



# CALL AND NOTICE

For additional information, please call:  
Hing Wong, (510) 464-7966

Agenda and attachments available at:  
[www.abag.ca.gov](http://www.abag.ca.gov)

## **CALL AND NOTICE OF SPECIAL MEETING OF THE RHNA APPEALS COMMITTEE OF THE ASSOCIATION OF BAY AREA GOVERNMENTS**

As Assistant Executive Director of the Association of Bay Area Governments (ABAG), I am calling a special meeting of the RHNA Appeals Committee as follows:

### **RHNA APPEALS COMMITTEE**

Monday, February 25, 2013, 3:15 PM  
Special Meeting

#### Location

ABAG, 101 8<sup>th</sup> Street, Conference Room B, Oakland, California  
Optional Call-In Number: (510) 464-7997

Committee members calling in:

- Supervisor Mark Luce, calling in from the Napa County Office, 1195 Third Street, Suite 310, Napa
- Supervisor Eric Mar, calling in from San Francisco City Hall, Room 244, San Francisco

The business to be transacted will include:

#### **Consideration of Committee Structure and Logistics**

The RHNA Appeals Committee will select a Chair and Vice Chair, and approve schedule and format for the public hearing on April 1.

The RHNA Appeals Committee may act on any item on the agenda. Members of the public shall be provided an opportunity to directly address the RHNA Appeals Committee concerning any item described in this notice before consideration of that item. Agendas and materials will be posted and distributed for this meeting by ABAG staff in the normal course of business.

RHNA Appeals Committee  
February 25, 2013  
Special Meeting  
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*Patricia M Jones*

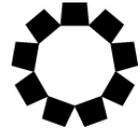
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Pat Jones  
Assistant Executive Director

February 22, 2013

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Date



# AGENDA

## **RHNA APPEALS COMMITTEE**

Monday, February 25, 2013, 3:15 PM  
Special Meeting

### Location

ABAG, 101 8<sup>th</sup> Street, Conference Room B, Oakland, California  
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*The RHNA Appeals Committee may act on any item on this agenda.*

### **1. Call to Order/Confirm Quorum**

### **2. Pledge of Allegiance**

### **3. Consideration of Committee Structure and Logistics**

#### Information/ACTION

The RHNA Appeals Committee will select a Chair and Vice Chair, and approve schedule and format for the public hearing on April 1.

*Attachments: RHNA Appeals Committee Structure and Logistics;  
Government Code for Revisions and Appeals*

### **4. Public Comment / Other Business / Adjournment**

#### Information

RHNA Appeals Committee  
February 25, 2013  
Special Meeting  
2

*Patricia M Jones*

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Pat Jones  
Assistant Executive Director

February 22, 2013

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Date

## **RHNA Appeals Committee Structure and Logistics**

Monday, February 25, 2013  
3:15pm to 4:15pm

ABAG Conference Room B  
101 Eighth Street, Oakland

Optional Call-In Number: (510) 464-7997

### **RHNA Appeals Committee Members**

The RHNA Appeals Committee is comprised of six members:

- Clayton Mayor Julie Pierce
- Napa County Supervisor Mark Luce
- Novato Mayor Pro Tem Pat Eklund
- Oakland Councilmember Desley Brooks
- Palo Alto Mayor Greg Scharff
- San Francisco Supervisor Eric Mar (alternate)

### **Jurisdictions Appealing**

There are eight jurisdictions appealing their allocations:

- Hayward
- Lafayette
- Mountain View
- Oakley
- Palo Alto
- San Ramon
- Saratoga
- Sunnyvale

### **Committee Structure**

At this meeting, the Committee should determine which exemption option to use based on conflict of interest (see next section). Then the Committee should select a Chair and a Vice Chair.

## **Conflict of Interest / Exemption Options**

There are three options the staff is proposing and for the Committee to select one:

1. Conflict if committee member's jurisdiction is appealing (one jurisdiction affected: Palo Alto/Scharff)
2. Conflict if committee member is within the same county of a jurisdiction that is appealing that was appointed by the Mayors' Conference to represent their county (seven jurisdictions affected: Lafayette/Pierce, Mountain View/Scharff, Oakley/Pierce, Palo Alto/Scharff, San Ramon/Pierce, Saratoga/Scharff, and Sunnyvale/Scharff)
3. Conflict if committee member is within the same county of a jurisdiction that is appealing (all eight jurisdictions affected: Hayward/Brooks, Lafayette/Pierce, Mountain View/Scharff, Oakley/Pierce, Palo Alto/Scharff, San Ramon/Pierce, Saratoga/Scharff, and Sunnyvale/Scharff)

## **Hearing Format / Logistics**

In order to ensure that the appeal process operates in an orderly manner, staff recommends the following process be used:

- Chair invites appellant to present proposed revision to the committee
- Appellant has up to 15 minutes to make presentation
- Chair asks for staff presentation (up to 10 minutes)
- Chair asks if anyone from the public wishes to comment
- Chair asks for committee discussion
- Committee deliberates and makes a motion
- Chair takes vote count on the motion made by committee

## **Suggested Schedule**

Staff is recommending that each appeal will be allocated to a 35-minute period with a 10-minute break between appeals:

- 9:00am – 9:15am      Introductions/Instructions
- 9:15am – 9:50am      Jurisdiction 1
- 10:00am – 10:35am    Jurisdiction 2
- 10:45am – 11:20am    Jurisdiction 3
- 11:30am – 12:05pm    Jurisdiction 4
- 12:05pm – 1:00pm      Lunch Break
- 1:00pm – 1:35pm      Jurisdiction 5
- 1:45pm – 2:20pm      Jurisdiction 6
- 2:30pm – 3:05pm      Jurisdiction 7
- 3:15pm – 3:50pm      Jurisdiction 8
- 3:50pm – 4:00pm      Wrap Up/Adjournment

## California Government Code Section 65584.05: Requests for Revisions and Appeals Process

(a) At least one and one-half years prior to the scheduled revision required by Section 65588, each council of governments and delegate subregion, as applicable, shall distribute a draft allocation of regional housing needs to each local government in the region or subregion, where applicable, based on the methodology adopted pursuant to Section 65584.04. The draft allocation shall include the underlying data and methodology on which the allocation is based. It is the intent of the Legislature that the draft allocation should be distributed prior to the completion of the update of the applicable regional transportation plan. The draft allocation shall distribute to localities and subregions, if any, within the region the entire regional housing need determined pursuant to Section 65584.01 or within subregions, as applicable, the subregion's entire share of the regional housing need determined pursuant to Section 65584.03.

(b) Within 60 days following receipt of the draft allocation, a local government may request from the council of governments or the delegate subregion, as applicable, a revision of its share of the regional housing need in accordance with the factors described in paragraphs (1) to (9), inclusive, of subdivision (d) of Section 65584.04, including any information submitted by the local government to the council of governments pursuant to subdivision (b) of that section. The request for a revised share shall be based upon comparable data available for all affected jurisdictions and accepted planning methodology, and supported by adequate documentation.

(c) Within 60 days after the request submitted pursuant to subdivision (b), the council of governments or delegate subregion, as applicable, shall accept the proposed revision, modify its earlier determination, or indicate, based upon the information and methodology described in Section 65584.04, why the proposed revision is inconsistent with the regional housing need.

(d) If the council of governments or delegate subregion, as applicable, does not accept the proposed revised share or modify the revised share to the satisfaction of the requesting party, the local government may appeal its draft allocation based upon either or both of the following criteria:

(1) The council of governments or delegate subregion, as applicable, failed to adequately consider the information submitted pursuant to subdivision (b) of Section 65584.04, or a significant and unforeseen change in circumstances has occurred in the local jurisdiction that merits a revision of the information submitted pursuant to that subdivision.

(2) The council of governments or delegate subregion, as applicable, failed to determine its share of the regional housing need in accordance with the information described in, and the methodology established pursuant to Section 65584.04.

(e) The council of governments or delegate subregion, as applicable, shall conduct public hearings to hear all appeals within 60 days after the date established to file appeals. The local government shall be notified within 10 days by certified mail, return receipt requested, of at least one public hearing on its appeal. The date of the hearing shall be at least 30 days and not more than 35 days after the date of the notification. Before taking action on an appeal, the council of governments or delegate subregion, as applicable, shall consider all comments, recommendations, and available data based on accepted planning methodologies submitted by the appellant. The final action of the council of governments or delegate subregion, as applicable, on an appeal shall be in writing and shall include information and

other evidence explaining how its action is consistent with this article. The final action on an appeal may require the council of governments or delegate subregion, as applicable, to adjust the allocation of a local government that is not the subject of an appeal.

(f) The council of governments or delegate subregion, as applicable, shall issue a proposed final allocation within 45 days after the completion of the 60-day period for hearing appeals. The proposed final allocation plan shall include responses to all comments received on the proposed draft allocation and reasons for any significant revisions included in the final allocation.

(g) In the proposed final allocation plan, the council of governments or delegate subregion, as applicable, shall adjust allocations to local governments based upon the results of the revision request process and the appeals process specified in this section. If the adjustments total 7 percent or less of the regional housing need determined pursuant to Section 65584.01, or, as applicable, total 7 percent or less of the subregion's share of the regional housing need as determined pursuant to Section 65584.03, then the council of governments or delegate subregion, as applicable, shall distribute the adjustments proportionally to all local governments. If the adjustments total more than 7 percent of the regional housing need, then the council of governments or delegate subregion, as applicable, shall develop a methodology to distribute the amount greater than the 7 percent to local governments. In no event shall the total distribution of housing need equal less than the regional housing need, as determined pursuant to Section 65584.01, nor shall the subregional distribution of housing need equal less than its share of the regional housing need as determined pursuant to Section 65584.03. Two or more local governments may agree to an alternate distribution of appealed housing allocations between the affected local governments. If two or more local governments agree to an alternative distribution of appealed housing allocations that maintains the total housing need originally assigned to these communities, then the council of governments shall include the alternative distribution in the final allocation plan.

(h) Within 45 days after the issuance of the proposed final allocation plan by the council of governments and each delegate subregion, as applicable, the council of governments shall hold a public hearing to adopt a final allocation plan. To the extent that the final allocation plan fully allocates the regional share of statewide housing need, as determined pursuant to Section 65584.01, the council of governments shall have final authority to determine the distribution of the region's existing and projected housing need as determined pursuant to Section 65584.01. The council of governments shall submit its final allocation plan to the department within three days of adoption. Within 60 days after the department's receipt of the final allocation plan adopted by the council of governments, the department shall determine whether or not the final allocation plan is consistent with the existing and projected housing need for the region, as determined pursuant to Section 65584.01. The department may revise the determination of the council of governments if necessary to obtain this consistency.

(i) Any authority of the council of governments to review and revise the share of a city or county of the regional housing need under this section shall not constitute authority to revise, approve, or disapprove the manner in which the share of the city or county of the regional housing need is implemented through its housing program.