

## Summary of Feedback on Initial Draft of MTC TOC Policy Procedural Guidance

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On February 2, 2023, local jurisdictions, county transportation authorities, and other stakeholders received an initial draft of procedural guidance for implementing the Transit-Oriented Communities (TOC) Policy adopted by MTC in September 2022 ([MTC Resolution 4530](#)). In January and February 2023, MTC staff made presentations at all county-level meetings of jurisdiction planning directors to ensure local staff were aware of the opportunity to provide feedback. Over a month-long comment period, MTC received 13 letters as well as verbal comments at the planning directors meetings and a meeting of Planning Directors for the Bay Area's county transportation authorities. On March 31, 2023, MTC shared a revised draft of the procedural guidance incorporating the feedback received on the initial draft.

The table below summarizes key themes from the feedback and includes a brief response from MTC staff to the topics addressed in the comments. Importantly, the revised procedural guidance issued on March 31, 2023, is still a draft. The process for developing the final TOC Policy guidance will be ongoing throughout 2023, with continued engagement with local jurisdictions and other stakeholders.

**1. Feedback on TOC Policy:** Some comments asserted the TOC Policy was passed without adequately consulting local jurisdictions on its details. Additionally, comments noted concern with density and parking requirements, asking for exceptions or flexibility depending on local circumstances.

**MTC Response:** The TOC Policy was adopted in September 2022 following a two-year process of outreach to local jurisdictions and advocacy organizations, technical advisory committee meetings, and presentations to MTC committees. Staff from local jurisdictions and county transportation authorities provided substantial feedback throughout the process of TOC Policy development. Proposed changes to the TOC Policy are outside of the scope of the current process to develop procedural guidance for TOC Policy implementation. However, MTC staff will continue engagement with local jurisdiction staff about applying the procedural guidance to local circumstances.

**2. Need for ongoing outreach, technical assistance, and funding to support compliance:** Some comments noted jurisdictions did not have enough time to comment on the draft procedural guidance and requested continued engagement to discuss simplifying the submission process and documentation. Additionally, local staff discussed a need for technical assistance and funding to support policy changes and CEQA clearance, as well as a need for support with the submission process for confirming TOC Policy compliance, particularly for jurisdictions with multiple and/or overlapping TOC station areas.

**MTC Response:** Local jurisdictions had one month to review the initial draft of the TOC Policy procedural guidance and submit comments to MTC. MTC staff also provided presentations on the draft guidance at planning directors meetings for local jurisdictions and county

transportation authorities to gather feedback. Importantly, the revised procedural guidance issued on March 31, 2023 is still a draft, and the process for developing the final TOC Policy guidance will be ongoing throughout 2023. MTC staff will continue to engage with local jurisdictions to get feedback on the procedural guidance and submission process for confirming TOC compliance, which may result in additional revisions to the proposed procedures and documentation requirements.

Several MTC grant programs are available to support jurisdictions in achieving TOC Policy compliance, including the [Priority Development Areas Planning Grant Program](#) as well as new [parking management](#) and [mobility hubs](#) grant programs. MTC is currently processing submissions from grant rounds for each of these programs and anticipates announcing awards in the summer. Additional funding opportunities may be available in the future to support jurisdictions as they move toward compliance with the TOC Policy. MTC also anticipates providing support to jurisdictions during the compliance verification process. In response to local jurisdiction feedback, the revised procedural guidance now notes that MTC will work with local staff to streamline the submission process for jurisdictions with multiple stop/station areas, which may include allowing a jurisdiction to submit aggregated analyses that cover overlapping stop/station areas for some of the required documentation.

**3. Policy applicability:** Comments sought clarity on where the TOC Policy requirements apply, such as when a Priority Development Area (PDA) partially intersects with the half-mile radius around a station, when a parcel is partially bisected by the half-mile station area boundary, and when a station is planned for the future but not yet built. Some comments also asked about the applicability of the TOC Policy for bus corridors and the definition used to define bus rapid transit (BRT) subject to the policy.

**MTC Response:** The revised guidance clarifies that the half-mile radius around a transit station/stop applies even if the jurisdiction has adopted a PDA whose boundaries are different. The guidance also states that only parcels where 75 percent or more of the parcel is within the half-mile stop/station area boundary should be counted as subject to the TOC Policy requirements. Additionally, the guidance notes that the TOC Policy applies to both existing and *planned* fixed-guideway transit stops. The guidance lists the types of fixed-guideway transit, which includes BRT. MTC uses the [Federal Transportation Administration's definition for BRT](#), which distinguishes BRT from other types of bus corridor improvements. Future iterations of the policy could include non-BRT bus corridors, as the policy will be evaluated every four years to make recommendations for changes or updates.

**4. Funding impacts:** Several comments posed questions related to the impacts of TOC Policy compliance on transportation funding, particularly for transit extensions.

**MTC Response:** The initial draft guidelines included language consistent with the TOC Policy resolution that "new stops/stations along fixed-guideway transit extensions must comply with TOC Policy requirements prior to the allocation of regional discretionary capital funding to the project sponsor, and/or MTC endorsement of the project for state or federal discretionary funding sources." MTC staff did not modify this language, as it is not within the scope of this

procedural guidance to modify the adopted policy. For existing stops/station areas, the specifics of how TOC Policy compliance will impact future One Bay Area Grant (OBAG) funding cycles or other regional discretionary funding are not yet determined. OBAG 4 and subsequent funding cycles will consider prioritizing investments in transit station areas that are subject to and comply with the TOC Policy. With MTC Commission approval, MTC may consider compliance with the TOC Policy to evaluate applications for additional discretionary funding sources.

**5. Density requirements for new development:** The largest portion of comments focused on the TOC Policy’s residential and commercial office density requirements. Several comments asked for additional guidance on how these requirements apply to parcels zoned for mixed-use and how to include these parcels in the average density calculations. Some comments sought to ensure the requirements would facilitate mixed-use development and not unintentionally inhibit it. Other comments requested greater clarity on the definition of “commercial office” and which parcels could and/or should be excluded from average density calculations.

**MTC Response:** For mixed-use parcels, the revised guidance offers jurisdictions flexibility to propose an approach for including these parcels in the average density calculations for residential and commercial office that works best for their local conditions and desire to support mixed-use projects, pending confirmation from MTC staff that the approach is consistent with TOC Policy requirements.

The revised procedural guidance also clarifies that the density standards apply only to parcels where new commercial office uses are allowed as a primary use. Parcels where residential or commercial office uses are not allowed as a primary use (e.g., parks, institutional uses, etc.) are excluded from the density standards. However, as noted in the TOC Policy resolution, jurisdictions still need to include parcels that allow residential or commercial office uses but have obstacles to constructing new residential, commercial office, or mixed-use buildings within the specified density ranges due to small parcel sizes, environmental factors, conflicts with Airport Land Use Compatibility Plans, etc. The density requirements are met through the calculation of *average* minimum and maximum densities, and the use of averages addresses situations where the required densities are difficult to achieve.

Lastly, MTC staff want to note that the initial draft of the guidance mistakenly stated that jurisdictions could *choose* whether or not to include parcels with existing residential dwelling units in the average density calculations. The revised procedural guidance now correctly reflects the TOC Policy by stating jurisdictions *must* exclude any parcels occupied by existing single- or multi-family dwelling units from the calculation of average density.

**6. Requirements for commercial stabilization and affordable housing policies:** Comments asked for additional specificity on how to meet the requirements for commercial stabilization policies and affordable housing production, preservation, and protection policies.

**MTC Response:** MTC staff are currently developing housing policy guidance to identify the standards a jurisdiction’s affordable housing and commercial stabilization policies must meet

to comply with the TOC Policy. Staff expect to release a draft of this guidance for comment in late Spring.

**7. Parking management requirements:** Several comments requested more clarity about how a parking district can be used to meet the parking standards and what is expected from jurisdictions to meet the requirement to adopt a complementary policy related to transportation demand management (TDM) or curb management. There was also a request for additional specificity about some of the terms included in the TOC Policy resolution, including “neighborhood-serving commercial development” and “off-street parking for deliveries.”

**MTC Response:** The revised draft guidance provides more context for MTC’s overall approach for determining compliance with the TOC Policy’s requirements for parking standards and adoption of complementary policies for parking management. The guidance offers additional clarity about expectations for using a parking district to meet the parking standards and the adoption of one policy for TDM or curb management consistent with those in [MTC/ABAG’s Parking Policy Playbook](#). MTC staff did not modify the terms included in the TOC Policy resolution. The language in the resolution was chosen to appropriately balance specificity with the flexibility to apply in a range of local contexts.

**8. Station access and circulation requirements:** Several comments expressed concern about the practical challenges of providing the analyses required for station access gaps and mobility hub planning and implementation in jurisdictions with overlapping station areas. There was also a request for additional specificity about what constitutes an acceptable gap analysis and how it should prioritize Equity Priority Communities.

**MTC Response:** MTC staff are still developing the online form jurisdictions will use to verify compliance with the TOC Policy. Thus, at this time it is difficult to determine the best approach for simplifying the document submission process as it relates to overlapping station areas. However, the revised draft guidelines include a commitment that MTC staff will work with local jurisdictions to streamline this process. MTC staff did not modify the description of the requirements for the access gap analysis that was included in the TOC Policy resolution. The TOC Policy resolution includes significant detail about the expected approach for the analysis and it is not within the scope of this procedural guidance to modify the adopted policy.

**9. Proposed corrections to document language and station mapping:** Several comments proposed changes to the guidance documents where the language used was inaccurate or vague. Additionally, comments from a few jurisdictions noted potential errors with the list of stations subject to the policy and the online map depicting these stations.

**MTC Response:** All proposed edits to fix inaccurate/unclear language have been incorporated in the revised procedural guidance. MTC staff is reviewing the list of stop/station areas subject to the TOC Policy to ensure it is accurate. If the list is updated, a revised version of the list and map will be shared with jurisdictions and stakeholders and posted to the MTC website.