

# AB 2923 Preliminary Implementation Approach

January 24, 2019



# Agenda

1. Objectives for today
2. BART's TOD program & AB 2923 background
3. Station-by-station strategy approach
4. Discussion

# Objectives for Today

- Describe proposed station-by-station approach
- Discuss decision-making process for BART's approach to AB 2923 Standard Setting
- Offer guidance on upcoming outreach to jurisdictions, follow up research

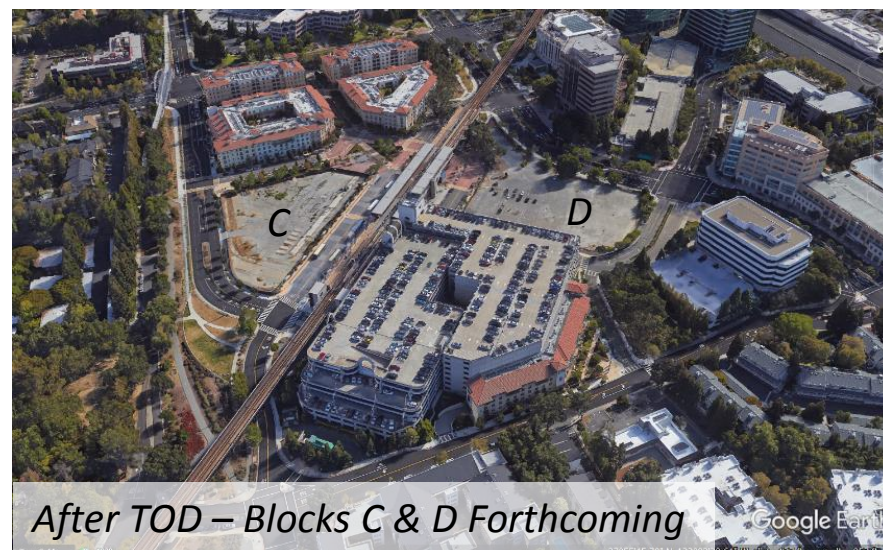
# BART's Transit-Oriented Development (TOD) Program



- Active since 1990s
- Development on BART property to help 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 Transit-Oriented Development (TOD) Program

- Example: Pleasant Hill/ Contra Costa Centre



# AB 2923 Background from December 6 Board Meeting



- 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
- Expires in 2029



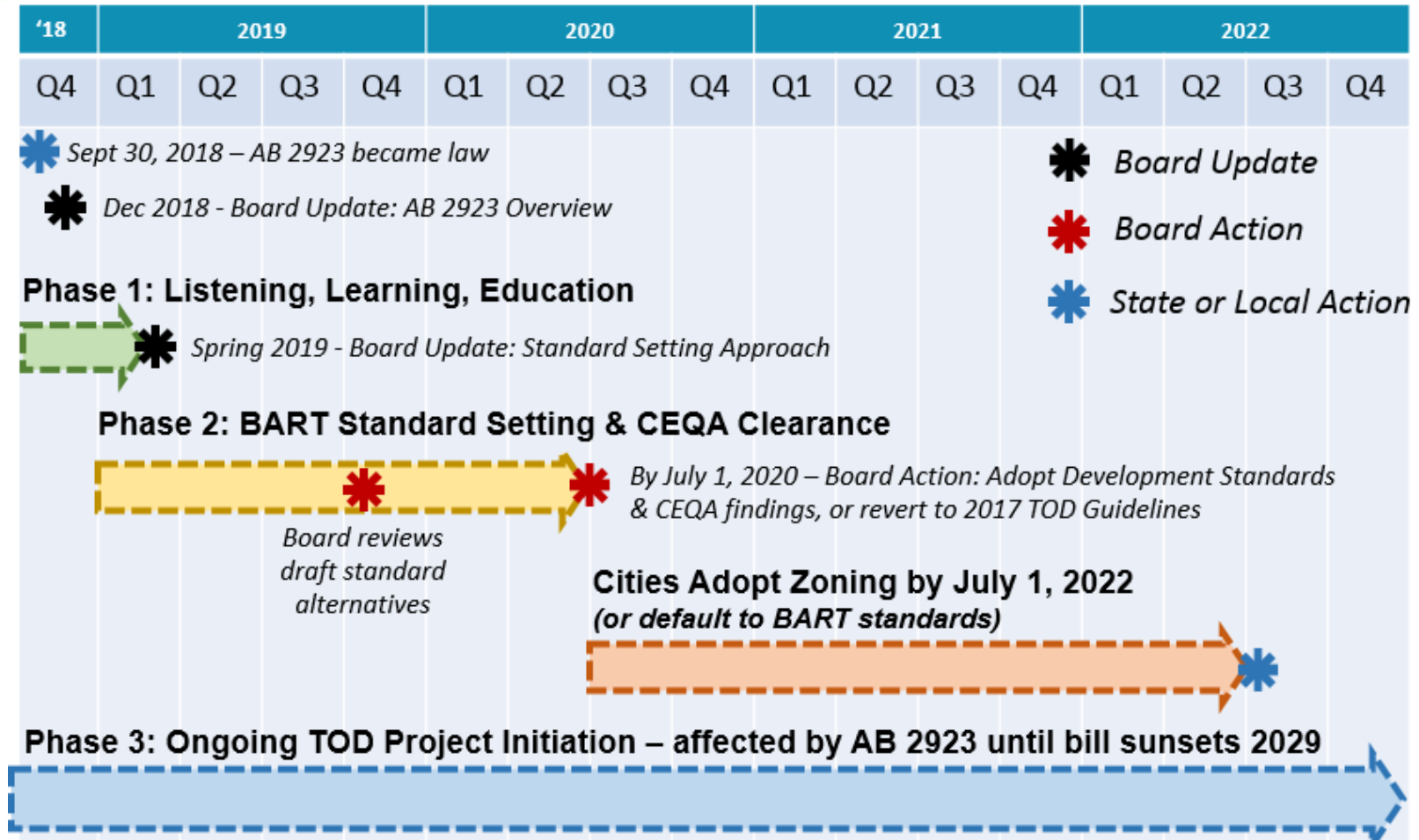
# AB 2923 Background from December 6 Board Meeting



- 1st Key Area: 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 (FAR), parking min/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 standard setting
- 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

# AB 2923 Background from December 6 Board Meeting





# AB 2923 Background from December 6 Board Meeting

## Key Figures from 2017 TOD Guidelines

**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	

**Figure 1: Proposed TOD Place Types, Parking, and Density Thresholds**



# AB 2923 Background from December 6 Board Meeting



- 2nd Key Area: Development streamlining (SB 35)
  - BART-selected developers may apply for SB 35 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

# AB 2923 Background from December 6 Board Meeting



## Other Bill 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 private vehicle access
4. Affordable housing and anti-displacement strategy
5. Report to Legislature in 2027 on bill effectiveness

# Standard Setting: What BART Knows



- Majority of the 48 station areas have characteristics that may minimize BART's effort
  - No developable land (9 stations)
  - Already developed with no remaining BART land (2 stations)
  - Zoning that meets or exceeds TOD standards done or in process (9 stations)
  - In San Mateo County or at airports (7 stations)
- Station areas that require more effort for rezoning (21 stations)
  - Ideally, complete by July 1, 2020
  - Realistically, revised standards can be adopted by December 31, 2027

# Standard Setting: What BART Knows



Standard setting / rezoning is only the first phase of our TOD process

## Timing:

The bill expires in 2029

BART aims to build 20,000 units and 4.5 million square feet by 2040

Historically, BART has built 100 units/year

1. Pre-Solicitation



2. Solicitation/Selection



3. Project Refinement & Developer Agreement

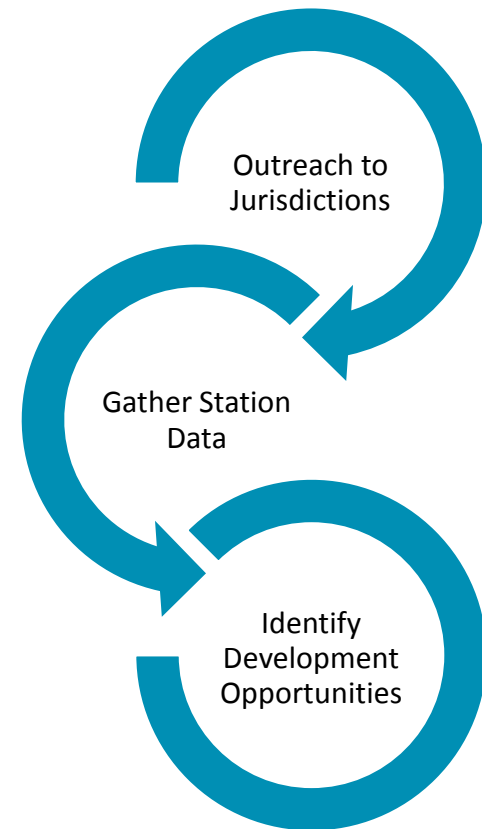


4. Permitting & Construction

Must discuss BART's 10-year work plan for advancing projects to solicitation, project development, and construction

# Standard Setting: Currently Filling in Information Gaps

- Zoning at stations and in ½ mile
- City/County intents and perspectives on development
- City/County perspectives on AB2923
- Community perspective on development and housing





# Standard Setting: Proposed Approach to Each Station



Potential Strategy	Description of Station Areas	Level of Effort	
		BART	Jurisdiction
– 0 – N/A	<ul style="list-style-type: none"> <li>No developable land</li> <li>TOD exists and/or is under construction</li> <li>San Mateo County</li> </ul>	None	None
– 1 – TOD-Ready	<ul style="list-style-type: none"> <li>Zoning meets or exceeds TOD standards</li> </ul>	Low	Low
– 2 – Default	<ul style="list-style-type: none"> <li>No development anticipated by 2029</li> <li>Other reason not to lead standard setting</li> <li>Standards default to 2017 BART <i>TOD Guidelines</i></li> </ul>	Low to Medium	Low to Medium
– 3 – Partner	<ul style="list-style-type: none"> <li>Jurisdictions are leading planning efforts</li> <li>BART partners with jurisdictions</li> </ul>	Medium	High
– 4 – Lead	<ul style="list-style-type: none"> <li>BART wants to see more than TOD Guidelines</li> <li>No planning efforts by jurisdiction</li> <li>BART leads standard setting &amp; CEQA</li> </ul>	High	Medium to High

# Standard Setting

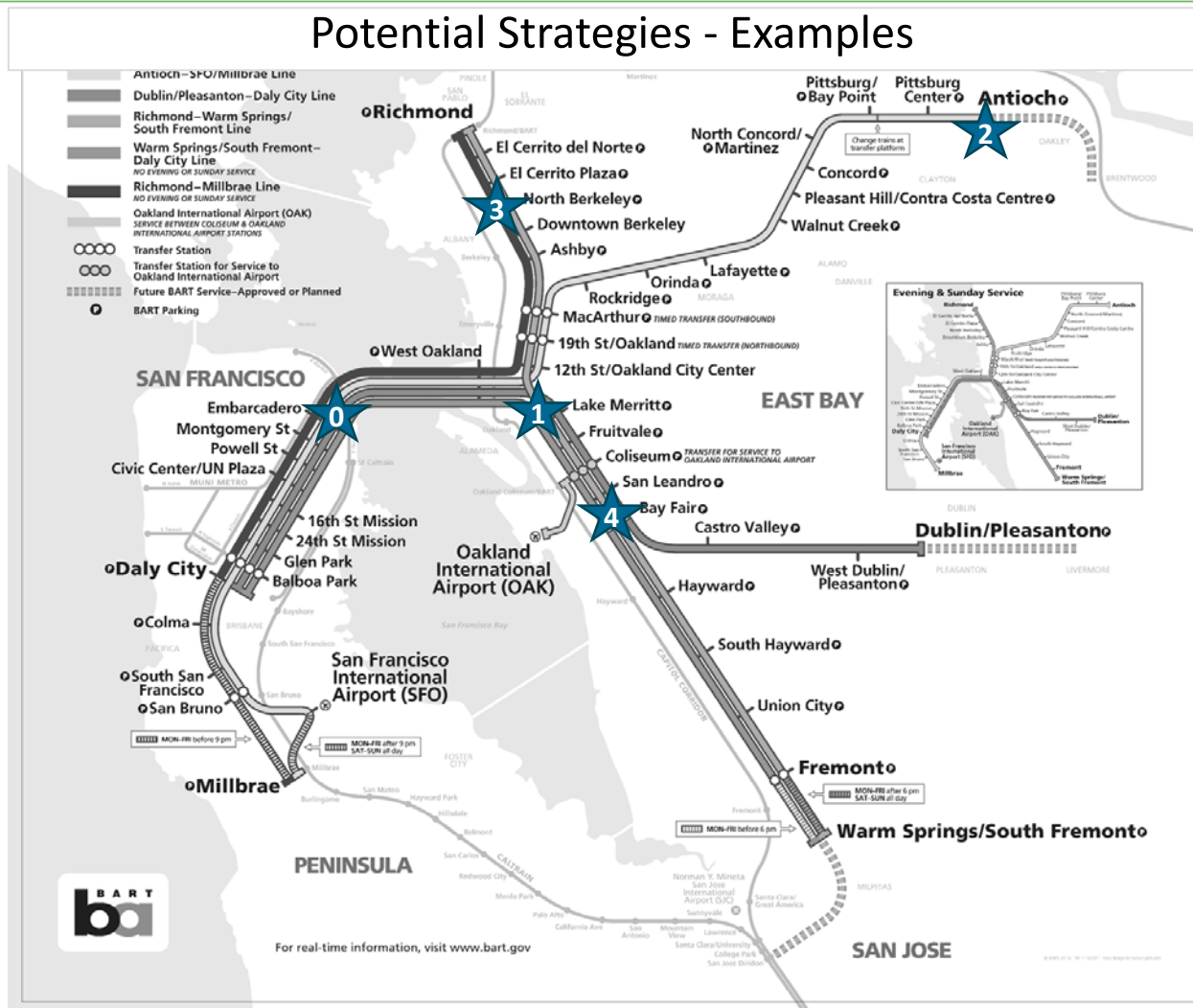
- Law limits new zoning standards:
  - Minimum: 2017 Guidelines
  - Maximum: 50% more height & FAR
- CEQA a main consideration in defining process
- Possible costs for standard setting
  - Overall – 2 additional employees to oversee
  - \$2 million for analysis
  - CEQA: \$500k to \$2 million
  - Possible legal fees
- Seeking outside sources of funding

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

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# Proposed Approach: Examples

## Potential Strategies - Examples



# Proposed Approach: Examples

## Strategy 1 – TOD-Ready

### *Example: Lake Merritt*

- City and BART vision aligned
- Zoning meets or exceeds 2017 *TOD Guidelines*
- 2014 Station area specific plan



## BART Actions

- Continued coordination with the City as development progresses

# Proposed Approach: Examples

## Strategy 2 – Default

### *Example: Antioch*

- Market not ready for high density development
- Productive uses: solar, parking



## BART Actions

- Outreach to City
- Determine if zoning conforms

## Key Considerations

- Provide some guarantee that BART will partner with City if and when development interests surface
- City shall adopt local zoning ordinance to conform
- If not, standards set by BART's *2017 TOD Guidelines*



# Proposed Approach: Examples

## Strategy 3 – Partner

### *Example: North Berkeley*

- Elected officials leading public visioning process to consider future of TOD on main parking lot



Neighbors present their ideas at Oct 13 Visioning Event



Satellite image by Alta Planning + Design

## BART Actions

- Partner with City to advance planning and development

## Key Considerations

- Aim to reach agreement about zoning by 7/1/2020
- If not, standards set by BART's *2017 TOD Guidelines* ("Default")



# Proposed Approach: Examples

## Strategy 4 – Lead

### *Example: Bay Fair*

- City zoning updated but County zoning outdated



## BART Actions

- Outreach to County
- Lead zoning effort & CEQA with County participation

## Key Considerations

- Does BART want to see more than TOD Guidelines stipulate?
- Requires BART staff and consultant resources
- County may appreciate not expending resources on extensive CEQA
- Legal challenges

# Standard Setting Approach: Possible Criteria to Inform



## Default

Market strength  
(infeasible  
development)

Minor, non-  
controversial  
adjustments needed

No need for BART to  
complete CEQA work

## Partner

Political readiness to  
rezone before 7/2020

Possibility of  
dedicating local and  
BART staff time or  
funding to such an  
effort

City willing to lead  
CEQA effort

## Lead

BART willingness to  
lead CEQA

Jurisdiction desire for  
BART to lead CEQA

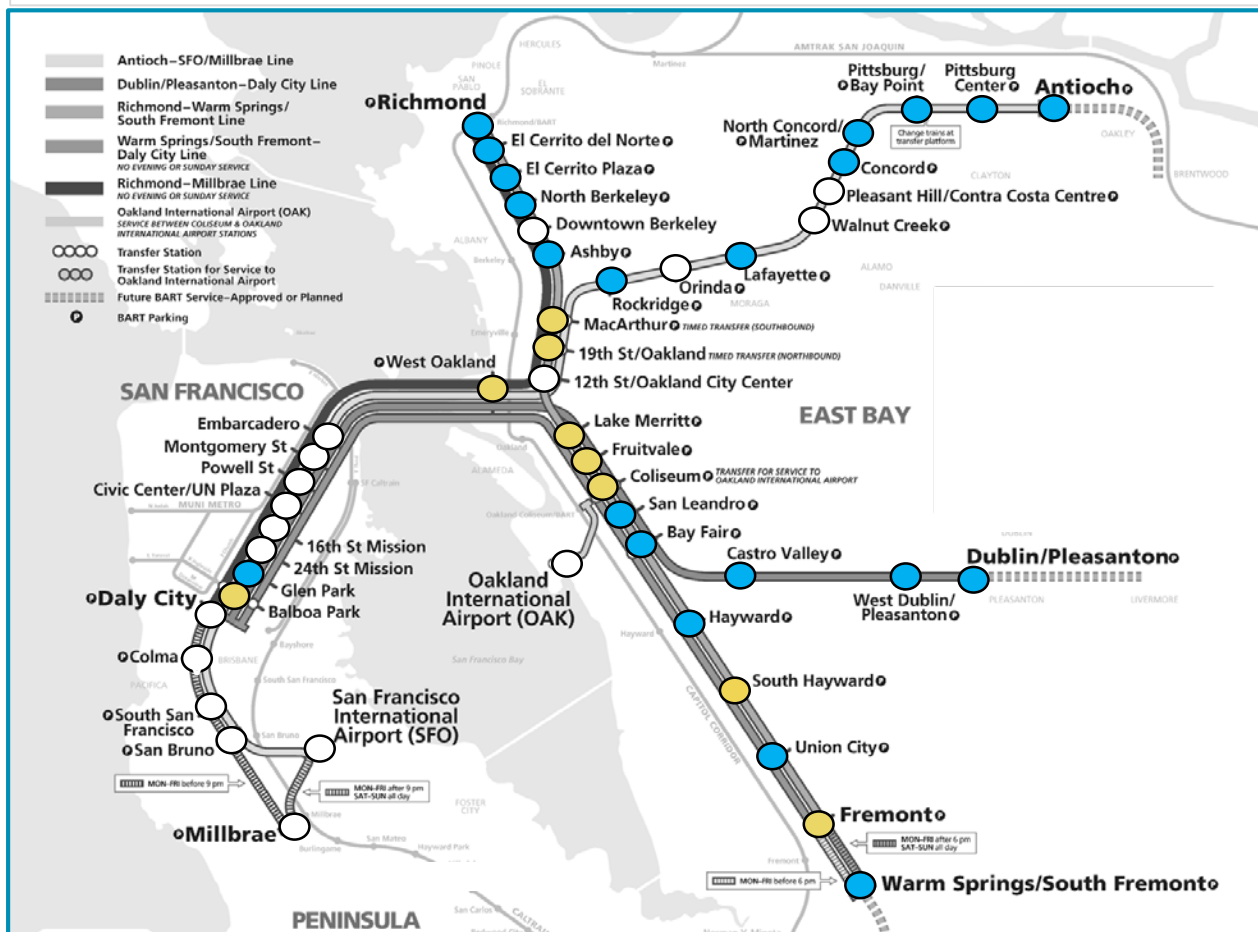
CEQA process makes  
sense to do for other  
reasons

Need something more  
than what TOD  
guidelines call for

All cases: Local jurisdiction and elected official outreach

# Station-by-Station Strategy: Approach

## Potential Station Area Strategies – Based on Preliminary Information



### Legend

- Not Applicable ○
- TOD-Ready ●
- Default, Partner, or Lead ●

# Next Steps

- Station-by-Station Approach: Staff will return with recommendations on approach to each station on previous map
- Criteria: Advise on information needed to determine best strategy by station
- Outreach/Engagement: Strategies to help your constituents gain comfort with BART's process

# Discussion

