

# **Supplemental Communications (3)**

(Received after 12 pm April 5  
– 3:30 pm April 6)

## Communications

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**From:** Kori Kody <Kori.Kody@mindspring.com>

**Sent:** Saturday, April 2, 2022 11:59 AM

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

**Subject:** Housing on BART Land

**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, City Council members, and Mayor Arreguin:

We are long-time residents of Berkeley and, along with many others, would like to express concern about the proposed zoning and the Joint Vision and Priorities (JVP) document for the BART stations.

The JVP document proposes to create the greatest number of housing units in the shortest possible time, mostly market rate. This strategy is a giveaway to private developer profits and will do little for affordable housing. I urge you to revise the JVP to prioritize building the largest number of affordable units on these last parcels of public land available for housing, rather than rushing to build market-rate housing.

As drafted, the zoning requires a density that will result in huge 7-story or higher structures over most of the North Berkeley BART station. The mock-up we've seen of such a plan reveals a stark, unlivable result. Building at that scale in a low-rise community will destroy a currently vibrant middle-class neighborhood. I urge you to support the proposed zoning that would make 7 stories the maximum height and to set density at 75 units per acre maximum (rather than minimum), which is in accordance with AB2923.

In addition, please take concrete steps to prevent a private developer from claiming huge sums of Berkeley's affordable housing funds as their own contribution and thus giving them access to the state density bonus. This is contrary to equity considerations and common sense. No public funds for private profit!

Sincerely,

Kori Kody  
Steve Jackson, AIA  
2876 Shasta Ave.  
Berkeley 94708

## Communications

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**From:** Summer Brenner <summerbrenner@gmail.com>

**Sent:** Sunday, April 3, 2022 5:42 PM

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

**Subject:** YES to affordable, green-built housing that enhances the community!

**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, City Council members, and Mayor Arreguin:

As a resident of Berkeley, I am extremely concerned about the proposed zoning and the Joint Vision and Priorities (JVP) document for the BART stations.

I am not a NIMBY, but YIMBY should not mean sacrificing the environment and the aesthetics of a neighborhood to maximize the greatest number of housing units. AND FOR WHOM? Not for the people who need housing the most, meaning affordable units **under** market rate.

This strategy will prove to be a giveaway to private developers. As we should have learned from past debacles, private developers have one motivation: **PROFIT**. It's incumbent on our elected officials to ensure other motivations.

I urge you to **revise the JVP**. Please prioritize building affordable units on these last parcels of public land. Please set **density at 75 units per acre maximum** (rather than minimum) in accordance with AB2923.

It is also your responsibility to **prevent private developers from claiming Berkeley's affordable housing funds** as their own! Any loophole that allows these kinds of shenanigans must be stopped.

**No public funds for private profit! Housing for those who most need it!**

Sincerely,  
Summer Brenner  
District 4

## Communications

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**From:** Basak Altan <basak.alt@gmail.com>

**Sent:** Sunday, April 3, 2022 7:19 PM

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

**Subject:** Berkeley Planning Commission Meeting

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

Hello,

As a long time resident of Short Street, I urge the Berkeley Planning Commission and the City of Berkeley representatives to consider the following in regards to the BART Parking Lot development:

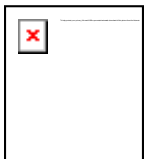
1. **Revise the Joint Visions and Priorities (JVP)** document to **prioritize** building the largest number of **affordable** units, rather than rushing to build market-rate housing. North Berkeley and Ashby BART are the city's last large parcels of **public land**, and should be used for affordable housing, not market-rate rentals that benefit BART and developers!
2. **Revise the proposed Zoning to set maximum density at 75 units per acre** at North Berkeley, which meets the requirements of AB2923. The proposed zoning would allow massive, 10-story buildings at over 150 units per acre!

3. **Ensure that City’s affordable housing funds cannot be used by a private developer to secure a huge density bonus.** The City should not allow our tax dollars to be used by developers to secure density bonuses!

4. **Revise the draft zoning:**

- A. **Prevent office, retail, and other commercial ground-floor mixed uses** at North Berkeley. The University Ave. merchants oppose retail at BART, and it wastes space that can be used for housing or community services. There is a glut of empty retail space on University Avenue and in other areas of the city.
- B. **Require 10-foot minimum setbacks at the ground level on all streets**, including Sacramento. This margin is essential for trees, wheelchairs, strollers, bikes, and lines of bus passengers on Sacramento Street. The draft ordinance sets the minimum at only 5 feet.
- C. **Establish 15-foot minimum step-backs** above 2 floors and 20 feet step-backs above 3 floors, to ensure that buildings blend into the neighborhood on all sides.

Thank you.



**BAŞAK ALTAN**  
Design Strategist, Design Educator, IDSA West Coast Lead

510 388 2678 | [www.basakaltan.com](http://www.basakaltan.com) | [basak@basakaltan.com](mailto:basak@basakaltan.com)



## Communications

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**From:** Sara Dwight <sara.dwight@gmail.com>

**Sent:** Sunday, April 3, 2022 8:59 PM

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

**Subject:** Proposes zoning and JVP document comments

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

Dear Planning Commissioners, City Council members, and Mayor Arreguin:

I am a resident of Berkeley and am extremely concerned about the proposed zoning and the JVP document for the BART stations.

The JVP document proposes to create the greatest number of units in the shortest possible time, mostly market rate. This strategy is a giveaway to private developer profits and will do little for affordable housing. I urge you to revise the JVP to prioritize building the largest number of affordable units on these last parcels of public land available for housing, rather than rush to build market-rate housing.

As drafted, the zoning requires a density that will result in huge 7-story or higher structures over most of North Berkeley BART. The mockup below shows the stark, unliveable result of building at that scale in a low-rise neighborhood. I urge you to support the proposed zoning of 7 stories maximum height, and to set density at 75 units per acre maximum (rather than minimum), which is in accordance with AB2923.

In addition, please take concrete steps to prevent a private developer from claiming huge sums of Berkeley's affordable housing funds as their own contribution and thus giving them access to the state density bonus. This is outrageous, and must not happen. No public funds for private profit!

Sincerely,  
Sara Dwight

## Communications

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**From:** Bettina <bslewis18@gmail.com>

**Sent:** Monday, April 4, 2022 10:36 AM

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

**Subject:** Affordable Housing JVP Bart & zoning

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

Dear Planning Commissioners, City Council members, and Mayor Arreguin:

I am a resident of Berkeley and am extremely concerned about the proposed zoning and the JVP document for the BART stations.

The JVP document proposes to create the greatest number of units in the shortest possible time, mostly market rate. This strategy is a giveaway to private developer profits and will do little for affordable housing. I urge you to revise the JVP to prioritize building the largest number of affordable units on these last parcels of public land available for housing, rather than rush to build market-rate housing.

As drafted, the zoning requires a density that will result in huge 7-story or higher structures over most of North Berkeley BART. The mockup below shows the stark, unlivable result of building at that scale in a low-rise neighborhood. I urge you to support the proposed zoning of 7 stories maximum height, and to set density at 75 units per acre maximum (rather than minimum), which is in accordance with AB2923.

In addition, please take concrete steps to prevent a private developer from claiming huge sums of Berkeley's affordable housing funds as their own contribution and thus giving them access to the state density bonus. This is outrageous, and must not happen. No public funds for private profit!

Sincerely,  
Bettina Lewis  
2271 Virginia St  
Berk, CA 94709

## Communications

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**From:** purplenini@aol.com <purplenini@aol.com>  
**Sent:** Monday, April 4, 2022 11:17 PM  
**To:** Pearson, Alene <apearson@cityofberkeley.info>  
**Subject:** 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, City Council members, and Mayor Arreguin:

I am a long-time resident of Berkeley living a few blocks from the North Berkeley BART station.

Without reiterating what has already been submitted to you, I wish to register my strong disapproval of the current JVP document proposal and support for the plan proposed by the North Berkeley Neighborhood Association regarding the development of housing at the North Berkeley BART location - or something similar to their vision. The plan being considered by the city and BART to build a massive block (too tall, no step-back design to lesson the visual impact) on the location is an insult to the neighborhood and will be an eyesore for years to come. The proposed plan is just plain ugly, uninspiring, and unimaginative. There seems to be a prevailing attitude that we, at this point in history, have the opportunity to provide a huge amount of housing and we better grab the chance. What we better be grabbing at is the chance to do this right. What we have is an opportunity to develop this land in a tasteful way, show some class, and honor the support of the neighborhood that has shown some appetite for development - believing, perhaps naively, that it would be done with taste and for the benefit of many deserving folks unable to afford "market rate" housing.

Do not prove us wrong.

Please do not consider lining the pockets of private developers who want to build not just big but huge, who have no stake in the aesthetics or quality of life of the neighborhood. This area should never have been considered to be similar to a city center to begin with but that designation was never contestable. We're a quiet neighborhood, quite different from areas only a few blocks away, willing to accept new added housing. We are willing to be good citizens in the general Bay Area plan to provide more housing. We want to be part of the solution to provide housing for all. Market rate housing doesn't help fix that. And a massive building rising straight up from the street will make the neighborhood feel less like a neighborhood and more like a crowded impersonal couple of blocks. NYC thought it could create vertical neighborhoods by building up. It did not work there and it will not work here. If there is any lesson we have learned from the pandemic, more density is not better for anyone even those looking for housing. And it is down right not believable that the currently considered JVP proposal will help the housing shortage AT ALL.

Show some heart and guts and figure out a plan that can provide the best solution for developing this parcel of land.

Janet Coleman



## Communications

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**From:** allen.phil@yahoo.com <allen.phil@yahoo.com>

**Sent:** Monday, April 4, 2022 2:39 PM

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

**Subject:** NB BART Documents

**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 those named above, ..

On Wednesday evening, the Planning Commission is due to vote on two key documents which will determine the fate of the present site of the North Berkeley BART station.

You have received many letters of concern, containing many figures supporting either of two camps of belief whose developmental preferences have been circulated--as bird's-eye renderings--by the North Berkeley Neighborhood Association.

I don't like being repetitious, and assuming that you have those renderings at hand, I would just draw your attention to the BART/'big development' view. A recent photo of a major northern Chinese city of an estimated 14 million was circulated on-line, relative to the new Covid strain lockdown. Except for the difference in size, both the photo and the rendering show buildings bent to a gray, dreary and formulaic approach to housing. In Berkeley's case, of course, the renters will be fairly well-heeled, not dormitoried menials.

Please excuse my conceit, but as I live on San Pablo Avenue, my eastward view will spare me all but the top floors of BART's desired maximal projection, if that. Yet, for the good of that neighborhood, the area around and the legacy to a town that's supposed to show up better than it has lately, I urge you to do everything you can to support the Association proposal. And make the BART shills take the bus ..

phil allen  
District 1 resident

## Communications

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**From:** Info <info@larryorman.net>  
**Sent:** Monday, April 4, 2022 3:37 PM  
**To:** Pearson, Alene <apearson@cityofberkeley.info>; Shen, Alisa <AShen@cityofberkeley.info>  
**Cc:** elisamikiten@mac.com <elisamikiten@mac.com>; North Berkeley Neighborhood Alliance <nbneighborhoodalliance@gmail.com>  
**Subject:** Fwd: Urgent: Misinformation re zoning in Rashi's newsletter, update about Wednesday night meeting

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

For the April 6 Planning Commission meeting, North Berkeley Neighborhood Association strongly requests that the following information be presented before the public comment portion of the meeting.

The reason for asking this is that, today, Councilmember Kesarawni presented in her newsletter incorrect information regarding the City's ability to apply maximums as well as the legislated minimum density to its proposed BART station zoning - contrary to her statement that using a maximum density would conflict with BART and AB 2923 provisions, the follow two items clearly show that choosing a maximum density is a matter for policy for the City and would be fully compliant with AB 2923:

1) From BART's June 2021 Technical Guide, page 32  
([https://www.bart.gov/sites/default/files/docs/BART\\_AB2923\\_FinalTechGuide\\_Full.pdf](https://www.bart.gov/sites/default/files/docs/BART_AB2923_FinalTechGuide_Full.pdf)):

The law requires that all AB 2923 parcels (see "Property Subject to AB 2923" in Chapter 2) be zoned to allow for the residential densities identified in Exhibit 6. The baseline zoning standard for residential density is 75 dwelling units/acre (DU/acre), regardless of the TransitOriented Development (TOD) Place Type. Therefore, all AB 2923 parcels must be zoned to allow for 75 DU/acre. However, jurisdictions are free to allow for greater residential densities, if desired.

Below are example residential zoning standards that would conform with AB 2923.

- Example 1: Minimum 30 DU/ acre, maximum 80 DU/ acre
- Example 2: Minimum 30 DU/ acre, no maximum
- Example 3: No minimum, **maximum of 75 DU/ acre** (emphasis added)

2) City Attorney's opinion

**From:** "Brown, Farimah F." <[FBrown@cityofberkeley.info](mailto:FBrown@cityofberkeley.info)>  
**Date:** October 19, 2021 at 7:07:34 PM PDT  
**To:** "Harrison, Kate" <[KHarrison@cityofberkeley.info](mailto:KHarrison@cityofberkeley.info)>  
**Cc:** "Darrow, Brendan" <[Bdarrow@cityofberkeley.info](mailto:Bdarrow@cityofberkeley.info)>  
**Subject:** Question re AB 2923/BART Developments

Dear Councilmember Harrison,

You asked us to take a closer look at the section of April 26, 2021 Confidential Memo *Development of North Berkeley and Ashby BART Stations Under AB 2923* regarding the City's ability to set development standards for the North Berkeley and Ashby BART stations. You were particularly interested in whether zoning standards for building height, floor area ratio ("FAR"), and residential density are linked to one another in such a way that the City could be required to adopt a density standard higher than the 75 units/acre minimum required by the BART TOD Guidelines.

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

AB 2923 requires local jurisdictions to adopt zoning by July 1, 2022 that conforms to BART's TOD zoning standards. (Pub. Util. Code, § 29010.6(d)(1).) BART must review local zoning and make a finding as to whether it conforms with BART's TOD zoning standards (Id., § 29010.6(d)(2).) Where BART finds that the local zoning does not conform to BART's TOD zoning standards, the BART TOD zoning standards "shall become the local zoning" for BART-owned parcels. (Ibid.)

BART's July 2021 *Technical Guide to Zoning for AB 2923*

*Conformance* (attached) explains how BART will assess local jurisdictions' compliance with AB 2923. The Technical Guide makes clear that to comply with AB 2923, local jurisdictions "must ensure that zoning for AB 2923 parcels conforms with [BART's] baseline zoning standards" for the four zoning parameters defined in AB 2923 for their stations' "TOD Place Types." (Technical Guide at 25.) These four zoning parameters are: residential density, building height, floor area ratio, and parking (for both vehicles and bicycles). (Id.) Local jurisdictions cannot "adopt zoning that diminishes these baseline standards for AB 2923 parcels." (Id. at 24.)

The Technical Guide states that "[c]onformance with the law will be based exclusively on the four parameters as defined in AB 2923." (Id. at 28.) But jurisdictions may establish zoning that exceeds BART's baseline standards. (Id. at 25.) For example, BART encourages jurisdictions to "to zone for higher than 75 DU/acre to support transit-oriented development." (Id. at 34.) The concern expressed in the memo relates a scenario (relatively large units) that could result in legal exposure *if* BART asserts that Berkeley's adopted density renders projects that are built to height and FAR minimums infeasible, perhaps due to market conditions or other reasons why a building with relatively large units (averaging between 1,600 - 2,000 sq. ft). However, that scenario seems unlikely in light of the July 2021 release of BART's Technical Guide. Therefore, so long as the residential density standard is at least 75 units/acre, any decision to adopt a higher residential density is a policy question.

Let us know if you have any further questions and thank you for your patience as we navigated through this issue.

Farimah

Thank you for your attention.

North Berkeley Neighborhood Association

## Communications

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**From:** Alisa <moonmom@sbcglobal.net>

**Sent:** Monday, April 4, 2022 7:53 PM

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

**Subject:** Feedback: North Berkeley & Ashby BART: (1) Zoning and Joint Vision and Priorities

**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, City Council members, and Mayor Arreguin:

My family and I (all voters) are residents of Berkeley for over 40 years. We are all extremely concerned about the proposed zoning and the Joint Vision and Priorities (JVP) document for the BART stations.

The JVP document proposes to create the greatest number of housing units in the shortest possible time, mostly market rate. **This strategy is a giveaway to private developer profits** and will do little for affordable housing. We urge you to revise the JVP to prioritize building the largest number of affordable units on these last parcels of public land available for housing, rather than rush to build market-rate housing.

As drafted, the zoning requires a density that will result in huge 7-story or higher structures over most of North Berkeley BART. The mockup shows the stark, unlivable result of building at a giant high rise in a low rise, one to two story neighborhood. I urge you to support the proposed zoning of 7 stories maximum height, and to set density at 75 units per acre maximum (rather than minimum), which is in accordance with AB2923.

In addition, **please take concrete steps to prevent a private developer from claiming huge sums of Berkeley's affordable housing funds** as their own contribution and thus giving them access to the state density bonus.

This is outrageous, and must not happen! No monopoly on housing!!!

Sincerely,

1. Alisa Foster
2. Devin Cory
3. Teah Cory

1803 Mcgee Ave  
Berkeley, CA 94703  
510-684-7240

## Communications

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**From:** Alisa <moonmom@sbcglobal.net>

**Sent:** Monday, April 4, 2022 7:55 PM

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

**Subject:** Bart station high rise opinion:

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## Communications

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**From:** Clarke Teresa <tkclarke2@yahoo.com>  
**Sent:** Monday, April 4, 2022 9:25 PM  
**To:** Pearson, Alene <apearson@cityofberkeley.info>  
**Cc:** All Council <council@cityofberkeley.info>  
**Subject:** BART Zoning- Two important revisions needed

**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:

Please ensure that we build as much housing as possible without delay, and please consider adjusting two important areas of the plan- the height and stories, and the ASHBY BART zoning map.

1) Zoning should maximize the housing allowed: Allow up to 8 stories and up to 90 feet. This more flexible zoning height and number of stories would allow building designs to better respond to neighborhood context with step downs and without losing housing units. The current zoning proposal uses the minimum number of stories required by AB 2923.a. Taller buildings in some of the lot area would allow more step downs near smaller context without losing housing units. Ashby BART west side can easily accommodate taller buildings.

2) We must activate the street and sidewalks. At Ashby BART, buildings must be built directly abutting on Adeline Street to create a vibrant and continuous, pedestrian-friendly building frontage and commercial experience. Unfortunately, the plan currently maintains the very poor design choice at Ashby BART of a lower driveway and plaza entrance on the west side. This is a critical mistake and must be corrected. Correct the zoning map to include this area in the zoning plan.

Sincerely,  
Teresa Clarke  
South Berkeley NOW! member  
District 3 Berkeley Resident

## Communications

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**From:** Elliott Schwimmer <elliott.schwimmer@gmail.com>

**Sent:** Monday, April 4, 2022 9:26 PM

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

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

**Subject:** BART Zoning should maximize housing

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Dear Planning Commissioners:

Please ensure that we build as much housing as possible without delay, and please consider adjusting two important areas of the plan- the height and stories, and the ASHBY BART zoning map.

1) Zoning should maximize the housing allowed: Allow up to 8 stories and up to 90 feet. This more flexible zoning height and number of stories would allow building designs to better respond to neighborhood context with step downs and without losing housing units. The current zoning proposal uses the minimum number of stories required by AB 2923.a. Taller buildings in some of the lot area would allow more step downs near smaller context without losing housing units. Ashby BART west side can easily accommodate taller buildings.

2) We must activate the street and sidewalks. At Ashby BART, buildings must be built directly abutting on Adeline Street to create a vibrant and continuous, pedestrian-friendly building frontage and commercial experience. Unfortunately, the plan currently maintains the very poor design choice at Ashby BART of a lower driveway and plaza entrance on the west side. This is a critical mistake and must be corrected. Correct the zoning map to include this area in the zoning plan.

Sincerely,

Berkeley Resident

Elliott

## Communications

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**From:** Emily Klion <emily.klion@gmail.com>

**Sent:** Monday, April 4, 2022 9:34 PM

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

**Subject:** Contextual, affordable, green-built housing that folks can afford

**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, City Council members, and Mayor Arreguin:

I am a resident of Berkeley and am extremely concerned about the proposed zoning and the JVP document for the BART stations. For the past three years, I have shown up for city meetings to express my thoughts on this project, but feel largely unlistened to. In many ways, I think the so-called 'open' process that has surrounded this development is farcical-- nothing that the neighbors who want a focus on low-income housing that is contextual to the neighborhood is responded to-- and in fact, mistruths fly rampantly by those who want a huge development at the Bart sites without regard to what Berkeley really needs: Housing that folks can afford and contribute to the community as long-term residents in beautiful homes them.

The JVP document proposes to create the greatest number of units in the shortest possible time, mostly market rate. This strategy is a giveaway to private developer profits and will do little for affordable housing. I urge you to revise the JVP to prioritize building the largest number of affordable units on these last parcels of public land available for housing, rather than rush to build market-rate housing that will sit 1/3 empty because of its aesthetics and uncontrolled cost to tenants, many of whom will be transient students and tech workers commuting south.

As drafted, the zoning requires a density that will result in huge 7-story or higher structures over most of North Berkeley BART. The mockup below shows the stark, unlivable result of building at that scale in a low-rise neighborhood. I urge you to support the proposed zoning of 7 stories maximum height, and to set density at 75 units per acre maximum (rather than minimum), which is in accordance with AB2923.

In addition, please take concrete steps to prevent a private developer from claiming huge sums of Berkeley's affordable housing funds as their own contribution



and thus giving them access to the state density bonus. This is outrageous, and must not happen. No public funds for private profit!

### **What North Berkeley Neighborhood Association proposes**

- 4-500 units affordable housing
- Fits in community
- Most climate-friendly approach
- Public funding for affordable housing not private developer profit



### **What the City and BART propose**

- 800-1200 units mostly market rate housing
- Massive walls against neighborhood
- Public funding giveaway to developers
- Climate negative project



Simulation of 800-1200 unit project, along Delaware St, facing east

Sincerely,  
Emily Klion  
1631 Francisco Street  
Berkeley

## Communications

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**From:** Claire FitzGerald <claireelaineitzgerald@gmail.com>

**Sent:** Monday, April 4, 2022 9:37 PM

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

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

**Subject:** BART Zoning should maximize housing

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Dear Planning Commissioners:

Please ensure that we build as much housing as possible without delay, and please consider adjusting two important areas of the plan- the height and stories, and the ASHBY BART zoning map.

1) Zoning should maximize the housing allowed: Allow up to 8 stories and up to 90 feet. This more flexible zoning height and number of stories would allow building designs to better respond to neighborhood context with step downs and without losing housing units. The current zoning proposal uses the minimum number of stories required by AB 2923.a. Taller buildings in some of the lot area would allow more step downs near smaller context without losing housing units. Ashby BART west side can easily accommodate taller buildings.

2) We must activate the street and sidewalks. At Ashby BART, buildings must be built directly abutting on Adeline Street to create a vibrant and continuous, pedestrian-friendly building frontage and commercial experience. Unfortunately, the plan currently maintains the very poor design choice at Ashby BART of a lower driveway and plaza entrance on the west side. This is a critical mistake and must be corrected. Correct the zoning map to include this area in the zoning plan.

Sincerely,

Claire FitzGerald  
Berkeley Resident and Ashby station rider

Claire FitzGerald  
claireelaineitzgerald@gmail.com

## Communications

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**From:** Elliot Parrish <ElliotSig96@outlook.com>  
**Sent:** Tuesday, April 5, 2022 1:02 AM  
**To:** Pearson, Alene <apearson@cityofberkeley.info>  
**Cc:** All Council <council@cityofberkeley.info>  
**Subject:** BART Zoning should maximize housing

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Sincerely,

Berkeley Resident

Sent from my iPhone

## Communications

---

**From:** Katharine <katharine.khamhaengwong@gmail.com>

**Sent:** Tuesday, April 5, 2022 1:19 AM

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

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

**Subject:** BART Zoning should maximize housing

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

Dear Planning Commissioners,

Hello! I've lived in South Berkeley for most of my life (born in Oakland but only lived there for a year, breaks for college and Peace Corps and the like), and I'd love to come back to the area that I was raised in (I'm currently a Fulbright Student Researcher in Georgia [the former Soviet republic, not the state]). However, my family has only been able to stay in the area because of rent control, and I don't think I'll be able to move back any time soon, unless new housing construction is maximized. I love Berkeley and the Bay Area in general, and I'm happy to see housing built on BART.

Please ensure that we build as much housing as possible without delay, and please consider adjusting two important areas of the plan: the height and stories permitted and the ASHBY BART zoning map.

1) Zoning should maximize the housing allowed: Allow up to 8 stories and up to 90 feet. This more flexible zoning height and number of stories would allow building designs to better respond to neighborhood context with step downs and without losing housing units. The current zoning proposal uses the minimum number of stories required by AB 2923.a. Taller buildings in some of the lot area would allow more step downs near smaller context without losing housing units. Ashby BART west side can easily accommodate taller buildings.

2) We must activate the street and sidewalks. At Ashby BART, buildings must be built directly abutting on Adeline Street to create a vibrant and continuous, pedestrian-friendly building frontage and commercial experience. Unfortunately, the plan currently maintains the very poor design choice at Ashby BART of a lower driveway and plaza entrance on the west side. This is a critical mistake and must be corrected. Correct the zoning map to include this area in the zoning plan.

Thanks for your help in ensuring that Berkeley can provide homes to as many people as possible, creating a liveable, walkable, and vibrant South Berkeley.

Sincerely,

Katharine Khamhaengwong

Berkeley Resident, temporarily abroad but back in September :)

## Communications

---

**From:** Niloufar Khonsari <nkhonsari@gmail.com>  
**Sent:** Tuesday, April 5, 2022 1:57 AM  
**To:** Pearson, Alene <apearson@cityofberkeley.info>  
**Cc:** All Council <council@cityofberkeley.info>  
**Subject:** BART Zoning should maximize housing

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

Dear Planning Commissioners:

Please ensure that we build as much housing as possible without delay, and please consider adjusting two important areas of the plan- the height and stories, and the ASHBY BART zoning map.

1) Zoning should maximize the housing allowed: Allow up to 8 stories and up to 90 feet. This more flexible zoning height and number of stories would allow building designs to better respond to neighborhood context with step downs and without losing housing units. The current zoning proposal uses the minimum number of stories required by AB 2923.a. Taller buildings in some of the lot area would allow more step downs near smaller context without losing housing units. Ashby BART west side can easily accommodate taller buildings.

2) We must activate the street and sidewalks. At Ashby BART, buildings must be built directly abutting on Adeline Street to create a vibrant and continuous, pedestrian-friendly building frontage and commercial experience. Unfortunately, the plan currently maintains the very poor design choice at Ashby BART of a lower driveway and plaza entrance on the west side. This is a critical mistake and must be corrected. Correct the zoning map to include this area in the zoning plan.

Sincerely,

Niloufar Khonsari  
Berkeley Resident

## Communications

---

**From:** Jane Scantlebury <jscantlebury@lmi.net>  
**Sent:** Tuesday, April 5, 2022 6:31 AM  
**To:** Pearson, Alene <apearson@cityofberkeley.info>  
**Cc:** All Council <council@cityofberkeley.info>  
**Subject:** BART Zoning should maximize housing

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

Dear Planning Commissioners:

Please ensure that we build as much housing as possible without delay, and please consider adjusting two important areas of the plan- the height and stories, and the ASHBY BART zoning map.

1) Zoning should maximize the housing allowed: Allow up to 8 stories and up to 90 feet. This more flexible zoning height and number of stories would allow building designs to better respond to neighborhood context with step downs and without losing housing units. The current zoning proposal uses the minimum number of stories required by AB 2923.a. Taller buildings in some of the lot area would allow more step downs near smaller context without losing housing units. Ashby BART west side can easily accommodate taller buildings.

2) We must activate the street and sidewalks. At Ashby BART, buildings must be built directly abutting on Adeline Street to create a vibrant and continuous, pedestrian-friendly building frontage and commercial experience. Unfortunately, the plan currently maintains the very poor design choice at Ashby BART of a lower driveway and plaza entrance on the west side. This is a critical mistake and must be corrected. Correct the zoning map to include this area in the zoning plan.

Sincerely,

Jane Scantlebury

Berkeley Resident

## Communications

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**From:** Jonathan Packman <jdpackman@gmail.com>  
**Sent:** Tuesday, April 5, 2022 8:54 AM  
**To:** Pearson, Alene <apearson@cityofberkeley.info>  
**Cc:** All Council <council@cityofberkeley.info>  
**Subject:** BART Zoning should maximize housing

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

Dear Planning Commissioners:

Please ensure that we build as much housing as possible without delay, and please consider adjusting two important areas of the plan- the height and stories, and the ASHBY BART zoning map. 1) Zoning should maximize the housing allowed: Allow up to 8 stories and up to 90 feet. This more flexible zoning height and number of stories would allow building designs to better respond to neighborhood context with step downs and without losing housing units. The current zoning proposal uses the minimum number of stories required by AB 2923.a. Taller buildings in some of the lot area would allow more step downs near smaller context without losing housing units. Ashby BART west side can easily accommodate taller buildings. 2) We must activate the street and sidewalks. At Ashby BART, buildings must be built directly abutting on Adeline Street to create a vibrant and continuous, pedestrian-friendly building frontage and commercial experience. Unfortunately, the plan currently maintains the very poor design choice at Ashby BART of a lower driveway and plaza entrance on the west side. This is a critical mistake and must be corrected. Correct the zoning map to include this area in the zoning plan. Sincerely,

Jonathan Packman  
Berkeley Resident

## Communication

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**From:** Kathy Tuttle <kathy.tuttle@comcast.net>

**Sent:** Tuesday, April 5, 2022 8:59 AM

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

**Subject:** BART Station Zoning and JVP Document

**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, City Council members, and Mayor Arreguin:

I am a resident of Berkeley and am extremely concerned about the proposed zoning and the JVP document for the BART stations.

The JVP document proposes to create the greatest number of units in the shortest possible time, mostly market rate. This strategy is a giveaway to private developer profits and will do little for affordable housing. I urge you to revise the JVP to prioritize building the largest number of affordable units on these last parcels of public land available for housing, rather than rush to build market-rate housing.

As drafted, the zoning requires a density that will result in huge 7-story or higher structures over most of North Berkeley BART. The mockup below shows the stark, unlivable result of building at that scale in a low-rise neighborhood. I urge you to support the proposed zoning of 7 stories maximum height, and to set density at 75 units per acre maximum (rather than minimum), which is in accordance with AB2923.

In addition, please take concrete steps to prevent a private developer from claiming huge sums of Berkeley's affordable housing funds as their own contribution and thus giving them access to the state density bonus. This is outrageous, and must not happen. No public funds for private profit!

Sincerely,  
Kathleen Tuttle  
1451 Virginia Street



## Communication

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**From:** Nat Kane <nathaniel.kane@gmail.com>  
**Sent:** Tuesday, April 5, 2022 9:13 AM  
**To:** Pearson, Alene <apearson@cityofberkeley.info>  
**Cc:** All Council <council@cityofberkeley.info>  
**Subject:** BART Zoning should maximize housing

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

Dear Planning Commissioners:

Please ensure that we build as much housing as possible without delay, and please consider adjusting two important areas of the plan- the height and stories, and the ASHBY BART zoning map.

1) Zoning should maximize the housing allowed: Allow up to 8 stories and up to 90 feet. This more flexible zoning height and number of stories would allow building designs to better respond to neighborhood context with step downs and without losing housing units. The current zoning proposal uses the minimum number of stories required by AB 2923.a. Taller buildings in some of the lot area would allow more step downs near smaller context without losing housing units. Ashby BART west side can easily accommodate taller buildings.

2) We must activate the street and sidewalks. At Ashby BART, buildings must be built directly abutting on Adeline Street to create a vibrant and continuous, pedestrian-friendly building frontage and commercial experience. Unfortunately, the plan currently maintains the very poor design choice at Ashby BART of a lower driveway and plaza entrance on the west side. This is a critical mistake and must be corrected. Correct the zoning map to include this area in the zoning plan.

Sincerely,

Berkeley Resident

## Communication

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**From:** Stephanie Allan <stepbad@yahoo.com>  
**Sent:** Tuesday, April 5, 2022 10:19 AM  
**To:** Pearson, Alene <apearson@cityofberkeley.info>  
**Cc:** All Council <council@cityofberkeley.info>  
**Subject:** BART Zoning should maximize housing

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

Dear Planning Commissioners: I've written before about housing at the BART stations, but there's a specific issue at the Ashby BART location that needs to be fixed. We must activate the street and sidewalks. At Ashby BART, buildings must be built directly abutting on Adeline Street to create a vibrant and continuous, pedestrian-friendly building frontage and commercial area. This will have an effect far beyond the immediate location.

Unfortunately, the plan currently maintains the very poor design choice at Ashby BART of a lower driveway and plaza entrance on the west side. This is a critical mistake and must be corrected. Please correct the zoning map to include this area in the zoning plan.

Stephanie Allan,  
Longtime Berkeley resident  
and former denizen of the  
Ashby BART station

## Communication

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**From:** Liz Lisle <liz@shotgunplayers.org>

**Sent:** Tuesday, April 5, 2022 10:34 AM

**To:** Horner, Justin <JHorner@cityofberkeley.info>; Shen, Alisa <AShen@cityofberkeley.info>; Heather Haxo Phillips <heather@adelineyoga.com>; Holly Bradford <hbradfordre@gmail.com>; YaVette Holts <yavette.presence@gmail.com>; Slaughter, Kieron <kslaughter@cityofberkeley.info>; Pearson, Alene <apearson@cityofberkeley.info>

**Subject:** Concerns over New BART Zoning Ordinance going to PC on 4/6

**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 Justin and Alisa,

On behalf of the LBA, I'm writing to state serious concerns over the proposed zoning for the new BART development at the Ashby site. It seems that there have been oversights in regard to activating viable commercial opportunities on this site, and we strongly encourage you to review the attached letter.

Thanks,  
Liz

Liz Lisle  
*Managing Director*  
Shotgun Players  
510.452.7207

**UP NEXT:**

***Passing Strange*** March 5 - April 10 live & in-person at Ashby Stage!



<https://shotgunplayers.org/online/article/passing-strange>



Friday, April 1, 2022

Dear Planning Commission and City of Berkeley Planning Staff,

During our meeting on March 30th with BART, staff from the Berkeley Planning Department and the Office of Economic Development, we were informed that the new Zoning Ordinance (R-BMU) proposed for the BART Parking Lot's are going to the Planning Commission on April 6<sup>th</sup> for a recommendation to the City Council. Unfortunately the LBA wasn't notified or asked to provide comments on the proposal. Upon review of the proposed codes we feel strongly that the regulations are inconsistent with the LBA Lorin/Adeline Economic Development Plan and the Economic Opportunity Goals in the Adeline Corridor Plan which specifically states:

EO-8. Continue to amend the Zoning Ordinance to streamline the review process and reduce the amount of time it takes for desirable businesses and organizations to establish within the plan area. See Policies/Strategies: EO 5.1, EO 5.2, EO 5.5 and LU 3.1.

Our biggest concern is the proposal to require desirable uses such as Restaurants, General Retail, Group Class Instruction and Gyms would have to wait up to **a year** to obtain a Use Permit at a Public Hearing without any certainty that it would be approved. During our LBA meeting on April 1, 2022, staff from the Office of Economic Development presented the [Economic Dashboard](#), for South Berkeley. They pointed out the fact that South Berkeley is underserved by Food & Beverage services, which account for only 5.8% of ground floor commercial space, as compared to 12.3% citywide.

In addition, off-sale alcohol products typically sold at Grocery stores like Trader Joes and Whole Foods or businesses like BevMo would be prohibited in any future development in the BART station parking lot. This proposed Zoning is also contrary to the City's previous referrals and [actions by the Planning Commission in 2018](#) to streamline zoning to support small businesses. Furthermore, the South Berkeley Area Plan adopted in 1990 states:

**POLICY 1.2 Strengthen the overall business climate in South Berkeley**

**1. Streamline the zoning and permit process**

The new C-1(SA) zoning reclassification has expanded the number of businesses which can locate in South Berkeley by administrative action rather than by public hearing. This helps simplify the permit process. It is still a cumbersome process, however. There is no "one stop shopping" for business permits. A business owner must typically go to several City departments, each with its own fees, processing procedures, and time schedules for application.

Lastly, the City Council has directed staff to streamline the Zoning Ordinance on numerous occasions which is also in the Adeline Corridor Plan and the City's Strategic Plan.

Without modifications to these Zoning limitations, viable commercial frontages in the BART Parking lot development will be severely impacted, and we see this as detrimental to our vision for a healthy and thriving small business culture in this area. This current proposal disproportionately impacts the first time entrepreneurs interested in opening a small independently owned business that can't afford the costly UP(PH) fee or wait for a decision by the Zoning Adjustments Board to open a restaurant or yoga studio.

Please take these comments under serious consideration before approving the proposed Zoning Ordinance as written and recommending it to the City Council for final adoption.

Sincerely,

Liz Lisle, Shotgun Players, *Managing Director - LBA Board, Executive Committee*

YaVette Holts, BAObOB, *Founder/CEO - LBA Board, Executive Committee*

Holly Bradford, *Holly Bradford Real Estate, Owner - LBA, Executive Committee (Board Secretary)*

Heather Haxo Phillips, Adeline Yoga, *Owner - LBA Board, Executive Committee*

And the membership of the Lorin Business Association

[LorinBerkeley.org](http://LorinBerkeley.org)

@lorinberkeley

#LorinIs

## Communication

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**From:** Frances Feldon <franfeldon@gmail.com>

**Sent:** Tuesday, April 5, 2022 3:46 PM

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

**Subject:** Housing at N 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.

Any development at North Berkeley and Ashby BART should prioritize building the largest number of **affordable** units, rather than market-rate housing. These are parcels of **public land**, and should be used for affordable housing, not market-rate rentals that benefit BART and developers!

2. **Zoning should be set to max density at 75 units per acre** at North Berkeley.

3. **The City of Berkeley's affordable housing funds - our tax dollars - should not be used by a private developer** to secure a huge density bonus.

4. **Revise the draft zoning:**

- A. **Prevent office, retail, and other commercial ground-floor mixed uses** at North Berkeley. The University Ave. merchants oppose retail at BART, and it wastes space that can be used for housing or community services. There is a glut of empty retail space on University Avenue and in other areas of the city.
- B. **Require 10-foot minimum setbacks at the ground level on all streets**, including Sacramento, an essential margin for trees, wheelchairs, strollers, bikes, and lines of bus passengers on Sacramento Street.
- C. **Establish 15-foot minimum step-backs** above 2 floors and 20 feet step-backs above 3 floors, to ensure that buildings blend into the neighborhood on all sides.

Frances Feldon  
1440 Keoncrest Dr  
Berkeley

Sent from my iPad

## Communication

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**From:** Erika Lee <erika.lee@berkeley.edu>  
**Sent:** Tuesday, April 5, 2022 12:39 PM  
**To:** Covello, Zoe; All Council; Berkeley Mayor's Office  
**Subject:** More homes, and more stories, needed at BART

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

Dear planning commission,

As a resident of the City of Berkeley and a student at UC Berkeley, I think it's imperative that we as a city provide access to more homes.

We have a generational opportunity to decide how many stories of housing can be built directly on top of BART, and we must not squander the chance to build as many homes in these important transit hubs as possible. The environmental and equity benefits of building homes where people can live car-free near jobs, schooling, and other resources are difficult to overstate. Let's house as many people at Ashby and North Berkeley BART stations as possible!

To that end, please zone for *at least* 12 stories over these two BART stations. The EIR found 12 stories to be environmentally preferable to 7 – and it's clear that the more housing we build at BART stops, the better it will be for the environment.

We're in both a housing crisis and a climate crisis. We need to house people where they can reduce their vehicle miles traveled, and we need to house as many people as possible. It's the equitable and sustainable thing to do.

Sincerely,

Erika Lee, MPH (c) (she/her/hers)  
Graduate Student Researcher  
Remais Lab | Environmental Health Sciences  
University of California, Berkeley | School of Public Health  
2121 Berkeley Way West, Berkeley, CA 94708  
[Huichin, Chochenyo Ohlone Land](https://www.huichin.com)  
[erika.lee@berkeley.edu](mailto:erika.lee@berkeley.edu)



## Communication

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**From:** Emma Lydon <emmalydon@gmail.com>  
**Sent:** Tuesday, April 5, 2022 2:13 PM  
**To:** Covello, Zoe; All Council; Berkeley Mayor's Office  
**Subject:** Please Build More Housing at Berkeley BART Stations -- At Least 12 Stories!

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

To Whom It May Concern:

My name is Emma Lydon and I'm a South Berkeley resident. I was born and raised here, went to Berkeley K-12 schools, and returned last year to raise my daughter here. There's nowhere I'd rather live than Berkeley. But given the rising housing costs, it's only affordable for us to live in South Berkeley because we live with a parent. The cost of rent here is just so out of control.

**We need to build as many homes as possible, as quickly as possible.** We have a generational opportunity to decide how many stories of housing can be built directly on top of BART, and we must not squander the chance to build up and keep costs down.

The environmental and equity benefits of building homes where people can live car-free near jobs, schooling, and other resources are difficult to overstate. Let's house as many people at Ashby and North Berkeley BART stations as possible!

**To that end, please zone for at least 12 stories over these two BART stations.** As a Berkeley resident, nothing would make me happier than seeing more housing go near BART. I don't want Berkeley to be a walled castle where only the richest can afford to live. I don't want my daughter to go to school only with millionaires and those relying on generational wealth and assets. The EIR found 12 stories to be environmentally preferable to 7 – and it's clear that the more housing we build at BART stops, the better it will be for the environment.

We're in both a housing crisis and a climate crisis. We need to house people where they can reduce their vehicle miles traveled, and we need to house as many people as possible. It's the equitable and sustainable thing to do.

Thank you,  
Emma Lydon



## Communication

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**From:** Alyssa Plese <alyssaplese@berkeley.edu>  
**Sent:** Tuesday, April 5, 2022 2:42 PM  
**To:** Covello, Zoe; All Council; Berkeley Mayor's Office  
**Subject:** More homes, and more stories, needed at BART Body:

**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.

We have a generational opportunity to decide how many stories of housing can be built directly on top of BART, and we must not squander the chance to build as many homes in these important transit hubs as possible. The environmental and equity benefits of building homes where people can live car-free near jobs, schooling, and other resources are difficult to overstate. Let's house as many people at Ashby and North Berkeley BART stations as possible!

To that end, please zone for *at least* 12 stories over these two BART stations. The EIR found 12 stories to be environmentally preferable to 7 – and it's clear that the more housing we build at BART stops, the better it will be for the environment.

We're in both a housing crisis and a climate crisis. We need to house people where they can reduce their vehicle miles traveled, and we need to house as many people as possible. It's the equitable and sustainable thing to do.

Sincerely,

Alyssa Plese

--

Alyssa Plese  
UC Berkeley class of '21  
[alyssaplese@berkeley.edu](mailto:alyssaplese@berkeley.edu)  
(909) 471 0245

## Communication

---

**From:** lindsey.snider@gmail.com  
**Sent:** Tuesday, April 5, 2022 2:48 PM  
**To:** Covello, Zoe; All Council; Berkeley Mayor's Office  
**Subject:** YES to 12 stories of 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.

Mayor, councilmembers, and planning commission:

I live in Berkeley and I want there to be more housing available here. Please approve the zoning, JVP, and EIR for Berkeley's BART stations so we can move forward and make North Berkeley BART a place people can call home.

The only thing that could be improved in the zoning is height: I think we should go higher. Given the widespread suffering caused by our housing and climate crises we have a responsibility to house as many people as possible in transit-rich areas. Higher height limits also mean the building form can step down and be shorter at the edges, which is a preference many residents share. Eight, twelve, twenty stories are fine with me.

I support BART's plan to prescribe a maximum of 200 parking spots at North Berkeley BART. Parking spots take space away from housing and discourage alternative modes of transit.

Please speedily approve the zoning, JVP, and EIR for Berkeley's BART stations!

Thank you for your consideration,

Tilia Lindsey Snider  
2135 Oregon St  
Berkeley CA 94705

## Communication

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**From:** Noah Budnick <noahbudnick@gmail.com>  
**Sent:** Tuesday, April 5, 2022 3:35 PM  
**To:** Covello, Zoe; All Council; Berkeley Mayor's Office  
**Subject:** YES to new neighbors ASAP

**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.

Mayor, councilmembers, and planning commission:

I live in North Berkeley and I want more neighbors. Please approve the zoning, JVP, and EIR for Berkeley's BART stations so we can move forward and make North Berkeley BART a place people can call home.

The only thing that could be improved in the zoning is height: I think we should go higher. Given the widespread suffering caused by our housing and climate crises we have a responsibility to house as many people as possible in transit-rich areas. Higher height limits also mean the building form can step down and be shorter at the edges, which is a preference many residents share. Eight, twelve, twenty stories are fine with me.

I support BART's plan to prescribe a maximum of 200 parking spots at North Berkeley BART. Parking spots take space away from housing and discourage alternative modes of transit.

Please speedily approve the zoning, JVP, and EIR for Berkeley's BART stations!

Thank you for your consideration

Noah Budnick  
2320 Curtis Street, Berkeley

## Communication

---

**From:** Candace Hyde-Wang <candacehw@gmail.com>  
**Sent:** Tuesday, April 5, 2022 4:07 PM  
**To:** Covello, Zoe  
**Subject:** Fwd: LETTER TO THE COMMISSION REGARDING BART DEVELOPMENTS

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is  
Subject: LETTER TO THE COMMISSION REGARDING BART DEVELOPMENTS  
To: <[apearson@cityofberkeley.info](mailto:apearson@cityofberkeley.info)>

To the Members of the Planning Commission: Regarding the changes to the proposed BART configuration

### **REDUCING PARKING AT THE BART STATIONS WILL DESTROY OUR REGIONAL TRANSPORTATION SYSTEM AND FORCE MORE CARS ONTO THE FREEWAYS.**

- The traffic planning done for this proposal is very poor. It does not proceed from a fact-based analysis of how BART has traditionally operated (before COVID), it does not project forward realistic statistical analysis of transportation needs, and makes nonsensical mitigation proposals. BART needs adequate dedicated parking in order to function;
- The two BART stations have historically had too few parking spaces. Reducing them further will force commuters onto the freeways. Neighborhoods around the stations were so jammed with commute cars that 2 hour limits were instituted. Reducing parking while increasing housing density throughout our area makes no sense in the context of that history. Will COVID change life forever? Probably not but we can't plan for that without some evidence.
- The idea that parking can be reduced because residents will commute by bicycle is a fantasy. Bicycles have been available for decades but are not widely used because they do not have an equivalent utility to cars. Dedicated bike lanes have been built for several years but are sparsely used. This is because bikes are not an equivalent form of transportation in terms of utility and safety to cars. It's easy to see if bike lanes are encouraging a significant amount of riding. Just by sitting and counting the difference between cars and bikes in a period of time one can get an idea. We should encourage safe bike riding but thinking that bike lanes alone significantly move the needle on the number of bikes on the road is, I submit, erroneous. Again, there is the matter of utility, time, amount of work to be done, and safety.
- Ignoring the facts about vehicle use and why citizens make the choices they do is a recipe for poor city planning. We need to balance urban reality with our need for more housing.

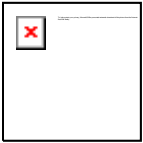
- It appears that BART is trading a necessary part of its infrastructure to gain an income stream from the leasing of land for housing. This is a questionable way to manage a transportation asset.

- Housing can be built over the existing parking. That is cheaper than building parking structures. We need to plan housing that does not kneecap vital public transport.

I was a city planner in Berkeley in the 1970's and was the planner in charge of the Savo Island Housing Cooperative, a low income housing project. It has never been easy to build publicly funded housing and I understand the urge to cut corners. But trading commuter parking for housing is a very expensive land cost. There are now 100's of sites where housing could be built along commercial corridors that would have the advantage of removing seismically unsafe structures that threaten health and safety while building new housing. It is not as if the BART stations are our last chance to build. Putting housing at stations while doing realistic planning for the future use of BART by the larger public is a great option. But destroying one of our few public transportation systems is not a fair, equitable or sane choice.

Thank you for your attention.

Candace Hyde-Wang



Candace Hyde-Wang - GREEN

Realtor® • #983422

510.541.4661

1575 Hopkins Street, Berkeley, CA 94707

[candacehydewang.com](http://candacehydewang.com) •

[www.linkedin.com/in/candacehydewang](http://www.linkedin.com/in/candacehydewang)

## Communication

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**From:** Deb Goldberg <debogoldberg@gmail.com>  
**Sent:** Tuesday, April 5, 2022 4:22 PM  
**To:** Covello, Zoe; All Council; Berkeley Mayor's Office  
**Subject:** Please support maximum height at 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 Berkeley Decision Makers:

We have a generational opportunity to decide how many stories of housing can be built directly on top of BART. The environmental and equity benefits of building homes where people can live car-free near jobs, schooling, and other resources are difficult to overstate. Let's house as many people at Ashby and North Berkeley BART stations as possible!

To that end, please zone for *at least* 12 stories over these two BART stations. The EIR found 12 stories to be environmentally preferable to 7 – and it's clear that the more housing we build at BART stops, the better it will be for the environment.

We're in both a housing crisis and a climate crisis. We need to house people where they can reduce their vehicle miles traveled, and we need to house as many people as possible. It's the equitable and sustainable thing to do.

Sincerely,

Deb Goldberg Gray

2220-M Sacramento St

Berkeley, CA 94702



April 5, 2022

Planning Commissioners  
City of Berkeley  
1947 Center St  
Berkeley, CA 94704

Dear Chair Mikiten and Planning Commissioners,

I am writing on behalf of TransForm to support the proposed Zoning and General Plan amendments, the Joint Vision and Priorities (JVP), and the Environmental Impact Report for the Ashby and North Berkeley BART stations. We strongly support moving forward with this impactful and important project. As a resident in the North Berkeley BART station area, a representative on the Community Advisory Group for the project, as well as Policy Advocacy Manager at TransForm, I believe the amendments and JVP reflect the approach necessary to achieve Berkeley and the Bay Area's equity and climate goals.

For more than a decade, TransForm has pioneered initiatives to right-size parking at TOD sites, research the climate and equity benefits of affordable homes, and facilitate deep and authentic community engagement in planning processes, particularly with communities of color and other underserved neighborhoods. In 2018, TransForm partnered with BART to provide support with technical analysis and community engagement for new transit-oriented developments at BART's "Urban with Parking" Stations, which includes Ashby and North Berkeley, and developed a technical report entitled "Measuring the Promise of TOD: A Proposed Methodology for BART." [This report informs these comments.](#)

TransForm supports the Joint Vision and Priorities, and its ambitious affordability goals for the sites, the commitment to pursue additional funding to meet those goals, and the commitment to station access investments that prioritize walking, rolling, transit, and other low emission modes. The JVP is largely reflective of the discussion at the Community Advisory Group meetings.

We strongly support the current plan for limited BART patron parking, and minimal replacement parking. We support the proposal for no parking minimum, and for unbundling parking from the cost of a unit for all new residential development. These two policies have been proven to substantially reduce vehicle miles traveled associated with residential developments.

Research shows that people living near BART stations drive less and therefore create fewer greenhouse gas emissions. Nearly three-quarters of households living within half a mile of a BART station own only one vehicle, or none at all.<sup>1</sup> People living within half a mile of a BART station are three times more likely than people who live further from a BART station to walk, bike, or take public transit to work.<sup>2</sup> Reducing parking and increasing housing will increase BART ridership overall: the updated BART Station Access Model estimates that, despite losing 440 riders per day due to reduced BART patron parking, the TOD land uses add 2,270 riders per day, resulting in a net increase of 1,830 riders per day.<sup>3</sup>

Mode share has been shifting steadily toward walking, biking, rolling, and transit, and keeping BART patron parking low will further encourage this trend. The market-rate Allston Street garage will provide sufficient parking to those who are not able to shift modes. Given the high transit use of BART TOD residents, the proposed resident parking cap is more than sufficient to meet the needs of future residents.

Finally, while affordable housing is the highest and best use of this public land, the proposed affordability percentages are both ambitious and achievable. We encourage the City of Berkeley and BART to continue pursuing additional funds to support the highest number of affordable units possible.

Please vote to support the proposed Zoning and General Plan amendments, the Joint Vision and Priorities (JVP), and the Environmental Impact Report for the Ashby and North Berkeley BART stations. Your support will help us achieve the dense, affordable housing near high quality transit that is core to our ability to house our community while reducing greenhouse gas emissions.

Thank you,

Hayley Currier  
Policy Advocacy Manager  
TransForm

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<sup>1</sup> BART, *Transit-Oriented Development Guidelines*, Version 2.0, May 2017, p.9, <https://www.bart.gov/about/business/tod/guidelines>

<sup>2</sup> BART, *Transit-Oriented Development Guidelines*, p.9.

<sup>3</sup> TransForm, *BART Station Access Model Outputs*, December 2, 2020.



## Communication

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**From:** Virginia Browning <vexxie@yahoo.com>

**Sent:** Tuesday, April 5, 2022 4:24 PM

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

**Subject:** BART housing, North Berkeley 4/5/22

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

**Dear Planners, Council members, others:**

**Important points in support of TOD:**

**1. TOD is environmentally superior to alternatives. 2. We need more housing! 3. This is the way to get it 4. the City can't zone for a minimum of 75 dwellings per acre**

**Point #1. TOD is environmentally sound.**

Here are details from a careful study questioning many aspects of that. I challenge you to at least read it. BTW, I am aware that many urban planners are compromised in their ability to challenge publicly the usual assumptions though many privately do question them. What about the next generation? What about the decimation of independence for non-wealthy groups and individuals? Do you really want to be responsible for that? Please at least read this: The link to the full even more detailed article is at the end of this section.

Points made are:

The Bay Area Plan and the Draft Environmental Impact Report (DEIR) make the unexamined assumption that high density TOD is categorically superior to single family housing development with regard to reducing per capita GHG emissions.

The assumption that there is a direct connection between high density TOD and GHG emissions reductions has been repeated as "Smart Growth gospel" for decades, and gone unchallenged in many "meta" studies on global climate change (studies compiling other study results). However, though it may be considered "heresy" by much of the environmental community to even suggest otherwise, a closer look at many original studies that support these assumptions, when compared with data from more recent evaluations, reveals that those studies were flawed and this assumption is simply not true.

Most of us want to believe that scientific studies are "scientific." However, like medical studies that one day "prove" something is good for us then prove that it's bad for us the next day; science is unfortunately, by and large, the result of the goals of those funding the studies and the fundamental principal of "garbage in, garbage out." And in fairness, as

scientific knowledge has advanced, older studies have proven to be inadequate due to faulty logic and incomplete information.

As with all “science,” one has to ask who did the study, who paid for the study, and towards what end.

Urban development, as it exists today and as we still build it today, has yet to produce good environmental solutions

Even a cursory review of past studies reveals that very few appear to have actually gone back to original sources or brought a skeptical eye to the datasets they employed to justify their conclusions and projections. So let’s examine all the factors that should be included in a thorough analysis comparing GHG emissions.

Here are six reasons why the conclusions of past studies, indicating that high density development produces lower GHG emissions on a per capita basis, are false. These are as follows:

- The Definition of a “Unit” of Housing;
- Common Areas and GHG Per Unit Calculations; when elevators, etc. are calculated in, any advantage is nullified
- Urbanism’s “Heat Island” and “Cold Sink” Effects; **Recent studies have begun to find that dense urban cores / high density developments that have so much concrete, steel, stone and other temperature variant materials, have a negative effect on energy consumption and GHG emissions. Heating and cooling effects, such as the “heat island” effect (once an urban environment gets hot, it takes more and more MTCO<sub>2e</sub> to cool it down) and the “cold sink” effect (once an urban environment gets cold, it takes more and more MTCO<sub>2e</sub> to heat it up) must be considered for any analysis to be accurate**

According to the U.S. Energy Department, building operations are the biggest energy user, using 40 percent of the nation’s energy.

According to a recent study done by the Lawrence Berkeley National Laboratory’s Heat Island Group, about these phenomena in the city of Los Angeles, they estimated that because of the heat island effect *“the demand for electric power rises nearly 2% [more] for every degree Fahrenheit the daily maximum temperature rises.”* Note that the Plan Bay Area DEIR even acknowledges the effects of heat islands (page 25-21) but fails to apply its effects to its findings.

Public transportation: “studies” that are often referenced as proof of the positive effects of public transportation assume maximum ridership. Whereas, in reality, as evidenced in examples like Portland, Oregon, ridership of public transportation is extremely low and is generally unresponsive to investment that tries to “reengineer” how people live and work. and 40 percent of the cost of public transportation in the U.S. has to be taxpayer subsidized.

Thomas Rubin, the former Controller-Treasurer of the Southern California Rapid Transit District from 1989 until 1993, in his *Critique of Public Transit Buses: A Green Choice Gets Greener*, provides sound analysis to conclude that *“on average in the U.S., moving a passenger one mile in an auto uses less energy, and produces less emissions, per passenger-mile (one person traveling one mile) than carrying that person one mile in an urban transit bus.”*

And the “externalities” of this mass transit appears to never be factored into studies.

In addition, a recent study, *Greenhouse Gas Emissions Along the Urban-Rural Gradient*, by Clinton J. Andrews, published in the Journal of Environmental Planning and Management, Vol. 51, Issue 6, 2008, notes that *“Reflecting their central regional roles, municipalities... have higher per-capita emissions because they host both residential and commercial buildings. Buildings in urban areas typically contribute more emissions than personal transportation,”* outweighing any other advantages that might exist.

- Urbanism’s GHG “Externalities;” trash hauling, water and power services, etc. Even food transportation has a quantifiable GHG cost that is significantly higher in urban environments than it is in places where much of our food is locally grown.
- The Effects of Local GHG Sequestration. In the environmental community there is a saying, “There is no such thing as ‘away.’”

A study conducted by the Australian Conservation Foundation, *Housing Form in Australia and its Impacts on Greenhouse Gas Emissions*(Oct. 2007), which did attempt to factor in all of the categories of variables (living unit definition, inclusion of common areas, the heat island and cold sink effects, the type and amount of driving and vehicle trips taken, GHGs from public transportation, and the GHG externalities), concluded that *“reducing GHG emissions is not so simple as to be achieved through the urban consolidation agenda. Indeed, there is considerable evidence to the contrary.”*

The final piece of a complete, per capita, data analysis that is required to accurately assess the true per capita GHG emissions impacts of various land use and planning scenarios, that was not even considered in the Australian Study, is the calculation of what portion of GHG’s

produced are sequestered locally and what portion are unaccountably “exported” to neighboring counties or regions.

- there is no evidence that local MTCO<sub>2</sub>e sequestration was considered in the Plan’s DEIR when making claims about reducing GHG emissions from autos and light trucks.

The MTCO<sub>2</sub> sequestration equivalencies for different types of land use are as follows (Sources: U.S. EPA Calculator, CA EPA, and CA Air Resources Board, which differ):

- Forest and open vegetated land: more than 10 years old:
  - 2.5 MTCO<sub>2</sub> per year per acre.
- Agricultural / Recreational grassland:
  - 1.5 MTCO<sub>2</sub> per acre.
- Suburban land with a 40 percent lot coverage maximum:
  - 1.0 MTCO<sub>2</sub> per year per acre
- Fully developed urban landscape: minimal vegetation
  - 0.2 MTCO<sub>2</sub> per year per acre

Comparing San Francisco County to Marin County:

San Francisco:

90 percent urban developed land: 133,108 acres at 0.2 per acre equals sequestration of 26,622 MTCO<sub>2</sub>e per year.

10 percent forest and open vegetated land: 14,790 acres at 2.5 per acre equals sequestration of 36,975 MTCO<sub>2</sub>e per year.

TOTAL: San Francisco local sequestration equals 63,597MTCO<sub>2</sub>e per year.

Marin County:

65 percent forest / open land: 344,448 acres at 2.5 per acre equals sequestration of 861,120 MTCO<sub>2</sub>e per year.

15 percent is agricultural / recreational rural land: 79,488 acres at 1.5 per acre equals sequestration of 119,232 MTCO<sub>2</sub>e per year.

15 percent suburban land: 79,488 acres at 1.0 per acre equals sequestration of 79,488 MTCO<sub>2</sub>e per year.

5 percent urban developed land: 26,495 acres at 0.2 per acre equals sequestration equal 5,299 MTCO<sub>2</sub>e per year.

TOTAL: Marin local sequestration equals 1,065,139 MTCO<sub>2</sub>e per year.

Based on this analysis, Marin County, a rural / suburban development area, locally sequesters more than 100 percent of its locally generated auto and light truck MTCO<sub>2</sub> emissions per year, whereas San Francisco only sequesters about 1.1 percent of its locally generated auto and light truck MTCO<sub>2</sub> emissions per year.

This simple analysis resoundingly demonstrates that the entire premise of Plan Bay Area, the conclusions of the DEIR and the underlying premise of SB375 are completely false in asserting that high density, transit oriented development categorically results in an overall reduction in MTCO<sub>2</sub>e emissions for personal autos and light trucks.

Plan Bay Area’s premise only works if you ignore all the GHG’s and pollutants that are “exported” from urban regions to others. Whereas, this correct analytical method indicates that the denser a place becomes the worse the balance of GHG emissions and local sequestration gets. When you now factor in the other negatives of high density building types, noted above, the effects of increasing density is decidedly negative for overall GHG emissions per capita.

**We need to be asking, what are the impacts on the efficacy of the Plan in achieving the goals of SB375 if the loss of land and the associated MTCO<sub>2</sub>e sequestration is accurately calculated?**

- GHGs produced by public transportation (see link for complete paper)

**Conclusions:**

The various facts presented in these analysis and the resultant conclusions provide evidence, without question, that when all factors are considered (the impacts of unit sizes, definition of what a unit is, accounting for common areas in multifamily high density buildings, heat island and cold sink effects, the GHGs produced by public transportation, unaccounted for GHG “externalities” exported to other regions, and local GHG sequestration) suburban, single family home development, as it is found in Marin, Sonoma, Napa and other parts of the Bay Area Region, is superior in reducing GHG emission on an overall basis and on a per capita basis than dense urban, TOD development found in San Francisco, Oakland and San Jose, or the developments contemplated and promoted by Plan Bay Area.

Neither the Plan nor the resultant DEIR acknowledge or in any way address or account for this data and findings presented here. What accurate and specific scientific evidence or data points then does the Bay Area Plan have to support its efficacy with regard to actually reducing auto and light truck driving mileage and GHG reduction on a per capita basis?

**Final Comments [from this paper]:**

The building methods available to us today, even with token gestures like LEED certification, do not even begin to justify the claim that more high density, multifamily, transit oriented development is good for the environment. The truth is that development, TOD or otherwise, particularly in counties like Marin, Sonoma and Napa, only sets in motion an endless feedback loop the drives even more development to accommodate support services and our consumption driven economy, and ever more auto and light truck use and, more importantly, more shipping, trucking and other more impactful transportation demands as a result.

The DEIR analysis makes the common error of mistaking correlation with causation. It substitutes unscientific observations and unqualified statistics for proper scientific inquiry or demonstrable facts to arrive at what appear to be predetermined conclusions that are insupportable and inaccurate.

The DEIR attempts to persuade readers by inference and through anecdotal evidence rather than by doing the kind of specific and direct analysis as I've presented above. The DEIR offers a "take our word for it" approach but offers no detailed calculations or formulas, of any actual proof whatsoever to show the Plan's efficacy in meeting the goals of SB375. Its statistical data relies on studies done by its partners (MTC, BAAMQ, etc.), whose objectivity and motivations must be questioned.

Based on the analysis presented here, the Bay Area Plan DEIR fails to fulfill the technical requirements under CEQA, and the Bay Area Plan and its Alternatives have failed to comply with the requirements and goals of AB32, SB375 and the SCS in reducing per capita or overall GHG emission. The analysis I've presented demonstrates that the Plan is actually more likely to increase per capita and overall GHGs than decrease per capita and overall GHGs.

[Here is the link to this whole paper:](#)

<https://www.communityventurepartners.org/high-density-tod-wont-reduce-ghg>

**Point #2: We need more housing. Others have sent you much on this, I have sent you some. There are detailed analyses showing that there is a high percentage of empty housing now. The system that creates this inequity needs changing, and Berkeley needs to lobby for that change. To the degree that we need more housing, it needs to be truly AFFORDABLE. BART is probably the last public lot available for affordable housing. We taxpayers have paid for it and it needs to be 100% affordable. But PLEASE see point #3 below:**

**Point #3. This is the way to get it The takeaway is trying to say that even though the oligarchs or investors (international and some local) are vacuuming up real estate, they won't keep doing that if only more is built. Yeh really?**

Did you know at least a third of those thrown out of homes in the 2008 economic crisis are highly unlikely to ever own homes again?

John Burns Real Estate Consulting group, which looks at the percentage of homes where the property tax's ZIP code differs from the ZIP code of the home address to determine roughly how many homes are bought by someone who doesn't intend to live there, a good proxy for whether the home was purchased by an investor, has data, including in the Wall Stree Journal showing:

At least 24% of homes in the SF Bay Area were purchased by investors in the first quarter of 2021, an increase from about 21% in 2020." [almost 1 in 4 in 2021]

and as for other more local versus actual "wall street" investors:

- In the past few weeks, there's been spirited online debate about whether the pandemic is enabling large investment funds like BlackRock to vacuum up single-family homes by the thousands. In a [viral twitter thread](#) that's become known as the "BlackRock Buying Houses meme," one user claimed these firms were outbidding individual home buyers by going 20% to 50% above homes' already-high asking prices.

Public figures across the political spectrum, from "Hillbilly Elogy" author and Ohio Republican senate candidate [J.D. Vance](#) to Democratic Massachusetts Sen. [Elizabeth Warren](#), have spoken out against the perceived trend. They have expressed concern that institutional investors could lock young families out of home ownership and force them to rent these homes instead, charging higher rents and evicting more tenants than smaller landlords.

From a very conservative site that also quotes the Wall Street Journal:

"Real estate consultant John Burns told the Wall Street Journal <https://thefederalist.com/2021/06/11/what-happens-when-hedge-funds-buy-up-neighborhoods/>

"Blackrock is buying every single family house they can find, paying 20-50% above asking price and outbidding normal home buyers."

Of course being a right wing rag, their solution sucks (charge higher interest - ((now that the bigwigs own the dough)) but the facts remain the same

The below is a very interesting right wing article that doesn't give a damn about survival by the likes of moderate or low-income people. But it does again have some interesting facts.

"One way the banks could avoid that government pressure was to sell the properties to someone else. Many banks and even [HUD](#) (department of housing and urban development (the government)) sold pools of foreclosed properties to hedge funds and institutional buyers. The funds could get massive price discounts by purchasing tens of thousands or even hundreds of thousands of homes at once in one transaction. "

"The hedge funds are run by really smart people, [sic] in fact, many of them are run by billionaires. They did not become billionaires and trustworthy of other billionaires to invest their money by being dumb with money. [depends on your definition of "dumb" doesn't it?] "

<https://investfourmore.com/hedge-funds-real-estate-crash/>

Here is a mildly critical article in the Atlantic still with some important facts

That means many families will be forced to stay in institutional rentals. Instead of building wealth, they'll continue to fork over rent money every month to companies looking for more ways to increase rents and fees. <https://www.theatlantic.com/technology/archive/2019/02/single-family-landlords-wall-street/582394/>

Rents as you know in Berkeley are astronomical - the cheapest I can quickly find is almost \$2000 for a studio. Who can afford this? I'm especially concerned about very low-income people. Some are my best friends. I suppose Berkeley is under pressure to sell/rent to those who can afford higher fees for the city, but I urge you to please try to get Berkeley to resemble something more humane than a high-end Air B and B stop owned by increasingly fewer people (many in the form of condos rented out) and be instead a respite for the many homeless folks here. PLEASE take into consideration those of us who live here.

Can you find a way? Maybe the very caring longtime Berkeleyans can even agree to tax themselves a small proportion of what more recent homeowners pay in property taxes. And if Berkeley doesn't have that ability legally, how about lobbying to get it? BART is already paid for - the excuse that it has to be developed by one of the high-end usual outfits just should not pertain. If somehow BART is out of money, let's get the cards on the table and work together for something that works for all. The diversity of Berkeley is rapidly decreasing. Many Black and Latinx families find it nearly impossible to stay here and I think you know that many have moved away. Right here near BART I think there must be something like a 90% turnover from non-white to increasingly more wealthy white property owners as elders die off and simply can't afford it here.

#### 4. the City can't zone for a minimum of 75 dwellings per acre

**This is UNTRUE, and has been confirmed so, by both the City Attorney and by BART in its June 2021 revision to its technical guidance (see below). This misstatement comes at a critical moment, just before the April 6 Planning Commission meeting, at which the density standard will be considered.**

From BART's June 2021 Technical Guide, page 32

[https://www.bart.gov/sites/default/files/docs/BART\\_AB2923\\_FinalTechGuide\\_Full.pdf](https://www.bart.gov/sites/default/files/docs/BART_AB2923_FinalTechGuide_Full.pdf):

The law requires that all AB 2923 parcels (see “Property Subject to AB 2923” in Chapter 2) be zoned to allow for the residential densities identified in Exhibit 6. The baseline zoning standard for residential density is 75 dwelling units/acre (DU/acre), regardless of the TransitOriented Development (TOD) Place Type. Therefore, all AB 2923 parcels must be zoned to allow for 75 DU/acre. However, jurisdictions are free to allow for greater residential densities, if desired.

Below are example residential zoning standards that would conform with AB 2923.

- Example 1: Minimum 30 DU/ acre, maximum 80 DU/ acre
- Example 2: Minimum 30 DU/ acre, no maximum
- Example 3: No minimum, **maximum of 75 DU/ acre** (emphasis added)

From BART's June 2021 Technical Guide, page 32

[https://www.bart.gov/sites/default/files/docs/BART\\_AB2923\\_FinalTechGuide\\_Full.pdf](https://www.bart.gov/sites/default/files/docs/BART_AB2923_FinalTechGuide_Full.pdf):

The law requires that all AB 2923 parcels (see “Property Subject to AB 2923” in Chapter 2) be zoned to allow for the residential densities identified in Exhibit 6. The baseline zoning standard for residential density is 75 dwelling units/acre (DU/acre), regardless of the TransitOriented Development (TOD) Place Type. Therefore, all AB 2923 parcels must be zoned to allow for 75 DU/acre. However, jurisdictions are free to allow for greater residential densities, if desired.

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Other important considerations:

1. **Revise the Joint Visions and Priorities (JVP)** document to **prioritize** building the largest number of **affordable** units, rather than rushing to build market-rate housing. North

Berkeley and Ashby BART are the city's last large parcels of **public land**, and should be used for affordable housing, not market-rate rentals that benefit BART and developers!

**2. Revise the proposed Zoning to set maximum density at 75 units per acre** at North Berkeley, which meets the requirements of AB2923. The proposed zoning would allow massive, 10-story buildings at over 150 units per acre!

**3. Ensure that City's affordable housing funds cannot be used by a private developer** to secure a huge density bonus. The City should not allow our tax dollars to be used by developers to secure density bonuses!

**4. Revise the draft zoning:**

- 1. Prevent office, retail, and other commercial ground-floor mixed uses** at North Berkeley. The University Ave. merchants oppose retail at BART, and it wastes space that can be used for housing or community services. There is a glut of empty retail space on University Avenue and in other areas of the city.
- 2. Require 10-foot minimum setbacks at the ground level on all streets**, including Sacramento. This margin is essential for trees, wheelchairs, strollers, bikes, and lines of bus passengers on Sacramento Street. The draft ordinance sets the minimum at only 5 feet.
- 3. Establish 15-foot minimum step-backs** above 2 floors and 20 feet step-backs above 3 floors, to ensure that buildings blend into the neighborhood on all sides.

Thank you for reading this,  
Virginia Browning

## Communication

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**From:** Wesley Tam <wesley.tam@berkeley.edu>  
**Sent:** Tuesday, April 5, 2022 4:47 PM  
**To:** Covello, Zoe; All Council; Berkeley Mayor's Office  
**Subject:** YES to new neighbors ASAP

**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.

Mayor, councilmembers, and planning commission:

I am a former Berkeley resident and long-time Bay Area resident. I want to see everyone have more neighbors, to share this wonderful space we call home. Please approve the zoning, JVP, and EIR for Berkeley's BART stations so we can move forward and make North Berkeley BART a place people can call home.

The only thing that could be improved in the zoning is height: I think we should go higher. Given the widespread suffering caused by our housing and climate crises we have a responsibility to house as many people as possible in transit-rich areas. Higher height limits also mean the building form can step down and be shorter at the edges, which is a preference many residents share. Eight, twelve, twenty stories are fine with me.

I support BART's plan to prescribe a maximum of 200 parking spots at North Berkeley BART. Parking spots take space away from housing and discourage alternative modes of transit.

Please speedily approve the zoning, JVP, and EIR for Berkeley's BART stations!

Thank you for your consideration,  
Wesley Tam  
UC Berkeley '21

Former D7 resident



## Communication

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**From:** Patrice Woeppel <patricemwoeppel@gmail.com>  
**Sent:** Tuesday, April 5, 2022 5:37 PM  
**To:** Covello, Zoe; All Council; Berkeley Mayor's Office  
**Subject:** Speak up for more housing at Berkeley 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.

Subject: More homes, and more stories, needed at BART

Body:

We have a generational opportunity to decide how many stories of housing can be built directly on top of BART, and we must not squander the chance to build as many homes in these important transit hubs as possible. The environmental and equity benefits of building homes where people can live car-free near jobs, schooling, and other resources are difficult to overstate. Let's house as many people at Ashby and North Berkeley BART stations as possible!

To that end, please zone for *at least* 12 stories over these two BART stations. The EIR found 12 stories to be environmentally preferable to 7 – and it's clear that the more housing we build at BART stops, the better it will be for the environment.

We're in both a housing crisis and a climate crisis. We need to house people where they can reduce their vehicle miles traveled, and we need to house as many people as possible. It's the equitable and sustainable thing to do.

Sincerely,

Patrice Woeppel

## Communication

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**From:** Laura Stevens <laura4300@comcast.net>  
**Sent:** Tuesday, April 5, 2022 5:52 PM  
**To:** Pearson, Alene <apearson@cityofberkeley.info>  
**Cc:** All Council <council@cityofberkeley.info>  
**Subject:** Adjust the Ashby BART plans

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:

Please ensure that we build as much housing as possible without delay, and please consider adjusting two important areas of the plan- the height and stories, and the ASHBY BART zoning. The problems with the current plan have been detailed to you many times, including by South Berkeley Now members. Those flaws are easily corrected and seriously in need of correction. Please do the right thing.

Sincerely,  
Laura Stevens  
2201 Ward St.

## Communication

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**From:** Shindo Strzelczyk <shindostrz@gmail.com>  
**Sent:** Tuesday, April 5, 2022 7:11 PM  
**To:** Covello, Zoe; All Council; Berkeley Mayor's Office  
**Subject:** More homes, and more stories, needed at BART

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

Dear City Leaders,

We have a generational opportunity to decide how many stories of housing can be built directly on top of BART, and we must not squander the chance to build as many homes in these important transit hubs as possible. The environmental and equity benefits of building homes where people can live car-free near jobs, schooling, and other resources are difficult to overstate. Let's house as many people at Ashby and North Berkeley BART stations as possible!

To that end, please zone for *at least* 12 stories over these two BART stations. The EIR found 12 stories to be environmentally preferable to 7 – and it's clear that the more housing we build at BART stops, the better it will be for the environment.

We're in both a housing crisis and a climate crisis. We need to house people where they can reduce their vehicle miles traveled, and we need to house as many people as possible. It's the equitable and sustainable thing to do.

Sincerely,

Nicholas Strzelczyk

## Communication

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**From:** cafred1@juno.com  
**Sent:** Tuesday, April 5, 2022 7:24 PM  
**To:** Covello, Zoe  
**Subject:** Comments for April 6 Planning Commission Meeting - N. Berkeley BART Development

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

To Planning Commission Staff

Please include attached comments in the Planning Commission's April 6, 2022 Supplemental Communications as soon as possible. I emailed these comments to Ms. Pearson at 5:50pm on April 4, but they were not included in any of the subsequent Supplemental Communications.

Please confirm receipt of these comments.

thank you,

Clifford Fred

April 4, 2022

Clifford Fred

Berkeley, California

To the City of Berkeley Planning Commission April 6, 2022 Planning Commission Meeting

COMMENTS CONCERNING NORTH BERKELEY BART DEVELOPMENT ENVIRONMENTAL IMPACT REPORT & ZONING

Thank you for the opportunity to make these Comments.

It is unfair to the citizens of Berkeley for the city of Berkeley and the BART Board of Directors to insist with going ahead approval of a Final EIR and zoning classification for the controversial and far-reaching North Berkeley BART development plan without having a public meeting where members of the public can actually attend.

I ask the city of Berkeley and the BART Board of Directors to delay approving the Final EIR and new zoning until the Covid-19 Pandemic is deemed sufficiently over so that public hearings and meetings can actually be held in public, with members of the public attending.

NW BERKELEY NEEDS MORE OPEN SPACE, NOT MASSIVE HOUSING PROJECTS – THE NORTH BERKELEY BART PARKING LOTS SHOULD BE TRANSFORMED INTO PUBLIC OPEN SPACE

I believe the best use for any land that BART no longer needs for parking at its North Berkeley site should be converted to public open space. Cedar Rose Park, the only park in the greater vicinity, is almost always extremely crowded. Other Berkeley neighborhoods have far more open space than NW Berkeley.

The City of Berkeley should convey to the BART Board of Directors that any surplus lands at the North Berkeley BART site should be transformed into public open space. Ownership and payments can be worked out later.

The City's populations has grown by over 10,000 in recently years, and will grow by another 10,000 to 15,000 in the next few years, based on all the recently approved development, and development that is subject to approval, and which based on the Weiner Skinner laws will almost assuredly be approved.

The Berkeley of the near future will be far more densely populated than it is today, and will critically need more open space.

#### REQUEST FOR ANOTHER ROUND OF ENVIRONMENTAL REVIEW – A FINAL EIR IS NOT YET READY FOR APPROVAL

Because this project is so big and controversial, and because it would have massive permanent impacts on northwest Berkeley, the Planning Commission city should insist on another round of environmental review. The Final EIR before the Commission should be deemed a Revised Draft EIR.

Please accept the public's comments on the EIR before you this evening, and direct staff to respond to these comments, and then come back with a Final EIR.

Another round of review and another revision of the EIR is needed. The Final EIR that results from this revision should have a minimum 60 day comment period.

#### INCORPORATED BY REFERENCE

All documents, reports, studies, newspaper & magazine articles, ordinances, ballot measures including City of Berkeley Ballot Measures L & N, statutes, regulations, etc. cited in any way in these comments are hereby incorporated into these comments by reference.

#### PROJECT ALTERNATIVES

The EIR failed to describe a range of reasonable alternatives to the proposed project, or to its location, that could feasibly attain the project's basic objective, and must evaluate the comparative merits of each alternative. (CEQA Guidelines section 15126 & section 21100.) The discussion should have focused on alternatives capable of either eliminating any significant adverse environmental effects or reducing them to a level of insignificance, even if such alternatives would be more costly or to some degree would impede the project's objectives. (CEQA Guidelines section 15126.)

If the lead agency prefers the project as specifically proposed or one of the suggested alternatives, the EIR must explain why the agency chooses to reject the other alternatives. (CEQA Guidelines section 15126.)

The EIR should have examined 3 or more alternative plans, giving each plan equal weight. The EIR preparation, review and revision process should then be used to arrive at a Preferred Alternative Plan.

The First Project Alternative analyzed should have considered that all of the North Berkeley BART parking area that is deemed no longer necessary for BART parking, shall in its entirety become public open space.

The Second Project Alternative should have analyzed a project where at least 66% of all of the North Berkeley BART parking area that is deemed no longer necessary for BART parking, should have become public open space. Any development should comply with all existing City of Berkeley zoning and land use plans, and be no more than 2 stories in height.

The Third Project Alternative that should have been analyzed should have preserved as public open space at least 50% of the BART parking lot area deemed not necessary for BART parking. Any development should have complied with all existing City of Berkeley zoning and land use plans, and be no more than 2 stories in height.

#### NO CONTRACTS WITH THE UNIVERSITY OF CALIFORNIA

All of the Alternative Plans analyzed in the EIR, should have contained the agreement that there will be no contracts between the University of California and the BART Board of Directors for supplying any housing to University of California students in any housing developed by BART on the North Berkeley BART parking lot.

The November 2020 fire that engulfed a 7 story apartment building under construction on the 2000 block of University Avenue has brought to light the process in which high rise apartments are dishonestly promoted by developers and approved by the City of Berkeley to help solve an affordable housing shortage and to help homeless people.

In reality, the developers of the project that burned and the developers of most other apartment projects approved in Berkeley in recent years have contracted with the University of California to reserve the entire building for market rate student housing, thus providing no housing at all for the Berkeley community, and enabling UC Berkeley to continue expanding its enrollment by more than 10,000 students beyond the maximum allowed in their own long Range Development Plan.

#### PROJECT ALTERNATIVES AND THE COVID PANDEMIC

For each project alternative, there should have been an analysis as to how well “social distancing” would succeed in limiting the spread of infectious diseases in the event that the Pandemic continues into the foreseeable future.

For each project alternative, there should have been an analysis as to how important the North Berkeley BART parking lots as open space areas in the City of Berkeley would be for people being able to be outside and breathe fresh air while still “social distancing” in the event that Pandemic continues into the foreseeable future. This analysis is also needed in the event that the current Pandemic wanes but it is still advised or required to practicing “social distancing” to make sure it does not reemerge, or if the Pandemic has a fourth wave, or if another pandemic materializes.

#### SUPER MAJORITY OF TENANTS

It is no secret that the City of Berkeley faces billions of dollars of unfunded employee pension debt, a shortage of funds to pay existing employee salaries and health benefits, and also faces billions in deferred maintenance costs.

A primary purpose for the City’s ongoing approval of massive rental housing projects is to create a super majority tenants that will be able to pass onerous parcel tax increases on Berkeley homeowners, without regard to homeowner’s opposition or ability to pay.

Every local elections going back many years has included several City of Berkeley and Berkeley School Board parcel taxes and bond measures, carefully calibrated as to how much of a tax and/or bond can likely gain enough support to pass.

For each housing alternative in the North Berkeley BART development EIR, there should have been an analysis of how the build-out of that plan will changes the percentage of tenants to home owners in Berkeley.

There should also have been an analysis of how many billions of dollars of unfunded public employee pension debt, current employee salaries and benefits, and deferred maintenance, that the city of Berkeley will likely face at build-out of the North Berkeley BART project.

Each project alternative should thus have included the financial impact on Berkeley homeowners and property owners based on the percentage of tenants versus homeowners that would exist in Berkeley once the North Berkeley BART project is built out.

#### MEASURE N -THE PUBLIC AGENCY ACCOUNTABILITY MEASURE, ADOPTED BY BERKELEY VOTES IN NOVEMBER 1988

Measure N, which was placed on the November 1988 ballot by then Mayor Hancock and the entire City Council, and which was adopted by a 74% "Yes" vote, states in part,

"Where as currently, public agencies do not pay city fees or taxes and are not required to follow are city's zoning and land use policies. Development and expansion by public agencies has a profound cumulative impact on traffic, parking, density, air quality and the character and livability of our city. Such development creates increased demand for municipal services including sewers, streets, police and fire protection without accompanying increases in revenue. Public agencies should be as accountable to their civic responsibilities as other private citizens and businesses, and,"

"Whereas development by public agencies which disregards city policies shows a lack of respect for the future of city residents and businesses, disrupts cooperative relations with the city, and undermines the spirit of neighborliness and civic responsibility upon which public life depends,"

"Now therefor be it resolved by the people of the City of Berkeley, that in order to minimize or eliminate problems resulting from public agency expansion and development, we the citizens of Berkeley support the following policies,"

"1. It shall be the policy of the City of Berkeley that all land use plans, development and expansion by public agencies follow city law, the city's General Plan and Zoning Ordinance, and the California Environmental Quality Act.

2. The City Manager and the elected representative of the City of Berkeley shall use all available lawful means to ensure that public agencies abide by the rules and laws of the city and that these agencies pay taxes and fees comparable to those paid by private citizens and businesses, to support their fair share of city services."

Thus, the EIR needs to identify every and any aspect of BART's land use plans that are not in compliance with the City of Berkeley General Plan, Zoning Ordinance, and other City policies. The EIR should give a compelling reason why BART believes it must pursue land use and development plans that conflict with the City of Berkeley's plans and Zoning Ordinance, in each instant where a conflict is identified.

The EIR should have identified how much money in property taxes BART would have paid to the City of Berkeley since 1989 as if it were taxed as a private property owner. This includes the basic property tax assessed by the County of Alameda, and all the various parcel taxes assessed by the City of Berkeley and Berkeley Unified School District since 1989.

The EIR should clearly identify the project applicants and decision makers concerning the adoption of BART's development plans.

The BART development plan and project EIR need to make it clear that the City of Berkeley has an obligation under Measure N to compel BART to abide by all city zoning and land use plans, and to compel BART the equivalent of property tax that it would owe the City were BART a private land owner.

There should be a determination as to how much property tax revenue the City has lost since 1989, when Measure N took effect, due to BART's failure to pay property taxes to the City.

#### BERKELEY MEASURE L – ADOPTED NOVEMBER 1986

Measure L - The Parks and Open Space Ordinance, was adopted by Berkeley voters in November 1986 by a vote of 21,946 to 18,854.

"Shall an ordinance be adopted to require voter approval of non-recreational uses of parks or open space and require acquisition of open space controlled or leased by the City if acquisition is the only means of preserving the open space?"

The EIR needs to identify any and all ways in which the city of Berkeley controls the North Berkeley BART parking lots. The City does control all curb cuts. BART or any other developer needs approval to install curb cuts from the public right of way to any entity's property.

The City appears to have an obligation under Measure L to acquire any parking spaces that BART deems as no longer necessary, and to preserve it as public open space.

#### WESTERN UNITED STATES MEGA-DROUGHT

The winter of 2021-2022 was driest in many years. EBMUD is demanding that its customers use less and less water.

According to a report in Science Daily, April 20, 2020, which cites material gathered by Earth Institute at Columbia University, the Western United States is likely entering a mega-drought, the worse drought in recorded history.

The BART development EIR should not assume an unlimited water supply. The EIR needs to do a thorough analysis of the likely worsening drought conditions in the SF Bay Area, and the resulting declining East Bay water supply.

#### POPULATION DECLINE AND REDUCTIONS IN HIGH SCHOOL GRADUATION LEVELS

The University of Virginia Magazine, Winter 2018 edition, reports the following,

“A major source of change will come through demographics. Analysis by the Western Interstate Commission for higher Education indicates that the number of high school graduates will begin declining in the mid-2020s, owing to today’s falling fertility rates, which began dropping in 2008. By the early 2020s, high school graduation rates are expected to dip as much as 5 percent below today’s levels. With these changes, universities across the country will be choosing from a shrinking pool of prospective students.”

“Nathan Grawe, an economics professor at Carleton College, says the news for colleges is even worse than is suggested by the coming drop in the number of high school graduates. After digging into demographic data to account for predictors of college attendance, he predicts ‘an unprecedented reduction in post secondary demand about a decade ahead,’ by as much as 15%.”

The April 2020 issue of Oakland Magazine, “A Market Softening,” reports that California’s population is declining. “California lost an estimated 190,000 residents in 2018, according to the 2019 U.S. Census. That number is based on state to state migration and takes into account the births that happened in the state in 2018.”

California’s population is declining, and since the number of young people graduating from high school is declining, and since Berkeley is the most densely populated of the all the cities hosting University of California campuses (other than San Francisco).

As the Covid pandemic is still with us after two years, with no end in site, people are fleeing dense urban areas in droves and moving to small towns and rural areas.

Thus, the assumption that the City of Berkeley has a market rate housing shortage is a false assumption and needs to be challenged.

#### DEMAND FOR OPEN SPACE

The EIR should analyze the need for open space for the future residents of the proposed BART development. Berkeley has a serious lack of public open space. Cedar Rose Park, the nearest city park, is almost always extremely crowded. It is



full of people without masks, who are not socially distancing, and who are often smoking tobacco or marijuana. And the park frequently is full of aggressive and usually unleashed dogs. Where can people safely recreate and socially distance from others?

Any housing development at the North Berkeley BART site will make the open space shortage worse. Berkeley needs more open space, not more people.

#### PENDING CLOSURE OF ALTA BATES HOSPITAL

The Cumulative Impact analysis in the EIR should consider the likely closure of Alta Bates Hospital and its emergency room – the last emergency room in Berkeley, and the additional time it will take to get to an emergency room in Oakland.

All the new apartments and dormitories now being constructed, and that are now pending approval in Berkeley will be increasing the City's population by over 15,000 people. And the population of Berkeley is aging. Yet all the new development now occurring and likely to occur over the next several years is significantly worsening traffic congestion in Berkeley, and will dramatically add to the time it will take to reach an emergency room several miles south of Berkeley in Oakland.

The proposed BART development project will add to the cumulative traffic congestion in Berkeley and thus add to the time it will take to reach an emergency room, especially after Alta Bates Hospital closes.

The EIR fails to discuss how this project will (along with nearby recently built and soon to be built projects) will make evacuation after a major earthquake more difficult, and exacerbated by the fact that there will likely not be an emergency room left in Berkeley when a major quake on the Hayward Fault inevitably occurs.

The EIR fails to analyze how the new North Berkeley BART development the various Downtown Berkeley, University of California, and Southside pending development projects, and all other pending and reasonably foreseeable projects throughout the City of Berkeley will cumulatively effect traffic flow in the northwest Berkeley neighborhood and throughout Berkeley.

This analysis should include the increased traffic gridlock that will occur, the longer waits to get through intersections that will occur, and how this will contribute to the worsening of air quality. Air quality is already very bad in Berkeley, especially in West Berkeley.

BART has thus far done a poor job in informing the residents of the City of Berkeley as to its North Berkeley BART development plans.

#### TRAFFIC ANALYSIS

The traffic analysis, studies and base level readings should have only be done on week days during the AM and PM rush hours when the University of California is in session and people are at work.

The base level traffic readings and studies should not have been done in the summer, on weekends, on holidays, at night, nor outside of the fall or spring UCB sessions, nor during any UCB student breaks.

The base line traffic readings and studies should not have been done on any City of Berkeley holidays, including Malcolm X day, nor other holidays observed by the City of Berkeley but not the University of California.

Nor should the base line traffic studies have been done on any Friday on which the City of Berkeley government is not in full operation. The City government will often partially shut down on Fridays.

All traffic analysis should have also included any traffic data that can be found in prior City of Berkeley or UCB EIRs going back to 1990, so as to see how traffic has increased in the past 30 years.

#### CUMULATIVE IMPACTS

A Draft EIR must discuss “cumulative impacts” when they are significant (CEQA Guidelines, section 15130. subd. (a).) When “cumulative impacts” are not deemed significant, the EIR must explain the basis for that conclusion. (Citizens to Preserve the Ojai v. County of Ventura 1985)

All traffic level projections and analysis should include the cumulative impact all recently approved but not yet built, recently built but not yet occupied, and all reasonably foreseeable development in the City of Berkeley. According to the City of Berkeley’s Current Zoning Applications web site, there are at over 35 multi-story, new multi-unit residential buildings pending approval. All of the projects listed on this web site are hereby incorporated into these comments by reference. See the City of Berkeley Current Zoning Applications web site - [https://www.cityofberkeley.info/Planning\\_and\\_Development/Land\\_Use\\_Division/Current\\_Zoning\\_Applications\\_Log.aspx](https://www.cityofberkeley.info/Planning_and_Development/Land_Use_Division/Current_Zoning_Applications_Log.aspx) – for a list of all pending development projects in Berkeley.

Based on the dramatic and on-going weakening of local control over development by the various Weiner-Skinner bills in the state legislature, it should be assumed that all of the proposed housing developments in the pipeline in Berkeley will be approved.

The EIR failed to analyze the cumulative impact on all already approved and reasonably foreseeable development in Berkeley (see above) in regards to noise, air pollution, financial impact, loss of open space, impact on birds and other urban wildlife, loss of views and loss of sunlight.

Thank you for your careful review and response to these comments.

Clifford Fred  
Berkeley, California

## Communication

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**From:** Luke Terlaak Poot <luketerlaak@gmail.com>  
**Sent:** Tuesday, April 5, 2022 7:31 PM  
**To:** Covello, Zoe; All Council; Berkeley Mayor's Office  
**Subject:** North Berkeley BART development

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

Dear Mayor, councilmembers, and planning commission,

I live in West Berkeley and commute to work via North Berkeley BART, and I want to strongly encourage you to approve the zoning, JVP, and EIR for Berkeley's BART stations so we can move forward and make North Berkeley BART a place that more people can call home.

The only thing that could be improved in the zoning is height: we should go higher. Our lack of housing is directly responsible for a number of ills, including the uncontrolled gentrification of the bay area, rising income inequality and homelessness, and a series of climate crises that make me extremely pessimistic for future generations. We have a responsibility to house as many people as possible in transit-rich areas to mitigate these problems. Higher height limits also mean the building form can step down and be shorter at the edges, which is a preference many residents share. Twenty stories or more seems reasonable to me.

I support BART's plan to prescribe a maximum of 200 parking spots at North Berkeley BART. Parking spots take space away from housing, discourage alternative modes of transit, and facilitate climate destruction. Enough with cars! Cars should be a last resort - an afterthought in planning - particularly when we're talking about housing located on the site of the Bay Area's most extensive transit network!

Please approve the zoning, JVP, and EIR for Berkeley's BART stations as quickly as possible!

Thank you for your consideration and for the great work you're doing,

Luke Terlaak Poot  
Channing Way  
Berkeley, CA

## Communication

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**From:** Annie Preston <anniepreston7@gmail.com>  
**Sent:** Tuesday, April 5, 2022 7:31 PM  
**To:** All Council; Covello, Zoe; Berkeley Mayor's Office  
**Subject:** I support the most possible housing at Berkeley's BART stations!

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

Mayor, councilmembers, and planning commission,

I am a Berkeley resident, and I want Berkeley to lead the way in solving our housing shortage. Creating homes at Berkeley's BART stations is one of the best opportunities we have to do so. To ensure we are making the most of this opportunity, I urge the Planning Commission to recommend we study and allow for even more height at both sites. Even if we do not build to this height in the long run, we will ensure we are not restricting ourselves.

We have a responsibility to our planet and community to zone for the most possible height and density across our cities. For decades, we have failed to build the housing we need to accommodate for Berkeley's growing population. Zoning for height and density means more housing, more affordable housing, and more community benefits, along with environmental benefits of reduced vehicle miles traveled.

We need to prioritize sustainability in our neighborhoods. BART's designation of 200 parking spaces is more than enough for commuters. Any more parking spaces is an unsustainable use of land that could be better used to provide much needed housing to Berkeley residents.

Please approve the Zoning JVP and EIR documents to provide more affordable and transit accessible homes in Berkeley.

Thank you,  
Annie Preston

## Communication

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**From:** Maureen Sedonaen <m.sedonaen@gmail.com>  
**Sent:** Tuesday, April 5, 2022 7:34 PM  
**To:** All Council; Covello, Zoe; Berkeley Mayor's Office  
**Cc:** Nico Nagle (Housing Action Coalition)  
**Subject:** Housing at 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.

Mayor, councilmembers, and planning commission members,

My name is Maureen Sedonaen. I am a Berkeley resident and homeowner living less than .4 miles from both North Berkeley BART and downtown BART. I am reaching out to join in support and encouragement for all of you to honor your residents that want Berkeley to lead the way in solving our housing shortage. By building homes at Berkeley's BART stations you will create one of the best opportunities we have to do put our resources where our mouths are and build more housing for all. To ensure we are making the most of this opportunity, I urge the Planning Commission to recommend we study and allow for even more height at both sites. Even if we do not build to this height in the long run, we will ensure we are not restricting ourselves and allow for potential concessions without backing away from doing as much as we can. The time is now.

We have a responsibility to our planet and community to zone for maximizing height and density across our city.

For decades, we and other communities across our state have failed to build the housing we need to accommodate for their growth. Berkeley is not an exception, but we are exceptional and need to respond to Berkeley's growing population. Zoning for height and density means more housing, more affordable housing, and more community benefits, along with environmental benefits of reduced vehicle miles traveled and strong public transit infrastructure.

We need to prioritize sustainability in our neighborhoods. BART's designation of 200 parking spaces is more than enough for commuters. For the last 10 years, I have seen the parking at North Berkeley BART accommodate the cars, particularly with more and more of my neighbors being willing to walk the 10 or 15 minutes from our homes which is great for our health. Any more parking spaces are an unsustainable use of land that could be better used to provide much-needed housing to Berkeley residents. We can all adapt our lives to build more housing.

Please approve the Zoning JVP and EIR documents to provide more affordable and transit-accessible homes in Berkeley.

Thank you for your service and your leadership on housing for all in Berkeley.

Best regards,

Maureen Sedonaen

## Communication

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**From:** stephen dalton <stephen.esi.edu@gmail.com>  
**Sent:** Tuesday, April 5, 2022 9:34 PM  
**To:** Covello, Zoe; All Council; Berkeley Mayor's Office  
**Subject:** More homes, and more stories, urgently needed at BART

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

To the Mayor, City Council et al,

We have a once-in-a-lifetime opportunity to decide how many stories of housing can be built directly on top of BART, and we must not squander the chance to build as many homes in these important transit hubs as possible. The environmental and equity benefits of building homes where people can live car-free near jobs, schooling, and other resources are difficult to overstate. Let's house as many people at Ashby and North Berkeley BART stations as possible!

To that end, please zone for *at least* 12 stories over these two BART stations. The EIR found 12 stories to be environmentally preferable to 7 – and it's clear that the more housing we build at BART stops, the better it will be for the environment.

We're in both a housing crisis and a climate crisis. We need to house people where they can reduce their vehicle miles traveled, and we need to house as many people as possible. It's the equitable and sustainable thing to do.

Sincerely,

Stephen Dalton

## Communication

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**From:** meryl siegal <merylsiegal@gmail.com>

**Sent:** Tuesday, April 5, 2022 9:38 PM

**To:** Arreguin, Jesse L. <JArreguin@cityofberkeley.info>; All Council <council@cityofberkeley.info>; Pearson, Alene <apearson@cityofberkeley.info>

**Subject:** Housing at the North Berkeley BART station

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

Mayor, City Council and Planning Commission,

As you move to re envision the North Berkeley BART area, please do not forget the BART neighbors and citizens who have spent countless hours working collaboratively:

The priorities of the neighbors (long time residents and voters) are clear:

1. **Revise the Joint Visions and Priorities (JVP)** document to **prioritize** building the largest number of **affordable** units, rather than rushing to build market-rate housing. North Berkeley and Ashby BART are **public land**, and should be used for affordable housing, not market-rate rentals that benefit BART and developers!
2. **Revise the proposed Zoning to set maximum density at 75 units per acre** at North Berkeley. As you all know, **a 75 unit/acre maximum is completely in compliance with AB2923**, according to both BART and the City. We are puzzled that Councilmember Kesarwani asserted, wrongly, that the above is not in compliance. Why would a City Councilperson alert her district with the wrong information? We, the community who lives in the neighborhood, ask you to keep the density at 75 units per acre in accordance with the surrounding neighborhood.
3. **Ensure that City's affordable housing funds cannot be used by a private developer** to secure a density bonus. The City should not allow our tax dollars to be used by developers to secure density bonuses for their profit.
4. **Revise the draft zoning:**
  - A. **Require 10-foot minimum setbacks at the ground level on all streets**, including Sacramento. This margin is essential for trees, wheelchairs, strollers, bikes, and lines of bus passengers on Sacramento Street. The draft ordinance

sets the minimum at only 5 feet. This is common sense and will allow people to use the street! To walk, run, wheel baby carriages! This setback only makes sense! (As an aside, I was walking on a street near BART that allowed two people and a dog to converse comfortably. More would have been intimate! Don't crush people!)

- B. **Establish 15-foot minimum step-backs** above 2 floors and 20 feet step-backs above 3 floors, to ensure that buildings blend into the neighborhood on all sides.

I believe this is all in accordance with elegance, beauty, ease of movement for all, including those who are disabled and the elderly (the majority in our district), and will allow people to remember, that after all, they live in California, not in some East Coast concrete jungle. Sensible development will be sustainable development.

Sincerely,  
Meryl Siegal



## Communication

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**From:** Doris Nassiry <cypanjun@hotmail.com>

**Sent:** Tuesday, April 5, 2022 9:42 PM

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

**Subject:** Please allow enough time to make a reasoned, fair and well-designed decision re: AB 2923 and the BART land use

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

Hello, Mayor Arrequin and Mr. Pearson and Councilmembers, It's not usually my style to copy/paste the proposed message(s) I was sent, but in this case, I am going to do that. My main point, for the moment, is to please apply 'due diligence' when you are considering the options for development of both the North Berkeley BART lot as well as the Ashby BART lot. Environmental Impact studies MUST be conducted and enough time must be allotted before any plans should be finalized. Neighborhood impact research must also take place in an objective and thorough way.

As a long-time resident of Berkeley and former Cal student am extremely concerned about the proposed zoning and the Joint Vision and Priorities (JVP) document for the BART stations.

The JVP document proposes to create the greatest number of housing units in the shortest possible time, mostly market rate. This strategy is a giveaway to private developer profits and will do little for affordable housing. I urge you to revise the JVP to prioritize building the largest number of affordable units on these last parcels of public land available for housing, rather than rush to build market-rate housing. As drafted, the zoning requires a density that will result in huge 7-story or higher structures over most of North Berkeley BART. The mockup below shows the stark, unlivable result of building at that scale in a low-rise neighborhood. I urge you to support the proposed zoning of 7 stories maximum height, and to set density at 75 units per acre maximum (rather than minimum), which is in accordance with AB2923.

In addition, please take concrete steps to prevent a private developer from claiming huge sums of Berkeley's affordable housing funds as their own contribution and thus giving them access to the state density bonus. This is outrageous, and must not happen. No public funds for private profit! Thank you for your consideration. Please don't set a precedent that will endanger these or any further land-use planning projects. Doris Nassiry

## Communication

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**From:** Jack Cunha <jwcunha@protonmail.com>  
**Sent:** Tuesday, April 5, 2022 9:59 PM  
**To:** Covello, Zoe; All Council; Berkeley Mayor's Office  
**Subject:** More homes, and more stories, needed at 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.

Mayor, councilmembers, and planning commission:

We have a generational opportunity to decide how many stories of housing can be built directly on top of BART, and we must not squander the chance to build as many homes in these important transit hubs as possible. The environmental and equity benefits of building homes where people can live car-free near jobs, schooling, and other resources are difficult to overstate. Let's house as many people at Ashby and North Berkeley BART stations as possible!

To that end, please zone for *at least* 12 stories over these two BART stations. The EIR found 12 stories to be environmentally preferable to 7 – and it's clear that the more housing we build at BART stops, the better it will be for the environment.

We're in both a housing crisis and a climate crisis. We need to house people where they can reduce their vehicle miles traveled, and we need to house as many people as possible. It's the equitable and sustainable thing to do.

Sincerely,

Jack Cunha  
Carrison St resident

## Communication

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**From:** Susan Kay MATHEWS <smathews@berkeley.edu>  
**Sent:** Tuesday, April 5, 2022 10:25 PM  
**To:** Covello, Zoe  
**Cc:** Kesarwani, Rashi; All Council; Berkeley Mayor's Office; Pearson, Alene  
**Subject:** Comments on planning for North Berkeley BART housing for April 6 Planning Commission meeting

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

Dear Planning Commissioners, City Council members, and Mayor Arreguin:

I live one block from the North Berkeley BART Station. We have a vibrant community marred mostly by a lack of affordable housing. We should be able to find funding to **create affordable housing** on this singular site. Everyone from Berkeley I have spoken to about this over the last several years agrees with this. There are supposed to be new **state and federal funds for affordable housing**, please pursue them for this even if it takes a bit more time. The former homes of this block were taken by eminent domain to build the BART station. To now turn this site into for profit housing seems violate the social (and perhaps legal) contract of eminent domain for public good.

Please revise the proposed zoning to a **maximum** density of 75 units per acre. (I wish we could use people per acre as a measure, since the most needed family housing could potentially house more people per area than many smaller units each with few people.) I urge you to support the proposed zoning of **7 stories maximum height**. I am concerned about a massive structure unlike the current vibrant neighborhood.

North Berkeley BART does **not need retail space**. There are many vacant storefronts nearby and this would only make a more massive structure.

Sincerely,

Susan Mathews  
Berkeley

## Communication

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**From:** ignacio dayrit <idayrit@yahoo.com>  
**Sent:** Tuesday, April 5, 2022 11:06 PM  
**To:** All Council; Covello, Zoe; Berkeley Mayor's Office  
**Subject:** In support of maximizing housing at Berkeley's BART stations

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

To Mayor Arreguin, council members, and planning commission,  
I promote urban infill reuse to mitigate climate change and promote economic equity.  
I teach a course urban sustainability and climate change at Golden Gate University.  
I am a Berkeley resident, and I want Berkeley to help solve our housing shortage and mitigate climate change. Homes at Berkeley's BART stations are natural solutions.  
I urge the Planning Commission to recommend we study and allow for even more height at Ashby and North Berkeley stations. Even if we do not build to this height in the long run, we will ensure we are not restricting ourselves. We have a responsibility to our planet and community to zone for the most possible height and density across our cities. Zoning for height and density means more housing, more affordable housing, and more community benefits, along with environmental benefits of reduced vehicle miles traveled.  
We need to prioritize sustainability in our neighborhoods including priority use of land for housing - not parking.  
Please approve the Zoning JVP and EIR documents to provide more affordable and transit accessible homes in Berkley.  
Thank you.  
Ignacio Dayrit  
Regent Street

## Communication

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**From:** Anna Tchetchetkine <anya.tche@gmail.com>  
**Sent:** Wednesday, April 6, 2022 1:08 AM  
**To:** Covello, Zoe; All Council; Berkeley Mayor's Office  
**Subject:** YES to new neighbors ASAP

**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.

Mayor, councilmembers, and planning commission:

I live in North Berkeley and I want more neighbors. Please approve the zoning, JVP, and EIR for Berkeley's BART stations so we can move forward and make North Berkeley BART a place people can call home.

The only thing that could be improved in the zoning is height: I think we should go higher. Given the widespread suffering caused by our housing and climate crises we have a responsibility to house as many people as possible in transit-rich areas. Higher height limits also mean the building form can step down and be shorter at the edges, which is a preference many residents share. Eight, twelve, twenty stories are fine with me.

I support BART's plan to prescribe a maximum of 200 parking spots at North Berkeley BART. Parking spots take space away from housing and discourage alternative modes of transit.

Please speedily approve the zoning, JVP, and EIR for Berkeley's BART stations!

Thank you for your consideration,  
Anna Tchetchetkine (1762 Spruce Street, Berkeley)

## Communication

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**From:** anandamayi <lynxandtelescope@gmail.com>  
**Sent:** Wednesday, April 6, 2022 6:08 AM  
**To:** Covello, Zoe  
**Subject:** North Berkeley Bart Development

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

Dear Planning Commissioners, City Council members, and Mayor Arreguin:

I am a resident of Berkeley who grew up here and currently live in a small room in my parent's back yard due to the lack of affordable housing. Nonetheless, I am extremely concerned about the proposed zoning and the Joint Vision and Priorities (JVP) document for the BART stations. The proposed buildings are wildly out of scale with the surrounding neighborhood. I urge you to support the proposed zoning of 7 stories maximum height, and to set density at 75 units per acre maximum (rather than minimum), which is in accordance with AB2923.

In addition, please take concrete steps to prevent a private developer from claiming huge sums of Berkeley's affordable housing funds as their own contribution and thus giving them access to the state density bonus. This is outrageous, and must not happen. No public funds for private profit!

Sincerely,  
Anandamayi Arnold  
2404 Martin Luther King Jr. Way

## Communications

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**From:** Liza Lutzker <liza.lutzker@gmail.com>  
**Sent:** Wednesday, April 6, 2022 7:46 AM  
**To:** Pearson, Alene <apearson@cityofberkeley.info>  
**Cc:** All Council <council@cityofberkeley.info>  
**Subject:** please maximize housing in BART zoning!

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

Dear Planning Commissioners:

I am a resident of the South Shattuck neighborhood and I want to have more, wonderful neighbors. Please ensure that we build as much housing as possible without delay, and please consider adjusting two important areas of the plan - the height and stories, and the ASHBY BART zoning map.

1) Zoning should maximize the housing allowed: Allow up to 8 stories and up to 90 feet. This more flexible zoning height and number of stories would allow building designs to better respond to neighborhood context with step downs and without losing housing units. The west side of Ashby BART can easily accommodate taller buildings.

2) We must activate the street and sidewalks and prioritize people over cars. At Ashby BART, buildings must be built directly abutting on Adeline Street to create a vibrant and continuous, pedestrian-friendly building frontage and commercial experience. Unfortunately, the plan currently maintains the very poor design choice at Ashby BART of a lower driveway and plaza entrance on the west side. This is a critical mistake and must be corrected. Correct the zoning map to include this area in the zoning plan.

Sincerely,  
Liza Lutzker  
2596 Milvia

## Communications

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**From:** Dante Popple <dantepopple@gmail.com>  
**Sent:** Wednesday, April 6, 2022 8:33 AM  
**To:** Covello, Zoe <zcovello@cityofberkeley.info>  
**Cc:** All Council <council@cityofberkeley.info>; Berkeley Mayor's Office <mayor@cityofberkeley.info>  
**Subject:** YES to new neighbors ASAP

Mayor, councilmembers, and planning commission:

I live in North Oakland and I want the housing stress eased. If y'all make Berkeley more expensive, we get more students pricing us all out here. Please approve the zoning, JVP, and EIR for Berkeley's BART stations so we can move forward and make North Berkeley BART a place people can call home.

The only thing that could be improved in the zoning is height: I think we should go higher. Given the widespread suffering caused by our housing and climate crises we have a responsibility to house as many people as possible in transit-rich areas. Higher height limits also mean the building form can step down and be shorter at the edges, which is a preference many residents share. Eight, twelve, twenty stories are fine with me.

I support BART's plan to prescribe a maximum of 200 parking spots at North Berkeley BART. Parking spots take space away from housing and discourage alternative modes of transit.

Please speedily approve the zoning, JVP, and EIR for Berkeley's BART stations!

Thank you for your consideration,

Dante Popple

675 61st Street

Oakland CA 94609



## Communications

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**From:** Zelda <zjb1731@comcast.net>  
**Sent:** Wednesday, April 6, 2022 8:54 AM  
**To:** Covello, Zoe  
**Subject:** Fwd: North Berkeley BART station 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.

Begin forwarded message:

**From:** Zelda <[zjb1731@comcast.net](mailto:zjb1731@comcast.net)>  
**Subject:** North Berkeley BART station development  
**Date:** April 6, 2022 at 8:48:35 AM PDT  
**To:** [apearson@cityofberkeley.info](mailto:apearson@cityofberkeley.info), [council@cityofberkeley.info](mailto:council@cityofberkeley.info), Berkeley Mayor's Office <[mayor@cityofberkeley.info](mailto:mayor@cityofberkeley.info)>

As a former chair of the Berkeley Planning Commission and a longtime resident of North Berkeley who's accessed BART via the North Berkeley station for more than thirty years, I support the attached recommendations from the North Berkeley Neighborhood Alliance.

Early in the planning process, Mayor Arreguin said that the final plan would be "contextual." Please honor that promise.

Zelda Bronstein

1. **Revise the Joint Visions and Priorities (JVP)** document to **prioritize** building the largest number of **affordable** units, rather than rushing to build market-rate housing. North Berkeley and Ashby BART are **public land**, and should be used for affordable housing, not market-rate rentals that benefit BART and developers!

2. **Revise the proposed Zoning to set maximum density at 75 units per acre** at North Berkeley. The proposed zoning would allow massive, 10-story buildings at over 150 units per acre! Contrary to Councilmember Kesarwani's assertion, **a 75 unit/acre maximum is completely in compliance with AB2923**, according to both BART and the City.

3. **Ensure that City's affordable housing funds cannot be used by a private developer** to secure a density bonus. The City should not allow our tax dollars to be used by developers to secure density bonuses for their profit!

4. **Revise the draft zoning:**

- A. **Prevent office, retail, and other commercial ground-floor mixed uses** at North Berkeley. The University Ave. merchants oppose retail at BART, and it wastes space that can be used for housing or community services. There is a glut of empty retail space on University Avenue and in other areas of the city.

- B. **Require 10-foot minimum setbacks at the ground level on all streets**, including Sacramento. This margin is essential for trees, wheelchairs, strollers, bikes, and lines of bus passengers on Sacramento Street. The draft ordinance sets the minimum at only 5 feet.
- C. **Establish 15-foot minimum step-backs** above 2 floors and 20 feet step-backs above 3 floors, to ensure that buildings blend into the neighborhood on all sides.

## Communications

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**From:** Andrea Altschuler <andreaaltschuler@gmail.com>  
**Sent:** Wednesday, April 6, 2022 8:59 AM  
**To:** Covello, Zoe  
**Subject:** Fwd: 4-5 story development, not more in North Berkeley

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

----- Forwarded message -----

From: **Andrea Altschuler** <[andreaaltschuler@gmail.com](mailto:andreaaltschuler@gmail.com)>  
Date: Wed, Apr 6, 2022 at 8:56 AM  
Subject: 4-5 story development, not more in North Berkeley  
To: <[apearson@cityofberkeley.info](mailto:apearson@cityofberkeley.info)>, <[mayor@cityofberkeley.info](mailto:mayor@cityofberkeley.info)>, <[council@cityofberkeley.info](mailto:council@cityofberkeley.info)>

Dear [Ms. Pearson, Mayor Arreguien, and Council Members,](#)

As a Berkeley resident, I urge you to reconsider the current JVP document to build housing that prioritizes affordable housing within the context of a surrounding neighborhood that is comprised of 1-2 story dwellings. I am still far beyond baffled that housing at the Del Norte station, on the fully commercial San Pablo Avenue, is below seven stories, and that seven stories or higher is still being considered for the North Berkeley station. My specific requests are below.

1. **Revise the Joint Visions and Priorities (JVP)** document to **prioritize** building the largest number of **affordable** units, rather than rushing to build market-rate housing. North Berkeley and Ashby BART are **public land**, and should be used for affordable housing, not market-rate rentals that benefit BART and developers!
2. **Revise the proposed Zoning to set maximum density at 75 units per acre** at North Berkeley. The proposed zoning would allow massive, 10-story buildings at over 150 units per acre! Contrary to Councilmember Kesarwani's assertion, **a 75 unit/acre maximum is completely in compliance with AB2923**, according to both BART and the City.
  - A. **Prevent office, retail, and other commercial ground-floor mixed uses** at North Berkeley. The University Ave. merchants oppose retail at BART, and it wastes space that can be used for housing or community services. There is a glut of empty retail space on University Avenue and in other areas of the city.
  - B. **Require 10-foot minimum setbacks at the ground level on all streets**, including Sacramento. This margin is essential for trees, wheelchairs, strollers, bikes, and lines of bus passengers on Sacramento Street. The draft ordinance sets the minimum at only 5 feet.
  - C. **Establish 15-foot minimum step-backs** above 2 floors and 20 feet step-backs above 3 floors, to ensure that buildings blend into the neighborhood on all sides.

**3. Ensure that City's affordable housing funds cannot be used by a private developer to secure a density bonus.**  
The City should not allow our tax dollars to be used by developers to secure density bonuses for their profit!

Sincerely,  
Andrea Altschuler

## Communications

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**From:** Emily McAfee <emilymcafee1@gmail.com>  
**Sent:** Wednesday, April 6, 2022 9:05 AM  
**To:** Covello, Zoe; All Council; Berkeley Mayor's Office  
**Subject:** YES to new neighbors at Ashby/North Berkeley BART

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

Mayor, councilmembers, and planning commission:

I grew up in North Berkeley and now am a homeowner living a 10-minute walk from Ashby BART. I am writing to express my desire for more neighbors at North Berkeley and Ashby BART stations. Please approve the zoning, JVP, and EIR for Berkeley's BART stations so we can move forward and make North Berkeley/Ashby BART a place people can call home.

The only thing that could be improved in the zoning is height: I think we should **go higher**. Given the widespread suffering caused by our housing and climate crises we have a responsibility to house as many people as possible in transit-rich areas. As this week's UN climate change report highlighted, [it's now or never](#). Higher height limits also mean the building form can step down and be shorter at the edges, which is a preference many residents share. Twelve or twenty stories (!) are fine with me.

I support plans to **limit additional parking** as much as possible. Parking spots take space away from housing and discourage alternative modes of transit.

Please speedily approve the zoning, JVP, and EIR for Berkeley's BART stations!

Thank you for your consideration,

Emily McAfee  
2227 Stuart St, Berkeley, CA 94705

## Communications

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**From:** Joshua Rose <joshualkrose@gmail.com>  
**Sent:** Wednesday, April 6, 2022 9:46 AM  
**To:** Covello, Zoe; All Council; Berkeley Mayor's Office  
**Subject:** YES to new neighbors ASAP

**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.

Mayor, councilmembers, and planning commission:

I live in North Berkeley and I want more neighbors. Please approve the zoning, JVP, and EIR for Berkeley's BART stations so we can move forward and make North Berkeley BART a place people can call home.

The only thing that could be improved in the zoning is height: I think we should go higher. Given the widespread suffering caused by our housing and climate crises we have a responsibility to house as many people as possible in transit-rich areas. Higher height limits also mean the building form can step down and be shorter at the edges, which is a preference many residents share. Eight, twelve, twenty stories are fine with me.

I support BART's plan to prescribe a maximum of 200 parking spots at North Berkeley BART. Parking spots take space away from housing and discourage alternative modes of transit.

Please speedily approve the zoning, JVP, and EIR for Berkeley's BART stations!

Thank you for your consideration

Josh Rose,  
1865 Franklin St

## Communications

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**From:** David Mendelsohn <dwmendelsohn@gmail.com>  
**Sent:** Wednesday, April 6, 2022 10:25 AM  
**To:** Covello, Zoe; All Council; Berkeley Mayor's Office  
**Subject:** More homes at BART

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

Dear councilmembers,

I'm writing to urge you to do all you can to maximize the number of homes that will be built at Ashby and North Berkeley BART.

We have a severe housing shortage in Berkeley. The downzoning of the 1970s was a disaster, and 45 years of crippled housing development has taken its toll. Given the situation, the developments at the BART stations must prioritize as much housing as possible.

Additionally, the climate crisis demands densification. Every home that is not built in Berkeley is likely to mean an additional, sprawl-oriented, energy intensive development in Modesto, or Tracy, or Bakersfield, or Phoenix or Dallas. Dense development of homes is green development of homes.

Thank you for your work on this issue.

Best,  
David Mendelsohn  
District 3

## Communications

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**From:** Megan Nguyen <megannguyen@berkeley.edu>  
**Sent:** Wednesday, April 6, 2022 10:31 AM  
**To:** Covello, Zoe; All Council; Berkeley Mayor's Office  
**Subject:** Planning Commission 4/6 - More homes, and more stories, needed at 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.

Hello,

My name is Megan Nguyen and I proudly lived, and now work in Berkeley. I highly encourage the Planning Commission and City Council to consider housing as many as possible at our BART stations.

We have a generational opportunity to decide how many stories of housing can be built directly on top of BART, and we must not squander the chance to build as many homes in these important transit hubs as possible. The environmental and equity benefits of building homes where people can live car-free near jobs, schooling, and other resources are difficult to overstate. Let's house as many people at Ashby and North Berkeley BART stations as possible!

To that end, please zone for at least 12 stories over these two BART stations. The EIR found 12 stories to be environmentally preferable to 7 – and it's clear that the more housing we build at BART stops, the better it will be for the environment.

We're in both a housing crisis and a climate crisis. We need to house people where they can reduce their vehicle miles traveled, and we need to house as many people as possible. It's the equitable and sustainable thing to do.

Sincerely,

Megan Nguyen

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Megan Nguyen | *she, her, hers*  
B.A. Political Economy, Public Policy Minor  
University of California, Berkeley | Class of 202  
[megannguyen@berkeley.edu](mailto:megannguyen@berkeley.edu) | 408-649-9354



## Communications

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**From:** Naor Deleanu <42apples@gmail.com>  
**Sent:** Wednesday, April 6, 2022 12:16 PM  
**To:** Covello, Zoe  
**Cc:** All Council  
**Subject:** Support the environmentally superior 12 stories at BART

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

Dear Planning Commission,

I am writing to urge strong support for the environmentally superior 12 stories option for the R-BMU zoning district (BART TOD zoning) at Ashby and North Berkeley BART. Berkeley urgently needs more housing and this is the only chance we will have to maximize housing opportunities next to BART.

Berkeley must act boldly to maximize the number of new homes, create beautiful open spaces, and ensure as many people as possible can use BART regularly. As the EIR found, the 12-story option achieves all of these best, granting BART maximum flexibility in developing these urban transit centers. Please vote for an allowable height of 12 stories at Ashby and North Berkeley BART stations.

Sincerely,  
Naor Deleanu  
North Shattuck

## Communications

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**From:** Jane McKinne-Mayer <jmckinnemayer@gmail.com>  
**Sent:** Wednesday, April 6, 2022 3:11 PM  
**To:** All Council; Berkeley Mayor's Office; Covello, Zoe  
**Subject:** Fwd: URGENT--PLEASE READ TODAY: North Berkeley BART station zoning and JVP

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----- Forwarded message -----

**From:** Jane McKinne-Mayer <[jmckinnemayer@gmail.com](mailto:jmckinnemayer@gmail.com)>  
**Date:** Wed, Apr 6, 2022 at 2:52 PM  
**Subject:** URGENT--PLEASE READ TODAY: North Berkeley BART station zoning and JVP  
**To:** <[apearson@cityofberkeley.info](mailto:apearson@cityofberkeley.info)>

Dear Planning Commissioners, City Council members, and Mayor Arreguin:

I am a resident of Berkeley and am extremely concerned about the proposed zoning and the JVP document for the BART stations.

The JVP document proposes to create the greatest number of units in the shortest possible time, mostly market rate. This strategy is a giveaway to private developer profits and will do little for affordable housing. I urge you to revise the JVP to prioritize building the largest number of affordable units on these last parcels of public land available for housing, rather than rush to build market-rate housing.

As drafted, the zoning requires a density that will result in huge 7-story or higher structures over most of North Berkeley BART. *This will create miserably crowded living conditions for both the new and existing residents. I predict that they will ultimately become dorms for UC. Further, with the accompanying shadowing and parking issues, they will substantially degrade the quality of life for all living in the towers and immediate vicinity (not to mention property values).*

*Please also consider that many of the existing residents have invested their lives and love in their houses, thinking that they would have a pleasant, peaceful, and livable situation for the rest of their lives--don't they count? They are the property taxpayers of the city. If you set up market rate housing, you will not be solving the housing problem; you'll just be inviting a new layer of wealthy individuals (or students with wealthy parents who will crowd the residences even more) and still closing out those who need it most, and on whom Berkeley depends for its schools and basic labor, and whom you say you care about.*

I therefore urge you to support the proposed zoning of 7 stories maximum height, and to set density at 75 units per acre maximum (rather than minimum), which is in accordance with AB2923.

In addition, please take concrete steps to prevent a private developer from claiming huge sums of Berkeley's affordable housing funds as their own contribution and thus giving them access to the state density bonus. This unethical practice must be stopped. No public funds for private profit!

Sincerely,  
Jane McKinne