AB 2923 Implementation Update

Webinar Presentation
August 21, 2019
September 5, 2019





Webinar Agenda



- AB 2923 Overview
- BART Staff Recommendations and Next Steps
- General Q&A
- Review and Discuss Upcoming Activities:
 - 1. AB 2923 Guidance Document
 - 2. 10-Year Work Plan for Development
 - 3. Anti-Displacement Strategy in Partnership with Local Jurisdictions
 - Parking Replacement and Transportation Demand Management





- 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 BART property near existing stations in Alameda, Contra Costa, and San Francisco Counties
- May apply to potential future Irvington station (depending on station cost)

AB 2923:Bill Overview



TOD Standards

BART Board adopts Standards 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 TOD Guidelines
- Subject to CEQA review

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

AB 2923 Bill Overview 2017 TOD Guidelines: Figure 1 & Table 1



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

BART Draft	Parking Prop		opment its/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	0.375	0		if feasible) – 12 stories
Urban Neighborhood/ City Center	Minimum. Shared /Unbundled. Secure	0.5	1.6		- 7 stories imum
Neighborhood / Town Center	Bike Parking – min 1 space/unit	1	2.5		- 5 stories imum

「OD Guidelines, version 2.0 May 1, 2017

BART's office parking thresholds tea plan or zoning update in progress could

nd use regulations

(N) **boo**

AB 2923 Bill Overview (timeline)



'18		20	19			20	20			20	21			20	22	
Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
* Se	pt 30, 2	018 – A	AB 2923	becam	e law							*	Вос	ard Up	odate	
*	Dec 20	18 - Bo	ard Up	date: Al	3 2923	Overvie	?W					*	Вос	ard Ac	tion	
Phas	e 1: L	isten	ing, L	earni	ng, E	ducat	ion					*	Sta	te or L	.ocal A	Action
		*	Spring 2	2019 - E	Board U	lpdate:	Standa	rd Setti	ng Appi	roach						
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AB 2923: 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 within ½ mile of property, comply with SB35 labor standards, be at least 50% residential and 20% affordable

Streamlining is:

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

Some additional AB 2923 Requirements



- 1. Outreach to local jurisdictions and communities of concern
- Review of local housing needs, recent TOD projects, obstacles to development
- 3. <u>Parking replacement policy</u> with provisions to ensure autodependent stations still allow access to private automobile
- 4. <u>Transportation demand management strategy</u>
- 5. Affordable housing and anti-displacement strategy
- 6. 2027: Report to Legislature on bill effectiveness

BART Progress to Date



- Formally assessed property ownership and developable land
- Evaluated current zoning and alignment with 2017 TOD Guidelines
- Met with staff from 22 cities and counties affected by AB 2923, TOD, and beyond
- Presentations to stakeholder groups and BART Title VI committee
- Attended City Council meetings in:

Lafayette (1)

Berkeley (2)

El Cerrito (1)

- Engaged local elected officials via direct correspondence, events
- 3 presentations to the elected BART Board of Directors

TOD Zoning Standards: Staff Recommendation



Staff recommend *not* pursuing additional TOD Zoning Standards prior to July 1, 2020

- AB 2923 sets minimum height, floor-area-ratio (FAR), density, parking expectations based on 2017 TOD Guidelines
- BART Board cannot <u>reduce</u> height, FAR, density expectations through adoption of standards, but can <u>increase</u> them
- In most cases, increasing standards would not result in a viable building type due to higher construction costs
- Board-adopted standards require CEQA compliance. This would be high cost, and increase risk and time delays. No outside funding has been allocated to support AB 2923 implementation.

AB 2923 Overview: Questions?



Key Upcoming Activities



AB 2923 Implementation: Key Upcoming Activities



- 1. Guidance Document on AB 2923
- 2. 10-Year TOD Work Plan
- 3. Parking Replacement Policy
- 4. Transportation Demand Management Strategy
- 5. Anti-displacement Strategy in Partnership with Local Jurisdictions

We are seeking your input on these! Email Monet Boyd with comments (mboyd@bart.gov)

AB 2923 – Activity Schedule (Through June 2020)



S	ummer 201	9		Fall 2019		,	Winter 2020)		Spring 2020	
July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June
AB 292	23 Docu	ment / F	Policy P	roductio	on Phas	es					
Educa Lister		8 \	idance Work P teria	Outlir Plan	ne	Fin	al Docı	ument	Produ	ction	
Public	Feedba	ck Opp	ortunitie	es							N
	ublic nment		Anal	ysis		ublic nment	Dra	aft Docu	ment	Pul Comi	
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1. Guidance Document



Upcoming work: AB 2923 Guidance Document



Establish BART's approach to applying requirements of AB 2923, by:

- Providing clarity on Bill requirements
- Identify properties that are TOD Ready or where AB 2923 does not apply
- Offering jurisdictions a clear path towards local conformance with AB 2923

TOD Zoning Standards:

Zoning Analysis Initial Findings

Can a project designed as shown in Table 1/Figure 1 fit within current zoning without a variance?*

- Yes**
- Yes, with parking changes
- Development in progress
- Rezoning in progress
- May not be subject to AB 2923***
- No developable BART-owned land
- * For illustrative purposes only. Exemption from AB 2923 ("TOD-Ready") to be confirmed later in process.

EMBARCADERO

MONTGOMERY ST

POWELL ST

ALY CITY

- **Multiple colors indicates more than one zoning designation on BART property
- ***Orinda: BART does not own land but a development would require BART staff time Daly City: Only a small portion of property is within SF County. Bill does not apply to San Mateo County Irvington: Application of AB 2923, and BART-owned land depends on cost of project, TBD



PITTSBURG/

PITTSBURG

Upcoming Work: AB 2923 Guidance Document



Known Topic Areas:

- General zoning / code questions on height, calculating floor to area ratio (FAR), how to incorporate setbacks, shadow planes, etc.
- <u>Property</u>: confirming which BART property is included and excluded from AB 2923 based on its physical characteristics
- <u>Planned Development:</u> How does AB 2923 affect projects already approved by BART?
- <u>CEQA</u>: clarifying when and where it applies (to the best of our ability)
- Are there other areas needing clarification? Let us know!

2. 10-YearDevelopmentWork Plan



Upcoming Work: 10-Year Development Work Plan



- Most local jurisdictions have a strong interest in advancing development within next 10 years
- Local land use preferences would not enable BART to achieve its goal of producing 20,000 housing units by 2040
- Must determine criteria to prioritize sites for development
 - BART staff capacity
 - Market readiness
 - City commitment to development (political, financial)
 - Ability to address other challenges (e.g. replacement parking)
 - Context/adjacent opportunities (e.g. Coliseum City / A's Stadium)
 - Advancing BART's performance goals
 - Geographic diversity

Development Work Plan – Local Interest PITTSBURG/ BAYPOINT **PITTSBURG** CENTER MARTINEZ ANTIOCH in Timing for a Solicitation Source: Interviews with Local Jurisdiction Staff CONCORD for AB 2923 - Spring 2019 RICHMOND EL CERRITO DEL NORTE PLEASANT HILL/CONTRA COSTA CENTRE Immediate (2019-2024) EL CERRITO PLAZA LAFAYETTE WALNUT CREEK 5-10 years (2025-2029) DOWNTOWN Immediate with Economic Limitations NORTH BERKELEY BERKELEY **ASHBY** Limited/Long Term Interest ROCKRIDGE MACARTHUR Development 19TH ST/OAKLAND Underway 12TH ST/OAKLAND CITY CENTER **EMBARCADERO** MONTGOMERY ST WEST No BART-Owned Land POWELL ST OAKLAND CIVIC CENTER/UN PLAZA LAKE FRUITVALE MERRITT ■ 16TH STMISSION May not be subject to AB 2923* 24TH ST MISSION COLISEUM GLEN PARK BALBOA PARK SAN LEANDRO OAKLAND . INTERNATIONAL AIRPORT (OAK) COLMA **CASTRO** VALLEY WEST DUBLIN/ SOUTH SAN FRANCISCO PLEASANTON PLEASANTON **HAYWARD** SAN BRUNO SOUTH HAYWARD SAN FRANCISCO INTERNATIONAL AIRPORT (SFO) MILLBRAE UNION CITY FREMONT IRVINGTON WARM SPRINGS/ 11 SOUTH FREMONT

Upcoming Work: 10-Year Development Work Plan



- If BART could only advance 1 to 2 projects per year, what criteria should we consider in setting our priorities?
- How would you measure your preferred criteria?
- How could BART increase its pace of development without affecting its general operating budget?
- Some tensions/issues we've uncovered so far:
 - Prioritize affordable housing in areas with high displacement risk, or in areas of high opportunity (e.g. good schools)
 - Advance development where the market is most ready, or help catalyze new markets for development (especially with office/commercial development)

3. Anti-Displacement Strategy

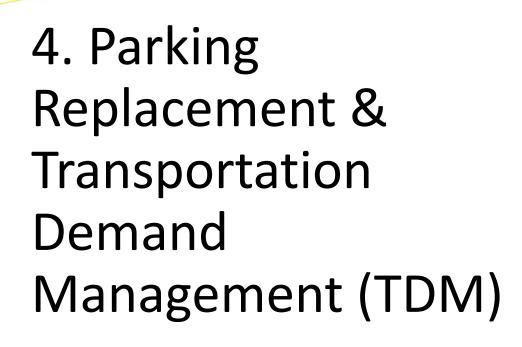


Upcoming Work: Anti-Displacement Strategy



 What would an anti-displacement strategy for a transit agency look like, given we do not oversee tenant protections off-site?

 How can we best leverage existing local resources on this topic?



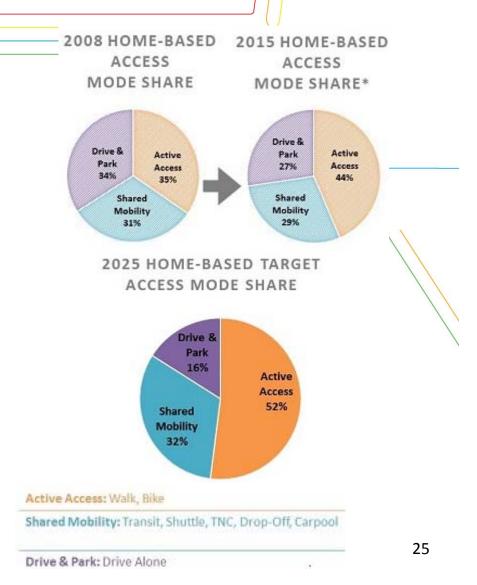


Upcoming Work: Parking Replacement Policy



BART Current Relevant Policies:

- Station Access Policy: sets investment priorities by mode
- TOD Policy: establishes a goal of striving for little or no parking replacement only at "Urban with Parking" stations
- Access Performance Targets:
 - Increase share of drive-and-park riders coming from 3 miles or greater
 - Demonstrate innovation through pilot programs



BART Station Access Typology

= Access Place Types

www.bart.gov/accesspolicy



Upcoming Work: Parking Replacement Policy



FIGURE 2: STATION ACCESS INVESTMENT FRAMEWORK

www.bart.gov/accesspolicy

STATION TYPE	PRIMARY INVESTMENTS	SECONDARY INVESTMENTS	ACCOMMODATED	NOT ENCOURAGED
URBAN	K 🏂 Wolk Bicycle	Transit and Shuttle	Tasi and Brop-OH and Pate-Up	Auto Petiting*
URBAN WITH PARKING	K 🏂 Walk Bicycle	Trancit and Shuttle	Taxi and Drop-Off TNC and Pick-Up	Auto Parking!
BALANCED INTERMODAL	∱ ♣5 Walk Bicyde	Transit and Drop-Off Shuttle and Pick-Up	Taxi and Auto	
INTERMODAL/ AUTO RELIANT	∱ Walk	Bicycle Drop-Off Transit and and Shuttle	Taxi and Auto	
AUTO DEPENDENT	K Walk	Bicycle Drop-Off Auto Transit and and Bick-Up Parking" Shuttle	Taxi and Thic	

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.

Note: TNC is for Transportation Network Company (shared use mobility)

^{*}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.

Upcoming Work:

Transportation Demand Management (TDM)

Policy



Current Policy:

TOD Performance Targets:

- By 2040, 75% of BART's projects to incorporate TDM to reduce vehicle trips
- Use "GreenTRIP" or equivalent as standard
- Support more areabased TDM programs in local downtowns and activity centers

Green TRIP	STANDARD CERTIFICATION REQUIREMENTS
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	CERTIFICATION REQUIREMENTS						
(B	TRAFFIC REDUCTION STRATEGIES -Free Transit Passes	MAXIMUM PROJECTED				
Place Type (and examples)	PARKING SPACES PER UNIT	-Free Carsharing Memberships -Unbundled Parking*	DAILY MILES PER UNIT				
REGIONAL CENTER		10000	25				
Downtown SF, Oakland and San Jose	0.75	ALL 3	miles				
URBAN CENTER							
Downtown Hayward, Berkeley and Santa Rosa	1.00	2 of 3	25 miles				
URBAN NEIGHBORHOOD			25				
Oakland Fruitvale, Mission District - SF, Berkeley Ashby BART	1.00	2 of 3	25 miles				
SUB-REGIONAL CENTER		-100 2.36130	30				
Pleasant Hill BART, Dublin/Pleasanton BART	1.25	2 of 3	miles				
TOWN CENTER			35				
Downtown: San Mateo, Petaluma, San Leandro, South Hayward BART	1.50	1 of 3	miles				
NEIGHBORHOOD							
Whisman Station - San Jose, Mountain View, Hercules, Sunol-Midtown, Hayward Park Caltrain Station	1.50	1 of 3	35 miles				



Upcoming Work: Parking Policy & TDM Strategy



 What additional factors should BART consider in its relevant parking replacement policy work?

 Is there more BART can do to enhance its Transportation Demand Management strategy?



Please submit comments to Monet Boyd by September 13

mboyd@bart.gov

