

Date: September 28, 2022  
W.I.: 1611  
Referred by: PLNG  
Revised: 10/25/23

## ABSTRACT

### MTC Resolution No. 4530, Revised

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

On October 25, 2023, Appendix 1 was added and related changes were made to Attachment A to clarify the scope of the TOC Policy's application to transit extensions. Further discussion of the amendment to the Resolution is contained in the Joint MTC Planning with the ABAG Administrative Committee summary sheet dated October 13, 2023.

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

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

METROPOLITAN TRANSPORTATION COMMISSION

RESOLUTION NO. 4530

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

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

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

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

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

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

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

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

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

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

METROPOLITAN TRANSPORTATION COMMISSION

A handwritten signature in black ink, appearing to be 'AP' followed by a long horizontal stroke.

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Alfredo Pedroza, Chair

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

Date: September 28, 2022  
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Attachment A  
MTC Resolution No. 4530, Revised

## **TRANSIT-ORIENTED COMMUNITIES POLICY**

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## GOALS

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

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

## DEFINITIONS

**Transit-oriented communities (TOCs)** are locations within one half-mile from transit stops and stations that are designed to enable people to access and use transit more often for more types of trips. TOCs accomplish this through greater land use density and diversity of uses, implementation of Complete Streets<sup>1</sup>, 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

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<sup>1</sup> See [MTC Resolution No. 4493](#).

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

TOCs directly support implementation of PBA2050 *Strategies H3: Allow a greater mix of housing densities and types in Growth Geographies* and *EC4: Allow greater commercial densities in Growth Geographies*. More specifically, the TOC Policy applies to areas within one half-mile of the following types of existing and planned **fixed-guideway transit<sup>2</sup> stops and stations**: regional rail (e.g., Bay Area Rapid Transit, Caltrain), commuter rail (e.g., Capitol Corridor, Altamont Corridor Express, Sonoma-Marín Area Rail Transit, Valley Link), light-rail transit (LRT), bus rapid transit (BRT), and ferries.

### **Existing Transit and Transit Enhancements or Improvements**

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

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

### **Transit Extensions**

In the case of fixed-guideway transit extensions, jurisdictions and project sponsors must comply with TOC Policy requirements as set forth in Appendix 1 to receive allocation(s) of regional discretionary capital funding or endorsement(s) for the transit project extension.

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

Jurisdictions with transit stops and stations that are not served by fixed-guideway service (e.g., areas that are only served by regular fixed-route bus transit) may choose to “opt in” and voluntarily meet TOC Policy requirements.<sup>3</sup>

## **TOC POLICY REQUIREMENTS**

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

### **1. Density Requirements for New Development**

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

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<sup>3</sup> For locations with no fixed-guideway transit service, the Tier 4 density and parking management requirements will apply in addition to all other TOC Policy requirements.



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

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

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

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

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

- **Minimum Density:** Land use plans and zoning must require that new residential development be built at or above the minimum densities specified in Table 1, on average. In other words, a local jurisdiction's plans/zoning could require minimum densities that are higher than those specified in Table 1, but plans/zoning could not allow new development to be built at densities that are lower than those specified in Table 1, on average.
- **Allowable Maximum Density:** If a local jurisdiction's land use plans and zoning set an allowable maximum density for new residential development, then the allowable maximum density must be the same as or higher than the specified allowable maximum density in Table 1, on average. In other words, a local jurisdiction's plans/zoning could allow higher densities than those specified in Table 1, but plans/zoning could not set a density limit (or maximum allowable density) that is *lower* than that specified in Table 1,

on average. The allowable maximum densities are consistent with PBA2050 modeling for Strategy H3 (see [Forecasting and Modeling Report](#), pp.44-45) and apply to base zoning (i.e., any density bonuses would be in addition to or on top of the allowable maximum densities specified in Table 1).

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

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

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

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

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

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

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

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

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

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

<i>Level of Transit Service</i>	<i>Minimum Density<sup>1</sup></i>	<i>Allowable Maximum Density<sup>1, 2</sup></i>
Tier 1: Rail stations serving regional centers (i.e., Downtown San Francisco, Downtown Oakland, and Downtown San José)	4 Floor Area Ratio (FAR) or higher	8 FAR or higher
Tier 2: Stop/station served by two or more BART lines or BART and Caltrain	3 FAR or higher	6 FAR or higher
Tier 3: Stop/station served by one BART line, Caltrain, light rail transit, or bus rapid transit	2 FAR or higher	4 FAR or higher
Tier 4: Commuter rail (SMART, ACE, Capitol Corridor, Valley Link) stations, Caltrain stations south of Tamien, or ferry terminals	1 FAR or higher	3 FAR or higher
<p>Note:</p> <ol style="list-style-type: none"> <li>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.</li> <li>2. The allowable densities are consistent with PBA 20505 modeling for Strategy EC4 (see <a href="#">Forecasting and Modeling Report</a>, pp. 57-58).</li> </ol>		

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

While the production of all housing is a key goal of the TOC Policy, the provision of more affordable housing as well as the protection and preservation of existing affordable housing, particularly in locations that provide good access to transit, is an important means of advancing equity in the region. The affordable housing and anti-displacement policy options included in this requirement are based upon the most comprehensive review to date of the efficacy of policies in this arena, the 2021 “White Paper on Anti-Displacement Strategy Effectiveness” commissioned by the California Air Resources Board to support evidence-based state and local policy.<sup>4</sup> Furthermore, the experience of Bay Area and California communities points to the need for a comprehensive approach that includes a mix of production, preservation, and protection policies.

Given the region’s diverse needs and housing and land use contexts, a “menu” of policy options is provided such that local jurisdictions can fulfill TOC Policy requirements by implementing the affordable housing production, preservation, and protection policies that best meet local needs. Policies may be implemented jurisdiction wide,

or as an overlay in transit station areas, and should address a jurisdiction’s Regional Housing Needs Allocation and other housing needs as identified in the Housing Element. In some cases, state housing laws already require some of the policy options that are included here. However, many of these laws have sunset dates or more limited provisions. Jurisdictions that opt to enact local ordinances that either eliminate the sunset date or provide more significant legal protections can use such actions to satisfy this TOC Policy requirement.

### **2A. Affordable Housing Production**

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

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<sup>4</sup> Karen Chapple and Anastasia Loukaitou-Sideris, “White Paper on Anti-Displacement Strategy Effectiveness”, February 28, 2021, available at <https://ww2.arb.ca.gov/sites/default/files/2021-04/19RD018%20-%20Anti-Displacement%20Strategy%20Effectiveness.pdf>.

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

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

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



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

**2B. Affordable Housing Preservation**

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

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

<b><i>Affordable Housing Preservation Policy</i></b>	<b><i>Description</i></b>
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.

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

**2C. Affordable Housing Protection and Anti-Displacement**

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

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

<i>Affordable Housing Protection and Anti-Displacement Policy</i>	<i>Description</i>
“Just Cause” Eviction <sup>5</sup>	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 <a href="#">AB 1482 (2019, Chiu)</a> . <sup>6</sup>
No Net Loss and Right to Return to Demolished Homes	Include the no net loss provisions currently outlined in <a href="#">SB 330 (2019, Skinner)</a> <i>without a sunset date</i> . Require one-to-one replacement of units that applies the same or a deeper level of affordability, the same number of bedrooms and bathrooms, and comparable square footage to the units demolished. Provide displaced tenants with right of first refusal to rent new comparable units at the same rent as demolished units.

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<sup>5</sup> 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](#)).

<sup>6</sup> 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).

<b><i>Affordable Housing Protection and Anti-Displacement Policy</i></b>	<b><i>Description</i></b>
Legal Assistance for Tenants <sup>7</sup>	Investments or programs that expand access to legal assistance for tenants threatened with displacement. This could range from a “right to counsel” <sup>8</sup> 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 <a href="#">AB 1482 (2019, Chiu)</a> . <sup>9</sup>

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<sup>7</sup> 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](#)).

<sup>8</sup> “Right to counsel” extends the right to an attorney, required in criminal procedures, to tenants in eviction trials, which are civil procedures.

<sup>9</sup> For example, restricting maximum annual rent increases to the percent change in the Consumer Price Index, or permanently implementing rent stabilization protections.

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

**2D. Commercial Protection and Stabilization**

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

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

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

**3. Parking Management**

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

Off-street vehicle parking standards for new residential or general and neighborhood-serving commercial<sup>10</sup> development should meet the standards listed in Table 7. These standards do not supersede other applicable requirements for parking for people with disabilities that is required by the California Building Code, or other state or federal laws, or off-street parking for deliveries. Standards may apply to individual projects or may be met through creation of a parking district that provides shared vehicle parking for multiple land uses within an area.

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<sup>10</sup> This generally includes retail and service businesses.

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

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

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

**Table 7: Parking Management Requirements**

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

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

**4. Transit Station Access and Circulation**

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

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

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

1. Adopt policies and design guidelines that comply with MTC’s Complete Streets Policy<sup>11</sup> and prioritize implementation of the regional Active Transportation Network and any relevant [Community Based Transportation Plans](#).

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<sup>11</sup> See [MTC Resolution No. 4493](#).



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

## **FUNDING**

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

## **IMPLEMENTATION**

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

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

### **EVALUATION AND POLICY UPDATES**

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

### **TECHNICAL ASSISTANCE**

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

Date: September 28, 2022  
W.I.: 1611  
Referred by: PLNG  
Revised: 10/25/23

Attachment A  
MTC Resolution No. 4530, Revised

## **APPENDIX 1 – TRANSIT EXTENSIONS**

This Appendix 1 details TOC Policy compliance requirements for fixed-guideway transit extension projects seeking allocations of regional discretionary capital funding or endorsements for federal or state discretionary capital funding. The requirements in this Attachment are intended to:

- Honor the purpose and goals of the TOC Policy including the aim to be comprehensive and not focused solely on transit investments.
- Avoid delaying delivery timelines for projects moving into construction phases, which could hamper or disadvantage transit investments.
- Allow appropriate time for local jurisdictions to comply with the TOC Policy.

Accordingly, this Appendix details the applicability of the TOC Policy during stages of project delivery in which a project may be seeking funding, with a focus on implementation for projects with sufficiently defined station areas that are not yet entering construction. Given the many nuances involved in project delivery, MTC staff will work with project sponsors and exercise discretion in terms of placing projects in their appropriate phase at the time of allocation for the purposes of determining TOC Policy compliance requirements.

This Appendix is limited to defining the TOC Policy's application to transit extensions and does not alter other portions of the Resolution that expect local governments to demonstrate compliance with TOC Policy requirements by the OBAG 4 cycle, anticipated in 2026.

Additionally, beginning in 2026, the requirements contained herein will also apply to fixed guideway transit extension projects seeking MTC endorsement for federal or state discretionary capital funding.

## **Transit Extension TOC Applicability by Project Phase**

### **1. Project Development/Environmental Review**

*Allocations can proceed so long as project sponsors, and local jurisdictions as applicable, provide a letter acknowledging that future allocation requests to MTC will be subject to the TOC policy pursuant to later phases. These commitments can take the form of a City Council resolution or a letter signed by the Mayor or City Manager.<sup>12</sup> For any project funding falling in this category, MTC staff will work with the project sponsor and applicable jurisdictions to ensure successful TOC Policy implementation as the project is further developed.*

Generally, projects in this category are in the earliest stages of development (planning/pre-environmental) and lacking defined station areas. Funding sought under this category would seek to further define the project, determine station location(s), assess environmental compliance, etc. Funding for environmental documents on proposed transit extensions with pre-determined station locations, but which have not been adopted for further advancement by the project sponsor, will fall into this category.

### **2. Project Design and Early Right-of-Way Acquisition**

*Jurisdictions shall commit in writing to take steps toward achieving compliance by 2026 for the station area(s) attached to the transit extension project(s) that seek regional discretionary funding. The written commitment must state specific steps being taken for each of the four TOC Policy areas (density, affordability, parking, and access/circulation). These commitments can take the form of a City Council resolution or a letter signed by the Mayor or City Manager.<sup>13</sup>*

Generally, these projects will have approved environmental documents, be adopted for advancement by a project sponsor, have defined station areas, and be in a pre-construction phase. This project category also applies to funding for early right of way purchases, which suggest reasonable certainty on station area location. Funding for various project phases could apply to

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<sup>12</sup> For projects requesting allocations between now and December 2023, jurisdictions must submit the letter by Dec. 31, 2023. For projects seeking allocations thereafter, jurisdictions must submit the letter with their allocation request.

<sup>13</sup> Commitment letters for projects in Stage 2 have the same timing requirements as commitment letters for projects in Stage 1.

this category, including supplemental environmental studies for an adopted project which do not re-assess station location, preliminary and final design, and advanced right of way acquisition.

### **3. Project Construction**

*Jurisdictions do not need to submit a letter of commitment, but they should work with MTC staff to achieve compliance by 2026.*

For projects that have advanced to the construction phase, funding allocations can proceed without TOC compliance or commitments. This category generally applies to projects that are imminently issuing bid documents, contracts, or notices to proceed on major construction packages, or which have already begun final construction.