Appendix 1: Summary of Public Comments Received and Responses from ABAG-MTC Staff

Public Comment Period for the Proposed RHNA Methodology

Housing Element Law requires ABAG to hold a public comment period and conduct at least one public hearing to receive oral and written comments on the Proposed RHNA Methodology[1] and Draft Subregional Shares[2] prior to adoption of the Draft RHNA Methodology and Final Subregional Shares. The written public comment period began on October 25 and ended on November 27 per the Notice of Public Hearing published in newspapers and an ABAG press release. Additionally, ABAG held a public hearing at the November 12 meeting of the Regional Planning Committee, where 29 local government representatives, advocacy organizations, and members of the public provided oral comments on the proposed methodology.

Geographic Representation and Respondent Types for Comments Received

During the public comment period, ABAG received 106 written comments on the Proposed RHNA Methodology. These letters provided perspectives from over 200 local government staff and elected officials, advocacy organizations, and members of the public, as some letters represented multiple signatories. In total, 42 of ABAG's 109 jurisdictions were signatories on letters received during the public comment period. **Table 1** shows the number of written and oral comments received from advocacy organizations, members of the public, and various public agencies across the nine-county Bay Area.[3] ABAG received no comments on the Draft Subregional Shares.

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[1] California Government Code 65584.04 (d)
[2] California Government Code 65584.03 (c)
[3] The sum of the number of letters received in Table 1 exceeds 106, as two letters had signatories from public agencies across multiple counties. Similarly, the sum of the number of oral comments in Table 1 exceeds 29 because one of comments came from a special district that represents both San Mateo and Santa Clara Counties.

Table 1. Share of public comments received from different types of respondents

Type of Respondent	Number of Letters Received	Number of Oral Comments from Public Hearing
Public Agency – Alameda	5	0
Public Agency – Contra Costa	3	0
Public Agency – Marin	11	1
Public Agency – Napa	2	0
Public Agency – San Francisco	0	0
Public Agency – San Mateo	11	2
Public Agency – Santa Clara	8	2
Public Agency – Solano	1	0
Public Agency – Sonoma	1	0
Advocacy Organizations	9	8
Members of the Public	57	17

Most Common Themes from Comments Received

Table 2 below summarizes the key themes that are most prevalent across the comments received about the Proposed RHNA Methodology. The themes are ordered roughly in terms of how many letters and oral comments mentioned them, though it is worth noting that some letters represented comments from multiple jurisdictions, advocacy organizations, and/or individual members of the public. The table also includes a brief response about the Draft RHNA Methodology (which incorporates data from the Plan Bay Area 2050 Final Blueprint) from ABAG staff responding to the different topics in the comment letters. Comment letters on the Proposed RHNA Methodology will receive a response in the coming weeks, with responses to local jurisdictions slated prior to the January ABAG Executive Board meeting.

Table 2. Most common themes from written comments received

1. Jurisdiction is built out and/or lacks infrastructure to accommodate its allocation: Comments noted a lack of developable land and the inability to provide the services and infrastructure that would be needed as a result of growth from RHNA. Some residents objected to any new housing growth.

ABAG Response: Housing Element Law requires RHNA to increase the housing supply and mix of housing types for all jurisdictions. ABAG-MTC staff worked with local governments to gather information about local plans, zoning, physical characteristics and potential development opportunities and constraints. This information was used as an input into the Plan Bay Area 2050 Blueprint, which is used as the baseline allocation in the Draft RHNA Methodology. The Final Blueprint that was integrated into the Draft RHNA Methodology includes a number of updates based on corrections to local data provided by jurisdiction staff. The Blueprint allows additional feasible growth within the urban footprint by increasing allowable residential densities and expanding housing into select areas currently zoned for

commercial and industrial uses. Ultimately, by law, ABAG cannot limit RHNA based on existing zoning or land use restrictions. The statute also requires ABAG to consider the potential for increased residential development under alternative zoning ordinances and land use restrictions.

2. The methodology should focus more on transit and jobs to better align with Plan Bay Area 2050 and the statutory RHNA objective to promote infill development and achieve greenhouse gas emissions reduction targets: Comments suggested that proposed methodology directs too much RHNA to jurisdictions without adequate transit and/or with few jobs. These comments also argued that changing the RHNA methodology's baseline allocation to household growth from the Blueprint would better align the methodology with Plan Bay Area 2050 and statutory goals related to greenhouse gas emission reductions and sustainability.

ABAG Response: The Draft RHNA Methodology directly incorporates the forecasted development pattern from the Plan Bay Area 2050 Blueprint as the baseline allocation. The Blueprint emphasizes growth near job centers and in locations near transit, as well as in high-resource areas, with the intent of reducing greenhouse gas emissions. The strategies incorporated into the Blueprint help improve the region's jobs-housing balance, leading to shorter commutes—especially for low-income workers.

The inclusion of job proximity by both automobile and transit as factors in the Draft RHNA Methodology also furthers the RHNA objective related to efficient development patterns and greenhouse gas emission reductions by encouraging shorter commutes for all modes of travel. The job proximity factors allocate nearly half of the total number of housing units assigned to the Bay Area by the State. This includes allocating 15% of the region's lower-income units based on a jurisdiction's proximity to jobs that can be accessed by public transit.

Accordingly, the performance evaluation metrics indicate that the Draft RHNA Methodology performs well in meeting all five of the RHNA statutory objectives. This analysis shows that the draft methodology results in jurisdictions with the most access to jobs and transit as well as jurisdictions with the lowest vehicle miles traveled per resident experiencing higher growth rates from their RHNA allocations than other jurisdictions in the region. In contrast, the performance evaluation metrics also show that, while using Plan Bay Area 2050 household growth as the RHNA methodology's baseline performs marginally better on the RHNA objective related to reducing greenhouse gas emissions, it may fall short in achieving statutory requirements related to affirmatively furthering fair housing. Staff evaluated the 8-year allocations from the Draft RHNA Methodology and the 35-year housing growth from Plan Bay Area 2050 at the county and subcounty levels and determined that RHNA and the Plan are consistent.[4]

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[4] The Draft RHNA Methodology and Plan Bay Area 2050 are consistent for all nine counties and in 33 of 34 superdistricts (i.e., sub-county areas), using the methodology approved during the HMC process. Relatively unique circumstances exist in the one superdistrict flagged during the consistency check (superdistrict 28). In this superdistrict, net housing growth between 2015 and 2050 is less than the eight-year RHNA for the associated jurisdictions. However, wildfires prior to the 2023 to 2031 RHNA cycle destroyed more than 1,000 homes. Because of the loss in housing units early in the 35-year analysis period, the eight-year allocations remain consistent with the

3. Methodology needs to directly incorporate hazard risk: Comments suggested the methodology allocated too much growth near areas with high wildfire risk and exposure to other natural hazards such as sea-level rise. Others felt the Blueprint needs to better incorporate hazard data, particularly related to wildland-urban interface (WUI) maps and FEMA floodways.

ABAG Response: Including the Blueprint in the RHNA methodology addresses concerns about natural hazards, as the Blueprint excludes areas with unmitigated high hazard risk from Growth Geographies. The Blueprint Growth Geographies exclude CAL FIRE designated "Very High" fire severity areas as well as county-designated WUIs where applicable. The Blueprint strategies focus future growth away from the highest fire risk zones, support increased wildland management programs, and support residential building upgrades that reduce the likelihood for damage when fires occur in the wildland urban interface.

The Blueprint incorporates strategies to mitigate the impacts of sea level rise, protecting nearly all communities at risk from two feet of permanent inundation. Riverine flooding is not yet integrated into the Blueprint because existing research does not provide guidance on how to model impacts of temporary riverine flooding to buildings and land value. Communities can choose to take these risks into consideration with where and how they site future development, either limiting growth in areas of higher hazard or by increasing building standards to cope with the hazard.

4. Support for proposed methodology: Comments from residents, local jurisdictions, and a diverse range of advocacy organizations supporting the methodology emphasized its importance for furthering regional equity.

ABAG Response: Staff's analysis aligns with these comments and indicates the Draft RHNA Methodology successfully furthers all five of the statutory objectives of RHNA, including requirements related to affirmatively furthering fair housing.

5. Need to account for impacts from COVID-19: Comments generally focused on the effects of the pandemic and suggest either delaying RHNA or reconsidering the focus on proximity to jobs.

ABAG Response: Staff appreciates concerns about the significant economic and societal changes resulting from COVID-19, and these concerns were relayed to the State in early summer. However, the Regional Housing Need Determination (RHND) from HCD has been finalized at this point in time. ABAG is obligated by state law to move forward with the RHNA process so jurisdictions can complete updates to their Housing Elements on time.

Additionally, the eight-year RHNA cycle (which starts in 2023) represents a longer-term outlook than the current impacts of the pandemic in 2020 and 2021. The potential impacts of the trend toward telecommuting in the longer term are incorporated into the RHNA methodology through the integration of the Plan Bay Area 2050 Blueprint, which includes

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long-range projections for this portion of the Bay Area, as the reconstruction of units during the RHNA period does not lead to significant net growth from 2015 levels.

strategies to expand commute trip reduction programs through telecommuting and other sustainable modes of travel.

6. Concerns about allocation to unincorporated areas: Comments argued that the methodology allocates too much growth to unincorporated areas that are rural and lack infrastructure to support development.

ABAG Response: The Plan Bay Area 2050 Blueprint forecasts very little growth in unincorporated county areas, and that growth is focused inside urban growth boundaries. The RHNA allocations to these areas are driven, largely, by the number of existing households in unincorporated county areas, since the 2050 Households baseline in the Draft RHNA Methodology is the sum of existing households and forecasted household growth. Use of the Final Blueprint as the baseline allocation in the RHNA methodology resulted in smaller allocations for most of the counties in the region compared to the Proposed RHNA Methodology, which relied on the Draft Blueprint. ABAG-MTC will continue discussions with local jurisdictions about opportunities to direct additional RHNA units to incorporated areas, including the use of the provisions in Housing Element Law that allow a county to transfer a portion of its RHNA allocation to a city or town after it receives its RHNA allocation from ABAG.[5]

7. Support for adding the "equity adjustment" proposed by some HMC members to the methodology: Comments were generally supportive of the methodology but noted the HMC-proposed equity adjustment should be included to advance the statutory requirement to affirmatively further fair housing.

ABAG Response: Staff notes the importance of meeting all statutory requirements, including the mandate to affirmatively further fair housing. However, staff's analysis indicates the Draft RHNA Methodology does successfully achieve all five statutory objectives of RHNA. At the final HMC meeting, staff recommended that the HMC not move forward with the proposed equity adjustment as this change would increase the complexity of the methodology for minimal impact on RHNA allocations. The proposed equity adjustment would shift less than 2 percent of the region's lower-income RHNA to the jurisdictions identified by an HMC-proposed composite score as exhibiting above-average racial and socioeconomic exclusion. However, the underlying methodology for the composite score and adjustment approach would make it more difficult for local policy makers and members of the public to understand the RHNA methodology. Ultimately, the HMC chose not to move forward with the proposed equity adjustment in its recommended RHNA methodology.

8. Concern that HCD's Regional RHND calculation was inaccurate and too high: Comments from several members of the public and one local jurisdiction expressed the belief that HCD's RHND calculations may have been flawed and resulted in ABAG receiving an allocation from the state that was too large.

ABAG Response: The determination provided by HCD is based on a population forecast from the California Department of Finance (DOF), which is then modified by staff at DOF and HCD to tackle overcrowding and make other adjustments as specified in law. The procedures for

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[5] Government Code Section 65584.07.

calculating the RHND are clearly specified in state law and the grounds for an appeal were narrowly designed by the Legislature. ABAG-MTC staff has reviewed HCD's calculation methodology and believe it adheres to applicable legal requirements. The ABAG Board ultimately decided not to appeal the RHND in June 2020. At this time, the window of appeal of the RHND is now closed. Further feedback on this element of the process is most appropriately provided to HCD, rather than ABAG.

9. Jurisdiction-specific issues with Plan Bay Area 2050 Blueprint: Some jurisdictions had concerns about the accuracy of the Blueprint's underlying data. Others felt the Blueprint needs to better incorporate hazard data, particularly related to wildland-urban interface (WUI) maps and FEMA floodways.

ABAG Response: Local jurisdiction staff were provided with several months to comment on the BASIS data used as the input for the Blueprint, as well as the additional public comment period on the Draft Blueprint during Summer 2020. ABAG-MTC staff appreciates jurisdictions' feedback on Blueprint data and has worked directly with local jurisdiction staff to address these concerns. In addition, Housing Element Law provides local jurisdictions with an opportunity to appeal their draft RHNA allocations. ABAG will conduct this appeals process starting in summer 2021.