

ABAG Report to MCCMC¹

May 2022

EXECUTIVE SUMMARY:

- 1) **ABAG Technical Assistance:** ABAG has developed an extensive technical assistance website (link is: www.abag.ca.gov/technical-assistance) with five separate categories (energy, housing, land use, resilience and transportation/infrastructure). ABAG has posted videos, tool kits, plans, presentations/events, reports, etc. on specific subject matters to assist local governments in the various categories.
- 2) **ABAG General Assembly Program and Business Meeting:** Registration is open for the ABAG General Assembly on Friday, June 17, from 9:00 am to 12:30 pm via zoom. Please register ASAP: [2022 Association of Bay Area Governments General Assembly Tickets, Fri, Jun 17, 2022 at 9:00 AM | Eventbrite](#)
- 3) **CA Department of Housing and Community Development (HCD) comments on the 6th Cycle Housing Elements:** ABAG has started compiling HCD comments on the other jurisdictions' Housing Elements to help jurisdictions in preparing their Housing Elements prior to submittal to HCD for approval.
- 4) **Transit-Oriented Communities Policy:** The 2005 Transit-Oriented Development (TOC) Policy will be updated in 2022 that includes specific requirements for Priority Development Areas (PDAs) and Transit-Rich Areas (TRAs). Future funding may be determined based on compliance with the TOC Policy.

1) **ABAG Technical Assistance:** ABAG has developed an extensive technical assistance website (link is: www.abag.ca.gov/technical-assistance) with five separate categories. They include the following subject matters along with the number of materials including video's, tool kits, plans, presentations/events, reports, etc.. that are available online for the following areas:



- a. **Energy (17):** Building Retrofit (5); Electrification (8); Energy Efficiency (7); and Water Efficiency (1).
- b. **Housing (206):** Affirmatively Furthering Fair Housing (27); Creating Housing Choices (28); Housing and Sustainability (22); Housing Elements (88); Pro-Housing Policies and Practices (25); Public Engagement (30); and, REAP Program (44).
- c. **Land Use (58):** Climate Change (8); Codes and Standards (5); Environmental Review (10); Parking (15); Public Engagement (2); and, Zoning (22).
- d. **Resilience (33):** Climate Change (24); Earthquake (6); Environmental Justice (9); Flood (7); Multi-Hazard (7); Sea Level Rise (12); and Wildfire (6).
- e. **Transportation and Infrastructure (73):** Asset Management (3); Bike share (7); Biking (19); Equity (12); Local Streets and Roads (10); Micro mobility (8); Parking (11); Pavement (3); Project Delivery (15);

ABAG's extensive Regional Housing Technical Assistance website ([robust website](#)) is easily-searchable and includes the

Housing Element Site Selection (HESS) tool that was developed to identify potential sites in all Bay Area cities and counties for Housing Element site inventories, and flags those that will likely require rezoning to be used under new state laws. The tool is being further enhanced with data related to promoting fair housing policies.

¹ Marin County Council of Mayors and Councilmembers (MCCMC)

2) ABAG GENERAL ASSEMBLY Program and Business Meeting: ABAG delegates/alternates should register for the ABAG General Assembly on Friday, June 17, from 9:00 am to 12:30 pm. The Program includes information on the Bay Area Housing Finance Authority and an opportunity to discuss the possible 2024 housing ballot measure. The Business Meeting will review and ask the members to approve the Budget and Work Program for the next fiscal year. **A quorum of General Assembly members is needed for the Business Meeting.** To register: [2022 Association of Bay Area Governments General Assembly Tickets, Fri, Jun 17, 2022 at 9:00 AM | Eventbrite](#)

3) Review of CA Department of Housing and Community (HCD) comments on the 6th Cycle Housing Elements:

ABAG initiated a review of comment letters that the CA Department of Housing and Community Development (HCD) are sending jurisdictions in other regions of the State on Housing Elements for the 6th cycle submitted for approval. To date, HCD has certified **only 27%** of the Housing Elements.



COG	TOTAL SUBMITTED	HCD CERTIFIED
SLOCOG Due 12/31/20	8	100%
SANDAG Due 4/15/21	19	37%
SACOG Due 5/15/21	28	61%
SCAG Due 10/15/21	197	4%

STATEWIDE: 27% CERTIFIED

AFFH GUIDANCE ISSUED 4/27/21

ABAG has reviewed 33 Housing Element compliance letters issued by HCD. Their comments vary based on local conditions, but there are clear patterns. The biggest problems for other jurisdictions have included Affirmatively Furthering Fair Housing (94%), sites inventory's (94%), and insufficient public engagement

(67%). HCD has repeatedly found that draft Housing Elements are not sufficiently detailed with respect to the required data and analyses, and also have pointed out that Housing Elements have failed to connect findings with specific sites, strategies, programs and policies.

Attached is a fact sheet prepared by ABAG that summarizes common themes and lessons for Bay Area jurisdictions as they prepare their 6th cycle Housing Elements.



4) Transit-Oriented Communities Policy: The 2005 Transit-Oriented Communities (TOC) Policy will be updated in 2022. Staff has identified four goals that are intended to advance implementation of Plan Bay Area (PBA) 2050 by establishing specific requirements for Priority Development Areas (PDAs) and Transit-Rich Areas (TRAs) related to residential and office density for new development, affordable housing and anti-displacement policies, parking management, and transit station access and circulation. The four goals are:

- Increase residential densities for new development and prioritize affordable housing in transit-rich areas.
- Increase commercial densities for new development in transit-rich areas near regional transit hubs served by multiple transit providers.
- Prioritize bus transit, active transportation, and shared mobility within and to/from transit-rich areas, particularly to Equity Priority Communities located more than one halfmile from transit stops or stations.

- Support and facilitate partnerships to create equitable transit-oriented communities within the San Francisco Bay Area Region.

Future funding opportunities for One Bay Area Grant (OBAG3) and (OBAG4) programs, the Regional Early Action Planning Grants of 2021 (REAP 2.0) program and others may be determined based on compliance with the TOC Policy. Following is a link to the proposed updated TOC Policy ([5bi Draft Transit-Oriented Communities Policy Summary Sheet and Attachment A \(dated May 2022.pdf\)](#)).

Following are the proposed required minimum and allowed density for new residential and commercial development proposed by MTC. **See the draft policy for other proposed requirements** for affordable housing production, preservation, protection, anti-displacement policies; and, commercial protection and stabilization policies; parking management requirements; and transit station access and circulation requirements.

Following are the proposed minimum and allowed density for new residential; and, commercial development proposed by MTC in the draft TOC policy:

Table 1: Minimum Required and Allowed Density for New Residential Development

Level of Transit Service	Required Minimum Density ¹	Allowable Density ^{1,2}
Tier 1: Rail station served by 3 BART lines or a BART line and Caltrain Baby Bullet	100 units/net acre	150 units/net acre
Tier 2: Stop/station served by 2 BART lines or Caltrain Baby Bullet	75 units/net acre	100 units/net acre
Tier 3: Stop/station served by 1 BART line, Caltrain, light rail transit, or bus rapid transit	50 units/net acre	75 units/net acre
Tier 4: Commuter rail (SMART, ACE, Capitol Corridor, Valley Link) or ferry terminal ³	25 units/net acre	35 units/net acre

Table 2: Minimum Required and Allowed Density for New Commercial Office Development

Level of Transit Service	Required Minimum Density ¹	Allowable Density ^{1,2}
Tier 1: Rail station served by 3 BART lines or a BART line and Caltrain Baby Bullet	4 Floor Area Ratio (FAR)	8 FAR
Tier 2: Stop/station served by 2 BART lines or Caltrain Baby Bullet	3 FAR	6 FAR
Tier 3: Stop/station served by 1 BART line, Caltrain, light rail transit, or bus rapid transit	2 FAR	4 FAR
Tier 4: Commuter rail (SMART, ACE, Capitol Corridor, Valley Link) or ferry terminal ³	1 FAR	3 FAR

UPCOMING MEETINGS²

- **May 23, 2022 --** **MTC Policy Advisory Council Fare Coordination & Integration Subcommittee, 9:00 am**
- **May 25, 2022 --** **MTC Bay Area Infrastructure Financing Authority, 9:05 am**
Metropolitan Transportation Commission, 9:35 am
MTC Bay Area Toll Authority, 9:40 am
MTC Bay Area Headquarters Authority, 9:45 am
Metropolitan Transportation Commission Workshop, 1:30 pm
- **May 26, 2022 --** **Metropolitan Transportation Commission Workshop, 9:30 am**
ABAG San Francisco Bay Trail Board of Directors, 1:00 pm
- **June 6, 2022 --** **Bay Area Partnership Board, 10:00 am**
- **June 8, 2022 --** **MTC Bay Area Toll Authority Oversight Committee, 9:35 am**
MTC Administration Committee, 9:40 am
MTC Programming and Allocation Committee, 9:45 am
MTC Policy Advisory Council, 1:35 pm
- **June 9, 2022 --** **ABAG Regional Planning Committee, 10:00 am**
ABAG Housing Committee & BA Housing Finance Authority Committee, 1:00 pm
- **June 10, 2022 --** **MTC Operations Committee, 9:35 am**
Joint MTC Planning Committee and ABAG Administrative Committee, 9:40 am
Joint MTC ABAG Legislation Committee, 9:45 am
- **June 16, 2022 --** **ABAG Power Committee, 11:00 am**
Board of Directors of 375 Beale Corporation, 2:00 pm
ABAG Finance Committee, 5:00 pm
ABAG ACFA Governing Board, 5:05 pm
ABAG Executive Board, 5:10 pm
- **June 17, 2022 --** **ABAG General Assembly, 9:00 am**
Bay Area Regional Collaborative, 10:05 am
ABAG General Assembly Business Meeting, 11:00 am
MTC Policy Advisory Council Equity and Access Subcommittee, 1:00 pm
- **June 22, 2022 --** **Metropolitan Transportation Commission, 9:35 am**
MTC Service Authority for Freeways and Expressways, 9:40 am
MTC Bay Area Toll Authority, 9:45 am
MTC Bay Area Headquarters Authority, 9:50 am
MTC Bay Area Infrastructure Financing Authority, 9:55 am
- **June 23, 2022 --** **MTC Bay Area Housing Finance Authority, 10:00 am**
MTC Policy Advisory Council Equity and Access Subcommittee, 1:00 pm
- **June 29, 2022 --** **MTC Policy Advisory Council Fare Coordination and Integration Committee, 10:00 am**

² All meetings are 'hybrid' which means that some Board/Committee members will be in person at 375 Beale Street, SF; and, others will be participating via Zoom, webcast and/or teleconference, unless noted otherwise. <https://mtc.legistar.com/> If you have questions, contact Pat Eklund, Councilmember, City of Novato at 415-883-9116 or via email at: pateklund@comcast.net.



Association of Bay Area Governments



Technical Assistance
for Local Planning
HOUSING

Summary of Housing Element Review Letters

Learning from Southern California & Sacramento

In Winter/Spring 2022, ABAG staff and consultants reviewed 33 comment letters from the California Department of Housing and Community Development (HCD) to jurisdictions in regions with earlier Housing Element deadlines. This summary presents common themes and lessons for Bay Area jurisdictions as they prepare their 6th cycle Housing Elements.

Methodology

Staff and consultants identified a subset of 33 representative comment letters from jurisdictions in the SCAG (Southern California), SACOG (Sacramento) and SANDAG (San Diego) regions. Letters were selected to reflect a diversity of jurisdiction types by geography, size, and socioeconomic characteristics, including racial and ethnic diversity. Staff analyzed both the frequency of comments by Housing Element section and compiled both common and unique comments by major section.

Key Findings and Recommendations

Many assumptions that jurisdictions made in previous Housing Elements will not be possible this cycle. Local jurisdictions will want to ensure that their Housing Elements are thorough, with more robust descriptions of housing needs, more inclusive outreach, a stronger focus on fair housing, more specific policies and programs, and strong justification for sites included in the inventory.

Although the types of comments received by each jurisdiction varied based on their particular demographic and economic characteristics and planning contexts, the most frequent comments can be grouped into five major categories (including the percentage of letters that contained comments on each topic):

- Affirmatively Further Fair Housing (AFFH) (94%);
- Public Participation (67%);
- Sites Inventory (94%);
- Government Constraints (58%);
- Policies and Programs (55%).

In addition, a cross-cutting theme is noted below in terms of special needs populations. Finally, unique and recent comments from HCD review letters are presented that may have special relevance for Bay Area jurisdictions.

1. AFFH

Observation

A common theme in the comments across ninety-four percent of the HCD review letters is that the draft Housing Elements are not sufficiently detailed and specific with respect to the required data and analyses for AFFH, and also fail to connect findings from the AFFH analysis with specific sites strategies and programs and policies.

Recommendations

- 1) Review the recommendations and observations contained in the ABAG memo from March 2022, which can be found [here](#) and take advantage of ABAG's other AFFH [technical assistance](#) which can be found [here](#).
- 2) Ensure that the AFFH analyses are sufficiently detailed in terms of required data and maps and include local knowledge and other relevant factors to address State guidelines. Additionally, have a summary narrative that tells the story of the community: how it has changed over time and what the landscape is like today.
- 3) Connect findings from the AFFH analysis to proposed affordable housing programs and policies. It is not enough to just discuss the data, cities must show how they intend to advance fair housing.
- 4) Document how the jurisdiction considered AFFH when initially deciding on sites to include by describing the jurisdiction's process and considerations.

2. Public Participation

Observation

Sixty-seven percent of the letters contained comments concerning inadequate public outreach, almost always connected with the need to demonstrate that outreach was conducted to both lower-income households and households with special needs.

Recommendations

- 1) Ensure robust outreach to lower-income and special needs groups and meetings should include special focus on lower-income or special needs groups.
- 2) Connect the community input received through outreach activities to policies and programs. There should be clear text that summarizes the feedback from the community and how the suggestions were or were not incorporated into the Housing Element.

- 3) Take advantage of ABAG’s technical assistance on public participation including messaging guides, a Multi-lingual Community Survey Template & Social Media Toolkit and translation services which can be found [here](#).

3. Sites Inventory

Observation

All but two jurisdictions in this analysis received one or more comments on the sites inventory section, with the most common and extensive comments falling under two major subcategories: realistic capacity (73%) and non-vacant sites (65%). A frequent type of comment from HCD regarding these sections was that jurisdictions did not provide sufficiently detailed analysis to demonstrate that the proposed sites would develop with the proposed number of housing units during the planning period.

Recommendations

- 1) Follow HCD’s detailed guidance (provided in their memo of June 10, 2020, which can be found [here](#)) and provide specific, site-level analyses to demonstrate that proposed housing sites could actually accommodate the proposed number of housing units by income-level during the planning period. This includes analysis for realistic capacity calculations as well as for development on non-vacant sites that allow other uses in addition to residential uses.
- 2) Use ABAG’s free Housing Element Site Selection (HESS) tool to:
 - a. view HCD’s data points, including AFFH data points, at the parcel level;
 - b. see estimations of realistic development capacity of each parcel given local market trends; and
 - c. automatically complete much of HCD’s required electronic sites inventory form.
- 3) For non-vacant sites, most jurisdictions will need to provide evidence that the existing use is not a barrier to redevelopment with both site specific analysis and a summary of development trends. Additionally, jurisdictions should summarize policies and programs that support residential development on proposed redevelopment sites.
- 4) Assumptions that sites that allow both residential and commercial will include residential need to be supported by evidence. If sites permit developers to choose office or other non-residential uses, it is important to analyze what percentage of applicants are likely to choose non-residential (based on market trends and experience on nearby or similar sites) and reduce unit assumptions accordingly.

4. Governmental Constraints

Observation

Fifty-five percent of letters included comments related to governmental constraints on housing production, frequently including comments on constraints to housing development for lower-income and special needs households.

Recommendations

- 1) Data alone is not sufficient. Provide an analysis of what is or is not a constraint for both market-rate and affordable projects. If there are constraints, identify policies and programs to address those constraints. Jurisdictions should explicitly document and analyze governmental constraints to housing production for lower-income and special needs households and include detailed policies and programs to address such constraints, with clear timelines, milestones, responsible parties and funding.

Policies and Programs

Observation

Many jurisdictions received comments asking for more specificity in their policies and programs section. Generally, a program to study an issue will receive a comment asking for more concrete actions. Vague language will likely be rejected, especially if a program is tied to a constraint.

Recommendations

- 1) Review all programs to ensure that there are clear timelines and metrics to evaluate success. Pay close attention to “ongoing” programs, which may need to be modified to include clear, accountable steps.
- 2) Have a narrative that summarizes key new policies and programs, and connects them to needs, community feedback or constraints.

5. Special Needs Populations

Observation

Across every section included in this analysis, HCD reviewers commented on the lack of sufficient attention to special needs populations (e.g., the elderly, persons with disabilities, large households, female-headed households, farmworkers, and persons experiencing homelessness). Both in terms of fully documenting and analyzing housing needs and in terms of developing policies, programs and affordable housing sites strategies, the draft Housing Element’s treatment of special housing needs tended to be more high-level and/or cursory than required or expected by HCD.

Recommendations

- 1) In addition to the general data in the housing needs section, prepare detailed assessments of special housing needs and clearly connect special housing needs findings to programs, policies and sites strategies that are concrete and actionable.

7. Unique and Recent Comments: Accessory Dwelling Units, SB 9 and AB 215

Observation

Numerous jurisdiction-specific comments were noted in the review letters, but three major types of comments are especially worthy of elevation to inform Bay Area Housing Elements. These concern how jurisdictions count units towards their RHNA using past Accessory Dwelling Unit (ADU) development trends as well as more recent guidance regarding SB 9 and AB 215.

Recommendations

- 1) **ADUs:** Average at least the past three years of production rather than one recent year to determine the anticipated development of ADUs during the eight-year planning period.
- 2) **SB 9:** The lack of clear, published guidance may have led some jurisdictions to over-estimate unit production related to the state's adoption of SB 9. As with the sites inventory generally, potential SB 9 sites require detailed site by site analysis. Carefully review the guidance recently provided by HCD on this topic, which can be found [here](#).
- 3) **AB 215 and Public Outreach:** AB 215 adds an additional 30-day review period plus 10 business days for jurisdictions to consider comments before drafts can be submitted to HCD. Jurisdictions should plan to make drafts available for comment per AB 215 and HCD guidance to ensure that the public has adequate opportunity to comment on drafts before elements are submitted for HCD review.