



AB 2923 TOD Conformance Findings

Board Presentation

July 28, 2022



Presentation Overview

- Background
- Recommended conformance findings
- Communicating the conformance findings
- Next steps

California Senate passes huge BART housing bill

BART could develop tens of thousands of homes on property it owns near stations if AB 2923 passes in full

Curbed San Francisco, August 25, 2018, Adam Brinklow

NEWS > CALIFORNIA NEWS

Governor Brown signs bill to ease development around BART stations

The Mercury News, September 30, 2018, John Woolfolk

BART's AB 2923 TOD Guidance Document and 10-Year Work Plan — what you need to know

American Planning Association, California Chapter, Northern Section news, February 20, 2020, Sajuti Rahman

Housing at Transit: Berkeley Moves to Comply with New State Zoning Law

StreetsBlogCAL, December 12, 2019, Melanie Curry

State law for BART-owned land takes effect July 1. Here's what it means for Bay Area housing.

San Francisco Business Times, June 20, 2022, Sarah Klearman

Background

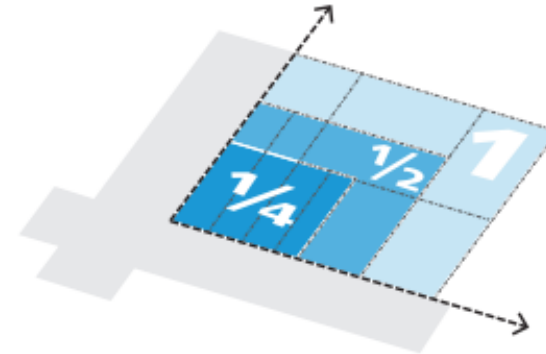
- AB 2923 requires TOD zoning on developable BART-owned land
 - Baseline zoning standards are determined by TOD Place Type
- This is the 8th time for staff to present AB 2923 to the Board
 - Last time was February 2022 Workshop
- Discussion today is about local zoning
 - Does it conform with AB 2923?
 - If it does not conform, what does the Board need to do?

1 BART-owned land in these counties*

**Counties that elect BART Board representation, which do not include San Mateo or Santa Clara counties.*



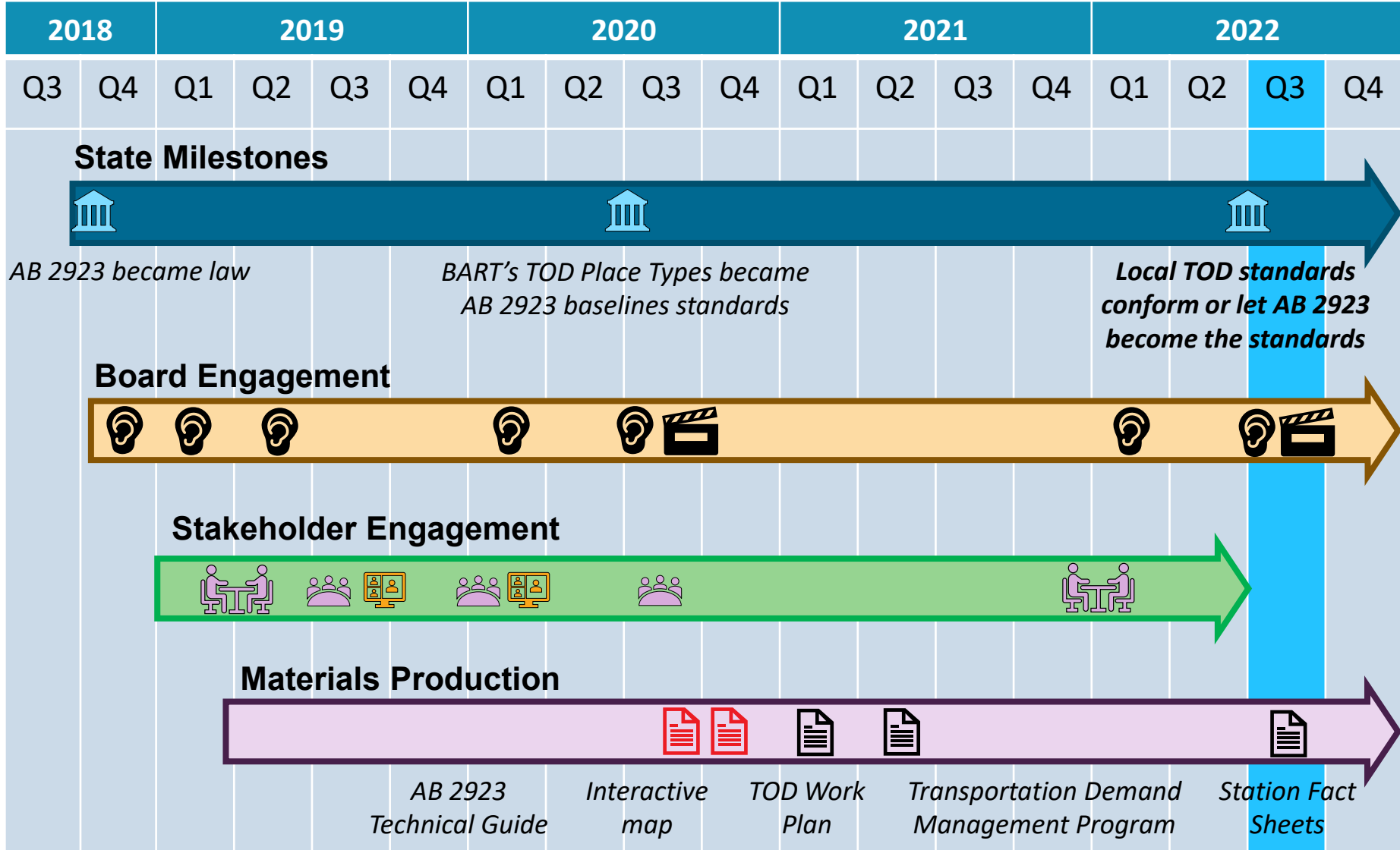
2 1/4 acre or more of land



3 Within 1/2 mile of BART station entrance



Background: Calendar Year Timeline



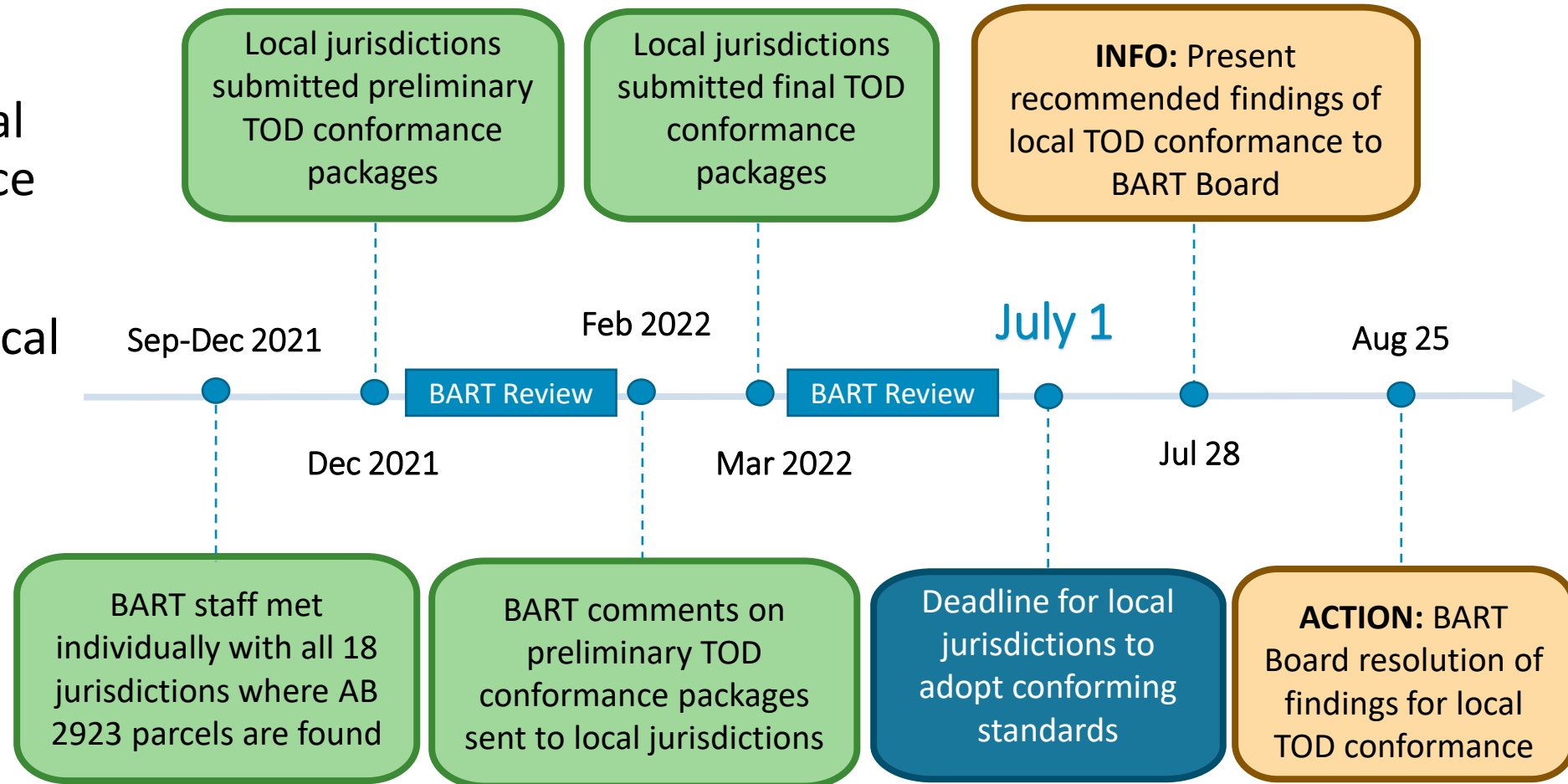
Legend	
State milestone	
Board update	
Board action	
One-on-one meetings	
Stakeholder meeting	
Public webinar	
Draft document	
Final document	

Background: Engagement for July 1, 2022, Milestone

- July 1, 2022
 - Deadline for local TOD conformance

- Effort has been:
 - Minimized for local jurisdictions
 - Collaborative

- Findings are:
 - Transparent
 - Communicated with local jurisdictions in advance



Background: What is Affected as of July 1, 2022?

Zoning standard for each parcel	What it means to conform to AB 2923 (applies to entire parcel)
1. Land use	Residential must be allowed
2. Residential density	75 dwelling units per acre must be allowed
3. Building height	5, 7, or 12 stories must be allowed*
4. Floor area ratio (FAR)	3.0, 4.2, or 7.2 must be allowed*
Vehicle parking (5 through 9)	
5. Shared	Shared parking must not be prohibited
6. Unbundled	Unbundled parking must not be prohibited
7. Minimum	No minimum parking requirements for any use
8. Residential maximum	1.0, 0.5, or 0.375 spaces per dwelling unit*
9. Office maximum	2.5, 1.6, or 0 spaces per 1,000 square feet*
10. Bike parking minimum	1.0 secure space per dwelling unit

* Number depends on the station's TOD Place Type of Neighborhood/Town Center, Urban Neighborhood/City Center, or Regional Center, respectively.



A Technical Guide to Zoning for AB 2923 Conformance

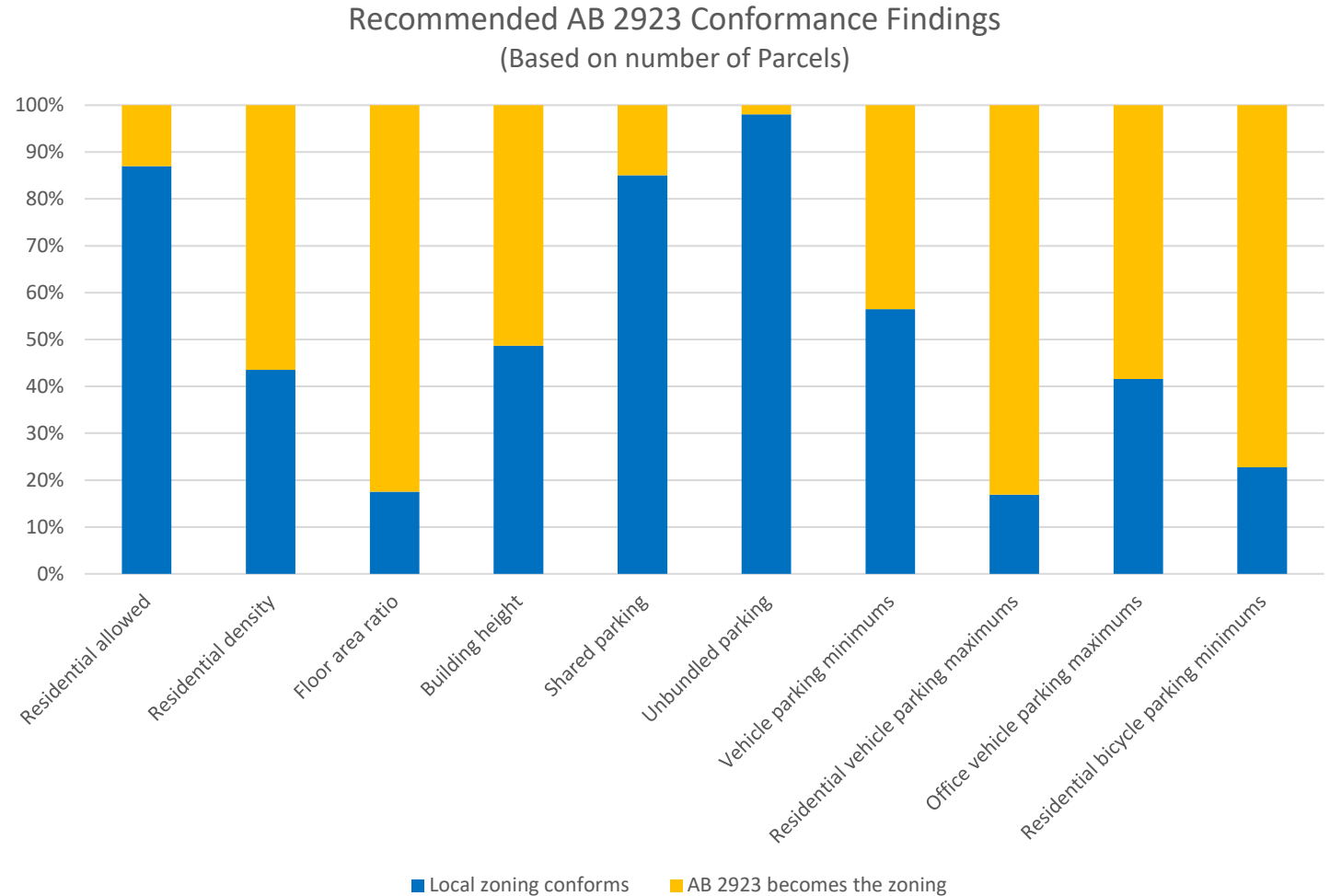
June 2021

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

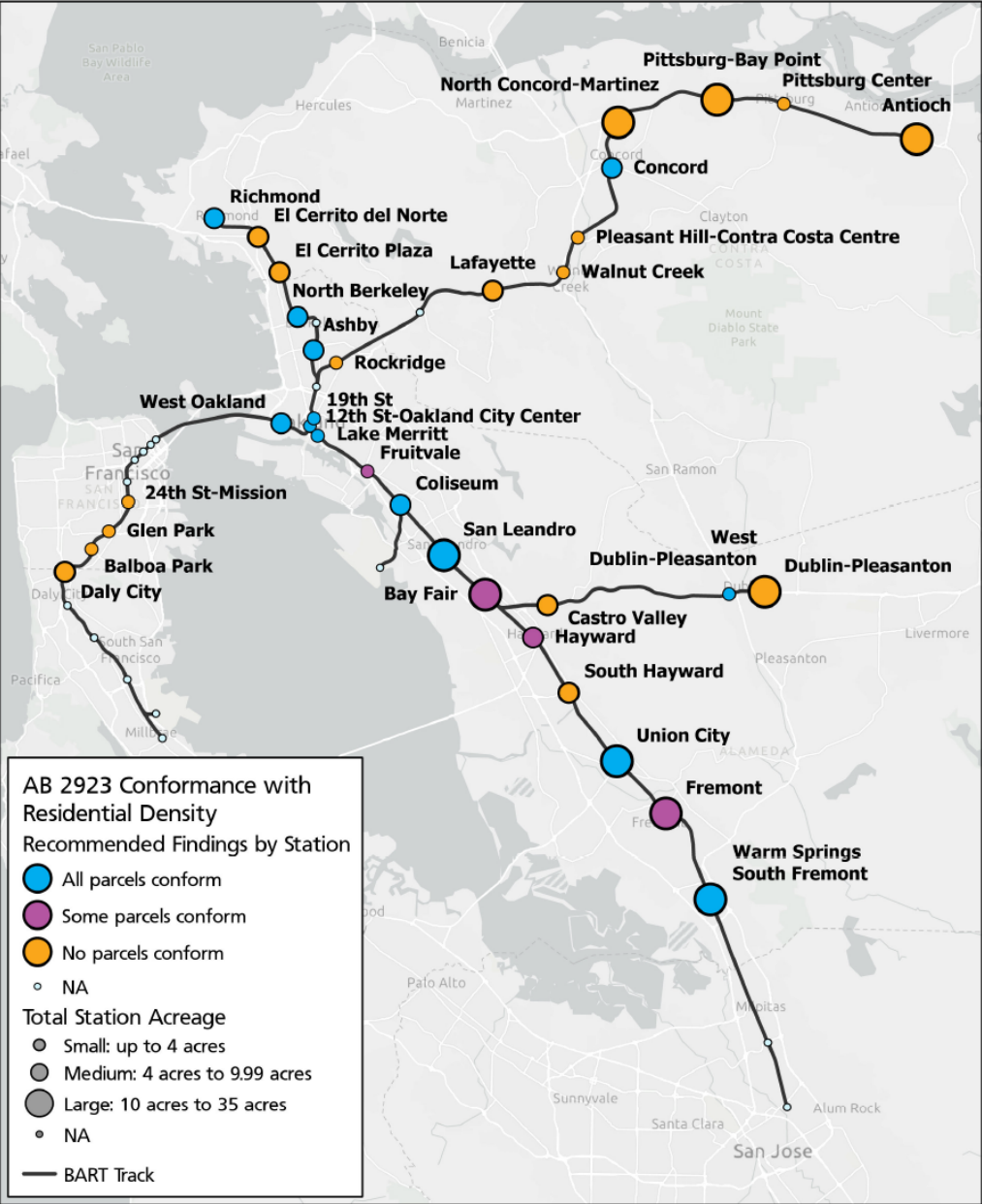


Recommended Findings

- 154 parcels in 18 jurisdictions
- Total of about 360 acres, of which roughly 250 acres are developable
- Local zoning for many parcels have some standards that conform to AB 2923
- AB 2923 will apply to local standards that are non-conforming



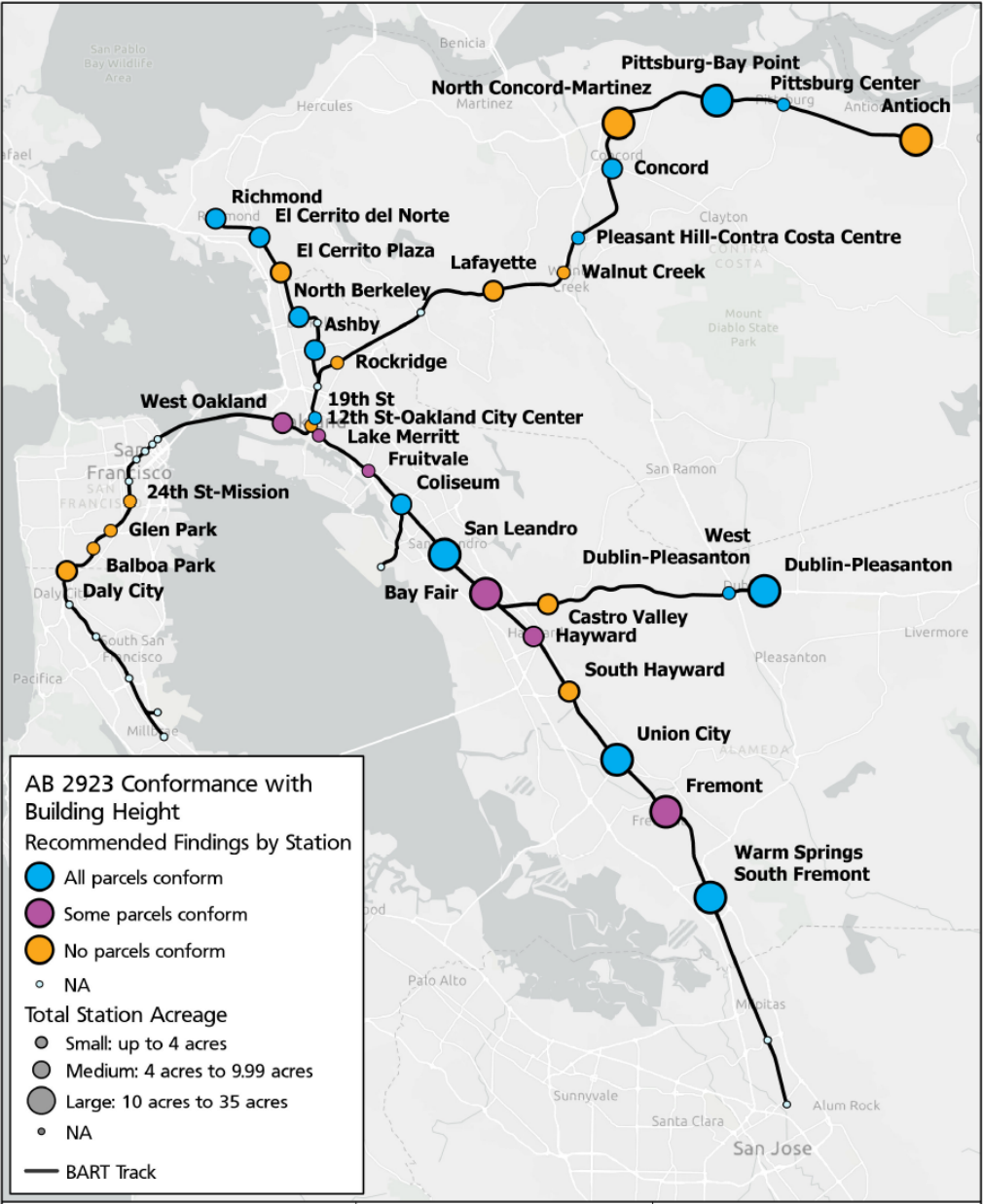
Recommended Findings: Residential Density



Residential Density Conformance		By Station Area Acreage			Total Number of Stations
		Small	Medium	Large	
All parcels conform		4	6	3	13
Some parcels conform		1	1	2	4
No parcels conform		7	6	4	17

Zoning must allow at least 75 units per acre

Recommended Findings: Building Height

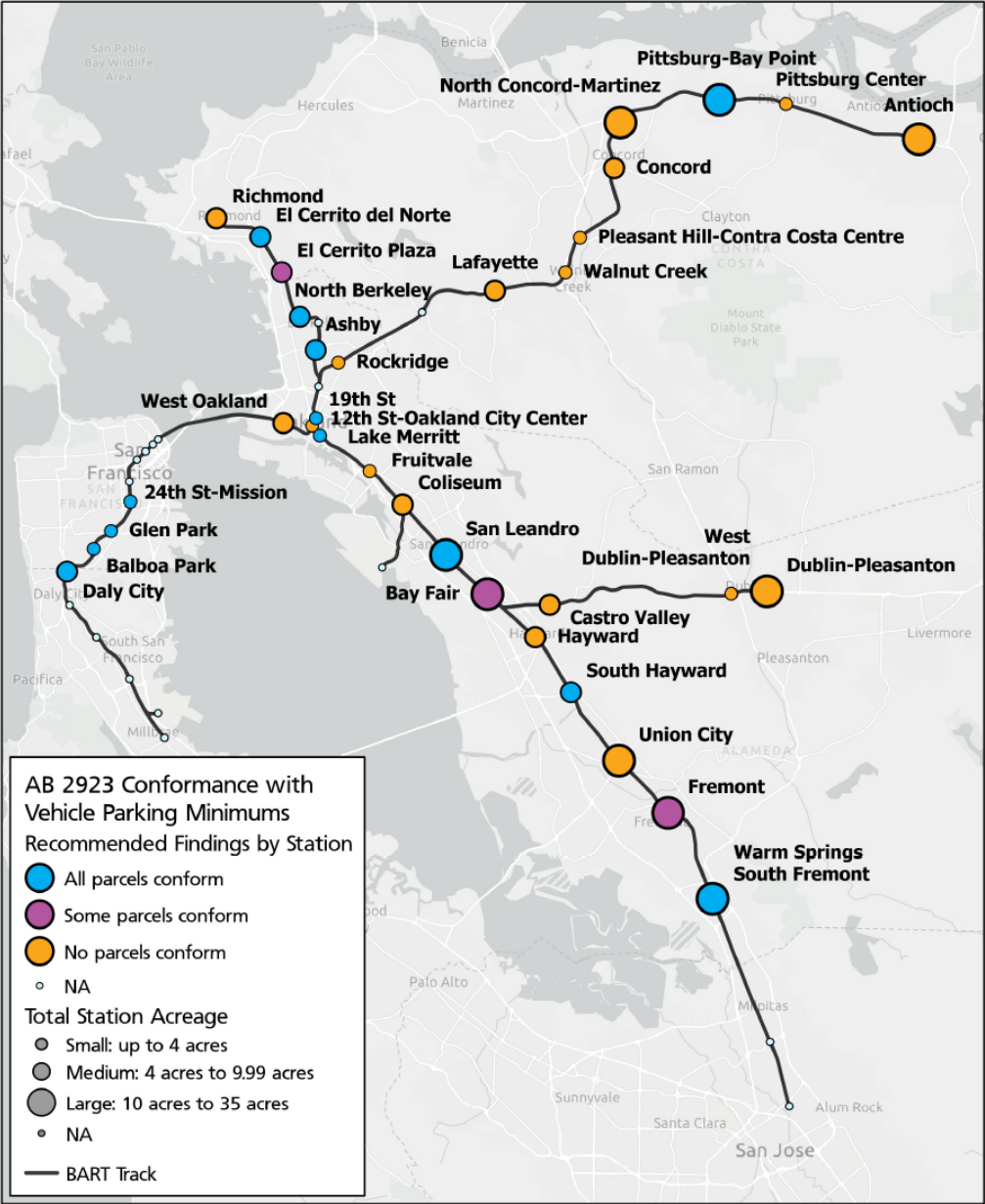


Building Height Conformance		By Station Area Acreage			Total Number of Stations
		Small	Medium	Large	
All parcels conform		4	4	5	13
Some parcels conform		2	2	2	6
No parcels conform		6	7	2	15

Zoning must allow at least:

- 5 stories (Neighborhood/Town Center)
- 7 Stories (Urban Neighborhood/City Center)
- 12 Stories (Regional Center)

Recommended Findings: Vehicle Parking Minimums



Vehicle Parking Minimum Conformance		By Station Area Acreage			Total Number of Stations
		Small	Medium	Large	
All parcels conform		5	5	3	13
Some parcels conform		0	1	2	3
No parcels conform		7	7	4	18

Zoning must not include a minimum parking requirement for development

Communicating the Conformance Findings

- Two possible findings for each of the 10 zoning standards

Determination	Findings	In Summary
Local zoning conforms	Retain local zoning	RLZ
Local zoning does not conform	AB 2923 baseline zoning standards become the local zoning as of July 1, 2022	AB 2923

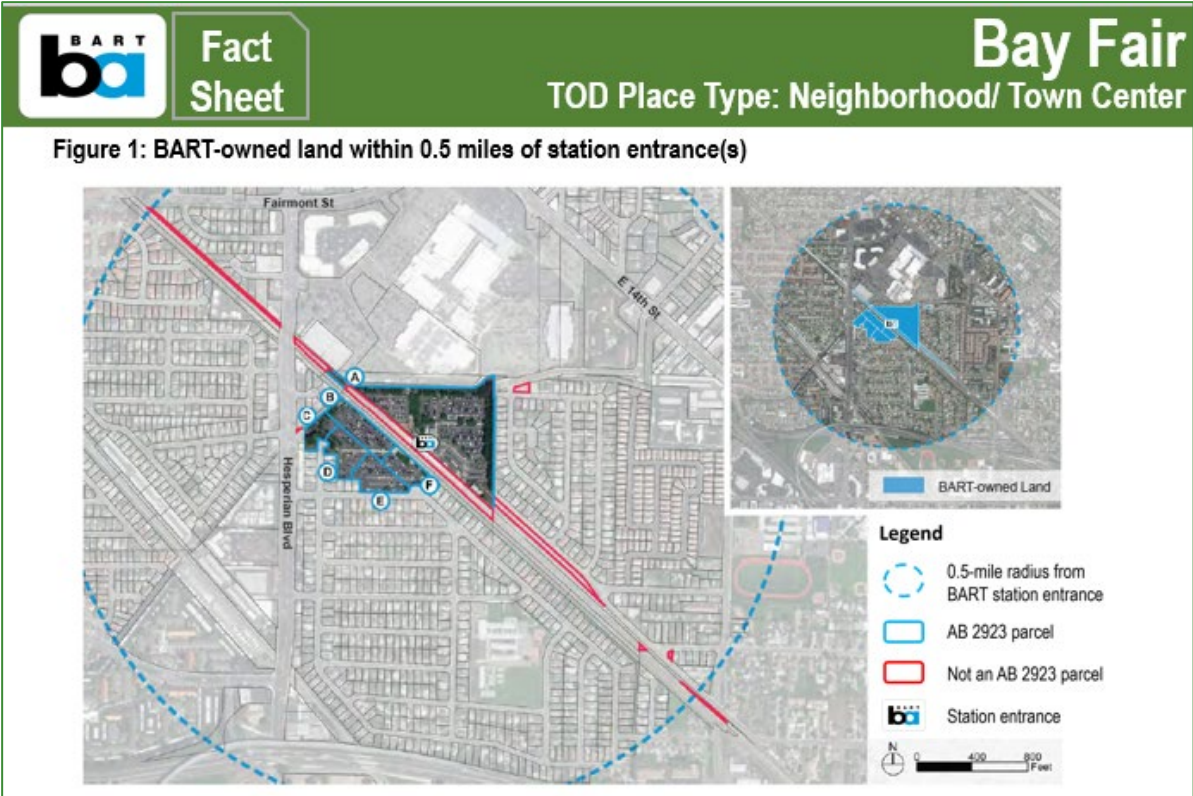
- Example of Bay Fair from July 8, 2022 Memo to Board

Station	Assessor Parcel Number	TOD Place Type/ AB 2923 Baseline Zoning Standards	Jurisdiction	Land Use	Residential Density	FAR	Building Height	Vehicle Parking					Secure Bike Parking
								Shared	Unbundled	Minimum	Residential Maximum	Office Maximum	
Bay Fair	077D-1490-019-00	Neighborhood/ Town Center	San Leandro	RLZ	RLZ	RLZ	RLZ	RLZ	RLZ	RLZ	RLZ	RLZ	RLZ
	080D-0565-029-00		Alameda County	RLZ	AB 2923	AB 2923	AB 2923	RLZ	RLZ	AB 2923	AB 2923	AB 2923	AB 2923
	080D-0563-017-00			RLZ	AB 2923	AB 2923	AB 2923	RLZ	RLZ	AB 2923	AB 2923	AB 2923	AB 2923
	080D-0568-030-00			RLZ	AB 2923	AB 2923	AB 2923	RLZ	RLZ	AB 2923	AB 2923	AB 2923	AB 2923
	080D-0568-031-00			RLZ	AB 2923	AB 2923	AB 2923	RLZ	RLZ	AB 2923	AB 2923	AB 2923	AB 2923
	080D-0565-030-00			RLZ	AB 2923	AB 2923	AB 2923	RLZ	RLZ	AB 2923	AB 2923	AB 2923	AB 2923

- ½ of Bay Fair is in San Leandro while the other half is in unincorporated Alameda County.

Communicating the Conformance Findings

- Station Area Fact Sheets
 - Example: Bay Fair



All Station Area Fact Sheets found at www.bart.gov/ab2923

Table 1: AB 2923 baseline standards for Neighborhood/ Town Center TOD Place Type									
Allowed				Vehicle Parking					Residential Bike Parking Minimum
Land Use	Residential Density	Building Height	Floor Area Ratio	Shared	Unbundled	Minimums	Residential Maximum	Office Maximum	
Residential	75 dwelling units per acre (DU/a)	5 stories	3.0 FAR	Not prohibited	Not prohibited	No minimum for any use	1 space per unit	2.5 spaces per 1,000 square feet	1 secure space per unit

Table 2: Zoning for AB 2923 parcels as of July 1, 2022												
Map Key	Assessor Parcel Number	Acres	Land Use	Residential Density (DU/a)	Building Height	FAR	Vehicle Parking					Residential Bike Parking Minimum (per unit)
							Shared	Unbundled	Minimum	Residential Maximum (per unit)	Office Maximum (per 1ksf)	
A	077D-1490-019-00	10.88	Residential, office, retail, civic	Min: 65 Max: None	Min: 4 stories Max: 8 stories	Min: 0 Max: 3.0	Allowed	Allowed	No minimum for any use	1 space	2.5 spaces	1 secure space
B	080D-0565-029-00	1.99	Residential, agricultural, care facilities, supportive housing	AB 2923	AB 2923	AB 2923	Allowed	Unstated	AB 2923	AB 2923	AB 2923	AB 2923
C	080D-0563-017-00	0.88										
D	080D-0568-030-00	1.57										
E	080D-0568-031-00	1.60										
F	080D-0565-030-00	1.17										

Next Steps

- August 25, 2022
 - Board considers adoption of a resolution of AB 2923 conformance findings for each zoning standard of each affected parcel
- January 1, 2029
 - AB 2923 sunsets

Discussion



AB 2923 and BART's TOD Program

- All Bay Area jurisdictions must update their Housing Elements for the 2023-2031 planning period
 - Must identify land suitable and available for housing
 - Some jurisdictions intend to include BART land
- TOD Work Plan
 - Guides BART's coordination with local jurisdictions
 - Is grounded in the Board-adopted AB 2923 development principles



