

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. Giacomini and Vacant

Friday, July 8, 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/83510392455>

iPhone One-Tap: US: +13462487799,,83510392455# or +12532158782,,83510392455#

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: 835 1039 2455

International numbers available: <https://bayareametro.zoom.us/j/kuFw9hnyN>

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 / Roll Call / Confirm Quorum

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

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

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](#)
- 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](#)

4. MTC Planning Committee Consent Calendar

- 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 Administrat](#)

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

6. 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.*

- [22-1205](#) General Public Comment Received
- Action: Information
- Attachments: [6 General Public Comment Received.pdf](#)

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.

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 Titulo 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.



Meeting Minutes - Draft

ABAG Administrative Committee

Friday, June 10, 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

Chair Arreguin called the meeting to order at about 9:55 a.m. Quorum was present.

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

Absent: 1 - Peralez

2. ABAG Compensation Announcement – Clerk of the Board

The ABAG Clerk of the Board gave the ABAG compensation announcement.

3. ABAG Administrative Committee Consent Calendar

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

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

Absent: 1 - Peralez

- 3.a. [22-1004](#) Approval of ABAG Administrative Committee Summary Minutes of the May 13, 2022 Meeting
- 3.b. [22-1070](#) Ratification of Appointment to San Francisco Bay Conservation and Development Commission

4. MTC Planning Committee Consent Calendar

The MTC Planning Committee took action on this item.

- 4.a. [22-0902](#) Approval of MTC Planning Committee Minutes of the May 13, 2022 Meeting

5. Information

- 5.a. [22-0903](#) Exploring the Future of Priority Conservation Areas (PCAs)

Overview of PCA Refresh effort, including recently awarded grant funding from the California Department of Conservation, which will identify recommendations to make the region's conservation planning framework more data-driven and science-based by late 2023.

Chirag Rabari gave the report.

6. Public Comment / Other Business

7. Adjournment / Next Meeting

Chair Arreguin adjourned the meeting at about 10:35 a.m. The next regular meeting of the ABAG Administrative Committee is on July 8, 2022.

**Association of Bay Area Governments
ABAG Administrative Committee**

July 8, 2022

Agenda Item 3b

**Disadvantaged Community and Tribal Involvement Program: Amendment to Lotus Water
(\$50,000)**

Subject:

Authorization to amend a contract with Lotus Water by \$50,000 for a total contract amount not to exceed \$300,000 and to extend the contract term to December 31, 2022, to continue supporting the Disadvantaged Community and Tribal Involvement Grant program.

Background:

ABAG was awarded \$3,020,000 in grant funding from the California Department of Water Resources' Integrated Regional Water Management (IRWM) Disadvantaged Community Involvement Program (funded by California Proposition 1) on September 11, 2019. The state increased this amount to \$4,827,000 on June 22, 2021. This grant funds local community partners to work with disadvantaged, underrepresented, and tribal communities throughout the Bay Area to conduct needs assessments to identify water-related needs and solutions. This grant aims to fund work to conduct needs assessments, identify projects in these communities that could be proposed in future rounds of funding, and integrate these communities into the IRWM funding and management process. The grant includes funding significant outreach to local community groups and technical development of projects for proposals in 2023.

Subject matter experts have supported ABAG's work with these communities and outreach partners Lotus Water and Woodard and Curran, Inc. These experts have been working with these communities for the past several years and are integral to the successful accomplishment of program goals.

To complete this work with, ABAG contracted with Lotus Water to continue their work on October 28, 2020 in supporting ABAG and the community outreach partners, frontline communities, and Tribes across the bay area. This contract was procured through a sole source for compelling business reasons and was executed on October 28, 2020. The original contract term was September 18, 2020 through November 30, 2021 and was amended to expire June 30, 2022. This contract will be extended to December 31, 2022 pending approval of this budget change.

Next Steps:

Staff will process a contract amendment with Lotus Water immediately after authorization from the ABAG Administrative Committee.

Issues:

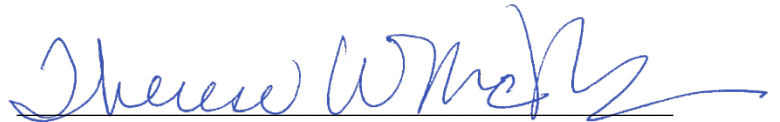
None identified.

Recommendations:

The ABAG Administrative Committee is requested to authorize the Executive Director of the Metropolitan Transportation Commission or designee to negotiate and execute an amendment to the contract with Lotus Water, with an effective date of June 30, 2022, for support outreach, needs assessment, capacity building, project development, and grant writing support efforts, in an amount not to exceed, \$50,000, for a total contract amount not to exceed \$300,000 and to extend the term of the contract to December 31, 2022.

Attachments:

- None



Therese W. McMillan

Request for Committee Approval

Summary of Proposed Contract Amendment

| | |
|-----------------------------|---|
| Work Item No.: | 1720 |
| Consultant: | Lotus Water San Francisco, California |
| Work Project Title: | Integrated Regional Water Management Disadvantaged Community and Tribal Involvement Program (DACTIP) Grant. |
| Purpose of Project: | Conduct needs assessments to identify projects that could be proposed in future rounds of funding and integrate underserved communities into the IRWM funding and management process |
| Brief Scope of Work: | Support outreach, needs assessment, capacity building, project development, and grant writing support for disadvantaged communities and Tribes participating in the DACTIP Grant Program. |
| Project Cost Not to Exceed: | \$300,000 |
| Funding Source: | California Department of Water Resources IRWM Grant (Proposition 1 - FSRC 2913) |
| Fiscal Impact: | Funds programmed in FY 20-21, FY 21-22, FY 22-23 Budgets |
| Motion by Committee: | The ABAG Administrative Committee is requested to authorize the Executive Director of the Metropolitan Transportation Commission, or designee, to negotiate and execute an amendment to the contract with Lotus Water, with an effective date of June 30, 2022, for support outreach, needs assessment, capacity building, project development, and grant writing support efforts between September 1, 2020, and December 31, 2022, in an amount not to exceed \$50,000 for a total contract amount not to exceed \$300,000, and to extend the term of the contract to December 31, 2022. |

ABAG Administrative

Committee Approval:

Jesse Arreguin, ABAG President

Approved:

July 8, 2022

**Metropolitan Transportation Commission and Association of Bay Area Governments
Joint MTC Planning Committee with the ABAG Administrative Committee**

July 8, 2022

Agenda Item 3c

**Disadvantaged Community and Tribal Involvement Program: Amendment to Woodard
and Curran (\$50,000)**

Subject:

Authorization to to amend the contract with Woodard and Curran by \$50,000 for a total contract amount not to exceed \$300,000 and to extend the contract term to December 31, 2022, to continue supporting the Disadvantaged Community and Tribal Involvement Grant program.

Background:

ABAG was awarded \$3,020,000 in grant funding from the California Department of Water Resources' IRWM Disadvantaged Community Involvement Program (funded by California Proposition 1) on September 11, 2019. The state increased this amount to \$4,827,000 on June 22, 2021. This grant funds local community partners to work with disadvantaged, underrepresented, and tribal communities throughout the Bay Area to conduct needs assessments to identify water-related needs and solutions. This grant aims to fund work to conduct needs assessments, identify projects in these communities that could be proposed in future rounds of funding, and integrate these communities into the IRWM funding and management process. The grant includes funding significant outreach to local community groups and technical development of projects for proposals in 2023.

Subject matter experts have supported ABAG's work with these communities and outreach partners at Lotus Water and Woodard and Curran. These experts have been working with these communities for the past several years and are integral to successfully accomplishing program goals.

To complete this work, ABAG contracted with Woodard and Curran on October 28, 2020 to continue their work in supporting ABAG and the community outreach partners, frontline communities, and Tribes across the bay area. This contract was procured through a sole source for compelling business reasons and was executed on October 28, 2020. The original contract term was September 18, 2020 through November 30, 2021 and was amended to expire June 30, 2022. This contract will be extended to December 31, 2022 pending approval of this budget change.

Next Steps:

Staff will process a contract amendment with Woodard and Curran immediately after authorization from the ABAG Administrative Committee.

Issues:

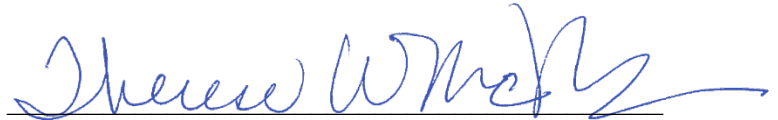
None identified.

Recommendations:

The ABAG Administrative Committee is requested to authorize the Executive Director of the Metropolitan Transportation Commission or designee to negotiate and execute an amendment to the contract with Woodard and Curran with an effective date of June 30, 2022, for support outreach, needs assessment, capacity building, project development, and grant writing support efforts, in an amount not to exceed \$50,000, for a total contract amount not to exceed \$300,000, and to extend the term of the contract to December 31, 2022.

Attachments:

- None



Therese W. McMillan

Request for Committee Approval

Summary of Proposed Contract Amendment

| | |
|-----------------------------|--|
| Work Item No.: | 1720 |
| Consultant: | Woodard and Curran, Inc. Sacramento, California |
| Work Project Title: | Integrated Regional Water Management Disadvantaged Community and Tribal Involvement Program (DACTIP) Grant. |
| Purpose of Project: | Conduct needs assessments to identify projects that could be proposed in future rounds of funding, and integrate underserved communities into the IRWM funding and management process. |
| Brief Scope of Work: | Support outreach, needs assessment, capacity building, project development, and grant writing support for disadvantaged communities and Tribes participating in the DACTIP Grant Program. |
| Project Cost Not to Exceed: | \$300,000 |
| Funding Source: | California Department of Water Resources IRWM Grant (Proposition 1 - FSRC 2913) |
| Fiscal Impact: | Funds programmed in FY 20-21, FY 21-22, FY 22-23 Budgets |
| Motion by Committee: | The ABAG Administrative Committee is requested to authorize the Executive Director of the Metropolitan Transportation Commission or designee to negotiate and execute an amendment to the contract with Woodard and Curran with an effective date of June 30, 2022, for support outreach, needs assessment, capacity building, project development, and grant writing support efforts, in an amount not to exceed \$50,000, for a total contract amount not to exceed \$300,000 and to extend the term of the contract to December 31, 2022. |

ABAG Administrative
Committee Approval:

Jesse Arreguin, ABAG President

Approved: July 8, 2022

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, June 10, 2022

9:40 AM

REMOTE

1. Call to Order / Roll Call / Confirm Quorum

Present: 5 - Commissioner Connolly, Commissioner Liccardo, Vice Chair Ahn, Commissioner Canepa and Commissioner Dutra-Vernaci

Absent: 3 - Chair Spering, Commissioner Schaaf and Commissioner Fleming

Non-Voting Member Present: Commissioner Giacomini

Ex Officio Voting Member Present: Commission Chair Pedroza and
Commission Vice Chair Josefowitz

Ad Hoc Non-Voting Members Present: Commissioner Papan and Commissioner Rabbitt

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

2. ABAG Compensation Announcement – Clerk of the Board

3. ABAG Administrative Committee Consent Calendar

- 3a. [22-0901](#) Approval of ABAG Administrative Committee Summary Minutes of the May 13, 2022 Meeting

Action: ABAG Administrative Committee Approval

Attachments: [3a ABAG Administrative Committee Minutes 20220513 Draft.pdf](#)

- 3b. [22-1070](#) Ratification of Appointment to San Francisco Bay Conservation and Development Commission

Action: ABAG Administrative Committee Approval

Presenter: Jesse Arreguin, ABAG President

Attachments: [03b 1 Summary Sheet Committee Appointment BCDC.pdf](#)

4. MTC Planning Committee Consent Calendar

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

Aye: 5 - Commissioner Connolly, Commissioner Liccardo, Vice Chair Ahn, Commissioner Canepa and Commissioner Dutra-Vernaci

Absent: 3 - Chair Spering, Commissioner Schaaf and Commissioner Fleming

- 4a. [22-0902](#) Approval of MTC Planning Committee Minutes of the May 13, 2022 Meeting

Action: MTC Planning Committee Approval

Attachments: [4a 2022-05-13 Joint MTC Planning Committee with the ABAG Administrative Committee Meeting Minutes Draft.pdf](#)

5. Information

- 5a. [22-0903](#) Exploring the Future of Priority Conservation Areas (PCAs)

Overview of PCA Refresh effort, including recently awarded grant funding from the California Department of Conservation, which will identify recommendations to make the region's conservation planning framework more data-driven and science-based by late 2023.

Action: Information

Presenter: Chirag Rabari

Attachments: [5ai Exploring the Future of Priority Conservation Areas Summary Sheet.pdf](#)
[5aii PowerPoint Exploring the Future of Priority Conservation Areas.pdf](#)

6. Public Comment / Other Business

7. Adjournment / Next Meeting

The next meeting of the MTC Planning Committee will be Friday, July 8, 2022 at 9:40 a.m. Any changes to the schedule will be duly noticed to the public.

**Metropolitan Transportation Commission
MTC Planning Committee**

July 8, 2022

Agenda Item 5a

Regional Active Transportation Network

Subject:

Active Transportation (AT) Network adoption.

Background:

MTC is completing its first regional AT Plan to serve as a blueprint to guide strategic investments in active transportation infrastructure, regional policy development and implementation. The AT Plan supports the Plan Bay Area (PBA) 2050 strategy to build a Complete Streets (CS) Network, as well as help to meet PBA 2050 mode shift, safety, equity, health, resilience and climate goals.

In March 2022, MTC updated its Complete Streets Policy – a key element of the AT Plan – by adopting MTC Resolution No. 4493. The policy aims to ensure that people biking, walking, rolling, and taking transit are safely accommodated within the transportation network through the implementation of active transportation projects. Key new elements of the policy include a focus on the implementation of local bike, pedestrian, safety, transit, Community-Based Transportation and Americans with Disabilities Act (ADA) Transition plans, as well as the application of “All Ages and Abilities”¹ (AAA) design principles for projects located on the regional AT Network seeking regional discretionary funding or endorsement. Overall, the CS Policy has moved from *considering* the accommodation of bicycle and pedestrian projects to an emphasis on *implementation*.

AT Network:

The AT Network is a key implementation component of the CS Policy and the PBA 2050 strategy to build a CS network. It was developed by weaving together state, county and city active transportation streets and regional trail networks² and applying the criteria of equity,

¹ National Association of City Transportation Officials’ (NACTO) [Designing for All Ages & Abilities: Contextual Guidance for High-Comfort Bicycle Facilities](#)

² Datasets include Caltrans District 4 location-based needs identified in their Bicycle and Pedestrian Plans, all nine County Transportation Agencies and the cities of Oakland, San Francisco and San Jose active transportation networks, and the Bay Area Trails Collaborative, which includes the Bay Trail (minus the Ridge Trail, due to topography/elevation).

safety, and mode shift to create over 3,400 miles of regional connector corridors. The AT Network will provide a convenient, safe and comfortable choice for people of all ages and abilities to bike, walk and roll, and will be supported by prioritizing projects located on the Network in MTC funding programs.

The draft AT Network was released in December 2021, and over the past six months, MTC received over 800 comments from the AT Plan Technical Advisory Committee, County Transportation Agencies, the Active Transportation Working Group, MTC's Policy Advisory Council, local jurisdictions and other stakeholders. AT Network highlights include:

- **Flexibility:** The network is made up of regional connector corridors of varying widths depending on land use and geography, allowing jurisdictions to choose project alignments that are most appropriate for local conditions.
- **Focus on the user:** The CS Policy requires projects located on the Network to incorporate AAA design principles, facilitating the delivery of safer, connected, and convenient facilities for all users.
- **Focus on equity, safety and mode shift criteria:** The AT Network's regional connector corridors emphasize safety, equity and mode shift, by focusing on and connecting to MTC Priority Development Areas, Transit Rich Areas, Equity Priority Communities, and Mobility Hubs.
- **Expectation for future evolution:** Recognizing the evolving nature of the AT Network as projects are completed and new projects are planned, staff anticipate updating the Network every four years in line with Plan Bay Area, or as needed, through coordination with partner agencies.

A link to the interactive AT Network is found [here](#). Features of the Network include the ability to zoom in to the city/street level to view existing and planned bikeways, as well as the connections to transit, Priority Development Areas, Equity Priority Communities and Mobility Hubs.

AT Network, the CS Policy and the CS Checklist

As stated in the CS Policy, projects located on the AT Network shall incorporate design principles based on AAA contextual guidance provided by the National Association of City Transportation Officials (NACTO). A facility that serves "all ages and abilities" is one that effectively serves the mobility needs of children, older adults, and people with disabilities and in doing so, works for

everyone else. The Proposed Public Rights-of-Way Accessibility Guidelines (PROWAG)³ by the U.S. Access Board should also be referenced during design.

The main strategy for ensuring CS Policy implementation is the Complete Streets Checklist. Completion of the Checklist is required for all projects seeking over \$250,000 in regional discretionary funds or endorsement. The Checklist, found on the [MTC Complete Streets Policy webpage](#), requires project sponsors to document AAA design principles on AT Network projects, safety standards, transit coordination, level of traffic stress analysis, as well as other factors that help to ensure delivery of active transportation projects that meet the goals of the Policy. While exceptions to CS Policy requirements are allowed under limited conditions, they require jurisdiction sign-off at the director level. Prior to MTC submittal, all Checklists must be reviewed by local Bicycle and Pedestrian Committees (or equivalent). Staff will prepare a CS Checklist Exception Report annually to determine the need to re-evaluate Checklist exceptions or provide technical assistance to help jurisdictions with CS Policy implementation challenges.

Next Steps:

Following the recommended adoption of the AT Network, it will be available for regional discretionary funding programs, such as the One Bay Area Grant Program (OBAG 3). Staff will return to the Committee in fall to seek adoption of the Active Transportation Plan.

Issues:

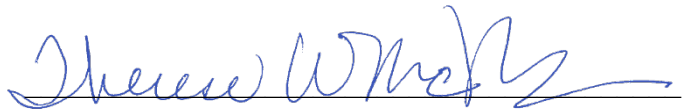
None identified.

Recommendations:

Staff requests the MTC Planning Committee adopt the AT Network and authorize the Executive Director or designee the ability to update the network consistent with the criteria of equity, safety and mode shift.

Attachments:

- Attachment A: PowerPoint



Therese W. McMillan

³ (Proposed) Public Rights-of-Way Accessibility Guidelines, U.S Access Board, <https://www.access-board.gov/prowag/>

Regional Active Transportation Network

Active Transportation (AT) Plan

Joint MTC Planning Committee with the ABAG Administrative Committee

July 8, 2022



AT Plan & Plan Bay Area 2050

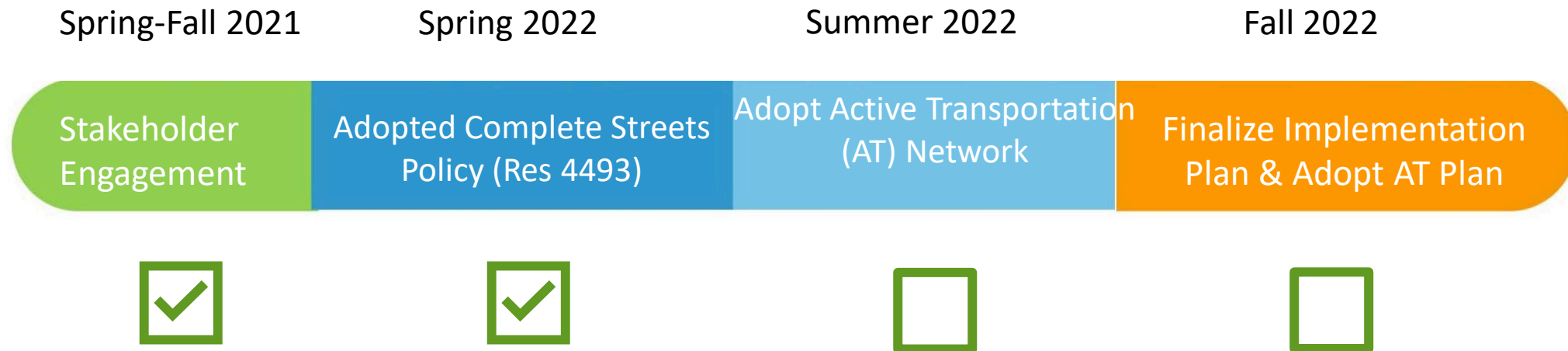


Transportation Strategies

| | |
|---------------------------------|---|
| Create Healthy and Safe Streets | T8. Build a Complete Streets network. Enhance streets to promote walking, biking and other micro-mobility through sidewalk improvements, car-free slow streets, and 10,000 miles of bike lanes or multi-use paths. |
| | T9. Advance regional Vision Zero policy through street design and reduced speeds. Reduce speed limits to between 20 and 35 miles per hour on local streets and 55 miles per hour on freeways, relying on design elements on local streets and automated speed enforcement on freeways. |

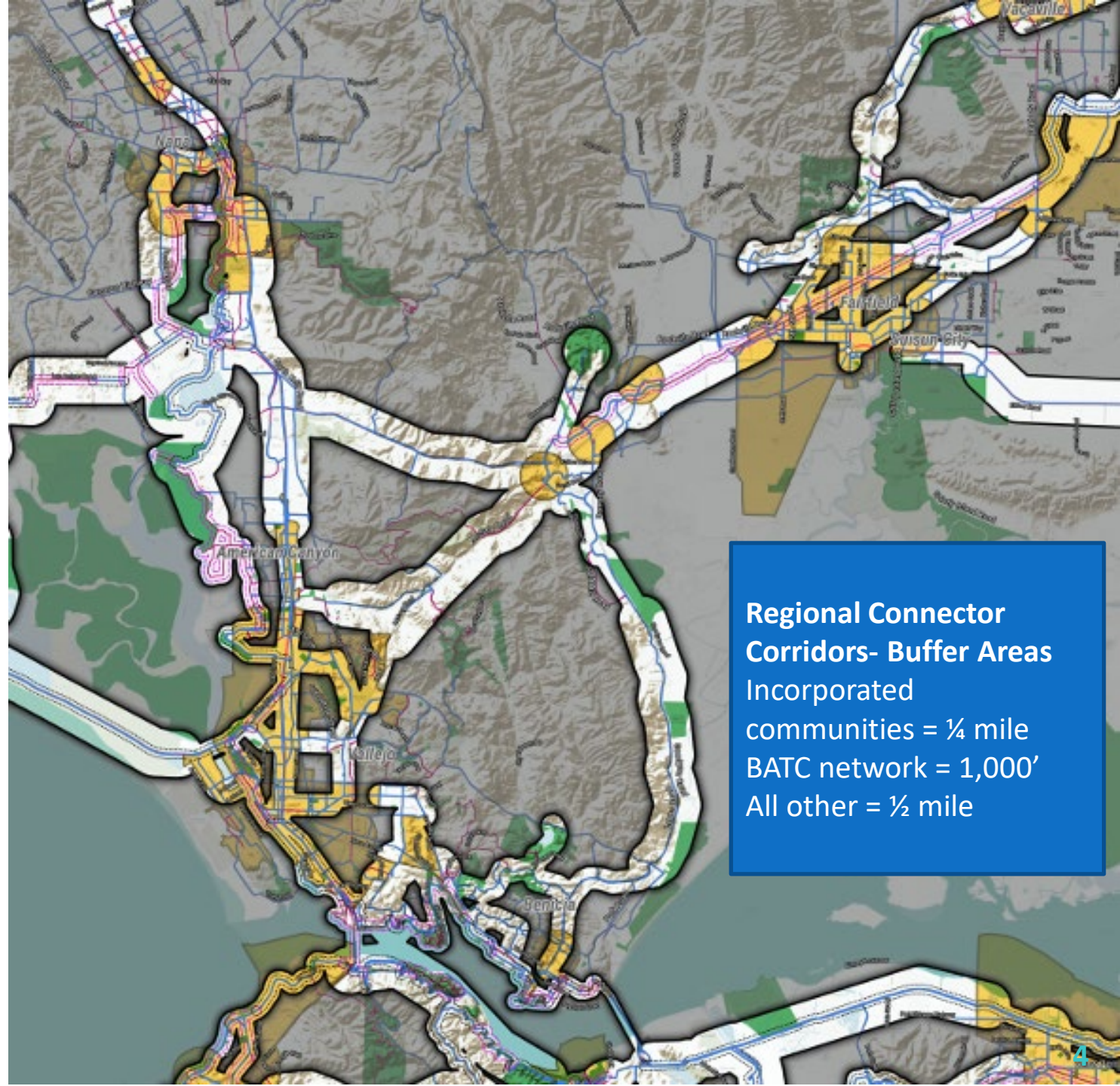


AT Plan Deliverables & Timeline



AT Network Key Elements

- Incorporates pre-existing networks developed by CTAs & local jurisdictions.
- Defines corridors within and connecting to Priority Development Areas (PDAs), Transit Rich Areas (TRAs), Equity Priority Communities (EPCs), Mobility Hubs and parks/open space
- Focus is on “Regional Connector Corridors” rather than specific alignments, which increases flexibility for local jurisdictions.



**Regional Connector
Corridors- Buffer Areas
Incorporated
communities = ¼ mile
BATC network = 1,000'
All other = ½ mile**

Active Transportation Network

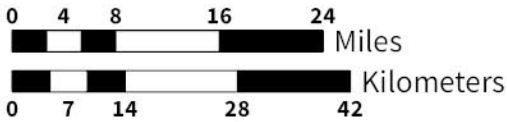
San Francisco Bay Region

- Active Transportation Network
- Parks/Open Space
- Urbanized Area
- Bay Area Counties
- Bay Area Surrounding Counties

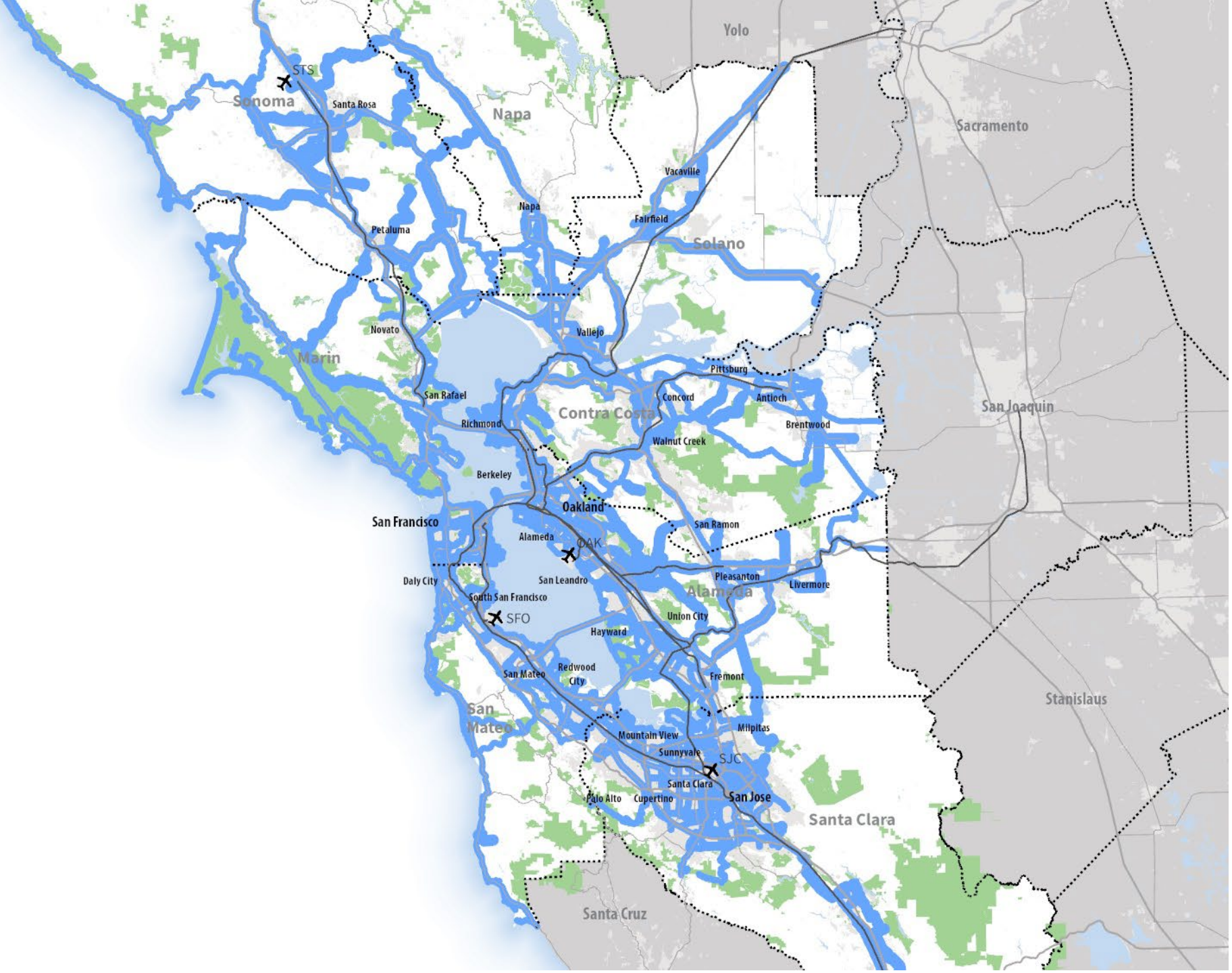
REGIONAL TRANSPORTATION

- Rail
- Major Minor Road
- Highway and Interstate

| | |
|----------|------------------|
| Oakland | > 350,000 |
| Novato | 50,000 - 350,000 |
| Pacifica | <50,000 |



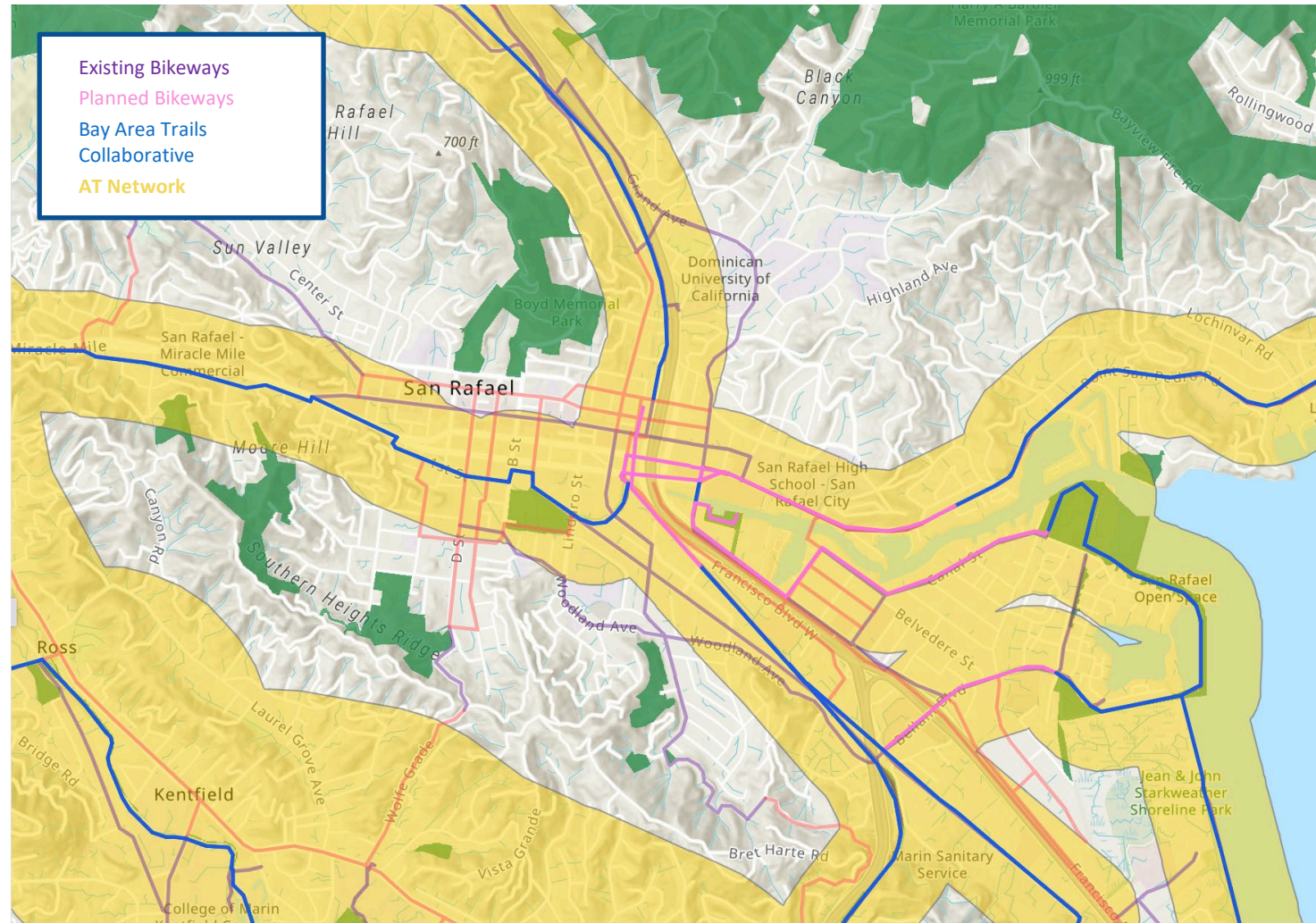
Source: TomTom North America (2019)
Toole Design Group, 2022
GreenInfo Network, 2021
Map Author: MS, June 2022



Example: San Rafael

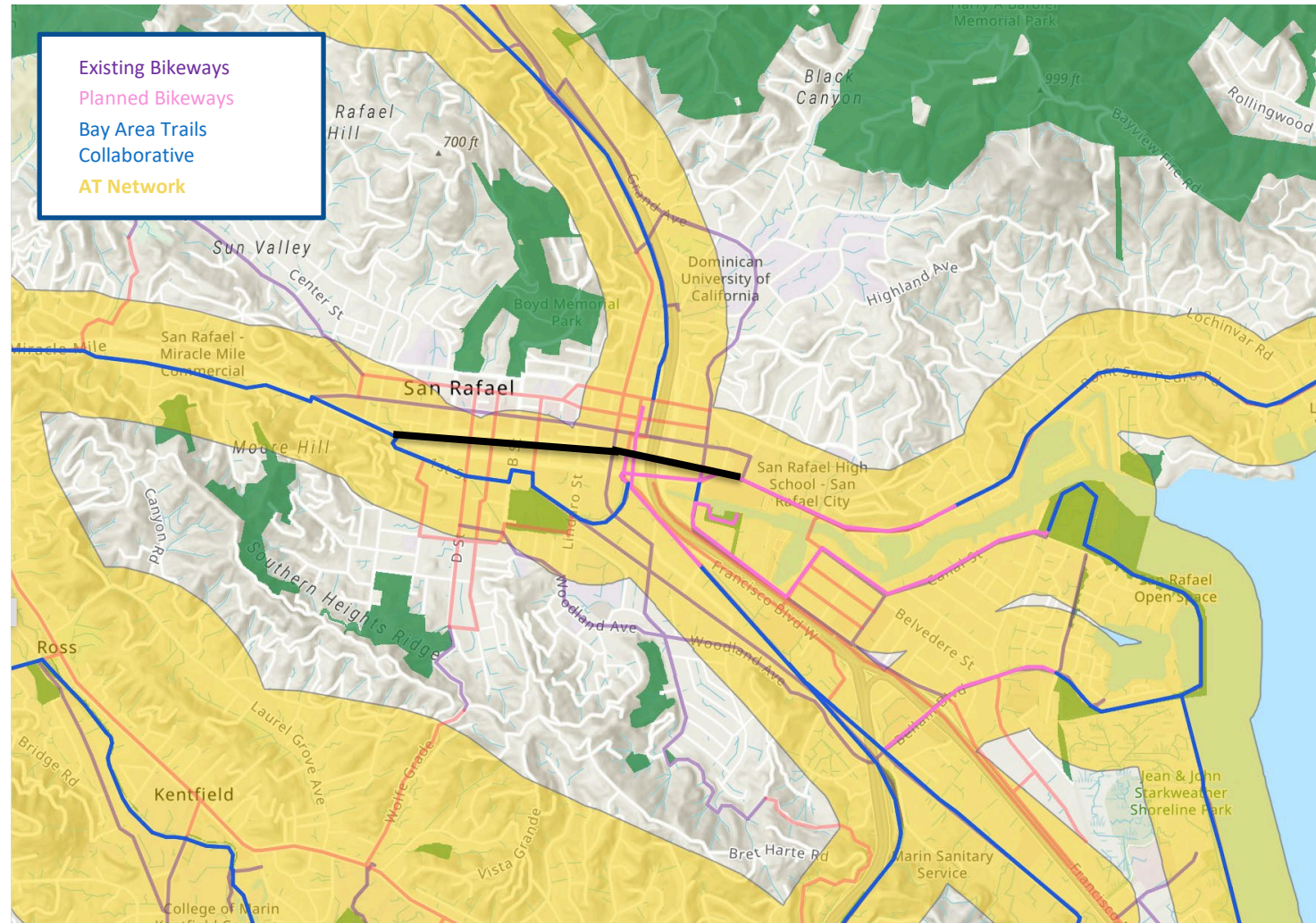
Features of Network

- View existing and planned bikeways
- Connections to transit
- Open space
- PDAs, TRAs & EPCs
- Mobility Hubs



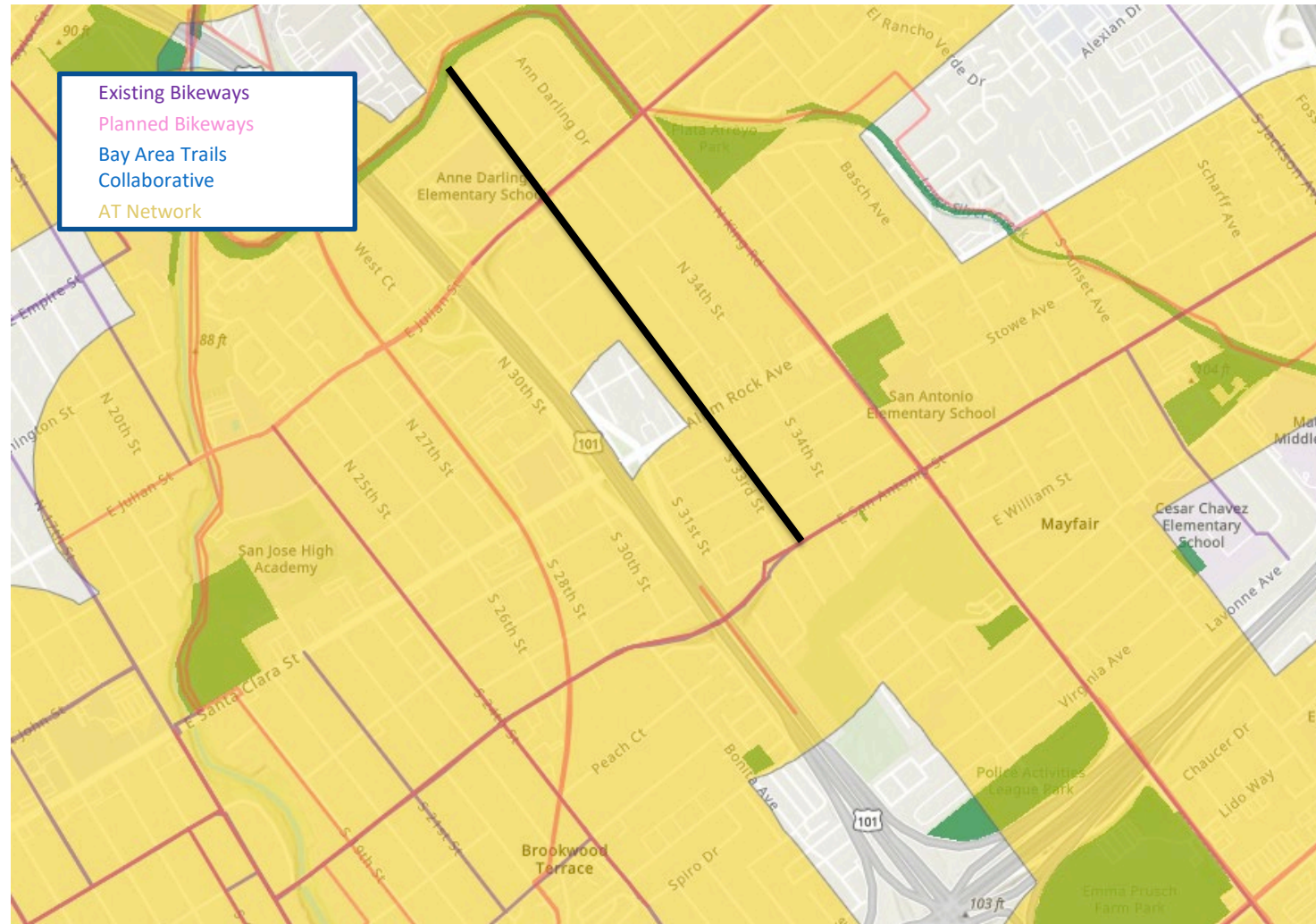
Example: San Rafael

- Third Street Rehabilitation Project
 - 3rd & Union to 2nd & 3rd St
 - Safety lighting
 - New Traffic Signals
 - Accessibility Upgrades
 - 2-way separated bike lane
- Project area is in a PDA and adjacent to an EPC



Project Example: San Jose

- En Movimiento Quick-Strike Project
- 7 corridors including 33rd St (Melody Lane to E. San Antonio St) Bike Boulevard
- Project area is in an EPC and adjacent to PDAs



Relationship to Complete Streets Policy (MTC Res 4493)

- MTC funding programs (i.e. OBAG, ATP, etc.) will support delivery of projects on the AT Network, improving active transportation connectivity in PDAs, EPCs, Mobility Hubs, and access to recreation in the region.
- All projects located on the AT Network must incorporate **All Ages and Abilities design principles**
- All projects seeking \$250K+ in regional funding (or endorsement) must submit a **Complete Streets Checklist**



PLAN BAY AREA 2050

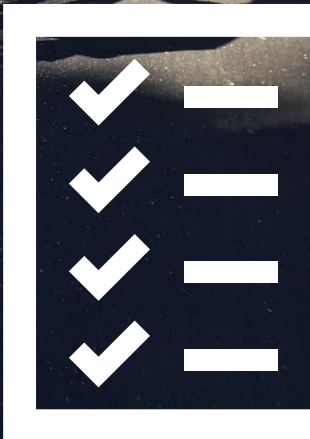


STRATEGY T8
COMPLETE
STREETS

The AT Network is the region's priority network for active transportation and recreation. It's supported by prioritizing projects that are on the AT Network in MTC's funding programs.

CS Checklist

- CS Checklist helps to ensure policy compliance
- Required for projects seeking \$250,000+ in regional discretionary funds
- Required responses include:
 - Bicycle, Pedestrian & Transit Planning
 - **AT Network – incorporation of AAA principles**
 - Safety & Comfort
 - Transit Coordination
 - Design & Equity
 - Statement of Exceptions w/Director-level sign-off
 - Local Bicycle and Pedestrian Committee (BPAC) review
- MTC staff will review Checklists and provide annual report on all exceptions



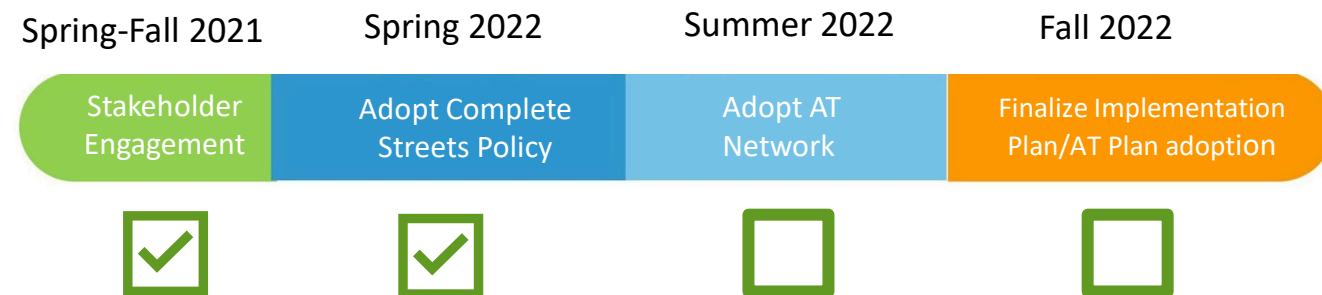
AT Network & Relationship to other MTC Policies

- Transit Oriented Communities Policy
 - Coordinate with TOC Policy station access & circulation requirements
 - Overlay AT Network with TOC Policy PDAs/TRAs for coordinated implementation opportunities
- Mobility Hubs
 - Improve Mobility Hub connectivity by delivering AT Network projects
- Vision Zero Policy
 - Utilize High Injury Network to help prioritize AT Network implementation
- Major Project Advancement Policy
 - Identify AT Network projects within MAP Active Transportation investment category



Next Steps for AT Network/ AT Plan

- Recommend MTC Planning Committee adoption of AT Network
- AT Network web map shared with jurisdictions for use in OBAG 3 applications and other MTC funding programs
- Develop 5-Year Prioritized Heat Map - Align investments with equity, mode shift and safety objectives
- Update StreetSaver with AT Network





Questions and Discussion



**Metropolitan Transportation Commission
MTC Planning Committee**

July 8, 2022

Agenda Item 5b

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

Subject:

Adoption of TOC Policy.

Background:

Staff presented a draft TOC Policy proposal and a draft TOC policy to the Joint MTC Planning Committee with the ABAG Administrative Committee (Committee) at its January 2022 and May 2022 meetings, respectively. In May 2022, Committee members requested that staff further refine the Policy's density and parking requirements. The Committee also discussed implications for areas in the region that do not have fixed-guideway transit service and whether the affordable housing and anti-displacement policy requirement should require adoption of certain policy options that are most effective in preventing displacement. A final meeting of the Technical Advisory Committee was convened on May 20, 2022 to solicit further feedback on the issues raised by the Committee at its May meeting.

Staff received a number of comment letters from local jurisdictions, Bay Area County Transportation Agencies, and advocacy organizations after the Draft TOC Policy was presented to the Committee in May (please see Attachment A). Staff is responding directly to those who submitted these letters, and a number of changes have been made to the policy in response to these comments.

Revisions to the Draft TOC Policy:

The following key changes have been made to address comments from the Committee as well as from local jurisdictions, county transportation authorities, transit agencies, and other stakeholders:

- The Level of Transit Service Tiers have been modified to specify that the Tier 1 requirements apply to areas around rail stations serving regional centers (e.g., Downtown Oakland, San José, and San Francisco) and that the Caltrain stations south of Tamien are considered commuter rail stations and are thus in Tier 4.

- For the density requirement, clarification that, *on average*, densities should be at or above the ranges specified in 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.
- For the parking management requirement, parking maximums for commercial office in Tier 1 have been changed from zero parking to 0.25 spaces per 1,000 square feet.
- The Policy includes an “opt in” component for jurisdictions with PDAs or TRAs with only bus service (e.g., no fixed-guideway transit) that voluntarily meet all TOC Policy requirements.

Next Steps for Policy Implementation:

As stated in the Policy, within six months of policy adoption, staff will develop specific guidance regarding the documentation that local jurisdictions must provide to demonstrate TOC Policy compliance. Additionally, staff will provide further guidance on the affordable housing policy requirements, as well as update the PDA Planning Program guidelines to reflect the TOC Policy requirements. The PDA Planning Program will be a key component in supporting jurisdictions with TOC Policy compliance.

Issues:

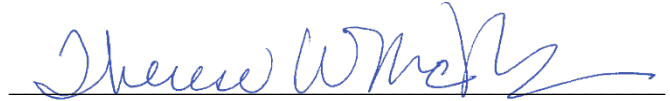
Staff presented the draft TOC Policy to the Policy Advisory Council at its June meeting. The Council voted on a request for the TOC Policy to provide for universal design and access aligned with the Americans with Disabilities Act (ADA). In response, staff modified the definitions section of the TOC Policy, underscoring the need to prioritize universal access and design in compliance with all state and federal accessibility laws, codes, and guidelines.

Recommendations:

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

Attachments:

- Attachment A: Comment letters received after May 13, 2022
- Attachment B: MTC Resolution No. 4530: Transit-Oriented Communities Policy
- Attachment C: PowerPoint

A handwritten signature in blue ink, appearing to read "Therese W. McMillan", is written over a horizontal line.

Therese W. McMillan

TO: Kara Vuicich, Principal Planner, ABAG
Carline Au, Senior Economic Development Analyst,
East Bay Economic Development Alliance

FROM: Ricardo Noguera, Economic Development Manager

DATE: Monday, May 16, 2022

RE: TRANSIT-ORIENTED COMMUNITIES POLICY

Thank you for sharing the TOD policies being crafted jointly by the Metropolitan Transportation Commission, ("MTC") and Association of Bay Area Governments, ("ABAG"). I will be participating in Wednesday's policy discussion, but wanted to share my thoughts representing a **"Suburban Market"** which may have been overlooked when the policies were drafted.

The policies offer a great deal of incentivizing clustered developments near transit hubs in the inner bay area markets where public transit is available, such as BART, Caltrain and buses. However, with the continued growth of our population eastward to communities in Eastern Alameda and Contra Costa Counties to San Joaquin County, policies need to be included to help mitigate the traffic patterns caused by development, focused almost exclusively, surrounding the immediate San Francisco Bay.

I would encourage policymakers to consider the following as it may relate to incentivizing development in **Suburban Markets** along Highways 4 and 580 in particular.

Recommended Policy Considerations for Suburban Markets along Highway 4 and 580

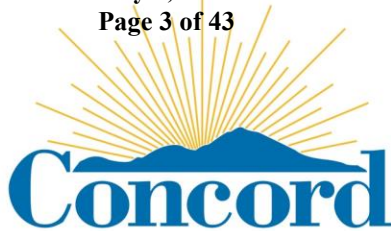
In suburban markets, incentivize economic development such as office/tech and mixed-use developments near freeways and key commercial nodes. This can be achieved by public agencies purchasing such sites and funding public infrastructure improvements and establishing long-term ground leases for private developers to build corporate offices, technology campuses, and mixed-use development projects. What does this achieve?

- A. **Decentralizes economic development across the Bay Area.** By developing near freeway off-ramps, as evidenced in San Mateo County at the intersection of Highway 92/Highway 101 (Salesforce and several other firms are located there), commuters from San Joaquin County and East Contra Costa County and Alameda County do not have to commute long distances each day and clog up our freeways. Many of these residents have moved east for more affordable housing. Bringing the jobs eastward will help to unclog our freeways.
- B. **Reduces traffic congestion along major highways such as Highway 4 and 580.** This is where more than 850,000 residents live and must commute daily to jobs in the East, South and Peninsula markets. Workers residing in Tracy, Stockton, Brentwood, Pittsburg, Antioch and Oakley must travel 3-4 hours per day either in a private vehicle or via public transit.
- C. **Mitigating Climate Change.** By incentivizing commercial development (tech and office) in these areas, there will be shorter commutes to work for more than 850,000 workers. The daily grind along Highway 580 and Highway 4 will be dramatically reduced with positive impacts on the release of air contaminants.
- D. **Benefits to the Family.** Reducing daily commutes from 3-4 hours to 1-2 hours per day will improve the quality of life for both the commuter and their family. More time to spend on homework and more time to spend with the family. This time is priceless!

Ways in which MTC/ABAG can help mitigate this is by helping local governments in East Contra Costa County and Alameda County to purchase key properties and install public infrastructure as incentives to recruit technology, corporate offices and mixed-use developments within a ½ mile radius from Highways 4 and 580.

Thank you for the opportunity to share my thoughts on TOD Communities Policy.

Cc: Tim Ogden, City Manager
Darin Gale, Assistant City Manager
Josh Ewen, Senior Management Analyst



City of Concord 1950 Parkside Drive, Concord, California 94519
cityofconcord.org • cityinfo@cityofconcord.org • 925-671-2489

City Council

Dominic Aliano, Mayor
Laura M. Hoffmeister, Vice Mayor
Edi E. Birsan
Timothy A. McGallian
Carlyn S. Obringer
Patti Barsotti, City Treasurer
Valerie J. Barone, City Manager

May 26, 2022

Metropolitan Transportation Commission
Association of Bay Area Governments
ABAG Executive Board
Bay Area Metro Center
375 Beale Street, Suite 700
San Francisco, CA 94105-2066
Email: info@bayareametro.gov

Subject: Comments on MTC's Draft Transit-Oriented Communities Policy

Dear Ms. Vuicich,

The City of Concord appreciates the continued dialogue and collaborative process between MTC/ABAG and local jurisdictions, particularly in the East Bay, in order to refine MTC's *Transit Oriented Communities (TOC) Policy* (Draft TOC Policy). The City values the additional engagement to solicit input from the impacted jurisdictions as well as the opportunity to provide MTC/ABAG with Concord's feedback, experiences, and questions in trying to clarify the application and implementation of the proposed policies. This collaborative process can result in finding agreeable solutions to address the Statewide housing crisis, with a special focus on affordable housing.

On March 18, 2022, the City provided a comment letter on the Draft TOC Policy and it appears a number of the comments have been addressed in the latest revision. However, the City continues to believe the following aspects of the Draft TOC Policy require additional attention in order to reflect the geographic and economic realities of those areas outside of the core San Francisco, Oakland, San Jose metropolitan areas in order to be able to continue to promote activity and interest in suburban areas:

- The Draft TOC Policy relies on PBA's *2050 Forecasting and Modeling Report*, which addresses capacity and growth over time; however, the minimum density/intensity levels are still not supported by a fiscal analysis to ensure they are feasible. A one-size fits all approach is still being proposed with respect to the full one-half mile around the PDA/TRA, when densities/intensities should be examined on a graduated scale.
- The economies of station locations vary drastically throughout the region and deeper degrees of affordability such as the prescribed 15% for inclusionary housing could make projects infeasible. Will ABAG/MTC be dedicating funds for deeper levels of affordability than currently sustainable by the economics of communities?
- No parking minimums are still a major concern in suburban communities. From a policy perspective it is more appropriate to have no parking minimums in urban areas. For communities that do not have adequate transit infrastructure, it is not a viable option. Parking should be evaluated on a PDA/TRA case-by-case basis and other programs should be considered (shared parking, in lieu fees, etc.) to allow for flexibility of implementation, rather than a strict no parking minimum policy.

- The timing still does not align with the preparation of jurisdictions' Housing Elements; therefore, a rezoning program will not garner credit for cities from HCD nor will it incentive jurisdictions to make these changes outside of the Housing Element's implementation.

The City continues to believe that the identified goals may lead to unintended consequences and decrease the region's ability to achieve the goals outlined in Plan Bay Area 2050. The City continues to have concerns that the draft TOC policies appear to require a significant investment of resources by local jurisdictions which may result in the jurisdictions being unable or willing to comply, due to a lack of staff resources.

The City has been working over the last year on the City's Draft Housing Element Update (Draft HEU), which will be released this week, in order to meet the needs of Concord residents, the State and balance those needs with the ability to provide economically viable and sustainable policies that achieve the desired result of achieving streamlined housing for a wide range of households. The link to the Draft HEU can be found here: <https://concordhousingelement.org/>

Thank you once again for the opportunity to review and provide feedback on the Draft TOC Policy and for your responses to our earlier letter. The City of Concord lauds ABAG/MTC for listening to jurisdictions and on the revisions made to the Draft TOC Policy to date. Please let us know if our staff can be of any additional technical assistance. You may contact Joan Ryan, Community Reuse Area Planner at joan.ryan@cityofconcord.org with any additional questions.

Sincerely,



Valerie Barone
City Manager

cc: Kara Vuicich, AICP, Principal Planner; kvuicich@bayareametro.gov
John Hoang, Director of Planning, CCTA; jhoang@ccta.net ;
Guy Bjerke, Director of Economic Development and Base Reuse
Kevin Marstall, CED Director
Mindy Gentry, Planning Manager
Bruce, Davis, Acting City Engineer
Joan Ryan, Community Reuse Area Planner
Concord Mayor and City Councilmembers



MEMO

May 31, 2022

To: Kara Vuicich, Principal Planner/ Analyst, Metropolitan Transportation Commission

From: Enterprise Community Partners & Transform, in consultation with TOC Community Stakeholder Group

Subject: Recommendations for Transit-Oriented Communities Policy - Updated Draft

We would like to extend our gratitude to MTC staff and the consultant team for their efforts to date on the transit-oriented communities (TOC) policy. Our organizations have closely followed the TOC policy development. Overall, we remain deeply impressed by the quality and sincerity of staff's engagement and are pleased with the general direction of the draft policy; we believe the changes and additions since January continue to demonstrate a commitment to maximizing the policies goals of housing affordability, ridership, mode-shift, and creating safe, livable communities. The following are our three priority recommendations in response to the most recent draft of the policy, with additional details below.

-
- 1. Refine the affordable housing and anti-displacement policy menus to reflect best practices and ensure impact at scale, as outlined below;**
 - 2. Consistent with the January draft policy, the TOC policy should apply to the entire transit-rich area (TRA) surrounding fixed-guideway transit, rather than limited to the locally-selected priority development area (PDA) in order to reach our Plan Bay Area 2050 goals and further the region's obligation to affirmatively further fair housing; and**
 - 3. Set a clear threshold for transit expansion projects for which these funds would be conditioned upon TOC policy compliance and clarify the breadth of additional discretionary funding and endorsements that would be applicable for the new TOC policy**
-

1. Refine the affordable housing and anti-displacement policy menus to reflect best practices and ensure impact at scale

We are impressed by the additional detail and strength of the affordable housing and anti-displacement provisions of the policy in this most recent draft, including the additions of ministerial approval for affordable housing and right to counsel.¹ These policy goals are central to Plan Bay Area 2050. Many important specifics and additional tools have been added since the January proposal, but some "menu items" are lower impact policies and therefore allow jurisdictions to satisfy the requirement without meaningfully delivering on the affordable housing and anti-displacement goals outlined in PBA 2050 – and at scale. There are also areas where further refinement is necessary to ensure policy effectiveness. To address these issues, we recommend the following changes:

¹ 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).

- To ensure impact at scale, we recommend that jurisdictions be required to meet three of the policy options in each menu, given that the lists are now significantly longer.
- In order to prevent direct displacement, no net loss and right to return for demolished homes (specifically ensconcing current state law without a sunset date) should be a baseline requirement for all locations and not presented as an option within a menu. These policies present no cost to the local jurisdiction and can make a meaningful difference in preventing direct displacement.
- Funding to Support Preservation Capacity should be incorporated under Funding to Preserve Unsubsidized Affordable Housing,² further strengthening the effectiveness of that policy option, rather than serving as a stand-alone policy, given that this funding alone will not preserve any affordable homes. Local and statewide funding examples have typically included set-asides for technical assistance and capacity building, and combining these two options will more meaningfully incentivize local jurisdictions to build capacity building into ongoing revenue sources.
- Incorporate the following language in the description for Inclusionary Zoning: “...unless the jurisdiction can demonstrate that 15% this is not feasible, based on a financial feasibility analysis.” This could help assuage concerns around the policy inhibiting housing development in certain parts of the region.
- The policy Public/Community Land Trusts is much more narrow and will not have the same impact at scale as the other production policies. We recommend that the land banking aspect of this policy be incorporated into the Public Land for Affordable Housing policy, and that the Community Land Trust policy be reserved for the preservation menu of options, or incorporated into one of the existing preservation policies already on the menu.
- Combine SRO Preservation and Condominium Conversion Restrictions into one policy option, since SRO preservation is, in effect, a sub-strategy of condominium conversion restrictions and it would be best practice for a jurisdiction to pass a comprehensive policy that speaks to both.
- Mobile Home Rent Stabilization should be incorporated into the broader Rent Stabilization Policy, since it is, in effect, a sub-strategy of rent stabilization and it would be best practice for a jurisdiction to pass a comprehensive policy that speaks to both.
- Tenant Relocation Assistance should be incorporated under Just Cause Eviction since robust examples of Just Cause Eviction ordinances typically include provisions for tenant relocation assistance. In doing so, it further strengthens the Just Cause Eviction option and ensures its impact.³
- MTC should clarify whether a potential regional bond measure through BAHFA could satisfy the Affordable Housing Funding option for production and/or preservation, specifically for cities that receive direct allocations of a BAHFA ballot measure, by statute.
- Jurisdictions should not receive credit for adopting 3 P’s policies that do not fit their local housing landscape. For example, if a jurisdiction does not have any mobile homes, the mobile homes policies should not be applicable.
- The TOC Policy should allow for MTC to revisit the set of policies as the state housing landscape changes. We greatly appreciate staff’s continued engagement on this aspect of the policy and look forward to continuing to work with staff to finalize and refine based on policy best practices.

² The preservation of unsubsidized affordable housing has been found to have a high potential to prevent displacement, doing so shortly after implementation. Furthermore, this strategy is effective regardless of housing market strength (Chapple, 2021). This type of preservation can be completed in a matter of months, is less likely to face local opposition, and tend to be cost effective. Per-unit development costs are typically 50-70% of new affordable housing construction (Yelen, 2020).

³ 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).

2. Consistent with the January draft policy, the TOC policy should apply to the entire transit-rich area (TRA) surrounding fixed-guideway transit, rather than limited to the locally-selected priority development area (PDA) in order to reach our Plan Bay Area 2050 goals and further the region's obligation to affirmatively further fair housing. The updated policy limits the geographic scope of the policy in a variety of ways. While we understand the rationale for many of these changes, we are particularly concerned with the shift away from policy application to all transit-rich areas surrounding fixed-guideway transit and instead limiting it to locally-selected priority development areas (PDAs). Given that the policy already excludes parcels on which there are already residential properties, the remaining parcels in the transit-rich area that are zoned for residential and office are precisely the type of scarce parcels where development is needed to reach Plan Bay Area 2050 goals. By allowing local jurisdictions to only comply with the TOC policy in their voluntarily-elected PDAs, we are concerned that the policy could exacerbate existing inequities and exclusion, particularly undermining the obligation to affirmatively further fair housing. Please see the appendix for a selection of cities where the geographic scope of the policy has been seriously diminished by only applying to PDAs.

3. Set a clear threshold for transit expansion projects for which the expansion funds would be conditioned upon TOC policy compliance and clarify the breadth of additional discretionary funding and endorsements that would be applicable for the new TOC policy.

We request that staff provide greater clarity on which planned transit extensions would be exempt from conditioning this funding for the expansion project itself under the TOC policy, and we believe that the Major Projects Advancement Policy would be a helpful way to assess which projects should be exempt or not. The updated draft policy proposes that jurisdictions that have been "planning for...extensions based on" the 2005 policy will not need to meet the updated TOC policy requirements in order to get their regional discretionary funding; instead they must "commit to achieving TOC Policy compliance by the adoption of OBAG4." **This is a step back from the 2005 TOD policy, which conditions new transit expansion funds on compliance.** We agree that near-term projects should not be stalled while waiting for jurisdictions to come into compliance. However, where conditioning funding on TOC compliance will not delay the project, then there is no reason to grandfather such projects. We request that staff work within MTC to identify an objective threshold, such as the phases of the Major Projects Advancement Policy.

In addition to transit-expansion funding, we request that staff outline the breadth of funding that will be part of incentives for jurisdictions to comply with the policy, including and in addition to future OBAG cycles. **We recommend that the most expansive set of discretionary funding for roads, grade separations, and other transportation uses be considered as well as MTC endorsements for state and federal funding of local transportation projects.**

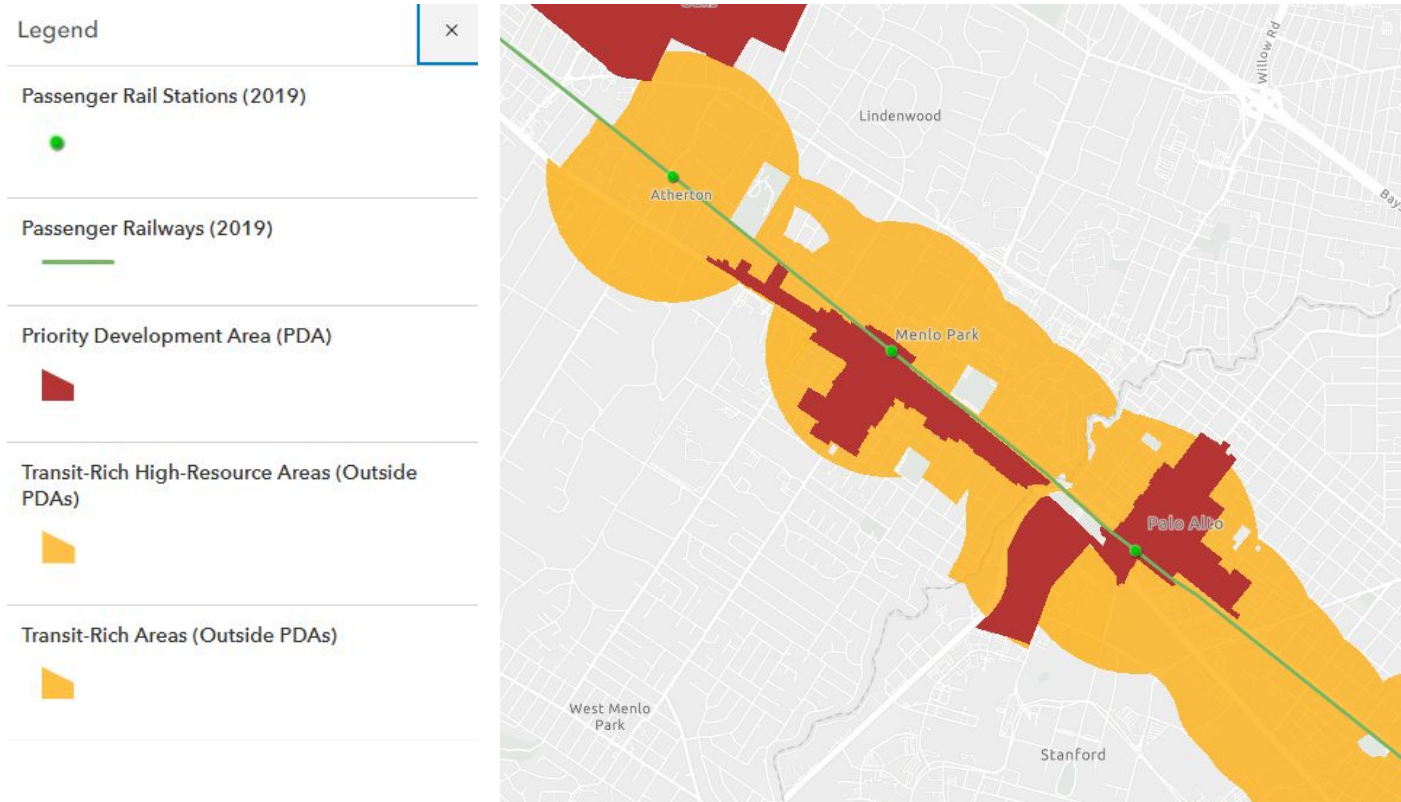
Recommendations for Transit-Oriented Communities Policy - Updated Draft

Appendix

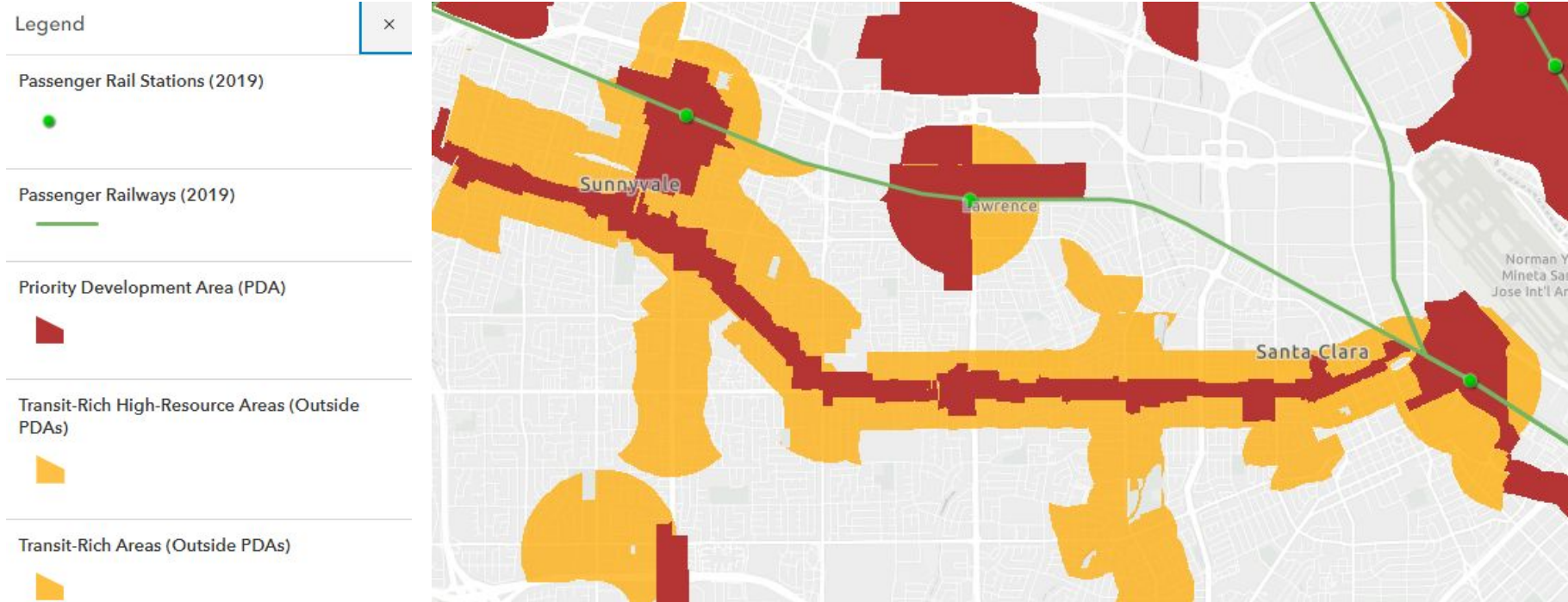
The updated draft of the TOC policy limits the geographic scope on which where the policy would apply from all TRAs and PDAs to only PDAs. We are concerned this limits the policy's ability to affirmatively further fair housing in the Bay Area by allowing cities to opt out of compliance.

Please see a selection of cities where this limitation disqualifies a significant portion of the geographic area where the TOC policy would apply in the following maps. All affected areas run along the fixed guideway transit in green. The TRAs are highlighted in orange, highlighting the area that is no longer required to comply with the TOC policy. The PDAs, where the policy would apply, are highlighted in red.

Atherton / Menlo Park / Palo Alto



Sunnyvale / Santa Clara*



*This geographic area runs along the El Camino Real BRT fixed guideway segment, where the policy would apply

Berkeley

Legend

×

Passenger Rail Stations (2019)



Passenger Railways (2019)



Priority Development Area (PDA)



Transit-Rich High-Resource Areas (Outside PDAs)



Transit-Rich Areas (Outside PDAs)



El Cerrito / Albany

Legend



Passenger Rail Stations (2019)



Passenger Railways (2019)



Priority Development Area (PDA)



Transit-Rich High-Resource Areas (Outside PDAs)



Transit-Rich Areas (Outside PDAs)



Campbell

Legend



Passenger Rail Stations (2019)



Passenger Railways (2019)



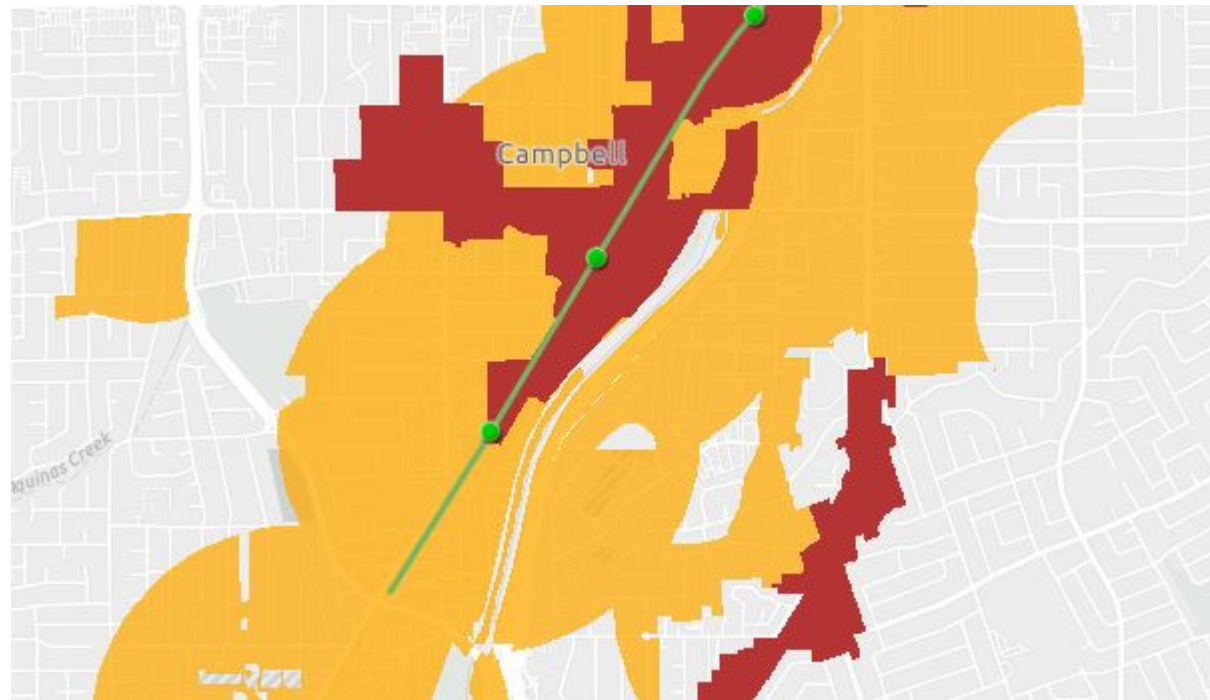
Priority Development Area (PDA)



Transit-Rich High-Resource Areas (Outside PDAs)



Transit-Rich Areas (Outside PDAs)



June 3, 2022

Therese McMillan, Executive Director
Metropolitan Transportation Commission/Association of Bay Area Governments
Bay Area Metro Center
375 Beale Street, Suite 800
San Francisco, CA 94105-2066

Dear Ms. McMillan,

The Bay Area County Transportation Agencies (BACTA) appreciate the important work MTC is performing on the development of the Transit Oriented Communities (TOC) Policy as a means to support implementation of PBA 2050. We also appreciate the numerous meetings your staff have had with us during the development of the policy and for addressing many of our comments. We understand that the TOC policy is slated for approval at your July Commission meeting and would like to share a few specific comments germane to all the CTAs below. In addition, individual CTAs may also be submitting additional separate comments. There are six areas of interest that the CTAs would like to see addressed prior to the TOC Policy adoption in July to enable informed decisions and to allow us to advise our policy makers and jurisdictions:

- Finalize a baseline assessment of how the proposed density and policy changes compare with the existing conditions in the approved PDAs. This is critical for CTAs and local jurisdictions to determine the extent of increase in density that is being recommended.
- Provide a detailed map of where the TOC policy would apply, and a list of which PDAs or TRAs would be included in it. This would be especially helpful for counties that have many PDAs. (For reference, San Mateo County has 25 PDAs, Alameda County has 48 PDAs).
- Consider adjustments to the 4-year timeframe for jurisdictions to rezone the areas for compliance with the TOCs. Local jurisdictions are devoting significant time and resources to updating their housing elements. If an adopted TOC policy requires updated PDA specific plans or new specific plans for areas within a TRA, there may not be sufficient time to complete the rezoning within the 4-year timeframe. Jurisdictions will have to pivot from the resource-intensive housing element update to immediately start on Specific Plan efforts to comply with the TOC Policy. A Specific Plan update can easily take several years. If many of the PDA Specific Plans have to be updated, it will be exceedingly challenging to accomplish that in the 4-year timeframe.
- Clarify the implications for PDAs for which the policy doesn't apply or for areas where there are fixed guideway stations outside of PDAs – in either of these cases, clarify if they would be eligible for future OBAG funds.
- Clarify whether or how the TOC Policy would be used in the future to determine funding distributions, including which fund sources would be considered for alignment with the TOC policy.

- Clarify the implications for a fixed guideway corridor when one jurisdiction (of many on the corridor) may not be in compliance with the policy: which agencies would be affected and what would be the funding ramifications.

Again, we appreciate the collaboration with your staff on the development of the TOC policy and seek your responses to the above items in a manner that would allow us enough time to evaluate and coordinate with our jurisdictions and policymakers prior to adoption of the TOC policy.

Sincerely,



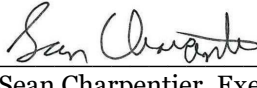
Tess Lengyel, Executive Director
Alameda County Transportation Commission



Tilly Chang, Executive Director
San Francisco County Transportation Authority



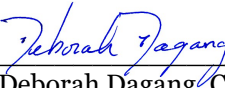
Tim Haile, Executive Director
Contra Costa Transportation Authority



Sean Charpentier, Executive Director
City/County Association of Governments of San Mateo County



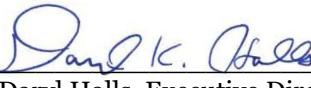
Anne Richman, Executive Director
Transportation Authority of Marin



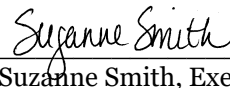
Deborah Dagang, Chief Planning & Programming Officer
Santa Clara Valley Transportation Authority



Kate Miller, Executive Director
Napa Valley Transportation Authority



Daryl Halls, Executive Director
Solano Transportation Authority



Suzanne Smith, Executive Director
Sonoma County Transportation Authority

cc: Alix Bockelman, Deputy Executive Director, Metropolitan Transportation Commission
Matt Maloney, Director, Regional Planning, Metropolitan Transportation Commission



June 3, 2022

Bay Area Metro Center
375 Beale Street, Suite 800
San Francisco, CA 94105-2066

RE: Draft Transit-Oriented Communities (TOC) Policy

Dear Director McMillan,

On behalf of the East Bay Advocacy Coalition consisting of the East Bay Economic Development Alliance (EDA), the East Bay Leadership Council (EBLC) and the Innovation Tri-Valley Leadership Group (ITV), we are sending this letter to offer comments on the Draft Transit-Oriented Communities (TOC) Policy that is being developed by the Metropolitan Transportation Commission (MTC).

First, we commend MTC for this laudable endeavor, as we all recognize the importance and necessity of expanding transit-oriented development as a means of achieving our region's climate goals and continuously improving our quality of life. Our coalition looks forward to partnering with MTC on a TOC policy that achieves its stated goals within the context of our diverse communities. As this TOC Policy is being crafted, we are submitting some suggestions to consider as well as some questions we wish to see addressed and clarified before final adoption.

Increasing Transit Ridership

The current draft TOC Policy focuses on increasing residential and commercial densities, but equal weight should be added to increase transit ridership and choice. This is a simple overarching metric for measuring the effectiveness of the Policy – and something communities will be able to understand and accept. Simply put, the TOC Policy should contribute to expanding existing transit networks and creating new ones which will get our region's residents out of their cars.

Recognize Station Typologies

We are pleased to see a tiered approach to the TOC Policy that recognizes the diverse transportation, land use, and housing patterns and development potential. However, for successful implementation, MTC-ABAG will need to engage and partner with jurisdictions to effectively meet the unique individualized goals and objectives of each tier. The proposed policy presents densities based on the type of transit infrastructure – though it is also important to recognize the continuum of station area contexts that exist in the Bay Area within each tier (i.e., downtown, urban neighborhood, suburban neighborhood, etc.) and should offer some flexibility to jurisdictions with fewer public transportation options.

It should not be assumed that the area surrounding a station always needs to have a region-wide uniform building height and density to serve a critical function within the transit network. We recommend that there be a market analysis performed to better understand development feasibility. The broad minimum proposed residential and commercial densities proposed in the policy may or may not be financially feasible in every geography. The market in Richmond, for example, is vastly different than that of Livermore, Oakland, or Oakley. Staff needs to conduct a much more thorough market analysis and vetting of these numbers with cities and developers to determine the appropriate ranges for specific geographies.

Station-adjacent infrastructure improvements that could improve pedestrian and bicycle connectivity and facilitate transit will also vary by station type. By incentivizing municipalities to cater to the specific needs of each station type, it may be possible to achieve a best-case ridership return on station area investments.

Compliance

Unlike MTC Resolution 3434, the staff report for the Draft TOC seems to imply that MTC and others listed will negotiate an approach on a case-by-case basis. While there may be benefit in this flexible approach, it may result in an uneven application of the policy. Clarification is needed on who makes the decisions and what determines compliance. It is also unclear what constitutes meeting minimum housing density thresholds - whether the test is actual densities met on the ground or if merely zoning to allow it passes this test - even if nothing happens.

Requiring a transit agency to obtain full policy compliance at every single station to achieve OBAG funding eligibility could also prove to be problematic. For example, ValleyLink is planning seven stations, four of which are in San Joaquin County and outside MTC's planning area. Of the remaining three, the Dublin-Pleasanton station is already built out and the Isabel Neighborhood plan which was adopted in 2020 meets the criteria required under MTC Resolution 3434. We believe that existing TOD's such as the ones surrounding the Dublin-Pleasanton BART stations, or the proposed Isabel Neighborhood Plan in Livermore adopted in good faith under previous MTC policies should remain eligible for funding.

Furthermore, Caltrain, BART, the ferry and bus systems in the Bay Area operate with hundreds of stations. Policy compliance at every single station will be difficult given the sheer number of PDAs, specific plans, neighborhood plans, general plans, zoning maps, etc. which may need to be revised. Given the sheer size of the OBAG funding pot, this policy could trigger updates to dozens if not hundreds of community plans at considerable cost in time and resources. The TOC staff report indicates that such an analysis would be done in the first phase of the policy implementation, but this is a massive policy expansion and Commissioners will need to have a sense of these impacts before proceeding.

Parking Requirements

While it makes sense in many areas of the Bay Area to eliminate parking minimums as transit-oriented communities are developed, there are regions of the Bay Area with limited transit alternatives where this would not be feasible, making this a critical factor affecting a successful outcome. There needs to be a pathway identified that will bring developers along and considers market viability or this may be a significant detriment to advancing development.

There is a need to provide affordable housing across the region, but not all sites will be located near employment centers that have jobs accessible for low-income workers. It is our hope that the TOC Policy can provide a way for a locality and/or developer to request exceptions with some sort of offset/tradeoff. Consideration also needs to be given to end-of-the-line stations that need more parking to make shifting to transit possible, and some of the housing at these sites may be for families, which could necessitate the need for additional parking.

Affordable Housing and Anti-Displacement

The draft Policy states that low-income households are significantly more likely to utilize public transit and that adding affordable homes closer to the region's major transit investments can increase the ridership and improve the cost effectiveness of these investments while reducing GHG emissions. While we agree with this statement, please note that a recently published Bay Area Council report notes that in the Altamont/I580 Corridor there are an estimated 100,000 displaced Bay Area workers living in the San Joaquin Valley who travel through the Altamont Corridor each day. Many other people who work in San Francisco or Silicon Valley have been displaced to East Contra Costa County and beyond. Close to half or more of these jobs are in the construction, manufacturing, health care and social assistance employment

sectors which do not lend itself to remote work or accessible by transit. The needs of displaced lower income households is very important to consider when designing public transit alternatives.

Congestion Pricing and Next Generation Freeways

Plan Bay Area 2050 calls for all lanes tolling on freeways with parallel high-capacity transit service. The impact of this policy could be significant on the proposed land use and parking requirements that are being established by this TOC policy. Specifically, under an all-lanes tolling scenario, the minimum densities, parking requirements (or lack thereof), and density caps requirements may need to be significantly different (most likely higher) than what is being established in this TOC policy to accommodate the anticipated shift from single occupant vehicle mode to public transit. With all lanes tolling, it is anticipated that demand for housing near transit stations and increased availability for on-street and off-street parking could increase significantly.

We understand the Next Generation Freeways Study is just getting started and appreciate MTC's openness to revisit the requirements in this TOC policy in the future when more is understood/developed regarding all lanes tolling concepts. With most freeways with parallel high capacity transit located in Contra Costa and Alameda Counties (I-80/Capital Corridor, I-580/SR238/I-880/BART, SR24/SR4 BART), we are concerned that without proper planning, the impacts of all lanes tolling on the East Bay businesses and communities will drive both residents and businesses out of the area, further exacerbating a labor shortage and unbalanced job/housing distribution in the Bay Area, and could be a detriment to the East Bay economy.

Scope and Impact

It is difficult based upon previous staff reports to understand the scope and impact of the new policy, making it very difficult to ascertain whether the advertised advantages of the policy are worth the trade-offs. Considering that OBAG 3 and its funding priorities are currently under separate discussion, if the TOC is adopted the new policy would override OBAG 3 funding decisions. It would also dictate the terms of all future funding decisions in OBAG 4 and beyond, so whatever TOC Policy is ultimately adopted needs to be done with utmost sensitivity to scope and impact along with maximum engagement of local jurisdictions.

In summary, we recognize that things need to change over past practices, and that the Draft TOC Policy is a solid step forward for our region. That said, going from a policy that applied minimum housing densities to a handful of projects to one that ties every single MTC discretionary dollar to mandates for broad housing and job density must allow for flexibility in solutions to varying situations. In the end, the TOC Policy that is adopted needs to make housing easier to build and more affordable to buy or rent, improve transit ridership, and make transit expansions and improvements cheaper and/or faster. On the contrary, if the TOC Policy adds considerable time, cost, and uncertainty to the development process, or contains requirements which are not feasible economically to developers and local jurisdictions, it will lead to less housing being constructed and lower demand for transit, not more.

Thank you again for your consideration of these comments, questions, and concerns. We look forward to continued engagement with MTC Commissioners and Staff on developing an inclusive TOC Policy that meets the needs of our entire region.

Warmest regards,



Kristin Connelly
President & CEO
East Bay Leadership Council



Stephen Baiter
Executive Director
East Bay Economic
Development Alliance



Lynn Naylor
CEO
Innovation Tri-Valley
Leadership Group

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East Bay Leadership Council (EBLC) is a private sector, public policy organization that advocates on issues affecting the economic vitality and quality of life of the region. EBLC's membership of East Bay employers includes leaders from business, industry, health care, education, local government, labor and the nonprofit community. www.eastbayleadershipcouncil.org

East Bay Economic Development Alliance (East Bay EDA) is a unique cross-sector partnership of private, elected, county/city/town and nonprofit leaders in the East Bay counties of Alameda and Contra Costa, helping to establish the East Bay as a globally- recognized region to grow business and attract capital and resources to create quality jobs and preserve a high quality of life. www.EastBayEDA.org

Innovation Tri-Valley Leadership Group (ITVLG) is a business leadership association committed to connecting the businesses, research labs, educational institution and civic leaders in the Tri-Valley region of the East Bay, by generating job growth and economic vitality for a region that is globally connected, regionally united and locally unique. www.innovationtrivalley.org

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Appendix - Feedback, Comments, and Questions Raised by East Bay Coalition Members

Future & Planned Transit Stations

- Does the new TOC policy apply to any of the Valley Link stations outside of the Bay Area if the policy is no longer at the corridor level? Does this change if the Mountain House station is within the initial operating segment that is subject to future MTC allocations of regional funding?
- If Valley Link has adopted the 2005 TOD Policy, MTC staff seemed to suggest that there are no restrictions for the Valley Link "project" being able to seek additional regional funding, but it was not clear to me that the exception covered the City of Livermore from being able to seek regional funding for your own projects in support of the station areas.
- Are development projects such as the Isabel Road Valley Link station and Isabel Neighborhood Specific Plan in Livermore that are already entitled up to OBAG Cycle 4 (2026) exempt from the change in policy?
- Would the policy apply to future Capitol Corridor stations via the South Bay Connect project? (e.g., Ardenwood)
- AC Transit's view is that there are bus lines which have had frequent service for decades, with high demand, which should be considered permanent. Rail lines also get abandoned.

Land Use & Development

- How will the TOC policy consider small, narrow, or otherwise irregular lot sizes?
- Implementation of an overlay zone to protect and assist small businesses and non-profit community organizations. Another good concept that does not have an established “best practice” or model. Very new, controversial in implementation, staff-intensive and potentially expensive (as well as potentially in conflict with other goals related to development density). Surely an easier way of approaching the goal of supporting local business would be to have a set-aside in any new development on transit-agency property for local-serving non-profits or locally-owned businesses.
- I really appreciate that the policies are not fully proscriptive--adding residential is voluntary, not required; more limited requirements near ferry terminals, recognizing they may be in places where industrial takes place. I would like to see that recognition expanded to some rail as well that are located in the midst of viable industrial locations
- Just wanted to say that as program manager for the Link21 team, I am really excited to see this TOC policy because existing and planned uses can shape success of the Link21 program. Also, a large megaregional program like Link21 can also help transform the regional land use, and to that end, you will be pleased to know that we have developed a Land Use Strategic Framework that aligns with and complements this TOC policy.
- I would note that the Bay Area has historically had a problem of much more land being zoned for commercial use than can be absorbed, that employers want. So this policy needs to avoid that.
- Has MTC considered how the parking restrictions could impact the ability for developers to secure loans without some minimum parking allowance?
- Why does the policy apply parking maximums?

Implementation & Funding

- How will the TOC policy actually increase transit ridership and achieve significant mode shift? Are there complementary strategies and/or policies working to support the TOC policy?
- MTC-ABAG’s envisioned implementation and funding guidelines for the TOC policy is unclear. The timeline for requirements is also unclear.
- In communities with no direct rail access and limited bus service, but with growing population eastward, what public incentives, infrastructure, and/or policies exist to support commercial development in suburban markets to mitigate the jobs-housing imbalance and support “reverse commute”?
- How will the access gap analysis and accompanying improvement program for station access via a 10-minute walk, bicycle, or bus/shuttle trip be addressed? In particular, it is specified that the recommended improvement program for station access is to be incorporated into a capital improvement plan for the jurisdiction or plan area – but how will non-capital operating expenses be programmed and funded to address this issue?

Housing

- The suite of affordable housing production/preservation policies is very far-reaching and removes significant local control from jurisdictions. Beyond that, it gets into technical and logistical issues with administering affordable housing programs and policies that MTC is not equipped to help jurisdictions with or evaluate if a jurisdiction or specific development is complying over the lifetime of an affordability period (typically 45 or 55 years).
- Adopt policies addressing “two or more of the following” includes SRO preservation. There are no SROs outside the urban core, so jurisdictions can’t choose this option, forcing them to choose among fewer.

- Condo conversion restrictions (most jurisdictions already have something in this field plus this is much less of an issue now than it was a decade ago)
- Tenant opportunity to purchase. This is a very progressive and very new type of policy that every jurisdiction should be able to determine if need
- The affordable housing work is expensive to administer. No funding source.
- Preservation of affordable housing at-risk of conversion to market rate. It is not reasonable to ask smaller jurisdictions to develop a program around this as it is labor-intensive, can be expensive depending on the project, AND not necessarily a RHNA-meeting program. The State of California is working on some solutions, which obviously local government housing planners would support. This should be left to the State.
- Rent stabilization. Again, more of a State issue and it doesn't seem reasonable to have a rent stabilization district within a larger jurisdiction.
- "Just Cause" evictions. This is a very broad tent with a lot of nuances that both doesn't seem reasonable to apply to a district within a larger jurisdiction, as well as something that is far beyond MTC-ABAG's remit in terms of station-area development.
- Tenant right to counsel. Already exists in California law.
- Foreclosure assistance. Without funding, this is not a useful policy although like many of these items, worthwhile concept.
- Rental assistance programs. Pre- and post-ARPA, these are typically Federally funded programs run through CDBG administrators, not every jurisdiction. Not reasonable to expect smaller agencies to develop and run these as they are labor-intensive and expensive.
- Preference policy prioritizing openings deed-restricted affordable homes for existing residents and displaced former residents and family members. This is the law already.
- Bay Area job housing imbalance is 7 to 1. With the proposed housing density increase, what would the new ratio be? Moreover Tri-Valley ratio is 10 to 1. Can MTC provide the new ratios for Bay Area wide and Tri valley specifically?

June 6, 2022

Therese McMillan
Executive Director
Metropolitan Transportation Commission
375 Beale Street, Suite 800
San Francisco, CA 94105-2066

Subject: Draft Transit-Oriented Communities (TOC) Policy Update, dated May 13, 2022

Dear Ms. McMillan,

Thank you for the opportunity to review and respond to the Draft Transit-Oriented Communities (TOC) Policy Update, dated May 13, 2022. Our comments below are categorized based on the Draft TOC Policy's four key elements:

1. Minimum required and allowed residential and/or commercial office densities for new development

The addition of Tier 4 addresses some of our concerns regarding accommodations for areas with commuter rails and ferry terminals. However, the policy needs to go further to account for suburban and rural communities that have lower population and/or lower densities or jurisdictions that do not have access to regional rail service in the Priority Development Areas (PDAs) or Transit-Rich Areas (TRAs). The policy should include a Tier 5 that considers a lower level of allowable density or additional context-sensitive criteria such as population and economic feasibility factors. Providing examples of density by number of units per acre for housing or floor area ratio for commercial office developments supported by a feasibility study would be beneficial to better understand the impact to approved PDAs. Additionally, MTC should prepare a detailed map of where the TOC policy would apply. The policy should clarify that jurisdictions with PDAs and TRAs that do not have fixed guideway are still eligible for future One Bay Area Grant (OBAG) funding cycles. Consideration should be made on how to incorporate California's Density Bonus Law, which encourages the development of affordable and senior housing up to a 50% to 80% increase in project densities based on the amount of affordable housing provided by a development. The allowable and required density in the policy should include the density bonus. Furthermore, considerations should be

made to allow jurisdictions to “grandfather” in current ongoing housing development for meeting the new TOC Policy and getting credit for delivering housing in the Bay Area and meeting the strategies of Plan Bay Area 2050.

2. Policies focused on housing production, preservation, and protection, and commercial anti-displacement and stabilization policies

The timing of these policies may not align with the preparation of jurisdictions’ Housing Elements in response to identifying housing need. Also, clarifications are needed on how to address jurisdictions that are in the process of updating their General Plan that may need to update their document based on this new TOC Policy. There should be consideration to adjust timing of the implementation of the TOC policy to allow for local jurisdictions to update PDA specific plans or develop new specific plans within a TRA. There may not be enough time to meet the four-year timeframe to adopt the TOC policy before OBAG 4 funding cycle relative to the timing of updating housing elements, updating specific plans for PDAs, or development of new specific plans for TRAs. Depending on the timing of the approval of the TOC policy, housing elements that are approved should be “grandfathered” into the TOC policy until the next time the local jurisdiction updates their housing element, general plans, and/or specific plans. Additionally, consider that based on economics feasibility of a development, jurisdictions may implement development outside the PDAs and TRAs, therefore, affordable housing located outside of PDAs or TRAs should also be addressed within this policy to meet the goals of Plan Bay Area 2050 and the Regional Housing Needs Assessment. As such, consideration should be made, on a case-by-case basis, to identify any exemptions to any of the above policy, as applicable. Collaboration with local jurisdictions is necessary when developing subsequent guidance and policy in determining TOC policy compliance under these sections.

3. Parking management

The “No minimum parking requirements allowed” policy for new residential and commercial office development is problematic and remains a concern for suburban communities. The policy is more appropriate for urban areas and still not a viable option for suburban and rural areas. In lieu of a strict no parking minimum policy, jurisdictions should be allowed the flexibility to evaluate each development on a case-by-case basis, including parking consideration under the Americans with Disabilities Act of 1990, clean vehicles, and car share strategies. Similar to the density requirement, an additional Tier 5 should be created to accommodate lower populations and other factors.

4. Transit station access and circulation

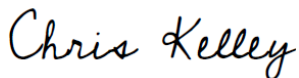
We concur that local jurisdictions should be coordinating with transit agencies, the community, and stakeholders in completing the appropriate plans and analyses within the PDAs and TRAs identified in this TOC Policy, granted that MTC provide the necessary funds and resources, as applicable, to assist jurisdictions in these efforts and to implement the TOC policy.

5. Ministerial approval and State legislation

We are concerned about the addition of ministerial approval of housing projects with a threshold of affordability, to the list of TOC housing production policies. Many of our jurisdictions are currently in the process of revising design and development guidelines and local review policies in response to State legislation such as Senate Bill (SB) 35 and SB 330. These laws include strict eligibility requirements for streamlined/ministerial review of housing projects. Given the current regulatory work associated with housing review under State law, the logistical and legal ramifications of ministerial review in the TOC policy should be carefully assessed.

If you have any questions, please contact John Hoang, Director, Planning, at (925) 256-4729 or via email at jhoang@ccta.net.

Sincerely,



Chris Kelley
Chair

Cc: Timothy Haile, Executive Director, CCTA
John Hoang, Director, Planning, CCTA
Kara Vuicich, MTC
Alix Bockelman, MTC
Matt Maloney, MTC
Therese Trivedi, MTC



June 7, 2022

Therese McMillan
Metropolitan Transportation Commission
Bay Area Metro Center
375 Beale Street, Suite 800
San Francisco, CA 94105-2066

Re: Transit-Oriented Communities Policy

Dear Mrs. McMillan,

City of Livermore (City) staff appreciates the opportunity to continue discussions with MTC staff related to the Transit-Oriented Communities (TOC) Policy. The City has three Priority Development Areas (PDAs): Downtown, Isabel Avenue/BART Station Planning Area, and McGrath Southfront. The City understands that the TOC Policy would apply to each of these PDAs but has specific comments related to the Isabel Avenue/BART Station Planning Area PDA.

The Isabel Neighborhood Specific Plan (Specific Plan) was adopted by the Livermore City Council on November 9, 2020, following a 6-year planning process and over 50 public meetings. The Isabel Neighborhood is designed to include a mix of housing, commercial and office, and community uses to form a complete neighborhood where residents and workers have easy access to transit and everyday services. Furthermore, the Isabel Neighborhood provides a variety of residential types to address existing housing needs and provides convenient transit access to regional jobs. Currently, Livermore Amador Valley Transit Authority (LAVTA) provides express bus service from this neighborhood to the Dublin/Pleasanton BART station. The Valley Link Station at Isabel Avenue will provide access to the Dublin/Pleasanton BART station in the future.

The Specific Plan was developed in compliance with the 2005 TOD Policy (MTC Resolution 3434). The Specific Plan exceeds the 2005 TOD Policy minimum housing requirement of 3,850 housing units by 245 units, for a total of 4,095 new housing units. City staff understands that because the Specific Plan is compliant with the 2005 TOD Policy, MTC may program or allocate regional discretionary capital funding for project construction in advance of TOC Policy compliance. City staff understands that in order to be eligible for funding, the City must commit to achieving TOC Policy compliance by the adoption of the One Bay Area Grant 4 program, currently estimated in 2026. City staff understands that this commitment must be documented through written communication with MTC.

The goals of the Specific Plan align with the goals of the TOC Policy, including increasing residential densities and prioritizing affordable housing; increasing commercial office densities near regional transit hubs; prioritizing bus transit, active transportation, and shared mobility; and supporting and facilitating partnerships to create equitable transit-oriented communities within transit-rich areas. The Specific Plan has the highest residential and commercial office densities in the City, with the densest products centered around the future Valley Link rail station at Isabel Avenue. The residential densities within the Specific Plan range from 15-100 dwelling units per acre with an average density of approximately 40 dwelling units per acre. New residential development will include various product types including townhomes, condominiums, flats, and apartments. In addition, the Specific Plan requires that at least 20 percent of new residential units be affordable with a goal of 25 percent of all units in the Specific Plan to be affordable. This is an increase from the citywide inclusionary affordable requirement of 15 percent.

The Specific Plan includes an office-core designation with a permitted floor area ratio between 1.0-2.0, allowing for a greater intensity of development than the Specific Plan's standard office designation. Finally, the Specific Plan includes policies supporting and facilitating bus transit as well as a robust pedestrian and bicycle network including pedestrian bridges, under crossings, and trails to enhance connectivity north and south of I-580, to the future rail station, and throughout the Isabel Neighborhood.

The City has four active residential development applications under planning entitlement review and one approved residential development application for planning entitlements in the Specific Plan. City staff anticipates an additional application for approximately 170 new residential units to be submitted this summer. Four of these applications are within a half-mile radius of the future Valley Link rail station at Isabel Avenue. These pending, active, and approved applications total over 2,400 units including over 575 affordable units. City staff understands that these applications will not be subject to the TOC Policy.

City staff requests that the capital funding and endorsement of Specific Plan projects and the Valley Link rail project not be contingent upon compliance with the TOC Policy requirements by 2026. The Specific Plan was adopted less than two years ago after significant community outreach and engagement and aligns with the TOC Policy goals. Furthermore, the Specific Plan includes densities and development standards based upon existing surroundings, fiscal and environmental analyses, and feedback from the public.

Should the Specific Plan projects and Valley Link rail project capital funding and endorsement remain subject to the TOC Policy, staff requests the draft policy be modified to clarify that the residential density requirements are not on a parcel-by-parcel basis but can be averaged within the half-mile radius of the Valley Link rail station. In addition, staff requests that the residential parking maximum limit exempt electric vehicle spaces. This exemption would align with the City's ongoing Climate Action Plan update to further reduce greenhouse gas emissions.

We look forward to continued communication and collaboration with MTC staff. If you have any questions, please don't hesitate to contact me at prspence@livermoreca.gov.

Sincerely,



Paul Spence
Community Development Director

cc:

Bob Vinn, City Engineer
Steve Stewart, Planning Manager
Steve Riley, Principal Planner
Ashley Vera, Associate Planner

June 23, 2022

TRANSMITTED VIA E-MAIL and U.S. MAIL
kvuicich@bayareametro.gov

Kara Vuicich
Principal Planner
Bay Area Metro Center
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RE: Proposed Transit-Oriented Communities Policy

The San Francisco International Airport (SFO or the Airport) is aware that the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG) are in the process of updating the 2005 Transit-Oriented Development (TOD) Policy defined in the Regional Transit Expansion Program (MTC Resolution No. 3434).

The proposed replacement policy, the Transit-Oriented Communities (TOC) Policy, establishes requirements for Priority Development Areas (PDAs) and Transit-Rich Areas (TRAs) related to residential and office density for new development, affordable housing and anti-displacement policies, parking management, and transit station access and circulation. The draft policy, however, does not adequately recognize State land use compatibility laws as they relate to lands near airports, including SFO.

SFO is concerned that the draft TOC policy, as presented on May 13, 2022,¹ does not recognize and exclude areas from this policy that would unintentionally encourage and intensify incompatible land use in the vicinity of SFO, as defined under State land use compatibility laws. While the Airport understands that the draft TOC policy does not require cities to upzone land near high-quality transit, recent experience suggests that the practical outcome of the policy will be to encourage the introduction of new incompatible land uses, and the densification of legacy incompatible land uses. Therefore, SFO seeks to engage MTC and ABAG regarding the draft TOC policy and identify practical options to avoid creating incentives for cities and developers to seek new land uses that are incompatible with airport-adjacent locations.

BACKGROUND

California State Law requires Airport Land Use Commissions to adopt an Airport Land Use Compatibility Plan (ALUCP) for each public use and military airport within their jurisdiction. The City/County Association of Governments (C/CAG) of San Mateo County is the acting Airport Land Use Commission for SFO, and the current SFO ALUCP was adopted in 2012.² State law requires a submittal for proposed development and land use policy actions that affect property within the area

¹ Association of Bay Area Governments, and the Metropolitan Transportation Commission, "Transit-Oriented Communities Policy, Joint MTC Planning Committee with the ABAG Administrative Committee," May 13, 2022.

² City/County Association of Governments of San Mateo County, *Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport*, November 2012.

designated as the Airport Influence Area (AIA) to the Airport Land Use Commission for determination of consistency with the SFO ALUCP.³

This letter describes the land use compatibility concerns raised by the proposed TOC policy regarding the noise, airspace, and safety compatibility policies defined in the SFO ALUCP. Several communities near SFO served by high-quality transit (e.g., defined by the TOC policy and State law as areas within a half mile of BART, Caltrain, and high-frequency SamTrans stations) were not evaluated for consistency with existing State land use compatibility laws. MTC and ABAG are required to submit the proposed policy to the C/CAG, as the Airport Land Use Commission, for a consistency determination prior to accepting the proposed TOC policy; however, until the Airport discovered that the TOC policy was being revised as staff attended an unrelated meeting, the Airport was not consulted during the stakeholder engagement process on the proposed TOC policy.

AIRCRAFT NOISE COMPATIBILITY POLICIES AND CONCERNS

As shown in **Exhibit 1** (attached), aircraft noise exposure contours extend northwest and southwest from SFO. The research-based noise exposure policies defined in the ALUCP are designed to protect the health of people on the ground near airports. As identified in the SFO ALUCP, the following noise compatibility policies should be considered in the development of the TOC Policy⁴:

- Noise Policy 1 (NP-1): Noise Compatibility Zones. For the purposes of the SFO ALUCP, the projected 2020 CNEL noise contour map from the Draft Environmental Assessment for the Proposed Runway Safety Area Program shall define the boundaries within which noise compatibility policies described in this Section shall apply. The zones are defined by the Community Noise Exposure Level (CNEL) 65, 70, and 75 dBA contours.
- Noise Policy 4 (NP-4): Residential Uses within CNEL 70 dBA Contour. Residential uses are not compatible in areas exposed to noise above CNEL 70 dBA and typically should not be allowed in these high noise areas.

To the west of Airport property is an irregular but contiguous PDA. To the northwest of SFO, high-quality transit areas, specified as a TRA comprise the half-mile area around the San Bruno BART station. Most of the half-mile area around the San Bruno BART station is located within the CNEL 70 dBA. To the southwest of SFO, portions of the half-mile area around the Millbrae Caltrain and BART stations are located within the CNEL 70 dBA. Portions of the PDA associated with the San Bruno and Millbrae transit stations are similarly in the CNEL 70 dBA contour.

SFO was the first US airport with an approved noise compatibility program from the Federal Aviation Administration (FAA) in 1983. Since then, the FAA and SFO have funded, implemented,

³ Before a local agency makes plans consistent, all proposed development and land use policy actions that affect property within an area designated as the project referral area (or Area B of the Airport Influence Area [AIA]) must be submitted to the Airport Land Use Commission for a consistency determination prior to agency action on any policy decision, and prior to issuance of any development permit. After a local agency makes plans consistent, any proposed land use policy action (adoption or amendments to general plans, specific plans, zoning ordinances, and facilities master plans) within Area B of the AIA must be submitted to the Airport Land Use Commission for a consistency determination prior to agency action. (City/County Association of Governments of San Mateo County, Airport Land Use, available at <https://ccag.ca.gov/programs/airport-land-use/> [accessed May 25, 2022].)

⁴ City/County Association of Governments of San Mateo County, *Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport*, November 2012, pp IV-12 and IV-19.

and maintained a robust sound insulation program that has allowed SFO to be one of the few public use airports in the State of California to be fully compliant under Title 21 of the California Code of Regulations. Millions of federal and local funds have been expended to achieve land use compatibility within the CNEL 65 dBA noise contour – by sound insulating homes, places of worship, and schools, to be consistent with federal and state land use compatibility regulations.

Implementation of the TOC policy within the SFO AIA would require cities with legacy incompatible land uses to undermine decades of scientifically informed land use planning and millions of dollars expended to safeguard public health and safety.

The Airport supports practical housing development in the Bay Area, especially low-income and transit-oriented developments. However, commercial and industrial areas near rail corridors, zoned and used as such for decades near SFO, are now being identified by local municipalities to accommodate housing and transit-oriented communities because these areas are located adjacent to high-quality transit (i.e., the San Bruno Transit Corridors and the Millbrae Station: Transit Station Area) and because MTC's Regional Housing Needs Assessment methodology also did not account for airport land use incompatibilities.⁵ Implementation of the draft TOC would exacerbate this issue by requiring cities with legacy incompatible land uses, or cities which choose to create new incompatible land uses, to increase the intensity of those uses and expose more future residents to unmitigable noise levels.

The proposed TOC policy would encourage the densification of incompatible housing uses within the SFO vicinity and presents a serious concern for the Airport and conflicts with local compatibility regulations. Specifically, in 1992, the Airport Commission entered into a Memorandum of Understanding (MOU) with neighboring communities to provide \$120 million in residential noise insulation for homes in proximity to the Airport affected by noise.⁶ Signatory jurisdictions to the MOU promote real estate disclosure for all residential properties within the Airport's CNEL 65 dBA aircraft noise contour and in proximity to the Airport, as well as prohibit new residential construction within the CNEL 70 dBA aircraft noise contour.

State law requires people offering subdivided property for sale or lease to disclose the presence of all existing and planned airports within two miles of the property as a condition of the sale.⁷ Further, the noise elements and/or General Plans adopted by the cities of Burlingame, Daly City, Millbrae, San Bruno, and South San Francisco restrict the development of new housing and various noise sensitive facilities within areas exposed to aircraft noise of CNEL 70-75 dBA. The TOC policy would conflict with local land use planning requirements and many years of successful progress towards compatibility in proximity to SFO.

All residential development related actions within the CNEL 70 dBA contour are incompatible, including rezoning of a site to residential uses, under Noise Compatibility Policy (NP-4). Within the CNEL 65 to 70 dBA contour, acoustical treatments could reduce interior noise levels and could be conditionally compatible residential developments. However, residential developments within the

⁵ City/County Association of Governments. *San Mateo County Priority Development Area (PDA) Investment & Growth Strategy*, May 2017.

⁶ Parties to the Agreement include the City and County of San Francisco, San Mateo County, and the cities of Daly City, Millbrae, Pacifica, San Bruno, and South San Francisco.

⁷ California Business and Professions Code, §11010; California Civil Code, §§1102.6, 1103.4, 1353.

CNEL 70 dBA noise contour would allow a significant impact to future residents and is identified under federal and state regulations as incompatible with sound insulation. Interior insulation would fail to address noise in outdoor amenity spaces often provided alongside housing. Further, the simple act of opening a window would compromise the efficacy of even the best noise insulation.

The materials and technology used for sound insulation have limited warranties and eventually fail over time. ***Residential development within the CNEL 70 dBA contour would render that development ineligible for FAA/SFO grants for future sound insulation, including the subsequent repair or re-installation of insulation materials when they fail over time.*** Similarly, Public Utilities Code section 21678 precludes the City and County of San Francisco/SFO from having any liability should a local jurisdiction proceed with residential development in contravention of the SFO ALUCP noise compatibility policies. There would be no viable aircraft noise abatement or noise mitigation measures that could alleviate the significant and unmitigable noise these future residents may experience, especially from long-haul international air carriers and cargo operators that depart late night/early morning; and due to the weight of the cargo, the cargo freighter aircraft typically fly slow and low to the ground. Therefore, the Airport will be unable to address noise complaints from these residents will and will refer them to the respective local jurisdiction (e.g., City of San Bruno and City of Millbrae).

The Airport encourages MTC and ABAG to recognize noise compatibility policies in the TOC policy to prevent development of uses incompatible with SFO operations.

AIRSPACE COMPATIBILITY POLICIES AND CONCERNS

Exhibit 2 presents the aeronautical surfaces considered most critical in the SFO ALUCP to protect airspace required for multiple types of flight procedures. This exhibit depicts the lowest elevations from a combination of protected airspace surfaces, so it indicates the ***maximum heights*** with which structures can be considered compatible with SFO operations. Additionally, the proposed development would receive an incompatible determination from the C/CAG. The C/CAG's determination would not negate the requirement for the developer to also undergo FAA Obstruction Evaluation and Airport Airspace Analysis (OE/AAA) study. To be found compatible with the SFO ALUCP, a project must lie beneath the critical aeronautical surfaces identified in the ALUCP and receive a Determination of No Hazard from the FAA. Compliance with only one out of these two requirements would be incompatible with the ALUCP.

Due to the proximity to the Airport of several high-quality transit areas and certain procedures from the Airport's runways, both the permanent building heights and temporary cranes or construction equipment must be considered. ***Otherwise, any permanent penetrations of the critical aeronautical surfaces adopted in the SFO ALUCP would result in real financial and economic impacts to air carriers, cargo operators, SFO/City and County of San Francisco, and potentially reduce airlines' ability to transport high-value cargo (e.g., biotechnology and high-technology cargo).***

While the encouragement of upzoning alone would not necessarily force a conflict with the airspace compatibility policies of the SFO ALUCP, the encouragement of higher densities without a corresponding restriction on over-height structures could encourage cities and developers to propose incompatibly tall permanent buildings. Further, by maximizing the heights of permanent buildings while still meeting airport land use compatibility requirements, the temporary cranes used to

construct the buildings must be over-height and can create acute operational effects on the Airport. In turn, this can shift noise to other communities and to other times of the day or night.

The Airport encourages MTC and ABAG to recognize airspace compatibility policies in the TOC policy to prevent development of uses incompatible with SFO operations.

SAFETY COMPATIBILITY POLICIES AND CONCERNS

Five safety zone types are identified in the vicinity of SFO. These empirically derived safety zones are designed to protect the health and safety of people on the ground in the event of an aircraft accident or incident. **Table 1** presents the zones as well as the land uses identified as incompatible with each zone and the land uses to be avoided in each zone. **Exhibit 3** depicts the safety zones defined for SFO. The land use compatibility criteria for safety zones are provided in the SFO ALUCP. The safety compatibility criteria are generally based on the guidelines provided in the *California Airport Land Use Planning Handbook* (Caltrans Handbook),⁸ although modifications have been made in recognition of the intense level of existing development in the vicinity of airports. Appendix E of the Caltrans Handbook contains a discussion of the factors that were considered in establishing the safety compatibility policies. The criteria include two categories: uses that are incompatible and uses that should be avoided in the respective zones, as summarized in Table 1.

Per the Plan Bay Area 2050: Final Blueprint Growth Geographies, areas within PDAs and TRAs near SFO are within Zones 2, 3, and 4.⁹ Specifically, the PDA and TRA associated with the San Bruno BART station encroach on Safety Zones 2, 3, and 4; the PDA associated with the San Bruno Caltrain station may encroach on Safety Zones 2 and 3, depending on the extents of the proximate PDA specific to the Caltrain station; and the PDA and TRA associated with the Millbrae BART and Caltrain stations encroach on Safety Zones 1, 2, and 3. As described in Table 1, MTC should consider airport land use incompatibility when refining TOC policy for PDAs and TRAs in proximity to SFO.

The Airport encourages MTC and ABAG to recognize safety zone compatibility policies in the TOC policy to prevent development of uses incompatible with SFO operations.

Table 1: Safety Compatibility Zones

| Zones and Descriptions | Incompatible Land Uses | Land Uses to Avoid |
|---|---|--|
| Zone 1, Runway Protection Zone and Object Free Area (RPZ-OFA) The RPZ is a trapezoid-shaped area off each runway end, with the dimensions based on the runway approach visibility minimums and the type of aircraft using the runway. The OFA is a rectangular area centered on each runway within which objects, other than those serving a specific aeronautical purpose, are | <ul style="list-style-type: none"> • All new structures³ • Places of assembly not in structures • Hazardous uses² • Critical public utilities² | <ul style="list-style-type: none"> • Nonresidential uses except very low intensity uses⁴ in the “controlled activity area”² |

⁸ Caltrans Division of Aeronautics, California Airport Land Use Planning Handbook. Available online: <https://dot.ca.gov/-/media/dot-media/programs/aeronautics/documents/californiaairportlanduseplanninghandbook-ally.pdf>

⁹ County of San Mateo, California. Plan Bay Area 2050: Final Blueprint Growth Geographies Adopted by ABAG Executive Board and MTC Commission, September 2020. (Accessible at - <https://mtc.maps.arcgis.com/apps/webappviewer/index.html?id=485e374221e84074b7e577ad381f6fce>)

| Zones and Descriptions | Incompatible Land Uses | Land Uses to Avoid |
|---|---|---|
| to be prohibited. Zone 1 is an area of relatively high accident risk that FAA encourages airport proprietors to own and keep free of objects, structures, and incompatible uses. | | |
| Zone 2, Inner Approach/Departure Zone (IADZ) The IADZ is designated along the extended centerline of each runway beginning at the outer edge of the RPZ. It is an area of secondary accident risk that tends to be overflowed by most aircraft arrivals and departures off each runway end. | <ul style="list-style-type: none"> • Children's schools ² • Large child day care centers and noncommercial employer-sponsored centers ancillary to a place of business ² • Hospitals, nursing homes • Hazardous uses ² • Critical public utilities ² • Theaters, meeting halls, places of assembly seating more than 300 people • Stadiums, arenas | -- |
| Zone 3, Inner Turning Zone (ITZ) The ITZ, lies alongside the RPZ and IADZ. It is an area overflowed by aircraft making turns at low altitude immediately after takeoff. It tends to be subject to lower accident risk than the IADZ. | <ul style="list-style-type: none"> • Biosafety Level 3 and 4 facilities ² • Children's schools ² • Large child day care centers ² • Hospitals, nursing homes • Stadiums, arenas | <ul style="list-style-type: none"> • Hazardous uses other than Biosafety Level 3 and 4 facilities ² • Critical public utilities ² |
| Zone 4, Outer Approach/Departure Zone (OADZ) The OADZ, extends along the extended runway centerline immediately beyond the IADZ. It is subject to overflights of aircraft on approach and straight-out departures. At SFO, the OADZ off the west end of Runways 10R-28L and 10L-28R is overflowed by a high proportion of departures using Runways 28L and 28R, especially long-haul departures by heavy, wide-body aircraft. | <ul style="list-style-type: none"> • Biosafety Level 3 and 4 facilities ² • Children's schools ² • Large child day care centers ² • Hospitals, nursing homes • Stadiums, arenas | <ul style="list-style-type: none"> • Hazardous uses other than Biosafety Level 3 and 4 facilities ² • Critical public utilities ² |
| Zone 5 – Sideline Zone (SZ) The SZ is a rectangular area centered on each runway centerline with a width of 2,000 feet and a length extending 200 feet beyond each runway end. This area is subject to accident risks associated with aircraft losing directional control on takeoff or after landing. At SFO, the SZ is entirely on Airport property. | <ul style="list-style-type: none"> • Children's schools ² • Large child day care facilities and noncommercial employer-sponsored centers ancillary to a place of business • Hospitals, nursing homes • Hazardous uses ² • Critical public utilities ² • Stadiums, arenas | -- |

Notes:

1/ Avoid: Use is not fully compatible and should not be permitted unless no feasible alternative is available. Where use is allowed, habitable structures shall be provided with at least 50 percent more exits than required by applicable codes. Where the 50-percent factor results in a fraction, the number of additional exits shall be rounded to the next highest whole number.

Incompatible Use is not compatible in the indicated zones and cannot be permitted.

2/ Definitions:

- Biosafety Level 3 and 4 facilities: Medical and biological research facilities involving the storage and processing of extremely toxic or infectious agents. See Policy SP-3 for additional detail.
- Children's schools: Public and private schools serving preschool through grade 12, excluding commercial services.
- Controlled Activity Area: The lateral edges of the RPZ, outside the Runway Safety Area (RSA) and the extension of the RSA, which extends to the outer edge of the
- RPZ. See FAA Advisory Circular 150/5300-13, *Airport Design*, Section 212a.(1)(b).
- Critical public utilities: Facilities that, if disabled by an aircraft accident, could lead to public safety or health emergencies. They include the following: electrical power generation plants, electrical substations, wastewater treatment plants, and public water treatment facilities.
- Hazardous uses: Uses involving the manufacture, storage, or processing of flammable, explosive, or toxic materials that would substantially aggravate the consequences of an aircraft accident. See Policy SP-3 for additional detail.
- Large child day care centers: Commercial facilities defined in accordance with Health and Safety Code, Section 1596.70, et seq., and licensed to serve 15 or more children. Family day care homes and noncommercial employer-sponsored facilities ancillary to place of business are allowed.

3/ Structures serving specific aeronautical functions are allowed, in compliance with applicable FAA design standards.

4/ Examples include parking lots and outdoor equipment storage.

Source: The City/County Association of Governments of San Mateo County, *Comprehensive Airport Land Use Compatibility Plan for the Environs of the San Francisco International Airport*, Table IV-2, "Safety Compatibility Criteria," November 2012.

* * *

While the concerns detailed in this letter address the SFO ALUCP specifically, the same principles apply to every Bay Area airport with a published ALUCP. Therefore, the Airport requests that the draft TOC policy be revised as follows:

1. State explicitly that the TOC policy does not supersede any published airport land use compatibility plan, nor may the TOC policy be used as justification for overriding any component of a published ALUCP.
2. Exclude all housing density requirements from any parcels within the 70 dB CNEL contour of any airport with a published ALUCP.
3. Exclude hazardous uses, including but not limited to Biosafety Level 3 and 4, from any density requirements which would conflict with a published ALUCP.
4. Incorporate by reference the height compatibility policies for permanent facilities near airports, as defined in published ALUCPs, and caution cities and developers on the complex and potentially onerous requirements which may be placed on tall temporary cranes which would interfere with the safe, efficient operations of local airports.

The Airport supports the draft TOC policy's goals of encouraging the use of mass transit and increasing the housing supply in the Bay Area, especially as many Airport workers must endure long commutes due to a lack of affordable local options. However, meeting these goals cannot come at the expense of decades of research and experience regarding incompatible land uses near Airports. The Airport believes there are many opportunities to densify developments near airports without introducing incompatible land uses; for example, by encouraging higher-density office uses which are typically compatible with the SFO ALUCP.

The Airport appreciates the opportunity to provide input on this important policy to support the region's transit investments by creating communities around transit stations and along transit corridors that not only support ridership, but that increase residential and commercial development densities in high-quality transit areas. If I can be of assistance, please do not hesitate to me at (650) 821-6678 or at nupur.sinha@flysfo.com.

Sincerely,

DocuSigned by:

Audrey Park

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Nupur Sinha
Director of Planning and Environmental Affairs

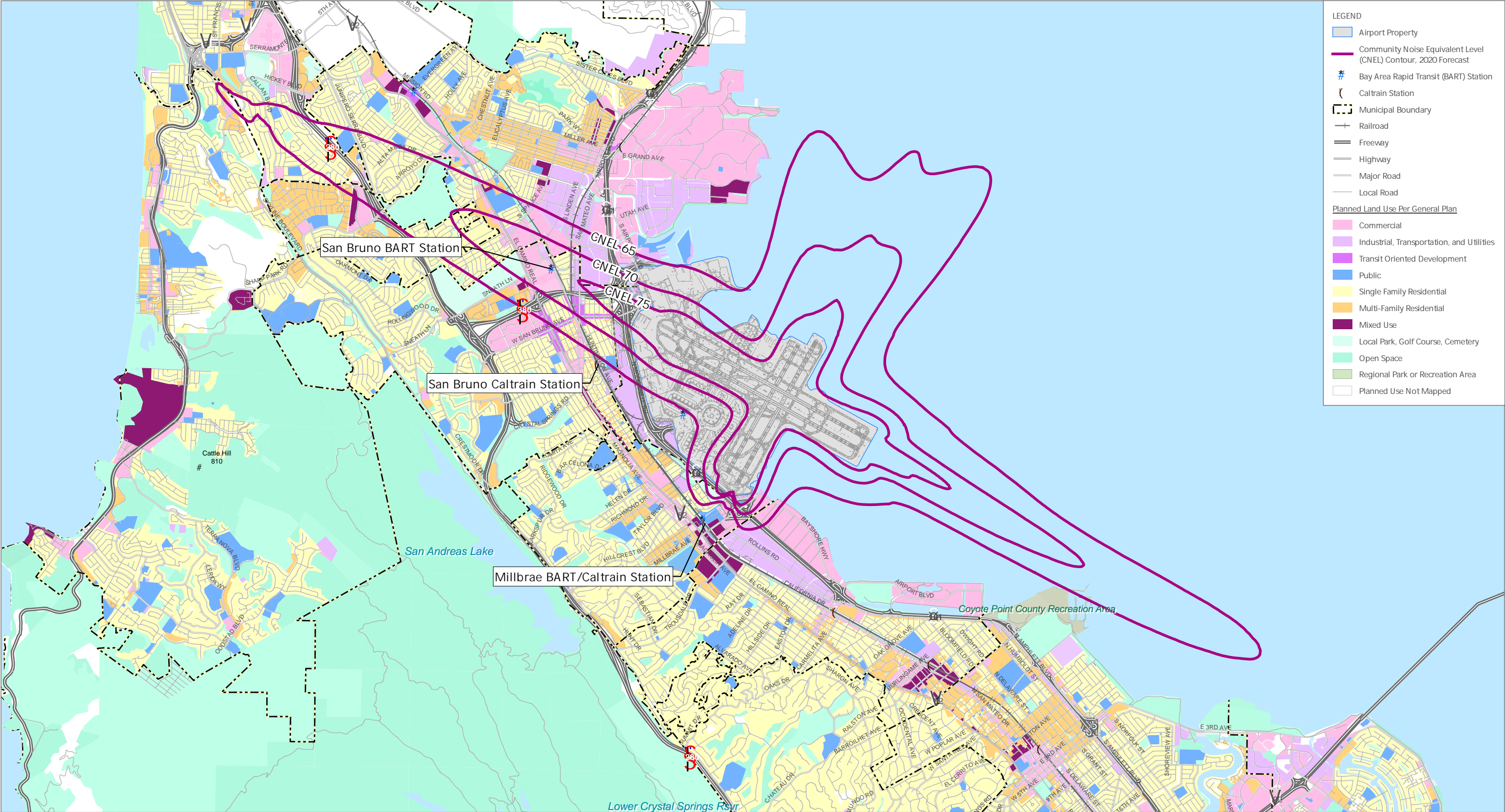
Attachments

cc: Faviola Garcia, Western-Pacific Deputy Regional Administrator, Acting, FAA
Laurie Suttmeier, Manager, Western-Pacific Region, FAA San Francisco Airports District Office
Phillip Miller, Acting, Chief Division of Aeronautics, Caltrans
Jim Lites, Executive Director of California Airports Council
Therese McMillan, Executive Director, Association of Bay Area Governments
Mark Shorett, Principal Regional Planner, Association of Bay Area Governments
Sam Hindi, Chairperson, SFO Airport/Community Roundtable
Sean Charpentier, Executive Director, City/County Association of Governments of San Mateo County

SAN FRANCISCO INTERNATIONAL AIRPORT

JUNE 2022

DRAFT

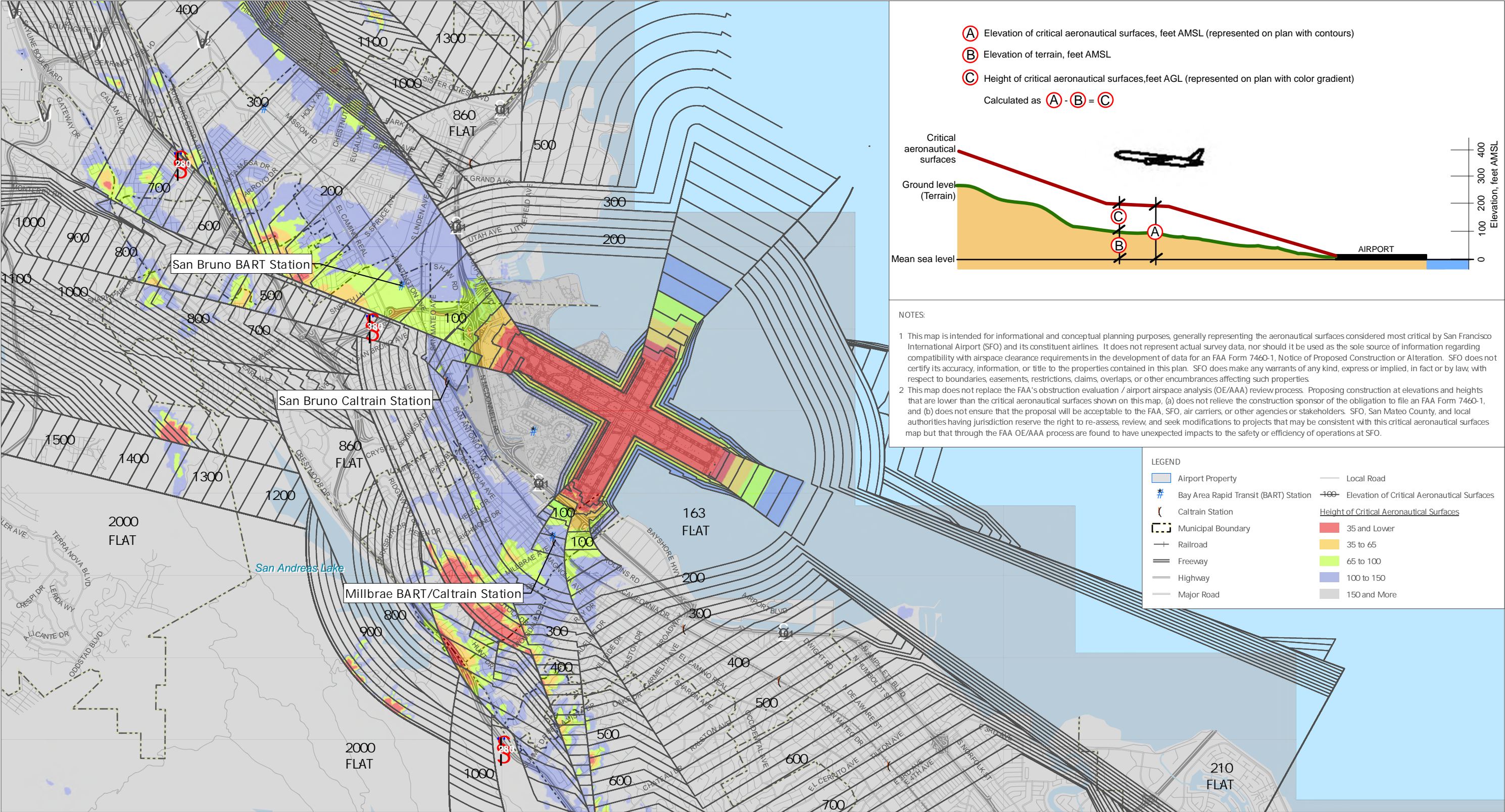


SOURCES: Draft Environmental Assessment, Proposed Runway Safety Area Program, San Francisco International Airport, URS Corporation and BridgeNet International, June 2011 (noise contours); San Mateo County Planning & Building Department, 2007; Burlingame Bayfront Specific Area Plan, August 2006; Burlingame Downtown Specific Plan, January 2009; Burlingame General Map, September 1984; North Burlingame/Rollins Road Specific Plan, February 2007; Colma Municipal Code Zoning Maps, December 2003; Daly City General Plan Land Use Map, 1987; Hillsborough General Plan, March 2005; Millbrae Land Use Plan, November 1998; Pacifica General Plan, August 1996; San Bruno General Plan, December 2008; San Mateo City Land Use Plan, March 2007; San Mateo County Zoning Map, 1992; South San Francisco General Plan, 1998.

EXHIBIT 1



NOISE COMPATIBILITY ZONES

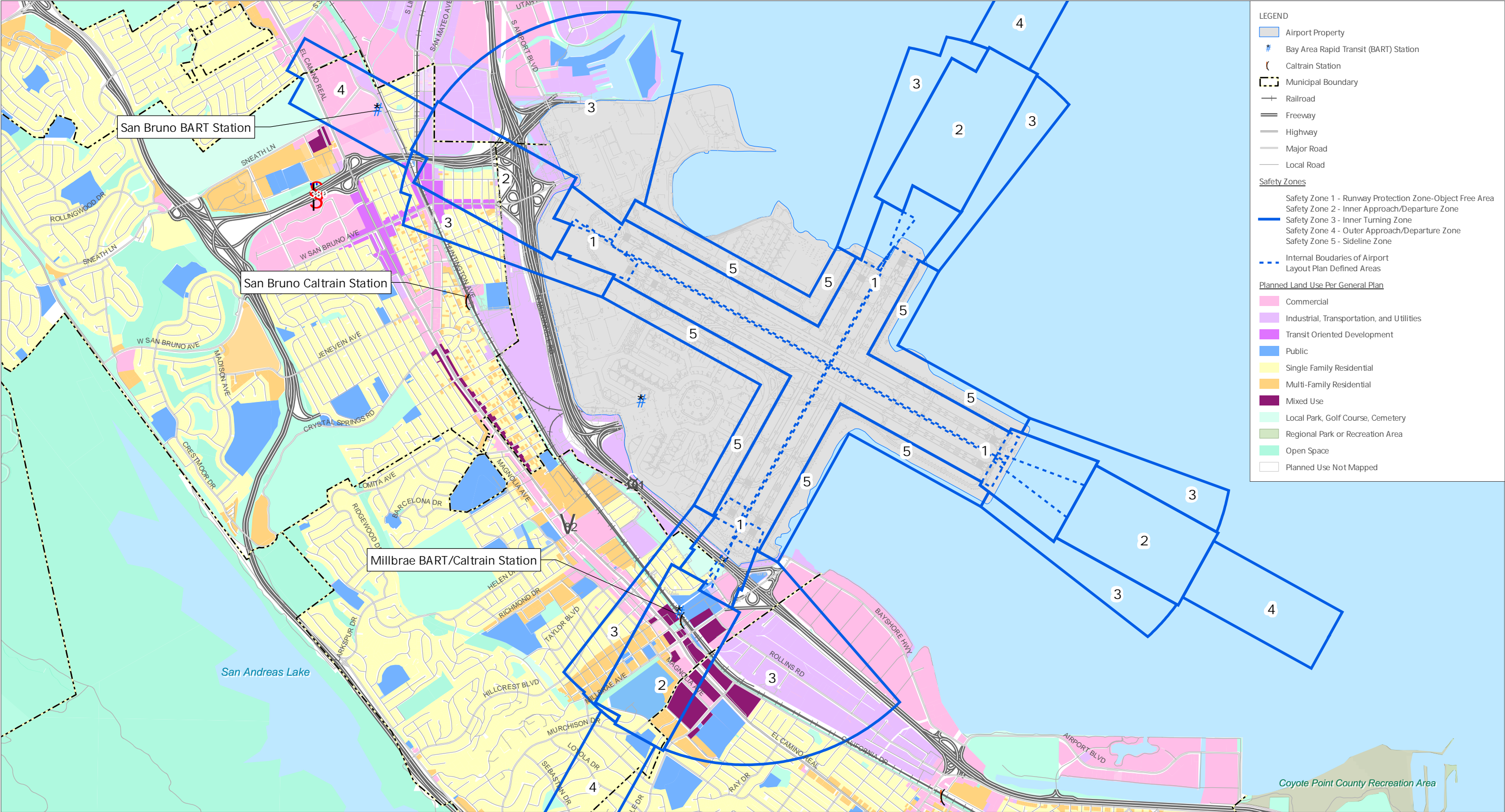


SOURCES: San Francisco International Airport, Jacobs Consultancy, and Planning Technology Inc., 2009.

EXHIBIT 2



CRITICAL AERONAUTICAL SURFACES



SOURCES: Draft Environmental Assessment, Proposed Runway Safety Area Program, San Francisco International Airport, URS Corporation and BridgeNet International, June 2011; San Mateo County Planning & Building Department, 2007; Burlingame Bayfront Specific Area Plan, August 2006; Burlingame Downtown Specific Plan, January 2009; Burlingame General Map, September 1984; North Burlingame/Rollins Road Specific Plan, February 2007; Colma Municipal Code Zoning Maps, December 2003; Daly City General Plan Land Use Map, 1987; Hillsborough General Plan, March 2005; Millbrae Land Use Plan, November 1998; Pacifica General Plan, August 1996; San Bruno General Plan, December 2008; San Mateo City Land Use Plan, March 2007; San Mateo County Zoning Map, 1992; South San Francisco General Plan, 1998.

EXHIBIT 3



SAFETY COMPATIBILITY ZONES



MEMO

June 27, 2022

To: Therese McMillan, Executive Director, Metropolitan Transportation Commission

From: Enterprise Community Partners, SPUR & TransForm, in consultation with TOC Community Stakeholder Group

Subject: Transit-Oriented Communities Policy Application to all Transit-Rich Areas Surrounding Fixed-Guideway Stations

In the January draft transit-oriented communities (TOC) policy, the policy applied to the entire transit-rich area (TRA) surrounding eligible transit stations, consistent with Plan Bay Area 2050 growth projections. In the May update to the policy, the scope of the TOC policy was limited to the locally-selected priority development areas (PDAs), when designated, within the transit-rich areas surrounding fixed-guideway transit stations. This change, specifically limiting application to PDAs, raises significant concerns for our organizations as it may undermine both our ability to reach our Plan Bay Area 2050 climate and equity goals as well as our ability to fulfill the region's obligation to affirmatively further fair housing (AFFH).

We recognize MTC's challenging role of furthering many state-mandated goals, including AFFH, affordable housing production goals outlined in the Regional Housing Needs Allocation, and greenhouse gas reduction. **Because of these mandates, it is imperative that special attention is paid to the importance of equitable development in areas that are both high opportunity and transit rich areas given the multiple co-benefits it would provide.**

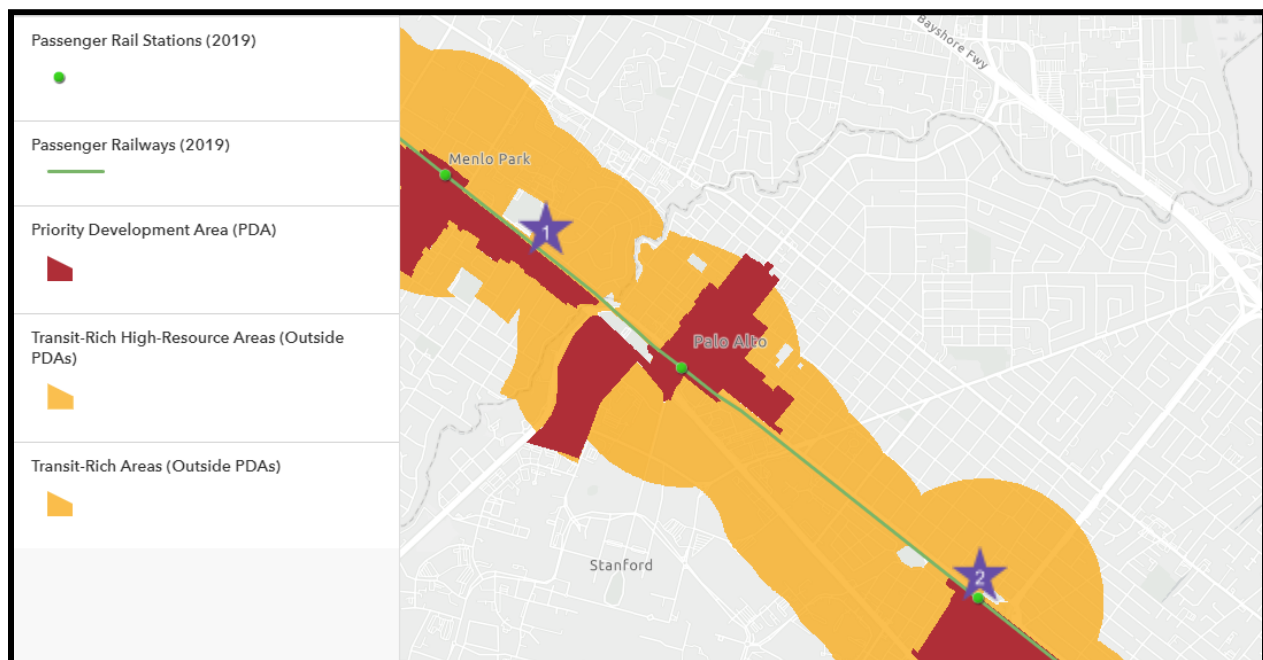
By allowing local jurisdictions to comply with the TOC policy only in voluntarily-elected PDAs, we are concerned that the policy could exacerbate existing inequities and exclusion, particularly undermining the obligation to affirmatively further fair housing. Specifically, there are two scenarios in which this change will, at best, leave missed opportunities for transit-oriented development on the table, and, likely, exacerbate patterns of segregation and exclusion:

1. **A number of locally-selected PDAs are much more limited than the TRA, creating a missed opportunity to further the TOC policy goals through many high opportunity sites; and**
2. **For jurisdictions that have not yet created a PDA, there will be perverse incentives to create a PDA that would seriously limit the geographic scope of the TOC policy, without any guardrails.**

Additionally, given that the policy already excludes parcels on which there are residential properties, there is no additional anti-displacement benefit to limiting application to PDAs, and the remaining parcels in the transit-rich area are precisely the type of scarce parcels where development is needed to reach Plan Bay Area goals.

1. Many locally-selected PDAs are much more limited than the local TRA, creating a missed opportunity to further the TOC policy goals through many high opportunity sites. In most jurisdictions with fixed-guideway transit stations, the locally-selected PDA is only a subset of the TRA, which, under the current draft of the policy, would exclude many high opportunity, transit-oriented sites from complying with the goals and requirements of the transit-oriented communities policy, including density and parking requirements. While there is no exhaustive list of these missed opportunity sites, we have provided several examples of sites that would be excluded under the current policy:

- A. Menlo Park and California Ave CalTrain Stations.** The transit-rich area outside of the locally-designated priority-development area shown below is all a high/highest resource area according to the 2022 TCAC opportunity map. We have identified example parcels to illustrate concrete missed opportunities.



Star #1: Set of four adjacent parcels in Menlo Park (401, 445, 431, and 425 Burgess Drive) all with under-utilized single-story offices and parking that the city has identified as housing opportunity sites and is proposing for housing in their [draft housing element](#), which charts a path to meet the city's 2,946 RHNA obligation. The draft housing element estimates that together these parcels (1.3 acres) could be used for over 130 units of affordable housing. It is across the street from Burgess Park, which includes sports fields and swimming pools, a 10 minute walk (0.5 mile) to Menlo Park CalTrain Station, and a 15 minute walk to a grocery store. These parcels are in a high resource area.

According to the City, *"The overlay zone allows for development of housing on the [Burgess Road sites]. Site redevelopment would allow the site owner to replace functionally obsolete office structures while improving otherwise vacant areas of parcels by contracting with affordable housing developers. [These sites] could be part of a redeveloped multi-use Burgess Drive...The existing structures are not substantial physical impediments to develop an additional residential use on the site."*

Star #2: This quarter-acre parcel in Palo Alto (2233 Alma Street) directly across the street from the California Avenue Caltrain station, outside of the locally-designated priority development area, is identified in the [City of Palo Alto's Draft Sites Inventory Map](#), as part of their housing element update process, which charts a path to meet the city's 6.86 RHNA obligation. Despite being zoned as RM-20, with a minimum density allowed of 8 du/ac and maximum of 50 du/ac, the parcel currently has no residential units. Instead, it has one story office use with a FAR of 0.4. The Draft Sites Inventory Map estimates that this parcel could yield between 9-12 units of housing, a prime example of gentle density on a relatively small, but transit-accessible and high resource, site. The parcel is a three minute walk to the Caltrain station, a five minute walk to a grocery store, and across the street from a park.

- B. Downtown and North Berkeley BART Stations.** The majority of the transit-rich area north of the locally-designated priority-development area shown below (yellow) are high/highest resource areas according to the 2022 TCAC opportunity map.



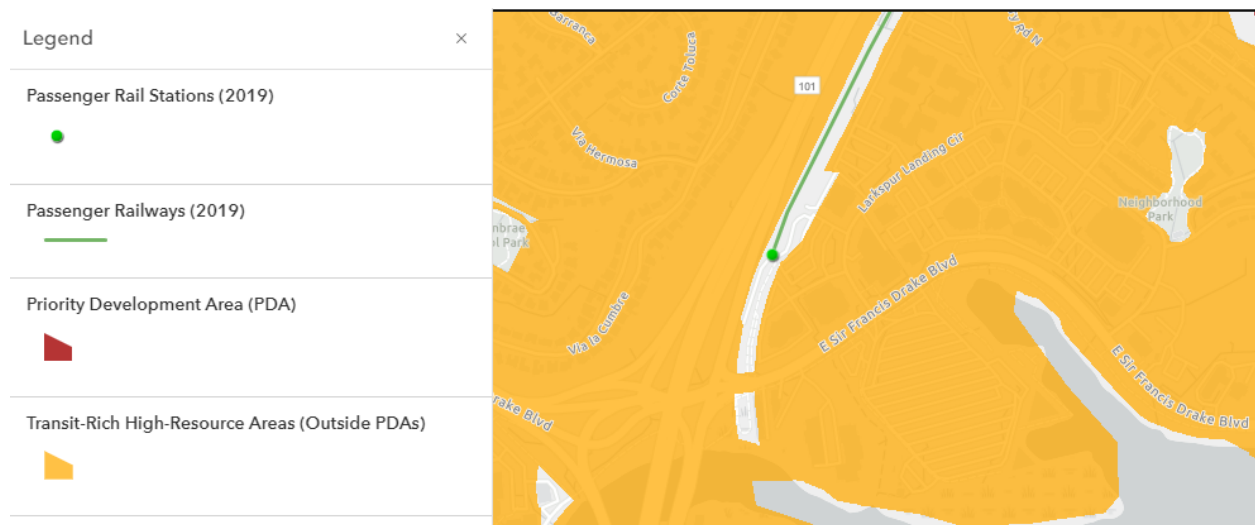
#3: This half-acre parcel in Berkeley (2109 Virginia Street) currently has under-utilized commercial space and a parking lot, no residential units. While outside of the locally-designated PDA, the site was identified in the City of Berkeley's 2015-2023 Housing Element as a Commercial Corridor Housing Opportunity Site, as well as in the current draft sites inventory for the 2023-2031 Housing Element with an estimated density capacity of 50 du/ac. The site is in a high opportunity area within a 10 minute walk of Downtown Berkeley BART (0.5 mile), grocery stores, several parks, as well as the University of California - Berkeley.

#4: Despite being zoned for residential use, this quarter-acre parcel (1384 and 1396 Berkeley Way) is currently an underutilized parking lot, with no residential units. The parcel is located in a high opportunity area within a 6 minute walk of North Berkeley BART, as well as within a 15 minute walk of grocery stores and parks.

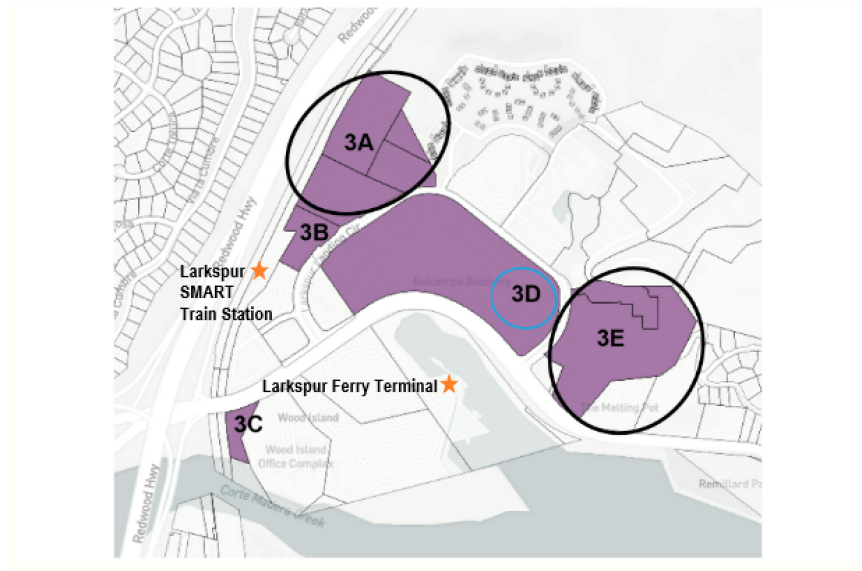
2. For jurisdictions that have not yet created a PDA, there will be perverse incentives to create a PDA that would seriously limit the geographic scope of the TOC policy, without any guardrails. We identified three noteworthy examples of relevant TRAs in the region located in part or entirely within high resource areas that currently do not have designated PDAs. The geographic application of the TOC Policy as it is currently written would apply to the entire TRA if a PDA does not exist. If a PDA or more than 50% of a PDA is designated within this area, then the TOC Policy would only apply to the PDA. This presents a real possibility of local jurisdictions designating PDAs within these areas to limit the application of the TOC Policy in an exclusionary manner, undermining its intent, the goals of Plan Bay Area 2050, and our obligation to affirmatively further fair housing.

A. Larkspur SMART Station and Ferry Terminal TRA

Of particular note is Larkspur, which has both a SMART station and ferry terminal, making it a significant transit node for the region and the North Bay in particular. Leaving the potential for this area to remain underdeveloped would be a huge missed opportunity for the region. The Larkspur TRA is situated entirely within a High Resource Area so development there would be integral in affirmatively furthering fair housing. Furthermore, planned system and service expansions to SMART Train over the coming years would further amplify Larkspur's status as a transit hub, serving as the link between Marin and Sonoma counties and San Francisco's job centers.



The City of Larkspur has identified six large sites directly adjacent to either the SMART train station or the ferry terminal in its [draft Housing Element update](#) (see graphic below). Ensuring that the TOC Policy will apply to these potential sites would be integral in helping achieve our regional housing goals. As currently proposed, nothing in the TOC policy or the PDA program would prevent a city like Larkspur from designating a PDA that limited its geographic scope.



B. Reamwood VTA Station TRA

The Reamwood TRA in Sunnyvale is centered around the Reamwood VTA station and is another example of a TRA without an associated PDA. While this TRA is located within a Moderate Resource Area, it is in close proximity to High Resource Areas through the Tasman West VTA line. Of particular note in this TRA are the large blocks of surface parking lots serving Levi's Stadium located in its southeast quadrant, south of Tasman Drive and east of Patrick Henry Drive. It's a prime candidate for transit-oriented development consistent with the goals of the TOC Policy and Plan Bay Area 2050. Ensuring that the TOC Policy applies to these surface parking lots should they be identified for redevelopment would be crucial in meeting Plan Bay Area's goals.

Passenger Rail Stations (2019)



Passenger Railways (2019)



Priority Development Area (PDA)



Transit-Rich High-Resource Areas (Outside PDAs)



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
W.I.: 1611
Referred by: PLNG

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 policies; 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.



MTC Res. No. 4530 Transit-Oriented Communities Policy

Joint MTC Planning Committee with the
ABAG Administrative Committee

July 8, 2022



ASSOCIATION OF BAY AREA GOVERNMENTS
METROPOLITAN TRANSPORTATION COMMISSION



Photo credit: Karl Nielsen

Presentation Overview

1. Summary of comments on the draft policy
2. Key revisions to the draft policy
3. Next steps for policy implementation
4. Recommendation: Refer Res. No 4530 to Commission for approval



Summary of Comments

- Committee: work with Technical Advisory Committee to refine density and parking requirements
- Request to make some housing policies requirements instead of options
- Concerns about local jurisdiction capacity for TOC Policy implementation given timing with Housing Element cycle.
- Policy Advisory Council: Policy should provide for universal design and access, aligned with the Americans with Disabilities Act (ADA)
- Advocacy Stakeholders:
 - Density and parking requirements should apply to all commercial uses, not just office.
 - Policy should apply to the entire ½ mile station area regardless of PDA designation.
 - No density, parking exception for ferry terminals where no PDA is designated.
 - Condition more discretionary \$\$ on policy compliance.



Where will the TOC Policy Apply? Fixed-Guideway Transit



PDA's and TRAs within the half-mile station/stop/terminal area of existing or planned **fixed-guideway transit**.

- 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 (limited to certain requirements only)

ADDED: Opt-in for areas served by bus:

- PDA's that only have bus service are encouraged to “opt-in” to the TOC Policy. The Tier 4 requirements would apply for densities and parking management.



Density for New Residential Development

- ADDED:** On average, densities should be at or above the specified ranges. Provides exceptions for small lots, environmental factors, conflicts with Airport Land Use Compatibility Plans, etc.



| Level of Transit Service | Required Min Density | Required Allowable Density |
|--|------------------------------|------------------------------|
| Tier 1: Rail stations serving regional centers* served by 3 BART lines or a BART line and Caltrain Baby Bullet | 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 Baby Bullet | 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 (only if PDA at 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)



Density for New Commercial Office Development

- ADDED:** On average, densities should be at or above the specified ranges. Provides exceptions for small lots, environmental factors, conflicts with Airport Land Use Compatibility Plans, etc.



| Level of Transit Service | Required Min Density | Required Allowable Density |
|--|------------------------------------|----------------------------|
| Tier 1: Rail stations serving regional centers served by 3 BART lines or a BART line and Caltrain Baby Bullet | 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 Baby Bullet | 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 (only if PDA at ferry terminal) | 1 FAR or higher | 3 FAR or higher |

Parking Management

- No parking minimums for all Tiers (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 for residential uses.
- 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 |
|--|---|--|
| Tier 1: Rail stations serving regional centers served by 3 BART lines or a BART line and Caltrain Baby Bullet | <ul style="list-style-type: none"> • Parking max of 0.375 spaces/unit or lower | <ul style="list-style-type: none"> • No parking allowed as part of project (parking maximum of 0) • 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 Baby Bullet | <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 (only if PDA at 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 |

Affordable Housing & Anti-Displacement

Two or more of the following from each category:

Production

- Inclusionary zoning
- Funding
- Overlay zones
- Public land
- Ministerial approval
- Land trusts

No significant changes to this requirement; only minor clarifications to some of the housing policy descriptions.

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
- No net loss and right to return to demolished homes
- Legal assistance for tenants
- Foreclosure assistance
- Rental assistance
- Rent stabilization
- Prevention of displacement from substandard conditions/code enforcement
- Tenant relocation assistance
- Mobile home rent stabilization
- Fair housing enforcement
- Tenant anti-harassment protections

PLAN BAY AREA 2050



STRATEGY H1
RENTER PROTECTIONS



STRATEGY H2
AFFORDABLE HOUSING PRESERVATION



STRATEGY H3
GREATER HOUSING MIX



STRATEGY H4
AFFORDABLE HOUSING PRODUCTION



STRATEGY H5
INCLUSIONARY ZONING



STRATEGY H8
PUBLIC LAND REUSE



ASSOCIATION OF BAY AREA GOVERNMENTS
METROPOLITAN TRANSPORTATION COMMISSION



Station Access and Circulation

Minor wording changes to clarify requirement for access gap analysis.

- 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

Relationship to Funding

Implementation Phase

- **Policy Implementation**
- **“Grandfathering” Transit 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

- **OBAG 4**
- **Major Project Advancement Policy**
- **Discretionary Funding for Transit Extensions**

2027 and Later Years

Local Jurisdictions with PDAs or TRAs subject to TOC Policy:

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

Major Project Advancement Policy (MAP):

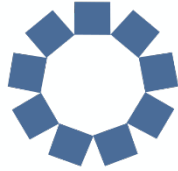
- MAP will consider TOC Policy in funding allocation and sequencing.

Transit Extensions:

- Regional discretionary funding contingent on TOC Policy compliance.



TOC Policy Implementation



ASSOCIATION OF BAY AREA GOVERNMENTS
METROPOLITAN TRANSPORTATION COMMISSION

2023

- Guidelines for TOC Policy Compliance (by February)
- 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



ASSOCIATION OF BAY AREA GOVERNMENTS
METROPOLITAN TRANSPORTATION COMMISSION



Requested Action by MTC Planning Committee

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





July 6, 2022

Re: July 8, 2022 Planning Committee Item 5b: Transit-Oriented Communities (TOC) Policy

Dear Committee Chair Sperring and Vice Chair Ahn:

We appreciate the Commission and staff for the thoughtful work given to updating MTC's Transit-Oriented Communities Policy over the past months. As the first implementation tool for the unanimously adopted Plan Bay Area 2050, 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 these 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 TOC policy is a critical tool in our toolbox to start making a meaningful impact towards achieving our goals.

Overall we believe the policy has made progress towards a framework that is responsive to both local needs for effective implementation as well as the urgency and scale of our region's challenges. However, there are several gaps and pitfalls in the current draft of the policy that need to be corrected because they will undermine our ability to meet PBA 2050 goals. Below we propose three targeted recommendations that we believe address these gaps and pitfalls, without changing the general direction and framework of the policy. We believe these recommendations will allow the policy to more fully realize the goals of PBA 2050.

- **Recommendation 1: The affordable housing and anti-displacement policy menus should consolidate options so that each policy delivers sufficient impact and scale. It should require no-net-loss and right to return for demolished homes as a baseline requirement.** Requiring no-net-loss and right to return for demolished homes (specifically ensoncing 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. In addition, there are several 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.
- **Recommendation 2: The policy should apply – as originally proposed in the January draft – to the entire transit-rich area (TRA) surrounding fixed-guideway transit, rather than limited to the locally-selected priority development area (PDA).** PDAs often do not encompass the full extent of transit-rich areas, creating missed development opportunities that diminish the impact of the TOC policy. We are specifically

concerned that existing PDAs exclude critical housing opportunity sites (parcels without existing residential development that are both close to transit and located in high opportunity areas) and that the policy creates a perverse incentive for local jurisdictions to create new PDAs or adjust their PDA boundaries in exclusive ways to circumvent the TOC policy. The PDA program will lose credibility if it becomes a tool to prevent transit-oriented growth. More importantly, these pitfalls will limit our ability to reach our Plan Bay Area 2050 goals and undermine the region's obligation to affirmatively further fair housing.

- **Recommendation 3: The policy should require – as originally proposed in the January draft – that the density and parking standards currently specified for office development apply to all commercial developments and all parcels that allow commercial uses not currently occupied by existing residential units.** This change to the policy was made in May, but it was not highlighted in the way that all other major changes were highlighted, so many Commissioners and members of the public may not have realized the significant diminution of the policy. Limiting these standards to commercial office, while omitting other commercial uses, undermines the goal of creating equitable transit-oriented communities because it enables low-density auto-oriented developments with a lot of parking such as strip malls and auto dealerships. It's imperative our new development projects move us away from car-dependency and support safe streets and multimodal access. Most important, the current proposal will encourage jurisdictions to avoid office development and the associated density and parking requirements. The policy will be simpler and better aligned with MTC's goals, if all commercial uses, such as retail, align with the policy's goals to support increased density and non-auto-oriented designs for safe, sustainable, and vibrant communities.

Finally, we are eager to continue to work with staff and the Commission as the TOC policy moves forward towards the implementation phase. In particular, in the near-term we look forward to engaging closely on determining how TOC policy compliance can best integrate with housing element updates and rezonings, and identifying additional support, technical assistance, or policy that may be needed to align these two processes for local jurisdictions.

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

Respectfully,

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

Regina Celestin Williams, Executive Director
SV@Home

Corey Smith, Executive Director
San Francisco Housing Action Coalition

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

Amy Thomson, Policy Analyst
TransForm

Zoe Siegel, Director of Climate Resilience
Greenbelt Alliance

Jonathon Kass, Transportation Policy Manager
SPUR

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

Konstantin Hatcher, Senior Director of Community
Impact
California YIMBY

cc: Alfredo Pedroza, Chair, MTC
Kara Vuicich, Principal Planner/ Analyst, MTC

From: [Adina Levin](#)
To: [MTC-ABAG Info](#)
Subject: MTC Planning/ABAG Admin - Transit-oriented communities - Agenda #5b
Date: Thursday, July 7, 2022 3:47:42 PM

External Email

Honorable Commissioners and staff,

I'm writing as an individual who's been following the Transit Oriented Communities policy as a member of the Policy Advisory Council.

I am strongly supportive of the Transit Oriented Communities policy as an important direction for the region to develop in a way that supports a mix of uses near transit and reduces the need for driving.

However, there was a late refinement made that I am concerned will have unintended consequences taking away from the goals of the policy. The refinement applies the policy only to areas zoned for commercial office rather than other sorts of commercial development.

There are many areas around the region that have aging commercial sites that would benefit from redevelopment and from the incentives of the policy. Restricting the commercial provision to office could have the unintended consequences of continuing to encourage car-oriented strip retail developments, removing opportunities to redevelop sites near transit that are ripe for change, and reduce opportunities to grow jobs in areas that have more homes and fewer jobs.

Equally concerning, some jurisdictions may restrict office uses as a way to avoid the policy's strong density and parking standards. This would deliver the opposite result that the Commission intends.

If applying the TOC standards to all commercial areas requires additional flexibility on density and parking standards, then the policy should be modified to provide that flexibility prior to the full commission vote.

Thank you for your consideration,

Adina Levin

Please do not ban middle-class housing in areas served by light rail and bus rapid transit!!!

I was shocked when I heard two weeks ago that MTC and ABAG were considering a policy encouraging localities to require minimum densities of 50 units per acre near all fixed guideway transit, including light rail and bus rapid transit. **The commission and the association seem to be doing this without any outreach to representatives of the people who will be hurt – those who cannot afford the cost of housing built at 50-per-acre-plus densities.**

We now have at least a decade of experience with mandating high densities. As I understand it, we have had 55-unit-per-acre minimums under the San Jose General Plan since 2011. Anyone can go on Zillow or Redfin and see the result: Developers are unable to build projects where even small units cost less than \$800,000 or so. Such developments require a substantial concrete-and-steel podium and indoor parking. And such features and technologies drive up the cost. No middle-class family that does not already own property can afford \$800,000 for a small apartment. Because so few can afford housing at such densities, most possible sites remain vacant.

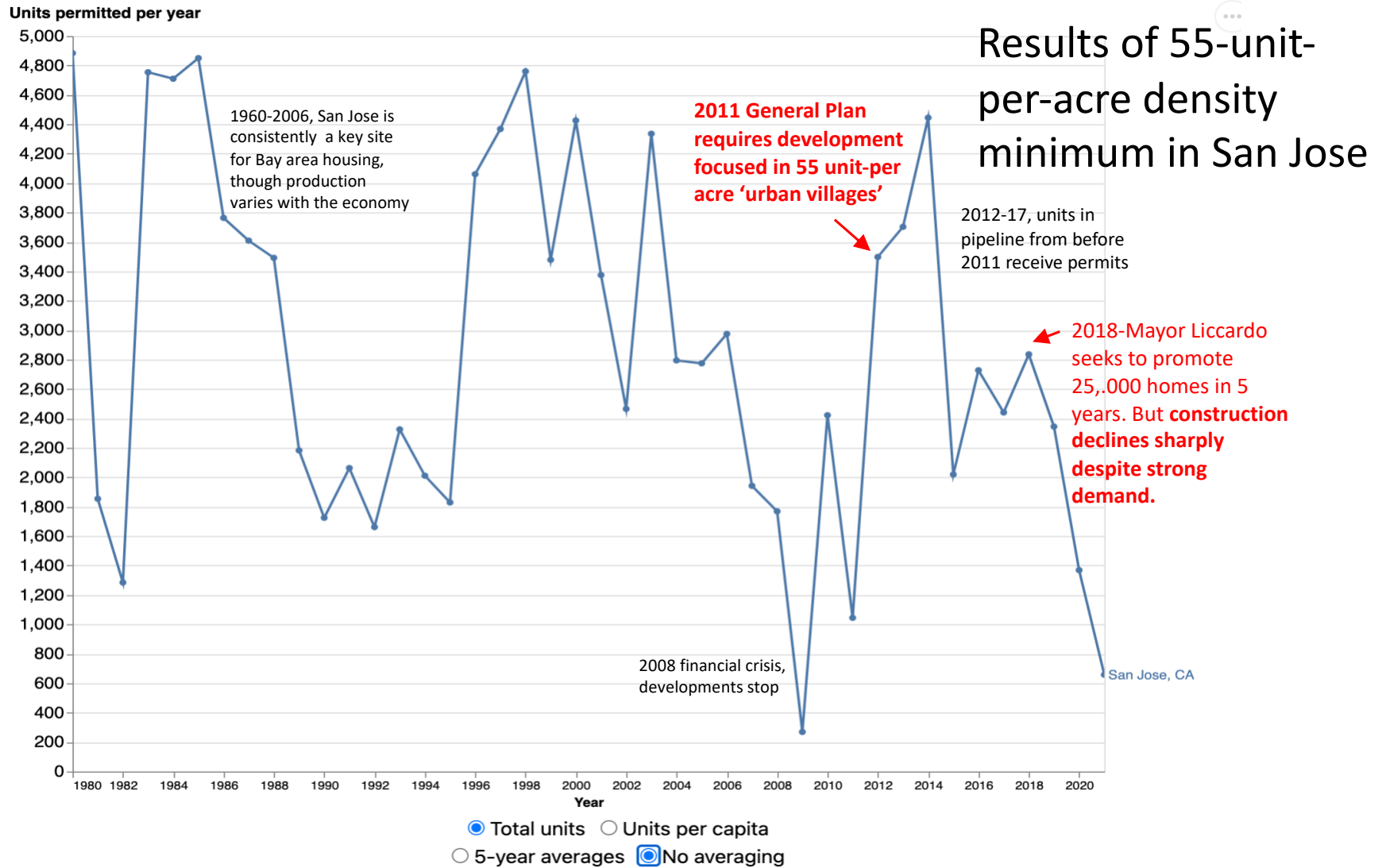
The graph below shows how the 2011 Plan affected permits issued in San Jose. From the 1960s to the 2007-2009 recession, San Jose provided about 20% of all new housing in the Bay area. In the first years after adoption of the 55 unit-per-acre minimum, construction resumed with permits issued on projects that entered the development pipeline before 2011. But from 2018, permitting has been very low despite extremely strong demand. Developers know few buyers can afford \$800,000 for a small apartment, so they don't build many.

On the other hand, **experience in many states has shown that housing can be built at prices the middle class can afford.** To meet middle class budgets, however, it's usually necessary to use straightforward wood frame construction and have outdoor parking. **Massachusetts has shown that it's possible to achieve good "smart growth" densities with wood frame construction – up to 30-40 units per acre.** I'm told that at these densities, construction costs are not too different from those of 2 or 3-story frame houses. But as far as I know, no one can achieve 50 units per acre without dramatically higher costs.

Requiring high densities may make sense around major transportation hubs. But light rail and bus rapid transit were designed to serve the middle class. **It makes no sense to set minimum densities around light rail and bus rapid transit that preclude lower cost wood frame construction. Doing so would be radically anti-middle class.**

Robert Chapman WOOD
Professor of Strategic Management
San Jose State University
robert.wood@sjsu.edu

This statement is made as an individual. Although I am a union committee chair, the union did not learn about this proposal in time to take a position.



From: [REDACTED] [Bright](#)
To: [MTC-ABAG Info](#)
Cc: [REDACTED] [Bright](#)
Subject: City of Cupertino Housing Element Documents - Transparency and accuracy concerns
Date: Friday, July 1, 2022 4:16:56 PM
Attachments: [20220629_161447.jpg](#)
[20220629_161431.jpg](#)
[20220629_161417.jpg](#)
[20220629_161318.jpg](#)
[20220629_161404.jpg](#)
[20220629_161346.jpg](#)
[20220629_161332.jpg](#)

External Email

Hello ABAG Colleagues,

My name is Catherine Bright and I live in the City of Cupertino.

My family has owned orchard and residential property in Cupertino for approximately 105 years.

We consider Cupertino our home and part of our family legacy. As such, we have no plans to sell nor redevelop our remaining [REDACTED] [REDACTED] [REDACTED] parcel containing our family home. Likewise, we do not wish to be involved in contentious City planning controversies which have plagued Cupertino.

We wanted to share with you the Cupertino City Planning Department documents which someone left on our doorstep last Wednesday, the day after a public hearing took place.

The document seems to indicate a plan to apparently "pre-re-zone" properties for high density housing redevelopment.

Our property is listed as one of the two # 9a

properties in the documents. (The second 9a property belongs to Dividend Development, a mini-storage company next to my parcel. We are not affiliated with that parcel nor company.)

No one in the City asked us about rezoning our home.

Our home is not for sale and is in trust for family members.

We understand the City of Cupertino may be in violation of RHNA and some procedural State laws.

As such, we wanted to share these City Planning Department documents with you, since our fear is that this may be an attempt by the City of Cupertino, to imply to ABAG and to the State, that sites on this map are in planned redevelopment negotiations for high density housing.

That implication is false, concerning our property, and may be equally false with other local properties indicated on the Cupertino Planning Department Housing Element map, which displays, "Pipeline", "Tier 1" and "Tier 2", slated for high density, rezoning locations.

To our knowledge, our neighbors have not requested high- density rezoning, nor do they have any plans to sell or to redevelop, their properties.

Your team may better interpret what this set of documents implies and its intended

purpose, in regard to Cupertino's recent struggles with RNHA.

We have asked the City to remove our home from this Housing Element pre-re-zoning process. We have received no response.

We are contacting you to insure there is complete transparency in Cupertino Planning staff and City Council members' RHNA processes, and to protect other residents like us, who may be unaware that their homes (or businesses) are potentially, without their knowledge or permission, being rezoned, despite not being for sale nor under any type of new development consideration.

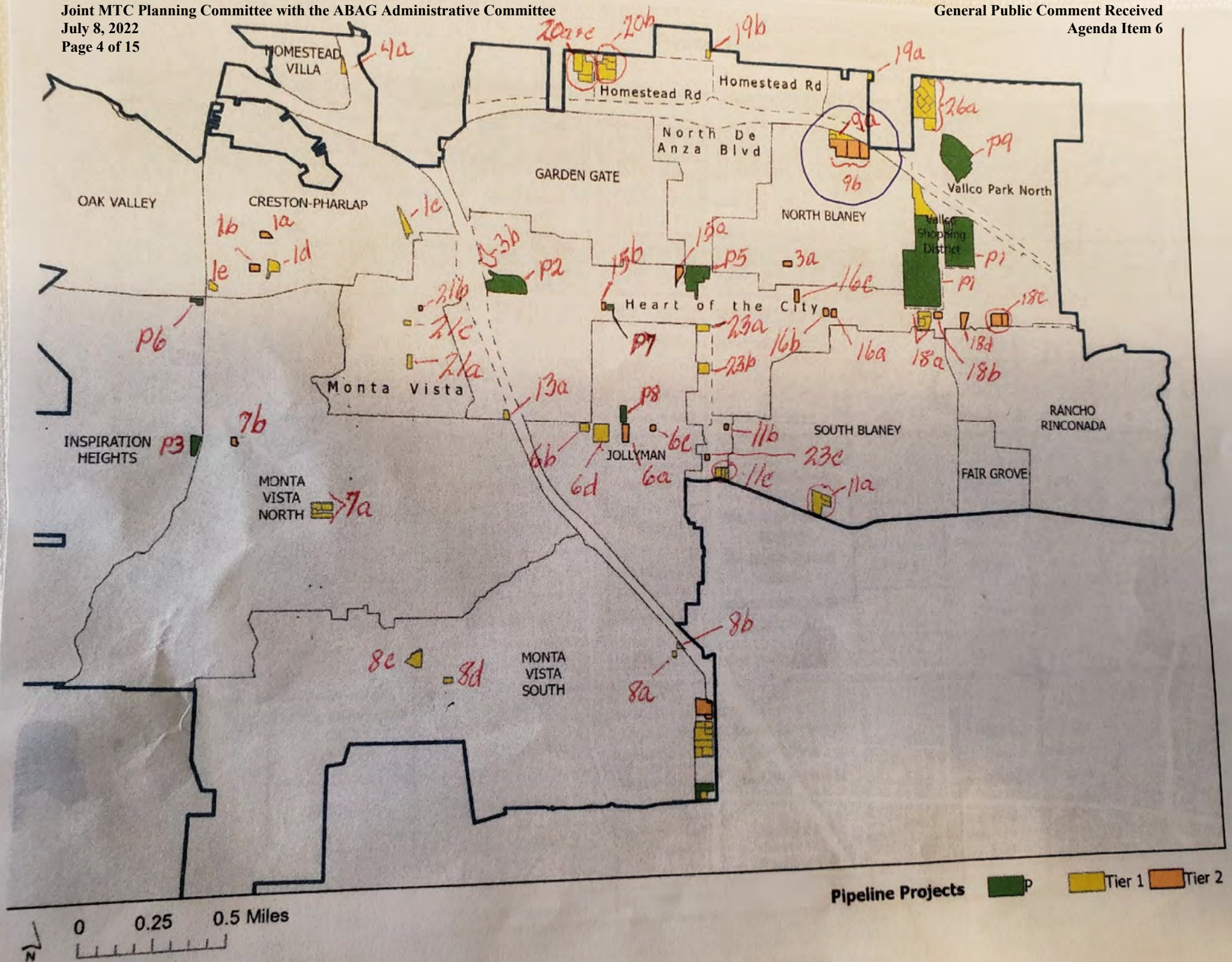
Thank you for your continued service to Bay Area residents,

Catherine [REDACTED] Bright

[REDACTED]

Cupertino, CA 95014

Parcel: [REDACTED]



Recommended Sites Inventory

Joint MTC Planning Committee with the ABAG Administrative Committee

General Public Comment Received
Agenda Item 6

July 8, 2022
Page 5 of 15

| Key Map ID | Units for each Area | Assessor Parcel Number | Site Address/Intersection | General Plan Designation (Current) | General Plan Designation (New) | Zoning Designation (Current) | Zoning Designation (New) | Parcel Size (Gross Acres) | Current Maximum Density (du/ac) | New Minimum Density (du/ac) | Existing Units | Total New Units |
|------------|---------------------|--|---------------------------|------------------------------------|--------------------------------|------------------------------|--------------------------|---------------------------|---------------------------------|-----------------------------|----------------|-----------------|
| 4 | 5 | Homestead Villa | | | | | | | | | | |
| 4a | | 32602063 | 10860 Maxine Ave | Res ML 5-10 | na | R2-4.25i | na | 0.71 | 10 | 10 | 2 | 5 |
| 5 | 0 | Inspiration Heights: There are no sites within this area that are currently recommended | | | | | | | | | | |
| 6 | 44 | Jollyman | | | | | | | | | | |
| 6a | Tier 2 | 35920030 | 20860 McClellan Rd | Res Low 1-5 | Res Medium 10-20 | R1-10 | R1-7.5 | 1.27 | 4.35 | 5 | 0 | - |
| 6b | | 35905133 | 21050 McClellan Rd | Com/Off/Res | Res Medium 10-20 | P | P(R-3) | 0.78 | 15 | 30 | 0 | 23 |
| 6c | Tier 2 | 35919043 | 7540 McClellan Rd | Low Den (1-5 DU/Ac.) | Res Medium 10-20 | R1-6 | R1-C | 0.33 | 5 | 10 | 1 | - |
| 6d | | 35920028 | 20920 McClellan Rd | Quasi-Public | Res H 30> | BQ | P(Res) | 0.71 | 0 | 30 | 0 | 21 |
| 7 | 45 | Monta Vista North | | | | | | | | | | |
| 7a | | 35606001 | 10857 Linda Vista Dr | Res Low 1-5 | Med/High (20-35 DU/Ac) | R1-7.5 | P(R-3) | 0.73 | 5 | 20 | 1 | 13 |
| | | 35606002 | 10867 Linda Vista Dr | Res Low 1-5 | Med/High (20-35 DU/Ac) | R1-7.5 | P(R-3) | 0.69 | 5 | 20 | 1 | 12 |
| | | 35606003 | 10877 Linda Vista Dr | Res Low 1-5 | Med/High (20-35 DU/Ac) | R1-7.5 | P(R-3) | 0.25 | 5 | 20 | 1 | 4 |
| | | 35606004 | 10887 Linda Vista Dr | Res Low 1-5 | Med/High (20-35 DU/Ac) | R1-7.5 | P(R-3) | 0.87 | 5 | 20 | 1 | 16 |
| 7b | Tier 2 | 35705010 | 22381 McClellan Rd | Res Low 1-5 | Res Medium 10-21 | R1-10 | R-1C | 0.44 | 5 | 5 | 1 | - |
| 8 | 22 | Monta Vista South | | | | | | | | | | |
| 8a | | 36231001 | 20666 Cleo Ave | Res Medium 10-20 | Med/High (20-35 DU/Ac) | P(R3) | P(Res) | 0.25 | 20 | 30 | 1 | 6 |
| 8b | | 36231030 | [no address] | Res Medium 10-20 | Med/High (20-35 DU/Ac) | P(R3) | P(Res) | 0.23 | 20 | 30 | 0 | 6 |
| 8c | | 35623057 | 21710 Regnart Rd | Res Very Low | Res Low 1-5 | RHS | R1-5 | 1.46 | | 5 | 1 | 7 |
| | | 35623001 | 21710 Regnart Rd | None | Res Low 1-5 | RHS | R1-5 | 0.15 | | 5 | 0 | 1 |
| | | 36638021 | 21530 Rainbow Dr | Res Very Low | | RHS | R1-7.5 | 0.43 | | 3.4 | 1 | 2 |
| 8d | | | | | | | | | | | | |
| 9 | 61 | North Blaney | | | | | | | | | | |
| 9a | | 31643009 | 10730 N Blaney Ave | Ind | Res H 30> | P(R2, Mini-Steel) | P(Res) | 1.76 | 0 | 30 | 1 | 51 |
| | | 31643008 | 10710 N Blaney Ave | Res Low Med 5-10 | Res H 30> | R-2 | P(Res) | 0.37 | 10 | 30 | 1 | 10 |

SPECIAL MEETING

ROLL CALL

APPROVAL OF MINUTES

1. Subject: Approve the June 14 Planning Commission Minutes
Recommended Action: Approve the June 14 Planning Commission Minutes
A - Draft Minutes

POSTPONEMENTS

ORAL COMMUNICATIONS

This portion of the meeting is reserved for persons wishing to address the Commission on any matter within the jurisdiction of the Commission and not on the agenda. Speakers are limited to three (3) minutes. In most cases, State law will prohibit the Commission from making any decisions with respect to a matter not on the agenda.

WRITTEN COMMUNICATIONS

CONSENT CALENDAR

Unless there are separate discussions and/or actions requested by council, staff or a member of the public, it is requested that items under the Consent Calendar be acted on simultaneously.

PUBLIC HEARINGS

2. Subject: The fifth meeting on the Housing Element update focusing on the establishment of a housing sites selection inventory. The previous four meetings were solely with the Planning Commission.
Recommended Action: That the Planning Commission and Housing Commission receive the report and presentation, provide input on the proposed housing inventory sites, and make a recommendation stating which sites on the Sites Inventory Table (Attachment A) be included on the housing sites inventory.

Online
Please click the link below to join the webinar:

https://cityofcupertino.zoom.us/webinar/register/WN_0SG48Nh6T3SQ0k0CbCdcmg

Phone

Dial: (669) 900 6833 and enter Webinar ID: 980 8849 7047 (Type *9 to raise hand to speak)

Unregistered participants will be called on by the last four digits of their phone number.

Or an H.323/SIP room system:

H.323:

162.255.37.11 (US West)

162.255.36.11 (US East)

Meeting ID: 980 8849 7047

SIP: 98088497047@zoomcrc.com

After registering, you will receive a confirmation email containing information about joining the webinar.

Please read the following instructions carefully:

1. You can directly download the teleconference software or connect to the meeting in your internet browser. If you are using your browser, make sure you are using a current and up-to-date browser: Chrome 30+, Firefox 27+, Microsoft Edge 12+, Safari 7+. Certain functionality may be disabled in older browsers, including Internet Explorer.
2. You will be asked to enter an email address and a name, followed by an email with instructions on how to connect to the meeting. Your email address will not be disclosed to the public. If you wish to make an oral public comment but do not wish to provide your name, you may enter "Cupertino Resident" or similar designation.
3. When the Chair calls for the item on which you wish to speak, click on "raise hand." Speakers will be notified shortly before they are called to speak.
4. When called, please limit your remarks to the time allotted and the specific agenda topic.

NOTICE AND CALL FOR A JOINT SPECIAL MEETING OF THE CUPERTINO PLANNING COMMISSION AND CUPERTINO HOUSING COMMISSION

NOTICE IS HEREBY GIVEN that a special joint meeting of the Cupertino Planning Commission and Cupertino Housing Commission is hereby called for Tuesday, June 28,

Special Joint Planning and Housing Commission Meeting

TELECONFERENCE / PUBLIC PARTICIPATION INFORMATION TO HELP STOP THE
SPREAD OF COVID-19

In accordance with Government Code 54953(e), this will be a teleconference meeting without a physical location to help stop the spread of COVID-19.

Members of the public wishing comment on an item on the agenda may do so in the following ways:

1) E-mail comments by 5:00 p.m. on Tuesday, June 28 to the Commission at planningcommission@cupertino.org. These e-mail comments will be received by the Commission members before the meeting and posted to the City's website after the meeting.

2) E-mail comments during the times for public comment during the meeting to the Commission at planningcommission@cupertino.org. The staff liaison will read the emails into the record, and display any attachments on the screen, for up to 3 minutes (subject to the Chair's discretion to shorten time for public comments). Members of the public that wish to share a document must email planningcommission@cupertino.org prior to speaking.

3) Teleconferencing Instructions

Members of the public may observe the teleconference meeting or provide oral public comments as follows:

Oral public comments will be accepted during the teleconference meeting. Comments may be made during "oral communications" for matters not on the agenda, and during the public comment period for each agenda item.

To address the Commission, click on the link below to register in advance and access the

OLD BUSINESS

NEW BUSINESS

STAFF AND COMMISSION REPORTS

FUTURE AGENDA SETTING

ADJOURNMENT

If you challenge the action of the Planning Commission in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this agenda, or in written correspondence delivered to the City of Cupertino at, or prior to, the public hearing. In the event an action taken by the Planning Commission is deemed objectionable, the matter may be officially appealed to the City Council in writing within fourteen (14) days of the date of the Commission's decision. Said appeal is filed with the City Clerk (Ordinance 632).

In compliance with the Americans with Disabilities Act (ADA), anyone who is planning to attend this meeting who is visually or hearing impaired or has any disability that needs special assistance should call the City Clerk's Office at 408-777-3223, at least 48 hours in advance of the meeting to arrange for assistance. In addition, upon request, in advance, by a person with a disability, meeting agendas and writings distributed for the meeting that are public records will be made available in the appropriate alternative format.

Any writings or documents provided to a majority of the Planning Commission after publication of the packet will be made available for public inspection in the Community Development Department located at City Hall, 10300 Torre Avenue, Cupertino, California 95014, during normal business hours; and in Planning packet archives linked from the agenda/minutes page on the Cupertino web site.

IMPORTANT NOTICE: *Please be advised that pursuant to Cupertino Municipal Code section 2.08.100 written communications sent to the Cupertino City Council, Commissioners or City staff concerning a matter on the agenda are included as supplemental material to the agenda item. These written communications are accessible to the public through the City's website and kept in packet archives. Do not include any personal or private information in written communications to the City that you do not wish to make public, as written communications are considered public.*

Peggy Griffin

To: Piu Ghosh (PiuG@cupertino.org); lukec@cupertino.org
Cc: PlanningCommission@cupertino.org; HousingCommission@cupertino.org

Planning Commission meeting on 6-28-2022 at 6:45 pm

<https://cupertino.legistar.com/MeetingDetail.aspx?ID=917551&GUID=DB8D06F7-1A66-4F76-9A11-FBF32C5985F0&G=74359C04-A5F0-4CB2-A97A-0032996BB90E&Options=&Search=>

Next meeting Tuesday July 5 at 5:30pm on Zoom

From: [REDACTED] [Bright](#)
To: [MTC-ABAG Info](#)
Cc: [REDACTED] [Bright](#)
Subject: Re: City of Cupertino Housing Element Documents - Transparency and accuracy concerns
Date: Friday, July 1, 2022 4:33:33 PM

External Email

I forgot to mention that our home was zoned R-2, so an elderly relative could build a second home on the parcel for her daughter, as a means of longterm, aging home care for the mother. That home was never built.

Our parcel has one home, two sheds and one workshop, none with running water, no hygiene facilities nor any kitchen nor sleeping areas. They are all bare sheds. The parcel has been exactly the same, for many decades.

Two local families park their motor homes in our side yard, since motor homes aren't allowed on the residential streets where they live. They give us \$100 a month to help with yard maintenance.

Just wanted to explain our R-2 zoning, since I forgot to do so previously.

Best,
Catherine Bright

On Fri, Jul 1, 2022, 4:16 PM Cat & Cass Bright <[REDACTED]> wrote:

Hello ABAG Colleagues,

My name is Catherine Bright and I live in the City of Cupertino.

My family has owned orchard and residential property in Cupertino for approximately 105 years.

We consider Cupertino our home and part of our family legacy. As such, we have no plans to sell nor redevelop our remaining [REDACTED] [REDACTED] parcel containing our family home. Likewise, we do not wish to be involved in contentious City planning controversies which have plagued Cupertino.

We wanted to share with you the Cupertino City Planning Department documents which someone left on our doorstep last Wednesday, the day after a public hearing took place.

The document seems to indicate a plan to apparently "pre-re-zone" properties for high density housing redevelopment.

Our property is listed as one of the two # 9a properties in the documents. (The second 9a property belongs to Dividend Development, a mini-storage company next to my parcel. We are not affiliated with that parcel nor company.)

No one in the City asked us about rezoning our home.

Our home is not for sale and is in trust for family members.

We understand the City of Cupertino may be in violation of RHNA and some procedural State laws.

As such, we wanted to share these City Planning Department documents with you, since our fear is that this may be an attempt by the City of Cupertino, to imply to ABAG and to the State, that sites on this map are in planned redevelopment negotiations for high density housing.

That implication is false, concerning our property, and may be equally false with other local properties indicated on the Cupertino Planning Department Housing Element

map, which displays, "Pipeline", "Tier 1" and "Tier 2", slated for high density, rezoning locations.

To our knowledge, our neighbors have not requested high- density rezoning, nor do they have any plans to sell or to redevelop, their properties.

Your team may better interpret what this set of documents implies and its intended purpose, in regard to Cupertino's recent struggles with RNHA.

We have asked the City to remove our home from this Housing Element pre-re-zoning process. We have received no response.

We are contacting you to insure there is complete transparency in Cupertino Planning staff and City Council members' RHNA processes, and to protect other residents like us, who may be unaware that their homes (or businesses) are potentially, without their knowledge or permission, being rezoned, despite not being for sale nor under any type of new development consideration.

Thank you for your continued service to Bay Area residents,

Catherine [REDACTED] Bright

[REDACTED]

Cupertino, CA 95014

Parcel: [REDACTED]

Please do not ban middle-class housing in areas served by light rail and bus rapid transit!!!

I was shocked when I heard two weeks ago that MTC and ABAG were considering a policy encouraging localities to require minimum densities of 50 units per acre near all fixed guideway transit, including light rail and bus rapid transit. **The commission and the association seem to be doing this without any outreach to representatives of the people who will be hurt – those who cannot afford the cost of housing built at 50-per-acre-plus densities.**

We now have at least a decade of experience with mandating high densities. As I understand it, we have had 55-unit-per-acre minimums under the San Jose General Plan since 2011. Anyone can go on Zillow or Redfin and see the result: Developers are unable to build projects where even small units cost less than \$800,000 or so. Such developments require a substantial concrete-and-steel podium and indoor parking. And such features and technologies drive up the cost. No middle-class family that does not already own property can afford \$800,000 for a small apartment. Because so few can afford housing at such densities, most possible sites remain vacant.

The graph below shows how the 2011 Plan affected permits issued in San Jose. From the 1960s to the 2007-2009 recession, San Jose provided about 20% of all new housing in the Bay area. In the first years after adoption of the 55 unit-per-acre minimum, construction resumed with permits issued on projects that entered the development pipeline before 2011. But from 2018, permitting has been very low despite extremely strong demand. Developers know few buyers can afford \$800,000 for a small apartment, so they don't build many.

On the other hand, **experience in many states has shown that housing can be built at prices the middle class can afford.** To meet middle class budgets, however, it's usually necessary to use straightforward wood frame construction and have outdoor parking. **Massachusetts has shown that it's possible to achieve good "smart growth" densities with wood frame construction – up to 30-40 units per acre.** I'm told that at these densities, construction costs are not too different from those of 2 or 3-story frame houses. But as far as I know, no one can achieve 50 units per acre without dramatically higher costs.

Requiring high densities may make sense around major transportation hubs. But light rail and bus rapid transit were designed to serve the middle class. **It makes no sense to set minimum densities around light rail and bus rapid transit that preclude lower cost wood frame construction. Doing so would be radically anti-middle class.**

Robert Chapman WOOD
Professor of Strategic Management
San Jose State University
robert.wood@sjsu.edu

This statement is made as an individual. Although I am a union committee chair, the union did not learn about this proposal in time to take a position.

