

Meeting Agenda

Joint MTC Planning Committee with the ABAG Administrative Committee

MTC Committee Members:

James P. Spring, Chair Eddie Ahn, Vice Chair

*David Canepa, Damon Connolly, Carol Dutra-Vernaci,
Victoria Fleming, Sam Liccardo, and Libby Schaaf*

Non-Voting Members: Dorene M. Giacobini and Vacant

Friday, September 9, 2022

9:40 AM

REMOTE

In light of Governor Newsom's State of Emergency declaration regarding COVID-19 and in accordance with Assembly Bill 361's (Rivas) provisions allowing remote meetings, this meeting will be accessible via webcast, teleconference, and Zoom for all participants.

A Zoom panelist link for meeting participants will be sent separately to Committee members.

The meeting webcast will be available at <http://mtc.ca.gov/whats-happening/meetings>. Members of the public are encouraged to participate remotely via Zoom at the following link or phone number. Committee Members and members of the public participating by Zoom wishing to speak should use the "raise hand" feature or dial *9. When called upon, unmute yourself or dial *6. In order to get the full Zoom experience, please make sure your application is up to date.

Attendee Link: <https://bayareametro.zoom.us/j/84375138891>

iPhone One-Tap: US: +13462487799,,84375138891# or +17193594580,,84375138891#

Join by Telephone (for higher quality, dial a number based on your current location) US:
888 788 0099 (Toll Free) or 877 853 5247 (Toll Free)

Webinar ID: 843 7513 8891

International numbers available: <https://bayareametro.zoom.us/u/kcyRNkv394>

Detailed instructions on participating via Zoom are available at:

<https://mtc.ca.gov/how-provide-public-comment-board-meeting-zoom>

Members of the public may participate by phone or Zoom or may submit comments by email at info@bayareametro.gov by 5:00 p.m. the day before the scheduled meeting date. Please include the committee or board meeting name and agenda item number in the subject line. Due to the current circumstances there may be limited opportunity to address comments during the meeting. All comments received will be submitted into the record.

1. Call to Order

2. MTC Planning Committee Roll Call / Confirm Quorum

Quorum: A quorum of the MTC Planning Committee shall be a majority of its regular voting members (5).

3. MTC Planning Committee Consent Calendar

- 3a. [22-1252](#) Approval of MTC Planning Committee Minutes of the July 8, 2022 Meeting

Action: MTC Planning Committee Approval

Attachments: [3a 2022-07-08 Joint MTC Planning Committee with the ABAG Administrat](#)

4. ABAG Administrative Committee Roll Call / Confirm Quorum

Quorum: A quorum of the ABAG Administrative Committee shall be a majority of its regular voting members (6).

5. ABAG Compensation Announcement – Clerk of the Board

6. ABAG Administrative Committee Consent Calendar

- 6a. [22-1251](#) Approval of ABAG Administrative Committee Summary Minutes of the July 8, 2022 Meeting

Action: ABAG Administrative Committee Approval

Attachments: [6a 2022-07-08 ABAG Administrative Committee Meeting Minutes Draft.pdf](#)

7. Information

- 7a. [22-1269](#) Climate Initiatives Program - Investment Options

Overview of programs recommended for investment to implement Plan Bay Area 2050 (PBA 2050) greenhouse gas emissions (GHG) reduction climate strategies leveraging near-term funding from MTC's One Bay Area Grant (OBAG 3) Program and the federal Carbon Reduction Program (CRP), a new formula-based program established through the Bipartisan Infrastructure Law (BIL).

Action: Information

Presenter: Therese Trivedi

Attachments: [7ai Climate Initiatives Investments Summary Sheet.pdf](#)

[7aii PowerPoint Climate Program Investments.pdf](#)

8. MTC Planning Committee - Approval

8a. [22-1253](#) MTC Resolution No. 4530: Transit-Oriented Communities (TOC) Policy

Adoption of TOC Policy.

Action: MTC Commission Approval

Presenter: Kara Vuicich

Attachments: [8ai MTC Res No 4530-Transit-Oriented Communities Policy summary sheet](#)

[8aii MTC Resolution No-4530.pdf](#)

[8aiii PowerPoint Transit-Oriented Communities Policy.pdf](#)

[8aiv Correspondence Received MTC TOC Policy Redacted.pdf](#)

9. Public Comment / Other Business

*Committee Members and members of the public participating by Zoom wishing to speak should use the "raise hand" feature or dial *9. When called upon, unmute yourself or dial *6.*

10. Adjournment / Next Meeting

The next meeting of the MTC Planning Committee will be Friday, October 14, 2022 at 9:40 a.m. Any changes to the schedule will be duly noticed to the public.

Public Comment: The public is encouraged to comment on agenda items at Committee meetings by completing a request-to-speak card (available from staff) and passing it to the Committee secretary. Public comment may be limited by any of the procedures set forth in Section 3.09 of MTC's Procedures Manual (Resolution No. 1058, Revised) if, in the chair's judgment, it is necessary to maintain the orderly flow of business.

Meeting Conduct: If this meeting is willfully interrupted or disrupted by one or more persons rendering orderly conduct of the meeting unfeasible, the Chair may order the removal of individuals who are willfully disrupting the meeting. Such individuals may be arrested. If order cannot be restored by such removal, the members of the Committee may direct that the meeting room be cleared (except for representatives of the press or other news media not participating in the disturbance), and the session may continue.

Record of Meeting: Committee meetings are recorded. Copies of recordings are available at a nominal charge, or recordings may be listened to at MTC offices by appointment. Audiocasts are maintained on MTC's Web site (mtc.ca.gov) for public review for at least one year.

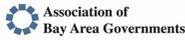
Accessibility and Title VI: MTC provides services/accommodations upon request to persons with disabilities and individuals who are limited-English proficient who wish to address Commission matters. For accommodations or translations assistance, please call 415.778.6757 or 415.778.6769 for TDD/TTY. We require three working days' notice to accommodate your request.

可及性和法令第六章: MTC 根據要求向希望來委員會討論有關事宜的殘疾人士及英語有限者提供服務/方便。需要便利設施或翻譯協助者，請致電 415.778.6757 或 415.778.6769 TDD / TTY。我們要求您在三個工作日前告知，以滿足您的要求。

Acceso y el Título VI: La MTC puede proveer asistencia/facilitar la comunicación a las personas discapacitadas y los individuos con conocimiento limitado del inglés quienes quieran dirigirse a la Comisión. Para solicitar asistencia, por favor llame al número 415.778.6757 o al 415.778.6769 para TDD/TTY. Requerimos que solicite asistencia con tres días hábiles de anticipación para poderle proveer asistencia.

Attachments are sent to Committee members, key staff and others as appropriate. Copies will be available at the meeting.

All items on the agenda are subject to action and/or change by the Committee. Actions recommended by staff are subject to change by the Committee.



Bay Area Metro Center
375 Beale Street
San Francisco, CA 94105

Meeting Minutes - Draft

Joint MTC Planning Committee with the ABAG Administrative Committee

MTC Committee Members:

James P. Spering, Chair Eddie Ahn, Vice Chair

*David Canepa, Damon Connolly, Carol Dutra-Vernaci,
Victoria Fleming, Sam Liccardo, and Libby Schaaf*

Non-Voting Members: Dorene M. Giacomini and Vacant

Friday, July 8, 2022

9:40 AM

REMOTE

1. Call to Order / Roll Call / Confirm Quorum

Present: 7 - Commissioner Connolly, Chair Spering, Vice Chair Ahn, Commissioner Canepa, Commissioner Dutra-Vernaci, Commissioner Schaaf and Commissioner Fleming

Absent: 1 - Commissioner Liccardo

Non-Voting Member Present: Commissioner Giacomini

Ex Officio Voting Member Present: Commission Chair Pedroza

Ad Hoc Non-Voting Members Present: Commissioner Miley, Commissioner Papan, Commissioner Rabbitt, and Commissioner Worth.

ABAG Administrative Committee Members Present: Arreguin, Eklund, Fligor, Hudson, Lee, Mitchoff, Peralez, Rabbitt, and Ramos.

2. ABAG Compensation Announcement – Clerk of the Board

3. ABAG Administrative Committee Consent Calendar

3a. [22-1040](#) Approval of ABAG Administrative Committee Summary Minutes of the June 10, 2022 Meeting

Action: ABAG Administrative Committee Approval

Attachments: [3a ABAG Administrative Committee Minutes 20220610 Draft.pdf](#)

3b. [22-1090](#) Disadvantaged Community and Tribal Involvement Program: Amendment to Lotus Water (\$50,000)

Action: ABAG Administrative Committee Approval

Presenter: Caitlin Sweeney

Attachments: [3b Disadvantaged Community and Tribal Involvement Program-Amendment to Lotus Water-\\$50,000.pdf](#)

- 3c. [22-1091](#) Disadvantaged Community and Tribal Involvement Program: Amendment to Woodard and Curran (\$50,000)

Action: ABAG Administrative Committee Approval

Presenter: Caitlin Sweeney

Attachments: [3c Disadvantaged Community and Tribal Involvement Program-Amendment to Woodard and Curran-\\$50,000.pdf](#)

4. MTC Planning Committee Consent Calendar

Upon the motion by Commissioner Connolly and second by Commissioner Dutra-Vernaci, the MTC Planning Committee Consent Calendar was unanimously approved. The motion carried by the following vote:

Aye: 6 - Commissioner Connolly, Chair Spering, Vice Chair Ahn, Commissioner Canepa, Commissioner Dutra-Vernaci and Commissioner Fleming

Absent: 2 - Commissioner Liccardo and Commissioner Schaaf

- 4a. [22-1041](#) Approval of MTC Planning Committee Minutes of the June 10, 2022 Meeting

Action: MTC Planning Committee Approval

Attachments: [4a 2022-06-10 Joint MTC Planning Committee with the ABAG Administrative Committee Meeting Minutes Draft.pdf](#)

Commissioner Schaaf arrived after the approval of the MTC Planning Committee Consent Calendar.

5. MTC Planning Committee - Approval

- 5a. [22-1068](#) Regional Active Transportation Network

Active Transportation (AT) Network adoption.

Action: MTC Planning Committee Approval

Presenter: Kara Oberg

Attachments: [5ai Regional Active Transportation Network Summary Sheet.pdf](#)
[5aii PowerPoint Regional Active Transportation Network.pdf](#)

Upon the motion by Commissioner Dutra-Vernaci and second by Vice Chair Ahn, the Regional Active Transportation Network was unanimously approved. The motion carried by the following vote:

Aye: 6 - Commissioner Connolly, Chair Spering, Vice Chair Ahn, Commissioner Canepa, Commissioner Dutra-Vernaci and Commissioner Fleming

Absent: 2 - Commissioner Liccardo and Commissioner Schaaf

Commissioner Schaaf arrived after the approval of the Regional Active Transportation Network.

5b. [22-1069](#) MTC Resolution No. 4530: Transit-Oriented Communities (TOC) Policy

Adoption of TOC Policy.

Action: MTC Commission Approval

Presenter: Kara Vuicich

Attachments: [5bi MTC Res No 4530-Transit-Oriented Communities Policy summary sheet.pdf](#)
[5bii Attachment A MTC Res No 4530-Transit-Oriented Communities Policy.pdf](#)
[5biii MTC Res No 4530-Transit-Oriented Communities Policy.pdf](#)
[5biv PowerPoint MTC Res No 4530-Transit-Oriented Communities Policy.pdf](#)
[5bv Correspondence Received.pdf](#)

Written public comments were received from:

Non-Profit Housing Association of Northern California, SV@Home, San Francisco Housing Action Coalition, Enterprise Community Partners, TransForm, Greenbelt Alliance, SPUR, Generation Housing, and California YIMBY (combined letter); Adina Levin; and Robert Chapman Wood

The following individuals spoke on this item:

Erika Pinto; Rich Hedges; Justine Marcus of Enterprise Community Partners; Dwayne Hankerson; Ja'Nai Aubry of NPH; Ken Chan Housing Leadership Council of San Mateo County; Konstantin Hatcher of California YIMBY; Mario of TransForm; Adina Levin; Calum Weeks of Generation Housing; Kenneth Javier-Rosales of SV@Home; and Jordan Grimes.

MTC Resolution No. 4530: Transit-Oriented Communities Policy was deferred to the September 9, 2022 Joint MTC Planning Committee with the ABAG Administrative Committee Meeting.

6. Public Comment / Other Business

[22-1205](#) General Public Comment Received

Action: Information

Attachments: [6 General Public Comment Received.pdf](#)

Written public comments were received from: Catherine Bright and Robert Chapman Wood

7. Adjournment / Next Meeting

The next meeting of the MTC Planning Committee will be Friday, September 9, 2022 at 9:40 a.m. Any changes to the schedule will be duly noticed to the public.



Meeting Minutes - Draft

ABAG Administrative Committee

Friday, July 8, 2022

9:40 AM

REMOTE

**Association of Bay Area Governments
Administrative Committee
Joint Meeting with the MTC Planning Committee**

The ABAG Administrative Committee may act on any item on the agenda.
The meeting is scheduled to begin at 9:40 a.m., or after the preceding MTC committee meeting, whichever occurs first.

Agenda, roster, and webcast available at <https://abag.ca.gov>
For information, contact Clerk of the Board at (415) 820-7913.

Roster

Jesse Arreguin, Pat Eklund, Neysa Fligor, Dave Hudson, Otto Lee, Karen Mitchoff,
Raul Peralez, David Rabbitt, Belia Ramos, Carlos Romero

1. Call to Order / Roll Call / Confirm Quorum

President Arreguin called the meeting to order at about 10:18 a.m..
Quorum was present.

Present: 9 - Arreguin, Eklund, Fligor, Hudson, Lee, Mitchoff, Peralez, Rabbitt, and Ramos

Absent: 1 - Romero

2. ABAG Compensation Announcement – Clerk of the Board

The ABAG Clerk of the Board gave the compensation announcement.

3. ABAG Administrative Committee Consent Calendar

Upon the motion by Eklund and second by Mitchoff, the ABAG Administrative Committee approved the Consent Calendar. The motion passed unanimously by the following vote:

Aye: 9 - Arreguin, Eklund, Fligor, Hudson, Lee, Mitchoff, Peralez, Rabbitt, and Ramos

Absent: 1 - Romero

- 3.a. [22-1186](#) Approval of ABAG Administrative Committee Summary Minutes of the June 10, 2022 Meeting

3.b. [22-1187](#) Disadvantaged Community and Tribal Involvement Program: Lotus Water (\$50,000)

3.c. [22-1188](#) Disadvantaged Community and Tribal Involvement Program: Woodard and Curran (\$50,000)

4. MTC Planning Committee Consent Calendar

The MTC Planning Committee took action on this item.

4.a. [22-1041](#) Approval of MTC Planning Committee Minutes of the June 10, 2022 Meeting

5. MTC Planning Committee - Approval

5.a. [22-1068](#) Regional Active Transportation Network

Active Transportation (AT) Network adoption.

Kara Oberg gave the report.

The MTC Planning Committee took action on this item.

5.b. [22-1069](#) MTC Resolution No. 4530: Transit-Oriented Communities (TOC) Policy

Adoption of TOC Policy.

Kara Vuicich gave the report.

The following submitted written public comment: Non-Profit Housing Association of Northern California, SV@Home, San Francisco Housing Action Coalition, Enterprise Community Partners, TransForm, Greenbelt Alliance, SPUR, Generation Housing, and California YIMBY (combined letter); Adina Levin; and Robert Chapman Wood

The following gave public comment: Erika Pinto; Rich Hedges; Justine Marcus of Enterprise Community Partners; Dwayne Hankerson; Ja'Nai Aubry of NPH; Ken Chan Housing Leadership Council of San Mateo County; Konstantin Hatcher of California YIMBY; Mario of TransForm; Adina Levin; Calum Weeks of Generation Housing; Kenneth Javier-Rosales of SV@Home; and Jordan Grimes.

This item was deferred to the September 9, 2022 Joint MTC Planning Committee and ABAG Administrative Committee meeting.

6. Public Comment / Other Business

[22-1205](#)

General Public Comment Received

The following submitted written public comment: Catherine Bright and Robert Chapman Wood.

7. Adjournment / Next Meeting

President Arreguin adjourned the meeting. The next regular meeting of the ABAG Administrative Committee is on September 9, 2022.

Climate Initiatives Program - Investment Options

Subject:

Overview of programs recommended for investment to implement Plan Bay Area 2050 (PBA 2050) greenhouse gas emissions (GHG) reduction climate strategies leveraging near-term funding from MTC's One Bay Area Grant (OBAG 3) Program and the federal Carbon Reduction Program (CRP), a new formula-based program established through the Bipartisan Infrastructure Law (BIL).

Background:

This item focuses on strategies that reduce transportation-related GHG emissions, specifically PBA 2050 Environmental (EN) Strategy 8 – expand clean vehicle initiatives and EN 9 – expand transportation demand management initiatives. These strategies, combined with all the strategies in the Plan, contribute to helping the region achieve its 19% statutory per capita GHG emissions reduction target set by the California Air Resources Board for PBA 2050.

While implementing PBA 2050 environmental strategies will help reduce GHG emissions, recent state and federal policy and funding programs also align to address transportation-related GHG emissions. In July 2021, the California State Transportation Agency adopted the Climate Action Plan for Transportation Infrastructure (CAPTI), which will help the state to guide and prioritize sustainable transportation projects in its funding decisions and reinforce the environmental and other strategy implementation actions outlined in PBA 2050. At the federal level, the BIL, enacted in November 2021, will invest billions in transportation-related investments to reduce GHG emissions, including creating the CRP with an emphasis on electric vehicle charging infrastructure. And most recently, the Inflation Reduction Act, signed into law last month, is the country's most ambitious legislation to address climate change to date.

There is an opportunity to advance both EN 8 and EN 9 through new OBAG 3 and CRP program funding. The OBAG3 framework includes a \$44 million investment in the Climate Initiatives Program. Coupled with a \$9 million OBAG2 Climate Initiatives balance, OBAG funding for the Climate Program totals \$53 million. MTC also anticipates receiving over \$60 million through FY 2026 from the formula-based CRP, which is focused on supporting projects that reduce transportation emissions. Together, these sources offer a \$113 investment opportunity in MTC's Climate Initiatives Program.

Climate Initiatives Investment Proposal

To advance EN 8 and EN 9, staff propose augmenting several existing Climate Initiatives Program strategies and exploring new directions related to electric vehicles and charging infrastructure. Launched in 2013 with the initial Plan Bay Area, the Climate Initiatives Program focuses on strategies that directly reduce transportation-related GHG emissions, contributing to achieving the region’s statutory per capita GHG emissions reduction target. Staff’s proposal is summarized as follows:

Program Category	Amount
Mobility Hubs	\$33 million
Parking Management	\$15 million
Electric Vehicles and Infrastructure	\$65 million
Total:	\$113 million*
*Includes \$9 million OBAG2 balance	

Additional detail for each program category follows below.

Mobility Hubs (\$33 million)

Mobility hubs are community anchors that enable travelers of all backgrounds and abilities to access multiple transportation options - including shared scooters, bicycles and cars, and transit and supportive amenities – in a cohesive space. MTC developed a [Mobility Hubs Playbook](#) to advance this strategy, which defined mobility hub typologies, best practice elements, and mobility hub locations throughout the Bay Area. To encourage hub implementation based on the Playbook, MTC launched a Mobility Hubs pilot program, awarding \$2.7 million in September 2021 to seven mobility hub projects representing various hub typologies throughout the region. Staff recommends scaling the program to implement more hubs and increasing the grant amount available to project sponsors. Not only does the Mobility Hubs program help to implement PBA 2050 strategy EN 9, it directly supports the implementation of MTC’s Transit Oriented Communities (TOC) and Complete Streets policies.

Parking Management (\$15 million)

MTC has long provided technical assistance and guidance to local jurisdictions to advance parking management policies through planning and capital grants. In July 2021, staff updated the committee on its most recent effort to support local parking management. The update focused on highlighting the recently-completed [Parking Policy Playbook](#), which outlines twelve parking management policies, how to implement them, and examples of where they are underway or operational. Effective parking management can help to reduce vehicle miles traveled, resulting in less traffic, fewer emissions, and increased safety. Staff recommends continuing to support jurisdictions with planning to develop parking management policies and capital grants for expenses related to parking management implementation (e.g., smart parking meter installation, enforcement mechanisms, etc.). In addition to advancing PBA 2050 strategy EN 9, investment in parking management also supports the implementation of MTC's TOC Policy parking requirement.

Electric Vehicles (EV) and Infrastructure (\$65 million)

MTC has previously engaged in advancing EVs and charging infrastructure, primarily through investment in existing Bay Area Air Quality Management District EV programs. Given the increased urgency to reduce GHG emissions, staff recommends investing in new ways to expand and accelerate EV implementation at the local level. To better understand the type of support that may be most helpful to jurisdictions, in June, staff issued a letter of interest (LOI) open to public agencies to better understand transportation electrification needs, such as assistance related to establishing policies or permitting processes, advancing established local projects or programs (e.g. fleet conversions), or help with charging infrastructure. MTC received over 80 submittals in response to the LOI, with at least one from every county. The top needs identified through the LOI include help with charging infrastructure installation, fleet conversion, electric mobility (i.e., ebikes, electric carshare, etc.), and planning or policy adoption. LOI respondents also identified key barriers to implementation, including lack of staff capacity and expertise to advance electrification, uncertainty about electrical upgrades at both the project and grid levels, uncertainty about new technologies, and difficulty resolving charging infrastructure issues at multi-family developments. Staff will develop a call for applications for release in 2023 based, in part, on responses to the letters of interest received.

Next Steps:

Following committee feedback, staff will recommend programming amounts at MTC's Programming and Allocations Committee for approval later this fall. Staff will also refine program concepts and develop program guidelines to advance the Climate Initiatives program categories described above, returning to the committee before releasing grant opportunities. In addition, staff will monitor forthcoming guidance to be issued through Caltrans for the CRP for Climate Initiatives Program consistency and will assess the new Inflation Reduction Act for program alignment.

Issues:

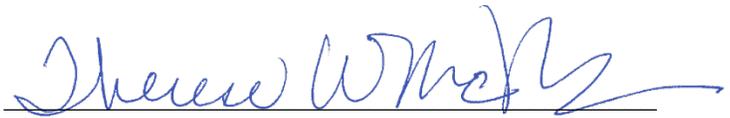
None anticipated

Recommendations:

Information

Attachments:

- Attachment A: Presentation



Therese W. McMillan

Investment Options: Climate Initiatives Program



ASSOCIATION OF BAY AREA GOVERNMENTS
METROPOLITAN TRANSPORTATION COMMISSION

**Joint MTC Planning Committee with the ABAG Administrative Committee
September 9, 2022**



Plan Bay Area 2050

19% per-capita GHG Emissions Reduction
CARB Target



Credit: Peter Beeler

FOUR ELEMENTS OF THE PLAN



- **Transportation** Strategies
- **Housing** Geographies & Strategies
- **Economic** Geographies & Strategies
- **Environmental** Strategies



PBA2050 Environmental Strategies



Tackle climate change by electrifying vehicles and reducing auto trips

- Expand Clean Vehicle Initiatives (EN8)
- Expand Transportation Demand Management Initiatives (EN9)



Climate Initiatives Program Funding Estimates

- *Focus on GHG Reduction* - Significant investment in clean vehicles, charging infrastructure, and transportation demand management programs, including parking

OBAG3	Carbon Reduction Program (formula-based through Bipartisan Infrastructure Law)	Total FY22- FY26
\$ 53M*	~ \$60M	~ \$113M
* Includes \$9M OBAG2 balance		

BIPARTISAN INFRASTRUCTURE LAW



Source: FHWA



Overview of Proposed Programs

Program Category	PBA 2050 Strategies	Implementation Plan Actions	Co-Benefits	Investment Recommendation
Mobility Hubs	EN9, T3, T8	Environment: 11(b), (c), 11(e) Transportation: 7(a), (c), (d), 8 (g)	TOC Policy, Complete Streets Policy, CBTPs	\$33M
Electric Vehicles/ Infrastructure	EN8	Environment: 11(b), (c), 11(e)	Air District Charge! and Clean Cars for All programs	\$65M
Parking	EN9	Environment: 11(b), (c), 11(e)	TOC Policy, Complete Streets Policy	\$15M
			TOTAL	\$110M



Mobility Hubs Program

- **Mobility hubs** = community anchors that enable travelers of all backgrounds and abilities to access multiple transportation options - including shared scooters, bicycles and cars, and transit - as well as supportive amenities in a cohesive space
- **Mobility Hubs Implementation Playbook** offers a menu of tools for Bay Area communities and transportation agencies to advance mobility hubs from concept and planning to implementation and management



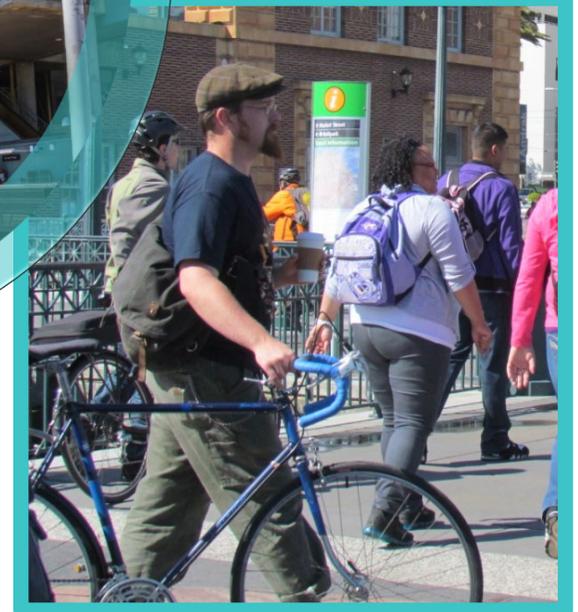
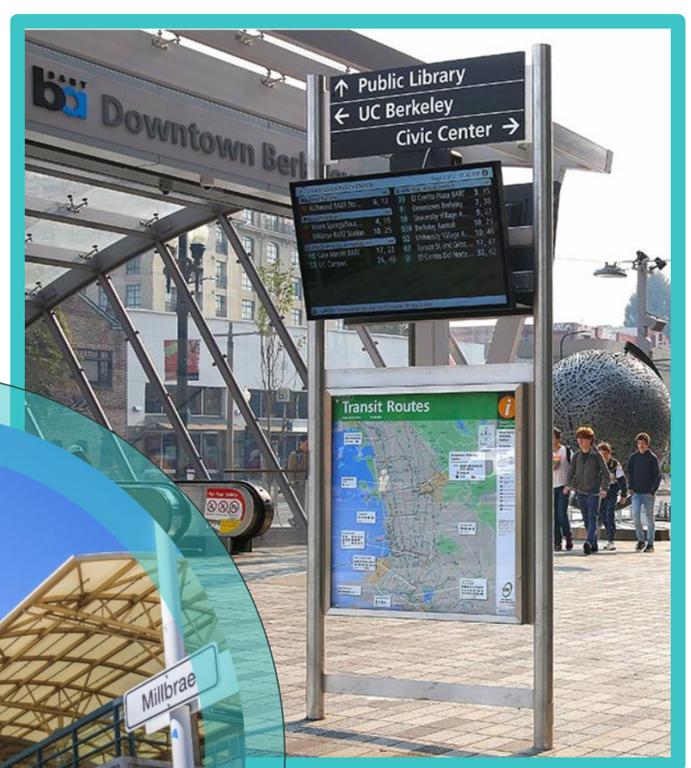
PLAN BAY AREA 2050

- STRATEGY T3**
SEAMLESS MOBILITY
- STRATEGY T8**
COMPLETE STREETS
- STRATEGY EN9**
TRANSPORTATION DEMAND MANAGEMENT



Mobility Hubs Program

- Pilot launched September 2021
- 7 projects funded - \$2.7 million
 - Variety of Mobility Hub typologies
 - Anchor services, including local bus, regional rail, ferry, bikeshare and carshare
 - Quick build and permanent construction
 - PDAs, Equity Priority Communities, High Resource Areas
- Investment direction: expand program - increase grant size and number of projects funded





Parking

- Advance implementation of jurisdiction parking management strategies
- *Planning support* for jurisdictions to pursue parking management strategies outlined in *MTC's Parking Playbook*, as well as comply with *MTC TOC Policy* parking requirement
- **Capital support** for parking management implementation (acquisition/installation of equipment (i.e. smart meters, enforcement tools, software, etc.)





Parking

- Letter of interest issued in July (due September) to inform development of grant program for local parking capital needs
- Investment Direction:
 - Enhance/release parking technical assistance planning support grant program
 - Update/release parking capital grant program
 - Focus on advancing and implementing parking management strategies outlined in the Playbook





Electric Vehicles/Infrastructure



- Accelerate investment in clean vehicles and charging infrastructure
- Previous (OBAG2) investments included support for Bay Area Air Quality Management District existing programs
 - Clean Cars for All
 - Charge!
- CARB Grant - Clean Mobility Options
 - Includes EV carshare/charging infrastructure
- Investment direction: expand MTC investment in clean vehicle and charging infrastructure through grant program support of local electrification needs



Credit: First Community Housing



Credit: City of Richmond



Credit: Noah Berger



Transportation Electrification – Letter of Interest

- To inform anticipated investments, staff issued a Transportation Electrification Letter of Interest (LOI) in June
- Distributed to public agencies, including local jurisdictions, county transportation agencies, and transit agencies
- Looking for identification of local needs, as well as barriers to implementation
- Responses could also inform Mobility Hub implementation



Photo credit: Noah Berger

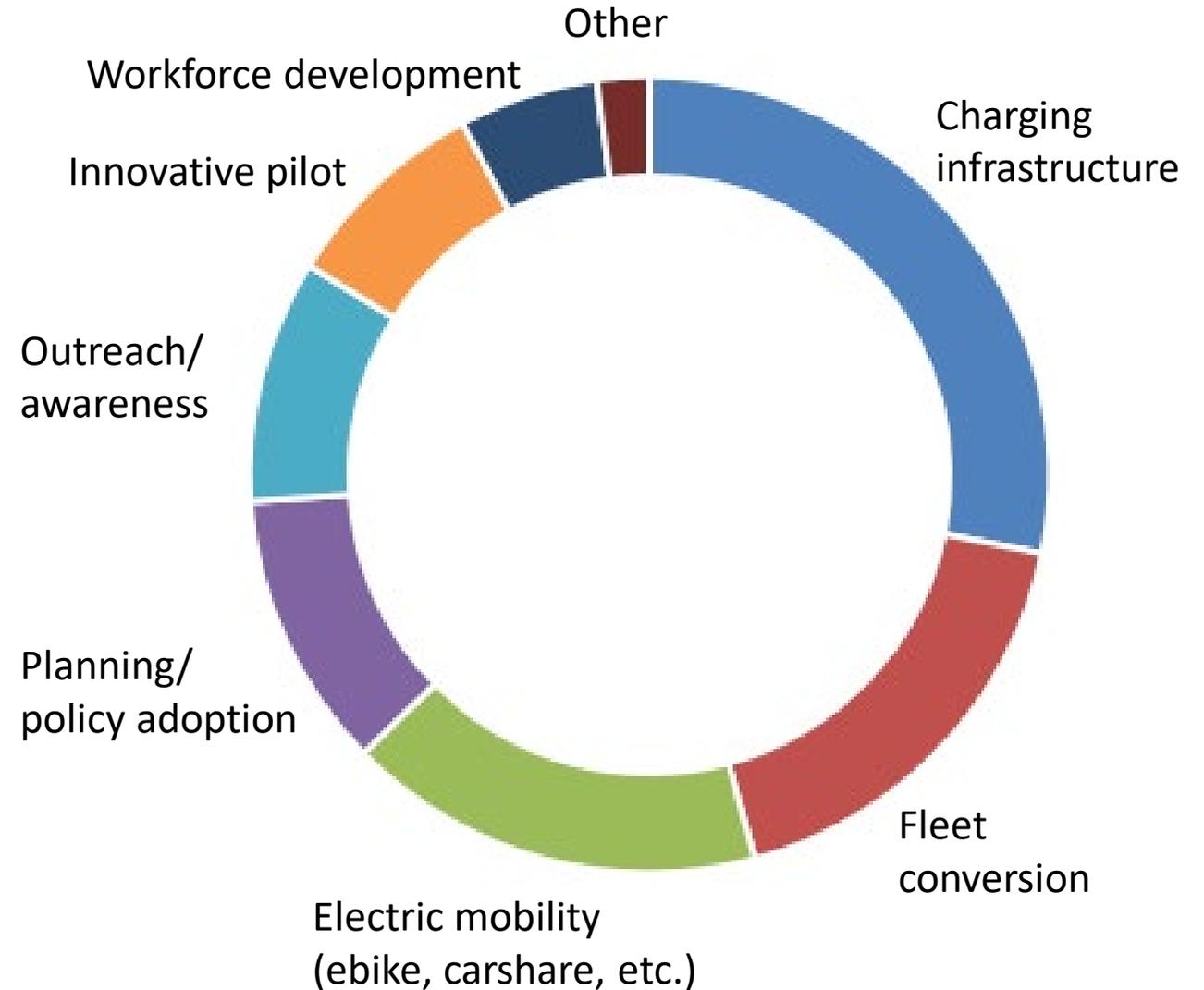


Photo by [CHUTERSNAP](#) on [Unsplash](#)



Transportation Electrification LOI

- Received over 80 submittals - at least one from each county
- Top areas of reported need:
 - Charging infrastructure
 - Fleet conversion
 - Electric mobility (e-bike incentives, carshare)
 - Planning or policy adoption
- Barriers cited:
 - Staff capacity
 - Uncertainty about electrical upgrades, new technologies
 - Difficulty resolving charging infrastructure issues at multi-family developments
- Next steps: develop call for projects for release in 2023





Other EV Efforts: Zero Emission Buses

- Per SB 375 statutory requirements, MTC's Climate Initiatives Program focuses on cars and light trucks
- In addition, MTC is working on a zero emission bus transition strategy with transit operators to understand the full cost of transit electrification driven by compliance with CARB's Innovative Clean Transit rule
- Key components of this effort include identifying coordination opportunities and developing a schedule and funding plans. Work is kicking off this Fall
- Other federal and state funding sources will be pursued for implementation of this effort, including through the Federal Transit Administration and the state's Transit and Intercity Rail Capital Program



Credit: Mark Prado



Next Steps

Fall/Winter 2022/23	<ul style="list-style-type: none">- Refine and prepare guidelines for Climate Initiative Program grant programs following committee feedback- Program funding amounts at MTC's Programming & Allocations Committee later this fall- Monitor release of state CRP guidelines for program consistency- Assess Inflation Reduction Act alignment with Climate Initiatives Program direction
Winter/Spring 2023	<ul style="list-style-type: none">- Return to committee with program guidelines before issuing grant opportunities<ul style="list-style-type: none">* Mobility Hubs* EV/charging infrastructure* Parking



Committee Input on Investment Direction

- Are Mobility Hubs, Parking, Electric Vehicles/Infrastructure the right priorities?
- EVs: Reaction to LOI needs/barriers - do these resonate and align with your communities?
- Should the Commission consider a coordinated regional or subregional approach to electrification?

Top Electrification Needs	Top Electrification Barriers
Charging Infrastructure	Staff capacity
Fleet Conversion	Uncertainty related to electrical upgrades
Electric Mobility (ebike incentives, carshare)	Uncertainty related to new technologies
Planning/policy adoption	Charging infrastructure issues at multi-family developments



**Metropolitan Transportation Commission
MTC Planning Committee**

September 9, 2022

Agenda Item 8a

MTC Resolution No. 4530: Transit-Oriented Communities (TOC) Policy

Subject:

Adoption of TOC Policy.

Background:

At its July 2022 meeting, the Joint MTC Planning Committee with the ABAG Administrative Committee (Committee) deferred taking action on the TOC Policy to its September 2022 meeting and requested that staff address the following issues and concerns raised by Committee members:

- How the policy may affect smaller communities, including their ability to comply with its requirements;
- Whether the policy should apply to the entire half-mile transit station area versus only designated Priority Development Areas (PDAs) or Transit-Rich Areas (TRAs) if no PDA is designated;
- Whether the policy's density and parking requirements should be expanded to other commercial land uses in addition to office;
- Whether the "No Net Loss and Right to Return to Demolished Homes" Affordable Housing and Anti-Displacement policy option should be made a mandatory TOC Policy requirement instead of an option;
- How state housing statutes intersect with the menu of affordable housing policy options in the TOC Policy, and how housing element implementation aligns with the proposed TOC Policy implementation timeline and available funding support.

Revisions to the TOC Policy in Response to July 2022 Committee Feedback:

In response to Committee members' feedback at the July 2022 meeting, staff has made the following revisions to the TOC Policy:

- **Small jurisdiction adjustments to residential density and parking management requirements.** Tier 3 jurisdictions with a population of 30,000 or less may comply with Tier 4 residential density requirements. Additionally, the requirement to eliminate parking minimums no longer applies to Tier 4 locations. These provisions have been adjusted so that TOC Policy requirements do not result in the unintended consequence of precluding development due to a variety of small jurisdiction conditions. These requirements will be revisited in four years when the policy is updated.
- **Modification of the policy to apply to all areas within one half-mile of fixed-guideway transit stops and stations.** Applying the TOC Policy requirements to the entire half-mile station area will simplify and clarify where the policy applies, increase jurisdiction flexibility for policy compliance, and offer consistency with the half-mile definition around high quality transit used for several state grant programs and development project streamlining opportunities. TOC Policy density requirements would only apply to parcels that are vacant or occupied by non-residential uses where new commercial or residential development is allowed under a local jurisdiction's planning and zoning.
- **Expansion of the policy's parking management requirements to general and neighborhood-serving commercial development (including offices).** By expanding the TOC Policy's parking management requirement to new general and neighborhood-serving commercial development (including offices), the policy can ensure that new commercial development is transit-supportive and pedestrian-oriented.
- **Maintenance of a "menu" approach for affordable housing policy options and the addition of an option for Development Certainty and Streamlined Entitlement Process.** Staff has received a wide range of comments on the TOC Policy's affordable housing policy requirements. Given this, as well as the region's diverse housing and land use needs and contexts, staff has maintained a "menu" approach for the TOC Policy's Affordable Housing Production, Preservation, and Protection Policies requirement and have maintained "No Net Loss and Right to Return for Demolished Homes" as a policy option instead of a requirement for jurisdictions. Currently, all jurisdictions must comply with state law (SB330 and SB8) requiring no net loss and the right to return through 2030, essentially providing a term-

limited baseline. A jurisdiction choosing to implement this policy option from the TOC Policy menu would need to include the no net loss and right to return provisions currently required by state law *without a sunset date*. MTC will evaluate the TOC Policy and its outcomes every four years and recommend any revisions. This provides an opportunity to revisit the TOC Policy's requirements for affordable housing policies before SB330's provisions expire in 2030.

Next Steps for Policy Implementation:

Within six months of policy adoption, staff will provide initial guidance regarding the documentation that local jurisdictions should provide to demonstrate TOC Policy compliance. Staff will also provide more detailed guidance on affordable housing policies and will update the PDA Planning Program guidelines to reflect the TOC Policy requirements.

To assist jurisdictions with TOC Policy compliance, MTC's One Bay Area Grant (OBAG3) program and the Regional Early Access Planning Grants of 2021 (REAP 2.0) will offer and prioritize planning support to jurisdictions subject to the TOC Policy. Staff presented an overview of these funding programs to the Committee at its April 2022 meeting. Because the implementation phase of the TOC Policy coincides with local Housing Element implementation (approximately 2023-2026), local jurisdictions will be able to use regional funding support to address both Housing Element and TOC Policy implementation simultaneously.

Issues:

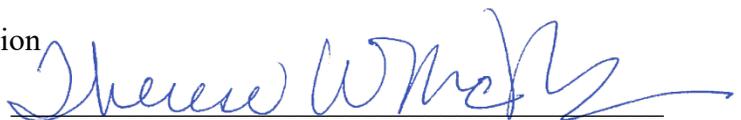
None.

Recommendations:

Refer MTC Resolution No. 4530, MTC's Transit-Oriented Communities Policy, to the Commission for approval.

Attachments:

- Attachment A: MTC Resolution No. 4530: Transit-Oriented Communities Policy
- Attachment B: PowerPoint presentation



Therese W. McMillan

Date: September 28, 2022

W.I.: 1611

Referred by: PLNG

ABSTRACT

MTC Resolution No. 4530

This Resolution sets forth MTC's regional Transit-Oriented Communities (TOC) Policy, which seeks to support the region's transit investments by creating communities around transit stations and along transit corridors that not only support transit ridership, but that are places where Bay Area residents of all abilities, income levels, and racial and ethnic backgrounds can live, work and access services, such as education, childcare, and healthcare. The TOC Policy is rooted in Plan Bay Area 2050 (PBA2050), the region's Long Range Transportation Plan/Sustainable Communities Strategy. The TOC Policy applies to areas within one half-mile of the following types of existing and planned fixed-guideway transit stops and stations: regional rail, commuter rail, light-rail transit, bus rapid transit, and ferries. The policy requirements consist of the following four elements: 1) minimum required and allowed residential and/or commercial office densities for new development; 2) policies focused on housing production, preservation and protection, and commercial anti-displacement and stabilization polices; 3) parking management; and 4) transit station access and circulation. Further discussion of the Transit-Oriented Communities Policy is contained in the Joint MTC Planning with the ABAG Administration Committee summary sheet dated September 9, 2022.

Date: September 28, 2022

W.I.: 1611

Referred by: PLNG

Re: Adoption of a Transit-Oriented Communities (TOC) Policy.

METROPOLITAN TRANSPORTATION COMMISSION

RESOLUTION NO. 4530

WHEREAS, the Metropolitan Transportation Commission (MTC) is the regional transportation planning agency for the San Francisco Bay Area pursuant to Government Code Section 66500 et seq; and

WHEREAS, MTC adopted Resolution No. 3434 which set forth MTC's Regional Transit Expansion Program of Projects in 2001, which was amended to add the Transit-Oriented Development Policy in 2005; and

WHEREAS, the TOD Policy successfully increased zoned capacity for residential development in key transit expansion corridors and initiated the regional Station Area Planning Program by requiring major transit expansion projects to meet minimum housing density thresholds around stations in new transit corridors before programming regional discretionary funds for project construction; and

WHEREAS, the TOD Policy applied to a specific set of transit expansion projects listed in Resolution No. 3434, the majority of which have been completed or are under construction; and

WHEREAS, the Station Area Planning program was expanded to become the Priority Development Area Program in 2008 which has resulted in over 61 completed plans with zoning for more than 100,000 housing units and more than 75 million square feet of commercial development near transit to date; and

WHEREAS, California law (California Government Code Section 65080) requires development of a regional Sustainable Communities Strategy to achieve a specified greenhouse gas (GHG) reduction target; and

WHEREAS, in 2021, MTC unanimously adopted Plan Bay Area 2050, the region's Long Range Transportation Plan/Sustainable Communities Strategy, which includes designated Growth Geographies, including Priority Development Areas and Transit-Rich Areas, where future growth in housing and jobs would be focused over the next 30 years, as well as strategies to allow a greater mix of housing densities and types and greater commercial densities in Growth Geographies, both of which are high-impact strategies for achieving the Plan's GHG reduction target; and

WHEREAS, incentivizing local jurisdictions to plan and zone for higher residential and commercial densities in areas within one half-mile of existing and planned fixed-guideway transit stops and stations supports the region's transit investments and implements key GHG reduction strategies from Plan Bay Area 2050; and

WHEREAS, incentivizing local jurisdictions to also adopt policies focused on increasing housing production of all types, particularly affordable housing production, preservation and protection, commercial anti-displacement and stabilization, parking management, and transit station access and circulation further supports regional transit investments and Plan Bay Area 2050 implementation, now, therefore, be it

RESOLVED, that MTC adopts the 2022 Transit-Oriented Communities Policy, developed, as detailed in Attachment A, and attached hereto and incorporated herein as though set forth at length.

METROPOLITAN TRANSPORTATION COMMISSION

Alfredo Pedroza, Chair

The above resolution was entered into by the Metropolitan Transportation Commission at a duly called and noticed meeting held in San Francisco, California and at other remote locations, on September 28, 2022.

Attachment A

Date: September 28, 2022
W.I.: 1611
Referred by: PLNG

Attachment A
MTC Resolution No. 4530

TRANSIT-ORIENTED COMMUNITIES POLICY

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GOALS

MTC's Transit-Oriented Communities (TOC) Policy seeks to support the region's transit investments by creating communities around transit stations and along transit corridors that not only support transit ridership, but that are places where Bay Area residents of all abilities, income levels, and racial and ethnic backgrounds can live, work, and access services, such as education, childcare, and healthcare. The TOC Policy is rooted in Plan Bay Area 2050 (PBA2050), the region's Long Range Transportation Plan/Sustainable Communities Strategy, and addresses components in all four elements of the Plan, including transportation, housing, the economy, and the environment. Four goals guide the TOC Policy and advance PBA 2050 implementation:

- Increase the overall housing supply and residential densities for new development and prioritize affordable housing in transit-rich areas.
- Increase commercial densities for new development in transit-rich areas near regional transit hubs served by multiple transit providers.
- Prioritize bus transit, active transportation, and shared mobility within and to/from transit-rich areas, particularly to Equity Priority Communities located more than one half-mile from transit stops or stations.
- Support and facilitate partnerships to create equitable transit-oriented communities within the San Francisco Bay Area Region.

DEFINITIONS

Transit-oriented communities (TOCs) are locations within one half-mile from transit stops and stations that are designed to enable people to access and use transit more often for more types of trips. TOCs accomplish this through greater land use density and diversity of uses, implementation of Complete Streets¹, effective parking management, and robust multimodal access that maximizes the geographic area accessible from a stop or station via space-efficient forms of mobility (walking, cycling, shared mobility, and public transit) over space-intensive

¹ See [MTC Resolution No. 4493](#).

modes (single-occupancy vehicle travel). **Equitable TOCs** seek to ensure opportunity for people of all abilities, income levels, and racial and ethnic backgrounds to live and work in transit-accessible locations by prioritizing the production, preservation, and protection of affordable housing and community-serving businesses from potential displacement that may result from new development and increasing land values or rents. Equitable TOCs also prioritize access to transit for people with disabilities and/or mobility impairments by ensuring that all state and federal accessibility laws, codes, and guidelines are followed and that universal design principles, which enable access not only for people with disabilities but also for people with a wide range of ages, sizes, and abilities, are employed to the greatest extent possible.

TOCs directly support implementation of PBA2050 *Strategies H3: Allow a greater mix of housing densities and types in Growth Geographies* and *EC4: Allow greater commercial densities in Growth Geographies*. More specifically, the TOC Policy applies to areas within one half-mile of the following types of existing and planned **fixed-guideway transit² stops and stations**: regional rail (e.g., Bay Area Rapid Transit, Caltrain), commuter rail (e.g., Capitol Corridor, Altamont Corridor Express, Sonoma-Marín Area Rail Transit, Valley Link), light-rail transit (LRT), bus rapid transit (BRT), and ferries.

Existing Transit and Transit Enhancements or Improvements

As noted, the TOC Policy will apply to jurisdictions with fixed-guideway transit service stops and stations, as defined above, as well as any enhancements and improvements to these services, including infill stops and stations. Future One Bay Area Grant (OBAG) funding cycles (i.e., OBAG 4 and subsequent funding cycles) will consider funding revisions that prioritize investments in transit station areas that are subject to and compliant with the TOC Policy. (Please see FUNDING section for further detail.)

² “Fixed guideway means a public transportation facility that uses and occupies a separate right-of-way or rail line for the exclusive use of public transportation and other high occupancy vehicles, or uses a fixed catenary system and a right of way usable by other forms of transportation. This includes, but is not limited to, rapid rail, light rail, commuter rail, automated guideway transit, people movers, ferry boat service, and fixed-guideway facilities for buses (such as bus rapid transit) and other high occupancy vehicles.” (49 CFR § 611.105)

Transit Extensions

In the case of fixed-guideway transit extensions, jurisdictions must comply with TOC Policy requirements prior to the allocation of regional discretionary capital funding or endorsement for the transit project extension. For jurisdictions that have been planning for fixed-guideway transit extensions based on MTC's Resolution No. 3434³ Transit-Oriented Development Policy (TOD Policy)⁴, if the jurisdiction is in compliance with the existing TOD Policy, MTC may program or allocate regional discretionary capital funding for project construction prior to a jurisdiction's compliance with the TOC Policy, but the jurisdiction must commit to achieving TOC Policy compliance by the adoption of the OBAG 4 program, estimated in 2026, through written documentation with MTC.

Opt-In for Jurisdictions Not Served by Fixed-Guideway Transit Service

Jurisdictions with transit stops and stations that are not served by fixed-guideway service (e.g., areas that are only served by regular fixed-route bus transit) may choose to "opt in" and voluntarily meet TOC Policy requirements.⁵

TOC POLICY REQUIREMENTS

TOC Policy requirements consist of the following four elements: 1) minimum and allowable residential and/or commercial office densities for new development; 2) policies focused on affordable housing production, preservation and protection, and commercial anti-displacement and stabilization policies; 3) parking management; and 4) transit station access and circulation. These requirements, described further below, apply to areas within one half-mile of existing and planned fixed-guideway transit stops and stations: regional rail, commuter rail, light-rail transit (LRT), and bus rapid transit (BRT), and ferries.

³ See [MTC Resolution No. 3434](#).

⁴ See [MTC Resolution 3434 Transit-Oriented Development \(TOD\) Policy for Regional Transit Expansion Projects](#).

⁵ For locations with no fixed-guideway transit service, the Tier 4 density and parking management requirements will apply in addition to all other TOC Policy requirements.

1. Density Requirements for New Development

The TOC Policy seeks to ensure that local planning and zoning will enable new development built within one half-mile of existing or planned fixed-guideway transit stops or stations to be built at sufficiently high densities to support transit ridership and increase the proportion of trips taken by transit. The density requirements do not require that local jurisdictions plan or zone for a particular type of land use, nor do they apply to parcels occupied by existing dwelling units to minimize the risk of displacement.

1A. Calculation of Minimum and Allowable Maximum Residential and Commercial Office Density

On *average*, minimum and allowable maximum densities should be at or above the ranges specified in the TOC Policy (see Tables 1 and 2) within the half-mile station area. This includes parcels where it may not be physically possible to construct new residential, commercial office, or mixed-use buildings within the specified density ranges due to small parcel sizes, environmental factors, or conflicts with Airport Land Use Compatibility Plans, etc.

1B. Minimum and Allowable Maximum Density for New Residential Development

The TOC Policy seeks to ensure that local jurisdiction planning and zoning will enable new residential development built within one half-mile of existing or planned fixed-guideway transit stops or stations to be built at sufficiently high densities to support transit ridership and increase the proportion of trips taken by transit. The TOC Policy does not require that areas within a station area be zoned for residential uses. It also does not specify any zoning standards for parcels that are currently occupied by existing single- or multi-family dwelling units to minimize the risk of potential displacement.

As shown in Table 1 below, the TOC Policy establishes the following zoning standards for parcels where residential uses are allowed but that are not occupied by existing single- or multi-family residential units:

- **Minimum Density:** Land use plans and zoning must require that new residential development be built at or above the minimum densities specified in Table 1, on average. In other words, a local jurisdiction's plans/zoning could require minimum densities that are higher than those specified in Table 1, but plans/zoning could not allow new

development to be built at densities that are lower than those specified in Table 1, on average.

- **Allowable Maximum Density:** If a local jurisdiction's land use plans and zoning set an allowable maximum density for new residential development, then the allowable maximum density must be the same as or higher than the specified allowable maximum density in Table 1, on average. In other words, a local jurisdiction's plans/zoning could allow higher densities than those specified in Table 1, but plans/zoning could not set a density limit (or maximum allowable density) that is *lower* than that specified in Table 1, on average. The allowable maximum densities are consistent with PBA2050 modeling for Strategy H3 (see [Forecasting and Modeling Report](#), pp.44-45) and apply to base zoning (i.e., any density bonuses would be in addition to or on top of the allowable maximum densities specified in Table 1).
- While the TOC Policy does not specify requirements for building heights, local jurisdictions should not limit building heights such that new residential development at the densities specified by the TOC Policy becomes infeasible.

Table 1: Minimum and Allowable Maximum Density for New Residential Development

<i>Level of Transit Service</i>	<i>Minimum Density¹</i>	<i>Allowable Maximum Density^{1, 2}</i>
Tier 1: Rail stations serving regional centers (i.e., Downtown San Francisco, Downtown Oakland, and Downtown San José)	100 units/net acre or higher	150 units/net acre or higher
Tier 2: Stop/station served by two or more BART lines or BART and Caltrain	75 units/net acre or higher	100 units/net acre or higher
Tier 3: Stop/station served by one BART line, Caltrain, light rail transit, or bus rapid transit	50 units/net acre or higher ³	75 units/net acre or higher ³
Tier 4: Commuter rail (SMART, ACE, Capitol Corridor, Valley Link) stations, Caltrain stations south of Tamien, or ferry terminals	25 units/net acre or higher	35 units/net acre or higher
<p>Notes:</p> <ol style="list-style-type: none"> 1. Or equivalent in Floor Area Ratio, or Form-Based development standards; excludes parcels currently occupied by homes. 2. The allowable densities are consistent with PBA2050 modeling for Strategy H3 (see Forecasting and Modeling Report, pp.44-45). 3. Tier 3 jurisdictions with a population of 30,000 or less may comply with Tier 4 residential density requirements. 		

1C. Minimum and Allowable Maximum Density for New Commercial Office Development

The TOC Policy seeks to ensure that any new commercial office development built within one half-mile of existing or planned fixed-guideway transit stops or stations is built at sufficiently high densities to support transit ridership, increase the proportion of work trips taken by transit, and increase the number of jobs that are accessible via transit. While the TOC Policy does not specify density requirements for other types of commercial uses, jurisdictions are strongly encouraged to plan and zone for a diverse mix of land uses within transit station areas to support the service and recreational needs of residents, workers, and/or visitors.

The TOC Policy does not require that areas within a station area be zoned for commercial office uses. It also does not specify any zoning standards for parcels that are currently occupied by existing single- or multi-family dwelling units to minimize the risk of potential displacement.

As shown in Table 2 below, the TOC Policy establishes the following zoning standards for parcels where commercial office uses are allowed but that are not occupied by existing single- or multi-family residential units:

- **Minimum Density:** Land use plans and zoning must require that new commercial office development be built at or above the minimum densities specified in Table 2, on average. In other words, a local jurisdiction's zoning could require minimum densities that are higher than those specified in Table 2, but zoning could not allow densities that are lower than those specified in Table 2, on average.
- **Allowable Maximum Density:** If a local jurisdiction's land use plans and zoning set an allowable maximum density for new commercial office development, then the allowable maximum density must be the same as or higher than the specified allowable maximum density in Table 2, on average. In other words, a local jurisdiction's zoning could allow higher densities than those specified in Table 2, but zoning could not set a density limit that is lower than that specified in Table 2, on average. The allowable maximum densities are consistent with PBA 2050 modeling for Strategy EC4 (see [Forecasting and Modeling Report](#), pp. 57-58).

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- While the TOC Policy does not specify requirements for building heights, local jurisdictions should not limit building heights such that new commercial office development at the densities specified by the TOC Policy becomes infeasible.

Table 2: Minimum and Allowable Maximum Density for New Commercial Office Development

<i>Level of Transit Service</i>	<i>Minimum Density¹</i>	<i>Allowable Maximum Density^{1, 2}</i>
Tier 1: Rail stations serving regional centers (i.e., Downtown San Francisco, Downtown Oakland, and Downtown San José)	4 Floor Area Ratio (FAR) or higher	8 FAR or higher
Tier 2: Stop/station served by two or more BART lines or BART and Caltrain	3 FAR or higher	6 FAR or higher
Tier 3: Stop/station served by one BART line, Caltrain, light rail transit, or bus rapid transit	2 FAR or higher	4 FAR or higher
Tier 4: Commuter rail (SMART, ACE, Capitol Corridor, Valley Link) stations, Caltrain stations south of Tamien, or ferry terminals	1 FAR or higher	3 FAR or higher
<p>Note:</p> <ol style="list-style-type: none"> 1. For mixed-use projects that include a commercial office component, this figure shall not be less than the equivalent of the applicable allowed or permitted FAR standard. 2. The allowable densities are consistent with PBA 20505 modeling for Strategy EC4 (see Forecasting and Modeling Report, pp. 57-58). 		

2. Affordable Housing Production, Preservation, and Protection Policies and Commercial Protection and Stabilization Policies

While the production of all housing is a key goal of the TOC Policy, the provision of more affordable housing as well as the protection and preservation of existing affordable housing, particularly in locations that provide good access to transit, is an important means of advancing equity in the region. The affordable housing and anti-displacement policy options included in this requirement are based upon the most comprehensive review to date of the efficacy of policies in this arena, the 2021 “White Paper on Anti-Displacement Strategy Effectiveness” commissioned by the California Air Resources Board to support evidence-based state and local policy.⁶ Furthermore, the experience of Bay Area and California communities points to the need for a comprehensive approach that includes a mix of production, preservation, and protection policies.

Given the region’s diverse needs and housing and land use contexts, a “menu” of policy options is provided such that local jurisdictions can fulfill TOC Policy requirements by implementing the affordable housing production, preservation, and protection policies that best meet local needs. Policies may be implemented jurisdiction wide, or as an overlay in transit station areas, and should address a jurisdiction’s Regional Housing Needs Allocation and other housing needs as identified in the Housing Element. In some cases, state housing laws already require some of the policy options that are included here. However, many of these laws have sunset dates or more limited provisions. Jurisdictions that opt to enact local ordinances that either eliminate the sunset date or provide more significant legal protections can use such actions to satisfy this TOC Policy requirement.

2A. Affordable Housing Production

Two (2) or more of the policies listed in Table 3 below should apply in transit station areas that are subject to the TOC Policy. The adopted policies should address a documented local housing need. MTC/ABAG will issue subsequent guidance that provides further detail as to what should

⁶ Karen Chapple and Anastasia Loukaitou-Sideris, “White Paper on Anti-Displacement Strategy Effectiveness”, February 28, 2021, available at <https://ww2.arb.ca.gov/sites/default/files/2021-04/19RD018%20-%20Anti-Displacement%20Strategy%20Effectiveness.pdf>.

be included in affordable housing production policies for them to be considered compliant with the TOC Policy requirement.

Table 3: Affordable Housing Production Policies that Fulfill TOC Policy Requirement

<i>Affordable Housing Production Policy</i>	<i>Description</i>
Inclusionary Zoning	Requires that 15% of units in new residential development projects above a certain number of units be deed-restricted affordable to low-income households. A lower percentage may be adopted if it can be demonstrated by a satisfactory financial feasibility analysis that a 15% requirement is not feasible.
Affordable Housing Funding	Dedicated local funding for production of deed-restricted affordable housing.
Affordable Housing Overlay Zones	Area-specific incentives, such as density bonuses and streamlined environmental review, for development projects that include at least 15% of units as deed-restricted affordable housing; exceeds any jurisdiction-wide inclusionary requirements or benefits from state density bonus.
Public Land for Affordable Housing	Policies to prioritize the reuse of publicly owned land for affordable and mixed-income housing that go beyond existing state law, typically accompanied by prioritization of available funding for projects on these sites.
Ministerial Approval	Grant ministerial approval of residential developments that include, at a minimum 15% affordable units if projects have 11 or more units, or that exceed inclusionary or density bonus affordability requirements and do not exceed 0.5 parking spaces per unit.

<i>Affordable Housing Production Policy</i>	<i>Description</i>
Public/Community Land Trusts (This policy may be used to fulfill either the housing production or preservation requirement, but not both.)	Investments or policies to expand the amount of land held by public- and non-profit entities such as co-operatives, community land trusts, and land banks with permanent affordability protections.
Development Certainty and Streamlined Entitlement Process	Include the vested rights and five hearing limit provisions currently outlined in SB330 (2019, Skinner) without a sunset date.

2B. Affordable Housing Preservation

Two (2) or more of the policies listed in Table 4 below should apply in transit station areas that are subject to the TOC Policy. The adopted policies should address a documented local housing need. MTC/ABAG will issue subsequent guidance that provides further detail as to what should be included in affordable housing preservation policies for them to be considered compliant with the TOC Policy requirement.

Table 4: Affordable Housing Preservation Policies that Fulfill TOC Policy Requirement

<i>Affordable Housing Preservation Policy</i>	<i>Description</i>
Funding to Preserve Unsubsidized Affordable Housing	Public investments to preserve unsubsidized housing affordable to lower- or moderate-income residents (sometimes referred to as "naturally occurring affordable housing") as permanently affordable.
Tenant/Community Opportunity to Purchase	Policies or programs that provide tenants or mission-driven nonprofits the right of first refusal to purchase a property at the market price when it is offered for sale, retaining existing residents and ensuring long-term affordability of the units by requiring resale restrictions to maintain affordability.

<i>Affordable Housing Preservation Policy</i>	<i>Description</i>
Single-Room Occupancy (SRO) Preservation	Limits the conversion of occupied SRO rental units to condominiums or other uses that could result in displacement of existing residents.
Condominium Conversion Restrictions	Require that units converted to condos be replaced 1:1 with comparable rental units, unless purchased by current long-term tenants or converted to permanently affordable housing with protections for existing tenants.
Public/Community Land Trusts (This policy may be used to fulfill either the housing production or preservation requirement, but not both.)	Investments or policies to expand the amount of land held by public- and non-profit entities such as co-operatives, community land trusts, and land banks with permanent affordability protections.
Funding to Support Preservation Capacity	Dedicated local funding for capacity building or other material support for community land trusts or other community-based organizations engaged in affordable housing preservation.
Mobile Home Preservation	Policy or program to preserve mobile homes from conversion to other uses that may result in displacement of existing residents.
Preventing Displacement from Substandard Conditions and Associated Code Enforcement Activities (This policy may be used to fulfill either the housing preservation or protection requirement, but not both.)	Policies, programs, or procedures designed to minimize the risk of displacement caused by substandard conditions, including through local code enforcement activities.

2C. Affordable Housing Protection and Anti-Displacement

Two (2) or more of the policies listed in Table 5 below should apply in transit station areas that are subject to the TOC Policy. The adopted policies should address a documented local housing need. MTC/ABAG will issue subsequent guidance that provides further detail as to what should be included in affordable housing protection and anti-displacement policies for them to be considered compliant with the TOC Policy requirement.

Table 5: Affordable Housing Protection and Anti-Displacement Policies that Fulfill TOC Policy Requirement

<i>Affordable Housing Protection and Anti-Displacement Policy</i>	<i>Description</i>
“Just Cause” Eviction ⁷	Defines the circumstances for evictions, such as nonpayment of rent, violation of lease terms, or permanent removal of a dwelling from the rental market, with provisions that are more protective of tenants than those established by AB 1482 (2019, Chiu) . ⁸
No Net Loss and Right to Return to Demolished Homes	Include the no net loss provisions currently outlined in SB 330 (2019, Skinner) <i>without a sunset date</i> . Require one-to-one replacement of units that applies the same or a deeper level of affordability, the same number of bedrooms and bathrooms, and comparable square footage to the units demolished. Provide displaced tenants with right of first refusal to rent new comparable units at the same rent as demolished units.

⁷ Just Cause protections have been found to have a high impact on preventing displacement soon after its implementation ([Chapple, 2021](#)). A 2019 study found that cities with just cause eviction laws had much lower eviction and eviction filing rates than those who did not ([Cuellar, 2019](#)).

⁸ This could include, for example, greater limitations on no fault evictions such as “substantial remodels” and/or permanently implementing just cause protections (the protections provided by AB 1482 expire on January 1, 2030).

<i>Affordable Housing Protection and Anti-Displacement Policy</i>	<i>Description</i>
Legal Assistance for Tenants ⁹	Investments or programs that expand access to legal assistance for tenants threatened with displacement. This could range from a “right to counsel” ¹⁰ to dedicated public funding for tenant legal assistance.
Foreclosure Assistance	Provide a dedicated funding source to support owner-occupied homeowners (up to 120% AMI) at-risk of foreclosure, including direct financial assistance (e.g., mortgage assistance, property tax delinquency, HOA dues, etc.), foreclosure prevention counseling, legal assistance, and/or outreach.
Rental Assistance Program	Provide a dedicated funding source and program for rental assistance to low-income households.
Rent Stabilization	Restricts annual rent increases based upon a measure of inflation or other metric, with provisions exceeding those established by AB 1482 (2019, Chiu) . ¹¹

⁹ Tenant right to counsel has been shown to decrease the rate of evictions and eviction filings. In New York City, where it was first implemented, 84% of tenants facing eviction were able to remain in their homes. In the first six months of San Francisco’s program, two-thirds of tenants who received full scope representation avoided eviction and eviction filings decreased by 10% ([Chapple, 2021](#)).

¹⁰ “Right to counsel” extends the right to an attorney, required in criminal procedures, to tenants in eviction trials, which are civil procedures.

¹¹ For example, restricting maximum annual rent increases to the percent change in the Consumer Price Index, or permanently implementing rent stabilization protections.

<i>Affordable Housing Protection and Anti-Displacement Policy</i>	<i>Description</i>
Preventing Displacement from Substandard Conditions and Associated Code Enforcement Activities (This policy may be used to fulfill either the housing preservation or protection requirement, but not both.)	Policies, programs, or procedures designed to minimize the risk of displacement caused by substandard conditions, including through local code enforcement activities. This may include, but not be limited to, proactive rental inspection programs, assistance to landlords for property improvements in exchange for anti-displacement commitments, and enhanced relocation assistance requirements for temporary displacement due to substandard conditions that pose an immediate threat to health and safety.
Tenant Relocation Assistance	Policy or program that provides relocation assistance (financial and/or other services) to tenants displaced through no fault of their own, with assistance exceeding that required under state law.
Mobile Home Rent Stabilization	Restricts annual rent increases on mobile home residents based upon a measure of inflation or another metric.
Fair Housing Enforcement	Policy, program, or investments that support fair housing testing, compliance monitoring, and enforcement.
Tenant Anti-Harassment Protections	Policy or program that grants tenants legal protection from unreasonable, abusive, or coercive landlord behavior.

2D. Commercial Protection and Stabilization

One (1) or more of the policies in Table 6 should apply in transit station areas that are subject to the TOC Policy unless the jurisdiction can document that there are no potential impacts to small businesses and/or community non-profits. MTC/ABAG will issue subsequent guidance that provides further detail as to what should be included in commercial protection and stabilization policies for them to be considered compliant with the TOC Policy requirement.

Table 6: Commercial Protection and Stabilization Policies that Fulfill TOC Policy Requirement

<i>Commercial Protection and Stabilization Policy</i>	<i>Description</i>
Small Business and Non-Profit Overlay Zone	Establish boundaries designated for an overlay, triggering a set of protections and benefits should development impact small businesses (including public markets) or community-serving non-profits.
Small Business and Non-Profit Preference Policy	Give priority and a right of first offer to local small businesses and/or community-serving non-profits when selecting a tenant for new market-rate commercial space.
Small Business and Non-Profit Financial Assistance Program	Dedicated funding program for any impacted small business and community-serving non-profits.
Small Business Advocate Office	Provide a single point of contact for small business owners and/or a small business alliance.

3. Parking Management

Reducing automobile trips and prioritizing the limited land area near transit for other shared transportation modes and active transportation is a key complement to residential and commercial density increases that support higher transit ridership on the region’s existing and planned fixed-guideway transit investments.

Off-street vehicle parking standards for new residential or general and neighborhood-serving commercial¹² development should meet the standards listed in Table 7. These standards do not supersede other applicable requirements for parking for people with disabilities that is required by the California Building Code, or other state or federal laws, or off-street parking for deliveries. Standards may apply to individual projects or may be met through creation of a parking district that provides shared vehicle parking for multiple land uses within an area.

¹² This generally includes retail and service businesses.

In addition to the requirements listed in Table 7, all new residential or general and neighborhood-serving commercial development must provide the following:

- A minimum of one secure bicycle parking space per dwelling unit.
- A minimum of one secure bicycle parking space per 5,000 occupied square feet for office commercial.
- Allow unbundled parking.
- Allow shared parking between different land uses.

Jurisdictions should also adopt policies or programs included in [MTC/ABAG’s Parking Policy Playbook](#) to address transportation demand management (TDM) and curb management in these locations.

Table 7: Parking Management Requirements

<i>Level of Transit Service</i>	<i>New Residential Development</i>	<i>New Commercial Development</i>
Tier 1: Rail stations serving regional centers (i.e., Downtown San Francisco, Downtown Oakland, and Downtown San José)	No minimum parking requirement allowed. Parking maximum of 0.375 spaces per unit or lower.	No minimum parking requirement allowed. Parking maximum equivalent to 0.25 spaces per 1,000 square feet or lower.
Tier 2: Stop/station served by two or more BART lines or BART and Caltrain	No minimum parking requirement allowed. Parking maximum of 0.5 spaces per unit or lower.	No minimum parking requirement allowed. Parking maximum of 1.6 per 1,000 square feet or lower.
Tier 3: Stop/station served by one BART line, Caltrain, light rail transit, or bus rapid transit	No minimum parking requirement allowed. Parking maximum of 1.0 spaces per unit or lower.	No minimum parking requirement allowed. Parking maximum of 2.5 spaces per 1,000 square feet or lower.

<i>Level of Transit Service</i>	<i>New Residential Development</i>	<i>New Commercial Development</i>
Tier 4: Commuter rail (SMART, ACE, Capitol Corridor, Valley Link) stations, Caltrain stations south of Tamien, or ferry terminals	Parking maximum of 1.5 spaces per unit or lower.	Parking maximum of 4.0 spaces per 1,000 square feet or lower.

4. Transit Station Access and Circulation

This requirement seeks to facilitate robust multimodal access to transit stations that maximizes the geographic area accessible from a stop or station via space-efficient forms of mobility (walking, cycling, shared mobility, and public transit) over space-intensive modes (single-occupancy vehicle travel). This helps enable increased residential and commercial density within transit station areas, but also enables those living, working, or accessing destinations beyond the half-mile station area to utilize the region’s transit network for more of their trips without having to rely on private automobiles.

Transit station access and circulation should prioritize access to transit for people with disabilities and/or mobility impairments by ensuring that all state and federal accessibility laws, codes, and guidelines are followed and that universal design principles, which enable access not only for people with disabilities but also for people with a wide range of ages, sizes, and abilities, are employed to the greatest extent possible.

Local jurisdictions, in coordination with transit agencies, community members, and other stakeholders, should complete the following in all transit station areas subject to the TOC Policy:

1. Adopt policies and design guidelines that comply with MTC’s Complete Streets Policy¹³ and prioritize implementation of the regional Active Transportation Network and any relevant [Community Based Transportation Plans](#).

¹³ See [MTC Resolution No. 4493](#).

2. Complete an access gap analysis and accompanying capital and/or service improvement program for station access via a 10-minute walk (including for people who use wheelchairs or other mobility aids), and 15-minute bicycle or bus/shuttle trip either as a separate study or analysis or as part of a specific or area plan, active transportation plan, or other transportation plan or study that, at a minimum, includes the following:
 - a. The geographic area that can currently be accessed via a 10- or 15-minute trip by these modes, with particular focus on access to Equity Priority Communities and other significant origins and/or destinations;
 - b. Infrastructure and/or service improvements that would expand the geographic area that can be accessed via a 10- or 15-minute trip by these modes; and
 - c. Incorporation of recommended improvements into a capital improvement or service plan for the local jurisdiction and/or transit agency (if applicable).
3. In coordination with transit operators, other mobility service providers, and the community, identify opportunities for [Mobility Hub](#) planning and implementation using [MTC Mobility Hub locations](#) and MTC's [Mobility Hub Implementation Playbook](#).

FUNDING

To assist jurisdictions with TOC Policy compliance, MTC's One Bay Area Grant (OBAG3) program and the Regional Early Access Planning Grants of 2021 (REAP 2.0) will offer planning support to jurisdictions subject to the Policy. Future OBAG funding cycles (i.e., OBAG4) will consider funding revisions that prioritize investments in transit station areas that are subject to and compliant with the TOC Policy.

IMPLEMENTATION

The TOC Policy shall be implemented by requiring local jurisdictions with transit station areas subject to the policy to provide documentation to MTC demonstrating that the policy requirements have been satisfied. Within six months of policy adoption, MTC will provide guidance regarding documentation that local jurisdictions should provide to demonstrate TOC Policy compliance.

The TOC Policy complements the regional PDA Planning and Technical Assistance Program, which provides funding and technical guidance for comprehensive community planning in PDAs. MTC/ABAG will update PDA planning guidelines to include TOC Policy requirements, as well as guidance on how to achieve TOC Policy compliance, and will use the PDA Planning and Technical Assistance Program to assist local jurisdictions with TOC Policy implementation.

EVALUATION AND POLICY UPDATES

In conjunction with Plan Bay Area updates, MTC will evaluate the TOC Policy and its outcomes every four (4) years. Staff will recommend any revisions or modifications to the TOC Policy based on these evaluations.

TECHNICAL ASSISTANCE

In addition to the guidance referenced in the Policy, MTC will provide further guidance on TOC Policy requirements to local jurisdictions with transit station areas subject to the Policy, including assistance with determining appropriate housing policies, transportation demand management, parking and curb management policies and programs, and transit station access and circulation.



MTC Res. No. 4530 Transit-Oriented Communities Policy

Joint MTC Planning Committee with the
ABAG Administrative Committee

September 9, 2022



ASSOCIATION OF BAY AREA GOVERNMENTS
METROPOLITAN TRANSPORTATION COMMISSION



Photo credit: Noah Berger

Presentation Overview

1. Summary of Commissioner feedback
2. Plan Bay Area 2050 and TOC Policy Goals
3. Policy revisions in response to July feedback
4. Next steps for policy implementation
5. Recommendation: Refer Res. No 4530 to Commission for approval



Summary of Commissioner Feedback

1. Broaden policy focus to increase housing supply overall in TOC areas in addition to emphasis on affordable housing.
2. Include policy modification for smaller jurisdictions.
3. Apply policy to half-mile station area.
4. Expand policy requirements to all new commercial development, not just office.
5. Make “No Net Loss” and “Right to Return” mandatory requirements instead of policy options.
6. Assess overlap between state housing laws and TOC Policy affordable housing policy options, alignment with housing element cycle.



Plan Bay Area 2050 Implementation



PLAN BAY AREA 2050

STRATEGY H3
GREATER HOUSING MIX

Allow a greater mix of housing densities and types in Growth Geographies.

7 | Implementation Plan



PLAN BAY AREA 2050

STRATEGY EC4
GREATER COMMERCIAL DENSITIES

Allow greater commercial densities in Growth Geographies.

<https://www.planbayarea.org/>



ASSOCIATION OF BAY AREA GOVERNMENTS
METROPOLITAN TRANSPORTATION COMMISSION





TOC Policy Goals

1. Increase **the overall housing supply** and residential densities for new development, and prioritize affordable housing in transit-rich areas.
2. Increase commercial densities for new development in transit-rich areas near regional transit hubs served by multiple transit providers.
3. Prioritize bus transit, active transportation, and shared mobility within and to/from transit-rich areas, particularly to Equity Priority Communities.
4. Support and facilitate partnerships to create equitable transit-oriented communities within the San Francisco Bay Area Region.

Review of Current Plans, Housing Elements

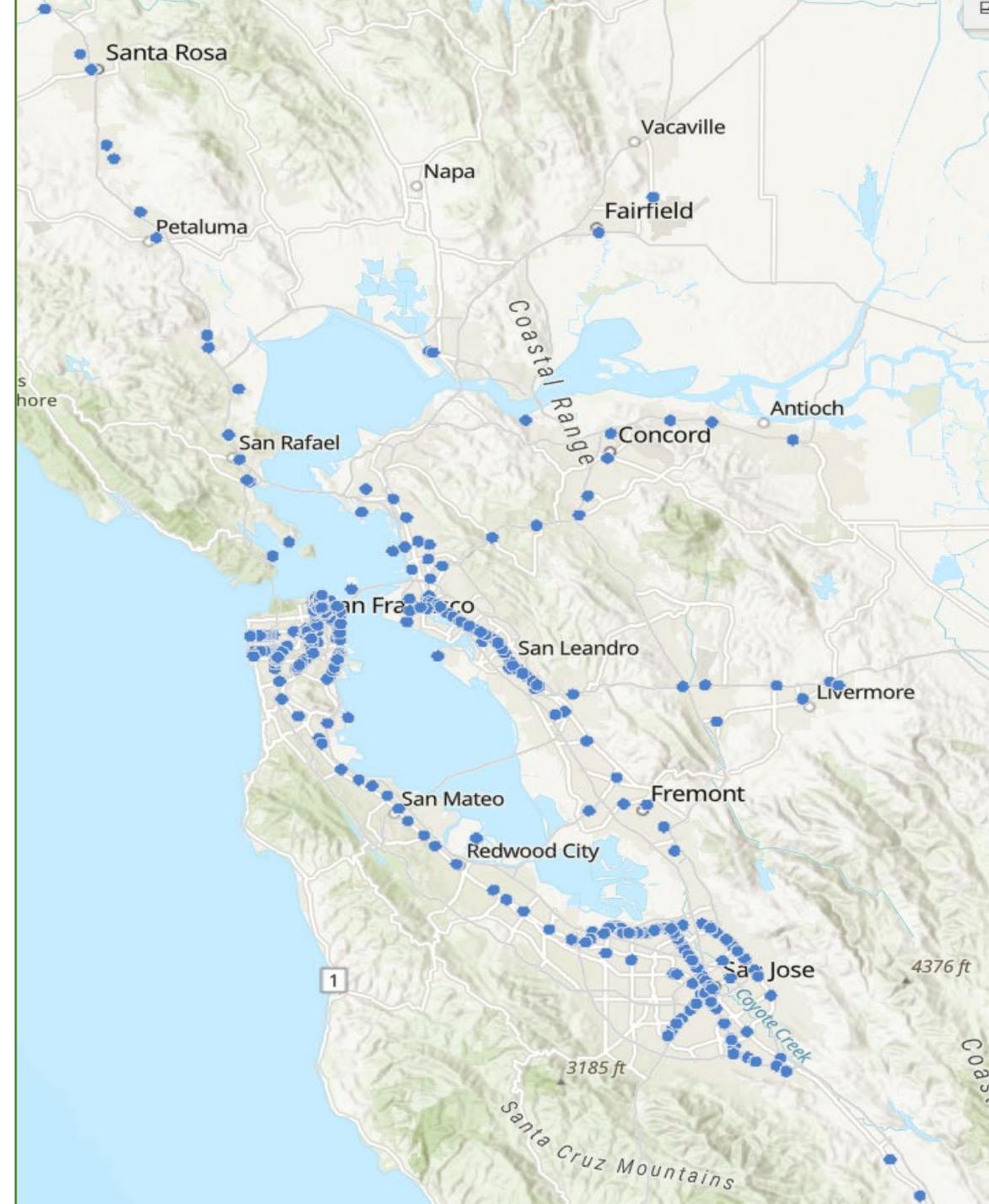
- Staff review of a sampling of current PDA Plans and draft housing elements revealed that zoning falls near or within the range of TOC Policy density requirements.
- Staff also noted recent projects built above TOC Policy densities (e.g., Petaluma (50 du/acre), Pittsburg (50 du/acre) and Fairfield (46 du/acre (proposed))).
- The TOC Policy allows for a broad range of densities within a station area since it requires that, **on average**, planned/zoned densities **for new development** must fall within the ranges established for each transit tier.
- HCD staff generally agree that the timing of TOC Policy implementation aligns with housing element implementation (by 2026).



Where will the TOC Policy Apply?

Areas within one half-mile of existing or planned **fixed-guideway transit stops, stations, or terminals.**

- Regional rail: BART, Caltrain
- Light Rail Transit: Muni Metro, VTA
- Bus Rapid Transit: AC Transit (1T) Tempo, Van Ness BRT, Geary BRT, San Pablo BRT
- Commuter rail: Capitol Corridor, ACE, SMART, Valley Link
- Ferry terminals - all requirements would apply





TOC Policy Requirements



Photo credit: Noah Berger

Density for New Residential Development

On average, densities should be at or above the specified ranges. Allows for varying densities throughout station areas to accommodate for small lots, environmental factors, conflicts with Airport Land Use Compatibility Plans, etc.



Level of Transit Service	Minimum Density	Allowable Max Density
Tier 1: Rail stations serving regional centers*	100 units/net acre or higher	150 units/net acre or higher
Tier 2: Stop/station served by 2 or more BART lines or BART and Caltrain	75 units/net acre or higher	100 units/net acre or higher
Tier 3**: Stop/station served by 1 BART line, Caltrain, light rail transit, or bus rapid transit	50 units/net acre or higher	75 units/net acre or higher
Tier 4: Commuter rail (SMART, ACE, Capitol Corridor) stations, Caltrain stations south of Tamien, or ferry terminal	25 units/net acre or higher	35 units/net acre or higher

*Applies to the following stations: Downtown San Francisco (Embarcadero, Montgomery, Powell, Civic Center); Downtown Oakland (19th, 12th, Lake Merritt); and Downtown San Jose (Diridon)

** Tier 3 cities with a population of 30,000 or less may comply with Tier 4 density requirements.



Bay Area Residential Density Examples: Tiers 2-4

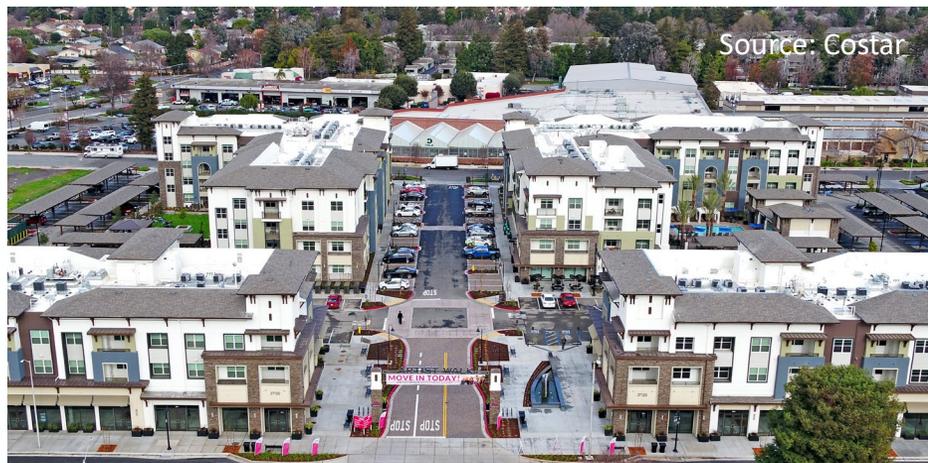
35 units/acre, San Jose



75 units/acre, San Jose



50 units/acre, Fremont



100 units/acre, South San Francisco



Density for New Commercial Office Development



On average, densities should be at or above the specified ranges. Allows for varying densities throughout station areas to accommodate for small lots, environmental factors, conflicts with Airport Land Use Compatibility Plans, etc.

Level of Transit Service	Minimum Density	Allowable Max Density
Tier 1: Rail stations serving regional centers*	4 Floor Area Ratio (FAR) or higher	8 FAR or higher
Tier 2: Stop/station served by 2 or more BART lines or BART and Caltrain	3 FAR or higher	6 FAR or higher
Tier 3: Stop/station served by 1 BART line, Caltrain, light rail transit, or bus rapid transit	2 FAR or higher	4 FAR or higher
Tier 4: Commuter rail (SMART, ACE, Capitol Corridor) stations, Caltrain stations south of Tamien, or ferry terminal	1 FAR or higher	3 FAR or higher

*Applies to the following stations: Downtown San Francisco (Embarcadero, Montgomery, Powell, Civic Center); Downtown Oakland (19th, 12th, Lake Merritt); and Downtown San Jose (Diridon)



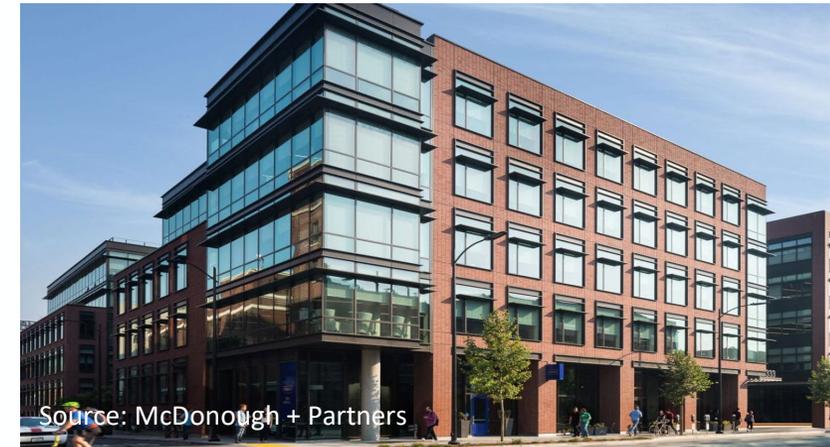
Bay Area Commercial Office Densities – Tiers 2-4

2.9 FAR, Burlingame

Source: Architect Magazine



5 FAR, San Francisco



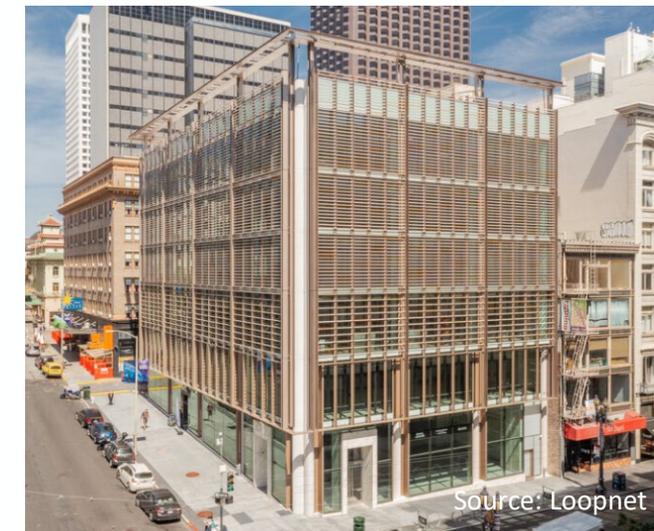
Source: McDonough + Partners

4 FAR, Redwood City

Source: Costar



6 FAR, San Francisco



Source: Loopnet



Parking Management

- No parking minimums for **all Tiers 1-3** (e.g, parking is allowed, but cannot be required)
- At least 1 secure bike parking space per dwelling unit; or per 5,000 square feet of office.
- Allow unbundled parking.
- Allow shared parking between different uses.
- Additional policies or programs from the Parking Policy Playbook to address curb management and transportation demand management.
- Requirements met through individual projects or creation of a parking district.



Level of Transit Service	New Residential	New Office Commercial
Tier 1: Rail stations serving regional centers	<ul style="list-style-type: none"> • Parking max of 0.375 spaces/unit or lower 	<ul style="list-style-type: none"> • Parking max of 0.25 spaces per 1000 square feet or lower
Tier 2: Stop/station served by 2 or more BART lines or BART and Caltrain	<ul style="list-style-type: none"> • Parking max of 0.5/unit or lower 	<ul style="list-style-type: none"> • Parking max of 1.6 spaces per 1000 square feet or lower
Tier 3: Stop/station served by 1 BART line, Caltrain, light rail transit, or bus rapid transit	<ul style="list-style-type: none"> • Parking max of 1.0 spaces/unit or lower 	<ul style="list-style-type: none"> • Parking max of 2.5 spaces per 1000 square feet or lower
Tier 4: Commuter rail (SMART, ACE, Capitol Corridor) stations, Caltrain stations south of Tamien, or ferry terminal	<ul style="list-style-type: none"> • Parking max of 1.5 spaces/unit or lower 	<ul style="list-style-type: none"> • Parking max of 4.0 spaces per 1000 square feet or lower



Housing Policies

Two or more of the following from each category:

Production

- Inclusionary zoning
- Funding
- Overlay zones (SB330, no sunset)
- Public land
- Ministerial approval (SB330, no sunset)
- Land trusts
- **Development certainty and streamlined entitlement process (SB330, no sunset date)**

Preservation

- Funding to preserve unsubsidized housing for low/mod income
- Opportunity to purchase
- SRO preservation
- Condo conversion restrictions
- Land trusts
- Funding for preservation capacity
- Mobile home preservation
- Prevention of displacement from substandard conditions/code enforcement

Protection

- Just cause eviction (beyond AB1482 or no sunset)
- No net loss and right to return to demolished homes (SB330, no sunset date)
- Legal assistance for tenants
- Foreclosure assistance
- Rental assistance
- Rent stabilization (beyond AB1482 or no sunset)
- Prevention of displacement from substandard conditions/code enforcement
- Tenant relocation assistance (beyond AB1482 or no sunset)
- Mobile home rent stabilization (AB978, no sunset)
- Fair housing enforcement
- Tenant anti-harassment protections



Station Access and Circulation

- Adopt policies/guidelines that comply with Complete Streets Policy.
- Prioritize implementation of Active Transportation Plan and relevant Community Based Transportation Plans.
- Complete an access gap analysis and accompanying capital and/or service improvement program.
- Identify opportunities for Mobility Hub planning and implementation.



Image by Nelson Nygaard Consulting Associates

TOC Policy Relationship to Funding

Implementation Phase, 2022-2026

- Policy Implementation
- “Grandfathering” Trans Extensions Subject to 2005 TOD Policy

2022-2026

- OBAG3 and REAP 2.0 support policy implementation by local jurisdictions through planning and technical assistance.
- “Grandfathering” of transit extension projects subject to 2005 TOD Policy: local jurisdiction must commit to TOC Policy compliance by adoption of OBAG 4 (~2026).

Compliance Phase, 2027 and Later

- OBAG 4
- Discretionary Funding for Transit Extensions

2027 and Later Years

Local Jurisdictions with station areas/stops subject to TOC Policy:

- Increased emphasis on County & Local Program investments directed to areas that are subject to and comply with the TOC Policy.
- PDAs with bus transit only will continue to be prioritized.

Transit Extensions:

- Regional discretionary funding contingent on TOC Policy compliance.

Major Project Advancement Policy (MAP):

- MAP may consider TOC Policy in funding allocation and sequencing.



TOC Policy Implementation



ASSOCIATION OF BAY AREA GOVERNMENTS
METROPOLITAN TRANSPORTATION COMMISSION

2023

- Guidelines for TOC Policy Compliance (by March)
- REAP 2.0 and PDA Planning (\$25 M) and Technical Assistance Grants (\$15 M)
- Update to Priority Development Area Planning Guidelines
- Housing Policy Guidance (for multiple program areas)
- Housing Element Implementation

2026

- Housing Element Implementation Complete
- REAP 2.0 and PDA Planning & TA Grants Complete



Requested Action by MTC Planning Committee

Refer MTC Resolution No. 4530, MTC's Transit-Oriented Communities Policy, to the Commission for approval.





SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
2150 Webster Street, P.O. Box 12688
Oakland, CA 94604-2688
(510) 464-6000

September 7, 2022

Therese McMillan
Metropolitan Transportation Commission
Bay Area Metro Center
375 Beale Street, #800
San Francisco, CA 94105-2066
Sent by Email: tmcmillan@bayareametro.gov

2022

Rebecca Saltzman
PRESIDENT

Janice Li
VICE PRESIDENT

Robert Powers
GENERAL MANAGER

DIRECTORS

Debora Allen
1ST DISTRICT

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2ND DISTRICT

Rebecca Saltzman
3RD DISTRICT

Robert Raburn, Ph.D.
4TH DISTRICT

John McPartland
5TH DISTRICT

Elizabeth Ames
6TH DISTRICT

Lateefah Simon
7TH DISTRICT

Janice Li
8TH DISTRICT

Bevan Dufty
9TH DISTRICT

RE: Comments on MTC's Transit-Oriented Communities Policy

Dear Ms. McMillan:

Thank you for providing the opportunity for BART to provide comments on MTC Resolution No. 4530 regarding the Transit-Oriented Communities (TOC) Policy. BART supports MTC's effort to encourage transit supportive policy at the local level, including higher residential and commercial densities, parking standards, community stabilization policies, and access and circulation guidance in existing and aspirational transit-rich areas. MTC staff have done an admirable job balancing regional needs with local contexts and responding to input from diverse stakeholders.

We'd like to note that this policy is complementary to three key policies adopted by the BART Board, including:

- **Transit-Oriented Development Policy:** The BART's Transit-Oriented Development (TOD) policy and performance targets (available at <https://www.bart.gov/tod>) are supported by BART's TOD Guidelines. The TOD Guidelines outline three TOD Place Types (inspired by MTC's Place Types Framework) and provide zoning guidance for areas within a half-mile of BART stations, based on level of transit service and local context (i.e., access to employment, built environment, etc.). Assembly Bill (AB) 2923 codified these zoning targets, requiring them for the majority of developable BART-owned properties in Alameda, Contra Costa, and San Francisco Counties.
- **Station Access Policy:** BART's Station Access Policy, adopted in 2016 prioritizes investments in walking, biking, transit, and passenger loading over driving and parking for accessing stations. The Policy's investment framework is determined by the BART Station Access Typology, which is available on the Station Access Policy webpage (www.bart.gov/accesspolicy) and identifies both current and aspirational station types. When BART advances TOD, we typically reference the aspirational type to determine levels of BART rider parking replacement. BART is pleased to see station access and circulation requirements in the TOC Policy as well as parking management and reference to the Parking Policy Playbook.
- **System Expansion Policy:** Finally, BART is currently undertaking an update to the District's System Expansion policy, which sets a framework for BART to evaluate proposed major investments in the system, including line extensions or additions, and infill stations. The update will better align the policy with more current District priorities and other related policies. It is staff's intention that the policy will reference the MTC TOC Policy as one layer of policy consistency required in consideration of any new BART station, thereby ensuring funding eligibility and consistency in regional land use guidance.

www.bart.gov

We recognize the challenges of policy development in the diverse setting of the Bay Area and appreciate that MTC anticipates updating the policy every four years to allow opportunity to refine

September 7, 2022
Page 2

and improve the policy over time. For future iterations, we recommend consideration of the following areas for refinement:

- MTC's TOC Policy employs four tiers that are weighted on the level and type of fixed-route transit service. BART is supportive of linking land use requirements to level of transit investment; however, we would note that linkage to "number of lines" is not necessarily directly correlated to level of service. For example, additional service can be run on a single route and, while no changes are currently planned, BART may make operational changes that could change the number of routes serving a particular location. BART staff will continue to work with MTC to refine this approach to best link land use and transit investment in the next policy update.
- While residential and commercial office zoning is critical to establishing transit supportive communities, there is a concern that narrowly defined land use requirements may create unintentional loopholes. A jurisdiction may choose to zone for non-office commercial development or another use entirely to avoid density, floor area ratio, and parking requirements. To partially close this loophole we suggest extending the "no minimum parking" requirement to all uses, and that no exception to this rule be made for Tier 4 locations.
- Parking policies are as important for affecting transit ridership as land use and density and we encourage MTC to require parking management districts for the half-mile radius around station area. In the meantime, we appreciate the opportunity provided by MTC's 2022 Local Parking Management Grant Program. Even pre-pandemic, BART had capacity in the off-peak periods and non-commute directions. Parking management districts support TOD development on existing parking lots (including BART parking lots), motivate people to use transit for reverse commuting and other purposes, and can improve access overall. They also benefit station areas by ensuring that transit riders, residents, employees, and visitors have parking available when they must drive and park in addition to supporting a robust menu of options that strongly encourage accessing these areas by ways other than driving alone and parking.

We would like to reiterate the importance of this policy and BART's support for the TOC Policy's goals, which seek to achieve transit supportive land uses and policies in our region. If you have any questions, please don't hesitate to contact Hannah Lindelof at (510) 464-6426 or hlindel@bart.gov.

Sincerely,



Val Joseph Menotti
Chief Planning & Development Officer

cc: Kara Vuicich, Regional Planning Program, MTC
Therese Trivedi, Regional Planning Program, MTC
Matt Maloney, Regional Planning Program, MTC
Hannah Lindelof, Strategic Planning, BART

EAST BAY FOR EVERYONE

September 8, 2022

MTC Planning Committee and ABAG Administrative Committee

Via Email Only

375 Beale St.

San Francisco, CA 94105

September 8, 2022

RE: Agenda Item 8A, September 9, 2022 - TOC Policy

MTC Planning Committee and ABAG Administrative Committee Members:

East Bay for Everyone is a network of people fighting for the future of housing, transit, tenant rights, and long-term planning in the East Bay. We are concerned that Tier 4, particularly the last minute changes that exempt several wealthy communities from Tier 3, undermines the goals of providing reliable transit with short headways, and adding additional housing in a fair manner.

Transit ridership often takes a virtuous or vicious cycle. Low frequencies of service, and unreliable service leads to low ridership, which requires additional subsidy, and leads more people to purchase cars and increases demand for parking. High levels of service can lead even more people to take transit, which reduces operating subsidies and reduces demand for cars.

Adding lower frequency transit services with lower ridership to Tier 4, and allowing parking minimums for cities in these tiers, is the wrong approach. Transit services that cannot provide all-day service (SMART) or have low frequencies are exactly the ones that could benefit most from a new rider base near the stations that does not have free car parking.

We are also concerned about the changes that exempt several wealthy, mostly white communities from Tier 3 requirements. Orinda, one of these cities, is about 75% White and has a median household income of \$231,000. Orinda incorporated in 1985 to achieve "local control," (in other words, strip the County of the ability to plan for more intensive land uses in Orinda) in the words of the measure's backers, and the primary group driving the incorporation effort was named "Citizens to Preserve Orinda."¹ Orinda gets to benefit from our collective investment in making the BART network successful, without having to make the land use changes that justify a station in

¹ <https://www.lamorindaweekly.com/archive/issue0408/Orinda-Turns-25-The-Story-of-Incorporation.html>

town. We think this is unfair, and we think it is also unfair to hold lower income communities with more minorities to a higher standard than Orinda, Lafayette, Atherton, Brisbane, and others.

We also think it is absurd to lowering the requirements for these communities from what is an *optional zoning program*. These communities, which started at lower densities than surrounding areas and have largely managed to grow at lower densities than other communities have grown, will now have the opportunity to reap more rewards from regional governments without making the same changes to land use.

We think Tier 4 is a poor idea and should be scrapped in favor of requiring Tier 3 for all cities. At the very least, if Tier 4 is retained, it should have the following amendments:

- Remove minimum parking requirements for Tier 4 cities. Transit in the Bay Area is better than the statewide average, and our minimum parking rules should be leading the state, not following it (AB 2097).
- The zoning exemption for cities under 30,000 residents should be removed.
- The minimum density should at least be the "Mullin density" of 30 DUA, which is the bare minimum density required to be competitive for affordable housing financing.

Signed,

Jonathan Singh
Co-Executive
East Bay for Everyone



SUBMITTED VIA EMAIL TO INFO@BAYAREAMETRO.GOV

DATE: Sept. 8, 2022

TO: MTC Planning Committee Chairman Jim Spering, MTC Planning Committee Members and ABAG Administrative Committee Members

FROM: BIA|Bay Area East Bay Executive Director for Governmental Affairs Lisa Vorderbrueggen

RE: MTC Resolution No. 4530: Transit-Oriented Communities Policy Adoption

Dear Jim and Committee Members:

BIA|Bay Area appreciates the opportunity to submit the following comments on the draft Transit-Oriented Communities (TOC) policy.

Foremost, BIA strongly supports the call from the Bay Area business community to amend the draft policy to include a requirement for local jurisdictions to adopt at least two robust housing production policies as described in the business community's coalition letter.

BIA also requests additional revisions relating to the policy text.

Since 2005, MTC has had a Transit Oriented Development (TOD) Policy that establishes a minimum number of new housing units that local jurisdictions must allow within one-half mile of a new rail station receiving certain regional transportation funds. MTC proposes to replace the existing TOD Policy with the TOC Policy. The TOC Policy would condition local governments' access to specified transportation funds on their adoption of policies from a newly created "policy menu" established by MTC to be applicable within Priority Development Areas (PDAs,) a Transit Priority Areas (TPAs).

As explained in the business community coalition letter, as currently proposed, the policy menu is significantly imbalanced against policies that would incentivize and streamline housing production at all income levels. Many of the options would provide no benefit to most housing projects or developers. Instead, many will suppress overall housing production by increasing the costs and risks associated with residential development. It is imperative that MTC add to the

policy more options that advance overall housing production and mandate that local jurisdictions adopt at least two robust pro-housing measures.

San Francisco's persistent and protracted housing shortage and affordability crisis is well known. As the two graphs on the right illustrate, the region lags well behind other major metropolitan areas when it comes to providing adequate housing for their residents.

(Source: ["Here's why Austin and Seattle are building way more housing than San Francisco," SF Chronicle, Aug. 1, 2022](#))

In the article, UC Davis law professor and land-use research Chris Elmendorf said San Francisco's housing production rates are comparatively lower than other cities because development is too costly.

"I think it's fair to say that San Francisco has ... the combination of a very cumbersome and unpredictable permitting process, plus, a rather extraordinary array of regulatory requirements and fees," Elmendorf said.

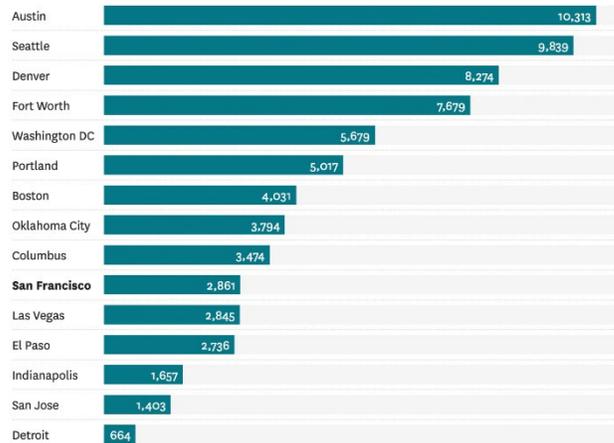
For example, Elmendorf points out factors that add up: construction costs, regulatory requirements like impact fees, inclusionary zoning, affordable housing mandates and physical requirements such as private open space and greywater treatment systems.

"You put all those things together and there's actually almost nothing that is economically feasible to develop, even on a vacant site, in most of San Francisco today," he said.

Much like the myriad existing policies that have produced the housing crisis of today, most of the draft Transit-Oriented Communities policy options focus on goals other than increasing housing production. Also, with respect to the few policy options that do address increased production, they focus almost entirely on subsidized affordable housing. And there is no language or policy in the document requiring a local government to adopt any policy that significantly increases overall market rate housing production.

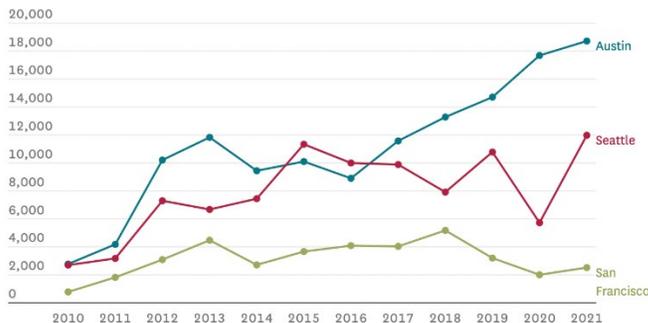
New housing units permitted per 100,000 people, 2015-21

For selected U.S. cities with between 600,000 and 1.1 million people



Source: [U.S. Census](#)

How does San Francisco compare to other cities in yearly housing unit permits?



Source: [U.S. Census](#)

In fact, the current draft explicitly states that it does not require any area be zoned to allow housing and, unlike the existing TOD Policy that it proposes to replace, there is no minimum number of housing units that must be allowed. The current draft states unequivocally: “*The TOC Policy does not require that areas within a PDA or TRA be zoned for residential uses*”

Also, while the current draft purports to support overall housing by establishing certain minimum density requirements, this requirement is largely illusory for two reasons.

First, the minimum densities as implemented in the policy only apply if a jurisdiction decides to “opt in” by voluntarily zoning a site within a PDA or TPA for housing. Again, the proposed TOC policy expressly ***does not require that any area within a PDA or TRA be zoned for residential uses***. Second, the minimum density provision is inapplicable to any site within a PDA or TPA that is already developed with even one single family dwelling unit. This limitation directly conflicts with the goal of intensifying existing developed areas especially areas that are zoned exclusively for single family housing as expressed in recent reforms including SB 9.

The bottom line is that local governments can fully comply with the current draft TOC Policy without having to make any additional sites available for new housing, without demonstrating any progress in approving and developing new housing and without adopting any policies that meaningfully streamline and incentivize increased overall housing production.

Relatedly, the text of the TOC Policy revision should be revised as follows to reflect the addition of required housing production policies and bring greater balance among the “Three P’s”:

1. **Add language emphasizing the importance of increasing housing production of all types.** Examples follow:
 - a) In the resolution version dated July 8, 2022, “WHEREAS, incentivizing local jurisdictions to also adopt policies focused on **increasing housing production of all types, including** affordable housing production, preservation and protection, commercial anti-displacement and stabilization, parking management, and transit station access and circulation further supports regional transit investments and Plan Bay Area 2050 implementation, now, therefore, be it ...”
 - b) Under the first bullet in the GOALS chapter, “Increase **the overall housing supply, and increase** residential densities for new development and prioritize affordable housing in transit-rich areas. “
 - c) Under TOC Policy Requirements, “TOC Policy requirements consist of the following four elements: 1) minimum required and allowable residential and/or commercial office densities for new development; **2) housing production policies that increase all types of housing, policies focused on with additional emphasis on** affordable housing production, preservation and protection, and commercial anti-displacement and stabilization policies; 3) parking management; and 4) transit station access and circulation.

- d) Under Section 2A., change references to “Affordable Housing” to “Housing,” including “2A. **Affordable Increased Housing Production.**”

The significance of these requested changes is confirmed by two recent studies discussing the importance of increasing market rate construction for providing affordable housing:

- [**A Review of California’s Process for Determining, and Accommodating, Regional Housing Needs, Jan. 4, 2022:**](#) *“When a new building comes onto the market, many of the people who buy or rent units in the building then vacate other units within the region. The newly vacated units in turn are occupied by people who vacate other units, and so forth. A recent study found that when 100 new units are constructed in a high-income census tract, the resulting “chain of moves” releases—within five years—about 45-70 units in below-median-income census tracts in the same metro area, and 17-39 units in bottom-quintile census tracts. (Mast, 2021) ... Conversely, when new market-rate units are not constructed in a city or region experiencing high-wage employment growth, existing units in lower-income census tracts come under gentrification pressure. They ‘filter upward,’ in the lingo of housing economists, as speculators buy, renovate, and flip the older homes. What had been naturally affordable housing gets repurposed as like-new luxury housing.”*
- [**Housing Market Interventions and Residential Mobility in the San Francisco Bay Area \(Chapple, et al 2022\):**](#) *“In functioning housing markets, the typical housing unit mostly filters downward, becoming more affordable as it ages. A recent study of the nation’s rental housing stock from 1985-2011 found that less than 10% of the net increase in affordable units came in the form of affordable new construction or subdivision of existing units (Weicher et al. 2017). The rest was due to downward filtering of older rental units, and tenure switches between owner-occupied and rental housing. However, in supply-constrained markets, the upward filtering of some older units partially or entirely offsets the slow downward filtering of others.” (Rosenthal, 2014; Liu et al., 2020; Myers and Park, 2020.)”*

2. **Eliminate the reference under Existing Transit and Transit Enhancements or Improvements and Transit Extensions** to using the TOC Policy for consideration of funding from MTC’s Major Project Advancement Policy. This is putting the cart before horse and trying to expand the application of the TOC Policy beyond what is being agreed to today.
3. Within the Housing Production Policy menu, in recognition that the proposed 15 percent inclusionary requirement is a substantial increase in housing production costs over most jurisdictions’ current inclusionary requirements, **grandfather all existing inclusionary**

ordinances as long as they are at least 10 percent of which at least 5 percent must be affordable to low-income households.

4. Under FUNDING, **eliminate the percentages by county for future OBAG funding cycles.** Each OBAG cycle is subject to negotiation and including it in this policy may preclude future boards from making their own decisions.
5. Lastly, some are asking for the anti-displacement policies to be made even more restrictive. This seems to be based on the mistaken view that building new housing is a primary cause of displacement. New Bay Area research, however, shows that the opposite is true — it is the **LACK** of new market-rate housing that is causing displacement:

[Housing Market Interventions and Residential Mobility in the San Francisco Bay Area \(Chapple, et al 2022\)](#): "Despite some areas of disagreement and uncertainty, this study suggests that new market-rate housing production is generally resulting in slight increases in both outmigration and immigration. New subsidized construction tends to increase immigration but has mixed effects on outmigration. Thus, new construction fosters churn: some households leave while others move in, and the net impact is minimal, at least over the four-year period studied. That newcomers at all SES levels can move in suggests that market-rate construction is easing housing market pressures."

Again, BIA|Bay Area thanks you for the opportunity to submit comments on the draft Transit-Oriented Communities Policy. Please contact me at any time if you have any questions or comments.

Sincerely yours,



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September 8, 2022

Re: September 9, 2022 Planning Committee Item 8a: Transit-Oriented Communities (TOC) Policy

Dear Committee Chair Spering and Vice Chair Ahn:

We appreciate the Commission and staff for the thoughtful work given to updating MTC’s Transit-Oriented Communities (TOC) Policy. Our organizations have been engaging with staff on designing an effective TOC policy since the process began almost two years ago, and we are eager to see the TOC Policy approved by the Commission later this month so that jurisdictions across the region can take steps towards the goals of the TOC Policy and Plan Bay Area 2050. The TOC policy is a critical tool in our toolbox to start making a meaningful impact towards achieving our goals. Now is the time to take action: our converging crises of housing unaffordability, climate change, and racial and economic inequities have deepened in scale and urgency.

The draft policy includes many important provisions to advance our regional goals for housing, climate, and access to opportunity. It is essential that the Committee approve the policy at the September 9th meeting so that it can be approved by the Commission in late September; this timeline will allow jurisdictions the opportunity to reasonably integrate the policy requirements with housing element rezoning over the next several years. While we support the policy broadly, and commend staff and Commissioners for progress on various aspects of the policy design, there are several areas where the policy must be improved to follow through on its stated goals, and the imperatives unanimously approved in Plan Bay Area. We are particularly concerned by several recent changes that we believe significantly undermine the climate and equity goals of the policy.

Therefore, we strongly recommend that the Committee approve the policy on September 9th and call on staff to create alternative options for the full Commission in response to the following three concerns:

- 1) Eliminate the last-minute exemption for residential densities for some of the region’s most exclusive cities with abundant access to opportunity.** The current draft policy includes a new exemption for a small subset of cities with Tier 3 transit (i.e., served by 1 BART line, Caltrain, light rail transit, or bus rapid transit) that are home to less than 30,000 people. In practice, this exemption is targeted specifically to some of

the region's most exclusive, racially segregated cities that have some of the highest median incomes and rank high on access to opportunity: Albany, Atherton¹, Belmont, Brisbane, Lafayette, and Orinda.

We recognize MTC's challenging role of furthering goals that at times may be in tension with one another, including affirmatively furthering fair housing and greenhouse gas emissions reduction. This only underscores how imperative it is that we commit to equitable development in areas that are both high opportunity and transit rich areas given the multiple co-benefits it would provide. This exemption does not further the goals of the TOC policy, nor does it appear to be designed to respond to any place-specific constraints on development capacity.

This last-minute exemption would be acting in direct opposition to MTC and ABAG commitments to both affirmatively further fair housing and reduce GHG emissions; it would allow jurisdictions that have long excluded multifamily housing to continue to be exempted from engaging in our collective efforts for a more sustainable, and less racially and economically segregated, region. We strongly urge you to remove this exemption in the final policy.

- 2) **As we stated in our letter on July 6th, 2022, it is critical that the "3 P's menus be consolidated and strengthened if the policy is going to incentivize genuine impact for affordable housing and anti-displacement for the region; at present, the menus have left jurisdictions with too many low-impact options, and leave ample opportunity for jurisdictions to meet their affordable housing requirements without meaningfully changing local policy or funding.** We recommend specifically:
 - a) **The policy should require no-net-loss and the right to return for demolished homes as a baseline requirement.** Requiring no-net-loss and right to return for demolished homes (specifically enconcing current state law, SB 330, without a sunset date) is a commonsense baseline policy to prevent direct displacement, and it presents no cost to the local jurisdiction.
 - b) **The policy should focus its affordable housing production menu options on high impact policies that have a specific focus on affordable housing production.** The affordable housing production menu has been updated and now includes three options that require only that local jurisdictions adopt various components of current state law (SB 330) without a sunset date, including a new policy that is not even specific to affordable housing. **We recommend that the production aspects of SB 330 be either consolidated to count as a single policy in the menu or that they be removed from the menu and made baseline requirements.**
 - c) In addition, there are several other lower-impact and/or duplicative policies currently included in the affordable housing and anti-displacement policy menus that should be collapsed and refined to ensure that jurisdictions are not incentivized to select policies from the menu that do not achieve the intended goals and scale of the policy. We outlined these recommendations in our [previous memo to staff](#).

Failing to consolidate the 3 P's menus will undermine the affordability and equity commitments for the policy that MTC has committed to from the outset of this policy development process. The affordable housing and equity community has provided extensive feedback on how to design the menus to reflect best practices and focus on high-impact policies, and we urge you to incorporate this feedback in the final policy.

- 3) **Eliminate Tier 4 minimum parking requirements.** All versions of the policy prior to the one published last week have prohibited minimum parking requirements, thus preventing jurisdictions from forcing the construction of parking adjacent to great transit. It is [well-documented](#) that minimum parking requirements increase congestion and GHG emissions while making conditions worse for walking, biking, and transit. In short, minimum parking requirements directly contradict TOC policy goals.

¹ While the Atherton Caltrain station has closed, roughly 60 acres of Atherton are within ½ mile of the Menlo Park Caltrain station.

Some jurisdictions use minimum parking requirements in an effort to avoid spillover parking from new development, but minimum parking requirements fail to achieve this desirable goal. For example, forcing a developer to build 1.5 parking spaces per unit does nothing to prevent occupants from owning 3 vehicles per unit. If a jurisdiction wishes to successfully manage spillover parking from new development, it must do so directly, by managing residential and commercial parking through strategies such as time-limits, parking permits, pricing, and enforcement. Thankfully, committee agenda item 7a explains MTC's strategy to devote \$15 million dollars to support jurisdictions implementing such policies, which are described in MTC/ABAG's excellent [Parking Playbook](#).

Minimum parking requirements in Tier 4 areas will undermine the TOC policy's stated goals, will fail to deliver the desired benefit, and distract from policies that can actually prevent spillover parking. Please reconsider this last-second policy change and eliminate minimum parking requirements in Tier 4 zones.

Thank you again for your time, engagement, and consideration.

Respectfully,

Amy Thomson, Policy Analyst
TransForm

Jeff Levin, Policy Director
East Bay Housing Organizations

Jonathon Kass, Transportation Policy Manager
SPUR

Amie Fishman, Executive Director
Non-Profit Housing Association of Northern
California

Justine Marcus, Senior State & Local Policy Director
Enterprise Community Partners

Jeremy Levine, Executive Director
Inclusive Lafayette

Jen Klose, J.K., Executive Director
Generation Housing

Cody Keller, President
Contra Costa Young Democrats

Zoe Siegel, Director of Climate Resilience
Greenbelt Alliance

Jonathan Singh, Co-Executive
East Bay for Everyone

Aaron Eckhouse, Regional Policy Manager
California YIMBY

Ken Chan, Senior Organizer Housing Leadership
Council of San Mateo County

Laura Neish, Executive Director
350 Bay Area

Regina Celestin Williams, Executive Director
SV@Home

cc: Alfredo Pedroza, Chair, MTC
Jesse Arreguin, President, ABAG

EAST BAY FOR EVERYONE

375 Beale St.
San Francisco, CA 94105
September 8, 2022

MTC Planning Committee and ABAG Administrative Committee Members:

East Bay for Everyone is a network of people fighting for the future of housing, transit, tenant rights, and long-term planning in the East Bay. We are concerned that Tier 4, particularly the last minute changes that exempt several wealthy communities from Tier 3, undermines the goals of providing reliable transit with short headways, and adding additional housing in a fair manner.

Transit ridership often takes a virtuous or vicious cycle. Low frequencies of service, and unreliable service leads to low ridership, which requires additional subsidy, and leads more people to purchase cars and increases demand for parking. High levels of service can lead even more people to take transit, which reduces operating subsidies and reduces demand for cars.

Adding lower frequency transit services with lower ridership to Tier 4, and allowing parking minimums for cities in these tiers, is the wrong approach. Transit services that cannot provide all-day service (SMART) or have low frequencies are exactly the ones that could benefit most from a new rider base near the stations that does not have free car parking.

We are also concerned about the changes that exempt several wealthy, mostly white communities from Tier 3 requirements. Orinda, one of these cities, is about 75% White and has a median household income of \$231,000. Orinda incorporated in 1985 to achieve "local control," (in other words, strip the County of the ability to plan for more intensive land uses in Orinda) in the words of the measure's backers, and the primary group driving the incorporation effort was named "Citizens to Preserve Orinda."¹ Orinda gets to benefit from our collective investment in making the BART network successful, without having to make the land use changes that justify a station in town. We think this is unfair, and we think it is also unfair to hold lower income communities with more minorities to a higher standard than Orinda, Lafayette, Atherton, Brisbane, and others.

We also think it is absurd to lowering the requirements for these communities from what is an *optional zoning program*. These communities, which started at lower densities than surrounding areas and have largely managed to grow at lower densities than other communities have grown,

¹ <https://www.lamorindaweekly.com/archive/issue0408/Orinda-Turns-25-The-Story-of-Incorporation.html>

will now have the opportunity to reap more rewards from regional governments without making the same changes to land use.

We think Tier 4 is a poor idea and should be scrapped in favor of requiring Tier 3 for all cities. At the very least, if Tier 4 is retained, it should have the following amendments:

- Remove minimum parking requirements for Tier 4 cities. Transit in the Bay Area is better than the statewide average, and our minimum parking rules should be leading the state, not following it (AB 2097).
- The zoning exemption for cities under 30,000 residents should be removed.
- The minimum density should at least be the "Mullin density" of 30 DUA, which is the bare minimum density required to be competitive for affordable housing financing.

Signed,
The 2500 members of East Bay for Everyone

From: [Christopher Pederson](#)
To: [MTC-ABAG Info](#)
Cc: hilary.ronen@sfgov.org; [Nick Josefowitz](#)
Subject: Joint MTC Planning/ABAG Administration Committee agenda item 8a - Transit-Oriented Communities Policy
Date: Thursday, September 8, 2022 1:55:39 PM

External Email

Dear Chair Sperring and Commissioners:

I urge the Planning Committee to modify the proposed Transit-Oriented Communities (TOC) Policy to remove the lower density requirements for smaller “Tier 3” cities and to reinstate the prohibition on minimum parking requirements for all tiers.

One important factor driving the Bay Area’s climate, transportation, and housing woes is the limited supply of housing close to convenient public transit. The staff report attempts to justify lower density requirements for smaller cities by alluding to unspecified “small jurisdiction conditions” that might have the effect of precluding development. Those small jurisdictions, however, have enjoyed the benefits of transit stations that were paid for by the region as a whole, the state, and the federal government. I cannot imagine why MTC would ratify and perpetuate the exclusionary zoning policies of a handful of small, affluent suburbs, especially when doing so comes at the expense of the Bay Area’s efforts to address the climate and housing crises.

The proposed TOC Policy to allow Tier 4 cities to continue to impose minimum parking requirements will place an obstacle in the way of constructing more housing near those stations and will undermine efforts to maximize transit ridership by the residents of any housing that does get built. In addition, if signed by the governor, pending legislation such as AB 2097 (Friedman) and AB 2011 (Wicks) will significantly limit local governments’ authority to impose off-street parking requirements on new housing proposed near transit stations or along commercial corridors.

The Committee should therefore modify the TOC Policy to require all Tier 3 cities to allow at least 50 units/net acre in station areas and to prohibit Tier 4 cities from imposing minimum parking requirements in stations areas.

Thank you for your consideration of my comments.

Sincerely,

Christopher Pederson





August 31, 2022

Members of the MTC Planning Committee and the ABAG Administrative Committee,

We write to request an amendment to the ongoing creation of a Transit Oriented Communities (TOC) policy to require that at least two housing production policies from our menu below be a requirement for certification under the new TOC policy.

Since 2005, the Metropolitan Transportation Commission (MTC) has had a Transit Oriented Development (TOD) Policy that establishes a minimum number of new housing units that local jurisdictions must allow within one half mile of a new rail station receiving certain regional transportation funds. MTC is currently proposing to replace this TOD Policy with a new TOC Policy, and we feel the policy does not do enough to produce the new housing that is the foundation for the types of communities it purports to set as its goal.

As currently drafted, local governments can fully satisfy the TOC criteria without adopting a production strategy to increase the number of housing units for all income levels near transit, potentially exacerbating the Bay Area’s housing crisis. While the draft policy calls for minimum allowable density in areas where a local jurisdiction voluntarily chooses to allow housing, this is not an adequate production strategy because the TOC policy does not require the jurisdiction to allow housing in any areas. It also exempts all areas where there is existing housing, a clear conflict with the goals of key state housing reform statutes like SB 9.

The existing TOD policy is more focused on housing production than the TOC policy, and while we support a “Three P’s” approach to the housing crisis, we are worried that the production “P” is neglected under the current draft. Existing policy is based on a required minimum number of

new homes that must be allowed in specified areas. The new policy should carry forward this intent and go beyond protection and preservation to strategies known to increase production. To be eligible for the relevant funds, we urge you to require local governments to adopt at least two of the following:

- Ministerial streamlining for new housing planned in the areas subject to the TOC policy.
- Incentivizing local jurisdictions to rezone areas within the areas subject to the TOC policy to allow significantly more housing.
- Going beyond State Density Bonus Law to provide double the number of required incentives and concessions be granted.
- Incentivize consistency between SCS and local land use ordinances

When SB 375 was passed in 2008 and we began the process of marrying land use and transportation planning to focus growth and reduce vehicle miles travelled, the daily VMT of the Bay Area was 162 million miles. Today it is 172 million miles. We are clearly failing and failing because we have not sufficiently incentivized new home construction around transit and in job-rich communities.

We urge you to require local governments to adopt at least two of the above production strategies from your menu as a component of any fully compliant TOC strategy. This will ensure balance with other important strategies that is needed to discourage local government NIMBYism. With those amendments, our organizations would be in full support of your policy.

Best wishes,

Matt Regan
Senior Vice President
Bay Area Council

Paul Campos
Senior Vice President
BIA Bay Area

Vince Rocha
Vice President
Silicon Valley Leadership Group

Peter Rumble
CEO
Santa Rosa Metro Chamber

Rosanne Foust
President and CEO
San Mateo County Economic Development Association

Aaron Eckhouse
Regional Policy Manager
California YIMBY

Traci Anderson
Director of Community Innovation
Innovation Tri Valley

Cynthia Murray
President and CEO
North Bay Leadership Group

Corey Smith
Executive Director
Housing Action Coalition

Laura Foote
Executive Director
YIMBY Action

Zack Subin
Chapter Lead
Urban Environmentalists

John Bate
Chapter Lead
Streets for People