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Tensions and Trade-offs in Planning and Policymaking for Transit-Oriented Development, Transit, and Active Transport in California Cities

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A Research Report from the National Center for Sustainable Transportation

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16. Abstract This report provides research findings from the second year of a two-year research project on patterns of local policymaking in California to support transit-oriented development (TOD), transit, and active transport. Through survey research and case studies, the project assessed motivations, perceived obstacles, and priorities for development near transit, in relation to patterns of local policy adoption, from the perspective of city planners in the state's four largest regions: the San Francisco Bay, Los Angeles, San Diego, and Sacramento metropolitan areas. The second research phase based on case study analysis identified tensions and trade-offs in policy "packaging" to support TOD in six large and five smaller cities in the same regions.		
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Disclaimer

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Tensions and Trade-offs in Planning and Policymaking for Transit-Oriented Development, Transit, and Active Transport in California Cities

A National Center for Sustainable Transportation Research Report

July 2021

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EXECUTIVE SUMMARY

This report presents findings from a two-year research project on patterns of local policymaking in California to support transit-oriented development (TOD), transit, and active transport. Through survey and case study research, the project assessed motivations, perceived obstacles, and patterns of local policy adoption to support TOD, from the perspective of city planners in the San Francisco Bay, Los Angeles, San Diego, and Sacramento metropolitan areas.

Policy context

California is a state policy leader in supporting sustainable development, with multiple programs and policies to promote environmentally and economically efficient development patterns, often calling for support for TOD, or, in other words, compact, mixed use, mixed-income, pedestrian and bike-friendly development located near high-quality transit access. Research indicates that this sort of development can help reduce driving and associated harmful emissions, reduce private and public housing and travel costs, and improve public health and safety.

Many localities in California also support TOD, for reasons that include revitalizing downtowns, improving mobility and accessibility for residents, and providing workforce housing. However, despite benefits of TOD, it is often challenging to achieve in practice. Localities face various market, regulatory, financial, political, and institutional hurdles that make TOD planning more challenging than planning for development in "greenfields" locations at the urban edge. Now is a critical time to consider what sort of planning and policy "packages" can effectively support TOD, and this research project investigated that question.

Patterns of policy adoption: Survey findings and analysis

We surveyed city planning directors in the state's four largest regions in the summer of 2019, achieving a response rate of 44% from cities that are roughly representative of all cities in the four regions studied on key characteristics of interest, including regional location, share of city land within one-quarter mile of high-quality transit access, city population size, activity density (resident population plus workers in the city), jobs-housing balance, median income, racial/ethnic make-up, and political leanings (based on voting patterns). Our report on the survey findings is available at https://ncst.ucdavis.edu/research-product/planning-and-policymaking-transit-oriented-development-transit-and-active.

Overall, the survey findings were encouraging in terms of TOD policy interest, with 66% of respondent cities indicating they had adopted policies, programs, and plans to support TOD, and nearly as high a share with adopted policies to support transit use. The motivation that

survey respondents rated most often as being “very important” to their city’s elected leaders in adopting TOD policies and programs was improving community revitalization/livability (rated very important by 71% of respondents), followed by improving mobility/accessibility (63%), and then affordable housing (60%) and housing more generally (58%). The high share of cities ranking mobility/accessibility as very important shows that many local elected leaders are “making the transportation-land use planning connection”—they are aware of the strong inter-connection between land use patterns and travel behavior.

Our survey found that more than half of cities with adopted TOD policies and programs employed the following strategies to promote TOD, among 22 that we identified: providing density bonuses for affordable housing (required by state law), mixed-use zoning, development of Specific Plans (area plans), reduced parking requirements, upzoning (increasing zoning density), and streamlining of environmental review required under the California Environmental Quality Act (CEQA). The CEQA-related strategies that we asked about were, specifically, “tiering” project-level review from Specific Plans and utilizing other available streamlining mechanisms for review of infill projects. These findings point to an important nexus of local strategies for promoting TOD, specifically modifying zoning and parking requirements, connected to local plan-making and permit streamlining, especially through easing CEQA review.

Case study findings on policy packaging

The importance of this nexus of policies was confirmed in our case study research on TOD policymaking in eleven California cities: the six central cities in the regions we studied, namely San Francisco, Oakland, San Jose, Sacramento, Los Angeles, and San Diego, and a sample of five other cities ranging by location and other key characteristics (Chula Vista, Santa Monica, Richmond, El Cerrito, and Rancho Cordova). In addition to public documents review, we conducted 24 interviews with more than 30 planners and experts about planning in these cities.

All the cities investigated have been innovating to advance TOD policymaking in recent years, in response to concerns about sustainability, mobility and accessibility, and affordable housing needs. Local policy innovation has especially been prompted recently by state-level legislation that calls for localities to produce more affordable housing under requirements of the Regional Housing Needs Assessment (RHNA) process, California’s “fair share” housing law, under which localities are assigned targets for accommodating housing needs at all income levels. In response, cities must update their General Plans and zoning policies to accommodate the assigned numbers of new units.

Considering the nexus of popular TOD policies described above, we found that all the central cities studied have recently adopted or redesigned most if not all of those strategies. The policies are often mutually supportive, such as when a city offers a density bonus to developers to provide more housing near transit, and reduces parking requirements (helping reduce the need to drive, while also reducing development costs), in exchange for the developer constructing affordable housing units. Another example is when cities develop neighborhood plans in TOD zones that provide a basis for streamlined permitting requirements, helping

developers reduce costs while also incorporating resident input. Upzoning, mixed use zoning, and reduced parking requirements are also often implemented through neighborhood plans.

On the other hand, we also found that TOD- and transit-supportive policies can sometimes conflict or come into tension, a natural consequence of policymaking that seeks to address multiple, sometimes conflicting goals at once. Many of the tensions we encountered relate to how and whether cities work with market-rate developers and contend with market constraints. For example, we found that in addition to promoting TOD for environmental, livability, housing, and mobility/accessibility reasons, cities are also motivated by fiscal concerns, which connect to jobs-housing balance. A salient example can be seen when comparing stated motivations for TOD among the three San Francisco Bay Area cities, where San Francisco, with its strong market for commercial and office development, employs multiple strategies to support affordable housing production while constraining commercial development (seen as potentially threatening to housing development), and meanwhile, Oakland and San Jose actively seek commercial development to help provide funds for affordable housing, among other benefits. Cities must contend with market attractiveness for development as a key variable, because policy support for TOD on its own is insufficient to induce development. However, as the comparison of the three Bay Area central cities indicates, high market interest can sometimes be a double-edged sword, as high land prices have led many San Francisco residents to believe that even market-rate housing development has become cost-prohibitive compared to commercial development.

Not just market factors but also political interests and constraints come into play in TOD policymaking. Most of the cities we investigated apply a political compromise, whereby their TOD policies direct growth and development along transit corridors and into already dense commercial zones, but leave single-family zoned areas alone. Many of the cities explicitly seek to "protect" single-family areas to preserve "neighborhood character." However, we also found that characterizing NIMBY attitudes as pertaining only to white, wealthy homeowners is overly simplistic, because homeowners in some diverse neighborhoods such as South Los Angeles and San Francisco's Mission District have also fought against upzoning in an effort to preserve their neighborhood character.

As noted, the most significant recent changes we observed in local TOD-related planning practice have been taking place in response to state laws that are pushing localities to produce more housing, to address the state's affordability crisis. The state has assigned tougher RHNA targets to localities, and recent RHNA legislation also calls for them to systematize and streamline land use regulation to facilitate easier, more "objective" and transparent permitting processes for housing developers. In response, the cities we investigated have been revising their housing policies, but in doing so they must grapple with difficult questions about how and whether to employ regulatory or de-regulatory approaches, and to use public finance and/or rely on private, market-rate development. Although the central cities we investigated have placed housing bond measures before their voters, the funds raised have been insufficient to build enough affordable units to meet RHNA targets. With inadequate public funding available, cities have been experimenting with how best to strengthen inclusionary housing policies that

extract public benefits, including funds for affordable housing, from market-rate developers. In doing so, cities face a difficult challenge in striking the right balance between extracting public benefits without imposing such costly requirements on developers that they walk away, resulting in fewer new housing units being built, either market-rate or affordable.

Our research findings indicate that careful design of inclusionary housing programs is critical but difficult to get right, with various recently adopted local policies—both incentive-based and mandatory policies—having resulted in widely different outcomes, in terms of the numbers of new development permits induced. We trace some "natural experiments" that have occurred recently, in which newly imposed inclusionary policies have resulted in dramatically different outcomes compared to pre-existing policies. The state government could help cities by calling for more systematic publication of information on inclusionary policies and impact fees, and then by funding research to examine how program design of inclusionary policies interacts with market conditions in influencing permitting outcomes across localities. Cities need help in designing effective policies, and such research could be useful.

One city we investigated, Sacramento, recently broke the mold by becoming the first California locality to announce it would eliminate single-family zoning—a de-regulatory approach—to allow for up to four units to be built on formerly single-family zoned parcels. This policy can help address the housing crisis, given that zoning constraints are heavily implicated as a cause of California's under-supply of housing. However, while systematic upzoning could help in adding housing, the policy does not address certain central questions about sustainability benefits of TOD. The demonstrated benefits of TOD for supporting efficient transport, in particular, mean that targeted upzoning strategies near transit make sense. Cities should carefully consider sustainability impacts of citywide upzoning, if the result is that more housing is introduced in areas with little access to transit and active travel options.

Furthermore, concerns about housing affordability in TOD zones cannot be addressed simply by upzoning elsewhere. We found acute concerns about housing affordability are being voiced in certain TOD zones, especially in the central cities. One consequence of city strategies that funnel new development along transit corridors and into targeted TOD zones is that controversy over densification and its impacts also gets concentrated in such areas, often the home of lower- and middle-income households living in existing multi-unit housing. Although research indicates that gentrification does not, overall, lead to displacement of existing residents, such findings do not allay fears about localized impacts in many places. For example, worries about gentrification and displacement have led some residents of San Francisco's Mission District and in Southeast Los Angeles to oppose new market-rate housing development so vehemently that some projects have effectively been halted.

In considering how to improve housing affordability, cities must contend with tough questions about market-based mechanisms that extend beyond determining the right inclusionary requirements. Some TOD strategies widely touted for sustainability benefits, including systematic upzoning (not just upzoning provided on a case-by-case basis through density bonus programs) and elimination of parking requirements, essentially amount to de-regulation, or in

other words, letting the market decide. While recognizing the value of these strategies for sustainability, some planners we spoke with also bemoaned the loss of discretion and the ability to bargain with developers to extract public benefits that de-regulation entails.

This tension and trade-off can be seen in the way cities approach parking requirements. Academic research has found that reducing or eliminating minimum parking requirements can enhance affordable housing production, since minimum requirements are often set higher than developers would otherwise provide. Our case study cities have been moving towards relaxing parking requirements, as for example, San Francisco eliminated minimum parking requirements citywide in 2019, and San Diego and Sacramento eliminated parking requirements near transit at the same time. All the central cities we studied have lowered minimum parking requirements near transit, relative to requirements elsewhere.

However, cities sometimes face a trade-off when considering whether to systematically eliminate parking requirements. Los Angeles, for example, offers reduced parking requirements to developers in its successful Transit Oriented Communities (TOC) density bonus program, as an incentive which developers can obtain in exchange for their providing affordable units. Such incentive programs only work in locations where market interest is high, *and* where current local policies constrain market construction, so that obtaining the incentive offered (such as higher density or relaxation of parking requirements) is attractive enough to developers to induce them to forego a portion of profits by building affordable units. If cities relax current constraints on development, such as by eliminating parking requirements entirely, they lose a bargaining chip for an incentive-based strategy, complicating policy choices.

In considering how to adopt more systematic, "objective" policies to facilitate project approvals, cities have been experimenting with how best to combine top-down policymaking with bottom-up neighborhood planning. We identified and highlight two good examples of an effective combined approach, in the cities of Los Angeles and El Cerrito. Los Angeles instituted its highly successful TOC density bonus program for development near transit citywide, but is also tailoring the policy differently across the city through updates of neighborhood plans. Meanwhile, El Cerrito's Specific Plan for San Pablo Avenue relies on the plan's Programmatic Environmental Impact Report (PEIR) as a basis for providing subsequent "ministerial" (non-discretionary) review of project proposals, as well as the use of a form-based code to establish clear expectations for desired outcomes for both developers and local residents.

Lessons for the state government to glean from these examples include the value of using CEQA as a basis for systematizing permit streamlining, and the value of supporting local capacity to develop neighborhood plans that accomplish TOD goals. El Cerrito planners emphasized the critical role played by planning grants received from state and regional agencies in supporting plan development. The state could encourage this approach elsewhere by funding neighborhood planning to help implement state-mandated performance targets (e.g., for RHNA), and providing for stronger CEQA streamlining for neighborhood plans that help achieve such state-defined performance targets. A related finding from our research is that although they may be challenging to meet, the planners we spoke with recognize the value of state-

imposed performance targets, such as RHNA allocations, so long as flexibility is maintained for devising strategies to achieve the targets. The planners we interviewed were less inclined to support state legislation perceived as dictating local zoning decisions than to recommend that the state reward and incentivize localities that effectively achieve state performance targets.

In considering the transportation side of the TOD/transit/AT equation, we found that cities are sometimes facing difficult choices in balancing their desire to improve multi-modal transportation options with their need to construct more affordable housing. Responding to the state's push for increasing housing production, some cities, including San Francisco, Los Angeles, and San Diego, have been maxing out inclusionary housing requirements but imposing relatively lower demands on developers to fund transportation facilities and service to accommodate new development. This approach could backfire, as traffic congestion is one of the most salient complaints raised by neighborhood residents in opposing denser development. Cities should not have to choose between housing and multimodal transport improvements, since TOD, transit, and AT strategies are synergistic and mutually beneficial.

An important lever the state can use to reinforce the mutual benefits of TOD, transit, and AT would be to reward cities more directly that support TOD, such as through upzoning near transit, with greater access to transportation funds for transit and AT. A good example of this approach is the One Bay Area Grant program, administered by the Metropolitan Transportation Commission, which allocates transportation dollars to localities on the basis of their adopting TOD-supportive land use policies and increasing housing production. A program of this sort could be scaled up to the state level.

A related concern we encountered is how cities manage resident needs for mobility versus for accessibility. Often posited as a more analytically and ethically useful concept for understanding travel behavior, accessibility aims to consider ease in accessing destinations, rather than the traditional transport planning focus on enhancing mobility, or the speed of getting from Point A to B. The two concepts are closely connected and overlap in practice, but they can also conflict. We found an example in Los Angeles, where recent passage by voters of sales tax measures for transportation have injected many billions of dollars into transit and AT improvements. The measures were marketed to voters as a way to relieve the city's worsening traffic congestion, and were strongly endorsed by voters. However, reaction was less positive in some cases when the funding was translated into on-the-ground projects such as "road diets" to remove roadway lanes from cars so as to create transit-only or bike-only lanes.

The concern here is not just about managing short-term public reaction to road diets, but also about managing long-term expectations about transport policy. Estimates produced for the City of Los Angeles' Environmental Impact Report for its long-range mobility plan indicate that although plan implementation is projected to result in some mode-shifting by travelers away from cars to other modes, thereby helping reduce driving and associated greenhouse gas emissions, the large majority of Angelenos are still projected to be driving rather than using other modes over the plan's duration, with worsening traffic congestion, rather than better, projected to occur. This finding indicates that planners and policymakers risk the wrath of

voters if they market transit and AT improvements as a way to reduce traffic congestion, and they would be better off emphasizing sustainability and accessibility benefits of mode-shifting.

Los Angeles, like many other cities, faces a daunting challenge in attempting to shift its car-dependent development pattern to a more sustainable one. In spite of billions of dollars spent to build new rail lines in recent years, per capita transit ridership in the region has been declining. Recognizing the intractability of addressing traffic congestion and mobility/ accessibility problems in a car-dependent context, Los Angeles area officials recently launched a study of congestion pricing options to alleviate traffic delay in congested zones and during peak periods, and to raise funds for alternative modes. San Francisco has launched a similar study. These efforts are important not just to tackle traffic congestion, or even just to raise funds for alternative modes, but more fundamentally as a potential basis for rewarding travelers directly for making more socially and environmentally efficient decisions and presenting them with better information about the cost of their travel choices. The state government could support similar studies in other cities and regions.

Finally, another promising strategy that we found some cities, including San Francisco and San Diego, have been pursuing, is to link implementation of new CEQA requirements for review of transportation impacts of development, that focus on the vehicle miles traveled that new development induces, to a systematic overhaul of the cities' transportation impact fees and transportation demand management programs. This sort of coordinated approach helps connect the dots between land use policy that promotes more efficient development with transportation strategies to support multimodal travel options. The state government could directly support similar efforts in other cities.

Chapter 1. Introduction

This report presents findings from a two-year research project conducted for Caltrans to examine city policymaking patterns in California to support transit-oriented development (TOD), transit, and active transportation. The aim was to assess motivations, priorities, perceived obstacles, and policy adoption patterns to promote TOD, transit, and active transport (AT), and to understand how, whether, and why cities put together policy "packages" to support and align multiple, sometimes conflicting TOD goals.

This chapter describes project basics—our goals and methods. The next chapter provides policy context, discussing state and regional-level policies in California, as well as other contextual factors, that frame local policy challenges, choices, and priorities related to TOD, transit, and AT. The following chapter presents and discusses cross-cutting findings from our case study and survey research. The appendices include our complete case studies for eleven California case study cities, organized by metropolitan region.

For our survey research, we sent an on-line survey to planning directors or their equivalent,[1] from May through July 2019, in all 333 cities located within the four largest metropolitan areas in California (the San Francisco Bay, Los Angeles, San Diego, and Sacramento metro areas). We received responses from 147, or 44%, of cities in the four regions surveyed. Survey respondent cities were roughly representative of all cities in the regions studied, considering the key characteristics of interest that we used to evaluate and distinguish cities in our analysis:

- Metropolitan region location[2]
- Level of high-quality transit (HQT) service coverage in 2017-18[3]

[1] The survey invitation was sent by email, using the Qualtrics on-line survey tool, to city planning directors or their equivalent (the director of the city department responsible for planning functions) in each of the 333 cities in the four regions surveyed. Recipients were able to pass the survey on to another staff person to complete.

[2] We defined metropolitan region based on Metropolitan Planning Organization (MPO) jurisdictions in the four regions, namely the Metropolitan Transportation Commission (MTC), in the 9-county San Francisco Bay area; the Southern California Association of Governments (SCAG), in the 6-county Los Angeles metropolitan area; the San Diego Association of Governments (SANDAG), in the single-county San Diego metropolitan area; and the Sacramento Area Council of Governments (SACOG), in the 6-county Sacramento area.

[3] This measure and the next were calculated from data produced by Professor Paul Ong and colleagues at UCLA, for a research project conducted in 2018 for Caltrans called Developing Statewide Sustainable-Communities Strategies Monitoring System for Jobs, Housing, and Commutes. Professor Ong's project dataset includes land area, housing, and jobs in 2010, and incremental job and housing growth from 2011 to 2014, measured at the Census block group level, as well as portion of block group land area located within one-quarter mile of high quality transit, defined as any existing transit rail station, or a terminal served by a ferry system, or a location with bus service maintaining average headways of 15 minutes or less during morning peak commute. Ong measured transit service levels using General Transit Feed Specification (GTFS) information obtained from 127 transit agencies in California, covering 97 percent of the unlinked passenger trips traveled statewide. Ong's housing unit data were obtained from State Parcel Dataset Counts. For the analysis in this report, geographic correspondence data obtained from the Missouri Census Data Center were employed to develop aggregate estimates for HQT-related data measures at the city level, using Professor Ong's block group-level data.

- Relative housing unit growth rate in HQT areas in the city from 2011 to 2014 versus the city-wide housing unit growth rate during the same period (i.e., percent point difference between housing unit growth in HQT areas versus city-wide)
- City-wide housing unit growth rate from 2010 to 2017[4]
- City population size in 2017[5]
- Activity density (number of residents plus workers per square mile of land area) in 2017
- Jobs-housing balance in 2017
- Median income of residents in 2017
- City resident share comprised by people of color (not non-Hispanic white) in 2017
- City resident voter share that voted Democratic in the 2016 U.S. presidential election.[6]

Our survey sample was somewhat over-represented by cities with greater high-quality transit coverage, especially when considering population-weighted results (meaning we received more survey responses from larger cities that have good transit coverage). The survey sample was also slightly over-represented by very low and very high population cities, and by denser, higher-growth-rate, less wealthy, more liberal, and more ethnically diverse.

We defined two groups of cities for case study selection. First, we investigated the six central cities in the four major regions, namely San Francisco, Oakland, San Jose, Los Angeles, San Diego, and Sacramento, because they have been policy leaders, reflecting their size, level of resources, and urban development patterns. We then strategically selected an additional five other cities to investigate, using our survey results as an aid—we looked for cities with high TOD policy motivation, based on our survey findings, especially for achieving mobility/ accessibility and housing affordability goals, and hat had adopted many or most of the TOD-related policies that our survey findings indicated were most popular, including providing density bonuses for affordable housing, mixed-use zoning, development of Specific Plans, reduced parking requirements, upzoning, and strategies for streamlining environmental review. We also selected our case study cities to provide some variation in key city characteristics, including both urban and rural locations, and high- and low-income resident populations. We chose Santa Monica, Richmond, El Cerrito, Rancho Cordova, and Chula Vista.

We conducted qualitative analysis of governmental documents such as General Plans, city ordinances, staff reports, as well as investigating local news coverage. We conducted 24 interviews with more than 30 expert stakeholders (some were group interviews). Most interviewees were land use and transportation planners for the cities we studied, but some others were policy advocates and news analysts. The interviews were confidential, meaning that if we quote anyone in this report, we gained their written permission to do so first.

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[4] This measure was calculated based on the difference between housing units measured in the 2010 US Census and the 2017 5-year American Community Survey (ACS).

[5] Data used to construct the preceding measures were obtained from the US Census ACS 2017 5-year dataset.

[6] Vote data was obtained from the California Secretary of State's Office, and our variable was constructed as the share of all voters in the 2016 US presidential election that voted for Hillary Clinton.

Chapter 2. Policy context

California has been a policy leader in supporting sustainable development. California's ambitious adopted targets for reducing greenhouse gas (GHG) emissions, first adopted in 2006 and then extended and reinforced in 2016, have catalyzed many state policies and programs to support TOD as a means for reducing vehicle miles traveled (VMT) and associated GHGs. In addition to environmental benefits, TOD has also been associated with other various public and private benefits that can accrue from a reduced need to drive and lower land consumption associated with more compact development. These potential benefits include improved mobility and accessibility, energy efficiency, air and water quality, public health and safety, livability of neighborhoods, open space conservation, and private and public cost savings for transportation (Fang and Volker, 2017).

Coinciding with California's climate policy challenges, coastal metropolitan areas in the state have been facing an acute affordable housing crisis, with unprecedented increases in housing cost burdens. Researchers have attributed the housing crisis to under-supply—to insufficient housing being constructed to meet demand in areas with strong economies (Quigley and Raphael, 2005; Kahn et al., 2010; Kok et al., 2014; LAO, 2015; Jackson, 2016). Constrained availability of affordable housing contributes to longer commutes, as many workers must seek housing at long distances from their jobs.

The confluence of concerns about housing affordability, traffic congestion and mobility, and climate policy in California has drawn increasing attention from policymakers to the need for coordinating transportation and land use plans and policies to support more efficient and equitable development patterns. From the transport perspective, TOD can support more transit ridership and use of non-auto modes in more compact and pedestrian friendly neighborhoods. From the housing affordability perspective, multi-unit homes located near transit can lower transport costs and ease commutes for workers in jobs-rich areas. Thus, not just the provision but also the location of new homes has been scrutinized, with attention paid to strengthening mutually supportive transport and land use policymaking.

State policies for coordinating transportation and land use

A key policy measure adopted in California to promote sustainable transportation and land use is Senate Bill (SB) 375 (2008), which calls for coordinated regional-local planning for transportation and land use within metropolitan regions, in order to achieve more efficient development patterns. SB 375 imposes a mandate for achieving GHG reduction targets through periodic long-range regional transportation plans (RTPs) developed by Metropolitan Planning Organizations (MPOs), which are federally-mandated transportation planning agencies in the state's urban regions. SB 375 combines a GHG reduction mandate with a requirement that MPO planning assumptions for be consistent with local government land use plans for accommodating housing at all income levels, required under the state's Regional Housing Needs Assessment (RHNA) process for allocating "fair share" housing need among all local jurisdictions. MPO plans developed after passage of SB 375 have allocated more new housing

and commercial development to designated TOD zones than pre-SB 375 plans had done (Barbour, 2016).

However, SB 375 does not require that local government plans and policies conform to regional plan goals, and for many years after the law was passed, few state programs provided concrete support to achieve the law's goals. This situation changed in 2013 with passage of Senate Bill 743, which re-orients analysis and mitigation (remediation) of transportation impacts of development, required under the California Environmental Quality Act (CEQA), to focus on reducing vehicle miles traveled (VMT) rather than focusing on alleviating traffic delay. Also in 2013, the state began funding California Climate Investments (CCI) programs on an ongoing basis using greenhouse gas cap-and-trade revenue. CCI programs provide competitive grants to locally initiated projects for affordable housing, transit, and AT that are projected to help reduce GHG emissions.

The state government took further steps in the late 2010s to address mounting concerns about transportation and housing. State gasoline and diesel fuel taxes were increased through passage of Senate Bill 1, to provide $5 billion annually in ongoing funds for transportation purposes, including for transit and AT, but mainly for roadways. State lawmakers also adopted numerous housing bills, including placing a $4 billion housing bond measure before voters, which they approved in 2018.

At the regional level, some of the state's MPOs have also established programs to support TOD plans and projects, in order to help implement and achieve the MPOs' regional plan objectives, developed under SB 375. The most innovative and well-funded of these programs is the San Francisco Bay Area MPO's One Bay Area Grant (OBAG) program, launched in 2012, which funds transit station area planning, bicycle and pedestrian improvements, and other infrastructure needs in designated TOD zones across the region. The OBAG program criteria for distributing funds reward localities that have produced affordable housing in line with RHNA targets.

RHNA legislation and its impacts on localities

Since 2016, a flurry of housing-related legislative bills has been proposed, and many adopted, which cumulatively constitute a "wholesale transformation" of the state's housing policy (Fulton, 2019, October). The legislation has stiffened enforcement of RHNA compliance, streamlined housing approval procedures, strengthened the state's density bonus law, and extended inclusionary housing requirements to apply to residential rental projects, among other objectives. In adopting these policy measures, the state government has asserted a stronger role in prodding localities to support housing production.

We found that our case study cities have been responding to the new state housing legislation, especially RHNA provisions, and so it is useful to discuss some of the most salient recent legislative changes.

Aiming to increase housing production, the legislature has pursued a few principal strategies in recent years: to ease upzoning near transit, provide ministerial end-runs around CEQA, reform

RHNA and strengthen Housing Element law, and support accessory dwelling units (Fulton, 2019, October). Some aggressive state proposals to stipulate upzoning near transit, in particular as envisioned in Senator Scott Weiner's controversial Senate Bill 50, first introduced in 2018, gained national attention but ultimately failed to overcome concerted opposition from localities and stakeholders, especially in Southern California. Meanwhile, the other three strategies have been more successful.

Since 1980, the main "stick" of California state housing policy has been its housing element law. Since then, housing elements in local general plans have been required to identify each locality's "fair share" contribution to meeting regional housing needs across a range of affordability levels, as assessed through the Regional Housing Needs Assessment (RHNA) process on a cyclical basis (originally every five years but now eight, to coincide with the 4-year cycle of regional transportation plans). Under the process, each regional Council of Governments (coincident with the MPO in most California regions) is assigned a target production number of housing units for the region, by the California Department of Housing and Community Development. The COG/MPO's job is then to distribute the regional target among all local jurisdictions. Then, the localities are required to use these "fair share" targets as the basis for updating the housing elements of their general plans and associated zoning to accommodate the assigned number of new units.

California's fair share requirements have been one of the most active methods used by the state government to direct local planning toward a substantive policy goal, with housing elements being the only sections of local general plans that must be reviewed by the state. While originally designed primarily as a fair-housing law, the state government has increasingly also used the RHNA process and housing elements as a policy tool to increase overall housing production.

However, traditionally, the housing element law has been seen as weak, "just strong enough to be annoying but just weak enough to be useless," according to a long-time observer (Fulton, 2018, August). Various shortcomings have hampered the law's success. In particular, it calls for localities to accommodate housing through zoning, but since localities do not actually build housing, that stipulation has provided no guarantee of actual housing production. In addition, RHNA enforcement has been weak, with most localities for many decades letting their housing elements become out-of-date. Also, the premise for estimating regional and local housing need has been based on logic considered faulty by many observers, extrapolated based on previous growth trends, and failing to account for the effects of policy constraints, such as past restrictive zoning, on housing supply (Elmendorf, 2019).

In recent years, RHNA/housing element law has been given more teeth. Senate Bill 35, passed in 2017, is the most prominent bill adopted to strengthen RHNA compliance, by making local governments liable for the first time for failing to meet state housing targets, not just for failing to plan. SB 35 directs HCD to determine mid-cycle and at the end of the RHNA cycle whether each local government is on pace to meet, or has met, its RHNA targets. If a local government falls short, it must permit as-of-right development of qualifying projects. For multifamily

housing on urban infill sites with an affordable housing component, and which use union labor, the bill requires approval for any development meeting existing “objective” zoning and development standards within a maximum of 60 or 90 days, depending on project size, and if the city fails to do so, stipulates that the development is approved automatically. For cities that have failed to meet above-moderate income affordable housing goals, any development with 10% affordable housing falls under SB 35. For cities that have failed to meet only low and very-low income goals, the bar is 50% affordable units per development. Qualifying developments are exempted from CEQA review, local design guidelines beyond height and density restrictions, and any minimum parking requirements for transit-oriented developments (Clare, 2019).

As of July, 2020, only 29 of California’s cities and counties, or 5 percent, were not subject to SB 35 for at least some projects (these 29 localities had met their low-income and market-rate targets under the current RHNA cycle) (Glover, 2020, September). Most jurisdictions had met or exceeded their targets for market-rate housing, but most had also severely under-shot their low- and moderate-income targets, especially in high-priced coastal counties (Fulton, 2020, August). Developers have submitted a number of projects, mostly in Northern California, for approval under SB 35, with a few resulting in litigation.

Other recent legislation adopted to strengthen RHNA includes SB 828, passed in 2018, which requires that RHNA take account of past housing shortages, not just future housing need. While the bill leaves in place the old approach of tying housing quotas to population projections, determination of housing need now must account for the percentage of "cost burdened" households in the region (spending more than 30% of their income on housing) relative to a "healthy housing market,” and overcrowding rates among renters should be "no more than the average…in comparable regions throughout the nation” (Elmendorf, 2019). While pointing to certain conceptual flaws in the approach, housing scholars believe that SB 828 will strengthen HCD’s hand in setting more ambitious regional RHNA targets (ibid). Indeed, in the fall of 2019, HCD used its new authority to triple the RHNA target assigned to the Southern California Association of Governments, the MPO/COG for the Los Angeles region.

Other recent legislation further chips away at local discretion in the housing permit approval process. SB 330, the so-called “Housing Crisis Act of 2019,” essentially outlaws plan-level downzoning and moratoria on housing for the next five years (Fulton, 2019, October). The law also stipulates that a housing project cannot be required to obtain rezoning for the property if it is consistent with the objective general plan standards for the site. The public agency may require the housing project to comply with the objective zoning code standards applicable to the property, but only to the extent they facilitate the development at the density allowed by the general plan.

This provision of SB 330 affects localities that have allowed their general plan and/or zoning ordinances to become out-of-date or inconsistent with one another. Increasingly, the state is calling on localities to enact and apply “objective standards” (as opposed to opaque, one-off negotiations with developers on a project-by-project basis) stipulating what is required for permit approval.

SB 330 also shortens the timeframes for housing development approval under the Permit Streamlining Act. Local agencies now have 90 days, instead of 120 days, following certification of the environmental impact report, to approve the project. For low-income projects seeking tax credits or other public funding, that time frame is 60 days. SB 330 also limits the time and number of hearings a local government can conduct in considering a development project, and it prevents cities from assessing project-specific impact fees or changing permit requirements after a developer has submitted a "preliminary" application.

AB 3194 (2017) strengthens the Housing Accountability Act, which limits local agencies' authority to reject or restrict housing projects without findings on adverse impacts, by stipulating that a proposed project shall not require a rezoning if it is consistent with General Plan standards, even if adopted zoning for the site is inconsistent with the plan.

These reforms to RHNA and housing element law are only a few of the measures put in place in recent years to induce housing production. Various state incentive programs have been tied to RHNA compliance, and compliance has been made stricter, such as by requiring that localities demonstrate that RHNA allocations are accommodated on imminently developable sites, so as to address a long-standing complaint that anti-housing local governments often assign their RHNA shares to sites not practical for actual development (Elmendorf, 2019).

The result of these accumulating RHNA reforms has been to induce greater attention from localities to updating their housing elements and also to promulgating clearer, more systematic and up-front conditions of development approval, so as to limit negotiation and delay (Elmendorf, 2019; Stephens, 2020, February). While in the early 1990s, only about a quarter of California jurisdictions had HCD-approved housing elements in place, by 2019 the figure was about 90% (Elmendorf, 2019).

Thus, various state and regional policies and programs have been enacted to support TOD, transit, and AT goals and objectives for achieving more sustainable development. However, even if California policymakers support TOD in theory, the question arises how successful TOD policies have been in practice. The next section considers this question.

How feasible is TOD? Policy challenges and trade-offs

During the past two decades, market interest in compact multi-family housing units has grown in California. After comprising generally below one-quarter of all housing permits issued annually in the state during the 1990s, the multi-family share of permits began growing in the 2000s, and has exceeded half of annual permits in most years since 2010 (author's calculation from US Census Housing Permits Survey data). Factors explaining this trend favoring "infill" and "transit-oriented" development (TOD) include lower housing costs of more compact development, mobility/accessibility benefits available in many built-up urban areas, and demographic shifts that favor more compact homes.

Most local jurisdictions in California seek to support infill and TOD development, through policies promulgated in their General Plans (the document that identifies and governs each

locality's planning and development goals and policies), and through the use of a variety of tools including, in particular, density bonuses, coordination of environmental review, and reduced parking requirements, according to a recent survey conducted by the Governor's Office of Planning and Research (OPR, 2018 Annual Survey Results). Nevertheless, TOD has proven challenging in practice on a wide-scale basis using conventional, traditional development planning and finance techniques (Carlton and Fleissig, 2014). Prior research investigating perceived barriers for achieving infill development point, in particular, to lack of adequate infrastructure and transit funding, and land parcel assembly problems (OPR, 2012).

These barriers help explain why the California Air Resources Board, tasked with administering the state's climate policies, including SB 375, recently concluded that development patterns in the state since adoption of SB 375 run counter to achieving the law's objectives (CARB, 2018). This conclusion was based on an evaluation of 24 data-supported indicators, of which the most concerning was a recent rise in VMT and GHGs per capita starting after 2013. The report also identified various barriers to SB 375 success, one being local zoning and permitting practices that constrain housing production and/or make it more expensive.

In general, TOD involves more complicated planning, finance, and regulatory techniques, and entails higher costs for land and construction, than greenfields development (Fleissig and Carlton, 2009). Furthermore, city leaders and planners may face complicated trade-offs in negotiating among policy goals and stakeholder interests for TOD, for example, in considering how to keep housing affordable in TOD zones while also upgrading infrastructure to support market-rate development.

A review of literature on TOD implementation points to six inter-related factors as potentially posing the most significant factors influencing TOD feasibility: physical capacity for new development, based on current zoning and developable land available; infrastructure needs, opportunities, and deficits in TOD zones; market feasibility in connection to costs of development; financing tools available for public benefits to support TOD, including provision of affordable housing; planning and regulatory complexities for TOD zones; and public concerns about new development (see EPS, 2015, for a similar categorization). These issues are considered below.

Research indicates that substantial physical capacity may exist in California's metropolitan areas to absorb new infill development at densities matching the surrounding area (Landis and Hood, 2005). If land use were to be upzoned beyond existing adopted limits, capacity could be even higher. Single-family zoning is extremely prevalent in California, with about two-thirds of land in California localities zoned for single-family housing, and less than one quarter for multifamily (Mawhorter et al., 2018). This pattern pertains even in central cities; for example, in San Francisco, the share of residential land zoned for single-family is about 38%, while in Los Angeles, the share is 70%, and in San Jose nearly 90% (Manville et al. 2020).

An indication of the potential for new development that might be induced near transit through upzoning can be gleaned by reviewing research conducted to estimate impacts of Senate Bill 50, the controversial legislative bill introduced in 2018 that would have upzoned systematically

to permit up to five stories for land development near high-quality transit stations statewide. One study found that SB 50 would have increased market-feasible housing development capacity in the San Francisco Bay Area nearly fourfold, from 730,000 to 3 million units (Baron et al., 2018).

Even with upzoning, market feasibility can be challenging for TOD in comparison to low-density housing more prevalent in greenfields areas (California Tax Credit Allocation Committee et al., 2014). High development costs in infill zones can trace to high land costs, remediation costs for preparing land, construction costs for multi-story buildings, and costs for providing underground or podium parking that may be required for such projects. Another challenge in infill areas is difficulty in assembling land parcels when available parcels are small and/or non-contiguous or oddly shaped.

These cost factors differ dramatically across local areas meaning that the same development may pencil out in one neighborhood but not another. Whether changes in zoning produce new housing is contingent on market demand, and TOD-friendly zoning may be necessary, but it is also insufficient to induce development, in the absence of local market strength. Schuetz et al (2015) estimated longitudinal changes in employment and housing outcomes for 28 Los Angeles Metro stations over a 20-year period, comparing station areas to matched control neighborhoods. The study found no evidence that station openings led to immediate changes in employment or housing markets, although a few stations saw employment growth within five to ten years after opening. A second, supplemental case study analysis by the same authors aimed to isolate the role of site-specific zoning from economic conditions and institutional factors in accounting for development outcomes in five Metro station areas, each of which opened between 1993 and 2003 (Schuetz et al., 2018). The study found considerable variation in redevelopment and land use change near the stations; even station areas located close to one another, with similar TOD-compatible zoning, experienced very different outcomes. The authors concluded that new rail stations in densely built neighborhoods can experience significant redevelopment only where land values are high and redevelopment is possible, both in terms of zoning and also market factors, at substantially higher density than current buildings.

Cities use various regulatory and financing methods to support TOD, some of which can lower costs of development, but others which add to costs. Key infrastructure financing strategies include impact fees and use of “special benefit districts” to support upgrades. In addition to upzoning (allowing higher densities), key regulatory policies affecting TOD feasibility include multi-use zoning, parking requirements, and design standards (such as to promote provision of pedestrian and bicycle access or greenspace). Meanwhile, given acute concerns about housing affordability, most California cities also use regulatory techniques to encourage affordable housing, sometimes explicitly directed to TOD zones. The intersection of affordable housing strategies with TOD strategies to support multiple types of development near transit can present local policymakers and planners with potentially complicated trade-offs.

Considering infrastructure financing, some research indicates that ongoing public costs of supporting infill development may be lower than for greenfields areas over the long run, in terms of maintenance and operation for public facilities and services. But in the short run, by contrast, infrastructure costs can sometimes be higher if substantial upgrades are needed (for example, to replace an inadequate or outdated sewer line, if that necessitates ripping up the street) (Carruthers and Ulfarsson, 2003; Burchell et al., 2005; Smart Growth America, 2013; Anderson et al., 2015; EPS, 2014). Financing infrastructure upgrades for infill can be challenging, because many techniques developed over recent decades are geared toward new suburban development more than to infill conditions. With the passage of Proposition 13 in 1978, local property tax rates and revenue in California were severely curtailed, ushering in a new era in which development has widely been expected to "pay for itself" in terms of covering costs of needed infrastructure and public services (Fulton and Shigley, 2012). The post-Proposition 13 ethos translated to greater reliance on funding sources for public infrastructure derived directly from users, including, in particular, user fees, development impact fees, and other exactions obtained from developers, businesses, and property owners (Silva and Barbour, 1999; EPS, 2014).

These conventional approaches to infrastructure finance can be difficult to apply in infill areas, however. Public benefits may be difficult to monetize, and funding mechanisms rarely generate sufficient revenue for facility upgrades to pay for themselves (EPA, 2013). Development impact fees, which are one-time charges for new development, provide an example. By law, development impact fees must be assessed strictly based on a demonstrated "rational nexus" between the cost of infrastructure needed to support the new development and the level of fee imposed on a given property owner. That premise translates more easily to a new subdivision development—for example in assessing costs of providing new water and roadway facilities for the subdivision—than in a built-up urban context where existing infrastructure needs upgrading, and benefits would extend to both new and existing residents, complicating the nexus calculations. Nexus requirements mean that new development can only cover a portion of costs for addressing existing deficits in a community. To the degree that an infrastructure upgrade (to enhance transit access, for example) affects network connectivity and service provision beyond the particular TOD zone, nexus calculations can become even more complicated.

Impact fees can be quite high in California, costing above $20,000 for a single-family home in nearly 40% of localities, and above $20,000 for multi-family units in 34% of localities (Mawhorter et al., 2018). A case study of seven California localities found that impact fees added up to 6 to 18% of median house prices (ibid). The costs of impact fees may or may not be capitalized into higher prices for housing, depending on the state of the market (hot or cold) and the value accorded by homebuyers to the benefits provided. If impact fees make areas developable by adding capacity to existing public infrastructure, the effect may be to increase the supply of developable land, causing lower prices and more production (Burge and Ihlanfeldt, 2006a and b).

Because impact fees can make development more costly, they can conflict with cities' goals for supporting affordable housing. Much research demonstrates potential for synergistic benefits from co-locating affordable housing near transit and AT access, for environmental and economic reasons, along with social equity rationales. Low-income households are demonstrated to utilize transit at higher rates than others (Chapple et al., 2017), and affordable housing can attract firms that seek a location attractive to their workforce.

However, in considering how to fund both affordable housing and transit facilities and service, local policymakers must weigh and balance costs and benefits of funding both, within limits set by market feasibility. A city might, for example, impose an impact fee on new development for transit and AT provision. However, even low fees may dampen or discourage development, and to encourage affordable housing, cities often waive the fees for developers of affordable units. In that case, however, associated infrastructure costs must be covered by citywide revenue sources. A city can establish a special tax or "benefit assessment district" applicable only to the TOD zone, but in this case, cost recovery is directed back to the TOD zone alone. This discussion indicates how city policymakers and planners may face a complicated balancing act in considering how to finance TOD zone improvements while also promoting affordable housing.

One technique that can substantially reduce costs of development is for cities to reduce requirements for parking provision. In addition to making development cheaper, therefore facilitating more affordable housing, modifying parking requirements can also advance city goals for promoting sustainable transport. Most jurisdictions in the US require a minimum number of parking spots to be built with new development. For example, a typical requirement for single family homes in the San Francisco Bay Area is two parking spaces per unit, while for center city properties, requirements may range from no parking to one space per unit (MacDonald, 2016). Parking requirements, included in zoning codes, significantly affect housing location, price, and profitability of new construction, with costs for a parking spot ranging from $30,000 to $75,000 per space, representing anywhere from 3% to 17% of development costs (ibid). Parking costs in dense areas can be especially high, where digging is needed for subterranean parking.

A substantial body of research indicates that parking is over-regulated, resulting in oversupply. Developers often provide parking spots just at the minimum level required, or even below (through negotiated exemptions and exceptions), suggesting that minimum requirements are set too high to reflect actual demand (Shoup, 1999; Levine, 2010; Gabbe, 2018). Various empirical studies have found that in cities that removed or reduced parking minimums, the number of parking spots provided dropped sharply followed the policy change (Guo and Ren, 2013; Gabbe et al, 2020). These findings provide evidence of market support for lower-parked development, and further research demonstrates that such development can support more sustainable transport patterns. Various studies demonstrate that residents of homes offered with "unbundled" (a.k.a., optional purchase of) parking own fewer cars and use them less than homes offered with "bundled" parking (Manville, 2016; Manville and Pinski, 2020). One study from New Jersey found that parking supply available near rail stations was the largest influence

on household auto use, more than other built environment characteristics including access to rail (Chatman, 2013).

To more directly promote affordable housing, cities use two main zoning techniques: voluntary, a.k.a., "incentive" zoning; and/or mandatory "inclusionary" zoning. A commonly used "incentive zoning" technique is for cities to provide a density bonus for developers willing to build affordable units. Indeed, the state's Density Bonus Law, first passed in 1979, prescribes that developers who elect to provide a portion of units at affordable levels can receive a density bonus up to 35% (recently increased to 50%) beyond local zoning standards, and also gain eligibility to receive reduced parking requirements and other concessions including deviations on design standards, fee waivers, and expedited permit processing. On top of a density bonus, the most commonly requested concession by developers has been for reduced parking requirements (Mawhorter et al., 2018).

This sort of incentive zoning approach is effective mainly in TOD zones where market interest in development is already high, however (Thaden and Wang, 2017). Note that offering density bonuses and reduced parking requirements in a TOD zone only works as an effective incentive if the area has been under-zoned for density, and over-zoned for parking requirements, compared to market preferences.

Many California cities also impose mandatory inclusionary housing requirements, in addition to offering voluntary incentives, for affordable housing production and preservation. Inclusionary housing ordinances require housing developers to provide a certain percentage of affordable units either on-site, off-site, and/or through payment of an in-lieu fee as an alternative compliance mechanism, if the city permits this option. About half of California cities have adopted inclusionary housing ordinances, with the mandated share of affordable units often set at 10 to 15% (Hickey, 2014; Mawhorter et al., 2018). Research indicates that mandatory inclusionary zoning policies result in more affordable units than voluntary incentive zoning (e.g., density bonuses) (Sturtevant, 2016). However, mandatory policies also reduce project profitability, which can sometimes jeopardize a project's financial feasibility.

In recent years, some localities have also adopted affordable housing impact fees as an alternative to on-site housing affordability requirements; these fees, similar to transportation impact fees, are directed toward affordable housing production. Cities generally impose these fees on commercial development, establishing a nexus rationale based on the need to provide workforce housing. As with inclusionary housing requirements, a potential problem with such measures is that they may result in less housing production, even of affordable units, if fees or on-site requirements mean that developers cannot afford to produce enough for-profit units to defray the costs, or if developers can make a higher profit elsewhere. Many cities limit their impact fee levels not just relative to absolute profit margins available to developers but also relative to neighboring locales, to ensure that development is not diverted to other jurisdictions competing for development.

In addition to direct regulation and fees imposed on development, permitting standards and planning procedures have also been implicated as cost factors for infill development in

California. Many communities apply discretionary review requirements at multiple points in the development entitlement process, to address concerns about project design, contribution to public benefits, and other issues. Such review processes can add substantially to uncertainty and delay (California Tax Credit Allocation Committee et al., 2014; HCD, 2017). Some research indicates that discretionary review procedures help explain why the development entitlement process (the time needed for a developer to obtain a building permit) takes about two and a half months longer, on average, in coastal communities in California than in the typical US metropolitan area (seven months compared to four-and-a-half months) (Reid et al., 2016).

Environmental review required for approval of development projects under the California Environmental Quality Act (CEQA) constitutes a special case in terms of permitting requirements. CEQA review has been implicated as a potentially costly element of the permitting process, not just in terms of direct costs to developers for conducting sometimes very extensive required analysis of multiple impacts of proposed projects, but also in terms of indirect costs associated with uncertainty, reflecting the possibility that planning officials and residents opposing the project might raise concerns that delay approval. Based on interviews with Bay Area developers, MacDonald (2016) found that completing a full-blown Environmental Impact Report (EIR) can take 12 to 24 months and cost $300,000 to $1 million, depending on the size of the project. Another study of CEQA review in the state's ten largest cities between 2004 and 2013 showed that housing projects requiring an EIR required, on average, about 2.5 years to approve (LAO, 2015).

Some research indicates that most CEQA complaints in the state have been lodged against infill projects, often regarding traffic congestion impacts (Hernandez et al, 2015). SB 743, adopted in 2013 and translated into official state implementation guidelines in 2019, will reduce such delays, because the law effectuated a shift from measuring transportation impacts of development under CEQA in terms of estimated impacts on traffic delay to instead estimating and mitigating impacts on vehicle miles traveled. Nevertheless, CEQA review can still constitute an arduous and unpredictable element in development permitting.

Costs of environmental review relate to another sometimes costly aspect of the TOD planning process—namely, the need to organize and manage public planning processes to address concerns and expectations among nearby residents. Ignoring resident concerns can be consequential, if residents subsequently seek means to delay, alter, or even halt a project, such as by raising objections under CEQA. For example, even as rising traffic congestion in built-up areas has led many Californians to support policy measures to enhance non-auto modes (such as by voting for bond or sales tax measures to fund transit and AT improvements), in practice these same residents may oppose practical steps to accomplish this objective near their own home, for example if street space is set to be re-allocated from car use to other modes (such as by introducing a bike path or transit-only lane) (Henderson, 2011). Similarly, Californians who support construction of affordable housing, in theory, may resist the construction of a multi-unit development next door, for reasons that can include perceived impact on neighborhood services and traffic congestion, loss of community character, and fears about impacts on

housing prices. This can mean difficult negotiations are needed to tailor TOD policies to meet stakeholder needs that can vary substantially in different settings.

Increasingly, public concerns have been raised not just about impacts of new TOD development on public facilities like roadways, schools, and parks, but also effects on housing affordability. If new and/or renovated housing caters to an upscale, high-priced market segment, current residents living in more affordable units in the same TOD zone may fear gentrification and displacement. Research on housing supply constraints in California, as well as the basic economic logic of supply and demand, indicate that efforts to increase the state's overall supply of housing could help reduce overall housing prices, especially over the long run (LAO, 2015; HCD, 2017). However, immediate and localized effects are less straightforward. Recent research shows that neighborhoods with fixed-rail transit (i.e., TOD zones) in the San Francisco Bay and Los Angeles regions have experienced gentrification (influx of wealthier, more highly educated, and more white residents), but not always displacement (the loss of affordable housing or low-income households from the TOD zones) (Chapple et al., 2017).

Thus, complicated planning, permitting, and financing concerns may increase development costs and impede development in TOD zones. Considering the situation overall, two expert TOD consultants noted that, "The latest generation of plans, policies, and entitlement processes for urban, walkable, and mixed-use TOD have burdened projects with extra costs compared to competing real estate investments" (Carlton and Fleissig, 2014, p. 10). These authors contend that, "Zoning that requires idealized TOD may increase costs, dampen profits, and actually decrease the potential that TOD will be implemented" (Fleissig and Carlton, 2009, p. 21). Another consultant noted that, in his firm's experience, "soft costs," including entitlement costs for environmental clearance, discretionary review, and provision of public benefits through impact fees and similar payments required from development, are significantly higher (at 35 to 40 percent) of the level of "hard" building costs for projects in the San Francisco Bay Area, compared to projects in Arizona and Texas, where soft costs are about 15 or 20 percent as high as hard costs (EPS, 2015).

But even though public engagement processes can sometimes add to costs of TOD, it is important to recognize that effective neighborhood planning can also reduce TOD costs. If and when a neighborhood plan embodies a widely accepted vision for development, then the regulatory mechanisms adopted to implement the plan can facilitate a more predictable permitting procedure for developers. The EIR that must be completed for a neighborhood plan (often called a "Specific Plan") can provide the basis for subsequent "tiering" under CEQA of environmental review requirements for projects contemplated in the plan. In this way, effective planning processes, though they may be arduous and costly to complete, can facilitate development by streamlining approvals for developers, even as they also provide for democratic decision-making by incorporating neighborhood and stakeholder priorities and interests.

These aspects of TOD policymaking point to opportunities as well as challenges of trying to balance and align sometimes competing goals for TOD, such as for maximizing development

while maintaining affordability. The dilemmas, tensions, and trade-offs discussed here exemplify the classic "3 E's" prism of sustainable development—the aim to integrate and simultaneously maximize benefits for social equity (e.g., through affordable housing provision), for the environment (e.g., by inducing greater use of transit and AT, and reducing the need to drive), and for economic wellbeing (e.g., through jobs and housing development). In addition to aligning policy objectives in a given TOD zone, TOD policy must also contend with impacts at multiple scales. Residents of TOD zones sometimes question why they should tolerate new development that provides benefits at a wider scale (such as by helping decrease GHGs, measured regionally), but which also entails local costs (such as increased local traffic congestion or loss of views). Meanwhile, residents of outlying non-TOD areas may resist being asked to contribute to public improvements made in TOD zones. In developing and implementing TOD plans and policies, city planners must contend with and attempt to reconcile and align these multiple goals and potential benefits and costs of TOD, and to understand how they do so, this report examines in detail how the process has unfolded in selected California cities.

Chapter 3. Cross-cutting findings from our research

In this chapter, we first summarize findings from our survey of city planning directors in the state's four largest regions, conducted in the summer of 2019, and then tie the results to a discussion of key findings from the case study research conducted for this report.

Summary of survey findings on local TOD policymaking

We surveyed planning directors or their equivalent in the summer of 2019, in all cities in the state's four largest metropolitan regions, achieving a 44% response rate, from cities that were highly representative of the wider set of all cities that we surveyed on key characteristics of interest.[7] Findings from our on-line survey were encouraging overall in regard to TOD policymaking, with 66% of respondent cities indicating they had adopted policies, programs, and/or plans to support TOD, and nearly as high a share with adopted policies to support transit use. The motivation that survey respondents rated most often as being "very important" to their city's elected leaders for adopting TOD policies and programs was improving community revitalization/livability (rated very important by 71% of respondents), followed by improving mobility/accessibility (63%), and then providing housing—both affordable housing and housing more generally, rated as very important by 60% and 58% of respondents, respectively. The high share of cities that rank mobility/accessibility as a very important motivation shows that many local elected leaders are "making the transportation-land use planning connection"—they are aware of the strong inter-connection that exists between land use patterns and travel behavior.

Considering perceived obstacles to achieving development near transit, the survey results pointed to the importance of current local land use patterns. The two top obstacles identified by survey respondents for implementing TOD in their cities were a lack of vacant land and difficulty in assembling land parcels. Difficulty in assembling land parcels has been a problem for cities ever since the dissolution of redevelopment authority by the state government in 2012. Tax increment financing through redevelopment had been the major way that localities could finance redevelopment projects, and also fund affordable housing, with a requirement that 20% of tax increment revenue raised be devoted for the purpose. Other major obstacles cited included inadequate frequency of transit and transit facilities, resident concerns and opposition, low market interest, and inadequate planning coordination with outside agencies.

In 61% of respondent cities, market interest in TOD was deemed to be at least moderately high throughout. However, at least "some" TOD projects had generated significant concerns or opposition from nearby residents and/or firms and workers, in 55% of cities with adopted TOD plans/policies, according to survey respondents. Higher transit coverage was the only city characteristic found to be associated with more controversy, in logistic regression employing all

[7] As noted earlier, respondent cities were roughly representative of all cities in the four regions on key characteristics of interest, including regional location, share of city land within one-quarter mile of high-quality transit (HQT) access, city population size, activity density (resident population plus workers in the city), jobs-housing balance, housing growth rates from 2010 to 2017, median income, racial/ethnic make-up, and political leanings (based on voting patterns).

the city characteristics we tested (listed in the footnote on the previous page). In 30% of cities with adopted plans/policies, at least "some" TOD projects had generated local concerns specifically about gentrification or displacement.

A majority of survey respondents indicated that their city prioritizes residential development in areas near transit over other development types, with 75% marking residential development as a "top priority," while around 55% marked affordable housing development as a top priority. Retail development came in third place at around 48%.

The survey asked, for cities with adopted TOD policies, programs, or plans, whether they had adopted any in a series of 22 specific strategies presented, to promote TOD. According to respondents, more than half of cities with adopted TOD policies and programs employed the following strategies, among those we asked about: density bonuses for affordable housing (required by state law), mixed-use zoning, development of Specific Plans, reduced parking requirements, upzoning, and strategies for streamlining environmental review required under the California Environmental Quality Act (CEQA) (see Figure 1). The CEQA-related strategies involve, specifically, "tiering" project-level review from Specific Plans and utilizing available streamlining mechanisms for review of infill projects.

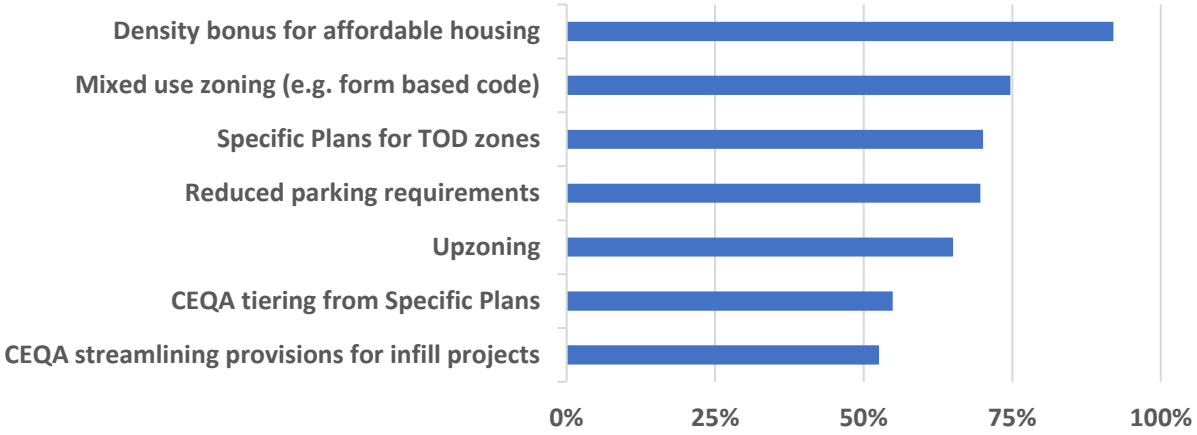

Figure 1. TOD strategies adopted by 50% or more of respondent cities with TOD policies, programs, or plans. Source: Authors' on-line survey of city planning directors in California's four largest metro regions, conducted in Summer of 2019.

These findings point to an important nexus of local strategies for promoting TOD, namely combining certain regulatory measures, specifically zoning and parking requirements, with local plan-making and permit streamlining strategies, especially connected to easing CEQA review. The importance of this policy nexus was confirmed in our case study research, discussed below.

Cross-cutting findings from our case study research

We completed case study research for eleven California cities, to further investigate motivations, perceived obstacles, and policymaking patterns of localities in their efforts to

pursue TOD. We were particularly interested in investigating how and whether California cities put together policy "packages" to achieve multiple and potentially conflicting TOD-related goals and objectives.

We identified two groups of cities from which to select our case studies. First, we studied the six central cities in the state's four major regions, because they have been TOD policy leaders, reflecting their size, level of resources, and urban development patterns. We also investigated an additional five other cities, representing a range by location (by region and urban/rural) and in socioeconomic characteristics (higher-income and lower-income residents), and furthermore, based on our survey results, which demonstrated high TOD policy motivation and adoption of many or most of the TOD-related policies that our survey indicated were most popular statewide. We chose Santa Monica, Richmond, El Cerrito, Rancho Cordova, and Chula Vista. For our research we reviewed public documents, news coverage, and policy analysis, and conducted 24 interviews with more than 30 individuals, mainly land use and transportation planners from the cities we studied, and also some policy advocates and news reporters.

Co-benefits, tensions, and trade-offs

Considering the "nexus" of popular TOD policies described above, we found that most of the cities we investigated have recently been adopting or redesigning most if not all of the listed strategies. In particular, we focused on the following: development of Specific Plans and area plans; zoning near transit; permit streamlining for development project approvals; affordable housing strategies including mandatory inclusionary policies (such as impact fees and affordability requirements for new development), voluntary incentive-based density bonus policies, and bond financing for construction of affordable units; plans and financing, especially through impact fees, for transit and active transport facilities and services; parking requirements; and implementation of SB 743-mandated changes to CEQA review of transportation impacts of development projects (see the previous chapter for discussion of SB 743). Summary tables showing the six central cities' most prominent policies of these types are presented later in this chapter (Table 1, Table 2, and Table 3).

In considering how TOD strategies interact, we found many instances of adopted policies that are mutually supportive, such as when cities offer density bonuses to developers to provide more housing near transit, and reduced parking requirements (helping reduce the need to drive, while also reducing development costs), in exchange for construction or funding of affordable housing units. Another example is when cities develop neighborhood plans in TOD zones that provide a basis for streamlined permitting requirements, helping developers reduce costs while also incorporating resident input. Upzoning, mixed use zoning, and reduced parking requirements are also often implemented through neighborhood plans.

On the other hand, we also found that TOD- and transit-supportive policies and plans can sometimes come into conflict or tension, especially when a city aims to achieve multiple goals through TOD. TOD is often presented as a win-win strategy, providing co-benefits for equity, economic development, and environmental quality (the "3 E's" of sustainable development) simultaneously. A widespread narrative in favor of TOD contends that compact mixed-use

development in pedestrian and transit-friendly neighborhoods can reduce the need to drive (good for the environment) while creating more "livability" and providing more diverse housing options, compared to the traditional post-WWII pattern of sprawling suburban development. In this fashion, transit/AT provision supports compact, equitable housing and commercial development, and vice versa—these transport and land use goals and strategies are considered to be mutually supportive and compatible. In California, state-level climate and housing goals and policies have converged in recent years to support TOD, as described in the previous chapter. Especially as market interest in infill development has increased over recent years, supporting TOD to accommodate new growth in the state has appeared promising.

However, on-the-ground implementation of TOD is complex and challenging, for reasons discussed in the previous chapter. We found that our case study cities are working and sometimes struggling to balance and integrate different TOD-related policies, which sometimes align and sometimes conflict in achieving city goals and objectives for development.

Our focus on tensions and trade-offs in TOD policy design and implementation is not meant to suggest that TOD is infeasible but rather challenging. Understanding how cities can effectively address tensions and trade-offs that sometimes arise can help in achieving TOD success. In analyzing co-benefits as well as tensions and trade-offs of TOD policymaking, it is useful to revisit Scott Campbell's classic journal article about the "planner's triangle," which posits the 3 E's of sustainable development as the ground within which TOD planners and policymakers must navigate. As Figure 2 indicates, Campbell's triangle connects the 3 E's, with the arms between them representing the potential for achieving co-benefits, but also the inevitable emergence of tensions and conflicts between them.

As Campbell puts it,

> Sustainability is dynamic, unpredictable—even unstable—and plagued with internal contradictions. The central provocation of sustainability…is how cities can simultaneously sustain their dynamic local economy (financial capital), workforce (human capital), democratic communities (social capital), and environmental systems (natural capital). Planning's research challenge is to directly examine how alternative urban systems…either support or undermine the relative investment in these four forms of capital.
>
> Contradictions repeatedly pull the field in conflicting directions...The "planner's triangle" represents: the three fundamental priorities of planning (green cities, growing cities, just cities); the three associated conflicts (over resources, property, and development); and the three broad social and political institutions to manage these conflicts (the social welfare state, environmental economics and regulation, and environmental justice). Planners define themselves, implicitly, by where they stand in the triangle. One can conceptually locate the elusive ideal of sustainable development at the center, but in practice the movement toward sustainability will be an ongoing, cumulative process of resolving conflicts, without an end state of equilibrium.
>
> (From Scott Campbell, 2016, The Planner's Triangle Revisited: Sustainability and the Evolution of a Planning Ideal That Can't Stand Still, *Journal of the American Planning Association, 82*(4), 388-397).

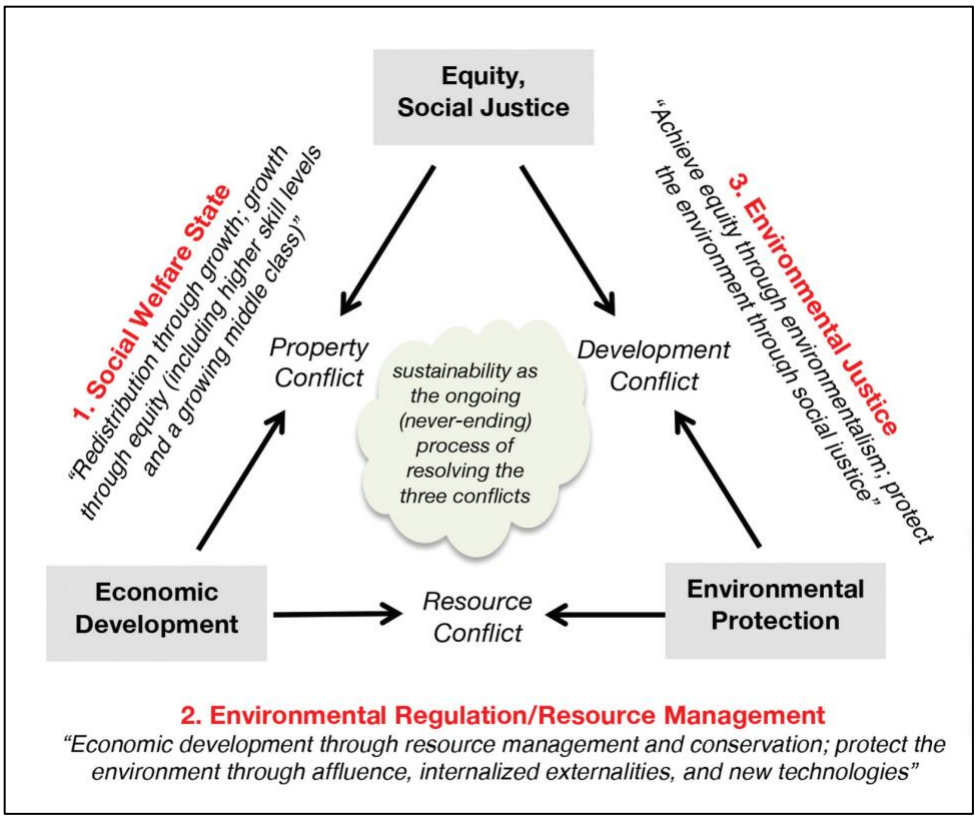

Figure 2. The planner's triangle (Scott Campbell)

Our case study research revealed tensions and trade-offs in TOD policymaking that included the following:

- Land development goals:
  - Prioritize jobs and/or housing - how to address jobs-housing balance and the fiscal impacts (*equity/economy tension*s)?
  - Direct new development mainly near transit or at a wider scale (*equity/ environment tensions*)?
- Housing development methods:
  - Support market rate and/or subsidized housing development (*equity/economy tensions*)?
  - Finance affordable units through public funds and/or through extractions from developers (*equity/economy tensions*)?
  - Develop and apply top-down statewide or citywide policies and/or bottom-up neighborhood plans (*equity/economy/environment tensions*)?
- Resource allocation: Transportation and/or housing (*equity/economy/environment tensions*)?
- Transportation goals:
  - Prioritize mobility or accessibility (*economy/environment tensions*)?

- Transportation methods:
    - How to achieve multimodalism—fight for space on the road and curb, or employ pricing strategies (*equity/economy/environment tensions*)?

This chapter considers how these tensions have played out in our case study cities, and how cities seek to manage them. The chapter concludes by highlighting some success stories we encountered for aligning transportation and land use policy goals and techniques to support TOD, including through connecting SB 743 implementation to citywide multimodal transport plans, programs, and finance, and through zoning and neighborhood plan strategies that combine transparent, systematic TOD regulation with flexibility to adapt to varying developer and resident needs and priorities. We also present recommendations from our interviewees for how the state government can support local TOD policymaking.

Land use and housing policy tensions and trade-offs

Jobs and/or housing - how to address jobs-housing balance and the fiscal impacts?

The cities we investigated have been innovating to advance TOD policies in recent years, with goals that include, in particular, advancing sustainability and livability, mobility and accessibility, and providing housing for residents and workers. However, an additional concern for cities is fiscal; cities consider how land use affects their revenue and service needs. Fiscal concerns connect to a city's jobs-housing balance—whether commercial or residential development predominates. Since the adoption of Proposition 13 in 1978, cities have been able to raise less revenue from property taxes, historically their main revenue source, than from other sources (Silva and Barbour, 1999). Our 2019 survey of city planning directors found that after livability/revitalization, mobility/accessibility, and housing needs, fiscal concerns were the next topic rated "very important" most often (by 58% of survey respondents) as a motivation for city leaders to adopt TOD policies and plans.

A good example of how these concerns intersect is to consider and compare how the three San Francisco Bay Area central cities—San Francisco, Oakland, and San Jose—identify priority goals for TOD. While San Francisco emphasizes affordable housing growth, Oakland and San José, by contrast, emphasize TOD as a tool to revitalize their local economies by expanding employment opportunities. Oakland and San Jose seek commercial and office growth as a means to support the funding of more affordable housing, while San Francisco constrains commercial growth.

These distinctions trace to each city's historic land use patterns and their respective jobs-housing ratios. San Francisco adopted a TOD-friendly land use pattern early on; while other cities were embracing suburbanization in the 1970s, San Francisco adopted urban design principles, such as a "transit first" policy, which focused on reviving the urban core. The historic TOD-oriented development pattern positioned San Francisco as a regional center for jobs and housing, which remains attractive to developers today. With its variety of transport alternatives and walkable commercial and residential districts, nearly all the city is a potential TOD zone (San Francisco Planning, 2014).

In different ways, both San José and Oakland have also been deeply impacted by their early development decisions. San José's rejection of transit-supportive policies and embrace of low-density residential development made it harder to capitalize on job growth in Silicon Valley, while the history of redlining and urban renewal-era fragmentation of Oakland due to highway and transit projects engendered distrust of government intervention, contributing to current fears about development policy potentially leading again to displacement of current residents.

San Francisco's jobs-heavy land use pattern, fueled by Silicon Valley's boom economy, contributes to the city's severe housing affordability problem. By the 1990s, 6.5 new jobs were being added for each new home built, compared to what is generally considered a balanced ratio of 1.5 jobs to houses (Rosen and Sullivan, 2014). The current jobs-housing ratio is 1.85, compared to 1.2 in Oakland, and 1.2 in San Jose. Strong market interest in office development ratchets up land prices, making housing development more costly as well. By 2019, median San Francisco home prices exceeded $1.7 million, almost double the median price in the Bay Area as a whole, the nation's most expensive regional housing market (Brinklow, 2019).

San Francisco's affordable housing crisis reflects the booming regional technology industry, but also its geographic constraints and neighborhood opposition to high-density and upscale development, among other factors. A range of housing activists in the city often oppose new construction, making it difficult for many large projects to break ground (Rosen and Sullivan, 2014; Perigo, 2020).

Facing pressure from job and population growth, high living costs, and constrained geography, San Francisco employs TOD strategies to promote housing growth (especially affordable housing), increase overall mobility and accessibility, and produce environmental benefits, according to people we interviewed. The lack of affordable housing has been a primary catalyst. The city's strong market for commercial construction provides a basis to fund housing development. So, for example, in 2019, the city doubled its long-standing Jobs-Housing Linkage Fee (JHLF), which charges large office developments a fee to fund affordable housing construction, or else requires they contribute land. According to the city's commissioned economic impact report, the fee increase could generate an additional eight to nine million dollars annually, but also reduce jobs by up to 1,500 over the next twenty years (Truong, 2019).

San Francisco's priority for supporting housing over commercial development can be seen even more directly in policies adopted to limit commercial development altogether. For example, Measure M, passed in 1986, caps commercial development that can be approved in San Francisco each year (Rosen and Sullivan, 2014). A similarly stringent policy was preliminarily approved by the Planning Commission in 2020 to rezone the Mission District neighborhood to prohibit most office uses (Brinklow, 2020a). Proposition E ("Limits on Office Development"), approved by voters in 2020, decreases the 875,000 square feet annual office space cap set in place by Measure M, relative to the city's achievement of its assigned RHNA target number of housing units. If the city builds 10% fewer affordable housing units than the RHNA target calls for, then the following year's office cap lowers by 10% (Brinklow, 2020b). Critics of the measure countered that developers prefer to build office space in San Francisco rather than housing

because local officials have made it difficult and expensive to build housing, and Proposition E punishes the city while not making it easier to create new affordable housing (Dineen, 2020). For example, the city's economist released a study indicating that by reducing commercial development and consequent receipt of impact fee revenue, San Francisco would produce fewer affordable units than it would have without the measure's passage (Brinklow, 2020a).

Meanwhile, Oakland's and San Jose's motivations and priorities for TOD have long been focused on job expansion. In Oakland, effects of urban renewal, white flight, and redlining in the wider region have resulted in a city that straddles wealth in its affluent suburban residential hills and poverty in its urban flatlands (Montojo, 2017; OakDOT, 2017a). With Oakland's rail transit lines also located in the flatlands, many TOD strategies are aimed at these locations. City planning documents in the 1990s and 2000s, including the 1997 Economic Development Strategy and 1998 General Plan, emphasized actions to provide jobs and revenue in targeted "growth and change areas" along transit corridors and in economic growth zones such as downtown and along the Jack London waterfront.

During the past decade, Oakland started to capture significant market interest for commercial and housing development spilling over from San Francisco. Between 2000 and 2015, more than one-quarter of the census tracts in the Bay Area that experienced rent increases above 30% were in Alameda County, many of them in the flatlands near the bay (Verma et al., 2019). From 2012 to 2018, the median price of a home in Oakland more than doubled.

The ability to gain new investment and resources in long-deprived neighborhoods offers many potential benefits, but also potential threats from gentrification and displacement. In this context, Oakland planners and policymakers have heavily emphasized equity strategies, in addition to job expansion. So, for example, Oakland's Downtown Specific Plan, nearing completion, seeks to "make downtown a racially and economically diverse regional employment center by identifying office priority sites, targeting training for living wage jobs to fill those spaces, and by investing in small businesses and businesses owned by people of color" (Dover, Kohl and Partners, 2019, p. 36). Nevertheless, the plan also continues the longstanding focus on revitalizing downtown commercial and business activity, calling for preserving and upzoning "office priority sites," and noting that such preservation is necessary because of the strong market for residential development. The stated motivation is to gain ongoing tax revenues for public services citywide, and to provide funds for affordable housing, transportation, and other capital improvements through the city's impact fee program.

Oakland's call for more office development downtown can be contrasted with San Francisco's recent constraints placed on office development. The different approaches highlight the differences in development opportunities and challenges faced by the two cities. To put these differences into perspective, in FY 2017, Oakland collected around $14.2 million in impact fees for all purposes (Dover, Kohl and Partners, 2019, pg. 192), whereas San Francisco collected around $142 million (Office of the Controller, 2020).

San Jose, the Bay Area's largest city, is also contending with historic land use patterns and jobs-housing balance concerns. During its exponential post-WWII growth boom years, San Jose city

leaders focused on adding housing and annexing suburbs, as property tax was the main source of revenue (Rosenberg, 2015). Meanwhile, new shopping centers on the city's edge drew businesses away from downtown, leading to a sharp decline in sales tax revenues.

With its heavily residential character, San Jose has struggled to raise adequate fiscal resources. Despite being the largest and most populous city in Northern California, San José generates less tax money per resident than the region's other central cities and even its suburban neighbors (Rosenberg, 2015). Only 18% of the city's land is set aside for workplaces (as the majority of the city is zoned single-family, or "R-1"), compared with 25 to 30% in the rest of Santa Clara County (ibid). San José is the only large city that acts as a net exporter of workers within the region (to compare, in 2015, San José had 87 jobs for every 100 employed residents, while Oakland had 106, Los Angeles had 110, San Diego had 128, and San Francisco had 138) (Rosenberg, 2015).

The lack of commercial activities presents financial challenges for San José; for example, in FY 2017-18, San José's per capita sales tax revenue came in 11th place among Santa Clara County's fourteen cities, at $171 per capita, compared to Cupertino's (1st place) rate of $547 (Coleman, n.d.). Recognizing the need to manage growth more effectively, San Jose city leaders adopted plans and policies starting in the 2000s to preserve employment lands and channel growth near transit and into and near commercial zones (City of San José, 2020b). TOD is seen as a tool to help generate and attract jobs.

The *Envision San José 2040* General Plan, adopted in 2011 and amended in March 2020, targets growth along existing or planned fixed transit stops, where the city allows for higher heights, tax reductions, and parking reduction. Commercial development is reinforced through tax reduction incentives including the Downtown Commercial High-Rise Development Incentive, adopted in 2014, which suspended the collection of construction taxes for new commercial high rise developments, and the Downtown High Rise Incentive Program, enacted in 2012, which reduced construction taxes by 50 percent for new downtown residential high rise buildings (City of San José, 2014d). San Jose also has major plans underway for its downtown zone through introduction of new transit lines and denser residential and commercial development, poising the city for a major transformation.[8] The city aims to transform its downtown into a regional job center (City of San José, 2014c, 2020b).

Although San José seeks growth downtown, most of expected new jobs and housing units are actually targeted for neighborhood commercial centers and in "urban villages" along major transit corridors (Wang, 2019). The more than 60 designated villages are envisioned as higher-density, mixed-use urban places that concentrate commercial buildings and housing, accessible by transit, foot, or bike. As of mid-2019, the city had approved 12 urban village plans, but only a

[8] Ambitious plans for the Diridon Transit Station area aim to leverage several regional transit projects to create a "world-class" station (City of San José, n.d.-f; City of San José, 2014c; City of San José, 2020b). Currently, Diridon acts as a terminus for various regional services, including VTA's bus services and light rail, as well as Caltrain, Amtrak's Capitol Corridor, and Altamont Commuter Express. The new expansion plans aim to add additional service, including include Electrified Caltrain, a BART extension, and California High-Speed Rail (City of San José, 2014c; Rudick, 2020a; City of San José, n.d.-b).

handful of these areas had projects underway (ibid). Plans have taken, on average, four to five times longer to complete than originally projected. Each urban village is assigned a target for commercial square footage and a cap on the number of housing units allowed, and developers have been "scared off" by requirements perceived as inflexible and sometimes unrealistic for commercial uses (ibid). The planners we interviewed indicated that some urban village use requirements will be relaxed, as part of a revision of the city's zoning code currently underway.

This discussion demonstrates that all three of the Bay Area central cities are pursuing TOD, but with slightly different emphases. While San Francisco emphasizes affordable housing, Oakland and San José, by contrast, place more emphasis on TOD as a tool to revitalize their local economies. As discussed, these distinctions trace to each city's historic land use patterns and their respective jobs-housing ratios. Oakland and San Jose seek commercial and office growth as a means to support the funding of more affordable housing, while San Francisco aims to constrain commercial development.

However, as San Jose's urban village policy shows, zoning for commercial development provides no guarantee that it will arrive. TOD-supportive zoning may be necessary but it is also insufficient to induce TOD if market interest is weak.

San Francisco's ability to leverage funds from developers to fund housing construction exceeds the two other central cities. Given the high market interest for development in the city, San Francisco can extract impact fees at a higher rate (see Table 1). (For comparisons, we converted fees applied per housing unit into per square foot estimates; these estimates should be considered rough).

Considering total revenue raised from the Bay Area central cities' housing impact fees, the discrepancy is similarly evident. San Francisco raised roughly $200 million in 2018 from affordable housing development impact fees and an annual average of $100 million from 2006 to 2018 (Mojadad, 2020). To compare, in Oakland, about $48 million in city and county funds was set aside for affordable housing development by the end of 2017 (Tadayon, 2018), and San José in spring of 2018 announced it would provide up to $100 million in grants and loans to affordable housing developers (Deruy, 2018). This contrast reinforces the conclusion that not only does San Francisco prioritize affordable housing development, it is also benefiting from the lucrative commercial/office development market as a basis for funding affordable units.

Table 1. Six California central cities' affordable housing programs

	San Francisco	Oakland	San Jose	San Diego	Los Angeles	Sacramento
Inclusionary housing ordinance	**IHO** adopted 1992, amended 2017. Residential projects of 10-24 units must provide on-site affordable rental units at 12% (increasing to 15% by 2023); larger projects must provide 18% for rental and 20% for ownership units, increasing to 24-26% by 2025; else build off-site at 30-33% of units; or participate in the Small Sites program for rent-control units; or pay in-lieu fee of $210.47 per square foot for 20-33% of the project, depending on size and location		**IHO** adopted 2010, requires residential projects of 20+ units to provide 15% affordable units on site, or 20% off-site, or pay in-lieu fee of $157,858 per inclusionary for sale home, $125,000 per rental unit (approx. $44-55 per sq ft)*, or choose another alternative including land dedication, purchase or transfer of credits, acquire/rehab units for conversion, or a combination	**IHO** adopted 2003, updated 2019. Residential projects of 10+ units and condo conversions of 2+ units must include 10% of on-site rental units as affordable up to 60% of AMI, or pay an in-lieu fee of $15 per sq ft starting in 2020, increasing to $25 in 2024, or develop off-site, or rehabilitate existing units.	**Measure JJJ**; adopted 2016, requires residential projects of 10+ units requesting zoning change or GP amendment, or max height that increases density >35%, to provide on-site affordable units between 11 to 25% for rental, and up to 40% for for-sale. Projects must also meet labor requirements. In lieu fee for rental units ranges from $38-$83.8 per sq ft, and from $0.28-$222 for for-sale units.	
IHO in-lieu fee per sq ft	$210.47	n/a	$44-$55*	$15.18, increasing to $25	$38-$83.8 (rental); $0.28-$222 (for sale)*	n/a
Housing impact fee	**Jobs-Housing Linkage Program**, initiated 1985 and updated 2019, applies to commercial projects that increase by 25,000+ gross square feet the total amount of various uses including entertainment, hotel, office, retail. Neighborhood specific affordable housing fees adopted 1985-2011 apply to new residential units.	**Affordable Housing Impact Fee**, adopted 2016. Fee is charged to all new residential units, at between $1,000 and $23,000 per unit (approx. $0.2 to $27.2 per square foot), or else provide, as alternative, affordable units on or off site at between 5% and 10%. **Jobs/Housing Impact Fee** applies to new office or warehouse projects >25,000 square feet, which must pay $5.89 per sq ft, or construct in-lieu housing.	**Affordable Housing Impact Fee** adopted in 2014, applies to all new market rate for-rent residential projects with 3-19 dwelling units. **Commercial Linkage Fee** adopted in 2020 applies to projects of 100,000+ square feet. Due to covid, retail developer fees are set at $0.	The **Housing Impact Fee**, adopted in 1990, amended in 2014, is charged to commercial developments.	The **Affordable Housing Linkage Fee**, adopted 2017, is charged to new market-rate residential and commercial developments, with exemptions including for hospitals, non-residential under 15,000 square feet, and affordable housing (developments that include 100% affordable, JJJ, density bonus, or TOC provisions)	**Housing Trust Fund fee**, adopted in 1989, applies to non-residential development. Mixed Income Housing Ordinance established the **Housing Impact Fee** in 2015, which requires single-unit and duplex housing units of <20 DU per acre, multi-unit projects of <40 DU per acre, to pay fee up to $2.78 per sq ft.
Residential/ sq ft	$5.90-$65.52	$0.20-$27.20*	$18.70	n/a	$1.04-$18.69	$0-$2.78
Non-resid'l	$39.71-$72.04	$5.89	$0 -$15.00	$0.80-$2.12	$0-$5.19	$0.76-$2.76

* To convert per unit fees to per square foot fees, we took the fee per unit, and divided it by average housing unit (single/multi-unit) size in square feet found in each city's impact fee nexus studies or other data source as specified in the list of sources.

	San Francisco	Oakland	San Jose	San Diego	Los Angeles	Sacramento
Baseline density bonus (state law)	Under state Density Bonus Law (pre-2021), residential developers could receive a density bonus from 5% up to 35%, and up to three additional incentives (including parking space requirement reductions, reduced open space area, reduced front, side or rear average setbacks), based on the percentage and level of affordable units constructed. Eligible projects had to include a minimum of 5% very low income (VLI) units, 10% low income (LI), or (only for for-sale common-interest properties) 10% moderate income (MI). The maximum density bonus of 35% was available for projects including either 11% VLI, 20% LI, or 40% MI units. Passage of AB 2345 provides that starting in 2021, projects with on-site affordable housing can get a density bonus of up to 50%, if they provide higher affordable unit shares; specifically, 15% very low income, 24% low income, or 44% moderate income units allow for the full 50% bonus. Qualifying developers can, as of right, obtain parking requirements of 1 space for studio and 1-bedroom units, and 1.5 spaces for 2- and 3-bedroom homes. 100% affordable housing projects located within ½ mile from an accessible major transit stop shall have no enforced parking requirements.					
Density bonus program	Adopted in 2017, and amended in 2018, **Home-SF** applies to projects with 3+ residential units that provide 20-30%+ affordable units, offering removal of density limit, up to 20 additional feet above allowable height, reduced parking requirements, and priority expedited processing, among other incentives			**Affordable Homes Bonus Program**, adopted 2016, gives any project of 5+ units that provides 5%+ very low, 10%+ low, or 10%+ moderate income units, up to 50% density bonus and up to 5 incentives, including increase in FAR or height, decreased minimum unit size, or loosened setback. The **Complete Communities Housing Program**, adopted 2020, provides ministerial approval, and flexibility in height and density (but not FAR), for projects in Transit Priority Areas that provide 40%+ pre-bonus units as affordable, pay $9-11 per sq ft fee, and replace existing affordable units.	**Transit Oriented Communities (TOC) Affordable Housing Incentive Program**, adopted in 2017, applies to residential projects of 5+ units within 1/2 mile of transit. Affordability requirements (ranging between 8% ELI to 25% LI) and depth of incentives apply to four tiers that vary depending on distance to transit. Three incentives are available under ministerial review: 50% to 80% increase from base zoning for # units, up to 40% to 55% increase from base FAR, and reduced parking requirements; up to three more incentives available using discretionary review.	A density bonus of 10% is available for a development that meets CALGreen Tier I, and 25% for CALGreen Tier II
Bond measure	**Proposition A**, passed in 2015, provided $310 million, and **Proposition A**, passed in 2019, provided $600 million, for affordable housing purposes.	**Measure KK**, passed in 2016, provided $600 million for infrastructure and affordable housing	**Measure V**, which would have raised $450 million, was **defeated** by city voters in 2018	**Measure A**, which would have raised $900 million, was **defeated** by city voters in 2020	**Measure HHH**, passed by city voters in 2016, commits $1.2 billion to supportive housing for the homeless and deed-restricted affordable housing, intended to fund 10,000 new units.	**Measure U,** passed in 2018, increases the sales tax temporarily for purposes including affordable housing. A trust fund will be backed by $100 million from the measure's funds.

SOURCES. For SF: "Inclusionary program" https://sfplanning.org/project/inclusionary-affordable-housing-program; https://sfplanning.org/project/inclusionary-affordable-housing-program#2019-fee-update; "Section 415: Inclusionary Housing Program" at https://sfplanning.org/sites/default/files/documents/legis/inclusionary-affordable-requirements/Inclusionary_Code_Change_Summary_MATRIX_FINAL_12.3.17.pdf."San Francisco Citywide Development Impact Fee Register" https://sfplanning.org/sites/default/files/forms/Impact_Fee_Schedule.pdf; "HOME-SF" at https://sfplanning.org/home-sf#legislation
For Oakland: "Impact fees" https://www.oaklandca.gov/resources/pay-building-impact-fees; "Summary of City of Oakland Impact Fees" https://cao-94612.s3.amazonaws.com/documents/oak068467.pdf, "Transportation, Capital Improvements, and Affordable Housing Impact Fees Summary" https://cao-94612.s3.amazonaws.com/documents/oak063468.pdf; "Oakland Affordable Housing Impact Fee Nexus Analysis" (source for unit size) http://www2.oaklandnet.com/oakca1/groups/ceda/documents/report/oak057583.pdf. "Impact Fee Annual Report, Fiscal Year Ended June 30, 2020" https://cao-94612.s3.amazonaws.com/documents/Annual-Impact-Fee-Report-FY-19-20-FINAL-2-21-21v2.pdf
For San Jose: "Inclusionary Housing Programs" https://www.sanjoseca.gov/your-government/departments/housing/developers/inclusionary-ordinance-housing-impact-fee, "Inclusionary Housing Ordinance Proposed Revisions" (source for unit size) https://media.bizj.us/view/img/11512188/memorandum-2019-10-30t124617183.pdf; "Affordable Housing Impact Fee" https://www.sanjoseca.gov/your-government/departments/housing/developers/affordable-housing-impact-fee; and "Commercial Linkage Fee" https://www.sanjoseca.gov/your-government/departments-offices/housing/developers/developer-fees-charges/commercial-linkage-fee#:~:text=Background,the%20provision%20of%20affordable%20housing.&text=Under%20the%20new%20plan%2C%20office,upon%20the%20certificate%20of%20occupancy
For San Diego: "Inclusionary Housing" https://www.sdhc.org/doing-business-with-us/developers/inclusionary-housing/; "Housing Impact Fee" https://www.sdhc.org/doing-business-with-us/developers/housing-impact-fee/; "San Diego Municipal Code Chapter 9, Article 8" https://docs.sandiego.gov/municode/MuniCodeChapter09/Ch09Art08Division06.pdf; "San Diego Municipal Code Chapter 14, Article 3" https://docs.sandiego.gov/municode/MuniCodeChapter14/Ch14Art03Division07.pdf; "Complete Communities Housing Solutions" https://www.sandiego.gov/complete-communities/housing-solutions; "Ordinance Number 21275" https://www.sandiego.gov/sites/default/files/ordinance-21275.pdf
For Los Angeles: "Measure JJJ" https://bca.lacity.org/measure-JJJ; "In-Lieu Fee Study for Measure JJJ - Affordability Gaps Study" https://planning.lacity.org/ordinances/docs/TOC/Summary.pdf; "Los Angeles Affordable Housing Linkage Fee Nexus Study" (source for unit sizes) https://planning.lacity.org/ordinances/docs/AHLF/LA_Linkage_Fee_Final_Report_9-21-16.pdf; (additional source for unit sizes) https://journal.firsttuesday.us/home-sizes-are-growing-slowly-in-california/57728/; "Affordable Housing Linkage Fee Updated Fee Schedule Effective July 1, 2020" https://www.ladbs.org/docs/default-source/publications/misc-publications/ahlf-fee-schedule---effective-july-1-2020.pdf?sfvrsn=172df653_4; "Technical Clarifications to the TOC Guidelines" https://planning.lacity.org/odocument/39fae0ef-f41d-49cc-9bd2-4e7a2eb528dd/TOCGuidelines.pdf
For Sacramento: "Housing Impact Fee" https://www.cityofsacramento.org/Community-Development/Resources/Housing-Impact-Fee; "Housing Trust Fund" https://www.cityofsacramento.org/Community-Development/Planning/Long-Range/Housing-Programs/Housing-Trust-Fund; Housing Trust Fund Fee Increase" https://www.cityofsacramento.org/layouts/Corporate/FC_Search/GetAttachment.aspx?filename=21000123137982020-07-01Housing_Trust_Fund_Notice_FY21.pdf; "Sacramento City Code Chapter 17.712 Mixed Income Housing" http://www.qcode.us/codes/sacramento/view.php?topic=17-vii-17_712&frames=off; "Sacramento City Code Chapter 17.704.080 Additional density bonus for green building" http://www.qcode.us/codes/sacramento/view.php?topic=17-vii-17_704-17_704_080&frames=on;

San Francisco's efforts to build affordable housing have paid off, but not enough to keep up with the city's assigned RHNA targets for producing housing at different income levels. As Figure 3 indicates, San Francisco's progress in achieving its lower-income RHNA targets stacks up well compared to the five other central cities studied in this report (note that the different regions have different start-end dates for their eight-year RHNA cycle schedules). Nevertheless, San Francisco still lags behind schedule in achieving its low-income targets (just not by as much as the other cities). As can be seen in Figure 3, the cities have done much better at achieving their above-moderate income targets than for the other income categories.

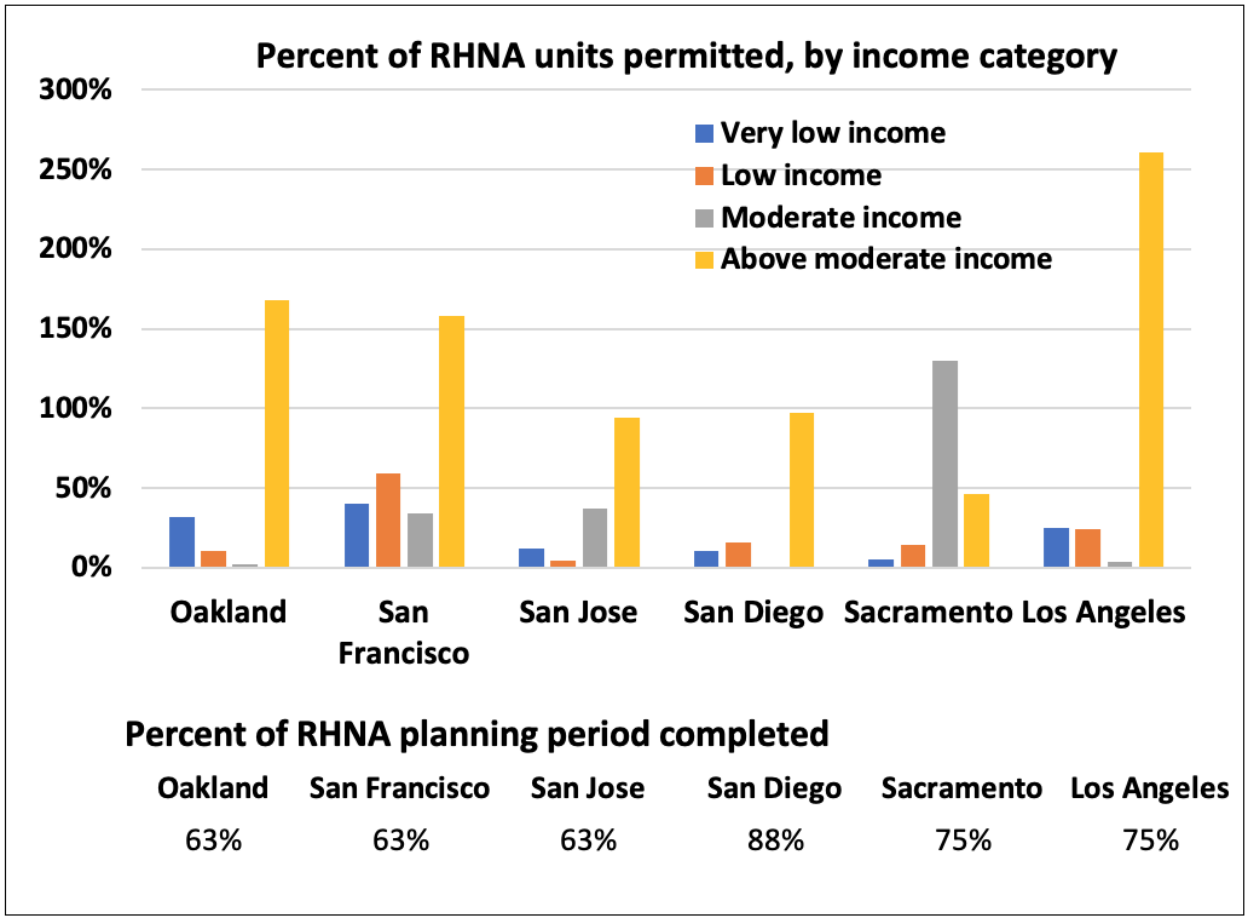

Figure 3. Progress in permitting housing units by RHNA income category, for California's six major central cities. Source: HCD 5th Cycle Annual Progress Report Permit Summary, 9-24-2020.

This analysis shows that jobs-housing imbalance can be problematic for cities. Ironically, San Francisco has somewhat been a victim of its own success, as the same high land values that reflect the market attractiveness of commercial and office development in the city have served to make even market rate housing expensive to build in many areas, raising fears about gentrification and displacement. While there are numerous examples of TOD in San Francisco, and city officials are striving for more, significant challenges remain. The city's marketability for commercial development may sometimes act less as a goose that lays the golden egg for extracting public benefits, including affordable housing, and more as a double-edged sword.

Develop mainly near transit or citywide?

TOD-friendly policies aim to generate more sustainable land use patterns, considered in terms of transport and environmental efficiency. At the same time, TOD policies can also constitute a political "bargain" whereby targeting denser development near transit facilitates maintenance and preservation of lower-density, single family neighborhoods.

We found evidence of this pattern in most of the cities we studied. For example, despite their somewhat distinct priorities and motivations for TOD, all three Bay Area central cities demonstrate a similar approach in directing TOD locationally, on the ground. All three direct and concentrate growth opportunities to transit accessible areas, while protecting low density residential neighborhoods from change and growth. In these three cities, the share of land zoned "R-1", or single-unit residential, is quite high, at 51 percent of San Francisco's residential land, 64 percent in Oakland, and 84 percent in San José (Castaneda, 2020).

The cities' general plans and designated TOD zones affirm the selective growth pattern. So, for example, San Francisco has focused its new, denser, taller developments into areas away from many single family unit neighborhoods. While areas near downtown have been upzoned, other neighborhoods have not (Russel, 2014). Jane Kim, a member of San Francisco's Board of Supervisors and Land Use Committee, said that "no major proposals have been put forward to increase density west of the downtown and South of Market areas," so the only places that are getting taller were already denser than the majority of the city to begin with (ibid). An examination of height and bulk district maps shows that the majority of San Francisco is still zoned at forty feet maximum with the exception of a few districts, mainly university campuses and downtown (San Francisco Planning, 2020c). The city's Housing Inventory Report also demonstrates this pattern, as already dense areas are getting new high-density housing units while lower-density areas are not (San Francisco Planning, 2020b).

Oakland's General Plan states explicitly that, "Conservation of neighborhoods is a top priority. Land uses, densities, and transportation systems have been planned to support increased development along the corridors, in the downtown, and along the waterfront, while conserving the character of established neighborhoods" (Community and Economic Development Agency, 1998, pg. 25). Similarly, San José's General Plan explains that, "While the Focused Growth strategy directs and promotes growth within identified Growth Areas, it also strictly limits new residential development through neighborhood infill outside of these Growth Areas to preserve and enhance the quality of established neighborhoods…[where] infill development within such neighborhoods, often at a density and form inconsistent with the existing neighborhood pattern, has been disruptive to the development of a positive neighborhood character" (City of San José, 2020b, Ch. 1, pg. 16).

As a result of their focused growth strategies, the already dense parts of each of the three San Francisco Bay Area central cities continue to intensify while the single-family neighborhoods have remained relatively unchanged. Similar policies in the other cities we studied direct most future growth to employment centers and near transit. Residents of single-family neighborhoods often find rezoning objectionable, and yet cities seek to obtain TOD benefits such as for revitalizing downtown areas, improving mobility and accessibility for residents, and providing workforce housing. So, TOD is promoted even in many cities that ascribe to "protecting the neighborhood character" of R-1 development areas (Ellickson, 2020; City of San José, 2020b). Thus, a growing acceptance for increasing zoning density has emerged as long as planners "leave the low-density residential neighborhoods alone" (Ellickson, 2020 p. 15).

Debate about single-family zoning in California cities has heightened over recent years, as the state government has intensified efforts to stimulate more housing production. As noted in the previous chapter, the California Air Resources Board's recent assessment of development patterns since adoption of SB 375 found that they have been running counter to achieving the law's objectives (CARB, 2018). The report also identified various barriers to SB 375 success, one being local zoning and permitting practices that constrain housing production and/or make it more expensive. This contention is supported by a considerable amount of academic research, discussed in the previous chapter of this report, which implicates zoning constraints as a major cause for systematic under-supply of housing in California.

The political compromise that many California cities have been pursuing, to channel new development along transit routes and in commercial centers, has the consequence of also channeling controversy about development choices into these areas, making TOD challenging to implement on the ground. For example, in Los Angeles, Fix the City (FTC), a group of "litigious mainly-Westside homeowners," sued the city over the recently updated Expo Transit Neighborhood Plan as well as on a proposed update of the Hollywood area community plan, arguing that city regulations should first improve transportation infrastructure (specifically for cars and emergency vehicles) before permitting additional density (Dawid, 2015; Linton, November 2018, and September 2019a). Fix the City's lawsuit put a halt to the Hollywood Community Plan update, sending it back to the drawing board (Zahniser, 2013).

However, our research demonstrated that the common conception of NIMBY opposition to higher density as being spearheaded mainly by wealthy white single-family homeowners can be overly simplistic. Commercial zones and transit corridors are often the same locations where lower- and middle-income households already live in older multi-unit structures, sometimes giving rise to concerns about gentrification and displacement of existing residents. In some parts of San Francisco (e.g., the Mission District) and Los Angeles (e.g., Crenshaw Boulevard), perceived threats from gentrification and displacement have led to intense battles about allowing any market rate housing at all, which some neighborhood activists consider a negative. In these areas, concerns and fears about gentrification and displacement can sometimes be so intense that any new market-rate development has been effectively halted.

For example, in 2020, a 7.5-year battle ended between activist groups and the City of San Francisco over a 10-story, 330-unit mixed-use building slated for construction right next to the 16th street BART Station in the Mission neighborhood. Residents of the Mission neighborhood saw the "planned market-rate homes and the sheer scale of the building as an invasion, and stymied it at every turn" (Keeling, 2020). As a response, the developer offered a piece of the property for affordable housing, and to dedicate some units to nearby public school teachers and renovate the school's playground. However, this effort was not accepted by the activists who wanted only a "100 percent community-developed" affordable housing project on the site (Keeling, 2020).

Most anti-growth activists in San Francisco and Los Angeles are not against affordable housing construction; to the contrary, most are very pro-affordable housing, so much that some oppose

market rate development, calling only for deed-restricted units. According to a long-time observer in San Francisco, these activists decided early on that "new development, with the exception of publicly subsidized affordable housing, was not welcome" (Metcalf, 2015). This approach may have been logical in the late 1960s, as the city faced destruction brought forth by the urban renewal movement, and as a response, residents and planners took on a "preservationist bent" to defend the city from change (Metcalf, 2015). But as people started moving back to the city again in the 1980s, most San Francisco progressives chose to continue their preservationist stance instead of forming pro-growth coalitions with business and labor, and anti-development sentiments manifested into "restrictive zoning, the most cumbersome planning and building approval process in the country, and all kinds of laws and rules that make it uniquely difficult, time-consuming, and expensive to add housing in San Francisco" (Metcalf, 2015). As the city became increasingly more expensive, progressive housing policy shifted gradually to protecting the people already there from being displaced (Metcalf, 2015).

As one of our interviewees from San Francisco described the situation,

> One thing that sets San Francisco apart is the level of political gamesmanship and how many people are stuck in their political corners. In San Francisco there's also an unfortunate alliance between people who don't want any housing built because they prefer lower density, and people who want to get the highest possible inclusionary housing requirements and don't mind if that scares a developer away, because at least they are avoiding market rate housing which could change their community in an undesirable way. That alliance works in San Francisco because so many people either don't want or are threatened by change. But with more density, we can take it all—more jobs, and market-rate as well as affordable housing. If you provide confidence that developers will get through the approval process, they'll invest more in affordable housing or other community benefits. Reducing parking requirements can also work to inspire stronger commitments from developers.

In these debates, concerns about preserving "neighborhood character" are complex and do not always adhere to the common conception of NIMBYism as mainly an attribute of wealthier, whiter neighborhoods that seek to exclude multi-unit housing and lower income and minority households. For example, we heard that in developing neighborhood plans for the South and Southeast LA Community Plan areas in Los Angeles over the past decade, some residents of single-family, lower-density portions of the plan areas sought to preserve them from upzoning. Given that these areas are some of the city's only majority-minority homeownership neighborhoods, they represent a hard-won gain in the face of the city's history of racial exclusion. Racial discrimination in housing has been a problem for decades in Los Angeles, helping explain sometimes contentious dynamics that continue to arise about re-development goals and plans (Boyarsky, 2019; Sulaiman, 2016).

Fears about gentrification and displacement engendered by infill development serve to problematize and disrupt the "win-win" narrative advanced by many TOD proponents, in which compact mixed use development near transit serves economic development, housing equity, and environmental sustainability goals all at once (the "3 E's"). These issues became salient in debates over SB 50, the controversial legislative bill introduced in 2018 (discussed in the

previous chapter) that would have systematically upzoned near transit, and which gained national attention. SB 50 was defeated in the face of widespread opposition from local governments especially in Southern California objecting to intrusion into their "home rule" authority to control land use decision-making (Dillon, 2019, May, and 2020, February). However, prominent SB 50 opponents came not only from privileged communities but also from some inner-city neighborhoods in cities including San Francisco and Los Angeles, that had been experiencing new upscale housing development.

Research indicates that introducing market rate development into lower-income neighborhoods does not generally lead to displacement, at least considered on average across cities and regions, as discussed in more detail in the previous chapter of this report. However, typical effects measured across wider geographic scales do not guarantee localized effects will work in the same way; in any given neighborhood or city block, gentrification might lead to displacement. The effects are complicated and may evolve over time. Considered in a historical frame, in light of longstanding impacts from redlining and urban renewal on lower-income and minority communities, the distrust that sometimes emerges today when planners and for-profit housing developers promise benefits from upscale development is understandable.

As noted, TOD is widely advocated as a recipe for integrating 3 E's policy goals and objectives. But using Scott Campbell's frame of analysis, described earlier, we see that tensions about gentrification and displacement in TOD zones indicate TOD has been an easier win-win between the economy and environment points of the triangle than the equity angle. Cities support TOD to address mobility/accessibility concerns and provide housing, but by funneling development along transit corridors they have also concentrated controversy in those areas and raised equity-related concerns about gentrification and displacement.

In late 2020, the City of Sacramento broke the mold by becoming the first California city to propose systematic upzoning to permit building up to fourplexes in areas currently zoned R-1, or for single-family residential development (Knight, 2021; Stephens, 2021). If adopted, this upzoning policy will become part of the city's General Plan update, expected to be completed by late 2021. After that, the details will be incorporated into zoning codes to implement the policy. Sacramento's proposed new land use strategies are tied to goals for transport improvement, equity, and climate impacts, making the city's recent planning efforts among the strongest statewide to integrate sustainability goals and policies. Sacramento city planners are also proposing eliminating mandated parking minimums citywide and introducing parking maximums, and implementing roadway reallocations to "right-size streets to fit today's mobility needs" (Sacramento Community Development Department, 2020). Interestingly, public polling on key proposed strategies for the General Plan update show that while strong majorities either "strongly" or "somewhat" support the road re-allocation and single-family upzoning policy proposals, public support for removing parking requirements is decidedly lower (ibid).

Sacramento's upzoning policy, though the first of its kind in California, echoes similar policies adopted in a few cities elsewhere, notably Minneapolis and Portland (Stephens, 2021). Sacramento's move symbolically breaks the logjam of SB 50's defeat, which seemed to point to

concerted opposition to systematic upzoning statewide (Knight, 2021; Stephens, 2021). Single-unit homes make up just over 50% of Sacramento's housing stock but occupy 70% of the city's residential land (and 43% of its total land) (Sacramento Community Development Department, n.d.-2).

Sacramento city leaders credited the successful adoption of the new upzoning policy to extensive outreach efforts by the city's planning department to inform stakeholders of the proposal and to discuss its potential consequences (Stephens, 2021). Sacramento's emerging leadership in advancing policies and plans to promote TOD is benefiting from substantial support and enthusiasm among city leaders and residents. The city has faced less concerted opposition to these policies, compared to conflicts that have erupted for example in Los Angeles and San Francisco. Ironically, those other central cities' higher density levels, congestion levels, and greater housing affordability problems may help explain why growth policy has been more hotly debated there than in Sacramento.

In putting the upzoning proposal forward, and in adopting principles for the General Plan update more generally, Sacramento city leaders and planners have couched proposed strategies not just as a means to support sustainable transport and housing provision, but also for advancing equity. For example, a city document describing the upzoning policy notes that, "One of the reasons why many of Sacramento's higher-resourced residential neighborhood remain largely racially segregated is because many of the "desirable" neighborhoods remain zoned exclusively for single-unit homes…Past discriminatory practices…have created barriers to homeownership and intergenerational wealth-building for many minority families, and subsequent single-family zoning in high opportunity neighborhoods has reinforced it" (Sacramento Community Development Department, n.d.-2).

For other cities considering similar upzoning policies, Sacramento's Community Development Director suggested that outreach to stakeholders is crucial, including explanations about the unsavory history of single-unit zoning (Stephens, 2021). However, while the director indicated that the policy is likely to help provide "missing middle" housing, it may be less successful in providing units affordable to the city's poorest residents (ibid). Other policies will be needed to address affordable housing goals in Sacramento. Furthermore, the director does not expect the policy to result in widespread development of new housing units overnight (ibid).

Systematic upzoning of the sort being proposed in the City of Sacramento can help alleviate housing supply pressures in California, and it can advance more equitable integration of housing choices into resource-rich single-family neighborhoods. However, ubiquitous upzoning does not fully address certain central questions at stake about sustainability benefits of TOD. A trade-off may arise if, through ubiquitous upzoning, infill development is not as carefully tailored to match transit proximity as in current city TOD policies and plans. TOD's sustainability benefits depend on careful coordination of land use and transport strategies, and more ubiquitous upzoning could weaken these efforts.

Given high market interest for development near transit in many areas, and given demonstrated sustainability benefits of TOD, especially for supporting efficient transport, the

targeted upzoning many cities have introduced for TOD zones makes sense. With these issues in mind, cities should carefully consider potential implications of choosing to upzone systematically citywide, if the result is that more housing is introduced in areas with little access to transit and active transportation mode choices. Furthermore, the concerns described above about housing affordability in TOD zones cannot be addressed simply by upzoning everywhere. Policymaking to construct, preserve, and protect affordable housing options in TOD zones is a critical concern, which we consider in the next section.

How to produce affordable housing—through public and/or private finance, and through regulation or de-regulation of market rate development?

The cities we investigated have been reacting to recent state-level legislation, described in the previous chapter, pertaining to housing production and RHNA compliance. This legislation has resulted in significantly more ambitious RHNA targets being distributed to localities across the state than in the past, among other impacts.

As noted above, the six central cities we investigated have not achieved housing permitting levels in line with their assigned RHNA targets for lower-income categories. As Figure 4 and Figure 5 indicate, the cities, especially San Francisco and Los Angeles, face even stiffer RHNA housing targets moving forward. The situation means the cities are facing considerable pressure to increase housing production, especially affordable housing.

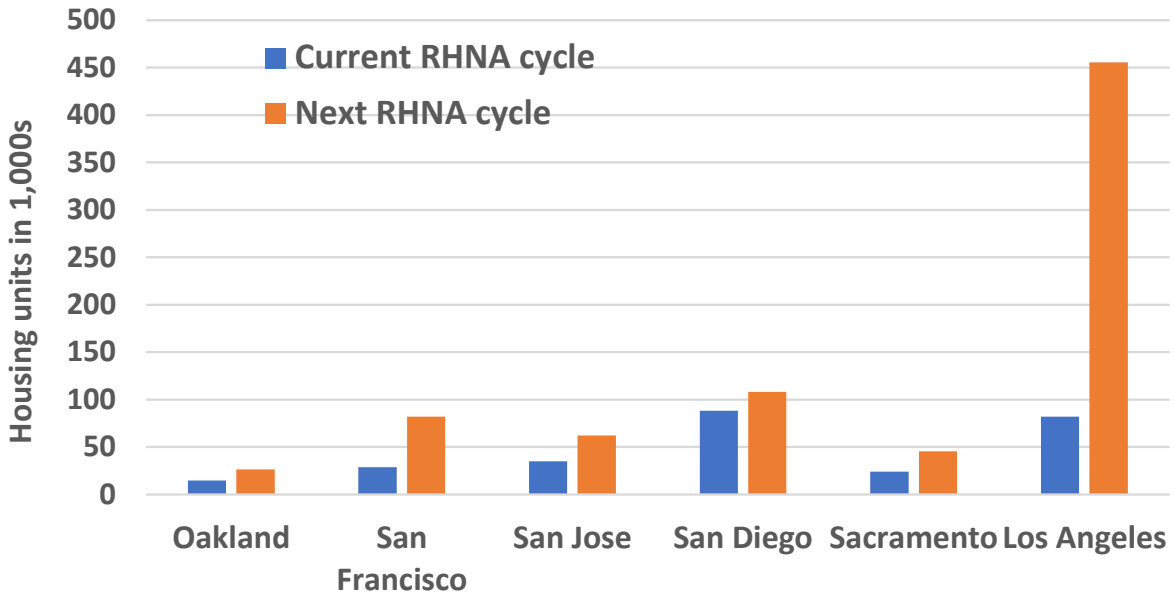

Figure 4. RHNA allocation in numbers of housing units, for current cycle and upcoming cycle. Sources: HCD 5th Cycle Annual Progress Report Permit Summary (9-24-2020), and MPO RHNA plans.

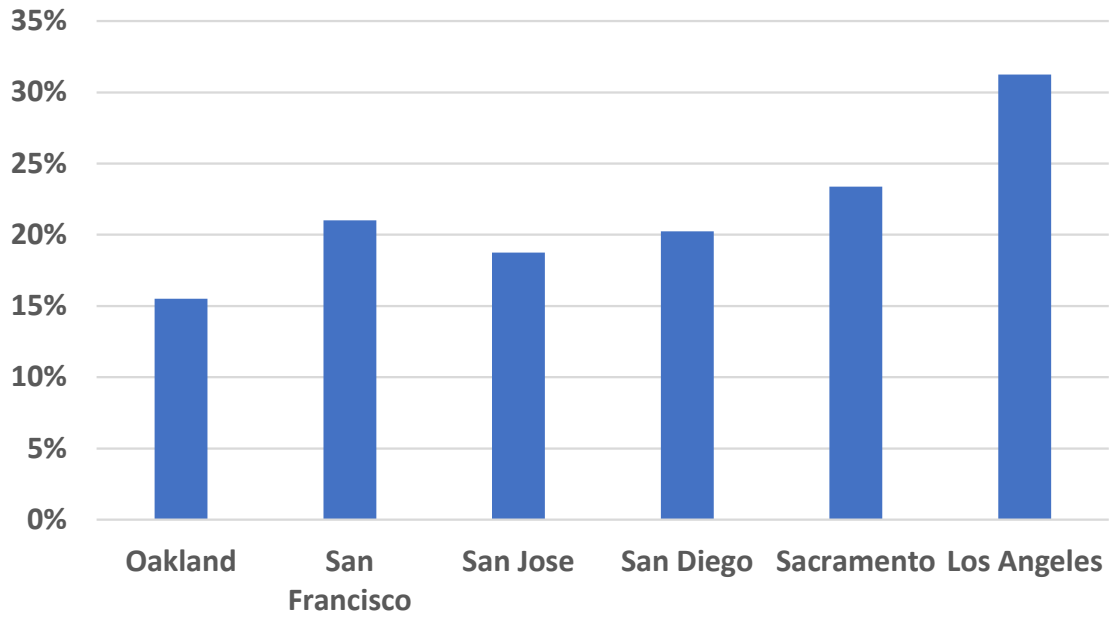

Figure 5. New 8-year RHNA allocations as percent of 2017 housing units. Sources: ACS 2017 5-year dataset, and MPO RHNA plans.

To provide housing affordable to lower-income households, the central cities we studied cannot just rely on market rate development on its own to take care of the problem, even if developers want to build (because they can make a profit in that location) and they face no regulatory constraints (such as zoning limits) or community opposition. Due to high costs of construction and of meeting regulatory requirements such as for environmental review, the cost of building an affordable unit in desirable markets in California generally exceeds the asking price that a low-income household can easily pay. For example, the per unit local subsidy required to complete one affordable unit in San Francisco, on top of state and federal tax credits, was recently pegged at $300,000 (Keeling, 2020, January).

For this reason, cities seek sources of public subsidy for constructing “deed-restricted” housing units offered at affordable prices to low-income households. To gain such funds, cities look to federal and state sources and to their own voters. Voters in four of the six central cities we studied (with the exception of San Jose and San Diego) recently approved bond measures for funding affordable housing (see Table 1). Cities then work with non-profit housing developers and others willing to build affordable units using the funds obtained.

However, the revenue raised through the cities’ housing bond measures has been quickly used up, and has been insufficient to fully meet RHNA targets. For example, San Francisco voters passed two affordable housing bond measures, in 2015 and 2019, which together raised $910 million, but this effort was accompanied by an increase in housing prices of $280 billion during the last decade (Keeling, 2020, January). The 2019 Affordable Housing Bond is expected to add or rehabilitate 2,755 units, far less than the city needs to reach its RHNA targets.

Without adequate public subsidy available for social housing, cities must work with the private development market if they are to increase affordable housing production in the absence of adequate funding available for the purpose from public sources. In working with private developers, cities have two basic approaches they can pursue, either to impose mandatory "inclusionary housing" requirements, on the one hand, or voluntary incentive-based programs on the other. Mandatory requirements include impact fees, and requirements that developers provide some share of on-site units as deed-restricted affordable, or else pay in-lieu fees, or comply with other alternative options. Voluntary incentive-based programs include, in particular, "density bonus" programs through which cities offer incentives, including density increases, to developers in exchange for their building affordable units.

In using these methods, cities face a market-imposed constraint on their TOD policymaking—the need to balance what they can extract in public benefits from developers, such as commitments to provide affordable housing or other benefits, with profitability for developers for building at the site in question. If cities set the cost of inclusionary requirements too high, developers may deem projects to be no longer profitable, because they don't pencil out, and they may simply choose not to build in that location. Inter-city competition further complicates the picture, because cities eye the fee levels and inclusionary requirements set in neighboring competitor jurisdictions when setting their own requirements. More than half (55%) of our survey respondents from cities with transportation impact fees indicated that concern about setting fee levels too high to attract development, and/or competition for development with neighboring cities, has influenced the levels of fees they have chosen to adopt.

Thus, in working with private developers, planners and elected officials must become quite savvy in designing incentive-based density bonus programs and/or mandated inclusionary housing requirements that extract public benefits (such as affordable units) without imposing so high a cost burden that developers walk away. We found, not surprisingly given current pressures to produce affordable units, that the six central cities we investigated have been experimenting with these methods. Table 1 shows the main programs and policies used by the cities to fund the construction of affordable units.

We found that differences in the design of density bonus and inclusionary housing programs are associated with large differences in outcomes for development permitting activity, signaling that good program design is essential to effective TOD policymaking. Imposing very high mandatory inclusionary requirements upon developers can seem like a socially responsible policy goal, but the policy can ironically serve as more of an exclusionary than an inclusionary one, if the requirements are so costly they drive developers away so no housing gets built, either market rate or affordable.

We found examples of this tension playing out in San Francisco, San Diego, Santa Monica, and Los Angeles. Examining these controversies helps shed light on the delicate balancing act that cities must follow in utilizing density bonus programs and mandatory inclusionary requirements to try to subsidize affordable housing. Even high-demand cities face real potential constraints to their ability to leverage market-rate housing development to produce affordable units.

In San Francisco, a recent hike to the city's Inclusionary Housing Fee led some observers to question whether market projects will be feasible enough to ensure that more, rather than fewer, affordable housing will be produced than if the requirements were to be relaxed. The fee, created in 2002 and amended in 2017, is collected from new residential projects of ten units or more based on gross floor area, with alternative options provided, such as building on-site or off-site affordable units (San Francisco Planning Department, n.d., 2017, December). For new developments with 25 housing units or more, the affordability requirements are set to either make 18 to 20 percent of on-site units affordable, or build off-site affordable units or pay an equivalent in-lieu fee equaling 30 to 33 percent of the total units (see our case study appendix for more details about the program).

The fee schedule established in 2017 was adopted pursuant to a city-commissioned feasibility study, with percentages for required onsite units set at the maximum of the recommended range (Wang, 2017). However, the requirements for the offsite or fee options were set at 5 percentage points above what the feasibility study recommended (ibid). Furthermore, the ordinance established annual increases to the onsite requirements, and also a new multi-bedroom requirement (25% of units in each project must be two-bedroom units, and 10% must be three-bedroom units). With no explicit provisions for adjusting the inclusionary requirements if the economic environment changes, the San Francisco Planning and Urban Research Association (SPUR), an urban research organization, concluded that the city's requirements "could potentially make future projects less feasible" (ibid). "The idea behind inclusionary housing is that the units sold or rented at market rate help to cover the cost of the affordable units. But over the years, the number of market-rate units will shrink to a point at which they may not be able to support the creation and operations of the increasing number of affordable units" (ibid). In 2018, SPUR assessed that offsite construction costs, or the equivalent fee, ranged from $198,008 per studio unit to $521,431 per four-bedroom unit, and that these costs could help explain the city's recent decline in housing development permit applications (Nagraj, 2018).

Meanwhile, in San Diego, two recently adopted density programs have been met with different reactions from observers. In 2016, San Diego created the state's strongest Affordable Homes Bonus Program (AHBP), building upon the existing California Density Bonus Law.[9] The program allows for up to 50% capacity bonus (compared to the 35% bonus allowed by state law) and up to five incentives[10] if a project provides up to 15% of zoning capacity as affordable homes (compared to the state's Density Bonus Law which only provided up to three incentives) (City of

[9] The existing law ensured that developers could receive a 35% density bonus when they built 11% of their initial zoning capacity as affordable homes.

[10] The bonus can be achieved through an increase in floor area ratio (FAR), a greater building height, decreased minimum unit size, or loosened setback requirements (National Multifamily Housing Council, 2019).

San Diego, Municipal Code Ch. 14. Art. 3. Div. 7). In 2020, the state adopted AB 2345, extending San Diego's AHBP approach statewide starting in 2021.[11]

Analysis indicates that the AHBP has been very successful so far. Comparing 20 months of entitlement data under the AHBP to 12 years of production under the city's previous implementation of the California Density Bonus Law, the advocacy organization Circulate San Diego found a nearly five-fold increase in the number of projects applying to use the program, and an even greater increase in the number of deed-restricted affordable homes entitled (Parent and Rosas, 2020). At this pace, the authors estimated that AHBP will produce more affordable homes in three years than the California Density Program, as applied in San Diego, produced in 12 years.

However, an even newer add-on to San Diego's density bonus program has been met with less enthusiastic reviews from some observers. The Complete Communities housing initiative, adopted in 2020, provides incentives for development on land already zoned for apartments or condos, and located near transit, in exchange for developers setting aside 40% of the units allowed under normal zoning rules as affordable to low- and moderate-income households. Qualifying projects are not limited in height or density, but rather by FAR, relative to the size of the lot and its proximity to downtown (downtown projects have no FAR limitation). Permit approvals are expedited for qualifying projects, although buildings exceeding 95 feet require a more cumbersome approval process (Keatts, 2019, 2020b; Bowen, 2020). Some observers of the city's policymaking process that we spoke with, who were enthusiastic about the AHBP program, expressed concern that the affordability requirements for the new program were set too high, at 40%, for many developers to be able to make use of it.

Similar concerns have been raised in Santa Monica, where a new downtown Specific Plan was adopted in 2017, following years of contentious debate and conflict about growth policy in the city (see the case study appendix chapter for details). The plan includes streamlined permit approval for smaller projects, height and density bonuses in exchange for affordable housing units provided, and the elimination of parking minimums and introduction of parking maximums in the downtown area (Gruber, 2019; The Planning Report, 2017). Review procedures and affordable housing requirements vary depending on what "tier" a project falls under, determined by the height, density, and form of the development (Sharp, 2020-a). The least intensive type, which conforms to base zoning, has a 5 percent affordable housing requirement, and is approved through an administrative process not requiring review by the planning commission or city council (Sharp, 2020-a). Projects above 39 feet high are subject to higher affordability requirements, reaching 35% for off-site units for the largest projects. Larger

[11] AB 2345 provides that starting in 2021, projects with on-site affordable housing can get a density bonus of up to 50%, if they provide higher affordable unit shares; specifically, 15% very low income, 24% low income, or 44% moderate income units allow for the full 50% bonus. Qualifying developers can, as of right, obtain parking requirements of 1 space for studio and 1-bedroom units, and 1.5 spaces for 2- and 3-bedroom homes. 100% affordable housing projects located within ½ mile from an accessible major transit stop shall have no enforced parking requirements.

projects require discretionary review procedures, including negotiated agreements between applicants and the City of Santa Monica (Hawthorne, 2017; Sharp, 2020-a).

Proponents of the Santa Monica Downtown Plan heralded its adoption as a "grand bargain" between anti-growth and pro-housing groups in the city, as described by the City Manager (City of Santa Monica, n.d.-c; Gruber, 2019; City of Santa Monica, n.d.-b). However, other observers contended that the plan capitulated too much to slow growth sentiment (Chandler, 2017). Pro-housing activists were concerned that the plan's aggressive affordable housing requirements would deincentivize development by making it economically infeasible (Gruber, 2019). With a 30% affordability requirement proposed for on-site units, applied to the largest permissible structures under the plan, one such activist complained that "30 percent of zero [housing] is zero" (Gruber, 2019).

Two years later, a progress report released by Santa Monica's planning department suggested that such concerns about development feasibility might have been correct, noting that five of the six development projects approved since adoption of the plan fell into the lower-density ministerial tier, and some of those projects replaced previously-proposed larger projects (Gruber, 2019). The six approved projects would provide only 6% of units as affordable deed-restricted, well below the 20% goal put forward in the downtown plan. Based on these findings, the progress report concluded that, "It appears that in many cases the DCP [plan] project requirements for deed-restricted affordable housing are serving as a deterrent to a project realizing its full development potential as outlined in the standards. The five Tier 1 SRO projects are an example of how property owners are selecting to not access higher height potential, and instead build by-right projects that avoid many of the Plan's community benefits requirements" (Martin, 2019). One housing activist concluded that the plan "penalizes the building of what the city professes to want" (Gruber, 2019).

Policy developments in Los Angeles provide an even starker contrast between different types of inclusionary housing programs. Our Los Angeles case study examines a sort of natural experiment that occurred recently when the city's existing density bonus program, which followed provisions stipulated in state law, was supplemented by two new inclusionary policies, one voluntary and incentive-based, and the other mandatory. A comparison of permitting activity under the different programs is instructive for considering effects of program design.

The two new inclusionary programs were launched through passage by city voters of Measure JJJ in November, 2016, which established inclusionary housing requirements citywide, and also instituted an incentive program for affordable housing development near transit. Measure JJJ was put on the ballot by housing and labor groups to build more affordable housing and create more high-paying construction jobs, and also as a counteroffensive to an anti-development initiative placed on the March 2017 ballot, which would have created a moratorium on developments seeking exemptions from planning rules. Given how old and out-of-date the city's zoning rules had become, the impact would have been substantial. Measure JJJ allows

such exemptions so long as developers pay union-level wages to construction workers and build at least some units offered at below-market rates (LA Times Editorial Board, 2019).[12]

Research indicates that the Measure JJJ inclusionary requirements have discouraged new housing production. Previously, reflecting the city's out-of-date zoning code, projects that were made eligible for JJJ provisions (those seeking changes to permissible land use or to maximum building height, through a General Plan amendment or zone change) accounted for a significant portion of Los Angeles' new housing production; between 2016 and 2017 such projects accounted for more than 19,000 proposed residential units (Sharp, 2019). Research by LAplus and UC Berkeley's Real Estate Development & Design Program found that Measure JJJ contributed to a notable reduction in the number of applications of this sort for new homes during the first two years after its passage (LAplus & UCB, 2018). Citing interviews with several developers, the report pointed to Measure JJJ's prevailing wage requirement as the primary culprit, with union labor increasing the cost of a podium-type development by 20 percent, and by 30 percent for low-rise construction.

By contrast, a second program established through the passage of Measure JJJ, called the Transit Oriented Community (TOC) Incentive Program, has been deemed very successful in encouraging new housing development in the city, including affordable housing. Because of the contrasting outcomes, a comparison of the design of these two programs is instructive.

The TOC was adopted in 2017, developed under provisions of Measure JJJ that enabled the city's planning department to create a new voluntary, incentive-based density bonus program, with the intent of encouraging affordable housing construction near bus and train stations. Unlike the inclusionary housing requirement described above, the TOC is a voluntary "incentive zoning" program, essentially a super-charged density bonus program (with more incentives provided than under the state density bonus law), which does not trigger the mandatory JJJ inclusionary or labor requirements, because it operates within existing zoning limits.

TOC was designed "strategically," according to the Los Angeles city planning department, to address "priority policy objectives" of the city (LA Department of City Planning, 2017, May). The Mayor of Los Angeles pronounced in 2019 that, "The two biggest problems we have is our housing crisis and our traffic woes. TOC is an incredible weapon to help us address both" (Khouri, 2019). The planning department underscored the importance of linking TOD to transit

[12] The mandatory inclusionary housing requirement established by Measure JJJ applies to projects of at least ten units that seek changes to permissible land use or to maximum building height, through a General Plan amendment or zone change, that would result in an increase in residential density of more than 35%, or would allow a residential land use previously not allowed. Projects meeting these conditions must comply with an on-site affordability provision or a specified alternative option. For rental projects seeking an increase in residential density over 35%, affordability requirements are 5% for extremely low income (ELI) and either 6% for very low income (VLI) or 15% for lower income (LI). For rental projects seeking a residential use where not previously allowed, the requirements are 5% for ELI and either 11% for VLI or 20% for LI. For for-sale projects, the requirements are 11% for VLI or 20% for LI, or 40% for moderate income (San Diego Office of the Independent Budget Analyst, 2018; Los Angeles Bureau of Contract Administration, n.d.). In addition, the measure includes labor requirements related to pay, training, and local hiring for construction done on the project.

provision, noting that, “With the recent voter approval of Measure M [a sales tax measure that provides new funds for transit], the most ambitious transit expansion in Los Angeles history, there is increased urgency to support this investment with land use incentives that allow additional housing and mixed-use growth along these transit nodes” (LA Department of City Planning, 2017, May, p. A-2).

The TOC program applies to residential and mixed-use projects of five units or more, located within a half-mile radius of a major transit stop (defined as a rail station or the intersection of at least two bus routes with frequent service during peak commute times). Approximately 21% of the city’s zoned land falls within a half-mile of a major transit stop; however, since much of this land is zoned for low density residential or uses that do not permit housing, eligible TOC areas are limited to approximately 13% of the city (Department of City Planning, 2017, May).

For qualifying projects, TOC incentives are granted to developers who provide a set percentage of affordable units, with the required percentage, and the depth of incentives offered in exchange, varying depending on proximity to transit. Three incentives—a density bonus reaching up to 80% (for projects nearest transit), a floor area ratio (FAR) bonus reaching up to 55%, and/or relaxed parking requirements reaching up to zero required spaces—are offered “by right,” meaning that developers may obtain the incentives without obtaining discretionary approval from the city, if the project or use follows existing zoning and planning regulations.

Since discretionary approval is not required for by-right projects, CEQA review is also not required. This provision for “by right,” a.k.a., ministerial, review, and the associated ability to avoid the need for potentially costly and unpredictable CEQA review, can be quite valuable to a developer. Developers may receive additional incentives under TOC, including increases in building height and lot coverage, and reductions in building setback and open space, if they are willing to follow a discretionary approval process (ibid; City of Los Angeles, Department of City Planning, 2017, May). Finally, the program also aims to avoid displacement, by requiring a minimum of one-to-one replacement of any affordable housing demolished.

In February, 2020, the city planning department released an assessment of the TOC program indicating it had been quite successful in increasing numbers of permitted affordable housing units. From 2017 to 2019, permits in the city for both market-rate and affordable units were up, and TOC appeared to have played a big role, with more than 27,000 new units permitted under the program since its inception (Linton, February, 2020). About one quarter (24%) of the discretionary units approved were deed restricted. In 2019 alone, more than 14,500 new units—42% of all proposed housing in the city—had been proposed through the TOC Program. Developers and business groups credited the streamlined permit approvals, and ability to avoid labor standards requirements, as the key elements of the program’s success (Khouri, 2019).

A second comparison is useful in evaluating Los Angeles’ inclusionary housing programs, not just between the two programs enabled by Measure JJJ, just described, but also with the city’s pre-existing density bonus program. When Measure JJJ was passed, Los Angeles already had a density bonus program in place, one that was intended to implement provisions of the state’s density bonus law. California state law has permitted density bonuses since 1979, and since

2004, with the passage of Senate Bill 1818, has mandated that cities offer them. Adopted in 2008, Los Angeles' program allowed a private developer to add up to 35% more units to a project than zoning would ordinarily allow, if the developer agreed to set aside set percentages of the total units as affordable for a period of 55 years, for various levels of low and moderate-income tenants. Parking standards were established at one onsite parking space for 0–1 bedrooms; two onsite parking spaces for 2–3 bedrooms; and 2½ parking spaces for 4 or more bedrooms (Goetz and Sakai, 2020).

However, like many other California cities, Los Angeles had not experienced much housing permitting activity and production in response to its density bonus program, until the city adopted the TOC program which operates on top of the incentives provided under state law (Chandler, 2017, January). Based on a report from the City Controller, the explanation for low take-up for the existing program was considered as probably reflecting inadequate incentives included in the program, and/or affordability requirements set too high, for development to pencil out financially (ibid).

Thus, the TOC program appears to have been quite successful in inducing new housing production, both in comparison with the Measure JJJ inclusionary requirements, and also in comparison to the city's pre-existing density bonus program. Indeed, as the following graphs produced by the Los Angeles Planning Department indicate (Figure 6 and Figure 7), in 2019 and 2020, TOC accounted for twice as many proposed new housing units as the city's regular density bonus program, and many times more than the Measure JJJ inclusionary program (which applies when a permit proposal calls for a zoning change or General Plan amendment).

The successful results from the TOC program so far, along with its wide acclaim from all quarters (given its strong anti-displacement policy components), led researchers from UC Berkeley's business school to contend that the comparison clearly demonstrates the superiority of an incentive-based approach to inducing affordable housing, compared to a mandatory inclusionary requirement (LAplus & UCB, 2018). Counter-factuals being hard to determine, a safer conclusion is that this natural experiment demonstrates the importance of careful program design, when cities use market mechanisms to produce affordable TOD.

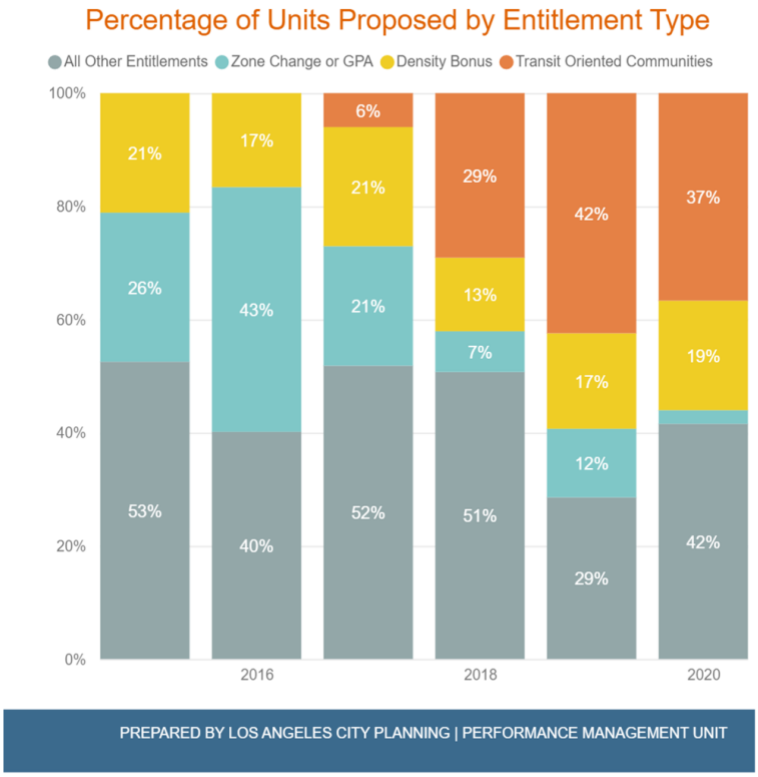

Figure 6. Percentage of housing units proposed in Los Angeles, by entitlement program type. Source: Los Angeles Department of Planning, Housing Progress Dashboard, downloaded 1-27-21, from https://planning.lacity.org/resources/housing-reports.

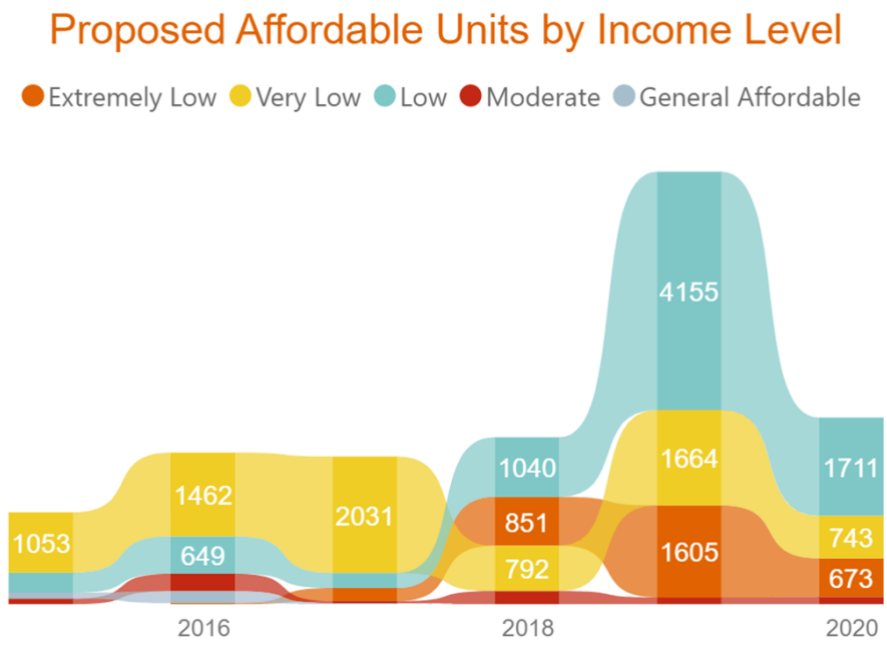

Figure 7. Proposed affordable housing units in Los Angeles, by income level. Source: Los Angeles Department of Planning, Housing Progress Dashboard, downloaded 1-27-21, from https://planning.lacity.org/resources/housing-reports.

The challenges that TOD planners and policymakers face in deciding how and when to use market-based mechanisms apply to more than just determining the best inclusionary requirements to set for construction or funding of affordable units. Some TOD strategies widely touted for sustainability benefits, including systematic upzoning (not just upzoning provided on a case-by-case basis through density bonus programs) and elimination of parking requirements, essentially amount to de-regulation, or in other words, letting the market decide. While recognizing the value of these strategies for sustainability, some planners we spoke with also bemoaned the loss of discretion and the ability to bargain with developers to extract public benefits that such policies entail.

This tension and trade-off can be seen in the way cities approach parking requirements. As discussed in the previous chapter, academic research has found that reducing or eliminating minimum parking requirements enhances housing production, since minimum requirements are often set higher than developers would otherwise provide, given profitability of non-parked (and therefore less costly) housing units located in areas, such as TOD zones, where access to non-car travel modes is available.

A recent study by UCLA parking expert Donald Shoup, which investigated the effect of minimum parking requirements on construction costs, found that an above-ground parking space in Los Angeles cost $27,000 to build, and an underground space cost $35,000 (Shoup, 2014). Shoup estimated that parking requirements in Los Angeles typically reduce the feasible number of units by 13%.

Our case study cities have been moving towards relaxing parking requirements. For example, San Francisco eliminated minimum parking requirements citywide in 2019. In 2018, Sacramento eliminated parking requirements within one-quarter mile of an existing or proposed light rail station, and in 2019, San Diego removed minimum parking requirements for new housing within one half-mile of a current or planned transit stop. All the central cities we studied have adopted provisions lowering minimum parking requirements in areas near transit, relative to requirements elsewhere (see Table 2 and Table 3, below, and case study appendices for more details). Los Angeles' city planning director described the city's new parking policy as "removing onerous regulatory requirements that have either slowed or impeded development—unlocking in the process the potential for new housing and jobs" (Regardie, 2019).

However, cities may face a trade-off when considering whether to systematically eliminate parking requirements. Los Angeles, for example, provides reduced parking requirements as an incentive to developers in its successful TOC density bonus program, an incentive which developers can obtain in exchange for their providing affordable units. Indeed, we heard from one interviewee that the availability of the parking incentive in the TOC program is a major reason credited for its success. The ability for cities to leverage this kind of incentive may be considered essential by city planners for ensuring the effectiveness of density bonus programs, and therefore prove difficult to relinquish.

Table 2. TOD-related planning, zoning, and transportation policies in SF Bay Area central cities

	San Francisco	Oakland	San Jose
AREA PLANS	21 area plans, 14 of which have been (re)adopted since 2005 or are under revision	6 specific plans, 1 transit-oriented corridor plan	9 specific plans, 13 urban village plans, 4 area plans (larger area than for specific plans)
PERMIT STREAM-LINING	Adopted TOD zone area plans provide EIR analysis and CEQA coverage for development projects that comply, thus streamlining future development. In 2017, Executive Directive 17-02 streamlined CEQA approval for housing projects, limiting the decision process to 6 to 22 months. Executive Directive 18-01 accelerated the approval of ADUs to within four months.	Adopted TOD zone specific and transportation plans provide EIR analysis and CEQA coverage for development projects in compliance with the plans, thus streamlining future development	Adopted TOD specific, urban village, and area plans provide EIR analysis and CEQA coverage for development projects in compliance with the plans, thus streamlining future development
ZONED HEIGHT LIMITS	Maximum height limit is 1000 feet in the SoMA district of downtown (1000 ft applies specifically to the Salesforce Tower). Typical height downtown ranges from 100-850 feet.	Maximum height varies for each specific plan (TOD) zone from 45 to 275 feet; some areas in CBD have no maximum height limit	Maximum height near transit stations and urban village areas cannot exceed 200 feet
PARKING REGULATION			
Reduced parking require-ment near transit or citywide	Ordinance adopted in December 2019 to eliminate minimum parking requirements citywide	1. For affordable housing developments (with base parking minimum of 3/4 space per dwelling unit or more) located within a Transit Accessible Area, the requirement is lowered to 1/2 space per affordable unit 2. Projects located within a Transit Accessible Area receive 30% reduction in parking requirements 3. For one-family residential developments in the S-15 Transit Oriented Development Commercial Zones, the requirement is reduced from 2 spaces per dwelling unit to 1/2 space per unit 4. For majority of development types located in CBD, Civic Center Zone, and Lake Merritt Station Area, no parking minimum is required	Developments located within 2000 feet of a proposed or an existing rail station or BRT station, or an area designated as an urban village, which implement at least three TDM measures may receive up to 50% reduction in required off-street parking spaces. (The typical one-family developments in the city are required to provide 2 covered parking spaces; general retail is required to provide 1 space per 200 square feet of floor area)
Parking maximum require-ments	In Neighborhood Commercial Transit Districts (NCT 1 to 3) up to 1 off-street space is permitted for each 2 dwelling or SRO units, conditionally permitted up to 0.75 cars for each dwelling unit, not permitted above 0.75 cars for each dwelling unit	In S-15 Transit Oriented Development Commercial Zones: 1.25 parking space per dwelling unit is permitted for residential developments; 1.25 parking spaces per each 2 units are allowed for rooming houses and bed and breakfast developments	In the Pedestrian Oriented Zoning Districts, multi-unit developments are permitted to have a maximum of 2 spaces per living unit

	San Francisco	Oakland	San Jose
TRANSPORTATION STRATEGIES			
Transport-ation Impact Fee	**Transportation Sustainability Fee**, adopted 2017, applies to new commercial developments, market-rate residential developments with more than 20 units, and certain large institutions. Fee is assessed in proportion to the size and use of the proposed development: 1. Residential developments: $9.95-$11.24 per gross square foot 2. Non-residential developments: $9.78-$26.25 per gross square foot	**Transportation Impact Fee**, adopted in 2016, applies to new housing units and non-residential projects, nonresidential projects with additional floor area, and nonresidential projects with a "change and intensification of use." Transportation impact fee is assessed based on use type and location: 1. Residential developments (fee per housing unit): multi-family = $750, townhome = $1,000, single-family = $1,000 (ranges approx. $0.93-2.30 per square foot)* 2. Nonresidential developments (fee per square foot): office = $2, retail = $0.75, industrial = $0.55, warehouse = $0.35, hotel/motel = $0.65, institutional = $3	**Traffic Impact Fee**, adopted 2005, amended 2009, applies to all new development within the boundaries of the North San Jose Development Policy area; fee is assessed based on land use type: 1. Residential developments (fee per housing unit): multi-family = $9,408, single-family = $11,758 (ranges approx. $4.4-$7.3 per square foot)* 2. Nonresidential developments (fee per square foot): large-scale commercial = $25.18, industrial = $17.55, hotel fee (per room) = $5,133
Residen-tial/ sq ft	$9.95-$11.24	$0.93 to $2.30*	$4.40 to $7.30*
Non-resid'l	$9.78-$26.25	$0.35-$3.00	$17.55-$25.18
Transport-ation Demand Manage-ment (TDM) program or ordinance	**TDM ordinance** adopted in 2017, applies to projects with 10+ units of new residential development, 10,000+ square feet of commercial development and relatively large (25,000+ square feet) changes of use. 100% affordable residential projects are exempt. Developers create TDM plan from a menu of 26 measures, each of which has a different point value based on ability to reduce the number of driving trips; developers choose specific measures that will get their project to its target point threshold. Targets are based on the type of land use and number of parking spaces the project is proposing.	**TDM program** adopted in 2017, requires preparation of a TDM plan as a standard condition of development project approval. Requires a specific percentage of vehicle trips be reduced based on the number of peak hour trips generated by the project (if 50-99 peak hour trips, must reduce 10 percent; if 100+ peak hour trips, must reduce 20 percent). Annual compliance reports required if 100+ peak hour trips generated or if TDM strategy employs an ongoing program.	**TDM program** adopted 2018, applies to projects located in areas in which per capita VMT is higher than the city's CEQA significance threshold. Applicant can choose from a menu of 17 traffic reduction measures. Projects located in Urban Villages or Downtown can propose reductions in the required minimum off-street parking spaces if a TDM program is included. A TDM plan should include monitoring, reporting, compliance, and funding for the life of the project and will become part of conditions of project approval.
SB 743 Imple-mentation	In 2016, SF Planning Commission replaced LOS with VMT threshold for CEQA determination of transport impacts.	In 2016, the planning department replaced LOS with VMT threshold for CEQA determination of transport impacts.	In 2018, city updated its Transportation Impact Policy and replaced LOS with VMT threshold for CEQA determination of transport impacts.
Integrated policy package pursuant to SB 743?	Yes; the **Transportation Sustainability Program** links the Transportation Sustainability Fee ("invest"), TDM program ("shift"), and SB 743 CEQA reform ("align") to improve SF's transportation system to help accommodate new growth.	Yes; the **Modernizing Transportation Impact Review** (TIR) project involved implementing SB 743, adopting citywide transportation impact fee, and updating TDM requirements.	No; but city is Interested in developing a transportation policy package by linking traffic impact fees, TDM ordinance, and CEQA analysis in the future.
* To convert per unit fees to per square foot fees, we took the fee per unit, and divided it by average housing unit (single/multi-unit) size in square feet found in each city's impact fee nexus study or another data source as specified in the list of sources.			
SOURCES For SF: "General Plan" https://generalplan.sfplanning.org/; "Community Planning" https://sfplanning.org/community-planning; "Zoning Height and Bulk Districts" https://sfplanning.org/resource/zoning-height-and-bulk-districts; https://www.livablecity.org/time-san-francisco-say-goodbye-minimum-parking-requirements/; "SF Municipal Code Sec. 750. NCT-1 – Neighborhood Commercial Transit Cluster District" https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_planning/0-0-0-57016; "SF Municipal Code Sec. 751. NCT-2 – Small-Scale Neighborhood Commercial Transit District" https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_planning/0-0-0-57028; "SF Municipal CodeSec. 752. NCT-3 – Moderate-Scale Neighborhood Commercial Transit District" https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_planning/0-0-0-57664; "Citywide Development Impact Fee Register" https://sfplanning.org/sites/default/files/forms/Impact_Fee_Schedule.pdf; "Transportation Demand Management FAQs" https://sfgov.org/sfplanningarchive/tdm-faqs; "Transportation Sustainability Program" https://sfgov.org/sfplanningarchive//transportation-sustainability-program			

For Oakland: "Neighborhood and Citywide Plans" https://www.oaklandca.gov/topics/neighborhood-and-citywide-plans; "Zoning map" https://www.oaklandca.gov/departments/planning-and-building#ZoningMap, http://www2.oaklandnet.com/oakca1/groups/ceda/documents/report/oak063935.pdf; "Oakland Municipal Code Chapter 17.116 - Off-Street Parking" https://library.municode.com/ca/oakland/codes/planning_code?nodeId=TIT17PL_CH17.116OREPALORE; "Planning Commission Staff Report June 22, 2016" https://cao-94612.s3.amazonaws.com/documents/Staff-Report2.pdf; "Oakland Planning Code Chapter 17.116" http://www2.oaklandnet.com/oakca/groups/ceda/documents/report/oak032032.pdf; "Summary of City of Oakland Impact Fees" https://cao-94612.s3.amazonaws.com/documents/oak068467.pdf; "Affordable Housing Impact Fee Nexus Analysis" (source for unit size) http://www2.oaklandnet.com/oakca1/groups/ceda/documents/report/oak057583.pdf; "Oakland City Center Development (T12) – Transportation Demand Management Program" http://www2.oaklandnet.com/oakca1/groups/ceda/documents/statement/oak057762.pdf; "Modernizing Transportation Impact Review" https://www.oaklandca.gov/topics/modernizing-transportation-impact-review#:~:text=The%20goal%20of%20the%20Modernizing,networks%20and%20a%20diversity%20of
For San Jose: "Specific Plans" https://www.sanjoseca.gov/your-government/departments/planning-building-code-enforcement/planning-division/citywide-planning/specific-plans; "San Jose Municipal Code 20.40.200 - Development standards" https://library.municode.com/ca/san_jose/codes/code_of_ordinances?nodeId=TIT20ZO_CH20.40COZODIPUQUBLZODI_PT3DERE_20.40.200DEST; "San Jose Municipal Code20.90.200 - Off-site, alternating use and alternative parking arrangements" https://library.municode.com/ca/san_jose/codes/code_of_ordinances?nodeId=TIT20ZO_CH20.90PALO_PT3EX; "San Jose Municipal Code 20.90.060 - Number of parking spaces required" https://library.municode.com/ca/san_jose/codes/code_of_ordinances?nodeId=TIT20ZO_CH20.90PALO_PT1GEPR_20.90.060NUPASPRE; "North San José Area Development Policy" https://www.sanjoseca.gov/home/showpublisheddocument?id=15839; "Inclusionary Housing Ordinance Proposed Revisions 11-5-2019" (source for unit size) https://media.bizj.us/view/img/11512188/memorandum-2019-10-30t124617183.pdf; "Transportation Analysis Handbook" https://www.sanjoseca.gov/home/showpublisheddocument?id=28461; "Transportation Analysis" https://www.sanjoseca.gov/your-government/departments/public-works/development-services/transportation-analysis-reports

Table 3. TOD-related policies in San Diego, LA, and Sacramento

	San Diego	Los Angeles	Sacramento
AREA PLANS	52 distinct areas have been designated for developing land use/community plans, which constitute together the Land Use Element of the citywide General Plan. Fourteen of the plans have been updated since 2014. Eight Complete Streets Plans.	35 community plans, fifteen of which are currently being updated. Five Transit Neighborhood Plans (TNPs)	Eight specific plans
PERMIT STREAM-LINING	The **Affordable/Sustainable Expedite Program**, adopted in 2017, reduces discretionary review to 58 days for projects that provide affordable and sustainable housing, specifically for: a. Residential projects with at least 10% of units for low/very low-income families b. Residential projects receiving funding from the San Diego Affordable Housing Transit Oriented Development Fund c. Residential projects subject to al government agreement that restricts tenancy and rents at or below 80% AMI d. Urban infill housing project of 5+ units within Transit Priority Areas as defined in the Climate Action Plan e. Military housing f. Mixed-use projects with at least 50% of gross floor area for residential use and 10% of units for low/very low-income families g. Any commercial, industrial, or residential project located within the federally designated San Diego Promise Zone h. Residential projects of 5+ units or non-residential development that follow the California Green Building Standards Code	Permit streamlining available through **Density Bonus** and **TOC** programs; see table on affordable housing strategies.	1. MEIR for the General Plan allows for streamlined approval of new TOD projects 2. "Housing opportunity zones" identified in the Central City Specific Plan (CCSP) allow for streamlining development review for underused and vacant sites; any residential project consistent with the CCSP can bypass an EIR; a mixed-use project located within a transit priority area that is consistent with the EIR prepared for that area is exempt from further CEQA review 3. For a project of up to 100 dwelling units, or a mixed-use project of less than 100,000 square feet, a focused EIR can allow for only significant impacts to be discussed. 4. City's **Ministerial Approval of Infill Housing Ordinance**, adopted July 28, 2020, goes beyond the requirements of SB 35 and expands project eligibility by eliminating affordability requirements (SB 35 requires projects of 11+ units to dedicate 10% of units to lower-income households), eliminating prevailing wage and labor requirements in SB 35, and expanding the definition of infill developments.

	San Diego	Los Angeles	Sacramento
ZONED HEIGHT LIMITS	Maximum height for mixed-use zones ranges from 120 to 240 feet; maximum height for residential zones is 60 feet; the Urban Village Overlay Zone grants a FAR bonus of 0.5 and a height bonus of one story over the maximum specified in the base zone for projects located within 2,000 feet of an existing or planned light rail or other trunk transit line station	Maximum height for residential zones is 75 feet; commercial developments have no height limits; instead they are restricted by FAR (ranges from 1.5 times lot size to 13 times lot size); projects that qualify under the Transit Oriented Communities Affordable Housing Incentives Program can receive up to a 55% increase in allowable FAR (up to 4.25:1)	Maximum height for the residential zones ranges from 35 to 240 feet; maximum height for commercial developments ranges from 35 to 360 feet; the Transit (TO) zone allows for nonresidential developments to have a maximum net FAR of 3.0, and a a residential density at 100 dwelling units per net acre.
PARKING REGULATION			
Reduced parking require-ment near transit or citywide	Minimum parking requirements were removed in 2019 for housing projects in TPAs. For downtown housing developments, parking spaces were capped at one per unit.	Downtown community plan would eliminate parking minimums (adoption scheduled for 2021). City Council, Planning Commission, Director, or project applicants can propose to create a **Modified Parking Requirement (MPR) District**, providing a menu of seven tools including decreased or increased parking requirements and maximum parking limits. Tools that can be used to reduce parking spaces in an MPR District: 1. The parking reduction permit allows projects to request reduced parking via discretionary review (typically 10-25% below established minimums) 2. Decreased parking standards may be established for an entire MPR District	**1.** Projects that have certified **transportation management plans** can reduce their parking requirement by 35% (a typical single-family home must have 1 space per dwelling unit; commercial uses from 1 space per 500 gross square feet to 1 space per 2,000 sq ft) 2. Parking minimum requirements are eliminated for the CBDs and Arts & Entertainment Districts and for non-residential projects on lots up to 6,400 sq ft 3. No minimum off-street vehicle parking requirement for uses located within 1/4 mile from an existing or proposed light rail station platform; off-street parking requirement is reduced by 50% for uses located greater than 1/4 mile but less than 1/2 mile from same.
Parking maximum require-ments	Maximum parking requirements set according to use category: None are set for residential uses; the max permitted for retail, commercial, office, and mixed-use development is 5.5 to 6.5 spaces per 1,000 square foot of floor area; for eating and drinking establishments 5.5 to 25 spaces per 1,000 sq ft	Maximum parking requirements may be established in an MPR district	In the Central Business/ Arts and Entertainment District a maximum of 1 space per unit is set for multi-unit development of 3+ units, and a max of 1 space per 400 gross square feet for commercial; for Urban, Traditional, and Suburban District areas, a max of 1 space per 250 gross square feet is set for office developments

	San Diego	Los Angeles	Sacramento
TRANSPORTATION STRATEGIES			
Transport-ation Impact Fee	**Active Transportation in lieu fee** (a.k.a., the VMT fee) adopted as part of the Complete Communities Mobility Initiative in 2020; applies to residential development with 5+ units and commercial or office development of >5,000 square feet in Mobility Zone 4* (high VMT areas). The fee of $1,400 per vehicle mile traveled will be used to fund active transportation and VMT-reducing infrastructure projects within Mobility Zone 1, 2, or 3 (all lower VMT areas). Projects in Mobility Zones 2 and 3 can pay the fee or provide VMT reduction measures. Developments are also subject to **Transportation Development Impact Fees** assessed based on land use type and community location, with residential fees per unit ranging from $0 to $13,199, and non-residential fees (per average daily trip) ranging from $0 to $1,886 (comparing Via de la Valle and Tierrasanta communities, at the lower and upper range of fees assessed)	**Transportation Impact Assessment (TIA) fee** program, adopted in 2019, applies to new developments in the Westside; fee is assessed by land use type: 1. Residential (fee per dwelling unit): single family = $8,847, apartment = $4,646, high-rise apartment = $2,804, condominium/ townhouse: $6,248, high-rise condominium/ townhouse = $3,044, affordable dwelling unit = $0, hotel (room) = $5,452 (ranges from approx. $0-$4.9 per square foot)* 2 . Retail and services (fee per 1,000 square foot): $13,347-$16,89 3. Commercial office and medical office (fee per 1,000 square foot): $16,754-$25,000 4. Industrial (fee per 1,000 square foot): industrial: $10,975, manufacturing: $9,426, warehouse: $4,132, mini-warehouse: $3,357, cargo facilities: $7,876, maintenance facilities: $2,195	**Transportation Development Impact Fee** adopted in 2016 applies to all development citywide, but fee is reduced for projects in certain districts including downtown. Fee is assessed by location and land use type: 1. Residential (fee per unit): single-family/duplex: $2,152, multi-unit: $1,236 1a. Residential in "Transit Center" (within 1/2 mile of a light rail station): single-family/duplex: $377-$1291, multi-unit: $217-$742 (residential fees range from approx. $.16-$1.5 per square foot)* 2. Nonresidential (fee per square foot): retail = $0.10-$3.23, office = $0.09-$3.23, hospital: $0.09-$3.07, schools = $0.04-$1.20, church = $0.02-$0.67, industrial = $0.06-$2.19, hotel/motel (per room) = $260-$888 2a. Nonresidential in "Transit Center": retail = $$0.06-$1.94, office = $0.06-$1.91, hospital = $0.05-$1.84, schools = $0.02-$0.64, church = $0.01-$0.40, industrial = $0.04-$1.31, hotel/motel (per room) = $156-$533
Residen-tial/ sq ft	$0-$5.46; also $1400 per excess vehicle mile traveled induced	$2.04-$4.20*	$0.16 - $1.50*
Non-resid'l	$1400 per excess VMT induced	$2.20 - $25	$0.02-$3.23
Transport-ation Demand Manage-ment (TDM) program or ordinance	**1. TDM plan** is required for projects that have a significant transportation VMT impact (considered as project features and not mitigation); applies to commercial and hotel over 50,000 square feet located in the Center City Planned District; applicants shall achieve a minimum of 25 points by implementing TDM measures such as: 50% subsidy for transit passes for 5 years for employee occupants; 1 bicycle storage for every 10 parking spaces; discounted parking rates (minimum 25% discount) for carpools **2. Complete Communities Mobility Choices Initiative** also requires projects located in Mobility Zone 2 and 3 to provide specific VMT reduction measure points (zone 2 is required to provide 5 points of VMT reduction measures and zone 3 is required to provide 8 points)	The TDM ordinance, adopted in 1993, updated in 2019, applies to projects over 25,000 square feet in size; projects can select from a menu of 23 (but are not limited to these strategies) on-site and neighborhood measures. The selected strategies will be recorded as a condition of approval for the proposed project.	**Transportation Systems Management Program** establishes requirements for employers and developers to support the city's general plan goal to reduce VMT by 35 percent. **1.** Requirements for "minor projects" (primary place of business for 25 to 99 employees) are simply that the owner provide facilities to post rideshare and transit information. 2. Requirements for "major projects" (primary place of business for 100 or more employees) are that they obtain an annual Transportation Management Certificate from the city engineer by (a) providing facilities to post rideshare and transit information, (b) designating a transportation coordinator for the project, and (c) agreeing to file an annual Transportation Management Plan.

	San Diego	Los Angeles	Sacramento
TRANSPORTATION STRATEGIES (CONTINUED)			
SB 743 Imple-mentation	In 2020, city started using VMT metrics for CEQA transportation analysis (adopted as part of the Complete Communities Mobility Choices Initiative). The city was categorized into four zones based on existing VMT efficiency as compared to the SANDAG region. VMT efficient areas (Zones 1,2, and 3) were identified as Community Plan Areas with an existing VMT of 85% of the regional average or less for either VMT/capita or employee VMT/employee. Mobility 4 is the least VMT efficient zone, with VMT levels above the established threshold.	On July 30, 2019, city started using VMT metrics for CEQA transportation analysis; In August 2019, LA's City Planning and Transportation Departments created new customized CEQA VMT thresholds.	On February 27, 2020, the Planning and Design Commission held a public meeting discussing the adoption of VMT as a basis for transportation impact analysis under CEQA. Action on this measure is still pending.
Integrated policy package pursuant to SB 743?	Yes; the Complete Communities Mobility Initiative, which links the city's Active Transportation in lieu fee (VMT fee), VMT reduction measure points, and SB 743 CEQA analysis, is a programmatic approach to ensure citywide VMT reductions.	No	No

* To convert per unit fees to per square foot fees, we took the fee per unit, and divided it by average housing unit (single/multi-unit) size in square feet found in each city's impact fee nexus study or another data source as specified in the list of sources.

SOURCES: For San Diego: "Community Profiles" https://www.sandiego.gov/planning/community/profiles; "Complete Streets" https://www.sandiego.gov/planning/programs/transportation/complete-streets; "Affordable Housing Requirements and Expedite Program" https://www.sandiego.gov/development-services/news-programs/ahrep; "San Diego Municipal Code Chapter 13.1.4: Residential Base Zones" https://docs.sandiego.gov/municode/MuniCodeChapter13/Ch13Art01Division04.pdf; "San Diego Municipal Code Chapter 13.1.7: Mixed-Use Base Zones" https://docs.sandiego.gov/municode/MuniCodeChapter13/Ch13Art01Division07.pdf; "San Diego Municipal Code Chapter 13.2.11: Urban Village Overlay Zone" https://docs.sandiego.gov/municode/MuniCodeChapter13/Ch13Art02Division11.pdf; Curry, 2019, https://cal.streetsblog.org/2019/03/05/san-diego-will-no-longer-require-parking-at-new-housing-near-transit/; "San Diego Municipal Code Chapter 14.2.5: Parking Regulations" https://docs.sandiego.gov/municode/MuniCodeChapter14/Ch14Art02Division05.pdf; "Complete Communities: Mobility Choices Regulation Framework" https://www.sandiego.gov/sites/default/files/5-mobility-choices-regulation-framework.pdf; Source for unit size: https://journal.firsttuesday.us/home-sizes-are-growing-slowly-in-california/57728/; "Fiscal Year 2021 Planning Department Fee and Deposit Schedule" https://www.sandiego.gov/sites/default/files/feeschedule.pdf; "San Diego Municipal Code Chapter 15.6.3: The Centre City Planned District" https://docs.sandiego.gov/municode/MuniCodeChapter15/Ch15Art06Division03.pdf
For Los Angeles: "Community Plan Updates" https://planning.lacity.org/plans-policies/community-plan-updates; "LA Municipal Code SEC. 12.21.1. Height of Building or Structures" https://codelibrary.amlegal.com/codes/los_angeles/latest/lapz/0-0-0-6325; "Technical Clarifications to TOC Guidelines" https://planning.lacity.org/odocument/39fae0ef-f41d-49cc-9bd2-4e7a2eb528dd/TOCGuidelines.pdf; "LA Municipal Code SEC. 13.15. Modified Parking Requirement District" https://codelibrary.amlegal.com/codes/los_angeles/latest/lapz/0-0-0-12355; "Ordinance 186108" https://planning.lacity.org/odocument/1fcb412d-0cc8-41eb-99e5-03ad84311928; " Affordable Housing Linkage Fee Nexus Study" (source for unit sizes) https://planning.lacity.org/ordinances/docs/AHLF/LA_Linkage_Fee_Final_Report_9-21-16.pdf; (additional source for unit sizes) https://journal.firsttuesday.us/home-sizes-are-growing-slowly-in-california/57728/; "Transportation Demand Management Ordinance Update" http://clkrep.lacity.org/onlinedocs/2015/15-0719-S19_rpt_DOT_06-05-2019.pdf; "L.A. City Adopts People-Centered Transportation Metric" https://la.streetsblog.org/2019/08/06/big-wonky-good-news-l-a-city-adopts-people-centered-transportation-metric-vmt-in-los-out/
For Sacramento: "Specific Plans" https://www.cityofsacramento.org/Community-Development/Planning/Long-Range/Specific-Plans; "Ad Hoc Ordinance Streamlining the Planning Entitlement Process" https://sacramento.granicus.com/MetaViewer.php?view_id=22&clip_id=4611&meta_id=583307; "Ministerial Approval of Infill Housing" https://www.cityofsacramento.org/Community-Development/Planning/Major-Projects/Ministerial-Housing; "Central City Specific Plan" http://www.cityofsacramento.org/-/media/Corporate/Files/CDD/Planning/Major-Projects/Central-City-Specific-Plan/Final-docs/CCSP-April2018-spread-layout-1.pdf?la=en; "Planning and Development Code Map Book" https://www.cityofsacramento.org/-/media/Corporate/Files/CDD/Planning/Maps/ZoningDefinitions.pdf?la=en; "Ordinance No. 2013-0007" http://sacramento.granicus.com/MetaViewer.php?view_id=22&clip_id=3243&meta_id=397830; "Zoning Code" https://www.cityofsacramento.org/Community-Development/Planning/Current-Planning/Zoning/City-Zoning-Code; "Zoning Code Parking Regulations Summary Sheet" https://www.cityofsacramento.org/-/media/Corporate/Files/CDD/Planning/Zoning/SummarySheetforNewZoningRequirementsforParking1.pdf?la=en; "Sacramento City Code 17.608.030 Parking requirement by land use type and parking district" https://www.qcode.us/codes/sacramento/view.php?topic=17-vi-17_608-17_608_030&frames=on; "Transportation Development Impact Fee (TDIF) Nexus Study Summary of TDIF by Subarea - Proposed Fee Rate" https://www.cityofsacramento.org/-/media/Corporate/Files/CDD/Resources/Planning/TDIF-Rates---10-31-16.pdf?la=en; Unit sizes from https://journal.firsttuesday.us/home-sizes-are-growing-slowly-in-california/57728/#:~:text=Since%202010%2C%20the%20average%20new,feet%20in%20Los%20Angeles%3B%20and and https://www.noradarealestate.com/blog/sacramento-real-estate-market/#:~:text=The%20average%20size%20for%20a,apartment%20is%20823%20square%20feet.; "Citywide Transportation Development Impact Fee Nexus Study" https://www.cityofsacramento.org/-/media/Corporate/Files/CDD/Planning/Long-Range/142156-r5-Public-Review-Draft-08-09-16.pdf?la=en; "Sacramento City Code Chapter 17.700 Transportation Systems Management Program" https://www.qcode.us/codes/sacramento/view.php?topic=17-vii-17_700&showAll=1&frames=on; "Active Transportation In-Lieu Fee" https://www.sandiego.gov/sites/default/files/active_transportation_in_lieu_fee_notice.pdf; "Adopting Vehicle Miles Traveled as the Basis for Transportation Impact Analysis under the California Environmental Quality Act" https://sacramento.granicus.com/MetaViewer.php?view_id=21&clip_id=4571&meta_id=578451

This analysis indicates that cities face a challenging balancing act in using market mechanisms for producing affordable housing. Incentive-based policies such as density bonus programs are attractive to developers, if they are well-designed to match market conditions in relation to policy constraints. Incentive programs only work in areas where market interest is high, *and* where current local policies constrain market construction, so that obtaining the incentive (such as higher density or relaxation of parking requirements) is attractive enough to developers to induce them to forego a portion of profits by building affordable units. If cities relax current constraints on development, such as by eliminating parking requirements entirely, they lose a bargaining chip for an incentive-based strategy. A city such as San Francisco with high market interest may find that mandatory inclusionary policies work effectively to produce affordable units, and they can forego an incentive-based approach. But other cities may face different circumstances. Projecting impacts of different policy alternatives is complicated, and cities are learning through experimentation.

Such concerns have entered debates about state-level legislative efforts to eliminate parking minimums (Dedousis et al., 2021). In some cities like Los Angeles that have leveraged parking requirements as an incentive in their density bonus programs, planners and policymakers have expressed some reluctance to relinquish this bargaining chip. However, some research indicates that such concerns may be unfounded. Data from San Diego suggest that elimination of parking requirements near transit in 2019 did not harm uptake of the city's density bonus program, while data from Los Angeles indicate that the primary incentive for use of the TOC program has been the density bonuses made available, rather than reduced parking (ibid).

Apply top-down state- or city-wide policies and/or develop bottom-up neighborhood plans?

As noted, recent state legislation pertaining to housing production and RHNA compliance has increased pressure on localities not just to support housing production but also to systematize their zoning policies. The legislation has resulted not only in more ambitious RHNA targets distributed to localities across the state, but also in requirements that localities streamline and systematize land use regulation—zoning and permitting processes, in particular—to facilitate easier, more transparent permitting for housing developers. We found that our case study cities have been grappling with the new requirements, which are causing them to re-think not just zoning codes but also how and whether to rely on neighborhood plans as a basis for tailoring zoning to localized circumstances.

Two pertinent recent pieces of legislation, described in the previous chapter of this report, are first, SB 330, which calls for streamlining project approvals in reference to "objective" zoning and design standards, and prohibits requiring rezoning a project if it meets objective standards consistent with the General Plan, and second, SB 35, which allows for ministerial, or "by-right," project approval, for certain types of projects that include affordable units, in jurisdictions not making adequate progress toward their RHNA housing targets at all income levels (most jurisdictions fall in this category). Ministerial review provides for streamlined project approval, meaning generally that if a project meets established standards, it can be approved in "check-list" fashion without requiring official approval during a meeting of the City Planning Commission or City Council.

The effect of these laws is that for certain types of projects (e.g., 100% affordable housing) and in certain jurisdictions (e.g., where RHNA targets have not been met), the state is beginning to override local discretionary review. The requirement to define and apply "objective standards" for land use regulation is especially onerous for cities that have allowed their General Plans and/or zoning codes to become out-of-date and/or inconsistent with one another, and have been relying on project-by-project negotiations with developers as a way to extract public benefits. The new laws discourage this approach, calling for systematic citywide policymaking and ministerial permit approvals, such as for projects that include affordable units.

Research has shown that discretionary permit review in California can be very costly, time-consuming, and unpredictable, compared to other states (see previous chapter). An investigation in 2015 of San Diego city permitting data indicated that development project proposals reviewed ministerially by city staff under provisions instituted through community plans took, on average, about one month to be approved (or not), but projects reviewed under the city's discretionary process, requiring a formal hearing, environmental impact study, and approval by city officials, took more than a year to approve and required up to $200,000 in additional review costs (Keatts, 2015a).

Zoning decisions made through ad hoc project-by-project negotiations with developers can be viewed as the antithesis of "good planning," if that term is meant to characterize forward-looking and coordinated strategies. Systematic and ministerial approval policies can make project permitting less opaque, time-consuming, and unpredictable for developers, alleviating costs related to unpredictability and delay. However, while ministerial review and systematic citywide policymaking can produce these benefits, something could also be lost in the bargain, an issue we consider in this section.

We found that the recent state housing legislation has been prompting a response particularly in localities that have allowed their General Plans and/or zoning ordinances to become out-of-date or inconsistent with one another, and that among the cities we studied, this description applies to Los Angeles, San Diego, and San Jose. Not coincidentally, these three central cities are the largest in terms of territory and population among the six we studied (Table 4). San Diego and San Jose also have low average activity densities, comparatively speaking, meaning less densely occupied land in terms of the combination of jobs and residents.

Because of their large and variable development landscapes, these three central cities decided, in the early 2000s or earlier, to emphasize neighborhood-scale planning, designating neighborhood plans as being the official components that collectively comprise the required land use element of the citywide General Plan. This approach makes sense for cities with large, diverse territories. In San Diego and San Jose, the plans were also intended to support TOD-like growth as "urban villages" (the term used for the San Jose planning areas). Los Angeles designates thirty-six Community Planning Areas, including the Port of Los Angeles, while San Jose designates more than 60 "urban villages" and San Diego designates 52 neighborhood planning areas for its "city of villages" strategy.

Table 4. Characteristics of the six central cities in California's four largest metropolitan areas

	Land area (sq mi)	Population	Workers (jobs) in city	Activity density (pop + workers per sq mi)	Housing units	Jobs-housing balance (ratio of HUs to ppl working in the city)	Share of city land within 1/4 mile of high-quality transit	Median household income	Percent people of color (not non-Hispanic white)
San Francisco	47	864,263	715,735	33,708	390,376	1.8	89%	$ 96,265	59%
San Jose	177	1,023,031	414,195	8,142	331,510	1.2	9%	$ 96,662	74%
Oakland	56	417,442	200,852	11,083	169,303	1.2	19%	$ 63,251	73%
Los Angeles	469	3,949,776	2,087,015	12,881	1,457,762	1.4	47%	$ 54,501	72%
Sacramento	98	489,650	314,777	8,216	194,917	1.6	23%	$ 54,615	67%
San Diego	325	1,390,966	894,805	7,029	533,973	1.7	19%	$ 71,535	57%

Sources: ACS 2017 5-year data; Dr. Paul Ong for high-quality transit data (for CARB, 2018). High quality transit is defined as any existing transit rail station, or a terminal served by a ferry system, or a location with bus service maintaining average headways of 15 minutes or less during morning peak commute. Dr. Ong measured transit service levels using General Transit Feed Specification (GTFS) data provided by 127 California transit agencies.

However, like many if not most California cities, San Diego, Los Angeles, and San Jose let their General Plans, community plans, and zoning ordinances, which by law are supposed to be consistent with one another, grow out of date. For example, the current Los Angeles City General Plan was adopted first in 1995 and then re-adopted in 2001. For decades, the area plans were not updated, and developers had to negotiate with planning officials on a discretionary project-by-project basis for features of new development such as upzonings, a situation that came to exemplify a "broken planning system" according to some city officials (Chandler, 2017).

Meanwhile, San Diego's neighborhood plan-based system was instituted through a "city of villages" strategy, adopted in 2002 and later incorporated into the General Plan, to guide future development by "focus[ing] growth into mixed-use activity centers that are pedestrian-friendly, centers of community, and linked to the regional transit system" (San Diego Planning Department, 2008). However, by 2015, most of the community plans were decades old, and although the city had spent $15 million on updating 12 plans, only one had been finished (Keatts, 2015b). The planning department attributed delays to lack of adequate resources, to technical challenges in handling contracts for completing traffic and environmental studies, and to seeking too much detailed analysis for area studies (ibid). San Diego's outdated area plans also formed the basis for some very disjointed policymaking, for example providing the basis for wide discrepancies in application of impact fees by neighborhood, a practice that recently came under scrutiny (see the case study for details).

In response to the new state housing legislation, San Diego, Los Angeles, and San Jose, among other cities, have been working to develop more systematic, transparent, and up-to-date zoning policies aligned with the General Plan. As one interviewee from San Jose put it, "State law says that now we must align our zoning with the General Plan, which wasn't previously

required. So the state has been pushing us to do housekeeping that, had we been resourced to do the work, ideally we would have done a long time ago."

Another San Jose planner noted that,

> With the state requiring us to do a more streamlined approach to zoning, we are creating zoning districts that are straightforward so developers don't have to do planned development agreements for every site…. Our [current] zoning doesn't match the General Plan. So the first step now is to develop zoning districts that match the General Plan, which will allow for streamlining permit approvals. We have also developed citywide design standards. All this will provide clarity, so that if developers meet design standards and conform to the zoning district, their project can jump forward.

But in developing more systematic policies, should cities continue to rely on neighborhood planning—on a "bottom up" approach to developing zoning requirements and the General Plan, tailoring for different neighborhood priorities and strategies—or instead develop and apply new policies citywide? We found that Los Angeles, San Diego, and San Jose have been grappling with that question—whether and how to retain their historical approach of using neighborhood plans as the basis for zoning decisions, or instead to develop and apply citywide standards for land use and development approvals.

Updating neighborhood plans is arduous and costly, with recent plan updates in Los Angeles requiring as much as ten years or more to complete in some cases. Gaining local resident input and engagement in community development can sometimes result in delay and resistance to implementing ambitious TOD goals.

In spite of the challenges, Los Angeles and San Diego have recently ramped up their efforts to update community plans, to support their efforts to increase housing production. In 2017, the Los Angeles City Council voted to establish a schedule for revising the city's Community Plans every six years and provided new funding for the plan update process (see the case study chapter for details). The plan updates will include new zoning provisions, which have not been systematically addressed in many decades. By 2020, fifteen plans were being updated. Similarly, in San Diego, the pace of updating community plans picked up in the late 2010s, with fourteen completed by 2020. However, most of the new plans increased housing densities only modestly, if at all (Keatts, 2017a). Residents often contested city proposals to increase densities near transit stops, and city officials often backed down in response (Keatts, 2018a).

But even as Los Angeles and San Diego have beefed up neighborhood planning efforts, they have also shifted towards developing TOD policies that apply on a citywide basis. In San Diego, a "bipartisan consensus" emerged among city leaders by 2017 "to largely admit defeat in neighborhood-level density fights and instead, just pass citywide policies that make it easier to build within the existing density" (Keatts, 2017b). The new approach emphasizes citywide regulations to make it cheaper, easier and faster to build the housing already allowed under existing densities, such as by reducing parking requirements developers face if they build projects near transit stations, and by charging development impact fees by the square foot,

instead of per unit, so as to encourage developers to build more, smaller units (ibid). Two recently adopted density bonus programs and a new transportation impact fee are examples of the city's shift in approach (see the case study appendix for details).

Similarly, in Los Angeles, new citywide policymaking, such as through the TOC program, has been combined with a renewed effort to update neighborhood plans. Indeed, provisions of the program ensure that developer incentives and required percentages for affordable units may be adjusted through a Community Plan update, Transit Neighborhood Plan, or Specific Plan.

A helpful example for examining the tensions and trade-offs between top-down policymaking and bottom-up neighborhood planning is to consider reaction in the City of Los Angeles to SB 50, the controversial state legislative bill that would have systematically upzoned near transit. Views and analysis of the bill from city leaders, resident activists, and city planners, help to elucidate how SB 50 was interpreted vis-à-vis the city's approach to neighborhood planning and its citywide policymaking through the TOC program.

Democratic State Senator Scott Weiner introduced SB 50 in December 2018, calling on cities to incentivize construction of four- and five-story apartment housing near transit. The debate over SB 50 crystallized over the version of the bill introduced in March 2019, which would have established a new density bonus for projects on lots zoned for residential use in three location types: within 1/2-mile of major transit stops, within 1/4-mile of high-quality bus corridors, and within "job-rich areas" (areas meeting certain criteria, to be determined, for high economic, educational, and jobs access). The Los Angeles planning department estimated that SB 50 would have been applicable to 43% of the developable area of the city (LA Department of City Planning, 2019, April).

Projects up to ten units in size would have faced no affordability requirement under SB 50, while projects of 11-20 units would have paid an in-lieu fee, and projects with more than 20 units would have had on-site affordability requirements similar to state density bonus law.[13] The incentives offered under SB 50 would have included removing residential density limits and removing or reducing minimum parking requirements (with no parking requirements imposed near rail and reduced to 1/2-space per unit in other areas). Within 1/2-mile of a rail stop cities would also have been prohibited from enforcing height limits and FAR limitations below specified minimums, and all SB 50 projects would have been eligible for three additional incentives or concessions, in exchange for offering additional affordable units, to include modifications to height, floor area, open space or other types of development standards (ibid).

Many California city leaders opposed SB 50, resisting the perceived interference of the state government into their local housing and zoning laws, often invoking the cherished notion of

[13] The on-site affordability requirements would have ranged by project size, from 15% low income, or 8% very low income, or 6% extremely low income for projects between 21- 200 units, to approximately double those required minimum shares for projects in the highest building size category of 351+ units. Projects with 20+ units could have provided comparable contributions as an alternative to providing on-site units (LA Department of City Planning, 2019, April).

"home rule," or local control of land use (Boyarsky, 2019). Over time the bill's author had amended the bill to try to respond to salient concerns, in particular, to accommodate local affordability requirements, local planning processes in "sensitive" communities, and protections against displacement. The March 2019, version of the bill stipulated that if a local jurisdiction had an existing inclusionary housing law with higher affordability requirements than in SB 50, the local requirements would have prevailed. Furthermore, qualified projects would have needed to meet all other local zoning and project approvals standards and requirements. To protect against displacement, SB 50 would not have applied to any rental properties, including any site where housing was occupied by renters in the preceding seven years, or where an Ellis Act eviction occurred in the last fifteen years. "Sensitive communities," areas determined to be vulnerable to displacement pressures, would have been exempt from SB 50 incentives for five years, meant to provide time for community planning efforts to occur. If a planning effort met certain criteria, it could permanently prevent the SB 50 incentives from being utilized (ibid).

In spite of these amendments to SB 50, the Los Angeles city planning department expressed concerns about the bill's potential impacts, in an assessment prepared for the city council of the March 2019, version of the bill (LA Department of City Planning, 2019, April). The analysis is instructive for understanding why the city council decided to officially oppose SB 50, and for understanding the politics of TOD in Los Angeles more broadly. The planning department's report expressed concerns particularly about impacts on low-density zoned areas, on community planning efforts, on affordability requirements, and on the city's ability to tailor its TOC program to different neighborhood conditions (LA Department of City Planning, 2019, April). The report contended that, "The bill [would] potentially have far-reaching effects…The largest impacts of the bill are anticipated to occur in lower-density areas that are located within 1/2 mile of a rail station - or about 6% of single-family zoned parcels and 8% of R2 and RD zoned parcels…SB 50 may move development focus away from commercial corridors and high-density zoned residential areas and into lower-density zoned areas" (ibid, p. 2).

The planning department further contended that, "Any benefits [of SB 50] should be considered in light of the loss of long established, locally determined planning and zoning standards…On-site affordability requirements for most SB 50 projects [would] often be lower than comparable density bonus and TOC requirements…The 'sensitive communities' designation that allows for delayed implementation would apply to approximately 15% of the parcels eligible for SB 50 incentives, but would not recognize the very recent community planning efforts in South Los Angeles. Future planning efforts in sensitive communities would only be recognized if upzones match SB 50 levels within the plan areas" (ibid, pp. 2-3). The report expressed various additional concerns about SB 50's impact on the TOC Program, the Affordable Housing Linkage Fee, and the city's ability to enforce various planning, zoning code, and design standards developed at the community level.

The city planning department's concerns about the possible impact of SB 50 on neighborhood plans reflects the city's recent efforts to update long-outdated neighborhood plans. For example, in 2017, the Los Angeles City Council approved updates of community plans for South

and Southeast LA, two of the city's most economically challenged areas. The plans had taken over ten years to develop, with significant input from community organizations, so as to address resident concerns about threats posed by gentrification and displacement of existing residents (Department of City Planning, 2017, June). The plans aim to foster active, mixed-use transit areas, revitalize underutilized commercial corridors, protect viable industrial districts, reduce residential-industrial land use conflicts, and protect low-density single-family residential neighborhoods from encroachment by industrial and other uses (ibid).[14]

Affordable housing advocates also weighed in on SB 50, underscoring the perception that the bill would provide fewer protections for low-income residents than the city's TOC program and recently adopted neighborhood plans. For example, Public Counsel and ACT-LA, in conjunction with more than 50 other affordable housing and equity-focused organizations, expressed concerns about the March, 2019, version of the bill for "falling short of equitable housing production standards," in applying "meager" and "insufficient" affordable housing requirements, for providing a "loophole" through the in-lieu fee option permitted in SB 50, and for not providing enough protection and resources for planning efforts in sensitive communities (Hanuman and Smith, 2019). (See our analytical table in the Los Angeles case study appendix to compare provisions of Los Angeles' state-based density bonus program, and the two JJJ programs—the inclusionary requirements and the TOC program—with SB 50.)

Thus, certain key provisions and expected impacts of SB 50 appear to have been especially important in helping explain why Los Angeles city planners, elected officials, and many residents opposed the legislation. SB 50 was viewed as a top-down, one-size-fits all intervention by the state government, contrasting with the city's own efforts in developing the TOC program and neighborhood plans to ensure they could be tailored to varying conditions in different neighborhoods. Especially given that planners and residents in Los Angeles had just recently engaged in multiple years-long efforts to update community plans, concerns about whether SB 50 would override such local planning efforts are understandable.

Another salient perceived problem with SB 50—perhaps the most influential in provoking opposition to the bill, at least within the wider region as a whole—was in how the bill dealt with single-family zoned areas. While SB 50 would have upzoned single-family areas in the three location types targeted in the bill, the TOC program, by contrast, protects single-family zoned areas, even those located near transit, because it applies only to projects of five units or more,

[14] The South and Southeast LA Community Plans utilize Implementation Overlay Districts and TOD Subareas to establish design standards, use restrictions, and incentives for targeted uses that support community needs, including affordable housing, banks, full-service grocery stores, sit-down restaurants, child care centers and health clubs, among others. TOD Subareas promote a mix of uses within walking distance of transit stations, through upzoning to allow for greater height, square footage and density in order to attract the desired uses. The TOD Subareas have different levels of intensity, heights and FARs tailored to the context of each station area, using a tiered zoning system with lower base FAR and height for by-right projects and greater FAR (ranging from 3:1 to 6:1) and height for projects that provide targeted uses such as affordable housing and/or grocery stores. To prevent displacement, the tiered incentive structure prioritizes mixed-income and 100% affordable housing in transit-rich areas and requires that projects utilizing the incentives replace previously existing affordable units.

based on existing zoning. With groups like Fix the City already contesting densification in updates to neighborhood plans, planners and officials would understandably have felt concerned about provoking even more opposition to upzoning in affected neighborhoods.

Indeed, in September 2019, Fix the City announced that it was suing over the TOC program, claiming that it illegally rezones parts of the city and that the higher height limits reach beyond those approved in Measure JJJ (Linton, 2019, September-a). With plans to introduce and expand Bus Rapid Transit (BRT) underway, groups like Fix the City stoked fears that BRT projects would "dramatically up-zone" the city (Linton, 2019, September -b). Mike Bonin, the chairperson of the Los Angeles City Council's Transportation Committee, underscored the intersection of concerns about TOD and transit provision in explaining his opposition to SB 50, noting that, "If mandatory upzoning were tied to increased bus service, we would see people who are resistant to new development start to push back on new, faster, or more frequent bus service. It's one thing to have people object to removing bus service from their neighborhood; it would be another thing entirely to have groups objecting to additional bus service in their neighborhoods" (TPR, 2019, May).

The Los Angeles city planning director corroborated the importance of maintaining single-family zoning to furthering the city's policy choices, noting that,

> Our citywide TOC program has shifted a lot of our growth and future development near transit. But we've done that in a way that has been livable. We've been able to provide these units and the new housing capacity to fit communities while largely not touching single family neighborhoods…We've crafted our TOC program - which does not include single-family neighborhoods - to be tiered and work within our local zoning…
>
> If you look at Los Angeles, I would argue that we have single-family zoning that is as diverse as the people who live in these communities. In places like South Los Angeles and West Adams, you have multi-generational communities—many of them communities of color—that are in single-family neighborhoods. There is a clear concern about displacement in those communities…
>
> When we crafted our plans, we spent years working with communities to see where they wanted change and make sure it's done in a more equitable way. We worked with a lot of community groups to get there who have embraced and supported the plans as we've implemented them. We think we're doing it the right way in LA and that state laws that look at mandating housing in California should acknowledge places that are trying to do it the right way, and either enforce or incentivize that. I think it would be difficult to achieve all these goals with blanket zoning throughout California (TPR, 2020).

SB 50 ultimately failed in the state legislature due to opposition mainly from suburban legislators, particularly from Los Angeles County, who "dealt the decisive blow" (Dillon, 2020 February). Opponents expressed alarm about the bill's potential impact on their communities and the perceived intrusion into local home rule control over land use (Dillon, 2019, May, and 2020, February). Intense opposition emerged from the Los Angeles region even though independent analyses had indicated that SB 50 would likely have led to less development there

than in the San Francisco Bay Area, with many parts of Los Angeles potentially exempt from SB 50 provisions, since they would have fallen under TOC provisions (ibid).

The preceding analysis indicates that the introduction of SB 50 interfered with TOD policymaking in Los Angeles, seemingly undermining the extensive efforts underway to use neighborhood planning as a means to introduce context-sensitive density. Planners we spoke with from other cities also talked about benefits of neighborhood plans and the value of tailoring policies to neighborhood circumstances. For example, San Francisco recently eliminated parking requirements citywide, a policy first launched at the neighborhood scale through a number of area plans, which eventually gained momentum citywide and came to be accepted on a wider scale. This example points to benefits of neighborhood planning for innovation and experimentation, which can eventually affect citywide policymaking.

Another benefit of neighborhood planning that we heard about was the ability to collaborate and seek trust even among stakeholders who distrust city planners and policymakers. As noted, the community plan for South Los Angeles, for example, took ten years to develop, and was adopted just before SB 50 reached its zenith of debate. Having invested much time and resources into developing the plan, which contained numerous anti-displacement measures, many South Los Angeles residents and activists were skeptical that a Bay Area legislator could know better what was needed for their neighborhood. In this context, perceptions of "indiscriminate" upzoning under SB 50 posing a potential threat to "neighborhood character" do not easily translate to the classic NIMBY stereotype of wealthy white homeowners aiming to exclude the poor and minorities.

One of our interviewees, a Los Angeles city planner, described the value of neighborhood planning as follows:

> TOC raises interesting tensions. Residents who voted for Measure JJJ are not always happy with outcomes… [but[JJJ says that community plans, as they are updated, can incorporate the TOC regulations as is or tailored as long as the affordability requirements are not downscaled. Residents are very interested in having the requirements be tailored. In a specific place, a setback or some other detail can be important…
>
> It all adds up to a fascinating conversation...The threat and perception of threat from displacement poses a really hard problem, and we don't have all the answers. Neighborhood change is inevitable, but when government policy creates change and displacement, that's when we really must address the problem. We must be very conscious of externalities and unintended consequences. Building trust with communities is really important, to find out what are the really key pieces they seek to maintain and protect.
>
> State or city policy is useful in setting a baseline, which then should be tailored to meet local needs. Our community plans are looking closely at lower scale neighborhoods for incremental changes. And that's been coming out of conversations with the community, about where to put housing. We have called single-family zoning a third rail for a long time, but that's changing a little. The next few years will tell us much more, as we work through some of the neighborhood plans in different parts of the city.

Thus, we found that the state government's recent push for localities to define "objective standards" is causing cities to revisit not just ad hoc zoning negotiations, but also neighborhood planning and its relationship to citywide policymaking. On the one hand, uniformly applied citywide policies mean that permitting is less opaque, time-consuming, and unpredictable for developers, but on the other, they can make innovative and responsive policymaking tailored to varying circumstances at the neighborhood scale more difficult to accomplish. In this fashion, the recent state housing law reforms are causing planners to grapple with fundamental issues not just about how to foster sustainable and desirable future development patterns, but also what techniques to use in doing so—in particular, whether to impose top-down, systematic policymaking, or bottom-up localized planning and policy, or some combination.

So how to get the best of both worlds—to retain flexibility and capacity for negotiating with developers and neighborhood residents with varying priorities, resources, and conditions, while also gaining benefits from applying systematic, transparent, streamlined policies for development approvals? One city we examined, El Cerrito, provides an excellent case study for adopting such an integrated approach, making use of a neighborhood plan to streamline development approval, while also retaining flexibility for negotiating with developers and responding to resident input.

El Cerrito's success exemplifies a key finding in our research, that a city-wide policy is not the only way to facilitate ministerial review and permit streamlining. If a neighborhood plan includes a programmatic EIR, it can obviate the need for CEQA review for each subsequent project deemed consistent with the plan. In this fashion, an up-to-date, sufficiently detailed community plan can provide important benefits to developers, while also facilitating public input on a vision for new development—thereby achieving co-benefits for efficiency and for democratic decisionmaking at the same time.

El Cerrito has been exemplary in pursuing this approach in its Specific Plan for San Pablo Avenue (SPASP), adopted in 2014. San Pablo Avenue, an important regional commercial corridor, constitutes El Cerrito's "main street." A wide boulevard with a median in some parts, the avenue has some built-out stretches and historic architecture, but especially in its northern parts including El Cerrito, it is "an infill developer's dream, with abundant parking lots, strip-malls, and undistinguished one-story buildings begging to be redeveloped" (Stephens, 2019).

The SPASP, encompassing 2.5 roadway miles and roughly 200 developable or re-developable acres surrounding it, has been called ambitious, seeking to "dramatically" increase densities along the avenue and accommodate significant residential growth (Stephens, 2019). The first phase of the SPASP has already been a great success, with developers allotted space to build roughly 1,800 housing units (ibid). According to the city, as of March 2020, three projects had been completed, five were under construction, 13 approved, and three proposed (El Cerrito, 2020). Every project but one consists largely of residential units, with most falling between 50 and 170 units for a total of 1,238 market-rate units and 862 affordable units (Stephens, 2019). Nearly 40,000 square feet of commercial space is included as well. This rapid growth has exhausted the number of units covered by the SPASP's initial programmatic environmental

impact report, and so El Cerrito is currently updating the plan's Programmatic Environmental Impact Report (PEIR) to accommodate a second phase (ibid).

The notably rapid success of the SPASP can be attributed to a number of factors. Two central keys to success, according to city planners we interviewed, have been the permit approval streamlining process, facilitated through the PEIR prepared for the plan, and its use of a form-based code to regulate development. Under the PEIR, developers are required to complete a checklist to demonstrate that their proposed project and its impacts conform with expectations. Beyond that, no environmental review is required, unless a project seeks variances. All of the entitled projects so far in the plan area have been approved under the PEIR checklist (Stephens, 2019).

Meanwhile, the SPASP's form-based code offers developers significant flexibility within requirements related to building height, parking, open space, and other physical and aesthetic considerations such as shadows cast (ibid). The code allows for both commercial-only and residential-only uses, though mixed use, with commercial at street level, is encouraged. The code identifies transects for "high-intensity" and "medium-intensity" uses, allowing building heights up to 65 feet, or to 85 feet if affordable housing bonuses are used. The plan also sets minimum heights of three stories throughout much of the plan area. Parking requirements range from a half-space near the plan area's two BART stations to 1.5 spaces per unit in the Midtown area between the BART stations (ibid). The code is also complemented by a complete streets program designed to enhance the pedestrian realm (ibid).

The density and parking provisions of the SPASP have proved very attractive for developers, while the design provisions have helped ensure community support. "We really tried to require a high level of design and urban amenities," said the city's community development director in a published interview (Stephens, 2019). "That helped build trust so we could keep getting support and momentum." In exchange for the density and streamlining provisions afforded in the SPASP, developers must provide community benefits such as open space that vary according to "tiers" (ibid). The tiers refer to the degree to which a development conforms with explicit plan requirements or instead requests variances. The more extensive the variances, the more community benefits are required.

El Cerrito's planning approach as exemplified by the SPASP has been described as a model for other communities, especially in the way that it combines extraction of community benefits with permit streamlining based on the PEIR, while still permitting flexible negotiations (Stephens, 2019). The El Cerrito model marries flexibility with clear expectations in achieving a "sweet spot" between streamlining approvals and retaining ability to negotiate with developers and residents. The approach minimizes discretionary review, which, for many projects, has been limited to design review. Design review was crafted to be as clear as possible so as to limit debate and delay, while still allowing projects to seek variances. "The by-right process whereby the project just goes through design review has been really appealing," said the community development director (ibid). "We haven't fought about height or parking, for example."

In considering what factors account for the success of the SPASP, city planners from El Cerrito that we interviewed underscored a few important lessons. In terms of plan and program design, the planners pointed to the combination of the PEIR-based permit streamlining and the form-based code regulations as focusing on achieving outcomes that people care about. They also noted the plan's combination of vision and practicality, as engaging with residents about desired development was essential, but equally so was analyzing project feasibility.

As one El Cerrito planner explained to us,

> Our form-based code focuses on outcome performance e.g., with standards for transparency, shadows, and articulation of buildings. We still have a design review process, but our code provides a pretty good amount of certainty in regards to yield and process. We're saying we care about these elements like design and context sensitivity more than traditional zoning concepts like FAR and density…We went for vision with regulation…[and] engaged with existing residents about goals, such as for urban amenities that people want.

A few physical factors also helped, according to our interviewees. One was that the city has two BART stations located along San Pablo Avenue, anchoring the TOD expansion efforts. Another was that residents desire more business along the corridor, and became convinced that achieving that goal would require allowing more residential development as well. Additionally, the plan does not intrude into residential-only places, as there is no R1 zoning along the avenue.

Finally, the El Cerrito planners we interviewed also pointed to the critical role played by state and regional funding for developing the SPASP. The plan would not have been possible without the city having received two very substantial planning grants (totaling over $1 million) from the state government and the region's MPO. "We are a small city with no discretionary funds for advance planning," said one planner we interviewed. "Without having received the planning grants, our TOD planning wouldn't have happened."

Some of our interviewees corroborated the value of the central elements of the El Cerrito model, without considering it specifically. For example, one interviewee from San Diego, a planning analyst, described the methodological tension between top-down and bottom-up planning, and methods to resolve the tension that build upon CEQA, as follows:

> [San Diego] has picked up on the approach of setting citywide policies that build on existing policies. We think this is an important way to get us out of the morass of the community plan update process, and case-by-case decisionmaking… [But] I think that community plan updates are useful, not just citywide policymaking. The areas in the city with the most growth from our new density bonus program had recently updated their plans. But we also need to facilitate how the plans are developed, so they don't take so long and get delayed endlessly. The state should help make sure that community plans, when adopted, have CEQA documents and by-right permitting baked in. As it stands, community plans already can be used for CEQA tiering, but some cities don't do that, and instead still allow for discretionary review.

A Los Angeles planner that we interviewed also confirmed the value of neighborhood planning, and the connection between effective neighborhood plans and CEQA streamlining, noting that,

> We have to plan for housing, we don't have a choice, particularly with the new RHNA implementation pressure from the state. That is a game changer…We need strategic local community plan efforts that focus on especially on areas with jobs, transit, and high resources…The main thing we need from the state is help with CEQA, or all our community plans will take 10 years, like the Hollywood plan did. Say, if your re-zoning plan is in line with the regional SCS, then why do you need an EIR for it?

In considering further the state government's role in this equation, many interviewees told us they value the state's more assertive recent stance on housing production, through strengthening of RHNA enforcement. In general, the interviewees value performance targets for collective action, which help in determining how each community can "do its part," so long as room for flexible implementation is maintained. Nevertheless, as can be seen throughout the preceding discussion, the same planners generally do not want the state to override local zoning decisions. Tough enforcement of RHNA targets is viewed positively, so long as room is provided to tailor provisions locally—through performance measures that allow for flexible implementation.

As one of our interviewees put it,

> In thinking about SB 35 and similar state policies, we need to get away from the framing that all choices should be local and the state is taking that away; we can impose standards while still providing local discretion so long as goals are met. So, for example, AB 2923 [a bill that supports higher-density development on BART-owned land] set typologies for BART standards, for density, parking ratios, and FAR. We need such a typology to clarify what we must deliver for affordable housing and jobs, and then let communities figure out how to deliver it.

An El Cerrito planner that we interviewed expressed a similar view, and considered how the state could support local achievement of performance goals, noting that,

> We like it when state policy says that if cities do a good job on housing production, they're exempted from state laws that prescribe how. When the state gets involved, it's often too broad of a brush. We have accomplished a lot…We have completely changed our development landscape. The state should reward and incentivize cities that are doing this…
>
> If we had gap financing, we could do more. And the state could do more for infrastructure financing, which instead we cover through impact fees which impact and slow development…
>
> State interventions can be disruptive, as they are not informed about and don't match local conditions. If we meet state goals, such as for RHNA, why should local planning be displaced? If the RHNA targets are set right, they help provide focus on what performance is needed. But there's a difference between allowing development and attracting it. We're better at figuring out how to address the specific conditions, the context and fabric of the

city, than a state agency can be…A city can be more deliberate about taking a place-based approach.

Resource allocation: Transportation and/or housing?

Turning to the transportation side of the TOD/transit/AT equation, we start by considering another point of tension that arises in policymaking—how to allocate scarce resources. This question is endemic to all public policymaking everywhere, but in the context of our research, we noted a tension between funding for affordable housing and for transportation that specifically affects TOD goals and ambitions. The cities we studied have recently introduced and/or raised their development impact fees that fund affordable housing, in response to growing pressure from the state government to increase housing production. But in some cases, the cities also have been more reluctant to increase impact fees for funding transportation, so as not to impose too costly a "stack" of fees upon developers.

Our comparison of housing and transportation impact fees in the six central cities we studied, shown in Table 1, Table 2, and Table 3, indicates that affordable housing impact fees are set higher, on average and measured on a square foot basis, than transportation impact fees, in San Francisco and Oakland, while in Los Angeles, San Jose, and Sacramento, transportation impact fees are higher than affordable housing fees for non-residential construction, but lower for residential construction.

Our research found that concerns have been raised from some quarters about San Francisco's relatively low transportation impact fees. The city adopted a Transportation Sustainability Fee (TSF) in November 2015, to be imposed on both residential and non-residential development so as to supplement funds for a set of projects deemed necessary to accommodate transport impacts of development, including adding more than 180 vehicles to the Muni fleet; upgrading Muni maintenance facilities; upgrading transit reliability through reengineering of transit stops and streets; new or improved BART train cars; investment in electrifying Caltrain to increase service into and out of San Francisco; and improved bike and pedestrian infrastructure (Spencer, 2015).[15]

The specifics of the Transportation Sustainability Fee were controversial and debated for a few years before adoption, in particular about the level of the fee and what sorts of development should be exempted. Although many developers supported the concept for the sake of improving certainty in the regulatory process (Jaffe, 2015), they also opposed setting the fee as high as the city's required nexus study determined would be needed to fully cover travel impacts of development. (To comply with the state's Mitigation Fee Act, in setting an impact fee, localities need to first complete a "nexus study" that details the need for new facilities to

[15] The fee applies to commercial development, market-rate residential developments with more than 20 units, and certain large institutions, while exempting affordable housing and subsidized middle-income housing. About one-quarter of projected development in San Francisco over the 30-year planning horizon will be exempt from the fee, in most cases because the development is subject to an adopted development agreement (which may also require implementation of transportation mitigation measures during the entitlement process) (Spencer, 2015).

support future growth, the relationship between new development and use of those facilities, and then determines a "fair share" proportional method for allocating costs of the new facilities based on impacts created by the new development.)

The city commissioned an Economic Feasibility Study of the fee, which determined that it should be set lower than full mitigation would warrant, for the sake of economic feasibility of development projects (Seifel Consulting, 2015). The fee ultimately adopted by the Board of Supervisors was set at only about one quarter of the full level identified in the Nexus Study to cover mitigation needs, an outcome viewed by some observers as a victory for developers. On top of the city's pre-existing transit impact fee, the new fee is projected to add about $14 million a year, or roughly $430 million in net new revenue over 30 years; together the fees (now consolidated) will raise nearly $1.2 billion for transportation improvements during that period.

We found similar concerns have been voiced in Oakland about whether the city's recently adopted transportation impact fee is adequate to meet needs from new development. Oakland passed a city-wide impact fee in 2016 that covers transportation, affordable housing, and capital improvement projects (Raetz et al., 2019; Ravani, 2019). The transportation portion of this impact fee was developed using the LOS impact metric measuring traffic delay (City of Oakland, 2016a; City of Oakland, 2016b). The fee is applied citywide, however, rather than by zone, so that funds generated can be used flexibly to connect neighborhoods.

Oakland does not receive most of its transportation funding from the impact fee, having prioritized the fee's use for affordable housing (Raetz et al., 2019). The city faces a substantial challenge in funding transportation needs. During the fiscal years 2015 to 2017, Oakland faced deferred street maintenance needs of $443 million, almost 37 percent of the city's annual budget (OakDOT 2016; Raetz et al., 2019). Oakland is older and urbanized so has a high need for transportation infrastructure maintenance, but bringing streets into a state of good repair can often conflict with other transportation improvement projects, let alone affordable housing needs, due to limited funds.

In Los Angeles, as well, we found that a recent transportation impact fee applied to the Westside zone was not set as high as the required city-commissioned nexus study indicated it should be to cover needed improvements. The West Los Angeles Transportation Improvement and Mitigation Specific Plan was developed and adopted in 2019 to establish a transportation mitigation program applicable to all lots, intended to "reprioritize transportation improvements to focus on access to transit and active transportation as strategies to reduce dependence on vehicular travel, and reduce vehicle miles traveled (VMT) and associated greenhouse gas emissions" … [such that] "completion of the necessary transportation improvements will ensure that the greater transportation demand caused by new development will not result in a commensurate increase in VMT per capita" by 2035 (City of Los Angeles, City Council, April 30, 2019, pp. 31-32).

However, the adopted fee was set below the level indicated in the required nexus fee study as needed to cover improvements to accommodate projected growth in jobs and households. According to the adopted ordinance, "Taking into account the operational improvements and

VMT benefits attributed to existing trips, regional pass-through traffic, and other planned transit improvements, the maximum percentage of improvement costs that could be contributed by new development is 43 percent. The proposed TIA Fees cover approximately one-third of the total cost of the identified improvements. While a higher fair share cost percentage may be justified under the Mitigation Fee Act as part of the fee update, full cost recovery would be inconsistent with the collection of similar fees statewide and with the historic fair share cost percentage of the [city's pre-existing] fee programs" (ibid, p. 35).

These examples of recent fees adopted in San Francisco, Oakland, and Los Angeles show that while the cities are seeking to pay for needed transportation improvements to accommodate new growth, they have not set ought to achieve full cost recovery. The choice to set fees lower than recommended levels reflects in part the cities' decision to prioritize affordable housing fees, rather than transportation fees. While the cities may justifiably consider affordable housing a more urgent priority, especially given pressure to achieve RHNA targets, the question of how to balance housing and transportation needs is inter-connected and synergistic. If transportation is under-funded for addressing impacts from new development, then the outcome could affect community response to TOD project proposals. As our research indicates, traffic impacts of development are often raised by community residents as a concern when opposing new development—constituting, for example, a main element of Fix the City's lawsuits challenging neighborhood plans, the TOC program, and the Mobility Element of the General Plan in Los Angeles.

The planners we interviewed corroborated the inter-related concerns of adequately addressing transportation impacts of new development, and generating support for TOD. The planners recognize land use and transportation strategies as synergistic to achieving TOD, and also that perceived traffic impacts are one of the most common points of resistance raised by residents in opposing TOD projects. If transportation impacts of new development are not effectively addressed, then local resistance to TOD can be expected to increase rather than diminish.

A San Francisco planner that we interviewed underscored these concerns, noting that,

> There's a strong desire to create as much affordable housing as possible—it's the city's top policy priority (during non-COVID times)—to the degree that sometimes development projects can't move forward because the desired levels of affordable housing would not be financially feasible. And, there's often a portfolio of additional community benefits that also need to be considered.
>
> Often a community narrative arises about needing to improve transit service if we are to accommodate new development, to avoid facing a tougher situation for traffic. But it becomes a trade-off when developers cannot pay much more for transportation impacts, such as through impact fees, if we are to meet the city's ambitious affordable housing goals and requirements. Then the residents look to the transportation planners to do something about it, but we don't have the needed resources. The communities are right—we want more inclusiveness in housing, and also options for good transportation choices—but resources are inadequate to do everything for everyone. That's often where the opposition

comes in from neighborhood groups. We can't fund the ongoing costs of providing higher levels of service that folks often think we need for transit.

Transportation policy tensions and trade-offs

Prioritize mobility or accessibility? How to improve "multimodalism"?

In considering how transportation goals fit into the TOD/transit/AT equation, another tension we observed in policymaking is between improving mobility or accessibility. Often posited as a more analytically and ethically useful concept for understanding travel behavior, accessibility aims to consider ease in accessing destinations, rather than speed of moving from point A to B. In practice, planners often seek accessibility improvements to multiple travel modes ("multimodality") as a way to improve mobility, and the concepts are strongly connected. So, for example, planners may promote more transit service along a particular narrow, crowded street, because a full bus could convey more person-throughput more efficiently and cheaply than could single-occupant vehicles for transporting the same number of people along the street. That outcome would improve mobility overall by improving access to transit.

However, although accessibility and mobility are closely connected concepts, they are not the same thing, and can sometimes conflict. A salient example from Los Angeles involves conflicts that have arisen about the city's recently adopted long-range multimobility plan, called *Mobility 2035*, and its goals and strategies for improving accessibility and mode share for transit and bike riders. Using billions of dollars in sales tax funding recently approved by Los Angeles County voters for the purpose, the city has been working to improve non-auto mode shares through providing better transit and active transport facilities and service, but has encountered some problems in implementation which highlight challenges of TOD/transit/AT policymaking.

In recent years, the Los Angeles area has become known for its aggressive efforts to improve transit and active transport. The region made heavy investments in rail transit in recent decades, adding over 100 miles of light and heavy rail, and over 530 miles of commuter rail since 1990 (Manville et al., 2018). Los Angeles County voters have supported these transit investments through passage of multiple sales tax measures that have raised tens of billions of dollars for the purpose.[16] The most recent measure placed on the November 2016 ballot, called Measure M, received an overwhelming 71% voter approval, and is expected to generate approximately $120 billion, mostly for transit (Metro, 2016, August).[17] Combined, these sales

[16] Proposition A, passed in 1980, added a half-cent to the county sales tax, with all funds going to Metro, the county transportation planning agency. Then Proposition C, passed in 1990, added an additional half-cent. Metro returns 20% of the money raised back to cities for transportation purposes, and directs 40% for construction and operation of bus and rail systems, 5% to expand bus and rail security, 10% for commuter rail, and 25% for transit related improvements on the freeway (Metro, n.d.). Measure R, adopted in 2009, added an additional half-cent to the sales tax, with funds distributed as follows: 35% to new rail and bus rapid transit projects, 3% to Metrolink projects, 2% to Metro Rail system improvement projects, 20% to carpool lanes, highways and other highway related improvements, 5% to rail operations, 20% to bus operations, and 15% for local city sponsored improvements (Metro, 2008, September).

[17] Measure M increased the sales tax by another half-cent, with funds to be allocated as follows: 27% for transit maintenance and operations; 35% for transit and first/last mile capital expenditures; 19% for roadway, active

tax measures have provided Los Angeles with "the largest and most aggressive infrastructure program in…North America," according to the director of Los Angeles Metro, the county transportation agency (TPR, 2019).

However, even with this infusion of funds, transit ridership on a per capita level has declined in the LA region in recent years. The region's public transit ridership reached its postwar peak in absolute terms in 1985, and has declined in per capita terms ever since (Manville et al., 2018). Some observers complain that Metro's prioritization of rail over bus service helps explain falling bus ridership (Tinoco, 2017, August). Even as Metro has spent billions of dollars building out its rail system in recent years, the agency's much larger network of 170 bus routes has lost riders. Analysts attribute falling bus ridership to a number of factors, including worsening traffic congestion, transit service cuts starting in about 2010, cheaper gasoline, a rise in automobile purchases even among traditional transit users, and demographic changes that have brought more affluent households, who are less likely to use transit than lower-income households, into the central urban core zones (Tinoco, 2017; Manville et al., 2018). To address concerns about falling bus ridership, in 2017 Metro launched a multi-year plan to evaluate and restructure its bus network (Tinoco, 2017, August).

The pattern of increased voter support for transit funding coupled with declining transit ridership shows a disconnect between Angelenos' support for transit in theory, and their hesitation to actually use it, in practice. Measure M was marketed to voters as a means to fundamentally transform transport patterns in Los Angeles County; the campaign for the measure emphasized its ability to reduce congestion, increase jobs, and make driving easier, more so than an opportunity to increase low-cost, efficient, and sustainable mobility options (Bliss, 2019; Manville, 2018). In this fashion, according to Mike Manville, an urban planning professor at UCLA who studied support for Measure M, the ballot measure's implicit goal was to present a vision of transit as a widely shared form of mobility for the city, rather than a social service (ibid). But Manville found that most people who voted for Measure M did so to relieve traffic congestion and because of political beliefs, rather than because they saw themselves using transit; support for Measure M was found to be strongly associated with positive attitudes toward public transit and concerns about congestion (Bliss, 2019; Manville, 2018).

This pattern of support for Measure M points to some fundamental tensions characterizing TOD and transit strategies in Los Angeles. As Manville put it, "People who vote for transit because they believe it reduces congestion are often voting for transit because they want driving to be easier, but transit works best in places where driving is harder" (Bliss, 2019; Manville, 2018). Furthermore, voter support for Measure M was counterbalanced by deep ambivalence about complementary policies; Manville's study found that people who voted for Measure M did not generally favor strategies that would increase transit ridership, such as priced parking, highway tolls, narrower streets for buses and bikes, and higher housing density (ibid).

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transportation, and complete streets capital expenditures; 17% for local return (local projects) and regional rail; and 2% for administration and local return (Metro, 2016). In July 2039, the tax will be raised to one cent.

These tensions have been evident in the city's efforts to translate Measure M into implementation measures on the ground. Los Angeles addresses TOD and multimodal transport goals in its long-range transportation plan called *Mobility Plan 2035*, a new Transportation Element adopted in 2015 for the city's General Plan. Representing "a paradigm shift from previous transportation plans, which focused on reducing car congestion," the new plan reshapes transportation policies around the principles of "complete streets" providing multi-modal access (McCarty Carino, 2015). The plan envisions 117 miles of bus-only lanes, 300 miles of protected bicycle lanes, and traffic calming measures, to create "enhanced networks" on specific streets for different modes (bicycle, transit, or vehicular traffic) (Zahniser, 2015; McCarty Carino, 2015; TPR, 2014).

Certain elements of *Mobility Plan 2035* set the stage for ongoing controversies (Hernandez-Lopez, 2018). The "complete streets" concept implies that road space will be allocated for modes other than just automobiles. Plans to increase sidewalk widths, add bike lanes, and dedicate transit-only road lanes sometimes have led to "road diets" that re-allocate road space currently reserved for moving or parked cars. Furthermore, the plan places a high priority on traffic safety, with strategies that could sometimes slow vehicular traffic (Linton, 2015).

Fix the City (FTC), the "litigious mainly-Westside homeowners" group described earlier, sued the city over the *Mobility Plan 2035* plan, claiming the proposed traffic lane reductions would create more air pollution, imperil public safety, and add to traffic congestion, and that the plan was "stealing traffic lanes from us… and giving those stolen lanes to bike riders and buses" (Linton, September 2019a; Dawid, 2015). The city paid Fix the City a settlement, and rescinded and re-approved the plan (Dawid, 2015; Linton, November 2018, and September 2019a).

Fix the City's complaints highlight central tensions in Los Angeles TOD and transit/AT planning. As noted above, traffic congestion is a persistent major concern for Angelinos, and recent successful ballot measures, including Measure JJJ and Measure M, were marketed to voters in part as a means to relieve traffic congestion. However, when these policies translate into on-the-ground implementation measures that increase density of development or remove road space from use by cars, then the same voters who supported the policy measures in theory may feel less enthusiastic in practice, when impacts are localized. Many recent efforts to introduce road diets and even bus rapid transit on Los Angeles streets have been met with vocal opposition, including threats to recall city council members if they supported the measures (Tinoco, 2017; Chiland, 2019, January a; October 2017; Linton, 2019 and September 19).

The city's environmental analysis of the *Mobility Plan 2035* plan corroborates Fix the City's complaint that the plan will serve to increase traffic congestion. As the following tables indicate (

Table 5 and Table 6), the modeling results shown in the *Mobility Plan*'s Environmental Impact Report (EIR) indicate that traffic delay is projected to increase under the plan's provisions, over its duration. However, the EIR analysis also estimates that the plan will shift a small share of travelers away from using cars to using other modes instead. Furthermore, the plan is projected

to reduce greenhouse gas emissions and increase the share of city residents and workers located in close proximity to bike and transit network facilities.

Table 5. Estimated impacts on traffic delay and mode split from implementation of Mobility 2035 plan in Los Angeles. Source: Los Angeles Planning Department, Final EIR for Mobility 20135 plan, at https://planning.lacity.org/eir/Mobilityplan/deir/files/4.1%20Transportation%20Parking%20and%20Safety.pdf

	% of segments operating at LOS D or better during AM peak		**Peak period mode split**			
			Auto	Transit	Bike	Walk
Existing	87%		82%	3%	1%	14%
Future no project, comparison to existing	84%	-3%	-2%	8%	14%	7%
Future with project, comparison to existing	71%	-17%	-8%	45%	150%	29%
	Source: *Mobility 2035* Final EIR, Table 4.1-19		Source: *Mobility 2035* Final EIR, Table 4.1-24			

Table 6. Estimated impacts on transit and bicycle access and daily VMT from implementation of Mobility 2035 plan in Los Angeles. Source: Los Angeles Planning Department, Final EIR for Mobility 20135 plan, at https://planning.lacity.org/eir/Mobilityplan/deir/files/4.1%20Transportation%20Parking%20and%20Safety.pdf

	Accessibility measures: network coverage				**Daily VMT per capita (employment plus population)**	
	Bicycle Enhanced Network (BEN): % within 1/4 mile of bike facilities		Transit Enhanced Network (TEN): % within 1/4 mile of transit access			
	Population	Jobs	Population	Jobs	Level	Comparison to existing
Future no project	10%	11%	12%	25%	13.3	2.1%
Future with project	65%	71%	43%	53%	13.0	-0.1%
	Source: *Mobility 2035* Final EIR, Tables 4.1-33 and 4.1-34				Source: *Mobility 2035* Final EIR, Table 4.1-29	

These findings underscore that traffic congestion is a problematic issue for city planners in seeking to promote TOD and transit/AT strategies. Transit advocates have been prone to contend that transit can relieve traffic congestion, advancing this claim especially during election campaigns to build voter support for policy measures to fund transit. But the reality is more nuanced, as the EIR impact analysis indicates. New transit and AT facilities and service improvements can shift travelers away from driving. But the same practical steps can take road space away from cars, and thereby serve to slow down remaining car traffic. Large majorities of Los Angeles city residents and workers are projected to still be traveling by car in 2035, and

they are projected to experience slightly worse traffic congestion as the result of the plan, not better, meaning that elected leaders and city planners put themselves in a problematic position if and when they promise that congestion relief will result from transit provision.

These tensions are not new and they are not confined to Los Angeles—modal battles are legendary in San Francisco, for example, where every inch of roadway is generally fought over. But the controversies over the Los Angeles plan highlight a troublesome tension for TOD planners and policymakers to manage. It may be tempting to advocate transit and AT improvements as a means to manage worsening traffic congestion. But rather than focus on car traffic impacts, TOD/transit advocates might be better off managing expectations realistically by emphasizing gains to be achieved from mode-shifting, for supporting more efficient and sustainable transport—and about making these options a more viable alternative to driving. Focusing mainly on impacts on car traffic reinforces a continuing emphasis on automobility, rather than highlighting benefits of improving multimodal accessibility.

Putting a higher price on driving—institutional and political challenges

As local policymakers seek to support TOD development patterns, they face challenges in encouraging use of non-auto transportation modes. The cities we investigated have taken steps to create more integrated multi-modal transport networks, such as by developing transit, bicycle, and pedestrian master plans, complete streets plans, and "Vision Zero" plans and programs to improve pedestrian safety and reduce transportation fatalities. Several cities we investigated, including San Francisco, Los Angeles, and Sacramento, have recently scrutinized their transit systems in-depth, conducting multi-year studies of routes and service levels, generally ending up by consolidating routes and increasing service frequency on high-ridership lines (see our case study appendices for more details).

However, despite these efforts, transit ridership has been declining in many areas, such as Los Angeles, where per capita ridership has declined although the region has directed massive new investment in transit service in recent years. Traffic congestion has risen alongside, as job growth and use of ridehailing services such as Uber or Lyft add more vehicles onto the road. Even when cities introduce transit-only lanes, transit service can still experience worsening delay as rising vehicular traffic congestion impedes transit (SFCTA, 2020). City planners face a basic challenge in convincing community residents that TOD will improve transport efficiency, when residents see worsening traffic congestion on the ground, resulting in slower bus transit speeds, which further discourages ridership.

To address these concerns, cities have considered pricing policies that recalibrate the relative cost of driving compared to using other modes. An important element has been parking policy. As discussed previously, the cities we investigated have been moving towards relaxing parking requirements. San Francisco eliminated minimum parking requirements citywide in 2019. In 2018, Sacramento eliminated parking requirements within one-quarter mile of an existing or proposed light rail station, and in 2019, San Diego removed minimum parking requirements for new housing within one half-mile of a current or planned transit stop. All the central cities we

studied have adopted provisions lowering minimum parking requirements in areas near transit, relative to requirements elsewhere (see Table 2 and Table 3 for more details).

The cities of San Francisco and Los Angeles have been moving further toward adopting congestion pricing strategies that would place a higher price on driving during congested times of day and in congested areas. This sort of congestion pricing has been used in some global cities to discourage driving during peak periods and in congested areas, and also to raise funds for alternative, more efficient modes. By charging a toll to enter a congested area or for driving during peak period travel times, cities hope to encourage people to either forgo an unnecessary car trip or take transit (Tinoco and Barrigan, 2019).

San Francisco's innovative SFPark program, adopted during the mid-2010s, implemented an advanced demand-based parking pricing strategy in order to reduce congestion in the city core caused by automobiles cruising for parking (SFPark, 2014; SFCTA, 2020). While the project was successful in some respects, decreasing parking search time by 43% and automobile travel by 30%, it did not reduce congestion caused by vehicles passing through the core to their destinations (SFCTA, 2020; Jaffe, 2014). Despite this effort to reduce congestion in downtown San Francisco, congestion reached record levels in 2019 (SFCTA, n.d.). Between 2009 and 2019, arterial auto speeds in Northeast San Francisco declined by approximately 30% (SFCTA, 2020).

A 2016 Transportation Authority study had estimated that a different congestion pricing scheme could be twice as effective as SFPark, and in May of 2020, SFMTA began evaluating a congestion pricing scheme for downtown (SFCTA, 2020). As one of the San Francisco transportation planners that we interviewed described it, "Our congestion pricing strategy is really about developing a mobility management plan. We need to provide carrots and sticks, such as discounts for using sustainable modes, for example by merging Clipper and Fastrak accounts into a mobility wallet, and providing credits for travelers making lower VMT choices." In this fashion, the planner underscored how congestion pricing can fit into an integrated mobility strategy, by making solo car travel more expensive, thereby helping level the playing field for other modes to compete in terms of time and money costs of travel, while at the same time, providing funds to support alternatives to driving, such as through transit improvements.

The City of Los Angeles has similarly been moving toward adopting congestion pricing. In February, 2019, Metro's Board of Directors approved two studies of programs that could help reduce congestion while raising revenue: congestion pricing and taxing ride-hail trips (Linton, 2019, February). The study, initially proposed to help find ways to generate funds for transportation projects in advance of the 2028 Olympics, was also presented to the Board as a way to ease traffic congestion and possibly provide free transit fares for the region (Chiland, 2019, January b). Metro staff put forth three potential ways that congestion pricing could be implemented in Los Angele County, including: VMT pricing, where a fee is charged per mile driven; cordon pricing, where a fee is charged for entering a certain area; and corridor pricing, where fees are charged for access to heavily-trafficked roadways (Sharp, 2019, February).

The congestion pricing study proposal generated significant debate among Metro board members, pointing to tensions and trade-offs that may arise in considering this sort of strategy.

Concerns were raised about equity implications, with some board members noting that wealthy drivers can pay commute tolls more easily than poorer drivers, while others noted that the existing transport system is already regressive in effectively subsidizing and easing car travel compared to other modes (ibid; Tinoco and Barrigan, 2019; Linton, 2019, February 13). As for political feasibility, a spokesman for the mayor of Los Angeles noted that, "It really does create a policy dilemma…It's a concept that is not popular, but also I think when you look at it in the context of demand and supply, it might be the least costly way of managing demand" (Chiland, 2019, January b). According to the chairperson of the Metro Board, "We are now forced to think outside the box in search of new ways to combat our worsening traffic, and this study will give us the data we need to better determine if this innovative traffic-busting approach can work in the Car Capital of the World" (Tinoco and Barrigan, 2019).

While congestion pricing might help alleviate mobility concerns in the parts of Los Angeles well-served by transit, in other words where alternative options to auto travel are available, it may be less effective overall in Los Angeles than in other cities with more distinct central employment districts and less sprawling development patterns (Tinoco and Barrigan, 2019). Angelenos, for the most part, lack a convenient alternative to driving—a situation that draws attention to the problem of rising traffic congestion while also making solutions sometimes seem intractable. The challenge with Los Angeles is that mass transit is currently inadequate for providing an easy substitute mode to driving, for getting to and from the most congested districts like Hollywood or Downtown (ibid).

Los Angeles exemplifies the challenges of transitioning to effective multimodal transport. Recognizing the need to address problems such as traffic congestion and high housing prices, city voters have lent their support to TOD- and transit-friendly policies and programs such as Measures R, M, and JJJ. However, what voters approve in theory does not always translate to approval of on-the-ground changes that affect people's own experience "in their back yards." Implementation challenges indicate that even though Angelenos may agree in diagnosing many of the problems they face, less consensus has been achieved about how to solve them. Metro's congestion pricing study shows that city leaders recognize that if Los Angeles wants to improve transit ridership, then it is going to have to make driving more costly, a politically difficult move, requiring people to change their driving habits in a city that has been designed for cars for many decades. With substantial resources, but also facing substantial planning challenges, Los Angeles will continue to be a crucible in coming years for developing effective strategies for TOD and transit.

Synergistic solutions

We conclude our discussion of tensions and trade-offs in TOD policymaking by considering some promising examples of synergistic strategies that achieve 3 E's benefits (for equity, environment, and economy), for both land use and transportation. As noted earlier, we found many instances of adopted policies being mutually supportive, such as when cities offer density bonuses and reduced parking requirements to developers (helping reduce the need to drive, while also reducing development costs), in exchange for construction or funding of affordable housing units.

One very promising example of a synergistic, more far-reaching systematic approach to connecting the dots in TOD policymaking was already discussed above, namely El Cerrito's San Pablo Avenue Specific Plan. The plan is worth highlighting as a model because it effectively resolves some of the endemic tensions and trade-offs considered in this chapter, in particular between applying top-down, systematic, and streamlined zoning reform, on the one hand, and bottom-up, flexible adaptive capacity for negotiating with developers and residents with varying circumstances, priorities, and needs, on the other. The key to El Cerrito's success rests on its use of the PEIR for the Specific Plan as a basis for streamlining project approvals based on ministerial review, while also allowing for negotiated variances from the baseline expectations. Key take-away lessons from El Cerrito's effort include the importance of utilizing CEQA PEIRs for streamlining project approvals, and the importance of providing adequate funding for developing the neighborhood plan, on which the PEIR is based. The state government can heed these lessons by helping ensure that cities receive funding for neighborhood plans that help accomplish state performance goals, and by strengthening CEQA provisions for using such plans as a basis for streamlining project approvals.

The value of this sort of approach was corroborated by planners from other cities that we interviewed for our research, who called on the state to further strengthen cities' ability use CEQA as a basis for permit streamlining through neighborhood plans (we quoted some of those opinions in a previous section). Reinforcing this conclusion, Los Angeles' planning director explained in a published article,

> Neighborhood plans are considered an essential element to growth management in Los Angeles. Los Angeles is such a large and complex city…This diversity makes it challenging to create one plan that covers the entire city all at once, so we're creating the plan in phases…We're applying the new [zoning] code community plan by community plan, which helps to capture that diversity of the complexity of the city…
>
> It's a very long and complex process for us to update all of our plans to accommodate new housing. Dealing with consensus in neighborhoods and communities takes a long time. The California Environmental Quality Act process for building more housing—even in Downtown Los Angeles—is also very lengthy and expensive...so there's clearly a state role in streamlining to make it easier to produce housing at the local level (Los Angeles Planning Director Vince Bertoni, as quoted in TPR, March 2020).

A second example of synergistic policymaking that we seek to highlight is how some cities are approaching implementation of Senate Bill (SB) 743 as a basis for systematically reconfiguring transportation impact fees and Transportation Demand Management (TDM) programs and policies. As discussed in the previous chapter, SB 743, adopted in 2013, eliminated "level of service" (LOS) measures of automobile delay as an environmental impact to be addressed under CEQA, and called for a different performance metric for assessing transportation impacts of development better suited to reducing GHGs, promoting infill development, and encouraging multimodal transportation. State guidelines issued in December 2018, recommend analysis of vehicle miles traveled (VMT) generated by development projects rather than analysis of traffic delay. Local lead agencies responsible for implementing CEQA review as part of development

project approvals, including city and county governments, were required to transition to the new approach by July 1, 2020.

The Governor's Office of Planning and Research (OPR) provided technical advice on how lead agencies can carry out VMT analysis under SB 743 (OPR, 2018). Although this sort of technical guidance is only advisory, many local lead agencies follow it to help ensure that their review procedures are legally defensible. OPR's recommended approach supports efficient development, by streamlining CEQA analysis for VMT-efficient projects, and requiring mitigation from VMT-inefficient projects. In conducting CEQA review of potential negative environmental impacts of development projects and plans, lead agencies must determine, and if feasible, mitigate "significant" impacts. OPR's technical advice for implementing SB 743 recommends identifying a "threshold" level of VMT for new development projects, above which each project's VMT impact should be considered significant enough to warrant mitigation. For residential projects, OPR recommends a significance threshold set at 85% of either regional or city-wide average VMT per capita, whichever is higher. OPR's recommendations also address transit access; residential projects located within a half-mile of high-quality transit access can be "normally" considered to have a less-than-significant impact on VMT. OPR advocates the use of screening maps to distinguish geographic areas by their average VMT per capita, in comparison to the significance threshold, as a way to identify areas where more or less detailed environmental review may be necessary. Recommended mitigation measures include various demand management strategies (to reduce the need or "demand" for driving), such as improving transit service, or providing sidewalks and bike lanes.

All California cities, as lead agencies under CEQA for approving development projects within their jurisdictions, were required to implement the new SB 743 approach for transportation impacts analysis by July 1, 2020. In doing so, many cities have been mainly concerned with how to implement the new approach for analysis of individual development project proposals. However, a few cities have gone considerably further, by using the transition to revisit their transportation policies more broadly, in particular, their transportation impact fees and TDM requirements, so as to integrate SB 743 requirements systematically with these other aspects of local policy. Adopting this sort of systematic approach supports a focus on multimodal network capacity-building, as opposed to just project-specific mitigations for reducing VMT. By connecting these dots, cities can, through CEQA, link land use and transportation in a fashion that systematically supports efficient land use and transportation simultaneously.

Two cities we studied, San Francisco and San Diego, serve as models for using the transition to SB 743 impacts analysis as the basis for this sort of systematic policymaking. The first, and still most far-reaching, example of this approach was undertaken in San Francisco, even before SB 743 went into full effect. LOS analysis and mitigation had been the subject of complaint for many years in San Francisco, with city planners complaining that the LOS metric failed to capture important environmental effects of development, contradicted the city's policies for prioritizing "transit first," entailed costly, time-consuming, and unpredictable requirements for project sponsors, called for infeasible and ineffective mitigations, created implementation burdens for the planning department, and discouraged infill development due to a "last-in"

bias, meaning that infill was required to bear the burden of existing cumulative traffic problems (Chang, 2012). Many policies that supported the city's transit-first vision, in the context of the city's rapid growth and limited land space, ran into conflicts with the LOS metric, which measures auto delay. As much of the city is already built out, the majority of new development is infill, which can trigger a bad LOS score. The LOS metric was a key tool utilized in the courts by city residents to hinder the implementation of transit-first strategies (Bialick, 2013b; Swan, 2019).

Given the clear conflicts between the LOS metric and many of San Francisco's growth policies and goals, the passage of SB 743 in 2013 provided a useful solution. San Francisco's historic struggle with LOS, exemplified through lawsuits over its bike plan and environmental review for bus-rapid transit, facilitated a shift to VMT metrics even before passage of SB 743, but the city went further than just adopting VMT standards for project-level CEQA review, as called for under the law (Barbour et al., 2019). San Francisco also adopted complementary, inter-connected strategies to maximize VMT reductions, in particular, by updating its transportation impact fees and TDM policies. Between 2015 to 2017, the city adopted a Transportation Sustainability Program (TSP), which includes the replacement of LOS with a VMT metric for CEQA traffic analysis, linked to a new Sustainable Transportation Fee and a Transportation Demand Management (TDM) Ordinance, ensuring that CEQA review will support efforts to systematically leverage infill development to improve transit and non-motorized modes (ibid). San Francisco dubbed the three parts of its Transportation Sustainability Program "align," "invest," and "shift."

For the "align" component, the city used OPR's recommended thresholds of significance for determining projects that could require mitigation under CEQA for their VMT impacts, as a basis for simplifying and streamlining CEQA review of traffic impacts. The city uses a screening approach to determine whether projects fall below the VMT significance threshold, with criteria established identifying types, characteristics, and/or locations of projects that would not result in significant impacts to VMT (SF Planning Department, March 3, 2016; Wietgrefe, 2017). The location-based screening criteria rely on maps produced using the city's activity-based travel demand model, which are then used to determine how development-estimated VMT by land use type compares to OPR's recommended threshold of significant VMT impacts set at 15% below regional average VMT per capita or per worker. If a project meets the screening criteria, then VMT impacts are presumed to be less than significant and a detailed VMT analysis is not required. According to the city's analysis, "Most land use and transportation projects proposed in San Francisco over the last several years would meet the screening criteria…and would not require a detailed VMT analysis" (SF Planning Department, March 3, 2016).

This approach allowed San Francisco to "solve" a decade-long discussion about how to link a new CEQA metric for traffic impacts to the city's mitigation fee and TDM ordinance, by de-linking them. CEQA requirements do not form the legal basis for the city's new Transportation Sustainability Fee (the "invest" component of the TSP) and Transportation Demand Ordinance (the "shift" component of the TSP), which were developed instead to comply with requirements of the state's Mitigation Fee Act. Using this approach, the Transportation Sustainability Fee

focuses not on project-by project mitigation needs, but instead on systematic assessment of needs and identification of capital and maintenance projects to improve transit and alternatives modes for the city as a whole.

The city Board of Supervisors adopted the Transportation Sustainability Fee (TSF) in November 2015, as a citywide impact fee on both residential and non-residential development that replaced the existing Transit Impact Development Fee (TIDF), adopted in 1981, which applied only to non-residential development (Spencer, 2015). As noted previously, funds raised by the fee are directed as supplemental funding for a specified set of projects, including adding more than 180 vehicles to the Muni fleet; upgrading Muni maintenance facilities; upgrading transit reliability through reengineering of transit stops and streets; new or improved BART train cars; investment in electrifying Caltrain to increase service into and out of San Francisco; and improved bike and pedestrian infrastructure. As noted above, the specifics of the Transportation Sustainability Fee were controversial and debated for a number of years before adoption, in particular about the level of the fee and what sorts of development should be exempted. The fee ultimately adopted by the Board of Supervisors was set at only about one quarter of the full level identified in the required nexus study to cover mitigation needs, an outcome viewed by some observers as a victory for developers in the debate.

The Transportation Demand Management Program—the third so-called "shift" component of the Transportation Sustainability Program—was adopted in 2017 to re-frame project mitigation away from roadway enhancements, as under LOS-based review, to instead favor mitigations aimed at reducing VMT. The TDM Program, an ordinance which amended the city's planning code, requires developers to provide on-site amenities to reduce car travel and support trip-making by sustainable modes, such as by providing bicycle amenities and subsidized transit passes (TDM Ordinance on-line FAQ).[18] Development projects must incorporate TDM amenities early in the design phase to meet a targeted number of mitigation points depending on the type of land use and the number of parking spaces the project is proposing. The more parking proposed for a project, the higher the number of points the development must achieve. The city created an online tool to help developers calculate their project's required points and forecast different ways to meet the requirement through different TDM measures.

San Francisco's three-pronged Transportation Sustainability Program has enabled the city to align CEQA reform under SB 743 with plans for transit and TDM enhancements. Notably, San Francisco was able to weave the elements of the TSP together more easily than many other cities may be able to do, because most territory in the city falls below OPR's recommended threshold for significant VMT, allowing for regulatory streamlining and cost savings for reduced environmental review, and because the city runs its own transit service, making collaboration

[18] The program applies to projects with 10 units or more of new residential development, 10,000 square feet or more of commercial development and relatively large (25,000 square feet or more) changes of use like expanding an auto shop or other small industrial space into office space. Residential projects that are 100 percent affordable are exempt (TDM Ordinance on-line FAQ)

among city- and county-level agencies and functions easier than in many other cities which lack the same institutional coherence between land use and transport functions.

San Diego more recently re-formulated its transportation impact fee, so as to align it with SB 743, and in so doing also resolved some long-standing concerns about how such fees had been imposed in the city in the past. San Diego's approach is instructive for cities with variable development patterns, where some parts of town are high-VMT-producing while other areas (such as denser TOD zones) are more VMT-efficient.

Previously, the city had assessed fees per housing unit, with funds locked into special accounts for each of the city's 50-odd community planning areas, creating inequities (Keatts, 2020b). Areas of the city that were more suburban in character were able to assess up to 100% of the cost of new facilities needed to serve development, meaning they generally had much higher reserves of funds than older, more urbanized areas served by transit (Elmer, 2020). By 2020, the city's planning department was seeking to revise this approach to create a more systematic, sustainable, and equitable approach (Elmer, 2020). Rather than continuing to impose fees that vary by neighborhood, the department aimed to set one flat developer fee and put the money into a citywide pot, which could provide more funding to the neediest neighborhoods, according to the department (Elmer, 2020).

The city revised its impact fee system in 2020, to align with adoption of new methods to comply with SB 743. In addition to adopting VMT metrics for use in CEQA analysis at the project level, the city adopted a new Active Transportation In-lieu Fee (also known as the VMT fee) as part of its Complete Communities Mobility Choices Initiative (City of San Diego, n.d.). Under this program, the city is broken out into four mobility zones, designated based on the VMT-reducing potential of new development. Mobility Zones 1, 2, and 3 are deemed to be VMT-efficient, with the average number of vehicle miles traveled per capita or per employee less than 85% of the regional average, the threshold established for CEQA analysis of significant VMT impacts requiring mitigation, if feasible. Mobility Zone 4 is VMT-inefficient, with average VMT per capita or per employee greater than 85% of the regions.

The new in-lieu fee, set at $1400 per VMT produced, applies to all development in Mobility Zone 4, with the funds to be used to for active transportation and VMT-reducing infrastructure projects located within Mobility Zone 1, 2, or 3 (the lower VMT areas). The rationale for this approach is that investing in VMT reducing infrastructure in Mobility Zone 4 yields the least amount of citywide VMT reductions, and instead, it is cheaper and more efficient to invest in VMT reducing facilities in the other mobility zones (ibid). At least 50 percent of all new funds will be spent solely within Communities of Concern.[19]

[19] Projects in Mobility Zones 2 and 3 can pay also pay the VMT fee, or instead provide Active Transportation Measures, which are VMT reduction measures such as lighting along public walkways, pedestrian refuges and raised or widened crosswalks and sidewalks, shade trees, transit stop upgrades, designated car-share or carpool vehicle parking, or electric bicycle charging stations. Mobility Zone 1, which includes the downtown area, is not required to implement active transportation measures. Multifamily residential development in Mobility Zone 2

In this fashion, San Diego has integrated all parts of the city into a set of zones based on average VMT impacts, with mitigation requirements directed to funding high-impact VMT-reducing measures in the city's most location-efficient zones. This kind of approach allows the city to connect the dots between project-level VMT mitigation and coordinated, strategic city-wide policies and programs to reduce VMT, along with means to fund them. Through this sort of coordinated approach, the city can maximize the potential for VMT reductions.

Recommendations for how the state government can support local TOD policymaking

We end this chapter by providing some recommendations for state-level strategies that could support promising TOD/transit/AT strategies, and address some of the most salient tensions and conflicts that we came across during our case study research.

Considering how the state government could help address tensions and conflicts we observed in our research, we first reiterate our research finding that careful design of inclusionary housing programs is critical but also quite difficult for cities to get right, with various recently adopted local policies having resulted in widely different outcomes. The state government could help cities by calling for more systematic publication of information on inclusionary policies and impact fees, and then by funding research to examine how program design of inclusionary policies interacts with market conditions and permitting outcomes across localities. Cities need help in designing effective policies, and such research could be useful.

Another salient tension we found is that, in seeking to keep their "stack" of development impact fees and inclusionary requirements manageable for developers, some cities are finding it difficult to balance multi-modal transportation goals with affordable housing goals. To reiterate, we found that cities including San Francisco, Los Angeles, and San Diego have been maxing out inclusionary housing requirements but imposing relatively lower demands on developers to fund transportation facilities and service to accommodate new development. This approach could backfire, as increasing traffic congestion is one of the most salient complaints raised by neighborhood residents in opposing new denser development. Cities should not have to choose between housing and multimodal transport improvements, since TOD, transit, and AT strategies are synergistic and mutually beneficial.

An important lever the state can use to reinforce the mutual benefits of TOD, transit, and AT and help overcome these resource conflicts would be to reward cities more directly that support TOD, such as through upzoning near transit, with greater access to transportation funds for transit and AT. A good example of this approach is the One Bay Area Grant program, administered by the Metropolitan Transportation Commission, the San Francisco Bay Area's MPO, which allocates transportation dollars to localities based on their adopting TOD-

must provide amenities such as bicycle storage or repair stations, transit pass subsidies, or micro mobility charging spaces; all other development in Mobility Zone 2 must provide Active Transportation Measures. All development in Mobility Zone 3 must provide Active Transportation Measures. Certain projects are exempt, regardless of Mobility Zone, including affordable housing, locally serving retail and public facilities, and certain mixed use projects.

supportive land use policies and increasing housing production. A program of this sort could be scaled up to the state level.

Additionally, we seek to underscore the daunting challenge that many cities face in attempting to shift a car-dependent development pattern to a more sustainable one. Los Angeles exemplifies the challenge, where billions of dollars of spending on new rail lines in recent years have been accompanied by declines in per capita transit ridership. In a highly car-dependent context, strategies to support transit and AT can meet considerable resistance from residents who do not perceive that viable alternatives to driving will be readily available and effective.

Recognizing the intractability of addressing traffic congestion and mobility/accessibility problems in a car-dependent context, Los Angeles and San Francisco officials recently launched studies of congestion pricing options to alleviate traffic delay in congested zones and during peak periods, and to raise funds for alternative modes. These efforts are important not just to tackle traffic congestion, or even just to raise funds for alternative modes, but more fundamentally as a potential basis for presenting travelers with better information about the cost of their travel choices, and possibly for rewarding them directly for making more socially and environmentally efficient decisions. The state government could support similar studies in other cities and regionally.

Another challenge we identified is how to reconcile top-down systematic policymaking with bottom-up neighborhood planning. Looking for effective approaches, we highlighted LA's TOC program, which is being implemented through updates to neighborhood plans, and El Cerrito's Specific Plan for San Pablo Avenue, which relies on the plan PEIR as a basis for subsequent permit streamlining, and the use of a form-based code to establish expectations for desired outcomes that are clear for both developers and neighborhood residents. As noted, the El Cerrito planners we spoke with emphasized the central importance of planning grants the city had received from state and regional agencies, which made development of the plan possible. Lessons for the state government to glean from these examples include the importance of using CEQA as a basis for systematizing permit streamlining, and the importance of ensuring local capacity to develop effective neighborhood plans that accomplish this goal. The state could support this approach by funding neighborhood planning that helps implement state-mandated performance targets (e.g., for RHNA), and providing for stronger CEQA streamlining for neighborhood plans that enable a city to achieve such state-defined performance targets.

A second "success story" in developing integrated TOD/transit/AT policy that we highlighted is the effort undertaken by some cities to connect and coordinate project-level CEQA review of transportation impacts, as required under SB 743, with transportation policies in the city, including transportation impact fees and TDM ordinances. The state government could directly support such initiatives, which can be costly to implement, due to extensive analytical and policy coordination demands.

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Data Management

Products of Research

Data collected for this research included publicly available documents, cited in the report references, and information from confidential interviews.

Data Format and Content

Although interviews were recorded for note-taking purposes, the recordings are not publicly available because the interviews were confidential. Any quote included in this report that is attributed to an interviewee is only presented because we first obtained written permission from the interviewee to do so.

Data Access and Sharing

Our publicly available data sources are cited in the report references. Our recordings of confidential interviews are not publicly available.

Reuse and Redistribution

All cited publicly available documents are available to readers through conventional channels.

APPENDIX 1. Case studies on TOD planning and policymaking in Los Angeles and Santa Monica

Los Angeles and nearby Santa Monica have been laboratories for TOD policymaking in recent years, as job growth has fueled housing affordability and traffic congestion pressures, directing public attention toward growth-related problems and potential solutions. Over the past decade, both cities have been innovators in developing TOD, transit, and active transport plans and policies, and have also experienced considerable controversy and public debate in the bargain. Given their proximity but also the differences between them, in size, diversity, and public resources, the two cities make for a useful comparison for understanding TOD-related policy pressures and strategies in the coastal portion of the Los Angeles region.

Los Angeles case study

Los Angeles has a long history of planning around transit. In the early 1900s, the city built around the Pacific Electric Railway, which became the most popular method to travel within the city and surrounding regions. At its peak, the system included 1,110 miles of track and 900 trolley cars that provided a way to travel for millions (Los Angeles Streetcar, 2016).

After the single-family housing boom that followed World War II, this transit system became obsolete as people moved away from the urban core and chose to drive private vehicles. However, in recent years, housing production in the urban core has increased significantly, even as the region has made massive new investments in rail transit, adding over 100 miles of light and heavy rail, and over 530 miles of commuter rail since 1990 (Manville et al., 2018).

As market interest for infill development has risen in recent years, along with mounting concerns about traffic congestion and environmental impacts of driving, the City of Los Angeles has become very active in policymaking to promote TOD. The main motivations, according to our interviews with city planners, are to reduce greenhouse gases, improve mobility and accessibility, and support equity by providing better access to transit for low-income families living nearby. Resident opposition to many TOD projects and policies has also arisen in response. For example, Fix the City, an organization led by westside homeowners, has become a vocal force in delaying or stopping TOD projects. Yet, even in the face of these challenges, Los Angeles has become a TOD policy leader, and the city's innovative efforts exemplify not just the challenges but also potential solutions for California cities to adopt to foster TOD.

TOD plans in Los Angeles

Los Angeles faces challenges in identifying available parcels where development can occur. Less than two-thirds of city land is now zoned to allow residential construction, and of that total, more than 75 percent is zoned for single-family homes or duplexes only—meaning that only a small portion is zoned to allow multi-family housing (Mawhorter et al., 2019; Chiland, 2020). A *Los Angeles Times* analysis found that 190,000 parcels in neighborhoods zoned for single-family homes are located near transit-rich areas (Zahniser and Schleuss, 2018).

Limited land zoned for compact, multi-unit housing creates some conflicting priorities, such as when the city's valuable historic buildings are located near transit and do not support transit ridership. The Carthay Circle, for example, is a single-family area where, in order to protect the "integrity" of the neighborhood, homeowners pushed for adoption of a historical preservation overlay zone. The zoning protects the neighborhood as a single-family area despite its proximity to a major transit stop (Lopez, 2019). These conditions elucidate some of the challenges the city faces in identifying areas to build denser and more affordable housing near transit.

The current Los Angeles City General Plan, developed in 1995 and re-adopted in 2001, includes an explicit framework that envisages development of transit and TOD. The land use element of the plan promotes "concentrated neighborhood districts, community, regional, and downtown centers, and mixed used boulevards" (City of Los Angeles, Department of City Planning, https://planning.lacity.org/plans-policies/general-plan-overview). The land use element also calls for infill and brownfield developments built compactly so as to consume less land and resources, and for pedestrian-oriented districts where street design can be enhanced to encourage less car travel.

Community Plans serve as the building blocks of the land use element of the Los Angeles General Plan, setting out permissible land uses in specific areas (City of Los Angeles, Department of City Planning, https://planning.lacity.org/plans-policies/community-plans). Thirty-six Community Planning Areas have been designated, including the Port of Los Angeles. However, for decades, the area plans were not updated, and developers had to negotiate with planning officials on a discretionary project-by-project basis for features of new development such as upzonings, a situation that came to exemplify a "broken planning system" according to some city officials (Chandler, 2017). In February, 2017, the Los Angeles City Council voted to establish a schedule for revising the Community Plans every six years and provided new funding for the plan update process (https://www.laconservancy.org/los-angeles-community-plans). The plan updates will include new zoning provisions, which have not been systematically addressed in the city for decades (TPR, July 2017; March 2020). By 2020, fifteen plans were being updated (https://planning.lacity.org/plans-policies/community-plan-updates).

The city planning department has also adopted a Transit Neighborhood Plan (TNP) program, which works in conjunction with the community plans. The TNP program was launched in partnership with Metro, the county transportation agency, in June 2012, to encourage livable communities around transit stations (the Los Angeles County Metropolitan Transportation Authority, branded as Metro, also operates in Los Angeles). TNPs are funded through an $8 million award from Metro's Transit Oriented Development Planning Grant Program, to support the city in enhancing access to transit, reducing GHGs, and promoting sustainable development (City of Los Angeles, Department of City Planning, 2017, October). The first plans funded under the program aim to promote development along the Crenshaw/Los Angeles International Airport (LAX) Line and Exposition Phase II corridors, the future Regional Connector stations and existing downtown stations, the Purple Line extension, and the Orange Line, and along and around the future Metro Active Transportation Rail to River Corridor (City of Los Angeles, Department of City Planning, 2012, and 2017, October).

The TNP program provides a framework to enhance areas around transit stations, even as the authority to determine the location of a transit station is solely held by Metro. TNPs are intended to promote strategies like mixed use zoning, flexible or decreased parking requirements for buildings near transit, and pedestrian-friendly design standards and guidelines to encourage people to walk and drive less (City of Los Angeles, Department of City Planning, 2017, October). For example, the Expo area TNP, approved by the Los Angeles City Council in 2018 after a 5+-year community input process, allows for more development, especially affordable housing, in areas around five westside Metro Expo Line stations (Linton, November 2018). The plan significantly increased housing capacity on Los Angeles' west side for the first time in decades, upzoning some properties from single-family to multifamily for the first time since the 1960s (TPR, 2020).

Although many Los Angeles residents support the city's efforts to facilitate TOD and transit/AT, concerted opposition has also emerged. For example, Fix the City (FTC), a group of "litigious mainly-Westside homeowners," sued the city over the Expo Transit Neighborhood Plan as well as on a proposed update of the Hollywood area community plan, arguing that city regulations should first improve transportation infrastructure (specifically for cars and emergency vehicles) before permitting additional density (Dawid, 2015; Linton, November 2018, and September 2019a). Fix the City's lawsuit put a halt to the Hollywood Community Plan update, sending it back to the drawing board (Zahniser, 2013).

In 2017, the Los Angeles City Council approved updates of community plans for South and Southeast LA, two of the city's most economically challenged areas. The plans, developed over ten years with significant input from community organizations, demonstrate how Los Angeles has aimed to address housing and economic development in neighborhoods deeply concerned about threats posed by gentrification and displacement of existing residents (Department of City Planning, 2017, June). The plans aim to foster active, mixed-use transit areas, revitalize underutilized commercial corridors, protect viable industrial districts, reduce residential-industrial land use conflicts, and protect low-density single-family residential neighborhoods from encroachment by industrial and other uses (ibid).

The South and Southeast LA Community Plans utilize Implementation Overlay Districts and TOD Subareas to establish design standards, use restrictions, and incentives for targeted uses that support community needs, including affordable housing, banks, full-service grocery stores, sit-down restaurants, child care centers and health clubs, among others. TOD Subareas promote a mix of uses within walking distance of transit stations, through upzoning to allow for greater height, square footage and density in order to attract the desired uses. The TOD Subareas have different levels of intensity, heights and FARs tailored to the context of each station area, using a tiered zoning system with lower base FAR and height for by-right projects and greater FAR (ranging from 3:1 to 6:1) and height for projects that provide targeted uses such as affordable housing and/or grocery stores. To prevent displacement, the tiered incentive structure prioritizes mixed-income and 100% affordable housing in transit-rich areas and requires that projects utilizing the incentives replace previously existing affordable units.

The community organizations that participated in the development of the South and Southeast LA Community Plans felt satisfied that city planners had addressed and incorporated many if not most of their concerns and priorities in the plan proposals, but also that some salient concerns had not been addressed, in particular for providing adequate renter protections, economic opportunities for small business owners (e.g., through affordable rent guarantees for community-serving businesses), and worker training and local hiring provisions (Sulaiman, 2017). City planners contended that some of these community concerns could not be properly addressed through land use policy, signaling that wider policy efforts are needed to address underlying concerns about providing access to resources needed to overcome poverty (ibid).

Racial discrimination in housing has been a problem for decades in Los Angeles, helping account for neighborhood segregation, and helping explain sometimes contentious dynamics about re-development goals and plans (Boyarsky, 2019; Sulaiman, 2016). One salient current concern is the potential for new development to cause gentrification and displacement of existing residents. The city's long history of racial segregation and displacement helps explain why even well-intended community plans may be met with skepticism about further displacement. Development currently being planned along the Crenshaw transit corridor provides an example. As the Crenshaw line has been extended further south, some residents formed a group called the "Crenshaw Subway Coalition" which pushed back against the proposed redevelopment of a mall to a housing project, planned to be adjacent to a new Metro station (Flores, 2019a). The group supported the extension of the Crenshaw line, but worried that this new development would displace African American residents. Damien Goodmon, the Executive Director of the Crenshaw Subway Coalition, claimed that, "Our historic Black working class community is under attack from gentrification, speculators, and developers who want to profit off the community we built" (Flores, 2019a).

Another interesting tension arose in connection to goals for densifying development in single-family, low-density portions of the South and Southeast LA Community Plan areas. According to some of our interviewees, efforts were mounted to preserve single-family, low-density portions of these Plan areas, signaling the desire to maintain some of the city's only majority-minority homeownership neighborhoods. This stance provides a clarifying perspective on the concept of NIMBYism, which is often portrayed only negatively as a desire by richer and whiter communities to exclude lower income and minority households.

Another part of Los Angeles getting heavy planning attention is the downtown area. The city is developing a new Downtown Plan (DTLA 2040), which addresses concerns and aspirations that exemplify the city's goals and challenges for TOD. Following six years of community meetings and discussions, the city planning department released a proposed Downtown Plan and EIR in August, 2020, with adoption scheduled for 2021 after further public comments are gathered (https://planning.lacity.org/plans-policies/community-plan-update/downtown-los-angeles-community-plan-update#about).

For decades, the downtown area was "a hub for government and white-collar workers that was dead after dark," but recently it has been transitioning to become "a hub of housing production

in the region" and a "thriving community jammed with high-end housing and an array of restaurants, bars, and cultural institutions…[where] street parking can be hard to find" (Regardie, 2019). Since 2020, the downtown residential population has quadrupled in size to an estimated 80,000, with most new housing units being market-rate (ibid).

The proposed Downtown Plan 2040 envisions the downtown area as accommodating 55,000 new jobs and 125,000 new residents in 70,000 new housing units by 2040, targeting 20% of the city's housing growth into one percent of its land area (Linton, August 2020). The plan encourages housing by nearly doubling the area where housing is permitted to 60% of the area, and tripling to 64% the area that allows for mixed use (LA Department of City Planning, n.d. -1). In addition, the plan offers a new Community Benefits Program, which incentivizes affordable housing while simplifying the approval process. A project may choose to exceed the base development rights available in its location, and build up to the maximum building size allowed, by contributing public benefits structured into three tiers. Level 1 would allow for 35 percent additional FAR, or maximum allowed story height, in exchange for providing a stipulated number of on-site restricted affordable housing units.[20] Levels 2 and 3 allow additional FAR or additional stories, in exchange for also providing open space or community facilities, or, for Level 3, by paying into the Community Benefits Fund (LA Department of City Planning, n.d. -2).

DTLA 2040 is the first of the city's community plans to include zoning developed as part of the comprehensive update of the city's zoning code. It introduces "modular" zones to regulate use and form distinctly as "capabilities that will help implement each community's vision and goals." Multiple "districts" are applied which separately address form, frontage, development standards, use, and density, each of which can be tailored to achieve different outcomes (LA Department of City Planning, n.d. -1).

With four-fifths of new downtown development targeted for locations within a half mile of transit, and given the availability of alternative transportation modes in the area, the DTLA plan also calls for doing away with parking minimums for future housing projects (TPR, 2020). This step should not only induce less driving but also lower costs of housing construction. A recent study by UCLA parking expert Donald Shoup, which investigated the effect of minimum parking requirements on construction costs, found that an above-ground parking space in Los Angeles cost $27,000 to build, and an underground space cost $35,000 (Shoup, 2014). Shoup estimated that parking requirements in Los Angeles typically reduce the feasible number of units by 13%. Los Angeles' city planning director described the new parking policy as "removing onerous regulatory requirements that have either slowed or impeded development—unlocking in the process the potential for new housing and jobs" (Regardie, 2019).

[20] Level 1 only applies to housing development projects and allows for up to a 35% FAR increase or the maximum allowable bonus height in exchange for providing on-site restricted affordable units, in any of the following amounts: 5% of total residential units towards deeply low income; 8% towards extremely low income units; 11% towards very low income units; 20% towards Low Income units; 40% towards moderate income units (LA Department of City Planning, n.d. -2).

This discussion indicates that the development of neighborhood plans is a useful but also challenging approach for addressing TOD goals in Los Angeles. As the city's planning director put it:

> Neighborhood plans are considered an essential element to growth management in Los Angeles. Los Angeles is such a large and complex city. It's not just large geographically, it's very diverse in terms of its physical place, its people, and its development over time. This diversity makes it challenging to create one plan that covers the entire city all at once, so we're creating the plan in phases…
>
> We're applying the new [zoning] code community plan by community plan, which helps to capture that diversity of the complexity of the city…
>
> It's a very long and complex process for us to update all of our plans to accommodate new housing. Dealing with consensus in neighborhoods and communities takes a long time. The California Environmental Quality Act process for building more housing—even in Downtown Los Angeles—is also very lengthy and expensive...so there's clearly a state role in streamlining to make it easier to produce housing at the local level (Los Angeles Planning Director Vince Bertoni, as quoted in TPR, March, 2020).

These comments from Los Angeles' Planning Director point to the benefits but also the challenges of relying upon area plans as a basis for regulating development. Up-to-date area plans can provide for systematic and predictable development approvals that are also tailored to addressing local concerns and differing priorities in different parts of the city. This approach contrasts with the piecemeal, project-by-project discretionary approvals process that has characterized Los Angeles' planning system in recent decades, resulting in drawn-out, politicized negotiations over individual projects, sometimes tainted by corruption scandals. However, the very fact that the City of Los Angeles allowed its area plans to become outdated resulted in this "broken" system. As the planning director indicates, much time and resources are required to keep area plans up-to-date. This situation means that more systematic policies adopted at a city-wide scale can hold promise for streamlining development, and Los Angeles has turned to adoption of such policies in recent years, as discussed in the following section.

Land use regulation for TOD in Los Angeles

While the City of Los Angeles has been working to update its many community plans, it has also recently adopted some systematic citywide policies to support housing development, some of which aim to create denser housing near transit stations. In November 2016, voters approved Measure JJJ, which established inclusionary housing requirements citywide, and also instituted an incentive program for affordable housing development near transit. A comparison of permitting outcomes from these two programs instituted by Measure JJJ is instructive in considering consequences of different policy approaches for inducing housing production.

Measure JJJ was put on the ballot by housing and labor groups as way to build more affordable housing and create more high-paying construction jobs, and also as a counteroffensive to the Neighborhood Integrity Act (Measure S), an anti-development initiative placed on the March 2017 ballot, which would have created a moratorium on developments seeking exemptions

from planning rules. Given how old and out-of-date the city's zoning rules have become, the impact would have been substantial. Measure JJJ allows such exemptions so long as developers pay union-level wages to construction workers and build at least some units offered at below-market rates (LA Times Editorial Board, 2019).

The inclusionary housing requirement established by Measure JJJ applies to projects of at least ten units that seek changes to permissible land use or to maximum building height, through a General Plan amendment or zone change, that would result in an increase in residential density of more than 35%, or would allow a residential land use previously not allowed. Projects meeting these conditions must comply with an on-site affordability provision or a specified alternative option. For rental projects seeking an increase in residential density over 35%, affordability requirements are 5% for extremely low income (ELI) and either 6% for very low income (VLI) or 15% for lower income (LI).[21] For rental projects seeking a residential use where not previously allowed, the requirements are 5% for ELI and either 11% for VLI or 20% for LI. For for-sale projects, the requirements are 11% for VLI or 20% for LI, or 40% for moderate income (San Diego Office of the Independent Budget Analyst, 2018; Los Angeles Bureau of Contract Administration, n.d.). In addition, the measure includes labor requirements related to pay, training, and local hiring for construction done on the project.

Research assessing impacts of the Measure JJJ inclusionary requirements indicates that the program has discouraged new housing. Prior to the enaction of Measure JJJ, projects eligible for JJJ provisions accounted for a significant portion of Los Angeles' new housing production - between 2016 and 2017 they accounted for more than 19,000 proposed residential units (Sharp, 2019). Research by LAplus and UC Berkeley's Real Estate Development & Design Program found that by largely eliminating zone changes and general plan amendments, which had been an important entitlement pathway to home-building in Los Angeles, Measure JJJ contributed to a notable reduction in the number of applications for new homes during the first two years after its passage (LAplus & UCB, 2018). Citing interviews with several developers, the report pointed to Measure JJJ's prevailing wage requirement as the primary culprit, with union labor increasing the cost of a podium-type development by 20 percent, and by 30 percent for low-rise construction.

By contrast, a second program established through the passage of Measure JJJ, called the Transit Oriented Community (TOC) Incentive Program, has been deemed very successful in encouraging new housing development in the city, including affordable housing. A comparison of the design of these two programs created by Measure JJJ is therefore instructive for considering elements of effective policymaking for affordable housing.

TOC, created by the city's planning department as a result of provisions in Measure JJJ, was adopted in 2017, with the intent to encourage construction of affordable housing units near

[21] Extremely low-income units target household incomes up to 30% of AMI; very low-income units target households up to 50% of AMI; lower-income units target households up to 80% of AMI; and moderate-income targets households up to 120% of AMI.

bus and train stations. Unlike the inclusionary housing requirement described above, the TOC is a voluntary "incentive zoning" program, essentially a super-charged density bonus program (with more incentives provided than under the state density bonus law), which does not trigger the mandatory JJJ inclusionary or labor requirements, because it operates within existing zoning limits. The TOC program applies to residential and mixed-use projects of five units or more, located within a half-mile radius of a major transit stop (defined as a rail station or the intersection of at least two bus routes with frequent service during peak commute times). Approximately 21% of the city's zoned land falls within a half-mile of a major transit stop; however, since much of this land is zoned for low density residential or uses that do not permit housing, eligible TOC areas are limited to approximately 13% of the city (Department of City Planning, 2017, May).

For qualifying projects, incentives are granted to developers if they provide a set percentage of affordable units based on their proximity to transit. Four tiers are established that vary depending on the distance of the project site to the nearest major transit stop—the closer to a transit station, the higher the tier[22] (City of Los Angeles, Department of City Planning, 2018). Both affordability requirements and incentives in the TOC program vary depending on the tier.[23] The incentives offered through the TOC program include the following:

- Density: Depending on the tier, developers can increase density of housing units from 50% to 80%. The higher the tier, the higher will be the awarded density bonus.
- FAR (residential portion): Tier 1 increases by 40%, Tier 2 by 45%, Tier 3 by 50%, and Tier 4 can lead to a 55% increase in FAR.
- Residential parking: Tier 1 is designated as requiring no more than 0.5 parking space per bedroom, Tier 2 as no more than 1 parking space per unit, Tier 3 as no more than 0.5 spaces per unit, and Tier 4 has no required provision of parking space.
- Height: Tier 1 and 2 have height restrictions of 11 feet for one story, Tier 3 has a 22-foot restriction for two stories, and Tier 4 has 33 feet for three stories.
- Yard/setback: Developers have the advantage of reducing the setback of the building for residential units. Tier 1 can reduce their setback by 25% which is 1 yard. Tier 2 can have a reduction of 30% and Tier 3 and 4 can have reductions of 30% and 35% respectively.
- Open space: Depending on the tier, developers can reduce open space by 20% to 25%. The higher the tier, the greater the possible reduction in open space.
- Lot coverage: Developers can increase their lot coverage by 25% to 35%, depending on their designated tiers.

[22] If development is proposed in an area where the intersection of two bus lines of 15-minute average peak headways is at 750–2460 feet distance, Tier 1 will be granted to the project site. If the intersection is less than 750 feet, developers can develop Tier 2 housing units which are more compact than Tier 1 (City of Los Angeles, Department of City Planning, 2018). For metro rail stations, if the intersection of a rail line and a rapid bus line is within 750 feet, project sites can be granted Tier 4, the highest tier in the TOC incentive program.

[23] For Tier 1, the minimum affordable unit percentage requirements is 8% ELI, 11% VLI, or 20% LI; for Tier 2, the minimum is 9% ELI, 12% VLI, or 21% LI; for Tier 3, 10% ELI, 14% VLI, or 23% LI; and for Tier 4, 11% ELI, 15% VLI, or 25% LI.

TOC projects can follow either a by-right process or a discretionary approval process (ibid; City of Los Angeles, Department of City Planning, 2017, May). By-right development refers to the ability for a developer to build or use their property without obtaining discretionary approval from the city, if the project or use follows zoning and planning regulations. Since discretionary approval is not required, CEQA review is also not required. By-right development is feasible through the TOC program if a project uses the base incentives offered—a density bonus, a FAR bonus, and/or relaxed parking requirements—available by tier to projects that meet the percentage affordable housing requirements. This provision for ministerial review, and the associated ability to avoid the need for potentially costly and unpredictable CEQA review, can be quite valuable to a developer.

In addition to the base incentives, projects may be granted up to three additional incentives in return for meeting specific affordability requirements. If a project is applying for additional incentives, then discretionary approval is required from the Department of City Planning, therefore triggering CEQA (City of Los Angeles, Department of City Planning, 2017, May). The additional incentives in the list shown above are the height, yard/setback, open space, and lot coverage incentives.

The TOC incentives and required percentages for affordable units may be adjusted through a Community Plan update, Transit Neighborhood Plan, or Specific Plan, provided that the required percentages to receive a development bonus for affordable units may not be reduced. Indeed, for the South Los Angeles and Southeast Los Angeles community plan updates, described in the previous section, the TOD Subarea incentives for affordable housing were designed to meet or exceed the affordable housing incentives provided in the affordable housing provisions of Measure JJJ. Housing developments operating under TOC provisions may not seek and receive a density bonus under the state density bonus law or any other program providing development bonuses (e.g., through a General Plan Amendment, zone change, or other provision). Finally, the program also aims to avoid displacement, by requiring a minimum of one-to-one replacement of any affordable housing demolished.

In February 2020, the city planning department released an assessment of the TOC program indicating it had been quite successful in increasing numbers of permitted affordable housing units. From 2017 to 2019, permits in the city for both market-rate and affordable units were up, and TOC appeared to have played a big role, with more than 27,000 new units permitted under the program since its inception (Linton, February 2020). About one quarter (24%) of the discretionary units approved were deed restricted. In 2019 alone, more than 14,500 new units—42% of all proposed housing in the city—had been proposed through the TOC Program.

According to a land use consultant, by 2018 information on TOC had become the most requested information from developers, and many who did not want to build in Los Angeles before were now interested (Lawson and Lopata, 2018). Project developers began using the TOC Program far more than other incentives, including density bonuses mandated under state law, in seeking permits for affordable housing units (Stein, 2019). In 2019, the program provided more affordable units than any other program in the city (Linton, February, 2020).

The contrast portrayed above between outcomes to-date from the infrequent use of the Measure JJJ inclusionary requirements, on the one hand, and the highly used TOC program, on the other, is quite stark. What can explain why the first component of Measure JJJ—the inclusionary requirements—have served to curtail housing production where the provisions are applicable, whereas the TOC program has had the opposite effect of increasing housing development applications substantially, where those provisions are applicable?

The Measure JJJ inclusionary requirements are mandatory for any project seeking zoning or General Plan changes, but the TOC program provides a sort of loophole in that it operates as a density bonus program that builds upon existing zoning. On this basis, the TOC program can offer significant benefits from its streamlining of approvals through ministerial review, and the associated ability for a project to avoid CEQA review. Furthermore, the labor standards obligations triggered under the inclusionary requirements do not apply under TOC. Developers and business groups have credited the streamlined permit approvals, and ability to avoid labor standards requirements, as the key elements of the TOC program's success (Khouri, 2019).

Comparing the TOC program's success to the failure of Measure JJJ mandated inclusionary requirements in inducing many new permit applications, some observers concluded that a well-designed incentive-based program is clearly more likely to be successful than a mandatory one (LAplus & UCB, 2018; Sharp, 2019). Leaving aside the question whether an incentive-based program is more effective than a mandatory one, the emphasis on *well-designed* is significant here. The City of Los Angeles already had a different density bonus program in place before the adoption of the TOC program, one that was intended to implement provisions in the state's density bonus law, which was far less successful in inducing new permit applications than the TOC program has been. Therefore, a second comparison is useful, not just between the TOC program and the mandatory Measure JJJ inclusionary requirements, but also between the city's previous density bonus program and the TOC program.

Adopted in 2008, the city's density bonus program offers a menu of rewards for developers who incorporate income-restricted units into their market-rate buildings. California state law has permitted density bonuses since 1979, and since 2004, with the passage of Senate Bill 1818, has mandated that cities offer them. In line with state law, Los Angeles' program allows a private developer to add up to 35% more units to their projects than zoning would ordinarily allow, if the developer agrees to set aside set percentages of the total units as affordable for a period of 55 years, for various levels of low and moderate-income tenants.[24] Parking standards are established at one onsite parking space for 0–1 bedrooms; two onsite parking spaces for 2–3 bedrooms; and 2½ parking spaces for 4 or more bedrooms (Goetz and Sakai, 2020).

[24] Residential projects qualify for a 20% density bonus, if they provide the following set-asides for renters for at least 55 years: 5% of the base dwelling units for Very Low Income (VLI) households, earning no more than 50% of AMI, or 10% of the base dwelling units for Lower Income (LI) households, earning no more than 80% AMI. Projects qualify for an additional density bonus, increasing incrementally to 35% if set-aside units are increased as follows: for each 1% increase in % VLI units, an additional 2.5% density bonus up to a maximum of 35%, and for each 1% increase in % LI units, an additional 1.5% density bonus up to 35%.

However, like many other California cities, Los Angeles had not experienced much housing permitting activity and production in response to its density bonus program, until the city adopted the TOC program which operates on top of the incentives provided under state law (Chandler, 2017, January). Based on a report from the City Controller, the explanation for low take-up for the program was considered probably to be a reflection of inadequate incentives included in the program, and/or affordability requirements set too high, for development to pencil out financially (ibid).

Thus, the TOC program appears to have been quite successful in inducing new housing production, in comparison with the Measure JJJ inclusionary requirements, and also in comparison to the city's existing density bonus program, which was based on requirements under state law. Indeed, the Los Angeles Planning Department determined that in 2019 and 2020, TOC accounted for twice as many proposed new housing units as the city's regular density bonus program, and many times more than the Measure JJJ inclusionary program (which applies when a permit proposal calls for a zoning change or General Plan amendment). The number of affordable units proposed in Los Angeles has increased since the passage of Measure JJJ; before JJJ, the state density bonus was the main pathway for deed-restricted affordable homes produced in Los Angeles, whereas by 2018 TOC had become the leading application pathway (LAplus & UCB, 2018). See Figure 6 and Figure 7 in Chapter 3, and Appendix Figure A1 below for these results.

The TOC program has also influenced housing location. As Appendix Figure A1 indicates, before the passage of JJJ, permits for units requiring a zoning change or General Plan amendment, those now covered under JJJ inclusionary provisions, had accounted for a significant share of new housing, but now they have dropped significantly. Because TOC can only be used near transit, these results suggest that more housing is being directed near transit than before JJJ.

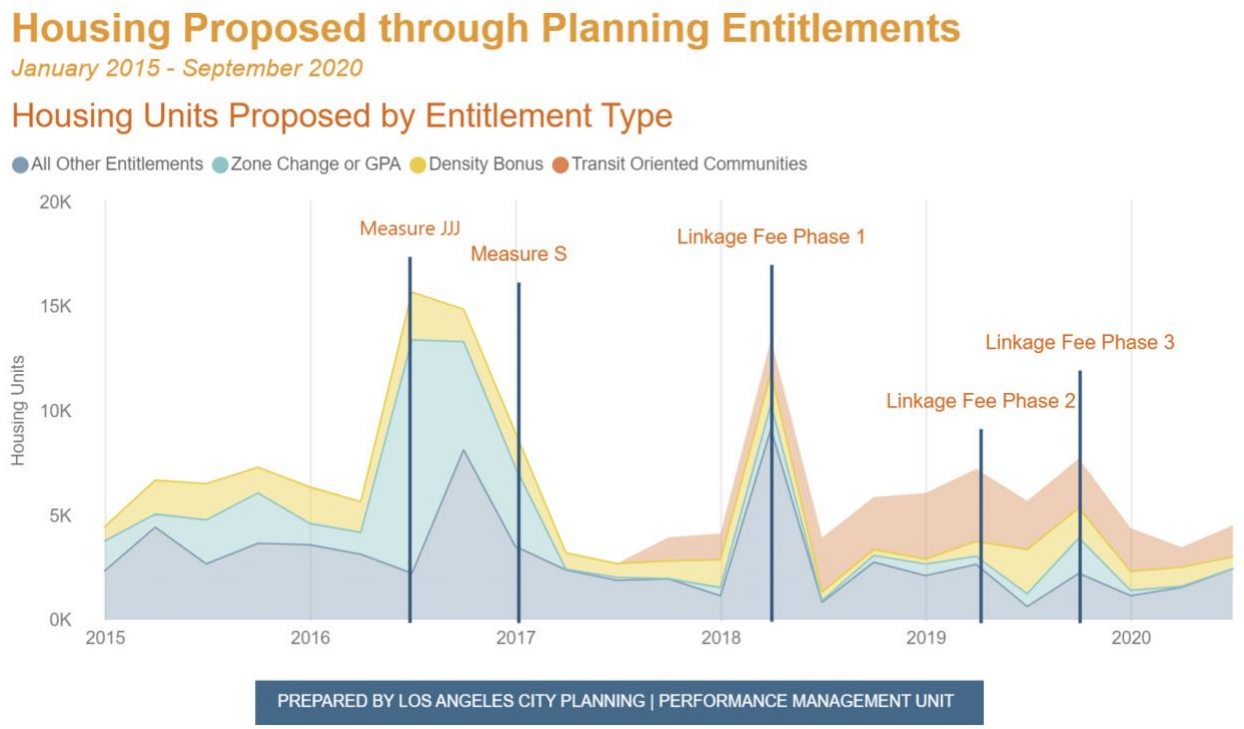

Figure A1. Number of housing units proposed in Los Angeles, by entitlement program type. Source: LA Department of Planning, Housing Progress Dashboard, https://planning.lacity.org/resources/housing-reports

These findings on the relative effectiveness of different entitlement pathways in Los Angeles are especially interesting considering that the city programs now being offered are the product not of a deliberative planning effort so much as of a combination of stakeholder advocacy, ballot box planning, and city-led planning by professional staff. Measure JJJ was written and supported by a coalition of organized labor, affordable housing organizations and community organizations who formed the Alliance for Community Transit to support the measure (LAplus & UCB, 2018). The pro-JJJ advocates advanced four main reasons why voters should support JJJ: the first, to create good paying jobs, with 30% to be reserved for city residents under the hiring provisions stipulated for the inclusionary requirements; the second, that JJJ would create more affordable housing; the third, that more homes would be located near transit, helping relieve traffic congestion; and the fourth, that locating affordable homes near transit would help sustain transit ridership (ibid).

Meanwhile, the TOC program was not clearly delineated in Measure JJJ, nor did it draw as much attention as the inclusionary requirements for projects seeking a change in zoning or General Plan amendment. Measure JJJ provided that the city planning department could create a Transit Oriented Communities density bonus program, in addition to the mandated inclusionary requirements, without needing official approval from the city council or legal approval under CEQA. The ballot measure specified the basic incentive structure for the TOC program, including the number and type of incentives as well as the minimum allowable density, FAR and parking

deviations. For example, the measure required that the TOC program provide at least a 35% density and/or floor area ratio increase, as well as an additional 2 or 3 incentives, depending on the amount of affordable housing units provided (LA Department of City Planning, 2017, May).

Thus, Measure JJJ can be seen as a hybrid of an advocate-produced ballot measure and a program developed by city planning staff. Assessing the disparate pattern in applications for the two program components of Measure JJJ, researchers from LAplus and UC Berkeley's Real Estate Development & Design Program concluded that the measure's hybrid policy approach has resulted in a "tale of two policies" (LAplus & UCB, 2018). "These trends show that Los Angeles would have been better off if voters had authorized the TOC incentives as a stand-alone program… Well thought-out incentive programs can work, but they're no substitute for adopting a general pro-housing policy" said one of the authors (Sharp, 2019). Said another study author, "The bottom line is we are trading off moderately more set-aside affordable units in TOC areas for a significant decline in housing production everywhere else…We need to re-examine how Measure JJJ is implemented in order to address the perverse effect it has on housing production outside of TOC areas" (ibid). To address the problems with the inclusionary component of Measure JJJ, the LAplus and UC Berkeley researchers recommend several tweaks to soften its impacts, including exempting projects seeking to remove decades-old density restrictions, and exempting certain projects in "medium-market" areas which could offer more affordable rents.

TOC was designed "strategically," according to the Los Angeles city planning department, to address "priority policy objectives" of the city (LA Department of City Planning, 2017, May). The Mayor of Los Angeles pronounced in 2019 that, "The two biggest problems we have is our housing crisis and our traffic woes. TOC is an incredible weapon to help us address both" (Khouri, 2019). The planning department underscored the importance of transit proximity in designing the TOC program, noting that, "With the recent voter approval of Measure M, the most ambitious transit expansion in Los Angeles history, there is increased urgency to support this investment with land use incentives that allow additional housing and mixed-use growth along these transit nodes" (LA Department of City Planning, 2017, May, p. A-2).

The city planning department delineated some other design elements of the TOC program considered key to success, when it presented its proposed TOC guidelines to the city council for adoption (LA Department of City Planning, 2017, May). In particular, the planning department noted that the TOC program preserves low-density areas and tailors higher density development to suit local conditions by respecting community plan processes, historic preservation standards, and transitional design criteria. The planning department explained that "TOC Guidelines propose a strategic approach that reflects the City's priority policy objectives, including the protection of areas that have been purposefully planned for lower intensity and allowing greater intensity of incentives near high quality transit" (ibid, p. A-7). The program preserves low-density areas because it applies only to locations already zoned to permit housing projects with five or more units, located near transit. Additionally, according to the planning department, "The TOC Guidelines were designed to respect the uniqueness of Los Angeles's diverse neighborhoods by differentiating incentives for projects located in areas

which have been planned for lower intensity development…height requirements are also designed to provide a balanced transition between higher and lower density neighborhoods… Additionally, the TOC Guidelines do not supersede existing regulations for historic properties" (City of Los Angeles Department of Planning, 2017, May, p. A-10).

The sensitivity displayed in TOC program design for respecting low-density zoned areas, and also community planning processes, can be seen as a response to the controversies that had emerged during recent community planning processes in the city (described above). Opponents of new housing developments in Los Angeles often cite fears of depreciated property value, congested roads, and changes to community character (Monkkonen and Manville, 2019). Indeed, in September 2019, Fix the City, the resident group described earlier that sued the city on the Expo neighborhood plan, announced that it was suing over the TOC program as well, claiming that it illegally rezones parts of the city and that the higher height limits reach beyond those approved in Measure JJJ (Linton, 2019, September-a). With plans to introduce and expand Bus Rapid Transit (BRT) underway, groups like Fix the City stoked fears that BRT projects would "dramatically up-zone" the city (Linton, 2019, September -b).

Fears about so-called "automatic upzoning" were fueled in Los Angeles not just by the TOC program, but also by proposed state-level legislation that would have mandated upzoning near high-quality transit (ibid). Specifically, Democratic State Senator Scott Weiner introduced SB 50 in December 2018, calling on cities to incentivize construction of four- and five-story apartment housing within half of a mile of a transit station and within a quarter-mile of a heavily used bus line. Many cities, however, resisted the perceived interference of the state government in their local housing and zoning laws, often invoking the cherished notion of "home rule," or local control of land use (Boyarsky, 2019).

The debate over SB 50 crystallized over the version of the bill presented in March, 2019, after its sponsor had made various amendments. The bill would have established a new type of statewide density bonus for projects meeting certain criteria, particularly for location and affordability requirements. The law would have applied to lots zoned for residential use in three geographic location types: within 1/2-mile of major transit stops, within 1/4-mile of high-quality bus corridors, and within "job-rich areas" (areas meeting certain criteria, to be determined, for high economic, educational, and jobs access). The Los Angeles planning department estimated that SB 50 would have been applicable to 43% of the developable area of the city (LA Department of City Planning, 2019, April).

Projects up to ten units in size would have faced no affordability requirement under SB 50, while projects of 11-20 units would have paid an in-lieu fee, and projects with more than 20 units would have had on-site affordability requirements similar to state density bonus law.[25]

[25] The on-site affordability requirements would have ranged by project size, from 15% low income, or 8% very low income, or 6% extremely low income for projects between 21- 200 units, to approximately double those required minimum shares for projects in the highest building size category of 351+ units. Projects with 20+ units could have provided comparable affordability contributions as an alternative to providing on-site units (LA Department of City Planning, 2019, April).

The incentives offered under SB 50 would have included removing residential density limits and removing or reducing minimum parking requirements (with no parking requirements imposed near rail and reduced to 1/2-space per unit in other areas). Within 1/2-mile of a rail stop cities would also have been prohibited from enforcing height limits and FAR limitations below specified minimums, and all SB 50 projects would have been eligible for three additional incentives or concessions, if additional affordable units were provided, to include the modification of height, floor area, open space or other types of development standards (ibid).

Earlier versions of SB 50 had received intense scrutiny, and over time the bill's author had amended the bill to try to accommodate local affordability requirements, local planning processes in "sensitive" communities, and protections against displacement. The March, 2019, version of the bill stipulated that if a local jurisdiction had an existing inclusionary housing law with higher affordability requirements than those specified in SB 50, the local requirements would have been set as the minimum. Furthermore, qualified projects would have needed to meet all other local zoning and project approvals standards and requirements. To protect against displacement, SB 50 would not have applied to any rental properties, including any site where housing was occupied by renters in the preceding seven years, or where an Ellis Act eviction occurred in the last fifteen years. "Sensitive communities," areas determined to be vulnerable to displacement pressures, would have been exempt from SB 50 incentives for five years, meant to provide time for community planning efforts to occur. If a planning effort met certain criteria, it could permanently prevent the SB 50 incentives from being utilized (ibid).

In response to a request from the city council, the Los Angeles city planning department assessed the potential impact of SB 50 (again, the March, 2019 version of the bill) on the city, and the comparisons made in their report between SB 50 and the TOC program are instructive for understanding the politics of the city council's decision to oppose SB 50, and of TOD in Los Angeles more broadly (LA Department of City Planning, 2019, April). The report expressed concerns particularly in relation to impacts on low-density zoned areas, on community planning efforts, on affordability requirements, and on the city's ability to tailor its TOC program to different neighborhood conditions (LA Department of City Planning, 2019, April). The report contended that, "The bill [would] potentially have far-reaching effects…The largest impacts of the bill are anticipated to occur in lower-density areas that are located within 1/2 mile of a rail station - or about 6% of single-family zoned parcels and 8% of R2 and RD zoned parcels…SB 50 may move development focus away from commercial corridors and high-density zoned residential areas and into lower-density zoned areas" (ibid, p. 2).

The planning department further contended, "Any benefits [of SB 50] should be considered in light of the loss of long established, locally determined planning and zoning standards…On-site affordability requirements for most SB 50 projects [would] often be lower than comparable density bonus and TOC requirements…The "sensitive communities" designation that allows for delayed implementation would apply to approximately 15% of the parcels eligible for SB 50 incentives, but would not recognize the very recent community planning efforts in South Los Angeles. Future planning efforts in sensitive communities would only be recognized if upzones match SB 50 levels within the plan areas" (ibid, pp. 2-3). The report expressed various

additional concerns about SB 50's impact on the TOC Program, the Affordable Housing Linkage Fee (AHLF) (discussed below), and the city's ability to enforce various planning, zoning code, and design standards developed at the community level.

In this context, the Los Angeles City Council voted unanimously to oppose SB 50 and to lobby against it, alongside some neighborhood groups in the city (Zahniser and Dillon, 2019, April).

A different analysis of SB 50 impacts, also considering the March 11th, 2019, version of the bill, conducted by the Urban Displacement Project at the University of California, Berkeley, and Mapcraft Labs, portrayed a somewhat less dramatic impact on land use in Los Angeles, especially near transit. This modeling analysis estimated that market-feasible housing capacity in the city, under SB 50 provisions, might have been one-fifth greater than under current policies, including the state's density bonus program and the TOC program (Urban Displacement Project and Mapcraft Labs, 2019). The analysis showed SB 50 would have disproportionately increased inclusionary capacity in job-rich areas in the city, compared to areas near transit, because SB 50 incentives were not applied to sites eligible for TOC bonuses, which the bill would have exempted. For this reason, SB 50's capacity impacts in transit-rich areas were estimated to mostly affect smaller sites with lower scale zoning where inclusionary requirements would not apply. SB 50's impact on single-family zoned areas (R1 zoning) would have increased market feasible housing capacity by only about 10% within R1 zones, according to the analysis. Of the new capacity enabled in R1 zones, roughly 60% would have been on sites currently ineligible for TOC bonuses (ibid).

Affordable housing advocates also weighed in on SB 50, underscoring the perception that the bill would provide fewer protections for low-income residents than the city's TOC program. For example, Public Counsel and ACT-LA, in conjunction with more than 50 other affordable housing and equity-focused organizations, expressed concerns about the March, 2019, version of the bill for "falling short of equitable housing production standards," in applying "meager" and "insufficient" affordable housing requirements, for providing a "loophole" through the in-lieu fee option permitted in SB 50, and for not providing enough protection and resources for planning efforts in sensitive communities (Hanuman and Smith, 2019).

Thus, certain key provisions and expected impacts of SB 50 appear to have been especially important in helping explain why Los Angeles city planners and elected officials opposed the legislation. SB 50 was viewed as a top-down, one-size-fits all intervention by the state government, contrasting with the city's own efforts in developing the TOC program to ensure that it could be tailored to varying conditions in different neighborhoods. Especially given that planners and residents in Los Angeles had just recently engaged in multiple years-long efforts to update community plans, concerns about whether SB 50 would override such local planning efforts are understandable.

Given that some opposition had already emerged in the city to the TOC program, city planners might understandably have expected even more conflict could result from passage of SB 50. In explaining his opposition to SB 50, Mike Bonin, the chairperson of the Los Angeles City Council's Transportation Committee, underscored the intersection of concerns about opposition to new

development and opposition to the city's transit strategies, noting that, "If mandatory upzoning were tied to increased bus service, we would see people who are resistant to new development start to push back on new, faster, or more frequent bus service. It's one thing to have people object to removing bus service from their neighborhood; it would be another thing entirely to have groups objecting to additional bus service in their neighborhoods" (TPR, 2019, May).

Another important concern in comparing SB 50 to the city's TOC program was the latter's more stringent affordability requirements, which addressed concerns from affordable housing activists. The author of SB 50 had also attempted to address such concerns by adding provisions to the bill to carve out exemptions for local community plans developed in "sensitive communities," and to ensure that local inclusionary requirements would pre-empt SB 50 provisions if they were more stringent. However, these provisions in SB 50 were not sufficient to convince Los Angeles planners, elected officials, and affordable housing activists that locally adopted planning and design provisions would prevail.

Another salient difference between the TOC program and SB 50—perhaps the most influential in provoking opposition to the bill, at least within the wider region as a whole—was in how the two policies dealt with single-family zoned areas. Given the opposition already being mounted to densification from the TOC program emerging from some quarters of Los Angeles, city planners and officials would understandably have felt concerned about provoking even more opposition to so-called "automatic upzoning" in affected neighborhoods. Concerns about upzoning had been voiced not only from wealthy, white homeowners and neighborhoods; instead, residents in sensitive communities such as South and Southeast Los Angeles also sought to maintain single-family neighborhoods and "neighborhood character."

The Los Angeles city planning director corroborated the importance of maintaining single-family zoning to the city's policy choices, noting that,

> Our citywide TOC program has shifted a lot of our growth and future development near transit. But we've done that in a way that has been livable. We've been able to provide these units and the new housing capacity to fit communities while largely not touching single family neighborhoods…We've crafted our TOC program - which does not include single-family neighborhoods - to be tiered and work within our local zoning. TOC is an incentive that doesn't change our local zoning, it builds upon it like a density bonus.
>
> It's hard to truly understand the consequences of statewide upzoning for various cities and their communities…In some cities, single-family zoning may be rare and more exclusive, but in others, it may be common and more inclusive. If you look at Los Angeles, I would argue that we have single-family zoning that is as diverse as the people who live in these communities. In places like South Los Angeles and West Adams, you have multi-generational communities—many of them communities of color—that are in single-family neighborhoods. There is a clear concern about displacement in those communities…
>
> When we crafted our plans, we spent years working with communities to see where they wanted change and make sure it's done in a more equitable way. We worked with a lot of community groups to get there who have embraced and supported the plans as we've

implemented them. We think we're doing it the right way in LA and that state laws that look at mandating housing in California should acknowledge places that are trying to do it the right way, and either enforce or incentivize that. I think it would be difficult to achieve all these goals with blanket zoning throughout California (TPR, 2020).

The following table (Appendix Table A1) shows the main provisions of Los Angeles' basic density bonus program (with provisions established in state law), the two JJJ programs (the inclusionary requirements and the TOC program), and SB 50, to allow for direct comparisons.

Table A1. Comparison of Provisions of Los Angeles' Basic Density Bonus Program, Measure JJJ Inclusionary Requirements, Transit Oriented Communities Program, and Senate Bill 50 (March 2019 version)

	Density Bonus Program (as of 2019)	Transit Oriented Communities (TOC) Aff. Housing Incentives Program	Measure JJJ inclusionary requirements	SB 50 (March 2019 version)
Applicability	Residential projects of **5 or more units**	Residential projects of **5 or more units located within 1/2 mile (2,640 feet) of a major transit stop**	Residential projects of **10+ units requesting zoning change** or General Plan amendment, or maximum building height that **increases residential density more than 35%**	Would have applied to **lots zoned for residential use within 1/2-mile of major transit stops, within 1/4-mile of high-quality bus corridors, and within "job-rich areas"** (meeting criteria for high economic, educational, and jobs access). In jurisdictions with higher affordability requirements than in SB 50, the local requirements would have applied. Projects would have needed to meet all other local zoning and approvals standards.
Affordable minimum %	Under state law as of 2019, a density bonus and other incentives or concessions had to be granted to housing projects which provided one of the following, with affordability restriction for 55 years: • **At least 5% of the housing units (from initial base #) are restricted to very low income** (VLI) residents, earning no more than 50% of AMI. • **At least 10% of units restricted to lower income (LI) residents**, earning no more than 80% AMI. • **At least 10% of units** in a for-sale common interest development restricted to **moderate income (MI)** . • 100% of units restricted to VLI, LI, and MI (with max 20% MI).	Affordability requirements and depth of incentives based on four tiers that vary depending on the distance of the project site to the nearest major transit stop (the closer to a transit station, the higher the tier). Minimum on-site restricted affordable unit requirements set for each tier: a. Tier 1: **8%** of the total number of dwelling units (including bonus units) affordable **to ELI households (HHs), or 11% to VLI HHs, or 20% to LI HHs.** b. Tier 2: 9% ELI, 12% VLI, or 21% LI c. Tier 3: 10% ELI, or 14% VLI or 23% LI d. Tier 4: **11% ELI, or 15% VLI or 25% LI**	For rental projects seeking an increase in density over 35%, affordability requirements are **5% for extremely low income (ELI) and either 6% for very low income (VLI) or 15% for lower income (LI)**. For rental projects seeking a residential use where not previously allowed, the requirements are 5% for ELI and either 11% for VLI or 20% for LI. For for-sale projects, the requirements are 11% for VLI or 20% for LI, or 40% for MI. Projects must meet on-site affordability provisions or a specified alternative, and **must also meet labor requirements related to pay, training, and local hiring.**	Projects **up to ten units in size would have faced no affordability requirement**; projects of **11-20 units would have paid an in-lieu fee**; and projects with **more than 20 units would have had on-site affordability requirements similar to state density bonus law**, ranging by project size (from 15% low income, or 8% very low income, or 6% extremely low income for projects between 21- 200 units, to approximately double those required minimum shares for projects in the highest building size category of 351+ units).

	Density Bonus Program (as of 2019)	Transit Oriented Communities (TOC) Aff. Housing Incentives Program	Measure JJJ inclusionary requirements	SB 50 (March 2019 version)
Baseline (ministerial) incentives	The **density bonus** is set on a sliding scale that ranges from **20% to 35% for rental**, and 5% to 35% for for-sale units, based upon affordable unit percentages offered at each income level. **Parking standards**: 0–1 bedrooms: one onsite parking space; 2–3 bedrooms: two onsite parking spaces; 4+ bedrooms: 2½ parking spaces. Additional reduction to 0.5 parking space per bedroom for housing development with at least 11% VLI or 20% LI units, within 1/2 mile of a major transit stop; and to 0.5 spaces per unit for 100% affordable housing within 1/2 mile of transit.	Eligible projects can receive incentives 1-3 under ministerial review: 1. Increase in number of dwelling units: **50% to 80% increase from base zoning** 2.Up to **40% to 55% increase from base FAR** 3. Minimum parking requirement of **0.5 spaces per bedroom to no parking space**; nonresidential development may receive 10% to 40% parking reduction Applicants shall not receive a density or development bonus through either the state density program or local density program	NA	**No parking requirements imposed within 1/4 mile of rail, and no more than 0.5. spaces in other applicable areas. No residential density limits.** Within 1/2-mile of a rail stop cities would also have been prohibited from enforcing height limits and FAR limitations below specified minimums.
Replacement	(As per AB 2556) A project that results in the demolition or removal of rental units affordable to or occupied by very-low or low income households is not eligible for a density bonus unless the units are replaced. Applies to units subject to recorded restrictions, rent control, and/or occupied by very-low or low income households (assuming units are occupied by low income households in the same proportion as low income renters in the jurisdiction).	Same as for Density Bonus program. Replace any demolished or converted housing units that were subject to the Rent Stabilization Ordinance (RSO) and/or were occupied by lower income households with the prior five years, per Gov. Code §§ 65915(c)(3)(A)	Same as for Density Bonus program. Replace any demolished or converted housing units that were subject to the Rent Stabilization Ordinance (RSO) and/or were occupied by lower income households with the prior five years, per Gov. Code §§ 65915(c)(3)(A)	Would not have applied to any housing site occupied by renters in the preceding seven years, or where an Ellis Act eviction occurred in the last fifteen years. "Sensitive communities," areas determined to be vulnerable to displacement pressures, would have been exempt for five years to provide time for community planning. If a planning effort met certain SB 50 criteria, it could permanently prevent the SB 50 incentives from being utilized.

	Density Bonus Program (as of 2019)	Transit Oriented Communities (TOC) Aff. Housing Incentives Program	Measure JJJ inclusionary requirements	SB 50 (March 2019 version)
Additional incentives (discretion-ary) or alternative options	**Additional incentives** From **one to three additional incentives**, in addition to the density bonus and parking provisions, must be provided, with the number of incentives increasing with the percentage of set-aside units. Incentives include: • Up to 20% deviation from yard/ setback, lot coverage, lot width, floor area, open space, or building height • Street and alley included for purposes of calculating density • Further reduction of parking requirements to: o Not less than 1 parking space per restricted dwelling unit o Not less than ½ space per dwelling unit for very low or low income seniors.	**Additional incentives** Eligible projects can receive **up to three more incentive**s using discretionary review: 1. Yard/setback reduction: side rear lot, open space, lot coverage, lot width reduction ranging from to 20%-35% reduction 2. Height: can receive up to 1 additional story (up to 11 additional feet) to 3 additional stories (up to 33 additional feet) 3. Open space: can reduce open space by 20% to 25% depending on the Tier 4. Lot coverage: can increase by 25% to 35%, depending on the Tier	**Alternative options** **1. Provide off-site units:** number of units ranges from no less than the **same number of on-site affordable units to 1.5 times** the amount depending on proximity of off-site units (ranges from being within 1/2 mile of the outer edge of the project to 3 miles) **2. Acquire off-site units:** acquire at-risk affordable units and convert to non-profit or tenant ownership; number of units ranges from no less than the same number of on-site affordable units to 1.5 times the amount depending on proximity of acquired units **3. Pay in-lieu fee:** varies according to unit size, affordability level, and location; ranges from a few hundred dollars to $400,000 or more per market-rate unit	**Alternative options and additional incentives** Projects with 11+ units could have provided comparable affordability contributions such as paying an in-lieu fee as an alternative to providing on-site units. Projects would have been eligible for **three additional incentives** or concessions, provided additional affordable housing were added, including the modification of height, floor area, open space or other types of development standards.
Source info	https://planning.lacity.org/odocument/e811b5a6-294b-474e-accb-064cb8a4eb4f/DB_Ord.pdf; https://planning.lacity.org/odocument/ab381661-3017-4c9a-be36-0c3248c24064/StateDensity.pdf; https://www.meyersnave.com/wp-content/uploads/California-Density-Bonus-Law_2020.pdf	https://planning.lacity.org/StaffRpt/InitialRpts/DIR-2017-1914.pdf; https://planning.lacity.org/odocument/39fae0ef-f41d-49cc-9bd2-4e7a2eb528dd/TOCGuidelines.pdf	https://www.sandiego.gov/sites/default/files/18_21_comparison_of_inclusionary_housing_programs.pdf; https://bca.lacity.org/Uploads/cpeo/FINAL%202016%20Housing%20JJJ%20Text%20for%20WEB.pdf; https://bca.lacity.org/measure-JJJ	http://clkrep.lacity.org/onlinedocs/2018/18-1226_misc_04-23-2019.pdf

SB 50 ultimately failed in the state legislature due to opposition mainly from suburban legislators, particularly from Los Angeles County, who "dealt the decisive blow" (Dillon, 2020 February). Opponents expressed alarm about the bill's potential impact on their communities and the perceived intrusion into local home rule control over land use (Dillon, 2019, May, and 2020, February). The intense opposition from the Los Angeles region emerged even though independent analyses had indicated that SB 50 would likely have led to less development there than in the San Francisco Bay Area, with many parts of the City of Los Angeles potentially exempt from SB 50 provisions, since they would have fallen under TOC provisions (ibid).

Financing strategies for affordable TOD in Los Angeles

To help raise funds for affordable housing, the city enacted an Affordable Housing Linkage Fee (AHLF) in June 2018.[26] The fee is expected to raise $1 billion over the next decade, to be funneled into a Housing Impact Trust Fund, so as to finance construction or preservation of more than 1,500 units of affordable housing per year (Chiland, 2017; City of LA, Housing and Community Investment Department, 2018, July). The fee varies by development type and by area market strength, ranging from $0-$5 per square foot for nonresidential uses and $8-$19 per square foot for most residential uses. Exemptions outlined in the ordinance include projects such as hospitals, non-residential developments under 15,000 square feet, and affordable housing (developments that include 100 percent affordable, JJJ, density bonus, and TOC).[27]

Developers and business groups, including the San Fernando Valley Business Journal, came out against the fee, stating that it would discourage housing development, increase housing costs, lose jobs, and result in an "immediate recession" (Linton, 2017). However, many affordable housing advocates and community-based non-profits supported the policy as a step toward solving the housing crisis. These groups contended that because luxury housing developers are partly to blame for the lack of affordable housing, they should contribute to funding more of it (Linton, 2017). The fee level was set fairly high for high-market areas in the city, compared to fees imposed in the other central cities studied for this report. However, the proposed fees are on the very low end of the range that an economic report commissioned by the city found feasible (Chandler, 2-17-17).

Another funding source for affordable housing in Los Angeles is Measure HHH, passed by city voters in 2016. The measure, which commits $1.2 billion dollars to both supportive housing for the homeless as well as deed-restricted affordable housing, was intended to fund 10,000 new units. However, a "bleak" assessment by the City Controller, issued in September 2020, found that just three housing projects, with 228 total units, had been completed in the four years since Proposition HHH passed (Blake, 2020). About 5,500 supportive units and 1,550 non-supportive units were in the "pipeline"—coming in short of the original goal—and expected to be completed by 2023. The controller calculated that it costs $531,000 to develop one unit of supportive housing (ibid). The controller's recommendations for improving outcomes included producing interim housing and shelters instead of new construction.

Planning and finance for transit and active transport in Los Angeles

In recent years, Los Angeles has become known as a city that aims to substantially improve transit and active transport. The Los Angeles region made heavy investments in rail transit in

[26] Any project that meets any of these criteria is subject to the fee: a) a project that results in additional dwelling units or guest rooms; b) a project that results in additional nonresidential floor area; c) a single-family residential project that results in a net increase of more than 1,500 square feet of floor area, unless not sold within three years; or d) a change of use from nonresidential to residential (City of Los Angeles, Housing and Community Investment Department, n.d.).

[27] For an exemption, a housing project must include 40% moderate income units, or 20% low income units, or 11% very low income units, or 8% extremely low income units (City of Los Angeles, HCID, 2018, July).

recent decades, adding over 100 miles of light and heavy rail, and over 530 miles of commuter rail since 1990 (Manville et al., 2018).

Los Angeles area voters have supported these transit investments. Proposition A, passed in 1980, added a half-cent to the county sales tax, with all funds going to Metro, the county transportation planning agency. Then Proposition C, passed in 1990, added an additional half-cent (Metro, n.d.),[28] and Measure R, adopted in 2009, did so again (Metro, 2008, September).[29] In November 2016, Measure M increased the sales tax by another half-cent, for purposes similar to Measure R.[30] In July 2039, the tax will be raised to one cent (Metro, 2016).

Combined, these sales tax measures have provided Los Angeles with "the largest and most aggressive infrastructure program in … North America," according to the director of Los Angeles Metro, the county transportation agency (TPR, 2019). Measure M alone, which received an overwhelming 71% voter approval, is expected to generate approximately $120 billion (Metro, 2016, August).

However, even with increased transit service funded by the sales tax ballot measures, transit ridership on a per capita level has declined in recent years. The region's public transit ridership reached its postwar peak in absolute terms in 1985, and has declined in per capita terms ever since (Manville et al., 2018). To address concerns about falling bus ridership, in 2017 Metro launched a multi-year plan to evaluate and restructure its bus network (Tinoco, 2017, August).

Some observers complain that Metro's prioritization of rail over bus service is associated with the trend of falling bus ridership (Tinoco, 2017, August). Even as Metro has spent billions of dollars building out its rail system in recent years, the agency's much larger network of 170 bus routes has lost riders, with four main factors contributing, according to one observer: worsening traffic congestion, which slows bus transit speeds, service cuts starting in about 2010, cheaper gasoline, and demographic changes that have brought more affluent households, who are less likely to use transit than lower-income households, into the central urban core zones (ibid).

Other analysts point to additional factors accounting for falling transit ridership in the Los Angeles area. Public transit in Los Angeles has been a mode of "last resort," used primarily by

[28] Metro returns 20% of the money raised back to the city for transportation purposes, 40% for construction and operation of bus and rail systems, 5% to expand bus and rail security, 10% for commuter rail, and 25% for transit related improvements on the freeway (Metro, n.d.).

[29] The funds for Measure R are distributed as follows: 35% to new rail and bus rapid transit projects, 3% to Metrolink projects, 2% to Metro Rail system improvement projects, 20% to carpool lanes, highways and other highway related improvements, 5% to rail operations, 20% to bus operations, and 15% for local city sponsored improvements (Metro, 2008, September).

[30] Measure M funds are to be allocated as follows: 27% for transit maintenance and operations; 35% for transit and first/last mile capital expenditures; 19% for roadway, active transportation, and complete streets capital expenditures; 17% for local return (local projects) and regional rail; and 2% for administration and local return (Metro, 2016).

low-income, often foreign-born city residents, who lack access to private cars (Manville, 2018). As Angelinos have purchased automobiles in increasing numbers, transit ridership has fallen (Manville et al., 2018). The rise between 2000 and 2015 in the number of households that owned vehicles in the Los Angeles region outpaced population growth by 4% during the period (Short, 2019).

The pattern of increased voter support for transit funding coupled with declining transit ridership shows a disconnect between Angelinos' support for transit in theory, and their hesitation to actually use it, in practice. Measure M was marketed as a means to fundamentally transform transport patterns in Los Angeles County; the campaign for the measure emphasized its ability to reduce congestion, increase jobs, and make driving easier, more so than an opportunity to increase low-cost, efficient, and sustainable mobility options (Bliss, 2019; Manville, 2018). In this fashion, according to Mike Manville, an urban planning professor at UCLA who studied support for Measure M, the measure's implicit goal was to present a vision of transit as a widely shared form of mobility for the city, rather than a social service (ibid). Manville found that most people who voted for Measure M did so because of political beliefs and to relieve traffic congestion, rather than because they saw themselves using transit; support for Measure M was found to be strongly associated with positive attitudes toward public transit and concerns about congestion (Bliss, 2019; Manville, 2018).

This pattern of support for Measure M points to some fundamental tensions characterizing TOD and transit strategies in Los Angeles. As Manville put it, "People who vote for transit because they believe it reduces congestion are often voting for transit because they want driving to be easier, but transit works best in places where driving is harder" (Bliss, 2019; Manville, 2018). Furthermore, voter support for Measure M was counterbalanced by deep ambivalence about complementary policies; Manville's study found that people who voted for Measure M did not generally favor strategies that would increase transit ridership such as priced parking, highway tolls, narrower streets for buses and bikes, and higher housing density (ibid).

These tensions have been evident in the city's efforts to translate Measure M into implementation measures on the ground. Los Angeles has addressed TOD goals in its transportation as well as land use plans, in particular through *Mobility Plan 2035*, a new Transportation Element adopted in 2015 by the city council for the city's General Plan, replacing the former transportation plan in effect since 1999. Representing "a paradigm shift from previous transportation plans, which focused on reducing car congestion," the new plan is intended to reshape transportation policies around the principles of "complete streets" providing multi-modal access (McCarty Carino, 2015). The plan envisions three networks of roads, each prioritized for a different mode; some would be modified to protect bikes and pedestrians, some would get dedicated bus lanes and others would be designed to move car traffic more quickly. The vision includes 117 miles of bus-only lanes, 300 miles of protected bicycle lanes, and traffic calming measures (Zahniser, 2015). In this fashion, the plan contemplates the creation of "enhanced networks" on specific streets for different modes (bicycle, transit, or vehicular traffic) (McCarty Carino, 2015; TPR, 2014). The integrated vision

seeks to enhance “first-mile and last-mile solutions” to help Angelenos easily access public transit.

Certain concepts and priorities in *Mobility Plan 2035* set the stage for ongoing controversies (Hernandez-Lopez, 2018). The “complete streets” concept and emphasis on reducing car trips implies that road space will be allocated for modes other than just automobiles. Plans to increase sidewalk widths, add bike lanes, and dedicate transit-only road lanes sometimes lead to “road diets” that re-allocate road space currently reserved for moving or parked cars. The plan places a high priority on traffic safety, and in conjunction with the city’s street safety initiative called Vision Zero, aims to decrease transportation-related fatality rate to zero by 2035 (Linton, 2015). Vision Zero seeks to eliminate traffic fatalities by coordinating local efforts such as street design, traffic calming, traffic signaling, and law enforcement data gathering, among others. To the degree that these strategies slow vehicular traffic, they can sometimes provoke opposition from members of the driving public.

Fix the City (FTC), the “litigious mainly-Westside homeowners” group described earlier, sued the city over the *Mobility Plan 2035* plan, claiming the proposed traffic lane reductions would create more air pollution, imperil public safety, and add to traffic congestion, and that the plan was “stealing traffic lanes from us… and giving those stolen lanes to bike riders and buses” (Linton, September 2019a; Dawid, 2015). The city paid Fix the City a settlement, and rescinded and re-approved the plan (Dawid, 2015; Linton, November 2018, and September 2019a).

Fix the City’s complaints highlight central tensions in Los Angeles TOD and transit/AT planning. As noted above, traffic congestion is a persistent major concern for Angelinos, and recent successful TOD/transit ballot measures, including Measure JJJ and Measure M, were marketed to voters in part as a means to relieve traffic congestion. However, when these policies translate into on-the-ground implementation measures that increase density of development or remove road space from use by cars, then the same voters who supported the policy measures in theory may feel less enthusiastic in practice, when impacts are localized. Many recent efforts to introduce road diets and even bus rapid transit on Los Angeles streets have been met with vocal opposition, including threats to recall city council members if they supported the measures (Tinoco, 2017; Chiland, 2019, January a; October 2017; Linton, 2019 and September 19).

The city’s environmental analysis of the *Mobility Plan 2035* plan corroborates the basis for Fix the City’s complaint that the plan will serve to increase traffic congestion. As

Table 5 and Table 6 in Chapter 3 demonstrate, the Environmental Impact Report (EIR) for the plan estimated that traffic delay will increase under its provisions over the plan’s duration. However, the EIR also predicts that the plan will shift travelers away from using cars to using other modes instead. Furthermore, the plan is projected to reduce greenhouse gas emissions and increase the share of city residents and workers located in close proximity to bike and transit network facilities.

These findings underscore that traffic congestion is a problematic issue for city planners in seeking to promote TOD and transit/AT strategies in Los Angeles. Transit advocates have been prone to contending that transit can relieve traffic congestion, advancing this claim especially during election campaigns to build voter support for policy measures to fund transit. But the reality is more nuanced, as the EIR impact analysis indicates. New transit and AT facilities and service improvements can shift travelers away from driving. But the same practical steps taken to enhance transit and AT facilities sometimes take road space away from cars, and thereby serve to slow down remaining car traffic. The large majorities of Los Angeles city residents and workers projected to still be traveling by car in 2035 will experience worse traffic congestion as the result of the plan, not better, meaning that elected leaders and city planners put themselves in a problematic position if and when they promise that congestion relief will result from transit provision. Claims in support of transit and AT improvements might be better framed for their mode-shifting impacts, which support more efficient and sustainable transport—and about making these options a more viable alternative to driving.

Another option for relieving congestion in Los Angeles being studied by planners is congestion pricing, a strategy that has been used in some cities across the globe to discourage driving during peak periods in congested areas, and also to raise funds for alternative, more efficient modes. By charging a toll to enter a congested area, cities reason they can encourage people to either forgo an unnecessary car trip or take transit (Tinoco and Barrigan, 2019).

In February, 2019, Metro's Board of Directors approved two studies of programs that could help reduce congestion while raising revenue: congestion pricing and taxing ride-hail trips (Linton, 2019, February). The study, initially proposed to help find ways to generate funds for transportation projects in advance of the 2028 Olympics, was also presented to the Board as a way to ease traffic congestion and possibly provide free transit fares for the region (Chiland, 2019, January b). Metro staff put forth three potential ways that congestion pricing could be implemented in Los Angele County, including: VMT pricing, where a fee is charged per mile driven; cordon pricing, where a fee is charged for entering a certain area; and corridor pricing, where fees are charged for access to heavily-trafficked roadways (Sharp, 2019, February).

The congestion pricing study proposal generated significant debate among Metro board members. Concerns were raised about equity implications, with some board members noting that wealthy drivers can pay commute tolls more easily than poorer drivers, while others noted that the existing transport system is already regressive in effectively subsidizing and easing car travel compared to other modes (ibid; Tinoco and Barrigan, 2019; Linton, 2019, February 13). As for political feasibility, a spokesman for the mayor noted that, "It really does create a policy dilemma…It's a concept that is not popular, but also I think when you look at it in the context of demand and supply, it might be the least costly way of managing demand" (Chiland, 2019, January b). According to the chairperson of the Metro Board, "We are now forced to think outside the box in search of new ways to combat our worsening traffic, and this study will give us the data we need to better determine if this innovative traffic-busting approach can work in the Car Capital of the World" (Tinoco and Barrigan, 2019).

While congestion pricing might help alleviate mobility concerns in the parts of Los Angeles well-served by transit, the strategy may be less effective than in other cities with more distinct central employment districts and less sprawling development patterns (Tinoco and Barrigan, 2019). Angelenos, for the most part, lack a convenient alternative to driving—a situation that focuses attention on the problem of traffic congestion while sometimes making solutions seem intractable. The challenge with Los Angeles is that mass transit is currently inadequate for providing an easy substitute mode to driving, for getting to and from the most congested districts like Hollywood or Downtown (ibid).

As another regulatory complement to its TOD policies, in July 2019, Los Angeles officially made the switch from using LOS to VMT for its transportation impact assessment under CEQA, as called for under SB 743 (Linton, 2019, August). The new procedure will make TOD projects easier to develop because housing near transit stations can generally be expected to be assessed as having a lower transportation impact, and therefore mitigation might not be necessary. The city planning and transportation departments created a customized VMT threshold, which varies across different parts of the city, set at 15 percent below the average VMT per capita or per employee within each of the city's seven Area Planning Commission areas. The departments also created an assessment tool, based on the city's travel demand forecasting model, for developers of most projects to use to estimate VMT impacts; after inputting their proposed project's description and location, the calculator tool then tells them whether a development project exceeds VMT significance thresholds and the potential VMT reductions available from a menu of transportation demand management strategies. Mitigation strategies in the city's calculator include: reduced parking, unbundled parking (paid for as a separate expense from rent, for example), transit subsidies, vanpools and rideshare programs, car-share, bike-share, bike facilities, traffic-calming, and walkability improvements.[31]

Conclusions for Los Angeles

Los Angeles is at a transition point, facing great opportunities but also significant challenges for implementing TOD and increasing use of transit and AT. Recognizing the need to address problems such as traffic congestion and high housing prices, city voters have lent their support to TOD-friendly policies and programs such as Measures R, M, and JJ.

However, what voters approve in theory does not always translate to approval of on-the-ground changes that affect their own experience. While the city has developed ambitious and far-reaching policies for TOD, transit, and AT expansion, implementation of these policies and programs has sometimes proved to be challenging, indicating that even though Angelenos may

[31] The city's SB 743 review requirements apply to projects expected to generate a net increase of 250 or more daily vehicle trips, and, for retail-only projects, that exceed 50,000 square feet. Rather than employing the calculator tool, land use plans and certain large land use projects must analyze impacts instead using the city's full travel demand forecasting model. Furthermore, the transportation department may require proposed projects to evaluate scenarios outside of CEQA using vehicle LOS metrics to identify circulation and access deficiencies that may require specific operational improvements. CEQA analysis for other subject areas, such as air quality analysis, may also continue to rely on vehicle LOS analysis to inform emissions modeling.

agree in diagnosing many of the problems they face, less consensus has been achieved about how to solve them. If Los Angeles wants to see an increase in transit ridership, then it is going to have to make driving more costly, a politically difficult move, requiring people to change their driving habits in a city that has been designed for cars for many decades. With substantial resources, but also facing substantial planning challenges, Los Angeles will continue to be a crucible in the coming years for developing effective strategies for TOD.

Santa Monica case study

Santa Monica, a densely populated city of 92,000 residents located west of Los Angeles, boasts a rich history of community activism and political action to address growth-related concerns. Over the years, Santa Monica faced various economic challenges including the decision by the Douglas Aircraft Company to leave the city in the late 1960s, and winter storms that damaged the Santa Monica Pier in the early 1980s (Gruber, 2020-a). The city "pick[ed] itself up," rebuilt the pier, and invested in place-making efforts such as the Third Street Promenade, which has become an iconic landmark (ibid). Efforts like these have made Santa Monica an attractive place to live, and residents "recognized that they had it good living in Santa Monica," leading to the creation of powerful community organizations like Santa Monicans for Renters Rights, aimed at protecting residents' interests (Gruber, 2020-b).

However, this political activism has also sometimes slowed transit-oriented development in the city. As Santa Monica developed into a haven for housing "Silicon Beach" technology workers, and with little developable land, rising traffic congestion created increasing "frustration with traffic and project-by-project entitlements" (The Planning Report, 2017). Santa Monica is one of the most densely populated urban areas in California, with nearly 10,892 persons per square mile (City of Santa Monica Housing Element, 2013; United States Census Bureau, 2018). In this context, both strong pro-housing and strong anti-growth factions emerged in Santa Monica, making it an exemplary case study for considering tensions and trade-offs that emerge in city efforts to manage growth. Efforts to alleviate traffic concerns through transit and active transport strategies remain politically feasible in Santa Monica, but supportive land use strategies, in particular those which depend on introducing higher densities, remain highly contentious and politicized (Newton, 2019).

Land use and housing policy in Santa Monica

In 2010, Santa Monica adopted a groundbreaking Land Use and Circulation Element (LUCE) in its General Plan to address some of these deeply entrenched issues and concerns (Cole and Martin, 2017). LUCE increased allowable densities and promoted mixed-use development along Santa Monica's main boulevards, while also establishing ambitious transport goals for the city, including generating zero net new car trips by 2025 and reducing gas emissions by 200,000 metric tons (Stephens, 2015-a; Stephens, 2015-b).

LUCE was also designed to improve the city's jobs-housing imbalance by creating more housing opportunities for city workers, with the intention of helping alleviate traffic congestion on Interstate 10 (Miller, 2015; Stephens, 2015-b). LUCE was designed to add about 5000 new

housing units, well exceeding the city's RHNA allocation, of which nearly 1000 units were allocated as below market rate. As a city that had significantly constrained growth, only increasing in size by 4,000 residents between 1970 and 2015, the LUCE plan would have represented a significant shift, adding 10,000 new residents in 5,000 new housing units (Stephens, 2015-a; Stephens, 2015-b).

Many LUCE provisions also responded to the opening of new Expo Line light rail stations in Santa Monica, planned for 2016, which would provide direct service to downtown Los Angeles. The plan envisioned five "activity centers" with relatively dense development and commercial clusters accessible by foot or other non-auto mode. Hailed as a ground-breaking, forward-thinking document, the plan won the "Outstanding Comprehensive Planning Award, Small Jurisdiction" from the California Chapter of the American Planning Association and became a model for cities in California to emulate (Stephens, 2015-a).

However, the long-term results from LUCE have been mixed. LUCE met with significant push-back from residents who wanted to maintain their sense of Santa Monica's identity as a "quiet beach city," despite the fact that earlier planning decisions had already altered the city's image within the region (ibid). A major project proposed for development shortly after the adoption of LUCE, called the Bergamot Transit Village, exemplifies the conflict.

The Bergamot Transit Village was a residential and commercial project proposed in 2014 for development across from a future Expo Line station. The Bergamot project was anticipated to create approximately 498 residential units, with 93 allotted for low-income households, and 374,434 square feet of commercial and retail space (Islas, 2016-a; Horton, 2015). The project was also anticipated to add a net gain of $420,000 to the city's general fund (Horton, 2015). However, major opposition to the Bergamot project emerged from anti-growth residential groups who feared it would increase traffic congestion and destroy Santa Monica's sense of identity (Miller, 2014; Islas, 2014-a).

The city council narrowly approved the Bergamot project by a 4-to-3 vote in 2014, but anti-growth residential groups quickly filed a lawsuit, and collected more than 13,500 signatures, double the number needed, to place the matter on the ballot for a public vote (Barragan, 2014). The controversy led to the city council overturning the Bergamot project, leaving the developer with limited options (Barragan, 2014; Barragan, 2015; Islas, 2016). The developer then sold to a new owner who decided to convert the property into a business park instead of a mixed-use complex incorporating retail, residential, and office space (Barragan, 2015). The inability to approve the Bergamot Transit Village Project because of the fear of increased daily vehicle trips exemplifies resident opposition to growth and development in Santa Monica, despite the city's lack of available housing. By not approving new housing development in this jobs-rich community, Santa Monica's housing affordability problems are only exacerbated.

In 2015, the city council, in a close vote, passed a controversial zoning code update which had been intended to align the zoning code with LUCE, but which many observers viewed instead as weakening LUCE provisions (Stephens, 2015-b; Hawthorne, 2017). LUCE had established three "tiers" of multifamily and mixed use development, affording developers increasing levels of

density in exchange for increasing levels of public scrutiny. Two stories, or 32 feet, was established as the "base" in Tier 1. Tier 3, approved only through development agreements, required developers to include community benefits, such as on- or off-site low-income units, in order to earn the right to build up to five stories or 50 feet in height. Tier 3 was designed to apply only to the city's major boulevards, notably Wilshire, Santa Monica, and Lincoln.

Slow-growth advocates opposed Tier 3 and clamored for down-zoning so as to preserve neighborhood “character” and to ease traffic congestion (Stephens, 2015-b; Hawthorne, 2017). In response, during the 2015 zoning code update, the city council eliminated Tier 3 on Santa Monica and Wilshire, two of the city’s most important boulevards. Furthermore, the council also eliminated all but one of the five designated activity centers established by LUCE. However, 100-percent affordable developments and adaptive reuse projects were made exempt. In this manner, the zoning update served to accommodate concerns about providing affordable housing, while also acquiescing to concerns about increasing density near residential areas.

Debates in Santa Monica then turned to the revision of the Downtown Community Plan (DCP), which had been underway for six years. The elimination of Tier 3 in the zoning code did not apply to downtown Santa Monica, which was governed by its own specific plan that was currently being revised. Although the DCP’s area comprises just 4 percent of Santa Monica’s land mass, it contains key parts of Santa Monica such as the Third Street Promenade, Ocean Avenue, Lincoln Boulevard, and the Expo Station (City of Santa Monica, n.d.-b). Many of Santa Monica’s key corridors, Wilshire Boulevard, the 10 Freeway, Ocean Avenue, and Lincoln Boulevard, serve as the boundaries for downtown Santa Monica (Hawthorne, 2017). In addition, access to the Metro’s light rail service via the Expo Station downtown has provided a useful backbone for the city’s TOD aspirations (Santa Monica, n.d.-a; Santa Monica, n.d.-b).

Touted as a “housing plan” by City Manager Rich Cole and the city council, the proposed DCP included streamlined permit approval for smaller projects, height and density bonuses in exchange for affordable housing units provided, and the elimination of parking minimums and introduction of parking maximums in the downtown area (Gruber, 2019; The Planning Report, 2017). The percentage requirements for affordable housing provision were quite high, reaching 35% for off-site units for the largest projects (Hawthorne, 2017). Review procedures and affordable housing requirements varied depending on what “tier” a project fell under, with tiers determined by the height, density, and form of the development (Sharp, 2020-a). Tier 1 projects, the least intensive type and which conform to base zoning, would be approved through an administrative process not requiring review by the planning commission or city council (Sharp, 2020-a). Tier 1 projects would have a 5 percent affordable housing requirement. Tier 2 developments, starting at 39 feet high, would need to provide at least 20% affordable units, and would be considered through the development review permit process, which provides for discretionary approvals following a public hearing. Tier 3 projects, the largest allowable in the Community Plan, could be required to provide up to 35% affordable units, and would be approved through development agreements negotiated between applicants and the City of Santa Monica (Sharp, 2020-a).

Concerned by the DCP revision process, anti-growth factions placed Measure LV before voters in 2016, a slow-growth ballot measure which would have made development approval more difficult by requiring a public vote on most projects over two stories (Anderton, 2017; The Planning Report, 2017). Supporters of Measure LV believed it would protect the city's beachside character by stopping high-rise development and preventing congestion (Chandler, 2016). Voters rejected Measure LV, however, and later, in 2017, the DCP was adopted (City of Santa Monia, n.d.-b).

Proponents of the DCP heralded its adoption as a culmination of LUCE and a "grand bargain" between anti-growth and pro-housing groups in Santa Monica, as described by City Manager Rich Cole (City of Santa Monica, n.d.-c; Gruber, 2019; City of Santa Monica, n.d.-b). Cole described the DCP as a compromise that "will not make either side happy" but which represents the "all in" attitude of the council to support multi-modal mobility and affordable housing (Hawthorne, 2017).

However, other observers contended that the DCP capitulated too much to slow growth sentiment (Chandler, 2017). Indeed, one of the architects of Measure LV was "pleasantly surprised" by the DCP height requirements, which provided a maximum of 84 feet in some zones, but as low as 32 feet in others (Chandler, 2017). Pro-housing activists were concerned that the DCP's aggressive affordable housing requirements would deincentivize development by making it economically infeasible (Gruber, 2019). With a 30% affordability requirement being discussed for on-site units, applied to the largest permissible structures under the plan, one such activist complained that "30 percent of zero [housing] is zero" (Gruber, 2019).

Two years later, a progress report released by Santa Monica's planning department suggested that such concerns about development feasibility under the downtown plan might have been proved right. The report noted that five of the six development projects approved since adoption of the DCP fell under Tier 1, and some of those projects replaced previously-proposed Tier 2 projects (Gruber, 2019). The six approved projects would provide only 6 percent of units as affordable deed-restricted, well below the 20% goal put forward in the downtown plan. Additionally, the developer of the sole project approved under Tier 2 had opted out of adding an additional story, so as to avoid higher affordability requirements. Based on these findings, the Planning Department's progress report concluded that, "It appears that in many cases the DCP project requirements for deed-restricted affordable housing are serving as a deterrent to a project realizing its full development potential as outlined in the standards. The five Tier 1 SRO projects are an example of how property owners are selecting to not access higher height potential, and instead build by-right projects that avoid many of the Plan's community benefits requirements" (Martin, 2019). One housing activist concluded that, "[The DCP] penalizes the building of what the city professes to want" (Gruber, 2019).

While it is too soon to draw firm conclusions, the slow progress so far in building housing under the downtown plan suggests that Santa Monica's aggressive affordability requirements may be serving, ironically, as an unintended form of slow growth restriction. The "grand bargain" the DCP symbolizes is one in which developers receive certain benefits in the form of permit

streamlining, reduced costs through elimination of parking requirements, and density bonuses, in exchange for providing affordable units. But by providing permit streamlining only for smaller projects, the DCP approach may have incentivized developers to produce less housing than they otherwise would have. This situation highlights the delicate balancing act that cities must follow in utilizing market incentives, in the form of density bonuses, as a means to try to subsidize affordable housing. Even a high-demand city such as Santa Monica faces real potential constraints to its ability to leverage market-rate housing development to produce affordable units. Furthermore, the city needs to carefully consider and monitor market reaction to its incentive-based policies, and revisit them, to ensure they produce the intended consequences.

As this discussion indicates, the City of Santa Monica has found it difficult to approve housing projects or plans that increase density. However, the city has not experienced similar tensions about active transportation projects downtown, nor with certain downtown place-making initiatives, such as the Third Street Promenade Plan. The city is currently developing a new master plan for Third Street Promenade with the intent to reinvest in this community asset that has contributed significantly to the prosperity of the city and served as a model for how cities view public spaces (Sharp, 2019-b). Through public engagement, three distinct designs options have been developed for the promenade, called Improve, Adapt, and Transform (Sharp, 2019-b). Improve is the least ambitious of the three proposals, not aiming to alter the existing built environment and street trees, but instead to raise select roadways to eliminate curbs on the promenade and to demolish some retail pavilions. The second option, Adapt, would provide more upgrades to the promenade, such as raising all roadways to eliminate curbs on the promenade. The most ambitious design, favored by the city council, is Transform, which would remove and replace all existing pavement, include additional speed tables at intersections, overhaul underground utilities and infrastructure, remove retail pavilions, and replace existing trees with new shade trees (Sharp, 2019-b). The city council has also discussed incorporating a market square to integrate the Downtown Farmers Market with a diversity of businesses, such as breweries, art venues, and lower-cost kiosk businesses, and to activate the alleyways and pedestrian spaces (Sharp, 2019-b). This placemaking initiative has not so far experienced the sort of tensions that housing development projects have undergone, which could be attributed to the planning process being in early stages and/or the project being more politically feasible because it does not create additional density, nor is it seen as altering substantially the character of the city.

Transportation in Santa Monica

Even as Santa Monica has struggled to implement TOD projects in the face of anti-growth opposition, the city has succeeded in launching various transportation projects and policies. Traffic congestion has been a major concern for Santa Monica residents, and has served as the basis of many objections raised to TOD projects. However, while land use decisions remain contentious, such debates do not tend to arise for active transport and transit projects and policies. This relative lack of opposition may reflect how active transport and transit services align with Santa Monica's vision of itself as a beach town, with the city's efforts to design its downtown "for people first," and with residents' support for mobility solutions to help alleviate traffic congestion (Winterer, 2017).

As noted, the opening of the Expo Light Rail Station in downtown Santa Monica in 2016 has provided a useful backbone for Santa Monica's TOD aspirations (Santa Monica, n.d.-a; Santa Monica, n.d.-b). The opening of the Expo line connected Santa Monica to a county-wide network of rail lines, providing transit access to downtown Los Angeles and to Santa Monica's beachfront. The Expo has attracted high ridership—meeting its 2030 ridership projection a year after its launch (Winterer, 2017; Stephens, 2015-b).

Building on the Expo Line opening and LUCE, Santa Monica has been working to advance "a new model of mobility" (Winterer, 2017; City of Santa Monica, 2018). Three targets were identified: increasing transit and active transport mode shares, advancing Vision Zero, and developing a "connected mobility network" (ibid). These goals have been supported by projects that include expanding service on the city's local bus (the Big Blue Bus) and integrating it with the Expo line, introducing bus and bike lanes, and initiating scooter and bike share services (Santa Monica, n.d.-a; City of Santa Monica, 2018). The city has also launched education programs like GoSaMo, or Go Santa Monica, which aims to alert residents to nearby transportation options by encouraging local businesses to use window decals that depict nearby options (Islas, 2016-b).

Santa Monica has long been forward thinking in its planning for active transport, for example closing the Third Street Promenade to traffic as early as 1963 (Meares, 2020; Sharp, 2019-a). More recently, Santa Monica advanced initiatives like adding protected bike lanes along Ocean Avenue and creating bus only lanes on Lincoln Boulevard in downtown Santa Monica (Sharp, 2020-b; The Planning Report, 2017). The city's bike plan and pedestrian plans are aggressive, aiming to shift 14 to 35 percent of travel to bikes by 2030, and to integrate the city's Vision Zero Vision target of eliminating severe injury and fatal collisions by the year 2026 into the city's Pedestrian Action Plan (Islas, 2014-b; City of Santa Monica, 2016). These efforts have gained traction, helping account for a substantial increase in bike use within a few years after the bike plan's adoption (Islas, 2014-b). Such initiatives also help account for Santa Monica's high housing prices, because they help to create and sustain the attractive, walkable, and multimodal city Santa Monica has become (Kavanagh, 2012).

To further support mobility policy in the LUCE framework, Santa Monica, like San Francisco, has worked to revise its CEQA review policies pursuant to SB 743, and integrate the new approach with the city's transportation impact fee and TDM policy. In early 2020, the city council adopted a VMT-based methodology for analyzing transportation impacts of development projects pursuant to SB 743 (City Council Special Meeting 6/9/2020, http://santamonicacityca.iqm2.com/Citizens/Detail_Meeting.aspx?ID=1229).

The planning department's staff report for this policy decision noted that,

> LOS conflicts with the City's sustainable growth, land use, and mobility goals and policies… In a direct contradiction to the LUCE, LOS favors projects that are located within residential neighborhoods…[Furthermore,] mitigation to increase automotive capacity is usually infeasible…[and] also negatively impacts other modes of transportation…LOS is typically the only significant "environmental impact" resulting in a lengthy and costly

> CEQA review and entitlement process—under the City's current LOS-based thresholds, any project subject to CEQA that has the potential to result in a significant impact (e.g., addition of one trip on a street segment) is required to prepare an EIR…[which] can be both lengthy and costly, often creating processing delays for projects and hindering much needed housing production. For the majority of EIRs prepared in the past, traffic (LOS) is typically the only unavoidable impact that cannot be mitigated (Martin, 2020, p. 7-9)…
>
> With the change from LOS to VMT, transportation review of projects in the City will be simplified…Multi-modal transportation projects and beneficial housing projects near transit would no longer have to be subject to time-consuming traffic analysis, which often does not yield any effective mitigation measures. Additionally, in contrast to traditional LOS analysis which can analyze upwards of 100 intersections in a project area, VMT analysis will require assessment of the project's VMT impact per land use (rather than per intersection) (Martin, 2020, p. 9).

City planning staff assessed that almost the entire City of Santa Monica would be eligible for "screening out" projects with less-than-significant VMT impacts, using OPR's recommended approach for determining threshold criteria, since most city territory is located within ½ mile of "high-quality transit" (Martin, 2020).[32] Rather than screen out most projects from VMT analysis on this basis, the city planning department advocated a more "locally sensitive" approach that applies a stricter definition of transit quality and proximity than OPR's; in the city's adopted methodology, only those projects located within 1/2 mile walking distance of an Expo Station or ¼ mile walking distance of a BRT stop—rather than all bus stops—warrant exemption from VMT analysis.[33] A final element in the city's adopted methodology considers whether a proposed project would provide more parking than required by city code, or, if located in an area that does not require parking, such as downtown, would not exceed the city's parking maximums.

The VMT significance thresholds that the city adopted for determining, if a project is not "screened out," whether it must mitigate VMT impacts under CEQA were linked to achievement of the city's GHG reduction goals in its adopted Climate Action Plan, and also to the city's goal of "not hinder[ing] the production of much needed housing" (ibid, p.16). For residential development, the threshold was set at no greater than existing citywide average resident VMT

[32] For land use projects, OPR's Technical Advisory for SB 743 implementation, and proposed CEQA Guideline Section 15064.3 (b)(1), state that "[g]enerally, projects within one-half mile of an existing major transit stop or a stop along an existing high quality transit corridor should be presumed to cause a less than significant transportation impact." Major transit stop is defined "as a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods." See Martin (2020).

[33] A preliminary screening also exempts projects that are: 200 residential dwelling units or less; 100% affordable housing; 50,000 square feet or less of commercial floor area per tenant; new educational facilities provided no student enrollment increase results, or if at least 75% of the student body comes from within 1/5th mile; expansion or replacement of civic/government uses that are less than 50,000 square feet; or if larger, that would not result in more than 50 net new additional FTE employees; local serving parks and recreational facilities; or 50,000 square feet or less of commercial floor area for certain specified land uses (Martin, 2020).

per capita, for commercial development, at no greater than existing citywide average employee VMT per employee, and for retail development, as not contributing any net increase in total city VMT. A further, second significance criterion imposes an overall cap on a given project: a project's combined residential and employee VMT for all uses must be at least 16.8% below existing citywide "business as usual" VMT per capita, defined as estimated VMT if the project were to generate VMT per capita at the existing citywide average (ibid). This construction of the thresholds allows for some "wiggle room" in VMT levels allowed for different components of mixed-use projects.

Like San Francisco, Santa Monica is working to align its newly adopted method for analyzing transportation impacts with the city's transportation impact fee and TDM ordinance. To coincide with LUCE, the city approved a transportation impact fee in 2013 for new development and redevelopment, excluding affordable housing developments (City of Santa Monica, n.d.-f; Gruber, 2013; Kavanagh, 2013-a). The TIF covers transit and active transportation, with active transportation being the main focus (City of Santa Monica, n.d.-f; Kavanaugh, 2013-a, Gruber, 2013). The Santa Monica planning department now advocates updating the impact fee "to invest in programs and multi-modal projects that facilitate the reduction of Citywide VMT per capita" (Martin, 2020, p, 8). The city's adopted fee was not established at 100% cost recovery, assuming instead that matching funds and outside grants would help to fully fund desired projects (Kwok, 2020). The planning department is calling for increasing the fee to 100% cost recovery, and for reassessing the fees to be VMT-based (rather than trip-based) (ibid; City of Santa Monica, n.d. -f). According to the city's transportation impact fee website, "With the vast majority of future development anticipated to be housing and the knowledge that there are very few TDM strategies that are effective for residential trips, investments in the transportation network, funded through the TIF, will become crucial for the City to be effective in reducing VMT" (City of Santa Monica, n.d. -f).

In 2016, the city also revised its TDM ordinance, first adopted in 1991, by decreasing the threshold for the size of employers that must implement site reduction programs, and increasing the employer reduction targets (Kavanaugh, 2013-b). Critics had asserted that the provisions were too weak, as many businesses could choose not to participate (Kavanaugh, 2013-b). City planners are currently working to improve customer experience and compliance with the TDM Ordinance by developing an online employee survey tool and Emission Reduction Plan tool (City of Santa Monica, 2018).

The introduction and proliferation of electronic scooters starting in 2017 further underscores Santa Monica's commitment to pursuing new transportation options. In fact, e-scooters proved to be so popular that the city council overruled staff recommendations to limit them to a cap of 500 scooters per operator and 1500 total scooters in the city (Linton, 2019). Similar to Oakland, Santa Monica took a "collaborative approach" to address the novel e-scooters through a 16-month shared mobility pilot (Newton, 2018). Under this pilot, Santa Monica opted for a dynamic cap, which was adjusted based on demand for scooter services. Operators were required to share data with the city in "real-time" to determine the cap (ibid). Initially, four operators, Bird, Jump, Lime, and Lyft, were permitted for 2,500 devices, 2,000 electric scooters

and 500 electric bikes (Linton, 2019). Responding to the dynamic cap, that number rose to 3,250 devices in 2019 (ibid). Data sharing is meant to prevent clustering of scooters in popular areas and to allow for these services to cover a wider area (Newton, 2018). The pilot also includes a pickup/drop off zone and a 24-hour hotline to address community concerns (ibid). In order to fund the pilot, each operator pays a base fee of $20,000 and an annual $130 device fee (ibid). Due to the COVID-19 pandemic, the Santa Monica city council voted to extend this pilot until April 30, 2021 (City of Santa Monica, n.d.-e). Two shared services, Lime and Jump, removed their services from Santa Monica in the interim (ibid).

In assessing how to plan for multi-modal transport and shared mobility, the city's planning department noted in 2018 that:

> The arrival of electric scooters this fall provided perspective on the scale and complexity of these challenges… Existing regulations, infrastructure (both operational and physical), and resources aren't suited to shared mobility options… New technology has disrupted "business as usual" for transportation planning and management, and the complementary efforts of other departments… The scale and scope of this challenge necessitates a much broader strategy including a range of actions, investments, and management tools…
>
> Santa Monica can start with identifying priorities for engaging with both automated vehicles and shared mobility so that each contribute to, rather than detract from, our community's shared vision for the future…Policy options include: creat[ing] performance metrics for street efficiency that move people in fewer vehicles; develop[ing] a new curbside management strategy; …develop[ing] new street design criteria and operational targets; [and] creating criteria for reallocation of underutilized street…Data [priorities include]: develop[ing] data-sharing, partnership, and performance protocols for new mobility; [and] engag[ing] with third-party data platforms for secure open data" (City of Santa Monica, 2018, pps. 18, 20).

Conclusions for Santa Monica

Like San Francisco, Santa Monica is a very dense city whose liberal, highly politically engaged residents value the city's character and do not want it to change. Employment growth has increased affordable housing pressure and traffic congestion, leading residents and city officials to seek solutions. The city became a TOD planning innovator in the 2000s, in developing the LUCE, which explicitly integrated land use and transportation goals and strategies and supported more compact, transit-focused growth.

However, ongoing tension between strong pro-housing and strong anti-growth factions in the city resulted in modifications made to the LUCE, which have served to alter its character and impacts. Recent modifications impose affordability requirements downtown that could be hard for developers to meet, and thereby result in the production of fewer and not more affordable units. In this fashion, Santa Monica, like San Francisco, is grappling with how to manage housing supply and affordability concerns in the context of rapid economic growth and wider market forces that are largely beyond the control of the community on its own.

Slow progress so far in building housing under the downtown plan suggests that Santa Monica's aggressive affordability requirements may be serving, ironically, as an unintended form of slow growth restriction. The plan was meant to symbolize a "grand bargain" in which developers would receive certain benefits in the form of permit streamlining, elimination of parking requirements, and density bonuses, in exchange for providing affordable units. But by providing permit streamlining only for smaller projects, the appears to have incentivized developers to produce less housing than they otherwise would have. This situation highlights the delicate balancing act that cities must follow in utilizing market incentives, in the form of density bonuses, as a means to try to subsidize affordable housing. Even a high-demand city such as Santa Monica faces real potential constraints to its ability to leverage market-rate housing development to produce affordable units.

Although it is too soon to draw firm conclusions, Santa Monica's experience with impacts of its downtown plan contrasts somewhat sharply with Los Angeles' experience with the TOC program, which has been deemed very successful in encouraging new permitting activity for housing development. As in the case of considering the "natural experiment" in Los Angeles in which three density bonus program options were made available in short succession, with passage of Measure JJJ, the bottom line in assessing Santa Monica's downtown plan so far is that when it comes to density bonus programs, and inclusionary requirements more generally, program design appears to be critical to get right. Moving forward, Santa Monica should carefully consider and monitor market reaction to its incentive-based policies, and revisit them, to ensure they produce the intended effects.

APPENDIX 2. Case studies on planning and policymaking for TOD, transit, and active transportation in the San Francisco Bay Area

As the fourth largest metropolitan area in the US, and still growing, the San Francisco Bay Area is struggling to continue to accommodate the growth stemming from the economic success of the Silicon Valley (MTC and ABAG, 2017). The region faces severe housing challenges from rising costs, and associated concerns related to gentrification and displacement (ibid). Many people who work in the Bay Area can no longer afford to live there. As a result, transit services and highways were reaching record levels of congestion before the current pandemic, as many workers were forced to travel greater and greater distances to their jobs (ibid).

Many of these problems can be attributed to suburban development patterns and urban renewal tracing back to the 1950s. While San Francisco and the East Bay represent the compact core of the Bay Area, much of the surrounding areas are composed of more suburban land uses (Walker and Schafran, 2015). Cities in Silicon Valley welcome the tax revenue from large tech companies, but their land use practices do not support the workforce (Ross, 2014). Zoning for housing in the Silicon Valley is primarily R-1, or single-unit residential (ibid). The R-1 share is high even for the three central cities studied in this chapter, at 51 percent of San Francisco's residential land, 64 percent in Oakland, and 84 percent in San José (Castaneda, 2020). Not only does this zoning pattern constrain housing production for the region's growing and diverse workforce, creating long commute times for many workers who must live elsewhere (Ross, 2014), but it also influences how cities are implementing transit-oriented development, or TOD.

Although many long-time residents find the prospect of rezoning objectionable, a growing acceptance for increasing zoning density has emerged as long as planners "leave the low-density residential neighborhoods alone" (Ellickson, 2020 p. 15). TOD has been promoted even in many Bay Area cities that ascribe to "protecting the neighborhood character" of R-1 development areas (Ellickson, 2020; City of San José, 2020b). TOD provides cities with many benefits such as the revitalization of downtown areas, increased mobility and accessibility for residents, and the provisioning of workforce housing.

San Francisco case study

Land use and housing policy to promote TOD and affordable housing

San Francisco's population increased by 11% from 2010 to 2019 (US Census Bureau, 2019), making the city the fourth largest in California. However, the growth in San Francisco's working population outpaced its rate of housing construction, contributing to a widening housing crisis. This trend has led to a disconnection between where people live and work, adding to commute distances and greenhouse gas emissions.

San Francisco, aside from being one of the largest cities in California, is also one of the densest. The city embraced a TOD-friendly land use pattern early on as a result of its unique geographical constraints (located on a peninsula) (San Francisco Planning, 2009). During the time when other cities in the country embraced suburbanization, San Francisco adopted its

Urban Design Plan in 1971, seeking to protect the city's existing fabric and essential physical characteristics (San Francisco Planning, 2017). City planners also proposed "radical investments in the urban fabric and a reimagining of urban livability" (ibid).

As a result of the city's comprehensive urban design rules and focus on reviving the urban core, the amount of land and resources targeted for automobile use in San Francisco is much lower than in most other communities in California. This development pattern makes TOD relatively easier to implement in San Francisco because of the comprehensive variety of transportation alternatives and traditional walkable commercial and residential districts, making nearly all the city a potential TOD zone (San Francisco Planning, 2014). In short, San Francisco's historic infrastructure development and land use patterns and policies promoted TOD historically, and also make it an attractive option for developers today.

However, these conditions also put pressure on existing infrastructure and public services in San Francisco. The city added over 78,000 residents and over 175,000 jobs from 2009 to 2018, outpacing all projections (SFMTA, 2019). Car use increased in the city, even as San Francisco residents were driving their own cars less, due to factors such as increased use of ridehailing services such as Uber and Lyft (ibid). Meanwhile, transit ridership stayed steady in San Francisco during the 2010s, while declining in many other areas (SFMTA, 2019).

San Francisco's growing workforce has contributed to a housing affordability crisis. By the 1990s, the growth in jobs in the city outpaced housing development at a ratio of 6.5 new jobs for each new home built (compared to what is generally considered a balanced ratio of 1.5 jobs to houses) (Rosen and Sullivan, 2014). By 2019, San Francisco home prices exceeded $1.7 million, almost double the median price in the Bay Area as a whole, the nation's most expensive regional housing market (Brinklow, 2019).

With its growing population, living costs, and density as a backdrop, San Francisco employs TOD strategies to promote housing growth (especially affordable housing), increase overall mobility and accessibility, and increase environmental benefits. In particular, the lack of affordable housing has been a primary catalyst for city planners to embrace and encourage compact development, or TOD. As housing affordability forces residents to leave, they are pushed to ever further destinations, such as into Central Valley, or even out of state (Florida, 2018).

San Francisco's affordable housing crisis is the product of various forces including its unique geographic location, the historical urban renewal movement, strong neighborhood opposition to high-density development, and the booming technology industry. To start, because San Francisco is located on a peninsula, space and growth are limited, ultimately leaving only one way for the city to build new housing units: vertically (Russel, 2014). The city's massive urban renewal projects in the 1960s resulted in displacement, conversion, and demolition of numerous San Francisco neighborhoods (Welch, n.d.). This history influences the housing situation in the city today, as a range of housing activists with different concerns are often united in opposing new construction, making it difficult for many large projects to break ground (Rosen and Sullivan, 2014; Perigo, 2020). And lastly, the technology industry's presence not

only drives up home prices, it also widens the already high jobs-to-housing ratio of the city (Madrigal, 2019).

Neighborhood opposition in some parts of San Francisco has made new affordable housing rather difficult to build. For example, in 2020, a 7.5-year battle ended between activist groups and the city over a 10-story, 330-unit mixed-use building slated for construction right next to the 16th street BART Station in the Mission neighborhood. Residents of the Mission saw the "planned market-rate homes and the sheer scale of the building as an invasion, and stymied it at every turn" (Keeling, 2020). As a response, the developer proposed in 2017 to offer a piece of the property to the city for affordable housing, and to dedicate some units to nearby public school teachers and renovate the school's playground. However, this effort was not accepted by the activists who wanted only a "100 percent community-developed" affordable housing project on the site (Keeling, 2020).

Most anti-growth activists in San Francisco are not against affordable housing construction; to the contrary, most are very pro-affordable housing, so much that some oppose market rate development, calling only for deed-restricted units. According to a long-time observer, the activists decided early on that "new development, with the exception of publicly subsidized affordable housing, was not welcome" (Metcalf, 2015), like in the case of the project in the Mission. This approach was logical in the late 1960s, as the city faced destruction brought forth by the urban renewal movement, and as a response, residents and planners took on a "preservationist bent" to defend the city from change (Metcalf, 2015). But as people started moving back to the city again in the 1980s, most San Francisco progressives chose to continue their preservationist stance instead of forming pro-growth coalitions with business and labor. Over the years, these anti-development sentiments manifested into "restrictive zoning, the most cumbersome planning and building approval process in the country, and all kinds of laws and rules that make it uniquely difficult, time-consuming, and expensive to add housing in San Francisco" (Metcalf, 2015). And as the city became increasingly more expensive, progressive housing policy shifted gradually to protecting the people already there from being displaced (Metcalf, 2015).

In order to solve the housing crisis, San Francisco has passed numerous policies from the 1970s until the present day, focusing on preserving existing housing, improving the job and housing gap, and preventing commercial development in some areas of the city. What started as a focus in earlier decades on preserving existing housing turned into encouraging affordable housing construction by the 2000s. For example, the destruction of the 184-room residential hotel called International Hotel (I-Hotel) in 1977 eventually led to the adoption in 1981 of the Residential Hotel Demolition and Conversion Ordinance, which banned demolition and conversion of residential hotel units without replacement or payment of in-lieu fees (Rosen and Sullivan, 2014). In more recent years, aside from preserving existing housing stock, the city has encouraged and incentivized the construction of new affordable units, as seen in Mayor Ed Lee's 2014 State of the City Address, which called for the completion of at least 30,000 new and rehabilitated homes by 2020, with one-third or more to be permanently affordable to low- and moderate-income families (Rosen and Sullivan, 2014).

As noted, the affordable housing crisis in San Francisco in part reflects the imbalance between jobs and housing in the city. The current jobs-housing ratio is 1.85, signaling a surplus of jobs. Strong market interest in San Francisco from office developers provides a basis for the city to support its housing-focused agenda. For example, the city has a long-standing affordable housing program known as the Jobs-Housing Linkage Fee program (JHLF), initiated in 1985 and updated in 2019, which requires large office developments to pay a fee or contribute land for affordable housing, based on the number of new employees generated by the development (Rosen and Sullivan, 2014). By 2014, more than $72 million in affordable housing fees had been collected, contributing to the development of more than 1100 affordable housing units (ibid).

In 2019, the San Francisco Board of Supervisors updated the JHLF ordinance, doubling the linkage fee for new office developments (City of San Francisco, Planning Code, §413). According to the economic impact report developed by the city for the increased JHLF, the fee could generate an additional eight million to nine million dollars annually in addition to the current $12.3 million baseline. The expansion of the fee program also is projected to lead to a projected net job loss of between 1,275 to 1,500 jobs over the next twenty years (Truong, 2019). The city's choice to increase the linkage fee points to its prioritization of housing concerns above job growth (in contrast to the two other Bay Area central cities considered in this chapter).

San Francisco's policy emphasis on supporting housing over commercial development can be seen even more directly in city policies adopted to limit the amount of commercial development altogether in order to lessen the jobs-housing gap. For example, passed in 1986, Measure M has limited the amount of commercial development that can be approved in San Francisco each year (Rosen and Sullivan, 2014). This stringent type of development control was also seen more recently in 2020 when the city's Planning Commission preliminarily approved a policy to rezone the Mission District neighborhood to prohibit most office uses (except professional service, financial service, or medical service, allowed as a conditional use on the ground floor) (Brinklow, 2020b). The rezoning proposal was introduced after news emerged about a proposed plan to expand a former Lyft occupied building; the area is currently zoned as urban mixed use, but the Board of Supervisors considered the balance of a mere 24 homes against 95,000 square feet of office space as a cheat to the word "mixed-use" (ibid). City officials furthered their argument by stating that "what was not foreseen (at the time of the Mission's zoning)…was [that] today's real estate market would make it impossible for other uses to compete," given the profitability of office spaces in San Francisco (ibid). City officials agreed that the only way for Mission District housing to win in development is to severely limit new office expansion (ibid). However, on the other side of the argument, critics say that the reason developers prefer to build office space is that local officials have made it so difficult and expensive to build housing (Dineen, 2020). For example, Laura Foote, Executive Director of YIMBY Action, has argued that rather than putting up barriers to commercial development, the city should focus on making it easier, cheaper, and faster to build housing (ibid).

The effort to limit office development to encourage housing in San Francisco has been supported by city officials and voters too. For example, the voter-approved 2020 Proposition E (Limits on Office Development) decreases the 875,000 square feet annual office space cap (set

in place by the 1986 Measure M) each year relative to the percentage of the city's assigned Regional Housing Needs Allocation (RHNA) target number of housing units unmet. The passage of Proposition E means that if the city builds 10% fewer affordable housing units than the RHNA target calls for, then the following year's cap lowers by 10% (Brinklow, 2020a). Similar to the previous argument made about prohibiting office development in the Mission District, Proposition E opponents complained that the policy punishes the city without making it easier to create new affordable housing. Indeed, the city's economist released a study indicating that by reducing commercial development and consequent receipt of impact fee revenue, San Francisco would produce less affordable units than it would have without the measure's passage (ibid).

In this fashion, San Francisco can be seen to be struggling with consequences of economic success, as the high land values in the city, which support commercial development, make housing difficult to build. Even as the attractiveness of commercial development in the city provides a basis for extracting fees to support affordable housing, the same market factors can make market rate housing, not just subsidized affordable housing, cost-prohibitive.

The city has adopted various policies in addition to its linkage fee and limits on commercial development, to try to support housing development. One strategy is to promote permit streamlining. In 2017, Mayor Ed Lee issued Executive Directive 17-02, which streamlined the California Environmental Quality Act (CEQA) approval processes for housing projects and limited the decision process to 6 to 22 months (typically projects can remain in the CEQA process for up to two years) (Lee, Executive Directive 17-02, 2017). Lee's successor, Mayor London Breed, issued Executive Directive 18-01 to accelerate the approval of Accessory Dwelling Units (ADUs) by requiring that all applications be acted upon within four months (Breed, Executive Directive 18-01, 2018). The city's policies have been helpful, as demonstrated in the 2019 Housing Inventory Report: the amount of new 100 percent affordable development units increased from 288 in 2016 to 946 in 2017, and from 99 new ADUs in 2017 to 141 in 2018 (San Francisco Planning Department, 2020b).

SB 35, the affordable housing streamlined approval bill, became effective in San Francisco on January 1, 2018. SB 35 was designed to apply in cities not meeting their assigned RHNA targets for the construction of housing at all income levels. Because San Francisco has not met its RHNA goals, any proposed affordable housing projects providing on-site affordable housing at 80 percent AMI are eligible to receive permit streamlining available under SB 35 provisions (ibid). Since the adoption of SB 35, several affordable housing projects have been proposed and approved by the city under its provisions, including the Mission Economic Development Agency's proposed housing project at 681 Florida Street that includes 130 units of 100 percent affordable housing (Howard et al., 2018). Without SB 35 and the state's mandated density bonus program, this project would have lost one-third of its total units (ibid).

The city has pursued various funding mechanisms for affordable housing, in addition to the JHLF. The Inclusionary Housing Fee, created in 2002 and amended in 2017, is the other main impact fee used by San Francisco for the purpose. The fee is collected from new residential

projects of ten units or more based on gross floor area, with alternative options provided, such as building on-site or off-site affordable units (San Francisco Planning Department, n.d., 2017, December). New developments with 25 housing units or more are required to either make 18 to 20 percent of their on-site units affordable, or build off-site affordable units or pay an equivalent in-lieu fee equaling 30 to 33 percent of the total units.[34]

A recent hike to the Inclusionary Housing Fee led some observers to question whether market projects will be feasible enough to ensure that more, rather than fewer, affordable housing will be produced than if the requirements were to be relaxed. The fee schedule established in 2017 was adopted pursuant to a city-commissioned feasibility study, with percentages for required onsite units set at the maximum of the recommended range (Wang, 2017). However, the requirements for the offsite or fee options were set at 5 percentage points above what the feasibility study recommended (ibid). Furthermore, the ordinance established annual increases to the onsite requirements, and also a new multi-bedroom requirement (25% of units in each project must be two-bedroom units, and 10% must be three-bedroom units). With no explicit provisions for adjusting the inclusionary requirements if the economic environment changes, the San Francisco Planning and Urban Research Association (SPUR), an urban research organization, concluded that the city's requirements "could potentially make future projects less feasible" (ibid). "The idea behind inclusionary housing is that the units sold or rented at market rate help to cover the cost of the affordable units. But over the years, the number of market-rate units will shrink to a point at which they may not be able to support the creation and operations of the increasing number of affordable units" (ibid). In 2018, SPUR assessed that offsite construction costs, or the equivalent fee, ranged from $198,008 per studio unit to $521,431 per four-bedroom unit, and that these costs could help explain the city's recent decline in housing development permit applications (Nagraj, 2018).

The city in 2012 also established a $1.5 billion Housing Trust Fund, using funds from various sources, to finance the development of up to 30,000 affordable rental units (Rosen and Sullivan, 2014). The impact fees and Housing Trust Fund have given San Francisco a relatively large pool of financial resources. The total available affordable housing fund as of 2019 (including JHLF, inclusionary, and other affordable housing impact fees combined) was approximately $211 million, and the city spent around $58 million (in FY 2018-19) to fund the

[34] For small projects (10-24 units), on-site requirements are for 12% of units at 55% of AMI (rental) or 80% of AMI (ownership), and for off-site units or equivalent fee payment, for 20% of project units. The rate increases by 0.5% annually until reaching 15% in 2023. For large projects (25+ units), requirement varies by project tenure, as follows: 1) for rental projects, on-site requirements are for 18% total, for households at three income tiers (10% of units at 55% AMI average, 4% of units at 80% AMI average, and 4% of units at 110% AMI average), or for off-site construction or fee payment, equivalent to 30% of project units; for ownership projects, on-site requirements are for 20% total, for households at three income tiers (10% of units at 80% AMI average, 5% of units at 105% AMI average, and 5% of units at 130% AMI average), or for off-site construction or fee payment, equivalent to 33% of project units. The rate increases by 0.5% annually after 2020, split between middle and highest AMI tiers, until the total rates are 24% for rental and 26% for ownership projects in 2025 (San Francisco Planning Department, 2017, December).

construction and acquisition of affordable units (City and County of San Francisco, Mayor's Office of Housing and Community Development, 2019).

Another funding tool is through bonds. The Affordable Housing General Obligation Bond, passed in 2015, dedicated $310 million for affordable housing and the Affordable Housing Bond passed in 2019 dedicates another $600 million. The new housing bonds were critiqued by some local stakeholders, who noted that the $910 million of local affordable housing funds was accompanied by an increase in housing prices of $280 billion during the last decade (Keeling, 2020). The 2019 Affordable Housing Bond is expected to add or rehabilitate 2,755 units. Generally, it takes $300,000 per unit of local subsidy on top of state and federal tax credits to get one affordable unit out the door (ibid).

Other housing policies include the 2017 Home-SF program (amended in 2018), an addition to the state density bonus program that provides, for developers building upon commercial corridors and in high-transit areas, and who include up to 30 percent affordable housing units in their project (18% for middle income, and 12% for low or moderate income), incentives including no density limit, a height bonus (up to 20 additional feet), and zoning modifications such as a reduction in rear yard requirements, and up to 75 percent reduction in parking requirements (Sec. 206.3). At least 40 percent of the total units in the building must be two bedrooms or larger. The program was slow to gear up, but at the end of 2019, around 672 units had filed applications to use Home-SF and several of the projects were located in neighborhoods that had seen little to no development in the previous decade. One observer noted that while Home-SF provides a good incentive to builders, other factors that city officials cannot always control, such as construction costs, neighborhood opposition, and bureaucracy, continue to make it tough to build (Dineen, 2019).

Other city housing policies include the 100% Affordable Housing Bonus Ordinance, adopted in 2016, which offers project sponsors who build 100 percent affordable units incentives such as priority processing, form-based density exemptions, height bonuses (30 additional feet), and zoning modifications (such as reduction in rear yard sizes and up to 100 percent reduction in the minimum off-street residential and commercial automobile parking requirement) (100% Affordable Housing Bonus Program, https://sfplanning.org/ahbp).

Another aspect of San Francisco's affordable housing crisis relates to where new housing is directed to be built. Because San Francisco is located on a peninsula, the one way for the city to build new housing units is vertically (Russel, 2014). However, San Francisco has focused its new, denser, taller developments into specific areas away from many single family unit neighborhoods. While areas near downtown have been upzoned, other neighborhoods in San Francisco have not. Jane Kim, a member of San Francisco's Board of Supervisors and Land Use Committee, said that "no major proposals have been put forward to increase density west of the downtown and South of Market areas," so the only places that are getting taller were already more dense than the majority of the city to begin with (ibid). This trend holds true today according to the height and bulk district maps of the city. Upon examination, the majority of San Francisco's height limit is still zoned at forty feet maximum with the exception of a few

districts, which are mainly university campuses and the downtown district (San Francisco Planning, 2020c). The city's Housing Inventory Report also demonstrates this trend, as already dense areas are getting new high-density housing units while lower-density areas are not (San Francisco Planning, 2020b).

In essence, while there are numerous examples of TOD in San Francisco, and city officials are evidently striving to encourage more TOD with the goal of promoting affordable housing, significant challenges remain. The city's marketability for commercial development can sometimes serve as less of a goose that lays a golden egg for extracting public benefits, including affordable units, and more like a double-edged sword, as high land values make even market-rate housing cost-prohibitive to build.

Transit and active transport in San Francisco

Similar to its land use policies, San Francisco's transportation policies are also conditioned by its geographical constraints and position within the Bay Area as job center and major transit hub for commuters. As previously mentioned, land in San Francisco is particularly valuable as the city's geographic barriers, such as hilly topography and the bay, have put a premium on land (San Francisco Planning Department, 2009). Due to these geographic barriers, San Francisco, unlike other cities rapidly annexing land during the 1950s, began to realize the value of transit.

In 1948, the City proposed the Trafficways Plan, an elaborate network of eight freeways crossing San Francisco to the Bay Bridge to close the gaps in the regional highway system (ibid). Protests erupted as many city residents and politicians feared that it would "destroy the city's livability and character" (ibid). This response, known as the "Freeway Revolt," led to the removal of the Western, Park Presidio and Crosstown freeways and, in 1959, the suspension in mid-construction of both the Embarcadero and Central Freeways (ibid). This enduring movement marked a clear shift in San Francisco's transportation focus, culminating in the passage of San Francisco's "transit first" policy in 1973 which supported the creation of important transit services, like Muni and BART, and provided strong reasoning for evaluating the effectiveness of the LOS metric early on.

As the technology industry grew in the Bay Area in subsequent years, transit and active transportation infrastructure struggled to accommodate a growing number of commuters. Hundreds of thousands of people from all over the region travel everyday through San Francisco's two transit corridors: the Transbay Corridor, connecting the East Bay and Peninsula, and the Metro Corridor, representing travel within the city (MTC, 2017). San Francisco functions not only as an important thoroughfare between the East Bay and the Peninsula but also possesses a desirable, urban lifestyle that appeals to young tech workers (Ross, 2014; MTC, 2017). However, with little spare land, the city has struggled to accommodate both rapid growth and demand for its services. Moreover, in the face of these rapid changes, city leaders have received pushback from residents. Although the transit-first policy exemplified a progressive vision for the city, implementation of supportive policies can get stymied by residents who fear that protected bike lanes, Bus Rapid Transit (BRT), and road diets will impact their commute times (Bialick, 2013b).

Much of San Francisco's transportation infrastructure is overburdened. The city core exemplifies the strain on transit services due to explosive growth. The core, containing the Transbay Corridor, is defined as the Financial District, the Civic Center/Mid-Market/Van Ness, South of Market (SoMa), and Mission Bay/Showplace Square neighborhoods (MTC, 2017). In 2013, employment in the core composed 53 percent of jobs in San Francisco and 10 percent of the jobs throughout the entire nine-county Bay Area (ibid). By 2040, the core is expected to grow by 40 to 55 percent (ibid). In 2019, congestion reached record levels in downtown San Francisco (SFCTA, n.d.). The city's rapid, concentrated growth has caused record levels of roadway congestion that results in an estimated $2 billion per year in lost wages and fuel (Rudick, 2018b; SFCTA, n.d.).

In order to address these challenges, SF has employed a variety of solutions. These include long term solutions, such as linking eleven transit services through the new Transbay Transit Center, shorter-term strategies like the Muni Forward Program, and new pilot projects like SFPark (TJPA, n.d.). The Transbay Terminal is intended to increase mobility in the core by replacing the old terminal, integrating underground Caltrain and California High-Speed Rail lines, and developing retail, commercial, and residential land uses around the terminal (ibid). However, the project is still relatively new, and implementation of shorter-term fixes and pilot projects has had mixed results.

Muni Forward, an effort by the city to reduce overcrowding on its aging fleet and create infrastructure to provide a safer, more reliable, Muni service, has struggled to implement meaningful changes (Manglicmot et al., 2018). Muni Forward projects include BRT along Geary and Van Ness, bus traffic signal changes, route realignments, and other signal, bicycle, and pedestrian projects (SFCTA, 2017; SFMTA, n.d.). Despite these changes, the city ranked its transit service in 2018 below peer cities, including Sacramento's and San José's (Brinklow, 2018). A city report found that although San Francisco residents commute by public transit twice as much as in peer cities, the Muni service is slower and more prone to mechanical failure (ibid). Moreover, improvements through Muni Forward were marked by a lack of interagency communication between Muni and BART (Rudick, 2017). When Muni had to shut down for needed improvements, it did not coordinate with BART to honor Muni passes (ibid). When Muni had a malfunction along its route in 2018, it did not notify passengers who made connections between BART and Muni (Rudick, 2018a).

To address congestion in the core, San Francisco has been an innovator in adopting pricing policies, including the development of its SFPark program (SFCTA, 2020). This program was a pioneering effort to develop an advanced demand-based parking pricing strategy in order to reduce congestion caused by automobiles cruising for parking (SFpark, 2014; SFCTA, 2020). While the project was successful in some respects, decreasing parking search time by 43% and automobile travel by 30%, it did not reduce congestion caused by vehicles passing through the core to their destinations (SFCTA, 2020; Jaffe, 2014).

Despite efforts to reduce congestion downtown, congestion reached record levels in 2019 (SFCTA, n.d.). A 2016 Transportation Authority study estimated that a congestion pricing

scheme could be twice as effective as SFpark (SFCTA, 2020). In May of 2020, SFMTA evaluated a congestion pricing scheme for downtown (SFCTA, 2020). One of the San Francisco transportation planners that we interviewed noted that, “Our congestion pricing strategy is really about developing a mobility management plan. We need to provide carrots and sticks, such as discounts for using sustainable modes, for example by merging Clipper and Fastrak accounts into a mobility wallet, and providing credits for travelers making lower VMT choices.” In this fashion, the planner underscored how congestion management policy can fit into an integrated mobility strategy, by making solo car travel more expensive, thereby helping level the playing field for other modes to compete in terms of time and money costs of travel, while at the same time, providing funds to support alternatives to driving, such as through transit improvements.

Forty years after the passage of San Francisco’s transit-first policy, some policymakers and planners contended that the policy hs not been fully realized (Bialick, 2013a). Jason Henderson, author of *Street Fight: The Politics of Mobility in San Francisco*, asserted that, “It seems like the transit-first policy is just a recommendation” (Bialick, 2013a). Although the policy steered San Francisco away from auto-dependency by prioritizing road space and funding for transit, particularly near job centers, implementation gaps remained. Road space has not always been allocated to prioritize transit, a problem attributed by the San Francisco Planning and Urban Research Association (SPUR) to the Level of Service (LOS) metric used for decades to analyze and mitigate traffic impacts under the California Environmental Quality, until passage of SB 743 (SPUR, 1999).

LOS analysis and mitigation had been the subject of complaint for many years in San Francisco. City planners complained that LOS failed to capture important environmental effects, contradicted the city’s Transit First policies, entailed costly, time-consuming, and unpredictable requirements for project sponsors, called for infeasible and ineffective mitigations, created burdens for the Planning Department to implement, and discouraged infill development due to a “last-in” bias, meaning that infill was required to bear the burden of existing cumulative traffic problems (Chang, 2012). As the city grew, many policies that supported the transit-first vision, in the context of the city’s rapid growth and limited land space, ran into conflicts with the LOS metric, which measures auto delay. As much of San Francisco is already built out, the majority of new development is infill, which can trigger a bad LOS score. The LOS metric was a key tool utilized in the courts by residents to hinder the implementation of transit-first strategies (Bialick, 2013b; Swan, 2019).

Given the clear conflicts between the LOS metric and many of San Francisco’s growth policies and goals, the passage of SB 743 in 2013 gave the city a useful solution. While San Francisco’s historic struggle with LOS, exemplified through lawsuits over its bike plan and environmental review for bus-rapid transit, facilitated the shift to VMT metrics even before with passage of SB 743, the city went further than just adopting VMT standards for project-level CEQA review, as called for under the law (Barbour et al., 2019). San Francisco also adopted complementary, inter-connected strategies to maximize VMT reductions, in particular by updating its transportation impact fees and TDM policies. Between 2015 to 2017, the city adopted a

Transportation Sustainability Program (TSP), which includes the replacement of LOS with a VMT metric for CEQA traffic analysis, linked to a new Sustainable Transportation Fee and a Transportation Demand Management (TDM) Ordinance, ensuring that CEQA review will support efforts to systematically leverage infill development to improve transit and non-motorized modes (ibid). San Francisco dubbed the three parts of its Transportation Sustainability Program "align," "invest," and "shift."

For the "align" component, the city used OPR's recommended thresholds of significance for determining projects that could require mitigation under CEQA for their VMT impacts, as a basis for simplifying and streamlining CEQA review of traffic impacts. The city uses a screening approach to determine whether projects fall below the VMT significance threshold, with criteria established identifying types, characteristics, and/or locations of projects that would not result in significant impacts to VMT (SF Planning Department, March 3, 2016; Wietgrefe, 2017). The location-based screening criteria rely on maps produced using the city's activity-based travel demand model, which are then used to determine how development-estimated VMT by land use type compares to OPR's recommended threshold of significant VMT impacts set at 15% below regional average VMT per capita or per worker. If a project meets the screening criteria, then VMT impacts are presumed to be less than significant and a detailed VMT analysis is not required. According to the city's analysis, "Most land use and transportation projects proposed in San Francisco over the last several years would meet the screening criteria…and would not require a detailed VMT analysis" (SF Planning Department, March 3, 2016).

This approach allowed San Francisco to "solve" a decade-long discussion about how to link a new CEQA metric for traffic impacts to the city's mitigation fee and TDM ordinance, by de-linking them. CEQA requirements do not form the legal basis for the city's new Transportation Sustainability Fee (the "invest" component of the TSP) and Transportation Demand Ordinance (the "shift" component of the TSP), which were developed instead to comply with requirements of the state's Mitigation Fee Act. Using this approach, the Transportation Sustainability Fee focuses not on project-by project mitigation needs, but instead on systematic assessment of needs and identification of capital and maintenance projects to improve transit and alternatives modes for the city as a whole.

The city Board of Supervisors adopted the Transportation Sustainability Fee (TSF) in November 2015, as a citywide impact fee on both residential and non-residential development that replaced the existing Transit Impact Development Fee (TIDF), adopted in 1981, which applied only to non-residential development.[35] Funds raised by the fee are directed as supplemental funding for a specified set of projects, including adding more than 180 vehicles to the Muni fleet; upgrading Muni maintenance facilities; upgrading transit reliability through reengineering

[35] The fee applies to commercial development, market-rate residential developments with more than 20 units, and certain large institutions, while exempting affordable housing and subsidized middle-income housing. About one-quarter of projected development in San Francisco over the 30-year planning horizon will be exempt from the fee, in most cases because the development is subject to an adopted development agreement (which may also require implementation of transportation mitigation measures during the entitlement process) (Spencer, 2015).

of transit stops and streets; new or improved BART train cars; investment in electrifying Caltrain to increase service into and out of San Francisco; and improved bike and pedestrian infrastructure.

The specifics of the Transportation Sustainability Fee were controversial and debated for a number of years before adoption, in particular about the level of the fee and what sorts of development should be exempted. Although many developers supported the concept for the sake of improving certainty in the regulatory process (Jaffe, 2015), they also opposed setting the fee as high as the city's required nexus study determined would be needed to fully cover travel impacts of development. The city commissioned an Economic Feasibility Study of the fee, which determined that it should be set lower than full mitigation would warrant, for the sake of economic feasibility of development projects (Seifel Consulting, 2015). The fee ultimately adopted by the Board of Supervisors was set at only about one quarter of the full level identified in the Nexus Study to cover mitigation needs, an outcome viewed by some observers as a victory for developers in the debate. On top of the original transit impact fee, the new fee is projected to add about $14 million a year, or roughly $430 million in net new revenue over 30 years; together the fees (now consolidated) will raise nearly $1.2 billion for transportation improvements during that period.

The Transportation Demand Management Program—the third so-called "shift" component of the Transportation Sustainability Program—was adopted in 2017 to re-frame project mitigation away from roadway enhancements to instead favor mitigations aimed at reducing VMT. The TDM Program, an ordinance which amended the city's planning code, requires developers to provide on-site amenities to reduce car travel and support trip-making by sustainable modes, such as by providing bicycle amenities and subsidized transit passes (TDM Ordinance on-line FAQ).[36] Development projects must incorporate TDM amenities early in the design phase to meet a targeted number of mitigation points depending on the type of land use and the number of parking spaces the project is proposing. The more parking proposed for a project, the higher the number of points the development must achieve. The city created an online tool to help developers calculate their project's required points and forecast different ways to meet the requirement through different TDM measures.

San Francisco's three-pronged Transportation Sustainability Program has enabled the city to align CEQA reform under SB 743 with plans for transit and TDM enhancements. Notably, San Francisco was able to weave the elements of the TSP together more easily than many other cities may be able to do, because most territory in the city falls below OPR's recommended threshold for significant VMT, allowing for regulatory streamlining and cost savings for reduced environmental review, and because the city runs its own transit service, making collaboration

[36] The program applies to projects with 10 units or more of new residential development, 10,000 square feet or more of commercial development and relatively large (25,000 square feet or more) changes of use like expanding an auto shop or other small industrial space into office space. Residential projects that are 100 percent affordable are exempt (TDM Ordinance on-line FAQ)

among city- and county-level agencies and functions easier than in many other cities which lack the same institutional coherence between land use and transport functions.

The adoption of the Transportation Sustainability Program coincided with other policies adopted in the late 2010s aimed at reducing driving in San Francisco. In December 2019, the mayor signed an ordinance to eliminate minimum parking requirements citywide. A transportation planner whom we interviewed explained that the parking strategy was first piloted in certain neighborhood plans in the early 2000s, and was very contentious at first in some parts of the city, especially in outerlying neighborhoods where planners had to demonstrate how existing requirements worked against desirable outcomes, such as providing ground floor retail, pedestrian oriented design, and reducing housing costs. But over time the policy came to be accepted, and eventually, when one-third to half the city had no parking requirements, it came to be adopted citywide.

A popular new planning initiative, Vision Zero, is also being pursued to improve multimodal safety and access (Rudick, 2016). Based on the 1997 Swedish traffic safety policy that focuses on preventing severe and fatal traffic injuries, Vision Zero has become another policy tool to support TOD because it encourages the development of a safe and comfortable multimodal network (Goodyear, 2014). As in the case of SB 743-related policymaking, San Francisco is considered an early adopter of the Vision Zero framework (Bliss and Montgomery, 2019). Adopted in 2014, Vision Zero SF aims to eliminate all traffic injuries by 2024 (Bliss and Montgomery, 2019; SFMTA, 2015; Kronenberg et al., 2019). Vision Zero SF established a formal goal for a series of policies and programs aimed at reducing traffic injuries, and the city's removal of the LOS metric streamlined the environmental review process for these projects (Rudick, 2016; SFMTA, 2015). However, since the passage of Vision Zero in 2014, the number of traffic deaths in the city has increased by 35 percent (Traughber, 2020). This lack of progress has drawn criticism.

To meet Vision Zero SF, the city finds and completes quick-build projects—projects that can be rapidly completed and altered—in order to immediately address safety hazards (SFMTA, 2020). However, the Vision Zero quick-build projects are not without controversy, as some residents dislike them for not creating the level of safety that is achieved with longer-term projects (Rudick, 2019e). While some claim that these quick-build projects are only "sub-par solutions," others have noted the benefits of quick-build projects in facilitating public collaboration, agency innovation, and a "stepping stone approach" allowing more interaction with residents before and after implementation (Andersen, 2018; Rudick, 2019e).

San Francisco has been accused by some observers of rolling back and "safety-washing" its alternative mode projects in the face of political pressure, as conflicts between various transportation modes continue to play out in the city (Rudick, 2019a). For example, after the death of a pedicab driver along one of the city's most dangerous roads, the SFMTA released plans for the construction of a protected bike lane, but the SFMTA then compromised with residents concerned about the project's impact on auto access by scaling back its plan (Rudick, 2019a; Chan, 2019; SFMTA, 2014.; Rudick, 2018c; José, 2018).

The Vision Zero Coalition, an advocacy group, also notes that another key flaw in the city's Zero Vision Plan is the lack of integration with public transit improvements (Rudick, 2019b). Although the SFMTA's Vision Zero Action Plan lists transit-first as a "complementary goal," the activists assert that the "[t]he Strategy lacks specific actions to improve Muni, improvements which are needed for us to reach zero, since transit-robust cities have fewer crashes and most major Muni corridors are on the high-injury network" (Rudick, 2019b; Vision Zero Coalition, 2019; Kronenberg et al., 2019).

Similar to the problems with quick-build projects, some transportation policies have been reactive toward unanticipated problems caused by rapid growth of the technology economy in Silicon Valley. Two key conflicts that typify this concern are the Google Bus protests and the permitting of shared scooter services. Ultimately, these services have become symbols of the long-term struggles residents face with gentrification and displacement caused by rapid growth (Swan, 2019; Taylor, 2017).

The Google Bus was aimed to serve commuters from the city. As commuters have strained roadways, cities have tasked companies with finding alternative commuting solutions for their workers (Ross, 2014). However, the Google-provided service stirred ire among San Francisco residents when the private shuttles slowed Muni services by illegally using Muni stops to load and unload passengers (Bialick, 2013c). As Deepa Varma, a spokesperson for the San Francisco Displacement and Neighborhood Impact Agency asserted, "These private tech buses have become a symbol of the displacement in the city and this two-tiered system between the longtime residents and middle-and-working class people and the new tech elite…creating a situation that is just not affordable for the people who are here, whether it's businesses or residents" (Mart, 2013). In 2013, protests erupted against these private shuttles with protesters blocking illegally parked Google Buses from leaving the Muni bus stops (Bialick, 2013c; Mart, 2013). In response to private shuttle conflicts with public transit, the SFMTA adopted an 18-month pilot program which created private shuttle stops and issued a $1 fee per stop on private shuttles to cover the cost of the program (Bialick, 2014). In order to further prevent conflicts, the SFMTA converted car parking into "white zones" or painted curbs around shuttle stops to create loading zones for private shuttles (ibid).

When shared scooter services proliferated across San Francisco in 2018, they also met with rancor from residents and a swift, punitive response from city planners (DuPuis et al., 2019; Aguilar-Canabal, 2019). In fact, in a survey administered by Populus in 2018, San Francisco had the lowest positive perception of e-scooters when compared to other US cities like New York, Los Angeles, and San José (DuPuis et al., 2019). After almost 2,000 complaints and 500 bikes impounded, San Francisco banned service while it formulated a permitting plan (ibid). The city initially planned to expand the number of permits to 2,500 but restricted it to 1,250 when scooters were not placed equitably across neighborhoods (Aguilar-Canabal, 2019). However, the restriction of permits actually entrenched many of the issues the city was trying to avoid, as 60 percent of users were white and earned over $100,000 annually (ibid). In the face of equity concerns, the city later expanded the number of permits to 2,500 (ibid).

These tensions reflect an ongoing battle for roadway (mobility) space in San Francisco, as advocates of multiple modes must jockey for how to share scarce space. As the city economy begins to recover after the pandemic ends, these challenges will resurface.

Oakland case study

Oakland's historical motivations and priorities for TOD have been focused on economic revitalization and job expansion, in response to lingering effects of the exclusionary suburbanization movement of the 1950s. By the mid-2010s, the city was heavily emphasizing equitable planning in addition to its job expansion agenda. Although equity concerns have always been prevalent given the city's composition including low-income and racially diverse neighborhoods, in recent years, this concern has intensified as Oakland is starting to capture more market interest for commercial and housing development, previously focused in San Francisco, thanks to these two cities' closeness geographically and available BART connections.

Similar to San Francisco, many of Oakland's planning decisions today reflect the city's historic land use patterns and its jobs-housing ratio. In the 1950s, many neighborhoods in Oakland were impacted by redlining, white flight to suburban communities, and urban renewal (Montojo, 2017; OakDOT, 2017a). This has resulted in Oakland straddling wealth in the affluent suburban residential Oakland Hills and poverty in the urban flats near the bay. Today, many formerly redlined areas align with Communities of Concern, areas with populations that face barriers to transportation access, and include low-income or minority populations (OakDOT, 2017a; Oakland, n.d.-g). With Oakland's rail transit lines also located in the flatlands part of the city, many TOD strategies have been aimed at these locations. Like San Francisco (and most cities we studied that support TOD), this approach translates to focusing new developments into areas that mostly avoid R-1 single-family zones.

As market interest has been rising for new development in Oakland, the ability to gain new investment and resources for community development in long-deprived neighborhoods offers potential benefits, but also potential threats from gentrification and displacement. As in Los Angeles, Oakland's historical struggle with wider-scale and localized institutionalized racism and the retained memory of displacement frames current-day debates on planning and policy for the built environment, helping explain why equity concerns are prominent for Oakland city planners today.

Land use and housing policy to promote TOD

In the late 1990s and 2000s, Oakland's planning efforts were largely driven and focused on its central goal of economic revitalization, as the city's main economic base, manufacturing, had declined greatly due to the suburbanization movement post-World War II. Oakland had to compete directly with suburban areas for industrial investment and for the resulting employment and tax revenues, and the city struggled with a declining tax base as businesses, industry and investment moved to the suburbs (SPUR, 2015).

As a response, Oakland adopted a new General Plan in 1998, which prioritized developments and activities that would "highlight Oakland's function as an economic engine for the Bay Area"

(Community and Economic Development Agency, 1998). Specifically, the Land Use and Transportation Element called for "the integration of planning, economic development, and implementation programs" based on the City's 1997 Economic Development Strategy (ibid). Both the Elements and the Strategy explicitly emphasized the importance of activities to provide jobs and revenue for Oakland (ibid).

To stimulate economic revitalization, Oakland in its 1998 General Plan created the Showcase Districts, five designated regional economic generators that would help foster economic growth. These five identified areas, located along the bay, not only serve as the main focus for economic activity for Oakland but also as the main TOD development sites due to the presence of existing BART stations (ibid). The Showcase Districts included the Mixed Use Waterfront, the Airport/Gateway, the Downtown, the Coliseum Area, and the Seaport (ibid).

Similar to San Francisco, Oakland today implements a growth and redevelopment effort aimed at densifying and concentrating new developments into specific neighborhoods. Specifically, Oakland explicitly divided the city into two growth zones: the "grow and change" areas versus "maintain and enhance" areas. The General Plan designated these two distinct land use patterns in order to embody TOD while maintaining the characteristics of other already established neighborhoods, mainly the residential neighborhoods in the hills. The lower parts of Oakland were designated as "grow and change" areas, where significant changes in density, activity, or use could occur, while areas closer to the hills were designated "maintain and enhance" areas where the predominant established uses and densities continued with minimal change (ibid). Again, this approach is similar to San Francisco's pattern of densifying its newer neighborhoods near the waterfront and downtown while preserving its single-family neighborhoods in the south and west.

As noted, Oakland's jobs-housing ratio also greatly influences its planning decisions. Although the city's ratio at 1.23 is balanced compared to San Francisco's, Oakland's adopted TOD policies in its "grow and change" areas reflect the city's desire to increase this ratio by adding more jobs. Oakland has advanced commercial TOD in two main patterns: a corridor-based approach and a neighborhood-based pattern. The corridor-based approach focuses economic and community growth activities along the city's major transit corridors, with the intent to promote "commercial development around major intersections while encouraging higher density housing on the block segments in between the intersections" (Community and Economic Development Agency, 2003). More specifically, this land use strategy encourages ground floor retail to be combined with residential development for the creation of economically sustainable mixed-use neighborhoods with emphasis placed on alternative modes of transportation (ibid).

One example of corridor-based development is along International Boulevard, the seven-mile street that spans from Oakland's downtown to its border with San Leandro. The International Boulevard Transit-Oriented Development Plan, adopted in 2011, comprehensively guides future TOD projects along this corridor. The 2011 citywide zoning update, in conjunction with the International Boulevard TOD Plan, helped Oakland guide TOD on the corridor. Prior to the zoning update, International Boulevard was mostly zoned as either Commercial Shopping

District (C-28) or Community Thoroughfare Commercial (C-40) (City of Oakland, 2011). Even though the existing zoning already allowed for the city to implement TOD along the corridor, the new zoning update added categories such as Urban Residential and Neighborhood Center Mixed Use to encourage more multifamily units alongside commercial uses. The zoning update also increased the maximum height from 35-40 feet to 45-75 feet, and removed the minimum parking requirement for commercial zones along the corridor (City of Oakland, 2011). More residential projects (such as the International Senior Housing and Acts Cyrene Apartments) have been proposed along the corridor after the zoning update, contributing to International Boulevard's mixed-use goals.

The second type of TOD seen in Oakland is its neighborhood-based approach. As previously mentioned, Oakland's existing BART stations provide an ideal opportunity for TOD to occur in surrounding areas. Recognizing this opportunity, the city envisions a future land use pattern in which each of the BART stations serves as the center of a "mixed-use transit-oriented district that relates the station site to surrounding activities" (Community and Economic Development Agency, 1998). This goal is implemented through what Oakland calls its "Transit Oriented Districts" approach. Oakland has in total eight BART stations, spanning across West to East Oakland, serving the lower parts of the city. Over the years, the city along with BART has successfully facilitated the development of four BART stations into unique Transit-Oriented Districts, with another two transit-oriented districts planned for upcoming years (Bay Area Rapid Transit, 2020).

An example of a completed Transit Oriented District is the Fruitvale Transit Village completed in 2004. The Fruitvale Transit Village was completed by the Unity Council, a nonprofit community development organization founded in 1964, in partnership with the BART, the City of Oakland, the US Department of Housing and Urban Development, and various other agencies. The Fruitvale Transit Village idea was first proposed in 1992 by community members who opposed BART's proposal to build a multi-level parking facility at the Fruitvale station. They claimed that the parking structure would "physically and symbolically isolate the neighborhood from the surrounding city and region," and further worsen the already negative reputation of the neighborhood as an "unsafe, unattractive, economically depressed area" (Sandoval and Herrera, 2015; Scully, 2005). After years of planning and collaborating with the community, construction finally began in 1999 (Sandoval and Herrera, 2015). This aspect of directly engaging the community was very important for the future success of Fruitvale. As one observer notes, "Typically, either city officials or private developers represent the driving force behind large-scale development projects. In this case, however, the Unity Council's leadership…helped ensure that the community's own vision [would] serve as a guiding principle" (as cited in Sandoval and Herrera, 2015, pg.42).

Fruitvale was designed to create and retain jobs for area residents and to provide a lively, pedestrian-oriented environment (Benefield, 2011). To realize these goals, the project took on a mixed-use land use pattern with the ground floor being the locally-owned retail corridor, the second floor offering office space for community resources and organizations, and the third floor providing housing for locals (The Unity Council, n.d.). However, because the original

zoning designation of the site did not support mixed-use or high-density developments, the whole site needed to be rezoned (Scully, 2005). As a response, the City of Oakland created a new overlay zone, known as "Transit Oriented" S15, that allows higher densities around transit facilities, gives density bonuses for inclusion of affordable housing, and lowers parking requirements (Scully, 2005; City of Oakland, 2017). In addition, Oakland also tamed traffic on nearby streets by allowing the Unity Council to narrow the streets and divert traffic from East 12th Street and Fruitvale Avenue to 37th Avenue.

As a result of the Unity Council's collaboration with the residents and city officials, the Fruitvale Transit Village now serves as "an active, retail-lined connector" between the BART station and the neighborhood's main commercial corridor, International Boulevard (Benfield, 2011), and residents consider it to be the "perfect place to raise kids" due to its pedestrian-oriented design (Dineen, 2018). Not only did Fruitvale provide area residents with job opportunities and a walkable environment, it also increased BART ridership there by 2,500 passengers a day and doubled the number of commuters walking to the area (Dineen, 2018). Fruitvale Transit Village has been cited by the US Department of Transportation as a case study of environmental justice in action (Benfield, 2011); researchers from UCLA's Latino Policy and Politics Initiative also coined Fruitvale as the model of development without gentrification (Baldassari, 2018).

As previously mentioned, by the mid-2010s, Oakland's planning priorities had shifted towards an equity framework, a response to gentrification and displacement brought forth by the region's tech boom. As described by Mitchell Kapor, resident of Oakland and tech entrepreneur, "The very big question is not whether the Oakland tech boom is going to boost the economy, because it is. The question is, where will the benefits of that boost go? And will we replicate in some fashion the kind of extreme gentrification that's taken place in San Francisco, or will there be an outcome of this revitalization that will be more broadly and inclusively distributed?" (Lang, 2016).

The newly published Economic Development Strategy of 2018-2020 reflected this shift. The Strategy emphasized an economic development pattern that creates inclusion and racial equity as previous growth "has not benefited Oakland residents and businesses equitably" (City of Oakland, 2017). This Strategy calls for the addition of 2,800 new jobs each year, the construction of more than 4,250 new homes total (including 1,200 below market rate homes), while protecting 5,000 households from displacement, and spending $120 million on transportation and public infrastructure improvements (ibid). Oakland's recent planning efforts to connect neighborhoods through strengthened transit and active transportation networks, and to develop affordable housing near transit stations, all aim to advance the city's goal of inclusive equitable growth.

The city's equity-focused approach to planning for economic development is clearly evident in its downtown plan, a key area long identified for "grow and change." Oakland's Redevelopment Agency had adopted a Central District Urban Renewal Plan as early as 1969, which called for the "utilization of key transit nodes to support transit-oriented development" around the three downtown area BART stations (Redevelopment Agency of the City of Oakland, 1969; Fauria,

2008). Throughout the years, the Central District received prodigious investments compared to the spending on other designated redevelopment areas in Oakland (ibid).

During the 2000s, the downtown area gradually shifted from being primarily a "business district" to a more mixed-use area, fostered by policy support for new mixed-use development projects including the 10K Housing Initiative advanced by mayor Jerry Brown in 1999, which called for the addition of 10,000 new residents (Fauria, 2008). By the mid-2000s, the CBD was substantially more attractive to developers than in previous decades, as the effort prompted the construction and renovation of twenty market rate buildings from 2001 to 2006 (ibid). However, only one affordable building had been constructed (Fauria, 2008).

The Downtown Oakland Specific Plan, developed in draft form in 2019, promotes an "Equity Framework" focused on reducing disparities (Dover, Kohl and Partners, 2019). The product of a four-year planning process, the plan addresses multiple topics and goals through an equity lens, for example positing as the central idea for the Economic Opportunity component to "make downtown a racially and economically diverse regional employment center by identifying office priority sites, targeting training for living wage jobs to fill those spaces, and by investing in small businesses and businesses owned by people of color" (ibid, p. 36). Other equity-focused elements of the plan include calling for policies that "ensure a mix of market-rate and income-restricted housing," and to study feasibility of replacing I-980, which has walled off the West Oakland neighborhood from the rest of the city, with a multi-way boulevard.

Even as the new downtown specific plan emphasizes equity goals, the original idea of re-establishing downtown as the center for commercial and business activity still holds. For example, one of the main policies proposed in the Downtown Plan is to designate "Office Priority Sites" with new office and employment space in transit-oriented locations (Dover, Kohl and Partners, 2019). The plan notes that given the strong market for residential development downtown, there is a need to preserve key sites that are most suitable for office development to ensure future opportunities for job growth. The plan explains that the motivation behind this push for office development is that new office buildings will contribute ongoing tax revenues to support public services citywide, as well as provide additional funding for affordable housing, transportation, and capital improvements through the city's impact fee program.

Some parts of downtown Oakland are already located in one of the city's tallest and densest zones: Central Business District (CBD). To attract developers, Oakland has proposed to upzone the area even further. While some areas in the existing CBD zone have no height limits and a FAR of 20, the new proposal is to increase both the height and FAR maximum to allow for up to a FAR of 30 (Dover, Kohl and Partners, 2019). Another proposed strategy in the plan is to streamline the project approval process for developers.

Besides promoting and prioritizing commercial development, the downtown plan also encourages a "proactive transit-oriented development strategy" that supports BART ridership (Dover, Kohl and Partners, 2019). For example, another stated motivation behind promoting growth within "Office Priority Sites" is to attract and promote ridership in the reverse commute direction to San Francisco by taking advantage of the excess capacity on those BART routes.

Oakland's call for more office development downtown can be contrasted with San Francisco's recent constraints placed on office development. The difference in approaches highlights the different development opportunities and challenges faced by the two cities. To put these differences into perspective, in Fiscal Year 2017, Oakland collected around $14.2 million in impact fees (Dover, Kohl and Partners, 2019, pg. 192), whereas San Francisco collected around $142 million (Office of the Controller, 2020).

Oakland is struggling to make the most of growing market interest in the city for both residential and commercial development, without losing the affordable housing and neighborhood character valued by current residents. Between 2000 and 2015, more than one-quarter of the census tracts in the Bay Area that experienced rent increases above 30% were in Alameda County, many of them in the flatlands near the bay (Verma et al., 2019). From 2012 to 2018, the median price of a home in Oakland more than doubled. More than a dozen market-rate housing complexes were under construction or recently completed in the city's central districts, reflecting the adoption of neighborhood plans in 2014 and 2015 that relaxed zoning and removed parking requirements in and around downtown, making it easier and cheaper to build (Sprincin, 2019; Dineen, 2019, August). But only a small share of units were deed-restricted affordable, and the city was behind in meeting its RHNA targets for low-income housing provision.

Despite having adopted many anti-displacement policies, the City of Oakland does not have an inclusionary policy to require that developers help fund affordable units. Some observers contend that Oakland is "eager to attract development of any kind given an image problem and a view that people don't want to invest in Oakland" (Crispell et al., 2016). The desire to revitalize could help explain why the city has not adopted an inclusionary policy, so as not to impose additional restrictions on market-rate developers and to attract those who would not normally develop within the city.

Reflecting the city's hopes and ambitions for revitalizing its downtown area, the Downtown Oakland Specific Plan recommends a change in this approach, advocating new financial strategies for working with market developers to extract public benefits including affordable housing. The plan recommends development of a "carefully calibrated" and "streamlined" zoning incentive program to provide increased building intensity (increased height, FAR, and/or density) in exchange for developers providing pre-defined community benefits, including affordable units. To develop this program, the plan calls for careful "study [of] how upzoning areas of downtown would affect land value and, to what extent and through what approaches, this value creation may provide funding for pre-defined community benefits." In this fashion, the plan underscores the complexity of balancing the value to private developers of providing project streamlining and pre-determined zoning incentives, with the public value of community benefits extracted from developers in exchange, so as to achieve a "sweet spot" between public and private benefits such that developers achieve enough profit to build the units that Oakland is seeking.

In 2016, Oakland adopted a city-wide impact fee that covers transportation, affordable housing, and capital improvement projects (Raetz et al., 2019; Ravani, 2019). Oakland's impact fees in 2019 for all purposes were about one-third as high as San Francisco's, measured per housing unit (Dineen, 2019). The amount developers pay for affordable housing depends on where in the city their project is located, with payments ranging from $13,000 to $24,000 per unit (Ravani, 2021). Combined with impact fees for jobs and transportation, the fee can add up to about $65,000 per unit. By March, 2021, Oakland had collected about $20 million in in-lieu fees for affordable projects, and developers had built 131 on-site affordable units in market-rate properties during that time (instead of paying the in-lieu fee) (ibid). The city indicated it would launch a study to investigate the impact of its fees on development potential and feasibility (ibid).

Oakland has also benefited from bond funds for affordable housing, since voters approved Measure KK in 2016, which authorized $600 million in general obligation bonds to improve the streets, upgrade public facilities, and acquire, rehabilitate, and build affordable housing, with the goal is to protect 17,000 housing units and produce 17,000 new housing units by 2024, in alignment with the RHNA target (City of Oakland, 2020).

To summarize, Oakland's TOD planning efforts have been shaped by its historic demographic makeup. Oakland's experience with post-WWII suburbanization pushed city officials to place economic revitalization on the top of their agenda during the late 1990s and early 2000s. By the mid-2010s, Oakland was experiencing spillover growth from San Francisco, and so planning for equity became paramount, to take advantage of redevelopment potential while correcting and preventing the consequences of further inequitable growth.

Transit and active transport in Oakland

Oakland's transportation policies reflect its "activist spirit" (Fleisher, 2016). Although concerns about gentrification and displacement are raised throughout the Bay Area, they become particularly relevant in Oakland in light of the city's many low-income and racially diverse neighborhoods. Oakland's historical struggle with institutionalized racism and displacement has informed local perceptions of many transit and active transport projects in the city. The city's new transportation agency, OakDOT, continues to struggle to overcome these perceptions, which have been further exacerbated by a funding deficit and new technologies like shared micromobility which introduce new tensions (OakDOT, 2017a). OakDOT has focused on facilitating connectivity within the city, as many residents in poor neighborhoods lack access to key services, and areas with the potential to accommodate growth are also underserved by transportation services (Swan, 2019; Tadayon, 2019).

As noted, many neighborhoods in Oakland were heavily impacted by redlining, white flight to suburban communities, and urban renewal in prior decades (Montojo, 2017; OakDOT, 2017a). The impacts of urban renewal still affect communities today, as many formerly redlined areas align with Communities of Concern, or areas with low-income or minority populations that face barriers to transportation access, and align with Oakland's high-injury network, the 6 percent of streets where 60 percent of all accidents occur (OakDOT, 2017a; Oakland, n.d.-g). During urban

renewal, projects like the Cypress Freeway in 1957, the MacArthur Freeway in 1947, and the elevated BART ripped apart low-income, African American communities in West Oakland (Ferrato, 2010; Connect Oakland, n.d.). These transportation projects destroyed key aspects of community identity, like jazz clubs, as well as housing (Ferrato, 2010; Connect Oakland, n.d.).

While San Francisco's freeway revolt stalled the construction of freeways, West Oakland still remains cut-off from the city by freeways constructed during this period (Connect Oakland, n.d). Residents and activist groups are still struggling to remove these vestiges of urban renewal (Rudick, 2015). For example, Connect Oakland wants to remove the I-980 freeway, the last in the network of freeways that served to disconnect West Oakland from the rest of the city (ibid), called by Oakland's mayor "a scar on our urban fabric" (Rudick, 2015). The city has sought funding from the Alameda County Transportation Authority to study development of I-980 into a BART tube (ibid).

Thus, lasting impacts of urban renewal have affected residents' perception of transportation projects, a problem further compounded by recent gentrification in the wake of Silicon Valley's economic boom (Montojo, 2017). An increasing income gap in recent years between white households, on the one hand, whose median household income has grown, and Latino and Black households, on the other, whose household income has fallen, has created an exodus of families of color moving to cheaper suburbs (Montojo, 2017). Many residents fear that transportation investments will make their neighborhoods more attractive to developers, further pushing long-term residents out of the East Bay (Swan, 2019). Reaction to these impacts can be seen with vandalism of micromobility, such as scooters, in recent years, as well as in concerns that BRT in East Oakland will cause the closure of local stores along the route (Swan, 2019; Taylor, 2017).

In the face of these challenges, Oakland lacked a transportation agency to navigate impacts to the transportation network. In 2016, Oakland's Department of Transportation, OakDOT, was created (City of Oakland, 2020a; OakDOT, 2016). OakDOT helped fill the need to create a cohesive vision across all transportation and infrastructure projects throughout Oakland (Fleisher, 2016). OakDOT also inherited major projects such as the Telegraph Avenue Complete Streets Project and the International Boulevard BRT as well as extensive backlogged maintenance projects along the majority of the transportation network. However, the nascent OakDOT was also presented with unique opportunities (SPUR, 2015). During the mid-2010s, Oakland's downtown entered into a period of economic growth (SPUR, 2015). With Oakland the "center of Northern California's rail network," downtown Oakland was poised to take advantage of the growth it had been trying to attract for many decades (SPUR, 2015).

The Telegraph Avenue Complete Streets project and the East Bay BRT project represent efforts to attract growth along important commercial corridors and into the downtown area. Beginning in the late 1990s and concluding in 2020, the introduction of East Bay BRT represents a concerted foray into transit-oriented development (Rudick, 2020b; AC Transit, 2012). Implemented by AC Transit, the East Bay BRT was originally intended to connect to the commercial district in San Leandro as well as to Berkeley's downtown area (Douglas Allen-

Taylor, 2011). Initially planned as a 14.38 mile BRT, the project was scaled back by the San Leandro and Berkeley city councils to 9.5 miles (City of Oakland, 2012a; Swan, 2018; City of Oakland "Housing, Land Use, and Transportation," n.d.-d). However, because the East Bay BRT spans multiple jurisdictions, planning for the project is still subject to the decisions of other agencies and city councils.

Oakland remained committed to the East Bay BRT for two key reasons. Within Oakland, the BRT service runs along one of Oakland's commercial corridors: International Boulevard (Swan, 2018). In its planning, Oakland hoped to use the BRT in conjunction with TOD planning to revitalize the area (International TOD, 2011). In 2008 Oakland applied for, and later received, a $245,000 grant from the Caltrans Community-Based Transportation Planning Grant program to explore TOD along International Boulevard (Oakland Community and Economic Development Agency, 2008; Bialick, 2011). One of the conditions of approval for the East Bay BRT was based on AC Transit's coordination with the International Boulevard TOD Plan (City of Oakland, 2012b). Moreover, Oakland remained committed to the initial plan, in part, because the intended BRT service area would augment the current transit service for residents (Swan, 2018). This service would give those in East Oakland who cannot easily travel to the BART station better access to transportation (Bialick, 2012). According to Joel Ramos, a Board Member of the San Francisco Municipal Transportation Agency and a planner at Transform, the BRT is "the first significant amount of infrastructure investment in East Oakland for over 35 years" (ibid).

Like the East Bay BRT, the Telegraph Avenue Complete Streets Project began as a placemaking effort to increase safety and attract economic vitality. The projects along Telegraph have become enduring examples of OakDOT's success, with improvements continuing today. Telegraph Avenue serves as an important commercial corridor connecting Downtown Oakland, North Oakland, and South Berkeley, which, moreover, is also considered a high-injury corridor (City of Oakland, n.d.-b). Under the plan adopted in 2014, the improvements along Telegraph constituted a road diet between the 20th to 57th Street intersections on the street (City of Oakland, 2014). A major component of this plan sought to create parking-protected bike lanes by relocating bike lanes to the curb and relocating automobile parking into the street, protecting bike lanes from oncoming traffic (Curry, 2017). This redesign has been hailed as a massive success for eliminating pedestrian deaths in the year after its implementation, demonstrating a 40 percent decrease in collisions, an increase in biking by 78 percent, and a 9 percent increase in retail sales (OakDOT, 2017b; Curry, 2017). This first phase of the project was also nominated as the Best Street Transformation of 2016 by Streetsblog and as one of America's Best New Bike Lanes of 2016 by People for Bikes (OakDOT, 2017b). As of 2018, more safety improvements were planned from 42nd to 52nd based on feedback from the first phase of the project (City of Oakland, n.d.-b; City of Oakland, n.d.-f).

Oakland's implementation of SB 743 will also help in accommodating more compact development near transit. In 2017, the City developed new Transportation Impact Review Guidelines, as well as a Transportation Demand Management program for standard conditions of approval that apply to projects generating significant VMT during peak hours (City of

Oakland, 2017). Oakland adopted a similar strategy to San Francisco's approach to implementing SB 743, also using map-based screening of areas deemed to be VMT-efficient, which are then exempted from further intensive environmental review of VMT impacts of development.

In 2016, one year after San Francisco's TSP was adopted, Oakland passed a city-wide impact fee that covers transportation, affordable housing, and capital improvement projects (Raetz et al., 2019; Ravani, 2019). The city chose to apply the transportation impact fee citywide, rather than by dividing up the city into zones to calculate the impact fee, so that Oakland can use funds generated from the impact fee anywhere along the city's transportation network in order to connect neighborhoods throughout Oakland and allow flexibility in the allocation of funds (City of Oakland, 2016a; City of Oakland, 2016b). However, this impact fee was developed using the LOS impact metric (ibid).

Oakland does not receive most of its transportation funding from the impact fee, however, having prioritized the fee's use for affordable housing (Raetz et al., 2019). OakDOT faces a substantial challenge in funding transportation, meaning that the agency struggles to meet the basic needs of Oaklanders. During the fiscal years 2015 to 2017, the city faced deferred street maintenance needs of $443 million, almost 37 percent of the city's annual budget (OakDOT 2016; Raetz et al., 2019). Oakland is older and urbanized so has a high need for transportation infrastructure maintenance, but bringing streets into a state of good repair can often conflict with other transportation improvement projects due to limited funds.

Most of Oakland's transportation funding comes from county sales tax measures for transportation, and since 2016, Measure KK (OakDOT, 2017a; City of Oakland, n.d.-g). Measure KK, a boon to the budding agency, allows both flexibility in OakDOT's capital budget and the ability to alleviate strain along the transportation network particularly in Communities of Concern (OakDOT, 2017a; Tadayon, 2019). Passed in the same year as OakDOT, Measure KK approved $600 million in general obligation bonds for infrastructure and affordable housing projects, of which OakDOT receives $350 million (Measure KK Public Oversight Committee, 2020). As of 2020, OakDOT had spent 66 percent of its Measure KK funds from the fiscal years of 2017 to 2019 (ibid.) While some residents in the hills have been unhappy that the flatlands receive the majority of the funding, OakDOT remains committed to the goal of prioritizing vulnerable communities in Oakland (Tadayon, 2019).

OakDOT has integrated equity into much of its planning to ameliorate the lack of trust caused by historical disinvestment in low-income communities of color, and to address concerns about gentrification and displacement. As OakDOT has developed its plans for active transportation and transit, it has made an effort to integrate an equity framework into its new planning documents. For Oakland's new bicycle plan, over 1,600 residents completed a survey and 100 interviews were conducted in each neighborhood in the city (OakDOT, 2019). This framework was focused on supporting disadvantaged groups in Oakland, defined as "people of color, women, people of no-and low-income, people with limited English proficiency, people with

disabilities, children and seniors, single parents, and people who don't own cars or do not drive" (ibid pg 4).

When faced with challenges brought by new transportation technologies, OakDOT has also taken key steps to address equity concerns. As shared micromobility services have proliferated in the Bay Area, they have become associated with gentrification, as these services have primarily been used by wealthy white people (Aguilar-Canabal, 2019). As a result, scooters and bikes have been vandalized in Oakland, with some even abandoned in Oakland's Lake Merritt (Taylor, 2017; Swan, 2018). In response, OakDOT developed a scooter-share program that is widely considered progressive and equitable (Aguilar-Canabal, 2019). In contrast to San Francisco's stricter and reactive approach to the regulation of scooters, Oakland adopted a more liberal approach, hoping to use the service to support vulnerable populations (Swan, 2018; Aguilar-Canabal, 2019).

In developing its program, OakDOT made three key decisions: it did not restrict the use of scooters as regulations were developed, it did not allow scooter companies to limit their service areas, and it set the permit cap for the number of scooters based on city staff capacity (Aguilar-Canabal, 2019). By not restricting use while it developed its permits, OakDOT was able to study who was using scooters and where, in order to inform the permitting process (Rudick, 2019c). Moreover, by focusing on where scooters are placed and how many, Oakland is allowing these services to implement enough vehicles to create a uniform service, allowing for market saturation, while also preventing the services from proliferating only in wealthy areas, with 50 percent of scooters to be located in Communities of Concern (Aguilar-Canabal, 2019; Rudick, 2019c). Moreover, Oakland conducted extensive community outreach and incorporated those concerns into the final permitting process (City of Oakland, n.d.-c). OakDOT addressed equity concerns by requiring scooter services to implement a payment method for the bankless, creating a discounted service for those who qualify for the State Nutritional Assistance Program (SNAP) or California Alternative Rates for Energy (CARE), and administering 50 percent of the scooters in Communities of Concern while also providing service to disabled users (City of Oakland, 2019b).

Oakland also worked with scooter and bike providers as well as local community organizations to develop a more equitable system to support specific communities, like those in East Oakland. One such program developed a partnership between OakDOT, Lyft, the operator of Bay Area Bike Share, and Transform, a local non-profit, in order to secure $700,000 of a $1 million initiative led by Transform, in collaboration with the East Oakland Collective and Scraper Bikes, to create a three-pronged program to create an equitable shared mobility network (City of Oakland, 2019a). The first element of this program, called "Community-Driven Placemaking," will entail Transform working with East Oakland organizations to develop parklets and determine bike share locations (ibid). The second part of this program, "Mobility4All Partnership," will coordinate Lyft and Transform funds to pilot a free ride program covering AC Transit passes, free Lyft rides, and $5/month in credit for Lyft bike and scooters (ibid). The third part of this program will develop community-run "bike libraries" where Oaklanders can rent bikes (ibid). Clarissa Cabansagan, the New Mobility Director at Transform, asserts that "[this

partnership] has been a result of years of building trust and relationships in communities overburdened by inequitable planning decisions" (Curry, 2019).

In this fashion, OakDOT has prioritized equity in its planning, to ameliorate the lack of trust caused by historical disinvestment in low-income communities of color, and to address current concerns about gentrification and displacement. One consequence of the city's focus on equity has been that funding mechanisms such as the city's impact fee and recent bond measures have prioritized affordable housing over transportation, meaning that OakDOT is still short on funds to address delayed maintenance, let alone expansion needs and priorities.

San José case study

San Jose, the Bay Area's largest city, has more than a million residents spread across 180 square miles. Similar to San Francisco and Oakland, San José's historic land use patterns and jobs-housing balance have influenced its motivations, priorities, and obstacles for adopting TOD today. During its exponential growth in the 1950s, 60s, and 70s, San José's city leaders focused on adding housing and annexing suburbs as property tax was a main source of revenue growth for cities during those times (Rosenberg, 2015). While the 1960 General Plan did identify planned land uses, it served most readily to support the city's continued expansion.

This divergence in development strategies between San Francisco and San Jose can be partially attributed to each city's geographic constraints. San Francisco has little room to grow due to its hilly topography and its proximity to the bay, while in comparison, San José lacked these same geographic constraints and had the ability to annex vast amounts of land (Goebel, 2012; Karlinsky and Murphy, 2010). As a result, San José was coined the "the Los Angeles of the North" by its city manager Dutch Hannon during this period (Karlinsky and Murphy, 2010).

Similar to Oakland's history, new shopping centers on the edge of San Jose and in neighboring localities began to draw businesses away from downtown, which led to a dramatic decline in the city's sales tax revenues. Furthermore, due to the high demand for housing within San José from 1990 to 2006, the city converted about 1,400 acres of land that was supposed to be used for "revenue-generating" businesses to "budget-draining" residential projects instead (Rosenberg, 2015; City of San José, 2020b). These conversions undermined the city's economic development goals because they reduced the supply of light and heavy industrial lands which provided much needed employment opportunities, particularly for middle income "blue collar" jobs (City of San José, 2020c).

Facing an imbalanced jobs and housing ratio due to its historical development pattern, San Jose has struggled with a lack of adequate fiscal resources as an ongoing planning challenge. Despite being the largest and most populous city in Northern California, San José generates less tax money per resident than its neighboring metropolitan cities and even its suburban neighbors, as it does not have enough shops and businesses to support its sprawling population (Rosenberg, 2015). In addition, only 18 percent of the land in San José is set aside for workplaces (as the majority of the city is zoned R-1), compared with 25 to 30 percent in the rest of Santa Clara County (ibid). The lack of commercial activities has left the city struggling

financially; for example for fiscal year 2017-18, San José received $170.99 per capita in local sales and use taxes, while San Francisco received $214.25 (Coleman, "Local Sales & Use Tax Revenues," n.d.). Compared to the other fourteen cities in Santa Clara County, San José's per capita sales tax revenue lags behind at 11th place, while Cupertino (1st place) received $547.20 per capita in the same year (Coleman, Local Sales & Use Tax Revenues, n.d.).

By the 2000s, San José's leaders and residents recognized the need to manage the city's rapid and mostly unplanned growth more effectively (City of San José, 2020b). To address the city's imbalanced jobs and housing ratio, the city adopted the Employment Lands Preservation Framework in 2007, intended to prevent the further conversion of key employment lands. This policy served as a key element in the city's 2011 General Plan, called *Envision 2040*, which set out a vision for sustainable development for San José by channeling future growth into a more urban, people-focused pattern. With major plans underway for the city's downtown zone through introduction of new transit lines and denser residential and commercial development, San José is poised for a major transformation.

Land use and TOD plans and policy in San Jose

To address the consequences of the suburban growth that took place during the city's history, and growing concern about fiscal resources, the *Envision San José 2040 General Plan* was adopted in November of 2011 and amended in March 2020 to further the city's "consistent and ongoing goals for economic development, fiscal sustainability, environmental leadership and expanded transit use" (City of San José, 2020b, p. 44). *Envision 2040* highlights the fact that San José is the only large city that acts as a net exporter of workers within the region. To compare, in 2015, San José had 87 jobs for every 100 employed residents, while Oakland had 106, Los Angeles had 110, San Diego had 128, and San Francisco had 138 (Rosenberg, 2015). As Mayor Sam Liccardo said in 2017, "Cities are typically job centers but in San José we are a bedroom community with incredible job centers around us. Many of our employers tend to be on our doorstep, not inside the house. That creates huge fiscal challenges for us because we have to provide services to a million residents who then go and work and spend dollars somewhere else" (McPhate, 2017).

As a development strategy, San José has designated growth areas as a tool to help the city move away from its "bedroom community" character. The purpose of the designated growth areas is to identify locations where additional growth and intensification will occur because most of the city is not planned for additional growth or intensification. As stated in the General Plan, through focused growth, the city aims to "preserve and enhance the quality of established neighborhoods, to reduce environmental and fiscal impacts, and to strengthen the City's Urban Growth Boundary" (City of San Jose, 2020). Therefore, as the city grows, those areas designated for growth would be the ones to densify.

Most of San José still retains its suburban character and few areas can support infill without disrupting the existing "neighborhood character," while some parts of San José, like its downtown, are more urban in character (Karlinsky and Murphy, 2010; City of San José, 2018b; City of San José, 2020b chapter 1, pg 16). Using a "channeling" approach, similar to the other

two Bay Area central cities' focused TOD growth patterns, San José hopes to move away from its "bedroom community" reputation (City of San José, 2020b).

The controlled growth pattern in the three central cities, of focusing growth selectively as they seek to grow and densify selected neighborhoods while protecting others from additional change, may be widespread in all major cities in California due to the exclusivity of already established single-family residential neighborhoods. In San José's case, the designated growth areas are aimed to help the city become a regional employment center by attracting approximately 13,000 new jobs per year (City of San José, 2019b). According to the General Plan, Growth Areas are located in Downtown, North San José, Specific Plan areas, identified Employment Lands, and Urban Villages (City of San José, 2020c).

Given its strong push to become the employment center of the region, San José employs TOD as a tool to help generate and attract the job market. According to *Envision 2040*, almost all areas with existing or planned fixed transit stops (light rail, heavy rail, BART, high-speed rail) and corridors with existing or planned BRT are identified as growth areas, and the city's zoning map shows that almost all the areas near existing transit stations are zoned to encourage TOD. The city has allowed for higher heights, tax reductions, and parking reduction in these designated growth areas (TOD zones).

Consistent with its employment attraction goals, San José's zoning codes reflect a jobs-focused growth pattern, with maximum FAR allocations of up to 30 stories in designated employment centers (City of San José, 2020b), and maximum height limits of up to 200 feet (City of San José, Code of Ordinances, Ch. 20.85). The focus on stimulating commercial development is reinforced through the city's Downtown Commercial High-Rise Development Incentive. This strategy, adopted in 2014, suspended the collection of city construction taxes (the Building and Structure Construction Tax and Construction Excise Tax) for new commercial high rise developments of 150 feet or taller; the program applied to all new office, R&D, or non-hotel commercial high-rise projects that secured a permit prior to December 31, 2016 (City of San José, 2014d). Previously, the Downtown High Rise Incentive Program, enacted in 2012, had reduced construction taxes by 50 percent for new downtown residential high rise buildings (that obtained a building permit prior to December 14, 2014). This program was extended in 2013 to also apply to commercial and industrial new construction in the downtown (that obtained a building permit by December 31, 2014) (City of San José, 2015).

In addition to higher height allocations and tax reductions, developments near transit stations also receive reduced parking requirements in San José. According to the San José Municipal Code, a reduction of up to ten percent for required off-street parking spaces may be authorized for development within 2,000 feet of a proposed or an existing rail station, and in areas designated as neighborhood business districts in the city's General Plan (City of San José, Municipal Code Ch. 20.90). Mixed-use projects located downtown may receive up to a 50 percent reduction for parking space requirements (City of San José, Municipal Code Ch. 20.70). However, San José's parking reductions lag behind those in San Francisco and Oakland, which have eliminated parking minimums and adopted parking maximums in their transit-rich areas.

Thus, a clear difference between San José's and San Francisco's TOD priorities can be detected, with San Jose more demonstrably favoring commercial development and San Francisco favoring affordable housing development. San José adopted a commercial linkage fee in 2020, applied to commercial developments of more than 100,000 square feet, but at a rate much lower than San Francisco's on a per square foot basis (see Table 1).

The city's clear lean towards allowing for more employment development is evident when examining the numbers in *Envision 2040*, which dedicates 10,098 acres of land as Employment Lands, and only 4,723 acres of land to Urban Villages (City of San Jose, 2020). Total developable land in San Jose is 288,842 acres, and the city has set aside 35 percent mainly for employment development (in Employment Lands areas) and only 16 percent for combined commercial-residential growth (in Urban Villages).

Although *Envision 2040* supports the growth of downtown, most of expected new jobs and housing units are targeted for neighborhood commercial centers throughout San Jose and in "Urban Villages" along major transit corridors (Wang, 2019). The urban village concept was a central component in the original *Envision 2040*, exemplifying San Jose's concept of how to plan for sustainable development (ibid). More than 60 villages were designated, envisioned as higher-density, mixed-use urban places that would concentrate new commercial buildings and housing in locations accessible by transit, foot, or bike (ibid).

As of mid-2019, the San Jose City Council had approved 12 urban village plans, but only a handful of these areas had projects underway (ibid). Plans have taken, on average, four to five times longer to complete than originally planned, and developers have been "scared off" by both real and perceived onerous requirements for building in urban villages, which also reflect the city's priority emphasis on promoting commercial development (ibid).

San Jose's urban villages are expected to accommodate both commercial and residential uses, with an emphasis on encouraging businesses (ibid). Each urban village is assigned a target for commercial square footage and a cap on the number of housing units allowed. While commercial development in all urban villages can occur at any time, if a developer wants to build either housing or a mix of housing and businesses, a complex framework was put in place to determine whether a project can be approved.

According to research by SPUR, many developers have considered the urban village framework and process, rather than the designated locations or real estate market, to be deterrents (ibid). City planners that we interviewed echoed these concerns, noting that, "It can be hard to combine mixed uses without building multiple floors. Our policies rely heavily on promoting a development type that is uncommon 'in the wild,'" as one planner noted. Another San Jose city planner told us that, "The urban village concept is about developing a mix of uses…these policies, enacted in 2013, meant we had to spread the commercial obligation everywhere, not tailored differently in specific market conditions in specific spots…We will eliminate those policies from the General Plan moving forward, to gain more flexibility in the future. We do not want to require all properties to replace or build more commercial."

The San Jose city planners that we interviewed explained that recent state RHNA legislation has been prompting the city to reconsider and revise its zoning to match its General Plan more systematically. One planner noted, for example, that,

> With the state requiring us to do a more streamlined approach to zoning, we are creating zoning districts that are straightforward so developers don't have to do planned development agreements for every site…. Our [current] zoning doesn't match the General Plan. So the first step now is to develop zoning districts that match the General Plan, which will allow for streamlining permit approvals. We have also developed citywide design standards. All this will provide clarity, so that if developers meet design standards and conform to the zoning district, their project can jump forward.

Summing up, San José's TOD patterns have largely been driven by the city's goals of securing more employment opportunities due to its jobs-housing imbalance that created a lagging tax revenue base. Over the years, San José has employed TOD as a tool to promote and attract the development of more jobs within its designated growth areas. The result has been the creation of approximately 80,000 new jobs in the city since adoption of the General Plan in 2011, and permits issued for over 23,800 new residential units, 14.6 million square feet of new commercial development, and 10 million square feet of new industrial/office development (City of San José, 2019b).

However, a key planning principle for achieving the city's TOD goals, the urban village strategy, has also come under fire. As the city is now responding to state-level pressure to create a more systematic and transparent approach to zoning, it also aims to relax some of the constraints built into the mixed-use conception of urban villages, to allow for greater flexibility in matching development goals with market feasibility.

Transit and active transport in San José

As noted, San José's city planners are now attempting to channel much projected population and job growth near transit and active transportation infrastructure, to enable the city to become a regional jobs center (City of San José, 2020b). These plans are intended to counteract the city's highly car-dependent land use pattern, put in place in previous decades. During the 1950s, while San Francisco adopted its transit first policy and focused on developing BART and the Muni Metro, Santa Clara County rejected a BART extension in 1957. San José adopted its Transportation Level of Service Policy in 1978 which prioritized car-oriented mitigation under CEQA (Mercury News, 2007; City of San José, 2020b; Ortbal, Hughey, Ng, 2017; Bialick, 2013a).

San José is currently revisiting many of its earlier goals, plans, and policies. This was evident in the General Plan update in 2020 as well as in the city's new Bike Plan, Pedestrian Plan, and Transit Plan. San José has also adopted a Vision Zero Policy, as well as a Better Bikeways project which was initially launched downtown. San José is also developing area-specific Multimodal Transportation Improvement Plans (MTIP) in East and West San José and the Downtown Transportation Plan.

Much of the city's planning focus is on the downtown area which contains higher densities, infrastructure, and mixed-land uses that are needed to support transit and active transportation (Karlinsky and Murphy, 2010; City of San José, 2018b; City of San José, 2020b). This focus is exemplified in ambitious plans for the Diridon Transit Station, which aim to leverage several regional transit projects to transform San José into the "Capital of Silicon Valley" by creating a world-class station surrounded by a variety of land uses (described further below) (City of San José, n.d.-f; City of San José, 2014c). San José is developing its transportation plan, the Access and Mobility Plan, to direct significant planning resources toward the Diridon Station area (Diridon Station Area, n.d.; City of San José, 2014b; City of San José, 2020b).

Diridon Station links key transit services to downtown jobs by connecting local and regional transit services like the VTA's bus services and light rail, as well as Caltrain, Amtrak's Capitol Corridor, and Altamont Commuter Express (ACE) (City of San José, 2014c; Rudick, 2020a; City of San José, n.d.-b). Currently, Diridon acts as a terminus for these many regional services, but the new expansion plans aim to add additional regional and state transit services so as to transform Diridon into "a through-station" (Rudick, 2020a). These projects include Electrified Caltrain, the BART extension, and California High-Speed Rail (CAHSR). The planning efforts are occurring in conjunction with the city's TOD planning (Diridon Station Area, n.d.). Ultimately, San José hopes to utilize all these efforts to advance San José's iconic downtown area into a regional job center (City of San José, 2014c; City of San José, 2020b).

With completion of the Diridon Station Area Plan (DSAP) in 2014, various developers and transit agencies have initiated planning efforts around the station (Madou, 2020). Ultimately, the DSAP plans for 2,600 new housing units, of which 15 percent will be affordable, 420,000 square feet of retail space, and 5 million square feet allocated for offices. In 2017, Google indicated its intent to become a master developer for the Diridon Station Area Plan (Rudick, 2020a; City of San José, n.d.-f). Google's plans represent the type of development the city seeks in order to establish itself as the center of the tech-oriented Silicon Valley.

The City of San José is also collaborating with other transit providers, California High-Speed Rail Authority, Caltrain, and the VTA, to develop Diridon Integrated Station Concept Plan (Diridon Integrated Station Concept Plan, n.d.; Diridon Station Area, n.d.). The intent is to coordinate plans and provide a streamlined transition between services (Diridon Integrated Station Concept Plan, n.d.). With 29 percent of Bay Area commuters traveling between counties, one of the biggest flaws with Bay Area transit services has been the lack of integration of different regional services (Amin, 2015). The Diridon Integrated Station Concept Plan addresses that concern by facilitating the collaboration between agencies to develop a clear vision to help guide growth for the station area (Amin and Tolkoff, 2017).

Coinciding with its goals for TOD, and in spite of having the fifth largest commute time in the nation, San José has developed aggressive, quantifiable goals in the General Plan to shift the city away from car travel (City of San José, 2020b; City of San José, 2020c). These goals are: shifting alternative mode share during commute times by 2040 to 60 percent of trips and reducing VMT by 40 percent (City of San José, 2020b). By 2040, San José plans for 15 percent of

trips to be made by bike, 15 percent by walking, 20 percent of trips by transit, and only 40 percent of trips by car (ibid). This parallels goals in Oakland, a denser city, which aims to reduce the number of trips made by car to 40 percent by 2030 (City of Oakland, 2020b). San Francisco has taken an even more aggressive approach to achieve a mode shift of 80 percent of trips made using alternative modes of transportation by 2030 (Stefiuk, 2018).

One of San José's most recent policies supporting these mode shift goals is Vision Zero San José, which closely resembles San Francisco's approach to Vision Zero (City of San José, 2020c). Adopted in 2015, San José's Vision Zero Policy was created in response to a 25-year high in traffic deaths in 2014 (Angst, 2020; Newton, 2020; Curry, 2020). Like Vision Zero SF, Vision Zero San José identifies Priority Safety Corridors (PSCs), where high concentrations of injuries and deaths occur, for safety improvements (The City of San José, 2020a). This strategy provides the city with another mechanism to determine where to focus the development of its active transportation infrastructure. Like San Francisco, San José is struggling in meeting its Vision Zero goals. In 2019, San José recorded the same number of traffic deaths as in 2014 (Angst, 2020; Newton, 2020). In response, San José's City Council approved an additional $6.8 million for Vision Zero programs, with most of these funds allocated to its Better Bikeways project (Angst, 2020; Newton, 2020; Curry 2020).

San José has received praise for progressive bike lane policy under its Better Bikeways strategy (Rudick, 2019d; City of San José, 2020c). Adopted in 2018, downtown the strategy supplements Vision Zero as a key policy for active transportation. The main focus of this program is to shift away from traditional bike infrastructure, like "pavement markings and signs," toward providing separation between cars and bikes (City of San José, 2020c). Ultimately, this program is intended to be expanded to the rest of the city (Rudick, 2019d).

One key distinction that has occurred during the implementation of bike lanes in downtown San José, when compared to other Bay Area cities, is that almost all of San José's bike lanes are developed in conjunction with protected intersections for both bicyclists and pedestrians (ibid). In contrast, many other Bay Area cities like San Francisco are still using mixing zones, which accommodate both bikes and turning cars and use painted guidelines instead of protected intersections that dedicate a portion of the roadway for bike use (ibid).

Another policy to aid the development of "an Urban, Transit-Oriented, Bike-and-Walk-First City," as outlined in the General Plan, is San José's early implementation of SB 743 (City of San José, 2019a p. 2; City of San José, 2020b). In part, San José's early implementation strategy can be attributed to its early recognition of problems in implementing the LOS metric. Since adoption of the city's LOS policy in 1978, San José had made several amendments, including a few in 2005 that allowed for exemptions for certain projects that exceeded the LOS D threshold including downtown intersections and "small, infill projects" (City of San José, 2020b; Ortbal et al., 2017).

Under the Transportation Impact Policy adopted in 2005, San José can create area policies that incorporate alternative mitigation measures and impact fees (City of San José, 2018a; Ortbal, Hughey, Ng, 2017; City of San José, 2014a). These impact fees remain in effect and continue to

be implemented in a piece-meal fashion, though the city has been considering adoption of a more systematic approach (City of San José, 2018a; Madou, 2018; Ortbal et al., 2017).

San José intends to implement SB 743 in two phases (Ortbal et al., 2017). The first phase, completed in 2018, updated the Transportation Impact Policy, setting VMT as the metric for analysis under CEQA and identifying thresholds for determining significant VMT impacts (City of San José, 2018a; Ortbal et al., 2017). Using its travel demand model, the city developed a "heat map" of high and low VMT areas across town, to employ for initial screening, with the significance threshold set at 85% of city-wide average per capita VMT for residential projects. Various types of residential projects receive blanket exemptions from review requirements, including affordable housing located in targeted growth areas near transit, and any housing in low-VMT areas. (The policy is available at http://www.sanjoseca.gov/vmt). Very large regional VMT attractors like office parks and big shopping malls are evaluated more intensively using the city's travel demand model.

The city also developed a VMT estimation sketch tool for use by project applicants to determine whether their proposed project would trigger a significant VMT impact subject to mitigation requirements. Users must enter project-specific information, and the tool then displays estimated VMT per capita for the project, compared to the city's threshold (85% of city-wide average per capita VMT for residential projects). Various mitigation measures can also be tested to estimate how they would reduce the VMT impact.

Non-exempt project applicants, in addition to completing VMT analysis using the city's new sketch tool, also must complete an additional, supplemental transportation analysis that addresses other goals outlined in the General Plan, including mobility (circulation) measured with LOS. Provisions established in the General Plan provide a basis for issuing statements of overriding consideration, which enable the city to pursue its own growth strategies in cases when they conflict with VMT mitigation requirements. The provisions establish the types of projects that may be issued statements of overriding consideration, allowing them to be approved even with VMT impacts deemed to be significant. Eligible project types include affordable housing projects, and projects in the city's targeted growth zones that meet minimum density criteria, and that also construct or fund multi-modal improvements, with fees set per each VMT not mitigated. Payment of the fee is considered to be an overriding benefit, not mitigation for VMT impacts. With this approach, San Jose has integrated VMT analysis into its existing suite of policies and plans, even using the General Plan as a basis for clarifying when existing city growth strategies will be used to override VMT mitigation requirements.

The second phase of SB 743 implementation, planned for a future date, would potentially amend the city's transportation policies by streamlining the impact fee process, developing a TDM policy, amending the parking code, and making any necessary adjustments to policies adopted in the first phase (Ortbal et al., 2017). While interested in developing a policy package like San Francisco's, San José wants to conduct more research into how mitigation measures translate into VMT reductions and how and whether a county-wide transportation fee would enable the city to meet regional greenhouse gas reductions (Madou, 2018). As asserted by

Ramses Madou of SJDOT, for example, “there is scant evidence to relate on how much bicycle lane equals so much VMT reduction” (Madou, 2018). San José’s car dependence has made it somewhat leery of implementing policies that would deeply impact its car-dependent residents (Madou, 2018).

Conclusions for the three Bay Area central cities

This chapter demonstrates that all three of the Bay Area central cities investigated employ transit-oriented policies and strategies in their local planning. Comparing policymaking across the cities, certain distinctions are evident. While all the cities have adopted comprehensive policy packages aimed at promoting affordable housing, San Francisco’s policies stand out, reflecting the city’s severe affordability problems, and also the city’s ability to leverage funds from developers to fund the construction of affordable units. Given the high market interest in San Francisco for commercial and office developments, the city has, over the years, been able to extract affordable housing development impact fees from market rate housing developers, raising roughly $200 million in 2018 and an annual average of $100 million for affordable housing from 2006 to 2018 (Mojadad, 2020). To compare, in Oakland, about $48 million in city and county funds were set aside for affordable housing development by the end of 2017 (Tadayon, 2018), and San José in spring of 2018 announced it will give up to $100 million in grants and loans to affordable housing developers (Deruy, 2018). This contrast reinforces the conclusion that not only does San Francisco prioritize affordable housing development, it is also benefiting from the lucrative commercial/office development market as a basis for funding affordable units.

But ironically, in this regard, San Francisco is a also victim of its own success, as the same high land values that reflect the market attractiveness of commercial and office development in the city have served to make even market rate housing development too costly to build in many areas, and have raised fears about gentrification and displacement.

While San Francisco emphasizes affordable housing growth, Oakland and San José, by contrast, emphasize TOD as a tool to revitalize their local economies by expanding employment opportunities. As discussed, these distinctions trace to each city’s historic land use patterns and their respective jobs-housing ratios. Oakland and San Jose seek commercial and office growth as a means to support the funding of more affordable housing, while San Francisco aims to constrain it.

In spite of their somewhat distinct priorities and motivations for TOD, all three Bay Area central cities demonstrate a similar approach in directing TOD locationally, on the ground. All three direct and concentrate current and future growth opportunities to transit accessible areas, while protecting low density residential neighborhoods from change and growth. But especially as concern has grown about gentrification and displacement in the region, it is important to note that protection of existing “neighborhood character” does not just apply to wealthier, less diverse neighborhoods. For example, Mission District activists in San Francisco have vehemently opposed new residential development due to concerns about gentrification and displacement.

The three cities' general plans and designated TOD zones affirm the selective growth pattern. San Francisco's 2014 Housing Element states that, "Residents of San Francisco, from its wealthiest neighborhoods to its lower income areas, prioritized their own neighborhoods' physical and cultural character. Therefore, the Housing Element recognizes that any plans for housing, from individual projects to community plans, need to acknowledge the unique needs of [the] individual neighborhood in which they are located" (City of San Francisco, 2015, pg.3). Oakland's General Plan states even more explicitly that, "Conservation of neighborhoods is a top priority. Land uses, densities, and transportation systems have been planned to support increased development along the corridors, in the downtown, and along the waterfront, while conserving the character of established neighborhoods" (Community and Economic Development Agency, 1998, pg. 25). Similarly, San José's General Plan explains that, "While the Focused Growth strategy directs and promotes growth within identified Growth Areas, it also strictly limits new residential development through neighborhood infill outside of these Growth Areas to preserve and enhance the quality of established neighborhoods…[where] infill development within such neighborhoods, often at a density and form inconsistent with the existing neighborhood pattern, has been disruptive to the development of a positive neighborhood character" (City of San José, 2020b, Ch. 1, pg. 16). As a result of these focused growth strategies, the already dense areas of each of the three central cities continue to intensify while the single-family neighborhoods have remained relatively unchanged.

The adoption of Specific Plans and area plans for TOD zones has been a common approach among the cities studied, but San José stands out as having adopted by far the most neighborhood-specific plans (specific, area, and urban village plans) compared to the other cities. This trend can be logically attributed to the fact that San José's land area is much larger (approximately three times larger) than the two other central cities, and indeed, San José's number of neighborhood-based plans is approximately three times the numbers in San Francisco and Oakland.

All three cities have reduced parking space requirements for areas accessible by transit. San José's parking reduction program is comparably less dramatic than San Francisco's and Oakland's, as those two cities have implemented parking maximums in some areas of their city. San Francisco's parking requirements stand out amongst the three central cities as the most transit friendly, as parking minimums were eliminated citywide back in 2018. The differences can substantially be attributed to the three cities' historic land use patterns, with San Francisco and Oakland having pursued more urban and higher-density development patterns over time, even as San José pursued mostly low density, suburban developments for many decades. It is not surprising that San José's more suburban land use style has translated it into a more auto-reliant city compared to San Francisco and Oakland.

As with its TOD policies, San Francisco's motivation for transit and active transportation policies differs somewhat from Oakland's and San José's. San Francisco pursues transit and active transport policies to ease the congestion impacts from rapid growth, while Oakland and San José both employ transit and active transport as a tool to attract growth and position themselves as desirable urban areas.

As a jobs center and transit hub, San Francisco felt the pressures caused by recent rapid growth in Silicon Valley much earlier than Oakland and San José. In fact, its early development style and policies positioned the city to become an attractive center for both jobs and housing in the region. In a different way, both San José and Oakland are deeply impacted by their early development decisions. San José's rejection of transit-supportive policies in the 1950s inhibited the city from capitalizing on job growth in Silicon Valley, while the fragmentation of Oakland due to highway and transit projects has served to amplify current fears of gentrification and displacement.

While cities may be able to facilitate transit and active transport improvements in already dense areas, like downtowns, such policies can sometimes be resisted by residents and businesses in less-dense areas. Even in dense cities like San Francisco, pushback can emerge from residents and businesses, worried, for example, about parking impacts. The degree to which each city has embraced SB 743 reflects these constraints. While required by SB 743 only to shift to employing the VMT metric for project- and plan-level review, each city has also demonstrated interest in developing complementary policies. In particular, dense, urban San Francisco rolled out a novel and proactive policy package to support the VMT shift which integrates systematic funding and TDM mitigation requirements with project-level analysis to maximize VMT reductions. Oakland and San José have expressed interest in pursuing a similar approach, but have not done so as quickly or extensively as San Francisco. San José's measured approach is indicative of its car-dependent development style. While San José has embraced transit and active transport in its more urban areas, its lower density areas do not support infill, good transit, or a very cohesive active transportation network.

Richmond and El Cerrito case study

Richmond and El Cerrito are neighboring cities along the eastside of the San Francisco Bay. This case study chapter focuses mainly on Richmond, but it also considers planning along a transportation corridor that crosses both cities, namely San Pablo Avenue, which also extends into other East Bay cities including Oakland, Berkeley, and Albany. For decades, regional agencies and the cities along San Pablo Avenue have slated the corridor for TOD and transit development, but it has been slow to materialize. That makes a comparison of recent TOD policy developments in Richmond and El Cerrito useful for considering what has been changing recently, and why, in encouraging new TOD growth along the corridor.

Land use and housing planning and policy in Richmond

Many of Richmond's neighborhoods were first developed along a grid street pattern before WWII, and consist primarily of single-family homes with multi-family homes and local-serving retail uses located along major streets and intersections. Although the early development of the transcontinental railroad and ferry service to San Francisco catalyzed industrial growth in Richmond, by the 1950s, like many other US cities, Richmond embraced auto-centric priorities (City of Richmond, 2012). Newer outlying areas of Richmond, like El Sobrante Valley and Hilltop Mall, have a sprawling development style compared to the grid-like layout in prewar areas of the city like Central Richmond (ibid). This is a similar pattern to that found in many older cities,

like Oakland and San Jose, whose prewar downtown areas with a grid layout are much more conducive for transit and active transportation.

Moreover, large transportation projects built in and around Richmond during the suburbanization era, including freeways and bridges, brought more vehicle traffic to the area and have served as barriers to residents (ibid). In order to accommodate this traffic Richmond began widening roads, which only served to further fragment much of the city's existing transit and active transportation services (ibid). Thus, although Richmond has a vast amount of transportation infrastructure, like its ferry service, BART, and Amtrak stations, it lacks connectivity to those services that would incentivize residents to shift away from single-occupancy vehicles (ibid).

Richmond's General Plan 2030, adopted in 2012, reflects the city's interest in TOD. The plan seeks to increase mixed-use, high-density infill development around the city's intermodal transit center and along its key commercial transit corridors (City of Richmond, 2012). To embrace sustainable growth, the General Plan proposed to utilize a "place-based" approach to inspire a return to urban development patterns and move away from the suburban model (ibid). Stated explicitly in the General Plan, this "place-based" approach seeks to encourage mixed-use, pedestrian and transit-oriented development (ibid).

Similar to all our case study cities, Richmond has employed a "focused" TOD growth pattern by targeting future development opportunities along its major commercial transit corridors and its transit centers. Land uses are divided into the following categories: change areas; stable areas; and recreation, agriculture, and open space areas (ibid). The change areas only make up a small portion of the city, but they provide the basis for Richmond's development strategy. The General Plan describes these areas as "largely underutilized, [with] incompatible land uses or high potential for redevelopment" (ibid). Thus, future development is targeted where it is desirable for developers and also where existing development may not get in the way.

Richmond designated key corridors and major activity centers as part of its "change areas." Several key corridors serve as major routes of travel in the city and support a wide range of retail and community amenities as well as housing on adjacent parcels. Richmond envisions these corridors as vibrant, mixed-use, higher-density pedestrian and transit-oriented areas linking activity centers to each other and to other regional destinations (ibid). For this case study, we focus especially on exploring the San Pablo Avenue corridor, described further below.

The activity centers, which include Richmond Parkway Transit Center/Hilltop Mall, El Cerrito Plaza BART Station, and Contra Costa College, are intended to be concentrated, high-intensity community hubs that generate revenue and jobs, and serve as the focal point of cultural, commercial and social activities (ibid; Nelson\Nygaard, 2019). Similar to the key corridors, major activity centers are envisioned to be pedestrian and transit-friendly, with higher density development. For this case study chapter, we focus on examining the Downtown/Macdonald Avenue activity center.

The Downtown/Macdonald Avenue area contains some of Richmond's most important assets like the Civic Center and the Richmond BART/Amtrak Station. After the decline of downtown Richmond in the 1980s, the city's Redevelopment Agency emphasized redeveloping and revitalizing its downtown area, especially near its existing BART station (Schmidt-Hopper, 2014).

The Richmond BART is the terminal station line of the Richmond line in western Contra Costa County and primarily attracts local residents (Heitman, 2004). However, according to BART's Comprehensive Station Plan published by in 2004, many riders bypassed the station in favor of stations in El Cerrito because of the Richmond Station's poor proximity to the I-80 freeway (ibid). Nevertheless, Richmond's station was an attractive site for BART and Richmond because it serves as an intermodal station, connecting BART, bus and regional rail service; it is also the only BART station with direct connections with Amtrak and Capitol Corridor service (ibid).

In response to this opportunity, in 2003, the City of Richmond Redevelopment Agency, BART, West Contra Costa Transportation Advisory Committee (WCCTAC), and Olson Company (the developer) began the construction of the Richmond Transit Village project. The Transit Village is a three-phased TOD project located on 16.7 acres of underutilized or largely vacant land, along with BART surface parking. In total the project is planned to have 231 townhouses, 27,500 square feet of retail, and other facilities (ibid). Phase I of the project, known as Metro Walk, included 132 (50% affordable) townhouse units, and approximately 7,500 square feet of retail.

In 2017, Mayor Tom Butt called the Richmond Transit Village a successful catalyst for downtown revitalization, upon completion of the Nevin Avenue Streetscape project (part of Phase II), which improved the existing BART entrance with features like a new elevator, a wide ramp for wheelchairs and bicycles, new stairs, and a roundabout (Lochner, 2017). The 289 units in the Nevin Homes residential project (part of the Phase II process), currently under construction, will all be affordable units (City of Richmond, n.d.-e).

City leaders hope that new commercial and housing projects underway near the BART station will help catalyze downtown redevelopment which had been languishing throughout the 2010s. For example, a "transformational" downtown project called the Richmond Business Hub is proposed to include community-oriented uses such as a business incubator, local- and commuter-serving retail, and workforce services to support small businesses, entrepreneurs, and the freelance creative workforce in the surrounding area (Richmond Standard, 2018).

After more than a decade of lack of interest, Richmond's housing development market began to pick up by the late 2010s (Boerner, 2019). Substantial projects underway will produce thousands of new units. However, most projects are being built in higher-priced residential parts of the city, such as the waterfront land area located south of I-580 along the bay.

In this context, the city revisited its inclusionary housing policy, to make market-rate development more feasible in the power-priced parts of town. The city's prior inclusionary housing ordinance was relatively aggressive, calling for residential projects of more than 10 units to provide 17% of the total units or more for moderate income households; or 15%nfor low income households; or 10% for very-low income households; or 12.5% for very low and low

income households; or 25% for very low and low income senior households; or pay an in-lieu fee. A city-commissioned economic feasibility study found that payment of the in-lieu fee was less expensive for market-rate developers than complying with the on-site production requirements, and the production requirements were not feasible in most parts of the city above I-580 (Richmond Planning Commission, 2020). The report recommended that the city consider tailoring requirements differently for different geographic zones, and equalizing in-lieu fees with on-site production costs. In response, the city revised its policy in November 2020 to lower affordability requirements for for-sale units to 7% for low-income households or 10% for moderate-income households, and for rental units, to 9% for very low-income households or 10% for low-income households (City of Richmond, 2020). Projects below I-580 are no longer able to pay in-lieu fees, meaning they will have to integrate affordable units into the upscale developments contemplated for the area. The ordinance also authorizes the city council to adopt a non-residential housing impact fee.

The policy step of scaling back affordability requirements in all parts of the city shows that Richmond is actively seeking market-rate development, and carefully trying to gauge market feasibility. The prohibition of in-lieu payments for development south of I-580 is intended to integrate affordable units into the most marketable areas of the city. Meanwhile, the lower affordability requirements may also make market-rate development more feasible in other parts of the city, but the question remains how Richmond will be able to fund many deeply-subsidized affordable units.

Transportation and active transport in Richmond

Like many other cities in the Bay Area, the City of Richmond cites its development style, hilly topography, and freeways as barriers affecting how transportation must be managed (Nelson\Nygaard, 2019; City of Richmond, 2012). Despite the city's fragmentation, only 59 percent of people who live in Richmond commute using single occupancy vehicles (SOV), compared to 68 percent of regional commuters (ibid). In its General Plan, Richmond cites its SOV commuter share as too high considering its vast network of transportation options (ibid). Conversely, 79 percent of those commuting into Richmond commute via SOV, which is 11 percent more than regional commuters on average (ibid). This discrepancy is attributed to the fact that most residents commute to areas well connected to transit such as San Francisco, Oakland, and Berkeley (ibid). Non-residents primarily commute from west and central Contra Costa County and Solano County, which have weaker transit connections (ibid).

To induce TOD, Richmond plans to leverage existing transit and connections to "activity centers/opportunity sites" (Nelson\Nygaard, 2019). As noted, the city has devised a "place-based" implementation approach to developing activity centers, which includes developing complete streets that connect to surrounding land uses, and that improve desired character and street function (City of Richmond, 2012).

More specifically, Richmond has recently devised two key transport plans, its Connectivity Plan and its First Mile/Last Mile Strategic Plan, to overcome the fragmentation of transportation infrastructure and services. Hoping to take advantage of the growth that the reopening of the

ferry in 2019 and the Berkeley Global Campus would bring, the city developed its South Richmond Transportation Connectivity Plan in 2015 (City of Richmond, 2015). The goal of this plan is to identify and overcome physical barriers to transportation, primarily highways and railways, in order to support a multi-modal network (City of Richmond, 2015; City of Richmond, n.d.-f). In 2019, Richmond developed a First Mile/Last Mile Strategic Plan to address the lack of connectivity between transit services in Richmond by developing first and last-mile services around three key transit hubs: Richmond BART Station, El Cerrito del Norte BART Station, and the Richmond Ferry Terminal (Nelson\Nygaard, 2019).

One important organization in which Richmond participates is the West Contra Costa Transportation Advisory Committee, WCCTAC, which allows cities and transportation agencies within the county to coordinate their transportation planning (WCCTAC, n.d.). The WCCTAC was organized in response to Measure C, a ½ cent transportation sales tax measure passed in 1988, and amended and extended until 2034 through Measure J, passed in 2004 (CCTA, n.d.). WCCTAC receives fees from development projects through the Subregional Transportation Mitigation Fee Program (STMP), a transportation fee shared among member cities (WCCTAC, n.d.). In order to qualify for the funding generated by the county sales tax, member cities must include a growth management element in their General Plan to cover "policies to mitigate the negative impacts of development; a five-year capital improvement program to maintain traffic service standards; a transportation demand management ordinance; and measures to address its balance of jobs and housing" (City of Richmond, 2012 p. 9.13).

Aimed at reducing SOV trips, Richmond included a Transportation Demand Management (TDM) Ordinance in the municipal code in 2016, applied to multi-unit developments greater than 10 units, non-residential units greater than 10,000 square feet, or a project greater than 10,000 square feet that establishes a "new use, change of use, or change in operational characteristics" and increases average daily trips by 10 percent (City of Richmond, n.d.-a). However, no new developments have triggered the ordinance (Nelson\Nygaard, 2019).

Since 2009, the city has also implemented a Commuter Benefits Ordinance (CBO), which requires employers with 10 or more employees to implement a program to shift SOV commuters to other modes of transportation (Nelson\Nygaard, 2019; City of Richmond, n.d.-d). If an employer has more than 50 employees, it is large enough for larger regional agencies, specifically the Bay Area Air Quality Management District and Metropolitan Transportation Commission, to oversee the employer via the Bay Area Commuter Benefits Program (ibid).

Planning for San Pablo Avenue by Richmond and El Cerrito

San Pablo Avenue, one of the roadways identified by Richmond for potential development, is an important regional commercial corridor stretching across almost all of California Route 123 as well as 12 miles in the East Bay, crossing two counties and seven cities (ACTC, 2020; Hicks, 2019). Called "essentially the main street of the East Bay," San Pablo is a wide boulevard, with a median in some stretches, that parallels the Richmond BART line and I-80 along the bay (Stephens, 2019). San Pablo Avenue has some built-out stretches and historic architecture, but

especially in its northern parts it is “an infill developer’s dream, with abundant parking lots, strip-malls, and undistinguished one-story buildings begging to be redeveloped” (ibid).

According to the Alameda County Transportation Commission (ACTC), a total of 45,000 new households and 33,000 new jobs are forecast to be coming to the San Pablo corridor by 2040 (Hicks, 2019). Many cities in the region have been drafting plans to better prepare for and support this growth. According to ACTC, most construction in the San Pablo corridor planned to occur by 2018 was for Oakland (4,281 units), El Cerrito (1,470 units), Berkeley (1,170 units) and Emeryville (882 units) (ibid).

Richmond has undertaken several collaborative planning projects to direct the growth and form along San Pablo Avenue, in particular with its neighboring cities of El Cerrito and San Pablo, who have generally acted as the lead agency. The City of El Cerrito’s Specific Plan for San Pablo Avenue has been an especially productive effort.

El Cerrito’s population of 25,203 is about one-quarter the size of Richmond’s population at 109,340. Meanwhile, Richmond’s land area is 14 times that of El Cerrito’s (from Data USA, https://datausa.io). Richmond’s racial/ethnic make-up is more diverse, with 82% non-white (and including Hispanic residents), compared to 52% in El Cerrito. Richmond is lower-income as well, with a median household income of $64,575 compared to $100,422 in El Cerrito. Richmond’s poverty rate is 15%, compared to El Cerrito’s rate of 8%.

El Cerrito’s Specific Plan for San Pablo Avenue (SPASP), adopted in 2014, is coordinated with Richmond. This plan encompasses 2.5 roadway miles that include El Cerrito’s shared border with Richmond (City of El Cerrito, 2014b; City of El Cerrito, n.d.-a). While parts of the Specific Plan fall under Richmond's jurisdiction, El Cerrito is the lead agency (City of El Cerrito, 2014a). However, the plan takes into account existing regulations for both cities, like Richmond’s form-based code which was under development during this period (City of El Cerrito, 2014b).

The SPASP has been called ambitious, seeking to “dramatically” increase densities along the avenue and accommodate significant residential growth (Stephens, 2019). The plan area covers roughly 200 developable or re-developable acres, divided into Uptown, Midtown, and Downtown sub-areas. The success of the plan’s ambitious density goals stand in contrast to past high density development efforts along San Pablo Avenue, which encountered resident opposition due to the lack of integration with neighboring low density single-family units (Mejias and Deakin, 2005). However, in recent years the adoption of form based codes has helped alleviate this concern—an approach adopted by both El Cerrito and Richmond.

Mixed-use requirements along San Pablo Avenue also had proven problematic for TOD goals along the corridor. A number of cities imposed requirements for ground-floor retail, but researchers found through interviews with developers that the tremendous housing demand and low retail demand along many sections of San Pablo Avenue were perceived as a major difficulty for developing a parcel (Mejias and Deakin, 2005). Developers complained that retail space is often vacant long after all the residential units have sold. Developers also stated that the requirement to incorporate a mix of uses in all large-scale projects increases the cost of

residential development in an already expensive housing market (ibid). Richmond and El Cerrito have both encouraged mixed-use development along the corridor.

The first phase of the SPASP can be deemed a great success in El Cerrito, with allotted space already spoken for by developers, to build roughly 1,800 housing units (Stephens, 2019). According to the city, as of March 2020, three projects had been completed, five were under construction, 13 approved, and three proposed (El Cerrito, 2020). Every project but one consists largely of residential units, with most falling between 50 and 170 units for a total of 1,238 market-rate units and 862 affordable units (Stephens, 2019). Nearly 40,000 square feet of commercial space is included as well. This rapid growth has exhausted the number of units covered by the SPASP's initial programmatic environmental impact report, and so El Cerrito is currently updating the PEIR to accommodate a second phase (Stephens, 2019).

The notable rapid success of the SPASP in El Cerrito can be attributed to a number of factors. Two central keys to success, according to city planners we interviewed, have been the permit approval streamlining process, facilitated through the programmatic environmental report (PEIR) prepared for the plan, and its use of a form-based code to regulate development. Under the PEIR, developers are required to complete a checklist to demonstrate that their proposed project and its impacts conform with the PEIR. Beyond that, no environmental review is required, unless a project seeks variances. All of the entitled projects in the plan area have been approved under the PEIR checklist (Stephens, 2019).

Meanwhile, the SPASP's form-based code offers developers significant flexibility within requirements related to building height, parking, open space, and other physical and aesthetic considerations such as shadows cast (ibid). It allows for both commercial-only and residential-only uses, though mixed use, with commercial at street level, is encouraged. Ground floors are required to be flush with street level, and parking lots must be hidden from view, either behind buildings or underground. The code identifies transects for "high-intensity" and "medium-intensity" uses, allowing building heights up to 65 feet, or to 85 feet if affordable housing bonuses are used. The plan also sets minimum heights of three stories throughout much of the plan area. Parking requirements range from a half-space near the plan area's two BART stations to 1.5 spaces per unit in the Midtown area between the BART stations (ibid). The code is also complemented by a complete streets program designed to enhance the pedestrian realm on what currently can be an uninviting corridor (ibid).

The density and parking provisions of the SPASP have proved very attractive for developers, while the design provisions have helped ensure community support. "We really tried to require a high level of design and urban amenities to make sure the stuff that comes contributes positively to our community," said the city's community development director in a published interview (Stephens, 2019). "That helped build trust so we could keep getting support and momentum."

In exchange for the density and streamlining provisions afforded in the SPASP, developers must provide community benefits such as open space that vary according to "tiers" (ibid). The tiers refer to the degree to which a development conforms with explicit plan requirements or

instead requests variances. The more extensive the variances, the more community benefits are required.

El Cerrito's planning approach as exemplified by the SPASP has been described as a model for other communities, especially in the way that it effectively combines extraction of community benefits with permit streamlining based on the PEIR, while still permitting flexible negotiations (Stephens, 2019). The approach attempts to minimize discretionary review, which, for many projects, has been limited to design review. Design review was crafted to be as clear as possible so as to limit debate and delay, while still allowing projects to seek variances. "The by-right process whereby the project just goes through design review has been really appealing," said the community development director (ibid). "We haven't fought about height or parking, for example."

In considering what factors account for the success of the SPASP, city planners from El Cerrito that we interviewed underscored a few important lessons. In terms of plan and program design, the planners pointed to the combination of the PEIR-based permit streamlining and the form-based code regulations, which are focused on outcomes that people care about, as critical. They also noted the plan's combination of vision and practicality, explaining that engaging with residents about desired development was essential, but so was analyzing project feasibility. "Because we're a small city, the planning staff has close relations with the City Council and residents, and we've hired good staff, and that combination of elements has made a difference in advancing our TOD planning…We engaged with existing residents about goals, such as for urban amenities that people want…We went for vision with regulation."

A few physical factors also helped, according to our interviewees. One was that the city has two BART stations located along San Pablo Avenue, anchoring the TOD expansion efforts and vision. But at the same time, the SPASP strategy was always envisioned as corridor-wide, the planners explained. "The whole corridor is our city's 'front door'… People want more business, and we learned over the years that to get new business and support existing business will require our allowing more residential development."

Finally, the planners we interviewed also pointed to the critical role played by state and regional funding for developing the SPASP. "We are a small city with no discretionary funds for advance planning," said one planner we interviewed. "Without having received planning grants from the state and MPO, our TOD planning wouldn't have happened." The city planners also noted challenges that lie ahead, which the state and regional agencies could help in addressing. For example, the city will be challenged in meeting the new stiffer RHNA target it has been assigned for the upcoming RHNA cycle. The city met its past RHNA target, making it exempt from SB 35, through redevelopment projects that leveraged the city's land ownership to support affordable units. With redevelopment authority eliminated in 2012, that strategy is no longer feasible. The city has created a few impact fees and adopted an inclusionary housing ordinance, but our interviewees felt that those policies would not be sufficient to meet housing goals moving forward.

Given El Cerrito's success with meeting its past RHNA target, and with promoting TOD through the SPASP, the planners we interviewed noted that,

> We like it when state policy says that if cities do a good job, they're exempted from state law. When the state gets involved, it's often too broad of a brush. For example, if we meet state goals, such as for RHNA, why should local planning be displaced? If the RHNA targets are set right, they help provide focus on what performance is needed. But there's a difference between allowing development and attracting it. We're better at figuring out how to address the specific conditions, the context and fabric of the city, than a state agency can be…
>
> An approach like SB 50 doesn't fit well in every context. It doesn't deal with local geography and specific conditions, it's too much a one-size-fits-all. We'd love to look at missing middle housing policy and use form-based code transects to keep densifying nearby the corridor, but the recent state interventions can be disruptive, as they are not informed about and don't match local conditions. A city knows whether a particular neighborhood is intact, and can be more deliberate about taking a place-based approach.
>
> We have accomplished a lot. We have completely changed our development landscape. The state should reward and incentivize cities like us.

Comparing results from the SPASP for El Cerrito to those in neighboring Richmond provides quite a contrast. Despite similar requirements in the two cities, there has been minimal development along the San Pablo Avenue in Richmond while the plan area in El Cerrito has received significant market interest, as described above. In the SPASP area located in Richmond, one residential project called the Central Ave Housing has been approved, proposing a total of 172 below-market rate apartments with above-ground parking and four levels of apartments (City of Richmond, n.d.-c).

Coinciding with the SPASP, in 2014, Richmond developed its Livable Corridors Form Based Code which was primarily focused on the physical form of San Pablo and set standards for elements like height, frontage, and land use (City of Richmond, 2015a). The city has designated two higher density and mixed use transect zones along San Pablo Avenue to promote TOD, the T4 and T5 Main Street zones, intended to provide the greatest diversity of building types (commercial on the ground floor and residential on upper floors) (ibid). T4MS imposes little to no parking requirements, while T5MS has parking maximums established for residential uses.[37] Both zones require the ground floor to be commercial, unlike in El Cerrito, which encourages but does not require that ground floor space be allocated to commercial development.

Another potential explanation for the difference in development interest in Richmond and El Cerrito is the proximity of El Cerrito's BART stations to the corridor, which provides the city with the perfect opportunity and incentive to pursue TOD along San Pablo Avenue. In comparison,

[37] 1.25/unit maximum for residential uses; 1/room maximum for lodging; and no parking spaces required for uses less than 5,000 square feet retail use.

Richmond's BART station is located in its downtown, where more development activity has occurred over the years.

Another possible explanation is what the corridor means to each city. The salience of San Pablo Avenue as El Cerrito's only significant commercial strip stands in contrast to more extensive development in other corridors in Richmond, a much larger city. For Richmond, San Pablo Avenue is one of seven designated key corridors while for El Cerrito, the corridor is the city's primary commercial district long planned to receive most of future growth (City of El Cerrito, 1999). El Cerrito is more dependent on San Pablo Avenue, therefore, compared to Richmond. Besides the San Pablo corridor, other parts of El Cerrito are largely dedicated to residential development and supporting uses (ibid). As a result, it is not surprising that El Cerrito's portion of the corridor has been the focus of more development activities.

Conclusions for Richmond and El Cerrito case study

The comparison of TOD policymaking and planning in Richmond and neighboring El Cerrito is instructive. Physical and market factors are critical in explaining why El Cerrito has been gaining much new development along the San Pablo Avenue corridor while Richmond has not, with two BART stations located on the corridor in El Cerrito to entice development, but none in Richmond. At the same time, the case studies underscore that while market interest may be a necessary foundation for TOD, it is not sufficient. The policy design of El Cerrito's SPASP has evidently hit a sweet spot in combining permit streamlining, responsiveness to market feasibility factors, flexibility in negotiating for public benefits, and responsiveness to resident desires and priorities.

Meanwhile, Richmond's continuing struggle to attract TOD shows the converse, that TOD-friendly policy may be necessary but insufficient in the absence of market interest, which varies depending on many factors that cities cannot control. In contrast to some of the wealthier cities studied in this report, Richmond, already home to relatively affordable market rate housing and to many deed-restricted 100% affordable projects, does not seek to prioritize only the development of more subsidized units but also market-rate units that can help the city residential base to become more income-diverse, and provide a stronger basis for addressing social service needs.

APPENDIX 3. Case studies on planning and policy for TOD and transit in San Diego and Chula Vista

San Diego is home to the oldest of the current generation of light rail systems in the United States, and the San Diego Trolley has helped shape the city's goals and plans for TOD. Shortly following the opening of the Trolley, in 1992 the City of San Diego published "Transit Oriented Development Design Guidelines," to be incorporated into the General Plan, community plan updates, and development project review (Calthorpe Associates, 1992). A decade later, in 2002, the city adopted a City of Villages strategy to guide future development, with the goal of "focus[ing] growth into mixed-use activity centers that are pedestrian-friendly, centers of community, and linked to the regional transit system" (San Diego Planning Department, 2008). On this basis, San Diego emphasized community-scale planning as the framework for developing the Land Use Element of its citywide General Plan.

Although these policies highlighted San Diego's TOD aspirations, for many years the city found it hard to achieve aggressive TOD goals on the ground (Keatts, 2017a, 2018a). Minimal TOD emerged in the immediate years following the opening of the Trolley, due to historical land use patterns and lack of market interest in development (Boarnet and Compin, 1999). The location of initial trolley stations had been determined based on existing transportation right-of-way, rather than where market demand was high for housing and jobs. This mismatch of existing land use to TOD demand has been a prime issue for the city to resolve in advancing TOD goals (Doyle, 2019; Levy, 2019).

TOD has been further hampered in San Diego by resident opposition to introducing higher density development in many high-transit neighborhoods. For many years after the City of Villages strategy was initiated, the process for developing community plans was quite slow, and most of the plans developed did not promote many new housing units or much higher densities (Keatts, 2017a, 2018a).

More recently, the political winds have been shifting in the city, and new pro-TOD policies have been adopted to address growing concerns about lack of affordable housing. In the process, city leadership has moved away from relying on community plans as the main basis for TOD implementation, choosing instead to adopt city-wide policies that incentivize affordable housing near transit, by offering developers cost-reducing benefits such as permit streamlining and profit-enhancing benefits such as density bonuses, in exchange for their providing affordable units. This incentive-based approach to promoting TOD by leveraging market-rate development has gained bipartisan support from city leaders, but efforts to raise funds to subsidize affordable units directly from voters have so far been less successful.

Meanwhile, the City of Chula Vista, to the south of San Diego and near the border with Mexico, has recently developed TOD-oriented plans and programs, after decades of suburban-style development. The introduction of a 26-mile BRT route in 2019 linked the Otay Mesa Port of Entry to downtown San Diego, running through the City of Chula Vista. The new BRT line, in conjunction with TOD planning and policymaking, has set the stage for realizing a shift in

development orientation to more compact development, envisaged in the city's 2005 General Plan. However, the BRT has struggled to gain popularity among residents, falling short of projected ridership by one-third (Keatts, 2019). The transport and housing projects that will enable the vision to be realized are still only beginning to come on line, and the coming years will determine whether they gain momentum.

San Diego case study

Land use plans and regulations to promote TOD

San Diego adopted the City of Villages strategy in 2002 as a strategic framework to guide future development, and then updated the city's General Plan in 2008 to match. Placing the City of Villages strategy at the core of this General Plan represented a major milestone in incorporating explicit strategies and programs to support TOD. The City of Villages strategy was deemed essential for helping reduce greenhouse gases and promoting multi-modal transport, through efforts to "focus growth into mixed-use activity centers that are pedestrian-friendly, centers of community, and linked to the regional transit system," with a village defined as "the mixed-use heart of a community where residential, commercial, employment, and civic uses are all present and integrated" (San Diego Planning Department, 2008).

San Diego had already revised some land use regulations to coincide with adoption of the City of Villages strategy in 2002. In 2000, San Diego updated its zoning designations to include overlay zones for specific geographic areas, three of which aim to encourage TOD (City of San Diego, Municipal Code Ch. 13, Art. 2. Div. 1). One of these, called the "Urban Village Overlay Zone," specifies land use and site plan requirements to foster mixed, compact land uses that can "reduce automobile dependency, improve air quality, and promote high quality, interactive neighborhoods" (City of San Diego, Municipal Code Ch. 13 Art. 2. Div. 11). According to the Municipal Code, each urban village shall include a mixed-use core component, a residential component, and a public land component, with higher density residential units located closer to transit stops, and townhouses and courtyard housing used as a transition between commercial areas and lower density residential areas. The combined mixed-use core and residential components shall have an average density of at least 18 dwelling units per net acre, with maximum permitted density determined by base zone regulations. A 10 percent density bonus over the base zone density may be permitted for projects located within 2,000 feet of an existing or planned light rail or other trunk transit line station, unless stated otherwise in the applicable land use plan (City of San Diego, Municipal Code Ch. 13 Art. 2. Div. 11).

The city also created a Transit Overlay Zone designation as a way to lower off-street parking requirements in areas with high transit service (City of San Diego, Municipal Code Ch. 13 Art. 2. Div. 10). Within this overlay zone, the parking requirement for a 2+ bedroom residential unit is reduced from 2 spaces to 1.75 spaces (City of San Diego, Municipal Code Ch. 14. Art. 2 Div. 5). A Residential Townhouse Overlay Zone was also created (City of San Diego, Municipal Code Ch. 12. Art. 1 Div. 4) to provide for development of attached homes on small lots with alley access, to be applied within or close to highly urbanized areas and near transit.

Early efforts to promote the City of Villages Strategy through an initial "Pilot Village" program had a rough start, however. Five "Pilot Village" demonstration projects, approved in 2004, were intended to represent "a variety of approaches and styles that will demonstrate how Villages can revitalize existing neighborhoods while retaining their individual character" (San Diego Planning Department, 2004). The projects, proposed as mixed-use developments with affordable housing located near existing transit stops, received incentives such as fee subsidies to cover the cost of building permit applications and impact fees, if the projects contained more than 20 percent of their units as affordable housing (San Diego Planning Department, 2004).

However, an evaluation of the City of Villages pilot projects, conducted by Jennifer Vanica, contends that four of the five projects failed because of procedural complications (Vanica, 2018). The project developers needed to apply for mixed-use permits, requiring rezoning, but in order to rezone, the area's community plan, which hadn't been updated since the Johnson Administration, needed to be updated. Despite the promise of an expedited process, the community plan update by the redevelopment agency took six years, thereby stalling or halting the pilot projects (Vanica, 2018).

In 2008, the city approved another City of Villages project known as the Civita planned community, at a former mining site in the Mission Valley area. The $2 billion project, which began construction in 2010, called for 4,780 housing units, nearly one million square feet of commercial development, and 67 acres of parkland and open space (Showley, 2010). A $137.5 million affordable housing development, set for low income families and seniors, began construction in 2018 (Jennewein, 2018). With its emphasis on walkability and mixed residential, commercial, and business spaces connected via parks and open spaces, the Civita planned community has been described as exemplifying the City of Villages strategy (Jennewein, 2019). However, the project has not been without detractors, as its nature and size have sparked discomfort from some area residents, with one noting, for example, that, "It is so massive that to call it an 'urban village' is to illustrate a reliance on a dysfunctional definition of 'village.' These gigantic fabrications are much, much more than a village" (Gormlie, 2015).

Indeed, for many years San Diego has experienced challenges in using community plans to facilitate TOD on the ground. Since the city first started developing community plans in the 1960s, 52 distinct areas have been designated for which land use/community plans were to be developed (Keatts, 2017a). Combined together, these plans constitute the Land Use Element of the citywide General Plan, providing tailored policies and a long-range physical development guide for city officials, residents, and prospective developers.

An up-to-date, sufficiently detailed community plan not only facilitates public input on a vision for new development, it also can ease permitting for new development projects, if the plan includes a programmatic EIR for CEQA review, thereby obviating the need for CEQA review for each subsequent project in the plan area. An investigation of San Diego city permitting data in 2015 indicated that development project proposals reviewed by city staff under provisions of community plans took, on average, about one month to be approved (or not), but projects reviewed under the city's "discretionary" process, requiring a formal hearing, environmental

impact study, and approval by city officials, took more than a year to approve and required up to $200,000 in additional review costs (Keatts, 2015a).

After becoming mayor of San Diego in 2014, Republican Kevin Faulconer indicated that housing production would be an important priority, and that updating community plans would be a central strategy (Keatts, 2017a). Most of the city's community plans were decades old, and by 2015, the city had spent $15 million on updating 12 community plans, but had only finished one (Keatts, 2015b). The planning department attributed delays to lack of adequate resources, to technical challenges in handling contracts for completing traffic and environmental studies, and to seeking too much detailed analysis for area studies (Keatts, 2015b).

After Faulconer took office, the pace of updating community plans picked up, with fourteen completed by 2020 (https://www.sandiego.gov/planning/community/profiles). However, most of the new plans increased housing densities only modestly, if at all (Keatts, 2017a). Residents often contested city proposals to increase densities near transit stops, and city officials often backed down in the face of this opposition (Keatts, 2018a).

An example of these controversies is the updating of community plans along the Mid-Coast Trolley corridor. This $2.1 billion trolley project, aimed to be completed in 2021, will extend the city's trolley line from Old Town to La Jolla (Keatts, 2018a). City proposals would have increased commercial and residential densities near the new trolley stations, but residents of predominantly single-family, middle-class neighborhoods near the expanded trolley line fiercely opposed new housing along the corridor, and they won concessions from the city (ibid).

These controversies reflect a central tension that can hamper many transit and AT projects. Although city residents are often willing to support transit and AT facilities expansion, they are also often less likely to support new more dense development near transit stops, which could locate new jobs, homes and shops nearby. Indeed, a 2015 study by UC Berkeley's Center for Law, Energy & the Environment, and nonprofit research group Next 10, concluded that the San Diego metropolitan area had done worse than the large other metro areas in the state at combating climate change and economic inequality through its development decisions (Keatts, 2015c). The study measured the transit friendliness of half-mile areas surrounding 489 light-rail stations in the Los Angeles, Sacramento, Bay Area and San Diego areas, applying a grading rubric based on factors such as how many homes and jobs were located in the area and what policies local governments had enacted to promote transit-focused development. San Diego's transit neighborhoods came in dead last.

By 2016, San Diego city officials had come to a reckoning about the need to increase development near transit, because the city's aggressive, legally binding Climate Action Plan, adopted in 2015, calls for half of city residents living near transit to walk, bike or take transit to work by 2035, or else the city could be sued (Keatts, 2017b; Keatts, 2018b). Although before then, city leaders had "shown little interest in taking the unpopular positions required to hit that target," the city's own analysis showed that the recently adopted community plans would not come close to shifting commuting behavior enough to hit those targets (ibid).

With city officials concerned about achieving sustainable transportation goals, and with public concerns rising about lack of affordable housing, a "bipartisan consensus" emerged among San Diego city leaders by 2017 "to largely admit defeat in neighborhood-level density fights and instead, just pass citywide policies that make it easier to build within the existing density" (Keatts, 2017b). Instead of aiming to increase density one community at a time, officials began to advocate making it easier to build new housing everywhere at once, without challenging official height limits in place. The new approach would emphasize citywide regulations to make it cheaper, easier and faster to build housing already allowed under existing densities, such as by reducing parking requirements for developers, and by charging development impact fees by the square foot, instead of per unit, so as to encourage building of more, smaller units (ibid).

Coinciding with this new policy perspective among city leaders, the community planning process, and its institutions, came under close scrutiny. In 2018, the city auditor, a county grand jury, and a private housing advocacy group released reports critical of the city's 42 volunteer community planning groups (CPGs), which for decades had been constituted to provide input on development decisions in different neighborhoods (McDonald, 2019; Garrick, 2019a; Keatts, 2020a). The investigative reports criticized the CPGs for lack of transparency, adequate oversight, democratic and representative membership recruitment, and consistent records retention. The groups, shown to be whiter, older, and more likely to be homeowners than the populations they were meant to represent, were criticized for delaying or downsizing plans to increase neighborhood densities (ibid). Although reform proposals have been considered for reconstituting the CPGs, they have been delayed due to legal questions regarding how the groups could and should be constituted (ibid).

Under Faulconer's leadership, the City of San Diego adopted a series of policies reflecting the new emphasis being placed on city-wide, rather than neighborhood-by-neighborhood TOD strategies. In 2016, San Diego created the state's (then) strongest density bonus policy, the Affordable Homes Bonus Program (AHBP), which built upon the state's existing Density Bonus Law. The state law ensured that developers could receive a 35% density bonus when they built 11% of their initial zoning capacity as affordable homes. The new San Diego program allows for up to 50% capacity bonus (compared to the 35% bonus allowed by state law) and five density incentives if a project provides up to 15% of zoning capacity as affordable homes (compared to the state's Density Bonus Law which only provided up to three incentives) (City of San Diego, Municipal Code Ch. 14. Art. 3. Div. 7). The bonus can be achieved through an increase in floor area ratio (FAR), a greater building height, decreased minimum unit size, or loosened setback requirements (National Multifamily Housing Council, 2019). In 2020, the state adopted AB 2345, which extends San Diego's approach in its AHBP program statewide starting in 2021.[38]

[38] AB 2345 provides that starting in 2021, projects with on-site affordable housing can get a density bonus of up to 50%, if they provide higher affordable unit shares; specifically, 15% very low income, 24% low income, or 44% moderate income units allow for the full 50% bonus. Qualifying developers can, as of right, obtain parking requirements of 1 space for studio and 1-bedroom units, and 1.5 spaces for 2- and 3-bedroom homes. 100% affordable housing projects located within ½ mile from an accessible major transit stop shall have no enforced parking requirements.

Analysis indicates that the AHBP has been very successful. Comparing 20 months of entitlement data under the AHBP to 12 years of production under the city's previous implementation of the California Density Bonus Law, the advocacy organization Circulate San Diego found a nearly five-fold increase in the number of projects applying to use the program, and an even greater increase in the number of deed-restricted affordable homes entitled (Parent and Rosas, 2020). At this pace, the authors estimated that AHBP will produce more affordable homes in three years than the California Density Program, applied in San Diego, produced in 12 years.

Another deregulatory measure to promote housing, taken under Faulconer's tenure, was to ease development of "granny flats," a.k.a., accessory dwelling units (ADUs). In 2017, the city exceeded new state laws to make it easier and cheaper for homeowners to build ADUs on their properties. In 2019 and 2020, the city further eased ADU regulations, making it possible to add unlimited granny flats to properties in single-family zones located within transit priority areas, if the owner agrees to make at least one of the flats rent-restricted for low-income residents (Garrick, 2020; Keatts, 2020b). Parking requirements were also eliminated for granny flats. Mayor Faulconer's staff argued that these regulatory changes fundamentally undermine the exclusionary nature of single-family zoning (Keatts, 2020b).

Granny flats have exploded in the city as a result of these changes. In 2016 and 2017, homeowners completed construction on 22 granny flats, according to city data. In 2019 and 2020—as of the end of September—492 granny flats had been constructed (Keatts, 2020b). Granny flats represented nearly 13 percent of all home permits issued in the city in 2019.

Mayor Faulconer gained national attention in his 2019 State of the City speech by declaring himself a "YIMBY mayor" and advocating further housing reforms, many of which were adopted by the city council in 2019 and 2020 under the rubric of "Complete Communities" (Keatts, 2020b). In March, 2019, the city council removed minimum parking requirements for new housing developments in "transit priority areas," which the San Diego Association of Governments defines as areas within one half-mile of a current or planned transit stop. For downtown housing developments, parking spaces were capped at one per unit (Curry, 2019). In July, 2019, the Moderate-Income Program was adopted, to include additional incentives under the Affordable Housing Density Bonus program, stipulating that if a project maximizes the existing affordable housing density bonus of 50% by providing low-income units, it can then use the new moderate-income program to obtain an additional 25% density bonus as long as 10% of pre-density units are deed-restricted at 120% of area median income (AMI) or lower (City of San Diego, 2019c).

In September, 2019, the city council adopted a Mixed-Use Zones Ordinance, which officially adds mixed-use zones as a sixth zoning category. Although San Diego had approved mixed-use projects before, developers had to seek special approval for the projects because they didn't adhere to the city's existing zoning regulations (Garrick, 2019b). The new zone category is expected to ease project approvals and development in areas with market demand for housing and jobs, while also helping reduce vehicle miles traveled (Powell, 2019). The new mixed-use zone uses floor area ratio instead of dwelling units to regulate residential density; rather than

allowing a certain number of units per acre, the city allows a certain amount of square footage of housing per acre, in hopes of encouraging smaller, more affordable housing (Garrick, 2019b).

Additional Complete Communities incentives were added in 2020. For development on land already zoned for apartments or condos, and located near transit, incentives were provided in exchange for developers setting aside 40% of the units allowed under normal zoning rules as affordable to low- and moderate-income households. Qualifying projects are not limited in height or density, but rather by floor-area ratio, or FAR, restricting developments to a total square footage, relative to the size of the lot and its proximity to downtown (downtown projects have no limitation at all). Permit approvals are to be expedited for qualifying projects, which generally should not require special approvals from the Planning Commission or City Council. No homes built under the program can be used as short-term rentals. Buildings exceeding 95 feet require a more cumbersome approval process, however (Keatts, 2019, 2020b; Bowen, 2020).

Thus, in the latter half of the 2010s, San Diego established a series of incentives for promoting housing development within existing density limits. While some initiatives, in particular the Affordable Homes Bonus Program, appear to have induced new housing, some Complete Communities program components, in particular, the incentives provided in 2020, have been viewed less favorably by housing advocates. Some observers of the city's policymaking process that we spoke with expressed concern that the affordability requirements for the program component added in 2020 were set too high, at 40%, for many developers to be able to make use of the incentives provided.

The Complete Communities program also altered the city's transportation impact fee system, so as to align it more closely with goals of SB 743. Previously, the fee had been charged per housing unit, and funds were locked into special accounts for each of the city's 50-odd community zones, creating inequities (Keatts, 2020b). The new fee structure charges based on estimated transportation efficiency of projects (vehicle miles traveled produced). Developers are required to build neighborhood perks like small parks, plazas, or pedestrianized streetscapes as part of their projects, or pay into a newly created fund that the city will use for similar projects citywide, with half the funds to be sent to historically underfunded neighborhoods. In this manner, revenue from fees charged in the city's most car-dependent neighborhoods can be used to fund bicycle and pedestrian infrastructure in denser, more urban areas, with special consideration for neighborhoods with less access to opportunity. This program is described in more detail below.

Through these policy measures, San Diego is aiming to provide actionable incentives for new housing development near transit that will result in better success on the ground than previously experienced in protracted neighborhood-by-neighborhoods fights over increasing densities. Implicit in the new approach is a compromise, however, to preserve areas zoned for single-family housing. Although over half the land located within a half-mile of transit in the city, in which it is legal to build housing, is zoned only for single-family homes, the Complete Communities programs never attempted to disrupt that privilege (Keatts, 2020b). Furthermore,

although the city has been successful in adopting new incentives for TOD, it has been less successful in raising new funds to provide subsidized units. Although a tax measure for the purpose was placed before voters in 2020, it was not passed by city voters (Keatts, 2020b).

Affordable housing and infrastructure financing strategies in San Diego

Efforts to fund affordable housing in San Diego trace back a number of decades. The city established the Affordable Housing Fund (AHF) in 1990 as a "permanent and annually renewable source of revenue to meet, in part, the housing needs of the City's very low, low, and median income households" (City of San Diego, Municipal Code Ch. 9. Art. 8. Div. 5). In Fiscal Year 2020, the city proposed to allocate $72.7 million from the AHF to aid the production of affordable units (San Diego Housing Commission, 2019).

Within the AHF are two permanent, renewable sources of funds: the Housing Trust Fund (HTF) and the Inclusionary Housing Fund (IHF). The Housing Trust Fund is funded by the Housing Impact Fee collected for commercial developments within the city. Starting from 1990, San Diego required non-residential development to pay a share of the costs of subsidizing housing for low and very low-income employees (City of San Diego, Municipal Code Ch. 9 Art. 8 Div. 6). The fee is calculated based on a development project's square footage and building type, with all fee revenue deposited in the HTF.

A newer addition to the AHF is the Inclusionary Housing Fund (IHF), adopted in 2003 as part of the city's Inclusionary Housing Ordinance, which requires that all new residential developments of at least two units, except for condominium conversion developments, include at least ten percent of the total dwelling units as affordable to targeted ownership and rental households, defined as those whose aggregate gross annual income does not exceed 60% of area median income (AMI) (City of San Diego, Municipal Code Ch. 14. Art. 2. Div. 13). As an alternative, the developer may pay an Inclusionary Affordable Housing Fee, with the funds to be deposited into the Affordable Housing Fund (City of San Diego, Municipal Code Ch. 14. Art. 2. Div. 13).

To fund public facilities, the City of San Diego has assessed Development Impact Fees (DIF) since 1997 on new development. Following the city's strategy for addressing planning needs at the scale of individual neighborhoods, project impact assessments fell under two categories: Facilities Benefit Assessment (FBA) communities and Development Impact Fee (DIF) communities (City of San Diego, Municipal Code Ch. 14. Art. 2. Div. 6). Areas covered by FBAs were newer, more suburban in character, requiring more substantial infrastructure investments to effectively develop (Parent, 2017a). They were able to assess up to 100% of the cost of new facilities needed to serve development, meaning they generally had much higher reserves of funds than DIF areas (Elmer, 2020). By contrast, areas covered by DIFs tended to be older, more urbanized, and served by transit. Residential developments in DIF areas were charged fees for transportation, parks, libraries, schools, fire protection, and affordable homes (unless the development built affordable housing on-site). Residential projects paid a flat DIF per unit, while non-residential developments paid fees for fire and affordable home fees charged on the basis of square footage, and transportation fees on the basis of how many average daily car trips the project generated (Parent, 2017a).

By 2020, the city's planning department was seeking to revise this impact fee system to create a more systematic and equitable approach (Elmer, 2020). Rather than continuing to impose fees that vary by neighborhood, the department aimed to set one flat developer fee and put the money into a citywide pot, which could provide more funding to the neediest neighborhoods (Elmer, 2020).

The city revised its impact fee system in 2020, coinciding with adoption of methods to comply with SB 743. In addition to adopting VMT metrics for use in CEQA analysis of transportation impacts of development projects, the city adopted a new Active Transportation In-lieu Fee (also known as the VMT fee) in December 2020, as part of the Complete Communities Mobility Choices Initiative (City of San Diego, n.d.). Under this program, the city is broken out into four mobility zones, designated based on the VMT-reducing potential of new development. Mobility Zones 1, 2, and 3 are deemed to be VMT-efficient, with the average number of vehicle miles traveled per capita or per employee less than 85% of the regional average, the threshold established in state guidance for CEQA analysis of significant VMT impacts requiring mitigation, if feasible. Mobility Zone 4 is VMT-inefficient; the average number of vehicle miles traveled per capita or per employee is greater than 85% of the regions.

The new in-lieu fee, set at $1400 per excess VMT induced by newly constructed buildings, applies to all development in Mobility Zone 4, with the funds to be used for active transportation and VMT-reducing infrastructure projects located within Mobility Zone 1, 2, or 3 (the lower VMT areas). The rationale for this approach is that investing in VMT-reducing infrastructure in Mobility Zone 4 yields the least amount of citywide VMT reductions, and instead, it is cheaper and more efficient to invest in VMT-reducing facilities in the other zones (ibid). At least 50 percent of all new funds will be spent solely within Communities of Concern.

Projects in Mobility Zones 2 and 3 can pay also pay the VMT fee, or instead provide Active Transportation Measures, which are VMT reduction measures such as lighting along public walkways, pedestrian refuges and raised or widened crosswalks and sidewalks, shade trees, transit stop upgrades, designated car-share or carpool vehicle parking, or electric bicycle charging stations. Mobility Zone 1, which includes the downtown area, is not required to implement active transportation measures. Multifamily residential development in Mobility Zone 2 must follow TPA parking amenities requirements, by providing amenities such as bicycle storage or repair stations, transit pass subsidies, or micro mobility charging spaces; all other development in Mobility Zone 2 must provide Active Transportation Measures. All development in Mobility Zone 3 must provide Active Transportation Measures. Certain projects are exempt, regardless of Mobility Zone, including affordable housing, locally serving retail and public facilities, and certain mixed use projects.

Transportation planning in San Diego

As noted, San Diego is home to the oldest of the current generation of light rail systems in the United States, known as the San Diego Trolley. The Trolley, implemented by the Metropolitan Transit System (MTS), began service in 1981 (Boarnet and Compin, 1999). Since then, MTS has added new lines and extensions, with the most recent project being the Mid-Coast Valley

Trolley Extension project that aims to add nine new stations to the Trolley line by 2021 (San Diego Metropolitan Transit System, 2018).

The city has also worked to improve its bus facilities, for example by opening the Boulevard Bus Way in early 2020, a three-miles dedicated bus lane located along busy El Cajon Boulevard. Three bus lines, including a rapid line, benefit from the new bus lane, which also allows for bicycle access (Lenderman, 2020).

San Diego's transit system is estimated to be among the most cost-efficient among US cities, with unusually low subsidies per passenger (Levy, 2017). This means the city could offer more frequent service or lower fares more easily than in other regions, to maximize usage in densifying areas.

The Mobility Element of San Diego's General Plan links transit and active transport to land use strategies. It discusses the city's City of Villages strategy in this light, noting that, "Communities also benefit from the village transportation/land use strategy as a result of the overall increase of transit service, street and freeway improvements, increased accessibility to regional employment areas citywide, improvements to foster walking and bicycling, and citywide multi-modal transportation improvements in conjunction with development" (City of San Diego, 2015). The Mobility Element also advocates a "Transit First" concept, calling for "an attractive and convenient transit system that is the first choice of travel for many of the trips made in the City" (City of San Diego, 2015).

San Diego has taken steps to support active transportation, with a number of the city's recent bicycle and pedestrian improvement projects supported primarily from regional funds, allocated by the San Diego Association of Governments (SANDAG), through its TransNet Smart Growth Incentive Program (SGIP). The city's Pedestrian Master Plan, adopted in 2006, guides future pedestrian projects. It includes a Pedestrian Priority Model (PPM) that maps and scores pedestrian activity areas to help in prioritizing projects for funding (San Diego Planning Department, 2006). The Pedestrian Master Plan then also identifies Focus Study Areas, determined by the PPM scores, for which plans identify pedestrian infrastructure needs and associated project recommendations.

The city's Bicycle Master Plan, adopted in 2013, "provides direction for expanding the existing bikeway network, connecting gaps, addressing constrained areas, improving intersections, providing for greater local and regional connectivity, and encouraging more residents to bicycle more often" (Alta Planning + Design, 2013). Similar to the Pedestrian Master Plan, the Bicycle Plan identifies 40 high priority projects within the city, and calls for implementing network connections in communities with high transit ridership (Alta Planning + Design, 2013). One example of a successful bicycle project identified in the Master Plan is the SR 15 Commuter Bikeway, opened in 2017 to provide a connection between Mid-City and Mission Valley (TransNet, "Regional Bikeway Projects," n.d.).

The city has also developed eight Complete Street Plans in specific areas to enable "safe, attractive, and comfortable access" for pedestrians, bicyclists, motorists, and transit users of all

ages and abilities, so they can safely travel within the public right-of-way (San Diego Planning Department, n.d.-a).

Chula Vista case study

The City of Chula Vista, the second-largest city in the San Diego region, is located between the economic center of downtown San Diego and the border of Mexico. Chula Vista is served by a variety of local and regional transit options that connect residents to opportunities throughout the region. These transit options include the South Bay Trolley Blue Line, which stops at the Palomar Trolley Station in Chula Vista and runs from downtown San Diego through western Chula Vista, and also by the new South Bay Rapid line, a bus rapid transit (BRT) line that connects the Otay Mesa Port of Entry to downtown San Diego (City of Chula Vista, 2005; SANDAG, 2017).

The city's motivations for TOD policymaking reflect a distinct divide between its eastern and western halves (City of Chula Vista, 2005). Chula Vista faces a "digital, education, social, and economic divide" between the eastern and western sides of the city (Federal Highway Administration, 2017). The western side has higher densities, older infrastructure, and a lower median household income, while to the east median household income is nearly double, and the area has newer infrastructure development and better equipped schools (United States Department of Transportation – Federal Highway Administration, 2019; City of Chula Vista Housing Element, 2013) In fact, the city has likened this clear distinction to the development of "two separate cities" (City of Chula Vista, 2005 p. LUT-230).

This disparity in Chula Vista, like in many California cities, began with a geographical or infrastructural obstruction and was exacerbated by historical land use decisions. The construction of the I-805 in 1986 physically divided the city between the "older" and lower-income west side and a newer and wealthier east side (Federal Highway Administration, 2017).

Historically, Chula Vista's development was focused around the city's urban core west of Interstate 805 (City of Chula Vista, 2013). However, by the 1970s, Chula Vista began to shift towards developing master planned communities like Otay Ranch, Eastlake, Rancho del Rey, and Sunbow east of Interstate 805 (City of Chula Vista, 2013). Chula Vista has been praised for the design of some of its master planned communities, in particular Otay Ranch, which includes planned TOD "villages" and "town centers" (City of Chula Vista, 1993; Newman, 2010). However, some researchers also contend that the development of planned communities in the east "contributed to expanding inequality in the city and…led to the consolidation of poverty in the area west of the I-805" (Luzzaro, 2012). As a result, while eastern Chula Vista is now filled with new single-family homes, well-maintained roads, and walking trails, west Chula Vista contains trailer parks and some of the city's oldest homes (Srikrishnan, 2015).

By the 2000s, the city began to shift its attention back towards underserved and underutilized western Chula Vista. For many years, the city had become increasingly decentralized, acting as a suburb for San Diego (UCSP, 2017). However, "demographic changes and other influences [brought] about population growth, renewed interest, and the need for revitalization and

redevelopment in the western portion of the City" (UCSP, 2017). Increasing congestion, housing costs, and infrastructure needs, as well as limited land availability, made low density development increasingly burdensome for the city (City of Chula Vista, 2005).

The city adopted a General Plan in 2005 that not only marked the new millennium and the 100th anniversary for Chula Vista, but was also dubbed as a "new chapter" for the city due to its shifting focus (UCSP, 2017). While the previous 1989 General Plan had focused on the Otay Ranch planned community in eastern Chula Vista, the newly updated 2005 General Plan emphasized and identified the western portion of the city as a place where existing land uses and urban patterns of development provide opportunities to "accommodate future growth, implement advances in transportation, and maintain and enhance the quality of life so important to Chula Vista residents" (City of Chula Vista, 2005). This change in development focus allowed for the support of smart-growth planning principles. The western part of the city is supported by regional transit services, such as BRT and trolley, which makes it a prime location to incentivize TOD (SANDAG, 2014; City of Chula Vista, 2005). In addition, the city also sought to strengthen its local connections to these regional services in low-density planned communities in eastern Chula Vista, to support its workforce (City of Chula Vista, 2005).

In order to achieve these goals, the city has developed a hierarchy of planning documents in its General Plan, as well as various specific plans, to develop TOD in a corridor and neighborhood fashion. Importantly, Chula Vista has also sought to collaborate with other agencies like SANDAG, the regional Metropolitan Planning Organization, to implement this vision.

Plans and policies to support TOD in western Chula Vista

One of Chula Vista's key roles in the region has been to provide housing, accommodating up to 25 percent of the region's new housing stock (City of Chula Vista, 2013). Much of Chula Vista's housing efforts have been focused on eastern Chula Vista, which remains the primary source of vacant land for housing (ibid). However, that available land is diminishing.

The city's 2005 General Plan represented a shift towards developing the western half of Chula Vista. In order to achieve plan goals, the city divides Chula Vista into four planning areas, with the Southwest, Northwest, and Bayfront Planning Areas in the western half, separated from the East Planning Area by I-805 (City of Chula Vista, 2005). The Southwest and Northwest Planning Areas are historically considered the downtown of Chula Vista, and the Bayfront Planning Area along the San Diego Bay is also considered part of the older, established part of the city (City of Chula Vista, 2005).

The General Plan identifies specific policies for each planning area. In general, the city desires to strengthen connections from the low-density planned communities in eastern Chula Vista to the central part of the city with its transit connections to the region (City of Chula Vista, 2005). A key aspect of this plan is implementing shuttle services between the two planning areas in the Downtown, the Northwest and Southwest, and between the Southwest Planning Area and the Eastern Planning Area (ibid). An example of a more specific policy goal in the Southwest

Planning Area is the city's desire to work with Caltrans to provide pedestrian infrastructure over Interstate 5 to Palomar Trolley station.

The city has also extensively used specific plans to develop certain areas, with seven active specific plans for the purpose. The Urban Core Specific plan and the Palomar Gateway Specific Plan exemplify the shift towards developing western Chula Vista. Reflecting the national trend of revitalizing downtown areas, these two specific plans support amenable conditions for TOD by aiming to make the most of the urban core's regional transit connections to downtown San Diego and the Mexico border, as well as providing smart growth opportunities (Herzog, 2006).

Identified by researchers as "a critical step" for revitalizing downtown Chula Vista, the Urban Core Specific Plan was adopted in 2007 and amended in 2011 (Chula Vista, 2011; Herzog, 2006 p. 2). The Urban Core Specific Plan aims to "enhance the economic, social, cultural, and recreational fabric of the City's Urban Core" by supporting the development of a mix of land uses and a multimodal network (Chula Vista, 2011). The Specific Plan breaks down the area into three separate zoning districts, Village District, Urban Core District, and Corridor District, each with their own primary land use preferences. Notably, the Plan eliminated or reduced the minimum parking requirements for non-residential developments in most mixed-use zones, and identified incentives for certain urban amenities that will essentially promote smart growth opportunities. The city promotes certain amenity types or designs for particular proposed projects in exchange for granting an increase in the FAR or FAR waiver (City of Chula Vista, 2011). This incentive can either be granted "of right" or discretionary. For example, when all the parking for a project is provided within the building, entirely below grade, or in a parking garage of at least two levels and wrapped with uses or architecturally concealed, then a 10% increase in the allowable FAR and the allowable number of residential units would be granted (City of Chula Vista, 2011).

Adopted in 2013, the Palomar Gateway District Specific Plan is another example of Chula Vista's TOD planning effort. The Palomar Gateway District is located at one of the city's busiest intersections on Palomar Street and the Interstate 5 freeway. The district is bordered by the Palomar Transit Station, and has had congestion problems as the intense commercial uses on both sides of the street conflict with automobile traffic seeking to enter the I-5 (City of Chula Vista, 2013). The Specific Plan envisions Palomar Gateway District as a mixed-use transit focus area directly northwest of the trolley station, with higher residential intensity, a neighborhood park, and retail to the south. The goal is to provide for additional housing and mixed-used (residential and commercial) development opportunities that take advantage of the major transit station within walking distance (City of Chula Vista, 2013). Although the district encourages mixed-use development, a higher distribution of land is designated for residential uses compared to retail and office uses.

Projects like the Urban Core Specific Plan and the Palomar Gateway District Specific Plan provide Chula Vista additional affordable housing opportunities through infill (Herzog, 2006). Previously, the city had promoted affordable housing through programs like the Balanced Communities Affordable Housing Program, an inclusionary housing policy that requires 10

percent of all new residential developments of 50 units or more to be affordable to low- and moderate-income households (ibid). The Urban Core Specific Plan and the Palomar Gateway District Specific Plan (PGSP) aim to provide more affordable housing by increasing density in transit-rich western Chula Vista. The PGSP includes a mixed-use transit focus area (TFA) directly west of the Palomar Trolley Station, and permits higher residential intensity, a neighborhood park, and retail to the south of the TFA. The goal of the PGSP is to provide for additional housing and mixed uses that take advantage of the major transit station within walking distance of residents (City of Chula Vista, 2013).

Transit expansion in Chula Vista, and suburban TOD connections

A key project was launched in the 2000s to increase transit connections between the east and west of Chula Vista, namely the South Bay Rapid Transit, or the Rapid (SANDAG, 2018). In 2000, SANDAG, the regional MPO, developed a regional strategy to incentivize transit use as the key mode of travel (City of Chula Vista, 2005). Subsequently in 2003, Chula Vista coordinated with SANDAG to develop the South Bay Transit First Study to identify future transit projects within the city. One of these projects eventually evolved into the South Bay Rapid Transit, or the Rapid (City of Chula Vista, 2005).

Operated by the San Diego Metropolitan Transit System, the Rapid is a 26-mile BRT route that began operating in 2019 from Otay Mesa Port of Entry to downtown San Diego (SANDAG, 2017; CBS8 News, 2019). The project includes an almost six-mile long transit-only lane along East Palomar Street and Eastlake Parkway in Chula Vista (City of Chula Vista, 2019). Ultimately, this project has served to connect the Southwest Planning Area to the East Planning Area in Chula Vista as well as further connecting Chula Vista regionally to the Mexico border in Otay Mesa and to downtown San Diego (SANDAG, 2017).

Despite these efforts, the Rapid has struggled to gain popularity among residents, falling short of projected ridership by one-third (Keatts, 2019). Critics allege that the Rapid is not a functional BRT as it lacks key features like an off-board fare collection, a complete network of transit-only lanes, and short headways (Levy, 2017). Critics also assert that the Rapid is an example of “BRT creep,” where BRT projects have been scaled back due to resident opposition and cost concerns (Levy, 2017). However, the Rapid was not extraordinarily controversial. Although some residents were concerned that construction of the BRT near a school would impact children’s safety, they were notably not opposed to BRT itself (Alford, 2017). Spokesperson Rob Schupp of the San Diego Metropolitan Transit System has outlined two potential reasons for the lack of ridership, asserting that until the Millenia housing project is completed, there may not be enough density along the route to support the Rapid (Little, 2019). Additionally, he asserts that because the dedicated lanes along Palomar are not set to be completed until 2020, service there may be slowed (Keatts, 2019).

Development of the Rapid has been coordinated with TOD plans in Chula Vista. Due to the different constraints in the east and west, TOD planning in eastern Chula Vista has generally followed a neighborhood approach while TOD planning in western Chula Vista generally follows

a corridor approach. A key example of the approach in eastern Chula Vista is the Otay Ranch development project, which includes the aforementioned Millenia project.

Although the eastern portion of Chula Vista generally exhibits suburban neighborhoods, the Otay Ranch Master Planned Community, which is in close proximity to the new South Bay BRT line, includes planned TOD villages. The Otay Ranch General Development Plan, envisioning 5000 acres for development, was jointly adopted by the County of San Diego and the city in 1993 and was last amended in 2018. The plan adopted a phasing village TOD concept in which each residential area is grouped into "villages" and "town centers," with a "village core" at the heart of each village (City of Chula Vista, 1993). Four planning districts (Western, Central, Eastern University, and the Otay Valley District) are designated for Otay Ranch, and 12 villages (City of Chula Vista, 2005, 2018). With ten of the designated villages located on the bus rapid transit route, the city designated these areas to include the highest residential intensities and commercial uses to enhance transit ridership and thus promote TOD. Most of these TOD villages have been constructed or are underway.

An example of a village site in Otay Mesa is the Millenia project, located along a portion of the BRT line. Originally intended to become Chula Vista's "Eastern Urban Center," the area was envisioned to include "a newly minted Main Street replete with parks, mixed-use buildings and retail" (Newman, 2010), with 3,000 homes (multi-family and single-family houses), and approximately 3.5 million square feet of office space, retail, hospitality, civic, and mixed use projects (Molnar, 2017). In 2018, the city reduced the amount of contemplated commercial square footage by half, however (Watry, 2018). The developer has found it challenging to build urban-scale development in close proximity to suburban strip-mall and sprawl conditions that are prevalent in the wider Otay Mesa site (Newman, 2010). Recently, the lower-density development plans approved by the county government for its portions of the Otay Mesa site, to the east of Chula Vista's border, have come under legal challenge for environmental and fire challenge reasons (Smith, 2021).

Other transportation planning developments in Chula Vista

The implementation of SB 743 has supported efforts to develop infill in Chula Vista. The city implemented SB 743 metrics and standards in June 2020, following state guidelines for determining thresholds and screening criteria, with thresholds for residential, employment, and industrial employment land uses for CEQA analysis set at either 15 percent below average VMT/capita or VMT/employee (Chula Vista "TSG," 2020). The city had recognized the problematic nature of LOS standards earlier, and had exempted certain areas targeted for TOD from using LOS metric for CEQA review, under its urban circulation element in its General Plan (City of Chula Vista "LUT Sections 5-7," 2005). The newly established threshold for mixed-use projects is based on respective components (residential, employment, etc.), but projects that serve a regional function employ what the city calls the "boundary method" where the daily volume of roadway segments in the planning area is multiplied by the length of every roadway segment (Chula Vista "TSG," 2020). If there is a net projected increase in regional VMT, then the threshold is exceeded. Seven screening criteria are employed for determining projects not likely to have significant effects, which follow the state's guidelines and include small residential and

employment projects, projects located in a transit accessible area, affordable housing projects, projects in a low-VMT area, locally serving retail projects, locally serving public and community purpose facilities, and redevelopment projects that result in greater VMT efficiency (Chula Vista "TSG," 2020).

In Chula Vista, a project must identify whether it must submit a Local Mobility Analysis (LMA), as part of its determination whether to conduct a full CEQA analysis under SB 743 provisions, in order to create consistency with all the city's local policies (Chula Vista "TSG," 2020). The requirement for an LMA reflects differing needs in lower density suburban areas versus higher density compact areas. Whether a project must submit an LMA and/or a full CEQA analysis depends on thresholds for based on average daily trips estimated to be produced by a project, and whether the thresholds are consistent with the General Plan (Chula Vista "TSG," 2020).

Chula Vista has not updated its transportation impact fees in response to SB 743, however. Currently, there are three transportation impact fees in Eastern, Western, and Bayfront areas of the city (Chula Vista, n.d.). Eastern and Western refer to their position in regard to Interstate 805 (Chula Vista, n.d.). The city first passed an impact fee in 1988, and all three fees were updated in 2014 (Chula Vista "WDIF," 2014). There is no current TDM requirement in the municipal code, however.

Conclusions for San Diego and Chula Vista

Our case studies of San Diego and Chula Vista indicate that TOD policymaking is gaining momentum in the region. Although the City of San Diego was an early leader in TOD planning with its City of Villages strategy, adopted in 2002, the results, similar to the situation with San Jose's Urban Villages approach, were initially not as successful in practice as in theory. As in San Jose, the ambitious intention to develop multiple community TOD plans fell down on the job, as limited resources for planning meant that only small numbers of intended plans were actually developed and adopted. Minimal TOD emerged on the ground, in part because of a mismatch of the location of transit lines, which had been built in public rights-of-way, with areas attractive to developers.

More recently, the political winds have been shifting in the city, and new pro-TOD policies have been adopted to address growing concerns about lack of affordable housing and sustainability. In the process, city leadership has moved away from relying on community plans as the main basis for TOD implementation, choosing instead to adopt city-wide policies that incentivize affordable housing near transit within existing density limits, by offering developers cost-reducing benefits such as permit streamlining and profit-enhancing benefits such as density bonuses, in exchange for their providing affordable units. This incentive-based approach to promoting TOD by leveraging market-rate development has gained bipartisan support from city leaders, and has led to increased permitting activity for housing developments.

Meanwhile Chula Vista has also been working to strengthen its TOD policy framework. The introduction of the new BRT line into the city, in conjunction with TOD planning and policymaking, has set the stage for realizing a shift in development orientation to more

compact development, envisaged in the city's 2005 General Plan. The transport and housing projects that will enable the vision to be realized are still only beginning to come on line, however, and the coming years will determine whether they gain momentum.

APPENDIX 4. Case studies on TOD planning and policymaking in Sacramento and Rancho Cordova

One long-time observer of planning in California noted recently that, “Compared to California’s superstar cities, Sacramento has kept a low profile, dutifully maintaining its impression of a staid Midwestern city. On land use, though, the state capital has taken a decidedly progressive turn” (Stephens, 2021). Similar to the situation in San Diego, recent advocacy by the city’s mayor of a suite of proposed TOD-friendly policies has led to the adoption of elements of an integrated policy “package” to support TOD and related goals and outcomes.

A recent draft update to the city’s General Plan gained widespread attention for including systematic upzoning to permit building up to four-plexes in areas currently zoned for single-family—the sort of policy change that has been generally considered a third rail politically across the state. Sacramento’s proposed new land use strategies for its General Plan are tied to goals for transport improvement, equity, and climate impacts, making the city’s recent planning efforts among the strongest statewide to integrate sustainability goals and policies.

Sacramento’s leadership in advancing TOD policymaking is benefiting from substantial support and enthusiasm among city leaders and residents. The city has faced less concerted opposition to these policies, compared to skirmishes that have erupted for example in Los Angeles and San Francisco. Ironically, those other central cities’ higher density levels, congestion levels, and greater housing affordability problems may help explain why growth policy has been more hotly debated there than in Sacramento.

The city hopes that by improving services and directing development incentives toward transit zones, it will spur denser, more efficient and affordable development. However, Sacramento also faces some significant challenges in meeting this goal. For example, the light rail system was created on already existing freight rails because it was cost effective and the headways necessary already existed. This historical legacy poses several challenges for TOD, because some of these light rail stations do not connect to major destinations outside the downtown area, and because many existing transit stops are located in single family and industrial zoned areas. Acquiring funding for supportive infrastructure near rail presents a significant ongoing challenge for the city in meeting its TOD goals, made worse by the dissolution of redevelopment authority in 2012. Sacramento faces significant barriers from lack of adequate infrastructure in the limited areas where the light rail stations exist, and lack of sufficient means to finance needed improvements. According to planners we interviewed in the city, the main infrastructural needs are to improve connectivity to and from light rail stations, and underground utilities such as water.

Meanwhile, Rancho Cordova is a new city located nearby, incorporated in 2003, that is seeking to develop a sense of identity and place. With a similar relationship to Sacramento that Chula Vista has with San Diego—namely being connected by light rail to the central city (or BRT in the case of Chula Vista)—regional planners have worked to support TOD in Rancho Cordova through coordinated strategies. However, like Chula Vista, TOD-friendly strategies have not in

and of themselves led to much TOD actually emerging so far on the ground. Like Chula Vista and also Richmond, Rancho Cordova is still waiting for the market to show up.

TOD plans and policies in Sacramento

The City of Sacramento adopted policies during the 2010s to support TOD, without experiencing as much conflict and debate over TOD policymaking as the other California central cities studied for this report. According to city planners we interviewed, Sacramento's leaders and residents tend to support TOD policymaking, which has allowed the city to pass more aggressive policies in recent years.

Sacramento's last General Plan, adopted in 2015, explicitly mentions TOD in the land use and mobility elements. The land use element states that "the city shall actively support and facilitate mixed-use retail, employment, and residential development around existing and future transit stations" (City of Sacramento, Community Development Department, 2015, March). The plan also supports TOD by calling for the city to facilitate infill development, require that new development maximize connections and remove barriers between neighborhoods and corridors, and remove physical barriers to transit. The mobility element, in turn, calls for the improvement of transit facilities and services, improved connectivity for active transport, and the need to deincentivize single passenger car rides (City of Sacramento, Community Development Department, 2015, March). The city is currently updating its General Plan, a process discussed at the end of this section, after some other TOD plans and policies put in place in recent years in Sacramento are first described.

Sacramento has worked to implement TOD goals and strategies in some of its neighborhood-scale Specific Plans, such as the Railyards Specific Plan, which addresses localized concerns such as removing physical barriers to transit stations (City of Sacramento, 2007, December). According to a planner we interviewed, the city has set up an Enhanced Infrastructure Financing District around the railyard area, which will help bring in revenue for infrastructure. However, this financing mechanism will not be as robust as the Redevelopment Agency's activities, which were halted in 2012. The planner mentioned that the city would like to find a more dedicated way to finance infrastructure, especially to support infill growth.

A Specific Plan that highlights some regulatory approaches for supporting TOD in Sacramento is the Central City Specific Plan (CCSP), adopted in 2018. It aims to guide the construction of ten thousand new units in the next ten years in the downtown area, which covers 1,902 (or 3%) of the 64,070 total acres in the city (City of Sacramento, Community Development Department, 2018, April). The plan divides the central city area into different districts with different densities, FAR (floor area ratio), and height allowed, and indicates that some densities are to be intensified near transit. TOD is addressed using policy guidance for improving density, intensity, and transit ridership, waiving parking requirements, creating multi-modal linkages, addressing housing adjacency and visitor use, and raising infrastructure funding. Incentives are outlined to encourage a wide variety of housing types, and standards for monitoring displacement are determined to aid in allocating resources gathered from a Housing Trust Fund which the city has established.

The central city plan also provides permit streamlining opportunities. The city identified "housing opportunity sites" which are generally vacant or underused; the information on these sites is made public and the development review process is streamlined in these areas. Furthermore, any residential project that is consistent with the CCSP can bypass the creation of an EIR and go straight to the design review approval process and site plan (City of Sacramento, Community Development Department, 2018, April). If a project is mixed-use and within a designated transit priority area and is consistent with the EIR prepared for that area, then the project is exempt from further CEQA review. Lastly, if a project consists of 100 dwelling units or fewer, or is a mixed-use project of less than 100,000 square feet, then a focused EIR can be used in which only significant impacts will be discussed (City of Sacramento, Community Development Department, 2018, April).

After Darrell Steinberg became Sacramento's mayor in 2016, the city began pursuing a set of inter-related policies to promote TOD further. The City Council adopted a TOD Ordinance in 2018, which was updated in 2020. Many existing uses around the city's existing light rail stations are auto-centric (such as gas stations and car washes), and in response the TOD Ordinance restricts such uses (City of Sacramento, City Council, 2018). Under the ordinance, uses that do not promote transit ridership, including gas stations, car washes, warehouses, and storage buildings, are prohibited within a quarter mile of a transit station, and require a conditional use permit if within a half mile of a transit station. Existing businesses were grandfathered in, but if they want to make changes to their buildings, they must comply with the ordinance (City of Sacramento, City Council, 2018).

The TOD Ordinance also provides incentives to encourage uses that will increase transit ridership. For projects with more than 25 units, the permit approval process is expedited, making the building process faster. Parking requirements were abolished for projects located within a quarter mile of a transit station, and if within a half mile then the parking requirement is reduced by 50% (City of Sacramento, City Council, 2018). Amendments to the ordinance adopted in 2020 allow for office, retail, and residential development by right in certain formerly industrial zoned areas. The methodology to determine if an area falls under the ordinance was changed from as-the-crow-flies distance to transit stations to a measure of how long it takes to walk and bike there (City of Sacramento, Community Development Department, n.d.-1).

The TOD Ordinance, intended to provide "clarity and certainty citywide" to developers, was still "only half the work" the city needs to promote TOD, according to Mayor Steinberg, who contended that the city also needs "proper zoning and incentives for all of the locations we would like to see transformed…The next step is absolutely critical…We want to enable developers, with money and zoning and help from the city," to build the housing the city needs (Curry, 2018, December 13). The TOD Ordinance was conceived as part of a larger set of linked efforts by the city, to include a General Plan update and re-organization of the city's bus network (described below) (ibid). Other next steps called for by city leaders included allowing housing by right for up to "significant" densities near transit stops and along commercial corridors, so as to support BRT, and modifying the city's single-family zones to allow up to three units (ibid).

In 2020, the city adopted the by-right approval element of this list of next steps, when it adopted the Ministerial Approval of Infill Housing Ordinance, which builds off newly adopted citywide Infill Housing Design Standards and Multi-Unit Dwelling Design Guidelines. These standards are intended to make sure the city complies with new state requirements under SB 35 and SB 330 that call for cities to stipulate "objective standards" for development (Sacramento Community Development Department, https://www.cityofsacramento.org/Community-Development/Planning/Major-Projects/Ministerial-Housing).

The city's newly adopted approach to project approvals allows developers to select among three permitting options, the first being the traditional discretionary review process, the second being ministerial review under provisions of SB 35, and the third being a new City of Sacramento ministerial review process (ibid). Ministerial (administrative) review is a non-discretionary process and therefore not subject to public hearings or CEQA environmental review requirements. If a project is consistent with adopted policies and standards, it is approved. Projects must be reviewed within 60 days (for up to 150 housing units) or 90 days (for more than 150 housing units).

The city's new ministerial review option is very similar in its provisions to those of SB 35, but with a few important differences. While SB 35 applies to residential or mixed-use projects of 2 units or more, the city procedure is limited to projects of 2 to 200 units. While the SB 35 process imposes affordability requirements for projects with 11 or more units (which must include 10% of units affordable to lower-income households, to be eligible for the ministerial review), the city-defined option imposes no affordability requirements (ibid).

The City of Sacramento has proceeded methodically toward adopting the full list of policies articulated by the mayor as necessary to fully support TOD (described above). Sacramento has updated its General Plan every five years, a frequent update schedule, compared to many cities, undertaken to ensure that Sacramento's policy guidance keeps up with changes taking place (according to planners we interviewed). An update to the General Plan and associated zoning policies is currently underway, in conjunction with an update to the mobility element, and the addition of a climate action plan.

As part of this General Plan update process, the Sacramento City Council recently adopted a new policy that has gained widespread attention as forward-looking for supporting TOD, namely to allow up to four housing units to be built on city land zoned R-1, or in other words for single-family residential development (Knight, 2021; Stephens, 2021). This upzoning policy will become part of the city's General Plan update, expected to be completed by late 2021. The details will then be incorporated into zoning codes to implement the policy. Single-unit homes make up just over 50% of Sacramento's housing stock but occupy 70% of the city's residential land (and 43% of its total land) (Sacramento Community Development Department, n.d.-2).

Sacramento's upzoning policy is the first of its kind in California and echoes similar policies adopted in a few cities elsewhere, notably Minneapolis and Portland (Stephens, 2021). Sacramento's move symbolically breaks the logjam that SB 50's defeat seemed to reflect

between state-level policy proposals to upzone single-family areas near transit, and local resistance to such an approach. Sacramento may be the first California city to make this move, but it will not be the last, as officials in other cities, including San Jose, Berkeley, and San Francisco, have been discussing the possibility (Stephens, 2021).

Sacramento city leaders credited the success in adopting the new upzoning policy to extensive outreach efforts by the city's planning department to inform stakeholders of the proposal and discuss its potential consequences (Stephens, 2021). In putting the policy proposal forward, and in adopting General Plan principles more generally, city leaders and planners have couched their proposed strategies not just for providing sustainable transport and housing, but also for advancing equity. For example, a city document describing the upzoning policy notes that, "One of the reasons why many of Sacramento's higher-resourced residential neighborhood remain largely racially segregated is because many of the "desirable" neighborhoods remain zoned exclusively for single-unit homes…Past discriminatory practices of racially restrictive covenants and government-sponsored redlining have created barriers to homeownership and intergenerational wealth-building for many minority families, and subsequent single-family zoning in high opportunity neighborhoods has reinforced it" (Sacramento Community Development Department, n.d.-2).

For other cities considering similar upzoning policies, Sacramento's Community Development Director suggested that outreach to stakeholders is crucial, including explanations about the unsavory history of single-unit zoning (Stephens, 2021). However, while the director indicated that the policy is likely to help in providing "missing middle" housing, it may be less successful in actually providing units affordable to the city's poorest residents (ibid). Other policies will be needed to address affordable housing goals in Sacramento. Furthermore, the director does not expect the policy to result in widespread development of new housing units overnight (ibid).

In developing TOD and transport plans, Sacramento collaborates frequently with regional agencies, meeting once a month with SACOG, the California Air and Resource Board (CARB), and Sacramento Regional Transit (SacRT) to discuss how they can meet TOD goals. A city planner we interviewed noted that the city sees its growth as part of the whole region. The city hopes that agency collaboration will help the region grow in a sustainable manner to help achieve climate goals. These agencies help fund TOD goals through grant programs, which the city considers an important source of funding. But even with the extensive collaboration, city planners indicated that regional and state agencies can do more to help provide funding to help achieve the city's TOD goals.

Financing strategies for TOD and affordable housing in Sacramento

In order to raise money for the construction of new affordable units, a Mixed Income Housing Ordinance was adopted in 2015 which applies an impact fee on all new residential units. The fees collected are transferred to the city's Housing Trust Fund (Sacramento Community Development Department, n.d.-3). The fee structure promotes density by setting the fee level to zero for high-density units. For lower density development, a fee of $2.98 per square foot applies (for single or duplex unit buildings of less than 20 units per acre, and for multi-unit

buildings of less than 40 units per acre). A lower fee applies in Housing Opportunity Zones, and some projects are exempt from the fee entirely, such as affordable housing (ibid).

Sacramento also offers a density bonus in addition to the stipulations required under the state's Density Bonus Law requirements, though not to promote higher densities in exchange for affordable units, in the same fashion as Los Angeles and San Diego have done through their recent policies. Instead, Sacramento seeks to promote the use of energy-efficient building design and materials by offering a density bonus beyond the 35 percent maximum allowed for affordable housing under state provisions, to developments that exceed the state's minimum green building standards (Ord. 2013-0020 § 1; Ord. 2013-0007 § 1). According to a study conducted by the City of Santa Rosa, since the adoption of the state bonus program and its own green building density bonus program, Sacramento has received and processed very few density bonus projects (City of Santa Rosa, 2019). According to Sacramento city staff cited in the report, the primary reason is that the city maintains a growth-friendly zoning ordinance, with development standards that achieve many of the goals of the state density bonus policy (ibid). Specifically, the city has eliminated minimum parking requirements in several zoning districts (Central Business Districts/Arts & Entertainment Districts and for non-residential projects on lots up to 6,400 square feet) and has promoted higher density development generally (Sacramento City Code, Chapter 17.608; ibid).

Transportation planning and finance in Sacramento

Sacramento city planners have proposed some ambitious strategies as "key" to the upcoming update of the mobility element of the city's General Plan, include eliminating mandated parking minimums citywide and introducing parking maximums, and implementing roadway reallocations to "right-size streets to fit today's mobility needs to prioritize walking, biking and transit over automobile use…Staff recommends reducing the total number of vehicle travel lanes on key roadways throughout Sacramento and reallocating that space to high-frequency transit or active transportation" (Sacramento Community Development Department, 2020). Interestingly, public polling conducted by the Community Development Department on proposed strategies for the General Plan update show that while majorities either "strongly" or "somewhat" supported the road re-allocation and single-family upzoning policy proposals, public support for removing parking requirements was decidedly less strong (ibid).

The city's new mobility element will build upon other transportation planning and policymaking recently undertaken in Sacramento. For example, in 2018, the city abolished minimum parking requirements within a quarter mile of its 23 light-rail stations, and reduced existing parking minimums by half within a half-mile radius of each station.

Another significant recent planning effort is the Sacramento Regional Transit District's (SacRT) evaluation and re-organization of its bus network system, started in 2017 and implemented beginning in 2019 (Curry, 2018, December 12; SacRT, http://www.sacrt.com/forward/) For years, SacRT had been adjusting the bus system to the city's growing population and budget constraints by making incremental changes, adding routes and cutting service to meet immediate needs (Curry, 2018, December 12). The new initiative has followed a more

coordinated approach, redesigning the network holistically so as to "support economic growth and reduce congestion." In doing so, SacRT faced a trade-off experienced by most transit agencies, given budget constraints—how to balance geographic coverage with frequency of service. Public feedback supported an expansion of service schedules and frequencies on well-traveled routes (Curry, 2018, December 12). The new bus network consolidates some routes, increases service frequency of most routes, and adds weekend service (ibid).

SacRT is also conducting studies to add Bus Rapid Transit services along high density corridors and has been expanding light rail stations and service, for example by recently completing a "Blueline Extension" to Cosumnes River College. Other planned light rail expansions include an extension to the Sacramento International Airport, increasing frequencies on the line going to the City of Folsom, and a possible extension to serve the City of Elk Grove (SACOG, 2020).

Other recent transportation policymaking in Sacramento includes adoption of a revised complete streets policy in 2019 (Curry, 2019, December). Intended to strengthen the city's existing policy for complete streets, the revised version outlines clear implementation measures by which the Public Works Department should review all of its plans, manuals, checklists, and rules, and update its design standards, to provide for safe streets for users of multiple modes. The policy includes performance measures and reporting requirements to track progress (ibid).

The city has also focused on identifying transportation needs specifically in the downtown area. The 2015 General Plan envisioned that the downtown area would have the highest share of growth in the city (City of Sacramento, Community Development Department, 2015, March). In order to help plan for this goal, the city released the Grid 3.0 plan in 2016. This plan seeks to maximize road use efficiency for different modes of travel, following results of a study conducted to determine how central city roadways can support multiple modes (City of Sacramento, 2016, August). The plan, which covers 4.25 square miles, takes a "layered network" approach recognizing that certain road uses may conflict with others. For example, a road with higher speed limits for vehicles reduces bike and pedestrian safety. In this fashion, the layered network approach prioritizes certain uses on certain streets and provides different priority for certain uses in parallel streets (ibid).

The plan outlines different projects for each modal network. For example, for driving it describes converting some one-way streets to two-way streets; for pedestrians it outlines a connector street enhancement project that will connect pedestrian walkways so that physical barriers preventing travel by foot are removed; for bicycles one of the projects is the creation of protected bike lanes to physically separate bikes from vehicles on the street; and for transit one of the projects is to remove one lane on one-way streets and convert it to a bus-only lane (City of Sacramento, 2016, August). The plan also considers potential funding sources for these projects, predicting that most of the funding needed will have to come from local sources (ibid).

Transportation improvements are financed in Sacramento through a number of means. The city adopted a transportation development impact fee in 2017. The fees are based on facility improvements needed for roadways (including complete street components) and alternative

modes of travel, so as to accommodate new development, including addressing LOS (traffic delay) impacts (Economic and Planning Systems, Inc., 2016, August). The fees apply citywide, but are reduced in the downtown area, North Natomas, and River District since they have their own financing programs to help improve infrastructure. Furthermore, a reduction is applied for projects in "transit center" areas located within one-half mile of a Sacramento Regional Transit light rail station.

In 1988, county voters approved Measure A, a half-cent sales tax to fund roadway and transit improvements. The measure was re-approved in 2009 for 30 more years. Sacramento City received over $1 million from this tax in 2019, with funding used to improve roadway and bus and light rail operations. The extension of Measure A also established a county-wide transportation mitigation fee which is used to fund transportation improvements (City of Sacramento, 2014, June).

Measure U, a one-cent sales tax, took effect on January 1, 2019, for use for any general government purpose. Some of the funds are allocated towards active transportation, for development and maintenance of on- and off-street bike trails and bicycle and pedestrian bridges (City of Sacramento, Department of Finance, 2018, September). According to a planner we interviewed, the city will also likely be bonding for a "catalytic affordable housing bond" using the income generated from Measure U.

Sacramento has not yet transitioned to using VMT as an impact measure, pursuant to SB 743. In its update to the General Plan, the city plans to phase out LOS and start using VMT instead (City of Sacramento, Community Development Department, 2019, January).

Rancho Cordova case study

Rancho Cordova is a new city, incorporated in 2003, that is seeking to develop a sense of identity and place. Its early development before incorporation created constraints for effective transit-oriented development. Although Rancho Cordova flourished into the 1970s with large employers like Aerojet and Mather Air Force Base providing high-paying jobs, the end of the Cold War and space race saw those industries drastically reduced, deeply changing Rancho Cordova's image within the region (Sander and Blanchard, 2010).

These economic changes prompted Rancho Cordova to pursue more local control in order to efficiently manage itself (ibid). Following other nearby suburbs like Citrus Heights and Elk Grove, Rancho Cordova was incorporated in 2003 by 78 percent of the vote (Bizjak and Reese, 2019; City of Rancho Cordova, 2006; City of Rancho Cordova, n.d.-a). In the wake of "decades of pre-incorporation neglect," the city sought to rehabilitate its image (Sander, 2016). In 2007, the city pursued projects like Blight Busters Plus and Growing Strong Neighborhoods as well as supporting organizations like the Cordova Community Council to address its "bad regional image, deteriorating retail environment, old infrastructure, significant wealth gap, continuing economic loss, and unattractive neighborhoods" (Bizjak and Reese, 2019; Sander and Blanchard, 2010).

The city has struggled to identify a downtown center or main gathering place (City of Rancho Cordova, 2006). The city's first General Plan in 2006 identified a downtown planning area to address this concern (ibid). Some of the city's earliest planning documents, like the General Plan, began to embrace smart growth concepts, although a Downtown Specific Plan never manifested despite being mentioned in the General Plan. At the time, the Sacramento Area Council of Governments (SACOG), the regional Metropolitan Planning Organization, had developed a regional Blueprint Plan in 2002, examining the link between land use and transportation (City of Rancho Cordova, 2006; SACOG, n.d.-a; SACOG, n.d.-b). This focus was evident in Rancho Cordova's housing and land use elements which showed a willingness to pursue redevelopment and funding for transit-oriented development (SACOG and SacRT, 2020).

Despite asserting interest in transit-oriented development and smart growth principles, Rancho Cordova is a growing city surrounded by developable land. The city's development pattern has inhibited transit-oriented development as the vast majority of planned development has been for greenfield developments located south of Highway 50, far from the city's key light rail transit line, the Gold Line extension of Sacramento Regional Transit District, or SacRT (City of Rancho Cordova, 2013c). In addition, the city has been more housing-oriented than jobs-oriented, as a response to always having been identified as jobs-rich (City of Rancho Cordova, 2006). Although the city's current jobs-housing balance is 1.44, it is anticipated to fall to 1.22 by 2036 due to housing production outpacing job growth (City of Rancho Cordova, 2019a).

The city is bisected by Highway 50, which runs parallel to Folsom Boulevard, along which the Gold Line runs (SACOG and SacRT, 2020). The area north of Highway 50 and along Folsom Boulevard, called "Original Rancho," has been identified by SACOG as a good area for transit-oriented development (Bizjak and Reese, 2019; SACOG and SacRT, 2020). However, the area south of Highway 50, called "New Rancho," is where the majority of planned development is intended to occur due to the availability of vacant land, which is primarily zoned for R-1 (City of Rancho Cordova, 2013c). New Rancho is attracting many new families due to its cheap housing and attractive amenities like a budding craft beer industry (Bizjak and Reese, 2019). However, the city hopes to develop more compact, mixed use development in both its greenfield and infill areas (City of Rancho Cordova, 2015). In an attempt to guide growth in newer areas as well as in the more developed area around Highway 50, the city has designated planning areas and embraced specific plans (ibid).

Plans and policies for land use and housing in Rancho Cordova

In order to accommodate its planned growth, Rancho Cordova has employed a corridor-based approach to TOD primarily along Folsom Boulevard but also a neighborhood approach in newer development areas in the city. Along Folsom Boulevard, this strategy was manifested in amending the zoning ordinance, through the Folsom Boulevard Specific Plan, to permit greater intensity and diversity of uses. The ability to support TOD along Folsom benefits from proximity to Rancho Cordova's key transit services. However, integrating TOD into other parts of the city can be difficult because the primary transit line, the Gold Line, is located far from new developments south of Highway 50.

For its newer developments, the city uses a building block strategy in the land use element which exemplifies the desire to build "walkable, livable, and sustainable development" by creating a classification system of land types that are composed of different uses, intensities, and sizes (City of Rancho Cordova, 2015 p. 10). Each "building block" is composed of neighborhoods, villages, and districts, with neighborhoods a subset of villages representing residential areas of the city, while villages include retail uses and active transportation connections, and are a subset of districts (ibid).

Rancho Cordova uses three tools to implement its land use vision: special planning area ordinances, specific plans, and zoning codes (City of Rancho Cordova, n.d.-h). The city's nine special planning areas are places that the city has identified as requiring "unique and imaginative projects," which do not include a financial plan or timeline for completion, and areas with environmental, historic, architectural features (City of Rancho Cordova, n.d.-h; City of Rancho Cordova, n.d.-b). The city has four specific plans: Folsom Boulevard Specific Plan, Sunridge Specific Plan, Rio Del Oro Specific Plan, and Suncreek Specific Plan (City of Rancho Cordova, n.d.-h). These plans help implement the city's "building blocks" vision. Primarily, the city's specific plans have helped guide the growth of numerous new developments south of Highway 50 (City of Rancho Cordova, n.d.-d). However, the Folsom Boulevard Specific Plan and the Civic Center project along Folsom are examples of TOD planning, reflecting the areas' proximity to transit, unlike other projects (SACOG and SacRT, 2020).

The Folsom Boulevard Specific Plan, or FBSP, was identified by SACOG as a key document for supporting TOD along the Folsom Boulevard Corridor, due to its proximity to the Gold Line. Created in 2006, with the largest and most recent amendment occurring in 2013, the FBSP covers four miles along Folsom, between Bradshaw Road and Sunrise Boulevard, and includes all frontage parcels in addition to some parcels contiguous with frontage parcels (City of Rancho Cordova, n.d.-c). This plan replaces the zoning code in this area, establishing new zoning districts, allowed uses, and development standards (City of Rancho Cordova, 2013b).

There are five special zoning districts in the FBSP: Medium Density Residential District (FB-MDR), High Density Residential District (FB-HDR), Residential Mixed-Use District (FB-RMU), Commercial Mixed-Use District (FB-CMU), Office Industrial Mixed-Use District (FB-OIMU) (ibid). In addition to increasing allowable heights for residential development, these zoning areas range from allowing for higher density single-family, or 6.1 du/ac, to high density residential allowing up to 40 du/acre (ibid).

The FBSP also allows for developers to take advantage of additional density in TOD overlay zones which provide for higher density and intensity of uses in proximity to the transit stations (ibid). The overlay zone extends ¼ mile in all directions from the stations, and allows for a minimum density of 20 dwellings units per acre and a maximum of 80 dwelling units, while the conventional overlay district allows for a minimum density of 10 dwelling units per acre and a maximum of 18 dwelling units per acre (ibid). This four-mile stretch of Folsom is comprised of four key intersections or "opportunity sites" which have additional requirements and are the primary focus for future development (ibid).

In particular, the Civic Center project has become an exciting opportunity for TOD in Rancho Cordova due to its proximity to light rail and to the Mather Mills opportunity zone. The 9.8 acre site, owned by the city, also lies next to the Folsom Lake College/Rancho Cordova Center and across from the Mills Station Arts & Culture Center as well as the Mather Field/Mills Station (City of Rancho Cordova, n.d.-g; SACOG, 2020). The initial project vision hoped to include 120-800 units of affordable, market rate, workforce, and senior housing, 20,000 to 60,000 square feet of programmable community space, and 5,000 to 60,000 square feet of entertainment, retail and services alongside other amenities (City of Rancho Cordova, n.d.-e). As of July 20th, 2020, the city Council voted to include Griffin Swinerton/Related Housing as a private partner and its preferred developer to support the development of the parcel (City of Rancho Cordova, 2020b; SACOG, 2020).

Rancho Cordova's TOD planning efforts are coordinated with SACOG, in identifying high opportunity sites for TOD as well as funding sources (SACOG and SacRT, 2020). SACOG's TOD Action Plan also identified changes to the city's zoning code to support TOD, including changing the city's parking requirements, relaxing commercial requirements, allowing higher density by-right development, increasing single-family residential densities, allowing fee deferrals/waivers near High Quality Transit Areas, and including a height or FAR-based density bonus for affordable and market-rate developments (ibid). SACOG asserts that because the city's current TOD-overlay zone does not reduce parking requirements, the impact on increasing density is constrained. SACOG recommends that the city consider removing parking requirements within ½ mile of light rail transit or no more than 1 space per unit and 1 space per 1,000 square feet of commercial space (ibid). (ibid). In connection to the city's density bonus program, SACOG asserted that the current system does not provide adequate incentives, and should be switched to a FAR-based bonus system (ibid). SACOG also recommended specific amendments to the Commercial Mixed-Use (CMU) and Residential Mixed-Use (RMU) zones, to use FAR-based zoning rather than using units per acre to regulate density (ibid). Alongside these changes, SACOG recommends infrastructure improvements like landscaping and lighting near transit stations (ibid).

Transit plans and policy in Rancho Cordova

Rancho Cordova has three primary transit services: bus and light rail services run by the regional transit provider, SacRT, as well as Cordovan shuttle service run by the City of Rancho Cordova (Rancho Cordova, n.d.-f). The SacRT's light rail service operates in Rancho Cordova, Sacramento, Folsom, and unincorporated Sacramento County (SACOG and SacRT, 2020). This service provides valuable connections for Rancho Cordova to the northeastern I-80 corridor, eastern Highway 50 corridor, and downtown Sacramento (SacRT, n.d.). After opening in 1987, the Gold Line became more popular than anticipated, spurring additional expansions in 1998, 2004, and 2005 (California Transit Association, n.d.; Sacramento Regional Transit Page, n.d.).

While the SacRT's light rail service operates frequently, with 15-minute headways during weekdays, its bus service operates with 30 to 60 minute headways (City of Rancho Cordova, 2019a). In addition, the bus service does not reach the greenfield developments far from Folsom Boulevard (ibid). The City's Cordovan is particularly valuable for this reason, providing

connection to some new developments far away from the Gold Line (ibid). In addition, demand for regional services is increasing with 58,000 people commuting to Rancho Cordova and 26,000 residents, almost half of the city's residents, commuting outside of Rancho Cordova daily (ibid). However, the city's Mobility Master Plan contends that it can utilize active transportation services to address gaps in the regional network (ibid).

The city's Mobility Master Plan was developed in 2019 and tries to address some of the concerns with Rancho Cordova's transit availability, gaps in the transportation services, and population and job growth by developing three scenarios for future development (ibid). These scenarios address traditional transportation, new mobility services, and future technologies (ibid). Strategies include increasing transit frequency and service quality, creating mobility hubs that support traditional and shared mobility services as well as amenities such as small-scale retail, and convening a transportation technology committee.

The city has three key revenue generators for traffic improvements: its Traffic Impact Fee, its Villages of Zinfandel (VOZ) Impact Fee Program, and Measure A transportation sales tax (City of Rancho Cordova, 2019b). The city's traffic impact fee was adopted in 2005, replacing the county's roadway fee, and amended in 2013 to address concerns about the magnitude of fees (City of Rancho Cordova, 2013a). In 2019, single-family developments paid $15,137 per unit and multi-family developments paid $9,964 per unit while office developments paid $13.30 per square foot and commercial paid $16.62 per square foot (City of Rancho Cordova, 2019b). These rates are set based on the dwelling unit equivalents (DUE), or how that particular land use compares to the trip generation of a single-family residential unit, which are calculated using VMT (City of Rancho Cordova, 2013a). Developments in the Villages of Zinfandel special planning area are subject to additional fees to fund the administration of the program and roadways (ibid). Under Measure A, the city collects fees and gives them to Sacramento Transportation Authority who allocates the county-wide funds (City of Rancho Cordova, 2019b).

The city's implementation of SB 743 requirements in July, 2020, provided additional support for infill development along Folsom. Significance criteria adhere to state recommendations, stipulating that for residential developments, projected average VMT must be 15% below regional average VMT/capita, office/business professional employment must be 15% below the city-wide average for VMT/employee, industrial employment must be at the city-wide average of VMT/employee, and regional retail and recreational development must add no net increase to total regional VMT. Mixed-use developments must analyze each land use individually per the above categories (ibid). Also aligned with state guidelines, the City of Rancho Cordova has developed ten VMT screening criteria for presumed non-significant impact, based on location in a VMT-efficient area, proximity to transit, project size, local-serving projects, and projects that include affordable housing (City of Rancho Cordova, 2020a). There are additional considerations for mixed use projects and redevelopment projects. For mixed use projects, each land use type is subject to screening criteria and may be selectively screened out (ibid). Redevelopment projects can be screened out if projected VMT is less than the existing land use's average VMT, unless it replaces affordable housing with a smaller amount of moderate-income or high-income housing (ibid).

In order to evaluate projects under SB 743, Rancho Cordova will use results from SACOG's adopted SACSIM19 regional model (activity based), unless projects have certain characteristics: they generate more than 3,500 daily vehicle trip ends, are inconsistent with the General Plan, have both land development and a significant transportation component, include regional retail development, or are otherwise incompatible with SACSIM19 (ibid). The guidelines offer mitigations options, and they are specifically required to reduce VMT below thresholds (ibid).

Like Chula Vista and Richmond, Rancho Cordova has taken steps to encourage and plan for TOD, benefitting from help from the regional MPO in doing so. But also like those other two cities, Rancho Cordova has found it hard to realize TOD goals due to lack of adequate market interest in developing in areas slated for TOD growth. The findings support the contention that while TOD-supportive policy is a necessary precondition for TOD to actually occur, it is not sufficient in the absence of market interest. Rancho Cordova, like Chula Vista and Richmond, has been waiting for the market to show up in supporting more TOD growth.

Conclusions for Sacramento and Rancho Cordova

Reflecting strong city leadership, resources dedicated to community outreach and engagement, and relative lack of controversy about growth-related pressures and concerns, the City of Sacramento has recently vaulted to the head of the line among California central cities in developing an integrated package of policies to support TOD. Similar to the situation in San Diego, proactive development and advocacy by the city's mayor of a suite of proposed TOD-friendly policy has led to the adoption of elements of an integrated policy "package" to support TOD and multiple related goals and hoped-for outcomes.

Sacramento's emerging leadership in advancing policies and plans to promote TOD benefits from substantial support and enthusiasm among city leaders and residents. The city has faced less concerted opposition to these policies, compared to skirmishes that have erupted for example in Los Angeles and San Francisco. Ironically, those other central cities' higher density levels, congestion levels, and greater housing affordability problems may help explain why growth policy has been more hotly debated there than in Sacramento.

However, Sacramento still faces significant challenges in promoting TOD. In particular, areas outside of the city core sometimes lack infrastructure needed to support development. Sacramento faces considerable hurdles in addressing inadequate underground utilities and physical barriers that prevent bikes and pedestrians from accessing transit stations. Even though the city tries to acquire as much grant money as possible to support TOD from state and regional agencies, planners told us that more grants from the state and regional agencies will be needed to fund needed infrastructure in the city.

Meanwhile, Rancho Cordova has taken steps on its own and with regional planners to support TOD through coordinated strategies. However, like Chula Vista, TOD-friendly strategies have not in and of themselves led to much TOD actually emerging so far on the ground. Like Chula Vista and also Richmond, Rancho Cordova is still waiting for the market to show up.