PLANNING AND DEVELOPMENT DEPARTMENT
Land Use Planning Division

TO: Fellow Planning Commissioners

FROM: Emily Marthinsen, Chair, Planning Commission

SUBJECT: Objective Design Standards Discussion

A few months ago, I asked Planning Commission staff to schedule a discussion item for the Commission about Objective Design Standards. The Commission is often asked to review proposed design standards; and sometimes we are asked to approve specific standards as part of a proposed ordinance or recommendation to City Council. I thought it would be helpful for us to discuss generally the types and impacts of standards (and guidelines) in both planning documents and city ordinances. I was also interested in furthering our understanding of how and where else standards are used and formalized in other City of Berkeley processes—for example, by the Landmarks Commission in its deliberations.

Planning Commission members have a wide range of professional experience with guidelines and standards. I wanted us to have the opportunity to learn from each other about real world impacts of these standards on building, landscape and public realm design, on businesses and on land use regulation and development. My goal in starting this conversation is to make sure that any design standards—in both form and content—recommended by the Planning Commission are as effective as possible in achieving community goals.

Planning and Development Department
Land Use Planning Division

TO: Members of the Planning Commission

FROM: Justin Horner, Principal Planner

SUBJECT: Objective Design Standards (ODS) Background

To help inform the Planning Commission's discussion about Objective Design Standards (ODS), staff has collected the following:

- Examples of existing ODS in the Zoning Ordinance;
- ODS developed for the North Berkeley BART Station project;
- Recent ODS materials presented to the Planning Commission as part of the Corridors rezoning and San Pablo Specific Plan processes; and
- A matrix of recommendations from 2021's Joint Subcommittee for the Implementation of State Housing Laws (JSISHL).

EXAMPLES OF OBJECTIVE DESIGN STANDARDS IN THE ZONING ORDINANCE
Included below are summarized selections from the Zoning Ordinance that include objective design standards. Many zoning districts refer to the Design Review process, but objective design standards are not commonly included in the Zoning Ordinance. The Adeline Corridor Commercial (C-AC) zoning district has the most detailed design requirements.

BMC Section 23.204.060(D)(6) – University Commercial District (C-U)[1]

- 12 ft. minimum floor-to-ceiling height for ground floor commercial uses;
- Minimum street frontage requirements for ground floor commercial uses;
- Ground level commercial spaces to be designed to allow for the space to be "easily divided and assembled."

BMC Section 23.204.080(D)(4)-(5) – Elmwood Commercial District (C-E)[2]

- Ground floor residential uses must be set back at least 20 feet from a property line along College or Ashby Avenue;
- Bay windows and balconies 11 feet or more over the sidewalk may project 3 feet into a street right-of-way;
- A maximum 60% of the length of a building frontage may project beyond the property line.

BMC Section 23.204.090(D)(2)-(3) – North Shattuck Commercial District (C-NS)[3]

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[1] https://berkeley.municipal.codes/BMC/23.204.060(D)(6)(a)
[2] https://berkeley.municipal.codes/BMC/23.204.080(D)(4)

[3] https://berkeley.municipal.codes/BMC/23.204.090(D)(3)

- Ground floor dwelling units in a mixed-use building must be set back 20 feet from property lines along public right-of-way;
- Mixed-use buildings shall be setback at least ten feet from an interior property line opposite a required window in any habitable room of a residential use.

BMC Section 23.204.100(D)(2)-(3) – South Area Commercial District (C-SA)[4]

- Vehicle Sales Design Standards:
  - Vehicle and repair service entries may not exceed 20% of the primary lot frontage and no entry may exceed 20 feet in width.
  - At least 60% of any new building shall be within 10 feet of the right-of-way and 60% of the street-facing façade shall be comprised of clear glass.

BMC Section 23.204.110(B)(3) – Telegraph Avenue Comericial (C-T)

- Residential Ground Floor Standards[5]:
  - Ground floor commercial use must occupy a minimum of 30 feet of the ground floor and occupy full extent of building frontage.
- Office Use Standards:[6]
  - Ground floor office uses must either include a display or be transparent and provide pedestrian viewing at least 10 feet into storefront area.

BMC Section 23.204.120(D)(5) – Solano Avenue Commercial (C-SO)[7]

- Projections into Right-of-Way:
  - Bay windows and balconies 11 feet or more above the sidewalk grade may project 3 feet into a street right-of-way.
  - A maximum 60 percent of the length of a building frontage may project beyond the property line.

BMC Section 23.204.130(E)(7)-(8) – Downtown Mixed-Use (C-DMU) [8]

- Ground floor office uses must either include a display or be transparent and provide pedestrian viewing at least 10 feet into storefront area.
- Entrances to individual dwelling units cannot open out onto public serving frontages, as defined.

BMC Section 23.204.150(F) – Adeline Corridor Commercial (C-AC)[9]

[4] https://berkeley.municipal.codes/BMC/23.204.100(B)(3)
[5] https://berkeley.municipal.codes/BMC/23.204.110(B)(3)
[6] https://berkeley.municipal.codes/BMC/23.204.110(B)(4)
[7] https://berkeley.municipal.codes/BMC/23.204.120(D)(5)
[8] https://berkeley.municipal.codes/BMC/23.204.130(E)(7)
[9] https://berkeley.municipal.codes/BMC/23.204.150(F)

- New buildings and additions shall be reviewed for conformance to the design guidelines in the Adeline Corridor Specific Plan.[10]
- Ground Floor Frontages.
  - Blank walls along the ground floor shall be less than 30 feet in length along sidewalks, pedestrian paths, or open space.
  - Ground floors shall have a minimum floor to floor height of 12 feet.
  - Facades shall provide at least 30 percent transparency between 3 and 10 feet above grade. Dark or mirrored glass will not satisfy this requirement.
  - Window glazing shall provide a high degree of light transmittance and be non-reflective.
- Ground Floor Frontages for Active Commercial Uses, as Defined
  - Minimum floor to floor height of 15 feet and a minimum floor to ceiling height of 12 feet.
  - Facades shall provide at least 75 percent transparency between 3 and 10 feet above grade. Dark or mirrored glass will not satisfy this requirement.
- Ground Floor Frontages in Certain Commercial Areas
  - Minimum floor to floor height of 15 feet and a minimum floor to ceiling height of 12 feet.
  - Facades shall provide at least 65 percent transparency between 3 and 10 feet above grade. Dark or mirrored glass will not satisfy this requirement.

BART OBJECTIVE DESIGN STANDARDS

The BART Mixed Use Residential (R-BMU) zoning district includes design standards, but they are not expressed with objective criteria. The ODS for North Berkley BART are memorialized in a separate *North Berkeley BART Station Area ODS* document, adopted in December 2023. It is included as ***Attachment 1***.

RECENT EXAMPLES OF OBJECTIVE DESIGN STANDARDS PROPOSALS

Included as attachments are the following:

- The ODS discussion document for the San Pablo Specific Plan (***Attachment 2***), as presented at the Planning Commission meeting of November 5, 2025. The Planning Commission and City Council both provided feedback that the ODS included in this document were too proscriptive.
- The ODS presentation for the Corridors Zoning Update (***Attachment 3***) as presented to the Planning Commission meeting of March 4, 2025.

JOINT SUBCOMMITTEE ON HOUSING AND THE IMPLEMENTATION OF STATE LAWS (JSHISL)

The Joint Subcommittee for the Implementation of State Housing Laws (JSISHL) was established to align local regulations with California state housing mandates, focusing on developing objective standards for residential projects, including density

[10] https://berkeleyca.gov/sites/default/files/2022-03/Adeline-Corridor-Specific-Plan.pdf. Design standards can be found in Chapter 3 (Land Use)

and design. It met from 2018 to 2021, and consisted of members of the Planning Commission, the Housing Advisory Commission, and the Zoning Adjustments Board. Their final recommendations are included as ***Attachment 4***.

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North Berkeley BART Station Area Objective Design Standards (ODS)

ADOPTED DECEMBER 12, 2023 (Resolution No. 71,130-N.S.)

Table of Contents

Introduction and Policy Framework

Introduction

The Objective Design Standards (ODS) for the North Berkley BART Station Area establish detailed design standards for future transit-oriented development. The ODS build upon adopted zoning and reflect the goals and priorities identified in the City of Berkeley (City) and BART's Joint Vision and Priorities document, described below, and other adopted policies and regulations (described further below).

The ODS are based on a thorough analysis of the North Berkeley BART site, considering existing street sections, neighborhood conditions and building types. The analysis also considered City and BART requirements with respect to station operation, access and safety, based on what can be assessed at this time from the proposed development concept. Development of the ODS has included consideration of community input.

This document provides the site context and policy framework for the ODS followed by a description of the design intent and detailed technical standards and definitions.

Site Context

The North Berkeley BART station site is bounded by Sacramento, Delaware, Acton, and Virginia Streets. The site is divided by the Zone of Influence (ZOI) of the underground train box that runs diagonally through the site from the corner of Sacramento and Delaware Streets to Virginia and Acton Streets (Figure 1). The ZOI is an approximately 140-foot wide area that includes the underground station plus buffer areas on either side where buildings would require special foundations. The existing Traction Power Substation (TPSS) and required maintenance and staging area is located at the corner of Acton and Virginia Streets. The site slopes downward from Sacramento Street to Acton Street. The change in elevation is approximately 17 feet.

Figure 1. Site Context

Policy Framework

Several of the City and BART's adopted agreements, policies and regulations form the framework for the Objective Design Standards (ODS). The ODS reflect consideration of these documents, as well as State law, site planning and financial feasibility studies, and the extensive community engagement undertaken as part of the planning process to build transit-oriented development at the Ashby and North Berkeley BART sites. Key guidance is provided by:

- **June 2022 City and BART Memorandum of Agreement ("MOA").**[1] The MOA clarifies the processes that BART and the City will pursue to develop BART-owned property at the North Berkeley and Ashby BART station areas. The MOA establishes objectives and minimum requirements for the North Berkeley BART transit-oriented development (TOD) project, such as minimum affordability requirements, a minimum of 1000 bedrooms, and the requirement to prepare ODS. State laws, such as AB 2923 and the State Density Bonus Law, limit the City's discretionary authority over projects that meet specified development standards and affordability levels. In recognition of this and the City's substantial contribution of $53 million of the City's affordable housing funding towards affordable housing at both the North Berkeley and Ashby BART sites, the City and BART have agreed to the process defined in the MOA to develop, approve and enforce ODS adopted by the City Council. BART will enforce the ODS through its real estate agreements, provided the adopted ODS will not unduly restrict potential development.

- **City of Berkeley Zoning.** In June 2022, the City Council adopted a new zoning district for the North Berkeley and Ashby BART station areas – BMC Section 23.202.150 Residential – BART Mixed Use Zoning District (R-BMU) – and related amendments to the Berkeley Municipal Code.[2] The zoning includes development standards, open space requirements, parking requirements (for the mixed-use development), and permitted uses, as well as some limited requirements relating to shaping the volume and massing of future development. Greater detail related to building form was not included because it would be addressed during the subsequent process to prepare ODS for each station area. The R-BMU zoning district includes development standards that address the following:
    - Street-Facing Ground Floor Frontages
    - Open Space
    - Setbacks and Step-Backs
    - Frontage Improvements
    - Ground Floor Residential and Non-Residential Frontage
    - On-Site Pedestrian Access
    - Transparency
    - Building Entrances
    - Parking Design and Access

- **City and BART Joint Vision and Priorities for Transit-Oriented Development at the Ashby and North Berkeley BART Station ("JVP").**[3] In June 2022, the City and BART adopted the Joint Vision and Priorities for Transit-Oriented Development for Ashby and North Berkeley Stations (JVP). The JVP expresses the City and BART's shared, high-level expectations for future development. The JVP provides important guidance on the following topics: Affordable Housing,

[1] https://berkeleyca.gov/sites/default/files/documents/UpdatedMOA%20North%20Berkeley-Ashby%20TOD%2005.16.23.pdf
[2] https://berkeley.municipal.codes/BMC/23.202.150
[3] (See Exhibit B)
https://berkeleyca.gov/sites/default/files/documents/UpdatedMOA%20North%20Berkeley-Ashby%20TOD%2005.16.23.pdf

Public and Civic Space, Land Use, Building Form, and Station Access and Parking. The JVP includes aspirational statements as well as minimum requirements. Each topic includes an overall vision statement, followed by "shared priorities" for both station areas, and additional priorities specific to each station, where applicable.

- **2020 Pedestrian Plan, 2017 Berkeley Bicycle Plan**. The City's 2020 Pedestrian Plan and 2017 Bicycle Plan sets policy for streetscape design and character including preferred sidewalk widths.[4,5]
- **North Berkeley BART Station Access Plan.** As part of the development process, BART requires a station access plan to be prepared which evaluates current and projected access needs to the North Berkeley BART Station, assesses how the proposed TOD project will impact these needs, and proposes solutions to ensure safe and efficient access to the project area, including city streets.

Role of ODS

The goal of the ODS is to effectively balance and synthesize the JVP, zoning, the MOA, and community input into standards that will guide development. The ODS play a pivotal role in guaranteeing that the project design incorporates essential features and elements that are consistent with the JVP's identified goals and priorities, while balancing priorities to both "maximize the number of new homes" and "consider the scale and character of the surrounding built environment."[6]

[4] https://berkeleyca.gov/your-government/our-work/adopted-plans/pedestrian-plan-2020
[5] https://berkeleyca.gov/your-government/our-work/adopted-plans/berkeley-bicycle-plan
[6] See JVP sections: Affordable Housing (Shared Priorities, A. Housing Priorities) and Building Form (Shared Priorities, B. Context).

Part I: ODS Intent and Objectives

The ODS are standards that address the public realm and building design, and include a definitions section that explains terms used in the standards. Part I details the specific policy guidance from the JVP, zoning, and other source documents that inform the ODS, while Part II includes detailed technical standards that ensure that the proposed development achieves the design objectives outlined in Part I.

Public Realm

Internal Connections

These standards address internal circulation and design of streetscapes surrounding the North Berkeley BART site. The primary focus is to provide ample and suitable pedestrian, bicycle, transit, and vehicular access to the site while ensuring a high-quality public realm and attractive streetscapes. The ODS describe internal street connections and the public circulation network by defining locations to enhance the station entrance and to effectively link key elements such as the Ohlone Greenway and other public or pedestrian facilities.

The ODS for Internal Connections address the following topics:

- **Mid-block Connections and Publicly Accessible Walkways** to break up the site into smaller blocks, and provide new connections to the station and lines of site between buildings.
- **Public Circulation Network** to provide a pedestrian connection between all buildings and amenities.

Key elements of JVP and/or zoning related to the ODS regarding internal connections:

- **Ohlone Greenway Connection.** The development should include a landscaped (as feasible given BART operational needs) protected bikeway that connects the disjointed ends of the Ohlone Greenway to each other and to BART, providing a primary access route and orientation of the development that enables a prioritized pedestrian and bicycle connection from approximately the southeast corner of the site to the northwest corner of the site and across the streets. (JVP: Public and Civic Space, Priorities for North Berkeley, A. Ohlone Greenway Connection).
- **Public Space Use.** Public space should provide opportunities for both active and passive public use, with strong connections to the station entrance, the Ohlone Greenway, or other public spaces and pedestrian facilities. (JVP: Public and Civic Space, Priorities for North Berkeley, B. Public Space Use)
- **Location and Orientation**. The development should locate and design new buildings to enhance public spaces while mitigating impacts on existing neighbors through site orientation, setbacks, lines of sight between buildings, landscape and topography. (JVP: Building Form, Shared Priorities, C. Location and Orientation).
- **Small Blocks.** The development should prioritize site designs with smaller blocks and building footprints instead of larger blocks. (JVP: Building Form, Shared Priorities, E. Small Blocks).
- **On-site Pedestrian Access: Internal Connections.** A system of publicly accessible pedestrian walkways (e.g. public sidewalks) shall connect all buildings on a site to each other, to on-site bicycle and automobile parking and drop-off areas, to any on-site open space areas or pedestrian amenities, and to the publicly accessible pedestrian circulation network. (BMC Section 23.202.150(F)(9)(a)).
- **On-site Pedestrian Access: To the Public Circulation Network.** A publicly accessible on-site walkway shall connect the building lobby entry or entries on each street or on-site pathway frontage to the public pedestrian circulation network. Connections to publicly accessible on-site

walkways provided at least every 300 feet along portions of the development site perimeter that are adjacent to public rights-of-way. (BMC Section 23.202.150(F)(9)(b)).

- **On-site Pedestrian Access: To Neighbors.** Publicly accessible pedestrian access shall be provided from residential and commercial building entrances and public space to adjoining residential and commercial areas. (BMC Section 23.202.150(F)(9)(c)).
- **On-site Pedestrian Access: To Transit.** Publicly accessible pedestrian connections from the public circulation network shall be provided to all transit stops and entrances including elevators outside the station. (BMC Section 23.202.150(F)(9)(d)).

Streetscape Design

The existing sidewalks along the perimeter streets of the North Berkeley BART station were designed for the existing use of the site as a surface parking lot. However, with the upcoming development of residential buildings, sidewalks shall be improved to provide adequate space and landscaping to accommodate the change of use. Improvements should create ample space and incorporate landscaping to better serve the needs of the community. The improved sidewalks will require a lot line adjustment to the new back-of-sidewalk.

The ODS for Sidewalk Design the following topics:

- **Minimum Total Width** to accommodate the needs of all users and landscaping.
- **Minimum Clear Path of Travel** to ensure comfort and safety of pedestrians.
- **Minimum Planting Area** to create a buffer between the street and walking path.
- **Street Trees** to provide shade, reduce heat island effect, mitigate the size and scale of new development, and ensure comfort of pedestrians.

Key elements of JVP and/or zoning related to the ODS regarding sidewalk design:

- **Street Design.** The design of surrounding streets should be considered as a strategy to accommodate public space needs, increase the tree canopy, and improve safety for pedestrians and bicycles. Explore the feasibility of reducing the width and number of traffic lanes in adjacent streets to their original (pre-BART) condition, aligning curbs with adjacent blocks in a manner that builds upon and is consistent with the City and BART's recent Complete Streets and roadway improvement projects in the area. Streets may retain their current width where there is some functional use for the extra space, such as bike lanes and cycle tracks that previously did not exist, and there may be bulb-outs at intersections. Perimeter sidewalks should consider generous pedestrian space and tree canopy. (JVP, Public Civic Space, Priorities for North Berkeley, C. Street Design)
- **Adjacent Streets.** Consider the role and design of adjacent streets – including Sacramento Street, Delaware Street, Virginia Street, and Acton Street – in multi-modal access planning for the North Berkeley Station. (JVP, Station Access, Priorities for North Berkeley, A. Adjacent Streets).
- **Frontage Improvements**. Any area between a building and the front property line, or any area between a building and on-site public space or the public circulation network, shall be improved as part of a wider sidewalk, outdoor seating area, outdoor dining area, yard area, landscaping, or other usable open space. (BMC Section 23.202.150(F)(8))
- **Preferred Width of Sidewalk Zones**. The 2020 Pedestrian Plan establishes preferred width of sidewalk zones. The surrounding streets fall into the following categories with the proposed redevelopment: Sacramento: Mixed-Use Boulevard, Total Sidewalk Width 16'-24'; Delaware: Neighborhood Connector, Total Sidewalk Width 13'-16'; Acton and Virginia: Total Sidewalk Width 10-14'. The City of Berkeley used this guideline along with consideration of the minimum project size (i.e., 1000 bedrooms) to determine sidewalk widths in the ODS (2020 Pedestrian Plan. Appendix B: Engineering & Design Guidance B-8: Preferred Width of Sidewalk Zones)

Building Setbacks

Building setbacks ensure smooth transition from public to private space, minimize building shadows on streets, create interesting street-facing frontages, and provide opportunities for landscaping.

The minimum and maximum dimensions for setbacks in the ODS are consistent with and required by the R-BMU zoning. The ODS regulates the type of projections that are allowed within the minimum setback area and defines a minimum percentage of landscaped area.

The ODS for Building Setbacks address the following topics:

- **Building Projections** to allow for limited building articulation within the setback area to create human-scaled design and visual interest.
- **Building Setback Landscaping** to create minimum areas for landscaping consistent with the neighborhood character.
- **Maximum Continuous Façade** to break up the massing and create smaller, human-scale facades.

Key elements of JVP and/or zoning related to building setbacks:

- **Street Design.** The design of surrounding streets should be considered as a strategy to accommodate public space needs, increase the tree canopy, and improve safety for pedestrians and bicycles. Explore the feasibility of reducing the width and number of traffic lanes in adjacent streets to their original (pre-BART) condition, aligning curbs with adjacent blocks in a manner that builds upon and is consistent with the City and BART's recent Complete Streets and roadway improvement projects in the area. Streets may retain their current width where there is some functional use for the extra space, such as bike lanes and cycle tracks that previously did not exist, and there may be bulb-outs at intersections. Perimeter sidewalks should consider generous pedestrian space and tree canopy. (JVP: Public Civic Space, Priorities for North Berkeley, C. Street Design)
- **Context.** Building design should consider the scale and character of the surrounding built environment. (JVP: Building Form, Priorities for North Berkeley, B. Context)
- **Location and Orientation**. Locate and design new buildings to enhance public spaces while mitigating impacts on existing neighbors through site orientation, setbacks, lines of sight between buildings, landscape and topography. (JVP: Building Form, Priorities for North Berkeley, C. Location and Orientation)
- **Front Setbacks.** Setbacks are not required at Sacramento Street. Setbacks along all other frontages along public rights-of-way and internal publicly-accessible pathways shall range from five feet (minimum) to 15 feet (maximum) for at least 50 percent of any building's linear street frontage, including all frontages within 50 lineal feet of an intersecting corner. (BMC Section 23.202.150(F)(4))

Building Design

Building Height

Priorities in the JVP emphasize incorporating variations in building height and design at both stations. The primary objective is to ensure that the development adheres to good urban design principles by creating variations in volume, while taking into account the surrounding residential neighborhoods. To achieve this, the ODS will step down building heights along the perimeter of the site and narrower street, thereby ensuring new development blends with the existing scale of the neighborhood. In line with this approach, the JVP proposes concentrating higher density, larger building forms, and increased height near strategic locations such as the Ohlone Greenway and the center of the site, as well as along Sacramento Street. The ODS provide standards that are consistent with the R-BMU zoning district maximum height of 7 stories/80 feet.

Future development on the site may be eligible to utilize provisions of the State Density Bonus Law for increases in density and/or concessions and/or waivers of development standards (such as height) that would otherwise physically preclude the construction of the development. Thus, the ODS provide alternative standards for a building of up to 8 stories, or 85 feet in the event a developer successfully obtains a waiver of the 7-story/80 feet R-BMU maximum height limit via the Density Bonus Law. In the event that a developer obtains a waiver of the 7-story/80 feet R-BMU maximum height limit pursuant to the Density Bonus Law, the ODS contemplates a building of up to 8 stories/85 feet in the interior of the site and along a portion of Sacramento Street, along with a lower building height and massing along the Virginia and Acton Street frontages and at specific corners where Sacramento Street intersects with Virginia and Delaware Streets.

The ODS for Building Height addresses the following topic:

- **Maximum building heights**- to allow buildings to step down along the street edge, minimize shade, and create volumetric variation in massing.

Key elements of JVP and/or zoning related to the ODS about building height:

- **Height Variation.** AB 2923 does not permit the City's zoning controls to restrict building height below seven stories on the station sites. The City and BART will support variations in building height and form at both stations. It is anticipated that some buildings and some portions of buildings will be shorter than the maximum height in keeping with good urban design practice. (JVP: Building Form, Shared Priority, A. Height Variation)
- **Massing and Height Focus.** Focus density, larger building forms and height towards the Ohlone Greenway and the center of the site, as well as towards Sacramento Street. (JVP: Building Form, Priorities for North Berkeley, A. Massing and Height Focus)
- **Massing Breaks and Step-downs.** Provide massing breaks, step-downs in height, and frequent pedestrian building entrances along Delaware Street, Acton Street, and Virginia Street, with building forms and frontages that create a residential character and scale. (JVP: Building Form, Priorities for North Berkeley, B. Massing Breaks and Step-Downs)
- **Maximum building height:** 80 feet/seven stories (BMC Section 23.202.150(F)).

Building Massing and Articulation

The JVP includes guidance for the project to prioritize smaller blocks and building footprints to reflect the scale and character of the surrounding built environment. To realize the design guidance in the JVP, the ODS will have the effect of limiting the overall size and scale of the building and the perceived mass through upper floor step backs, maximum façade lengths, and major breaks within the constraints of the

City's MOA with BART. The ODS seek to ensure that the project maintains a human scale, creating a pleasant walking environment while ensuring interesting design.

The ODS for Building Massing and Articulation address the following topics:

- **Minimum Upper Floor Step Backs** to create a human-scale streetscape and to minimize impact of large buildings on the neighborhood.
- **Maximum Primary Facade Length** to provide regular breaks in building forms and encourage smaller blocks.
- **Major Breaks** to break up the massing and create smaller, human-scale facades.
- **Minor Breaks/Modulations** to create a residential rhythm and pattern to building facades to respond to the neighborhood context and character.

Key elements of JVP and/or zoning related to the ODS about building massing and articulation:

- **Context.** Building design should consider the scale and character of the surrounding built environment. (JVP: Building Form, Shared Priority B. Context)
- **Small Blocks.** Prioritize site designs with smaller blocks and building footprints instead of larger blocks. (JVP: Building Form, Shared Priorities, E. Small Blocks)
- **Architectural Variety.** Design buildings to provide visual interest with variation in height, scale, massing, rooflines, materials, and architectural elements. (JVP: Building Form, Shared Priority F. Architectural Variety)
- **Building Scale.** Provide regular breaks in building forms, as well as both horizontal and vertical detail to respond to the existing neighborhood context and character, particularly at the edges of the site. Provide adequate perimeter space for pedestrian volume and tree canopy/vegetation. (JVP: Building Form, Shared Priority F. Architectural Variety)
- **Massing and Height Focus.** Focus density, larger building forms and height towards the Ohlone Greenway and the center of the site, as well as towards Sacramento Street. (JVP: Building Form, Priorities for North Berkeley, A. Massing and Height Focus)
- **Massing Breaks and Step-downs.** Provide massing breaks, step-downs in height, and frequent pedestrian building entrances along Delaware Street, Acton Street, and Virginia Street, with building forms and frontages that create a residential character and scale. (JVP: Building Form, Priorities for North Berkeley, B. Massing Breaks and Step-Downs)
- **Front Upper-Story Step Backs.** Any street-facing building frontage above four stories in height that is not within 100 linear feet of Sacramento Street shall step back from the property line for portions of the building above four stories. (BMC Section 23.202.150(F)(5))

Design Elements

The JVP includes guidance for projects to provide visual interest with variation in architectural elements and materials. The ODS will define standards that encourage the use of high-quality materials, finishes, and detailing that create visual interest and enhance the neighborhood's overall aesthetic.

The ODS for Design Elements address the following topics:

- **Window** to create clean geometries and shadow lines.
- **Materials** to ensure high-quality materials and harmony of styles.

Key elements of JVP and/or zoning related to the ODS about building massing and articulation:

- **Architectural Variety.** Design buildings to provide visual interest with variation in height, scale, massing, rooflines, materials, and architectural elements. (JVP: Building Form, Shared Priority F. Architectural Variety)
- **Required Openings.** Ground-level exterior walls facing and within 20 feet of a front lot line or publicly accessible pathway or Public Open Space shall run in a continuous plane for no more than 30 feet without a window, door, or other similar building opening. (BMC Section 23.202.150(F)(10))

Part II: Development Standards and Definitions

Definitions

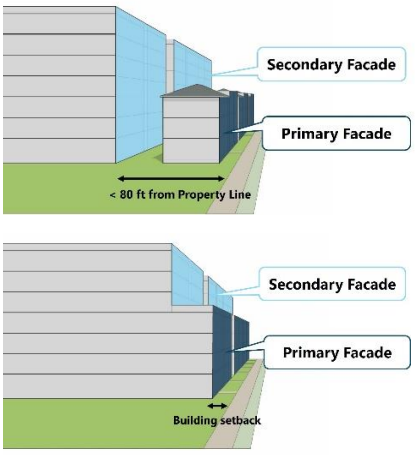
Continuous Building Facade Length
The length of a facade as measured from either the corner of a building to the opposite corner of the building, a change in angle of the facade that is greater than 35 degrees, or a major break with a minimum width and depth of 20 feet. If building facades are curved, length of facade as measured to tangent parallel to interior corridor.

Facade Plane
Portion of a facade located between a corner of a building to either the opposite corner of the building or a major break.

Primary Facade
Portions of a building directly fronting a street, publicly accessible open space or internal pathway, typically located within the minimum and maximum building setback.

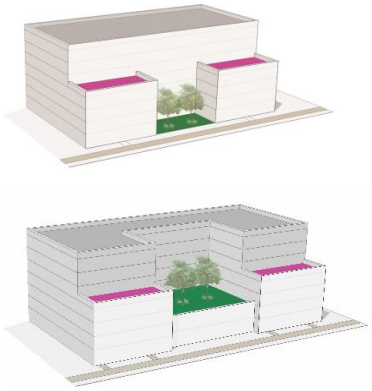
Secondary Facade: Portions of the building facing a street or internal pathway that is within 80 feet of the property line or internal pathway. The secondary facade may be separate from or part of the same building as the primary facade. The secondary facade is typically located behind the primary facade through a deeper building setback, upper floor step back, and/or major break.

Figure 2. Primary and Secondary Facades



Frontage Court Buildings
A building where part of the secondary facade is set back at a deeper dimension than the primary facade to create a frontage court building entry or open space. Frontage courts may be a combination of both ground level and podium courtyards.

Figure 3. Frontage Court Buildings



Major Break
A massing break or facade modulation that is wide and deep enough that it divides up the facade of a building to create the sense of multiple separate building masses. Minimum dimensions for a major break are provided in the design standards.

Minor Breaks/Modulations
Horizontal changes to the facade plane that provide articulation to the building facade. Minor Breaks/Modulations typically occur to distinguish a residential rhythm and pattern to a building facade with modulations spaced to the width of a room, unit, or group of units. Minor breaks and modulations may be recesses or projections like bay windows.

1 Public Realm

1.1 Public Circulation Network

1.1.1 Ohlone Greenway Connection

1. A multi-use publicly accessible pathway shall connect from the corner of Delaware and Sacramento Streets through the site to either Virginia or Acton Streets to complete the Ohlone Greenway.
2. The multi-use pathway shall be a minimum of 14 feet wide.

1.1.2 Mid-block Connections and Publicly Accessible Walkways

1. A minimum of one publicly accessible on-site walkway shall be located at least every 300 feet along each public right-of-way.
2. Mid-block Connection. A minimum of one Mid-block connection shall be made from each public street frontage that connects to the station.
    a. Mid-block connections shall have a minimum building-to-building width of 40 feet.
    b. Mid-block connections may have one bridge over the pathway meeting the minimum standard in 1.1.4.2 Internal Connection Design.
    c. Stoops, balconies, planters, trellises, and other non-habitable architectural features may project within the minimum building-to-building dimension. The total of the upper floor projections shall not exceed more than 25% of the facade plane at the minimum building-to-building dimension or back-of-walk if an internal street.
    d. Mid-block connections shall be open during all hours of active BART transit service.
    e. Mid-block connections shall include a minimum of one publicly-accessible pedestrian walkway with a minimum of eight feet in width. Location of the walkway within the Mid-block Connection may vary.
    f. Mid-block connections shall include a minimum of one tree per 25 linear feet.
    g. Mid-block connections with private vehicle access shall have a minimum of one tree per 30 linear feet of sidewalk where technically feasible and allowed by code. (The area directly above the BART train box is exempt).
    h. At least one Mid-block connection shall have direct vehicle access to station entrance. This connection shall include publicly accessible sidewalks and vehicle access to drop-off areas for BART riders and shall meet all of BART and City requirements outlined in the North Berkeley BART Station Access Plan.

1.1.3 Frontage Specific Standards

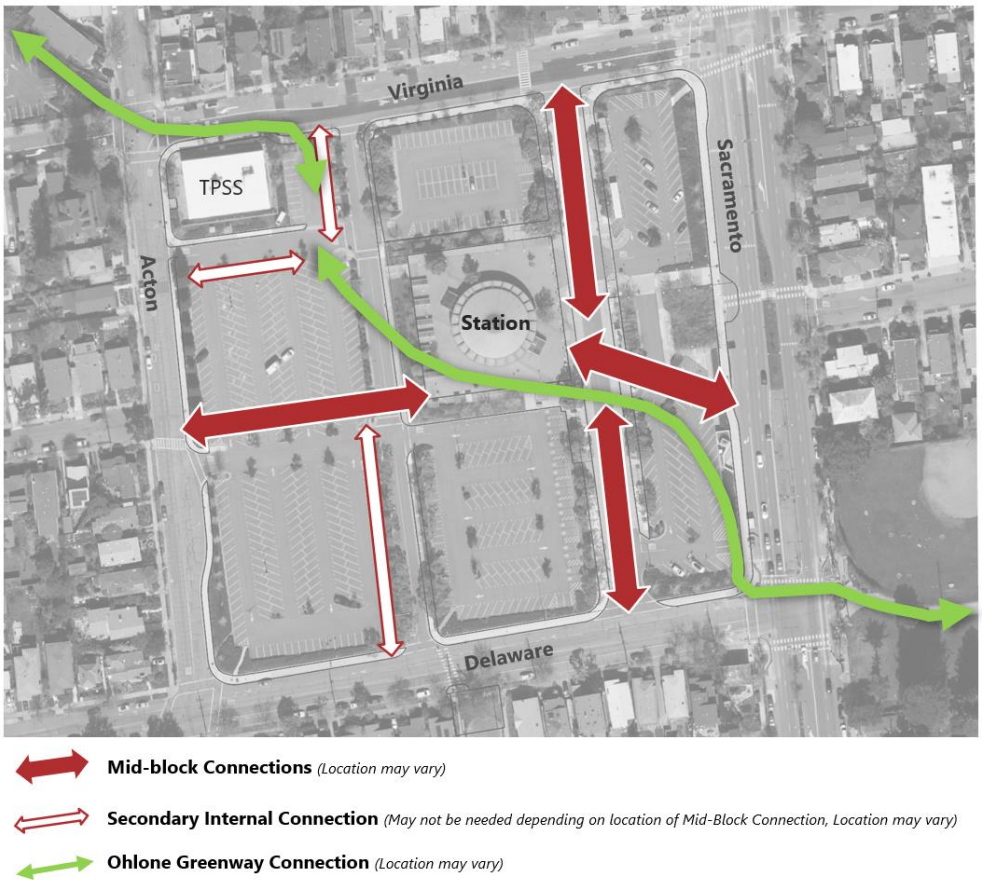
1. From Sacramento Street. A Mid-block connection in the form of a plaza and multi-use pathway shall be located within the Zone of Influence (ZOI) connecting from Sacramento Street to the station.
2. From Acton Street. A Mid-block connection shall be located such that one edge of the pathway is within 50 feet of the centerline of the adjacent Francisco Street right-of-way that connects through the development to the station area.

1.1.4 Internal Connection Design

The R-BMU zoning regulations require specified types of on-site pedestrian access (BMC 23.202.150(F)(9)). Additional publicly accessible on-site walkways may be needed depending on the location of a proposed project's Mid-block connections. These internal connections may occur through buildings if they meet the standards below:

1. Publicly Accessible Pedestrian Pathway
    a. Pathway shall have a minimum width of eight feet.
2. Bridges over Internal Connections
    a. Building-to-building dimension of pathway is a minimum 30 feet in width. Walkway width shall have a minimum eight feet clear path of travel dimension.
    b. Minimum floor-to-bridge ceiling height is greater than 20 feet; a bridge may be located within the floor-to-ceiling space if the bridge has a maximum width of 10 feet.
    c. Maximum depth of building/bridge projecting over the path is 40 feet.
    d. Internal connection may change grade and go over a parking podium that is a maximum 15 feet above grade at sidewalk connection if the full connection length is ADA accessible.
3. Internal Connection through Public Parking Structure
    a. A direct connection through the parking area.
    b. Pathway and entrance shall have a minimum width of six feet.
    c. Floor-to-ceiling height minimum of nine feet.
    d. Floor markings shall identify the full length of internal connection.

Figure 4. Public Circulation Network.

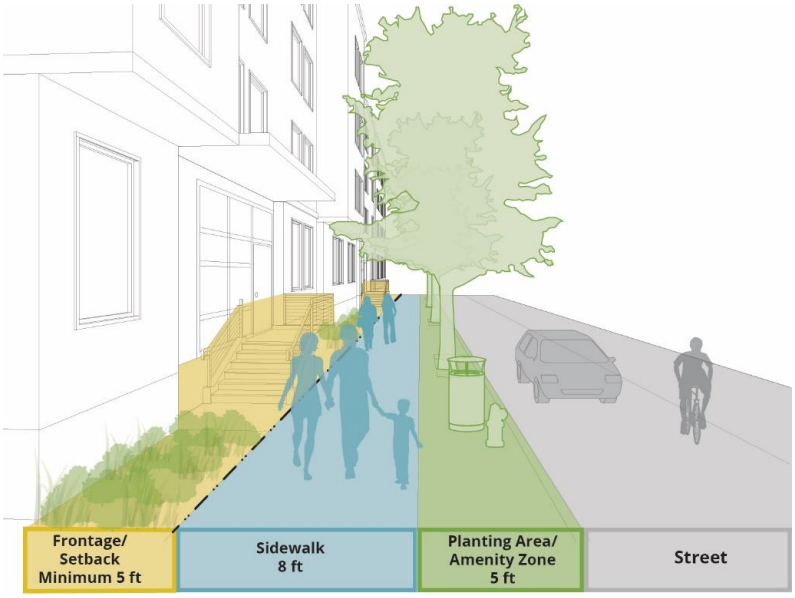


1.2 Streetscape Design

1.2.1 Sidewalk Width

1. Sacramento Street
    a. Minimum Total Sidewalk Width
        i. 19 feet north of Francisco Street or maximum potential sidewalk width while maintaining a 35 feet curb-to-curb dimension from sidewalk to median.[7]
        ii. 13 feet in other locations except where existing structures such as the BART elevator prevent minimum width.[8]
    b. Minimum Clear Path of Travel
        i. Eight feet clear and five feet clear along curb adjacent to casual carpool which is located on Sacramento Street north of Francisco Street crosswalk.
2. Delaware, Virginia, and Acton Streets
    a. Minimum Total Sidewalk Width: 13 feet
    b. Minimum Clear Path of Travel: 8 feet
    c. Minimum Planting/Amenity Zone: 5 feet
3. Exception: If the above is incompatible with the North Berkeley BART Access Plan, the Director of Public Works or their designee may allow modifications to the exact dimensions noted above as necessary for the sole purpose of ensuring access.

Figure 5. Typical Sidewalk Design (Delaware, Acton, Virginia)



[7] Exact geometry to be determined in BART's Station Access Plan.
[8] To be studied further as part of BART's Station Access Plan.

1.2.2 Street Trees + Planting Area/Amenity Zone

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.
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 and at least five feet from face of curb where casual carpool is located on Sacramento Street north of Francisco Street crosswalk.
3. Ground Plane.
    a. Sacramento Street. Trees shall be provided in planters a minimum three feet wide and a minimum six feet long located 18 inches from face of curb and minimum of five feet from face of curb where casual carpool is located on Sacramento Street north of Francisco Street crosswalk.
    b. Delaware Street. Trees shall be provided in a continuous planter with a minimum of four and a half feet width. Areas between trees shall be landscaped.
    c. Acton and Virginia Streets. Trees shall be provided in planters a minimum of three and a half feet wide and a minimum of six feet long, located 18 inches from the face of curb. A minimum four feet wide pathway between planters shall be required for every loading/parking space. Where loading/parking areas are not adjacent to the curb, trees shall be provided in a continuous planter that is a minimum four and a half feet wide and areas between trees shall be landscaped.
4. Subsurface.
    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.

5. Exception: If the above is incompatible with the North Berkeley BART Access Plan, the Director of Public Works or their designee may allow modifications to the exact dimensions noted above as necessary for the sole purpose of ensuring access.

1.3 Building Setbacks

Front building setbacks are set in the R-BMU zoning. The following standards regulate projections and landscaping in the minimum setback area.

1.3.1 Building Setbacks

1. Building setbacks are not required for internal streets.
2. Ground floor residential units shall have 3 feet minimum front setback for all frontages where no building setback is required in the R-BMU zoning.

1.3.2 Building Projections in Required Building Setback

1. Stoops, porches, uncovered decks, landings, and stairs less than three feet in height may project within the setback area.
2. Building features including eaves, cornices, canopies, awnings, and other weather protection features like sun-shades features may project a maximum of two-and-a-half feet into a required minimum setback.
3. On Virginia Street, Delaware Street and Acton Street, habitable building features such as bay windows or balconies may project within the 5 feet minimum setback for a maximum of 3 feet, total projections shall not exceed 25% of the facade length of the building wall to which it is attached.

1.3.3 Building Projections in the Right-of-Way.

Buildings fronting Sacramento Street may project into the public right-of-way a maximum of 3 feet. Total projections shall not exceed 25% of the facade length of the building wall to which it is attached. Projections over the right-of-way require a Minor Encroachment Permit from the Department of Public Works.

1.3.4 Building Projections over internal lot line conditions.

Building projections including balconies and bay windows are allowed across the lot line up to three feet in depth and may not exceed 30% facade area for the length of building wall to which they are attached.

1.3.5 Building Setback Landscaping.

A minimum of 60% of the first five feet of building setback area as measured from the property line shall be landscaped. A minimum of 40% of the remaining building setback area shall be landscaped. The area used for mid-block breaks, internal pathways and vehicle entries shall be excluded from this calculation.

2 Building Design

Building massing and height shall meet all the standards below as well as those specified in the R-BMU zoning district (*See* BMC Section 23.202.150).

2.1 Building Height

2.1.1 Maximum Building Height

Maximum building height is consistent with R-BMU zoning at seven-stories/80 feet, except in areas where upper floor step backs are required as noted below in Section 2.2.1 and Table 1.

2.2 Building Massing and Articulation

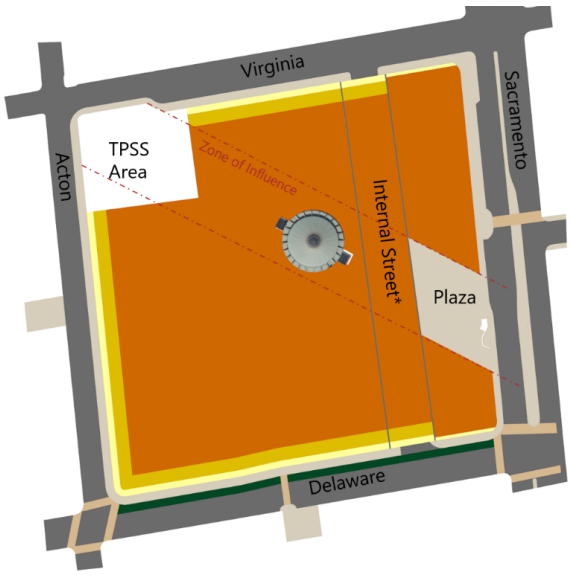
2.2.1 Upper Floor Step Backs

Table 2 sets upper floor step back requirements for specific building frontages. Requirements for building setbacks (Section 1.3 above) and building massing (Table 1 below) are illustrated in a plan diagram in Figure 6.

2.2.2 Maximum Facade Length

Table 1 sets maximum facade lengths for primary building facades for specific building frontages.

Figure 6. Building Height and Upper Floor Step Backs Diagram



**Location/geometry of Internal Street subject to change*

Building Setback Area: Varies

4-Story Upper Floor Step Back Area: 25-30 feet; see Table 1

7-Story/80 feet Area

Table 1. Building Massing

Building Massing					
	Sacramento Street	**Delaware Street**	**Acton Street**	**Virginia Street**	**Primary Internal Street and Publicly Accessible Pathways**
Minimum upper floor step backs above 4th floor *(measured from property line)*	n/a	25 feet 20 feet for frontage court buildings if frontage court depth is a minimum 50 feet *	30 feet 20 feet for frontage court buildings if frontage court depth is a minimum 50 feet	30 feet, first 100 feet of building façade length from Sacramento façade exempt**	none required
Maximum primary facade length:	250 feet	250 feet	250 feet	250 feet	270 ft for internal street 300 ft for pathways

Notes:

**On Delaware Street: For any street-facing building frontage located between the Internal Street and Sacramento Street, buildings 6 stories or less are not required to have an upper floor step back. For any street-fronting building frontage that is not within 100 linear feet of Sacramento Street, buildings 7 stories or greater shall have an upper floor step back above the 4th floor with a minimum depth of 10 feet from property line.*

***On Virginia Street: For any street-facing building frontage located between the Internal Street and Sacramento Street, buildings 6 stories or less are not required to have an upper floor step back. For any street-fronting building frontage that is not within 100 linear feet of Sacramento Street, buildings 7 stories or greater shall have an upper floor step back above the 4th floor with a minimum depth of 10 feet from property line.*

2.2.3 Major Breaks.

Required for continuous building facade lengths greater than 200 feet in length. Alternatively, continuous building facades greater than 200 feet in length may meet the Ornamental Facade Alternative standard - see Section 2.2.5 below).

1. All Major Breaks.
    a. A major break shall be a continuous break in the facade from the ground through the roof plane except where noted below.
    b. If two major breaks are provided on a facade, a minimum of one major break shall extend to the ground plane. Other required major breaks shall extend to the first floor.
    c. Major breaks shall be located a minimum 25 feet from the facade edge or corner of the building.
    d. Weather protection and sunshades up to three feet in depth may project into major breaks.
2. For Primary Facades facing public streets.
    a. For portions of a building greater than 200 feet in length, a minimum of one major break with a minimum width and depth of eight feet and minimum plan area of 100 square feet.
    b. For buildings five stories or more, and greater than 200 feet in length, a minimum of one major break with a minimum width and depth of 18 feet or two major breaks with a minimum width and depth of seven feet and minimum plan area of 70 square feet.

c. Facades immediately adjacent to a property line may reduce the depth of the major break to a minimum of two feet for the first floor. Planters up to four feet in height are allowed where a major break meets the ground.

3. For Primary Facades facing Publicly Accessible Walkways and Publicly Accessible Open Spaces.

   For portions of a building greater than 200 feet in length, a minimum of one major break with a minimum width and depth of 10 feet and minimum plan area of 120 square feet, or two major breaks with a minimum width and depth of seven feet and minimum plan area of 60 square feet.

2.2.4 Minor Breaks/Modulations

Vertical Rhythm and Pattern: Facade planes on Primary or Secondary Facades exceeding 60 feet in length shall express a vertical rhythm and pattern that reflects the size and scale of a residential unit and/or individual rooms and spaces through meeting the following standards (alternatively, continuous building facades greater than 60 feet in length may meet the Ornamental Facade Alternative standard - see Section 2.2.5 below).:

1. A vertical recess or projection of the building massing shall occur at an average minimum of one per 40 feet of linear facade length with no facade length greater than 50 feet in width without a minor break/modulation.
2. The vertical recess or projection of the building massing shall have a minimum depth of two feet.
3. The vertical recess or projection shall occur for a minimum 60% of the facade height measured from the average ground plane to the top of structure for the specific facade plane of the minor break/modulation.
4. The minimum width of a recess shall be two feet and not exceed 30 feet in width. Recesses shall extend through the roof plane.
5. The minimum width of a projection shall be four feet, and maximum width shall not exceed 15 feet.
6. Change in plane may be a combination of recesses and projections that meet the standards above.
7. A building base up to three stories in height with a non-residential ground floor that does not exceed 150 feet in length is exempt from meeting the standards above. Portions of the building above the base shall meet the standards, percentages shall be calculated only using the facade area above the building base.

Figure 7. **Major Breaks**

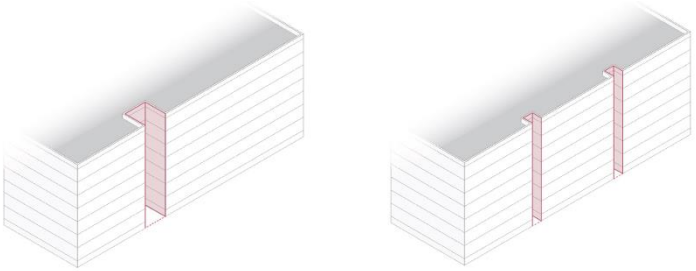
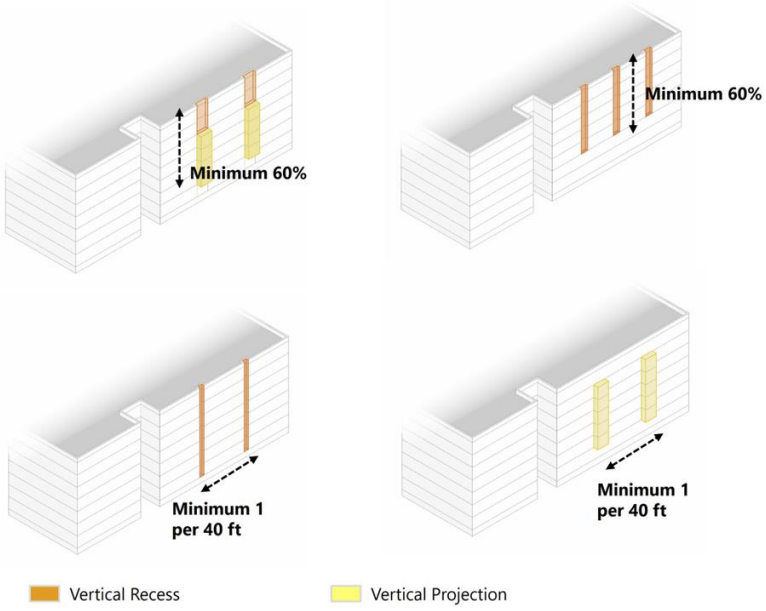


Figure 8. **Minor Breaks/Modulations**



2.2.5 Ornamental Facade Alternative

In lieu of meeting the major or minor break requirements (Sections 2.2.3 and 2.2.4) ornamentation must be provided such that it covers 5% of the area of a building facade. Ornamentation is defined as any exterior articulation such as projections, recesses, columns, banding, fins, decorative molding, trim, artistic inlays or reliefs, cornices, or sculptures with a minimum depth of 8"; or decorative tile or murals. Ornamentation must deviate in color and/or material from the wall material behind it or be constructed from brick, stone, ceramics, metal, wood, tile, or fiber-cement board. Ornamentation shall not include built-up stucco trim or molding (also known as "plant-ons").

2.2.6 Exposed Parking Structures

1. All exposed parking structures shall be fully screened.
    a. Exterior facing walls of parking structures shall be articulated with artwork, ornamentation (as defined in Section 2.2.5), and/or a landscaping/planting wall at minimum intervals of three feet. The articulation shall occupy a minimum depth of 18 inches.
    b. Parking structures extending above the ground floor and not located behind an upper floor step back shall have a minimum of one large canopy tree per 25 linear feet of exposed structure. Trees shall be located within 30 feet of facade of exposed structure. A mature tree shall be planted with a minimum crown height of 25 feet. Volume of soil shall be adequate to support a full growth tree height greater than 60% of the exposed parking structure height.
2. Lighting
    a. No light fixtures within the parking structure shall be directly visible from any point of the exterior of the building.
    b. Screening or exterior facade of parking structure shall not have exterior building lighting above the first floor.
    c. Lighting for signage shall be shielded and directed down. Signage shall not be located above 20 feet from grade.

2.3 Design Elements

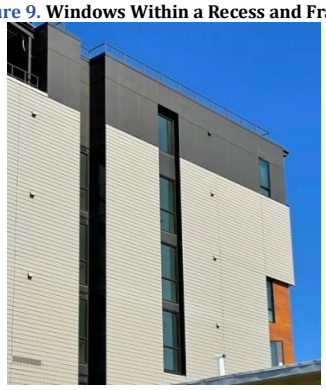
2.3.1 Windows

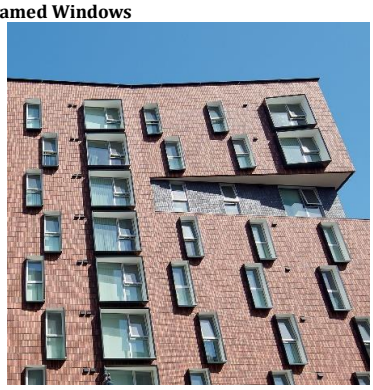
Windows shall meet one of the following requirements:

1. Windows shall be punched with a minimum recess of two 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 four inches in depth. Vertical window edges shall be directly adjacent to recess.

Figure 9. Windows Within a Recess and Framed Windows





2.3.2 Materials

Each facade shall include the following materials:

1. No single material shall cover more than 80% of the cumulative facade area of a building (excluding windows, doors, garage doors, and building trim).
2. Brick, stone, ceramics, metals, wood, fiber-cement panels, or other composite panel systems may exceed the 80% maximum in 2.3.2(1).

2.4 Alternative Massing and Building Height

A future developer of the North Berkeley BART station site might obtain waivers of the R-BMU zoning maximum height limit of 7 stories/80 feet pursuant to the State Density Bonus Law if the developer shows that the R-BMU's maximum height limit would physically preclude the construction of the development. In the event a building(s) with eight stories is allowed pursuant to the State Density Bonus law, the alternative massing and building height guidelines described below and shown in Figure 10 shall apply.

2.4.1 Height and Massing Along Acton, Virginia and Delaware Streets

Acton Street:

- Three-story/35 feet within 45 feet from the property line
- Six-story/65 feet within 45 to 80 feet from the property line

Virginia Street (west of the Internal Street shown in Figure 10):

- Three-story/35 feet within 45 feet from the property line

Delaware Street:

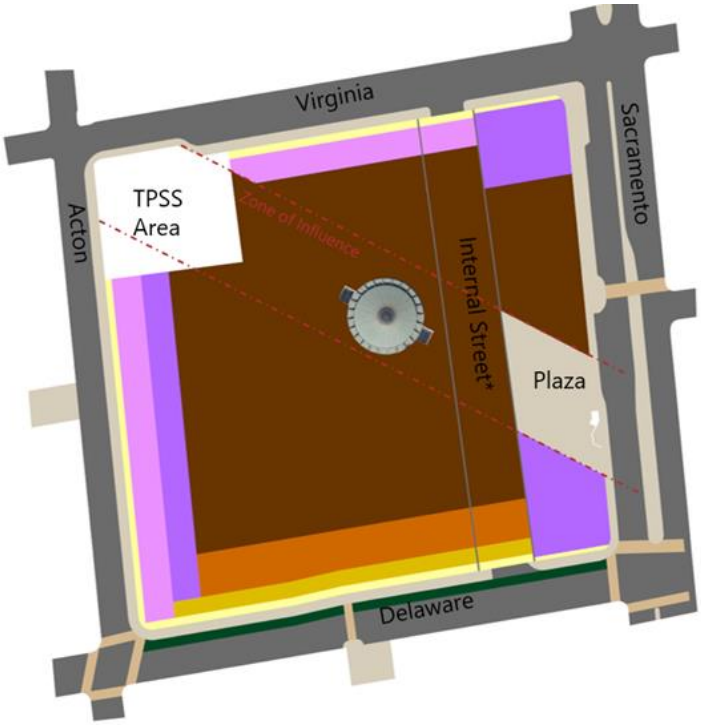
- Four-story/45 feet within 25 to 30 feet from the property line
- Seven-story/80 feet within 25 to 30 feet from property line

Height and Massing Interior to the Site or Along Specified Sections of Sacramento Street

Figure 10 illustrates alternative standards for buildings, applicable in the event that the Density Bonus law permits an 8-story building, as follows:

- 8 stories/85 feet along a portion of the site fronting Sacramento Street and within the interior of the site
- 6 stories/65 feet between Sacramento Street and internal street (location and geometry of internal street subject to change based on project design), and in the first 100 feet south of Virginia Street and between Delaware Street and the Zone of Influence.

Figure 10. Building Height and Massing (State Density Bonus Scenario with 8-story buildings)



**Location/geometry of Internal Street subject to change*

Building Setback Area: Varies

3-Story Area: First 45 feet from property line (PL) on Acton and Virginia

6-Story Area: 45 to 80 feet from PL on Acton and at locations between Sacramento and Internal Street identified in diagram above

4-Story Upper Floor Step Back Area: 25-30 feet from PL on Acton on Delaware

7-Story/80 feet Area: 25 to 80 feet from PL on Delaware

8-Story/85 feet Area

Appendix E
Objective Design Standards

- Public Review Draft -

Table of Contents

Introduction

Applicability

The intent of the Objective Design Standards (ODS) is to allow flexibility and creativity in design while providing a clear set of standards and expectations that align with the San Pablo Avenue Specific Plan. The ODS apply to new private development in the Specific Plan Area, with the exception of automotive uses on an automotive site (BMC Section 23.204.140.B.3 (Automotive Uses)). The ODS are in addition to the development standards found in this chapter and the City's Zoning Ordinance. The standards are organized by topic area and building type, which are described in greater detail in the following section. The applicability of certain standards by building type is indicated in the name and in parentheses following the title (e.g., (M/L)).

Building Types

The following objective design standards provide design requirements based on the size and type of residential buildings. The name and definition of residential building types allowed and encouraged within the Specific Plan are as follows:

Small/Middle Housing (S)

Small and middle housing types include townhomes, triplexes/quadplexes, multiplexes, and low-rise/courtyard apartments. These housing types are typically similar in scale and form to a single-family house, usually 3 stories in height. They feature individual yards and/or shared open space and surface, tuck-under, or garage parking.

Townhomes

Townhomes are **attached single-family units** that share a common wall. Townhomes are typically configured into clusters of 2 to 8 individual attached units.

Triplex/Quadplex

Triplexes and quadplexes are **walk-up buildings featuring 3 (triplex) or 4 (quadplex) dwelling units** that typically share a single entry or feature individual unit entries from the street. Dwelling units may be oriented side-by-side and/or are stacked atop one another.

Multiplex

Multiplex apartment buildings are single buildings featuring **5 or more dwelling units** arranged side-by-side and/or stacked, typically with a shared entry or individual unit entries from the street. Multiplex buildings feature dwelling units that are generally accessed through a shared elevator and corridor.

Low-Rise/Courtyard Apartments

Low-rise and courtyard multifamily developments are generally made up of two or more buildings typically two to four stories in height, organized around a shared courtyard/central open space. Unit types may include multi-level townhomes, stacked flats, or a combination of both. They typically feature individual entries or shared entryways accessed from the courtyard, the street, or both.

Medium/Mid-Rise Multi-Family Housing (M)

Mid-rise building types are typically 4-8 stories in height and feature shared entries, surface and/or underground or wrapped parking, and private and/or shared open space. Medium-scale, mid-rise buildings include stacked apartments with ground-level residential entries/stoops, podium buildings (residential units above a concrete podium base that may contain structured parking or non-residential ground-floor uses), and wrapped multi-family structures (residential units wrapped around a central parking structure (typically concrete)).

Large/High-Rise Multi-Family Housing (L)

Large-scale, high-rise buildings include podium buildings and wrapped multi-family structures typically 9-12+ stories in height. They are often designed with a clear podium and tower form, with a smaller tower footprint above the base to reduce perceived bulk and improve light and air access. Units include shared entries, underground or wrapped parking, and shared open space.

Building Modulation and Articulation

Intent:

- Reduce the perceived scale, massing, and bulk of buildings through modulation and reductions in upper floor massing.
- Create cohesive and well-crafted building façades with human-scaled details and variations on large facades that support a comfortable, engaging pedestrian experience.
- Encourage high-quality materials that provide visual interest and promote long-term durability.
- Ensure compatibility in scale and character, solar access, and privacy for residential properties adjacent to the corridor.
- Balance predictability with creative flexibility to support high-quality and context-sensitive architecture along the corridor.

Modulation and Articulation

Medium + Large Buildings (M/L)

The following standards apply to medium/mid-rise and large/high-rise building types. **Primary Building Façade** is defined as San Pablo Avenue and the following cross streets in the Nodes – Gilman, Cedar and Hopkins, University, Dwight, and Ashby.

ODS.1 Maximum Building Length: Buildings shall not exceed 300 feet in length or width.

ODS.2 Major Massing Breaks: Medium and large buildings shall provide major massing breaks as follows:

a. Primary Building Facades **between 100 and 200 feet in length** shall provide at least one major massing break that is at least 6 feet wide and 5 feet deep, and extends the full building height, including the roofline.

b. Primary Building Facades **greater than 200 feet in length** shall provide at least two major massing breaks. One shall be a minimum 15 feet wide and 5 feet deep, extend the full building height, and include a roofline break. The second break may be minimum 6 feet wide and 5 feet deep, extending from the second floor through the roofline.

c. Facade planes shall not exceed 150 feet measured from a building corner or major building break.

d. Facades abutting a property line may reduce major break depth to minimum two feet for the first floor. Planters up to three feet in height are allowed where a major break meets the ground.

ODS.3 Reduced Massing for Large/High-Rise Buildings. Buildings over eight stories shall provide a variety of building heights and reduce upper floor massing through one or more of the following techniques:

a. Building floorplates above eight stories shall be less than 75% of ground floor or Podium-Level area =, whichever is less.

b. Step back façades above eight stories along minimum 60% length facing a public right-of-way, private street, or publicly accessible pathway. Step back shall be a minimum of six feet in depth.

ODS.4 Vertical Rhythm/Façade Articulation. Building facades facing publicly accessible streets, pathways, and/or open spaces 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. Facade planes 75 feet or longer and fronting a public street or publicly accessible space shall meet ***either*** the **Minor Massing Breaks** or **Ornamental Facades** standard below**.** Facade planes are measured from corner of building to corner of the building or major break.

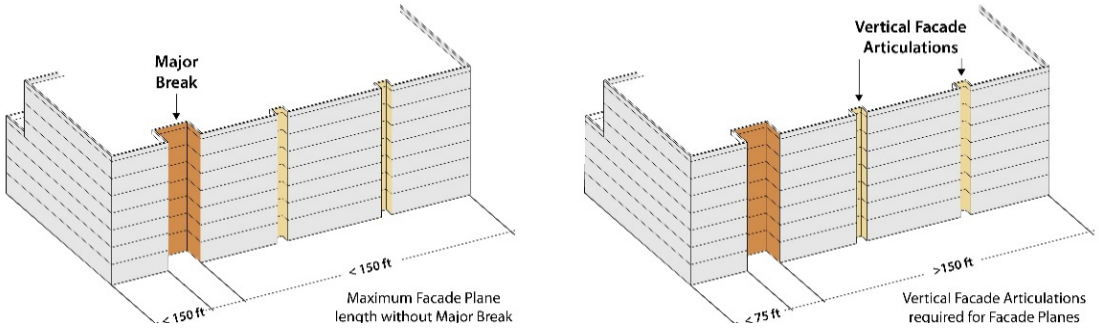
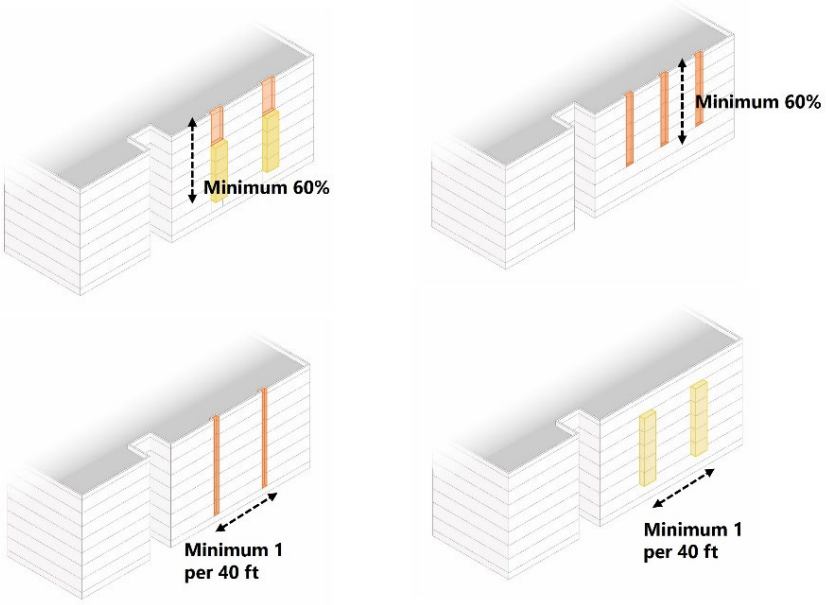


Diagram of Major Breaks and Vertical Façade Articulations

a. **Minor Modulation/Massing Breaks:** A vertical recess, projection, or change in the facade plane of the building massing shall occur at an average minimum of one per 40 feet of linear facade length with no facade length greater than 50 feet in width without a vertical recess, projection, or change in the facade plane that meets the standards below.

   i. The vertical recess, projection, or change in the facade plane of the building massing shall be at least 2 feet deep.
   ii. The vertical recess, projection, or change in the facade plane shall occur for a minimum 60% of the facade height measured from the average ground plane to the top of structure for the specific facade plane of the minor break/modulation.
   iii. The recess or change in the facade plane shall be minimum 2 feet and maximum 40 feet wide. Recesses and changes in the facade plane shall extend through the roof plane.
   iv. The projection shall be minimum 4 feet and maximum 15 feet wide.
   v. Change in plane may be a combination of recesses and projections that meet the standards above.



Source: Ashby BART West Lot Objective Design Standards (ODS)

Diagram of Vertical Façade Articulation Types. Source: Ashby BART West Lot Objective Design Standards (ODS)

b. Ornamental Facade.

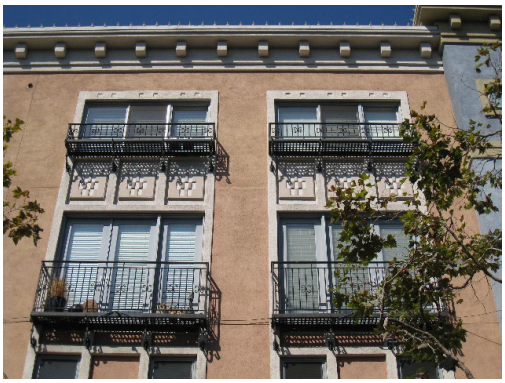
i. Ornamental facades shall include a distinct building base, middle, and top. The top shall be defined by a cornice with a minimum height of 8 inches and minimum projection depth of 6 inches. Cornices defining a building top shall have at least two depth levels.

ii. Ornamental facades shall exceed 5% of the facade area. Ornament shall include features such as cornices, sculptures, artistic inlays or reliefs, decorative tile, decorative molding around windows, or other artistic add-ons to the facade. Ornamentation must deviate in color or material from the wall material behind it or be of high-quality material such as brick, stone, ceramics, metal, wood, tile, or fiber-cement board. Ornament shall not include built-up stucco trim or molding (also known as "plant-ons").

iii. Windows shall be punched with a minimum recess of 4 inches from the facade.

Diagram of Ornamental Façade. Source: Ashby BART West Lot Objective Design Standards (ODS)

ODS.5 Facade Articulation. All facades shall include at least ***two*** of the following facade articulation strategies to create visual interest, which may also serve to satisfy other required elements, such as façade rhythm (see ODS.4):



a. Recesses. Vertical and horizontal recesses such as a pattern of recessed grouping of windows, recessed panels, entryways, or similar strategies.

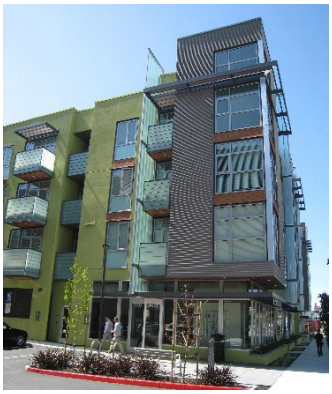
b. Projections. Vertical and horizontal projections such as projecting entries, bay windows, shading and weather protection devices (for windows), decorative architectural details, or similar strategies. Shading and weather protection projections shall be a minimum of two feet in depth. Unless otherwise noted, architectural projections shall be a minimum of four inches in depth.

c. Datum Lines. Horizontal lines that continue the full length of the building, such as cornices, with minimum height of 8 inches and minimum projection depth of 6 inches.

d. Balconies. Balconies or Juliet balconies. Balconies shall be a minimum of five feet wide and deep ; Juliet balconies shall be a minimum of 12 inches deep and three feet wide.

e. Screening Devices. Screening devices such as lattices, louvers, shading devices, perforated metal screens, or similar strategies.

f. Ornamental Light. Ornamental building-mounted lighting.



ODS.6 Treatment of Corner Buildings. Buildings at the corners of San Pablo Avenue and Dwight Way, Cedar Street, Ashby, University, and Gilman Avenues shall include the following special features:

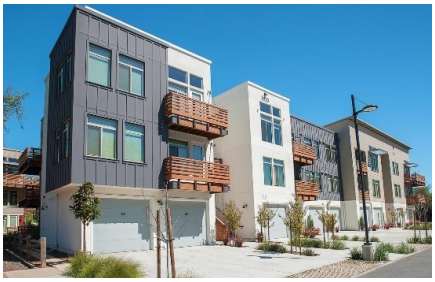
a. Massing at corner:
    i. Locate building facade at the minimum front and side setback or build-to lines for minimum 50 feet combined along both frontages at corner; OR set back the building corner to provide a privately owned public open space (POPOS). For minimum POPOS dimension(see *LU-S.2 Privately-Owned Public Open Space within Nodes*). For POPOS policy, see *PR-P.18 Privately Owned Public Open Spaces* in **Chapter 5 Streets**.
b. Entrance Proximity: ground floor retail entrance or primary building entrance shall be within 25 feet of building corner.
c. Corner articulation: The corner of the building shall include one or more of the following features:
    i. A different material application and/or fenestration pattern from the rest of the façade.
    ii. Height variation of at least four feet greater or less than the abutting primary facade.
    iii. A special architectural feature : a rounded corner, chamfered/cut corner, or tower/cupola..

ODS.7 Blank Walls. Along publicly accessible streets, sidewalks, pedestrian pathways, and open space areas, blank walls (facades without doors, windows, landscaping treatments, or public art) shall not exceed 20 feet in length for ground floor storefront frontages, and 30 feet in length for all other frontage types.

ODS.8 Treatment of All Facades. All facades of buildings on a block shall be designed and detailed in a similar manner, except for interior courtyards and interior side facades of interior lots at the zero lot line. Interior side facades at the zero lot line shall be enhanced with public art or landscaping to create visual interest and to strengthen the identity of the neighborhood.

Small/Middle Housing (S)

The following standards apply to small/missing middle housing building types. Standards with the word “Townhome” in the title of the standard only apply to the townhome building type. Others apply to all small/middle housing building types.



Townhomes facing street.

ODS.9 Townhome Along a Central Path/Outdoor Space.

When townhomes face eachother along a landscaped central path/open space (personal and/or common), the open spaceshall be a minimum width of 30 feet from building face to building face (balconies may project up to 5 feet from either building face). Other building projections are allowed to encroach within the minimum width of the common path/open spaceper MMC Section 17.42.070 (Yards).

Townhomes facing central courtyard.

ODS.10 Townhome Massing. The maximum number of townhouse units in any one contiguous building is 8.

ODS.11 Modulation. Residential units shall employ *at least two* of the following building modulation strategies:

a. Varied roof forms, including but not limited to changes in roof height, offsets, change in direction of roof slope, dormers, parapets, etc.;
b. Use of balconies, front porches, overhangs, or covered patios; and/or,

c. Projections, offsets, and/or recesses of the building wall at least two feet in depth, such as bay windows.

ODS.12 Articulation. All building elevations that face a street, open space, or a shared driveway shall employ varied facade articulation of wall surfaces. Facades shall incorporate at least three of the following features which provide articulation and design interest:

a. Variation in texture or material;
b. Building base (typically bottom three feet) that is faced with a stone or brick material, or is delineated with a channel or projection;
c. Railings with a design pattern and materials such as wood, metal, or stone;

Decorative eave detailing, window lintels, and railings.

d. Decorative trim elements which could include door surrounds with at least a two-inch depth, decorative eave detailing, and belt courses;
e. Decorative window elements which could include lintels, shutters, and window boxes; and/or,
f. Roof overhangs at least 24 inches deep.

ODS.13 Corner Side Units. Any end unit where the side facade faces a public right-of-way, private street, or publicly-accessible pathway is considered a Corner Side Unit and shall meet the following standards:

a. The Corner Side Unit building facade shall be at least 15 percent glazed.
b. The Corner Side Unit facade shall have at least one architectural projection that projects a minimum of 18 inches from the street facing facade (e.g., bay windows on the exterior of the house, canopies/screening devices, etc.) with a minimum width of two feet.

ODS-14 Townhome Variation. In addition to the requirements above, attached side-by-side dwelling units shall be distinguished through methods such as:

a. Variations of two feet or more between the horizontal planes of the primary entrance façade of adjacent units.
b. A change in roof orientation between adjacent units (e.g., a gable roof adjacent to a hipped roof). If rowhomes are proposed with no roof variation, then change of entry and additional feature is required, such as bay or box window.
c. A roof line offset of at least 18 inches for each unit exposed on the associated elevation.
d. Change of colors or materials.
e. Change of entry design.

Stepbacks/Neighborhood Transitions (M/L)

The following standard applies to medium/mid-rise and large/high-rise building types and provides a specific design requirement to ensure compatibility in scale and character, solar access, and privacy for existing low-density residential properties adjacent to the corridor.

ODS.15 Transition to Lower Density Building Types. When a building has a rear and/or interior side property line abutting an R-1, R-2, or R-2A zoned parcel, all floors above 5 stories shall be stepped back from the floors below by a minimum of 10 feet.

Roof Treatments (S/M/L)

The following standards apply to all building types.

ODS.16 Roof Edge Treatment. Buildings shall have at least one of the following roofline edge treatments:

a. A decorative cornice treatment (other than just colored "stripes" or "bands"). Cornices shall project a minimum of six inches from the facade.
b. A sloped roof with overhangs and brackets.
c. A parapet, which shall include a cap and corner detail to create a shadow line to enhance the building.

ODS.17 Minimum Depth of Overhanging Eaves. Overhanging eaves, if provided, shall extend a minimum of 18 inches beyond the supporting wall.

Fenestration (S/M/L)

The following standard applies to all building types.

ODS.18 Windows shall meet ONE of the following requirements. Built-up stucco trim or molding (also known as "plant-ons") are prohibited.

a. Windows shall be recessed at least three inches from the plane of the surrounding exterior wall or shall be framed with a minimum projection of 4 inches from the façade.
b. Windows shall provide a combination of trim and recess with a minimum one-inch recess and two-inch trim.
c. 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.

Framed windows and windows within a recess

Colors and Materials (S/M/L)

The following standards apply to all building types.

ODS.19 Variation in Materials and Colors. Buildings shall include at least three variations in material type, material size, texture and pattern, and/or color. Colors should be used to bring out contrast between walls, windows, and trim. Use of color is encouraged to make the area vibrant. Any one material must comprise at least 20% of the building frontage, excluding windows, railings, base bulkheads, and trim.

ODS.20 Material Changes at Corners. A change in material shall be offset by a minimum of two inches in depth. Materials shall

continue around corners for a minimum distance of four feet. If feasible, the same material should continue to the next change in the wall plane.

ODS.21 Durable Materials. Buildings shall incorporate durable finish and/or accent materials, which include masonry, tile, stone, stucco, architectural grade wood, brick, glass, and finished metal that will not rust. Low quality materials such as T1-11 siding, plywood, plastic and plastic laminate siding, fiberglass, foam trim (EIFS), vinyl, and flat grill windows are prohibited.

ODS.22 Building Component Colors. All vents, flashing, and electrical conduits shall be painted the same color as the adjacent surface. Gutters and downspouts shall be painted the same color as the adjacent surface. Alternatively, gutters and downspouts may be a decorative material such as copper.

Ground Floor Design

Intent:

- Create active, transparent, and visually engaging ground floors that enliven the street, enhance safety, and contribute to a vibrant pedestrian environment.
- To encourage design elements—such as entries, windows, and frontage types—that clearly define the transition between public and private space.
- To provide ground floor space for inviting retail and commercial frontages that promote visibility into interior spaces and provide opportunities for outdoor dining and gathering.
- To design ground floor residential uses to support privacy while offering individual unit identity and contributing to street-level activity.
- To provide weather protection and other comfort features to ensure ground floors are welcoming and usable in all seasons.

Ground Floor Typologies

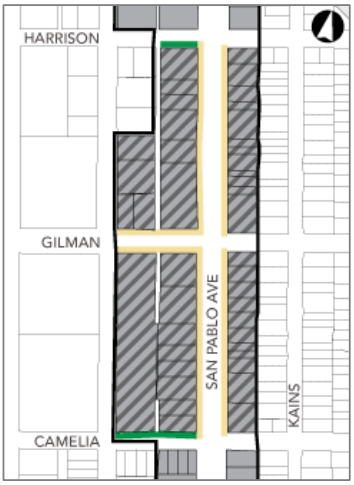
As established in *LU-P.10 Establish Ground Floor Typologies to Promote Pedestrian-Scaled and Flexible Ground Floors*, each of the four ground floor typologies has distinct design standards for the interface of the building and the street:

Storefront Ground Floor: Provides the highest level of visibility from the sidewalk into the interior. This type provides a low proportion of “blank” walls, high window percentage and frequent entries. Storefront Ground Floor Design is required within the nodes, except were shown in Figure ODS.1 and subject to corner wrap standards (see OD-S.6.).

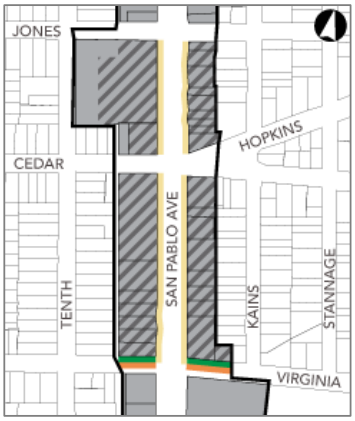
Other Non-residential Ground Floor: Allows greater flexibility in design and use and subject to standards under *Other Non-residential Ground Floor*.

Active Residential Ground Floor: Applies to residential units located at the ground floor and is subject to standards under *Active Residential Ground Floor*.

Live-work: Applies to ground floor spaces designed to combine living and working, subject to Standards Under *Live-work*.



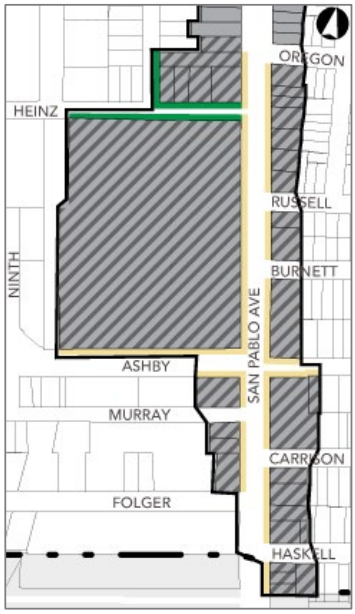
Gilman Node



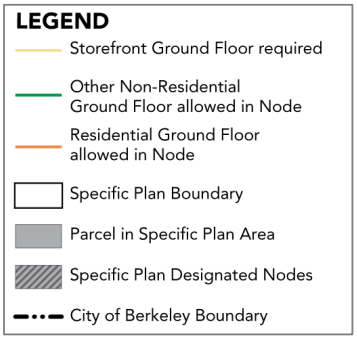
Cedar Node

University Node

Dwight Node



Ashby Node



Required and Allowed Frontage Types in Nodes

Storefront Ground Floor

The intent of the Storefront ground floor frontage type is to provide a building form that will be functional for active commercial uses where the design of the building provides visibility between the public realm of the sidewalk and the activities of the business inside the building.

Frontage Setbacks and Character

Generally the building frontage has a zero setback, although a building entry forecourt can be provided (see Entries standards below). A sidewalk easement can be provided to allow for outdoor dining, display spaces, and other extensions of the public sidewalk.

Setbacks. See *LU-S.4 Development Standards*, Table 3.1 for lot line setbacks.

Landscaping. See **Chapter 5 Streets**, PR-S.1 for Frontage Zone dimensions and landscaping requirements.

Ground Floor Dimensions + Interior Requirements

ODS.23 Storefront Ground Floor Height. The minimum ground floor height for commercial/retail space with a Storefront frontage is 15 feet floor-to-floor).

ODS.24 Tenant Space Depth. All ground floor commercial/retail tenant spaces shall be at least 40 feet deep for a minimum of 50% of primary street building facades in Tier 1 Nodes. All other commercial frontages shall be a minimum 30 feet in depth. Sidewalk easements/outdoor dining may count towards the minimum depth.

ODS.26 Venting/Grease Interceptors. All commercial/retail spaces in the Nodes shall provide grease interceptors and vertical mechanical chases for venting. The grease interceptor(s) shall be underground and "stubbed in" the infrastructure. Residential units above commercial spaces shall be constructed with mechanical shafts to the roof. The development plans must show the location(s) of grease interceptors and the vertical mechanical chase. Side discharge vents are discouraged.

Entries

ODS.27 Number and Orientation of Primary Entries. Each ground floor tenant shall have its own primary ground-floor entrance. Primary entries shall face or be directly visible from the public right-of-way or a publicly-accessible path/open space. This may be through a lobby or forecourt (or combination).

ODS.28 Weather Protection. Primary ground floor entrances shall include weather protection that is a minimum six feet wide and four feet deep by recessing the entry, providing an awning/canopy, or using a combination of these methods.

Windows + Façade Design

ODS.29 Transparency. Storefronts shall contain transparent openings, doors, and windows for a minimum of 60% of the total wall area located between three and seven feet above ground level for the first floor facades facing sidewalks, pedestrian walks, or publicly-accessible open space areas. Transparent glazing shall have a visible light transmittance (VT) greater than 80%, without tint or coloration in the glass substrate.

ODS.30 Bulkheads and Solid Base Walls. If provided, bulkheads and solid base walls shall not be less than 12 inches or higher than 30 inches from finished grade.

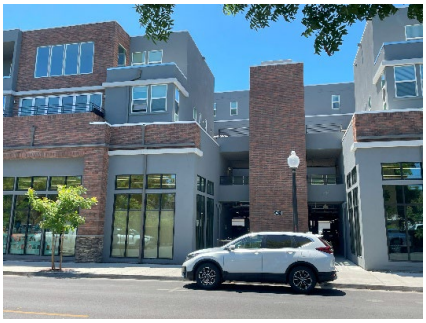
Recommendation: Commercial clerestory and transom windows are recommended to provide a continuous horizontal band or row of windows across the upper portion of the storefront.

ODS.32 Awning and Canopies.

a. Awnings and canopies shall provide a minimum of eight feet of vertical clearance over the sidewalk.
b. When transom windows are provided above display windows, awnings, canopies, or similar weather protection elements shall be installed between the transom and display windows. These elements should allow for light to enter the storefront through the transom windows and allow the weather protection feature to shade the display window.
c. Awnings may be fixed or retractable.
d. Awnings, canopies, and other weather protection elements shall not extend across more than 80 percent of the facade. Instead, individual segments shall be divided into sections to reflect the major vertical divisions of the facade and shall be installed over each shopfront entry or set of shopfront windows. Awnings shall not extend across wall sections, across multiple sets of windows, or over columns or structural piers/pilasters.
e. Awnings and canopies shall be made of acrylic, glass, wood (synthetic or weather treated), metal, or a combination of such materials. Canvas, cloth, vinyl and plastic awnings are prohibited. All awnings and canopies shall be maintained in good condition and repaired or replaced as needed.

Service Access

ODS.33 Service Access. Refuse, recycling, and other service areas for non-residential tenants shall be accessible to building tenants via a service corridor or similar (see also Services and Utilities section below).



Other Non-Residential Ground Floor

Setback and Frontage Character

The intent of this ground floor type is to allow more flexibility in building design outside of nodes. The flexibility allows for frontages that may directly meet the desires of a broader range of non-residential uses, such as offices, maker spaces, doctors' offices, and other uses. This frontage type also applies to lobbies, common amenity spaces (e.g., gyms, community rooms), leasing offices, and similar shared ground floor spaces in residential and mixed-use buildings with the exception of locations where a storefront frontage type is required.

Setbacks. See *LU-S.4 Development Standards*, Table 3.1 for lot line setbacks.

Landscaping. See **Chapter 5 Streets**, PR-S.1 for Frontage Zone dimensions and landscaping requirements.

Ground Floor Dimensions

ODS.34 Non-Residential Ground Floor Height. The minimum ground floor height for other non-residential uses (e.g., office) is 15 feet floor-to-floor.

ODS.35 Non-Residential Ground Floor Depth. All ground floor non-residential frontage shall be a minimum 30 feet in depth.

Entries

ODS.36 Orientation of Primary Entries. Primary entries shall face or be directly visible from the public right-of-way or a publicly-accessible path/open space. This may be through a lobby or forecourt (or combination).

ODS.37 Number of Entries. At least one pedestrian entry is required for each building on a primary street frontage, unless a greater number is required by the adopted Building or Fire Codes. A single corner entry may be provided to fulfill this requirement.

ODS.38 Weather Protection. Primary entries for individual tenant entries shall include weather protection that is minimum six feet wide and four feet deep by recessing the entry, providing an awning/canopy, or using a combination of these methods. Primary entries for shared tenant entries shall include weather protection that is a minimum eight feet wide and six feet deep by recessing the entry, providing an awning/canopy, or using a combination of these methods.

Windows + Façade Design

ODS.39 Transparency. Other non-residential ground floor facades shall contain transparent openings and windows for a minimum of 50% of the total wall area located between three and seven feet above ground level of the first floor facades facing sidewalks, pedestrian walks, or publicly-accessible open space areas. Transparent glazing shall have a visible light transmittance (VT) greater than 80%, without tint or coloration in the glass substrate.

ODS.40 Awnings and Canopies. See "Awnings and Canopies" standard in Storefront Ground Floor section above.

Residential Ground Floor

Setback and Frontage Character

The intent of the residential ground floor frontage type is to allow for residential ground floor units and entries (e.g., stoops, terraces) that foster social interaction and activate the street, while providing appropriate transitions between public and private space.

Setbacks. See *LU-S.4 Development Standards*, Table 3.1 for lot line setbacks.

ODS.41 Front Setback Landscaping. A minimum of 30% of the front setback area shall be landscaped.

Ground Floor Dimensions

ODS.42 Minimum Height Above Grade for Ground Floor Units. To provide privacy to ground floor residential units, the finished floor of units facing publicly-accessible streets or pathways shall be raised a minimum 2 feet above sidewalk grade and windowsills shall be a minimum 3 feet above finished floor height (ADA units are exempt from this requirement) or shall be set back an additional 2 feet (minimum of 6 feet and a maximum of 8 foot setback)

Entries

ODS.43 Primary Shared Residential Entries. Primary entries shared by multiple units (e.g., leading to upper stories) along street frontages shall meet the following standards (excludes individual residential entries). See ODS.58 (Building Access) for additional entry requirements for through-block sites.

a. At least one pedestrian entry is required for each building on a primary street frontage, unless a greater number is required by the adopted Building or Fire Codes. A single corner entry may be provided to fulfill this requirement.

b. At least one primary shared building entrance shall be provided for every 200 feet of building frontage.

c. Primary shared building entries shall face or be directly visible from the public right-of-way or a publicly-accessible path/open space. This may be through a lobby, front porch, or forecourt (or combination).

d. Primary shared entries shall provide weather protection that is a minimum eight feet wide and six feet deep by fully or partially recessing the entry, providing an awning/canopy, or using a combination of these methods.

ODS.44 Primary Individual Residential Entries.

a. 100% of ground floor residential units that face a public right-of-way shall have unit entries that face the street. A minimum of 50% of the ground floor residential units that face a publicly-accessible path or open space shall have unit entries that face the path or open space (senior units or other deed-restricted units for special populations are exempt).

b. Primary ground-floor entrances serving individual residential units shall include weather protection that is a minimum of four feet wide and four feet deep by recessing the entry, providing an awning/canopy, or using a combination of these methods.

Windows + Façade Design

ODS.45 Transparency. Residential ground floor facades shall contain transparent openings and windows for a minimum of 30% of the total wall area located between four and seven feet above ground level of the first floor facades facing sidewalks, pedestrian walks, or publicly-accessible open space areas. Transparent glazing shall have a visible light transmittance (VT) greater than 80%, without tint or coloration in the glass substrate.

Live/Work

In addition to the requirements of BMC Chapter 23.312 (Live/Work), live/work units shall meet the following design standards, and these standards take precedent over any conflicts with the BMC chapter.

Open Space

ODS.46 Open Space.

a. At least 40 square feet of usable open space shall be provided for each live/work unit.
b. For live/work units established through change of use of an existing building, the Zoning Adjustments Board (ZAB) may approve a Use Permit to substitute interior space accessible to all residents for the required open space in the project, if it finds that it is not practical or desirable to provide exterior open space.

Setback and Frontage Character

Setbacks. See *LU-S.4 Development Standards*, Table 3.1 for lot line setbacks.

Landscaping. See **Chapter 5 Streets**, PR-S.1 for Frontage Zone dimensions and landscaping requirements.

ODS.47 Business Presence. Live/work units shall have a business presence on the street by providing one of the following:

a. Window display spaces at least four feet in depth.
b. Roll-up doors at the street or storefront style windows that allow interior space to be visible from the street.
c. A business entrance that is oriented towards the street with a sign or other means that identifies the business. .

Ground Floor Dimensions + Interior Requirements

ODS.47 Ground-Floor Height. The minimum ground floor height for live/work units is 15 feet floor-to-floor.

ODS.48 Minimum Non-Residential Portion Design and Dimensions. The portion of each such live-work unit in which work/business is conducted must be a minimum of 300 square feet and must be located between the street and the residential portion of the live/work unit, or on the ground floor with the live portion located on an upper floor. If the workspace is less than 300 square feet, the unit is considered a dwelling unit and is subject to all requirements applicable to dwelling units. The non-residential portions of the unit shall meet the following:

a. 15 feet minimum interior depth of work/business space.
b. Not contain any of the primary features of the residential (live) portion of the live/work unit, such as kitchen, sleeping, or laundry facilities, or bathrooms containing a shower or bathtub; and
c. Include a divider or partition between the non-residential and residential portions of the unit.
d. Must be reserved for and regularly used by one or more live/work unit residents and be consistent with City administrative guidelines for live/work design.

ODS.49. Kitchen. A cooking space and sanitary facility in conformance with applicable building standards adopted by the City is required.

ODS.50 Ventilation. All live/work units shall be provided with at least one operable window. A ventilation system shall be installed subject to the approval of the Chief Building Official and Fire Marshal for any live/work activity which requires additional ventilation, or which generates hazardous fumes or dust.

Entries

ODS.50 Entries. Each live/work unit shall have a pedestrian entry on the street-facing facade that provides direct access to the non-residential portion of the unit. A separate entry for the residential portion of the unit shall be provided through a consolidated/central entrance or individual residential entries accessed from an interior corridor or located at the rear or side of the building.

ODS.51 Weather Protection. Primary ground floor entrances shall include weather protection that is a minimum four feet wide and four feet deep by recessing the entry, providing an awning/canopy, or using a combination of these methods.

Windows + Façade Design

ODS.52 Transparency. Live/work ground floor facades shall contain transparent openings and windows for a minimum of 40% of the total wall area located between three and eight feet above ground level of the first floor facades facing sidewalks, pedestrian walks, or publicly-accessible open space areas. Transparent glazing shall have a visible light transmittance (VT) greater than 80%, without tint or coloration in the glass substrate. Transparent areas shall be designed and maintained to provide views into and out of the non-residential portion of the live/work unit.

ODS.53 Bulkheads and Solid Base Walls. If provided, bulkheads and solid base walls shall not be less than 12 inches or higher than 30 inches from finished grade.

Licensing and Operations

ODS.54 Business License. At least one resident in each live/work unit shall maintain at all times a valid City Business License and Zoning Certificate or Use Permit for a business on the premises.

ODS.55 Unit Rental and Sale. No portion of a live/work unit may be separately rented or sold as a commercial space for a person or persons not living on the premises, or as a residential space for a person or persons not working on the premises.

Change of Use

ODS.56 Change of Use.

a. To change a dwelling unit to a live/work unit, the findings required by BMC Section 23.326.040 (Eliminating Dwelling Units through Conversion and Change of Use) must be made.
b. Establishing or changing the work use of a live/work unit to medical offices or group instruction requires ZAB approval of a Use Permit subject to BMC Section 23.312.050.
c. Outside of Nodes, live/work units may be changed to exclusively residential use or the residential floor area increased only if all requirements for establishing a residential use are met.
d. Live/work units may be changed to exclusively commercial use, provided that they are on the ground floor. All such changes are subject to BMC Section 23.326.040 (Eliminating Dwelling Units through Conversion and Change of Use).

Private Open Space

Intent:

- Encourage publicly-accessible open spaces at key nodes to foster community interaction and activate the public realm.
- Promote integration of open space as an essential element of site and building design, with usable, well-landscaped areas at ground level, podiums, and rooftops.
- Provide meaningful outdoor spaces that enhance resident quality of life and support a range of social, recreational, and passive uses.
- Ensure that common open spaces are functional, shaded, and furnished to support gathering, play, health, wellness, and relaxation.
- Provide private outdoor areas, such as balconies and terraces, that offer individual access to fresh air, views, and personal retreat.

Privately Owned Public Open Spaces (POPOS)

POPOS are encouraged in new developments. See the following for policies and standards for POPOS:

- **Chapter 3:Land Use**, *LU-S.2 Privately-Owned Public Open Space within Nodes*.
- **Chapter 5 Streets** *Public Realm Expansion and Improvements*.

Publicly-accessible Plaza

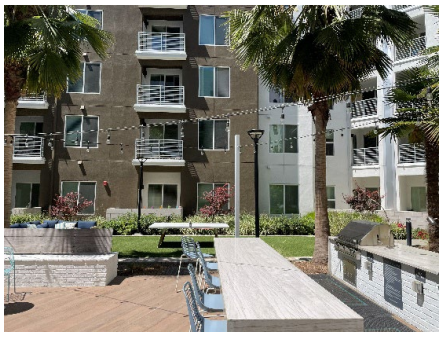
Common Private Open Space

Common private open spaces are shared and accessible only to building residents and their visitors. They can be located at the ground level, on parking podiums, or on rooftops, provided they are adequately landscaped. Common private open spaces may include courtyards, gardens, play areas, outdoor dining areas, recreational amenities, rooftop amenities, and community rooms. Required setback areas with a dimension of less than 20 feet shall not be counted toward common private open space requirements. See *LU-S.2 Privately-Owned Public Open Space within Nodes* for potential use of POPOS to reduce the requirement for common private open space. POPOS design standards are defined in LU-S.2 and *PR-P.18 Privately Owned Public Open Spaces*.

ODS.57 Common Private Open Space Design and Dimensions. Common private open spaces shall meet the following standards:

Dimensions. Minimum dimension of 20 feet in any direction and 400 square feet in area. Courtyards enclosed on three sides shall have a minimum dimension of 30 feet in all directions. Courtyards enclosed on four sides shall have a minimum dimension of 40 feet and have a minimum courtyard width to building height ratio of 1.25:1.

a. **Shading**. A maximum of 25% of the common open space square footage may be covered by a shading device, roof structure, building balcony, bay, or other building extention at least 8 feet above grade of open space.



b. **Seating**. The open space shall include seating (e.g., benches, planter seats, etc.) and provide required ADA access to seating and tables.

c. **Landscaping.** A minimum of 40% of the open space area shall be planted with trees, ground cover, and/or shrubs, or provided via planters. A minimum of one tree shall be planted per 600 square feet of the common outdoor space area (aggregated across all common outdoor space areas). This standard does not apply to rooftop open spaces.

d. **Slopes.** Slopes shall not exceed 8% and ADA compliant circulation must be provided.

ODS.58 Common Spaces and Privacy. Units that are on the same level as common private open spaces shall be screened or buffered from adjacent shared open spaces with landscaping, fencing, walls, or other screening elements. Bedroom windows located within 5 feet of an internal pathway or common private open space shall have landscaped visual barriers such as tall bushes or trees.

Recommendation: Multi-family and residential mixed-use developments are encouraged to provide a variety of recreational amenities within the site such as a swimming pool, spa, clubhouse, playground, picnic shelter/barbecue area; sports facilities, exercise equipment, or day care facilities. For example, family-friendly housing developments should provide a tot lot or play equipment for children.

Personal Private Open Space

Personal private open space areas are intended for private use for each dwelling unit and may include balconies (covered or uncovered), private yards, terraces, decks, and porches, among others.

ODS.59 Private Open Space Design and Dimensions. Private open spaces shall meet the following standards:

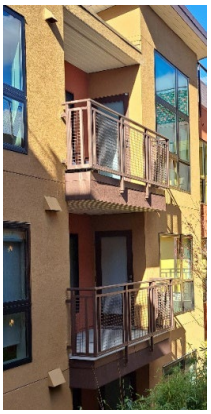
a. Shall be directly accessible from a residential unit.

b. Minimum Dimensions:

i. Ground-floor private outdoor space (e.g., terrace/patio): Minimum eight feet in at least one direction and five feet in other directions.

ii. Upper-floor private outdoor space (e.g., balconies): Minimum five feet in any direction.

iii. Minimum clear height dimension of eight feet, measured from the ground-level floor or decking.



Site Design

Intent:

- Promote walkable and connected sites by breaking up large blocks, prioritizing pedestrian circulation, and linking to surrounding streets, open spaces, and transit.
- Minimize the visual and physical impact of vehicles by locating and screening parking and service areas appropriately.
- Improve safety and the user experience through consolidation of access points and thoughtful placement of pathways, entries, driveways, and loading zones.
- Support active ground-floor frontages and encourage compact, transit-oriented development patterns.
- Locate and integrate utilities and service areas into building and landscape design in order to minimize impacts on the pedestrian experience.

Access and Connectivity

Multimodal access to and within developments is primarily addressed by Building and Fire Codes, ADA accessibility requirements and standards in the Berkeley Municipal Code related to parking and other access requirements. Within the Specific Plan area, most properties would be developed with one or two buildings, and their connections to their fronting streets are addressed in the entry standards outlined in the Ground Floor Design section.

This section provides additional direction on site and building design standards for through-block sites, as well as vehicle access and parking standards for all sites.

Through-Block Access and Connectivity

ODS.60 Building Access. New developments located on sites with street frontages on opposite sides of a block shall provide building entries on both frontages, consistent with the standards for the applicable building frontage.

ODS.61 Mid-Block Passages. New through-block developments with frontages on opposite sides of a block that exceed 170 linear feet of site frontage along San Pablo Avenue or University Ave, per *LU-S.8 Mid-Block Passages*, are required to provide a Mid-Block Passage. Mid-block Passages are a type of POPOS (see PR-P.18) and may take the form of pedestrian walkways, multi-use paths, or private publicly accessible streets designed to accommodate vehicles to and through the site. Mid-block passages shall be designed as follows:

a. **Dimensions.** Mid-block passages shall be a minimum 16-foot clear width and 16-foot clear height, allowing for built space above and/or below the surface of the passage.

b. **Visibility.** Mid-block passages shall provide unobstructed visibility from one public space to another, preferably providing a direct visual connection from the sidewalk on San Pablo Avenue or University Avenue to the sidewalk on the adjacent parallel street.

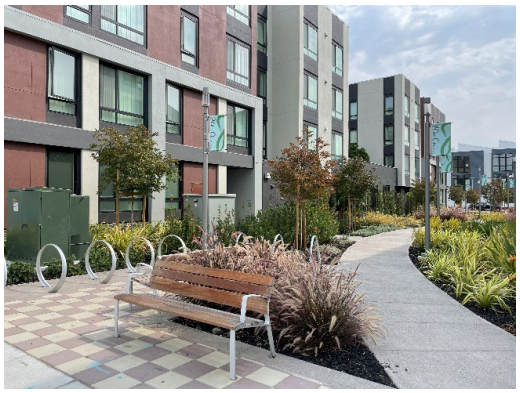
c. **Lighting.** All mid-block passages shall include nighttime illumination pursuant to the City of Berkeley Ordinance N.S.-7424 and *PR-P.3 Improve Street Lighting for the Safety and Comfort of all Users*.

Mid-block Crossing "The Dogpatch Artwalk", San Francisco. Source: Fletcher Studio.

ODS.62 On-site Pedestrian Access. Pedestrian accessways shall be provided for all new development sites with multiple buildings, in accordance with the following standards:

d. **Internal Connections.** A system of pedestrian walkways shall connect all buildings on a site to each other, to on-site bicycle and automobile parking areas, to any on-site open space areas or pedestrian amenities, and to the publicly accessible pedestrian circulation network outside of the development site.

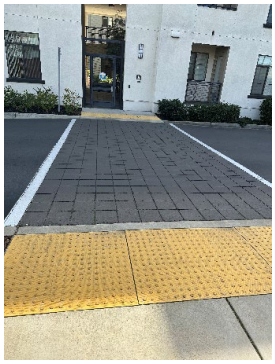
e. **Illumination.** Pedestrian-oriented lighting shall be placed along onsite pathways at minimum intervals of every 40 feet to improve pedestrian comfort, security, and safety.



Sidewalk and Pathway Dimensions.

- For sidewalk dimensions, refer to **Chapter 5 Streets** (Sidewalk Space).

ODS.63 Crossings. Any walkway that crosses private publicly accessible streets, parking areas, loading areas, or other vehicular routes shall be clearly identifiable through the use of one or more of the following: grade change (raised), change in paving material, color, or striping, bollards, or similar method to enhance pedestrian safety.



ODS.64 Driveways and Curb Cuts.

a. Driveways shall be a minimum of 50 feet from any street intersection. For parcels less than 75 feet wide, driveways shall be located as far as possible from the intersection.

b. Each development project site shall be limited to one curb cut, including driveways and private/service streets, per 400 feet of public street frontage, or for parcels less than 400 feet long, one curb cut per street frontage (unless otherwise required for emergency vehicle access).

Caltrans Encroachment Permits

Caltrans requires encroachment permits for new curb cuts on San Pablo Avenue. The city encourages applicants to collaborate with Caltrans in early project phases to ensure compliance with sight line, garbage/recycling pickup location, and other requirements. Temporary encroachment permits may also be needed during construction of new projects and remodeling of existing buildings.

ODS.65 Parking Access Hierarchy. Parking and service area access shall be provided from the following, in order of preference, with review and approval of Public Works:

a. From an alley;

b. In the absence of an existing or proposed alley, access shall be from a driveway shared with a property abutting the development site;

c. In the absence of an alley or shared driveway, access shall be from a side-street;

c. In the absence of a side-street, from a curb cut/driveway along the primary street frontage.

Parking

ODS.66 Parking Location and Frontage:

a. Parking areas shall be located behind, within, or underneath buildings, with the exception of curb-side pickup/drop-off areas and ADA spaces.
b. If a site has more than one street frontage, the parking shall not be located along the primary frontage.
c. No more than 30 feet of the linear primary street frontage along San Pablo, Ashby, Dwight, Cedar, University, and Gilman Avenues shall be devoted to parking garages and openings, service, and loading entries.

ODS.67 Parking Entries.

Parking entrances shall be no wider than 18 feet maximum width. Entries to structured parking when combined with loading, and utility service areas shall not exceed 22 feet in width. This limitation does not apply to frontages on side-streets and alleys.

a. Entries to structured parking garages shall be integrated into building façades using architectural techniques such as matching façades, material treatments, or recessed garage entries.

ODS.68 Parking Garage Design and Screening. New structured parking shall be designed to meet the following standards:

ODS.69 Ground Level. Except for garage entrances, any ground floor parking level facing a public right-of-way or publicly-accessible open space or path (including partially subgrade parking visible above grade) shall:

a. Be lined/wrapped with residential or commercial with a minimum depth of 20 feet or the required active frontage depth for that location (whichever is greater); or,
b. Be designed and treated with the same level of detail, material quality, and facade articulation as other facade areas and/or screened with landscape screening (e.g., shrubs, landscaped trellises) and/or crafted ornamental metal screens.

Ornamental screening.

ODS.70 Upper Levels. Parking levels above the ground level may extend to the building facade but shall be designed and treated with the same level of detail, material quality, and façade articulation as other facade areas (e.g., facade articulation and modulation, use of real windows with glazing or false windows defined by frames, lintels, or sills) and/or incorporate screening devices or design features such as public art, murals, or other architectural treatments. The parking structure shall be designed such that the facade conceals parking decks, ramps, and parked vehicles. No more than two upper levels of parking shall extend to the building facade within Nodes; no more than one level of parking shall extend to the building façade outside of Nodes.

ODS.71 Light Screening. Parking garages shall be designed such that interior lighting is fully shielded and automobile headlamps are not visible from adjacent buildings, parcels, streets, public parks, or publicly accessible open spaces.

ODS.72 Garage Pedestrian Entry. Parking garage pedestrian entrances shall be provided at-grade, connecting directly to the public pedestrian circulation network, on each street-facing frontage.

ODS.73 Townhouse Garage Frontages. Townhouse garages shall not face San Pablo Avenue. Garages that face other public streets shall not occupy more than 60% of the width of the street-facing building facade (this limitation does not apply to frontages along alleys or private drives). ***Exception:*** Front/Street-facing double-loaded garages that occupy more than 60% of the width of the unit façade may be allowed provided they are set back at least five feet behind the front facade of the dwelling or the front of a porch/stoop, or at least partially below grade.

Services and Utilities

ODS.74 Underground Utilities. All new utilities and utility connections shall be placed underground, unless otherwise prohibited by the utility provider (e.g., water backflow prevention device that must be placed above ground).

ODS.75 Location of Above-ground Building Utilities, Service, Storage, and Goods Loading Areas. All above-ground utility equipment (e.g., electric and gas meters, fire sprinkler valves, etc.), service, storage areas, and loading for goods shall be integrated into building and landscape design and located to minimize impact on the pedestrian experience and neighboring properties by following the standards below (except as required by utility providers, building and fire codes):

a. Building utilities and equipment, service, storage, and loading areas for goods shall be located inside of buildings, closets/enclosures, on non-primary street frontages (unless all frontages ar primary), alleys, parking areas, and/or at the rear or side of buildings and shall be fully screened from view per ODS.74 (Screening of Above-Ground Utilities, Service, Storage, and Goods Loading Areas) below.
b. Building utilities and equipment, service, storage, and loading areas for goods shall not be located within the front or street side setback area of the lot or development site.
c. Utilities and equipment, service, storage, and loading areas for goods shall not be located along or within 25 feet of a mid-block pedestrian connection or Privately Owned Public Open Space (POPOS), within the public right-of-way, or within 25 feet of the street corner.
d. Service entries shall be located at least 25 feet from the primary pedestrian entrance to the building, and preferably the maximum distance that is feasible. For developments with more than one street frontage, service entries shall be located on the non-primary street frontage (unless all frontages are primary).
e. Backflow preventors shall be located within landscaped setback areas and painted black or dark green to minimize visual impact. Where no landscaped setback areas exist the backflow preventors shall be incorporated into the front of the building and architecturally screened to minimize visual impact.

ODS.76 Screening of Above-Ground Utilities, Service, Storage, and Goods Loading Areas. All above-ground utilities and equipment, service, storage, and outdoor goods loading areas or enclosures shall meet the following screening standards:

a. Height: Screening shall match or exceed the height of the equipment to be screened, unless specified otherwise.
b. Materials: Screening shall use primary exterior finish material used on other portions of the building(s), architectural grade wood or masonry, metal, or landscape screening that forms an opaque barrier when planted.

ODS.77 Rooftop Equipment. Rooftop elements, including roof access, mechanical equipment, and other features needed for the function of the building, shall be located to minimize visual impact by meeting the following requirements. Mechanical equipment that is less than two feet in height, solar panels, wind generators, or green roof features shall be exempt from these requirements.

a. Mechanical equipment shall be set back minimum 10 feet from the roof edge or screened with parapet walls, towers, or other architectural features such that it is not visible from any point at or below the roof level of the subject building (see ODS.74 (Screening of Above-Ground Utilities, Service, Storage, and Goods Loading Areas)).
b. If equipment is visible from adjacent taller buildings or from higher grades, it shall be painted to match the rooftop in color.

Recommendation: Rooftop equipment should be grouped together where practical.

ODS.78 Refuse Collection Areas. Communal refuse, recycling, and compost/green waste collection areas shall integrate into building and landscape design and minimize pedestrian and neighbor impacts by complying with the following standards:

a. **Size.** Provide a refuse room or enclosure structure adequate in capacity, number, and distribution to accommodate all site waste. The number and type of containers and collection areas shall be reviewed and approved by the local disposal service provider.
b. **Location.**
    a. Refuse collection areas shall not be located within required front yard or street side yards, parking spaces, required landscaped areas, or open space areas.
    b. Refuse collection areas shall be located inside of buildings or inside of covered enclosures located along alleys, in parking areas, or at the rear and side of buildings.
    c. Refuse collaction areas shall be located as far as possible from the residential portion of mixed-use buildings and open space areas.
    d. Refuse and recycling containers shall not be stored in a place visible from a public street nor conflict with circulation or parking on site.
c. **Enclosure Design.** Communal refuse enclosures shall meet the following standards.

    i. Enclosures shall have both a vehicular access gate with a concrete apron and a pedestrian entrance to encourage the main service gates to remain closed.
    ii. Enclosure height shall fully screen containers and materials.
    iii. Enclosures shall be opaque and made of a primary exterior finish material(s) used on other portions of buildings, masonry, decorative block, or architectural grade wood, and may be accented with metal. Barbed wire and chain-link fencing are prohibited.
    iv. Enclosures shall include a roof covering.
    v. Enclosure doors shall not swing into any public right-of-way, driveway approaches, or drive aisles. In these cases, sliding doors may be used.

Public Art

All proposed private development projects in Berkeley that are larger than 10,000 square feet or have five or more housing units are required to include an on-site publicly accessible artwork or pay an in-lieu fee per BMC Chapter 23.316 (Percentage for Public Art on Private Projects). In addition to complying with the existing Guidelines and Procedures of the Public Art in Private Development Program (2018) public art shall meet the standards in this section.

Intent:

- Create a sense of place along San Pablo Avenue and celebrate the neighborhood's identity through integrated, high-quality public art.
- Activate key nodes, open spaces, and building frontages with artwork that enhances the visual experience of the corridor.
- Encourage collaboration with local artists and inclusion of art that reflects community.

Public Art on Private Development

ODS.79 Location. Public art shall be located in visible areas, particularly at key Nodes or within public or common open spaces, such as building entries, courtyards, plazas, and pedestrian walkways. Art may be freestanding or incorporated into building elements (e.g., façades, paving, railings, columns), provided it remains distinct and publicly visible.

For developments with Privately Owned Public Open Spaces (POPOS) or side-street plazas (see PR-P.14 Side-Street Plazas), artwork shall be located within or clearly visible from these spaces to enhance their public character.

ODS.80 Visibility and Access. Public art shall be clearly visible from a public right-of-way (preferably from San Pablo Avenue or University Avenue), publicly accessible plaza, or designated pedestrian pathway, and shall be accessible without barriers or restricted access during daylight hours. In addition, privately funded art installations on buildings and other private properties that are visible to the public are encouraged. Examples include building murals, murals on fencing, and art installations in parking lots, landscaped areas, or inside businesses with visibility from the public realm within the Specific Plan Area.

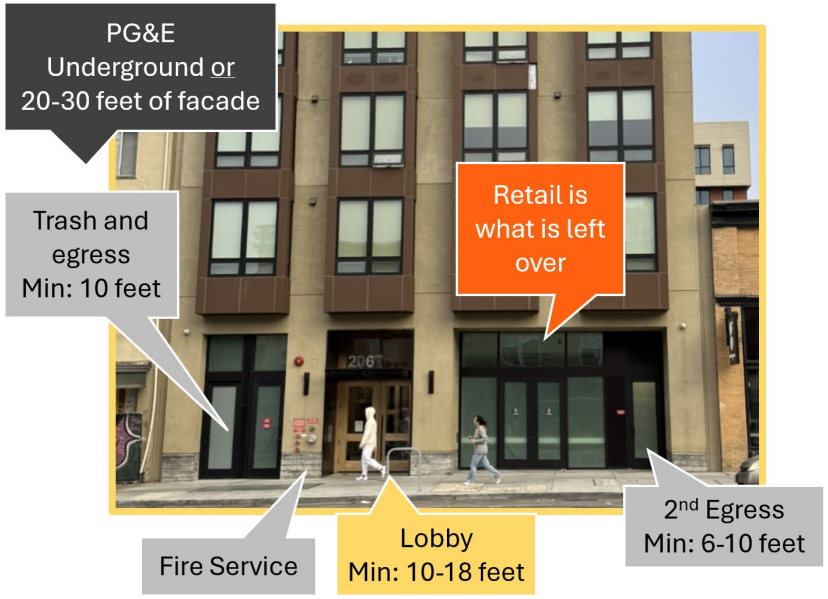
Recommendation: Projects are encouraged to provide on-site public art, particularly in Tier 1 Nodes.

Examples of art on buildings and POPOS. Left: Public art Wall Mosaic at 2352 Shattuck Avenue. Right: Privately funded artist painting on pavement in reuse of former parking lot at Broadway and 21st Street in Oakland.

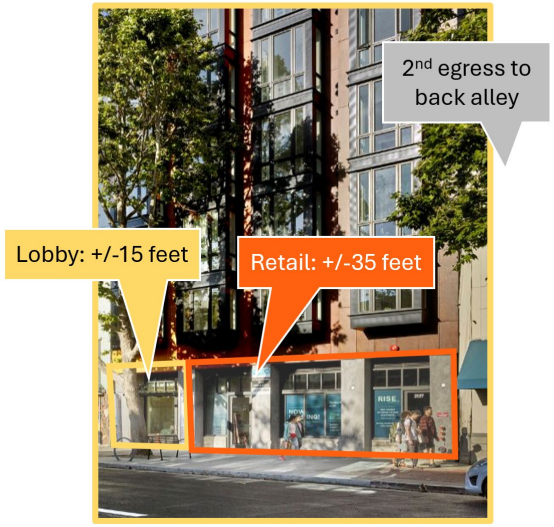
II. Ground Floor Frontage

Why?

Ground Floor Frontage

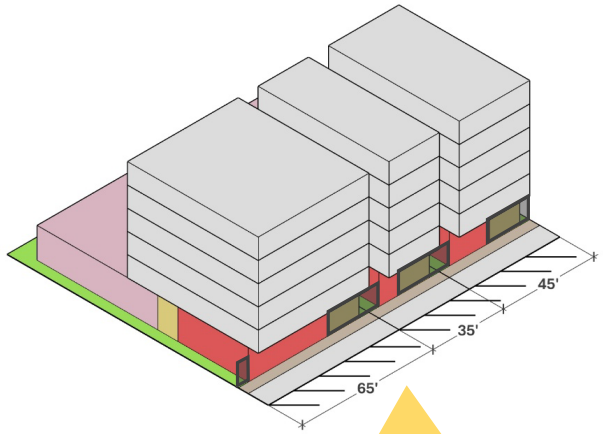


2067 University Avenue, Berkeley, CA

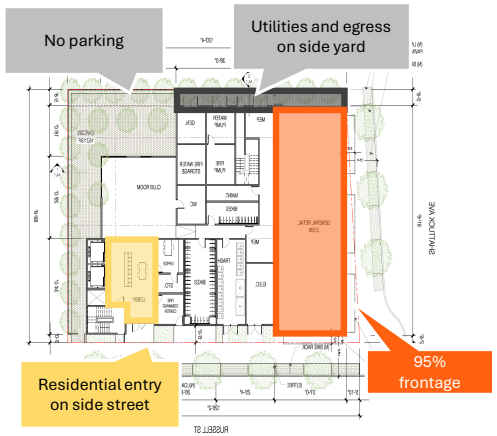


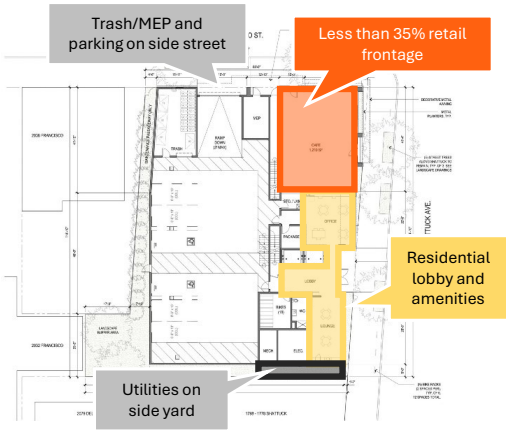
2027 Kala Bagai Way, Berkeley, CA

Ground Floor Frontage



Multiple redeveloped infill lots provide limited retail frontage (<50%)



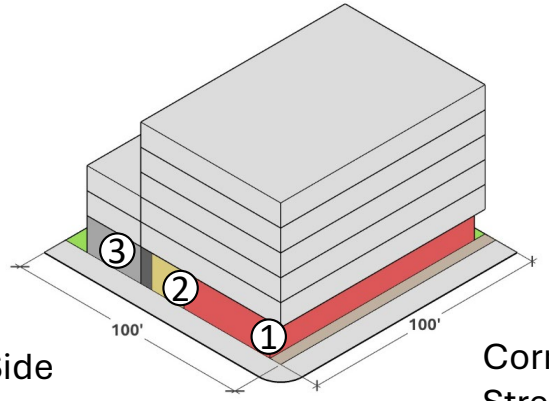


1752 Shattuck Avenue, Berkeley, CA

How?

Draft Standards for Corner Lots

1. **<u>Non- retail entries shall be located on side streets</u>**
2. Retail shall wrap the corner
3. Parking/service entries:
   Maximum 35% of façade length
4. PG&E shall be located underground

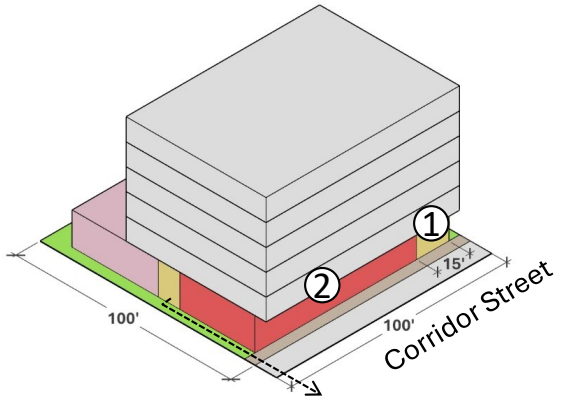


Side Street

Corridor Street

Draft Standards for Infill Lots

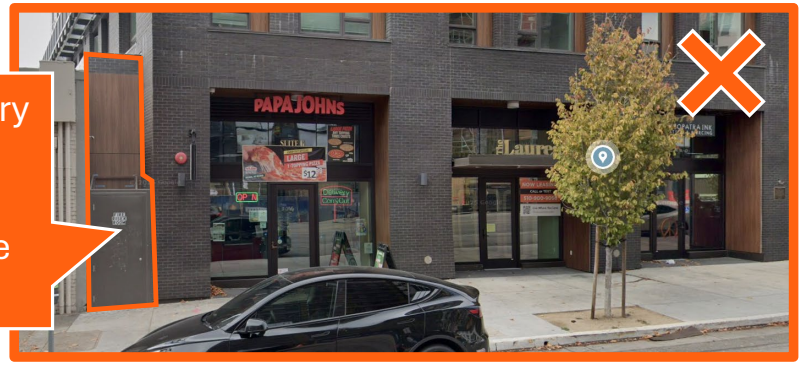
1. **<u>Non-retail frontage Maximum 10-15 feet</u>** (utilities, trash, lobbies, and egress):
2. Parking entries shall be prohibited
3. PG&E shall be located underground



Emergency Egress

Draft Standards

- Non-retail frontages (utilities, trash, lobbies, and egress) shall have similar design treatment to the retail frontages



2nd egress has very different design treatment compared to the retail frontage

The lobby is integrated within the same column structure and is behind a storefront design similar to the retail frontage

III. Retail Tenant Spaces

Why?

provide the right dimensions for retail tenant needs nor **fulfil design requirements for the desired variety of retail tenants**
(e.g. restaurants, grocery stores, etc.)

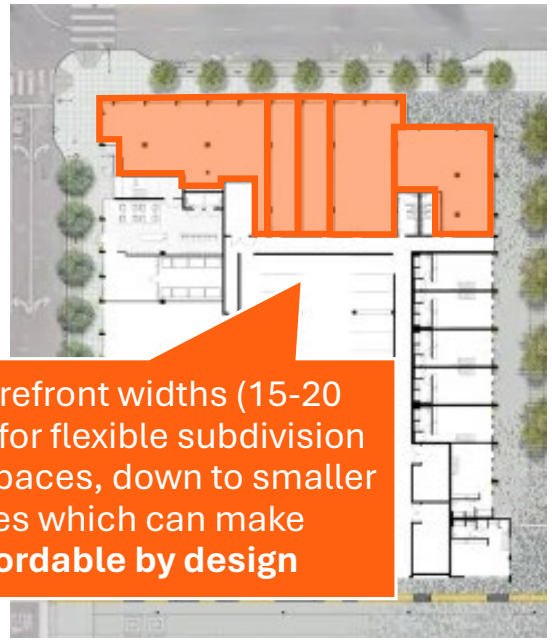
855 Brannan St,
San Francisco, CA

Richardson Apartments
San Francisco, CA

Deep retail spaces (40-60 feet) allow for tenant layouts that can comfortably accommodate a welcoming entry, product display, and back-of-house functions

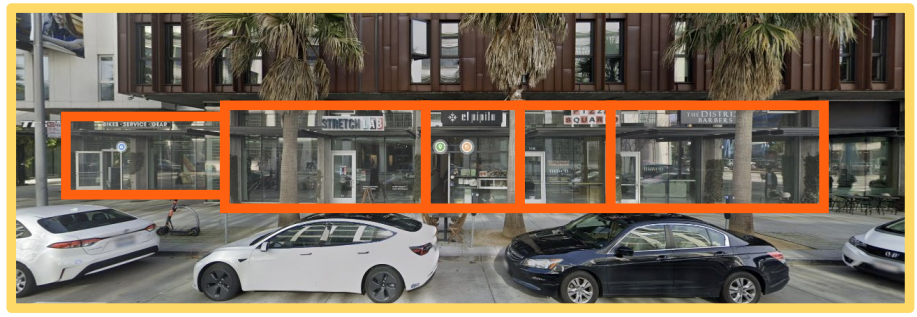
9812 Howard Street,
San Francisco, CA

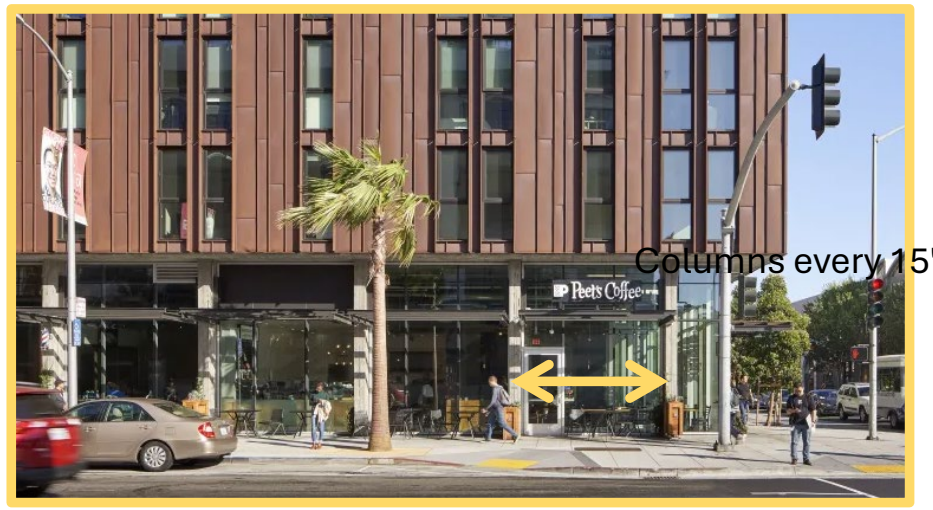
Storefront Width



Narrow storefront widths (15-20 feet) allow for flexible subdivision of tenant spaces, down to smaller retail spaces which can make spaces **affordable by design**

855 Brannan St,
San Francisco, CA

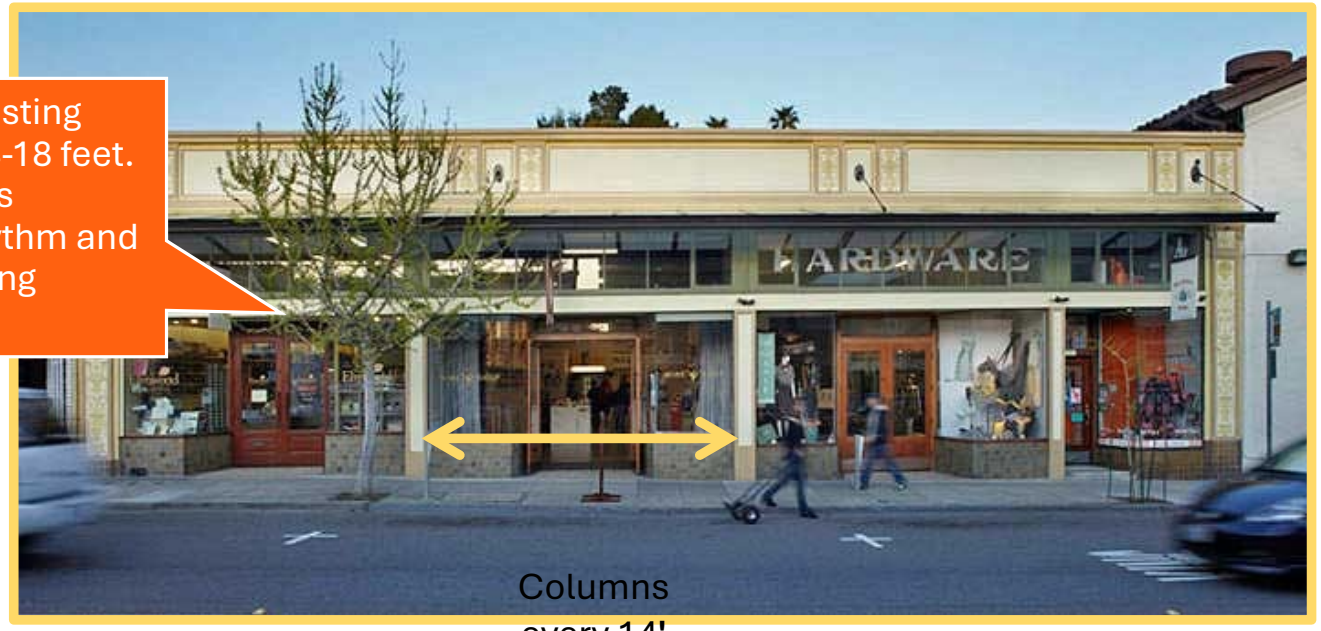




Columns every 15'

Storefront Width

The typical rhythm of existing historic storefronts is 14-18 feet. Narrow storefront widths preserve the existing rhythm and help maintain an engaging pedestrian experience



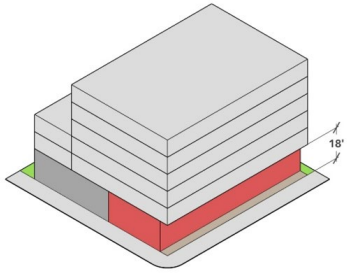
Columns every 14'

2947-53 College Avenue, Berkeley, CA

How?

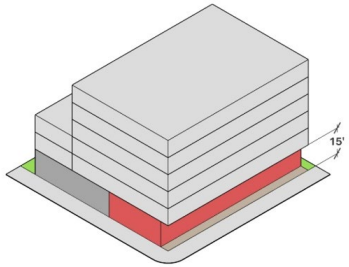
Draft C-NS Standard

- Minimum floor-to-floor: 18 feet



Draft C-SO/C-E Standard

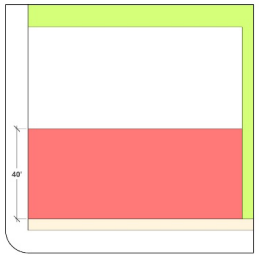
- Minimum floor-to-floor: 15 feet



Ground Floor Retail Depth

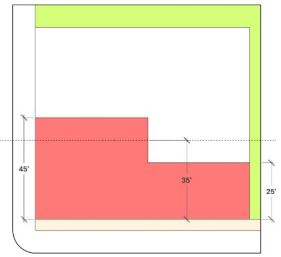
Draft Alt 1 Standard

- At least 40 feet

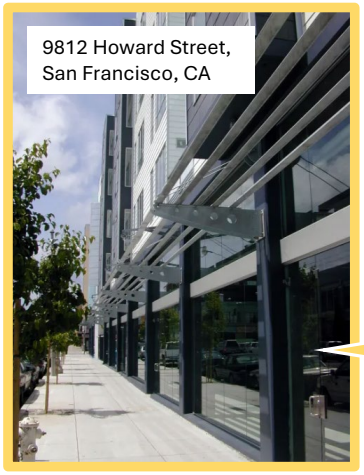


Draft Alt 2 Standard

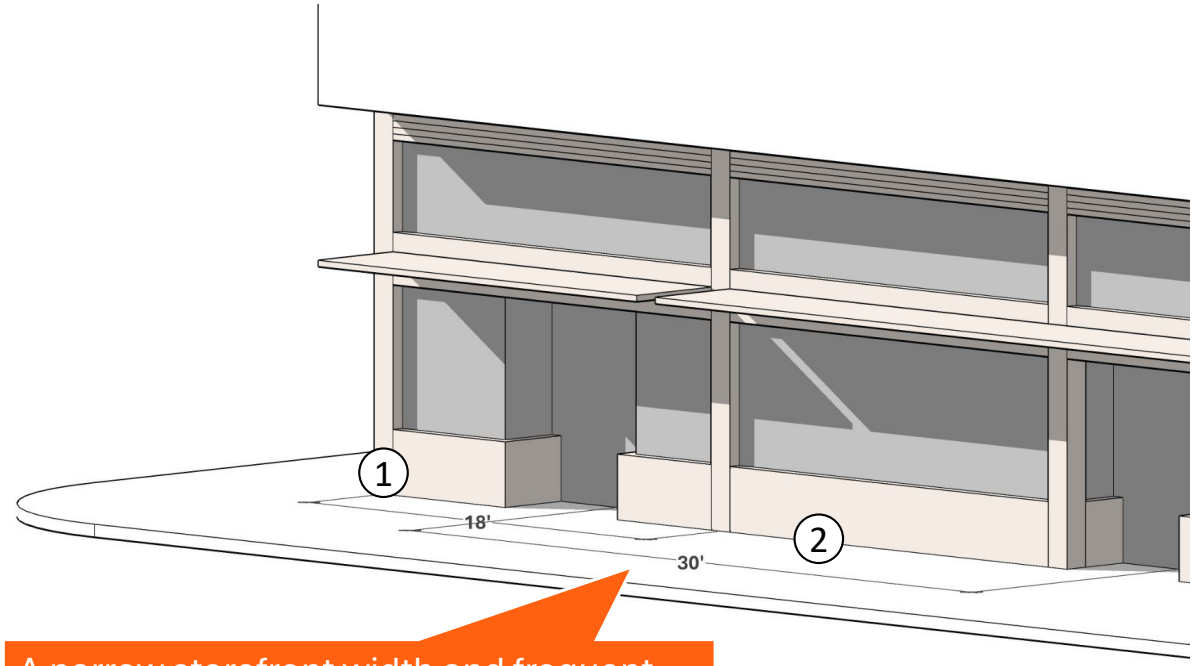
- Average 35 feet; minimum 25 feet



Storefront Rhythm



Columns every 18'

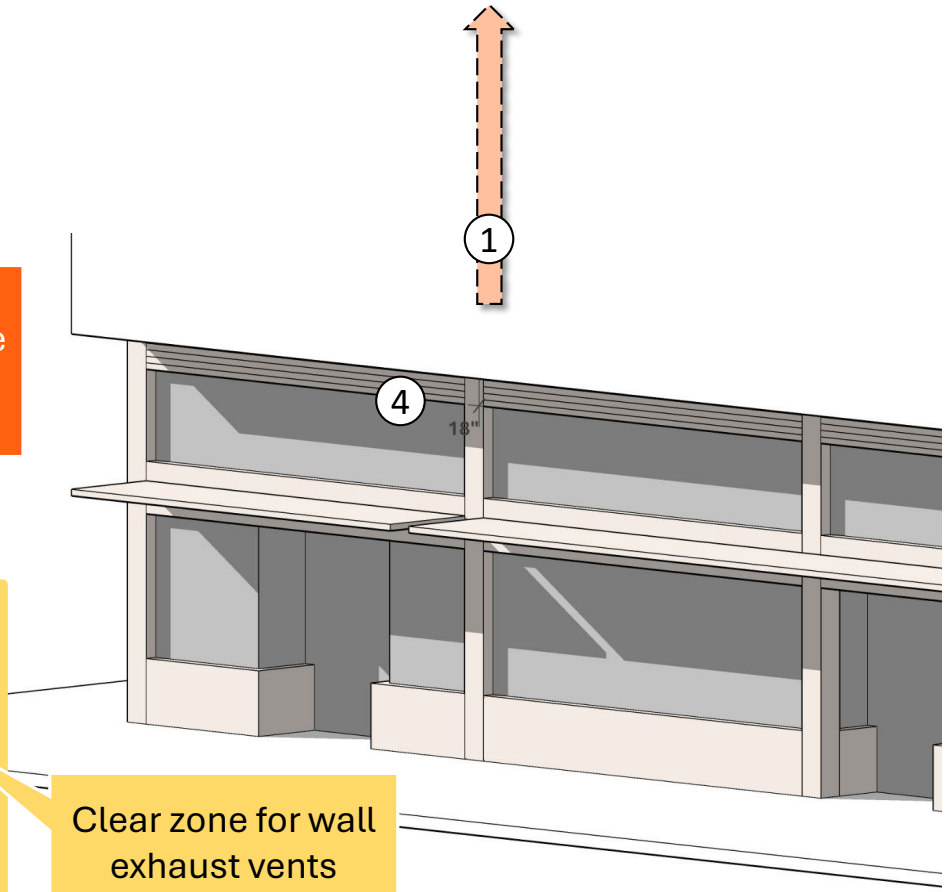


A narrow storefront width and frequent retail entries allow for flexible subdivision of tenant spaces and create an engaging experience for pedestrians

Draft Standards

1. Exhaust vents for restaurant tenants venting up to the roof
2. Stub-outs for plumbing
3. Separate entry for trash storage/handling
4. Clear zone for wall exhaust vents; maximum 18" tall

Restaurants are a viable and desirable type of retail in the three corridors



Clear zone for wall exhaust vents

Draft Standards

1. If an existing retail space greater than **17,500 or 18,000** square feet is redeveloped; a space with a minimum size of **10,000 or 15,000** square feet shall be built on-site.
    - The space shall be able to accommodate one tenant but **may be subdivided to accommodate smaller retail spaces**.

Medium/large format retail spaces in the three areas include important neighborhood-serving amenities that could be maintained

EXISTING GROCERY STORES
Safeway on Shattuck (29,375 SF)
Andronico's on Solano (19,497 SF)
Andronico's on Shattuck (37,323 SF)

EXISTING MEDIUM/LARGE FORMAT SPACES
CVS on Shattuck (17,932 SF)
Benchmark Climbing Gym on Shattuck (11,671 SF)
Oak Theater Climbing Gym on Solano (10,447 SF)

Question(s)

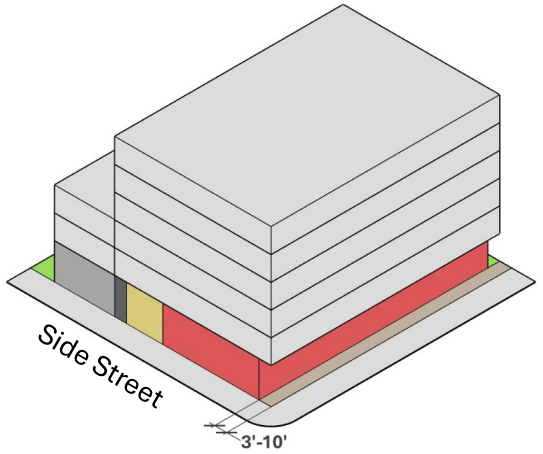
→ Should we include requirements to retain space for medium and large format retail, like grocery stores, if existing sites are redeveloped?

IV. Sidewalk Activation

Retail Setback

Why?

→ Retail ground floors in new developments have the potential to **extend and activate the pedestrian realm**



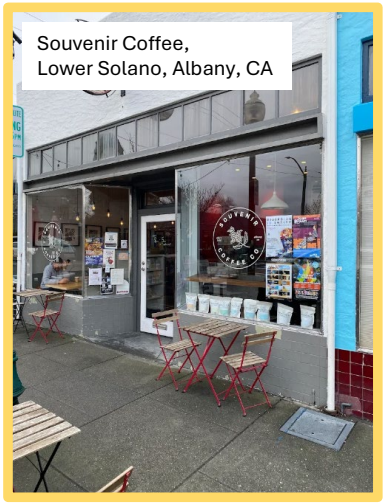
Draft Standard

- Ground floor retail frontage shall be set back between **3 and 10 feet** from the property line

Former Creekwood Restaurant, Berkeley, CA

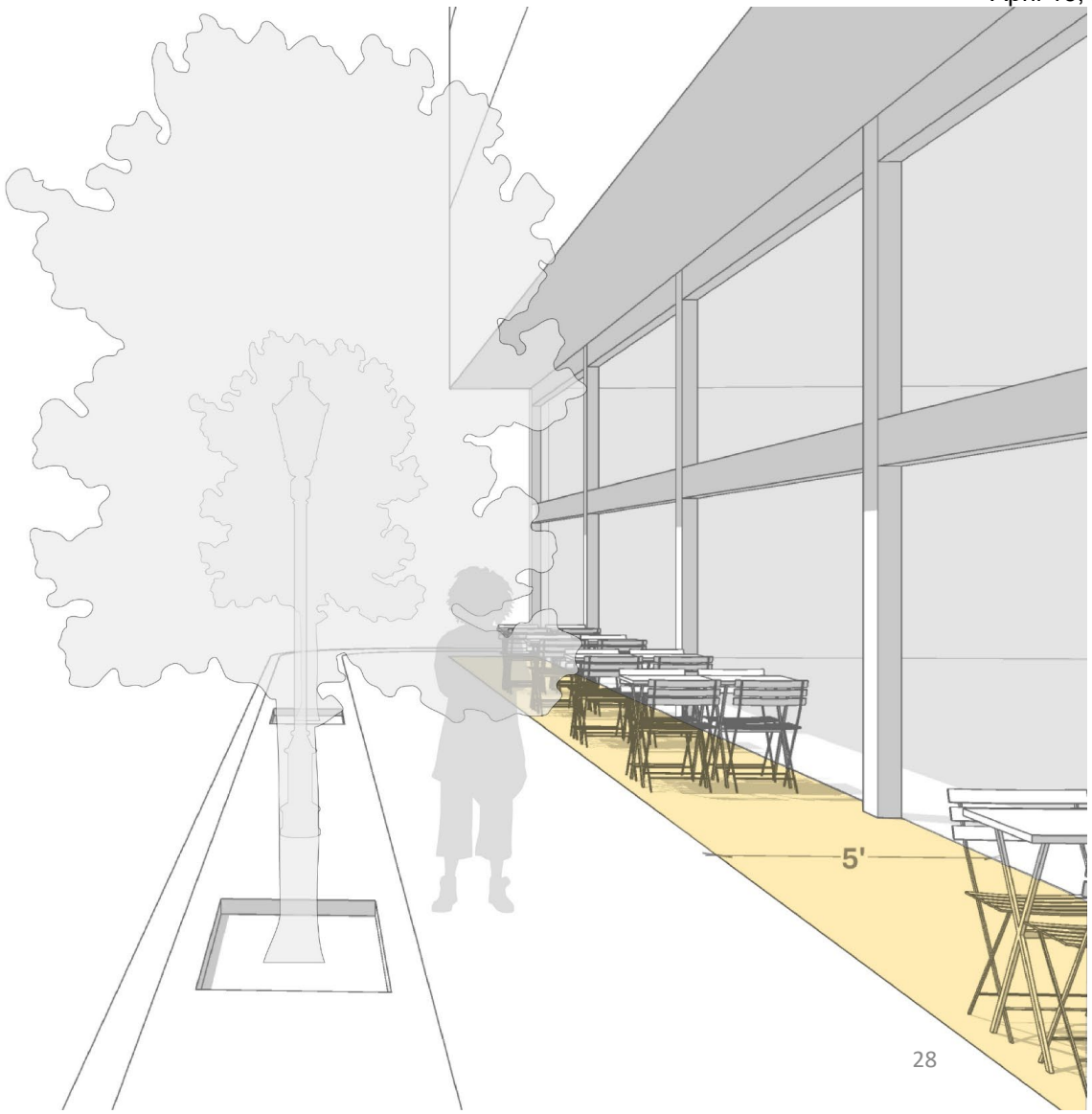
3 ft setback

- Allows for door swings, small café tables, planters

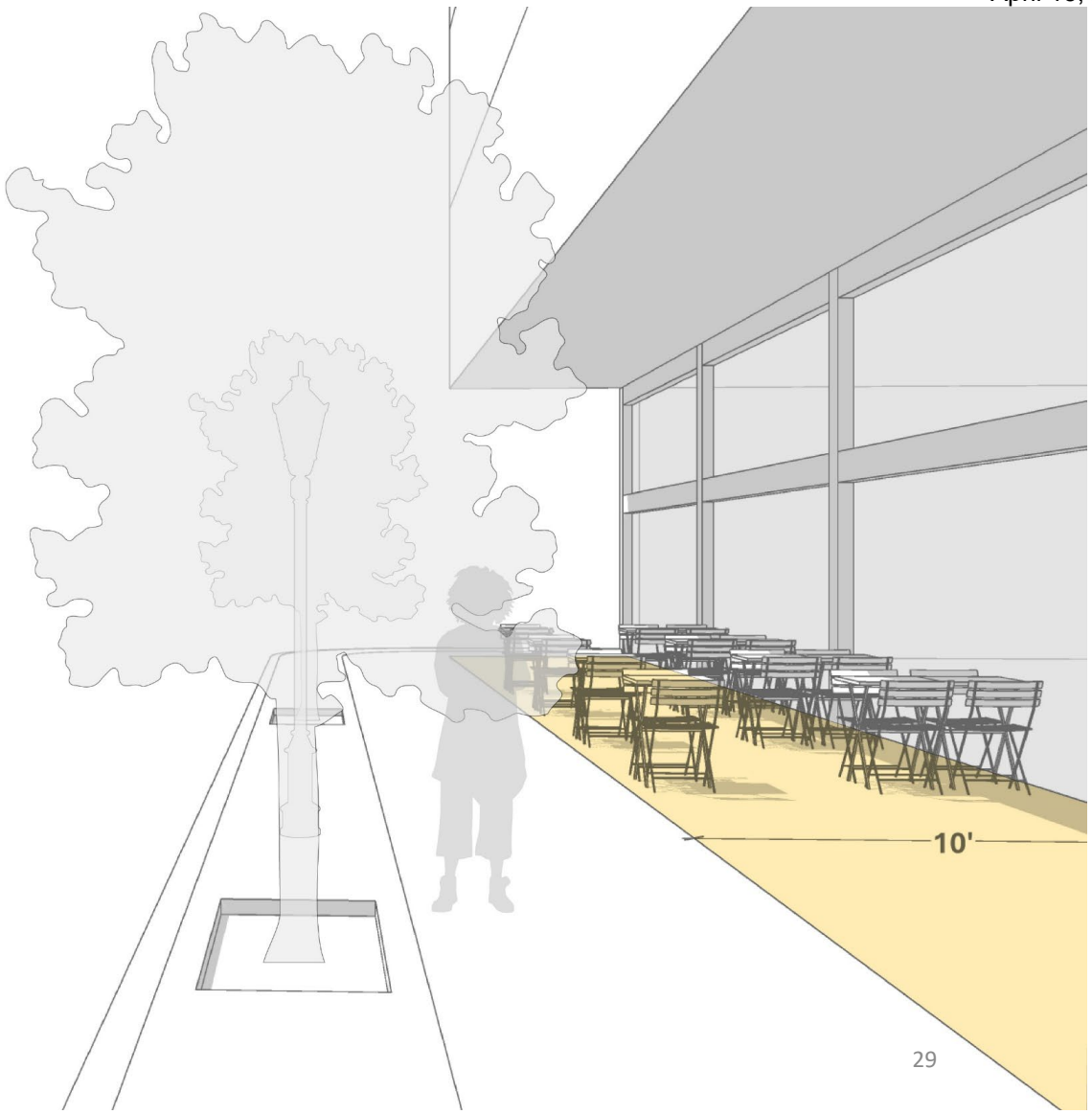

Souvenir Coffee,
Lower Solano, Albany, CA

Retail Setback


Sidewalk cafe in Paris, France



Retail Setback

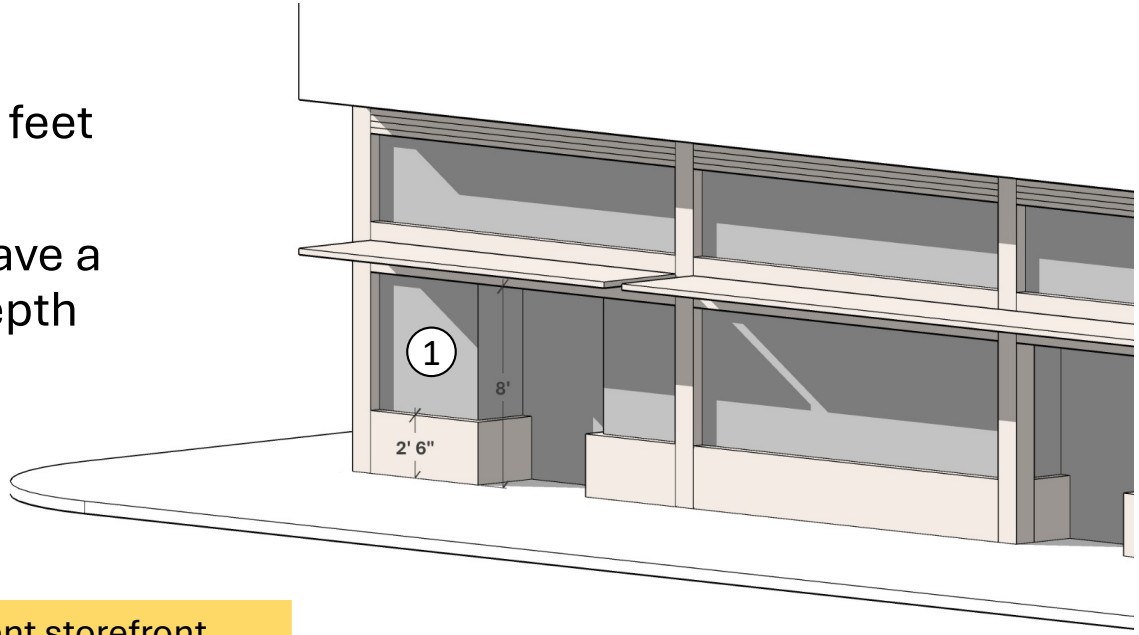


V. Human-Scaled Storefront Design

Why?

Draft Standards

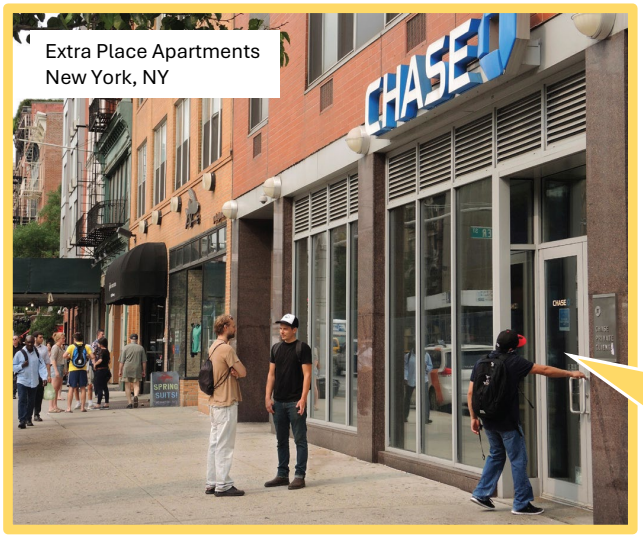
1. 60% transparency between 2.5 feet and 8 feet from sidewalk grade
2. 50% of storefront width shall have a lighted display zone 4 feet in depth from the window



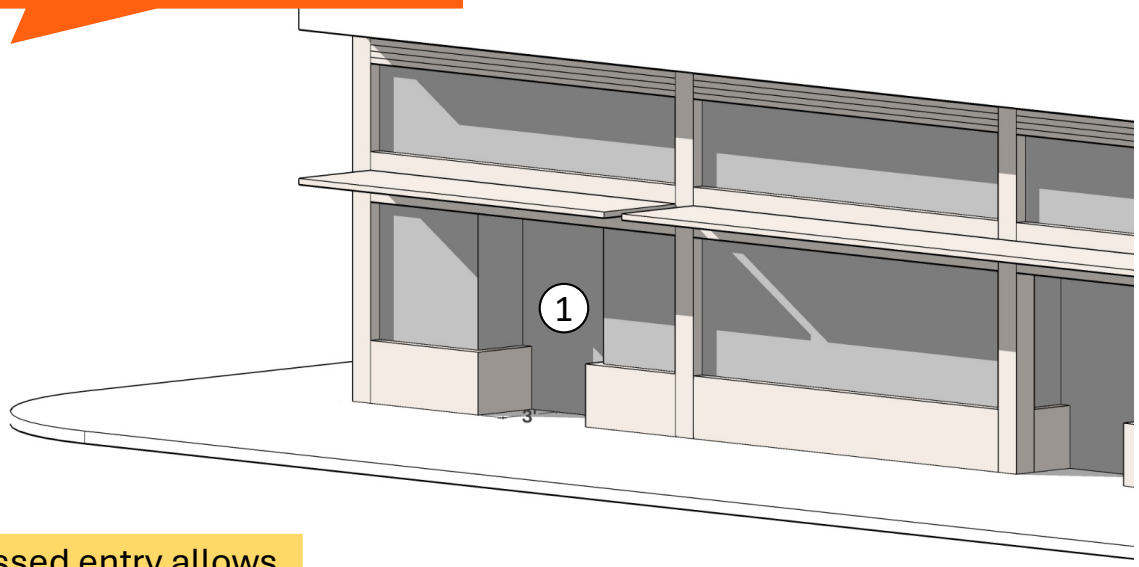
Transparent storefront between 2' and 8', and display zone behind the window

Draft Standards

1. Recess of at least 3 feet, or projection/awning



A recess provides weather protection and identifiability of entries. It also allows for door swings clear of the pedestrian right-of-way.

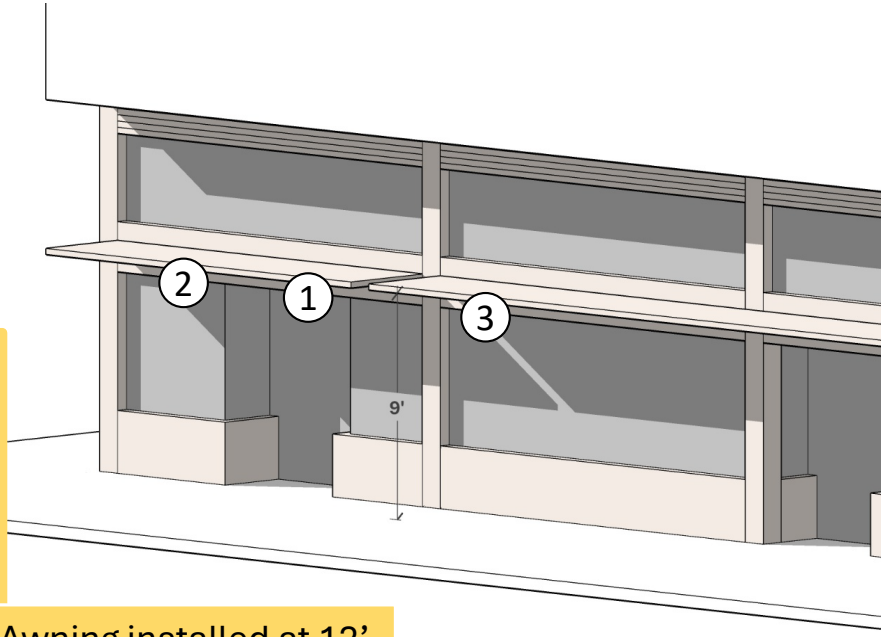


Recessed entry allows for the door to swing clear of the pedestrian right-of-way

Draft Standards

1. At least 9 feet above sidewalk
2. Installed between transom and display windows
3. Segments installed over each storefront

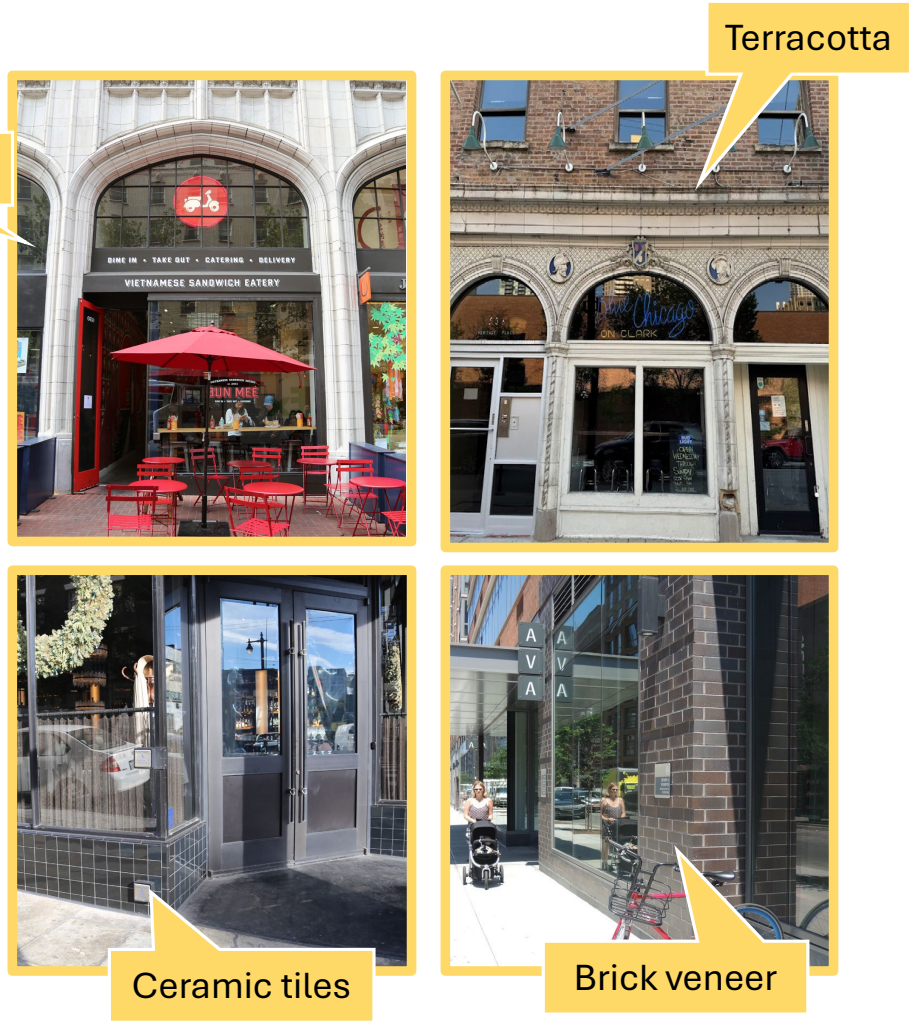
Awnings and canopies provide shade and weather protection for people walking



Awning installed at 12’ between transom and display windows

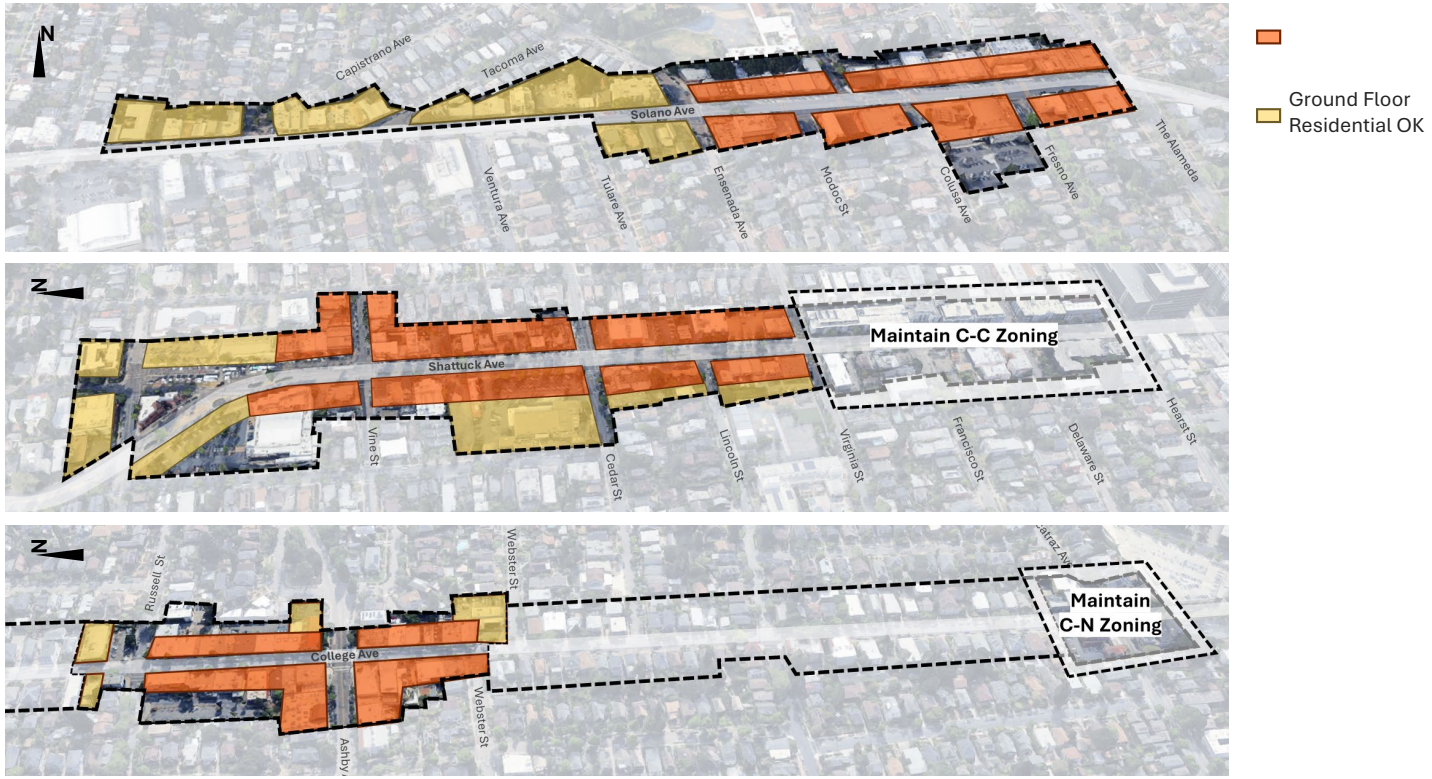
Draft Standards

- Use materials that:
  - Are durable
  - Provide human-scale textures and/or patterns
- Recommended materials:
  - Terracotta, brick, brick veneer, ceramic tiles, simulated or natural stone, wood, metal, board-formed concrete



VI. Residential Ground Floors

Allow Ground Floor Residential



Residential Building Setback

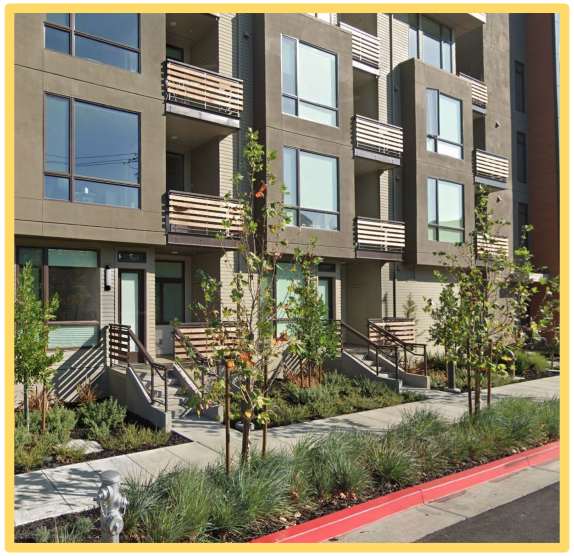
Why?

- → **Residential ground floors generate less street activity** compared to retail ground floors
- → The design of residential ground floors has the potential to **activate the sidewalk by incorporating elements such as residential stoops and plantings**
- → Ground floor residential units directly fronting busy streets may face **privacy concerns**

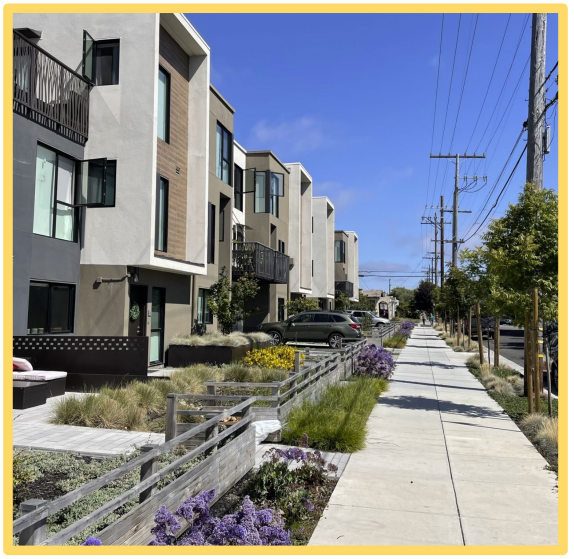
12' setback to grey wall;
6 ‘ setback to white wall

5 ft setback

10 ft setback



15 ft setback



Convertible to Retail

Why?

- → Future changes in the market may result in higher demand for retail in areas where residential ground floors are allowed
- → The design of residential ground floors **can make residential to retail conversions easier** to anticipate and adapt to future changes in the retail market

> 50% of the façade design with storefront character

Objective Standards for Design Guidelines

Section	Subsection	Proposed Objective Design Standards	Definitions	Row #
1. Neighborhood Context	**Massing** Goal: Promote harmony in scale and massing.	Differentiate the base. A base shall visually carry the weight of the building. A base *is defined as a plane or material change between the ground floor and the upper floors* and can be made by thickening the walls or a change in material and color and *shall extend* at least 75% of *each individual* building facade. Buildings over three stories tall shall have major massing breaks at least every 100 feet *along every building frontage* through the use of varying setbacks, building entries, and recesses, courtyards or structural bays. Major breaks shall be a minimum of 5 feet deep and 10 feet wide and shall extend at least two-thirds of the height of the building.	Base - a plane or material change between the ground floor and the upper floors	1
	Materials Goal: Provide texture and visual interest while minimizing glare.	At least two materials shall be used on any building face visible from the street or adjacent parcel in addition to glazing and railings. Any one material must comprise at least 20% of *street facing building facade.* Materials shall not cause glare on the public right of way or adjacent parcels.		2
2. Building Design	**Rooflines** Goal: Vertically break up building mass at the roofline.	Rooflines shall be *articulated at least every 50 feet along the street frontage, through the use of architectural elements such as cornices, clerestory windows, canopies, or varying roof height and/or form.*	Roofline - Top termination of the massing.	3
	Façade Design Goal: Give depth to the building façade.	Provide balconies or upper facade projections or recesses every 25 to 30 feet. Blank walls on side and rear facades shall not exceed 30 ft in length.	Upper façade projection or recess - Any balcony, window box, window articulation that either creates a recess in or projects out from the building face. Blank wall - A length of untinterupted wall space that does not include a window, door, material change, or plane change.	4
	Windows Goal: Give depth to the building façade.	Windows *shall not exceed 75% of upper facades* . Windows set in wall surfaces shall be recessed a minimum of 2 inches *unless in a continguous vertical bay, in which case the recess may be substituted with a vertical fin or projection.*		5
3. Ground Floor Design	**Residential Lobbies** Goal: Create a focal point for residents and pedestrians.	A primary building entrance shall be visible from the street. Direct pedestrian access shall be provided between the public sidewalk and such primary entrance. *A primary building entrance* must have a roofed projection *in the form of either a canopy or the extension of a vertical bay* , or recess with a minumum depth of 5 feet and a minimum area of 60 sq. feet. *Entrances to upper floors shall be distinguished with either plane changes, material transitions, or building signage.*		6
	Ground Floor Height Goal: Enhance ground floor experience.	Ground floor *commercial spaces* shall have a minimum interior height of *13 feet.*		7
	Storefronts Goal: Enhance pedestrian experience and provide visual cues that distinguish between retail and residential entries.	Retail spaces shall be accessed directly from the sidewalk, rather than through lobbies or other internal spaces. Clear glass shall comprise at least 60% of the street facing façade where it is between 3 feet and 8 feet above elevation of adjacent sidewalk. Maintain the typical rhythm of 15-30 foot storefronts at ground level. Provide at least one of the following architectural features to protect pedestrians from inclement weather: A) awnings B) canopies C) recessed entries Except for recessed entries, a majority of storefront glazing shall be at the property line.		8

Objective Standards for Design Guidelines

Section	Subsection	Proposed Objective Design Standards	Definitions	Row #
3. Ground Floor Design	**Public Service Street Frontages** Goal: Activate the public street.	At least one publicly-accessible street-level entrance shall be provided for every 40 feet along a streetfacing property line. Any remainder exceeding 30 feet shall also have a publicly-accessible street-level entrance. No two entrances shall be separated by more than 50 feet. *~ Downtown only* **reference Figure 43: Public Serving Frontages on page 61 of the Downtown Design Guidelines for applicability.*		9
4. Parking Lots, Garages and Driveways	**General Guidelines** Goal: Reduce visual impact of parking on the street frontage.	Locate parking structures underground or behind buildings or provide either landscape or architectural elements to screen view of parking from the street.		10
	Surface Lots Goal: Screen surface lots from view of the street while providing shade and landscaping.	Perimeter landscaping shall include trees and shrubs. In addition to required screening, parking area shall have trees which achieve a canopy coverage of at least 50% within seven years.		11
	Garage Lighting and Ventilation Goal: Reduce impact of garages on neighboring parcels.	All parking garage lighting shall be shielded so that light does not shine through vents at night and headlights are not visible from the street and adjacent parcels. If forced venting is required for the garage, air shall not vent directly onto the sidewalk or podium courtyards.		12
5. Building Accessories	**Lighting** Goal: Prevent glare on public right of way.	All lighting shall be downcast and not cause glare on the public right of way or neighboring parcels.		13
	Security and Fences Goal: Reduce visual impact.	Security devices and grillwork visible from the street shall be integrated into the overall building design. Perimeter fencing utilized along public street shall be constructed of decorative iron, pre-painted welded steel, or wood picket material.		14
	Trash Service, Mechanical and Utilities Goal: Reduce visual impact.	Garbage receptacles, utility meters and mechanical and electrical equipment at rooftop and ground shall be screened from the view of pedestrians.		15
6. Street Trees	Goal: Preserve and/or add street trees.	Existing street trees shall be retained and protected *if determined to be healthy by the Urban Forester*. Work with Berkeley's Urban Forestry Department and Public Works to determine preferred locations for new street trees.		16
7. Signs and Awnings	Goal: Cohesive sign program that is in keeping with the building design	Coordinate the design and alignment of signs and awnings on buildings with multiple storefronts in order to achieve a cohesive appearance to the base of the building. Signs and awnings shall not obscure architectural elements such as clerestory windows or columns. All front faces shall be opaque.		17

Joint Subcommittee for the Implementation of State Housing Laws

ACTION CALENDAR
September 28, 2021
(Continued from September 14, 2021)

To: Honorable Mayor and Members of the City Council

From: Joint Subcommittee for the Implementation of State Housing Laws (JSISHL)

Submitted by: Igor Tregub, Chairperson

Subject: Objective Standards Recommendations for Density, Design and Shadows

RECOMMENDATION
Refer to the Planning Commission and Design Review Committee to review the recommendations from the Joint Subcommittee for the Implementation of State Housing Laws (JSISHL) for objective standards for density, design and shadows and draft Zoning Ordinance amendments for City Council consideration.

FISCAL IMPACTS OF RECOMMENDATION
This project will involve staff and consultant time that will total approximately $200,000. Budget for the consultant time was previously allocated from the General Fund in the 2021-2022 fiscal year budget ($115,000). Additional staff time amounting to $100,000 would have to be covered by re-arranging staff priorities within existing resources to support the effort.

CURRENT SITUATION AND ITS EFFECTS
The City of Berkeley's Zoning Ordinance and permitting process for residential and mixed use projects relies heavily on discretion and subjective development standards. State laws, such as Senate Bill (SB) 35, limit interpretation of zoning regulations and require a streamlined permit approval process for many housing projects. JSISHL was tasked with reviewing approaches to objective standards for density, design, shadows and views. Between April 2018 and July 2020 JSISHL, including representatives of the Planning Commission, Zoning Adjustments Board, and Housing Advisory Commission, met eleven times to discuss these topics and ultimately prepared the recommendations summarized below.

Objective Standards for Density (Building Intensity)
The referral specifically requested that JSISHL consider dwelling units per acre as an objective measurement of density. JSISHL also considered a form-based code method and floor area ratio (FAR) as approaches to objectively regulate lot buildout and development proportions. No unanimous agreement could be reached as to the best

path forward. In the end, a recommendation was made using FAR as the primary density standard in residential and commercial districts and form-based code[1] , which emphasizes standards with predictable physical outcome such as build-to lines and frontage and setback requirements, as a secondary approach. There was also an interest in a units/acre approach that assumed average unit sizes and bedroom counts; however, this approach was not adopted. See Attachment 1 (July 22, 2020 Final Minutes) for the text of these options**. JSISHL recommended developing an objective standard for density using FAR and potentially form-based code.**

Objective Standards for Design

Berkeley's design review process relies heavily on four sets of design guidelines:

1. Design Review Guidelines (applied citywide);
2. Downtown Design Guidelines;
3. Southside Strategic Plan Design Guidelines; and
4. University Strategic Plan Design Guidelines.

This process heavily relies on the discretion of staff and the Design Review Committee; however, recent State laws require that cities develop objective standards for streamlined and ministerial approval processes for qualified projects. To aid JSISHL in making a recommendation, staff created a matrix of design guidelines to identify design goals, introduced objective language to reflect desired design outcomes, and test-fit approved projects to double-check objective language. **JSISHL recommended the proposed objective design standards be reviewed by the Design Review Committee and further refined by Planning Commission.**

Objective Standards for Shadows

The Berkeley Municipal Code (BMC) addresses shadows as follows:

- Section 23E.36.070(C)(1)(a): Projects on the north side of University Avenue within the University Avenue Strategic Plan Overlay area must meet a Solar Rear Yard Setback (subject to override by Density Bonus waivers). Required daylight plane analysis is incorporated directly into the development standards: *"…shall not cast a shadow at noon more than 20 feet onto any lot in a residential zone as calculated when the sun is at a 29 degree angle above the horizon (winter solstice)."*
- Section 23B.34.070(C): Green Pathway Projects[2] within the Downtown Mixed-Use District (C-DMU) that are between 60 and 75 feet tall. Shadow analysis for these projects must show that:

[1] https://formbasedcodes.org/standards-of-practice/

[2] As defined in in Chapter 23B.34 of the municipal code, the "Green Pathway" is a streamlined permit process for buildings that exceed the Green Building requirements applicable to the C-DMU district and confer extraordinary public benefits.

1. *The extent of shading on public sidewalks and open spaces within a radius of 75 feet of the closest building wall that would be cast at two (2) hours after sunrise, 12 p.m., and two (2) hours before sunset, on March 21, June 21, December 21, and September 21, by a building 60 feet in height that complies with all applicable setback requirements; and*
2. *Features incorporated into the building design, including, but not limited to, additional upper floor setbacks that will reduce the extent of shadowing of the proposed building to no more than 75 percent of the shadowing projected in paragraph 1 above.*

Otherwise, shading impacts are evaluated on a discretionary basis during Use Permit review and are permissible provided they are not "unreasonable" or provided they will not result in a "significant reduction in sunlight." Although the review of shadow studies is somewhat objective – administrative guidelines establish methods for analyzing impacts by time of day and time of year on living area windows and yards - the ultimate finding is subjective. Therefore, while shadow studies provide accurate information on shading due to proposed projects, the amount of shading from new development that is deemed "reasonable" depends on the context.

JSISHL discussed many aspects of shadow impacts, including shading of solar panels and roofs, windows, yards and gardens. The recommendation is fairly detailed, including five applicability considerations and four methods of measuring shadow impacts that depend on project elements. **JSISHL recommended that the proposal for objective shadow standards be reviewed and further refined by staff and the Planning Commission.**

BACKGROUND

On July 17, 2017, the City Council adopted a referral to address the State Housing Accountability Act (Government Code Section 65589.5) and to preserve local land use discretion (see Attachment 2). The referral requested research into a set of objective zoning standards for new development projects in the following four topic areas:

- Density and/or building intensity;
- Public health and safety standards;
- Design review standards; and
- Views, shadows, and other impacts that often underlie detriment findings.

In the time since the referral was adopted by City Council in 2017, the State adopted several bills to streamline the approval process for housing developments. Legislation facilitates housing production for projects that comply with a jurisdiction's objective standards and prohibits localities from adopting standards what would reduce the number of residential units allowed (i.e. downzones a property or area). As a result of

these legislative actions, jurisdictions benefit from adopting objective planning standards that can guide the development process and reflect goals of the local community.

JSISHL's first few meetings in 2018 were focused on understanding and analyzing 2017 State housing laws and associated City Council referrals. At its fourth meeting, in January 2019, JSISHL adopted a work plan (see Attachment 3) to direct efforts towards researching approaches to objectives standards for density, design, shadows and views. In March and May of 2019, JSISHL examined existing conditions at the City of Berkeley and implementation of the Zoning Ordinance and of State law (i.e. Density Bonus, SB-35, the Housing Accountability Act). Since September 2019, JSISHL has evaluated objective standards for density, design and shadows in order to develop a recommendation to City Council. At its final meeting on July 22, 2020, JSISHL recommended approaches to objective standards for design, density and shadows to City Council for consideration. JSISHL was not able to address objective standards for views.

ENVIRONMENTAL SUSTAINABILITY
Adoption of objective standards will streamline the permitting process for housing projects, encouraging infill development and density, creating opportunities to live and work within close proximity and reduce reliance on private vehicle use and/or vehicles miles traveled.

RATIONALE FOR RECOMMENDATION
State law requires that jurisdictions adopt objective standards in order to ministerially approved projects.

ALTERNATIVE ACTIONS CONSIDERED
The city can choose to not adopt objective standards, in which case projects will be ministerially approved without meeting certain standards.

CITY MANAGER
The City Manager concurs with the content and recommendations of the Commission's Report.

CONTACT PERSON
Alene Pearson, Subcommittee Secretary, Planning and Development Department, 510-981-7489

Attachments:
1: Meeting Minutes (July 22, 2020)
2: City Council Referral (July 17, 2017)
3: Work Plan (January 17, 2019)

Planning Commission

DRAFT MINUTES OF THE REGULAR MEETING OF THE JSISHL
(JOINT SUBCOMMITTEE FOR IMPLEMENTATION OF STATE HOUSING LAWS)

July 22, 2020

The meeting was called to order at 7:02 p.m.

Location: N/A (This meeting was conducted exclusively through videoconference and teleconference)

Commissioners Present: Teresa Clarke, Dohee Kim, Thomas Lord, Shoshana O'Keefe, Igor Tregub, Alfred Twu, Jeff Vincent, Marian Wolfe (left at 9:29), Rob Wrenn

Commissioners Absent: None

Staff Present: Alene Pearson, Nilu Karimzadegan, Anne Burns and Desiree Dougherty

ORDER OF AGENDA: No Change

CONSENT CALENDAR: N/A

PUBLIC COMMENT: 1 speaker

PLANNING STAFF REPORT: Staff announced that three supplemental communications were sent out via email prior to the meeting and are posted on the online agenda. Communications received "At the Meeting" will be posted by the end of Friday.

COMMUNICATIONS IN PACKET:

- Email from Cantor Lois on 10/24/19 re: BART apartments
- Email from Vicki Sommer on 10/24/19 re: Objective Standards for Sunlight Detriment
- Email from Alene Pearson on 11/15/19 to JSISHL re: JSISHL October follow up and December supplemental material request
- Letter from Toni Mester on 12/2/19 re: density and solar recommendation
- Letter from David Ushijima on 12/2/19 re: Objective Standards for Shadow and Sunlight
- Email from Commissioner Wolfe on 12/2/19 re: JSISHL October follow up and December supplemental material request

COMMISIONER ATTACHMNETS IN PACKET:

- Email from Alene Pearson to JSISHL on June 26, 2020 re: JSISHL Meeting scheduled for July 22
- Email from Alene Pearson to JSISHL on May 15, 2020 re: JSISHL Meeting via Zoom

- Email from Timothy Burroughs, Planning Director on April 23, 2020 re: Update on status of board and commission meetings
- Email from Commissioner Lord on April 13, 2020 re: "The Constitution……"
- Email from Commissioner Lord on March 30, 2020 re: Objectifying and Modernizing Study Standards
- Email from Commissioner Kim on March 30, 2020 re: Follow Up to February 26 JSISHL Meeting
- Email from Commissioner Wolfe on March 28, 2020 re: Follow Up to February 26 JSISHL Meeting
- Email from Commissioner Wright on March 12, 2020 re: Follow Up to February 26 JSISHL Meeting
- Email from Alene Pearson to JSISHL on March 6, 2020 re: Follow Up to February 26 JSISHL Meeting

LATE COMMUNICATIONS (Received after the Packet deadline)**:**

- Supplemental Communication 1
- Supplemental Communication 2
- Supplemental Communication 3

LATE COMMUNICATIONS (Received and distributed at the meeting)**:**

- Supplemental Communication 4

CHAIR REPORT: None

COMMITTEE REPORT: None

7. APPROVAL OF MINUTES:

Motion/Second/Carried (Wolfe/Clarke) to approve the JSISHL Meeting Minutes from February 26, 2020. Ayes: Clarke, Kim, Lord, Tregub, Vincent, Wolfe, Wrenn. Noes: None. Abstain: O'Keefe, Twu. Absent: None (7-0-2-0)

8. FUTURE AGENDA ITEMS AND OTHER PLANNING-RELATED EVENTS: None

AGENDA ITEMS

9. Action: Objective Standards for Density

PUBLIC COMMENT: 4 speakers

Primary Motion/Second/No Action Taken (O'Keefe/Wrenn) to recommend that the City Council refer to staff and Planning Commission development of a dwelling units per acre standard in all commercial districts and in the MULI and MUR districts with consideration of a cap on average number of bedrooms. Take into consideration size of parcel and develop an average bedroom/unit (to be determined) for multi-unit buildings. Develop Floor Area Ratios (FARs) for residentially zoned ("R" prefix) districts such as R-2, R-2A, and R-3, to help clarify and make more objective what is permitted in these districts.

Substitute Motion/Second/Carried (Kim/Clarke) to recommend using FAR as a density standard with a secondary form-based approach in Residential and Commercial districts. Ayes: Clarke, Kim, Wolfe, Twu, Vincent. Noes: Lord, O'Keefe, Tregub, Wrenn. Abstain: None Absent: None
(5-4-0-0)

10. Action: Objective Standards for Design

PUBLIC COMMENT: 1 speakers

Primary Motion/Second/Carried (Wolfe/Clarke) to recommend to City Council the proposed design standards be reviewed and further developed by the Design Review Committee and Planning Commission. These standards were included in JSISHL's July 22, 2020 packet. Ayes: Clarke, Kim, O'Keefe, Tregub, Vincent, Wolfe, Wrenn. Noes: None. Abstain: Lord, Twu. Absent: None
(7-0-2-0)

Substitute Motion/Second/Not Carried (Twu/O'Keefe) to recommend to City Council the proposed design standards -- minus the first four design standards (massing, material, rooflines, facades) -- be reviewed and further developed by the Design Review Committee and Planning Commission. These standards were included in JSISHL's July 22, 2020 packet. Ayes: O'Keefe, Twu. Noes: Clarke, Kim, Lord, Tregub, Vincent, Wolfe, Wrenn. Abstain: None. Absent: None
(2-7-0-0)

11. Action: Objective Standards for Shadows

PUBLIC COMMENT: 2 speakers

Motion/Second/Not Carried (Wrenn/Tregub) to recommend to City Council the following:

In developing draft objective standards, staff should start with existing daylight plane standards, including the standards for San Pablo Avenue in El Cerrito, and with the City's own standard in effect for University Avenue.

Shadowing standards would only apply if the proposed project was asking for a Use Permit, AUP, waiver or density bonus to exceed the "base" residential and commercial zoning district development standards that are in effect as of 7/1/20.

Where there is a lot coverage limit, adjustments to the location and orientation of the massing can be required in order to minimize shadowing impacts.

In the development of shadowing standards, impacts on light and air and existing windows and door openings of the applicable adjacent buildings will be taken into consideration.

JSISHL should recommend that the City Council direct staff to go forward with drafting of an objective standard to protect existing rooftop solar panels from shadowing by new development on adjacent and nearby parcels.

JSISHL should recommend that the City Council direct staff to go forward with drafting objective shadowing standards to limit shadowing of residential buildings by new development on adjacent or nearby parcels.

Standards should apply in residentially zoned ("R" prefix) districts and to properties in commercially zoned ("C" prefix) districts that are adjacent to residential properties, where new development could cause shadowing impacts on residential properties. Staff could present to Council a range of options with draft language for each.

JSISHL should recommend that the City Council direct staff to work on standards to protect open, currently unshadowed areas of public parks, and open currently unshadowed areas of school grounds that are used for student recreation.

Ayes: O'Keefe, Tregub, Vincent, Wrenn. Noes: Lord, Abstain: Clarke, Kim, Twu. Absent: Wolfe (4-1-3-1)

Motion/Second/Carried (Clarke/Vincent) to recommend to City Council the following proposed shadow standards be reviewed and further developed by the staff and Planning Commission.

1. Applicability of Shadow Impacts:

a. Shadow impacts would not be considered when a proposed new building or new construction meets all base development standards.
b. Shadow impacts on an adjacent property would only be considered when a side or rear yard setback reduction or an increase in height is requested by use permit or by state density bonus over the allowable standard. Shadow impacts for Front or Street yard setback reductions would not be included or considered.
c. The shadow impact would only be calculated on the increase in shadow caused by the additional height or reduced setback portion of the project, not the cumulative.
d. Adjustments would seek to limit reductions in overall building envelope and could compensate with increases in height in another portion of the building, or reduced setback in another portion of the site, or some other mutually agreed adjustment to a development standard or mitigation. Adjustments may require, if no other solution can be proposed to mitigate the impact, a reduction in the overall total building envelope proposed. However, for state density bonus projects, adjustments to a proposed new residential construction shall not require a reduction in the overall total building envelope, habitable area, or cause the number of bedrooms or units to be reduced.
e. If the adjacent building being affected has a reduced building setback on the adjacent side or rear yard, a light and air impact would not be applicable, except in those cases where the building has a historic designation or was built prior to the implementation of the zoning code.

2. Elements of consideration for Shadow Impact:

a. Light & Air for Building Openings of Applicable adjacent buildings: The light and air shadow impact shall consider impact to light and air access only of the existing windows and door openings of the applicable adjacent buildings. The new construction would be required to adjust its setback such that a minimum 3 foot perpendicular distance was achieved and a 6 foot width, with minimum 1 foot on either side of the window or door for 2 stories (min. 6 foot for courts with openings on both sides) and 1 foot additional setback for each additional story up to 14 stories, or a total maximum setback of 15 feet from the adjacent building. For instance if the building is 3 feet away from the property line, a 12 foot maximum from the property line for the new building.
b. Minimum Required Open Space of Adjacent properties: An increase in shadow impact caused by the additional height or reduced setback on the minimum required open space of the adjacent impacted property shall not be more than a 50% increase in direct shade averaged over the entire year. If the affected property has more than the required open space, the calculation would be made on the open space that is least impacted by the shadow. The setback or height shall be adjusted to result in a net shadow increase of no more than 50% (or suggest alternate per staff research) as limited in Section 1 above. The shadow impact would only be calculated on the increase in shadow caused by the additional height or reduced setback portion of the project, not the cumulative.
c. Solar Access: An increase for the additional impact only of more than 50% of direct shading on existing solar panels averaged over the entire year and over the entire area of solar array would require that an adjustment to the requested height or setback be made, or other mutually agreed adjustment to a development standard or mitigation be made. If a mitigation such as moving the solar panels or re-orienting the solar panels has been mutually agreed upon in lieu of a development standard adjustment, this mitigation should be completed prior to building permit issuance, if possible.

The shadow impact would only be calculated on the increase in shadow caused by the additional height or reduced setback portion of the project, not the cumulative.

Ayes: Clarke, Kim, O'Keefe, Twu, Vincent. Noes: Lord, Wrenn. Abstain: Tregub. Absent: Wolfe. (5-2-1-1)

The meeting was adjourned at 11: 01 p.m.

Commissioners in attendance: 9 of 9

Members in the public in attendance: 7

Public Speakers: 7

Length of the meeting: 2 hours and 59 minutes

APPROVED:

_____

Alene Pearson

Secretary to the JSISHL

RESOLUTION NO. 69,159-N.S.

EXTENSION OF THE JOINT SUBCOMMITTEE FOR THE IMPLEMENTATION OF STATE HOUSING LAWS

WHEREAS, the Joint Subcommittee for the Implementation of State Housing Laws (JSISHL) was established under Resolution No. 68,308-N.S. in January 2018; and

WHEREAS, the mission of JSISHL is to advise Council regarding issues around density bonuses, the Housing Accountability Act, inclusionary zoning, and permit streamlining to attain compliance with state law and take advantage of new opportunities for the development of affordable housing; and

WHEREAS, under its enabling legislation, JSISHL is tasked with completing its work by January 2020, reporting to Council by March 2020; and

WHEREAS, in order to fulfill its mission an extension is needed to provide adequate time to review recently passed State housing laws, and to provide adequate feedback on recommendations on units per acre density standards, Floor to Area Ratios (FARs) and daylight plane shadowing standards, along with anything else such as an objective definition of detriment.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it hereby extends the timeline for the Joint Subcommittee for the Implementation of State Housing Laws to complete its work by July 2020, with the recommendations being brought to the City Council for consideration by the end of September 2020.

The foregoing Resolution was adopted by the Berkeley City Council on October 29, 2019 by the following vote:

Ayes: Bartlett, Davila, Droste, Hahn, Harrison, Kesarwani, Robinson, Wengraf, and Arreguin.

Noes: None.

Absent: None.

Jesse Arreguin, Mayor

Attest:
Mark Numainville, City Clerk

RESOLUTION NO. 68,308–N.S.

ESTABLISHING A JOINT SUBCOMMITTEE FOR THE IMPLEMENTATION OF STATE HOUSING LAWS

WHEREAS, Berkeley and California is facing an unprecedented housing affordability crisis; and

WHEREAS, rents for a two bedroom apartment in Berkeley have risen by 62.5% over the past five years; and

WHEREAS, Berkeley has so far achieved 48% of its housing allocation goals for 2014-2022 set out by the Association of Bay Area Governments, including 0% for extremely low income and moderate income; and

WHEREAS, many residential developments that have received zoning approval have yet to receive a building permit; and

WHEREAS, to address the rising crisis of housing in the State of California, 15 state bills were signed into law, with many dealing with how local municipalities respond to the development of new units; and

WHEREAS, issues around density bonuses, the Housing Accountability Act, inclusionary zoning, and permit streamlining need to be addressed by the City to be compliant with state law and to take advantage of new opportunities for the development of affordable housing; and

WHEREAS, because the Zoning Adjustments Board, Housing Advisory Commission, and Planning Commission have policy and quasi-judicial powers around housing, it would be beneficial for representatives of these commissions to meet jointly to develop policies for consideration by the Planning Commission and City Council; and

WHEREAS, community input is of vital importance in the review and implementation of these housing policies, and such input can be encouraged by regular publicly-noticed meetings of the Task Force; and

WHEREAS, the Joint Subcommittee should be comprised of nine voting members, with representatives from each commission.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley does hereby establish a Joint Subcommittee composed of members from the Zoning Adjustments Board, Housing Advisory Commission, and Planning Commission.

BE IT FURTHER RESOLVED that the Joint Subcommittee members shall be appointed from the membership of the Zoning Adjustments Board, Planning Commission or Housing Advisory Commission. Any Commissioner on any of those commissions is eligible for appointment to the Joint Subcommittee, as long as there is representation from each commission on the Joint Subcommittee.

BE IT FUTHER RESOLVED that the Joint Subcommittee shall complete its work by January 2020. Staff shall forward the Joint Subcommittee's recommendations to each parent Commission for comment, and bring the Joint Subcommittee's recommendations to the City Council for consideration by the end of March 2020, along with comments by any parent commissions.

The foregoing Resolution was adopted by the Berkeley City Council on January 23, 2018 by the following vote:

Ayes: Davila, Droste, Hahn, Harrison, Maio, Wengraf, Worthington and Arreguin.

Noes: None.

Absent: Bartlett.

Jesse Arreguin, Mayor

Attest: Mark Numainville, City Clerk

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Mayor Jesse Arreguin
Councilmember Sophie Hahn, District 5

SUPPLEMENTAL AGENDA MATERIAL

Meeting Date: **June 13, 2017**

Item Number: **# 59**

Item Description: **Housing Accountability Act**

Submitted by: **Mayor Jesse Arreguin and Councilmember Sophie Hahn**

The revision removes the idea that staff and the Planning Commission consider as one of several options downzoning and then upzoning by increasing development standards on a discretionary basis.

These ideas largely reflect those originally proposed by the City Attorney and Planning staff.

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E-Mail: *JArreguin@cityofberkeley.info*

Mayor Jesse Arreguin
Councilmember Sophie Hahn, District 5

Motion, Item # 59: Housing Accountability Act

Refer to the City Manager and Planning Commission to consider the following actions, and others they may find appropriate, to address the potential impacts of the Housing Accountability Act and to preserve local land use discretion:

- Amend the General Plan and Zoning Ordinance to adopt numerical density and/or building intensity standards that can be applied on a parcel-by-parcel basis in an easy and predictable manner. These would constitute reliable and understandable "objective general plan and zoning standards" that would establish known maximum densities. This could be done across the board or for specified districts.

- Devise and adopt "objective, identified written public health or safety standards" applicable to new housing development projects.

- Adopt "design review standards that are part of 'applicable, objective general plan and zoning standards and criteria".

- ~~Downzone & increase the number and amount of additional height, setback, and other elements available on a discretionary basis.~~

- Quantify and set standards for views, shadows, and other impacts that often underlie detriment findings.

Office of the Mayor

Motion, Item # 46: Housing Accountability Act

Refer to the City Manager and Planning Commission to consider the following actions, and others they may find appropriate, to address the potential impacts of the Housing Accountability Act and to preserve local land use discretion:

- Amend the General Plan and Zoning Ordinance to adopt numerical density and/or building intensity standards that can be applied on a parcel-by-parcel basis in an easy and predictable manner. These would constitute reliable and understandable "objective general plan and zoning standards" that would establish known maximum densities. This could be done across the board or for specified districts.

- Devise and adopt "objective, identified written public health or safety standards" applicable to new housing development projects.

- Adopt "design review standards that are part of 'applicable, objective general plan and zoning standards and criteria".

- Downzone & increase the number and amount of additional height, setback, and other elements available on a discretionary basis.

- Quantify and set standards for views, shadows, and other impacts that often underlie detriment findings.

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Meeting Date: January 17, 2019

To: Joint Subcommittee for the Implementation of State Housing Law (JSISHL)

From: Chris Schildt, Chairperson

Subject: JSISHL background, mission, objectives, and developing 2019 Workplan

Background

JSISHL held three meetings last year in April, May, and July, and had two meetings cancelled in September and November. Due to the long gap since our last meeting, I thought it'd be helpful to revisit the mission and objectives of this subcommittee, as background to a discussion of our workplan for the coming year.

At our April 17, 2018 meeting, we reviewed the mission and objectives of this subcommittee (from April 17, 2018 staff presentation to JSISHL):

> **Mission:** Assist the City of Berkeley to effectively implement new State housing laws and advance City Council priorities that are designed to increase affordable housing.
>
> **Objectives:**
>
> - Learn about the new State housing law package and its implications for our community
> - Assist the City to incorporate new practices designed to enable implementation of new State housing laws
> - Based on City Council priorities and referrals, assist with development of new policies for consideration by parent commissions and City Council.

At our subsequent meetings, we heard information about and discussed new state housing laws and a range of related issues, including developing objective standards, streamlining affordable housing, density bonus, and inclusionary zoning.

Developing a 2019 Workplan

While we heard information and had a lot of discussion last year, my aim for this coming year is for this body to move forward on a finite number of items that will best position the City to implement State housing laws. To that aim, I recommend we develop a workplan with agreed upon priorities that we will work on in the coming year. This would not preclude commissioners from submitting agenda items on other topics for JSISHL to consider, but would help to align our efforts and focus.

The workplan should build off of our existing work and discussion. In last year's meetings, we discussed the following areas that relate to implementation of new State housing laws:

- Developing objective standards
- Streamlining affordable housing
- Density bonus
- Inclusionary housing

Proposal:

Numerous state laws, including the Housing Accountability Act, SB 35, and other potential future state legislation (e.g. SB 50) have made it difficult to implement our local laws, which were developed to be flexible with local discretion. The City has recently undertaken a review of the applicable standards that can be enforced under these laws in the light of three recent projects that have applied for approval under SB 35. For an example of how the City applied objective standards for one of the projects, 1601 Oxford Street, see: https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_ZAB/2018-12-21_Attachment%20C_SB35_Objective%20Standards_1601%20Oxford.pdf

One outcome of the recent reviews has been the clear identification of those areas where the City does not have objective standards, including design review and use permit findings, which are by necessity discretionary and flexible to address unique circumstances. Developing objective standards in areas such as view, sunlight, density, and detriment could help to ensure local needs and goals are included in the development review process for all projects. These objective standards would also help address some of the other topics that have come up on this commission, such as facilitating streamlined review of affordable housing projects and improving the density bonus process.

As a proposed workplan, we could decide as a commission to use each of the next several meetings to do research and discussion on a separate topic within objective standards, and develop a set of recommendations for the City Council and/or our parent commissions. For each topic, commissioners and members of the public would be encouraged to submit information and research to this commission related to the topic to inform discussion. Attached is an example of research provided by a member of public, David Ushijima, on providing objective standards for sunlight detriment.

For example, we could dedicate one of each of these topics for each upcoming meeting:

- Daylight.
- Views.
- Density standards (Note: The city has hired a consultant, Opticos Design, to develop density standards this year. They will be presenting to this commission in 2019, date TBD).
- Detriments to health, comfort, and general welfare.

We could also agendize for a future meeting to review the City's existing objective standards table.

At the end of the year, we can compile our research and discussion and develop a set of recommendations to send to the City Council and/or our parent bodies.

Questions for discussion:

- Do the members of the commission agree to develop a workplan for 2019?
- If yes, what should our priorities be for 2019?

DRAFT MINUTES OF THE REGULAR MEETING OF THE JSISHL
(JOINT SUBCOMMITTE FOR IMPLEMENTATION OF STATE HOUSING LAWS)

January 17, 2019

The meeting was called to order at 7:05 p.m.

Location: 2180 Milvia Street 1st Floor, Cypress Conference Room

Commissioners Present: Thomas Lord, Shoshana O'Keefe (arrived at 7:16), Christine Schildt Igor Tregub, Marian Wolfe, Rob Wrenn.

Commissioners Absent: None

Staff Present: Alene Pearson, Nilu Karimzadegan and Beth Greene

ORDER OF AGENDA: Order of Agenda was changed to:

Discussion Item 9 (Adopt 2019 JSISHL Work Plan), Discussion Item 10 (Renewing Democratized Planning in Berkeley), Action Item 11 (Approve 2019 JSISHL Meetings Calendar) and Action Item 12 (Elections: Elect 2019 JSISHL Chair and Vice Chair).

Motion/Second/Carried (Lord/ Tregub) to move Agenda Item 12 to Agenda Item 10 and vote on the 2019 JSISHL Work Plan after Agenda Item 10. Ayes: Lord, O'Keefe, Schildt, Tregub, Wolfe, Wrenn. Noes: None. Abstain: None. Absent: None (6-0-0-0)

CONSENT CALENDAR: N/A.

PUBLIC COMMENT: 1 speaker

PLANNING STAFF REPORT:

Staff announced that 2019 meeting dates will be decided tonight with Agenda Item 11 and future meeting location will depend upon room availability.

COMMUNICATIONS IN PACKET:

- White Paper on Sunlight Impacts by David Ushijima (October 15, 2018).
- 2019-01-08_Communication_BNC_Support of White Paper by Dean Metzger (January 8, 2019)

LATE COMMUNICATIONS (Received after the Packet deadline): None

LATE COMMUNICATIONS (Received and distributed at the meeting): None

CHAIR REPORT: None

COMMITTEE REPORT: None

7. APPROVAL OF MINUTES:

> Motion/Second/Carried (Tregub/Wrenn) to approve the JSISHL Meeting Minutes from July 17, 2018. Ayes: Lord, O'Keefe, Schildt, Tregub, Wrenn. Noes: None. Abstain: Wolfe. Absent: None (5-0-1-0)

8. FUTURE AGENDA ITEMS AND OTHER PLANNING-RELATED EVENTS: None.

AGENDA ITEMS

9. Discussion: Adopt 2019 JSISHL Work Plan:

The Commission discussed a work plan for 2019 and developed a proposed schedule with meeting dates and topics that focus on objective standards for the implementation of State Housing Law. Below is a summary of that discussion:

- January 17: Work Plan Development
- March 27: Existing Objective Standard Framework
- May 22: Density Standards and Density Bonus
- September 25: Daylight, shadowing, and solar access
- October 23: Views and other objective standards
- December 12: Report out.

The Commissioners and the members of the public were encouraged to submit information and research related to future meeting topics. This work plan will result in a set of recommendations to parent commissions and/or City Council.

PUBLIC COMMENT: 1 speaker

10. Discussion: Renewing Democratized Planning in Berkeley

Commissioner Lord explained his memo and suggested modifications to the work plan developed during discussion of Agenda Item 9. The Commission added the topic of local overlay zones to the September and October meetings.

PUBLIC COMMENT: 1 speaker

> Motion/Second/Carried (O'Keefe/Wolfe) to adopt the proposed 2019 workplan. Ayes: O'Keefe, Schildt, Tregub, Wolfe, Wrenn. Noes: Lord. Abstain: None. Absent: None (5-1-0-0)

11. Action: Approve 2019 JSISHL Meetings Calendar:

The Commission discussed their availability and agreed on the following 2019 calendar:

January 17, 2019 (Wednesday)

March 27, 2019 (Wednesday)

May 22, 2019 (Wednesday)

September 25, 2019 (Wednesday)

October 23, 2019 (Wednesday)

December 12, 2019 (Thursday)

Motion/Second/Carried (O'Keefe/Tregub) to adopt the proposed 2019 calendar. Ayes: Lord, O'Keefe, Schildt, Tregub, Wolfe, Wrenn. Noes: None. Abstain: None. Absent: None (6-0-0-0)

12. Elections: Elect 2019 JSISHL Chair and Vice Chair:

Motion/Second/Carried (Wolfe/O'Keefe) to Elect Chris Schildt as Chair and Igor Tregub as Vice Chair for 2019 JSISHL. Ayes: Lord, O'Keefe, Schildt, Tregub, Wolfe, Wrenn. Noes: None. Abstain: None. Absent: None (6-0-0-0)

The meeting was adjourned at 9: 03 p.m.

Commissioners in attendance: 6 of 6

Members in the public in attendance: 2

Public Speakers: 2

Length of the meeting: 1 hour and 58 minutes