

Report on ABAG to MCCMC

April 2019

GENERAL ASSEMBLY:

On April 22, 2019, ABAG/MTC staff will be sending to each ABAG member an agenda for the General Assembly scheduled for **June 6, 2019 at the Oakland Scottish Rite Center** located at 1547 Lakeside Drive, Oakland along with the draft budget and workplan for 2019-2020 for approval by the General Assembly. Once the registration is opened by staff, I will send a notice to each city/town delegate and alternate along with the draft budget and workplan.

PLAN BAY AREA 2050:

ABAG/MTC continues our planning effort called “Horizon” that precedes development of Plan Bay Area 2050. In April, the Joint ABAG Administrative and MTC Planning Committee discussed the latest recommendations for the Regional Growth Framework that provides for a new category for industrial land and middle-wage jobs called Priority Production Areas (PPAs); and for additional growth in **Priority Development Areas (PDAs)** that are self-nominated by cities/counties; **Transit Priority Areas (TPAs)** that are designated by MTC definition; and **High-Resource Areas (HRAs)** that are established by HCD:

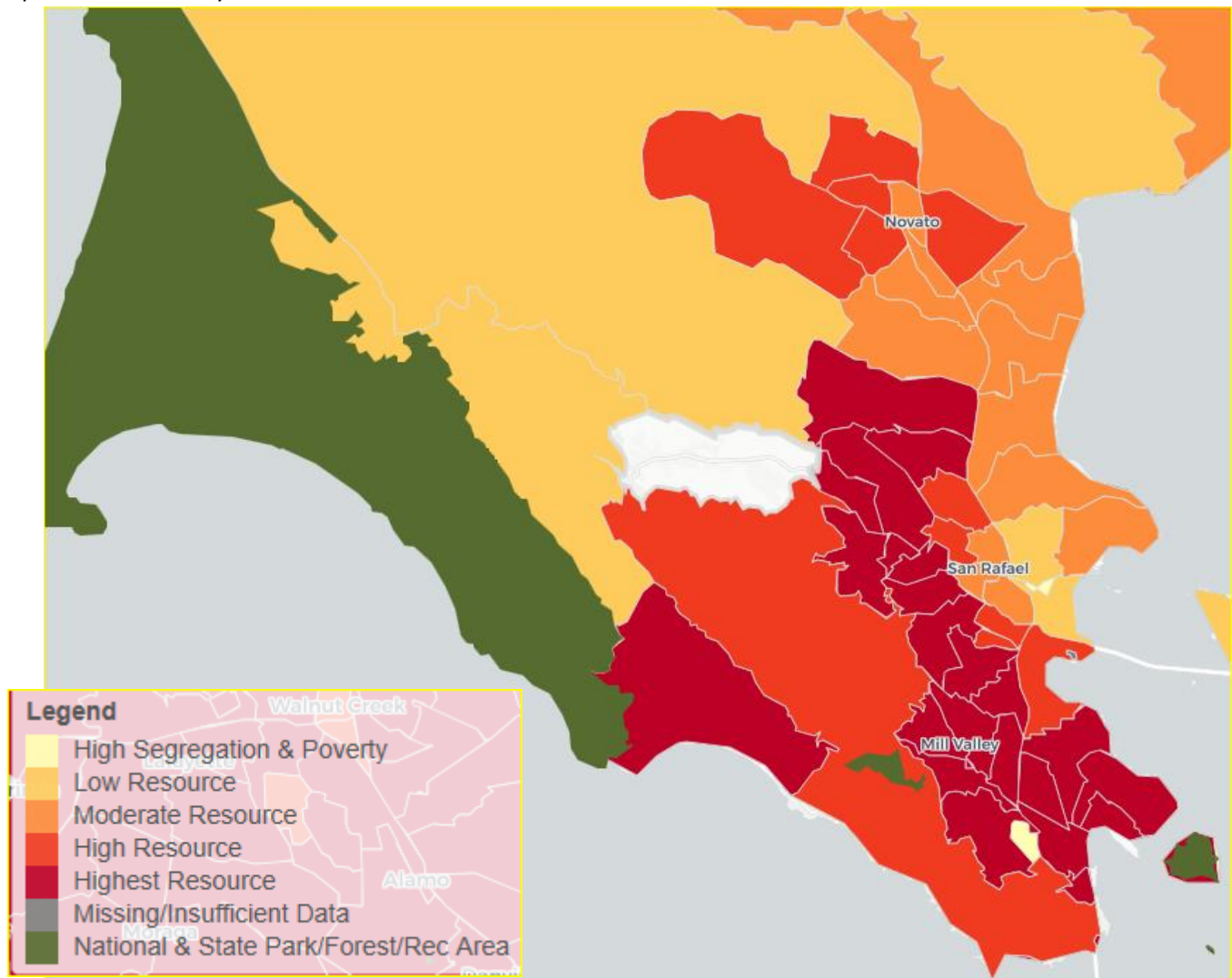
Table 1: Current Challenges & Potential Revisions to the Regional Growth Framework

Proposed Revision		Key Challenge with Framework	Potential Update for Plan Bay Area 2050
PDAs	1a	Many PDAs do not meet program criteria for transit and local planning.	Require all PDAs to be consistent with program guidelines by 2020.
	1b	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.
PCAs	2a	Strong local interest in nominating new Priority conservation areas (PCAs).	Invite local jurisdictions and partner organizations to submit new or modified PCAs in 2019.
New Geographies	3a	Industrial land and middle-wage jobs are not well-integrated into the current framework.	Establish the Priority Production Area (PPA) ² program and allow local jurisdictions to submit PPAs in 2019.
	3b	The more ambitious GHG target for Plan Bay Area 2050 may be difficult to reach.	Integrate state-defined Transit Priority Areas (TPAs) ³ into the regional growth framework.
	3c	Many PDAs face displacement risk and lack quality schools and community resources.	Integrate state-defined High-Resource Areas (HRAs) ⁴ with adequate transit service into the regional growth framework.
Cross-Cutting	4	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.

Note: refer to attachments for additional information on potential geographies. All TPAs, and HRAs meeting PDA transit criteria, are eligible for local designation as a PDA.

In February 2017, the Department of Housing and Community Development (HCD) and the California Tax Credit Allocation Committee (TCAC) convened a group of independent organizations and research centers that would become the California Fair Housing Task Force (“Task Force”). The Task Force was asked to assist TCAC and HCD in creating evidence-based approaches to increasing access to opportunity for families with children living in housing subsidized by the Low-Income Housing Tax Credit (LIHTC) program. TCAC and HCD asked the Task Force to create a statewide opportunity mapping tool that could be adopted into TCAC regulations to accompany regulations to incentivize development of large-family, new construction developments with 9% LIHTCs in neighborhoods whose characteristics have been shown by research to support childhood development and economic mobility for low-income families. This mapping tool could also be used in HCD programs and policies. The Task Force designed an opportunity mapping tool to demonstrate the spatial dynamics of opportunity in each California neighborhood and region – that is, to indicate which areas have the greatest and least private and public resources associated with childhood development and economic mobility. The Task Force intends for the application of this tool to be part of a balanced statewide policy approach that increases access for low-income families to high-resource neighborhoods where there historically have been limited affordable housing opportunities, and provides investments to revitalize under-resourced neighborhoods.

In January 2019, Draft TCA/HCD Opportunity Maps, Methodology and Summary Table (by US Census Tracts – FIPS Code), were issued. These High Resource Areas (HRAs) are being incorporated into proposed State legislation. Following is the map for Marin County:



https://haasinstitute.berkeley.edu/sites/default/files/mappings/TCAC/opportunity_map_2019.html

ABAG LEGISLATIVE COMMITTEE:

On April 12, 2019, the ABAG Legislative Committee took the following positions and will be recommending support positions at the ABAG Executive Board meeting on May 16, 2019:

- 1) **AB 393 (Nazarian):** Building Standards. Requires the CA Building Standards Commission to assemble a functional recovery working group to consider whether a ‘functional recovery’ standard is warranted for all or some building occupancy classifications and to investigate the practical means of implementing that standard.
SUPPORT
- 2) **AB 429 (Nazarian):** Seismically Vulnerable Buildings Inventory. Requires the Alfred E. Alquist Seismic Safety Commission to identify funding and develop a bidding process for hiring a third-party contractor to create an inventory of potentially vulnerable buildings; requires the third-party contractor, in conjunction with the Commission, by July 1, 2022, to develop a statewide inventory of potentially seismically vulnerable buildings in 29 specific counties in CA using information developed by local jurisdictions.
SUPPORT
- 3) **SB 254 (Hertzberg):** The Resilient Homes Initiative. Limits the amount of the investment grade revenue bonds or other debt financing to an amount up to \$1B outstanding at any time, excluding those specified costs.
SUPPORT

HOUSING LEGISLATIVE WORKING GROUP (HLWG):

The ABAG/MTC Housing Legislative Working Group (HLWG) has met on April 5th, 11th and 18th. As of early this week, all Counties and the City Select Committees have made their appointments. As of this date, the task force has established principles by which the legislation will be evaluated which includes:

Organizing Principles for Reviewing Housing Legislation
(Updated per discussion on April 11, 2019; changes highlighted and in italics)

1. Funding: More funding is needed. Does the bill provide more funding to help address the housing crisis related to one or more of the 3Ps of protection, production and preservation?
2. Production: More housing is needed across the affordability spectrum. Does the bill propose policy changes that are expected/intended to increase affordable and market rate housing production?
3. Protection: Does the bill propose ways to reduce displacement pressure on vulnerable Bay Area residents?
4. Flexibility: Our communities are unique. Does the bill account for differences across communities?
5. Jobs/Housing Balance: Does the bill help reduce jobs/housing imbalances across the region and account for different degrees of imbalance, and allow people to live closer to their jobs?
6. Reward Best Practices: Some communities have made great strides in production, preservation, and protection. Does the bill recognize prior actions taken locally consistent with intent of the bill to address the housing crisis?
7. Financial Impact: Are there potential financial impacts or other unintended consequences on local jurisdictions and/or taxpayers?
8. Transportation & Infrastructure Impacts: Does the bill address transportation or other infrastructure impacts (*e.g. schools, water, parks*) resulting from increased housing?
9. Parallel Policy Mandate: Does the bill support other state policies/priorities (*e.g. GHG reduction/SB375*)
10. Resilience: Does the bill improve resilience in local communities *with respect to sea level rise, earthquakes, fire, flooding, etc.?*

The HWLG discussed and provided feedback on the following bills:

ACCESSORY DWELLINGS (reviewed by HWLG on April 11, 2019):

- 1) **AB 68 (Ting)** – Prohibits local ADU standards from including certain requirements related to minimum lot size, FAR or lot coverage and parking spaces; requires an ADU (attached or detached) of at least 800 square feet and 16 feet in height to be allowed; and reduces the allowable time to issue a permit from 120 days to 60 days.
- 2) **AB 69 (Ting)** – Development of Small Home Building Standards. Requires HCD to propose small home building standards governing ADU's and homes smaller than 800 square feet;
- 3) **AB 587 (Friedman)** – Authorize an ADU that was ministerially approved to be sold or conveyed separately from the primary residence to a qualified buyer if the property was built or developed by a qualified nonprofit corporation and a deed restrict exists that ensures the property will be preserved for affordable housing.
- 4) **AB 671 (Friedman)** – Requires a local government to include a plan in their housing element to incentivize and promote the creation of ACUs that can be offered at an affordable rent for very-low, low-, and moderate-income households.
- 5) **AB 881 (Bloom)** – Expands scope of ADU ordinance outside single family home zones; requires ministerial approval for units built in garages; eliminates ability of local jurisdiction to mandate that an applicant for an ADU permit be an owner-occupant.
- 6) **SB 13 (Wieckowski)** – Maintains local jurisdictions' ability to define height, setback, lot coverage, parking and size of an ADU related to a specified amount of total floor area; prohibits local agency from requiring the replacement of parking if a space is demolished to construct an accessory dwelling unit; allows a local agency to count an ADU for purposes of identifying adequate sites for housing; and expires January 1, 2040.

ZONING (reviewed by HWLG on April 18, 2019)

- 1) **SB 330 (Skinner)** – Prohibits a local agency from disapproving, or conditioning approval that renders infeasible, a housing development project for very low, low-, or moderate-income households or an emergency shelter unless the local agency makes specified written findings based on a preponderance of the evidence in the record; specifies that one way to satisfy that requirement is to make findings that the housing development project or emergency shelter is inconsistent with both the jurisdiction's zoning ordinance and general plan land use designation as specified in any element of the general plan as it existed on the date the application was deemed complete; requires a local agency that proposes to disapprove a housing development project that complies with applicable, objective general plan and zoning standards and criteria that were in effect at the time the application was deemed to be complete, or to approve it on the condition that it be developed at a lower density, to base its decision upon written findings supported by substantial evidence on the record that specified conditions exist, and places the burden of proof on the local agency to that effect; requires a court to impose a fine on a local agency under certain circumstances and requires that the fine be at least \$10,000 per housing unit in the housing development project on the date the application was deemed complete; until January 1, 2030, would specify that an application is deemed complete for these purposes if a complete initial application was submitted. **NOTE: The League of California Cities is OPPOSED.**

FUNDING/REGIONAL HOUSING ENTITY (reviewed by HWLMG on April 18, 2019)

- 1) **AB 1487 (Chiu)** – Establishes the Housing Alliance for the SF Bay Area that would increase affordable housing in the San Francisco Bay area by providing for enhanced funding and technical assistance at a regional level for tenant protection, affordable housing preservation, and new affordable housing production; establishes a governing board composed of members appointed by MTC and ABAG; authorizes the entity to exercise various specified powers, including the power to raise revenue and allocate funds throughout the SF Bay area, subject to applicable voter approval requirements and other specified procedures; requires the board to provide for annual audits of the entity and financial reports.

ABAG Delegates and Alternates Meeting: We will be meeting on April 30, 2019 beginning at 6:30 pm at the Corte Madera Council Chambers to discuss: 1) Horizons; 2) Housing Issues; 3) ABAG General Assembly; 4) others. Please confirm your attendance.

UPCOMING MEETINGS¹

- April 24, 2019 -- MTC Commission, 9:30 am
- April 25, 2019 -- Housing Legislative Working Group, 7:00 to 9:00 pm
- May 1, 2019 -- Housing Legislative Working Group, 3:00 to 5:00 pm
- May 10, 2019 -- Joint ABAG Administrative and MTC Planning Committees, 9:00 am
Joint ABAG and MTC Legislation Committees, 9:15 am
- May 16, 2019 -- ABAG Legislative Committee, 5:00 pm
ABAG Executive Board, 7:00 pm
- May 22, 2019 -- MTC Commission, 9:30 am
- May 23, 2019 -- Housing Legislative Working Group, 7:00 to 9:00 pm
- May 31, 2019 -- Housing Legislative Working Group, 1:00 to 3:00 pm
- June 6, 2019 -- ABAG General Assembly
LOCATION: Oakland Scottish Rite Center located at 1547 Lakeside Drive, Oakland
- June 14, 2019 -- Joint ABAG Administrative and MTC Planning Committees, 9:00 am
Joint ABAG and MTC Legislation Committees, 9:15 am
- June 26, 2019 -- MTC Commission, 9:30 am
- July 18, 2019 -- Joint ABAG Administrative and MTC Planning Committees, 9:00 am
Joint ABAG and MTC Legislation Committees, 9:15 am

If you have questions, contact Pat Eklund, Council Member, City of Novato at 415-883-9116 and/or pateklund@comcast.net).

¹ All meetings are held at 375 Beale Street in San Francisco, unless noted otherwise.