



Assembly Bill 2923 Development Principles

The following guidance from the BART Board of Directors supplements existing Board-adopted policies guiding transit-oriented development, and focuses on key areas of concern that have emerged through BART's implementation of Section 29010 of the California Public Utilities Code (i.e. Assembly Bill 2923 – Chiu/Grayson, 2018).

A. Prioritize TOD projects that cost effectively implement BART's Transit-Oriented Development (TOD) related policies.

A1. BART will prioritize projects that best meet BART's adopted policies and performance standards

BART will favor projects that cost-effectively deliver on its six TOD policy goals and associated performance targets. BART will not prioritize projects requiring major infrastructure costs - such as major structural work to protect the BART system, high levels of on-site parking replacement, or substantial station modernization - if those costs cannot be paid for through the development deal or available external resources.

A2. BART's TOD projects will address the regional jobs-housing imbalance

Creating more jobs near BART in the East Bay will alleviate regional congestion and create a more balanced, sustainable ridership pattern for BART. BART will strategically reserve TOD sites that demonstrate long-term economic competitiveness for job-generating uses with adequate land reserved to meet its 2040 goal of building 4.5 million square feet of commercial space, at a minimum. Staff will develop a proactive strategy to encourage creation of high quality, career-ladder jobs on these properties. This strategy will consider potential incentives to encourage nonresidential construction.

B. Work in partnership with local jurisdictions and communities to deliver regionally impactful TOD projects.

B1. BART will focus on TOD projects in jurisdictions demonstrating support for development

BART will only initiate TOD projects in jurisdictions interested in transit-oriented development on BART property. Once initiated, projects will be seen through to completion barring uncontrollable financial or economic fluctuations. That BART's TOD projects will conform to locally adopted goals and objectives for TOD identified in local specific plans or other efforts, so long as zoning of BART property allows for densities and heights that are the highest possible under local economic and funding conditions, and are consistent with Plan Bay Area and the Regional Housing Needs Allocation. BART staff will work with jurisdictions to ensure BART-owned property is only included in local housing elements if the jurisdiction has expressed intent to support BART in its development during the term of that housing element.

B2. BART's TOD projects will involve meaningful engagement with local communities

BART is committed to meaningful and sustained engagement with all local communities in planning and delivering its TOD projects – especially low-income communities of color. BART will build income-



diverse, transit-rich neighborhoods that protect and serve vulnerable low-income neighbors and reflect the diverse cultural fabric of the Bay Area.

C. BART will work with jurisdictions to incorporate local design standards that result in TOD projects that follow global best practices in design, access and scale.

C1. BART's TOD projects will honor local design requirements, so long as those requirements support world class TOD

AB 2923 may, in some cases, diminish the requirement for developers to adhere to certain local design requirements. If a jurisdiction shares BART's commitment to regional climate, housing, and equity goals - as evidenced by zoning BART property for the highest feasible density, use and height - BART commits to encouraging consistency with that jurisdiction's objective design standards in its development agreements, to deliver feasible, high quality, context-appropriate design.

C2. BART will foster safe, engaging and vibrant public spaces on and beyond BART property

BART will strive to anchor its TOD projects with inviting, vibrant civic spaces that provide flexible areas for a range of activities and instill a sense of pride and belonging for diverse communities. These spaces will be activated by locally owned businesses and community-based anchors. Safe, universally accessible streets that prioritize walking and biking will seamlessly connect people to BART stations as well as other key destinations and neighborhood amenities.

D. Encourage sustainable mobility for residents, workers, visitors and BART customers

D1. Developers will adhere to BART's travel demand management (TDM) requirements

BART's travel demand management (TDM) requirements will encourage reduction of drive-alone trips from TOD projects, in favor of walking, bicycling, transit, and/or carpooling/vanpooling. TDM requirements will encourage developer participation in district-based strategies to support enhancements in the surrounding area such as transit connectivity to BART. Developers will regularly monitor compliance with BART's TDM requirements and participate in travel behavior reporting.

D2. BART patron parking replacement will be guided by BART's Board-adopted transit-oriented development and station access policies and the station access typology.

Decisions about parking replacement levels will be made through a robust station access study, as often required by AB 2923, and will be informed by the station access typology and investment framework developed for the 2016 Board-adopted Station Access policy.