

# TRANSIT ORIENTED DEVELOPMENT

## DUMBARTON TOD SPECIFIC PLAN – Form Based Zoning, Ch. 3

- 1) The Dumbarton TOD Specific Plan Introduction suggests the new development should be compatible with the existing area; but the new development zoning focuses on buildings far higher than those in the rest of Newark, including six story, seventy-five foot high buildings with no setback from the sidewalks. The majority of the project zoning is for four story, fifty-foot high structures.
- 2) The illustrations and text descriptions of the project on pages 32-39 do not agree. For example, on Page 32 the text describes six story, 75' tall buildings with no setback while the illustrations show buildings no taller than four stories. On page 39 the illustrations show two story houses while the text describes four story buildings fifty feet tall.
- 3) Most of the development consists of four story, fifty foot tall buildings. Only Enterprise Drive East, restricts structures to no more than 2.5 stories, or 25' in height.
- 4) Some of the single-family attached housing will have lots only 15' wide, narrower than that required for most Katrina Cottages. Some of the illustrations on Page 41 bear a disturbing resemblance to Daly City. Others look like Queens, Harlem, and the South Side of Chicago.
- 5) The park space allocation in Chapter 2, Community Form, appears to use guidelines for lower density, suburban areas, instead of the more applicable high-density urban standards.
- 6) The Community Park is likely to be inaccessible to other Newark residents because of the lack of parking. It is unreasonable to suggest that families with small toddlers or infants walk or bicycle from The Lake or the south end of town to attend concerts and other performances in the proposed Community Park.

## **ABAG**

One reason given for approving this development is that it is an ABAG mandate. ABAG has a formal appeal procedure; perhaps this is a time for Newark to file an appeal since we already have a higher population density than surrounding cities, available low income housing, and a shortage of both jobs and employers. Palo Alto, Richmond, and Alameda are all cities that have made successful appeals to ABAG.

## **ECONOMICS and TRANSIT**

- 1) There is no transit at the site of this Transit Oriented Development. The Alameda County Transportation Commission has expressed concern that Newark has failed to address transit issues: rail will not be built in the foreseeable future, and the project will have to share the costs of implementing the new bus service.
- 2) Both the Alameda County Transportation Commission and the Department of Transportation (CalTrans) have expressed serious concerns over traffic congestion. The mitigation measures do not address CalTrans concern over the underestimation of peak hour traffic. Both the Alameda County Transportation Commission and CalTrans have requested that the city implement Traffic Demand Management and the response from the city is vague and lacks specifics. All Newark residents, as well as those from adjacent cities, will suffer from traffic congestion on CA-84 and I-880.
- 3) Sam Trans recommends that a "no-build" clause be put in the Specific Plan for the TOD in the event that the rail corridor is not built. They also request that activities related to the potential train be included in the environmental impacts.
- 4) There is no evidence that a train station or attractive bus hub will ever be built and it isn't clear who would pay for them.

- 5) This new develop will add more than 8,000 residents. Assuming that one in five is a school age child, this adds 1600 students to the Newark district. Since the city has voted to provide tax increment funding to subsidize this development, where will the money for schools and county services come from without a tax increase on local residents? Sales taxes do not fund school, and the state cannot afford to backfill local shortfalls if the TINF bonds cannot be paid without seizing the school and county pass through moneys.
- 6) Proponents cite increased sales taxes from new residents as a major reason for building this project. The south Hayward TOD is now a residential only transit village because of an inability to attract retail. In January, 2011, Redwood City reported 100,000 square feet of vacant retail space despite a fifty million dollar redevelopment project sales tax revenue from downtown was only \$843,000 – existing businesses report a decline in customers because the project did not provide adequate affordable parking. The Jack London Square project and the Richmond Transit Village are having trouble finding retail tenants. In the Fruitvale project, much of the retail space now houses social services. Newark is already overbuilt with retail – how will the city attract retail to the area, given the lack of parking and the emphasis on higher density, lower disposable income housing?
- 7) The city hopes that placing new businesses near the main bus stop will encourage residents to shop at these adjacent buildings – but Brion and Associates study for the East Bay Community Foundation found that Bart commuters – transit riders – were very sensitive to pricing and that commuters do not tend to use transit for shopping expeditions. Given the generally higher prices of smaller, convenience format stores and the lack of parking in this new community, it seems probable that the new residents will not shop in the new residential area and that other residents will avoid the area because of parking issues. How does the city intend to attract businesses without a taxpayer provided subsidy?

8) Much of the area is in a brown field. The city has suggested that it does not incur liability for any resulting injuries since the developer has agreed to assume the risk. Unfortunately, this stance ignores both the consequences of the developer going out of business and California law.

## **WILDLIFE AND ENVIRONMENT**

The city appears to have simply disregarded concerns related to wildlife and pollution.