

# Appendix B

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August 2021 Draft R-BMU Development Standards and Joint Vision and Priorities Document

## August 2021 Draft Zoning and General Plan Amendments

Summary of Existing and Proposed Zoning and General Plan for the Ashby and North Berkeley BART Station Areas				
BART Sites	Zoning		General Plan	
	Existing	Proposed	Existing	Proposed
Ashby BART (east and west parcels)	C-Adeline Corridor <sup>1</sup>	R-BART Mixed Use	Adeline Mixed Use Corridor	Ashby/North Berkeley BART Transit Oriented Development (TOD)
North Berkeley • Main Site	Unclassified <sup>2</sup>		Institutional	
• Auxiliary Lots	R-1 Single Family Residential <sup>3</sup>  R-2 Restricted Two Family Residential <sup>4</sup>		Low Density Residential Institutional	

This document includes the following:

### 1. Zoning

- Chapter 23.202.150 Residential – BART Mixed Use District
- Table 23.202.020-1: ALLOWED LAND USES IN RESIDENTIAL DISTRICTS
- Zoning Maps:
  - Ashby BART Site: Existing and Proposed
  - North Berkeley BART Site: Existing and Proposed

### 2. General Plan

- Draft Ashby/North Berkeley BART General Plan Land Use Classification
- General Plan Maps
  - Ashby BART Site: Existing and Proposed
  - North Berkeley BART Site: Existing and Proposed

<sup>1</sup> BMC Section 23E.70.

<sup>2</sup> BMC Section 23E.92.

<sup>3</sup> BMC Section 23C.16.

<sup>4</sup> BMC Section 23D.28.

## DRAFT - Chapter 23.202.150

### R-BMU Residential BART Mixed-Use District Provisions

- A. **District Purpose.** The purpose of the BART Mixed-Use (R-BMU) district is to address City of Berkeley priorities such as affordable housing, civic and public space, multi-modal transportation and site access, high-quality building design and architecture, and a mix of land uses that contributes positively to the community, and to establish zoning standards in compliance with AB 2923.a
- B. **Definitions.** For the purpose of this Chapter, the following definitions apply:
1. **Lot Area.** The total horizontal area within a lot's boundary lines, minus the square footage of any buildings, facilities or equipment that are, or shall be, under the control of the San Francisco Bay Area Rapid Transit District (BART).
  2. **Floor Area Ratio (FAR).** The quotient resulting from division of the Gross Floor Area of all buildings on a lot by the Lot Area. In a single integrated development on contiguous lots, the permitted Floor Area Ratio shall be computed upon the basis of the total area of all such lots.
  3. **Dwelling Units per Acre.** The quotient resulting from the total number of dwelling units on a site by the Lot Area.
- C. **Allowed Land Uses. General.** See Section 23.202.020 (Allowed Land Uses), which indicates identifies allowed land uses and which are prohibited.
1. The initial establishment of a land use in a new building will follow the R-BMU Master Development Plan process outlined in Section 23.202.150D. below.
  2. The change of use of an existing building or portion of a building will require the permits indicated in Section 23.202.020 and Table 23.202-1 for the R-BMU District.
  3. Any use not listed in Table 23.202-1 for the R-BMU District can be approved through the Master Development Plan process outlined in Section 23.202.150D below for the initial establishment of a land use in a new building.
  4. Uses subject to supplemental regulations are shown in in Table 23.202-1 with an asterisk (\*) following the permit requirement (e.g., ZC\*). The Use-Specific Regulations column in Table 23.204-1 identifies the location of these regulations in the Zoning Ordinance.

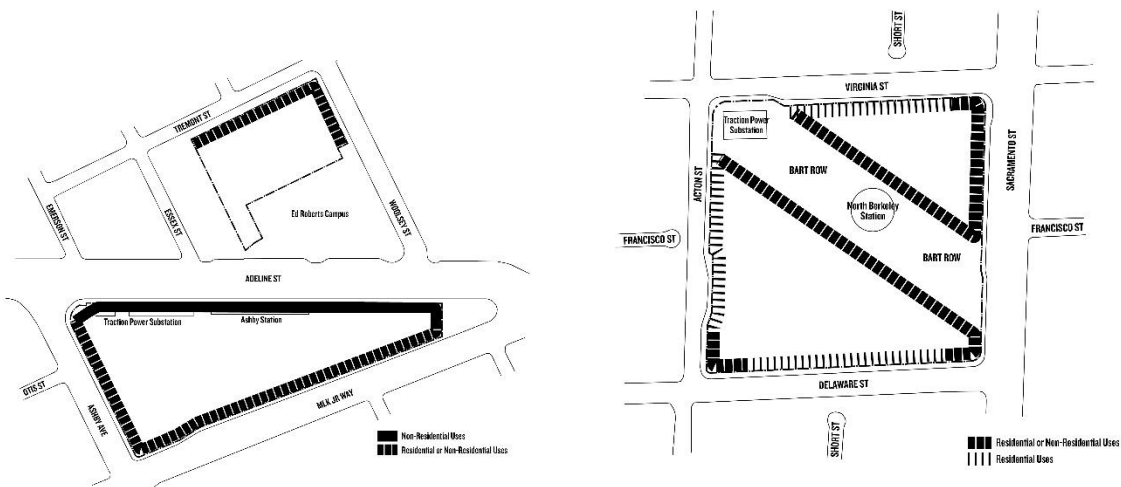
D. Ground-floor Uses. See Table 23.202.150-1.

TABLE 23.202.150-1: PERMITTED STREET-FACING GROUND FLOOR USES

Frontage Locations	Permitted Street-Facing Ground Floor Uses
Along Ashby and MLK	Non-Residential Uses or non-residential accessory spaces to residential buildings, such as community rooms. At least 50% of the combined frontage of MLK and Ashby must include active ground -floor uses. Active uses at corner locations are encouraged.
Along Adeline	Non-Residential Uses or non-residential accessory spaces to residential buildings, such as community rooms
Along Woolsey, Tremont[1], or fronting interior public spaces	Residential or Non-Residential Uses
Along Sacramento, along the Ohlone Greenway, or within 50 feet of any street corner	Residential or Non-Residential Uses
Along Delaware, Acton, or Virginia	Residential Uses

[1] Public entrances for non-residential uses fronting Tremont Street must be located on Woolsey Street.

FIGURE 23.202.150-1 PERMITTED STREET-FACING GROUND FLOOR USES



1. Ashby BART Station Site

b. North Berkeley BART Station Site

E. **Additional Permit Requirements.** See Section 23.202.030 (Additional Permit Requirements).

F. **Development Standards.**

1. **Basic Standards.** See Table 23.202.150-2.

2. **Supplemental Standards.** Supplemental standards that apply in the R-BMU district are noted in Table 23.202.150-2.

**TABLE 23.202.150-2: R-BMU DEVELOPMENT STANDARDS**

		Supplemental Standards
Lot Area, Minimum	No minimum	23.304.020
Floor Area Ratio (FAR), Maximum	4.2	
Main Building Height, Maximum <sup>1</sup>	80 ft. and 7 stories	23.304.050
Residential Density, Minimum	75 dwelling units per acre	
Residential Parking	None required Maximum of 0.5 spaces per dwelling unit	
Non-residential Parking (new construction)	None required 1.5 spaces per 1,000 sf maximum	
Bicycle Parking	Minimum of 1 space per unit, 50% of which shall be covered and secure and 1 space per 1000 sf of commercial use.	
Private Usable Open Space, Minimum <sup>2</sup>		23.302.090
Per Dwelling Unit	40 sf/DU	23.302.090
Per Group Living Accommodation Resident	15 sf/resident	23.302.090
Public Open Space, Minimum		
Per Dwelling Unit	35 sf/unit	
Per Group Living Accommodation Resident	18 sf/resident	

<sup>1</sup> Building Height Measurement: In the case of a roof with a parapet wall, building height shall be measured to the top of the roof and parapets may exceed the height limits by up to five feet by right.

<sup>2</sup> Private Usable Open Space may be provided as any combination of personal and common private space.

<sup>3</sup> Additional public space may substitute for up to 50% of required Private Usable Open Space.

**3. Additional Open Space Requirements.**

**a. Definitions**

- i. Private Usable Open Space:** Outdoor space, including natural and landscaped ground areas, pools, patios, decks and balconies designed for active or passive recreational use and which is accessible to the occupants of a building on the same lot. See also 23.304.090 (Usable Open Space) for standards.
- ii. Public Open Space:** Outdoor space, including natural and landscaped ground areas, pools, patios, decks designed for active or passive recreational use and which is accessible to the general public. Minimum dimensions for Public Open Spaces shall be 20' in any direction and 400 square feet minimum.

**b. Public Space Design.**

- i.** Land area made available for public access to and through the station, and on-site public amenities, may be offered as dedication to the City or may be owned and maintained by another party with dedication of a public access easement. Public Open Space must be accessible to the public during daylight hours and include signage indicating public access.
- ii.** Public spaces shall include site furnishings and design elements to encourage active or passive use.
- iii.** Public spaces shall have a direct, accessible connection to the public circulation network.
- iv.** Adjacent publicly owned space may contribute to the minimum public space requirement for the project, if it is designed, integrated and maintained as part of the project and complies with all other requirements for public space design identified in this section (23.202.150(D)3(b)).

- c. Rooftop Open Space.** Rooftops may be utilized as Private Usable Open Space or Public Open Space meeting the requirements of 23.202.150.A.3 (Additional Open Space Requirements – Definitions). Rooftop space designated Public Open Space must also meet the requirements of 23.202.150.A.3.B (Public Space Design). No more than 25% of Public Open Space requirements can be met with Rooftop Open Space.

**4. Front Setbacks.**

- a.** Setbacks are not required at Martin Luther King Jr. Way, Adeline Street, Sacramento Street.
  - b.** Setbacks along all other frontages along public rights-of-way and internal publicly accessible pathways shall range from 5 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. See Section 23.304.030 (Setbacks) for supplemental standards.
- 5. 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, Adeline Street, Ashby Avenue,

or Martin Luther King Jr. Way, shall step back 15 feet from the front property line for portions of the building above four stories.

6. **Ground-floor Residential Frontage.** For ground-floor residential uses, outward facing building entrances may include any of the following: stoops, front doors, courtyard and forecourt entrances, ramped or at-grade universally accessible entries, outward-facing and visually permeable lobby entrances, or other outward-facing residential entrance, with transition spaces from private frontages to public spaces.
7. **Ground-floor Non-Residential Frontage.** For ground-floor non-residential uses, outward-facing building entrances and activation strategies may include outdoor seating, dining, display spaces, performance spaces, public art, architectural detailing, and extensions of the public sidewalk.
8. **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.
9. **On-site Pedestrian Access.** Pedestrian accessways shall be provided for all new construction and for additions of 10,000 square feet or more of gross floor area in accordance with the following standards:
  - a. **Internal Connections.** A system of publicly accessible 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.
  - b. **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.
  - c. **To Neighbors.** Publicly accessible pedestrian access shall be provided from residential and commercial building entrances and public space to adjoining residential and commercial areas.
  - d. **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.
  - e. **Illumination.** All publicly accessible pedestrian connections shall include nighttime illumination pursuant to Ordinance N.S.-7424.
10. **Transparency.**
  - a. **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.
  - b. **Non-Residential Transparency.** For non-residential ground-floor uses facing a front lot line, publicly accessible pathway or Public Open Space, a minimum of 50% of the building wall area located between three and seven feet above ground level shall be transparent with a visible light transmittance of not less than 80%.

**11. Building Entrances.**

- a. **Minimum Number of Entrances Required.** There shall be a minimum of at least one building entrance at an average distance of 50 linear feet of ground-floor non-residential building frontage, and at least one building lobby entrance for every 200 feet of ground-floor residential building frontage.
- b. **Ground Floor Residential Entries.** All ground floor residential units shall provide entries to the street in the form of stoops or other exterior entries, or balcony or patio without entrance to the street, with a minimum area of 20 square feet.
- c. **Separate Entrances Required.** Buildings containing a mix of residential and non-residential uses shall provide separate building entrances for each major use category. Amenity areas such as exercise rooms do not require separate building entrances from the primary use.
- d. **Entrance Orientation.** Principal building entrances shall face a public street, publicly accessible pathway, or Public Open Space.
- e. **Illumination.** Building entries and addresses shall be illuminated to provide nighttime visibility from adjacent streets, public accessways, and common areas

**12. Ground-Floor Non-Residential Space Dimensions.** The minimum ground floor height for non-residential uses is 15 feet, as measured from the ground level floor to the first floor above.

**13. Parking Design and Access.**

- a. **Unbundled Parking Required.** All parking spaces shall be leased separately from the residential unit or commercial space except where prohibited by affordable housing financing sources.
- b. **Structured Parking Required.** All new off-street parking shall be located within an enclosed structure, with the exception of curb-side pickup and drop-off, curb-side metered parking, ADA parking, or small-scale surface parking for security and station operations and maintenance purposes only.
- c. **Structured Parking Design.** Parking garages shall be located underground or located behind conditioned building space at any adjacent street, sidewalk, or other publicly accessible accessway or open space. Conditioned building space is not required along shared interior lot lines of abutting parcels.
- d. **Vehicular Entry.** Parking garage vehicular entrances facing the street shall be no more than 20 feet wide.
- e. **Pedestrian Entry.** Parking garage pedestrian entrances shall be provided at-grade, connecting directly to the public pedestrian circulation network, on each street-facing frontage.
- f. **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, publicly accessible outdoor space or designated open space area.

**14. Objective Design Standards.** Objective design standards, including, but not limited to, BART station functionality, public realm, building form and massing (e.g. vertical and horizontal articulation) building facade design, and open space shall be developed prior to



the acceptance of any Preliminary Development Plan or Final Development Plan.

**G. BART Mixed Use District Master Development Permit (MDP)**

1. Purpose of the R-BART Mixed Use District Master Development Permit (MDP) process. The purpose of these provisions is to prescribe the procedure for the review of development on parcels in the R-BART Mixed Use District, in order to allow for the predictable buildout of the sites over time and achieve a high standard of site and building design that fulfills the City and BART Joint Vision and Priorities for the Ashby and North Berkeley BART Station Areas relating to:
  - Affordable Housing
  - Public and Civic Space
  - Land Use
  - Building Form and;
  - Station Access.
2. Applicability of the Ashby and North Berkeley BART Master Development Permit (MDP). These provisions shall apply to all land within the R-BART Mixed Use District.
3. Preliminary Development Plan. The preliminary development plan shall include, at a minimum, the following:
  - a. A plan of the entire development, defined as either the North Berkeley BART Station Area or Ashby BART Station Area, showing the items listed below. Such development plan shall include maps and information on the surrounding area within one hundred (100) feet of the development. All elements listed in this paragraph shall be characterized as existing or proposed, and sufficiently detailed to indicate intent and impact.
    - Streets, driveways, sidewalks and pedestrian ways, and off-street parking and loading areas;
    - Location and approximate dimensions of structures;
    - Utilization of structures, including activities and the number of living units;
    - Estimated population;
    - Reservations for public uses, including schools, parks, playgrounds, and other open spaces;
    - Major landscaping features;
    - Relevant operational data; and
    - Drawings and elevations clearly establishing the scale, character, and relationship of buildings, streets, and open spaces.
  - b. A table demonstrating that the plan meets the development standards set forth in Section 202.23.150C and the other requirements of this Chapter, including compliance with any Objective Development Standards.
  - c. A development phasing plan describing the order in which various portions of the development will be built, along with a proposed schedule for such phases.
4. Notice of Application and Public Hearing for Preliminary Development Plan.
  - a. Preliminary Development Plans shall be reviewed by the Zoning Adjustments Board, the decisions of which are appealable to the City Council.
    - The public notice and hearing process for a Master Development Plan shall be the same as

for Use Permits as defined in BMC Section 23B.32, except that notice shall be mailed or delivered to all businesses, residents and owners of property located within five hundred (500) feet of the subject property.

- c. The Board shall determine whether the proposal conforms to the permit criteria set forth in Section 23.202.150.D8, and may approve or disapprove the application and the accompanying Preliminary Development Plan or require such changes therein or impose such reasonable conditions of approval as are in its judgment necessary to ensure conformity to said criteria and regulations. In so doing, the Board may, in its discretion, authorize submission of the Final Development Plan in stages corresponding to different units or elements of the development. It may do so only upon evidence assuring completion of the entire development in accordance with the Preliminary Development Plan and staged development schedule.

5. Final Development Plan

The applicant shall file with the Planning and Development Department a Final Development Plan for one or more of the phases identified in the Preliminary Development Plan.

- a. The Final Development Plan shall conform in all major respects with the approved Preliminary Development Plan and shall include the following additional information:
  - Location of water, sewerage, and drainage facilities;
  - Detailed building and landscaping plans and elevations;
  - Character and location of signs;
  - Plans for street improvements; and
  - Grading or earth-moving plans.

The Final Development Plan shall be sufficiently detailed to indicate the ultimate operation and appearance of the development, including compliance with the Objective Development Standards. Final Development Plans shall be reviewed by the Zoning Adjustments Board.

- b. The public notice and hearing process for a Final Development Plan shall be the same as for Use Permits as defined in BMC Section 23B.32, except that notice shall be mailed or delivered to all businesses, residents and owners of property located within five hundred (500) feet of the subject property.

6. City Engineer's Report

Within thirty (30) days after the filing of the Final Development Plan, the Zoning Officer shall forward it to the City Engineer for review of public improvements, including streets, sewers, and drainage. The Zoning Adjustments Board shall not act on a Final Development Plan until it has first received a report from the City Engineer or until more than thirty (30) days have elapsed since the plan and application were sent to the City Engineer, whichever is the shorter period.

7. Appeal to Council

The process for appeal to Council for a Master Development Plan, Preliminary Development Plan and/or Final Development Plan shall be the same as for Use Permits as defined in BMC Section 23B.32.

1. Findings

- a. That the location, design, size, and uses are consistent with the General Plan and with any other applicable plan, development control map, design guidelines, or ordinance adopted by the City Council or Planning Commission;
- b. That the location, design, and size are consistent with the City of Berkeley and San Francisco Bay Area Rapid Transit District (BART) Joint Vision and Priorities document for the Ashby and North Berkeley BART Station Areas adopted by the City Council and the BART Board of Directors.

2. Adherence to the Approved Plan and Modification.

Variations of up to ten percent (10%) from any numerical or non-numerical standard set forth on the Master Development Plan may be authorized by the Zoning Officer through an Administrative Use Permit. Variations of more than ten percent (10%) may be authorized by a Master Development Plan permit modification by the Zoning Adjustments Board.

3. Revocation of Permits

If a Final Development Plan for an initial portion of a site has not been submitted within 10 years after approval of the applicable Master Development Plan for all or a majority portion of the site, the City Council may revoke the approval of the remainder of the Master Development Permit. If Final Development Plans for the entirety of a site have not been submitted within 20 years after approval of the applicable Master Development Plan permit, the City Council may revoke the remainder of the Master Development Plan permit.

**TABLE 23.202.020-1: ALLOWED LAND USES IN RESIDENTIAL DISTRICTS**

ZC = Zoning Certificate AUP = Administrative Use Permit UP(PH) = Use Permit – = Prohibited Use * Use-Specific Regulations Apply ** Required permits for specific uses are set forth in the R- BART Mixed Use District Master Development Permit.(MDP) See B.M.C. Section 23.202.150.A and 23.202.150.D.	Residential Districts											Use-Specific Regulations Applies to uses with an asterisk following the permit requirement (e.g., ZC*)	
	R-1	R-1A	ES-R	R-2	R-2A	R-3	R-4	R-5	R-S	R-SMU	R-BMU**		
<b>Residential Uses</b>													
Accessory Dwelling Unit	See 23.306		–	See 23.306									
Dwellings													
Single-Family	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	–	
Two-Family	–	UP(PH)	–	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	–	
Multi-Family	–	–	–	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	<u>UP(PH)</u>	
Group Living Accommodation	–	–	–	–	–	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	<u>UP(PH)</u>	
Mixed Use Residential	–	–	–	–	–	–	–	–	–	UP(PH)	UP(PH)	<u>UP(PH)</u>	
Senior Congregate Housing	–	–	–	–	See 23.302.070.H								
<b>Public and Quasi-Public Uses</b>													
Child Care Center	UP(PH)	UP(PH)	–	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	<u>UP(PH)</u>	
Club/Lodge	UP(PH)	UP(PH)	–	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	<u>UP(PH)</u>	
Columbaria	AUP*	AUP*	–	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	=	23.302.070.C
Community Care Facility	See 23.202.040.A												
Community Center	UP(PH)	UP(PH)	–	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	<u>UP(PH)</u>	
Emergency Shelter	–	–	–	–	–	–	See 23.308						
Family Day Care Home, Large	AUP	AUP	–	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	<u>AUP</u>	
Family Day Care Home, Small	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	<u>ZC</u>	
Hospital	–	–	–	–	–	UP(PH)	UP(PH)	UP(PH)	–	UP(PH)	UP(PH)	=	
Library	UP(PH)	UP(PH)	–	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	<u>UP(PH)</u>	
Nursing Home	–	–	–	–	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	=	
Park/Playground	ZC	ZC	UP	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	<u>ZC</u>	
Public Safety and Emergency Service	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	<u>UP(PH)</u>	
Public Utility Substation/Tank	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	<u>UP(PH)</u>	
Religious Assembly	UP(PH)	UP(PH)	–	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	<u>UP(PH)</u>	

**TABLE 23.202.020-1: ALLOWED LAND USES IN RESIDENTIAL DISTRICTS**

ZC = Zoning Certificate AUP = Administrative Use Permit UP(PH) = Use Permit – = Prohibited Use * Use-Specific Regulations Apply ** Required permits for specific uses are set forth in the R- BART Mixed Use District Master Development Plan permit.(MDP) See B.M.C. Section 23.202.150.A and 23.202.150.D.	Residential Districts											Use-Specific Regulations Applies to uses with an asterisk following the permit requirement (e.g., ZC*)
	R-1	R-1A	ES-R	R-2	R-2A	R-3	R-4	R-5	R-S	R-SMU	R-BMU**	
School	UP(PH)	UP(PH)	–	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	
<b>Commercial Uses</b>												
Alcoholic Beverage Service	–	–	–	–	–	–	–	–	–	UP(PH)*	UP(PH)*	23.310
Food Products Store	–	–	–	–	–	–	–	–	–	UP(PH)*	UP(PH)*	23.202.140.B.3
Food Service Establishment	–	–	–	–	–	–	–	–	–	UP(PH)*	UP(PH)*	23.302.070.E
Group Class Instruction	–	–	–	–	–	–	–	–	–	–	UP(PH)	
Gym/Health Club	–	–	–	–	–	–	–	–	–	–	UP(PH)	
Hotel, Tourist	–	–	–	–	–	–	UP(PH)	UP(PH)	UP(PH)	UP(PH)	–	
Laundromat and Cleaner	–	–	–	–	–	–	–	–	–	UP(PH)	UP(PH)	
Office	–	–	–	–	–	–	UP(PH)	UP(PH)	–	UP(PH)	UP(PH)	
Parking Lot/Structure	UP(PH) *	UP(PH) *	UP(PH) *	UP(PH) *	UP(PH) *	UP(PH) *	UP(PH) *	UP(PH) *	UP(PH) *	UP(PH)*	UP(PH)*	23.302.070.G 23.322.100
Personal and Household Service, General	–	–	–	–	–	–	–	–	–	ZC*	ZC*	23.202.140.B.2
Retail, General	–	–	–	–	–	–	UP(PH) *	UP(PH) *	UP(PH) *	UP(PH)*	UP(PH)*	23.202.040.B
Theater	–	–	–	–	–	–	–	–	–	–	UP(PH)	
Veterinary Clinic	–	–	–	–	–	–	–	–	–	UP(PH)	UP(PH)	
Video Tape/Disk Rental	–	–	–	–	–	–	–	–	–	UP(PH)	–	
<b>Industrial and Heavy Commercial Uses</b>												
Commercial Excavation	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	
<b>Other Uses</b>												
Accessory Uses	See 23.302.020.A											
Art/Craft Studio	–	–	–	–	–	–	–	–	–	–	ZC	
ATM: Exterior and Attached to Bank or Interior or Exterior and Not With Bank	–	–	–	–	–	–	–	–	–	–	AUP	

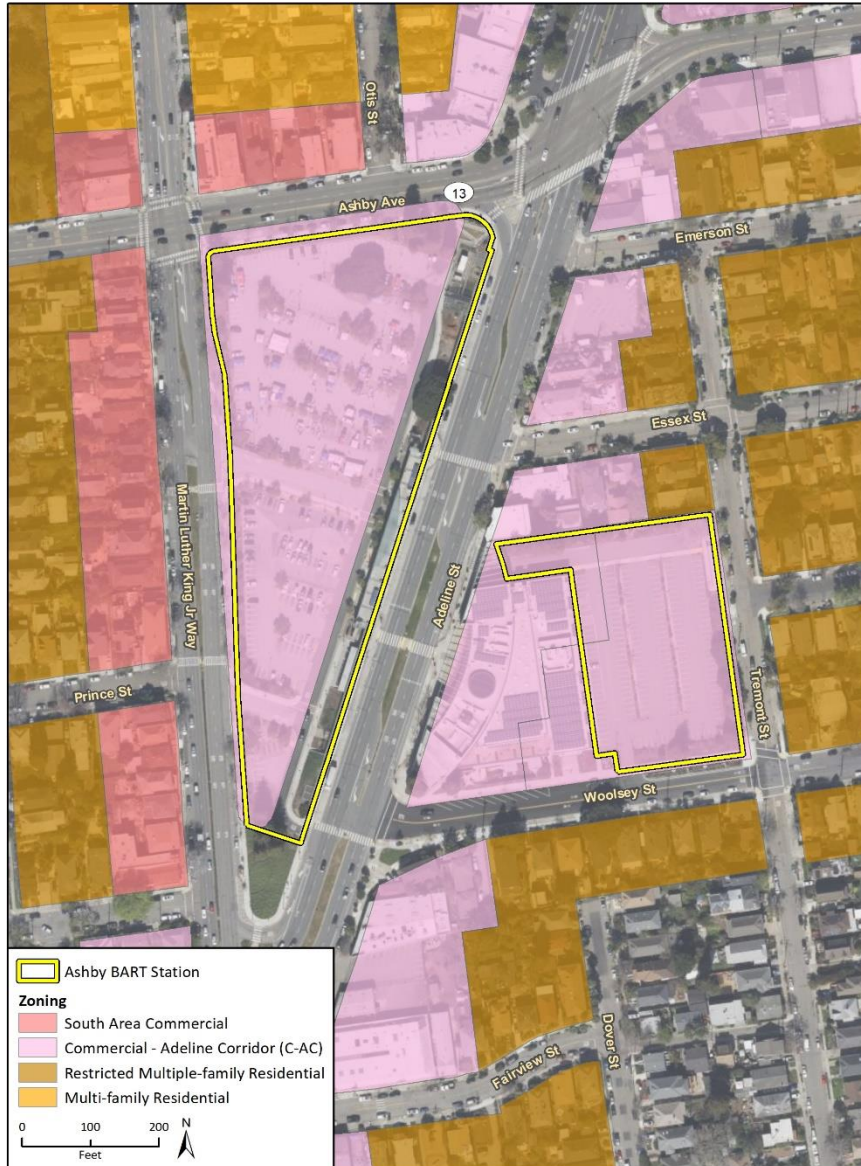
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	R-1	R-1A	ES-R	R-2	R-2A	R-3	R-4	R-5	R-S	R-SMU	R-BMU**		
Home Occupations	See 23.302.040												
Live/Work	-	-	-	-	-	-	-	-	-	-	-	UP(PH)*	
Public Market, Open Air	-	-	-	-	-	-	-	-	-	-	-	AUP	
Public Market, Enclosed	-	-	-	-	-	-	-	-	-	-	-	AUP	
Short-Term Rental	ZC*	ZC*	-	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	23.314
Temporary Uses	See 23.302.030												
Urban Agriculture, Low-Impact	ZC*	ZC*	-	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	23.318
Urban Agriculture, High-Impact	AUP*	AUP*	-	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	23.318
Wireless Telecommunication Facility	See 23.332												



## Zoning Maps: Ashby BART Station Area

### Existing Zoning: C-Adeline Corridor



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Land use data provided by City of Berkeley, 2019.

### Proposed Zoning: R-BART Mixed Use



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Land use data provided by City of Berkeley, 2019.



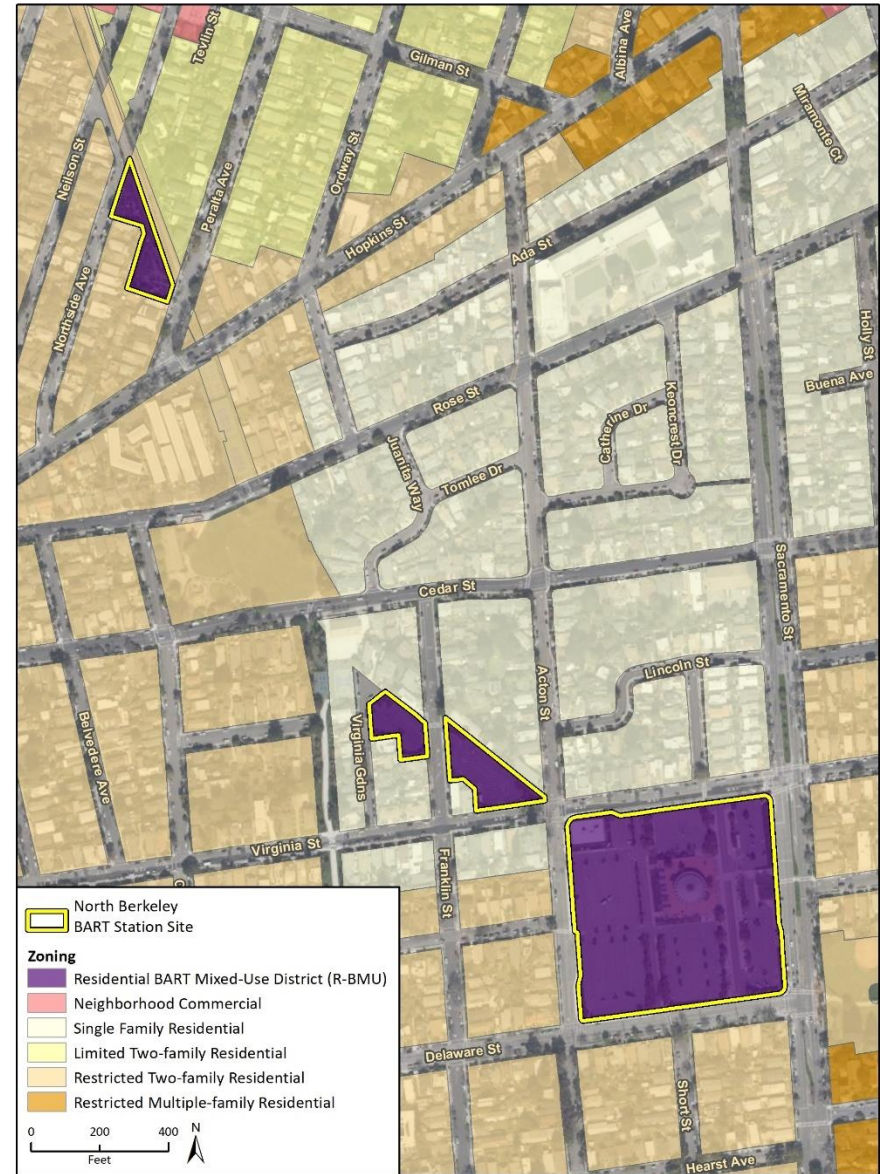
## Zoning Maps: North Berkeley BART Site

Existing Zoning: Unclassified, R-1 and R-2



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Proposed Zoning: R-BART Mixed Use



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## **Proposed GP Land Use Classification**

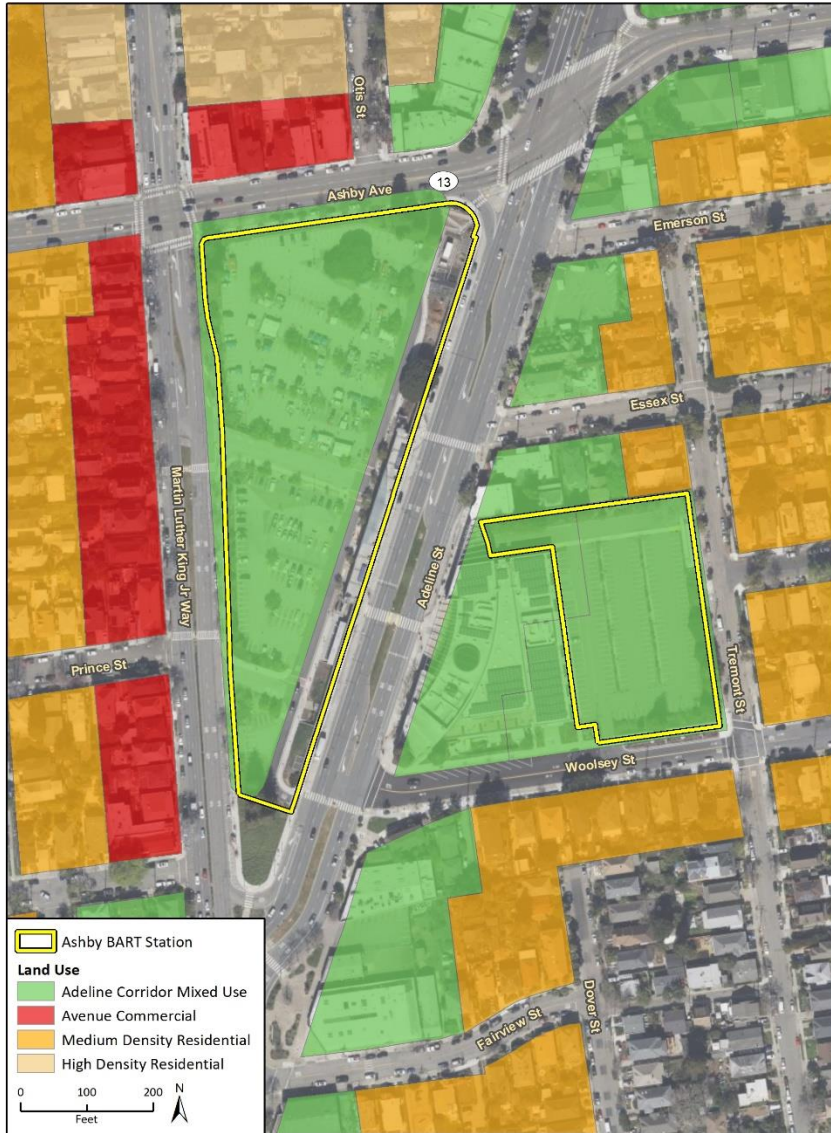
A new General Plan Land Use Classification is proposed for both BART sites: the Ashby and North Berkeley BART Transit Oriented Development (TOD) classification.

### **Ashby and North Berkeley BART Transit Oriented Development (TOD)**

These areas leverage their location and the proximity of the BART stations to provide high-quality transit-oriented development, affordable housing, civic and public space, multi-modal transportation and site access, high-quality building design and architecture, and a mix of land uses that contributes positively to the community. Building intensity will permit a Floor Area Ratio (FAR) of at least 4.2, development at a height of at least 7 stories, and a development density of at least 75 dwelling units per acre.

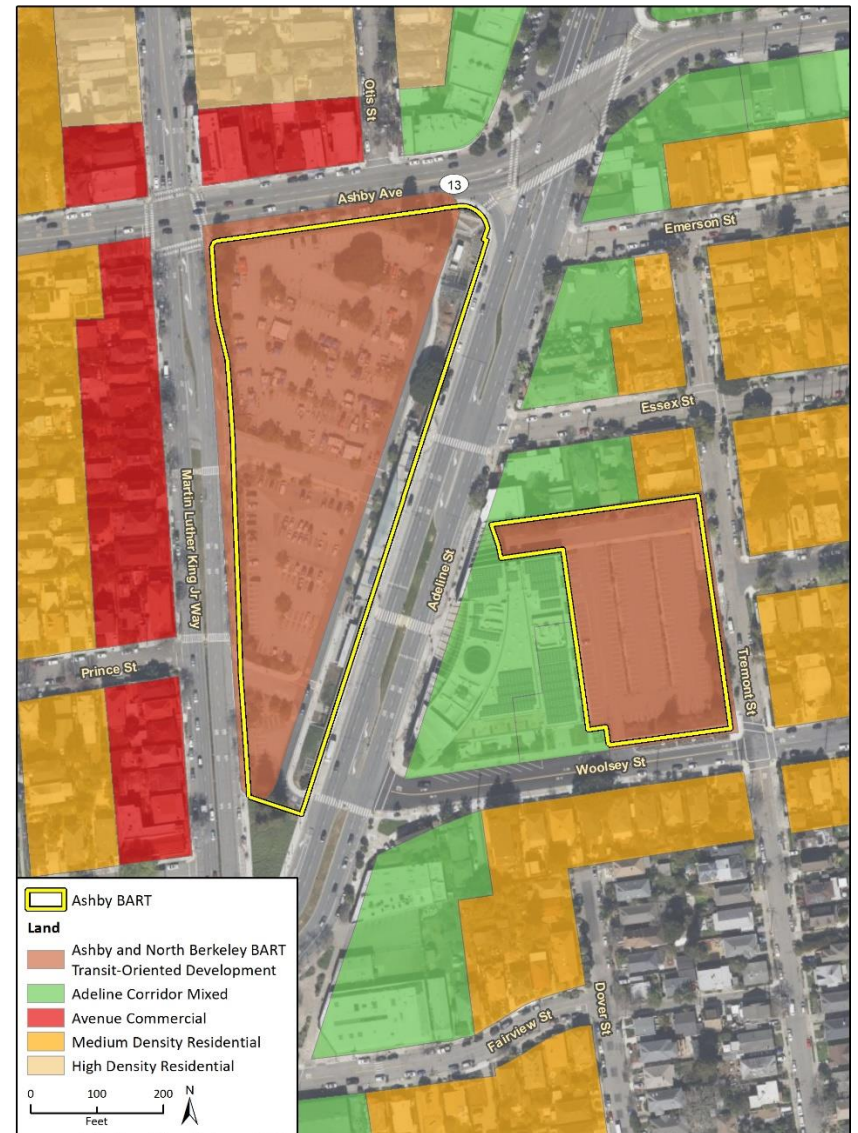
# General Plan Land Use Maps: Ashby BART Site

## Existing: Adeline Corridor Mixed Use



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Land use data provided by City of Berkeley, 2019.

## Proposed: Ashby/North Berkeley-BART TOD



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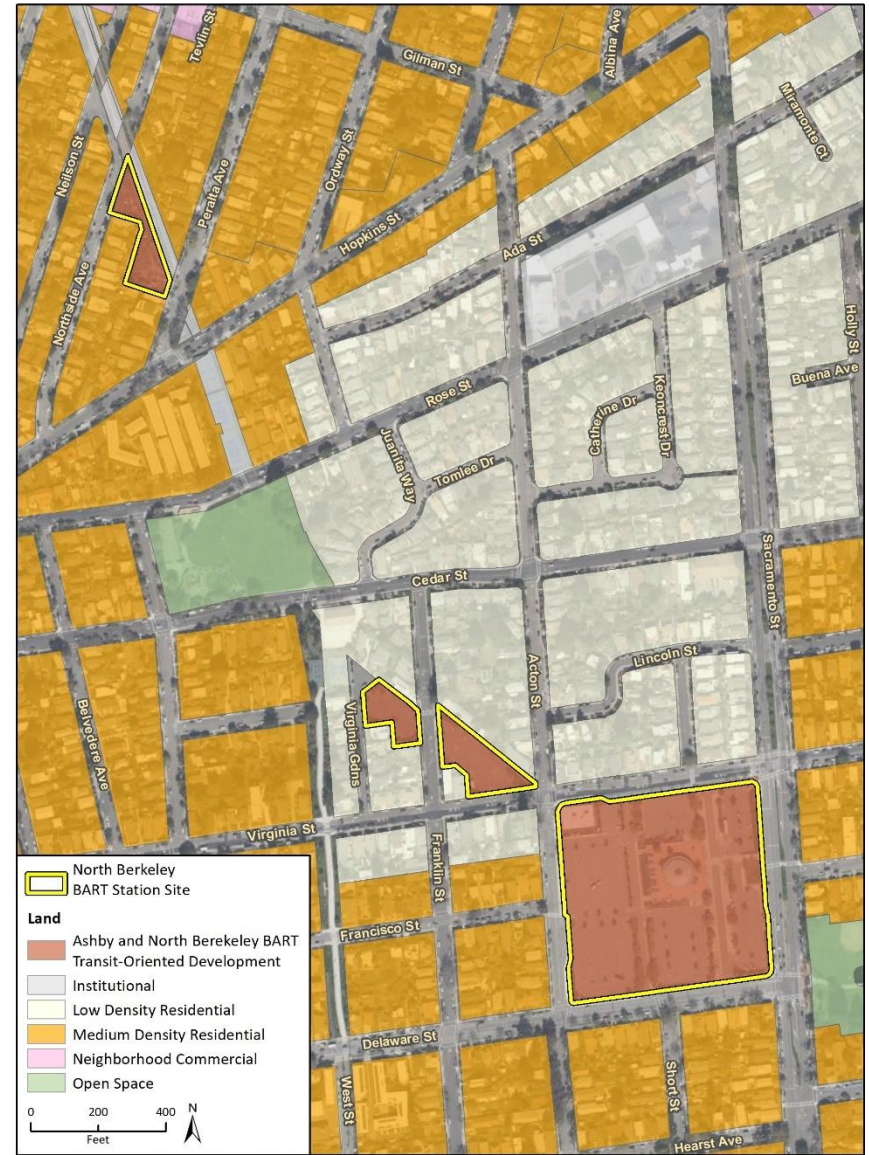
## General Plan Land Use Maps: North Berkeley BART Site

Existing: Institutional, Low Density Residential



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Land use data provided by City of Berkeley, 2019.

Proposed: Ashby/North Berkeley-BART TOD



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**Joint Vision & Priorities for Transit-Oriented Development  
for Ashby and North Berkeley BART Stations  
AUGUST 2021**

**Background**

The December 10, 2019 Memorandum of Understanding (MOU) between BART and the City of Berkeley calls for the City and BART, with input from the City’s Community Advisory Group (CAG) to establish a “joint vision and priorities” document. The goal of this document is to provide a concise statement of the City and BART’s shared, high-level expectations for future development of both the Ashby and North Berkeley BART properties.

Per the MOU, this “joint vision and priorities” document will be incorporated into future Request(s) for Qualifications (RFQs) for development of both the Ashby and North Berkeley Station development, and will help guide the process from developer selection through project construction. This City-BART Joint Vision and Priorities document will be one of three key outcomes of the CAG process for both North Berkeley and Ashby BART development (along with updated zoning consistent with AB 2923, and the RFQs for developers).

**Affordable Housing**

VISION

New housing at a variety of income levels at both the Ashby and North Berkeley BART Stations will address the City’s housing crisis, stem the displacement of residents—especially of the African American community in Berkeley—and support more equitable access to housing for lower-income families and individuals. New housing must also be created quickly to reflect the urgency of the climate crisis, capturing the inherent environmental benefits of walkable, transit-oriented housing in Berkeley’s most transit-rich areas. North Berkeley and Ashby will provide a new model for delivering affordable housing in neighborhoods that are rich in infrastructure and strategically located to make regional transit, economic opportunity, and community amenities more broadly and equitably accessible.

Shared Priorities

- A. **Housing Priorities.** Maximize the number of new homes, and especially permanently affordable, deed-restricted homes. We anticipate a range of 500-1200 units at each station with a variety of unit sizes.
  
- B. **Urgency.** Deliver new housing within 10 years, by 2031, to reflect the urgency of the climate and housing crises.
  
- C. **Affordable Housing Goal.** The City and BART will strive to maximize the number of permanently affordable, deed-restricted housing units within the funding that can be identified.

1. Affordable housing may be developed in multiple phases over a number of years.
2. The amount of affordable housing which can be provided at each site within the 10-year time frame will depend on many outside factors including the availability of state and federal housing resources.
3. At a minimum, at least 35% of the new units at each site will be restricted affordable housing. It is anticipated that each site could achieve at least 50% affordable housing, subject to the timely availability of financing.
4. The City and BART will work together to support selected developers in proactively assembling affordable housing subsidies in order to exceed the minimum.
5. If both sites are able to provide at least 50% affordable housing in a way that is financially feasible, and if additional funding becomes available, the priority for that additional funding would be to maximize the number of affordable units at Ashby station in recognition of the ongoing threat of displacement to the historic community of South Berkeley.

**D. Income Targets:** At least 35% of new housing at each site must be affordable to households earning less than 60% of Area Median Income (AMI). Of that, at least 20% (or 7% of total units at each site) must be affordable to Extremely Low-income households, those earning up to 30% of AMI. Additional affordable units should prioritize Very Low Income (up to 50% of AMI) households and Low Income (up to 80%) households but may include some housing restricted with households with incomes up to 120% of AMI.

**E. Sequencing.** Affordable housing should be built prior to, or along with, any market rate housing.

**F. Displacement Prevention.** Affordable housing should provide a preference for residents of Berkeley who are facing displacement, or who have been displaced from Berkeley in the past due to economic or discriminatory reasons.

**G. Developer Selection.** In the developer selection process, prioritize a nonprofit master developer or a partnership between a private developer and one or more community-based organizations who have experience showing accountability towards equity goals in the City of Berkeley.

**H. Developer Accountability.** The selected developers must have a demonstrated commitment and feasible plans to produce affordable housing and be willing to be held accountable for making affordability the first priority. Selecting a developer who merely pledges a best effort to provide affordable units would not be sufficient.

**I. Funding.** BART and the City of Berkeley should proactively seek new, innovative funding solutions to help achieve two truly visionary, equitable, and sustainable projects.

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- J. **Clustering and Integration.** Affordable units may be clustered into one or more 100% affordable housing buildings on the BART sites but must be designed in a way that integrates with the larger project and shares the same design standards and quality.
- K. **Inclusive Housing Design.** The selected developer will prioritize affordable housing for renters with various needs, including but not limited to families, people with physical or mental disabilities, and formerly homeless people.

### Priorities for Ashby

- A. **Adeline Corridor Affordable Housing Goal.** Consistent with the Adeline Corridor Specific Plan, the City and BART should strive for a goal of 100% deed-restricted affordable housing, prioritizing extremely low, very-low and low-income affordable housing.
- B. **Residents with Disabilities.** Ashby BART should be developed in a way that prioritizes the inclusion of residents with disabilities, who are likely to benefit from proximity to the Ed Roberts Campus.
- C. **South Berkeley Preference.** To address past and current displacement, the development should provide a preference to applicants who either currently live in South Berkeley or have been displaced from the community. This preference must be implemented in a way which is consistent with the City's Fair Housing goals and federal law.

## Public and Civic Space

### VISION

New public and civic space at both Ashby and North Berkeley BART will provide a community anchor, open space amenity, and memorable neighborhood gathering space that is accessible to all. It will be available for programmed community uses and activities, as well as for informal, unprogrammed public use by residents, visitors, and transit riders alike. New public space will enhance the ability of all community members to walk, roll, and take transit, supporting better station access and healthy, climate-friendly active transportation. North Berkeley will be a nexus of active transportation centered along a major new connection of the Ohlone Greenway. Ashby will be anchored by a market and oriented along a street built for people and multiple modes of transportation.

### Shared Priorities

- A. **Maintenance Costs.** New civic space should be designed in a way that minimizes the ongoing cost of operations and maintenance to BART and the City.
- B. **New Public Space.** Pursue new public space design in a way that delivers on the vision while maximizing the number of on-site affordable housing units.
- C. **Station Access.** Design the public realm to support priorities in the Access section of this document.

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### Priorities for Ashby

- A. **Hub for African American Life.** Reinforce South Berkeley's historic role as a hub for African American culture and life in the Bay Area.
- B. **Flea Market.** Provide a permanent, viable home for the Berkeley Community Flea Market – offering supportive amenities such as public restrooms, limited office/storage space, electrical and water access and weather protection - in a prominent location.
- C. **Stakeholder Input.** Public space will be designed with input from the Flea Market, Lorin Business Association, neighborhood residents, representatives from the disability community, and other neighborhood stakeholders. Facilities for the Flea Market will be designed in collaboration with the vendors and Community Services United.
- D. **Adeline Design.** Reconfigure Adeline Street to transform a four-lane arterial into a safer space for all modes of transportation, creating a more walkable, vibrant place. Flea Market and/or other public activities may occur on some or all of this portion of Adeline Street.
- E. **Green Space.** Expand the availability of green space for the neighborhood.

### Priorities for North Berkeley

- A. **Ohlone Greenway Connection.** The development should include a 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.
- B. **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.
- C. **Street Design.** The design of surrounding streets should be considered as a strategy to accommodate public space needs, and improve safety for pedestrians and bicycles.

## Land Use

### VISION

Land uses at Ashby and North Berkeley Stations will serve community needs; provide significant amounts of new housing; complement neighborhood businesses, services, and institutions; create a welcoming environment for all; support BART ridership; and



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improve quality of life for current and future residents. Ground-floor uses should be pedestrian-oriented and contribute positively to public space and the pedestrian experience.

### Shared Priorities

- A. **Overall Mix of Uses.** At both stations, the predominant use will be transit-oriented housing and transit uses, complemented by public space and appropriate non-residential uses. Additional priorities for these uses are found in the Affordable Housing, Public and Civic Space, and Station Access and Parking Management sections of this document.
  
- B. **Non-residential Spaces.** Curate and program any non-residential spaces to provide interest and character, encourage community gathering, support social interactions, and provide unique neighborhood activities and services. Any non-residential uses should be customized to meet the unique needs of each station and neighborhood.

### Priorities for Ashby

- A. **Role of Non-residential Uses.** Non-residential uses at Ashby should reinforce the area's historic role as a center of neighborhood commerce, cultural expression, social connection, and economic empowerment.
  
- B. **Non-Residential Active Frontages.** Non-residential uses should have active frontages oriented towards Adeline Street, Ashby Avenue, and the future Flea Market public space. Ground-floor uses should activate public space and complement the Flea Market, while promoting everyday activities when the Flea Market isn't occurring.
  
- C. **Prioritized Non-residential Uses.** The following types of potential non-residential uses should be prioritized, though not all are anticipated to be present in any one development project<sup>1</sup>:
  1. The Berkeley Flea Market, and indoor or outdoor spaces related to the Flea Market
  2. Businesses and organizations that reinforce the neighborhood's historic role as a center of Black culture and identity
  3. Businesses, organizations, or services that are oriented towards, or provide economic opportunity for people in the neighborhood or their descendants who were involuntarily displaced, interned, or historically disenfranchised on the basis of race
  4. New uses that expand and complement the role and mission of the Ed Roberts Campus and empower those living with disabilities
  5. Spaces for cultural activities, performance, display, community activities, or other uses and amenities that support the area's role as an arts and culture district.

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<sup>1</sup> Specific permitted and prohibited uses for Ashby Station will be identified in the zoning code.



Priorities for North Berkeley

- A. **Role of Non-residential Uses.** Non-residential uses such as retail, services, or indoor community spaces is anticipated to have a limited role at North Berkeley.
- B. **Non-residential Active Frontages.** Non-residential uses that do occur should be oriented with active frontages towards the station entry and/or Sacramento Street.
- C. **Respect Neighborhood Needs.** Non-residential uses that do occur should be focused towards meeting neighborhood needs and complementing the existing range of businesses and services already available nearby.
- D. **Potential Non-Residential Uses.** Non-residential uses may include the following<sup>2</sup>:
  - 1. Uses that help reduce the need for driving in North Berkeley, such as commuter-focused amenities, childcare, community services, or satellite locations for existing community businesses or organizations
  - 2. Small-scale walkable retail or café type uses
  - 3. Space for activities, gatherings, or events.

**Building Form**

VISION

New buildings at Ashby and North Berkeley Stations will be beautiful, creatively designed, well-proportioned, create visual and physical connections with the neighborhood through its architectural design and contribute positively to the physical fabric and long-term quality of life of the neighborhood. They will provide elements that neighborhood residents currently enjoy – such as natural light, air, direct outdoor access, variety, quirkiness, walkability, and sociability – in a denser, transit-oriented format that supports BART ridership. Buildings should exhibit a level of architectural diversity that expresses the social, racial, economic, and design diversity that is desired at both stations. Ground-floor spaces and building frontages should activate public space, while providing a sense of place and character to the stations and the surrounding neighborhood.

Shared Priorities

- A. **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.
- B. **Context.** Building design should consider the scale and character of the surrounding built environment.

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<sup>2</sup> Specific permitted and prohibited uses for North Berkeley Station will be identified in the zoning code.

- C. **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.
- D. **Equitable Design Quality.** Design affordable housing units in a way that integrates with the larger project and shares the same design standards and quality.
- E. **Small Blocks.** Prioritize site designs with smaller blocks and building footprints instead of larger blocks.
- F. **Architectural Variety.** Design buildings to provide visual interest with variation in height, scale, massing, rooflines, materials, and architectural styles.
- G. **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.
- H. **Unit Diversity.** Encourage building forms that allow a diversity of unit sizes, types, and configurations.
- I. **Sunlight.** Seek to configure buildings and include design strategies that allow sunlight to reach public spaces, and design outdoor spaces, outdoor seating and active retail frontages, if provided, to maximize southern, western, and/or eastern exposure.
- J. **Outward-facing Entrances.** For ground-floor housing units, encourage outward-facing entrances with a range of design treatments and access strategies. These could include stoops, front doors, courtyard and forecourt entrances, ramped or at-grade universally accessible entries, outward-facing and visually permeable lobby entrances, and transition spaces from private frontages to public spaces.
- K. **Ground-floor Non-residential Frontages.** For ground-floor non-residential uses, provide frequent windows and doors, visual connection between indoors and outdoors, frontage onto public space, direct access to the pedestrian circulation network, and activation strategies such as outdoor seating, dining, display spaces, public art, and architectural detailing.
- L. **Universal Accessibility.** Preference building designs with universally accessible units and elevator redundancy to promote accessibility for seniors and those with disabilities.
- M. **BART Entrances.** Ensure that BART entrances are featured prominently and integrated into the overall site plan.
- N. **Integrated Green Space.** Integrate gardens, courtyards, roof terraces, trees, native landscaping, and other green spaces into building architecture and site design.

Priorities for Ashby

- A. **Massing and Height Focus.** Focus density, larger building forms and height towards Adeline Street and Ashby Avenue on the west parking lot parcel, and towards the rear of the Ed Roberts Campus on the east parking lot parcel.
- B. **Active Frontages.** Connect new buildings to Adeline Street and Ashby Avenue with direct pedestrian access, minimal setbacks, and active frontages to complement the existing active uses across the street.
- C. **Site Design.** Ensure that building form, scale, and the overall site plan provide sufficient space for the Flea Market and other civic and community uses.

Priorities for North Berkeley

- A. **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.
- B. **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.
- C. **Active Frontages.** Prioritize active frontages, public space programming, and car-free activities along the Ohlone Greenway.

**Station Access**

Vision

Station access investments in and around the stations will enhance community vibrancy, safety, equity, and health while improving the quality of the public space and pedestrian experience, both within and beyond the station areas. Priority access investments are those that encourage people to walk, bike, roll, ride transit, and use shared micro-mobility options, while still providing flexibility for changing technologies and trends. Access investments will be distributed equitably to improve the experience for people of all ages, all abilities, and all income levels getting to and moving through the stations.

Shared Priorities

- A. **Housing and Community Benefits.** Favor affordable housing and other community benefits over BART rider parking and TOD resident parking in any physical or financial decision-making.
- B. **Non-Automobile Access.** Increase the share of BART riders who access the stations via modes other than driving alone and parking. Prioritize access

improvements in the surrounding neighborhoods and within the station areas that offer safe, comfortable, affordable, cost-effective alternatives for all BART customers, particularly those with mobility challenges. Future access planning should consider the rapid evolution for mobility trends and technologies and consider the adaptability of the station access plans to future foreseeable and unforeseeable mobility patterns and their ability to handle ridership growth without running into capacity constraints.

- C. **Equitable Access.** Provide safe and secure station access options for people of all ages, abilities, races and ethnicities, genders, and income levels.
- D. **Parking Options.** Minimize the need for new structured on-site BART customer parking by maximizing the use of available parking capacity along the corridor (such as Center Street parking garage, shared parking with the TOD or with other sites, and on-street parking management).
- E. **Transportation Demand Management.** Any future development must include aggressive and innovative Transportation Demand Management strategies to reduce the vehicle miles traveled (VMT) and greenhouse gas (GHG) emissions by residents, visitors, and employees by 20% by complying with BART's Transportation Demand Management program.
- F. **Parking and Traffic Impacts.** Limit the impacts of parking and driving on residents of the developments and surrounding neighborhoods (such as noise, air quality, GHG, and collisions) through transportation demand management, multi-modal circulation and access planning, infrastructure improvements, parking management, and other best practices.
- G. **Market Rate Pricing for Parking.** Explore parking pricing that is better aligned with market demand as a possible strategy to promote BART rider and on-street parking availability, with consideration of the impacts of parking pricing on low income residents and BART riders.
- H. **Prioritize Curb Space.** Buses and shuttles will be located to prioritize people with disabilities, active loading of passengers (over waiting vehicles), services available to the public, and the number of people transferring to BART. Different types of passenger loading zones will be incorporated for quick pick-ups and drop-offs, those that need to wait for their passenger, accessible loading areas, ride apps and taxis.
- I. **Wayfinding and Signage.** Provide clear, accessible, adaptable station access signage and wayfinding to facilitate how people get to/from and through the station area consistent with the Metropolitan Transportation Commission's standards.

Priorities for Ashby

- A. **Pedestrian & Bicycle Connections.** Provide high-quality, safe pedestrian and bicycle connections to and through the site, including an off-street protected bicycle facility extending along Adeline Street, at least between

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Ashby Avenue and the intersection with MLK Way, with the potential to extend further through related Adeline improvement efforts.

- B. **Adeline Design.** Reconfigure Adeline Street to transform a four-lane arterial into a safer space for all modes of transportation, creating a more walkable, vibrant place..

### Priorities for North Berkeley

- A. **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.
- B. **Commuter Parking Priority.** Where parking would be provided, maximize parking for commuters over parking for residential and/or potential community, non-profit, or retail uses.

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