



American Planning Association  
**California Chapter**

*Making Great Communities Happen*

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MEMO TO: ASSEMBLY NATURAL RESOURCES COMMITTEE

FROM: AMERICAN PLANNING ASSOCIATION

DATE: APRIL 18, 2018

SUBJECT: **AB 2923 (CHIU) – NOTICE OF OPPOSITION UNLESS AMENDED**  
OVERRIDING LOCAL ZONING ON BART PROPERTY  
IN ASSEMBLY NATURAL RESOURCES COMMITTEE  
MONDAY, APRIL 23

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The American Planning Association, California Chapter (APA California) must respectfully continue to oppose AB 2923 as amended April 11th. AB 2923 would still require that the BART Board establish TOD zoning standards for housing on BART-owned land within ½ mile of an existing or planned BART station in areas represented on the BART Board. It designates that the BART Board would be the lead agency under CEQA to review these TOD zoning standards, and then require local governments within 2 years of the Board adopting these standards to update local zoning on BART-owned land to be consistent with BART's TOD zoning standards.

APA California opposes altering state policy to replace local land use planning by allowing BART to zone its own property. This bill sets a precedent for other entities and special districts to request the same authority to zone their own properties however they wish. In addition, BART would not be required to take into consideration what is currently on the ground, and what these local jurisdictions have already accomplished to increase density around transit. APA California believes the approach in AB 2923 will set a troubling precedent for further diminishing of local land use planning in future legislation.

APA California understands and supports the goal of increasing the number of new multifamily housing units around transit stops – it is one of APA's principles to support density, affordability and inclusive communities near transit and throughout the community. **APA California would support revising existing planning and Transit Oriented Development laws to increase density and affordability requirements near BART and other major transit stops by requiring a minimum density and affordability standard on BART properties -- and allowing each jurisdiction to figure out how best to meet those**

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minimums. Or, requiring an effected city or county that has BART-owned parcels to adopt a “station area plan” within two years of the BART Board adopting TOD zoning standards, and considering BART’s TOD zoning standards during the public hearing, adopting findings if the city or county opts to zone different. (This was an alternative approach included in the Assembly Local Government Committee analysis on the bill.)

But, AB 2923 does much more than set a new state mandate for density in the Bay Area jurisdictions covered by this bill. It would override local planning efforts including longstanding General Plan land use plans in built out communities, Housing Elements certified by HCD, Sustainable Communities Strategies, development agreements, specific plans, and Transit Oriented Developments. It virtually eliminates any limitations on density and height. And it does not require BART to meet the same standards for communication and consultation, management of contextual issues arising with surrounding properties, and environmental controls that cities and counties are required to implement.

APA California is willing to work with the author and sponsors to craft legislation to increase density around BART transit stops using approaches like minimum density and affordability standards or Station Area plans as suggested. However, APA cannot support a bill that begins to eliminate or otherwise diminishes local land use planning through an arbitrary and inflexible zoning standard made up by BART, and applicable to its own properties.

If you have any questions, please contact our lobbyist, Sande George, with Stefan/George Associates, [sgeorge@stefangeorge.com](mailto:sgeorge@stefangeorge.com), 916-443-5301.

cc: Governor’s Office  
Assembly Natural Resources Committee  
OPR  
Republican Caucus

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