

ROLE OF THE OBJECTIVE DESIGN STANDARDS

The goal of the ODS are to effectively balance and synthesize the JVP, the zoning, the MOA and community input into standards that will guide development. The standards play a pivotal role in guaranteeing that the project design incorporates essential features and elements that align with the JVP’s identified goals and priorities, while balancing priorities to both “maximize the number of new homes” and “consider the scale and character of the surrounding built environment.”

POLICY FRAMEWORK

June 2022 City and BART Memorandum of Agreement (“MOA”)

The MOA clarifies the processes that BART and the City will pursue to develop BART-owned property. The MOA establishes objectives and minimum requirements for the North Berkeley BART transit-oriented development (TOD) project, such as minimum affordability requirements, a minimum of 1000 bedrooms, and the requirement to prepare ODS. State laws, such as AB 2923 and the State Density Bonus Law, substantially limit the City’s discretionary authority for projects that meet specified development standards and affordability levels. In recognition of this and the City’s substantial contribution of \$53 million of the City’s affordable housing funding towards affordable housing at both the BART sites, the City and BART have agreed to the process outlined in the MOA to develop, approve and enforce ODS adopted by the City Council. BART will enforce the ODS through its real estate agreements, provided the adopted ODS will not unduly restrict potential development.

City of Berkeley Zoning

In June 2022, the City Council adopted a new zoning district for the North Berkeley and Ashby BART station areas – BMC Section 23.202.150 Residential – BART Mixed Use Zoning District (R-BMU) – and related amendments to the Berkeley Municipal Code. The zoning includes development standards, open space requirements, parking requirements (for the mixed-use development), and permitted uses, as well as some limited requirements relating to shaping the volume and massing of future development.

City and BART Joint Vision and Priorities for Transit-Oriented Development at the Ashby and North Berkeley BART Station (“JVP”)

In June 2022, the City and BART adopted the JVP which expresses the City and BART’s shared, high-level expectations for future development. The JVP provides important guidance on the following topics: Affordable Housing, Public and Civic Space, Land Use, Building Form, and Station Access and Parking. The JVP includes aspirational statements as well as minimum requirements. Each topic includes an overall vision statement, followed by “shared priorities” for both station areas, and additional priorities specific to each station, where applicable.

2020 Pedestrian Plan, Berkeley Bicycle Plan

The City’s 2020 Pedestrian Plan and 2017 Bicycle Plan sets policy for streetscape design and character including preferred sidewalk width.

BART Station Access Plan

BART requires a station access plan to be prepared which evaluates current and projected access needs to the North Berkeley BART Station, assesses how the proposed TOD project will impact these needs, and proposes solutions to ensure safe and efficient access to the project area, including city streets.

NEIGHBORHOOD CONTEXT

Site Context



TPSS: Traction Power Substation
ZOI: Zone of Influence

Internal Connections



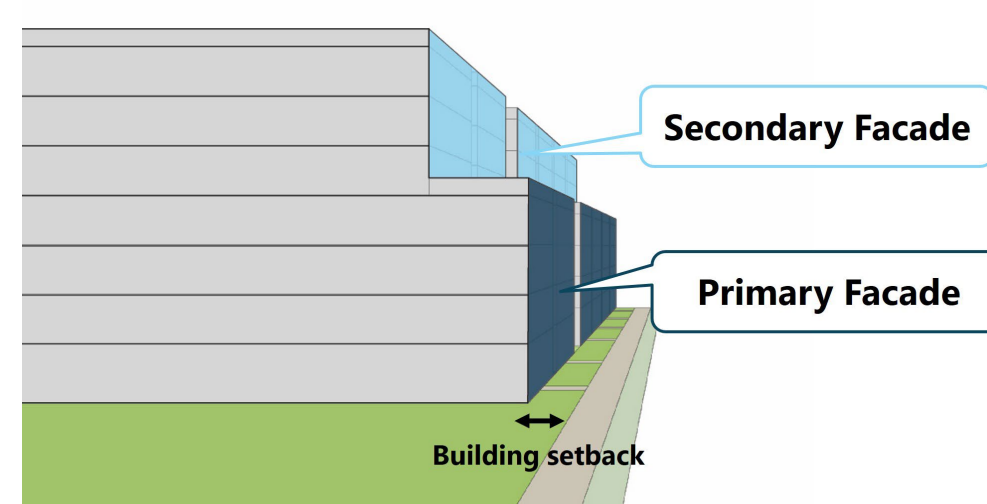
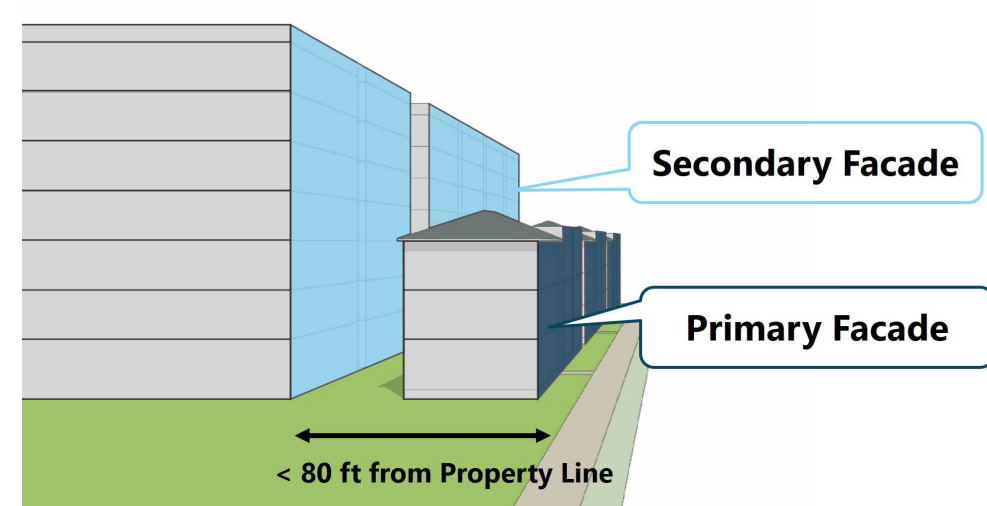
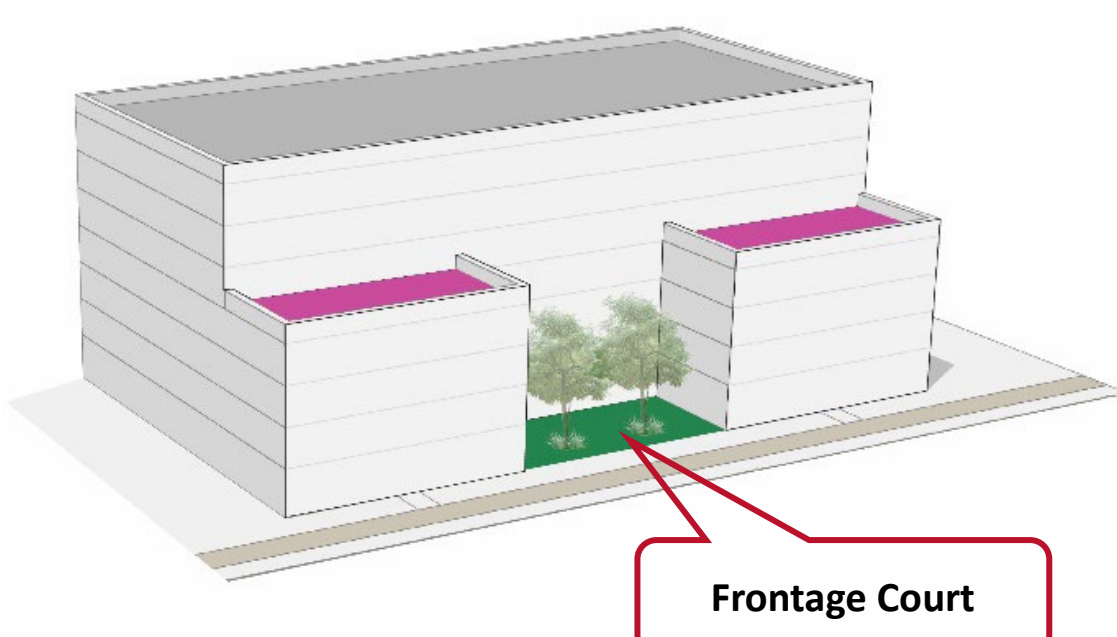
Mid-block Connections (Location may vary)
Secondary Internal Connection (May not be needed depending on location of Mid-Block Break, Location may vary)
Ohlone Greenway Connection (Location may vary)

DEFINITIONS

Continuous Building Facade Length: The length of a facade as measured from the corner of a building to opposite corner of the building, a change in angle of the facade that is greater than 35 degrees, or a major break with a minimum width and depth of 20 feet.

Facade Plane: Portion a facade located between a corner of a building to opposite corner of the building or a major break.

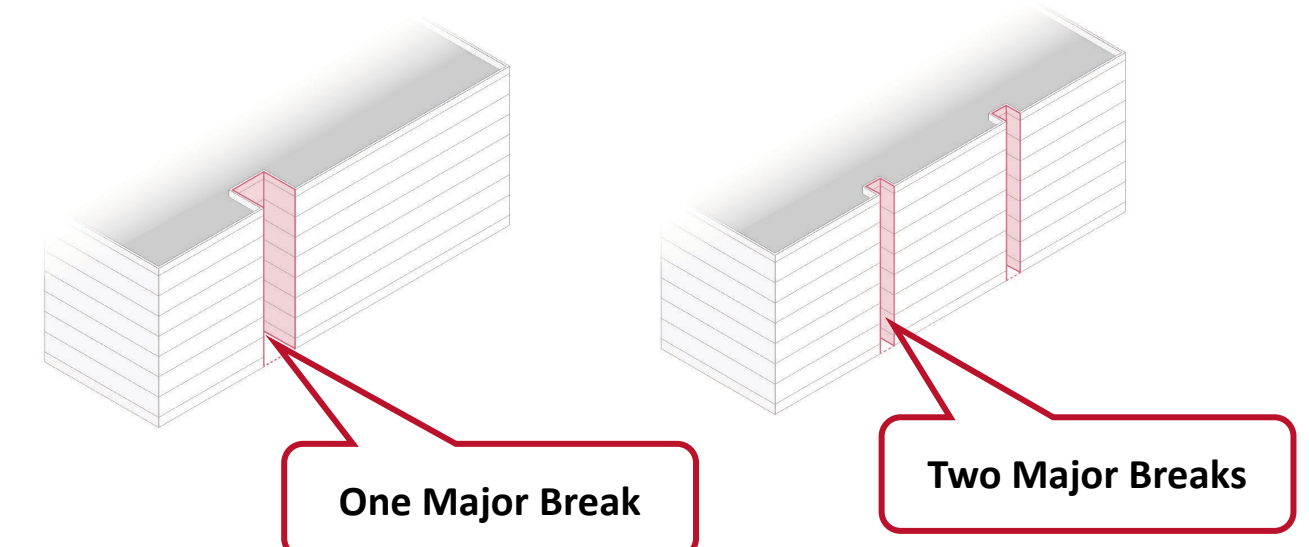
Frontage Court Buildings: A building where part of the secondary facade is setback at a deeper dimension than the primary facade to create a frontage court building entry or open space. Frontage courts may be a combination of both ground level and podium courtyards.



Primary Facade: Portions of a building directly fronting a street or internal pathway, typically located within the minimum and maximum building setback.

Secondary Facade: Portions of the building facing a street or internal pathway that is within 80 feet of the property line or internal pathway. The secondary facade may be separate from or part of the same building as the primary facade. The secondary facade is typically located behind the primary facade through a deeper building setback, upper floor step back, and/or major break.

Major Break: A massing break or facade modulation that is wide and deep enough that it divides up the facade of a building to create the sense of multiple separate building masses. Minimum dimensions for a major break are provided in the design standards.



Minor Breaks/Modulations: Horizontal changes to the facade plan that provide articulation to the building facade. Minor Breaks/Modulations typically occur to distinguish a residential rhythm and pattern to a building facade with modulations spaced to the width of a room, unit, or group of units. Minor breaks and modulations may be recesses or projections like bay windows.

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STREETSCAPE DESIGN AND BUILDING SETBACKS

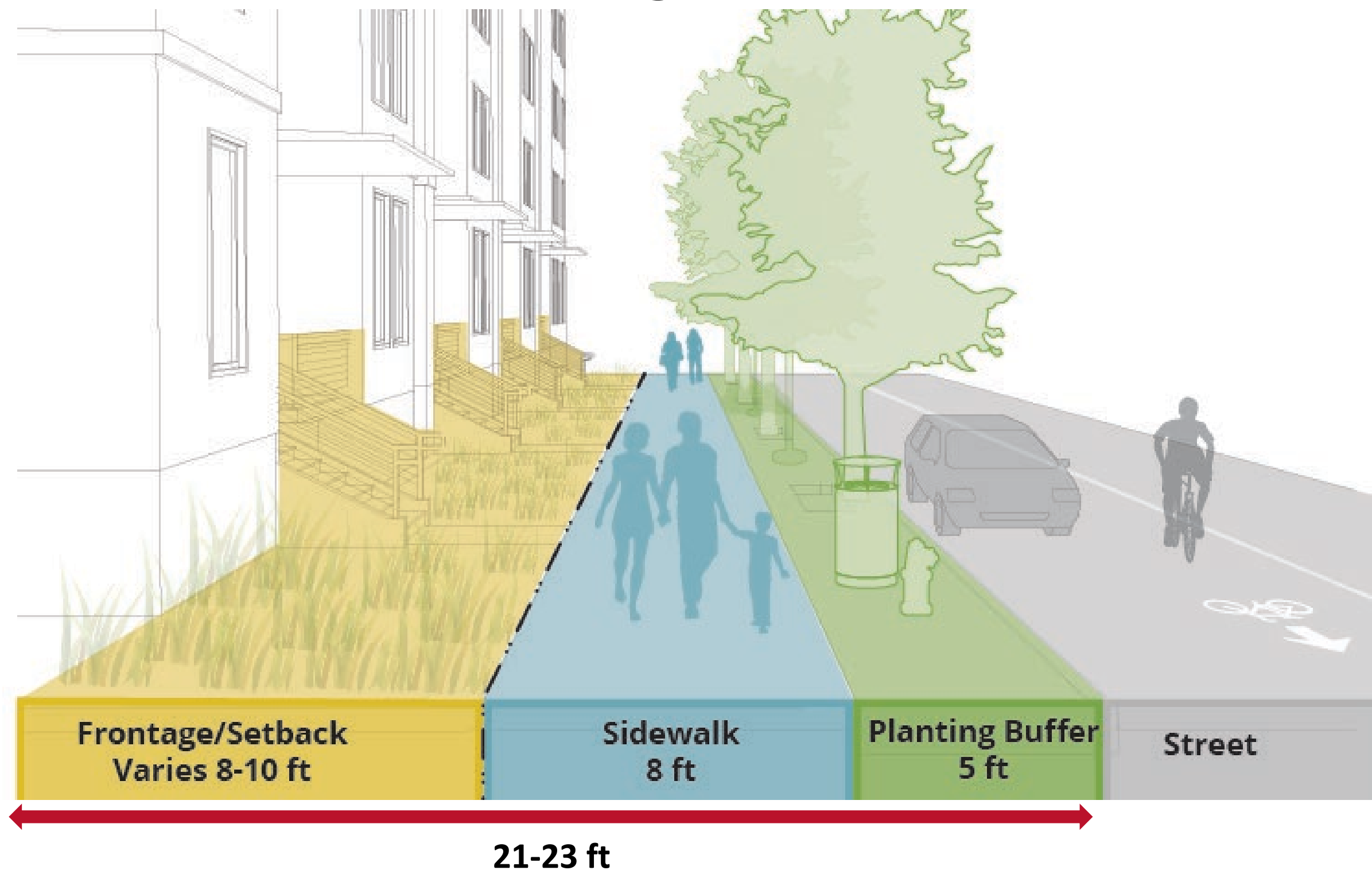
Intent

Building setbacks ensure smooth transition from public to private space, minimize building shadows on streets, create interesting street-facing frontages, and provide opportunities for landscaping. The ODS set the minimum building setbacks in relation to the size and scale of the building. Buildings that are three stories or have frontage courts are allowed a reduced setback while buildings four stories or more have a greater required setback

Understanding Trade-offs: Building and Form Priorities need to be balanced with the Housing Priorities in the JVP. Sidewalk width and building setbacks limit developable area and may result in smaller buildings and/or fewer homes.

Standards

Sidewalk Width and Building Setbacks



- Sidewalk: 8 ft
- Planting Buffer: 5 ft
- Building Setback: varies by height of building
- Curb-to-building: 21-23 ft

Joint Vision and Priorities

- **Street Design.** The design of surrounding streets should be considered as a strategy to accommodate public space needs, increase the tree canopy, and improve safety for pedestrians and bicycles [...] Perimeter sidewalks should consider generous pedestrian space and tree canopy.
- **Context.** Building design should consider the scale and character of the surrounding built environment.
- **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.



Table 1: Building Setbacks

	Sacramento Street	Delaware Street	Acton Street	Virginia Street	Internal Street
Buildings located Sacramento Street and East Drive					
Minimum depth	0 feet for non-residential and residential accessory spaces 3 feet for ground floor residential units	5 feet	n/a	5 feet	None required
Three Stories or less					
Minimum depth	None required	Average 8 feet, with a minimum not less than 6 feet	Average 8 feet, with a minimum not less than 6 feet	5 feet	None required
Four Stories or more					
Minimum depth	None required	Average 10 feet, with a minimum not less than 8 feet	Average 10 feet, with a minimum not less than 8 feet	Average 10 feet, with a minimum not less than 8 feet	0 feet for non-residential and residential accessory spaces 3 feet for ground floor residential
Frontage Court Buildings					
Maximum Continuous Facade		90 feet	70 feet	70 feet	
Minimum depth		Average 8 feet, with a minimum not less than 6 feet	Average 8 feet, with a minimum not less than 6 feet	Average 8 feet, n with a minimum not less than 6 feet	

Additional Standards for Frontage Court Buildings:

Frontage courts shall face the street for a minimum 25% of total linear building facade length.

Frontage courts shall be located on either side of the primary facade and have a minimum width of 40 feet and depth of 30 feet from the property line.

Frontage court buildings where the courtyard is located on an upper level less than 15 feet above sidewalk grade shall have a minimum 20 feet landscape buffer from property line.



0 feet setback



5 feet setback



8 feet setback



10 feet setback

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BUILDING MASSING AND ARTICULATION

Intent

The JVP includes guidance for the project to prioritize smaller blocks and building footprints to reflect the scale and character of the surrounding built environment. To support the design guidance in the JVP, the ODS are intended to limit the overall size and scale of the building and the perceived mass through upper floor step backs, maximum façade lengths, and major breaks. The ODS will ensure that the project maintains a human scale, creating a pleasant walking environment while ensuring interesting design.

Understanding Trade-offs: Building and Form Priorities need to be balanced with the Housing Priorities in the JVP. Major Breaks reduce the floor area of a building and may result in smaller buildings and/or fewer homes.

Standards

Major Breaks

Required for continuous building facade lengths greater than 150 feet in length.

1. All Major Breaks.
 - a. Major breaks shall be a continuous break in the facade from the ground through the roof plane except where noted below.
 - b. If two major breaks are provided on a facade, a minimum of one major break shall extend to the ground plane. Other required major breaks shall extend to the first floor.
 - c. Major breaks shall be a minimum 25 feet from facade edge or corner of building.
 - d. Weather protection and sunshades up to three feet in depth may project into major breaks.
2. For Primary Facades facing public streets.
 - a. Portions of a building four stories or less, and greater than 150 feet in length. A minimum of one major break with a minimum width and depth of eight feet and minimum plan area of 100 square feet.
 - b. Portions of a building five stories or more, and 150 to 200 feet in length. A minimum of one major break with a minimum width and depth of eight feet and minimum plan area of 100 square feet.
 - c. Five stories or more, and greater than 200 feet in length. A minimum of one major break with a minimum width and depth of 18 feet or two major breaks with a minimum width and depth of seven feet and minimum plan area of 70 square feet.
 - d. Facades immediately adjacent to a property line may reduce the depth of the major break to a minimum of two feet for the first floor and planters up to four feet in height are allowed where a major break meets the ground.
3. For Secondary Facades facing public streets.
 - a. Major breaks shall extend from the height of primary facade or building between the secondary facade and street through the roof plane.
 - b. Portions of a building five stories or more, and 150 to 200 feet in length. A minimum of one major break with a minimum width and depth of eight feet.
 - c. Portions of a building five stories or more, and greater than 200 feet in length. A minimum of one major break with a minimum width and depth of 12 feet or two major breaks with a minimum width and depth of seven feet and minimum plan area of 70 square feet.

Joint Vision and Priorities

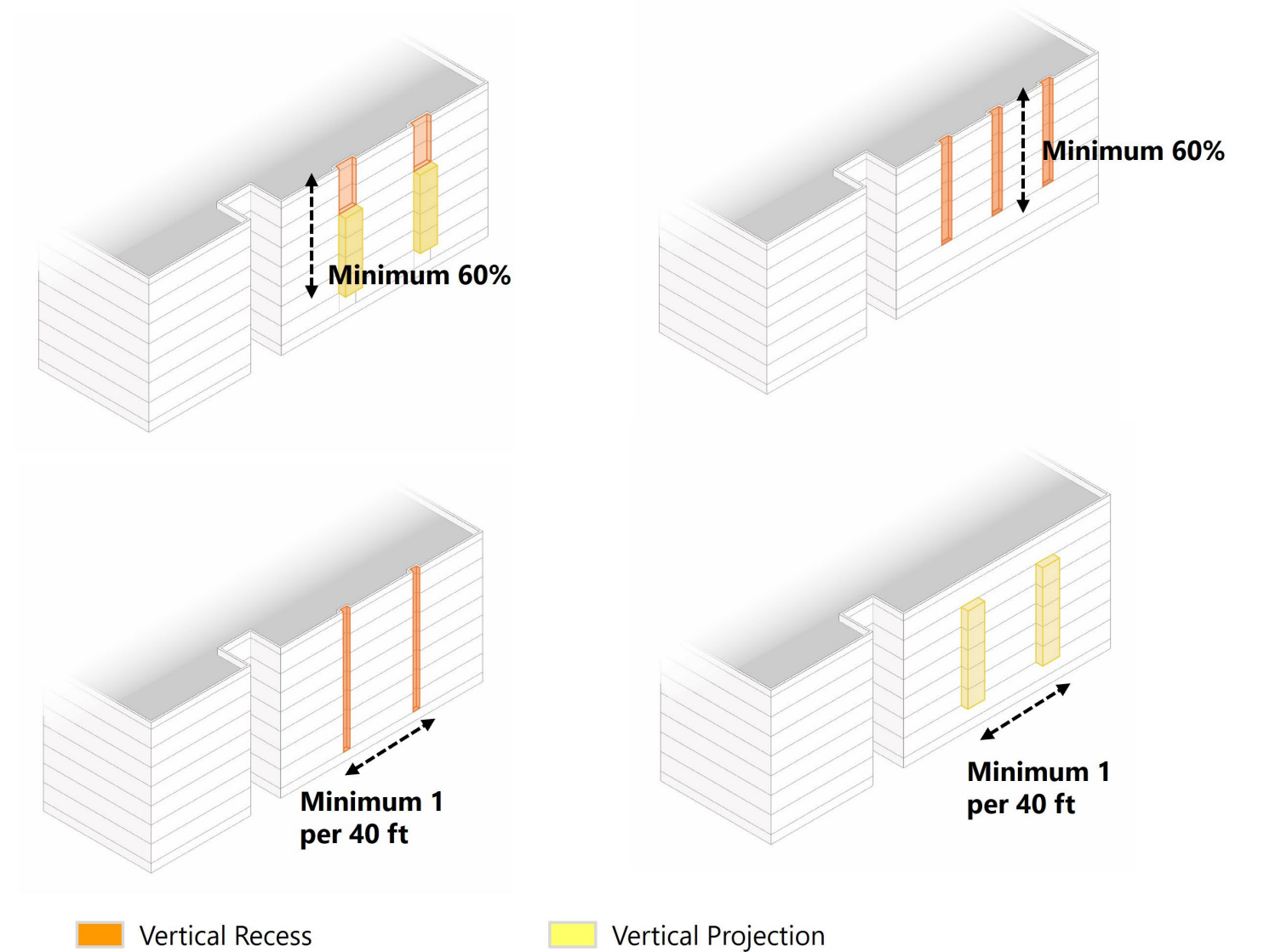
- **Context.** Building design should consider the scale and character of the surrounding built environment.
- **Small Blocks.** Prioritize site designs with smaller blocks and building footprints instead of larger blocks.
- **Architectural Variety.** Design buildings to provide visual interest with variation in height, scale, massing, rooflines, materials, and architectural elements.
- **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. Provide adequate perimeter space for pedestrian volume and tree canopy/vegetation.



Minor Breaks

Vertical Rhythm and Pattern: Facade planes exceeding 60 feet in length shall express a vertical rhythm and pattern that reflects the size and scale of a residential unit and/or individual rooms and spaces through meeting the following standards:

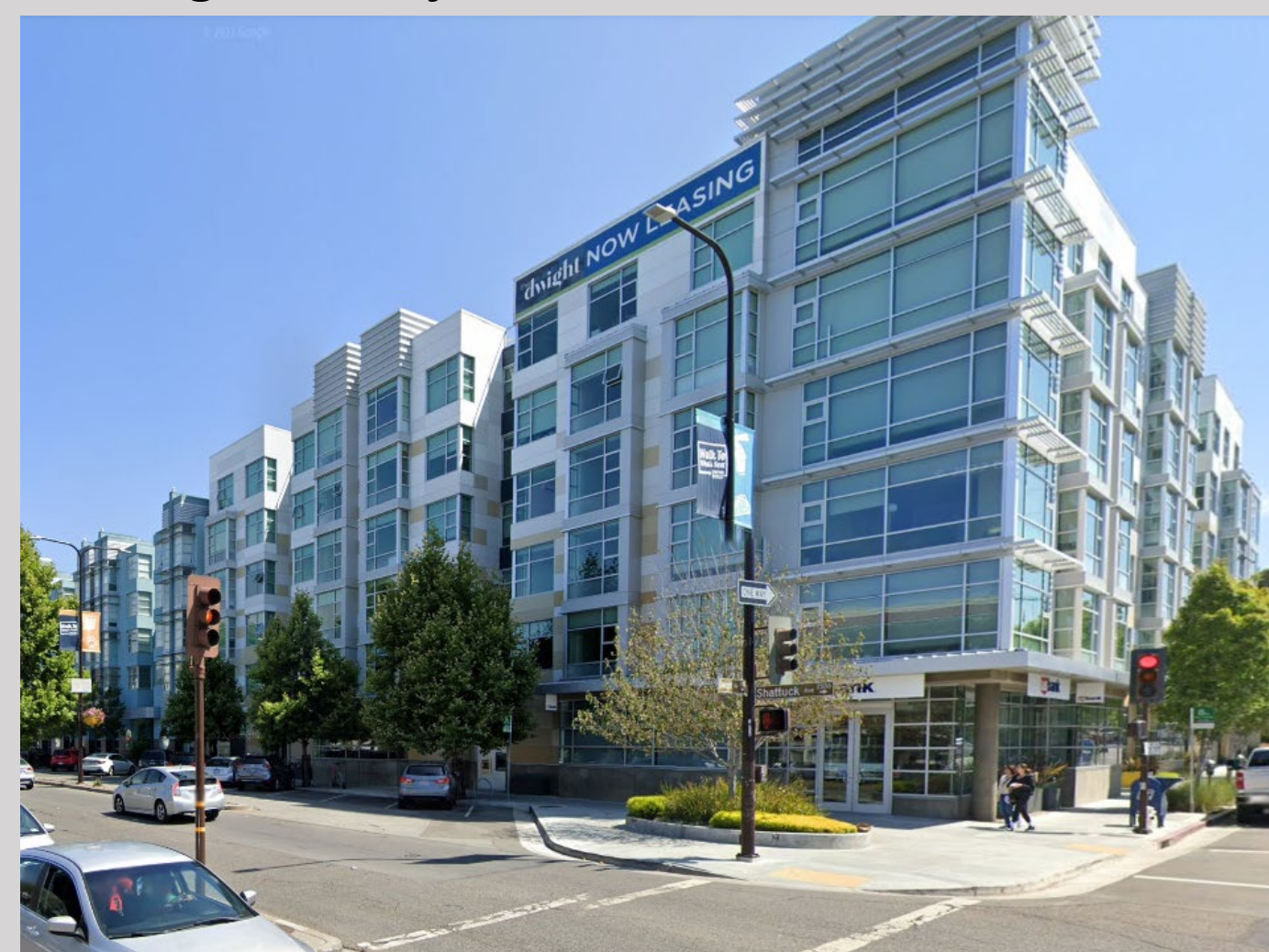
1. A vertical recess or projection of the building massing shall occur at an average minimum of one per 40 feet of linear facade length with no facade length greater than 50 feet in width without a minor break/modulation.
2. The vertical recess or projection of the building massing shall have a minimum depth of two feet.
3. The vertical recess or projection shall occur for a minimum 60% of the facade height measured from the average ground plane to the top of structure for the specific facade plane of the minor break/modulation.
4. The minimum width of a recess shall be two feet and not exceed 30 feet in width. Recesses shall extend through the roof plane.
5. The minimum width of a projection shall be four feet and maximum width shall not exceed 15 feet.
6. Change in plane may be a combination of recesses and projections that meet the standards above.



No major or minor breaks



Building with major and minor breaks



The proposed standards in the draft ODS attempt to balance the desire to maximize the amount of housing on the site while also providing contextual buildings.

These two examples show the importance of major and minor breaks in reducing the massing and scale of a building to create a residential rhythm and pattern.

But there are trade-offs. Major breaks take away from building floor area. In each location where a major break occurs, it could result in a loss of bedroom or unit.

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BUILDING MASSING AND HEIGHT

Intent

The JVP includes guidance for the project to prioritize smaller blocks and building footprints to reflect the scale and character of the surrounding built environment. To support the design guidance in the JVP, the ODS are intended to limit the overall size and scale of the building and the perceived mass through upper floor step backs, maximum façade lengths, and major breaks within the constraints of the City's MOA with BART. The ODS seek to ensure that the project maintains a human scale, creating a pleasant walking environment while ensuring interesting design.

Understanding Trade-offs: Building and Form Priorities need to be balanced with the Housing Priorities in the JVP. Upper floor step backs may result in smaller buildings and/or fewer homes.

Standards

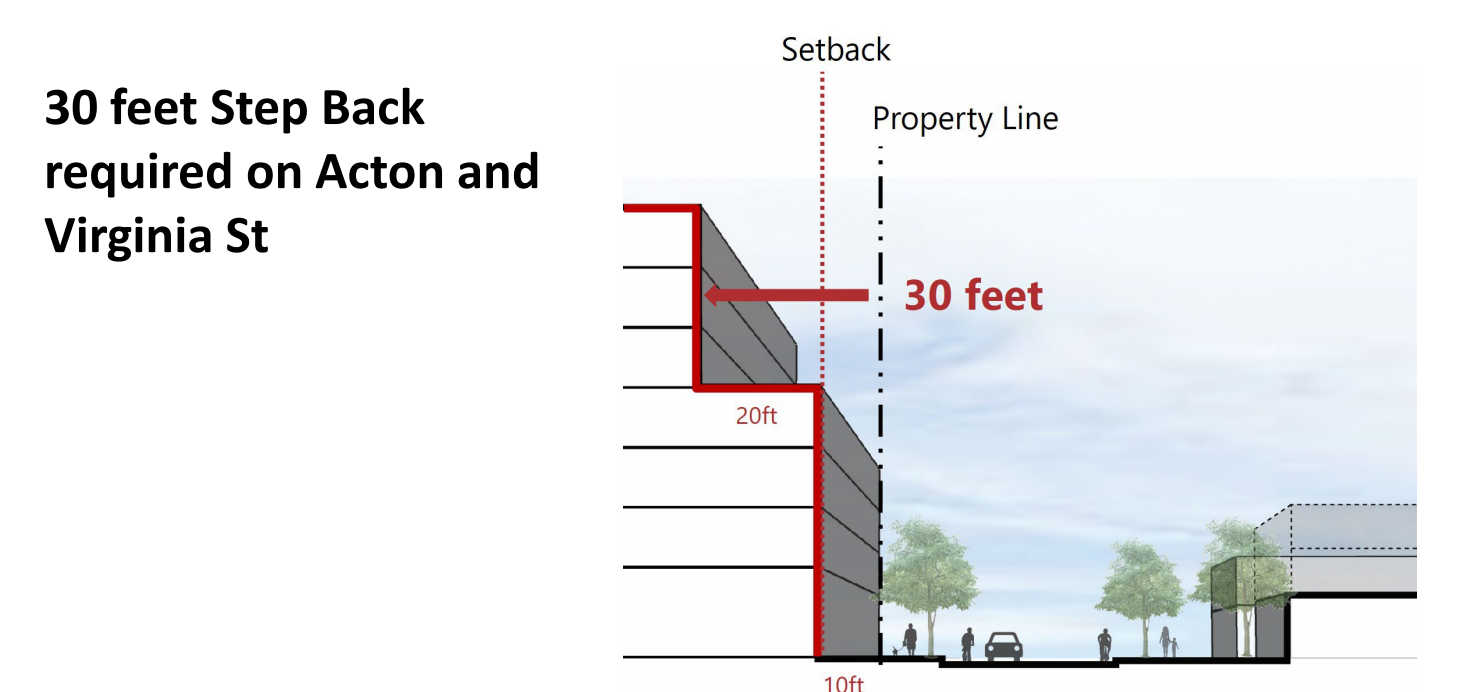
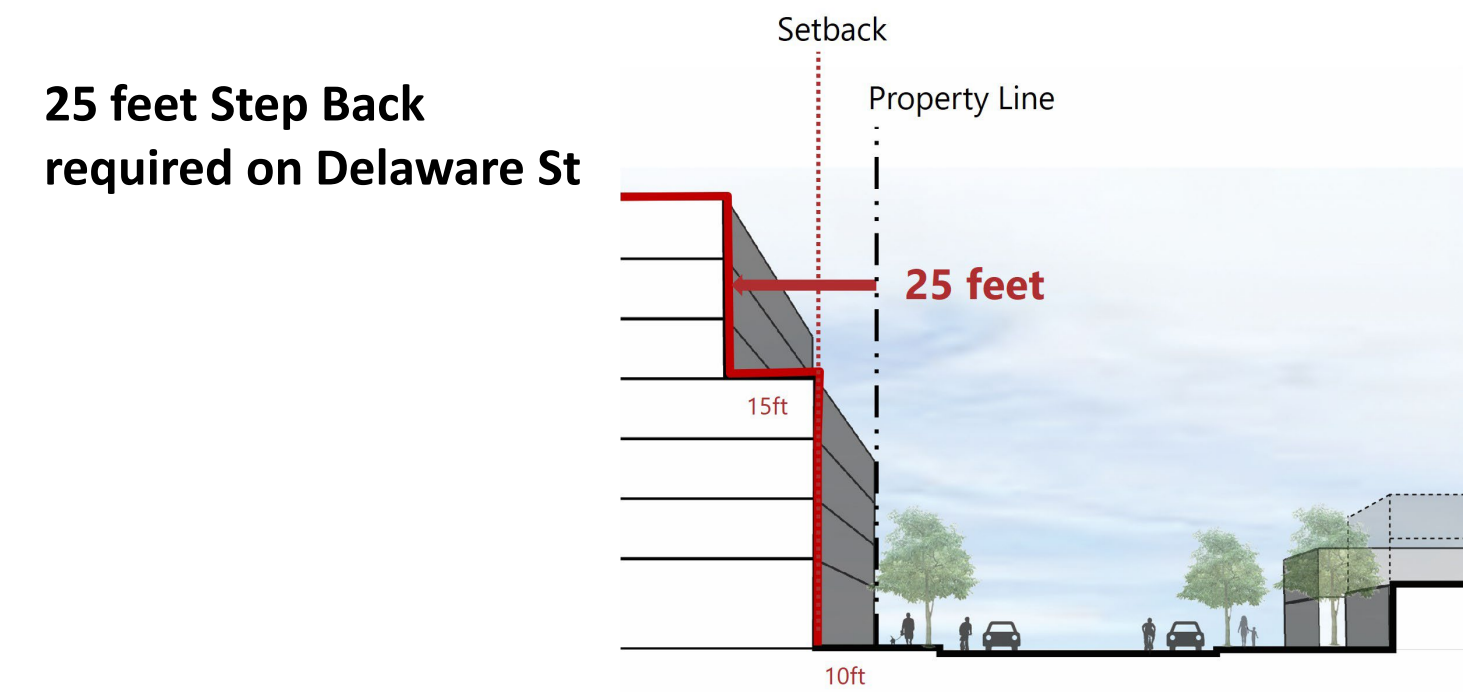
Table 2: Building Massing (See Sep. 2023 Draft ODS)

	Sacramento Street	Delaware Street	Acton Street	Virginia Street	Primary Internal Street and Publicly Accessible Pathways
Minimum upper floor step backs above 4th floor (measured from property line)	n/a	25 feet 20 feet for frontage court buildings if frontage court depth is a minimum 50 feet *	30 feet 20 feet for frontage court buildings if frontage court depth is a minimum 50 feet	30 feet, first 100 feet of building façade length from Sacramento façade exempt**	none required
Maximum primary façade length:	250 feet	200 feet	200 feet	200 feet	270 ft for internal street 300 ft for pathways
Maximum secondary façade length:	250 feet	250 feet	270 feet	200 feet	270 ft for internal street 300 ft for pathways

Notes:
 *For the first 125 feet of building frontage from Sacramento Street, buildings 6 stories or less are not required to have an upper floor step back. Buildings 7 stories or greater shall have an upper floor step back above the above the 4th floor with a minimum depth of 10 feet from property line. First 100 feet of building facade length from Sacramento facade exempt.
 **For the first 110 feet of building frontage from Sacramento Street, buildings 6 stories or less are not required to have an upper floor step back.

Joint Vision and Priorities

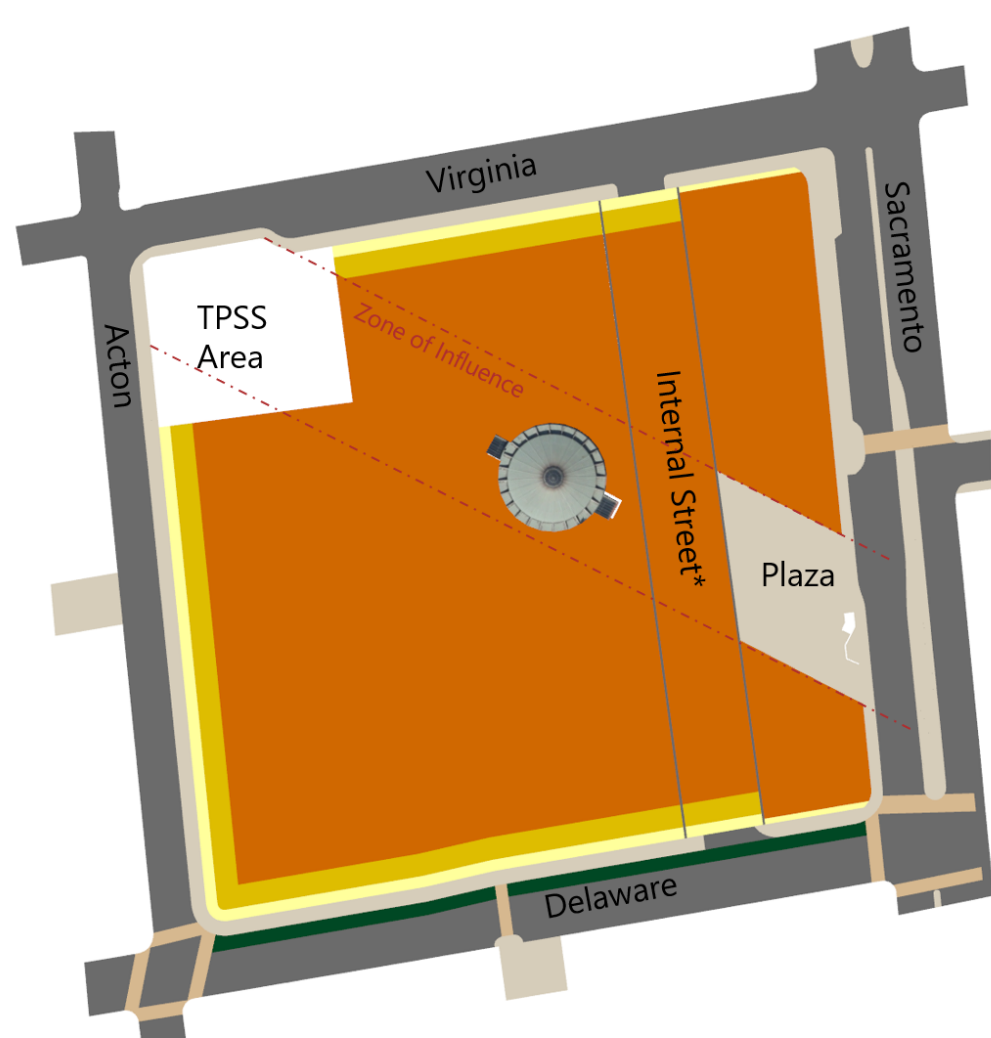
- **Height Variation.** AB 2923 does not permit the City's zoning controls to restrict building height below seven stories on the station sites. The City and BART will support variations in building height and form at both stations. It is anticipated that some buildings and some portions of buildings will be shorter than the maximum height in keeping with good urban design practice.
- **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.
- **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.



Alternative Massing and Building Height

Proposed ODS and R-BMU Zoning

Diagram showing building setbacks and upper floor step backs



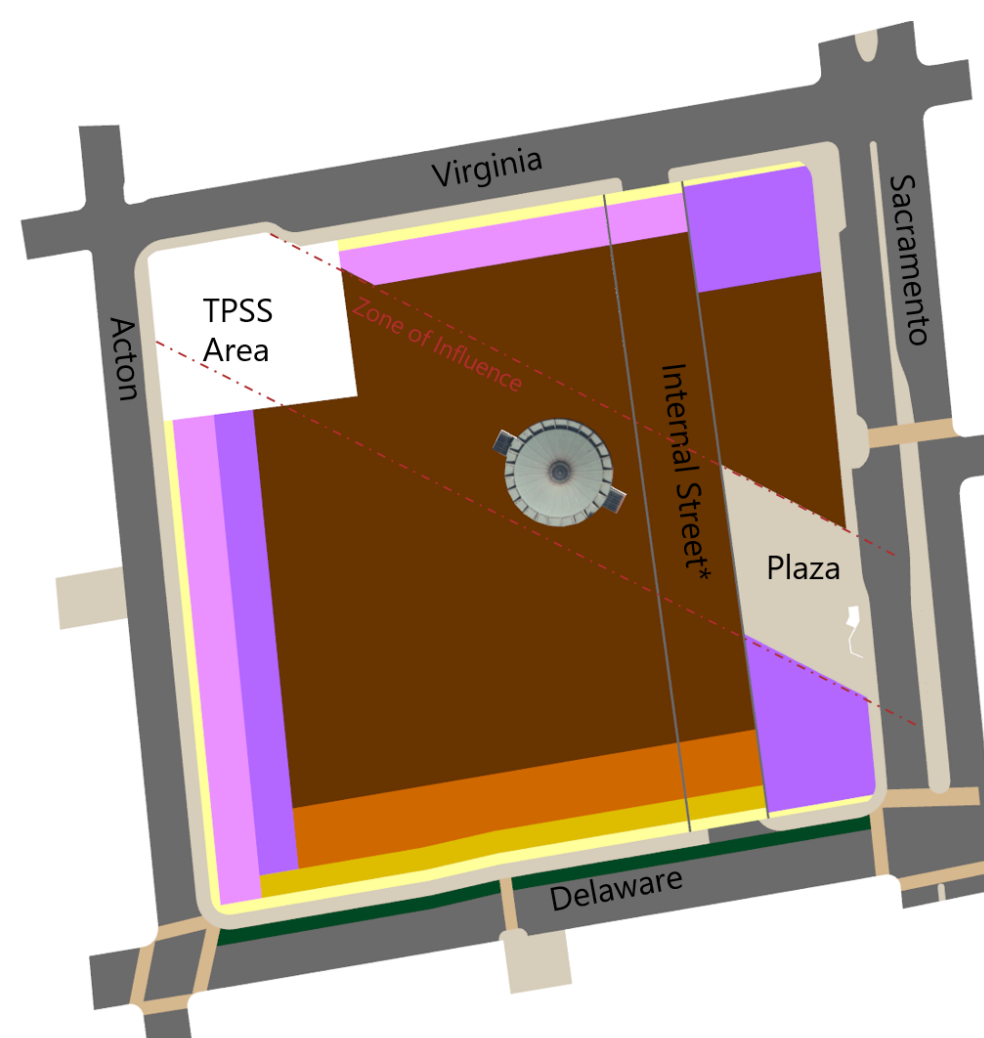
*Location/geometry of Internal Street subject to change

- **Building Setback Area:** Varies, see Table 1
- **4-Story Upper Floor Step Back Area:** 25-30 feet; see Table 2
- **7-Story/80 feet Area**

Maximum building height: 80 feet/seven stories (BMC Section 23.202.150(F)).

Alternative Massing

Lower heights at edges, increased height at center of site and along Sacramento



*Location/geometry of Internal Street subject to change

- **Building Setback Area:** Varies, see Table 1
- **3-Story Area:** First 45 feet from property line (PL) on Acton and Virginia
- **6-Story Area:** 45 to 80 feet from PL on Acton and at locations between Sacramento and Internal Street identified in diagram above
- **4-Story Upper Floor Step Back Area:** 25-30 feet from PL on Acton on Delaware
- **7-Story/80 feet Area:** 25 to 80 feet from PL on Delaware
- **8-Story/85 feet Area**

Alternative Massing Standards

Future development on the site may be eligible to utilize provisions of the State Density Bonus Law for increases in density and/or a certain number of concessions and/or waivers of development standards (such as height) which would otherwise physically preclude the construction of the development. Thus, the draft ODS provide alternative standards for a building of 8 stories, or 85 feet should the Density Bonus Law authorize exceeding the 7 story/80 feet limit in the R-BMU zoning. These alternative standards contemplate a building of 8 stories/85 feet in the interior of the site and along a portion of Sacramento Street, along with a lower building height and massing along the Virginia and Acton frontages and at specific corners where Sacramento Street intersects with Virginia and Delaware.

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