

BNC Jan. Monthly Meeting,  
Sat. January 9, 2021  
Minutes

Held via Zoom

Attendees: (48)

BNC Exec: Janis Ching, Shirley Dean, Dean Metzger, James Peterson, Willie Phillips, Meryl Siegal, David Ushijima.

### **Neighborhood Updates**

#### **North Berkeley BART site**

Tony Corman from the North Berkeley BART neighborhood group gave an overview of the CAG meetings to date. He displayed a slide from Opticos showing a scenario rendering of what a proposed development could look like with [5 story structures](#). As an illustration of what an [8-story structure](#) would look like on the North Berkeley BART lot, he presented an image prepared by an architect of an existing 8-story project superimposed on the site of the North Berkeley BART lot. Compared to the surrounding neighborhood, a structure of that size would be completely out of context. Tony also showed a rendering prepared by Opticos of what a [lower density development](#) with open green space could look like. The neighborhood group is hoping that BART would consider a plan of the lower density scale similar to what the Opticos low-density rendering shows.

#### **2915 Harper ADU**

Jonathan Cherry presented [slides](#) showing the history of discussions with the City regarding the ADU that the City approved on 10/20/2020. Jonathan cited the new (<https://www.hcd.ca.gov/policy-research/accessorydwellingunits.shtml>) This state law overrides local zoning laws and which the City is now deferring to. One problem with the structure is that it completely eliminates the 15 ft. front setback and is built right out to the sidewalk in front of the existing multifamily unit which currently houses 5 tenants. Construction was started without any notification to the tenants. As the structure is being built directly in front of the existing apartment it also impacts ADU access, as one of the tenants is disabled. Since the project affects the tenants, the Rent Board has been contacted. A discussion was held with the Acting Planning Director. Also the Mayor's office has reached out to Jonathan to see what can be done. One problem is that the Planning Department has not developed local Berkeley-specific zoning ordinances for ADUs. The City Attorney's office for Land Use appears to be completely deferring to the State Law.

#### **TOPA (Tenants Opportunity to Purchase Act) – Mayor's Office**

The Mayor gave a brief introduction and presented the advantages that a [TOPA program](#) would give to assist tenants from losing their units to developers who are looking to purchase and convert existing rental properties into higher rent market rate housing. Sarah Scruggs from the Northern California Land Trust and Anna Cash from Policylink who is working with the City on TOPA made presentations to review the history of TOPA programs in Washington DC and other

cities and the benefits they provide. There was much debate via the Zoom Chat as to whether the benefits of TOPA justified the cost of a city-run program, impacts on housing values, and also whether TOPA provided real long-term benefits to the tenants. A number of links for more information were provided by Sarah and will be posted.

### **Alternative Transportation Options and capturing the savings from elimination of parking at new developments –**

Sophie Hahn gave a brief overview and summarized the options being presented to Council for the elimination of parking requirements. (see agenda document and slides). The Council Agenda item lists the specific options that are being discussed including minimum parking requirements, maximum parking requirements, and options for encouraging alternative forms of transportation.

### **2435 San Pablo – Avoiding the Affordable Housing Mitigation fee: A Co-Living model**

Toni Mester gave an [overview](#) of the project at 2435 San Pablo which is being developed as a co-living project similar to projects at 3000 Shattuck and 2720 San Pablo. Being categorized as a [Co-living project](#) has allowed the developer to avoid the Affordable Housing Mitigation fee. The project as currently proposed will effectively provide only [74 sq. ft of livable space per unit](#), which Toni characterizes as comparable to a prison cell. The neighborhood group is proposing the elimination of the shared kitchens and conversion to a full-fledged, well-managed residential hotel. In its current configuration, the living arrangements could pose health and safety standards. One problem is that Berkeley has no standards for buildings categorized as Co-Living. This is a topic that needs to be addressed at the Planning level. The neighborhood group is appealing the project to City Council at the Jan. 21st meeting.

### **Pollution from Asphalt Plant (recent developments)**

Mike Perlmutter of Clean AIR Berkeley presented an overview of the 30 year history of problems, neighborhood actions, lawsuits and the current stalemate occurring at the Lehigh-Hansen Berkeley Asphalt Plant (BA) in West Berkeley. In the months of November-December, over 200 neighborhood complaints were documented with BAAQMD and two Notice of Violations (NOV) were documented. Clean AIR Berkeley points out that the city needs to enforce the rules set out in BA's permits and points out that there are new technological advancements to mitigate environmental pollution that need to be put in place for BA so that all citizens of Berkeley and workers at BA can breathe freely. ([see slides](#) and [video](#))

### **Adeline Corridor Plan Process**

Rob Wrenn, Planning Commissioner and Chair of the Adeline Corridor Subcommittee, presented an overview the community planning process that has been taking place over the past 5 years and that was recently overturned by the City Council. The Adeline Corridor Subcommittee and Planning Commission have been working to achieve an overall goal 50% affordable housing in the Adeline Corridor. Much commission time was spent to gather input from the community and craft a multi-tiered plan which incentivized developers to provide a higher number of onsite affordable units in exchange for adding density in terms of the number of allowable floors. For reasons of profitability, most market rate developers build projects that include only up to 10% of on-site affordable units. The Adeline Corridor plan as submitted allowed for additional tiers of

14% and 21% of on-site affordable units by allowing developers to add more density. The plan was however modified at the last minute when the plan came before Council for approval. An additional floor of housing was allowed and approved which effectively eliminated the incentive for developers to build at the 21% on-site affordable unit level. Protections for solar panels and shadow impacts were removed. After five years of planning, this change was made without feedback from the public or the Planning Commission and points out a major problem with the entire community planning process and whether it really incentivizes or encourages public participation. Mr. Wrenn reflected on his long tenure volunteering on the city planning commission and his involvement on this project. He noted that a “neoliberalism” has overtaken the city --- in other words, where private concerns and privatization take over public concerns. Here, the public concerns such as more affordability, light, and shadow impacts which are for the common good were sacrificed for monetized, private concerns.

Here is a [link](#) to the chat from the meeting.