



SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
300 Lakeside Drive, P.O. Box 12688
Oakland, CA 94604-2688
(510) 464-6000

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John McPartland
PRESIDENT

Tom Radulovich
VICE PRESIDENT

Grace Crunican
GENERAL MANAGER

CEQA Guidelines Update
c/o Christopher Calfee
1400 Tenth Street
Sacramento, CA 95814

RE: BART's Comments upon the proposed addition to the CEQA Guidelines implementing SB 226.

DIRECTORS

Gail Murray
1ST DISTRICT

Joel Keller
2ND DISTRICT

Bob Franklin
3RD DISTRICT

Robert Raburn
4TH DISTRICT

John McPartland
5TH DISTRICT

Thomas M. Blalock, P.E.
6TH DISTRICT

Lynette Sweet
7TH DISTRICT

James Fang
8TH DISTRICT

Tom Radulovich
9TH DISTRICT

Dear Mr. Calfee:

In response to the Governor's Office of Planning and Research (OPR) call for comments on its proposed addition to the CEQA Guidelines implementing SB 226, the San Francisco Bay Area Rapid Transit District (BART) commends the OPR on its comprehensive efforts to further the goals of SB 226 and to promote infill development in an environmentally mindful manner.

BART is pleased to submit the following comments in support of the general direction of the draft performance standards that will determine an infill project's eligibility for streamlined CEQA review.

1. BART supports the proposed criteria for transit station eligibility

The draft Performance Standards (Appendix M) would require that planned transit stations implement four features in order to qualify for SB 226 CEQA streamlining. BART supports the inclusion of the following three features as eligibility conditions: (1) Renewable Energy, requiring that station projects include renewable energy components, (2) Active Transportation, requiring that station projects "promote the use of transit or active transportation (i.e., walking, bicycling and other forms of human-powered transportation)," and (3) Soil and Water Remediation, requiring that a station project implement all recommendations in a Phase I environmental assessment if the project site is included on any list compiled pursuant to Section 65962.5 of the Government Code.

As to the fourth feature requiring consistency of a project with Transit Station Area Plans, we recommend that OPR clarify the proposed language regarding the range of planning documents that could be relied upon to satisfy this consistency condition. When the proposed project is itself a transit station, the planning documents listed here typically do not

yet exist. In addition, the reference to “a station area plan adopted by a transit district” is problematic since, in many cases the Station Area Plans are not formally adopted and are not finalized until *after* the transit agency proposes or adopts a station project. The land use plan is then designed around the station rather than the station being designed around the plan. Accordingly, BART suggests that, in addition to station area plans, transit village plans and general plan policies, applicable plans “for land uses surrounding the transit station” may include the following: a Ridership Development Plan or Specific Plan adopted by a local jurisdiction and used by the transit agency, a Transit-Oriented Development Policy adopted by a transit agency, a transit agency’s System Expansion Policy, or a transit agency’s Station Area Plan.

2. Draft criteria should permit infill development around suburban transit stations to qualify for SB 226 streamlining.

In addition to developing new transit stations, BART promotes, develops, or encourages a significant number of mixed-use development projects around its transit stations (TOD or Transit-Oriented Development). We encourage the OPR to develop criteria that would enable these mixed-use projects to qualify for SB 226 streamlining. The draft standards appear to encourage TOD projects located in core urban areas; it is less clear whether the draft standards would encourage TOD around suburban transit stations, even though the latter also provide environmental benefits consistent with the goals of SB 226.

For example, BART currently promotes office developments around suburban stations both to create balanced development at the station and to fill BART seats in a reverse commute direction. Yet, the draft standards require that eligible office developments be located within ¼ mile of a transit stop and be in a zone with VMT at 75% of the regional average. The second criterion would penalize the Office TOD located in suburban areas that may not satisfy the 75% standard. For example, BART’s newest infill station at Dublin Pleasanton serves an important role in reducing suburban congestion. TOD projects adjacent to the station, however, may not be able to meet the proposed 75% requirement.

Similarly, residential projects are eligible for streamlining if they achieve less than 75% of the regional average VMT or, if located in higher VMT zones, implement specified green building measures. The alternative eligibility criterion assumes that meeting green building standards provides environmental benefits that justify streamlining for projects in higher VMT zones. However, locating a residential or mixed use project adjacent to a suburban transit stations can achieve the same or better environmental performance that would be provided by green building features

To remedy this problem, we recommend that OPR remove the 75% requirement for office buildings and residential or mixed use projects that are within ¼ mile of a transit

stop, or relax the VMT percentage threshold for such projects so that suburban TOD may qualify.

Promoting suburban TOD and reverse commutes is critical to sustainable growth and to managing congestion. Commentators such as Zachary Neal (see Z. Neal, *Cities: Size Does Not Matter Much Anymore*, NEW GEOGRAPHY -- Sept. 8, 2010) note that in the information age, it is not a matter of placing work in the core cities and "growing" cities (or rebuilding them), but a matter of connecting and creating interdependence among the cities, large and small, whether core or edge cities. Working with this insight will promote the objectives of AB 32 and SB 375, as well as SB 226. BART supports the streamlining of infill development near transit stations because not only does it implement SB226, but it also supports SB375, which mandates the development of a regional integrated transportation and land use strategy in an effort to reduce VMT and carbon emissions.

In conclusion, we respectfully request that OPR consider our recommended revisions. The revisions are important to achieving stated goals in SB 226 of encouraging development that supports transit and increases efficiencies in transportation.

Sincerely yours,



Carter Mau
Executive Manager
Planning and Budget Office

cc: Minming Wu and Byron Toma, Office of the General Counsel
Norman Carlin, Pillsbury Winthrop Shaw Pittman LLP