375 Beale Street
Suite 700
San Francisco, California
94105

Meeting Agenda - Final

ABAG Executive Board

President, David Rabbitt, Supervisor, County of Sonoma
Vice President, Jesse Arreguin, Mayor, City of Berkeley
Immediate Past President, Julie Pierce, Councilmember, City of Clayton

Thursday, May 16, 2019 | **7:00 PM** | **Board Room - 1st Floor**

Association of Bay Area Governments
ABAG Executive Board Meeting No. 438

The ABAG Executive Board may act on any item on the agenda.
The meeting is scheduled to begin at 7:00 p.m.
Agenda, roster, and webcast available at http://abag.ca.gov
For information, contact Clerk of the Board at (415) 820-7913.

Roster
Candace Andersen, Jesse Arreguin, Thom Bogue, London Breed, Cindy Chavez, Christopher Clark, David Cortese, Lan Diep, Pat Eklund, Maya Esparza, Nikki Fortunato Bas, Richard Garbarino, Leon Garcia, Liz Gibbons, Lynette Gibson McElhaney, Scott Haggerty, Barbara Halliday, Matt Haney, Erin Hannigan, David Hudson, Wayne Lee, Jake Mackenzie, Rafael Mandelman, Nathan Miley, Karen Mitchoff, Raul Peralez, Julie Pierce, Dave Pine, David Rabbitt, John Rahaim, Belia Ramos, Dennis Rodoni, Warren Slocum, Loren Taylor, Norman Yee; William Kissinger (Non-voting)

1. Call to Order / Pledge of Allegiance / Roll Call / Confirm Quorum

2. Public Comment

Information

3. Executive Board Announcements

Information

4. President's Report

Information

4.a. 19-0568 Ratification of Appointments to the Joint ABAG MTC Governance Committee

Action: Approval

Attachments: Item 04A Summary Sheet Governance Committee v3.pdf

4.b. 19-0569 Report on the General Assembly

Action: Information

5. Executive Director's Report

Information

6. Executive Board Consent Calendar

6.a. 19-0451 Approval of ABAG Executive Board Minutes of March 21, 2019

Action: Approval

Presenter: Clerk of the Board

Attachments: Item 06A Minutes 20190321 Draft.pdf

6.b. 19-0452 Authorization to enter into Contract Amendment with Frontier Energy for Bay Area Regional Energy Network (BayREN) Consulting Services in an amount not to exceed $247,500

Action: Approval

Presenter: Jenny Berg

Attachments: Item 06B BayREN Summary Sheet Frontier Energy v2.pdf

Item 06B BayREN Summary Approval Frontier Energy.pdf

6.c. 19-0453 Authorization to enter into a Sole-Source Contract with CodeCycle to continue the Bay Area Regional Energy Network (BayREN) CodeCycle Demonstration Project through December 2020, for an amount not to exceed $210,000

Action: Approval

Presenter: Jenny Berg

Attachments: Item 06C BayREN Summary Sheet CodeCycle v3.pdf

Item 06C BayREN Attachment Summary Approval CodeCycle.pdf

6.d. 19-0454 Authorization to enter into a new funding agreement with the United States Environmental Protection Agency (U.S. EPA) for the Transforming Shorelines project for $1,481,109, anticipated to begin May 2019 and end April 2023, and authorization to enter into three sub-awards during that period: with San Francisco Estuary Institute (SFEI) for $50,000, with Oro Loma Sanitary District (OLSD) for $100,000, and with East Bay Dischargers Authority (EBDA) for $650,000

Action: Approval

Presenter: Caitlin Sweeney

Attachments: Item 06D SFEP Summary Sheet Transforming Shorelines v3.pdf

Item 06D SFEP Attachment Summary Approval Transforming Shorelines v2.pdf

6.e. 19-0455 Authorization to revise sub-award amounts in the Urban Greening Bay Area Project for the City of Sunnyvale to decrease to $50,000 and for the City of San Mateo to increase by $200,000 for a total of $400,000

Action: Approval

Presenter: Caitlin Sweeney

Attachments: Item 06E SFEP Summary Sheet Urban Greening v3.pdf

Item 06E SFEP Attachment Summary Approval Urban Greening v2.pdf

6.f. 19-0456 Authorization to revise contract funding levels under existing BATA funding (846 8013, Seismic) for the San Pablo Avenue Stormwater Spine project: Reduce EBMUD underground utility work agreement to $665,000 and add Wilsey Ham, Inc. for $50,000 in project design coordination through December 31, 2019

Action: Approval

Presenter: Caitlin Sweeney

Attachments: Item 06F SFEP Summary Sheet Wilsey Ham v3.pdf

Item 06F SFEP Attachment Summary Approval Wilsey Ham v2.pdf

6.g. 19-0462 Authorization to enter into a new funding agreement with the California Department of Water Resources for up to $3,020,000 for Bay Area Integrated Regional Water Management Plan (IRWMP) for the Disadvantaged Community and Tribal Involvement Program (DACTIP) grant administration and project management between April 25, 2019 and December 31, 2020; to authorize adjustment of the FY 2018-19 operating budget; and to authorize the Executive Director to enter into contracts of up to $200,000 each with community partners to continue work and develop project needs assessment.

Action: Approval

Presenter: Caitlin Sweeney

Attachments: Item 06G SFEP Summary Sheet DACIP v3.pdf

Item 06G SFEP Attachment Summary Approval DACIP.pdf

6.h. 19-0614 AB 393 (Nazarian): Building Standards

Action: Support

Presenter: Rebecca Long

Attachments: AB 393 Staff Memo

6.i. 19-0615 AB 429 (Nazarian): Seismically Vulnerable Buildings Inventory

Action: Support

Presenter: Rebecca Long

Attachments: AB 429 Staff Memo

6.j. 19-0616 SB 254 (Hertzberg): The Resilient Homes Initiative

Action: Support and Seek Amendments

Presenter: Rebecca Long

Attachments: SB 254 Staff Memo

6.k. 19-0617 SB 152 (Beall): Active Transportation Program Reform

Action: Support

Presenter: Rebecca Long

Attachments: SB 152 Staff Memo

6.l. 19-0600 AB 69 (Ting): Small Home Building Standards

AB 69 would require the Department of Housing and Community Development (HCD) to propose small home building standards governing ADUs smaller than 800 square feet, junior ADUs and detached dwelling units smaller than 800 square feet.

Action: Support an Seek Amendments

Attachments: AB 69 Staff Summary 5/10/19

6.m. 19-0602 SB 6 (Beall): Statewide Housing Site Inventory

SB 6 would require that the Department of Housing and Community Development (HCD) add to the statewide surplus lands inventory locally-identified sites available for housing development as identified in a local agency's housing element site inventory.

Action: Support

Presenter: Georgia Gann Dohrmann

Attachments: SB 6 Staff Summary 5/10/19

6.n. 19-0613 AB 1485 (Wicks): Workforce Housing

AB 1485 would modify affordability requirements applicable to a developer who wants to take advantage of current law's by-right provisions in Senate Bill 35 (Wiener, 2017) such that a project could either dedicate 10 percent of the total number of units to housing affordable to households making below 80 percent of the area median income (AMI)-as provided for in current law-or 20 percent to households earning below 120 percent AMI with an average income of units at or below 100 percent-which the bill would add as a new option.

Action: Support

Attachments: SB 1485 Staff Summary 5/10/19

7. ABAG Finance Committee (Mitchoff)

7.a. 19-0459 ABAG Finance Committee Report

Action: Approval

Presenter: Karen Mitchoff, Supervisor, County of Contra Costa

7.b. 19-0464 Authorization to Terminate Legislative Advocacy Contract with Michael J. Arnold and Associates and to Seek Representation in Sacramento through a Competitive Process

Action: Approval

Presenter: Rebecca Long

Attachments: Item 07B Summary Sheet ABAG Lobbying Contract v4.pdf

8. ABAG Regional Planning Committee (Mitchoff)

8. 19-0460 ABAG Regional Planning Committee Report

Action: Approval

Presenter: Karen Mitchoff, Supervisor, County of Contra Costa

9. ABAG Legislation Committee (Pierce)

9.a. 19-0463 Adoption of Resolution No. 01-19, Policy for Interim Action on Legislation and Administrative Policy Proposals

Action: Approval

Attachments: Item 09A Summary Sheet Policy Interim Action Legislation v2.pdf

Item 09A Attachment Resolution 2019 01 Adoption Policy Interim Action State B

9.b. 19-0554 Report on the ABAG MTC Housing Legislative Working Group

Action: Information

Attachments: Item 09B Summary Sheet Housing Legislation Working Group.pdf

Item 09B HLWG Notes 040519.pdf

Item 09B HLWG Notes 041119.pdf

Item 09B HLWG Notes 041819.pdf

Item 09B HLWG Notes 042519.pdf

Item 09B HLWG Notes 050119.pdf

California Housing Legislation: Protection Bills

9.c.i. 19-0604 AB 1481 (Bonta) and AB 1697 (Grayson) - Tenancy Termination: Just Cause

Prohibits eviction of a tenant without just cause stated in writing. Requires tenant be provided a notice of a violation of lease and opportunity to cure violation prior to issuance of notice of termination.

Action: Support

Attachments: AB 1481 and AB 1697 Staff Summary 5/10/19

9.c.ii. 19-0605 AB 1482 (Chiu) - Statewide Annual Cap on Rent Increases

Caps annual rent increases by five percent above the percent change in the cost of living and limits the total rental rate increase within a 12 month period to 10 percent.

Action: Support

Attachments: AB 1482 Staff Summary 5/10/19

9.c.iii. 19-0606 SB 18 (Skinner) - Keep Californians Housed Act

Authorizes a competitive grant program to be administered by Department of Housing and Community Development (HCD) to provide emergency rental assistance and legal aid for tenants facing eviction, meditation between landlords and tenants and legal education.

Action: Support

Attachments: SB 18 Staff Summary 5/10/19

California Housing Legislation: Production and Preservation Bills

9.c.iv. 19-0607 SB 330 (Skinner): Housing Crisis Act of 2019

SB 330 is a wide reaching bill that aims to accelerate housing development, provide project proponents more certainty and lower fees, and reduce displacement of existing residents from substandard buildings.

Action: Seek Amendments

Attachments: Item 09C iv SB 330 Seek Amendments.pdf

SB 330 Staff Summary 5/10/19

9.c.v. 19-0608

SB 50 (Wiener): Equitable Communities Incentives - Upzoning Near Transit & Jobs-Rich Areas & By Right Allowance for Small Residential Projects in Specified Areas

SB 50 would allow varying degrees of higher-density multifamily housing to be built within ½-mile of transit stations, ¼-mile of high-quality bus corridors and in areas designated as "jobs-rich" by the Department of Housing and Community Development. The bill also provides for smaller, by-right residential development on vacant parcels in urbanized areas.

Action: Support if Amended

Attachments: Item 09C v SB 50 Support if Amended.pdf

SB 50 Staff Summary 5/10/19

9.c.vi. 19-0609

AB 1487 (Chiu): Housing Alliance for the Bay Area

AB 1487 (Chiu) would establish the Housing Alliance for the Bay Area (HABA) to increase funding for affordable housing in the nine-county region.

Action: Seek Amendments

Attachments: Item 09C vi AB 1487_Seek Amendments.pdf

AB 1487 Staff Summary 5/10/19

9.c.vii. 19-0610

AB 11 (Chiu): Community Redevelopment Law of 2019

AB 11 would restore to cities and counties the option to form an entity that can use "tax-increment financing" to pay for affordable housing and other local infrastructure priorities, subject to approval of the Strategic Growth Council.

Action: Support and Seek Amendments

Attachments: AB 11 Staff Summary 5/10/19

9.c.viii. 19-0611

SB 13 (Wieckowski): Accessory Dwelling Units

SB 13 would revise ADU law to require that a local government allow studio and one-bedroom ADUs of at least 850 square feet and two-bedroom or more ADUs of up to 1,000 square feet, and would prohibit ADU owner-occupancy requirements.

Action: Support if Amended

Attachments: Item 09C viii SB 13 Support if Amended v2.pdf

SB 13 Staff Summary 5/10/19

9.c.ix. 19-0603 AB 68 (Ting): Accessory Dwelling Units

AB 68 would prohibit local Accessory Dwelling Unit (ADU) standards from including certain requirements related to minimum lot size and replacement parking and would require an ADU (attached or detached) of at least 800 square feet and 16 feet in height to be allowed. The bill would also reduce the allowable time to issue an ADU permit to 60 days after an agency receives a completed application.

Action: Support and Seek Amendments

Attachments: Item 09C ix AB 68 Support and Seek Amendments v2.pdf

AB 68 Staff Summary 5/10/19

9.c.x. 19-0612 AB 1486 (Ting): Surplus Lands Act Expansion and Revision

AB 1486 would revise the Surplus Lands Act (SLA) - the state law that requires local agencies to prioritize affordable housing, as well as parks and open space, when disposing of land no longer necessary for the agency's use - and other state laws related to making surplus public land available for affordable housing development.

Action: Support if Amended

Attachments: Item 09C x AB 1486 Support if Amended.pdf

AB 1486 Staff Summary 5/10/19

9.c.xi. 19-0601 AB 1483 (Grayson): Housing Data/Transparency

This bill seeks to make housing fee and zoning standards more transparent by requiring that they be posted on local agency and state web sites, requires local agencies to provide additional reporting of housing permit requests, production and permitting data annually, and requires the Department of Housing and Community Development (HCD) to develop an online database of housing production data accessible to the public.

Action: Support and Seek Amendments

Attachments: Item 09C xi AB 1483 Support and Seek Amendments.pdf

AB 1483 Staff Summary 5/10/19

10. ABAG Administrative Committee

10.a. 19-0457 ABAG Administrative Committee Report

Action: Approval

Presenter: David Rabbitt, Supervisor, County of Sonoma

10.b. 19-0555 Adoption of Resolution No. 02-19 Approval of the Plan Bay Area 2050 - Regional Growth Strategies Framework Revisions: Next Steps

Action: Approval

Presenter: Mark Shorett and Christy Lefall

Attachments:
- Item 10B Summary Regional Growth Framework Revisions_FINAL.pdf
- Item 10B Attachment A Resolution 2019 02 Regional Growth Framework v2.pdf
- Item 10B Attachment B PBA50_Regional Growth Framework_PDAPCAPPA_Up
- Item 10B Attachment C PBA50_Regional Growth Framework_PDAPCAPPA_Pr
- Item 10B Attachment D Table D1 D2 Combined.pdf
- Item 10B Attachment E Table D1.pdf
- Item 10B Attachment F PBA50_Regional Growth Framework_PDAPCAPPA.pdf
- Item 10B Attachment G PBA50_Regional Growth Framework_PDAPCAPPA.pd
- Item 10B Attachment H PBA50_Regional Growth Framework_PDAPCAPPA.pd
- Item 10B Attachment I Comment Letter-SPUR-Plan Bay Area Regional Growth_

11. Adjournment / Next Meeting

The next meeting of the ABAG Executive Board is on July 18, 2019.

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 #:	19-0568	**Version:**	1	**Name:**	
Type:	Report			**Status:**	Executive Board Approval
File created:	5/8/2019			**In control:**	ABAG Executive Board
On agenda:	5/16/2019			**Final action:**	
Title:	Ratification of Appointments to the Joint ABAG MTC Governance Committee				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	Item 04A Summary Sheet Governance Committee v3.pdf				

Date	Ver.	Action By	Action	Result

Ratification of Appointments to the Joint ABAG MTC Governance Committee

Approval

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Association of Bay Area Governments

Executive Board

May 16, 2019 **Agenda Item 4.a.**

Ratification of Appointments to the Joint ABAG MTC Governance Committee

Subject: Ratification of Appointments to the Joint ABAG MTC Governance Committee

Background: The Memorandum of Understanding of May 2017 between the Association of Bay Area Governments and the Metropolitan Transportation Commission provides for beginning discussion of future governance options no later than July 1, 2019.

David Rabbitt, ABAG President, and Scott Haggerty, MTC Chair, have agreed to create a Joint ABAG MTC Governance Committee to study options and to report back to the ABAG Executive Board and the MTC Commission on recommendations related to governance.

President Rabbitt has selected the following for appointment to the Governance Committee:

- David Rabbitt, Supervisor, Sonoma County
- Jesse Arreguin, Mayor, City of Berkeley, Alameda County
- Cindy Chavez, Supervisor, Santa Clara County
- Julie Pierce, Council Member, City of Clayton, Contra Costa County
- Dennis Rodoni, Supervisor, Marin County
- Warren Slocum, Supervisor, San Mateo County

ABAG members of the Governance Committee are eligible to receive per diem in the amount of $150 for each meeting attended.

Issues: None

Recommended Action: The ABAG Executive Board is requested to ratify ABAG appointments to the Joint ABAG MTC Governance Committee.

Attachments: None.

Reviewed:

Therese W. McMillan

Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #:	19-0569	**Version:**	1	**Name:**	
Type:	Report			**Status:**	Informational
File created:	5/8/2019			**In control:**	ABAG Executive Board
On agenda:	5/16/2019			**Final action:**	
Title:	Report on the General Assembly				
Sponsors:					
Indexes:					
Code sections:					
Attachments:					

Date	Ver.	Action By	Action	Result

Report on the General Assembly

Information

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Metropolitan Transportation Commission

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Legislation Details (With Text)

File #:	19-0451	**Version:**	1	**Name:**	
Type:	Report			**Status:**	Executive Board Consent
File created:	4/23/2019			**In control:**	ABAG Executive Board
On agenda:	5/16/2019			**Final action:**	
Title:	Approval of ABAG Executive Board Minutes of March 21, 2019				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	Item 06A Minutes 20190321 Draft.pdf				

Date	Ver.	Action By	Action	Result

Approval of ABAG Executive Board Minutes of March 21, 2019

Clerk of the Board

Approval

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375 Beale Street
Suite 700
San Francisco, California
94105

Meeting Minutes - Draft

ABAG Executive Board

President, David Rabbitt, Supervisor, County of Sonoma
Vice President, Jesse Arreguin, Mayor, City of Berkeley
Immediate Past President, Julie Pierce, Councilmember, City of Clayton

Thursday, March 21, 2019 | **7:00 PM** | **Board Room - 1st Floor**

Association of Bay Area Governments
ABAG Executive Board Meeting No. 437

The ABAG Executive Board may act on any item on the agenda.
The meeting is scheduled to begin at 7:00 p.m.
Agenda, roster, and webcast available at http://abag.ca.gov
For information, contact Clerk of the Board at (415) 820-7913.

Executive Board Roster
Candace Andersen, Jesse Arreguin, Thom Bogue, London Breed, Cindy Chavez, Christopher Clark, David Cortese, Lan Diep, Pat Eklund, Maya Esparza, Richard Garbarino, Leon Garcia, Liz Gibbons, Lynette Gibson McElhaney, Scott Haggerty, Barbara Halliday, Matt Haney, Erin Hannigan, David Hudson, Wayne Lee, Jake Mackenzie, Rafael Mandelman, Nathan Miley, Karen Mitchoff, Raul Peralez, Julie Pierce, Dave Pine, David Rabbitt, John Rahaim, Belia Ramos, Dennis Rodoni, Norman Yee; William Kissinger (Non-voting)

1. Call to Order / Pledge of Allegiance / Roll Call / Confirm Quorum

President Rabbitt called the meeting to order at about 7:07 p.m. Quorum was present.

Present: 24 - Andersen, Bas, Bogue, Chavez, Clark, Eklund, Esparza, Garbarino, Garcia, Gibbons, Haggerty, Halliday, Hudson, Lee, Mackenzie, Mandelman, Miley, Mitchoff, Pierce, Rabbitt, Rahaim, Ramos, Rodoni, and Slocum

Absent: 11 - Arreguin, Breed, Cortese, Diep, Gibson McElhaney, Haney, Hannigan, Peralez, Pine, Taylor, and Yee

2. Public Comment

The following individual gave public comment: Ken Bukowski.

3. Executive Board Announcements

The following members made announcements: Pat Eklund, Leon Garcia, Julie Pierce, Liz Gibbons, David Rabbitt.

4. President's Report

President Rabbitt presented Greg Scharff with a proclamation in recognition of his service.

4.a. 19-0250 Proclamation for Greg Scharff in Recognition of Service

5. Executive Director's Report

Therese McMillan gave the Executive Director's report.

6. Executive Board Consent Calendar

Upon the motion by Mitchoff and second by Andersen, the Consent Calendar was approved. The motion passed unanimously by the following vote:

Aye: 22 - Andersen, Bas, Bogue, Chavez, Eklund, Esparza, Garbarino, Garcia, Gibbons, Haggerty, Halliday, Hudson, Lee, Mackenzie, Mandelman, Mitchoff, Pierce, Rabbitt, Rahaim, Ramos, Rodoni, and Slocum

Absent: 13 - Arreguin, Breed, Clark, Cortese, Diep, Gibson McElhaney, Haney, Hannigan, Miley, Peralez, Pine, Taylor, and Yee

6.a. 19-0251 Approval of ABAG Executive Board Minutes of January 17, 2019

6.b. 19-0252 Meeting Schedule for 2019 Revision

6.c. 19-0253 Ratification of Appointment to Governing Board of San Francisco Bay Restoration Authority

6.d. 19-0254 Ratification of Appointment to Housing Legislative Task Force

6.e. 19-0255 Authorization to Enter into Contract with Ariel Rubissow Okamoto on behalf of the San Francisco Estuary Partnership (SFEP) for Writing, Editorial, and Administrative Services in an amount up to $500,000 from on or about April 1, 2019 to June 30, 2023

7. ABAG Administrative Committee Report

Upon the motion by Rabbitt and second by Pierce, the Administrative Committee report was approved. The motion passed unanimously by the following vote:

Aye: 22 - Andersen, Bas, Bogue, Chavez, Eklund, Esparza, Garbarino, Garcia, Gibbons, Haggerty, Halliday, Hudson, Lee, Mackenzie, Mandelman, Mitchoff, Pierce, Rabbitt, Rahaim, Ramos, Rodoni, and Slocum

Absent: 13 - Arreguin, Breed, Clark, Cortese, Diep, Gibson McElhaney, Haney, Hannigan, Miley, Peralez, Pine, Taylor, and Yee

8. ABAG Legislation Committee Report

Clark joined the meeting.

Upon the motion by Pierce and second by Mitchoff, the Legislation Committee report was approved, including the following: SB 5 - support in concept; SB 128 - support; AB 147 - support; ACA 1 - support; AB 252 - support; SB 137 - support and seek amendments. The motion passed unanimously by the following vote:

Aye: 23 - Andersen, Bas, Bogue, Chavez, Clark, Eklund, Esparza, Garbarino, Garcia, Gibbons, Haggerty, Halliday, Hudson, Lee, Mackenzie, Mandelman, Mitchoff, Pierce, Rabbitt, Rahaim, Ramos, Rodoni, and Slocum

Absent: 12 - Arreguin, Breed, Cortese, Diep, Gibson McElhaney, Haney, Hannigan, Miley, Peralez, Pine, Taylor, and Yee

9. ABAG Finance Committee Report

Upon the motion by Mitchoff and second by Pierce, the Finance Committee report, including the recommendation for General Assembly adoption of the proposed Budget and Work Program for Fiscal Year 2019-20, including membership dues, was approved. The motion passed unanimously by the following vote:

Aye: 23 - Andersen, Bas, Bogue, Chavez, Clark, Eklund, Esparza, Garbarino, Garcia, Gibbons, Haggerty, Halliday, Hudson, Lee, Mackenzie, Mandelman, Mitchoff, Pierce, Rabbitt, Rahaim, Ramos, Rodoni, and Slocum

Absent: 12 - Arreguin, Breed, Cortese, Diep, Gibson McElhaney, Haney, Hannigan, Miley, Peralez, Pine, Taylor, and Yee

9.a. 19-0257 Proposed Budget and Work Program for Fiscal Year 2019-20

10. ABAG Regional Planning Committee Report

Miley joined the meeting.

Upon the motion by Mitchoff and second by Pierce, the Regional Planning Committee report was approved. The motion passed unanimously by the following vote:

Aye: 24 - Andersen, Bas, Bogue, Chavez, Clark, Eklund, Esparza, Garbarino, Garcia, Gibbons, Haggerty, Halliday, Hudson, Lee, Mackenzie, Mandelman, Miley, Mitchoff, Pierce, Rabbitt, Rahaim, Ramos, Rodoni, and Slocum

Absent: 11 - Arreguin, Breed, Cortese, Diep, Gibson McElhaney, Haney, Hannigan, Peralez, Pine, Taylor, and Yee

11. Local Government Services Report

11.a. 19-0258 Report on ABAG POWER, BayREN, and Water Bill Savings Program

Jenny Berg gave the staff report.

12 Follow-up on Executive Board Direction to Staff on CASA

12.a. 19-0295 Follow-up on Executive Board Direction to Staff on CASA

Alix Bockelman gave the staff report.

13. Adjournment / Next Meeting

President Rabbitt adjourned the meeting at about 10:17 p.m. in memory of Victor McElhaney. The next meeting of the ABAG Executive Board is on May 16, 2019.

Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #:	19-0452	**Version:**	1	**Name:**	
Type:	Report			**Status:**	Executive Board Consent
File created:	4/23/2019			**In control:**	ABAG Executive Board
On agenda:	5/16/2019			**Final action:**	
Title:	Authorization to enter into Contract Amendment with Frontier Energy for Bay Area Regional Energy Network (BayREN) Consulting Services in an amount not to exceed $247,500				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	Item 06B BayREN Summary Sheet Frontier Energy v2.pdf Item 06B BayREN Summary Approval Frontier Energy.pdf				

Date	Ver.	Action By	Action	Result

Authorization to enter into Contract Amendment with Frontier Energy for Bay Area Regional Energy Network (BayREN) Consulting Services in an amount not to exceed $247,500

Jenny Berg

Approval

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Association of Bay Area Governments

Executive Board

May 16, 2019 **Agenda Item 6.b.**

Authorization to enter into Contract Amendment with Frontier Energy for Bay Area Regional Energy Network (BayREN) Consulting Services in an amount not to exceed $247,500

Subject: Authorization to enter into Contract Amendment with Frontier Energy for Bay Area Regional Energy Network (BayREN) Consulting Services in an amount not to exceed $247,500.

Background: The Bay Area Regional Energy Network (BayREN) implements a portfolio of energy efficiency programs across the region. ABAG serves as the program administrator and lead agency for a 10-member unincorporated association of local government entities. The California Public Utilities Commission (CPUC), in Decision 12-11-015, first authorized funding for BayREN. In Decision 18-05-041, the CPUC authorized BayREN funding through 2025, or when the Commission issues a superseding decision. The current budget for 2019 is approximately $23 million and is set on a calendar year basis.

ABAG has contracts with BayREN member agencies and with third-party consultants. The third-party consultants were selected through a competitive process to assist in the implementation of the programs. The overall BayREN budget is developed each calendar year, and contracts with agencies and consultants are thereafter amended on an annual basis or as needed.

Frontier Energy (formerly BKI) has provided consulting services to BayREN's Codes and Standards subprogram since 2014, and a new procurement is underway to re-bid these services. However, current funding for these services will run out at the end of June, and the procurement will not be finished until after that date. This amendment therefore would authorize an additional $22,500 for services between now and June, as well as $165,000 to continue funding on a month-to-month basis as needed for up to three months, until the procurement is complete and a new contract for Codes & Standards services is in place.

Separate from the Codes and Standards activities, Frontier also provides technical and regulatory support for the entire BayREN portfolio and is contracted for those services through the end of 2019. Given an unusually high amount of regulatory activities thus far in 2019, we are requesting an increase in that budget by $60,000.

Issues: None.

Association of Bay Area Governments

Executive Board

May 16, 2019 **Agenda Item 6.b.**

Authorization to enter into Contract Amendment with Frontier Energy for Bay Area Regional Energy Network (BayREN) Consulting Services in an amount not to exceed $247,500

Recommended Action: The Executive Board is requested to authorize the Executive Director of the Metropolitan Transportation Commission, or her designee, to enter into contract amendments with Frontier Energy for up to $247,500, for a total contract amount not to exceed $679,185, on behalf of the Association of Bay Area Governments.

Attachments: Summary Approval

Reviewed:

Therese W. McMillan

SUMMARY OF EXECUTIVE BOARD APPROVAL

Work Item No.:	1721 (NFSN 2307)
Consultant:	Frontier Energy Oakland, CA
Work Project Title:	BayREN
Purpose of Project:	Implement a portfolio of energy efficiency programs across the region.
Brief Scope of Work:	Provides consulting services for BayREN Codes & Standards, serves as portfolio wide technical lead overseeing regulatory reporting, evaluation, measurement and verification, and assistance with strategy. This amendment is for additional 2019 technical and regulatory activities, and to continue Codes & Standards consulting services until a new procurement for these services is complete and the new contract is in place.
Project Cost Not to Exceed:	Contract Amendment #27 amount: $247,500 Total contract amount: $679,185
Funding Source:	PG&E (ratepayer funds) as directed by the CPUC
Fiscal Impact:	Funds programmed in FY 2018-19 and FY 2019-20 Budgets
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 amendments with Frontier Energy for up to $247,500, for a total contract amount not to exceed $679,185, on behalf of the Association of Bay Area Governments.
Executive Board Approval:	David Rabbitt, ABAG President
Approval Date:	

Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #:	19-0453	**Version:**	1	**Name:**	
Type:	Report			**Status:**	Executive Board Consent
File created:	4/23/2019			**In control:**	ABAG Executive Board
On agenda:	5/16/2019			**Final action:**	
Title:	Authorization to enter into a Sole-Source Contract with CodeCycle to continue the Bay Area Regional Energy Network (BayREN) CodeCycle Demonstration Project through December 2020, for an amount not to exceed $210,000				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	Item 06C BayREN Summary Sheet CodeCycle v3.pdf Item 06C BayREN Attachment Summary Approval CodeCycle.pdf				

Date	Ver.	Action By	Action	Result

Authorization to enter into a Sole-Source Contract with CodeCycle to continue the Bay Area Regional Energy Network (BayREN) CodeCycle Demonstration Project through December 2020, for an amount not to exceed $210,000

Jenny Berg

Approval

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Association of Bay Area Governments

Executive Board

May 16, 2019 **Agenda Item 6.c.**

Authorization to enter into a Sole-Source Contract with CodeCycle to continue the Bay Area Regional Energy Network (BayREN) CodeCycle Demonstration Project through December 2020, for an amount not to exceed $210,000

Subject: Authorization to enter into a Sole-Source Contract with CodeCycle to continue the Bay Area Regional Energy Network (BayREN) CodeCycle Demonstration Project through December 2020, for an amount not to exceed $210,000.

Background: The Bay Area Regional Energy Network (BayREN) implements a portfolio of energy efficiency programs across the region. ABAG serves as the program administrator and lead agency for a 10-member unincorporated association of local government entities. The California Public Utilities Commission (CPUC), in Decision 12-11-015, first authorized funding for BayREN. In Decision 18-15-041, the CPUC authorized BayREN funding through 2025, or when the Commission issues a superseding decision. The current budget for 2019 is approximately $23 million, and the CPUC Decision authorizes a budget of about $24 million for 2020.

In 2015, ABAG conducted a competitive procurement process on behalf of BayREN for compliance improvement tools to assist local governments with compliance with the California Energy Code. The winning proposer based on the review team scores was CodeCycle, which has a unique software tool that can be used by project designers as well as local building inspectors both in the office and in the field to ensure compliance with the complex commercial lighting provisions in the Energy Code. BayREN's CodeCycle Demonstration Project involves providing funding to allow a small number of Bay Area jurisdictions full access to the tool and associated support from CodeCycle, in order to determine whether the tool is a viable, scalable approach to improving compliance with the Energy Code.

In 2018, BayREN commissioned a process evaluation of the CodeCycle tool, which found that the CodeCycle tool has value, identified barriers to wider use and provided recommendations for addressing those barriers, and noted that once recommendations are implemented, the tool should be used for another 6 months to one year before conducting additional research on the value and potential for scalability of the tool. BayREN therefore intends to continue with the CodeCycle Demonstration Project while working with CodeCycle to improve the project. Planned improvements include expanding the scope of the tool with the grant from the CEC and working with the local governments that are currently

using the tool in order to improve the tool's utility for local building departments.

The original 2015 contract with CodeCycle was directly with ABAG, but in 2016 for greater efficiency, CodeCycle became a subconsultant to BayREN's Codes & Standards prime consultant, Frontier Energy. BayREN is now starting a procurement process to re-bid its Codes and Standards consultant services. Regardless of the outcome of that procurement, BayREN intends to continue the CodeCycle Demonstration Project and would like to ensure that services are not interrupted to the jurisdictions that are participating the demonstration project. It is in the best interests of continued program operations to return to contracting directly with CodeCycle. As there are no other electronic tools available that provide the same functions and there are ongoing CodeCycle projects, a sole source contract is appropriate. Funding for the proposed contract is contained in BayREN's approved budget.

Issues: None.

Recommended Action: The Executive Board is requested to authorize the Executive Director of the Metropolitan Transportation Commission, or her designee, to enter into a sole source contract with CodeCycle in an amount not to exceed $210,000 for services between July 1, 2019 and December 31, 2020, on behalf of the Association of Bay Area Governments.

Attachments: Summary Approval

Reviewed:

Therese W. McMillan

SUMMARY OF EXECUTIVE BOARD APPROVAL

Work Item No.:	1721 (NFSN 2307)
Consultant:	CodeCycle Oakland, CA
Work Project Title:	BayREN
Purpose of Project:	Conduct the CodeCycle Demonstration Project to explore the viability and scalability of an electronic tool to improve energy code compliance
Brief Scope of Work:	Provides full access to the CodeCycle Tool and associated support to a select number of Bay Area jurisdictions, and works to improve the tool to make it more usable for local building departments
Project Cost Not to Exceed:	$210,000
Funding Source:	PG&E (ratepayer funds) as directed by the CPUC
Fiscal Impact:	Funds programmed in FY 2019-20 and FY 2020-21 Budgets
Motion by Committee:	The Executive Board is requested to authorize the Executive Director of the Metropolitan Transportation Commission, or her designee, to enter into a sole source contract with CodeCycle in an amount not to exceed $210,000 for services between July 1, 2019 and December 31, 2020, on behalf of the Association of Bay Area Governments.
Executive Board Approval:	David Rabbitt, ABAG President
Approval Date:	

Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #:	19-0454	**Version:**	1	**Name:**	
Type:	Report			**Status:**	Executive Board Consent
File created:	4/23/2019			**In control:**	ABAG Executive Board
On agenda:	5/16/2019			**Final action:**	

Title: Authorization to enter into a new funding agreement with the United States Environmental Protection Agency (U.S. EPA) for the Transforming Shorelines project for $1,481,109, anticipated to begin May 2019 and end April 2023, and authorization to enter into three sub-awards during that period: with San Francisco Estuary Institute (SFEI) for $50,000, with Oro Loma Sanitary District (OLSD) for $100,000, and with East Bay Dischargers Authority (EBDA) for $650,000

Sponsors:

Indexes:

Code sections:

Attachments: Item 06D SFEP Summary Sheet Transforming Shorelines v3.pdf
Item 06D SFEP Attachment Summary Approval Transforming Shorelines v2.pdf

Date	Ver.	Action By	Action	Result

Authorization to enter into a new funding agreement with the United States Environmental Protection Agency (U.S. EPA) for the Transforming Shorelines project for $1,481,109, anticipated to begin May 2019 and end April 2023, and authorization to enter into three sub-awards during that period: with San Francisco Estuary Institute (SFEI) for $50,000, with Oro Loma Sanitary District (OLSD) for $100,000, and with East Bay Dischargers Authority (EBDA) for $650,000

Caitlin Sweeney

Approval

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Association of Bay Area Governments

Executive Board

May 16, 2019 **Agenda Item 6.d.**

Authorization to enter into a new funding agreement with the United States Environmental Protection Agency (U.S. EPA) for the Transforming Shorelines project for $1,481,109, anticipated to begin May 2019 and end April 2023, and authorization to enter into three sub-awards during that period: with San Francisco Estuary Institute (SFEI) for $50,000, with Oro Loma Sanitary District (OLSD) for $100,000, and with East Bay Dischargers Authority (EBDA) for $650,000

Subject: Authorization to enter into a new funding agreement with the United States Environmental Protection Agency (U.S. EPA) for the Transforming Shorelines project for $1,481,109, anticipated to begin May 2019 and end April 2023, and authorization to enter into three sub-awards during that period: with San Francisco Estuary Institute (SFEI) for $50,000, with Oro Loma Sanitary District (OLSD) for $100,000, and with East Bay Dischargers Authority (EBDA) for $650,000.

Background: The U.S. EPA has awarded ABAG $1,481,109 for the Transforming Shorelines project: advancing nature-based solutions and building capacity for innovative approaches linked to wastewater treatment. The project will create critical linkages between wastewater treatment, resilience to sea level rise, and water quality improvement. Project outputs will include:

- “Shovel ready” design and permitting of a First Mile Horizontal Levee at EBDA and San Leandro Treatment Wetland,
- Construction of a nitrification facility for nutrient reduction at OLSD,
- Advanced monitoring and study at the existing horizontal levee pilot at OLSD, and
- Hayward Treatment Wetlands feasibility analysis
- Toolkit for the project.

Local partners will also contribute $1,481,109 in match costs for the project. City of San Leandro, City of Hayward, Oro Loma Sanitary District, and SFEI will contribute match. No match funds will be contributed by ABAG or MTC.

The project will include three subawards totaling $800,000 to project partners, as approved by the U.S. EPA:

1. $50,000 to SFEI for capacity-building work to establish the project collaborative team.
2. $100,000 for OLSD for optimization and monitoring of new horizontal levee configuration.

3. $650,000 for EBDA for design and permitting of EBDA first mile and Hayward feasibility study.

We anticipate these subaward agreements will run from mid-summer 2019 through the end of the project term, April 2023.

A total of $165,000 in contracts will be required to complete the project scope of work:

- $15,000 for data and visualization work,
- $25,000 for an equity representation expert,
- $50,000 for a cost-benefit economic analysis, and
- $75,000 for a best practices guidebook.

These procurements will be publicly noticed, and when selections have been made, we will return with the necessary authorization requests.

Issues: None.

Recommended Action: The Executive Board is requested to authorize the Executive Director of the Metropolitan Transportation Commission, or her designee, to accept $1,481,109 from the U.S. EPA to implement the Transforming Shorelines project between May 1, 2019 and April 1, 2023, and to authorize three subawards during that project period: $50,000 to San Francisco Estuary Institute for capacity building work on the project collaborative, $100,000 to OLSD for optimization and monitoring of new horizontal levee configuration; and $650,000 to EBDA for design and permitting of EBDA first mile and Hayward feasibility study.

Attachments: Summary Approval Sheet

Reviewed:

Therese W. McMillan

SUMMARY OF EXECUTIVE BOARD APPROVAL

Work Item No.:	1720 (FSRC tbd)
Funder:	United States Environmental Protection Agency
Work Project Title:	Transforming Shorelines Project
Purpose of Project:	Advancing nature-based solutions and building capacity for innovative approaches linked to wastewater treatment.
Brief Scope of Work:	• "Shovel ready" design and permitting of a First Mile Horizontal Levee at East Bay Dischargers Authority (EBDA) and San Leandro Treatment Wetland • Nitrification facility for nutrient reduction at Oro Loma Sanitary District (OLSD) • Advanced monitoring and study at the existing horizontal levee pilot at OLSD • Feasibility analysis for Hayward Treatment Wetlands • Toolkit for the project.
Project Award:	$1,481,109
Funding Source:	U.S. Environmental Protection Agency
Fiscal Impact:	Funds programmed in FY 2018-19 Budget and subsequent years through 2023
Motion by Committee:	The Executive Board is requested to authorize the Executive Director of the Metropolitan Transportation Commission, or her designee, to accept $1,481,109 from the U.S. EPA to implement the Transforming Shorelines project between May 1, 2019 and April 1, 2023, and to authorize three subawards during that project period: $50,000 to San Francisco Estuary Institute for capacity building work on the project collaborative; $100,000 to OLSD for optimization and monitoring of new horizontal levee configuration; and $650,000 to EBDA for design and permitting of EBDA first mile and Hayward feasibility study.
ABAG Executive Board Approval:	David Rabbitt, ABAG President
Approval Date:	

Metropolitan Transportation Commission

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Legislation Details (With Text)

File #:	19-0455	**Version:**	1	**Name:**	
Type:	Report			**Status:**	Executive Board Consent
File created:	4/23/2019			**In control:**	ABAG Executive Board
On agenda:	5/16/2019			**Final action:**	
Title:	Authorization to revise sub-award amounts in the Urban Greening Bay Area Project for the City of Sunnyvale to decrease to $50,000 and for the City of San Mateo to increase by $200,000 for a total of $400,000				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	Item 06E SFEP Summary Sheet Urban Greening v3.pdf Item 06E SFEP Attachment Summary Approval Urban Greening v2.pdf				

Date	Ver.	Action By	Action	Result

Authorization to revise sub-award amounts in the Urban Greening Bay Area Project for the City of Sunnyvale to decrease to $50,000 and for the City of San Mateo to increase by $200,000 for a total of $400,000

Caitlin Sweeney

Approval

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Association of Bay Area Governments

Executive Board

May 16, 2019 **Agenda Item 6.e.**

Authorization to revise sub-award amounts in the Urban Greening Bay Area Project for the City of Sunnyvale to decrease to $50,000 and for the City of San Mateo to increase by $200,000 for a total of $400,000

Subject: Authorization to revise sub-award amounts in the Urban Greening Bay Area Project for the City of Sunnyvale to decrease to $50,000 and for the City of San Mateo to increase by $200,000 for a total of $400,000.

Background: The U.S. EPA awarded ABAG $1,730,862 in 2015 for the Urban Greening Bay Area project to promote and implement green infrastructure throughout the Bay Area to improve stormwater quality which impacts the health of San Francisco Bay.

The project consists of GI Planning, Implementation and Tracking tasks. Project partners City of Sunnyvale and City of San Mateo were among the initial subawardees expected to implement green infrastructure projects in their jurisdictions, and their subawards were authorized by the ABAG Executive Board in November, 2015.

Over the course of the project, subawardee City of Sunnyvale's projects were deemed infeasible. The U.S. EPA has approved transferring $200,000 of the City of Sunnyvale's $250,000 project budget to the project conducted by subawardee City of San Mateo. The City of San Mateo will incorporate additional sites and increase the project budget from $200,000 to $400,000. The City of Sunnyvale's project will be reduced to $50,000 for green infrastructure planning. There will be no net increase in cost to the projects, which will be extended through December 31, 2019 per approval from U.S. EPA

Issues: None.

Association of Bay Area Governments

Executive Board

May 16, 2019 **Agenda Item 6.e.**

Authorization to revise sub-award amounts in the Urban Greening Bay Area Project for the City of Sunnyvale to decrease to $50,000 and for the City of San Mateo to increase by $200,000 for a total of $400,000

Recommended Action: The Executive Board is requested to authorize the Executive Director of the Metropolitan Transportation Commission, or her designee, to increase the existing ABAG subaward to the City of San Mateo for the Urban Greening Bay Area project to cover additional sites at a cost up to $400,000 through December 31, 2019, and to decrease the existing subaward to the City of Sunnyvale to $50,000 for green infrastructure planning through December 31, 2019.

Attachments: Summary Approval Sheet

Reviewed:

Therese W. McMillan

SUMMARY OF EXECUTIVE BOARD APPROVAL

Work Item No.:	1720 (FSRC 1336)
Contractor:	City of San Mateo
Work Project Title:	Urban Greening Bay Area
Purpose of Project:	Promote and implement green infrastructure throughout the Bay Area to improve stormwater quality which impacts the health of San Francisco Bay
Brief Scope of Work:	Green stormwater infrastructure retrofits at 4th & Fremont Streets and South Delaware Street at 9th and East 5th Avenues, San Mateo
Project Cost Not To Exceed:	$400,000
Funding Source:	U.S. Environmental Protection Agency
Fiscal Impact:	Funds programmed in FY 2018-19 and 2019-20 Budgets
Motion by Committee:	The Executive Board is requested to authorize the Executive Director of the Metropolitan Transportation Commission, or her designee, to increase the existing ABAG subaward to the City of San Mateo for the Urban Greening Bay Area project to cover additional sites at a cost up to $400,000 through December 31, 2019, and to decrease the existing subaward to the City of Sunnyvale to $50,000 for green infrastructure planning through December 31, 2019.
ABAG Executive Board Approval:	David Rabbitt, ABAG President
Approval Date:	

Metropolitan Transportation Commission

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Legislation Details (With Text)

File #:	19-0456	**Version:**	1	**Name:**	
Type:	Report			**Status:**	Executive Board Consent
File created:	4/23/2019			**In control:**	ABAG Executive Board
On agenda:	5/16/2019			**Final action:**	
Title:	Authorization to revise contract funding levels under existing BATA funding (846 8013, Seismic) for the San Pablo Avenue Stormwater Spine project: Reduce EBMUD underground utility work agreement to $665,000 and add Wilsey Ham, Inc. for $50,000 in project design coordination through December 31, 2019				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	Item 06F SFEP Summary Sheet Wilsey Ham v3.pdf Item 06F SFEP Attachment Summary Approval Wilsey Ham v2.pdf				

Date	Ver.	Action By	Action	Result

Authorization to revise contract funding levels under existing BATA funding (846 8013, Seismic) for the San Pablo Avenue Stormwater Spine project: Reduce EBMUD underground utility work agreement to $665,000 and add Wilsey Ham, Inc. for $50,000 in project design coordination through December 31, 2019

Caitlin Sweeney

Approval

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Association of Bay Area Governments

Executive Board

May 16, 2019 **Agenda Item 6.f.**

Authorization to revise contract funding levels under existing BATA funding (846 8013, Seismic) for the San Pablo Avenue Stormwater Spine project: Reduce EBMUD underground utility work agreement to $665,000 and add Wilsey Ham, Inc. for $50,000 in project design coordination through December 31, 2019

Subject: Authorization to revise contract funding levels under existing BATA funding (846 8013, Seismic) for the San Pablo Avenue Stormwater Spine project: Reduce EBMUD underground utility work agreement to $665,000 and add Wilsey Ham, Inc. for $50,000 in project design coordination through December 31, 2019.

Background: San Francisco Estuary Partnership has been working on a multi-site green street project, in various cities along San Pablo Avenue in the East Bay. The goal of the projects is to retrofit the public right-of-way with landscape-based stormwater treatment facilities that collect urban runoff and filter out pollutants before it is discharged to the Bay. Once constructed, the projects will cumulatively treat 6 acres of impervious surface runoff, meeting Water Board mitigation requirements associated with the San Francisco-Oakland Bay Bridge retrofits.

The project is funded by multiple sources. Caltrans stormwater mitigation funds and the State Natural Resources Agency's Urban Greening Program grant provide $2,114,000 in construction funding. When cost increases and delays caused by underground utility conflicts at the sites led to the need for additional funds to complete the suite of projects, the Metropolitan Transportation Commission's Bay Area Toll Authority (BATA) agreed in November 2018 to provide $2,000,000 to ensure project continuation. Project funding currently totals $4,114,000.

In November 2018, the project funding was allocated to cover $4,100,000 in several contracts:

- East Bay Municipal Utility District for $750,000 for underground utility work
- Ghilotti Brothers, Inc. for $2,500,000 for construction
- MNS Engineering for $850,000 for construction management services.

This request revises the existing authorizations and adds Wilsey Ham, Inc. to the list of contractors funded with the existing $2,000,000 in BATA funding. Wilsey Ham has a $50,000 contract with ABAG, initiated under Strategic Growth Council and

Authorization to revise contract funding levels under existing BATA funding (846 8013, Seismic) for the San Pablo Avenue Stormwater Spine project: Reduce EBMUD underground utility work agreement to $665,000 and add Wilsey Ham, Inc. for $50,000 in project design coordination through December 31, 2019

Integrated Regional Water Management Grant (IRWM) Round 1 funding, to provide project design coordination. The BATA funds will fund the Wilsey Ham agreement, replacing IRWM 1 funds which expired during project delays related to unanticipated underground utility conflicts.

The EBMUD underground utility work agreement came in lower than originally authorized (at $665,000 compared to $750,000), and this request would revise the EBMUD authorization to up to $665,000.

The revised allocations under the project funds would total $4,065,000:

- East Bay Municipal Utility District for $665,000 for underground utility work
- Ghilotti Brothers, Inc. for $2,500,000 for construction – no change
- MNS Engineering for $850,000 for construction management services – no change
- Wilsey Ham, Inc. for $50,000 for project design coordination

Issues: None.

Recommended Action: The Executive Board is requested to authorize the Executive Director of the Metropolitan Transportation Commission, or her designee, to revise contract authorization levels under existing BATA funding for the San Pablo Avenue Stormwater Spine project as follows: reduce East Bay Municipal Utility District to $665,000 for underground utility work; and add Wilsey Ham, Inc. for $50,000 for project design coordination through December 31, 2019.

Attachments: Summary Approval Sheet

Reviewed:

Therese W. McMillan

SUMMARY OF EXECUTIVE BOARD APPROVAL

Work Item No.:	846 8013
Contractor:	Wilsey Ham, Inc.
Work Project Title:	San Pablo Avenue Stormwater Spine Project
Purpose of Project:	Retrofit the public right-of-way with landscape-based stormwater treatment facilities that collect urban runoff and filter out pollutants before it is discharged to the Bay
Brief Scope of Work:	Project design coordination with construction contractor
Project Award:	Up to $50,000
Funding Source:	BATA Seismic
Fiscal Impact:	Funds programmed in FY 2018-19 and 2019-20 Budgets
Motion by Committee:	The Executive Board is requested to authorize the Executive Director of the Metropolitan Transportation Commission, or her designee, to revise contract authorization levels under existing BATA funding for the San Pablo Avenue Stormwater Spine project as follows: Reduce East Bay Municipal Utility District to $665,000 for underground utility work; and add Wilsey Ham, Inc. for $50,000 for project design coordination through December 31, 2019.
ABAG Executive Board Approval:	David Rabbitt, ABAG President
Approval Date:	

Metropolitan Transportation Commission

375 Beale Street, Suite 800
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Legislation Details (With Text)

File #:	19-0462	**Version:**	1	**Name:**	
Type:	Report			**Status:**	Executive Board Consent
File created:	4/23/2019			**In control:**	ABAG Executive Board
On agenda:	5/16/2019			**Final action:**	

Title: Authorization to enter into a new funding agreement with the California Department of Water Resources for up to $3,020,000 for Bay Area Integrated Regional Water Management Plan (IRWMP) for the Disadvantaged Community and Tribal Involvement Program (DACTIP) grant administration and project management between April 25, 2019 and December 31, 2020; to authorize adjustment of the FY 2018-19 operating budget; and to authorize the Executive Director to enter into contracts of up to $200,000 each with community partners to continue work and develop project needs assessment.

Sponsors:

Indexes:

Code sections:

Attachments: Item 06G SFEP Summary Sheet DACIP v3.pdf
Item 06G SFEP Attachment Summary Approval DACIP.pdf

Date	Ver.	Action By	Action	Result

Authorization to enter into a new funding agreement with the California Department of Water Resources for up to $3,020,000 for Bay Area Integrated Regional Water Management Plan (IRWMP) for the Disadvantaged Community and Tribal Involvement Program (DACTIP) grant administration and project management between April 25, 2019 and December 31, 2020; to authorize adjustment of the FY 2018-19 operating budget; and to authorize the Executive Director to enter into contracts of up to $200,000 each with community partners to continue work and develop project needs assessment.

Caitlin Sweeney

Approval

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Association of Bay Area Governments

Executive Board

May 16, 2019 **Agenda Item 6.g.**

Authorization to enter into a new funding agreement with the California Department of Water Resources for up to $3,020,000 for Bay Area Integrated Regional Water Management Plan (IRWMP) for the Disadvantaged Community and Tribal Involvement Program (DACTIP) grant administration and project management between April 25, 2019 and December 31, 2020; to authorize adjustment of the FY 2018-19 operating budget; and to authorize the Executive Director to enter into contracts of up to $200,000 each with community partners to continue work and develop project needs assessment.

Subject: Authorization to enter into a new funding agreement with the California Department of Water Resources for up to $3,020,000 for Bay Area Integrated Regional Water Management Plan (IRWMP) for the Disadvantaged Community and Tribal Involvement Program (DACTIP) grant administration and project management between April 25, 2019 and December 31, 2020; to authorize adjustment of the FY 2018-19 operating budget; and to authorize the Executive Director to enter into contracts of up to $200,000 each with community partners to continue work and develop project needs assessment.

Background: The San Francisco Bay Area Integrated Regional Water Management Plan (Bay Area IRWMP) encourages integrated regional strategies for management of water resources and ties to funding for implementation projects that support the plan. San Francisco Bay Area water, wastewater, flood protection and stormwater management agencies; cities and counties; watershed management interests, planning agencies and organizations, and non-governmental organizations are involved in the Bay Area IRWMP. (The ABAG Executive Board adopted the first Bay Area IRWMP by Resolution No. 11-06 and the revised IRWMP by Resolution No. 04-14). Bay Area IRWMP members voluntarily participate in the Coordinating Committee (CC), which is the Regional Water Management Group for the Bay Area IRWMP. The state Department of Water Resources (DWR) has been funding IRWMP projects through several rounds of grants funded by state bonds, including three grants for the San Francisco Bay region currently managed by the San Francisco Estuary Partnership division of ABAG.

In 2016, the Department of Water Resources (DWR) granted $6,500,000 for the San Francisco Bay Region through its IRWM Disadvantaged Community and Tribal Involvement Program (DACTIP). Environmental Justice Coalition for Water (EJCW) was selected as grantee to administer the regional grant funds for IRWM partners' work with disadvantaged, underrepresented, and tribal communities throughout the Bay Area to conduct needs

assessments to identify water-related needs and solutions related to Water Supply & Water Quality, Wastewater & Recycled Water, Flood Protection & Stormwater Management, and Watershed Management & Habitat Protection. The goal of this work was to identify projects in these communities that could be proposed in future rounds of funding and to integrate these communities into the IRWMP funding and management process. This work included significant outreach to local community groups and was to be followed with technical development of projects for proposals as early as 2020.

DWR has determined that EJCW was not able to fulfill its grantee role under the IRWM DACIP, and issued a stop work order to EJCW. On an emergency basis, DWR and the BAIRWMP CC have requested that ABAG take on the grantee role for remaining funding (up to $3,020,000) and manage remaining work under the DACTIP. All parties are working expeditiously to transfer grant funded activities from EJCW to ABAG, and the IRWM community is looking to ABAG to deftly handle the transition in order to minimize impact to work that was already begun under the grant.

The $3,020,000 in remaining grant funding will fund several projects as well as ABAG work for grant administration and project management. There will be no match requirement from ABAG. The grantee role involves entering into Local Project Sponsor agreements (subcontracts) with project partners, administering those contracts, and coordinating the region's submittals of project deliverables and invoices to DWR. ABAG/SFEP staff will also manage the coordination and development of the needs assessment. ABAG/SFEP was asked to take the grantee role due to its extensive experience in grant management, including managing three other IRWM grants currently underway, as well as its previous work with disadvantaged communities in the region.

The project is coming to ABAG through unusual channels, in that we were asked to step in after a previous grantee failed rather than going through the usual proposal and award process. We are challenged to expedite the process of entering into the needed

subcontracts for this project, in order not to jeopardize the progress of projects already underway. ABAG, DWR, and EJCW are working now to collect all the details for subcontracts that ABAG will need to run for this project, but they were not available at the time of this board packet development. To facilitate contracting, we request that the Executive Board designate the MTC Executive Director, acting pursuant to the Contract for Services dated May 30, 2017, to approve entering into contracts with 8-13 community partners for amounts up to $200,000. The Board's approval to allow us to enter into those agreements under the Executive Director authority will let us move more flexibly than needing to present the request at a subsequent meeting in two months' time.

Issues: Grant-funded projects were shut down by DWR's stop work order. ABAG has been asked to restart those projects under new subcontracts with ABAG, and to expedite that restart. This is an unusual request of the ABAG Board to authorize the ED to enter into contracts up to $200k as the ABAG policy is for the Board to see all contracts above $50k. However, this authorization will allow us to move quickly to get contracts into place to minimize project delays and impacts to the community-based organizations conducting the work.

Association of Bay Area Governments

Executive Board

May 16, 2019 **Agenda Item 6.g.**

Authorization to enter into a new funding agreement with the California Department of Water Resources for up to $3,020,000 for Bay Area Integrated Regional Water Management Plan (IRWMP) for the Disadvantaged Community and Tribal Involvement Program (DACTIP) grant administration and project management between April 25, 2019 and December 31, 2020; to authorize adjustment of the FY 2018-19 operating budget; and to authorize the Executive Director to enter into contracts of up to $200,000 each with community partners to continue work and develop project needs assessment.

Recommended Action: The Executive Board is requested to authorize the Executive Director of the Metropolitan Transportation Commission, or her designee, to enter into a new funding agreement with the California Department of Water Resources for up to $3,020,000 for IRWM Disadvantaged Community and Tribal Involvement Program (DACTIP) grant administration and project management between April 25, 2019 and December 31, 2020; to authorize the appropriate adjustment to the FY 2018-19 operating budget to account for the added revenue and expenses; and to authorize the Executive Director to use her authority to enter into contracts, up to $200,000 each, with 8-13 community partners to continue work and develop the project needs assessment.

Attachments: Summary Approval Sheet

Reviewed: Therese W. McMillan

SUMMARY OF EXECUTIVE BOARD APPROVAL

Work Item No.:	1720 (FSRC tbd)
Funder:	Department of Water Resources (DWR)
Work Project Title:	Integrated Regional Water Management Plan Disadvantaged Community Involvement Program (IRWM DACIP)
Purpose of Project:	Serve as grantee for San Francisco Bay Region IRWM DACIP projects after initial grantee was unable to complete work
Brief Scope of Work:	Administer regional grant supporting work with Bay Area disadvantaged, underrepresented, and tribal communities to conduct needs assessments to identify water-related needs and solutions based on the Bay Area IRWMP. These assessments will identify potential projects in these communities for future funding and integrate these communities into the IRWM process.
Project Award:	$3,020,000 in state funding
Funding Source:	Department of Water Resources Integrated Regional Watershed Management Program (Proposition 1)
Fiscal Impact:	Funds programmed in FY 19-20 Budget and subsequent years through 2021, amendment needed to authorize funds in FY 18-19
Motion by Committee:	The Executive Board is requested to authorize the Executive Director of the Metropolitan Transportation Commission, or her designee, to enter into a new funding agreement with the California Department of Water Resources for up to $3,020,000 for IRWM Disadvantaged Community and Tribal Involvement Program (DACTIP) grant administration and project management between April 25, 2019 and December 31, 2020; to authorize the appropriate adjustment to the FY 2018-19 operating budget to account for the added revenue and expenses; and to authorize the Executive Director to use her authority to enter into contracts, up to $200,000 each, with 8-13 community partners to continue work and develop the project needs assessment.
ABAG Executive Board Approval:	David Rabbitt, ABAG President
Approval Date:	

Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #:	19-0614	**Version:**	1	**Name:**	
Type:	Report			**Status:**	Executive Board Consent
File created:	5/13/2019			**In control:**	ABAG Executive Board
On agenda:	5/16/2019			**Final action:**	
Title:	AB 393 (Nazarian): Building Standards				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	AB 393 Staff Memo				

Date	Ver.	Action By	Action	Result

AB 393 (Nazarian): Building Standards

Rebecca Long

Support

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ASSOCIATION OF BAY AREA GOVERNMENTS
Representing City and County Governments of the San Francisco Bay Area

ABAG

Agenda Item 4a

TO: ABAG Legislation Committee DATE: April 8, 2019

FR: Executive Director W. I. 1114

RE: AB 393 (Nazarian): Building Standards

Background
Assembly Bill 393 (Nazarian) seeks to improve seismic performance of new buildings in California by studying and considering the adoption of increased seismic performance standards to achieve "functional recovery," rather than only, "life safety." It is similar to a 2018 bill, AB 1857 (Nazarian), which would have required the state to organize a broad working group to study a "functional recovery" building code.

In 2018 the ABAG Legislation Committee voted to support AB 1857, which passed the Legislature but was vetoed by then Governor Jerry Brown. Brown had concerns that the law was duplicating federal research efforts at the National Institute of Standards and Technology (NIST). In our view, AB 393 is a proactive measure to ensure the State of California builds on NIST's research by convening experts to determine next steps no later than June 30, 2020. The bill requires the state to convene at least 17 key stakeholders, including ABAG. The working group would be required to complete research related to the functional recovery building standard and propose recommendations to the state no later than June 30, 2021.

The new bill remains aligned with current ABAG efforts to increase seismic safety measures in the Bay Area. In 2014 and 2015 as part of the 25th anniversary of the Loma Prieta Earthquake, the Regional Planning Committee and ABAG Executive Board adopted a set of policy goals to improve seismic safety in the region that call for improving the quality of new construction.

Recommendation
The ABAG Legislation Committee is requested to recommend that the Executive Board take a support position on AB 393.

Discussion
California's current building code specifies construction that meets life safety standards. AB 393 would require establishment of a working group to explore the latest federal seismic safety research and assess whether the building code should be updated to instead require a functional recovery standard for all or some building occupancy classifications and investigate the practical means of implementing the standard as either a mandatory or voluntary measure. Both the definition of and criteria for a functional recovery standard would be defined by a working group assembled by the Building Standards Commission, comprised of public and private sector entities, including ABAG and the Southern California Association of Governments.

If the group suggests that the development of a voluntary or mandatory standard is warranted, the working group would help prepare an estimation of cost compliance for state agencies, as well as provide advice on where within the state the standard should be applicable, based upon seismic design categories. The working group would then also advise state agencies to propose building standards for consideration for the next regularly scheduled triennial adoption cycle.

Staff remains keenly aware of the irony of pursuing more stringent building code standards that would increase the cost of construction at a time when the region is facing a severe housing shortage. For new buildings, estimates of the increased cost range from one to three percent[1] to significantly higher. However, for every dollar spent on mitigation, up to $4 in future losses can be avoided, reducing potentially astronomical costs of rebuilding after a major earthquake according to the Multihazard Mitigation Council[2]. In staff's view, the bill provides sufficient time to examine the costs and benefits, while developing tools for mitigating cost impacts to retain and increase housing affordability.

Known Positions

Support
Earthquake Engineering Research Institute

Oppose
None on file

Therese W. McMillan

TWM: mg/rl
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[1] Keith A. Porter (*2016*) Safe Enough? A Building Code to Protect Our Cities and Our Lives. Earthquake Spectra: May 2016, Vol. 32, No. 2, pp. 677-695.

[2] Multihazard Mitigation Council (2017) Natural Hazard Mitigation Saves 2017 Interim Report: An Independent Study. Principal Investigator Porter, K.; co-Principal Investigators Scawthorn, C.; Dash, N.; Santos, J.; Investigators: Eguchi, M., Ghosh., S., Huyck, C., Isteita, M., Mickey, K., Rashed, T.;P. Schneider, Director, MMC. National Institute of Building Sciences, Washington.

Metropolitan Transportation Commission

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Legislation Details (With Text)

File #:	19-0615	**Version:**	1	**Name:**	
Type:	Report			**Status:**	Executive Board Consent
File created:	5/13/2019			**In control:**	ABAG Executive Board
On agenda:	5/16/2019			**Final action:**	
Title:	AB 429 (Nazarian): Seismically Vulnerable Buildings Inventory				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	AB 429 Staff Memo				

Date	Ver.	Action By	Action	Result

AB 429 (Nazarian): Seismically Vulnerable Buildings Inventory

Rebecca Long

Support

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ASSOCIATION OF BAY AREA GOVERNMENTS
Representing City and County Governments of the San Francisco Bay Area

ABAG

Agenda Item 4b

TO: ABAG Legislation Committee DATE: April 8, 2019

FR: Executive Director W. I. 1114

RE: AB 429 (Nazarian): Seismically Vulnerable Buildings Inventory

Background
Assembly Bill 429 (Nazarian) would create an inventory of existing potentially seismically vulnerable buildings. The bill is similar to AB 2681 (Nazarian), proposed in 2018. The goal of the bill is the same but AB 429 shifts responsibility for generating this inventory from local governments to the California Seismic Safety Commission. This bill remains aligned with current ABAG efforts to increase seismic safety in the Bay Area.

In 2018, ABAG supported the previous version of this bill which passed the Legislature but was vetoed by then Governor Jerry Brown. Brown's veto message indicated he had concerns that the law would have placed an unnecessary burden on local governments to develop the inventories. With a new governor and a state level approach, Assembly Member Nazarian is taking a second run at this proposal.

Recommendation
The ABAG Legislation Committee is requested to recommend that the Executive Board take a support position on AB 429.

Discussion
As you know, the region's buildings are hugely vulnerable to major earthquake. For instance, ABAG estimates a major quake on the San Andreas Fault would significantly damage nearly 70,000 residential buildings across the Bay Area, displacing almost 200,000 households. Nearly all of this damage is forecast to occur in older, vulnerable buildings. To mitigate this risk, ABAG has long advocated for the development of vulnerable building inventories to inform local decisions about seismic retrofit policy and raise awareness amongst building owners and tenants about their risk to spur retrofit of existing dangerous buildings.

Staff recognizes that the cost for developing and maintaining inventories is a concern for already over-burdened cities and counties. The new legislation removes this concern, and results in the state having a comprehensive and consistent inventory – a critical first step to getting all vulnerable cities and counties to a baseline level of awareness to help inform local or statewide policy and prioritize mitigation work in the highest risk communities.

Consistent with our 2019 Joint Advocacy Program, staff recommends ABAG adopt a support position on the bill.

Known Positions

Support	**Oppose**
Earthquake Engineering Research Institute	None on file

Therese W. McMillan

TWM:rl
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Legislation Details (With Text)

File #:	19-0616	**Version:**	1	**Name:**	
Type:	Report			**Status:**	Executive Board Consent
File created:	5/13/2019			**In control:**	ABAG Executive Board
On agenda:	5/16/2019			**Final action:**	
Title:	SB 254 (Hertzberg): The Resilient Homes Initiative				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	SB 254 Staff Memo				

Date	Ver.	Action By	Action	Result

SB 254 (Hertzberg): The Resilient Homes Initiative

Rebecca Long

Support and Seek Amendments

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ASSOCIATION OF BAY AREA GOVERNMENTS
Representing City and County Governments of the San Francisco Bay Area

ABAG

Agenda Item 4c

TO: ABAG Legislation Committee DATE: April 8, 2019

FR: Executive Director W. I. 1114

RE: SB 254 (Hertzberg): The Resilient Homes Initiative

Background
Senate Bill 254 (Hertzberg) directs significant and sustained investments to retrofit homes across California by restructuring the California Earthquake Authority's framework for paying claims following a catastrophic earthquake. In doing so, SB 254 helps prepare California homes for the next major earthquake while also ensuring the long-term financial sustainability of the California Earthquake Authority as California's primary earthquake insurance provider.

Recommendation
The ABAG Legislation Committee is requested to recommend that the Executive Board take a support and seek amendments position on SB 254.

Discussion
As noted previously, in a major San Andreas earthquake, ABAG estimates that nearly 70,000 residential buildings across the Bay Area would be significantly damaged, displacing almost 200,000 households. Nearly all of this damage will occur in older, vulnerable buildings. Faults across the region could cause significant damage in every Bay Area city and county. ABAG has long advocated for funding tools to support home and building owners retrofit existing dangerous buildings.

Following the 1994 Northridge earthquake, the Legislature created the California Earthquake Authority (CEA), a publicly-managed, privately-funded nonprofit tasked with protecting homeowners from the financial risks associated with regular seismic events. In recent years, the CEA's role has expanded to include more proactive mitigation efforts, such as the Brace-and-Bolt Program, which has provided over 7,700 retrofit grants since 2014. These resiliency efforts have assumed a larger share of CEA's overall mission, as studies have shown that every dollar spent on mitigation can save at least four dollars in post-event disaster-related costs.

However, due to very limited funding available, recent mitigation efforts have barely scratched the surface of overall need, which grows more urgent by the day. In the Bay Area, many older single-family homes built above a crawl space or above a garage are vulnerable to damage in even a moderate earthquake, as are many multi-family buildings with large ground floor openings (soft-story buildings).

Currently, in the event of a major earthquake, the CEA would pay insurance claims using several distinct financing layers, which are each activated only when the previous layer's funding is exhausted (see attached). While the CEA is financially strong and prepared to cover all claims from the next major earthquake, current law does not provide a mechanism to ensure CEA's long-term sustainability in the event of *multiple* major earthquakes.

SB 254 would have a two-fold benefit of strengthening the CEA's claim-paying capacity and freeing up funding for mitigation efforts by making two modifications to current law, as follows:

- The bill would authorize the CEA, in the event of a catastrophic earthquake, to subsequently establish a small, temporary assessment on property and casualty insurance policies in "high seismic risk zones." Because this charge would only apply following an earthquake of unprecedented magnitude, after all other financing layers have been exhausted, it is known as "contingent capital." This structure has been used in Florida for decades to structure their hurricane policies.

- By adding this contingent capital option, the bill would reduce the amount of reinsurance required to cover claims for an initial major quake, which would then free up $70 to $100 million annually to dramatically expand the state's existing Brace & Bolt program and help pay for new pre-earthquake mitigation projects in high seismic risk zones.

Staff believes this innovative approach suggested in SB 254 makes good sense but believes the bill would be improved by amendments that would require a portion of the new funding to be specifically directed to:

  - seismically vulnerable *multi-family* buildings;
  - buildings that house low-income residents; and
  - jurisdictions with mandatory seismic retrofit programs as a reward for the development of such programs.

Staff seeks the committee's support for the bill while also working with the author's office to develop specific amendments along these lines that can be incorporated into the bill.

Known Positions

Support	**Oppose**
Personal Insurance Federation of California	None on file

Therese W. McMillan

Attachment:

- Attachment A: Reinsurance Cost Savings to Fund Mitigation

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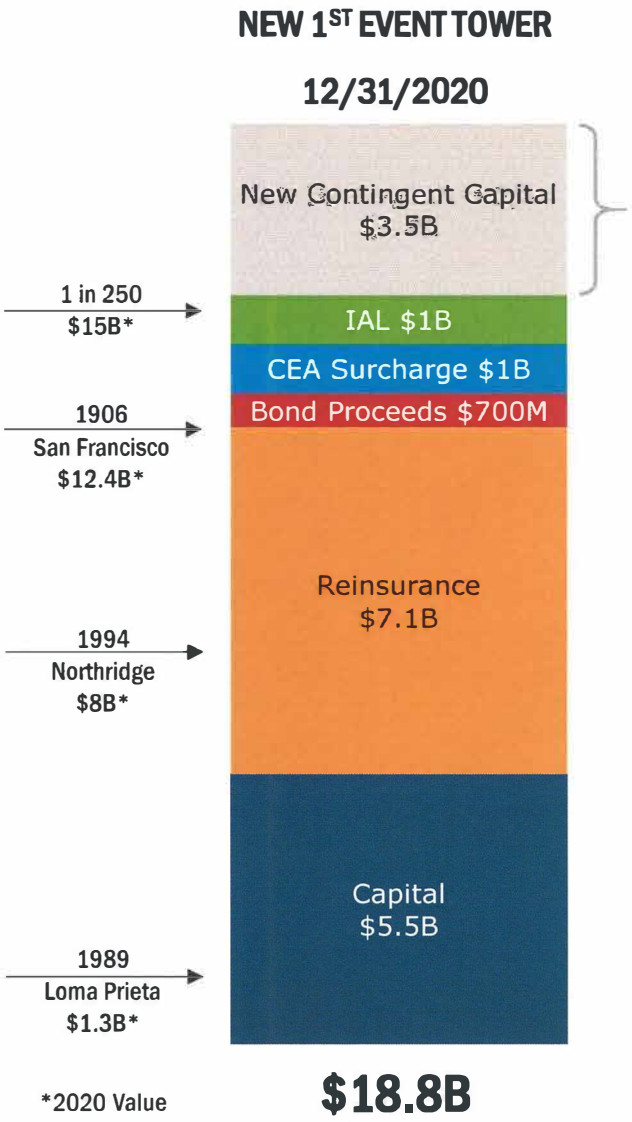
Reinsurance Cost Savings to Fund Mitigation



Authorize CEA Governing Board to establish – **but ONLY if necessary, following an unprecedented and catastrophic earthquake** – a temporary assessment* on certain property and casualty lines.**

This assessment will only be applicable in High Seismic Zones.

An amount equal to 2% of the Contingent Capital layer will be dedicated to fund earthquake mitigation in High Seismic Zones.

For example: 2% of $3.5B = $70M for Mitigation

* Maximum assessment: 5% for no more than 10 years for each catastrophic earthquake

** Assessable Lines: P&C insurance excluding certain specified lines such as Med Mal, Work Comp, EQ, Renters, and Auto

Proposed SB254 Claim Paying Structure and Mitigation Fund, California Earthquake Authority, 2019

Metropolitan Transportation Commission

375 Beale Street, Suite 800
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Legislation Details (With Text)

File #:	19-0617	**Version:**	1	**Name:**	
Type:	Report			**Status:**	Executive Board Consent
File created:	5/13/2019			**In control:**	ABAG Executive Board
On agenda:	5/16/2019			**Final action:**	
Title:	SB 152 (Beall): Active Transportation Program Reform				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	SB 152 Staff Memo				

Date	Ver.	Action By	Action	Result

SB 152 (Beall): Active Transportation Program Reform

Rebecca Long

Support

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Memorandum

TO: Joint MTC Legislation Committee and ABAG Legislation Committee

DATE: April 8, 2019

FR: Executive Director

RE: SB 152 (Beall): Active Transportation Program Reform

Background
Our 2019 Joint Advocacy Program indicated support for streamlining the administration of the Active Transportation Program (ATP) so that the projects do not require an allocation by the California Transportation Commission and a larger share of the funds are suballocated to metropolitan planning organizations (MPOs) to expand their competitive regional ATP programs, similar to the federal Surface Transportation Block Grant Program and Congestion Mitigation and Air Quality. In conversations with various members of the Bay Area delegation regarding the issue, Senator Jim Beall, Chairman of the Senate Transportation Committee, indicated an interest in carrying the legislation, with MTC as the sponsor. SB 152 is now in print and had its first hearing on April 9th. This memo provides an overview of the bill, which has additional provisions beyond those included in our advocacy program and recommends both ABAG and MTC formally support the bill. Note that as the bill's proponent (referred to as "sponsor" in Sacramento), staff have already sent a letter on behalf of MTC communicating our support and testifying in the first hearing on the Senate Transportation Committee.

Recommendation:
Support (both ABAG and MTC)

Discussion
ATP Background In 2013, the Legislature established the ATP, merging various state and federal funding sources related to bicycle/pedestrian funding into one consolidated program. The goal was to streamline administration and provide a more cohesive approach to the state's active transportation investments. In 2017, Senate Bill 1 (Beall) infused the program with an additional $100 million annually in new state funding bringing annual statewide funding to approximately $220 million. The program is administered primarily by the California Transportation Commission (CTC), with Caltrans playing a supportive role. Currently, ATP funds are distributed as follows:

- Statewide Competitive - 50% to the state for a statewide competitive program
- Small Urban and Rural - 10% to the small urban and rural area competitive program to be managed by the state
- Regional ATP - 40% to the large urbanized area competitive program, with funding distributed by population and managed by MPOs, in our case, MTC.

Overview of Concerns In the last few years, MTC and other MPOs have become concerned that the ATP has become unnecessarily complex and burdensome for project sponsors in terms of level of effort required to apply, overly rigid project eligibility and inflexibility with regard to project delivery deadlines that can unnecessarily cause a project to lose funds. In addition, the requirement for every project to obtain an allocation by the CTC – including projects selected by MTC – adds several months of unnecessary delay to each project's schedule. Significant state transportation resources are consumed by application review and allocations for hundreds of small scale projects that would make more sense to administer at the regional

level. Meanwhile, funding levels for each region are highly unpredictable due to the majority of the funds being administered through a statewide competitive grant program. For example, the Bay Area's share of the competitive program across three cycles has fluctuated from 5 percent in Cycle 4 to 24 percent in Cycle 5. Similarly, the share awarded to the Southern California Association of Governments (SCAG) has swung wildly from 35 percent to 62 percent.

Proposed Changes SB 152 provides an opportunity to simplify the ATP application process, enable project sponsors to deliver bicycle and pedestrian improvements faster, and provide greater flexibility to fund the top priority projects at the regional level. In addition, to provide regions greater predictability, the bill changes the distribution shares as follows:

- Increase the regional program from 40 percent to 75 percent (similar to the share of funds provided to regions in the State Transportation Improvement Program).
- Hold rural and small areas harmless by increasing their share of the program from 10 percent to 15 percent, the same proportion they received of overall ATP funding in the last four cycles.
- Reduce the state's share from 50 percent to 10 percent and focus state share on transformative projects, consistent with a recent recommendation by the Legislative Analyst's Office.

Based on the current two-year ATP funding cycle of $438 million, SB 152 would have the potential to almost double the Bay Area's share of the regional funding program from $37 million to $69 million with similar increases occurring for all MPOs. In exchange for increasing the regional share of funds, the bill would also increase reporting requirements from the regional agencies to CTC to determine the tangible benefits of the program and the impacts of the reforms. To assist with measuring project benefits, the bill would allow bicycle and pedestrian counts to be paid for as part of a project's costs, a cost that currently must be paid for by the project sponsor with other funds, and therefore is often done manually with little credibility to the results. Lastly, the bill would require project savings and/or ATP funds freed up from projects that missed deadlines to be reinvested in further bicycle and pedestrian enhancements, rather than deposited in the State Highway Account where Caltrans can then use them for any purpose.

Because SB 152 would streamline the ATP program, adding greater flexibility and efficiency of project delivery as well as a larger and more predictable amount of guaranteed funding to the Bay Area, staff recommends a support position on the bill.

Bill Positions

Support: Napa County Bicycle Coalition, Orange County Transportation Authority, Riverside County Transportation Commission
Oppose: California Bicycle Coalition, California Walks, Leadership Counsel for Justice & Accountability, Los Angeles County Metropolitan Transportation Authority), Safe Routes to School National Partnership *(joint letter- "oppose unless amended")*

Therese W. McMillan

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Metropolitan Transportation Commission

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Legislation Details (With Text)

File #:	19-0600	**Version:**	1	**Name:**	
Type:	Report			**Status:**	Executive Board Consent
File created:	5/13/2019			**In control:**	ABAG Executive Board
On agenda:	5/16/2019			**Final action:**	
Title:	AB 69 (Ting): Small Home Building Standards AB 69 would require the Department of Housing and Community Development (HCD) to propose small home building standards governing ADUs smaller than 800 square feet, junior ADUs and detached dwelling units smaller than 800 square feet.				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	AB 69 Staff Summary 5/10/19				

Date	Ver.	Action By	Action	Result

AB 69 (Ting): Small Home Building Standards

AB 69 would require the Department of Housing and Community Development (HCD) to propose small home building standards governing ADUs smaller than 800 square feet, junior ADUs and detached dwelling units smaller than 800 square feet.

Support an Seek Amendments

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Metropolitan Transportation Commission and the Association of Bay Area Governments

Joint MTC Legislation Committee and ABAG Legislation Committee

May 10, 2019 **Agenda Item 5b**

AB 69 (Ting): Small Home Building Standards

Subject: AB 69 would require the Department of Housing and Community Development (HCD) to propose small home building standards governing ADUs smaller than 800 square feet, junior ADUs and detached dwelling units smaller than 800 square feet. These standards must include allowances for small kitchens and bathrooms with small appliances and achieve the most cost-effective construction standards possible. The standards must be submitted to the California Building Standards Commission (CBSC) for adoption by January 1, 2021.

Background: Secondary units have been identified as a cost-effective way that a significant number of units, affordable and energy efficient by design, can be produced in areas currently zoned for housing. Over the past three years a number of bills have been enacted to remove barriers that have impeded the development of ADUs in neighborhoods. Of note, as accessory uses, ADUs and Junior ADUs are not considered an increase in density when added to a proposed new construction project or existing single-family home.

According to the Terner Center for Housing Innovation at UC Berkeley, the average cost to build an ADU in California ($156,000) is less than half of the average cost to build a unit of affordable housing, 83% of ADUs are designed and built in 18 months or less, and 58% of ADUs are rented at below market rate. The Terner Center also indicates ADU building costs could be further reduced by removing barriers in existing building standards that do not scale well to small structures. For example, the center reports that the new 2016 Title 24 building requirements inhibit the ability of builders to deliver affordable and attractive ADUs by requiring builders to incorporate additional energy efficiency features, such as greater wall thickness or insulation, which can substantially raise the overall cost of the ADU.

Additionally, the ABAG/MTC Housing Legislative Working Group suggested that a set of standardized pre-approved ADU building plans could make ADU creation easier and more cost-effective for homeowners.

Discussion: Given the potential for the bill to address the barriers to ADU development detailed above, staff recommends a support position on AB 69. Staff recommends ABAG and MTC support the bill and seek a

friendly amendment to add to the bill a provision directing the state to generate and make available to local governments template ADU design prototypes consistent with the small state building codes, as proposed by the bill.

Recommendation: Support and Seek Amendment

Bill Positions: AB 69 (Ting)

Support

AARP California
ADU Task Force (East Bay)
Bay Area Council
BRIDGE Housing
Building Industry Association of the Bay Area
California Apartment Association
California Association of Realtors
California Community Builders
California YIMBY
Casita Coalition
Community Legal Services in East Palo Alto
Habitat for Humanity East Bay/Silicon Valley
San Francisco Foundation
EAH Housing
Eden Housing
Enterprise Community Partners
Greenbelt Alliance
Habitat for Humanity California
Hello Housing
La-Mas
League of Women Voters of California
Non-Profit Housing Association of Northern California
North Bay Leadership Council
OpenScope Studio
PICO California
PrefabADU
Related California
San Francisco Housing Action Coalition
SV@Home
SPUR
Tent Makers
The Two Hundred
TMG Partners
Turner Center for Housing Innovation
Urban Displacement Project
Working Partnerships USA
Individual(s) 1

Oppose

None on file

Attachments: None

Therese W. McMillan

Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #:	19-0602	**Version:**	1	**Name:**	
Type:	Report			**Status:**	Executive Board Consent
File created:	5/13/2019			**In control:**	ABAG Executive Board
On agenda:	5/16/2019			**Final action:**	
Title:	SB 6 (Beall): Statewide Housing Site Inventory SB 6 would require that the Department of Housing and Community Development (HCD) add to the statewide surplus lands inventory locally-identified sites available for housing development as identified in a local agency's housing element site inventory.				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	SB 6 Staff Summary 5/10/19				

Date	Ver.	Action By	Action	Result

SB 6 (Beall): Statewide Housing Site Inventory

SB 6 would require that the Department of Housing and Community Development (HCD) add to the statewide surplus lands inventory locally-identified sites available for housing development as identified in a local agency's housing element site inventory.

Georgia Gann Dohrmann

Support

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Metropolitan Transportation Commission and the Association of Bay Area Governments

Joint MTC Legislation Committee and ABAG Legislation Committee

May 10, 2019 **Agenda Item 5d**

SB 6 (Beall): Statewide Housing Site Inventory

Subject: SB 6 would require that the Department of Housing and Community Development (HCD) add to the statewide surplus lands inventory locally-identified sites available for housing development as identified in a local agency's housing element site inventory.

Background: SB 6 would require the HCD to provide the Department of General Services (DGS) with a list of local lands suitable and available for residential development, as identified by a local government as part of the Housing Element of its general plan, for inclusion in the DGS-maintained inventory of state surplus land. SB 6 would also authorize HCD to provide local governments standardized forms to develop site inventories and requires that local governments adopting housing elements after January 1, 2021 electronically submit site inventories to HCD.

Issues: A central statewide inventory of land potentially available for housing could help local governments and housing developers identify development opportunity sites. Of note, AB 1486 (Ting) – another bill the committee is considering today – contains complementary provisions that would expand the central inventory to include all local surplus land, in addition to housing element site inventory sites and state surplus land.

Recommendation: Support

Bill Positions: **SB 6**

Support
American Planning Association, California Chapter
California Apartment Association
California Building Industry Association
California Contract Cities Association
California Housing Consortium
California YIMBY
Eden Housing
Irvine Community Land Trust
Northern California Carpenters Regional Council

Oppose
None on file

Attachments: None

Therese W. McMillan

Metropolitan Transportation Commission

375 Beale Street, Suite 800
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Legislation Details (With Text)

File #:	19-0613	**Version:**	1	**Name:**	
Type:	Report			**Status:**	Executive Board Consent
File created:	5/13/2019			**In control:**	ABAG Executive Board
On agenda:	5/16/2019			**Final action:**	
Title:	AB 1485 (Wicks): Workforce Housing AB 1485 would modify affordability requirements applicable to a developer who wants to take advantage of current law's by-right provisions in Senate Bill 35 (Wiener, 2017) such that a project could either dedicate 10 percent of the total number of units to housing affordable to households making below 80 percent of the area median income (AMI)-as provided for in current law-or 20 percent to households earning below 120 percent AMI with an average income of units at or below 100 percent-which the bill would add as a new option.				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	SB 1485 Staff Summary 5/10/19				

Date	Ver.	Action By	Action	Result

AB 1485 (Wicks): Workforce Housing

AB 1485 would modify affordability requirements applicable to a developer who wants to take advantage of current law's by-right provisions in Senate Bill 35 (Wiener, 2017) such that a project could either dedicate 10 percent of the total number of units to housing affordable to households making below 80 percent of the area median income (AMI)-as provided for in current law-or 20 percent to households earning below 120 percent AMI with an average income of units at or below 100 percent-which the bill would add as a new option.

Support

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Metropolitan Transportation Commission and the Association of Bay Area Governments

Joint MTC Legislation Committee and ABAG Legislation Committee

May 10, 2019 **Agenda Item 5f**

AB 1485 (Wicks): Workforce Housing

Subject: AB 1485 would modify affordability requirements applicable to a developer who wants to take advantage of current law's by-right provisions in Senate Bill 35 (Wiener, 2017) such that a project could either dedicate 10 percent of the total number of units to housing affordable to households making below 80 percent of the area median income (AMI)—as provided for in current law—or 20 percent to households earning below 120 percent AMI with an average income of units at or below 100 percent—which the bill would add as a new option.

Background: In 2017, the Legislature enacted SB 35 (Wiener), which provides for ministerial approval for housing projects that meet "objective planning standards" and numerous other requirements in cities and counties that are not meeting housing production targets, as identified in the Regional Housing Need Allocation (RNHA). Under current law, to qualify under streamlining in jurisdictions falling short of their above-moderate income housing targets, projects over 10 units must include a minimum of 10 percent of units affordable to households earning 80 percent or less of AMI. AB 1485 would provide that a project could also meet this requirement by dedicating 20 percent of units to those affordable households earning 120 percent AMI or less, with the average income of those units affordable to those households earning 100 percent of AMI or less. The bill would define rental levels dedicated to households earning between 80 percent – 120 percent AMI as rents offered at least 20 percent below the county's fair market rate. If a local jurisdiction has a local ordinance requiring larger shares of units be affordable to low-income or moderate-income households, then the local ordinance applies.

Discussion: AB 1485 would create a new option to streamline moderate- and mixed-income housing, which would help address the housing shortage facing the Bay Area's "missing middle" – those households that do not qualify for affordable housing subsidies but still struggle with the cost of housing (i.e. households earning between 80 percent – 120 percent AMI). For example, according to a recent East Bay Times analysis the income required to afford the median rent in the City of Pleasanton is nearly $109,000 – significantly above the $89,600 income limit for a family of four to qualify for affordable housing (the 80 percent AMI income limit for a four-person household in Alameda County for 2018 is $89,000).

Recommendation: Support

Bill Positions: **AB 1485 (Wicks)**

Support
Bay Area Council (Sponsor)
Building Industry Association of the Bay Area
California Community Builders
Chan Zuckerberg Initiative
Enterprise Community Partners, Inc.
Habitat for Humanity East Bay/Silicon Valley
Hamilton Families
Oakland Metropolitan Chamber of Commerce
Related California
Silicon Valley at Home (SV@Home)
TMG Partners

Support if Amended
American Planning Association
San Francisco Foundation

Oppose
None on File

Attachments: None

Therese W. McMillan

Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #:	19-0459	**Version:**	1	**Name:**	
Type:	Report			**Status:**	Executive Board Approval
File created:	4/23/2019			**In control:**	ABAG Executive Board
On agenda:	5/16/2019			**Final action:**	
Title:	ABAG Finance Committee Report				
Sponsors:					
Indexes:					
Code sections:					
Attachments:					

Date	Ver.	Action By	Action	Result

ABAG Finance Committee Report

Karen Mitchoff, Supervisor, County of Contra Costa

Approval

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Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #:	19-0464	**Version:**	1	**Name:**	
Type:	Report			**Status:**	Executive Board Approval
File created:	4/23/2019			**In control:**	ABAG Executive Board
On agenda:	5/16/2019			**Final action:**	
Title:	Authorization to Terminate Legislative Advocacy Contract with Michael J. Arnold and Associates and to Seek Representation in Sacramento through a Competitive Process				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	Item 07B Summary Sheet ABAG Lobbying Contract v4.pdf				

Date	Ver.	Action By	Action	Result

Authorization to Terminate Legislative Advocacy Contract with Michael J. Arnold and Associates and to Seek Representation in Sacramento through a Competitive Process

Rebecca Long

Approval

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Association of Bay Area Governments

Executive Board

May 16, 2019 **Agenda Item 7.b.**

Authorization to Terminate Legislative Advocacy Contract with Michael J. Arnold and Associates and to Seek Representation in Sacramento through a Competitive Process

Subject: Authorization to Terminate Legislative Advocacy Contract with Michael J. Arnold and Associates and to Seek Representation in Sacramento through a Competitive Process

Background: At the March Finance Committee meeting, the committee requested that staff provide a recommendation regarding Association of Bay Area Government (ABAG) representation in Sacramento. An update on the current legislative advocacy contract is below and a recommendation follows.

Michael J. Arnold & Associates has been providing legislative advocacy services to the Association of Bay Area Governments since 2001. ABAG's current contract provides that for the time period of July 1, 2018 to June 31, 2020, Mr. Arnold and his team will provide legislative monitoring and coordinating services to ABAG for $2,000 per month, plus an option for ABAG and the firm to negotiate for level II direct lobbying services, up to $7,200 per year, not to exceed $64,000 for a two-year term. Services included for the monthly base payment include status updates on housing, land-use planning, energy and resiliency legislation and coordinating meetings with elected officials. If ABAG seeks to influence an issue, level II service may be initiated. ABAG may terminate the agreement without cause upon thirty days prior written notice.

The Metropolitan Transportation Commission (MTC) separately contracts for direct lobbying services with Carter, Wetch & Associates. These services include testifying on behalf of MTC at bill hearings, meeting directly with offices to share bill positions and coordinating meetings with elected officials, if necessary.

Though Mr. Arnold and his team have valuable insights from many years of representing ABAG in Sacramento, staff believes the current contract is limiting in that direct lobbying services are only available on a very limited basis, up to $7,200 per year. Instead of paying a monthly retainer for general tracking of ABAG-related policy matters—which legislative staff does anyway— we recommend shifting to an on-call contract, where a firm could be requested to work on specific bill assignments as needed. Since ABAG and MTC's positions on bills are typically aligned, ABAG's interests could be represented by MTC's lobbyists most of the time. If the boards take divergent opinions on bills, ABAG could

then get the most "bang for the buck" by enlisting the help of the selected lobbyist to lobby on that particular bill or bills.

Accordingly, staff recommends that ABAG terminate the legislative advocacy contract with Michael J. Arnold & Associates effective June 31, 2019. Staff further recommends that ABAG issue a request for proposals as soon as possible for a new on-call contract with a firm to represent ABAG when ABAG and MTC have opposing positions on issues or when only ABAG has a position on a priority bill that requires the assistance of a lobbyist. The contract would be for $40,000, consistent with the amount provided for in the FY 2019-20 ABAG Budget.

Issues: This committee raised a concern that ABAG has not had a competitive procurement for legislative representation in years. In addition, a concern was raised about ABAG and MTC needing unique legislative representation given that each agency has a distinct perspective and may take opposing views of legislation. Staff shares this concern and believes the best approach would be to cancel the existing contract and begin a competitive procurement for an on-call legislative representation contract that will make the best use of ABAG funds available for such purposes.

Recommended Action: The ABAG Executive Board is requested to authorize termination of the legislative advocacy contract with Michael J. Arnold and Associates effective June 30, 2019, and to seek representation in Sacramento through a competitive process for up to $40,000.

Attachments: None.

Reviewed:

Therese W. McMillan

Metropolitan Transportation Commission

375 Beale Street, Suite 800
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Legislation Details (With Text)

File #:	19-0460	**Version:**	1	**Name:**	
Type:	Report			**Status:**	Executive Board Approval
File created:	4/23/2019			**In control:**	ABAG Executive Board
On agenda:	5/16/2019			**Final action:**	
Title:	ABAG Regional Planning Committee Report				
Sponsors:					
Indexes:					
Code sections:					
Attachments:					

Date	Ver.	Action By	Action	Result

ABAG Regional Planning Committee Report

Karen Mitchoff, Supervisor, County of Contra Costa

Approval

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San Francisco, CA 94105

Legislation Details (With Text)

File #:	19-0463	**Version:**	1	**Name:**	
Type:	Report			**Status:**	Executive Board Approval
File created:	4/23/2019			**In control:**	ABAG Executive Board
On agenda:	5/16/2019			**Final action:**	
Title:	Adoption of Resolution No. 01-19, Policy for Interim Action on Legislation and Administrative Policy Proposals				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	Item 09A Summary Sheet Policy Interim Action Legislation v2.pdf Item 09A Attachment Resolution 2019 01 Adoption Policy Interim Action State Bills.pdf				

Date	Ver.	Action By	Action	Result

Adoption of Resolution No. 01-19, Policy for Interim Action on Legislation and Administrative Policy Proposals

Approval

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Association of Bay Area Governments

Executive Board

May 16, 2019 **Agenda Item 9.a.**

Adoption of Resolution No. 01-19, Policy for Interim Action on Legislation and Administrative Policy Proposals

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Subject: Adoption of Resolution No. 01-19, Policy for Interim Action on Legislation and Administrative Policy Proposals

Background: Given how quickly things will be moving now on numerous housing bills in Sacramento, staff would like to propose a policy change that would offer ABAG an opportunity to respond to sudden changes on legislation and administrative proposals in a timely manner.

For context, under MTC's current operating procedures, the Commission Chair and the Chair of the MTC Legislation Committee can, as needed for matters of urgency, agree to communicate a position on bill or administrative policy to the appropriate legislative or administrative body in advance of action by the Commission. This option is also used when needed to communicate a position taken by the MTC Legislation Committee (with concurrence of the MTC Chair) in advance of Commission action. Staff would like ABAG to have similar flexibility to ensure timely communication of ABAG's perspective on urgent legislative and administrative policy matters.

Staff and several Executive Board members believe that ABAG had taken action to allow similar interim action in the past, but the record of that action has not been located; therefore, this resolution is proposed to codify the policy for communicating interim actions with the understanding that any urgent legislative or policy position taken on this basis shall be brought before the next Executive Board meeting or Administrative Committee, if it meets first, for subsequent ratification.

Issues: None

Recommended Action: The ABAG Executive Board is requested to adopt Resolution No. 01-19, Policy for Interim Action on Legislation and Administrative Policy Proposals.

Attachments: Resolution No. 01-19

Reviewed: Therese W. McMillan

ASSOCIATION OF BAY AREA GOVERNMENTS
EXECUTIVE BOARD

RESOLUTION NO. 01-19

Adoption of Policy for Interim Action on Legislation and Administrative Policy Proposals

NOW, THEREFORE, BE IT RESOLVED, in order to provide for timely communication and advocacy by the Association of Bay Area Governments (ABAG) on an urgent legislative or policy matter, that the Executive Board of ABAG hereby authorizes the ABAG President and the ABAG Legislation Committee Chair to jointly approve a bill position or policy recommendation in advance of approval by ABAG's Executive Board with the understanding that any legislative or policy position taken on this basis shall be brought before the next ABAG Executive Board meeting or ABAG Administration Committee, if it meets first, for subsequent ratification.

The foregoing was adopted by the Executive Board this 16th of May 2019.

David Rabbitt
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 meeting held on the 16th day of May, 2019.

Frederick Castro
Clerk of the Board

Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #:	19-0554	**Version:**	1	**Name:**	
Type:	Report			**Status:**	Informational
File created:	5/6/2019			**In control:**	ABAG Executive Board
On agenda:	5/16/2019			**Final action:**	
Title:	Report on the ABAG MTC Housing Legislative Working Group				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	Item 09B Summary Sheet Housing Legislation Working Group.pdf Item 09B HLWG Notes 040519.pdf Item 09B HLWG Notes 041119.pdf Item 09B HLWG Notes 041819.pdf Item 09B HLWG Notes 042519.pdf Item 09B HLWG Notes 050119.pdf				

Date	Ver.	Action By	Action	Result

Report on the ABAG MTC Housing Legislative Working Group

Information

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Association of Bay Area Governments

Executive Board

May 16, 2019 **Agenda Item 9.b.**

Report on the ABAG MTC Housing Legislative Working Group

Subject: Report on the ABAG MTC Housing Legislative Working Group

Background: In January of this year, the ABAG Executive Board and the MTC Commission authorized their respective President and Chair to sign the CASA Compact, a set of recommendations from the Committee to House the Bay Area to address the housing crisis in the region.

Both the ABAG Executive Board and the MTC Commission agreed on the formation of a Housing Legislative Working Group to receive feedback from elected officials of counties, cities, and towns, on housing bills related to production, protection, and preservation.

The ABAG MTC Housing Legislative Working Group met in April and May to review and comment on housing related bills making their way through the State Assembly and Senate. The Working Group was not charged with providing bill position recommendations. The comments given during the meetings were compiled and are here provided for information.

Issues: None

Recommended Action: Information

Attachments: HLWG Notes 4/5/19
HLWG Notes 4/11/19
HLWG Notes 4/18/19
HLWG Notes 4/25/19
HLWG Notes 5/1/19

Reviewed:

Therese W. McMillan

Date: Friday, April 5, 2019, 11:00 a.m. – 1:00 p.m.

Location: Yerba Buena Room, Bay Area Metro Center
Staffing:

Julie Pierce, Chair
Jake Mackenzie, Vice Chair
Therese McMillan, Executive Director
Adrienne Weil, General Counsel
Alix Bockelman, Deputy Executive Director
Brad Paul, Deputy Executive Director
Rebecca Long, Government Relations Manager
Fred Castro, ABAG Clerk of the Board
Notetaking by: Lily Rockholt, Civic Edge Consulting

Attendance: Approximately 53 (inclusive of working group members) in person, one working group member and one community member on the phone

Chair Julie Pierce: Welcomed working group members and provided overview of process for the coming month. Noted that the working group has been created to show the diversity of opinions that exist throughout the Bay Area region. To that end, comments will be given directly to the Legislative Subcommittee. She further explained that "we will forward all of the ideas brought forward in the working group sessions – we will not be taking votes. A vote says there is one opinion – we want to share *all* of the opinions that we hear in these meetings."

There's an expectation that working group members will gather feedback from colleagues and members of their community to share at the meetings.

Contra Costa County representatives

- Flagged that the cities of Contra Costa have submitted a joint letter evaluating a number of housing bills currently under consideration. Jobs/housing balance is a particular concern for the county and the region.
- Believes housing is a regional issue.

Solano County representatives

- Prioritize job/housing balance. Noted that there are few rewards currently for the cities and counties making a real contribution towards affordable housing. Believes Suisun residents want more housing, but the costs and competitive nature of the Bay Area labor market makes this challenging. Requests more financial help as part of the regional or statewide solution. Has questions about using the government-owned lands for housing.
- A major concern is return to source funding.

San Francisco County representatives

- Served on the CASA Technical Committee. Interested in seeing parts of CASA compact become part of the solution.
- Has been working on an analysis of bills for San Francisco and wants to work towards a regional solution.

Alameda County representatives

- Would like more recognition for what is being done correctly, especially as one of the Bay's largest cities. Fremont has made strides in transit-oriented development. Would like to continue to focus on workforce development, including apprenticeship programs.
- The City of Alameda is an island community and transit is imperative, especially water transit. Acknowledged that solutions to the housing crisis must be regional.

San Mateo County representatives

- Acknowledged that Brisbane has made major strides towards addressing the housing crisis. Recently they have revised the General Plan to allow for significant (2,500+) additional housing units. Retaining local land use authority was crucial for the Brisbane locals to feel good about making these big changes.

- Burlingame has made major strides in addressing the housing crisis in recent years and will have increased housing units by approximately 20 percent in the next five to ten years. Would like more acknowledgement and support for the housing advances San Mateo County has made and speaker supports local control.
- Levied sales tax to build affordable housing/farm labor housing in one speaker's district.

Napa County representatives

- Wants to find housing solutions to housing crisis in Napa while retaining local control. Felt many voices were left out of the CASA Compact process and would like to identify solutions that will work in Napa county.
- Small cities have had many challenges with building affordable housing. Napa is losing its middle class, and we want to start looking for solutions.

Marin County representatives

- There are mostly single-family housing Marin's jurisdictions. Interested in creative housing solutions such as accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) and not having to pay for utility hookup fees for the ADUs and JADUs within existing homes.
- Does not want the housing bills to be one size fits all, advocates for creative affordable housing. Emphasizes ADUs and Junior ADUs and using them to meet the RHNA requirements with low and very low-income housing.
- Hopes any legislation will better address the constraints faced by small cities and help to maximize housing production. Hopes for better metrics to analyze the impacts of the proposed legislation. Interested in transactions of properties through school districts. Most interested in measures to fast track ADUs and Junior ADUs.

Brad Paul and Rebecca Long provided a summary of the what staff has heard during CASA Outreach to date and Executive Director Therese McMillian presented proposed Organizing Principles for Reviewing Housing Legislation:

1. Funding: Does bill provide more funding to address housing crisis?
2. Production: Does bill propose policy changes that help increase production?
3. Protection: Does bill propose ways to reduce displacement?
4. Flexibility: Our communities are unique. Does bill account for these differences?
5. Jobs/Housing Balance: Does bill help reduce jobs/housing imbalances across region?
6. Reward Best Practices: Does bill recognize prior successful local actions?
7. Financial Impact: What are bills financial impacts on jurisdictions and taxpayers?
8. Transportation and Infrastructure Impacts: This was clarified as being inclusive of schools, sewers, and anything else related to physical capacity of a municipality.

Overall the working group was supportive of the eight organizing principles. The notes below indicate requests for further clarifications and additions.

San Francisco County representatives

- Suggested an additional category relating to how the bill impacts GHG reductions.
  - **Therese McMillan:** This concern came up in other conversations. Especially in conversations where less housing is being built compared to the jobs.
  - **Vice Chair Jake Mackenzie:** Part of the action plan to implement PBA 2040, the Bay Area's Sustainable Communities plan, mandates GHG reduction by state law.
- San Francisco priorities include actually building housing – not just improving capacity.

San Mateo County representatives

- Would like to add a metric evaluating (and encouraging) a greater contribution from the business sector. Large corporations should be helping more with the housing crisis given that the jobs the've created in recent years are a major driver of housing demand.
  - **Chair Pierce:** Suggested this might fit under Funding and Jobs/Housing Balance metrics
- Suggested evaluating barriers to implementation and unintended consequences of bills.
- Concerns about the financial aspects of these bills, the potential for gross payroll taxes and the impact on San Mateo County.

Alameda County representatives

- Suggested that sustainability in infrastructure be identified.
  Look for ways to attract jobs to East Bay to reduce commuting/GHG and increase equity.

Contra Costa representative

- Would like to see an organizing principle added to acknowledge the linkage to the state's greenhouse gas emission targets since where housing is built ties in directly to this.

Marin County representatives

- Wanted to highlight safety – namely where housing should be built relative to sea level rise and fire threats.
  - **Chair Pierce:** Suggested this could fit under a Climate Change/Resiliency principle.

Solano County representatives

- Return to source consideration is important for Solano County, so that the county can leverage the funding in the most productive way. Solano can produce affordable housing for significantly less than other parts of the region.

Other Comments
McMillan: Requested any additional feedback on the Transportation and Infrastructure organizing principle.

- **Chair Pierce:** Suggested that ground water and/or other water considerations be considered as a metric.

Report on Housing Bill Landscape

Rebecca Long reviewed a number of bills and requested feedback. Also, asked if there are bills that should be added to the list. Noted she will add a map of sensitive communities to the website as well as a relevant study conducted by the UC Berkeley Terner Center.

Solano County representatives

- Requested clarity on use of "single-family unit" language. Wants to make sure there is not a penalty for multi-generational families sharing a home.

San Mateo County representatives

- Requested time at future meetings to dig deep into key bills.
    - **Chair Pierce:** Noted that there will be a lot of "homework" for the people in this room to the degree that these are important bills.

Alameda County representatives

- A priority is discussing fee structures, how they will be paid, and what they will cover. Concern cities will need help paying for infrastructure associated with increased housing and that proposed fees are too high for cities to pay alone.

Marin County representatives

- Wants to prioritize discussion of SB50 now that it has been substantially amended.

Chair Pierce: Asked if the sample matrix evaluating bills by the various organizing principles appeared to be a viable way to evaluate their contents and requested feedback on how to prioritize the bills themselves. Feedback included instructing staff to select order based on the most influential bills under each of the three Ps (protection, production, and preservation).

Discussion of Future Meeting Agendas

Santa Clara County

- Santa Clara working group members expressed frustration that they will not be ratified in advance of the next meeting on Thursday, April 11.

Public Comment:

1. **Contra Costa County representative** (Commented during public comment because he is not yet ratified): The letter written by Contra Costa cities identifies bills that are not included in this matrix. Requested staff review the letter and add bills as appropriate. Further identified impact fees as a top concern for Contra Costa. Finally, wants an organizing principle related to local control.

2. **Ken Bukowski:** Concerns about how affordable housing will be funded. Would like to see the working group evaluate bills related to streamlining approvals for homeless shelters, parking requirements, and traffic. Suggested live broadcasting the meetings to expand their reach.

3. **Anna Crisante:** Expressed frustration at lack of racial, housing, and age diversity that she observed among working group members. Majority are property owners, no renters (correction one renter). Shared that she had taken time off work to attend meeting and requested they be held outside of regular business hours. Identified affordable housing in Marin as her top priority as well as protecting minorities in the Bay Area as a whole.

4. **Jane Kramer:** There are community interests, and regional interests, and they may or may not coincide. You are going to have to uncover all the possibilities that are not yet spoken in your communities to come up with the best mesh of ideas.

5. **Rich Hedges:** Identified as a housing advocate with a focus on job/housing balance. Applauded existing up zoning legislation.

6. **Anita Enander**, Los Altos City Councilmember: We should clarify language like "high resource areas" and identify areas of ambiguity in the bills.

7. **John McKay:** Morgan Hill City Councilmember: Wants to review existing legislation as well as new legislation, as it's easier to update existing bills than create new legislation.

8. **Jason Beses:** He said that he feels this working group is too little too late. Also expressed frustration that MTC is paying for a lobbyist.

9. **Susan Kirsch**, founder of Livable California: Feels that the success of Silicon Valley is the root cause of the housing crisis.

10. **Jordan Grimes**, co-leader of Peninsula for Everybody, a tenant protection advocacy group: Wanted to promote regional control of housing production and zoning.

11. **Emma Ishi**, aide to Alameda County Supervisor Keith Carson: Thank you to all the members here. It is important you go to your communities, and talk to your people to get their opinions. Also, on the steering committee for CASA. Thank you.

12. **Veda Florez**, member of MTC Public Advisory Committee from Marin county: Thanks for this opportunity. I'd like to talk about guiding principles, protections bills, and add a bullet point to talk to underserved communities. Statewide and regional representatives that speak to underserved communities. Viewed the list of the 3 Ps and there aren't many bills under protections, are we not focusing on them or do they not exist.

Date: Thursday, April 11, 2019, 2:00 p.m. – 4:00 p.m.

Location: Board Room, MTC
Staffing:

Rebecca Long, Government Relations Manager
Brad Paul, Deputy Executive Director
Alix Bockelman, Deputy Executive Director
Julie Pierce, Chair
Jake Mackenzie, Vice Chair
Therese McMillan, Executive Director
Cynthia Segal, Deputy General Counsel
Fred Castro, ABAG Clerk of the Board
Notetaking by: Lily Rockholt, Civic Edge Consulting

Attendance: 26 in person, plus on the phone

Chair's Report
Chair Pierce: Commented that additional members of the Housing Legislative Working Group (HLWG) would be ratified on the evening of April 11.

Director McMillan: Provided an overview of the meeting agenda.

- Noted two new Organizing Principles based on feedback from the April 5 HLWG meeting.
  - *Parallel Policy Mandate: Does the bill support other state policies/priorities (e.g. GHG reduction/SB375).*
  - *Resilience: Does the bill improve resilience in local communities?*
- Updates were made to existing Organizing Principles, again based on HLWG feedback
  - Financial Impact now reads: Are there potential financial impacts *or other unintended consequences* on local jurisdictions and/or taxpayers?
  - Transportation & Infrastructure Impacts now reads: Does the bill address transportation or other infrastructure impacts *(e.g. schools, water, parks)* resulting from increased housing?
- Highlighted that today's meeting would focus on two major housing bill categories: bills related to Tenant Protection and Accessory Dwelling Units (ADUs).
- Asked for feedback on the updated Organizing Principles noting they can evolve over the course of the upcoming discussions.

Comments on Chair's Report
Alameda County

- Would like to see the following incorporated into the Organizing Principles: environmental justice (for example air quality), economic justice (for example commute times) and social justice.

Contra Costa County

- Overall, was supportive of updates. Requested additional clarity on the term "resilience" noting that it can mean many things.
    - **McMillian**: Agreed that "resilience" could be further defined in the next draft.

Chair Pierce: Noted that it's a priority of the HLWG to collect qualitative data for all members. The HLWG will not be voting or providing consensus-based recommendations to the Legislative Committee, as the purpose of the HLWG is to represent the many different perspectives found throughout the region.

Report on Housing Bill Landscape

Long: Read Analysis of Protection-Related Bills (included in agenda packet), noting that none of the bills have been heard by the Housing and Community Development Committee except for SB18, which passed committee.

Comments on Analysis of Protection-Related Bills

San Mateo County

- Expressed preference for local control over tenant protections and would like to see more incentives for landlords to keep rents low and avoid steep increases.
- Proposes that Just Cause Eviction Protections to be limited to people earning below a specific (to be determined) average median income (AMI).

Contra Costa County

- Hopes that legislation will consider the unintended consequences of rent control, such as possible landlord collusion to fix or increase rent prices.
- Believes that AB 36 will weaken the Costa-Hawkins Rental Control Act, notes that the homeless problem in Alameda County is significant.

Solano County:

- States that the jobs/housing balance is affecting Solano County communities even though it does have the most affordable housing in the region.
- Solano has capacity to build the most affordable housing in the Bay Area due to their cheaper land costs.
- Concerned about what happens when the one-time funding of SB18 dissipates.

San Francisco County:

- Notes that Costa-Hawkins had its limitations. Asks about owner move-ins.
    - **Long:** States that if it is in the lease, or major health concerns are involved, they would still be allowed.

Comments on ADU Bill Analysis Matrix:

Long:

- Notes that some of the support and opposition is not completely up-to-date in the ADU Bill Analysis Matrix. For example, the League of California Cities directly opposed AB 68.

San Mateo County:

- Noted that from a practical point of view, some of the zoning laws around ADUs are about public safety – such as the fire lane ordinances.
- Brought up concerns about the lack of parking requirement with ADUs.
- Noted that if laws allow ADUs to be sold separately from the primary dwelling, this will require them to have separate hook ups.
    - **Chair Pierce:** Offered that ownership requirements would change the flavor of the communities and would likely have some push back from certain legislators.
- Would like some sort of requirement that ADUs are not to be used for short term rentals, like Airbnb.
- Shared that in some parts of San Mateo county schools are closing due to the lack of students. Despite job growth and a competitive housing market many San Mateo residents don't have children. So, the concern about school capacity isn't shared region-wide.

Alameda County

- Urged bills provide for more local control. Would like to see a law allowing ADUs in garages for residences close to major transit centers.
  Historically, many Alameda County ADUs have been used for family members and additional leniency in ADUs helps keep multigenerational families together.
  Noted prefab housing could be a useful part of the solution, that it lessens the impact and timing of the construction.

Solano County:

- Expressed concern for removing impact fees as who will then pay for the utilities systems which will need updates to meet increased usage?
    - **Chair Pierce:** Notes that if the utility hook-ups go through the primary residence, less work is needed.
- Suggests a deeper look at the impact to schools, particularly concerning funding.
    - **Chair Pierce:** Noted that unintended consequences has been added to the "Financial Impact" organizing principle.
- Asked how long before a local jurisdiction must adopt an ADU policy.
    - **Chair Pierce:** Stated they have as much time as they want, but in the interim the state standards will apply.

Contra Costa County:

- Noted that impact fees were increased during the Great Recession to compensate for the utility companies funding gaps. It would be appropriate to lower the fees now that economy has bounced back.
- States that there should be some policies to make the ADU creation easier, perhaps even a set of standardized preapproved ADU designs to reduce the permitting cost, and architecture costs.
- Notes that waiving codes can be dangerous because they are there to ensure the safety of the people living in the home.
- Wants ADUs and JDUs to count toward RHNA requirements.
- Stated that AB 68, SB 13 and AB 69 are generally supportable.
    - **Long:** SB13 would allow them to, but not stated in AB 68 or AB 69.

Marin County:

- Shares that the ADU proposed legislation does not consider narrow legacy roads, and that one size does not fit all. Noted one way that Sausalito has handled differences within the community is by adopting an overlay zone where they really need off-street parking.
    - **Chair Pierce:** Notes that the narrow streets should be addressed under safety.
- Hopes JDUs will gain some clarity from this round of legislation, notes their ability to increase affordable housing.

Napa County:

- Hoped that whatever laws get passed allow the flexibility to continue the work they have already started on ADUs.

Next Meeting:

Chair Pierce: Asked if anyone would like to suggest items for the next meeting agenda.

Marin County:

- Noted that they thought almost all the housing bills had passed out of the subcommittee.
- Noted there are specific bill that address how to make the schools whole again with all the housing bills that were brought forward.
- Would like to discuss SB 4, SB 5 and SB 6.

Solano County:

- Requests information from the schools since most of these bills directly impact them.
    - **Long:** notes there is a trailer bill with $500 million in funding to be used for discretionary expenses related to the housing bills.

- Noted that they would like to discuss the bill related to the 75 percent of funds raised for the RHE to come back to the county [AB 1487 (Chiu)] and that they would like this number to be higher.

Contra Costa County:

- Would like to discuss some of the more controversial bills like SB50, AB 1483, AB 1484, AB 1485. For some of the cities and counties, noted these might become a barrier to building affordable housing for them.

Alameda County:

- Would like to discuss AB 1487.
- Voiced concern that the HLWG hasn't taken a more comprehensive approach to these bills, particularly analyzing the jobs housing balance, justice issues and transportation.
- Would also like to discuss alternative ways to get more affordable housing.

San Mateo County:

- Would like to discuss SB 4 and SB 50, anything funding related specifically anything related to the Regional Housing Enterprise [AB 1487].

Public Comment:

1. **Rich Hedges**: Appreciated the presence and the comments made today. Shares that San Mateo County has done some great work, and notes that prefab housing could be a powerful contributor to the fight for affordable housing.
   - **Chair Pierce:** Noted that San Mateo County has great resources and directed staff to get the resources to all the working group members.
   - **Horsley:** Mentioned he can bring copies of San Mateo handbooks/physical materials to the next working group meeting.
   - **Heather Peters**: Was a participant on the team of people who produced the materials San Mateo County developed. Noted their Amnesty Program to adopt ADUs made before it was fully legal is launching next month to encourage 3rd party inspector. Shares contact information for those who would like it. Hpeters@SMCgov.org

Closing comments:

Director McMillan: States that the working group members should notify the ABAG/MTC Staff by no later than Monday afternoon if they will be teleconferencing into the meeting.

Host: Housing Legislative Working Group Meeting
Date: Thursday, April 18, 2019 7PM-9:30PM
Location: Board Room, MTC
Staffing:

Julie Pierce, HLWG Chair
Jake Mackenzie, HLWG Vice Chair
Therese McMillan, Executive Director
Brad Paul, Deputy Executive Director
Leslie Meissner, Counsel
Rebecca Long, Government Relations Manager
Kimberly Ward, Committee Secretary
Notetaking by: Lily Rockholt, Civic Edge Consulting

Attendance: 20 Working Group members including call-ins.

Chair's Report: Reviewed HWLG procedures for new members.

Report on Housing Bill Landscape:
Long: Described the order of materials in the agenda packet, noted that AB 1485 (Wicks) has been significantly revised so it may not make sense to bring before the group. Proceeded to present on SB 330 (Skinner) and AB 1487 (Chiu).

<u>Discussion related to SB 330</u>:

Marin:

- Asked where SB 330 is now in the legislation process.
    - **Long:** responded that SB 330 was in the Senate Housing Committee, up for vote next Monday. [Note: it passed 8-2]
- Asked if there was any information about the size of the housing projects SB 330 applies to?
    - **Long:** Noted SB 330 applied to all projects that include housing, and the goal was to reduce the timeline for permitting.
    - **Chair Pierce:** Noted SB 330 is about expediting the local process to approve housing projects.
- The impact of parking limitations on fire truck access on narrow legacy roads is a concern.

Contra Costa:

- Asked if voter approval would be eliminated by item 6 in the SB 330 language.
    - **Long:** Stated that this only applies to ballot measures that cap permitting, restrict housing or limit population.
    - Several committee members requested the language be clarified as "no state law can take away the redress from the public."
    - **Chair Pierce:** Noted this language would also impact urban growth boundaries.

    - **Long:** Stated the bill would allow land use policies capping growth that were approved by voters on or before January 1, 2019.
    - **Chair Pierce:** Noted the need for MTC staff to check on agricultural zoning.
- Stated that this legislation is redundant for many local jurisdictions that already have a standardized permitting process.
- Questioned ability of HCD to develop a single application form that works well for cities of 20,000 to 800,000. Suggested HCD determine what needs to be included, but let local jurisdictions customize the form to account for local conditions and project size.
- Asked for clarification when the developer slows the process down by requiring more time or asking for extensions; does that pause the 12-month clock for approvals?
- Requested that SB 330 investigate developer responsibility for slowing projects down, not just local governments. For example, when project is permitted but the developer decides not to build, or the project doesn't pencil out. What recourse do cities have? The bill is one-sided.
- Concerned that the bill doesn't address the "real issue" which is labor costs and cost of construction.
- Wondered if time limits could be tied to scale of projects and be less one size fits all.
    - **Long:** Noted SB 330 only applies to projects consistent with local zoning and general plans and that other projects would go through normal approval process.
- Concern that by locking in design standards based on what they were on 1/1/2018, it hinders ability to update and improve local design review by local jurisdictions.
- Stated that parking needs should be addressed at the local level to prevent challenges involving local nuances (smaller communities with little or no transit, fire truck access).
- Stated that this would need to have some exceptions for unintended consequences. For example, the Concord Naval Base that needs to be rezoned in order to be used for housing, notes that the retroactive zoning to current standards would kill this project, therefore killing a large housing project and defeating the purpose of SB 330.
- Felt substandard building section creates some major legal liability issues for cities.

Alameda:

- Asked how a standard form can apply to both small and large cities, it's one size fits all.
- Felt cities, not HCD, should be developing simpler application forms.
- While streamlining approvals is a good idea, there are a number of entitled, approved projects that aren't being built, so streamlining doesn't solve that problem.
- Regarding exempting affordable housing projects from impact fees, residents of such buildings use city services, so why should those buildings not also be subject to fees?
- Agreed current 5-10 year approval process too long, but 12 months too short. What about 1-3 years depending on scale and complexity of project?
- Noted nothing in SB 330 acknowledges funding gap/challenges for affordable housing.
- Stated that city permitting staff shortages often lead to slower project approvals,
- SB 330 doesn't address worsening traffic congestion that more housing will create.
- Setting zoning rules back to 1/1/18 doesn't allow environmental and resilience upgrades.

- Cities need impact fees for schools given major state cut backs on education funding, concern that by capping fees on future development bill would create inequities relative to what prior developments paid
- Re: substandard buildings provision, there needs to be a balanced approach. Comparing this to Oakland's Ghost Fire isn't fair – it would not have been allowed under the proposal given the life safety issues. It's better to have safer, ugly buildings than more tent cities, which is what's happening in their community.

Santa Clara:

- Noted an additional application wouldn't fix current permitting pipeline problems.
- Stated streamlined application/approval process shouldn't apply to mixed use projects.
- Noted that SB 330 lessens parking requirements, with no ties to how to transport people, closeness to major transportation hubs or potential impacts on narrow streets. Recommended parking be removed from the bill altogether.
- Noted need to identify funding for more transit if parking requirements are eliminated.
- Stated that impact and permit fees are charged to cover what the state isn't providing local jurisdictions for development infrastructure and increased services for constituents.
- Brought up electrification, and that old zoning rules weren't inclusive of environmental upgrades, going back to 1/1/18 zoning won't be helpful in reducing GHG emissions.

San Francisco:

- There should be a time limit but it shouldn't be uniform; bill should tie timeline for permitting to size and complexity of project (6-24 mo.).
- Asked if the clock stopped when developers are revising their strategies.
- Concerned that recent updates to zoning since 1/1/18 (Central SOMA Plan) would be nullified, which would be very problematic.
- Appreciates concern about impact fees but the need doesn't go away and has to be paid for somehow.
- Noted objective design standards are a great goal but challenging to implement.
- On substandard buildings, understood intent of the bill to keep people housed. While we shouldn't overlook life safety concerns, if basement apartment has 7'3" ceilings but code requires 8' ceilings, allowing a slightly lower ceiling is not a life safety issue. Should also look at providing some funding for owners to make upgrades.

San Mateo:

- Stated some allowances needed to be made for historical and other landmark buildings.
- Noted their city has already made changes so projects consistent with zoning don't even come to the city council and are just approved by staff.
- 12 months is not enough time for approvals; allowances need to be made for extenuating circumstances.
- Noted that some general plans were updated recently (for first time in decades) to allow for more and denser housing, so retroactive zoning and standards (1/1/18) would be unacceptable as they would undo years' worth of work with the community.

- Asked if this could include up-zoning banking, so if certain areas were up-zoned, and another area needed to be downzoned, would this be allowed?

  Long: Yes, bill allows for a "no net loss in residential capacity" approach
- State should indemnify cities in substandard building section, a legal nightmare.
- Shared concern for using a rent standard linked to national standards when it is known that the Bay Area and California more broadly have the highest rents in the nation.

  Long: Noted the bill's application is pegged to a national standard, but it doesn't yet specify what percent *above the national average rent* and *below* the national average vacancy rate a jurisdiction's average rent would need to be to fall under the bill's provisions.

Solano:

- Noted ownership changes on projects after approval that slow or prevent construction. A subdivision approved in 2005 has had 3 owners since then and is now dead.
- Noted that Solano County is the most affordable county in the Bay Area region, however they still have a low vacancy rate of two percent.
- Noted Solano County residents have the longest commute times and imposing a 0.5 parking per unit would negatively affect them given county's limited public transit.
- Stated that cities have to charge the fees they do because of Prop 13. Fix that first.
- Concerned allowing legalizing sub-standard buildings because they already had people in them would legalize flop houses, and places deemed unfit due to health hazards.

Napa:

- Stated SB 330 addressed too many issues, thought it would be ineffective because of it.

Public comment:

1. Stated allowing sub-standard buildings to be occupied would mean more low-income people living in unsuitable conditions. Finished by stating this entire part of SB 330 should be eliminated.
2. Noted this proposed bill doesn't allow for the ongoing protection for some historical buildings and historic districts and that this should be revised.

<u>Discussion related to AB 1487 (Chiu)</u>:

Long: Provided an overview of AB 1487, to fund Housing Alliance for the Bay Area (HABA), and explained that it is based on CASA Compact Item 10, the Regional Housing Entity (RHE).

McMillan: Stated that MTC/ABAG has not had the chance to review AB 1487.

Marin:

- Thought the sales tax funding would be problematic for the entire Bay Area, but definitely Marin.
- Questioned the efficiency of creating another government entity.

Napa:

- Asked why ABAG can't do it? Asked who the members of HABA would be.
    - **Long:** Stated they would be representatives of MTC and ABAG, board members, the staff would be MTC/ABAG Staff. The bill specifies that more staff would likely be needed with housing expertise.

Sonoma:

- **Chair Mackenzie:** Noted that ABAG and MTC will be having some deep conversations about the practicality of this, and implementation as well.
    - **Chair Pierce:** Noted these discussions would be happening in July.

Contra Costa:

- Concern that continuing to increase taxes makes the region less competitive economically. Focus instead on redirecting existing on line sales tax revenue to the point of sale.
- Noted the housing crisis is a *statewide* problem and it needs a permanent *statewide* funding source. Sales and parcel taxes are all we have to fund schools, parks and local infrastructure.
- Stated they didn't think MTC should be part of this new organization. Has had issues with the way MTC handled transportation funding and its distribution in the past.
- Noted that a new regional agency isn't needed to secure or allocate housing funds, the counties can do it. Many have a system in place now to allocate state and county funds.
- Wondered if the role of HABA could be managed through existing non-profits.
- Emphasized the taxes should be on large employers (e.g. head tax) and proportionally adjusted upward in areas contributing the most to the jobs-housing imbalance such as San Mateo, San Francisco and Santa Clara County.
- Noted that for linkage fees, the term "mixed use" should be better defined in the bill.
    - **Long**: Noted MTC staff will pass this along to the author.

Alameda:

- Didn't appreciate proposal for new regional body given how CASA didn't include smaller cities until after Compact was done, instead of including them earlier in the conversation.
- Concerned three biggest cities would have disproportionate amount of power in HABA.
- Stated that if this work needs a regional administrative body, it should be ABAG.
- Concerned it doesn't address jobs-housing balance by city or by sub-region (East/West).
- Stated this could increase social injustice by forcing more low-income workers to commute even greater distances to work so they spend more time away from family.
- Urged more transit investments that help people moving to the Tri-Valley, Tracy and Stockton get to and from work in Bay Area quicker and easier.
- Stated that the Bay Area is already heavily taxed. If you increase taxes on residents, they'll have less money to spend on necessities at local businesses.
- Noted this doesn't address the need to fund more transit, schools, etc. for new residents.
- Asked what happens when regional tax measures compete with local tax measures.
- Noted this doesn't take into account the innovative things many cities are already doing.

Santa Clara:

- Noted Santa Clara passed a $950 million bond for affordable housing. A regional tax on top of that would cause outrage with residents that would see it as double taxation.
- Worried this would adversely affect the Caltrain Measure going on the ballot in 2020.
- Liked idea of using the point of origin sales tax from online transactions to fund housing.
- Opposed new layer of regional bureaucracy. Suggested that all new housing funds go directly to cities by formula. Any money not spent by a city within three years goes back to the county. Opposed any of the funds being used for general fund as reward for achieving housing goals; should all be for affordable housing directly.
- Noted that the City Association of Santa Clara County supports ABAG playing this role.
- One job-rich city stated that it is considering limiting future office growth.
- Shared they are concerned about redundancies with funding sources, double taxation.
    - **Long:** Discussed that with any sales tax increase for housing, the amount would be reduced proportionally in each jurisdiction where a sales tax measures was already dedicated to housing.

San Mateo:

- Prefer to see new resources come from the state.
- Concerned they do not qualify for the various affordable housing funds; they have not qualified for redevelopment funds in the past.
- Affirmed they oppose new regional agency that will only be responsive to three big cities.
- Concern about a drain of resources from small cities going to big ones.
- Noted they recently spent $150 million to expand local school capacity but will soon need more.
- Brought up Caltrain 1/8 cent sales tax going on ballot next year in Santa Clara, San Mateo and San Francisco Counties, they do not want to tax their county more than the already proposed tax increases. Want to dedicate sales and parcel taxes for local needs.
- Stated they'd be happy with a head tax for bigger employers in their county and suggested state legislature vote to give counties the direct authority to charge larger employers a head tax so big companies can start to make ongoing contributions.

San Francisco:

- Stated support for AB 1487 and felt the technical assistance and data a regional housing entity could provide cities across the region is a very important part of it.
- Noted that unlike other urban centers *most, if not all,* of the Bay Area is unaffordable.
- Noted that we do transportation funding regionally, we should do the same for housing and ABAG currently provides regional funding through the San Francisco Estuary Partnership and SF Restoration Authority ($25 million/year thru regional Measure AA).
- Taxes aren't the top contributor to the Bay Area's high cost of living.
- Stated that even if San Francisco had not accepted so many new tech jobs those jobs would have gone somewhere else in the Bay Area.

Solano:

- Would like to see more of a focus on the jobs-housing balance, they would welcome employers such as Facebook or Amazon and house their employees as well.
- Liked variable head tax, high in SF and Silicon Valley, low or none in Solano.
- Suggested if MTC and ABAG each get 9 seats on the board, one be from each county. Bill should specify how counties are represented.
    - **Chair Pierce:** Noted that there are lots of small cities on the ABAG Board.
    - **Chair Mackenzie:** Stated that historically MTC has engaged in regional planning and addressed more than just transportation. Noted MTC engagement on housing furthers the implementation of the Plan Bay Area 2040 Action Plan.
- Noted that AB 1487 felt like another example of legislators coming up with big picture ideas without fully thinking through the many potential unintended consequences.

Public Comment:

1. Stated he opposed AB 1487 because ABAG and MTC boards have not reviewed the bill or agreed to staff HABA.
2. Noted she works for a non-profit organization that worked on AB 1487 with Senator Chiu and believes AB 1487 will go a long way to helping to correct the housing crisis. She doesn't see it as a big agency but more like a storefront operation that provides technical assistance, funding and data to local jurisdictions that want to build more housing. She said she wanted to speak to people after the meeting was over if they had any questions for her or the non-profit she represents. She also said that if people don't like this bill, she would ask them what else they think the state could do to help build more housing.
3. On phone: Stated that they should use staff in housing authorities in the region and hire more to scale up to the challenges rather than make an entirely new entity or out of MTC or ABAG staff.

Adjournment/Next Meeting:

They decided to proceed with discussion of SB 50 (Weiner), SB 4 (McGuire and Beall), AB 1279 (Bloom), and AB 1483 (Grayson), at their next meeting on April 25, 2019.

Host: Housing Legislative Working Group Meeting
Date: Thursday, April 25, 2019 7 PM-9:30 PM
Location: Board Room, MTC
Staffing: Julie Pierce, HLWG Chair
Jake Mackenzie, HLWG Vice Chair
Cindi Segal, General Counsel
Rebecca Long, Government Relations Manager
Brad Paul, Deputy Executive Director
Alix Bockelman, Deputy Executive Director
Fred Castro, ABAG Clerk of the Board
Notes taken by Lily Rockholt, Civic Edge Consulting
Attendance: Approximately 21 committee members, including call-ins.

Chair's Report: Reviewed meeting structure for members.

Report on Housing Bill Landscape (Updates)

Long: Stated the most recent amendments to SB 50 (Weiner) are not yet available, so they are not fully incorporated into the presentation and instead staff is working from a summary document. Offered an opportunity to answer any follow-up questions about the last meeting (April 18). Provided an overview of recent amendments to bills.

Alameda:

- Stated that AB 1487 seems to indicate that the Housing Alliance for the Bay Area (HABA) would be collecting money, but there is no directive as to how or what HABA would do with the funding nor any indication of who the HABA members will be.

Sonoma:

- Asked if .5 parking space/unit requirement in SB 330 takes into account transit access.
  - **Long**: Stated that the bill has changed to allow local governments to enforce parking restrictions of up to a .5 space per unit with new developments, but it has not placed further limits near the nexus of transit.
  - **Chair Pierce:** MTC staff will check further and provide HLWG with more information.

San Mateo:

- Asked if .5 parking space/unit requirement applies to shared parking or personal parking.
  - **Long:** Stated staff would review further and provide HLWG with an answer.

Report on Production Related Housing Bills

Long:

- SB 4 (McGuire and Beale) has been dropped with many of its provisions now to be incorporated into SB 50, so the discussion will focus on that bill.

- Noted additional amendments are planned to SB 50 to clarify how it interacts with current density bonus law and housing affordability requirements.
- Noted SB 50 was amended to impose more rigorous standards to designate High Quality Bus Transit (i.e. minimum of 10 minute headways during the peak commute hours) and limiting the SB 50 height requirements related to rail and ferry stations to counties greater than 600,000 people. The North Bay would not have the extra height provisions for Major Transit Stops.
- Noted there is a "jobs-rich" component which has not yet been explicitly defined. The UC Berkeley Terner Center live link included in the presentation is the closest example to what Senator Weiner's office is considering. Exclusion areas, fire hazard areas, coastal zones are excluded. In the North Bay (counties with less than 600,000 in population) there is some upzoning mandated (one story above current zoning) but only in cities less than 50,000 in population sizes.
- Another amendment allows by-right fourplexes on any vacant residentially zoned property or thru conversion of existing homes. For existing properties, 75 percent of exterior walls must remain intact, but can build up as far as local zoning permits.

Discussion related to SB 50

San Mateo:

- Asked for clarification if the bill applies to homes that are currently used as rentals.
- Asked if ADUs could be built within each fourplex unit, effectively allowing eight-plexes.
    - **Long:** Stated that MTC staff will investigate this and the interaction of these bills and report back to the HLWG. Stated that local design requirements remain intact unless they undermine the height or density allowed in the bill.
- Stated they need clarification on the jobs-rich language in SB 50.
- Noted SB 50, as well as the other bills discussed, do not address the major jobs producers or their significant role in creating the jobs-housing imbalance.
- Stated HLWG members would like staff to provide more detailed maps (with street names) for individual cities.
    - **Chair Pierce:** Stated Terner Center map has this level of detail.
    - **Long:** Stated that MTC has an online map that they are trying to overlay, it is at the parcel level, that staff will share the URL for this Friday, April 26. [Map is posted and available here.]
- Suggested the state should contribute more money to build affordable housing and to buy down existing market rate units (adding affordable units more quickly).
- Expressed frustration that the county-based population thresholds that exclude the North Bay. Feels like the bill is rewarding Marin County for not building BART and picking on the Peninsula. Instead, would like to see a universal standard for the entire region based on jobs/housing balance.
- Prefer that other metrics be used to determine exemptions and mandatory rezoning, like proximity to jobs rich areas, and past performance regarding building and zoning.

- Expressed concern that allowing fourplexes would diminish the opportunity for "smaller entry level homes" for first time home buyers.
    - **Chair Pierce**: Noted SB 50 doesn't allow for complete demolitions of homes.
- Noted they think "home share" would be a viable alternative to fourplexes that the state should incentivize.
- Felt threat of these bills made cities get their act together and approve more housing.
- Stated that if a city rezones in a different way using local input and that rezoning results in increased housing numbers, the state should accept that approach.
- Urged the state to put up more of its money to pay for cities to plan and rezone.
- Expressed frustration that the state keeps enacting housing bills, year after year, and moving the goal post.

Contra Costa:

- Asked for clarification on what constitutes a multi-family projects/homes.
- Thought that combining SB 4 and SB 50 was a good idea.
- Requested reevaluation and a better definition of Sensitive Communities boundaries.
- Stated that giving extra height doesn't always get you more units since developers feel bigger units sell better (with greater profit). Suggested setting density requirements instead.
- Concerned about fourplexes changing character of existing neighborhoods.
- Stated developers should be limited to height increases of no more than 50% of the height of adjacent buildings, noting these heights would gradually increase over time.
- Stated there needs to be a better definition of "historical" buildings and districts.
- Stated mixed reaction to carve outs for counties under 600,000 people, particularly carve outs for Marin County, given its proximity to San Francisco.
- Asked if a house burns or needs to be demoed, can it be made into a fourplex when the property is being rebuilt?
- Urged staying out of parking issues since building near transit does not automatically reduce the need for parking (we can't make people ride transit). Local staff see three bedroom units with one parking space become home to families with 3-4 cars.
- Cities need authority to set parking standards based on the specifics of each project.
- Asked how hook-up fees would work when a single-family home was being changed to a fourplex if three extra units required higher capacity water pipes/sewer laterals.
- Stated legislation needs to address root financial causes of housing crisis including changing lending practices and loss of construction labor force after last recession.
- Stated that their jurisdiction had 500 units entitled but they aren't being built.
- Noted last week a developer with housing development that was approved in 4 months asked for 2-year extension because banks only willing to loan 40% on project.
    - **Chair Pierce:** maybe we need a state bank to make construction loans.

Marin:

- Asked how the bill considered disabled folks, especially their parking needs.
- Stated that Marin's jobs/housing imbalance is not as large as that of the large 5 counties (San Francisco, Alameda, Santa Clara, San Mateo and Contra Costa).
- Thought SB 50's population thresholds give smaller cities a rational, flexible path to address housing problems, including builing duplexes, triplexes and fourplexes.
- Stated support for requiring developers to simultaneously pull permits for both their market rate and related affordable housing.
- Showed support that there would be adjustment to the ways that developers could pay in lieu funds instead of incorporating affordable units into their projects.
- Stated that McGuire and Weiner should work with HCD to figure out how to track outcomes and measure the success of SB 50.
- Support for fourplexes if 75 percent of exterior walls must remain intact, they comply with local zoning ordinances and with historic districts in place since 2010.
- Showed support for the Historical Building exemptions.
- Thought that the addition of the fourplex is a valuable way to add more housing and lessen the housing crisis.

Napa:

- Asked how the regulations about housing close to rail would impact the area around the Napa Valley Wine Train.
    - **Long:** Stated that MTC staff would research and check back in with Napa. [Does not count as a rail station for purposes of SB 50]
- Stated that by right fourplexes would be a big problem.
- Asked how other local zoning regulations will function if fourplex by-right supersedes.
    - **Long:** Stated that SB 50 was mainly aiming for vacant lots. Gave the examples that the setback requirements would be maintained, if the existing structure was there, a homeowner can convert it.
    - **Chair Pierce:** Stated any residentially zoned parcel could increase their units up to four if its largely within the original blueprint.
    - **Long:** Stated the amendments to SB 50 allow for up to 15 percent square footage increase on the ground, or within a second floor for single family units. (Stated staff would clarify that the 15 percent square footage increase is based on existing structure)
- Stated that for smaller cities with smaller staff, these kinds of changes are difficult to track. The rapid pace of revisions is posing a challenge to small city staffs that are reviewing and implementing them.

Alameda:

- Expressed concern that new carve outs by county population size don't fully address one-size-fits-all problem, would prefer sorting by small, medium, large, really large and isolated cities,
- Asked if bill might have unintended consequence of incentivizing current transit-poor communities to delay or avoid any transit improvements.
- Stated jobs-rich provision doesn't address the need to move jobs from West to East Bay, focusing on housing without transportation doesn't address jobs-housing balance.
- Recounted Scott Wiener's statements from April 24 related to share of state's children who are homeless and other shocking statistics (people having to work 2-3 jobs and live in cars) and why SB 50 is so important.
- Stated that with some amendments, SB 50 deserves our support.
- Noted that greenhouse gas reduction was a major consideration of this bill.
- Stated that fourplexes seems like "low hanging fruit" to address the housing crisis.
- Stated that the smaller units created by the fourplex regulation would be more affordable by design, especially if they must be built within the original blueprint of a house.
- Wondered if there was a way to guard against unintentionally incentivizing poor transit, for example, tying regulations to conditions dating back five years.
- Stated bill seems to punish cities that have the best jobs-housing balance in the region.
- Noted that Fremont will be adversely impacted by SB 50, despite having created 5,000 units of housing next to BART and feels past success is not being accounted for at all.
- Stated bill does not look at ways to use existing reverse commute capacity.
- Expressed concern that population increases that follow upzoning require more public safety officers, teachers, schools, etc. but bill doesn't identify new funding sources for them.

Santa Clara:

- Thought this bill was trying to achieve too much to be truly successful.
- Wondered if adding the fourplex component to this bill made it less politically palatable.
- The broken transportation system largely contributed to longer commute times and people being more car-dependent, which is why the parking needs to be local decision. While the VTA comes every 15 minutes, it's so slow between stations no one uses it.
- Mountainview stated that they are just under 50,000 in population in larger county with more than 600,000 people. Asked how the population threshold levels affected them.
    - **Long:** Stated there are no special provisions for smaller cities in larger counties.
- Asked how this bill interacts with SB 330 limits on fees charged to developers.
- Asked if SB 50 will supersede local regulations and requirements related to affordability.
    - **Long:** Stated that more strict local requirements still stand.
- Stated that given there is less land for affordable housing, supports developers paying in lieu fees with cities deciding where to put those fees (½ mile radius would be too hard).
- Supported the scaling up of affordable units required based on the size of project.
- Expressed concern that SB 50 doesn't take into account built out cities versus cities with undeveloped land or jobs-housing balance of each city.
- Would like to see a more even distribution of housing across the region.

- Several people stated that adding housing near jobs doesn't guarantee that people living in that housing will work nearby. The only way to achieve that goal might be for the large employers to build worker housing directly tied to employment with that company.
- Stated that ADUs with no parking is a problem, fourplexes with no parking is a disaster.
- Asked how building additional units changes property taxes for certain properties.
- Upzoning through automatic height increases next to transit hubs goes against form-based zoning principles and will result in a proliferation of tall, square boxes.
- Stated bill needs bigger focus on improving/funding transit to reduce traffic congestion.

Solano:

- Stated that when you start adding language to secure votes you create more problems.
- Stated they were suspicious that the financial aspects of the revised SB 50 would cover the costs associated with the mandatory re-zoning.
- Stated Solano County needs funding to build the many houses that have already been permitted and will struggle to cover additional costs associated with new development.
- Expressed concern that there is not a viable funding element in SB 50.
- Asked for clarification on if fourplexes would be allowed in rural areas.

San Francisco:

- Asked where fourplexes would be by-right allowed if SB 50 passes.
    - **Long:** Stated that they would be allowed by-right anywhere in the state besides the specific areas excluded, such as high fire-risk, flood zones, etc.

Sonoma:

- Asked how the fourplexes will work in unincorporated areas.
    - **Long:** Noted fourplexes would be allowed anywhere that is zoned residential.
    - **Chair Pierce:** Mentioned that likely unincorporated properties were not included in residential permitting.
- Asked if lower parking requirements near transit included disabled parking.
- Stated they appreciated the conversation but do want to keep eye on the low- and very low-income requirement and affordability.
- Stated they worry about the population threshold levels, stated there should be a middle threshold number; it's a large jump from 50,000 to 600,000.
- Asked for clarification on by-right fourplex zoning, and how this interacts with other bills.
- Stated that large colleges in the county haven't done their part to address increasing student housing needs in recent years and worries the fourplex provision will encourage wholesale conversion of adjacent single family neighborhoods to student housing.
- Stated that fourplexes could change the feel of current residential areas.
- Believed they should look at transit in the same way as they look at jobs-rich areas in the new amendments to SB 50.
- Wondered if anything could be done to address second homes and vacation houses (e.g. AirBnB, VRBO) to that are removing much-needed housing.

- Stated that housing that cities have permitted takes years to build but housing units illegally converted to AirBnB can return to housing in 90 days with focused code enforcement.

Public Comment:

1. Veda Florez stated that she believed SB 50 should pass, and that she wanted the HLWG to vote in favor of it.
    - **Chair Pierce:** Reminded the HLWG that they are not taking a vote on any of these topics. Purpose is to hear about the bills and gather feedback to inform MTC and ABAG about local perspectives across the region.

2. Ken Bukowski: Stated he did not agree with the previous speaker, that these new zoning regulations, especially the fourplexes, won't fit into cities as they currently are.

3. Jordan Grimes: Stated that as a younger person who must live with the consequences of the lack of affordable housing, he was disappointed in most of the comments he heard in the HLWG meetings about this.

4. Jane Cramer: Stated this is a complicated issue for her, she does not want the neighborhood she lives in to change more, or for a one size fits all model to apply and remove what keeps the individual cities unique. Suggested cities should think about shared housing and shared vehicles.

Adjournment/Next Meeting:

For next week's meeting they decided:

- HLWG members should send in their opinions ahead of time so staff can include these in the presentation and share with other HLWG members
- The agenda would include public lands legislation and streamlining, as well as bills not covered in this meeting.
- They would discuss the housing bill landscape
- MTC Staff would look into extending the meeting in light of some time constraints to make last minute adjustments with the contract for the audio-visual team

Host: Housing Legislative Working Group Meeting
Date: Wednesday, May 1, 2019 3-7 PM
Location: Board Room, MTC
Staffing:

Julie Pierce, HLWG Chair
Jake Mackenzie, HLWG Vice Chair
Therese McMillan, Executive Director
Brad Paul, Deputy Executive Director
Alix Bockelman, Deputy Executive Director
Rebecca Long, Government Relations Manager
Georgia Gann Dohrmann, Associate Manager of Government Relations
Matt Lavrinets, Senior Counsel
Cindi Segal, Senior Deputy General Counsel
Fred Castro, ABAG Clerk of the Board
Notes taken by Lily Rockholt, Civic Edge Consulting

Attendance: Approximately 23, including call-ins.

Chair's Report: Reviewed meeting structure for members, thanked members for their time and ongoing commitment to the meetings. Chair Pierce met with Assemblymember David Chiu to discuss housing bills. She highlighted the value of providing feedback to Sacramento, particularly with Assemblymember Chiu's bills.

- Vice Chair Mackenzie mentioned that he texted with Assemblyman Chiu and told him that MTC Chair Haggerty and ABAG President Rabbitt were creating a committee to discuss MTC/ABAG governance issues.
- Chair Pierce mentioned that Chiu may also make AB 1487 a 2-year bill.

Report on Housing Bill Landscape Changes

Long:

- Stated that both bills related to Just-Cause Evictions have passed out of committees and are now on the Senate Floor. (AB 1481/Bonta and AB 1697/Grayson).
- Stated that Chiu removed references to MTC and ABAG each appointing nine representatives to serve on a governing board of the agency in AB 1487, leaving those details purposely vague so they could be worked out later by the two agencies.

Contra Costa:

- Asked if all the staffing language was removed from AB 1487. Noted he saw the language for working members.
    - **Long:** Clarified that MTC is still designated to staff to the agency.

Sonoma:

- Asked if AB 1487 had defined the sources for funding that the Housing Alliance for the Bay Area (HABA) planned on using.
    - **Long:** Stated intent of AB 1487 is to raise more money for affordable housing, there will have to be a lot of work before funding levels and revenue rates are determined.

Report on Housing Bills

Comments and Suggestions about AB 1279 (Bloom)

Long:

- Stated AB 1279 is viewed as a progressive alternative to SB 50, mandating up-zoning in high resource areas, even those that are not zoned for residential.
- Areas zoned for single family homes would allow fourplexes by-right but would require new units to be affordable to 100 percent AMI or pay an in-lieu fee.
- She noted there would be exclusions for environmentally sensitive areas.
- She noted the high-level comments she received from working group members included:
    - Concern about the definition of high resource areas.
    - Concern about financial impact and infrastructure impact.
    - Concern about lack of local control.
    - How it impacts school's funding.

Napa:

- Shared concerns for lack of local control and overriding of local restrictions. Stated a desire for better maps in order to fully understand impacts on individual jurisdictions.
- Expressed concern over lack of specific definitions in AB1279 (e.g. high resource areas).
- Expressed appreciation for inclusion of an appeal process, but concern that it could be challenging for smaller cities with less staff. Definitions in this section need improvement.
- Asked if AB 1279 would consider other kinds of affordable housing and solutions.
- Asked if there could be a tax credit, or a fund that prioritizes building affordable houses or providing resources with which to build affordable housing for smaller communities.
- Expressed concern that since this could greatly affect the character of neighborhoods, not having precise definitions and maps re: "high resource areas", is a problem
- Stated that cities not knowing where these new housing developments could occur will be challenging for city planning, also resource planning.
- Asked if bill could include above market housing that needs 50+ units to pencil out.

Sonoma

- Expressed concern that developers could buy up single family homes next to existing colleges, convert them to fourplexes, fill them with as many students as possible and turn whole neighborhoods into dormitories for the nearby schools.
- AB 1279 has potential to increase number of units that could be built beyond what is currently zoned in a neighborhood. Could we set upper limit on number of units per city?

Marin:

- Opposed to the lack of clarity around how "high resource areas" will be defined and where AB1279 would apply.
- Stated that AB 1279 conflicts with the density being allowed now, versus what is being proposed.

San Mateo:

- Asked from the author's perspective, what is the definition of "high opportunity areas?"
    - **Long:** Noted it's not the same as high density, has more to do with the presence of good schools, good jobs and a low risk of displacement.
- Expressed concern the areas of development targeted could be more rural areas, rather than those with good public transportation since one of the goals is to reduce traffic and greenhouse gas emissions.
- Stated AB 1279 is difficult to evaluate due to the lack of clear and specific definitions.
    - **Long:** Stated that AB 1279 is in its early in stages of development.
- Concerned about the impact on the area around Stanford if single family homes can automatically be converted to by-right fourplexes and turned into student dorms.
- Expressed concerns about overriding a local jurisdiction's current inclusionary housing minimums. Worried that higher inclusionary levels that might pencil out in SF will be too high in other cities and despite these re-zonings, no housing will actually get built.
- Stated San Mateo County elected officials are not sure this would accomplish the goal of more affordable housing, that this legislation is one size fits all.

San Francisco:

- Noted AB 1279 high resource area regulations would impact land zoned to be exclusively commercial whereas SB 50 only applies to residential. Otherwise approves of AB 1279.
- Expressed concern that in already-dense areas, affordability requirements will not result in additional housing without public subsidies for affordable housing; agreed with Burlingame's mayor, you can't get this level of affordability without subsidy.

Santa Clara:

- Expressed desire for more concrete and defined terms, for example of "arterial roads."
- Expressed concern that AB 1279 is being considered as an alternative to SB 50, but it does not address transportation needs thoroughly enough.
- Noted many strategies in AB 1279 are already being implemented in Mountain View (including FAR bonus). Concerned additional affordable housing requirement may not be financially feasible, making it less likely affordable housing will actually be built.
- Concerned that streamlining projects may not be enough incentive for developers to prioritize building more affordable units.

Contra Costa:

- Expressed concerns that AB 1279 won't result in more housing because it doesn't address the fundamental problem, a lack of funding. Suggested public subsidies or property purchases to assist with affordable housing development.
- Gave example of Stinson Beach being built out if by-right fourplexes are implemented. Noted that this would not help address the jobs-housing imbalance.
- Expressed concern that the maps are misleading and could be improved.
- Expressed concern that for a development project that complies with the basic rules, cities can't stop it. This legislation limits ability to apply contextual design standards.
- Expressed concern that most low density, low population cities also have narrow roads and limited resources to accommodate additional development.

- Expressed concerns about unintended consequences, e.g. allowing both by-right ADUs and fourplexes on same site could create by-right eightplexes or if 40 owners in a 100-unit building opt for by-right ADUs, it goes from 100 units to 140 units.
- Worried that increasing density/students in high resource areas with no new funding for more schools/teachers will result in schools no longer being considered 'good schools'.
- Asked for follow-up about how AB 1279 would work with other proposed housing bills.

Comments and Suggestions about AB 1483 (Grayson)

Long:

- Stated AB 1483 was about housing data and putting more information online including specificity as to number of projects approved, permits issued, etc.
- Noted biggest concern heard to date is the need for more time for smaller jurisdictions to implement data requirements and author is building in time for implementation later.
- Noted the added allowance that MPOs, MTC for example, could request additional reporting and it would be required.
- Shared the goal that with better data there will be better outcomes, e.g. by stating all the fees perhaps more developers would be willing to take on the risk to build more housing.
- Noted there is going to be a Housing Data Strategy at the state level, with parcel level housing and protocols for sharing data and open sourced platforms included in AB 1483.

Marin:

- Expressed concern that they would need a longer timeline to implement due to lower amounts of available staff but believe in data share as a principle.
- Stated a need to know how data is being collected and being used before participating.

Solano:

- Asked what data does the bill's author feels is missing now? What is the need for this?
- Asked if the state's Housing and Community Development staff already has this info.
    - **Long:** Stated that she believed the additional data was related to specific details regarding development.
- Asked if the HLWG could have a side-by-side comparison chart outlining what is being asked for in AB 1483 versus what is being reported now.
    - **Long:** Stated that MTC has asked for this side-by-side.
- Requested a "toolkit" to help the smaller cities with compliance.
- Expressed concerns that smaller cities don't have enough staff to comply properly with AB 1483's requirements.

Contra Costa:

- Stated reporting should just go to the state. If MPOs need data they can go to the state.
- Stated they would have to hire additional staffing to comply with this and wondered where the funding would come from for this additional burden.
- Asked for side by side comparison of data currently sent to HCD and AB 1483 data.
- There is data not being collected that would be helpful: 1) number of units entitled (not just those built; 2) extensions requested; 3) why are entitled projects not being built.
- You can post generic fees online but some fees mitigate EIR findings that come later.
- Expressed concern with the amount of opposition already expressed against AB 1483.

- Asked if the additional information could be sent to the HCD to streamline reporting.

San Francisco:
- Requested a side-by-side comparison of what is required to be reported now versus what would be required with the implementation of AB 1483.

Santa Clara:
- Asked if this stemmed from project issues, or county issues.
- Asked how much extra work AB 1483 would require of the cities.
- Expressed concern that current reporting requirements are confusing and duplicative.

Comments and Suggestions about AB 1485 (Wicks):
Long:
- Explained that AB 1485 suggested some changes that clarified elements of SB 35.
- The changes include by-right approval of certain projects, with many exclusions, specified affordability.
- Adds one other option on the affordability mix for AMR units under SB 35. Developer can have 20% of the units affordable @ 80-120% of median (with average of 100%), or 10% for very low income households (60% of median).

Marin:
- Expressed concern that anything labeled by-right will not work for local governments due to lack of local control.
- Stated that even with the new more flexible affordability requirements, it would still be hard for projects to be economically feasible.

Napa:
- Asked for clarification on the density threshold and if AB 1485 would the change the defined thresholds for affordability.
    - **Long:** Stated that is correct.

Sonoma:
- Asked how feasible it is to build projects requiring 20 percent below market rate units.

Contra Costa:
- Expressed concern AB 1485 will not lead to additional housing because projects still will not pencil out.
- Stated they have no big objections, but that some of the language is still unclear in the existing law that is not being amended by AB 1485 – opportunity to fix the transportation component in SB 35 (Wiener, 2017)
- Stated that in the current language, it is unclear if a city has higher standards, which should be the standard.

Solano:
- Stated support for the bill since it will help Solano's cities meet their RHNA requirements.
- Asked if AB 1485 does anything to clarify the terms between cities with higher standards of affordable housing.

Santa Clara:

- Concerned because Mountain View requires 15 percent affordable housing, at 10 percent they're concerned projects won't come to City Council because by-right inclusions based on this amendment.
- Shared concern that the affordability requirements seem low.
- Expressed concern that transportation impacts haven't been considered enough.
- Stated that design review is important so cities can have the amenities they would like to have in their cities.
    - **Long:** Clarified that the requirements for streamlining wouldn't apply to any city meeting their above moderate housing RHNA numbers. Stated that MTC Staff will share a map highlighting areas that would be impacted by AB 1485. For example, AB 1485 would apply in Vallejo, but not all of Solano County.

San Francisco:

- Stated they didn't think San Francisco was covered by this amendment to SB 35 and approved of AB 1485, because "the more we streamline, the better".
- Noted ministerial approvals have been helpful in getting housing built in San Francisco.

San Mateo:

- Stated support for AB 1485 because it will help create more moderate income housing.
- Asked if this bill would still require prevailing wage.
- Wanted to maintain local jurisdiction's requirements for affordable housing if they are higher than AB 1485.
- Stated this should apply to the entire state of California, not just the Bay Area.

Report on Bills Related to Public Lands

Comments and Suggestions about AB 1486 (Ting)
Dohrmann

- Shared AB 1486 updates existing requirement that public agencies offer right of first refusal for affordable housing developments, with projects with priority to deepest level of affordability (either by income or total units), when disposing of excess public land.
- Explained how local land disposal process would work under AB 1486.
- Stated HCD would have enforcement privileges that they do not currently have.
- Explained that 100 percent affordable housing developments would be allowed for all public lands receiving state subsidy regardless of zoning, unless the land is "exempt" or ineligible to receive state subsidy. Developments would still be subject to CEQA and local approvals/not a ministerial "by-right" allowance.

Sonoma:

- Asked if disposing of land language includes selling and leasing of public lands.
    - **Dohrmann:** Confirmed that AB 1486 would revert to current law – "disposal" is not defined. Earlier version of the bill would have defined "dispose of" as including both selling and leasing of land
- Expressed concern about the suitability of certain public lands for housing, especially regarding safety and proximity to public transit.

    - **Dohrmann:** Stated that the development would still be subject to local reviews and zoning, unless it is 100 percent affordable. Even 100 percent affordable housing would still need to go through local reviews/EIR, no matter what was zoned before.
- Expressed concern that this would affect public lands being used as buffer zones.
- Suggested that the State develop their public lands program first, as a show of good faith, and a demonstration of how these processes will work under AB 1486.

Marin:

- Stated Marin County is generally opposed to AB 1486.
- Expressed concern with 100 percent affordable developments being allowed on any public land. Sees it undermining public safety and local jurisdictions land use authority.
- Concerned about the major changes to delegated enforcement for HCD.
- Stated they would like to see a process to transfer land between schools and other agencies to simplify, and not allow these lands to be disposed of to be used for housing development if cities intended for these parcels to be used for some other public need.

Napa:

- Stated that Napa County is generally opposed, since the laws surrounding public lands are already complicated without the implementation of AB 1486.
- Expressed concern this would limit sale prices, further limiting the financial systems that public agencies and cities need to address financial shortcomings.
- Stated that Napa County would like to see flexibility in the levels of affordable housing being offered via public lands, with reference to "missing middle" teacher housing.

Solano:

- Asked if the State is going to look at their surplus lands as defined by AB 1486.
    - **Dohrmann**: Stated that not only does AB 1486 push the State to reassess their excess land, it sets a goal that State dispose of 10 percent of excess land/year.
- Expressed concerns about public lands being used as buffers, especially around prisons.
    - **Dohrmann**: Stated that the buffer zones would be considered "government operations"- would be local discretion to set parameters.
- Asked if this included leased lands as well. Gave the example of the Solano County Fair Grounds in the city of Vallejo, and how Solano County is aiming to have part of this land used for a multiuse development.
    - **Dohrmann**: Stated that AB 1486 wouldn't change current law.
- Asked about greenbelts under AB 1486.
    - **Dohrmann**: Landing used for conservation is exempt under AB 1486.
- Asked about the implication of mixed land use on public lands.
- Expressed concern that AB 1486 doesn't support bedroom communities.
- Expressed concern that in jobs-poor cities, this could worsen the job-housing balance.
- Stated that some surplus lands are not suitable for not mixed use, or housing in any way. Gave the example that housing should not be built in a marsh.
    - **Long:** Stated that proposed housing projects, including 100 percent affordable would still be subject to CEQA. Projects would not just be approved, not by-right, AB 1486 just required more specific and exclusive negotiations.

Contra Costa:

- Expressed concern about the language in the bill.
- Suggested surplus military bases (Concord Naval Weapons Stations) be specifically exempted from this bill.
- Suggested the State provide funding for work required with the changes in AB 1486, particularly to help fund some the affordable housing projects that might come out of it.
- Stated that HCD should not have enforcement privileges.
- Asked if local jurisdictions would be able to give land away for affordable housing development projects under AB 1486.
    - **Dohrmann**: Noted that current law leaves land sale up to the local jurisdiction. That states that the notice land is available, after the 60 days closes, the local agency will enter good faith negotiation with the proposed development with the highest level of affordable housing, like an RFP process.
- Suggested this be amended to not just be percentage requirement, but a density requirement.
- Expressed concerns that there are many unintended consequences with AB 1486.
- Suggested that the State have the same requirements about disposing land as the cities and counties would under AB 1486.
- Expressed concern about redevelopment properties being included in the AB 1486 – successors to redevelopment agencies must be able to meet existing obligations to various taxing entities.
- Asked who would close the funding gap caused by AB 1486.
- Asked if AB 1486 accounts for leasing of properties.
    - **Dohrmann**: Stated that current law doesn't define what "dispose of" means. Earlier versions of AB 1486 included a definition, but clarification was stripped because of local government concerns in amendments made to AB 1486.
- Expressed concern AB 1486 would not allow for mix of affordable units, across different AMIs.

San Mateo:

- Expressed concern with contradictions in local general plans about open space.
    - **Dohrmann**: Explained that there is an exception made for protected open space, but not for just zoning.
- Asked if a city has land that they do not know what they want to use a space for and an affordable housing agency wanted to build on it, could the city refuse under AB 1486.
    - **Dohrmann**: Stated that that is the intent of the surplus lands act, but that requirement would be that the city must try to sell the land, or "dispose" of the land.
- Expressed concern that this would limit the sales price for certain pieces of land, when sometimes what a local jurisdiction needs most in money.
    - **Dohrmann**: Stated that under current law that when disposing of surplus public land, affordable housing developments get right of first refusal, so this would not change the process that much.
- Suggested that the State take an inventory of their land before requiring local jurisdiction to do the same to show cities what the best way to implement AB 1486 would be.
- Exception for properties 'held in exchange' is a good thing (we are doing that now).
- Appreciate carve out for open space and recreation use.
- Stated the half acre requirement of public lands seems excessive considering that developed local jurisdictions often have parcels of land much smaller (e.g. 10,000 s.f.).

San Francisco:

- Agreed that half acre minimum should be decreased to include land in San Francisco.
- Requested clarification of policies about refusal process.
- Expressed concern about industrial zones and would like to see some protection of industrial zones included in AB 1486 to protect jobs.

Santa Clara:

- Stated that often the sales price is driven by zoning and asked how this would be affected by AB 1486.
    - **Dohrmann**: Stated that AB 1486 language limits negotiations to sales price and lease terms. The bill doesn't talk about the mechanics of how to execute these changes.
    - **Long:** Stated that zoning would only be overridden if project is 100 percent affordable, otherwise surplus land can only be used for housing if it's already zoned to allow residential as an underlying eligible use.
- Asked if there are 2 affordable developers, can a city choose the most feasible as opposed to the most affordable? Stated that financial feasibility is an important consideration in negotiations.
    - **Dohrmann**: AB 1486 would require the right of first refusal go to the affordable developers with the deepest level of affordability.
- Asked if sale for economic development would no longer apply.
    - **Dohrmann**: Stated that land should first be offered to affordable housing and public land and parks, then if not taken by those purposed could be used for economic development, as is required under current law.
- Expressed concern that the level of affordability couldn't be chosen, particularly if the missing RHNA numbers were for something other than the deepest level of affordability like the "missing middle."

Comments and Suggestions about SB 6 (Beall)

Dohrmann: Requires HCD to add to the state surplus land inventory locally identified sites suitable for development, as identified in housing element site inventories.

Marin:

- Stated that Marin is generally in favor of this but is concerned what HCD defines as realistic.
    - **Dohrmann**: Stated that SB 6 would require that HCD submit sites identified by locals as realistic for development in their housing elements.

Report on Bills Related to Funding

Comments and Suggestions about AB 11 (Chiu)

Long:

- Described the bill and the option it gave local agencies to use tax-increment finance by forming an "Affordable Housing Infrastructure Agency" (AHIA).
- Stated that bonds could be issued without voter approval, if there is at least 30 percent of the funds going toward affordable housing efforts for a list of approved purposes.

Napa:

- Concerned about safeguards to prevent abuse and misuse.
- Expressed concern with the eminent domain designation.
- Special districts shouldn't have eminent designation.
- Noted it would be important to add sewer and water pipes as well as fire resiliency, and infrastructure improvements to the list of acceptable uses for the use of the bond money under AB 11.

San Mateo:

- Appreciated the option to renew a form of redevelopment.
- Suggested adding tools for first time home buyers, to get them into the home buyers' market, including buy downs of down payments, for example, to the list of acceptable used for the bond money.
- Suggested increasing the amount of funds required to be spent on affordable housing.
- Expressed concern that AB 11 could unintentionally defund schools.
- Suggested list of acceptable uses for the bond money under AB 11 could be expanded to include: flooding, seawall infrastructure updates, and other natural disasters.
- Asked how members would be appointed to the bodies formed under AB 11.
    - **Long:** Stated that members would be appointed by the constituent members of the agencies involved and public members would be appointed by the board by the appropriate city council.
- Asked how these members would be removed if they did not perform their job as required.
    - **Long:** Stated MTC Staff would have to follow up on this.
- Expressed concern about eminent domain.
- Asked if cities in different counties could work together under AB 11.
    - **Long:** Stated that she hasn't seen any language regarding cities in different counties working together but MTC staff will follow up after researching.[Bill is silent on this]
- Each city would have equal rights to how it is seen, or would it be based on population? Or is it based on affected area. How would this be done?
    - **Long:** Stated there would be one seat per city participating if there were more than one city participating in the AHIA.
- Asked if two cities could modify this if both agreed to different terms for governance.
    - **Long:** Stated that AB 11 doesn't give cities the option for own governance in the current language.
- Stated support for the bill.

Marin:

- Expressed general support for the bill but concerned about eminent domain. Asked who is given the power of eminent domain under AB 11.
    - **Long:** Stated that new taxing agency would have the power of eminent domain.
- Expressed appreciation for the possibility the tax increment financing under AB 11.
- Expressed appreciation for the right to opt out of an agency under AB 11.
- Expressed support of the local jurisdiction maintaining local control under AB 11.
- Expressed concern about cross jurisdictional formation of an AHIA

Sonoma:

- Asked who is responsible for decided on the use of tax increment financing.
    - **Long:** The entity itself makes the decision under AB 11.

- Expressed concern that the bond funding would not need to be voter approved.
- Expressed concern AB 11 could defund schools.
- Expressed concern that the amount of money required to be spent on affordable housing was only 30 percent.
    - **Long:** Stated that the intent was to keep the implications of AB 11 flexible and not prescriptive.

Contra Costa:

- Suggested adding more 'green' acceptable uses for bond money such as stormwater retention bases and clarifying the acceptable uses for ports, ferries and water transportation (e.g. ferry terminals and ferry infrastructure).
- Expressed need for more definitive protections for schools' funding such as state could not renege on this commitment to schools without a vote of the people statewide.
- Expressed support for flexibility AB 11 gives cities… "More tools in the toolbox is good."
- Asked how AB 11 would interact with AB 1486.
    - **Long:** Stated tax money would go in for the bond, but for those agencies that did not want to participate, they'd have to be made whole financially under AB 11.
- Expressed concern about eminent domain precedent, cities already have this authority.
    - General agreement expressed from around the dais
- Expressed concern there was lack of clarity about how to remove appointed members who were not actively participating under AB 11.

Solano:

- Expressed Solano County's support, redevelopment 1.0 helped transform Suisun City.
- Requested that seawalls be added to the list of acceptable expenses under AB 11.
- Asked who would approve the members of the AHIA.
    - **Long:** Stated that the entities that formed the new AHIA would appoint the public member.
    - Asked if counties would have a member on the RDAs.
    - **Long:** Stated staff would have to follow up on whether counties would automatically have a seat on the AHIA under AB11. [They don't get a seat unless they are a part of it]
- Asked if water crisis would be an acceptable use for the funds under AB 11.
    - **Long:** Confirmed that water upgrades would be allowed under AB 11.

Santa Clara:

- Expressed concern that with other housing bills, AB 11 would be too much "to juggle." But if the decision was between AB 11, and AB 1487 (HABA), would prefer AB 11.
- Expressed approval for this bill bringing back RDA, but "how do we know a future governor won't pull the rug out from under us again the way Gov. Brown did?"
- Requested clarification on how housing bills would interact with AB 11 should they pass.

Sonoma:

- Expressed concern over approval requirements delegated to Strategic Growth Council.

San Francisco:

- Asked if a city could designate itself as the RDA under AB 11.
    - **Long:** Stated that public and affected taxing agencies can.
- Asked if a formal plan is required under AB 11.
    - **Long:** Yes but could have parcels not part of the area as part of plan. Plan needs to be approved by state's Strategic Growth Council.
- Expressed support of AB 11 widely as a tool to fund Redevelopment.
- Agreed with others who don't see any need for eminent domain.
- Suggested the Governing Board could decide their own rules about how they vote.
    - **Long:** Stated that the Governing Board could decide their own rules but would be subject to the Brown Act.
- Asked if there were any other terms
    - **Chair Pierce:** Stated that there doesn't seem to be whole lot of accountability for the board members.

Chair Pierce:

- Requested that the list of acceptable funded projects by AB 11 have expansion on some of the more general disasters, including fire and flooding resilience, infrastructure updates, sea level rise and related projects.
- Expressed concern that the members of an RDA wouldn't have to be elected officials, and the lack of accountability for the members of an RDA under AB 11.
- Expressed concern that most cities do not have a general fund they can draw fund for the kinds of development allowed under AB 11.
- Expressed concerns about the defunding of public schools under AB 11, and stated she is skeptical the states will fill the backlog of funding for public schools required to "make them whole."

Conclusion and Comments about Next Meeting:

- The HLWG agreed to meet on May 23, 2019 from 7-9 PM to hear how MTC and ABAG decided to advise legislature on the bills surrounding housing.
- Suggestion for SB 50 exemption for cities that have adopted master plans or specific plans *or* giving cities time to develop such a plan.
- State funding/financing should come at the same time as housing-related policy changes.

Public Comment:

1. **Jane Kramer:** Stated that it seems there is an overall demand for more affordable housing to be built, but many of the concerns made by cities and local jurisdictions contradict the housing being built.

Metropolitan Transportation Commission

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Legislation Details (With Text)

File #:	19-0604	**Version:**	1	**Name:**	
Type:	Report			**Status:**	Executive Board Approval
File created:	5/13/2019			**In control:**	ABAG Executive Board
On agenda:	5/16/2019			**Final action:**	
Title:	AB 1481 (Bonta) and AB 1697 (Grayson) - Tenancy Termination: Just Cause Prohibits eviction of a tenant without just cause stated in writing. Requires tenant be provided a notice of a violation of lease and opportunity to cure violation prior to issuance of notice of termination.				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	AB 1481 and AB 1697 Staff Summary 5/10/19				

Date	Ver.	Action By	Action	Result

AB 1481 (Bonta) and AB 1697 (Grayson) - Tenancy Termination: Just Cause

Prohibits eviction of a tenant without just cause stated in writing. Requires tenant be provided a notice of a violation of lease and opportunity to cure violation prior to issuance of notice of termination.

Support

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Metropolitan Transportation Commission and the Association of Bay Area Governments

Joint MTC Legislation Committee and ABAG Legislation Committee

May 10, 2019 **Agenda Item 7b1**

California Housing Legislation – Protection Bills

Subject: AB 1481 (Bonta) and AB 1697 (Grayson) – Tenancy Termination: Just Cause

Background: AB 1481 (Bonta) prohibits residential tenancy termination without just cause. "Just cause" may be either at-fault or no-fault. "No-fault just cause" would include: a) owner intent to occupy the property; b) withdrawal of the property from the rental market; c) unsafe habitation; and d) intent to demolish or to substantially remodel. For at-fault, the bill also requires the landlord must first provide the tenant with a notice of the violation and an opportunity to cure the alleged lease violation. In addition, the bill requires landlords who terminate tenancy for no-fault to notify the tenant of the tenant's right to relocation assistance, and to provide that assistance if requested, regardless of the tenant's income. If a local jurisdiction has stronger just cause laws, those would prevail.

AB 1697 (Grayson) is identical to AB 1481 except that the proposed "just cause" provisions would only to apply to a tenancy after 12 months. This provision was also included in the CASA Compact Element #1.

Issues: On average, one in 36 renters is taken to eviction court every year in California, and there is evidence that a much higher share of renters are evicted without even going to court. A just cause eviction law would require the landlord to provide tenants with a reason, stated in writing, as to why they are being evicted. And, it would provide an opportunity for tenants to contest or correct the stated reason. In so doing, the law would help reduce the arbitrariness of a no-fault eviction, which most often impact low-income households.

Evictions can be devastating to low-income households especially in an expensive housing market like the Bay Area, with the availability of units affordable to low-income households (both "naturally" affordable and deed-restricted) far short of demand. In the worst case, evictions lead to homelessness. A 2017 survey found that 14 percent of the homeless population in Santa Cruz County was a result of an eviction.[1]

Without a requirement to provide written notice as to the cause of an eviction today, landlords can evict a low-income tenant in order to charge higher rent to a tenant willing to pay more, especially in gentrifying neighborhoods. While fair housing laws are designed to protect against discrimination on the basis of race, given the high correlation between income and race, no-fault evictions can

[1] Applied Survey Research, Santa Cruz County 2017 Homeless Census & Survey (2017) at p. 32.)

contribute not only to increased displacement of low-income households, but also increased racial segregation.[2]

Just cause policies are considered an essential accompaniment to any effective rent stabilization law. The State of Oregon's recent rent cap, which allows rents to grow by 7 percent, plus inflation, includes within it a just cause provision. The same is true of most of the local ordinances.

Seventeen California cities have already enacted just cause eviction ordinances, ten of which are in the Bay Area: Berkeley, East Palo Alto, Emeryville, Hayward, Mountain View, Oakland, Richmond, San Francisco, San Jose, and Union City. AB 1481/1697 would extend these protections to tenants across the state. A just cause law would help reduce displacement in gentrifying neighborhoods, consistent with the goals of Plan Bay Area 2040.

As you know, the CASA Compact was predicated upon the understanding that a solution to the Bay Area's housing crisis requires progress on the "3Ps" of *protection* of existing residents, *preservation* of existing affordable housing and the *production* of more housing for residents at all income levels. Bay Area legislators are embracing this approach as it's widely recognized that bills that focus on production, while essential, will not address the near-term pressures facing the region's most economically vulnerable households.

In the spirit of supporting a comprehensive and balanced solution to the Bay Area's housing crisis, staff recommends a support position on AB 1481 and AB 1697.[3]

Recommendation: Support

Bill Positions: See attached

Attachments: Attachment A: Bill Positions

Therese W. McMillan

[2] Verma, et al., Rising Housing Costs and Re-Segregation in the San Francisco Bay Area, University of California-Berkeley Urban Displacement Project (2018)
[3] While only one is likely to reach the Governor's desk, staff recommends we support both versions at this time.

AB 1481 (Bonta)

Support: ACCE Action (co-sponsor), PICO California (co-sponsor), PolicyLink (co-sponsor), Public Advocates (co-sponsor), Western Center on Law & Poverty (co-sponsor), ACT-LA, AFSCME Local 3299, American Civil Liberties Union (ACLU), Asian Americans Advancing Justice-California, Asian Americans and Pacific Islanders for Civic Empowerment Education Fund, Asian Pacific Environmental Network (APEN), Bay Area Legal Aid, California Alliance for Retired Americans, California Conference of Machinists, California Conference Board of the Amalgamated Transit Union, California Labor Federation, California Reinvestment Coalition, California Renters Legal Advocacy and Education Fund (CaRLA), California Rural Legal Assistance, California Rural Legal Assistance Foundation, California Teamsters Public Affairs Council, Central Coast Alliance United for a Sustainable Economy (CAUSE), Central Valley Empowerment Alliance, Chan Zuckerberg Initiative, Coalition for Humane Immigrant Rights (CHIRLA), Community Legal Services in East Palo Alto, Congregations Organized for Prophetic Engagement (COPE), Courage Campaign, East Bay Community Law Center (EBCLC), East Bay For Everyone, East Bay Housing Organizations, Engineers and Scientists of California IFPTE Local 20 AFL-CIO, Enterprise Northern California, Eric Garcetti (Mayor of Los Angeles), Esperanza Community Housing Corporation, Fair Rents for Redwood City, Faith in Action Bay Area, Faith in the Valley, Hamilton Families, Housing California, Housing For All Burlingame, Hunger Action Los Angeles, Indivisible San Diego Central, Indivisible SF, Inlandboatmens Union of the Pacific, Just Cities/Dellums Institute, The Kennedy Commission, Korean Resource Center, Koreatown Immigrant Workers Alliance, LA Forward, LA Voice, Law Foundation of Silicon Valley, Leadership Counsel for Justice & Accountability, Legal Aid Foundation of Los Angeles (LAFLA), Legal Services for Prisoners with Children, Los Angeles Alliance for a New Economy, Los Angeles Homeless Services Authority, Monument Impact, National Association of Social Workers-California Chapter, National Union of Healthcare Workers, Nonprofit Housing Alliance of Northern California, The Orange County Civic Engagement Table, Planning and Conservation League (PCL), Power California, Progressive Asian Network for Action (PANA), Public Counsel, Public Interest Law Project, Professional and Technical Engineers IFPTE Local 21 AFL-CIO, Sacramento Filipinx LBTQIA, Sacred Heart Community Service, San Francisco Foundation, SEIU California, SEIU Local 1021, South Bay Progressive Alliance, Southern California Association of Nonprofit Housing (SCANPH), State Building Trades and Construction Trades Council of California, Strategic Actions for a Just Economy (SAJE), TechEquity Collaborative, Tenderloin Neighborhood Development Corporation, Thai Community Development Center, TransForm, United Teachers Los Angeles, University of California Davis Bulosan Center for Filipino Studies, Utility Workers of America, UNITE HERE AFL-CIO, UNITE HERE Local 19, Viet Vote.

Support if Amended: Building Industry Association of the Bay Area, Related California, San Francisco Bay Area Planning and Urban Research Association (SPUR).
Oppose: Apartment Association California, Southern Cities Apartment Association of Orange County, California Apartment Association, California Association of Realtors, California Rental Housing Association, East Bay Rental Housing Association, Southern California Apartment Association.

AB 1697 (Grayson)

Support: SV@Home

Support if Amended: Bay Area Council, Oakland Chamber of Commerce, San Francisco Bay Area Planning and Urban Research Association (SPUR), TMG Partners

Oppose: Apartment Association California, Southern Cities Apartment Association of Orange County, California Apartment Association, California Association of Realtors, California Rental Housing Association, East Bay Rental Housing Association, Southern California Apartment Association

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Legislation Details (With Text)

File #:	19-0605	**Version:**	1	**Name:**	
Type:	Report			**Status:**	Executive Board Approval
File created:	5/13/2019			**In control:**	ABAG Executive Board
On agenda:	5/16/2019			**Final action:**	
Title:	AB 1482 (Chiu) - Statewide Annual Cap on Rent Increases Caps annual rent increases by five percent above the percent change in the cost of living and limits the total rental rate increase within a 12 month period to 10 percent.				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	AB 1482 Staff Summary 5/10/19				

Date	Ver.	Action By	Action	Result

AB 1482 (Chiu) - Statewide Annual Cap on Rent Increases

Caps annual rent increases by five percent above the percent change in the cost of living and limits the total rental rate increase within a 12 month period to 10 percent.

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Joint MTC Legislation Committee and ABAG Legislation Committee

May 10, 2019 **Agenda Item 7b2**

California Housing Legislation – Protection Bills

Subject: AB 1482 (Chiu) – Statewide Annual Cap on Rent Increases

Background: AB 1482 would establish a statewide limit on rent increases, allowing for a maximum of 5 percent plus the Consumer Price Index (CPI)[1], annually, effective March 15, 2019. The proposal would bar a rent increase above 10 percent in a single year. AB 1482 would not apply to: 1) deed-restricted affordable housing; 2) dormitories; and 3) does not apply to housing already subject to more restrictive rent caps. The bill requires the landlord to provide notice of any increase in the rental rate to each tenant in accordance with existing law. It also requires that, by January 1, 2033, the Department of Housing and Community Development (HCD) must report to the Legislature regarding the effectiveness of this program. The report shall include, but not be limited to, the impact of the rental rate cap established in this bill on the housing market within the state.

Issues: The bill aims to strike a balance between protecting tenants with the need for landlords to earn a reasonable enough rate of return to stay in the business, and avoid creating any disincentive for new residential development. Not surprisingly, the bill is opposed by advocates on both sides of the issue, with many tenant advocates concerned the allowable rent increases are too high and apartment association representatives pointing out that California voters showed their dislike of any form of rent control in their rejection of Proposition 10 on the November 2018 ballot. In our view, AB 1482 is different enough from Proposition 10 that it is reasonable for the Legislature to revisit the issue. Most importantly, by setting a statewide annual rent increase of 5 percent plus inflation, AB 1482 provides landlords with a predictable and reasonable rate of return, something that was not the case with Proposition 10. That measure simply broadened the scope of local rent control policies, which tend to allow much lower annual rent increases.

As you know, the cost of housing in California is the highest of any state in the nation, with Bay Area rents and housing prices topping the list. Additionally, the pace of change in the cost of housing has far outstripped that in other parts of the county. For example, in 1970 housing costs in California were 30 percent higher than the national average; now they are

[1] Over the past 25 years the CPI in California have averaged approximately 2.5 percent. However, CPI fluctuates year-to-year and region-to-region, based on macro- and local economic conditions.

250 percent higher. While incomes have increased over that period, they have done so at a much slower pace. As a result, over half of renters and 80 percent of low-income renters are rent-burdened, meaning they pay over 30 percent of their income towards rent.

Research by Zillow from 2018 found that some areas with a high percentage of rent-burdened households experienced a rapid increase in homelessness, and areas where high rents are combined with high poverty experienced triple the homelessness rate of the average community. According to the Terner Center for Housing Innovation at UC Berkeley, California has approximately 16.6 million renters living in about 5.7 million rental units. Of those, 1.9 million renters live in the state's approximately 700,000 rent-controlled units. The other 14.7 million Californians live in approximately five million housing units that are not subject to any controls regarding the amount of rent increases sought upon the completion of a lease.

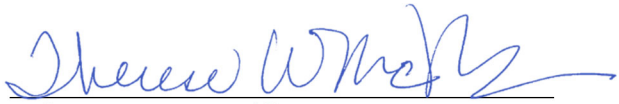
The CASA Compact was predicated upon the understanding that a solution to the Bay Area's housing crisis requires progress on the "3Ps" of *protection* of existing residents from displacement, *preservation* of existing affordable housing and the *production* of more housing for residents at all income levels. Bay Area legislators are embracing this approach as it's widely recognized that bills that focus on production, while essential, will not address the near-term pressures facing the region's most economically vulnerable households.

In the spirit of supporting a comprehensive and balanced solution to the Bay Area's housing crisis, staff recommends a support position on AB 1482.

Recommendation: Support

Bill Positions: See attached

Attachment: Attachment A: Bill Positions



Therese W. McMillan

Attachment

AB 1482 (Chiu) Bill Positions

Support: Alliance of Californians for Community Empowerment (co-sponsor), California Rural Legal assistance Foundation (co-sponsor), PICO California (co-sponsor), Public Advocates (co-sponsor), Western Center on Law and Poverty (co-sponsor), PolicyLink, ACT-LA, AFSCME Local 3299, American Civil Liberties Union (ACLU), Asian Americans Advancing Justice-California, Asian Americans and Pacific Islanders for Civic Empowerment Education Fund, Asian Pacific Environmental Network (APEN), Bay Area Legal Aid, California Alliance for Retired Americans, California Conference of Machinists, California Conference Board of the Amalgamated Transit Union, California Labor Federation, California Reinvestment Coalition, California Renters Legal Advocacy and Education Fund (CaRLA), California Rural Legal Assistance, California Rural Legal Assistance Foundation, California Teamsters Public Affairs Council, Central Coast Alliance United for a Sustainable Economy (CAUSE), Central Valley Empowerment Alliance, Chan Zuckerberg Initiative, Coalition for Humane Immigrant Rights (CHIRLA), Congregations Organized for Prophetic Engagement (COPE), Courage Campaign, East Bay Community Law Center (EBCLC), East Bay For Everyone, East Bay Housing Organizations, Engineers and Scientists of California IFPTE Local 20 AFL-CIO, Enterprise Northern California, Eric Garcetti (Mayor of Los Angeles), Esperanza Community Housing Corporation, Fair Rents for Redwood City, Faith in Action Bay Area, Faith in the Valley, Hamilton Families, Housing California, Hunger Action Los Angeles, Indivisible San Diego Central, Indivisible SF, Inlandboatmens Union of the Pacific, Just Cities/Dellums Institute, The Kennedy Commission, Korean Resource Center, Koreatown Immigrant Workers Alliance, LA Forward, LA Voice, Law Foundation of Silicon Valley, Leadership Counsel for Justice & Accountability, Legal Aid Foundation of Los Angeles (LAFLA), Legal Services for Prisoners with Children, Los Angeles Alliance for a New Economy, Los Angeles Homeless Services Authority, Monument Impact, National Association of Social Workers-California Chapter, National Union of Healthcare Workers, Nonprofit Housing Alliance of Northern California, The Orange County Civic Engagement Table, Planning and Conservation League (PCL), Power California, Progressive Asian Network for Action (PANA), Public Counsel, Public Interest Law Project, Professional and Technical Engineers IFPTE Local 21 AFL-CIO, Sacramento Filipinx LBTQIA, Sacred Heart Community Service, San Francisco Foundation, SEIU California, SEIU Local 1021, South Bay Progressive Alliance, Southern California Association of Nonprofit Housing (SCANPH), State Building Trades and Construction Trades Council of California, Strategic Actions for a Just Economy (SAJE), TechEquity Collaborative, Tenderloin Neighborhood Development Corporation, Thai Community Development Center, TransForm, United Teachers Los Angeles, University of California Davis Bulosan Center for Filipino Studies, Utility Workers of America, UNITE HERE AFL-CIO, UNITE HERE Local 19, Viet Vote, Working Partnerships USA, YIMBY Action

Support if Amended: Bay Area Council, Building Industry Association of the Bay Area, San Francisco Bay Area Planning and Urban Research Association (SPUR), Youth United for Community Action (YUCA), One San Mateo, Community Legal Services East Palo Alto, Housing for All Burlingame, Oakland Chamber of Commerce, Related California.

Oppose: Apartment Association California, Southern Cities Apartment Association of Orange County, California Apartment Association, California Association of Realtors, California Rental Housing Association, East Bay Rental Housing Association, Southern California Apartment Association.

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Legislation Details (With Text)

File #:	19-0606	**Version:**	1	**Name:**	
Type:	Report			**Status:**	Executive Board Approval
File created:	5/13/2019			**In control:**	ABAG Executive Board
On agenda:	5/16/2019			**Final action:**	
Title:	SB 18 (Skinner) - Keep Californians Housed Act Authorizes a competitive grant program to be administered by Department of Housing and Community Development (HCD) to provide emergency rental assistance and legal aid for tenants facing eviction, meditation between landlords and tenants and legal education.				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	SB 18 Staff Summary 5/10/19				

Date	Ver.	Action By	Action	Result

SB 18 (Skinner) - Keep Californians Housed Act

Authorizes a competitive grant program to be administered by Department of Housing and Community Development (HCD) to provide emergency rental assistance and legal aid for tenants facing eviction, meditation between landlords and tenants and legal education.

Support

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Joint MTC Legislation Committee and ABAG Legislation Committee

May 10, 2019 **Agenda Item 7b3**

California Housing Legislation – Protection Bills

Subject: SB 18 (Skinner) – Keep Californians Housed Act

Background: The bill proposes to (1) provide greater awareness of the legal rights and obligations associated with the landlord-tenant relationship, (2) make permanent the existing protections for tenants in a foreclosed property, and (3) make an unspecified amount of one-time funding available to the Department of Housing and Community Development (HCD) for rental assistance and legal aid services of tenants.

This bill, no later than January 1, 2021, would require the Department of Consumer Affairs (DCA) to publish online, and update biannually, a guide to all state laws pertaining to landlords and the landlord-tenant relationship.

In 2012, as part of its "Homeowners Bill of Rights" responding to the foreclosure crisis, California enacted legislation (AB 2610, Skinner) providing new protections for tenants in foreclosure situations. Specifically, the bill provided such tenants the right to at least 90 days' notice about termination of their tenancy in all foreclosure situations, and, in the case of tenants with fixed-term leases, the new law prevented the new, post-foreclosure owner of the property from evicting tenants prior to the expiration of the pre-existing lease term. These protections are set to sunset on January 1, 2020. This bill would make them permanent.

This bill would also make an unspecified sum available to HCD for statewide competitive grants under the California Emergency Solutions and Housing Program for rental assistance, mediation, and legal assistance. The bill would limit administrative cost to a maximum of 10%.

Issues: According to HCD, over half of California tenants are rent burdened, meaning that they pay more than 30 percent of their monthly earnings in rent, and almost 29 percent of the state's tenants are severely rent burdened, meaning that they spend more than 50 percent of their monthly income on rent.[1] In such a tight housing market, an eviction or an escalation in conflict that leads to court proceedings can be prevented by educating both landlords and tenants of their rights and current law.

[1] California's Housing Future: Challenges and Opportunities, Final Statewide Housing Assessment 2025 (Feb. 2018) California Housing and Community Development Department http://www.hcd.ca.gov/policyresearch/plans-reports/docs/SHA_MainDoc_2_15_Final.pdf (as of Apr. 7, 2019) at p. 27.

While the number of foreclosures in California has returned to "normal" levels, after spiking during the Great Recession, tenants remain vulnerable to housing instability when the dwelling they rent changes ownership due to a foreclosure.[2] High rates of foreclosure could easily return with another downturn in the economy. Extending the common-sense protections for tenants will therefore continue to prevent evictions and displacement of tenants who have otherwise complied with their lease agreement.

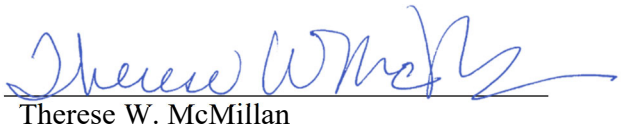
Meanwhile, approximately 165,000 tenants face eviction proceedings in courts each year.[3] Most of these tenants lack legal representation due to financial constraints. Providing legal assistance to low-income households can prevent unlawful evictions which have significantly impacted low-income communities in gentrifying neighborhoods.

Providing rental assistance, with caps, could therefore prevent the majority of evictions in the state, while reducing the burden on landlords to evict one tenant and find a replacement. Given the recent sharp uptick in the homeless population statewide, tenant protections could help the state and local governments realize significant financial savings by reducing the demand for homeless services. While SB 18 only provides one-time funding for this purpose, staff recommends a support position on the bill.

Recommendation: Support

Bill Positions: See attached

Attachment: Attachment A: Bill Positions



Therese W. McMillan

[2] Pradhan, The Foreclosure Rate Is Now Back to Pre-Crisis Levels (Jul. 25, 2018) Core Logic https://www.corelogic.com/blog/2018/07/the-foreclosure-rate-is-now-back-to-pre-crisis-levels.aspx (as of Apr. 7, 2019).

[3] Inglis and Preston. California Evictions are Fast and Frequent (May 2018) Tenants Together http://www.tenantstogether.org/sites/tenantstogether.org/files/CA_Evictions_are_Fast_and_Frequent.pdf (as of Apr. 7, 2019) at p. 2.

Bill Positions on SB 18 (Skinner)

Support:
Alliance of Californians for Community Empowerment
American Federation of State, County and Municipal Employees, AFL-CIO
American Planning Association, California Chapter
Anti-Eviction Mapping Project-Los Angeles
Rusty Bailey, Mayor, City of Riverside
BASTA, Inc.
Bay Area Legal Aid
Bet Tzedek Legal Services
London Breed, Mayor, City of San Francisco
Building Industry Association of the Bay Area
California Alliance for Retired Americans
California Community Builders
California Rural Legal Assistance Foundation
California Rural Legal Assistance, Inc.
California Teamsters Public Affairs Council
California YIMBY
Central California Legal Services
Community Legal Services in East Palo Alto
Disability Rights Education and Defense Fund
East Bay Community Law Center
East Bay for Everyone
Eden Housing
City of Emeryville
Enterprise Community Partners
Facebook, Inc.
Kevin Falconer, Mayor, City of San Diego
Eric Garcetti, Mayor, City of Los Angeles
Robert Garcia, Mayor, City of Long Beach
Karen Goh, Mayor, City of Bakersfield
Habitat for Humanity East Bay/Silicon Valley
Housing Equality & Advocacy Resource Team
Inner City Law Center
Justice and Diversity Center of the Bar Association of San Francisco
Larkin Street Youth Services
Law Foundation of Silicon Valley
Legal Aid Association of California
Legal Aid Foundation of Los Angeles
Legal Aid of Marin
Sam Liccardo, Mayor, City of San Jose
LA Forward
Los Angeles Community Action Network
Los Angeles County Board of Supervisors
Los Angeles Tenants Union
National Housing Law Project
Neighborhood Legal Services of Los Angeles County
Non-Profit Housing Association of Northern California
Oakland Chamber of Commerce
PICO California
Miguel Pulido, Mayor, City of Santa Ana
Related California
City of Santa Monica
San Francisco Bay Area Planning and Urban Research Association
The San Francisco Foundation
Libby Schaaf, Mayor, City of Oakland
Harry Sidhu, Mayor, City of Anaheim
Silicon Valley At Home
South Bay YIMBY
Darrell Steinberg, Mayor, City of Sacramento
Strategic Action for Just Economy
TMG Partners
Michael Tubbs, Mayor, City of Stockton
UNITE HERE! Local 19
Venice Community Housing Corporation
City of West Hollywood
Western Center on Law & Poverty, Inc.
Working Partnership USA

Oppose:
Affordable Housing Management Association, Pacific Northwest
Apartment Association, California Southern Cities
Apartment Association of Orange County
California Apartment Association
East Bay Rental Housing Association
Southern California Rental Housing Association
Valley Industry and Commerce Association

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Legislation Details (With Text)

File #:	19-0607	**Version:**	1	**Name:**	
Type:	Report			**Status:**	Executive Board Approval
File created:	5/13/2019			**In control:**	ABAG Executive Board
On agenda:	5/16/2019			**Final action:**	
Title:	SB 330 (Skinner): Housing Crisis Act of 2019 SB 330 is a wide reaching bill that aims to accelerate housing development, provide project proponents more certainty and lower fees, and reduce displacement of existing residents from substandard buildings.				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	Item 09C iv SB 330 Seek Amendments.pdf SB 330 Staff Summary 5/10/19				

Date	Ver.	Action By	Action	Result

SB 330 (Skinner): Housing Crisis Act of 2019

SB 330 is a wide reaching bill that aims to accelerate housing development, provide project proponents more certainty and lower fees, and reduce displacement of existing residents from substandard buildings.

Seek Amendments

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Association of Bay Area Governments

Executive Board

May 16, 2019 **Agenda Item 9.c.iv.**

SB 330 (Skinner) Seek Amendments

Subject: Position on SB 330 (Skinner): Housing Crisis Act of 2019

Background: On May 10, the ABAG Legislation Committee recommended a "seek amendments" position on SB 330 with the following requested amendments:

1) Eliminate the freeze on impact fees after January 1, 2018;

2) Ensure existing requirements applicable to disabled parking in residential developments are not affected by the limitations on local minimum parking requirements;

3) Have further discussion with the author regarding inclusion of provisions related to voter initiatives in the bill;

4) Work with the author related to local parking requirements within 1/4-mile of a major transit stop based on local conditions; and

5) Eliminate the bill's "look back" provision on zoning standards that would allow projects to be approved at higher levels of density than current zoning if that higher density was in effect prior to January 1, 2018.

Recommended Action: The ABAG Executive Board is requested to adopt a "seek amendments" position on SB 330.

Attachments: May 10 Legislation Committee staff memo.

Reviewed:

Therese W. McMillan

Metropolitan Transportation Commission and the Association of Bay Area Governments

Joint MTC Legislation Committee and ABAG Legislation Committee

May 10, 2019 **Agenda Item 7c1**

SB 330 (Skinner): Housing Crisis Act of 2019

Subject: SB 330 is a wide reaching bill that aims to accelerate housing development, provide project proponents more certainty and lower fees, and reduce displacement of existing residents from substandard buildings.

Background: The bill contains four distinct components: 1) project approval acceleration for zoning-compliant projects; 2) greater certainty for project proponents about the fees and rules applicable to a project; 3) until 2030, limitations on parking, fees, downzoning and building moratoria in "affected areas" identified by the Department of Housing and Community Development (HCD) as having particularly high rent and low vacancy rates; and 4) requirements for new building standards for occupied buildings that are deemed out of compliance with the state's building code but do not post a life-safety risk.

Discussion:

Project Approval Acceleration

SB 330 establishes new criteria applicable to determining when a housing development project proponent has submitted a "complete initial application" and requires HCD to adopt a standardized form for this purpose. The bill provides that a project may not be subject to new ordinances, rules or fees after a complete initial application is submitted except under certain circumstances, such as when necessary for health and safety, to mitigate a project under the California Environmental Quality Act, or the project has not begun construction within three years of receiving final approval. If a project complies with existing zoning and the general plan, the bill provides that a local government may not: (1) require more than five de novo public hearings or 2) delay a decision about whether or not to issue a permit beyond 12 months, with an extension allowed in certain circumstances.

Downzoning and Parking Restrictions – Limited to "Affected Areas"

As noted above, portions of SB 330 are limited to locations with high rent and low vacancy rates and would apply only until 2030. Based on preliminary information provided by Senator Skinner's office, it appears likely that every Bay Area county would have at least one jurisdiction deemed an "affected area." In such areas, the bill would prohibit a local agency, or its voters, from (1) adopting any policy that would result in a "less intensive" residential use than what was in effect on January 1, 2018; (2) imposing a moratoria or cap on housing development; or (3) imposing or enforcing design standards that are not objective. The bill allows for a reduction in residential density if the local agency adjusts zoning elsewhere to ensure no net loss in residential capacity.

In addition, the bill contains specific parking requirements for projects proposed in affected areas. Within ¼-mile of a rail station, no new parking requirements or enforcement of existing requirements would be allowed for projects located in (1) a city within a county with a population greater than 700,000[1]; or (2) within a city with a population greater than 100,000.[2] For projects outside a ¼-mile radius from a rail station, no minimum parking requirement above 0.5 parking spaces/unit would be allowed. The bill would also cap all fees and exactions at the level set on January 1, 2018, other than allowing for annual adjustments if referenced in the ordinance establishing the fee. For units affordable to low-income

[1] Includes Alameda, Contra Costa, San Francisco, San Mateo and Santa Clara counties

[2] Includes cities of Fairfield, Santa Rosa and Vallejo

households (80% AMI or below and subject to an affordability restriction for at least 55 years), the bill would prohibit any fees from being charged. The bill would also provide that a project shall be considered consistent with zoning standards if it was consistent with general plan standards in effect on January 1, 2018.

Occupied Substandard Building Provisions
SB 330 also requires HCD to develop building standards for an "occupied substandard building," that could be used for up to seven years in lieu of the state's more stringent published building standards. The standards developed by HCD must (1) require that an occupied substandard building include adequate sanitation and exit facilities and comply with seismic safety standards; (2) permit those conditions prohibited under existing substandard building laws that do not endanger the life, limb, health, property, safety, or welfare of the public or the occupant; and (3) Meet rules and regulations developed by the State Fire Marshal.

Staff Analysis
We find SB 330's provisions related to streamlining zoning-compliant projects and locking in fees and rules at the point when an initial application is submitted to be reasonable and likely to speed up the construction of new housing. The bill also tailors a number of its requirements to jurisdictions facing the greatest housing affordability challenges and sets different requirements based on the size of cities. In our meeting with the Housing Legislative Working Group, we heard concerns that 12 months may be too short for larger, complex projects. We also heard concerns about impact fees and the look-back provisions on zoning standards, allowing for densities if they would have been allowed *prior to* January 1, 2018. While we also heard concerns about the substandard building standards provision, We believe the bill's language makes clear that such standards must adequately protect health and safety of a building's occupants and the public and therefore do not recommend amendments on that aspect of the bill. Accordingly, we recommend the following amendments:

Approval Timeline—set a tiered timeline for project approvals based on project size to with the appropriate timing to be further researched;

Allow Annual Adjustment for All Market-Rate Units–Allow for a cost of living adjustment for fees on market-rate units, even if not specified in an original ordinance;

Don't Lock in Zoning–Eliminate the bill's "look back" provision on zoning standards prior to January 1, 2018.

Recommendation: Seek Amendments

Bill Positions: See attached

Attachments: Attachment A: Bill Positions

Therese W. McMillan

SB 330 Official Positions

SUPPORT:

Bay Area Council
BRIDGE Housing
CA Building Industry Association
CBIA Bay Area
CA Business Properties Association
CA Community Builders
California YIMBY
EAH Housing
East Bay for Everyone
East Bay Leadership Council
Emerald Fund
Enterprise
Facebook
Hamilton Families
Local Government Commission
Nonprofit Housing Association of North America
North Bay Leadership Council
Oakland Chamber of Commerce
Related
The San Francisco Foundation
San Francisco Housing Action Coalition
Santa Cruz YIMBY
SV@Home
Terner Center for Housing Innovation, UC Berkeley
TMG Partners
Urban Displacement Project, UC Berkeley
PICO – If Amended
Non-Profit Housing Association of Northern CA – If Amended
SPUR – In Concept

OPPOSITION

South Bay Cities Council of Governments
City of Solano Beach
City of San Marcos
City of Paramount
City of Rancho Cucamonga
City of Cupertino
City of Ventura
City of Camarillo
City of La Mirada
City of Thousand Oaks
Ventura Council of Governments
Cities Association of Santa Clara County
Livable California
American Planning Association
CSAC
League of CA Cities
Urban Counties of CA

Metropolitan Transportation Commission

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Legislation Details (With Text)

File #:	19-0608	**Version:**	1	**Name:**	
Type:	Report			**Status:**	Executive Board Approval
File created:	5/13/2019			**In control:**	ABAG Executive Board
On agenda:	5/16/2019			**Final action:**	

Title: SB 50 (Wiener): Equitable Communities Incentives - Upzoning Near Transit & Jobs-Rich Areas & By Right Allowance for Small Residential Projects in Specified Areas

SB 50 would allow varying degrees of higher-density multifamily housing to be built within ½-mile of transit stations, ¼-mile of high-quality bus corridors and in areas designated as “jobs-rich” by the Department of Housing and Community Development. The bill also provides for smaller, by-right residential development on vacant parcels in urbanized areas.

Sponsors:

Indexes:

Code sections:

Attachments: Item 09C v SB 50 Support if Amended.pdf
SB 50 Staff Summary 5/10/19

Date	Ver.	Action By	Action	Result

SB 50 (Wiener): Equitable Communities Incentives - Upzoning Near Transit & Jobs-Rich Areas & By Right Allowance for Small Residential Projects in Specified Areas

SB 50 would allow varying degrees of higher-density multifamily housing to be built within ½-mile of transit stations, ¼-mile of high-quality bus corridors and in areas designated as “jobs-rich” by the Department of Housing and Community Development. The bill also provides for smaller, by-right residential development on vacant parcels in urbanized areas.

Support if Amended

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Association of Bay Area Governments

Executive Board

May 16, 2019 **Agenda Item 9.c.v.**

SB 50 (Wiener) Support if Amended

Subject: Position on SB 50 (Wiener): Equitable Communities Incentives – Upzoning Near Transit & Jobs-Rich Areas and By Right Allowance for Small Residential Projects in Specified Areas

Background: On May 10, the ABAG Legislation Committee recommended a "support if amended" position on SB 50 with the following requested amendments:

1) Ensure that the definition of jobs-rich areas identify areas that have a higher-than-average concentrations of jobs and accurately identifies areas that would result in shorter commutes;

2) Allow for a density measure for transit-rich projects within ½-mile of rail or ferry stations to provide more flexibility than the bill's minimum height allowances, but provides the same development capacity (i.e. units) within the general station area; and

3) Provide more flexibility related to local parking requirements within ½-mile radius of a major transit stop based on local conditions.

Recommended Action: The ABAG Executive Board is requested to adopt a "support if amended" position on SB 50.

Attachments: May 10 Legislation Committee staff memo.

Reviewed:

Therese W. McMillan

Metropolitan Transportation Commission and the Association of Bay Area Governments

Joint MTC Legislation Committee and ABAG Legislation Committee

May 10, 2019 **Agenda Item 7c2**

SB 50 (Wiener): Equitable Communities Incentives – Upzoning Near Transit & Jobs-Rich Areas & By Right Allowance for Small Residential Projects in Specified Areas

Subject: SB 50 would allow varying degrees of higher-density multifamily housing to be built within ½-mile of transit stations, ¼-mile of high-quality bus corridors and in areas designated as "jobs-rich" by the Department of Housing and Community Development. The bill also provides for smaller, by-right residential development on vacant parcels in urbanized areas.

Background: SB 50 seeks to encourage more transit-oriented development and housing closer to jobs by allowing developers to build higher levels of density around California's fixed-route transit (rail and ferry) stations, high-quality bus stops and jobs-rich areas than would in many cases be allowed under current zoning. The bill has two main components:

Equitable Communities Incentive (ECI)
To quality for an ECI, a parcel must be already zoned to allow residential and meet numerous other requirements. The ECI itself is tiered depending on the proximity to a transit station, as follows:

- For a project located in either a jobs-rich area, within ¼-mile of a high-quality bus stop, or within ½-mile of a transit station, the incentive would include: 1) a waiver from maximum controls on density; and 2) a waiver from minimum parking requirements greater than 0.5 spaces/unit.
- For a project within ½-mile of a transit station, the incentive would allow at least 45 feet tall and 2.5 floor area ratio (FAR).
- For a project within ¼-mile of a transit station, the incentive would allow at least 55 feet tall and 3.25 FAR.

County Size Threshold Added
Recent amendments to SB 50 significantly scaled back its applicability in counties with fewer than 600,000 residents. In those counties, the ECI would only apply to projects located within ½-mile of a transit station within cities greater than 50,000. As such, the Bay Area's four northern counties (Marin, Napa, Solano and Sonoma) are currently excluded from significant provisions of the bill and the more modest ECI provisions would only apply in six cities—Fairfield, Novato, Petaluma, San Rafael, Santa Rosa and Vallejo. In these cities, the ECI would provide:

- A waiver on maximum controls on density, with a minimum requirement of 30 units/acre in jurisdictions considered; metropolitan and 20 units/acre in jurisdictions considered suburban
- An allowance of one story or 15 feet above the highest allowable height for residential or mixed use;
- Maximum FAR requirements less than 0.6 times the number of stories;

- No parking requirement for a housing development located within 1/4 –mile radius of a transit station in a city with a population greater than 100,000 (Fairfield, Santa Rosa & Vallejo) and elsewhere in these six cities, a waiver from parking requirements greater than 0.5/unit.

Neighborhood Multifamily Projects
In addition, SB 50 now also includes a section, originally proposed by SB 4 (McGuire), allowing for by-right development on vacant parcels that are already zoned to allow for residential development and are located within urbanized areas or, in census terminology, "urban clusters." The bill excludes numerous sensitive land from this provision, similar to those excluded from SB 35, such as coastal zones, high fire zones, etc. See Attachment B for a map indicating the areas subject to SB 50 and those that are excluded. Conversions would be allowed in limited circumstances.

Deferral in Sensitive Communities
The bill would defer applicability of the ECI in "sensitive communities," which the bill defines as the intersection of Communities of Concern and the Bay Conservation and Development Commission's sensitive communities designations for the Bay Area until January 2026. Such areas could instead develop a community plan, but it must ultimately meet the same level of development capacity as provided for in the bill and meet other requirements. The bill also excludes sites that contain housing occupied by tenants or that was previously occupied by tenants within the preceding seven years or the owner has withdrawn the property from rent or lease within 15 years prior to the date of application.

Discussion: SB 50 has the potential to make tremendous progress on the region's housing production with a particular emphasis on increased housing at all income levels near transit. However, there are a number of outstanding issues to be resolved. These include the definition of jobs-rich, which does not adequately prioritize areas that can help improve jobs/housing balance, and the rigidity of the height allowance within 1/2–mile of a transit station. As such, staff recommends a "support if amended" position on the bill with the understanding that staff should work to resolve these two issues in particular, and other issues as may be directed by the ABAG Executive Board and Commission.

Recommendation: Support if Amended

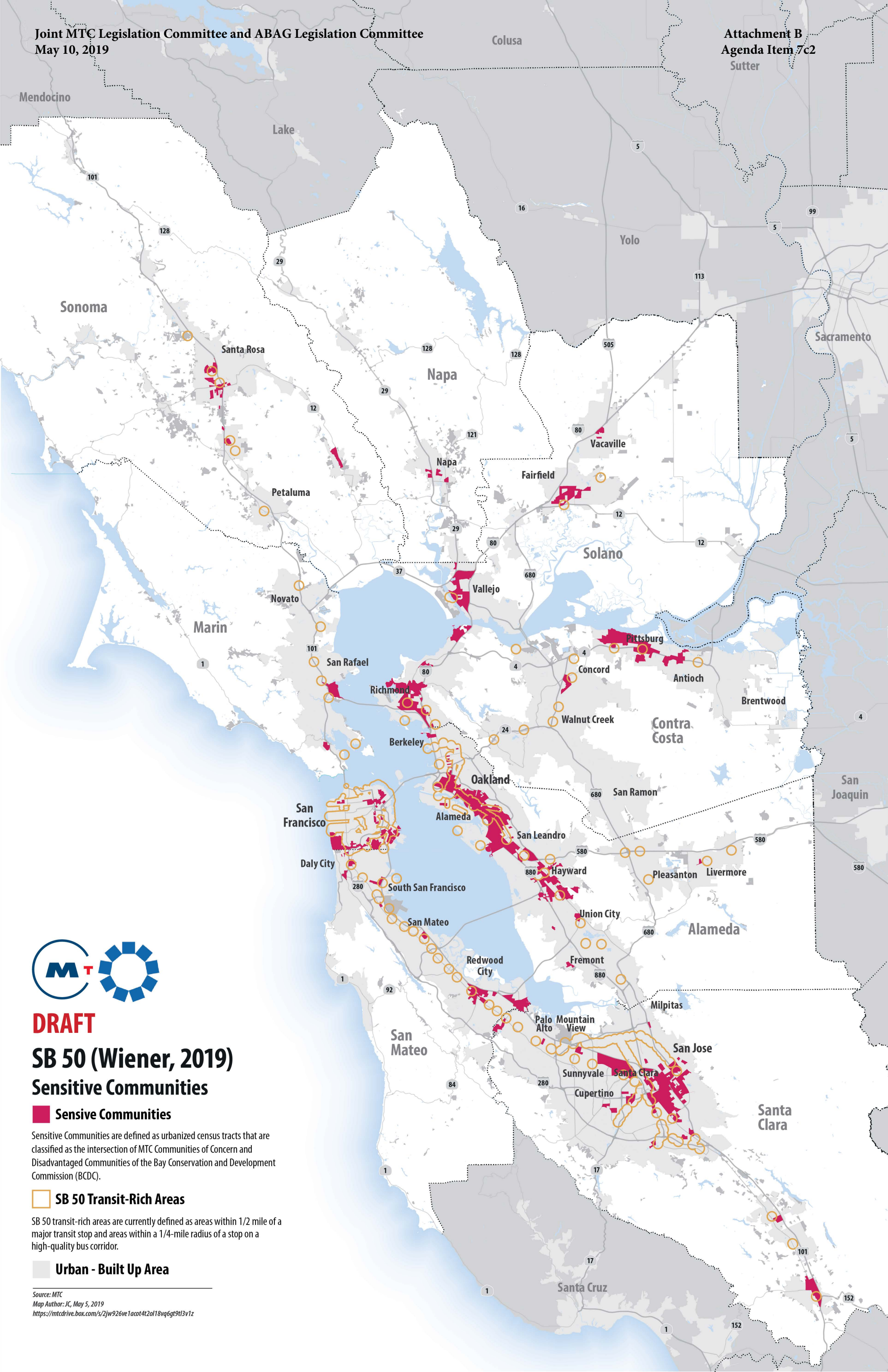
Bill Positions: See Attachment C

Attachments: Attachment A: Inclusionary Housing Requirements in SB 50
Attachment B: Draft SB 50 (Wiener, 2019) Sensitive Communities Map
Attachment C: Bill Positions

Therese W. McMillan

Inclusionary Housing Requirements in SB 50

Project Size	Inclusionary Housing Requirements in SB 50
1-10 units	No affordability requirement.
11-20 units	Developer may pay an in lieu fee, where feasible, toward housing offsite affordable to lower income households.
21-200 units	• 15% lower-income OR • 8% very low-income OR • 6% extremely low-income
201 – 350 units	• 17% lower-income OR • 10% very low-income OR • 8% extremely low-income
351 units or more	• 25% lower-income OR • 15% very low-income OR • 11% extremely low-income


Colusa
Sutter
Mendocino
Lake
Yolo
Sonoma
Napa
Sacramento
Solano
Marin
Contra Costa
San Joaquin
San Mateo
Alameda
Santa Clara
Santa Cruz
Santa Rosa
Petaluma
Napa
Vacaville
Fairfield
Novato
Vallejo
San Rafael
Richmond
Pittsburg
Concord
Antioch
Brentwood
Walnut Creek
Berkeley
Oakland
San Ramon
San Francisco
Alameda
San Leandro
Daly City
Hayward
Pleasanton
Livermore
South San Francisco
Union City
San Mateo
Redwood City
Fremont
Milpitas
Palo Alto
Mountain View
San Jose
Sunnyvale
Santa Clara
Cupertino
DRAFT
SB 50 (Wiener, 2019)
Sensitive Communities
Sensive Communities
Sensitive Communities are defined as urbanized census tracts that are classified as the intersection of MTC Communities of Concern and Disadvantaged Communities of the Bay Conservation and Development Commission (BCDC).
SB 50 Transit-Rich Areas
SB 50 transit-rich areas are currently defined as areas within 1/2 mile of a major transit stop and areas within a 1/4-mile radius of a stop on a high-quality bus corridor.
Urban - Built Up Area
Source: MTC
Map Author: JC, May 5, 2019
https://mtcdrive.box.com/s/2jw926ve1acot4t2ol18vq6gt9tl3v1z

Support and Opposition to SB 50

Source: Senate Governance & Finance Committee, as of 4/19/19

Support: 3,025 Individuals; 6beds, Inc.; AARP; Bay Area Council; Bridge Housing Corporation; Building Industry Association of The Bay Area; Burbank Housing Development Corporation; Calasian Chamber of Commerce; California Apartment Association; California Chamber of Commerce; California Community Builders; California National Party; California Yimby; Dana Point Chamber Of Commerce; Emeryville; City of; Facebook, Inc.; Fieldstead and Company, Inc.; Fossil Free California; Greater Washington; Hamilton Families; Local Government Commission; Los Angeles Area Chamber of Commerce; Ms.; Murrieta Chamber of Commerce; Natural Resources Defense Council; North Orange County Chamber of Commerce; Oakland Metropolitan Chamber of Commerce; Office of The Mayor, San Francisco; Orange County Business Council; Oxnard Chamber of Commerce; Related California; Santa Cruz County Chamber of Commerce; Santa Maria Valley Chamber of Commerce; Schott & Lites Advocates Llc; Silicon Valley At Home (SV@Home); Silicon Valley Leadership Group; South Bay Jewish Federation; South Bay Yimby; Spur; State Council on Developmental Disabilities; Stripe; Technet-Technology Network; The Silicon Valley Organization; Tmg Partners; Valley Industry And Commerce Association; Yimby Action

Opposition: 1,850 Individuals; Aids Healthcare Foundation; Alliance of Californians for Community Empowerment (Acce) Action; American Planning Association, California Chapter; Asian Pacific Environmental Network; Barbary Coast Neighborhood Association; Bay Area Transportation Working Group; Berkeley Tenants Union; Brentwood Community Council - West Los Angeles; Causa Justa :: Just Cause; Central Valley Empowerment Alliance; Century Glen Hoa; City of Brentwood; City of Chino Hills; City of Cupertino; City of Downey; City of Glendale; City of Lafayette; City of Lakewood; City of La Mirada; City of Palo Alto; City of Rancho Cucamonga; City of Rancho Palos Verdes; City of Pinole; City of Redondo Beach; City of San Mateo; City of Santa Clarita; City of Solana Beach ;City of Sunnyvale; City of Vista; Coalition for San Francisco Neighborhoods; Preserve LA; Concerned Citizens of Los Feliz; Cow Hollow Association; Dolores Heights Improvement Club; Dolores Street Community Services; East Mission Improvement Association; East Yard Communities for Environmental Justice; City of Glendora; Grayburn Avenue Block Club; Homeowners of Encino; Housing for All Burlingame; Housing Rights Committee of San Francisco; Jobs with Justice San Francisco; Jordan Park Improvement Association; Legal Services for Prisoners with Children; League of California Cities; Los Angeles Tenants Union - Hollywood Local Case Worker; Los Angeles Tenants Union -- Networking Team; Miraloma Park Improvement Club; Mission Economic Development Agency; New Livable California Dba Livable California; Noe Neighborhood Council; Northeast Business Economic Development Dba Northeast Business Association; City of Pasadena; Planning Association for the Richmond; Poder; Redstone Labor Temple Association; Regional-Video; Sacred Heart Community Service; San Francisco Senior And Disability Action; San Francisco Rising Alliance; San Francisco Tenants Union; Save Capp Street; Senior and Disability Action; SF Ocean Edge; Sherman Oaks Homeowners Association; South Bay Cities Council Of Governments; South Brentwood Residents Association; South of Market Community Action Network; Stand Up For San Francisco; Sunset-Parkside Education And Action Committee (Speak); Sutro Avenue Block Club/Leimert Park; Telegraph Hill Dwellers; Tenant Sanctuary; Tenants Together; The San Francisco Marina Community Association; Toluca Lake Homeowners Association; United to Save the Mission; Urban Habitat; West Mar Vista Residents Association; Yah! (Yes to Affordable Housing)

Metropolitan Transportation Commission

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Legislation Details (With Text)

File #:	19-0609	**Version:**	1	**Name:**	
Type:	Report			**Status:**	Executive Board Approval
File created:	5/13/2019			**In control:**	ABAG Executive Board
On agenda:	5/16/2019			**Final action:**	
Title:	AB 1487 (Chiu): Housing Alliance for the Bay Area AB 1487 (Chiu) would establish the Housing Alliance for the Bay Area (HABA) to increase funding for affordable housing in the nine-county region.				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	Item 09C vi AB 1487_Seek Amendments.pdf AB 1487 Staff Summary 5/10/19				

Date	Ver.	Action By	Action	Result

AB 1487 (Chiu): Housing Alliance for the Bay Area

AB 1487 (Chiu) would establish the Housing Alliance for the Bay Area (HABA) to increase funding for affordable housing in the nine-county region.

Seek Amendments

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Association of Bay Area Governments

Executive Board

May 16, 2019 **Agenda Item 9.c.vi.**

AB 1487 (Chiu) Seek Amendments

Subject: Position on AB 1487 (Chiu): Housing Alliance for the Bay Area

Background: On May 10, the ABAG Legislation Committee reviewed legislation and recommended a "seek amendment" position on AB 1487 with the following requested amendments:

1) Ensure no new responsibilities are assigned to ABAG or MTC without the following: 1) A guaranteed source of funding that is not dependent upon voter approval; 2) A provision for the re-evaluation and potential dissolution of HABA in the event that the level of revenue approved is too small to meaningfully address the region's housing crisis;

2) Ensure the bill does not require that MTC staff report to a newly structured board;

3) Exclude sales tax from revenue options; and

4) Develop a distribution formula that distributes more than 25 percent of the employer-based (i.e. non-bond and parcel tax measures) revenue to a regional pool.

In addition, the Committee's action recommended the formation of working group of three ABAG representatives and three MTC representatives to be appointed by the ABAG President and MTC Chair, respectively, to work with Assembly Member Chiu's office on governance of the Housing Alliance for the Bay Area (HABA) and other details and bring a recommendation back to the Executive Board and MTC Commission, respectively.

Recommended Action: The ABAG Executive Board is requested to adopt a "seek amendment" position on AB 1487 (Chiu), as described above.

Attachments: May 10 Legislation Committee staff memo.

Reviewed:

Therese W. McMillan

Metropolitan Transportation Commission and the Association of Bay Area Governments

Joint MTC Legislation Committee and ABAG Legislation Committee

May 10, 2019 **Agenda Item 7c3**

AB 1487 (Chiu): Housing Alliance for the Bay Area

Subject: AB 1487 (Chiu) would establish the Housing Alliance for the Bay Area (HABA) to increase funding for affordable housing in the nine-county region. The bill authorizes HABA to place on the ballot a series of revenue raising measures, subject to certain return to source provisions, to provide funding and technical assistance to local jurisdictions and affordable housing developers to help produce and preserve affordable housing and pay for tenant protection services. The bill provides that HABA would have the authority to buy and lease land for affordable housing purposes, but not the ability to purchase land by eminent domain or regulate or enforce local land use decisions.

Background: Plan Bay Area 2040's Action Plan (adopted jointly by MTC and ABAG in July 2017) called for the creation of regional self-help funding for affordable housing. This position was later incorporated into the Committee to House the Bay Area (CASA) Compact as Element #10. This bill is co-sponsored by the Nonprofit Housing Association of Northern California (NPH) and Enterprise Community Partners, Inc. and calls for the creation of a regional housing entity to raise funds and support local jurisdictions to help achieve the region's bold housing goals.

Discussion:

Funding

The primary stated purpose of AB 1487 is to raise regional funding for affordable housing to help close an estimated annual funding shortfall of $2.5 billion to address the region's affordable housing production, preservation and tenant protection needs. Unlike transportation, which has long had access to substantial regional funding through bridge tolls and federal and state funds distributed at the regional level, affordable housing is strictly reliant upon private, local, state and federal funding. A regional funding source would be immensely valuable to help close the funding gap on affordable housing projects that are otherwise struggling to cobble together enough funds across multiple sources, especially for those jurisdictions that have less resources available at the local level.

Key Concerns

From a policy perspective, staff agrees that establishing a regional funding source for affordable housing production and protection-related needs is likely a necessity if we are to make serious progress on the housing crisis. Opportunities to build or preserve affordable housing projects are unpredictable, making a more robust regional funding source a useful option, instead of every jurisdiction needing to close the funding gap by levying taxes locally that might not be put to use for many months or even years.

However, in our various meetings with local elected officials over the last few months we heard concerns about the use of a sales tax or parcel tax for a regional housing program due to concerns this might supplant *future* revenue raising opportunities at the local level. Concerns were also frequently raised regarding the establishment of another regional agency, which may duplicate authorities of existing regional agencies, and/or local governments. While staff does not have a

recommendation on these points per se, we are raising them for discussion given their importance. In addition to those observations, we outline some significant practical and operational concerns we have with the bill.

Start-Up Funding
The bill requires that MTC staff the HABA but does not provide any start-up or sustaining funding associated with imposition of this new role. While the bill authorizes up to 3 percent of voter-approved funds to be reserved for administrative costs, this doesn't address how the agency is to absorb what would be substantial near-term responsibilities before revenues are collected, or address what should occur if any or all contemplated voter-approved measures fail. In addition, the bill requires that either ABAG or MTC reimburse the counties for the cost of placing the measure on the ballot. The RM 3 election cost MTC $3.2 million in direct charges from county election offices. Neither agency has funding available (or even eligible) to cover this cost if an election fails.

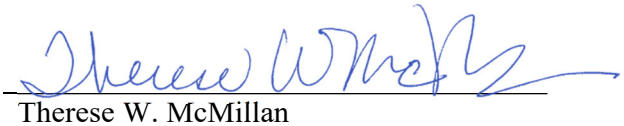
As such, we recommend amendments to ensure that no new responsibilities are assigned to MTC or ABAG without a) providing a guaranteed source of support funding that is not dependent upon voter approval; and b) including a provision for the re-evaluation and potential dissolution of HABA in the event that the compendium of funds approved by the voters are determined to fall substantially short of the amounts needed to meaningfully address the housing crisis across the region.

Governing Board
The current version of the bill has removed all references to ABAG and MTC as the foundational membership for the HABA governing board, to provide for further discussion of this critical question at the regional level. Nonetheless, we remain concerned that the bill could require MTC staff to serve a new and separate board, potentially placing staff in a conflicted situation. While we have no specific recommendation on the governance question, we believe it is critical that we communicate to the author and bill supporters that neither ABAG nor MTC can support an outcome where MTC staff are assigned to directly report to a newly structured board.

Recommendation: Seek Amendments

Bill Positions: See attached

Attachments: Attachment A: Bill Positions



Therese W. McMillan

Official Positions on AB 1487 (Chiu)

Support

Bay Area Council
Bay Area Housing Advocacy Coalition
Burbank Housing Development Corporation
California Community Builders
California YIMBY
Chan Zuckerberg Initiative
Enterprise Community Partners, Inc.
Greenbelt Alliance
Habitat For Humanity East Bay/Silicon Valley
Non-Profit Housing Association Of Northern California (Nph)
Pico California
Silicon Valley At Home (Sv@Home)
Techequity Collaborative
TMG Partners
Urban Displacement Project, Uc-Berkeley

Support If Amended

Community Legal Services In East Palo Alto
Genesis
Monument Impact
City of Oakland
Public Advocates Inc.
San Francisco Foundation
City of Vallejo

Oppose

California Taxpayers Association
Howard Jarvis Taxpayers Association

Oppose Unless Amended

Alameda County Transportation Commission

Metropolitan Transportation Commission

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Legislation Details (With Text)

File #:	19-0610	**Version:**	1	**Name:**	
Type:	Report			**Status:**	Executive Board Approval
File created:	5/13/2019			**In control:**	ABAG Executive Board
On agenda:	5/16/2019			**Final action:**	
Title:	AB 11 (Chiu): Community Redevelopment Law of 2019 AB 11 would restore to cities and counties the option to form an entity that can use “tax-increment financing” to pay for affordable housing and other local infrastructure priorities, subject to approval of the Strategic Growth Council.				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	AB 11 Staff Summary 5/10/19				

Date	Ver.	Action By	Action	Result

AB 11 (Chiu): Community Redevelopment Law of 2019

AB 11 would restore to cities and counties the option to form an entity that can use “tax-increment financing” to pay for affordable housing and other local infrastructure priorities, subject to approval of the Strategic Growth Council.

Support and Seek Amendments

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Metropolitan Transportation Commission and the Association of Bay Area Governments

Joint MTC Legislation Committee and ABAG Legislation Committee

May 10, 2019 **Agenda Item 7c4**

AB 11 (Chiu): Community Redevelopment Law of 2019

Subject: AB 11 would restore to cities and counties the option to form an entity that can use "tax-increment financing" to pay for affordable housing and other local infrastructure priorities, subject to approval of the Strategic Growth Council.

Background: Prior to the dissolution of redevelopment in 2011 in the midst of a major state budget shortfall, redevelopment contributed approximately $200 million per year towards affordable housing in the Bay Area. Item 1B of the 2019 Joint Advocacy Program includes support for restoring redevelopment. ABAG and MTC have already endorsed an alternate approach, SB 5 (Beall/McGuire) which proposes to eliminate the voter-approval requirement for bond issuance for enhanced infrastructure financing districts, which can use limited tax-increment financing.

Discussion: AB 11 allows a city or a county or two or more cities acting jointly to form an Affordable Housing and Infrastructure Agency (AHIA) to use tax-increment financing to fund a variety of affordable housing and infrastructure projects, including any project consistent with a Sustainable Communities Strategy (e.g. Plan Bay Area 2040). Unlike EIFDs, an AHIA would be allowed to use the school portion of property tax, significantly increasing the revenue available.

Eligible Expenses Are Broad, but Miss Some Key Needs

The bill requires that at least 30 percent of funds be used for affordable housing and limits other projects to the following:

- Transit priority projects located in a transit priority area
- Any project to implement an approved Sustainable Communities Strategy
- Roadway improvements, parking facilities, and transit facilities
- Sewage treatment and water reclamation plants and interceptor pipes
- Water collection and treatment facilities
- Flood control levees and dams, retention basins, and drainage channels
- Child care facilities
- Libraries
- Parks, recreational facilities, and open space
- Solid waste-related transfer and disposal facilities
- Brownfield restoration and other environmental mitigation
- Port or harbor infrastructure

While this list is quite comprehensive, notably absent are references to flood control, sea walls or other infrastructure to mitigate for sea level rise, including green infrastructure, such as marshland restoration. In addition, members of the Housing Legislative Working Group noted it would be useful to add pipe replacement, fire resilience and disaster recovery as additional eligible expenses. We recommend we pursue an amendment to add these and welcome other suggestions.

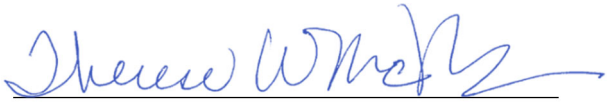
Bill Seeks to Hold Schools Harmless and Limit State's Fiscal Impact The bill aims to ensure that schools are held harmless by the property tax diversion by requiring the Director of Finance to adjust the percentage of General Fund revenues appropriated to school districts each year in such a manner as it has no fiscal impact on K-12 education and community colleges. The bill also sets an as-yet undetermined cap on the annual amount of debt that may be issued and AHIAs that may be formed in order to control the total fiscal impact to the state given its financial obligations to backfill for the reduced property taxes available for education.

Eliminate Eminent Domain Provision
The Housing Legislative Working Group, while generally supportive of bringing back tax-increment financing, raised concerns about whether eminent domain is a necessary component of a renewed redevelopment program in California, especially if the focus is on affordable housing. In addition, a number of committee members raised questions about the proposed governance of an AHIA. Specific concerns related to the presence of public members on the board and the limited representation by the city or cities that choose to form the agency since every affected taxing agency is given a seat on the board. Given the history of abuse of eminent domain and the current governance structure for the AHIA, we recommend pursuing an amendment to remove the eminent domain provision from the bill and provide for term limits for the public members of the AHIA.

Recommendation: Support and Seek Amendments

Bill Positions: See attached

Attachments: Attachment A: Bill Positions



Therese W. McMillan

AB 11 Official Positions
Updated 5/9/19

Support
Alameda County Transportation Commission
Bay Area Housing Advocacy Coalition
California Apartment Association
California Association of Realtors
San Francisco Housing Action Coalition
LeadingAge California

Opposition
California Teachers Association
Fieldstead and Company.
Howard Jarvis Taxpayers Association
Institute for Justice
Pacific Legal Foundation

Metropolitan Transportation Commission

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San Francisco, CA 94105

Legislation Details (With Text)

File #:	19-0611	**Version:**	1	**Name:**	
Type:	Report			**Status:**	Executive Board Approval
File created:	5/13/2019			**In control:**	ABAG Executive Board
On agenda:	5/16/2019			**Final action:**	
Title:	SB 13 (Wieckowski): Accessory Dwelling Units SB 13 would revise ADU law to require that a local government allow studio and one-bedroom ADUs of at least 850 square feet and two-bedroom or more ADUs of up to 1,000 square feet, and would prohibit ADU owner-occupancy requirements.				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	Item 09C viii SB 13 Support if Amended v2.pdf SB 13 Staff Summary 5/10/19				

Date	Ver.	Action By	Action	Result

SB 13 (Wieckowski): Accessory Dwelling Units

SB 13 would revise ADU law to require that a local government allow studio and one-bedroom ADUs of at least 850 square feet and two-bedroom or more ADUs of up to 1,000 square feet, and would prohibit ADU owner-occupancy requirements.

Support if Amended

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Association of Bay Area Governments

Executive Board

May 16, 2019 **Agenda Item 9.c.viii.**

SB 13 (Wieckowski) Support if Amended

Subject: Position on SB 13 (Wieckowski): Accessory Dwelling Units

Background: On May 10, the ABAG Legislation Committee recommended a "support if amended" position on SB 13 as follows:

1) Remove the provision prohibiting localities from imposing owner-occupancy requirements on accessory dwelling units (ADUs);

2) Reduce the impact fee waiver threshold from 750 square feet to 500 square feet, consistent with the existing school development fee exemption; and

3) Ensure local jurisdictions retain the ability to require fire sprinklers for ADUs, if sprinklers are required for the primary residence.

Additionally, staff was directed to talk with the bill's author about structuring fee offsets in a manner to incentivize deed-restricted affordable ADUs.

Issues: The Legislation Committee requested that staff pursue an amendment to ensure that a local jurisdiction may require a residential sprinkler system in an ADU if a sprinkler system is required for the existing house. Staff has confirmed that this bill does not modify current law with regard to sprinkler requirements, which specifically prohibits a mandate to add sprinklers if they are not required for the existing residence, but also requires, pursuant to the state's building code, sprinklers in an ADU if existing house has a sprinkler system and requires sprinkler systems in all new homes, including those built with an ADU. With this clarification, staff recommends the Executive Board consider removing the proposed amendment regarding sprinklers from the list of requested amendments.

Recommended Action: The ABAG Executive Board is requested to adopt a "support if amended" position on SB 13.

Attachments: May 10 Legislation Committee staff memo.

Reviewed:

Therese W. McMillan

Metropolitan Transportation Commission and the Association of Bay Area Governments

Joint MTC Legislation Committee and ABAG Legislation Committee

May 10, 2019 **Agenda Item 7c5**

SB 13 (Wieckowski): Accessory Dwelling Units

Subject: SB 13 would revise ADU law to require that a local government allow studio and one-bedroom ADUs of at least 850 square feet and two-bedroom or more ADUs of up to 1,000 square feet, and would prohibit ADU owner-occupancy requirements. The bill would limit impact fees imposed by local governments, special districts or water corporations to 25 percent of the impact fees otherwise charged for a new single-family dwelling for ADUs 750 square feet or greater and would waive impact fees for ADUs less than 750 square feet. The bill would also limit to 60 days the time a local agency has to issue an ADU permit after receiving an application and create a 10-yeary amnesty program to incentivize owners of existing unpermitted ADUs to obtain the permits and inspections necessary to legalize the units.

Background: Many Bay Area local governments have taken steps to actively incentivize ADUs and over the past three years a number of bills have been enacted to limit zoning restrictions and expedite ADU approvals. As a result, the number of ADU permit applications received has surged throughout the region, growing 14-fold in San Francisco and more than seven-fold in Oakland between 2015 and 2017. However, according to the Terner Center for Housing Innovation at UC Berkeley, there are still a number of barriers to ADU development, including cost and challenges associated with securing financing – including issues associated with owner-occupancy; banks are less willing to offer a loan to a homeowner to build an ADU if it has an owner-occupancy requirement because the rental income is more limited and in the event of a foreclosure both units cannot be rented.[1]

Attachment A compares SB 13 provisions with current law and with AB 68 (Ting), another ADU bill on today's agenda.

Discussion: As the Bay Area's housing crisis deepens, it is becoming increasingly important to consider innovative strategies to increase the Bay Area's housing supply. ADUs can be an important part of the solution, particularly in neighborhoods that are predominantly zoned for and occupied by single-family homes. Statewide single-family detached units make up over 56 percent of the overall housing stock according to the Terner Center. ADUs are inherently more low-impact and energy-efficient than large-scale construction and generally more affordable than other forms of housing. A 2012 study of the East Bay found that the average ADU was advertised at a rental rate that made it affordable to a household earning 62 percent of the area median income. This type of development is consistent with the Bay Area's shared climate and equity goals, as identified in *Plan Bay Area 2040*.

[1] https://www.sightline.org/2013/03/15/adus-and-donts/

Given the potential for ADUs to be a part of the solution to the Bay Area's ongoing housing crisis, we support the policy of removing barriers to ADU production. However, we have concerns that the bill may have the unintended consequence of undermining the inherent affordability of ADUs and we believe it is important that localities have adequate tools, including balanced impact fees and owner-occupancy requirements, to address community impacts related to new housing. We believe the amendments bulleted below and detailed in Attachment B would strengthen the bill.

- **Owner-Occupancy –***Remove the provision prohibiting localities from imposing owner-occupancy requirements on ADUs.*
- **Impact Fees –***Reduce the impact fee waiver threshold from 750 square feet to 500 square feet, consistent with existing school development fee exemption.*

Staff recognizes that over the past three years there have been successive changes in ADU laws of which Bay Area jurisdictions have had varying capacity to implement. Additional planning resources such as those provided for in SB 2 (Atkins, 2017) and proposed by the Governor in the 2019 budget could support implementation efforts.

Recommendation: Support if Amended

Bill Positions: See Attachment C

Attachments: Attachment A: AB 68 (Ting) and SB 13 (Wieckowski) Comparison Matrix
Attachment B: SB 13 Policy Considerations and Amendment Recommendations
Attachment C: Bill Positions

Therese W. McMillan

AB 68 (Ting) and SB 13 (Wieckowski) Comparison Matrix
As of May 3, 2019

	Current Law	AB 68 (Ting)	SB 13 (Wieckowski)
Bill Status	N/A	Assembly Appropriations	Senate Appropriations
Minimum Lot size	Locally established	Prohibits minimum lot size standards	No change
Setback requirements	Five Feet	Reduces setback requirements to four feet	No change
Owner-Occupancy Requirement	Allows a local agency to require that an applicant be an owner-occupant	No change	Prohibits owner occupancy requirement
Application approvals	Requires ministerial approval of an ADU permit within 120 days	Reduces to 60 days from receipt of a completed application	Reduces to 60 days and deems permit approved if not acted upon within that period
State Oversight	Requires local agencies submit ADU ordinances to HCD within 60 days of adoption	Requires local agencies to submit ADU ordinances to HCD and authorizes HCD to make findings of non-compliance, require correction and work with Attorney General on enforcement	Requires local agencies to submit ADU ordinances to HCD and authorizes HCD to make findings of non-compliance, require correction and work with Attorney General on enforcement
Size Requirements	Requires ADU ordinance that allows an "efficiency unit" (250 – 450 square feet (sf))	Requires an ADU ordinance that establishes minimum or maximum size to allow an ADU of at least 800 sf and 16-feet high	Prohibits an ADU ordinance that does not allow an ADU of at least 850 sf (applies to studios and one-bedroom)/1,000 sf (applies more than one bedroom ADUs)
Zoning	Allowed in areas zoned to allow single family or multifamily dwelling residential use	Removes restriction to residential zones and instead applies to residential and mixed-use zones; Allows for one ADU and one JADU per proposed or existing single family residential unit and two ADUs per proposed or existing multifamily lot	Removes zoning restriction requiring only that the lot "includes a single family dwelling that exists or is proposed on the lot"

	Current Law	AB 68 (Ting)	SB 13 (Wieckowski)
Impact fees	Provides that an ADU shall not be considered by a local agency, special district, or water corporation to be a new residential use for purposes of calculating connection fees or capacity charges for utilities, including water and sewer service; Other fees subject to Fee Mitigation Act	No change	Provides for a tiered structure of fees based on size of ADU
RHNA	Permitted ADUs count toward RHNA numbers; no allowance for ADUs in site inventories	No change	Provides for an amnesty program to permit un-permitted ADUs; Authorizes a local agency to count ADUs for purpose of identifying adequate sites for its housing element
Parking	Restricts the parking standards a locality may impose on an ADU, including prohibiting parking requirements on ADUs located within ½ mile of public transit	Newly prohibits local agencies from requiring replacement parking for spaces that are lost due to construction of ADU (e.g. garage conversion)	Same as AB 68
Building Standard Amnesty	No amnesty	No change	Provides for an amnesty program to permit un-permitted ADUs that do not pose a health and safety risk

Source: Senate Housing Committee Analysis of SB 13, revised and augmented by MTC/ABAG staff

SB 13 Policy Considerations and Amendment Recommendations *(italicized)*

Owner Occupancy
Staff is concerned that the SB 13 provision prohibiting owner-occupancy requirements could have unintended consequences related to ADU affordability. An owner-occupancy requirement can serve as a check on institutional investors or speculators purchasing single family homes at a premium with the intention of renting an ADU at any price the market will bear. Some jurisdictions, including the City of Santa Rosa, waive owner occupancy requirements in exchange for affordability restrictions.

Staff proposes SB 13 be amended to remove the provision prohibiting localities from imposing owner occupancy requirements on ADUs.

Impact Fees
Impact fees are often cited as barriers to ADU development. In order to address this, a number of Bay Area jurisdictions have already taken steps to limit or eliminate impact fees associated with ADUs. However, fees range widely throughout the state. A 2018 analysis from the Senate Transportation and Housing Committee found that local development impact fees for ADUs range from anywhere between $5,000 and $60,000.

ADUs typically have a more modest impact on a neighborhood's infrastructure and services than large-scale developments and as such, subjecting ADUs to substantially similar fees makes little policy sense. This is reflected in the current requirement that school districts waive impact fees for new residential developments of 500 square feet or less. Of note, AB 68 and SB 13 would increase the minimum size of an allowable ADU to 800 square feet or more. Larger ADUs would correspond with greater infrastructure impacts.

In considering a similar bill last session (SB 831 (Wieckowski, 2018)) that would have eliminated ADU impact fees, ABAG provided that ADU fees should not be so cost prohibitive as to limit building but that localities should retain the ability to charge reasonable fees to pay for community impacts associated with new housing. The tiered fee schedule proposed by SB 13 is more consistent with the 2018 recommendation, however, SB 13 would still waive impact fees for ADUs up to 750 square feet.

Staff proposes amendments to SB 13 to reduce the impact fee waiver threshold from 750 square feet to 500 square feet, consistent with existing school development fee exemption.

SB 13 (Wieckowski) Positions

Support
Bay Area Council
California Apartment Association
California Chamber of Commerce
Eden Housing
LA-MAS
PrefabADU
Silicon Valley at Home (SV@Home)
Terner Center for Housing Innovation at the University of California, Berkeley

Oppose (unless amended)
American Planning Association, California Chapter
California Association of Counties
League of California Cities
Urban Association of Counties

Metropolitan Transportation Commission

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San Francisco, CA 94105

Legislation Details (With Text)

File #:	19-0603	**Version:**	1	**Name:**	
Type:	Report			**Status:**	Executive Board Approval
File created:	5/13/2019			**In control:**	ABAG Executive Board
On agenda:	5/16/2019			**Final action:**	
Title:	AB 68 (Ting): Accessory Dwelling Units AB 68 would prohibit local Accessory Dwelling Unit (ADU) standards from including certain requirements related to minimum lot size and replacement parking and would require an ADU (attached or detached) of at least 800 square feet and 16 feet in height to be allowed. The bill would also reduce the allowable time to issue an ADU permit to 60 days after an agency receives a completed application.				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	Item 09C ix AB 68 Support and Seek Amendments v2.pdf AB 68 Staff Summary 5/10/19				

Date	Ver.	Action By	Action	Result

AB 68 (Ting): Accessory Dwelling Units

AB 68 would prohibit local Accessory Dwelling Unit (ADU) standards from including certain requirements related to minimum lot size and replacement parking and would require an ADU (attached or detached) of at least 800 square feet and 16 feet in height to be allowed. The bill would also reduce the allowable time to issue an ADU permit to 60 days after an agency receives a completed application.

Support and Seek Amendments

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Association of Bay Area Governments

Executive Board

May 16, 2019 **Agenda Item 9.c.ix.**

AB 68 (Ting) Support and Seek Amendments

Subject: Position on AB 68 (Ting): Accessory Dwelling Units

Background: On May 10, the ABAG Legislation Committee reviewed legislation and recommended a "support and seek amendment" position on AB 68 with the following requested amendment:

- Ensure that local jurisdictions may require sprinklers for an accessory dwelling unit (ADU) if they are required for the primary residence.

Issues: The Legislation Committee requested that staff pursue an amendment to ensure that a local jurisdiction may require a residential sprinkler system in an ADU if a sprinkler system is required for the existing house. Staff has confirmed that this bill does not modify current law with regard to sprinkler requirements, which specifically prohibits a mandate to add sprinklers if they are not required for the existing residence, but also requires, pursuant to the state's building code, sprinklers in an ADU if existing house has a sprinkler system and requires sprinkler systems in all new homes, including those built with an ADU. With this clarification, staff recommends the Executive Board consider removing the proposed amendment and adopt a "Support" position.

Recommended Action: The ABAG Executive Board is requested to adopt a "support" position on AB 68.

Attachments: May 10 Legislation Committee staff memo.

Reviewed: Therese W. McMillan

Metropolitan Transportation Commission and the Association of Bay Area Governments

Joint MTC Legislation Committee and ABAG Legislation Committee

May 10, 2019 **Agenda Item 5e**

AB 68 (Ting): Accessory Dwelling Units

Subject: AB 68 would prohibit local Accessory Dwelling Unit (ADU) standards from including certain requirements related to minimum lot size and replacement parking and would require an ADU (attached or detached) of at least 800 square feet and 16 feet in height to be allowed. The bill would also reduce the allowable time to issue an ADU permit to 60 days after an agency receives a completed application.

Background: Many Bay Area local governments have taken steps to actively incentivize ADUs and over the past three years a number of bills have been enacted to limit zoning restrictions and expedite ADU approvals. As a result, the number of ADU permit applications has surged throughout the region. AB 68 seeks to further address barriers to ADU development. For example, a Senate Governance and Finance Committee ADU bill analysis references that some jurisdictions appear to set minimum lot sizes for ADUs at sizes larger than the jurisdictions' average lot size as a way to indirectly prohibit ADUs.

Attachment A compares AB 68 provisions with current law and with SB 13 (Wieckowski), another ADU bill being considered today.

Discussion: As the Bay Area's housing crisis deepens, it is becoming increasingly important to consider innovative strategies to increase the Bay Area's housing supply. ADUs can be an important part of the solution. If 20 percent of Bay Area homeowners built an ADU, the Bay Area would add 300,000 units, enough to accommodate nearly 40 percent of the region's projected population growth through 2040. ADU infill development is inherently more low-impact and energy-efficient than large-scale construction and ADUs are generally more affordable than other forms of housing. This type of development is consistent with the Bay Area's shared climate and equity goals, as identified in *Plan Bay Area 2040*. Given the potential for ADUs to be a part of the solution to the Bay Area's ongoing housing crisis, we support the policy of accelerating the approval of and removing remaining barriers to ADU production.

Recommendation: Support

Bill Positions: See Attachment B

Attachments: Attachment A: Bill Comparison Matrix
Attachment B: Bill Positions

Therese W. McMillan

AB 68 (Ting) and SB 13 (Wieckowski) Comparison Matrix
As of May 3, 2019

	Current Law	AB 68 (Ting)	SB 13 (Wieckowski)
Bill Status	N/A	Assembly Appropriations	Senate Appropriations
Minimum Lot size	Locally established	Prohibits minimum lot size standards	No change
Setback requirements	Five Feet	Reduces setback requirements to four feet	No change
Owner-Occupancy Requirement	Allows a local agency to require that an applicant be an owner-occupant	No change	Prohibits owner occupancy requirement
Application approvals	Requires ministerial approval of an ADU permit within 120 days	Reduces to 60 days from receipt of a completed application	Reduces to 60 days and deems permit approved if not acted upon within that period
State Oversight	Requires local agencies submit ADU ordinances to HCD within 60 days of adoption	Requires local agencies to submit ADU ordinances to HCD and authorizes HCD to make findings of non-compliance, require correction and work with Attorney General on enforcement	Requires local agencies to submit ADU ordinances to HCD and authorizes HCD to make findings of non-compliance, require correction and work with Attorney General on enforcement
Size Requirements	Requires ADU ordinance that allows an "efficiency unit" (250 – 450 square feet (sf))	Requires an ADU ordinance that establishes minimum or maximum size to allow an ADU of at least 800 sf and 16-feet high	Prohibits an ADU ordinance that does not allow an ADU of at least 850 sf (applies to studios and one-bedroom)/1,000 sf (applies more than one bedroom ADUs)
Zoning	Allowed in areas zoned to allow single family or multifamily dwelling residential use	Removes restriction to residential zones and instead applies to residential and mixed-use zones; Allows for one ADU and one JADU per proposed or existing single family residential unit and two ADUs per proposed or existing multifamily lot	Removes zoning restriction requiring only that the lot "includes a single family dwelling that exists or is proposed on the lot"

	Current Law	AB 68 (Ting)	SB 13 (Wieckowski)
Impact fees	Provides that an ADU shall not be considered by a local agency, special district, or water corporation to be a new residential use for purposes of calculating connection fees or capacity charges for utilities, including water and sewer service; Other fees subject to Fee Mitigation Act	No change	Provides for a tiered structure of fees based on size of ADU
RHNA	Permitted ADUs count toward RHNA numbers; no allowance for ADUs in site inventories	No change	Provides for an amnesty program to permit un-permitted ADUs; Authorizes a local agency to count ADUs for purpose of identifying adequate sites for its housing element
Parking	Restricts the parking standards a locality may impose on an ADU, including prohibiting parking requirements on ADUs located within ½ mile of public transit	Newly prohibits local agencies from requiring replacement parking for spaces that are lost due to construction of ADU (e.g. garage conversion)	Same as AB 68
Building Standard Amnesty	No amnesty	No change	Provides for an amnesty program to permit un-permitted ADUs that do not pose a health and safety risk

Source: Senate Housing Committee Analysis of SB 13, revised and augmented by MTC/ABAG staff

AB 68 (Ting) Positions

Support
California YIMBY [SPONSOR]
AARP California
ADU Task Force East Bay
Bay Area Council
BRIDGE Housing
Building Industry Association of the Bay Area
California Apartment Association
California Association of Realtors
California Community Builders
California Teamsters
Chan Zuckerberg Initiative
Citylab - UCLA
Community Legal Services In East Palo Alto
EAH Housing
Eden Housing
Emerald Fund
Enterprise Community Partners, Inc.
Facebook, Inc.
Greenbelt Alliance
Habitat for Humanity
East Bay/Silicon Valley (if amended)
Hello Housing
La-Mas Larson Shores Architects
League of Women Voters of California
Non-Profit Housing Association of Northern California
Openscope Studio
PICO California
PreFabADU
Related California
San Diego Apartment Association
San Francisco Foundation
San Francisco Housing Action Coalition
Silicon Valley At Home (Sv@Home)
Spur
Tentmakers Inc.
Terner Center For Housing Innovation at the University Of California, Berkeley
The Casita Coalition
The Two Hundred
TMG Partners
Urban Displacement Project, UC Berkeley
Working Partnerships USA

Oppose
American Planning Association, California Chapter (unless amended)
League of California Cities (unless amended)

Metropolitan Transportation Commission

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Legislation Details (With Text)

File #:	19-0612	**Version:**	1	**Name:**	
Type:	Report			**Status:**	Executive Board Approval
File created:	5/13/2019			**In control:**	ABAG Executive Board
On agenda:	5/16/2019			**Final action:**	

Title: AB 1486 (Ting): Surplus Lands Act Expansion and Revision

AB 1486 would revise the Surplus Lands Act (SLA) - the state law that requires local agencies to prioritize affordable housing, as well as parks and open space, when disposing of land no longer necessary for the agency's use - and other state laws related to making surplus public land available for affordable housing development.

Sponsors:

Indexes:

Code sections:

Attachments: Item 09C x AB 1486 Support if Amended.pdf
AB 1486 Staff Summary 5/10/19

Date	Ver.	Action By	Action	Result

AB 1486 (Ting): Surplus Lands Act Expansion and Revision

AB 1486 would revise the Surplus Lands Act (SLA) - the state law that requires local agencies to prioritize affordable housing, as well as parks and open space, when disposing of land no longer necessary for the agency's use - and other state laws related to making surplus public land available for affordable housing development.

Support if Amended

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Association of Bay Area Governments

Executive Board

May 16, 2019 **Agenda Item 9.c.x.**

AB 1486 (Ting): Surplus Lands Act Expansion & Revision

Subject: Position on AB 1486 (Ting): Surplus Lands Act Expansion & Revision

Background: On May 10, the ABAG Legislation Committee reviewed legislation and recommended a "support if amended" position on AB 1486 with the following requested amendments:

1) Expand negotiations scope beyond sales and lease price to ensure that valid topics such as a project's financial viability are not prohibited in the scope of negotiations.

2) Ensure that the bill would not limit a successor to a redevelopment agency's ability to comply with existing asset disposal requirements, as mandated in ABX1 26.

3) Amend the provision permitting residential use for 100 percent affordable housing developments to limit the allowance to those projects that have received local subsidies.

4) Pursue amendments to ensure that the proposed changes not disrupt the sale of the Oakland Coliseum property, by clarifying that the bill would only apply to land disposals initiated after the effective date of the bill.

Recommended Action: The ABAG Executive Board is requested to adopt a "support if amended" position on AB 1486.

Attachments: May 10 Legislation Committee staff memo. Note: The charts in Attachment A to the staff memo reflect 2016 tax accessor's data. The charts do not reflect land transfers and/or developments that have been initiated since the data was initially collected.

Reviewed:

Therese W. McMillan

Metropolitan Transportation Commission and the Association of Bay Area Governments

Joint MTC Legislation Committee and ABAG Legislation Committee

May 10, 2019 **Agenda Item 7c6**

AB 1486 (Ting): Surplus Lands Act Expansion and Revision

Subject: AB 1486 would revise the Surplus Lands Act (SLA) – the state law that requires local agencies to prioritize affordable housing, as well as parks and open space, when disposing of land no longer necessary for the agency's use – and other state laws related to making surplus public land available for affordable housing development.

Background: Enacted in 1968 and revised in 2014, the SLA requires that prior to disposing of surplus land, local agencies–including cities, counties and districts–give right of first refusal to other local governments or organizations that agree to use sites for low- and moderate-income housing developments or parks and open space. Top priority is given to affordable housing development proposals with at least 25 percent of the units reserved for families earning 80 percent area median income or below. Specifically, local agencies are required to give notice of available surplus property to relevant public entities and interested affordable housing developers and if a preferred entity expresses interest within 60 days, the parties must enter into good faith negotiations. If no agreement on sales price or lease terms is reached after 90 days, the local agency may proceed with disposing of the land through other avenues. The California Department of General Services is similarly required to prioritize affordable housing development when disposing of land no longer necessary for the state's use.

AB 1486 would revise the Surplus Lands Act and related law as follows:

- Expand the scope of the SLA so that the provisions apply to parcels owned by successors to redevelopment agencies and provide that land would be presumed to be "surplus" when a local agency takes an action to dispose of it.
- Revise and clarify surplus land disposal process requirements.
- Permit that 100 percent affordable housing be allowed on surplus land, regardless of local zoning; Provision would not apply to exempt surplus land (e.g., protected open space) or land ineligible for affordable housing financing programs and the project would remain subject to environmental review.
- Require that the Department of Housing and Community Development (HCD) create and maintain a statewide inventory of local surplus public lands sourced from local land inventories.
- Expand HCD's enforcement mandate to include SLA compliance.

Issues: It is widely recognized that one of the barriers to low-income and workforce housing production in the Bay Area is a lack of available and affordable land. Public lands have been identified as an opportunity to address this issue. For example, a 2018 MTC Workforce Housing Action Plan memorandum identified nearly 700 acres of Bay Area public lands suitable for housing near transit estimated to have capacity for roughly 35,000 housing units (see Attachment A).[1]

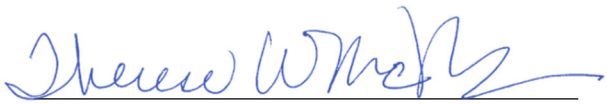
AB 1486 would expand the scope of public lands required to be considered for affordable housing, making it easier for local agencies and organizations seeking to develop affordable housing to identify land purchase opportunities. However, staff has a number of concerns that we believe should be addressed, detailed below:

- *Negotiations Scope:* Narrowing negotiations to sales and lease price, as proposed by AB 1486, would limit a local agency's ability to incorporate other important considerations such as a project's financial viability into the negotiation. Staff recommends the bill be amended to ensure that these and other valid topics are not prohibited in the scope of negotiations.
- *Redevelopment Agency Successors:* The Housing Legislative Working Group (HLWG) raised that first offering to affordable housing developers parcels owned by successors to redevelopment agencies may impede a successor agency from disposing of land consistent with ABX1 26 (2011), including the mandate to pay for existing obligations to the various taxing agencies in the redevelopment area. Staff recommends working with the author to ensure that the bill would not limit successor agency's ability to comply with existing asset disposal requirements.
- *100% Affordable Housing, Notwithstanding Local Zoning:* The HLWG expressed concerns that AB 1486 might result in development in areas that are inappropriate for housing. Staff recommends that the provision permitting residential use for 100 percent affordable housing developments be amended to limit the allowance to those projects that have received local subsidies, and therefore would not be in locations deemed inappropriate.

Recommendation: Support if Amended

Bill Positions: See Attachment B

Attachments: Attachment A: Attachment A: Public Land Suitable for Housing Near Transit
Attachment B: Bill Positions



Therese W. McMillan

[1] MTC in 2016 took steps to increase awareness of the SLA by conditioning certain One Bay Area Grant (OBAG) 2 eligibility on the adoption of a resolution confirming SLA compliance. As of December 2017, all general law cities and counties that were recommended for OBAG 2 county program funding had met this requirement.

Public Land Suitable for Housing Near Transit

Public Land by County

County	Parcels	Acres
Alameda	153	248
Contra Costa	121	103
Marin	2	6
Napa	1	1
San Francisco	21	23
San Mateo	62	62
Santa Clara	84	234
Solano	20	11
Sonoma	6	11
TOTAL*	**470**	**698**

Top 10 Public Landowners

Landowner	Parcels	Acres
Bay Area Rapid Transit District (BART)	91	229
Santa Clara Valley Transportation Authority (VTA)	26	178
State of California	17	42
City/County of San Francisco	18	26
San Mateo County Transit District (SamTrans)	11	18
Union City Community Redevelopment	6	15
County of Santa Clara	7	15
City of Oakland	19	10
City of San Jose	5	8
Suisun City	17	8
TOTAL*	**217**	**548**

*Totals may not sum due to rounding
Source: MTC Workforce Housing Action Plan

Bill Positions on AB 1486 (Ting)

Support
NonProfit Housing Association of Northern California (Sponsor)
Bay Area Housing Advocacy Coalition
California Apartment Association
Greenbelt Alliance
Habitat for Humanity
California Hamilton Families
Oakland Tenant Union
Southern California Association of NonProfit Housing
Tenderloin Neighborhood Development Corporation Transform

Oppose (Unless Amended)
Association of California Healthcare Districts
Association of California Water Agencies
California Association of Sanitation Agencies
California Land Title Association
California Municipal Utilities association
California Special Districts Association
California State Association of Counties
Desert Recreation Districts
Irvine Ranch Water District
Mesa Water District
Orange County Water District
Rural County Representatives of California
Santa Margarita Water District
Stege Sanitary District
Urban Counties of California

Metropolitan Transportation Commission

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Legislation Details (With Text)

File #:	19-0601	**Version:**	1	**Name:**	
Type:	Report			**Status:**	Executive Board Approval
File created:	5/13/2019			**In control:**	ABAG Executive Board
On agenda:	5/16/2019			**Final action:**	
Title:	AB 1483 (Grayson): Housing Data/Transparency This bill seeks to make housing fee and zoning standards more transparent by requiring that they be posted on local agency and state web sites, requires local agencies to provide additional reporting of housing permit requests, production and permitting data annually, and requires the Department of Housing and Community Development (HCD) to develop an online database of housing production data accessible to the public.				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	Item 09C xi AB 1483 Support and Seek Amendments.pdf AB 1483 Staff Summary 5/10/19				

Date	Ver.	Action By	Action	Result

AB 1483 (Grayson): Housing Data/Transparency

This bill seeks to make housing fee and zoning standards more transparent by requiring that they be posted on local agency and state web sites, requires local agencies to provide additional reporting of housing permit requests, production and permitting data annually, and requires the Department of Housing and Community Development (HCD) to develop an online database of housing production data accessible to the public.

Support and Seek Amendments

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Association of Bay Area Governments

Executive Board

May 16, 2019 **Agenda Item 9.c.xi.**

AB 1483 (Grayson) Support and Seek Amendments

Subject: Position on AB 1483 (Grayson): Housing Data/Transparency

Background: On May 10, the ABAG Legislation Committee recommended a "support and seek amendment" position on AB 1483 with the following requested amendments:

1) Clarify that the provision related to regional data requests is intended to apply regionwide and not to data requests from individual jurisdictions;
2) Broaden the regional agencies that may request additional data to include councils of government, not just metropolitan planning organizations;
3) Ensure the data requests are reasonable, and would provide needed and meaningful information, and the bill includes a feasible timeline for implementation by local agencies.

Recommended Action: The ABAG Executive Board is requested to adopt a "support and seek amendment" position on AB 1483.

Attachments: May 10 Legislation Committee staff memo.

Reviewed: Therese W. McMillan

Metropolitan Transportation Commission and the Association of Bay Area Governments

Joint MTC Legislation Committee and ABAG Legislation Committee

May 10, 2019 **Agenda Item 5c**

AB 1483 (Grayson): Housing Data/Transparency

Subject: This bill seeks to make housing fee and zoning standards more transparent by requiring that they be posted on local agency and state web sites, requires local agencies to provide additional reporting of housing permit requests, production and permitting data annually, and requires the Department of Housing and Community Development (HCD) to develop an online database of housing production data accessible to the public.

Background: Current law requires cities and counties to provide an annual production report (APR) to HCD that includes information on the total number of applications received, number of units proposed in those applications, number of units approved and disapproved and, for each income category within the Regional Housing Needs Assessment (RHNA), the number of units that have been issued a completed entitlement, a building permit, or a certificate of occupancy.

Discussion: AB 1483 would require cities and counties to annually provide additional detailed data, such as the location of each proposed project, number of housing applications received and deemed complete that have not received a certificate of occupancy to the Department of Housing and Community Development (HCD) and requires HCD to post the information on its website by January 1, 2021. The bill further requires local agencies post on their web site a current schedule of fees applicable to housing development projects, and all zoning ordinances and development standards.

The bill also requires HCD develop a 10-year housing data strategy in its next revision of the California Statewide Housing Plan and establish a statewide, publicly accessible database of parcel-level housing data available to the state. While local jurisdictions are already required to submit a considerable amount of data about housing production and permitting, the data is not currently accessible, standardized or organized for public use and research. This bill expands on data already reported through the APR to require some additional, parcel-level data and requires jurisdictions to share that data with their respective metropolitan planning organization (MPO), in the Bay Area's case, MTC.

MPO Provision

The bill contains a provision allowing MPOs to request additional information from local jurisdictions about housing, subject to HCD approval and conditional on an MPO providing technical assistance. As currently drafted, this provision puts HCD in the role of gatekeeper between an MPO and a local jurisdiction with respect to housing data, a role that seems wholly unnecessary and formalizes what should be a simple staff-to-staff communication. Based on conversations with proponents for the bill, we understand the intent of this provision is to give MPOs the option of asking HCD to require additional data points be provided by *all* local agencies within their jurisdiction based on the

rationale that some regions may be interested in particular information that wouldn't necessarily be relevant statewide. While this idea may have merit, the bill should be clarified accordingly. In addition, the bill currently states that HCD would only grant such a request if an MPO provides technical assistance to the local agency that has been requested to provide additional data. While technical assistance may be warranted, it should only be required "upon request."

Timeline for Implementation & Purpose of Data
Finally, the Housing Legislative Working Group raised some concerns that implementing the requirements could take some time for smaller cities and it would be helpful if HCD provided an online portal or template for the new data requests. We would like to work with our local jurisdictions to better understand challenges they may face in implementing the legislation and pursue amendments with the author to address these concerns.

Proposed Amendments
In light of the above concerns, we recommend we support AB 1483 if it can be amended as follows:

MPO Provision – clarify that the provision related to MPO data is intended to apply regionwide and not to data requests from individual jurisdictions.

Timeline for Implementation & Purpose of Data –work with the author and local agencies to ensure the data requests are reasonable (and would provide meaningful information) and the timeline for implementation is feasible.

Recommendation: Support and seek amendments

Bill Positions: See attached

Attachments: Attachment A: Bill Position

Therese W. McMillan

Bill Positions on AB 1483 (Grayson) Housing Data/Transparency

California Apartment Association
California Association of Realtors
California Building Industry Association
Non-Profit Housing Association of Northern California
Oakland Metropolitan Chamber of Commerce
Bay Area Council
American Planning Association, California Chapter
Eden Housing
Habitat for Humanity California
Related California
LeadingAge
California Building Industry Association of the Bay Area
California Community Builders
Chan Zuckerberg Initiative
Enterprise Community Partners, Inc.
Habitat for Humanity East Bay/Silicon Valley
Hamilton Families
Transform
TMG Partners
San Francisco Foundation
SPUR
Working Partnerships USA
Silicon Valley at Home
Urban Displacement Project, UC-Berkeley

Oppose
None on file

Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #:	19-0457	**Version:**	1	**Name:**	
Type:	Report			**Status:**	Executive Board Approval
File created:	4/23/2019			**In control:**	ABAG Executive Board
On agenda:	5/16/2019			**Final action:**	
Title:	ABAG Administrative Committee Report				
Sponsors:					
Indexes:					
Code sections:					
Attachments:					

Date	Ver.	Action By	Action	Result

ABAG Administrative Committee Report

David Rabbitt, Supervisor, County of Sonoma

Approval

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Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #:	19-0555	**Version:**	1	**Name:**	
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Code sections:					
Attachments:	Item 10B Summary Regional Growth Framework Revisions_FINAL.pdf Item 10B Attachment A Resolution 2019 02 Regional Growth Framework v2.pdf Item 10B Attachment B PBA50_Regional Growth Framework_PDAPCAPPA_Updated per Alix Item 10B Attachment C PBA50_Regional Growth Framework_PDAPCAPPA_Presentation v2.pdf Item 10B Attachment D Table D1 D2 Combined.pdf Item 10B Attachment E Table D1.pdf Item 10B Attachment F PBA50_Regional Growth Framework_PDAPCAPPA.pdf Item 10B Attachment G PBA50_Regional Growth Framework_PDAPCAPPA.pdf Item 10B Attachment H PBA50_Regional Growth Framework_PDAPCAPPA.pdf Item 10B Attachment I Comment Letter-SPUR-Plan Bay Area Regional Growth Framework				

Date	Ver.	Action By	Action	Result

Adoption of Resolution No. 02-19 Approval of the Plan Bay Area 2050 - Regional Growth Strategies Framework Revisions: Next Steps

Mark Shorett and Christy Lefall

Approval

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Association of Bay Area Governments

Executive Board

May 16, 2019 **Agenda Item 10.b.**

Adoption of Resolution No. 02-19, Approval of the Plan Bay Area 2050 – Regional Growth Framework Revisions: Next Steps

Subject: Adoption of Resolution No. 02-19, Approval of the Plan Bay Area 2050 – Regional Growth Framework Revisions: Next Steps

Background: This Resolution was referred by the ABAG Administrative Committee for Executive Board approval at its May 10, 2019 meeting. At that meeting, the MTC Planning Committee referred an identical MTC resolution to the Commission for approval at its May 22, 2019 meeting. The Resolution reflects six months of engagement with the Joint MTC Planning and ABAG Administrative Committee, the ABAG Regional Planning Committee, the Regional Advisory Working Group, local planning and County Transportation Agency staff, and other stakeholders.

The summary text below and attachments were included in the packet presented to that Committee.

Issues: **Priority Development Areas – Status and Performance**. The Horizon Regional Growth Strategies Perspective Paper assessed the region's progress toward implementing the current Regional Growth Framework – a look back at how we've done. While there have been notable successes, many PDAs do not meet the program transit criteria and half of all state-designated Transit Priority Areas (TPAs, or transit-rich locations) have not been nominated by a local jurisdiction to become a PDA. As we chart a path forward, it was equally important to assess the performance of the PDAs against the Horizon Guiding Principles. From that performance analysis, residents of PDAs face disproportionately higher levels of displacement risk and limited access to opportunity. **Attachments D and E** provide detailed information about the status and performance of each PDA, respectively.

Priority Development Areas – Path Forward. The regional planning landscape has changed significantly in the past decade, with an escalating housing crisis, growing recognition of the importance of equity and resilience, and new transportation technologies setting the stage for a more comprehensive approach to shaping the Bay Area's growth.

To reflect this reality, staff proposes updating the definition of a PDA as: *an infill location that is planned for significant housing and job growth, offers a suite of mobility options which enable residents to live a car-free or car-light lifestyle, and promotes greater opportunity for all, regardless of race or income.* To

operationalize this new definition and to provide greater flexibility for local jurisdictions to meet program guidelines, staff proposes establishing two categories of PDAs:

- **Transit-Rich PDA**
- ✓ PDA Plan for housing and job growth, including affordable housing, adopted or to be completed by 2025; and
- ✓ High-Quality Transit: at least 50% of land in PDA is within ½ mile of an existing or planned rail station, ferry terminal, or bus line with headways of no more than 15 minutes in peak periods (i.e., Transit Priority Area).
- **Connected Community PDA**
- ✓ PDA Plan for housing and job growth: adopted, or to be completed no later than 2025; and
- ✓ Basic Transit: at least 50% of land in PDA is within ½ mile of an existing or planned bus line with headways of no more than 30 minutes in peak periods, and one of the following:
- ✓ High Resource: located in a high resource area (HRA) as defined by the California Department of Housing and Community Development (HCD); <u>or</u>
- ✓ Supportive Policies: adoption, or commitment to adopt, two or more policies shown to reduce vehicle miles traveled, described in greater detail in **Attachment F** by January 2020.

For PDAs that do not meet the updated transit requirements, staff proposes allowing CTAs and local jurisdictions until September 2019 to identify one or more improvements[i] necessary to meet at least the Connected Community standard. Staff proposes providing until September 2019 for jurisdictions without PDA Plans to provide an expected start and adoption date for a Plan.

Priority Conservation Areas (PCAs): No changes are proposed to the definition or criteria for PCAs at this time.

Priority Production Areas (PPAs): PPAs are proposed to be advanced through a pilot program in Plan Bay Area 2050, with an opportunity for further refinement post-Plan adoption in 2021. Staff proposes adoption of the following criteria for PPAs:

- ✓ Zoned for industrial use or has a high concentration of industrial activities, and
- ✓ Does not overlap with a PDA and does not include land within one-half mile of a regional rail station, and
- ✓ The local jurisdiction has a certified Housing Element

Detailed information about the proposed PPA program is included in **Attachment H**.

Next Steps: Staff request that the ABAG Executive Board adopt Resolution No. 02-19, which makes the revisions to the Regional Growth Framework described in this summary and its attachments. Following adoption, ABAG/MTC staff will engage local jurisdiction and CTA staff, as well as elected officials, to advance new PDAs, PPAs and PCAs, and to ensure existing PDAs meet program standards.

Recommended Action: The ABAG Executive Board is requested to adopt Resolution No. 02-19.

Attachments:
Attachment A: ABAG Resolution 02-19 and MTC Resolution 4386
Attachment B: Overview of Proposed Framework Geographies
Attachment C: Presentation
Attachment D: Status of Current PDAs - Program Criteria and Housing Permits
Attachment E: Performance of Current Priority Development Areas (PDAs) - Key Indicators
Attachment F: Supportive VMT-Reduction Policies
Attachment G: Priority Conservation Areas (PCAs) Overview
Attachment H: Proposed Priority Production Area (PPA) Pilot Program Overview
Attachment I: SPUR Comment Letter

Reviewed:

Therese W. McMillan

[i] Including capital and operating costs

ASSOCIATION OF BAY AREA GOVERNMENTS
EXECUTIVE BOARD

RESOLUTION NO. 02-19

Re: Approval of the Plan Bay Area 2050 – Regional Growth Framework Revisions: Next Steps

ABSTRACT

This resolution updates the Regional Growth Framework by (1) revising the definition and criteria for Priority Development Areas (PDAs), and (2) establishing a definition and criteria for Priority Production Areas (PPAs). No changes are made to Priority Conservation Area (PCA) criteria. In addition, the resolution authorizes staff to open a submission window for local jurisdictions to nominate new or modified PDAs, new or modified Priority Conservation Areas (PCAs), and new PPAs through a pilot program.

Further discussion of this subject is contained in the Planning Committee Summary Sheet dated May 10, 2019.

ASSOCIATION OF BAY AREA GOVERNMENTS
EXECUTIVE BOARD

RESOLUTION NO. 02-19

Re: Approval of the Plan Bay Area 2050 – Regional Growth Framework Revisions: Next Steps

WHEREAS, the Metropolitan Transportation Commission (MTC) is the regional transportation planning agency for the San Francisco Bay Area pursuant to Government Code Section 66500 et seq.; and

WHEREAS, the Association of Bay Area Governments (ABAG), a joint exercise of powers entity created pursuant to California Government Code Sections 6500 et seq., is the Council of Governments and the regional land use planning agency for the San Francisco Bay Area; and

WHEREAS, in 2007 ABAG established a framework (Regional Growth Framework) for future development that seeks to concentrate growth in locally-identified Priority Development Areas (PDAs) and protect locally-identified Priority Conservation Areas (PCAs) from development, and established the procedures for designation of PDAs and PCAs; and

WHEREAS, ABAG has adopted 188 PDAs and 165 PCAs nominated by local governments; and

WHEREAS, California Government Code § 65080 et seq. requires MTC to prepare and update a long-range Regional Transportation Plan (RTP), including a Sustainable Communities Strategy (SCS) prepared in conjunction with the ABAG, every four years; and

WHEREAS, Plan Bay Area ("Plan") constitutes the Regional Transportation Plan and SCS for the San Francisco Bay Area; and

WHEREAS, MTC and ABAG jointly adopted the first Plan Bay Area in 2013 (Plan Bay Area 2013) (MTC Resolution No. 4111 and ABAG Resolution No. 06-13), and the second Plan Bay Area in 2017 (Plan Bay Area 2017) (MTC Resolution No. 4300 and ABAG Resolution No. 10-17); and

WHEREAS, Plan Bay Area 2013 and Plan Bay Area 2017 were consistent with state-mandated targets for greenhouse gas reduction and housing, and included a growth pattern consistent with the Regional Growth Framework, projecting that more 70% of new homes would be built in PDAs and development would not occur in PCAs; and

WHEREAS, the feasibility of implementing the Regional Growth Framework, including the projected levels of growth in PDAs in Plan Bay Area 2013 and Plan Bay Area 2017, was analyzed in the 2015 PDA Assessment and 2019 Horizon Regional Growth Strategies Perspective Paper, respectively, and both documents recommended

revisions to the Regional Growth Framework to improve implementation of the upcoming Plan Bay Area 2050; and

WHEREAS, the Plan Bay Area 2040 Action Plan included an action to Establish Criteria for Priority Production Areas (PPAs); and

WHEREAS, potential revisions to the Regional Growth Framework that concerned PDAs, PCAs, and PPAs, were presented to ABAG Regional Planning Committee, MTC Policy Advisory Council, Regional Advisory Working Group, and ABAG Administrative Committee and MTC Planning Committee (collectively, ABAG and MTC Committees), local government staff, and other stakeholders for comment in March and April 2019; and

WHEREAS, comments from ABAG and MTC Committees, local government staff, and stakeholders, and the findings from the 2015 PDA Assessment and 2019 Horizons Regional Growth Strategies Perspective Paper, provided the basis for specific revisions to the criteria for PDAs and PPAs; and

WHEREAS, Attachment A to this Resolution, attached hereto and incorporated herein as though set forth at length, establishes an updated definition and criteria for PDAs and a definition and criteria for PPAs through a pilot program, and does not modify the existing PCA definition and criteria (ABAG Resolution No. 12-14); and

WHEREAS, ABAG/MTC staff intend to open an application period for local jurisdictions to nominate new or modified PDAs and PCAs, and to nominate PPAs; now, therefore, be it

ASSOCIATION OF BAY AREA GOVERNMENTS
RESOLUTION NO. 02-19

RESOLVED, that ABAG hereby certifies that the foregoing recitals are true and correct and incorporated by this reference; and be it further

RESOLVED, that ABAG, as a decision making body, hereby adopts the definition and criteria for PDAs and PPAs in Attachment A, and authorizes staff to open an application period for local jurisdictions to nominate new or modified PDAs and PCAs, and to nominate new PPAs, which may include a submission period for Letters of Interest followed by formal nomination and adoption by MTC and ABAG.

The foregoing was adopted by the Executive Board this 16th of May 2019.

David Rabbitt
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 meeting held on the 16th day of May, 2019.

Frederick Castro
Clerk of the Board

Priority Development Area (PDAs): Definition and Criteria

Definition
Priority Development Areas (PDAs) are defined as follows:

- PDAs are **infill locations planned for significant housing and job growth.**
- PDAs help to reduce greenhouse gas emissions by **offering a suite of mobility options** that enable residents to live a car-free or car-light lifestyle.
- PDAs promote **greater opportunity for all**, regardless of race or income.

Eligibility Criteria
Eligibility criteria for designation as a Priority Development Area (PDA) are shown below. The first set of criteria apply to both categories of PDAs, Transit-Rich and Connected Community. The second set apply only to Transit-Rich PDAs, while the third set of criteria apply only to Connected Community PDAs.

1) **Eligibility Criteria Applicable to All PDAs**
   All Priority Development Areas must meet the following criteria:

   - **Locally-Nominated** – The PDA is nominated by the local government with land use authority[1] over the geographic area in which it is located, demonstrated by a resolution of support adopted by its governing body.[2]
   - **Infill** – The area is fully within an existing urbanized area, and lies within an urban growth boundary or limit line if one is established.
   - **Planned** – A plan for significant housing growth and/or housing and employment growth at transit-supportive densities has been adopted for the majority of the area by the governing body of the jurisdiction in which the PDA is located, such as a specific, precise, or area plan. In addition, this plan is reflected in the jurisdiction's general plan, zoning ordinance and either a certified environmental impact report, standard conditions of approval, or other environmental document that facilitates development consistent with the plan.

   Furthermore, a PDA must either meet the criteria outlined under Transit-Rich PDAs or the criteria outlined under Connected Community PDAs.

[1] This includes, but is not limited to, adopting a zoning ordinance and reviewing development applications.
[2] In advance of formal applications, staff may periodically accept Letters of Interest that include general information about a PDA, and may be submitted by local government staff, such as a Planning Director, Community Development Director, or designee.

2) **Eligibility Criteria Applicable to Transit-Rich PDAs**
In addition to criteria applicable to all Priority Development Areas, Transit-Rich PDAs must meet the following criteria:

- **High-Quality Transit -** At least fifty percent of area is within a one-half mile radius of any of the following:
    - Existing rail station; or
    - Planned rail stations in the most recently adopted fiscally-constrained Regional Transportation Plan; or
    - Ferry terminals with bus or rail service; or
    - Planned ferry terminal with bus or rail service in the most recently adopted fiscally-constrained Regional Transportation Plan; or
    - Bus stop served by at least one route with peak headways of 15 minutes or less during the morning and evening peak commute periods, defined as 6AM to 10AM and 3PM to 7PM, respectively.

3) **Eligibility Criteria Applicable to Connected Community PDAs**
In addition to criteria applicable to all Priority Development Areas, Connected Community PDAs must meet the following criteria:

- **Not Served by High-Quality Transit –** The area is beyond a one-half mile radius of transit service that meets the "high-quality transit" criteria for Transit-Rich Priority Development Areas
- **Basic Transit –** The area is within a half-mile radius of a bus stop served by at least one route with headways of 30 minutes or less during both the morning and evening peak commute periods, defined as 6AM to 10AM and 3PM to 7PM, respectively.
- **High Opportunity or VMT-Reduction Policies** – The area meets at least one of the following:
    - At least fifty percent of the area is within a census tract defined as "High" or "Highest" Resource on the most recent Opportunity Map adopted by the State of California Department of Housing and Community Development (HCD); or
    - The jurisdiction in which the area is located has adopted at least two policies demonstrated to reduce Vehicle Miles Traveled (VMT), which may include:
        - Parking and Transportation Demand Management (TDM) ordinance that includes monitoring and enforcement.
        - Development impact fee to be added to a fund that can be invested in citywide VMT-reduction investments.
        - Prioritization of planning and implementation of Class II or better bike infrastructure and safe, pedestrian-scaled streets.
        - Vision Zero and universal design standards.
        - Prioritization of curb space for reliable transit and shared modes.
        - Another policy documented by peer-reviewed research to achieve significant VMT reduction.

The definition and criteria for PDAs may be revised periodically.

ATTACHMENT A
ABAG RESOLUTION NO. 02-19

Priority Production Areas (PPAs): Definition and Criteria

The definition and eligibility criteria shown below will apply to the Priority Production Area (PPA) pilot program in Plan Bay Area 2050, with potential refinement following adoption of the Plan in 2021.

Definition

Priority Production Areas (PPAs) are defined as follows:

- PPAs are industrial areas of importance to the regional and local economies that encourage middle-wage job opportunities.
- PPAs are locally-designated places where industrial jobs (including manufacturing and supply chain services such as warehousing, distribution and repair) are a priority consideration in determining future land use.
- PPAs have broad community support for continued industrial activity that face pressure for conversion to higher-value uses.

Eligibility Criteria

PPAs must meet all of the following criteria:

- **Locally-Nominated** – The PPA is nominated by the local government with land use authority[3] over the geographic area in which it is located, demonstrated by a resolution of support adopted by its governing body.[4]
- **Infill** – The area is fully within an existing urbanized area, and lies within an urban growth boundary or limit line if one is established.
- **Prioritized for Industrial Use -** The area is zoned for industrial use[5] or has a high concentration of industrial activities.
- **Supports Regional Growth Framework –** The area does not overlap with PDAs and does not include land within one-half mile of a regional rail[6] station.
- **Certified Housing Element -** The jurisdiction in which the PPA is located has a certified housing element.

The definition and criteria for PPAs may be revised periodically.

[3] This includes, but is not limited to, adopting a zoning ordinance and reviewing development applications.
[4] In advance of formal applications, staff may periodically accept Letters of Interest that include general information about a PDA, and may be submitted by local government staff, such as a Planning Director, Community Development Director, or designee.
[5] This could include, but is not limited to, industrial zoning, zoning controls that maintain industrial activities in a mixed use area, interim controls protecting existing industrial uses.
[6] Regional rail is defined as heavy, commuter, or intercity rail, including but not limited to BART, Caltrain, SMART, ACE, and Amtrak.

PLAN BAY AREA 2050

***Plan Bay Area 2050:* Regional Growth Framework Update – Overview of Existing and Proposed Geographies**

This attachment provides a summary of key changes proposed to the Growth Framework, and an overview of the Geographies included in the current and proposed Framework. Proposed action related to each Geography is outlined in **Attachment B**.

Table A1. Summary of Key Proposed Changes to Regional Growth Framework

	Designation		
	Priority Development Areas	**Priority Conservation Areas**	**Priority Production Areas**
Key Proposed Changes	• **PDA Categories:** Establishes **Transit-rich** and **Connected Community** categories *(see Table A2 for detailed criteria)*, which apply to existing and proposed PDAs • **Planning:** Defines plan requirement and adoption timeline • **Transit:** More frequent service required for Transit-rich PDAs than current PDAs; less frequent service required for Connected Community PDAs • **Equity:** State-designated High Resource Areas (HRAs) eligible for Connected Community PDA designation if transit criteria met • **VMT-Reduction:** Areas outside HRAs meeting Connected Community transit criteria required to implement policy from menu of VMT-reduction measures	No change *(see Table A2 for detailed criteria*	New designation *(see Table A2 for detailed criteria)*

Table A2. Overview of Current and Proposed Regional Growth Framework Designations

Designation		Criteria	Additional Information
Current Designations (all require resolutions of support from jurisdiction with land use authority)	Priority Development Area (PDA)	• Within urbanized area, and • Planned for significant housing growth, including affordable housing, and • Served by an existing or planned rail station, ferry terminal, or bus stop served by a route, or routes, with peak headways of 20 minutes or less	Interactive map of current PDAs is available here.
	Priority Conservation Area (PCA)	• Provide regionally significant agricultural, natural resource, scenic, recreational, and/or ecological values and ecosystem functions, demonstrated through adopted plans and recognized data sources such as the Conservation Lands Network (CLN), and • Require protection due to pressure from urban development or other factors, and	Interactive map of current PCAs is available here.

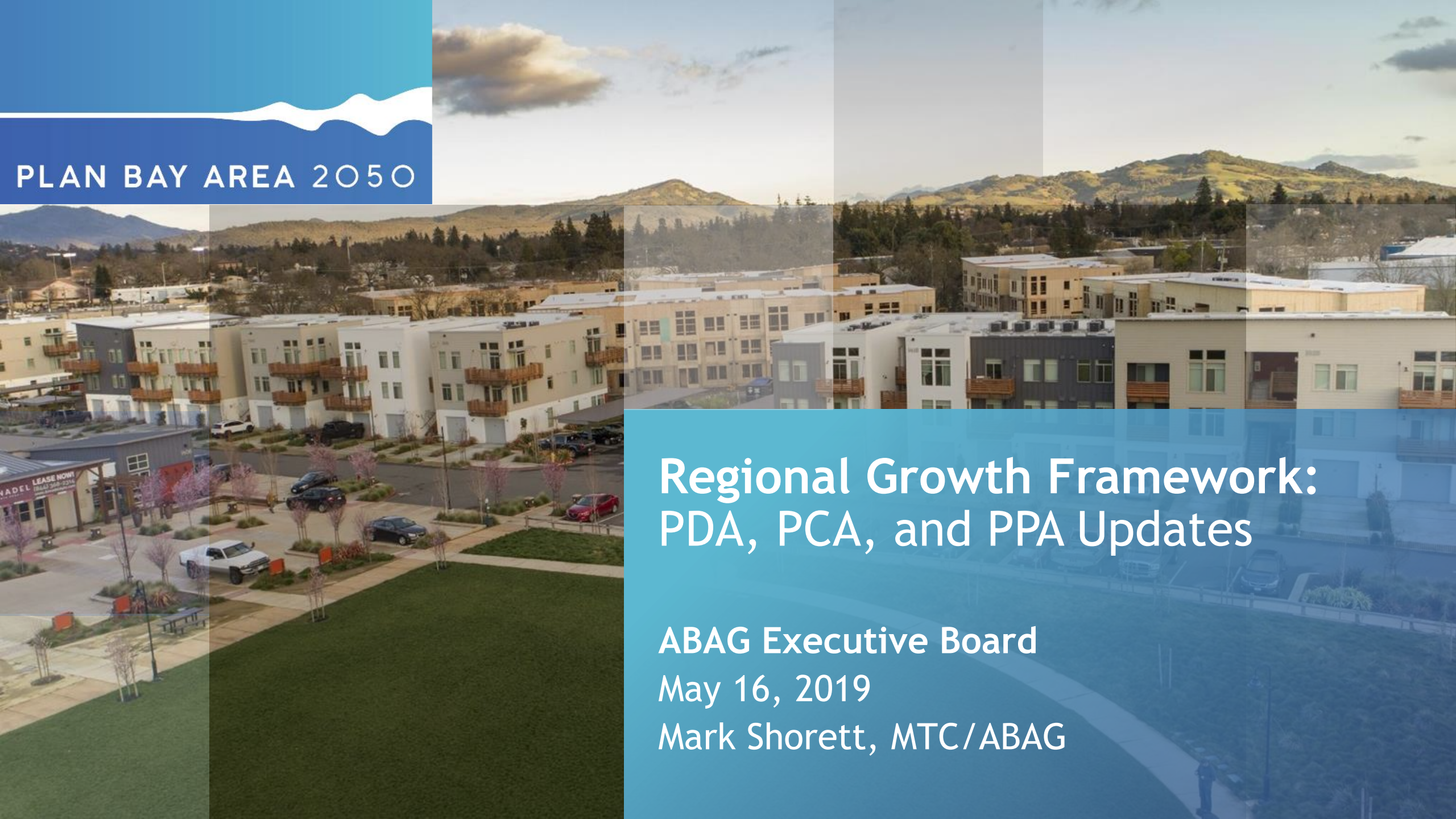
		• Fall into one or more PCA designation category: Natural Landscapes, Agricultural Lands, Urban Greening, and Regional Recreation	
Proposed Designations (all require resolutions of support from jurisdiction with land use authority)	Transit-rich PDA	• Within urbanized area, and • Specific, precise, or equivalent Plan for housing and job growth adopted, or to be adopted no later than 2025, and • The majority of land is within one-half mile of an existing or planned[i] rail station, ferry terminal, or intersection of 2 or more bus routes with peak headways of 15 minutes or less. *(Meets state definition for Transit Priority Area)*	Transit criteria is consistent with the state definition of a Transit Priority Area (TPA); a map of Bay Area TPAs, some of which are PDAs, is available here.

	Connected Community PDA	• Specific, precise, or equivalent Plan for housing and job growth adopted, or to be adopted no later than 2025, and
		• The majority of land is within ½ mile of an existing or planned bus line with headways of no more than 30 minutes in peak periods, and
		• One of the following:
		  ○ Located in a High Resource Area (HRA) as defined by the California Department of Housing and Community Development (HCD), or
		  ○ Adoption, or commitment to adopt, two or more policies shown to reduce vehicle miles travelled (VMT) (menu of policies in **Attachment E)**
			High Resource Areas are identified on HCD- adopted Opportunity Maps. The detailed methodology used to determine these areas, and a current map, are available here. Note that only HRA that meet transit criteria are eligible for designation as Connected Community PDAs.

	Priority Production Area (PPA)	• Zoned for industrial use or has a high concentration of Production, Distribution and Repair (PDR) activities, and • Does not overlap with a Priority Development Area and does not include land within one-half mile of a regional rail station[ii], and • Jurisdiction has a certified Housing Element	More information PDR, and San Francisco's effort to support PDR activities, is available here.
	PCA	No change	

[i] Included in most recently adopted fiscally constrained Regional Transportation Plan (RTP)
[ii] Includes existing and planned service; includes BART, Caltrain, ACE, SMART, Amtrak, and any future heavy/commuter/intercity rail systems.

PLAN BAY AREA 2050



Regional Growth Framework: PDA, PCA, and PPA Updates

ABAG Executive Board

May 16, 2019

Mark Shorett, MTC/ABAG

At your last meeting, we discussed **potential updates** to the Regional Growth Framework.

Key Challenge with Framework	**Potential Update** for Plan Bay Area 2050
Many PDAs do not meet program criteria for transit and local planning.	**Require all PDAs to be consistent** with program guidelines by 2020.
Not enough housing is being produced, particularly low- and middle-income.	Invite local jurisdictions to **submit new or modified PDAs in 2019**; increase regional support.
Strong local interest in nominating new Priority conservation areas (PCAs).	Invite local jurisdictions and partner organizations to **submit new or modified PCAs in 2019**.
Industrial land and **middle-wage jobs** are not well-integrated into the current framework.	Establish a **Priority Production Area** (PPA) pilot program and allow local jurisdictions to submit PPAs in 2019.
The **more ambitious GHG target** for Plan Bay Area 2050 may be difficult to reach.	Integrate **Transit Priority Areas** (TPAs) into the regional growth framework.
Many PDAs face **displacement risk** and lack **quality schools** and community resources.	Integrate **High-Resource Areas** (HRAs) with adequate transit service into the regional growth framework.
Priority areas are **at risk** from sea level rise, wildfires, earthquakes, and more.	Focus on **strategies and guidelines** to protect the final set of priority areas in the Preferred Plan.

To inform the update, you asked for **additional information** about Priority Development Area (PDA) status and performance.

Consistency with Criteria: PDAs by County

1

PDA Consistency with Existing Criteria - by County *(DRAFT)*

	Alameda	Contra Costa	Marin	Napa	San Francisco	San Mateo	Santa Clara	Solano	Sonoma	ALL
Transit: **Yes** Planning: **Yes**	57%	21%	50%	0%	67%	64%	71%	17%	33%	**49%**
Transit: **Yes** Planning: No	20%	3%	0%	0%	25%	18%	15%	0%	8%	**13%**
Transit: No Planning: **Yes**	20%	59%	0%	100%	8%	18%	7%	50%	58%	**29%**
Transit: No Planning: No	4%	18%	50%	0%	0%	0%	7%	33%	0%	**9%**

Shaded cells indicate categories where a county's share is greater than the regional average.

15 PLAN BAY AREA 2050

Today, we are **providing that information** and **requesting approval** of **detailed updates** to the Framework.

Proposed New Criteria

PDA PLAN

Planned for growth
Plan must be completed by 2025

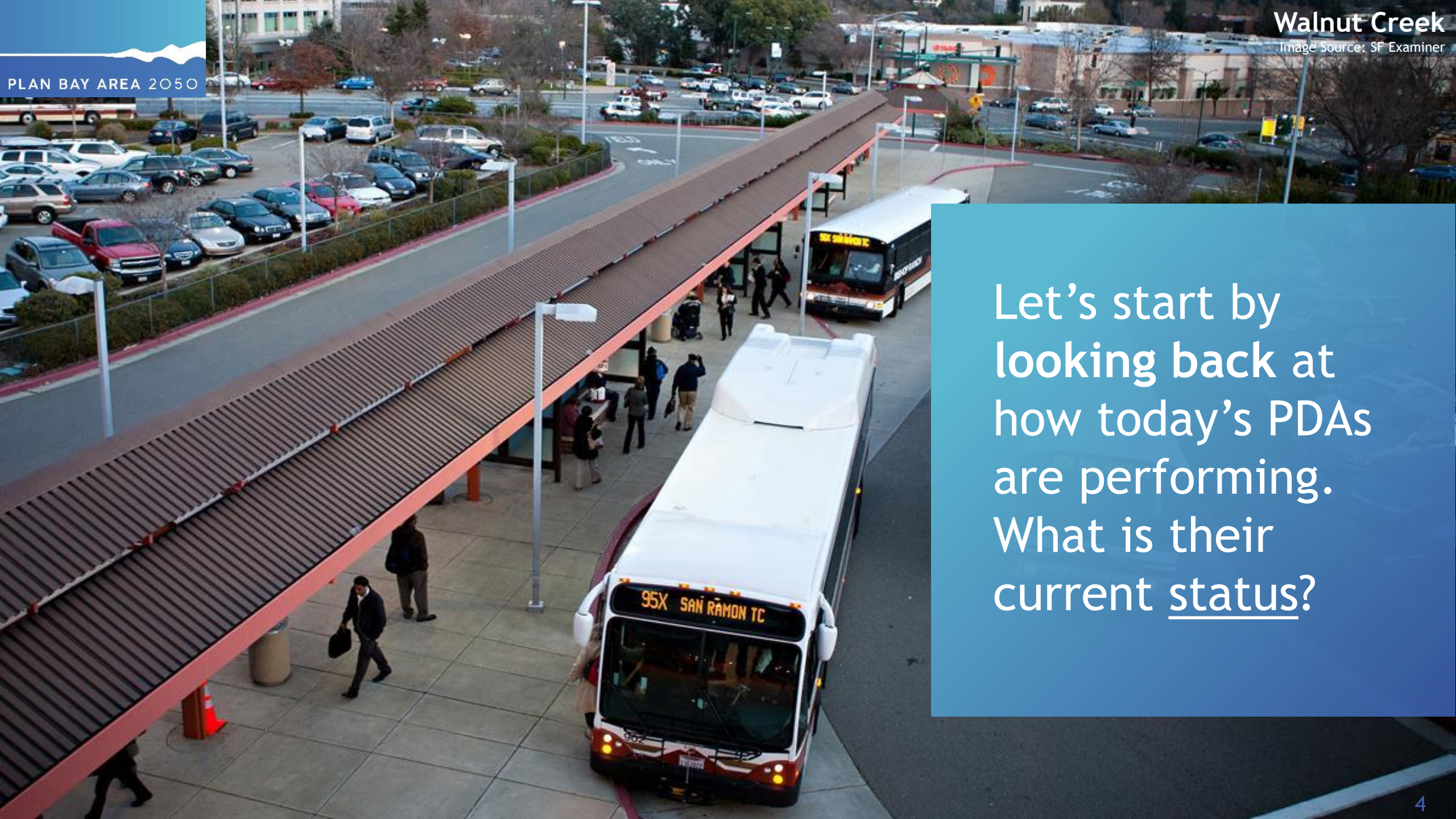
Create **two tiers** to allow greater flexibility, incorporating new mobility & equity into the mix

PDAs that do not already align with one of the two tiers would need to address this by late 2019.

PLAN BAY AREA 2050

Guide to Today's Presentation & Your Packet

Section	For **Detailed Information:**
PDA Implementation Status	Attachment C
PDA Performance	Attachment D
Framework Update Proposal	Attachment E, A
Priority Conservation Areas	Attachment F
Priority Production Areas	Attachment G



Walnut Creek

Image Source: SF Examiner

Let's start by **looking back** at how today's PDAs are performing. What is their current <u>status</u>?

What is the **implementation status** of current PDAs?

Attachment C *includes data on individual PDAs.*

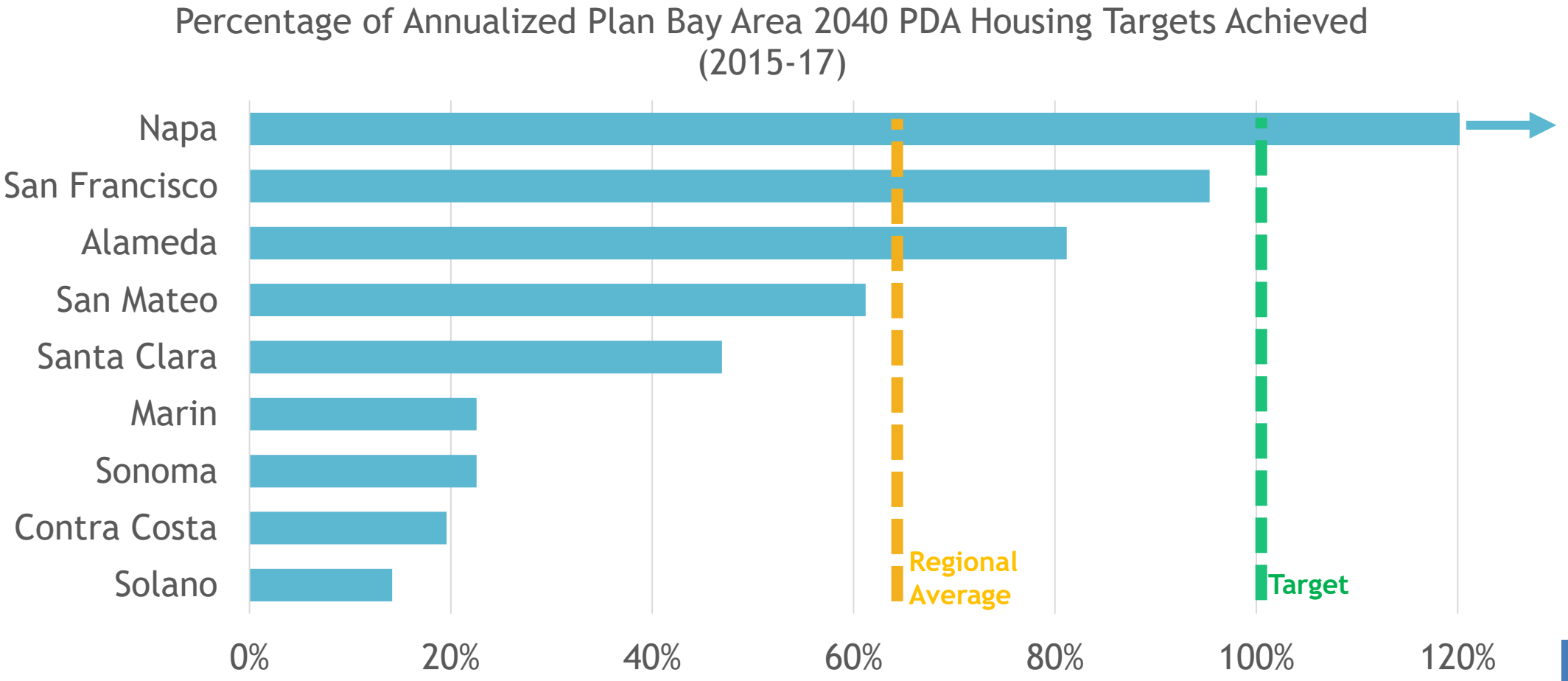
Implementation Action	Definition
Permitted Housing	Housing permits issued, 2015-2017
Frequent Transit	Rail station, ferry terminal, or bus line with ≤20 minute peak period headways
Planned for Housing	Adopted Specific or Precise Plan

Current PDA Criteria

PLAN BAY AREA 2050

Permitted Housing:

Progress varies by county, but we remain behind at a regional level.



	2015-17 PDA Permits*
Napa	200
San Francisco	12,300
Alameda	13,200
San Mateo	2,800
Santa Clara	9,400
Marin	30
Sonoma	300
Contra Costa	1,300
Solano	100

Data for individual PDAs provided in Attachment C

*Rounded to nearest 100, except Marin

PLAN BAY AREA 2050

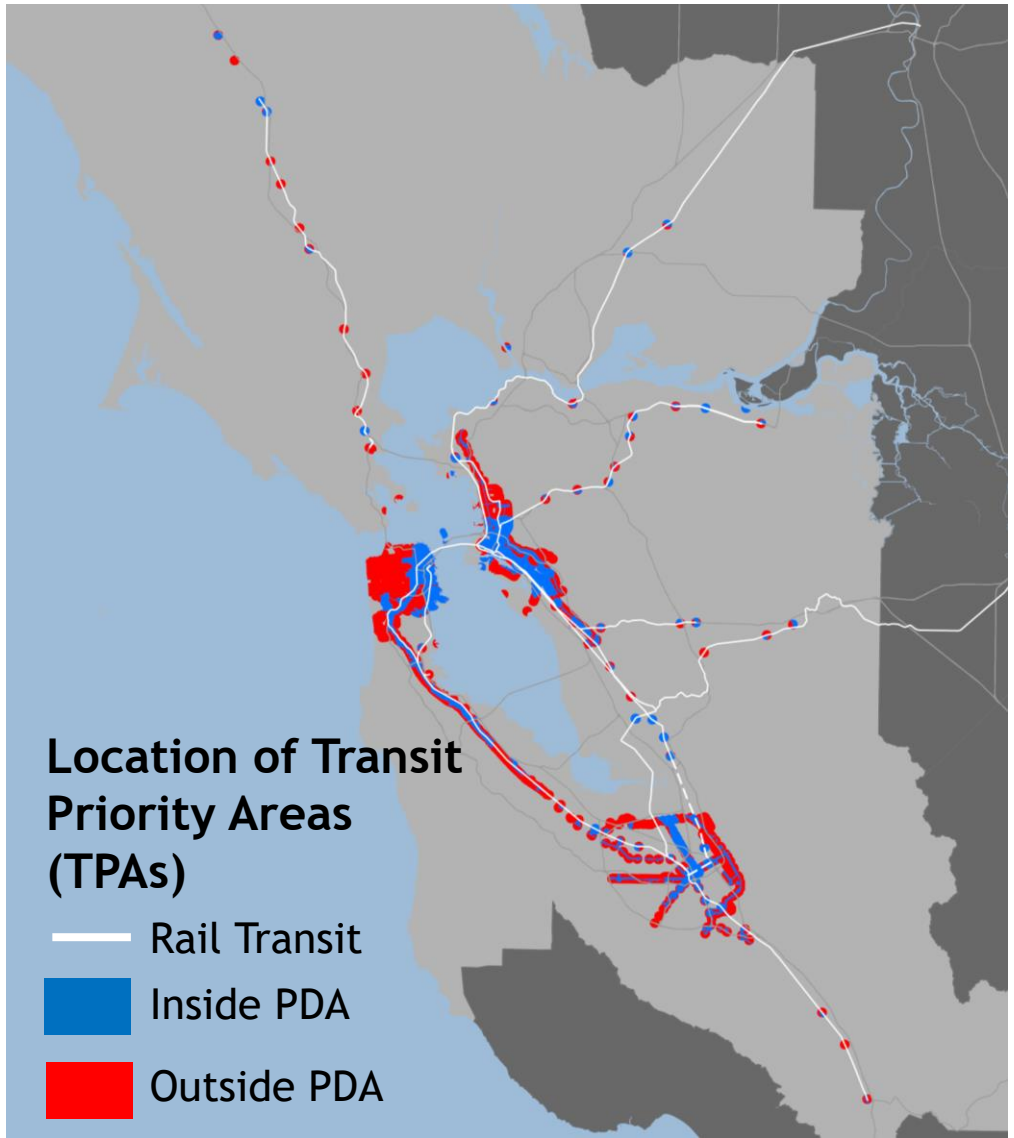
Frequent Transit & Planned for Housing:

How many PDAs meet current criteria?

Meets Criteria?	Share of PDAs by County, 2019									
	Alameda	Contra Costa	Marin	Napa	San Francisco	San Mateo	Santa Clara	Solano	Sonoma	ALL
Transit: **Yes** Planning: **Yes**	70%	23%	50%	0%	92%	64%	71%	25%	33%	**52%**
Transit: **Yes** Planning: No	15%	0%	0%	0%	8%	18%	15%	0%	7%	**13%**
Transit: No Planning: **Yes**	11%	62%	0%	100%	0%	14%	7%	42%	58%	**26%**
Transit: No Planning: No	4%	15%	50%	0%	0%	5%	7%	33%	0%	**9%**

Shaded cells indicate that a county's share is greater than the regional average.

What about transit-rich* areas not yet designated PDAs?

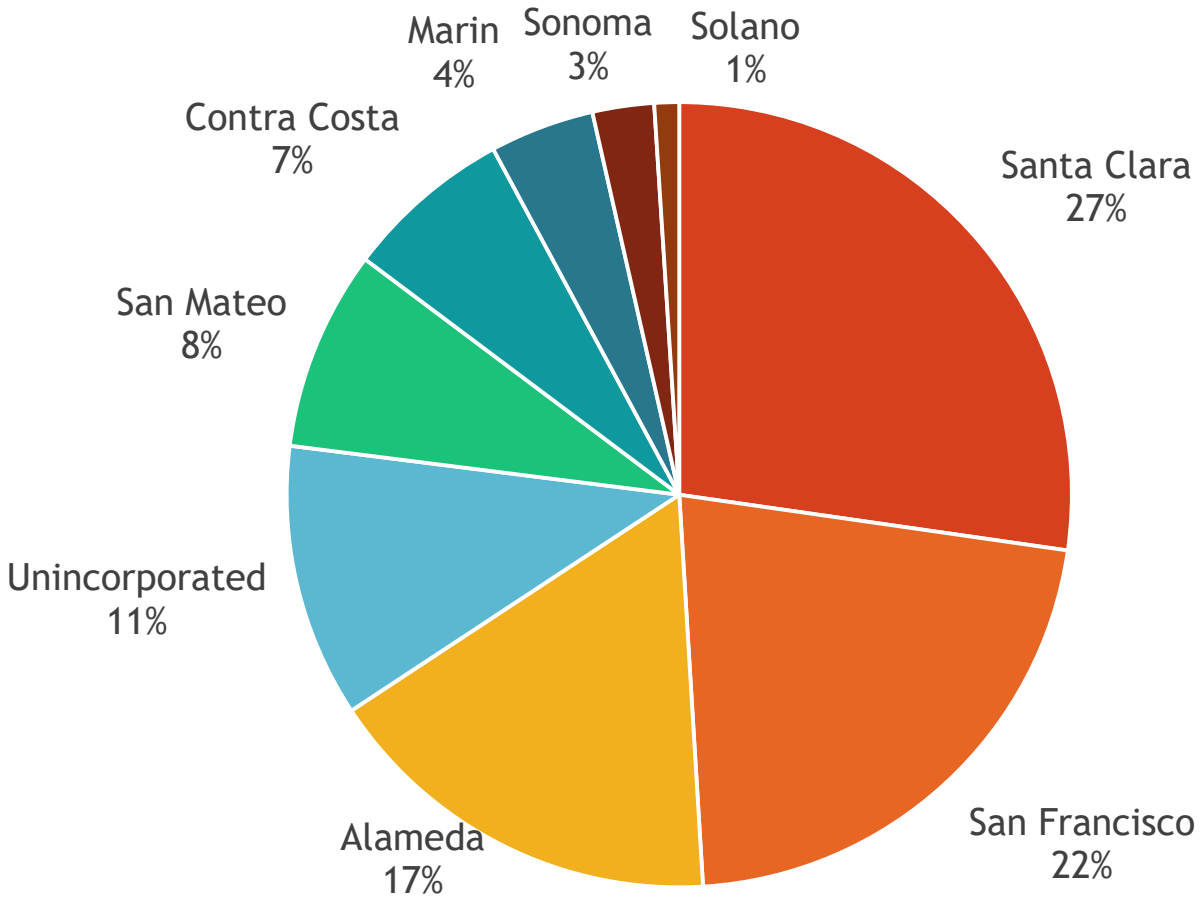


Integrating Transit Priority Areas (TPAs) currently outside of PDAs could add approximately **50 percent** more land to the Regional Growth Framework.

*meeting the state definition of transit priority areas (Public Resources Code §21099(a)(7))

We want to **partner with cities** to more **fully leverage** the region's transit network.

Breakdown of Non-PDA TPA Lands – by county



Top 7 Cities for Transit-Rich Non-PDA Lands	
San Francisco	13,500 acres
San Jose	8,200 acres
Berkeley	2,800 acres
Sunnyvale	2,400 acres
Oakland	2,100 acres
Santa Clara	1,600 acres
Campbell	1,400 acres

These seven cities account for over half of all transit-rich non-PDA land in the region.

San Jose

Image Source: MTC/ABAG

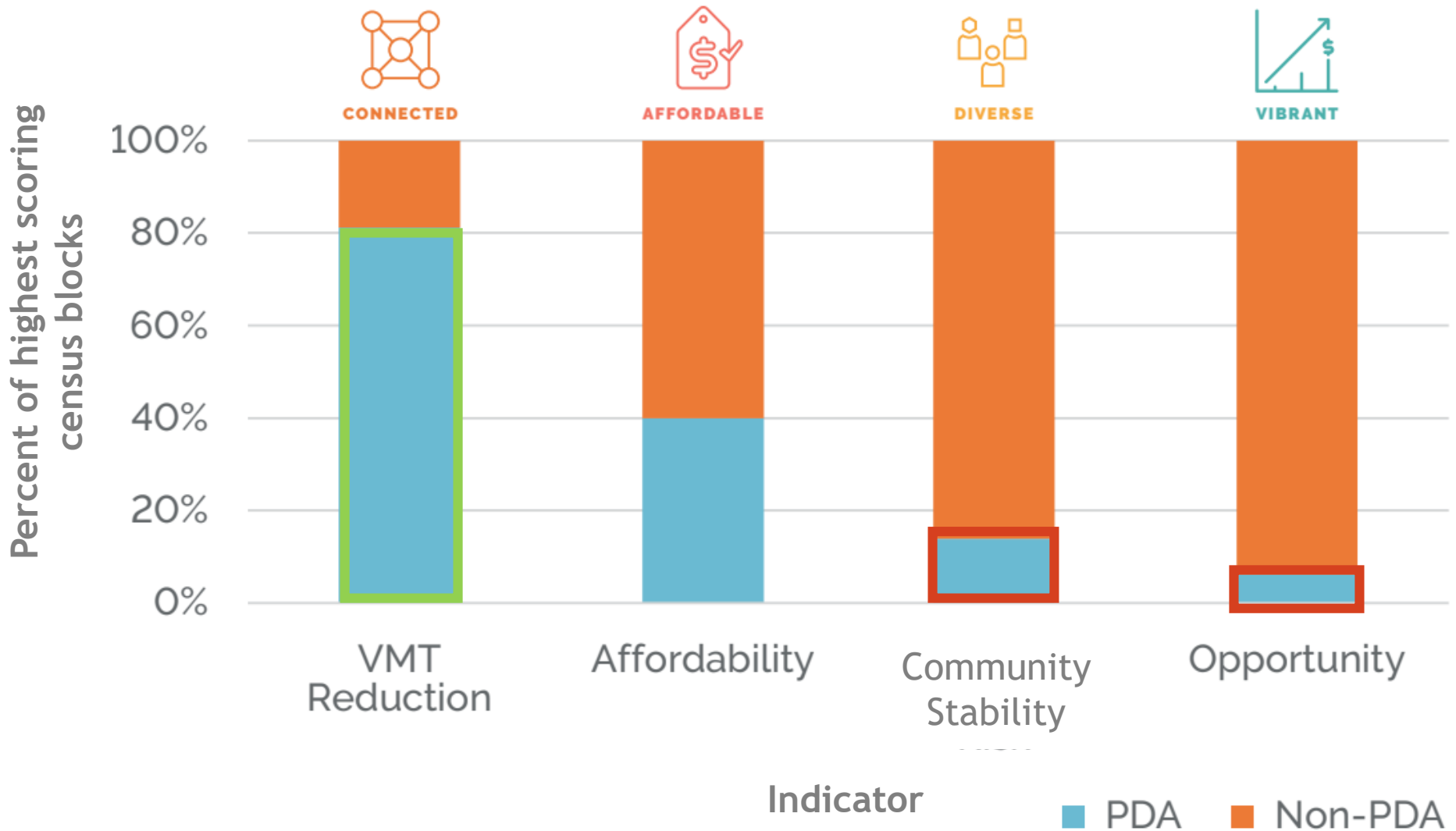
Now, let's **look forward** to understand PDAs' potential performance in the future.

Horizon Perspective Paper 3 scored the region's census blocks for **alignment with the Horizon Guiding Principles.**

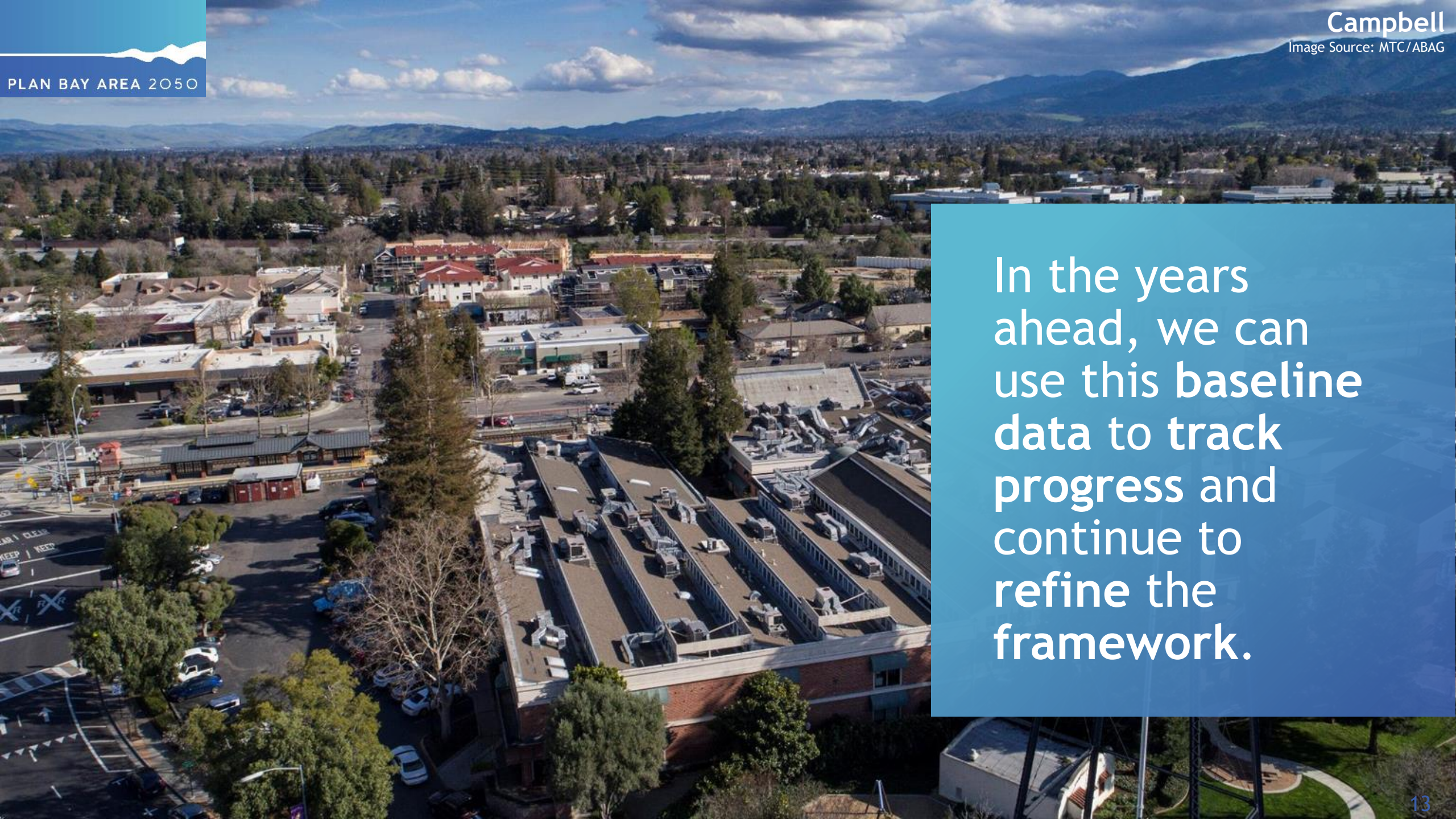
Attachment D *includes data on individual PDAs*

Guiding Principle & Indicator	Definition	Low score	High score
Connected *Vehicle Miles Travelled (VMT) Reduction Potential*	**VMT per capita** (residents)	1 ***Highest*** *VMT*	5 ***Lowest*** *VMT*
	Source: MTC Travel Model 1.5; 2015 simulation year, by quintile		
Vibrant *Access to opportunity*	**Community Resource Level**	1 ***Lowest*** *Resource*	5 ***Highest*** *Resource*
	Source: CA HCD/DOF, 2019 Opportunity Maps		
Diverse *Community Stability*	**Reduction in low income residents**	1 ***Highest*** *reduction*	5 ***Lowest*** *Reduction*
	Source: MTC Vital Signs, 2015		
Affordable *Housing Cost*	**Median monthly rent**	1 ***Highest*** *rent*	5 ***Lowest*** *rent*
	Source: American Community Survey, 2012-2016		

Overall, PDAs capture many of the **best performing** locations for **VMT Reduction**, but make up a **small share** of areas with **high opportunity** and **low displacement risk.**



PLAN BAY AREA 2050



Campbell

Image Source: MTC/ABAG

In the years ahead, we can use this **baseline data** to **track progress** and continue to **refine** the **framework.**

Dublin
Image Source: MTC/ABAG

Today, let's consider how to **strengthen** the Growth Framework for Plan Bay Area 2050.

Today's Focus: Locally-Nominated Areas

			May	June	July	Aug	Sept	Oct	Nov	Dec	Jan (2020)
PDAs	1a	Align PDAs	☆	Submission from CTA and/or city/county							
	1b	New PDAs	☆	Letter of interest				City Council / Board of Supervisors adoption			
PCAs	2	New PCAs	☆	Letter of interest				Local Agency adoption			
New Priority Areas	3a	PPAs	☆	Letter of interest				City Council /Board of Supervisors adoption			
	3b	TPAs		Finalize zones				☆			
	3c	HRAs		Finalize zones				☆			
Cross-Cutting	4	At-Risk Zones						Incorporate strategies into Preferred Plan Bay Area 2050			

☆ = **Action** on Element of Regional Growth Framework Update

PLAN BAY AREA 2050

First things first: let's better define what a PDA is.

Priority Development Areas are **infill locations planned for significant housing and job growth.**

Priority Development Areas help to reduce greenhouse gas emissions by **offering a suite of mobility options** that enable residents to live a car-free or car-light lifestyle.

Priority Development Areas promote **greater opportunity for all**, regardless of race or income.

How would the definition change?

1

PDA Criteria Since 2007

PDA PLAN

Planned for growth

Rail Station *or* Ferry Terminal *or* Bus Line

≤20 minutes in peak periods

includes both existing and planned service

Proposed New Criteria

PDA PLAN

Planned for growth
Plan must be completed by 2025

Create **two categories** to allow greater flexibility, incorporating new mobility & equity into the mix

PDAs that do not already align with one of the two tiers would need to address this by late 2019.

Proposed PDA Designations

1

Transit requirements include both current & planned (Plan Bay Area 2050) service levels.
50% of land in PDA must be within ½ mile of transit meeting criteria

Transit-Rich PDAs

- *High-quality transit* **≤15 min peak**
- *or*
- *or*

TPAs that are not currently PDAs should apply

Connected Community PDAs

- *Basic transit* **≤30 min peak**

AND at least one of the following:

- *High resource* **existing high-resource area**

OR

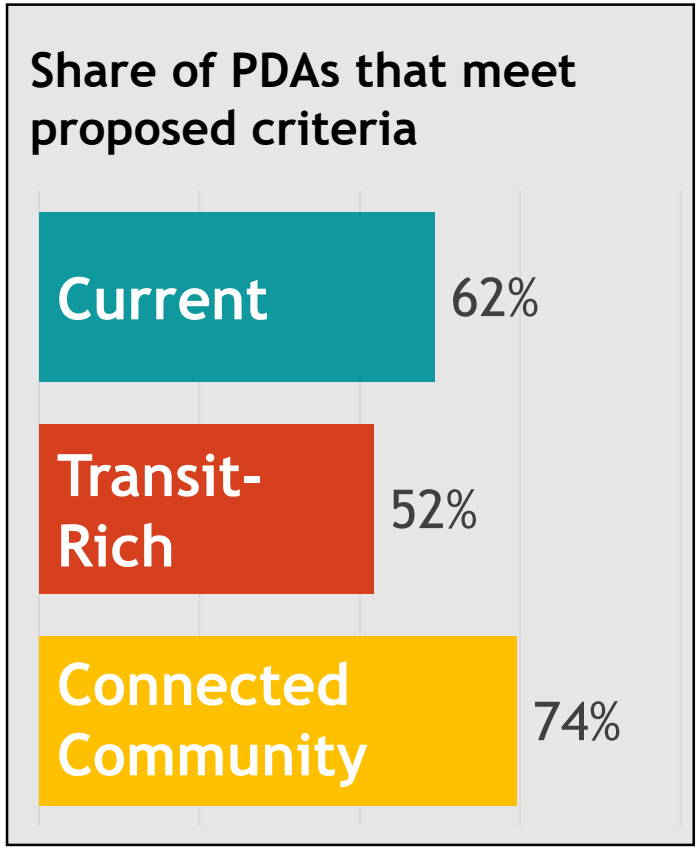
- *Policy commit.* **commitment to adopt ≥2 policies by 2025**
  (e.g. TDM ordinance, curb management, Vision Zero)

HRAs that are not currently PDAs should apply

Best bet for PDAs unable to plan for 15-minute service

How many PDAs meet proposed **transit** criteria?

1



Number of PDAs Meeting Transit Criteria by Proposed Service Thresholds, 2019

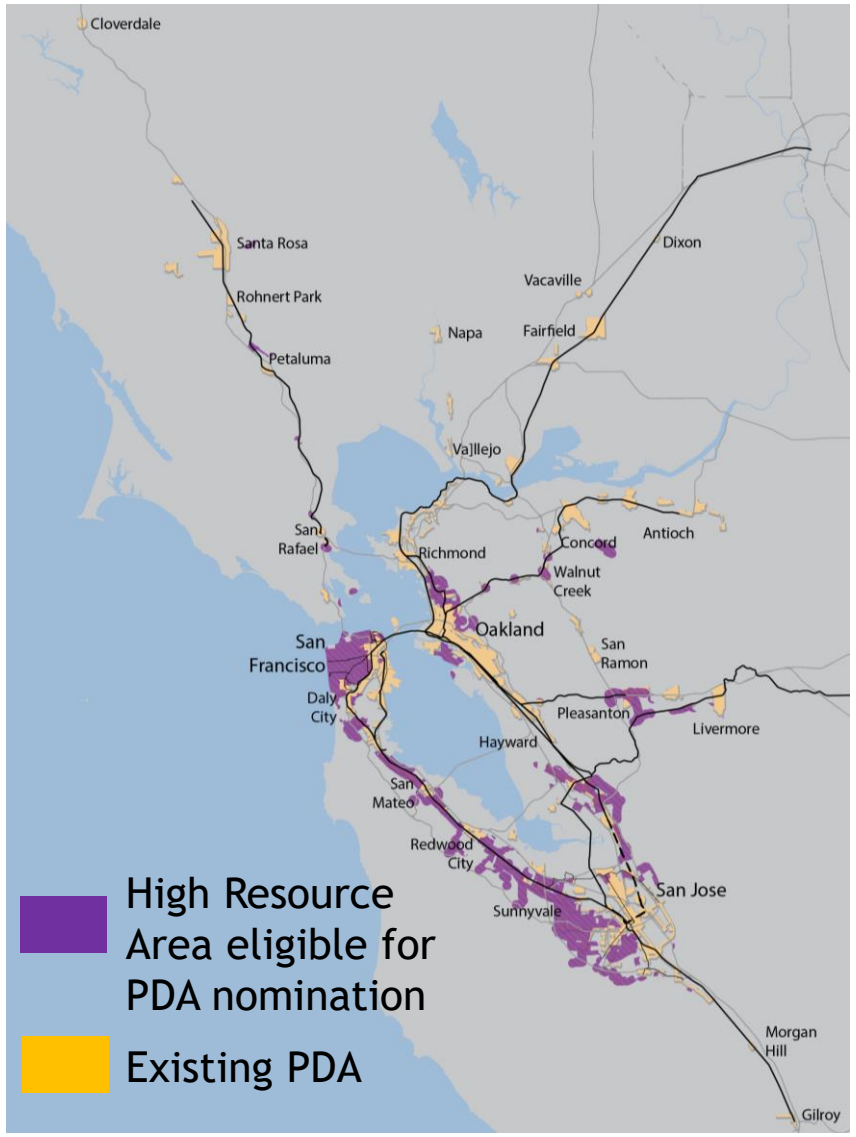
Service Threshold	Percentage of PDA Land within ½ Mile				
	0-25%	26-50%	51-75%	76-100%	Total
Current *Rail, ferry or 20-minute peak bus*	56	16	15	101	188
Proposed: Transit-Rich *Rail, ferry or 15-minute peak bus*	66	24	24	74	188
Proposed: Connected Community *30-minute peak bus (minimum)*	36	12	15	125	188

PLAN BAY AREA 2050

How are high-resource areas (HRAs) being integrated?

1

Local jurisdictions are encouraged to **self-nominate** HRAs that meet updated eligibility criteria as PDAs.



Defined by HCD as places that offer ***"the best chance at economic advancement, high educational attainment, and good physical and mental health"***

Based upon **economic, environmental, and educational** indicators shown to affect these outcomes

For more information, see: https://www.treasurer.ca.gov/ctcac/opportunity.asp

Napa

Image Source: Flickr/Aurimas

2

No changes are proposed for **Priority Conservation Areas** (PCAs).

Attachment F
includes an overview and criteria for PCAs

Fremont
Image Source: Tesla

3a

Introducing **Priority Production Areas** (PPAs).

Attachment G
includes an overview and criteria for PPAs

Defining PPAs

3a

Pilot Program Goals

- **Support** strong clusters of the region's economy.
- **Align with the transportation planning framework** for freight and goods movement.
- **Plan for space** needed for middle-wage job opportunities.
- **Encourage middle-wage job growth** close to affordable housing.

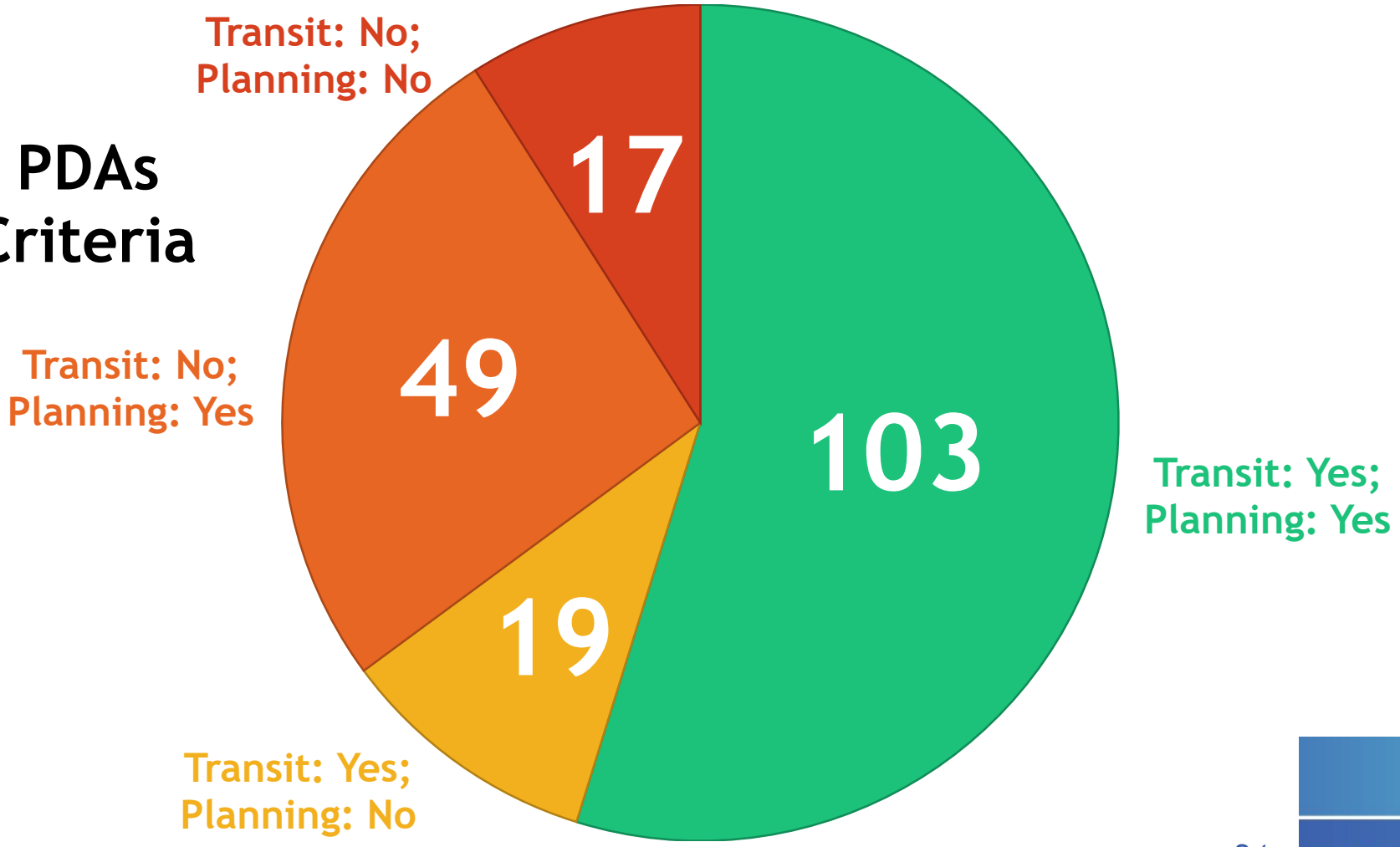
Proposed PPA Definition

- Zoned for **industrial use** or with high concentration of industrial activities
- **Not located in a PDA** and not within one-half mile of a regional rail station*
- Jurisdiction has a **certified housing element**

** = includes both existing and planned service; includes BART, Caltrain, ACE, SMART, Amtrak, and any future heavy/commuter/intercity rail systems.*

Where do we go from here with the new PDA definition?

Breakdown of PDAs using Existing Criteria



Where do we go from here with the new PDA definition?

EXISTING PDAs

PDA Status under Current Criteria	# of PDAs	Next Steps
Transit: **Yes** Planning: **Yes**	**103** PDAs	**1) Reaffirm commitment to rail, ferry, or 15-minute bus headway**
Transit: **Yes** Planning: No	**19** PDAs	**2) Submit letter of intent to complete PDA Plan by 2025**
Transit: No Planning: **Yes**	**49** PDAs	**3a) Identify transit necessary to become a Transit-Rich PDA; <u>OR</u> 3b) Identify transit and/or policy commitments necessary to become a Connected Community PDA**
Transit: No Planning: No	**17** PDAs	***4) Complete both (2) and (3) above***

NEW AREAS

<u>Transit-Rich Areas:</u>
Apply as
Transit-Rich PDAs

<u>High-Resource Areas:</u>
Apply as **Connected Community PDAs**

Submit new PCA and PPA applications this summer as well

Next Steps

1a **Align PDAs**

Already meeting newly proposed PDA requirements: No action required

Not meeting transit requirements: CTA to identify transit improvements needed by **September 2019**

Not meeting planning requirements: City/county to identify start date by **September 2019**; complete by **2025**

Not meeting policy requirements: City/county to make commitments by **January 2020** and advance policies by **2025**

1b **New PDAs**

2 **New PCAs**

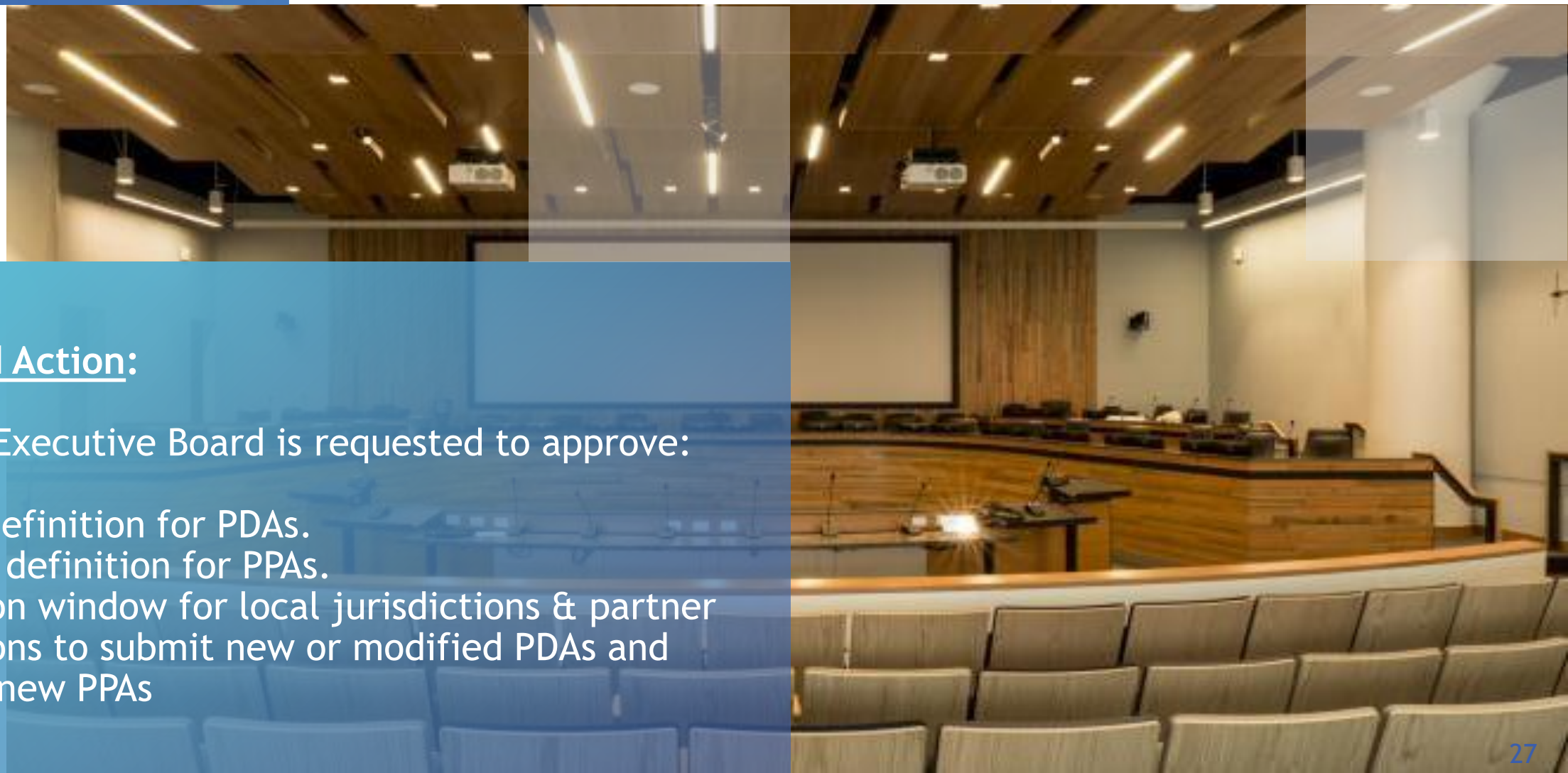
3a **PPAs**

Submit letter of interest by **September 2019**

Resolution adopted by city council, board of supervisors, or elected board by **January 2020**

Incorporate in Preferred Plan Bay Area 2050 in **winter 2020**

PLAN BAY AREA 2050



Requested Action:

The ABAG Executive Board is requested to approve:

- Revised definition for PDAs.
- Proposed definition for PPAs.
- Submission window for local jurisdictions & partner organizations to submit new or modified PDAs and PCAs, and new PPAs

Meets transit and planning criteria | Meets transit and plan criteria; needs EIR | Meets transit criteria; does not meet planning criteria | Meets planning criteria; does not meet transit criteria | Does not meet transit or planning criteria

PDA Name	County	Jurisdiction	Total Acres	Acres Within 1/2 Mile of Transit Meeting Standard[1]	Percent Within 1/2 Mile of Transit Meeting Standard[1]	PDA Plan[2] Adopted	EIR Certified	MTC Funded Plan
ALAMEDA COUNTY								
University Avenue	Alameda	Berkeley	76	76	100%	Yes	Yes	
Mixed-Use Core	Alameda	Emeryville	584	584	100%	Yes	Yes	
Adeline Street	Alameda	Berkeley	62	62	100%	In Progress	In Progress	Yes
Downtown	Alameda	Berkeley	150	150	100%	Yes	Yes	
West Oakland	Alameda	Oakland	1701	1702	100%	Yes	Yes	Yes
Northern Waterfront	Alameda	Alameda	329	329	100%	Yes	Yes	
Downtown Transit Oriented Development	Alameda	San Leandro	517	518	100%	Yes	Yes	Yes
East 14th Street	Alameda	San Leandro	146	146	100%	Yes	Yes	Yes
Bay Fair BART Village	Alameda	San Leandro	169	169	100%	Yes	Yes	Yes
Hesperian Boulevard	Alameda	Alameda County	455	455	100%	Yes	Yes	
Mission Boulevard Corridor	Alameda	Hayward	270	270	100%	Yes	Yes	
Castro Valley BART	Alameda	Alameda County	265	265	100%	In Progress	In Progress	
East 14th Street and Mission Boulevard	Alameda	Alameda County	810	811	100%	Yes	Yes	Yes
South Hayward BART	Alameda	Hayward	183	183	100%	Yes	Yes	Yes
South Hayward BART	Alameda	Hayward	53	53	100%	Yes	Yes	Yes
Downtown & Jack London Square	Alameda	Oakland	1335	1335	100%	In Progress	In Progress	Yes
Downtown	Alameda	Hayward	304	297	98%	In Progress	In Progress	
Coliseum BART Station Area	Alameda	Oakland	1448	1392	96%	Yes	Yes	Yes
Intermodal Station District	Alameda	Union City	143	134	94%	Yes	Yes	
Downtown Specific Plan Area	Alameda	Dublin	300	275	92%	Yes	Yes	
Town Center[3]	Alameda	Dublin	676	603	89%	Yes	Yes	
The Cannery	Alameda	Hayward	124	108	87%	Yes	Yes	
Isabel Avenue/BART Station Planning Area[3]	Alameda	Livermore	1131	979	87%	In Progress	In Progress	
TOD Corridors - San Antonio/Central Estuary	Alameda	Oakland	944	809	86%	Yes	Yes	
Transit Center/Dublin Crossings	Alameda	Dublin	280	224	80%	Part of PDA	Part of PDA	
City Center	Alameda	Fremont	1067	830	78%	Part of PDA	Part of PDA	Yes
Downtown	Alameda	Livermore	252	191	75%	Yes	Yes	

PDA Name	County	Jurisdiction	Total Acres	Acres Within 1/2 Mile of Transit Meeting Standard[1]	Percent Within 1/2 Mile of Transit Meeting Standard[1]	PDA Plan[2] Adopted	EIR Certified	MTC Funded Plan
Centerville	Alameda	Fremont	1721	1232	72%	Part of PDA	Part of PDA	
Naval Air Station	Alameda	Alameda	1052	560	53%	In Progress	In Progress	Yes
TOD Corridors - International Boulevard	Alameda	Oakland	875	875	100%	Yes	No	
South Shattuck	Alameda	Berkeley	21	21	100%	No	No	
San Pablo Avenue	Alameda	Berkeley	106	106	100%	No	No	
San Pablo & Solano Mixed Use Neighborhood	Alameda	Albany	80	80	100%	No	No	
Golden Gate/North Oakland	Alameda	Oakland	935	935	100%	No	No	
Southside/Telegraph Avenue	Alameda	Berkeley	204	204	100%	No	No	
Eastmont Town Center	Alameda	Oakland	733	733	100%	No	No	
Fruitvale and Dimond Areas	Alameda	Oakland	1521	1504	99%	No	No	
MacArthur Transit Village	Alameda	Oakland	1152	1109	96%	No	No	
TOD Corridors	Alameda	Oakland	5004	4569	91%	No	No	
Warm Springs	Alameda	Fremont	1628	591	36%	Yes	yes	Yes
Irvington District	Alameda	Fremont	1388	485	35%	Part of PDA	Part of PDA	
East Side	Alameda	Livermore	2328	224	10%	Part of PDA	Part of PDA	
Dumbarton Transit Oriented Development[3]	Alameda	Newark	205	0	0%	Yes	Yes	
Hacienda	Alameda	Pleasanton	869	215	25%	Yes	No	
Meekland Avenue Corridor	Alameda	Alameda County	171	69	40%	No	No	
Old Town Mixed Use Area	Alameda	Newark	53	0	0%	No	No	
CONTRA COSTA COUNTY								
San Pablo Avenue Corridor	Contra Costa	El Cerrito	119	119	100%	Yes	Yes	Yes
San Pablo Avenue Corridor	Contra Costa	El Cerrito	131	131	100%	Yes	Yes	Yes
Pittsburg/Bay Point BART Station	Contra Costa	Contra Costa County	73	73	100%	Yes	Yes	
Contra Costa Centre	Contra Costa	Contra Costa County	100	99	99%	Yes	Yes	
San Pablo Avenue & 23rd Street Corridors	Contra Costa	San Pablo	284	279	98%	Yes	Yes	
Downtown	Contra Costa	Martinez	191	179	93%	Yes	Yes	
Waterfront District	Contra Costa	Hercules	244	156	64%	Yes	Yes	
Downtown	Contra Costa	Orinda	155	125	81%	In Progress	No	
Central Richmond & 23rd Street Corridor	Contra Costa	Richmond	774	422	55%	No	No	

PDA Name	County	Jurisdiction	Total Acres	Acres Within 1/2 Mile of Transit Meeting Standard[1]	Percent Within 1/2 Mile of Transit Meeting Standard[1]	PDA Plan[2] Adopted	EIR Certified	MTC Funded Plan
Downtown	Contra Costa	Lafayette	304	148	49%	Yes	Yes	
Railroad Avenue eBART Station	Contra Costa	Pittsburg	1071	503	47%	Yes	Yes	Yes
Downtown	Contra Costa	Concord	486	224	46%	Yes	yes	Yes
Pittsburg/Bay Point BART Station	Contra Costa	Contra Costa County	336	146	43%	Yes	Yes	Yes
Core Area	Contra Costa	Walnut Creek	792	335	42%	Yes	Yes	Yes
Rivertown Waterfront	Contra Costa	Antioch	474	197	42%	Yes	Yes	
Hillcrest eBART Station	Contra Costa	Antioch	382	102	27%	Yes	Yes	Yes
Community Reuse Area/Los Medanos	Contra Costa	Concord	1066	169	16%	Yes	Yes	Yes
South Richmond	Contra Costa	Richmond	1422	166	12%	Yes	Yes	Yes
Buskirk Avenue Corridor	Contra Costa	Pleasant Hill	320	20	6%	Part of PDA	Part of PDA	
Employment Area	Contra Costa	Oakley	758	0	0%	Part of PDA	Part of PDA	
City Center	Contra Costa	San Ramon	456	0	0%	Part of PDA	Part of PDA	
North Richmond	Contra Costa	Richmond (with Contra Costa Co	1126	0	0%	Yes	Yes	
Downtown El Sobrante	Contra Costa	Contra Costa County	171	0	0%	Yes	Yes	
Community Reuse Area/Los Medanos	Contra Costa	Concord	1606	0	0%	Yes	Yes	Yes
Downtown	Contra Costa	Danville	546	0	0%	Yes	Yes	
Central Hercules	Contra Costa	Hercules	252	0	0%	Yes	Yes	
Moraga Center	Contra Costa	Moraga	180	0	0%	Yes	Yes	Yes
Downtown	Contra Costa	Oakley	146	0	0%	Yes	Yes	
Old Town San Pablo Avenue	Contra Costa	Pinole	240	0	0%	Yes	Yes	
Appian Way Corridor	Contra Costa	Pinole	141	0	0%	Yes	Yes	
Downtown	Contra Costa	Pittsburg	435	0	0%	Yes	Yes	Yes
North Camino Ramon	Contra Costa	San Ramon	302	0	0%	Yes	Yes	
West Contra Costa Transportation Advisory Committee San Pablo Avenue Corridor	Contra Costa	Richmond	214	95	44%	No	No	
Central Richmond & 23rd Street Corridor	Contra Costa	Richmond	51	9	17%	No	No	
Potential Planning Area	Contra Costa	Oakley	232	0	0%	No	No	
Diablo Valley College	Contra Costa	Pleasant Hill	58	0	0%	No	No	
Rumrill Boulevard	Contra Costa	San Pablo	55	0	0%	No	No	
West Contra Costa Transportation Advisory Committee San Pablo Avenue Corridor	Contra Costa	Contra Costa County	346	0	0%	No	No	

PDA Name	County	Jurisdiction	Total Acres	Acres Within 1/2 Mile of Transit Meeting Standard[1]	Percent Within 1/2 Mile of Transit Meeting Standard[1]	PDA Plan[2] Adopted	EIR Certified	MTC Funded Plan
West Contra Costa Transportation Advisory Committee San Pablo Avenue Corridor	Contra Costa	Hercules	74	0	0%	No	No	
MARIN COUNTY								
Downtown	Marin	San Rafael	503	493	98%	Yes	Yes	Yes
Unincorporated Marin County	Marin	Marin County	523	24	5%	No	No	
NAPA COUNTY								
Highway 29 Corridor	Napa	American Canyon	374	0	0%	In Progress	In Progress	
Downtown Napa and Soscol Gateway	Napa	Napa	616	0	0%	Part of PDA	Part of PDA	
SAN FRANCISCO CITY & COUNTY								
Balboa Park	San Francisco	San Francisco	207	207	100%	Yes	Yes	
Mission Bay	San Francisco	San Francisco	290	291	100%	Yes	Yes	
Mission-San Jose Corridor	San Francisco	San Francisco	1804	1806	100%	Yes	Yes	Yes
Market-Octavia/Upper Market	San Francisco	San Francisco	425	426	100%	Yes	Yes	Yes
Downtown-Van Ness-Geary	San Francisco	San Francisco	2358	2360	100%	Yes	Yes	Yes
Eastern Neighborhoods	San Francisco	San Francisco	2291	2293	100%	Yes	Yes	Yes
Transit Center District	San Francisco	San Francisco	150	150	100%	Yes	Yes	
Treasure Island & Yerba Buena Island	San Francisco	San Francisco	559	175	100%	Yes	Yes	Yes
Bayview/Hunters Point Shipyard/Candlestick Point	San Francisco	San Francisco	2854	2597	91%	Yes	Yes	
19th Avenue	San Francisco	San Francisco	1163	1053	91%	In Progress	No	Yes
San Francisco/San Mateo Bi-County Area	San Francisco	San Francisco & Brisbane	373	346	93%	No	No	
Port of San Francisco	San Francisco	San Francisco	811	736	91%	No	No	
SAN MATEO COUNTY								
Mission Boulevard	San Mateo	Daly City	690	690	100%	Part of PDA	Part of PDA	
Transit Station Area	San Mateo	Millbrae	237	237	100%	In Progress	Yes	
Burlingame El Camino Real	San Mateo	Burlingame	958	959	100%	Part of PDA	Part of PDA	
Downtown	San Mateo	San Mateo	102	102	100%	Part of PDA	Part of PDA	
El Camino Real	San Mateo	San Mateo	140	140	100%	Yes	Yes	
Villages of Belmont	San Mateo	Belmont	555	555	100%	Part of PDA	Part of PDA	Yes
Railroad Corridor	San Mateo	San Carlos	69	69	100%	Part of PDA	Part of PDA	
El Camino Real Corridor and Downtown	San Mateo	Menlo Park	159	159	100%	Yes	Yes	
Downtown	San Mateo	Redwood City	192	192	100%	Yes	Yes	
El Camino Real	San Mateo	South San Francisco	859	858	100%	Yes	Yes	

PDA Name	County	Jurisdiction	Total Acres	Acres Within 1/2 Mile of Transit Meeting Standard[1]	Percent Within 1/2 Mile of Transit Meeting Standard[1]	PDA Plan[2] Adopted	EIR Certified	MTC Funded Plan
Transit Corridors	San Mateo	San Bruno	864	841	97%	Part of PDA	Part of PDA	
Downtown	San Mateo	South San Francisco	192	147	77%	Yes	Yes	Yes
Rail Corridor	San Mateo	San Mateo	498	370	74%	Yes	Yes	
El Camino Real Corridor	San Mateo	Redwood City	178	178	100%	Yes	No	
El Camino Real	San Mateo	Colma	334	334	100%	No	No	
El Camino Real (Unincorporated Colma)	San Mateo	San Mateo County	49	49	100%	No	No	
Grand Boulevard Initiative	San Mateo	San Mateo	1008	1009	100%	No	No	
Bayshore	San Mateo	Daly City	378	343	91%	No	No	
Broadway/Veterens Boulevard Corridor	San Mateo	Redwood City	431	105	24%	Part of PDA	Part of PDA	
San Francisco/San Mateo Bi-County Area	San Mateo	San Francisco &	739	121	16%	In Progress	In Progress	
El Camino Real (North Fair Oaks)	San Mateo	San Mateo County	527	64	12%	Yes	Yes	
Ravenswood[3]	San Mateo	East Palo Alto	341	0	0%	Yes	Yes	
SANTA CLARA COUNTY								
San Antonio	Santa Clara	Mountain View	123	123	100%	Part of PDA	Part of PDA	
El Camino Real	Santa Clara	Mountain View	286	286	100%	Yes	Yes	Yes
Whisman Station	Santa Clara	Mountain View	151	152	100%	Yes	Yes	
El Camino Real Corridor	Santa Clara	Sunnyvale	411	412	100%	In Progress	In Progress	Yes
Stevens Creek TOD Corridor	Santa Clara	San Jose	259	259	100%	Yes	Yes	
El Camino Real Focus Area	Santa Clara	Santa Clara	317	317	100%	In Progress	In Progress	Yes
Santa Clara Station Focus Area	Santa Clara	Santa Clara	256	256	100%	Yes	Yes	
Bascom TOD Corridor	Santa Clara	San Jose	215	215	100%	In Progress	Yes	
Transit Area	Santa Clara	Milpitas	409	410	100%	Yes	Yes	
Greater Downtown	Santa Clara	San Jose	684	684	100%	Yes	Yes	Yes
Blossom Hill/Snell Urban Village	Santa Clara	San Jose	64	64	100%	In Progress	Yes	
West San Carlos and Southwest Expressway Corridors	Santa Clara	San Jose	1346	1347	100%	In Progress	In Progress	Yes
Cottle Transit Village (Hitachi)	Santa Clara	San Jose	196	196	100%	Yes	Yes	
Downtown	Santa Clara	Morgan Hill	181	181	100%	Yes	Yes	
Downtown "Frame"	Santa Clara	San Jose	2445	2397	98%	Yes	Yes	yes
Downtown	Santa Clara	Mountain View	692	666	96%	Part of PDA	Part of PDA	
Downtown & Caltrain Station	Santa Clara	Sunnyvale	274	263	96%	Yes	Yes	Yes
East Santa Clara/Alum Rock Corridor	Santa Clara	San Jose	898	863	96%	Yes	Yes	

PDA Name	County	Jurisdiction	Total Acres	Acres Within 1/2 Mile of Transit Meeting Standard[1]	Percent Within 1/2 Mile of Transit Meeting Standard[1]	PDA Plan[2] Adopted	EIR Certified	MTC Funded Plan
Santa Clara Valley Transportation Authority City Cores, Corridors & Station Areas	Santa Clara	San Jose	3640	3499	96%	Part of PDA	Yes	
Downtown	Santa Clara	Gilroy	254	228	90%	Yes	Yes	
Berryessa Station	Santa Clara	San Jose	664	586	88%	Yes	Yes	
Central Redevelopment Area	Santa Clara	Campbell	257	226	88%	Part of PDA	Part of PDA	
Communications Hill	Santa Clara	San Jose	1573	1319	84%	Yes	Yes	
North San Jose	Santa Clara	San Jose	5028	3784	75%	Yes	Yes	
Saratoga TOD Corridor	Santa Clara	San Jose	159	119	75%	In Progress	Yes	
Oakridge/Almaden Plaza Urban Village	Santa Clara	San Jose	380	281	74%	In Progress	Yes	
Lawrence Station Transit Village	Santa Clara	Sunnyvale	356	241	68%	Yes	Yes	Yes
Winchester Boulevard TOD Corridor	Santa Clara	San Jose	299	176	59%	Yes	Yes	
California Avenue	Santa Clara	Palo Alto	120	120	100%	Yes	No	
Capitol Corridor Urban Villages	Santa Clara	San Jose	199	199	100%	No	Yes	Yes
Capitol/Tully/King Urban Villages	Santa Clara	San Jose	254	254	100%	No	Yes	Yes
El Camino Real Corridor	Santa Clara	Los Altos	77	77	100%	No	No	
Santa Clara Valley Transportation Authority	Santa Clara	Milpitas	121	121	100%	No	No	
Tasman Crossing	Santa Clara	Sunnyvale	197	191	97%	No	No	
Santa Clara Valley Transportation Authority City Cores, Corridors & Station Areas	Santa Clara	Cupertino	552	487	88%	No	No	
Bascom Urban Village	Santa Clara	San Jose	118	0	0%	In Progress	Yes	
Westgate/El Paseo Urban Village	Santa Clara	San Jose	177	0	0%	In Progress	Yes	
North Bayshore	Santa Clara	Mountain View	651	0	0%	Yes	Yes	
Camden Urban Village	Santa Clara	San Jose	108	0	0%	No	Yes	
Santa Clara Valley Transportation Authority	Santa Clara	Gilroy	273	82	30%	No	No	
East Sunnyvale	Santa Clara	Sunnyvale	460	0	0%	No	No	
SOLANO COUNTY								
Waterfront & Downtown	Solano	Vallejo	200	112	56%	Yes	Yes	
Downtown & Waterfront	Solano	Suisun City	390	202	52%	Yes	Yes	
Downtown South (Jefferson Street)	Solano	Fairfield	289	144	50%	Yes	Yes	
Fairfield-Vacaville Train Station	Solano	Fairfield	2935	242	8%	Yes	Yes	
Sonoma Boulevard	Solano	Vallejo	108	0	0%	Yes	Yes	
Downtown	Solano	Vacaville	168	0	0%	In Progress	In Progress	Yes
Downtown	Solano	Benicia	159	0	0%	Yes	Yes	
West Texas Street Gateway	Solano	Fairfield	316	0	0%	Yes	Yes	
Northern Gateway - Benicia's Industrial Park	Solano	Benicia	1492	0	0%	No	No	
Downtown	Solano	Dixon	139	0	0%	No	No	

PDA Name	County	Jurisdiction	Total Acres	Acres Within 1/2 Mile of Transit Meeting Standard[1]	Percent Within 1/2 Mile of Transit Meeting Standard[1]	PDA Plan[2] Adopted	EIR Certified	MTC Funded Plan
North Texas Street Core	Solano	Fairfield	180	0	0%	No	No	
Allison Area	Solano	Vacaville	210	0	0%	No	No	
SONOMA COUNTY								
Downtown Station Area	Sonoma	Santa Rosa	677	587	87%	In Progress	In Progress	Yes
North Santa Rosa Station	Sonoma	Santa Rosa	989	798	81%	Yes	Yes	Yes
Station Area/Downtown Specific Plan Area	Sonoma	Windsor	389	311	80%	Yes	Yes	Yes
Central, Turning Basin/Lower Reach	Sonoma	Petaluma	455	251	55%	Part of PDA	Part of PDA	Yes
Mendocino Avenue/Santa Rosa Avenue Corridor	Sonoma	Santa Rosa	1447	742	51%	No	No	
Downtown and Cotati Depot	Sonoma	Cotati	133	26	19%	Yes	Yes	Yes
Central Rohnert Park	Sonoma	Rohnert Park	405	45	11%	Yes	Yes	Yes
Sebastopol Road Corridor	Sonoma	Santa Rosa	887	29	3%	Part of PDA	Part of PDA	
Downtown/SMART Transit Area[3]	Sonoma	Cloverdale	504	0	0%	Yes	Yes	Yes
Sonoma Mountain Village	Sonoma	Rohnert Park	178	0	0%	Yes	Yes	
Core Area	Sonoma	Sebastopol	703	0	0%	Yes	Yes	
Roseland	Sonoma	Santa Rosa	1460	0	0%	Yes	Yes	

Notes

1. Defined for the purpose of this analysis as an existing rail station, ferry terminal, or 20-minute frequency bus in peak periods or a future rail station, ferry terminal, or 20-minute frequency bus service in peak periods included in the fiscally-constrained Plan Bay Area 2040.

2. Defined as a Specific, Precise, or other Plan creating development standards specifically for the area included in the PDA, accompanied by a programmatic EIR

3. Part or all of PDA within 1/2 mile of Resolution 3434 station not funded in the fiscally constrained Plan Bay Area 2040

Attachment D, Table D2: PDA Implementation Status - Housing Permits Issued, 2015-2017

PDA Name	Jurisdiction	Housing units permitted by affordability level: 2015-17				
		Low	Very Low	Moderate	Above Moderate	Total Units
ALAMEDA COUNTY						
Downtown & Jack London Square	Oakland	142	54	11	3,649	3,856
MacArthur Transit Village	Oakland	87	18	0	1,225	1,330
Warm Springs	Fremont	182	194	0	832	1,208
West Oakland	Oakland	2	0	0	742	744
Town Center	Dublin	0	0	0	559	559
Downtown Specific Plan Area	Dublin	26	39	1	353	419
Isabel Avenue/BART Station Planning Area	Livermore	0	0	195	214	409
Transit Center/Dublin Crossings	Dublin	0	0	5	368	373
Centerville	Fremont	0	0	0	358	358
Hacienda	Pleasanton	38	10	0	297	345
East Side	Livermore	0	0	151	137	288
Intermodal Station District	Union City	0	0	243	0	243
Irvington District	Fremont	64	0	1	154	219
TOD Corridors	Oakland	0	0	0	216	216
Downtown	Berkeley	14	0	0	198	212
South Shattuck	Berkeley	14	19	0	172	205
Naval Air Station	Alameda	16	15	14	138	183
San Pablo & Solano Mixed Use Neighborhood	Albany	0	0	0	176	176
Dumbarton Transit Oriented Development	Newark	0	0	0	176	176
Coliseum BART Station Area	Oakland	22	33	0	110	165
City Center	Fremont	0	0	0	146	146
The Cannery	Hayward	0	0	0	138	138
Golden Gate/North Oakland	Oakland	0	0	0	136	136
Mission Boulevard Corridor	Hayward	40	19	0	74	133
University Avenue	Berkeley	11	0	0	117	128
TOD Corridors - San Antonio/Central Estuary	Oakland	0	0	0	123	123
Fruitvale and Dimond Areas	Oakland	72	20	0	26	118

PDA Name	Jurisdiction	Housing units permitted by affordability level: 2015-17				
		Low	Very Low	Moderate	Above Moderate	Total Units
Northern Waterfront	Alameda	35	18	7	50	110
East 14th Street and Mission Boulevard	Alameda County	85	0	0	14	99
Hesperian Boulevard	Alameda County	34	61	3	0	98
Downtown Transit Oriented Development	San Leandro	27	57	0	2	86
Southside/Telegraph Avenue	Berkeley	7	0	0	76	83
Downtown	Livermore	0	0	10	70	80
TOD Corridors - International Boulevard	Oakland	58	0	0	15	73
Adeline Street	Berkeley	31	10	1	0	42
Eastmont Town Center	Oakland	0	0	0	19	19
Meekland Avenue Corridor	Alameda County	1	0	2	2	5
Downtown	Hayward	0	0	0	1	1
Castro Valley BART	Alameda County	0	0	0	0	0
San Pablo Avenue	Berkeley	0	0	0	0	0
Mixed-Use Core	Emeryville	0	0	0	0	0
South Hayward BART	Hayward	0	0	0	0	0
South Hayward BART	Hayward	0	0	0	0	0
Old Town Mixed Use Area	Newark	0	0	0	0	0
Bay Fair BART Village	San Leandro	0	0	0	0	0
East 14th Street	San Leandro	0	0	0	0	0
CONTRA COSTA COUNTY						
Core Area	Walnut Creek	42	16	0	393	451
Waterfront District	Hercules	0	0	0	191	191
Downtown	Lafayette	2	2	17	118	139
San Pablo Avenue Corridor (South of Del Norte Station Area)	El Cerrito	0	6	13	110	129
South Richmond	Richmond	0	0	0	90	90
Employment Area	Oakley	8	66	1	0	75
Downtown	Pittsburg	0	0	0	75	75

Attachment D, Table D2: PDA Implementation Status - Housing Permits Issued, 2015-2017

PDA Name	Jurisdiction	Housing units permitted by affordability level: 2015-17				
		Low	Very Low	Moderate	Above Moderate	Total Units
Railroad Avenue eBART Station	Pittsburg	0	7	0	59	66
San Pablo Avenue Corridor (Del Norte Station Area)	El Cerrito	62	0	0	1	63
Central Hercules	Hercules	0	0	0	43	43
Downtown El Sobrante	Contra Costa County	0	0	0	32	32
San Pablo Avenue & 23rd Street Corridors	San Pablo	0	0	1	28	29
North Camino Ramon	San Ramon	0	0	2	18	20
Downtown	Danville	0	0	2	16	18
Downtown	Concord	0	0	0	14	14
Moraga Center	Moraga	0	0	0	11	11
North Richmond	Richmond (with Contra Costa County)	0	0	1	2	3
Central Richmond & 23rd Street Corridor	Richmond	0	0	0	3	3
West Contra Costa Transportation Advisory Committee San Pablo Avenue Corridor	Contra Costa County	0	0	3	0	3
Downtown	Martinez	0	0	0	1	1
Old Town San Pablo Avenue	Pinole	0	0	0	1	1
Hillcrest eBART Station	Antioch	0	0	0	0	0
Rivertown Waterfront	Antioch	0	0	0	0	0
Contra Costa Centre	Contra Costa County	0	0	0	0	0
Pittsburg/Bay Point BART Station (Bay Point)	Contra Costa County	0	0	0	0	0
Pittsburg/Bay Point BART Station (Pittsburg)	Contra Costa County	0	0	0	0	0
Community Reuse Area/Los Medanos	Concord	0	0	0	0	0
Community Reuse Area/Los Medanos	Concord	0	0	0	0	0
Downtown	Oakley	0	0	0	0	0
Potential Planning Area	Oakley	0	0	0	0	0
Downtown	Orinda	0	0	0	0	0
Appian Way Corridor	Pinole	0	0	0	0	0
Diablo Valley College	Pleasant Hill	0	0	0	0	0

PDA Name	Jurisdiction	Housing units permitted by affordability level: 2015-17				
		Low	Very Low	Moderate	Above Moderate	Total Units
Buskirk Avenue Corridor	Pleasant Hill	0	0	0	0	0
Central Richmond & 23rd Street Corridor	Richmond	0	0	0	0	0
City Center	San Ramon	0	0	0	0	0
Rumrill Boulevard	San Pablo	0	0	0	0	0
West Contra Costa Transportation Advisory Committee San Pablo Avenue Corridor	Richmond	0	0	0	0	0
West Contra Costa Transportation Advisory Committee San Pablo Avenue Corridor	Hercules	0	0	0	0	0
MARIN COUNTY						
Downtown	San Rafael	0	4	0	17	21
Unincorporated Marin County	Marin County	0	0	0	1	1
NAPA COUNTY						
Highway 29 Corridor	American Canyon	49	36	133	0	218
Downtown Napa and Soscol Gateway Corridor	Napa	0	0	0	2	2
SAN FRANCISCO CITY AND COUNTY						
Downtown-Van Ness-Geary	San Francisco	111	298	247	3,252	3,908
Eastern Neighborhoods	San Francisco	77	294	74	2,614	3,059
Market-Octavia/Upper Market	San Francisco	39	110	35	1,126	1,310
Bayview/Hunters Point Shipyard/Candlestick Point	San Francisco	708	89	51	450	1,298
Mission Bay	San Francisco	40	158	26	1,005	1,229
Transit Center District	San Francisco	138	0	60	955	1,153
19th Avenue	San Francisco	0	0	8	173	181
Balboa Park	San Francisco	70	3	2	40	115
Mission-San Jose Corridor	San Francisco	0	0	38	50	88
San Francisco/San Mateo Bi-County Area (San Francisco)	San Francisco & Brisbane	0	0	0	5	5
Port of San Francisco	San Francisco	0	0	0	0	0
Treasure Island & Yerba Buena Island	San Francisco	0	0	0	0	0

Attachment D, Table D2: PDA Implementation Status - Housing Permits Issued, 2015-2017

PDA Name	Jurisdiction	Housing units permitted by affordability level: 2015-17				
		Low	Very Low	Moderate	Above Moderate	Total Units
SAN MATEO COUNTY						
Rail Corridor	San Mateo	37	23	10	782	852
Downtown	South San Francisco	80	0	2	339	421
Downtown	Redwood City	0	0	0	312	312
Mission Boulevard	Daly City	21	185	5	16	227
Railroad Corridor	San Carlos	0	8	9	190	207
Burlingame El Camino Real	Burlingame	0	0	0	149	149
Villages of Belmont	Belmont	0	0	0	105	105
Broadway/Veterens Boulevard Corridor	Redwood City	7	0	0	83	90
Transit Corridors	San Bruno	0	3	42	41	86
El Camino Real	South San Francisco	0	4	10	61	75
El Camino Real Corridor and Downtown	Menlo Park	2	0	0	31	33
Grand Boulevard Initiative	San Mateo	0	0	2	16	18
El Camino Real Corridor	Redwood City	0	0	0	12	12
El Camino Real (North Fair Oaks)	San Mateo County	0	0	1	7	8
El Camino Real	Colma	0	0	0	6	6
Ravenswood	East Palo Alto	0	0	0	2	2
Bayshore	Daly City	0	0	1	0	1
Downtown	San Mateo	0	0	0	1	1
El Camino Real (Unincorporated Colma)	San Mateo County	0	0	0	0	0
Transit Station Area	Millbrae	0	0	0	0	0
San Francisco/San Mateo Bi-County Area (Brisbane)	San Francisco & Brisbane	0	0	0	0	0
El Camino Real	San Mateo	0	0	0	0	0
SANTA CLARA COUNTY						
Greater Downtown	San Jose	0	0	95	1,323	1,418
West San Carlos and Southwest Expressway Corridors	San Jose	0	0	110	927	1,037
Downtown "Frame"	San Jose	314	0	80	560	954

PDA Name	Jurisdiction	Housing units permitted by affordability level: 2015-17				
		Low	Very Low	Moderate	Above Moderate	Total Units
Cottle Transit Village (Hitachi)	San Jose	0	0	0	762	762
San Antonio	Mountain View	53	0	1	684	738
Tasman Crossing	Sunnyvale	89	19	1	627	736
Berryessa Station	San Jose	0	0	0	641	641
Communications Hill	San Jose	0	0	0	448	448
El Camino Real	Mountain View	54	29	0	354	437
Whisman Station	Mountain View	0	0	0	364	364
Winchester Boulevard TOD Corridor	San Jose	0	0	0	267	267
El Camino Real Focus Area	Santa Clara	0	0	0	246	246
Central Redevelopment Area	Campbell	7	2	13	209	231
East Sunnyvale	Sunnyvale	0	0	18	212	230
Stevens Creek TOD Corridor	San Jose	0	0	0	226	226
North San Jose	San Jose	0	0	0	149	149
Downtown	Morgan Hill	14	8	0	106	128
Santa Clara Valley Transportation Authority City Cores, Corridors & Station Areas	San Jose	82	18	0	8	108
Transit Area	Milpitas	0	0	0	82	82
Downtown	Mountain View	0	2	0	80	82
Downtown & Caltrain Station	Sunnyvale	0	0	4	43	47
Lawrence Station Transit Village	Sunnyvale	0	0	4	31	35
Downtown	Gilroy	0	0	0	26	26
East Santa Clara/Alum Rock Corridor	San Jose	1	0	0	6	7
Saratoga TOD Corridor	San Jose	0	0	0	5	5
Santa Clara Valley Transportation Authority City Cores, Corridors & Station Areas	Cupertino	0	0	5	0	5
California Avenue	Palo Alto	0	0	0	4	4
North Bayshore	Mountain View	0	0	0	0	0
Santa Clara Station Focus Area	Santa Clara	0	0	0	0	0

PDA Name	Jurisdiction	Housing units permitted by affordability level: 2015-17				
		Low	Very Low	Moderate	Above Moderate	Total Units
Oakridge/Almaden Plaza Urban Village	San Jose	0	0	0	0	0
Capitol/Tully/King Urban Villages	San Jose	0	0	0	0	0
Bascom TOD Corridor	San Jose	0	0	0	0	0
Bascom Urban Village	San Jose	0	0	0	0	0
Camden Urban Village	San Jose	0	0	0	0	0
Blossom Hill/Snell Urban Village	San Jose	0	0	0	0	0
Capitol Corridor Urban Villages	San Jose	0	0	0	0	0
Westgate/El Paseo Urban Village	San Jose	0	0	0	0	0
El Camino Real Corridor	Sunnyvale	0	0	0	0	0
Santa Clara Valley Transportation Authority City Cores, Corridors & Station Areas	Gilroy	0	0	0	0	0
Santa Clara Valley Transportation Authority City Cores, Corridors & Station Areas	Los Altos	0	0	0	0	0
Santa Clara Valley Transportation Authority City Cores, Corridors & Station Areas	Milpitas	0	0	0	0	0
SOLANO COUNTY						
Fairfield-Vacaville Train Station	Fairfield	0	0	0	81	81
Downtown South (Jefferson Street)	Fairfield	0	0	0	5	5
Downtown	Benicia	1	0	0	1	2
Downtown	Dixon	0	0	0	2	2
Northern Gateway - Benicia's Industrial Park	Benicia	0	0	0	0	0
North Texas Street Core	Fairfield	0	0	0	0	0
West Texas Street Gateway	Fairfield	0	0	0	0	0
Downtown & Waterfront	Suisun City	0	0	0	0	0
Downtown	Vacaville	0	0	0	0	0
Allison Area	Vacaville	0	0	0	0	0
Waterfront & Downtown	Vallejo	0	0	0	0	0
Sonoma Boulevard	Vallejo	0	0	0	0	0

PDA Name	Jurisdiction	Housing units permitted by affordability level: 2015-17				
		Low	Very Low	Moderate	Above Moderate	Total Units
SONOMA COUNTY						
North Santa Rosa Station	Santa Rosa	1	0	0	140	141
Roseland	Santa Rosa	56	21	0	6	83
Sebastopol Road Corridor	Santa Rosa	0	0	1	41	42
Downtown/SMART Transit Area	Cloverdale	25	7	3	1	36
Station Area/Downtown Specific Plan Area	Windsor	0	0	0	19	19
Mendocino Avenue/Santa Rosa Avenue Corridor	Santa Rosa	0	0	0	9	9
Core Area	Sebastopol	0	0	0	4	4
Central, Turning Basin/Lower Reach	Petaluma	0	0	2	1	3
Downtown Station Area	Santa Rosa	0	0	1	2	3
Downtown and Cotati Depot	Cotati	0	0	0	0	0
Sonoma Mountain Village	Rohnert Park	0	0	0	0	0
Central Rohnert Park	Rohnert Park	0	0	0	0	0
	BAY AREA TOTAL	**3,198**	**1,985**	**1,778**	**32,834**	**39,795**

Attachment E, Table E1: - PDA Performance - Horizon Guiding Principle Performance by PDA

PDA Name	Jurisdiction Lead	County	Opportunity (1-5)	VMT Reduction Potential (1-5)	Housing Affordability (1-5)	Community Stability (1-5)	Total (0-20)
ALAMEDA COUNTY							
Naval Air Station	Alameda	Alameda	4	4	5	5	18
Northern Waterfront	Alameda	Alameda	4	4	4	5	17
Castro Valley BART	Alameda County	Alameda	2	3	4	5	14
East 14th Street and Mission Boulevard	Alameda County	Alameda	2	4	4	2	12
Hesperian Boulevard	Alameda County	Alameda	2	3	4	2	11
Meekland Avenue Corridor	Alameda County	Alameda	2	3	4	5	14
San Pablo & Solano Mixed Use Neighborhood	Albany	Alameda	5	4	3	5	17
Adeline Street	Berkeley	Alameda	4	5	5	5	19
Downtown	Berkeley	Alameda	1	5	4	5	15
San Pablo Avenue	Berkeley	Alameda	4	5	4	1	14
South Shattuck	Berkeley	Alameda	4	5	5	5	19
Southside/Telegraph Avenue	Berkeley	Alameda	1	5	3	1	10
University Avenue	Berkeley	Alameda	4	5	3	5	17
Downtown Specific Plan Area	Dublin	Alameda	4	3	3	5	15
Town Center	Dublin	Alameda	3	2	2	5	12
Transit Center/Dublin Crossings	Dublin	Alameda	5	2	2	2	11
Mixed-Use Core	Emeryville	Alameda	4	5	3	2	14
Centerville	Fremont	Alameda	3	1	2	2	8
City Center	Fremont	Alameda	4	3	2	2	11
Irvington District	Fremont	Alameda	3	3	2	1	9
Warm Springs	Fremont	Alameda	5	1	2	5	13
Downtown	Hayward	Alameda	2	3	4	5	14
Mission Boulevard Corridor	Hayward	Alameda	2	4	4	5	15
South Hayward BART	Hayward	Alameda	2	3	4	5	14
South Hayward BART	Hayward	Alameda	2	1	3	5	11
The Cannery	Hayward	Alameda	2	3	4	2	11
Downtown	Livermore	Alameda	3	2	4	5	14

PDA Name	Jurisdiction Lead	County	Opportunity (1-5)	VMT Reduction Potential (1-5)	Housing Affordability (1-5)	Community Stability (1-5)	Total (0-20)
East Side	Livermore	Alameda	3	2	2	3	10
Isabel Avenue/BART Station Planning Area	Livermore	Alameda	3	1	2	5	11
Dumbarton Transit Oriented Development	Newark	Alameda	2	2	3	5	12
Old Town Mixed Use Area	Newark	Alameda	2	2	2	5	11
Coliseum BART Station Area	Oakland	Alameda	1	5	4	5	15
Downtown & Jack London Square	Oakland	Alameda	1	5	4	2	12
Eastmont Town Center	Oakland	Alameda	2	3	5	5	15
Fruitvale and Dimond Areas	Oakland	Alameda	2	4	5	5	16
Golden Gate/North Oakland	Oakland	Alameda	3	5	4	1	13
MacArthur Transit Village	Oakland	Alameda	2	5	4	1	12
TOD Corridors	Oakland	Alameda	3	5	4	5	17
TOD Corridors - International Boulevard	Oakland	Alameda	2	4	5	5	16
TOD Corridors - San Antonio/Central Estuary	Oakland	Alameda	1	5	5	2	13
West Oakland	Oakland	Alameda	3	5	5	5	18
Hacienda	Pleasanton	Alameda	4	4	2	3	13
Bay Fair BART Village	San Leandro	Alameda	2	4	4	5	15
Downtown Transit Oriented Development	San Leandro	Alameda	2	4	4	5	15
East 14th Street	San Leandro	Alameda	2	3	4	5	14
Intermodal Station District	Union City	Alameda	3	2	2	5	12
CONTRA COSTA COUNTY							
Hillcrest eBART Station	Antioch	Contra Costa	2	2	4	2	10
Rivertown Waterfront	Antioch	Contra Costa	2	3	5	5	15
Community Reuse Area/Los Medanos	Concord	Contra Costa	2	3	3	5	13

PDA Name	Jurisdiction Lead	County	Opportunity (1-5)	VMT Reduction Potential (1-5)	Housing Affordability (1-5)	Community Stability (1-5)	Total (0-20)
Community Reuse Area/Los Medanos	Concord	Contra Costa	2	1	2	5	10
Downtown	Concord	Contra Costa	3	3	4	5	15
Contra Costa Centre	Contra Costa County	Contra Costa	3	3	3	5	14
Downtown El Sobrante	Contra Costa County	Contra Costa	2	3	4	5	14
Pittsburg/Bay Point BART Station	Contra Costa County	Contra Costa	1	3	4	5	13
Pittsburg/Bay Point BART Station	Contra Costa County	Contra Costa	2	2	2	3	9
West Contra Costa Transportation Advisory Committee San Pablo Avenue Corridor	Contra Costa County	Contra Costa	2	4	4	5	15
Downtown	Danville	Contra Costa	5	1	2	5	13
San Pablo Avenue Corridor	El Cerrito	Contra Costa	5	4	3	2	14
San Pablo Avenue Corridor	El Cerrito	Contra Costa	3	4	3	2	12
Central Hercules	Hercules	Contra Costa	3	3	3	5	14
Waterfront District	Hercules	Contra Costa	3	3	2	5	13
West Contra Costa Transportation Advisory Committee San Pablo Avenue Corridor	Hercules	Contra Costa	3	3	4	5	15
Downtown	Lafayette	Contra Costa	5	1	3	5	14
Downtown	Martinez	Contra Costa	2	3	5	5	15
Moraga Center	Moraga	Contra Costa	5	1	2	5	13
Downtown	Oakley	Contra Costa	2	1	3	2	8
Employment Area	Oakley	Contra Costa	2	1	3	5	11
Potential Planning Area	Oakley	Contra Costa	2	1	4	5	12

PDA Name	Jurisdiction Lead	County	Opportunity (1-5)	VMT Reduction Potential (1-5)	Housing Affordability (1-5)	Community Stability (1-5)	Total (0-20)
Downtown	Orinda	Contra Costa	5	1	2	3	11
Appian Way Corridor	Pinole	Contra Costa	3	3	3	5	14
Old Town San Pablo Avenue	Pinole	Contra Costa	3	3	4	5	15
Downtown	Pittsburg	Contra Costa	2	1	5	5	13
Railroad Avenue eBART Station	Pittsburg	Contra Costa	1	4	5	5	15
Buskirk Avenue Corridor	Pleasant Hill	Contra Costa	4	3	3	2	12
Diablo Valley College	Pleasant Hill	Contra Costa	3	3	3	5	14
Central Richmond & 23rd Street Corridor	Richmond	Contra Costa	2	5	5	5	17
Central Richmond & 23rd Street Corridor	Richmond	Contra Costa	2	4	5	5	16
South Richmond	Richmond	Contra Costa	2	3	4	5	14
West Contra Costa Transportation Advisory Committee San Pablo Avenue Corridor	Richmond	Contra Costa	3	4	4	2	13
North Richmond	Richmond (with Contra Costa County	Contra Costa	1	4	4	5	14
Rumrill Boulevard	San Pablo	Contra Costa	2	5	5	5	17
San Pablo Avenue & 23rd Street Corridors	San Pablo	Contra Costa	1	4	5	1	11
City Center	San Ramon	Contra Costa	5	1	2	5	13
North Camino Ramon	San Ramon	Contra Costa	5	1	2	5	13
Core Area	Walnut Creek	Contra Costa	4	2	2	5	13
MARIN COUNTY							
Unincorporated Marin County	Marin County	Marin	5	2	3	5	15
Downtown	San Rafael	Marin	3	3	3	3	12
NAPA COUNTY							
Highway 29 Corridor	American Canyon	Napa	3	3	4	5	15

PDA Name	Jurisdiction Lead	County	Opportunity (1-5)	VMT Reduction Potential (1-5)	Housing Affordability (1-5)	Community Stability (1-5)	Total (0-20)
Downtown Napa and Soscol Gateway Corridor	Napa	Napa	0	3	4	5	12
SAN FRANCISCO CITY & COUNTY							
19th Avenue	San Francisco	San Francisco	3	5	2	5	15
Balboa Park	San Francisco	San Francisco	3	5	3	5	16
Bayview/Hunters Point Shipyard/Candlestick Point	San Francisco	San Francisco	3	5	4	5	17
Downtown-Van Ness-Geary	San Francisco	San Francisco	5	5	3	1	14
Eastern Neighborhoods	San Francisco	San Francisco	3	5	3	5	16
Market-Octavia/Upper Market	San Francisco	San Francisco	3	5	3	1	12
Mission Bay	San Francisco	San Francisco	4	5	2	5	16
Mission-San Jose Corridor	San Francisco	San Francisco	3	5	3	2	13
Port of San Francisco	San Francisco	San Francisco	3	5	2	5	15
Transit Center District	San Francisco	San Francisco	3	5	2	5	15
Treasure Island & Yerba Buena Island	San Francisco	San Francisco	1	4	2	5	12
San Francisco/San Mateo Bi-County Area	San Francisco & Brisbane	San Francisco	2	5	2	5	14
San Francisco/San Mateo Bi-County Area	San Francisco & Brisbane	San Francisco	2	5	3	3	13
SAN MATEO COUNTY							
Villages of Belmont	Belmont	San Mateo	3	3	2	2	10
Downtown	Benicia	San Mateo	4	1	5	5	15
Burlingame El Camino Real	Burlingame	San Mateo	5	3	2	2	12
El Camino Real	Colma	San Mateo	3	4	4	1	12
Bayshore	Daly City	San Mateo	2	5	3	3	13
Mission Boulevard	Daly City	San Mateo	2	5	3	5	15
Ravenswood	East Palo Alto	San Mateo	2	4	3	5	14
Transit Station Area	Millbrae	San Mateo	5	3	3	5	16

PDA Name	Jurisdiction Lead	County	Opportunity (1-5)	VMT Reduction Potential (1-5)	Housing Affordability (1-5)	Community Stability (1-5)	Total (0-20)
Broadway/Veterens Boulevard Corridor	Redwood City	San Mateo	2	5	3	5	15
Downtown	Redwood City	San Mateo	2	5	3	5	15
El Camino Real Corridor	Redwood City	San Mateo	2	4	3	5	14
Transit Corridors	San Bruno	San Mateo	2	4	3	5	14
Railroad Corridor	San Carlos	San Mateo	3	3	2	5	13
Downtown	San Mateo	San Mateo	4	4	3	5	16
El Camino Real	San Mateo	San Mateo	3	3	2	2	10
Grand Boulevard Initiative	San Mateo	San Mateo	3	3	2	2	10
Rail Corridor	San Mateo	San Mateo	3	3	2	5	13
El Camino Real (North Fair Oaks)	San Mateo County	San Mateo	2	4	3	2	11
El Camino Real (Unincorporated Colma)	San Mateo County	San Mateo	3	4	4	1	12
Downtown	South San Francisco	San Mateo	2	4	3	1	10
El Camino Real	South San Francisco	San Mateo	3	3	3	5	14
SANTA CLARA COUNTY							
Central Redevelopment Area	Campbell	Santa Clara	3	4	2	3	12
Santa Clara Valley Transportation Authority City Cores, Corridors & Station Areas	Cupertino	Santa Clara	5	4	2	5	16
Downtown	Gilroy	Santa Clara	1	5	4	5	15
Santa Clara Valley Transportation Authority City Cores, Corridors & Station Areas	Gilroy	Santa Clara	2	5	4	5	16
Santa Clara Valley Transportation Authority City Cores, Corridors & Station Areas	Los Altos	Santa Clara	5	3	2	5	15

PDA Name	Jurisdiction Lead	County	Opportunity (1-5)	VMT Reduction Potential (1-5)	Housing Affordability (1-5)	Community Stability (1-5)	Total (0-20)
El Camino Real Corridor and Downtown	Menlo Park	Santa Clara	4	4	2	2	12
Santa Clara Valley Transportation Authority City Cores, Corridors & Station Areas	Milpitas	Santa Clara	4	4	2	5	15
Transit Area	Milpitas	Santa Clara	4	4	2	5	15
Downtown	Morgan Hill	Santa Clara	3	4	3	5	15
Downtown	Mountain View	Santa Clara	5	3	2	5	15
El Camino Real	Mountain View	Santa Clara	4	4	2	2	12
North Bayshore	Mountain View	Santa Clara	3	1	4	5	13
San Antonio	Mountain View	Santa Clara	5	3	2	2	12
Whisman Station	Mountain View	Santa Clara	5	4	2	5	16
California Avenue	Palo Alto	Santa Clara	5	4	2	5	16
Bascom TOD Corridor	San Jose	Santa Clara	2	4	3	5	14
Bascom Urban Village	San Jose	Santa Clara	3	3	3	5	14
Berryessa Station	San Jose	Santa Clara	2	4	3	5	14
Blossom Hill/Snell Urban Village	San Jose	Santa Clara	2	3	2	5	12
Camden Urban Village	San Jose	Santa Clara	4	3	2	2	11
Capitol Corridor Urban Villages	San Jose	Santa Clara	2	4	2	5	13
Capitol/Tully/King Urban Villages	San Jose	Santa Clara	2	4	3	5	14
Communications Hill	San Jose	Santa Clara	2	4	3	5	14
Cottle Transit Village (Hitachi)	San Jose	Santa Clara	2	3	2	5	12
Downtown "Frame"	San Jose	Santa Clara	2	4	3	5	14
East Santa Clara/Alum Rock Corridor	San Jose	Santa Clara	2	4	4	5	15
Greater Downtown	San Jose	Santa Clara	2	5	3	5	15
North San Jose	San Jose	Santa Clara	4	4	2	5	15

PDA Name	Jurisdiction Lead	County	Opportunity (1-5)	VMT Reduction Potential (1-5)	Housing Affordability (1-5)	Community Stability (1-5)	Total (0-20)
Oakridge/Almaden Plaza Urban Village	San Jose	Santa Clara	2	3	2	2	9
Santa Clara Valley Transportation Authority City Cores, Corridors & Station Areas	San Jose	Santa Clara	2	4	3	5	14
Saratoga TOD Corridor	San Jose	Santa Clara	4	4	3	5	16
Stevens Creek TOD Corridor	San Jose	Santa Clara	4	4	2	5	15
West San Carlos and Southwest Expressway Corridors	San Jose	Santa Clara	3	4	3	2	12
Westgate/El Paseo Urban Village	San Jose	Santa Clara	4	3	2	2	11
Winchester Boulevard TOD Corridor	San Jose	Santa Clara	3	3	3	2	11
El Camino Real Focus Area	Santa Clara	Santa Clara	1	5	3	2	11
Santa Clara Station Focus Area	Santa Clara	Santa Clara	1	4	3	2	10
Downtown & Caltrain Station	Sunnyvale	Santa Clara	3	4	2	5	14
East Sunnyvale	Sunnyvale	Santa Clara	3	3	2	5	13
El Camino Real Corridor	Sunnyvale	Santa Clara	4	3	2	5	14
Lawrence Station Transit Village	Sunnyvale	Santa Clara	3	3	2	5	13
Tasman Crossing	Sunnyvale	Santa Clara	3	3	2	2	10
SOLANO COUNTY							
Northern Gateway - Benicia's Industrial Park	Benicia	Solano	3	1	4	5	13
Downtown	Dixon	Solano	2	3	5	3	13
Downtown South (Jefferson Street)	Fairfield	Solano	2	4	5	5	16
Fairfield-Vacaville Train Station	Fairfield	Solano	3	2	2	5	12
North Texas Street Core	Fairfield	Solano	1	4	5	2	12
West Texas Street Gateway	Fairfield	Solano	2	4	4	2	12
Downtown & Waterfront	Suisun City	Solano	2	1	3	5	11

PDA Name	Jurisdiction Lead	County	Opportunity (1-5)	VMT Reduction Potential (1-5)	Housing Affordability (1-5)	Community Stability (1-5)	Total (0-20)
Allison Area	Vacaville	Solano	2	2	4	5	13
Downtown	Vacaville	Solano	2	3	5	5	15
Sonoma Boulevard	Vallejo	Solano	1	4	5	5	15
Waterfront & Downtown	Vallejo	Solano	2	4	5	5	16
SONOMA COUNTY							
Downtown/SMART Transit Area	Cloverdale	Sonoma	4	4	5	3	16
Downtown and Cotati Depot	Cotati	Sonoma	3	1	4	2	10
Central, Turning Basin/Lower Reach	Petaluma	Sonoma	3	3	4	5	15
Central Rohnert Park	Rohnert Park	Sonoma	2	2	4	5	13
Sonoma Mountain Village	Rohnert Park	Sonoma	3	1	2	2	8
Downtown Station Area	Santa Rosa	Sonoma	2	4	5	5	16
Mendocino Avenue/Santa Rosa Avenue Corridor	Santa Rosa	Sonoma	2	4	4	2	12
North Santa Rosa Station	Santa Rosa	Sonoma	2	5	5	5	17
Roseland	Santa Rosa	Sonoma	2	4	4	5	15
Sebastopol Road Corridor	Santa Rosa	Sonoma	2	4	4	5	15
Core Area	Sebastopol	Sonoma	4	1	4	5	14
Station Area/Downtown Specific Plan Area	Windsor	Sonoma	2	3	3	2	10

***Plan Bay Area 2050:* Regional Growth Framework Update – Supportive VMT-Reduction Policies**

The table below summarizes a set of proposed policies demonstrated to reduce Vehicle Miles Travelled (VMT) intended to complement the VMT-reduction of transit service in PDAs, particularly those with limited access. Connected Community PDAs that are outside of a High Resource Area (HRA) would be required to adopt at least 2 of these policies, which may be refined in advance of the final adoption of new PDAs.

Supportive Policy	Description
Senate Bill 743 (SB743)[i] Implementation	• Adopt a Parking and Transportation-Demand Management (TDM) Ordinance that includes a monitoring and enforcement component. The ordinance would apply to new commercial and residential development and require developers and property managers to reduce VMT through measures like free transit passes, bike and car share memberships with the bikes/vehicles on-site. • Create new, or revise existing, development impact fees to be added to a transportation fund that can be invested in VMT-reduction investments citywide
Active Transportation Planning	• Adopt a policy to prioritize planning and implementation of Class 2[ii] or better bike infrastructure and safe, pedestrian-scaled streets • Adopt Vision Zero[iii] and universal design (designs that accommodate the widest range of potential users, including people with mobility and visual impairments) policies
Curb Management	• Adopt a policy to prioritize curb space for reliable transit and shared modes (e.g. bicycles, scooters), with consideration to other uses of the curb that provide environmental and social benefits (e.g. carshare, green stormwater infrastructure, small public spaces (parklets), electric vehicle chargers and managed parking with pricing).

[i] SB743, adopted in 2013, changes the way that cities are required to analyze the transportation impacts of a development project to focus on its impact on Vehicle Miles Travelled (VMT) rather than its impact on roadway congestion (commonly analyzed as Level of Service). The policy proposed here would enable a city to achieve the objective of SB743 by putting in place requirements to reduce VMT. Additional information is available here.

[ii] A striped lane for bicycle travel on a street or highway. Additional information from the California Department of Transportation (Caltrans) is available here.

[iii] A strategy to eliminate all traffic fatalities and severe injuries, while increasing safe, healthy, equitable mobility. More information is available here.

***Plan Bay Area 2050:* Regional Growth Framework Update**
Priority Conservation Areas (PCAs) – Overview and Eligibility Criteria

Program Information
The Priority Conservation Areas (PCA) complement PDAs by protecting a network of locally-identified at-risk open space, farmland, and habitat. Along with PDAs, PCAs were the centerpiece of the Regional Growth Framework that shaped the first two iterations of Plan Bay Area. The goal of the nominating PCAs is to:

- **Protect key open spaces** under pressure from urban development and other factors.
- **Preserve the lands necessary** to maintain the region's quality of life, ecological diversity, and agricultural production capabilities.
- **Provide opportunities for partnerships** and coordination in open space protection and preservation efforts, focusing available resources within a regional framework.
- **Create a regional vision** for open space conservation and preservation needs.

Eligible Areas
For an area to be eligible for nomination as a PCA, it must:

- Provide **regionally significant** agricultural, natural resource, scenic, recreational, and/or ecological values and ecosystem functions, demonstrated through adopted plans and recognized data sources such as the Conservation Lands Network (CLN);
- **Require protection** due to pressure from urban development or other factors; and
- Fall into **one or more PCA designation category**: Natural Landscapes, Agricultural Lands, Urban Greening, and Regional Recreation.

Nomination Process
Similar to the proposed process for PDAs, applicants would have the option of submitting a letter of interest prior to full application for staff review, or submitting a full application. **Letters of interest** would include: a) a completed checklist demonstrating consistency with eligibility criteria; b) a narrative description of the proposed area; and c) a map of the area. **Full applications** would include all of this information as well as an adopted resolution by the jurisdiction or special district with primary land use control - typically a city, county or park/open space district.

Contact Information
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***Plan Bay Area 2050:* Regional Growth Framework Update**
Proposed Priority Production Area (PPA) Pilot Program – Overview and Eligibility Criteria

Program Information
The Priority Production Area (PPA) program would identify industrial areas of importance to the regional and local economies, provide supportive resources and implementation actions for these areas, and encourage middle-wage job opportunities. PPAs would be locally-designated areas where industrial jobs (including manufacturing and supply chain services such as warehousing, distribution and repair) would be a priority consideration in determining future land use. In many cases, PPAs would be areas with broad community support for continued industrial activity that face pressure for conversion to higher-value uses.

The PPA program would complement existing Priority Development Area (PDA) and Priority Conservation Area (PCA) programs. It would build on the regional and local partnerships and knowledge resources that ABAG/MTC has developed over the past three years in establishing the Greater Bay Area Regional Economic Development District. The goals of designating PPAs would be to:

- **Support** strong clusters of the region's economy.
- **Align with the transportation planning framework** for freight and goods movement.
- **Plan for space** needed for middle-wage job opportunities.
- **Encourage middle-wage job growth** close to affordable housing.

For Plan Bay Area 2050, the PPA program will be implemented as a pilot program, with a limited number of PPAs designated from selected jurisdictions. The criteria for the pilot program described below would be improved and revised through testing during the Plan Bay Area 2050 analysis.

Proposed Eligibility Criteria for Pilot PPA Program
Each application will be evaluated according to local context and needs. Staff proposes the following criteria for PPAs:

- **The area is zoned for industrial use**[i] or has a high concentration of industrial activities
- **The area does not overlap with a Priority Development Area** and does not include land within one-half mile of a regional rail[ii] station
- **The jurisdiction has a certified housing element**

Proposed Nomination Process
Applicants would have the option of submitting a letter of interest prior to full application for staff review, or submitting a full application for PPAs. **Letters of interest** would include: a) a completed checklist demonstrating consistency with eligibility criteria; b) a narrative description of the proposed area; and c) a map of the area. **Full applications** would include all of this information as well as an adopted resolution by the City Council or Board of Supervisors. Applications that are not accepted for the pilot program to include in the plan may still be helpful in testing and shaping the PPA program that will be finalized after adoption of PBA 2050.

Staff Contracts:

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[i] [i] This could include, but is not limited to, industrial zoning, zoning controls that maintain industrial activities in a mixed use area, interim controls protecting existing industrial uses.

[ii] Regional rail is defined as heavy, commuter, or intercity rail, including but not limited to BART, Caltrain, SMART, ACE, and Amtrak.

SPUR
San Francisco | San Jose | Oakland

Bay Area Metro
375 Beale Street
San Francisco, CA 94105

May 3, 2019

Re: Regional Growth Framework Revisions: Next Steps Presentation

Dear ABAG President Rabbitt, MTC Chair Haggerty, MTC Commissioners, ABAG Executive Board, and Staff,

The San Francisco Bay Area Planning and Urban Research Association (SPUR) is member-supported urban policy think tank that promotes good planning and good government through research, education and advocacy. We are located in the three largest cities of the Bay Area and work to drive local and regional change.

We commend MTC and ABAG for re-assessing the Plan Bay Area regional growth strategy and the Priority Development Area tool. The last update of Plan Bay Area offered a sobering wake-up call that our current approach to regional and local planning will continue to worsen the many crises that the Bay Area faces. This major update of Plan Bay Area is an opportunity to be visionary and paint a picture of what we want the future to be, rather than accept current trends.

The *Horizons* Perspective Paper highlights several of the shortcomings with the current growth framework, including:

- Cities opt-in to the Priority Development Area designation, which limits new growth to too few places and worsens housing costs and other displacement pressures around the region.
- Only 6% of Priority Development Areas are located in areas of high opportunity, reflecting a long history of policy decisions that have disadvantaged people of color and low-income people—as well as an opportunity to reverse the trend of growing segregation.
- Approximately half of the region's housing growth between 2015-2017 has taken place outside of the Priority Development Areas, suggesting that the PDA tools are not adequately shaping where growth is located.
- Some Priority Development Areas do not meet the program criteria, suggesting that these are not the "right" places for new growth.
- Some of the areas in the region with the highest potential to reduce VMT and greenhouse gas emissions are not PDAs, suggesting that the PDA tool is missing some of the most transit-accessible and sustainable places to grow.

SPUR strongly supports the proposed definition of a PDA: *"an infill location that is planned for significant housing and job growth, offers a suite of mobility options which enable residents to live a car-free or car-light lifestyle, and promotes greater opportunity for all, regardless of race or income".* **We strongly support using objective, measurable criteria to determine where growth should be located. Locating new growth in Transit Priority Areas and High Opportunity Areas is a big step in the right direction.** As MTC and ABAG consider the adoption of this new framework, we also recommend:

1. **We strongly support locating growth in areas that are rich in transit, high-quality schools, and other resources that promote economic mobility.** However, changing the regional growth framework will not change the fact that some cities have been reluctant to embrace growth and submit plans that conform to the regional growth framework. **We recommend that MTC add requirements to its funding programs to move away from an opt-in approach and continue to explore statewide growth management legislation**, such as those that concentrate growth near transit and require local plans to be consistent with the regional plan.

2. We appreciate that there are two categories of PDAs. All PDAs are not alike, and we should expect more from our urban areas. It is these areas where we also most need to direct job growth to support transit. **For transit-rich PDAs, we recommend a requirement that cities plan for at least 60% of their job growth within ¼-mile of regional rail stations.**

3. **For connected community PDAs, we recommend a closer look at the requirement that "at least 50% of land in PDA be within ½ mile of an existing or planned bus line with headways of no more than 30 minutes in peak periods**". Many transit agencies are starting to shift their operating models to provide high-ridership routes (high frequency and high span) with less geographic coverage. These shifts are consistent with the need to create a network of local and regional routes and help support the financial stability of transit agencies, but the shifts also mean that the amount of land area proximal to a bus route may change.

4. **Prior to adoption of the proposal, we recommend that staff prepare and circulate a map that shows the area and locations that would be incorporated in the new designations**. That will help determine how much land is available for growth.

5. **Prior to adoption of the proposal, we recommend that staff prepare and circulate a map that compares the areas that are classified as PDAs if they have the current 20-minute transit frequency compared to the proposed 15-minute transit frequency**. Though SPUR supports frequent transit, we are also concerned that this shift may reduce the number of places that are designated for growth.

6. **We recommend that MTC model approximately how much growth could fit within these designations.** SPUR found that in the last two decades we have created a housing shortfall of 700,000 housing units and will need to produce 2.5 million new housing units over the next 50 years to make the region affordable to median income households.[1] It is not clear whether the proposed land area covered by the PDA framework can accommodate this amount of growth, suggesting the possibility of spillover into areas where we do not want to direct growth or into the megaregion.

7. We appreciate that there are two categories of PDAs, one that will help reinforce the urban centers of the Bay Area. All PDAs are not alike, and we should expect more from our urban areas. It is these areas where we also most need to direct job growth to support transit. **We recommend a requirement that cities plan for at least 60% of their job growth within ¼-mile of regional rail stations.**

8. **We appreciate that the two categories of PDAs incorporate job growth.** For many years, SPUR has advocated for Bay Area Metro to revise the PDA program and criteria to incorporate jobs so that the regional growth framework more directly shapes the location, density and diversity of employment.

9. **We support the Priority Production Area (PPA) for industrial jobs in concept, however:**

    a. **We caution that cities could use the PPA as an excuse to not permit housing and infill development**. One way to avoid this outcome is to require cities to adopt plans for Priority Development Areas (or whatever replaces this program) prior to nominating Priority Production Areas. We also support the staff recommendation that PPAs not overlap with a PDA and does not include land within ½ mile of a regional rail station or ferry terminal.

    b. **We want to grow the number of middle-wage jobs in the Bay Area, and protecting land for industrial jobs may not achieve that goal.** The Bay Area has had almost no change in the number of middle-wage jobs between 2007 and 2017.[2] At the same time, the types of industries and occupations that support middle-wage jobs is changing. Many industrial jobs are no longer middle-wage jobs. Jobs in the healthcare, caring occupations, and professional services are

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[1] https://www.spur.org/news/2019-02-21/how-much-housing-should-bay-area-have-built-avoid-current-housing-crisis

[2] https://www.spur.org/news/2019-01-23/wage-trends-show-increases-low-wage-jobs-while-middle-wage-job-growth-slows

growing and will provide middle-income jobs. We encourage Bay Area Metro to provide support for these jobs within the growth framework.

10. **Require cities to rezone their Priority Development Areas**. Many cities that have adopted specific plans for their PDAs have not rezoned the land. Rezoning after adopting a plan helps speed up the infill development process. We recommend changing the grant award criteria so that cities that must include rezoning in their scope of work as a condition of funding.

11. **Clarify how these designations will be used relative to various funding programs and policies.** It is helpful for cities to understand how the criteria and designations will be used to inform Plan Bay Area, as well as OBAG, transit funding, RHNA, fair housing and other programs.

Thank you for the opportunity to provide input on this critical update to the region's plan for growth. Please do not hesitate to reach out with any questions at ltolkoff@spur.org.

Sincerely,

Laura Tolkoff
Regional Planning Policy Director