



The Voice of
Affordable Housing

nonprofithousing.org

August 22, 2018

The Honorable Amy Worth
City of Orinda
22 Orinda Way
Orinda, CA 94563

Dear Mayor Worth,

Thank you for speaking with me last week and sharing your reservations about AB 2923 (Chiu and Grayson). We are pleased the bill has been sent to the Senate floor for a vote and, as you know, have agreed to major concessions and amendments to the legislation in response to concerns raised by you and our other local elected officials. We are absolutely committed to being good and respectful neighbors, allies and partners.

This letter intends to offer you our perspective on the history and context for this public policy effort and to clarify misconceptions about the bill. We would appreciate your sharing it as you feel appropriate with Mayor Don Tatzin and other elected officials who might be interested. The bill is intended to address the ongoing challenges of affordable housing and housing development on BART-owned lands, and to drive effective and timely collaboration to ensure the best outcomes for our residents, communities and region.

The amendments we have agreed to take ensure that proposed developments blend in well with existing neighborhood building heights and densities and conform to the locally-adopted design and architectural standards. Furthermore, the bill is restricted to existing BART stations and to land that BART owns as of July 1, 2018 that is within one-half mile of the station entrance. Final permitting authority remains with the local government. We insist that this is a reasonable, balanced and appropriate approach.

Over multiple years, NPH, along with other organizations such as East Bay Housing Organizations (EBHO) and TransForm had advocated with the BART Board of Directors for these very TOD guidelines that were finally adopted in 2017 after an extensive public process. AB 2923 ensures that these guidelines can now be implemented.

Voters and taxpayers have approved billions of dollars in investments in the BART system and we must use wisely the precious resource of BART-owned land near station entrances to create more transit-oriented affordable housing opportunities. This is the whole point of Plan Bay Area and its goal to reduce vehicle miles traveled and greenhouse gas emissions.

Our affordable housing developers need consistency and predictability in the zoning and entitlement process. We have witnessed first-hand strong resistance in many jurisdictions to building suitably dense,

affordable housing on BART sites with appropriate amounts of parking. That is exactly why this bill is needed.

Immense upfront investment, work and consensus are required before a project application can even be submitted. Most projects today can't even make it to the application stage. Given BART's public process, broad stakeholder engagement, planning, design, and other negotiations must take place before an application can even be submitted for consideration by a city. This requires financing a parking replacement plan; establishing improved bus, taxi, bicycle, and pedestrian access; as well as designing attractive public spaces for the surrounding neighborhood. Where there is little or no chance of success (i.e., most stations), BART has chosen not to go through all of these costly and time-consuming steps and submit applications.

It is true that some jurisdictions have built low and moderate density projects near BART. However, it does not count as success to build just anything on the land that is so tremendously accessible to the 5-county area in the most congested corridors of the region. In our view, BART needs to be delivering diverse and affordable communities that are consistent with the extraordinary accessibility of these sites. BART's experience is clearly that this will not happen without additional authority.

In some locations, BART has been able to deliver transit-oriented projects in close collaboration with local jurisdictions but those projects took decades, often with reduced housing levels and excessive amounts of parking as the final outcome. BART would take over a century to deliver on its transit-oriented development objectives under current trends.

The reality is low-density projects that many jurisdictions support are not financially feasible and just won't get built. Developments that are consistent with the region's housing, transportation, affordability, and greenhouse gas reduction goals are often unacceptable to small but powerful factions within the jurisdictions that host BART stations. This is precisely the resistance we seek to overcome.

AB 2923 strongly supports BART's transportation mission and improved service for existing customers. Building walkable, equitable, and sustainable communities around BART stations will improve station safety and security, better connect stations with surrounding neighborhoods, increase services for BART customers, and create more balanced use of BART infrastructure by improving off-peak ridership.

The extensive amendments to AB 2923 that have been taken – including a ten-year sunset of the bill provisions – strike the right balance and demonstrate our good-faith effort to find acceptable win-win solutions that will allow us to address our housing affordability crisis and support our region's efforts to address climate change as we faithfully implement Plan Bay Area.

As always, we remain grateful to you for your friendship, leadership and commitment to public service.

Sincerely,

A handwritten signature in black ink, appearing to read "Amie Fishman", with a long horizontal flourish extending to the right.

Amie Fishman, Executive Director
Non-Profit Housing Association of Northern California (NPH)