

WORKSESSION January 15, 2019

To:	Members of the City Council
From:	Mayor Jesse Arreguin
Subject:	North Berkeley BART Zoning and Future Development

SUMMARY

To address the City's shortage of affordable housing and respond to pending State legislation, in December 2017, Mayor Arreguin and former District 1 Councilmember Maio began a community process to envision the future of the North Berkeley Bay Area Rapid Transit (BART) Station parking lots. This effort was initiated for several reasons: (1) to provide homes that are affordable for low- and moderate-income households, (2) to combat the climate crisis by creating homes close to public transit—an important tool for reducing vehicle miles traveled, and (3) to enhance the quality of life of existing residents by adding amenities to the North Berkeley BART Station, such as green open space and enhanced bike and pedestrian access. To date, the community process has included an informational meeting that took place in March 2018 as well as an October 2018 "Visioning Event" for community members to present ideas on the future of the North Berkeley BART parking lots.

Assembly Bill 2923 (Chiu, 2018)¹, signed into law in September 2018, codifies BART's ability to pursue transit-oriented development on parcels owned by BART. The legislation grants BART the authority to establish transit-oriented development (TOD) zoning standards that apply to its property across the Bay Area, including the North Berkeley and Ashby BART Station sites. The intent of the law is to enable BART to work together with cities to maximize the public benefit of scarce transit-adjacent land.

AB 2923 codified BART's 2017 TOD guidelines² as the "minimum allowable density and height limits, and the highest allowable parking limits to which the [BART] board is required to adhere in adopting TOD zoning standards." Under AB 2923, BART has until July 1, 2020, to fully develop its TOD zoning standards and cities like Berkeley have

¹ <u>https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB2923</u>

² <u>https://www.bart.gov/sites/default/files/docs/BART_TODGuidelinesFinal2017_0.pdf</u> [PDF]

until July 1, 2022, to adopt zoning that conforms with the TOD guidelines established for this parcel. This is the reason for embarking on this thorough process.

Although BART has the ultimate authority to establish zoning standards for its property, the BART General Manager specified in an October 9, 2018, letter to former Councilmember Maio (Attachment 1) that BART intends to work in "close collaboration with local elected officials and community stakeholders" to create a great destination at the North Berkeley BART station. Significantly, BART notes that "working closely with neighborhoods and local elected officials is not only respectful, it is the most efficient way to get the job done."

The purpose of this Worksession is to: (1) provide the City Council with an opportunity to review the ideas/opinions elicited by community outreach to date, (2) discuss next steps in the process, and (3) give direction to city staff and Commissions on the parameters of appropriate development of the North Berkeley BART parking lot and of developing a Memorandum of Understanding with BART.

CURRENT SITUATION AND ITS EFFECTS

The North Berkeley BART Station sits on approximately 8.1 acres of land in residential Northwest Berkeley, bounded by Sacramento Street on the east, Virginia Street on the north, Acton Street on the west, and Delaware Street on the south (with the exception of additional side parking lots). The station opened in 1973 and provides a total of 822 parking spaces in the lots that surround the station's circular headhouse (Attachment 2).

The current use of the land for parking does not fulfill goals established by the City's Climate Action Plan³. The use of the land for parking encourages individuals to drive to access the BART station and also prevents opportunities for alternative environmentally superior land uses.

Currently, Berkeley is experiencing a critical shortage of housing that is affordable to low- and moderate-income households. Housing affordability is a regional issue, and development of this site gives Berkeley an opportunity to take significant steps toward fulfilling our values related to climate, housing, diversity, and inclusivity. The availability of land in such close proximity to a BART station presents a rare opportunity to create affordable transit-oriented housing.

³ <u>https://www.cityofberkeley.info/climate</u>

The North Berkeley BART site is currently zoned U-Unclassified (Attachment 3). This zoning designation will need to be updated to facilitate the realization of the vision that is the result of this process. The U District is essentially a placeholder designation until such areas are more specifically classified for residential, commercial, mixed-use, or some other use. The U District does not include any specific uses, development standards, or other limits. A use can be approved in a U District, subject to a Use Permit that is reviewed by the Planning Commission, Zoning Adjustments Board (ZAB), and City Council. In order to approve a given Use Permit, the Planning Commission, ZAB, and City Council must make findings of non-detriment (See BMC 23B.32.040⁴). The North Berkeley BART site is also subject to several goals and policies in the General Plan.

The North Berkeley BART site is surrounded by R-1 and R-1A zoning districts (Attachment 4), both of which are designed to allow for low to medium density residential development. R-1 allows for single family residential development; R-1A permits two dwelling units on one lot, under certain conditions.

There are some limits to development on the North Berkeley BART site based on the location of the tracks underground. BART requires that projects do not create any impact on tracks, so special design considerations apply along the underground station and tracks. The general area of the BART tracks is included in the image below.

4

https://www.codepublishing.com/CA/Berkeley/html/Berkeley23B/Berkeley23B32/Berkeley23B32040.html



[Source: BART (Attachment 5); Shows the rough location of the underground station and tracks in yellow, and the rough area of influence of the tracks in orange. Area of influence is based on the rule of thumb indicated in General Guidelines for Design and Construction Over or Adjacent to BART's Subway Structures.

https://www.bart.gov/sites/default/files/docs/Gen_Guide_Subway_062012.pdf (PDF)]

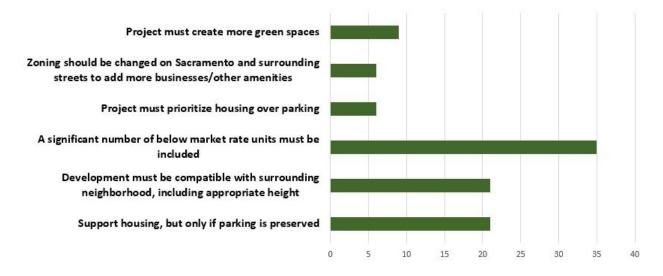
BACKGROUND

On December 16, 2017, former District 1 Councilmember Maio and a small group of volunteers (including Councilmember Kesarwani) canvassed the streets directly around the North Berkeley BART Station, speaking to neighbors and distributing flyers (Attachment 6) in an effort to raise awareness about the potential for housing at the site, as well as gather contact information to alert neighbors to future community meetings on the topic.

On March 15, 2018, Mayor Arreguin and Councilmember Maio hosted a community informational meeting with BART staff at the Berkeley Adult School, attended by approximately 400 people. Residents gave public comment for more than two hours and

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feedback was collected at the event and received by email. Central among issues raised by residents was the potential loss of parking, which many said would be detrimental to the area and force more people to drive to their destinations instead of using BART. Many others said that any future housing must preserve the unique character of the surrounding neighborhood. The vast majority of the comments stressed that a significant number of new housing units must be below market/affordable. Of the 95 people who addressed whether or not they wanted to see new housing built on the North Berkeley Bart Station parking lots, 62 people (totaling 65%) said "Yes" and 33 (totaling 35%) said "No." See the bar chart below for a breakdown of the comments received.



This is a link to video of the event, provided by Berkeley Community Media: <u>https://drive.google.com/file/d/1BU86YtSkCFUMgx_at-pOpOGf_Upllot9/view</u>. Attached is the invitation to the event and the presentations given by Mayor Arreguin and Councilmember Maio (Attachments 7-8), and by BART (Attachment 5).

On May 15, 2018, the City Council voted to support the idea of holding a "Visioning Event to Present and Share Ideas on Creating Housing at the North Berkeley BART Station Parking Lots."⁵ This event took place on October 13, 2018, at the North Berkeley Senior Center. Visual and written ideas were submitted prior to the event. All written comments and ideas were compiled into multiple notebooks which were placed around the room for attendees to review. Visual presentations submitted by community members were also available to view, with many presenters discussing their proposals

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⁵ <u>https://www.cityofberkeley.info/Clerk/City_Council/2018/05_May/Documents/2018-05-</u> 15_Item_28_Visioning_Event_to_Present_-_Rev.aspx [PDF]

with members of the public in attendance. To view the feedback and proposals provided by community members, visit <u>https://www.jessearreguin.com/north-berkeley-visioning</u>.

ENVIRONMENTAL SUSTAINABILITY

As discussed above, the current use of the North Berkeley BART Station parking lots solely for vehicle parking is not the optimal environmental use of the land. By adding housing to this site, the City Council would further its goals to address the Climate Emergency and reduce greenhouse gas emissions from vehicle miles traveled. A reconfigured use of the site can allow for improved bicycle and pedestrian facilities to encourage alternate means of access to the BART station, while maintaining some optimally designed parking for those who must drive to access the station.

POSSIBLE FUTURE ACTION

After this Worksession, a public hearing will take place in Spring 2019 to gain public input on a potential vision for building housing at the North Berkeley BART site. Ultimately, the City Council will determine elements of this vision and pursue a Memorandum of Understanding (MOU) with BART that specifies the terms of development on the site. This MOU with BART would allow the City of Berkeley to advance City zoning concurrently to employ development standards consistent with AB 2923.

Through the Adeline Corridor planning process, the City is also gathering public input on future use of the Ashby BART Station site. Future development at that site will also require an MOU with BART and will be informed by community input.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

The fiscal impacts of any future development of the North Berkeley BART site will be analyzed at a later date, once there is more specific direction on options and development potential.

CONTACT PERSONMayor Jesse Arreguin510-981-7100

Attachments:

- 1. October 9, 2018, letter from BART General Manager re. AB 2923
- 2. Map of North Berkeley BART Station (Source: BART)
- 3. Chapter 23E.92 of the Berkeley Zoning Code U District
- 4. North Berkeley zoning map

- 5. BART presentation at the March 15, 2018, Community Meeting
- 6. Handout distributed in neighborhood around North Berkeley BART Station, December 16, 2017
- 7. Invitation to March 15, 2018, Community Meeting
- 8. Mayor Arreguin and Councilmember Maio's presentation at the March 15, 2018, Community Meeting

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2018

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October 9, 2018

The Honorable Linda Maio 2180 Milvia Street, 5th Floor Berkeley, CA 94704

Dear Councilmember Maio,

On September 30, 2018, the Governor signed into law AB 2923 (Chiu and Grayson), regarding transit-oriented development (TOD) on property owned by the San Francisco Bay Area Rapid Transit District (BART). BART had a neutral position on this bill, which was sponsored by the State Building and Construction Trade Council, AFL-CIO and Non-Profit Housing Association of Northern California.

AB 2923 directs BART to adopt new TOD zoning standards for each BART station to establish minimum local zoning requirements. I want to assure you that I am committed to continuing BART's collaborative approach to TOD, as guided by Boardadopted policy documents. We have found that working closely with neighborhoods and local elected officials to consider community needs is not only respectful, it is the most efficient way to get the job done.

BART's mission is to support a prosperous Bay Area by connecting communities with seamless mobility. A key component to regional success is adequate housing. BART aims to partner with local communities to build 20,000 new housing units at our stations by 2040 and to ensure that at least 35% are affordable.

BART's TOD program has a proven track record of working with local communities to create great housing/retail/commercial destinations. BART has 20 TOD projects either completed or under-construction and eight approved projects in the pipeline. All have been made possible through close collaboration with local officials and community stakeholders.

For your reference, enclosed is BART policy governing transit-oriented development.

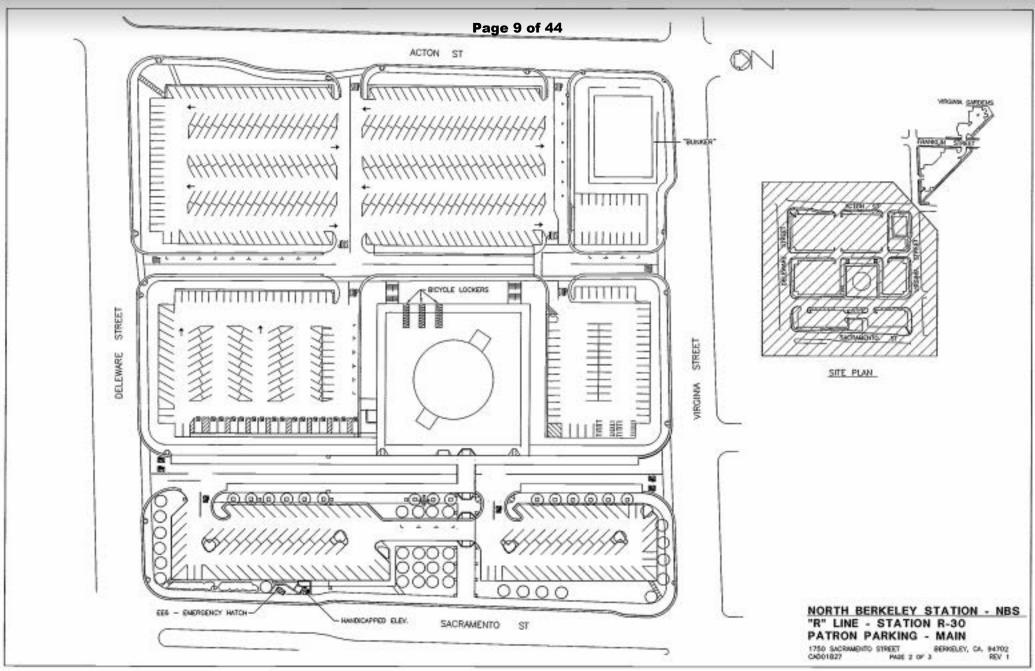
I look forward to having future discussions with you about creating additional, vibrant and sustainable communities next to BART stations.

Sincerely,

Jace Crunica

Grace Crunican General Manager

cc: BART Board of Directors



Chapter 23E.92 U UNCLASSIFIED DISTRICT PROVISIONS

Sections:

23E.92.010	Applicability of Regulations
23E.92.020	Purposes
23E.92.030	Uses Permitted
<u>23E.92.040</u>	Reserved
23E.92.050	Reserved
23E.92.060	Reserved
<u>23E.92.070</u>	Development Standards
<u>23E.92.080</u>	Reserved
23E.92.090	Findings

23E.92.010 Applicability of Regulations

The regulations contained in this Chapter shall apply in all U Districts. In addition, the general provisions in Sub-title 23C and Chapters 23E.04-32 (including Design Review) shall apply. (Ord. 6478-NS § 4 (part), 1999)

23E.92.020 Purposes

The purposes of the Unclassified (U) Districts are to:

A. Implement the Master Plan's designations for those areas encompassed in the U District Zoning classification;

B. Provide a Zoning District designation until such areas are classified into residential, commercial or manufacturing Districts. (Ord. 6478-NS § 4 (part), 1999)

23E.92.030 Uses Permitted

A. All uses are permitted that are not otherwise prohibited by law, provided that a Use Permit shall be secured for any use to be established, as per the procedures described in the following Section.

B. Each application for a Use Permit shall be reviewed as follows, in lieu of the procedures under Chapter 23B.32:

- Each application shall be first submitted to the Planning Commission with the Commission making a report to the Board; except that if the Commission fails to take an action on the report within thirty (30) days after a Use Permit application is deemed complete, this requirement shall be deemed to have been complied with;
- After the Commission report is forwarded to the Board, the Board shall take an action to approve, conditionally approve or deny the application. However, the Board's decision shall not become effective until after action by the Council as provided below. Since all decisions regarding U District Use Permits by the Board require Council review, no appeals of the Board's decision shall be allowed and the appeal procedures under Section <u>23B.32.050</u> shall not apply to such U District Use Permit application reviews;
- A report of the Board's decision, including findings and any conditions, together with the Commission's report on the matter, shall be transmitted by the Secretary of the Board to the City Clerk within fourteen (14) days of the Board's meeting at which the Board took its final action.

- The City Clerk shall schedule the matter on an agenda for a City Council meeting date that is within thirty (30) days of the Board's decision.
- 5. The Council may affirm, reverse or modify the decision of the Board. (Ord. 6478-NS § 4 (part), 1999)

23E.92.040 Reserved

23E.92.050 Reserved

23E.92.060 Reserved

23E.92.070 Development Standards

All development standards shall be set forth in the Use Permit, including, but not limited to, lot size, density, building height, yards and building separations, lot coverage, Floor Area Ratio (FAR) and requirements for usable open space and off-street parking. (Ord. 6478-NS § 4 (part), 1999)

23E.92.080 Reserved

23E.92.090 Findings

No Use Permit shall be granted under this District's provisions unless the Board, Commission and the Council make the finding under Section <u>23B.32.040</u>. (Ord. 6478-NS § 4 (part), 1999)

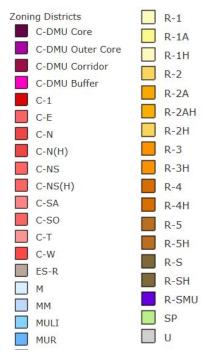
23B.32.040 Findings for Issuance and Denial and Conditions

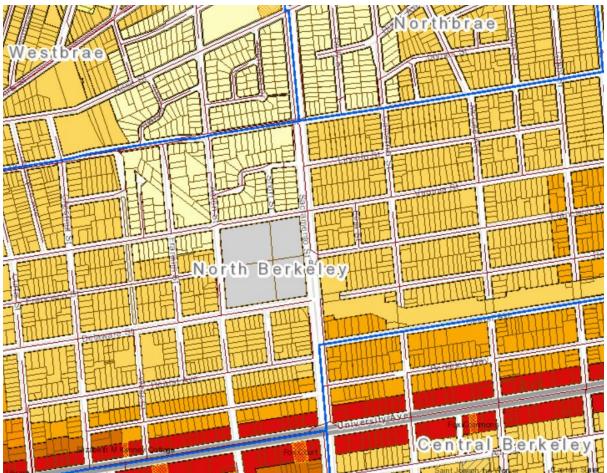
A. The Board may approve an application for a Use Permit, either as submitted or as modified, only upon finding that the establishment, maintenance or operation of the use, or the construction of a building, structure or addition thereto, under the circumstances of the particular case existing at the time at which the application is granted, will not be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the area or neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood or to the general welfare of the City.

B. Prior to approving any Use Permit the Board must also make any other findings required by either the general or District regulations applicable to that particular Use Permit.

C. The Board shall deny an application for a Use Permit if it determines that it is unable to make any of the required findings, in which case it shall state the reasons for that determination.

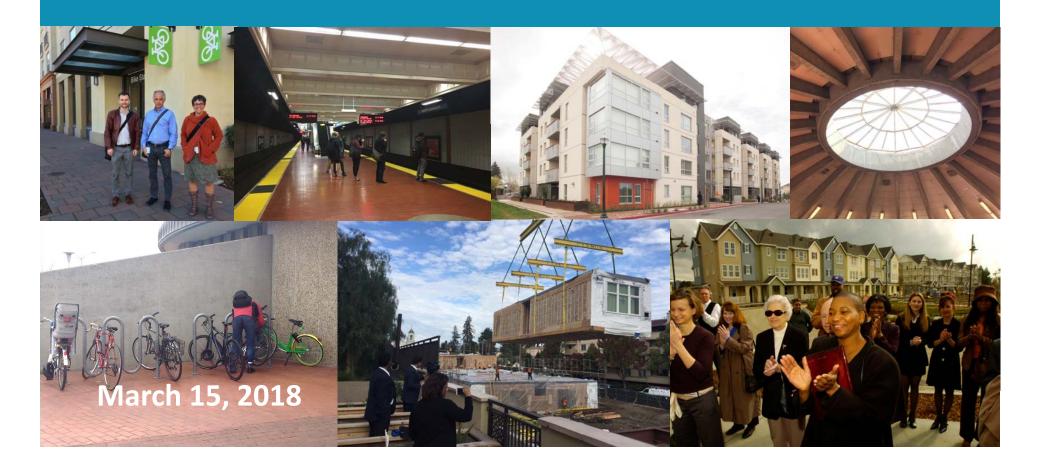
D. The Board may attach such conditions to any Use Permit as it deems reasonable or necessary to achieve the purposes of this Ordinance, and which otherwise promote the municipal health, safety and welfare. (Ord. 6478-NS § 4 (part), 1999)





ET.







No proposed project or concept

Presentation covers:

- Introduction to Transit-Oriented Development (TOD)
- BART's TOD Program
- North Berkeley BART Station Overview
- Q&A



What is Transit-Oriented Development (TOD)?

Development offering a compact mix of uses, incomes, and civic amenities, featuring better bicycle and pedestrian connections to transit stops.



Fruitvale Transit Village Phase I Fruitvale BART Station Spanish Speaking Unity Council

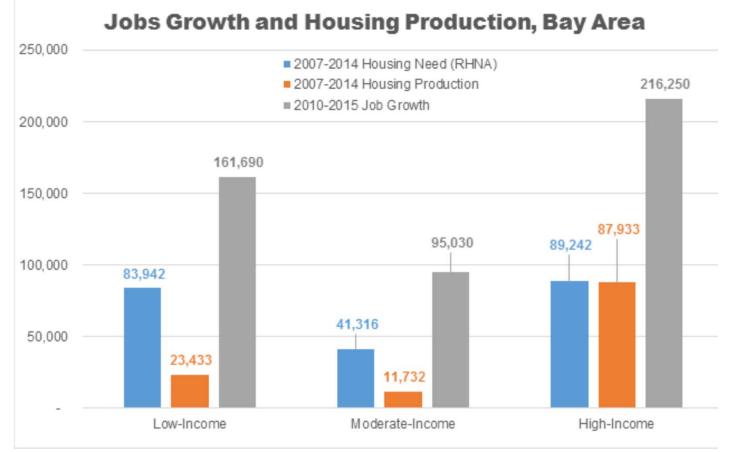
Marea Alta Family Housing San Leandro BART Station BRIDGE Housing Public Square Pleasant Hill BART Station Avalon Bay



Regional Growth 2010-2015:

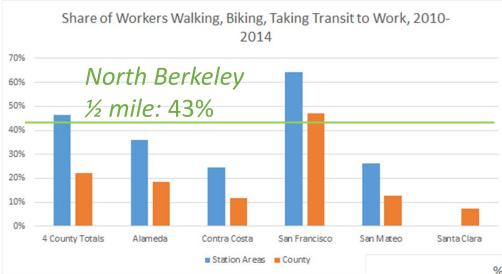
- 617,000 Jobs
- 56,000 housing units
- 11:1 ratio

(Source: MTC)



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boi Why TOD at BART Stations?

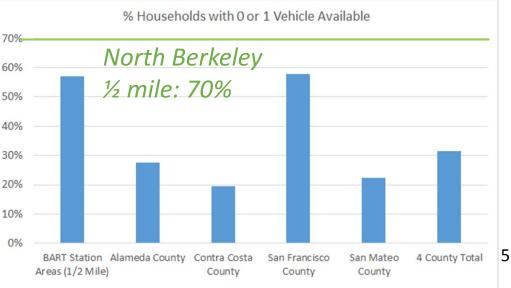


Offer Transportation Choices:

Over 40% of commuters living within ½ mile of BART walk, bike or take transit to work, vs. 20% in the 4 county area

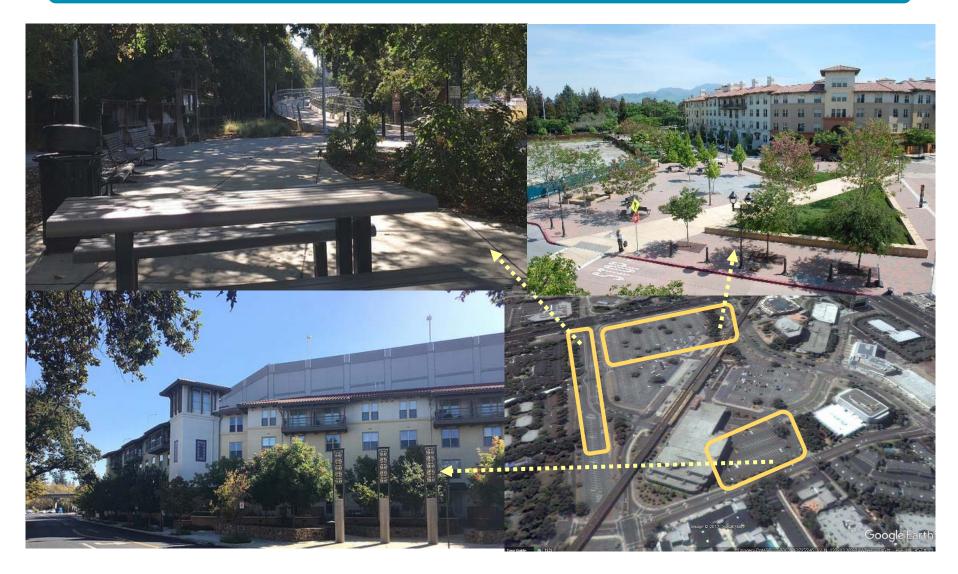
Reduce Auto Dependence:

More than half of households living ½ mile from BART own 1 or fewer cars – equivalent to San Francisco rates



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Why TOD at BART Stations? Create places, enhance safety



BART TOD Policy Overview - Goals

- A. Complete Communities. Partner to ensure BART contributes to neighborhood/district vitality, creating places offering a mix of uses and amenities.
- **B.** Sustainable Communities Strategy. Lead in the delivery of the region's land use and transportation vision to achieve quality of life, economic, and greenhouse gas reduction goals.
- C. Ridership. Increase BART ridership, particularly in locations and times when the system has capacity to grow.
- **D.** Value Creation and Value Capture. Enhance the stability of BART's financial base by capturing the value of transit, and reinvesting in the program to achieve TOD goals.
- E. Transportation Choice. Leverage land use and urban design to encourage non-auto transportation choices both on and off BART property, through enhanced walkability and bikeability, and seamless transit connectivity.
- F. Affordability. Serve households of all income levels by linking housing affordability with access to opportunity.

DOD FOR Policy Overview – Adopted Performance Target Highlights

- A. Complete Communities: 20,000 units and 4.5 million square feet commercial by 2040. Min density 75 du/ac.
- **B.** Sustainable Communities Strategy: 1-2 catalytic projects per year. GHG Reduction.
- **C. Ridership:** *Weekday ridership, Transportation Demand Management (TDM) Programs in Job Centers near BART.*
- D. Value Capture: Pilot new finance mechanisms to support transit, TOD
- E. Transportation Choice: 0.9 car parking spaces/unit average; 1.6 car parking spaces/1,000 sf office/retail average. ½ to ¾ of TOD projects include transportation demand management
- F. Affordability & Equity: 35% units affordable. Require at least 20% at every station where BART has residential component

BART's TOD Program to Date

Development Status	Number of Projects	Housing Units	% Affordable Housing	Commercial Square Feet
Completed	11	1,975	31%	195,000
Under Construction	7	1,872	15%	450,000
Approved/In Negotiations	6	TBD	At least 20%	1,000,000+
Total Completed/ Under Construction	18	4,247	23%	643,690

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115 family affordable units, 85 senior affordable units, child care center

BRIDGE Housing









- 55 units affordable to low and very low income households
- 55 units unrestricted
- 2,000 sq ft retail

Partnership with City of Oakland - \$20 m in City funds invested UrbanCore Partners

South Hayward: Alta Mira and Cadence



Two projects: 154 units affordable family & senior housing 202 units market rate housing

> Developers: AMCAL and Eden Housing

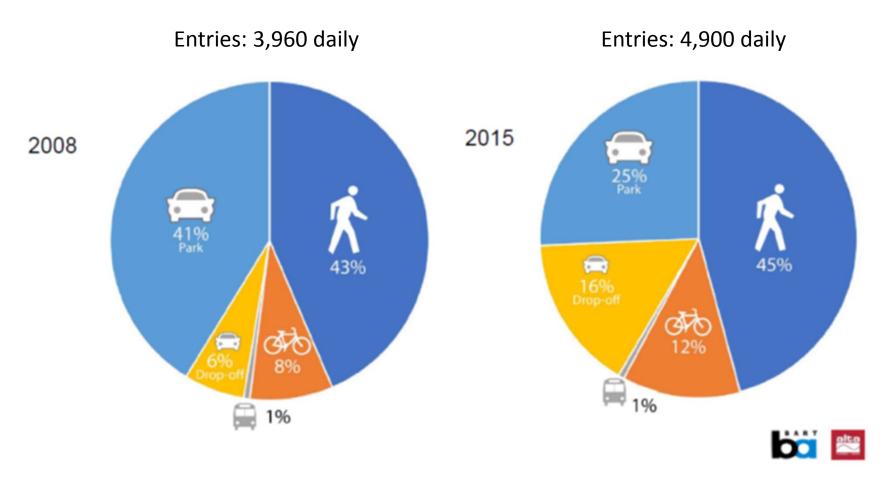


MacArthur: Mixed Income Housing



BRIDGE Housing, Master Developer 90 units affordable housing completed ("Mural") 787 units under construction – two, 7 story buildings and a 24 story high rise

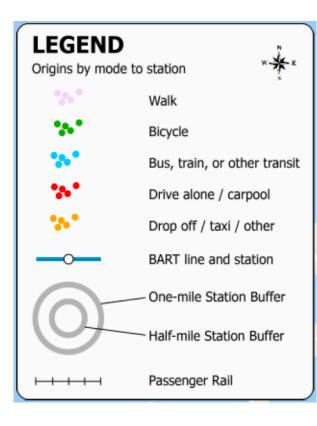
North Berkeley BART Change in how patrons access station

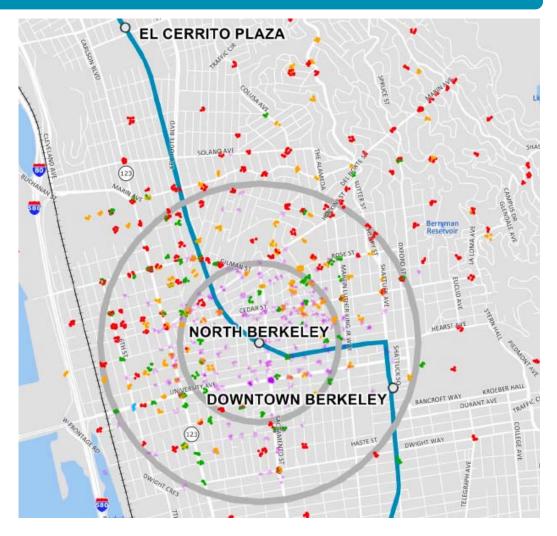


Note: Home origin

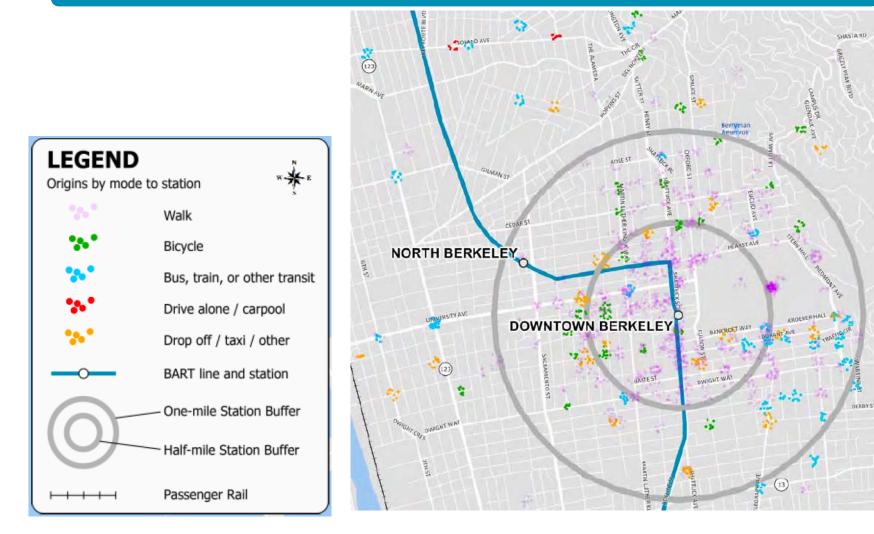
How do people get to the station?

The average park and ride patron drives 1.5 miles, vs 2.7 systemwide





Station Pairs: Downtown Berkeley



BART Tracks Under Property

No additional weight on station/tracks

Supports must be outside area of Influence: ~30-40' on either side

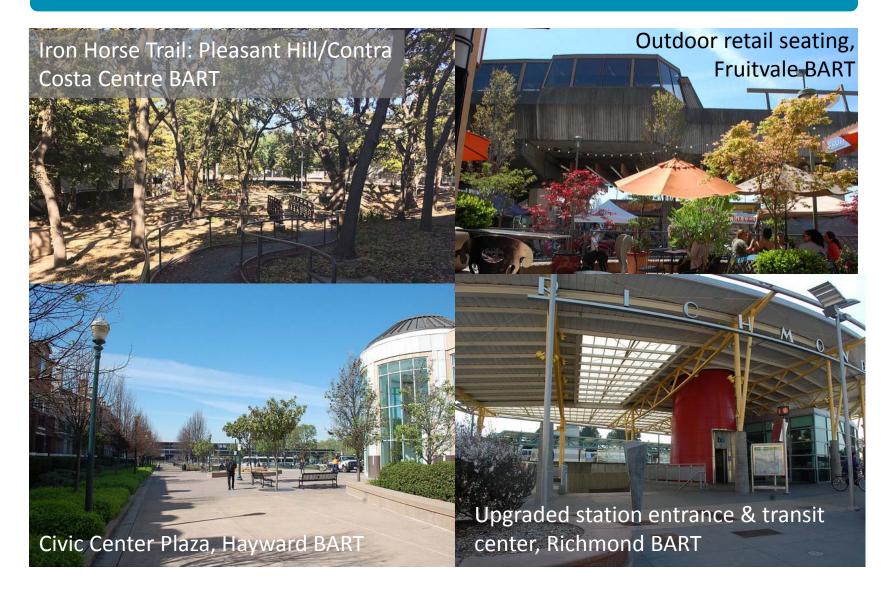
4-5 acres developable of 8.1 acres total

Other considerations:

- Transit operability after major quake
- Fire secure
- Many other manageable engineering requirements



What can be done in "zone of influence"





- Mixed-use residential
- Affordable housing & supportive services
- Community-serving retail
- Placemaking
- Community facilities
- Station access



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QUESTIONS?



DISTRIBUTED DECEMBER 16, 2017



Office of Councilmember Linda Maio City of Berkeley, District 1

POTENTIAL FOR HOUSING ON THE NORTH BERKELEY BART STATION

Dear Resident,

Housing on the North Berkeley BART parking lot has been coming up at more and more gatherings, especially as our housing crisis deepens and housing near transit is so desirable.

North Berkeley and the Ashby stations have both been discussed as possible sites at meetings where transit-oriented development comes up.

To be clear, there are no proposals in the hopper at this time, but building on these lots has been discussed.

As your Councilmember, I want to be sure neighbors are aware and can participate if and when anything moves forward.

Toward that end I am requesting that you provide my office with your preferred contact information or send me an email at Imaio@cityofberkeley.info or call my office at 981-7110. In this way I can keep you abreast of any proposals that emerge.

Thank you.

Mayor Jesse Arreguin, Councilmember Linda Maio, and BART Director Rebecca Saltzman invite you to a

COMMUNITY MEETING

about the suitability of the main North Berkeley BART parking lot as a site for housing.

THURSDAY, MARCH 15, 7-9 PM

Berkeley Adult School

Multi-Purpose Room 1701 San Pablo (enter from Curtis/Francisco)

BART will present the site's suitability for housing, given the presence of the tunnel, and will discuss transit-oriented development, followed by questions and discussion.

Hosted by Mayor Jesse Arreguin // mayor@cityofberkeley.info // 510.981.7100 Councilmember Linda Maio // Imaio@cityofberkeley.info // 510.981.7110 BART Director Rebecca Saltzman // Rebecca.Saltzman@bart.gov // 510.464.6095 Page 35 of 44

March 15, 2018 7 - 9pm

Informational Meeting on the Potential for Housing at North Berkeley BART Page 36 of 44

Mayor Jesse Arreguin Councilmember Linda Maio BART Director Rebecca Saltzman

Note: There is no proposed project for this site.

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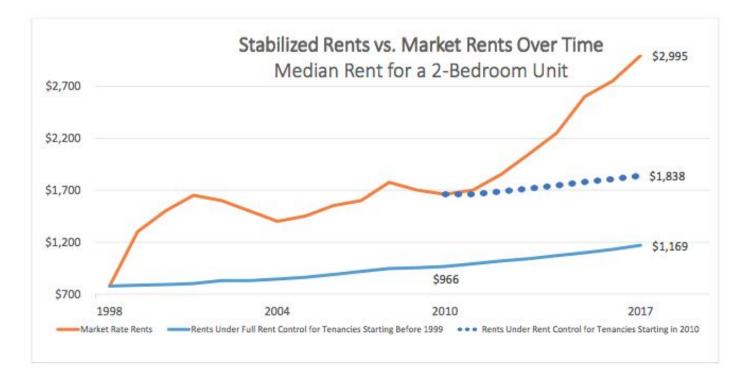
AGENDA

State of Housing in Berkeley Mayor Arreguin & Councilmember Maio

BART Presentation Director Saltzman & BART Staff

Possible Next Steps Open Discussion & Collected Comments

State of Housing in Berkeley Rent controlled units



Source: Berkeley Rent Stabilization Board

New market rate rentals







\$3,150 - \$6,720+ ■ 1 - 2bd ■ 1 - 3ba 629 - 1,578 sqft+ Stonefire Berkeley



\$3,771 - \$10,573+ ■ 1 - 2bd 1 - 3ba 746 - 1,706 sqft+ Berkeley Central

Source: Trulia search

"Affordable Housing" Affordable Housing" Bay Area, as per HUD - Family of 4

Monthly Rent

Median Income	\$115,000	\$2,882
Low Income	\$92,250 (80% of Med)	\$2,306
Very Low Income	\$69,200 (60% of Med)	\$1,730

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State Legislation **Proposed** Senate Bill 827 Overrides Existing Zoning in Certain Areas

Assembly Bill 2923 Enables BART to Establish Zoning

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BART Director Rebecca Saltzman

BART PRESENTATION

North Berkeley Site Features Transit-Oriented Development Page 43 of 44

What could happen next?

 BART & City discuss development scenarios within BART guidelines
If City wishes to proceed: City determines its own development guidelines/zoning

All deliberations occur within public process.

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Comments, Questions