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
  4. Parking Replacement and Transportation Demand Management
AB 2923: Bill 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
• 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 Development Targets

<table>
<thead>
<tr>
<th>BART Draft Parking Proposal for TOD Guidelines</th>
<th>Development (75 res units/acre min)</th>
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<tbody>
<tr>
<td>BART TOD Place Type</td>
<td>Parking Overall</td>
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<tr>
<td>Regional Center</td>
<td>No Auto Parking Minimum</td>
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<tr>
<td>Urban Neighborhood/ City Center</td>
<td>Shared /Unbundled Secure Bike Parking</td>
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<td>Neighborhood / Town Center</td>
<td>Parking – min 1 space/unit</td>
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*TOD Guidelines, version 2.0  May 1, 2017*
# AB 2923 Bill Overview (timeline)

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- **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**
  - By July 1, 2020 – Board Action: Adopt Development Standards & CEQA findings, or revert to 2017 TOD Guidelines
  - **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, Leases, other agreements)
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

Limited application of SB 35 to date
Some additional 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. Transportation demand management strategy
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 **reduce** height, FAR, density expectations through adoption of standards, but can **increase** 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)

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<tr>
<th></th>
<th>Summer 2019</th>
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AB 2923 Document / Policy Production Phases

- **Education/Listening**
- **Guidance Outline & Work Plan Criteria**
- **Final Document Production**

Public Feedback Opportunities

- **Public Comment**
- **Analysis**
- **Public Comment**
- **Draft Document**
- **Public Comment**

**Board Meetings** | **Stakeholder Meetings** | **Public Webinars**
1. 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

Upcoming work: AB 2923 Guidance Document
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
- No
- 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.
** 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
Known Topic Areas:

- **General zoning / code questions** on height, calculating floor to area ratio (FAR), how to incorporate setbacks, shadow planes, etc.
- **Property**: confirming which BART property is included and excluded from AB 2923 based on its physical characteristics
- **Planned Development**: How does AB 2923 affect projects already approved by BART?
- **CEQA**: clarifying when and where it applies (to the best of our ability)
- **Are there other areas needing clarification? Let us know!**
2. 10-Year Development Work 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 in Timing for a Solicitation

Source: Interviews with Local Jurisdiction Staff for AB 2923 - Spring 2019

- 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*
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?
4. Parking Replacement & Transportation Demand Management (TDM)
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
Access Place Types

www.bart.gov/accesspolicy
Upcoming Work: Parking Replacement Policy

**FIGURE 2: STATION 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>
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<tbody>
<tr>
<td><strong>URBAN</strong></td>
<td>Walk, Bike</td>
<td>Walk and Shuttle</td>
<td>Car</td>
<td>Auto Parking</td>
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<tr>
<td><strong>URBAN WITH PARKING</strong></td>
<td>Walk, Bike</td>
<td>Walk, Shuttle, Drop-Off and Pick-Up</td>
<td>Car, Park &amp; Ride</td>
<td>Auto Parking</td>
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<tr>
<td><strong>BALANCED INTERMODAL</strong></td>
<td>Walk, Bike</td>
<td>Walk, Shuttle, Drop-Off and Pick-Up</td>
<td>Car, Park &amp; Ride</td>
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<td><strong>INTERMODAL/AUTO RELIANT</strong></td>
<td>Walk, Bike</td>
<td>Walk, Bicycle, Shuttle, Drop-Off and Pick-Up</td>
<td>Car, Park &amp; Ride, TNC</td>
<td>Auto Parking</td>
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<td><strong>AUTO DEPENDENT</strong></td>
<td>Walk, Bike</td>
<td>Walk, Shuttle, Drop-Off and Pick-Up</td>
<td>Car, Park &amp; Ride</td>
<td>Auto Parking</td>
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*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.*

**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)
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 area-based TDM programs in local downtowns and activity centers

www.greentrip.org
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?
Thank You

Please submit comments to Monet Boyd by September 13

mboyd@bart.gov