

RESOLUTION NO. R2012-24
Transit-Oriented Development Policy

MEETING:	DATE:	TYPE OF ACTION:	STAFF CONTACT:	PHONE:
Executive Committee	12/06/2012	Recommend to Board	Ric Ilgenfritz, Planning, Environment and Project Development Director	206-398-5239
Board	12/20/2012	Final Action	Kate Lichtenstein, Senior TOD Specialist	206-689-4961

PROPOSED ACTION

Establishes a policy to guide assessment and facilitation of transit-oriented development (TOD) during planning, design, construction and operation of the high-capacity transit system and supersedes Motion No. M99-60 and Motion No. 98-25.

KEY FEATURES SUMMARY

- This action establishes a formal Board policy on the framework in which Sound Transit will evaluate, facilitate and implement TOD strategies as it delivers the regional transit system.
- Provides that Sound Transit’s primary responsibility is to complete and expand the high-capacity transit system to deliver transit service that connects the region’s urban centers, which is a key step toward meeting local and regional land use goals.
- Clarifies Sound Transit’s potential roles and responsibilities in TOD by defining types of TOD strategies that Sound Transit may participate in, through coordination and partnerships with public and private interests, including:
 - Agency TOD, which refers to strategies that facilitate or create TOD on Sound Transit property, where Sound Transit takes a lead role; and
 - Community TOD, which refers to strategies that facilitate TOD within the areas around Sound Transit facilities, where Sound Transit may take a support or a lead role.
- Provides guidance on assessing TOD opportunities during transit system planning, project development and operations and provides parameters for Board involvement and decision making on TOD in coordination with the Phase Gate process.
- Provides direction to create and/or update a strategic plan, procedures and guidelines necessary for policy implementation.
- This policy consolidates and supersedes Sound Transit’s previously adopted TOD policies.

BACKGROUND

TOD is a land development pattern that integrates transit and land use by promoting transit ridership while supporting community land use and development visions. TOD strategies focus urban growth around transit facilities and leverage transit investments to help produce regional and local benefits, such as increases in transit ridership, development of walkable communities, improved access to jobs and economic opportunities, and reduced household driving and thus lowered regional congestion, air pollution and greenhouse gas emissions.

TOD Program History

Sound Transit established a TOD program shortly after passage of Sound Move in 1996, including adoption of Board policies and guidelines by Motion No. 98-25 and Motion No. M99-60. Sound Transit’s TOD program was developed in response to its enabling legislation (RCW 81.104 and 81.112). Pursuant to the legislation, Sound Transit is authorized to plan, design, build and operate

the region's high-capacity transit system and to use its tax revenues for transit purposes. The legislation also guides Sound Transit to work with public and private interests to facilitate TOD.

Existing Sound Transit TOD policies have resulted in various programs and projects such as assessing TOD during property acquisition and disposition; providing technical support services to jurisdictions conducting station area planning; establishing a due diligence fund to prepare surplus properties for sale or lease for TOD; competitive sale of surplus property for TOD projects, including multiple affordable housing projects; negotiating agreements with local jurisdictions to guide future development of Sound Transit real property; and assessing potential TOD opportunities during development of Link extensions and other Sound Transit projects.

2012 Sound Transit Board Retreat Direction on TOD

At its April 2012 retreat, the Board discussed consolidating and clarifying its TOD policies and increasing Board involvement in TOD decision making. Sound Transit staff convened an inter-departmental committee to draft a new TOD policy based on review of existing Sound Transit policies, other agencies' TOD policies and practices, and direction from the board retreat. The Board asked staff to develop a new TOD policy based on several principles including:

- Maintaining focus on completing and expanding the high-capacity transit system.
- Encouraging TOD at and near transit facilities to maximize transit ridership and encourage livable communities.
- Cooperating with local jurisdictions and regional governments to develop and implement local and regional TOD strategies.
- Developing a process for assessing and implementing TOD early in the development of Sound Transit's system and project planning and throughout all phases.
- Involving the Board at each phase.

TOD Policy Framework

The TOD Policy is consistent with direction from the board retreat by confirming that Sound Transit's primary responsibility is to complete and expand the high-capacity transit system to deliver transit service that connects the region's urban centers, which is a key step toward meeting local and regional land use goals. The policy provides guidance on the goals, strategies and tools that Sound Transit may use to evaluate, facilitate and implement TOD as it plans, designs, builds and operates the regional transit system.

The policy provides a framework in which Sound Transit will work in cooperation and partnerships with public and private interests to facilitate TOD. The policy provides guidance on assessing TOD opportunities during major system and project phases, and provides for Board and stakeholder involvement in TOD decision-making during all phases in coordination with the Phase Gate process. The policy also provides direction to create and/or update a strategic plan, procedures and guidelines necessary for policy implementation.

This policy clarifies Sound Transit's potential roles and responsibilities in TOD by defining types of TOD strategies that Sound Transit may participate in, in coordination and partnership with public and private interests, including:

- Agency TOD, which refers to strategies that facilitate or create TOD on Sound Transit property, where Sound Transit takes a lead role; and
- Community TOD, which refers to strategies that facilitate TOD within the areas around Sound Transit facilities, where Sound Transit may take a support or a lead role.

PUBLIC INVOLVEMENT

Staff discussed the TOD Policy with interested stakeholders in October and November including local jurisdictions, regional governments, policy advocates and business and community groups. The policy incorporates feedback and recommendations from the Executive Committee and Board meetings and stakeholders. Staff revised the draft policy in instances where additional or modified language helped to clarify or strengthen understanding of the policy intent.

TIME CONSTRAINTS

Not applicable to this action.

PRIOR BOARD/COMMITTEE ACTIONS

Motion No. M2000-90: Established the Transit-Oriented Development Program for 2011.

Motion No. M99-60: Adopted Transit Oriented Development evaluation criteria to be used in the process of identifying and/or evaluating proposed development opportunities around Sound Transit facilities.

Resolution No. R99-35: Adopted the Real Property Disposition Policy, Procedures and Guidelines for the disposition of surplus real property.

Motion No. 98-25: Adopted transit oriented development policies to guide staff work and development on and around Sound Transit station areas, transit centers, and park and ride lots.

Motion No. 45: Set forth principles related to the land use and transit work activities of the RTA and established a mission statement to guide the work program of the Transit Oriented Development (TOD) Task Force.

Motion No. 36: Approved the formation of a Transit-Oriented Development Task Force of the board, identified key questions and issues to be addressed, and established a timeline for completion

ENVIRONMENTAL REVIEW

JI 10/12/12

LEGAL REVIEW

JB 12/3/12



RESOLUTION NO. R2012-24

A RESOLUTION of the Board of the Central Puget Sound Regional Transit Authority establishing a policy to guide evaluation, facilitation and implementation of transit-oriented development during planning, designing, building and operating the high-capacity regional transit system, and superseding Motion No. M99-60 and Motion No. 98-25.

WHEREAS, the Central Puget Sound Regional Transit Authority, hereinafter referred to as Sound Transit, has been created for the Pierce, King, and Snohomish Counties region by action of their respective county councils pursuant to RCW 81.112.030; and

WHEREAS, Sound Transit is authorized to plan, construct, and permanently operate a high-capacity system of transportation infrastructure and services to meet regional public transportation needs in the central Puget Sound region; and

WHEREAS, in general elections held within the Central Puget Sound Regional Transit Authority district on November 5, 1996 and November 4, 2008, voters approved local funding to implement a regional high-capacity transportation system for the central Puget Sound region; and

WHEREAS, Sound Transit's primary responsibility is to complete and expand the high-capacity transit system to deliver transit service that connects the region's urban centers, which is a key step toward meeting local and regional land use goals; and

WHEREAS, the basis for Sound Transit's involvement in transit-oriented development (TOD) is informed by the agency's enabling legislation (RCW 81.104 and 81.112), which provides Sound Transit the authority to use its tax revenues for transit purposes and also guides the agency, in cooperation with public and private interests, to promote transit-compatible land uses and development, which includes joint development; and

WHEREAS, Sound Transit established a TOD program shortly after passage of Sound Move in 1996 in response to the enabling legislation, including adoption of Board policies and guidelines by Motion No. 98-25 and Motion No. M99-60; and

WHEREAS, the Sound Transit Board wishes to establish a new TOD Policy that provides a framework in which Sound Transit will evaluate, facilitate and implement TOD strategies through

cooperation and partnerships with public and private entities, as allowed by applicable laws, regulations, plans and policies.

NOW, THEREFORE, BE IT RESOLVED by the Board of the Central Puget Sound Regional Transit Authority that the Transit-Oriented Development Policy (Attachment A) is adopted; transit-oriented development should be evaluated, facilitated and implemented where appropriate, during planning, design, construction and operation of the high-capacity transit system; and Motion No. M99-60 and Motion No. 98-25 are superseded.

ADOPTED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on December 20, 2012.



Pat McCarthy
Board Chair

ATTEST:



Marcia Walker
Board Administrator

Sound Transit Transit-Oriented Development (TOD) Policy

SECTION 1: PURPOSE

The Transit-Oriented Development (TOD) Policy establishes a framework in which Sound Transit will evaluate, facilitate and implement TOD strategies as the agency plans, designs, builds and operates the regional transit system, through cooperation and partnerships with public and private entities, as allowed by applicable laws, regulations, plans and policies.

TOD is a land development pattern that integrates transit and land use by promoting transit ridership while supporting community land use and development visions. TOD strategies focus urban growth around transit facilities and leverage transit investments to help produce regional and local benefits, such as increases in transit ridership, development of walkable communities, improved access to jobs and economic opportunities, and reduced household driving and thus lowered regional congestion, air pollution and greenhouse gas emissions.

Sound Transit's primary responsibility is to complete and expand the high-capacity transit system to deliver transit service that connects the region's urban centers, which is a key step toward meeting local and regional land use goals. The basis for Sound Transit's involvement in TOD is informed by the agency's enabling legislation (RCW 81.104 and 81.112). Pursuant to the legislation, Sound Transit is authorized to plan, design, build and operate the regional transit system and to use its tax revenues for transit purposes. The legislation also guides Sound Transit to work with public and private interests to facilitate TOD. For example, Sound Transit is guided to work with local jurisdictions to set forth conditions for assuring land uses compatible with development of high-capacity transportation systems, such as providing for sufficient land use densities through local actions in high-capacity transit corridors and near passenger stations, preserving transit rights-of-way, and protecting the region's environmental quality. Additionally, the legislation guides the agency, in cooperation with public and private interests, to promote transit-compatible land uses and development, which includes joint development.

This policy provides guidance on the goals, strategies and tools that Sound Transit may use to evaluate, facilitate and implement TOD as it delivers the regional transit system.

SECTION 2: GOALS

Through implementation of its TOD policy, Sound Transit will work toward goals including:

- Increase the value and effectiveness of transit by increasing transit ridership.
- Support implementation of state, regional and local growth plans, policies and strategies.
- Foster relationships with local jurisdictions, regional agencies, private developers, local residents, businesses, community groups and other stakeholders to facilitate TOD.
- Encourage convenient, safe multi-modal access to the transit system, with an emphasis on non-motorized access.
- Support economic development efforts.
- Encourage creation of housing options including market-rate and affordable units.
- Support implementation of other related Sound Transit plans and policies, with an emphasis on the agency's Sustainability Plan.
- Protect and enhance Sound Transit's assets and investments.

SECTION 3: STRATEGIES

- A. Sound Transit will work cooperatively to evaluate and facilitate TOD strategies on its own property and in areas around its transit facilities through participation in two types of TOD strategies – Agency TOD and Community TOD (see also Section 7: Definitions). The distinction between Agency TOD and Community TOD strategies is intended to clarify the roles that Sound Transit may play in evaluating and facilitating TOD, recognizing that TOD may, and often does, involve a combination of actions by the transit agency, local and regional government involvement, and private and public development. Sound Transit will foster coordination, cooperation, and partnerships with public and private interests to advance both Agency TOD and Community TOD strategies.**
1. **Agency TOD:** Agency TOD strategies facilitate or create TOD on Sound Transit property that has been acquired for a transit purpose. Agency TOD may include joint development and other partnerships. Sound Transit takes the lead role in identifying and implementing Agency TOD strategies.
 2. **Community TOD:** Community TOD strategies support and promote TOD within the larger area around a Sound Transit facility (generally ½ mile, or a 10-15 minute walk, around a transit facility and along corridors that provide key connections to the regional transit system.) Community TOD strategies may be identified and implemented by Sound Transit or by others and may include partnerships. Sound Transit may take either a lead or a support role in identifying and implementing Community TOD strategies.
- B. Sound Transit will assess TOD early in system planning, throughout all phases of its transit projects and during transit system operations and will document evaluations and decisions regarding TOD in coordination with the Phase Gate process.**
- C. Sound Transit will allocate sufficient resources and develop a strategic plan, procedures and guidelines to implement a TOD program consistent with Board-adopted policies and in the context of its financial plan.**
- D. Sound Transit staff will report at least annually to the Sound Transit Board to inform the Board on TOD activities and progress toward TOD goals, and to seek direction on implementation priorities.**

SECTION 4: TRANSIT SYSTEM PLANNING

- A. Assessing TOD in Transit System Plans and Studies.** Sound Transit will assess opportunities to encourage TOD through further development and expansion of the transit system. During development of and updates to the Regional Long-Range Plan, System Plans, and Corridor Studies, Sound Transit will:
1. Ensure that these plans and studies are consistent with state, regional and local urban growth strategies.
 2. Identify Agency and Community TOD opportunities and strategies based on information available at the time of plan development, including input from stakeholders.
 3. Assess the extent to which future expansion of the transit system may encourage achievement of Agency and Community TOD opportunities and strategies.

4. Ensure that evaluation criteria for transit plan alternatives include TOD measures.
5. Inform and involve the Sound Transit Board and the public on how plan and study alternatives affect achievement of TOD goals.
6. Record decisions to inform decision making on future plans and projects.

B. Coordination and Cooperation. Sound Transit will foster coordination and cooperation with other governmental entities, communities, and the private sector to encourage and facilitate TOD. Coordination and cooperation will seek to:

1. Identify and preserve right-of-way for transit facilities.
2. Develop regional and local policies and plans that support TOD.
3. Assess whether plans and policies are leading to achievement of the adopted regional and local growth strategies.
4. Develop and implement financial, land use and other strategies and tools to encourage and implement TOD.
5. Develop and implement stakeholder involvement and advocacy strategies.

SECTION 5: TRANSIT PROJECT DEVELOPMENT

A. Assessing TOD during Project Development. As Sound Transit progresses through the project development phases of its transit facilities, the agency will study TOD potential and identify and implement Agency and Community TOD strategies. Sound Transit will:

1. Identify and document Agency and Community TOD opportunities and strategies based on information available at the time of plan development, including input from stakeholders.
2. Assess the extent to which development of alignments, station locations, and transit support facilities affect and support implementation of Agency and Community TOD strategies.
3. Ensure that evaluation criteria for project alternatives include TOD measures.
4. Inform and involve the Sound Transit Board and the public on how project alternatives affect achievement of TOD goals.
5. Record decisions to inform further project development and decision making.

B. Alternatives Identification and Conceptual Engineering. During identification of alternatives and conceptual engineering of projects, Sound Transit will assess Agency and Community TOD opportunities and strategies in the context of:

1. Transit facility physical elements, including:
 - a. Physical needs, footprints and profile (at-grade, elevated, tunnel) of each transit facility.
 - b. Needs for construction staging and operation of the transit facility and transit support facilities.
 - c. Transit support facilities to provide multi-modal access to the facility, consistent with Sound Transit's system access policies.
2. Transit system performance measures, including transit ridership.
3. Adopted and formally proposed regional and local plans and policies, including:
 - a. Regional transportation and land use plans.
 - b. Local land use plans, policies and development regulations.
 - c. Local short- and long-range capital plans, and financing capacity.
4. Project scopes, schedules and budgets and agency financial resources.
5. Real estate development market characteristics, including development trends and market studies.
6. Community and stakeholder input.

- C. Preliminary Engineering and Final Design.** During preliminary engineering and final design, Sound Transit will identify options to incorporate Agency TOD into project delivery and/or engage in other Agency or Community TOD strategies and discuss options with the Sound Transit Board in coordination with the Phase Gate process. Sound Transit will assess Agency and Community TOD opportunities and strategies in the context of:
1. Project scope, schedule and budget and agency financial resources.
 2. Delivery of other elements of the regional transit system.
 3. Transit ridership and farebox revenue.
 4. The ability to create a favorable financial return to Sound Transit and to realize revenue assumed in agency financial plans for property disposal.
 5. Multi-modal access to the transit system, especially non-motorized access.
 6. Adopted and formally proposed regional and local plans and policies.
 7. Real estate market characteristics and feasibility analysis.
 8. Opportunities to be a catalyst for other TOD activities.
 9. Opportunities to enter into mutually beneficial partnerships.
- D. Cooperation and Partnerships.** Sound Transit will coordinate, cooperate and consider partnerships with public and private interests to identify and implement Agency and Community TOD strategies. Sound Transit will assess, on a voluntary basis, whether to enter into TOD partnerships. Sound Transit generally defines a TOD partner as a public or private entity that adequately shares in risks and benefits, and that commits time and financial resources for the purpose of leveraging Sound Transit projects to meet TOD goals. Prior to entering a TOD partnership, Sound Transit will consider:
1. Whether there is sufficient Sound Transit staff time and financial resources available for initiating, evaluating, and implementing the partnership.
 2. Evidence that the prospective partner has the financial and technical capacity and capability specifically for the purpose of initiating, evaluating and implementing the partnership.
 3. Whether the specific goals, expected outcomes, and duration of the partnership would meet Sound Transit TOD policy.
 4. Whether Sound Transit and the prospective partner have any mutually exclusive goals or objectives.
 5. Whether Sound Transit and the prospective partner adequately share in both risks and benefits of the partnership.
 6. That the benefits of the partnership exceed the efforts of the partners.
 7. That the partnership meets all applicable laws, regulations, plans and policies.
- E. Considering TOD in property acquisition, use and disposition.** Sound Transit acquires real property for transit purposes. Sound Transit may consider TOD in selecting among otherwise reasonable alternatives for the acquisition, use and disposition of land. During the TOD assessment process, Sound Transit will consider how the siting, configuration or design of a transit facility may affect or facilitate:
1. Availability of air rights for TOD.
 2. Availability of property for TOD that may become surplus to transit project needs.
 3. Access and connections between the transit facility and adjacent uses.

SECTION 6: TRANSIT SYSTEM OPERATIONS

- A. Implementing and Assessing TOD.** During operation of the transit system, Sound Transit may implement previously identified TOD strategies and identify new strategies at existing

and proposed Sound Transit facilities. Sound Transit may assess Agency and Community strategies as transit system develops and as conditions change, based on evaluation of factors including:

1. Adopted transit system plans.
2. Ridership studies and trends.
3. State, regional and local plans and policies.
4. Transit system access needs, consistent with agency access policy.
5. Real estate market conditions.

B. Disposition of Surplus Property. The TOD assessment process conducted during planning and project development should inform the appropriate use of real property to facilitate TOD where opportunities are determined to exist. Sound Transit will follow its real property disposition policies, procedures and guidelines for disposition of surplus property.

SECTION 7: DEFINITIONS

Corridor Study: Corridor studies of alignments, modes and station locations help narrow the range of high-capacity transit alternatives; evaluate potential routes; inform local comprehensive planning; prepare for formal environmental and engineering; and position the Sound Transit Board of Directors to evaluate options and establish the next highest priorities for transit system implementation. Corridor studies generally include public outreach; preliminary environmental assessment and ridership forecasting; and conceptual engineering and cost estimating.

High-Capacity Transit (HCT) System: As provided by 81.104.015 RCW, high capacity transit system means a system of public transportation services within an urbanized region operating principally on exclusive rights-of-way, and the supporting services and facilities necessary to implement such a system, including interim express services and high occupancy vehicle lanes, which taken as a whole, provides a substantially higher level of passenger capacity, speed, and service frequency than traditional public transportation systems operating principally in general purpose roadways.

Joint Development: Joint development is a formalized relationship between Sound Transit and a public or private entity to include TOD as part of a Sound Transit project or using Sound Transit property. Joint development is further defined in Sound Transit's real property disposition policies, procedures and guidelines.

Phase Gate: Phase Gate is a Sound Transit process which reviews a capital project and determines the readiness of the project to advance to the next stage. The process consists of a series of project phases and gates. Gates represent key transition and/or decision points in a project's progression through design and environmental review, construction, and transition to operations. The process also provides the Board with visibility into projects and control over key project decisions -specifically scope, schedule, and budget.

Regional Long-Range Plan: The Regional Long-Range Plan represents Sound Transit's goals, policies, and strategies to guide the long-term development of the HCT system. It guides how the Sound Transit system can best address the region's mobility needs and support growth management objectives. The long-range plan is implemented in a series of phases and is updated over time.

System Plan: System plans are those submitted to the voters for approval (e.g., *Sound Move*, ST2) that address the types of HCT to be provided; identify alignments and station locations;

describe performance characteristics of modes included; present ridership forecasts; detail a financing plan with the phasing and costs of each HCT line; describe the relationship of HCT and land use plans; assess impacts; and describe mobility characteristics of the transit system.

Transit-Oriented Development (TOD): TOD is a land development pattern that integrates transit and land use by promoting transit ridership while supporting community land use and development visions. TOD typically consists of public and private development projects that create dense, pedestrian-oriented environments with a mix of land uses and activities at and around transit facilities. The design, configuration and mix of buildings and activities around the transit facility, as well as the location and design of the transit facility, should encourage people to use transit and foster a healthy, livable environment. TOD is generally focused on land within approximately one-half mile, or 10- to 15 minute walk, of a transit facility and along corridors that provide key connections to the regional transit system.

Sound Transit may participate in Agency and Community TOD strategies, as illustrated below:

	AGENCY TOD	COMMUNITY TOD
Definitions	Agency TOD strategies facilitate or create TOD on Sound Transit property that has been acquired for a transit purpose. Agency TOD may include joint development and other partnerships.	Community TOD strategies promote and facilitate TOD within the larger area around a Sound Transit facility (typically ½ mile, or a 10-15 minute walk, around a transit facility and along corridors that provide key connections to the regional transit system.) Community TOD strategies may be identified and implemented by Sound Transit or by others and may include partnerships.
Roles	Sound Transit takes the lead role in identifying and implementing Agency TOD strategies. Sound Transit may consider delegating to a partner a prominent role in implementing certain aspects of a partnership, as agreed by the partners.	Sound Transit may take either a lead or a support role in identifying and implementing Community TOD strategies.
Example Activities	<p>Implementing Agency TOD strategies may consist of activities such as:</p> <ul style="list-style-type: none"> • Sound Transit evaluating TOD potential associated with development of plans and projects. • Sound Transit creating joint development or other partnerships to sell or lease transit property or air rights for development. • Sound Transit conducting market, feasibility, and due diligence studies on properties no longer needed for a transit project. • Sound Transit selling or leasing excess property. • Sound Transit studying TOD case studies and best practices to support Agency TOD efforts. 	<p>Implementing Community TOD strategies may consist of activities such as:</p> <ul style="list-style-type: none"> • Local and regional agencies creating plans, policies and incentives that promote compact, mixed-use development and mix affordable and market-rate housing. • Public or private entities focusing economic and community development activities around transit facilities. • Private developers producing dense, mixed-use development that emphasizes non-motorized access to transit. • Sound Transit cooperating and providing technical assistance to local jurisdictions on station area planning or other efforts. • Sound Transit advocating for TOD through stakeholder involvement or marketing.