



AB 2923: Preliminary Implementation Approach



December 6, 2018
BART Board of Directors



BART's Transit-Oriented Development (TOD) Program

Active since 1990s

Development on BART Property to help BART achieve its goals

- Ridership, Economic Development, Value Capture, Placemaking
- Affordable Housing, Innovation, Greenhouse Gas Reduction

Board-adopted target to produce:

- 20,000 housing units (35%, or 7,000 Affordable)
- 4.5 million square feet of commercial space

Future TOD opportunities: 250 acres, 26 of 48 stations in 16 jurisdictions



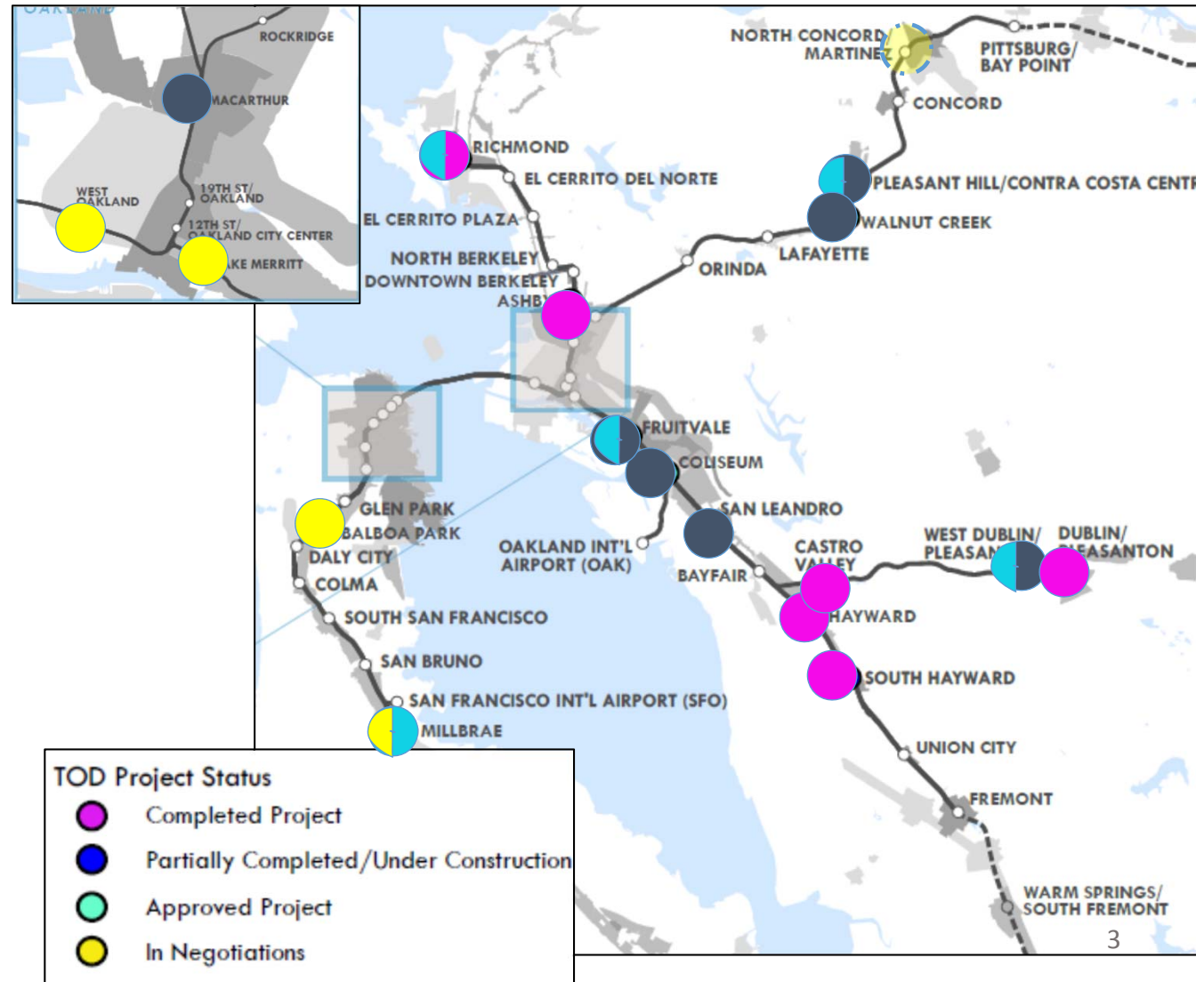
BART's TOD
Portfolio
December 2018

Status	Station	Total Units	Affordable Units	% Affordable	Office (SF)	Retail (SF)
Completed	Castro Valley (1993)	96	96	100%		
	Fruitvale Phase I (2004)	47	10	21%	27,000	37,000
	Pleasant Hill Phase I (2008)	422	84	20%		35,590
	Hayward (1998)	170	0	0%		
	Ashby (2011)	0	0	0%	80,000	
	Richmond Phase I (2004)	132	66	50%		9,000
	MacArthur Ph I (2016)	90	90	100%		
	San Leandro Ph I (2017)	115	115	100%	5,000	1,000
	West Dublin (2013)	309	0	0%		
	East Dublin (2008)	240	0	0%		
	South Hayward Ph I (2017)	354	152	43%		
TOTAL COMPLETED		1975	613	31%	112,000	82,590
Under Construction	MacArthur Ph II (2017-2020)	787	56	7%		39,100
	San Leandro Ph II (2017-2019)	85	85	100%		
	Walnut Creek (began 2017)	596	0	0%		
	Coliseum Phase I (2017-2019)	110	55	50%		
	West Pleasanton (2017-2019)	0	0	0%	410,000	
	Pleasant Hill Block C (began 2018)	200	0	0%		
	Fruitvale Phase IIA (began 2018)	94	92	98%		
TOTAL UNDER CONSTRUCTION		1872	288	15%	410,000	39,100
Negotiations/ Solicitations	Millbrae (Entitlements 2018)	400	80	20%	150,000	45,000
	West Oakland	TBD				
	Fruitvale Phase IIB (Entitled)	181	181	100%		6,000
	Lake Merritt (Solicitation 2018)	TBD				2
TOTAL COMPLETED/UNDER CONSTRUCTION		3847	901	23%	522,000	121,690



TOD Program Status

- 7 Projects under construction
- Continue work on Approved projects at Fruitvale, Richmond, Pleasant Hill, Walnut Creek, West Dublin
- Complete Negotiations/Entitlements at West Oakland, Millbrae, Balboa Park
- Recent Solicitations: Lake Merritt, North Concord
- 2019: El Cerrito Plaza, other TBD





AB 2923 Overview

- Authored by Assemblymembers Chiu, Grayson
- Signed by Governor Brown on September 30, 2018
- Two Core Legislative Changes, and Additional BART Requirements
 1. TOD Standard Setting for BART-owned property
 2. Development Streamlining (SB 35, 2017)
- Only applies to currently owned BART property near existing Stations in Alameda, Contra Costa, and San Francisco Counties
- Possibly applies to potential future Irvington station
- Expires in 2029



AB 2923: BART-Related TOD Bill Overview (Part 1 of 2)

TOD Standards

BART Board adopts Standards for certain stations by **mid-2020** for *existing BART-owned property only in 3 BART Counties*:

- Height Limits, Density, Floor-Area-Ratio, Parking Mins/Max
- Minimum: 2017 TOD Guidelines
- Maximum: Tallest of (1) current residential “highest approved height” in ½ mile or (2) 50% above 2017 TOD Guidelines
- Subject to CEQA review

If current BART property zoning is within 10% of 2017 TOD Guidelines height and FAR, exempt from Standards

Cities rezone BART property by **mid-2022** to meet BART standards, will incorporate BART’s CEQA work

If BART Board does not adopt Standards, 2017 TOD Guidelines become Standards

2017 TOD Guidelines: Figure 1 & Table 1

Figure 1. BART Staff Evaluation of Transit Oriented Place Types, Parking and Density Thresholds



Table 1. Proposed TOD Place Types, Parking Maximums and Development Targets

BART Draft Parking Proposal for TOD Guidelines				Development (75 res units/acre min)	
BART TOD Place Type	Parking Overall	Residential Auto Parking Maximum (Spaces/Unit)	Office Auto Parking Maximum (Spaces/1,000 sf)	Residential Target Height	Office Target Height
Regional Center	No Auto Parking Minimum. Shared /Unbundled. Secure Bike Parking – min 1 space/unit	0.375	0	High rise (if feasible) – Minimum 12 stories	
Urban Neighborhood/ City Center		0.5	1.6	Mid-rise - 7 stories minimum	
Neighborhood / Town Center		1	2.5	Mid-rise - 5 stories minimum	

IT OF LOCAL REGULATIONS T'S GUIDELINES

BART's minimum residential density threshold

BART's residential parking thresholds

BART's office parking thresholds

area plan or zoning update in progress could use regulations

TOD Guidelines, version 2.0 May 1, 2017



AB 2923: BART-Related TOD Bill Overview (Part 2 of 2)

Development Streamlining (SB35)

BART-Selected Developers may apply for SB35 eligibility

Project must be within 1 story or 15' of "highest approved height" (residential/mixed-use) within ½ mile of property, and comply with SB 35 labor standards

Streamlining is:

- Max 90 to 180 day review by local jurisdiction
- Ministerial approval (interpreted as CEQA streamlining)
- Subject to objective design review and other requirements already adopted and applied broadly by city

Limited application of SB 35 to date



Other AB 2923 Requirements

1. Outreach to local jurisdictions and communities of concern
2. Review of local housing needs, recent TOD projects, obstacles to development
3. Parking replacement policy with provisions to ensure auto-dependent stations still allow access to private automobile
4. Affordable housing and anti-displacement strategy
5. 2027: Report to Legislature on bill effectiveness



AB 2923: What We Know that Affects BART's Approach

- Critical milestones required in AB 2923:
 - o July 1, 2020: Adopt Development Standards with CEQA, or revert to current TOD Guidelines
 - o July 1, 2022: Local Jurisdictions Must Rezone, or BART Standards become zoning
 - o 2029 Bill Sunsets
- Continue to follow Board-Adopted Policy Direction
- BART must address concern about loss of local control
- Unprecedented legislation, requiring **listening, learning, and education**



Alignment of AB2923 with current Board Direction

TOD Policy & Performance Targets

- o Prioritize development at stations with Transit Supportive Land Use Plans
- o 35% affordable housing goal. Requires ongoing local partnership, and local funding strategies
- o Min Density of 75 units/acre
- o Average car parking ratio of 0.9 spaces/housing unit, 1.6 spaces/1,000 sq. ft. commercial (across all BART TODs)

Station Access Policy & Performance Targets

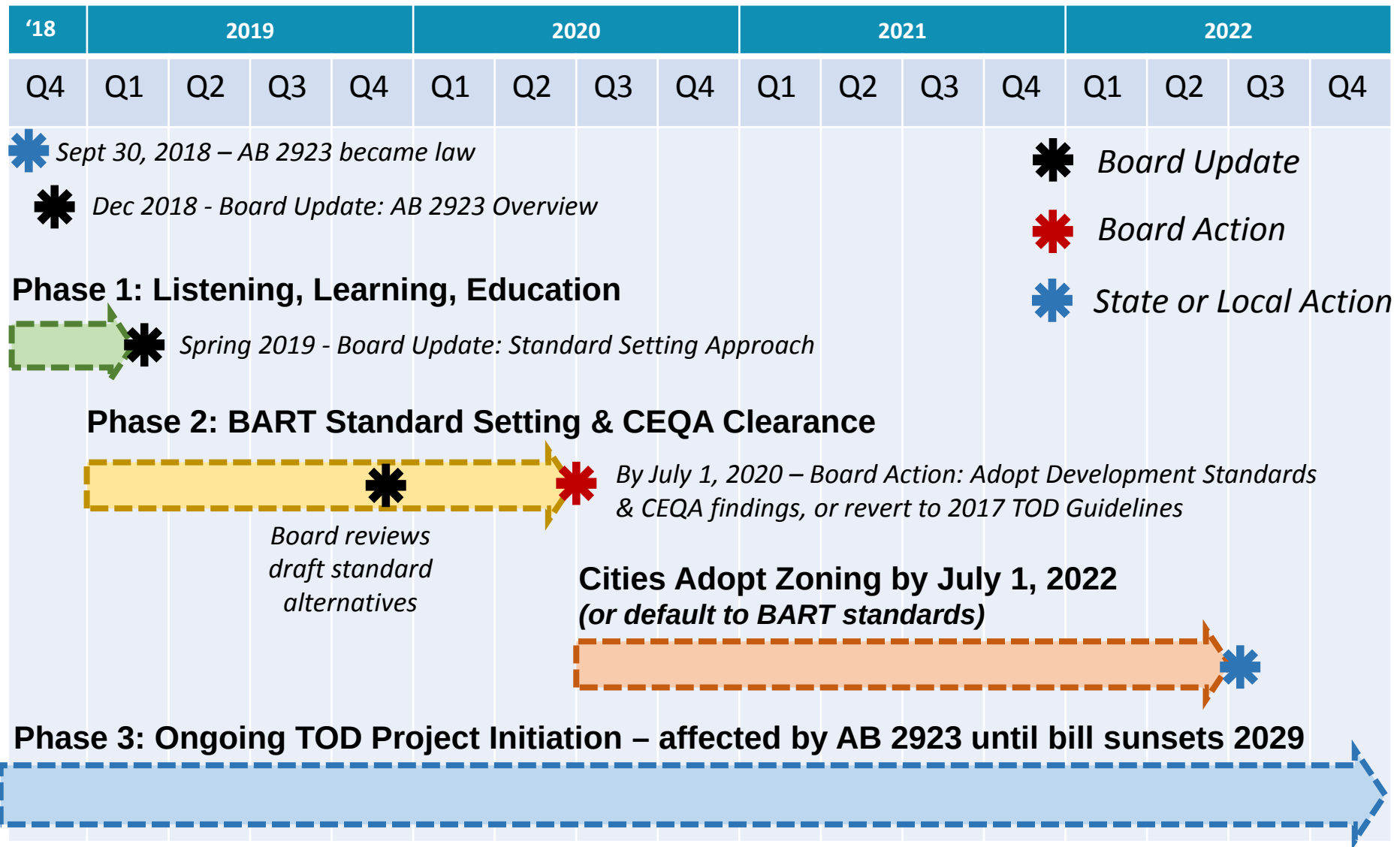
- o Plan for systemwide access mode shift to reduce drive alone rates
- o Use Access Typology to define strategic investments in Parking

BART Station Access Typology





Timeline: AB2923



 Board Update

 Board Action

 State or Local Action



Phase 1: Listening, Learning & Education

- Elected officials: meetings in progress
- Local city staff: technical discussions
- Community Meetings: In-person and virtual sessions to explain BART's interpretation of bill and collect feedback
- Public Comment Collection: Establish comment period and robust tools for feedback on Standard Setting process
- Communities of Concern: Based on initial outreach, identify ongoing process for reaching Communities of Concern



Phase 1: Listening, Learning & Education

- Data collection (required per AB 2923):
 - Current land use regulations on BART property and in ½ mile
 - Local housing needs (housing element) and recent TOD projects
- City staff meetings:
 - Ensure accuracy of data on zoning, housing needs, recent projects
 - Discuss current City direction on AB 2923
 - Discuss TOD Intentions and City Plans
 - Discuss Current Obstacles to Development



Next Steps

Spring 2019: Staff to Report Back on:

- Phase I engagement outcomes
- Recommendations for future community and public engagement
- Current station context: regulatory, political, community, development/market
- Recommended scope of standard setting: which stations are subject to standard setting, approach to setting standards, CEQA approach
- Resource needs/impacts