



METROPOLITAN  
TRANSPORTATION  
COMMISSION

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San Francisco, CA 94105  
TEL 415.778.6700  
WEB www.mtc.ca.gov

## Memorandum

TO: Commission

DATE: May 16, 2018

FR: Executive Director

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

On May 11<sup>th</sup>, the Joint MTC and ABAG Legislation Committees met and discussed AB 2923 (Chiu). The MTC Legislation Committee approved a recommendation of “support and seek amendment” as recommended by staff, but the final motion included three additional amendments beyond those originally proposed and detailed in the attached memo. Those additional amendments as understood by staff are described below, with a minor detailed suggestion added by staff for clarity shown in italics. For the purpose of the Commission action, the committee recommends a “support and seek amendments” position on the bill that incorporates the three ideas below and the others detailed in the original May 4th memo attached.

### 1. Codify BART’s Current Parking Policy as it Relates to Replacement Parking

To address concerns about the impact on access to BART if it redevelops land that is currently used for BART parking, the committee directed staff to seek amendments to codify BART’s current parking policy which, in practice, recognizes a need for 1:1 replacement at its auto-dependent stations (including Dublin, Orinda, Lafayette and West-Dublin/Pleasanton). To address the potential that BART may change this policy in the future, the amendments would propose a floor of 1:1 parking replacement for development of BART land at auto-dependent stations.

### 2. Limit Bill’s Reach to Existing or Adjacent Land

To address a concern that the bill could apply to a potentially unlimited amount of land that BART could purchase in the future (notwithstanding its significant budget limitations), limit the applicability of the bill’s new TOD guidelines to currently-owned land (approximately 250 acres) within one-half mile of existing or future BART stations, with an allowance provided for parcels purchased by BART at a future date only if they are: 1) adjacent to land owned *as of July 1, 2018* and 2) if BART adopts a finding that the new contiguous parcels are necessary to complete a TOD project.

### 3. End-of-Line Stations

Pursue an amendment that provides “end-of-line stations” special consideration with regard to replacement parking and potential parking expansion needs overall in recognition that auto access is often the predominant way to access such stations. The proposed amendment could be drafted so that “end of line” stations are revised as BART expands and correspond with those that truly function as “end of line” stations.

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Steve Heminger



## *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:

<b>BART TOD Place Type</b>	<b>Residential Auto Parking Maximum (spaces/unit)</b>	<b>Office Auto Parking Maximum (spaces/1,000 sf)</b>
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



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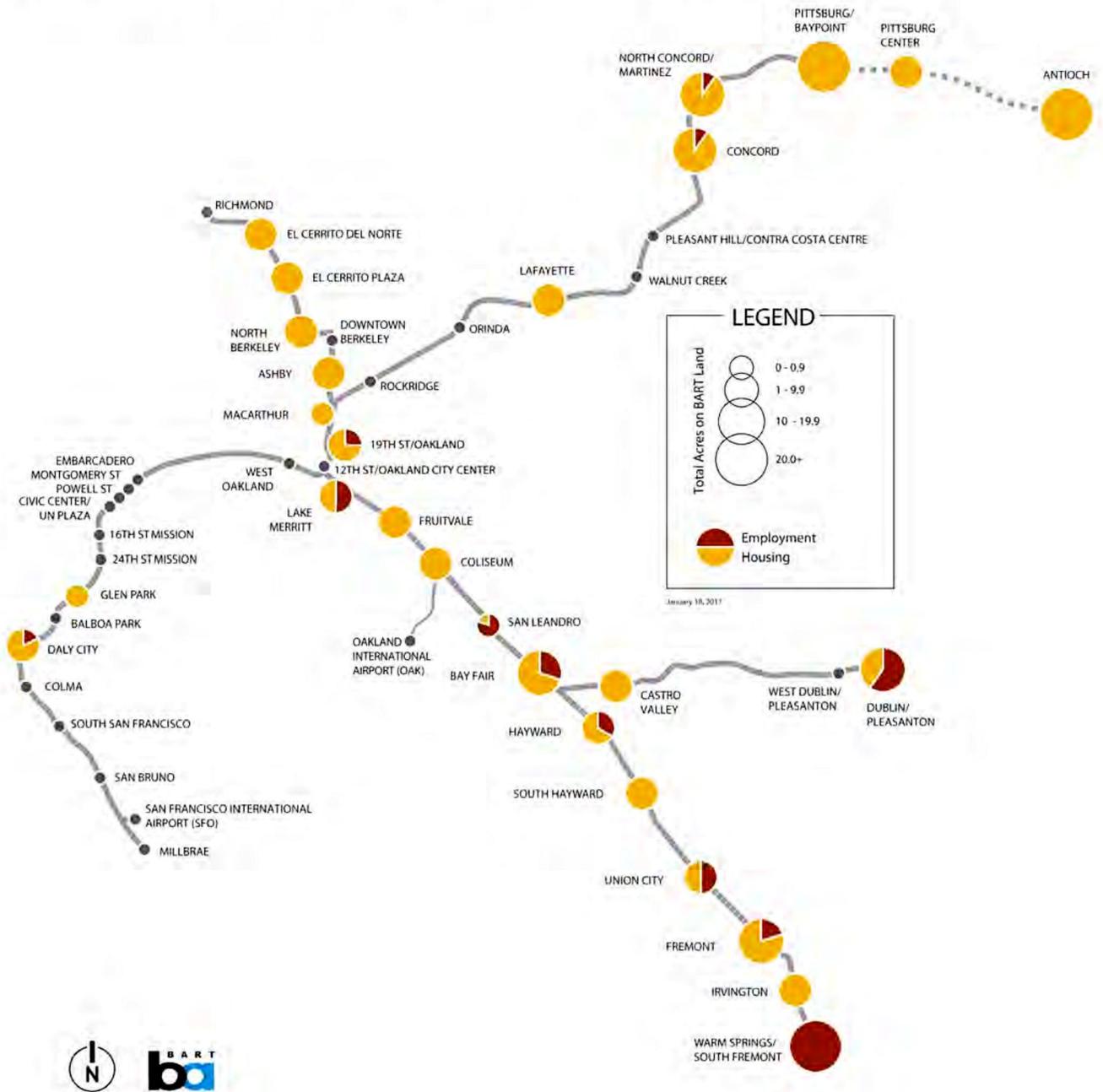
Alix A. Bockelman

**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

**Urban Density Guidelines Matrix**  
The following classifications are located in Urban Service Areas as defined in the Statewide Land Use Plan, and are served by public water and sewer.

**Urban Centers**  
*Unit per Acre 60-170*

An urban center is a large and densely populated urban area with a civic, social and cultural infrastructure. It is zoned for mixed use residential, groundfloor retail and business and also provides open space for public and private uses. It is easily walkable or accessible through various modes of public and personal transit. Examples of urban centers include Downtown Providence, Newport and Pawtucket.



77 units per acre

84 units per acre

125 units per acre

**Urban Corridors**  
*Unit per Acre 40-80*

An urban corridor serves as a main thoroughfare in a densely populated area. It has the civic and cultural elements of an urban community and contains infrastructure for retail, business and residential use. Examples include Elmwood Ave. and Broad St. in Providence and North Main St. in North Providence.



44 units per acre

62 units per acre

66 units per acre

**Metropolitan Corridors**  
*Unit per Acre 20-40*

A metropolitan corridor, may be located in a suburban area, is less densely populated and though it has the infrastructure for retail, business and residential use, it generally carries more height restrictions. Examples of this include Reservoir Ave. and Park Ave. in Cranston, Warwick Ave. in Warwick, Post Rd. in North Kingstown and Newport Ave. in Pawtucket and East Providence.



28 units per acre

28 units per acre

34 units per acre

**Town Centers**

*Unit per Acre 15-30*

A town center is a traditional downtown at a smaller scale, where a town's civic, commercial and social infrastructure is concentrated. In Rhode Island, it is characterized by first floor retail and under utilized upper stories. It is zoned with greater height restrictions. Facilities are situated within walking distance of private residences. Examples of this include Warren, Bristol and East Greenwich



18 units per acre



19 units per acre



23 units per acre

**Village Centers**

*Unit per Acre 8-15*

A village center is smaller than a town center, and will generally have first floor retail and offices frequently with upper story residential. Private residences are within close proximity. Examples include Lonsdale, Conimicut, and Peacedale.



11 units per acre



13 units per acre



15 units per acre

**Transit Oriented Developments Urban Centers**

*Unit per Acre 60-150*

A TOD in an urban center concentrates developments around existing downtown areas, adjacent to a commuter rail, maximizing access by transit and non-motorized vehicles. Urban centers normally have the infrastructure for intermodal transportation, allowing convenient access to rail and bus lines as well as parking structures. Zoning will emphasize mixed-use development which encourages and facilitates walkability. Locations include Downtown Providence and Pawtucket.



**Transit Oriented Developments around Commuter Rail Stops**

*Unit per Acre 30-50*

A TOD around commuter rail stops is a transportation hub surrounded by relatively high-density development with progressively lower-density spreading outwards. New TODs may be developed around planned commuter rail stops in Rhode Island. TOD town centers may have a transit station and a few multi-story commercial and residential buildings surrounded by several blocks of townhouses and small-lot single-family residential. Zoning will emphasize mixed-use development. Potential locations include East Greenwich, Warwick Station, Wickford and Westerly.



Executive Director  
Amie Fishman

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Charities Housing

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Silicon Valley

March 5, 2018

The Honorable David Chiu  
California State Assembly  
State Capitol, Room 4112  
Sacramento, CA 95814

The Honorable Tim Grayson  
California State Assembly  
State Capitol, Room 4164  
Sacramento, CA 95814

**Re: AB 2923 (Chiu and Grayson): San Francisco Bay Area Rapid Transit District:  
transit-oriented development – SUPPORT**

Dear Assemblymembers Chiu and Grayson,

The Non-Profit Housing Association of Northern California (NPH) is proud to sponsor and strongly support AB 2923 (Chiu and Grayson), which will enable the construction of thousands of new affordable homes at and around BART stations, resulting in fewer cars and congestion on our region's roads.

As a membership organization of more than 750 affordable housing developers, advocates, community leaders and businesses, the collective NPH community has **created tens of thousands of affordable homes and supported hundreds of thousands of Bay Area residents and community members.**

**AB 2923 creates more affordable housing while easing traffic and congestion in the Bay Area**

To meet our region's need for more housing and less traffic, the Bay Area Rapid Transit District (BART) has committed to an ambitious transit oriented policy, including building out the land it owns around its stations by 2040 to produce over 20,000 new homes -- 7,000 of which will be affordable to lower-income residents. AB 2923 will simplify the process for BART to build more affordable homes near its stations so it can achieve its goals, housing our region's workers, reducing the Bay Area's air pollution and greenhouse gas emissions, and easing the crippling congestion on our roads (by as much as 40% in some cases.)

**AB 2923 strikes a sensible balance between local land use control and delivering the affordable housing that our region needs**

BART is the largest public owner of opportunity sites in the region's core. These properties are not greenfields, nor part of existing community fabric; quite the opposite, these are vast surface parking lots, disruptive to the community and to

the natural environment. By consolidating parking into structures at the appropriate locations, we can better connect surrounding communities with their BART stations, while improving public safety, walkability, and transit access. AB 2923 maintains local control while helping BART replace parking with walkable, affordable communities near transit by:

- Requiring the BART Board to establish new guidelines for transit-oriented development for BART-owned land at or around a BART station; cities would then update their local zoning to be consistent with these new zoning standards, while retaining their broader zoning and permitting authority.
- Establishing ministerial approval for residential mixed-use projects on BART land that satisfy local zoning, regardless of a jurisdiction's progress in meeting its share of the Regional Housing Needs Allocation.
- Requiring that at least 20% of the residential units constructed within each TOD project must be affordable to very low, low-, and moderate-income households and subject to a recorded affordability restriction for at least 55 years.
- Establishing prevailing wage and skilled and trained workforce requirements in these developments, and applying any other pertinent BART labor policies.

**AB 2923 will help the Bay Area build affordable homes at a scale commensurate to our affordable housing crisis**

As we continue work to identify affordable housing funding at the scale that is meaningful relative to the current affordability crisis, we must also plan for success -- which means ensuring there are places to receive this housing that support our equity, sustainability, and economic development goals. BART stations are the place that can deliver especially if these stations have the plans and regulations in place to ensure the speedy approval of desperately needed affordable homes.

Thank you for your leadership in drafting legislation that will help the Bay Area house tens of thousands of its low-income residents.

We look forward to working with you to pass this important legislation.

Sincerely,



Amie Fishman  
Executive Director  
Non-Profit Housing Association of Northern California (NPH)



San Francisco Office  
312 Sutter Street, Suite 510  
San Francisco, CA 94108  
(415) 543-6771

April 10, 2018

The Honorable David Chiu  
California State Assembly  
State Capitol  
Sacramento, CA 94249

**RE: AB 2923 (Chiu) – SUPPORT**

Dear Assemblymember Chiu:

Greenbelt Alliance is the San Francisco Bay Area's leading organization working to protect natural and agricultural landscapes from sprawl development and help our cities and towns grow in smart ways. We are the champions of the places that make the Bay Area special, with more than 10,000 supporters and a 60-year history of local and regional success.

**We are writing to express our full support for AB 2923.**

This legislation will foster equitable, sustainable neighborhoods on underutilized BART-owned properties around BART stations. This transformation would not only help address the Bay Area's housing affordability crisis, it will foster greater transit ridership, reduce vehicle miles traveled, cut greenhouse gas emissions, and ease development pressure on our natural and agricultural lands.

We look forward to AB 2923 catalyzing the creation of great neighborhoods that meet the needs of people across the income spectrum and improve the quality of life for all Bay Area residents.

Sincerely,

Matt Vander Sluis  
Deputy Director  
[mvandersluis@greenbelt.org](mailto:mvandersluis@greenbelt.org)

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President & CEO

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Nasdaq  
JED YORK  
San Francisco 49ers

Established in 1978 by  
David Packard

March 13, 2018

The Honorable David Chiu  
State Capitol  
P.O. Box 942849  
Sacramento, CA 94229-0017

**RE: Support for AB 2923, BART Transit-Oriented Development Zoning Standards**

Dear Assemblymember Chiu,

I am writing on behalf of the Silicon Valley Leadership Group to express our organization's support for Assembly Bill 2923 that would require the establishment of transit-oriented development zoning standards by the Bay Area Rapid Transit (BART) Board for BART-owned land.

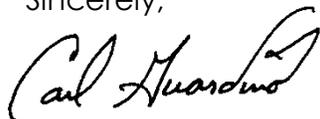
The Silicon Valley Leadership Group was founded in 1978 by David Packard of Hewlett-Packard and represents more than 375 of Silicon Valley's most respected employers on issues, programs, and campaigns that affect the economic quality of life in Silicon Valley; including energy, transportation, education, housing, health care, tax, and environmental policy. Collectively, Leadership Group members provide nearly one out of every three private sector jobs in Silicon Valley.

As supporters of high-density development in transit-rich areas, the Leadership Group believes that AB 2923 presents a tremendous opportunity to strengthen the relationship between housing and transit. The 20,000 plus units that the BART Board has already committed to providing is significant and would add much needed housing stock to our region. Creating high-density, mixed-used neighborhoods near public transit hubs leverages the billions in public investment in our transit infrastructure and leads to regions thriving economically while also reducing traffic congestion and car dependence.

Policies such as AB 2923 that promote thoughtful infill zoning development policy are crucial. By making projects eligible for ministerial approval processes, AB 2923 recognizes the crucial need to streamline and expedite housing production, especially transit-oriented developments.

The Leadership Group applauds your commitment towards developing policies that will encourage housing production. Thank you for the consideration of our comments. We look forward to working together to solve our state's housing crisis.

Sincerely,



Carl Guardino  
President & CEO  
Silicon Valley Leadership Group

INTERNATIONAL ASSOCIATION  
OF SHEET METAL,  
AIR, RAIL AND  
TRANSPORTATION  
WORKERS



SHEET METAL WORKERS'  
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2610 CROW CANYON RD., STE. 300  
SAN RAMON, CALIFORNIA 94583-1547  
TEL: (925) 208-4905 • FAX: (925) 855-1328

**Rob Stoker**  
POLITICAL AND PUBLIC RELATIONS DIRECTOR

April 5, 2018

The Honorable David Chiu  
The Honorable Tim Grayson  
California State Assembly  
State Capitol  
Sacramento, CA 94249

Re: AB 2923 Support – BART: Transit-Oriented Development Zoning Standards

Dear Assembly Members David Chiu & Tim Grayson:

We are writing to express support for Assembly Bill 2923, which will require the Bay Area Rapid Transit (BART) district to establish strong transit-oriented development (TOD) zoning standards on BART-owned land and require local zoning for these BART-owned lands to be consistent with the standards. AB 2923 would facilitate development of more than 20,000 new homes – both market-rate and affordable – precisely where they are needed most, near major rail transit.

AB 2923 will not only help house the region's workforce, add accessible jobs, and reduce roadway congestion by improving transit options, the bill will also create billions of dollars of construction investment and thousands of new construction jobs. BART has been a responsible partner, committed to hiring trained labor for transit-oriented development projects. We have faith that BART will continue to be a leader in good labor practices, and strongly support the bills requirement that SB 35 labor requirements apply to BART TOD projects.

AB 2923 is a win for labor, jobs, equity, housing, the environment, mobility, and livable communities. We thank you for your leadership on this balanced strategy.

Sincerely,

A handwritten signature in black ink that reads "Rob Stoker". The signature is fluid and cursive, with the first name "Rob" being more prominent than the last name "Stoker".

Rob Stoker  
Political and Public Relations Director  
SMART, SMW Local Union No. 104