

Frequently Asked Questions (FAQ)



March 21, 2022

This FAQ page provides updated and accurate responses to important questions about the Berkeley BART Transit-Oriented Development (TOD). This is to be a living document that is updated as facts about the project change. The FAQ will be available to the public via BART's and the City of Berkeley's websites for the TOD.

1. What is BART planning to develop at the North Berkeley and Ashby BART Station?

BART and the City of Berkeley ("Berkeley") are collaborating to establish the land use requirements that will permit the property surrounding the Ashby and North Berkeley BART stations to be re-imagined as Transit Oriented Development (TOD) projects. Each project will include between 550-1200 homes with supporting retail and publicly accessible open space. Responding to the growing need for housing near transit, the legislature passed Assembly Bill 2923 in 2018 ("AB2923"), establishing new minimums for zoning for BART stations. The City of Berkeley is working with BART to develop zoning and site planning parameters for the station areas that reflect a shared community vision.

2. Why is BART undertaking transit-oriented development (TOD) at the Ashby and North Berkeley stations now?

BART is prioritizing development in Berkeley because of the City's strong interest in and commitment to re-envisioning these two important places. The City has demonstrated that commitment by:

- Developing and adopting the Adeline Corridor Specific Plan,
- Convening a Community Advisory Group to shape new local zoning that is consistent with AB2923, and
- Identifying \$53 million that Berkeley will contribute to develop affordable housing so that the Ashby and North Berkeley TODs will be inclusive and equitable (See Question #9)

BART and Berkeley have collaborated in a community-driven program to set the foundation for transit-oriented development at Ashby and North Berkeley for the last four years. Key steps taken by Berkeley and BART include:

The Adeline Corridor Specific Plan (<https://www.cityofberkeley.info/council>) After several years of community engagement, Berkeley adopted the Adeline Corridor Specific Plan in 2020. Preservation of the unique character and cultural character of the Adeline Corridor and production of new affordable housing, while preventing displacement, are two of the main goals of the Adeline Corridor Specific Plan.

Memorandum of Understanding (<https://www.cityofberkeley.info/bartplanning>) In 2020, Berkeley and BART agreed upon a Memorandum of Understanding ("MOU") that established a framework for development of the Ashby and North Berkeley BART stations, including a community advisory process and other community engagement milestones, a timeline to develop zoning that complies with AB 2923 and further studies/planning for the two station areas, and solicitation of developer(s). During 2022, BART and the City will consider amendments to the MOU that take into account the studies conducted between 2020 and 2022 ("Memorandum of Agreement" ("MOA"))

Community Advisory Group. In 2020, Berkeley convened a Community Advisory Group ("CAG") of fifteen citizens to advise the Planning Commission and the City Council on development principles to guide the TOD that will be developed at NB and Ashby. With input from the community, the CAG completed its work in December 2021. The CAG was instrumental in shaping the "Joint Vision and Priorities for Transit Oriented Development for Ashby and North Berkeley Stations" (JVP). The JVP articulates the shared development principles of Berkeley and BART, including the construction by 2031 of between 550-1200 new homes (of which no less than 35% shall be affordable) at each station, creation of public spaces that serve the community and new residents, improved station access for all people, and building form that includes variation in

height, scale, rooflines, and activated ground floor public spaces. More information about the CAG and JVP can be found at <https://www.cityofberkeley.info/bartplanning>.

3. What state legislation will impact the development of the Ashby and NB TOD?

- AB 2923 sets minimum zoning standards for BART-owned property, including height, density, floor area ratio and parking.
- SB-35 (Ministerial Process). Limits cities' review of housing development project with required number of affordable homes.
- State Density Bonus Law. Entitles developers to a density bonus of 20-50% more homes than would be permitted by zoning provided affordable housing requirements are satisfied.

4. What are the AB 2923 requirements for North Berkeley and Ashby stations?

The zoning for BART's property at North Berkeley and Ashby station must allow for the following.

- Building Height: 7 Stories minimum
- Residential Density: At least 75 homes per acre
- Residential Vehicle Parking: No minimum, 0.5 spaces per unit maximum
- Residential Bicycle Parking: 1 space per unit minimum

5. What are the components of the Draft Zoning?

Some of the key elements of the Draft Zoning are:

- Building Height, Maximum: 80 feet and 7 stories (plus any density bonus granted for certain levels of affordable housing)
- Residential Parking: None required, Maximum of 0.5 space per dwelling unit
- Non-Residential Parking: No minimum, 1.5 spaces per 1,000 sf maximum
- Bicycle Parking: Minimum of 1 space per unit
- Open space: minimum of 40 square feet of private open space per dwelling unit, and 35 square feet of public open space per dwelling unit, setbacks from the sidewalk, pedestrian access, and building entrances.
- The zoning will create the criteria and limits for a project area, but it is not the actual project. The actual transit-oriented developments will have to meet zoning design requirements.

6. What are Objective Design Standards (ODS) and how do they impact what gets built?

The Objective Design Standards will be the rules approved by the City of Berkeley to govern how the developer designs the new buildings to be constructed on each BART property. These standards will set additional limits on what kind of construction can be built on the properties, and city planning staff will review the architect's designs to ensure they meet the standards. Because of AB2923 and SB 35 (See FAQ #3, above) the projects will not require additional review by the Planning Commission or City Council, so it's important that the standards be clear and comprehensive. The Objective Design Standards will be developed through an inclusive process that will include input from residents and other stakeholders and will be finalized for each station individually following the selection of a developer.

7. What's going to happen to the Berkeley Flea Market at Ashby Station?

The Berkeley Flea Market is an important and valued part of Ashby's history and present and will be offered a new location and amenities to support the market's operation, in close proximity to Ashby Station. BART and Berkeley have engaged consultants to work with the Berkeley Flea Market and propose several alternative configurations in which the development and the Berkeley Flea Market can co-exist. The Berkeley Flea Market leadership and vendors will be critical stakeholders to contribute input on their preferred configuration before any decision is made. Please refer to the Berkeley Flea Market FAQ which can be accessed on [\(LINK\)](#).

8. Will the new housing be affordable?

As noted in the JVP, maximizing affordability is a top priority of BART and the City of Berkeley. 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. 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. The City and BART will work together to support selected developers in proactively assembling affordable housing subsidies in order to exceed the minimum. 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.

9. Who will be eligible for affordable homes?

Qualification for affordable housing is determined by a household's income range compared to the Area Median Income (AMI). Low-income housing programs can serve different ranges of income levels based on the household income's percentage of the AMI. Specifically, a low-income housing program could serve "Low Income" people who make under 80% of the AMI, "Very Low Income" people who make under 50% of the AMI, and/or "Extremely Low Income" people who make under 30% of the AMI. Currently, the AMI for Berkeley is \$85,530. The specific mix of homes available to Low Income, Very Low Income, and Extremely Low-Income households will depend on the funding made available to the project. The City of Berkeley is considering adoption of a Housing Preference Policy. If adopted, the homes at the Ashby project and the North Berkeley project will be subject to the Housing Preference Policy. Adoption and administration of a Housing Preference Policy is under the jurisdiction of the City of Berkeley, BART has not authority to adopt or administer a Housing Preference Policy.

10. How do we know that the affordable housing approved for the Ashby project (and the North Berkeley project) will be built and the developer will not be able to pay a fee instead of building the affordable housing?

BART does not accept fees in lieu of construction of affordable housing. BART as the property owner will enter into a ground lease with the developer(s) that requires that all affordable housing be built on-site as set forth in the project approval documents. The project approval documents (from the City and BART) will establish the number of affordable homes and the level of affordability for each affordable home.

11. Will there be parking for the future residents of the planned housing?

There is no minimum amount of residential parking required by AB 2923 or by the Draft Zoning, but there are maximums in place (0.5 spaces per home). That means that the amount of residential parking in the development could be as high as half the number of homes, or it could be as low as zero.

12. Will BART continue the North Berkeley Bicycle and Pedestrian Improvements during this process?

Yes. BART has started construction on the pedestrian/bicycle access project that will make it safer and easier to walk and bike to North Berkeley BART. The improvements will encourage more people to walk and bike to the stations rather than drive and park. The current improvements include dedicated bicycle lanes, a widened Ohlone Greenway, raised crosswalks and bulb-outs, improved pedestrian lighting and storm water management strategies. The project design minimizes the inclusion of elements that would likely be removed with the development of a project at the North Berkeley BART site. BART anticipates completing construction by Spring 2023.

13. When and how will BART determine the amount on-site BART rider parking for the Ashby and North Berkeley BART stations?

Consistent with BART's policies, BART rider parking will not be fully replaced due to space and funding constraints, BART is using grant funds to study corridor-wide access improvements for developments at the Ashby, North Berkeley and El Cerrito Plaza stations. The Corridor Access Plan that is now underway with a planned completion in fall 2022 will identify options for getting to and from BART. These options will reduce the need for people to rely on parking at the BART stations. They will also help BART and the cities invest in walking, rolling, biking, riding transit, driving, and parking more equitably.

BART staff will recommend 85 parking spaces as the maximum level of on-site BART rider parking at Ashby and 200 parking spaces (including the 80 spaces in the auxiliary lots between Acton St. and Virginia Gardens) as the maximum level of on-site BART rider parking at North Berkeley stations in March 2022 to be approved by the BART Board in mid-2022. BART's recommendations will be informed by regional, city and BART policy and determined based on an in-depth analysis of pre-COVID commute patterns, community input, trade-offs with other TOD goals, and available funding, BART will determine an appropriate level of on-site replacement parking as well as other on and off-site improvements to get to/from the station.

More information on the topic of improved access to stations along BART's Richmond line, including an FAQ, can be found at BART's Berkeley-El Cerrito Corridor Access Plan (Corridor Access Plan) project [website](#); as well as the [Berkeley-El Cerrito Corridor Access Plan \(Corridor Access Plan\) Online Open House 1](#).

14. How will impacts to on-street parking be addressed?

Consistent with Section D of the JVPD under "Station Access," BART's access planning work will include recommendations on how to balance neighborhood street parking for residents with the station's parking demand.

BART in collaboration with the City is exploring the concept of the City changing how it manages on-street parking around the stations so that non-residents, including BART riders, could potentially pay to park on-street, and to do that in a way that ensures that residents with Residential Preferential Parking permits (RPP permits) can still easily and quickly find a parking space near their home.

15. What new mobility options are being considered to serve those who won't be able to park at the station?

New mobility options may provide a significant opportunity to improve access to the station, especially considering electric-assist options that can help overcome topographic barriers.

Through the Berkeley - El Cerrito Corridor Access Plan, BART has conducted interviews new mobility providers including electric bike share, scooter and moped providers, car-share and transit-on-demand providers to discuss potential to enhance access to the Berkeley stations. Additionally, the City of Berkeley recently established a program authorizing qualified companies to provide shared electric micromobility (electric-bikes, scooters, and adaptive electric devices) services. The station-specific access plans for Ashby and North Berkeley that will be funded by the future Developers will determine demand and space needs for new mobility options to incorporate in the project design.

16. What happens next?

April 6, 2022: Berkeley Planning Commission: Recommendations on JVP, Draft Zoning, Final EIR

April 19, 2022: Berkeley City Council Workshop: JVP, Draft Zoning, Final EIR, Adeline Roadway reconfigurations

May 31, 2022: Berkeley City Council action: Final EIR, JVP, Draft Zoning, and MOA.

May/June: Concurrent with Berkeley City Council actions related to this project, the BART Board is anticipated to consider action on the JVP, parking replacement and MOA

17. Where and when can the public provide input?

There will be many opportunities for the public to get information about and provide input that will be considered during the development process. Dates and locations for community meetings will be posted on the Community Engagement Calendar that can be accessed on (add link to Ashby BART webpage). In addition you may forward questions to AshbyTOD@bart.gov.