

**SOLANO  
City-County Coordinating Council  
Special Meeting**

**PRELIMINARY AGENDA**

**August 9, 2012**

Solano County Water Agency – Berryessa Room  
810 Vaca Valley Parkway, Suite 203  
Vacaville, CA 95688

**7:00 P.M. Meeting**

*(CCCC Meeting will begin immediately following the  
Solano County Water Agency meeting)*

**MEMBERS**

Jack Batchelor  
Chair  
*City of Dixon*

Linda J. Seifert  
Vice Chair  
*Supervisor, District 2*

Elizabeth Patterson  
*City of Benicia*

Harry Price  
*City of Fairfield*

Jan Vick  
*City of Rio Vista*

Pete Sanchez  
*City of Suisun City*

Steve Hardy  
*City of Vacaville*

Osby Davis  
*City of Vallejo*

Barbara Kondylis  
*Supervisor District 1*

Michael Reagan  
*Supervisor District 5*

Jim Sperring  
*Supervisor District 3*

John Vasquez  
*Supervisor District 4*

**SUPPORT STAFF:**

Birgitta Corsello  
*Solano County  
Administrator's Office*

Michelle Heppner  
*Solano County  
Administrator's Office*

Daryl Halls  
*Solano Transportation  
Authority*

Sean Quinn  
*City of Fairfield*

**PURPOSE STATEMENT – City County Coordinating Council**

“To discuss, coordinate, and resolve City/County issues including but not necessarily limited to land use, planning, duplication of services/improving efficiencies, as well as other agreed to topics of regional importance, to respond effectively to the actions of other levels of government, including the State and Federal government, to sponsor or support legislation at the State and Federal level that is of regional importance, and to sponsor or support regional activities that further the purpose of the Solano City-County Coordinating Council.”

*Time set forth on agenda is an estimate. Items may be heard before or after the times designated.*

**ITEM**

**AGENCY/STAFF**

**I. CALL TO ORDER (7:00 p.m.)**

**II. APPROVAL OF AGENDA (7:00 p.m.)**

**III. OPPORTUNITY FOR PUBLIC COMMENT (7:05 p.m.)**

Pursuant to the Brown Act, each public agency must provide the public with an opportunity to speak on any matter within the subject matter of the jurisdiction of the agency and which is not on the agency's agenda for that meeting. Comments are limited to no more than 5 minutes per speaker. By law, no action may be taken on any item raised during public comment period although informational answers to questions may be given and matter may be referred to staff for placement on future agenda.

This agenda shall be made available upon request in alternative formats to persons with a disability, as required by the Americans with Disabilities Act of 1990 (42U.S.C.Sec12132) and the Ralph M. Brown Act (Cal.Govt.Code Sec.54954.2) Persons requesting a disability-related modification or accommodation should contact Jodene Nolan, 675 Texas Street, Suite 6500, Fairfield CA 94533 (707.784.6108) during regular business hours, at least 24 hours prior to the time of the meeting.

**IV. CONSENT CALENDAR**

1. Approval of Minutes for May 10, 2012  
(7:10 p.m.)

Chair Batchelor  
Action Item

## V. DISCUSSION CALENDAR

1. Legislative Update (Oral Report)  
(7:10 p.m. – 7:30 p.m.)

Presenters: Paul Yoder,  
Shaw/Yoder/Antwih Inc.

2. Priority Development Areas (PDA) Investment Strategy – (Action Item)  
(7:30 p.m. – 7:40 p.m.)

Presenter: Daryl Halls, Solano  
Transportation Authority

3. Priority Conservation Areas (PCA) – North Bay Pilot Program – (Action Item)  
(7:40 p.m. – 7:50 p.m.)

Presenter: Daryl Halls, Solano  
Transportation Authority

4. PG&E Energy - Climate Action Plans - Update  
(7:50 p.m. – 8:10 p.m.)

Presenter: Bob Macaulay, Solano  
Transportation Authority  
OBAG Milestones

5. Regional Housing Needs Allocation (RHNA) Update (Action Item)  
(8:10 p.m. – 8:20 p.m.)

Presenter: Matt Walsh, Solano  
County, Resource Management

6. AB 542 (Allen) - Land Use: Housing Element: Regional Housing Need.  
(8:20 p.m. – 8:30 p.m.)

Presenter: Matt Walsh, Solano  
County, Resource Management

7. 2013 CCCC Meeting Schedule Proposed Changes – (Action Item)  
(8:30 p.m.- 8:35 p.m.)

Presenters: Nancy Huston,  
Solano County

## VI. ANNOUNCEMENTS

## VII. CCCC CLOSING COMMENTS

**ADJOURNMENT:** The next meeting (Special meeting) is scheduled for September 12, 2012 at 1:00 p.m. at the Solano County Event Center 610 Texas Street, Fairfield, CA.

**CITY-COUNTY COORDINATING COUNCIL**  
**May 10, 2012 Meeting Minutes**

The May 10, 2012 meeting of the Solano City-County Coordinating Council was called to order at 7:00 p.m. in the Berryessa Room at the Solano County Water Agency located at 810 Vaca Valley Parkway, Ste 303, Vacaville, CA 95688.

**I Roll and Call to Order**

**Members Present**

Jack Batchelor, Chair	Mayor, City of Dixon
Steve Hardy, Vice-Chair	Mayor, City of Vacaville
Elizabeth Patterson	Mayor, City of Benicia
Harry Price	Mayor, City of Fairfield
Jan Vick	Mayor, City of Rio Vista
Pete Sanchez	Mayor, City of Suisun
Barbara Kondylis	Solano County Board of Supervisors (District 1)
Linda Seifert	Solano County Board of Supervisors (District 2)
Jim Spering	Solano County Board of Supervisors (District 3)
John Vasquez	Solano County Board of Supervisors (District 4)
Mike Reagan,	Solano County Board of Supervisors (District 5)

**Members Absent:**

Osby Davis	Mayor, City of Vallejo
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**Staff Present:**

Birgitta Corsello	Solano County Administrator, Solano County
Nancy Huston	Assistant County Administrator, Solano County
Michelle Heppner	Legislative, intergovernmental, and Public Affairs
Bill Emlen	Solano County
Matt Walsh	Solano County
Daryl Halls	Solano Transportation Authority
Bob Macaulay	Solano Transportation Authority

**Guests Present:**

Laura Kuhn	City Manager, City of Vacaville
Sean Quinn	City Manager, City of Fairfield
Dawn LaBar	Legislation & Special Projects Manager, City of Fairfield

**a. Opportunity for Public Comment**

*There were no public comments.*

**b. Consent Calendar**

- a. Approval of minutes for February 8, 2012

*Minutes were not available to act on, will be included in August 9, 2012 meeting agenda.*

## **V Discussion Calendar**

**Agenda was reordered, moving item 2 to the end of the agenda.**

### **1. Community Conversation Workshop Update on Mental Health and Realignment Issues**

Mayor Batchelor provided an overview of the May 2, 2012 Community Conversations workshop that addressed mental health and realignment issues. The keynote speaker, Leon Evans, is a national speaker and leader in the mental health field with 37 years advocating for appropriate mental health services. As Chief Executive Officer of the Center for Health Care Services, a nationally known and praised program, Mr. Evans presented an overview of his program in Bexar County, Texas. Mr. Evans explained how the criminalization of the mentally ill leads to overcrowding in jails / prisons and cost overruns. More importantly Mayor Batchelor noted that Mr. Evans spoke about how the cities and the County can work together, including law enforcement, health services and the County Sheriff. The group broke into small group discussions to address several questions posed to them. Mayor Batchelor noted it was an enlightening and worthwhile afternoon discussing collaboration and the importance of working together as we have done with MediCal and public and private agencies that deal with long-term mental health issues. Mayor Batchelor agreed to distribute the information from the Community Conversations workshop out to the CCCC and is included as Attachment A of these minutes.

### **2. Agenda Item 3 - Approval of a Delegation Agreement (DA) between ABAG and the Solano County Regional Housing Needs Allocation (RHNA) Subregion.**

Mathew Walsh, Solano County Resource Management reminded the CCCC that they are in the middle of the Regional Housing Needs Allocation process which is under the State Housing, the process by which ABAG allocates housing needs to each of its cities and counties in the Bay Area. ABAG will allocate housing needs to Solano, as a subregion allowed under State law, to the Solano region as a whole as opposed to individual agencies. It is the responsibility of the subregion to allocate the housing needs internally. Solano, as a subregion, needs to enter in to a delegation agreement with ABAG. It is a non-binding Memorandum of Understanding (MOU) stating the county as a subregion will follow the rules of a subregion as required under State law. The subregion delegation agreement is due to ABAG by May 16, 2012.

**ACTION TAKEN: The CCCC unanimously approved the submittal of the subregion delegation agreement with ABAG.**

### **3. Agenda Item 4 - Update on One Bay Area Grant (OBAG)**

The Metropolitan Transportation Commission (MTC) staff issued guidelines in late December 2011 to help guide how the funds will be allocated and spent. The following four requirements provide guidelines for eligibility to obtain OBAG funding:

1. Fifty percent of the funds need to spend in designated Priority Development Areas (PDA). *Update: Every city with the exception of Rio Vista has an approved PDA. Rio Vista's PDA approval is pending before ABAG. Rio Vista's approval will help in meeting the fifty percent requirement.*
2. A second requirement is for all jurisdictions to meet the Complete Streets Act of 2008. The original proposal was for July 1, 2013 then it was proposed as a General Plan Amendment and then revised to an ordinance adopted by October 1, 2012 in order to meet the Federal fiscal year. The most recent change released by MTC staff Friday (May 4, 2012) was that it could be an ordinance or a resolution and would not need to be in place until January 1, 2013 which gives local jurisdictions additional time to comply. To date, the City of Dixon has revised its General Plan to meet the complete streets requirement.
3. A third requirement is to have a Habitat Conservation Plan (HCP) certified housing element. *Update: All jurisdictions except Benicia have a certified housing element.*
4. Lastly, a requirement that each of the Congestion Management Agency's (CMA) develops a PDA Growth Strategy. It should be fairly detailed and requires CMA's to conduct detailed inventories of affordable housing, both existing and zoning barriers, including policy barriers, non-transportation infrastructure barriers, and then begin monitoring the construction of affordable housing over the years. This requirement stems from SB 375 which ties transportation dollars to housing and focused on affordable housing.

#### **CCCC Discussion and Questions.**

Mayor Patterson thanked Mr. Macaulay for the thoroughness of his presentation. She noted that Benicia considered its General Plan consistent with the Complete Streets Act because it includes the traffic calming philosophy and policies and programs some time ago which accommodate cars, bicyclists, and pedestrians. Mayor Patterson indicated she was particularly mindful of the last requirement especially for projects already in the pipeline and offered support for the overall strategy with the understanding that it was fair and equitable for all jurisdictions in the County.

#### **4. Agenda Item 2 – Legislative Update**

Ms. Heppner provided an overview of the two ballot measures on the June 5, 2012 election, Proposition 28, which Limits on Legislators' Terms in Office and Proposition 29, which imposes an additional tax on cigarettes for Cancer Research.

Proposition 28 makes changes to the terms and structure for a person to serve in the state legislature. Currently, legislatures may serve up to 14 years, including six years in Assembly and up to eight years in the State Senate. This measure will reduce the total amount of time a person may serve in the state legislature from 14 years to 12 years. It further allows a person to serve the total of 12 years either in the Assembly, the Senate,

or a combination of both. New term limits will apply only to legislators first elected after the measure is passed. Legislators elected before the measure is passed continue to be subject to existing term limits. There is no direct fiscal effect on state or local governments.

Proposition 29 imposes additional five cent tax on each cigarette distributed (\$1.00 per pack), and an equivalent tax increase on other tobacco products, to fund cancer research and other specified purposes. Requires tax revenues be deposited into a special fund to finance research and research facilities focused on detecting, preventing, treating, and curing cancer, heart disease, emphysema, and other tobacco-related diseases, and to finance prevention programs. Creates a nine-member committee charged with administering the fund. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: *Increase in new cigarette tax revenues of about \$855 million annually by 2011- 12, declining slightly annually thereafter, for various health research and tobacco-related programs. Increase of about \$45 million annually to existing health, natural resources, and research programs funded by existing tobacco taxes. Increase in state and local sales taxes of about \$32 million annually.*

**CCCC Discussion and Questions.**

Supervisor Kondylis asked if an analysis had been done with regard to First 5’s funding relevant to Proposition 29. Ms. Heppner expressed that she had not seen an analysis but would research it and will report back if potential funding concern exist.

ACTION TAKEN: While this item was not listed for action, Mayor Patterson expressed an interest in taking a position on the ballot measures. Chair Batchelor called for roll-call vote on each ballot measure separately.

CCCC Member	Jurisdiction	Proposition 28	Proposition 29
Chair Batchelor	City of Dixon	No	Yes
Vice-Chair Seifert	County of Solano	No	No
Mayor Patterson	City of Benicia	Yes	Yes
Mayor Price	City of Fairfield	Yes	Yes
Mayor Vick	City of Rio Vista	Yes	No
Mayor Sanchez	City of Suisun City	Yes	Yes
Mayor Hardy	City of Vacaville	Yes	No
Mayor Davis	City of Vallejo	Absent	Absent
Supervisor Kondylis	County of Solano	No	No
Supervisor Reagan	County of Solano	No	No
Supervisor Spering	County of Solano	No	No
Supervisor Vasquez	County of Solano	No	No
		<b>6-No / 5-Yes - FAIL</b>	<b>7-No / 4-Yes - FAIL</b>

Following the discussion and action taken on Propositions 28 and 29, Paul Yoder, the County’s State legislative advocate introduced Gus Khouri, both with Shaw, Yoder, Antwih, LLC to present SB 1149, a bill authored by Senator DeSaulnier, recently “gut and amended” the bill which proposes to create an additional oversight commission

which he calls the Bay Area Regional Commission (BARC), to consolidate the activities of the Metropolitan Transportation Commission (MTC), Bay Conservation and Development Commission (BCDC), Bay Area Air Quality Management District (AQMD), and the Association of Bay Area Governments (ABAG) under one roof. The proposed commission would supersede MTC with respect to all funding decisions in the region. The proposed commission would be comprised of 15 districts. Essentially it equates to the Joint Policy Commission but with more “teeth”. Based on the makeup of the proposed commission, Solano could be lumped in with one or more other jurisdictions resulting in no representation from Solano County.

A lively discussion pursued with several CCCC members noting the key issues of the bill. Specifically, CCCC members were concerned with the local land use decision being removed and the diversion of State and Federal funding away from regional agencies. The CCCC members were concerned with the prescribed 20-year economic development strategy that will determine where development takes place. The proposed commission will also review policies and plans, and associated regulations, of each regional entity. The review shall include an assessment of the consistency of the policies, plans, and regulations among the regional entities with the requirements of Senate Bill 375 which implies that the proposed commission will direct where transportation dollars are invested. The proposed commission also has the authority to override the goals of the region. Furthermore, the CCCC members were concerned with provision that the proposed commission will develop the socioeconomic profile of each county.

Birgitta Corsello, County Administrator, noted the reason for including this bill on the CCCC agenda was based on the original draft of the bill and the CCCC policy on opposing consolidating regional agencies in the Bay Area and the loss of the CCCC’s ability to influence and have positions that that can vote on the budgets and policies coming out of those regional agencies. Although the bill has subsequently changed to remove the elected section, its provisions ensure consistency of the CCCC to maintain local control.

ACTION TAKEN: The CCCC unanimously voted to oppose SB 1149 and directed staff to draft a letter addressed to the Senate Appropriations Committee. (Before a letter could be drafted, the author withdrew the bill and it has subsequently died).

**VI. ANNOUNCEMENTS:**

No announcements.

**VII. ADJOURNMENT:**

The meeting was adjourned at 8:27 p.m. The next meeting will be August 9, 2012 in the Berryessa Room at the Solano County Water Agency located at 810 Vaca Valley Parkway, Ste 303, Vacaville, CA 95688.

**Overview of the May 2, 2012 Community Conversations**

**MENTAL HEALTH AND REENTRY: HOW CAN WE MAKE IT WORK?**

Chair Batchelor introduced Lean Evans, a national speaker and leader in the mental health field with 37 years advocating for appropriate mental health services. As Chief Executive Officer of the Center for Health Care Services, a nationally known and praised program, Mr. Evans provided national leadership to educate on mental health and substance abuse issues. During his work, he found that persons with mental illness are over represented in in-appropriate settings such as emergency rooms, jails and prisons and he has tried to mitigate that. In 2003, Mr. Evans called for legislation which would require the support of and development of statewide jail diversion for all Texas counties. Since then, Mr. Evans has maintained a rigorous schedule of advocacy at the State and National level.

Mr. Evans presented an overview of his program in Bexar County, Texas. He explained how the criminalization of the mentally ill leads to overcrowding in jails / prisons and cost overruns. He cited a 2007 study by the United States Interagency Council on Homelessness that found the cost of one homeless person to the taxpayer to be \$200,000 per year on average. Mr. Evans showed how increased communication among stakeholders, open community meetings and detailed meeting minutes transformed the Mental Health and Justice system in Bexar County to a collaborative partnership and Therapeutic Justice. The components of this system are jail diversion, alternative sentencing, Mental Health Courts supported by Mental Health clinicians, sequential intercepts for clients, and crisis intervention / mediation training for Peace Officer provided by a trained negotiator. The system is held together by a Continuous Quality Improvement effort and a coordinator who ensures stakeholders stay committed. Mr. Evans was able to attract private investors because his services resulted in cost savings to the taxpayer.

**SMALL GROUP DISCUSSION:**

**How can we implement lessons learned from other programs such as the Center for Healthcare Services? Who is affected? Who needs to be involved in planning?**

Chair Batchelor thanked Mr. Evans and introduced small group discussions. The questions posed were:

- What are the most cost effective strategies that will help keep the jail population down, while addressing public safety demands? Which strategies can be implemented in the near and middle term, and which the long term?
- Which priority strategy should be happening NOW, in order to reduce the demand on the criminal justice system posed by the AB109 Justice Realignment?
- What collaborative resources/activity would be necessary to accomplish this short term goal (e.g., reduce bookings when diversion to a treatment resource might have been possible)?

- What agreements do we need to forge to implement the highest priority strategy? What vehicles are in place that are working for collaboration and coordination already?
- What programs mentioned in Mr. Evans report could be implemented in Solano and how would they look?
- How would we further increase collaboration between local law enforcement and behavioral health professionals?

## **SMALL GROUP REPORT OUTS**

Groups reported the outcomes of the discussions. The following strategies were recommended for consideration by community stakeholders and the Community Corrections Partnership:

- Provide Crisis Intervention Training (as structured by Leon Evans) over 40 hours over several weeks, pay for staff / overtime. Training is based on role play and mediation. Use trained negotiator as trainer.
- Ask Judge Beeman whether Judge Nelson can get involved in joint planning (Judge Nelson made positive remarks about peer mentors and case management at the 4Cs Summit on Realignment).
- Establish Mental Health Court, combine Mental Health Court w/ mental health assessment counselor.
- Address frequent fliers issues by age group.
- How a cost scenario based on national data showing savings.
- Use Intergovernmental Transfer (IGT) / expand IGT with AB 109 monies to shore up Mental Health (MH) / Substance Abuse reentry services.
- Include a Mental Health Clinician in booking area.
- Establish Multi Disciplinary triage team sited at Probation.
- Establish “attendance counselors” at school sites.
- Modify release procedures and ensure medication continuity.
- Ensure to enroll reentry population in health insurance under healthcare reform (work with SCBH and Health Plan)
- Partner with Education, explore: can “conduct disorder” be covered under IDEA funding?
- Partner with California Department of Corrections and Rehabilitation (CDCR) to focus on parole revocations and combine services to parolees (3056'ers)
- Keep detailed minutes of all meetings, distribute them widely.
- Establish a new coordinator through 4Cs or re-direct an existing coordinator position aimed at having somebody dedicated to keep all community partners engaged in planning and policy.

- Cities and County align reentry policies to shore up support for CBO's (e.g. transportation to MH services / appointments.)
- Create a 23 hour Crisis Stabilization with a potential expansion to add a detox unit.
- Provide a small facility for a recovery oriented community, volunteer based combine with a few case managers, with aggressive support to enroll clients into SSI.
- How would we further increase collaboration between local law enforcement and behavioral health professionals?
- Establish a Joint Delegation and facilitate a visit to Lean Evans's program where Solano delegates can spend time together, get to know each other and the program, develop joint long term commitment to a Solano – grown version of Therapeutic Justice.
- Free up Peace Officer time to deal with offenders by implementing a Crisis Unit with a plan of whom to place in the Crisis Unit and under what circumstances, plan jointly developed by Mental Health, Police Chiefs, Hospitals and Sheriff.
- Establish alternative sentencing for work release (San Mateo offers work with CalTrans).
- Create a joint community – wide resource mapping to eliminate duplicate efforts.
- Track County-Community-wide systemic cost.

**SOLANO  
City County Coordinating Council  
Staff Report**

**Meeting of: August 9, 2012  
Agenda Item No: V.2**

**Agency/Staff: Daryl Halls**

**Title /Subject:** Priority Development Areas (PDA) Investment Strategy.

**Background:**

**TO BE DELIVERED**

**Discussion:**

**Recommendation:**

Attachments:

**SOLANO  
City County Coordinating Council  
Staff Report**

**Meeting of: August 9, 2012  
Agenda Item No: V.3**

**Agency/Staff: Daryl Halls**

**Title /Subject:** Priority Conservation Areas (PCA) – North Bay Pilot Program.

**Background:**

**TO BE DELIVERED**

**Discussion:**

**Recommendation:**

Attachments:

**SOLANO  
City County Coordinating Council  
Staff Report**

**Meeting of: August 9, 2012  
Agenda Item No: V.4**

**Agency/Staff: Daryl Halls**

**Title /Subject:** PG&E Energy - Climate Action Plans - Update.

**Background:**

**TO BE DELIVERED**

**Discussion:**

**Recommendation:**

Attachments:

**SOLANO  
City County Coordinating Council  
Staff Report**

**Meeting of: August 9, 2012  
Agenda Item No: V.5**

**Agency/Staff: Matt Walsh, Solano County**

**Title /Subject:** Accept a status report relating to the ongoing Regional Housing Needs Allocation (RHNA) process, including the Cities' and County's work as a Subregion.

**Background:**

Under State Housing Element law, the Regional Housing Needs Allocation (RHNA) process is the procedure for allocating a "fair share" of housing units, in all income categories, to each city and county in California, including the Bay Area. Under State law, the Association of Bay Area Governments (ABAG) is responsible for formulating the methodology and allocating the housing units to each jurisdiction. The RHNA planning period has historically addressed a 7 year planning period, however, as referenced below, the next RHNA cycle will be for an 8 year planning period.

Also as provided for under State law, contiguous cities and counties may choose to come together and form a subregion. Under the RHNA process, a subregion is allocated a total number of units, and the subregion itself must develop its own internal methodology for distributing those units among its agencies. The methodology must comply with both California housing law and with the Sustainable Communities Strategy (SCS) which promotes the development of housing in employment and transit based areas. Once the allocation is final, each agency must then update its Housing Element to incorporate those units into its next planning period for the years 2015 – 2022.

In February and March of 2011, Solano County and each of its cities passed resolutions to form and participate in a Solano Subregion. Solano is one of three counties in the Bay Area electing to utilize a subregional approach. The others are Napa County and San Mateo County. Formation of a subregion allows for more local control and coordination among the County and each of its cities in the allocation process.

**Discussion:**

On July 19, 2012, the ABAG Executive Board adopted the final methodology and released its draft allocation based on that methodology. The allocation to the Solano subregion is 6,977 total housing units. This figure is based on the percentage of growth of the County as identified in the Sustainable Communities Strategy (SCS) Jobs Housing Connection Strategy. The Subregion received the equivalent proportion of the Bay Area's RHND allocation as its growth percentage in the SCS (approximately 3.7%). By way of comparison, the total allocation to Solano County and its cities in the last planning period (2007-2014) was 12,985 housing units.

The Subregion has formed a Working Group, made up of staff representatives of each local agency. The Working Group and its consultant David Early will meet during July, August, and September to formulate and decide upon the Subregion's internal methodology for distributing the 6,977 housing unit allocation among the agencies, including each agency's share based on income category.

Once the subregional methodology and allocation is determined, each agency will take the draft subregional methodology to its City Council/Board of Supervisors for review. The agency will be asked to direct the CCCCs to adopt a single resolution and submit the resolution to ABAG for final review and approval of the Subregion's methodology and allocation. This resolution is due to ABAG by February 1, 2013.

**Recommendation: Accept a status report relating to the ongoing Regional Housing Needs Allocation (RHNA) process, including the Cities' and County's work as a Subregion.**

Attachments:

**SOLANO  
City County Coordinating Council  
Staff Report**

**Meeting of: August 9, 2012  
Agenda Item No: V.6**

**Agency/Staff: Matt Walsh, Solano County**

**Title /Subject:** Authorize the submittal of a letter from the CCCCs, opposing AB 542, which proposes to limit the ability of an agency to provide detailed analysis demonstrating that it can meet its housing allocation for low income residents in its Housing Element of the General Plan.

**Background:**

Under State Housing Element law, the Regional Housing Needs Allocation (RHNA) process is the procedure for allocating a “fair share” of housing units, in all income categories, to each city and county in California, including the Bay Area. Under State law, the Association of Bay Area Governments (ABAG) is responsible for formulating the methodology and allocating to each jurisdiction. Once allocated, each agency is required under State housing law to update its Housing Element and demonstrate how it intends to accommodate those units, including units in each income category. Current law allows the agency to utilize a default density provision to show it can meet its low income allocation, or it can provide an analysis of how it intends to meet the income requirements without a default density. The default density provision allows sites to be counted toward low income allocations if the site is zoned at a minimum density (i.e. 30 units/acre). The minimum density differs from city to city, depending on size and other city characteristics. Agencies such as City of Fairfield and Solano County have not utilized the default density provision and have relied upon the alternative analysis option and, as a result, HCD has certified their Housing Elements based on this analysis.

**Discussion:**

AB 542 (Allen) proposes to eliminate the current option, permitted under the law, which allows agencies to conduct an analysis to demonstrate how its current zoning will accommodate its fair share housing allocation for low income residents. It would be replaced by an unfamiliar method that Cities and Counties have not had the opportunity to review and provide input. The new method is sponsored by Napa County who has had difficulty in obtaining HCD certification of its Housing Element. The intent of this bill would seem to benefit one agency, while greatly affecting many more agencies that rely on this existing “alternatives analysis” in order to receive certification from HCD.

For the CCCCs’ review, a template letter is provided as Attachment A which can be customized and submitted on behalf of the CCCCs. Attachment B provides a summary of AB 542 as well as a summary of default densities.

**Recommendation:** Authorize the submittal of a letter from the CCCCs, opposing AB 542, which proposes to limit that ability of an agency to provide detailed analysis demonstrating that it can meet its housing allocation for low income residents in its Housing Element of the General Plan.

Attachments:

Attachment A: Template letter of opposition  
Attachment B: Summary of AB 542 and Default Densities

Date

Assembly Member Allen  
State Capitol, Room 5158  
Sacramento, CA 95814  
Fax: (916) 319-2158

**RE: AB 542 (Allen). Land use: housing element: regional housing need.**  
*(as amended June 27, 2012)*  
**NOTICE OF OPPOSED UNLESS AMENDED**

Dear Assembly Member Allen:

The City of [REDACTED] is opposed AB 542 (Allen), which would prevent communities from using the analysis authorized under current law to demonstrate that sites are zoned at densities that accommodate its share of the regional housing need for lower income households.

Under existing law, a jurisdiction can show that the site inventory in its housing element accommodates its share of the regional housing need for lower income households using one of two methods. The jurisdiction can either use the "Mullin densities" or do an analysis that includes factors such as market demand, financial feasibility, or information based on development project experience in order to demonstrate how the adopted densities accommodate this need. While it is no easy task to do the analysis requirements, many jurisdictions, including ours, (if your jurisdiction has an HCD approved housing element and you used the analysis to show how your adopted densities meet your affordable housing needs) have done so in order to have a housing element approved by the Department of Housing and Community Development (HCD).

As you know, changing the housing element law is a very controversial topic for both local governments and the housing advocacy community. In the past, any changes to the housing element have been done with input from those that would be affected such as the affordable housing advocates, local governments and HCD. However, in the case of AB 542, no local jurisdiction (other than the sponsors of the bill), were a party to the negotiations. Before such a change to the housing element requirements occurs, input from all stakeholders should be represented and considered. If Napa County moves forward with AB 542, then every jurisdiction loses the ability to use the alternative analysis that is available under existing law and all jurisdictions would be limited to the option negotiated for the benefit of one county

We believe that the requirement under AB 542 to show that the financial feasibility of newly constructing unsubsidized, market-rate housing affordable to low-income and very low income households at the adopted densities will be difficult, if not impossible to prove. We believe the vague language will only lead to further disputes between HCD and local jurisdictions.

For these reasons, the City of [REDACTED] is opposed unless amended to AB 542 unless existing law can be restored. If you have any questions about our position, you can reach me at [REDACTED].

Sincerely,

Name  
Title

cc: Your Senator and Assembly Member  
Your Regional Manager

Kirstin Kolpitcke, League of California Cities (Fax: 916/658-8240)

Mark Stivers, Consultant, Senate Transportation and Housing Committee (Fax: 916/445-2209)

Doug Yoakam, Republican Consultant, Senate Transportation and Housing Committee (Fax: 916/445-3105)



### **AB 542 (Allen)**

Restricts A Jurisdiction From Being Able To Use An Option Under Existing Law To Show That Its Housing Element Accommodates Its Share Of The Regional Housing Need.

#### **Notice of Oppose Unless Amended**

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**Existing Law:** Under existing law, a jurisdiction can show that its housing element accommodates its share of the regional housing need for lower income households by either using the Mullin densities or by doing an analysis that includes factors such as market demand, financial feasibility, or information based on development project experience in order to demonstrate how the adopted densities accommodate this need. While it is not easy to meet the analysis requirements, many jurisdictions have done so and have an approved housing element as determined by the Department of Housing and Community Development (HCD).

**AB 542 (Allen):** This bill would prohibit jurisdictions from being able to provide the analysis that is allowed under current law and instead replaces it with unfamiliar analysis requirements that use substantial evidence and other more strict criteria that will be difficult, if not impossible to prove. For example, AB 542 requires the analysis to demonstrate that the financial feasibility of newly constructing unsubsidized, market-rate housing is affordable to low-income and very low income households at the adopted densities. How can a project be *unsubsidized, market-rate AND affordable*?

**AB 542 is applicable to ALL jurisdictions:** Napa County is the sponsor of AB 542 and has been unable to convince HCD that their adopted densities accommodate their share of the regional housing need for lower income households. This bill is an attempt to seek an alternative method whereby they might convince HCD that their densities are adequate. However, in doing so, the Senate Transportation and Housing Consultant has indicated that Napa County can either use the alternative analysis authorized under existing law or the new language crafted by the consultant, but not both. If Napa County moves forward with AB 542, then every jurisdiction loses the ability to use the alternative analysis that is available under existing law. The language drafted for AB 542 was done without the League of California Cities' participation. Not until the bill was amended did we know that the option available under existing law was being removed and that all cities would be limited to the option negotiated for the benefit of one county that has not had an approved housing element since 2004! The League does not think it is appropriate to subject all jurisdictions to criteria negotiated by one group.

# Housing Elements and Default Densities

Jurisdictions Adopted In Compliance as of April 2011

## Salient Points

- As of April 2011, at least 63 percent of the jurisdictions that have adopted housing elements found in compliance by HCD demonstrated adequate sites to accommodate the RHNA by relying on existing zoning categories that meet or exceed default densities.
- The following is a list of jurisdictions (adopted in compliance as found by HCD) utilizing an analysis to demonstrate zoning (below default densities) appropriate to encourage the development of housing for lower income households:

<u>Jurisdiction</u>	<u>Default Density</u>	<u>Density Utilized</u>
Apple Valley	30	20
Azusa	30	27
Carlsbad	30	22-28
Corcoran	20	15
Fairfield	30	22
Gridley	20	15
Half Moon Bay	20	17
Hanford	20	15
Madera City	20	15
Paradise	20	15
Redding	20	18
Stockton	30	29
Tustin	30	25
Visalia	30	29

- Many other jurisdictions have existing zoning that meet default densities, however, do not have sufficient residential capacity to accommodate the RHNA and adopt rezone programs to demonstrate adequate sites.
- Of those jurisdictions not demonstrating adequate sites with default densities under existing zoning, approximately<sup>1</sup> :
  - 27% included programs to rezone higher density residential capacity;
  - 5% demonstrated adequate sites through alternative means such as second units (see below); and
  - 5% utilized an analysis to demonstrate appropriate densities:

<sup>1</sup> Under Development: HCD is developing a system to better track and estimate jurisdictions using strategies such as second units and approving or construction 100% of their RHNA.

## Jurisdictions Combining Strategies to Demonstrate Adequate Sites without Rezoning or Utilizing Default Densities and Analysis (Entire Lower Income Need)<sup>2</sup>

### Accommodating RHNA (Entire Lower) with Second Units, Manufactured Homes, Units for Agricultural Workers

- Atherton
- Belvedere
- Bradbury
- Hillsborough
- Monte Sereno
- Portola Valley
- Woodside
- Mono County
- Yolo County
- Solano County

### Pending, Approved or Constructed (Entire Lower Need)<sup>3</sup>

- Brawley
- Cerritos
- Cloverdale
- Davis
- Dorris
- Oakley
- Santa Clara County

<sup>2</sup> Under Development: HCD is developing a system to better track and estimate jurisdictions using strategies such as second units and approving or construction 100% of their RHNA.

<sup>3</sup> These jurisdictions demonstrated 100% of their lower need was accommodated with built, approved or pending projects. Most jurisdictions utilize built, approved or pending projects toward their RHNA. However, these jurisdictions showed their entire lower income allocations was accommodated.

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**SOLANO  
City-County Coordinating Council**

**Meeting Schedule**

Meeting Location & time (unless otherwise scheduled):

Solano County Water Agency  
810 Vaca Valley Parkway, Suite 203  
Vacaville, CA 95688

**2012 Meeting Dates**

September 12	Special Meeting (ABAG/STA Facilitated)
October 11	Special Meeting (PG&E Climate Action Plans Item & Delta Discussion)
November 8	Regular Meeting

**Proposed 2013 Meeting Dates**

January 11 ( <i>Replaces February 14</i> )	Regular Meeting (RHNA Approval for ABAG February 1 deadline)
May 16	Regular Meeting
August 8	Regular Meeting
November 14	Regular Meeting