

**ANNOTATED AGENDA
SPECIAL MEETING OF THE
BERKELEY CITY COUNCIL**

Thursday, May 9, 2019

6:00 P.M.

LONGFELLOW SCHOOL AUDITORIUM – 1500 DERBY STREET, BERKELEY, CA

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

Preliminary Matters

Roll Call: 6:07 p.m.

Present: Davila, Droste, Hahn, Harrison, Kesarwani, Robinson, Wengraf, Arreguin

Absent: Bartlett

Action Calendar

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

From: Mayor Arreguin and Councilmember Kesarwani

Recommendation:

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

Financial Implications: See report

Contact: Jesse Arreguin, Mayor, 981-7100

Action: M/S/C (Arreguin/Hahn) to accept supplemental and revised materials from Mayor Arreguin and materials from Councilmember Hahn on Item 1

Vote: Ayes – Kesarwani, Davila, Harrison, Hahn, Wengraf, Robinson, Arreguin;

Noes – None; Abstain – Droste; Absent – Bartlett.

Action Calendar

Recess 8:16 p.m. – 8:38 p.m.

Action: 94 speakers. M/S/C (Arreguin/Kesarwani) to:

1. Adopt the proposed North Berkeley BART Goals and Objectives, as submitted by Mayor Arreguin and Councilmember Kesarwani at the May 9, 2019 meeting, and further revised as noted below, to inform the development of a Memorandum of Understanding with BART and future project planning;
2. Direct the City Manager to engage with BART to develop an MOU that outlines the project planning process including feasibility analysis, project goals, and roles and responsibilities; and direct that the MOU return to Council for adoption;
3. Refer to the Planning Commission to study development of zoning for the site, including feedback on the conceptual land use scenarios developed by City staff (as per direction of the January 15 Worksession).

Amendments to the Goals and Objectives:

North Berkeley BART Development Goals and Objectives

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

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

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

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

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

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

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

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Community Input

A Community Advisory Committee shall be created for the purposes of providing input to the City's Planning Commission as it considers City and BART TOD zoning standards.

The planning process will engage the community in order to ensure that the site reflects the community's values for equity, sustainability, and sense of place. In particular, community input should be considered for: ~~the number of affordable below-market-rate units and populations to be served; the size, height, scale, spacing, and setbacks of buildings; the design of green open space; exploration of whether it's appropriate to include small-scale community, non-profit, and/or retail space to serve the immediate neighborhood, whether any parking should be provided for such uses, and consideration of the tradeoff of foregone housing units; parking needs; as well as design to promote bicycle and pedestrian safety.~~

- The number/percentage of affordable housing units and populations to be served, including the possibility of a 100% affordable project
- The size, height, scale, spacing, and setbacks of buildings, and their responsiveness to the neighborhood
- The inclusion of green and open spaces
- The possibility of limited, small-scale community, non-profit, and retail space to serve the immediate neighborhood
- exploration of whether it's appropriate to include small-scale community, non-profit, and/or retail space to serve the immediate neighborhood, whether any parking should be provided for such uses, and consideration of the tradeoff of foregone housing units
- Access options, including traditional modes such as public transit, taxis and private vehicles, active modes such as biking, walking and scooters, emerging modes such as car share, ride share, driverless cars, etc., and access for the disabled and mobility impaired.
- Green and sustainable features

Station Access

BART, the City of Berkeley, and a future developer(s) will address station access.

Specifically, Section 29010.6(h) of AB 2923 requires BART—in cases in which commuter parking is reduced as a result of a TOD project—to develop and fund an access plan that maintains station access for at least the number of customers affected by the reduced number of commuter parking spaces, with specific consideration for customers who live further than one-half mile from the station. A station access plan for implementation will seek to explore feasible and effective alternatives to individuals driving to and parking at the station, such as reserved parking spaces for carpools and car-share vehicles, ride-share, enhanced bus/shuttle service, additional electric-assist bikes and scooters, among other alternatives. We will also consider limiting or eliminating parking for residential and/or potential community, non-profit, or retail uses in order to maximize parking availability for commuters. We note that the station access plan should take into account the rapid evolution of mobility trends and technologies and consider the adaptability of the plan to future mobility patterns. Further, we intend to conduct a traffic study to help determine the number of parking spaces that are needed at the site, including reserved spaces for people with disabilities.

Action Calendar

In light of Berkeley's long tradition of leadership on issues related to the disabled and mobility impaired, access at the North Berkeley BART station should be first in its class, including consideration for access to and from the station itself, within the station, and to and from the BART platform.

All traditional modes should be considered: public transit, taxis, carpools and cars; all active modes including walking, biking and scooters; all emerging modes including car share, ride share, van pools and driverless vehicles; and all modes of accessibility for the disabled.

Affordability

Maximize the number of affordable below-market-rate units that are available to low-income households of diverse types and sizes, including affordable live/work units for artists. We seek to exceed BART's 35% system-wide affordability goal by aiming for a high number of affordable units—to potentially be funded by local, state, and regional funding sources. In order to ensure housing for a range of income levels, we will consider inclusionary below-market-rate units and engagement of an affordable housing developer to develop a fully affordable building.

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

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

Livability

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

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

The streetscape design should strive to minimize neighborhood traffic and congestion impacts and support safe access to the station for bicyclists and pedestrians. Transportation demand management and other best practices should be used to reduce traffic and parking impacts in the surrounding neighborhood.

Environmental Sustainability

Reflect the City's commitment to reducing our carbon footprint in every possible way. All buildings should strive to: incorporate all-electric designs, achieve Zero Net Energy, and reduce parking for residents and retail to the maximum extent possible.

To ensure universal access, regardless of age or ability, Universal Design should be considered for all elements of housing and of all other private and public spaces.

Action Calendar

Vote: Ayes – Kesarwani, Davila, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – None; Absent – Bartlett.

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

From: City Manager

Contact: Timothy Burroughs, Planning and Development, 981-7400

Action: Presentation made. See action in Item 1.

Adjournment

Action: M/S/C (Wengraf/Hahn) to adjourn the meeting.

Vote: Ayes – Kesarwani, Davila, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – None; Absent – Bartlett.

Adjourned at 10:50 p.m.

Communications

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

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

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

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

13. Andrew Doran
14. Rick Storrs
15. Justin Randall
16. Carole Bennett-Simmons
17. John Smith
18. Ellen Goldblatt
19. Theo Posselt
20. Bill Woodcock (2)
21. Helen Vilett
22. Felicia Fields
23. William Goldsmith
24. Louise Goldberg-Friend
25. Melissa Weaver
26. Diane Tokugawa
27. Tamara Gurin
28. Anthony Somkin
29. Joy Carlin
30. Carole Rochlin
31. Stefano DeliaVigna
32. Robert Geldman
33. Claire Sherman
34. Pia Larrabee
35. Rob Wrenn
36. James Nelson
37. Rhoda Alvarez
38. Louise Brown
39. Francine Ostrem
40. Charlotte von der Hude
41. Kathy Skrainar
42. Carla and Dolph Rempp
43. Naomi Pearce
44. D. Resek
45. Patricia and Martin St. John
46. Sandra Kavanau
47. Ann Reidy
48. Ednah Beth Friedman
49. Lisa Fruchtman
50. Claire Broome
51. Julianne Pelaez
52. Tony and Judy Lepire
53. Sue von Baeyer
54. Meryl Siegal
55. Libby Lee-Egan

56. Elizabeth Strode
57. Carla Shapreau
58. Pamela Drake
59. Joan Garvin
60. Phyllis Olin
61. Karen
62. Bob Flasher
63. Wendy Ruebman
64. Fran Segal
65. Katharine Young
66. Josephine Maxon
67. Chris McKee
68. Margot Smith
69. Kamala Parks
70. Julia Zuckerman
71. Sara Rahimian
72. Diana Peinado
73. Kevin Powell
74. Joy Fletcher
75. John Blaustein
76. Judith Baker
77. Barbara Anscher
78. Devon Lake
79. Art Goldberg
80. Bohun Kinloch
81. Lynda Hurley
82. Nancy Rader
83. Alexander Brennen
84. Marsha Weintraub and Stuart Hellman
85. Charlene Woodcock
86. Kevin Dawson
87. Dorothy Walker

Supplemental Communications and Reports 3

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

88. Supplemental material, submitted by Mayor Arreguin
89. Supplemental material, submitted by Councilmember Hahn
90. Presentation (N. Berkeley BART Study), submitted by Opticos
91. Blaine Merker
92. Thomas Lord
93. Christopher Sensening
94. Kelly Hammargren
95. Thomas Cline
96. Martin Dodd
97. Carolyn McMillan
98. Robert Leland Spragg

99. Jennie Nguyen
100. Diana Keena
101. Sara Dwight
102. Nathanael Johnson
103. Davide and Lauren Moore
104. Aaron Stein-Chester
105. Carol Lashof
106. Jeannette MacMillan
107. Barbara Gilbert
108. Sandra Liu
109. Eve Sweetser and Alex Madonik
110. Joan Grant
111. North Berkeley Neighborhood Association