

## **Supplemental Communications (2)**

(The following are communications received  
after noon on **November 30** - 12pm,  
**December 2.**)

## Lapira, Katrina

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**From:** Andrea Altschuler <[andreaaltschuler@gmail.com](mailto:andreaaltschuler@gmail.com)>

**Sent:** Monday, November 30, 2020 5:56 PM

**To:** Shen, Alisa <[AShen@cityofberkeley.info](mailto:AShen@cityofberkeley.info)>; [bartplanning@cityofberkeley.info](mailto:bartplanning@cityofberkeley.info) <[bartplanning@cityofberkeley.info](mailto:bartplanning@cityofberkeley.info)>

**Subject:** Fwd: North Berkeley BART housing - bldg height, affordability, and parking

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

**From:** Andrea Altschuler <[andreaaltschuler@gmail.com](mailto:andreaaltschuler@gmail.com)>

**Date:** Mon, Nov 30, 2020 at 5:49 PM

**Subject:** North Berkeley BART housing - bldg height, affordability, and parking

**To:** <[bartplanning@cityofberkeley.info](mailto:bartplanning@cityofberkeley.info)>, <[athorne@bart.gov](mailto:athorne@bart.gov)>

**Cc:** <[mayor@cityofberkeley.info](mailto:mayor@cityofberkeley.info)>, <[council@cityofberkeley.info](mailto:council@cityofberkeley.info)>

Greetings - thank you for all the work you are putting into this massive project. As an across the street neighbor to the North Berkeley BART station I strongly support housing on the site that is livable for both new and current neighborhood residents. To sum it up, just because we can doesn't mean we should.

As we all know this is primarily a neighborhood of single story single family homes. As I regularly drive along Broadway in Oakland, I see new 5-6 story residential buildings that fit in perfectly with the main artery, commercial boulevard. That type of building, let alone ones that are taller, does not seem aligned with the North Berkeley BART neighborhood.

What does seem aligned is reasonable height and bulk, going from 2 stories at the street level with landscaping setbacks up to 4-5 stories in the center, totaling about 400-500 units of housing. North Berkeley is not downtown and shouldn't be the site of a massive high rise development - that's against the City of Berkeley's General Plan overall goals. And of course, the housing shortage is both a very local and regional problem that we can fix by building in-fill housing in ways suitable for each area.

We should be focusing on affordability in the housing that is built, which would mean nonprofit developers and cost-effective construction (best achieved with 4-5 story wood-frame development) - and that BART provide near-complete land subsidy instead of just 40% (since BART proposed North Berkeley station as 100% affordable housing).

We also should have an upfront plan that guarantees access to the station beyond those who can walk to it and without relying on parking in the surrounding neighborhood. Not having any parking planned for hundreds of new residents seems like planning for ongoing parking chaos in the neighborhood, even with preferential street

parking.

Overall, planning for the North Berkeley site is compromised by the poorly developed AB 2923 that mandates the station as a more urban/dense station than those such as Daly City and Walnut Creek that are fully in the midst of commercial development with little to no surrounding residential neighborhood. BART never did proper analysis to justify the Urban Town Center designation for North Berkeley and never justified the 7-story minimum height that went with it, all of which were then codified in law by 2923. To have this bizarrely-written law define the future of the North Berkeley neighborhood is just wrong - on top of which is the fact that North Berkeley is the ONLY station in the entire system surrounded on all four sides by a residential neighborhood that extends for blocks and blocks. To mandate 7 story minimum development in such an area is simply egregious.

Thank you for your consideration.

Sincerely,  
Andrea Altschuler  
1417 Virginia Street  
Berkeley, 94702

**Lapira, Katrina**

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**From:** Rick Smith [mailto:rick@borp.org]

**Sent:** Monday, November 30, 2020 12:03 PM

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

**Subject:** Letter to CAG in Support of ARCH Proposal for East Ashby BART Lot

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Attached letter accompanies our previous emailed letter to the Planning Commission for the upcoming meeting.

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**Join the Revolution 2020 and raise funds for sports, recreation & fitness programs for children, youth & adults with disabilities!**



Rick Smith

Executive Director

BORP Adaptive Sports & Recreation

510-225-7030 (Direct)



*A Collaboration Between BORP and the EBSHC\**

November 16, 2020

TO: City of Berkeley Community Advisory Group (CAG)

FROM: Ashby Recreation & Community Housing

RE: Input to Final CAG Recommendations

ARCH (Ashby Recreation & Community Housing) is a project of Bay Area Outreach & Recreation Program (BORP) and the East Bay Supportive Housing Collaborative (EBSHC). We are collaborating to build a world-class adaptive recreational facility coupled with urgently needed affordable housing on the east parking lot of the Ashby BART (behind the Ed Roberts Campus). Situated next to BART and the Ed Roberts Campus, ARCH will be built using universal design and green building principles. The facility will leverage public transit and existing services to provide broad recreational access to the disability and underserved community. Our goal for the housing component is 100% affordable to the deepest degree possible, with the ability to enable residents to return to their neighborhood if they were displaced.

BORP has more than 45 years of providing adaptive sports and recreation programming to people with physical disabilities in the East Bay.

EBSHC supports and advocates for permanent supportive housing for persons with serious mental illness (SMI), many of whom can live independently with appropriate services.

**Members**

**Rick Smith,**  
*Executive  
Director, BORP*

**John Ormsby,**  
*Board Chair,  
BORP*

**Kathleen Sikora,**  
*Chair, EBSHC*

**Margot Dashiell,**  
*Vice Chair,  
EBSHC*

**Linder Allen**

**Tom Bates,**  
*Fmr. Mayor,  
Assemblymember*

**Dmitri Belser,**  
*Executive Director,  
Ctr. for Accessible  
Technology*

**Steve Bischoff**

**Laurie Capitelli**  
*Fmr.  
Councilmember*

**Michael Godoy**

**Loni Hancock,**  
*Fmr. Mayor,  
State Senator*

**Lois Heaney**

**Linda Maio,**  
*Fmr. Vice Mayor*

**Liz Rebensdorf,**  
*President, NAMI  
East Bay*

**Toni Veglia**



## The Housing Component

Our goal is **100% affordable homes** to the deepest degree possible and **100% accessible** using universal design principles, as demonstrated by the Ed Roberts Campus.

A significant number of units would be set aside for **persons at the extremely low-income level** and services would be provided on-site for those residents who need permanent support. There will be housing, with support services, for **people with mental illness many of whom are able to live independently with appropriate services**. Housing for **persons with physical disabilities, and for those who have been displaced from South Berkeley**, would have a place here. This will truly be an integrated facility.

The goal of helping fill the desperate need for permanent supportive housing for persons with mental illness is fully compatible with the values shared by the Ed Roberts Campus, BART's TOD Development Guidelines, and the City of Berkeley. Integrated housing has already demonstrated how persons with mental illness can be part of a larger community when they have a permanent home and the support they need.

## Adaptive Sports, Fitness & Recreation Center

For individuals without disabilities there are numerous opportunities to engage in physical fitness and recreation activities every day. For **people with disabilities**, however, access to sports, fitness and recreation is severely limited or non-existent, making it almost impossible for them to enjoy the well-documented health and quality-of-life benefits that come from these activities. The envisioned complex will be more than an athletic facility or recreation center; it will be a **community hub**, providing an accessible environment for individuals with disabilities, offering regular opportunities for fitness, wellness, recreation, enjoyment and competition. The center will be **available for use by everyone**, not just people with disabilities, and will have widespread community benefit. EBSHC and BORP look forward to taking the first steps to turn this vision into a reality.



## ARCH'S REQUEST TO THE CAG:

Our recommendation is simple. Our joint complex will meet the critical needs for an adaptive recreational facility, provide a world-class recreational asset for the community, and combine that with the creation of urgently needed affordable housing. We respectfully request that the CAG's recommendations to the Planning Commission's zoning process for the BART property east of the Ed Roberts Campus include specific language enabling an innovative project such as ARCH with *both* housing and recreation uses, and indeed that such language actually facilitates the creation of such uses.

We thank the CAG for its interest and look forward to realizing this exciting opportunity.

Sincerely,

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Rick Smith, Executive Director  
*Bay Area Outreach & Recreation Program*

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Kathleen Sikora, Chair  
*East Bay Supportive Housing Collaborative*

**Lapira, Katrina**

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**From:** Jeremy Gruber <jeremygruber@gmail.com>  
**Sent:** Monday, November 30, 2020 12:33 PM  
**To:** Mendez, Leslie <LMendez@cityofberkeley.info>  
**Cc:** Pearson, Alene <apearson@cityofberkeley.info>  
**Subject:** Application by Bayer for Laboratory Construction

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November 30, 2020

Leslie Mendez  
Senior Planner  
City of Berkeley Planning Commission

RE: Application by Bayer for Laboratory Construction

Ms. Mendez,

I am writing to you about the recent application by Bayer Lab for laboratory construction in the city of Berkeley and urge the Commission to take the following seriously. The biosafety level two (BSL-2) work that is reportedly envisioned by Bayer Labs in their zoning request is not without concern. BSL 2 labs work with agents associated with human disease, in other words, pathogenic or infectious organisms posing a hazard. Examples include pathogenic strains of Escherichia coli and Staphylococcus, Salmonella, Plasmodium falciparum, and Toxoplasma gondii. If proper lab procedures aren't followed at all times, there is risk of laboratory-acquired infections or accidental release of a pathogen into the environment.

While these labs are regulated by the Federal government, it cannot be stated more emphatically that they are very lightly monitored at best-there is little resources available for stricter review. It is in fact largely up to these facilities to self-monitor. Indeed, there have been record numbers of errors and mistakes at even higher level biolabs that are supposedly even better monitored.

(See: <https://www.usatoday.com/story/news/2015/05/28/biolabs-pathogens-location-incidents/26587505/> )

Therefore it is incumbent on communities that care about the health and safety of their population and environment to not just get assurances that any proposed lab is following established regulations, but a detailed accounting of the types of organisms to be studied and an ongoing, transparent dialogue regarding the results of internal lab safety monitoring and procedures for notification to the community of any lapses in safety protocols.

This is particularly important for two additional reasons. There is increasing pressure to conduct higher level pathogenic research, normally required in BSL-3 labs, in BSL-2 labs. This is due to the fact that there are simply more of these labs-higher level labs are much fewer in number. More and more BSL-2 labs are operating as what is commonly known as a BSL-2 plus lab. Such labs aren't officially recognized by the CDC, despite their frequency, but are handling higher virulent pathogens nevertheless. There has been increasing pressure to study Covid-19, the pathogen that causes coronavirus, in such labs for example.

Additionally, BSL-2 labs can be upgraded to higher level labs that handle much more dangerous, exotic pathogens. Any community welcoming a BSL-2 facility should require a commitment from the facility not to seek an upgraded status in the future.

I ask that this note be shared with the rest of the members of the Planning Commission, as well as the City Council. Please let me know if I can answer any questions you have or be helpful in any way as you assess Bayer's application

Sincerely,  
Jeremy Gruber  
Past President, Council for Responsible Genetics  
(609) 610-1602  
[jeremygruber@gmail.com](mailto:jeremygruber@gmail.com)

## Lapira, Katrina

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From: Tony Corman [mailto:anthonyjaycorman@gmail.com]  
Sent: Tuesday, December 1, 2020 7:49 PM  
To: Pearson, Alene <apearson@cityofberkeley.info>  
Subject: North Berkeley BART EIR

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I am stunned to read that the EIR scope extends to the impact of 1200 units on this site given that perhaps 2/3 of the 4 square blocks is unbuildable due to the tunnel that bisects it. I hope the scope will include the impact of commuter parking on the surrounding neighborhood when all commuter parking is deleted from the site. Likewise, the shadowing incurred by the required 7- to 11-story height and the impact of all the additional residents on City infrastructure - water, sewer, fire, police and EMT access, and, new to all of ius, the use issues imposed by COVID and the next pandemic, when it comes.

## Lapira, Katrina

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**From:** Laura Klein [mailto:lauraanneklein@gmail.com]

**Sent:** Tuesday, December 1, 2020 7:38 PM

**To:** Shen, Alisa <AShen@cityofberkeley.info>

**Subject:** Message for the Planning Commission re Wednesday Dec. 3rd meeting on scoping North Berkeley BART

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Dear Members of the Planning Commission,

Thank you for all your work on this project. I live one block away from the site, and am supportive of housing being built. Here are my concerns about the environmental impact of the North Berkeley BART station project:

- The surrounding neighborhood consists of mostly one-to-two story homes, with a few low rise apartment buildings. **I support housing 2 stories at the perimeter, 4 stories in the center.** The proposed 1200 units of housing is WAY out of scale and would have a drastic effect on the surrounding community. This is not in keeping with The City of Berkeley's General Plan support for maintaining character of the neighborhoods. AB2923's characterization of the station as "Urban Area" was erroneous, and high rise buildings are completely out of place here. This is not a downtown, or a commercial area.
- I would like to see **affordable** housing be built here-it's public land, and should be for the public good.
- I'd like to see this be a **green** development-an inspiring example of truly environmental building, with solar power, grey water recycling, and other state of the art energy efficiency measures. This is a chance for the City of Berkeley to lead the way!
- I am very concerned about the **environmental impact of 800+ commuters who will no longer have a place to park**, and therefore will be cruising the neighborhood. This will cause increased emissions, noise, traffic and congestion. I am a senior and a working musician. When I come home with multiple bags of groceries or heavy musical equipment, I need to park close to my home. (I don't have a usable driveway.) The area will become a parking nightmare without replacement parking for commuters.

Thank you very much

Sincerely,

Laura Klein

1519 Virginia Street

Berkeley, CA 94703

## Lapira, Katrina

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**From:** Perls, Dana [mailto:DPerls@foe.org]

**Sent:** Tuesday, December 1, 2020 2:36 PM

**To:** Mendez, Leslie <LMendez@cityofberkeley.info>; Pearson, Alene <apearson@cityofberkeley.info>

**Subject:** Public comments about Bayers proposed development in West Berkeley

**WARNING:** This email originated outside of City of Berkeley.

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Thank you to each of the Commissioners for this opportunity to raise critical questions and concerns to be addressed in the EIR and development agreement.

My name is Dana Perls. I am a South Berkeley resident and the Food and Technology program manager at Friends of the Earth, located in downtown Berkeley.

I want to refer you to my written comments sent in Supplemental Packet 2, raising questions about public and worker safety. Now I'd like to raise concerns about the environmental health risks for the EIR to address.

1. Expert scientists at the UN have advised national governments to put in stricter regulations and oversight for new genetic engineering technologies, including CRISPR. **Given how little scientists understand, I ask that the current research restrictions be left in place.**
2. For BSL 1 & 2 labs, **it'll be critical that the EIR look at the environmental risks associated with genetically modified microorganisms escaping.** There is no such thing as 100% containment. GE algae could have devastating impacts on the nearby Bay. Similarly, GE yeast will breed with wild-type yeast, which could have devastating public health impacts.
  - a. **What will Bayer do in their operation to ensure the yeast or other microbes don't get out, and no wild-type get in and develop a hybrid strain that they aren't prepared to deal with?**
  - b. The EIR should restrict **Bayer to only use microbes that have been approved by the EPA as being of least environmental concern.** These are listed in the microbial activity notice at the EPA. Also, NO organisms should be developed for use in environmental applications. **Bayer should be required to give complete reports to community about the microbial activity notice that they give the EPA.** (This includes all the data on the environmental and human health effects.) When FOE requests this information through FOIA, it comes back redacted. The community has a right to know.
3. **Biohazard waste should be dehydrated and incinerated.**
4. **NO BSL 3 or BSL 4 lab should be allowed on-site, not now or in the future.** This guarantee should be written into the contract. Those levels require a whole different type of environmental review and

should not be allowed, even with a petition. It should also be written into the contract that Bayer will not conduct any human germline editing.

5. The EIR should look at alternative sites. The site should be somewhere with least likelihood of environmental damage and with the lowest population density, not along the Bay and near such high density of people.
6. Berkeley will need to **demand a very high bond to protect citizens of Berkeley** and to cover damages created by unintended consequences from microbes and products that we don't fully understand.
7. Lastly , I would like to refer you to the [Principles for the Oversight of Synthetic biology](#) as a guide for putting together the EIR to address the proposed labs.

Given how new some of these technologies are, many of them may not be captured or addressed in an EIR or CEQA analysis. Indeed, currently federal regulations are still inadequate to properly assess, monitor, evaluate or regulate new recombinant DNA technologies and applications. It will be critical for the City to seek and consider advise from independent experts about how to establish environmental and public health protections, to outline what technologies may not be used, what transparency protocols Berkeley wants, and how to anticipate technology development over the next 30 years. It will be necessary to address many of these concerns in the Development Agreement.

I also want to share this [article](#) (content sponsored by Bayer), which lists some of the biotechnology interests that were not named in either the ZAB meeting or the Planning Commission meeting. In order to protect Berkeley's sensitive ecosystems and the wider Bay Area environment, and to safeguard worker and community public health safety, it will be critical for complete transparency about what technologies and applications are being proposed, and placing limits on what should not be used. Only with this specific and transparent information, will Berkeley be able to figure out what is appropriate and what is risky, and how best to protect people and the environment.

I look forward to helping the Planning Commission and City have the highest environmental and safety standards. Please share this note with the members of the Planning Commission and City Council, and reach out to me with any questions. Thank you in advance for addressing these concerns in the draft EIR and the development agreement.

Sincerely,

Dana Perls  
South Berkeley resident  
Food and Technology Program Manager, Friends of the Earth  
925-705-1074  
[dperls@foe.org](mailto:dperls@foe.org)

Dana Perls (*pronouns: she/her*)  
Program Manager, Food and Technology Campaign

 **Friends of the Earth U.S.**  
David Brower Center  
2150 Allston Way, Suite 360  
Berkeley, CA 94704

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[www.foe.org](http://www.foe.org)

[www.facebook.com/foe.us](https://www.facebook.com/foe.us)

**Lapira, Katrina**

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**From:** Lynda Caesara [mailto:lcaesara@hotmail.com]  
**Sent:** Wednesday, December 2, 2020 10:40 AM  
**To:** Pearson, Alene <apearson@cityofberkeley.info>  
**Subject:** North Berkeley Bart Housing Project

**WARNING:** This email originated outside of City of Berkeley.  
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To Whom it may concern,

I am concerned about the project at the North Berkeley Bart Station. I understand that the project must comply with the minimum standards set by the state.

If the Bart lot is 8.1 acres and the minimum is 75 units per acre that totals 600 units which in and of itself is an enormous addition to the neighborhood. If 1200 units are proposed and you have 2 or 3 people per unit- a minimum, you are adding over 3,000 people to the neighborhood. It is likely to be more than that.

This neighborhood can't absorb more than 3,000 people. There are 61 people housed on my block both sides of the street. You are likely to double the existing population in the neighborhood.

We don't have enough resources for double the population. There aren't enough parks. The parks in the neighborhood are already crowded. We don't have enough street parking. We may overload sewage, gas and electrical services. Please truly consider what you are asking the neighborhood to absorb.

Thank you,  
Lynda Caesara  
1619 Virginia ST.  
Berkeley, Ca 94703.

## Lapira, Katrina

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-----Original Message-----

From: Catherine Fox [mailto:cevansfox@msn.com]  
Sent: Wednesday, December 2, 2020 10:27 AM  
To: Pearson, Alene <apearson@cityofberkeley.info>  
Subject: Transit housing at No Berk BART

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Ms. Pearson:

I support housing at North Berkeley BART that does not exceed 4 stories in height and honors the neighborhood that surrounds it. Suggestions that 1200 units might be built on the site are going to produce an enormous negative impact on the area: traffic, parking, pedestrian safety, etc. I do NOT support buildings that exceed 4 levels, and do not provide substantial affordable and low-income stock.

I have lived a block from the BART station since 1992, and recognize the need to provide affordable/below-market housing in our city. Yes to low-rise housing at North Berkeley BART.

Thank you.

Catherine Fox  
Cevansfox@msn.com

## Lapira, Katrina

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**From:** Pearson, Alene  
**Sent:** Wednesday, December 2, 2020 11:41 AM  
**To:** Lapira, Katrina  
**Subject:** FW: BART development

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**From:** Karl Goldstein [mailto:kgoldstein46@gmail.com]  
**Sent:** Wednesday, December 2, 2020 11:37 AM  
**To:** Pearson, Alene <apearson@cityofberkeley.info>  
**Subject:** BART development

**WARNING:** This email originated outside of City of Berkeley.  
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To the Planning Commission:

*I am a resident of Berkeley, and want the North Berkeley station site developed in a way that is:*

- **Liveable:** *A project that harmonizes with, and does not overshadow the neighborhood: four story center stepped down to two-story soft perimeter.*
- **Greener than green:** *A net-zero, energy-efficient project.*
- **Affordable:** *100% affordable for middle- and low-<sup>[L]</sup><sub>SEP</sub> income renters and buyers, with a nonprofit housing organization as builder.*
- **Access to BART:** *Safe, timely, guaranteed access to the station for all riders and **no** increased traffic/parking/congestion around the station.*

*This land was paid for by taxpayers and should not be used to enrich BART and private developers. We already have a glut of market rate housing in Berkeley. Public land for the public good!*

*Sincerely,  
Karl Goldstein  
1376 Virginia Street  
Berkeley, CA 94702*

Kevin James and Tom Reilly  
1450 Keoncrest Drive  
Berkeley, CA 94702  
December 2, 2020

Members  
Berkeley Planning Commission

Ladies and Gentlemen:

We write to express our concerns about the nature and scope of the proposals for development of the parking lot at the North Berkeley BART station for housing. We would support the construction of housing at the parking lot if the housing to be built were affordable housing and if the development were of the same approximate size and scope of the housing that has been built on such major nearby thoroughfares as University Avenue and San Pablo Avenue. But the currently contemplated development of the parking lot suffers from several major flaws. First, most of the units to be built will be market rate units and not affordable units; this means that the development will do little to ease the Bay Area's housing crisis. Second, the parking and traffic impacts of the development have been wished away; BART appears to assume that the residents of the apartment complex will not use cars. They will. Finally, the contemplated height of the apartment complex is entirely out of scale with the surrounding neighborhood of single-family homes. Indeed, it is taller than any of the apartment buildings that have been built on nearby commercial thoroughfares, and it is taller than the apartment buildings under construction next to the Fruitvale and Coliseum BART stations, and near the planned Berryessa/North San José station.

I. The parking lot at the North Berkeley BART station should be developed for affordable housing. The parking lot is publicly owned land, and it should be put to a use that will provide the greatest benefit to the public: construction of affordable housing for the teachers, city employees, plumbers, auto mechanics and baristas who work in Berkeley. All of the proposals for the development of housing at the North Berkeley BART station, however, assume that more than 70% of the housing that will be built will be market rate housing – i.e., expensive housing for well-paid professionals who work in other cities. This is squandering the opportunity that development of the North Berkeley BART station presents: BART faces no land acquisition costs and can take longer to recoup its development and construction costs than can any private developer. BART can and should ensure that at least half of the units built at the site are affordable units and, to that end, should choose a non-profit housing developer as its partner on the project.

Moreover, there is no shortage of market rate housing locally. BART has not yet tenanted the massive towers of "luxury apartments" (as they have been advertised) that it built at the MacArthur station, and there are human-scale, market-rate apartment buildings within a quarter mile of the North Berkeley BART station (e.g., "The Parc at 1300") that have been seeking tenants for at least the past six months.

II. The proposals for the development of housing at the North Berkeley BART station include little to no parking for the people who will live in the new apartment complex. BART assumes that, if the residents of the new apartment complex do not have parking spaces, they will not have or use cars. This is wishful

thinking. While the residents of the new apartment complex may take BART to their jobs in Oakland or San Francisco, they will use cars for many other purposes – to shop, to take their children to preschool and school (children in Berkeley do not necessarily attend the elementary school nearest their home), to attend worship services, for medical appointments, etc. BART was designed and functions as a commuter rail service: it moves people from distant suburbs to downtown Oakland and downtown San Francisco. It is not an urban subway system. It does not reach most of the places that residents of the East Bay visit on a regular basis. Moreover, the North Berkeley BART station is on the Richmond line. This means that, even when BART is running normally, trains come only once every twenty minutes evenings and Sundays and that there is no direct service to San Francisco at those times. (The lack of direct service is significant; in our experience, the timed transfers at the MacArthur and 19<sup>th</sup> Street stations fail at least half the time evenings and weekends). This means that, as a practical matter, people in North Berkeley who want to travel to San Francisco in the evening or on the weekend find it much faster to drive into the City.

Moreover, even before the pandemic severely curtailed its operations, BART had suffered a marked decline in the quality of its service. Outside of commute hours, train cars frequently reeked of weed, and contained puddles of vomit, urine, and beer. Sexual harassment of female patrons was common, and assaults on passengers were not unusual.<sup>1</sup> BART ridership was falling even then as a result of these problems.<sup>2</sup> As such, the residents of any apartment complex likely to be built at the North Berkeley BART station are likely to use cars evenings and on weekends.

Much as we might prefer that everyone in Berkeley used public transportation and bicycles for all their transportation needs, the residents of the apartment complex to be built at the North Berkeley BART station will use cars. They will, therefore, significantly increase the vehicle traffic on nearby roads. If they own those cars, they will need a place to park them. If insufficient parking spaces are created for their cars, they will park them on the streets of North Berkeley adjacent to the North Berkeley BART station. While those streets are subject to a Residential Preferential Parking (RPP) system, the residents of the new apartment complex will likely manage to obtain parking permits enabling them to park on nearby streets. (Even if the City of Berkeley solemnly promises that the apartment complex residents will *never* be eligible for residential parking permits, the complex residents will eventually succeed in changing the City's policy. The residents of the apartment complex will, after all, constitute a substantial number of voters.)

If the residents of the apartment complex to be built at the North Berkeley BART station do not own their own cars, they will use Uber and Lyft for many of their trips. From a traffic congestion and environmental perspective, this would be far worse than if the residents owned and used their own cars: a 2019 study conducted in San Francisco found that “[an ]Uber [or] Lyft [vehicle is] empty either waiting for a ride request or heading to pick up a passenger roughly half of the time [the] vehicle is on

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<sup>1</sup> BART's statistics may not reflect the scope of the problem. In 2019, one of us was assaulted at the Lake Merritt BART station. The assailant left quickly, and we had no idea who he was. As there were no injuries, we did not report the incident.

<sup>2</sup> Swan, Rachel. “Flagging ridership puts BART in budget bind, raises specter of more fare hikes.” *San Francisco Chronicle*, 9 May 2019. Indeed, BART's weak financial position likely explains both the massive size of the proposed development of the North Berkeley BART station and the relative lack of affordable housing in any of the proposals.

the road.”<sup>3</sup> The last thing we want is for the residents of the new apartment complex to rely on Uber and Lyft because BART failed to create an adequate number of parking spaces for them when it developed the property.

Accordingly, a thorough analysis of any proposal for construction of housing at the North Berkeley BART station must include an honest appraisal of the traffic and parking impacts of the new housing. Pretending that the residents will rely on BART for most or all of their transportation needs is naive if not intellectually dishonest.<sup>4</sup>

III. Several of the proposals under consideration for the development of housing at the North Berkeley BART station contemplate the construction of at least a seven-story apartment building. This is because BART has designated North Berkeley as an “urban neighborhood/city center,” requiring the City of Berkeley to zone the site to permit the construction of at least seven stories. But BART’s designation of the site appears so unwarranted as to be arbitrary and capricious: the surrounding streets consist primarily of one and two-story single-family homes, and buildings on the nearest commercial thoroughfare, University Avenue, are no more than four or five stories. Accordingly, construction at the site should be limited to four or five stories, as it would be if it were located on University Avenue. (Berkeley’s zoning practices hardly constitute the sort of exclusionary zoning that would justify BART to ride roughshod over them. Although Berkeley has less developable space than most cities in the Bay Area, it has built hundreds of new housing units in the past decade in downtown Berkeley, along the San Pablo corridor and along University Avenue.) Indeed, BART’s contemplated development of a seven to fifteen story building at the North Berkeley BART station is inconsistent with its ongoing development of four and five story apartment buildings adjacent to the Fruitvale and Coliseum BART stations, and with the construction of five story apartment buildings near its new station in North San José.

Assembly Bill 2923 was adopted to allow BART to develop transit-oriented housing in communities that had long used their zoning laws to prevent development. Instead of using its authority under AB 2923 to develop housing in such communities, it is using that authority at a site that local authorities were already planning to develop, with broad community support and in accordance with local zoning requirements that have allowed the development of a significant amount of housing in the past decade. Sadly, none of the projects that BART is considering creates a significant amount of affordable housing; as such, none of those projects, if built, will do anything to ease the Bay Area’s housing crisis. Moreover, BART assumes away the significant increased traffic and parking problems that will be created both by the development of housing at the North Berkeley BART station and by the elimination of most of the commuter parking at the station. Finally, BART is misusing its authority – giving a site in a neighborhood of single-family homes the same designation that it would give a site in downtown San Francisco – in

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<sup>3</sup> Rodriguez, Joe Fitzgerald. “Uber and Lyft traffic impacts double SF’s own estimates.” *San Francisco Examiner*, 5 August 2019.

<sup>4</sup> Similarly, a thorough analysis of any proposal or construction of housing at the North Berkeley BART station must include an honest appraisal of the traffic and parking impacts of eliminating approximately 600 parking spaces for commuters at the station. Pretending that all the commuters who currently park at the station will commute to the station by bus or bicycle is wishful thinking. They might, instead, drive to San Francisco or Oakland; this would significantly increase traffic congestion and automobile emissions. Alternatively, they might commute to the North Berkeley BART station by Uber or Lyft. This would result in roughly double the current level of congestion and automobile exhaust created by those commuters.

order to build an apartment complex that is far taller than its surroundings and which is taller than the new housing now being built near other BART stations. BART should, instead, work closely with the City of Berkeley to develop an apartment complex roughly four or five stories high, with adequate parking for residents, and with a minimum of 50% affordable units. It should also work closely with the City to determine how best to address the loss of commuter parking spaces at the North Berkeley BART station: assuming that all of the commuters no longer able to park at the station will instead ride the bus to the station is not adequate analysis or a practical solution.

Sincerely yours,

Kevin James  
Tom Reilly

## Lapira, Katrina

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**From:** Pearson, Alene  
**Sent:** Wednesday, December 2, 2020 9:14 AM  
**To:** Lapira, Katrina  
**Subject:** FW: Dec. 2 meeting: (North) BART EIR Scoping

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**From:** Michael Katz [mailto:mqkatz@gmail.com]  
**Sent:** Wednesday, December 2, 2020 9:10 AM  
**To:** Pearson, Alene <apearson@cityofberkeley.info>  
**Subject:** Dec. 2 meeting: (North) BART EIR Scoping

**WARNING:** This email originated outside of City of Berkeley.  
**DO NOT CLICK ON** links or attachments unless you trust the sender and know the content is safe.

Dear Planning Commission Members and Staff,

Please accept these scoping comments on the proposed EIR, regarding the North Berkeley BART station. I'm writing as a North Berkeley resident who relies on this station for access to the BART system.

I believe the EIR's scope should be altered to address the following environmental impacts from new development at North Berkeley BART:

1. Scale: **The proposed study of 1,200 housing units at this site is outrageously out of scale**, and would be a huge violation of trust with the community. Every significant document in this planning process so far has emphasized "contextual" development in this residential neighborhood of 1- and 2-story homes. **Therefore, 400 units would be a reasonable maximum project to study at this site.** The City's General Plan calls for "maintaining character of [Berkeley's] neighborhoods." AB2923's misclassification of this residential package as "City Center" (identically with Ashby) was utterly inappropriate. High-rise buildings are completely out of place here, and would impose significant detriments. These include shadowing of surrounding properties, and vehicle trips generated by residents (who, regardless of vehicle ownership, will have the same rights as everyone else to travel by taxi or ride-hailing services).
2. Height: The EIR should study a project envelope no larger than **4 stories at the center, 2 stories at the perimeter**. This would conform to the controlling City and BART planning documents cited above, while still allowing a significant number of housing units.
3. The EIR should study – and mitigate – the **excess vehicle miles traveled (VMT) by 800+ commuters who will no longer have onsite parking at North Berkeley BART. Many of these affluent "choice" commuters will likely bypass transit altogether, and will become single-occupant drivers to distant workplaces in San Francisco and the Dublin/Pleasanton tech corridor.** This would increase pollutant and CO2 emissions, undermining the City's climate goals. A responsible EIR will carefully model the likely mode shift from transit to driving, under a range of post-pandemic commuting

scenarios. Further, a responsible EIR will study mitigating these detriments by replacing the BART station's existing commuter parking at 100%.

Thank you for considering these comments. And thank you for designing a project EIR that identifies, and promotes, net environmental impacts that are positive rather than negative.

Respectfully yours,  
Michael Katz  
2117 Rose Street, Berkeley 94709

## Lapira, Katrina

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**From:** Pearson, Alene  
**Sent:** Wednesday, December 2, 2020 10:05 AM  
**To:** Lapira, Katrina  
**Subject:** FW: Proposed bldg N Berkeley BART

-----Original Message-----

From: Judy Peck [mailto:canarsiesfriend@icloud.com]  
Sent: Wednesday, December 2, 2020 10:02 AM  
To: Pearson, Alene <apearson@cityofberkeley.info>  
Subject: Proposed bldg N Berkeley BART

WARNING: This email originated outside of City of Berkeley.  
DO NOT CLICK ON links or attachments unless you trust the sender and know the content is safe.

Dear Ms. Pearson and Planning Commission, I live on Virginia St., 4 houses from the corner of Acton (NW corner of main N Berkeley BART parking lot) and across the street from one of the smaller lots. The proposed large development of a 7-storey building and 1200 units of housing at N Berkeley BART is totally inappropriate. This neighborhood has one- or two-storey houses or apartments. Please study this issue and you will see such a large, high development does not belong. The city should be suing BART for the erroneous and harmful classification of the area as urban.  
Judith Peck, 1366 Virginia

Sent from my iPhone

## Lapira, Katrina

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**From:** Pearson, Alene  
**Sent:** Wednesday, December 2, 2020 10:51 AM  
**To:** Lapira, Katrina  
**Subject:** FW: Plan to build housing at North Berkeley BART station

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**From:** DAVID POPE [mailto:popedm@comcast.net]  
**Sent:** Wednesday, December 2, 2020 10:51 AM  
**To:** Pearson, Alene <apearson@cityofberkeley.info>  
**Subject:** RE: Plan to build housing at North Berkeley BART station

**WARNING:** This email originated outside of City of Berkeley.  
**DO NOT CLICK ON** links or attachments unless you trust the sender and know the content is safe.

To the Planning Commission:

I live at 1635 Virginia St., a block and a half from the station. I am writing to express my opposition to any housing development at North Berkeley BART station at all.

David Pope

## Lapira, Katrina

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**From:** Pearson, Alene  
**Sent:** Wednesday, December 2, 2020 11:05 AM  
**To:** Lapira, Katrina  
**Subject:** FW: NO on 1200 units for N Berkeley BART Station development.!!

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**From:** Jodi Ravel [mailto:jodi.ravel@gmail.com]  
**Sent:** Wednesday, December 2, 2020 11:03 AM  
**To:** Pearson, Alene <apearson@cityofberkeley.info>  
**Subject:** Fwd: NO on 1200 units for N Berkeley BART Station development.!!

**WARNING:** This email originated outside of City of Berkeley.  
**DO NOT CLICK ON** links or attachments unless you trust the sender and know the content is safe.

Hello

Please forward this for the record on upcoming City Council vote.

Even considering 1200 new units is totally crazy!! It is completely **out of proportion** to the area and unfair to the surrounding homes and community.

Also there are hundreds of units in developments already up and down San Pablo Avenue sitting empty. Take a look and focus on filling these first through incentives!!!!!!

Ask yourself, would you want 1200 new units built on YOUR street? I didn't think so.

NO on scoping for 1200 new units! It should be much much less.

Jodi Ravel  
1272 Francisco St.

## Lapira, Katrina

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**From:** Vicki <vickisommer@gmail.com>

**Sent:** Wednesday, December 2, 2020 7:51 AM

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

**Subject:** Message for the Planning Commission re Wednesday Dec. 3rd meeting on scoping North Berkeley BART

**WARNING:** This email originated outside of City of Berkeley.

**DO NOT CLICK ON** links or attachments unless you trust the sender and know the content is safe.

Dear Members of the Planning Commission,

Thank you for all your work on this project. I live one block away from the site, and am supportive of housing being built which blends into the surrounding low rise residential North Berkeley neighborhood.

I invite you to look through the images of the 2-5 story developments that BART showed my community when asking us if North Berkeley BART could be a suitable site for housing.

(<https://www.bart.gov/sites/default/files/docs/North%20Berkeley%20TOD%20Town%20Hall%20-%20BART%202018-03-15.pdf>).

Here are my concerns about the environmental impact of the North Berkeley BART station project:

Building a huge development in the middle of a residential neighborhood in and of itself, "significantly affects the quality of the human environment".

75 units/developable acre comes to something like 375 dwelling units. One would hope that many of these dwelling units would be sized to accommodate families with children.

I read with alarm, "At the North Berkeley BART station, the EIR will evaluate the impact of up to **1,200 dwelling units**, as well as 25,000 square feet of non-residential space, located on the main 8.1 acre station site."

**1200 units** to be built on the 4-5 *developable* acres would be outlandishly out of context in our low rise residential neighborhood!

I then continued to read, "These buildout assumptions are based on a reasonable maximum building envelope." **1200 dwelling units** at North Berkeley is beyond unreasonable, it is unthinkable. We are not "downtown", we are a neighborhood with a train station. A development of this scale would have a drastic effect on the surrounding community. This is not in keeping with The City of Berkeley's General Plan support for maintaining character of the neighborhoods.

I support 4 stories maximum height with step downs to 2 stories along the periphery. At the Visioning Event, held by the city, you can see that the majority of respondents favor modest development in North Berkeley. The City posted these figures at its 1-15-19 council meeting:

## Review of input from the October 13 ,2018 Visioning Event

### Summary of input on Development Height:

From the 75 written submissions and the 14 drawings , 51 clearly indicated height

∴ Summary:

17 indicated a maximum of 3 stories (11:1-2, 6:2-3) = ( 11 favored 1-2 stories, 6 favored 2-3 stories)      35 respondents want 4 stories or less

18 indicated a maximum of 4 stories (3:4, 2:2-4, 13:3-4)

9 indicated a maximum of 5 stories ( 4:3-5, 3: 4-5, 1:5)      9 respondents want 5 stories or less

2 indicated a maximum of 6 stories (1:4-6, 1:3-6)

4 indicated a maximum of 7 stories      2 respondents would go up to 6 stories

1 indicated a maximum of 12 stories (1:2-12)      4 respondents want , or go up to 7 stories

wants 2-12 stories      1 respondent

**86% of respondents do not want to see anything over 5 stories, and of these, the majority do not want development to exceed 4 stories !**

**( the majority of ideas that were 4+stories, favored a stepped up design with lower heights on the periphery)**

Non residential, "commercial"development is unnecessary as the proposed development is a block away from University avenue, a commercial street. The development should be 100% residential.

The North Berkeley neighborhood consists of mostly one-to-two story homes, with a few low rise apartment buildings. It has the infrastructure to support low density housing. Has a study been done to evaluate the area's capacity to handle a high density development as has been

proposed by BART? Can our neighborhood handle the sewer, water, traffic? Can the power grid support this?

As regards water, we are currently experiencing moderate drought (<https://www.drought.gov/drought/states/california>). An outsize development will use a tremendous amount of water. Does Berkeley have the capacity to provide or will an oversized project cause the rest of the community to suffer more stringent water restrictions?

As regards traffic, I am very concerned about the environmental impact of the many BART TOD residents who can not park on site, coupled with the 800+ commuters who will no longer have a place to park, and therefore will be cruising the neighborhood looking for parking (if not simply driving to work). This will cause increased emissions, noise, traffic and congestion.

BART TOD residents without cars will need deliveries (groceries etc) and the use of cars (child pick up, elderly transport, disabled, women after dark ). Berkeley does not require delivery or ride share companies to use electric vehicles, so in addition to the increased traffic congestion, we will have increased emissions on top of increased pedestrian risk (there are many children in our neighborhood!), with this increase in vehicular traffic.

The increased noise is an environmental pollutant that will further impact the surrounding neighborhood.

The development is supposed to include an extension of the Ohlone greenway. A development that is out of context with the surrounding neighborhood in terms of height, will throw excessive shade. Plants need sunlight in order to keep the Greenway green.

Shading can impact the health of residents living in the homes surrounding the proposed development. Light is an essential quality of life element. Seasonal Affective Disorder, or SAD, is a form of depression triggered by a lack of sunlight. Surrounding home dwellers would be at risk were the development to restrict sunlight entry into their homes.

The lot currently has many trees which support urban wildlife. Any development must also continue to provide habitat and food sources for urban wildlife and bees.

I'd like to see this be a **green** development-an inspiring example of truly environmental building, with solar power, grey water recycling, and other state of the art energy efficiency measures.

Thank you,  
Vicki Sommer  
94703

## Lapira, Katrina

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**From:** Pearson, Alene  
**Sent:** Wednesday, December 2, 2020 10:26 AM  
**To:** Lapira, Katrina  
**Subject:** FW: BART ZONE Environment Review

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**From:** john tozer [mailto:jvtozer@sonic.net]  
**Sent:** Wednesday, December 2, 2020 10:25 AM  
**To:** Pearson, Alene <apearson@cityofberkeley.info>  
**Subject:** BART ZONE Environment Review

**WARNING:** This email originated outside of City of Berkeley.  
**DO NOT CLICK ON** links or attachments unless you trust the sender and know the content is safe.

Dear Sir/Madam:

There are many standard areas that are covered in an environmental review. I believe the following areas also need to be examined regarding the effect to the environment and the zoning of BART Parking Lots at Ashby and North Berkeley:

1. The parking issue needs to be examined because of the size of the project and the over flow of vehicles into the neighborhood for parking. Especially the issue of self drive vehicles and those how cannot or no longer drive who will be able to have vehicles in the future because of the ability of the vehicle to self drive. Many older people have given up driving because their reduced driving skill and safety to the general public. With the advent of self-drive vehicles, it is expected that there will be increase in the use and ownership of vehicle by people who do not drive now.
2. The size of the buildings will cause the signals for cell phones, televisions, music system etc. to be impacted and may cause significant degradation of the signals for these devices.
3. The increased number of residents in both areas will cause a significant increase in garbage - does the City of Berkeley currently have the resources to deal with these large increases in garbage and the landfill to dump this increase in garbage.
4. As the people in Berkeley have just witnessed a small seven story building burned on University Ave. and the fire department did not have the resources to totally put out the fire for three to four days. What will happen to the neighborhood if these large complexes are built without adequate fire protection.
5. The City of Berkeley has passed an ordiance that prohibits natural gas from being used in new construction. There is a waiver for high rise buildings - will these building be included in that waiver and what affect will it have on the City of Berkeley and the State California reaching its goals to meet climate change.
6. Many of the streets in both areas are very small and are already filled with cars. If there is an evacuation for some reason, how will the residents of these buildings be evacuated along with the current residence in the area.
7. What will be done to mitigate the shadows caused by these buildings.

Thank you for the work you are doing.

Yours truly,

John V. Tozer

1413 Cypress St.

Berkeley, CA 94703