

League of Women Voters of the Bay Area

SURVEY OF LAND USE POLICY NEAR TRANSIT HUBS

INTRODUCTION

The League of Women Voters of the Bay Area (LWVBA) has had strong interest in regional land use practices that integrate transit services with supportive land use.

In 2002-03 LWVBA coordinated local League interviews of twenty Bay Area transit agencies to identify local perceptions of regional transit modes. What emerged were suggestions for creating an integrated system of transit hubs linking different transport modes. The conclusion: “Regional decision-making must be strengthened if regional transit is to serve us well.” This report, Transit Hubs for the San Francisco Bay Area is posted on the website www.lwvbayarea.org

At about the same time, MTC was working on a Draft Transportation 2030 Plan: a 25-year course for transforming the Bay Area transportation system. Their Transit Connectivity Report of September 2004 reflected the fact that over 20 agencies were operating public transit services in the San Francisco Bay Area, often lacking in connectivity and convenient services. In a Special Transportation 2030 issue of Transactions (November/December 2004), MTC projected daily auto trips to grow by 34 per cent over 2000 levels by the year 2030, with transit trips increasing by close to 60 per cent. The numbers were based on travel forecasting computer technology, a “smart-growth scenario...” a new approach that encourages supportive development around public transit stations and directs new housing and jobs into revitalized central cities and older suburbs”.

Building on the Draft Transportation 2030 Plan MTC developed Resolution 3434, the Regional Transit Expansion Program, modified in 2005 when MTC adopted a Transit-Oriented Development (TOD) policy to set housing thresholds for funding transit extension plans.

In 2004-05 LWVBA Board supported Goals for Transit-Oriented Development developed by the Metropolitan Transportation Commission that would provide:

- improved accessibility to transit and increase in ridership by providing for higher density/higher intensity, walkable communities near transit stations and stops;
- a mix of transit-supportive residential, commercial, and employment opportunities, to make transit-oriented development attractive to a wider market;
- housing that meets the needs of people at all incomes and that includes both rental and sale units.

At its regional convention in May 2004, LWVBA approved a Land Use/Transportation survey for 2004-06; questions were developed by the LWVBA board and distributed to local leagues wishing to participate. The material contained in this report is the 2004 data, which has not been updated for changes occurring since that time. The purpose of the report is to show activity undertaken at the local level, where communities must be sensitive to citizen input and approval.

At the convention in May 2006, LWVBA made the Joint Policy Committee/Smart Growth Vision (JPC) an action priority for 2006-08, which involved monitoring the Joint Policy Committee (Metropolitan Transportation Commission, Association of Bay Area Governments, Bay Area Air Quality Management District) efforts to achieve a Smart Growth Vision for the Bay Area.

FINDINGS OF LWVBA INTERVIEWS

As might be expected a wide variety of responses can be found to land use near transit hubs based on the size, character and location of various cities.

For example, the cities of Los Altos Hills, Los Altos and Mountain View are geographically close but have very different approaches to transit-oriented development.

- Los Altos Hills has bus stops only at Foothill College, and no transit center at all. The town has one acre zoning with only one unit permitted per acre for residential or agricultural use.. The only plans to change land uses are to annex areas of unincorporated Santa Clara County where there are 4 units per acre.
- By contrast, the City of Los Altos is not near any major transit center but has El Camino and San Antonio corridors with bus service. Commercial zones generally allow housing, but density is not specified. The maximum density is 38 units per acre. The city council is considering changing the maximum floor area for the downtown area, so that housing units could be built as second and third stories. Although on El Camino Real, housing would be allowed as a third story to encourage mixed use; at the present, mixed use is not required. In the mixed use overlay zone on El Camino the requirement for affordable housing is 10% of the units for very low or 20% of low income units, but no housing has been built in this zone. The City would like to see developments with a density of 38 units/acre such as a potential housing development of 46 units on El Camino Real which did not materialize. In the last few years neighbors protested against a 3 story condo project so the project was reduced to two stories.
- Nearby Mountain View has a 1992 General Plan update that emphasizes the City's commitment to high intensity development near transit stations to address regional air quality, transportation and housing issues. The result was 3 new Precise Plans, updating the Downtown Precise Plan and creating a new Transit Overlay Zone. These plans have created entirely new transit-oriented residential neighborhoods that replace traditional zoning with a flexible approach that sets broad goals and objectives coupled with detailed development and design standards.

CITIES SURVEYED IN THE PROJECT

(Since size is one crucial factor in determining transit development policy, cities in this report are listed in every case in descending population order)

NAME OF CITY	POPULATION	PERSON INTERVIEWED
San Jose	953,679	Stephen Haase, Planning Director
Oakland	395,274	Claudia Cappio, Director of Planning
Fremont	200,468	Jeff Schwob, Planning Director
Hayward	140,293	--
Livermore	78,409	--
Mountain View	69,376	Lynnie Melena, Linda Lauzze, Aarti Shrivastiva, Community Development Dept.
Union City	69,176	Joan Malloy, Deputy Planning Director
Walnut Creek	64,196	Sandy Myers, City Planner
San Rafael	55,716	Linda Jackson, Senior Planner, Stephanie Lovett, Director of the San Rafael Redevelopment Agency.

QUESTION 1a: What plan designations around stations allow housing?

NAME OF CITY	RESPONSE
San Jose	Three sites have been identified as hubs for high density but with height restrictions due to the airport flight zone. Each project as a specific Planned Development Zoning Plan. These are Tamien LRT/Caltrain Station/ Dirion Station (Midtown Specific Plan) and Berryessa Flea Market Plan. Each has housing designations with commercial nearby. Tamien has housing sites on each side of the station. Downtown plan will add 10,000 units of housing.
Oakland	Housing allowed in all areas around stations; policies support development of transit villages around BART stations
Hayward	All zoning designations, except Industrial District, Light Manufacturing, Business Park, Airport and Flood Plan allowed residential, including commercial districts with residential on upper floors.
Livermore	There is medium and high density housing residential zoning and mixed use; all downtown zoning in the Downtown Specific Plan (DSP) allows residential zoning by right.
Walnut Creek	Most of the planning designations near BART are zoned commercial, although an area south of the station across Ygnacio Valley Road is zoned residential. All commercial zones allow housing as a conditional use, so housing can be built anywhere near the station. Most residential construction downtown has been in commercial zones.
Mountain View	1992 General Plan update emphasized City’s commitment to high-density development near transit stations to address air quality, transportation and housing issues. Three new Precise Plans were created: San Antonio Station, Whisman Station, Downtown Transit Center, including Evelyn Avenue Corridor Precise Plan. In of the plan areas, housing is encouraged in almost the entire area. In 2001, City won American Planning Assoc. award for transit-oriented development, the Mayfield Mall Precise Plan. Zoning varies within each precise plan area, but thrust is to encourage high-intensity housing development near all transit stations. Some plans (e.g., Evelyn Avenue Corridor) emphasize residential development, with older commercial areas being grandfathered. Downtown Precise Plan called for mix of new residential and higher buildings offering office space.
San Rafael	All designations around the Downtown Transit Center except industrial allow housing. There is one important industrial exception: Lindaro Mixed Use near Davidson Middle School allows 15 units/acre as requested by residents.

Union City	<p>Intermodal Station of Bay Area Transportation and Bay Area Rail Services would connect to the BART station allowing for future development of new BART tracks and high-speed rail undergrounds. The station would allow riders to use BART; proposed Dumbarton Services across lower SF Bay; Capital Corridor; Altamont Commuter Express to Tracy/Stockton; AC Transit; Union City buses; bike/pedestrian pathways. The Intermodal Station site will primarily be office space; the Pacific State Steel site will include 116 KB single-family dwellings separated by Route 84 from 216 town homes. Between the town homes and rail/station will be commercial buildings. Union City owns 30 acres. TMG-Martin will build 500 units of housing & offices.</p>
Fremont	--

QUESTION 1B: What are the maximum housing densities allowed within a half-mile of the station?

NAME OF CITY	RESPONSES
San Jose	Maximum housing densities allowed within a half-mile of the station are set by specific plan for each area.
Oakland	In central district, housing density is 300/acre; zoning encourages high rises; MacArthur BART & West Oakland are established neighborhoods, so densities are 40-50 and 40-70 units/acre. Minimum of 40 units around transit stations.
Hayward	Downtown Station has a density of 65 dwelling units per acre; South Hayward BART Station has a density of 35 dwelling units per acre.
Livermore	The maximum zoning is 50 units /acre basic density. With various density bonuses, this can go up to 75 units per acre. The maximum number of units allowed in the Downtown is 3300. Basic zoning in the Gateway Area (close to the Transit Center) ranges from 15 to 30 units/acre.
Mountain View	Highest density allowed in any of the plans is 100 units/acre in San Antonio Station area for efficiency studios only, close to the San Antonio Caltrain Station. Average density of this area is 22 units/acre. Generally, Preside Plans allow a range of densities, with 30 to 60 units/acre being range in Downtown, 8.5 to 21 units/acre at Whisman Station, 11 to 70 units/acre in San Antonio Station area except for efficiencies or senior units.
Union City	In Avalon, maximum density is 80 dwelling units/acre, with a minimum of 45 units; single houses will have 17 units/acre. Using land acquired from PG&E will allow for a total of 1,000 units in a half-mile radius.
Walnut Creek	--
San Rafael	32 to 62 units/acre west of Highway 101; 15 to 32 units/acre east of Highway 101
Fremont	Maximum is 70 units/acre, plus the state density bonus.

QUESTION 1C: Is housing required in the zones within one-half mile of the station?

NAME OF CITY	RESPONSE
San Jose	Our plans encourage height at transit nodes, which are in a 2-3,000 foot radius around the station. For example, at the Berryessa Flea Market area there is higher density.
Oakland	New master city plan in 2000 provides for mixed-use high-density use around those stations; BART stations at West Oakland & Coliseum & Fruitvale have redevelopment monies/plans so money can be put into public improvement
Hayward	Housing is allowed by right within a half-mile, although other uses are also allowed.
Livermore	Housing is the major zoning designation in the Gateway and other Downtown zones.
Walnut Creek	Residential zone near the station. City is looking at designating more areas as mixed use. Two recent projects (Mercer--180 units and 80 unit live-work project on Ygnacio Valley Rd. are already mixed use. Proposal by BART and developer to place two housing areas on part of the current BART parking lot.
Mountain View	Plans require housing with a half-mile of the stations. In Whisman and San Antonio Station areas, developers want to convert these sites to residential uses because of the demand for housing and the proximity of sites to new Caltrain/light rail stations.
San Rafael	Housing is allowed but not required within a half mile.
Union City	--
Fremont	Except for the Central Business Districts, all zones require housing. One BART station at present, but City hopes to build stations in the Irvington & Warm Springs Districts. City is working on plan for Irvington which includes mixed use housing. Warm Springs area is close to NUMMI plant, which is dead against any housing in their area.

QUESTION 2: What percentage of the new housing is required to be affordable?

NAME OF CITY	RESPONSE
San Jose	In the redevelopment project area, 20% of the new housing is required to be affordable.
Oakland	No support for inclusionary zoning (2004); we follow state law: 20% of tax increment or value derived from growth must be put into affordable housing, which is around transit hubs.
Hayward	15% of new housing must be “affordable”
Livermore	At least 10% of the housing is required to be affordable.
Walnut Creek	City has an inclusionary zoning ordinance requiring affordable units or in-lieu fees from recent development before the ordinance passed. Mercer project does not include affordable unit but pays for affordable units nearby. City has aggressively used redevelopment to get more housing downtown.
Mountain View	No requirement for any of the housing to be affordable other than the inclusionary zoning ordinance that City adopted in 1999, too late to have much impact in any of these plans. Each plan requires mix of densities, transitioning to nearby neighborhoods. By encouraging higher-density smaller units, City is trying to encourage less expensive housing.
San Rafael	1-10 housing units: 10%; 11-20 housing units: 15%; 21 or more housing units: 20%. There is a density bonus required by state law. City has a relatively new fee for new non-residential development to support new low, very low and moderate-income units.
Union City	City has an inclusionary ordinance requiring 15% affordable housing.
Fremont	Fremont passed a 15% inclusionary ordinance.

QUESTION 3: What is the parking requirement per unit?

NAME OF CITY	RESPONSE
San Jose	One parking space per unit is required in the downtown plan; elsewhere it is set with the Planned Development Zoning.
Oakland	One space minimum but Planning Dept. can approve individual project with less than one/unit if commercial units are included. Under construction program (Uptown Project) likely to have .85 or .75/unit, because near to BART
Hayward	Near the downtown BART, 1.5 parking spaces per dwelling unit; near South Hayward BART, 2.2 spaces per dwelling unit.
Livermore	Parking requirement/unit ranges from 102 spaces per unit depending on the type of housing and no. of bedrooms.
Walnut Creek	City was about to reduce requirement for downtown units when SB 1818 passed, which raises question of how to reduce requirements in light of the increased incentives allowed by 1818 to allow developers to choose parking reductions. So far, Planning Comm. has given parking reductions as part of condition approvals of development plans.
Mountain View	Parking varies, but follows City standard parking requirements of 2 spaces/single family dwelling, one covered; townhouse developments of 2 spaces, one covered, plus guest parking = .6 spaces/unit; multifamily requiring 1.5 spaces/studios and one BR or more, two spaces of which must be covered. Added guest parking may be required by Zoning Administrator for multi-family dwellings. Shared parking agreements were encouraged. At San Antonio, some daytime hour parking is for Caltrain riders, but converts to use for condos in the evening.
San Rafael	Parking requirements in downtown are lower with a minimum of 1 space/unit
Union City	Parking requirements is 1.5 spaces/unit with no extra guest parking
Fremont	Parking requirements vary by size: studios & one BR units have one plus .50 guest spaces; 2 to 4 BR have 2 spaces plus .50 guest space; senior units have one space including guest.

QUESTION 4: Do you require pedestrian amenities: Common open space, Private open space?

NAME OF CITY	RESPONSE
San Jose	Pedestrian amenities, common and private open space are required.
Oakland	We have pedestrian safety plan, pedestrian/bicycle plan. Goal for Jack London Square is to strengthen Broadway corridor from waterfront to 12 th St. BART so it is safe, well-lit, signed.
Hayward	Pedestrian amenities, common and private open space is required.
Livermore	City DSP requires pedestrian amenities as well as common and private open space: 200 sq. ft. of public open space or an in-lieu fee per unit. Also a requirement of 100 sq. ft. of private open space which can be a balcony or patio.
Walnut Creek	Pedestrian amenities and open spaces are part of the city’s design guidelines.
Mountain View	All are required with specifics varying with each plan and within sub-areas of each plan.
San Rafael	San Rafael requires sidewalks and treats each proposal on a case-by-case basis with a very proactive Design Review board consisting of a landscape architect and other professionals. There are several long-established city parts in the downtown area.
Union City	Pedestrian and common open space are required, but not private open space in these housing developments.
Fremont	Pedestrian amenities and common open space is required; private open space is required but can be reduced.

QUESTION 5: What is your most recent housing development?

NAME OF CITY	RESPONSE
San Jose	Tamien Towers, Plant 51 is the most recent.
Oakland	<p>Uptown: district from San Pablo/Telegraph between 17th & 27th: 900 units, a number affordable, public improvements; disconnect between Greyhound station & 19th St. BART, but Greyhound wants to keep depot & maintenance yards downtown, so can't move at this time</p> <p>Wood Street: 1500 houses, some affordable; almost finished; working on pedestrian architectural connections, ground level activity; shuttle to West Oakland BART.</p> <p>12 St: Developer planned four towers, has built one</p>
Hayward	Renaissance Walk is the most recent housing development
Livermore	Palasage, a 2.5 story condominium with parking tucked under.
Walnut Creek	---
Mountain View	Whisman Station is most _____ of major transit-oriented developments with varied densities and heights.
San Rafael	The redevelopment of the former Macy's site with retail on the first floor and apartments above. Apartments are all rented but the stores below continue to have vacancies. Project is within a half-mile of the transit center.
Union City	First four houses in the Pacific State Steel site area are under construction.
Fremont	<p>Near BART station, development called The Benton: 50 unit housing for deaf seniors will be near Irvington Station if it is built. Construction just started on complex with 132 affordable units near Centerville Station where ACE trains go through.</p> <p>Another development has started in Irvington, partnering between Regis Developers and Bridge Non-profit: it will have 100 affordable units and 115 market rate units.</p>

QUESTION 6: What is a typical density and/or height? Is this the type of housing the city wanted?

NAME OF CITY	RESPONSE
San Jose	Typical density/height is four story over parking, although Diridon is up to eight stories. This is the type of housing the city wanted.
Oakland	Ruled by construction type: most affordable for multi-family is concrete podium with wood frame above; concrete over steel faces economic obstacles, market pressures. Would like bigger, denser housing in central city but not feasible; there is a market for high-rises by Lake Merritt.
Hayward	Newest development (Renaissance Walk) typically is 30 dwelling units per acre and 35 feet high. The city would support higher density; however, developers, state law re condos and market demand dictate otherwise.
Livermore	Newest 90-unit project has 18.5 units/acre and peak height of 30 to 35 ft. Downtown allows various minimum densities, generally 20 to 30 units/acre and up to 50 units/acre. Building heights to the midpoint of the roof are generally 45 ft but up to 55 ft. in some locations. This is the type the City wanted.
Walnut Creek	Mixed use & residential developments recently approved near station average 90 units/acre. Limited factor is existing voter-approved 50-ft. Height limit. Building above 50 ft. requires change in construction techniques that would require 10-12 stories to be financial feasible. Unlikely that developers or city would propose more intense use. Most residential area is currently 30 to 50 units/acre, but one downtown area outside the station area that is zoned multifamily special high density (100 units/acre). City is happy with this density.
Mountain View	City wanted this type of housing, which led to developing specific plans. In Downtown and Evelyn Ave. Corridor plans, plans were not quite as much driven by private developers, but in Whisman and San Antonio, City negotiated with neighbors and developers to get what City saw as desirable.
San Rafael	60 units/acre and 4 stories. City is very supportive of this type of housing as the result of a very extensive visioning process that was done in 1991-93. Hundreds of residents participated in the first step and a committee finished the work.
Union City	New houses under construction have a typical height in the core area of 55 to 60 ft.
Fremont	Typical density is 30+ units/acre with a typical height of four or five stories. Height limit is 52 ft. City Council & staff favor affordable housing, but there are diehards in the city who take NIMBY positions.

QUESTION 7: Have housing proposals been opposed effectively by citizens?

NAME OF CITY	RESPONSE
San Jose	A high-rise proposal was effectively opposed by citizens.
Oakland	Citizen input usually improves projects: examples: Forest City where original superblocks were changed to smaller blocks with mews, connections, a real half-acre park. Sometimes citizen input doesn't work because can't reach consensus. With any project over 50 units, hold 3 to 5 public hearings
Hayward	No effective citizen opposition to housing proposals.
Livermore	Little opposition to date.
Walnut Creek	No opposition is noted to having greater density in downtown and near station. Mercer was opposed because no affordable units included.
Mountain View	Neighbors were not vocal with Whisman and San Antonio. Old Mountain View Neighborhood was instrumental in determining direction of Evelyn Ave. Corridor Precise Plan, including densities allowed. Later, neighborhood supported some higher density for Downtown, which lies within the area.
San Rafael	Proposals always have some opposition. Well-publicized hearings are held and sometimes good ideas come from opponents. Traffic is always a major issue. Recently CEQA requirement for an historic analysis has been a roadblock. City Council supports good projects that conform to the general plan.
Union City	A lot of support for this type of housing; land was there, residential district were not. There are no neighbors near the new housing, so no organized opposition.
Fremont	Recent developers have been very effective with community meetings and education. Regis and Bridge Housing gave tours of other developments, so citizen opposition ended.

QUESTION 8: What aid does the city give housing proposals?

NAME OF CITY	RESPONSE
San Jose	--
Oakland	Lot of incremental help from redevelopment taxes for affordable housing; housing element provides incentives for certain kinds of housing, such as certain types of affordable housing; tried a streamlined environmental review for projects close to transit hubs.
Hayward	City and the Redevelopment Agency continue to focus on downtown revitalization and implementation of the Cannery Area Concept Plan, a long-range plan for transit-oriented development within a 2130-acre area immediately west of the BART station. The plan establishes a framework for the transformation of an older industrial area into a new, transit-oriented community to attract residents and employees using BART and Amtrak.
Livermore	There is financial aid for special needs clients. City has used General Fund money to front infrastructure cost in the downtown.
Walnut Creek	Redevelopment agency is very supportive of housing. Elsewhere in city, a housing development included help for first time buyers.
Mountain View	City doesn't provide aid for housing proposals unless they are brought by nonprofits developing affordable housing.
San Rafael	City provides staff support and technical assistance. The Transit Center area is in the Redevelopment Agency and the staff there work with applicants.
Union City	City is putting in infrastructure with a new street, 11 th St.. The Redevelopment Agency has a "buy in" for developers to build overpasses for this street, but has not given the developer financial aid for the improvements or development. Houses will be sold as close to market price as possible.
Fremont	Fremont took out a loan of \$16 million several years ago, with half of the affordable set aside redevelopment money used to pay off the loan; however, it allows them to use the money sooner to bring non-profit development into the city. City also offers deferred developer fees, density bonuses and incentives.

QUESTION 9: Are you planning to increase the intensity of land use near transit stations (i.e., more height, less parking, etc.)?

NAME OF CITY	RESPONSE
San Jose	A housing initiative and housing opportunity study is being planned.
Oakland	Need to look at downtown parking management; need parking policy to increase cost and near transit stations to provide more spaces. Don't need to increase intensity of land use near transit stations.
Hayward	A study is underway to examine this issue for the area around the South Hayward BART station
Livermore	No increased intensity is planned. DSP and recent specific height increases have addressed these considerations.
Walnut Creek	Developers and City want downtown density; height limit is biggest limiting factor.
Mountain View	No plan to increase intensity of land use near transit stations, but density for Mayfield Mall site has not yet been set.
San Rafael	Intensity of land use was increased in 1996 and has been included in the new General Plan.
Union City	City adopted the General Plan with this site in 2002 with the objective of increased density.
Fremont	Fremont is planning increased intensity.

QUESTION 10: Would regional funding for such specific plans around transit hubs be welcomed?

NAME OF CITY	RESPONSE
San Jose	--
Oakland	Yes: partly how MacArthur BART hub is being done. State budget crisis can be funding obstacle. Need infrastructure money, but state infrastructure bank “pitifully” funded. Infrastructure is old, as densities increase, is used more intensively. Having sufficient water resources for future expansion is also a major concern for EBMUD
Hayward	Of course!
Livermore	Regional funding would be welcome unless too many conditions are attached.
Walnut Creek	City would be very interested in getting regional funding to help with a specific plan for the BART station area. City is particularly concerned about the proposal for the BART lots, since BART and developer have not consulted with the city and staff believes units may be isolated and not successful transit-oriented development.
Mountain View	No great need for regional funding for these specific plans. At present, City has a fee schedule which means the developer pays for staff time and consultant fees required to development the plans, along with EIRs.
San Rafael	Property owners needs to e ready and willing to redevelop their property. However, regional funding would be a real incentive for redevelopment. A need exists.
Union City	Regional funding would be very much welcome.
Fremont	Fremont would consider regional funding if it could be like grant applications with a defined set of rules. The first thought would be “Is it worth it? What strings are attached?”

Questionnaire for Local Leagues on Housing near Transit

1. May we have a copy of your general or specific plan designations and zoning classifications around your transit station?
2. What designations allow housing?
3. What are the maximum housing densities allowed within a half mile of the station?
4. Do you require housing in any of the zones within a half mile of the station?
5. What percentage of the new housing is required to be “affordable”?
6. What is the parking requirement per unit?
7. Do you require pedestrian amenities? common open space? private open space?
8. What is your most recent housing development? (a picture would be great)
9. What is a typical density and/or height?
10. Is this the type and density that the city wanted?
11. Have housing proposals been opposed effectively by citizens?
12. What aid does the City give housing proposals?
13. Are you planning to increase intensity of land use near transit stations? (allow more height, less parking, etc.)
14. Would regional funding for such specific plans around transit hubs be welcomed?