



375 Beale Street
Suite 700
San Francisco, California
94105

Meeting Agenda - Final

ABAG Executive Board

Thursday, June 16, 2022

5:10 PM

HYBRID (In person option available)

Special Meeting

Association of Bay Area Governments Executive Board Meeting No. 473

In light of Governor Newsom's State of Emergency declaration regarding COVID-19 and in accordance with Assembly Bill 361's (Rivas) provisions allowing remote meetings, this meeting will be accessible via webcast, teleconference, and Zoom for all participants.

A Zoom panelist link for meeting participants will be sent separately to committee, commission, or board members.

The meeting webcast will be available at: <https://abag.ca.gov/meetings-events/live-webcasts>

Meeting attendees may opt to attend in person for public comment and observation at 375 Beale Street, Board Room (1st Floor).

In-person attendees must adhere to posted public health protocols while in the building.

Members of the public are encouraged to participate remotely via Zoom at the following link or phone number:

Please click the link below to join the webinar:

<https://bayareametro.zoom.us/j/87163783303>

Or One tap mobile :

US: +13462487799,,87163783303# or +16699006833,,87163783303#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 346 248 7799 or +1 669 900 6833 or +1 253 215 8782 or +1 408 638 0968 or +1 646 876 9923 or +1 301 715 8592 or +1 312 626 6799 or 833 548 0282 (Toll Free) or 877 853 5247 (Toll Free) or 888 788 0099 (Toll Free) or 833 548 0276 (Toll Free)

Webinar ID: 871 6378 3303

Detailed instructions on participating via Zoom are available at:

<https://abag.ca.gov/zoom-information>

Committee members and members of the public participating by Zoom wishing to speak should use the "raise hand" feature or dial "*9".

In order to get the full Zoom experience, please make sure your application is up to date.

Members of the public may participate by phone or Zoom or may submit comments by email at info@bayareametro.gov by 5:00 p.m. the day before the scheduled meeting date. Please include the committee or board meeting name in the subject line. Due to the current circumstances, there may be limited opportunity to address comments during the meeting. All comments received will be submitted into the record.

The ABAG Executive Board may act on any item on the agenda.
The meeting is scheduled to begin at 5:10p.m., or after the preceding ACFA meeting.
Agenda, roster and webcast available at <https://abag.ca.gov>
For information, contact Clerk of the Board at (415) 820-7913.

Roster

Susan Adams, Candace Andersen, Jesse Arreguin, Nikki Fortunato Bas, London Breed,
Tom Butt, David Canepa, Pat Eklund, Susan Ellenberg, Maya Esparza, Carroll Fife,
Neysa Fligor, Leon Garcia, Liz Gibbons, Giselle Hale, Barbara Halliday, David Haubert,
Rich Hillis, Dave Hudson, Otto Lee, Matthew Mahan, Rafael Mandelman, Gordon Mar,
Nathan Miley, Karen Mitchoff, Stephanie Moulton-Peters, Raul Peralez, David Rabbitt,
Belia Ramos, Carlos Romero, James Spring, Loren Taylor, Steve Young

1. Call to Order / Roll Call / Confirm Quorum

Quorum is a majority of ABAG Executive Board members present.

2. Public Comment

Information

3. Executive Board Announcements

Information

4. President's Report

- 4.a. [22-0963](#) ABAG President's Report for June 16, 2022

Action: Information

Presenter: Jesse Arreguin

5. Executive Director's Report

- 5.a. [22-0964](#) Executive Director's Report for June 16, 2022

Action: Information

Presenter: Therese W. McMillan

6. Consent Calendar

- 6.a. [22-0965](#) Approval of ABAG Executive Board Minutes of May 19, 2022

Action: Approval

Presenter: Clerk of the Board

Attachments: [06a EB Minutes 20220519 472 Draft.pdf](#)

- 6.b. [22-0966](#) Adoption of Resolution No. 11-2022 Regarding Remote Meetings Pursuant to Assembly Bill 361
- Action: Approval
- Presenter: Kathleen Kane
- Attachments: [06b 1 Summary Sheet Findings Pursuant to AB 361 v1.pdf](#)
[06b 2 Attachment ABAG Resolution No 11 2022 Findings Pursuant to AB 361 to](#)
- 6.c. [22-1005](#) Authorization to enter into contract amendment with Peak Digital, LLC to provide for Fiscal Year 2022-23 agency website support services in the amount of \$180,000 through the term of June 30, 2024
- Action: Approval
- Presenter: Alysha Nachtigall
- Attachments: [06c 1 Summary Sheet Peak Digital LLC v2.pdf](#)
[06c 2 Summary Approval Peak Digital LLC v2.pdf](#)
- 6.d. [22-1009](#) Ratification of Appointment to Regional Planning Committee and Housing Committee
- Action: Approval
- Presenter: Jesse Arreguin
- Attachments: [06d 1 Summary Sheet Committee Appointment RPC HC v2.pdf](#)
[06d 2 Attachment CSC Appointment Letter - ABAG Regional Planning Committ](#)

7. ABAG Administrative Committee

- 7.a. [22-0967](#) Report on ABAG Administrative Committee Meeting of June 10, 2022
- Action: Information
- Presenter: Jesse Arreguin

8. ABAG Finance Committee

- 8.a. [22-0968](#) Report on ABAG Finance Committee Meeting of June 16, 2022
- Action: Information
- Presenter: Karen Mitchoff

9. Joint MTC ABAG Legislation Committee

- 9.a. [22-0969](#) Report on Joint MTC ABAG Legislation Committee Meeting of June 10, 2022
- Action: Information
- Presenter: Jesse Arreguin

- 9.b. [22-0843](#) Assembly Bill 2011 (Wicks): Affordable Housing and High Road Jobs Act of 2022

Streamlines certain affordable housing development on underutilized commercial sites; eligibility for streamlining subject to affordability, location and labor standards.

Action: Support if Amended / ABAG Executive Board

Presenter: Georgia Gann Dohrmann

Attachments: [09b 1 Summary Sheet AB 2011 Wicks.pdf](#)
[09b 2 Attachment Joint Legislation Summary Sheet 3ci Assembly Bill 2011-W](#)
[09b Public Comment City of Pleasanton- AB 2011 \(Wicks\) Comment Letter to A](#)

- 9.c. [22-1008](#) Next Steps on Regional Affordable Housing Bond

Overview of timeline and key next steps for placement of a regional affordable housing bond on the November 2024 ballot; Direction to staff to proceed and assign oversight of staff progress to ABAG Housing Committee.

Action: Approval

Presenter: Kate Hartley

Attachments: [09c 1 Summary Sheet Potential 2024 Regional Housing Revenue Measure v2.r](#)
[09c 2 Attachment Combined Joint Legislation Summary Sheet and Presentation](#)
[09c Handout Presentation Potential 2024 Regional Housing Revenue Measure.](#)

10. ABAG Housing Committee

- 10.a. [22-0970](#) Report on ABAG Housing Committee Meeting of June 9, 2022

Action: Information

Presenter: Carlos Romero

11. Adjournment / Next Meeting

The next regular meeting of the ABAG Executive Board is on July 21, 2022.

Public Comment: The public is encouraged to comment on agenda items at Committee meetings by completing a request-to-speak card (available from staff) and passing it to the Committee secretary. Public comment may be limited by any of the procedures set forth in Section 3.09 of MTC's Procedures Manual (Resolution No. 1058, Revised) if, in the chair's judgment, it is necessary to maintain the orderly flow of business.

Meeting Conduct: If this meeting is willfully interrupted or disrupted by one or more persons rendering orderly conduct of the meeting unfeasible, the Chair may order the removal of individuals who are willfully disrupting the meeting. Such individuals may be arrested. If order cannot be restored by such removal, the members of the Committee may direct that the meeting room be cleared (except for representatives of the press or other news media not participating in the disturbance), and the session may continue.

Record of Meeting: Committee meetings are recorded. Copies of recordings are available at a nominal charge, or recordings may be listened to at MTC offices by appointment. Audiocasts are maintained on MTC's Web site (mtc.ca.gov) for public review for at least one year.

Accessibility and Title VI: MTC provides services/accommodations upon request to persons with disabilities and individuals who are limited-English proficient who wish to address Commission matters. For accommodations or translations assistance, please call 415.778.6757 or 415.778.6769 for TDD/TTY. We require three working days' notice to accommodate your request.

可及性和法令第六章: MTC 根據要求向希望來委員會討論有關事宜的殘疾人士及英語有限者提供服務/方便。需要便利設施或翻譯協助者，請致電 415.778.6757 或 415.778.6769 TDD / TTY。我們要求您在三個工作日前告知，以滿足您的要求。

Acceso y el Titulo VI: La MTC puede proveer asistencia/facilitar la comunicación a las personas discapacitadas y los individuos con conocimiento limitado del inglés quienes quieran dirigirse a la Comisión. Para solicitar asistencia, por favor llame al número 415.778.6757 o al 415.778.6769 para TDD/TTY. Requerimos que solicite asistencia con tres días hábiles de anticipación para poderle proveer asistencia.

Attachments are sent to Committee members, key staff and others as appropriate. Copies will be available at the meeting.

All items on the agenda are subject to action and/or change by the Committee. Actions recommended by staff are subject to change by the Committee.



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #: 22-0963 **Version:** 1 **Name:**
Type: Report **Status:** Informational
File created: 5/11/2022 **In control:** ABAG Executive Board
On agenda: **Final action:**
Title: ABAG President's Report for June 16, 2022
Sponsors:
Indexes:
Code sections:
Attachments:

Date	Ver.	Action By	Action	Result
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ABAG President's Report for June 16, 2022

Jesse Arreguin

Information



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #: 22-0964 **Version:** 1 **Name:**
Type: Report **Status:** Informational
File created: 5/11/2022 **In control:** ABAG Executive Board
On agenda: 6/16/2022 **Final action:**
Title: Executive Director's Report for June 16, 2022
Sponsors:
Indexes:
Code sections:
Attachments:

Date	Ver.	Action By	Action	Result
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Executive Director's Report for June 16, 2022

Therese W. McMillan

Information



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #: 22-0965 **Version:** 1 **Name:**
Type: Minutes **Status:** Executive Board Consent
File created: 5/11/2022 **In control:** ABAG Executive Board
On agenda: 6/16/2022 **Final action:**
Title: Approval of ABAG Executive Board Minutes of May 19, 2022
Sponsors:
Indexes:
Code sections:
Attachments: [06a EB Minutes 20220519 472 Draft.pdf](#)

Date	Ver.	Action By	Action	Result
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Approval of ABAG Executive Board Minutes of May 19, 2022

Clerk of the Board

Approval



375 Beale Street
Suite 700
San Francisco, California
94105

Meeting Minutes - Draft

ABAG Executive Board

Thursday, May 19, 2022

5:10 PM

REMOTE (In person option available)

Association of Bay Area Governments Executive Board Meeting No. 472

The ABAG Executive Board may act on any item on the agenda.
The meeting is scheduled to begin at 5:10p.m., or after the preceding ACFA meeting.
Agenda, roster and webcast available at <https://abag.ca.gov>
For information, contact Clerk of the Board at (415) 820-7913.

Roster

Susan Adams, Candace Andersen, Jesse Arreguin, Nikki Fortunato Bas, London Breed,
Tom Butt, David Canepa, Pat Eklund, Susan Ellenberg, Maya Esparza, Carroll Fife,
Neysa Fligor, Leon Garcia, Liz Gibbons, Giselle Hale, Barbara Halliday, David Haubert,
Rich Hillis, Dave Hudson, Otto Lee, Matthew Mahan, Rafael Mandelman, Gordon Mar,
Nathan Miley, Karen Mitchoff, Stephanie Moulton-Peters, Raul Peralez, David Rabbitt,
Belia Ramos, Carlos Romero, James Spering, Loren Taylor, Steve Young

1. Call to Order / Roll Call / Confirm Quorum

Vice President Ramos called the meeting to order at about 5:17 p.m.
Quorum was present.

Present: 22 - Andersen, Brown, Butt, Eklund, Ellenberg, Esparza, Fligor, Garcia, Foley, Hale,
Halliday, Haubert, Hudson, Hollingsworth-Adams, Lee, Miley, Martinez-Beltran,
Mitchoff, Rabbitt, Ramos, Romero, and Young

Absent: 11 - Arreguin, Bas, Breed, Canepa, Fife, Hillis, Mandelman, Mar, Moulton-Peters,
Peralez, and Taylor

2. Public Comment

3. Executive Board Announcements

4. President's Report

4.a. [22-0791](#) ABAG President's Report for May 19, 2022

Vice President Ramos gave the report.

5. Executive Director's Report

- 5.a. [22-0792](#) Executive Director's Report for May 19, 2022

Therese W. McMillan gave the report.

6. Consent Calendar

Upon the motion by Eklund and second by Romero, the ABAG Executive Board approved the Consent Calendar. The motion passed unanimously by the following vote:

Aye: 19 - Andersen, Brown, Butt, Eklund, Ellenberg, Esparza, Foley, Hale, Halliday, Haubert, Hudson, Hollingsworth-Adams, Lee, Martinez-Beltran, Mitchoff, Rabbitt, Ramos, Romero, and Young

Absent: 14 - Arreguin, Bas, Breed, Canepa, Fife, Fligor, Garcia, Hillis, Mandelman, Mar, Miley, Moulton-Peters, Peralez, and Taylor

- 6.a. [22-0793](#) Approval of ABAG Executive Board Minutes of April 8, 2022 and April 21, 2022
- 6.b. [22-0794](#) Adoption of Resolution No. 09-2022 Regarding Remote Meetings Pursuant to Assembly Bill 361
- 6.c. [22-0838](#) Adoption of Resolution No. 10-2022 authorizing to submit an application and execute an agreement with the California State Parks Division of Boating and Waterways on behalf of the San Francisco Estuary Partnership's Clean Vessel Act Program in an amount not to exceed \$450,000
- 6.d. [22-0840](#) Authorization to issue and administer three Contract Agreements under the Bay Trail Grant Program to local partners with funds received from the State Coastal Conservancy's Bay Trail Block Grant #6 funds for a total contracted amount of \$840,000
- 6.e. [22-0841](#) Authorization to amend a Bay Area Regional Energy Network (BayREN) Contract with BluePoint Planning LLC in an amount not to exceed \$50,000 for services for BayREN communications through December 31, 2022
- 6.f. [22-0842](#) Authorization to amend a Bay Area Regional Energy Network (BayREN) Contract with Frontier Energy Inc. in an amount not to exceed \$90,000 for services for BayREN technical and regulatory reporting functions through December 31, 2022

7. ABAG Administrative Committee

- 7.a. [22-0795](#) Report on ABAG Administrative Committee Meeting of May 13, 2022

Vice President Ramos gave the report.

8. ABAG Finance Committee

- 8.a. [22-0796](#) Report on ABAG Finance Committee Meeting of May 19, 2022

Karen Mitchoff gave the report.

- 8.b. [22-0797](#) Confirmation of the Election of ABAG Finance Committee Chair and Vice Chair

Upon the motion by Rabbitt and second by Ramos, the ABAG Executive Board confirmed the election of Karen Mitchoff, Supervisor, County of Contra Costa, as Chair. The motion passed unanimously by the following vote:

Aye: 21 - Andersen, Brown, Butt, Eklund, Ellenberg, Esparza, Garcia, Foley, Hale, Halliday, Haubert, Hudson, Hollingsworth-Adams, Lee, Miley, Martinez-Beltran, Mitchoff, Rabbitt, Ramos, Romero, and Young

Absent: 12 - Arreguin, Bas, Breed, Canepa, Fife, Fligor, Hillis, Mandelman, Mar, Moulton-Peters, Peralez, and Taylor

9. Joint MTC ABAG Legislation Committee

- 9.a. [22-0798](#) Report on Joint MTC ABAG Legislation Committee Meeting of May 13, 2022

Vice President Ramos gave the report.

- 9.b. [22-0844](#) Assembly Constitutional Amendment 14 (Wicks) - Housing Opportunities for Everyone (HOPE) Act

Requires a transfer of 5 percent of General Fund revenues for that fiscal year from FY 2024-25 fiscal year through FY 2022-23 related to homelessness and affordable housing, including housing and services to prevent and end homelessness.

Upon the motion by Eklund and second by Esparza. the ABAG Executive Board approved a support position on Assembly Constitutional Amendment 14 (Wicks). The motion passed unanimously by the following vote

Aye: 21 - Andersen, Brown, Butt, Eklund, Ellenberg, Esparza, Garcia, Foley, Hale, Halliday, Haubert, Hudson, Hollingsworth-Adams, Lee, Miley, Martinez-Beltran, Mitchoff, Rabbitt, Ramos, Romero, and Young

Absent: 12 - Arreguin, Bas, Breed, Canepa, Fife, Fligor, Hillis, Mandelman, Mar, Moulton-Peters, Peralez, and Taylor

10. ABAG Housing Committee

- 10.a. [22-0799](#) Report on ABAG Housing Committee Meeting of April 14, 2022 and May 12, 2022

Carlos Romero gave the report.

- 10.b. [22-0800](#) Confirmation of the Election of ABAG Housing Committee Chair and Vice Chair

Upon the motion by Ramos and second by Mitchoff, the ABAG Executive Board confirmed the election of Carlos Romero, Councilmember, City of East Palo Alto, as Chair and Neysa Fligor, Councilmember, City of Los Altos, as Vice Chair. The motion passed unanimously by the following vote:

Aye: 20 - Andersen, Brown, Butt, Eklund, Ellenberg, Esparza, Garcia, Foley, Halliday, Haubert, Hudson, Hollingsworth-Adams, Lee, Miley, Martinez-Beltran, Mitchoff, Rabbitt, Ramos, Romero, and Young

Absent: 13 - Arreguin, Bas, Breed, Canepa, Fife, Fligor, Hale, Hillis, Mandelman, Mar, Moulton-Peters, Peralez, and Taylor

11. ABAG MTC Technical Assistance Portal

- 11.a. [22-0839](#) Presentation on ABAG/MTC's Technical Assistance Portal

Krute Singa gave the report.

12. Bay Regional Energy Network (BayREN)

- 12.a. [22-0881](#) Report on BayREN Business Plan Update/Overview including how to make a just, thoughtful transition to electrification

Jenny Berg and Ryan Jacoby gave the report.

13. Adjournment / Next Meeting

Vice President Ramos adjourned the meeting at about 6:37 p.m. The next special meeting of the ABAG Executive Board is on June 16, 2022. The next regular meeting of the ABAG Executive Board is on July 21, 2022.



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #:	22-0966	Version:	1	Name:	
Type:	Report	Status:		Executive Board Consent	
File created:	5/11/2022	In control:		ABAG Executive Board	
On agenda:	6/16/2022	Final action:			
Title:	Adoption of Resolution No. 11-2022 Regarding Remote Meetings Pursuant to Assembly Bill 361				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	06b 1 Summary Sheet Findings Pursuant to AB 361 v1.pdf 06b 2 Attachment ABAG Resolution No 11 2022 Findings Pursuant to AB 361 to Continue Virtual Publi				

Date	Ver.	Action By	Action	Result
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Adoption of Resolution No. 11-2022 Regarding Remote Meetings Pursuant to Assembly Bill 361

Kathleen Kane

Approval

Association of Bay Area Governments

Executive Board

June 16, 2022

Agenda Item 6.b.

Resolution Providing for Remote Meetings Pursuant to Assembly Bill 361

Subject:

Adoption of Resolution No. 11-2022—Regarding Remote Meetings Pursuant to Assembly Bill 361

Background:

Assembly Bill 361 provides for continuing availability of remote meetings during the pandemic-related state of emergency in California. In order to invoke this option, governing boards of Brown Act bodies, or their authorized designated committees (in this case, the Executive Board) must make certain findings in support of remote meetings within 30 days of the first meeting occurring after October 1, 2021, and every 30 days thereafter.

Attached for your review and approval is a resolution invoking Assembly Bill 361 and providing for remote meetings prospectively for 30 days following the Executive Board's action.

Issues:

Findings in support of Resolution No. 11-2022 are found in the attached. Given the continuing state of public health emergency and the improved public access afforded by holding public meetings of regional bodies in a virtual setting, the resolution under Assembly Bill 361 is supportable.

Recommended Action:

The Executive Board is requested to adopt Resolution No. 11-2022 authorizing the Association of Bay Area Governments, its committees, and related entities, to meet remotely pursuant to the provisions of Assembly Bill 361.

Attachments:

Resolution No. 11-2022

Reviewed:



Therese W. McMillan

**ASSOCIATION OF BAY AREA GOVERNMENTS
EXECUTIVE BOARD**

RESOLUTION NO. 11-2022

ABSTRACT

This resolution makes findings pursuant to Assembly Bill 361 to continue virtual public meetings for the Association of Bay Area Governments (ABAG), its related entities and committees during the COVID-19 State of Emergency.

Further discussion of this subject is contained in the ABAG Executive Board Summary Sheet dated June 16, 2022.

**ASSOCIATION OF BAY AREA GOVERNMENTS
EXECUTIVE BOARD**

RESOLUTION NO. 11-2022

FINDINGS PURSUANT TO ASSEMBLY BILL 361 TO CONTINUE VIRTUAL PUBLIC MEETINGS FOR THE ASSOCIATION OF BAY AREA GOVERNMENTS, WITH ITS RELATED ENTITIES AND COMMITTEES, DURING THE COVID-19 STATE OF EMERGENCY

WHEREAS, on March 4, 2020, the Governor of the State of California declared a state of emergency, as defined under the California Emergency Services Act, due to the COVID-19 pandemic; and

WHEREAS, the State of Emergency remains in effect; and

WHEREAS, beginning in March 2020, the Governor's Executive Order N-29-20 suspended Brown Act requirements related to teleconferencing during the COVID-19 pandemic provided that notice, accessibility, and other requirements were met, and the public was allowed to observe and address the legislative body at the meeting; and

WHEREAS, Executive Order N-08-21 extended the previous order until September 30, 2021; and

WHEREAS, the Association of Bay Area Governments (ABAG or Association) and its related entities and committees have conducted their meetings virtually, as authorized by the Executive Order, since March 17, 2020; and

WHEREAS, on September 16, 2021, the Governor signed into law Assembly Bill 361, an urgency measure effective upon adoption, that provides flexibility to government bodies, allowing them to meet virtually without conforming to the Brown Act teleconferencing rules if: (i) the legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing; (ii) the legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; or (iii) the legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; and

WHEREAS, the San Francisco Public Health Department continues to recommend and/or require measures to promote social distancing in combination with other safety precautions when activities occur in shared indoor spaces to mitigate the risk of COVID-19 transmission; and

**ASSOCIATION OF BAY AREA GOVERNMENTS
RESOLUTION NO.11-2022**

WHEREAS, recently, multiple COVID-19 variants have surged in the United States and are believed by medical experts to be more contagious than previous variants, and data has shown these variants to have increased transmissibility even among some vaccinated people; and

WHEREAS, due to uncertainty and concerns about recent COVID-19 variants and current conditions, many workplaces that had announced a return to regular in-person operations have pushed back the full return date; and

WHEREAS, virtual meetings have not diminished the public's ability to observe and participate and have expanded opportunities to do so for some communities; and

WHEREAS, given the heightened risks of the predominant variant of COVID-19 in the community, holding meetings with all members of the legislative body, staff, and the public in attendance in person in a shared indoor meeting space would pose an unnecessary and immediate risk to the attendees.

**ASSOCIATION OF BAY AREA GOVERNMENTS
RESOLUTION NO.11-2022**

NOW, THEREFORE, BE IT RESOLVED, that the Executive Board of the Association of Bay Area Governments hereby determines that, as a result of the emergency, meeting in person presents imminent risks to the health or safety of attendees; and be it further

RESOLVED, that in accordance with Assembly Bill 361, based on the findings and determinations herein, meetings of ABAG, its related entities and its committees will be held virtually, with Brown Act teleconferencing rules suspended; and be it further

RESOLVED, that this resolution shall be effective upon adoption and remain in effect for 30 days in accordance with Assembly Bill 361.

The foregoing was adopted by the Executive Board this 16th day of June, 2022.

Jesse Arreguin
President

Certification of Executive Board Approval

I, the undersigned, the appointed and qualified Clerk of the Board of the Association of Bay Area Governments (Association), do hereby certify that the foregoing resolution was adopted by the Executive Board of the Association at a duly called and noticed meeting held in San Francisco, California, and at other remote locations, on the 16th day of June, 2022.

Frederick Castro
Clerk of the Board



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #:	22-1005	Version:	1	Name:	
Type:	Report	Status:		Executive Board Consent	
File created:	5/20/2022	In control:		ABAG Executive Board	
On agenda:	6/16/2022	Final action:			
Title:	Authorization to enter into contract amendment with Peak Digital, LLC to provide for Fiscal Year 2022-23 agency website support services in the amount of \$180,000 through the term of June 30, 2024				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	06c 1 Summary Sheet Peak Digital LLC v2.pdf 06c 2 Summary Approval Peak Digital LLC v2.pdf				

Date	Ver.	Action By	Action	Result
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Authorization to enter into contract amendment with Peak Digital, LLC to provide for Fiscal Year 2022-23 agency website support services in the amount of \$180,000 through the term of June 30, 2024

Alysha Nachtigall

Approval

Association of Bay Area Governments

Executive Board

June 16, 2022

Agenda Item 6.c.

Contract Amendment – Agency Website Support Services: Peak Digital, LLC (\$180,000)

Subject:

Authorization to enter into contract amendment with Peak Digital, LLC to provide for Fiscal Year 2022-23 agency website support services in the amount not to exceed \$180,000

Background:

In March 2021, the Metropolitan Transportation Commission (MTC) selected Peak Digital, LLC from a bench of pre-qualified firms to provide website support services to operate, maintain, and enhance MTC and Association of Bay Area Government (ABAG)-related agency websites through June 30, 2024.

In June 2021, the ABAG Executive Board approved a contract amendment to provide ongoing website support services to operate, maintain, and enhance agency websites. In August 2021, and in December 2021, the Executive Director approved contract amendments with Peak Digital, LLC to provide website support services for the BayREN website and for the Technical Assistance web portal. In March 2022, the ABAG Executive Board approved a contract amendment to provide a managed services solution for the hosting of the agency websites, which delivers cost and resource benefits to MTC and ABAG.

This amendment would allow Peak Digital, LLC to continue to provide ongoing website support services and a managed services solution for the hosting of the agency websites, for FY 2022-23.

The contract amendment with Peak Digital, LLC for which authorization is being sought will not change the contract term, it only adds funds for FY 2022-23. The contract term as currently executed ends on June 30, 2024. Each fiscal year funds are requested, and if the budget is approved, these funds are amended into the contract. Any unspent funds are able to rollover to subsequent fiscal years.

The current contract value is \$975,750. This amendment would add \$840,000, bringing the contract to a new total not to exceed amount of \$1,815,750 through the term of June 30, 2024. MTC will contribute \$660,000 and ABAG will contribute \$180,000 towards this amendment, which requires Executive Board approval based on ABAG Resolution 18-2020. The MTC Administration Committee approved the MTC portion on May 11, 2022. These funds are pending approval of the FY 2022-23 MTC and ABAG budgets.

Issues:

None

Association of Bay Area Governments

Executive Board

June 16, 2022

Agenda Item 6.c.

Contract Amendment – Agency Website Support Services: Peak Digital, LLC (\$180,000)

Recommended Action:

The Executive Board is requested to authorize the Executive Director of the Metropolitan Transportation Commission, or her designee, to enter into contract amendment with Peak Digital, LLC for Agency Website Support Services, in the amount not to exceed \$180,000 for the services.

Attachments:

Summary Approval

Reviewed:



Therese W. McMillan

**S U M M A R Y O F E X E C U T I V E B O A R D A P P R O V A L**

Work Item No.:	1161, 1752
Consultant:	Peak Digital, LLC.
Work Project Title:	ABAG Websites Support Services
Purpose of Project:	Maintenance and Operations of ABAG websites
Brief Scope of Work:	Provide maintenance, operations, hosting, and enhancement services for ABAG and its associated websites.
Project Cost Not to Exceed:	\$180,000
Funding Source:	ABAG General Fund: \$150,000 REAP Funds: \$30,000
Fiscal Impact:	\$180,000 in FY 2022-23 budget
Motion by Committee:	The Executive Board is requested to authorize the Executive Director of the Metropolitan Transportation Commission, or her designee, to enter into contract amendment with Peak Digital, LLC for Agency Website Support Services, in the amount not to exceed \$180,000 for the services.
ABAG Executive Board Approval:	Jesse Arreguin, ABAG President
Approval Date:	



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #: 22-1009 **Version:** 1 **Name:**

Type: Report **Status:** Executive Board Consent

File created: 5/23/2022 **In control:** ABAG Executive Board

On agenda: 6/16/2022 **Final action:**

Title: Ratification of Appointment to Regional Planning Committee and Housing Committee

Sponsors:

Indexes:

Code sections:

Attachments: [06d 1 Summary Sheet Committee Appointment RPC HC v2.pdf](#)
[06d 2 Attachment CSC Appointment Letter - ABAG Regional Planning Committee.pdf](#)

Date	Ver.	Action By	Action	Result
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Ratification of Appointment to Regional Planning Committee and Housing Committee

Jesse Arreguin

Approval

Association of Bay Area Governments

Executive Board

June 16, 2022

Agenda Item 6.d.

Committee Appointments

Subject:

Ratification of Appointment to Regional Planning Committee and Housing Committee

Background:

According to the ABAG Bylaws, the ABAG President makes appointments to committees with the advice and consent of the Executive Board.

On April 14, 2022, the Cities Association of Santa Clara County recommended the appointment of Hung Wei, Councilmember, City of Cupertino, to the ABAG Regional Planning Committee.

At its meeting on June 16, 2022, ABAG President Arreguin will report on his appointment to committees to the Executive Board.

Regional Planning Committee

Hung Wei, Councilmember, City of Cupertino

Housing Committee

David Rabbitt, Supervisor, County of Sonoma
Additional Appointment To Be Determined

Issues:

None

Recommended Action:

The ABAG Executive Board is requested to ratify the committee appointments, as reported.

Attachments:

Letter Appointment, Cities Association of Santa Clara County

Reviewed:



Therese W. McMillan



P.O. Box 3144
Los Altos, CA 94024
www.citiesassociation.org
408-766-9534

April 18, 2022

President Jesse Arreguin, ABAG
Bay Area Metro
Bay Area Metro Center
375 Beale Street, Suite 800
San Francisco, California 94105

VIA EMAIL

RE: ABAG Regional Planning Committee

Dear President Arreguin:

The Cities Association of Santa Clara County City Selection Committee met on April 14, 2022 and respectfully requests the appointment of Councilmember Hung Wei (Cupertino) to the ABAG Regional Planning Committee. The term begins July 1, 2022 and terminates June 30, 2024.

Appointee	TERM	Contact Information
Councilmember Hung Wei	2 years	City of Cupertino
City of Cupertino		10300 Torre Avenue
		Cupertino, CA 95014
		City hall 408-777-3200
		HWei@cupertino.org

A copy of the draft City Selection Committee Meeting Minutes is attached for your records.

Sincerely,

Joanne Benjamin
Acting Executive Director
Cities Association of Santa Clara County

cc: Cupertino Councilmember Hung Wei
Jim Throop, Cupertino City Manager
Kristen Squarcia, Cupertino City Clerk
Fred Castro, Clerk of the Board, ABAG
President Chappie Jones, City Selection Committee Chair and CASC President
Tiffany Linnear, Clerk, Board of Supervisors, Santa Clara County
Audin Leung, Clerk of the Board, Cities Association of Santa Clara County

Cities Association of Santa Clara County
Support or opposition of
DATE
Page 2 of 2



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #: 22-0967 **Version:** 1 **Name:**
Type: Report **Status:** Informational
File created: 5/11/2022 **In control:** ABAG Executive Board
On agenda: 6/16/2022 **Final action:**
Title: Report on ABAG Administrative Committee Meeting of June 10, 2022
Sponsors:
Indexes:
Code sections:
Attachments:

Date	Ver.	Action By	Action	Result
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Report on ABAG Administrative Committee Meeting of June 10, 2022

Jesse Arreguin

Information



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #: 22-0968 **Version:** 1 **Name:**
Type: Report **Status:** Informational
File created: 5/11/2022 **In control:** ABAG Executive Board
On agenda: 6/16/2022 **Final action:**
Title: Report on ABAG Finance Committee Meeting of June 16, 2022
Sponsors:
Indexes:
Code sections:
Attachments:

Date	Ver.	Action By	Action	Result
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Report on ABAG Finance Committee Meeting of June 16, 2022

Karen Mitchoff

Information



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #: 22-0969 **Version:** 1 **Name:**

Type: Report **Status:** Informational

File created: 5/11/2022 **In control:** ABAG Executive Board

On agenda: 6/16/2022 **Final action:**

Title: Report on Joint MTC ABAG Legislation Committee Meeting of June 10, 2022

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
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Report on Joint MTC ABAG Legislation Committee Meeting of June 10, 2022

Jesse Arreguin

Information



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #:	22-0843	Version:	1	Name:	
Type:	Report	Status:		Executive Board Approval	
File created:	4/22/2022	In control:		ABAG Executive Board	
On agenda:	5/19/2022	Final action:			
Title:	Assembly Bill 2011 (Wicks): Affordable Housing and High Road Jobs Act of 2022				
	Streamlines certain affordable housing development on underutilized commercial sites; eligibility for streamlining subject to affordability, location and labor standards.				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	09b 1 Summary Sheet AB 2011 Wicks.pdf 09b 2 Attachment Joint Legislation Summary Sheet 3ci Assembly Bill 2011- 09b Public Comment City of Pleasanton- AB 2011 (Wicks) Comment Letter to ABAG Executive				

Date	Ver.	Action By	Action	Result
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Assembly Bill 2011 (Wicks): Affordable Housing and High Road Jobs Act of 2022

Streamlines certain affordable housing development on underutilized commercial sites; eligibility for streamlining subject to affordability, location and labor standards.

Georgia Gann Dohrmann

Support if Amended / ABAG Executive Board

Association of Bay Area Governments

Executive Board

June 16, 2022

Agenda Item 9.b.

Legislation

Subject:

Assembly Bill 2011 (Wicks): Affordable Housing and High Road Jobs Act of 2022

Background:

On June 10, 2022, the Joint MTC ABAG Legislation Committee received a report on the following state legislation:

- Assembly Bill 2011 (Wicks): Affordable Housing and High Road Jobs Act of 2022
- Streamlines certain affordable housing development on underutilized commercial sites; Eligibility for streamlining subject to affordability, location and labor standards.
- Staff recommendation: Support if Amended

At its meeting on June 16, 2022, the Executive Board will receive a report on the Joint MTC ABAG Legislation Committee's recommended action.

The Joint MTC ABAG Legislation Committee summary sheet is attached.

Issues:

None

Recommended Action:

The ABAG Executive Board is requested to approve a support if amended position on Assembly Bill 2011 (Wicks), as reported.

Attachments:

Summary Sheet, Joint MTC ABAG Legislation Committee

Reviewed:



Therese W. McMillan

Metropolitan Transportation Commission and Association of Bay Area Governments
Joint MTC ABAG Legislation Committee

June 10, 2022

Agenda Item 3c

Assembly Bill 2011 (Wicks): Affordable Housing and High Road Act of 2022

Subject:

Streamlines certain affordable housing development on underutilized commercial sites; Eligibility for streamlining subject to affordability, location, objective design and labor standards.

Overview:

Assembly Bill (AB) 2011 (Wicks) would make housing developments that meet specified affordability and location criteria, objective design standards and labor standards a “use by right” (i.e., no conditional use permit or re-zoning would be required) in a zone where office, retail, or parking are a principally permitted use and eligible for a streamlined, ministerial review (i.e., the project is not subject to a discretionary approval process or review under the California Environmental Quality Act (CEQA)) as follows:

1. Multifamily affordable housing consisting of 100 percent affordable units would be allowed without rezoning *and* subject to a streamlined, ministerial review *anywhere in infill areas currently zoned for office, retail or parking*, except if a site is located within a specific plan area for a plan adopted before January 1, 2024, the plan must allow for residential use on the site.
2. Mixed-income multifamily housing would be allowed without rezoning *and* subject to a streamlined, ministerial review on sites in infill areas *along commercial corridors* that are zoned for office, retail or parking, except that if a site is located within a specific plan area for a plan adopted before January 1, 2024, the plan must allow for residential use on the site. A commercial corridor is defined as a highway with a right-of-way between 70 feet and 150 feet (generally four to six lanes).

Specific affordability, location, and objective design standards are described in detail in Attachment A and include project density minimums, among others. For instance, for 100 percent affordable projects, the project must meet or exceed the density deemed appropriate to accommodate housing for lower income households in that jurisdiction as specified in Housing Element Law, which is typically 30 units/acre in urban areas, 20 units per acre in suburban areas and 10 units per acre in rural areas. For mixed-income developments, the objective design

standards are much more extensive and include setback requirements and minimum density and heights, tied to the width of the roadway (commercial corridor) adjacent to the site and setback requirements. Housing developments would still be required to meet local objective planning standards and comply with design review processes so long as those don't conflict with specific provisions in the bill or effectively preclude the development of housing.

New Labor Requirements

Eligibility for this by-right development would be conditioned on a developer including specified labor standards in construction contracts—including that all construction workers shall be paid at least the general prevailing wage—and certifying to a local government that those standards will be met. Development proponents seeking ministerial approval for housing projects with 50 units or more would be subject to additional labor standards, including requirements related to health care for certain employees and participation in apprenticeship programs. These provisions are a fundamental part of the bill and part of a “grand bargain” the bill is attempting to achieve in response to opposition from labor interests to legislative proposals to accelerate housing production.

Recommendation: Support if Amended / ABAG Executive Board

Support if Amended / MTC

Discussion:

Residential Redevelopment of Commercial Areas as Tool to Address Housing Challenges

California and the Bay Area in particular are in the midst of a severe housing shortage and affordability crisis that has only been exacerbated by the COVID 19 pandemic. In late 2021, most renters spend more than 30 percent of their household income on rent and only a quarter of California households could afford to purchase a median priced single-family home (a nearly 30 percent drop since the beginning of the pandemic). A major driver of California's housing affordability challenges is the mismatch between supply and demand for housing affordable to households across all income levels. The Department of Housing and Community Development (HCD) estimates roughly 2.5 million new units are needed to address this mismatch statewide, including a minimum of 441,176 within the Bay Area (our Regional Housing Needs Determination) over the next eight years.

Residential redevelopment of land zoned for retail and office presents an opportunity to achieve multiple policy goals. According to a December 2020 UC Berkeley Turner Center report, retail properties throughout the state have become underutilized as the sale of many goods and services have shifted towards e-commerce; a shift that has only been accelerated with the COVID-19 pandemic. Mixed-use, mixed-income projects on these sites will help advance Plan Bay Area 2050's (Plan) goals of bringing residents closer to jobs and transit (thereby reducing greenhouse gas emissions) while at the same time addressing California's ongoing housing shortage. MTC and ABAG's 2022 Advocacy Program reflects agency support for this policy, with Item 3c including support for "proposals to authorize housing as a permitted use in certain commercial zones, such as shopping malls, office parks and major commercial corridors, subject to local approval, but without requiring zoning changes."

Bay Area Housing Planning Background

Bay Area jurisdictions are now in the process of planning and zoning updates to accommodate for their share of 441,146 new housing units, as distributed by ABAG through the regional housing needs allocation (RHNA). As such, cities around the Bay Area are already exploring opportunities to accommodate infill residential redevelopment in underutilized commercial corridors. Local jurisdictions face an immense challenge to identify sufficient sites to accommodate new units and to complete rezonings before the January 2023 deadline for final Bay Area housing elements to be adopted and submitted to HCD for certification. Jurisdictions must demonstrate that housing element sites have realistic development potential and reflect realistic development capacity (i.e. it's likely that housing could be developed on the site at the scale reflected in the housing element). If at the time of housing element adoption, a jurisdiction has not yet identified enough existing, properly zoned sites to fully accommodate its RHNA across all income levels, the housing element must include a "program to rezone." Requirements are detailed in the attached ABAG Program to Rezone technical memo (Attachment B).

Although AB 2011 as written would open up more land for development—a policy MTC and ABAG support—it is not currently structured to enable local governments to incorporate that expanded development potential into their ongoing housing element updates.

Recommended Amendments to Integrate Ongoing Planning Efforts into AB 2011

Staff recommends three amendments that aim to support the efforts local governments are undertaking to accommodate much-needed housing while also providing for accelerated housing production if development is lagging behind RHNA goals. First, we recommend that the bill create a nexus between project streamlining and RHNA performance by allowing for ministerial project-level approvals *only* in jurisdictions that are not keeping pace with their RHNA goals. Second, we propose an amendment to ensure local governments that are proactively laying the groundwork to accommodate infill residential development along their commercial corridors continue to have an option to determine *where* within their commercial corridors that residential development is allowed. Specifically, where local governments have already completed (or will complete) plans to redevelop commercial corridors, AB 2011’s streamlining provisions should be limited to the locations identified in those plans for new residential development. Third, we propose an amendment to ensure that local jurisdictions can receive “credit” in their housing elements for those ongoing planning efforts to accommodate residential development in commercial corridors.

1. Tie AB 2011 Ministerial Project Approvals to RHNA Goals

Exempt jurisdictions from AB 2011 ministerial project approvals if the jurisdiction is on track to meet RHNA goals. However, if new housing development is not on pace with RHNA—i.e., the number of permitted units falls below prorated RHNA eight-year targets—or the jurisdiction does not have a certified housing element, the by-right project approval provisions would apply. Of note, this amendment would not revise the bill’s “use by right” provisions.

2. Support Local Planning Process in Commercial Corridors Zoned for Residential Development

For planning areas where a local government has re-zoned (or rezones) to accommodate residential development along commercial corridors, limit AB 2011’s streamlining to those sites within the commercial corridor that allow residential use. With this amendment, sites within rezoned commercial corridors that a jurisdiction *did not authorize* for housing would be exempt from AB 2011 provisions that provide for housing development in commercial corridors *without rezoning*. However, housing developers seeking project approvals *on sites*

that allow residential use could still seek ministerial approval of projects meeting the other AB 2011 criteria. This amendment builds on a provision in the current version of the bill requested by the City of Oakland that limits AB 2011 streamlining within a specific plan area to sites that allow residential use.

3. RHNA Credit for Planning for Residential Redevelopment of Commercial Corridors

The bill should be amended to include provisions to ensure local governments receive “credit” in *the current housing element cycle* for planned residential development in commercial corridors. The bill should address both the timing challenge—AB 2011’s effective date is less than one month before Bay Area housing elements are due—and the concern raised from local government partners that HCD may not deem that sites targeted for redevelopment meet the more stringent “realistic” threshold that’s being applied this cycle to review site inventories. For example, the bill could provide direction to HCD that sites zoned to accommodate residential redevelopment in commercial corridors meet the threshold for “realistic capacity for development,” including outlining specific options local governments may use to analyze development potential.

While staff recognizes that AB 2011, as proposed to be amended, still goes beyond the relatively narrow streamlining described in our 2022 Advocacy Program, given the scale of the Bay Area’s housing shortage, staff recommends the committee consider supporting the legislation, as proposed to be amended, to take advantage of this opportunity to meaningfully accelerate the production of housing while also expanding high wage construction jobs throughout the state.

Known Positions: See Attachment C

Attachments:

- Attachment A: Assembly Bill 2011 Affordability, Location, and Design Standard Criteria
- Attachment B: ABAG Technical Memo – Programs to Rezone
- Attachment C: Assembly Bill 2011 Known Positions



Alix A. Bockelman

Assembly Bill 2011 Affordability, Location and Objective Design Standards

Affordability Requirements

100 Percent Affordable	Mixed Income
100 percent of the units within the development project, excluding managers units, are dedicated to lower income households at an affordable rent or at an affordable for-sale cost.	Not less than 15 percent of the units shall be set at an affordable rent for low-income households or, for owner-occupied developments, either 30 percent of the units must be reserved for moderate-income households or 15 percent for low-income households.
Units must be subject to a recorded deed restriction for 55 years for rental units or 45 years for owner-occupied units.	Affordable units must be subject to a recorded deed restriction for a period of 55 years for rental units or 45 years for owner-occupied units.
<i>No comparable requirement.</i>	If the amount of affordable housing required by a local inclusionary housing ordinance exceeds that specified in the bill, then the project must abide by the local inclusionary housing ordinance.

See next page

Location Requirements

100 Percent Affordable	Mixed Income
<p>Within a zone where office, retail, or parking are a principally permitted use, except if a site is located in an area with a specific area plan. In that case, residential must be an allowable use on the site .</p>	<p>Meets all the following criteria:</p> <ol style="list-style-type: none"> 1) Site is in a zone where office, retail or parking are a principally permitted use, , except if a site is located in an area with a specific area plan. In that case, residential must be an allowable use on the site; 2) Site abuts a commercial corridor, which is a road that is not a freeway but that has a right of way of between 70 to 150 feet; 3) Site has a frontage along the commercial corridor of a minimum of 50 feet
<p>Units are located on a legal parcel or parcels that are either:</p> <ol style="list-style-type: none"> 1) Within a city where the city boundaries include some portion of either an urbanized area or urban cluster; or 2) In an unincorporated area, the legal parcels are wholly within the boundaries of an urbanized area or urban cluster. 	<p><i>Same requirement.</i></p>
<p>At least 75 percent of the site perimeter adjoins parcels that are developed with urban uses.</p>	<p><i>Same requirement.</i></p>
<p>It is not adjacent to any site where more than one-third of the square footage of the site is dedicated to industrial uses.</p>	<p><i>Same requirement.</i></p>

100 Percent Affordable	Mixed Income
It is not an environmentally unsafe or sensitive area, such as a wetland, a high or very high fire hazard severity zone, unless the site has adopted fire hazard mitigation measures required by existing building standards, a hazardous waste site, an earthquake fault zone, flood plain, area identified for conservation, or other location limitation in SB 35 (Wiener, 2017).	<i>Same requirement.</i>
It is not an existing site governed under the Mobilehome Residency Law, the Recreational Vehicle Park Occupancy Law, the Mobilehome Parks Act, or the Special Occupancy Parks Act.	<i>Same requirement.</i>
<i>No comparable requirement.</i>	The site is not greater than 20 acres.
<i>No comparable requirement.</i>	The development would not require the demolition of affordable housing (as defined), rent-controlled housing, sites occupied by tenants within the past 10 years, or a historic structure that was placed on a national, state or local historic register.
<i>No comparable requirement.</i>	The property does not contain housing units that are occupied by tenants, and units at the property are (or were) subsequently offered for sale to the general public by the subdivider or subsequent owner of the property.

Objective Design Standards

100 Percent Affordable	Mixed Income
It is a multifamily housing project.	<i>Same requirement.</i>
At least 67 percent of the square footage of the new construction associated with the project is designated for residential use.	<i>Same requirement.</i>
<p>The residential density will meet or exceed the applicable density deemed appropriate to accommodate housing for lower income households in that jurisdiction as specified in Housing Element Law. Generally, that density is 30 units per acre in urban areas, 20 units per acre in suburban areas, and 10 units per acre in rural areas.</p>	<p>The residential density for the development is determined as follows:</p> <ol style="list-style-type: none"> 1) In a metro jurisdiction, residential density for the development must meet or exceed the greater of: <ol style="list-style-type: none"> a. The residential density allowed on the parcel by the local government; b. For sites less than one acre, 30 units per acre. c. For sites of one acre or greater on a commercial corridor of less than 100 feet in width, 40 units per acre; d. For sites of one acre or greater on a commercial corridor of 100 feet in width or greater, 60 units per acre; e. Notwithstanding c. and d. above, for sites within one-half mile of a major transit stop, 80 units per acre. 2) In a non-metro jurisdiction, residential density for the development must meet or exceed the greater of: <ol style="list-style-type: none"> a. The residential density allowed on the parcel by the local government; b. For sites less than one acre in size, 20 units per acre c. For sites of one acre or greater on a commercial corridor of less than 100 feet in width, 30 units per acre;

100 Percent Affordable	Mixed Income
	<ul style="list-style-type: none"> d. For sites one acre or greater on a commercial corridor of 100 feet in width or greater, 50 units per acre; and e. Notwithstanding b. and c. above, for sites within one-half mile of a major transit stop, 70 units per acre.
The applicable standards are those in effect at the time that the development is submitted to the local government.	<i>Same requirement.</i>
The applicable standards must not preclude any additional density, or any other concessions, incentives, or waivers of development standards granted pursuant to Density Bonus Law.	<i>Same requirement.</i>
<i>No comparable requirement.</i>	<p>The height limit applicable to the housing development must be the greater of:</p> <ul style="list-style-type: none"> 1) The height allowed on the parcel by the local government 2) For sites on a commercial corridor of less than 100 feet in width, 35 feet 3) For sites on a commercial corridor of 110 feet in width or greater, 45 feet 4) Notwithstanding 2. and 3. above, for sites within one-half mile of a major transit stop, 65 feet.
<i>No comparable requirement.</i>	<p>The property meets the following setback standards:</p> <ul style="list-style-type: none"> 1) For the portion of the property fronting a commercial corridor: <ul style="list-style-type: none"> a. No setbacks can be required b. All parking must be set back at least 25 feet, and

100 Percent Affordable	Mixed Income
	<ul style="list-style-type: none">c. On the ground floor, the development must abut within 10 feet of the property line for at least 80 percent of the frontage.2) For the portion of the property that fronts a side street, which is a road that is not a freeway that has a right-of-way of between 25 to 70 feet, the development must abut within 10 feet of the property line for at least 60 percent of the frontage3) When the property line of a site abuts a single-family property, as specified, the following must occur:<ul style="list-style-type: none">a. The ground floor of the development must be set back at 10 feet from the single-family property. The amount required to be set back may be decreased by the local government; andb. Starting with the third floor of the property, each subsequent floor of the development must be stepped back from the single-family property in an amount equal to five feet multiplied by the floor number. The amount required to be stepped back may be decreased by the local government.4) When the property line of a site abuts a property that is not a single-family property, starting with the third floor of the property, each subsequent floor of the development must be stepped back

100 Percent Affordable	Mixed Income
	from the other property in an amount equal to five feet multiplied by the floor number. The amount required to be stepped back may be decreased by the local government.
<i>No comparable requirement.</i>	No parking can be required, except that the bill does not reduce, eliminate, or preclude local requirements to provide bicycle parking, electric vehicle supply equipment installed parking spaces, or parking spaces that are accessible to persons with disabilities that would have otherwise applied to the development.
<p>It meets the applicable objective zoning standards, objective subdivision standards, and objective design review standards, as specified, for the zone that allows residential use at a greater density between the following:</p> <ol style="list-style-type: none"> 1) The existing zoning designation for the parcel; and 2) The closest parcel that allows residential use at a density that meets the density requirements described above. <p>The applicable standards shall be those in effect at the time that the development is submitted to the local government pursuant to this article.</p> <p>The applicable standards shall not preclude any additional density or any other concessions, incentives, or waivers of development standards granted pursuant to the Density Bonus Law in Section 65915.</p>	<p>It meets the applicable objective zoning standards, objective subdivision standards, and objective design review standards, as specified, for the zone that allows residential use at the residential density determined in the bill. If no zone exists that allows such a residential density, the applicable standards are those for the zone that allows the greatest density within the city, county, or city and county.</p> <p>The applicable standards shall be those in effect at the time that the development is submitted to the local government pursuant to this article.</p> <p>The applicable standards shall not preclude any additional density requirements or any other concessions, incentives, or waivers of development standards granted pursuant to the Density Bonus Law in Section 65915.</p>



Programs To Rezone

Technical Memo

**Please note: This is a summary of the rules regarding programs to rezone. In some cases, details have been omitted for clarity. Please discuss with your City Attorney or County Counsel.*

Adequate Sites Program

If a jurisdiction's Housing Element does not identify enough existing, properly zoned sites to accommodate its RHNA, the Housing Element must have a program to rezone properties for housing to make up for the shortfall. This program can be an overlay zone on specific sites. *The following rules apply to the sites that need to be rezoned (i.e., the zoning is not in place on January 31, 2023).*

Program Requirements

Requirements that Apply to Sites Regardless of Income Level

- **Listed in sites inventory:** All sites that are proposed to be rezoned must be listed in the sites inventory.
- **Replacement requirements:** All sites, including those listed in the site inventory, must be subject to the lower income replacement housing requirements contained in density bonus law, even if they do not have any deed restricted housing.
- **Sufficient sites:** The jurisdiction must identify enough sites to rezone to cover any shortfall.
- **Rezoned in sufficient time:** The jurisdiction should also identify a timeline that matches state law (see below).

Requirements that Apply to Low and Very Low Income Sites

The rules regarding very low and low income sites are more complicated. If the rezoning occurs after January 31, 2023, the rezoning program(s) must include the following components:

- **By right approval:** The zoning must allow for by-right approvals if at least 20% of the units in a project are affordable to lower income households and the project does not need a subdivision. See below for definition of "by right."
- **Limits on small sites:** The site must be large enough for at least 16 units under the rezoning.
- **Minimum 20/30 units per acre:** The zoning must allow at least 20/30 units per acre, depending on the agency's default density, unless adequate justification can be provided to HCD to support a lower density as suitable for lower income housing. If you don't know your default density, [HCD provides guidance here](#).

- **Limits on mixed-use development:** There are limits on using mixed-use sites. Specifically, the jurisdiction must meet one of the two following conditions:
 1. At least half of the lower income units must be placed in zoning districts that are exclusively residential, or
 2. The rules must allow for 100% residential development and must require that the proposed development be at least 50% residential by floor area.

Definition of By Right

Applies to lower income sites if 20% of units are affordable to lower income households and no subdivision is required.

Jurisdictions may not require a conditional-use permit, a planned unit development permit, or any other discretionary permit. Any CEQA review must be done at the time of the rezoning approval. The housing project itself is not subject to CEQA.

Any subdivision of a site is subject to the Subdivision Map Act, CEQA, and all other local laws. Design review is acceptable as long as:

1. It does not trigger CEQA,
2. It is based on objective standards, and
3. It does not result in the project being rejected or the density reduced.

See the end of the memo for the statutory language regarding by right approvals.

Timing

The rezoning program should be implemented as early as possible. The timing of the rezoning depends on when whether the Housing Element is certified within 120 days of the Housing Element deadline. (The deadline is January 31, 2023, and 120 more days is May 31, 2023.)

1. If a Housing Element is certified by May 31, 2023, the rezoning must happen by May 31, 2026 (3+ years from the deadline).
2. If the Housing Element is *not* certified by May 31, 2023, the rezoning must be completed by January 31, 2024.
3. If rezoning is needed because the agency failed to complete all required rezoning in the fifth cycle, the “carryover” rezoning must be completed by January 31, 2024.

Please note: Of the 197 jurisdictions in the Southern California region, 2 were certified within 120 days of the deadline.

Under certain circumstances, if jurisdictions complete 75% of their rezoning on time, they may be eligible for an extension for the final 25%.

Consequences of Not Rezoning on Time

If a local government fails to complete the rezoning by the deadline, HCD may decertify a housing element and may refer the jurisdiction to the Attorney General. Per the Housing Accountability Act, for housing development projects where at least 20% of the total units are affordable, in most cases a locality cannot reject a proposed development project on a site identified by the rezoning program.

Sample Language

HCD offers the following sample language that could be included in a Housing Element, with edits in red.

Sample Program 1:

*To accommodate the remaining lower-income RHNA of 89 units, the City of X will identify and rezone a minimum of 4.5 acres of vacant land to the R3 zoning district, allowing exclusively residential uses and a minimum of 20 units per acre to a maximum of 30 units per acre by ~~June 30, 2024~~ January 31, 2024. Rezoned sites will permit owner-occupied and rental multifamily uses by right pursuant to Government Code section 65583.2(i) for developments in which 20 percent or more of the units are affordable to lower income households **and do not require a subdivision** and will be selected from sites 20 through 30 in the parcel listing (Appendix A). As reflected in Appendix A, each site has the capacity to accommodate at least 16 units and will be available for development in the planning period where water, sewer, and dry utilities can be provided.*

Objective: Create opportunity for at least 89 units of multifamily housing for lower income households

Responsible Agency: Community Development Department

Timeline: Sites rezoned by June 30, 2024

Funding Source(s): General fund

Sample Program 2: Rezone Program on Mixed-use Sites

*To accommodate the remaining lower-income RHNA of 150 units, the City will identify and rezone 8 acres of sites within the MU-30 zoning district, allowing owner-occupied and rental multifamily residential uses “by-right”, at a minimum of 20 units per acre by ~~June 30, 2017~~ January 31, 2024. Sites will allow projects to be 100 percent residential by-right but shall require residential uses to occupy at least 50 percent of the total floor area of the mixed-use project. Rezoned sites will permit owner-occupied and rental multifamily uses by right pursuant to Government Code section 65583.2(i) for developments in which 20 percent or more of the units are affordable to lower income households **and do not require a subdivision** and will be selected from sites 15 through 30 in the parcel listing (Appendix A) and have the capacity for at least 16 units per site.*

Objective: Create opportunity for at least 150 units of rental housing for lower income households

Responsible Agency: Community Development Department

Timeline: Sites rezoned by June 30, 2024

Funding Source(s): General fund

Statutory Language Regarding By Right

For purposes of this section and Section 65583, the phrase “use by right” shall mean that the local government's review of the owner-occupied or multifamily residential use may not require a conditional use permit, planned unit development permit, or other discretionary local government review or approval that would constitute a “project” for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code. Any subdivision of the sites shall be subject to all laws, including, but not limited to, the local government ordinance implementing the Subdivision Map Act. A local ordinance may provide that “use by right” does not exempt the use from design review. However, that design review shall not constitute a “project” for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code. Use by right for all rental multifamily residential housing shall be provided in accordance with subdivision (f) of Section 65589.5

Assembly Bill 2011 (Wicks) Known Positions

Support:

CA Conference of Carpenters (Co-Sponsor)
California Housing Consortium (Co-Sponsor)
AARP
Abundant Housing LA
Affirmed Housing
All Home
Bay Area Council
Burbank Housing Development Corporation
California Apartment Association
California Association of Local Housing Finance Agencies
California Coalition for Rural Housing
California Community Builders
California Housing Partnership
California YIMBY
Carpenter Local Union 1599
Carpenters Local 152
Carpenters Local 22
Carpenters Local 562
Carpenters Local 619
Carpenters Local 661
Carpenters Local 701
Carpenters Local 714
Carpenters Local 721
Carpenters Local 909
Carpenters Local 951
Carpenters Local Union #1109
Carpenters Local Union 1789
Carpenters Local Union 2236
Carpenters Union Local 180

Carpenters Union Local 405
Carpenters Union Local 46
Carpenters Union Local 505
Carpenters Union Local 605
Carpenters Union Local 713
Carpenters Union Local 805
Carpenters Women's Auxiliary 001
Carpenters Women's Auxiliary 007
Carpenters Women's Auxiliary 101
Carpenters Women's Auxiliary 1904 Carpenters Women's Auxiliary 417
Carpenters Women's Auxiliary 66
Carpenters Women's Auxiliary 710
Carpenters Women's Auxiliary 91
City of San Mateo
CivicWell
Construction Employers' Association
Council of Infill Builders
Destination: Home
Drywall Lathers Local 9109
Drywall Local Union 9144
East Bay Asian Local Development Corporation
Fieldstead and Company
Generation Housing
Greenbelt Alliance
Housing Action Coalition
Housing California
Lathers Local 681
Making Housing and Community Happen
Mercy Housing California
MidPen Housing Corporation
Millwrights Local 102

Modular Installers Association
Non Profit Housing Association of Northern California
Northern California Carpenters Regional Council
Pile Drivers Local 34
Richmond Community Foundation
San Diego Housing Federation
San Francisco Bay Area Planning and Urban Research Association
San Francisco Housing Development Corporation
Satellite Affordable Housing Associates
Silicon Valley Community Foundation
Southern California Association of Nonprofit Housing
Southwest Regional Council of Carpenters
SV@Home Action Fund
The Kennedy Commission
The Pacific Companies
The Two Hundred
United Lutheran Church of Oakland
United Ways of California
USA Properties Fund
Ventura County Clergy and Laity United for Economic Justice

Support with Amendments:

Mayor Darrell Steinberg, City of Sacramento
Mayor Libby Schaaf, City of Oakland

Oppose:

California State Association of Electrical Workers
California State Pipe Trades Council
City of Laguna Beach
City of Mission Viejo

City of Rancho Santa Margarita

District Council 16, International Union of Painters and Allied Trades

State Building & Construction Trades Council of California

Western States Council Sheet Metal, Air, Rail and Transportation



June 14, 2022

ABAG Executive Board
Bay Area Metro Center
375 Beale Street, Suite 800
San Francisco, CA 94105-2066

**Re: Joint MTC ABAG Legislation Committee – Item 9b
AB 2011 (Wicks) Affordable Housing and High Road Jobs Act of 2022
Comment Letter Urging Opposition and Consideration of Suggested Amendments –
City of Pleasanton**

Dear Executive Board Members:

On behalf of the City of Pleasanton, I write to express my opposition to Assembly Bill 2011 (Wicks), and to respectfully urge the Board to consider the thoughtful concerns and suggestions that our City and dedicated staff have put together.

First, the City of Pleasanton appreciates the work that ABAG staff and others have undertaken to recommend amendments to the bill in order to make it more palatable for local jurisdictions. However, we feel that the recommendations do not go far enough and we remain concerned with the overall framework of this legislative proposal.

A few of our key concerns and suggestions are as follows:

- In creating a ministerial, streamlined approval process for 100% affordable housing in commercially zoned areas and for mixed-income housing along commercial corridors, AB 2011 takes away significant local planning discretion and public participation in the planning and development process.
 - One suggestion that the bill Author may wish to consider is granting municipalities, via their local legislative bodies, the ability to re-zone, if they so choose, those commercial properties for residential use should they meet the requirements and standards laid out in the bill – thus empowering democratically locally elected officials to make land use decisions, not for-profit developers.
- If local jurisdictions lose land use discretion in commercial areas, then we simultaneously lose the ability to ensure that there are adequate opportunities for small businesses and retail to open in our communities. This would be a massive disservice to residents across all communities, as they would lose the opportunity to create jobs, garner local revenue, and provide essential services and amenities to residents.

- The bill provides inadequate protections for historic districts and neighborhoods. For example, as written, virtually every property along Pleasanton's historic Main Street and several major streets within the historic downtown would be eligible for ministerial review under AB 2011, with development up to 80 units per acre and 65 feet in height; this would be devastating for the character and quality of our downtown, and similar historic districts within many Bay Area cities.
 - A suggestion that would ease some community concerns is for the bill to be amended to allow for locally designated historic districts and neighborhoods to be exempt from its provisions, to avoid unintended consequences. Perhaps even utilizing the language from SB 9 (Atkins, 2021) around historic districts: "The development is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance."
- Development setbacks are important building standards that protect safety and health, while enhancing overall livability. These are important for all types of developments and not just single-family homes. The bill does not give consideration to the effects AB 2011 developments on smaller-scale, non-single family, residential uses (e.g. lower height and density apartments, townhomes or similar developments). Such unit types are more likely to house renters and lower-income residents – if no protections are provided, they will be disproportionately burdened by the impacts of these large new buildings next door.
 - To address this concern, a minimum 20-foot setback from all adjacent residential uses (not just single-family homes) should be required in all cases, with progressively larger setbacks required as building heights increase. (As written, the bill requires each building to be set back precisely 10 feet from the property line, even when a developer might wish to incorporate a larger setback). Additionally, setbacks should be required for all floors above the second floor, not the third floor, to further increase separations as heights increase.
- At a time when cities continue to face uncertainty in their local budgets, this bill could result in potential reductions in tax revenue from the loss of commercial properties.
- Finally, all of the concerns we have with AB 2011 are tied together with the overarching fact that if enacted, this bill would disregard state mandated local planning efforts and force cities to allow housing developments in many areas of a city, which undermines the rationale for the regional housing needs allocation (RHNA) process and local housing elements – processes that our city has worked extremely hard to adhere to and keep up with.

The Community Development Department in the City of Pleasanton has analyzed the bill as written, has provided detailed feedback to the bill Author's office, and continues to engage and track any changes to the bill.

Thank you for your work and I respectfully request the ABAG Executive Board take the City of Pleasanton's suggestions related to AB 2011 (Wicks) into consideration.

Sincerely,

A handwritten signature in blue ink that reads "Karla Brown". The signature is written in a cursive, flowing style.

Karla Brown
Mayor

c. Pleasanton City Council
Gerry Beaudin, City Manager



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #: 22-1008 **Version:** 1 **Name:**
Type: Report **Status:** Executive Board Approval
File created: 5/23/2022 **In control:** ABAG Executive Board
On agenda: 6/16/2022 **Final action:**
Title: Next Steps on Regional Affordable Housing Bond

Overview of timeline and key next steps for placement of a regional affordable housing bond on the November 2024 ballot; Direction to staff to proceed and assign oversight of staff progress to ABAG Housing Committee.

Sponsors:

Indexes:

Code sections:

Attachments: [09c 1 Summary Sheet Potential 2024 Regional Housing Revenue Measure v2.pdf](#)
[09c 2 Attachment Combined Joint Legislation Summary Sheet and Presentation.pdf](#)
[09c Handout Presentation Potential 2024 Regional Housing Revenue Measure.pdf](#)

Date	Ver.	Action By	Action	Result
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Next Steps on Regional Affordable Housing Bond

Overview of timeline and key next steps for placement of a regional affordable housing bond on the November 2024 ballot; Direction to staff to proceed and assign oversight of staff progress to ABAG Housing Committee.

Kate Hartley

Approval

Association of Bay Area Governments

Executive Board

June 16, 2022

Agenda Item 9.c.

Potential 2024 Regional Housing Revenue Measure

Subject:

Next Steps on Regional Affordable Housing Bond

Overview of timeline and key next steps for placement of a regional affordable housing bond on the November 2024 ballot; Direction to staff to proceed and assign oversight of staff progress to ABAG Housing Committee.

Background:

On June 10, 2022, the Joint MTC ABAG Legislation Committee received a report on the potential regional revenue options for housing and transportation.

At its meeting on June 16, 2022, the Executive Board will receive a report on the Joint MTC ABAG Legislation Committee's recommended action.

The Joint MTC ABAG Legislation Committee summary sheet and presentation are attached.

Issues:

None

Recommended Action:

The ABAG Executive Board is requested to approve assigning the ABAG Housing Committee to collaborate with the BAHFA Oversight Committee to undertake preparatory work necessary to enable consideration of a potential regional housing revenue measure in 2024.

Attachments:

- A. Combined Summary Sheet and Presentation, Joint MTC ABAG Legislation Committee

Reviewed:



Therese W. McMillan

Metropolitan Transportation Commission and Association of Bay Area Governments
Joint MTC ABAG Legislation Committee

June 10, 2022

Agenda Item 3b

Potential Regional Revenue Options for Housing and Transportation

Subject:

Next steps in pursuit of a regional housing bond, authorization for a future regional transportation measure and identification of other transportation funding opportunities.

Overview:

Assembly Bill 1487 (Chiu, 2019) authorized the Bay Area Housing Finance Authority (BAHFA) to place a regional housing measure on the ballot across the nine counties, in collaboration with the ABAG Executive Board. The measure authorized a variety of revenue mechanisms, including a general obligation bond, a parcel tax, a gross receipts tax and an employee head tax. In the Fiscal Year 2021-22 State Budget, MTC received a \$20 million earmark, on behalf of BAHFA, to develop pilot projects to demonstrate the added value that a regional housing finance agency can have in the Bay Area across the 3Ps of protection, preservation and production. Earlier this year, BAHFA hired its first director, affordable housing finance expert Kate Hartley, and is actively hiring project managers (on a limited term, four-year basis) to implement the pilot projects. See Attachment A for a BAHFA update shared with the Bay Area's state legislative delegation in March 2022.

With respect to transportation, while there is no denying that additional funding is needed to address a multitude of the needs—ranging from transit operations to implementation of the Transit Transformation Action Plan to capital project funding shortfalls for Plan Bay Area 2050 Tier 1 projects—there currently is no authorization to place a regional transportation funding measure on the ballot.

Recommendation: Approval / ABAG Executive Board

Approval / MTC

Approval / BAHFA


Discussion:

On May 11 2022, MTC and ABAG leadership received a request from the Bay Area Housing for All (BAHA) Coalition requesting that the agencies provide formal direction to staff to begin the preparations for placement of a regional housing bond of \$10-\$20 billion on the November 2024 ballot. In response to this request and given the need to simultaneously map out a strategy to address funding needs for transportation—with respect to transit operations in particular—this item seeks your approval as follows:

1. Request that the ABAG Executive Board and BAHFA direct the ABAG Housing Committee and BAHFA Oversight Committees, respectively, to collaborate on overseeing preparations for a regional housing bond on the November 2024 ballot.
2. Request that MTC direct the MTC Programming and Allocations Committee and, at key touchpoints, the MTC/ABAG Joint Legislation Committee, to oversee next steps for addressing regional transportation revenue needs, such as:
 - a. Research poll in Fall 2022 to inform spending plan and revenue mechanism options for a transportation measure authorizing bill
 - b. Stakeholder engagement with MTC Policy Advisory Council, Bay Area transit agencies, county transportation agencies, transportation advocacy organizations and the business community regarding content of a revenue measure.
 - c. Identify funding opportunities to bridge time gap until more continuous, stable revenues are available.

Attachments:

- Attachment A: Bay Area Housing Finance Authority Update, March 2022
- Attachment B: May 11, 2022 Bay Area Housing for All letter
- Attachment C: May 23, 2022 Voices for Public Transportation letter
- Attachment D: Presentation



Alix A. Bockelman



Building a Foundation for Transformational Housing Solutions

Bay Area Housing Finance Authority Update, March 2022

A secure and affordable home is the bedrock of a thriving community. When families have a safe, affordable place to live, kids learn better, health and well-being improves, and businesses thrive. However, in the San Francisco Bay Area, an affordable home is out of reach for far too many.

The Bay Area faces a shortfall of more than 220,000 homes affordable to its poorest residents. Roughly 45 percent of the region's renters spend more than thirty percent of their income on housing and nearly a quarter spend over 50 percent.¹ Black, indigenous and other people of color have been hit particularly hard by untenable housing costs, forcing all Bay Area residents to grapple with the legacy of discriminatory housing policies.

With the passage of AB 1487 (Chiu, 2019) and establishment of the Bay Area Housing Finance Authority (BAHFA), the Legislature took a big step toward creating a new future where all Bay Area residents can thrive. As the first regional housing finance authority in California, BAHFA embraces a collaborative approach to delivering housing affordability at scale. No longer must each Bay Area city and county struggle to solve its housing

and homelessness challenges on its own. BAHFA facilitates a new level of information sharing and capacity building with the core aim of bringing new resources to the table.

BAHFA is guided by the “3Ps” framework:

protect current residents from displacement, **preserve** existing affordable housing, and **produce** new housing to secure long-term affordability. BAHFA equips the region with a powerful new set of financing tools that can raise significant new housing revenue from a variety of sources, including a regional ballot measure, state or federal appropriations and philanthropic and corporate contributions.

The 3 Ps of Housing



Protection Existing renters and homeowners must have the tools and rights to remain in their homes



Preservation Existing affordable housing must be maintained at affordable levels



Production New housing units must be produced at a diversity of affordability levels



BAHFA Inaugural Director Kate Hartley and Growing the BAHFA Team

Thanks to the state appropriation, BAHFA in February 2022 welcomed its inaugural Director, Kate Hartley — a Bay Area affordable housing veteran. Kate previously worked as Chief Lending and Investment Officer for the nonprofit Housing Accelerator Fund, where she implemented a new financing and construction model that produced housing for homeless people more quickly and cost-effectively than conventional approaches. Before joining the Housing Accelerator Fund, Kate served as deputy director and then director of the San Francisco Mayor's Office of Housing and Community Development, and served in a senior position in the City of Berkeley's Department of Health, Housing and Community.

\$20 Million Secured for BAHFA in 2021-2022 State Budget

In 2020, the Bay Area was on track to pursue a \$10 billion General Obligation (GO) bond measure but the economic hardships resulting from the COVID 19 pandemic forced a postponement. Thanks to the tremendous leadership of the Bay Area's legislative delegation, BAHFA secured \$20 million from the FY 2021-22 State Budget to implement five pilot programs across the 3Ps. Step one in that effort is building the BAHFA team along with relationships with local jurisdictions and key housing stakeholders across the region.



Early Progress on the Pilot Programs

We expect a formal launch of most of the pilots in the second half of 2022 once additional staff have been hired. A brief update on each pilot follows:

- 1. Doorway.** Doorway builds on the work of Bay Area cities and counties to create an online portal allowing tenants to search and apply for affordable housing opportunities throughout the region. The goal is to alleviate the challenges Bay Area households face finding affordable housing and to simplify the management and lease-up process for owners and managers. BAHFA staff is exploring an opportunity with a major technology company to embed a team of employees that would offer pro bono services to expedite the development of Doorway.
- 2. Bay Area Affordable Housing Pipeline.** In close partnership with Enterprise Community Partners, BAHFA is moving forward with an update and expansion of the two-year-old Bay Area Affordable Housing Pipeline to create the most comprehensive inventory of affordable housing developments across the nine-county Bay Area ever available. The Pipeline is critical to understanding the Bay Area's progress toward producing and preserving sufficient affordable housing to meet the region's needs, and to help funding and financing gaps.
- 3. Preservation.** This strategy is about protecting communities by locking in affordability before it's too late. BAHFA aims to help community-based organizations and individual households buy and rehabilitate existing market-rate (sometimes referred to as "naturally occurring") affordable housing and convert it to permanently affordable, deed-restricted housing, including home-ownership. BAHFA aims to leverage MTC's existing Preservation Pilot funding with additional state, local and

philanthropic sources, and to create partnerships that provide both affordable rents and greenhouse gas emission reductions.

The Partnership for the Bay's Future awarded BAHFA a Breakthrough Grant to accelerate our housing preservation work. Urban Habitat, the Bay Area Community Land Trust and The Unity Council joined the grant application as formal community partners.

- 4. Anti-Displacement Services Network.** Through this pilot, BAHFA will create an action plan for long-term anti-displacement work. In collaboration with key partners and stakeholders, BAHFA aims to help families remain in their homes and neighborhoods. The plan will be implemented in conjunction with the Preservation Pilot but will focus on tenant protections rather than property acquisition and rehabilitation. By developing best practices and supporting their adoption across the region, BAHFA will help ensure that Bay Area residents at risk of displacement are well-informed about their rights and know how to get the help they need. BAHFA will partner with trusted community-based organizations to deliver culturally relevant programs and reach people who face significant obstacles to accessing the resources available to support tenants.
- 5. Homelessness Prevention.** In conjunction with the Anti-Displacement Pilot, this work will focus on long-term, collaborative actions BAHFA can lead with key stakeholders to better protect Bay Area residents from many of the events—such as eviction, medical emergencies, or job loss—that can lead to homelessness.

BAHFA Business Plan

BAHFA is preparing a Business Plan to outline how the authority will advance the 3Ps framework by taking an equity-focused approach that prioritizes communities most impacted by the affordability crisis. While the five pilot programs aim for near-term impact and proof of concept to help demonstrate the benefits of a regional approach to addressing housing insecurity, the Business Plan will set a course for BAHFA to grow to the scale of its mandate and design programs and staffing options for the long-term, including a future ballot measure.

The Business Plan will be supported by a consultant team led by Forsyth Street and Bonnewit Development Services, with a target completion date of 2023. The team also features experts in housing policy, communications and finance, including UC Berkeley's Othering & Belonging Institute and the Turner Center for Housing Innovation, and Strategic Economics. This month, BAHFA and the Business Plan team expect to establish an Equity Working Group to guide the Plan's development.

Exploring Opportunities for Near-Term Capital Funding

Near-term capital funds are needed to grow BAHFA's impact; and the need will become increasingly urgent as rising housing unaffordability and homelessness take their economic, social and human toll on our region. BAHFA leadership and community partners are exploring opportunities to leverage additional state, local and philanthropic dollars for new BAHFA programs, including a preservation capital fund and a regional catalyst fund that will focus on accelerating transit-oriented affordable housing development on public land and on adaptive-reuse sites such as aging shopping malls and office parks.



Potential Ballot Measure in 2024

We are exploring placement of a \$10 billion GO bond dedicated to affordable housing on the November 2024 ballot across the region's nine counties. Such a measure would generate gap funding to produce and preserve more than 45,000 affordable homes, providing housing for half a million low-income households. Because affordable housing financing almost exclusively relies on leveraging local, state and federal funds, as well as private investments, the \$10 billion raised through this measure is estimated to leverage an additional \$15 billion in other affordable housing resources. Since reaching the two-thirds threshold for GO bonds remains a significant challenge, housing advocates are also exploring pursuit of a statewide ballot measure to simultaneously lower the approval threshold for local housing bonds to a simple majority.

For More Information:

Rebecca Long, MTC-ABAG Director of Legislation & Public Affairs, rlong@bayareametro.gov
510-778-5289

Kate Hartley, Section Director, Bay Area Housing Finance Authority, khartley@bayareametro.gov
415-778-6679

Endnotes

- 1 *California Housing Partnership analysis of 2018 PUMS data. Shortfall of homes affordable and available to "very low-income" (<50% of Area Median Income) and "extremely low-income" (<30% of Area Median Income) households. "Cost burdened" is defined as a household that spends more than 30% of its gross income on housing costs. "Severely cost burdened" is defined as a household that spends more than 50% of its gross income on housing costs.*



May 11, 2022

Supervisor Alfredo Pedroza, Chair, Metropolitan Transportation Commission
Mayor Jesse Arreguín, President, Association of Bay Area Governments
Bay Area Metro Center
375 Beale Street
San Francisco, CA 94105

Dear Chair Pedroza and President Arreguín,

The Bay Area continues to face an unprecedented crisis of housing insecurity and rising unaffordability. Rents continue to rise, homeownership is increasingly unattainable, and the lack of sufficient resources to produce and preserve affordable housing is forcing longtime Bay Area residents to move further and further from their jobs, schools, and communities – or forced into homelessness. This crisis disproportionately burdens people of color, in particular Black residents, in our region. The Regional Housing Needs Allocation and local housing element updates currently underway are an important step to address our affordable housing shortfall, but significant resources are needed to bring this planning work to fruition and deliver new affordable homes to communities across the Bay Area.

That is why we, the Bay Area Housing for All Coalition (BAHA), remain committed to pursuing a regional housing ballot measure in 2024. Bay Area residents agree; polling has consistently demonstrated that [homelessness and housing are the top concerns for voters, especially in the last two years](#). We believe a housing measure can provide our region with the relief and resources needed to address our housing and homelessness challenges at the scale of the problem. These new local resources will also allow the Bay Area to more effectively leverage state, federal, and private resources to further accelerate affordable housing production, preservation, homelessness prevention, and tenant protections.

Since the Bay Area Housing Finance Authority (BAHFA) was created in 2019, our coalition has worked to do the coalition building, research and polling, and outreach to local officials and staff to chart a path forward to place a regional housing measure on the ballot. Even when the pandemic and related economic challenges of the last two years pushed us to delay a ballot measure until 2024, the BAHFA Coalition, in partnership with ABAG and MTC, worked to secure \$20 million from the state budget to begin building the capacity and programs of BAHFA. Looking ahead to 2024, BAHFA is more ready than ever to mount a successful campaign and implement significant new resources across the region. Our coalition is now poised and ready to begin preparing and fundraising for a 2024 campaign.

We respectfully request that the BAHFA Oversight Committee and the ABAG Housing Committee recommend that the MTC Commission and ABAG Executive Board consider a formal action at their June meetings to direct staff to pursue in earnest the necessary next steps for a \$10-20 billion regional housing bond measure in November 2024.

We understand that the decision to place any measure on the ballot must ultimately be informed by research and polling that demonstrate a viable path to success. That is why it is essential that ABAG/MTC staff have clear direction to begin the internal steps to prepare for and assess viability of a measure. This will, in turn, provide the affordable housing community with the certainty we need to move forward with preparing and fundraising for a winning campaign.

We look forward to continuing to partner with you to make this effort a success and bring much needed resources to serve Bay Area residents impacted most acutely by our housing and homelessness crises.

Respectfully,

Judith Bell
Chief Impact Officer
The San Francisco Foundation

Amie Fishman
Executive Director
Non-Profit Housing Association of Northern California

Heather Hood
Vice President and Market Leader
Enterprise Community Partners, Northern California

Tomiquia Moss
Founder and Chief Executive
All Home

Alicia John-Baptiste
President and CEO
SPUR

Gina D. Dalma
Executive Vice President Community Action, Policy and Strategy
Silicon Valley Community Foundation

Jennifer Loving
Chief Executive Officer
Destination: Home

Kevin Zwick
CEO
United Way Bay Area

Matt Schwartz
President & CEO
California Housing Partnership

Regina Celestin Williams
Executive Director
SV@Home Action Fund

Larry Florin
President & CEO
Burbank Housing

Debra Ballinger
Executive Director
Monument Impact

Randy Tsuda
President and CEO
Alta Housing

Evelyn Stivers
Executive Director
Housing Leadership Council of San Mateo County

Gloria Bruce
Executive Director
East Bay Housing Organizations

Matthew O. Franklin
President & CEO
MidPen Housing Corporation

Ari Beliak
President and CEO
Merritt Community Capital

Carolyn Bookhart
Director of Real Estate Development
Resources for Community Development

Cc: Mayor Libby Schaaf, Chair, Bay Area Housing Finance Authority Oversight Committee
Councilmember Carlos Romero, Vice Chair, ABAG Housing Committee
Therese McMillan, Executive Director, MTC
Rebecca Long, Director of Legislation and Public Affairs, MTC/ABAG



May 23, 2022

Alfredo Pedroza, Chair
Metropolitan Transportation Commission
375 Beale St #800, San Francisco, CA 94105

**Re: May 25, 2022, Metropolitan Transportation Committee Meeting,
Agenda Item #3, Public Comment/ Other Business**
*Advance Authorizing Legislation in 2023 in Support of a Regional Transportation
Funding Measure*

Dear Chair Pedroza and MTC Commissioners:

Public transportation is key to an equitable and economically vibrant region, and our regional system's chronic underinvestment has left us with massive mobility injustice. The availability of quality, affordable public transit is a determinant of people's access to affordable housing, job, and educational opportunities. The COVID-19 crisis has driven transit agencies into financial instability and crisis, forcing service cuts and threatening many transit agencies' near and long-term ability to continue to deliver service - and exacerbating already deep social inequities. We must act now as a region to ensure public transit has the necessary resources to recover from the losses of the pandemic, rebuild service and ridership, and in doing so meet the needs of transit riders present and future, especially low-income communities, communities of color, and transit-dependent people.

We urge MTC to take immediate action toward introducing legislation in 2023 that would authorize a transformative regional funding measure.

Authorizing legislation in 2023 is critical for several reasons. First, this was a public commitment made to the region and all the transit agencies in the Blue Ribbon Transit Recovery Task Force process in 2021 as a fundamental part of transit recovery. Second, transit agencies across the region are in serious need of operations funding to prevent service cuts; [per their own data](#), many transit agencies face fiscal cliffs as soon as 2024 as federal funds run out. Much of the recently approved additional federal infrastructure funding that has been authorized is restricted to capital purposes only and will not help transit agencies avoid service cuts. Third, passing enabling legislation in 2023 gives our region the greatest flexibility as to when to put a measure on the ballot; should polling look favorable, a ballot measure can be advanced as early as 2024. Fourth, passing enabling legislation in 2023 shows state legislators and transit agencies in our region that MTC is serious about a regional measure, and is likely to improve the region's chances of getting one-time state budget funding for transit that would carry our region through to the year when we have a regional ballot measure. Your own listening session on this topic in

December indicated the need for action in the spring of this year – time is running out to develop the regional consensus needed. Now is the time to work with key stakeholders around the region, especially workers and riders, to develop a framework for legislation.

[Voices for Public Transportation](#) is a coalition of over 50 labor, environmental, community-based organizations, and equity advocates that support a regional funding measure. Our groups represent thousands of workers, riders, low-income community members, people with disabilities, and transit-dependent people. In order for a measure to succeed and address the dire need facing the Bay Area's transit system, a regional transportation funding measure must:

- Include primarily **operations funding**, to ensure frequent and reliable service;
- Fund **integrated and affordable fares** to ensure equitable access to the system;
- Be funded by a **progressive revenue source**—which is both more equitable and more passable.

Support for a measure built upon these three policy pillars is broad and growing, and should be the basis for the regional consensus that lawmakers will need to move forward with a bill in 2023.

In order to ensure we can introduce authorizing legislation in 2023, we encourage MTC to take the following actions:

- Undertake analysis of revenue options for a funding measure, including various progressive sources, [building on the research](#) our coalition conducted in 2019;
- In partnership with transit agencies and our coalition, develop high level expenditure plan scenarios that reflect agency operations deficits, and explore possible scales and geographic scope and local/regional splits;
- Continue to meet with the Voices for Public Transportation coalition to ensure alignment and collaboration.
- In partnership with stakeholder groups, begin meeting with state legislators in fall 2022 to build support and understanding to introduce authorizing legislation in 2023.

We need a long term and transformative investment in our public transportation system in order to meet our equity and climate goals. **MTC must take immediate action to develop a framework for legislation for a regional transportation funding measure to protect, maintain, and grow our regional transit system in the face of the current financial crisis.**

Sincerely,

Vinita Goyal
Executive Director
San Francisco Transit Riders

Ian Griffiths
Policy Director
Seamless Bay Area

Hayley Currier
Policy Advocacy Manager
TransForm

Richard Marcantonio
Managing Attorney
Public Advocates Inc.

Mary Lim-Lampe JD
Executive Director
Carol Taylor
Chair, Transit Disability Justice Task Force
Genesis

Bob Allen
Policy & Advocacy Campaign Director
Urban Habitat

Shiloh Ballard
Executive Director
Silicon Valley Bicycle Coalition

Maia Piccagli
Volunteer Organizer and Leader
Mothers Out Front SF

Derek Sagehorn
Chair
East Bay Transit Riders Union

Brian Haagsman
Vision Zero Organizer
Walk San Francisco

Daveed Mandell
Member, Transportation Committee
American Council of the Blind

...

REGIONAL REVENUE OPTIONS FOR HOUSING AND TRANSPORTATION

Joint MTC ABAG Legislation Committee

June 10, 2022



ASSOCIATION OF BAY AREA GOVERNMENTS
METROPOLITAN TRANSPORTATION COMMISSION

Key Questions Facing ABAG and MTC/BAHFA Policymakers

1. Should staff be directed to begin the work necessary to place a regional housing measure on the November 2024 General Election ballot, based on the existing enabling legislation, AB 1487 (Chiu, 2019)?
2. Should MTC and partners pursue state enabling legislation in 2023 to authorize a regional transportation measure for a to-be-determined future ballot and/or take other steps to address immediate needs?



What Do We Know About Bay Area Voter Sentiment Now?

- A March 2022 Bay Area Council poll of Bay Area registered voters found:
 - Voters are very concerned about the economy and inflation and almost 2/3 think Bay Area is **on the wrong track**;
 - A combined 45 percent think homelessness and housing costs/availability are the most important problem facing Bay Area, whereas only 5 percent identify traffic and congestion as the most important problem.
 - Only 57% said they would support a sales tax for transportation (9 percentage points below 2/3 req.)



Why the Urgency to Affirm Pursuit of a Regional Housing Measure in 2024 Now?

- The Bay Area Housing for All Coalition has requested a clear signal that BAHFA & ABAG intend to pursue an affordable housing bond to assist in their efforts to build the foundation for a winning campaign.
 - Such signal would demonstrate agency support for the preparatory work needed to place measure on November 2024 ballot, but ultimate decision requires polling closer to election.
 - Coalition building and fundraising for a November 2024 measure should begin soon.
- The Bay Area's first regional housing measure is a major endeavor that will require extensive planning, analysis and community engagement.
 - Staff need clear direction to ensure appropriate work plan and budgeting.



Near-Term Challenge: Looming Fiscal Cliff for Transit Operating Budgets

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- Some Bay Area transit agencies forecast multi-million dollar operating deficits beginning in FY 2023-24 when cushion from federal COVID relief funds starts to run out.
- Balancing budgets will require looking at multiple options to reduce operating expenses and secure new revenue; a regional measure may be **one strategy**—but can't be the only one pursued.
- Next year's state budget may be an option to extend the “runway” to financial stability, but Legislature will want to see a long-term plan.



Near-Term Challenge: Major Capital Projects Face Headwinds

- While the RM 3 lawsuit is pending, the status of the funding plans for many regional priorities is unknown.
- Asking the voters to approve a new tax for specific projects before RM 3 is resolved will be challenging at best.
- Given the significant infusion of new capital funding from the federal Bipartisan Infrastructure Law and anticipated funding from the state, the value proposition of a regional measure could be more on the operational and programmatic side – funding those things that are hard to fund otherwise.



Transit Transformation Action Plan Items Require Additional Funding

In the medium-term, we estimate:

- one-time capital needs of approximately \$250 million for accelerated actions
- approximately \$100 million/year to offset lost fare revenue for most impactful fare integration policies.



What New Research About Transportation Would be Valuable?

- When it comes to elections and polling, timing is everything.
 - Results from polling conducted more than two years in advance of a potential election has limited value in informing the ultimate viability of a possible measure
- Polling to learn what Bay Area residents and voters' priorities are when it comes to transportation could help inform expenditure plan. For example, polling could indicate voter support/concern about:
 - Preserving existing transit service levels
 - Making transit more affordable and easier to navigate
 - Helping buses get out of traffic through dedicated bus lanes
 - Converting buses, ferries and trains to zero emission



Potential Features of a New Regional Transportation Revenue Measure Bill

- Flexible timing on when election would occur
- The spending plan should be programmatic versus project-specific
- Multiple revenue options



STAFF RECOMMENDATION

- **ABAG Executive Board and Bay Area Housing Finance Authority:** Direct the ABAG Housing Committee and BAHFA Oversight Committee, respectively, to collaborate on overseeing preparations for a regional housing bond on the November 2024 ballot.
- **MTC:** Direct the MTC Programming and Allocations Committee and, at key touchpoints, the MTC/ABAG Joint Legislation Committee to oversee next steps for addressing transportation needs, such as:
 - Research poll in Fall 2022 to inform spending plan and revenue mechanism options for a transportation measure authorizing bill
 - Stakeholder engagement regarding scope of a revenue measure
 - Identify funding opportunities to bridge time gap until more continuous, stable revenues are available.



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A Potential 2024 Regional Housing Measure

Key Next Steps



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Advancing a 2024 Regional Housing Revenue Measure: Discussion

- **5/12/22: ABAG Housing/BAHFA Oversight Joint Committee** — public comment expressing support for a regional housing measure
- **6/9/22: ABAG Housing/BAHFA Oversight Joint Committee** — MTC Executive Director's Report discusses possible housing and transportation measures
- **6/10/22: Joint MTC ABAG Legislation Committee** — Request that the Commission and ABAG Executive Board assign relevant MTC and ABAG Committees to advance future housing and transportation measures
- **TODAY** — Request for Executive Board approval of ABAG Housing Committee to collaborate with BAHFA Oversight Committee to consider and prepare for a potential 2024 regional housing measure

Advancing a 2024 Regional Housing Revenue Measure: Upcoming Discussions

- **6/17/22: ABAG General Assembly** — Presentation and listening session on regional housing assistance and potential 2024 ballot measure
- **6/22/22: MTC Commission** — Recommendation that Commission assign relevant MTC and ABAG Committees to advance future housing and transportation measures
- **6/22/22: BAHFA Board** — Recommendation that Board assign BAHFA Oversight committee to collaborate with ABAG Housing Committee to consider and prepare for a potential 2024 regional housing measure

Housing Measure Prep Work In Place

- ✓ Consensus and coalition building ongoing for multiple years
- ✓ Enabling legislation complete
- ✓ Polling shows housing and homelessness are Bay Area voters' top concerns
- ✓ Bay Area Housing for All (BAHA) Coalition launching a statewide campaign to lower the voter threshold for GO bonds and add project-level tenant protections to eligible uses
- ✓ BAHA's fundraising and campaign work already underway



ABAG & BAHFA Timeline

Summer 2022

- ABAG / BAHFA approve taking steps toward funding measure
- Continued outreach to jurisdictions

Fall 2022 – Winter 2023

- Continued outreach to jurisdictions
- Town hall public information sessions
- BAHFA Business Plan adopted
- Early Draft Expenditure Plan for funding measure

January – November 2024

- Conduct poll
- Finalize Expenditure Plan
- Develop ballot question
- ABAG Executive Board and BAHFA Board take action to submit the ballot measures to the voters.
- County Boards of Supervisors adopt resolutions placing measure on ballot
- Public Information

Jurisdiction Allocations – 80% of Funding – \$10B GO Bond

Jurisdiction	Amount
Alameda County (excluding Oakland)	\$984,126,195
Oakland	\$382,715,743
Contra Costa County	\$925,320,997
Marin County	\$351,944,979
Napa County (excluding City of Napa)	\$100,379,657
City of Napa	\$78,869,731
San Francisco	\$1,216,443,579
San Mateo County	\$1,046,094,022
Santa Clara County (excluding San Jose)	\$1,199,144,929
San Jose	\$1,063,392,673
Solano County	\$248,595,276
Sonoma County (excluding Santa Rosa)	\$282,080,554
Santa Rosa	\$120,891,666
BAHFA	\$2,000,000,000
Total	\$10,000,000,000

Recommendation

Direct staff and assign the ABAG Housing Committee to collaborate with the BAHFA Oversight Committee to undertake preparatory work necessary to enable consideration of a potential regional housing revenue measure in November 2024



Thank You.

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Report on ABAG Housing Committee Meeting of June 9, 2022

Carlos Romero

Information