

TOD

Infrastructure and Housing Support Program

TOD PROGRAM GUIDELINES

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Executive Office of Transportation and Public Works
in cooperation with the
Department of Housing and Community Development

Transit-Oriented Development (TOD) Infrastructure and Housing Support Program Guidelines

Administered by: the Executive Office of Transportation and Public Works
and the
Department of Housing and Community Development

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I. Overview and Purpose

These guidelines provide criteria and guidance for applying for funding under the Transit-Oriented Development Infrastructure and Housing Support Program (“TOD Bond Program, or the Program”) promulgated by 701 CMR 6.00. The Executive Office of Transportation and Public Works (EOTPW) and the Department of Housing and Community Development (DHCD), will jointly administer the Program.

The Program is intended to increase compact, mixed-use, walkable development close to transit stations. To accomplish this objective, the Program authorization (Chapter 291 of the Acts of 2004) provides financing for pedestrian improvements, bicycle facilities, housing projects, and parking facilities within .25 (1/4) miles of a commuter rail station, subway station, bus station, bus rapid transit station, or ferry terminal.

The Program is part of an integrated, multi-agency strategy to promote Smart Growth and Smart Energy development in the Commonwealth. Smart Growth – Smart Energy prompts growth where it makes the most sense: in and around central business districts or traditional city or town centers, near transit stations, or in areas that have been previously developed for commercial, industrial or institutional use. The Commonwealth’s Smart Growth – Smart Energy initiatives are intended to shape policies involving housing, transportation, capital and economic development, and the preservation of natural resources.

Applicants are encouraged to learn about other Commonwealth Smart Growth – Smart Energy programs that complement and may provide additional support for Smart Growth – Smart Energy and TOD. Examples of these programs include the following:

- **Chapter 40R, the Smart Growth Incentive Zoning Program**, provides direct payments to municipalities that adopt smart growth overlay zoning districts and issue building permits for residential development in certain areas, including those around transit stations.
- **Chapter 40S, Smart Growth School Cost Reimbursement**, a program designed to help offset the costs of children entering a community in housing built under “smart growth” (40R) provisions, beginning in 2008.
- The **Priority Development Fund (PDF)** has earmarked \$22 million for the development of new affordable rental housing located near transit stations.
- The **PDF Planning Assistance Grant Program** offers grants of up to \$50,000 per project for financial assistance for planning activities related to increasing housing production through planning and zoning changes.

- **Commonwealth Capital (CC)** targets state infrastructure and open space investments in ways that leverage public and private partnerships at the regional and local levels.

For more detailed information about these and other programs, visit the Department of Housing and Community Development webpage at www.mass.gov/dhcd.

Summary of Eligibility and Terms

The Program enabling legislation authorized a total of \$30 million. The expectation is that this will be a multi-year program. The following summarizes key eligibility requirements and terms of the program.

Eligible projects:	preliminary design of bicycle and/or pedestrian facilities (up to 25% design) construction, reconstruction or enhancement of housing (25 percent of which shall be affordable), construction of pedestrian improvements, bicycle facilities, and/or parking facilities
Minimum size of housing project:	25 units
Maximum award amounts:	up to \$50,000 for preliminary design of bicycle and/or pedestrian facilities up to \$1M for pedestrian improvements and/or bicycle facilities up to \$2M for parking facilities up to \$2M for housing
Total project maximum:	\$2.5M for any combination of housing, pedestrian, bicycle, or parking facility projects. Maximum project type award limits apply.
Award types:	Reimbursable grants. Grantees must agree to invoice for work completed on or before the invoice date.
Applications available:	February 26, 2008
Application deadline:	April 25, 2008 (if date is to be extended, notices will be posted on www.mass.gov/gov).

II. Definitions

Please refer to the TOD Infrastructure and Housing Support Program Regulations, 701 CMR 6.00, for a list of Program definitions.

III. Eligible Applicants

Eligible applicants for funding pursuant to the TOD Program include any and all public entities. In addition, eligible applicants may include a partnership between public and private entities if the following criteria are satisfied: 1) the public entity is the lead applicant; 2) the public entity is the recipient of funding through the TOD Program; 3) the applicant demonstrates compliance with 701 CMR 6.07 concerning public benefit; and, 4) the applicant certifies that it will comply with all applicable procurement procedures for the project. Eligible applicants shall also include Massachusetts Housing Partnership, MassHousing, MassDevelopment, the MBTA, and other Regional Transit authorities (RTAs).

Note: In its current form, the enabling legislation for this Program does not allow funding to non-public entities (i.e. nonprofit and private entities). Program regulations (701 CMR 6.00) and these accompanying Guidelines explicitly limit program funding to public entities or to partnerships between public and private entities, when certain criteria are satisfied (701 CMR 6.06).

IV. Eligible Projects

To be eligible for funding, a project must satisfy each of the following requirements:

Type of Project: A project must involve at least one of the following:

- a. The design, construction, reconstruction, or improvement of a pedestrian improvement, bicycle facility, and/or parking facility serving a mixed-use development; or,
- b. The development or rehabilitation of a housing project, at least 25 percent of which must be affordable as defined in 701 CMR 6.03.

V. Eligible Costs

Program funds may be used for development hard costs and soft costs. Eligible hard and soft costs may include but are not limited to the following:

Hard Costs

- Cost of construction and rehabilitation of pedestrian improvements, bicycle facilities, housing, and parking facilities
- Cost of acquiring property or vacant land
- Cost of essential improvements including energy-related repairs, improvements to permit use by persons with disabilities, and abatement of lead-based paint
- Cost of making utility connections
- Cost of site improvements such as on-site roads and sewer and water lines
- Cost to demolish existing structures

Soft Costs

- Financing costs, such as building permits, legal and developer fees, property appraisals, and credit and title costs
- Engineering, architectural, design, or related professional services
- Initial 18-month operating deficit reserves for new construction or rehabilitation projects
- Project audit costs
- Relocation costs, affirmative marketing, and fair housing information; and
- Housing projects only: developer fee and overhead costs (the combined cost of the developer fee, developer overhead and development consultant may not exceed 12.5% of a project's total development cost.)

Ineligible Costs

Because the TOD Program places a priority on readiness to proceed, predevelopment expenses such as soils testing, environmental remediation, and environmental evaluation are not eligible. Municipal staff administration costs are ineligible costs.

Reimbursement for Costs

All grants awarded under the TOD Program will be furnished on a reimbursement basis—Grantees must agree to invoice for work completed on or before the invoice date. All invoices must be approved and certified by the appropriate authorities. For housing projects, a 10% retainage will be held on all payments until the project is 95% complete and has all required certificates of occupancy. For pedestrian, bicycle, and parking projects, EOTPW will not provide grant funding for project expenses incurred prior to an executed grant contract.

VI. Award Types

The TOD Program will award grants for all projects. Grant documents will be executed upon award of funding.

Other Potential Funding Sources

New funding methods have been established recently which provide funding options to municipalities for public improvements. Where additional funding is needed, applicants are encouraged to explore these options:

District Improvement Financing

The District Improvement Financing Program (DIF) is a public financing method available to all cities and towns in the Commonwealth. The DIF enables municipalities to fund public works, infrastructure, and development projects by allocating future, incremental tax revenue collected from a predefined district to pay project costs. A DIF

may be an appropriate and useful way to fund a project under this program and could be an important way to leverage other funding. For more information about the DIF program visit www.mass.gov/bizteam.

Urban Center Housing Tax Increment Financing (UCH-TIF) Program

The UCH-TIF Program gives cities and towns the ability to promote residential and commercial development in commercial centers through tax increment financing, which provides a real estate tax exemption on all or part of the increase value of the improved real estate. Such development must be primarily residential. Tax increment financing may be combined with grants and loans from other local, state, and federal development programs such as the TOD Program. Municipalities and owners may agree on betterments and special assessment to pay all or part of the cost of public infrastructure necessary for the development.

An important purpose of the UCH-TIF program is to increase the amount of affordable housing for households with incomes at or below 80 percent of the area median income. Such affordable housing will count toward the municipality's goal of 10% low or moderate income housing on DHCD's Subsidized Housing Inventory. The UCH-TIF program requires 25 percent of new housing to be affordable although DHCD may approve a lesser percentage where necessary for financial feasibility of a housing development. In order to take advantage of this program, a municipality must adopt a detailed urban center housing tax increment financing plan for certain designated areas which are predominantly commercial with high business or commercial use.

For a copy of the UCH-TIF regulations for this program, visit:
www.mass.gov/dhcd/regulations/760058.HTM.

VII. Award Amounts

EOTPW does not intend to provide awards in amounts greater than the following:

<u>Project Type</u>	<u>Maximum Award</u>
Preliminary Design, Pedestrian Improvements and/or Bicycle Facilities	Up to \$50,000
Pedestrian Improvements and/or Bicycle Facilities	Up to \$1,000,000
Parking Facilities	Up to \$2,000,000
Housing Projects	Up to \$2,000,000
Combined Projects*	Up to \$2,500,000

For Housing Projects, the program is intended to provide gap financing in a way that reduces the need for multiple funding sources while encouraging maximization of private financing. The minimum project size shall be 25 units. The maximum subsidy per affordable unit shall be \$50,000.

*Combined projects may include a combination of pedestrian improvements, bicycle facilities, parking facilities, and/or housing projects. Maximum project type award limits apply.

VIII. Application Requirements

In order to be considered for funding, at minimum all applications must include the following:

- A. Documentation that the applicant possesses or will possess control of the project parcel.
- B. A project budget showing all sources and uses of funding and a five-year operating plan.
- C. Evidence of the project's readiness to proceed.
- D. Documentation that the project has local support, including, but not limited to, a letter of support from the chief elected official.
- E. Any preliminary plans and specifications for the proposed project.
- F. A schedule for project completion.
- G. For a proposed parking facility, a parking demand and supply study and a parking plan.
- H. For proposed pedestrian improvements and/or bicycle facilities, documentation that the proposed project complies with the Americans with Disabilities Act, Architectural Access Board requirements, and all federal, state, and local statutes, regulations, ordinances or other applicable laws.
- I. Evidence that the project is in an eligible location as defined in 701 CMR 6.03 and any other information demonstrating the location of the project and its relationship to the TOD.
- J. Evidence that the project has received or will receive technical or financial assistance as defined in 701 CMR 6.03.
- K. Evidence that the project will provide public benefit as defined in 701 CMR 6.07.

In addition to the TOD Main application, applicants must complete a supplemental application for each project type.

IX. Review Criteria

Each project will be evaluated based on a set of general criteria applicable to all projects, in addition to specific criteria applicable to the specific type of project—whether it is a pedestrian improvement, bicycle facility, housing project, or parking facility.

A. Evaluation Criteria for All Projects

As outlined in the TOD Program regulations, 701 CMR 6.08, all projects will be subject to the evaluation criteria below.

1. TOD Quality

Projects will be reviewed and evaluated based on the quality of the TOD that encompasses or is proximate to the proposed project. For the full definition of TOD, see program regulations, 701 CMR 6.03. It is not expected that every TOD will incorporate all the attributes outlined below. However, to be competitive for funding, a TOD should include most of these attributes.

Factors that may be considered in evaluating the quality of the TOD will include, but will not be limited to, the following:

Mix of uses: Whether the TOD is characterized by different, complementary uses, such as residential, commercial, institutional, industrial, and other uses, that provide for a variety of activities (such as living, working, shopping, educational institutions, and recreation) throughout the day.

Moderate- to high- density: Appropriate densities for TOD varies depending upon factors such as the type and frequency of transit service, distance from the transit system hub and others factors. Densities may range from as low as 12 units per acre to as high as 60 units or more per acre¹. Densities as low as 12 units per acre are appropriate in TODs with low access to the metropolitan area's downtown core and peak hour headways of more than 20 minutes, while densities of 60 units or more per acre are appropriate in TODs at the hub of the region's transit system (such as downtown Boston) with peak hour headways of less than every 10 minutes.

The existing, allowed, and proposed density of the TOD area as well as the density of the proposed project, if applicable, will be considered during the TOD application evaluation process.

The information in Appendix F provides a guide—not a prescription—for gauging appropriate densities based on frequency of service, distance from the system hub, land-use mix, and other factors.

Quality of pedestrian environment and connections: Whether a system of sidewalks, pathways, crosswalks or other pedestrian improvements exists to enable safe and easy walking between the mixed uses and the transit station. Sidewalk width, sidewalk continuity, street lighting, street furniture, landscaping,

¹ See Appendix F.

crosswalks, pedestrian signalization, directional signage, block lengths, type and transparency of ground floor uses, frequency of building entrances, architectural ornamentation, and curb cuts are among the elements that may be evaluated.

Mobility choice: Whether the TOD encourages transit and facilitates non-automotive transportation.

Parking supply ratios: Whether existing, prescribed, and/or proposed parking ratios reflect the type (e.g., subway, bus, commuter rail) and frequency of transit service; the mix of uses in the vicinity of the station that will allow a variety of daily activities (living, working, shopping) within walking distance; and, any other conditions that affect mobility choice and reduce dependence on the automobile.

All applications should include documentation of applicable local parking regulations.

Note: Parking ratios are important because, between opportunities for walking, bicycling, and using transit, high quality TOD should provide sufficient mobility choice to reduce dependence on the automobile.

Areas Served by Subway

The following are suggested maximum parking ratios for TODs located near heavy rail service:

- a) Residential—1 space per residential unit, plus 0.20 spaces for each additional bedroom over 1
- b) Retail/commercial within ¼ mile of station—1 space per 1000 feet of gross floor area (GFA)
- c) Office—2 spaces per 1000 GFA

Areas Served by Commuter Rail, Express Bus, and Similar Service

In areas with less frequent transit service such as commuter rail service, maximum residential parking ratios in the range of 1.5 spaces per unit are more suitable, and parking ratios for other uses should be comparably reduced from conventional parking ratios (i.e., suburban parking ratios). *Parking ratios of 2.0 spaces per unit for residential development will not be considered appropriate for TOD.*

Parking Reduction Measures

There are various measures that can be employed to help reduce the amount of required parking. Examples include transit passes, parking cash out, car sharing, shared parking, district parking, location-efficient mortgages, and unbundling of

parking from housing sales and leases, each of which are described in greater detail Appendix C.

Applications will also be evaluated based on the extent to which an existing, planned, or proposed TOD incorporates parking reduction measures and the extent to which these measures reduce the amount of required parking.

2. TOD Performance

The following factors will be considered to evaluate how well a TOD performs:

- a) The extent that the project increases transit ridership;
- b) The extent that the project improves public access to transit;
- c) The extent that the project increases housing and employment near transit;
- d) The extent that the project improves bicycle and pedestrian access to transit and/or TOD; and
- e) The extent that the project improves the ability to live, work, and shop within ¼ mile of a transit station.

3. Leverage of Additional TOD

The project should enhance, expand, or otherwise help catalyze new development within a TOD.

4. Relationship to TOD, Local Plans, and Regional Plans

The application should demonstrate strong physical connections between the proposed project and the TOD of which it will be a part. It should also demonstrate the project's relationship to and consistency with local and regional plans.

5. Advances Sustainable Development Principles

How well does the project advance the Commonwealth's Sustainable Development Principles? For example, does the project demonstrate that it will conserve natural resources because it has LEED Certification and/or because it incorporates energy measures that significantly reduce projected lifetime greenhouse gas emissions (such as renewable energy technologies, distributed generation, combined heat and power, and district energy systems)? Does the project promote equitable sharing of benefits and burdens of development among different socioeconomic groups? Does the project support redevelopment first?

6. Demonstrates Financial Feasibility

The financial feasibility of the project will be evaluated based on information that will include, but not be limited to, the following: a development budget showing sources and uses of all funds; a five-year operating budget; documentation of all funding commitments; and, reasonableness of costs.

7. Readiness to Proceed

The application should include evidence of the project’s readiness to proceed, including, but not limited to, a project completion schedule and evidence of all required zoning and permits.

8. Local Support

The project will be evaluated on the extent to which the proposed project receives local support, including, but not limited to, letters of support from other governing bodies, including the City Council, Board of Selectmen, Planning Board, and other local neighborhood and/or advocacy organizations.

9. Leverages Federal, State, and Municipal Funding and Private Investment

The amount of federal, state, and municipal funding and private investment leveraged by the proposed project will also be evaluated. Financial feasibility may also take into consideration the extent of financial need.

10. Commonwealth Capital Score

Thirty percent (30%) of a funding application’s score under this program will be based the most recent Commonwealth Capital score of the municipality in which the project is located. (For more information about Commonwealth Capital, please refer to “Commonwealth Capital” on www.mass.gov/gov .)

11. Term of Site Control

As noted above in Section VIII, all applicants must provide documentation that they possess or will possess site control. Possession of site control for a minimum of 99 years will be strongly preferred, but shorter terms will be considered.

12. Located in a Chapter 40R district or District Improvement Financing Area

Whether the proposed project is located in a Chapter 40R smart growth zoning district and/or a District Improvement Financing (DIF) area will also be considered in the evaluation.

B. Evaluation Criteria for Pedestrian Improvements and Bicycle Facilities

The types of pedestrian improvements and bicycle facilities eligible for funding under the TOD Program are described in 701 CMR 6.03. Proposals for pedestrian improvements and bicycle facilities will be evaluated based on the following:

1. General Criteria for All Proposed Pedestrian Improvements and/or Bicycle Facilities

The following criteria will be used to evaluate all proposed pedestrian improvements and bicycle facilities:

- a) How will the proposed project improve or enhance pedestrian or bicycle access to transit?
- b) How will the proposed project improve or enhance pedestrian and/or bicycle access to developments within the TOD?
- c) How will the proposed project encourage pedestrian and/or bicycle activity within the TOD?
- d) How will the proposed project encourage public safety for pedestrians and/or bicyclists?

Applicants are strongly encouraged to consult applicable guidance for the development of pedestrian and bicycle facilities, namely American Association of State Highway and Transportation Officials (AASHTO) and MassHighway Project Development and Design Guide.

2. Proposed On-Road (bike lanes, routes) and/or Off-Road (shared use paths) Improvements

The following information will be used to assess how well the proposed on- and off-road improvements meet the criteria in Section B(1) above:

- a) Boardings per day: How many total passengers per day board at the transit station currently? What proportion of these are bicyclists? How many passengers per day are forecasted to board at the transit station after proposed bicycle improvements? What proportion of these additional boardings is forecasted to be bicyclists? Please explain forecasting methodology.
- b) Connected miles: When the proposed facility is complete, to how many miles of public on- and off-road bicycling improvements will it connect? (Alternatively, you may provide a map of the bicycle circulation system to which the proposed facility will connect.)
- c) Usage: How many bicycle riders per day currently use the existing bicycle system? How is this expected to change with the proposed new system?
- d) Grade crossings: What are the number, location, and characteristics of grade crossings (i.e. intersections of shared use paths and roads) that the proposed facility will have?
- e) Population/employment density: What is the population density and employment base in the area that is likely to use or benefit from this system?

3. Bicycle Parking

The following information will be used to assess how well the proposed bicycle parking meets the criteria in Section B(1) above:

- a) Location: Is the bicycle parking located in convenient, visible, well-lit areas, preferably in view of transit station personnel?
- b) Ease of access: Does the bicycle parking have easy access to building entrances and the transit station?

- c) Protection from elements: Is the bicycle parking protected from the elements and potential damage by motor vehicles?
- d) Adequacy of parking: Are there enough parking spaces to accommodate peak demand.
- e) Minimization of pedestrian conflicts: Will the parking facility interfere with pedestrian traffic? Where bicycle parking is part of an automobile Parking Facility, entry paths for bicycles should minimize conflicts with automobiles and pedestrians.
- f) Responsiveness: Is the proposed bicycle parking responsive to the TOD Program Bicycle Parking Guidelines contained in Appendix H?

4. Marketing Plan

A marketing plan is important to the initial and ongoing success of a pedestrian improvement or bicycle facility in improving access to transit and development within a TOD. Proposals for bicycle and pedestrian facilities should contain a marketing plan, which should include details of publicity, public education, personnel training, marketing implementation schedule, and any other community outreach.

C. Evaluation Criteria for Parking Facilities

1. General Criteria

The principal criteria for evaluating all parking facility applications will be the extent to which the proposed parking facility will serve to increase transit ridership.

In addition, applications for parking facilities will be evaluated based on the extent to which the project achieves the following:

- a) Allows shared parking between different land uses;
- b) Consolidates parking to make land available for compact, mixed-use development;
- c) Incorporates maximum parking supply ratios that reflect close proximity to transit (see 2 below);
- d) Reduces the amount of required parking by supporting measures such as car sharing, carpooling, and/or other parking reduction measures (see 3 below);
- e) Project design contributes positively to the pedestrian and bicycling environment (see 5 below); and
- f) Employs pricing strategies to encourage efficient use of parking and maximize patronage of retail stores (see #6 below).

2. Parking Supply Ratios

To the extent that the proposed parking facility will serve existing and/or planned land uses in its vicinity, attention should be paid to parking ratios to ensure that they reflect proximity to transit. Proximity to transit increases mobility options, thereby

reducing dependence on the automobile. Parking ratios should reflect the conditions at each station, including: type of transit service (such as light-rail, heavy rail express/commuter bus, key bus routes, ferry/commuter boat); frequency of service; the mix of uses in the vicinity of the station that will allow a variety of daily activities (living, working, shopping) within walking distance; and, any other conditions that affect the ability to increase mobility choice and reduce dependence on the automobile.

Areas Served by Subway

As noted above, the following maximum parking ratios may serve as a rule of thumb for TODs located near a subway station:

- a) Residential—1 space per residential unit, plus 0.20 spaces for each additional bedroom over 1
- b) Retail/commercial within ¼ mile of station—1 space per 1000 feet of gross floor area (GFA)
- c) Office—2 spaces per 1,000 GFA

Areas Served by Commuter Rail, Express Bus, and Similar Service

In areas with less frequent transit service such as commuter rail service, residential parking ratios in the range of 1.5 spaces per unit might be more suitable, and parking ratios for other uses should be comparably reduced from conventional parking ratios (i.e., suburban parking ratios). *Parking ratios of 2.0 spaces per unit for residential development will not be considered appropriate for TOD.*

3. Parking Reduction Measures

There are various measures that can be employed to help reduce the amount of required parking. Examples include employer-provided transit passes, parking cash outs, car sharing, shared parking, district parking, location-efficient mortgages, and unbundling of parking from housing sales and leases, each of which are described in greater detail Appendix C.

Applications will also be evaluated based on the extent to which an existing, planned, or proposed TOD incorporates parking reduction measures and the extent to which these measures reduce the amount of required parking from conventional parking ratios.

4. Parking Plan and Parking Demand and Supply Study

A parking plan and a parking demand and supply study must be included with the application to show current parking demand and supply and how the proposed parking facility will contribute to meeting future demand. The parking demand and supply study should fully document the need for the parking facility.

The suggested contents of the parking demand and supply study and the parking plan are provided in Appendix D.

5. Parking Facility Design

Parking facilities should be designed to enhance the pedestrian and bicycling environment. Wherever feasible, any parking structures should be placed underground. Where this is not feasible, aboveground parking structures should include retail uses on the ground floor. In addition, parking facilities should be situated in the TOD in order to:

- a) Encourage patronage of shops and other retail uses by commuters en route to the transit station. For instance, if the commuters who use the transit for “park and ride” park a few blocks away and walk on the sidewalk past the retail shop fronts, they become potential customers for the retail.
- b) Encourage linked trips (“linked trips” refers to the ability to reach multiple destinations, such as work and shopping, within the same neighborhood).
- c) Reinforce a safe, active, and attractive pedestrian environment.

Surface parking lots are strongly discouraged. However, on street parking is encouraged to the extent that it provides easily accessible short-term parking for retail uses and helps to support the pedestrian environment by providing a protective barrier between the street and sidewalk.

Bicycle Parking in Parking Facilities

Automobile parking facilities must incorporate sheltered bicycle parking, designed in accordance with the bicycle parking guidelines outlined in Section B(3), Criteria for Bicycle Parking, above.

6. Parking Pricing

Parking time limits and parking fees should be designed to encourage economic growth and generate maximum revenue. Where feasible and appropriate:

- a) locate short-term parking close to retail and entertainment uses and set short-term parking prices to maximize turnover;
- b) use revenue from metered curb parking to finance public improvements and maintenance within the TOD, and
- c) employ pricing strategies which encourage efficient use of parking, enhance the pedestrian experience, or otherwise support the Commonwealth’s Sustainable Development Principles.

D. Evaluation Criteria for Housing

1. Housing Requirements

All projects submitted for TOD Program consideration must comply with the following statutory requirements:

- a) Twenty-five percent of the total units (ownership or rental) proposed for the project must be reserved for rent or sale to individuals or households earning less than 80 percent of area median income.
- b) Affordable units must carry long-term use restrictions, with a minimum term of 30 years, to ensure sale or occupancy over time by individuals or households earning less than 80 percent of area media income. Affordable units meeting the standards set out in 760 CMR 45.03 may also satisfy Housing and Community Development's low- or moderate-income unit requirements for the Subsidized Housing Inventory.

In addition, consistent with standard DHCD review procedures, consideration will only be given to applications from creditworthy entities. The standards for creditworthiness include the following:

- The debt obligation of a partner or other principal of the sponsor/developer entity and the proposed mortgage/owner entity are paid current;
- The sponsor/developer entity and the proposed mortgagor/owner entity (including any affiliates) have not experienced any events of foreclosure over the past five years; and
- The sponsor/developer entity and the proposed mortgagor entity (including any affiliates) have not declared bankruptcy.

2. Evaluation Criteria for Housing

Housing projects will be evaluated based upon the following criteria:

- a) The extent to which the proposed project increases housing production;
- b) The extent to which the proposed project satisfies a significant housing need for the region or local community;
- c) The extent to which the proposed project meets the criteria already used by DHCD to evaluate housing project applications submitted for funding through programs such as the Low-Income Housing Tax Credit program, the HOME program, the Housing Stabilization Fund, and other state housing programs. They include:
 - Design
 - Development team

- Marketability
- Financial feasibility
- Readiness to proceed

A more detailed description of these criteria is provided in Appendix E. In the cover letter with the project application, applicants should explain how the housing project criteria enumerated in sections 2(a) and 2(b) above will be satisfied.

Applicants should also demonstrate how the proposed Housing Project supports the Fair Housing Mission Statement and Ten Principles as shown in Appendix G.

X. Application Process

Applicants for all projects will be required to complete a Main Application. In addition, applicants for *pedestrian improvements, bicycle facilities, and/or parking facilities* will be required to submit a Supplemental Application, while applicants for housing projects will be required to submit a One-Stop application in lieu of a Supplemental Application.

All applicants should be aware that 30 percent of the application's score will be based on the FY08 Commonwealth Capital score of the municipality in which the project is located. For more information about Commonwealth Capital, please refer to "**Commonwealth Capital '08**" on www.mass.gov.

Information about application review procedures is provided in the Main Application, downloadable at www.mass.gov/gov.

Application Procedures for Housing Projects

Sponsors of housing projects seeking funds for housing under this Program must submit the Main Application according to the application procedures for all projects outlined above. In addition, all projects **must complete** the state's One-Stop affordable housing application form. Information on the One-Stop application form is available through the Department of Housing and Community Development (DHCD). The form can also be downloaded at: www.onestopapp.com. If needed, applicants may arrange an additional meeting with the project sponsor. Some applicants seeking TOD Program funds might intend to build a parking facility, bicycle facility, and/or pedestrian-oriented improvements as part of the housing project. Applicants who plan to include such improvements should refer to the preceding section of these guidelines, which directly addresses such facilities. However, applicants may identify and include the cost of such facilities on the One Stop Affordable Housing application and incorporate the cost of such facilities into the TOD Program funding request.

Applicants who intend to apply for other state funding to complement TOD Program funding must make their application during the normal competitive funding cycles for those resources.

For example, if an applicant intends to seek federal low-income housing tax credits for a TOD Program project, he or she must apply for that resource during a competition scheduled by the Department of Housing and Community Development. Resources such as tax credits and HOME are not available as part of the TOD Program application.

Note: In its current form, the enabling legislation for this program does not allow funding to non-public entities (i.e. nonprofit and private entities). The Program regulations (701 CMR 6.00) and these accompanying guidelines explicitly limit program funding to public entities, or to partnerships between public and private entities when certain criteria are satisfied (701 CMR 6.06).

XI. Evaluation and Scoring

Applications will first be reviewed to determine whether they meet the application requirements outlined in Section VIII of these guidelines. If an application is found to have deficiencies with respect to completeness, internal consistency or correct computations in response to instructions outlined in the TOD main or supplemental applications, applicants may be notified of the deficiency(ies) and given the opportunity to respond in a timely manner to the deficiency(ies).

If a deficiency is not adequately cured within the time frame given, the application will not be considered further. In addition, responses to a notice of deficiency shall not result in a substantial revision of the application or change a fundamental feature of the project. If there is a substantive change to the application beyond that needed to cure a deficiency the change will be disregarded.

Once a proposal has been determined to meet the application requirements, it will be evaluated based on the evaluation criteria for all projects as well as the evaluation criteria for each applicable project type (pedestrian improvement, bicycle facility, housing and/or parking facility). Thirty percent of a project application's score will be based upon the municipality's Commonwealth Capital score.

Scores will be based on the information provided by the applicant within the application and attached materials as well as any information presented in a subsequent interview. Consequently, applicants should be advised that scores may be adversely affected by applications that are poorly written or organized and lack a complete response for all information requested.

XII. Reporting Requirements

All funding proposals must include provisions for project progress summaries at the close of each quarter. Applicants are strongly encouraged to advise the TOD Program Coordinator of project progress on a more frequent basis, including but not limited to providing the following information:

- Project management tasks, including conformance with project budget and timeline;
- Coordination with involved parties, including public agencies; and

- Comprehensive public participation process, notice of meeting dates.

At project completion, recipients will be required to produce a comprehensive report that addresses all elements of the proposal. A project schedule, including key milestones, project phasing, and complete permitting requirements must be included.

XIII. Coordination and Consistency with Other Programs

A. Statutory Coordination and Consistency Requirements

Pursuant to the enabling legislation for this program (see Appendix A), applicants must make reasonable efforts to coordinate with and utilize existing programs and resources, such as the Executive Office for Administration and Finance's Off-street Parking Program, the Massachusetts Bay Transportation Authority's (MBTA) Parking Enterprise Fund, MBTA station air rights development agreements, other MBTA stations and commuter parking investments, similar types of parking investments by any of the Commonwealth's RTAs, as defined in Chapter 161B of the Mass. General Laws, existing programs of DHCD, the Executive Office of Energy and Environmental Affairs (EOEEA), MassHousing, and MassDevelopment.

Also pursuant to the enabling legislation, a project must receive technical or financial assistance from one or more of the following agencies or authorities: DHCD, EOEEA, MBTA, MassHousing, or MassDevelopment. To determine what constitutes technical and financial assistance, please consult 701 CMR 6.03.

See Appendix I for a template letter that may be used to document Financial or Technical Assistance. This letter must be signed by an official of one of the following agencies: MBTA, MassDevelopment, MassHousing, EOEEA, or DHCD. Applicants are encouraged to contact the TOD Program Coordinator with any questions regarding this or any other requirement.

B. Other Coordination and Consistency Requirements

Project applicants should make every effort to learn about and make use of other Commonwealth Smart Growth – Smart Energy and TOD Programs such as Chapter 40R, and other programs described in Section I of these guidelines.

XIV. Right of Recapture

If for any reason an Applicant is unable or unwilling to carry out one or more terms and provisions of a contract, the Applicant may be held liable for such failure to perform. The Secretary of EOTPW shall have the right to initiate and utilize all rights and remedies available in seeking the return of loan and/or grant funds awarded including reasonable expenses incurred plus interest and attorneys fees.

XV. Inquiries

Regulations, guidelines, and applications materials for the TOD Infrastructure & Housing Support Program may be obtained online at www.mass.gov/gov.

Questions should be directed to Todd Fontanella, TOD Program Coordinator, at (617) 973-7027 or by email: todd.fontanella@eot.state.ma.us.

Appendix A
Authorizing Legislation: Chapter 291 of the Acts of 2004

6001-0421 For a program to provide financial assistance to promote transit-oriented development; provided, that the assistance may be in the form of grants or loans and may be used to design, construct, reconstruct or enhance parking facilities and related pedestrian and bicycle access serving mixed use developments adjacent to existing or planned transit stations, to build or rehabilitate housing, at least 25 per cent of which shall be affordable to households earning no more than 80 per cent of the area median income; provided, however that all projects funded under this item shall be located within .25 miles of a commuter rail station, subway station, ferry terminal or bus station; provided further, that the executive office of transportation is authorized to enter into agreements, request proposals and applications, and issue regulations and guidelines as necessary to carry out the purposes of this item; provided further, that the secretary of transportation shall make reasonable efforts to coordinate with and utilize existing programs and resources including but not limited to, the executive office for administration and finance off-streets parking program, the Massachusetts Bay Transportation Authority Parking Enterprise Fund, Massachusetts Bay Transportation Authority station air rights development agreements, other Massachusetts Bay Transportation Authority investments in station access or commuter parking enhancements, similar types of parking investments by any other regional transit authority, or existing programs of the department of housing and community development, the executive office of environment affairs, the Massachusetts Housing Finance Agency or the Massachusetts Development Authority; provided further, that to be eligible to receive assistance under this item, a project shall also receive financial or technical assistance from 1 or more of the following: the department of housing and community development, the executive office of environment affairs, the Massachusetts Bay Transportation Authority, the Massachusetts Housing Finance Agency or the Massachusetts Development Authority; provided further, the annually, on or before December 31, the executive office of transportation shall issue a written report to the clerks of the house of representatives and the senate, which shall include detailed descriptions of any agreements, loans or grants and a list indicating the allocation of all committed and expended funds under this item.....\$30,000,000

Link to the complete bond bill: <http://www.mass.gov/legis/laws/seslaw04/sl040291.htm>

Appendix B

Sustainable Development Principles

The Commonwealth of Massachusetts shall care for the built and natural environment by promoting sustainable development through integrated energy and environmental, housing and economic development, transportation and other policies, programs, investments and regulations. The Commonwealth will encourage the coordination and cooperation of all agencies, invest public funds wisely in smart growth and equitable development, give priority to investments that will deliver good jobs and good wages, transit access, housing, and open space, in accordance with the following sustainable development principles. Furthermore, the Commonwealth shall seek to advance these principles in partnership with regional and municipal governments, non-profit organizations, business and other stakeholders.

1. Concentrate Development and Mix Uses

Support the Revitalization of city and town center and neighborhoods by promoting development that is compact, conserves land, protects historic resources, and integrates uses. Encourage remediation and reuse of existing sites, structures, and infrastructure rather than new construction in undeveloped areas. Create pedestrian-friendly districts and neighborhoods that mix commercial, civic, cultural, and recreational activities with open spaces and homes.

2. Advance Equity

Promote equitable sharing of the benefits and burdens of development. Provide technical and strategic support for inclusive community planning and decision making to ensure social, economic and environmental justice. Ensure that the interests of future generations are not compromised by today's decisions.

3. Make Efficient Decisions

Make regulatory and permitting processes for development clear, predictable, coordinated, and timely in accordance with smart growth and environmental stewardship.

4. Protect Land and Ecosystems

Protect and restore environmentally sensitive lands, natural resources, agricultural lands, critical habitats, wetlands and water resources, and cultural and historic landscapes. Increase the quantity, quality and accessibility of open spaces and recreational opportunities.

5. Use Natural Resources Wisely

Construct and promote developments, buildings and infrastructure that conserve natural resources by reducing waste and pollution through efficient use of land, energy, water and materials.

6. Expand Housing Opportunities

Support the construction and rehabilitation of homes to meet the needs of people of all abilities, income levels, and household types. Build homes near jobs, transit, and where services are available. Foster the development of housing, particularly multifamily and smaller single-family

Appendix B

Sustainable Development Principles (Continued)

homes, in a way that is compatible with a community's character and vision and with providing new housing choices for people of all means.

7. Provide Transportation Choice

Maintain and expand transportation options that maximize mobility, reduce congestion, conserve fuel and improve air quality. Prioritize rail, bus, boat, rapid and surface transit, shared-vehicle and shared-ride services, bicycling and walking. Invest strategically in existing and new passenger and freight transportation infrastructure that supports sound economic development consistent with smart growth objectives.

8. Increase Job and Business Opportunities

Attract businesses and jobs to location near housing, infrastructure and transportation options. Promote economic development in industry clusters. Expand access to education, training and entrepreneurial opportunities. Support the growth of local businesses, including sustainable natural resource-based businesses such as agriculture, forestry, clean energy technology and fisheries.

9. Promote Clean Energy

Maximize energy efficiency and renewable energy opportunities. Support energy conservation strategies, local clean power generation, distributed generation technologies, and innovative industries. Reduce greenhouse gas emissions and consumption of fossil fuels.

10. Plan Regionally

Support the development and implementation of local and regional, state and interstate plans that have broad public support and are consistent with these Principles. Foster development projects, land and water conservation, transportation and housing that have a regional or multi-community benefit. Consider the long-term costs and benefits to the Commonwealth.

Appendix C

Parking Reduction Measures

Excessive parking adds to the cost of development and promotes single occupancy vehicle trips. Reduced parking ratios, on the other hand, can encourage the use of alternative transportation, lower development costs, and bring about more efficient use of parking facilities. Reduced parking ratios can be achieved in a number of ways, including the following measures:

Transit Passes

Offering subsidized or free transit passes to employees has been shown to increase transit ridership and decrease parking demand. The cost of transit passes can be far less than the cost of building and maintaining parking spaces. Empirical data show that offering transit passes to all employees of a business can reduce parking demand by up to 20 percent.² Transit passes should also be offered to tenants and homebuyers as well as employees.

Parking Cash Out

Many employers pay for employee parking. Often, employees are not aware that the employer is paying for parking. Parking cash out gives commuters the option to “cash out” their employer-paid parking. Case studies show that the cash-out option reduces driving to work by an average of 11 percent.

Car Sharing

Car sharing may be a practical option for people who do not need access to a car every day. Car sharing organizations provide members with access to a car on a reservation basis, and members typically only pay for the time and miles they drive. One shared-car parking space may substitute for 8 private parking spaces in dense, highly urbanized areas such as downtown Boston and Cambridge, and approximately 5 private parking spaces in less dense areas such as Alewife Station in Cambridge and other areas³.

Shared Parking

Shared parking may be feasible where different land uses have different peak parking demand periods. For example, residents who commute to work by car may need their parking spaces primarily at nighttime while retail shoppers need parking primarily during the daytime. In these situations, it may be possible to establish agreement between residents and retailers to lease spaces during times when they do not need them.

District Parking

District parking occurs when a public agency or an organization, such as a town, local parking authority, or business district, assumes responsibility for managing on-and off-street parking in a

² Donald Shoup. “Reduce Demand Rather Than Increase Supply.” University of California, Los Angeles, Graduate School of Urban Planning. October 20, 2004, p 3. A survey of Silicon Valley commuters before and after their employers offered free transit passes found that commuter parking demand declined by approximately 19 percent. The City of Seattle reduces parking requirements for development by up to 10 percent if transit passes are provided to all employees and if transit service is within 800 feet of the development.

³ Matthew Malloy, ZipCar, Cambridge, MA, interview on December 27, 2004.

defined geographic area. Parking districts make it possible to coordinate parking demand between different developments and land uses, helping to reduce both the overall amount and cost of parking. In-lieu fees (a fee developers pay in lieu of providing required parking spaces) may be used to pay for the cost of district parking.

Location-Efficient Mortgages

Location-efficient mortgages are special home mortgages that recognize the financial benefits of being located in communities with good opportunities for walking, bicycling, and taking transit to work. Location-efficient mortgages have more flexible underwriting criteria than conventional mortgages because they assume that less household income is needed for automobile transportation, therefore more household income is available to support mortgage payments. Location-efficient mortgages are available through MassHousing's Take the T Home Mortgage Program.

Unbundling of Parking

In almost all housing, the cost of parking is "bundled" into a resident's lease or purchase price. Whether households use 0, 1, 2 or 3 parking spaces, they all pay the same amount for the parking, which is included in the total sale or lease price. Separating prices for housing and parking can reduce both the cost and demand for parking in a development. Unbundling allows consumers to choose whether to pay for the cost of parking, independent of the cost of housing. More information about unbundling can be obtained at www.nonprohousing.org/actioncenter/toolbox/parking/unbundling.html.

In-Lieu Fees

Developers may pay into a municipal parking garage fund or traffic mitigation fund instead of providing required off-street parking spaces. These in-lieu fees provide a wider range of choices to developers, who may prefer to develop the entire parcel. In-lieu fees also support shared-parking and allow developers to redevelop historic sites that would otherwise not be possible, due to unattainable parking requirements. Studies have found, however, that in-lieu fees are only acceptable to developers if a central parking structure is guaranteed to be built.

Parking Pricing

For any parking reduction effort to be successful, it must be coupled with appropriate parking pricing. Unless drivers pay for it, the true cost of parking is borne by everyone in a city, in the form of higher rents and higher retail prices. By reducing the amount of free parking available, a city can discourage single occupancy vehicle trips, and in turn reduce demand for parking. Studies have found that the higher the price of employee parking, the more workers ride transit. In addition, the revenue collected from public curb parking fees can help finance public improvements on the block where it is collected.

Please note that a number of these programs are provided by Transportation Management Associations (TMAs) as well as MassRides. For more information on local Transportation Management Associations, see www.masscommute.com. For more information on MassRides, see www.commute.com.

Appendix D

Parking Supply and Demand Study and Parking Plan Suggested Template and Content

Parking Service Area Map

Base map showing boundaries of the area (“Parking Service Area”) to be served by the proposed parking facility. Although the Parking Service Area may be larger, a 500-foot serving area radius will generally be considered adequate for purposes of the parking analysis.

Parking Supply

Documentation of all existing on- and off-street parking serving the Parking Service Area, including a map showing its location, year built, number of parking spaces, percent of occupancy, users (shoppers, commuters, businesses), and parking fees. A single table summarizing the number of available parking spaces and parking fees at each location should also be included.

Parking Demand

Existing and projected parking demand at each location and summarized for the entire Parking Service Area, including existing parking utilization (percent of occupancy) and projected future demand. Factors influencing parking demand (such as new business in the CBD, residential growth, and overcrowded parking facilities) should be discussed and documentation provided. Any and all parking demand assumptions (i.e. parking requirements by use) should be shown. If existing parking surveys and studies are referenced, page numbers should be cited. A table summarizing the gap between supply and demand should be included.

Shared Parking Analysis

A shared parking analysis indicating how the parking facility will be shared among multiple developments and/or uses shall be included. The shared parking analysis should follow the Urban Land Institute Shared Parking Methodology or similar methodology. The share parking analysis should be summarized in a single table.

Parking Plan

The plan should also include: a) site ownership; b) size and location of parking facility; c) number of levels and spaces; d) development pro forma including all sources and uses (land costs, construction costs, architecture and engineering, etc.); e) operation and management plan, including method of operation (publicly operated, contract basis, lease, other); f) five-year operation and management budget, including all revenues by source and expenditures by activity; and g) a description and anticipated quantified effects on demand of any measures designed to reduce parking demand, such as shared parking, car sharing, bicycle parking, transit passes, and other appropriate measures.

Appendix E

Detailed Description of Housing Evaluation Criteria

The following provides a more detailed description of the evaluation criteria for housing listed in the main body of the program Guidelines.

Design

Architects and/or cost estimators will evaluate the architectural aspects of each project to determine whether:

- The project conforms with applicable laws, regulations, code requirements;
- The architectural treatment is appropriate, given community standards, the surrounding neighborhood, and the project site;
- Proposed amenities are sufficient, appropriate for the target population, but not excessive;
- The site layout and design adequately address environmental issues, parking needs, outdoor improvements appropriate for the target population, etc.;
- The owner/applicant has incorporated energy conservation measures and whether the project complies with the EPA's Energy Star standards, in addition to those required by code that will result in cost efficiencies; and
- The extent to which the proposed parking reflects a significant reduction in conventional parking ratios—ratios enforced through regulations, such as local zoning, that apply to development in areas of a municipality that do not benefit from easy access to transit.

Project designs that use energy-efficient technologies, recycled and/or non-/low-toxic materials, exceed energy codes and otherwise result in waste reduction and conservation of resources—and more specifically projects with LEED certification—are preferred.

For clustered developments, density should be calculated based on the developed area only. In situations where any portion of the land is not developable (such as wetlands), the non-developable area may be excluded from the density calculation.

In general, the project should follow the DHCD's HOME Rental Program Guidelines and Regulations (see www.mass.gov/dhcd/components/housdev/want/dvlper_r/home.htm) with respect to minimum unit and room sizes, minimum suggested counter space, etc., for projects. With respect to the rehabilitation of existing structures, these minimum standards are provided as guidance and should be met whenever possible.

Parking

Preference will also be given to projects that are able to achieve total or partial “unbundling” of housing and parking costs (see www.nonprofithousing.org/actioncenter/toolbox/parking/unbundling.html). Additional strategies that can reduce the need for car ownership and contribute to environment conservation include the programs provided by local transportation management associations (TMAs) and MassRides, including carpool and vanpool programs,

incentive programs, T-pass distribution assistance, and implementation of commuter choice programs. See Appendix C for more information.

All proposals should indicate the ratio of onsite parking spaces per unit. Preference will be given to projects that can achieve significant reductions over conventional parking ratios and that offer secure and sheltered bicycle parking, transit passes, and dedicated parking spaces for car sharing to reduce the need for individual automobile ownership. Provision of bicycle parking facilities should follow the guidelines described in Section IX (B).

Development Team

The key members of the development team are the owner/applicant, the consultant, the architect, the contractor, the management agent, and the attorney. The evaluation team will review the background of the key team members to determine:

- Prior successful experience in developing housing projects
- Financial strength
- Physical and financial condition of other properties developed by the sponsor/owner
- Prior experience on other state-assisted projects

To determine the application score in this category, the evaluation team will evaluate the capacity of each key member of the team as identified in the One-Stop application. Sponsors should note that they have two options with respect to identifying a general contractor:

- A. A sole contractor can be listed in the One-Stop application and the capacity of that contractor will be evaluated as part of the scoring process; or
- B. The names of three possible general contractors can be listed in the One-Stop application, and all three entities will be evaluated. If the sponsor chooses this option, the score for the contractor will be the average of the scores for each of the three entities listed.

Whether the sponsor chooses to make the final selection of a contractor before or after submitting the TOD Program application, certain subcontract bidding processes must be satisfied. If a general contractor is selected before the project is submitted, the sponsor will have to demonstrate at a later time that subcontractors were selected through a process demonstrating competitive pricing of construction. In order to ensure that management entities have adequate experience in managing affordable housing properties, we reserve the right to require compliance training as a condition of the funding award.

Each sponsor is required to include in his or her application a construction cost pro forma prepared by a qualified contractor, architect, or construction cost consultant. All sponsors of existing projects are also required to submit a letter from the primary lender supporting the construction cost pro forma and the proposed scope of work, and confirming that such costs cannot be funded in part through a mortgage increase. In addition, in accordance with industry-recommended practices, sponsors of projects applying for funding for preservation projects must

submit a capital needs assessment that adequately supports the scope of proposed improvements. A qualified, licensed architect or engineer must perform this study.

In cases where the applicant and the general contractor are affiliated, a qualified, unrelated third party contractor, architect or qualified construction cost consultant must prepare the construction cost pro forma. Related party contractors are subject to maximum allowable builder's profit and overhead and general requirements.

Marketability

Unless a market exists for the proposed project, the project will fail. The sponsor/owner identified in each TOD Program application must include a detailed market study prepared by a qualified professional. This requirement applies to all projects, whether production or occupied preservation projects.

The National Council of Affordable Housing Market Analysts (NCAHMA) has adopted guidelines detailing its standards for definitions and content in an affordable housing market study. These guideline documents are available through DHCD (see NCSHMA Guidelines in LIHTC Qualified Allocation Plan, www.mass.gov/dhcd/Temp/04/QAPdraft.pdf). Membership in the NCAHMA organization will be accepted as indication that the market analyst is a qualified professional acceptable to the Department. We strongly encourage sponsors to direct their market analyst to produce a market study consistent with NCAHMA guideline materials and standards.

If, during the course of its review, the market study submitted with the application is determined to be inadequate, we will require the sponsor/owner to submit a new market study. An application that includes a market study that does not confirm the viability of the proposed project will not be selected for funding. The market study included in the application should address the need and demand in the specific housing market, including typical sales prices, rental rates for various types of projects, vacancy rates. The market study should include the sponsor/owner's analysis of why the proposed project will be competitive.

As part of the determination of marketability, the evaluation team will conduct an independent evaluation of housing need. This evaluation will investigate the project's marketability including whether the project is located:

- A. In a community with a substantial wait-list for public housing units;
- B. In a community in which there is no public family housing; or
- C. In a community where the rent burden is greater than 30 percent. Rent burden is defined as the median percentage of gross income spent on housing in the community in which the proposed project is located.

The evaluation team will also review the proposed project's rent or sales structure. In general, the proposed rents will be compared to rents for comparable, unassisted units in the subject market. We might also consider such market factors as home sales, rentals, and average vacancy

levels. Additional factors to be evaluated include, but are not limited to, the sponsor's comparables submitted with the One-Stop application and/or market study information, newspaper ads, etc. In determining the feasibility of the projected rents, the evaluation team will use Section 8 contract rents only if satisfactory evidence of a housing assistance payments contract is included with the One-Stop application. If an executed payments contract is not included, the evaluation team will compare the proposed rents to the lower of the current HUD FMR for the area or to comparable market rents for the area.

The sponsor/owner's marketing and outreach plan will also be evaluated. All sponsor/owners should include a detailed plan with their applications, and the plan should fully delineate ways in which the project will comply with fair housing requirements.

Financial Feasibility

The information contained in the One-Stop application must demonstrate to the evaluation team's satisfaction that the proposed project is financially feasible during construction and after completion. The sponsor/owner must provide solid evidence of financing commitments from construction and permanent lenders. If appropriate, the sponsor/owner should include a letter of interest from a syndicator. The sponsor/owner must identify sufficient financing sources for all project uses in the One-Stop application. The operating pro formas included in the application must include trending assumptions and debt service coverage acceptable by current industry standards and explicitly acceptable to the evaluation team.

Readiness to Proceed

The One-Stop application should include evidence of progress in areas including but not limited to land-use and zoning approvals, environmental and historic reviews, ability to close on sources of financing, and so on. For properties located in historic districts or designated as buildings having historical significance, the sponsor/owner must include in the narrative the status of required historical approvals.

The evaluation team will give special consideration in this scoring category to projects that were submitted during a previous competition but not selected for funding if it is determined that the project sponsors have addressed all issues that prevented them from receiving an earlier allocation, and assuming that the project receives a favorable evaluation under the general criteria for all projects in Section IX (D) of these guidelines.

Appendix F Transit Oriented Residential Density Chart

This information comes from the Reconnecting America report (September 2004). Based on the projected demand of people in many different types of communities to live within a half-mile of transit in 2025, the housing density numbers in the table reflect the number of units per acre that are necessary to support high-quality transit service. For purposes of this program, this table is a guide—not a prescription—for appropriate TOD densities.

TOD Type	Land-Use Mix	Min Housing Density	Regional Connectivity	Transit Frequencies
1	<ul style="list-style-type: none"> • Office center • Urban entertainment • Multi-family housing • Retail 	>60 units per acre	<ul style="list-style-type: none"> • High • Hub of radial system 	<ul style="list-style-type: none"> • <10 mins
2	<ul style="list-style-type: none"> • Primary office center • Urban entertainment • Multi-family housing • Retail 	>50 units per acre	<ul style="list-style-type: none"> • High access to downtown • Subregional Hub 	<ul style="list-style-type: none"> • 10 mins peak • 10 to 15 mins off-peak
3	<ul style="list-style-type: none"> • Residential • Retail • Class B Commercial 	>20 units per acre	<ul style="list-style-type: none"> • Medium access to downtown • Subregional circulation 	<ul style="list-style-type: none"> • 10 mins peak • 20 mins off-peak
4	<ul style="list-style-type: none"> • Residential • Neighborhood retail • Local office 	>12 units per acre	<ul style="list-style-type: none"> • Medium access to suburban center • Medium access to downtown 	<ul style="list-style-type: none"> • 20 mins peak • 30 mins off-peak
5	<ul style="list-style-type: none"> • Retail center • Residential 	>12 units per acre	<ul style="list-style-type: none"> • Low access to downtown 	<ul style="list-style-type: none"> • Peak service • Demand responsive

Source: Hidden in Plain Sight: Capturing Demand For Housing Near Transit, Reconnecting America's Center For Transit-Oriented Development, September 2004, pg. 32.

Appendix G

Fair Housing Mission Statement and Ten Principles

The mission of DHCD through its programs and partnerships is to be a leader in creating housing choice and providing opportunities for inclusive patterns of housing occupancy to all residents of the Commonwealth, regardless of income, race, religious creed, color, national origin, sex, sexual orientation, age, ancestry, familial status, veteran status, or physical or mental impairment.

It shall be our objective to ensure that new and ongoing programs and policies affirmatively advance fair housing, promote equity, and maximize choice. In order to achieve our objective, we shall be guided by the following principles:

1. **Encourage Equity.** Support public and private housing and community investment proposals that promote equality and opportunity for all residents of the Commonwealth. Increase diversity and bridge differences among residents regardless of race, disability, social, economic, educational, or cultural background, and provide integrated social, educational, and recreational experiences.
2. **Be Affirmative.** Direct resources to promote the goals of fair housing. Educate all housing partners of their responsibilities under the law and how to meet this important state and federal mandate.
3. **Promote Housing Choice.** Create quality affordable housing opportunities that are geographically and architecturally accessible to all residents of the commonwealth. Establish policies and mechanisms to ensure fair housing practices in all aspects of marketing.
4. **Enhance Mobility.** Enable all residents to make informed choices about the range of communities in which to live. Target high-poverty areas and provide information and assistance to residents with respect to availability of affordable homeownership and rental opportunities throughout Massachusetts and how to access them.
5. **Promote Greater Opportunity.** Utilize resources to stimulate private investment that will create diverse communities that are positive, desirable destinations. Foster neighborhoods that will improve the quality of life for existing residents. Make each community a place where any resident could choose to live, regardless of income.
6. **Reduce Concentrations of Poverty.** Ensure an equitable geographic distribution of housing and community development resources. Coordinate allocation of housing resources with employment opportunities, as well as availability of public transportation and services.
7. **Preserve and Produce Affordable Housing Choices.** Encourage and support rehabilitation of existing affordable housing while ensuring that investment in new housing promotes diversity, and economic, educational, and social opportunity. Make housing preservation and production investments that will create a path to social and economic mobility.

8. **Balance Housing Needs.** Coordinate the allocation of resources to address local and regional housing need, as identified by state and community stakeholders. Ensure that affordable housing preservation and production initiatives and investment of other housing resources promote diversity and social equity and improve neighborhoods while limiting displacement of current residents.
9. **Measure Outcomes.** Collect and analyze data on households throughout the housing delivery system, including the number of applicants and households served. Utilize data to assess the fair housing impact of housing policies and their effect over time, and to guide future housing development policies.
10. **Rigorously Enforce All Fair Housing and Anti-Discrimination Laws and Policies.** Direct resources only to projects that adhere to the spirit, intent, and letter of applicable fair housing laws, civil rights laws, disability laws, and architectural accessibility laws. Ensure that policies allow resources to be invested only in projects that are wholly compliant with such laws.

Appendix H

TOD Program Bicycle Parking Facilities Guidelines



All prospective bicycle project applicants are advised to consult the following references:

- Manual on Uniform Traffic Control Devices (MUTCD) Guide for the Development of Bicycle Facilities, 1999 Edition, *and*
- *American Association of State Transportation and Highway Officials (AASHTO) Guide for the Development of Bicycle Facilities, 1999 Edition;*
- *MassHighway Project Development and Design Guide (2006 Edition), and*
- *National Cycling and Walking Clearinghouse (NBCW), www.bicyclinginfo.org.*

Introduction

All projects that apply for funding through the TOD Program should give careful consideration to the provision of bicycle parking. Bicycle parking shall be located in safe, convenient, visible, well-lit areas, in proximity to transit station personnel, and with easy access to building entrances and the transit station. Parked bicycles should be protected from the elements and potential damage by motor vehicles, and should not interfere with pedestrian traffic. Above all, bicycle parking should be carefully integrated into existing and new developments, increasing opportunities for ridership and making bicycle transportation as safe, attractive, and convenient as possible.

Proposals for bicycle facilities (such as bicycle racks, lockers, and enclosures) should also include a maintenance plan, indicating how facilities will be maintained and repaired, as well as how abandoned and vandalized bicycles will be handled.

Applications for funding will be evaluated based upon the bicycle parking guidelines contained in the Bicycle Parking Facilities Guidelines⁴ found at www.bicyclinginfo.org. This site, contains

⁴ Bicycle Parking Guidelines I-IV Excerpted from:
A Complete Guide to Installing City Required Bicycle Parking
City of Portland, Oregon Office of Transportation

guidelines for bicycle parking location, rack selection and installation, spacing and siting, covered bicycle parking, signage, required spaces, and short- and long-term bicycle parking. Any departure from these guidelines should be accompanied by an explanation for why the guidelines are not appropriate for the project.

Parking facilities should also include dedicated entry paths for bicycles that minimize conflicts with automobiles and pedestrians.

Rack Selection and Installation Requirements

- Choose racks that allow the frame and one wheel to be locked to the rack with a high security, U-shaped shackle lock if both wheels are left on the bicycle—these racks are preferred by cyclists and can help you attract their business.
- All racks (and lockers) are securely anchored—seasoned cyclists will opt for the nearest permanent object in lieu of a poorly anchored rack.

Locating Short-Term Parking

Short-term bicycle parking provides shoppers, customers, messengers and other visitors who generally park for two hours or less a convenient and readily accessible place to park bicycles.

For example:

- Locate within 50 feet of a building's main entrance—short-term parking should be near the entrance cyclists use.
- Distribute short-term parking—where there is more than one building on a site, or where a building has more than one main entrance, the parking is distributed to serve all buildings or main entrances.
- Cover—if more than 10 short-term spaces are required, at least 50 percent is protected from weather.
- A permit—if your building is built to the lot line and you plan to install parking on the sidewalk, you will need a permit.

Locating Long-Term Parking

Long-term bicycle parking provides employees, students, residents, commuters, and others who generally stay at a site for several hours a secure and weather-protected place to park bicycles. The measure of security for long-term bicycle parking is greater than that provided by short-term parking.

For example:

- Locate onsite or within 750 feet of the site—daily bicycle commuters are generally willing to walk a short distance, about three blocks, if they are confident the parking is secure.
- Cover—at least 50 percent of long-term bicycle parking is covered.
- Security should be achieved in at least one of the following ways:

- a) in a locked room or area enclosed by a fence with a locked gate;
- b) within view or within 100 feet of an attendant or security guard;
- c) in an area that is monitored by a security camera; or
- d) in a location that is visible from employee work areas.

Spacing and Siting Standards

Each bicycle parking space should be easily accessible. Cyclists should be able to securely lock their bicycles without undue inconvenience and their bicycles should be reasonably safeguarded from intentional or accidental damage. Consider the space that a rack full of bicycles will take up, not just the rack itself. Also consider that cyclists require a sufficient pathway in and out of the parking area.

For example:

- Each parking space accessible without moving another bicycle—generally, allow for 2 feet by 6 feet for each bicycle parking space.
- Provide an aisle at least 5 feet wide behind all bicycle parking to allow room for maneuvering—just as automobile drivers need additional space to maneuver in and out of parking spaces, so do cyclists.

Covered Bicycle Parking

Prolonged exposure to rain can rust a bike's metal frame and components and the sun's ultraviolet rays can deteriorate a bike's soft seat and tires. Cyclists who value their bicycles will thank you for providing weather protection by giving you their business.

For example:

- Permanent Cover—the cover is designed to protect the bicycle from rainfall and be at least 7 feet above the floor or ground.

Bicycle Parking Signs

Signs serve several purposes. They let cyclists know you have bicycle parking and that their business is valued. Signs also help cyclists find your parking if it is not immediately visible or direct long-term users to intended long-term parking, keeping more short-term parking open for your customers.

For example:

- A sign posted at the main building entrance indicating the location of the parking—this will help your customers locate your parking if it is not visible from the street or main entrance.

Minimum Recommended Bicycle Parking Spaces

Note: Wherever this table indicates two numerical standards, such as 2, or 1 per 3,000 SF of net building area, the larger number applies.

Use Categories	Specific Uses	Long-term Spaces	Short-term Spaces
Residential Categories			
Household Living	Multi-dwelling	1 per 4 units	2, or 1 per 20 units
Group Living		2, or 1 per 20 residents	None
	Dormitory	1 per 8 residents	None
Commercial Categories			
Retail Sales And Service		2, or 1 per 12,000 SF of net building area	2, or 1 per 5,000 SF of net building area
	Temporary Lodging	2, or 1 per 20 rentable rooms	2, or 1 per 20 rentable rooms
Office		2, or 1 per 10,000 SF of net building area	2, or 1 per 40,000 SF of net building area
Commercial Parking		10, or 1 per 20 auto spaces	None
Commercial Outdoor Recreation		10, or 1 per 20 auto spaces	None
Major Event Entertainment		10, or 1 per 40	None
Industrial Categories			
Manufacturing And Production		2, or 1 per 15,000 SF of net building area	None
Warehouse And Freight Movement		2, or 1 per 40,000 SF of net building area	None
Institutional Categories			
Basic Utilities		8	None
	Light-rail stations transit centers	10, or 5 per acre	None
Community Service	Park and ride	2, or 1 per 10,000 SF of net building area	2, or 1 per 10,000 SF of net building area
Schools	Grades 2 through 5	2 per classroom	None
	Grades 6 through 12	4 per classroom	None
Colleges	Excluding dormitories	2, or 1 per 20,000 SF	2, or 1 per 10,000 SF

	(see Group Living, above)	of net building area	of net building area
Medical Centers		2, or 1 per 70,000 SF of net building area	2, or 1 per 40,000 SF of net building area
Religious Institutions		2, or 1 per 4,000 SF of net building area	2, or 1 per 2,000 SF of net building area
Daycare		2, or 1 per 10,000 SF of net building area	None

Appendix I

Financial/Technical Assistance Letter Template

Date

Mr. Todd M. Fontanella
Manager of Alternative Transportation
Executive Office of Transportation and Public Works
Ten Park Plaza, Room 3170
Boston, MA 02116

Dear Mr. Fontanella:

The purpose of this letter is to verify that [name of project] has received or will be receiving financial and/or technical assistance from our agency as described below.

Type of Assistance

The type of assistance involves [financial assistance/technical assistance], including...
[Briefly describe what the assistance involves, including dollar amounts where appropriate, making sure that the description of such assistance satisfies the definition of financial assistance or technical assistance as defined in 701 CMR 6.03.]

Timing of Assistance

This assistance was provided or will be provided on [provide specific dates or timeframe].

If you have any questions about this assistance, you may contact me at (617) ____-____.

Sincerely,

This letter must be signed by an official of one of the following agencies: MBTA, MassDevelopment, MassHousing, EOEEA, or DHCD.