

Matrix of RHNA Methodology Comment Letters Received

Local Jurisdictions

Jurisdiction/Agency	County	Date	Contact
Campbell, Cupertino, Los Gatos, Monte Sereno, Saratoga	Santa Clara	3/28/12	Michael Kotowski, Mayor of Campbell; Mark Santoro, Mayor of Cupertino; Steve Rice, Mayor of Los Gatos; Susan Garner, Mayor of Monte Sereno; Chuck Page, Mayor of Saratoga
Atherton	San Mateo	6/22/12	William Widmer, Mayor
Brentwood	Contra Costa	7/25/12	Casey McCann, Community Development Director
Cupertino	Santa Clara	6/13/12	Amy Chan, Interim City Manager
Cupertino	Santa Clara	6/26/12	Amy Chan, Interim City Manager
Fairfax	Marin	6/29/12	James Moore, Planning Director
Los Altos	Santa Clara	6/26/12	Valerie Cook Carpenter, Mayor
Los Altos Hills	Santa Clara	6/29/12	Carl Cahill, Town Manager
Los Gatos	Santa Clara	6/21/12	Greg Larson, Town Manager
Menlo Park	San Mateo	7/19/12	Peter Ohtaki, Vice Mayor
Monte Sereno	Santa Clara	7/17/12	Brian Loventhal, City Manager
Newark	Alameda	6/25/12	Terrence Grindall, Community Development Director
Novato	Marin	6/29/12	Denise Athas, Mayor
Oakley	Contra Costa	6/27/12	Bryan Montgomery, City Manager
Palo Alto	Santa Clara	6/29/12	James Keene, City Manager
Pleasanton	Alameda	7/17/12	Brian Dolan, Director of Community Development
Ross	Marin	7/12/12	Ross Town Council
San Leandro	Alameda	7/14/12	Tom Liao, Planning and Housing Manager
San Ramon	Contra Costa	6/26/12	Phil Wong, Planning/Community Development Director
San Ramon	Contra Costa	7/18/12	Phil Wong, Planning/Community Development Director
Santa Clara	Santa Clara	6/28/12	Kevin Riley, Director of Planning
Saratoga	Santa Clara	6/5/12	Chuck Page, Mayor
Sausalito	Marin	6/28/12	Michael Kelly, Mayor
Sunnyvale	Santa Clara	6/25/12	Hanson Hom, Community Development Director
Sunnyvale	Santa Clara	6/29/12	Hanson Hom, Community Development Director
Walnut Creek	Contra Costa	7/6/12	Andrew Smith, Senior Planner

Interested Parties

Organization	Date	Contact
6 Wins Network and Greenbelt Alliance	5/17/12	
	7/10/12	Al Dugan
Latinos Unidos del Valle de Napa y Solano	5/11/12	David Grabill
Non-Profit Housing Association of Northern California	7/13/12	Evelyn Stivers, Field Director
Public Interest Law Project, Public Advocates, California Rural Legal Assistance, Law Office of David Grabill	7/16/12	Michael Rawson, Craig Castellanet, Public Interest Law Project; Richard Marcantonio, Elisabeth Voigt, Sam Tepperman-Gelfant, Parisa Fatehi-Weeks, Public Advocates, Inc.; Ilene Jacobs, California Rural Legal Assistance; David Grabill, Law Office of David Grabill
Public Advocates	6/13/12	Parisa Fatehi-Weeks, Staff Attorney
San Francisco International Airport	6/8/12	John Martin, Airport Director, SFO
	6/27/12	Russ Stanley
	7/16/12	Russ Stanley



March 28, 2012

Ken Kirkey
ABAG Planning Director
101 Eighth Street
Oakland, CA 94607

RE: Draft Regional Housing Needs Allocation (RHNA) Methodology

Dear Mr. Kirkey:

The cities of Campbell, Cupertino, Town of Los Gatos, Monte Sereno, and Saratoga have developed a successful partnership over the years due to the many similarities between our jurisdictions. We are predominately built-out residential communities with fewer jobs and access to public transit than other cities within Santa Clara County. As a result, our residents have limited transportation choices and rely heavily on personal vehicles to commute to work. In addition, there are no planned transit extensions within our jurisdictions apart from the possible future 1.5 mile extension of VTA's Light Rail to Route 85 and Winchester Boulevard. Any modest increase in household growth, over what is already accounted for in our general plans, would increase carbon dioxide emissions through additional vehicle miles traveled.

One of the primary components of Senate Bill 375 is to link transportation and land-use planning through the Sustainable Communities Strategy (SCS) to reduce the region's carbon dioxide emissions from cars and light duty trucks. The primary strategy of the SCS is to build better access to mass transit and create housing proximity to jobs and services. This strategy would provide commuters more transportation choices and reduce vehicle miles they need to travel. In 2008, the Association of Bay Area Governments was the first coalition of governments in the State to connect the regional housing needs allocation (RHNA) to the type of focused-growth that is central to the SCS.

However, the Housing Methodology Committee (HMC) appears to be working against the progress ABAG has made by continuing to recommend a significant minimum housing distribution. This methodology gives more weight to a "fair share" distribution rather than sustainability factors that are more consistent with the objectives of SB 375.

We believe that the minimum fair share distribution threshold, currently proposed at 40% of household formation, should be eliminated. Our issue is not with the allocation of affordable units but with the minimum distribution of total housing growth. We believe it is important for all communities to include housing for a mix of income levels.

The table below, using recent information from the HMC, illustrates the impact of the fair share distribution over the sustainability factors.


	RHNA 2014 – 2022 (Housing Units)		2007-2014 RHNA (Housing Units)
	With Sustainability Factors	With 40% HH Formation / Fair Share	
Campbell	846	833	892
Cupertino	1,361	1,340	1,170
Los Gatos	477	613	562
Monte Sereno	48	80	41
Saratoga	261	584	292

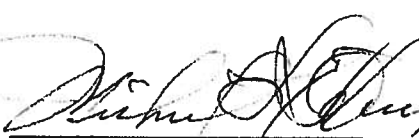
Source: HMC Draft RHNA Allocation 3/12/12


Cities within the region that have larger Priority Development Areas, which have access to current or future transit facilities, and are near major employment centers are being given priority in the distribution of grant funds over smaller built-out residential communities. These additional funds should help offset the infrastructure and service requirements of more housing and population where it is most needed.

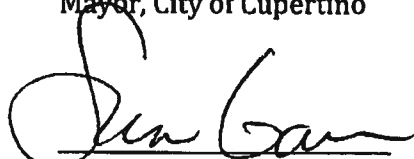
As Mayors representing the cities of Campbell, Cupertino, Town of Los Gatos, Monte Sereno, and Saratoga we request the ABAG Executive Board approve the RHNA Methodology with sustainability factors consistent with SB 375 but without a minimum housing threshold.

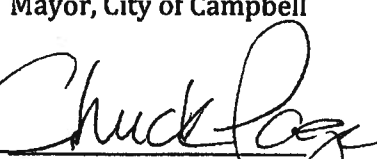
Sincerely,


 Mark Santoro
 Mayor, City of Cupertino


 Michael Kotowski
 Mayor, City of Campbell


 Steve Rice
 Mayor, Town of Los Gatos


 Susan Garner
 Mayor, City of Monte Sereno


 Chuck Page
 Mayor, City of Saratoga



Town of Atherton

Town Administrative Offices
91 Ashfield Road
Atherton, California 94027
650-752-0500
Fax 650-688-6528

June 22, 2012

Ken Kirkey
Director of Planning and Research
Association of Bay Area Governments
P. O. Box 2050
Oakland, CA 94504-2050

Dear Mr. Kirkey,

We have received and reviewed the preliminary Regional Housing Needs Allocation – Fifth Round (RHNA 5) for the Town of Atherton. We believe that the allocation of 105 units for Atherton is too high and is based on erroneous assumptions and data. The basic erroneous assumption is that Atherton is growing and will continue to grow. Unlike most other cities and towns in the region, Atherton has consistently lost population over the past 40 years. The Town's peak population was 8,085 in 1970. Since then the Town has lost 15% of its population. In 2010 the population was counted at 6,914. Despite this fact ABAG continually projects population increases for the Town; exactly the opposite of the data trend. Please see the table below.

A similar trend has occurred with households. The number of households in Atherton reached a peak of 2,426 in 1980 and has declined for the last 30 years to 2,330 in 2010. Again, despite the data and trend, ABAG consistently projects an increase in households and household formation in Atherton.

	Actual¹				
	1970	1980	1990	2000	2010
Population	8,085	7,797	7,163	7,194	6,914
Households	2,400	2,426	2,403	2,413	2,330

As the Town has written to ABAG on several previous occasions, Atherton has a very limited number of jobs within its boundaries. In 2002 we conducted a survey of employers located in Atherton. These employers are limited to public and private schools, the Town of Atherton government, the local water service company, a private equestrian club, construction and home occupations. The results of that survey indicated that there are only 1,200 to 1,300 jobs existing in

¹ U. S. Census

Atherton. The number of jobs in Town today has remained essentially unchanged from 2002. In addition, there is no planned job growth nor is there space for job growth to occur. Contrary to this data ABAG is projecting jobs in Atherton will increase from 2,590 to about 2,700 from 2010 to 2040.

The reason the reason for our declining population and households is that Atherton is a completely built-out town. There are only three basic land uses: large lot residential, schools (public and private) and parks and open space (i.e. one park and the California Water Service reservoir land). There are no commercial, industrial, or retail uses in Town. There is no "downtown". The Town has no land within its sphere of influence to annex. Its city limits is co-terminus with its sphere of influence. Town policy precludes rezoning for higher density residential.

The principal development activity that has occurred over the last 20+ years is the demolition of individual single family houses and their replacement with larger houses. Typically there are about 25 demolitions and reconstructions each year.

In several instances property owners have purchased adjacent homes, demolished them and created larger lots without replacing the demolished houses. Since 2007 the Town has had a net loss of 13 dwelling units and households.

In conclusion, the Town of Atherton protests the current RHNA 5 allocation and requests a substantially lower allocation.

Very truly yours,

A handwritten signature in black ink, appearing to read "WR Widmer", with a long horizontal line extending to the right.

William R. Widmer, Mayor

Cc: City Council
Planning Commission
Theresa DellaSanta, Interim City Manager
Bill Conners, City Attorney
Neal Martin, Town Planner
Lisa Costa Sanders, Deputy Town Planner



RECEIVED
JUL 25 2012
MTC

July 25, 2012

Steve Heminger, Executive Director
Metropolitan Transportation Commission
Joseph P. Bort Metro Center
101 Eighth Street
Oakland, CA 94607-4770

Ezra Rapport, Executive Director
Association of Bay Area Governments
Joseph P. Bort Metro Center
101 Eighth Street
Oakland, CA 94607-4770

Re: Comments on Draft Regional Housing Need Allocation (RHNA) Methodology (2014-2022)

Dear Mr. Heminger and Mr. Rapport:

The City of Brentwood has reviewed the methodology used to establish the distribution of the RHNA for the 2014-2022 cycle. The City understands the investment of time that has gone into the proposed distribution and appreciates the opportunity to comment.

The City would like to reiterate, consistent with past correspondence regarding Plan Bay Area, that the housing growth assumptions are not representative of the City's General Plan and Fiscal Model, and they establish a number of housing units that is not reflective of the City's past, present, or future growth patterns. The 755 new units established in the proposed RHNA for Brentwood represents an even further reduction from the 850 units in the Jobs-Housing Connection Strategy (Strategy) and the 1,270 units in the Jobs-Housing Connection Scenario (Scenario), which the City objected to in its letter dated May 22, 2012. Although the 755 new units proposed in the RHNA and adjusted for the eight year period reflects a more realistic 94 units per year, the City is concerned that the overall number of units has been reduced to a level inconsistent with the City's General Plan. In addition, the City would like clarification as to whether the 755 units allocated to Brentwood for this cycle mean that only 95 units will be allocated for remaining years through 2040, in order to be consistent with the Strategy. If so, that is highly unrealistic.

Mr. Heminger and Mr. Rapport
July 25, 2012
Page 2 of 2

In regard to the income allocation methodology, the 175 percent factor used to adjust the difference between a jurisdiction's actual housing percentage need and its allocation appears to be arbitrary and overly aggressive. In communities such as Brentwood, where the actual income percentage for low income is below the regional proportion, nearly doubling the need represents an unrealistic attainment figure. The City would like to see this factor reduced commensurate with actual low income levels.

Finally, the RHNA methodology does not take into account extremely low income percentages; however, jurisdictions are required to account for this income category within their housing elements. It would be beneficial to have these percentages included as part of the methodology.

Again, the City appreciates the opportunity to comment on the RHNA methodology and looks forward to the above concerns being addressed.

Sincerely,

A handwritten signature in black ink, appearing to read 'Casey McCann', followed by the word 'For' written in a similar cursive style.

Casey McCann
Community Development Director



OFFICE OF THE CITY MANAGER

CITY HALL
10300 TORRE AVENUE • CUPERTINO, CA 95014-3255
TELEPHONE: (408) 777-3212 • FAX: (408) 777-3366

June 13, 2012

Mr. Ken Kirkey
ABAG Director, Planning and Research
Association of Bay Area Government (ABAG)
P.O. Box 2050
Oakland, CA 94604-2050

RE: VTA Cores, Corridors and Station Areas PDA Designation within Cupertino
Dear Mr. Kirkey,

In response to your letter dated April 18, 2012 the City of Cupertino will continue to support the Priority Development Area (PDA) designation for the VTA Cores, Corridors and Station Area along Stevens Creek Boulevard between Highway 85 and the eastern City limits and a portion of North De Anza Boulevard in Cupertino. Our understanding is that this Priority Development Area (PDA) has added an additional 60 units to our Regional Housing Need Allocation (RHNA) but will qualify Cupertino for the One Bay Area Grant (OBAG) funding related to PDAs.

We would like to encourage ABAG and the MTC to allow cities to add PDAs after the current OBAG funding cycle so that an additional Employment Investment Area in the Homestead Road and North Wolfe Road area may be added to Cupertino. We believe that the area meets the qualifications given the increase in employees due to the development of the new Apple campus, a potential redevelopment opportunity at the Vallco regional mall and the development of a large residential project (Rosebowl) in the Vallco area.

Sincerely,

A handwritten signature in black ink, appearing to read 'Amy Chan', is written over a white background.

Amy Chan
Interim City Manager

Cc: Timm Borden, Director of Public Works
Aarti Shrivastava, Director of Community Development



OFFICE OF THE CITY MANAGER

CITY HALL

10300 TORRE AVENUE • CUPERTINO, CA 95014-3255

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June 26, 2012

Ken Kirkey
Director of Planning and Research
Association of Bay Area Governments
PO Box 2050
Oakland, CA 94607-4756

RE: Adoption of Draft Regional Housing Needs Allocation (RHNA) Methodology and Preliminary Subregional Shares for the Fifth Cycle: 2014-2022

Dear Mr. Kirkey:

Thank you for the opportunity to comment on the RHNA methodology and preliminary subregional shares.

One of the primary components of Senate Bill 375 is to link transportation and land-use planning through the Sustainable Communities Strategy (SCS) so as to reduce the region's carbon dioxide emissions from cars and light duty trucks. The primary strategy of the SCS should be to build better access to mass transit and housing proximity to jobs and services, so people have more transportation choices and reduce vehicle miles they need to travel. The City of Cupertino is a predominantly built-out community with less public transit access as compared to the larger cities within Santa Clara County. There are no significant planned bus / rail extensions within our jurisdiction. Any modest increase in household growth, over what is already accounted for in our general plan, would increase carbon dioxide emissions through additional vehicle miles traveled, given the lack of transportation choices and proximity to jobs in our communities.

Furthermore, and perhaps most importantly, we find that ABAG has assigned an unusually high amount of units to the VTA Core, Corridors and Station Areas PDA located along North DeAnza and Stevens Creek Boulevards and this high amount of growth is unduly affecting our final RHNA number. ABAG has assigned 866 units in the VTA Core, Corridors and Station Areas PDA located in Cupertino while our General Plan, which runs through 2020, will only allow for growth of 422 units in that same PDA area.

Also, it appears that cities determined to be more “affluent” are being targeted for more very-low income units under the methodology. While on the surface the theory may make sense, in actuality larger less affluent cities actually receive more federal resources based upon their low income populations to provide housing for these populations. For example, the largest city in Santa Clara County receives nearly \$12,000,000 in federal resources to house the homeless and the low and very low income, what ABAG has defined as the smaller “affluent” cities receive only \$310,000 or much less to provide housing for the lower income populations. Whereas in the past, cities like Cupertino have been able to rely on Redevelopment Agency housing set-aside funds and inclusionary housing programs to provide affordable low and very-low income units, with recent court rulings (Palmer/Sixth Street Properties LP v. City of Los Angeles) and the dissolution of RDAs in California, these resources have vanished.

Furthermore, the RHNA methodology proceeds to penalize smaller built out communities for “poor performance”. Until monetary resources are made available to smaller communities to provide the affordable housing, we request that the penalty be removed from the methodology.

The City of Cupertino requests the ABAG Executive Board reconsider approving the RHNA Methodology with sustainability factors consistent with SB 375. Furthermore, we request that the City of Cupertino’s numbers reflect the growth allocated in our adopted General Plan and not ABAG’s projection of what the growth should be in the area.

Sincerely,



Amy Chan
Interim City Manager

CC: Cupertino City Council
Aarti Shrivastava, Director of Community Development
Timm Borden, Director of Public Works
Vera Gil, Senior Planner



TOWN OF FAIRFAX

142 BOLINAS ROAD, FAIRFAX, CALIFORNIA 94930
(415) 453-1584 / FAX (415) 453-1618

June 29, 2012

Mr. Mark Luce, President
Association of Bay Area Governments
P.O. Box 2050
Oakland, CA 94607-4756

RE: Town of Fairfax Comments on Draft Methodology
Regional Housing Need Assessment 2014-2044

Dear Mr. Luce:

Thank you for the opportunity to comment on the draft Regional Housing Need Assessment (RHNA) Methodology 2014-2022 as recommended in the letter we received dated May 29, 2012 from Mr. Ken Kirkey, ABAG Director of Planning and Research. At a special meeting this morning, the Fairfax Town Council voted to authorize me to write this letter for consideration at your Executive Board meeting on July 19, 2012.

First, we understand how arduous a process this is for all concerned to come up with equitable allocations for various regions, let alone for subregions like ours here in the physically constrained upper end of the Ross Valley – which is solely dependent upon the Sir Francis Drake Boulevard corridor (a corridor that is operating at extremely low levels of service already). Likewise, we understand and appreciate the need to accommodate housing needs throughout the region – particularly for all income groups within our communities.

However, having reviewed the RHNA allocations, we have some concern on the numbers and methodology of calculation and request that when reviewing the draft RHNA please keep in mind just how our particular Town is nearly built-out with almost all remaining undeveloped land, either very steeply sloped or constrained from development for other reasons. For example, the Town of Fairfax lies at the outer western edge of the “built environment” of Marin in a predominately Wild-lands Urban Interface (WUI) area – at the gateway to west Marin’s protected open space.

Thank you again for your consideration of our unique housing constraints. We invite you to visit our Town’s webpage to view our newly adopted 2010-30 General Plan within which the new Housing Element has strived to address these physical limitations by utilizing the few remaining developable parcels for senior housing, workforce housing, new second units and mixed use infill (TPP) development in the heart of Town near our transit hub.

Sincerely,

James M. Moore, Planning Director
Town of Fairfax

cc: Mayor and Town Council members
Interim Town Manager



City of Los Altos
One North San Antonio Road
Los Altos, California 94022

June 26, 2012

Ken Kirkey
Director of Planning and Research
Association of Bay Area Governments
PO Box 2050
Oakland, California 94604

SUBJECT: Draft Regional Housing Need Allocation

Dear Mr. Kirkey:

I am writing in response to the Association of Bay Area Governments' recently released draft Regional Housing Need Allocation for the City of Los Altos. Thank you for the opportunity to review these draft numbers before they become final. The City is concerned, however, that the developed methodology results in suburban "bedroom communities" like Los Altos receiving the largest housing allocation increases – in Los Altos' case a more than 30 percent increase – while some urban cities received much smaller increases, and even reduced housing allocations.

This is contrary to the goal of Senate Bill 375, which is intended to address Assembly Bill 32 and provide housing near employment centers and public transportation hubs in order to reduce vehicle miles traveled. A public transportation system that includes fixed rail transportation alternatives, for example, is not available in Los Altos. In addition, there are few bus routes that travel through our City, nor are there any plans to add routes. Placing the largest increase of new housing units in suburban communities will directly increase car trips as new residents will need to commute to job centers.

Los Altos has regularly achieved certified Housing Elements and provided for a range of housing opportunities in the community. The City has continued to refine its zoning regulations to allow for higher residential densities along the El Camino Real corridor and in our downtown area. Many of these changes have been of concern to residents with traffic congestion being such a paramount problem in the region. We see these draft housing requirements as only exacerbating these problems.

Sincerely,

Valorie Cook Carpenter
Mayor, City of Los Altos



June 29, 2012

Mr. Ken Kirkey, Planning Director
Association of Bay Area Governments
101 Eighth Street
Oakland, CA 94607

RE: Draft 2014-2022 RHNA Methodology

Dear Mr. Kirkey,

Thank you for providing the opportunity for the Town of Los Altos Hills to comment on the 2014-2022 draft RHNA Methodology. Los Altos Hills is a hillside residential community with naturally scenic and open space areas where topography provides significant constraints to development such as steep slopes, unstable soils, seismic faults, creeks and waterways. Los Altos Hills has no commercial, retail, or industrial zoned lands, and no Priority Development Area (PDA) or Growth Opportunity Area (GOA). There is no public transit available within the Town except for two VTA bus lines serving Foothill College.

In the past three housing element cycles, the Town has continued to meet the State Housing Element law requirements by producing affordable housing units and rezoning land to provide for a variety of housing types. As a community with no proposed PDAs, the Town is already at a tremendous disadvantage as it would not be eligible to compete for over 70% of the funds that are designated for PDAs and PDA serving projects.

Under the current proposal, the Town of Los Altos Hills would be required to produce 1.5 times more units while larger cities with PDAs have receive a reduced allocation of up to 35%. The proposed methodology requiring a minimum 40% household formation is contrary to the region's sustainability goal to plan for housing near jobs and transit and penalizes smaller cities that have a lower number of housing units in the 1999-2006 and 2007-2014 cycles.

The Town of Los Altos Hills respectfully requests that the ABAG Executive Board considers these comments during the review and approval of the final RHNA methodology on July 19, 2012.

Sincerely,

A handwritten signature in blue ink that reads "Carl Cahill".

Carl Cahill, Town Manager
Town of Los Altos Hills

cc: Ezra Rappaport, Executive Director, ABAG



TOWN OF LOS GATOS

OFFICE OF THE TOWN MANAGER
(408) 354-6832
Manager@LosGatosCA.gov

CIVIC CENTER
110 E. MAIN STREET
P.O. Box 949
LOS GATOS, CA 95031

June 21, 2012

VIA First Class Mail

Mr. Ken Kirkey, Planning Director
Association of Bay Area Governments
101 Eighth Street
Oakland, CA 94607

RE: Draft RHNA Methodology - Town of Los Gatos Comments

Dear Mr. Kirkey:

The Town of Los Gatos appreciates the opportunity to provide comments on the 2014-22 Draft RHNA methodology. The Town understands the challenge of developing a RHNA distribution methodology that the 101 Bay Area municipalities find equitable and acceptable. However, the Town continues to have a concern with the proposed minimum housing floor factor of the fair share component.

In March 2012, the West Valley Cities of Saratoga, Campbell, Cupertino, Monte Sereno, and the Town of Los Gatos sent you a letter outlining our concerns with the fair share distribution component of the ABAG RHNA methodology. The letter stated that the five agencies believe that 40% minimum household formation should be eliminated. The concern was not with the allocation of affordable units to our jurisdictions, but rather assigning a larger share of units in the 2014-22 cycle than in the previous 2007-14 cycle to the smaller Santa Clara County cities. These smaller cities are generally built-out and do not have sufficient vacant or under-developed land to meet the Priority Development Area (PDA) goals.

Although the proposed RHNA for Santa Clara County is approximately only 269 units more than the previous 2007-14 Cycle, there are a number of cities within the County that have identified PDAs, but have an overall lower amount of units allocated in the upcoming cycle. Pursuant to the Plan Bay Area, these PDAs are where new residential and job growth will be focused. For example, the Cities of Mountain View and Palo Alto both have PDAs, but their overall projected units are lower than in the previous cycle. This is compared to an increase in projected units for the Cities of Los Altos, Saratoga, Los Altos Hills, Monte Sereno and the Town of Los Gatos, which do not contain PDAs.



The 40% minimum housing floor factor contributes to this imbalance in the RHNA distribution, and the methodology appears to be inconsistent with the goals of the Sustainable Communities Strategy (SCS) and Plan Bay Area. Consistent with the SCS goals, the projected housing growth should be planned for the communities that are served by transit, are projecting employment growth, and will be eligible for the majority of transportation funding. These smaller bedroom communities do not possess these characteristics.

The Town of Los Gatos respectfully requests forwarding the Town's concerns to the ABAG Executive Board for its consideration during the review and approval of the final RHNA methodology on July 19, 2012.

Sincerely,

A handwritten signature in black ink, appearing to read 'Greg Larson', with a long horizontal flourish extending to the right.

GREG LARSON
Town Manager

GL:jj



From the Desk of:

Council Member Peter Ohtaki

**Comments at Special Joint Meeting of MTC Commission and ABAG Executive Board
July 19, 2012**

Dear ABAG Executive Board and MTC Commission Members,

I'm a Menlo Park City Council member and serve as Vice Mayor. We appreciate ABAG's hard work on the regional allocations for the 2014-2022 Housing Element planning period. Our city recognizes the value of the goals and objectives and supports the need to plan appropriately for housing. We recently approved a Specific Plan for our city's downtown core, for example, that embraces many of the principles of the One Bay Area plan.

I'm here to express concern and frustration, however, that the current Housing Element process is based on and driven by unfunded State mandates, rather than what should be a community-driven process and, as a result, does not consider factors that are critical in local communities:

- The underlying basis for the overall State projections is not easily understood, nor is it a transparent and open process to individual communities. Most cities do not have the resources to analyze regional housing and employment modeling, yet this is what it takes to evaluate and potentially question the projections.
- How does the State consider the quality of life, environmental, fiscal, education and infrastructure capacity of our communities? We believe strongly in community participation and informed local dialogue to help formulate land use decisions. We believe this is the best way to consider local issues such as water supply, infrastructure needs, schools, roadway improvements, as well as the fiscal demands that come with providing additional city services to new residents. The current Housing Element process is not based in the type of community-driven process that Menlo Park values.
- Finally, these State mandates are largely unfunded. The expensive rezoning and EIR costs required comes at a time when we've lost our Redevelopment Agency tax revenues. I've brought a letter from our school district president and director, region 5, of the California School Boards Association, expressing the district's need for an additional school to accommodate new students resulting from increased housing.

I ask your support to improve State mandates and Housing Element process to provide more flexibility and funding for community-based planning. Land use issues are, as you know, a major reason for what we as local city councils are elected and held accountable for.

Thank you for your consideration!

Peter Ohtaki
Vice Mayor

701 Laurel Street - Menlo Park, CA 94025
Phone: (650) 330-6600 - Fax: (650) 328-7935



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Board of Education
Jeff Child
Maria Hilton
Joan Lambert
Laura Rich
Terry Thygesen

*A Community of educators, scholars, parents and staff working together
to inspire, serve, challenge and enrich all students*

**Maurice Ghysels, Ed.D.,
Superintendent**

July 18, 2012

**Allison Liner,
Chief Learning Officer**

Association of Bay Area Governments
101 Eighth Street
Oakland, CA 94607

**Diane White,
Chief Business Official**

Honorable ABAG Members:

**Olivia Mandilk,
Dir. Of Student Services**

I am writing to highlight local impacts of the current Housing Element requirements and to encourage you to resist pressure for future Element increases beyond those currently under agreement from the lawsuit settlement. We understand the importance of abiding by past agreements and this current phase of updating the City's zoning plan. However, part of the attractiveness of the Bay Area is its diversity and that applies to the character and the challenges for each of its communities.

**Jim Bowlby
Dir. Of Technology**

**Kathryn Christopherson,
Human Resources**

We are honored by the interest parents have in sending their children to the Menlo Park City School District, which serves Menlo Park, Atherton and some East Palo Alto students. In the four terms that I have served on the school board, we have grown from 1800 students to over 2800 students. For a small district, this is a tremendous and difficult growth.

**Ahmad Sheikholeslami
Director, Facility
Planning & Construction**

**Dennis Hatfield
Supervisor Maintenance,
Transportation,
Operations**

In 2006, we passed a bond to increase our classroom space and maximize our limited land. This August we will complete our construction program with a new middle school. Our four campuses are very small (the largest being 10 acres). In two years our middle school will be serving almost 1000 students on 9 acres. The state standard for that many students is 26 acres. By building a new, two-story school on the field and replacing the old school with a new field, we have increased the open area from 2 acres to almost 5 acres. Though it improves the situation for our students, we can not continue to increase the cohort at the school. None of this addresses the traffic, which impacts the neighboring community.

We have two K-5 elementary schools each using about 8 acres. They each have almost 800 students. Our K-3 elementary school has 500 students on 6 acres. Through our bond measure, we built 153,391 square feet on four campuses. There is no more room to grow.

As we are just about to take a breath and return our focus to educating our students, we learn about the current Housing Element that will add over 900 housing units. When we contracted our initial demographic study in 2006 to clarify the level of student population we needed to consider, the District was told that apartments had a low student generation rate.



Councilmember: Marshall Anstandig
Councilmember: Burton Craig
Councilmember: Susan Garner
Councilmember: Lana Malloy
Councilmember: Curtis Rogers

City Manager: Brian Loventhal
City Clerk: Andrea Chelemengos
Finance Officer: Sue L'Heureux
Building Official: Howard T. Bell

City of Monte Sereno

July 17, 2012

Ken Kirkey
Director of Planning and Research
Association of Bay Area Governments
101 8th Street
Oakland, Ca 94607

RE: Draft Regional Housing Need Allocation


Dear Mr. Kirkey,

Thank you for the opportunity to review and provide comments on the recently released 2014-2022 draft Regional Housing Need Allocation. In reviewing the allocation and associated documents, the City of Monte Sereno has concerns that the allocation does not help the continued efforts of the Santa Clara County cities to locate housing near jobs and transportation as per Senate Bill 375.

The increased allocation of housing units distributed to small communities, which lack jobs and have limited public transportation, does not help to reduce the vehicle miles traveled within the area. Earlier this year, the West Valley Cities of Saratoga, Campbell, Cupertino, Monte Sereno and the Town of Los Gatos sent a letter outlining our concerns with the fair share distribution component of the ABAG RHNA methodology (attached). The concern expressed in the letter is that the minimum fair share distribution threshold, proposed at 40% minimum of household formation, should be eliminated. This leads to a larger share of units being assigned to the smaller cities in West Valley, many of which are already built-out and do not have sufficient vacant or underdeveloped land to meet the goals of the Priority Development Areas (PDA). Projected housing growth should be located in areas with better access to transportation and jobs.

The City of Monte Sereno respectfully requests that these concerns be forwarded to the ABAG Executive Board for consideration during the review and approval of the final RHNA methodology on July 19, 2012.

Sincerely,


Brian Loventhal
City Manager

Attachment: Letter from West Valley Cities dates March 28, 2012
cc: Monte Sereno City Council



CITY OF NEWARK, CALIFORNIA

37101 Newark Boulevard • Newark, California 94560-3796 • (510) 578-4000 • FAX (510) 578-4306

June 25, 2012

Ken Kirkey
Director of Planning and Research
Association of Bay Area Governments
101 Eighth Street
Oakland, CA 94607

RE: Regional Housing Needs Allocation Methodology

Dear Mr. Kirkey,

I am writing to convey Newark's concerns about the proposed Regional Housing Needs Allocation Methodology.

The proposed Regional Housing Needs Allocation (RHNA) methodology would assign massive and disproportionate increases in housing growth to our community. Newark is allocated 1,149 units, a 33% increase in housing units over the previous RHNA cycle -- a 52% increase in our share of regional housing.

This increased allocation is of particular concern because Newark has no fixed transit and minimal bus transit; and Newark's only proposed transit project has been deleted from infrastructure planning. In the "Plan Bay Area" Process, regional agencies removed the voter approved Dumbarton Rail Service from the infrastructure plan. Newark's 2,500 unit Dumbarton Transit Oriented Development (TOD) was to be served by the now deleted service. This disinvestment undermines our TOD and should have resulted in a massive decrease in our housing allocations in the SCS, however regional agencies ignored Newark's repeated objections and did not adjust the land use to reflect the infrastructure disinvestment.

As further evidence of the flaw in the SCS process and RHNA methodology, Newark's 33% increase is much higher than adjacent and similar cities that have substantial existing and proposed transit service:

- Fremont, which has an existing BART Station and an additional two stations planned has only a 13% increase in RHNA allocation.
- Milpitas with existing light rail and proposed BART station has its RHNA allocation increased by only 28%.
- Hayward with 2 BART stations RHNA allocation had only a 28% increase.
- Union City with a BART and a proposed Multimodal station has had their RHNA allocation decreased by 43%.

Given that SB 375 mandates connection between land use and infrastructure investment, the fact that housing allocations are increasing in Newark at the very time that transit investment is decreasing is clear evidence of a fundamental problem in the process. The reason for this error lies with a defective SCS process that, in direct contravention of SB 375, failed to adjust the land use allocations to reflect infrastructure changes. This issue should be no surprise to ABAG, since in our April 26, 2012 letter commenting on this error in the SCS we stated: "if the Dumbarton Rail Service is not recommended for inclusion in the RTP network, the allocation of housing in Newark **must** be dramatically reduced." ABAG and MTC chose to ignore our objections, and the defective SCS and this distorted RHNA allocation are the inevitable results. Since the proposed RHNA methodology relies upon the defective SCS land use assumptions, the RHNA methodology perpetuates the defective process. Unless modified, the proposed RHNA allocation process would perpetrate the errors of the SCS process and would be in conflict with State law.

Ideally the SCS process should be reevaluated to take the changes in infrastructure into account in the allocation of housing growth. While Newark will diligently pursue the goal of fixing the SCS error, we recognize that corrections are not likely at this stage in the process. Therefore we suggest that the RHNA Proposed Methodology be adjusted to address this issue to at least prevent its perpetuation.

Proposed Modification of RHNA Methodology

The methodology should contain a filter that assures that no community that has been subjected to significant transit disinvestment could have its RHNA allocation increased over the 2007-2014 levels. There is no simply justification for increasing the housing allocations to an area that is simultaneously having its only proposed fixed transit service defunded.

The reliance of your methodology on a defective SCS process has led to the assignment of massive growth to a community without effective transit. This outcome is unreasonable, illogical and is out of step with State legislation. Please make changes to the methodology that will result in a reasonable allocation of housing demand to Newark. I would be happy to meet with you to discuss potential solutions to this issue. We will also avail ourselves of your Revision and Appeals Process to address this issue. Thank you for your attention to this issue. If you wish to discuss this further please contact me by email at Terrence.grindall@newark.org or by telephone at 510-578-4208.

Sincerely,


Terrence Grindall
Community Development Director

cc: John Becker, Newark City Manager, 37101 Newark Boulevard, Newark, CA 94560
Doug Kimsey, Metropolitan Transportation Commission, 101 8th Street, Oakland, CA 94607



THE CITY OF
NOVATO
CALIFORNIA

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FAX 415/899-8213
www.novato.org

Mayor
Denise Athas
Mayor Pro Tem
Pat Eklund
Councilmembers
Madeline Kellner
Eric Lucan
Jeanne MacLeamy

City Manager
Michael S. Frank

June 29, 2012

Mr. Mark Luce, President
Association of Bay Area Governments
P. O. Box 2050
Oakland, CA 94607-4756

Re: City of Novato Comments on Draft Methodology
Regional Housing Need Assessment 2014-2022

Dear Mr. Luce:

The Novato City Council appreciates ABAG's efforts on the draft Regional Housing Need Assessment (RHNA) Methodology 2014-2022, a major undertaking. We thank ABAG staff for their willingness to communicate directly with our staff, and we expect to be able to continue discussing the points below with ABAG RHNA staff.

At its June 26, 2012 meeting, the Novato City Council reviewed and considered materials and testimony concerning the Draft Regional Housing Need Allocation (RHNA) Methodology for 2014-2022 and has the following comments:

1. The Past RHNA Performance factor should be applied AFTER the Minimum Housing Floor factor, so that communities are, in fact, credited for achieving their RHNA allocations. When this factor is applied BEFORE the Minimum Housing Floor factor, the credit for achieving the RHNA allocation disappears. In fact, it results in an increased allocation due to the 40% floor factor. The staff report to the ABAG Executive Board dated May 17, 2012 discusses the Past RHNA Performance factor after the Minimum Housing Floor factor, which is misleading to the general reader as the methodology computation is in reverse order. This manner of computation is a serious defect of the RHNA 2014-2022 draft methodology since it does not encourage jurisdictions to achieve their RHNA allocations. Jurisdictions need and deserve such positive incentives as part of the RHNA methodology as recommended by the ABAG Housing Methodology Committee.
2. The Minimum Housing Floor factor should be re-examined. We understand that there was a strong desire to ensure that every jurisdiction be required to do 'its fair share'. However, there is no explanation or rationale provided on why 40% was selected. We understand that ABAG staff presented the Housing Methodology Committee with three choices - 40%, 50% and 60%. Why were those percentages presented and not others such as 30% or 25%? A reduction of the floor for those few cities in the 9 County Bay Area that

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JUL 02 2012

EXECUTIVE DIRECTOR'S OFFICE

did achieve their Past RHNA allocations should be included. That would give jurisdictions a second incentive to achieve the RHNA allocations which could result in higher RHNA performance in the future.

3. The Employment factor appears to be based on 2010 job estimates rather than actual census data for individual jurisdictions. We remain concerned that the jobs projections of the draft Jobs-Housing Connection Strategy are too high for the region and especially for Marin and the City of Novato. It is unclear whether use of these data accounts for the full continuing effects of the recession on local jobs. A recent article in our local paper stated that "From 2007-10 the county lost 10,317 jobs, or about one in every 10 jobs, according to figures released Tuesday by the U.S. Census Bureau." The article continued to highlight that "It is not clear how Marin industries have fared since 2010 because there is an 18-month lag in the release of detailed census data each year. The latest figures also do not include data for self-employed workers, which will be released separately..." The Employment factor needs to be based on actual census data rather than estimates.

4. The 2014-2022 RHNA Housing Methodology needs to recognize the continuing economic recession for the first cycle for the Sustainable Communities Strategy (SCS). It appears that the RHNA allocations for the 8-year cycle 2016-2022 are higher than its proportional share of the 30 year SCS 2010-2040. Given the struggling economic conditions, it may take several more years for the housing industry to recover, and the 2014-2022 RHNA Housing Methodology should recognize our current employment situation.

Lastly, we want to emphasize that the draft RHNA 2014-2022 Methodology does not account for the amount of affordable housing that was provided in Novato during the 1999-2006 RHNA cycle. Novato provided a significant proportion, beyond the City's share of population in Marin County, of all affordable housing in Marin County during that time period. With the way the Past RHNA Performance factor is applied in the draft RHNA 2014-2022 Methodology, there is no real acknowledgment of that affordable housing achievement in Novato. It appears that about half the jurisdictions that achieved their RHNA allocations during that cycle are not getting full credit for their success.

Again, thank you for the opportunity to comment and for ABAG's work on the State-mandated RHNA process. We look forward to your consideration of our comments and modifications to the draft RHNA 2014-2022 Methodology that reward communities that actually get

Mr. Mark Luce
page 2

June 29, 2012

affordable housing built. Please contact Anne Moore, Interim General
Plan Manager, if you have questions.

Sincerely,



Denise Athas, Mayor

cc: City Council
Planning Commission
City Manager
City Attorney
City Interim General Plan Manager
Association of Bay Area Governments, Attn: Ezra Rapport
Metropolitan Transportation Commission, Attn: Steve
Heminger
League of California Cities, Attn: Dan Carrig
Transportation Authority of Marin, Attn: Dianne Steinhauser



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925 625 9859 fax
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June 27, 2012

MAYOR
Kevin Romick

VICE MAYOR
Carol Rios

COUNCILMEMBERS
Pat Anderson
Randy Pope
Jim Frazier

Ezra Rapport, Executive Director
ABAG
Joseph P. Bort Metro Center
101 Eight Street
Oakland, CA 94607-4770

Steve Heminger, Executive Director
MTC
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Oakland, CA 94607-4770

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JUL 02 2012

EXECUTIVE DIRECTOR'S OFFICE

SUBJECT: City of Oakley Comments and Request for Revisions to the DRAFT Regional Housing Needs Allocation (RHNA) Methodology and Preliminary Subregional Shares for the fifth cycle: 2014-2012

Dear Mr. Heminger and Mr. Rapport:

The City of Oakley is requesting revisions to the DRAFT Regional Housing Needs Allocation (RHNA) and Methodology that was recently approved by the Association of Bay Area Governments (ABAG) on May 17, 2012. Oakley is concerned with the high number of overall units allocated to the City, specifically the high number of low- and very-low income units. The methodology does not take into account several factors that include the intent of the Oakley Priority Development Areas (PDAs) was to create job and employment centers, the lack of rail transit within Oakley, the number of existing jobs within Oakley, the current RHNA performance relating to the construction of low- and very-low income units, and lastly, the State's recent elimination of Redevelopment Agencies.

When reviewing the draft RHNA and the methodology used to derive the draft allocation, it appears that Oakley has several unique conditions which should necessitate a reduction in the overall number of units that have been preliminarily allocated to Oakley. As stated in previous letters, a majority of the entitled units in Oakley are not located within PDAs. With this said, Oakley's housing projections become misleading, specifically within Oakley's three PDAs. In short, many of the units that have been approved and are not located within PDAs seem to be assumed within the PDA areas by the methodology. Although Oakley still feels it is important to reduce target

emissions through a comprehensive regional strategy, there are several unique conditions to Oakley that need to be reconsidered when looking at the draft RHNA.

The Oakley City Council would like to offer the following comments:

- The objective of the Sustainability Component is to concentrate new development in areas to protect the region's natural resources and reduce development pressures on rural outlying areas. While the City agrees with this objective, it is not applicable to Oakley because Oakley's General Plan already accommodates areas suitable for residential development to accommodate the total household projections in the Jobs-Housing Connection Scenario and Strategy. The original intent of the Oakley PDAs was to designate areas in which employment centers would be created. The need to accommodate more residential development in PDAs is undermining this goal.
- A majority of 798 acres that make up the Oakley "Employment Area" PDA is not suitable for residential development. A large portion of the PDA encompasses 378 acres of land owned by DuPont, in which approximately 170 acres are occupied by wetlands. Other portions of the DuPont property are located within a floodplain, are being remediated and are not currently ready for any type of development, and other portions are designated for Light Industrial land uses. Another portion of that PDA is occupied by 78 acres of land and governed by the River Oaks Crossing Specific Plan. A long-standing deed restriction and the Specific Plan do not allow for residential land uses. The remaining areas in the PDA are either designated for Light Industrial or Business Park land uses which also do not permit residential development. The requirement to provide 70% of the RHNA allocation within the "Employment Area" PDA would create a situation where the City would have to amend the Oakley 2020 General Plan and Rezone hundreds of acres of land to allow for residential land uses. As stated within the first bullet, the intent of the PDA was to create jobs that have been envisioned within the General Plan since 2002 to help support the City's existing, entitled and designated housing.
- The draft RHNA allocated the maximum number of units to Oakley, meaning we have been preliminarily allocated 1.5 times the current

RHNA cycle allocation. This seems to go against the Fair Share Component's objective. Based on the Fair Share Component's objective, several factors should have been taken into account when determining the allocation:

- Oakley does not have a strong transit network. While the City does have ambitions to one day have a strong transit network, there is currently a lack of existing infrastructure for direct rail transit. This should have resulted in a lower Fair Share score.
- There is also a strong desire to bring jobs into the City. This is evident by the City's desire to have three PDAs. However, Oakley is not currently a job rich city and, therefore, we should have received a lower Fair Share score.
- Lastly, the methodology does take into account the most recent RHNA performance, rather the 1999-2006 RHNA cycle was used in the Fair Share scoring. The City of Oakley incorporated in 1999, and did not adopt a General Plan until 2002. Subsequently, a Housing Element was adopted in 2005 for the 1999-2006 cycle, and another Housing Element in 2009 for the current 2007-2014 cycle. The City has been committed to not only making land available to accommodate the RHNA allocation, Oakley has already built almost all of the current cycle's allocation, including exceeding the number of low- and very-low income units required. This past performance should be taken into account and should result in Oakley receiving a lower overall score.
- Oakley is not currently served by direct rail transit. The need for an increased job growth is a priority for Oakley. As previously stated, the PDA areas are intended for jobs, which would ensure the residents of Oakley would not need to commute to inner Bay Area job locations, thereby reducing unit and GHG emissions. The draft RHNA allocations do not take into account that Oakley is predominantly made up of single-family residences, and is an area where that lifestyle is preferred over higher-density development. Almost as important is the fact that Oakley has successfully produced low- and very-low income units to satisfy the current RHNA cycle. This shows Oakley's commitment to provide housing for all income levels. As stated by

June 27, 2012

City of Oakley Comments and Request for Revisions to the DRAFT Regional Housing Needs Allocation (RHNA) Methodology and Preliminary Subregional Shares for the fifth cycle: 2014-2012

Page 4 of 4

other East Contra Costa County cities, job growth should be a priority for East Contra Costa County and a means to reduce greenhouse gas emissions as well as meeting the housing preferences for the region.

- The recent elimination of Redevelopment Agencies further financially burdens local agencies that are already facing fiscal concerns due to the current economy. Oakley is very apprehensive with the draft RHNA allocation as it relates to the economy as it suggests multiple acres of land will need to be rezoned to accommodate a large number of higher density units that might never be built and would occupy land needed to create jobs.

The City of Oakley City Council hopes these comments will be considered and that the draft RHNA for Oakley will be reduced accordingly.

Sincerely,



Bryan Montgomery
City Manager

- C: Oakley City Council
Senator Mark DeSaulnier – 7th District
Assembly Member Joan Buchanan – 15th District

June 29, 2012

Ezra Rapport, Executive Director
Association of Bay Area Governments
P.O. Box 2050
Oakland, CA 94604-2050

**Re: Regional Housing Needs (RHNA) Allocations for Stanford University
Campus/Santa Clara County**

Dear Mr. Rapport:

Thank you for the opportunity to provide input regarding the draft regional housing needs allocations (RHNA) to be considered by the ABAG Board in July. The City of Palo Alto in general concurs with the principle that housing within Santa Clara County should be allocated to a city with jurisdiction over the sphere of influence (SOI), as the County has strong programs in place to direct cities to annex pockets of unincorporated areas. We do have a specific and substantial concern with **allocations of housing for Santa Clara County, as it pertains to the Stanford University campus area**, however.

The Stanford University Campus lies within Palo Alto's Sphere-of-Influence (SOI), but new campus development generates population and housing needs that are governed by Santa Clara County, not the City, and are not subject to potential annexation by the City of Palo Alto (pursuant to a tri-party agreement between the City, County and Stanford). In the prior RHNA cycle (2007-2014), the "Stanford share" of the allocation increased the City of Palo Alto's allocation by 645 units. It was not until the appeal period, however, that this correction was made, and the units redistributed to the County, with the concurrence of the City, County and Stanford.

The proposed RHNA figures allocate only 58 units to Santa Clara County (as compared to 1,090 units in the prior planning period). According to the most recent annual report (see [http://www.sccplanning.org/SCC/docs/Planning,%20Office%20of%20\(DEP\)/attachments/Stanford/AR10_all.pdf](http://www.sccplanning.org/SCC/docs/Planning,%20Office%20of%20(DEP)/attachments/Stanford/AR10_all.pdf)) regarding Stanford's General Use Permit (GUP) with the County, however, approximately 1,000-1,500 new housing units are planned on the campus over the next 10 years or so. Those units do not appear to be accounted for in any way in the County's allocation, although they are already planned and zoned appropriately. The City understands that there is no Priority Development Area for lands on the campus, but there are some designated housing sites that are located immediately proximate to El Camino Real and near the University Avenue Caltrain station. These two sites (H and I in the report) are planned to accommodate a minimum

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Palo Alto, CA 94303
650.329.2563
650.325.5025 fax

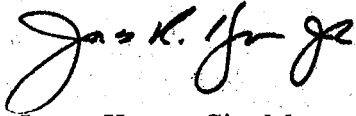
of 350 units. These sites would be within VTA's El Camino Corridor area if it was applied on the west side of El Camino Real.

The City of Palo Alto requests that the RHNA numbers reflect some of this housing development in the County's allocation, which we believe is consistent with the County's current housing element. While we understand that the reallocation of units does not mean that they reduce Palo Alto's allocation accordingly, it would seem that some of them, particularly those nearest El Camino and the train station, would have that effect.

The City of Palo Alto hopes these allocation issues may be addressed in a timely manner so there is no need to protest the final numbers, as happened in the prior cycle, and to allow a more thoughtful evaluation and allocation as part of the current review. The City of Palo Alto has broached this subject with the County and Stanford, and will continue to meet with them to assure there are not impacts or unintended consequences for them.

Thank you again for your consideration of the City's suggestion. If you have any questions, please feel free to contact Curtis Williams, the City's Director of Planning and Community Environment, at (650) 329-2321 or Curtis.williams@citofpaloalto.org.

Sincerely,



James Keene, City Manager
City of Palo Alto

cc: Palo Alto City Council
Palo Alto Planning and Transportation Commission
James Keene, Palo Alto City Manager
Bill Shoe, Santa Clara County Planning Office
Charles Carter, Stanford University
Ken Kirkey, Planning Director, ABAG
Hing Wong, ABAG
Justin Fried, ABAG

THE CITY OF



PLEASANTON®

July 17, 2012

Athena Ullah
Regional Planner
Association of Bay Area Governments
101 Eighth Street
Oakland, CA 94607

RE: Comments on ABAG's Final Draft RHNA Methodology

Dear Ms. Ullah:

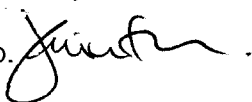
Thank you for providing the City of Pleasanton with the opportunity to comment on ABAG's Final Draft RHNA methodology as described in ABAG's memo titled *Final Regional Housing Need Allocation Methodology*, dated July 10, 2012.

Staff appreciates ABAG's attempt to create an equitable approach to distribution, and understands how difficult this is.

Of the four methodology choices provided—1) No Adjustment; 2) Growth Concentration Only; 3) Income Distribution Only; and 4) Growth Concentration and Income Distribution—City of Pleasanton staff supports the Income Distribution Only methodology based solely on the resulting Draft RHNA numbers in the above-mentioned memo.

If you have any questions about this letter, please do not hesitate to contact me. Thank you again for the opportunity to comment.

Sincerely,

p.p. 

Brian Dolan
Director of Community Development
City of Pleasanton
p: (925) 931-5614
bdolan@cityofpleasantonca.gov

COMMUNITY DEVELOPMENT

P. O. BOX 520, Pleasanton, CA 94566-0802

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(925) 931-5600
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Building & Safety

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Fax: 931-5478

Engineering

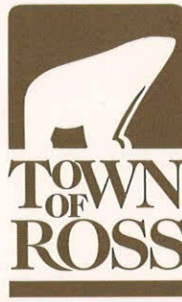
200 Old Bernal Ave.
(925) 931-5650
Fax: 931-5479

Traffic

200 Old Bernal Ave.
(925) 931-5650
Fax: 931-5479

Inspection

157 Main Street
(925) 931-5680
Fax: 931-5484



July 12, 2012

Association of Bay Area Governments
Executive Board
PO Box 2050
Oakland, CA 94604-2050

RE: Comments on draft Regional Housing Need Allocation (2014-2022) Methodology

Dear ABAG Executive Board:

This letter is in response to the draft Regional Housing Need Allocation (2014-2022) Methodology, to be considered by the ABAG Executive Board on July 19, 2012. The Town of Ross is a small, built-out, single-family residential community. We are concerned that the methodology may result in overestimating the housing units that the Town may realistically develop in the housing cycle, even with incentives provided in our Housing Element.

Fair Share Component

The Town recommends that ABAG modify the methodology to provide credit to jurisdictions like the Town of Ross that have adopted housing elements and have implemented the programs in those housing elements. The Town of Ross was one of the first jurisdictions in Marin County to have an adopted housing element for the current cycle. The Town has implemented nearly every one of the many programs to encourage housing production in our community. The proposed RHNA methodology puts the Town at an unfair disadvantage and rewards communities (some that do not have adopted housing elements for the current cycle) that have available land area to develop and where market conditions and State incentives make it more feasible to develop new housing, particularly affordable housing.

The Town has reduced constraints and increased incentives for development of new units, particularly affordable units, within the developed areas of our community. However, it takes time to realize new units in a built-out community.

Income Allocation

The Town of Ross recommends that ABAG apply the Income Allocation for the region to the Bay Area jurisdictions, rather than further allocate the units. The proposed methodology may decrease affordable housing production. The past RHNA production illustrates that certain communities have larger available land inventory for development, larger sites to accommodate higher densities, and more opportunity to develop affordable housing near major transportation and services that make housing affordable.

Sphere of Influence Adjustment

No information has been provided regarding the housing need generated by Ross' sphere of influence, which is also a built-out single family residential area with a high proportion of

market rate housing. The Town has no authority to zone outside of its boundaries or to provide incentives for the creation of housing units in its sphere of influence.

Provide data for public review for Fair Share Component factors

The Town has been unable to review all of the data used to generate the draft RHNA (2007-2022). We would like this data to be made available in order to provide meaningful comment on the methodology. The Town of Ross requests that ABAG also make public a spreadsheet that details the formulas and the inputs for the draft RHNA prior to final adoption of the RHNA Methodology and RHNA.

Employment Data

The employment data has not been made available for public review. The Town believes that the 510 existing jobs identified for Ross in the Sustainable Communities Strategy is high. We hope that ABAG will complete peer review the growth projections for Marin County prior to calculation of the RHNA.

Past RHNA Performance

If the adopted methodology includes Methodology 2(iii) "Past RHNA Performance," the Town requests that ABAG allow the Town to submit its actual performance for the 1999-2006 RHNA cycle. ABAG is estimating the Town's housing production for 1999-2006, an estimate that does not correspond with the Town's low income housing production for that cycle.

ABAG should ensure that the data for the 1999-2006 RHNA housing production is accurate and consistent. The State of California has only recently required jurisdictions to provide annual reports on RHNA housing production. Even with the new standard report, Ross town staff has found that the information provided for housing production varies widely by jurisdiction and does not necessarily reflect completed units.

Transit

The Town of Ross is not located along a major transit corridor. However, all residences in the Town are within a mile of frequent and reliable transit. We cannot provide any meaningful comment on this factor since the transit factor used for Ross and other Marin jurisdictions for the draft RHNA has not been made public.

Thank you for the opportunity to provide comment.

Sincerely,

ROSS TOWN COUNCIL

Rupert Russell, Mayor
Elizabeth Brekhus
Katherine Hoertkorn
Beach Kuhl
Carla Small

cc: Marin County Supervisor Susan Adams

Athena Ullah - public comment from city of san leandro regarding 2014-2022 draft rhna methodology

From: <TLiao@sanleandro.org>
To: <RHNA_Feedback@abag.ca.gov>, <kennethk@abag.ca.gov>
Date: 7/14/2012 6:17 PM
Subject: public comment from city of san leandro regarding 2014-2022 draft rhna methodology
CC: <LSims@sanleandro.org>, <CZapata@sanleandro.org>, <TLiao@sanleandro.org>

To: Ken Kirkey, ABAG Director of Planning and Research,

I am writing about concerns that the City of San Leandro has regarding ABAG's draft Regional Housing Need Allocation (RHNA) Methodology for San Leandro during this upcoming 2014-2022 period. My understanding is that the 60 day comment period ends on July 16, 2012 which will enable these comments to be included in the record for the July 19 ABAG Executive Board meeting.

San Leandro's RHNA allocation has increased from 1,630 total housing units (for the current 2007-2014) to 2,194 units (for 2014-2022) which results in a 35% increase. This appears to represent the largest percentage increase of any city (as well as the unincorporated area) in Alameda County. According to the housing and jobs growth projections in the final Jobs-Housing Connection Strategy (a.k.a., Sustainable Communities Strategy for the SF Bay Area Region) released in May 2012, San Leandro has lower housing and jobs growth projections than several other cities and the unincorporated areas in Alameda County. Therefore, it seems baffling and fundamentally wrong that the methodology would have San Leandro facing the largest RHNA allocation rate increase. In fact, several cities in Alameda County show substantial decreases in their 2014-2022 RHNA allocation projections from the current 2007-2014.

San Leandro has not been immune like the rest of the Bay Area from the economic recession and housing market decline in recent years. Permitting and production of new residential housing has been substantially down in San Leandro since the start of the recession in 2008. More importantly, San Leandro has for many years now been maximizing use of its affordable housing resources to provide a significant number of affordable housing units to improve its neighborhoods and meet the needs of its lower income residents. Therefore, the RHNA methodology seems flawed in putting an unfair burden on cities such as San Leandro that have consistently demonstrated the ability to produce substantial affordable housing units and push the limits of higher density development (i.e., current General Plan and the Downtown Transit-Oriented Development Strategy) within its built out environment while allowing other cities to significantly reduce their housing production goals without pushing their thresholds for affordable housing production and higher density development. It seems the methodology should be re-assessed to demonstrate a more balanced housing growth rate among cities in regions such as Alameda County so that the differences are not as wide especially in the context of the challenging current and near future economic environment for the region and State.

It would be helpful for me to learn more about what the exact figures were that ABAG used to calculate San Leandro and other cities in Alameda County's draft allocation figures for 2014-2022. Can you or your staff please send that data to me at your earliest convenience. Also, where can I find out more about the ABAG Revision and Appeals process as I did not see it within any of ABAG's recent RHNA memos or reports?

I appreciate the opportunity to comment on the RHNA Methodology and all the efforts of you and your staff as well as the Housing Methodology Committee in calculating the draft RHNA figures. It is truly a complex and challenging task and you all have done impressive work. Along with some of the other public comments ABAG has received to date from cities such as San Leandro and counties though, I hope my comments above help re-

emphasize the need for ABAG to continue working with local communities to establish more realistic and feasible housing goals in the next eight year period in these economically constrained and challenging times.

Sincerely,

Tom Liao, Planning and Housing Manager
City of San Leandro Community Development Dept.
Planning and Housing Services Divisions
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San Leandro, CA 94577
510-577-6003 (office)
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CITY OF SAN RAMON

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June 26, 2012

Ken Kirkey, Director of Planning and Research
Association of Bay Area Governments
101 Eighth Street
Oakland, CA 94607

**SUBJECT: Comments on the Association of Bay Area Governments (ABAG) 2014-2022
Draft Regional Housing Needs Allocation (RHNA) Methodology**

Dear Ken:

Thank you for the opportunity to review and comment on the draft RHNA Methodology. The following comments have been prepared for inclusion in the public record in anticipation of the ABAG Executive Board meeting on July 19, 2012.

Overall, the City of San Ramon supports ABAG's and MTC's effort to bring a greater jobs/housing balance to the region. As you may be aware, San Ramon has made significant progress in the last decade to bring our community closer to reaching this regional goal. Between 2000 to 2008, the jobs/housing ratio moved significantly lower from 1.51 to 1.24 in the City of San Ramon. With the policies set forth in the newly adopted *San Ramon General Plan 2030*, including the designation of two Priority Development Areas (PDAs), it is anticipated that San Ramon will reach its goal of a 1.05 jobs/housing ratio by General Plan buildout in 2030. Additionally, the City's Air Quality and Greenhouse Gas Element and associated Climate Action Plan will ensure that the anticipated balanced growth will not conflict with the implementation of AB 32—the Global Warming Solutions Act of 2006.

In general, San Ramon finds the main components that make up the RHNA methodology acceptable with exception of the income allocation strategy and the transit factor used for non-PDA areas. Our understanding is that the income allocation strategy determines the difference between the regional proportion of households in an income category and a jurisdiction's proportion in that category. This difference is then multiplied by 175 percent in an effort to be more closely aligned a jurisdiction's income distribution with the region's distribution.

San Ramon's concern over the income allocation is the use of an overly-aggressive 175 percent multiplier. The choice of 175 percent appears to be arbitrary and comes with little explanation as to

why such a high value was selected. The primary justification provided in the previous housing cycle was a 175 percent adjustment made the most meaningful adjustment for jurisdictions that currently do not have a large supply of affordable housing. San Ramon questions why a 100 or 150 percent adjustment was not studied as an alternative for this cycle. Has ABAG analyzed the construction data since the factor's inclusion in 2009 to determine what impact this adjustment factor has had on creating more affordable units in affluent communities? Is there historical data that supports why an adjustment of 175 is ideal to reaching the stated objective?

The 175 percent income adjustment is unrealistically high and ultimately defeats the region's goal of meeting the housing needs in a sustainable and balanced approach. For example in San Ramon, our 2009 to 2014 below-market rate allocation is over 2,600 units which equals approximately 75 percent of our 3,463 total assigned units. It is impractical to expect that a community of less than 25,000 residential units (in 2008) could add 2,600 new "affordable" units in a 7.5 year span. By comparison, in communities with successful inclusionary housing ordinances where 25 percent of new development is reserved for below-market rate units, San Ramon will need to approve over 10,000 new units in 7.5 years to even come close to adding the requisite 2,600 affordable units in our community.

It appears this same flawed methodology is being repeated in the impending housing cycle. With yet another estimated allocation of over 75 percent of our draft RHNA as below-market rate units, the message that the regional agencies sends to our community is mixed: 1) San Ramon should plan for a much higher production of units beyond what we are allocated in order to reach our exorbitantly high allocation of affordable units, contrary to the region's sustainable land use goal, or 2) we will keep assigning an unrealistic RHNA, knowing that these allocations can never be met thus resigning the region to face an even greater shortage of housing units in 2023.

With regards to the fair-share component, San Ramon would encourage the Board to give more weight to the transit factor in non-PDA areas. Given the intent of SB 375 to more closely align land use and transportation planning, not enough emphasis is being made to allocate units to jurisdictions with no PDAs. By using a Jobs-Housing Connection Strategy and an income allocation component, this already heavily burdens jurisdictions that have a high employment base and lower percentage of affordable units to take a greater share of the region's allocation. If a community opted-out of establishing a PDA and also has a strong network of transit, this factor should carry more weight because jobs and affordability are already greatly emphasized in other components of the methodology.

The City of San Ramon encourages the Executive Board to take into consideration the above comments and decrease in the income adjustment percentage as well as weight the transit factor more heavily in non-PDA areas. If you have any questions regarding the information in this letter, please contact Cindy Yee, Associate Planner at (925) 973-2562 or via e-mail: cyyee@sanramon.ca.gov.

June 26, 2012

Page 3

Sincerely,



Phil Wong
Planning/Community Development Director

Cc: City Council/City Manager
Debbie Chamberlain, Planning Manager
Cindy Yee, Associate Planner

c12.045 Ken Kirkey ABAG RHNA 2014-2022 Draft Methodology Comment Letter



CITY OF SAN RAMON

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July 18, 2012

ABAG Executive Board
101 Eighth Street
Oakland, CA 94607

SUBJECT: July 10th ABAG Staff Memo Re: Final Regional Housing Need Allocation Methodology, 2014-2022 Draft Regional Housing Needs Allocation (RHNA)

Dear ABAG Executive Board:

This letter is written as a follow-up to the City of San Ramon's comment letter dated June 26, 2012 to ABAG staff regarding the draft RHNA methodology. In that letter, San Ramon detailed our concern over the income adjustment formula (see attached). These issues continue to be of concern and inadequately addressed by ABAG staff. In the July 10, 2012 report to the Executive Board from ABAG's Executive Director, San Ramon is the target of another increase in allocation without a clear explanation on why our community has been singled out for increase.

The July 10th report identifies two adjustments for the Board's consideration for adoption of the Final RHNA Methodology. The reason provided for the Growth Concentration adjustment is to **"strengthen a fair share distribution between large cities and medium cities with high job growth and transit access."** The major recipients of this proposed redistribution are:

Cities	# of Additional Units	Employment Growth % (2010-2040)
Fremont	467	34%
Sunnyvale	392	27%
Santa Clara	279	28%
Pleasanton	158	32%
San Ramon	126	32%
San Carlos	61	23%

San Ramon is opposed to the additional assigned units to our jurisdiction. While the adjustment is characterized as a 1.5 percent "minor adjustment" and a "shift of a small share" in the region, it represents a 10% increase in San Ramon's draft allocation and a 50% increase since the first draft allocation presented to the ABAG Executive Board in March 2012.

The adjustments are made, in part, under the premise of transit access. All of the six major recipients of additional units listed above have light and/or heavy rail stations within their jurisdiction **EXCEPT** San Ramon. San Ramon, like many other similarly-sized cities may provide transit access through express bus service and bus transit stations, but in no way do we provide the same level or type of transit, or access to transit as the other cities listed.

Additionally, the targeted communities for increased allocations are identified as “medium cities with high job growth.” No definition is provided in the report for what is considered a “medium city”, but one can assume that if San Ramon is considered medium-sized, numerous jurisdictions in addition to San Ramon should also be considered for adjustment:

<i>City</i>	<i>Housing Units (2010)</i>	<i>Employment (2010)</i>	<i>Employment Growth (%)</i>	<i>Rail/Mass Transit?</i>	<i>PDA?</i>
San Ramon	26,220	43,880	32%	No	Yes
City A	49,450	77,020	29%	Yes	Yes
City B	32,420	39,900	33%	Yes	Yes
City C	48,300	69,100	30%	Yes	Yes
City D	32,680	41,650	33%	Yes	Yes
City E	29,170	58,340	32%	Yes	Yes
City F	28,220	89,370	33%	Yes	Yes
City G	19,810	45,060	25%	Yes	Yes

Source: *Jobs-Housing Concentration Scenario, March 2012 and Plan Bay Area*

In the two tables above, all cities listed have similar employment growth rates to San Ramon’s projected 32% increase. One glaring difference again is that all cities listed have existing, functional and funded light and/or heavy rail **EXCEPT** San Ramon. We question why San Ramon is considered for an increase when other cities in similar size, housing unit, employment growth, AND with existing transit have not been considered for increased allocations. We also question why a city like Newark with an expected 41% and 32% increase in housing unit and employment growth, respectively, could merit a 7% allocation reduction while San Ramon is proposed to go up. As noted in the July 10th report, if high job growth and transit access is the primary criteria for increased allocations, San Ramon is not where increased allocations should be made.

If the focus of this year’s RHNA methodology is to implement the preferred Jobs/Housing Connection Scenario, other cities with significantly higher jobs/housing ratios should also be considered for growth concentration. San Ramon has made tremendous efforts to meet the past RHNA’s assigned to our jurisdiction. During the past 10 years, San Ramon added over 8,000 housing units to address the jobs/housing balance. In attached June 26th letter to the Board, we identified that San Ramon’s anticipated jobs/housing ratio will be 1.05 by 2030. We are a rare example of a community that is successfully addressing the regional need, but other cities, especially transit-rich and employment-rich communities should be asked to do more, if not the same.

Some make the argument that San Ramon should be content that their allocation is significantly lower than the previous cycles. However, we find these arguments do not take the comprehensive picture into view. The 3rd and 4th cycle RHNA assignments were made on very different methodologies and land use goals. If a sustainability component had been included with the last two cycles, San Ramon's allocations surely would have been much lower while cities with heavy transit infrastructure would have been assigned far more units.

Thank you again for the opportunity to comment on the draft RHNA Methodology. We ask that the Executive Board take San Ramon's comments into consideration at your July 19, 2012 and reject the Alternative Proposals as drafted, or as a worse-case alternative, adopt the Income Distribution only proposal. If you wish to discuss our comments further, please contact me by email at pwong@sanramon.ca.gov or by telephone at 925-973-2565.

Sincerely,



Phil Wong
Planning/Community Development Director

Attachment:

Comment letter to Ken Kirkey, dated June 26, 2012

Cc: City Council/City Manager
Debbie Chamberlain, Planning Manager
Cindy Yee, Associate Planner
Ezra Rapport, ABAG Executive Director



CITY OF SAN RAMON

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WEB SITE: www.sanramon.ca.gov

June 26, 2012

Ken Kirkey, Director of Planning and Research
Association of Bay Area Governments
101 Eighth Street
Oakland, CA 94607

**SUBJECT: Comments on the Association of Bay Area Governments (ABAG) 2014-2022
Draft Regional Housing Needs Allocation (RHNA) Methodology**

Dear Ken:

Thank you for the opportunity to review and comment on the draft RHNA Methodology. The following comments have been prepared for inclusion in the public record in anticipation of the ABAG Executive Board meeting on July 19, 2012.

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In general, San Ramon finds the main components that make up the RHNA methodology acceptable with exception of the income allocation strategy and the transit factor used for non-PDA areas. Our understanding is that the income allocation strategy determines the difference between the regional proportion of households in an income category and a jurisdiction's proportion in that category. This difference is then multiplied by 175 percent in an effort to be more closely aligned a jurisdiction's income distribution with the region's distribution.

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why such a high value was selected. The primary justification provided in the previous housing cycle was a 175 percent adjustment made the most meaningful adjustment for jurisdictions that currently do not have a large supply of affordable housing. San Ramon questions why a 100 or 150 percent adjustment was not studied as an alternative for this cycle. Has ABAG analyzed the construction data since the factor's inclusion in 2009 to determine what impact this adjustment factor has had on creating more affordable units in affluent communities? Is there historical data that supports why an adjustment of 175 is ideal to reaching the stated objective?

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With regards to the fair-share component, San Ramon would encourage the Board to give more weight to the transit factor in non-PDA areas. Given the intent of SB 375 to more closely align land use and transportation planning, not enough emphasis is being made to allocate units to jurisdictions with no PDAs. By using a Jobs-Housing Connection Strategy and an income allocation component, this already heavily burdens jurisdictions that have a high employment base and lower percentage of affordable units to take a greater share of the region's allocation. If a community opted-out of establishing a PDA and also has a strong network of transit, this factor should carry more weight because jobs and affordability are already greatly emphasized in other components of the methodology.

The City of San Ramon encourages the Executive Board to take into consideration the above comments and decrease in the income adjustment percentage as well as weight the transit factor more heavily in non-PDA areas. If you have any questions regarding the information in this letter, please contact Cindy Yee, Associate Planner at (925) 973-2562 or via e-mail: cyee@sanramon.ca.gov.

June 26, 2012

Page 3

Sincerely,


Phil Wong
Planning/Community Development Director

Cc: City Council/City Manager
Debbie Chamberlain, Planning Manager
Cindy Yee, Associate Planner

c12.045 Ken Kirkey ABAG RHNA 2014-2022 Draft Methodology Comment Letter

SANTA CLARA CONFIDENTIAL



June 28, 2012

Ken Kirkey, Director of Planning and Research
Association of Bay Area Governments
PO Box 2050
Oakland, CA 94604-2050

Sent via email: RHNA_Feedback@abag.ca.gov

RE: Regional Housing Needs Allocations (RHNA 2014-2022)

Dear Mr. Kirkey

Thank you for the May 17, 2012 memo regarding the 2014 RHNA methodology and ABAG staff's recommendations on the draft allocations. Although we are concerned with certain aspects of the recommendation at this time, we are preliminarily supportive of the RHNA share for the City of Santa Clara.

During past RHNA cycles, the City of Santa Clara has accepted and been committed to providing our RHNA fair share of housing. The City has demonstrated this commitment by introducing new housing opportunity areas in our City over the course of our 2010-2035 General Plan (adopted in November 2010). The General Plan includes hard fought victories for conversion of industrial lands to significant acreage of new residential and mixed-use neighborhoods, situated near the transit and job centers within the City. In addition, we consider ourselves to be a champion of affordable housing and are always seeking ways to improve our affordable housing policies and programs. The City's commitment to much needed housing remains strong despite not only the California State Legislature's action to terminate redevelopment agencies (2011), but also the State Court's decision in the Palmer v. City of Los Angeles (2009) case.

According to the draft allocations, between 2014 and 2022 the City is expected to plan for and provide 3,812 housing units. If the current economic cycle continues, City staff preliminarily believes this overall figure is realistically achievable by 2022.

However, the RHNA calls for 2,173 (57%) of those units within the City of Santa Clara to be very low- to moderate-income level housing units. This substantial percentage of affordable housing is not feasible to attain given the current development tools at the City's disposal. Simply stated, State level legislative and judicial actions have substantially undermined or eliminated our primary affordable housing development incentives and mechanisms. While we still have the ability to require 10% of all new housing development to be affordable on the ownership side, this will not be enough to achieve 2,173 units by 2022, nor can ownership housing realistically achieve the goal for income levels below 90-100 percent of median income. Based on this, we contend that the 2014 RHNA affordable allocations are not reflective of the inability of local jurisdictions to now regulate or finance the

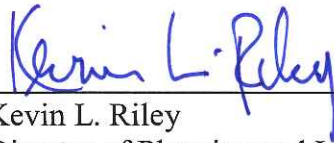
Ken Kirkey, Director of Planning and Research
May 2012 Draft RHNA Allocations
June 27, 2012
Page 2

development of affordable housing, unless the State can make suitable and concurrent regulatory and/or funding commitments to help local agencies support affordable home development.

Santa Clara recognizes the City's obligation to help solve regional problems at the local level, and have actively undertaken programs to proactively address them through the 2010-2035 General Plan. We appreciate the opportunity to comment on the draft RHNA methodology under consideration and respectfully ask that these comments be seriously considered.

Should you have any questions, please do not hesitate to contact Steve Lynch, City Planner, directly at (408) 615-2452 or slynch@santaclaraca.gov. We respectfully submit these comments, and ask that they be seriously considered.

Thank you.



Kevin L. Riley
Director of Planning and Inspections

I:\PLANNING\HOUSING\2014-22 RHNA Process\ABAG - RHNA Letter June 29 2012 (2).doc

cc: Mayor and Council
Jennifer Sparacino, City Manager
Jeff Pederson, Housing Division Manager



CITY OF SARATOGA

13777 FRUITVALE AVENUE • SARATOGA, CALIFORNIA 95070 • (408) 868-1200

COUNCIL MEMBERS:

*Manny Cappello
Jill Hunter
Emily Lo
Howard Miller
Chuck Page*

Incorporated October 22, 1956

June 05, 2012

Ken Kirkey
ABAG Planning Director
101 Eight Street
Oakland, CA 94607

RE: Comments on the Draft RHNA Methodology

Dear Mr. Kirkey:

Thank you for sending the City of Saratoga the draft Regional Housing Need Allocation (RHNA) Methodology, which we received on May 30, 2012. Based on my review of the proposed methodology, I believe that it does not promote an improved relationship between jobs and housing. I also believe that it would not result in a housing distribution that maximizes the use of public transportation and existing transportation infrastructure.

The projected 60,606 units allocated to Santa Clara County would be very similar to the County's 2007 - 2014 allocation, yet some cities with large employment centers and convenient transit access would be allocated a much smaller number of units in 2014-2022. The draft methodology consequently burdens the smaller and built-out cities that have limited employment and transit opportunities with a much higher housing ratio, up to 1.5 times the 2007 - 2014 allocation.

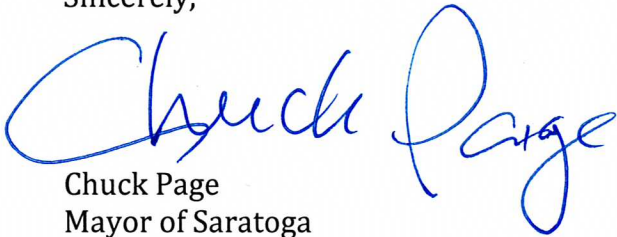
	2014 - 2022 DRAFT RHNA	2007 - 2014 RHNA	Difference (units)
Santa Clara County	60,606	60,338	268
City of Santa Clara	3,812	5,873	(2,061)
Unincorporated	58	1,090	(1,032)
Palo Alto	2,192	2,860	(668)
Los Altos	476	317	159
Saratoga	438	292	146
Los Gatos	616	562	54
Los Altos Hills	122	81	41
Monte Sereno	62	41	21

The use of a minimum housing floor using 40% of household formation growth results in a housing allocation that is clearly inconsistent with the overall objective of Government Code 65584 and Senate Bill 375, to better integrate land-use and transportation planning. Any significant housing growth in smaller bedroom communities that are not supported by employment centers or public transit would increase regional vehicle miles traveled and greenhouse gas emissions.

The draft proposed methodology also penalizes smaller cities that have a lower number of affordable units permitted in the 1999 - 2006 cycle. Cities should be evaluated on the number of affordable units permitted as a percentage of the total units permitted in their jurisdiction. Affordable housing units are being built in smaller built-out cities and those cities should be acknowledged for that effort based on the performance of the local housing market and the total number of permits issued.

I appreciate the opportunity to provide my perspective regarding the proposed methodology. Please include my comments in the feedback provided to the ABAG Executive Board at its July 19, 2012 meeting.

Sincerely,

A handwritten signature in blue ink that reads "Chuck Page". The signature is written in a cursive style with a large, looping initial "C".

Chuck Page
Mayor of Saratoga



CITY OF SAUSALITO

420 Litho Street • Sausalito, CA 94965
Telephone: (415) 289-4100
www.ci.sausalito.ca.us

June 28, 2012

Ezra Rapport, Executive Director
Association of Bay Area Governments
101 Eight Street
Oakland, CA 94607

RE: Draft 2014-2022 Regional Housing Needs Allocation Methodology

Dear Mr. Rapport:

The Sausalito City Council and staff have reviewed the draft Regional Housing Needs Allocation (RHNA) resulting from the draft 2014-2022 RHNA methodology approved by the Association of Bay Area Governments (ABAG) Board of Directors on May 17, 2012. In general we are pleased to see the RHNA numbers for Marin County, and in particular for Sausalito, have been reduced from draft RHNA numbers resulting from earlier versions of the 2014-2022 RHNA methodology.

However, the Council and members of the community continue to have serious concerns about the draft RHNA methodology that we want to share with you. Sausalito is a built-out community with significant physical and environmental constraints to development. The continued reliance on a methodology that places substantial weight to the provision of housing regardless of realistic development capacity is unsustainable.

Specifically, the use of a minimum housing floor of 40% of household formation growth results in a housing allocation that is clearly inconsistent with the overall objective of Senate Bill 375 to better integrate land-use and transportation planning. Any significant housing growth in smaller communities that are not support by employment centers or public transit would increase regional vehicle miles traveled and greenhouse gas emissions.

The draft proposed methodology also penalizes smaller cities that have a lower number of affordable units permitted in the 1999-2006 cycle. Cities should be evaluated on the number of affordable units permitted as a percentage of the total units permitted in their jurisdiction. Affordable housing is being built in smaller built-out cities and those

FAX NUMBERS:

Administration: (415) 289-4167
Recreation: (415) 289-4189

Community Development: (415) 339-2256

Library: (415) 331-7943
Public Works: (415) 289-4138

cities should be acknowledged for that effort based on the performance of the local housing market and the total number of permits issued.

We appreciate the opportunity to provide the Sausalito perspective regarding the RHNA methodology. Please forward this letter to the ABAG Executive Board prior to its July 19, 2012 meeting.

Sincerely,



D. Michael Kelly
Mayor of the City of Sausalito

cc: Councilmembers
Adam Politzer, City Manager
Jeremy Graves, Community Development Director
Lilly Schinsing, Associate Planner
Ken Kirkey, ABAG Director of Research and Planning

Athena Ullah - Fwd: RHNA Methodology

From: "Hanson Hom" <hhom@ci.sunnyvale.ca.us>
To: <hingw@abag.ca.gov>
Date: 6/25/2012 9:42 AM
Subject: Fwd: RHNA Methodology

Hanson Hom

Director of Community Development
City of Sunnyvale
P.O. Box 3707
456 W. Olive Avenue
Sunnyvale, CA 94088-3707
408-730-7450



Save the environment. Please don't print this email unless you really need to. 

>>> On 6/22/2012 at 5:42 PM, Hanson Hom <hanson_hom@ci.sunnyvale.ca.us> wrote:
Hing, Justin:

If you are not the person who should receive this request, please forward accordingly. Much thanks.

We were reviewing the draft RHNA methodology and the resulting numbers in Santa Clara cities and are honestly perplexed about the draft numbers. The RHNA number for Sunnyvale has proportionately increased more significantly than for similar adjacent cities. This raises questions about the validity of the methodology and/or the assumed data for Sunnyvale. In order to properly comment on the methodology which is the immediate focus, please provide the calculation on how the draft methodology was applied to Sunnyvale to arrive at 5,574 units, which is an increase of about 20 percent from the previous cycle. This would be most helpful so that we can provide ABAG with meaningful and constructive comments by June 30 as requested. Without this more specific information, we are not clear whether our concerns pertain to the methodology or the data.

Additionally, one of our Councilmembers recently attend an ABAG meeting and was under the impression that nominating a PDA would influence or increase a city's RHNA number. A clarification of how a PDA designation affects, if any, a city's RHNA numbers is also requested. I was under the impression that it does not have an effect and that it primarily affected eligibility for certain priority grant funding that is tied to PDAs such as the OBAG program.

Thanks,

Hanson Hom

Director of Community Development
City of Sunnyvale
P.O. Box 3707
456 W. Olive Avenue
Sunnyvale, CA 94088-3707
408-730-7450



Save the environment. Please don't print this email unless you really need to. 



June 29, 2012

Ken Kirkey, Director of Planning and Research
Association of Bay Area Governments
PO Box 2050
Oakland, CA 94604-2050

RE: Regional Housing Needs Allocation (RHNA 2014-2022)

Dear Mr. Kirkey:

This letter is in response to the recent ABAG memo regarding the 2014 RHNA methodology and ABAG staff's recommendation on draft allocations. Sunnyvale has reviewed the methodology, and although questions remain, it appears that the RHNA methodology will have a marginal effect on Sunnyvale's final allocation. Instead, we are more concerned with the starting point of 5,685 dwelling units that is used in applying the Draft RHNA methodology. We understand this starting number is set through the Sustainable Communities Strategy (SCS) process. Sunnyvale's primary concerns are the aggressive 8-year growth expectation and the trickledown effect on meeting State affordable housing requirements.

Sunnyvale is concerned at this time about the ultimate allocation results. We understand that the allocation numbers currently presented are considered draft and acknowledge that the allocation is driven by the SCS process. We also point out that the numbers represent an assumption of the division of units citywide and within PDAs; however two of the significant PDAs assumed in Sunnyvale (Lawrence Station, East Sunnyvale) have not been adopted yet. The allocation is also representative of buildout numbers in our current General Plan and Draft Land Use and Transportation Element (again not adopted); however, both documents are long-range plans (2025 and 2035 horizon years, respectively) as opposed to the 8-year horizon of the RHNA.

As you are aware, Sunnyvale has been consistently recognized as a leader in meeting its housing needs. Although Sunnyvale is currently experiencing an unusually high development market for certain types of housing, based on a historic average, we can realistically expect development of 300 net new dwelling units per year. We are concerned that the overall number assigned to Sunnyvale (5,374) is unrealistically high. It requires an average growth rate of 696 dwelling units a year over an 8-year period. While our General Plan

indicates the potential to accommodate these units in the long-term, market forces will play a major role in dictating how quickly those units get built.

In regards to affordable housing, while we generally understand the rationale behind the methodology used to arrive at the total RHNA for Sunnyvale, and for dividing the overall housing demand into the four affordability levels, we are concerned about our ability to meet the need for lower income units the City has been allocated. A nexus study recently commissioned by the City estimated that a subsidy of approximately \$250,000 (in 2011 dollars), is currently required to develop one housing unit for a very low income household, and approximately \$116,000 is required for one low income household unit, as shown below.

Affordable Units	Sunnyvale RHNA	Subsidy Per Unit	Total Subsidy Required
Very Low Income	1,540	\$250,000	\$385,000,000
Low Income	871	\$116,000	\$101,036,000
Total	2,411	n/a	\$486,036,000

Assumptions: Affordable units are 2-bedroom apartments in 3-4 story multi-family building with podium parking, at density of 50 units/acre

Nexus study by EPS, Inc. 12/22/2011

These estimates were derived using very conservative assumptions regarding development cost, and are not adjusted to reflect general inflation that will occur over the 8-year RHNA period, nor typical annual increases in land and construction costs, which, especially in the Silicon Valley, typically increase at far greater annual rates than the general inflation indices used for statewide or national economic projections. Even using these very conservative assumptions and before factoring in inflation, the total cost for the City to meet the RHNA for very low and low income units for the next cycle (2014-2022) would be nearly half a billion dollars in 2011. In addition to the investment of nearly half a billion dollars, this allocation would require at least thirty net developable acres of available land zoned at densities of at least 50 units per acre.

We believe it is highly unrealistic for the state to expect any local jurisdiction to be able to meet these needs for lower income housing given the amount of subsidy required and the recent statewide actions to dissolve redevelopment agencies, and federal and state actions to cut back on affordable housing funding programs. At best, the City may receive approximately one to two

million dollars per year for affordable housing development from federal grants and local housing linkage fees and inclusionary housing in-lieu fees. Over an eight-year period such as the RHNA cycle, that equates to only \$8-16 million, less than 3% of the total amount of subsidy that would be required to meet the RHNA for the lower income housing needs for the next cycle. The City does not object to the allocation methodology per se, nor to the requirement to zone sufficient land in order to provide adequate sites for units at densities at or above 20 units per acre. The City will object to any adverse impacts of a negative review by the State HCD at the end of the next RHNA cycle (in 2022) if it, as expected, is unable to meet the entire RHNA need for affordable units, due to the extraordinary amount of public subsidy and private investment that would be required. Such financial resources are unavailable to any local jurisdiction in this day and age of budget reductions, reduced federal and state funding, and state actions to dissolve and de-fund redevelopment agencies.

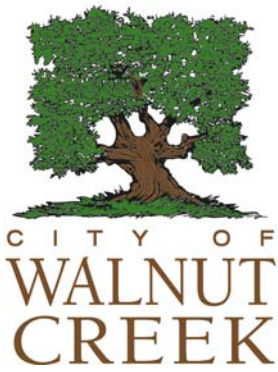
Again, Sunnyvale would like to thank ABAG for an opportunity to review the RHNA allocation methodology prior to release of the final allocation. It is our understanding that once the RHNA methodology is adopted in July, cities will have a further opportunity to comment on their respective draft allocations before they are finalized later this year. We look forward to the opportunity to provide more specific comments on Sunnyvale's allocation once the RHNA methodology has been adopted.

Sincerely,

A handwritten signature in black ink, appearing to read "Hanson Hom", written over a light gray horizontal line.

Hanson Hom
Director of Community Development

cc: City of Sunnyvale Mayor and City Councilmembers
Gary Luebbbers, City Manager
Trudi Ryan, Planning Officer
Suzanne Isé, Housing Officer



July 6, 2012

Ken Kirkey
Director of Planning and Research
Association of Bay Area Governments
P.O. Box 2050
Oakland, CA 94604-2050

Delivered via e-mail to kennethk@abag.ca.gov and RHNA_Feedback@abag.ca.gov

Re: Adoption of draft Regional Housing Need Allocation (RHNA) methodology

Dear Mr. Kirkey:

On July 3, 2012, the Walnut Creek City Council reviewed the recently released draft Regional Housing Need Allocation (RHNA) Methodology for the upcoming 2014 – 2022 cycle. The following comments are based upon direction given by the Council:

Due to the timelines contained in State Law, the RHNA methodology is being prepared prior to the adoption of the Sustainable Communities Strategy (SCS), despite the fact that State Law also requires the RHNA methodology to be consistent with the SCS. The final SCS will not be adopted until April 2013, by which time the final RHNA allocations will have already been issued. Given this situation, the RHNA methodology should include a mechanism that allows for the reduction of an individual jurisdiction's RHNA allocation, should that jurisdiction's growth projections contained within the final SCS be significantly lower than those contained in the recently approved Preferred Land Use and Transportation Investment Strategy (the preferred scenario for the SCS).

Thank you for the opportunity to comment. If you have any questions regarding this letter, please feel free to contact me at (925) 943-5899 x2213 or asmith@walnut-creek.org.

Sincerely,

Andrew M. Smith
Senior Planner

Cc: Walnut Creek City Council
Ken Nordhoff, City Manager
Sandra Meyer, Community Development Director
Steve Buckley, Planning Manager
Laura Simpson, Housing Program Manager

1.

Proposal to Modify OneBayArea Grant Proposal

This motion is supported by the 6 Wins Network and Greenbelt Alliance

Proposed Motion Language: MTC directs staff to establish now some core requirements for the next cycle of OBAG funding, FY 2015-16. This will set clear expectations for CMAs and jurisdictions so that they can tailor PDA Growth Strategies and other planning and legislative activities toward meeting these requirements. These include:

1. Distributing funding to reward *local* affordable housing production,
2. Requiring local adoption of policies from a flexible, but clearly articulated, menu of housing and community stabilization policies that correspond to those to be studied and considered in the PDA Growth Strategies

Note: On two occasions, most recently 4/11/12, MTC/ABAG's own advisory groups (Policy Advisory Council, Equity Working Group) passed a motion supporting changes to OBAG. The 4/11/12 motion was as follows:

MTC should adopt guidelines for the CMAs and cities for the next OBAG funding cycle (FY 2015-16) that require:

- *OBAG funding be allocated to the city/jurisdiction level based upon their affordable housing production; and*
- *Cities/jurisdictions have affordable housing and/or anti-displacement policies in place to receive funding. (MTC and ABAG should provide a menu of options and best practice policies for local jurisdictions to choose from.)*

2.

Proposal to Modify the Draft RHNA Methodology

This motion is supported by the 6 Wins Network and Greenbelt Alliance.

Proposed Motion Language: Every jurisdiction with a median income above the Bay Area average should take-on at least as much of the region's lower-income housing need as it did in the 2007-2014 Planning Period. This would mean shifting some lower-income units from lower-income cities to more affluent cities in exchange for higher-income units. The total RHNA number for each jurisdiction would remain the same.

Explanation: The draft RHNA methodology concentrates more housing growth in lower-income cities in the urban core in order to reduce GHG emissions. As a result, some affluent cities that desperately need more affordable housing are seeing sharp declines in their share of the RHNA for low and very-low income units.

With this simple fix, we can achieve both the environmental benefits of focused growth and the equity and economic benefits of planning for enough affordable housing in affluent cities that might not otherwise build it. We can keep the overall focused-growth pattern of the draft RHNA methodology, but also maintain the current, more equitable, distribution of affordable housing in the region.

3.

Proposal to Study Equity Environment and Jobs (EEJ) Scenario

Proposed Motion Language: Study the Equity, Environment, and Jobs (EEJ) Scenario as an alternative in the upcoming environmental impact review (EIR) process. If the EEJ Scenario proves to be the environmentally superior alternative, it should be incorporated into the final RTP/SCS.

Background: ABAG and MTC members supported inclusion of the Equity Environment and Jobs (EEJ) Scenario in the set of SCS alternatives that were evaluated last summer. While the EEJ Scenario did not end up being included in those alternatives, it can and should be added to the set of alternatives to be studied in the Environmental Impact Review process.

4.

Proposal to Study of an Adequate Baseline of Transit Service

Motion: As part of the Preferred Scenario, MTC should study what an adequate baseline of transit service looks like in the Bay Area.

Background: This study would analyze what level of service is needed to connect housing, jobs and other essential destinations to achieve Plan Bay Area's Greenhouse Gas emission and driving reduction goals as well as to ensure basic mobility for all Bay Area residents. This study would build off the research in the Transit Sustainability Project (TSP) and provide needed information to complete Plan Bay Area, such that it plans for the optimal level of transit service and addresses issues of overcrowding, and spatial and temporal service gaps.

Currently, no such study has been done and so we have no sense of: 1) what level of transit service we should be planning for and seeking funding for; and 2) how the recent dramatic cuts to transit service have impacted peoples' mobility, the economy, public health or the amount of VMT or Greenhouse Gas emissions. Our research shows that since 2006 more than 600,000 hours (8%) of bus service have been cut resulting in 20 million fewer transit trips per year. (A Title VI analysis of these cuts does not provide us with information about the bigger picture impact we're proposing be studied.)

July 10, 2012

By Fax (510) 464-7985 & Certified Mail – Return Receipt Requested

Mr. Mark Luce, President
Association of Bay Area Governments
101 Eight Street
Oakland, CA 94607

Dear Mr. Luce:

I am a resident of Novato and have lived in this city since 1983. I got involved with the affordable housing issue last year when the city was looking at zoning changes and sites for more affordable housing. I began to research the issue and was very surprised to find out what has occurred in Novato during the 1999 – 2006 housing cycle.

The state of California addresses the distribution of low and very low housing in an equitable manner in Government Code Section 65584(d). This requires “Increasing the housing supply and the mix of housing types, tenure, and affordability in all cities and counties within the region in an equitable manner, which shall result in each jurisdiction receiving an allocation of units for low- and very low income households.” This was clearly not the case from 1999 to 2006. Even though Novato is 20% of the population from 1999 to 2006 the city created 51.4% of the affordable housing in Marin County. The Association of Bay Area Governments (ABAG) report “**A Place to Call Home: Housing in the San Francisco Bay Area 2007**” provides a breakdown of affordable housing Regional Housing Needs Allocations (RHNA) and Permits Issued by cities in the county of Marin from 1999 to 2006.

- a. RHNA allocated 1,241 Very Low Housing for Marin County. A total of 528 permits were issued and 297 were from Novato or 56%. Five of the eleven cities in Marin (Belvedere, Corte Madera, Fairfax, Ross and San Anselmo) had no permits issued. Larkspur had 13% of their allocated goal, San Rafael had 6% and Tiburon had 15%.
- b. RHNA allocated 618 Low Housing for Marin County. A total of 751 permits were issued and 527 were from Novato or 85%. Six of the eleven cities in Marin (Belvedere, Corte Madera, Fairfax, Ross, San Anselmo and Sausalito) had no permits issued. Novato was allocated 242 Low Housing units and 527 permits were issued or 218% more than allocated by RHNA. Larkspur had 21% of their allocated goal, San Rafael had 42% and Tiburon had 21%.
- c. RHNA allocated 1,726 Moderate Housing for Marin County. A total of 1040 permits were issued and 496 were from Novato or 48%. Six of the eleven cities in Marin (Corte Madera, Fairfax, Ross, San Anselmo, Sausalito and Tiburon) had no permits issued. Larkspur had 4% of their allocated goal, San Rafael had 69% and Mill Valley had 73%.

- d. RHNA allocated 2,930 Above Moderate Housing for Marin County. A total of 3,453 permits were issued and 1,646 were from Novato or 48%. All eleven cities in Marin had permits issued. Novato was allocated 1,130 Above Moderate Housing units and 1,646 permits were issued or 146% more than allocated.

I do not believe the ABAG formula fairly evaluates past performance or properly reflects actual growth. I will address both of these issues:

1. It does not appear the current ABAG formula evaluates past performances like Novato for very low and low affordable housing to be in compliance with Government Code Section 65584(d). Can you please send me the actual calculation for Novato for the coming housing cycle and explain how it allows compliance given the past performance for very low and low affordable housing?
2. The census data (www.bayareacensus.ca.gov) indicates Novato population from 2000 - 2010 grew from 47,630 to 51,904 which is an 8.97% growth and an increase of 4,274. The average household was 2.52 persons. The household growth was 1,755. In the 1999 - 2006 housing cycle Novato built 2,966 affordable housing units. Thus Novato built 1,211 more affordable housing units than the TOTAL household increase in this time period. More importantly, to complete a comparison for 2000 – 2010 for affordable housing and households affordable housing in 1999 would have to be removed and the affordable housing built in 2007, 2008, 2009 and 2010 would have to be added and I do not have this information. Given one year (1) would be removed and four (4) years added it is expected the 1,211 difference would be the minimum difference. (See attached worksheet.) Adding the Minimum Housing Floor factor of 40% to Novato's affordable housing calculation in the next cycle does not seem reasonable.

Reviewing this information outlined above, it is clear that the result of this distribution in Marin County resulted in Novato serving as the prime source of very low and low affordable housing, as well as all other affordable housing, for the other cities in Marin. This concentration of affordable housing in Novato results in not less traffic but actually more traffic in Marin. This requires people to commute from Novato to other Marin cities due to the lack of affordable housing in those other cities and is at odds with the goal of SB 375. This also appears to be in violation of Government Code Section 65584(d). It is essential that the ABAG RHNA allocations for Novato in the future cycles are reasonable and properly reflect past performance and local conditions.

Sincerely,

Al Dugan

Cc: City Council Of Novato

Law Office of David Grabill

1930 Alderbrook Lane
Santa Rosa, CA 95405
voice: (707) 528 6839
fax: (707) 780 1585
dgrabill@gmail.com

May 11, 2012

Mark Luce, President
Ezra Rapport, Executive Director
Association of Bay Area Governments
P. O. Box 2050 Oakland, CA 94604-2050
Fax: 510 464 7970

Re: RHNA Methodology 2014-2022

Dear Mr. Luce and Mr. Rapport:

I am writing on behalf of Latinos Unidos del Valle de Napa y Solano, a grass roots organization that promotes equitable development policies and affordable housing in Napa and Solano counties, and on behalf of the Sonoma County Housing Advocacy Group, which advocates for affordable housing in Sonoma County.

We wrote to you in mid-January expressing concerns that the tentative methodology being considered for adoption at that time did not comply with the requirements of Government Code 65584(d) and other provisions of the Government Code applicable to the RHNA allocation process. Of particular concern were the new RHNA numbers which would be allocated to jurisdictions in Napa and Marin Counties under that methodology.

More than 40% of all persons employed in Napa County live outside the County. Almost 30,000 persons commute daily into the County (by car) from Solano, Lake, Contra Costa, and Sonoma counties. The great majority of these commuters would prefer to live in or near one of the cities in Napa County, close to their worksites, but housing affordable to lower and moderate income households is extremely scarce. Marin County has an even more severe imbalance of jobs and housing, with roughly 60% of the employees in the County commuting from homes outside the County. Again, the cause of this imbalance is the scarcity of housing affordable to lower and moderate income employees in Marin County. These commuters driving into Napa and Marin Counties to work are disproportionately from very-low, low and moderate income households. They are also disproportionately from Latino, Black and other non-white households.

We, along with Public Advocates and other public interest groups raised these points in letters to ABAG in January when staff was proposing methodology which would reduce the 2014 RHNA to jurisdictions in Marin, Napa and other areas by roughly half. Staff informed us in subsequent public and private meetings that the new numbers would be increased to factor in the housing

needs of “lower income in-commuters” into these counties. When a group of us met with you, Ezra, at your office in Oakland on February 13 at Oakland, you assured us that the numbers would be increased to factor in the numbers of lower income “in commuters.”

Instead of increasing the proposed RHNA numbers for Napa and Marin, the preferred methodology which was released for comment by staff on April 26, 2012 drastically reduces those numbers. While very little affordable housing has been built in either Napa or Marin Counties over the current and prior RHNA cycle, the RHNA numbers for jurisdictions in both Counties for housing targeted to lower income households would be reduced by over 50%.

The reasons for the severe jobs-housing imbalance in Napa and Marin Counties are obvious. Local governments in Napa and Marin Counties have been extraordinarily resistant to allowing development of housing affordable to lower income families. Voters demand that elected officials discourage population growth in those Counties, and have passed ballot initiatives severely restricting both the location of new development and amounts of new housing that can be built. But those same elected officials have been eager to approve retail, commercial and agricultural facilities that employ lots of workers. There are very limited sites available where multi-family housing can be built in these jurisdictions; the approval process for multi-family housing is extremely difficult and uncertain. Now their “massive resistance” to new housing - particularly new *affordable* housing - is being rewarded by ABAG in these new proposed RHNA allocations.

Government Code 65584(d) requires that the regional housing needs allocation plan for ABAG jurisdictions "shall" be consistent with all of the following objectives:

“(1) Increasing the housing supply and the mix of housing types, tenure, and affordability in all cities and counties within the region in an equitable manner, which shall result in each jurisdiction receiving an allocation of units for low- and very low income households.

“(2) Promoting infill development and socioeconomic equity, the protection of environmental and agricultural resources, and the encouragement of efficient development patterns.

“(3) Promoting an improved intraregional relationship between jobs and housing.

“(4) Allocating a lower proportion of housing need to an income category when a jurisdiction *already has a disproportionately high share of households* in that income category, as compared to the countywide distribution of households in that category from the most recent decennial United States census. (Emphasis added)

Any methodology leading to RHNA allocations for Napa County jurisdictions that would further reduce the inappropriately low affordable housing numbers they have received in the current cycle

would violate all of these objectives. Napa County jurisdictions “already [have] a disproportionately high share of [higher income] households.” Napa has ample land available for infl. development in both the unincorporated areas and in its cities. A development application is pending for development of 2,000+ units (40% affordable to low and moderate income) on a 150-acre brownfields site adjacent to the City of Napa which is being opposed by the City and County officials as “too much growth.” There are numerous other sites which could be made available by the County and by the cities in the county if required to meet their RHNA for the upcoming planning period.

Government Code §65584.04(d)(1) requires that the methodology which ABAG uses to distribute RHNA to cities and counties must be based on “existing and projected jobs and housing relationship.” In the case of jurisdictions in Napa and Marin Counties, the RHNA allocated to those jurisdictions must be substantially increased to help reduce the County’s huge existing imbalance of jobs and housing.

Jurisdictions in both Napa and Marin County do not “lack capacity for sewer or water.” There are ample sources of water available to all areas of the County to facilitate additional residential development targeted towards moderate and lower income households. Napa city officials are currently trying to block the Napa Pipe development, which is located within walking distance of 20,000 jobs, by denying water service to essentially all the project.

Napa County has never in its modern history approved a single multi-family housing development affordable to farmworkers or lower income households. This astonishing rejection of housing for its workforce has put an additional burden on other surrounding counties. It has caused extraordinary environmental harm from tens of thousands of long daily commuter trips into and out of the county. It has caused immeasurable human harm by separating Napa’s farmworkers from their families for long periods of time, and by forcing thousands of employees to spend hours each day commuting when they would otherwise be able to be with family or friends.

We understand that ABAG staff’s proposed methodology would allocate RHNA numbers predominantly to jurisdictions that have volunteered for transit oriented growth through designating “PDA” areas rather than equitably distributing housing based on factors such as existing and projected jobs-housing imbalances and past performance in meeting affordable housing needs. To the extent that staff may be relying on §65584.04(i)(1) to justify this methodology, that reliance is misplaced. Placing more affordable housing in Oakland simply because it is transit connected and has volunteered for growth does nothing to meet the workforce housing needs in Napa County. People who work in Napa and Marin Counties should be able to live in close proximity to work so they can bike or walk to work if they choose. Methodology which would favor or support riding a bus to work in Napa or Marin from

affordable housing in Oakland is contrary to the standards enumerated in §65584. Moreover, it is pure fiction to suggest that low income residents in Oakland could ride a bus to jobs in Napa simply because Oakland has transit access.

The staff's proposed methodology - which assigns lower RHNA numbers to jurisdictions which have historically resisted development of affordable housing, and higher numbers to jurisdictions which already have higher numbers of low-income households - will clearly exacerbate existing disparities of race and class in jurisdictions within the ABAG region. This methodology would conflict with federal fair housing laws, and with Government Code §65008, which prohibits local governments from discriminating against development of housing intended for occupancy by lower income households in their land use and zoning policies. Because lower income households who will be denied housing choices under this proposed methodology are disproportionately non-white, the proposed methodology violates Government Code §11135(a).¹ And because almost all jurisdictions in the ABAG region have pledged to "affirmatively further fair housing" as a condition of receiving federal funding of one sort or another, the staff's proposed methodology would encourage many ABAG jurisdictions to violate that pledge.

The draft methodology is cloaked in language to make it appear a priority concern was reduction of GHG's. But instead of reducing GHG's by affording people more opportunities to live in close proximity to work, these numbers will restrict housing opportunities for thousands of persons working in wealthier jurisdictions including those in Napa and Marin Counties. The April 25 draft allocates just 1% of the region's very low income housing need to Marin County, which is the wealthiest county in the 9-county region. Over 60% of the region's lower income housing numbers are being put into a few large cities including San Francisco, Oakland, San Jose and Santa Rosa because there are "PDA's" in those areas. Cities in Marin and Napa Counties have been strongly encouraging economic expansion, but have chosen not to designate areas as "PDA"s because workforce housing is politically very unpopular.

In sum, the April 25 draft RHNA numbers violate statutory provisions governing the RHNA allocation process, violate state and federal fair housing laws and laws prohibiting discrimination by agencies such as ABAG which receive state and federal funding. We would strongly urge ABAG's Housing Methodology Committee to adopt methodology for determining RHNA for its constituent jurisdictions which is fair and equitable to all residents and jurisdictions; which strictly complies with applicable statutory requirements in the Government Code; and

¹ (a) No person in the State of California shall, on the basis of race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, or disability, be unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to discrimination under, any program or activity that is conducted, operated, or administered by the state or by any state agency, is funded directly by the state, or receives any financial assistance from the state...

Mark Luce, President ABAG
Ezra Rapport, ABAG Executive Director
May 11, 2012
Page 5

which facilitates and encourages compliance with state and federal fair housing laws. RHNA must be assigned to ABAG jurisdictions under a methodology which reduces or eliminates existing jobs-housing imbalances. Remediating such imbalances, rather than exacerbating them, is the only way for our region to decrease vehicle miles traveled and meet its greenhouse gas emissions goals, and promote equitable housing development in all ABAG jurisdictions.

If you have questions, or if we can provide additional information, please do not hesitate to contact me.

Yours truly,

A handwritten signature in cursive script that reads "David Grabill".

David Grabill



THE
VOICE OF
AFFORDABLE
HOUSING
SINCE 1979

BY ELECTRONIC MAIL

Ezra Rapport, Executive Director
Association of Bay Area Governments
101 Eighth Street
Oakland, CA 94607

July 13, 2012

Dear Mr. Rapport,

We are writing to express our concern about the draft Regional Housing Need Allocation (RHNA) Methodology as put forward to the Executive Board in the July 10, 2012 memo. Below, we outline our concerns and recommend some solutions to help ensure that jurisdictions take on their fair share of the region's growth.

The challenge with this methodology is that too much of the growth is allocated to Priority Development Areas (PDA's). Originally pitched to jurisdictions as an opportunity to tap into regional funding, PDAs have become the primary framework of the Regional Housing Needs Allocation and received between 75% and 80% of the RHNA.

There are two problems with this as a methodology:

1. Wealthy transit-rich and job-rich communities are not being asked to do enough. Marin County has over 60,000 people commuting in each day for low-wage jobs. The county has the largest percentage of in-commutes in the region, but the entire county and all of its cities combined are only being asked to create 2,335 units of housing through 2022. This allocation is less than the City of Livermore (2,683), less than the City of Fremont (3,958) and less than the City of Berkeley (2,876).

Often it is stated that this distribution is based on the lack of public transportation in the North Bay. If this is the methodology being used, then why is Eastern Contra Costa (the communities of Oakley, Brentwood, Antioch and Pittsburg) receiving a higher allocation (5,295) than all of the Marin and Napa jurisdictions combined (3,853)? These areas also have limited public transportation options, but they also have more poverty, less jobs and have been the harder hit by foreclosures.

2. While wealthy jurisdictions that have opted out of the PDA process see a dramatic decrease in their RHNA, low income communities where poverty is already concentrated are being asked to create more affordable housing. Oakland, San Jose, Hayward, San Pablo, Antioch, Pittsburg and Oakley are some of the communities that are being asked to create



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either more affordable housing than the last RHNA or about the same, while communities like Menlo Park and Pleasanton are seeing dramatic decreases in their distribution.

In the staff report, the problem sounds like it is being addressed until one looks at the numbers. The new "Growth Concentration" will increase housing numbers to Pleasanton, Palo Alto and Menlo Park, but even with the adjustment, Pleasanton's allocation is 37% less than the 2007 -2014 RHNA compared to San Leandro with an increase of 40%. Menlo Park's obligation goes down by 26%, even after the correction, while South San Francisco's allocation goes up by 28%. Palo Alto's obligation goes down by 24% and San Pablo, arguably the poorest community in our region, has its allocation going up by 50%.

While it is difficult to correct for the fundamental framework of the RHNA relying on jurisdictions to volunteer for development, it is possible to make adjustments that could help partially mitigate for the inconsistency this methodology has with fair housing principles.

One modest recommendation is to adjust the "Growth Concentration Strategy" by taking the 3,500 units from Oakland, Newark and San Jose, and distributing them to all communities in the top quartile of median home value. This would serve two purposes, allocate housing where market strength is likely to produce more housing, and redistribute a small number of units to jurisdictions that have room to grow. The proposed methodology of giving the allocation proportionally to every jurisdiction except those in the North Bay is not justified.

Thank you for all of your hard work on this controversial process. We look forward to working with ABAG and all of the communities in the Bay Area on implementing the SCS.

Sincerely,



Evelyn Stivers
Field Director



Michael Rawson
Director
Extension 145
mrawson@pilpca.org

July 16, 2012

Stephen Ronfeldt
Co-Director Emeritus
Extension 127
sronfeldt@pilpca.org

BY EMAIL AND MAIL DELIVERY
Ezra Rapport, Executive Director
Association of Bay Area Governments
101 Eighth St.
Oakland CA 94607

Deborah Collins
Managing Attorney
Extension 156
dcollins@pilpca.org

Craig Castellanel
Staff Attorney
Extension 132
ccastellanel@pilpca.org

Re: Final Draft Regional Housing Need Allocation Methodology and
Sub-regional Allocation

Judith Gold
Staff Attorney
Extension 111
jgold@pilpca.org

Dear Mr. Rapport,

Patti Prunhuber
Staff Attorney
Extension 125
pprunhuber@pilpca.org

We write on behalf of individuals in need of affordable housing in the Bay Area and regional organizations interested in the development of below market rate housing, including Urban Habitat Program, Latinos Unidos del Valle de Napa y Solano, Sonoma County Housing Advocacy Group and Center for Sustainable Neighborhoods. We write to comment on the proposed RHNA methodology and bring to your attention significant legal deficiencies in the methodology.¹

Julie McNulty
Legal Assistant
Extension 110
jmcnulty@pilpca.org

ABAG's Regional Housing Need Allocation (RHNA) methodology and sub-regional allocation, even if adjusted as proposed in the July 10 Staff Report, fails to comply with the requirements of state Housing Element Law (Government Code §§65580 – 65589.8). If adopted as drafted, ABAG's inadequate RHNA methodology would also violate state and federal laws prohibiting discrimination against racial and ethnic minorities, families, persons with disabilities and affordable housing and run afoul of ABAG's obligation to affirmatively further fair housing. The methodology must be revised to conform to the requirements of state and federal law immediately, and the allocations, including the sub-regional allocations, adjusted accordingly.

Griselda Aceves
Administrator
Extension 123
gaceves@pilpca.org

Contrary to Housing Element Law, the methodology allocates the overwhelming majority – 70 percent – of the RHNA to jurisdictions that have *volunteered* for housing growth by establishing Priority Development Areas (PDAs), ignoring the factors and objectives of the Housing Element Law. The allocation instead is based solely on whether a city or county has voluntarily established one or more PDAs and local jurisdiction preferences about the size

¹ These issues have previously been raised with ABAG in numerous letters, including in comments submitted by members of the 6 Wins Network and in letters submitted by the undersigned with respect to the fair housing issues on October 26 and December 22, 2011.

and nature of those PDAs. Accordingly, the factors and objectives set forth by statutes play no role in the distribution of the lion's share of the RHNA. Areas with substantial jobs and in-commuting are allowed to opt out. In fact, the methodology relies primarily on the one factor that the statutes explicitly prohibit from consideration – the “existing zoning ordinances and land use restrictions of a locality...”² This is an explicit criterion in the establishment of the PDAs, which are limited to places that are “planned or [are] planning for more housing.”³ This methodology is wholly inconsistent with the fundamental principle of Housing Element Law that local governments all have a responsibility to accommodate their fair share of the regional need for lower income housing.⁴

While a criterion for the establishment of PDAs is that “[t]he area is near existing or planned fixed transit (or served by comparable bus service),” many cities with areas that meet the criterion did not volunteer to establish PDAs. By statute, the allocation methodology must include “opportunities to maximize the use of public transportation and existing transportation infrastructure,”⁵ yet ABAG's proposed methodology arbitrarily includes this factor only with respect to PDAs, excluding other places that are similarly situated in all relevant respects. This amounts to an abdication of the duty to allocate the RHNA based on an analysis of objective factors.

Finally, the failure of the proposed methodology to allocate the RHNA based on objective and equitable factors runs contrary to state and federal fair housing and civil rights laws. By concentrating 70 percent of new housing development into PDAs volunteered by local governments, the proposed methodology perpetuates and may exacerbate racial segregation. One significant purpose of the fair housing and housing element laws is to increase the housing opportunities of lower income households in high opportunity communities historically walled-off from affordable housing by restrictive zoning practices. The methodology will aid and abet jurisdictions that seek to exclude new residents, especially lower-income residents of color, by arbitrarily allowing cities opposed to new development to opt out of any share of 70 percent of the RHNA. The opportunity for exclusion of affordable housing is antithetical to the obligation of local governments under state and federal law to provide opportunities for equal housing to lower income households, racial and ethnic minorities, persons with disabilities, and families with children.

² Government Code §65584.04(d)(2)(B). All statutory citations are to the Government Code unless otherwise indicated.

³ *Application Guidelines for Priority Development Area Designation*, available at http://www.bayareavision.org/pdaapplication/ApplicationGuidelines_OCT2011_FINAL.pdf.

⁴ See §§65580, 65581 and 65583 of the Housing Element Law.

⁵ §65584.04(d)(3). We and others have made objections to similar flaws in the housing distribution of the proposed Sustainable Communities Strategy (SCS). Flaws that if not corrected will raise serious concerns about the legality of the SCS.

A. The Methodology Violates State Housing Element Law.

By statute, ABAG's methodology for distributing the regional housing need "shall include" the statutory factors in § 65584.04 (d) and must be "consistent with all of the" objectives set forth in § 65584 (d). ABAG has some discretion in how it addresses these statutory factors and objectives, but it abuses that discretion when it ignores them or arbitrarily applies them to some cities while failing to apply them to other similarly situated cities. The proposed methodology without legal basis limits access to job-rich, transit-connected "high opportunity" areas to those communities that happen to volunteer.

In short, the proposed methodology ignores or arbitrarily limits the use of required factors, while making prominent use of a prohibited factor, and is not consistent with the statutory objectives.

1. ABAG's RHNA Methodology.

The proposed methodology proceeds in two steps. First, it determines each jurisdiction's aggregate share of the RHNA. It does so by allocating 70 percent of the RHNA (131,593 units) on the basis of projected PDA growth, and the remaining 30 percent (56,397 units) on the basis of projected growth outside of PDAs. ABAG begins by calculating each jurisdiction's share of the region's PDA growth and non-PDA growth in the preferred alternative Sustainable Communities Strategy (SCS),⁶ and then allocates PDA and non-PDA growth based on these proportions. For instance, the SCS allocates to the City of Pleasanton 0.69% and 2.0% of the region's PDA and non-PDA growth, respectively. The methodology therefore allocates to Pleasanton 0.69% of 131,593 units in PDAs (906 units) and 2.0% of 56,397 units not in PDAs (1,128 units), for a total RHNA of 2,034. The non-PDA portion is then adjusted based on several factors (past RHNA performance, employment, and transit); however, none of these adjustment factors are applied to the PDA portion. Other very minor normalizing adjustments then are made to the aggregate RHNA allocation. However, none of these adjustment factors are applied to the PDA portion.

Second, the methodology distributes each jurisdiction's aggregate share of RHNA by income level. The proposed adjustments to this allocation in the July 10 Staff Report do not appreciably alter the allocations.

⁶ Also known as the Plan Bay Area "Jobs-Housing Connection Strategy."

2. The Proposed Methodology Arbitrarily Fails to Include the Allocation Factors Mandated by Statute.

With respect to the statutory factors set forth in § 65584.04(d), ABAG's action is unlawfully arbitrary for three reasons. First, it has failed to include several of the statutory factors at all in determining the allocation of the vast majority of the RHNA to the self-selected PDA areas. Second, it has placed primary reliance on a factor that the statute expressly prohibits. Finally, it has arbitrarily applied some factors to some cities while failing to apply them in a similar manner to similarly-situated cities.

a. The Methodology Fails to Apply All the Required Factors.

First, ABAG has failed to apply several factors. Indeed, its staff report and appendix of July 10 make no mention of most of the factors. For instance, ABAG has failed to incorporate the loss of units contained in assisted housing developments (§65584.04(d)(6)), high housing cost burdens (§65584.04(d)(7)) or the housing needs of farmworkers (§65584.94(d)(8)). Ignoring the loss of affordable housing and housing costs will result in an inaccurate determination of the true need. The general emphasis in the methodology on infill development makes consideration of farmworker housing need particularly critical because steering development to infill potentially overlooks the needs persons working in agriculture far from those areas. The minute shift that would result from the growth concentration adjustment of proposed Action One in the Staff Report (pp. 3-4) would not address this problem. In fact, Sonoma and Solano Counties would receive smaller allocations and there is no change for Napa or Marin Counties.⁷

Several other factors, such as jobs-housing relationship (§65584.04(d)(1)), received at best cursory consideration and played a negligible role in determining RHNA shares.⁸ Indeed, local jobs-housing fit, for which ABAG commendably prepared a preliminary analysis in September 2011, plays no role whatsoever in the methodology.

Examples of the arbitrary and inconsistent results of the methodology abound. To give just one, Healdsburg, Novato and Larkspur have a combined total of over 27,000 workers commuting into jobs each day, and all are slated to have SMART train stations which will be in service by 2016, yet none has volunteered to create even a tiny PDA. As a result, the proposed methodology allocates these three cities (with combined population

⁷ Part of the rationale for the small RHNA allocated to Marin County appears to be the claimed shortage of transit facilities. But construction is already underway of the new SMART commuter rail system linking most Marin and Sonoma County jurisdictions.

⁸ The Appendix attached to the July 10 staff report states: "iv. Employment: *In non-PDA areas*, the employment was factored using the 2010 job estimates for a jurisdiction. . . ." (pdf page 15 of 71, emphasis added.) Public transportation (§65584.04(d)(3)) was also arbitrarily restricted in its application, as discussed below. Under the current methodology, no level of employment or imbalance in the relationship between jobs and housing would be sufficient to give a non-volunteer jurisdiction any share of the 70 percent portion of the RHNA.

of about 75,000) a total combined RHNA of only 700 units. That share is far too low for transit-connected job centers. In fact, other cities of similar size which have volunteered for even modest PDAs are receiving more appropriate allocations: for instance, Walnut Creek, San Ramon and other cities of under 75,000 in population are slated to receive RHNA shares ranging from 1,285 to 2,203. Dublin, a PDA volunteer with a similar but smaller population than Novato's and with 12,000 in-commuters to Novato's 15,000, is slated to receive 2,176 units, to Novato's 413.⁹

b. The Methodology Relies Heavily on an Impermissible Factor.

In addition to failing to apply these factors, ABAG's methodology makes prominent use of a factor that the statute expressly prohibits. While the availability of land suitable for development within a jurisdiction is a statutory factor that ABAG must include (§65584.04(d)(2)(B)), it may not rely upon that jurisdiction's willingness to zone available land for housing as a factor:

The council of governments may not limit its consideration of suitable housing sites or land suitable for urban development to existing zoning ordinances and land use restrictions of a locality, but shall consider the potential for increased residential development under alternative zoning ordinances and land use restrictions... (§65584.04(d) (2) (B).)

ABAG's Priority Development Area criteria, however, expressly restrict the designation of PDAs to those places where a city has "planned or is planning for more housing."¹⁰ Fully 70 percent of the RHNA allocation has been made on the basis of this prohibited factor. This violates the statute by limiting available land on the basis of local decisions not to make that land available for housing development. It also results in an arbitrary application of the statutory factors, since it excludes suitable land in non-PDA cities from consideration for any share of the 70 percent portion of the RHNA.

⁹ On the County level, 56% of Napa County's workforce—27,592 workers—are in-commuters, yet the County's RHNA allocation has been reduced from 3705 for the current period to 1482 for the next planning period—a 60% reduction. And Marin County is not far behind. 47% of Marin County's workforce—55,477 workers—are in-commuters, yet the County's RHNA allocation has been reduced from 4882 for the current period to 2292 for the next planning period—a 53% reduction.

¹⁰ ABAG has established three PDA criteria: "Applicants must demonstrate that an area proposed for designation as a priority development area meets all of the following criteria:

- The area is within an existing community.
- The area is near existing or planned fixed transit (or served by comparable bus service).
- The area is planned or is planning for more housing."

c. The Methodology Arbitrarily Applies Some Factors to Some Areas and Not to Others.

Finally, the methodology arbitrarily applies certain statutory factors to some places but not to others that are similarly situated in all relevant respects. Most egregiously, ABAG's decision to concentrate 70 percent of the RHNA in PDAs that exist only where, and to the extent that, cities have volunteered to establish them, treats like cases differently with respect to §65584.04(3), which requires the allocation methodology to include "opportunities to maximize the use of public transportation and existing transportation infrastructure." One of ABAG's three criteria for the designation of a PDA is that "[t]he area is near existing or planned fixed transit (or served by comparable bus service)." Public transportation facilities and services, however, exist both in PDAs and in places throughout the Bay Area that have not established PDAs. Many non-PDA jurisdictions, for instance, include PDA-like sites eligible for "Transit Priority Projects" (TPPs), a new project-type created by SB 375.¹¹

To be consistent with §65584.04(d)(3), ABAG's methodology should treat all of these TPP-eligible PDA-like places similarly.¹² Instead, the methodology allocates 70 percent of the RHNA exclusively to those places served by transit which have voluntarily established PDAs. Other transit-connected places have not been assigned any portion of the 70 percent share of RHNA set aside for PDAs.¹³ Moreover, even the distribution of

¹¹ A "Transit Priority Project" (TPP), a new category of development that must (1) contain at least 50 percent residential use or a Floor Area Ratio (FAR) of not less than 0.75 if containing between 26 and 50 percent residential use; (2) provide a minimum net density of at least 20 units per acre; and (3) be located within one-half mile of a major transit stop (a site with an existing rail station, a ferry terminal served by bus or rail connections, or two or more major intersecting bus routes, with service at least every 15 minutes during peak commute hours) or a high-quality transit corridor included in a regional transportation plan (RTP). Public Resources Code § 21155(b). A high-quality transit corridor has fixed route bus service with service intervals no longer than 15 minutes during peak commute hours. § 21155(b)(3). There are many sites outside of voluntary PDAs that would fulfill the transit requirement of SB 375's TPP requirements..

¹² In fact, ABAG's Executive Board on July 21, 2011, unanimously approved a proposal directing staff to "distribut[e] total housing growth numbers to: a) job-rich cities that are PDAs and PDA-like; b) connected to the existing transit infrastructure; and c) lack the affordable housing needed to accommodate low-income in-commuters." *Proposal to Modify the Focused Growth Scenario, as adopted by ABAG Executive Board on July 21, 2011*, available at: http://www.publicadvocates.org/sites/default/files/library/proposal_to_modify_the_focused_growth_scenario_adopted_on_07_21_11.pdf.

¹³ If the PDA process were rational, there would be some rough correlation between population and share of PDA growth. Instead cities with the same share of PDA growth have vastly divergent populations (e.g., a range from 8,618 for Cloverdale to 69,516 for Union City to 92,438 for Vacaville, all with the same 0.15% PDA share, or a range from 10,080 for Emeryville to 63,000 for South San Francisco, to 116,000 for Santa Clara, all with the same 1.17% share). And cities with roughly the same populations have quite disparate PDA shares (e.g., a range from 0.24

the 70 percent share of the RHNA is largely arbitrary and fails to maximize the use of public transit, as it is based almost exclusively on the amount of growth that each local jurisdiction has volunteered for in its PDA.

For all these reasons, the proposed methodology is starkly inconsistent with the clear and mandatory requirements of statute.

3. The Allocation of RHNA to Self-Selected PDAs is Inconsistent with the Statutory Objectives.

The proposed methodology also fails to comply with the requirement that it “shall be consistent with all of the . . . objectives” set forth in § 65584 (d). The methodology is inconsistent with each of the four statutory objectives.

The first objective is “[i]ncreasing the supply and mix of housing types, tenure and affordability in *all* cities and counties within the region in an *equitable* manner...” (§65584(d)(1), emphasis added). The proposed methodology increases the supply and mix in an inequitable manner by excluding non-PDA jurisdictions from any share in 70 percent of the RHNA.

The second objective is “[p]romoting infill development *and* socioeconomic equity...” (§65584(d)(2), emphasis added). The methodology arbitrarily limits the promotion of infill development to volunteering cities, while exempting others that are similarly situated in all relevant respects. It also fails to promote socioeconomic equity. In existing low-income communities, which overlap to a significant extent with PDAs,¹⁴ the methodology is likely to increase land values and gentrification which will have the effect of displacing many existing families. At the same time, by failing to allocate sufficient housing growth to job centers in high-opportunity communities, the methodology will “hasten the suburbanization of poverty,”¹⁵ not in the region’s more affluent inner-ring suburbs, but in communities isolated from jobs, transit, and opportunity generally in the outer fringes of the region such as eastern Contra Costa County.

to 0.88 for cities with about 28,000 in population, from 0.42% to 1.37% for cities with about 64,000, and from 0.7 to 2.15 for cities with just over 100,000 in population.)

¹⁴ ABAG’s map overlaying PDAs with the location of concentrations of low-income and minority populations is available at http://www.bayareavision.org/initiatives/PDFs/Region_PDAs_CoC_11x17_4.pdf.

¹⁵ See Federal Reserve Bank of San Francisco, *Suburbanization of Poverty in the Bay Area* (Jan. 2012), available at <http://www.frbsf.org/publications/community/research-briefs/suburbanization-of-poverty.cfm>.

Third, the methodology is inconsistent with the statutory objective of “[p]romoting an improved intraregional relationship between jobs and housing.” (§65584(d)(3)), because it exempts from any share of the 70 percent portion of the RHNA, or allocates a very small share of it, to many mid-size cities that are rich in jobs, especially lower-wage jobs.

The final statutory objective is “[a]llocating a lower proportion of housing need to an income category when a jurisdiction already has a disproportionately high share of households in that income category...” (§65584(d)(4)). By exempting many cities from any share in the 70 percent portion of the RHNA, the total RHNA that it distributes to these cities is so small that the lower-income portion of their RHNA is also extremely small. While there is an attempt to address this problem through the proposed income distribution adjustment of Action One of the Staff Report (pp. 4-5), the adjustment is quite small and fails to overcome the effect of the exclusion of 30% of the cities from the concentrated PDA allocation.

B. The Proposed Methodology Violates State and Federal Fair Housing And Civil Rights Laws.

1. The Methodology will Result in Discrimination Against the Development of Subsidized Housing Intended for Occupancy by Lower Income Households in Violation of Government Code §65008.

The focused allocation of RHNA to communities with self-selected PDAs and to the exclusion of jurisdictions with high opportunity areas that fail to volunteer for PDA status violates Government Code §65008’s prohibition of discrimination against subsidized housing or housing intended for occupancy by lower or moderate income households. Section 65008 proscribes any action by local governments that has the purpose or *effect* of discriminating against residential development based on the method of financing of the housing or the intended occupancy of the housing by lower, moderate and middle income persons.¹⁶

The methodology’s reliance on cities opting in to the focused PDA allocation encourages jurisdictions improperly seeking to exclude affordable housing to do so simply by opting out. The allocation of a disproportionate amount of RHNA for lower income housing to volunteer communities, moreover, will result in the other communities receiving a proportionately lesser share of lower income housing need. And because the Housing Element Law obligates jurisdictions to zone sufficient sites at multifamily densities to accommodate the lower income portion of their RHNA (§65583(c)(1) & §65583.2(h)), the non-PDA jurisdictions will be obligated to make proportionately fewer sites available for affordable housing. An adverse impact on the development of decent, affordable housing in those jurisdictions will necessarily follow.

¹⁶ See e.g. *Keith v. Volpe* 618 F.Supp. 1132, 1158-1159 (C.D. Cal. 1985), *aff’d*, 858 F.2d 467, 485 (9th Cir. 1988).

The proposed income distribution adjustment in Action One of the Staff Report (pp. 5-6) does not remove the disparity. 70% of the focused RHNA allocation will still go only to communities that volunteer.

2. The Methodology Has an Illegal Disparate Impact on Persons and Groups Protected by the Fair Housing and Civil Rights Laws and will Perpetuate Segregation.

California and federal fair housing laws and state civil rights laws also prohibit land use actions that have the purpose or effect of discriminating against groups protected under those laws. California's Fair Employment and Housing Act¹⁷ and the federal Fair Housing Act¹⁸ prohibit land use actions by local government that discriminate on the basis of race, national origin, disability and family status among other protected classes. And California Government Code §11135 prohibits discrimination based on each of those categories except family status by recipients of state funding. As explained above, the focused allocation of RHNA to communities with self-selected PDAs will steer affordable housing away from non-PDA communities. This will perpetuate segregation and have a disparate impact on persons of color, person with disabilities and families with children that tend to constitute a significantly greater proportion of the resident population of housing affordable at below market rates.

Examination of the racial demographics associated with the PDA structure ABAG has created is illustrative of the discriminatory effect based on race and national origin. First, when jurisdictions with PDAs are compared as a whole to those without PDAs, the White, non-Hispanic share of the population in the former is far lower than in the latter: 41% in places with PDAs, compared to 64% in places with no PDAs. Put differently, volunteer jurisdictions as a whole have 59% minority populations, compared to only 36% in non-volunteer jurisdictions.

Even within the subset of jurisdictions that have volunteered for PDAs, there are enormous differences in the extent to which they have volunteered to open their doors to affordable housing. ABAG has allocated the vast majority of PDA growth to a small number of volunteer jurisdictions. In fact, over 80 percent of that growth (56% of the

¹⁷ Gov. C. §12901 *et seq.* The portions of the law focusing on housing begin at §12955 *et. seq.* See specifically §12955.8 setting out the standard for determining whether a local agency land use law or action has an illegally discriminatory effect.

¹⁸ 42 U.S.C. §3601 *et seq.* See *Pfaff v. U.S. Dept. of Housing and Urban Development*, 88 F.3d 739 (9th Cir. 1996); *Keith v. Volpe, supra*, 858 F.2d 467, describing federal standard for illegal discriminatory effect.

entire RHNA) is confined to just 24 jurisdictions,¹⁹ with only 20 percent allotted to the other 54 jurisdictions with PDAs. While these latter 54 have formally volunteered, they have done so on a very minimal basis.

Many of the 54 jurisdictions that have volunteered small PDAs are places in which more housing is not only appropriate, but desperately needed. Of those 54, 21 are cities that meet at least two of the following three criteria: (1) poor jobs/housing fit (as measured by in-commuting low-wage workers), (2) high opportunity (as measured by median home value), and (3) transit-connectedness. When the demographics of these 21 high-opportunity transit-connected job centers with tiny PDAs²⁰ are compared with the 22 cities that are taking on 80 percent of the growth, we find that they are 57% non-Hispanic white, compared to 37% for the top 22.

This data illustrates the discriminatory effect of the proposed methodology on race and ethnicity in several respects. First, by relying heavily on voluntary PDAs as the basis for allocating 70 percent of the RHNA, the methodology directs the region's housing growth predominantly into communities with a significantly higher proportion of minority population than those cities that have not volunteered for growth, thereby resulting in over-concentration of lower income households and perpetuating segregation. At the same time, cities in which racial minorities with low-incomes are concentrated will face greater displacement pressures. Finally, even among the PDA volunteers, most of the 70 percent PDA portion of the RHNA will fall on two dozen cities that have far higher concentrations of minority population than those cities that need more housing but are volunteering for only a very tiny portion of PDA growth.

3. The Methodology Violates ABAG's Obligation to Affirmatively Further Fair Housing.

The Fair Housing Act requires the Department of Housing and Community Development (HUD) to administer its programs in a manner to affirmatively further fair housing. 42 U.S.C. § 3608(e)(5). Accordingly HUD requires that recipients of the Sustainable Communities Regional Planning Grant not only to refrain from actions discriminating against person protected by the Act, but also to take affirmative steps to further integration and reduce segregation. As a sub-recipient of the a HUD SC Regional Planning Grant, therefore, ABAG must ensure that its regional planning efforts will

¹⁹ These 24 jurisdictions are Oakland, San Leandro, Alameda County, Concord, Pittsburg, Contra Costa County, San Francisco, Redwood City, San Mateo, San Jose, Sunnyvale, Santa Clara, Fairfield, Santa Rosa, Mountain View, Milpitas, Palo Alto, Berkeley, Dublin, Emeryville, Fremont, Hayward, Livermore, and South San Francisco.

²⁰ These 21 cities are Alameda, Pleasanton, Lafayette, Martinez, Orinda, San Ramon, Walnut Creek, San Rafael, Belmont, Burlingame, Menlo Park, Millbrae, San Carlos, Campbell, Cupertino, Gilroy, Los Altos, Los Gatos, Morgan Hill, Saratoga and Sebastopol.

affirmatively further fair housing throughout the nine-county area in PDA and non-PDA areas alike.²¹ Actions that will affirmatively further fair housing are activities that “will reduce racial segregation and concentration of poverty, employing regional- or metropolitan-level strategies, when applicable.”²² . Directing residential development away from PDA-like areas will also interfere with the efforts of the state and local governments in the Bay Area to fulfill their independent obligations to affirmatively further fair housing.

In our letters of October 26 and December 22, 2011, we asked ABAG to conduct the fair housing analyses required by HUD pursuant to the terms of the Sustainable Communities grant early enough to affect the decision in selecting a preferred alternative SCS and in proposing a RHNA allocation.²³ ABAG has to date failed to conduct any of those HUD-mandated analyses. It is critical that ABAG perform these analyses for the RHNA is finalized. As Secretary Donovan has explained:

Sustainability also means creating “geographies of opportunity,” places the effectively connect people to jobs, quality public schools, and other amenities. Today, too many HUD-assisted families are stuck in neighborhoods of concentrated poverty and segregation, where one’s zip code predicts poor education, employment, and even health outcomes. These neighborhoods are not sustainable in their present state.²⁴

Conclusion

ABAG must revise the proposed methodology and sub-regional allocation to comply with the Housing Element Law, SB 375 and fair housing and civil rights laws. To avoid enabling and perpetuating existing patterns of discrimination ABAG should revise its proposed methodology and sub-regional allocation to avoid the current disparate RHNA allocation to volunteered PDAs. The methodology should treat PDA and PDA-like areas similarly, allocating a greater share of the RHNA to cities with tiny PDAs and/or PDA-like high opportunity areas based on the factors and objectives of the Housing Element Law, rather than depending on the prohibited factor of volunteerism. If it did, there would be a significant increase in the availability of residential sites zoned to

²¹ HUD, *Fair Housing Planning Guide* p. 1-3 (1995)

²² *Notice of HUD’s FY2011 NOFA Policy Requirements and General Section to HUD’s FY2011 NOFAs for Discretionary Programs* (Docket No. FR-5500-N-01).

²³ See fn 1.

²⁴ Shaun Donovan, HUD Secretary, written testimony to the House Appropriations Subcommittee on Transportation, Housing and Urban Development, and Related Agencies, February 23, 2010, FY2011 Budget Request for HUD, available at <http://portal.hud.gov/hudportal/HUD?src=/press/testimonies/2010/2010-02-23>.

accommodate affordable housing, benefiting the entire Bay Area by improving our economic and environmental sustainability and the fairness and inclusiveness of our communities.

Sincerely,

THE PUBLIC INTEREST LAW PROJECT, BY:

A handwritten signature in blue ink that reads "Michael Rawson".

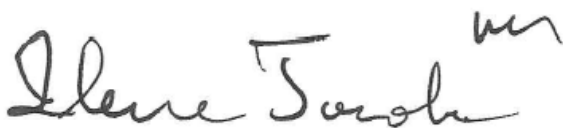
Michael Rawson, Director
Craig Castellanet, Staff Attorney

PUBLIC ADVOCATES INC., BY:

A handwritten signature in black ink that reads "Richard A. Marcantonio".

Richard A. Marcantonio, Managing Attorney
Elisabeth Voigt, Senior Staff Attorney
Sam Tepperman-Gelfant, Senior Staff Attorney
Parisa Fatehi-Weeks, Staff Attorney

CALIFORNIA RURAL LEGAL ASSISTANCE, BY:

A handwritten signature in black ink that reads "Ilene Jacobs".

Ilene Jacobs, Director of Litigation, Advocacy & Training
Attorney for Latinos Unidos del Valle de Napa y Solano

LAW OFFICE OF DAVID GRABILL, BY:

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

David Grabill
Attorney for Latinos Unidos del Valle de Napa y Solano and
Sonoma County Housing Advocacy Group

cc:

Linn Warren, Director, Department of Housing and Community Development
Steve Heminger, Executive Director, Metropolitan Transportation Commission
Mary Nichols, Chairperson, California Air Resources Board
Kamala Harris, State Attorney General
Secretary Shaun Donovan, U.S. Department of Housing and Urban Development

Athena Ullah - RE: language of the suggestion from my testimony

From: Parisa Fatehi-Weeks <pfatehi@publicadvocates.org>
To: Hing Wong <Hingw@abag.ca.gov>, Miriam Chion <MiriamC@abag.ca.gov>
Date: 6/13/2012 7:33 PM
Subject: RE: language of the suggestion from my testimony
CC: Athena Ullah <AthenaU@abag.ca.gov>, Sam Tepperman-Gelfant <stepperman-ge...>
Attachments: PA_MTC_memo 20120524.pdf

Ok, thanks Hing. FYI, I have also attached the memo that I referenced in the testimony.

Here is a brief summary of the memo which shows that equitable distribution of affordable housing can reduce VMT:

This memo by Alex Karner and Deb Niemeier of UC Davis, as well as an analysis by the Metropolitan Transportation Commission and the Association of Bay Area Governments, indicate that gentrification and displacement of low-income residents are likely outcomes in areas expected to receive transit investments over the course of Plan Bay Area. The memo presents evidence correlating inequitable housing distributions with higher vehicle miles traveled (VMT), suggesting that investment in affordable housing can help to meet SB 375's greenhouse gas (GHG) reduction goals while mitigating the risk of gentrification and displacement. Additional transportation policies proposed to achieve GHG targets should not be myopically focused on transportation technology. Strategies such as affordable housing provision can help to meet SB 375's goals while mitigating other transportation externalities.

If you or other ABAG staff are interested in contacting the analyst at UC Davis that wrote it, just let me know and I can introduce you.

Thank you,
Parisa

Parisa Fatehi-Weeks
Public Advocates Inc.

From: Hing Wong [mailto:Hingw@abag.ca.gov]
Sent: Wednesday, June 06, 2012 4:54 PM
To: Parisa Fatehi-Weeks
Cc: Athena Ullah; Sam Tepperman-Gelfant
Subject: Re: language of the suggestion from my testimony

Parisa -

This is fine. Thanks!

Hing Wong, AICP

Senior Regional Planner, Association of Bay Area Governments (ABAG)
Vice President of Public Information, APA California

P.O. Box 2050, Oakland, CA 94604-2050

☎ 510.464.7966 | 📠 510.433.5566 | ✉ hingw@abag.ca.gov

>>> Parisa Fatehi-Weeks <pfatehi@publicadvocates.org> 6/6/2012 3:33 PM >>>
Hing,

Since you requested, here is the language of the methodology amendment I made in my public comment:

Every jurisdiction with a median income above the Bay Area average should take-on at least as much of the region's lower-income housing need as it did in the 2007-2014 Planning Period. This would mean shifting some lower-income units from lower-income cities to more affluent cities in exchange for higher-income units. The total RHNA number for each jurisdiction would remain the same.

If I can, I will send you the rest of my comments soon, but this was the key part.

Thanks,
Parisa

=====
Parisa Fatehi-Weeks
Staff Attorney
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415.431.7430 x305
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MEMORANDUM

TO: Parisa Fatehi-Weeks, Public Advocates

FROM: Alex Karner and Deb Niemeier, Department of Civil and Environmental Engineering,
UC Davis

DATE: May 24, 2012

RE: Alternative scenarios, affordable housing, and vehicle-miles traveled in the Bay Area

A. Introduction

Under SB 375, California's metropolitan planning organizations (MPOs) must reduce per capita greenhouse gas (GHG) emissions, primarily by coordinating transportation and land use planning in an effort to pair compact growth with high quality transit. This coordination is embodied in the sustainable communities strategy – a new component of the regional transportation plan that provides not only a vision for the future transportation system but also signals the kinds of land uses needed to achieve reductions in vehicle-miles traveled (VMT).

The potential for gentrification and displacement to occur in urban spaces simultaneous with the pursuit of otherwise laudable environmental goals is now well-documented.¹ Recent work has identified ways in which the process of gentrification and the demographic changes it elicits actually work against environmental goals. These studies consistently find evidence of growing affluence in neighborhoods that receive improved transit service, including increasing proportions of college graduates, rising median incomes, higher automobile ownership, and reduced transit mode share.² The research on racial demographic effects is more mixed, with some studies concluding that local transit investments lead to a reduction in proportions of people of color,³ and others finding no evidence of changing racial demographics.⁴ As one example, an analysis of Canada's three largest cities found that while gentrification was associated with increases in non-motorized mode share, it was also associated with decreases in public transit and carpool use. Most problematically, the mode share for "auto as driver" was also associated positively with gentrification.⁵ Taken together, these studies suggest that merely producing dense, mixed use developments well-served by transit is not enough to reach the policy goals of reducing VMT and thus GHG emissions.

¹ Sarah Dooling, "Ecological Gentrification: A Research Agenda Exploring Justice in the City," *International Journal of Urban and Regional Research* 33, no. 3 (2009); Noah Quastel, "Political Ecologies of Gentrification," *Urban Geography* 30, no. 7 (2009).

² Matthew E. Kahn, "Gentrification Trends in New Transit-Oriented Communities: Evidence from 14 Cities That Expanded and Built Rail Transit Systems," *Real Estate Economics* 35, no. 2 (2007); Stephanie Pollack, Barry Bluestone, and Chase Billingham, "Maintaining Diversity in America's Transit-Rich Neighborhoods," (Dukakis Center for Urban and Regional Policy, 2010); Kara S. Luckey, "Assessing the Effectiveness of Approaches to the Allocation of Low-Income Housing Tax Credits in Proximity to Rail Transit" (paper presented at the 91st Annual Meeting of the Transportation Research Board, Washington, DC, 2012).

³ ———, "Approaches to the Allocation of LIHTCs".

⁴ Pollack, Bluestone, and Billingham, "Maintaining Diversity."

⁵ Martin Danyluk and David Ley, "Modalities of the New Middle Class: Ideology and Behaviour in the Journey to Work from Gentrified Neighbourhoods in Canada," *Urban Studies* 44, no. 11 (2007).

As part of its equity analysis for the current regional plan update, known as *Plan Bay Area*, the Metropolitan Transportation Commission (MTC) reports that there will be substantial displacement pressures on “communities of concern” in the Bay Area in future years.⁶ Specifically, MTC’s analysis identifies concentrations of overburdened renters in traffic analysis zones (TAZs)⁷ where greater than 15% of housing units are occupied by renters paying more than 50% of their income on housing. TAZs that meet these thresholds and are projected to grow by more than 30% by 2035 are considered at risk of increased displacement pressure. The MTC analysis results show that 30% to 40% of the base year’s overburdened renters in communities of concern are at risk compared to 7% to 10% in the remainder of the region.

MTC has also identified that the proposed transportation investment and land use strategies get only part of the way toward the 2035 GHG emissions reduction goal. There is a five percentage point gap remaining that MTC is proposing to address through a series of transportation policy measures. Despite MTC’s own analysis on displacement risk, discussions around bridging this gap have focused almost exclusively on achieving additional per capita GHG reductions through policy initiatives like the promotion of electric vehicles.⁸ In focusing on vehicle technology, MTC overlooks an important opportunity: affordable housing can be an effective tool for meeting GHG emissions reductions while simultaneously meeting a number of other objectives by reducing other VMT-related externalities including congestion costs, deaths and injuries from collisions, and public health costs like obesity.

The remainder of this memo uses travel modeling data produced by MTC to quantify differences in travel behavior by income categories. We argue that equitable housing distributions that provide options for residents of different income levels can be an effective VMT reduction strategy.

B. Income, automobile ownership and VMT

The Association of Bay Area Governments (ABAG) has noted that residents of affordable housing drive less and own fewer cars than those who do not live in affordable housing.⁹ Precisely how much less they drive can be identified with the travel demand modeling data developed for the alternative *Plan Bay Area* scenarios using low-income status as a proxy for affordable housing residence.¹⁰ Table 1 shows vehicle ownership and VMT per capita at the household level when looking at income effects for both 2005 and future years. Consistent with SB 375, all future scenarios suggest that households, on average, will own fewer vehicles and

⁶ MTC, “Plan Bay Area Equity Analysis Overview and Equity Analysis Scorecard,” <http://www.onebayarea.org/pdf/EquityAnalysisOverview.pdf>.

⁷ A unit of geography used to model travel approximately equivalent to a census tract.

⁸ See discussion at the May 11, 2012 joint meeting of the MTC Planning Committee and the ABAG Administrative Committee. Out of \$685 million budgeted to help MTC reach its 2035 GHG emissions reduction target, 60% is directed at electric vehicle subsidization.

⁹ Association of Bay Area Governments, “Myths & Facts About Affordable and High-Density Housing,” <http://www.abag.ca.gov/services/finance/fan/housingmyths2.htm>.

¹⁰ Five alternative scenarios were designed for Plan Bay Area comprising two transportation investment scenarios paired with two land use scenarios. The first two, Initial vision and Core capacity, assume unlimited resources for housing development in the Bay Area. The latter three are based upon realistic planning assumptions regarding the total amount of housing growth that can be accommodated in the region. Each varies slightly in precisely where growth is located. Further information is available at: <http://www.onebayarea.org/pdf/ScenarioAnalysisOverview.pdf>.

that VMT per capita across all income groups will decline. However, as expected, we find that vehicle ownership and VMT per capita increases as household incomes increase.

Table 1 Comparison of modeled scenarios – Automobile ownership and VMT per capita by income.

	Average vehicles per household				
	Income quintile 1 (< 26,000) ^a	Income quintile 2 (26,000 – 52,000)	Income quintile 3 (52,000 – 80,000)	Income quintile 4 (80,000 – 124,000)	Income quintile 5 (> 124,000)
Base year, 2005	1.010	1.533	1.821	2.10	2.15
Initial vision	0.947	1.447	1.738	2.01	2.09
Core capacity	0.917	1.445	1.742	2.01	2.08
Focused growth	0.948	1.493	1.795	2.06	2.11
Constrained core capacity	0.942	1.487	1.790	2.06	2.11
Outward growth	0.988	1.521	1.815	2.08	2.12
	Average VMT per capita				
Base year, 2005	8.78	13.27	17.13	19.15	19.65
Initial vision	8.09	12.18	15.40	17.30	18.20
Core capacity	7.91	12.22	15.48	17.26	17.99
Focused growth	7.76	11.94	15.07	17.02	17.83
Constrained core capacity	7.69	11.84	14.98	16.95	17.83
Outward growth	8.07	12.24	15.35	17.27	18.00

^aQuintile bounds are calculated for each scenario, so the values that define each category are approximate.

The empirical evidence of gentrification discussed earlier suggests that median income levels and vehicle ownership are likely to rise in areas where transit service improves, and these increases have been linked to increasing risk of gentrification and displacement.¹¹ In future years, MTC has identified that transit service improvements will be focused largely on priority development areas (PDAs) – those areas targeted to receive streamlined environmental review for housing projects with densities conducive to frequent transit service. Using data provided by MTC, we classified 195 TAZs as being part of a PDA and compared the median incomes for PDA and non-PDA areas.¹² Table 2 shows that median income across the PDAs increase faster than in the non-PDAs and faster than the entire region from the base year to each of the future year scenarios. The results are consistent with MTC’s equity analysis: PDAs will likely experience gentrification and increasing displacement risk as *Plan Bay Area* is implemented.

¹¹ Pollack, Bluestone, and Billingham, “Maintaining Diversity.”

¹² A TAZ was considered to be part of a PDA if greater than 50% of its area overlapped part a PDA classified as “planned” and “final” in the GIS layer (according to the attributes PlanStatus and ABAGStatus, respectively).

Table 2 Median income, 2000\$.

	PDA's	Non-PDA's	Entire region
Base year, 2005	43,800	68,200	65,000
Initial vision	48,000	67,000	64,400
Core capacity	50,000	68,000	65,000
Focused growth	48,310	68,000	65,000
Constrained core capacity	48,600	68,000	65,000
Outward growth	48,200	68,010	65,200

The gentrification literature discussed in the introduction also suggests that new residents in gentrifying areas will be less likely to take transit and more likely to own greater numbers of automobiles than previous residents. We can test this prediction by comparing low-income households to all other households in PDAs and non-PDA TAZs in terms of VMT per capita (Table 3). As we might expect, VMT per capita decreases from the base year when compared to each forecast scenario for both low-income and all other households. That is, households in PDAs have substantially lower VMT per capita than the rest of the region in both the base and forecast years. The critical aspect to this analysis, however, is that the rate at which low-income households reduce VMT per capita is slightly higher than all other households in both PDAs and non-PDAs in all future year scenarios (final row of Table 3). Automobile ownership results show similar, across the board reductions for PDAs, with low-income households owning fewer automobiles than all other households in both PDAs and the remainder of the region. Locating residents in PDAs is clearly an important strategy for achieving SB 375's GHG targets, but the future year non-low income households generally do not reduce driving or automobile ownership as much as low-income households.

Table 3 Comparison of modeled scenarios – VMT per capita.

	VMT per capita (PDA's)		VMT per capita (other TAZs)	
	Low-income households ^a	All other households	Low-income households ^a	All other households
Base year, 2005	5.51	11.04	9.54	18.72
Initial vision	5.11	10.23	8.70	17.29
Core capacity	4.78	9.87	8.54	17.20
Focused growth	4.88	9.96	8.42	16.85
Constrained core capacity	4.94	9.89	8.40	16.82
Outward growth	5.07	10.26	8.64	17.05

Average reduction relative to 2005 (%)

10.0	9.0	10.5	9.0
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^aLow-income households classified according to the US Census definition¹³ based on household size and income threshold. Consistent with MTC practice, 200% of the threshold is used.

One caveat is that these results may not fully represent market dynamics that will result from improved transit service, since the allocations of different household types by income are established prior to running the travel model. In addition, representations of travel behavior are

¹³ US Census Bureau, "Poverty Data - Poverty Thresholds," <http://www.census.gov/hhes/www/poverty/data/threshld/index.html>.

based upon cross-sectional analysis sometimes extending as far back as 1990.¹⁴ The gentrification literature argues that subsequent “waves” of gentrifying individuals bring with them different travel behaviors; these behaviors would tend to transcend classification based upon income alone to include difficult-to-quantify properties such as politics, ideologies and values.¹⁵ Later waves are potentially less inclined to reduce automobile ownership and VMT than are earlier waves. These factors are generally not included in a travel demand model. For this reason, the travel model results might underestimate the VMT per capita and automobile ownership figures expected to result in future years in gentrifying, transit rich areas.

C. Links between affordable housing and VMT

It seems self-evident that affordable housing should not just be placed anywhere. More equitable distributions of housing can be expected to lead to lower VMT per capita based on the land uses likely to surround mixed income communities and also because of the relationships between VMT and income noted above. We can quantify the equitability of a housing distribution using the Gini coefficient. The Gini coefficient is a well-accepted measure of population inequality which varies from a perfectly equal distribution of some good (zero) to a perfect concentration of that good with one individual or group (one).¹⁶ Those TAZs with more equitable housing distributions (where there are equal numbers of each household type by income) will have Gini coefficients closer to zero, while those with inequitable distributions will have Gini coefficients closer to one.

Table 4 summarizes the VMT per capita for each future year scenario and the base year according to quintiles of the Gini coefficient calculated at the household level.¹⁷ Each column represents the average VMT per capita for households representing 20% of the total in each scenario. Housing distributions become increasingly inequitable moving from left to right in the table. The results clearly indicate that TAZs with more equitable housing distributions have lower VMT per capita. Further analysis reveals that the TAZs with the highest Gini coefficients (most inequitable) disproportionately represent households in the highest income groups. For the initial vision scenario, the TAZs with the most inequitable housing distributions (i.e. Gini quintile 5) had an average of 51% of total households in the highest income category and only 10% in the lowest income category. TAZs that had the most equitable housing distributions (i.e. Gini quintile 1) had an average of 23% of households in the highest income category and 20% in the lowest.

To the extent that median incomes rise in PDAs and similarly transit rich areas in the urban core in forecast years, VMT per capita is likely to increase. Maintaining and improving the equitability of the housing distribution is one method that MPOs can use to ensure that per capita VMT remains as low as possible. These results indicate that developing more equitable distributions of affordable housing should be included alongside other methods proposed by MTC to meet its SB 375-mandated GHG reduction target.

¹⁴ MTC, “Travel Model Development: Calibration and Validation (Draft),” (Oakland, CA: Metropolitan Transportation Commission, 2011).

¹⁵ Danyluk and Ley, “Modalities of the New Middle Class: Ideology and Behaviour in the Journey to Work from Gentrified Neighbourhoods in Canada,” 2197-98.

¹⁶ World Bank, “Poverty Analysis - Measuring Inequality,” <http://go.worldbank.org/3SLYUTVY00>.

¹⁷ Quantities of housing types in each of four income categories based on ABAG modeling are used as input into MTC’s travel model for future years. Observed data on income distribution are used for the base year.

Table 4 VMT per capita by scenario and Gini coefficient quintile.

Increasingly inequitable housing distribution →

	Gini quintile 1	Gini quintile 2	Gini quintile 3	Gini quintile 4	Gini quintile 5
Base year, 2005	14.91	15.10	15.10	17.50	19.03
Initial vision	12.98	13.71	14.35	15.40	18.10
Core capacity	13.11	13.34	14.25	15.66	17.88
Focused growth	12.73	13.22	14.30	15.11	17.59
Constrained core capacity	12.66	13.25	13.93	15.12	17.66
Outward growth	12.85	13.65	14.25	15.70	17.77

One could argue that the differences identified in Table 4 are entirely the result of income effects. We would expect the same results if low-income housing units are disproportionately concentrated in TAZs with low Gini coefficients. To check this hypothesis, we estimated a preliminary spatial autoregressive error model of the logarithm of total VMT at the TAZ level. The modeling results are located in the appendix. The independent variables include, among others, the total number of housing units in the lowest two income categories; this allows us to estimate the effect of affordable housing provision on total VMT (and thus GHG emissions). The interpretation of the estimated coefficient on affordable housing shown in the appendix is that a one percent increase in housing units occupied by the lowest income groups is associated with a 0.07 percent decrease in TAZ-level VMT, all else equal. Said another way, the provision of affordable housing within a TAZ has a high probability of being independent of the income level within that same TAZ and the other variables included in the model. This result suggests that an equitable housing distribution results in lower VMT.

D. Conclusion

This memo and MTC’s own analysis indicate that gentrification and displacement of low-income residents are likely outcomes in areas expected to receive transit investments over the course of *Plan Bay Area*. We present evidence correlating inequitable housing distributions with higher VMT, suggesting that investment in affordable housing can help to meet SB 375’s GHG reduction goals while mitigating the risk of gentrification and displacement. Additional transportation policies proposed to achieve GHG targets should not be myopically focused on transportation technology. Strategies such as affordable housing provision can help to meet SB 375’s goals while mitigating other transportation externalities.

E. References

- Association of Bay Area Governments. “Myths & Facts About Affordable and High-Density Housing.” <http://www.abag.ca.gov/services/finance/fan/housingmyths2.htm>.
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- . “Travel Model Development: Calibration and Validation (Draft).” Oakland, CA: Metropolitan Transportation Commission, 2011.
- Pollack, Stephanie, Barry Bluestone, and Chase Billingham. “Maintaining Diversity in America's Transit-Rich Neighborhoods.” Dukakis Center for Urban and Regional Policy, 2010.
- Quastel, Noah. “Political Ecologies of Gentrification.” *Urban Geography* 30, no. 7 (2009): 694-725.
- US Census Bureau. “Poverty Data - Poverty Thresholds.” <http://www.census.gov/hhes/www/poverty/data/threshld/index.html>.
- World Bank. “Poverty Analysis - Measuring Inequality.” <http://go.worldbank.org/3SLYUTVY00>.

Appendix

The travel data used to estimate the model shown in Table A 1 were obtained from MTC. Demographic data were also assembled from the 2005-2009 American Community Survey maintained by the US Census.

Table A 1 Spatial error model on the logarithm of total TAZ-level VMT for the 2005 base year.

Variable	Coefficient estimate	Standard error ^a
log(median income)	0.01700	0.00354***
log(housing units in the lowest two income categories)	-0.0647	0.00815***
log(total people of color)	-0.01859	0.00861*
log(total zero vehicle households)	-0.0240	0.00448***
log(total workers)	0.0985	0.01340***
log(total population)	0.993	0.01870***
log(total acreage)	0.0370	0.00519***
Peak transit accessibility ^b	-0.0371	0.00315***
Peak non-motorized accessibility ^b	-0.0475	0.00351***
Lambda (spatial error term)	0.1258	0.00256***
Number of observations = 1441		
Pseudo R ² (Nagelkerke) = 0.96		

^aSignificance is indicated by the following convention: p < 0.001 ***, p < 0.01 **, p < 0.05 *

^bTransit and non-motorized accessibilities are outputs from the travel demand model and are in relative units. They are included merely as controls.



San Francisco International Airport

June 8, 2012

Miriam Chion
Principal Planner
Association of Bay Area Governments
P.O. Box 2050
Oakland, CA 94604-2050

Subject: *Airport Land Use Compatibility and Plan Bay Area, the Region's Sustainable Communities Strategy*

Dear Ms. Chion:

San Francisco International Airport (SFO or the Airport) has reviewed the current Preferred Land Use and Transportation Investment Strategy for Plan Bay Area, also known as the Jobs-Housing Connection Strategy. We appreciate this opportunity to coordinate with the ABAG and MTC staff in considering potential land use compatibility issues that this and other regional planning efforts may pose.

Executive Summary

SFO is an essential part of our region's transportation infrastructure and economy. Because the development of incompatible land uses within Airport environs can adversely affect airport operations, land use compatibility is important to ensure the future viability of SFO and other airports throughout our region. At the same time, SFO's neighboring jurisdictions experience development pressures from various sources, including their obligation to meet the regional housing needs allocation (RHNA). If these development pressures are not balanced against airport land use compatibility, they could result in the encroachment of incompatible development within areas affected by airport operations to the detriment of both future communities and the Airport. ABAG, as the Bay Area's council of governments, can support the development of sustainable communities by considering airport land use compatibility in Plan Bay Area, and in particular, by adjusting local application of the RHNA to jurisdictions in airport environs through a reduction in housing requirements in these jurisdictions to account for land areas that are incompatible for housing development.

Background

According to population and employment forecasts, the Bay Area is projected to have an additional 1.1 million jobs and 660,000 housing units by 2040. Plan Bay Area sets forth a vision for future land use and transportation investments through 2040, and will serve as the region's Sustainable Communities Strategy under state Senate Bill 375 (Steinberg). In a regional land use plan with such a long term time frame and as comprehensive as Plan Bay Area, it is essential to consider land use compatibility with other regional priorities such as airport operations as the region decides where and how to grow.

SFO is situated on bay fill and surrounded by water on three sides, and U.S. Highway 101 on the west. Lands immediately adjacent to the Airport have largely been developed with residential and industrial uses. Within the environs of SFO are major transportation nodes and corridors, including U.S. 101, El Camino Real, and the BART and Caltrain stations and rail lines. The cities of South San Francisco, San

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Bruno, and Millbrae have adopted plans or are working towards intensifying development along the El Camino Real corridor, supported by the multi-jurisdiction Grand Boulevard Initiative. According to the current Plan Bay Area strategy, an additional 58,250 housing units could be added along the length of the Grand Boulevard through 2040. In addition, BART and Caltrain station hubs within these areas are candidates for higher density transit-oriented developments that often involve taller buildings and mixed uses.

Concurrently, the California Aeronautics Act charges the California Department of Transportation, Division of Aeronautics, with adopting noise standards governing the operation of aircraft for airports based on the level of noise acceptable to a reasonable person residing in the vicinity of the airport. (Public Utilities Code Section 21669). The California Airport Noise Regulations promulgated by the Division of Aeronautics states that “[t]he level of noise acceptable to a reasonable person residing in the vicinity of an airport is established as a community noise equivalent level (CNEL) value of 65 dB for purposes of these regulations. This criterion level has been chosen for reasonable persons residing in urban residential areas where houses are of typical California construction and may have windows partially open. It has been selected with reference to speech, sleep and community reaction.” (Title 21 California Code of Regulations 5006). Residential uses located in areas above the 65 dB CNEL are incompatible land uses.

The California State Legislature has long recognized the need for land use decisions to take into consideration the operations of an airport and prevent inappropriate land uses that threaten or limit the operations of an airport. In 1967, the Legislature authorized the creation of Airport Land Use Commissions (ALUC) to protect the "public health, safety, and welfare by encouraging orderly expansion of airports and the adoption of land use measures that minimizes exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible land uses." (Public Resources Code Section 21670).

The policies of the Airport Land Use Compatibility Plan for SFO (ALUCP) guide compatible development in the lands surrounding SFO with respect to noise, safety, and airspace protection issues associated with aircraft operations. The current draft of the updated ALUCP recognizes the development pressures faced by the Airport's neighboring jurisdictions, which must accommodate new housing according to their regional allocations as derived through ABAG's Regional Housing Needs Assessment (RHNA). Furthermore, commercial and industrial development will likely increase as the global and regional economy recovers and regional employment grows. While the Jobs-Housing Connection Strategy supports such growth within Priority Development Areas, including El Camino Real/The Grand Boulevard, the approach must be balanced against compatibility with airport operations and the state's charge to Airport Land Use Commissions to protect airport environs from increasing land use incompatibilities. For instance, the issue of noise compatibility may limit the types of uses suitable for certain properties; or airspace protection policies may require height restrictions on certain properties under critical aircraft arrival and departure paths.

The South El Camino Real area in South San Francisco illustrates an example of proposed mixed-use development along a transportation corridor intersecting with airport land use compatibility considerations. Several parcels in this area have recently been re-designated for mixed land uses. The portion of the South El Camino Real area within the Airport's CNEL 70 dB contour encompasses approximately 30 acres. With potential residential densities of up to 60 dwelling units per acre, this represents a significant portion of South San Francisco's planned housing in a high noise area. According to build-out projections in South San Francisco's general plan, the South El Camino Real area could see

an additional 840 housing units; if constructed, approximately 340 of these units could be unduly impacted by aircraft noise.

Proposed Approach

ABAG can respond to the growing development pressure faced by SFO's neighboring communities by adjusting local application of the regional housing needs allocations (RHNA) by taking into consideration the land use compatibility and environmental impacts, due to their proximity to airport operations. As ABAG develops its RHNA allocation methodology in tandem with the Sustainable Communities Strategy, there is an opportunity to consider housing distribution alternatives while promoting compatible land uses with airports throughout the region. For SFO, the subregion share for San Mateo County will directly influence the housing allocations assigned to the cities within the Airport environs. We believe that sound decisions at the regional level support compatible land use planning at the local level, which is essential to the sustainability of both future communities and airports.

The issue of airport land use compatibility is not an issue that is unique to SFO, but has applicability to all the region's airports. The Bay Area's airports are essential assets to regional transportation infrastructure and economy, and should be thoroughly considered as ABAG and MTC refines and analyzes a preferred scenario for Plan Bay Area.

The Airport appreciates your consideration of these comments. If I can be of assistance as ABAG and MTC considers airport land use compatibility in its regional planning efforts, please do not hesitate to contact John Bergener at (650) 821-7867 or at john.bergener@flysfo.com.

Very truly yours,



John L. Martin
Airport Director
San Francisco International Airport

cc: Julian Potter, SFO COS
Tryg McCoy, SFO COO
John Bergener, SFO BPEA, Airport Planning Manager
Nixon Lam, SFO BPEA, Manager of Environmental Affairs
Richard Napier, San Mateo County C/CAG and San Mateo County Airport Land Use Committee

Athena Ullah - Fwd: RE: PRA Request - Town of Monte Sereno RHNA

From: Hing Wong
To: Kenneth Moy
Date: 6/27/2012 2:44 PM
Subject: Fwd: RE: PRA Request - Town of Monte Sereno RHNA
CC: Athena Ullah

Ken -

I think it can be handled via Athena who is collecting all of the RHNA comments. ABAG will give a response to all comments in the near future and this can be one of them.

Hing Wong, AICP

Senior Regional Planner, Association of Bay Area Governments (ABAG)
Vice President of Public Information, APA California

P.O. Box 2050, Oakland, CA 94604-2050

☎ 510.464.7966 | 📠 510.433.5566 | ✉ hingw@abag.ca.gov

>>> Kenneth Moy 6/27/2012 2:39 PM >>>

Hing, I am inclined to treat this latest missive from Mr. Stanley as a comment on the Draft RHNA Methodology. The result of which would be for me to tell him so and then turn it over to you. Agreed?

Ken M

This email and any files transmitted with it may contain privileged or otherwise confidential information. If you are not the intended recipient, or believe that you may have received this communication in error, please advise the sender via reply email and delete the email you received.

***** >>>

On 6/27/2012 at 2:08 PM, in message <4759EB98EE6B2E4B97E0855BA86CC753012B39B29C@stanprop08.stanprop.com>, Russ Stanley <Russ@stanprop.com> wrote:

[Mr. Moy, thank you for your help in the past answering questions regarding Monte Sereno.](#)

[A question has arisen that your assistance is required to answer. The attached documents detail the 2014-2022 RHNA requirements for Monte Sereno. If you look at the overview of the SCS_RHNA Methodology attached under Step 3 it discusses "Fair Share Scoring to Growth in Non-PDA Areas". Step 3 indicates that past RHNA Performance \(1999-2006 for very low income and low income\) is a determining factor in calculating final RHNA needs for a jurisdiction.](#)

[Can you please answer the following questions:](#)

- [A\) Determination as to whether Monte Sereno was given full credit for RHNA](#)

compliance in the '99-'06 period under step 3;

B) Please provide the complete calculation used by ABAG in scoring;

C) Please indicate whether Monte Sereno is located within a Priority Development Area or Non PDA

Thank you for your time and attention to this matter.

Regards,

Russ Stanley

From: Kenneth Moy [mailto:Kennethm@abag.ca.gov]
Sent: Wednesday, April 11, 2012 10:55 AM
To: Russ Stanley
Subject: Re: PRA Request - Town of Monte Sereno

Mr. Stanley,

I have attached a mass mailing letter that accompanied the report (also attached) re the RHNA for the jurisdictions in the region. Our usual protocol is to send such mass mailings to every jurisdiction, including Monte Sereno. However, we have no further documentation to that effect.

Regards,

Ken Moy

>>> On 4/6/2012 at 3:40 PM, in message <4F7F70DF.5BB : 14 : 40667>, Kenneth Moy wrote:

Mr. Moy, my earlier PRR request I had requested correspondence to Monte Sereno it you were unable to locate any. How did you transmit the RHNA allocation to each city? I would assume it was through a letter to the city?

Thanks for the websit link. Does that link contain the formula/calculation to be applied to Monte Sereno.

Thanks foe the help.

Regards, Russ Stanley

Sent from my iPhone, please excuse the typos.

On Apr 6, 2012, at 11:21 AM, "Kenneth Moy" <Kennethm@abag.ca.gov> wrote:

Mr. Stanley:

The fifth RHNA cycle for the San Francisco Bay region is still a work in progress. The following web page will provide you with access to all public documents produced in connection with this ongoing effort:

http://www.onebayarea.org/plan_bay_area/housing.htm

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The proposed draft methodology under development and discussion by the Housing Methodology Committee (see website for information on its role and meetings to date) and ABAG staff is not the same as the methodology used for the fourth RHNA cycle.

Kenneth Moy
Legal Counsel
ABAG

>>> On 4/3/2012 at 3:23 PM, in message <4F7B7869.5E6 : 14 : 40667>, Kenneth Moy wrote:

Mr. Moy, perhaps you can provide us the necessary formula for calculating Monte Sereno's RHNA for the 2014-2022 period based upon HCD's letter to ABAG dated February 24, 2012 (attached) which calculates total demand at 187,900 units for the 8.8 year projection. Assuming that the same formula were utilized going forward as was used in the latest period '07-'14 we would like to know what Monte Sereno's housing requirement would be?

In absence of your ability to calculate Monte Sereno's requirement, please provide the formula used in the '07-'14 period so that we may calculate it.

Thank you, Regards, Russ Stanley

From: Kenneth Moy [<mailto:Kennethm@abag.ca.gov>]

Sent: Monday, March 19, 2012 4:27 PM

To: Russ Stanley

Subject: PRA Request - Town of Monte Sereno

Dear Mr. Stanley:

In response to your request for copies of any correspondence (including mass

mailings) between ABAG and the Town of Monte Sereno from January 1, 2006 to the present regarding the Housing Element Law or the regional housing needs allocation, I have attached the following:

- One file [*Monte Sereno-joined Subregion-Santa Clara County 10-4-06 Brian Bloventhal email.doc*] is an email thread wherein Monte Sereno described its interest in being included in a possible subregion that did not form
- Two files [*09-15-06 Factors Survey - form.pdf* and *2006 RHNA Survey Summary formatted.xls*]: the first is the survey sent to all jurisdictions in the region, including Monte Sereno and the second is a report on the survey results that indicates that Monte Sereno did not respond to the survey.
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- One file [*ABAG Primary Housing Contacts.pdf*] on the local housing contacts that includes a contact for Monte Sereno
- Eight files [*all other files attached*]: all other mass mailings meeting the request parameters.

ABAG has now completed its response to your request.

Regards,
Ken Moy

Kenneth Moy - RE: comments to RHNA draft methodology 2014-2022

From: Russ Stanley <Russ@stanprop.com>
To: "Kenneth Moy" <Kennethm@abag.ca.gov>
Date: 7/16/2012 4:16 PM
Subject: RE: comments to RHNA draft methodology 2014-2022
CC: "Durkee, Michael" <mdurkee@allenmatkins.com>, "Blackwell, David" <dblackwell@allenmatkins.com>

Mr. Moy, please find the following additional correspondence with regard to comments on the ABAG 2014-2022 Draft RHNA Language.

We have recently provided you with a copy of the complaint filed against the City of Monte Sereno for among other things failure to comply with state housing law. A portion of the complaint details what we believe to be substantial and serious misrepresentations of unit production reporting during the past 12 years. As a result of the substantial misrepresentations, Monte Sereno's RHNA allocation was set artificially low by ABAG at 41 units for the most recent period (2007-2014). Additionally, state law requires a city to make up for the lack of new unit production (not meeting its RHNA allocation) in the first year of the new period. Not only did Monte Sereno fail to meet its unit production, it also failed to add the units not produced into the next period (2007-2014) as required by state law. Additionally, the ABAG estimate of 61 units for Monte Sereno for the period 2014-2022 is also artificially low as a result of past misrepresentations of its housing production.

We are requesting that an independent audit be performed by ABAG and Monte Sereno and that the correct housing unit production past and present be taken into consideration in requiring Monte Sereno to immediately increase its housing production as well as increase the RHNA allocation for the 2014-2022 period. We believe this will result in a substantial increase in the RHNA allocation to Monte Sereno.

Also, additional comments to your draft methodology include:

- 1) You lack a process to provide the outside public with a copy of the actual calculation of a given city's RHNA allocation. In other words if someone wanted to independently use your formula to check the mathematical correctness, you lack a foundation to provide such information to the public. We have specifically requested in the case of Monte Sereno your formula's and have been told that it is an internal calculation on a spreadsheet, but ABAG is unable to provide the spreadsheet or the exact inputs placed into the formula for calculation.
- 2) We also wish to request that you adjust your upper threshold of 1.5 times the previous RHNA allocation as a maximum cap on the 2014-2022 period for City's that have not complied with RHNA production in the past period. We believe that this will incentivise City's who have in the past have not met their RHNA allocation compliance.

We are bringing this to your attention during the comment period so that our rights are preserved as we intend to seek re-adjustment of Monte Sereno's RHNA allocation for 2014-2022.

Please feel free to contact me with any questions or comments.

Regards, Russ Stanley

From: Kenneth Moy [mailto:Kennethm@abag.ca.gov]
Sent: Monday, July 09, 2012 4:01 PM
To: Russ Stanley
Subject: Re: FW: PRA Request - Town of Monte Sereno RHNA (Out of Office - Back 7/5)

Mr. Stanley,

Your 'requests' labeled A and B pose questions that are not contained in any document subject to the PRA. The request labeled C is a straightforward question for which I do not have an answer. As indicated earlier, all your questions have been referred to staff working on responding to comments on the Draft RHNA Methodology.

Ken Moy

This email and any files transmitted with it may contain privileged or otherwise confidential information. If you are not the intended recipient, or believe that you may have received this communication in error, please advise the sender via reply email and delete the email you received.
***** >> On 7/9/2012 at 2:53 PM, in message <4759EB98EE6B2E4B97E0855BA86CC753012B3C4088@stanprop08.stanprop.com>, Russ Stanley <Russ@stanprop.com> wrote:

-----Original Message-----
From: Kenneth Moy [mailto:Kennethm@abag.ca.gov]
Sent: Monday, July 02, 2012 2:44 PM
To: Russ Stanley
Subject: RE: PRA Request - Town of Monte Sereno RHNA (Out of Office - Back 7/5)

I will be checking emails but only responding to urgent matters.
>>> Russ Stanley <Russ@stanprop.com> 07/02/12 14:51 >>>

Mr. Moy,

I appreciate your response, however my question's were related to the Public Records Act, not the comment period for ABAG. Public record requests require a 10 day response time. I would like to have the information prior to the end of the comment period so that I can comment appropriately if n upon the information contained in your response.
Regards, Russ

From: Kenneth Moy [<mailto:Kennethm@abag.ca.gov>]
Sent: Wednesday, June 27, 2012 2:58 PM
To: Russ Stanley
Subject: RE: PRA Request - Town of Monte Sereno RHNA

Mr. Stanley,

As you are aware the document you reference is part of the Draft RHNA Methodology released by ABAG for public comment on May 17. We are still in the public comm
Your questions are being treated as comments on the Draft Methodology and ABAG will respond to them as part of the comment process. You will receive your response conclusion of the public comment period, on July 16.

Regards,

Ken Moy

>>> On 6/27/2012 at 2:08 PM, in message
<4759EB98EE6B2E4B97E0855BA86CC753012B39B29C@stanprop08.stanprop.com<<mailto:4759EB98EE6B2E4B97E0855BA86CC753012B39B29C@stanprop08.sta>
Russ Stanley <Russ@stanprop.com<<mailto:Russ@stanprop.com>>> wrote:
Mr. Moy, thank you for your help in the past answering questions regarding Monte Sereno.
A question has arisen that your assistance is required to answer. The attached documents detail the 2014-2022 RHNA requirements for Monte Sereno. If you look at the ov
SCS_RHNA Methodology attached under Step 3 it discusses "Fair Share Scoring to Growth in Non-PDA Areas". Step 3 indicates that past RHNA Performance (1999-200
low income and low income) is a determining factor in calculating final RHNA needs for a jurisdiction.
Can you please answer the following questions:

- A) Determination as to whether Monte Sereno was given full credit for RHNA compliance in the '99-'06 period under step 3;
- B) Please provide the complete calculation used by ABAG in scoring;
- C) Please indicate whether Monte Sereno is located within a Priority Development Area or Non PDA

Thank you for your time and attention to this matter.

Regards,
Russ Stanley

From: Kenneth Moy [<mailto:Kennethm@abag.ca.gov>]
Sent: Wednesday, April 11, 2012 10:55 AM
To: Russ Stanley
Subject: Re: PRA Request - Town of Monte Sereno

Mr. Stanley,

I have attached a mass mailing letter that accompanied the report (also attached) re the RHNA for the jurisdictions in the region. Our usual protocol is to send such mass m
every jurisdiction, including Monte Sereno. However, we have no further documentation to that effect.

Regards,

Ken Moy

>>> On 4/6/2012 at 3:40 PM, in message <4F7F70DF.5BB : 14 : 40667>, Kenneth Moy wrote:
Mr. Moy, my earlier PRR request I had requested correspondence to Monte Sereno it you were unable to locate any. How did you transmit the RHNA allocation to each c
assume it was through a letter to the city?

Thanks for the websit link. Does that link contain the formula/calculation to be applied to Monte Sereno.

Thanks foe the help.

Regards, Russ Stanley

Sent from my iPhone, please excuse the typos.

On Apr 6, 2012, at 11:21 AM, "Kenneth Moy" <Kennethm@abag.ca.gov<<mailto:Kennethm@abag.ca.gov>>> wrote:
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