

Date: July 8, 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 Priority Development Areas and Transit Rich Areas that are served by the following types of existing and planned fixed-guideway transit: 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 policies; 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 July 8, 2022.

Date: July 8, 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 within Growth Geographies served by existing and planned fixed-guideway transit 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 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, 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 July 8, 2022.

Attachment A

Date: July 8, 2022
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Attachment A
MTC Resolution No. 4530

TRANSIT-ORIENTED COMMUNITIES POLICY

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 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, or about a ten-minute walk, 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 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 Priority Development Areas (PDAs) and Transit-Rich Areas (TRAs)² that are served by the following types of existing and planned **fixed-guideway transit**³: regional rail (e.g., Bay Area Rapid Transit, Caltrain), commuter rail (e.g., Capitol Corridor, Altamont Corridor Express, Sonoma-

¹ See [MTC Resolution No. 4493](#).

² Plan Bay Area 2050 defines PDAs as “Areas generally near existing job centers or frequent transit that are locally identified (i.e., identified by towns, cities or counties) for housing and job growth” and TRAs as “Areas near rail, ferry or frequent bus service that were not already identified as PDAs. Specifically, these are areas... within 1/2 mile of either an existing rail station or ferry terminal (with bus or rail service), a bus stop with peak service frequency of 15 minutes or less, or a planned rail station or planned ferry terminal (with bus or rail service).”

³ “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)

Marin Area Rail Transit, Valley Link), light-rail transit (LRT), bus rapid transit (BRT), and ferries. If a PDA has been designated, then the TOC Policy applies to the portion of the PDA area that is within one half-mile of the applicable transit station, stop, or terminal. If a PDA has not been designated, then the TOC Policy applies to the TRA within one half-mile of the applicable transit station, stop, or terminal. For ferry terminals where no PDA has been designated, only the TOC Policy station access and circulation requirements will apply.

Existing Transit and Transit Enhancements or Improvements

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

The TOC Policy will also be a consideration in MTC's Major Project Advancement Policy (MAP), which will identify discretionary funding sources and sequence funding requests to support development and delivery of regionally significant projects included in Plan Bay Area 2050.

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. 3434⁴ Transit-Oriented Development Policy (TOD Policy)⁵, 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

⁴ See [MTC Resolution No. 3434](#).

⁵ See [MTC Resolution 3434 Transit-Oriented Development \(TOD\) Policy for Regional Transit Expansion Projects](#).

compliance by the adoption of the OBAG 4 program, estimated in 2026, through written documentation with MTC.

As noted above, the TOC Policy will also be a consideration in MTC's MAP.

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

Jurisdictions with PDAs and TRAs that are not served by fixed-guideway service may choose to “opt in” and voluntarily meet TOC Policy requirements.⁶

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) policies focused on affordable housing production, preservation and protection, and commercial anti-displacement and stabilization polices; 3) parking management; and 4) transit station access and circulation. These requirements, described further below, apply to PDAs and TRAs with the following types of existing and planned fixed-guideway transit investments: regional rail, commuter rail, light-rail transit (LRT), and bus rapid transit (BRT). For ferry terminals where no PDA has been designated, only the TOC Policy station access and circulation requirements will apply.

1A. Required Minimum and Allowable 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 PDA or TRA 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.

For parcels in PDAs or TRAs where residential uses are allowed but that are not currently occupied by existing single- or multi-family dwelling units, zoning should require or allow the

⁶ For PDAs or TRAs with no fixed-guideway transit service, the Tier 4 density and parking management requirements will apply in addition to all other TOC Policy requirements.

residential densities described in Table 1 below. This includes parcels zoned for mixed-use, where residential is an allowable use. Jurisdictions may require or allow higher densities than those described in Table 1, if desired. While the TOC Policy does not specify requirements for building height limits, local jurisdictions should not limit building heights such that new residential development at the densities specified by the TOC Policy becomes infeasible. 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:

- **Required Minimum Density:** Land use plans and zoning must *require* that new residential development be built at or above the minimum required densities specified in Table 1. 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 densities that are lower than those specified in Table 1.
- **Required Allowable Density:** If a local jurisdiction’s land use plans and zoning set a maximum allowable density for new residential development, then the maximum allowable density must be the same as or higher than the specified required allowable density in Table 1. 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. The required allowable 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 required allowable densities specified in Table 1).

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

<u>Level of Transit Service</u>	<u>Required Minimum Density¹</u>	<u>Required Allowable Density^{1, 2}</u>
Tier 1: Rail stations serving regional centers (e.g., Downtown San Francisco, Downtown Oakland, and Downtown San José)	100 units/net acre	150 units/net acre
Tier 2: Stop/station served by two or more BART lines or BART and Caltrain	75 units/net acre	100 units/net acre
Tier 3: Stop/station served by one BART line, Caltrain, light rail transit, or bus rapid transit	50 units/net acre	75 units/net acre
Tier 4: Commuter rail (SMART, ACE, Capitol Corridor, Valley Link) stations, Caltrain stations south of Tamien, or ferry terminals ³	25 units/net acre	35 units/net acre
<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. Density requirements only apply to PDAs (not TRAs) within one half-mile of ferry terminals. 		

1B. Required Minimum and Allowable 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 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 PDA or TRA 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.

For parcels in PDAs or TRAs where commercial office uses are allowed but that are not currently occupied by existing single- or multi-family dwelling units, zoning should require or allow the commercial office densities described in Table 2 below. This includes parcels zoned for mixed-use, where office uses are allowed. Jurisdictions may require or allow higher densities than those described in the table, if desired. While the TOC Policy does not specify requirements for building height limits, local jurisdictions should not limit building heights such that new commercial office development at the densities specified by the TOC Policy becomes infeasible.

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:

- **Required Minimum Density:** Land use plans and zoning must require that new commercial office development be built at or above the minimum required densities specified in Table 2. 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.
- **Required Allowable Density:** Land use plans and zoning must allow new commercial office development to be built at or above the specified allowable density. 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. The allowable densities are consistent with PBA 2050 modeling for Strategy EC4 (see [Forecasting and Modeling Report](#), pp. 57-58).

1C. Exceptions for Required Minimum and Allowable Residential and Commercial Office Density

On *average*, densities should be at or above the ranges specified in Tables 1 and 2 within the geographic area subject to the TOC Policy. 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.

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

<u>Level of Transit Service</u>	Required Minimum Density¹	Required Allowable Density^{1, 2}
Tier 1: Rail stations serving regional centers (e.g., Downtown San Francisco, Downtown Oakland, and Downtown San José)	4 Floor Area Ratio (FAR)	8 FAR
Tier 2: Stop/station served by two or more BART lines or BART and Caltrain	3 FAR	6 FAR
Tier 3: Stop/station served by one BART line, Caltrain, light rail transit, or bus rapid transit	2 FAR	4 FAR
Tier 4: Commuter rail (SMART, ACE, Capitol Corridor, Valley Link) stations, Caltrain stations south of Tamien, or ferry terminals ³	1 FAR	3 FAR
<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). 3. Density requirements only apply to PDAs (not TRAs) within one half-mile of ferry terminals. 		

2A. Affordable Housing Production

Two (2) or more of the policies listed in Table 3 below should apply in PDAs or TRAs (except ferry terminal TRAs) 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 production policies for them to be considered compliant with the TOC Policy requirement.

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

<u>Affordable Housing Production Policy</u>	<u>Description</u>
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

<u>Affordable Housing Production Policy</u>	<u>Description</u>
	have 11 or more units, or that exceed inclusionary or density bonus affordability requirements and do not exceed 0.5 parking spaces per unit.
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.

2B. Affordable Housing Preservation

Two (2) or more of the policies listed in Table 4 below should apply in PDAs or TRAs (except ferry terminal TRAs) that are subject to the TOC Policy. 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

<u>Affordable Housing Preservation Policy</u>	<u>Description</u>
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.

<u>Affordable Housing Preservation Policy</u>	<u>Description</u>
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 PDAs or TRAs (except ferry terminal TRAs) that are subject to the TOC Policy. 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

<u>Affordable Housing Protection and Anti-Displacement Policy</u>	<u>Description</u>
“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) without a sunset date. 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).

<u>Affordable Housing Protection and Anti-Displacement Policy</u>	<u>Description</u>
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
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

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.

<u>Affordable Housing Protection and Anti-Displacement Policy</u>	<u>Description</u>
	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 other 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 PDAs or TRAs (except ferry terminal TRAs) 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

<u>Commercial Protection and Stabilization Policy</u>	<u>Description</u>
Small Business and Non-Profit Overlay Zone	Establish boundaries designated for an overlay, triggering a set of protections and benefits should development impact

<u>Commercial Protection and Stabilization Policy</u>	<u>Description</u>
	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

Off-street vehicle parking standards for new residential or commercial office development should meet the standards listed in Table 7, and do *not* include 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.

In addition to the requirements listed in Table 7, all new residential or commercial office 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 commercial office.
- Allow unbundled parking for residential uses.
- Allow shared parking between different land uses.

Jurisdictions with PDAs or TRAs (except ferry terminal TRAs) subject to the TOC Policy 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

<u>Level of Transit Service</u>	<u>New Residential Development</u>	<u>New Commercial Office Development</u>
Tier 1: Rail stations serving regional centers (e.g., Downtown San Francisco, Downtown Oakland, and Downtown San José)	No minimum parking requirement allowed. Parking maximum of 0.375 spaces per unit or lower.	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.
Tier 4: Commuter rail (SMART, ACE, Capitol Corridor, Valley Link) stations, Caltrain stations south of Tamien, or ferry terminals ¹	No minimum parking requirement allowed. Parking maximum of 1.5 spaces per unit or lower.	No minimum parking requirement allowed. Parking maximum of 4.0 spaces per 1,000 square feet or lower.
<p>Note:</p> <ol style="list-style-type: none"> 1. Parking management requirements only apply to PDAs (not TRAs) within one half-mile of ferry terminals. 		

4. Transit Station Access and Circulation

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

1. Adopt policies and design guidelines that comply with MTC’s Complete Streets Policy¹² and prioritize implementation of the regional Active Transportation Plan and any relevant [Community Based Transportation Plans](#).
2. Complete an access gap analysis and accompanying capital and/or service improvement program for station access via a 10-minute walk, and 15-minute bicycle or bus/shuttle trip (including areas outside PDA and TRA boundaries) 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 and prioritize planning support to jurisdictions subject to the Policy. Future OBAG funding cycles (i.e., OBAG4) will consider funding revisions for the PDA minimum investments as follows: in the region’s most populous counties (Alameda, Contra Costa, San Mateo, San Francisco, and Santa Clara), a minimum of 70% of County & Local Program investments will be directed to PDAs and TRAs that are subject to and compliant with the TOC Policy and to PDAs that are not subject to the TOC Policy because they are not served by fixed-guideway transit. In the remaining counties (Marin, Napa, Solano, and Sonoma), a minimum of 50% in County & Local

¹² See [MTC Resolution No. 4493](#).

Program investments will be directed to PDAs and TRAs that are subject to and compliant with the TOC Policy and to PDAs that are not subject to the TOC policy because they are not served by fixed-guideway transit.

IMPLEMENTATION

The TOC Policy shall be implemented by requiring local jurisdictions with PDAs and TRAs subject to the policy to provide documentation to MTC demonstrating that the policy requirements have been satisfied. MTC will provide specific guidance regarding documentation that local jurisdictions should provide to demonstrate TOC Policy compliance within six months of policy adoption.

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 major 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 PDAs or TRAs 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.