South Bay Cities Council of Governments

August 23, 2018

TO: SBCCOG Board of Directors

FROM: SBCCOG Steering Committee

SUBJECT: Oppose AB 2923 (Chiu) – BART: Transit Oriented Development

Adherence to Strategic Plan:
Goal B: Regional Advocacy. Advocate for the interests of the South Bay

BACKGROUND
This bill would require the Bay Area Transit Board to adopt by ordinance new transit-oriented development (TOD) zoning standards for each station that establish minimum local zoning requirements for height, density, parking, and floor area ratio only, that apply to an eligible TOD project, as defined. The bill would require that the adoption of, or amendments to, the TOD zoning standards comply with specified requirements and would require affected local jurisdictions to adopt a local zoning ordinance that conforms to the TOD zoning standards and is operative within 2 years of the date that the TOD zoning standards are adopted by the board for a station, or by July 1, 2022, if the board has not adopted TOD zoning standards for the station. The bill would provide that BART's approval of TOD zoning standards is subject to California Environmental Quality Act (CEQA) review and would designate BART as the lead agency for CEQA review, as specified.

CONCERN (from League Action Alert)
AB 2923 (Chiu) would essentially remove land-use decisions form cities and give San Francisco Bay Area Rapid Transit (BART) land use authority over BART owned land within one-half mile of an existing or planned BART station.

While this measure only applies to BART, it establishes a very bad precedent. If AB 2923 becomes law, every special district in the state will want the same land use authority over their property. In fact, several other transit agencies have already asked to be included in the measure.

This is similar to the 'grab' at local land use control that the SBCCOG opposed in SB 827 (Weiner).

STATUS
8/23/18 – Senate 3rd Reading of Assembly Bills

RECOMMENDATION
Oppose AB 2923 and contact our legislators immediately.