

Comments by panelist Shirley Dean
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Since I have had experience with Redevelopment Projects, I have been asked to discuss Redevelopment and the current Ashby BART Station proposal now before you.

Frankly, this task is impossible because the Caltrans grant application which the Council voted to support on December 13th, 2005 is in direct opposition to what the grant's major proponents are saying it means. Let's look at three areas as examples:

First, eminent domain. The grant's proponents assure us eminent domain will never be used and that the BART Air Rights would be the ONLY place where construction will occur. The grant itself is silent on the subject of eminent domain, saying it neither will or will not be used. However, the application does state that vacant and underutilized properties will be identified which can be secured for purchase. The area affected extends a ½ mile into the residential neighborhoods around the station. No explanation is given as to why those properties are included in the application, IF, as proponents say that construction will occur only on BART property. The application does state that BART's planning criteria goes beyond the station. Logic might support extension to commercial properties, but why should any residential neighborhoods be included at all. Objectives stated in the application are "there are several vacant or underutilized parcels within 4 blocks of the site. Ownership, potential for acquisition or transfer of development rights, etc. will be explored." Further, "Land trusts, land swaps, creation of commercial condominiums held by non-profit groups and other mechanisms in addition to direct purchase of parcels, will be explored, along with financing sources." ETC and OTHER MECHANISMS are not explained. This gives every indication that the project involves changes in ownership of at least some property, but neither the application itself nor its proponents offer any further explanation or reassurances.

The second point is the question of the number of housing units that will be included in this project. Proponents have stated they don't know why the community mentions that number when speaking about the proposal, yet the application in several places says not "300" units but "at least 300 units." The author of the application told the Council that the number would be "more like 300." A Councilmember voting for the proposal said at that Council meeting that the number of people in 300 units could be 1,000. That's all on the record, but raises the glaring question of how the final number will be decided upon. At least in Redevelopment areas (which I oppose), people have a chance to comment on individual projects within the designated area. This application gives the appearance that there will be a single vote on the total project presented by the developer.

The question of why include any mention at all of the number of units in the application leads to the most important point of all – the process. The application is riddled with statements regarding the vital importance of an open and inclusive process involving the community at an early point. It cannot be explained away that this application give every appearance of having already decided several important issues such as the proposed number of housing units. Further, the application has been in discussion for 6 months without the knowledge of the full community affected by it, the first notice to the public was December 13, 2005 when Council approval for the application was sought, the request for Council approval occurred 60 days after the application had been submitted to

Caltrans, the request for Council approval was placed on the part of the Council agenda reserved for non-controversial items, and the application was discussed by the Council only because a single member of the community, Jackie deBose, stood up and objected.

This is unprecedented. I cannot think of any other instance of bringing something to the Council and having it approved in such a manner. Councilmembers used to raise huge objections if applications for grant proposals were brought to them if there was too short of a period of time before they had to be submitted.

Further, there is no built-in accountability. The SBNDC which is to lead the process can appoint whomever they want to the group that will select the developer who will submit the final project. These decision makers may or may not be experienced in such matters, they may or may not be able to devote time to the process, they may or may not have a questioning nature or they may or may not be geographically distributed around the project area, and, there is no way, community members will be able to hold members of the SBNDC, or their appointees accountable.

The Ashby Station BART proposed project is not Redevelopment. However, it is indicative of the pattern that goes back 15 years when a Redevelopment project area for South Berkeley was fortunately rejected because of community opposition and further, of the commercial up-zoning in the area that was unfortunately approved despite objections of the community.

We should not be afraid of development. However, development on the Ashby BART Station should not be the same as development that which occurs Downtown. It should be appropriate to the specific Ashby BART site, and sensitive to the surrounding residential uses and take into consideration the uses and density that already exist in the community. The question of how dense the community should be has never been asked nor has it been answered. Development should proceed from a community consensus as to how dense you want this community to be and not from some predetermined number or concepts in a confusing and premature grant application that was written without your comment.

This Caltrans grant application should be withdrawn and the City should begin a process to write a new application to be submitted next year, one that will be built on a foundation of participation of all residents of the affected area that want to be involved.