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August 5, 2018

The Honorable David Chiu
California State Assembly
State Capitol Building, Room 4112
Sacramento, CA 95814
Via fax: 916-319-2117

**RE: Grave concerns per AB 2923 (Chiu and Grayson) San Francisco Bay Area
Rapid Transit TOD Notice of Opposition**

Dear Assembly Member Chiu:

The Board of the Lafayette Homeowners Council represents thousands of residents throughout our approximately 40 associations of homeowners who support our Lafayette City Council in opposition to AB 2923, due for a vote before the State Senate Appropriations Committee in early August.

Lafayette residents are eager to find solutions to the housing crisis but it must not be done in a manner laid out by this bill as written. We are doing our part by approving higher density multifamily developments in our downtown. That housing has been and is being constructed. The regulation of land use is the legal prerogative of local government, not state government. To transfer control of local jurisdictions' heights, densities and parking to a transit authority deprives local jurisdictions of their most critically important functions, subverting the public trust to an agency unaccountable to the community and is a violation of our State Constitution.

Not only is BART ill-equipped and unqualified to regulate, manage and build housing and mixed use development, but BART has its hands full in its commitment to provide dependable, *safe, clean*, efficient and *adequate* train service. They need not be distracted by land speculation. To allow it to land grab by virtue of AB 2923 or by right of eminent domain action is severely misguided.

Beyond the abuse of power that is so blatantly apparent within the tenets of AB 2923, questions arise as to how the limits of the newly proposed transit authority power would be defined. For example, to which properties must these lands targeted for control via a future ever-expanding BART bankroll be contiguous? Can a chain reaction occur? Will downtowns such as ours, under BART direction, be able to support themselves? Our transit station is sited next to our thriving downtown retail and restaurant area and a half mile from our intermediate school. It is one of the reasons for our on-going prosperity and strong sense of community – which could be easily jeopardized by BART land use control.

This bill as written carries the potential for BART to cause great harm to our community to the extent that it may be a long time, if ever, before it recovers.

We urge our State Senators to oppose this bill. Further, need we point out, if *this* can happen to *our communities*....over time, it can happen to *your own*.

Sincerely,

Carol Singer, Acting President