CITY OF WALNUT CREEK

Mayor Cindy Darling
1666 North Main Street
Walnut Creek, CA 94596

October 22, 2025

MTC Chair Sue Noack & MTC Commissioners
Bay Area Metro Center
375 Beale Street, Suite 800
San Francisco, CA 94105

RE: Opposition to the Metropolitan Transportation Commission's Transit-Oriented Communities (TOC) Policy

Dear Chair Noack and Commissioners,

The City of Walnut Creek writes to express serious concerns about the Transit-Oriented Communities (TOC) Policy and its proposed implementation.

MTC has long partnered with Walnut Creek, investing over $1 million and considerable staff time over the past decade to help develop our West Downtown and North Downtown Specific Plans. These plans have significantly increased both housing and employment density near the Walnut Creek BART station. These plans have allowed us to increase land use density near transit, preserve key businesses that contribute to our tax base and provide the foundation of our certified Housing Element.

Unfortunately, the TOC Policy, as currently structured, threatens to undermine the very progress achieved through this collaboration.

We highlight three core concerns:

1. TOC Policy Requirements: Lack of Clarity and Inconsistency

Unclear Funding Eligibility
Although MTC adopted the TOC Policy in September 2022, its application in determining regional funding eligibility remains unclear, particularly with respect to accessing OBAG 4 funds. More broadly, we need clarity on how compliance with the TOC Policy will affect eligibility for future transportation or affordable housing funds. While compliance with the policy is stated to be voluntary, if access to regional funding is predicated on compliance with the TOC policy, is it truly voluntary?

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Inconsistency of Application of the Policy
The TOC Policy does not consistently align with the collaborative framework used to define Priority Development Areas (PDAs) in Plan Bay Area 2050 and its predecessor plans. PDAs were identified to concentrate transit, jobs, and housing in appropriate locations— downtowns, main streets, and around transit hubs. The geographic areas were carefully crafted and vetted through the regional process to provide a framework for future growth that aligns both regional and local goals. Walnut Creek strongly supports this model.

Supplants Local Land Use Planning

Local land use planning considers context, physical constraints, and economic impacts as part of the comprehensive, state-mandated General Plan—including the Housing Element. This process involves extensive community engagement, analysis, and careful trade-offs. However, the proposed implementation of the TOC Policy bypasses and undermines that locally driven process.

Replacing transit-rich Priority Development Areas (PDAs) and carefully crafted plans for transit-oriented development with an inflexible generic circular area, as proposed in the TOC policy implementation for the Draft Plan Bay Area 2050+, undermines the goal of true transit-oriented development. In Walnut Creek, the policy unfairly penalizes us by including parcels obstructed by freeways or steep terrain in compliance calculations. (Attachment 1: Areas captured in ½ mile radius area but not conducive to transit oriented development.) This distorts our land use density metrics and results in noncompliance with the TOC policy.

Equally concerning is the policy's rigid criteria for applicability. In Walnut Creek, four non-contiguous areas near the Pleasant Hill BART station are required to meet the policy's standards simply because, when combined, they meet the compliance threshold. Meanwhile, similar standalone areas in other jurisdictions are exempt. This inconsistency has serious implications for our city's economic development strategy and long-term fiscal health

2. Policy Implementation: Unworkable Compliance Options

Changed Conditions Since Policy Adoption
When MTC adopted the TOC Policy in September 2022, the Bay Area was just emerging from the disruptions of the COVID-19 pandemic. Cities were preparing their most ambitious Housing Elements to date. Since then, significant legislative changes have reshaped the housing landscape:

- Parking minimums were eliminated within ½ mile of major transit stops.
- Multifamily housing was permitted on commercially-zoned land.
- Minimum density requirements near transit stations were mandated in urban counties.

These changes have raised the bar for compliance while introducing new complexities. This is an important factor that has not been adequately considered, as the TOC Policy's compliance rubric duplicates or, in some cases, contradicts state housing guidance. As a result, it complicates efforts for cities to meet our housing goals.

Erodes Decades of Collaboration

A ½ mile circle around a major transit hub with generically applied density requirements without exception or alternatives has the strong potential to erode the collaboration and millions of dollars of investments in planning that have resulted in real progress in creating transit oriented communities.

In Walnut Creek alone, MTC and the City invested over $2 million to develop the West Downtown and North Downtown Specific Plans, adopted in 2018 and 2019. These plans were specifically designed to support transit-oriented development by increasing land use densities, identifying key transportation improvements, and outlining an economically viable strategy to bring that vision to life. The TOC Policy, as proposed to be implemented, undermines this vision.

Disconnect Between Policy and Proposed Implementation and On-the-Ground Reality
Additionally, current economic conditions—including local government budget shortfalls, high interest rates, rising construction costs, and labor shortages—make meeting the policy's benchmarks even harder. For example:

- A $4 million commitment over four years to affordable housing, required for compliance with an affordable housing production policy, is double the revenue we generate through in-lieu fees and commercial linkage fees.
- Increasing our inclusionary housing requirement from 10% to 15% would push project feasibility beyond reach for many developers. Further, to be compliant with the TOC policy, we would need to fund a costly study to justify maintaining our current standard despite the infeasibility of the proposed TOC Policy standard. Even the California's Builder's Remedy law – a penalty for not having a compliant Housing Element – is 13%.

These requirements make policy compliance increasingly unrealistic, even for cities with a strong commitment to transit-oriented development.

3. A Call for Flexibility and Alternative Paths to Compliance

Over the past two years, MTC staff and consultants have focused on educating jurisdictions about the TOC Policy and its components, including model ordinances. While some flexibility has been introduced, it has often added complexity rather than re-evaluating whether the original benchmarks were reasonable.

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We urge MTC to establish an alternative path to compliance—one that allows jurisdictions to demonstrate alignment with the spirit of the TOC Policy by:

- Building upon existing PDAs
- Using certified Housing Elements
- Implementing relevant state laws
- Advancing the goals of the Complete Streets Policy.

Such a path would recognize the unique circumstances of each community and allow local governments to continue supporting both transit and housing goals—without jeopardizing our eligibility for vital regional funding.

Thank you for considering our concerns. Walnut Creek remains committed to working collaboratively with MTC to achieve shared housing and transportation objectives. We respectfully request that the Commission reconsider the current implementation approach to ensure it supports—not hinders—local progress toward these goals.

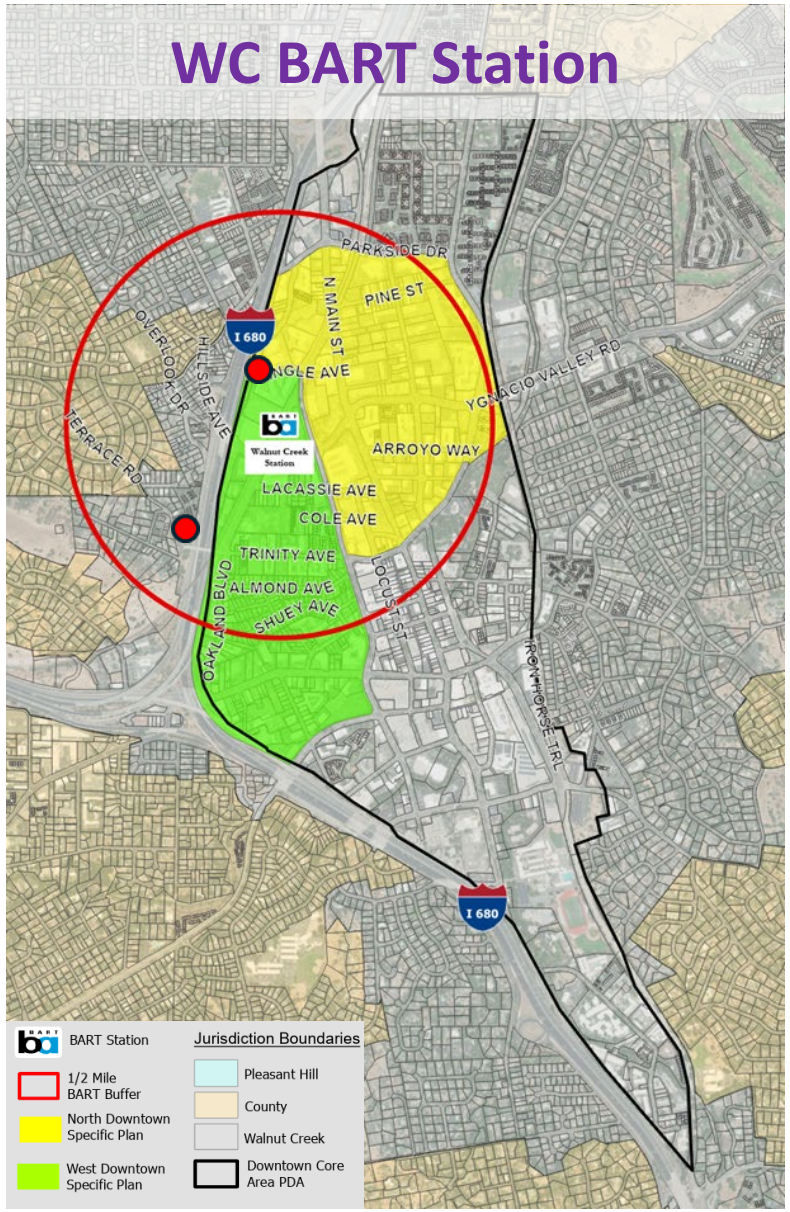
Sincerely,

Cindy Darling

Cindy Darling
Mayor
City of Walnut Creek

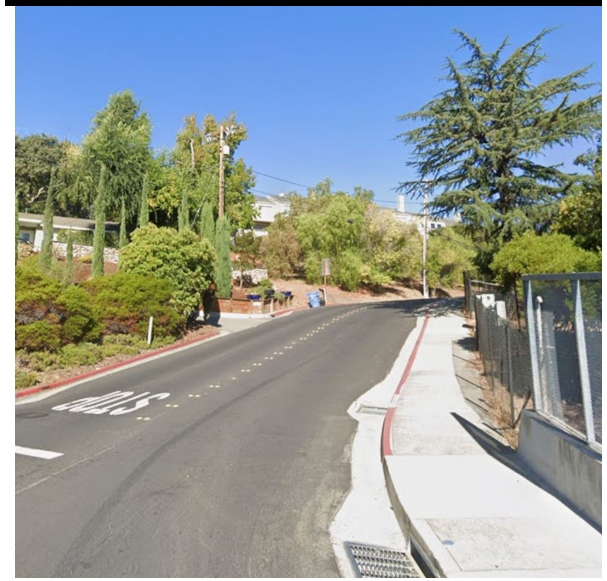
Walnut Creek BART TOC Area - Freeway and steep hillsides

Attachment 1: ½ mile travel distance from BART stations in Walnut Creek



Areas beyond the red dots exceed ½ mile travel distance but are counted in density calculations

Freeway and steep hillsides



Pleasant Hill BART ½ mile travel distance

WC ½ mile

½ mile from PH BART gets you over the freeway overpasses, but no further in Walnut Creek