**Significant Amendments to AB 2923 (Chiu/Grayson) Responding to Local Concerns**

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| **Issue** | **Local Concern** | **How Addressed** |
| **Streamlining** | The bill should not streamline heights and densities that are inconsistent with locally approved zoning. | Amendments limited streamlining only to build heights that are within one story of existing zoning around the station. Amendments allow full local conditional permitting above that height. |
| **Land expansion** | The bill should not allow BART to acquire adjacent parcels and apply new zoning standards. | Amendments limits the bill’s application to land that BART currently owns at existing stations. |
| **Height caps** | The bill should limit the heights that BART could establish for development zoning standards. | Amendments cap the height that BART zoning may permit to one story above locally approved heights in the station or 50% above the BART baseline zoning standards. |
| **Good performers** | The bill could impact stations that already have appropriate zoning or that have no meaningful developable land remaining. | Amendments exempt stations that are within 10% of target zoning standards and also exempt stations that have less than 0.5 acres of remaining undeveloped or unentitled BART-owned land. |
| **Require Infill** | The bill could facilitate development of valuable open space. | Amendments explicitly limit the bill’s application to infill sites. |
| **Commuter parking** | The bill could make it harder for commuters who currently drive and park at BART. | Amendments require that if there is any circumstance where commuter parking is reduced as a result of a station development, BART must plan and fund access improvements to accommodate commuters might have lost parking spaces, particularly those who do not have convenient walking, biking, or transit access. |
| **Affordability** | The bill does not mandate a sufficient depth or percentage of affordability. | Amendments specify that the minimum 20% affordable units required at each station must be available to very low and low-income residents. Amendments also established that 30% of units across the BART system must be affordable. |
| **Displacement** | Displacement provisions must be strengthened to ensure full protections for low-income residents. | Amendments prevent displacement by: a) restricting the bill’s application to existing BART property, and b) prohibiting demolition of housing occupied by lower-income families, unless they have been offered in writing a comparable or better unit within the same community that they can move into right away, and requiring BART to replace those units and provide relocation benefits. (This would apply if housing previously developed on BART land were to be redeveloped.) |
| **Local consultation** | The bill does not ensure adequate opportunities for input from local jurisdictions and local residents. | Amendments explicitly require meetings between BART, local jurisdictions, and infrastructure authorities before or during the CEQA scoping process for BART zoning standards. In additional, the bill establishes a standard public process for approving zoning standards, maintains CEQA review of projects, and increases local engagement. |
| **Eminent Domain** | The bill should more explicitly prohibit eminent domain for the purpose of developing TOD. | Amendments clarify that the authorized zoning standards do not apply to land that BART acquires using eminent domain. |
| **Minimum residential requirements** | The bill should accommodate some jurisdictions that emphasize jobs and commercial development directly adjacent to BART stations while locating residential on the surrounding parcels. | The bill amends the original requirement for a minimum of 50% of floor area. Amendments allow a lower residential proportion of projects if lower residential targets are part of an approved local specific plan. |
| **Sunset**  | This is a new approach to land use regulation. There must be an automatic sunset to keep BART honest and make sure this authority will end unless the legislature proactively decides to extend it. | Amendments add a 10-year sunset. The first 3 years will be dedicated to establishing updated standards and zoning, with 7 years remaining to implement development. The bill requires data reporting to inform whether the proposed authorities are working. |