

Report on ABAG to MCCMC

March 26, 2014

Please direct questions to Pat Eklund, Council Member, City of Novato 883-9116 or peklund@novato.org

ABAG GENERAL ASSEMBLY: The ABAG General Assembly & Business Meeting is scheduled for April 17, 2014 at the City Center Oakland Marriott from 8:30 to 3:30. Delegates and Alternates are encouraged to participate in the Annual Business Meeting (approval of the budget) along with a panel discussion entitled: Sharing Opportunity in the Bay area: Access to Jobs and Housing (see flyer).

PLAN BAY AREA: Since the approval of the Plan Bay Area and Final EIR on July 18, 2013, ABAG and MTC in collaboration with the BAAQMD and BCDC (Joint Policy Committee) have started working with jurisdictions on PDA Implementation. ABAG structured PDA implementation efforts based on the geographic clusters: Inner Bay Area Corridors, North Bay, Tri-Valley and Central/Eastern Contra Costa. The first phase focuses on the Inner Bay Area Corridors (SF, San Jose, Oakland and West Contra Costa County) which is expected to take 2/3rds of the region's growth between 2010 and 2040. ABAG and MTC held dialogues and site visits with the Congestion Management Agencies (CMAs) and city/county staff to understand their unique challenges and opportunities for collaboration. Based on the key findings from those discussions, ABAG and the Regional Agencies have identified five opportunities to support local PDA implementation which are:

- 1) Financial and Regulatory Tools to Make Development Feasible. Continue supporting the regional Transit-Oriented Affordable Housing (TOAH) fund and promote innovative partnerships and legislation to identify sustainable funding sources for community infrastructure and affordable housing.
- 2) Robust Provisions for Entitlement Efficiency. Provide guidance to jurisdictions on applicability of legislation and implications of utilizing legislation for the local development review process. ABAG will track the benefits and challenges created by current entitlement efficiency legislation and recommend adjustments in future legislation.
- 3) Corridor PDA Coordination. Support collaboration between jurisdictions in each Inner Bay Area Corridor to achieve shared objectives.
- 4) Strategies to Address Displacement and Retain Neighborhood Assets. Work with jurisdictions facing displacement challenges by providing resources and strategies that work across city boundaries.
- 5) Continued Coordination with Regional and State Agencies. Work on behalf of jurisdictions to coordinate regional and state agencies on issues such as water capacity, air quality, sea level rise, healthy infill development and disposition of former redevelopment agency land. Discuss obstacles and advocate for federal and state resources to implement the Plan.

ABAG has announced the availability of \$8M for PDA planning grants; and, began updating the PCA program framework and guidelines along with new evaluation tools and an updated application process. The proposed priority conservation area designations include: Natural Resource Land, Farmland, Urban Greening and Regional Recreation. ABAG will also begin discussions in 2014 on the Plan Bay Area update which is due in 2017.

Four lawsuits were filed against Plan Bay Area. They are:

Bay Area Citizens vs ABAG, et al.: Bay Area Citizens, a coalition of concerned residents from throughout the region represented by the Pacific Legal Foundation contends that Plan Bay Area violates the California Environmental Quality Act by failing to consider alternatives specifically 'less restrictive' development patterns that would achieve the same results but with reduced effect on the environment. The group also argues that Bay Area officials failed to consider GHG reductions expected from state regulations when setting the regional GHG-reduction targets.

Settlement: None to date.

Building Industry Association - Bay Area vs ABAG, et al.: The BIA claimed that the MTC and ABAG didn't account for all the housing that would be needed in the Bay Area during the time horizon of the plan. BIA claimed that Plan Bay Area essentially calls for exporting tens of thousands of housing units. The basis of the BIA's lawsuit was that 770,000 additional units of housing is necessary to meet demand during the time horizon of the plan. Instead, the plan calls for 660,000 additional units.

Settlement: In February 2014, BIA, ABAG and MTC agreed to settle the lawsuit without conceding any of the issues raised by any of the parties. We agreed that:

1. ABAG will develop a "Regional Housing Control Total" that assumes no increase in in-commuters over the baseline year and will not be based on historical building permit numbers.
2. The parties agree that neither ABAG nor MTC, nor individual local jurisdictions have legal authority to prohibit employees who live outside the region from commuting to jobs in the region. The intent of the Settlement Agreement is to ensure that the Regional Housing Control Total adopted as part of the SCS provides housing opportunities within the region to those employees projected to work within the region during the course of the planning period."
3. ABAG and MTC will conduct "robust" monitoring of regional development patterns, including tracking the number of permits issued inside "preferred development areas" versus outside those area.
4. ABAG and MTC will conduct a feasibility analysis prepared in consultation with stakeholders.
5. ABAG and MTC will conduct an open process on the methodology.

Communities for a Better Environment et al. v MTC, et al.: A coalition of environmental groups including the [Sierra Club](#), Earthjustice and Communities for a Better Environment asserts that the EIR was inadequate and the Plan does not spend enough money on public transportation, but instead invests in building new highways that will result in more time on the roads and increased greenhouse gas emissions. The Plan also fails to protect West Oakland and other vulnerable communities from the health effects of cars, trucks, ships and rail that pass through their communities. The Plan will also displace low-income and residents of color from their communities.

Settlement: None to date.

Post Sustainability Institute, et al. vs ABAG et al.: Contends the plan violates the 5th Amendment of the U.S. Constitution by taking property rights without just compensation and usurps city and county control over planning.

Settlement: None to date.

REGIONAL PROSPERITY PLAN (HUD GRANT)

This is a 3-year initiative funded by a \$5M HUD grant to support the implementation of Plan Bay Area with respect to economic mobility and opportunities for low- and moderate-income workers, production and preservation of affordable housing close to transit and neighborhood stabilization in communities at risk of displacement. This effort brought together a broad consortium of non-profit and business organizations, public agencies at the local and regional level to focus on projects that address three challenges in Plan Bay Area implementation including: 1) retention of a healthy economy by expanding middle-income jobs, better working conditions for low wage jobs and improved access to jobs and housing; 2) lack of federal and state subsidy for affordable housing development and preservation; and, 3) displacement risk of residents and businesses in jurisdictions. Each grantee will produce a final report with recommendations in 2015. For a complete list of the grantees, please contact me.