

Report on ABAG to MCCMC

October 21, 2015

MTC PROPOSAL TO TRANSFER REGIONAL LAND USE PLANNING AND RESEARCH STAFF FROM ABAG TO MTC: On October 13, 2015, the ABAG Executive Board at a special meeting adopted the attached resolution which did incorporate some of the changes recommended by the Marin ABAG delegates. At the meeting, though, both Damon Connolly and I were successful in incorporating additional changes recommended by the Marin ABAG delegates.

All cities are encouraged to send a letter to MTC's Chair, Supervisor Dave Cortese requesting that MTC fully fund ABAG and abandon efforts to take over the land use planning functions and staff from ABAG. Draft letters were sent to each of the Marin ABAG delegates in the County. Also, I encourage all elected officials and community members from Marin County to attend the MTC Board of Commissioners meeting on **October 28, 2015 beginning at 9:30 am** at the Metro Center at 101 Eighth Street in Oakland and testify for fully funding ABAG and for MTC to abandon their proposal to take over land use planning functions and staff from ABAG.

MARIN ABAG DELEGATES MEETING: On October 8th, the Marin ABAG Delegates met and agreed to bring forward a letter for adoption by their respective City/Town Council requesting that MTC abandon their efforts to 'take over' the land use planning functions and staff from ABAG; and, to fully fund ABAG pursuant to the Revised Funding Agreement adopted by MTC in June 2013 and 2014. I want to thank all the cities and towns in Marin for taking a united approach.

The Marin ABAG delegates also briefly reviewed the 4 lawsuits filed against Plan Bay Area 2013 – two were upheld by the courts; and two [Sierra Club and Citizens for Better Environment; and, the Building Industry Association (BIA)] were settled out of court. A brief status report was provided for each of the settlement agreements which follow below:

Sierra Club and Communities for Better Environment. In June 2014, MTC and ABAG settled with the Sierra Club and Communities for a Better Environment. Both agencies agreed to disclose to the public progress in getting housing built in city and county priority development areas and to explain how the plan measures and accounts for pollution reductions, among other things. **Status:** To date, MTC has completed five studies of environmental technical analyses for greenhouse gas effects, vehicle miles traveled effects, and use of express lanes by low-income populations for Express Lanes. The following summaries have been completed:

- Contra Costa I-680 Southern Segment
- I-680 Northbound HOV/Express Lane Project
- US 101 Express Lanes Project
- SR 85 Express Lanes Project
- SR 237 Express Lanes Phase 2 Project

In addition, ABAG is undergoing an "Analysis of PDA Performance" with details of each Priority Development Area, with the report to be available prior to the issuance of the Notice of Preparation of the 2017 DEIR. PDAs are one of the cornerstones of the \$292 billion Plan Bay Area's efforts to have a Sustainable Communities Strategy to cut Greenhouse Gas emissions.

BIA. In March 2014, MTC and ABAG agreed to settle with the BIA of the Bay Area, committing to monitor regional development patterns and types, along with issuance of building permits. The agencies also committed to a process that invites and discloses public comment when developing new strategies for the 2017 update to Plan Bay Area. In addition, the settlement agreement calls for:

1. The SCS shall forecast the development pattern for the region that includes the Regional Housing Control Total, which shall have no increase in in-commuters over the baseline year for the SCS and shall not be based on historical housing production. The SCS must demonstrate how all of the Regional Housing Control Total can be accommodated within the boundaries of the 9 counties of the Bay Area.
2. To validate the assumptions made in PBA, the Agencies shall implement robust monitoring of regional development patterns which shall include:

- a. Tracking building permits issued for residential and non-residential development.
- b. Tracking how many units are constructed in PDAs vs outside of PDA's with specific locations identified.
- c. Tracking type of residential development;

The Marin ABAG delegates discussed how the BIA settlement agreement may affect the performance targets for Plan Bay Area 2017 and subsequent housing needs calculations in the future.

ABAG EXECUTIVE BOARD ACTIONS: On September 17, 2015, the ABAG Executive Board approved:

1. 68 applications for new PCA designations in the SF Bay Area of which 3 PCA nominations were submitted by the Town of Fairfax and 4 PCA nominations were submitted by the City of Novato. There were two multi-county PCA nominations -- one for the California Coastal Trail (located in Sonoma, Marin, San Francisco and San Mateo counties); and the other for the San Francisco Bay Area Water Trail (located in all nine counties). The PCA nominations include over 400,000 acres. Sponsors identified one or more of the four designations for each PCA nomination. Of the 68 nominations, 50 PCAs include a categorization of Natural Landscapes, 48 include Regional Recreation, 23 include Urban Greening and 15 include Agricultural Lands. This brings the total of PCA's to 269.

Fifteen of the original PCAs adopted in 2008 were awarded funds through the \$7.87 million One Bay Area Grant (OBAG) program. Discussions are now underway to determine the amount of OBAG funding available for PCAs in a future grant round. The ABAG Executive Board agreed that more funds should be provided this next round and will work with MTC to determine the availability of funding. Also, ABAG staff has identified additional funding sources and will work with the jurisdictions to actively seek funding.

2. 3 PDAs applications for the following areas: Golden Gate/North Oakland (City of Oakland), Rumrill Boulevard (City of San Pablo), and Sonoma Boulevard (City of Vallejo). ABAG has finalized the region-wide inventory of 188 PDAs ahead of preparing an update to Plan Bay Area in 2017. The ABAG Executive Board directed staff to clarify the name of the PDAs submitted by the County of Marin.

LEGISLATION: AB 744 which was supported by MTC and opposed by the League of California Cities was signed into law on October 9, 2015 by Governor Jerry Brown. As stated by the League of California Cities in their request for the Governor to veto this bill, it "would undermine local control by establishing unrealistically low parking standards for various affordable housing projects. While this measure may be well-intended, it remains fundamentally flawed". Following is the summary of the bill.

Summary: The Planning and Zoning Law requires, when a developer of housing proposes a housing development within the jurisdiction of the local government, that the city, county, or city and county provide the developer with a density bonus and other incentives or concessions for the production of lower income housing units or the donation of land within the development if the developer, among other things, agrees to construct a specified percentage of units for very low, low-, or moderate-income households or qualifying residents. Existing law requires continued affordability for 55 years or longer, as specified, of all very low and low-income units that qualified an applicant for a density bonus. Existing law prohibits a city, county, or city and county from requiring a vehicular parking ratio for a housing development that meets these criteria in excess of specified ratios. This prohibition applies only at the request of the developer and specifies that the developer may request additional parking incentives or concessions.

This bill would, notwithstanding the above-described provisions, additionally prohibit, at the request of the developer, a city, county, or city and county from imposing a vehicular parking ratio, inclusive of handicapped and guest parking, in excess of 0.5 spaces per bedroom on a development that includes the maximum percentage of low- or very low income units, as specified, and is located within 1/2 mile of a major transit stop, as defined, and there is unobstructed access to the transit stop from the development. The bill would also prohibit, at the request of the developer, a city, county, or city and county from imposing a vehicular parking ratio, inclusive of handicapped and guest parking, in excess of specified amounts per unit on a development that consists solely of units with an affordable housing cost to lower income households, as specified, if the development is within 1/2 mile of a major

transit stop and there is unobstructed access to the transit stop from the development, is a for-rent housing development for individuals that are 62 years of age or older that complies with specified existing laws regarding senior housing, or is a special needs housing development, as those terms are defined. The bill would require a subject development that is a for-rent housing development for individuals that are 62 years of age or older or a special needs housing development to have either paratransit service or unobstructed access, within 1/2 mile, to fixed bus route service that operates at least 8 times per day. The bill would authorize a city, county, or city and county to impose a higher vehicular parking ratio based on substantial evidence found in an area wide or jurisdiction wide parking study, as specified. The bill would make findings and declarations, including that the subject of the bill is a matter of statewide concern and not a municipal affair. This bill contains other related provisions and other existing laws.

PRIORITY DEVELOPMENT AREA (PDA) ASSESSMENT UPDATE: In 2012, MTC and ABAG oversaw an assessment of the readiness of PDAs to accommodate housing projected in 2040, the horizon year of Plan Bay Area. The PDA Assessment evaluated 20 PDAs representing a variety of place types and market conditions, and focused on housing capacity, the existing planning and entitlement process, the level of community support for development (as demonstrated by elected official approval of PDA-supportive land uses as well as history of neighborhood opposition), market attractiveness, infrastructure capacity, unfunded needs and financing capability. The Assessment found that the baseline readiness of the PDA sample to take on residential growth was 62% of the 2040 forecast. With the implementation of a range of proposed policy and financial interventions, the Assessment estimated that an increase in the development capacity of the PDA sample to 80% or more was feasible.

The 2015 Assessment includes an expanded sample of 65 PDAs; the initial 20 evaluated in 2013 and an additional 45 PDAs representing a range of place types and market conditions. The number of units allocated to the sample PDAs represents half of all of the housing units projected in Plan Bay Area and two-thirds of all Plan Bay Area units allocated to PDAs. The PDA Assessment reached the following conclusions:

- Given current local land use policies and development opportunity sites, there is capacity for about 70% of the Plan Bay Area 2013 allocation of residential units in the sample of PDAs (baseline readiness).
- With the implementation of a range of policy and investment interventions, the PDA Assessment estimates an increase in the development capacity of the PDA sample to 87% or more (amended readiness).
- Top PDA development constraints are similar to those found in the 2013 analysis and include infrastructure needs, limited local government financing and parcel assembly capacity (e.g. loss of redevelopment agencies and funding), market demand limitations, and in some cases, local zoning constraints.
- As found in the 2013 study, there are a range of policy actions could be implemented at the local, regional and state levels to address these development constraints and improve PDA development readiness, such as:
 - Refining local land use policies and zoning to improve the flexibility, predictability and efficiency of land use regulations;
 - Targeting available planning and capital funding to reflect development readiness; and
 - Expanding financing, particularly for infrastructure, and parcel assembly tools at the local level to provide jurisdictions with funding options or addresses parcel assembly challenges.
- Development of non-PDA areas will also continue, as Plan Bay Area anticipated 20% of future housing growth will occur beyond PDA boundaries. In most instances non-PDA areas face constraints similar to PDAs. Ultimately, market forces and local land use decisions will influence the precise location, development prototypes, and cost of future housing.

UPCOMING MEETINGS:

MTC Commission meeting: October 28, 2015
ABAG Executive Board meeting: November 19, 2015
Marin ABAG delegates: November/December 2015

Please direct questions to Pat Eklund, Mayor Pro Tem, City of Novato (phone: 415-883-9116; email: peklund@novato.org or pateklund@comcast.net)