response A: Project-Related Comments.

## Communication

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**From:** Kimberly Fisher <kim@studiokda.com>  
**Sent:** Wednesday, November 3, 2021 1:52 PM  
**To:** Pearson, Alene  
**Subject:** I support a minimum zoning of 8 stories at Berkeley's BART stations!

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Secretary Berkeley Planning Commission,

To Berkeley's Planning Commissioners,

As a Berkeley resident, I'm writing to express my strong support for zoning for at least eight stories at Berkeley's BART stations. Some of the many reasons include:

1. Zoning for at least eight stories at Berkeley's BART stations gives the most flexibility for home creation later in the process, including adding a higher number of affordable homes.
2. Zoning for a minimum of eight stories helps reach our climate goals by locating homes near transit and getting more residents out of their cars. Encouraging people to use public transit instead of driving is one of the most effective land use strategies for reducing carbon emissions.
3. Every neighborhood in every city must do their part to house the Bay Area. We cannot sacrifice needed homes by exempting historically exclusionary neighborhoods, despite dogwhistles to do so.

For these reasons and many others, I urge you to support zoning for a minimum of eight stories at Berkeley's BART stations.

Thank you very much!

Kimberly Fisher  
kim@studiokda.com  
1810 Sixth Street  
Berkeley, California 94710

## Letter C61

**COMMENTER:** Kimberly Fisher

**DATE:** November 3, 2021

The commenter makes statements related to the proposed project and not on the information, analysis, or conclusions contained in the Draft EIR.

Please see Topical Response A: Project-Related Comments.

Letter C62

**From:** Rhonda Grossman <rhondagrossman@gmail.com>  
**Sent:** Wednesday, November 3, 2021 8:09 PM  
**To:** Pearson, Alene; Shen, Alisa; All Council; Berkeley Mayor's Office; sophie@sophiehahn.com; Kesarwani, Rashi  
**Cc:** Bernardo  
**Subject:** Bart Housing /A Consideration

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

To All,

We are voicing our concern about the push for buildings that do not reflect the neighborhood and may not address the issues at hand. Yes, we need more housing and affordable housing too but we also need to consider the place. Placing an extra-large out-of-proportion high-rise building in the middle of a residential neighborhood would be completely out of scale and take away from the general character of North Berkeley.

Isn't it possible to enhance the neighborhood by adding housing that includes green space, bicycle paths, and retail stores that are not rented to fast food and large chains but more aligned with the neighborhood itself?

Are these apartments market rate or for low income because we can't imagine with the costs to build this that these apartments are for any middle to low-income families?

Please reconsider your vote. We see the direction that Berkeley politicians seem to want to go in with 20' ADUs that are houses, not accessory units and now 7+ story buildings

We are concerned that the homeless crisis is not being addressed. If one of the biggest issues of Berkeley is the homeless crisis these new buildings will not be fixing these problems but create more density, less parking, with no real change.

Thank you for your consideration.

Rhonda Grossman  
Bernardo Lopez  
1607 Lincoln St

## Letter C62

**COMMENTER:** Rhonda Grossman

**DATE:** November 3, 2021

The commenter makes statements related to the proposed project and not on the information, analysis, or conclusions contained in the Draft EIR.

Please see Topical Response A: Project-Related Comments.

Letter C63

**From:** Jill Holloway <hollowayj88@gmail.com>  
**Sent:** Wednesday, November 3, 2021 4:51 PM  
**To:** Pearson, Alene  
**Cc:** Hahn, Sophie  
**Subject:** Please Expand Housing Available in North Berkeley

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Planning Commissioners,

I live in North Berkeley just a short walk or bike ride from the North Berkeley BART station. I am extremely supportive of significant increases in the amount of housing, a significant reduction in parking, and a people-centered (not car-centric) design of the area at and surrounding the North Berkeley BART station.

I stand with my neighbors at North Berkeley Now! to share the following:

North Berkeley is a lovely area, but we are in sore need of more housing. This project represents a great way to get both market-rate and affordable housing built on what is currently a place to store cars.

Market rate apartments are more affordable than the million-dollar single-family homes we have now, and they are needed for people who don't qualify for new, subsidized, affordable housing. We also want the largest amount of subsidized housing possible in the context of an ambitious development, not least because lower income residents are more likely to use transit that they live next to.

Given the shortage of housing and the climate change-fighting benefits of living near transit, we want the highest density possible at our BART station. The majority of commenters on Sept 1 said "maximize housing" and we agree. Don't set BART's minimums as our maximums.

We are in a climate crisis, and this transit-oriented-design will encourage more environmentally-friendly land-use, where new residents will be able to bike, walk, and take the bus around our area.

Please, build this paradise instead of a parking lot, and set the height minimums at 8 stories to help us get lots of new neighbors.

Thank you,

Jill Holloway

## Letter C63

**COMMENTER:** Jill Holloway

**DATE:** November 3, 2021

The commenter makes statements related to the proposed project and not on the information, analysis, or conclusions contained in the Draft EIR.

Please see Topical Response A: Project-Related Comments.

## Communication

---

**From:** Jessica Fain <info@email.actionnetwork.org>  
**Sent:** Wednesday, November 3, 2021 2:17 PM  
**To:** Pearson, Alene  
**Subject:** I support a minimum zoning of 8 stories at Berkeley's BART stations!

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Secretary Berkeley Planning Commission,

To Berkeley's Planning Commissioners,

As a Berkeley resident right near North Berkeley Bart on Francisco Street, I'm writing to express my strong support for zoning for at least eight stories at Berkeley's BART stations. Some of the many reasons include:

1. Zoning for at least eight stories at Berkeley's BART stations gives the most flexibility for home creation later in the process, including adding a higher number of affordable homes.
2. Zoning for a minimum of eight stories helps reach our climate goals by locating homes near transit and getting more residents out of their cars. Encouraging people to use public transit instead of driving is one of the most effective land use strategies for reducing carbon emissions.
3. Every neighborhood in every city must do their part to house the Bay Area. We cannot sacrifice needed homes by exempting historically exclusionary neighborhoods, despite dogwhistles to do so.

For these reasons and many others, I urge you to support zoning for a minimum of eight stories at Berkeley's BART stations.

Thank you very much!

Jessica Fain  
jessicalynnfain@gmail.com  
1615 Francisco street  
Berkeley, California 94703





## Letter C64

**COMMENTER:** Jessica Fain

**DATE:** November 3, 2021

The commenter makes statements related to the proposed project and not on the information, analysis, or conclusions contained in the Draft EIR.

Please see Topical Response A: Project-Related Comments.

Letter C65

**From:** Christopher Kaplan <info@email.actionnetwork.org>  
**Sent:** Wednesday, November 3, 2021 4:08 PM  
**To:** Pearson, Alene  
**Subject:** I support a minimum zoning of 8 stories at Berkeley's BART stations!

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Secretary Berkeley Planning Commission,

To Berkeley's Planning Commissioners,

As a Berkeley resident, I'm writing to express my strong support for zoning for at least eight stories at Berkeley's BART stations. Some of the many reasons include:

1. Zoning for at least eight stories at Berkeley's BART stations gives the most flexibility for home creation later in the process, including adding a higher number of affordable homes.
2. Zoning for a minimum of eight stories helps reach our climate goals by locating homes near transit and getting more residents out of their cars. Encouraging people to use public transit instead of driving is one of the most effective land use strategies for reducing carbon emissions.
3. Every neighborhood in every city must do their part to house the Bay Area. We cannot sacrifice needed homes by exempting historically exclusionary neighborhoods, despite dogwhistles to do so.

For these reasons and many others, I urge you to support zoning for a minimum of eight stories at Berkeley's BART stations.

Thank you very much!

Christopher Kaplan  
ckap35@gmail.com  
578 Forest Street, Apt 1  
Oakland, California 94618

## Letter C65

**COMMENTER:** Christopher Kaplan

**DATE:** November 3, 2021

The commenter makes statements related to the proposed project and not on the information, analysis, or conclusions contained in the Draft EIR.

Please see Topical Response A: Project-Related Comments.

## Communication

---

**From:** Valerie Knepper <info@email.actionnetwork.org>  
**Sent:** Wednesday, November 3, 2021 2:13 PM  
**To:** Pearson, Alene  
**Subject:** I support a minimum zoning of 8 stories at Berkeley's BART stations!

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Secretary Berkeley Planning Commission,

To Berkeley's Planning Commissioners,

I have lived in Berkeley my entire adult life, having moved here to go to the University at 17 years old. I've lived in north Berkeley for almost 40 years. I love Berkeley and want to see it continue to serve the people here.

I'm writing to express my strong support for zoning for at least eight stories at Berkeley's BART stations. Some of the many reasons include:

1. Zoning for at least eight stories at Berkeley's BART stations gives the most flexibility for home creation later in the process, including adding a higher number of affordable homes.
2. Zoning for a minimum of eight stories helps reach our climate goals by locating homes near transit and getting more residents out of their cars. Encouraging people to use public transit instead of driving is one of the most effective land use strategies for reducing carbon emissions.
3. Our neighborhood must do our part to house the Bay Area. We cannot sacrifice needed homes by exempting historically exclusionary neighborhoods, despite dogwhistles to do so.

For these reasons and many others, I urge you to support zoning for a minimum of eight stories at Berkeley's BART stations.

Thank you very much!

Valerie Knepper  
vknepper57@gmail.com

2029 Delaware St  
Berkeley, California 94709

## Letter C66

**COMMENTER:** Valerie Knepper

**DATE:** November 3, 2021

The commenter makes statements related to the proposed project and not on the information, analysis, or conclusions contained in the Draft EIR.

Please see Topical Response A: Project-Related Comments.

**Communication**

---

**From:** Serena Lim <sernecat@gmail.com>  
**Sent:** Wednesday, November 3, 2021 12:56 PM  
**To:** Pearson, Alene  
**Cc:** All Council  
**Subject:** BART housing development

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Planning Commissioners,

Thank you for your hard work towards making Berkeley a more livable and vibrant place. Please ensure that we build as much housing as possible at BART without delay.

My brothers and I were born and raised by immigrant parents in the Ashby BART neighborhood, and we are deeply invested in the outcomes of the Adeline corridor plan. Please do whatever you can, to:

1. Create a viable development with as many affordable housing units as feasible, and a right to return for displaced residents;
2. Calm traffic and reduce the number of lanes on Adeline St. to ensure a safe environment for all South Berkeley Residents;
3. Ensure a permanent home for the Flea Market that allows it to thrive and include affordable ground space for local businesses and non-profits.
4. Zoning should maximize the housing allowed: Allow up to 8 stories and up to 90 feet so building designs can provide the number of homes we need while responding to neighborhood context with step downs.
5. Activate Adeline Street with a continuous, pedestrian-friendly building frontage and a linear park for vendors and amenities. People walking and rolling should be prioritized over vehicle access and BART equipment.

Sincerely,  
Serena Lim & the Lim Family

Berkeley Residents



## Letter C67

**COMMENTER:** Serena Lim

**DATE:** November 3, 2021

The commenter makes statements related to the proposed project and not on the information, analysis, or conclusions contained in the Draft EIR.

Please see Topical Response A: Project-Related Comments.

## Communication

---

**From:** Luke Terlaak Poot <info@email.actionnetwork.org>  
**Sent:** Wednesday, November 3, 2021 1:53 PM  
**To:** Pearson, Alene  
**Subject:** I support a minimum zoning of 8 stories at Berkeley's BART stations!

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Secretary Berkeley Planning Commission,

To Berkeley's Planning Commissioners,

As a Berkeley resident, I'm writing to express my strong support for zoning for at least eight stories at Berkeley's BART stations. Some of the many reasons include:

1. Zoning for at least eight stories at Berkeley's BART stations gives the most flexibility for home creation later in the process, including adding a higher number of affordable homes.
2. Zoning for a minimum of eight stories helps reach our climate goals by locating homes near transit and getting more residents out of their cars. Encouraging people to use public transit instead of driving is one of the most effective land use strategies for reducing carbon emissions.
3. Every neighborhood in every city must do their part to house the Bay Area. We cannot sacrifice needed homes by exempting historically exclusionary neighborhoods, despite dogwhistles to do so.

For these reasons and many others, I urge you to support zoning for a minimum of eight stories at Berkeley's BART stations.

Thank you very much!

Luke Terlaak Poot

Luke Terlaak Poot  
luketerlaak@gmail.com  
931 Channing Way  
Berkeley, California 94710



## Letter C68

**COMMENTER:** Luke Terlaak Poot

**DATE:** November 3, 2021

The commenter makes statements related to the proposed project and not on the information, analysis, or conclusions contained in the Draft EIR.

Please see Topical Response A: Project-Related Comments.

## Communication

---

**From:** mattison ly <mly@brick-inc.com>  
**Sent:** Wednesday, November 3, 2021 1:58 PM  
**To:** Pearson, Alene  
**Subject:** I support a minimum zoning of 8 stories at Berkeley's BART stations!

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Secretary Berkeley Planning Commission,

To Berkeley's Planning Commissioners,

As a Berkeley resident, I'm writing to express my strong support for zoning for at least eight stories at Berkeley's BART stations. Some of the many reasons include:

1. Zoning for at least eight stories at Berkeley's BART stations gives the most flexibility for home creation later in the process, including adding a higher number of affordable homes.
2. Zoning for a minimum of eight stories helps reach our climate goals by locating homes near transit and getting more residents out of their cars. Encouraging people to use public transit instead of driving is one of the most effective land use strategies for reducing carbon emissions.
3. Every neighborhood in every city must do their part to house the Bay Area. We cannot sacrifice needed homes by exempting historically exclusionary neighborhoods, despite dogwhistles to do so.

For these reasons and many others, I urge you to support zoning for a minimum of eight stories at Berkeley's BART stations.

Thank you very much!

mattison ly  
mly@brick-inc.com  
1266 66th Street, #1  
Emeryville, CA 94608  
Albany, California 94612



## Letter C69

**COMMENTER:** Mattison Ly

**DATE:** November 3, 2021

The commenter makes statements related to the proposed project and not on the information, analysis, or conclusions contained in the Draft EIR.

Please see Topical Response A: Project-Related Comments.

## Communication

---

**From:** Colette Meunier <Colette.Meunier@mindspring.com>  
**Sent:** Monday, October 25, 2021 8:58 PM  
**To:** Shen, Alisa <AShen@cityofberkeley.info>  
**Subject:** Letters of comment for the November 3 Planning Commission meeting

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Alisa:

Attached are two letters of comment that I am submitting to be provided to the Planning Commission at their November 3 meeting.

Thank you for your help with this.

--

COLETTE MEUNIER  
1560 Sacramento Street  
Berkeley, California 94702  
510.847.9731  
[colette.meunier@mindspring.com](mailto:colette.meunier@mindspring.com)



*E-mailed to Alisa Shen, Principal Planner at [bartplanning@cityofberkeley.info](mailto:bartplanning@cityofberkeley.info)*

October 25, 2021

Berkeley Planning Commission  
c/o City of Berkeley  
Department of Planning & Development  
1947 Center Street, 2nd Floor  
Berkeley, CA 94704

**RE: Comments on the Draft R-BMU Residential BART Mixed-Use Zoning District**

Dear Planning Commissioners:

This letter contains my comments about the Draft R-BMU Residential BART Mixed-Use Zoning District. I request that you recommend to the City Council all of the following changes:

1. Section 23.202.150 B. Definitions. The definition of *Lot Area* should be revised to include the following wording:
  - a. Change the wording, "...minus the square footage of any buildings, facilities or equipment..." To "minus the *footprint*..." As written, all the levels of a BART station, including the underground platform level would be counted and excluded from the BART site area.
  - b. Add the following wording to the definition: "*The BART tunnel right-of-way will not be available for development and so it is excluded from the Lot Area. If the adjacent "zones of influence" [areas on either side of the tunnel identified by BART as needed to protect the tunnel area] are not available for ground floor development, then these areas shall also be excluded from the Lot Area.*"
2. Table 23.202.150-1 Permitted Street-Facing Ground Floor Uses shows that both residential and non-residential uses would be allowed along Sacramento Street, along the Ohlone Greenway, or *within 50 feet of any street corner*. This would allow an isolated area of nonresidential use at the corner of Action and Delaware Streets, widely separated from any other nonresidential use and across from only single family uses. The fourth cell down on the left-hand column of this Table should be revised to read: "Along Sacramento, along the Ohlone, Greenway or within 50 feet of a street corner *with Sacramento Street*."
3. Figure 23.202.150-1, Permitted Street-Facing Ground Floor Uses should be revised to eliminate the highlighting at the corner of Delaware and Action on the North Berkeley BART

station site indicating that this is a location where ground floor non-residential uses would be allowed.

4. Table 23.202.150-2 R-BMU Development Standards: The description of the parking requirements should have a similar format for both residential and non-residential, for clarity. So, the Non-residential Parking requirement should be stated as:

*None required  
Maximum of 1.5 spaces per 1,000 sf*

5. Section 23.202.150 F, Development Standards, Section 13, Parking Design and Access, paragraph (d) should be revised by adding the following: .

*“Where vehicular entrances intersect with pedestrian walkways and bicycle paths, there shall be a change in paving texture and/or color to alert drivers, pedestrians and cyclists to the crossing.”*

Consider also adding that there should be a flashing light or an audible tone to signal that a vehicle is coming out of the garage.

6. Section 23.202.150 G. BART Mixed Use District Master Development Permit, Section 5, Final Development Plan, should have an additional bullet point added requiring that the Final Development Plan show: *“All above ground utilities, such as electrical substations or transformers, water connections/backflows, etc.”* Second, the spelling of **sewage** in the first bulleted item under subparagraph *a.* should be corrected from *“sewerage.”* Finally, the last paragraph in this section is indented and identified as paragraph *b.* but there is no paragraph *a.* This paragraph numbering and indent should be eliminated.

7. Section 23.202.150 G. BART Mixed Use District Master Development Permit, last two sections titled, “2. Adherence to the Approved Plan and Modifications,” and 3. “Revocation of Permits,” should be revised as follows:

First of all, the sections should be renumbered as Sections 8 and 9 to comply the numbering scheme of the Zoning Ordinance.

Second, the Section on Adherence to the Approved Plan and Modification should include criteria or findings for granting the variations. As it is now written, the Section provides no guidance to the Zoning Officer or Zoning Adjustments Board on when variations from standards in the approved Mast Plan should be authorized. The following are my suggested findings that should be included:

“The variation may be granted only if the Zoning Officer or ZAB finds that such variation is necessary for at least one of the following reasons, and, with the variation, the development is still in compliance with the requirements of the B-RMU Zoning District.

- a. To accommodate the efficient provision of utilities to the proposed development without reduction in the square footage of development;

- b. To allow compliance with Building Code or Fire Code provisions that were not in effect at the time of the Master Development Permit without reduction in the square footage of development; or
- c. To allow better fulfillment of the *City and BART Joint Vision and Priorities* as adopted by both agencies.”

Third, in the last sentence under “*Revocation of Permits*,” the phrase, “*entirely of a site*” should be replaced with the phrase, “*entire site*.”

Fourth, the time periods for *Revocation of Permits* are too long. The requirements should be changed to allow consideration of revocation if a Development Plan for an initial portion of the site has not been submitted within five years, and if plans covering the entire site have not been submitted within 10 years. Keep in mind, that if there are compelling reasons why development has not been able to proceed, the City Council can choose not to revoke the Master Development Plan Permit. Also, this time period does not start until **AFTER** the Master Development Permit (MDP) has been approved, a process that will likely take at least a year from when the developer submits the application. Additionally, it will take some time for the developer to prepare the plans and documents necessary to file the application, once the developer is selected. It is likely to be several years before the MDP is approved and the time periods for permitting Revocation start running.

8. Table 23.202.020-1, Allowed Land Uses in Residential Districts includes two uses as permitted by a Public Hearing Use Permit which should be shown as prohibited uses.

- a. Under Commercial Uses, “Alcoholic Beverage Service” is shown as permitted by a Public Hearing Use Permit. Alcohol service as part of a full-service restaurant may be consistent with the residential setting of the redeveloped BART stations, but not an establishment that primarily serves only alcohol. If this use continues to be permitted by Use Permit, then the Zoning Ordinance Revision, Section 23.310.030, *Alcoholic Beverage Service When Incidental to Food Service*, Section B, *Use Limitations*, should be amended to include the following:

**5. R-BMU District.** *In the R-BMU district, alcoholic beverage service is allowed only for full-service restaurants. Alcoholic beverage service is not allowed for carry out food stores and quick-service restaurants, and distilled spirit service is allowed only for on-site consumption with seated food service.*

- b. Under Commercial Uses, “*Theater*” is shown as permitted by a Public Hearing Use Permit. In the Chapter 23.502, Glossary,” of the Zoning Ordinance Revision, a theater is defined as follows:

**“Theater.** Any establishment that has a permanent stage or screen for the presentation of live or recorded entertainment and which contains an audience viewing hall or room, with fixed seats. Theaters may be used for live performances of music, dance, plays, orations,

and other stage performances and/or the showing of projected motion pictures and videotapes.”

Given the proximity of both stations to downtown Berkeley which has a number of movie theaters and live performance spaces, there is no need to provide for such facilities in the mixed-use development at the BART stations, particularly at North Berkeley BART.

Thank you for the opportunity to provide comments. Please contact me if you have any questions about them.

Sincerely,

*Colette Meunier*

*E-mailed to Alisa Shen, Principal Planner at [bartplanning@cityofberkeley.info](mailto:bartplanning@cityofberkeley.info)*

October 25, 2021

Berkeley Planning Commission  
c/o City of Berkeley  
Department of Planning & Development  
1947 Center Street, 2nd Floor  
Berkeley, CA 94704

**RE: Comments on Potential Use of the State's Bonus Density Provisions in the R-BMU Residential BART Mixed-Use Zoning District**

Dear Planning Commissioners:

The September 1, 2021 staff report regarding *Draft Zoning and General Plan Amendments and City-BART Joint Vision and Priorities (JVP) for the Ashby and North Berkeley BART Station Areas*, on page 17, discusses State law regarding Density Bonus provided to developers as incentive for providing affordable housing as part of their developments.

The same staff report, on page 13, advises that:

***“The City Council approved a reservation of \$53 million in City affordable housing funds so that at least 35% of the housing units proposed at each of the stations would be deed-restricted low, very-low and/or extremely low-income affordable housing. The Council also referred to the City Manager to explore the potential of a new bond measure for housing and/or infrastructure citywide.”***

Also, I believe that BART is considering providing the BART sites to developers at less than full market price in support of providing affordable housing on these sites.

I am concerned that developers may receive these public subsidies from the City and BART and then also use the State Bonus Density Provisions, based on the affordable housing made possible by these public subsidies. I believe that this would be a misuse of the Bonus Density provisions by allowing developers to use affordable units funded by public subsidies to gain additional density.

I strongly urge the Planning Commission to include in the *Joint Vision and Priorities* document (or such other provisions as appropriate) that the affordable units funded by public subsidies from the City of Berkeley and any reduction in the land price from BART cannot be counted towards the percentage of affordable units needed to qualify for bonus density. I believe that this can be accomplished by BART making any reduction in the land price below market rate, and

Berkeley making the provision of public funds to help subsidize affordable units, contingent on the developer agreeing that the affordable units made possible by these public subsidies are excluded from the percentage of affordable units that the developer can use to qualify for bonus density under State law.

This would avoid allowing a developer to receive **both** public assistance from the City and BART to fund affordable units, **and** then using these same affordable units to qualify for the State bonus density which was intended to provide increased density as compensation for the provision of affordable units.

Thank you for the opportunity to provide comments. Please contact me if you have any questions about them.

Sincerely,

*Colette Meunier*

## Letter C70

**COMMENTER:** Colette Meunier

**DATE:** November 3, 2021

The commenter makes statements on the Draft R-BMU Residential BART Mixed-Use Zoning District.

Please see Topical Response A: Project-Related Comments.

## Communication

---

**From:** Annie Preston <info@email.actionnetwork.org>  
**Sent:** Wednesday, November 3, 2021 3:20 PM  
**To:** Pearson, Alene  
**Subject:** I support a minimum zoning of 8 stories at Berkeley's BART stations!

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Secretary Berkeley Planning Commission,

To Berkeley's Planning Commissioners,

As a Berkeley resident, I'm writing to express my strong support for zoning for at least eight stories at Berkeley's BART stations. Some of the many reasons include:

- Maximizing the number of people who live near transit is the best thing our city can do to reduce emissions! We can lead the way by continuing to become a less car-dependent city.
- I live close to North Berkeley BART and would be delighted to have more people contributing to our vibrant local community.
- Zoning for at least eight stories allows for the most flexibility in the process.

For these reasons and many others, I urge you to support zoning for a minimum of eight stories at Berkeley's BART stations.

Thank you very much!

Annie Preston  
anniepreston7@gmail.com  
1466 Hopkins St. Apt. 2  
Berkeley, California 94702



## Letter C71

**COMMENTER:** Annie Preston

**DATE:** November 3, 2021

The commenter makes statements related to the proposed project and not on the information, analysis, or conclusions contained in the Draft EIR.

Please see Topical Response A: Project-Related Comments.

Letter C72

**From:** Ranjit Bharvirkar <info@email.actionnetwork.org>  
**Sent:** Thursday, December 02, 2021 5:40 PM  
**To:** bartplanning  
**Subject:** I support a minimum zoning of 8 stories at Berkeley's BART stations!

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

North Berkeley/BART Planning,

To Berkeley's Planning Commissioners,

As a Berkeley resident, I'm writing to express my strong support for zoning for at least eight stories at Berkeley's BART stations. Some of the many reasons include:

1. Zoning for at least eight stories at Berkeley's BART stations gives the most flexibility for home creation later in the process, including adding a higher number of affordable homes.
2. Zoning for a minimum of eight stories helps reach our climate goals by locating homes near transit and getting more residents out of their cars. Encouraging people to use public transit instead of driving is one of the most effective land use strategies for reducing carbon emissions.
3. Every neighborhood in every city must do their part to house the Bay Area. We cannot sacrifice needed homes by exempting historically exclusionary neighborhoods, despite dogwhistles to do so.

For these reasons and many others, I urge you to support zoning for a minimum of eight stories at Berkeley's BART stations.

Thank you very much!

Ranjit Bharvirkar  
ranjit\_rff@yahoo.com  
1836 Arch Street  
Berkeley, California 94709

## Letter C72

**COMMENTER:** Ranjit Bharvirkar

**DATE:** December 2, 2021

The commenter makes statements related to the proposed project and not on the information, analysis, or conclusions contained in the Draft EIR.

Please see Topical Response A: Project-Related Comments.

## Communication

---

**From:** Eric Robinson <info@email.actionnetwork.org>  
**Sent:** Wednesday, November 3, 2021 2:12 PM  
**To:** Pearson, Alene  
**Subject:** I support a minimum zoning of 8 stories at Berkeley's BART stations!

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Secretary Berkeley Planning Commission,

To Berkeley's Planning Commissioners,

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1. Zoning for at least eight stories at Berkeley's BART stations gives the most flexibility for home creation later in the process, including adding a higher number of affordable homes.
2. Zoning for a minimum of eight stories helps reach our climate goals by locating homes near transit and getting more residents out of their cars. Encouraging people to use public transit instead of driving is one of the most effective land use strategies for reducing carbon emissions.
3. Every neighborhood in every city must do their part to house the Bay Area. We cannot sacrifice needed homes by exempting historically exclusionary neighborhoods, despite dogwhistles to do so.

For these reasons and many others, I urge you to support zoning for a minimum of eight stories at Berkeley's BART stations.

Thank you very much!

Eric S. Robinson  
Homeowner and Affordable Housing Advocate

Eric Robinson  
esrobinson1021@gmail.com

1021 Keeler Avenue  
Berkeley, California 94708

## Letter C73

**COMMENTER:** Eric Robinson

**DATE:** December 2, 2021

The commenter makes statements related to the proposed project and not on the information, analysis, or conclusions contained in the Draft EIR.

Please see Topical Response A: Project-Related Comments.

## Communication

---

**From:** Becca Schonberg <info@email.actionnetwork.org>  
**Sent:** Wednesday, November 3, 2021 3:32 PM  
**To:** Pearson, Alene  
**Subject:** I support a minimum zoning of 8 stories at Berkeley's BART stations!

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Secretary Berkeley Planning Commission,

To Berkeley's Planning Commissioners,

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1. Zoning for at least eight stories at Berkeley's BART stations gives the most flexibility for home creation later in the process, including adding a higher number of affordable homes.
2. Zoning for a minimum of eight stories helps reach our climate goals by locating homes near transit and getting more residents out of their cars. Encouraging people to use public transit instead of driving is one of the most effective land use strategies for reducing carbon emissions.
3. Every neighborhood in every city must do their part to house the Bay Area. We cannot sacrifice needed homes by exempting historically exclusionary neighborhoods, despite dogwhistles to do so.

We need more homes! The housing crisis has become a humanitarian issue, in addition to being intertwined with the climate crisis. We must build our way out of it. Density is the key to healthier, more sustainable, more resilient communities.

For these reasons and many others, I urge you to support zoning for a minimum of eight stories at Berkeley's BART stations.

Thank you very much!

Becca Schonberg  
becca.schonberg@gmail.com  
931 Channing Way  
Berkeley, California 94710

## Letter C74

**COMMENTER:** Becca Schonberg

**DATE:** November 3, 2021

The commenter makes statements related to the proposed project and not on the information, analysis, or conclusions contained in the Draft EIR.

Please see Topical Response A: Project-Related Comments.



Letter C75

**From:** Aviv Schifrin <info@email.actionnetwork.org>  
**Sent:** Wednesday, November 3, 2021 6:21 PM  
**To:** Pearson, Alene  
**Subject:** I support a minimum zoning of 8 stories at Berkeley's BART stations!

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Secretary Berkeley Planning Commission,

To Berkeley's Planning Commissioners,

As a Berkeley resident, I'm writing to express my strong support for zoning for at least eight stories at Berkeley's BART stations. Some of the many reasons include:

1. Zoning for at least eight stories at Berkeley's BART stations gives the most flexibility for home creation later in the process, including adding a higher number of affordable homes. Construct more affordable housing near BART, which would offer more stable living situations or shorter commutes to many residents, is a very high priority for me.
2. Zoning for a minimum of eight stories helps reach our climate goals by locating homes near transit and getting more residents out of their cars. Encouraging people to use public transit instead of driving is one of the most effective land use strategies for reducing carbon emissions. Furthermore, more density means investments in protected bike lanes and walkability will allow more people to get around locally without a car.
3. Every neighborhood in every city must do their part to house the Bay Area. We cannot sacrifice needed homes by exempting historically exclusionary neighborhoods, despite dogwhistles to do so.

For these reasons and many others, I urge you to support zoning for a minimum of eight stories at Berkeley's BART stations.

Thank you very much!

Aviv Schifrin  
asmusic39@gmail.com

## Letter C75

**COMMENTER:** Aviv Schifrin

**DATE:** November 3, 2021

The commenter makes statements related to the proposed project and not on the information, analysis, or conclusions contained in the Draft EIR.

Please see Topical Response A: Project-Related Comments.

## Communication

---

**From:** Lois F Smith <smithlfran@gmail.com>  
**Sent:** Wednesday, November 3, 2021 3:13 PM  
**To:** Pearson, Alene  
**Subject:** North Berkeley BART station

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Planning Commissioners,

I am writing to convey to you and the Berkeley City Council my passionate plea that those of us who live in the neighborhood surrounding the BART station have our voices taken seriously in the zoning of the station.

I ask that you follow the very sane recommendations of the Planning Staff to zone the required minimums as maximums. They recommend a maximum 7 stories, maximum 4.2 floor-area ratio, and a maximum 75 units per acre. I believe it is incumbent upon us to prioritize affordability and neighborhood context.

This has been a neighborhood for a long time, with mostly single family homes and some apartment buildings. There is nothing over 4 stories high, until one travels out of the neighborhood into downtown. Even the recently built apartment complexes along San Pablo Avenue are still within this range. This is a neighborhood, not a city center!

Please listen to those of us who love Berkeley and have put our hearts and our hard-earned money into homes here to retire in. Please don't destroy our neighborhood in an effort to be "cutting -edge" or compete with other cities. If you must do that, find a more citified area to start with.

Sincerely,  
Lois Smith  
Acton Street resident since 1997, age 74

Sent from my iPad

## Letter C76

**COMMENTER:** Louis F Smith

**DATE:** November 3, 2021

The commenter makes statements related to the proposed project and not on the information, analysis, or conclusions contained in the Draft EIR.

Please see Topical Response A: Project-Related Comments.

Letter C77

**From:** Suzanne McMillan <suemcmillan423@gmail.com>  
**Sent:** Wednesday, November 3, 2021 7:52 PM  
**To:** Pearson, Alene  
**Subject:** Zoning for North Berkeley bart lot

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Commissioners, please limit the building on the north Berkeley bart lot to 7 stories. We live in a residential area and cherish the neighborhood. Excessive height will change the neighborhood feeling that we have worked to create. Thank you for considering our request. Suzanne Mcmillan, 1618 Josephine st. Berkeley 94703

Sent from my iPhone

## Letter C77

**COMMENTER:** Suzanne McMillan

**DATE:** November 3, 2021

The commenter makes statements related to the proposed project and not on the information, analysis, or conclusions contained in the Draft EIR.

Please see Topical Response A: Project-Related Comments.

Letter C78

**From:** Steve Sperber <sperberstein@comcast.net>  
**Sent:** Wednesday, November 3, 2021 5:07 PM  
**To:** Pearson, Alene  
**Subject:** Zoning Recommendations for Housing at North Berkeley BART

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Planning Commissioners:

My wife and I urge you to support the following zoning recommendations as recommended by Berkeley Planning Staff on September 1st:

- **Maximum height: 7 stories/80 feet**
- **Maximum floor/area ratio: 4.2**
- **Density: 75 units per acre**
- **Focus on creating affordable housing, not market rate rentals**

These recommendations comply with AB2923.

Please support a green, contextual and affordable approach versus the high-rise market rate approach that is being promoted. Please prioritize affordability and neighborhood context in your final recommendations.

Thank you for your consideration .

Sincerely,  
Stephen Sperber and Roberta Silverstein  
1516 Lincoln Street  
Berkeley 94703

## Letter C78

**COMMENTER:** Steve Sperber

**DATE:** November 3, 2021

The commenter makes statements related to the proposed project and not on the information, analysis, or conclusions contained in the Draft EIR.

Please see Topical Response A: Project-Related Comments.



**From:** Bill Newton <wnewton48@gmail.com>  
**Sent:** Friday, November 5, 2021 2:48 PM  
**To:** bartplanning  
**Subject:** North Berkeley Bart

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I think additional housing is critical and that there should not be commercial space on the bottom floors. In addition, for areas D,E,F and G graduated height is important for the neighborhood with possible central heights of up to 8-9 stories dropping down to 3 stories on the periphery. For other areas no more than 3 stories are appropriate with allocation of space for the Ohlone Greenway bike path. I should note that we live quite comfortably in a two story single family home with a 6 story apartment complex behind us.

Critical too are multi-bedroom apartments with an allocation for low income renters.

William Newton

1807 Grant St

## Letter C79

**COMMENTER:** William Newton

**DATE:** November 5, 2021

The commenter makes statements related to the proposed project and not on the information, analysis, or conclusions contained in the Draft EIR.

Please see Topical Response A: Project-Related Comments.

Letter C80

**From:** Jay Sayre <sayrejay@gmail.com>  
**Sent:** Friday, November 5, 2021 1:29 PM  
**To:** bartplanning  
**Subject:** Public comment for Draft Environmental Impact Report (DEIR)

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Alisa Shen,

My name is James Sayre and I am a Berkeley resident. I wanted to submit a comment on the Draft Environmental Impact Report (DEIR) for the Ashby and North Berkeley BART. I support the redevelopment of both the BART station parking lots in favor of building the maximum number of total housing units possible. To do so, I would be very much in favor of building housing taller than 7 stories to facilitate this.

Thanks for your time.

--

Best regards,

James Sayre  
2831 Cherry St.  
Berkeley, CA 94705

## Letter C80

**COMMENTER:** James Sayre

**DATE:** November 5, 2021

The commenter makes statements related to the proposed project and not on the information, analysis, or conclusions contained in the Draft EIR.

Please see Topical Response A: Project-Related Comments.

Letter C81

**From:** david lerman <415justice@att.net>  
**Sent:** Friday, November 5, 2021 11:37 AM  
**To:** bartplanning  
**Cc:** mark.ghilarducci@calema.ca.gov; Berkeley Fire Department; AskIA@fema.dhs.gov  
**Subject:** North Berkeley BART Development

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There are several reason why building many hundreds of housing units at North Berkeley BART is a bad idea.

<https://www.cityofberkeley.info/bartplanning/>

First, it is a betrayal of voters and taxpayers that voted and paid, and will continue to pay, for a BART system that provided parking so that people could access public transportation. Before the pandemic North Berkeley BART parking filled completely every single day. The parking encouraged ridership and many people voted to pay extra tax to support this model.

1 Second, eliminating parking have a horrible impact on local residents who will be overwhelmed by thousands more vehicles parking on the street from both residents, and people that actually want to ride BART. New residents will own cars and they will need to park them. BART should excavate down to create several levels of underground parking and housing. The impact of the loss of huge amounts of parking, and the introduction of hundreds or thousands more cars will result in a huge negative impact for people trying to get their groceries home, seniors, and the disabled as they are forced to compete with thousands of new vehicles looking for street parking.

2 Third, BART will force local residents to subsidize the infrastructure costs that will increase due to this development, including streets, water, utilities, public safety, fire, public health etc..

Fourth, many units near MacArthur BART remain vacant because nobody wants to pay the price for these expensive units. North Berkeley does not need more vacant overpriced luxury housing.

3 Fifth, giant apartment blocks dropped into the middle of an entirely residential area are completely out of place. Anything over three stories tall will be completely out of place in this location. Tall buildings will reduce access to sunlight, and will add to air pollution, noise, traffic congestion and more people will be run over due to increased traffic.

4 Sixth, BART should keep the parking lots and create hundreds of needed electric vehicle charging stations to help fight global warming.

5 Seventh, BART is a transit agency, not a housing development agency. BART has enough problems operating BART. BART should focus on its main mission and not on housing.

6 Eighth, North Berkeley BART's parking lot is now able to serve as an emergency response staging ground in the event of a disaster or mass casualty event. The Hayward and San Andreas faults could produce earthquakes larger than 8 or 9 on the Richter scale. When the big earthquakes happen, we need this space for emergency responders to set up medical treatment, food and water distribution, and emergency tents for mass evacuations throughout Berkeley. Developing the site will forever prevent our police and fire, FEMA, CAL-OES, and the National Guard from setting up emergency services at this critical site. This could cause large scale fatalities. There is no comparable paved area anywhere in the area to meet this critical emergency need. This development would be a big step backwards for emergency response planning. ASK BFD, FEMA & CAL-OES IF THEY WANT TO LOSE THIS CRITICAL EMERGENCY STAGING AREA!

7 Finally, the costs to the residents of the City of Berkeley will be large and permanent; BART and this project will not pay all of the costs. The costs are externalized.

BART should stick to its primary mission: Public Transit. If housing is to be built at North Berkeley BART, at least half of the current parking should be preserved, the development should create new underground housing for the new residents, and the new development should not extend higher than three stories above ground.

Sincerely,

David Lerman

## Letter C81

**COMMENTER:** David Lerman

**DATE:** November 5, 2021

### Response C81.1

The commenter expresses opposition to the project and states that eliminating parking would have an adverse impact on local residents.

Please see Topical Response B: Transportation.

### Response C81.2

The commenter makes statements about project costs.

Although the commenter's concerns about economic impacts are noted, such impacts are not within CEQA's purview. The purpose of the Draft EIR is to address the project's environmental effects, not its economic effects. CEQA Guidelines Section 15064(e) specifically states that "economic and social changes resulting from a project shall not be treated as significant effects on the environment."

### Response C81.3

The commenter states that large apartment blocks in a residential area would be out of place and that tall buildings would reduce access to sunlight, add air pollution, noise, and traffic and create traffic safety concerns. The commenter does not comment specifically on the analysis or conclusions of the Draft EIR or provide data or analysis regarding the topics raised in the comment.

As discussed in Section 4.13, *Effects Found not to be Significant*, of the Draft EIR, according to SB 743, which became effective January 1, 2014, "aesthetic...impacts of a residential, mixed-use, or employment center project on an infill site within a transit priority area shall not be considered significant impacts on the environment." The proposed project meets these criteria of SB 743. As such, aesthetic changes resulting from projects of this type may not be considered significant impacts on the environment under CEQA. Further, effects related to sunlight and shadow are not typically considered under CEQA. Impacts related to air pollution were analyzed in Section 4.1, *Air Quality*, of the Draft EIR and found to be less than significant with mitigation. Impacts related to traffic safety were analyzed in Section 4.11, *Transportation*, and were found to be less than significant. Impacts related to noise were analyzed in Section 4.8, *Noise*. Construction noise impacts were found to be significant and unavoidable, although mitigation of those impacts is required in Mitigation Measure N-1, and operational noise impacts were found to be less than significant with mitigation.

As of July 1, 2020, SB 743 eliminated level of service (LOS) as a basis for determining significant transportation impacts under CEQA and provides a new performance metric, vehicle miles traveled (VMT). Therefore, issues related to traffic congestion are not analyzed in the Draft EIR.

### **Response C81.4**

The commenter states that BART should keep parking lots and add electric vehicle charging stations.

Please see Topical Response A: Project-Related Comments.

### **Response C81.5**

The commenter states that BART should focus on transit and not on housing. This comment is not relevant to the Draft EIR but is noted.

### **Response C81.6**

The commenter states that the North Berkeley BART parking lot is able to serve as an emergency response staging ground in the event of a disaster or mass casualty event and that the project would adversely affect emergency response planning.

The City's emergency access and evaluation network does not identify the North Berkeley BART parking lot as part of the emergency response network.<sup>5</sup> However, the concept plan for the site does include the provision of open space that could serve as a staging ground in the event of an emergency should the need arise. Furthermore, the North Berkeley BART station is adjacent to Ohlone Park, which could potentially also serve as a local emergency response site. As discussed in Section 4.11, *Transportation*, of the Draft EIR, emergency access was found to be adequate for the proposed project and impacts would be less than significant.

### **Response C81.7**

The commenter makes statements about costs and makes statements that North Berkeley BART station should retain half of its current parking, that housing should be underground, and that new development should not be over three stories.

Please see Response C82.2 and Topical Response A: Project-Related Comments.

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<sup>5</sup> City of Berkeley, 2011. Available: [https://www.cityofberkeley.info/uploadedFiles/IT/Level\\_3\\_-\\_General/Emerg\\_Access\\_Evacuation.pdf](https://www.cityofberkeley.info/uploadedFiles/IT/Level_3_-_General/Emerg_Access_Evacuation.pdf)



Letter C82

**From:** James Chow Trotter <jtrotter@jtad.net>  
**Sent:** Friday, November 5, 2021 11:30 AM  
**To:** bartplanning  
**Cc:** James Chow Trotter; beth-gerstein@comcast.net  
**Subject:** Comments on NB BART's of the DEIR

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

To the Planning Commission,

I can try to write a more developed set of comments but at this time, I will try to make a shorter response to what I read in the Berkeley side article about last night's hearing and what I think about the proposed recommendations for the two BART stations but mainly the North Berkeley location. I live at 1528 Berkeley Way which is about a 5 minute walk from the NB BART station so my comments are both based on my place of residence and what I observe professionally.

1

As a resident in the area, I'm appalled at the notion the commission feels they can vote about this development based on who attends a hearing. If that is taken seriously to confirm one's opinions, then I'm not sure you are doing your job. Most of the people who live in the area of the projects cannot afford the time to stay through these meetings or are often made to feel like lesser people or some sort of backwards thinking person if they voice valid concerns that are being drowned out by people with a myopic focus on higher numbers of units and killing off use of any cars. We don't want to attend a meeting if it seems pointless because the odds are stacked against us for voicing something that seems to be considered beneath the expectations of the commissioners themselves or the advocates in the meetings that may or may not actually live near these projects locations or even in the city of Berkeley. So, if you keep having hearings like this that seem so bent on the most extreme, out there numbers for recommendations, you are reinforcing the resentment and resistance from the neighborhoods directly affected that will have a stronger voice through their representation on the city council board. One of my neighbors works for Rashi so we have an easy path to voice our concerns and frankly, with my work and my wife's work, we simply don't have the time to fight against all the pressure by housing advocates that don't seem to care about any of the communities in the area that also want more housing, just not with an overloaded hype for one location.

As a sole practitioner architect, I'm also disappointed in the way the planning commission seems to be enthralled by the numbers and less considerate of the actual design aspects of the recommendations that consider scale as well as how both the immediate users and tenants intermix with the adjacent neighborhoods. In earlier community hearings setup by the city, we had seen the whole gamut of ideas presented. And to give an idea of what I found a better proposal fell along the lines of what was presented by the firm Opticos for the city in one public hearing. There, I recall the solution fell along the lines of the maximum height of 7 stories towards the center of the NB BART site and suggesting somewhere around 700 units was feasible with non-profits involved for a mix of affordable housing, included for those that we desperately need in areas like teaching and other community services.

2

I don't feel I can speak as confidently to the Ashby site as that has not been my focus or my main concern. But I also have to question the lack of practical understanding or intent in what I call this myopic focus on removing all cars and separately, the lack of understanding of context and scale based on location within an overall city scope. There seems to be no consideration of the fact we are likely to have fewer and fewer gas driven cars by the time either of these projects get built so it just befuddles me to think we wouldn't consider ridership for commuters at least at the NB BART with EV stations and spaces for such cars, or am I missing something? That demand will only increase, not decrease, at the NB BART station. The whole reason the NB BART station was built where it was is to be close to the Downtown station, which had no parking, and have a commuter station nearby. Are we just flipping the bird to everyone that commutes through NB BART now, including all those in the foothills and hills? And secondly, my understanding of the two stations

2,  
cont.

↑  
is their locations should help dictate the real ceilings for density. Where NB BART is not really part of any corridor in the city, Ashby is. Where Ashby BART fits a master plan to expand a higher density corridor, NB BART seems like an island in the middle of a neighborhood of low to mid-level density housing with a mix of smaller apartment buildings and SFRs. My home is right next to a 6 unit (4 unit apartment building and 2 cottages) property and I can see how more 4+ unit smaller apartment buildings can be a more effective approach to increasing density at a manageable level throughout the city, which I support, both as a designer and as an advocate for more localized affordable housing.

So there is my summary input, which I have shared in the past in other hearings and with my neighbor who works for Rashi. I do wonder if the commissioners realize that many of us are tired and have already voiced our concerns over and over in various hearings. Those people haven't gone away, they just can't be at every meeting while I believe many of those that do show up are not necessarily representing the interests of those in the areas most directly affected and could also have invested interest in what they advocate without regard to the local context.

If you want me to add more input in the future, I can. I'm CCing the person I mentioned here so she knows what I shared and can pass it on to my local councilwoman when appropriate.

Regards, Jim

-----  
James Chow Trotter, Principal  
jt Architecture + Design  
733 Allston Way  
Berkeley, CA 94710  
w: 415-934-1955  
c: 415-572-1696  
i: [www.jtad.net](http://www.jtad.net)  
*design for life*

## Letter C82

**COMMENTER:** James Chow Trotter

**DATE:** November 5, 2021

### **Response C82.1**

The commenter makes statements about the process and proposed project and not on the information, analysis, or conclusions contained in the Draft EIR.

Please see Topical Response A: Project-Related Comments.

### **Response C82.2**

The commenter makes statements about lack of parking for BART riders and makes statements about the density and size of the project.

Please see Topical Response A: Project-Related Comments and Topical Response B: Transportation.

Letter C83

**From:** Jesse King <jessemking@gmail.com>  
**Sent:** Wednesday, November 3, 2021 10:19 PM  
**To:** bartplanning  
**Subject:** North Berkeley Parking

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Hi,

I live in the Berkeley Hills and will not be able to use the BART unless there is some on-site parking. I would be willing to pay a premium for parking but biking is not an option for me and there is currently no public transportation to the BART (and it would not be worth the tradeoff in time even if so). I would ask that you reduce the available parking to accommodate more housing but don't eliminate it entirely. You can make the parking expensive enough that only those like me without a reasonable alternative will use it.

Thanks!

Jesse

## Letter C83

**COMMENTER:** Jesse King

**DATE:** November 3, 2021

The commenter makes statements related to the proposed project and not on the information, analysis, or conclusions contained in the Draft EIR.

Please see Topical Response A: Project-Related Comments.

Letter C84

**From:** genetic@igc.org  
**Sent:** Monday, November 8, 2021 1:52 PM  
**To:** bartplanning  
**Subject:** We don't have enough water for the BART parking lot structures

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Where is the stamp of approval from EBMUD for 1,500 different households in Berkeley on the North Berkeley and Ashby BART station parking lots? Who made the decision to give one parking spot to three different households? What a crunch that is going to put on the parking spots in neighboring streets, which is already tight. I live a block away and have mobility challenge. I cannot countenance the idea of having to take a cab to my car three blocks away.

It is not merely that I am a NIMBY, but that I think we should be conserving every square foot of land and every parking space we have. Since it appears the fix is in, and that the unanimity of neighbors and other Berkeley residents against the project will have no bearing, the money-making thought is to have electric charge stations at every one of the parking spaces reserved for residents. Let them pay to charge their cars and let Berkeley make a fraction of what it costs to install and maintain the charging stations.

D.E. Neyhart

genetic@igc.org

XXXO

## Letter C84

**COMMENTER:** D.E. Neyhart

**DATE:** November 8, 2021

The commenter makes statements related to the proposed project and not on the information, analysis, or conclusions contained in the Draft EIR. The commenter makes a statement about removing parking at the BART stations.

Please see Topical Response A: Project-Related Comments and Topical Response B: Transportation.

Letter C85

**From:** M E <araucaniad@gmail.com>  
**Sent:** Tuesday, November 9, 2021 10:46 AM  
**To:** bartplanning  
**Subject:** Ashby and North Berkeley BART Station comment

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Alisa Shen,

I write in support of increased density, conditioned upon affordability, at transit-adjacent sites in Berkeley.

As a Berkeley renter, I yearn to own a home. Years of downzoning, the anti-"Manhattanization" movement, and the cumulative effect of constant challenges to development proposals, have restricted supply of housing in the Bay Area.

I support historical preservation, but not at any cost. No living organism, much less a city of people, can simply be preserved in stasis, like an insect in amber. An individual resident's rights to enjoy "views" of the landscape and not to have their home "shadowed" by other buildings must be weighed in the balance with the community's need to continue providing housing. Berkeley, the Bay Area, and California, are destination locations for many people around the world.

Building greater density near transit stations is a way to increase supply of housing while minimizing concomitant growth in congestion. Cities like Paris are famous for their beautiful human-scale neighborhoods featuring multi-story mixed-use corridors.

Increases in permitted density should be conditioned upon developments achieving high levels of affordability. 50% or even 100% affordable targets - realistically affordable for individuals earning median to very low incomes - should be part of Berkeley's policy for transit-oriented development. Socioeconomic diversity is part of what makes cities great. Increasing supply of affordable housing is critical to alleviating our homelessness crisis and making our communities more inclusive and vibrant.

Thank you for your consideration.

Michael Escobar  
1639 Woolsey St  
Berkeley, CA 94703



## Letter C85

**COMMENTER:** Michael Escobar

**DATE:** November 9, 2021

The commenter makes statements related to the proposed project and not on the information, analysis, or conclusions contained in the Draft EIR.

Please see Topical Response A: Project-Related Comments.

Letter C86

**From:** Barbara Fisher <[barbara.fisher2000@gmail.com](mailto:barbara.fisher2000@gmail.com)>

**Sent:** Wednesday, November 10, 2021 2:31 PM

**To:** Pearson, Alene <[apearson@cityofberkeley.info](mailto:apearson@cityofberkeley.info)>; Rebecca Saltzman <[Rebecca.Saltzman@bart.gov](mailto:Rebecca.Saltzman@bart.gov)>; Kesarwani, Rashi <[RKesarwani@cityofberkeley.info](mailto:RKesarwani@cityofberkeley.info)>; All Council <[council@cityofberkeley.info](mailto:council@cityofberkeley.info)>

**Subject:** BART parking lot housing

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

I live in the neighborhood around the North Berkeley BART station. In regard to building plans:

- The neighborhood welcomes an affordable, contextual, green-built project that fits the neighborhood.
- The city must zone the site as an Urban City Center as required by law, but it need not and should not increase the required minimums (and should specify them as maximums).

Furthermore, we have an *affordable* housing crisis, and plenty of market rate units. Plan Bay Area 2050 (ABAG and MTC) states the following ways to address this:

- Produce 1 million permanently affordable units by 2050 in order to meet the needs of low-income and unhoused families and individuals.
- Reuse public and community-owned land for affordable housing, in addition to converting old malls and office parks into new neighborhoods.
- 

Let us do the difficult but right thing for the shelter insecure and unhoused on our streets and build 100% affordable housing.

Barbara Fisher

## Letter C86

**COMMENTER:** Barbara Fisher

**DATE:** November 9, 2021

The commenter provides makes statements related to the proposed project and not on the information, analysis, or conclusions contained in the Draft EIR.

Please see Topical Response A: Project-Related Comments.

Letter C87

**From:** A. Spehr <alspehr@gmail.com>  
**Sent:** Friday, November 12, 2021 10:15 PM  
**To:** bartplanning  
**Subject:** Ashby and North Berkeley BART Station zoning project

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

There should be a ton of housing in this project, at all price points. Higher is better!

Thank you for your consideration.

A Sephr

## Letter C87

**COMMENTER:** A. Spehr

**DATE:** November 12, 2021

The commenter makes statements related to the proposed project and not on the information, analysis, or conclusions contained in the Draft EIR.

Please see Topical Response A: Project-Related Comments.

Letter C88

**From:** Lilana Spindler <Ins@comcast.net>  
**Sent:** Monday, November 15, 2021 8:07 PM  
**To:** Pearson, Alene; bartplanning  
**Subject:** Draft EIR Questions

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Hello BART Planning team,  
I am hoping to get an answer to 3 questions about the Transit DEIR

1. Section 4.10.1 Setting a. Fire Protection (p. 242)

1 This paragraph refers to 4 min. response time goals that the BFD strives to meet. What will be the impact from hundreds of new residents (in the 2400 new units) on this response time since the new buildings will not collect 3 Fire and Paramedic parcel taxes, in light of the City's decision to exempt non-profits (like the new BART landlord) from payment of parcel taxes? See new language here:

[Real Property: Annual Tax Statements - City of Berkeley, CA](#)

2. Section 4.10.1 c. Public Schools (p. 247)

2 This paragraph refers to the preferred schools for schoolchildren who will live in the proposed development. What will be the impact of potentially hundreds of new students with no new parcel tax funding in light of the City's decision to exempt non-profits (like the new BART landlord) from payment of parcel taxes? Also see new assessments language in previous reference.

3. Section 4.10.1 Schools Regulatory Setting (p. 248)

SB50 allows development projects with affordable units to avoid paying the schools facilities fees if 2% of the units (Chapter 407 of SB50). Since, this project aims to have a much higher percentage of affordable units, how will the schools collect the promised fees mentioned in this Draft EIR from the BART developers?

Would you kindly respond that this has been received?

Thank you!  
Lilana Spindler

## Letter C88

**COMMENTER:** Liliana Spindler

**DATE:** November 15, 2021

### Response C88.1

The commenter refers to Section 4.10.1a, *Fire Protection*, of the Draft EIR (page 242). The commenter questions what the impact would be from project residents on the 4-minute Berkeley Fire Department response time goal.

Appendix G of the State CEQA Guidelines requires an analysis of the potential for adverse physical impacts associated with the provision of new or physically altered facilities, or substantial physical deterioration of existing facilities. Impacts related to meeting response time goals are considered insofar as to determine whether they would result in the need for new or expanded fire department facilities. The project's impact on fire department facilities is discussed in Draft EIR Section 4.10, *Public Services and Recreation*. As discussed in Impact PS-1, the Draft EIR found that no significant environmental impacts from the provision of new or expanded facilities would occur based on continuing implementation of City General Plan policies, because future development on the station sites would be required to comply with fire code requirements, and because Measure FF funding would be used to support fire and emergency medical services in the City. Impacts were found to be less than significant.

### Response C88.2

The commenter refers to Section 4.10.1c, *Public Schools*, of the EIR (page 247) and questions what the impact would be from new students. The commenter asks how the schools would collect the fees mentioned in the EIR from BART developers if the project aims to have a percentage of affordable units higher than 2 percent.

As discussed in Section 4.10, *Public Services and Recreation*, based on BUSD student generation rates, the project would add an estimated 460 new students over time through 2030 as the station sites are developed. The total number of students enrolled in BUSD has declined for at least the past eight years.<sup>6</sup> Any new students from the proposed project would be distributed through the schools that service the City depending on their grade level and location; therefore, no single school would be impacted by an increase of hundreds of new students. As discussed in Section 4.10, pursuant to California Government Code (CGC) Section 65994(h), impacts relating to school capacity would be less than significant with payment of school impact fees. However, should future development be exempt from payment of school fees, it is not anticipated that the addition of students associated with the project (who would be spread across school sites and grade levels, in a system that is currently operating below capacity) would create the need for new or physically altered school facilities such that a significant physical environmental impact due to school expansion or construction would occur.

---

<sup>6</sup> <http://www.ed-data.org/district/Alameda/Berkeley-Unified>

Letter C89

**From:** ml hicks <mlhicks2003@yahoo.com>  
**Sent:** Tuesday, November 30, 2021 10:32 PM  
**To:** bartplanning  
**Subject:** Maximum affordable units in buildings that fit the North Berkeley neighborhood

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear BART Planning group,

The DEIR fails to provide for an alternative based on 75 units/acre, and it fails to make affordability a key part of the project, despite the overwhelming public demand for it over the past two years. **Please do not proceed with a plan that is being promoted in an attempt at comeuppance to the people of North Berkeley. We welcome affordable housing and a greater diversity of residents in buildings that are an attractive addition to the neighborhood. Our new neighbors (in the new buildings) deserve to live affordably in a beautiful construction.**

Thank you,  
Mary Lawrence Hicks



## Letter C89

**COMMENTER:** Mary Lawrence Hicks

**DATE:** November 12, 2021

The commenter states that the EIR should analyze an alternative based on 75 units/acre and should make affordability a key part of the project.

Please see Topical Response A: Project-Related Comments, Topical Response D: EIR Alternatives, and Responses B5.1 and B5.8.

Letter C90

**From:** Leslie Valas <vffam5@gmail.com>  
**Sent:** Tuesday, November 30, 2021 5:22 PM  
**To:** bartplanning; Kesarwani, Rashi; All Council  
**Subject:** N Berkeley Bart Development

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

I am writing as a resident who lives a half block from the N. Berkeley Bart Station. As you consider zoning requirements for this upcoming project, I urge you to zone for

- 4 stories w step down units toward the perimeter of the property
- 7 story maxim (as in keeping with the neighborhood scale...even the new buildings on University and Sacramento ARE LESS THAN 7 STORIES, and that is a commercial zone.
- Consider that the DEIR fails to provide for an alternative based on 75 units/acre, and it fails to make affordability a key part of the project, despite huge amounts of public demand for this over the past two years.

I have lived in this neighborhood for 40 years, and raised my family here. As has been said repeatedly, any development should be thoughtfully designed to fit in with MY residential neighborhood, despite our mis-designation as Urban Neighborhood/City Center Place. Our neighborhood IS NOT the same as the Ashby Bart area!

I urge you to consider the local residents-the people who live here-- as you make a final recommendation.

Leslie Valas  
District 1 voter

## Letter C90

**COMMENTER:** Leslie Valas

**DATE:** November 30, 2021

The commenter states that the EIR should analyze an alternative based on 75 units/acre and should make affordability a key part of the project. The commenter suggests a maximum of seven stories.

Please see Topical Response A: Project-Related Comments, Topical Response D: EIR Alternatives, and Responses B5.1 and B5.8.

Letter C91

**From:** Michael Katz <mqkatz@gmail.com>  
**Sent:** Tuesday, November 30, 2021 3:42 PM  
**To:** bartplanning  
**Subject:** BART Zoning DEIR comments

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Alisa Shen,

Please accept the following comments on the Draft EIR for the "Ashby and North Berkeley BART Stations Transit-Oriented Development Zoning Project." These comments apply primarily to the North Berkeley BART site, although they might also apply to the Ashby site.

I support all of the comments submitted by the North Berkeley Neighborhood Alliance (NBNA), but here, I wish to briefly highlight two issues in their submission:

**1. The DEIR is deficient in presenting Alternative 3 – rather than Alternative 2 – as the environmentally superior alternative.** Alternative 2 (BART Rider Parking) would create fewer greenhouse gas (GHG) emissions, and lower negative impacts overall, than Alternative 3 (Increased Height).

Alternative 2 would generate lower impacts than Alternative 3 during initial construction because of lower embodied energy. Alternative 2 would avoid the GHG intensity of the concrete and rebar fabrication required to elevate 7-story structures to 12 stories.

Alternative 2 would also generate lower life-cycle GHG and pollution impacts than Alternative 3. By removing fewer vehicle parking spaces, Alternative 2 would transform fewer short-distance car trips into long-distance car trips. More peak-hour commuters would continue driving 2–5 miles to BART – sustaining high ridership – rather than driving long distances to employment centers in San Francisco and the Dublin/Pleasanton/I-680 tech corridor. Once BART extends all the way to San Jose's tech cluster, Alternative 2 would yield still lower comparative impacts, by displacing even more long-distance vehicle trips.

**2. The DEIR is deficient in failing to consider a 4th Alternative.** This missing "Alternative 4" would evaluate a maximum density of 75 units/acre, a maximum FAR of 4.2, a maximum height of 7 stories, and a commuter parking capacity comparable to Alternative 2 (so as to sustain BART ridership by car-dependent BART commuters).

"Alternative 4" would likely increase BART ridership, and reduce life-cycle emissions of GHGs and other pollutants – especially compared to Alternative 3 – through higher occupancy. By constraining density to 75 units/acre, the zoning would guide developers to build units flexible enough to accommodate families.

Compared to a project full of small units suitable mostly for UC and Berkeley City College students, family-sized units would displace more vehicle trips. These units would attract long-term tenants who commute to jobs in distant employment centers. These tenants would be more likely to actually ride BART (which cannot, of course, be compelled under any zoning or other measures).

It is also likely that such tenants would turn over less frequently, meaning better capacity utilization, and more consistent revenue for the housing units' developer and operator.

Thank you for considering these comments in support of NBNA's submitted critique of the DEIR.

## Letter C91

**COMMENTER:** Michael Katz

**DATE:** November 30, 2021

### **Response C91.1**

The commenter states that Alternative 3 should be the environmentally superior alternative compared to Alternative 2 because Alternative 2 would generate lower lifecycle GHG and pollution impacts and would have fewer transportation impacts.

Please see Topical Response C: Greenhouse Gas Emissions, Topical Response D: EIR Alternatives and responses B5.19 and B5.20.

### **Response C91.2**

The commenter states that the EIR should consider a fourth Alternative that would evaluate a maximum density of 75 units/acre.

Please see Topical Response D: EIR Alternatives.

Letter C92

**From:** Walter Wood <whwoodii@gmail.com>  
**Sent:** Tuesday, November 30, 2021 7:09 PM  
**To:** bartplanning  
**Subject:** comment regarding North Berkeley BART parking lot development an the Environmental Impact Report

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

*The DEIR fails to provide for an alternative based on 75 units/acre. Any higher density than 75 units/acre would be severely detrimental to the surrounding residential neighborhood, and in particular would create even more severe parking problems than already exist. Please do not allow harmful excessively high density building on the BART parking lot, and make sure any new units add additional parking for any additional residents in the neighborhood.*

*Walter Wood  
1709 Berkeley Way  
Berkeley, CA 94703*

## Letter C92

**COMMENTER:** Walter Wood

**DATE:** November 30, 2021

The commenter states that the EIR should analyze an alternative based on 75 units/acre and makes statements on the project.

Please see Topical Response D: EIR Alternatives and Topical Response A: Project-Related Comments.

Letter C93

**From:** Claudia <chava52@gmail.com>  
**Sent:** Tuesday, November 30, 2021 5:41 PM  
**To:** bartplanning; Kesarwani, Rashi; All Council  
**Subject:** DEIR

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

I live 1/2 block from North Berkeley BART. I am concerned that the DEIR doesn't account for neighbor's concerns, including contextuality, set-backs, limiting the height of the development and ensuring sufficient parking so that those of who live near BART will be able to park near our homes.

Furthermore, The DEIR fails to provide for an alternative based on 75 units/acre, and it fails to make affordability a key part of the project, despite huge amounts of public demand for this over the past two years.

I hope you will take these factors into consideration.

Thank-you,  
Claudia Valas  
1818 Short St, Berkeley, CA 94702



## Letter C93

**COMMENTER:** Claudia Valas

**DATE:** November 30, 2021

The commenter states that the EIR should analyze an alternative based on 75 units/acre, and states that the Draft EIR does not take into account concerns regarding contextuality, setbacks, height limits, and parking sufficiency.

Please see Topical Response A: Project-Related Comments, Topical Response D: EIR Alternatives, Topical Response B; Transportation, and Response C.82.3.

Letter C94

**From:** Shari Simburg <shar.simburg@gmail.com>  
**Sent:** Tuesday, November 30, 2021 5:45 PM  
**To:** bartplanning  
**Subject:** DEIR North Berkeley BART

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

To: [Bartplanning@cityofBerkeley.info](mailto:Bartplanning@cityofBerkeley.info)

Please consider a sane, contextual, affordable, green project at the North Berkeley BART station.

The DEIR fails to provide for an alternative based on 75 units/acre, and it fails to make affordability a key part of the project, despite huge amounts of public demand for this over the past two years.

Sincerely,

Shari Simburg

(a North Berkeley BART neighbor)

## Letter C94

**COMMENTER:** Shari Simburg

**DATE:** November 30, 2021

The commenter states that the EIR should analyze an alternative based on 75 units/acre and that the City should make affordability a key part of the project.

Please see Topical Response A: Project-Related Comments, Topical Response D: EIR Alternatives, and Responses B5.1 and B5.8.

Letter C95

**From:** Ellen Kramer <ellenjoykramer@gmail.com>  
**Sent:** Tuesday, November 30, 2021 7:16 PM  
**To:** bartplanning  
**Subject:** EIR for BART

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

To: BART Planning/Berkeley

The DEIR fails to provide for an alternative based on 75 units/acre, and it fails to make affordability a key part of the project, despite huge amounts of public demand for this over the past two years.

Thank you.

Ellen Joy Kramer,  
1807 Franklin St.  
Berkeley, CA 94702

## Letter C95

**COMMENTER:** Ellen Kramer

**DATE:** November 30, 2021

The commenter states that the EIR should analyze an alternative based on 75 units/acre and that the City should make affordability a key part of the project.

Please see Topical Response A: Project-Related Comments, Topical Response D: EIR Alternatives, and Responses B5.1 and B5.8.

Letter C96

**From:** Carol Cohen <cohen1815@gmail.com>  
**Sent:** Tuesday, November 30, 2021 8:25 PM  
**To:** bartplanning  
**Subject:** North Berkeley BART proposed development

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

*I have lived on Chestnut Street, a few blocks from the NBerk BART, for over 40 years. It is a wonderful neighborhood. I am aware of the many compelling reasons to develop the BART site and provide housing and improved transit conditions. However the DEIR seems to overlook the issue of providing affordable housing, which is sorely needed in our City, and does not plan for creating 75 units/acre.*

*Thank you.*

*Carol Cohen  
1815 Chestnut St*

## Letter C96

**COMMENTER:** Carol Cohen

**DATE:** November 30, 2021

The commenter states that the EIR should analyze an alternative based on 75 units/acre and that the City should make affordability a key part of the project.

Please see Topical Response A: Project-Related Comments, Topical Response D: EIR Alternatives, and Responses B5.1 and B5.8.

Letter C97

**From:** Vicki <vickisommer@gmail.com>  
**Sent:** Tuesday, November 30, 2021 9:16 PM  
**To:** bartplanning  
**Subject:** Ashby and North Berkeley BART Station Draft Environmental Impact Report (DEIR)

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Planners,

1 | *The DEIR fails to provide for an alternative based on 75 units/acre, and it fails to make affordability a key part of the project, despite huge amounts of public demand for this over the past two years.*

North Berkeley is a low rise residential neighborhood . It is not a "city center" it is not an "urban hub" or a commercial district. North Berkeley is a low rise residential Neighborhood.

2 | People live here, pay taxes and one thinks , should have city officials advocating for their interests. These interests being to welcome new neighbors into a neighborhood setting (75 units/acre) that blends in visually and contextually with the surrounding low rise residential neighborhood.

It is just wrong when residents are open to allowing new development in their neighborhood for city officials and BART then try to push a grossly outsized inappropriate development into their midst.

*This North Berkeley BART land was taken by eminent domain for the purpose of providing Berkeley residents a park and ride BART station. Public land should be used for the public good. The development must be affordable to working people, we do not need any more market rate rentals in Berkeley. Any profits generated must be siphoned into transit improvements which allow Berkeley residents to access the station, as 800 parking places will be lost. Flooding the surrounding neighborhood with overflow parking is not an option.*

3 | *The DEIR fails to provide for an alternative based on 75 units/acre, and it fails to make affordability a key part of the project, despite huge amounts of public demand for this over the past two years.*

4 | With proposed story heights of 7 to 12 or more stories in an existing neighborhood of single family homes and small apartment buildings of 1 to 3 stories, the proposed project and the DEIR alternatives to the proposed project are inconsistent with the leading goals of the Berkeley General Plan, including:

- "Preserve Berkeley's unique character and quality of life."
- To Preserve Berkeley's character, it is essential that infill development be sensitively designed and thoughtfully planned to fit in with the existing built environment."

5 | The DEIR considered but failed to include an AB 2923-compliant alternative that met project objectives that was repeatedly requested by the community because it substantially reduced adverse environmental impacts. The DEIR cited five invalid reasons for rejecting the study of an alternative that would set the maximum density at 75 units/acre and leave all other zoning criteria constant.

North Berkeley cannot absorb a development which exceeds 75 units/acre.  
An alternative based on 75 units/acre must be considered.

Sincerely,  
V.Sommer



## Letter C97

**COMMENTER:** Vicki Sommer

**DATE:** November 30, 2021

### Response C97.1

The commenter states that the EIR should analyze an alternative based on 75 units/acre and that the City should make affordability a key part of the project.

Please see Topical Response A: Project-Related Comments, Topical Response D: EIR Alternatives, and Responses B5.1 and B5.8.

### Response C97.2

The commenter makes statements related to the proposed project and not on the information, analysis, or conclusions contained in the Draft EIR.

Please see Topical Response A: Project-Related Comments. As discussed in Section 2, *Project Description*, of the Draft EIR, AB 2923 sets zoning standards for the Ashby and North Berkley BART stations must allow the following development intensity:

- Density of 75 units per acre (or higher)
- Height of 7 stories (or higher)
- Floor Area Ratio (FAR) of 4.2 (or higher)

These AB 2923 baseline zoning standards have been identified by BART based on the TOD Place Types for each station area. The TOD Place Types for both the Ashby and North Berkeley BART stations are “Urban Neighborhood/City Center.”<sup>7</sup>

### Response C97.3

The commenter states that the EIR should analyze an alternative based on 75 units/acre and that the City should make affordability a key part of the project. The commenter also makes statements about the project.

Please see Topical Response A: Project-Related Comments, Topical Response D: EIR Alternatives, and Responses B5.1 and B5.8.

### Response C97.4

The commenter states that the proposed project is inconsistent with several goals of the City’s General Plan.

Please see Responses B5.16.

### Response C97.5

The commenter states that the EIR should analyze an alternative based on 75 units/acre.

Please see Topical Response D: EIR Alternatives.

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<sup>7</sup> Bay Area Rapid Transit (BART), 2021. Available: <https://www.bart.gov/about/business/tod/ab2923#Zoning%20standards>

Letter C98

**From:** meryl siegal <merylsiegal@gmail.com>  
**Sent:** Tuesday, November 30, 2021 9:45 PM  
**To:** bartplanning; Shen, Alisa  
**Subject:** Comments on the North Berkeley BART DEIR

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Department of Planning & Development  
1947 Center Street, 2nd Floor  
Berkeley, California 94704  
Attn: Alisa Shen, Principal Planner

Please consider the following areas of concern regarding DEIR for the North Berkeley BART project.

1- The DEIR fails to provide for an alternative based on 75 units/acre, and it fails to make affordability a key part of the project, despite huge amounts of public demand for this over the past two years.

2- The DEIR fails to Consider Whether Unavailability of Parking at the North Berkeley BART Station will Lead to a Net Increase in Vehicle Miles due to Increased Drop-Offs by Vehicles or Reversion to Driving in Place of BART Use.

The DEIR appears to assume that drivers who lose parking opportunities at BART will continue to use BART but not drive from their locations at the start of the day to BART stations. There is no evidence to support this assumption.

It is likely that some people who presently drive to BART and park will in the future be dropped off and picked up by vehicles, effectively doubling the number of vehicle miles they travel because of the need for two daily round trips instead of one.

It is likely that some people who presently drive to BART and park will in the future choose to commute to work in their vehicles, thus increasing their vehicle miles substantially. The DEIR does not at all disaggregate the various populations of people who use BART including families, single parents with children, less abled and older adults, etc. who must use a vehicle and BART because of the various exigencies of peoples' lives. Equity issues are not considered at all in this plan; the existing West Berkeley population will bear the brunt of poor planning and increased air quality issues because of the poorly researched EIR. If there is no parking at the BART station, the neighborhoods surrounding the BART will be rife for increased air pollution, carbon emissions, and bad health. Traffic will increase; poor planning by BART to eliminate parking will result in more deaths as people drive through the darkened neighborhoods looking for parking. Or not? Where is the research and evidence from BART on the effects of eliminating parking at BART?

The DEIR makes no apparent effort to quantify the likelihood of these options or their impacts.

3 | 3- The DEIR fails to take into account that people driving around and around in North West Berkeley looking for parking will heavily pollute West Berkeley, an already impacted area, and one of the most racially and ethnically diverse neighborhoods in the city, close to the freeway and a diesel emitting train system.

4 | 4- The DEIR's analytical methods and conclusions regarding Alternative 3's greenhouse gas emissions are not supported by evidence. The Greenhouse Gas Analysis is incomplete and deficient because it omits analysis of the greenhouse gas impacts of eliminating BART rider parking and reaches a conclusion without supporting evidence.

The concluding paragraph of the entire DEIR states: "Alternative 3 would have slightly reduced impacts to air quality and GHG emissions due to the resulting increase in density in proximity to transit which is an effective way to encourage alternative transportation and reduce vehicle use. Therefore, Alternative 3 is the environmentally superior alternative."

5 | The conclusion that the proposed project reduces greenhouse gas emissions is not supported by any evidence. Similarly, the conclusion that because Alternate 3 increases density, making the project even larger than the proposed project, and would therefore reduce greenhouse gas emissions is not supported by the evidence.

Thank you for the opportunity to comment on the DEIR and we look forward to the City's response to my comments. If you'd be so kind, please acknowledge receipt of these comments.

Sincerely,

Meryl Siegal

## Letter C98

**COMMENTER:** Meryl Siegal

**DATE:** November 30, 2021

### **Response C98.1**

The commenter states that the EIR should analyze an alternative based on 75 units/acre and that the City should make affordability a key part of the project.

Please see Topical Response A: Project-Related Comments, Topical Response D: EIR Alternatives, and Responses B5.1 and B5.8.

### **Response C98.2**

The commenter states that the EIR fails to consider whether the unavailability of parking at North Berkeley BART station will lead to an increase in VMT. The commenter states that some people who drive to BART will be dropped off and picked up or will drive to their destination which will increase VMT.

Please see Topical Response B: Transportation.

### **Response C98.3**

The commenter states that the EIR fails to consider secondary effects associated with people driving around North Berkeley BART station looking for parking.

Please see Topical Response B: Transportation.

### **Response C98.4**

The commenter states that the conclusions related to Alternatives 3 GHG and air quality impacts are not supported by evidence.

Please see Topical Response C: Greenhouse Gas Emissions and Responses B5.19 and B5.20.

### **Response C98.5**

The commenter states that the EIR's GHG conclusions are not supported by evidence and that Alternative 3 would reduce GHG emissions is not supported by evidence.

Please see Topical Response C: Greenhouse Gas Emissions and Response B5.20.

Letter C99

**From:** Julieta Pisani McCarthy <pisanimcc@gmail.com>  
**Sent:** Tuesday, November 30, 2021 11:04 PM  
**To:** bartplanning  
**Subject:** Comment on EIR

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

1 | I support the North Berkeley Neighborhood Alliance. The DEIR fails to provide for an alternative based on 75 units/acre, and it fails to make affordability a key part of the project, despite huge amounts of public demand for this over the past two years.

2 | I think the local environmental impact of stuffing the equivalent to 48 blocks of housing in less than 4 blocks and building 7 to 11 stories high would be huge and override any potential benefit that could be otherwise accomplished without massive development in a quiet, single-story neighborhood. But this project is clearly about money, not the environment.

Julieta Pisani McCarthy

## Letter C99

**COMMENTER:** Julieta Pisani McCarthy

**DATE:** November 30, 2021

### **Response C99.1**

The commenter states that the EIR should analyze an alternative based on 75 units/acre and should make affordability a key part of the project.

Please see Topical Response A: Project-Related Comments, Topical Response D: EIR Alternatives and Responses B5.1 and B5.8.

### **Response C99.2**

The commenter states that the environmental impacts of the project would be large and would override potential project benefits.

The commenter does not provide specific comments on the Draft EIR or information or analysis to challenge its analysis or conclusions. In accordance with CEQA, the environmental impacts associated with the project were analyzed in the Draft EIR. All impacts were found to be less than significant or less than significant with mitigation, except for an impact related to construction noise and a cumulative impact related to cultural resources, which were both found to be significant and unavoidable.

Letter C100

**From:** David Brandon <davidbrandon@comcast.net>  
**Sent:** Tuesday, November 30, 2021 4:37 PM  
**To:** Pearson, Alene <apearson@cityofberkeley.info>  
**Cc:** Berkeley Mayor's Office <mayor@cityofberkeley.info>; All Council <council@cityofberkeley.info>  
**Subject:** Comment for Planning Commission on DEIR

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Ms. Pearson:

1 | I appreciate the opportunity to review the DEIR for the Berkeley BART TOD, but note that it is 395 pages without all the supporting documents. There simply hasn't been sufficient time since its release for the citizenry to digest this report and make meaningful comments. I think that the December 1 deadline for acting on the DEIR is premature, and I urge you to extend the comment period.

Nonetheless, I pinpoint three topics that should be addressed prior to approval of the DRAFT.

- 2 | • several recent major changes in the layout of crosswalks, bike paths, bus stop bulbs, and traffic lights near North Berkeley BART render out-of-date the assumptions and data used in the DEIR. I suspect that Sacramento Street would no longer be rated a "high-injury street" in the BART station area. Safety impacts of TOD and the calculation of numbers of trips and modes of transportation need to be updated.
- 3 | • The Planners should thoroughly delineate the impact of potential building forms and heights on wind patterns that impact the neighborhoods surrounding both development areas. Small changes in wind patterns make large differences in the livability and walkability of both residential and commercial neighborhoods.
- 4 | • At a recent meeting of the Berkeley Neighborhoods Council, concern was raised about the appearance of a conflict-of-interest between Mr. Wiblin's role on the Commission and his position as Executive Vice President of Bridge Housing, a developer of housing in Berkeley, among other cities. I would like assurance that a disinterested legal authority has reviewed the matter and rendered judgment.

With appreciation for your important work, I urge you to allow more time to broaden citizen input on the DEIR at hand.

David Brandon  
Berkeley, CA

## Letter C100

**COMMENTER:** David Brandon

**DATE:** November 30, 2021

### Response C100.1

The commenter requests an extension of the comment period.

The City considered the commenter's request for an extension of the comment period but determined not to extend the comment period. The comment period lasted for 47 days from October 15, 2021, to December 1, 2021, more than the required 45 days. The City has determined that the comment period was consistent with the requirements of CEQA, the CEQA Guidelines, and City of Berkeley environmental review procedures and is sufficient for the purposes of CEQA compliance. Nonetheless, the public will have further opportunities to provide public comment at the public hearings to consider the Final EIR and project approval.

### Response C100.2

The commenter explains that several recent major changes to the transportation infrastructure have occurred near the North Berkeley BART station and suggests that the EIR is based on out-of-date assumptions. The commenter states that Sacramento Street may no longer be a "high-injury street" and that safety impacts of the project and the calculation of the number of trips and modes of transportation need to be updated.

The Draft EIR meets CEQA requirements for describing the existing or baseline physical conditions. CEQA Guidelines section 15125(a) states that an "EIR must include a description of the physical environmental conditions in the vicinity of the project ... Generally, the lead agency should describe physical environmental conditions as they exist at the time the notice of preparation is published." Per CEQA Guidelines section 15125(a)(1), the physical conditions existing when the notice of preparation is published were used to establish the baseline for the project-level analysis in the Draft EIR. The existing setting in the Draft EIR is therefore reflective of the period on or after the November 20, 2020 notice of preparation publication date. The Sacramento Complete Streets Improvement Project was completed in December 2021. The Draft EIR adequately and accurately describes the existing traffic, transit, pedestrian, bicycle, loading, and emergency access conditions around the project site in section 4.11.1, Setting, on Draft EIR pages 4.11-1 to 4.11-16.

The Draft EIR acknowledges the Sacramento Complete Streets Improvement Project on Draft EIR page 4.11-11 and describes the project along with other planned and pending projects in the study area on Draft EIR page 4.11-32 and 4.11-33. The installation of sidewalk extensions, directional curb ramps, pavement markings, crosswalk and bike lane markings, and a new traffic signal is intended to eliminate conflicts between vehicles and people walking. These treatments are proven countermeasures to improve safety outcomes. However, because the complete streets project was recently completed and the effectiveness of this project has not been evaluated, it is speculative to say that it will no longer be a high-injury street. The City of Berkeley Vision Zero Plan and 2020 Pedestrian Plan identifies Sacramento Street as a High-Injury Street. The High-Injury Streets represent the City of Berkeley's streets with the most severe injuries and fatalities based on data between 2008 and 2018.



The Draft EIR presents the travel demand estimates on Draft EIR pages 4.11-25 and in Draft EIR Appendix H Transportation Analysis Methodology Memorandum. The travel demand estimates were developed using the vehicle trip rates provided in the Institute of Transportation Engineer's (ITE) Trip Generation Manual (10th Edition) for the proposed land uses. Adjustments to the ITE trip generation rates were applied using methods consistent with the City of Berkeley's Transportation Impact Report Guidelines (TIR Guidelines). The TIR Guidelines identify potential trip generation adjustment factors to apply to the ITE trip generation to calculate the number of person trips generated by the project for each mode. Adjustment factors include trip credits for existing uses on the project site, internal trip capture to account for surrounding land use mix, and mode share adjustments to account for available transportation options and vehicle parking. The assumptions and adjustments used in the analysis are appropriate.

Please also see Topical Response B: Transportation.

### **Response C100.3**

The commenter states that there should be an analysis of potential building forms and heights on wind patterns, as changes to wind patterns can affect the livability and walkability of the neighborhoods.

CEQA does not require the analysis of the wind effects of a proposed project. Nevertheless, presence of tall buildings side by side may increase wind speeds at sidewalk level if a channeling effect is created. Based on the proposed conceptual site plan layouts of the station sites and with the proposed maximum height of 75 feet, it is not anticipated that wind effects would occur. Further, as the proposed project involves development of zoning standards and exact project plans and forms are not known at this time, including a potential wind analysis would be speculative.

### **Response C100.4**

The commenter states that there may be a conflict of interest between Mr. Wiblin's role on the Commission and his position as Executive Vice President of Bridge Housing, and requests that a disinterested legal authority review the matter.

The commenter does not critique the environmental analysis of the Draft EIR. Therefore, no further response is required. This comment will be forwarded to City decision-makers for consideration.

Letter C101

**From:** Lois F Smith <smithlfran@gmail.com>  
**Sent:** Wednesday, December 1, 2021 11:43 AM  
**To:** bartplanning  
**Subject:** North Berkeley Bart development

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

I have been a resident of Berkeley on Acton Street for 24 years. I am a music teacher who worked hard and raised a disabled son who attended Berkeley public schools from preK to high school. As a teacher my salary alone was not enough, so my father helped me buy my little house on Acton.

I am writing to add my voice to the chorus of residents who are concerned about the development plans at North Berkeley Bart. I have been giving my input from the beginning.

The DEIR fails us in many ways. Specifically, it does not provide for an alternative solution based on 75 units per acre. It also fails to make affordability a key part of the project, despite wide public demand for this, throughout the past two years of public input. And it fails to realistically address the impact of eliminating car-dependent BART rider access on the Bay Area's commute problems.

Finally, it fails to take seriously the concerns of long time citizens like myself.

Sincerely,  
Lois F. Smith

Sent from my iPad

## Letter C101

**COMMENTER:** Lois F Smith

**DATE:** December 1, 2021

The commenter states that the EIR should analyze an alternative based on 75 units/acre, should make affordability a key part of the project, and fails to realistically address the impact of eliminating car-dependent BART rider access on the Bay Area's commute problems.

Please see Topical Response A: Project-Related Comments, Topical Response D: EIR Alternatives, Topical Response B: Transportation, and Responses B5.1 and B5.8.

Letter C102

**From:** Virginia Browning <vexxie@yahoo.com>  
**Sent:** Wednesday, December 01, 2021 8:51 PM  
**To:** bartplanning  
**Subject:** Comment Draft EIR North Berkeley and Ashby BART

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

*Department of Planning & Development  
1947 Center Street, 2nd Floor  
Berkeley, California 94704  
Attn: Alisa Shen, Principal Planner  
Re: Draft EIR North Berkeley and Ashby BART stations*

Hello ms. Shen and other planners:

I want to emphasize that I agree with the comments already submitted by the North Berkeley Neighborhood Alliance.

1 | To sum up those comments,  
The DEIR fails to provide for an alternative based on 75 units/acre, and it fails to make affordability a key part of the project, despite huge amounts of public demand for this over the past two years.

I'm terribly discouraged by this. You must know that all over the country, real estate is being bought and owned by significantly fewer entities. At least 40% or some such jaw-dropping amount is now owned by a handful of companies. There will be NO more affordable housing until this whole rotten tax and owning system is significantly shifted. BART is in a UNIQUE position to build truly affordable housing, not partly affordable or sort-of affordable.

In addition to that, none of these proposals here or in Seattle or Washington DC or Baltimore or St. Louis, or any of the zillions of other little and big boondoggled would-be "communities" all over this country (and world) are really "green" as billed. More housing is indeed needed, but not lumped into one ugly concrete mass while other would-be and former communities all over this country shrivel, - whole cities such as Baltimore are bulldozed! - and die. Concrete is not "green." Massively increased density of residents who will all need stuff hauled into and out of their residences are not more "green." What is "green" are trees, more pollination, more room for growing food and CO2-mitigating foliage of other kinds (mostly native).

We don't really have adequate transit - even if you only consider BART. We need the kind of bus system that is scaled at least as well as horrifying UBER and LYFT could be - in other words - transit where riders and computers and clear informational displays let riders and potential riders know what's available and when. The whole system we have is plain wrong and wasteful. We need more open space with lots of natural foliage and trees. I am failing in my duty to reference science on this, but you are being paid to do that, and I know you can do it.

I'm sorry this is so late.

I hope it's not too late.

Thank you,  
Virginia Browning

## Letter C102

**COMMENTER:** Virginia Browning

**DATE:** December 1, 2021

The commenter states that the EIR should analyze an alternative based on 75 units/acre and should make affordability a key part of the project. The commenter also makes statements about real estate, development and transit that do not pertain directly to the Draft EIR.

Please see Topical Response A: Project-Related Comments, Topical Response D: EIR Alternatives, and Responses B5.1 and B5.8.

Letter C103

**From:** Laura García-Moreno <lauragarmor@gmail.com>  
**Sent:** Wednesday, December 1, 2021 1:09 AM  
**To:** bartplanning  
**Subject:** North Berkeley Bart development

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

To the Bart Planning Committee,

1 | I support the North Berkeley Neighborhood Alliance statement: the DEIR fails to provide for an alternative based on 75 units/acre.

2 | The local environmental impact of stuffing the equivalent to 48 blocks of housing in less than 4 blocks and building 7 to 11 stories high would be huge and override any potential benefit that could be otherwise accomplished without massive development in a quiet, single-story neighborhood.

3 | Since the beginning of the project, when signs began to circulate about “building a paradise instead of a parking lot,” the question that came up for me was paradise for whom? And the answer was clear: the developer, those seeking to make a profit. It is difficult for me to believe how serious the concern for the environment behind the project is. Besides the inadequate methodology used to analyze gas emissions noted by the NBNA, how can more concrete be good for the environment? And, given the unresolved parking issue which will increase the number of people using their cars instead of taking BART, how is this going to help lessen the environmental impact?

4 | As I have also noted before, nothing has been mentioned about what will be done to mitigate the noise and the disruption which the construction will cause. People are part of the environment, aren't they?

Sincerely,  
Laura García Moreno

## Letter C103

**COMMENTER:** Laura Garcia-Moreno

**DATE:** December 1, 2021

### **Response C103.1**

The commenter states that the EIR should analyze an alternative based on 75 units/acre. Please see Topical Response D: EIR Alternatives.

### **Response C103.2**

The commenter states that the environmental impact of constructing what the commenter characterizes as the equivalent of 48 blocks of housing in less than 4 blocks with 7 to 11 stories high would override any potential benefit that could be accomplished.

In accordance with CEQA, the environmental impacts associated with the project were analyzed in the Draft EIR. All impacts were found to be less than significant or less than significant with mitigation, except for an impact related to construction noise and a cumulative impact related to cultural resources, which were both found to be significant and unavoidable. In order to approve the City of Berkeley decision makers must adopt a statement of overriding considerations explaining why the benefits of the project would outweigh its environmental impacts; this statement is part of the required findings of approval and will be available for public review and comment prior to a public hearing on the project.

### **Response C103.3**

The commenter disagrees with the methodology used in the EIR to analyze greenhouse gas emissions noted by the North Berkeley Neighborhood Alliance and expresses makes a statement regarding parking and people using their private vehicles instead of taking BART.

Please see Topical Response C: Greenhouse Gas Emissions, Topical Response B: Transportation, and the responses to Letter B5.

### **Response C103.4**

The commenter states that the EIR fails to mention mitigation measures for noise and the disruption caused by construction.

As described in Section 4.8, *Noise*, the City requires standard conditions of approval related to construction to reduce construction noise such as by limiting construction to daytime hours and requiring the applicant to develop a construction noise reduction program. Implementation of these standard conditions would reduce construction-related noise to the extent feasible. These conditions would include the installation of temporary sound barriers, which are the most effective advanced measure to reduce noise from construction sites adjacent to sensitive receptors. Because City conditions to not include measures to reduce noise associated with pile drivers, Mitigation Measure N-1 requires foundation pile noise and vibration reduction measures should pile foundation installation be needed for construction of future development under the proposed project. Nonetheless, because it cannot be guaranteed that construction-related noise would be below thresholds, impacts were found to be significant and unavoidable.

Letter C104

**From:** Cindy Shamban <cshamban@comcast.net>  
**Sent:** Wednesday, December 1, 2021 9:08 AM  
**To:** bartplanning  
**Subject:** Comment of the DEIR

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

To Whom It May Concern:

1 I live within walking distance of the North Berkeley BART station. I have many concerns about the scale of the project and the impacts the development will have not just in the immediate area, but for those who do use BART whether on a regular basis or occasionally. As someone who used to commute to SF using BART and taking BART at night to various events, meetings, and visiting, I have a lot of concern about walking home at night. When taking BART in the daytime, I walk. If I am returning at night, I will drive to the BART station.

As a 71 year old woman (or any age person), it is not feasible to always walk to BART. I am sure there are many others including disabled people who will have the same dilemma as there will be very limited parking available. My only choice may be to drive to where I need to go in order to feel safe. The option of taking a Lyft or Uber from BART to my home will only add to the cost of travel and makes driving an even more attractive option.

While I understand the need to have more people out of their cars, there are many people who cannot at this time do so.

There was a garage built at MacArthur BART to accommodate those who can not use BART without their cars as well as for the people who live there.

2 The DEIR fails to provide for an alternative based on 75 units/acre, and it fails to make affordability a key part of the project, despite huge amounts of public demand for this over the past two years.

I am outraged that there is no plan for affordable, low income and very low income units planned at a high enough % to make a difference. BART is a publicly funded agency which has an obligation to the residents of Berkeley to build housing which allows for housing opportunities for all.

3 There has been a lot of middle, upper middle and wealthy units built in Berkeley over the past few years, but very few units for the most vulnerable in our City. There are no units for teachers, service personnel, and other public and private personnel who work in Berkeley. This encourages commuting and having those that work here to not be able to participate in living in the city in which they work.

↓ This breaks down the sense of community that we all need to survive.



3, cont ↑ Just look around to see how many people are living in the streets, in their cars and vans, couch surfing to know how much housing is needed.

4 | Lastly, it is important that housing be built that fits in with the neighborhood. To have 7 stories or more built on the BART/public property as BART was built and operates with public monies, BART has obligations to the communities it serves. I don't think that any of the complex should be larger than 5 stories to limit the adverse effects that the development will have as it already is out of step with housing in the area.

Thank you for taking into consideration my concerns and comments.

Regards,  
Cindy Shamban  
Berkeley

## Letter C104

**COMMENTER:** Cindy Shamban

**DATE:** December 1, 2021

### **Response C104.1**

The commenter makes statements on the project related to station access and parking, especially for people who may be unable to walk to the station.

Please see Topical Response A: Project-Related Comments and Topical Response B: Transportation.

### **Response C104.2**

The commenter states that the EIR should analyze an alternative based on 75 units/acre and that the City should make affordability a key part of the project.

Please see Topical Response A: Project-Related Comments, Topical Response D: EIR Alternatives, and Responses B5.1 and B5.8.

### **Response C104.3**

The commenter states that there should be more affordable housing planned.

Please see Topical Response A: Project-Related Comments.

### **Response C104.4**

The commenter makes statements that the project should be built to fit the neighborhood.

Please see Topical Response A: Project-Related Comments and Response C82.3.

Letter C105

**From:** philallen <allen.phil@yahoo.com>  
**Sent:** Wednesday, December 1, 2021 10:03 AM  
**To:** bartplanning  
**Subject:** DEIR Comment

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

TO the BART planners associated with City of Berkeley developments:

- 1 | The draft EIR, as I see it, leaves 'affordability' in the dust. Furthermore, no alternative plan has been presented to increase such units.
- 2 | In addition, the thrust of this TOC-based plan omits the developing trend toward working from home. As no figures for recent-building occupancies exist, there is no way of knowing how fully the (North Berkeley BART) station tower would be occupied.

phil allen  
resident/District 1

## Letter C105

**COMMENTER:** Phil Allen

**DATE:** December 1, 2021

### **Response C105.1**

The commenter states that the EIR should analyze an alternative based on increased units and that the EIR should address affordability.

Please see Topical Response A: Project-Related Comments, Topical Response D: EIR Alternatives, and Responses B5.1 and B5.8. It should also be noted that the cost of housing is not an environmental topic requiring study under CEQA.

### **Response C105.2**

The commenter states that no figures for recent building occupancies exist, and as a result there is no way of knowing how fully the North Berkeley BART station tower would be occupied.

Please see Topical Response A: Project-Related Comments.

Letter C106

**From:** Barney Greinke <barney@whereisbarney.com>  
**Sent:** Wednesday, December 1, 2021 3:29 PM  
**To:** Pearson, Alene; bartplanning  
**Subject:** North Berkeley BART TOD DEIR comments

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

I have comments on the North Berkeley BART Station TOD DEIR:

- 1 | The DEIR fails to provide for an alternative based on 75 units/acre. The DEIR uses improper and speculative logic in its interpretation of AB2923 density requirements.
- 2 | The DEIR omits the greenhouse gas and other impacts of eliminating car-dependent BART rider access and the consequent substantial increase in total vehicle miles traveled by displaced BART commuters.
- 3 | The DEIR fails to consider the impact of project size on project construction and operating noise. The DEIR also fails to include effective mitigations of the significant and unavoidable impacts of construction noise.

Barney Greinke  
Berkeley, California  
510-684-7797

## Letter C106

**COMMENTER:** Barney Greinke

**DATE:** December 1, 2021

### **Response C106.1**

The commenter states that the EIR should analyze an alternative based on 75 units/acre and that the Draft EIR uses improper and speculative logic in the interpretation of AB 2923 density requirements.

Please see Topical Response D: EIR Alternatives.

### **Response C106.2**

The commenter states that the EIR omits GHG and other impacts of eliminating car-dependent BART rider access and the resulting increase in total VMTs by displaced BART commuters.

Please see Topical Response B: Transportation and Topical Response C: Greenhouse Gas Emissions.

### **Response C106.3**

The commenter states that the EIR fails to consider the impact of project size on construction and operation noise and fails to include mitigation measures for significant and unavoidable construction noise impacts.

Please see Response B5.4 and Response C104.4.

Letter C107

**From:** Peter Lydon <ptrlydon@gmail.com>  
**Sent:** Wednesday, December 1, 2021 3:24 PM  
**To:** bartplanning  
**Cc:** Shen, Alisa; Horner, Justin; Wengraf, Susan  
**Subject:** Ashby/North Berkeley BART Program EIR

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Thanks for letting me know of the deadline for comments on the Ashby/North Berkeley EIR. I've spent some time with it today, and regret to say that I found it virtually entirely impenetrable.

CEQA of course is always the object of fantastic complaints. Like everybody I support its basic purposes.

But the spectacle of this EIR document at 350+ pages, clearly costing substantial public funds, and giving scrupulous analysis, inter alia, to the agricultural effects of a land rezoning in urban Berkeley, is dismaying to say the least. And it has nothing significant to say about the real issues, such as understandable but unhelpful neighborhood resistance to sharp increases in density.

I'll plan to continue to follow these issues as a conscientious member of the CAG, but we really seem to be marching around in circles at the moment. People talk about the bureaucratic danger of "mission creep," but doesn't this EIR look like "process creep" obstructing the substance of the issues?

Best, Peter Lydon, CAG member

## Letter C107

**COMMENTER:** Peter Lydon

**DATE:** December 1, 2021

The commenter states that the EIR is difficult to read, long, and does not provide enough information about the “real” issues. The commenter provides two examples; the first is agricultural resources, which the commenter implies is over-analyzed in the Draft EIR. However, the discussion of this topic, in Section 4.13 of the Draft EIR, is limited to seven sentences. The second is “neighborhood resistance to sharp increases in density,” which the commenter implies should have been studied in the Draft EIR; however, neighborhood resistance to sharp increases in density is not an environmental topic requiring analysis under CEQA.

The commenter’s statements about the EIR will be considered by the City’s decision-makers. However, as discussed in Section 1, *Introduction*, and throughout the Draft EIR, the EIR was prepared in accordance with the California Environmental Quality Act statute and Guidelines.



Letter C108

**From:** Mary BehmSteinberg <marybehmsteinberg@gmail.com>  
**Sent:** Wednesday, December 1, 2021 6:12 AM  
**To:** Sophia DeWitt; bartplanning  
**Subject:** Re: Ashby/North Berkeley DEIR Comment Letter  
**Attachments:** NBNA DEIR Comments.pdf

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Dear Sophia,

1 | I'm disturbed by the DEIR, as it contains no provisions for affordable housing, and as should be blatantly obvious since the Reagan era, supply side economics doesn't work for anyone but the already wealthy.

2 | Moreover, the overdensification of Berkeley is profoundly dangerous and irresponsible, and fundamentally ableist. We simply don't have the capacity on transit to move that many people, and those who are unable to bike or walk will be left wanting (as well as those who can ride, should that housing actually fill up--we are already awash with empty units).

3 | Further, what no one at City Hall or BART has acknowledged is what the throughput of narrowed roads will be, slowing response times for emergency vehicles. More people with less road space means more gridlock, and even if everyone were able to ride bikes, there would still have to be room for all those bikes to use during rush hour. Having spent considerable time in China before cars were widely available, I can tell you that they had extremely wide roads to handle all the bike traffic, and there was STILL massive gridlock.

Now imagine an ambulance trying to get through there, or a huge number of people trying to escape a major fire or seismic event. I was here during the Oakland Hills fire, when we were told to evacuate south of campus, and it is frightening to think of what happened to so many trying to escape Paradise during the intense fires there who simply couldn't get out.

4 | Berkeley has become a less desirable place to live in every way--lack of affordability; lack of basic safety; and lack of concern for the most vulnerable, be they the poor, the elderly or people with disabilities. Trickle down economics didn't work, and trickle down housing won't either--it will just concentrate more public resources into the hands of those who have zero need of it while excluding the vast majority of those with great need.

5 | The North Berkeley Neighborhood Association has done an excellent job of laying out affordability concerns and the erroneous assumptions that this disastrous plan is built on. I support their statement, as well as adding my own comments.

6 | I remain profoundly disappointed that housing organizations have failed to address the errors in the assumptions that this ill-conceived plan is built on, that so many more will be displaced, and that those who are left will be left with the worst of all worlds: more expense, more pollution, and less basic safety. I also resent that BART has chosen to sacrifice the interests of all these groups to save its own financial woes, instead of joining the call to tax those who are actually hoarding the resources statewide--Big Tech chief among them.

There is plenty of blame to go around, but I hope against hope that someone will have the courage to admit what's been overlooked and start fighting back.

Thank you for your consideration of these very important points.

## Letter C108

**COMMENTER:** Mary Behm-Steinberg

**DATE:** December 1, 2021

### **Response C108.1**

The commenter states that the EIR does not contain provisions for affordable housing. Please see Topical Response A: Project-Related Comments and Responses B5.1 and B5.8.

### **Response C108.2**

The commenter expresses concern about transit services and capacity to serve growth. As discussed in Section 4.11, *Transportation*, of the Draft EIR, adequate transit capacity would be available to serve the future project and also cumulative growth in the City.

### **Response C108.3**

The commenter expresses concern about narrowing roads slowing response times for emergency vehicles.

The proposed project would not result in infrastructure changes that would narrow roads. As discussed in Section 4.11, *Transportation*, of the Draft EIR, emergency access was found to be adequate for the proposed project and impacts would be less than significant.

### **Response C108.4**

The commenter expresses concern about quality of life in Berkeley.

The commenter makes statements that do not pertain to the information, analysis, or conclusions contained in the Draft EIR. Please see Topical Response A: Project-Related Comments.

### **Response C108.5**

The commenter expresses support for the North Berkeley Neighborhood Association letter. Please see the Responses to Letter B5 for responses to the North Berkeley Neighborhood Association letter.

### **Response C108.6**

The commenter expresses concern about displacement, pollution, and safety. The commenter also makes statements about the project.

With respect to the commenter's statements, please see Topical Response A: Project-Related Comments. With respect to displacement, impacts related to displacement were analyzed in Section 4.9, *Population and Housing*, and were found to be less than significant. Impacts related to air pollution were analyzed in Section 4.1, *Air Quality*, and found to be less than significant with mitigation. Impacts related to safety are discussed throughout the Draft EIR such as in Sections 4.5, *Hazards and Hazardous Materials*, Section 4.11, *Transportation*. Safety-related impacts were found to be less than significant.

Letter C109

**From:** mrose1126@aol.com  
**Sent:** Wednesday, December 1, 2021 6:35 PM  
**To:** bartplanning  
**Subject:** Re: Draft Environmental Impact for Ashby & North Berkeley BART Stations TOD Zoning

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

To the City of Berkeley,  
Department of Planning & Development  
Attn: Alisa Shen, Principal Planner

Re: the Draft Environmental Impact Report (DEIR) for Ashby & North Berkeley BART Stations TOD Zoning Project

Dear Ms. Shen,

The DEIR fails to provide for an alternative based on 75 units/acre. It also fails to make affordability a key part of the project, despite huge amounts of public demand for this over the past two years. The DEIR should be reviewed for these and other omissions and flaws, and it should address these specifics before you use it to make decisions on the project.

Thank you,  
Mary Rose

1370 Delaware St.  
Berkeley, CA 94702

## Letter C109

**COMMENTER:** Mary Rose

**DATE:** December 1, 2021

The commenter states that the EIR should analyze an alternative based on 75 units/acre and that the City should make affordability a key part of the project.

Please see Topical Response A: Project-Related Comments, Topical Response D: EIR Alternatives, and Responses B5.1 and B5.8.

Letter C110

**From:** Jennifer Natali <jennifer.natali@gmail.com>  
**Sent:** Wednesday, December 01, 2021 8:48 PM  
**To:** bartplanning; Berkeley Mayor's Office; Chang, James  
**Subject:** Comments: Ashby and North Berkeley BART Draft EIR

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Planning Commissioners, Mayor and Councilmember Bartlett,

As a 18-year South Berkeley resident who lives within 3 blocks of the Ashby BART, I submit two main comments regarding the Ashby and North Berkeley BART Draft EIR:

- 1. The proposed alternative does not provide sufficient affordable housing to meet the demand and opportunity for dense and livable transit-oriented development. This is a transformative opportunity to create walkable transit-friendly neighborhoods where cars are no longer wanted or needed, a path to reduced greenhouse gas emissions and vehicular pollutants fouling our air. Alternative 3 (Section 6.4) is the environmentally superior alternative because the increased building height allowance (up to 12 stories on BART sites) would offer more affordable housing within the same building footprint, and thus have the least environmental impacts per community benefit, especially in terms of the number of people housed affordably in an accessible and energy-efficient new development. The site footprint and access to BART must be leveraged to its fullest capacity, this is a one-time investment in the sustainability of our community and region. More residents housed affordably at BAR sites means more support for new and old local businesses, and more per capita benefit of investment in public transit as well as pedestrian, cyclist, and diversely-abled transit access and neighborhood circulation.
- 2. The proposed R-BMU zoning standards and TDM measures do not sufficiently mitigate the significant impacts to local air quality. The standards need to do more to discourage driving and to reduce vehicle miles traveled in the vicinity of the BART projects. Air quality in our neighborhoods is already non-compliant. The EIR poses that air quality impacts from increased VMT will “not result in significant and avoidable pollutant emissions,” yet the information provided on project impacts (e.g. Table 4.1-1 and 4.1-2) do not support that finding.

First, air quality impacts of the projects are significant! Projections cited in the EIR show that this project will add to the intensity and number of days nearby residents are affected by poor air quality. That is unacceptable. Existing and incoming residents have a right to clean air and good health. As the EIR states, Berkeley air quality is already non-compliant with regional and state standards. Air quality in South Berkeley, the site of Ashby BART, is already impaired by pollutants from major highways and the Port of Oakland. By increasing particulate matter, ozone, and other vehicular pollutants, the projects may lead to more non-compliant days, especially if sites are monitored locally, and reduced public health. As an environmental justice issue, the EIR must address this impact on local residents, especially in South Berkeley where the injustices of displacement, red-lining and disinvestment continue to affect the well-being of residents and local businesses.

The EIR calculations show that the projects will not only add vehicular pollutants, but also put more people (presumably many with low incomes who seek affordable housing) in harm’s way. I am sure that is not the spirit of transit-oriented development legislation. It is the city’s responsibility, in this EIR, to ensure that state and regional goals are met in ways that promote the livability and safety of increasingly dense and affordable transit centers at the BART stations.

3

At a regional scale, we absolutely need to reduce greenhouse gas emissions through dense transit-oriented development, but we can do so without adding VMT and vehicular pollutants at a local scale. Zoning standards must go farther to limit and prohibit driving while requiring *safe and accessible* neighborhood circulation infrastructure. R-BMU standards should ensure cars are not needed or wanted by new or existing residents and workers -- that is the spirit of affordable, transit-oriented development. To meet this goal, the proposed R-BMU must promote walking and biking while dissuading driving and car parking. The standards should ensure a future where cars are side-lined while bike and pedestrian infrastructure enhances the safety and walkability of our neighborhood. To do so, the project must drastically reduce expectations for drivers' access to parking, lanes in the public right-of-way or entire streets.

To reduce greenhouse gas emissions and other air pollutants generated by travel to/from the development sites, the following standards would ensure future residents, workers, customers and BART station transit riders will live in a bike-ped dominant, diversely-abled and less polluting neighborhood:

- The R-BMU standards should encourage bicycle transit by offering plentiful and secure bicycle parking, enough for a future of >50% bike trips to/from the site (as witnessed in the Netherlands where sufficient bike infrastructure supports such a transformation), not the limited amount today.
- The new R-BMU zoning standards (Table 2-1) should keep the "none required" residential and non-residential vehicle parking, but increase the bicycle parking requirements to at least 2 spaces per residential unit (covered and secure) and 3 spaces per commercial use.
- Maximum vehicle parking spaces per residence and commercial space should be reduced to near zero, especially surrounding pedestrian and bicycle right-of-ways and access points.
- Wide sidewalks (at least 15') and bike infrastructure should be mandated (e.g. safe, off-street cycling lanes and easy access to stores, residences and public transit stops).
- The listed TDM measures that promote biking (i.e. bike parking, repair, maintenance, valley, sharing or showering/changing facilities) and reduced commuter VMT (e.g. on-site daycare) must be required, not optional.
- An environmentally superior alternative would require that all newly constructed buildings in R-BMU must be LEED certified.
- Noise and air quality during construction should be monitored with fines for emissions beyond unacceptable limits.

4

Thank you for considering comments from a 18-year South Berkeley resident and environmental planner at UC Berkeley.

Sincerely,  
Jennifer Natali from 94705

## Letter C110

**COMMENTER:** Jennifer Natali

**DATE:** December 1, 2021

### Response C110.1

The commenter states that Alternative 3 should be the environmentally superior alternative and the proposed alternative does not provide sufficient affordable housing.

Please see Topical Response A: Project Related Comments and Topical Response D: EIR Alternatives and Responses B5.1 and B5.8.

### Response C110.2

The commenter states that the proposed zoning standards and TDM measures would not sufficiently mitigate the project's significant impacts to local air quality and states that the proposed zoning standards should do more to discourage driving and reduce VMT in the vicinity of the project sites. The comment states that the Draft EIR does not provide support for the finding that air quality impacts from increased VMT would "not result in significant and avoidable pollutant emissions" and cites Tables 4.1-1 and 4.1-2. The commenter states that the air quality impacts of the proposed project would be significant and that the Draft EIR shows that the proposed project would add to the intensity and number of days on which nearby residents are affected by poor air quality. The commenter states that the Draft EIR must address local air quality impacts. The commenter also expresses a concern that future project residents would be affected by poor air quality.

Impact AQ-1 in Section 4.1, *Air Quality*, of the Draft EIR states that the project "would not result in significant and unavoidable criteria pollutant emissions." Significant and unavoidable environmental impacts are those significant environmental impacts that cannot be avoided if the proposed project is implemented (CEQA Guidelines Section 15126[b]). These types of impacts are those for which the identified mitigation measures are not able to reduce the impacts to a less-than-significant level. As discussed under Impact AQ-2, the proposed project would not result in significant criteria air pollutant emissions impacts during construction activities with implementation of Mitigation Measure AQ-1. As discussed under Impact AQ-3, operation of the proposed project would not result in significant criteria air pollutant emissions impacts pursuant to BAAQMD guidance for plan-level CEQA analysis of air quality impacts because it would be consistent with the applicable control measures of the 2017 Clean Air Plan and because the rate of increase of VMT associated with buildout under the proposed project (39 percent) would not exceed the rate of increase from the proposed population (approximately 65 percent) associated with buildout under the project. Therefore, the proposed project would not result in significant and unavoidable air quality impacts because Mitigation Measure AQ-1 is capable of reducing the project's significant construction-related air quality impacts to a less-than-significant level and because the project's operational air quality impacts would be less than significant. Furthermore, the Draft EIR does not provide evidence that the proposed project would add to the intensity and number of days on which nearby residents are affected by poor air quality. Instead, Section 4.1, *Air Quality*, of the Draft EIR concludes that project construction and operation would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard with implementation of Mitigation Measure AQ-1.

The commenter refers to Tables 4.1-1 and 4.1-2 as evidence that project impacts would be significant. However, Table 4.1-1 provides a summary of the existing attainment status of the San Francisco Bay Area Air Basin for the National Ambient Air Quality Standards and California Ambient Air Quality Standards, and Table 4.1-2 presents local ambient air quality data for 2017 to 2019. Neither of these tables provides information about the environmental impacts of the proposed project; rather, they establish the existing environmental baseline condition as it pertains to air quality.

Local air quality impacts are evaluated in the Draft EIR in Section 4.1, *Air Quality*, under Impact AQ-4. As concluded therein, the proposed project would not expose nearby sensitive receptors to substantial concentrations of carbon monoxide or toxic air contaminant emissions, and impacts would be less than significant.

### **Response C110.3**

The commenter states that R-BMU standards should reduce the need for private vehicle usage by future residents and employees of the proposed project and provides several suggestions for additional standards to encourage the use of alternative forms of transportation and to reduce air pollutant and GHG emissions from vehicular travel.

The commenter does not address the environmental analysis of the Draft EIR. Therefore, no response is required. Nevertheless, as stated in Section 4.1, *Air Quality*, and Section 4.4, *Greenhouse Gas Emissions*, project impacts related to air quality and GHG emissions would be less than significant with implementation of Mitigation Measures AQ-1 and GHG-1. Furthermore, some of the commenter's suggestions regarding TDM measures are already included in Mitigation Measure GHG-1, which requires preparation of a Greenhouse Gas Reduction Program for future development on the project sites. One of the potential options for this program is to implement a transportation demand program that includes measures beyond those required by the City of Berkeley TDM requirements. Program measures may include priority parking spaces for carpools, electric rideshare vehicles for residents and employees, and a bicycle sharing program.

This comment will be forwarded to City decision-makers for consideration. Please also see Topical Response A: Project-Related Comments.

### **Response C110.4**

The commenter states that an environmentally superior alternative should require all newly constructed buildings in R-BMU must be LEED certified and that noise and air quality during construction should be monitored with fines for emissions beyond unacceptable limits.

The commenter does not address the environmental analysis of the Draft EIR. Therefore, no further response is required. In addition, as stated in Section 4.1, *Air Quality*, construction-related air quality impacts would be less than significant with implementation of Mitigation Measure AQ-1, which involves implementation of the current BAAQMD's basic control measures for reducing construction emissions of particulate matter. As part of the Mitigation and Monitoring Reporting Program, the City will monitor implementation of Mitigation Measure AQ-1 by periodically checking to confirm the project contractor(s) are implementing these basic control measures. If they are not, the City will take corrective action to ensure their implementation. Monitoring air pollutant emissions and imposing fines is not required under CEQA to mitigate this impact. As stated in Section 4.8, *Noise*, construction noise impacts would be significant and unavoidable because construction noise levels from grading activity would exceed the City's noise level standards at residences next to the Ashby BART station site and North Berkeley BART station site even with implementation of



Mitigation Measure N-1. Similar to Mitigation Measure AQ-1, the City will monitor implementation of Mitigation Measure N-1 as part of the Mitigation and Monitoring Reporting Program by periodically checking to confirm the project contractor(s) are implementing the foundation pile noise and vibration reduction measures. If they are not, the City will take corrective action to ensure their implementation.

This comment will be forwarded to City decision-makers for consideration. Please also see Topical Response A: Project-Related Comments.

Letter C111

**From:** schueler890@comcast.net  
**Sent:** Wednesday, December 01, 2021 8:10 PM  
**To:** bartplanning  
**Subject:** DEIR North Berkeley BART

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So disappointing to realize the DEIR fails to provide meaningful alternatives to proposed 75 units/acre and that BART and Berkeley continue to ensure that more will be built and no attention paid to truly affordable housing. The community has been clear that if housing is to be built on public property, it must be affordable. Once again, this DEIR fails to address affordable housing and fails to address community liveability.

Margo Schueler  
North West Berkeley resident

## Letter C111

**COMMENTER:** Margo Schueler

**DATE:** December 1, 2021

The commenter states that the EIR should analyze an alternative based on 75 units/acre and that the City should make affordability a key part of the project.

Please see Topical Response A: Project-Related Comments, Topical Response D: EIR Alternatives, and Responses B5.1 and B5.8.

Letter C112

**From:** Susan Kay MATHEWS <smathews@berkeley.edu>  
**Sent:** Wednesday, December 01, 2021 7:32 PM  
**To:** bartplanning  
**Subject:** North Berkeley BART Development

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In every meeting over the years about this site, the neighbors and esthetically all Berkeley residents have agreed that the highest priority is for affordably housing. Please select an option for a maximum 7 stories, maximum 4.2 floor/areas ratio, maximum 75 units per acre which would be a great increase over the current neighborhood density. It would be better to count bedrooms (people) more than units as units for families and those with caregivers are most needed.

Susan Mathews

1 block west of North Berkeley BART

## Letter C112

**COMMENTER:** Susan Kay Mathews

**DATE:** December 1, 2021

The commenter states that the EIR should analyze an alternative based on 75 units/acre and that the City should make affordability a key part of the project.

Please see Topical Response A: Project-Related Comments, Topical Response D: EIR Alternatives, and Responses B5.1 and B5.8.

## Letter C113

**From:** Erika Larson <larsonlarson@gmail.com>  
**Sent:** Thursday, December 02, 2021 9:58 AM  
**To:** bartplanning  
**Subject:** Comments on the Ashby/North Berkeley BART developments

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

To Whom it May Concern,

I am a resident of the Ashby neighborhood, with a view directly onto the Ashby (east) parking lot. Before buying my home eight years ago, I lived two blocks from North Berkeley BART, so I feel confident saying I am quite familiar with both sites. I am absolutely in support of both affordable housing and reducing greenhouse gases.

**I write today to urge the city of Berkeley, in cooperation with BART and the adjacent cities of Albany and Oakland, to immediately begin incentivizing alternate modes of transportation to both Ashby and North Berkeley BART- do not wait until the project is further along! Namely, this would include:**

1. increasing both the number and frequency of AC transit routes that include either or both BART stations on their routes.
2. making bicycling a safer, more appealing prospect through:
  - protected & clearly marked bike lanes;
  - **REPAVING THE STREETS**, with priority given to 'bicycle boulevards';
  - Traffic signals where bicycle boulevards cross major thoroughfares (such as Russell across Sacramento, California across Dwight, Channing across Sacramento, etc.)
  - **Traffic enforcement**- specifically; speeding, blowing stop signs, driving/parking in bike lanes, and other unsafe practices that endanger other motorists, pedestrians, and bicyclists.

I travel from my Berkeley home to my Berkeley job by either private car or bicycle. While Berkeley's network of 'bicycle boulevards' makes it easy to traverse the city in nearly any direction while avoiding larger streets with more cars, I still feel unsafe riding my bike in Berkeley. This is due to a combination of terrible street conditions (I could easily be thrown from my bike and seriously injured by one of the numerous potholes on our bicycle boulevards) and lax traffic enforcement. Whether or not I commute by bike depends almost entirely on how physically and mentally prepared I am to negotiate these enormous risks on any given day-- risks that the city has the power to change.

Removing parking from BART and allocating half a parking space to each unit of housing only serves to make car ownership inconvenient, but in the Bay Area, this approach is neither new nor sufficient. What is needed in order to make this project truly successful is to simultaneously incentivize alternate modes of transport- make it **easy and appealing** rather than just a tiny bit less of a PITA.

Thank you for your time, and I earnestly hope you take these observations to heart.

Erika Larson

## Letter C113

**COMMENTER:** Erika Larson

**DATE:** December 1, 2021

The commenter expresses support for the project and makes statements related to incentivizing alternative modes of transportation.

Please see Topical Response A: Project-Related Comments.

## Letter C114

**From:** Buddy Williams <buddy@studiokda.com>  
**Sent:** Friday, December 03, 2021 11:03 AM  
**To:** bartplanning  
**Subject:** I support a minimum zoning of 8 stories at Berkeley's BART stations!

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

North Berkeley/BART Planning,

To Berkeley's Planning Commissioners,

As a nearby Albany resident, I'm writing to express my strong support for zoning for at least eight stories at Berkeley's BART stations (and Oakland and El Cerrito). Some of the many reasons include:

1. Zoning for at least eight stories at Berkeley's BART stations gives the most flexibility for home creation later in the process, including adding a higher number of affordable homes.
2. Zoning for a minimum of eight stories helps reach our climate goals by locating homes near transit and getting more residents out of their cars. Encouraging people to use public transit instead of driving is one of the most effective land use strategies for reducing carbon emissions.
3. Every neighborhood in every city must do their part to house the Bay Area. We cannot sacrifice needed homes by exempting historically exclusionary neighborhoods, despite dogwhistles to do so.
4. Eight stories of housing is a common upper height limit threshold for designing mid-rise housing when it comes to building code - up to 8 stories is the most "economical" construction; above 8 stories is considered a "high rise" and is much more expensive. So there typically wouldn't be "scope creep" to try to add more housing above 8 stories.

For these reasons and many others, I urge you to support zoning for a minimum of eight stories at Berkeley's BART stations.

Thank you very much!



Buddy Williams  
buddy@studiokda.com  
1810 6th street  
berkeley, California 94710

## Letter C114

**COMMENTER:** Buddy Williams

**DATE:** December 3, 2021

The commenter makes statements related to the proposed project and not on the information, analysis, or conclusions contained in the Draft EIR.

Please see Topical Response A: Project-Related Comments.

Letter C115

**From:** Emily Lin <info@email.actionnetwork.org>  
**Sent:** Friday, December 03, 2021 10:49 AM  
**To:** bartplanning  
**Subject:** I support a minimum zoning of 8 stories at Berkeley's BART stations!

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

North Berkeley/BART Planning,

To Berkeley's Planning Commissioners,

As a Berkeley resident, I'm writing to express my strong support for zoning for at least eight stories at Berkeley's BART stations. Some of the many reasons include:

1. Zoning for at least eight stories at Berkeley's BART stations gives the most flexibility for home creation later in the process, including adding a higher number of affordable homes.
2. Zoning for a minimum of eight stories helps reach our climate goals by locating homes near transit and getting more residents out of their cars. Encouraging people to use public transit instead of driving is one of the most effective land use strategies for reducing carbon emissions.
3. Every neighborhood in every city must do their part to house the Bay Area. We cannot sacrifice needed homes by exempting historically exclusionary neighborhoods, despite dogwhistles to do so.

For these reasons and many others, I urge you to support zoning for a minimum of eight stories at Berkeley's BART stations.

Thank you very much!

Emily Lin  
emily.lin392@gmail.com  
2019 Delaware St. Apt A  
Berkeley, California 94709

## Letter C115

**COMMENTER:** Emily Lin

**DATE:** December 3, 2021

The commenter makes statements related to the proposed project and not on the information, analysis, or conclusions contained in the Draft EIR.

Please see Topical Response A: Project-Related Comments.

Letter C116

**From:** Matt Nichols <info@email.actionnetwork.org>  
**Sent:** Thursday, December 02, 2021 9:10 PM  
**To:** bartplanning  
**Subject:** I support a minimum zoning of 8 stories at Berkeley's BART stations!

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

North Berkeley/BART Planning,

To Berkeley's Planning Commissioners,

As a Berkeley resident, I'm writing to express my strong support for zoning for at least eight stories at Berkeley's BART stations. Some of the many reasons include:

1. Zoning for at least eight stories at Berkeley's BART stations gives the most flexibility for home creation later in the process, including adding a higher number of affordable homes.
2. Zoning for a minimum of eight stories helps reach our climate goals by locating homes near transit and getting more residents out of their cars. Encouraging people to use public transit instead of driving is one of the most effective land use strategies for reducing carbon emissions.
3. Every neighborhood in every city must do their part to house the Bay Area. We cannot sacrifice needed homes by exempting historically exclusionary neighborhoods, despite dogwhistles to do so.

For these reasons and many others, I urge you to support zoning for a minimum of eight stories at Berkeley's BART stations.

Thank you very much!

Matt Nichols  
mattnichols2929@gmail.com  
2929 Otis St.  
Berkeley, California 94703

## Letter C116

**COMMENTER:** Matt Nichols

**DATE:** December 2, 2021

The commenter makes statements related to the proposed project and not on the information, analysis, or conclusions contained in the Draft EIR.

Please see Topical Response A: Project-Related Comments.

Letter C117

**From:** Maureen Sedonaen <info@email.actionnetwork.org>  
**Sent:** Friday, December 03, 2021 4:08 PM  
**To:** bartplanning  
**Subject:** I support a minimum zoning of 8 stories at Berkeley's BART stations!

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

North Berkeley/BART Planning,

To Berkeley's Planning Commissioners,

As a Berkeley resident, I'm writing to express my strong support for zoning for at least eight stories at Berkeley's BART stations. Some of the many reasons include:

1. Zoning for at least eight stories at Berkeley's BART stations gives the most flexibility for home creation later in the process, including adding a higher number of affordable homes.
2. Zoning for a minimum of eight stories helps reach our climate goals by locating homes near transit and getting more residents out of their cars. Encouraging people to use public transit instead of driving is one of the most effective land use strategies for reducing carbon emissions.
3. Every neighborhood in every city must do their part to house the Bay Area. We cannot sacrifice needed homes by exempting historically exclusionary neighborhoods, despite dogwhistles to do so.

For these reasons and many others, I urge you to support zoning for a minimum of eight stories at Berkeley's BART stations.

Thank you very much!

Maureen Sedonaen  
msedonaen@gmail.com  
1714, Martin Luther King Jr. Way, Martin Luther King Jr. Way, Martin Luther King Jr. Way  
Berkeley, California 94709

## Letter C117

**COMMENTER:** Maureen Sedonaen

**DATE:** December 2, 2021

The commenter makes statements related to the proposed project and not on the information, analysis, or conclusions contained in the Draft EIR.

Please see Topical Response A: Project-Related Comments.



Letter C118

**From:** Mimi Torres <info@email.actionnetwork.org>  
**Sent:** Thursday, December 02, 2021 10:35 PM  
**To:** bartplanning  
**Subject:** I support a minimum zoning of 8 stories at Berkeley's BART stations!

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

North Berkeley/BART Planning,

To Berkeley's Planning Commissioners,

As a Berkeley resident, I'm writing to express my strong support for zoning for at least eight stories at Berkeley's BART stations. Some of the many reasons include:

1. Zoning for at least eight stories at Berkeley's BART stations gives the most flexibility for home creation later in the process, including adding a higher number of affordable homes.
2. Zoning for a minimum of eight stories helps reach our climate goals by locating homes near transit and getting more residents out of their cars. Encouraging people to use public transit instead of driving is one of the most effective land use strategies for reducing carbon emissions.
3. Every neighborhood in every city must do their part to house the Bay Area. We cannot sacrifice needed homes by exempting historically exclusionary neighborhoods, despite dogwhistles to do so.

For these reasons and many others, I urge you to support zoning for a minimum of eight stories at Berkeley's BART stations.

Thank you very much!

Mimi Torres  
mimi.e.torres@gmail.com  
2109 McGee Avenue, Apt A  
Berkeley, California 94703

## Letter C118

**COMMENTER:** Mimi Torres

**DATE:** December 2, 2021

The commenter makes statements related to the proposed project and not on the information, analysis, or conclusions contained in the Draft EIR.

Please see Topical Response A: Project-Related Comments.

Letter C119

**From:** kevjames@comcast.net  
**Sent:** Wednesday, December 1, 2021 10:34 AM  
**To:** bartplanning  
**Cc:** Kesarwani, Rashi; Berkeley Mayor's Office  
**Subject:** North Berkeley BART Station Proposal -- Comments on Draft EIR  
**Attachments:** BART Development - EIR Comments.pdf

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Ms. Shen,

Attached please find our comments on the Draft Environmental Impact Report for the proposed development of housing at the North Berkeley BART Station.

Sincerely yours,

Kevin James and Tom Reilly

Kevin James and Tom Reilly  
1450 Keoncrest Drive  
Berkeley, CA 94702  
December 1, 2022

Alisa Shen  
Principal Planner  
Department of Planning and Development  
Berkeley, CA 94704

Dear Ms. Shen,

We write to offer these comments on the Draft Environmental Impact Report for the proposed development of housing at the North Berkeley BART station.

1 In the public meetings we have attended concerning the proposed development, there has been a tendency to “wish away” the impact the proposed development will have on road transportation and parking in the streets adjacent to the North Berkeley BART station. The residents of the new apartment blocks, we are told, will be able to rely on BART or AC Transit for most of their transit needs; they will supplement their use of public transportation by walking or riding their bicycles.

The Draft EIR perpetuates this problem. It acknowledges that the proposed development entails eliminating the 645 parking spaces at the North Berkeley BART station historically used by BART commuters. It acknowledges that the proposed 7-story development entails adding 1200 housing units (i.e., 3600-4800 people) to the North Berkeley neighborhood, and that a hypothetical 12-story development would add 1800 housing units (i.e., 5400-7200 people) to the North Berkeley neighborhood. It even acknowledges that the residents of the new apartment blocks will use automobiles for more than a third of their transportation needs -- **more often than they will use public transportation**. Yet the Draft EIR concludes that, because the proposed development meets the City’s own bureaucratic requirements, it will have no significant impact on the *environment* and requires no mitigation of its impact on local traffic and parking. This is nothing more than a sleight of hand: a thorough analysis of any proposal for construction of housing at the North Berkeley BART station must include an honest and detailed appraisal of the traffic and parking impacts of the new housing and evaluate measures for mitigating those impacts.

2 Proposals for the development of housing at the North Berkeley BART station continue to assume that, if the residents of the new apartment complex do not have parking spaces, they will not have or use cars. This is belied by the Draft EIR’s acknowledgement that the residents of the new apartment blocks will use automobiles more often than they will use public transportation. It is not hard to understand why this will be the case. While the residents of the new apartment complex may take BART to their jobs in Oakland or San Francisco, they will use cars for many other purposes – to shop, to take their children to preschool and school (children in Berkeley do not necessarily attend the elementary school nearest their home), to attend worship services, for medical appointments, etc. BART was designed and functions as a commuter rail service: it moves people from distant suburbs to downtown Oakland and downtown San Francisco. It is not an urban subway system. It does not reach most of the places that residents of the East Bay visit on a regular basis. Moreover, the North Berkeley BART station is on the Richmond line. This means that, even when BART is running normally, trains come only once every

2,  
cont.

↑  
twenty minutes evenings and Sundays and that there is no direct service to San Francisco at those times. This means that, as a practical matter, people in North Berkeley who want to travel to San Francisco or Oakland in the evening or on the weekend often drive or use a ride-sharing service.<sup>1</sup>

Much as we might prefer that everyone in Berkeley used public transportation and bicycles for all their transportation needs, the residents of the apartment complex to be built at the North Berkeley BART station will use cars. They will, therefore, significantly increase the vehicle traffic on nearby roads. Moreover, if they own those cars, they will need a place to park them. If insufficient parking spaces are created for their cars, they will park them on the streets of North Berkeley adjacent to the North Berkeley BART station. If the residents of the apartment complex to be built at the North Berkeley BART station do not own their own cars, they will use Uber and Lyft for many of their trips. From a traffic congestion and environmental perspective, this would be worse than if the residents owned and used their own cars: a 2019 study conducted in San Francisco found that “[an ]Uber [or] Lyft [vehicle is] empty either waiting for a ride request or heading to pick up a passenger roughly half of the time [the vehicle is on the road.]”<sup>2</sup>

3

Accordingly, pretending that the addition of 1200 (let alone 1800) housing units on an 8-acre site will have no significant impact on traffic or parking is simply unwarranted. The City of Berkeley must conduct a detailed analysis of the likely traffic and parking impacts of the proposed development and propose specific measures designed to mitigate those impacts. Such measures might include:

- Measures that would prevent or prohibit residents of the apartment blocks from parking cars on streets adjacent to the development
- Measures that would ensure that elderly and disabled project residents who require cars will be able to park their cars on site
- Measures that would encourage project residents to share cars and to drive zero tailpipe emissions cars (e.g., requiring BART to provide project residents with an adequate number of shared electric vehicles, to be maintained by BART, with parking/charging stations to be provided and maintained on site)

The Draft EIR’s analysis of the transportation impacts of the proposed development of housing at the North Berkeley BART station is inadequate. Those impacts cannot be wished away or ignored.

Sincerely yours,

Kevin James & Tom Reilly

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<sup>1</sup> Moreover, even before the pandemic curtailed its operations, BART had suffered a marked decline in the quality of its service. Outside of commute hours, train cars frequently reeked of weed, and contained puddles of vomit, urine, and beer. Sexual harassment of female patrons was common; there were increasing reports of assaults on passengers. BART ridership was falling as a result of these problems. (Swan, Rachel. “Flagging ridership puts BART in budget bind, raises specter of more fare hikes.” *San Francisco Chronicle*, 9 May 2019.) As such, the residents of any apartment complex likely to be built at the North Berkeley BART station are likely to use cars evenings and on weekends.

<sup>2</sup> Rodriguez, Joe Fitzgerald. “Uber and Lyft traffic impacts double SF’s own estimates.” *San Francisco Examiner*, 5 August 2019.

## Letter C119

**COMMENTER:** Kevin James and Tom Reilly

**DATE:** December 1, 2021

### Response C119.1

The commenters states that the EIR fails to include sufficient analysis of traffic and parking impacts of new housing and of eliminating BART station parking spaces, and that it fails to provide adequate mitigation measures for those impacts.

The travel demand estimates are presented on Draft EIR pages. 4.11-25 and in Draft EIR Appendix H Transportation Analysis Methodology Memorandum. The travel demand estimates were developed using the vehicle trip rates provided in the Institute of Transportation Engineer's (ITE) Trip Generation Manual (10th Edition) for the proposed land uses. Adjustments to the ITE trip generation rates were applied using methods consistent with the City of Berkeley's Transportation Impact Report Guidelines (TIR Guidelines). The TIR Guidelines identify potential trip generation adjustment factors to apply to the ITE trip generation to calculate the number of person trips generated by the project for each mode. Adjustment factors include trip credits for existing uses on the project site, internal trip capture to account for surrounding land use mix, and mode share adjustments to account for available transportation options and vehicle parking. As explained in Appendix H, given the proximity of the project sites to a variety of land uses within walking distance, multiple high frequency transit routes, casual carpool, dedicated bicycle facilities, and the availability of rideshare service, the Draft EIR analysis applied a modal split adjustment to the external person trip generation estimates to account for carpool, transit, walk, bike, and taxi/transportation network company (e.g., Uber, Lyft) trips. Mode share was estimated based on data available from the United States Census for the project's census tracts. The assumptions and adjustments used in the analysis are appropriate.

The Draft EIR concluded that the proposed project would have less-than-significant transportation impacts related to conflicts with existing plans and policies; vehicle miles traveled; hazardous conditions for walking, bicycling, driving, and public transit; accessibility or emergency vehicle access; and cumulative conditions; and no mitigation measures would be required. The evaluation of transportation and circulation impacts is provided on Draft EIR pages 4.11-42 to 4.11-49.

Comments regarding vehicle parking and the secondary effects of vehicle parking conditions with the implementation of the proposed project are addressed in Topical Response B: Transportation.

### Response C119.2

The commenters state that residents of the future development at North Berkeley BART will use personal vehicles for many purposes, that this will significantly increase traffic on nearby streets, and that they may also park their vehicles on streets adjacent to the station. The commenters state that if residents do not own or use their vehicles, they will rely on transportation network companies (Uber and Lyft) which would create congestion on the surrounding street network.

Consistent with the commenter's statement, the Draft EIR acknowledges that some residents will own and drive vehicles to access various destinations and recognizes that some people may need to park vehicles off site. The travel demand estimates are presented in the Draft EIR on pages 4.11-25 and in Draft EIR Appendix H Transportation Analysis

Methodology Memorandum. As shown in Table 4.11-3, the transportation analysis assumes a 36.4 percent auto mode share for the future development at the North Berkeley BART station and an 11.7 percent “other” mode share, which includes carpool and transportation network company (Uber and Lyft) trips. Mode share was estimated based on data available from the United States Census for the project’s census tracts. As explained in Appendix H of the DEIR, given the proximity of the project sites to a variety of land uses within walking distance, multiple high frequency transit routes, casual carpool, dedicated bicycle facilities, and the availability of rideshare service, the EIR analysis applied a modal split adjustment to the external person trip generation estimates. The resulting vehicle trip generation estimates are shown in Table 4.11-4.

As noted in the Draft EIR, the estimates can be considered conservative (i.e. they overestimate the number of vehicle trips) in that they do not account for the TDM plan that the development would be required to implement consistent with the City of Berkeley and BART’s adopted policies. Additionally, future development under the proposed project would conform with the requirements established in the R-BMU zoning standards and would seek to achieve the goals and objectives outlined in the Joint Vision and Priorities document, which include reducing project-generated vehicle trips and encouraging travel by other modes.

For these reasons, transportation impacts related to project added vehicle trips would be less than significant. The comments received on the Draft EIR do not present evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Please also see Topical Response B: Transportation.

### **Response C119.3**

The commenters suggest that the transportation analysis conducted for the Draft EIR is insufficient and requests a detailed analysis of traffic and parking impacts. The commenters suggest several measures to mitigate potential transportation-related impacts, including preventing residents from parking cars on surrounding streets, providing parking for people with disabilities on-site, and encouraging car-sharing and electric vehicles.

The evaluation of transportation and circulation impacts is provided on Draft EIR pages 4.11-42 to 4.11-49. This analysis is consistent with CEQA requirements and includes an appropriate level of detail and discussion.

As presented in the Draft EIR, the proposed project would have less-than-significant transportation impacts related to the following factors: conflicts with existing plans and policies; vehicle miles traveled; hazardous conditions for walking, bicycling, driving, and public transit; accessibility or emergency vehicle access; and cumulative conditions; and no mitigation measures would be required. However, the suggested improvement measures have been noted for consideration. Consistent with the Americans with Disabilities Act parking requirements, future development would be required to provide vehicle parking for people with disabilities at a rate of one van accessible space for each 1-25 parking spaces. Additionally, future development would be required to be consistent with the R-BMU zoning standards and would seek to achieve the priorities identified in the Joint Vision and Priorities Document. These include implementation of a transportation demand management (TDM) plan including strategies to encourage car-sharing and electric vehicle use and manage parking.

Please also see Topical Response B: Transportation.

Letter C120

**From:** Elana Naftalin-Kelman <elanank@gmail.com>  
**Sent:** Wednesday, November 3, 2021 4:25 PM  
**To:** bartplanning; Kesarwani, Rashi; Berkeley Mayor's Office  
**Subject:** building at north berkeley BART

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

To Mayor Arrageuin, BART board and Councilmember Rashi,

I am writing, knowing that I might not get a turn to speak tonight at the meeting. Please keep us neighbors of North Berkeley BART in mind when you're making decisions about the site.

I welcome an affordable, contextual, green-built project that fits the neighborhood. I want my kids to want to live and stay in Berkeley - and they won't want to if there's a high rise in the middle of our neighborhood. .

The city must zone the site as an Urban City Center as required by law, but it need not and should not increase the required minimums, and should specify them as maximums.

Thanks for keeping us in mind -

Elana Naftalin-Kelman  
1680 Short St.



## Letter C120

**COMMENTER:** Elana Naftalin-Kelman

**DATE:** November 3, 2021

The commenter makes statements related to the proposed project and not on the information, analysis, or conclusions contained in the Draft EIR.

Please see Topical Response A: Project-Related Comments.

## Communication

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**From:** Tomas <writetotomas@gmail.com>  
**Sent:** Friday, October 22, 2021 12:21 PM  
**To:** Pearson, Alene <apearson@cityofberkeley.info>  
**Cc:** Kesarwani, Rashi <RKesarwani@cityofberkeley.info>  
**Subject:** Another North Berkeleyan for paradise instead of a parking lot

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Planning Commissioners,

I live in North Berkeley, and I truly cannot wait for our BART Station Parking Lot to become a paradise of mixed-income housing that helps more people live in our city and our area.

I stand with my neighbors and with North Berkeley Now!

We know that mixed-income housing creates affordability, creates de-segregated neighborhoods, and helps people like me--people who don't have millions of dollars--be a part of this wonderful neighborhood.

We want the largest amount of housing possible. Berkeley shouldn't limit ourselves to minimums. Berkeley used to be--and still can be audacious. Let's maximize housing. Don't let BART's minimums or AB2923 minimums be our ceiling. Let's create a truly inclusive Berkeley and build housing.

We want to make sure that our infrastructure puts people, NOT cars first. This means infrastructure design that promotes the safety of pedestrians and cyclists over the convenience of drivers.

Thank you for your time and consideration.

Let's build!

Tomas Moreno  
North Berkeley Neighbor on Curtis St.

## Letter C121

**COMMENTER:** Thomas Moreno

**DATE:** October 22, 2021

The commenter makes statements related to the proposed project and not on the information, analysis, or conclusions contained in the Draft EIR.

Please see Topical Response A: Project-Related Comments.

## 4 Public Hearing Comments

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Oral comments received at the public hearing (Planning Commission, November 3, 2021) from members of the public are summarized below.

- **Comment:** Several commenters expressed concern about noise impacts on residences near the BART station sites and also suggested alternative methods for noise reduction such as planting trees as a noise barrier or using prefab construction.
  - **Response:** As discussed in Section 4.8, *Noise*, of the Draft EIR, the City of Berkeley applies standard conditions of approval to construction projects to reduce construction noise. The standard conditions include the construction of temporary noise barriers or partial enclosures to acoustically shield such equipment where feasible. Although the commenters' suggestions for planting trees will be considered by City decision makers, planting trees is not an effective measure to reduce noise. As discussed in the Caltrans *Technical Noise Supplement to the Traffic Noise Analysis Protocol*,<sup>8</sup> "it is uncommon for trees and vegetation to result in a noticeable reduction in noise." Because trees typically do not provide a noticeable or measurable difference in noise levels, they were not included as mitigation in the Draft EIR.
- **Comment:** A commenter asked about the number of students that would need to be served by the proposed project.
  - **Response:** As discussed in Section 4.10, *Public Services and Recreation*, of the Draft EIR, based on a student generation rate of 1.191, the proposed total of up to 2,400 units that could be developed under the proposed project would generate an estimated 460 new students over time.
- **Comment:** A commenter suggested that bird safe glass should be included in the proposed new development.
  - **Response.** An increased risk of bird strikes can typically occur in a migratory bird corridor or in areas adjacent to foraging, roosting, or nesting habitat for avian species. If development occurs adjacent to such habitat well utilized by land-based birds, and there are direct lines of sight between the habitat and proposed buildings, then the reflection of trees in windows may attract birds and such reflections may result in window collisions. Both station sites are in areas of urban development with scattered landscaping trees and not areas with extensive habitat. Therefore, the risk of a substantial increase in bird strikes is low. A requirement for use of bird-safe glass was therefore not included as mitigation in the Draft EIR.
- **Comments:** Several commenters stated that embodied carbon needed to be addressed in the EIR.
  - **Response:** Please see Topical Response C: Greenhouse Gas emissions.

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<sup>8</sup> Caltrans. 2013. *Technical Noise Supplement to the Traffic Noise Analysis Protocol*. Available: <https://dot.ca.gov/-/media/dot-media/programs/environmental-analysis/documents/env/tens-sep2013-a11y.pdf>

- **Comment:** Several commenters made statements about the need for more clear and quantitative analysis/conclusions on VMT impacts of removing parking from BART stations
  - **Response:** Please see Topical Response B: Transportation.
- **Comment:** A commenter expressed concern about cultural resources impacts to a historically Black neighborhood (South Berkeley).
  - **Response:** As discussed in Section 4.2, *Cultural Resources*, of the Draft EIR, the cultural resources analysis discusses and takes into account the history of the Ashby BART station site history and its longstanding association with South Berkeley's Black community. The Draft EIR identifies the Ashby BART station site as a historical resource under CEQA. With mitigation, impacts to this historical resource as a result of the project were found to be less than significant.

## 5 Draft EIR Text Revisions

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Chapter 5 presents specific changes to the text of the Draft EIR that are being made to clarify, amplify, or make insignificant modifications to the text of the Draft EIR, including in response to comments received during the public review period. In no case do these revisions result in a greater number of impacts or impacts of a substantially greater severity than those set forth in the Draft EIR such that recirculation of the Draft EIR would be required. Where revisions to the main text are called for, the page section number are set forth, followed by the appropriate revision. Added text is indicated with underlined text. Text deleted from the Draft EIR is shown in ~~strikeout~~. Page numbers correspond to the page numbers of the Draft EIR.

### 5.1 Draft EIR Text Revisions

The in Section 2, *Project Description*, subsection 2.4, Project Background, has been revised as follows:

The City and BART have entered into a Memorandum of Understanding (MOU) (City of Berkeley 2019) that establishes a framework for development of the Ashby and North Berkeley BART stations, including a City Council appointed Community Advisory Group (CAG) process and other community engagement; milestones and a timeline to adopt zoning that complies with AB 2923; solicitation of developer(s); and further studies/planning for the two station areas. The City and BART intend to enter into a further agreement to clarify the parties' roles regarding the RFQ process and other relevant considerations for development.

The text in Section 4.4, *Greenhouse Gas Emissions*, has been revised as follows:

AB 32 set a statewide target of reducing GHG emissions to 1990 levels by 2020. Therefore, for the City of Berkeley to be consistent with AB 32, annual GHG emissions levels from project-applicable sectors would need to be reduced by 15 percent below 2005 levels by 2020 to approximately 489,506 MT of CO<sub>2</sub>e per year. In addition, the State set a statewide GHG emission reduction target of 40 percent below 1990 levels by 2030. Therefore, annual GHG emissions levels from project-applicable sectors would need to be reduced by 40 percent below 1990 levels to approximately 293,703 MT of CO<sub>2</sub>e per year to be consistent with the State's 2030 target. Accordingly, the 2030 project-specific efficiency threshold can be calculated by dividing total communitywide GHG emissions by the communitywide service population (residents + employees) for year 2030. The City's 2030 service population would be approximately ~~254,565~~ 262,802 persons (ABAG 2017; City of Berkeley 2021; University of California, Berkeley 2021). Therefore, the 2030 locally-appropriate, project-specific threshold would be approximately ~~4.2~~ 1.1 MT of CO<sub>2</sub>e per resident per year (see Table 4.4-2).

**Table 4.4-2 Locally Applicable Project-Specific 2030 Efficiency Threshold**

Target Year	Value
2005 Baseline Levels <sup>1</sup>	575,889 MT of CO <sub>2</sub> e/year
2020 Target (AB 32) <sup>2</sup>	489,506 MT of CO <sub>2</sub> e/year
2030 Target (SB 32) <sup>3</sup>	293,703 MT of CO <sub>2</sub> e/year
2030 Service Population <sup>4</sup>	<del>254,565</del> <u>262,802</u> persons
<b>2030 Project-Specific Efficiency Threshold</b>	<del>1.2</del> <u>1.1</u> MT of CO <sub>2</sub> e per resident per year

MT = metric tons; CO<sub>2</sub>e = carbon dioxide equivalents

<sup>1</sup> 2005 emission levels from project-applicable sectors (see Table 4.4-1)

<sup>2</sup> AB 32 sets a target of reducing GHG emissions to 1990 levels (i.e., 15 percent below 2005 levels) by 2020.

<sup>3</sup> SB 32 sets a target of reducing GHG emissions 40 percent below 1990 levels by 2030.

<sup>4</sup> ~~135,680 residents + 118,885 jobs~~ The 2030 service population for Berkeley includes the following:

- 135,680 residents as forecast by ABAG (ABAG 2017)
- 118,885 jobs as forecast by ABAG (ABAG 2017)
- 7,091 additional residents associated with the Final Regional Housing Needs Allocation (RHNA) Plan: San Francisco Bay Area, 2023-2031 (2021), published after ABAG's 2017 population forecast data. The RHNA Plan allocates 8,934 residential units to Berkeley (Association of Bay Area Governments 2021). Based on an average household size for Berkeley of 2.26 persons per household, these 8,934 housing units would accommodate approximately 20,191 residents by 2031 (California Department of Finance 2020a). Therefore, the RHNA Plan would result in an additional 7,091 residents beyond that projected by ABAG for Berkeley by 2030 (ABAG 2017).
- 1,038 additional residents associated with increased faculty and staff at the University of California, Berkeley. The University of California, Berkeley 2021 Long Range Development Plan Update, which was published after ABAG's 2017 population forecast data, anticipates an additional 3,580 faculty and staff upon buildout (University of California, Berkeley 2021a). Approximately 29 percent of faculty and staff at the University of California, Berkeley live in Berkeley (University of California, Berkeley 2021b). Therefore, the increased faculty and staff count would result in approximately 1,038 additional residents in Berkeley.
- 108 additional jobs associated with the amended Development Agreement for the Bayer Healthcare campus, which was approved after ABAG's 2017 jobs forecast data (City of Berkeley 2021).

<sup>4</sup>Source: ABAG 2017

**b. Project Impacts and Mitigation Measures**

**Threshold 1:** Would the proposed project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

**IMPACT GHG-1 CONSTRUCTION AND OPERATION OF FUTURE DEVELOPMENT UNDER THE PROPOSED PROJECT WOULD GENERATE TEMPORARY AND LONG-TERM INCREASES IN GHG EMISSIONS. HOWEVER, WITH MITIGATION, THE PROJECT'S YEAR 2030 EMISSIONS WOULD NOT EXCEED THE LOCALLY-APPLICABLE, PROJECT-SPECIFIC 2030 EFFICIENCY THRESHOLD OF ~~1.2~~ 1.1 MT OF CO<sub>2</sub>E PER PERSON PER YEAR. THIS IMPACT WOULD BE LESS THAN SIGNIFICANT WITH MITIGATION.**

[...]

**Operational Emissions**

Table 4.4-3 summarizes operational GHG emissions associated with development under the proposed project for year 2030 (i.e., the State's next milestone target year). As shown therein, the project would result in a net increase of approximately 8,093 MT of CO<sub>2</sub>e per year by year 2030 as compared to existing conditions, which would equate to

approximately 1.4 MT of CO<sub>2</sub>e per resident per year. Therefore, per capita emissions would exceed the project-specific, locally-applicable 2030 threshold of ~~4.2~~ 1.1 MT of CO<sub>2</sub>e per resident per year. This impact is potentially significant.

**Table 4.4-3 Combined Annual GHG Emissions (MT of CO<sub>2</sub>e)**

<b>Emission Source</b>	<b>2030</b>
Area	60
Energy	1,308
Solid Waste	585
Water	152
Mobile	
CO <sub>2</sub> and CH <sub>4</sub>	5,907
N <sub>2</sub> O	81
<b>Total Project Emissions</b>	<b>8,093</b>
<b>Project Service Population<sup>1</sup></b>	<b>5,889</b>
<b>Net New Emissions Per Service Person</b>	<b>1.4</b>
<b>2030 Threshold of Significance</b>	<b><del>4.2</del> <u>1.1</u></b>
<b>Threshold Exceeded?</b>	<b>Yes</b>

<sup>1</sup> 5,424 residents + 465 employees (see Section 4.9, *Population and Housing*)

MT = metric tons; CO<sub>2</sub>e = carbon dioxide equivalents

See Appendix F for CalEEMod and EMFAC2021 results.

## Mitigation Measures

### GHG-1 GHG Reduction Program

Applicants for future development allowed under the proposed project shall prepare and implement a Greenhouse Gas Reduction Program (GGRP) that includes on-site GHG reduction measures to reduce the project's total remaining GHG emissions to ~~4.2~~ 1.1 MT of CO<sub>2</sub>e per service person per year or less (a total of approximately ~~4,027~~ 1,355 MT of CO<sub>2</sub>e per year). Potential options include, but would not be limited to:

- Supply 100 percent of electricity from renewable energy resources. Current options include opting into EBCE's Renewable 100, PG&E's Solar Choice, or PG&E's Regional Renewable Choice.
- Install additional electric vehicle charging stations beyond those required under BMC Chapter 19.37 within proposed parking areas.
- Implement a transportation demand program that includes measures beyond those required by the City of Berkeley Transportation Demand Management (TDM) requirements. Program measures may include priority parking spaces for carpools, electric rideshare vehicles for residents and employees, and a bicycle sharing program.
- Prohibit installation of natural gas fireplaces.



- Use electric-powered construction equipment.
- Use electric-powered landscape equipment.

### Significance After Mitigation

As shown in Table 4.4-4, implementation of Mitigation Measure GHG-1 could feasibly reduce GHG emissions by at least ~~4,159~~ 1,369 MT of CO<sub>2</sub>e per year to ~~4.2~~ 1.1 MT of CO<sub>2</sub>e per service person per year through use of renewable electricity.<sup>9</sup> Additional on-site GHG emissions reductions could be achieved through installation of additional electric vehicle charging stations, implementation of a transportation demand program, use of electric construction equipment, and use of electric landscape equipment; however, quantifying potential reductions from these components of the mitigation measure would be speculative due to uncertainty regarding the implementation of such measures. For example, the effectiveness of electric vehicle charging stations is dependent on the adoption rate of electric vehicles among future residents, employees, and patrons of the proposed project. In addition, without knowing the specific transportation policies that would be included in a transportation demand management program, or future residents' response, and engagement with the program, an accurate GHG emission reduction cannot be estimated. Similarly, the use of electric-powered construction equipment would be dependent on the availability of such equipment for project construction, and the use of electric-powered landscape equipment would be dependent on the availability and feasibility of using such equipment during project operation. Therefore, these additional GHG reduction measures identified in Mitigation Measure GHG-1 have not been quantified to provide a conservative estimate of feasible on-site GHG emissions reductions.

Given the reduction of ~~4,159~~ 1,369 MT CO<sub>2</sub>e per year achieved by quantifiable on-site GHG emissions reduction measures (i.e., the use of renewable electricity), with implementation of Mitigation Measure GHG-1, project emissions would equal but not exceed the 2030 threshold of ~~4.2~~ 1.1 MT of CO<sub>2</sub>e per service person, as shown in Table 4.4-4. Therefore, this impact would be less than significant with mitigation incorporated.

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<sup>9</sup> The estimated GHG emissions reduction of 1,159 MT of CO<sub>2</sub>e per year is equivalent to the project's GHG emissions associated with electricity usage supplied partially by nonrenewable energy sources under unmitigated conditions.

**Table 4.4-4 Mitigated Combined Annual GHG Emissions**

<b>Emission Source</b>	<b>Annual Emissions (MT of CO<sub>2</sub>e )</b>
Total Unmitigated Project Emissions	8,093
Mitigation Measure GHG-1	
Renewable Electricity	(1,159)
<u>No Natural Gas Connections</u>	<u>(180)</u>
<u>All-Electric Landscaping Equipment</u>	<u>(30)</u>
<b>Total Mitigated Project Emissions</b>	<b><u>7,374</u></b>
	<b><u>6,724</u></b>
Project Service Population	5,889
<b>Project Emissions Per Service Person</b>	<b><u>1.2</u> <u>1.1</u></b>
<b>2030 Threshold of Significance</b>	<b><u>1.2</u> <u>1.1</u></b>
<b>Threshold Exceeded?</b>	<b>No</b>
Please note that only GHG reduction measures that are considered to achieve a feasibly calculable reduction with current project information have been included in this table.	
See Appendix F for calculations of mitigation measures.	

The following revision to Appendix C, Historical Resources Evaluations for the Ashby and North Berkeley BART Stations, has been made to add to clarify the basis of the argument for the North Berkeley BART Station’s lack of architectural historical significance as addressed on pages 18-19. The revised historical resources evaluation report is included as Attachment A to this Responses to Comments document.

Architecturally, the station is an undistinguished example of transit station featuring elements of the New Formalist style of architecture. Although the building exhibits elements representative of the style, including the strictly symmetrical form, oculus at the peak of the roof, and stylized metal-panel entablature ringing the overhang roof’s lower tier, overall, its design lacks the building lacks monumentality and generally quality of design present in better examples of the New Formalist style. In addition to lacking the monumentality characteristic of New Formalism, the station does not include notable character-defining features of the architectural style, such as rectangular massing, prominent columnar supports, slender colonnades, and decorative screens (OHR 2021; Brown 2011; HRG n.d.). The station building is of comparable quality of design to the original New Formalist-style Downtown Berkeley BART Station rotunda (no longer extant), which was constructed on a substantially smaller scale and also lacked key elements of its architectural style. In 2014, the Downtown Berkeley BART Station and Plaza was evaluated as ineligible for NRHP eligibility. The rotunda was specifically cited as lacking architectural merit sufficient to qualify for the NRHP (ICF 2014). While the station’s principal designers, the firm of Kitchen and Hunt, are noted for the design of some prominent buildings in the Northern California region, research for this study found no evidence either partner was considered a master architect or that the station is regarded as one of the partnership’s more successful designs. Because it lacks architectural distinction and is not exemplary of the work of a master, the North Berkeley BART Station is recommended ineligible for listing under NRHP Criterion C and CRHR Criterion 3.

The following revision to Appendix C, Historical Resources Evaluations for the Ashby and North Berkeley BART Stations, has been made to add identify additional institutions

contacted for archival research and outreach as addressed on pages 6-7. The revised historical resources evaluation report is included as Attachment A to this Responses to Comments document.

Background and archival research for this study was completed throughout June and July 2021. Research methodology focused on the review of a variety of primary and secondary source materials relating to the history and development of the area surrounding the APE. Sources included, but were not limited to, historic maps, aerial photographs, and written histories of the area. Due to the COVID-19 pandemic, the background and archival research was limited to digital sources and other materials available via online archives and repositories. In addition to those identified in the references section of this study, below is a list of resources and repositories that were consulted as part of this effort.

- *Cultural Resources Technical Report, Adeline Corridor Specific Plan* (Archaeological/Historical Consultants with JRP Historical Consulting, 2018)
- City of Berkeley Downtown Area Plan Historic Resource Evaluation (Architectural Resources Group, 2008)
- Shattuck Avenue Commercial Corridor Historic Context and Survey (Archives & Architecture, 2015)
- Historic aerial photos accessed via University of California, Santa Barbara Map & Imagery Lab and NETRonline
- Historic topographic maps accessed via United States Geological Survey
- Sanborn Fire Insurance Company Maps accessed digitally via Los Angeles Public Library
- Historical newspaper articles and advertisements accessed online at newspapers.com
- BART: The Dramatic History of the Bay Area Rapid Transit System (Healy 2016)
- A History of the Key Decisions in the Development of Bay Area Rapid Transit (Grefe and Smart 1975)
- Original architectural and engineering drawings of the Ashby and North Berkeley BART stations
- Berkeley Public Library History Room, Berkeley Public Library
- Institute of Transportation Studies Library, University of California, Berkeley

Recent social history such as associated with the subject BART stations is generally best understood from first-person accounts and other primary sources. As such, Rincon contacted interested parties identified both by the City of Berkeley and Rincon who may have direct knowledge relating to the cultural and social history of the BART stations. However, due to the COVID-19 pandemic, these efforts were largely limited to email correspondence. Rincon requested information pertinent to the historic context in which the subject BART stations were developed and operated and the potential significance of the Ashby BART Station to Berkeley's African American community. None of the individuals or institutions contacted provided information of consequence that related to the project. Below is a list of individuals and institutions Rincon contacted during outreach.

- Stephanie Johnson, Commissioner, Berkeley Landmarks Preservation Commission
- Donna Graves, Consulting Historian

**Ashby and North Berkeley BART Stations TOD Zoning Project**

- Berkeley Architectural Heritage Association
- Berkeley Historical Society
- African American Museum and Library at Oakland
- Susan D. Anderson, History Curator and Program Manager, California African American Museum
- Docomomo, Northern California Chapter
- Bay Area Rapid Transit

The following corrections have been made to Table 6-1 in Section 6, *Alternatives*:

**Table 6-1 Comparison of Project Alternatives**

Feature	Proposed Project	Alternative 1: No Project/ Implement AB 2923 Standards	Alternative 2: BART Rider Parking	Alternative 3: Increased Height
<b>Proposed Zoning Standards</b>				
Floor Area Ratio (FAR), Maximum	4.2	Same as proposed project	Same as proposed project	5.5
Maximum Height	7 stories	Same as proposed project	Same as proposed project	12 stories
Residential Density, Minimum	75 du per acre	Same as proposed project	Same as proposed project	Same as proposed project
Residential Parking	<i>None required, max of 0.5 spaces per unit</i>	Same as proposed project	Same as proposed project	Same as proposed project
Non-residential Parking	<i>None required, max of 1.5 spaces per 1,000 sf</i>	None required, max of 1.6 spaces per 1,000 sf	Same as proposed project	Same as proposed project
<b>Buildout Projections<sup>1</sup></b>				
<b>For Both Station Sites</b>				
Residential Units	Up to 2,400 units	Up to 2,500 units	Up to 2,000 units	Up to 3,600 units
Non-Residential Space	125,000 sf	125,000 sf	125,000 sf	125,000 sf
<b>Ashby</b>				
Project Area <sup>2</sup>	6.1 acres	Same as proposed project	5.5 (Does not include area for BART parking garage)	Same as proposed project
Building Gross Square Footage (sf)	1,000,000	1,050,000	900,000	1,500,000
Total Residential Units	1,200	1,250	1,000	1,800
Height	7 stories	Same as proposed project	Same as proposed project	12 stories
FAR	3.8	3.9	3.8	5.5
Density (du/acre)	200	205	180	300

Feature	Proposed Project	Alternative 1: No Project/ Implement AB 2923 Standards	Alternative 2: BART Rider Parking	Alternative 3: Increased Height
Parking for Development (# spaces; ratio: spaces/unit)	350 0.3	625 0.5	300 0.3	550 0.3
BART Rider Parking <sup>3</sup>	0 spaces	Same as proposed project	<del>230</del> 160 spaces	Same as proposed project
<b>North Berkeley<sup>4</sup></b>				
Project Area <sup>1</sup>	6.4 acres	Same as proposed project	5.5 acres (Does not include area for BART parking garage)	Same as proposed project
Building Gross Square Footage	950,000	1,000,000	750,0000	1,400,000
Total Residential Units	1,200	1,250	1,000	1,800
Height	7 stories	7 stories	7 stories	12 stories
FAR	3.4	3.6	3.1	4.9
Density (units/acre)	188	195	185	281
Parking for Development (# spaces)	375	375	175	375
Parking for Development (ratio: spaces/unit)	0.3	0.3	0.2	0.3
BART Rider Parking <sup>3</sup>	0 spaces on-site	Same as proposed project	<del>230</del> 300 spaces on-site	Same as proposed project

<sup>1</sup> All numbers have been rounded for ease of comparison. Due to rounding, some of the totals in the table above may not correspond exactly to each other when divided.

<sup>2</sup>Project Area does not include area used for BART facilities/infrastructure.

<sup>3</sup> The proposed project and Alternatives 1 and 3 assume no replacement of the existing BART rider surface parking spaces eliminated as a result of new development on the main station area sites. However, it is assumed that 79 parking spaces in the auxiliary parking lots at the North Berkeley BART station site would remain.

<sup>4</sup> For the purposes of the EIR, the reasonable maximum development projection includes the Zone of Influence at North Berkeley as buildable area (which is approximately one acre) and does not include the auxiliary parking lots.

Abbreviations: sf = square feet, du = dwelling units

The following references have been added to Section 7, *References*:

Association of Bay Area Governments. 2021. *Final Regional Housing Needs Allocation (RHNA) Plan: San Francisco Bay Area, 2023-2031* December 16, 2021. [https://abag.ca.gov/sites/default/files/documents/2021-12/Final\\_RHNA\\_Allocation\\_Report\\_2023-2031-approved\\_0.pdf](https://abag.ca.gov/sites/default/files/documents/2021-12/Final_RHNA_Allocation_Report_2023-2031-approved_0.pdf) (accessed December 2021).

Berkeley, City of. 2021. *Bayer Healthcare LLC Development Agreement Amendment Project Draft Subsequent Environmental Impact Report (SCH# 2020100559)*. May 2021. [https://www.cityofberkeley.info/uploadedFiles/Planning\\_and\\_Development/Level\\_3\\_-\\_ZAB/Draft%20Subsequent%20EIR%20\\_%20Bayer%20HeathCare%20DA%20Amendment.pdf](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_ZAB/Draft%20Subsequent%20EIR%20_%20Bayer%20HeathCare%20DA%20Amendment.pdf) (accessed December 2021).

University of California, Berkeley. 2021a. *UC Berkeley Long Range Development Plan*. July 2021. <https://lrpd.berkeley.edu/> (accessed December 2021).

. 2021b. *UC Berkeley Long Range Development Plan and Housing Projects #1 and #2 Draft Environmental Impact Report 2021 (SCH# 2020040078)*. March 8, 2021. <https://lrpd.berkeley.edu/environmental-review> (accessed December 2021).

. 2021c. "Climate Action Planning." <https://sustainability.berkeley.edu/carbon-neutrality/carbon-plans> (accessed December 2021).

# Appendix A

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Historical Resources Evaluations for the Ashby and North Berkeley BART Stations



**Rincon Consultants, Inc.**

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March 10, 2022  
Project No: 21-11599

Alisa Shen, Principal Planner  
City of Berkeley  
1947 Center Street  
Berkeley, California 94704  
Via email: ashen@cityofberkeley.info

**Subject: Historical Resources Evaluations for the Ashby and North Berkeley BART Stations  
Transit-Oriented Development Zoning Project,  
City of Berkeley, Alameda County, California**

Dear Ms. Shen:

The City of Berkeley (City) retained Rincon Consultants, Inc. (Rincon) to prepare historical resources evaluations of the Ashby and North Berkeley Bay Area Rapid Transit (BART) stations, located in Berkeley California. The historical resource evaluations are being completed to support the Ashby and North Berkeley BART stations Transit-Oriented Development Zoning Project and the project's compliance with the California Environmental Quality Act (CEQA); the City is acting as the lead agency under CEQA for the project. The historical resource evaluations included site visits, archival and background research, application of federal, state, and local historical resources designation criteria, and preparation of this memorandum. This study was prepared pursuant to CEQA Guidelines, guidance from the California Office of Historic Preservation, and applicable federal, state, and local guidelines and regulations.

Senior Architectural Historian JulieAnn Murphy, MA, conducted the architectural field survey and was co-author of this study. Architectural Historian James Williams, MA, conducted archival research and interested party outreach and was co-author of this study. Senior Architectural Steven Treffers, M.H.P., provided project oversight. Quality assurance/quality control was completed by Principal and Architectural Historian Shannon Carmack. Ms. Murphy, Mr. Williams, Mr. Treffers, and Ms. Carmack meet the Secretary of the Interior's Professional Qualification Standards (PQS) for history and architectural history (36 CFR Part 61).

## Project Location

The proposed Ashby and North Berkeley BART Stations Transit-Oriented Development Zoning Project is comprised of two sites: the North Berkeley BART Station and the Ashby BART Station (Attachment A, Figure 5). The North Berkeley BART Station site encompasses four discrete lots. The largest lot comprises the BART station and immediately adjacent parking lots and measures 8.1 acres across four discrete lots (Lot A: APN 58-2146-16-5, 58-2149-19-4, 58-2147-18-5, and 58-2148-17-4; Lot B: 58-2144-24-1; Lot C: 58-2139-18-3; and Lot D: 60-2417-67-4; Attachment A, Figure 6). Lot A centers on the BART station building and is bound by Sacramento Street, Delaware Street, Acton Street, and Virginia Street in north Berkeley. The approximately 6.27-acre property is comprised of the station entrance building, surface parking, and a BART operations building. The site is relatively flat, and the site contains landscaping





vegetation and mature trees, and is located in the northwest area of Berkeley, which is generally characterized by residential development. Northwest across Virginia Street from Lot A are Lots B and C, each consisting of a surface parking lot. The former is bounded by Franklin Street, Virginia Street, and private property, while the latter is situated between Franklin Street and Virginia Gardens, with private property located to the immediate north and south. Lot D comprises the current sites of the Peralta and Northside Community Gardens. It is bounded by Peralta Avenue, Northside Avenue, the BART right of way, and private property.

The Ashby BART Station project site consists of two distinct parcels, separated by Adeline Street. The BART Station and its associated parking lot is located west of Adeline Street on a 4.4-acre parcel (APN 53-1597-39-4; Attachment A, Figure 7). This parcel makes up the block surrounded by Adeline Street, Ashby Avenue and Martin Luther King Jr. Way. There is an additional 1.9-acre surface parking lot located on the east side of Adeline Street (APN 53-1703-9) on the block surrounded by Woolsey Street, Tremont Street, Adeline Street and Essex Street that is not associated with the historic development of the Ashby BART Station site but is included as part of the proposed project. Adeline Street and the Ed Roberts Campus are located between the two parcels and the northern portion of the 4.4-acre parcel is used by the Berkeley Flea Market on weekends. The Ashby BART Station site is located along the Adeline Street corridor, which is a commercial/ mixed-use corridor that runs through south Berkeley. The site is surrounded by a mix of uses, including residential, commercial, educational, and institutional uses. The 4.4-acre parcel west of Adeline Street contains a BART station entrance and surface parking totaling 348 spaces. The area generally has a high volume of station-bound pedestrian, bicycle, and bus traffic.

## Regulatory Setting

This section includes a discussion of the applicable state and local laws, ordinances, regulations, and standards governing cultural resources, which must be adhered to before and during implementation of the proposed project.

### California Environmental Quality Act

California Public Resources Code (PRC) Section 21804.1 requires lead agencies determine if a project could have a significant impact on historical or unique archaeological resources. As defined in PRC Section 21084.1, a historical resource is a resource listed in, or determined eligible for listing in, the California Register of Historical Resources (CRHR), a resource included in a local register of historical resources or identified in a historical resources survey pursuant to PRC Section 5024.1(g), or any object, building, structure, site, area, place, record, or manuscript that a lead agency determines to be historically significant. PRC Section 21084.1 also states resources meeting the above criteria are presumed to be historically or cultural significant unless the preponderance of evidence demonstrates otherwise. Resources listed in the National Register of Historic Places (NRHP) are automatically listed in the CRHR and are, therefore, historical resources under CEQA. Historical resources may include eligible built-environment resources and archaeological resources of the precontact or historic periods.

Three categories of historical resources have been established through previous legal precedent.<sup>1</sup> These include:

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<sup>1</sup> See *Valley Advocates v. City of Fresno* (2008) No. F050952 and *League for Protection of Oakland's Architectural and Historic Resources v. City of Oakland et al.* (1997) No. A074348.



- *Mandatory historical resource.* A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources.
- *Presumptive historical resource.* A resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code or identified as significant in a historical resource survey meeting the requirements in section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.
- *Discretionary historical resource.* Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be a historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing on the California Register of Historical Resources.

According to CEQA, an impact that results in a substantial adverse change in the significance of a historical resource is considered a significant impact on the environment. A substantial adverse change could result from physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of the historical resource would be materially impaired (CEQA Guidelines §15064.5 [b][1]). Material impairment is defined as demolition or alteration in an adverse manner [of] those characteristics of a historical resource that convey its historical significance and that justify its inclusion in, or eligibility for inclusion in, the CRHR or a local register (CEQA Guidelines §15064.5[b][2][A]).

If it can be demonstrated that a project will cause damage to a unique archaeological resource, the lead agency may require reasonable efforts be made to permit any or all of these resources to be preserved in place or left in an undisturbed state. To the extent that resources cannot be left undisturbed, mitigation measures are required (PRC §21083.2[a], [b]).

Section 15126.4 of the CEQA Guidelines stipulates an EIR shall describe feasible measures to minimize significant adverse impacts. In addition to being fully enforceable, mitigation measures must be completed within a defined time period and be roughly proportional to the impacts of the project. Generally, a project which is found to comply with the *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings* (the Standards) is considered to be mitigated below a level of significance (CEQA Guidelines Section 15126.4 [b][1]). For historical resources of an archaeological nature, lead agencies should also seek to avoid damaging effects where feasible. Preservation in place is the preferred manner to mitigate impacts to archaeological sites; however, data recovery through excavation may be the only option in certain instances (CEQA Guidelines Section 15126.4[b][3]).

## National Register of Historic Places

Although the project does not have a federal nexus, properties which are listed in or have been formally determined eligible for listing in the NRHP are automatically listed in the CRHR. The following is therefore presented to provide applicable regulatory context. The NRHP was authorized by Section 101 of the National Historic Preservation Act and is the nation's official list of cultural resources worthy of



preservation. The NRHP recognizes the quality of significance in American, state, and local history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects. Per 36 CFR Part 60.4, a property is eligible for listing in the NRHP if it meets one or more of the following criteria:

- Criterion A** Are associated with events that have made a significant contribution to the broad patterns of our history.
- Criterion B** Are associated with the lives of persons significant in our past.
- Criterion C** Embody the distinctive characteristics of a type, period, or method of installation, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction.
- Criterion D** Have yielded, or may be likely to yield, information important in prehistory or history.

In addition to meeting at least one of the above designation criteria, resources must also retain integrity. The National Park Service recognizes seven aspects or qualities that, considered together, define historic integrity. To retain integrity, a property must possess several, if not all, of these seven qualities, defined as follows:

- Location** The place where the historic property was constructed or the place where the historic event occurred.
- Design** The combination of elements that create the form, plan, space, structure, and style of a property.
- Setting** The physical environment of a historic property.
- Materials** The physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property.
- Workmanship** The physical evidence of the crafts of a particular culture or people during any given period in history or prehistory.
- Feeling** A property’s expression of the aesthetic or historic sense of a particular period of time.
- Association** The direct link between an important historic event or person and a historic property.

### California Register of Historical Resources

The CRHR was established in 1992 and codified by PRC §§5024.1 and 4852. The CRHR is an authoritative listing and guide to be used by state and local agencies, private groups, and citizens in identifying the existing historical resources of the state and to indicate which resources deserve to be protected, to the extent prudent and feasible, from substantial adverse change (Public Resources Code, 5024.1(a)). The criteria for eligibility for the CRHR are consistent with the NRHP criteria but have been modified for state use in order to include a range of historical resources that better reflect the history of California (Public Resources Code, 5024.1(b)). Unlike the NRHP however, the CRHR does not have a defined age threshold for eligibility; rather, a resource may be eligible for the CRHR if it can be demonstrated sufficient time has passed to understand its historical or architectural significance (California Office of Historic Preservation 2006). Further, resources may still be eligible for listing in the CRHR even if they do not retain sufficient integrity for NRHP eligibility (California Office of Historic Preservation 2006). Generally, the California Office of Historic Preservation recommends resources over 45 years of age be recorded and evaluated for historical resources eligibility (California Office of Historic Preservation 1995:2).



Properties are eligible for listing in the CRHR if they meet one or more of the following criteria:

- Criterion 1** It is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.
- Criterion 2** It is associated with the lives of persons important in our past.
- Criterion 3** It embodies the distinctive characteristics of a type, period, region or method of installation, or represents the work of an important creative individual, or possesses high artistic values.
- Criterion 4** It has yielded or may be likely to yield information important in prehistory or history.

## City of Berkeley

Chapter 3.24 of the City of Berkeley Municipal Code, also known as the Landmarks Preservation Ordinance, establishes the Landmarks Preservation Commission (LPC). The LPC maintains a list of structures, sites and areas, including landmarks and historic districts, having a special historical, architectural, or aesthetic interest or value. Criteria for designation are as follows.

- A. Landmarks and historic districts. General criteria which the commission shall use when considering structures, sites, and areas for landmark or historic district designation are:
  - 1. Architectural merit:
    - a) Property that is the first, last, only or most significant architectural property of its type in the region;
    - b) Properties that are prototypes of or outstanding examples of periods, styles, architectural movements or construction, or examples of the more notable works of the best surviving work in a region of an architect, designer or master builder;
    - c) or Architectural examples worth preserving for the exceptional values they add as part of the neighborhood fabric.
  - 2. Cultural value: Structures, sites and areas associated with the movement or evolution of religious, cultural, governmental, social and economic developments of the city;
  - 3. Educational value: Structures worth preserving for their usefulness as an educational force;
  - 4. Historic value: Preservation and enhancement of structures, sites and areas that embody and express the history of Berkeley/Alameda County/California/United States. History may be social, cultural, economic, political, religious or military;
  - 5. Any property which is listed on the National Register described in Section 470A of Title 16 of the United States Code.
- B. Structures of merit. Criteria which the commission shall use when considering a structure for structure of merit designation are as follows:
  - 1. General criteria shall be architectural merit and/or cultural, educational, or historic interest or value. If upon assessment of a structure, the commission finds that the structure does not currently meet the criteria as set out for a landmark, but it is worthy of preservation as part of a neighborhood, a block or a street frontage, or as part of a group of buildings which includes landmarks, that structure may be designated a structure of merit.
  - 2. Specific criteria include, but are not limited to one or more of the following:



- a) The age of the structure is contemporary with (1) a designated landmark within its neighborhood, block, street frontage, or group of buildings, or (2) an historic period or event of significance to the city, or to the structure's neighborhood, block, street frontage, or group of buildings.
- b) The structure is compatible in size, scale, style, materials or design with a designated landmark structure within its neighborhood, block, street frontage, or group of buildings.
- c) The structure is a good example of architectural design.
- d) The structure has historical significance to the city and/or to the structure's neighborhood, block, street frontage, or group of buildings. (Ord. 5686-NS Section 1 (part), 1985; Ord. 4694-NS Section 3.1, 1974)

The LPC is also responsible for reviewing and deciding on permit applications for alterations to such structures and sites. According to Section 3.24.200, "No person shall carry out or cause to be carried out on a designated landmark, in a designated historic district or structure of merit, any construction, alteration, or demolition for which a City permit is required, without approval by the commission." To allow demolition of a landmark, the LPC must find that it "is in such condition that it is not feasible to preserve or restore it, taking into consideration the economic feasibility of alternatives to the proposal, and balancing the interest of the public in preserving the designated landmark, historic district or structure of merit or portion thereof and the interest of the owner of the landmark site, historic district, or structure of merit site in its utilization.

## Methodology

### Background and Archival Research

Background and archival research for this study was completed throughout June and July 2021. Research methodology focused on the review of a variety of primary and secondary source materials relating to the history and development of the area surrounding the APE. Sources included, but were not limited to, historic maps, aerial photographs, and written histories of the area. Due to the COVID-19 pandemic, the background and archival research was limited to digital sources and other materials available via online archives and repositories. In addition to those identified in the references section of this study, below is a list of resources and repositories that were consulted as part of this effort.

- *Cultural Resources Technical Report, Adeline Corridor Specific Plan* (Archaeological/Historical Consultants with JRP Historical Consulting, 2018)
- *City of Berkeley Downtown Area Plan Historic Resource Evaluation* (Architectural Resources Group, 2008)
- Shattuck Avenue Commercial Corridor Historic Context and Survey (Archives & Architecture, 2015)
- Historic aerial photos accessed via University of California, Santa Barbara Map & Imagery Lab and NETRonline
- Historic topographic maps accessed via United States Geological Survey
- Sanborn Fire Insurance Company Maps accessed digitally via Los Angeles Public Library
- Historical newspaper articles and advertisements accessed online at newspapers.com



- *BART: The Dramatic History of the Bay Area Rapid Transit System* (Healy 2016)
- *A History of the Key Decisions in the Development of Bay Area Rapid Transit* (Grefe and Smart 1975)
- Original architectural and engineering drawings of the Ashby and North Berkeley BART stations
- Berkeley Public Library History Room, Berkeley Public Library
- Institute of Transportation Studies Library, University of California, Berkeley

Recent social history such as associated with the subject BART stations is generally best understood from first-person accounts and other primary sources. As such, Rincon contacted interested parties identified both by the City of Berkeley and Rincon who may have direct knowledge relating to the cultural and social history of the BART stations. However, due to the COVID-19 pandemic, these efforts were largely limited to email correspondence. Rincon requested information pertinent to the historic context in which the subject BART stations were developed and operated and the potential significance of the Ashby BART Station to Berkeley's African American community. None of the individuals or institutions contacted provided information of consequence that related to the project. Below is a list of individuals and institutions Rincon contacted during outreach.

- Stephanie Johnson, Commissioner, Berkeley Landmarks Preservation Commission
- Donna Graves, Consulting Historian
- Berkeley Architectural Heritage Association
- Berkeley Historical Society
- African American Museum and Library at Oakland
- Susan D. Anderson, History Curator and Program Manager, California African American Museum
- Docomomo, Northern California Chapter
- Bay Area Rapid Transit

## Built-Environment Field Survey

Architectural Historian JulieAnn Murphy, MA, conducted an historical resources survey of the Ashby and North Berkeley BART stations and their respective surroundings on June 30, 2021. Ms. Murphy visually inspected all the built-environment features at each site to assess overall condition and integrity and to identify and document any potential character-defining features. All built-environment features were documented with digital photographs and detailed notes. Copies of the digital photographs are maintained at the Rincon Ventura office. To confirm the historical resources eligibility of the North Berkeley and Ashby BART stations, both stations were recorded and evaluated for listing in the NRHP, CRHR, and local listing on California Department of Parks and Recreation (DPR) 523 forms, which are included in Attachment B and summarized below.

## Focused Historical Context

The following narrative is presented to provide a focused historical context in which to understand the potential significance of the Ashby and North Berkeley BART stations.



## **Development of Transit in the Bay Area: The Horsecar Era to the Electric Streetcar (1861-1946)**

The development pattern of the San Francisco Bay Area largely reflects the transit development patterns of the greater United States. Sparsely populated until the Gold Rush in 1849, by the mid nineteenth century the area was growing rapidly and emerging as a metropolitan region with transportation between cities. By 1850 there was a stage line between San Francisco and San Jose as well as ferry service between San Francisco and Oakland (Callwell 1999). The first omnibus began to service San Francisco in 1851. Rail service between San Francisco and San Jose began in 1863, with stops along the Peninsula. In 1872 Hallidie's cable car began running and soon thereafter cable car and rail service expanded through San Francisco's expanding boundary (Caldwell 1999). The cable car service would eventually become San Francisco Municipal Railway (Muni) and was good but limited to intra-city service (Healy 2016).

In the East Bay, there were parallel transportation developments. In addition to ferry service to San Francisco, there was rail service extending from Oakland to surrounding communities including Berkeley. The first electric streetcars began to appear on both sides of the San Francisco Bay in the 1890s. By the turn of the twentieth century, San Francisco was the largest city on the West Coast and the region's transit was growing to accommodate the population and growing economy. The San Francisco, Oakland, and San Jose Railway began running in 1903 and provided electric rail service in the East Bay to ferries that continued to San Francisco (Healy 2016). By 1916 the rail was comprised of 250 miles of track. Then known as the Key System because its track configuration resembled a skeleton, it was the region's dominant transit system.

After World War I, the Bay Area saw another period of significant growth and the need for improved cross-bay transit became imperative. The Oakland - San Francisco Bay Bridge opened in 1936 and its lower deck accommodated the Key System streetcars, supplanting the previous ferry service (Figure 1). The Golden Gate Bridge opened the following year (Healy 2016).

**Figure 1 1940s Image of Key System Streetcar crossing Bay Bridge**



Source: foundsf.org

In the years leading up to World War II, several studies were conducted to investigate possibilities improve cross bay transit with additional bridges. During the post-World War II years, the nine counties of the Bay Area doubled in size, with most development occurring in the suburbs while San Francisco and Oakland remained the primary employment centers. The Key System was suffering from deferred maintenance during the war and the new owners (a holding company for General Motors) cut service. That, along with the popularity of the automobile caused ridership to fall from 22 million in 1946 to 9.8 million by 1952 (Healy 2016). By 1948 Key System trains were replaced by busses (Healy 2016).

### **Planning for BART (1946-1962)**

The need for a more robust regional transit system was clear as early as 1946 when the state legislature passed a bill for a Joint Army Navy Board to study the possibilities of cross-bay transit. In 1947 the Board recommended that an “adequate system of rapid mass transit be a component of the overall general scheme to solve the Bay Area transportation problems over an extended period of years” (Healy 2016). In 1951 San Francisco Board of Supervisor, Marvin Lewis drafted an amendment to 1949 transit legislation and the San Francisco Bay Area Transit Commission was signed into law by the state legislature (Healy 2016). In 1953 the Commission awarded a contract to Parsons, Brinkerhoff, Hall, and MacDonald (PBHM) to author the land use and transit report, which after studying the area’s travel



patterns proposed that a high-speed, grade separated regional rapid transit was critical as complementary to the highway system.

The San Francisco Bay Area Rapid Transit District (BARTD) was signed into law in September 1957. The District was comprised of five core counties: Alameda, Contra Costa, Marin, San Francisco, and San Mateo (Healy 2016). BARTD viewed the initiative as imperative, witnessing regional growth that was expected to continue and further stress existing freeways and bridges. They decided to get the initiative on the November 6, 1962 general election ballot and spend the 2 years approaching the election running an information campaign to encourage people to vote for a tax to build the project (Healy 2016). PBHM recruited the Bechtel Corporation and Tudor Engineering (PBTB) to form a joint venture to launch a number of studies and refine engineering considerations.

By early 1962, Marin County and San Mateo County withdrew from the project (Grefe and Smart, 1975; Healy 2016). In May 1962, PBTB revised the Composite Report to include the three remaining counties – Alameda, Contra Costa, and San Francisco. The initiative went on ballot on November 6, 1962 and passed with just over 61 percent of the vote (Healy 2016). The vote approved rapid transit bond funding and the use of state bridge tolls to fund the construction of the transbay tube.

### **Designing BART and Community Participation (1962-1964)**

The Composite Report was just a selling tool and not the definitive design. After the passage of the bond measure in 1962, the system had to be planned in detail, engineered, and designed. BART would be the first new transit designed in whole since the Philadelphia transit system was designed in 1907 (Healy 2016: 62). The final route design would be an askew “X” with Oakland as the East Bay hub with a third of the track at grade, a third aerial, and a third underground. Parking would be provided at all suburban stations. Systemwide, 20,000 spaces were constructed (Healy 2016).

After the engineering contract was awarded in 1962 and defended from a lawsuit arguing the bond referendum was invalid because the public had not been given the true scope of the project in 1963, BARTD had to negotiate the right of way agreements with communities and purchase parcels to build the track and stations. The engineers assumed that lines and stations identified in the initial reports and again in the Composite Report would be accepted and the process for acquiring land would be routine. Communities, however, began to demand a participatory process (Healy 2016). PBHM met with City Councils and Boards of Supervisors in all jurisdictions through which the travel corridors passed in 1953-1955 (Grefe and Smart, 1975). Many jurisdictions, however, did not have planners at the time. While the general requirements of the cities were initially met, when acquiring right of way permissions after the passage of the bond issue in 1962, BART was faced with accommodating extensive local requirements that initial cost estimates failed to include (Grefe and Smart 1975). BARTD’s policy was to accommodate local demand within their financial capabilities (Grefe and Smart 1975).

BARTD sought popular acceptance by the communities. At the same time, communities, growing from local activist movements were asking for a participatory process to discuss station locations, designs, color schemes, landscaping, route tracking, and noise abatement (Healy 2016). BARTD continued the pursuit of acceptance until the expense of meeting local demand was overbearing. The most intense disagreements were in response to BARTD’s plans to construct track on a viaduct, above ground within the city limits of Berkeley. In 1963, Berkeley’s incoming mayor Wallace Johnson strongly opposed the above-ground track arguing it would be an eyesore and further divide the city by race, separating the city’s predominately white and black neighborhoods (Grefe and Smart 1975). Despite a public process with hearing and negotiations, the City of Berkeley and BARTD could not reach an acceptable

compromise. In 1966, the City of Berkeley voted to establish a special tax district to cover the estimated \$25 million to build a subway through the city, leading to considerable construction delays.

The undergrounding of BART in Berkeley was the most contentious community-led conflict with BARTD, but it was not the only one. In Oakland, the line would require the demolition of the city’s major hardware store, Simon’s Hardware, Inc. BARTD altered the track configuration, leading to a permanent requirement for trains slow to 25 miles per hour at the newly designed wye. In Albany, the city was concerned with a proposed station that would take property off the tax rolls, leading BARTD to move the station to El Cerrito. In San Francisco, neighborhoods in the western region feared impacts of the system, leading BARTD to remove a segment beyond West Portal from its plans. An additional station was added at Embarcadero to serve the emerging commercial and hotel district resulting from the ongoing redevelopment in the area (Healy 2016).

### **BART’s Architecture and Expansion (1964 – Present)**

In designing the stations, BARTD knew as General Manager BR Stokes described that in order to “attract drivers out of their cars it must be sleek, comfortable, convenient, and cheap,” (Healy 2016). The system would naturally adhere to modern architectural design, landscape architecture, graphic design, and industrial design, thereby reflecting its technological achievements (Figure 2). The Composite Report included renderings reflecting the modernistic aesthetic.

**Figure 2 1965 Rendering of BART Station Design**



Source: BART



The scope of the architectural design was increased substantially over what was described in the Composite Report which envisioned designs based on standardized features. Instead BARTD made use of separate architectural firms to design stations with individual design elements (Grefe and Smart 1975). PBTB hired Donn Emmons, partner at Wurster, Benardi & Emmons (WBE) to be the project's consulting architect. The work of the consulting architects resulted in the development of the *Manual for Architectural Standards* for BART (Grefe and Smart 1975). The manual, completed in 1965, provided for elements that should be included in each station design, including ticket kiosk locations, vertical circulation, acoustic requirements, site layout requirements, and the number of entrances (Architectural Forum 1966). The information in the manual was largely functional, providing minimum design standards and physical requirements and did not include guidance for architectural style. In tandem with the Manual for Architectural Standards, landscape architect, Lawrence Halprin, was hired as chief landscape architect and authored a corresponding landscape guide, *The Landscape Design Criteria and Standard Landscape Elements*. It established a list of acceptable plants and standard elements for station plazas (Architectural Forum 1966).

Project architects were given latitude with stations design but were constrained by the manual and the site plan, frustrating some architects. Ultimately, stations were designed by 14 Bay Area firms, selected from a list compiled by Emmons. The result was a variety of station designs, ranging from utilitarian to inspired. In addition to constraints from the prescriptions by PBTB in the manual and the development of the site plans, architects were limited by the station type. Designers used finishes and materials to distinguish their work, including the placement of openings, lighting, and artwork. Some architects used more innovative features like rotundas, sunken plazas, or new use of materials (Architectural Record 1974).

Construction was underway in 1965 and by 1968 over half of BART's system construction was complete (Healy 2016). BART opened to public service on Monday, September 11, 1972. However, only a small fleet of trains were available and 12 stations between Fremont and MacArthur were serviced. The transbay tube, allowing trips between San Francisco and Oakland, did not officially open for another two years. In its first 3 months of operation, 1 million passengers used BART. By 1978, BART offered weekend service, proving its viability as a transit option beyond the workweek (Healy 2016). In the following years, BART worked on refining service. During the 1990s three service route extensions were planned – Daly City to SFO to Millbrae, Concord to Antioch, and Bay Fair to Dublin/Pleasanton. Today, BART has expanded to 50 stations and includes 131 miles of track, serving over 400,000 passengers weekly (BART 2021).

## Historical Resource Evaluation Findings

As discussed above, the North Berkeley and Ashby BART stations were recorded and evaluated to establish if they qualify as historical resources pursuant to CEQA. A physical description, site history, and evaluation for NRHP, CRHR, and local designation eligibility is included below and in the attached California DPR 523 forms. Although the surface parking immediately east of the Ed Roberts Campus is included within the project site for the Ashby BART Station, it was not historically part of the BART station property. It does not possess any built-environment features which warrant consideration as potential historical resources and therefore is not discussed further as part of this study.

## North Berkeley BART Station

Constructed between 1969 and 1973, the North Berkeley BART Station is a subway station with an above-ground station building and subterranean tracks and station platform. The roughly 8.1-acre square property is two blocks long on all sides, with the station building located at approximately the center. The remaining area is occupied by an electrical substation building, surface parking lot and internal circulation network, and landscaping. A dual-track underground rail alignment passes diagonally from roughly the intersection of Sacramento and Delaware streets at the southeast corner of the property to the junction of Virginia and Acton streets at the northwest corner.

Situated on a terraced grade, the station building exhibits elements of the New Formalist style of architecture (Figure 3). Its roughly circular footprint is defined primarily by reinforced-concrete exterior walls consisting of two sets of concentric arcs. Cladding is generally aggregate-finish panels, though the extending window structures are flanked by concrete walls. The bi-level conical roof is low-pitched and clad in metal panels that taper as they approach the roof's center point. The lower level of the roof makes up a broad heavy overhang, faced with metal panels. A series of exposed concrete beams lay over the overhang, supporting the upper level of the roof. The upper level of the roof culminates in an oculus filled with a metal-framed skylight. Additional fenestration includes a series of windows situated between the two levels of the roof and the pair of ground-level window structures that extend to the northeast and southwest. Exterior elements suggesting the influence of New Formalism include the building's general symmetry, metal-panel-clad entablature, and oculus penetrating the center of the roof.

**Figure 3 North Berkeley BART Station Building, South Elevation, Facing North**





Recessed portals on the north side of the station building provide access to the station concourse. Located just past the entrance, the metal-clad information booth is flanked by fare gates. The interior is dominated visually by the exposed concrete roof beams and the central skylight. Interior walls are generally clad with panels of an undetermined material. At the center of the concourse, a large, rectangular opening accommodates a pair of concrete staircases, which descend to the platform level. Escalators are located on opposing sides of the station, beneath the ground-level skylights.

Flanked by the subway tracks, the platform aligns with the adjacent rails, extending in both directions beyond the station building's perimeter. The portion of the ceiling directly above the platform consists of an exposed metal framework, tile cladding, and ceiling-mounted light fixtures. Above the tracks, the ceiling is characterized by exposed metal trusswork. The cross beams of the platform ceiling provided a rhythmic element echoed in the panels lining the walls adjacent to the outer rails. The station building is in fair condition and has incurred minimal alteration.

Hardscaping in the area adjacent to the station building consists chiefly of a brick-lined plaza. Situated on slightly sloping terrain, the brickwork exhibits a common-bond pattern, much of which is laid in concentric arcs that echo the building's circular footprint. The arced courses of brick are interrupted in several places, however, by swaths of brick various divergent patterns. At the north and west sides of the plaza, the terrain slopes more dramatically. At this location, timber retaining walls contain the exposed earth. While the north side consists of a single slope descending from the plaza to the surface parking lot, the retaining structures on the west side form a three-level terrace. The exposed area there is planted with a combination of mature trees, shrubs, and ground-cover vegetation. At opposite ends of the west side, straight concrete steps with metal rails connect the plaza and parking lot levels.

A utility building is located northwest of the station, at the southeast corner of Virginia and Acton streets. Utilitarian in design, the building has a rectangular plan and rises a single story to culminate in a flat roof with rolled composition cladding. Stucco cladding conceals the building's structural system, which may be of concrete-panel construction, as suggested by seams apparent on the exterior. Entrances are located on the north and west elevations and feature solid standard-size wood doors and an equipment or vehicle bay door. While the building is windowless, large louvered vents punctuate the north, south, and east elevations. The area around the building is enclosed by a wall made up of aggregate-finish panels like those on the station building's exterior.

Additional minor structures are located intermittently through the east side of the property. Situated along Sacramento Street, southeast of the station building, is an above-ground station elevator. The elevator shaft is housed in a stucco clad structure with the entrance facing the parking lot to the west. A heavy overhang extends to the north, supported partially by a blade wall. A second wing wall extends to the south.

Just outside the station is an open-air bus shelter consisting of a circular concrete roof supported by a concrete column. Partial walls radiate from the column in four directions. Each wall consists of a pre-cast concrete knee wall with a wood-framed window situated atop. Affixed to the walls are L-shaped metal benches. Another bus stop shelter is located immediately east of the station building. Similar in design to its counterpart, the structure consists chiefly of a concrete rectangular roof and concrete column. The space beneath the roof is similarly spaced by concrete dividers with wood-framed windows. Straight benches are affixed to the walls.

The surface parking lot borders the station building on all four sides. A portion of the area just east of the station is reserved for bus transfer points. Parking areas in the northern two thirds of the facility are



connected by a gridwork of internal roadways. Landscaping in the parking and bus transfer and parking areas consists of mature trees and shrubs planted along circulation routes, in parking lot islands, and along the perimeter of the property.

Additional site photographs of the North Berkeley BART Station are included in Attachment A, Figures 8 through 14.

## Property History of the North Berkeley BART Station

By the late 1870s, much of the North Berkeley area, in which the North Berkeley BART Station is located, was subdivided for residential development. The earliest development of the station site followed the opening of the Curtis Tract, a subdivision owned by Michael Curtis, an Irish immigrant who began farming in the area by 1852 (Maley and Watson 2016; Thompson and West 1878). Historical news items indicate the Curtis family began selling portions of the Curtis Tract by the late 1870s (San Francisco Examiner 11/5/1877; Oakland Tribune 3/12/1880). Historical property maps and United States Geological Survey topographical maps show that the existing street grid was planned and possibly developed by 1890, and some development, likely residential, took place by 1900 in the vicinity of all four lots comprising the North Berkeley BART Station site (NETROnline 1900; Bailey 1890).

In the first 3 decades of the twentieth century, development of the station site and its surroundings followed alongside the growth of the nearby West Berkeley industrial district (City of Berkeley n.d.). By 1911, the Santa Fe Railroad was constructed along a north-south alignment through the neighborhood on nearby West Street. This corresponding growth was limited however, consisting mostly of scattered single-family residences (ProQuest 1911). By 1929, Berkeley's continued growth led to substantial residential development in the neighborhood. A sign of this growth, a right-of-way was reserved for the Key System's Westbrae streetcar shuttle, passing through the neighborhood on a northwest-southwest trajectory and meeting with the Santa Fe Railroad right of way near the intersection of West and Cedar streets. Outside the Key System right-of-way, the station site was developed with single-family homes (ProQuest 1929).

In the decades following World War II, there were few notable changes to the built environment of the neighborhood surrounding the North Berkeley BART Station sites. In 1948, the Key System ended local streetcar service, and the Westbrae Shuttle right-of-way was abandoned (ModernTransit.org 2021). Although some sections of the alignment were developed with residential uses, construction of the BART Richmond line through the neighborhood followed segments of the existing Key System and Santa Fe Railroad rights of way (NETROnline 1946; 1958; 1959; 1968; 1990). The site of North Berkeley BART Station retained its residential character until the 1960s, when BART demolished the residential buildings on the site to allow for construction of the station (NETROnline 1959-1986).

PBTB's original design for the Berkeley segment of the BART system called for elevated tracks placed on street medians throughout the city (Healy 2016). City of Berkeley officials objected to the aerial rail design, and in 1960, the Berkeley City Council passed resolution that called for the BART system within Berkeley to be constructed entirely as a subway. Negotiations with the City-led PBTB to propose a compromise by which BART would construct a subway segment in downtown Berkeley (mostly along Shattuck Avenue between Derby Street and the intersection of University and Milvia avenues). The remainder of the Berkeley route, roughly three miles of tracks, would be elevated. These changes were incorporated into the Composite Report, released in Spring 1962 to the various city and county



jurisdictions through which BART would be routed. PBTB believed a lack of official response from the municipalities indicated approval of the designs contained Composite Report (Healy 2016).

In 1963, Wallace Johnson, who had recently been elected mayor, objected. Now known as the “the last Republican mayor of Berkeley,” Johnson graduated from the California Institute of Technology with a background in engineering before entering local politics. Johnson objected to the aerial tracks and stations, believing they were “aesthetically unattractive” and threatened to “divide the city psychologically along racial lines,” in the words of historian Michael C. Healy. Indeed, as Healy notes, for much of its course through Berkeley, the BART line would run parallel to, and just east of, Grove Street (now Martin Luther King, Jr. Way) which historically marked the unofficial boundary between Berkeley’s White and Black neighborhoods (Healy 2016; Lorey 2013).

Led by Johnson, the City pressured BART and PBTB to redesign the Berkeley segment as entirely underground alignment, but BART objected due to the comparatively high price tag of subway construction. In July 1963, the City requested BART release a cost comparison of the elevated and subway alternatives. Meanwhile, Johnson formed a committee to plan for covering part of the excess costs of putting the line underground. The City’s independent study estimated the difference in cost between BART’s proposal and an entirely underground alignment would be approximately \$6 million. In March 1964, BART issued its own cost estimates, which concluded the added cost of placing the tracks and two stations underground would total \$21 million. In subsequent negotiations, neither party was open to renegotiating (Healey 2016).

Johnson and other members of the Berkeley community began campaigning publicly against the aerial segments. Johnson paid to have 30-foot-tall scaffolding erected near the proposed North Berkeley and Ashby BART Station sites to represent the height of the aerial elements. The Berkeley Citizens Committee collected \$14,000 in donations to wage a public information campaign consisting of the placement of large signs reading ‘BURY THE BART TRACKS’ in locations around the city and paid for the airing of advertisements on the local radio station KPFA (Healy 2016).

Negotiations between BARTD and the City resumed in May 1964, with as many as 20 sessions held between May and August. Both parties issued revised cost estimates, with BARTD projecting \$24 to \$30 million in additional expenditures and the City \$11 million. In September 1964, the BARTD board of directors unanimously rejected Berkeley’s request for a subway line, unless Berkeley could come up with the money to cover the difference in cost between the aerial and subway alternatives (Healy 2016).

As a result of behind the scenes talks between Johnson and BARTD president Adrien Falk, BARTD agreed to advertise two sets of bids for the Berkeley alignment—one for aerial construction and the other for a subway—as a means of settling the dueling cost projections at the heart of the standoff. In the interim, the City would work out details of financing the added construction costs. Johnson persuaded the City Council to establish Special District No. 1, a special assessment district comprised of the entire city and throughout which taxpayers would vote on a \$20.4 million bond issue to finance excess construction costs due to the construction of the subway. The issue went to the ballot in October 1966, with 80 percent voting to approve the bond issue. Eventually, the low bid for subway construction (1968) came in at around \$12.4 million, about \$2.4 million more than Berkeley officials estimated and with a price tag that could be covered by Berkeley’s bond issue (Healy 2016). As a result, the Berkeley segment of the BART alignment would be constructed as a subway.

BART hired the architecture firm Kitchen and Hunt to design the North Berkeley BART Station in collaboration with BART engineers PBTB. Further details on the partnership of Kitchen and Hunt are



detailed below. Drafted in 1967, the designs for the North Berkeley BART Station called for the rails and platform to be located underground, with rails throughout the Berkeley segment situated up to 40 feet beneath the street level. Above, a surface-level station building bearing New Formalist-style influences would be surrounded on all four sides by a large surface parking lot. The northwest corner of the site was reserved for a one-story utility building (BART 1967; Oakland Tribune 9/20/1967).

The subway designs developed in 1967 for the North Berkeley BART Station and the nearby Ashby Station both contained above-ground elements and were not, strictly speaking, subways, as called for in the 1966 bond measure. However, the North Berkeley BART Station's design was not subject to the same degree of controversy as that of the Ashby BART Station. South Berkeley neighborhood activists charged that above-ground elements included in the designs for the latter facility amounted to an impassable two-and-a-half-block barrier that traced a portion of the unofficial boundary between Berkeley's Black and White neighborhoods. A 1967-1968 lawsuit that community members filed against BART was resolved in favor of the plaintiffs, forcing BART to redesign the station without many of the offending street-level elements. Although contemporary newspaper reporting suggested the North Berkeley BART Station's above-ground design was implicated in the lawsuit, neither a comparison of the 1967 designs (which predated the court decision) with the station's current appearance nor any information covered by research conducted for this evaluation suggests the designs for any above-ground portions of the North Berkeley BART Station were substantially modified as a result of the court decision (San Francisco Examiner 5/19/1968; BART 1967).

Construction of the station and the adjacent underground tracks was complete by January 29, 1973, when service at North Station commenced with the opening of Oakland-to-Richmond extension on (Anonymous 2009). The station soon grew into a local transportation hub for subway, park-and-ride, and bus services. Few notable changes have been made to the station since its opening. However, in the 1980s, BART developed two parcels located northwest of the station as a satellite parking lots (NETROnline 2021).

## **Kitchen and Hunt, Architects**

Kitchen and Hunt was helmed by partners Robert Sieber Kitchen and Frank Bouldin Hunt, whose best-known project may have been the Main Arena constructed for the 1960 Olympic Winter Games in Squaw Valley, California. Among the firm's other projects from the same period are several educational, commercial, and industrial properties located throughout Northern California, along with four additional BART stations: West Oakland, South Hayward, Union City, and Fremont (PCAD 2021a; Legacy.com 2021).

A native of Dayton, Ohio, Kitchen was born in 1912 in Dayton, Ohio. He attended Cornell University, where he earned his Bachelor of Architecture degree in 1935 and Bachelor of Landscape Architecture the following year. After winning the Prix de Rome, Kitchen continued his studies at the American Academy in Rome. In 1938, Kitchen relocated to New York to work in the offices of Norman Bel Geddes, where he worked as an architect and landscape architect as the firm's designed the General Motors Pavilion at the 1939 New York World's Fair. Kitchen's subsequent professional experience included stints as a draftsman for San Francisco-based architect Gardner A. Dailey (1939-1941), associate project planner for the Federal Public Housing Agency (1941-1942), and designer/landscape architect in the San Francisco offices of architect Albert F. Roller (1945- 1948). In 1948, Kitchen and Hunt formed their partnership. Kitchen was made a fellow of the AIA (FAIA) in 1964 (Legacy.com 2021; Prabook.com 2021; PCAD 2021b).





Hunt was born 1915 and graduated with a Bachelor of Architecture degree from the University of California, Berkeley in 1938. Research for this study uncovered no further details pertaining to Hunt's career prior to the formation of the Kitchen and Hunt partnership in 1948 (PCAD 2021c).

## Historical Resources Evaluation of the North Berkeley BART Station

As detailed below, the North Berkeley BART Station is recommended ineligible for inclusion in the NRHP or CRHR or for designation as a City of Berkeley Landmark or Structure of Merit, because it lacks historical or architectural significance. It therefore does not qualify as a historical resource pursuant to CEQA.

### **National Register of Historic Places and California Register of Historical Resources Eligibility**

The North Berkeley BART Station opened in January 1973, when BART initiated service along its Oakland-to-Richmond line. The planning, construction, and operation of the wider BART system arguably constitutes a significant event in the history of transportation in the San Francisco Bay Area region. However, research for this evaluation found no evidence suggesting the North Berkeley BART Station was singularly significant within this larger trend. Rather, all available evidence suggests the station's conception, construction, and operation were typical of other BART stations and public transportation facilities in general. Similarly, although the station is associated with the social activism which led to BART's undergrounding in Berkeley, there is no information to indicate it is individually significant within it. Indeed, a review of local press coverage of the public controversy and legal challenges surrounding the undergrounding of the BART system in Berkeley suggests the station's design engendered significantly less opposition than that of the Ashby BART Station and is less representative of the years-long dispute between Berkeley and BART than its counterpart. Research for this study identified no other context in which the property might possess important historical associations. The North Berkeley BART Station is therefore recommended ineligible for listing under NRHP Criterion A and CRHR Criterion 1.

The most likely candidate for significance under NRHP Criterion B and CRHR Criterion 2 is Berkeley Mayor Wallace Johnson, whose efforts in political negotiations with BART and the promotion of the successful bond Measure C, which helped lead to the undergrounding of the BART system in Berkeley, in lieu of the aerial design preferred by BART engineers. Although Johnson's contributions in this area may be of local significance, they would most likely be better represented by the full segment of the BART alignment in Berkeley than by the North Berkeley BART Station alone. An evaluation of the entire Berkeley segment of the system, however, is beyond the scope of this evaluation and additional research would be required to fully assess these potentially significant associations. Research conducted for this study identified no other individual with potentially significant associations to the North Berkeley BART Station. Therefore, the property is recommended ineligible for listing under NRHP Criterion B and CRHR Criterion 2.

Architecturally, the station is an undistinguished example of transit station featuring elements of the New Formalist style of architecture. Although the building exhibits elements representative of the style, including the strictly symmetrical form, oculus at the peak of the roof, and stylized metal-panel entablature ringing the overhang roof's lower tier, overall, its design lacks the building lacks monumentality and generally quality of design present in better examples of the New Formalist style. In addition to lacking the monumentality characteristic of New Formalism, the station does not include



notable character-defining features of the architectural style, such as rectangular massing, prominent columnar supports, slender colonnades, and decorative screens (OHR 2021; Brown 2011; HRG n.d.). The station building is of comparable quality of design to the original New Formalist-style Downtown Berkeley BART Station rotunda (no longer extant), which was constructed on a substantially smaller scale and also lacked key elements of its architectural style. In 2014, the Downtown Berkeley BART Station and Plaza was evaluated as ineligible for NRHP eligibility. The rotunda was specifically cited as lacking architectural merit sufficient to qualify for the NRHP (ICF 2014). While the station's principal designers, the firm of Kitchen and Hunt, are noted for the design of some prominent buildings in the Northern California region, research for this study found no evidence either partner was considered a master architect or that the station is regarded as one of the partnership's more successful designs. Because it lacks architectural distinction and is not exemplary of the work of a master, the North Berkeley BART Station is recommended ineligible for listing under NRHP Criterion C and CRHR Criterion 3.

A review of available evidence did not indicate that the North Berkeley BART Station may yield important information about prehistory or history. It is therefore recommended ineligible under NRHP Criterion D and CRHR Criterion 4.

Future research may find that the North Berkeley BART Station is eligible for listing in the NRHP or CRHR as a contributor to a historic district comprised of all or part of the BART system. However, a district evaluation of the BART system was beyond the scope of this evaluation.

### **City of Berkeley Landmark and Structure of Merit Eligibility**

The City of Berkeley's Landmarks Preservation Commission Ordinance (Berkeley Municipal Code 3.24.110) establishes criteria for the designation of sites, structures, and areas for designation, either individually or a district basis, as Landmarks and Structures of Merit. An evaluation of the North Berkeley BART Station for local eligibility follows.

Landmark designation Criteria 1a through 1c pertain to architectural merit. Research for this evaluation found the property is not the first, last, only or most significant architectural property of its type in the region. Rather, it is one of many BART stations constructed in the region and one of three completed in Berkeley in the early 1970s (Criterion 1a). As discussed above, the station is an ordinary example of the New Formalist style of architecture as applied to a transit station. It does not qualify as a prototype of or outstanding examples of periods, styles, architectural movements, or construction. Additionally, research for this evaluation found no evidence that its designers, the architecture firm of Kitchen and Hunt, are regarded as masters (Criterion 1b). Finally, because it lacks architectural distinction, it cannot be said to add exceptional value as part of the surrounding neighborhood fabric (Criterion 1c). The property, therefore, does not meet any of the requirements for designation under Landmark Criterion 1.

The North Berkeley BART Station also lacks cultural value, for which a property may be designated under Landmark Criterion 2. Based on research for this evaluation, it should be regarded as an ordinary transit station with no singularly important associations with the movement or evolution of religious, cultural, governmental, social and economic developments of the Berkeley. Although the station is associated with the social activism which led to BART's undergrounding in Berkeley, there is no information to indicate it is individually significant within it or any other historical context. The North Berkeley BART Station is therefore recommended ineligible for designation under Landmark Criterion 2.



Likewise, because the property is an undistinguished public transit station lacking significant historical associations, it does not possess usefulness as an educational force, as required for designation under Landmark Criterion 3, nor does it have historic value that expresses the social, cultural, economic, political, religious or military history of Berkeley, Alameda County, California, United States, as required for listing under Landmark Criterion 4.

Finally, because it is not listed on the NRHP, it is not eligible for designation under Landmark Criterion 5.

A property possessing architectural merit and/or cultural, educational, or historic interest or value may be designated as a City of Berkeley Structure of Merit if it does not currently meet the criteria as set out for a landmark but is recommended as worthy of preservation as part of a neighborhood, a block or street frontage, or as part of a group of buildings which includes landmarks per the criteria discussed below.

Based on background research for this evaluation, the North Berkeley BART Station is not eligible under Structure of Merit Criterion A, because it is not contemporary in age with any nearby designated landmark, its construction did not coincide with any important historical period or event, and it is not contemporary with the surrounding neighborhood, which was first developed in the late nineteenth and early twentieth centuries.

The property is also not compatible in size, scale, style, materials or design with a designated landmark structure within its neighborhood, block, street frontage, or group of buildings. It is therefore recommended ineligible under Structure of Merit Criterion B.

For reasons discussed above, the North Berkeley BART Station is not considered a good example of architectural design. It is therefore recommended ineligible under Structure of Merit Criterion C.

Finally, the North Berkeley BART Station was an important addition to the surrounding neighborhood in that it provided residents access to improved public transit service. This fact, however, would be true of virtually any comparable transit station, including Berkeley's other BART stations. Therefore, whatever the local importance of the station, it is not distinctive in its role in shaping transit service in the neighborhood or city. Therefore, the North Berkeley BART Station is recommended ineligible under Structure of Merit Criterion D.

## Ashby BART Station

The Ashby BART Station consists principally of a below-grade subway station and adjacent surface parking lot located on the 4.4-acre triangular property bounded Adeline Street, Martin Luther King, Jr. Way, and Ashby Avenue. A satellite surface parking lot is located across Adeline Avenue to the southeast, behind the Ed Roberts Campus.

Exhibiting elements of the Brutalist style of architecture, the station building is located mostly beneath the Adeline Street right-of-way (Figure 4). Its upper-level concourse consists of the station entrances, fair gates, and means of egress to the platform level. The lower level features a station platform flanked by two sets of tracks, which within the station, follow the Adeline Street alignment. There is one visible elevation, on the west side of the building, where the main entrance is accessible from the ground level of the adjacent, below-grade surface parking lot. A concrete deck with elaborated concrete facing and supported by a system of heavy reinforced beams and fluted concrete columns shelters the station's deeply recessed, reinforced concrete exterior wall. A central entrance featuring sliding double doors is flanked by series of full-height, metal-sash fixed windows. Spaces between the windows exhibit the

same pattern of fluting as do the columns. Affixed to the side of the deck are the vertical metal supporting elements of a non-original shelter structure, which has a glass canopy that extends over the deck adjoining the sidewalk on the west side of Adeline Street. Other features of the street-level exterior include a barrier on the outer edge of the deck consisting of a concrete base elaborated with geometric recesses and a sheet-metal-clad rail, in addition to two sets of concrete steps that descend to the parking lot and exposed west elevation of the station.

**Figure 4 Ashby BART Station, West Elevation, Camera Facing Southeast**



The west-elevation entry door opens to the concourse-level interior. The concourse interior is characterized by the exposed reinforced concrete structure of the station, which features broad horizontal members supported by square columns with fluting comparable to that found on the exterior. The floor and some wall surfaces are clad in tiles. A series of fare gates, along with an information booth and metal rail fencing, separates the entry and paid areas of the concourse. Beyond the fare gates, paired escalators and straight concrete stairways descend to the station platform.

The platform is characterized by a similar pattern of exposed concrete structural elements and tile floor cladding, in addition to exposed concrete ceiling beams, which are also visible in parts of the concourse. Walls flanking the outsides of the tracks are clad in evenly spaced panels of an undetermined material. Other features of the platform level include concrete benches, electronic reader boards displaying train arrival times and other relevant information, and interior-illuminated directional signage.

The station is in fair condition. Alterations include the installation of street-level canopies and signage and construction of a flat-roof “bike station” addition near the south end of the station proper. The west portion of the satellite parking lot was redeveloped as the Ed Roberts Campus.

Landscaping is confined to the earthen embankments encircling the station entrance and parking area and parking lot islands located throughout the primary parking lot. These planted areas feature several



varieties of mature trees and shrubs. Outside the planted areas and station footprint, the property is paved in asphalt for use as parking spaces and internal circulation roadways.

Additional site photographs of the Ashby BART Station are included in Attachment A, Figures 15 through 20.

## Property History of the Ashby BART Station

Urban development on and around the site that now comprises the Ashby BART Station began by the late nineteenth century. Since the 1870s, the area had been connected to Berkeley's commercial district by a Central Pacific Railroad spur line. This and subsequent rail improvements shaped development in the coming decades. A USGS map dating from 1895 shows that the street grid surrounding the present BART station was developed, and scattered residences occupied the triangular block that makes up the site (NETROnline 1895). Despite the incipient urbanization of the area, until sometime in the early twentieth century, the area around the Central Pacific's Adeline Street stop remained swampy, perhaps because of a reported "frog pond" in the vicinity (BAHA 2004).

Although the area was subdivided by the late 1880s, development was sluggish until the following decade. Two events in 1891 set the stage for the suburbanization of the area in and around the station site. First, the City of Berkeley annexed the area, bringing the promise of urban services. Next, the Oakland Consolidated Street Railroad extended interurban commuter rail service to the neighborhood. The establishment of two new streetcar lines in the neighborhood, nicknamed the "Shattuck" and the "Lorin," connected the area to a wider East Bay transit network and made commuting from the incipient suburb practicable for those who could not afford a horse and buggy. The local transportation network was expanded further in 1903, when the Key System established a streetcar connecting Berkeley to San Francisco with Adeline Street serving as a one of the route's main East Bay corridors (Emmington et al. 2004). In response, members of a newly mobile workforce opted to settle farther from the urban core, and residential development intensified around the new trolley lines. Following the completion of the commercial Webb Block (1985 Ashby Avenue) and the influx of refugees from the San Francisco earthquake and subsequent fires of 1906, many of the Ashby BART Station's lots were quickly developed with residences, and a commercial district developed, filling the four corners of the Ashby Avenue-Adeline Street intersection, immediately northeast of the station site (BAHA 2004; Emmington et al. 2004).

In 1909 and 1911, two new streetcar lines were established through the area. In 1909, the Key System began service on the Ashby Avenue Line, and in 1911, Southern Pacific established the Ellsworth Line. These additions made the area a nexus of local and regional transportation routes (Emmington et al. 2004). By 1911, Sanborn maps show that the station site was almost completely developed. While the area was largely developed with single-family residences, there were scattered multi-family structures and several undeveloped parcels at the southwest corner of Ashby Avenue and Adeline Street. The present site of the adjacent Ed Roberts Campus was similarly characterized by mostly residential development, but also featured a few commercial and industrial properties along and near Adeline Street (ProQuest 1911).

Through the first half of the twentieth century, a combination of banking and real estate industry practices and government policies enforced residential segregation in Berkeley. Grove Street (now Martin Luther King, Jr. Way), which borders the Ashby BART Station on the west, became the unofficial dividing line between White and Non-white Berkeley. By the 1920s, the neighborhood west of the



station site was home to a growing number of Black and Japanese-American residents (Archaeological/Historical Consultants and JRP Historical Consultants 2018; Lorey 2013). As documented by the Home Owners' Loan Corporation in the 1930s, the racial division of the area surrounding the Ashby BART Station site was made official when the area west of Grove Street was "redlined," due to its majority-non-white population (Mapping Inequality 2021). As discussed further in the following paragraphs, because the Ashby BART Station was constructed in a segregated neighborhood, this influenced the perception that its design was discriminatory and would have a deleterious effect on Black residents living near the station site.

As of 1950, the Ashby BART Station site remained largely residential in character, though commercial and auto services were operating at the north and south ends of the block. The Ed Roberts Campus site and its surroundings were by then fully developed with a mix of commercial, light industrial, institutional properties along Adeline and single-family houses on side streets (ProQuest 1950). Mirroring a wider trend in cities across the United States, Key System streetcar service ended in the 1950s and the tracks along Adeline Street were soon removed (Archaeological/Historical Consultants and JRP Historical Consultants 2018). Historical aerial photographs show that, by the late 1960s, BART began clearing the dozens of residences and other buildings from the future station site in anticipation of construction of the Ashby BART Station and its associated parking lots (NETROnline 1958; 1968).

Through much of the 1960s, BART's plans for the Ashby BART Station were mired in the same controversy described above in *Property History of the North Berkeley BART Station*. Following approval of the Bond Measure C, a second design was drafted for the Ashby BART Station, as well as its counterpart in North Berkeley. The redesigned station proved just as controversial as PBTB's original proposal. While the tracks approaching the station would be placed underground, the new plans called for a station located partially above-ground. Specifically, a 700-foot-long, 5-foot-high skylight structure would emanate above ground level to allow natural light into the station. The structure, which would have been located in the Adeline Street median, spanning the approximately two and a half blocks between Ashby Avenue and Woolsey Street, was designed to be enclosed by an 8-foot-high fence (Healey 2016; Oakland Tribune 3/5/1968; 3/12/1968). That the proposed station was perceived as a multi-block barrier bisecting the adjacent neighborhood was compounded by plans for an impassable segment of "transitional" tracks connecting Oakland's aerial structure to Berkeley's subway to be located immediately south of the station. When Oakland officials refused to allow the construction of the structure on their side of the boundary, BART engineers planned for their placement in Berkeley. Neighborhood activists grew concerned that the combined effect of the proposed station and transitional track structure would be a barrier spanning approximately five city blocks (Oakland Tribune 12/8/1967; 3/12/1968; San Francisco Examiner 5/19/1968).

In late 1967, a group of five local residents filed a lawsuit against BART to halt the construction of the station as proposed by BART. The legal challenge was led by two prominent Black Berkeleyans, labor and civil rights activist Mable Howard, and then-Berkeley City Council member Ronald V. Dellums (see below for brief biographical sketches of Howard and Dellums). Contemporary news articles reported the plaintiffs' main allegations were that construction of the above-ground portions of the station would form a barrier separating the historically white and Black sections of Berkeley, that construction of a surface parking lot on the triangular lot bounded by Adeline Street, Ashby Avenue, and the present Martin Luther King, Jr. Way would remove properties from the tax rolls at a cost to the City, and that extending the station or related facilities beyond the Adeline street right-of-way would incur unnecessary costs associated with the acquisition of private property (Oakland Tribune 12/21/1967). In

subsequent oral arguments, BART counsel Fred McNeil characterized the charges that the above-ground elements would constitute a “a traffic or racial barrier” as a “false issue.” Paraphrased by the Oakland Tribune, McNeil offered “the triangular gore of Ashby-Grove-Adeline existed as a natural physical block to crosstown traffic and that Negroes lived on both sides of the Adeline site” (Oakland Tribune 3/5/1968). Moreover, it would cost a million dollars to lower the station so that the roof would be at ground level, and that it would make for a “less desirable station” (Oakland Tribune 3/5/1968).

In December 1967, Alameda County Superior Court judge Thomas Caldecott issued an injunction to stop BART’s construction of above-ground facilities at the Ashby and North Berkeley BART station sites. According to an article published in the Oakland Tribune, “in granting the injunction, [...] Caldecott held that the district’s present plans create a barrier through Berkeley that defeats the purpose of a \$20 million bond [...] passed by taxpayers that put the system underground” (Oakland Tribune 12/21/1967). In May 1968, the case was resolved in favor of the plaintiffs. In a 13-page decision, Alameda County Superior Court Judge Robert L. Bostick found that BART would be required to redesign the Ashby BART Station, because the existing plans were not consistent with the “subway” required by the bond measure Berkeley voters approved in 1966. He said further that the promise of keeping the tracks underground “border to border” and thus preventing the construction of a “Berlin Wall” to divide the city was crucial to the bond measure’s approval (San Francisco Examiner 5/19/1968).

Bostick’s decision forced BART back to the drawing board. BART selected the San Francisco-based architecture firm Maher and Martens to draw what would be the third and final design of the Ashby BART Station. Helmed by partners Edward John Maher and Henry E. Martens, the partnership also served as architects for the Downtown and McArthur BART station. In 1969, Maher and Martens completed plans for the Ashby BART Station. Designed in with a heavy reinforced concrete construction emblematic of the Brutalist style, the station elements were constructed under Adeline Street, with the exposed west-elevation station entrance facing the adjacent below-grade surface park-and-ride lot (Maher and Martens 1969). A satellite parking lot was constructed across Adeline Street to the southeast. In the early twenty-first century, a large portion of the satellite parking lot was redeveloped as the Ed Roberts Campus.

Service at the Ashby BART Station began with the opening of Oakland-to-Richmond extension on January 29, 1973 (Anonymous 2009). For its first several years of service, the station offered only weekday service.

## **Berkeley Flea Market**

In the late-1970s, the Ashby BART Station was again a source of community activism, this time centered on the use of its adjacent western parking lot as the site of the Berkeley Flea Market. Some sources claim the outdoor market originated in 1973 out of spontaneous efforts by community members to take advantage of otherwise unused public space (Rubalcava-Levinthal 2019, Hicks 2019, Steltzer 2016). As one source explained, “BART originally didn’t run trains on the weekends. The parking lot was empty, so people felt they had the right to go in and set up and sell” (Steltzer 2016).

Contemporary sources identify 1976 as the date of the flea market’s origins. That year, the event was organized by Community Services United (CSU), who secured a series of temporary lease agreements with BART, under which flea market vendors could sell goods from the parking lot on Saturdays and Sundays (Grassroots 1976; Fernandez 1981; Brom and Amini 1979). Founded in 1976, as “the brainstorm of a coalition of 30 social service agencies that had long competed against each other for city funds.” CSU was conceived as a way to raise money to support poorer residents of Berkeley “while avoiding the



constant trek to city hall for [funding]” (Brom and Amini 1979). The flea market appears to have served the dual purpose of raising funds for CSU through vendor fees while offering a venue for the same vendors to raise income through the sale of various goods.

During the flea market’s early years, the event drew primarily from the neighborhood surrounding Ashby BART Station. One of the event’s founders, Pat McClintock, commented on the changing demographics: “At first, both buyers and sellers were primarily poor and black... The stalls would fill up with sellers, but nobody had much money to buy. Now there’s more cash changing hands, more volume, and a higher turnover of goods” (Brom and Amini 1979). The event proved popular as a retail site where customers could find deals on everyday items, such as dishes, clothes, tools, and appliances (Brom and Amini 1979). For many vendors, the flea market was an important source of income. Speaking to the San Francisco Examiner in 1979, Cornelius Thorne, an SFSU maintenance worker who supplemented his regular earnings selling dishes, magazines, and old toasters and waffle irons, explained, “Between inflation and having eight kids, I sell here to have more money... A rabbit’s got to have more than one hole to crawl into these days” (Brom and Amini 1979). The event’s popularity grew phenomenally in its first 5 years under CSU’s management. According to an article published in the North East Bay Independent & Gazette, by 1981, the flea market was so successful it had become “the fifth largest retail business in Berkeley, doing about \$1 million of business per year” (Fernandez 1981).

From its beginning, the Berkeley Flea Market was also an “arena for local politics” (Brom and Amini 1979). CSU reserved ten stalls for community-oriented organizations running. Typical participants ranged from explicitly political left-wing organizations such as Berkeley Citizen’s Action and the Black Panther Party to the more conservative Boy Scouts of America (Brom and Amini 1979).

In mid-1978, the lease agreement between BART and CSU became the subject of a prolonged dispute that would eventually end in a court ruling in CSU and the flea market vendors’ favor. In the view of the BART Board of Directors, the agency and CSU had entered into an agreement providing that CSU could lease the parking as the site the Berkeley Flea Market until weekend service began at Ashby BART Station. In 1978, as BART first prepared to run trains at Ashby BART Station and the rest of the Oakland-to-Richmond round, BART ordered CSU to cease holding the event on the Ashby BART Station parking lot (Healey 2016). Flea market vendors pressured BART to renew the lease, and the agency relented, offering a series of temporary agreements that reinstated the flea market. The dispute came to a head in July 1981, however, when an administrative report proposed once again revoking the flea market’s permission to use the site, due to associated with policing and supposed damage to landscaping, in addition to the apparent “inconvenience” to BART posed by the flea market’s use of the parking lot (Fernandez 1981; Buel 1981a). BART soon announced the flea market’s lease agreement would not be renewed. Several vendors vowed to fight BART’s decision. Following the lapse of the lease agreement, the weekly event continued without BART’s sanction (North East Bay Independent & Gazette 7/28/1981, Buel 1981b, Kruger 1981).

By October 1981, noted Berkeley-based civil rights attorney Donald Jelinek was hired to represent the vendors in a lawsuit aimed at reinstating the Berkeley Flea Market’s right to continue operations in the Ashby BART Station parking lot (Kruger 1981). A native of New York, Jelinek got his start in civil rights activism in the 1960s working on a Mississippi civil rights campaign organized by the Student Non-Violent Coordinating Committee. In 1969, following a stint advocating on behalf of the economic rights Black Alabama farmers, Jelinek moved to Berkeley to practice law. He represented defendants in high-profile civil rights cases, including those of a group of Native American activists charged with trespassing following their well-publicized occupation of Alcatraz Island in 1969 and several inmates charged with





offenses related to the Attica Prison uprising of 1971. Following the resolution of flea market vendor's suit against BART, Jelinek served on the Berkeley City Council and twice ran unsuccessfully for mayor of Berkeley (Scherr 2016; Quian 2016).

Filed in Alameda County Superior Court in October 1981, CSU's lawsuit against BART was settled in 1983. Described by historian Michael C. Healey as a "'he-said-she-said' situation," the case revolved around the disputed duration of the lease agreement and whether BART "caused the vendors to believe that [a particular BART staff member] was authorized to negotiate the agreement" (Burress 1983, Healey 2016). The 19-month trial ended June 1983, when the jury found BART had entered into a contract with the vendors which allowed them "indefinite renewals of the written concession permit until a) BART needed the Ashby parking lot for its own purposes or b) the flea market was not operated according to BART standards" (San Francisco Bay Area Rapid Transit District v. Community Services United, et al. 1983). Judge Julie Conger additionally awarded the vendors \$15,000 in court costs (Healey 2016, Burress 1983, Kruger 1983). Quoted in the Berkeley Gazette, one vendor celebrated the decision: "I'm so happy to go out and be making a living. It's a victory for people of all races. We fought the system and beat the biggest powers" (Kruger 1983).

Four almost 4 decades after Conger issued her decision, the Berkeley Flea Market has operated consistently at the Ashby BART Station site. Although the demographics of its customers shifted over the years, it remained an important source of income for low-income vendors. Aside from its role as a retail outlet for a variety of second-hand goods, the market has also served as a gathering place for Black residents of the surrounding neighborhood and venue for the arts, including a longstanding weekly drum circle (Steltzer 2016; Rubalcava-Levinthal 2019). In February 2019, CSU announced plans for the flea market's first temporary closure, during February and March of that year. CSU cited as a reason for the closure the institution's declining receipts, which a representative attributed to gentrification of the surrounding area (Hicks 2019; Rubalcava-Levinthal 2019). As of the drafting of this evaluation, the Berkeley Flea Market web site indicated the event was still in operation weekly.

## **Mable Howard**

Born in 1905, Howard arrived in the Bay Area in 1942 and moved to Berkeley in 1946. In the 1940s, Howard worked at the Bethlehem Steel shipyards and became the successfully fought to become the first Black woman admitted to the painters' union. She was active in the International Longshore and Warehouse Union for more than 30 years. Howard is perhaps best remembered for her leading role in the 1967-1968 lawsuit that forced BART to build the Ashby BART Station entirely underground. Howard was also active in the boarder Civil Rights and Antiwar movements and served as a local board member for the federal Model Cities social welfare program. A profile of Howard published in the Oakland Tribune reported that Howard's home was often the setting of "spirited get-togethers" of community leaders engaged in political discussion. According to a 1995 obituary, Howard earned the nickname "Mama Howard" for "nurtur[ing] so many prominent civic leaders" (Hussain 2018; Race, Poverty & the Environment 1995; Berkeley Gazette 4/11/1973; Oakland Tribune 3/26/1985). The Mable Howard Apartments on Alcatraz Avenue in Berkeley are named in her honor.

## **Ronald V. Dellums**

Dellums was born in Oakland in 1935. After graduating from Oakland Technical High School in 1953, Dellums attended Oakland City College, earning an Associate's degree in 1958. He transferred to San Francisco State University, from which he graduated with a Bachelor's degree in psychology. In 1962,



Dellums completed his Master’s degree in social work at the University of California, Berkeley (Williams 2021).

Dellums’s began his career as an elected official in Berkeley, serving one term as a member of the City Council from 1967 to 1971. In 1970, while serving on the City Council, Dellums ran for Congress as an antiwar candidate and won a seat U.S. House of Representatives seat representing parts of Berkeley and Oakland. In securing the seat with 57 percent of the vote, Dellums became the first Black candidate to win in a majority-white House district. In his first term in Congress, Dellums introduced bill to establish economic sanctions against the Apartheid regime of South Africa. The sanctions became a defining issue of his 14-term Congressional career. In 1986, a version of Dellums’ oft-introduced bill (the Comprehensive Anti–Apartheid Act) was passed and signed into law, instituting a trade embargo and enforcing divestment from South African companies. Acting as floor manager for the bill, Dellums remarked “This is the highest point of my political life, the most significant and personally rewarding.” Dellums retired from the House in 1998, citing personal reasons (United States House of Representatives 2021; Gorman 2018). In 2006, Dellums was elected Mayor of Oakland, serving from 2007 to 2011. He passed away in 2018.

## Historical Evaluation of the Ashby BART Station

The Ashby BART Station is recommended locally eligible as a City of Berkeley Landmark for its long-standing associations with social activism and community building from within the historically Black neighborhood in which it is situated. It is not recommended eligible for inclusion in the NRHP or CRHR at this time due to a lack of available information and pending further investigation into a larger historic context of the Black community and environmental justice in Berkeley and California. A detailed evaluation of the property’s historical significance follows.

## California Register of Historical Resources and National Register of Historic Places Eligibility

As detailed below, the Ashby BART Station is recommended eligible for designation as a City of Berkeley Landmark due to its associations with the history of the Civil Rights Movement in Berkeley; however at this time, there is insufficient context related to its larger association within the BART system or within the African American historic context to make a definitive finding on the property’s NRHP or CRHR eligibility at this time. As noted in guidance issued by the California State Office of Historic Preservation, sufficient historical scholarship on relevant topics must exist to properly evaluate a property’s potential for historical significance. Further, many of the events have occurred within the past 45 years and do not exceed the NRHP’s general 50-year threshold for eligibility. Due to constraints, including those regarding archive closures stemming from COVID 19, the research conducted for this study encountered a dearth of academic analysis of the history civil rights activism in Berkeley. As such the events related to the undergrounding of the BART tracks and Ashby BART Station, the involvement of Mable Howard, Ronald V. Dellums and other individuals, and the lawsuit over use of the adjacent surface parking lot as the Berkeley Flea Market could not be considered within their proper historical context. As such this evaluation is unable to make a recommendation regarding the property’s NRHP or CRHR eligibility under Criteria A/1 or B/2 at this time. Further research and analysis would provide for the development of sufficient historical context relating to African Americans and the Civil Rights Movement in Berkeley in



which to evaluate the significance of the Ashby BART Station and its NRHP and CRHR eligibility under these themes.

In consideration of other potentially significant associations, the Ashby BART Station also does not appear to meet NRHP or CRHR eligibility requirements. The Ashby BART Station is just one of many stations serving the BART system and one of three in Berkeley, and its design, completion, and operation do not constitute a singularly significant historical event regionally or locally under the theme of transportation or otherwise. Research for this study did not identify any other historical context in which the Ashby BART Station would be considered historically significant. Allowing for a possible exception based on associations with local civil rights history, the Ashby BART Station is recommended ineligible for listing in the NRHP or CRHR under Criterion A/1.

Architecturally, the Ashby BART Station is a partially exposed subway station exhibiting elements of Brutalist-style architecture. Analysis for this evaluation concluded the station is an unremarkable example of the style and does not embody the distinctive characteristics of a type, period, or method of construction or possess high artistic values. Research for this evaluation found no evidence that the station represents the best work of its designer, the architecture firm Maher and Martens. The Ashby BART Station is therefore recommended ineligible for the NRHP or CRHR under Criterion C/3.

A review of available evidence did not indicate that it may yield important information about prehistory or history. As such, the property is recommended ineligible for the NRHP or CRHR under Criterion D/4.

Finally, while the station may be eligible as a contributor to a potential historic district constituting all or part of the BART system, such a recommendation was beyond the scope of this evaluation.

## City of Berkeley Landmark and Structure of Merit Evaluations

The Ashby BART Station is recommended eligible as a City of Berkeley Landmark under Criterion 2, which allows for the designation of properties possessing cultural value. Specifically, the criterion makes eligible for Landmark designation structures, sites, and areas associated with the movement or evolution of religious, cultural, governmental, social and economic developments of the city. The station, including the immediately adjacent surface parking lot, is associated with local civil rights activism related to the undergrounding of the BART tracks and station and the community's use of the station parking lot on weekends for the Berkeley Flea Market. In combination, these two events highlight the role of African-American South Berkeley residents and their allies in ensuring, firstly, in that the BART station was designed in a manner consistent with the community's wishes and, secondly, in that once developed, the facility would continue to serve the community's economic and social needs. Led by Mable Howard and Ronald V. Dellums, among others, the lawsuit to ensure that the entirety of the Ashby BART Station was designed as a subway station was the culmination of a years of political efforts by Berkeleyans to ensure BART engineers designed the portion of the rail system within the city's boundaries according to the preferences of the community. More specifically, the contest over the Ashby BART Station's design highlighted the determination of African-American leaders to prevent the construction of a station whose design was widely perceived as racially discriminatory. The historical record does not suggest there is a direct relationship between, on the one hand, the legal challenge led by Howard, Dellums, and others, and on the other hand, the work of local activists and community members to establish and preserve the Berkeley Flea Market at the Ashby BART Station parking lot, at some times over the objections of the BART Board of Directors. However, the two events are linked thematically by the persistent efforts of activists and members of Berkeley's African-American



community to influence the design and use of a prominent public space in the historically African-American South Berkeley neighborhood. In 1981, the market's vendors sued BART to continue their use of the station's surface parking lot as the flea market site. The case was ultimately settled in 1983 with the jury finding BART had entered into a contract with the vendors which allowed them "indefinite renewals of the written concession permit until a) BART needed the Ashby parking lot for its own purposes or b) the flea market was not operated according to BART standards" (*San Francisco Bay Area Rapid Transit District v. Community Services United, et al. 1983*). As such, the station is notable for its association with the history of activism centered on the Ashby BART station. Since the lawsuit's conclusion, the weekend event has maintained over four decades its role as a Black social and cultural institution. The property may be regarded as important for its longstanding association with South Berkeley's Black community and is therefore recommended eligible for designation as a City of Berkeley Landmark under Criterion 2.

The Landmark's boundaries include the station footprint inclusive of the parking lot located immediately adjacent to the west of the station proper. The satellite parking lot located east the Ed Roberts Campus does not contribute to the property's significance because it was neither the subject of the 1967-1968 lawsuit nor used as a site of the Berkeley Flea Market.

The Ashby BART Station is recommended ineligible under the remaining criteria for City of Berkeley Landmarks and Structure of Merit designation. As an undistinguished Brutalist-style subway station, the property fails to satisfy the requirements of Landmark Criterion 1, which pertains to architectural merit. Research for this study did not find evidence that it is the first, last, only, or most significant architectural property of its type in the region, nor that it is a prototype, or outstanding example, of a period, style, architectural movement, or construction. Moreover, available sources do not suggest it is an example of the more notable works or the best surviving work in a region of its designer, the architecture firm Maher and Martens. It is also not an architectural example worth preserving for the exceptional value it adds as part of the neighborhood fabric.

The station also fails to satisfy the requirements for designation under Landmark Criterion 3, which pertains to educational value. Although the station is significant for its associations with the social activism in Berkeley, these historical associations are not conveyed by the station's design in a manner that would readily express that history to visitors to the site.

The Ashby BART Station is also recommended ineligible under Landmark Criterion 4. Properties eligible under Criterion 4 must possess historical value and embody and express the social, cultural, economic, political, religious or military history of Berkeley, Alameda County, California, or the United States. Although the station property is associated with notable events in the city's history that, taken together, qualify the property for Landmark designation under Criterion 2, research for this study did not find evidence the events are individually important. Rather, the Ashby BART Stations important historical associations satisfied the requirement under Landmark Criterion 2 that a property embody the *evolution* of historic, social, and cultural themes. Because Criterion 4 does not similarly allow for designation based on such thematic grounds, the Ashby BART Station is recommended ineligible under this criterion.

Finally, the property is not listed in the NRHP and, therefore, does not qualify for Landmark designation under Criterion 5.

Per the City of Berkeley's historic preservation ordinance, a property may also be designated as a Structure of Merit. Such designation is generally reserved for properties that, upon assessment, do not currently meet the criteria as set out for a landmark, but are worthy of preservation as part of a



neighborhood, a block or street frontage, or as part of a group of buildings which includes landmarks. Because the current evaluation recommends the Ashby BART Station eligible for designation as a Landmark, it was not evaluated for Structure of Merit eligibility.

## Conclusion

As detailed above, the Ashby BART Station is recommended eligible for designation as a City of Berkeley Landmark under Criterion 2 due to its associations with an evolving history of social activism and community building originating in Berkeley’s Black community, which centered on the “undergrounding” of the Ashby BART Station and use of the station parking lot on weekends as the location of the Berkeley Flea Market. As such, the Ashby BART Station is considered a historical resource under CEQA. The Ashby BART Station is not recommended eligible for listing in the NRHP or CRHR. The North Berkeley BART Station is recommended ineligible for listing in the NRHP and CRHR or for designation as a City of Berkeley Landmark or Structure of Merit, and as such it is not considered a historical resource under CEQA.

Please do not hesitate to contact Rincon with any questions regarding this historical resource evaluation.

Sincerely,  
**Rincon Consultants, Inc.**

JulieAnn Murphy  
Architectural Historian Project Manager

James Williams, M.A.  
Architectural Historian

Steven Treffers, M.H.P.  
Architectural Historian Program Manager

Shannon Carmack  
Principal/Architectural Historian

## Attachments

Attachment A Figures

Attachment B DPR 523 Series Evaluation Forms

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# Attachment A

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Figures

**Figure 5 Project Location Map**



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- Project Location
- City of Berkeley Boundary

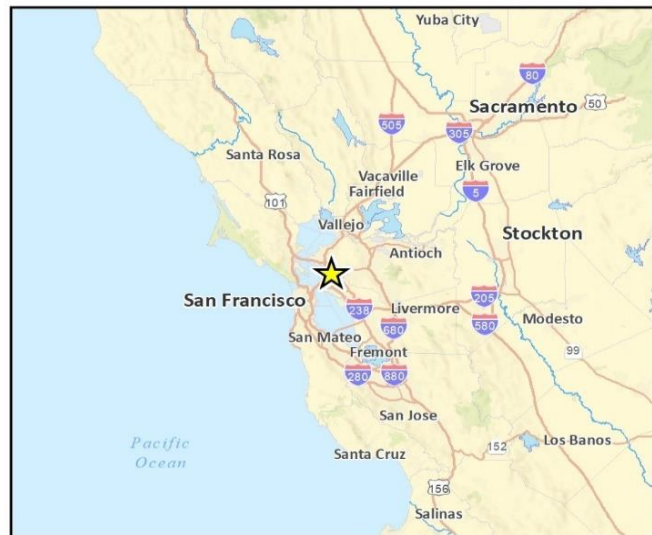


Fig 1. Regional Location

Figure 6 Project Boundary Map – North Berkeley BART Station



Imagery provided by Microsoft Bing and its licensors © 2021.

FIG 2-3 Project Location in Berkeley

Figure 7 Project Boundary Map – Ashby BART Station



Fig 7. 2 Project Location\_Ashby



Figure 8 North Berkeley BART Station, West Elevation, Including Skylight, Facing Northeast



Figure 9 North Berkeley BART Station, Interior View of Paid Area of Concourse Level



Figure 10 North Berkeley BART Station, Interior View of Skylight and Escalator from Concourse Level



Figure 11 North Berkeley BART Station, interior View of Station Platform



**Figure 12 Utility Building at the North Berkeley BART Station, South and East Elevations, Facing Northwest**



**Figure 13 North Berkeley BART Station Elevator Shaft, West Elevation, Facing East**



Figure 14 North Berkeley BART Station Bus Shelter, Facing Southwest



Figure 15 Detail of the Ashby BART Station, West Elevation, Facing South



Figure 16 Ashby BART Station, Street-Level Deck along West Side of Adeline Street, Featuring Non-Original Canopy and Signage, Facing Northwest



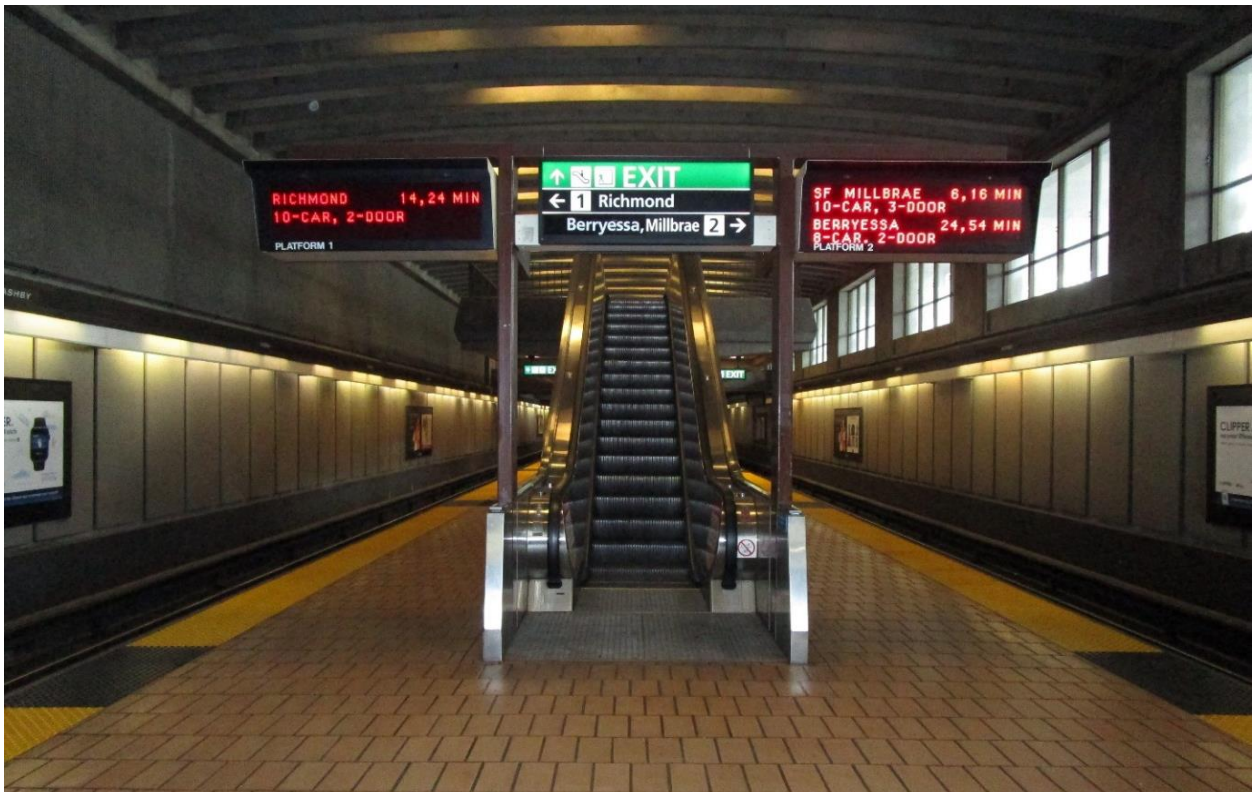
Figure 17 Interior View of Entry Area of the Ashby BART Station Concourse Level



Figure 18 Interior View of Paid Area of the Ashby BART Station Concourse Level



Figure 19 Interior View of the Ashby BART Station Platform



**Figure 20 Ashby BART Station Parking Lot near Martin Luther King, Jr. Way, Facing Southeast**



# Attachment B

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DPR 523 Series Evaluation Forms



State of California – The Resources Agency  
DEPARTMENT OF PARKS AND RECREATION  
**PRIMARY RECORD**

Primary #  
HRI #  
Trinomial  
NRHP Status Code 6Z

Other Listings  
Review Code Reviewer Date

Page 1 of 12

\*Resource Name or #: North Berkeley BART Station

**P1. Other Identifier:**

\*P2. Location:  Not for Publication  Unrestricted \*a. County: Alameda  
\*b. USGS 7.5' Quad: Oakland West Date: 1993 Township Range Section M.D.B.M.  
c. Address: 1750 Sacramento Street City: Berkeley Zip: 94702  
d. UTM: Zone: mE/ mN (G.P.S.)  
e. Other Locational Data: APNs 58-2146-16-5, 58-2149-19-4, 58-2147-18-5, and 58-2148-17-4

**\*P3a. Description:**

The subject property is the North Berkeley Station of the Bay Area Rapid Transit (BART) system. Constructed between 1969 and 1973, the North Berkeley BART Station is a subway station with an above-ground station building and subterranean tracks and station platform. The roughly 8.1-acre square property is two blocks long on all sides, with the station building located at approximately the center. The remaining area is occupied by an electrical substation building, surface parking lot and internal circulation network, and landscaping. A dual-track underground rail alignment passes diagonally from roughly the intersection of Sacramento and Delaware streets at the southeast corner of the property to the junction of Virginia and Acton streets at the northwest corner.

Situated on a terraced grade, the station building exhibits elements of the New Formalist style of architecture. Its roughly circular footprint is defined primarily by reinforced-concrete exterior walls consisting of two sets of concentric arcs. Cladding is generally aggregate-finish panels, though the extending window structures are flanked by concrete walls. The bi-level conical roof is low-pitched and clad in metal panels that taper as they approach the roof's center point. The lower level of the roof makes up a broad heavy overhang, faced with metal panels. A series of exposed concrete beams lay over the overhang, supporting the upper level of the roof. The upper level of the roof culminates in an oculus filled with a metal-framed skylight. Additional fenestration includes a series of windows situated between the two levels of the roof and the pair of ground-level window structures that extend to the northeast and southwest. Exterior elements suggesting the influence of New Formalism include the building's general symmetry, metal-panel-clad entablature, and oculus penetrating the center of the roof.

See continuation sheet, p. 4.

**\*P3b. Resource Attributes:** HP39. Other (Subway station)

**\*P4. Resources Present:**  Building  Structure  Object  Site  District  Element of District  Other (Isolates, etc.)

P5a. Photo or Drawing



**P5b. Description of Photo:**  
North Berkeley BART Station building, south elevation, facing north.

**\*P6. Date Constructed/Age and Sources:**

Historic  Prehistoric  Both

1969-1973

**\*P7. Owner and Address:**

N/A

**\*P8. Recorded by:**

JulieAnn Murphy  
Rincon Consultants  
449 15th Street, #303  
Oakland, CA 94612

**\*P9. Date Recorded:**

June 30, 2021

**\*P10. Survey Type:**

Intensive

**\*P11. Report Citation:**

Murphy, JulieAnn, James Williams, and Steven Treffers. 2021. Historical Resources Evaluations for the Ashby and North Berkeley BART Stations Transit-Oriented Development Zoning Project, City of Berkeley, Alameda County, California. Prepared for City of Berkeley by Rincon Consultants, Inc. August 11.

**\*Attachments:**  NONE  Location Map  Sketch Map  Continuation Sheet  Building, Structure, and Object Record  
 Archaeological Record  District Record  Linear Feature Record  Milling Station Record  Rock Art Record  
 Artifact Record  Photograph Record  Other (List):

State of California X Natural Resources Agency  
DEPARTMENT OF PARKS AND RECREATION  
**LOCATION MAP**

Primary #  
HRI#  
Trinomial

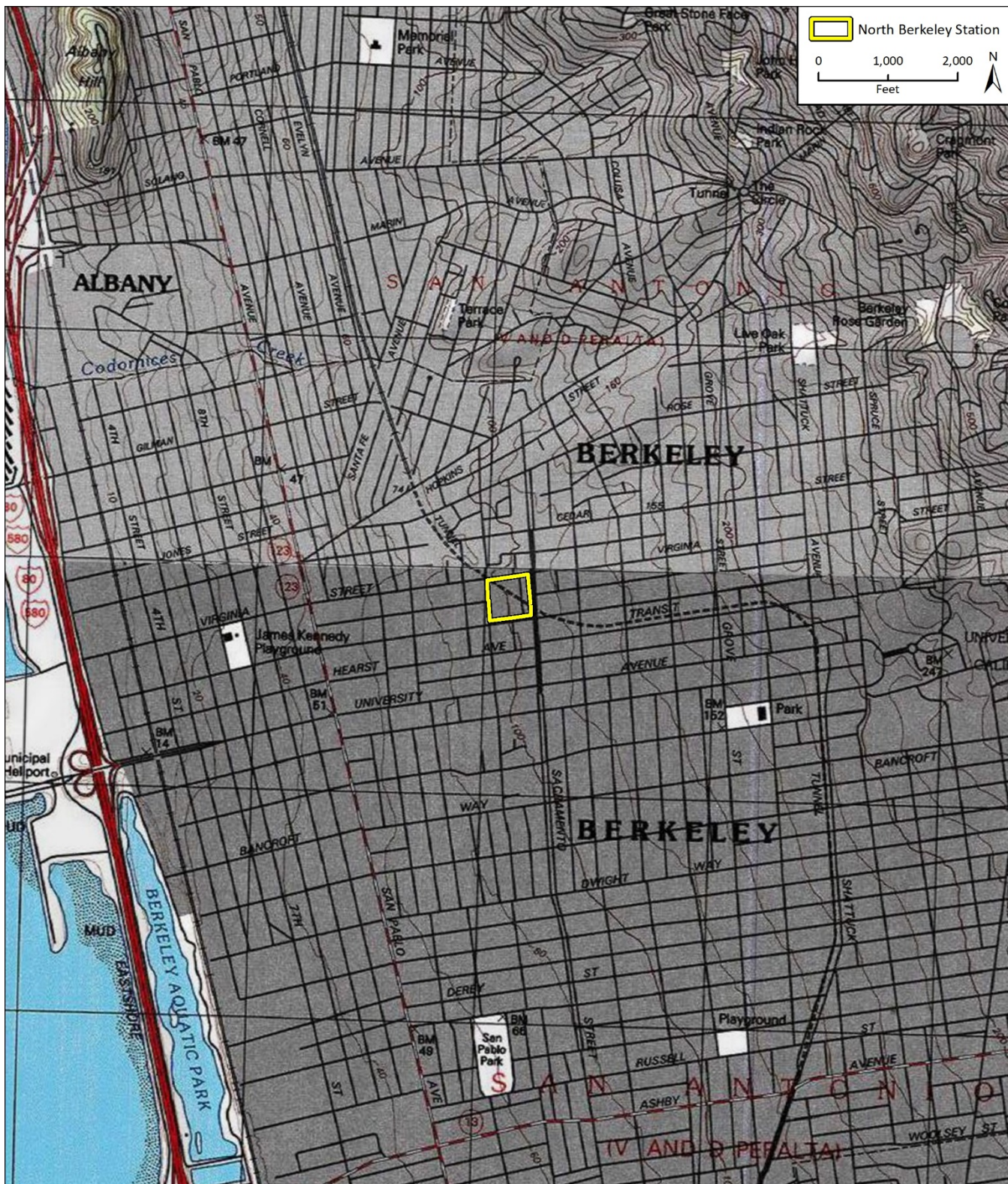
Page 2 of 12

\*Map Name: *Oakland West and Richmond*

\*Resource Name or # North Berkeley BART Station

\*Scale: 1:24,000

\*Date of map: 1993



# BUILDING, STRUCTURE, AND OBJECT RECORD

\*Resource Name or # North Berkeley BART Station

\*NRHP Status Code 6Z

Page 3 of 12

B1. Historic Name: North Berkeley BART Station  
 B2. Common Name: North Berkeley BART Station  
 B3. Original Use: Subway station  
 B4. Present Use: Subway station  
 \*B5. Architectural Style: New Formalism

**\*B6. Construction History:**

The station building, utility building, surface parking lot, and other features were constructed between 1969 and 1973. There are no notable alterations to the station.

\*B7. Moved?  No  Yes  Unknown Date: N/A Original Location: N/A

\*B8. Related Features: None

B9a. Architect: Unknown b. Builder: Unknown

\*B10. Significance: Theme N/A Area N/A

Period of Significance N/A Property Type N/A Applicable Criteria N/A

The subject property is the North Berkeley BART Station. It was developed between 1969 and 1973 to serve BART's Oakland to Richmond extension line.

The following narrative is presented to provide a focused historical context in which to understand the potential significance of the North Berkeley BART Stations.

### Development of Transit in the Bay Area: The Horsecar Era to the Electric Streetcar (1861-1946)

The development pattern of the San Francisco Bay Area largely reflects the transit development patterns of the greater United States. Sparsely populated until the Gold Rush in 1849, by the mid nineteenth century the area was growing rapidly and emerging as a metropolitan region with transportation between cities. By 1850 there was a stage line between San Francisco and San Jose as well as ferry service between San Francisco and Oakland (Callwell 1999). The first omnibus began to service San Francisco in 1851. Rail service between San Francisco and San Jose began in 1863, with stops along the Peninsula. In 1872 Hallidie's cable car began running and soon thereafter cable car and rail service expanded through San Francisco's expanding boundary (Caldwell 1999). The cable car service would eventually become San Francisco Municipal Railway (Muni) and was good but limited to intra-city service (Healy 2016).

See continuation sheet, p. 4.

B11. Additional Resource Attributes: N/A

**\*B12. References:**

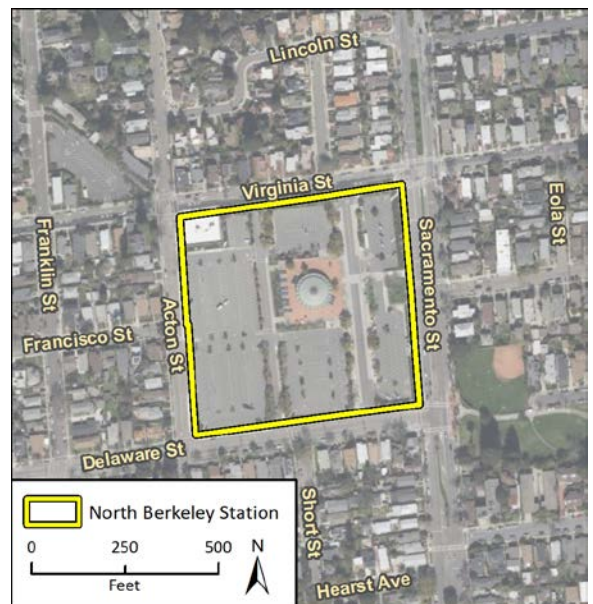
See continuation sheet, p. 11.

B13. Remarks:

\*B14. Evaluator: James Williams, Rincon Consultants

\*Date of Evaluation: August 11, 2021

(This space reserved for official comments.)



\*Recorded by: JulieAnn Murphy, Rincon Consultants

\*Date: June 30, 2021

Continuation

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**P3a. Description (continued):**

Recessed portals on the north side of the station building provide access to the station concourse. Located just past the entrance, the metal-clad information booth is flanked by fare gates. The interior is dominated visually by the exposed concrete roof beams and the central skylight. Interior walls are generally clad with panels of an undetermined material. At the center of the concourse, a large, rectangular opening accommodates a pair of concrete staircases, which descend to the platform level. Escalators are located on opposing sides of the station, beneath the ground-level skylights.

Flanked by the subway tracks, the platform aligns with the adjacent rails, extending in both directions beyond the station building's perimeter. The portion of the ceiling directly above the platform consists of an exposed metal framework, tile cladding, and ceiling-mounted light fixtures. Above the tracks, the ceiling is characterized by exposed metal trusswork. The cross beams of the platform ceiling provided a rhythmic element echoed in the panels lining the walls adjacent to the outer rails. The station building is in fair condition and has incurred minimal alteration.

Hardscaping in the area adjacent to the station building consists chiefly of a brick-lined plaza. Situated on slightly sloping terrain, the brickwork exhibits a common-bond pattern, much of which is laid in concentric arcs that echo the building's circular footprint. The arced courses of brick are interrupted in several places, however, by swaths of brick various divergent patterns. At the north and west sides of the plaza, the terrain slopes more dramatically. At this location, timber retaining walls contain the exposed earth. While the north side consists of a single slope descending from the plaza to the surface parking lot, the retaining structures on the west side form a three-level terrace. The exposed area there is planted with a combination of mature trees, shrubs, and ground-cover vegetation. At opposite ends of the west side, straight concrete steps with metal rails connect the plaza and parking lot levels.

A utility building is located northwest of the station, at the southeast corner of Virginia and Acton streets. Utilitarian in design, the building has a rectangular plan and rises a single story to culminate in a flat roof with rolled composition cladding. Stucco cladding conceals the building's structural system, which may be of concrete-panel construction, as suggested by seams apparent on the exterior. Entrances are located on the north and west elevations and feature solid standard-size wood doors and an equipment or vehicle bay door. While the building is windowless, large louvered vents punctuate the north, south, and east elevations. The area around the building is enclosed by a wall made up of aggregate-finish panels like those on the station building's exterior.

Additional minor structures are located intermittently through the east side of the property. Situated along Sacramento Street, southeast of the station building, is an above-ground station elevator. The elevator shaft is housed in a stucco clad structure with the entrance facing the parking lot to the west. A heavy overhang extends to the north, supported partially by a blade wall. A second wing wall extends to the south.

Just outside the station is an open-air bus shelter consisting of a circular concrete roof supported by a concrete column. Partial walls radiate from the column in four directions. Each wall consists of a pre-cast concrete knee wall with a wood-framed window situated atop. Affixed to the walls are L-shaped metal benches. Another bus stop shelter is located immediately east of the station building. Similar in design to its counterpart, the structure consists chiefly of a concrete rectangular roof and concrete column. The space beneath the roof is similarly spaced by concrete dividers with wood-framed windows. Straight benches are affixed to the walls.

The surface parking lot borders the station building on all four sides. A portion of the area just east of the station is reserved for bus transfer points. Parking areas in the northern two thirds of the facility are connected by a gridwork of internal roadways. Landscaping in the parking and bus transfer and parking areas consists of mature trees and shrubs planted along circulation routes, in parking lot islands, and along the perimeter of the property.

**B10. Significance (continued):**

In the East Bay, there were parallel transportation developments. In addition to ferry service to San Francisco, there was rail service extending from Oakland to surrounding communities including Berkeley. The first electric streetcars began to appear on both sides of the San Francisco Bay in the 1890s. By the turn of the twentieth century, San Francisco was the largest city on the West Coast and the region's transit was growing to accommodate the population and growing economy. The San Francisco, Oakland, and San Jose Railway began running in 1903 and provided electric rail service in the East Bay to ferries that continued to San Francisco (Healy 2016). By 1916 the rail was comprised of 250 miles of track. Then known as the Key System because its track configuration resembled a skeleton, it was the region's dominant transit system.

After World War I, the Bay Area saw another period of significant growth and the need for improved cross-bay transit became imperative. The Oakland - San Francisco Bay Bridge opened in 1936 and its lower deck accommodated the Key System streetcars, supplanting the previous ferry service. The Golden Gate Bridge opened the following year (Healy 2016).

In the years leading up to World War II, several studies were conducted to investigate possibilities improve cross bay transit with additional bridges. During the post-World War II years, the nine counties of the Bay Area doubled in size, with most development occurring in the suburbs while San Francisco and Oakland remained the primary employment centers. The Key System was suffering from deferred maintenance during the war and the new owners (a holding company for General Motors) cut service. That, along with the popularity of the automobile caused ridership to fall from 22 million in 1946 to 9.8 million by 1952 (Healy 2016). By 1948 Key System trains were replaced by busses (Healy 2016).

*See continuation sheet, p. 5.*

\*Recorded by: JulieAnn Murphy, Rincon Consultants

\*Date: June 30, 2021

Continuation

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**B10. Significance (continued):**

**Planning for BART (1946-1962)**

The need for a more robust regional transit system was clear as early as 1946 when the state legislature passed a bill for a Joint Army Navy Board to study the possibilities of cross-bay transit. In 1947 the Board recommended that an “adequate system of rapid mass transit be a component of the overall general scheme to solve the Bay Area transportation problems over an extended period of years” (Healy 2016). In 1951 San Francisco Board of Supervisor, Marvin Lewis drafted an amendment to 1949 transit legislation and the San Francisco Bay Area Transit Commission was signed into law by the state legislature (Healy 2016). In 1953 the Commission awarded a contract to Parsons, Brinkerhoff, Hall, and MacDonald (PBHM) to author the land use and transit report, which after studying the area’s travel patterns proposed that a high-speed, grade separated regional rapid transit was critical as complementary to the highway system.

The San Francisco Bay Area Rapid Transit District (BARTD) was signed into law in September 1957. The District was comprised of five core counties: Alameda, Contra Costa, Marin, San Francisco, and San Mateo (Healy 2016). BARTD viewed the initiative as imperative, witnessing regional growth that was expected to continue and further stress existing freeways and bridges. They decided to get the initiative on the November 6, 1962 general election ballot and spend the 2 years approaching the election running an information campaign to encourage people to vote for a tax to build the project (Healy 2016). PBHM recruited the Bechtel Corporation and Tudor Engineering (PBTB) to form a joint venture to launch a number of studies and refine engineering considerations.

By early 1962, Marin County and San Mateo County withdrew from the project (Grefe and Smart, 1975; Healy 2016). In May 1962, PBTB revised the Composite Report to include the three remaining counties – Alameda, Contra Costa, and San Francisco. The initiative went on ballot on November 6, 1962 and passed with just over 61 percent of the vote (Healy 2016). The vote approved rapid transit bond funding and the use of state bridge tolls to fund the construction of the transbay tube.

**Designing BART and Community Participation (1962-1964)**

The Composite Report was just a selling tool and not the definitive design. After the passage of the bond measure in 1962, the system had to be planned in detail, engineered, and designed. BART would be the first new transit designed in whole since the Philadelphia transit system was designed in 1907 (Healy 2016: 62). The final route design would be an askew “X” with Oakland as the East Bay hub with a third of the track at grade, a third aerial, and a third underground. Parking would be provided at all suburban stations. Systemwide, 20,000 spaces were constructed (Healy 2016).

After the engineering contract was awarded in 1962 and defended from a lawsuit arguing the bond referendum was invalid because the public had not been given the true scope of the project in 1963, BARTD had to negotiate the right of way agreements with communities and purchase parcels to build the track and stations. The engineers assumed that lines and stations identified in the initial reports and again in the Composite Report would be accepted and the process for acquiring land would be routine. Communities, however, began to demand a participatory process (Healy 2016). PBHM met with City Councils and Boards of Supervisors in all jurisdictions through which the travel corridors passed in 1953-1955 (Grefe and Smart, 1975). Many jurisdictions, however, did not have planners at the time. While the general requirements of the cities were initially met, when acquiring right of way permissions after the passage of the bond issue in 1962, BART was faced with accommodating extensive local requirements that initial cost estimates failed to include (Grefe and Smart 1975). BARTD’s policy was to accommodate local demand within their financial capabilities (Grefe and Smart 1975).

BARTD sought popular acceptance by the communities. At the same time, communities, growing from local activist movements were asking for a participatory process to discuss station locations, designs, color schemes, landscaping, route tracking, and noise abatement (Healy 2016).

BARTD continued the pursuit of acceptance until the expense of meeting local demand was overbearing. The most intense disagreements were in response to BARTD’s plans to construct track on a viaduct, above ground within the city limits of Berkeley. In 1963, Berkeley’s incoming mayor Wallace Johnson strongly opposed the above-ground track arguing it would be an eyesore and further divide the city by race, separating the city’s predominately white and black neighborhoods (Grefe and Smart 1975). Despite a public process with hearing and negotiations, the City of Berkeley and BARTD could not reach an acceptable compromise. In 1966, the City of Berkeley voted to establish a special tax district to cover the estimated \$25 million to build a subway through the city, leading to considerable construction delays.

The undergrounding of BART in Berkeley was the most contentious community-led conflict with BARTD, but it was not the only one. In Oakland, the line would require the demolition of the city’s major hardware store, Simon’s Hardware, Inc. BARTD altered the track configuration, leading to a permanent requirement for trains slow to 25 miles per hour at the newly designed wye. In Albany, the city was concerned with a proposed station that would take property off the tax rolls, leading BARTD to move the station to El Cerrito. In San Francisco, neighborhoods in the western region feared impacts of the system, leading BARTD to remove a segment beyond West Portal from its plans. An additional station was added at Embarcadero to serve the emerging commercial and hotel district resulting from the ongoing redevelopment in the area (Healy 2016).

**BART’s Architecture and Expansion (1964 – Present)**

In designing the stations, BARTD knew as General Manager BR Stokes described that in order to “attract drivers out of their cars it must be sleek, comfortable, convenient, and cheap,” (Healy 2016). The system would naturally adhere to modern architectural design, landscape architecture, graphic design, and industrial design, thereby reflecting its technological achievements. The Composite Report included renderings reflecting the modernistic aesthetic.

*See continuation sheet, p. 6.*

\*Recorded by: JulieAnn Murphy, Rincon Consultants

\*Date: June 30, 2021

Continuation

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**B10. Significance (continued):**

The scope of the architectural design was increased substantially over what was described in the Composite Report which envisioned designs based on standardized features. Instead BARTD made use of separate architectural firms to design stations with individual design elements (Grefe and Smart 1975). PBTB hired Donn Emmons, partner at Wurster, Benardi & Emmons (WBE) to be the project's consulting architect. The work of the consulting architects resulted in the development of the Manual for Architectural Standards for BART (Grefe and Smart 1975). The manual, completed in 1965, provided for elements that should be included in each station design, including ticket kiosk locations, vertical circulation, acoustic requirements, site layout requirements, and the number of entrances (Architectural Forum 1966). The information in the manual was largely functional, providing minimum design standards and physical requirements and did not include guidance for architectural style. In tandem with the Manual for Architectural Standards, landscape architect, Lawrence Halprin, was hired as chief landscape architect and authored a corresponding landscape guide, The Landscape Design Criteria and Standard Landscape Elements. It established a list of acceptable plants and standard elements for station plazas (Architectural Forum 1966).

Project architects were given latitude with stations design but were constrained by the manual and the site plan, frustrating some architects. Ultimately, stations were designed by 14 Bay Area firms, selected from a list compiled by Emmons. The result was a variety of station designs, ranging from utilitarian to inspired. In addition to constraints from the prescriptions by PBTB in the manual and the development of the site plans, architects were limited by the station type. Designers used finishes and materials to distinguish their work, including the placement of openings, lighting, and artwork. Some architects used more innovative features like rotundas, sunken plazas, or new use of materials (Architectural Record 1974).

Construction was underway in 1965 and by 1968 over half of BART's system construction was complete (Healy 2016). BART opened to public service on Monday, September 11, 1972. However, only a small fleet of trains were available and 12 stations between Fremont and MacArthur were serviced. The transbay tube, allowing trips between San Francisco and Oakland, did not officially open for another two years. In its first 3 months of operation, 1 million passengers used BART. By 1978, BART offered weekend service, proving its viability as a transit option beyond the workweek (Healy 2016). In the following years, BART worked on refining service. During the 1990s three service route extensions were planned – Daly City to SFO to Millbrae, Concord to Antioch, and Bay Fair to Dublin/Pleasanton. Today, BART has expanded to 50 stations and includes 131 miles of track, serving over 400,000 passengers weekly (BART 2021).

**Property History of the North Berkeley BART Station**

By the late 1870s, much of the North Berkeley area, in which the North Berkeley BART Station is located, was subdivided for residential development. The earliest development of the station site followed the opening of the Curtis Tract, a subdivision owned by Michael Curtis, an Irish immigrant who began farming in the area by 1852 (Maley and Watson 2016; Thompson and West 1878). Historical news items indicate the Curtis family began selling portions of the Curtis Tract by the late 1870s (San Francisco Examiner 11/5/1877; Oakland Tribune 3/12/1880). Historical property maps and United States Geological Survey topographical maps show that the existing street grid was planned and possibly developed by 1890, and some development, likely residential, took place by 1900 in the vicinity of all four lots comprising the North Berkeley BART Station site (NETROnline 1900; Bailey 1890).

In the first 3 decades of the twentieth century, development of the station site and its surroundings followed alongside the growth of the nearby West Berkeley industrial district (City of Berkeley n.d.). By 1911, the Santa Fe Railroad was constructed along a north-south alignment through the neighborhood on nearby West Street. This corresponding growth was limited however, consisting mostly of scattered single-family residences (ProQuest 1911). By 1929, Berkeley's continued growth led to substantial residential development in the neighborhood. A sign of this growth, a right-of-way was reserved for the Key System's Westbrae streetcar shuttle, passing through the neighborhood on a northwest-southwest trajectory and meeting with the Santa Fe Railroad right of way near the intersection of West and Cedar streets. Outside the Key System right-of-way, the station site was developed with single-family homes (ProQuest 1929).

In the decades following World War II, there were few notable changes to the built environment of the neighborhood surrounding the North Berkeley BART Station sites. In 1948, the Key System ended local streetcar service, and the Westbrae Shuttle right-of-way was abandoned (ModernTransit.org 2021). Although some sections of the alignment were developed with residential uses, construction of the BART Richmond line through the neighborhood followed segments of the existing Key System and Santa Fe Railroad rights of way (NETROnline 1946; 1958; 1959; 1968; 1990). The site of North Berkeley BART Station retained its residential character until the 1960s, when BART demolished the residential buildings on the site to allow for construction of the station (NETROnline 1959-1986).

PBTB's original design for the Berkeley segment of the BART system called for elevated tracks placed on street medians throughout the city (Healy 2016). City of Berkeley officials objected to the aerial rail design, and in 1960, the Berkeley City Council passed resolution that called for the BART system within Berkeley to be constructed entirely as a subway. Negotiations with the City-led PBTB to propose a compromise by which BART would construct a subway segment in downtown Berkeley (mostly along Shattuck Avenue between Derby Street and the intersection of University and Milvia avenues). The remainder of the Berkeley route, roughly three miles of tracks, would be elevated. These changes were incorporated into the Composite Report, released in Spring 1962 to the various city and county jurisdictions through which BART would be routed. PBTB believed a lack of official response from the municipalities indicated approval of the designs contained Composite Report (Healy 2016).

*See continuation sheet, p. 7.*

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\*Date: June 30, 2021

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**B10. Significance (continued):**

In 1963, Wallace Johnson, who had recently been elected mayor, objected. Now known as the “the last Republican mayor of Berkeley,” Johnson graduated from the California Institute of Technology with a background in engineering before entering local politics. Johnson objected to the aerial tracks and stations, believing they were “aesthetically unattractive” and threatened to “divide the city psychologically along racial lines,” in the words of historian Michael C. Healy. Indeed, as Healy notes, for much of its course through Berkeley, the BART line would run parallel to, and just east of, Grove Street (now Martin Luther King, Jr. Way) which historically marked the unofficial boundary between Berkeley’s White and Black neighborhoods (Healy 2016; Lorey 2013).

Led by Johnson, the City pressured BART and PBTB to redesign the Berkeley segment as entirely underground alignment, but BART objected due to the comparatively high price tag of subway construction. In July 1963, the City requested BART release a cost comparison of the elevated and subway alternatives. Meanwhile, Johnson formed a committee to plan for covering part of the excess costs of putting the line underground. The City’s independent study estimated the difference in cost between BART’s proposal and an entirely underground alignment would be approximately \$6 million. In March 1964, BART issued its own cost estimates, which concluded the added cost of placing the tracks and two stations underground would total \$21 million. In subsequent negotiations, neither party was open to renegotiating (Healey 2016).

Johnson and other members of the Berkeley community began campaigning publicly against the aerial segments. Johnson paid to have 30-foot-tall scaffolding erected near the proposed North Berkeley and Ashby BART Station sites to represent the height of the aerial elements. The Berkeley Citizens Committee collected \$14,000 in donations to wage a public information campaign consisting of the placement of large signs reading ‘BURY THE BART TRACKS’ in locations around the city and paid for the airing of advertisements on the local radio station KPFA (Healy 2016).

Negotiations between BARTD and the City resumed in May 1964, with as many as 20 sessions held between May and August. Both parties issued revised cost estimates, with BARTD projecting \$24 to \$30 million in additional expenditures and the City \$11 million. In September 1964, the BARTD board of directors unanimously rejected Berkeley’s request for a subway line, unless Berkeley could come up with the money to cover the difference in cost between the aerial and subway alternatives (Healy 2016).

As a result of behind the scenes talks between Johnson and BARTD president Adrien Falk, BARTD agreed to advertise two sets of bids for the Berkeley alignment—one for aerial construction and the other for a subway—as a means of settling the dueling cost projections at the heart of the standoff. In the interim, the City would work out details of financing the added construction costs. Johnson persuaded the City Council to establish Special District No. 1, a special assessment district comprised of the entire city and throughout which taxpayers would vote on a \$20.4 million bond issue to finance excess construction costs due to the construction of the subway. The issue went to the ballot in October 1966, with 80 percent voting to approve the bond issue. Eventually, the low bid for subway construction (1968) came in at around \$12.4 million, about \$2.4 million more than Berkeley officials estimated and with a price tag that could be covered by Berkeley’s bond issue (Healy 2016). As a result, the Berkeley segment of the BART alignment would be constructed as a subway.

BART hired the architecture firm Kitchen and Hunt to design the North Berkeley BART Station in collaboration with BART engineers PBTB. Further details on the partnership of Kitchen and Hunt are detailed below. Drafted in 1967, the designs for the North Berkeley BART Station called for the rails and platform to be located underground, with rails throughout the Berkeley segment situated up to 40 feet beneath the street level. Above, a surface-level station building bearing New Formalist-style influences would be surrounded on all four sides by a large surface parking lot. The northwest corner of the site was reserved for a one-story utility building (BART 1967; Oakland Tribune 9/20/1967).

The subway designs developed in 1967 for the North Berkeley BART Station and the nearby Ashby Station both contained above-ground elements and were not, strictly speaking, subways, as called for in the 1966 bond measure. However, the North Berkeley BART Station’s design was not subject to the same degree of controversy as that of the Ashby BART Station. South Berkeley neighborhood activists charged that above-ground elements included in the designs for the latter facility amounted to an impassable two-and-a-half-block barrier that traced a portion of the unofficial boundary between Berkeley’s Black and White neighborhoods. A 1967-1968 lawsuit that community members filed against BART was resolved in favor of the plaintiffs, forcing BART to redesign the station without many of the offending street-level elements. Although contemporary newspaper reporting suggested the North Berkeley BART Station’s above-ground design was implicated in the lawsuit, neither a comparison of the 1967 designs (which predated the court decision) with the station’s current appearance nor any information covered by research conducted for this evaluation suggests the designs for any above-ground portions of the North Berkeley BART Station were substantially modified as a result of the court decision (San Francisco Examiner 5/19/1968; BART 1967).

Construction of the station and the adjacent underground tracks was complete by January 29, 1973, when service at North Station commenced with the opening of Oakland-to-Richmond extension on (Anonymous 2009). The station soon grew into a local transportation hub for subway, park-and-ride, and bus services. Few notable changes have been made to the station since its opening. However, in the 1980s, BART developed two parcels located northwest of the station as a satellite parking lots (NETROnline 2021).

*See continuation sheet, p. 8.*

\*Recorded by: JulieAnn Murphy, Rincon Consultants

\*Date: June 30, 2021

Continuation

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**B10. Significance (continued):**

**Kitchen and Hunt, Architects**

Kitchen and Hunt was helmed by partners Robert Sieber Kitchen and Frank Bouldin Hunt, whose best-known project may have been the Main Arena constructed for the 1960 Olympic Winter Games in Squaw Valley, California. Among the firm's other projects from the same period are several educational, commercial, and industrial properties located throughout Northern California, along with four additional BART stations: West Oakland, South Hayward, Union City, and Fremont (PCAD 2021a; Legacy.com 2021).

A native of Dayton, Ohio, Kitchen was born in 1912 in Dayton, Ohio. He attended Cornell University, where he earned his Bachelor of Architecture degree in 1935 and Bachelor of Landscape Architecture the following year. After winning the Prix de Rome, Kitchen continued his studies at the American Academy in Rome. In 1938, Kitchen relocated to New York to work in the offices of Norman Bel Geddes, where he worked as an architect and landscape architect as the firm's designed the General Motors Pavilion at the 1939 New York World's Fair. Kitchen's subsequent professional experience included stints as a draftsman for San Francisco-based architect Gardner A. Dailey (1939-1941), associate project planner for the Federal Public Housing Agency (1941-1942), and designer/landscape architect in the San Francisco offices of architect Albert F. Roller (1945-1948). In 1948, Kitchen and Hunt formed their partnership. Kitchen was made a fellow of the AIA (FAIA) in 1964 (Legacy.com 2021; Prabook.com 2021; PCAD 2021b).

Hunt was born 1915 and graduated with a Bachelor of Architecture degree from the University of California, Berkeley in 1938. Research for this study uncovered no further details pertaining to Hunt's career prior to the formation of the Kitchen and Hunt partnership in 1948 (PCAD 2021c).

**Historical Resources Evaluation of the North Berkeley BART Station**

As detailed below, the North Berkeley BART Station is recommended ineligible for inclusion in the National Register of Historic Places (NRHP) or California Register of Historical Resources (CRHR) or for designation as a City of Berkeley Landmark or Structure of Merit, because it lacks historical or architectural significance. It therefore does not qualify as a historical resource pursuant to CEQA.

*National Register of Historic Places and California Register of Historical Resources Eligibility*

The North Berkeley BART Station opened in January 1973, when BART initiated service along its Oakland-to-Richmond line. The planning, construction, and operation of the wider BART system arguably constitutes a significant event in the history of transportation in the San Francisco Bay Area region. However, research for this evaluation found no evidence suggesting the North Berkeley BART Station was singularly significant within this larger trend. Rather, all available evidence suggests the station's conception, construction, and operation were typical of other BART stations and public transportation facilities in general. Similarly, although the station is associated with the social activism which led to BART's undergrounding in Berkeley, there is no information to indicate it is individually significant within it. Indeed, a review of local press coverage of the public controversy and legal challenges surrounding the undergrounding of the BART system in Berkeley suggests the station's design engendered significantly less opposition than that of the Ashby BART Station and is less representative of the years-long dispute between Berkeley and BART than its counterpart. Research for this study identified no other context in which the property might possess important historical associations. The North Berkeley BART Station is therefore recommended ineligible for listing under NRHP Criterion A and CRHR Criterion 1.

The most likely candidate for significance under NRHP Criterion B and CRHR Criterion 2 is Berkeley Mayor Wallace Johnson, whose efforts in political negotiations with BART and the promotion of the successful bond Measure C, which helped lead to the undergrounding of the BART system in Berkeley, in lieu of the aerial design preferred by BART engineers. Although Johnson's contributions in this area may be of local significance, they would most likely be better represented by the full segment of the BART alignment in Berkeley than by the North Berkeley BART Station alone. An evaluation of the entire Berkeley segment of the system, however, is beyond the scope of this evaluation and additional research would be required to fully assess these potentially significant associations. Research conducted for this study identified no other individual with potentially significant associations to the North Berkeley BART Station. Therefore, the property is recommended ineligible for listing under NRHP Criterion B and CRHR Criterion 2.

Architecturally, the station is an undistinguished example of transit station featuring elements of the New Formalist style of architecture. Although the building exhibits elements representative of the style, including the strictly symmetrical form, oculus at the peak of the roof, and stylized metal-panel entablature ringing the overhang roof's lower tier, overall, its design lacks the building lacks monumentality and generally quality of design present in better examples of the New Formalist style. While the station's principal designers, the firm of Kitchen and Hunt, are noted for the design of some prominent buildings in the Northern California region, research for this study found no evidence either partner was considered a master architect or that the station is regarded as one of the partnership's more successful designs. Because it lacks architectural distinction and is not exemplary of the work of a master, the North Berkeley BART Station is recommended ineligible for listing under NRHP Criterion C and CRHR Criterion 3.

A review of available evidence did not indicate that the North Berkeley BART Station may yield important information about prehistory or history. It is therefore recommended ineligible under NRHP Criterion D and CRHR Criterion 4.

Future research may find that the North Berkeley BART Station is eligible for listing in the NRHP or CRHR as a contributor to a historic district comprised of all or part of the BART system. However, a district evaluation of the BART system was beyond the scope of this evaluation.

*See continuation sheet, p. 9.*



\*Recorded by: JulieAnn Murphy, Rincon Consultants

\*Date: June 30, 2021

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**B10. Significance (continued):**

City of Berkeley Landmark and Structure of Merit Eligibility

The City of Berkeley's Landmarks Preservation Commission Ordinance (Berkeley Municipal Code 3.24.110) establishes criteria for the designation of sites, structures, and areas for designation, either individually or a district basis, as Landmarks and Structures of Merit. An evaluation of the North Berkeley BART Station for local eligibility follows.

Landmark designation Criteria 1a through 1c pertain to architectural merit. Research for this evaluation found the property is not the first, last, only or most significant architectural property of its type in the region. Rather, it is one of many BART stations constructed in the region and one of three completed in Berkeley in the early 1970s (Criterion 1a). As discussed above, the station is an ordinary example of the New Formalist style of architecture as applied to a transit station. It does not qualify as a prototype of or outstanding examples of periods, styles, architectural movements, or construction. Additionally, research for this evaluation found no evidence that its designers, the architecture firm of Kitchen and Hunt, are regarded as masters (Criterion 1b). Finally, because it lacks architectural distinction, it cannot be said to add exceptional value as part of the surrounding neighborhood fabric (Criterion 1c). The property, therefore, does not meet any of the requirements for designation under Landmark Criterion 1.

The North Berkeley BART Station also lacks cultural value, for which a property may be designated under Landmark Criterion 2. Based on research for this evaluation, it should be regarded as an ordinary transit station with no singularly important associations with the movement or evolution of religious, cultural, governmental, social and economic developments of the Berkeley. Although the station is associated with the social activism which led to BART's undergrounding in Berkeley, there is no information to indicate it is individually significant within it or any other historical context. The North Berkeley BART Station is therefore recommended ineligible for designation under Landmark Criterion 2.

Likewise, because the property is an undistinguished public transit station lacking significant historical associations, it does not possess usefulness as an educational force, as required for designation under Landmark Criterion 3, nor does it have historic value that expresses the social, cultural, economic, political, religious or military history of Berkeley, Alameda County, California, United States, as required for listing under Landmark Criterion 4.

Finally, because it is not listed on the NRHP, it is not eligible for designation under Landmark Criterion 5.

A property possessing architectural merit and/or cultural, educational, or historic interest or value may be designated as a City of Berkeley Structure of Merit if it does not currently meet the criteria as set out for a landmark but is recommended as worthy of preservation as part of a neighborhood, a block or street frontage, or as part of a group of buildings which includes landmarks per the criteria discussed below.

Based on background research for this evaluation, the North Berkeley BART Station is not eligible under Structure of Merit Criterion A, because it is not contemporary in age with any nearby designated landmark, its construction did not coincide with any important historical period or event, and it is not contemporary with the surrounding neighborhood, which was first developed in the late nineteenth and early twentieth centuries.

The property is also not is compatible in size, scale, style, materials or design with a designated landmark structure within its neighborhood, block, street frontage, or group of buildings. It is therefore recommended ineligible under Structure of Merit Criterion B.

For reasons discussed above, the North Berkeley BART Station is not considered a good example of architectural design. It is therefore recommended ineligible under Structure of Merit Criterion C.

Finally, the North Berkeley BART Station was an important addition to the surrounding neighborhood in that it provided residents access to improved public transit service. This fact, however, would be true of virtually any comparable transit station, including Berkeley's other BART stations. Therefore, whatever the local importance of the station, it is not distinctive in its role in shaping transit service in the neighborhood or city. Therefore, the North Berkeley BART Station is recommended ineligible under Structure of Merit Criterion D.

\*Recorded by: JulieAnn Murphy, Rincon Consultants

\*Date: June 30, 2021     Continuation     Update



Left: North Berkeley BART Station, West Elevation, Including Skylight, Facing Northeast; Right: North Berkeley BART Station, Interior View of Paid Area of Concourse Level



Left: North Berkeley BART Station, interior View of Station Platform; Right: Utility Building at the North Berkeley BART Station, South and East Elevations, Facing Northwest



Left: North Berkeley BART Station Elevator Shaft, West Elevation, Facing East; Right: North Berkeley BART Station Bus Shelter, Facing Southwest

\*Recorded by: JulieAnn Murphy, Rincon Consultants

\*Date: June 30, 2021

■ Continuation

□ Update

**B12. References (continued):**

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*See continuation sheet, p. 12.*

\*Recorded by: JulieAnn Murphy, Rincon Consultants

\*Date: June 30, 2021

Continuation

Update

**B12. References (continued):**

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State of California – The Resources Agency  
 DEPARTMENT OF PARKS AND RECREATION  
**PRIMARY RECORD**

Primary #  
 HRI #  
 Trinomial  
 NRHP Status Code 5S3

Other Listings  
 Review Code Reviewer Date

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\*Resource Name or #: Ashby BART Station

**P1. Other Identifier:**

\*P2. Location:  Not for Publication  Unrestricted \*a. County: Alameda  
 \*b. USGS 7.5' Quad: Oakland West Date: 1993 Township Range Section M.D.B.M.  
 c. Address: 3100 Adeline Street City: Berkeley Zip: 94703  
 d. UTM: Zone: mE/ mN (G.P.S.)  
 e. Other Locational Data: APNs 53-1597-39-4 and 53-1703-9

**\*P3a. Description:**

The subject property is the Ashby Station of the Bay Area Rapid Transit (BART) system. The station consists principally of a below-grade subway station and adjacent surface parking lot located on the 4.4-acre triangular property bounded Adeline Street, Martin Luther King, Jr. Way, and Ashby Avenue. A satellite surface parking lot is located across Adeline Avenue to the southeast, behind the Ed Roberts Campus.

Exhibiting elements of the Brutalist style of architecture, the station building is located mostly beneath the Adeline Street right-of-way. Its upper-level concourse consists of the station entrances, fair gates, and means of egress to the platform level. The lower level features a station platform flanked by two sets of tracks, which within the station, follow the Adeline Street alignment. There is one visible elevation, on the west side of the building, where the main entrance is accessible from the ground level of the adjacent, below-grade surface parking lot. A concrete deck with elaborated concrete facing and supported by a system of heavy reinforced beams and fluted concrete columns shelters the station's deeply recessed, reinforced concrete exterior wall. A central entrance featuring sliding double doors is flanked by series of full-height, metal-sash fixed windows. Spaces between the windows exhibit the same pattern of fluting as do the columns. Affixed to the side of the deck are the vertical metal supporting elements of a non-original shelter structure, which has a glass canopy that extends over the deck adjoining the sidewalk on the west side of Adeline Street. Other features of the street-level exterior include a barrier on the outer edge of the deck consisting of a concrete base elaborated with geometric recesses and a sheet-metal-clad rail, in addition to two sets of concrete steps that descend to the parking lot and exposed west elevation of the station.

See continuation sheet, p. 4.

\*P3b. Resource Attributes: HP39. Other (Subway station)

\*P4. Resources Present:  Building  Structure  Object  Site  District  Element of District  Other (Isolates, etc.)

P5a. Photo or Drawing



P5b. Description of Photo:

Ashby BART Station, West Elevation, Camera Facing Southeast

**\*P6. Date Constructed/Age and Sources:**

Historic  Prehistoric  Both

1973 (Anonymous 2009)

**\*P7. Owner and Address:**

N/A

**\*P8. Recorded by:**

JulieAnn Murphy  
 Rincon Consultants  
 449 15th Street, #303  
 Oakland, CA 94612

**\*P9. Date Recorded:**

June 30, 2021

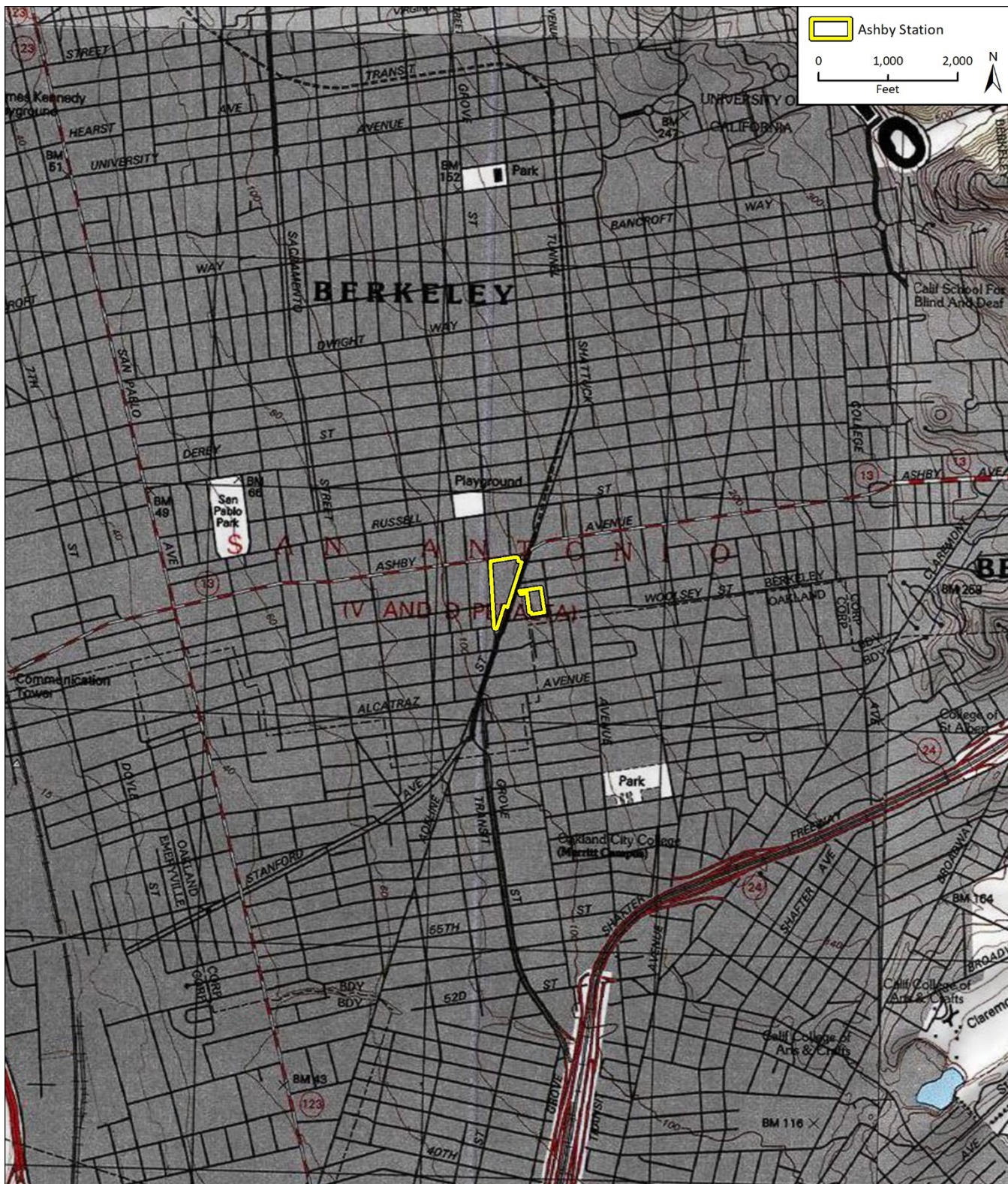
**\*P10. Survey Type:**

Intensive

**\*P11. Report Citation:**

Murphy, JulieAnn, James Williams, and Steven Treffers. 2021. Historical Resources Evaluations for the Ashby and North Berkeley BART Stations Transit-Oriented Development Zoning Project, City of Berkeley, Alameda County, California. Prepared for City of Berkeley by Rincon Consultants, Inc. August 11.

\*Attachments:  NONE  Location Map  Sketch Map  Continuation Sheet  Building, Structure, and Object Record  
 Archaeological Record  District Record  Linear Feature Record  Milling Station Record  Rock Art Record  
 Artifact Record  Photograph Record  Other (List):



**BUILDING, STRUCTURE, AND OBJECT RECORD**

\*Resource Name or # Ashby BART Station

\*NRHP Status Code 5S3

Page 3 of 14

B1. Historic Name: Ashby BART Station  
 B2. Common Name: Ashby BART Station  
 B3. Original Use: Subway station  
 B4. Present Use: Subway station  
 \*B5. Architectural Style: Brutalism

**\*B6. Construction History:**

The Ashby BART Station was completed in 1973. In recent years, a street-level canopy, signage, and a bike station addition were added to the station. No other notable alterations have been made to the station.

\*B7. Moved?  No  Yes  Unknown Date: N/A Original Location: N/A

\*B8. Related Features: None

B9a. Architect: Unknown b. Builder: Unknown

\*B10. Significance: Theme N/A Area N/A

Period of Significance N/A Property Type N/A Applicable Criteria N/A

The subject property is the Ashby BART Station. It was completed in 1973 to serve BART's Oakland to Richmond extension line.

The following narrative is presented to provide a focused historical context in which to understand the potential significance of the North Berkeley BART Stations.

**Development of Transit in the Bay Area: The Horsecar Era to the Electric Streetcar (1861-1946)**

The development pattern of the San Francisco Bay Area largely reflects the transit development patterns of the greater United States. Sparsely populated until the Gold Rush in 1849, by the mid nineteenth century the area was growing rapidly and emerging as a metropolitan region with transportation between cities. By 1850 there was a stage line between San Francisco and San Jose as well as ferry service between San Francisco and Oakland (Callwell 1999). The first omnibus began to service San Francisco in 1851. Rail service between San Francisco and San Jose began in 1863, with stops along the Peninsula. In 1872 Hallidie's cable car began running and soon thereafter cable car and rail service expanded through San Francisco's expanding boundary (Caldwell 1999). The cable car service would eventually become San Francisco Municipal Railway (Muni) and was good but limited to intra-city service (Healy 2016).

In the East Bay, there were parallel transportation developments. In addition to ferry service to San Francisco, there was rail service extending from Oakland to surrounding communities including Berkeley. The first electric streetcars began to appear on both sides of the San Francisco Bay in the 1890s. By the turn of the twentieth century, San Francisco was the largest city on the West Coast and the region's transit was growing to accommodate the population and growing economy. The San Francisco, Oakland, and San Jose Railway began running in 1903 and provided electric rail service in the East Bay to ferries that continued to San Francisco (Healy 2016). By 1916 the rail was comprised of 250 miles of track. Then known as the Key System because its track configuration resembled a skeleton, it was the region's dominant transit system.

See continuation sheet, p. 4.

B11. Additional Resource Attributes: N/A

**\*B12. References:**

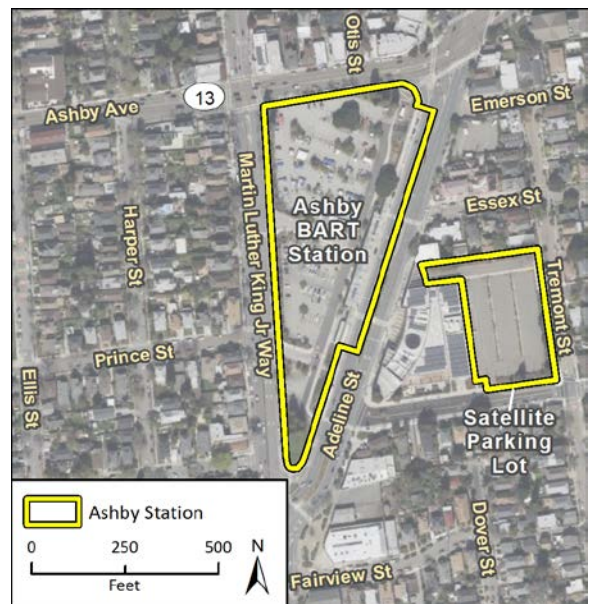
See continuation sheet, p. 13.

B13. Remarks:

\*B14. Evaluator: James Williams, Rincon Consultants

\*Date of Evaluation: August 11, 2021

(This space reserved for official comments.)



\*Recorded by: JulieAnn Murphy, Rincon Consultants

\*Date: June 30, 2021

Continuation

Update

**P3a. Description (continued):**

The west-elevation entry door opens to the concourse-level interior. The concourse interior is characterized by the exposed reinforced concrete structure of the station, which features broad horizontal members supported by square columns with fluting comparable to that found on the exterior. The floor and some wall surfaces are clad in tiles. A series of fare gates, along with an information booth and metal rail fencing, separates the entry and paid areas of the concourse. Beyond the fare gates, paired escalators and straight concrete stairways descend to the station platform.

The platform is characterized by a similar pattern of exposed concrete structural elements and tile floor cladding, in addition to exposed concrete ceiling beams, which are also visible in parts of the concourse. Walls flanking the outsides of the tracks are clad in evenly spaced panels of an undetermined material. Other features of the platform level include concrete benches, electronic reader boards displaying train arrival times and other relevant information, and interior-illuminated directional signage.

The station is in fair condition. Alterations include the installation of street-level canopies and signage and construction of a flat-roof "bike station" addition near the south end of the station proper. The west portion of the satellite parking lot was redeveloped as the Ed Roberts Campus.

Landscaping is confined to the earthen embankments encircling the station entrance and parking area and parking lot islands located throughout the primary parking lot. These planted areas feature several varieties of mature trees and shrubs. Outside the planted areas and station footprint, the property is paved in asphalt for use as parking spaces and internal circulation roadways.

**B10. Significance (continued):**

After World War I, the Bay Area saw another period of significant growth and the need for improved cross-bay transit became imperative. The Oakland - San Francisco Bay Bridge opened in 1936 and its lower deck accommodated the Key System streetcars, supplanting the previous ferry service. The Golden Gate Bridge opened the following year (Healy 2016).

In the years leading up to World War II, several studies were conducted to investigate possibilities improve cross bay transit with additional bridges. During the post-World War II years, the nine counties of the Bay Area doubled in size, with most development occurring in the suburbs while San Francisco and Oakland remained the primary employment centers. The Key System was suffering from deferred maintenance during the war and the new owners (a holding company for General Motors) cut service. That, along with the popularity of the automobile caused ridership to fall from 22 million in 1946 to 9.8 million by 1952 (Healy 2016). By 1948 Key System trains were replaced by busses (Healy 2016).

**Planning for BART (1946-1962)**

The need for a more robust regional transit system was clear as early as 1946 when the state legislature passed a bill for a Joint Army Navy Board to study the possibilities of cross-bay transit. In 1947 the Board recommended that an "adequate system of rapid mass transit be a component of the overall general scheme to solve the Bay Area transportation problems over an extended period of years" (Healy 2016). In 1951 San Francisco Board of Supervisor, Marvin Lewis drafted an amendment to 1949 transit legislation and the San Francisco Bay Area Transit Commission was signed into law by the state legislature (Healy 2016). In 1953 the Commission awarded a contract to Parsons, Brinkerhoff, Hall, and MacDonald (PBHM) to author the land use and transit report, which after studying the area's travel patterns proposed that a high-speed, grade separated regional rapid transit was critical as complementary to the highway system.

The San Francisco Bay Area Rapid Transit District (BARTD) was signed into law in September 1957. The District was comprised of five core counties: Alameda, Contra Costa, Marin, San Francisco, and San Mateo (Healy 2016). BARTD viewed the initiative as imperative, witnessing regional growth that was expected to continue and further stress existing freeways and bridges. They decided to get the initiative on the November 6, 1962 general election ballot and spend the 2 years approaching the election running an information campaign to encourage people to vote for a tax to build the project (Healy 2016). PBHM recruited the Bechtel Corporation and Tudor Engineering (PBTB) to form a joint venture to launch a number of studies and refine engineering considerations.

By early 1962, Marin County and San Mateo County withdrew from the project (Grefe and Smart, 1975; Healy 2016). In May 1962, PBTB revised the Composite Report to include the three remaining counties – Alameda, Contra Costa, and San Francisco. The initiative went on ballot on November 6, 1962 and passed with just over 61 percent of the vote (Healy 2016). The vote approved rapid transit bond funding and the use of state bridge tolls to fund the construction of the transbay tube.

**Designing BART and Community Participation (1962-1964)**

The Composite Report was just a selling tool and not the definitive design. After the passage of the bond measure in 1962, the system had to be planned in detail, engineered, and designed. BART would be the first new transit designed in whole since the Philadelphia transit system was designed in 1907 (Healy 2016: 62). The final route design would be an askew "X" with Oakland as the East Bay hub with a third of the track at grade, a third aerial, and a third underground. Parking would be provided at all suburban stations. Systemwide, 20,000 spaces were constructed (Healy 2016).

*See continuation sheet, p. 5.*



\*Recorded by: JulieAnn Murphy, Rincon Consultants

\*Date: June 30, 2021

Continuation

Update

**B10. Significance (continued):**

After the engineering contract was awarded in 1962 and defended from a lawsuit arguing the bond referendum was invalid because the public had not been given the true scope of the project in 1963, BARTD had to negotiate the right of way agreements with communities and purchase parcels to build the track and stations. The engineers assumed that lines and stations identified in the initial reports and again in the Composite Report would be accepted and the process for acquiring land would be routine. Communities, however, began to demand a participatory process (Healy 2016). PBHM met with City Councils and Boards of Supervisors in all jurisdictions through which the travel corridors passed in 1953-1955 (Grefe and Smart, 1975). Many jurisdictions, however, did not have planners at the time. While the general requirements of the cities were initially met, when acquiring right of way permissions after the passage of the bond issue in 1962, BART was faced with accommodating extensive local requirements that initial cost estimates failed to include (Grefe and Smart 1975). BARTD's policy was to accommodate local demand within their financial capabilities (Grefe and Smart 1975).

BARTD sought popular acceptance by the communities. At the same time, communities, growing from local activist movements were asking for a participatory process to discuss station locations, designs, color schemes, landscaping, route tracking, and noise abatement (Healy 2016). BARTD continued the pursuit of acceptance until the expense of meeting local demand was overbearing. The most intense disagreements were in response to BARTD's plans to construct track on a viaduct, above ground within the city limits of Berkeley. In 1963, Berkeley's incoming mayor Wallace Johnson strongly opposed the above-ground track arguing it would be an eyesore and further divide the city by race, separating the city's predominately white and black neighborhoods (Grefe and Smart 1975). Despite a public process with hearing and negotiations, the City of Berkeley and BARTD could not reach an acceptable compromise. In 1966, the City of Berkeley voted to establish a special tax district to cover the estimated \$25 million to build a subway through the city, leading to considerable construction delays.

The undergrounding of BART in Berkeley was the most contentious community-led conflict with BARTD, but it was not the only one. In Oakland, the line would require the demolition of the city's major hardware store, Simon's Hardware, Inc. BARTD altered the track configuration, leading to a permanent requirement for trains slow to 25 miles per hour at the newly designed wye. In Albany, the city was concerned with a proposed station that would take property off the tax rolls, leading BARTD to move the station to El Cerrito. In San Francisco, neighborhoods in the western region feared impacts of the system, leading BARTD to remove a segment beyond West Portal from its plans. An additional station was added at Embarcadero to serve the emerging commercial and hotel district resulting from the ongoing redevelopment in the area (Healy 2016).

**BART's Architecture and Expansion (1964 – Present)**

In designing the stations, BARTD knew as General Manager BR Stokes described that in order to "attract drivers out of their cars it must be sleek, comfortable, convenient, and cheap," (Healy 2016). The system would naturally adhere to modern architectural design, landscape architecture, graphic design, and industrial design, thereby reflecting its technological achievements (Figure 2). The Composite Report included renderings reflecting the modernistic aesthetic.

The scope of the architectural design was increased substantially over what was described in the Composite Report which envisioned designs based on standardized features. Instead BARTD made use of separate architectural firms to design stations with individual design elements (Grefe and Smart 1975). PBTB hired Donn Emmons, partner at Wurster, Benardi & Emmons (WBE) to be the project's consulting architect. The work of the consulting architects resulted in the development of the Manual for Architectural Standards for BART (Grefe and Smart 1975). The manual, completed in 1965, provided for elements that should be included in each station design, including ticket kiosk locations, vertical circulation, acoustic requirements, site layout requirements, and the number of entrances (Architectural Forum 1966). The information in the manual was largely functional, providing minimum design standards and physical requirements and did not include guidance for architectural style. In tandem with the Manual for Architectural Standards, landscape architect, Lawrence Halprin, was hired as chief landscape architect and authored a corresponding landscape guide, The Landscape Design Criteria and Standard Landscape Elements. It established a list of acceptable plants and standard elements for station plazas (Architectural Forum 1966).

Project architects were given latitude with stations design but were constrained by the manual and the site plan, frustrating some architects. Ultimately, stations were designed by 14 Bay Area firms, selected from a list compiled by Emmons. The result was a variety of station designs, ranging from utilitarian to inspired. In addition to constraints from the prescriptions by PBTB in the manual and the development of the site plans, architects were limited by the station type. Designers used finishes and materials to distinguish their work, including the placement of openings, lighting, and artwork. Some architects used more innovative features like rotundas, sunken plazas, or new use of materials (Architectural Record 1974).

Construction was underway in 1965 and by 1968 over half of BART's system construction was complete (Healy 2016). BART opened to public service on Monday, September 11, 1972. However, only a small fleet of trains were available and 12 stations between Fremont and MacArthur were serviced. The transbay tube, allowing trips between San Francisco and Oakland, did not officially open for another two years. In its first 3 months of operation, 1 million passengers used BART. By 1978, BART offered weekend service, proving its viability as a transit option beyond the workweek (Healy 2016). In the following years, BART worked on refining service. During the 1990s three service route extensions were planned – Daly City to SFO to Millbrae, Concord to Antioch, and Bay Fair to Dublin/Pleasanton. Today, BART has expanded to 50 stations and includes 131 miles of track, serving over 400,000 passengers weekly (BART 2021).

*See continuation sheet, p. 6.*

\*Recorded by: JulieAnn Murphy, Rincon Consultants

\*Date: June 30, 2021

Continuation

Update

**B10. Significance (continued):**

**Property History of the Ashby BART Station**

Urban development on and around the site that now comprises the Ashby BART Station began by the late nineteenth century. Since the 1870s, the area had been connected to Berkeley's commercial district by a Central Pacific Railroad spur line. This and subsequent rail improvements shaped development in the coming decades. A USGS map dating from 1895 shows that the street grid surrounding the present BART station was developed, and scattered residences occupied the triangular block that makes up the site (NETROnline 1895). Despite the incipient urbanization of the area, until sometime in the early twentieth century, the area around the Central Pacific's Adeline Street stop remained swampy, perhaps because of a reported "frog pond" in the vicinity (BAHA 2004).

Although the area was subdivided by the late 1880s, development was sluggish until the following decade. Two events in 1891 set the stage for the suburbanization of the area in and around the station site. First, the City of Berkeley annexed the area, bringing the promise of urban services. Next, the Oakland Consolidated Street Railroad extended interurban commuter rail service to the neighborhood. The establishment of two new streetcar lines in the neighborhood, nicknamed the "Shattuck" and the "Lorin," connected the area to a wider East Bay transit network and made commuting from the incipient suburb practicable for those who could not afford a horse and buggy. The local transportation network was expanded further in 1903, when the Key System established a streetcar connecting Berkeley to San Francisco with Adeline Street serving as a one of the route's main East Bay corridors (Emmington et al. 2004). In response, members of a newly mobile workforce opted to settle farther from the urban core, and residential development intensified around the new trolley lines. Following the completion of the commercial Webb Block (1885 Ashby Avenue) and the influx of refugees from the San Francisco earthquake and subsequent fires of 1906, many of the Ashby BART Station's lots were quickly developed with residences, and a commercial district developed, filling the four corners of the Ashby Avenue-Adeline Street intersection, immediately northeast of the station site (BAHA 2004; Emmington et al. 2004).

In 1909 and 1911, two new streetcar lines were established through the area. In 1909, the Key System began service on the Ashby Avenue Line, and in 1911, Southern Pacific established the Ellsworth Line. These additions made the area a nexus of local and regional transportation routes (Emmington et al. 2004). By 1911, Sanborn maps show that the station site was almost completely developed. While the area was largely developed with single-family residences, there were scattered multi-family structures and several undeveloped parcels at the southwest corner of Ashby Avenue and Adeline Street. The present site of the adjacent Ed Roberts Campus was similarly characterized by mostly residential development, but also featured a few commercial and industrial properties along and near Adeline Street (ProQuest 1911).

Through the first half of the twentieth century, a combination of banking and real estate industry practices and government policies enforced residential segregation in Berkeley. Grove Street (now Martin Luther King, Jr. Way), which borders the Ashby BART Station on the west, became the unofficial dividing line between White and Non-white Berkeley. By the 1920s, the neighborhood west of the station site was home to a growing number of Black and Japanese-American residents (Archaeological/Historical Consultants and JRP Historical Consultants 2018; Lorey 2013). As documented by the Home Owners' Loan Corporation in the 1930s, the racial division of the area surrounding the Ashby BART Station site was made official when the area west of Grove Street was "redlined," due to its majority-non-white population (Mapping Inequality 2021). As discussed further in the following paragraphs, because the Ashby BART Station was constructed in a segregated neighborhood, this influenced the perception that its design was discriminatory and would have a deleterious effect on Black residents living near the station site.

As of 1950, the Ashby BART Station site remained largely residential in character, though commercial and auto services were operating at the north and south ends of the block. The Ed Roberts Campus site and its surroundings were by then fully developed with a mix of commercial, light industrial, institutional properties along Adeline and single-family houses on side streets (ProQuest 1950). Mirroring a wider trend in cities across the United States, Key System streetcar service ended in the 1950s and the tracks along Adeline Street were soon removed (Archaeological/Historical Consultants and JRP Historical Consultants 2018). Historical aerial photographs show that, by the late 1960s, BART began clearing the dozens of residences and other buildings from the future station site in anticipation of construction of the Ashby BART Station and its associated parking lots (NETROnline 1958; 1968).

PBTB's original design for the Berkeley segment of the BART system called for elevated tracks placed on street medians throughout the city (Healy 2016). City of Berkeley officials objected to the aerial rail design, and in 1960, the Berkeley City Council passed resolution that called for the BART system within Berkeley to be constructed entirely as a subway. Negotiations with the City-led PBTB to propose a compromise by which BART would construct a subway segment in downtown Berkeley (mostly along Shattuck Avenue between Derby Street and the intersection of University and Milvia avenues). The remainder of the Berkeley route, roughly three miles of tracks, would be elevated. These changes were incorporated into the Composite Report, released in Spring 1962 to the various city and county jurisdictions through which BART would be routed. PBTB believed a lack of official response from the municipalities indicated approval of the designs contained Composite Report (Healy 2016).

In 1963, Wallace Johnson, who had recently been elected mayor, objected. Now known as the "the last Republican mayor of Berkeley," Johnson graduated from the California Institute of Technology with a background in engineering before entering local politics. Johnson objected to the aerial tracks and stations, believing they were "aesthetically unattractive" and threatened to "divide the city psychologically along racial lines," in the words of historian Michael C. Healy. Indeed, as Healy notes, for much of its course through Berkeley, the BART line would run parallel to, and just east of, Grove Street (now Martin Luther King, Jr. Way) which historically marked the unofficial boundary between Berkeley's White and Black neighborhoods (Healy 2016; Lorey 2013). Led by Johnson, the City pressured BART and PBTB to redesign the Berkeley segment as entirely underground alignment, but BART objected due to the comparatively high price tag of subway construction. In July 1963, the City requested BART release a cost comparison of the elevated and subway alternatives. Meanwhile, Johnson formed a committee to plan for covering part of the excess costs of putting the line underground. The City's independent study estimated the difference in cost between BART's proposal and an entirely underground alignment would be approximately \$6 million. In March 1964, BART issued its own cost estimates, which concluded the added cost of placing the tracks and two stations underground would total \$21 million. In subsequent negotiations, neither party was open to renegotiating (Healy 2016). *See continuation sheet, p. 7.*

\*Recorded by: JulieAnn Murphy, Rincon Consultants

\*Date: June 30, 2021

Continuation

Update

**B10. Significance (continued):**

Johnson and other members of the Berkeley community began campaigning publicly against the aerial segments. Johnson paid to have 30-foot-tall scaffolding erected near the proposed North Berkeley and Ashby BART Station sites to represent the height of the aerial elements. The Berkeley Citizens Committee collected \$14,000 in donations to wage a public information campaign consisting of the placement of large signs reading 'BURY THE BART TRACKS' in locations around the city and paid for the airing of advertisements on the local radio station KPFA (Healy 2016).

Negotiations between BARTD and the City resumed in May 1964, with as many as 20 sessions held between May and August. Both parties issued revised cost estimates, with BARTD projecting \$24 to \$30 million in additional expenditures and the City \$11 million. In September 1964, the BARTD board of directors unanimously rejected Berkeley's request for a subway line, unless Berkeley could come up with the money to cover the difference in cost between the aerial and subway alternatives (Healy 2016).

As a result of behind the scenes talks between Johnson and BARTD president Adrien Falk, BARTD agreed to advertise two sets of bids for the Berkeley alignment—one for aerial construction and the other for a subway—as a means of settling the dueling cost projections at the heart of the standoff. In the interim, the City would work out details of financing the added construction costs. Johnson persuaded the City Council to establish Special District No. 1, a special assessment district comprised of the entire city and throughout which taxpayers would vote on a \$20.4 million bond issue to finance excess construction costs due to the construction of the subway. The issue went to the ballot in October 1966, with 80 percent voting to approve the bond issue. Eventually, the low bid for subway construction (1968) came in at around \$12.4 million, about \$2.4 million more than Berkeley officials estimated and with a price tag that could be covered by Berkeley's bond issue (Healy 2016). As a result, the Berkeley segment of the BART alignment would be constructed as a subway.

Following approval of the Bond Measure C, a second design was drafted for the Ashby BART Station, as well as its counterpart in North Berkeley. The redesigned station proved just as controversial as PBTB's original proposal. While the tracks approaching the station would be placed underground, the new plans called for a station located partially above-ground. Specifically, a 700-foot-long, 5-foot-high skylight structure would emanate above ground level to allow natural light into the station. The structure, which would have been located in the Adeline Street median, spanning the approximately two and a half blocks between Ashby Avenue and Woolsey Street, was designed to be enclosed by an 8-foot-high fence (Healey 2016; Oakland Tribune 3/5/1968; 3/12/1968). That the proposed station was perceived as a multi-block barrier bisecting the adjacent neighborhood was compounded by plans for an impassable segment of "transitional" tracks connecting Oakland's aerial structure to Berkeley's subway to be located immediately south of the station. When Oakland officials refused to allow the construction of the structure on their side of the boundary, BART engineers planned for their placement in Berkeley. Neighborhood activists grew concerned that the combined effect of the proposed station and transitional track structure would be a barrier spanning approximately five city blocks (Oakland Tribune 12/8/1967; 3/12/1968; San Francisco Examiner 5/19/1968).

In late 1967, a group of five local residents filed a lawsuit against BART to halt the construction of the station as proposed by BART. The legal challenge was led by two prominent Black Berkeleyans, labor and civil rights activist Mable Howard, and then-Berkeley City Council member Ronald V. Dellums (see below for brief biographical sketches of Howard and Dellums). Contemporary news articles reported the plaintiffs' main allegations were that construction of the above-ground portions of the station would form a barrier separating the historically white and Black sections of Berkeley, that construction of a surface parking lot on the triangular lot bounded by Adeline Street, Ashby Avenue, and the present Martin Luther King, Jr. Way would remove properties from the tax rolls at a cost to the City, and that extending the station or related facilities beyond the Adeline street right-of-way would incur unnecessary costs associated with the acquisition of private property (Oakland Tribune 12/21/1967). In subsequent oral arguments, BART counsel Fred McNeil characterized the charges that the above-ground elements would constitute a "a traffic or racial barrier" as a "false issue." Paraphrased by the Oakland Tribune, McNeil offered "the triangular gore of Ashby-Grove-Adeline existed as a natural physical block to crosstown traffic and that Negroes lived on both sides of the Adeline site" (Oakland Tribune 3/5/1968). Moreover, it would cost a million dollars to lower the station so that the roof would be at ground level, and that it would make for a "less desirable station" (Oakland Tribune 3/5/1968).

In December 1967, Alameda County Superior Court judge Thomas Caldecott issued an injunction to stop BART's construction of above-ground facilities at the Ashby and North Berkeley BART station sites. According to an article published in the Oakland Tribune, "in granting the injunction, [...] Caldecott held that the district's present plans create a barrier through Berkeley that defeats the purpose of a \$20 million bond [...] passed by taxpayers that put the system underground" (Oakland Tribune 12/21/1967). In May 1968, the case was resolved in favor of the plaintiffs. In a 13-page decision, Alameda County Superior Court Judge Robert L. Bostick found that BART would be required to redesign the Ashby BART Station, because the existing plans were not consistent with the "subway" required by the bond measure Berkeley voters approved in 1966. He said further that the promise of keeping the tracks underground "border to border" and thus preventing the construction of a "Berlin Wall" to divide the city was crucial to the bond measure's approval (San Francisco Examiner 5/19/1968).

Bostick's decision forced BART back to the drawing board. BART selected the San Francisco-based architecture firm Maher and Martens to draw what would be the third and final design of the Ashby BART Station. Helmed by partners Edward John Maher and Henry E. Martens, the partnership also served as architects for the Downtown and McArthur BART station. In 1969, Maher and Martens completed plans for the Ashby BART Station. Designed in with a heavy reinforced concrete construction emblematic of the Brutalist style, the station elements were constructed under Adeline Street, with the exposed west-elevation station entrance facing the adjacent below-grade surface park-and-ride lot (Maher and Martens 1969). A satellite parking lot was constructed across Adeline Street to the southeast. In the early twenty-first century, a large portion of the satellite parking lot was redeveloped as the Ed Roberts Campus.

*See continuation sheet, p. 8.*

\*Recorded by: JulieAnn Murphy, Rincon Consultants

\*Date: June 30, 2021

■ Continuation

□ Update

**B10. Significance (continued):**

Service at the Ashby BART Station began with the opening of Oakland-to-Richmond extension on January 29, 1973 (Anonymous 2009). For its first several years of service, the station offered only weekday service.

**Berkeley Flea Market**

In the late-1970s, the Ashby BART Station was again a source of community activism, this time centered on the use of its adjacent western parking lot on weekends as the site of the Berkeley Flea Market. Some sources claim the outdoor market originated in 1973 out of spontaneous efforts by community members to take advantage of otherwise unused public space (Rubalcava-Levinthal 2019, Hicks 2019, Steltzer 2016). As one source explained, "BART originally didn't run trains on the weekends. The parking lot was empty, so people felt they had the right to go in and set up and sell" (Steltzer 2016).

Contemporary sources identify 1976 as the date of the flea market's origins. That year, the event was organized by Community Services United (CSU), who secured a series of temporary lease agreements with BART, under which flea market vendors could sell goods from the parking lot on Saturdays and Sundays (Grassroots 1976; Fernandez 1981; Brom and Amini 1979). Founded in 1976, as "the brainstorm of a coalition of 30 social service agencies that had long competed against each other for city funds." CSU was conceived as a way to raise money to support poorer residents of Berkeley "while avoiding the constant trek to city hall for [funding]" (Brom and Amini 1979). The flea market appears to have served the dual purpose of raising funds for CSU through vendor fees while offering a venue for the same vendors to raise income through the sale of various goods.

During the flea market's early years, the event drew primarily from the neighborhood surrounding Ashby BART Station. One of the event's founders, Pat McClintock, commented on the changing demographics: "At first, both buyers and sellers were primarily poor and black... The stalls would fill up with sellers, but nobody had much money to buy. Now there's more cash changing hands, more volume, and a higher turnover of goods" (Brom and Amini 1979). The event proved popular as a retail site where customers could find deals on everyday items, such as dishes, clothes, tools, and appliances (Brom and Amini 1979). For many vendors, the flea market was an important source of income. Speaking to the San Francisco Examiner in 1979, Cornelius Thorne, an SFSU maintenance worker who supplemented his regular earnings selling dishes, magazines, and old toasters and waffle irons, explained, "Between inflation and having eight kids, I sell here to have more money... A rabbit's got to have more than one hole to crawl into these days" (Brom and Amini 1979). The event's popularity grew phenomenally in its first 5 years under CSU's management. According to an article published in the North East Bay Independent & Gazette, by 1981, the flea market was so successful it had become "the fifth largest retail business in Berkeley, doing about \$1 million of business per year" (Fernandez 1981).

From its beginning, the Berkeley Flea Market was also an "arena for local politics" (Brom and Amini 1979). CSU reserved ten stalls for community-oriented organizations running. Typical participants ranged from explicitly political left-wing organizations such as Berkeley Citizen's Action and the Black Panther Party to the more conservative Boy Scouts of America (Brom and Amini 1979).

In mid-1978, the lease agreement between BART and CSU became the subject of a prolonged dispute that would eventually end in a court ruling in CSU and the flea market vendors' favor. In the view of the BART Board of Directors, the agency and CSU had entered into an agreement providing that CSU could lease the parking as the site the Berkeley Flea Market until weekend service began at Ashby BART Station. In 1978, as BART first prepared to run trains at Ashby BART Station and the rest of the Oakland-to-Richmond round, BART ordered CSU to cease holding the event on the Ashby BART Station parking lot (Healey 2016). Flea market vendors pressured BART to renew the lease, and the agency relented, offering a series of temporary agreements that reinstated the flea market. The dispute came to a head in July 1981, however, when an administrative report proposed once again revoking the flea market's permission to use the site, due to associated with policing and supposed damage to landscaping, in addition to the apparent "inconvenience" to BART posed by the flea market's use of the parking lot (Fernandez 1981; Buel 1981a). BART soon announced the flea market's lease agreement would not be renewed. Several vendors vowed to fight BART's decision. Following the lapse of the lease agreement, the weekly event continued without BART's sanction (North East Bay Independent & Gazette 7/28/1981, Buel 1981b, Kruger 1981).

By October 1981, noted Berkeley-based civil rights attorney Donald Jelinek was hired to represent the vendors in a lawsuit aimed at reinstating the Berkeley Flea Market's right to continue operations in the Ashby BART Station parking lot on weekends (Kruger 1981). A native of New York, Jelinek got his start in civil rights activism in the 1960s working on a Mississippi civil rights campaign organized by the Student Non-Violent Coordinating Committee. In 1969, following a stint advocating on behalf of the economic rights Black Alabama farmers, Jelinek moved to Berkeley to practice law. He represented defendants in high-profile civil rights cases, including those of a group of Native American activists charged with trespassing following their well-publicized occupation of Alcatraz Island in 1969 and several inmates charged with offenses related to the Attica Prison uprising of 1971. Following the resolution of flea market vendor's suit against BART, Jelinek served on the Berkeley City Council and twice ran unsuccessfully for mayor of Berkeley (Scherr 2016; Quian 2016).

*See continuation sheet, p. 9.*

\*Recorded by: JulieAnn Murphy, Rincon Consultants

\*Date: June 30, 2021

■ Continuation

□ Update

**B10. Significance (continued):**

Filed in Alameda County Superior Court in October 1981, CSU's lawsuit against BART was settled in 1983. Described by historian Michael C. Healey as a "'he-said-she-said' situation," the case revolved around the disputed duration of the lease agreement and whether BART "caused the vendors to believe that [a particular BART staff member] was authorized to negotiate the agreement" (Burress 1983, Healey 2016). The 19-month trial ended June 1983, when the jury found BART had entered into a contract with the vendors which allowed them "indefinite renewals of the written concession permit until a) BART needed the Ashby parking lot for its own purposes or b) the flea market was not operated according to BART standards" (*San Francisco Bay Area Rapid Transit District v. Community Services United, et al.* 1983). Conger additionally awarded the vendors \$15,000 in court (Healey 2016, Burress 1983, Kruger 1983). Quoted in the Berkeley Gazette, one vendor celebrated the decision: "I'm so happy to go out and be making a living. It's a victory for people of all races. We fought the system and beat the biggest powers" (Kruger 1983).

Four almost 4 decades after Conger issued her decision, the Berkeley Flea Market has operated consistently at the Ashby BART Station site. Although the demographics of its customers shifted over the years, it remained an important source of income for low-income vendors. Aside from its role as a retail outlet for a variety of second-hand goods, the market has also served as a gathering place for Black residents of the surrounding neighborhood and venue for the arts, including a longstanding weekly drum circle (Steltzer 2016; Rubalcava-Levinthal 2019). In February 2019, CSU announced plans for the flea market's first temporary closure, during February and March of that year. CSU cited as a reason for the closure the institution's declining receipts, which a representative attributed to gentrification of the surrounding area (Hicks 2019; Rubalcava-Levinthal 2019). As of the drafting of this evaluation, the Berkeley Flea Market web site indicated the event was still in operation weekly.

**Mable Howard**

Born in 1905, Howard arrived in the Bay Area in 1942 and moved to Berkeley in 1946. In the 1940s, Howard worked at the Bethlehem Steel shipyards and became the successfully fought to become the first Black woman admitted to the painters' union. She was active in the International Longshore and Warehouse Union for more than 30 years. Howard is perhaps best remembered for her leading role in the 1967-1968 lawsuit that forced BART to build the Ashby BART Station entirely underground. Howard was also active in the boarder Civil Rights and Antiwar movements and served as a local board member for the federal Model Cities social welfare program. A profile of Howard published in the Oakland Tribune reported that Howard's home was often the setting of "spirited get-togethers" of community leaders engaged in political discussion. According to a 1995 obituary, Howard earned the nickname "Mama Howard" for "nurtur[ing] so many prominent civic leaders" (Hussain 2018; Race, Poverty & the Environment 1995; Berkeley Gazette 4/11/1973; Oakland Tribune 3/26/1985). The Mable Howard Apartments on Alcatraz Avenue in Berkeley are named in her honor.

**Ronald V. Dellums**

Dellums was born in Oakland in 1935. After graduating from Oakland Technical High School in 1953, Dellums attended Oakland City College, earning an Associate's degree in 1958. He transferred to San Francisco State University, from which he graduated with a Bachelor's degree in psychology. In 1962, Dellums completed his Master's degree in social work at the University of California, Berkeley (Williams 2021).

Dellums's began his career as an elected official in Berkeley, serving one term as a member of the City Council from 1967 to 1971. In 1970, while serving on the City Council, Dellums ran for Congress as an antiwar candidate and won a seat U.S. House of Representatives seat representing parts of Berkeley and Oakland. In securing the seat with 57 percent of the vote, Dellums became the first Black candidate to win in a majority-white House district. In his first term in Congress, Dellums introduced bill to establish economic sanctions against the Apartheid regime of South Africa. The sanctions became a defining issue of his 14-term Congressional career. In 1986, a version of Dellums' oft-introduced bill (the Comprehensive Anti-Apartheid Act) was passed and signed into law, instituting a trade embargo and enforcing divestment from South African companies. Acting as floor manager for the bill, Dellums remarked "This is the highest point of my political life, the most significant and personally rewarding." Dellums retired from the House in 1998, citing personal reasons (United States House of Representatives 2021; Gorman 2018). In 2006, Dellums was elected Mayor of Oakland, serving from 2007 to 2011. He passed away in 2018.

*Historical Evaluation of the Ashby BART Station*

The Ashby BART Station is recommended locally eligible as a City of Berkeley Landmark for its long-standing associations with social activism and community building from within the historically Black neighborhood in which it is situated. It is not recommended eligible for inclusion in the National Register of Historic Places (NRHP) or California Register of Historical Resources (CRHR) at this time due to a lack of available information and pending further investigation into a larger historic context of the Black community and environmental justice in Berkeley and California. A detailed evaluation of the property's historical significance follows.

*See continuation sheet, p. 10.*

\*Recorded by: JulieAnn Murphy, Rincon Consultants

\*Date: June 30, 2021

Continuation

Update

**B10. Significance (continued):**

**California Register of Historical Resources and National Register of Historic Places Eligibility**

As detailed below, the Ashby BART Station is recommended eligible for designation as a City of Berkeley Landmark due to its associations with the history of the Civil Rights Movement in Berkeley; however at this time, there is insufficient context related to its larger association within the BART system or within the African American historic context to make a definitive finding on the property's NRHP or CRHR eligibility at this time. As noted in guidance issued by the California State Office of Historic Preservation, sufficient historical scholarship on relevant topics must exist to properly evaluate a property's potential for historical significance. Further, many of the events have occurred within the past 45 years and do not exceed the NRHP's general 50-year threshold for eligibility. Due to constraints, including those regarding archive closures stemming from COVID 19, the research conducted for this study encountered a dearth of academic analysis of the history civil rights activism in Berkeley. As such the events related to the undergrounding of the BART tracks and Ashby BART Station, the involvement of Mable Howard, Ronald V. Dellums and other individuals, and the lawsuit over use of the adjacent surface parking lot on weekends as the Berkeley Flea Market could not be considered within their proper historical context. As such this evaluation is unable to make a recommendation regarding the property's NRHP or CRHR eligibility under Criteria A/1 or B/2 at this time. Further research and analysis would provide for the development of sufficient historical context relating to African Americans and the Civil Rights Movement in Berkeley in which to evaluate the significance of the Ashby BART Station and its NRHP and CRHR eligibility under these themes.

In consideration of other potentially significant associations, the Ashby BART Station also does not appear to meet NRHP or CRHR eligibility requirements. The Ashby BART Station is just one of many stations serving the BART system and one of three in Berkeley, and its design, completion, and operation do not constitute a singularly significant historical event regionally or locally under the theme of transportation or otherwise. Research for this study did not identify any other historical context in which the Ashby BART Station would be considered historically significant. Allowing for a possible exception based on associations with local civil rights history, the Ashby BART Station is recommended ineligible for listing in the NRHP or CRHR under Criterion A/1.

Architecturally, the Ashby BART Station is a partially exposed subway station exhibiting elements of Brutalist-style architecture. Analysis for this evaluation concluded the station is an unremarkable example of the style and does not embody the distinctive characteristics of a type, period, or method of construction or possess high artistic values. Research for this evaluation found no evidence that the station represents the best work of its designer, the architecture firm Maher and Martens. The Ashby BART Station is therefore recommended ineligible for the NRHP or CRHR under Criterion C/3.

A review of available evidence did not indicate that it may yield important information about prehistory or history. As such, the property is recommended ineligible for the NRHP or CRHR under Criterion D/4.

Finally, while the station may be eligible as a contributor to a potential historic district constituting all or part of the BART system, such a recommendation was beyond the scope of this evaluation.

**City of Berkeley Landmark and Structure of Merit Evaluations**

The Ashby BART Station is recommended eligible as a City of Berkeley Landmark under Criterion 2, which allows for the designation of properties possessing cultural value. Specifically, the criterion makes eligible for Landmark designation structures, sites, and areas associated with the movement or evolution of religious, cultural, governmental, social and economic developments of the city. The station, including the immediately adjacent surface parking lot, is associated with local civil rights activism related to the undergrounding of the BART tracks and station and the community's use of the station parking lot on weekends for the Berkeley Flea Market. In combination, these two events highlight the role of African-American South Berkeley residents and their allies in ensuring, firstly, in that the BART station was designed in a manner consistent with the community's wishes and, secondly, in that once developed, the facility would continue to serve the community's economic and social needs. Led by Mable Howard and Ronald V. Dellums, among others, the lawsuit to ensure that the entirety of the Ashby BART Station was designed as a subway station was the culmination of a years of political efforts by Berkeleyans to ensure BART engineers designed the portion of the rail system within the city's boundaries according to the preferences of the community. More specifically, the contest over the Ashby BART Station's design highlighted the determination of African-American leaders to prevent the construction of a station whose design was widely perceived as racially discriminatory. The historical record does not suggest there is a direct relationship between, on the one hand, the legal challenge led by Howard, Dellums, and others, and on the other hand, the work of local activists and community members to establish and preserve the Berkeley Flea Market at the Ashby BART Station parking lot, at some times over the objections of the BART Board of Directors. However, the two events are linked thematically by the persistent efforts of activists and members of Berkeley's African-American community to influence the design and use of a prominent public space in the historically African-American South Berkeley neighborhood. The Berkeley Flea Market began as an economic institution that hosted a predominantly Black group of vendors and patrons. In 1981, the market's vendors successfully sued BART to continue their use of the station's surface parking lot as the flea market site. The case was ultimately settled in 1983 with the jury finding BART had entered into a contract with the vendors which allowed them "indefinite renewals of the written concession permit until a) BART needed the Ashby parking lot for its own purposes or b) the flea market was not operated according to BART standards" (*San Francisco Bay Area Rapid Transit District v. Community Services United, et al. 1983*). As such, the station is notable for its association with the history of activism centered on the Ashby BART station. Since the lawsuit's conclusion, the weekend event has maintained over four decades its role as a Black social and cultural institution. The property may be regarded as important for its longstanding association with South Berkeley's Black community and is therefore recommended eligible for designation as a City of Berkeley Landmark under Criterion 2.

The Landmark's boundaries include the station footprint inclusive of the parking lot located immediately adjacent to the west of the station proper. The satellite parking lot located east the Ed Roberts Campus does not contribute to the property's significance because it was neither the subject of the 1967-1968 lawsuit nor used as a site of the Berkeley Flea Market. See continuation sheet, p. 11.

\*Recorded by: JulieAnn Murphy, Rincon Consultants

\*Date: June 30, 2021

Continuation

Update

**B10. Significance (continued):**

The Ashby BART Station is recommended ineligible under the remaining criteria for City of Berkeley Landmarks and Structure of Merit designation. As an undistinguished Brutalist-style subway station, the property fails to satisfy the requirements of Landmark Criterion 1, which pertains to architectural merit. Research for this study did not find evidence that it is the first, last, only, or most significant architectural property of its type in the region, nor that it is a prototype, or outstanding example, of a period, style, architectural movement, or construction. Moreover, available sources do not suggest it is an example of the more notable works or the best surviving work in a region of its designer, the architecture firm Maher and Martens. It is also not an architectural example worth preserving for the exceptional value it adds as part of the neighborhood fabric.

The station also fails to satisfy the requirements for designation under Landmark Criterion 3, which pertains to educational value. Although the station is significant for its associations with the social activism in Berkeley, these historical associations are not conveyed by the station's design in a manner that would readily express that history to visitors to the site.

The Ashby BART Station is also recommended ineligible under Landmark Criterion 4. Properties eligible under Criterion 4 must possess historical value and embody and express the social, cultural, economic, political, religious or military history of Berkeley, Alameda County, California, or the United States. Although the station property is associated with notable events in the city's history that, taken together, qualify the property for Landmark designation under Criterion 2, research for this study did not find evidence the events are individually important. Rather, the Ashby BART Stations important historical associations satisfied the requirement under Landmark Criterion 2 that a property embody the evolution of historic, social, and cultural themes. Because Criterion 4 does not similarly allow for designation based on such thematic grounds, the Ashby BART Station is recommended ineligible under this criterion.

Finally, the property is not listed in the NRHP and, therefore, does not qualify for Landmark designation under Criterion 5.

Per the City of Berkeley's historic preservation ordinance, a property may also be designated as a Structure of Merit. Such designation is generally reserved for properties that, upon assessment, do not currently meet the criteria as set out for a landmark, but are worthy of preservation as part of a neighborhood, a block or street frontage, or as part of a group of buildings which includes landmarks. Because the current evaluation recommends the Ashby BART Station eligible for designation as a Landmark, it was not evaluated for Structure of Merit eligibility.

**Photographs:**



**Left: Detail of the Ashby BART Station, West Elevation, Facing South; Right: Ashby BART Station, Street-Level Deck along West Side of Adeline Street, Featuring Non-Original Canopy and Signage, Facing Northwest**

*See continuation sheet, p. 12.*

\*Recorded by: JulieAnn Murphy, Rincon Consultants

\*Date: June 30, 2021

Continuation

Update

Photographs (continued):



Left: Interior View of Entry Area of the Ashby BART Station Concourse Level; Right: Interior View of Paid Area of the Ashby BART Station Concourse Level



Left: Interior View of the Ashby BART Station Platform; Right: Ashby BART Station Parking Lot near Martin Luther King, Jr. Way, Facing Southeast



\*Recorded by: JulieAnn Murphy, Rincon Consultants

\*Date: June 30, 2021

■ Continuation

□ Update

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*See continuation sheet, p. 14.*

\*Recorded by: JulieAnn Murphy, Rincon Consultants

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