



# City of Palo Alto

(ID # 5021)

## Regional Housing Mandate Committee Staff Report

---

**Report Type: Action**

**Meeting Date: 8/14/2014**

**Summary Title: 2015-2023 HE Admin. Draft Update**

**Title: Review of the 2015-2023 Housing Element Update Administrative Draft and Discussion of Proposed Programs**

**From: City Manager**

**Lead Department: Planning and Community Environment**

### **Recommendation**

Staff recommends that the Regional Housing Mandate Committee review the 2015-2023 Housing Element Update Administrative Draft. Since sufficient housing sites have been identified, this review and discussion should now focus on the proposed programs.

### **Executive Summary**

The City is working on an update to its Housing Element for the period 2015-2023 in anticipation of a statutory deadline for State certification at the end of January 2015. As part of this planning process, on July 7, 2014, staff submitted a draft to HCD for their review. A conference call was held on July 31, 2013 to discuss HCD initial feedback. Details of the call are noted later in this report.

Two important components of the Housing Element are the Regional Needs Housing Allocation (RHNA) requirement and Housing Goals, Policies and Programs. The City was assigned a RHNA requirement of 1,988 units, as well as a surplus of approximately 200 units. Many of the sites in the City's existing Housing Element can be carried forward and used again as part of the updated inventory of sites. However some additional sites needed to be identified. On June 2, 2014, the Council identified 340 Portage Ave., sites on San Antonio Ave. as well as using existing units and second units as the way to meet the City's RHNA requirement. This strategy does not require any change in existing zoning, although the City Council directed staff to include a program in the Housing Element to consider replacing sites on San Antonio and South El Camino Real with new sites or increased densities closer to transit as part of the Comprehensive Plan Update (and after Housing Element certification).

With the Council's identification of housing sites on June 2, attention shifted to focus on the housing policies and programs. All the goals, policies and programs from the 2007-2014 Housing Element have been carried over. In April, staff presented the RHMC a number of

programs staff recommended to be removed because they had been completed or were no longer applicable. Eventually, some of the programs were revised and retained. The Community Panel is currently reviewing additional programs to include in the Housing Element. Those additional programs have been included in this staff report for RHMC review.

Submittal of the Administrative Draft to HCD at the beginning of July means that the City will receive official comments at the beginning of September, in sufficient time to complete a revised draft of the Housing Element Update for public review, recommendations (by the Community Panel, PTC, and RHMC), and consideration by the City Council before the end of the year.

## Background

The City of Palo Alto is required to update its Housing Element on a regular basis per State Housing Element Law (Government Code Section 65580 et seq.). Housing elements identify the existing and projected housing needs of all economic segments of a community, including the homeless and persons with disabilities, and promote a variety of housing types, including multifamily rental units, transitional and other types of supportive housing. Housing elements also define the policies and programs that a community will implement to achieve the goals and objectives it develops and adopts to address housing needs.

The State deadline to update the Housing Element for the time period 2015-2023, is January 31, 2015. For this update cycle, the State legislature has enacted legislation that imposes a strict penalty if certification is not approved by the deadline (although there is a 120-day grace period). If the Department of Housing and Community Development's (HCD's) certification is not received on time, jurisdictions must update their Housing Element every four years instead of on an eight year cycle. In addition, the City risks potential litigation if it does not update its housing element on time and a plaintiff could request the court to compel the City to comply with the housing element statutes, and to retain jurisdiction over City planning and permitting until the City comes into compliance. This potential loss of local control over zoning decisions is perhaps the most significant risk of noncompliance, however the City would also be ineligible for certain regional transportation funding programs.

California State Housing Element law requires each city and county to provide sites for sufficient new housing to meet their fair share of the regional housing need. As part of the Regional Housing Needs Allocation (RHNA) process, the City has been assigned an allocation of 1,988 units. The allocation is broken down by income categories as follows:

City of Palo Alto RHNA				
Very Low	Low	Moderate	Above Moderate	Total
691	432	278	587	1,988

It is important to note that under State law, the City would receive a RHNA allocation and be required to identify sites to accommodate multifamily housing even if it withdrew from the

Association of Bay Area Governments. However, Housing Element law only requires the City to provide residential zoning opportunities to accommodate its RHNA allocation. The law does not require the City to approve or construct housing, although there is a requirement that the City actively monitor housing production and implement programs to further housing objectives. In past housing cycles, the City has identified sufficient sites for its RHNA, but has never seen all of those units actually built.

## Discussion

### 1. Since the City’s Current Goals, Policies and Programs

The 2007-2014 Housing Element Goals, Policies and Programs serve as the foundation for the draft Housing Goals, Policies and Programs. At the April RHMC meeting, staff presented 11 programs from the current Housing Element that were proposed to be removed from the Administrative Draft. Below is a table that summarizes the RHMC’s April actions.

2007-2014 Housing Element Programs Revised or Removed for Draft Housing Element

Program	Program Summary	Reason for Removal	Result
H1.1.3	Provide incentives to developers such as reduced fees and flexible development standards to encourage the preservation of existing rental cottages and duplexes currently located in the R-1 and R-2 residential areas.	Very few sites qualify	Retained
H2.1.6	<del>Consider</del> <u>Encourage</u> density bonuses and/or concessions including allowing greater concessions for 100% affordable housing developments <del>consistent with the Residential Density Bonus Ordinance.</del>	Not adopted as part of Density Bonus ordinance	Retained with revision.
H2.1.7	Higher density residential overlay within the Pedestrian Transit Oriented Development (PTOD).	PTOD overlay district already allows for 40 du/acre w bonus.	Removed
H2.1.10	<u>Consider a</u> Amending the Zoning Code to create zoning incentives that encourage the consolidation of smaller lots identified as Housing Inventory Sites, such as development review streamlining, reduction in required parking for smaller units, setback modifications, or graduated density when consolidated lots are over one-half acre.	Lot consolidation is occurring because of the market. Incentives not needed.	Retained with revision. (Please see Discussion Item No. 4 “Other Program Considerations”)

H2.2.1	Adopt an ordinance for density bonus concessions.	Adopted	Removed
2.2.5	Revise the Zoning Ordinance to increase the density of up to 20 units per acre on CN-zoned parcels included in the Housing Inventory Sites.	Adopted	Removed
2.2.6	Amend the Zoning Code to create zoning incentives that encourage development on and consolidation of smaller lots.	Lot consolidation and redevelopment is occurring because of the market. Incentives not needed.	Removed
H2.2.7	Rezone property at 595 Maybell Avenue.	Adopted and rescinded by the voters	Removed
H2.2.8	The City will monitor available residential capacity and evaluate development applications on Housing Inventory Sites in mixed use zoning districts and the City will identify and zone sufficient sites to accommodate any shortfall.	With the proposed surplus of sites, staff will advocate for the removal of this program.	Removed
H3.1.10	Adopt a revised density bonus ordinance.	Adopted	Removed
H3.3.8	Amend the Zoning Code to allow transitional and supportive housing by right in all multifamily zone districts.	Adopted	Removed
H3.5.1	Amend the Zoning Code to allow emergency shelters by right within an overlay of the ROLM zone district located east of Highway 101.	Adopted	Removed

2. New Programs Added to the Draft 2015-2023 Housing Element

In addition to existing programs, during the preparation of the administrative draft, additional programs were included based on Community Panel, PTC, RHMC and Council discussions. One revision and additional programs have been included. The changes are as follows:

Program	Action	Reason for Action
H1.1.2	Deleted Amnesty program language for illegal residential second units	Recommended for removal by the Community Panel
H2.2.4	Added Program to provide financial assistance for the 23 existing units at Colorado Park to credit the units towards the City's Regional Housing Needs	In order to receive RHNA "credit" for existing units, a program must be created

	Allocation	
H2.2.5	Added Program to continue Site Review after HCD certification of the Housing Element	As proposed by the RHMC and approved by the City Council
H3.1.14	Added Program to encourage shared housing arrangement facilitation.	To encourage different housing options
H3.3.5	Added Program to review and consider revising second unit requirements to increase inventory	Increasing second unit production would reduce the number of needed housing units.
H5.1.7	Added Program to provide Housing Element to water and sewer service providers within the City	State requirement

3. Additional Proposed Programs to be Considered in the Draft 2015-2023 Housing Element

The Community Panel has been discussing additional programs for the Housing Element. In their June 26 and July 31 meetings, the Community Panel suggested the following programs, subject to development of specific language and further review:

- Consider allowing exclusively residential use on extremely small parcels currently zoned for mixed use by allowing the transfer of zoning requirements between adjacent parcels to create horizontal mixed use arrangements.
- As a part of planning for the future of El Camino Real, explore the identification of pedestrian nodes (i.e. “pearls on a string”) consistent with the South El Camino Design Guidelines, with greater densities in these nodes than in other areas.
- Explore requiring minimum residential densities to encourage more housing instead of office space when mixed-use sites develop.
- Consider implementing the Pedestrian and Transit Oriented Development (PTOD) Overlay for the University Ave. downtown district to promote higher density multifamily housing development in that area. Also consider developing specific plans for the downtown, California Avenue, and El Camino Real areas to implement in the updated Comprehensive Plan.
- Prepare a local parking demand database to determine parking standards for different housing uses (i.e. market rate multifamily, multifamily affordable, senior affordable, etc.) with proximity to services as a consideration.
- Assess the potential of removing maximum residential densities (i.e. dwelling units per acre) in mixed use zoning districts to encourage the creation of smaller housing units within the allowable Floor Area Ratio (FAR).

The Panel also wished reference existing Land Use policies regarding the desire for a transition between R-1 and multifamily neighborhoods.

4. Other Program Considerations

On July 31, 2014, staff had an initial conference call with HCD about the draft Housing Element. Overall, HCD was satisfied with the City’s draft and highlighted the City’s

extensive public participation. However, HCD did have some concerns about the City's dependence on small, mixed use lots. HCD feels that lot consolidation programs are crucial in providing affordable housing opportunities. While the RHMC had recommended revising Program 2.1.10 (see table above) to consider lot consolidation incentives, it was inadvertently left out of the administrative draft. Therefore staff will re-insert the program into the draft and notify HCD of the error. We hope this addresses HCD's concern.

The City has also received an email correspondence from the Building Industry Association of the Bay Area (BIA) dated August 1, 2014. The BIA had a number of comments on the proposed programs. Staff has not had sufficient time to review the comments and to provide a City response. A draft response will be provided to the RHMC at the meeting. Depending on the City response, it may include the need to introduce additional programs. The email is included as Attachment B.

### **Timeline**

Staff anticipates a HCD response to the draft within 60 days of the submittal (i.e. on or before September 6). Based on the HCD comments, staff will then revise the draft and will recirculate the draft for review by the public, RHMC, PTC and Council for their final approval.

### **Resource Impact**

Substantial staff time is necessary to update the Housing Element for the 2015-2023 period. Activities associated with the update include assembling updated data about housing and housing needs in Palo Alto, conducting required public outreach meetings, and preparing draft and final documents for review and adoption. Staff has executed a contract of approximately \$57,000 with MIG Consultants to assist with the data collection and analysis, public outreach efforts, and preparation of the Housing Element document. The City Attorney may also have costs associated with retaining outside legal counsel with specific expertise in Housing Element law.

The State and the region (ABAG/MTC) are continuing to place a greater importance on certified housing elements and now require a certified housing element in order for agencies to be eligible for funding. This year, the City received over \$4.0 million in competitive and non-competitive One Bay Area Grant (OBAG) transportation funds. The City would have been ineligible for these funds if the City did not have a certified Housing Element.

### **Policy Implications**

Cities and counties which do not meet the statutory deadline for the housing element update will be faced with the requirement to update their housing elements more frequently. Also, without compliant housing elements, jurisdictions may be faced with costly legal challenges pursuant to housing element law and/or fair housing law. Based on a legal challenge, a court may restrict local jurisdictions from issuing building permits and may assume jurisdiction over zoning and land use decisions necessary to bring the jurisdictions into compliance with the law. Also, if the City fails to identify or make available adequate sites to accommodate its RHNA

assignment within a given planning cycle, the City may be required to carry those units over into the next planning cycle, thus increasing the number of sites to be identified in the upcoming cycle.

**Attachments:**

- Attachment A: Draft 2015-2023 Palo Alto Housing Element (DOCX)
- Attachment B: Email from Building Industry Association dated August 1, 2014 (PDF)

ATTACHMENT A

Copy of HCD Review Draft, submitted to HCD on July 7, 2014  
(Delivered to City Council on July 30, 3014)

An electronic version is also available at the  
City of Palo Alto Housing Element Update website:  
<http://www.cityofpaloalto.org/civicax/filebank/documents/42972>



**Wong, Tim**

---

**From:** Paul Campos <pcampos@biabayarea.org>  
**Sent:** Friday, August 01, 2014 4:04 PM  
**To:** Johnson, James@HCD  
**Cc:** Paul McDougall; Patricia Sausedo; Wong, Tim  
**Subject:** Palo Alto Housing Element Comments  
**Attachments:** Housing Element Letter FINAL.pdf

Dear Mr. Johnson,

The Building Industry Association of the Bay Area respectfully submits these comments on the Housing Element submitted for HCD review by the City of Palo Alto. BIA is a non-profit trade association that represents hundreds of companies and thousands of employees in the building, development, and construction industries throughout the Bay Area.

Initially, BIA notes that in November 2013, the Bay Area Business Coalition-- of which BIA is a member-- worked with HCD to develop a letter containing a number of key issues and questions geared toward Bay Area housing element updates for the current cycle. The letter was sent to all Bay Area cities and counties, including Palo Alto. I have attached a copy of the letter that was sent to all jurisdictions, and here is the link to the letter on HCD's web site:

[http://www.hcd.ca.gov/hpd/housing\\_element2/documents/bayarea\\_heupdate112613.pdf](http://www.hcd.ca.gov/hpd/housing_element2/documents/bayarea_heupdate112613.pdf).

We have not received a response from Palo Alto and while the housing element does address a couple of the issues raised, BIA would like to see the housing element respond completely and directly to each issue before it is certified.

In addition, BIA has the following specific comments that we feel are not adequately addressed in the submitted housing element.

- **Building Height Limitations:** The element specially acknowledges that height limitations are a governmental constraint, but does not identify an adequate program committing to mitigate or eliminate this important constraint. The element speaks at length to the scarcity of available land for new residential development in Palo Alto, and the massive job growth the city continues to experience, resulting in the current astronomical housing prices and rents. In this context it is imperative to remove the constraint of height limitations on the land that is devoted to new housing to the maximum possible extent. While the element references a preexisting program (adopted in 2009) that allows for building height exceptions for projects in the PTOD zoning area, there is no analysis of how many projects or units have been able to utilize this exception; nor is there discussion of the criteria the City uses to determine whether to grant an exception. BIA believes that a better and more effective approach is to modify the existing height limitations in all of the areas identified as RHNA sites. This will provide certainty to the city, the community, and the development community. Considering both construction cost and building code issues, BIA recommends the following height limitation categories:
  - 35'-40' for 3 stories
  - 65' for 5 over 1 story podium
  - 85' for 5 over 2 story podium
  - 120'
  - Above 120'

- For every 1' of retail clear height above 12', the building height should increase a commensurate 1' (e.g., if a developer proposes a 15' clear, then the building height can increase by 3')
- **Parking Requirements:** Again, the housing element forthrightly acknowledges that parking requirements are a governmental constraint. BIA believes that the certified housing element should include an implementation measure that commits to reducing parking ratios wherever a TDM plan is required and for transit corridors and where care sharing programs exist.
- **Planned Zoning Moratorium:** The City recently adopted a moratorium on new approvals using the Planned Zoning process. The City's Planned Zoning process is akin to Planned Development/PUD zoning processes in other cities. Here is a link to the staff report on the City's action:[ <http://cityofpaloalto.org/civicax/filebank/documents/3880>]. The housing element should identify this moratorium as a potential constraint and a thorough discussion is needed to determine whether this will be a significant constraint on new housing development. For example, the draft element provides information on the overall number of housing units developed in prior planning periods. But it does not address how many of these projects and how many units were developed in projects using the Planned Zoning process vs. the "base" zoning designations. If the numbers are significant, the "time out" on future PZ projects would represent a severe constraint. Relatedly, the staff report for the PZ moratorium suggests that one of the issues to be modified in the revised PZ process is the level of "community benefits" that a project must provide in order to be approved as a PZ project. The housing element should be clear that the City will not attempt to extract "community benefits" or other exactions based on a City calculation of developer profitability/feasibility, or that otherwise would seek to evade the letter and spirit of the Mitigation Fee Act. Fees and exactions should only be considered and assessed in order to mitigate the the need for public facilities specifically caused by the new development.
- **Industrial Land Conversion Restrictions:** The draft indicates that the City intends to limit conversion of certain industrial land yet the housing element describes a city that is thriving with commercial activity and jobs and has a massive housing shortage. BIA has found that limitations on industrial land conversion in other cities have been significant constraints to housing development. The element should provide more detail about the locations of areas that are to be restricted, and the nature of the restrictions and what a project would have to show to be converted. Also, the certified element should contain a provision that if the RHNA sites identified in the element are not developed in a timely manner within the planning period, the industrial land conversion policy should be modified if the market find that land more suitable for housing than the sites the City has identified.
- **Housing Inventory Sites:** For its housing site inventory, the draft element relies heavily on a number of sites that are zoned for multifamily site capacity but have existing operating commercial uses on the site. The element relies on these sites for 386 (364 affordable) units . More historical and current development information should be provided on the existing commercial uses and analysis such that a determination can be made that it is likely that these uses will be terminated and these sites will be converted to housing within the next 8 year.
- **BMR Requirement:** There is an inadequate discussion of the City's inclusionary zoning requirement in the constraints section. The element should identify the actual cost per market rate unit that compliance with the ordinance entails. Palo Alto's BMR ordinance is one of the most burdensome and costly in the Bay Area and the compliance costs should be identified clearly in the housing element. This cost should be expressed both in terms of what the City demands as an in lieu fee for in kind units not built; and what the cost of providing the in kind units is when spread over the remaining market rate units using a standard development pro forma. The housing element should also contain a program committing to revise the BMR requirement so that it does not penalize larger and denser projects. Currently, larger (and likely higher density) projects are subject to a very high 20% BMR requirement. The element should commit to reducing the BMR requirement for projects that meet certain density thresholds and that are located in areas that the City (and region and state) are trying to incentivize such as the PTOD zoning area. The BMR ordinance should also allow payment of an in lieu fee "by right" at the developer's discretion rather than having to seek city approval.

- Park Fees: The City's park fee ordinance does not provide for credit for private park facilities provided as part of a project. The Quimby Act specifically contemplates such credits and Palo Alto is one of the few jurisdictions in the area that does not have a private park fee credit provision. The certified element should commit the City to adopt a credit provision.
- Affordable Housing Impact Fees: The element indicates that the City will be preparing a nexus study and considering adopting a new affordable housing impact fee on new market rate housing. The element should commit to ensuring that if any new fee is adopted, that a cumulative fee and exaction burden analysis be prepared and that if a fee is adopted it should replace the existing BMR program and result in an overall lessening of the regulatory burden imposed on new housing in Palo Alto.

Thank you for the opportunity to comment,

Paul Campos  
Sr. Vice President, Governmental Affairs  
General Counsel  
Building Industry Association of the Bay Area  
[pcampos@biabayarea.org](mailto:pcampos@biabayarea.org)  
925.951.6840 (Main Office)  
925.951.6844 (Office Direct)  
415.223.3775 (Mobile)

Contra Costa Centre Transit Village  
1350 Treat Blvd., Suite 140  
Walnut Creek, CA 94597

-----  
555 California Street, 10th Floor  
San Francisco, CA 94014



BUILDING INDUSTRY ASSOCIATION

\*\*\*\*\*



November 26, 2013

Housing/Planning Director  
Jurisdiction  
Via email



Re: Housing Element Update



BUILDING INDUSTRY ASSOCIATION



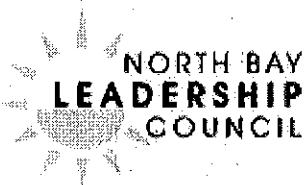
California  
Apartment  
Association



EAST BAY  
LEADERSHIP  
COUNCIL



Jobs and Housing Coalition



NORTH BAY  
LEADERSHIP  
COUNCIL



SAMCEDA  
San Mateo County Economic Development Association

The undersigned members of the Bay Area Business Coalition advocate for a vibrant regional economy and outstanding quality of life for existing and future residents of the San Francisco Bay Area. A necessary—though by no means sufficient—condition to achieve these goals is for the region to provide an adequate supply of housing within the region. State housing element law generally—and the governmental constraints component in particular—can be important tools to advance these goals. With Bay Area cities and counties currently updating their housing elements, our organizations respectfully request that your jurisdiction consider and address the following comments as part of the public review process.

We recognize that the housing element process can be resource intensive and sometimes difficult. We hope that by identifying certain priority issues and questions, this letter will assist in focusing resources on policies and practices that are of significant and recurring interest to the regulated community. We also would support incorporating these standardized issues into the framework for local jurisdictions to be able to take advantage of the housing element certification streamlining developed by the California Department of Housing and Community Development (HCD).

**I. Overview of the statutory provisions.**

The California Department of Housing and Community Development (HCD) has prepared formal guidance interpreting the constraints analysis portion of housing element law ([http://www.hcd.ca.gov/hpd/housing\\_element2/CON\\_home.php](http://www.hcd.ca.gov/hpd/housing_element2/CON_home.php)).

HCD's overview of the requirements and their purpose provides: *The element must identify and analyze potential and actual governmental constraints to the maintenance, improvement, or development of housing for all income levels, including housing for persons with disabilities. The analysis should identify the specific standards and processes and evaluate their impact, including cumulatively, on the supply and affordability of housing. The analysis should determine whether local regulatory standards pose an actual constraint and must also demonstrate local efforts*

to remove constraints that hinder a jurisdiction from meeting its housing needs.... The analysis of potential governmental constraints should describe past or current efforts to remove governmental constraints. Where the analyses identifies that constraints exist, the element should include program responses to mitigate the effects of the constraint. Each analysis should use specific objective data, quantified where possible. A determination should be made for each potential constraint as to whether it poses as an actual constraint. The analysis should identify the specific standards and processes and evaluate their impact, including cumulatively, on the supply and affordability of housing.

## **II. Requested specific areas of focus**

We have identified certain policies that generally represent significant potential constraints in the Bay Area and we request that as you conduct the constraints portion of your housing element review, these issues in particular be addressed:

- **Did your jurisdiction commit to addressing specific constraints as a condition of HCD certification of the existing housing element?** If so, what was the constraint and what has been done to address it?
- **Does your jurisdiction have a mandatory inclusionary zoning policy?** If so, has an analysis been done that measures the economic impact? Does it contain meaningful and regularly available incentives, and is its implementation flexible so that there are alternatives to a "like for like must build requirement" such as payment of reasonable in lieu fees, land dedication, or acquisition and rehabilitation of existing units with provision affordability covenants? Are such alternatives available at the developer's option or with staff approval—but without need for Council or Board approval on a project-by-project basis?
- **Has your jurisdiction adopted a density bonus ordinance consistent with governing state law (Gov't Code Section 65915)?** Does the density bonus ordinance count mandatory inclusionary zoning units toward the density bonus threshold as required by the recent court of appeal decision in *Latinos Unidos del Valle de Napa y Solano v. County of Napa*, 217 Cal. App. 4th 1160 (2013)?
- **What is the cumulative fee and exaction burden on new housing in your jurisdiction?** This analysis should include not only development fees that are "formally" reflected in published fee schedules, but also include exactions imposed via housing allocation program/ "beauty contests," community benefits/amenities agreements, CFD annexation requirements, and the like. The analysis should also include fees imposed by other agencies, for example school fees, sewer and water fees, and fees imposed pursuant to an applicable regional Habitat Conservation Plan. The analysis should determine the % of the sales price of new housing in the jurisdiction is represented by the cumulative fee/exaction burden, as well as the % of costs for rental housing units represented by the cumulative fee/exaction burden.
- **Does your jurisdiction have any recently adopted, proposed, or under consideration new or increased fee or exaction, such as an affordable housing impact fee?**
- **Has your jurisdiction required new housing projects, including multifamily/attached projects, to pay a fee or special tax for ongoing general governmental services?**

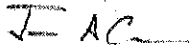
- **Does your jurisdiction have a designated Priority Development Area (PDA)? Is it a “planned” or “potential” PDA?** Have the number of residential units and densities shown in the PDA application been incorporated into the General Plan? Has the CEQA process been completed for the PDA so that no additional CEQA review is necessary for a proposed project consistent with the PDA? Have development restrictions and processes been streamlined in the area covered by the PDA?
  
- **What were the sites relied on for the adequate sites compliance of the existing housing element?** What has been the entitlement/development activity for these sites during the prior planning period? Were any of the sites subject to “by right” development procedures?
  
- **Does your jurisdiction have any type of cap or limitation on the number or type of housing units that may be permitted or constructed jurisdiction wide or in specific areas of the jurisdiction—including a cap or limitation tied to a specified level of new job creation in the jurisdiction?**
  
- **Has your jurisdiction provided for “by right” housing development in any areas?**
  
- **Are there zoning or other development restrictions (such as voter approval requirements, density limits or building height restrictions) that have impeded infill and/or transit oriented development?**
  
- **Has your jurisdiction consistently demonstrated compliance with both the letter and spirit of the Permit Streamlining Act?**
  
- **What are your jurisdiction’s historic preservation policies and review procedures and have they had a significant impact on the permit and entitlement processes for new development projects?**
  
- **Has your jurisdiction adopted an ordinance pursuant to the Quimby Act that gives developers credit for private open space?**
  
- **In implementing the Quimby Act, does your jurisdiction provide for consistency between the calculation of the existing neighborhood and community park inventory, and the criteria and procedures for determining whether to accept land offered for parkland dedication or to give credit for private open space?** For example, has your jurisdiction refused to accept an area in whole or in partial satisfaction of the parkland dedication ordinance on the basis that it is unsuitable for park and recreational uses even though the area is substantially similar to areas included in the overall parkland inventory used to calculate the parkland dedication requirement and fee?
  
- **In the project review process, has your jurisdiction required developers to use the Bay Area Air Quality Management District’s CEQA Thresholds of Significance for Toxic Air Contaminants (TAC Receptor Thresholds)?** Has your jurisdiction explored alternative procedures for addressing project siting and air quality concerns, such as in the general plan or zoning code?

- **Has your jurisdiction adopted a Climate Adaptation Plan that is more stringent with respect to the per capita GHG reductions for the land use sector/transportation sector than the equivalent per capita targets established for the region by CARB pursuant to SB 375?**

Our organizations intend to monitor housing element updates throughout the region, and we respectfully request that your jurisdiction formally respond to these questions early in the update process. We also ask that you send a paper or electronic copy of the responses to:

BIA of the Bay Area  
Attn: Paul Campos  
101 Ygnacio Valley Road, Suite 210  
Walnut Creek, CA 94596  
[pcampos@biabayarea.org](mailto:pcampos@biabayarea.org)  
415-223-3775

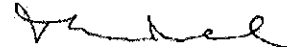
Yours very truly,



John Coleman  
Bay Planning Coalition  
Council



Paul Campos  
BIA Bay Area



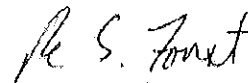
Tom Terrill  
East Bay Leadership



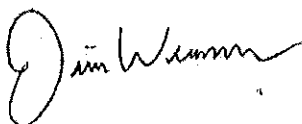
Gregory McConnell  
Jobs & Housing Coalition



Cynthia Murray  
North Bay Leadership Council



Rosanne Foust  
SAMCEDA



Jim Wunderman  
Bay Area Council



Joshua Howard  
California Apartment Association