

# AB 2923 Implementation Update

June 13, 2019

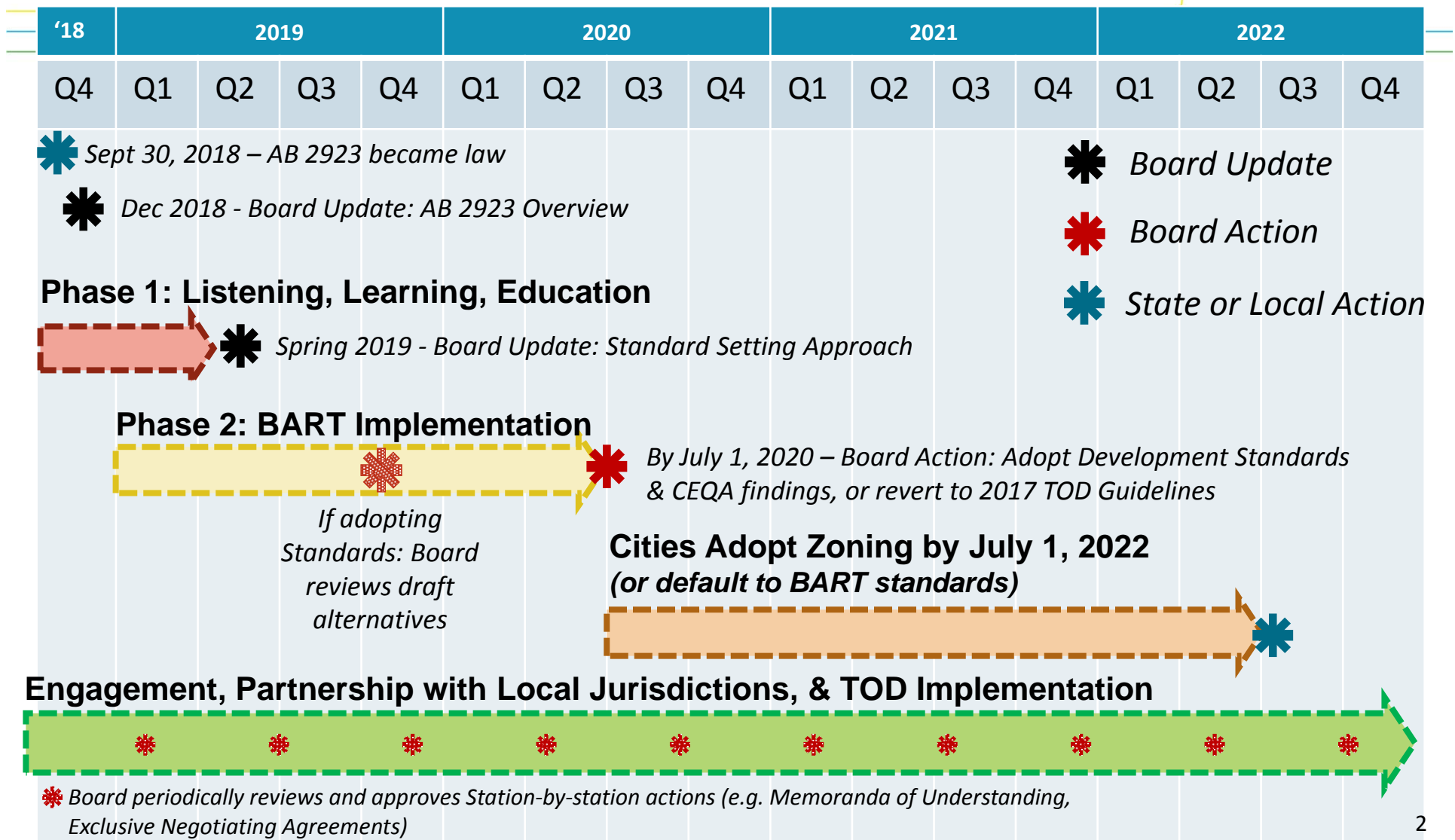


# Agenda



1. Progress to Date
2. TOD Zoning Standards
3. Development Work Plan
4. Implementation Next Steps
5. Discussion

# AB 2923 Timeline



# 1. 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
- Attended City Council meetings in:
  - Lafayette (1)
  - Berkeley (2)
  - El Cerrito (1)
- Engaged elected officials via direct correspondence, events

# 1. Progress to Date



Local Jurisdiction Meetings – Topics Covered	Required by AB 2923
AB 2923 Requirements, current zoning, plan for rezoning if needed	
Local interest in development of BART property (if known)	
Development pipeline near BART, constraints and factors affecting TOD locally	✓
Affordable housing need, local tenant protection/preservation strategies	✓
Engagement opportunities, especially for “Communities of Concern”	✓

## 2. TOD Zoning Standards: Framework from January Board Workshop



Potential Strategy	Description of Station Areas	Level of Effort	
		BART	Jurisdiction
– 0 – N/A	<ul style="list-style-type: none"> <li>No developable land meeting AB 2923 parameters</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>BART partners with jurisdictions on planning and/or development of BART property</li> </ul>	Medium	Medium to High
– 4 – Adopt Standards	<ul style="list-style-type: none"> <li>BART Board adopts TOD Standards</li> <li>Board-adopted standard setting requires compliance with CEQA</li> </ul>	High	Medium to High

## 2. TOD Zoning Standards: Implications

- 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
- Board-adopted standards require CEQA compliance. This would be high cost, and increase risk and time delays
- Important to understand local jurisdiction approach and response to AB 2923:
  - Is there benefit or reason for BART to address CEQA?
  - If so, is this to a degree that it is worth BART absorbing cost and risk of CEQA?



## 2. TOD Zoning Standards:

Synthesis of Table 1 / Figure 1 (2017 TOD Guidelines)



**2017 BART TOD Guidelines by Place Type**  
Minimum residential density: 75 Units/Acre

BART TOD place type	Parking overall	Residential vehicle parking maximum (spaces/unit)	Office vehicle parking maximum (spaces/1,000 square feet)	Height	Floor-to-Area Ratio Minimum <sup>(1)</sup>	Stations with BART-owned buildable land within a ½ mile of the station faregates or entrances		
Regional Center	<ul style="list-style-type: none"> <li>No vehicle parking minimum</li> <li>Shared/unbundled</li> <li>Secure bike parking – minimum 1 space/residential unit</li> </ul>	0.375	0	12 stories	7.2	<ul style="list-style-type: none"> <li>19<sup>th</sup> Street</li> <li>12<sup>th</sup> Street-Oakland City Center</li> </ul>		
Urban Neighborhood - City Center		0.5	1.6	7 stories	4.2	<ul style="list-style-type: none"> <li>Ashby</li> <li>Balboa Park</li> <li>Coliseum</li> <li>El Cerrito Plaza</li> <li>Fremont</li> </ul>	<ul style="list-style-type: none"> <li>Fruitvale</li> <li>Glen Park</li> <li>Hayward</li> <li>MacArthur</li> <li>North Berkeley</li> </ul>	<ul style="list-style-type: none"> <li>Rockridge</li> <li>San Leandro</li> <li>Union City</li> <li>Warm Springs</li> <li>West Oakland</li> </ul>
Neighborhood -Town Center		1	2.5	5 stories	3.0	<ul style="list-style-type: none"> <li>Antioch</li> <li>Bay Fair</li> <li>Castro Valley</li> <li>Concord</li> <li>Daly City</li> </ul>	<ul style="list-style-type: none"> <li>Dublin-Pleasanton</li> <li>El Cerrito del Norte</li> <li>Lafayette</li> <li>North Concord-Martinez</li> </ul>	<ul style="list-style-type: none"> <li>Pittsburg-Bay Point</li> <li>Pittsburg Center</li> <li>Pleasant Hill</li> <li>South Hayward</li> </ul>

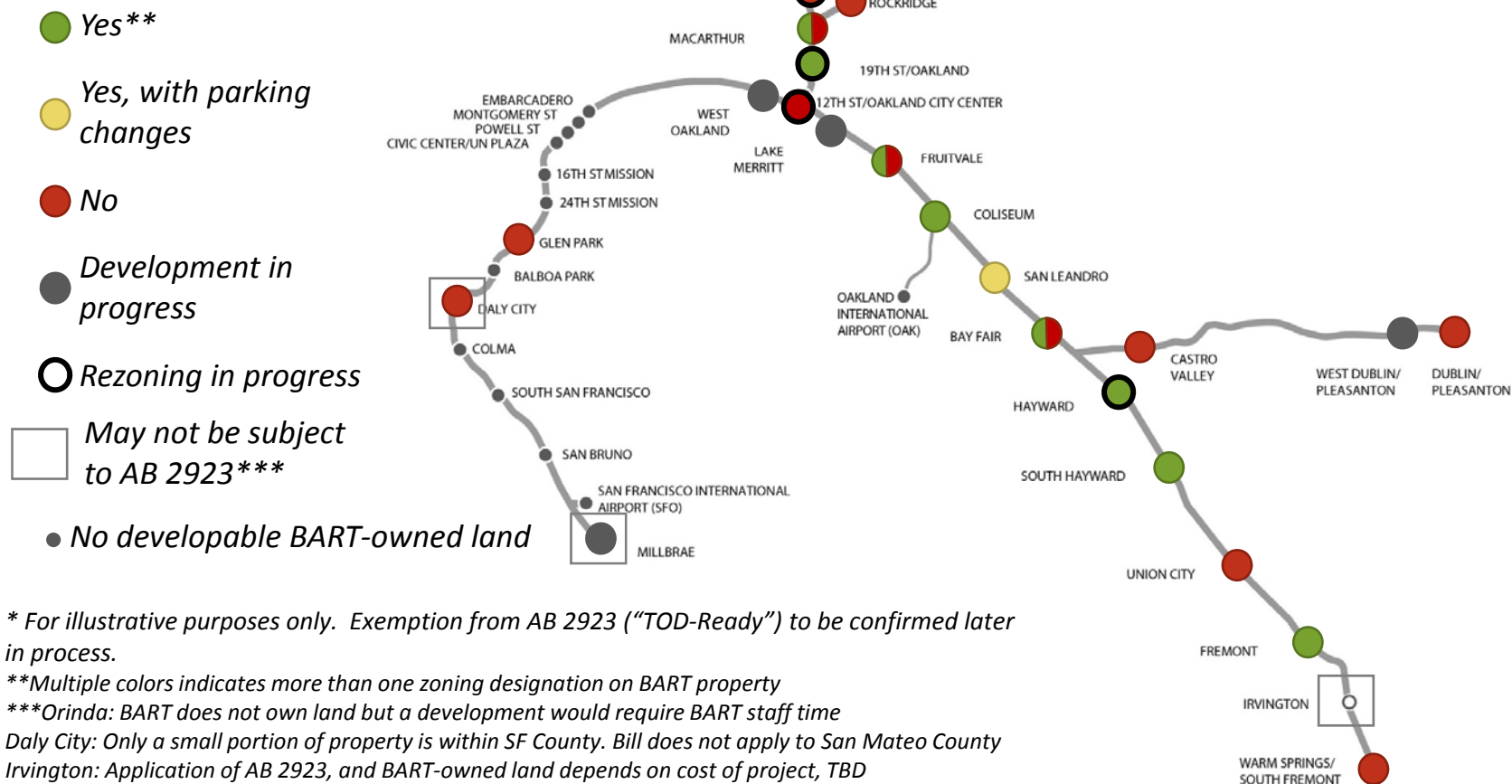
<sup>(1)</sup> Floor-to-Area Ratio (FAR) minimums set by AB 2923, by multiplying height by 0.6

FAR calculations not included in original Table 1/Figure 1 of 2017 Guidelines, but required as calculated per AB 2923



## 2. 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?\**



## 2. TOD Zoning Standards: Findings from Local Jurisdiction Meetings

- No outside resources have been allocated to help BART with costs of AB 2923 implementation
- Jurisdictions are eligible for planning grants, but not specifically for AB 2923
- Various local responses to AB 2923 conformance approach (may change by 2022):
  1. **Work underway:** planning activity already occurring
  2. **Desire to plan, but no resources:** belief that Table 1, Figure 1 is a “blunt instrument.”
  3. **Interest in RFP/Q:** deal with as a project rather than zoning process
  4. **Do nothing:** State requirement, no local interest in development.



### 3. Development Work Plan

- Important to distinguish zoning from development
- Local response to AB2923 informed by development timeline
- AB 2923 expires in 2029 (a 10-year period)
- BART has limited resources to initiate new development projects
- Need to consider how AB 2923 affects TOD policy



# Development Work Plan – Local Interest in Timing for a Solicitation

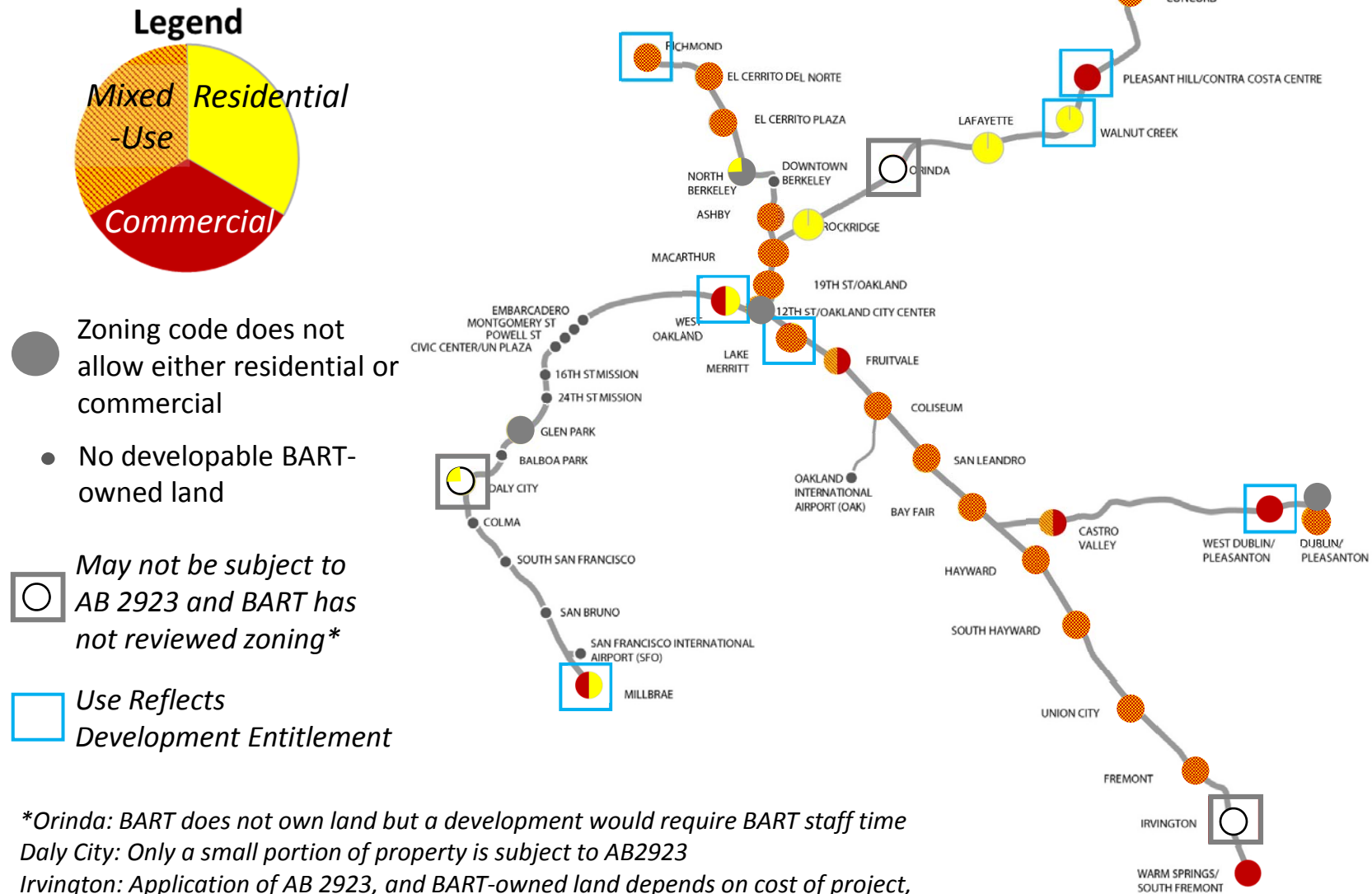
Source: Interviews with Local Jurisdiction Staff for AB 2923 - Spring 2019



# Development Work Plan: Current Zoning (Allowable Uses)

Source: BART Staff zoning review

Basis for 2016 TOD Performance Targets



\*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

*No market feasibility screen applies*



*Irvington: Application of AB 2923, and BART-owned land depends on cost of project, TBD*



# 3. Development Work Plan

## Key Findings

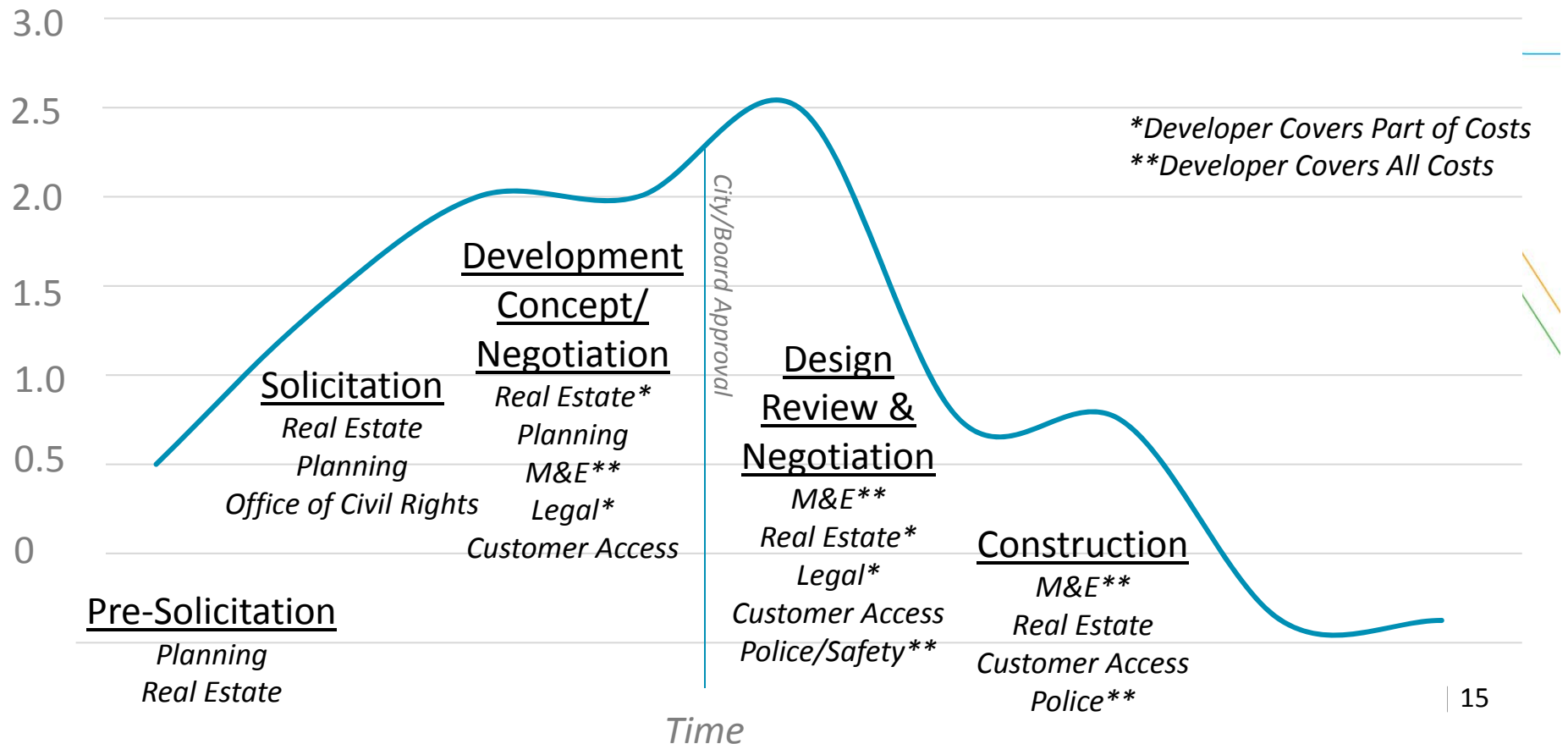
1. Most local jurisdictions have a strong interest in advancing development within next 10 years
2. Local land use preferences would not enable BART to achieve its goal of producing 20,000 housing units by 2040
3. Must determine criteria to prioritize sites for development
  - BART staff capacity
  - 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



# 3. Development Work Plan

- Need for staff involvement is high during project concept and design stages

Level of Effort (Staff FTE) by TOD Project Phase for One Project - Conceptual



## 4. Implementation Next Steps

### **1. 10-Year Development Work Plan – Purpose**

Distinguish zoning from development

Clarify BART's process for initiating development

Strategically allocate limited BART resources to implement AB 2923 and TOD projects

Create a dynamic document that is more specific in short term, but can change with evolving conditions

## 4. Implementation Next Steps

### **2. AB 2923 Guidance Document - Purpose**

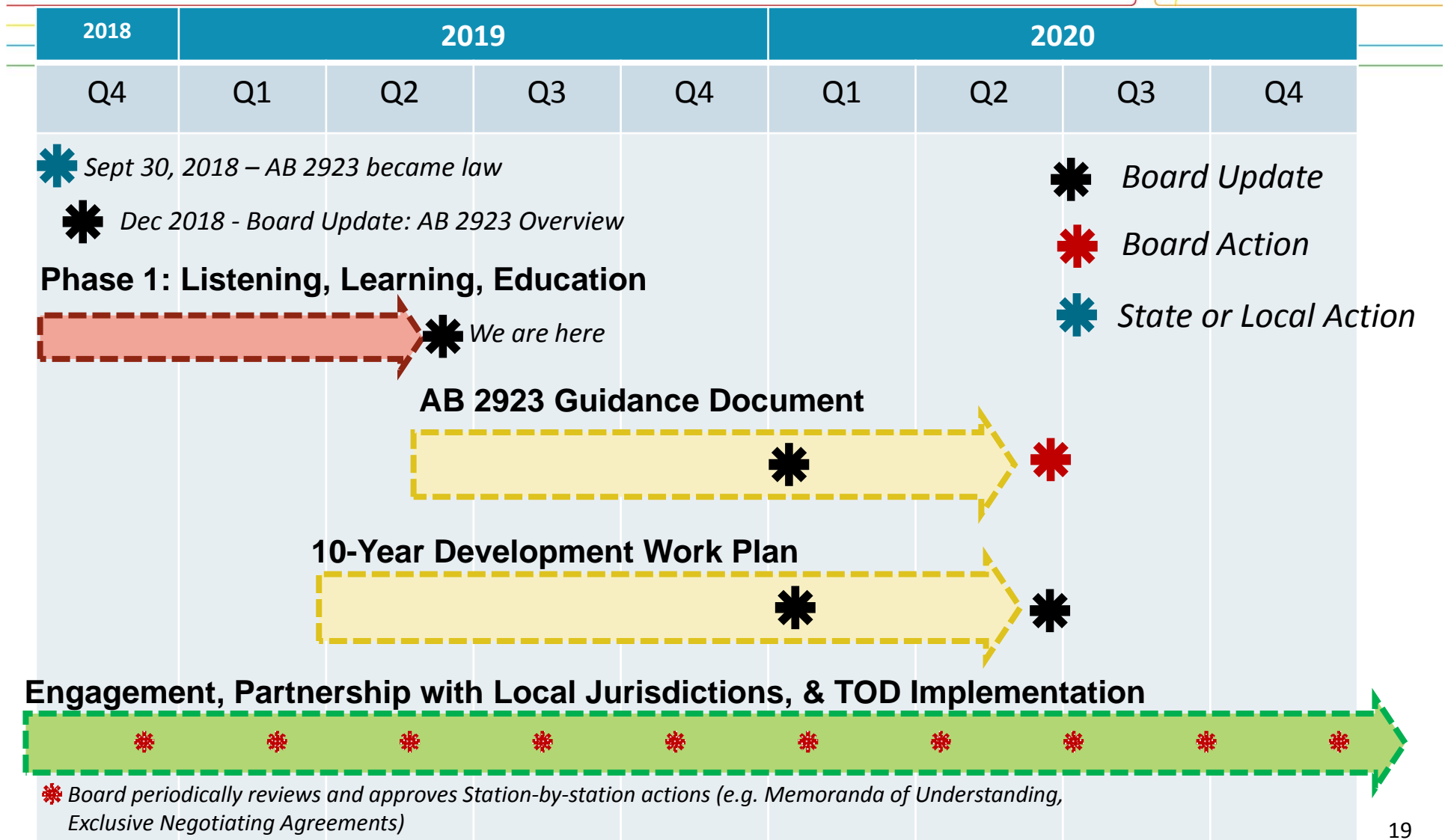
Establish BART's approach to applying requirements of AB 2923, by:

- Providing clarity on Bill requirements (e.g. clarifying height minimums/maximums, defining "Floor to Area Ratio")
- Identify properties that are TOD Ready or where AB 2923 does not apply
- Offering jurisdictions a clear path towards conformance with AB 2923

## 4. Implementation Next Steps

Strategy	Next Step
– 0 – N/A	<b>AB 2923 Guidance Document</b> will determine which stations are N/A
– 1 – TOD-Ready	<b>AB 2923 Guidance Document</b> will identify areas “exempt” from AB 2923
– 2 – Default	Staff recommend not adopting standards at this time. Most stations will fall in this category
– 3 – Partner	Determined in <b>TOD Work Plan</b> . Consider at Ashby, Glen Park, North Berkeley, North Concord (others TBD)
– 4 – Adopt Standards	Staff recommend not adopting standards at this time. Strategy may evolve over time with further information

# Timeline 2019-2020



# AB 2923 – Timeline Through 2022

