

Supplemental Communications (2)

(The following are communications received
after 12pm on **November 2** - 12pm,
November 3.)

Communication

From: Lapira, Katrina
Sent: Wednesday, November 3, 2021 10:44 AM
To: Lapira, Katrina
Cc: Pearson, Alene; Shen, Alisa
Subject: Planning Commission Item 9: BART - Corrected Attachment 1
Attachments: Corrected_Attachment_1.pdf

Good morning Commissioners,

Please find attached the corrected attachment for Item 9: Ashby and North Berkeley BART Station Areas: Zoning and General Plan Amendments, Joint Vision and Priorities, and Draft EIR).

Thanks,

Katrina Lapira (she/ her)
Assistant Planner
City of Berkeley | Land Use Planning Division
klapira@cityofberkeley.info



Planning and Development Department
Land Use Planning Division

TO: Members of the Planning Commission

FROM: Alisa Shen, Principal Planner

SUBJECT: Item 9: Draft Zoning and General Plan Amendments and City-BART Joint Vision and Priorities (JVP) for the Ash and North Berkeley BART Station Areas

As noted in the 11/3 Item 9 staff report, Attachment 1: Draft Ordinance is intended to provide proposed zoning amendments unchanged in content from the draft versions presented at the September 1st Planning Commission meeting except for the following:

- The document is presented in the format in which it would be considered for adoption by the City Council (e.g. as part of an “ordinance” for zoning changes or a “resolution” for General Plan amendments) with “~~strikeout~~/underline” formatting to indicate any changes from the adopted Berkeley Zoning Ordinance or General Plan.¹
- In order to comprehensively incorporate the new R-BMU zoning district into the Berkeley Zoning Ordinance, additional conforming amendments are required. See **Table 1** in the 11/3 Item 9 staff report for a full list of proposed zoning amendments, inclusive of amendments to comprehensively incorporate R-BMU into the City’s Zoning Ordinance.

It has come to our attention that there were three errors in Attachment 1: Draft Ordinance for Item 9 where text was inadvertently different from the September 1st version of the proposed zoning amendments as described below:

- Under Section 3, amending the Berkeley Municipal Code Section 23.202.020 Allowed Land Uses, Table 23.202-1 Allowed Land Uses omitted two commercial uses (Group Class Instruction and Gym/Health Club) that were part of the draft zoning presented at the September 1 Planning Commission meeting. These two uses have been added back to the corrected attachment.

¹ On October 12, 2021, the City Council adopted (second reading) of an Ordinance rescinding the current Berkeley Municipal Code (BMC) Title 23 and adopting the new Baseline Zoning Ordinance (BZO) as BMC Title 23 with an effective date of December 1, 2021. For more information go to: https://www.cityofberkeley.info/Clerk/City_Council/2021/10_Oct/Documents/2021-10-12_Item_05_Adoption_of_the_Baseline_Zoning_Ordinance.aspx

- Under Section 4, amending the Berkeley Municipal Code to add Section 23.202.150: R-BMU Residential – BART Mixed Use District omitted section 23.202.150.F5 Front Upper Story Stepbacks, which was part of the draft zoning presented at the September 1 Planning Commission meeting (which results in a change to the numbering of subsequent items). As noted in the 11/3 Item 9 staff report, staff is recommending a further change to the September 1st version of the proposed zoning regarding front upper-story stepbacks.

Attachment 1: Draft Ordinance

ORDINANCE NO. -N.S.

AMENDING TITLE 23 OF THE BERKELEY MUNICIPAL CODE TO ESTABLISH THE RESIDENTIAL—BART MIXED USE (R-BMU) ZONING DISTRICT

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Berkeley Municipal Code Section 23.106.050 is amended to read as follows:

23.106.050 Floor Area Ratio.

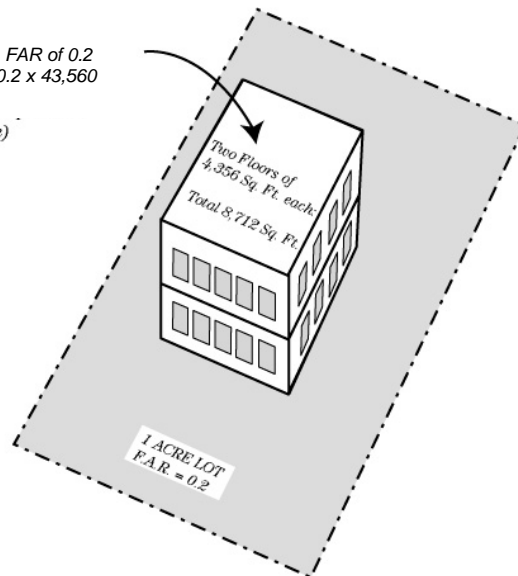
A. Floor Area Ratio Defined. Floor area ratio (FAR) means the quotient resulting from division of the gross floor area of all buildings on a lot by the area of the lot. See Figure 23.106-1: Floor Area Ratio.

1. Floor Area Ratio Defined in R-BMU: In the R-BMU district, FAR means the quotient resulting from division of the Gross Floor Area of all buildings on a lot by the Lot Area. In a single integrated development on contiguous lots, the permitted Floor Area Ratio shall be computed upon the basis of the total area of all such lots.

FIGURE 23.106-1: FLOOR AREA RATIO

Maximum Floor Area for a FAR of 0.2
on a 43,560 Sq. Ft. Lot = $0.2 \times 43,560$
Sq. Ft. = 8,712 Sq. Ft.

(1 Acre)



A.B. Development on Contiguous Lots. In a single integrated development on contiguous lots, the permitted floor area ratio is calculated using the total combined area of all such lots.

Attachment 1: Draft Ordinance

Section 2. That Berkeley Municipal Code Section 23.108.020 is amended to read as follows:

23.108.020 Zoning Districts

A. Districts. Berkeley is divided into districts as shown in Table 23.108-1: Zoning Districts. Unique regulations apply within each district as established in Chapters 23.202 – 23.208 (Zoning Districts).

TABLE 23.108-1: ZONING DISTRICTS

DISTRICT SYMBOL	NAME OF DISTRICT
Residential Districts	
R-1	Single-Family Residential
R-1A	Limited Two-family Residential
ES-R	Environmental Safety Residential
R-2	Restricted Two-family Residential
R-2A	Restricted Multiple-family Residential
R-3	Multiple-family Residential
R-4	Multi-family Residential
R-5	High Density Residential
R-S	Residential Southside
R-SMU	Residential Southside Mixed Use
<u>R-BMU</u>	<u>Residential BART Mixed Use</u>
Commercial Districts	
C-C	Corridor Commercial
C-U	University Avenue Commercial
C-N	Neighborhood Commercial
C-E	Elmwood Commercial
C-NS	North Shattuck Commercial
C-SA	South Area Commercial
C-T	Telegraph Avenue Commercial
C-SO	Solano Avenue Commercial
C-DMU	Downtown Mixed-Use
C-W	West Berkeley Commercial

Attachment 1: Draft Ordinance

DISTRICT SYMBOL	NAME OF DISTRICT
C-AC	Adeline Corridor Commercial
Manufacturing Districts	
M	Manufacturing
MM	Mixed Manufacturing
MU-LI	Mixed Use-Light Industrial
MU-R	Mixed Use-Residential
Special Districts	
S	Specific Plan
U	Unclassified

Section 3. That Berkeley Municipal Code Chapter 23.202.020 is amended to read as follows:

23.202.020 Allowed Land Uses

A. Allowed Land Uses. Table 23.202-1: Allowed Land Uses in Residential Districts identifies allowed land uses and required permits in the Residential Districts. All land uses are defined in Chapter 23.502—Glossary. Permit requirements are described in Chapter 23.406—Specific Permit Requirements.

B. Unlisted Land Uses. Any land use not listed in Table 23.202-1: Allowed Land Uses in Residential Districts is not permitted in the Residential District

Attachment 1: Draft Ordinance

ZC = Zoning Certificate AUP = ADMINISTRATIVE USE PERMIT UP(PH) = Use Permit NP = Not Permitted * Use-Specific Regulations Apply <u>** - Required permits for specific uses are set forth in the R-BMU Master Development Permit (MDP). See 23.202.150.A and 23.202.150.D</u>	RESIDENTIAL DISTRICTS											USE-SPECIFIC REGULATIONS APPLIES TO USES WITH AN ASTERISK FOLLOWING THE PERMIT REQUIREMENT (E.G., ZC*)	
	R-1	R-1A	ES-R	R-2	R-2A	R-3	R-4	R-5	R-S	R-SMU	R-BMU*		
Public Utility Substation/Tank	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	
Religious Assembly	UP(PH)	UP(PH)	NP	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	
School	UP(PH)	UP(PH)	NP	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	
Commercial Uses													
Alcoholic Beverage Service	NP	NP	NP	NP	NP	NP	NP	NP	NP	UP(PH)*	UP(PH) *	UP(PH) *	23.310—Alcoholic Beverage Sales and Service
Food Products Store	NP	NP	NP	NP	NP	NP	NP	NP	NP	UP(PH)*	UP(PH) *	UP(PH) *	23.202.140.B.3– R-SMU Residential Southside District
Food Service Establishment	NP	NP	NP	NP	NP	NP	NP	NP	NP	UP(PH)*	UP(PH) *	UP(PH) *	23.302.070.E– Use-Specific Regulations
<u>Group Class Instruction</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>UP(PH)</u>	<u>UP(PH)</u>	
<u>Gym/Health Club</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>UP(PH)</u>	<u>UP(PH)</u>	
Hotel, Tourist	NP	NP	NP	NP	NP	NP	UP(PH)	UP(PH)	UP(PH)	UP(PH)	NP	NP	
Laundromat and Cleaner	NP	NP	NP	NP	NP	NP	NP	NP	NP	UP(PH)	UP(PH)	UP(PH)	
Office	NP	NP	NP	NP	NP	NP	UP(PH)	UP(PH)	NP	UP(PH)	UP(PH)	UP(PH)	
Parking Lot/Structure	UP(PH) *	UP(PH) *	UP(PH) *	UP(PH) *	UP(PH) *	UP(PH) *	UP(PH) *	UP(PH) *	UP(PH) *	UP(PH) *	UP(PH) *	UP(PH) *	23.302.070.G– Unenclosed Accessory Structures in Residential Districts 23.322.100– On-site Loading Spaces
Personal and Household Service, General	NP	NP	NP	NP	NP	NP	NP	NP	NP	ZC*	ZC*	ZC*	23.202.140.B.2– R-SMU Residential Southside District
Retail, General	NP	NP	NP	NP	NP	NP	UP(PH) *	UP(PH) *	UP(PH) *	UP(PH)*	UP(PH) *	UP(PH) *	23.202.040.B– Use-Specific Regulations
Veterinary Clinic	NP	NP	NP	NP	NP	NP	NP	NP	NP	UP(PH)	UP(PH)	UP(PH)	
Theater	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	UP(PH)	UP(PH)	
Video Tape/Disk Rental	NP	NP	NP	NP	NP	NP	NP	NP	NP	UP(PH)	NP	NP	

Industrial and Heavy Commercial Uses

Attachment 1: Draft Ordinance

ZC = Zoning Certificate AUP = ADMINISTRATIVE USE PERMIT UP(PH) = Use Permit NP = Not Permitted * Use-Specific Regulations Apply ** - <u>Required permits for specific uses are set forth in the R-BMU Master Development Permit (MDP). See 23.202.150.A and 23.202.150.D.</u>	RESIDENTIAL DISTRICTS											USE-SPECIFIC REGULATIONS APPLIES TO USES WITH AN ASTERISK FOLLOWING THE PERMIT REQUIREMENT (E.G., ZC*)	
	R-1	R-1A	ES-R	R-2	R-2A	R-3	R-4	R-5	R-S	R-SMU	<u>R-BMU*</u>		
Commercial Excavation	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	<u>UP(PH)</u>	
Other Uses													
Accessory Uses	See 23.302.020.A– General Use Regulations												
<u>Art/Craft Studio</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>ZC</u>	
<u>ATM: Exterior and Attached to Bank or Interior or Exterior and Not With Bank</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>AUP</u>	
Home Occupations	See 23.302.040– Home Occupations												
<u>Live/Work</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>UP(PH)</u> * -	<u>23.312-Live/Work</u>
<u>Public Market, Open Air</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>AUP</u>	
<u>Public Market, Enclosed</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>AUP</u>	
Short-Term Rental	ZC*	ZC*	NP	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	<u>ZC*</u>	23.314—Short-Term Rentals
Temporary Uses	See 23.302.030– Temporary Uses and Structures												
Urban Agriculture, Low-Impact	ZC*	ZC*	NP	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	<u>ZC*</u>	23.318—Urban Agriculture
Urban Agriculture, High-Impact	AUP*	AUP*	NP	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	<u>AUP*</u>	23.318—Urban Agriculture
Wireless Telecommunication Facility	See 23.332—Wireless Communication Facilities												

Attachment 1: Draft Ordinance

Section 4. That Berkeley Municipal Code Chapter 23.202.150 is hereby added to read as follows:

23.202.150: R-BMU Residential BART Mixed Use District

A. District Purpose. The purpose of the BART Mixed-Use (R-BMU) district is to address City of Berkeley priorities such as affordable housing, civic and public space, multi-modal transportation and site access, high-quality building design and architecture, and a mix of land uses that contributes positively to the community, and to establish zoning standards in compliance with AB 2923.a

B. Definitions. For the purpose of this Chapter, the following definitions apply:

1. Lot Area. The total horizontal area within a lot's boundary lines, minus the square footage of any buildings, facilities or equipment that are, or shall be, under the control of the San Francisco Bay Area Rapid Transit District (BART).

2. Floor Area Ratio (FAR). The quotient resulting from division of the Gross Floor Area of all buildings on a lot by the Lot Area. In a single integrated development on contiguous lots, the permitted Floor Area Ratio shall be computed upon the basis of the total area of all such lots.

3. Dwelling Units per Acre. The quotient resulting from the total number of dwelling units on a site by the Lot Area.

C. Allowed Land Uses. General. See Section 23.202.020 (Allowed Land Uses), which indicates identifies allowed land uses and which are prohibited.

1. The initial establishment of a land use in a new building will follow the R-BMU Master Development Plan process outlined in Section 23.202.150D. below.

2. The change of use of an existing building or portion of a building will require the permits indicated in Section 23.202.020 and Table 23.202-1 for the R-BMU District.

3. Any use not listed in Table 23.202-1 for the R-BMU District can be approved through the Master Development Plan process outlined in Section 23.202.150D below for the initial establishment of a land use in a new building.

4. Uses subject to supplemental regulations are shown in in Table 23.202-1 with an asterisk (*) following the permit requirement (e.g., ZC*). The Use-Specific Regulations column in Table 23.204-1 identifies the location of these regulations in the Zoning Ordinance.

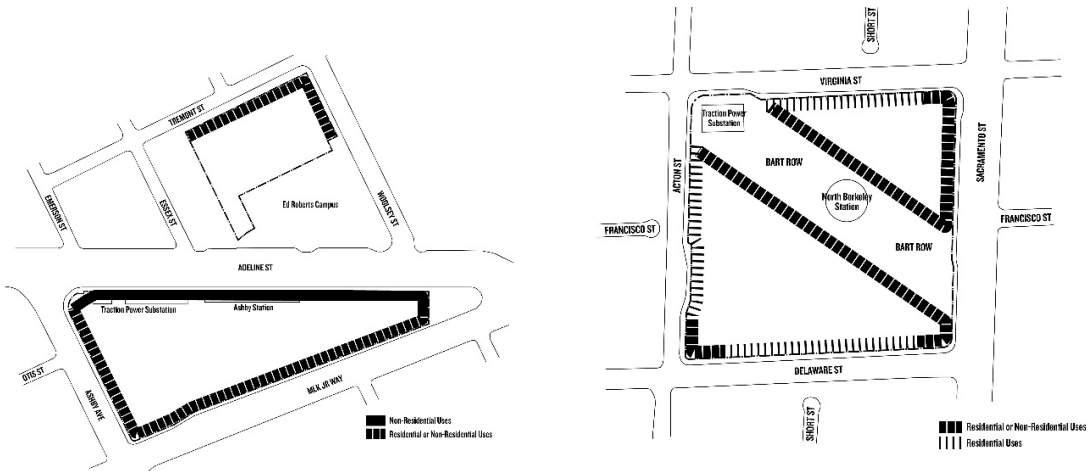
Attachment 1: Draft Ordinance

D. Ground-floor Uses. See Table 23.202.150-1.

TABLE 23.202.150-1: PERMITTED STREET-FACING GROUND FLOOR USES

<u>Frontage Locations</u>	<u>Permitted Street-Facing Ground Floor Uses</u>
<u>Along Ashby and MLK</u>	<u>Non-Residential Uses or non-residential accessory spaces to residential buildings, such as community rooms. At least 50% of the combined frontage of MLK and Ashby must include active ground -floor uses. Active uses at corner locations are encouraged.</u>
<u>Along Adeline</u>	<u>Non-Residential Uses or non-residential accessory spaces to residential buildings, such as community rooms</u>
<u>Along Woolsey, Tremont[1], or fronting interior public spaces</u>	<u>Residential or Non-Residential Uses</u>
<u>Along Sacramento, along the Ohlone Greenway, or within 50 feet of any street corner</u>	<u>Residential or Non-Residential Uses</u>
<u>Along Delaware, Acton, or Virginia</u>	<u>Residential Uses</u>
<u>[1] Public entrances for non-residential uses fronting Tremont Street must be located on Woolsey Street.</u>	

FIGURE 23.202.150-1 PERMITTED STREET-FACING GROUND FLOOR USES



1. Ashby BART Station Site

b. North Berkeley BART Station Site

Attachment 1: Draft Ordinance

E. Additional Permit Requirements. See Section 23.202.030 (Additional Permit Requirements).

F. Development Standards.

1. Basic Standards. See Table 23.202.150-2.

2. Supplemental Standards. Supplemental standards that apply in the R-BMU district are noted in Table 23.202.150-2.

TABLE 23.202.150-2: R-BMU DEVELOPMENT STANDARDS

		<u>Supplemental Standards</u>
<u>Lot Area, Minimum</u>	<u>No minimum</u>	<u>23.304.020</u>
<u>Private Usable Open Space, Minimum [1][2]</u>		<u>23.302.090</u>
<u>Per Dwelling Unit</u>	<u>40 sf/DU</u>	<u>23.302.090</u>
<u>Per Group Living Accommodation Resident</u>	<u>15 sf/resident</u>	<u>23.302.090</u>
<u>Public Open Space, Minimum</u>		
<u>Per Dwelling Unit</u>	<u>35 sf/unit</u>	
<u>Per Group Living Accommodation Resident</u>	<u>18 sf/resident</u>	
<u>Floor Area Ratio (FAR), Maximum</u>	<u>4.2</u>	
<u>Main Building Height, Maximum [3]</u>	<u>80 ft. and 7 stories</u>	<u>23.304.050</u>
<u>Residential Density, Minimum</u>	<u>75 dwelling units per acre</u>	

[1] Private Usable Open Space may be provided as any combination of personal and common private space.

[2] Additional public space may substitute for up to 50% of required Private Usable Open Space.

[3] Building Height Measurement: In the case of a roof with a parapet wall, building height shall be measured to the top of the roof and parapets may exceed the height limits by up to five feet by right.

3. Additional Open Space Requirements.

a. Definitions

i. Private Usable Open Space: Outdoor space, including natural and landscaped ground areas, pools, patios, decks and balconies designed for active or passive recreational use and which is accessible to the

Attachment 1: Draft Ordinance

occupants of a building on the same lot. See also 23.304.090 (Usable Open Space) for standards.

ii. Public Open Space: Outdoor space, including natural and landscaped ground areas, pools, patios, decks designed for active or passive recreational use and which is accessible to the general public. Minimum dimensions for Public Open Spaces shall be 20' in any direction and 400 square feet minimum.

b. Public Space Design.

i. Land area made available for public access to and through the station, and on-site public amenities, may be offered as dedication to the City or may be owned and maintained by another party with dedication of a public access easement. Public Open Space must be accessible to the public during daylight hours and include signage indicating public access.

ii. Public spaces shall include site furnishings and design elements to encourage active or passive use.

iii. Public spaces shall have a direct, accessible connection to the public circulation network.

iv. Adjacent publicly owned space may contribute to the minimum public space requirement for the project, if it is designed, integrated and maintained as part of the project and complies with all other requirements for public space design identified in this section (23.202.150(D)3(b)).

c. Rooftop Open Space. Rooftops may be utilized as Private Usable Open Space or Public Open Space meeting the requirements of 23.202.150.A.3 (Additional Open Space Requirements – Definitions). Rooftop space designated Public Open Space must also meet the requirements of 23.202.150.A.3.B (Public Space Design). No more than 25% of Public Open Space requirements can be met with Rooftop Open Space.

4. Front Setbacks.

a. Setbacks are not required at Martin Luther King Jr. Way, Adeline Street, Sacramento Street.

b. Setbacks along all other frontages along public rights-of-way and internal publicly accessible pathways shall range from 5 feet (minimum) to 15 feet

Attachment 1: Draft Ordinance

(maximum) for at least 50 percent of any building's linear street frontage, including all frontages within 50 lineal feet of an intersecting corner.

5. **Front Upper-Story Step-backs.** Any street-facing building frontage above four stories in height that is not within 100 linear feet of Sacramento Street, Adeline Street, Ashby Avenue, or Martin Luther King Jr. Way, shall step back 15 feet from the property line for portions of the building above four stories.
6. **Ground-floor Residential Frontage.** For ground-floor residential uses, outward facing building entrances may include any of the following: stoops, front doors, courtyard and forecourt entrances, ramped or at-grade universally accessible entries, outward-facing and visually permeable lobby entrances, or other outward-facing residential entrance, with transition spaces from private frontages to public spaces.
7. **Ground-floor Non-Residential Frontage.** For ground-floor non-residential uses, outward-facing building entrances and activation strategies may include outdoor seating, dining, display spaces, performance spaces, public art, architectural detailing, and extensions of the public sidewalk.
8. **Frontage Improvements.** Any area between a building and the front property line, or any area between a building and on-site public space or the public circulation network, shall be improved as part of a wider sidewalk, outdoor seating area, outdoor dining area, yard area, landscaping, or other usable open space.
9. **On-site Pedestrian Access.** Pedestrian accessways shall be provided for all new construction and for additions of 10,000 square feet or more of gross floor area in accordance with the following standards:
 - a. **Internal Connections.** A system of publicly accessible pedestrian walkways shall connect all buildings on a site to each other, to on-site bicycle and automobile parking areas, to any on-site open space areas or pedestrian amenities, and to the publicly accessible pedestrian circulation network.
 - b. **To the Public Circulation Network.** A publicly accessible on-site walkway shall connect the building lobby entry or entries on each street or on-site pathway frontage to the public pedestrian circulation network. Connections to publicly accessible on-site walkways provided at least every 300 feet along portions of the development site perimeter that are adjacent to public rights-of-way.
 - c. **To Neighbors.** Publicly accessible pedestrian access shall be provided from residential and commercial building entrances and public space to

Attachment 1: Draft Ordinance

adjoining residential and commercial areas.

- d. **To Transit.** Publicly accessible pedestrian connections from the public circulation network shall be provided to all transit stops and entrances including elevators outside the station.
- e. **Illumination.** All publicly accessible pedestrian connections shall include nighttime illumination pursuant to Ordinance N.S.-7424.

10. Transparency.

- a. **Required Openings.** Ground-level exterior walls facing and within 20 feet of a front lot line or publicly accessible pathway or Public Open Space shall run in a continuous plane for no more than 30 feet without a window, door, or other similar building opening.
- b. **Non-Residential Transparency.** For non-residential ground-floor uses facing a front lot line, publicly accessible pathway or Public Open Space, a minimum of 50% of the building wall area located between three and seven feet above ground level shall be transparent with a visible light transmittance of not less than 80%.

11. Building Entrances.

- a. **Minimum Number of Entrances Required.** There shall be a minimum of at least one building entrance at an average distance of 50 linear feet of ground-floor non-residential building frontage, and at least one building lobby entrance for every 200 feet of ground-floor residential building frontage.
- b. **Ground Floor Residential Entries.** All ground floor residential units shall provide entries to the street in the form of stoops or other exterior entries, or balcony or patio without entrance to the street, with a minimum area of 20 square feet.
- c. **Separate Entrances Required.** Buildings containing a mix of residential and non-residential uses shall provide separate building entrances for each major use category. Amenity areas such as exercise rooms do not require separate building entrances from the primary use.
- d. **Entrance Orientation.** Principal building entrances shall face a public street, publicly accessible pathway, or Public Open Space.
- e. **Illumination.** Building entries and addresses shall be illuminated to provide nighttime visibility from adjacent streets, public accessways, and common areas

- 12. **Ground-Floor Non-Residential Space Dimensions.** The minimum ground floor height for non-residential uses is 15 feet, as measured from the ground

Attachment 1: Draft Ordinance

level floor to the first floor above.

13. Parking Design and Access.

- a. **Unbundled Parking Required.** All parking spaces shall be leased separately from the residential unit or commercial space except where prohibited by affordable housing financing sources.
- b. **Structured Parking Required.** All new off-street parking shall be located within an enclosed structure, with the exception of curb-side pickup and drop-off, curb-side metered parking, ADA parking, or small-scale surface parking for security and station operations and maintenance purposes only.
- c. **Structured Parking Design.** Parking garages shall be located underground or located behind conditioned building space at any adjacent street, sidewalk, or other publicly accessible accessway or open space. Conditioned building space is not required along shared interior lot lines of abutting parcels.
- d. **Vehicular Entry.** Parking garage vehicular entrances facing the street shall be no more than 20 feet wide.
- e. **Pedestrian Entry.** Parking garage pedestrian entrances shall be provided at-grade, connecting directly to the public pedestrian circulation network, on each street-facing frontage.
- f. **Light Screening.** Parking garages shall be designed such that interior lighting is fully shielded and automobile headlamps are not visible from adjacent buildings, parcels, streets, public parks, publicly accessible outdoor space or designated open space area.

14. Objective Design Standards. Objective design standards, including, but not limited to, BART station functionality, public realm, building form and massing (e.g. vertical and horizontal articulation) building facade design, and open space shall be developed prior to the acceptance of any Preliminary Development Plan or Final Development Plan.

G. BART Mixed Use District Master Development Permit (MDP)

1. **Purpose of the R-BART Mixed Use District Master Development Permit (MDP) process.** The purpose of these provisions is to prescribe the procedure for the review of development on parcels in the R-BART Mixed Use District, in order to allow for the predictable buildout of the sites over time and achieve a high standard of site and building design that fulfills the City and BART Joint Vision and Priorities for the Ashby and North Berkeley BART Station Areas relating to:

Attachment 1: Draft Ordinance

- Affordable Housing
 - Public and Civic Space
 - Land Use
 - Building Form and;
 - Station Access.
2. Applicability of the Ashby and North Berkeley BART Master Development Permit (MDP). These provisions shall apply to all land within the R-BART Mixed Use District.
3. Preliminary Development Plan. The preliminary development plan shall include, at a minimum, the following:
- a. A plan of the entire development, defined as either the North Berkeley BART Station Area or Ashby BART Station Area, showing the items listed below. Such development plan shall include maps and information on the surrounding area within one hundred (100) feet of the development. All elements listed in this paragraph shall be characterized as existing or proposed, and sufficiently detailed to indicate intent and impact.
 - Streets, driveways, sidewalks and pedestrian ways, and off-street parking and loading areas;
 - Location and approximate dimensions of structures;
 - Utilization of structures, including activities and the number of living units;
 - Estimated population;
 - Reservations for public uses, including schools, parks, playgrounds, and other open spaces;
 - Major landscaping features;
 - Relevant operational data; and
 - Drawings and elevations clearly establishing the scale, character, and relationship of buildings, streets, and open spaces.
 - b. A table demonstrating that the plan meets the development standards set forth in Section 202.23.150C and the other requirements of this Chapter, including compliance with any Objective Development Standards.
 - c. A development phasing plan describing the order in which various

Attachment 1: Draft Ordinance

portions of the development will be built, along with a proposed schedule for such phases.

4. Notice of Application and Public Hearing for Preliminary Development Plan.

a. Preliminary Development Plans shall be reviewed by the Zoning Adjustments Board, the decisions of which are appealable to the City Council.

b. The public notice and hearing process for a Master Development Plan shall be the same as for Use Permits as defined in BMC Section 23B.32, except that notice shall be mailed or

delivered to all businesses, residents and owners of property located within five hundred (500) feet of the subject property.

c. The Board shall determine whether the proposal conforms to the permit criteria set forth in Section 23.202.150.D8, and may approve or disapprove the application and the accompanying Preliminary Development Plan or require such changes therein or impose such reasonable conditions of approval as are in its judgment necessary to ensure conformity to said criteria and regulations. In so doing, the Board may, in its discretion, authorize submission of the Final Development Plan in stages corresponding to different units or elements of the development. It may do so only upon evidence assuring completion of the entire development in accordance with the Preliminary Development Plan and staged development schedule.

5. Final Development Plan

The applicant shall file with the Planning and Development Department a Final Development Plan for one or more of the phases identified in the Preliminary Development Plan.

a. The Final Development Plan shall conform in all major respects with the approved Preliminary Development Plan and shall include the following additional information:

- Location of water, sewerage, and drainage facilities;
- Detailed building and landscaping plans and elevations;
- Character and location of signs;
- Plans for street improvements; and
- Grading or earth-moving plans.

The Final Development Plan shall be sufficiently detailed to indicate the

Attachment 1: Draft Ordinance

ultimate operation and appearance of the development, including compliance with the Objective Development Standards. Final Development Plans shall be reviewed by the Zoning Adjustments Board.

- b. The public notice and hearing process for a Final Development Plan shall be the same as for Use Permits as defined in BMC Section 23B.32, except that notice shall be mailed or delivered to all businesses, residents and owners of property located within five hundred (500) feet of the subject property.

6. City Engineer's Report

Within thirty (30) days after the filing of the Final Development Plan, the Zoning Officer shall forward it to the City Engineer for review of public improvements, including streets, sewers, and drainage. The Zoning Adjustments Board shall not act on a Final Development Plan until it has first received a report from the City Engineer or until more than thirty (30) days have elapsed since the plan and application were sent to the City Engineer, whichever is the shorter period.

7. Appeal to Council

The process for appeal to Council for a Master Development Plan, Preliminary Development Plan and/or Final Development Plan shall be the same as for Use Permits as defined in BMC Section 23B.32.

8. Findings

- a. That the location, design, size, and uses are consistent with the General Plan and with any other applicable plan, development control map, design guidelines, or ordinance adopted by the City Council or Planning Commission;
- b. That the location, design, and size are consistent with the City of Berkeley and San Francisco Bay Area Rapid Transit District (BART) Joint Vision and Priorities document for the Ashby and North Berkeley BART Station Areas adopted by the City Council and the BART Board of Directors.

9. Adherence to the Approved Plan and Modification.

Variations of up to ten percent (10%) from any numerical or non-numerical standard set forth on the Master Development Plan may be authorized by the

Attachment 1: Draft Ordinance

Zoning Officer through an Administrative Use Permit. Variations of more than ten percent (10%) may be authorized by a Master Development Plan permit modification by the Zoning Adjustments Board.

10. Revocation of Permits

If a Final Development Plan for an initial portion of a site has not been submitted within 10 years after approval of the applicable Master Development Plan for all or a majority portion of the site, the City Council may revoke the approval of the remainder of the Master Development Permit. If Final Development Plans for the entirety of a site have not been submitted within 20 years after approval of the applicable Master Development Plan permit, the City Council may revoke the remainder of the Master Development Plan permit.

Section 6. That Berkeley Municipal Code Section 23.302.070.G.2 is amended to read as follows:

2. Table 23.302-9 shows required permits for the exclusive or primary use of a lot for off-street parking spaces.

TABLE 23.302-2: PERMIT REQUIREMENTS FOR PARKING LOTS/STRUCTURES

DISTRICT	PERMIT REQUIRED
Residential Districts	
R-3	Use Permit for all parking lots and structures. [1]
R-S, R-SMU, <u>R-BMU</u>	Use Permit for parking structures only. Parking lots are not permitted.
All other residential districts	Use Permit for all parking lots and structures.
Commercial Districts	
C-C, C-U	Zoning Certificate for parking lots and structures with 5 spaces or fewer. Use Permit for more than 5 spaces.
C-SO	AUP for parking lots and structures with 5 spaces or fewer. Use Permit for more than 5 spaces.
C-DMU	AUP for parking lots with 8 spaces or fewer. Use Permit for all parking structures. Lots with more than 8 spaces not permitted.
C-N, C-E, C-NS, C-SA	Use Permit for all parking lots and structures.
C-T	Use Permit for all parking structures. All parking lots not permitted.

Attachment 1: Draft Ordinance

C-W	AUP for parking lots and structures with 10 spaces or fewer. Use Permit for parking lots and structures with more than 10 spaces.
Manufacturing Districts	
M, MM	AUP for parking lots and structures with 10 or fewer spaces exclusively for uses in the district. Use Permit for parking lots and structures with any number of spaces not exclusively for uses in the district.
MU-LI	Zoning Certificate for parking lots and structures with 10 or fewer spaces exclusively for uses in the district. AUP for parking lots and structures with 11 spaces or more exclusively for uses in the district. Use Permit for parking lots and structures with any number of spaces not exclusively for uses in the district.
MU-R	Zoning Certificate for parking lots and structures exclusively for uses in the district. Use Permit for parking lots and structures not exclusively for uses in the district.
Notes: [1] Parking lots and structures in the R-3 district are not permitted within the Southside Plan area	

Section 7. That Berkeley Municipal Code Section 23.308.020.C is amended to read as follows:

C. **Required Permits.** Table 23.308-1 shows permits required for emergency shelters.

TABLE 23.308-3: PERMIT REQUIREMENTS FOR EMERGENCY SHELTERS

DISTRICTS	PERMIT REQUIRED [1]
Residential Districts	
R-1, R-1A, ES-R, R-2, R-2A, R-3	Not Permitted
R-4, R-5, R-S, and R-SMU , <u>and R-BMU</u>	
15 beds or fewer [1]	ZC
More than 15 beds	UP(PH)
Commercial Districts	
C-C, C-U, C-N, C-E, C-NS, C-SA, C-T, C-SO, C-W, C-AC	
25 beds or fewer	ZC
More than 25 beds	UP(PH)
C-DMU	
60 beds or fewer	ZC

Attachment 1: Draft Ordinance

More than 60 beds	UP(PH)
Manufacturing Districts	
M, MM, MU-LI, MU-R	Not Permitted
Notes: [2] See also permit requirements based on floor area of use in Table 23.308.040-1	

Section 8. That Berkeley Municipal Code Section 23.310.030.A is amended to read as follows:

A. Permits Required. Table 23.310-1 shows permits required for alcoholic beverage service when incidental to a food service establishment.

TABLE 23.310-4: PERMITS REQUIRED FOR ALCOHOLIC BEVERAGE SERVICE

District	Permit Required Based on Type of Beverages Served When Incidental to Food Service	
	Beer and Wine	Distilled Spirits
R-SMU	UP(PH)	UP(PH)
All Commercial Districts, except C-AC, <u>and R-BMU</u>	ZC	UP(PH)
C_AC	ZC	AUP
MU-LI, MU-R	UP(PH)	UP(PH)

Section 9. That Berkeley Municipal Code Section 23.310.030.B.3 is amended to read as follows:

B. Use Limitations.

3. C-NS and R-BMU Districts. In the C-NS district, distilled spirit service is allowed only for full-service restaurants. Distilled spirit service is not allowed for carry out food stores and quick-service restaurants.

Section 10. That Berkeley Municipal Code Section 23.312.030.B is amended to read as follows:

B. Residential Districts.

- 1. All Residential Districts Except R-BMU.** Live/work units are not permitted.
- 2. R-BMU District: A Use Permit is required for live/work units.**

Attachment 1: Draft Ordinance

Section 11. That Berkeley Municipal Code Section 32.322.030.A.1 is amended to read as follows:

A. Residential Districts.

1. Spaces Required. Table 23.322-1 shows minimum required off-street parking spaces in the Residential Districts.

TABLE 23.322-5: REQUIRED OFF-STREET PARKING IN RESIDENTIAL DISTRICTS

Land Use	Number of Required Off-street Parking Spaces
Residential Uses	
Accessory Dwelling Unit	See Chapter 23.306
Dwellings, including Group Living Accommodations	<u>R-3, R-4, and R-5 Districts (1-9 units):</u> If located on a roadway less than 26 feet in width in the Hillside Overlay: 1 per unit. <u>R-3, R-4, and R-5 District (10 or more units):</u> If located on a roadway less than 26 feet in width in the Hillside Overlay: 1 per 1,000 sq ft of gross floor area <u>All Other Districts:</u> If located on a roadway less than 26 feet in width in the Hillside Overlay: 1 per unit <u>All Other Locations:</u> None required
Dormitories, Fraternity and Sorority Houses, Rooming & Boarding Houses, Senior Congregate Housing	If located on a roadway less than 26 feet in width in the Hillside Overlay: 1 per each 5 residents, plus 1 for manager. All Other Locations: None required.
Rental of Rooms	If located on a roadway less than 26 feet in width in the Hillside Overlay: 1 per each two roomers All Other Locations: None required
Non-Residential Uses	
All non-residential uses except uses listed below	<u>R-SMU District:</u> 1 per 1,000 sq. ft. <u>R-BMU District: None required; no more than 1.5 spaces per 1,000 sq. ft.</u> <u>All Other Residential Districts:</u> See 23.322.030.A.2
Community Care Facility	<u>R-BMU District: None required; no more than 1.5 spaces per 1,000 sq. ft.</u> <u>All Other Residential Districts:</u> One per two non-resident employees
Food Service	<u>R-BMU District: None required; no more than 1.5 spaces per</u>

Attachment 1: Draft Ordinance

Land Use	Number of Required Off-street Parking Spaces
Establishment	<u>1,000 sq. ft.</u> <u>All Other Residential Districts:</u> 1 per 300 sq. ft.
Hospital	<u>R-SMU District:</u> 1 per 1,000 sq. ft. <u>R-BMU District:</u> None required; no more than 1.5 spaces per 1,000 sq. ft. <u>All Other Residential Districts:</u> 1 per each 4 beds plus 1 per each 3 employees
Library	<u>R-BMU District:</u> None required; no more than 1.5 spaces per 1,000 sq. ft. <u>All Other Residential Districts:</u> 1 per 500 sq. ft. of publicly accessible floor area
Nursing Home	1 per 3 employees
Medical Practitioners	<u>R-BMU District:</u> None required; no more than 1.5 spaces per 1,000 sq. ft. <u>All Other Residential Districts:</u> 1 per 300 sq. ft.
Non-Medical Offices	<u>R-SMU District:</u> 1 per 1,000 sq. ft. <u>R-BMU District:</u> None required; no more than 1.5 spaces per 1,000 sq. ft. <u>All Other Residential Districts:</u> 1 per 400 sq. ft.
Hotels, Tourist	1 per 3 guest/sleeping rooms or suites plus 1 per 3 employees
[1] Excludes community care facilities which under state law must be treated in the same manner as a single-family residence	

Section 12: That Berkeley Municipal Code Section 23.322.090 is amended to read as follows:

23.322.090 – Bicycle Parking

A. Parking Spaces Required.

1. **Non-Residential Bicycle Parking.** Table 23.322-10 shows districts where bicycle parking is required, land uses requiring bicycle parking, and the number of required spaces. Bicycle parking is required for new construction and for expansions to existing buildings that add new floor area.

TABLE 23.322-6: REQUIRED NON-RESIDENTIAL BICYCLE PARKING

District	When Required	Required Spaces
<u>R-BMU</u>	<u>New commercial space</u>	<u>1 per 1,000 sq. ft.</u>
R-S, R-SMU	New commercial space	1 per 2,000 sq. ft.
All Commercial	New floor area or for expansions of	1 per 2,000 sq. ft.

Attachment 1: Draft Ordinance

District	When Required	Required Spaces
<u>R-BMU</u>	<u>New commercial space</u>	<u>1 per 1,000 sq. ft.</u>
Districts except for C-E and C-T	existing industrial, commercial, and other non-residential buildings	
All Manufacturing Districts except for C-E and C-T	New floor area or for expansions of existing industrial, commercial, and other non-residential buildings	1 per 2,000 sq. ft.
C-E, C-T	None required	N/A

a. In the C-DMU district, the Zoning Officer, in consultation with the City Traffic Engineer, may approve an AUP to modify the bicycle parking requirement in Table 23.322-10 for Tourist Hotels.

2. Residential Parking. Table 23.322-11 shows the types of residential projects, including the residential portion of mixed-use projects, for which bicycle parking is required.

TABLE 23.322-7: REQUIRED RESIDENTIAL BICYCLE PARKING

Use	Long-Term Parking Requirement [1]	Short-Term Parking Requirement [1]
Dwelling Units (1 to 4 units)	<u>R-BMU: 1 space per unit</u> <u>All other districts:</u> None required	None required
Dwelling Units (5 units or more)	<u>R-BMU: 1 space per unit</u> <u>All other districts:</u> 1 space per 3 bedrooms	2, or 1 space per 40 bedrooms, whichever is greater
Group Living Accommodations, Dormitories, Fraternity and Sorority Houses, Rooming and Boarding Houses, Transitional Housing	2, or 1 space per 2.5 bedrooms, whichever is greater	2, or 1 space per 20 bedrooms, whichever is greater
[1] Long-Term Parking and Short-Term Parking shall meet the design standards included in Appendix F of the 2017 <i>Berkeley Bicycle Plan</i> , or as subsequently amended by the Transportation Division.		

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B. Bicycle Parking Standards. The following standards apply to required bicycle parking spaces in a non-residential district:

1. Bicycle parking spaces shall be located in either a locker, or in a rack suitable for secure locks, and shall require location approval by the City Traffic Engineer and Zoning Officer.
2. Bicycle parking shall be located in accordance to the Design Review Guidelines and other design specifications promulgated by the Transportation Division.

Section 13: That Berkeley Municipal Code Section 23.502.020.L.14-20 are amended to read as follows:

14. Lot Area. The total horizontal area within a lot's boundary lines.

a. Lot Area in R-BMU Only: The total horizontal area within a lot's boundary lines, minus the square footage of any buildings, facilities or equipment that are, or shall be, under the control of the San Francisco Bay Area Rapid Transit District (BART).

15. Lot Coverage. See 23.106.020 (Lot Coverage).

16. Lot Depth. The average distance from the front lot line to the rear lot line measured in the general direction of the side lines.

17. Lot Frontage. That dimension of a lot's front lot line abutting on a street.

18. Lot Lines. The boundaries between a lot and other property or the public right-of-way.

19. Lot Line, Front. The shorter of the two intersecting lot lines along the rights-of-way of a corner lot shall be deemed to be the front of the lot for purposes of determining the lot frontage and for yard requirements. In the case of a lot having equal frontage, or in the case of an irregularly shaped lot, the Zoning Officer shall determine the front in such a manner as to best promote the orderly development of the immediate area.

20. Lot Width. The average distance between the side lot lines measured at right angles to the lot depth.

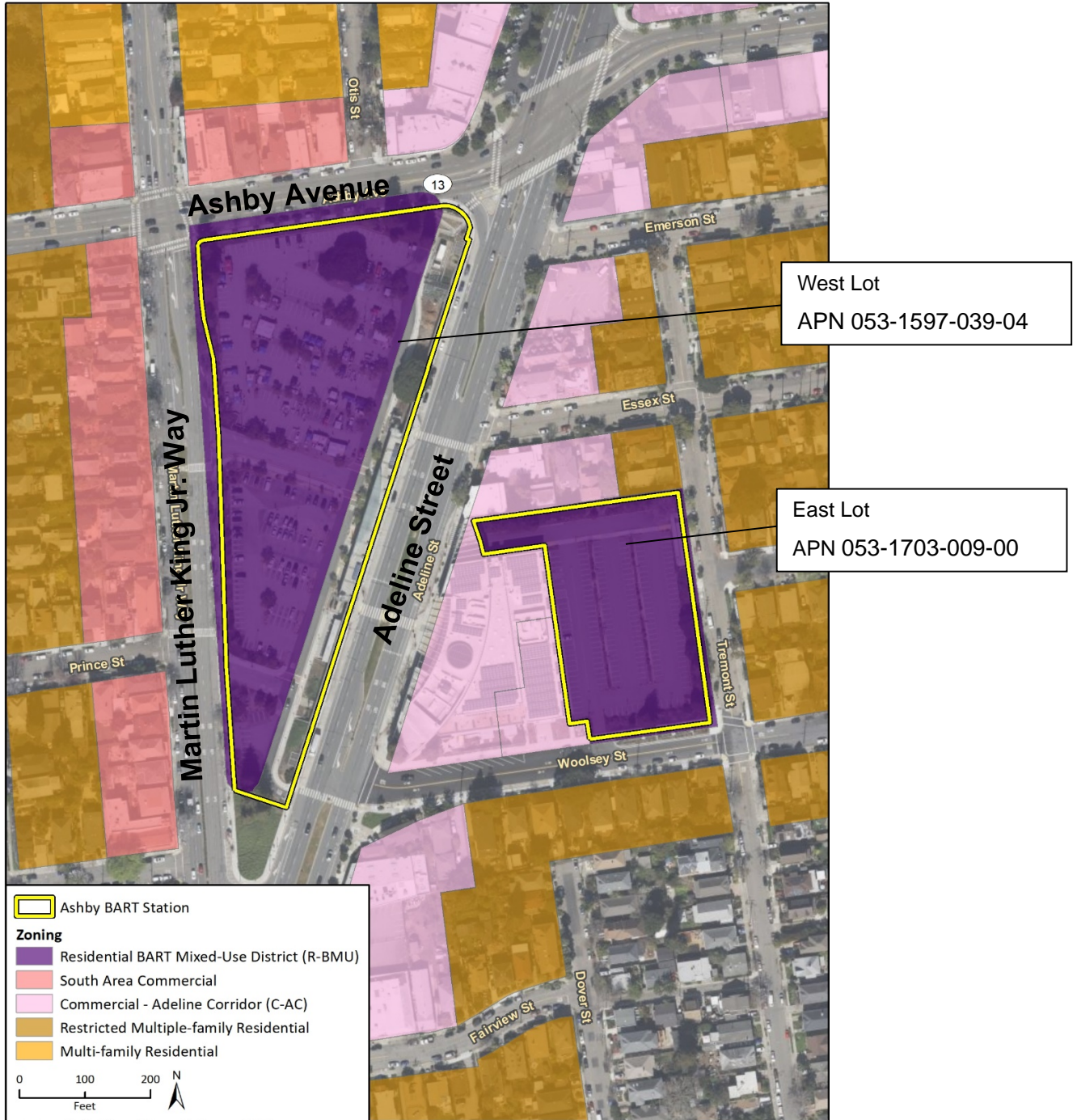
Section 14. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

Attachment 1: Draft Ordinance

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Exhibit A: Proposed Zoning Maps

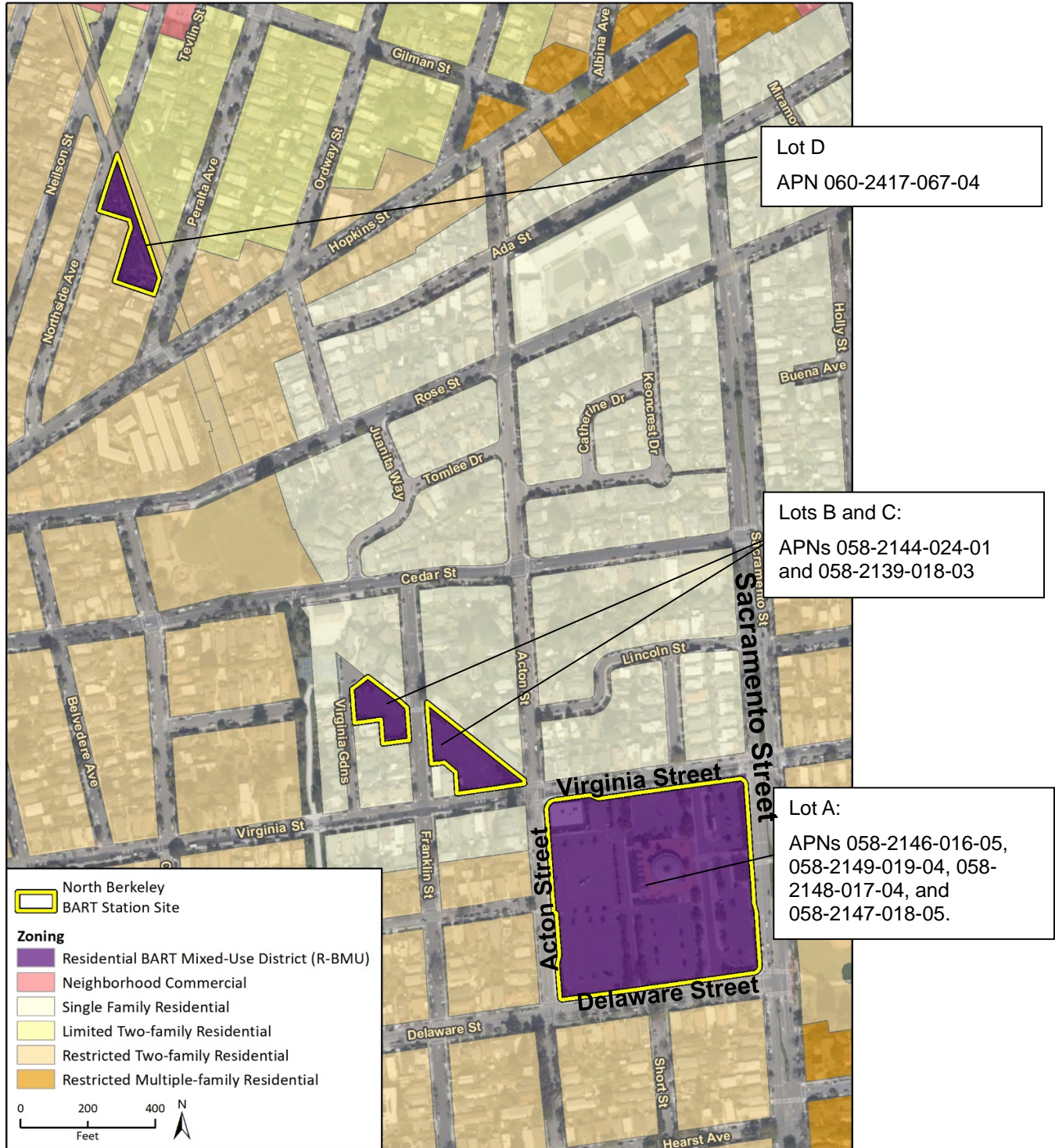
1. Ashby BART Site: Residential – BART Mixed Use



Imagery provided by Microsoft Bing and its licensors © 2021.
Land use data provided by City of Berkeley, 2019.

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2. North Berkeley BART Site: Residential – BART Mixed Use



Imagery provided by Microsoft Bing and its licensors © 2021.
 Land use data provided by City of Berkeley, 2019.

Fig. 1.7-4 Proposed Zoning, N Berkeley

Communication

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

Communication

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)

Communication

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

Communication

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

Communication

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

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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>
Date: November 2, 2021 at 8:06:35 AM PDT
To: North Berkeley Neighborhood Alliance <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 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.

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!



X 3



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

Communication

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

Communication

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

Communication

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

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

Communication

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!



X 3



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

Communication

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

Communication

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

Communication

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

Communication

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

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

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BY EMAIL: apearson@cityofberkeley.info, 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,

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

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.

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

Communication

From: margots999@aol.com
Sent: Tuesday, November 2, 2021 2:55 PM
To: godzilinda@gmail.com; All Council; City Clerk; Pearson, Alene; bca-steering-committee@googlegroups.com
Subject: Re: [BCA Steering] Fwd: URGENT CALL TO ACTION; Wed 7PM (tomorrow) speak up for affordable 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.

My letter:

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

Margot Smith
510-486-8010
Margots999@aol.com

-----Original Message-----

From: Linda Franklin <godzilinda@gmail.com>
To: Berkeley City Council <council@cityofberkeley.info>; Clerk@cityofberkeley.info; apearson@cityofberkeley.info; <bca-steering-committee@googlegroups.com> <bca-steering-committee@googlegroups.com>
Sent: Tue, Nov 2, 2021 12:02 pm
Subject: [BCA Steering] Fwd: URGENT CALL TO ACTION; Wed 7PM (tomorrow) speak up for affordable housing

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

Late Communications (2)
Planning Commission
November 3, 2021

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

Join us on Facebook: [<https://www.facebook.com/groups/319627034774973/>].

Call us at 510/982-6528

Bookmark our webpage and post announcements there: [<http://berkeleycitizensaction.org>]

You received this message because you are subscribed to the Google Groups "BCA Steering Committee" group.

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To view this discussion on the web visit <https://groups.google.com/d/msgid/bca-steering-committee/CAFn0x-y2XidhfYcwqyYxbiyeiXwSP2ssEhXSMHnpNXP9m6E36Q%40mail.gmail.com>

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>.) 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



Communication

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

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

Communication

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

Communication

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

2456 Hilgard Ave

Berkeley, California 94709

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

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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
Real Estate Broker | Community Consultant | *The Broka Realty Group*
American Political Activist | Blog Founder | Curator | www.deborahspotlight.com
Executive Producer | "*Healing the American Dream*" | *documentary film in the process*
E. 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.

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

Communication

From: Josh Cohen <joshlcohen724@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 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.

Best,

Josh Cohen
1303 Acton St.

Communication

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.

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.

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.

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.

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

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

Communication

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:

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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.

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

1080 Jones St Apt 540

Berkeley, California 94710

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)