

Notes on the Caltrans Grant Proposal

by Robert Lauriston

1. What is the South Berkeley Neighborhood Development Corp.?

There's a brief description at the top of page 9*. It is a nominally independent nonprofit organization but essentially functions as a branch of the Berkeley city government. Its main function is to pass money provided by the city to a property management company that manages two low-income housing projects given to the SBNDC by the government, Lorin Station Plaza at 3253 Adeline (a mixed-use project that also includes several retail spaces on the ground floor) and Rosewood Manor Apartments at 1615 Russell.

The SBNDC's current board members are:

- Jesse Anthony, Chair (retired educator)
- Jim Gleich, Vice Chair (Deputy General Manager, AC Transit)
- Thelma Ferguson, Treasurer (retired banker)
- Christopher Wyeth Kirkham, Secretary (attorney, O'Melveny and Myers)
- Elsie Bell (property manager)
- Ida Baker (retired)
- one vacancy

Gleich (Ed Church's neighbor) and Kirkham were reportedly appointed at the behest of Ed Church.

2. Who is Ed Church?

You can find his own biography starting at the second paragraph of page 9.

Ed Church used to run a "smart-growth" nonprofit called the Livable Communities Initiative, which was (is?) funded by the East Bay Community Foundation, which also funded the 2004 feasibility study by Strategic Economics (Dena Belzer). Now he's got a private business, Nine Trees Group, which may have some project or projects going in Oakland. He reportedly

<http://ninetreesgroup.com/aboutus.html>

<http://www.lcinitiative.org>

<http://www.eastbaycf.org>

<http://www.strategieconomics.com>

3. Who is to provide the \$72,000 in "other funding" mentioned on the "cover sheet"?

Ed Church said at the February 11 meeting that the SBNDC would raise this money.

4. Why exclude Oakland from the project area?

By Caltrans's rules, the project area is a half-mile circle around the Ashby BART site. It is improper to exclude people from participating in the community-based planning process just because they happen to live or work in the Oakland portion of that circle.

* Page numbers refer to those at the bottom of the pages in the grant application. The page numbers in the PDF are different as it starts with a memo from the City Manager.

5. “Organizations of note” (p. 3, paragraph 2)

Note that the list includes only nonprofits and government offices. Leaving out the many businesses in the area gives a falsely negative impression of the neighborhood economy.

6. “Census Tract 4240” (p. 3, paragraph 3)

From Lynn Sherrell’s January 18 letter to Caltrans: “The proposal relies on data from so-called Census Tract 4240. There is no Census Tract 4240; there are Census Tracts 4240.01 and 4240.02. However, the proposed transit village district includes all of census tract 4239.01 (which is 52.5 % white) and parts of census tracts 4234 (which is about 40% black and 40% white) and 4235, which is 54% white.” The poverty and income figures are also distorted by the grant application’s selective focus.

7. “Street crime rates are also high in the area” (p. 3, paragraph 4)

The percentages are more alarming than the numbers: 26 robberies and 26 aggravated assaults, or one of each every two weeks. Note that aggravated assaults figures include not just street crimes but domestic violence, and robberies correlate strongly with pedestrian traffic. The Berkeley Police Department’s crime maps give a better picture of the relative crime rates around town:

<http://www.ci.berkeley.ca.us/police/crimestats/statmap.html>

8. median income & poverty rate (p. 3, footnote)

HUD’s \$82,200 was the median income of all households in Alameda and Contra Costa Counties in 1999. The median income for Berkeley households was only \$44,485, and the poverty rate for the whole city was 20%.

<http://www.calmis.ca.gov/file/demoinc/inc2000place1.htm>

9. “market-rate condos and rental units” (p. 4, item 2 of numbered list)

The 2004 feasibility study found that a six-story building with 550 rental units (75 units per acre) would not be financially feasible. Given that the grant proposal suggests 300 units or 50 units per acre, it is misleading to suggest that the planning process could choose rentals—either the project would have to be condos, or it would have to be much larger and denser.

10. “50 units per acre” (p. 5, item #1)

Reportedly Caltrans will not accept planning grant applications for anything less dense than 50 units per acre.

11. “20% inclusionary zoning requirement for low-income housing assures that the lower end of the economic spectrum for housing will be addressed” (p. 5, item #1)

This is not true. By law the city must use HUD’s “Average Median Income” figures for all households in Alameda and Contra Costa Counties when setting maximum rents for these units. The result is that developers can charge market rents for “affordable” studio, one-bedroom, and two-bedroom units. For more details, see my “Note to ZAB: Time to Say No To Phony Affordable Housing” from the 4/26/05 Berkeley Daily Planet:

<http://www.berkeleydaily.org/article.cfm?archiveDate=04-26-05&storyID=21260>

12. “may mean that 300 fewer units ... are built on land serving as habitat and farmland” (p. 5, item #4)

People who want to live in big apartment buildings near BART stations with a short commute to San Francisco are not the same people who want to live in Brentwood. San Francisco has added thousands of apartments in recent years without slowing down exurban sprawl in the slightest.

13. “we are working with the Flea Market ... to explore the possibility of relocating it ...” (p. 6, third paragraph from bottom of page)

From Berkeley Flea Market attorney Osha Neumann’s 1/11/06 letter to the City Council (CSU is Community Services United, the organization that runs the Berkeley Flea Market):

“This statement ... is quite misleading. SBND is *not* working with the Flea Market. The CSU board only learned about the proposal when Ed Church and Councilmember Anderson spoke to the board at its September 13 meeting.

“CSU has a lease with BART, which provides it security and a legal right to operate at its present location. It would have no such legal protection on Adeline Street. The proposed development would conflict with CSU’s rights under that lease. Furthermore the proposal to move the Flea Market to Adeline Street is unworkable. The problem is not simply that the plan would require rerouting traffic on a major North-South artery. It is that locating the Flea Market, with all its noise and hubbub, on Adeline Street would put it on the doorstep of neighbors. Now every weekend, the drummers who are an integral part of the Flea Market make their music under the overhang of the BART station and well away from any adjacent houses. On Adeline Street the neighbors’ windows would be rattling. Now, the sunken parking lot with limited entrances and exits keeps the Flea Market contained and permits control of the flow of traffic and people. On Adeline Street control would be far more difficult. Already neighbors complain about the impact of Black and White liquors and the activity it attracts. Having a liquor store on the edge of the Flea Market is a really bad idea. Having the Flea Market just up from a Russian Orthodox church and an apartment building is a really bad idea. The Adeline St. proposal is a recipe for perpetual conflict between the Flea Market and its neighbors. There would be constant pressure to move the Flea Market somewhere else, anywhere else. The result would be a major loss for the community.”

The full letter is available on nabart.com.

14. “a well-regarded Project Director” (p. 7, fourth bullet point from top of page)

Ed Church has no experience directing such projects. As discussed above, the neighborhood is not predominantly low-income.

15. “housing for local public sector employees” (p. 7, paragraph following first set of bullet points)

It’s not clear how market-rate units would help public sector employees, or how below-market-rate units could be financed or reserved specifically for such people. Reportedly the teacher’s union that was involved in Ashby BART development planning circa 2001 has since backed out.

16. “Prior to the start of the grant period in July, 2006, a lead developer will be selected ...” (p. 7, middle of page)

Involving a developer at that stage could and likely would create legal commitments to proceed with the sort of project described in the 2004 feasibility study regardless of the results of the community planning process.

17. “It is also clear that this revitalization will raise land values ...” (p. 7, 2nd paragraph from bottom)

Since property values in the neighborhood have almost tripled since 1997, it does not seem likely that a large apartment building would have a major effect.

18. “Historical reasons that prevented development at the site ... are being resolved.” (p. 8, second bullet point)

Outside of the possibility of the current real estate bubble, which might make it possible to build market-rate condos, it is not clear that anything has changed. The 2004 feasibility study reached the same conclusion as those done in 2001, 1990, and 1967: not feasible at this time.

19. “Substantial leadership ... is being provided by a community group, with public participation from the start ...” (p. 8, fourth bullet point)

This is fiction. The SBNDP has played no leadership role, and Ed Church did not invite the public to participate.

20. “... Project Director ... with unique abilities ...” (p. 9, first paragraph)

Again, Ed Church has no experience directing such a project.

21. “... the Ashby Arts District and the Adeline-Alcatraz Merchants Association will be formal participants. Letters of support from both those organizations are presented in the Appendix.” (p. 8, third paragraph from bottom)

The Ashby Arts District has not agreed to be a formal participant, in fact most of its member organizations had not heard of this proposal before the grant application was submitted. The attached letter is in fact from Epic Arts, one of the member organizations. See Ashley Berkowitz’s statement on nabart.com for more information.

22. “In all too many cases, public input is obtained after significant portions of the project have already been determined.” (p. 8, last paragraph)

That is exactly what has happened here. Despite claims by Ed Church, Max Anderson, and Tom Bates to the contrary, the grant application clearly indicates that the most important aspects have already been determined:

- developer to be selected by June of this year
- for-profit rather than nonprofit
- mixed-use project with residential, mixed-use, and arts space
- at least 300 units of housing, 80% market-rate
- SBNDP and Ed Church to disburse money
- end result is a detailed proposal for the previously selected developer

23. “300 units of housing ... minimum 20% low-income” (p. 9, first bullet point)

See 9 and 11 above.

24. “housing for ... local public sector workers, including teachers and City employees” (p. 9, last bullet point)

See 15 above.

25. “Preserve and improve current building stock” (page 2 of tables, 4th row)

This is one of the strangest aspects of the grant application, and it is not discussed in any detail: “... 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.” I have no idea what to make of this.

26. “participation by employee union pension funds” (page 3 of tables, third row from bottom)

See 15 above.

27. map (first unnumbered page after tables)

The text refers to the project area being a half-mile radius around Ashby BART, but this map is more like a quarter-mile.

28. “Adeline Corridor Street Scenes” (third unnumbered page after tables)

The photos of a liquor store, graffiti, “police station” (actually the headquarters for the parking enforcement division), and so on have been carefully selected to give a misleadingly negative and ugly impression of my neighborhood. This survey of the area by the Berkeley Architectural Heritage Association gives a more balanced view:

<http://www.berkeleyheritage.com/essays/ashby.html>

29. photos of “Empty Buildings” and “Vacant Lot” (third unnumbered page after tables)

These captions, like much of the grant application’s characterization of the project area, give a false impression. Property values in this neighborhood have more than tripled since 1996, with current sale prices for single-family homes starting around \$600,000. Consequently any empty buildings are typically being remodeled by new owners, and vacant lots are very rare.

The tenants of the pictured empty buildings were evicted, and the building on the pictured empty lot demolished, in preparation for development of the proposed Prince Hall Arms senior housing project. A 2001 East Bay Express article detailed the history of that project from 1996 through 2001. That the lot remains vacant after all this time reflects not the socioeconomic conditions of the neighborhood but the city’s selection of incompetent developers.

<http://www.eastbayexpress.com/Issues/2001-04-27/news/cityside.html>