

Ashby + North Berkeley BART

Zoning/General Plan Amendments, City-BART Joint Vision and Priorities and Final Environmental Impact Report

Planning Commission

April 6, 2022



Meeting Purpose

Conduct a public hearing and obtain the Planning Commission's recommendation to City Council regarding:

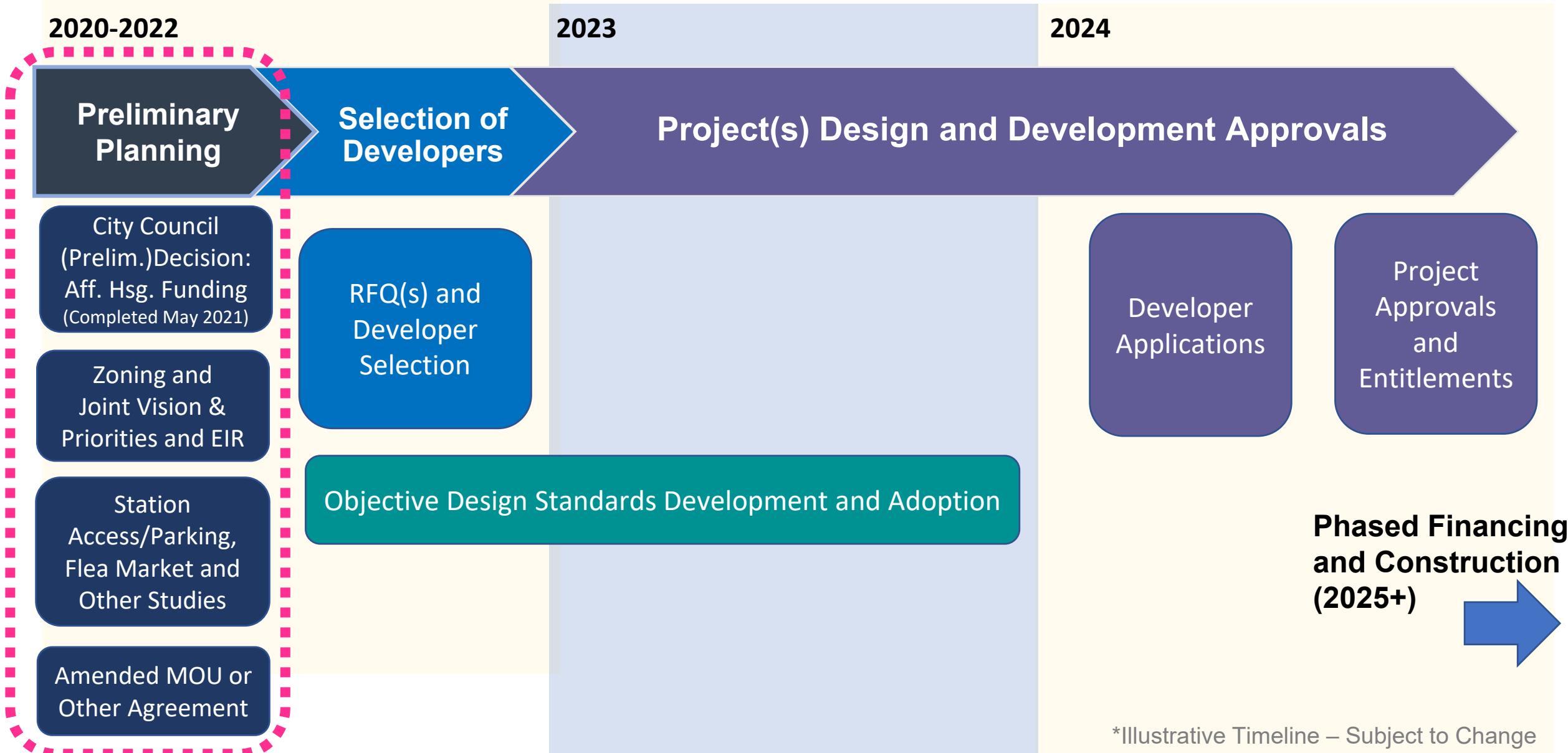
- (1) Zoning and General Plan Amendments
- (2) City and BART Joint Vision and Priorities (JVP) Document
- (3) Final Environmental Impact Report, CEQA Findings, Mitigation Monitoring and Reporting Program and Statement of Overriding Considerations



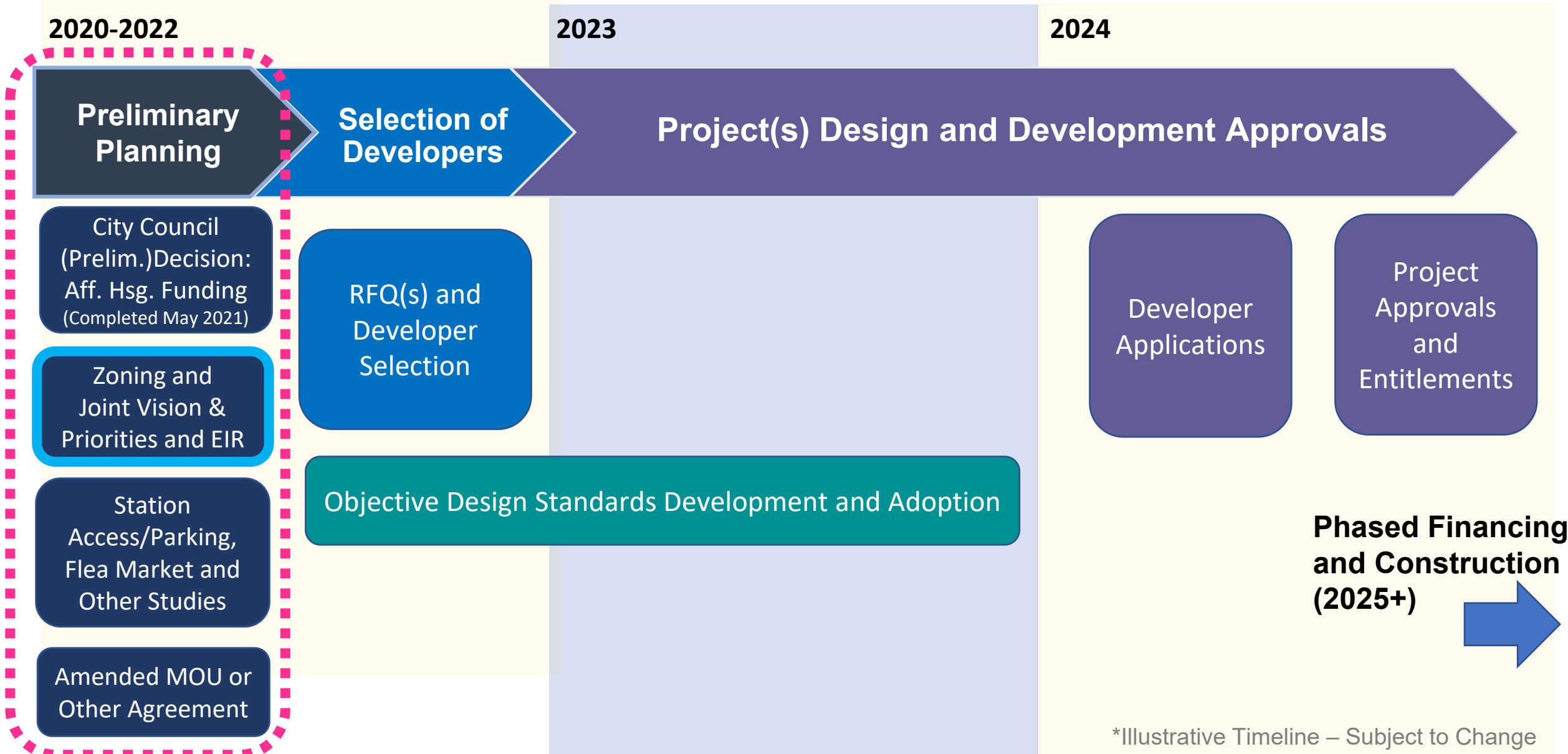
TONIGHT'S MEETING

- I. Planning Process Context
- II. Proposed Zoning, General Plan and City and BART Joint Vision and Priorities (JVP)
- III. Final Environmental Impact Report, CEQA Findings, Mitigation Monitoring Reporting Program, and Statement of Overriding Considerations

I. Planning Process Context



I. Planning Process Context



I. Planning Process – Public Engagement

Community Advisory Group Meetings

Mtg.	Topic(s)	Date
1	Introductions, Project Overview, CAG process, Review of Existing Conditions and Relevant Adopted Laws, Plans, Policies and Development Parameters	June 8, 2020
2	Process Overview, Introduction to AB 2923 and Zoning, Preliminary Site Concepts	August 3, 2020
3a	Financial Feasibility, Affordable Housing, and Building Form	October 14, 2020
3b	Introduction to City-BART Joint Vision and Priorities (JVP)	October 21, 2020
4	Zoning and Development Parameters, Building Form, and Land Uses	Dec. 14, 2020
5	Review of Draft City-BART JVP and Draft Zoning: Affordable Housing, Public and Civic Space, Land Use and Building Form and Draft Zoning	March 22, 2021
6	Review Draft JVP including: BART Station Access and Draft Zoning	April 29, 2021
7	Final Review of Draft Joint Vision and Priorities and Zoning	June 21, 2021
8	CAG Wrap-Up and Next Steps in the Ashby and North Berkeley Transit-Oriented Development Planning Process	Dec. 6, 2021

Community Workshops/Meetings

Mtg.	Topic(s)	Date
1	Project Overview, Project Goals/Parameters and Preliminary Concepts	August 31, 2020
2	Draft City-BART Joint Vision and Priorities	February 8, 2021
3	Final Review of Joint Vision and Priorities and Zoning	June 26, 2021

I. Planning Process – Public Engagement

Planning Commission:

- Dec. 2, 2020 - Scoping Session on the Draft Environmental Impact Report (DEIR) on Zoning and General Plan Amendments
- Sep. 1, 2021 - Informational Meeting on the Proposed Zoning and General Plan Amendments and City-BART Joint Vision and Priorities
- Nov. 3, 2021 - Public Hearing on the Draft EIR on the Proposed Zoning and General Plan Amendments and City-BART Joint Vision and Priorities

Other Commissions and Council (Reserving City Affordable Housing Funds)

- Feb. 1, 2020 - Housing Advisory Commission
- March 1, 2021 - Measure O Bond Oversight Committee
- April 27, 2021 - City Council

I. Planning Process Moving Forward

Planning Commission:

- **April 6, 2022:** Planning Commission Public Hearing and recommendation to City Council on the draft zoning and General Plan amendments, City-BART Joint Vision and Priorities, and Final Environmental Impact Report

City Council:

- **April 19, 2022:** City Council Work Session on draft zoning and General Plan amendments, City-BART Joint Vision and Priorities, Final Environmental Impact Report, and key issues related to parallel efforts/technical studies and the future agreement between the City and BART that will build on the existing Memorandum of Understanding
- **May 31, 2022 :** City Council Public Hearing for consideration and approvals/certification of draft zoning and General Plan amendments, City-BART Joint Vision and Priorities, Final Environmental Impact Report, and (*tentative*) amended MOU and/or other agreement(s) between City and BART
- **June 2022 (*tentative*):** Issuance of RFQ(s) for one or both station areas



II. ZONING, GENERAL PLAN AND “JVP”

- Zoning: R-BART Mixed Use District (R-BMU)
- General Plan: Ashby and North Berkeley BART Transit-Oriented Development Land Use Classification
- City – BART Joint Vision and Priorities for Ashby and North Berkeley BART Transit-Oriented Development (“JVP”)

Zoning and General Plan Amendments

The zoning and General Plan amendments are unchanged from the draft versions presented on November 3, 2021, except:

New/Added: Sections in R-BMU Zoning and the BMC to reference EIR Mitigation Measures:

Section 23.202.150 F. R-BMU Development Standards

14. Mitigation Measures. Projects under this section are subject to applicable measures identified in the adopted Mitigation Monitoring and Reporting Program of the Ashby and North Berkeley BART Stations Transit-Oriented Development Zoning Project Final EIR.

Section 23.304.140 General Development Standards – Area Plans

E. Ashby and North Berkeley BART Stations Transit-Oriented Development Zoning Project. Projects in the Ashby and North Berkeley BART Stations Transit-Oriented Development Zoning Project boundaries are subject to the applicable mitigation measures in the adopted Mitigation Monitoring Program of the Ashby and North Berkeley BART Stations Transit-Oriented Development Zoning Project EIR.

Zoning: R-BMU District

- Zoning for the Ashby and North Berkeley stations will be a new Residential BART Mixed Use District (R-BMU)
- Amendments include requirements for:
 - Definitions and Basic Development Standards (height, lot sizes, open space requirements, setbacks)
 - Allowed Land Uses
 - Street Frontages (stepbacks, ground floor frontages)
 - Building Entrances
 - Pedestrian Access
 - Parking Design and Access
 - Development Approval Process (“Master Development Permit”)

R-BMU Zoning: Development Standards*

TABLE 23.202.150-2: R-BMU DEVELOPMENT STANDARDS

Lot Area, Minimum	No minimum
Floor Area Ratio (FAR), Maximum	4.2
Main Building Height, Maximum	80 feet and 7 stories
Residential Density, Minimum	75 dwelling units per acre
Residential Parking	None required, Maximum of 0.5 space per dwelling unit
Non-Residential Parking	No minimum, 1.5 spaces per 1,000 sf maximum
Bicycle Parking	Minimum of 1 space per unit, 50% of which shall be covered and secure and 1 space per 1,000 sf of commercial use

*Note: Consistent with AB2923

Relevant State Housing Laws

STATE HOUSING LAWS ON HOUSING PRODUCTION AND APPROVAL PROCESS

AB 2923

- Creates minimum standards for transit-oriented zoning on BART sites, including height, density, floor-area ratio, and parking

AB 2923 Provisions that Allow For SB 35 “Ministerial Process”

- Requires cities to provide streamlined, non-discretionary approvals for housing development projects that include a required percentage of affordable housing units

State Density Bonus Law

- Entitles developers to a “density bonus,” of 20-50% above maximum zoning, based on provision of affordable housing

City – BART Joint Vision and Priorities (JVP)

The JVP is unchanged from the draft version presented on November 3, 2021

Purpose

- The City and BART's shared, high-level expectations for future development of both the Ashby and North Berkeley BART properties
- To help guide the process for the development of both Ashby and North Berkeley stations from developer selection through project construction

Affordable Housing



Public + Civic Space



Land Use



Building Form



Station Access + Parking



City – BART JVP:

Affordable Housing - Highlights



Photo: Caelie Frampton

Build More Housing

- Maximize number of units, particularly affordable homes
- Calls out a range of 550- 1200 homes at each station

Specific Housing / Affordability Targets

- Sets minimum, expectations and a goal to maximize affordability
 - Sets 35% minimum; and for different income levels
 - Anticipates at least 50% at both stations
 - If both sites achieve 50%, and if additional funding is identified in a timely manner, priority is to further increase affordable housing at Ashby site; with goal to strive for 100% at Ashby (per Adeline Corridor Specific Plan)

Address Social and Economic Inequities

- Address inequities, reduce displacement, and provide the right to return

Housing Financing

- Explore new and creative financing options

Inclusive Housing

- Create homes for families, people with physical and mental disabilities, and formerly homeless

City – BART JVP: Public and Civic Space - Highlights



Bicycle and Pedestrian Improvements

- Provide safe and reliable access for bicycles and pedestrians to the BART stations and through the station sites

Open Space at Ashby

- Create public open spaces for residents and the general public
- Provide space for the Flea Market and consider using a portion of Adeline

Connection to Ohlone Greenway at North Berkeley

- Establish a clear connection through the site for Ohlone Greenway

Open Space at North Berkeley

- Preference for passive recreational uses, such as small group gatherings, tied together with quality landscape elements

City – BART JVP: Land Use - Highlights



Prioritize Housing – especially Affordable Housing

Community Uses

- Provide community-oriented retail and non-profit services
- Complement nearby business districts

Public Open Space

- For play and other free-form activities, community gardens, and connect with nature

City – BART JVP: Building Form - Highlights



Building Height

- Per AB 2923 building height cannot be restricted below seven stories. However, the City and BART support variation in height and building form at both stations.

Architectural Variety

- Encourage building design to provide visual interest with variation in height, scale, rooflines, materials, and architectural styles.

Neighborhood Quality

- Buildings should be designed to be high quality and provide natural light, air, direct outdoor access and sociability.

Activate Public Spaces

- Ground-floor spaces and building frontages should activate public space, while providing a sense of place and character to the stations and the surrounding neighborhood.

City – BART JVP: Station Access



Housing and Community Benefits

- Favor affordable housing and other community benefits over parking.

Non-Auto Access

- Increase the share of BART riders who access the stations via modes other than driving alone and parking.

Safe and Equitable Access

- Provide safe and secure station access options for people of all ages, abilities, ethnicities, genders and income levels.

Reduce Parking and Traffic Impact

- Provide other parking options, alternatives to driving, parking management and other measures

Pedestrian and Bicycle Access

- Provide high-quality, safe pedestrian and bicycle connections to and through the sites.

CEQA and Environmental Review

- Response to Comments (RTC) document
- Mitigation and Monitoring Program (MMRP)
- Final Environmental Impact Report (FEIR)
(Draft EIR + RTC + MMRP)



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

Final Environmental Impact Report
SCH#2020110320

prepared by

City of Berkeley
Department of Planning & Development
1847 Center Street, 2nd Floor
Berkeley, California 94704
Contact: Alisa Shen, Principal Planner

prepared with the assistance of

Rincon Consultants, Inc.
449 15th Street, Suite 303
Oakland, California 94612

March 2022



Response to Comments (RTC) Document

- Responses to all **CEQA-related** public comments on the DEIR received before the end of the comment period (Dec 1, 2021).
- Revisions/clarifications to the DEIR made in response to comments.
- No new environmental impacts were found; no new mitigation measures were required.



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

Final Environmental Impact Report
SCH#2020110320

prepared by

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

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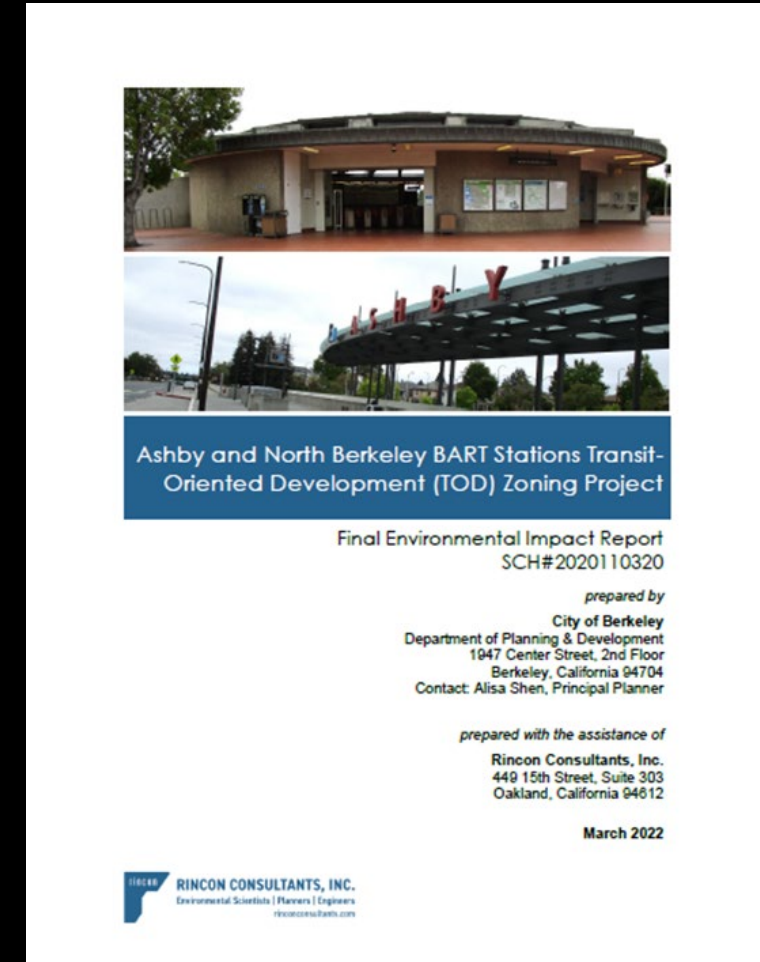
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March 2022



Mitigation Monitoring and Reporting Program

- Lists all mitigation measures that may be included in the **zoning, any future contractual obligations or as conditions of approval.**
- Provides details on **who** is responsible for doing each mitigation, **when** each mitigation must begin, **when and how** a mitigation is considered complete, and **who** will determine if a mitigation is complete.
- Includes 12 specific mitigations in 7 resource areas; many are standard requirements for any development in Berkeley.

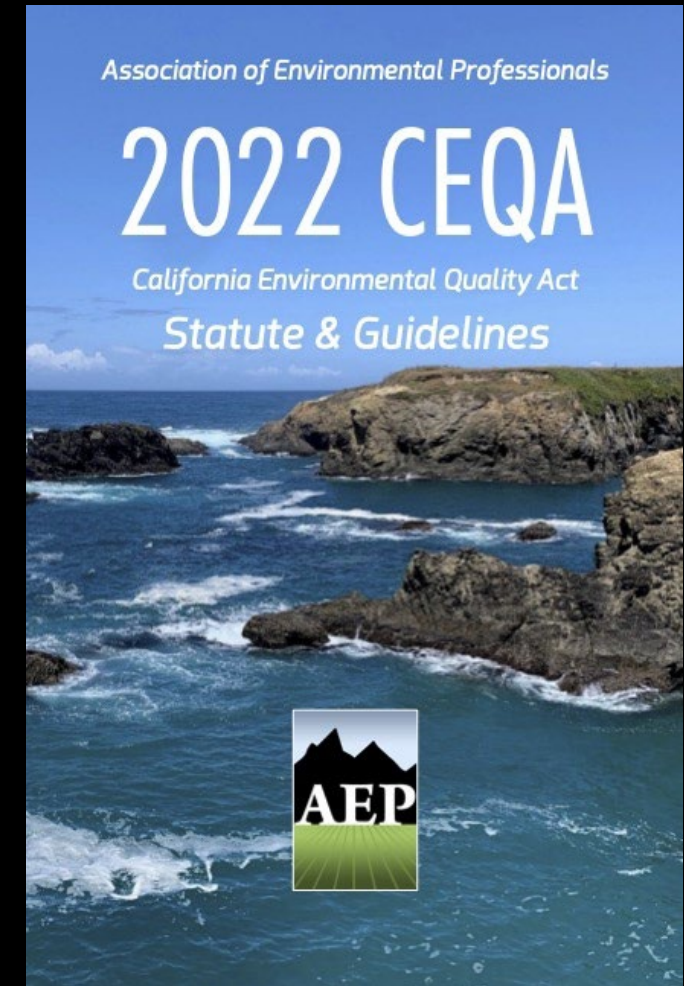


CEQA Findings Statement of Overriding Considerations

A finding is required for each significant impact identified in the EIR. Either

- 1) A change or mitigation has been incorporated in the project to lessen the impact;
- 2) Changes or mitigations to lessen the impact are the responsibility of another agency; or
- 3) Specific economic, legal, social, technological or other considerations make mitigation of the impact infeasible.

For each finding #3, an additional finding must be made that the benefits of the project outweigh the significant impacts on the environment (Statement of Overriding Consideration).



Statement of Overriding Considerations

After mitigation, there remains a significant and unavoidable impact related to **Construction Noise**

Overriding Considerations include:

- Need to comply with AB 2923
- Mixed-use transit-oriented development
- Up to 2,400 new housing units, including affordable housing
- Improved safety, connectivity, accessibility and access in and around the Ashby and North Berkeley BART stations
- New parks, plazas and active and passive open space
- Opportunities for further public grants and funding

