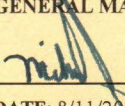
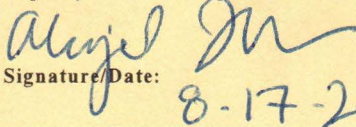
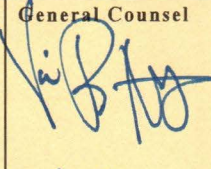
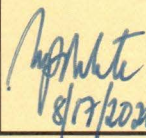
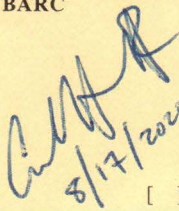




EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  8/18/2020		GENERAL MANAGER ACTION REQ'D:		
DATE: 8/11/2020		BOARD INITIATED ITEM: No		
Originator/Prepared by: Abigail Thorne-Lyman Dept: Systems Development  Signature/Date: 8-17-2020	General Counsel  8/17/20 []	Controller/Treasurer  8/17/2020 []	District Secretary []	BARC  8/17/2020 []
Status: Approved		Date Created: 8/11/2020		

Assembly Bill 2923 Development Principles

PURPOSE

To request that the Board of Directors adopt a set of guiding principles for BART's transit-oriented development (TOD) activities in light of changes to land use law as a result of the passage of Assembly Bill 2923 (2018, Chiu/Grayson).

DISCUSSION

On September 30, 2018, Governor Jerry Brown signed Assembly Bill 2923 (AB 2923), which added Sections 29010.1, 29010.6, 29010.7, 29010.8, 29010.9, 29010.10, 29010.11, and 29010.12 to the Public Utilities Code (PUC). These statutes require local jurisdictions to rezone certain BART-owned properties in Alameda, Contra Costa, and San Francisco counties to support transit-oriented development (TOD). The statutes enacted by AB 2923 also requires the BART Board of Directors to adopt travel demand management (TDM) requirements as well as a parking replacement policy. Other provisions of State law, including planning and zoning provisions in the Government Code, enable developers, including some of BART's developer partners, to pursue streamlining of their development proposals if they meet certain labor, land use, and affordability conditions.

PUC Section 29010.6 directs the BART Board of Directors to adopt zoning standards establishing minimum zoning requirements for height, density, parking and floor area ratio. The law provides that if the new standards are not adopted by July 1, 2020, Table 1 and Figure 1 of the BART TOD Guidelines (2017) shall serve as the TOD zoning standards. At

the June 13, 2019 meeting of the BART Board, staff recommended that the Board not adopt new zoning standards, but instead allow Table 1 and Figure 1 to become the zoning standards.

Since the AB 2923 legislation was signed by the governor in 2018, BART Staff have conducted extensive analysis of the law, engaged with staff from 22 jurisdictions affected in some way by BART's TOD program, and have given presentations to City Councils upon their request. Staff have also met with regional and community advocacy groups in the land use, environmental, affordable housing, and community development fields. All these stakeholders were invited to participate in three stakeholder working groups over the last year, and BART has hosted public webinars at each key milestone in the process. The BART Board discussed implementation of AB 2923 four times during its regular meetings. This engagement and analysis culminated in BART's release of two draft documents: *A Technical Guide to Zoning for AB 2923 Conformance*, and *BART's Transit-Oriented Development Work Plan*.

This engagement and analysis illuminated four key areas where additional policy direction is needed from the BART Board of Directors:

- A. When and how BART will prioritize sites for development;
- B. How to balance regional housing and climate goals with local interests;
- C. How to address building design in situations where AB 2923 overrides local design requirements; and
- D. Required policy direction from the Board under AB 2923 on TDM and parking.

The attached draft AB 2923 Development Principles (Principles) are intended to address these areas of concern, while also complementing existing Board-adopted policies that affect TOD, including the TOD Policy, Affordable Housing Policy, Project Stabilization Agreement Policy, and Station Access Policy. The TOD and Station Access Policy are also attached.

The other referenced policies are available online at <https://www.bart.gov/about/business/tod/guidelines>.

Staff presented a draft of these Principles at the July 23, 2020 Board meeting, and have made modifications to the Principles based on feedback received at this meeting. A redlined draft of this document is attached to more easily illustrate the changes made since July 23.

FISCAL IMPACT

There is no direct anticipated fiscal impact resulting from adoption of the Principles. The Principles will guide how BART makes use of currently allocated resources supporting its Transit-Oriented Development program. However, some elements of the Principles guide BART's long term willingness to invest in projects requiring major capital investments, which has an impact on the types of TOD projects BART will advance.

ALTERNATIVES

1. Do not adopt the AB 2923 Development Principles.
2. Adopt a modified version of the AB 2923 Development Principles.

RECOMMENDATION

Adopt the attached AB 2923 Development Principles.

MOTION:

The BART Board hereby adopts the Principles.