

Office of the City Manager

CONSENT CALENDAR

March 10, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Scott Gilman, Director, Health, Housing, and Community Services

Subject: Ashby BART East Lot Transit Oriented Development Request for Proposal Framework

RECOMMENDATION

Adopt a resolution authorizing the City Manager to release a Request for Proposals (RFP) and Notice of Funding Availability (NOFA) to solicit proposals from development teams (comprised of developers, service providers, and architects) regarding their plan, capacity, experience, and interest in developing the currently Bay Area Rapid Transit Agency (BART)-owned, future City-owned property known as the East Lot located at Adeline Street and Woolsey Street in South Berkeley.

SUMMARY

Beginning in 2018, the City and BART collaborated to plan transit-oriented development at the Ashby and North Berkeley BART sites. In 2024, BART and the City agreed that the City would relinquish its air rights over the Ashby BART West Lot in exchange for ownership of the East Lot. The agreement included some requirements about the future use of the East Lot and how the City would select development partners.

Council previously reserved a total of **\$53 million** in Measure O bond funds and Affordable Housing Mitigation Fees (AHMF) to support affordable housing at the North Berkeley and Ashby BART sites. Of this total, **\$26.5 million** was allocated to the North Berkeley BART project. The remaining **\$26.5 million** was reserved for the Ashby BART sites, split as follows: **\$18.5 million** for the West Lot (developer selected July 2025) and the final **\$8 million** which is now being made available for the East Lot via this RFP/NOFA.

Health, Housing, and Community Services (HHCS) staff developed a framework for soliciting development proposals for the East Lot which are intended to serve as the basis for a forthcoming RFP and NOFA. The East Lot Framework details submission requirements, a selection process, proposal requirements (or thresholds), and City goals for the site. The East Lot Framework was updated to include feedback gathered from the City Council and the community during the October 28, 2025, meeting. Proposals will be evaluated relative to the criteria detailed in the East Lot Framework (Attachment 2). The City shall confirm adherence to the Surplus Lands Act (SLA) and

shall work with the California Department of Housing and Community Development to comply with all requirements under the SLA in connection with this RFP. It is the City's intent that any ground lease of the property in connection with the project will meet the requirements for the property to be declared "exempt surplus land" pursuant to Government Code section 54221(f)(1) (A), (F), (G), or other available exemptions. The City intends to declare the property surplus exempt, including all necessary findings, in connection with the City's consideration of the Exclusive Negotiating Agreement (ENA), ground lease or similar agreements between the City and the selected development team.

The project requirements were established through past Council actions, such as approval of the Ashby BART Station Transit-Oriented Development Exchange Agreement with BART, the Joint Vision and Priorities (JVP) for Transit-Oriented Development for Ashby and North Berkeley BART Stations, and other Council actions. Key proposal thresholds include:

- At least 35% of housing must be affordable, of which 20% shall be affordable to Extremely Low Income (ELI) households (7% of total units shall be ELI)
- At least 300 bedrooms
- Project must generate resources for the South Berkeley Community Fund

Project goals were identified in past Council actions, recent community planning efforts, the JVP, and through a stakeholder meeting HHCS held in the summer of 2025. Key goals include:

- 50% of housing is permanently affordable
- Maximize the number of new homes on the site
- Housing for seniors, families, people with physical or mental disabilities, and/or formerly homeless people
- Creating homeownership opportunities for households in South Berkeley

As a result of the feedback received at the October 28, 2025, City Council special meeting, the following goals and requirements were added:

- Requirement: Development teams seeking to build on the East Lot must demonstrate experience with Universal Design.
- Goal: 25% of affordable units reserved for persons with disabilities.

The Planning and Development Department developed Design Standards (Exhibit A) for the East Lot which are intended to be incorporated into the RFP. City staff intends to provide flexibility in the RFP to encourage creative, financially feasible proposals.

Consistent with the Exchange Agreement, the City Manager will establish an evaluation committee to review proposals for the East Lot. A shortlist of proposers will be invited

for interviews and public presentations. The Evaluation Committee will recommend a development team for the East Lot and HHCS will seek Council's approval to negotiate an ENA and ground lease with the selected team.

FISCAL IMPACTS OF RECOMMENDATION

The proposed NOFA will include up to \$1,000,000 of AHMF (Fund # 120) to support predevelopment activities for the East Lot project. These funds were authorized by Council in resolution 69,833-N.S. and are available to a nonprofit developer to support the affordable housing project's pro rata share of any master planning or predevelopment costs. The chosen development team would need to work with HHCS staff to get Council authorization before these predevelopment funds are disbursed. The selected developer will also have access to an additional \$7 million for construction activities. This will come before Council for approval at a later date.

CURRENT SITUATION AND ITS EFFECTS

BART owns two key sites near the Ashby station: The West Lot, which surrounds the BART station west of Adeline, and the East Lot, which is adjacent to Ed Roberts Campus (Figure 1). The East Lot is a 1.826-acre site located between Adeline Street and Tremont Street. BART currently owns and operates the East Lot.



Figure 1. Ashby BART East Lot and West Lot, both currently owned by BART. The City intends to acquire the East Lot, per the Exchange Agreement.

Starting in 2018, the City, in collaboration with BART, initiated a multi-phase planning process that included land use and infrastructure planning. The City has taken several actions to implement the community vision for the area including the actions listed below and discussed in more detail in the Background section of this report.

- Dedicated \$26.5 Million in Housing Trust Fund (HTF) dollars to the Ashby East and West lots.
- Established a Community Advisory Group (CAG) comprised of a Council-appointed 15-member committee and engaged in a series of community engagement and stakeholder meetings from 2020-2021.
- Adopted updated zoning for the area, consistent with AB 2923.
- Adopted several agreements with BART specifying the agreements about future development on the site including a Memorandum of Understanding (MOU) and JVP.
- Adopted ordinance 7,939-N.S., authorizing an exchange agreement with BART, securing the City's right to ownership of the East Lot in exchange for providing BART with the West Lot air rights. This document is referred to as the "Exchange Agreement".

After soliciting a developer, the City will negotiate a series of agreements with the selected development team, including an Exclusive Negotiating Agreement (ENA), land deal terms, and a preliminary development plan. After this process is complete, the City will acquire the East Lot from BART to minimize holding costs and enable expeditious development, as authorized in Resolution 71,984 N.S. The exact timeline will be established in consultation with the selected developer. Generally, staff anticipates that the City would defer acquisition until just prior to the start of construction.

The Exchange Agreement includes several City commitments about the future use of the East Lot, including details on how the City will pursue development proposals. The East Lot Framework, which is discussed in the next section, builds on the recent planning work, proposes a framework for soliciting development on the site and provides a timeline to accomplish the steps necessary to create new homes on the East Lot.

From Planning to Building Housing

The Planning and Development Department led community planning, technical work and coordination with BART for the Adeline corridor including the Ashby BART East and West Lot Transit Oriented Development (TOD). HHCS will lead the implementation work for the East Lot, including soliciting development proposals, facilitating the evaluation of proposals, and ongoing negotiations with the future development team. HHCS, in conjunction with the Planning and Development Department and the City Manager's Office, developed an East Lot Development Solicitation Framework (East Lot Framework) and project timeline.

Creating the East Lot Development Solicitation Framework

Earlier this year HHCS, in close coordination with the City Manager's Office, the City Attorney's Office, and the Planning and Development Department, began work to establish the East Lot Framework (Attachment 2).

First, HHCS consulted all planning documents and council actions relevant to the East Lot (discussed in more detail in the Background Section). Some of these documents, such as the Exchange Agreement, included commitments the City made about future development on the site. Other elements of recent planning documents reflected community and City goals for the site. These goals are included in the East Lot Framework and proposers will be incentivized to achieve the various goals.

HHCS reviewed relevant existing City policies and programs, including the HTF Guidelines, the Zoning Code, and related requirements of City contracts. Also, HHCS reviewed recent solicitations for development on publicly owned land, including North Berkeley BART, the Ashby West Lot, and the City's most recent public lands project, Berkeley Way. The East Lot Framework includes known requirements for the site from various City codes and policies, as well as standard terms included in recent HHCS NOFAs.

To re-engage the community around the East Lot development specifically, HHCS hosted a stakeholder meeting on July 17, 2025. Key South Berkeley stakeholder groups were invited to review the East Lot Framework and provide input on additional considerations. The stakeholder priorities include high and deep levels of affordability, prioritization of a higher number of ADA accessible units as well as general incorporation of Universal Design elements, and that development teams demonstrate experience with projects addressing the needs of Black/African American communities. Stakeholders suggested that proposers acknowledge and incorporate the East Lot's proximity to the Ed Roberts Campus. Generally, participants supported the proposed East Lot Framework.

On October 28, 2025, HHCS presented the East Lot Framework to Council and the community to gather feedback. HHCS also held individual meetings with the Center for Independent Living and Friends of Adeline to further engage community members and discuss the progress of the development. As a result of this feedback, three key changes were made to the East Lot Framework:

1. Additional representative of South Berkeley added to the developer selection committee.
2. Development teams seeking to build on the East Lot must demonstrate experience with Universal Design.
3. A goal of 25% of affordable units reserved for persons with disabilities.

These revisions reflect the community's desire for increased involvement in the selection process and a focus on housing solutions for the disabled community through the use of innovative Universal Design principles.

The East Lot Framework

The City of Berkeley will use the East Lot Framework to solicit development proposals for the East Lot. The City intends to provoke ambitious and creative responses from the development community. Specifically, the City intends to seek proposals that meet and exceed basic requirements and artfully achieve community and City goals. For this reason, the East Lot Framework offers a measure of flexibility for respondents while standing firm on the key priorities and project requirements.

The East Lot Framework:

- Identifies the key submission components.
- Describes the East Lot proposal evaluation process, including an evaluation committee.
- Identifies East Lot proposal thresholds or required project elements.
- Describes the Evaluation Criteria and Project Goals which will be incentivized through the evaluation process.

Key submission components. Development teams will be asked to submit a detailed proposal including a development concept, details about the development team's experience, a proposed schedule, a proposed community engagement plan, a reparative framework narrative, and a financing plan, including a fair market proposal for the land.

Proposal Evaluation. Proposals will be evaluated by a committee relative to the thresholds, criteria and goals provided by the East Lot Framework. A seven-member evaluation committee will evaluate the projects, with more detail described below. Teams with high scoring proposals will be invited to participate in a public presentation and an interview with the evaluation committee.

East Lot Proposal thresholds, required project elements. Project proposals must meet or exceed threshold requirements. Threshold requirements are established in the Exchange Agreement with BART, as a term required for the City to acquire the East Lot; or terms in other City requirements such as the HTF Guidelines. Key thresholds include:

- Minimum densities: 300 Bedrooms, and 248 units.
- 35% affordable to low-income households (averaging up to 60% Area Median Income, of which 20% is reserved for Extremely Low Income (ELI)).
- Minimum contribution to the South Berkeley Community Fund for South Berkeley.

- Minimum developer experience.
- Design team has demonstrated Universal Design experience and expertise.

East Lot Proposal Evaluation Criteria and Goals. Proposals will be evaluated based on the East Lot Framework criteria, including standard evaluation criteria and project goals, which proposals will be incentivized to achieve. The most successful projects will achieve the evaluation criteria and also achieve one or more of the project goals. Some of the Evaluation Criteria and Project Goals are established in the Exchange Agreement, the JVP or the City's HTF Guidelines.

Fifty percent affordability will be heavily incentivized through the evaluation process. This level of affordability was achieved at the North Berkeley BART Station and required at the Ashby BART Station West Lot.

A reparative framework is critical, as indicated in the key documents including the JVP and Exchange Agreement. The Exchange Agreement establishes a threshold requirement for operating proceeds from the East Lot project to establish and support a South Berkeley Fund, with a minimum annual contribution of \$150,000. Projects whose proposals address impacts on Black/African American businesses and cultural institutions will receive additional points.

Developer Selection Process

Upon Council's direction, HHCS will prepare an RFP and NOFA to solicit development proposals for the East Lot. The RFP and NOFA will reflect the East Lot Framework and provide details on the site to enable detailed proposals for the City's consideration. HHCS intends to issue the RFP in the first quarter of CY2026.

HHCS will convene an evaluation committee to review all submitted development proposals. The seven-member Evaluation Committee will include four representatives from the City of Berkeley, one representative from BART, and two representatives from South Berkeley. All members will be appointed by the City Manager. The committee will evaluate proposals based on the criteria detailed in the East Lot Framework. Teams with high scoring proposals will be invited to participate in a public presentation and an interview with the evaluation committee. HHCS anticipates this evaluation process will occur between June and December of 2026.

HHCS intends to seek Council approval to initiate negotiations with the top-ranking development team. The City expects to negotiate an ENA, ground lease and predevelopment loan agreement with the selected team. City staff presume a ground lease structure, but will entertain alternative land ownership structures, particularly for highly competitive projects, aligned with City and community priorities. HHCS anticipates this process will occur in CY2026 or CY2027.

The selected development team will lead a community engagement process as part of their project refinement and subsequent entitlement process. Once the project receives entitlements, HHCS will negotiate a development loan agreement and other necessary documents identified in the ENA or ground lease.

HHCS intends to acquire the East Lot after the ENA has been signed, and when most negotiations are complete, with the most opportune time to be determined by the City Manager and staff. In connection with the City's acquisition of the East Lot, it is City's intent to declare the property "exempt surplus land" pursuant to Government Code section 54221(f)(1) (A), (F), (G), or other available exemptions.

The development team will lead all development work including securing additional funding, pursuing relevant permits and approvals, and constructing new housing.

NOFA for the East Lot

HHCS anticipates releasing the aforementioned NOFA in conjunction with the RFP to enable a nonprofit developer on the selected team to access up to \$1M in predevelopment funds. These funds, as authorized by City Council resolution 69,833 N.S., will provide the nonprofit developer with crucial early funding to conduct predevelopment activities. The NOFA will ask the development teams to provide documentation to demonstrate compliance with the HTF guidelines, including demonstration of development experience, nonprofit status and project details. The affordable housing developer may request the remaining \$7M allocated to the East Lot when the affordable housing project is further along in predevelopment.

The City typically provides two types of loans through the HTF: 1) predevelopment loans that are short-term (five years) and support preconstruction work including pursuing competitive funding at the state level; and 2) development loans that are longer term (55 years), and are closed after all other funding is secured, just prior to construction start.

Other Resources and Incentives for Affordability

The City has taken every effort to enhance the development opportunity at the East Lot, with the intention of enticing excellent proposals which that best achieve the City and community goals for the site and offer the maximum return on the City's land.

Recent community planning, re-zoning, site specific design standards and detailed goals for the project establish clear expectations and enable a more direct review and approval process for consistent projects. Further, the East Lot is not expected to build or fund offsite infrastructure improvements beyond the standard improvements on adjacent sidewalks, as required by all development projects. In preparation for the RFP, the City has performed some pre-development work on the site, including some environmental

analysis (Phase II), Title work, and related activities. This work will result in more informed proposals and reduce costs for proposers.

To incentivize affordable housing, the City has made an early and meaningful financial commitment of \$8 million, some, but not all, of which will be made available to support predevelopment costs. Development teams may propose land discounts for affordable housing, and therefore projects offering more affordability could receive greater land discounts. Also, projects may qualify for entitlement under SB 35.

As a further step, the City will include guidance in the RFP on working with the Berkeley Housing Authority to follow federal guidelines to seek Project Based Vouchers (PBVs). This option would be open to projects that are consistent with federal rules and requirements, based on their success in the East Lot proposal evaluation process.

Design Standards

The Design Standards for the Ashby East Lot complement the underlying R-BMU zoning and set clear parameters for site planning, building massing, facade design, and open space. The standards will be included in the RFP, providing clarity to respondents and allowing them to assess how the requirements may affect project design and cost.

BACKGROUND

Since 2018, the City has been working closely with BART on the development of the North Berkeley and Ashby BART sites. The two entities entered into an MOU in March 2020 that provided a framework for the collaboration, including processes for public participation and an estimated timeline for selecting developers.

The MOU was amended in December 2020 to reflect schedule delays due to the pandemic. The City subsequently created the CAG, made up of 15 members of the public to develop a vision for affordable housing, land use, station access, building form, and new public spaces. The CAG met throughout 2020 and 2021 at public meetings and community workshops and provided feedback on the new zoning regulations impacting the BART sites. The City and BART entered into a Memorandum of Agreement (MOA) in June 2022 to address additional aspects of the collaboration. Concurrent with the public engagement process, the Berkeley City Council unanimously adopted Resolution 69,833- N.S. in April 2021 which, in part, provisionally reserved \$53 million of City controlled funds as the subsidy needed to achieve at least 35% affordable housing at the North Berkeley and Ashby BART Station sites and allowed for a portion of the funding to be allocated to predevelopment uses. In accordance with Resolution No. 69,833-N.S., the \$53 million is comprised of \$40 million in bond funds pursuant to Measure O passed by Berkeley voters on November 6, 2018, and \$13 million in AHMF. \$26.5 million was allocated to the developer team selected for the North Berkeley BART site. \$18.5 million of the total BART funds are available to support affordable housing on the Ashby West Lot, for which a developer was selected in July 2025. The remaining \$8M in funds will be designated for the Ashby East Lot.

Subsequently, the City and BART co-authored two key documents that have been referenced throughout this report. The JVP outlines the City and BART's shared vision for the Berkeley TOD developments, and includes among others the following priorities that apply to the East Lot:

- Maximize the number of new homes, with a variety of unit sizes
- Provide affordable housing, with a minimum 35% affordability of housing
- Expand the availability of green space for the neighborhood
- Prioritize the inclusion of residents with disabilities, specifically at the East Lot
- Prevent displacement of South Berkeley residents
- Reinforce South Berkeley's historic role as a hub for African American culture and life in the Bay Area

Also, informed by the JVP, CAG, and additional analysis, the Exchange Agreement was approved by council in ordinance 7,939-N.S. and finalizes the terms of a land exchange. In this exchange, the City relinquishes its air rights over the West Lot and any interests in the West Lot parcel, with the exception of utility easements. In return, BART will transfer full ownership of the East Lot to the City. This agreement builds on a previously approved nonbinding Term Sheet and includes provisions ensuring significant community benefits which have been outlined earlier in this report – most notably, minimum affordable housing requirements (50% on the West Lot and 35% on the East Lot), public spaces, infrastructure improvements, and compliance with City design standards and AB 2923. The property transfers and development will proceed in phases, contingent on developer selection and satisfaction of specified conditions.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The proposed RFP would require developers to demonstrate experience building energy-efficient, sustainable developments.

Additionally, creating new infill affordable housing in Berkeley that allows lower income individuals and families to live closer to transit will advance the goal of making the City more economically and racially equitable, and reduces greenhouse gas emissions by reducing vehicle-miles-traveled and decreasing reliance on personal vehicles.

RATIONALE FOR RECOMMENDATION

The proposed action implements prior Council actions, especially the Exchange Agreement.

ALTERNATIVE ACTIONS CONSIDERED

Council has authorized the ownership exchange, development of the East Lot and developer selection process as outlined in the Exchange Agreement.

The City Council could propose additional feedback to the RFP framework. This would result in a delay in RFP release by several months or more. Any delays will result in

increased costs to the project, because costs associated with development may increase over time, including material costs and fees. The City's investment of \$8 million will not go as far to support affordable housing, and the project may be less competitive for state and federal funding.

The City Council could decide not to authorize the release of the RFP, but staff do not recommend this as it would conflict with or delay the City's compliance with ordinance 7,939-N.S., or the Exchange Agreement, and will result in significant delays in developing the site.

CONTACT PERSON

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Attachments:

1. Resolution
Exhibit A: Ashby BART East Lot TOD RFP Design Standards
2. East Lot Developer Selection Framework (developed by Street Level Advisors)

RESOLUTION NO. ##,###--N.S.

AUTHORIZING THE CITY MANAGER TO RELEASE A REQUEST FOR PROPOSALS
AND NOTICE OF FUNDING AVAILABILITY FOR THE DEVELOPMENT OF THE
ASHBY EAST LOT

WHEREAS, the City and the San Francisco Bay Area Rapid Transit District (BART) are collaborating on the development of the North Berkeley and Ashby BART sites, and articulated shared goals in a Memorandum of Understanding, Memorandum of Agreement, Joint Vision and Priorities for Transit-Oriented Development for Ashby and North Berkeley Stations, and Ashby BART Station Transit-Oriented Development Exchange Agreement; and

WHEREAS, BART agreed to transfer ownership of the Ashby BART East Lot to the City in exchange for the City's air rights on the Ashby BART West Lot, in accordance with the terms of the Exchange Agreement; and

WHEREAS, the Exchange Agreement sets expectations for a competitive selection of a development team, as well as minimum development standards for the East Lot, including a minimum affordability of 35%; and

WHEREAS, the Exchange Agreement identifies the need for site-specific Design Standards for the East Lot; and

WHEREAS, the Department of Planning and Development has provided the Ashby BART East Lot TOD Design Standards that outline these design standards; and

WHEREAS, the City Council established a Housing Trust Fund Program (HTF) to guide the City's work to assist in the development and expansion of housing affordable to low- and moderate-income persons who either work or reside within the City of Berkeley (City), and authorized the City Manager to implement the Program; and

WHEREAS, on April 27, 2021, with Resolution 69,833-N.S., the City Council reserved \$53 million, to be divided between the North Berkeley and Ashby BART sites, as the subsidy needed to achieve 35% affordability, and allowed for a portion of that funding to be considered for predevelopment costs associated with affordable housing; and

WHEREAS, the \$53 million includes \$40 million in Measure O funds, and \$13 million in Affordable Housing Mitigation Fees.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager may release a Request for Proposals for the Ashby East Lot, along with a Notice of Funding Availability for up to \$1 million in predevelopment funds for a qualified nonprofit developer selected through the Request for Proposals process.

BE IT FURTHER RESOLVED that the Ashby BART East Lot TOD RFP Design Standards shall be incorporated into the Request for Proposals for the Ashby East Lot and subsequent implementing agreements.

BE IT FURTHER RESOLVED that the City Manager, or designee, is hereby authorized to execute all documents required to effectuate this action.

Exhibit:

A: Ashby BART East Lot TOD RFP Design Standards

Ashby BART East Lot TOD RFP Design Standards

Admin Draft 1.5 – September 4, 2025, Updated Comments

Site Planning

Required Circulation

- A. An access drive shall be maintained from Adeline Street to Woolsey Street. (See diagram in Section 3)
- B. Access drive shall meet requirement set forth in the 08.14.2008 *Reciprocal Easements Agreement*
- C. The access drive shall be a minimum 20 feet in width to provide for waste removal and fire apparatus access (assuming aerial apparatus access is from Tremont Street).
- D. The access drive shall include 4-6 ADA loading spaces along the interior sidewalk adjacent to the east side the Ed Roberts Campus building. The loading spaces shall have a minimum width of 8 feet.
- E. The access drive shall have a minimum 45 feet building-to-building dimension.
- F. Landscaping is encouraged between the access drive and the new building.

Publicly Accessible Open Space

The *R-BMU* zoning requires 35 square feet of public open space per unit.

Publicly accessible open space should be located adjacent to a public street.

Streetscape Design

- A. Tremont Street and Woolsey Street sidewalks shall be widened to 13 feet in width and should include a 5 ft curb and amenity/planting area and a 8 ft wide sidewalk throughway. The stormwater management feature on Woolsey Street shall be maintained and is in excess of the required sidewalk dimensions.
- B. The following standards apply to sidewalk street tree planting.
 - 1. *Pattern*. Trees shall be planted with a minimum of one tree per 25 linear feet of sidewalk length. Exceptions may be made in locations where existing infrastructure, utilities, or BART tunnel prohibit planting of trees. Existing trees should be maintained where possible.
 - 2. *Location*. Trees shall be evenly spaced between the curb and sidewalk or evenly spaced within the width of a planting strip. Trees shall be planted so that at maturity the trunk is at least three feet from the face of curb where loading occurs.

3. *Ground Plane.* Trees shall be provided in planters a minimum of three feet wide and a minimum of six feet long located 18 inches from the face of curb. Exceptions may be made in locations where existing infrastructure, utilities, or BART tunnel prohibit planting of trees.
4. *Subsurface Design.*
 - a) A minimum of 120 cubic feet of well aerated soil per inch of trunk diameter at maturity shall be located within six feet of each tree.
 - b) Continuous structure soil with a minimum width of four feet shall connect all consecutive street trees.

Building Setbacks

The R-BMU zoning regulates building setbacks, residential ground floor character, and location/frequency of building entrances. The following standards complement the zoning and provide additional detail and clarity. Please note: "*R-BMU F.11.b. Ground Floor Residential Entries. All ground floor residential units shall provide entries to the street in the form of stoops or other exterior entries, or balcony or patio without entrance to the street, with a minimum area of 20 square feet.*"

- A. **Tremont Street and Woolsey Street Frontages.** Where public open space is located, buildings are exempt from *R-BMU F.4.b* requiring buildings to be located up to the setback line at intersection corners.
- B. **Ground Floor Residential.** Portions of a building with ground floor residential units shall have a minimum ground floor setback of 10 feet.
- C. **Northern Property Line.** Retaining the existing tree planting along the northern property line is encouraged.

Building Design

Building Massing

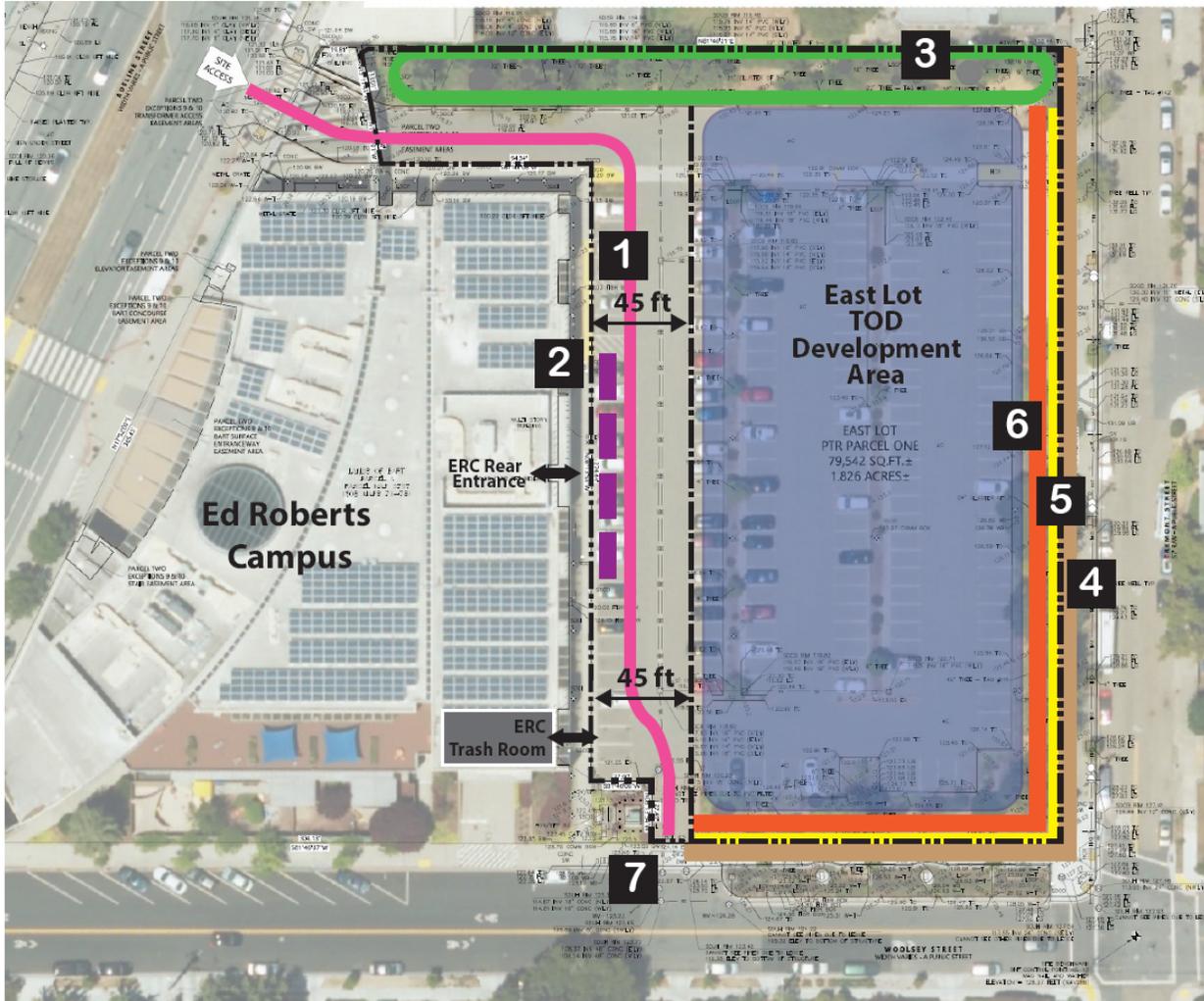
- A. **Front Upper-story Step Backs.** Portions of building located within the minimum front setback of 5 ft and maximum front setback of 15 feet shall have an upper-story step back above the 4th story with a minimum depth of 15 feet from the primary building façade.
- B. **Maximum Building Length/Major Breaks.** The maximum continuous building facade length facing Woolsey Street or Tremont Street shall not exceed 170 feet. Continuous façades are measured from a corner of a building to a courtyard or a major façade break with a minimum 15 feet by 15 feet plan dimension.

Facade Design

- A. **Vertical Rhythm and Pattern.** Building facades facing Woolsey Street and Tremont Street shall express a vertical rhythm and pattern that reflects the size and scale of a residential unit and/or individual rooms or shall be designed with custom details to create an ornamental facade.
- B. **Ground Floor Residential Units.** To provide privacy to ground floor residential units, the finished floor of units facing Woolsey Street and Tremont Street shall be raised a minimum 2 feet above sidewalk grade and windowsills shall be a minimum 3 feet above finish floor.
- C. **Fenestration.** Windows shall meet one of the following requirements:
 - 1. Windows shall be punched with a minimum recess of 2 inches from the facade or shall be framed with a minimum projection of 4 inches from the facade. Built-up stucco trim or molding (also known as “plant-ons”) are prohibited.
 - 2. Windows that are flat or flush with the facade are prohibited unless applied to a recessed portion of the building facade with a minimum of four inches in depth. Vertical window edges shall be directly adjacent to recess.
- C. **Materials.** No single material shall cover more than 80% of the cumulative facade area (excluding windows, doors, garage doors, and building trim) of a building except for high-quality materials such as brick, stone, ceramics, metals, fiber-cement panels, or other composite panel systems.

Site Diagram

Summary Diagram of Design Standards



Legend

1. Provide access drive from Adeline St to Woolsey St; Minimum 45 feet easement width required from west property line (approximate width, see 08.14.2008 *Reciprocal Easements Agreement* for more detail)
2. Provide 4-6 ADA loading spaces for Ed Roberts Campus
3. Maintain existing trees and landscape buffer
4. Improve sidewalks
5. Building Setback: minimum 5 ft to 15 ft
6. Step back upper story facades above the 4th story
7. Woolsey Street Access: Woolsey Street vehicle access shall be maintained for emergency vehicles, refuse removal, and vendors, commercial carriers, and other parties to make deliveries to the ERC building. Private vehicles may be limited to Adeline Street access point to reduce traffic conflicts with the bicycle boulevard on Woolsey Street.

Ashby BART East Lot Developer Selection Framework

This document establishes the framework the City of Berkeley intends to use to solicit development proposals for the Ashby BART Station East Lot (East Lot).

- Section 1: East Lot Proposals – Key Submission Components
- Section 2: Proposal Evaluation and Selection
- Section 3: Proposal Thresholds for East Lot
- Section 4: East Lot Proposal Evaluation Criteria and Goals

Section 1: East Lot Proposals – Key Submission Components

Respondents will be asked to submit proposals which include:

- A letter of intent describing the development team and their interest in the East Lot.
- A detailed description of the development team, including their relevant experience in community engagement, design, development and affordable housing; and their organizational capacity to implement their proposal.
- A preliminary development concept plan, including a Site Plan, Elevations, and Sections that demonstrates proposed layout, uses, facades, massing, design and aesthetics, and renderings.
- A development program that meets or exceeds East Lot thresholds and goals, as defined in this solicitation.
- A description of how the program maximizes the number of new homes.
- A proposed project schedule, including any detail on phasing and marketability.
- A community engagement proposal, including detail on the team's approach to community outreach.
- A reparative framework that demonstrates how their proposal addresses the negative impacts to African American residents, businesses, and cultural institutions displaced by construction of the Ashby BART Station.
- A financial proposal for the lease of the East lot, which offers a fair market value for land, provides funds for the Community Benefits Fund for South Berkeley (as described in the Exchange Agreement and summarized below), and may assume discounts for permanently affordable housing.
- A development financing plan, which details the project's expected financial structure including potential sources (amounts of equity and debt financing, and any expected public financing) and uses of funds.
- An Affordable Housing Compliance Plan, which describes proposals to meet affordable housing requirements, including developer contributions to affordable housing.
- A detailed proforma demonstrating how the development team could potentially achieve 50% Affordable Housing.
- Additional materials demonstrating compliance with various City programs and codes, including City labor requirements, Affordable Housing Preference Policy, various sections of the Zoning Code including Public Art on Private Projects,

Transportation Demand Management, and other local requirements as deemed relevant.

Section 2: Proposal Evaluation and Selection

The Health, Housing, and Community Services (HHCS) Department will establish an Evaluation Committee for the East Lot Request for Proposals and Notice of Funding Availability. The seven-member Evaluation Committee will be appointed by the City Manager and will include four representatives from the City of Berkeley, one representative from BART, and two South Berkeley representatives pending availability and interest. The Evaluation Committee will review and score proposals in accordance with the City of Berkeley East Lot Project Goals. A short list of top scoring proposals will be invited to interview with the Evaluation Committee and make presentations to the public. The Evaluation Committee will score interviews and presentations and recommend the most qualified respondent to the Director of HHCS and City Council for approval. Upon selection by the City Council, next steps will include an Exclusive Negotiation Agreement (ENA), a ground lease, and a Housing Trust Fund predevelopment loan.

Section 3: Proposal Thresholds for East Lot

Project proposals must meet or exceed threshold requirements. Threshold requirements are established in the Exchange Agreement with BART, as a term required for the City to acquire the East Lot; or in other City regulations such as the [Housing Trust Fund Guidelines](#). The City committed to these thresholds in prior Council actions.ⁱ

Project thresholds for the East Lot will include:

	Threshold Requirement	Related Document
1	Minimum 300 bedrooms.	Exchange Agreement
2	Minimum 35% affordable to low-income households (averaging up to 60% Area Median Income, of which 20% is reserved for Extremely Low Income (ELI)).	Exchange Agreement
3	Contribute Community Benefits fund for South Berkeley at a minimum of \$150,000 annually, plus indexing, beginning at stabilized occupancy or before the project’s fourth year of occupancy, whichever comes first.	Exchange Agreement
4	Minimum Developer Experience	HTF Guidelines
5	Design team has demonstrated Universal Design experience and expertise.	

Section 4: East Lot Proposal Evaluation Criteria and Goals

All proposals will be evaluated based on the criteria summarized in the table below. The first column describes the standard evaluation criteria the Evaluation Committee will apply to all proposals. The second column identifies Project Goals that proposals will

be incentivized to achieve through the evaluation process. The most successful projects will achieve the Evaluation Criteria and also achieve one or more of the Project Goals.

Some of the Evaluation Criteria and Project Goals are established in the **Exchange Agreement (shown in bold)**. Some Project Goals are established in the *Joint Vision and Priorities (Shown in Italics)*. Many of the Evaluation Criteria are reflected in the City’s Housing Trust Fund Guidelines.

Fifty percent affordability will be heavily incentivized through the evaluation process. This level of affordability was achieved at the North Berkeley BART Station and required at the Ashby BART Station West Lot. Proposers may be incentivized to levels of affordability greater than the 35% required through greater potential land discounts. Also, proposals that achieve the City’s 50% affordability goal would qualify for expedited entitlement through SB 35.

Evaluation CRITERIA	PROJECT GOALS, INCENTIVIZED
1. PRELIMINARY DEVELOPMENT CONCEPT AND PROPOSED PROJECT. 25%	
Maximizes housing, units and bedrooms.	
Affordability Plan. Proposal meets or exceeds affordability thresholds. Proposal reflects reasonable assumptions for State and local funding.	<ul style="list-style-type: none"> • 50% affordable housing. • Prioritizes specified amounts of low and Very Low-Income housing. • Project creates Homeownership opportunities in South Berkeley.
Households served, especially affordable housing.	<ul style="list-style-type: none"> • <i>Prioritize the inclusion of residents with disabilities, who are likely to benefit from proximity to the Ed Roberts Campus, with a goal of 25% of units for people with disabilities.</i> • <i>Housing for seniors, families, people with physical or mental disabilities, and/or formerly homeless people.</i> • A creative and innovative approach to universal design, demonstrating how the proposal exceeds minimum requirements.
Reparative Framework. Describe how the proposal addresses the negative impacts to African American residents, businesses, and cultural institutions.	<ul style="list-style-type: none"> • Proposals directly address the negative impacts to African American residents, businesses and cultural institutions.
Project Design conforms with City Design Standards.	
Project Feasibility. Proposal demonstrates a deep understanding of each proposed product type (Market rate and affordable). Proposal balances market feasibility with project goals.	

Evaluation CRITERIA	PROJECT GOALS, INCENTIVIZED
2. QUALITY OF DEVELOPMENT TEAM EXPERIENCE. 15%	
Master Planning. Development team has successfully completed comparable, mixed-use projects at similar scale including new construction of projects with multiple buildings and mid-rise housing of 6+ floors.	
Public Private Partnerships. Development team has experience with joint development on public land, especially ground lease deals.	
Design team is experienced with projects reflecting the broader community vision.	
Design team has demonstrated Universal Design experience and expertise.	
Community Engagement. Experience leading effective community dialogue about design and programming of sites, and possible tradeoffs. Experience addressing concerns related to development impact from neighboring residents, business, and property owners. Community engagement proposal builds on and continues recent planning work.	
3. DEVELOPMENT TEAM FIT. 10%	
Financial capability of team. Demonstrated ability to secure funding and financing for similar projects.	
Nonprofit/Community Based Organization. Team includes a nonprofit, especially for affordable housing development roles.	
Acceptance of City's proposed transaction terms. Willingness to execute ENA in substantially the same form provided.	
4. ROLES AND RESPONSIBILITIES. 10%	
Firms identified offer strong overall qualifications for key predevelopment needs. Project manager experience is highly relevant to this Project.	
If a team, relationship between parties is clearly defined, as exhibited by Joint Venture (JV) agreement or similar.	
If supportive housing is included in program, team includes service provider with demonstrated success serving the population identified.	
5. FINANCIAL OFFER. 20%	
Financial Assumptions are reasonable and realistic.	
Proposal includes reasonable values and schedule of ground lease payments.	
Proposal includes resources for the Community Benefits Fund for South Berkeley residents.	
6. PUBLIC PRESENTATION. 8%	
Ability to present in public setting, communication skills.	

Evaluation CRITERIA	PROJECT GOALS, INCENTIVIZED
7. TEAM INTERVIEW. 12%	
Understanding of the issues. Ability to balance the needs of multiple stakeholders. Ability to address critical issues; Ability to think strategically. Presentation, interview and communication skills.	

ⁱ Ordinance [7,939-N.S.](#) authorized the Exchange Agreement.
Resolution [69,683-N.S.](#) authorized the most current Housing Trust Fund Guidelines