

Monday, October 23, 2017

**To:** Public Lands Working Group

**From:** Pedro Galvao, Regional Planning and Policy Manager, NPH

**Re:** OBAG requirements and Public Lands

**Summary:** This memo briefly describes the potential public lands implications as a result of local passage of surplus land act resolutions and adoption of PDA Investment and Growth Strategies as conditions for eligibility for One Bay Area Grant (OBAG) funding. NPH conducted an analysis of all nine 2017 PDA Investment and Growth Strategies and all 71 locally adopted Surplus Land Act Resolutions to:

- Understand the local surplus land implications of passing resolutions stating compliance with AB 2135
- Understand the work, if any, that Congestion Management Agencies (CMAs) are doing locally to promote the use of public lands for affordable housing development
- Identify gaps and potential avenues of shared regional advocacy on public lands policy

We find that as a result of OBAG requirements:

- 71 general law jurisdictions adopted Surplus Land Act Resolutions.
- Local passage of surplus land act resolutions appeared to result in greater education/awareness of the Act but not in tangible policies related to the disposition of surplus land.
- CMA PDA Investment and Growth Strategies do not include any discussion of public or surplus land.
- The alignment of transportation investments with land use patterns vary widely throughout the region.
- The North Bay CMAs were less likely to be as deeply engaged in land use discussions as CMAs in the East and West Bay.

**Background:** The One Bay Area Grant (OBAG) program created by the Metropolitan Transportation Commission (MTC) provides Bay Area cities and counties with local streets and roads money in exchange for compliance with certain funding conditions. MTC created OBAG in 2012 to promote Plan Bay Area's objectives of compact and sustainable growth, pioneering the concept of linking regional transportation funding to local housing outcomes by first requiring that jurisdictions have a state-certified housing element for funding eligibility. At the time, the program also required CMAs, as the entities that collect local sales taxes dedicated to transportation and recipients of OBAG funding, to prepare PDA Investment and Growth Strategies (IGS) – documents that describe how their transportation investments help advance the more compact growth framework advanced by Plan Bay Area. MTC subsequently expanded OBAG requirements in 2016 to require that jurisdictions file annual housing element progress reports with the California Department of Housing and Community Development and for general law jurisdictions to pass local resolutions attesting compliance with AB 2135 or the 2015 update to the California Surplus Land Act.

OBAG has been a remarkably successful program achieving widespread changes in local policy including:

- Incentivizing 28 jurisdictions to update or adopt local housing elements to become compliant with State Housing Element Law
- Incentivizing all Bay Area jurisdictions to file their 2016 Annual Housing Element Progress Reports
- Incentivizing 71 general law jurisdictions to pass local resolutions attesting compliance with the California Surplus Land Act
- Incentivizing all 9 Congestion Management Agencies to prepare and adopt PDA Investment and Growth Strategies describing how their transportation investments will help foster more compact growth

NPH conducted an analysis of all nine 2017 PDA Investment and Growth Strategies and all 71 locally adopted Surplus Land Act Resolutions to:

- Understand the local surplus land implications of passing resolutions stating compliance with AB 2135
- Understand the work, if any, that CMAs are doing locally to promote the use of public lands for affordable housing development
- Identify gaps and potential avenues of shared regional advocacy on public lands policy

This memo summarizes the regional trends, gaps, and opportunities from that analysis.

71 general law jurisdictions adopted Surplus Land Act Resolutions. Prior to passage of the current resolutions, cities did not appear to have previously adopted surplus land act resolutions. The charter-city exemption won by San Jose, however, had significantly diminished the scale of compliance with the Surplus Land Act in that the jurisdictions that passed resolutions were mostly small and suburban. Another 26 jurisdictions, the largest in the Bay Area, were charter cities and exempt from this OBAG requirement (an analysis of which charter cities have their own surplus land act resolution will be conducted at a later date). While 11 jurisdictions did not have OBAG-funded projects, thus were not required to adopt Surplus Land resolutions. Please see Appendix A for a list of jurisdictions and their relative compliance with the Surplus Land Act.

Local passage of surplus land act resolutions appears to result in greater education/awareness of the Act but not in tangible policies related to the disposition of surplus land. Virtually all the 71 resolutions adopted by general law jurisdictions were identical to the sample resolution MTC made available through its website. The few jurisdictions that did alter the resolution language did so to make their displeasure with the Surplus Land Act known (Foster City), affirm they did not presently have surplus land and thus the Act was unlikely to ever be applied (Sausalito, Pleasant Hill, Concord), or simply contain more detail as to what is required to be compliant with the Surplus Land Act (various jurisdictions). A few jurisdictions did use their Surplus Land Act resolution to make affirmative statements of how the jurisdiction was presently complying with the Act's provisions notably Sonoma County and Rohnert Park. No jurisdiction used their Surplus Land resolution to establish a process for the disposition of surplus property or to offer a level of compliance greater than what was required by state law.

CMA PDA Investment and Growth Strategies do not include any discussion of public or surplus land.

MTC required CMAs to prepare PDA Investment and Growth Strategies to detail how their OBAG investments support Plan Bay Area's vision of compact, sustainable growth in the region. The nine IGS reports analyzed by NPH detailed individual PDAs in each county and their barriers to development, but none contained a detailed land-use strategy for how CMAs would closely align their work with jurisdictions to fully develop their PDAs. IGS reports also made no reference to public and/or surplus land and no CMA included such land as part of their strategy for promoting compact, sustainable, growth.

The alignment of transportation investments with land use patterns vary widely throughout the region. All CMAs had a countywide land use and transportation funding policy that sought to align, as much as possible, each county's transportation investments with their land use patterns. All CMAs had some involvement with promoting the local adoption of certain policies. STA, the CMA for Solano County, for instance worked with all Solano County jurisdictions to adopt complete streets policies. In general, CMAs appeared reluctant to deeply engage their member jurisdictions in land use policy as they engage with transportation funding policy.

The North Bay CMAs were less likely to be as deeply engaged in land use discussions as CMAs in the East and West Bay. The North Bay CMAs (TAM in Marin, NVTA in Napa, STA in Solano) limited their land use discussions to mostly restating what housing policies cities already had in place and housing production as compiled by ABAG. SCTA in Sonoma County is a notable exception in that it discussed the challenges and opportunities for each PDA in Sonoma County but was shy of proposing a deeper land-use/transportation integration. By contrast, CMAs in the East and West Bays were engaged in multiple countywide efforts to more closely align transportation and land use both through their Countywide Transportation Plans (CTPs) but also through other county-initiated collaboratives (such as Homes for All in San Mateo County or in Santa Clara County's Community Design and Transportation Program). In Contra Costa County, CCTA, the county CMA, went so far as to combine their local transportation sales tax (Measure J) with OBAG funding to fully align both funding sources. Interestingly, while CCTA took the unique step of combining transportation funding sources, it also saw its role in land use as limited to documenting the policies and permitting local jurisdictions had in place using regionally compiled datasets by ABAG and MTC.

#### **Potential Policy Implications:**

This brief analysis of CMA IGS and Surplus Land Act resolutions demonstrates a need for more/better data and a more sophisticated understanding of the region's supply of public and surplus lands. MTC's Regional Public Lands Study will be key to helping advance this conversation, particularly in terms of shedding light on places where there might be immediate opportunities to develop affordable housing close to high quality transit. MTC's study will also include an analysis of development potential of sites which will help tangibly demonstrate how many units and in what configurations each site can feasibly accommodate.

CMAs should incentivize jurisdictions to make public lands available for affordable housing development through preferential funding considerations and integrate public lands into their local planning processes. Now that most of the Bay Area's jurisdictions are aware of their obligations under AB 2135, the next round of OBAG funding and Plan Bay Area presents a timely opportunity for incentivizing jurisdictions to go further by requiring that they prepare local inventories of surplus sites and adopt

Surplus Land Act-compliant disposition procedures for such sites. Further, CMAs should promote the use of public and surplus lands for affordable housing in local plans as an integral part of carrying out Plan Bay Area's objectives of promoting more compact and sustainable growth.

Each county should consider establishing a countywide public lands plan. No county, except for San Francisco (which is a city and county), has undertaken a full assessment of its public lands and developed a plan to best dispose of it in a way that can accommodate their lower-income populations. A countywide public lands plan will allow each county to conduct a full-scale assessment of their resources and to come up with locally-appropriate ways to promote the development of public land as affordable housing.

DRAFT

APPENDIX A- MTC TABLE OF SLA COMPLIANCE

<b>County</b>	<b>Jurisdiction</b>	<b>Surplus Land Resolution</b>
Alameda	Alameda	N/A
Alameda	Alameda County	N/A
Alameda	Albany	N/A
Alameda	Berkeley	N/A
Alameda	Dublin	Compliant
Alameda	Emeryville	Compliant
Alameda	Fremont	Compliant
Alameda	Hayward	N/A
Alameda	Livermore	Compliant
Alameda	Newark	Compliant
Alameda	Oakland	N/A
Alameda	Piedmont	N/A
Alameda	Pleasanton	Compliant
Alameda	San Leandro	N/A
Alameda	Union City	Compliant
Contra Costa	Antioch	Compliant
Contra Costa	Brentwood	Compliant
Contra Costa	Clayton	Compliant
Contra Costa	Concord	Compliant
Contra Costa	Contra Costa County	Compliant
Contra Costa	Danville	Compliant
Contra Costa	El Cerrito	Compliant
Contra Costa	Hercules	Compliant
Contra Costa	Lafayette	Compliant
Contra Costa	Martinez	Compliant
Contra Costa	Moraga	Compliant
Contra Costa	Oakley	Compliant
Contra Costa	Orinda	Compliant
Contra Costa	Pinole	Compliant
Contra Costa	Pittsburg	Compliant
Contra Costa	Pleasant Hill	Compliant
Contra Costa	Richmond	N/A
Contra Costa	San Pablo	Compliant
Contra Costa	San Ramon	N/A
Contra Costa	Walnut Creek	Compliant
Marin	Belvedere	Unknown-no OBAG project
Marin	Corte Madera	Compliant
Marin	Fairfax	Unknown-no OBAG project
Marin	Larkspur	Unknown-no OBAG project
Marin	Marin County (PCA only)	Compliant
Marin	Mill Valley	Unknown-no OBAG project

Marin	Novato	Compliant
Marin	Ross	Unknown-no OBAG project
Marin	San Anselmo	Compliant
Marin	San Rafael	N/A
Marin	Sausalito	Compliant
Marin	Tiburon	Unknown-no OBAG project
Napa	American Canyon	Compliant
Napa	Calistoga	Unknown-no OBAG project
Napa	Napa	N/A
Napa	Napa County (PCA only)	Compliant
Napa	St. Helena	Compliant
Napa	Yountville	Unknown-no OBAG project
San Francisco	San Francisco	N/A
San Mateo	Atherton	Compliant
San Mateo	Belmont	Compliant
San Mateo	Brisbane	Compliant
San Mateo	Burlingame	Compliant
San Mateo	Colma	Compliant
San Mateo	Daly City	Compliant
San Mateo	East Palo Alto	Compliant
San Mateo	Foster City	Compliant
San Mateo	Half Moon Bay	Compliant
San Mateo	Hillsborough	Compliant
San Mateo	Menlo Park	Compliant
San Mateo	Millbrae	Compliant
San Mateo	Pacifica	Compliant
San Mateo	Portola Valley	Compliant
San Mateo	Redwood City	N/A
San Mateo	San Bruno	Compliant
San Mateo	San Carlos	Compliant
San Mateo	San Mateo	N/A
San Mateo	San Mateo County	N/A
San Mateo	South San Francisco	Compliant
San Mateo	Woodside	Compliant
Santa Clara	Campbell	Compliant
Santa Clara	Cupertino	Compliant
Santa Clara	Gilroy	N/A
Santa Clara	Los Altos	Compliant
Santa Clara	Los Altos Hills	Unknown-no OBAG project
Santa Clara	Los Gatos	Compliant
Santa Clara	Milpitas	N/A
Santa Clara	Monte Sereno	Unknown-no OBAG project
Santa Clara	Morgan Hill	Compliant

Santa Clara	Mountain View	N/A
Santa Clara	Palo Alto	N/A
Santa Clara	San Jose	N/A
Santa Clara	Santa Clara	N/A
Santa Clara	Santa Clara County	N/A
Santa Clara	Saratoga	Compliant
Santa Clara	Sunnyvale	N/A
Solano	Benicia	Compliant
Solano	Dixon (exchange)	Compliant
Solano	Fairfield	Compliant
Solano	Rio Vista (exchange)	Compliant
Solano	Solano County (PCA only)	Compliant
Solano	Suisun City	Compliant
Solano	Vacaville	Compliant
Solano	Vallejo	N/A
Sonoma	Cloverdale	Unknown-no OBAG project
Sonoma	Cotati	Compliant
Sonoma	Healdsburg	Compliant
Sonoma	Petaluma	N/A
Sonoma	Rohnert Park	Compliant
Sonoma	Santa Rosa	N/A
Sonoma	Sebastopol	Compliant
Sonoma	Sonoma	Compliant
Sonoma	Sonoma County	Compliant
Sonoma	Windsor	Compliant

Note: Compliance information is draft, and has not yet been finalized  
(reviewed by CMAs, locals for accuracy).

9/28/2017

N/A	Charter city or county; was not required to adopt resolution as part of OBAG 2
Unknown - No OBAG Project	Jurisdiction was not recommended by CMA for OBAG 2 funding, so resolution likely not adopted (but have not confirmed).