AB 2923 and 10-Year Transit-Oriented Development Work Plan

Webinar
March 5 and March 10, 2020
Overview

• AB 2923 and 10-Year Work Plan Project Update
• AB 2923 Guidance Document
  • Presentation
  • Guided comment questions
• 10-Year TOD Work Plan
  • Presentation
  • Guided comment questions
• Closing
Project Update

• Since AB 2923 signed into law September 2018, BART:
  • Compiled draft database of affected properties
  • Initially evaluated local zoning and alignment with 2017 TOD Guidelines
  • Met with staff from 22 cities and counties affected by AB 2923, TOD, and beyond
  • Engaged elected officials via direct correspondence, events
  • Presented in a variety of public forums
  • Met with various stakeholders
  • Reaffirmed commitment to local agencies to be collaborative partners in land development
Project Update

• July 2019 stakeholder meeting input
  • AB 2923 Guidance Document
  • 10-Year TOD Work Plan
  • Parking and Transportation Demand Management
  • Anti-Displacement

• Since then, BART has:
  • Developed AB 2923 Guidance Document outline
  • Developed 10-Year TOD Work Plan outline
  • Used case-studies to ground-truth elements of the bill
  • Further refined BART property database
  • Published a public-facing brochure
# Project Update: AB 2923 Timeline

<table>
<thead>
<tr>
<th>‘18</th>
<th>2019</th>
<th>2020</th>
<th>2021</th>
<th>2022</th>
</tr>
</thead>
<tbody>
<tr>
<td>Q4</td>
<td>Q1</td>
<td>Q2</td>
<td>Q3</td>
<td>Q4</td>
</tr>
</tbody>
</table>

- **Sept 30, 2018 – AB 2923 became law**
- **Dec 2018 - Board Update: AB 2923 Overview**

## Phase 1: Listening, Learning, Education

- **Spring 2019 - Board Update: Standard Setting Approach**

## Phase 2: BART Implementation

- **Default to 2017 TOD Guidelines**
- **Develop AB 2923 Guidance Document and 10-Year TOD Work Plan**
- **Cities Adopt Zoning by July 1, 2022**
  - (or default to BART standards)

## Engagement, Partnership with Local Jurisdictions, & TOD Implementation

- Board periodically reviews and approves Station-by-station actions (e.g. Memoranda of Understanding, Exclusive Negotiating Agreements)
AB 2923 Guidance Document
AB 2923 Guidance Document

- Clarifies grey areas of the law
- Guidance Document outline
  - Available for public comment until March 18

Zoning Standards

- Minimum
- Maximum
- Allowable

- Bicycle Parking
- Vehicle Parking
- Height
- DU/acre
- Floor-area ratio
Stations Affected by AB 2923

AB 2923 requires BART to use its 2017 TOD Guidelines as baseline standards for its land at each station, but gives BART the authority to set higher building heights and residential density standards. Map shows where AB 2923 will apply and the baseline standards for each TOD place type.

### TOD Place Types

**For all place types:**
- Minimum Residential Density: Zoning must allow 75 residences per acre for all types.
- Parking Standards: No minimum number of vehicle parking spaces.
- Options for shared and rented parking spaces.
- Bike Parking: Secure parking; Minimum 1 space per residential unit.

#### Regional Center

- **Building Height:** Zoning must allow 12 stories.
- **Building Massing:** Zoning must allow 7.2 floor-area ratio.
- **Residential Vehicle Parking Maximum:** 0.375 spaces per unit.
- **Office Vehicle Parking Maximum:** 0 per 1,000 square feet.

#### Urban Neighborhood/City Center

- **Building Height:** Zoning must allow 7 stories.
- **Building Massing:** Zoning must allow 4.2 floor-area ratio.
- **Residential Vehicle Parking Maximum:** 0.5 spaces per unit.
- **Office Vehicle Parking Maximum:** 1.5 per 1,000 square feet.

#### Neighborhood/Town Center

- **Building Height:** Zoning must allow 5 stories.
- **Building Massing:** Zoning must allow 3.0 floor-area ratio.
- **Residential Vehicle Parking Maximum:** 1.0 spaces per unit.
- **Office Vehicle Parking Maximum:** 2.5 per 1,000 square feet.

**Stations not affected by AB2923**
Baseline Zoning for “Allowable”

- Zoning envelope for:
  - Residential density
  - Building height
  - Floor-area ratio
Baseline Zoning for “Maximums” and “Minimums”

• Vehicle parking
  • No minimums
  • Residential maximums
  • Office maximums
  • Shared and/or unbundled

• Bicycle parking
  • Residential minimums

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# Summary of Baseline Zoning Standards

<table>
<thead>
<tr>
<th>Neighborhood/Town Center</th>
<th>Urban Neighborhood/City Center</th>
<th>Regional Center</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Allowable Height and Floor Area Ratio</strong></td>
<td><strong>Allowable Height and Floor Area Ratio</strong></td>
<td><strong>Allowable Height and Floor Area Ratio</strong></td>
</tr>
<tr>
<td>≥ 5 stories</td>
<td>≥ 7 stories</td>
<td>≥ 12 stories</td>
</tr>
<tr>
<td>≥ FAR: 3.0</td>
<td>≥ FAR: 4.2</td>
<td>≥ FAR: 7.2</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Allowable Residential Density</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>75 dwelling units per acres or higher</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Minimum Secure Bike Parking</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>1 space per residential unit</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Maximum Residential Vehicle Parking</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>1.0 spaces per unit</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Maximum Office Vehicle Parking</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>2.5 per 1,000 square feet</td>
</tr>
</tbody>
</table>
AB 2923 Guidance: Case Studies

Consider what BART owns, what is developable
AB 2923 Guidance: Case Studies

Sometimes mis-match between allowable building height and FAR
AB 2923 Guidance: Case Studies

• Early findings

  • Density, Height, Floor-Area-Ratio (FAR) do not often line up well (More density is needed to achieve heights, more height is needed to achieve FAR)

  • On larger properties, achieving required Floor-Area-Ratio calculation in AB 2923 is nearly impossible within height limits

  • Limited room for other design regulations (e.g. shadow planes, open space requirements)

  • BART will need to make a clear commitment to ensuring high quality design in actual development projects
AB 2923 Guidance Document

Guided comment questions

1. Are the basic requirements in AB 2923 clearly described in the outline? What questions do you still have?

2. Does the outline cover the range of topics needed to update your zoning code?

3. What specific information is most important to you as you prepare your zoning?

4. Would model zoning or case studies be helpful?

AB 2923 Guidance Document outline and comment card available at https://www.bart.gov/about/business/tod/ab2923
BART’s 10-Year Work Plan for Transit-Oriented Development
Development within Zoning Envelope

**ZONING**

- ≥ 75 du/acre
- ≥ FAR: 4.2
- ≥ 7 stories

**DEVELOPMENT**

- TOD Project
- ≥ FAR: 4.2
- ≥ 7 stories
10-Year Work Plan – Focus on Development

1. Pre-Development Solicitation
2. Developer Solicitation / Selection
3. Project Refinement / Developer Agreement
4. Permitting & Construction

THE BART FOUR STEP TOD PROCESS
10-Year Work Plan for Transit-Oriented Development

Local Interest in Development of BART Land

- Immediate (2019-2024)
- 5-10 years (2025-2029)
- Immediate with Economic Limitations
- Limited/Long Term Interest
- Development Underway
- No BART-Owned Land

May not be subject to AB 2923
Based on interviews with staff from 22 local jurisdictions, April/May 2019
10-Year Work Plan for Transit-Oriented Development

Work Plan Elements

1. **Performance Evaluation** using BART’s 2016 Board-adopted performance targets

2. Clarify BART’s **development opportunities**

3. **Prioritize sites** for new TOD projects (e.g. RFP/Q) using 3 criteria

4. Define next steps for **short term priorities**

*Dynamic: Update every 2-4 years*
## 10-Year Work Plan for Transit-Oriented Development

### Phase 1: Performance Evaluation

<table>
<thead>
<tr>
<th>Land Use</th>
<th>2025 Target</th>
<th>2040 Target</th>
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</thead>
<tbody>
<tr>
<td><strong>Office Space (Sq. Ft.)</strong></td>
<td>1 million</td>
<td>4.5 million</td>
</tr>
<tr>
<td><strong>Housing Units</strong></td>
<td>7,000</td>
<td>20,000</td>
</tr>
<tr>
<td><strong>Affordable Housing (35%)</strong></td>
<td>2,450</td>
<td>7,000</td>
</tr>
<tr>
<td>Project (Year completed)</td>
<td>Total Units</td>
<td>Affordable Units</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>-------------</td>
<td>------------------</td>
</tr>
<tr>
<td>Castro Valley (1993)</td>
<td>96</td>
<td>96</td>
</tr>
<tr>
<td>Fruitvale Phase I (2004)</td>
<td>47</td>
<td>10</td>
</tr>
<tr>
<td>Pleasant Hill Phase I (2008)</td>
<td>422</td>
<td>84</td>
</tr>
<tr>
<td>Hayward (1998)</td>
<td>170</td>
<td>0</td>
</tr>
<tr>
<td>Ashby (2011)</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Richmond Phase I (2004)</td>
<td>132</td>
<td>66</td>
</tr>
<tr>
<td>MacArthur Ph I &amp; II (2016 &amp; 2019)</td>
<td>475</td>
<td>90</td>
</tr>
<tr>
<td>San Leandro (2017 &amp; 2019)</td>
<td>200</td>
<td>200</td>
</tr>
<tr>
<td>West Dublin (2013)</td>
<td>309</td>
<td>0</td>
</tr>
<tr>
<td>East Dublin (2008)</td>
<td>240</td>
<td>0</td>
</tr>
<tr>
<td>South Hayward Ph I (2017)</td>
<td>354</td>
<td>152</td>
</tr>
<tr>
<td>West Pleasanton (2019)</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Coliseum (2019)</td>
<td>110</td>
<td>55</td>
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</table>

**TOTAL COMPLETED**

<table>
<thead>
<tr>
<th>Project (Year completed)</th>
<th>Total Units</th>
<th>Affordable Units</th>
<th>% Affordable</th>
<th>Office (SF)</th>
<th>Retail (SF)</th>
<th>Hotel (Rooms)</th>
</tr>
</thead>
<tbody>
<tr>
<td>MacArthur Ph III (began 2018)</td>
<td>787</td>
<td>56</td>
<td>7%</td>
<td>13,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Walnut Creek (began 2017)</td>
<td>596</td>
<td>0</td>
<td>0%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pleasant Hill Block C (began 2018)</td>
<td>200</td>
<td>0</td>
<td>0%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fruitvale Phase IIA (began 2018)</td>
<td>94</td>
<td>92</td>
<td>98%</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**TOTAL UNDER CONSTRUCTION**

<table>
<thead>
<tr>
<th>Project (Year completed)</th>
<th>Total Units</th>
<th>Affordable Units</th>
<th>% Affordable</th>
<th>Office (SF)</th>
<th>Retail (SF)</th>
<th>Hotel (Rooms)</th>
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</thead>
<tbody>
<tr>
<td>Millbrae (Approved)</td>
<td>400</td>
<td>100</td>
<td>25%</td>
<td>150,000</td>
<td>45,000</td>
<td>164</td>
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<tr>
<td>Pleasant Hill Block D (Approved)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fruitvale Phase IIB (Approved)</td>
<td>181</td>
<td>179</td>
<td>99%</td>
<td>6,000</td>
<td></td>
<td></td>
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<tr>
<td>Balboa Park (In Negotiation)</td>
<td>131</td>
<td>131</td>
<td>100%</td>
<td>3,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>West Oakland (In Negotiation)</td>
<td>~750</td>
<td>~240</td>
<td>~32%</td>
<td>~380,000</td>
<td>~50,000</td>
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<tr>
<td>Lake Merritt (In Negotiation)</td>
<td>~500</td>
<td>~200</td>
<td>~44%</td>
<td>~500,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>North Concord (Solicitation in 2019)</td>
<td>~360</td>
<td>~90</td>
<td>~25%</td>
<td>~800,000</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**GRAND TOTAL - ALL PHASES**

<table>
<thead>
<tr>
<th>Project (Year completed)</th>
<th>Total Units</th>
<th>Affordable Units</th>
<th>% Affordable</th>
<th>Office (SF)</th>
<th>Retail (SF)</th>
<th>Hotel (Rooms)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>5673</td>
<td>1841</td>
<td>32%</td>
<td>2,642,000</td>
<td>232,590</td>
<td>164</td>
</tr>
</tbody>
</table>
10-Year Work Plan for Transit-Oriented Development

1: Performance Evaluation

Current BART TOD Program Progress Toward 2025 Goal

- Commercial: 2.9 million square feet
- Residential: 7,000 units
- Affordable: 2,450 units

- Completed
- Under Construction
- In Negotiation

- West Oakland
- Lake Merritt
- Pleasant Hill Block D
- North Concord

- Fruitvale Phase IIB and Balboa Park
10-Year Work Plan for Transit-Oriented Development
1: Performance Evaluation

**Housing Units: Pace of Development Since 1990s**

- **All Units**
- **Affordable Units**

- Completed (including projects that will be completed in 2020)
- Additional units under construction and negotiation, as of 12/2019

- 2025 Target (*BART TOD Policy Performance Measures and Targets*)

**Graph Details:**
- 774 more units needed to reach 2025 goal
- 610 more units needed to reach 2025 goal
10-Year Work Plan for Transit-Oriented Development

2: Clarify Development Opportunities

A. Evaluate suitability of BART property for development
B. Remove properties needed for BART operations
C. Articulate BART expectations by station for:
   • Parking replacement (based on Access Typology)
   • Job-generating uses
   • Affordable housing
D. Evaluate BART staff capacity to initiate new projects
10-Year Work Plan for Transit-Oriented Development

2: Clarify Development Opportunities

Deep Dive:
Articulate BART expectations for job-generating uses and affordable housing

Excerpt from 2017 TOD Guidelines, showing sites reserved for employment uses in red
Prefer Housing
Prefer Jobs
Flexible On Use

No developable BART-owned land

May not be subject to AB 2923*

Existing Development Agreement

*Orinda: BART does not own land but a development would require BART staff time
Daly City: Only a small portion of property is subject to AB2923
Irvington: Application of AB 2923, and BART-owned land depends on cost of project, TBD

Source: Jurisdiction Staff Interviews, April/May 2019
No market feasibility screen applies
10-Year Work Plan for Transit-Oriented Development 2: Clarify Development Opportunities

**Jobs-Housing Imbalance Persists**

Office Sq. Ft. Built since 2000 by Decade

Sources: CoStar, Strategic Economics
10-Year Work Plan for Transit-Oriented Development
2: Clarify Development Opportunities

Office Construction Over Last 2 Decades

Office Developments Built 2000-2009 by Rentable Sq. Ft. in counties with BART, Caltrain
- 50,000 - 100,000 sq. ft.
- 100,000 - 200,000 sq. ft.
- 200,000 - 300,000 sq. ft.
- Over 300,000 sq. ft.

10-Year Work Plan for Transit-Oriented Development
2: Clarify Development Opportunities

Office Construction Over Last 2 Decades

Office Developments Built 2000-2019 by Rentable Sq. Ft. in counties with BART, Caltrain
- 50,000 - 100,000 sq. ft.
- 100,000 - 200,000 sq. ft.
- 200,000 - 300,000 sq. ft.
- Over 300,000 sq. ft.

Built 2000 - 2009
Built 2010 - 2014
Built 2015 - 2019

Source: Costar. 2019; Strategic Economics, 2020.
2. Replacement Parking Expectations
To Be Informed by Access Investment Framework

<table>
<thead>
<tr>
<th>STATION TYPE</th>
<th>PRIMARY INVESTMENTS</th>
<th>SECONDARY INVESTMENTS</th>
<th>ACCOMMODATED</th>
<th>NOT ENCOURAGED</th>
</tr>
</thead>
<tbody>
<tr>
<td>URBAN</td>
<td>Walk, Bicycle</td>
<td>Transit and Shuttle</td>
<td>Taxi and TNC, Drop-Off and Pick-Up</td>
<td>P, Auto Parking*</td>
</tr>
<tr>
<td>URBAN WITH PARKING</td>
<td>Walk, Bicycle</td>
<td>Transit and Shuttle</td>
<td>Taxi and TNC, Drop-Off and Pick-Up</td>
<td>P, Auto Parking*</td>
</tr>
<tr>
<td>BALANCED INTERMODAL</td>
<td>Walk, Bicycle</td>
<td>Transit and Shuttle</td>
<td>Taxi and TNC, Auto Parking*</td>
<td>P, Auto Parking*</td>
</tr>
<tr>
<td>INTERMODAL/AUTO RELIANT</td>
<td>Walk, Bicycle</td>
<td>Taxi and TNC, Drop-Off and Pick-Up</td>
<td>P, Auto Parking*</td>
<td></td>
</tr>
<tr>
<td>AUTO DEPENDENT</td>
<td>Walk, Bicycle</td>
<td>Transit and Shuttle</td>
<td>Taxi and TNC, Auto Parking*</td>
<td></td>
</tr>
</tbody>
</table>

**Primary Investment:**
BART will prioritize investments of funds and staff time on and off of BART property, consistent with access goals; priority projects best achieve policy goals, focus on safety and sustainability.

**Secondary Investment:**
BART will invest funds and staff time on and off of BART property, consistent with policy goals; secondary investments balance policy goals.

**Accommodated:**
BART will maintain and manage existing assets, and partner with other access providers as needed.

**Not Encouraged:**
BART will not invest in construction of parking expansion.

*Parking Management is a secondary investment at all stations with parking.*

*Parking replacement for transit-oriented development to be determined by BART’s Transit-Oriented Development Policy.*

Note: TNC is for Transportation Network Company (shared use mobility)
2. Replacement Parking Expectations To Be Informed by Access Investment Framework
10-Year Work Plan for Transit-Oriented Development

3: Prioritize Stations through Screening Process

**Development Readiness**

- Market Feasibility
- Feasibility of Non-Market Driven Uses (Affordable Housing / Institutional Users)
- Nearby development activity
- Surrounding station access context supports TOD (walkability, eg)

Marea Alta and La Vareda – together 200 units of affordable housing with 240 BART parking spaces – were achievable with new state subsidies
10-Year Work Plan for Transit-Oriented Development
3: Prioritize Stations through Screening Process

Local Support

• Alignment of City/County support with BART’s priorities
• Zoning for desired BART uses / densities
• Recent community engagement demonstrates local support
• Risk of displacement and local anti-displacement policies

The Oakland City Council included a high rise alternative in its EIR for the MacArthur Transit Village. After BART sold the property, the City approved the project.
10-Year Work Plan for Transit-Oriented Development
3: Prioritize Stations through Screening Process

Implementation Barriers & Opportunities

- BART infrastructure needs & possible cost/complexity (replacement parking, e.g.)
- Competitiveness for federal, state, regional funding sources
- Availability of local funding to support affordable housing/infrastructure costs
- Other expected funding opportunities
- Local experience with innovative financing/implementation measures

With help from the Contra Costa Redevelopment Agency, BART was able to replace 100% of its parking at Pleasant Hill/Contra Costa Centre (and ease the visual transition to the community)
Findings to Date

1. Need to address **parking replacement** concerns
2. Misalignment of local interest in **job generating uses** with current market conditions
3. **Height and FAR exceed** what can be built in some communities
4. **Height and FAR limit flexibility** for other design restrictions
Findings to Date: BART’s TOD Business Practice is a Balancing Act

Regional/System Priorities

- 99-year decisions affecting BART ridership and operations
- Regional housing crisis
- Replacement parking costs with limited public subsidy
- Rapidly changing mobility patterns
- Construction costs / project feasibility

Local/Community Priorities

- Concern about design and impact of project heights
- Regional jobs/housing imbalance and megacommutes
- Variation in local transportation options to get to station
- Limited local funds for community benefits
- Desire for placemaking elements (e.g. civic space)
10-Year TOD Work Plan

Guided Comment Questions

BART TOD Business Practice

1. How should BART work with local partners to balance regional needs / unique local identities?
2. Other thoughts on BART priorities / working with jurisdictions?

TOD Prioritization

1. Do criteria cover the right factors? Anything missing?
2. What criteria should receive greatest weight?

10-Year TOD Work Plan outline and comment card available at https://www.bart.gov/about/business/tod/ab2923
Outlines and comment cards for AB 2923 and the 10-Year TOD Work Plan available at https://www.bart.gov/about/business/tod/ab2923

Comments due March 18, 2020 by 5 PM to Kamala Parks
kparks2@bart.gov
510-817-5901