

# California Legislature

STATE CAPITOL  
SACRAMENTO, CALIFORNIA



May 7, 2019

Honorable Jesse Arreguin & Honorable Rashi Kesarwani  
City Hall  
2180 Milvia Street  
Berkeley, CA 94704

Dear Mayor Arreguín and Councilmember Kesarwani:

I am pleased to hear of Berkeley's progress in implementing AB 2923. You describe strong engagement between the City, BART, and the surrounding community regarding North Berkeley BART TOD plans. This is exactly what AB 2923 envisioned -- such engagement is an essential ingredient for successful transit-oriented development.

As you note, AB 2923 establishes minimum zoning standards on BART owned land at BART stations in the BART District. The legislature took this step because these special locations offer our best opportunity to realize our sustainability, equity, and access goals. By delivering the greatest possible amount of housing -- especially affordable housing -- adjacent to our BART stations, we maximize the number of people who can access the extraordinary diversity of jobs, services, education opportunities, neighbors, and family members who are within reach of BART stations throughout our region's 5 most populous counties. Publicly-owned BART-adjacent land is a precious resource.

AB 2923 sets the lowest permissible zoning for density, height, and floor area ratio for each station in the BART District. Pursuant to the TOD Guidelines, a station designated as an "Urban Neighborhood/City Center" cannot have a maximum height limit lower than seven stories. This is in addition to the requirements for each station type, such as density, floor area ratio, and parking. Following public input from stakeholder communities, BART could choose to increase the zoning envelope, but not reduce it. Given this framework, AB 2923 still provides deep flexibility to local communities, in collaboration with BART, to ensure that the new development ultimately constructed on BART property is reflective of the local community and responsive to their concerns.

AB 2923 required rigorous engagement between BART, local jurisdictions, and communities in designing these future integrated, vibrant, and sustainable places. That this process is underway in Berkeley gives me confidence in your ability to meet the dual goals of delivering

this regionally-essential housing, while doing so in a way that is responsive to the local community and their highest aspirations.

I'm grateful for your dedication to delivering a great development at this remarkable site.

Sincerely,



**DAVID CHIU**

Assemblymember, 17<sup>th</sup> District



**TIM GRAYSON**

Assemblymember, 14<sup>th</sup> District

CC:

Assemblymember Buffy Wicks, District 15

State Senator Nancy Skinner, District 9

BART Board of Directors

Grace Crunican, BART General Manager