



City Council

Don Tatzin, Mayor
Cameron Burks, Vice Mayor
Mike Anderson, Council Member
Mark Mitchell, Council Member
Ivor Samson, Council Member

September 10, 2018

The Honorable Edmund G. Brown
Governor, State of California
State Capitol, First Floor
Sacramento, CA 95814
VIA Email: Leg.Unit@gov.ca.gov

**RE: AB 2923 (Chiu) San Francisco Bay Area Rapid Transit: TOD
Request for Veto**

Dear Governor Brown,

The City of Lafayette urges you to veto AB 2923 (Chiu), which would essentially give the San Francisco Bay Area Rapid Transit (BART) land use authority over BART owned land within one-half mile of an existing or planned BART station. This bill takes away a constitutionally bestowed authority from our city, saddles our city with the cost of an unfunded mandate, stifles community engagement, and sets a dangerous statewide precedent all with no legitimate justification. This bill allows BART to establish the rules of the game and profit from the rules by leasing land to private developers.

AB 2923 mandates cities and counties with existing or planned BART stations to undertake costly planning and zoning updates to conform to BART's new transit-oriented development (TOD) zoning standards. This unfunded mandate would place significant costs on our city.

There is no question that California currently has a housing shortage. This bill, however, is not the right solution for the Bay Area. AB 2923 attempts to punish affected cities and their residents for an unfounded reason. The purported reason for this bill is that cities are not working with BART and are being obstructionists. This is far from the truth. This bill is trying to solve a problem that does not exist. Bay Area cities are not standing in the way of BART developing their parking lots; there is no evidence of chronic denials. BART has not approached Lafayette for at least 15 years to discuss a housing project on BART owned land.

If you believe in subsidiarity, please don't sign this bill without clear evidence of a defined problem that merits such an intrusive intervention.

While BART has not brought forward projects on BART land in Lafayette, we have already taken bold steps to significantly increase the production of new housing. Despite the lingering effects of the 2008 downturn, we approved over 300 units during the past 10 years close to our BART station. At the City's insistence, these projects included affordable housing. BART has not commented on any of these proposals.

While AB 2923 only pertains to cities that have or plan to have BART stations, it establishes a dangerous precedent of authorizing a transit agency to regulate density, height and parking, and chips away at the ability of cities throughout California to make important land use decisions.

As elected city officials, at a level of government closest to the people, our duties include leading the change that is needed but doing so in a manner that is responsive to our residents, ensures their voices are heard, encourages community participation in the decisions we make, and builds trust between government and the community. Unfortunately, this bill moves us in the direction of less democracy and accountability. Divorcing important land use decisions from those who are impacted and moving the decisions from our local council to a distant chamber in another city will decouple these decisions from those who are impacted and only further fragment community trust.

For these reasons, the City of Lafayette respectfully urges you to veto AB 2923 (Chiu).

Sincerely,

Don Tatzin
Mayor
City of Lafayette

cc: The Honorable David Chiu, California State Assembly, District 17
Graciela Castillo-Krings, Deputy Legislative Secretary, Office of Governor Brown (Leg.Unit@gov.ca.gov)
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