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



'18		20	19			20	20		2021				2022			
Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
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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





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"	✓



Framework from January Board Workshop

Potential	Description of Station Areas	Level	of Effort
Strategy	Description of Station Areas	BART	Jurisdiction
– 0 – N/A	 No developable land meeting AB 2923 parameters TOD exists and/or is under construction San Mateo County 	None	None
− 1 − TOD-Ready	 Zoning meets or exceeds TOD standards 	Low	Low
– 2 – Default	 No development anticipated by 2029 Other reason not to lead standard setting Standards default to 2017 BART TOD Guidelines 	Low to Medium	Low to Medium
−3− Partner	 BART partners with jurisdictions on planning and/or development of BART property 	Medium	Medium to High
– 4 – Adopt Standards	 BART Board adopts TOD Standards Board-adopted standard setting requires compliance with CEQA 	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 <u>reduce</u> 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 CEOA?
 - If so, is this to a degree that it is worth BART absorbing cost and risk of CEQA?



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		RT-owned buildable la station faregates or en		
Regional Center	No vehicle parking	0.375	0	12 stories	7.2	 19th Street 12th Street-Oakland City Center 			
Urban Neighborhood - City Center	Shared/ unbundled Secure bike parking –	0.5	1.6	7 stories	4.2	Ashby Balboa Park Coliseum El Cerrito Plaza Fremont	FruitvaleGlen ParkHaywardMacArthurNorth Berkeley	RockridgeSan LeandroUnion CityWarm SpringsWest Oakland	
Neighborhood -Town Center	minimum 1 space/ residential unit	1	2.5	5 stories	3.0	AntiochBay FairCastro ValleyConcordDaly City	Dublin-Pleasanton El Cerrito del Norte Lafayette North Concord- Martinez	 Pittsburg-Bay Point Pittsburg Center Pleasant Hill South Hayward 	

⁽¹⁾ 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

Zoning Analysis Initial Findings

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

Yes**

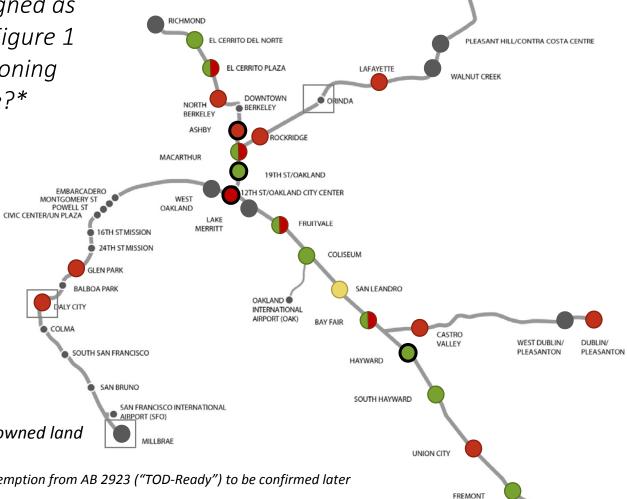
Yes, with parking changes

Development in progress

• Rezoning in progress

May not be subject to AB 2923***

No developable BART-owned land



PITTSBURG/

CONCORD

IRVINGTON

WARM SPRINGS/

SOUTH FREMONT

NORTH CONCORD/

PITTSBURG CENTER

ANTIOCH

8

^{*} 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

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):
 - Work underway: planning activity already occurring
 - Desire to plan, but no resources: belief that Table 1, Figure 1 is a "blunt instrument."
 - **Interest in RFP/Q:** deal with as a project rather than zoning process
 - Do nothing: State requirement, no local interest in development.



3. Development Work Plan

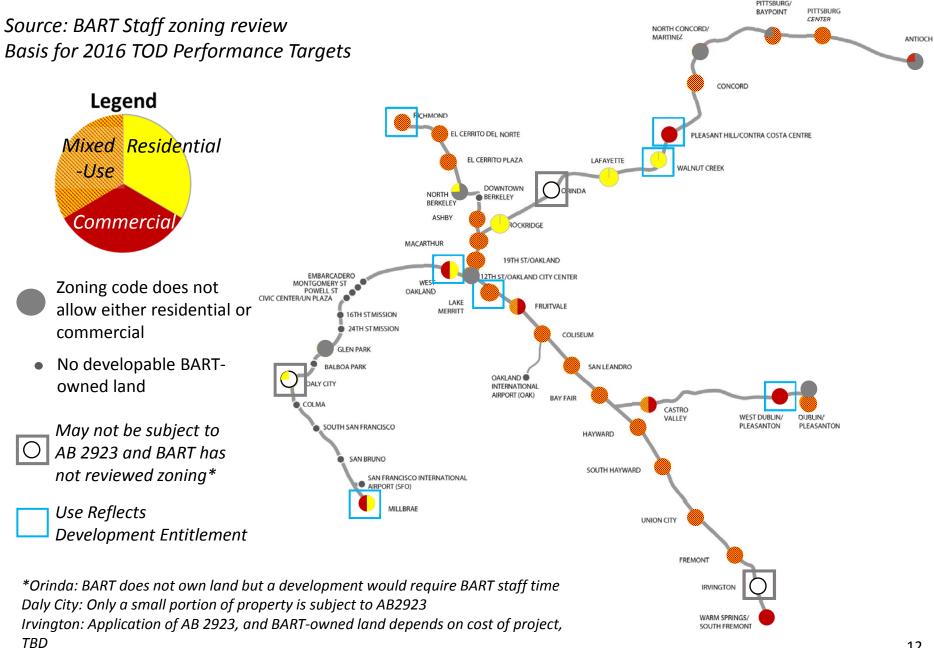


- Important to distinguish zoning from development
- Local response to AB2923 informed by development timeline
- AB 2923 expires in 2029 (a 10-year period)
- BART has limited resources to initiate new development projects
- Need to consider how AB 2923 affects TOD policy

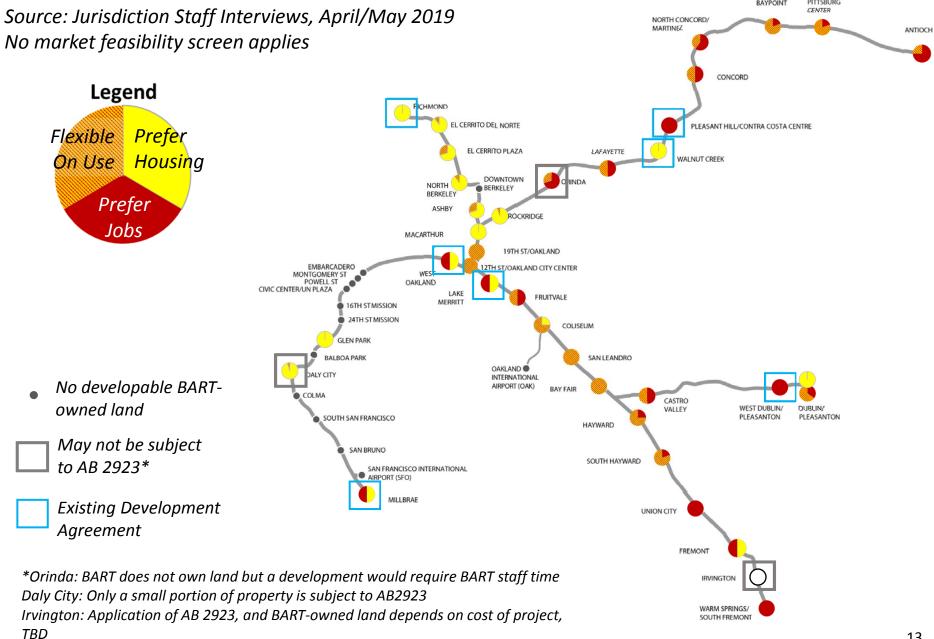


Development Work Plan – Local Interest PITTSBURG/ BAYPOINT **PITTSBURG** CENTER MARTINEZ ANTIOCH in Timing for a Solicitation Source: Interviews with Local Jurisdiction Staff CONCORD for AB 2923 - Spring 2019 RICHMOND EL CERRITO DEL NORTE PLEASANT HILL/CONTRA COSTA CENTRE Immediate (2019-2024) EL CERRITO 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

Development Work Plan: Current Zoning (Allowable Uses)



Development Work Plan: Local Preference for Future Uses



3. Development Work Plan Key Findings



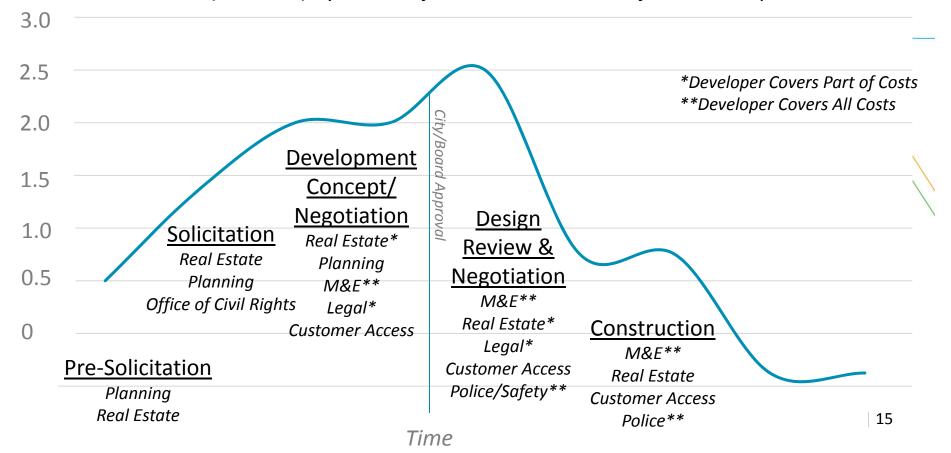
- 1. Most local jurisdictions have a strong interest in advancing development within next 10 years
- 2. Local land use preferences would not enable BART to achieve its goal of producing 20,000 housing units by 2040
- 3. Must determine criteria to prioritize sites for development
 - BART staff capacity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





Need for staff involvement is high during project conceptand 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





Strategy	Next Step
– 0 – N/A	AB 2923 Guidance Document will determine which stations are N/A
− 1 − TOD-Ready	AB 2923 Guidance Document 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 TOD Work Plan . 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



2018		20	19			20	20					
Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4				
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AB 2923 – Timeline Through 2022



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