

Regional Housing Needs Assessment: Response to Public Comments on Draft Methodology

Public comments on the draft methodology for the 6th Cycle Regional Housing Needs Assessment (RHNA), received between July 26, 2019, and September 5, 2019, at 3:30 p.m., have been posted online at sandag.org/rhna. The public comments were uploaded in three sets and can be viewed by following the direct links below.

[View public comments received prior to August 23, 2019, at 5 p.m.](#)

[View public comments received between August 23, 2019, at 5:01 p.m. to August 28, 2019, at 5 p.m.](#)

New! [View public comments received between August 28, 2019, at 5:01 p.m. to September 5, 2019, at 3:30 p.m.](#)

The following responses have been prepared to address issues that were common to multiple comment letters on the draft methodology.

To the extent that members of the public submitted questions in advance of providing public comment, SANDAG prepared a list of [Frequently Asked Questions \(FAQs\)](#). Some themes arising from public comments are the same or similar to questions answered in the FAQs. These are repeated here along with a reference to the response to FAQ as applicable.

Timeline and Public Notice

SANDAG received a few inquiries about the timeline of the RHNA process as it pertains to the public comment period and review by the California Department of Housing and Community Development (HCD). State law does not include any time requirements for public participation. State law only requires that a public hearing be held to solicit input on the draft methodology. The public comment period opened on July 26, 2019, and was scheduled to close on the day of the public hearing, August 23, 2019. The public hearing was rescheduled for September 6, 2019, and the public comment period was extended, with the closing date to coincide with the new public hearing date.

Per SANDAG Board Policy No. 025, SANDAG published notifications for the public hearing in newspapers of general circulation. Additionally, SANDAG provided public notice online at sandag.org and emailed members of the Regional Planning Technical Working Group and housing stakeholders. Public notices were published, and emails sent, for the original as well as the rescheduled public hearing date.

See also the response to [FAQ #2](#).

Population, Geographic Size, and Current Density

SANDAG received various comments that suggest geographic size, population, and/or current density of jurisdictions be included in the draft methodology.

During the development process, the RHNA Subcommittee (subcommittee of the Board of Directors), the Regional Planning Technical Working Group (TWG), and other stakeholders evaluated population as a component of a potential methodology. Ultimately, stakeholders requested that population be removed from the methodology because it did not specifically further any objectives or factors in state RHNA laws (Government Code Section 65584 et seq.). Additionally, a jurisdictions' geographic size was considered and rejected as a component of the methodology for the same reason. State law does not include population, geographic size, or density as factors in developing a RHNA methodology.

Instead, state law includes “promoting infill development” and promoting “the encouragement of efficient development patterns” as an objective (Government Code Section 65584(d)(2)). The draft methodology prioritizes “proximity to transit” and “proximity to jobs”. By allocating housing units based on transit and jobs, the draft methodology sets a guiding principle for local jurisdictions to zone and build housing near transit and jobs. Transit and job centers are located in the urbanized areas of the region. Therefore, the draft methodology encourages infill development. Because infill development does not rely on available space and can occur in areas that already have a dense population, the draft methodology supports provision of housing even in areas that are currently considered built-out.

Available Land

A number of commenters suggested SANDAG consider the availability of land in each jurisdiction. One of the factors in state law requires that SANDAG consider “the opportunities and constraints to development of additional housing in each member jurisdiction” including “the availability of land suitable for urban development or for conversion to residential use, the availability of underutilized land, and opportunities for infill development and increased residential densities” (Government Code Section 65584.04(e)(2)(b)).

The availability of land suitable for urban development or for conversion to residential use, the availability of underutilized land, and opportunities for infill development and increased residential densities are accounted for by the draft methodology’s use of the transit and jobs components. When development of housing is promoted near transit and jobs, it allows the jurisdictions to focus on infill development that can occur without reliance on the availability of additional land, but instead on underutilized land that can be converted to uses that allow for increased residential density.

Existing Zoning

SANDAG received a number of comments stating that a jurisdiction’s existing zoning should be considered in the draft methodology. State law (Government Code Section 65584.04(e)(2)(B)) prohibits SANDAG from considering existing zoning in the development of a methodology.

See also the response to [FAQ #5](#).

Military Housing

SANDAG received several comments about how military jobs and housing are considered in the draft methodology. At the July 26, 2019, Board meeting, staff presented a methodology recommended by the RHNA Subcommittee that included an adjustment for housed military in the jobs data. Ultimately, however, the Board voted to release a draft methodology for public comment that does not include an adjustment for housed military in the jobs data. The Board’s deliberations and reasoning can be heard by listening to the [audio recording of the meeting](#).

See also the response to [FAQ #13](#).

SANDAG also received comments suggesting the military build housing on their installations. A representative from the Department of Defense sits on the Board and will have the opportunity to review public comments and provide input on the draft RHNA methodology. The military, however, is not subject to the RHNA laws.

Tribes

SANDAG received a comment stating that the methodology does not account for tribes on tribal land. Tribal land is not subject to the RHNA laws.

Traffic, Congestion, and Parking

A number of commenters cited traffic, congestion, and parking as issues in their communities and expressed concern that these issues will be exacerbated with additional housing. Impact on traffic and parking is not included among the objectives and factors in state law that must be considered in the development of a RHNA methodology. Improving the relationship between jobs and housing and maximizing use of public transit as well as reducing greenhouse gas emission are objectives in state law. The RHNA Subcommittee sought to prioritize these objectives, which led to the development of the transit and jobs components in the draft methodology.

By prioritizing jobs and transit, the draft methodology encourages the development of housing near jobs and transit. Co-location of housing, jobs, and transit will provide the region's residents with opportunities to live where they work and/or readily access transit, which can facilitate shorter commutes, reduce vehicle miles traveled, and increase trip-taking by transit or alternative modes. With more housing and mobility options, traffic and parking demands may change.

Community Character

A number of commenters also stated additional housing jeopardizes the character of their community. Community character is not included among the objectives and factors in state law that must be considered in the development of a RHNA methodology. Following allocation of housing units, individual jurisdictions will undergo the process of updating their general plans to accommodate the housing need. It is during this local planning process that jurisdictions may consider community characteristics when planning for housing.

Infrastructure and Local Resources

SANDAG received comments referencing aging infrastructure and expressing concerns about the impact of additional housing on local resources such as roads; water services; fire, police, and other public safety services; and schools. With the exception of water and sewer services, the objectives and factors in state law do not include infrastructure and local resources as considerations in developing a methodology.

State law (Government Code Section 65584.04(e)(2)(a)) requires SANDAG to consider "lack of capacity for sewer or water service." SANDAG notes that general plans for some jurisdictions may account for constraints to housing development arising from lack of capacity for sewer or water service. For example, rural areas may rely more heavily on well water and septic systems, which constrains housing development due to lack of sufficient infrastructure. The draft methodology would allocate housing units based on transit and jobs, which are predominately located in the region's urbanized area. (All rail and *Rapid* stations and major transit stops are located in the urbanized area.) By prioritizing transit connectivity and an improved jobs-housing relationship, the draft methodology encourages infill development in urban areas that are likely to have existing capacity for sewer or water service.

Following the allocation of housing units, individual jurisdictions will undergo the process of updating their general plans to accommodate the housing need. It is during this local planning process that jurisdictions may consider infrastructure and local resources when planning for housing.

Exempt California Counties

A number of commenters stated that other counties in California are exempt from the RHNA process and that, because these counties are exempt, the number of housing units the San Diego region must plan for is higher.

All counties and cities in California are subject to RHNA. There are no counties or cities that are exempt. In fact, state law requires that every city and county receive housing units in each of the four income categories: low, very low, moderate, and above moderate.

The HCD performs a housing needs assessment for every region in the state and provides each with a RHNA Determination – the number of housing units the region must plan for to address current and projected housing need. HCD determines a region’s housing need by considering its projected population and household growth, existing vacancy rates and overcrowding, housing replacement needs, and other data. Housing need is determined region by region. One region’s housing need is independent from the housing need of other regions in the state.

Comments about exemptions may have relied on misinformation about housing legislation proposed during the 2019 California state legislative session. The California Legislature introduced numerous bills seeking to address the housing crisis through various avenues including rent control, tenant protections, developer incentives, and zoning densities. For example, Senate Bill (SB) 50 proposed increasing zoning densities around high-frequency transit. The bill underwent numerous revisions as it made its way through various state legislative committees. Ultimately, however, the vote on SB 50 was postponed to 2020, and is not currently in state law.

These comments also may have relied on misinformation about SB 106, passed in 2017. State law (Government Code Section 65583.2(c)) makes a distinction between jurisdictions in a census-defined metropolitan statistical area (MSA) and those in suburban counties when considering appropriate densities for affordable housing. Jurisdictions in an MSA must accommodate lower income housing by zoning at a density of 30 units or more per acre. Jurisdictions in a suburban county must accommodate lower income housing by zoning at a density of 20 units or more per acre. Marin County is within the San Francisco-Alameda MSA. SB 106 recognizes Marin as a suburban county for the purposes of developing affordable housing. Marin, like all other counties and cities in California, is subject to the RHNA process and receives a RHNA Determination from HCD. SB 106 allows Marin County to zone for the affordable housing allocated in its RHNA Determination at a lower density than jurisdictions in an MSA.

Transit Service Area

SANDAG received a comment suggesting that SANDAG take into consideration the broader population and geographic area served by transit stations within the draft methodology. SANDAG recognizes that mobility hub areas include not just the transit station itself but all those services and destinations that are accessible within a 5-minute walk, bike, or drive to/from high-frequency transit. The distance of a 5-minute drive can be much greater than a 5-minute walk or bike, extending the reach and access to transit. Housing proximate to transit, however, increases access to transit by modes other than driving, which helps relieve traffic congestion and reduce greenhouse gas emissions. The transit component of the draft methodology furthers both the objectives in state law and the priorities of the RHNA Subcommittee to maximize use of public transit and reduce greenhouse gas emissions by encouraging transit-oriented development.

Environmental Concerns

SANDAG received comments suggesting the draft methodology account for “the environmental factors that the Coastal Commission will need to assess before coastal regions are further developed.” To the extent that state law (Government Code Section 65584.04(e)(2)(B)) allows SANDAG to consider lands at high risk for flooding when determining the suitability of land available for urban development, SANDAG reviewed flood plain maps by the Federal Emergency Management Agency. See response to [FAQ #9](#).

State law requires SANDAG to allocate housing units to jurisdictions in the region based on a methodology that furthers state law and objectives. This process, and the methodology, does not dictate where within a jurisdiction these housing units are to be located. Following allocation of housing units, individual jurisdictions will undergo the process of updating their general plans to accommodate the housing need. It is during this local planning process that jurisdictions may consider environmental factors such as those affecting coastal zones.

Market Forces and Historic Building Patterns

SANDAG received comments that the draft methodology should account for market forces and the fact the region has not met its RHNA goals from the 5th Cycle. Market forces are not included among the objectives and factors in state law as a consideration in the development of a RHNA methodology. Additionally, state law (Government Code Section 65584.04(g)(2)) prohibits SANDAG from determining or reducing a jurisdiction's housing unit allocation based on underproduction in previous RHNA cycles.

Public Safety

A number of public commenters expressed concerns about the impact of additional housing on public safety, including the event of a natural disaster or other states of emergency. The Board, at its discretion, may pursue an additional factor that takes this potential impact into consideration as long as it can be established that the factor is necessary to further an objective in state law; if the additional factor is unrelated to the objectives in state law, then it must be established that it does not undermine the objectives in state law, it will apply equally across all household income levels, and it is necessary to address significant health and safety concerns. See Section 65584.04(e)(12). See also the response to [FAQ #10](#).

New!

The following responses are new since the last publication of this document on August 28, 2019.

Major Transit Stops and Vehicle Miles Traveled

SANDAG received several comments about "major transit stops" as a part of the transit component in the draft methodology. Comments state that switching from the "high frequency transit" definition – considered at one point in the development of the methodology – to the "major transit stops" definition resulted in fewer jurisdictions receiving housing units based on this specific transit subcomponent. Comments varied in identifying areas and/or subpopulations this result disproportionately burdened (e.g. communities south of Interstate 8, low-income communities, etc.). Another comment specifically stated that the change in definitions will result in increased vehicle miles traveled.

These comments are addressed within the [supplemental information](#) SANDAG provided based on requests from Board members at the July 26, 2019, Board meeting. The response to Request #2 addresses a potential application of using the high frequency transit stop definition and dataset.

5th Cycle Housing Unit Allocation

A number of commenters referenced the housing unit allocations made to jurisdictions through the 5th Cycle RHNA process (2010-2020 planning period) and compared these housing unit allocations to those estimated for the 6th Cycle (2021-2029 planning period) based on the draft methodology. Comments expressed concern about disproportionate increases/decreases in housing unit allocations among jurisdictions from the 5th Cycle to the 6th Cycle.

When SANDAG staff solicited input from the Board on an approach for the methodology in September 2018, the Board expressed a desire to take a different approach than the previous 5th Cycle RHNA Methodology by not relying on existing housing capacities as a starting point. The draft methodology released by the Board for public comment on July 26, 2019, prioritizes proximity to transit and jobs and furthers the objectives in state law.

Housing unit allocations from previous RHNA cycles are not included among the objectives and factors in state law that must be considered in the development of a RHNA methodology. Each RHNA cycle is independent from the previous cycle. In fact, Government Code Section 65584.04(g) states that neither

stable population numbers from a previous cycle, nor prior underproduction of housing, may be considered in determining a jurisdiction's share of the regional housing need.

Equity Adjustment

SANDAG received several comments regarding the equity adjustment in the draft methodology. One comment suggested that jurisdictions that have a greater or an over-concentration of lower income households receive zero housing units in the low and very-low income category. This would be contrary to state law which requires that each jurisdiction receive housing units in the low and very-low income categories. (See Government Code Section 65584.04(m)(2)).

Other comments indicated that the equity adjustment does not go far enough in addressing the state objective (Objective #4) to allocate a lower proportion of housing need to an income category when a jurisdiction already has a disproportionately high share of households in that income category. These comments are addressed within the [supplemental information](#) SANDAG provided based on requests from Board members at the July 26, 2019, Board meeting. The response to Request #3 addresses a potential application of intensifying the equity adjustment.

A specific comment suggested the equity adjustment be modified to redistribute units among jurisdictions rather than adjust the proportion of units in each income category per jurisdiction. The RHNA Subcommittee and TWG prioritized transit and jobs as the basis of distributing the region's total housing need determined by HCD. The equity adjustment addresses Objective #4 which requires that a RHNA plan allocate a *lower proportion* of housing need to an income category when a jurisdiction already has a disproportionately high share of households in that income category as compared to the region. A detailed description of how the equity adjustment is calculated and applied is included in the response to [FAQ #15](#).

Fair Housing

SANDAG received a few comments inquiring how the state objective of "affirmatively furthering fair housing" (Objective #5) is being met through the draft methodology. Per Government Section 65584.04(d), SANDAG provided a description of how the draft methodology furthers the objectives in state law, which is available [online](#).

Jobs-Housing Ratio

SANDAG received a few comments suggesting SANDAG incorporate each jurisdiction's jobs-housing ratio (sometimes referred to as jobs-housing balance) in the draft methodology. A jobs-housing ratio represents the relationship between the total number of jobs and total number of housing units within a given jurisdiction. SANDAG calculated the jobs-housing ratio for each jurisdiction and provided this information to stakeholders through outreach. Ultimately, however, the RHNA Subcommittee and TWG supported a methodology that did not incorporate a jobs-housing ratio.