

Memorandum

TO: Joint MTC Legislation Committee and
ABAG Legislation Committee

DATE: May 4, 2018

FR: Deputy Executive Director, Policy

RE: AB 2923 (Chiu): BART Transit Oriented Development – Support and Seek Amendments

Background

In 2016, San Francisco Bay Area Rapid Transit District (BART) adopted an ambitious transit oriented development (TOD) program to deliver 20,000 housing units, including 7,000 affordable units, and 4.5 million square feet of commercial space on BART-owned land surrounding existing and planned BART stations. This was followed in 2017 by TOD Guidelines which outlined BART's development process and identified the transit-supportive land use regulations – including specific parking and density recommendations (i.e. units/acre) – needed for BART to achieve the ambitious goals listed above. According to a BART analysis, of the roughly 250 developable acres of BART-owned property located around 28 stations, only 8 percent (seven stations) meet BART's minimum density and parking requirements for developments on BART-owned property.

Assembly Bill 2923 (Chiu) would require that the BART board adopt specific TOD zoning standards (hereafter referred to as “BART standards”), consistent with the agency's 2017 TOD Guidelines, that support established goals for TOD projects on BART-owned land within ½ mile of existing or planned BART stations located in Alameda and Contra Costa counties and the City and County of San Francisco – i.e. the jurisdictions represented on the BART board. The bill would require that local zoning for BART-owned land be consistent with these TOD zoning standards within two years of BART's adoption of the standards. Jurisdictions where the local zoning is not already consistent with the BART standards would be required to adopt an ordinance approving the applicability of the BART standards, subject to BART board review that the local zoning ordinance is consistent with its standards. If BART finds the local zoning ordinance to be inconsistent with its standards two years after BART's adoption of the standards, the BART standards shall apply for applicable parcels in that jurisdiction. Parcels subject to the bill are located in the cities of Berkeley, Concord, Dublin, El Cerrito, Fremont, Hayward, Lafayette, Oakland, Pittsburg, Pleasanton, Union City, San Francisco, and San Leandro according to the author's office.

TOD projects on the eligible BART-owned parcels would need to comply with minimum anti-displacement and affordability requirements (20 percent of a project's units would be required to be affordable to very low, low-, and moderate-income households) as well as certain prevailing wage and workforce requirements. The BART standards themselves and revised local zoning standards would be subject to the California Environmental Quality Act (CEQA). Developers seeking to build projects on BART-owned land would be required to comply with all other local zoning standards and design guidelines.

The attached map, excerpted from BART's 2017 TOD Guidelines, provides a snapshot of the land that could be subject to the provisions of AB 2923.

Recommendation: Support and seek amendments

Discussion

Housing and commercial development around BART stations at the scale outlined in BART’s 2017 TOD policy has the potential to not only deliver significant new housing, but to also help the region make progress toward the goals laid out in Plan Bay Area 2040, including reducing greenhouse gas emissions, improving equity, mitigating congestion, increasing transit ridership and improving access to jobs. Given that existing local zoning on 92 percent of BART-owned land does not meet the minimum standards identified by BART for TOD development, AB 2923 would be expected to significantly expand the opportunity to build additional housing and mixed-use developments near its stations. If the region cannot figure out a way to adequately develop 250 acres of land adjacent to BART stations, we will never be able to tackle the Bay Area’s housing crisis.

Staff does have some technical concerns with the bill. It currently states that specified height requirements and floor-area-ratios be included in the BART standards even though height targets referenced in the 2017 BART TOD Guidelines were intended to be illustrative examples, rather than mandatory and even though BART has not adopted policy related to floor area ratios for TOD developments. Given that density requirements can be met at different height limits and floor area ratios depending on the size of the units, staff recommends striking these references from the bill so that the BART standards would be limited to density (75 units per acre) and parking, based on BART’s TOD parking guidelines, described below:

- No minimum parking requirements. Parking provided should be unbundled from the regular lease.
- Maximum parking thresholds as follows:

| BART TOD Place Type | Residential Auto Parking Maximum (spaces/unit) | Office Auto Parking Maximum (spaces/1,000 sf) |
|--------------------------------|---|--|
| Regional Center | 0.375 | 0 |
| Urban Neighborhood/City Center | 0.5 | 1.6 |
| Neighborhood/Town Center | 1 | 2.5 |

These proposed amendments would preserve the ability of local agencies to set most zoning requirements in a manner consistent with local priorities – as long as they don’t undermine the BART TOD minimum density and parking allowances – while also facilitating significant new housing opportunities near eligible BART stations.

For the reasons stated above, staff recommends a “support and seek amendments” position on AB 2923 directing staff to work with the author.

Known Positions
See Attachment B



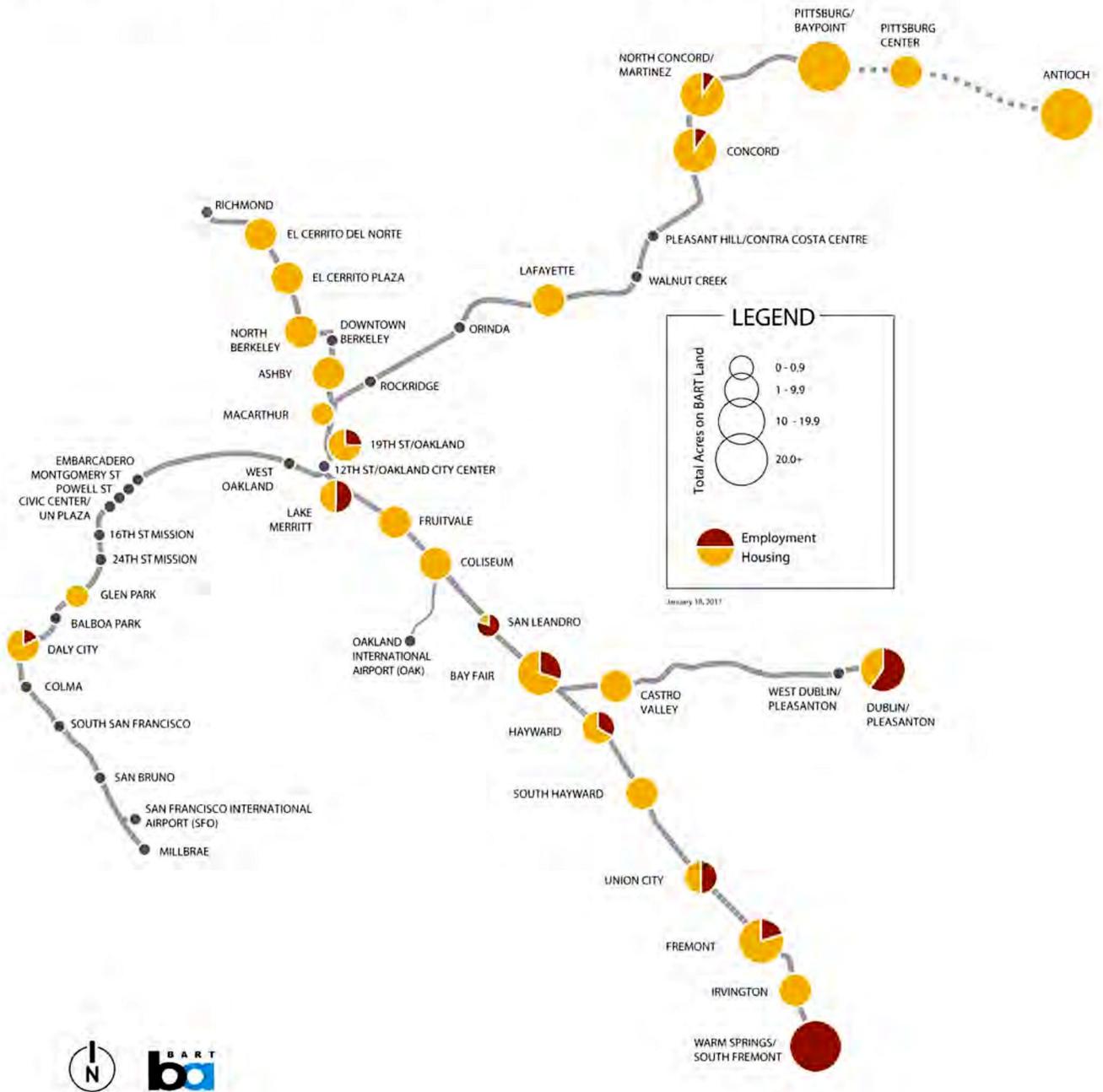
Alix A. Bockelman

Attachments:

- Attachment A: Map
- Attachment B: AB 2923 Known Positions

AAB:ggd

Figure 2. Potential Allocation of Developable BART Land for Employment and Housing



AB 2923 (Chiu) Known Positions

Support

Non-Profit Housing Association of Northern California (co-sponsor)
State Building and Construction Trades Council (co-sponsor)
350 Bay Area
A. Philip Randolph Institute
Bay Area Council
Brightline Defense Project
CalAsian Chamber of Commerce
California Apartment Association
California League of Conservation Voters
California YIMBY
City and County of San Francisco
Council of Infill Builders
Greenbelt Alliance
Habitat for Humanity California
International Association of Sheet Metal, Air, Rail and Transportation Workers
Mission Hiring Hall
San Francisco Electrical Construction Industry
San Francisco Housing Action Coalition
Sheet Metal Workers' Local Union No. 104
Silicon Valley Leadership Group
TransForm
Up for Growth California
Young Community Developers
YIMBY Action

Opposition

American Planning Association California Chapter (unless amended)
City of Concord
City of Lafayette
League of California Cities