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Con: Legislation would undermine city and county control



'We endorse policies that help BART support rather than co-opt local efforts to develop housing'



(Laura A. Oda/Bay Area News Group)

Construction in February of new housing and retail across from the MacArthur BART station in Oakland.

By LILY MEI AND DON TATZIN |

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We face a housing shortage. Prices are too high, areas that create jobs offer insufficient housing, and commutes are too long. We, our families and our residents feel the stress, and we are concerned about our residents' quality of life.

Assembly Bill 2923 purports to address the housing problem by giving BART total zoning control over BART-owned land in Alameda, Contra Costa and San Francisco counties. BART could override local city or county zoning and adopt its own zoning standards — standards that increase densities and heights for residential development. Additional land BART acquires would be zoned following BART's rules. Parking might not be replaced.

As written, AB2923 has numerous flaws:

Offers no guarantees that housing will be built faster or better. Residential development planning and approval should continue to reside with cities and counties and their residents. Cities and counties, not BART, possess expertise in land development and assessing impacts on roads, utilities, services, parks and schools.

Reduces local input. The bill requires BART to hold a public hearing to adopt the new zoning standards, but there is no requirement for BART to hold hearings in our communities. Transparency is critical, and your voices must be heard.

Ignores the success of recent transit-oriented development. Cities and BART already cooperate to build housing. For example, Fremont listened to local stakeholders and created a vibrant BART-oriented mixed-use and mixed-income community relatively quickly. Under existing rules, thousands of residential units, including affordable units, that adhere to local guidelines and BART's goals have been planned, approved and built, often without BART involvement. No residential project proposed by BART has been rejected.

Allows BART to eliminate customer parking. AB2923 allows BART to re-develop parking lots with housing but does not require BART to replace customer parking. Where will BART riders park?

Expands BART's "job" beyond transportation. BART's primary mission is to provide affordable, reliable, clean and safe transit service. Voters supported new taxes to replace BART's fleet, upgrade the train control system, improve stations and replace aging infrastructure. This work requires decades to complete and necessitates the full dedication of BART's board and management. BART does not need new challenges outside of its expertise.

Prioritizes developer profits and BART revenue from land ownership over current riders. The math is simple: BART reaps significantly more from leasing land for residential development than by providing rider parking.

Allows BART to acquire property using eminent domain and purchases – and invites speculation. Why should BART and developers reap financial benefits at a cost to BART users? Further, allowing BART to "take" land on behalf of developers creates uncertainty for tenants and property owners due to speculation.

Fails to address the East Bay's need for more jobs. To reduce commute times and promote reverse commute transit ridership, the East Bay needs permanent jobs, which this bill does little to create. Furthermore, the bill allows essential employment and retail centers to be converted to housing.

What can you do? Legislators throughout the state need to hear from residents and businesses regarding this bill. Silence implies consent.

The bill should be defeated as written. We endorse policies that help BART support rather than co-opt local efforts to develop housing. Cities and counties already build housing close to BART. BART does not have a better "track" record than they do.

Lily Mei is mayor of Fremont. Don Tatzin is mayor of Lafayette. Other signatories include Supervisor Scott Haggerty, Alameda County; Supervisor Karen Mitchoff, Contra Costa County; Mayor Peggy McQuaid, Albany; Mayor Edi Birsan, Concord; Mayor Newell Arnerich, Danville; Mayor David Haubert, Dublin; Mayor Barbara Halliday, Hayward; Mayor John Marchand, Livermore; Mayor Tom Butt, Richmond; Mayor Sean Wright, Antioch; Councilman Salvatore Evola, Pittsburg; Councilman Michael Harris, Pleasant Hill; Councilman Philip O'Loane, San Ramon; Councilwoman Cindy Silva, Walnut Creek.