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Fair Housing and Transit-Centric Development: Finding a Path Forward

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Fair Housing and Transit-Centric Development: Finding a Path Forward

by

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Acronyms Glossary

ABAG: Association of Bay Area Governments

AFFH: Affirmatively Furthering Fair Housing

APR: Annual Progress Report

BART: Bay Area Rapid Transit

CARB: California Air Resources Board

HCD: California Department of Housing and Community Development

HUD: U.S. Department of Housing and Urban Development

LIHTC: Low-Income Housing Tax Credit

MTC: Metropolitan Transportation Commission

PDA: Priority Development Area

RHNA: Regional Housing Needs Allocation

TOD: Transit-Oriented Development

VMT: Vehicle Miles Traveled

Fair Housing and Transit-Centric Development: Finding a Path Forward

Since 2008, California's SB 375 has mandated that regional governments plan transportation and housing together in order to reduce greenhouse gas emissions. SB 375's mandate informs the Regional Housing Need Allocation (RHNA) process, which assigns each city an allocation of housing units affordable at different income levels, based in part on shifting growth nearer to transit. Cities are incentivized to place housing development near transit, especially their lower-income allocation, as more dense development centered around transit facilitates and encourages more carbon-efficient transportation patterns (Sarkodie et al., 2020). This strategy attempts to accommodate more residents while mitigating California's sprawling patterns of land use, driven by extensive single-family zoning, with heavy reliance on highways and carbon-intensive individual vehicle travel.

California currently has a shortage of between 1.8 million units (Bates, et al, 2018) and 3.5 million units (Woetzel, et al., 2016) of housing for its population, depending on the methodology used to analyze need. The California Legislative Analyst's Office (Taylor, 2015) identifies this housing shortage as the primary driver of unaffordable home prices, and urges the Legislature to "change policies to facilitate significantly more private home and apartment building in California's coastal urban areas" (p.5).

In Santa Clara County, this housing shortage has led to 216,655 households that are considered cost-burdened according to the standard set by the United States Department of Housing and Urban Development (HUD): paying more than 30% of their annual income for housing (U.S. Census Bureau, 2019b). These families not only lack homes they can afford; their rent burden leaves them with less money available for education, healthcare, healthy food, and other needs.

In the planning cycle beginning in 2021, California has introduced a mandate under AB 686 to site low-income housing in ways that avoid furthering segregation and the concentration of poverty, and increase access to high-opportunity areas, rich in resources, for low-income families. However, transit has historically often been placed in areas of lower income, or near industrial and commercial office sites that do not provide the services needed to support positive life outcomes for families. Although these two priorities do not inherently conflict, finding locations that meet criteria for both SB 375's transit requirements and AB 686's resource requirements is likely to prove difficult for many jurisdictions.

The magnitude of need for more housing means that the allocation of homes each jurisdiction must accommodate in the next planning cycle represent an enormous challenge for city staff and elected officials. The allocation is a requirement that does not come with funding to achieve targets, and cities face structural, political, and financial barriers to implementation of the RHNA. In the Southern California region, which begins its planning cycle earlier than the Bay Area, 47 of the 191 cities and six counties in the region appealed their allocations as disproportionate or unachievable (Robinson et al., 2021). Only two of these jurisdictions were granted a partial reduction of their allocation, a clear signal that local jurisdictions are unlikely to have their burden of homes to plan for reduced, and must find strategies to meet this challenge (Lambert, 2021).

This study examines the implementation of land use planning under SB 375, and analyzes the siting of low-income housing related to areas rich in opportunity in Santa Clara County. How do sites planned or chosen for the development of housing in the current planning cycle relate to areas of opportunity?

Background: Transportation- and Opportunity-Centric Development in the Bay Area

California's typically sprawling land-use pattern of low-density single-family homes does not create clustered populations of potential transit riders, and is heavily dependent on personal auto use for access to jobs and services (Mawhorter & Galante, 2020). California's SB 375, the Sustainable Communities and Climate Protection Act, intends to meet aggressive state targets for reducing greenhouse gas emissions by integrating regional land use and transportation planning (2008). SB 375 emphasizes infill development, building greater density within existing areas of development.

The California Air Resources Board (CARB) is the primary state agency responsible for actions to reduce greenhouse gas emissions (CARB, 2021). Under SB 375, the California Air Resources Board sets regional targets for greenhouse gas emissions reductions from passenger vehicle use. Each regional government then must create a Sustainable Communities Strategy as part of its comprehensive, long-range regional transportation plan, containing land use, housing, and transportation strategies that would allow the region to meet the California Air Resources Board's targets. Primary techniques for Sustainable Communities Strategies involve increasing and densifying development in transit-accessible places in order to reduce auto dependency and vehicle emissions (Mawhorter & Galante, 2020). To this end, regional governments are responsible for helping local jurisdictions identify locations and types of development that could contribute to lower vehicle miles traveled (VMT) and meet greenhouse gas emission reduction targets. Cities are incentivized to place housing development, particularly lower-income housing, near high-quality transit and convenient to jobs and services, to reduce greenhouse gas emissions by decreasing VMT.

In the San Francisco Bay Area, this overarching regional plan is known as Plan Bay Area, and the regional government agencies responsible for its creation are the Metropolitan

Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG) (MTC/ ABAG, 2020). MTC and ABAG are currently in the process of creating Plan Bay Area 2050, which includes Growth Geographies and the Regional Growth Forecast. This forecast of growth, together with the numbers of existing households in each jurisdiction, forms the baseline for the RHNA (ABAG, 2020). By planning for greater growth near high-quality transit corridors, the Plan Bay Area ensures that greater housing allocations flow to jurisdictions close to commuter rail lines.

Priority Development Areas (PDAs) are places that have been identified by both local jurisdictions and ABAG as sites appropriate for development, and planned for new homes, jobs, and community amenities (MTC, 2021b). PDAs are reflected in the Plan Bay Area, and are intended to facilitate greenhouse gas reduction by locating infill development in ways that reduce VMT. Areas can qualify by meeting either of two sets of criteria:

- Transit-Rich PDAs have at least 50 percent of their area within a half-mile of high-quality public transit (peak service frequency of 15 minutes or less), and
- Connected Community PDAs are located entirely within a half-mile of more basic transit services (peak service frequency of 30 minutes or less), **and** are either 1) at least 50 percent high in resources associated with positive life outcomes for low-income families, **or** 2) have at least two jurisdiction-adopted policies to reduce vehicle miles traveled.

AB 686

AB 686 also enacts requirements for the placement of local jurisdictions' lower-income RHNA, in this case centering racial and economic equity (HCD, 2021a). AB 686 acknowledges that land use policies often affect the ability of families to access neighborhoods with high-performing schools, greater availability of higher-wage jobs, and convenient access to transit and

services (HCD, 2021a). It requires that lower-income homes be placed throughout communities and particularly in areas with these amenities, known as high-resource or high-opportunity areas.

Anticipating that the Trump Administration intended to roll back recent HUD fair housing guidance, in 2018 California's legislature passed AB 686, the Affirmatively Furthering Fair Housing Law (National Low Income Housing Coalition, 2020). AB 686 (2018) codifies into state law the Obama Administration's 2015 rules for implementing the Affirmatively Furthering Fair Housing (AFFH) provision of the 1968 Fair Housing Act. The 2015 rules provided a framework for implementing the AFFH provision, requiring that cities and towns take steps to understand barriers to integration and act to create integrated communities (HUD, 2015). The 2015 rules were the first significant fair housing regulations since the Fair Housing Act of 1968, requiring agencies at every level of government to take concrete steps to affirmatively further fair housing if they receive HUD funds (NLIHC, 2020).

AB 686 (2018) is explicitly tied to the 2015 HUD rules, and requires all jurisdictions to administer their programs and activities relating to housing and community development in a manner to affirmatively further fair housing, and to not take any action that is materially inconsistent with this obligation. Beginning in 2021, every jurisdiction in the state will be required to integrate plans for ending discrimination and promoting integration into the Housing Element portion of their General Plan.

The 2015 HUD rules and AB 686 require that cities consider all the ways discrimination impacts people's lives, including education, environment, transportation, health, and more, in an effort to undo decades of federal, state, and local discriminatory policies and practices that resulted in segregated communities. (HUD, 2015). The law is meant to foster the design of locally-driven approaches that promote access to affordable housing in communities with high-

performing schools, clean air, and reliable transportation choices and access to workforce opportunities and good jobs. The 2015 AFFH rules required jurisdictions to submit a plan on how they would address fair housing, which was defined by HUD as “taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics” (HUD, 2015, § 5.152). Neither the 2015 rules nor AB 686 require localities to change their zoning laws, though localities may decide to do so in order to further access to fair housing.

AB 686 (2018), signed into law in October 2018, states, “Affirmatively furthering fair housing means taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics” (Chapt. 15 §8899.50. (a)).

It requires that sites for low-income homes be located in a way that provides fair housing opportunities to lower-income residents (HCD, 2020b). This means that sites identified to accommodate the lower-income need cannot be concentrated in low-resource areas that lack access to high-performing schools, proximity to jobs, are a location disproportionately exposed to pollution or other health impacts, or are areas of segregation and concentrations of poverty. HCD recently conducted a statewide and regional Analysis of Impediments to Fair Housing Choice, and plans to release a technical assistance memo to assist jurisdictions in addressing AB 686 requirements in their housing element (HCD, 2020b; HCD, 2020c). The memo has been delayed several times, but is currently expected in May 2021. In the interim, HCD has suggested that local jurisdictions use the Opportunity Map created by the California Fair Housing Task Force to plan the locations of lower-income home sites equitably (HCD, 2020c).

Potential Conflict between Transit and Fair Housing Priorities

Affirmatively furthering fair housing aims to expand equal access to jobs, education, and other services. However, many of the areas identified by local jurisdictions and approved by ABAG fall in areas that are not high in resources. In part, this is due to the lack of intersection between transit and resources: transit has historically been built to serve more densely populated areas nearer to cities' central districts (Mohl, 2002; Archer, 2020). At the same time, in many cities California's embrace of exclusive single-family zoning has tended to concentrate wealth and resources in less densely populated areas away from central districts (Rothstein, 2017; Menendian & Gambhir, 2018; Badger & Bui, 2019). This study examines and measures the intersection of areas with proximity to high-quality transit and areas rich in resources, and compares this to the patterns of RHNA implementation in the current planning cycle.

RHNA Intent and Process

The RHNA is the foundation of an eight-year planning cycle meant to carry out the housing portion of the Plan Bay Area. The RHNA process begins when the California Department of Housing and Community Development (HCD) issues each regional government an assessment of need for housing units at each of four income levels: very low income, low income, moderate income, and market rate, also known as above moderate income (Petek, 2019).

Income level categories are determined by the US Department of Housing and Urban Development. To account for variations in median income in different counties, HCD adjusts and publishes income limits based on the median income in each California county, known area median income (Olmstead, 2020b). Table 1 shows the upper limit of each income level for 2020, based on the number of people in the household. At \$141,600, Santa Clara County has one of the highest area median incomes in the state.

Table 1*2020 Income Limits for Santa Clara County, CA*

		Number of People in Household							
		1	2	3	4	5	6	7	8
Santa Clara County Area Median Income: \$141,600	Extremely Low-Income	\$33,150	\$37,900	\$42,650	\$47,350	\$51,150	\$54,950	\$58,750	\$62,550
	Very Low-Income	\$55,300	\$63,200	\$71,100	\$78,950	\$85,300	\$91,600	\$97,900	\$104,250
	Low-Income	\$78,550	\$89,750	\$100,950	\$112,150	\$121,150	\$130,100	\$139,100	\$148,050
	Median Income	\$99,100	\$113,300	\$127,450	\$141,600	\$152,950	\$164,250	\$175,600	\$186,900
	Moderate Income	\$118,950	\$135,900	\$152,900	\$169,900	\$183,500	\$197,100	\$210,700	\$224,250

Note. Adapted from State Income Limits for 2020, by California Department of Housing and Community Development, 2020 (<https://www.hcd.ca.gov/grants-funding/income-limits/state-and-federal-income-limits/docs/income-limits-2020.pdf>).

This assessment is meant to meet both existing and projected housing need based on an analysis of growth and demographic factors by the state's Department of Finance. Regional governments then devise a methodology to allocate the region's housing need to each local jurisdiction in a fairer way by weighting a variety of factors and in accordance with state law (ABAG, 2020). Once the final methodology is determined by ABAG, each local government must incorporate their allocation, or RHNA, into their Housing Element, a specific plan to accommodate their allocation of housing at all income levels. Regional governments such as ABAG must fulfill several statutory objectives with the RHNA process, including increasing the supply and mix of housing types in all cities, promoting equitable infill development that encourages efficient development patterns that achieve greenhouse gas emissions reduction targets, and affirmatively further fair housing (ABAG, 2021).

Bay Area jurisdictions are currently engaged in planning for RHNA Cycle 6, which will run from 2023-2031. For this planning cycle, ABAG's RHNA methodology prioritized GHG emissions reduction by incorporating proximity to jobs via transit and proximity to jobs via auto

for lower-income allocations, and proximity to jobs via auto only for moderate and above-moderate incomes (ABAG, 2021). ABAG’s report on the draft RHNA methodology for Cycle 6 notes, “The Access to High Opportunity Areas factor received the most consistent support from the [Housing Methodology Committee] throughout the methodology development process. This factor allocates more housing units to jurisdictions with a higher percentage of households living in areas labelled High or Highest Resource on the 2020 Opportunity Map produced by HCD and the California Tax Credit Allocation Committee (TCAC)” (ABAG, 2021, p.15). Figure 1 illustrates the methodology developed for the Sixth Cycle RHNA.

Figure 1

Draft RHNA Methodology Overview, San Francisco Bay Area, 2023-2031

Note. From “Regional Housing Needs Allocation Draft Methodology: San Francisco Bay Area, 2023-2031,” by Association of Bay Area Governments, 2021 (https://abag.ca.gov/sites/default/files/documents/2021-02/ABAG_Draft_RHNA_Methodology_Report_2023-2031.pdf). In the public domain.

Table 2 shows the allocation of housing units by income level for each of the study jurisdictions. The total number of lower-income housing units for each jurisdiction, shown in bold, is the primary focus of this study, since these units will be impacted by both SB 375's transit requirements and AB 686's fair housing requirements.

Table 2

RHNA Allocations by Income Level

	Very Low-Income	Low-Income	Total Lower-Income	Moderate Income	Above-Moderate	Total RHNA Allocation
Milpitas	1,685	970	2,655	1,131	2,927	6,713
Mountain View	2,773	1,597	4,370	1,885	4,880	11,135
Palo Alto	1,556	896	2,452	1,013	2,621	6,086
San Jose	15,088	8,687	23,775	10,711	27,714	62,200
Santa Clara	2,872	1,653	4,525	1,981	5,126	11,632
Sunnyvale	2,968	1,709	4,677	2,032	5,257	11,966

Note. Data from *Regional Housing Needs Allocation draft methodology: San Francisco Bay Area, 2023-2031*, by Association of Bay Area Governments, 2021 (https://abag.ca.gov/sites/default/files/documents/2021-02/ABAG_Draft_RHNA_Methodology_Report_2023-2031.pdf).

Opportunity Areas and Mapping

The Opportunity Map stems from HCD's and the California Tax Credit Allocation Committee's policy goals to avoid further segregation and concentration of poverty and to encourage access to opportunity through affordable housing programs (ABAG, 2021; California Fair Housing Task Force, 2021). The Map uses publicly available data to measure place-based characteristics linked to positive resident outcomes such as educational attainment, employment earnings, and economic mobility for low-income families and their children. They are intended

to guide local jurisdictions' AFFH efforts and are used to score affordable housing developments in competition for tax credit financing. Figure 2 shows a close-up of the San Francisco Peninsula, South Bay, and East Bay on the Opportunity Map.

Figure 2

2021 TCAC/ HCD Opportunity Map, close-up of the San Francisco Peninsula, South Bay, and East Bay

Note. From *2021 TCAC/ HCD Opportunity Map*, by the California Fair Housing Task Force, 2021 (<https://belonging.berkeley.edu/2021-tcac-opportunity-map>). In the public domain.

The Opportunity Map supports the RHNA objective to affirmatively further fair housing by increasing access to opportunity and replacing segregated living patterns (California Fair Housing Task Force, 2021). AFFH has the potential to expand housing opportunities for low-income households and people of color in more opportunity-rich places where these communities

have historically lacked access. Although the Opportunity Map is not explicitly part of HCD's guidance to regional governments or local jurisdictions in the development of RHNA and Housing Element methodology, HCD has consistently used the Opportunity Map to assess whether other regions' RHNA methodologies meet the objective to affirmatively further fair housing (HCD, 2020; ABAG, 2021).

However, there are several notable limitations in the methodology used to create the Opportunity Maps. First, the maps measure segregation as the overrepresentation of people of color relative to the county, and defines "people of color" as "Black, Hispanic, Asian, or all people of color" (California Fair Housing Task Force, 2020, p. 7). In Santa Clara County, income for people of color varies widely when disaggregated by race: 34.5% of households with an Asian head of household have incomes above \$200,000, compared with 29.8% of white households, 11.4% of Black households, and 10.8% of Latino households (U.S. Census Bureau 2019a). As such, the present way the "people of color" category is operationalized may obscure this disparity. Second, the measure used for poverty is at least 30% of the population falling under the federal poverty line" (California Fair Housing Task Force, 2020, p. 6). This measure of poverty does not consider the high housing costs in the Bay Area and other high-cost geographies, an omission that the U.S. Census Bureau has attempted to capture with the Supplemental Poverty Rate (Kimberlin & Hutchful, 2019). Finally, although the Opportunity Maps in 2021 introduced a new category, Moderate Resource (Rapidly Changing) to account for areas experiencing rapid increases in opportunity over the previous decade, the maps do not capture early-stage investment (Rinzler, 2020).

Cities' Responsibility Under State Law

In 1980, the California Legislature passed the Housing Element Law, mandating that all counties and cities must adopt a comprehensive long-range planning document: the General Plan (O'Donnell, 2016, Cal. Gov. Code § 65584). The General Plan must clearly lay out the jurisdiction's existing need and projected growth, and what policies and plans the jurisdiction will adopt to make room for this growth. One of the required elements of the General Plan is the Housing Element. The State requires that every jurisdiction use the Housing Element to plan for existing and projected housing needs for all income levels in the community. The Housing Element Law states:

It is the intent of the Legislature that cities, counties, and cities and counties should undertake all necessary actions to encourage, promote, and facilitate the development of housing to accommodate the entire regional housing need, and reasonable actions should be taken by local and regional governments to ensure that future housing production meets, at a minimum, the regional housing need established for planning purposes. (Cal. Gov. Code § 65584, Art. 2)

The legislative intent of California's Housing Element Law is that local jurisdictions adopt plans and processes that provide adequate opportunities for the private market to meet the housing needs of local residents, and do not constrain development to the point that development is infeasible and housing need cannot be met (California Department of Housing and Community Development, 2020c).

While the law is specific about what is expected of local jurisdictions, the implementation has historically been the responsibility of cities and counties, under a concept known as local control (Taylor, 2017). Local control is derived from the "police powers" of the California Constitution, which grant each local government authority to "make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws" (Cal. Const., art. XI, § 7). California's cities and counties make most of the decisions about

when, where, how much, and what types of housing will be built through their planning and permitting processes. Taylor (2017) finds that many California cities have used this power to limit home building, and identifies planning that provides inadequate opportunities for new housing to be built as a chief impediment to adequate housing construction.

RHNA Performance of Study Jurisdictions

Each spring, each California jurisdiction is required to provide an Annual Progress Report to show how effective their efforts have been in achieving housing development targets by income level (HCD, 2020c). Progress is measured by how many housing construction permits jurisdictions have issued for each income level.

Few jurisdictions in the state, including those in Santa Clara County, are currently on track to meet their RHNA by the end of the planning cycle (California Department of Housing and Community Development, 2020a). Since the current RHNA planning cycle began in 2015 for all ABAG’s jurisdictions, the percent progress for each affordability level for the 2019 Annual Progress Report should be 62.5 percent or higher to reflect the progress of the planning period. While Milpitas, Mountain View, Palo Alto, Santa Clara, and Sunnyvale each have challenges in meeting their RHNA targets for low-income and moderate-income housing units, they are all on track to meet their target for market rate (also known as above moderate) housing units (California Department of Housing and Community Development, 2020a). Table 3 shows each jurisdiction’s progress, as reported in their 2019 Annual Progress Reports, and compiled by HCD.

Table 3

Low-Income RHNA Performance of Study Jurisdictions through 2019

Jurisdiction	Lower-Income Units Permitted	Current Cycle Lower-Income Allocation	Percent of Allocation Permitted
Milpitas	10	1,574	1%
Mountain View	327	1,306	25%
Palo Alto	103	1,123	9%
San Jose	854	14,661	6%
Santa Clara	147	1,745	8%
Sunnyvale	135	2,546	5%
Total	1,576	22,955	7%

Note. For the purposes of this analysis, Extremely Low-Income, Very Low-Income, and Low-Income affordability levels were considered together as one category, Lower-Income. This is consistent with practice by HCD of considering these categories together for certain types of analysis, including the Assessment of Fair Housing required as part of each jurisdiction's Housing Element. Data from "5th Cycle Annual Progress Report Permit Summary," California Department of Housing and Community Development, 2020 (<https://www.hcd.ca.gov/community-development/annual-progress-reports.shtml>).

Literature Review

Co-Planning Strategy for Reducing Greenhouse Gas Emissions: Transit-Oriented

Development

Climate change is considered a substantial threat to California's economy, public health and mortality, and natural ecosystems, including drought and fire risk (Yang, et al., 2009). In its most recent annual statewide greenhouse gas (GHG) emission inventory, the California Air Resources Board shows that GHG emissions have been trending downward since 2007, but that the transportation sector remains the largest source of GHG emissions in the State (CARB, 2020). Passenger vehicles alone account for 28.1% of the State's GHG emissions. To comply with SB 375's climate change mandate, regions across California are pursuing more compact,

transit-oriented development as a key strategy to achieve greenhouse gas reductions through their Sustainable Communities Strategy (SCS) (Chapple et al., 2017).

Numerous studies have found that residents of transit-oriented development (TOD) tend to own fewer cars, drive less, and travel by transit more often than those living in non-TOD areas, which could reduce GHG emissions (Jeihani et al., 2013; Chen et al., 2017; Litman & Steele, 2021). Transit-oriented development is one of many policies employed by the State to reduce the GHG emissions that lead to climate change (Yang, et al., 2009). Studies have also shown that compact, smaller, more dense residential units can increase the energy efficiency of TOD, contributing to a further reduction of carbon emissions (Trepici, et al., 2020).

A high density of uses is critical for TOD to function as intended, with enough residents, businesses, and activities to translate into high numbers of transit riders and a customer base for retail and services (Trepici, et al., 2020). Without high enough density, transit systems may require significant operating and capital subsidies (Mathur, 2016). TOD has tended to be implemented primarily in areas that are wealthier, more urban, and with a larger percentage of white residents, leaving behind lower-income communities (Ali et al., 2021). TOD has significant potential for economic development that can boost quality of life and increase access to job centers for lower-income communities, when paired with robust anti-displacement strategies (Chappel et al., 2017; Ali et al., 2021).

Racial and Economic Segregation: The Impetus for Affirmatively Furthering Fair Housing

Part of the Civil Rights Act of 1968, The Fair Housing Act and its Affirmatively Furthering Fair Housing (AFFH) provision intended to end discrimination on the basis of race, color, religion, sex, familial status, national origin, and disability. In the years since the Fair Housing Act was signed into law, racial segregation has remained widespread across the country

(Menendian & Gambhir, 2018). Proponents of affirmatively furthering fair housing policies consider the primary problem facing low-income communities to be racial segregation and lack of access to the opportunities found in high-income neighborhoods.

Residential segregation is a persistent problem that isolates many lower-income people of color from opportunity and resources such as high-quality education, higher-wage jobs, and adequate healthcare (Menendian & Gambhir, 2018). Segregation is a critical determinant of racial inequality in areas such as educational performance and attainment, health outcomes, and upward economic mobility (Johnson, 2011). Recent research from UC Berkeley's Othering and Belonging Institute finds that living in "highly segregated Black/Latinx neighborhoods correlate with negative life outcomes for all people in those communities, including rates of poverty, income, educational attainment, home values, and health outcomes" (Menendian & Gailles, 2019).

Residential segregation often divides people not only by race, but by income, as people of color are likely to have lower incomes and less accumulated wealth than their white counterparts (Rothstein, 2017). This economic segregation has significant implications for children's long-term outcomes: children who move from high-poverty areas to lower-poverty areas show greatly improved mental health, physical health, and subjective well-being, and also have significantly higher educational attainment and wages as adults than those who do not move (Chetty et al., 2015). However, studies have also shown that the construction on LIHTC-financed affordable housing in high-poverty neighborhoods can actually increase incomes for the neighborhood, since the targeted affordability level of these units is generally low-income, rather than very low-income or extremely low-income (Eerola & Saarimaa, 2018; Diamond & McQuaid, 2019).

Highly segregated, predominantly Black/Latinx neighborhoods have higher neighborhood poverty rates, lower employment, lower household incomes, and fewer people with an income of at least double the poverty threshold (Menendian & Gailles, 2019). Not only are median incomes significantly lower in highly segregated neighborhoods, but homeownership is also, depriving individuals of the primary tool for accumulating wealth and perpetuating the racial wealth gap (Rothstein, 2017).

Although segregation is often thought of as a problem of the past, Menendian and Gambhir (2019) find that, more than 50 years after the passage of the federal Fair Housing Act, racial segregation remains high and has actually increased since 1970 in seven of the nine counties of the Bay Area. This isolates communities of all races, but in particular, separates many communities of color from areas of opportunity.

Disparity Between Transit Areas and Resources

Segregation in American cities has been enacted and solidified by federal, state, and local government policies that continue to have repercussions today (Rothstein, 2017; McGrew, 2018; Archer, 2020). One of the best-known federal policies that led to segregation is redlining, first enacted by the Home Owners' Loan Corporation as part of a plan to stabilize housing markets in the wake of the Great Depression (Aaronson, 2018). The Home Owners' Loan Corporation drew color-coded maps for more than 200 cities to grade the riskiness of lending within residential neighborhoods, explicitly based in part on factors such as race, ethnicity, and immigration status, with neighborhoods coded in red identified as highest-risk. These neighborhoods were often composed of African American, Chinese, and other residents of color (Rothstein, 2017). The Federal Housing Administration, established in 1934, furthered the segregation efforts by refusing to insure mortgages in and near African American neighborhoods, while subsidizing

builders who were mass-producing entire subdivisions for whites, with the explicit requirement that none of the homes be sold to African Americans (Rothstein, 2017; McGrew, 2018).

Sprawling land use patterns emerged in the South Bay Area after World War II, as the region experienced rapid growth with little regulation (City of San Jose, 2011). At the same time, Bay Area cities, along with many jurisdictions across the country, adopted single-family zoning across the majority of residential land (Badger & Bui, 2019; Menendian et al., 2020). By sharply limiting density, single-family zoning pushed growth to the outskirts of cities and increased home prices, limiting the number of people who could afford to own a home (Rothstein, 2017; Badger & Bui, 2019; Menendian & Gambhir, 2019).

The freeways and high-speed arterials required to support sprawl and the shift of growth away from downtowns and to the outskirts of cities increased VMT and auto-dependency (Mohl, 2002; Archer, 2020). At the same time, extensive single-family zoning and sprawl decreased the viability of a robust transit system by diluting ridership (Badger & Bui, 2019). Along with the racially exclusive covenants encouraged explicitly by the FHA until their removal from the FHA underwriting manual in 1947, higher home prices and local government policies helped keep single-family neighborhoods predominantly white (Jones-Correa, 2000; Rothstein, 2017). Neighborhoods zoned exclusively for single-family homes generally have higher incomes, higher home values, and better-performing schools, and children who were raised in these cities 30 years ago have better outcomes in their adulthoods (Chetty et al., 2015; Menendian et al., 2020).

An analysis of Bay Area cities and towns conducted in 2020 found that these land use patterns persist in the present day, by mapping single-family-zoned parcels in every jurisdiction in the nine-county Bay Area (Menendian et al., 2020). The study authors mapped residential

zoning with pink indicating single-family zoning, and blue indicating parcels where any type of multifamily home could be built. They found that of the land zoned for residential use, Milpitas zoned 78 percent single-family, Mountain View zoned 50 percent single-family, Palo Alto zoned 87 percent single-family, San Jose zoned 84 percent single-family, Santa Clara zoned 68 percent single-family, and Sunnyvale zoned 72 percent for single-family.

By the time the interstate highway system began construction in 1956, these policies had led to urban sprawl across the country, with whites more likely to live in newer, low-density suburbs, and people of color constrained to older central cities that had experienced little investment (Mohl, 2002; Chapple, 2017; Archer, 2020). Freeways and arterial roads were routed through these areas, sometimes under the guise of “slum clearance” (Archer, 2020, p. 3), further damaging and isolating low-income communities (Chapple, 2017). New transit-oriented development in these neighborhoods has the potential for displacement of original residents if significant policy interventions are not applied (Chapple, 2017; Archer, 2020). Matt Regan, who is Senior Vice President, Public Policy for the Bay Area Council and sits on ABAG’s executive committee, commented on the struggle to balance these priorities. “Some of the places that are greenest to develop in also happen to be predominantly minority communities. That is the challenge regional planners are grappling with. They are trying to serve two masters — equity and climate — and sometimes those are in conflict,” (Dineen, 2021, para. 19) Regan said.

Political Barriers to Affirmatively Furthering Fair Housing

One of the highest and most stubborn barriers to affirmatively furthering fair housing is political opposition. The opportunity-rich neighborhoods where AFFH requires low-income housing to be located typically hold politically powerful existing residents who are resistant to additional development, especially affordable homes, which are often part of multifamily

developments. Petek (2019) notes that “residents of many communities are reluctant to accommodate housing growth, fearing that such growth could bring about changes to the nature of their community. Reflecting this reluctance, many communities have not carried out the housing element process in a way that truly facilitates home building” (p. 3). Given that much of the direction of the planning process must be approved by elected city councils and boards of supervisors, political pressure from constituents to deny development can be a powerful impediment to adequate housing production that follows AFFH guidelines.

Ohanian (2020) notes the recent failure in the Legislature of several housing bills, such as SB 50, which aimed to increase housing production by preventing local communities from blocking higher-density housing near transit corridors and near areas with good job opportunities. He attributes the bill’s failure to its being “unacceptable to local politicians who do not want to give up control over their communities, as well as to many homeowners who prefer living in single-family-home neighborhoods” (para. 3). Taylor (2017) points out that those who would benefit most from new housing opportunities often have little standing to advocate on behalf of new development, since they do not live in the community. This leaves existing residents with almost exclusive power over what type of homes are built in their neighborhoods, and as a result, who can live there.

There is particular political opposition to zoning that would result in denser land uses, such as apartments and other forms of multifamily housing (Schuetz & Murray, 2019). Local jurisdictions face pressure to disallow multifamily homes, not due to lack of demand, but because many homeowners are opposed to new multifamily development in their communities. Often homeowners fear that more dense housing will decrease their property values, though research has demonstrated that multifamily housing has little, if any, impact on the value of

nearby single-family homes (Pollakowski, et al., 2005, Obrinsky & Stein, 2007, Nguyen, 2005). Local governments must navigate the concerns of residents fearful about protecting the value and amenities of existing homes, and complying with statutory requirements to meet the housing needs of all residents equitably.

Neighborhoods with lower median incomes tend to have a higher percentage of renter households, who also tend to be less politically active unless they are actively organizing, reducing political opposition to development in lower income neighborhoods (Taylor, 2017). Downs (2016) notes that the comparative wealth of homeowners give them substantial political advantages over renters when it comes to influencing local government regulations concerning housing, especially in the suburbs and outside metropolitan areas.

The same forces that make lower-income neighborhoods prone to displacement also make them easier sites to develop affordable housing. Land costs are typically lower in segregated, lower-income communities, making sites in those neighborhoods more economically feasible for developers of affordable housing, who must stitch together multiple sources of financing for their projects (Richardson, et al., 2019). The lower land costs and typically lower political opposition of lower-income communities makes lower-income communities an easier location to build developments of all kinds, including low-income developments.

Financial Barriers to Affordable Housing Production

Political opposition to denser multifamily developments also often results in delays, which drive up the costs of projects for developers (Rothwell, 2019). This risks making the costs of development infeasible, especially for affordable housing projects that operate very close to the margins. Schuetz & Murray (2019) have found that zoning is only part of the barrier to denser development, as “communities that want to discourage apartments will use legal tools like

zoning as well as political pressure through lawsuits, protests, lobbying elected officials and planning staff” (p. 13).

Most affordable developments in the Bay Area are financed through the Low Income Housing Tax Credit (LIHTC), a program established by the Tax Reform Act of 1986 that provides financial incentives for investors in low-income rental housing, and the single largest subsidy nationwide for affordable housing units (Schwartz, 2014; California Tax Credit Allocation Committee, 2020). The federal government issues tax credits to state and territorial governments using a formula based on state population and fiscal limits set by Congress on the amount of LIHTC funding that can be allocated in a given year (Keightley, 2019). State housing agencies then award the credits to private developers of affordable rental housing projects through a competitive process. Developers generally sell the credits to private investors to obtain funding. Once the housing project is available to tenants, investors can claim the LIHTC over a 10-year period (Schwartz, 2014). Achieving more funding through LIHTC and other funding sources from federal, state, and local governments allow a given developer to reduce the size of the project’s mortgage (Scally, Gold, & Dubois, 2018). Reducing mortgage size is critical, since deed-restricted low-income rents will need to provide enough revenue to cover debt service costs. Schwartz (2014) notes that the scoring process and financial feasibility lead a disproportionate percentage of tax credit housing to be located in low-income, low-resource neighborhoods.

Affordable housing developers often need to cobble together multiple sources of funding in order to finance a project fully. For example, recent developments in San Jose were financed by City funds, Santa Clara County Measure A, Housing and Urban Development’s VASH (Veterans Affairs Supportive Housing) Program, Section 8 project-based vouchers, HCD’s

Affordable Housing and Sustainable Communities funding, CDLAC, and LIHTC (Cueto, 2019). The California Tax Credit Allocation Committee (2020) has established regulations and a system for scoring projects in competition for scarce LIHTC financing. Both proximity to high-quality transit and location in an opportunity-rich area, as identified by the Opportunity Map, earn a project a large tranche of points.

Data and Methods

This research qualifies for exclusion from Independent Review Board review, since all datasets for analysis were culled from publicly available sources.

QGIS was used to map and evaluate data on high-quality transit corridors, priority development areas, high- and low-resource areas, and affordable home development from the current RHNA cycle, using descriptive and spatial analysis. The addresses of low-income housing units permitted by the study jurisdictions during the current planning cycle were mapped over the boundaries of the study jurisdictions, and overlaid with the MTC high-quality transit route map and the California HCD Opportunity Area Map. In order to understand how areas planned for development in the upcoming planning cycle may interact with transit and opportunity, a map of planned Priority Development Areas was overlaid. Overlap analysis was used to measure areas of intersection and quantify the relationships between affordable housing locations, transit, and areas of opportunity. For the purposes of this analysis, Extremely Low-Income, Very Low-Income, and Low-Income affordability levels were considered together as one category, Lower-Income. This is consistent with practice by HCD of considering these categories together for certain types of analysis, including the Assessment of Fair Housing required as part of each jurisdiction's Housing Element (Olmstead, 2020a).

The primary data set consists of a compilation of the Housing Element Annual Progress Reports (APRs) of six cities in Santa Clara County over the first five years of the current RHNA planning cycle: 2015-2019. The APRs list the sites and the level of affordability of each housing unit permitted within the previous calendar year. The cities in the study are the City of San Jose (2015-2019) and five mid-sized cities: Milpitas (2015-2019), Mountain View (2015-2019), Palo Alto (2015-2019), Santa Clara (2015-2019), and Sunnyvale (2015-2019). The APRs, completed and filed with HCD by each jurisdiction, were obtained from HCD through a series of Public Records Act requests.

Additional datasets for analysis include:

GIS data from the Metropolitan Transportation Commission (MTC) showing high-quality transit corridors, as defined in SB 375: “Existing fixed-route bus corridor with headway of 15 minutes or better during both the morning and evening peak periods; or fixed-route bus corridor with headway of 15 minutes or better during both the morning and evening peak periods in an adopted Regional Transportation Plan” (MTC, 2018, para. 1). Headway refers to the length of time between scheduled transit vehicle arrivals.

GIS data from the MTC showing Priority Development Areas for the San Francisco Bay Area Region as adopted by the Metropolitan Transportation Commission and Association of Bay Area Governments executive bodies on July 16, 2020 (MTC, 2020b).

GIS data from the MTC showing the California Department of Housing and Community Development (HCD) Opportunity Map, which maps Resource Opportunity Areas by Census tract, as measured by the California Fair Housing Task Force under the authority of HCD (MTC, 2020a).

GIS data from the MTC showing the boundaries of San Francisco Bay Region
Jurisdictions (MTC, 2019)

Findings

Variation in Context Among Jurisdictions

As expected, jurisdictions have varying amounts of land in proximity to transit or rich in resources. In Figure 3, areas shown in blue indicate high-resource tracts, light green indicates low-resource tracts, and gray indicates a half-mile buffer around a high-quality transit corridor, as defined by SB 375.

Figure 3

High-Quality Transit Corridors and High- and Low- Resource Areas in Study Jurisdictions

Note. Areas shown in blue indicate high-resource tracts, light green indicates low-resource tracts, and gray indicates a half-mile buffer around a high-quality transit corridor, as defined by SB 375.

Palo Alto and Mountain View’s large number of high-paying jobs in research and development and technology, at employers such as HP, Stanford University, Google, and Intuit, mean most of the land area in these cities is high-resource. Residents enjoy access to a wide range of amenities and services, and high property values provide a robust property tax base to fund public education. While Sunnyvale has more census tracts that are moderate-resource, much of the land area is still high-resource, with major technology employers such as NetApp, Juniper Networks, and Yahoo. High-quality transit corridors in these three cities have strong overlap with high-resource areas: in Palo Alto, Mountain View, and Sunnyvale, all but one small census tract of transit-adjacent land is high-resource, and that one census tract is moderate resource.

Santa Clara and Milpitas have little acreage within both the transit corridor and a high-resource area, as areas close to transit have had predominantly industrial and commercial land uses until recent investment in transit-oriented development. San Jose has almost no acreage within both the transit corridor and a high-resource area. A relatively low ratio of jobs to housing and a sprawling land-use pattern driven by broad swaths of land zoned exclusively for single-family homes pushes San Jose’s high-resource areas into wealthy neighborhoods farther from transit. Overall, comparatively little of San Jose’s and Santa Clara’s areas are high in resources, with just 31 and 36 percent, compared to Palo Alto’s 82 and Mountain View’s 70 percent.

Table 4 shows the percent of the total area of each jurisdiction within a high resource area, a low resource area, or the transit walkshed. Darker orange indicates a greater challenge in that category relative to the other jurisdictions, while lighter orange indicates an advantage.

Table 4

Percent of Total land Area Intersecting with High-Resource Areas, Low-Resource Areas, and High-Quality Transit Corridors

Jurisdiction	High resource percent of total area	Low resource percent of total area	Percent of area within half mile of transit walkshed
Milpitas	59%	5%	13%
Mountain View	70%	25%	26%
Palo Alto	82%	17%	13%
San Jose	31%	35%	15%
Santa Clara	36%	20%	31%
Sunnyvale	50%	26%	17%

Priority Development Areas and Transit

The map in Figure 4 shows in bright pink the Priority Development Areas (PDAs) that were adopted as the official boundaries for planning homes, jobs, and community amenities in Plan Bay Area 2050. In most cases, these represent areas where cities intend to implement the bulk of their 6th Cycle RHNA. There are 44 PDAs that have been identified within Santa Clara County for the current planning cycle. Based on GIS analysis, 13 of these PDAs have at least 50% of their area within a half mile of a high-quality transit corridor, so they meet the criteria to qualify as Transit-Rich PDAs. Thirty-one are not within a half mile of a high-quality transit corridor, but meet criteria for Connected Community PDAs (they are located entirely within a half-mile of more public transit with peak service frequency of 30 minutes or less, **and** are either 1) at least 50 percent high-resource, **or** 2) have at least two jurisdiction-adopted policies to reduce vehicle miles traveled. If all other characteristics are equivalent, Connected Communities will receive fewer points in the LIHTC scoring process than Transit-Rich PDAs.

Figure 4*Priority Development Areas and High-Quality Transit Corridors*

Note. Priority Development Areas (PDAs) are mapped in bright pink, and high-quality transit corridors are mapped in gray.

Priority Development Areas and Resource Areas

Examining the intersection of PDAs and resource areas reveals challenges in using identified PDAs to satisfy both transit and fair housing mandates. The lack of substantial overlap of PDAs with high-quality transit and high resource areas not only undermines the ability of cities to meet the requirements of both SB 375 and AB 686, but it also jeopardizes financial feasibility of affordable housing developments within those areas. Overlap of PDAs with transit and high-resource areas, marked in blue, is shown in Figure 5.

Six of the 13 Transit-Rich PDAs have at least 50% of their area within a high-resource area: El Camino Real in Mountain View, California Ave. and Downtown in Palo Alto, The Stevens Creek TOD Corridor in San Jose, the El Camino Real Focus Area in Santa Clara, and the El Camino Real Corridor in Sunnyvale. Because they satisfy both sets of criteria, these are likely to be the highest-scoring areas for LIHTC. Together, they make up 1,597 acres, or only 6 percent, of Santa Clara County's 26,196 acres within PDAs.

Eight of the 31 Connected Communities PDAs have at least 50% of their area within a high-resource area: Downtown and Whisman in Mountain View; San Jose's Bascom Urban Village, Camden Urban Village, South De Anza, Westgate/ El Paseo Urban Village, and Saratoga TOD Corridor; and Sunnyvale's Downtown & Caltrain Station. Together, they make up 1,665 acres, or another 6 percent, of Santa Clara County's 26,196 acres within PDAs.

Figure 5

Priority Development Areas and High-Resource Areas

Note. Priority Development Areas (PDAs) are mapped in bright pink, and high-resource areas are mapped in light blue (high-resource) and dark blue (highest resource).

Overlap of PDAs with transit and low-resource areas, marked in green, is shown in Figure 6 below. Many of the largest PDAs in Santa Clara County are in low-resource areas. Four of the 13 Transit-Rich PDAs have more than half their area in low-resource areas. In San Jose, the entire E. Santa Clara Street / Alum Rock Urban Village is within a low-resource tract, 99 percent of the Capitol, Tully, and King Urban Village is within a low-resource tract, and 84 percent of the Greater Downtown PDA is within a low-resource tract. In Santa Clara, 65 percent of the Santa Clara Station Focus Area is within a low-resource tract. Another three Connected Communities PDAs have more than half their area in low-resource tracts: Mountain View's North Bayshore, San Jose's Downtown "Frame", and Sunnyvale's Moffett Park.

Together, the seven PDAs with more than half their area in low-resource tracts make up 6,468 acres, or 24.7 percent, of Santa Clara County's 26,196 acres within PDAs: twice the area of PDAs' intersection with resource-rich areas.

Figure 6

Priority Development Areas and Low-Resource Areas

Note. Priority Development Areas (PDAs) are mapped in bright pink, and low-resource areas are mapped in lime green.

Each city's PDAs were assessed for transit proximity and resource access. PDAs with more than 50% of their acreage overlapping a high-quality transit corridor or within a high-resource area have that category highlighted in green. PDAs with more than 50% of their acreage in a low-resource area are highlighted in red.

As shown in Table 5, Milpitas has only two PDAs, one Transit-Rich and one Connected Community. The Transit Area Specific Plan, Milpitas's smaller PDA at nearly 450 acres, is entirely within the transit corridor surrounding the Milpitas Transit Center, at present the southern terminus of the BART train. While only 37% of the total PDA acreage is high-resource, none is low-resource. In order for affordable housing developments in Milpitas to have the best chance to qualify for LIHTC financing, affordable housing units should be planned for parcels that are high-resource and within the high-quality transit corridor. As long as these parcels are zoned for sufficient density to hold Milpitas's lower-income RHNA of 2,655 units, the city is likely to be able to accommodate their allocation.

Table 5

Milpitas Priority Development Areas, Transit, and Resources

Milpitas PDAs, Transit, and Resources								
PDA Name	PDA Total Area (acres)	Acreage of PDA/ Transit Overlap	% PDA/ Transit Overlap	Acreage of PDA/ High Resource Overlap	% PDA/ High Resource Overlap	Acreage of PDA/ Low Resource Overlap	% Overlap Low Resource	PDA Type
Transit Area Specific Plan	442.51	441.65	100%	196.65	44%	0.00	0%	Transit
Midtown	587.51	135.55	23%	179.98	31%	0.00	0%	Community
	1030.02	577.20	56%	376.63	37%	0.00	0%	

As shown in Table 6, three of Mountain View's five PDAs are either entirely or mostly within high-resource areas, although the overall PDA high-resource percentage of 55 is somewhat lower than the city's total 70 percent high-resource area.

North Bayshore stands out as Mountain View's only PDA entirely within a low-resource area. Separated from the rest of the city by Highway 101 and bordered by Shoreline at Mountain View Regional Park, North Bayshore is currently an auto-oriented, suburban office area with few

services outside tech campuses. There is currently little transit service in the area beyond employer shuttles for high-tech companies, such as the nearby Google, and the North Bayshore Precise Plan assumes that additional transit routes will be added as ridership grows (City of Mountain View, 2014). Affordable housing developments in this area will not qualify for points in either the LIHTC transit or resource categories, and should the city choose a site in North Bayshore to plan for lower-income housing units in the Housing Element, that site may be rejected.

Mountain View will likely be able to accommodate a large portion of its 4,370 lower-income units in its high-resource Downtown, El Camino Real, and Whisman PDAs, totaling over 1,017 acres of land. However, of these PDAs, only El Camino Real has sufficient access to transit to meet the threshold for full points in the LIHTC transit category.

Table 6

Mountain View Priority Development Areas, Transit, and Resources

Mountain View PDAs, Transit, and Resources								
PDA Name	PDA Total Area (acres)	Acreage of PDA/ Transit Overlap	% PDA/ Transit Overlap	Acreage of PDA/ High Resource Overlap	% PDA/ High Resource Overlap	Acreage of PDA/ Low Resource Overlap	% Overlap Low Resource	PDA Type
Downtown	163.37	65.52	40%	163.37	100%	0.00	0%	Community
El Camino Real	286.43	286.43	100%	233.86	82%	0.00	0%	Transit
San Antonio	123.07	121.63	99%	27.60	22%	0.00	0%	Transit
Whisman	568.61	0.00	0%	568.61	100%	0.00	0%	Community
North Bayshore	651.82	0.00	0%	0.00	0%	651.82	100%	Community
	1793.30	473.57	26%	993.45	55%	651.82	36%	

Table 7 shows that the City of Palo Alto has only two PDAs totaling about 315 acres, both of which are entirely within high-resource areas and almost entirely within the high-quality transit corridor. If parcels in the site inventory are zoned to sufficient capacity, Palo Alto should

be able to accommodate its full allocation of 2,452 lower-income units within high-resource areas close to high-quality transit corridors.

Table 7

Palo Alto Priority Development Areas, Transit, and Resources

Palo Alto PDAs, Transit, and Resources								
PDA Name	PDA Total Area (acres)	Acreage of PDA/ Transit Overlap	% PDA/ Transit Overlap	Acreage of PDA/ High Resource Overlap	% PDA/ High Resource Overlap	Acreage of PDA/ Low Resource Overlap	% Overlap Low Resource	PDA Type
California Avenue	119.77	119.77	100%	119.77	100%	0.00	0%	Transit
Downtown Palo Alto	205.87	194.94	95%	205.87	100%	0.00	0%	Transit
	325.65	314.71	97%	325.65	100%	0.00	0%	

By far the largest of the study cities, San Jose has 22 PDAs holding 72 percent of the study jurisdictions' collective total PDA acreage. It also has by far the largest lower-income RHNA, with 23,775 housing units, a quantity likely to be exceptionally challenging to permit over the next eight years. Surprisingly, given the city's large volume of low-resource areas, San Jose's PDAs have a percentage of overlap with low resource areas on par with Mountain View and the highest percentage of transit corridor intersection of any city except Palo Alto and Santa Clara.

However, only 9% of the city's total PDA acreage is high-resource. While San Jose's PDAs are clustered near transit and arterial roads, its high-resource areas are primarily in neighborhoods zoned exclusively for single-family homes, well to the west, south, and southeast of Downtown. Given these land-use patterns, it will be extremely difficult for San Jose to demonstrate that it is furthering fair housing under the requirements of AB 686 while accommodating such a large lower-income RHNA.

As Table 8 shows, much of the acreage of Transit-Rich PDAs is low-resource, including the Capitol/ Tully/ King Urban Village, the East Santa Clara Street/ Alum Rock Urban Village, and the Greater Downtown Urban Village. These three PDAs trace the route of a planned BART extension into Diridon Station on Downtown San Jose, where Google is planning a large new development that includes housing, parks, and many amenities. Since the Opportunity Maps are based on 10-year trends, they will not reflect investment in these areas as high-resource for years to come. Although these PDAs may ultimately be rich in resources, at present they would not qualify for opportunity area points in LIHTC scoring. However, Google and the City of San Jose have planned for 25 percent of the 4,000 homes planned in the development to be affordable, and Google has donated land for 200 of these affordable units to the city (Avalos, 2021).

Table 8

San Jose Priority Development Areas, Transit, and Resources

San Jose PDAs, Transit, and Resources								
PDA Name	PDA Total Area (acres)	Acreage of PDA/ Transit Overlap	% PDA/ Transit Overlap	Acreage of PDA/ High Resource Overlap	% PDA/ High Resource Overlap	Acreage of PDA/ Low Resource Overlap	% Overlap Low Resource	PDA Type
Bascom Urban Village	117.62	0.00	0%	117.62	100%	0.00	0%	Community
Camden Urban Village	108.36	0.00	0%	108.36	100%	0.00	0%	Community
Capitol/ Tully/ King Urban Village	253.70	253.70	100%	0.00	0%	250.08	99%	Transit
E. Santa Clara St./ Alum Rock Urban Village	898.05	838.94	93%	0.00	0%	898.05	100%	Transit
Greater Downtown	683.92	683.92	100%	0.00	0%	575.16	84%	Transit
South DeAnza	97.22	0.00	0%	97.22	100%	0.00	0%	Community
Stevens Creek TOD Corridor	256.53	256.53	100%	163.10	64%	0.00	0%	Transit
Valley Fair Santana Row	207.78	206.18	99%	56.18	27%	0.00	0%	Transit
Westgate/El Paseo Urban Village	177.54	0.00	0%	177.54	100%	0.00	0%	Community
Bascom TOD Corridor	214.23	6.00	3%	0.00	0%	0.00	0%	Community
Berryessa Station	667.30	80.15	12%	17.35	3%	220.60	33%	Community
Blossom Hill/ Snell Urban Village	63.96	0.00	0%	0.00	0%	0.00	0%	Community
Capitol Corridor Urban Villages	199.27	92.73	47%	78.97	40%	96.00	48%	Community
Communications Hill	1574.31	584.08	37%	0.00	0%	260.34	17%	Community
Cottle Transit Village (Hitachi)	195.93	0.00	0%	0.00	0%	3.17	2%	Community
Downtown "Frame"	2446.83	956.00	39%	146.86	6%	1458.97	60%	Community
North San Jose	5030.96	9.22	0%	406.89	8%	787.95	16%	Community
Oakridge/ Almaden Plaza Urban Village	380.36	0.00	0%	54.81	14%	0.00	0%	Community
Santa Clara VTA City Cores, Corridors & Station Areas	3578.18	1724.17	48%	103.86	3%	1609.20	45%	Community
Saratoga TOD Corridor	158.62	18.60	12%	127.55	80%	0.00	0%	Community
W. San Carlos and SW. Expressway Corridors	1303.72	605.03	46%	90.45	7%	82.15	6%	Community
Winchester Boulevard TOD Corridor	299.04	6.38	2%	0.00	0%	0.00	0%	Community
	18913.42	6321.62	33%	1746.75	9%	6241.67	33%	

Most of Santa Clara's PDA acreage falls within moderate-resource areas, and nearly half falls within a high-quality transit corridor. As Table 9 shows, the city is relying on a series of smaller Connected Community PDAs in the northern part of the city, which are intended to convert from large office buildings to mixed-use neighborhoods that include residential uses.

While none of these PDAs are in low-resource areas, none of them are in high-resource areas, and they will not receive points in that category of LIHTC scoring. Only about half of one PDA, the 317-acre El Camino Real Focus Area, falls in a high resource area. The city's remaining Transit-Rich PDA, the Santa Clara Station Focus Area, is 65 percent low-resource. With a lower-income RHNA of 4,525 units of housing, Santa Clara is likely to struggle to meet AB 686's fair housing requirements without very high-density zoning for parcels in this area.

Table 9

Santa Clara Priority Development Areas, Transit, and Resources

Santa Clara PDAs, Transit, and Resources								
PDA Name	PDA Total Area (acres)	Acreage of PDA/ Transit Overlap	% PDA/ Transit Overlap	Acreage of PDA/ High Resource Overlap	% PDA/ High Resource Overlap	Acreage of PDA/ Low Resource Overlap	% Overlap Low Resource	PDA Type
El Camino Real Focus Area	317.11	317.11	100%	171.61	54%	28.27	9%	Transit
Santa Clara Station Focus Area	255.69	252.83	99%	0.00	0%	166.78	65%	Transit
City Place	245.77	0.00	0%	0.00	0%	0.00	0%	Community
Freedom Circle	138.52	0.00	0%	0.00	0%	0.00	0%	Community
Lawrence Station Phase	72.60	0.00	0%	0.00	0%	0.00	0%	Community
Patrick Henry Drive	79.64	0.00	0%	0.00	0%	0.00	0%	Community
Tasman East	46.92	0.00	0%	0.00	0%	0.00	0%	Community
	1156.26	569.94	49%	171.61	15%	195.04	17%	

By far Sunnyvale's largest PDA at 1,278 acres, Moffett Park PDA holds 43 percent of the city's total PDA acreage. Like Mountain View's North Bayshore, it is currently an office park, cut off from the rest of the city by a freeway. Although the plan area does not qualify as a high-quality transit corridor, it is served by four VTA light rail stops which qualify it as a Connected Community. Affordable housing developments in this area will not qualify for points in either the LIHTC transit or resource categories, and should the city choose a site in Moffett Park to

plan for lower-income housing units in the Housing Element, that site may be rejected. Table 10 shows that two of Sunnyvale's PDAs, the El Camino Real Corridor and the Downtown & Caltrain station, are majority high resource. However, of the city's nearly 3,000 acres of PDAs, only the El Camino Real Corridor's 411 acres is high in both resources and transit. With an allocation of 4,677 lower-income housing units and a heavy reliance on the large Moffett Park PDA, Sunnyvale may struggle to accommodate its allocation and demonstrate compliance with AB 686's fair housing requirements.

Table 10

Sunnyvale Priority Development Areas, Transit, and Resources

Sunnyvale PDAs, Transit, and Resources								
PDA Name	PDA Total Area (acres)	Acreage of PDA/ Transit Overlap	% PDA/ Transit Overlap	Acreage of PDA/ High Resource Overlap	% PDA/ High Resource Overlap	Acreage of PDA/ Low Resource Overlap	% Overlap Low Resource	PDA Type
El Camino Real Corridor	411.33	411.33	100%	411.33	100%	0.00	0%	Transit
Downtown & Caltrain Station	274.05	83.87	31%	193.06	70%	0.00	0%	Community
East Sunnyvale	459.78	0.00	0%	0.00	0%	0.00	0%	Community
Lawrence Station Transit Village	356.61	0.00	0%	169.08	47%	38.88	11%	Community
Moffett Park PDA	1278.23	0.00	0%	4.41	0%	1273.82	100%	Community
Tasman Crossing	197.03	0.00	0%	0.00	0%	0.00	0%	Community
Total	2977.04	495.20	17%	777.89	26%	1312.70	44%	

RHNA Implementation

The six study jurisdictions, like most of the rest of the county and state, are lagging far behind their allocation targets for affordable housing. Collectively, they have permitted only 7 percent of their lower-income units, at a point in the planning cycle that they should have permitted 62.5 percent to be on track. However, all cities are ahead of progress for market-rate homes, which are generally easier to finance.

Table 11

Lower-Income and Market-Rate RHNA Progress, 5th Cycle

	Lower-Income Allocated	Lower-Income Permitted	Lower-Income Percent to Allocation	Market Rate Allocated	Market Rate Permitted	Market Rate Percent to Allocation
Milpitas	1,574	10	1%	1,151	3,221	280%
Mountain View	1,306	372	28%	1,093	3,223	295%
Palo Alto	1,123	106	9%	587	409	70%
San Jose	14,661	1,360	9%	14,231	13,392	94%
Santa Clara	1,745	147	8%	1,593	4,008	252%
Sunnyvale	2,546	135	5%	1,974	2,215	112%

The map below shows the locations where lower-income homes were permitted, overlaid with high-resource areas (in blue), low-resource areas (in green), and high-quality transit corridors (in gray). This reflects how little land area is available to meet both transit and resource goals in Santa Clara, San Jose, and Milpitas.

Figure 7

RHNA Implementation: Location of Lower-Income Homes Permitted in the 5th RHNA Cycle

Note. High-resource areas are shown in blue, low-resource areas are shown in lime green, and high-quality transit corridors are shown in gray. The location of lower-income homes permitted during the 5th Cycle RHNA through the end of 2019 are represented by a red house icon.

Of the 1,576 lower-income units that were permitted, 398 fell within a half-mile of a high-quality transit corridor, but were not in a resource-rich area. 170 were in resource-rich areas, but were not within a half-mile of a high-quality transit corridor. Of the lower-income units in resource-rich areas, all but 11 of those were within Palo Alto and Mountain View, cities with 82 percent and 70 percent of the jurisdiction's total acreage designated high resource. San Jose, responsible for permitting more than half of the study's lower-income homes, did not permit a single lower-income home in a high-resource area. Only 248, less than 16 percent of permitted lower-income homes, were both within a half-mile of a high-quality transit corridor and also in a resource-rich area, fulfilling both fair housing and transit goals. 748 units, nearly half the low-income units permitted, were not within a half-mile of a high-quality transit corridor or in a high-resource area, and did not meet either goal.

Analysis

Implications for Priority Development Areas

With nearly 25% of PDA areas within low-resource areas, developments seeking LIHTC financing over the coming planning cycle may be challenged to be competitive. In Santa Clara and San Jose, the vast majority of affordable housing permitted in the 5th cycle has been located outside of resource-rich areas, and in San Jose lower-income units were almost entirely in low-resource areas. This is a more typical pattern for lower-income housing for several reasons: land in low-resource areas is often less expensive, existing residents are often less resistant, and for decades the LIHTC program targeted high-poverty neighborhoods for affordable developments (Schwartz, 2014; Eerola & Saarimaa, 2018; Diamond & McQuaid, 2019). These are factors that are likely to continue to create barriers to meeting AB 686's fair housing requirements in the future.

San Jose and Santa Clara also have a mix of resource areas more representative of typical California cities, with a more even mix of high, moderate-, and low-resource areas than the technology job centers in Palo Alto, Mountain View, and Sunnyvale. This suggests that insights gleaned from these areas may be more broadly applicable.

Although the TCAC's Opportunity Map will be updated each year and for its second year (2021) the Fair Housing Task Force did incorporate methodological changes to improve relevance, the methodology has so far hewed to 10-year trends. If the Task Force continues to use that standard, affordable housing may be effectively shut out of new, rapidly developing areas such as San Jose's Diridon Station Area and Santa Clara's Santa Clara Square. At minimum, affordable developers will likely need to seek other sources of financing, at a time when they will be in fierce competition with market-rate developers. Only a little over 12 percent

of study areas PDA areas fell within resource-rich areas, qualifying for those points on LIHTC scoring.

Transit Priority

While there is an extensive body of research supporting dense, transit-oriented development as a successful strategy for increasing transit ridership and reducing carbon emissions, high-quality transit as defined in SB 375, is currently very limited in Santa Clara County. This constrains opportunities to develop housing in ways that can reduce vehicle miles traveled, despite the planning and financing processes in place to support transit-oriented development.

At the same time, the lack of densely clustered populations of potential transit riders makes it difficult for transit agencies to justify increasing levels of service. Single-family zoning limits opportunities for infill development. The extensive application of exclusive single-family zoning in the study jurisdictions severely constrains the amount of land available to build smaller, more dense residential units associated with energy efficiency and reduced vehicle miles traveled.

Although every study jurisdiction has multiple PDAs that intersect with the high-quality transit walkshed, only 33.4 percent of the total combined area of the study jurisdictions' PDAs for the Plan Bay Area 2050 falls within the walkshed. These six jurisdictions will be required to plan for a total of 109,732 units of housing over the 8-year planning cycle beginning in 2023. In addition to homes, PDAs are intended to provide a mix of uses and amenities, including open space, shopping and services, schools, pedestrian and bicycle infrastructure, and transit.

While co-location of transit and housing has proven to be an effective method of increasing the convenience and utilization rate of transit ridership, it is clear that changes in

transit service levels or additional policy interventions will need to be enacted to effectively reduce VMT. The shortage of land area within the current transit walkshed will likely make affordable housing development less competitive for LIHTC financing. This creates a chicken-or-egg problem, where dense, affordable development is limited by lack of financing, and transit expansion is limited by lack of the transit ridership that comes only with density. In order for this cycle to be broken, funding mechanisms must be identified to support a) an increase in transit levels of service, and b) dense, affordable housing with the potential to support increased levels of service along transit routes with headways between 15 and 30 minutes should not be penalized. The stimulus of affordable residential density on select secondary routes could eventually support an increased level of service with less subsidy.

Affirmatively Furthering Fair Housing Priority

Affirmatively furthering fair housing requires jurisdictions' lower-income RHNA be placed in high-resource areas, and not concentrated in low-resource areas. Most of the study jurisdictions have relatively high percentages of exclusive single-family zoning. Since single-family homes are often the most expensive type of housing in areas with high land costs, such as the Bay Area, single-family neighborhoods tend to be highest in resources as well. In several of the study jurisdictions, the extensive application of single-family zoning excludes denser, lower-cost housing types from high-resource areas. This reinforces patterns of economic and racial segregation, which are then perpetuated by lack of access to resources that support better life outcomes for lower-income households. Cities that do not create feasible plans to accommodate their lower-income RHNA in high resource areas will not have a compliant Housing Element, requiring the city to grant streamlined ministerial approval to any project in compliance with the General Plan.

There is often substantial community opposition to lower-income or rental homes in high-resource areas, creating a political barrier that in the past has resulted in rejection of multifamily homes in these areas. HCD's recent fair housing guidance directs local jurisdictions to, "Seek local input on housing proposals while recognizing that "local vetoes" of affordable and mixed-income housing in racially segregated concentrated areas of affluence create fair housing issues" (HCD, 2021a, p. 15, para. 2).

Affirmatively furthering fair housing aims to expand equal access to jobs, education, and other services. However, many of the areas identified by local jurisdictions and approved by ABAG fall in areas that are not high-resource. In part, this is due to the lack of intersection between transit and resources in certain cities, particularly in San Jose. If affordable housing is not able to achieve financing in low-resource PDAs, these areas will likely be developed with market-rate homes. Without policy intervention, this may increase displacement pressures on existing residents, pushing them out of their current homes and into further concentrations of poverty or longer commutes.

Transit-oriented development previously built in the study jurisdictions, such as that in Milpitas's Transit Area Station Plan, has largely replaced underutilized or vacant industrial or commercial uses. Many of the areas identified as PDAs for Plan Bay Area 2050 share that characteristic, but some, such as San Jose's Downtown Frame and Berryessa Station and the East Sunnyvale PDA contain a substantial number of older, lower-income homes. The displacement of small businesses from older buildings considered underutilized may also displace small businesses, depriving lower-income families of their incomes. Further, the relative increase in median income a LIHTC-financed development may bring to a high-poverty neighborhood does

not necessarily increase the resources available to residents, so it does not serve the full breadth and intent of AFFH.

Transit, Opportunity, and RHNA Methodology in the Broader Region

Prior to cities' implementation through the Housing Element, regional governments' development of RHNA methodology must take into account key statutory factors and meet key objectives outlined in the Housing Element Law. Ultimately, the methodology is what shapes how many units of housing and at which income level each jurisdiction is responsible to plan for. However, the interaction between transit and opportunity mandates sometimes leads to results that seem counterintuitive. For example, Caltrain, which runs between San Francisco and Gilroy via the Peninsula is currently undergoing modernization and electrification, serves major job centers such as Palo Alto, a jobs-rich city with 3 jobs per employed resident, and Mountain View with 1.91 jobs per employed resident (Caltrain, 2021; U.S. Census Bureau, 2021a; U.S. Census Bureau, 2021b). Bay Area Rapid Transit (BART), which runs between San Jose, Oakland, San Francisco, and North Bay cities via the East Bay, serves Fremont, with .90 jobs per employed resident, Hayward, with .88 jobs per employed resident, and Oakland, with .83 jobs per employed resident (Bay Area Rapid Transit, 2021; U.S. Census Bureau, 2021a; U.S. Census Bureau, 2021b).

Although the East Bay communities ranked lower in access to opportunity than the Peninsula— with many census tracts ranked as low opportunity—many jurisdictions surrounding BART were allocated higher housing targets in RHNA Cycle 6 than their Peninsula counterparts (California Fair Housing Task Force, 2021; ABAG, 2021). The chart below shows illustrative allocations for each jurisdiction based on the Draft RHNA Methodology, with darker purple areas receiving more units. The emphasis on transit in this case has disproportionately burdened

Figure 9 shows an illustrative growth rate in each jurisdiction, with the number of 2020 households used as a baseline, and the Draft RHNA Methodology applied. Darker red/ orange areas have a higher rate of growth, with similar growth rates in the East Bay and Peninsula communities despite the difference in access to opportunity.

Figure 9

San Francisco Bay Area 6th Cycle RHNA Estimated Percent Growth by Jurisdiction

Note. Image from *Regional Housing Needs Allocation Draft Methodology: San Francisco Bay Area, 2023-2031*, by Association of Bay Area Governments, 2021 (https://abag.ca.gov/sites/default/files/documents/2021-02/ABAG_Draft_RHNA_Methodology_Report_2023-2031.pdf). In the public domain.

When pressed during the Question and Answer portion of a presentation on the Plan Bay Area 2050 Final Blueprint Outcomes & Draft RHNA Methodology, Dave Vautin, Assistant Director, Major Plans at MTC and the Project Manager for Plan Bay Area 2050, responded that the growth shift to the East Bay was necessary in order to achieve the greenhouse gas goals required by CARB (Vautin, Adams & Vogler, 2021). He said that moving growth toward the East Bay and BART's more frequent service area allowed greater GHG reductions than were possible with Caltrain, despite the in-progress modernization, electrification, and faster, more frequent service than is currently available.

Problems Identified

Analysis of the findings of this study have led to the identification of four key problems:

- ***High-quality transit is not robust enough to serve a substantial geographic area of cities, especially San Jose's large size and geographic sprawl.*** In many cases, high-resource neighborhoods are served by existing transit routes, but headways are too long to qualify as high-resource. With current service levels, too little land is close enough to high-quality transit for the half-mile walkshed to have adequate capacity for new homes.
- ***In some cities, high-resource areas are zoned exclusively for single-family homes, limiting affordability and growth.*** The typically low density of high-resource, single-family neighborhoods does not produce enough transit ridership to make a robust transit route viable.
- ***The study jurisdictions are permitting far too few homes to fulfil the need for affordable homes and their obligation to their residents.*** Many factors contribute to the

housing shortage across the state, and have been extensively studied. One factor that falls squarely within the control of local jurisdictions are land-use restrictions.

- ***Current methods of assessing the availability of resources by area does not account for areas with planned investment that has not yet begun.*** Furthering fair housing requires housing affordable to low-income residents to be placed in resource-rich areas, but when large-scale investment in a PDA is still in the planning stages, there may be considerable uncertainty about the level of resources that might be available in the future.

Policy Solutions

Expand the Reach of High-Quality Transit

Adequate access to transit in compliance with SB 375 requires an increase of service frequency on transit routes, increasing the geographic reach of quality transit into resource-rich neighborhoods. The map in Figure 10 shows existing transit stops, including many resource-rich areas already served by transit, but with headways that are too long to qualify as high-quality routes.

Figure 10

Existing Bay Area Transit Stops

Note. Excerpt from Transit Stops- Existing (2021), by Metropolitan Transportation Commission, 2021 (<https://mtc.maps.arcgis.com/apps/mapviewer/index.html?layers=2b17bcceba8c4ca0bd4e096efafa4f79>). In the public domain).

However, the costs of increasing service levels are significant, and transit ridership has declined in the Bay Area during the pandemic (MTC, 2021b). Currently, 27 different agencies provide transit service separately with little coordination across the 9-county Bay Area (shown in Figure 11) (Seamless Bay Area, 2021b). Currently, Santa Clara County alone is served by four transit agencies: CalTrain, Valley Transit Authority (VTA), Bay Area Rapid Transit (BART), and Altamonte Corridor Express (ACE).

Figure 11

Diagram of 27 Transit Agencies in the San Francisco Bay Area

Note. From *Governing transit seamlessly: Options for a Bay Area transportation network manager*, by Seamless Bay Area, 2021 (<https://www.seamlessbayarea.org/blog/network-manager-report-ja9sj>).

This fragmentation increases operating costs and results in duplication of some overhead functions that could be shared (Seamless Bay Area, 2021b). Transportation projects are planned by individual agencies without the authority or responsibility for larger systematic improvements that would serve more people. Routes are difficult and confusing to plan across the different transit agencies, which also operate with different fare systems and pricing. A single lead authority with the mandate and resources to integrate and expand public transportation in the Bay

Area could coordinate service, reduce overhead costs due to duplication of functions, and increase the ease of navigating the commute.

On February 12, 2021, California Assemblymember David Chiu introduced the Seamless and Resilient Bay Area Transit Act, a new bill to advance integration of the region's 27 transit systems based on the recommendations of the region's Blue Ribbon Transit Recovery Task Force. Although the bill does not include a funding mechanism to increase service levels directly, it would begin the process of coordination and integration if it should pass (Seamless and Resilient Bay Area Transit Act, 2021). AB 629 focuses on four key areas of improvement: region-wide mapping and wayfinding; a fare integration pilot program; the creation of a transit priority network to determine which corridors need interventions most; and mandatory use by providers of open, real-time transit data to inform travelers' decisions. The bill also calls for the pilot of an "accumulator pass" for low-income riders: a pass that would function across transit systems with a daily cap on paid rides and rides above the cap at no cost.

The catchment area for transit ridership can also be practically expanded through the provision and management of micromobility options, such as bikeshare and electric scooters. Shared micromobility addresses the storage, maintenance, and parking of bikes and scooters, eliminating some of the challenges of individual ownership and enabling use by those who might otherwise drive (Shaheen & Cohen, 2019).

In Fall 2020, Capital Metro, the transit authority for the Austin, Texas metropolitan area, assumed responsibility for the City's existing bikeshare program and rebranded the system MetroBike (Zipper, 2021). The integration of bikeshare with transit allows riders to purchase a combined Capital Metro ticket and bikeshare pass with a single click. In the future, the agency plans to incorporate MetroBike docks into new routes, such as planned MetroRapid bus lines,

and use it as a way for the agency to serve people if demand is too light to justify fixed-route bus service. Jessie O'Malley Solis, a San Jose General Plan 4-Year Review Task Force member and the VTA Transit Oriented Development Manager, noted in a letter to city staff and Task Force members that considering a 3-mile “bikeshed” instead of a half-mile walkshed encompasses virtually the entire city of San Jose (O'Malley Solis, 2020). Dozens of cities launched bikeshare programs in the 2010s, which have been found to increase the number of bike commuters by an average of 20 percent (University of Washington, 2020). Although studies have been limited to date, some studies suggest that potential micromobility use could include between 8 and 15 percent of trips under five miles (Shaheen & Cohen, 2019).

End Low-Density Exclusionary Zoning in Impacted Jurisdictions

The exclusionary impacts and lack of density of large swaths of single-family-zoned neighborhoods do not support either VMT reduction through increased transit ridership or fair housing goals. Single-family zoning restrictions must be eliminated in order to expand access to areas of opportunity and support increased transit service levels. In some of the study jurisdictions, policies that would eliminate or reduce single-family zoning are already under consideration. In Fall 2021, the San Jose's city council will consider a recommendation by the General Plan 4-Year Review Task Force to allow duplexes, triplexes, and fourplexes on any lot zoned for a single-family home citywide, a proposal known as “Opportunity Housing” (City of San Jose, 2021). On March 8, 2021, the Sunnyvale Planning Commission voted to add a proposal to allow duplexes, triplexes, and fourplexes on any lot zoned for a single-family home citywide to the running list of 2022 proposed study issues (City of Sunnyvale, 2021). Mountain View, the study city with the least amount of residential land dedicated exclusively to single-family homes, is currently in the process of expanding its R3 (Multifamily Residential) zoning,

with the goal of “providing opportunities for subsidized middle-income and ownership housing” (City of Mountain View, 2021).

Increasing density would create cost savings by more efficiently utilizing land and creating smaller footprint homes that are more affordable by design (Ellickson, 2020). These small multifamily housing types give homeowners flexibility and help expand housing choices available to families with moderate incomes: those whose incomes are too high to qualify for traditional affordable housing, but too low to pay average market-rate rents or purchase a median-priced home. Small multifamily homes also serve fair housing by expanding access to neighborhoods with good schools, parks and recreation, and proximity to sources of fresh, healthy food to families who might not be able to afford a single-family home (Menendian et al., 2020).

Lighten the Burden of Locally Controlled Land Use Regulation

Zoning strongly influences how much and how densely housing is built and what areas are redeveloped for what purposes. Recent research finds that restrictive land use policies form a significant barrier to housing production, reducing development, and thereby increasing costs (Rothwell, 2019; Murray & Schuetz, 2019; Menendian et al., 2020). Rothwell (2019) finds that cities with a higher share of land zoned for single family detached homes have more expensive and larger homes than cities with more permissive zoning standards in the same metropolitan area.

Increased density that allows for adequate housing production in areas with high land costs, such as the South Bay Area, requires zoning that permits housing units to be stacked vertically to make more efficient use of costly land (Murray & Schuetz, 2019). In addition to density and height restrictions, an inadequate amount of land zoned for multifamily homes

restricts the ability of cities to meet their housing needs. Research is clear that the land-use barrier to adequate housing production is not single-family homes, but single-family zoning and the additional restrictions that prevent the construction of multifamily housing (Menendian, et al., 2020). These restrictions prevent the density necessary for apartments, duplexes, fourplexes, and other creative housing options that could contain enough housing to meet the community's needs, reduce housing prices, and reduce sprawl.

Area for Further Research: Accounting for Areas with Planned Investment Not Yet Begun

Opportunity Maps do not account for areas of planned investment that have not yet begun to be implemented, such as San Jose's Diridon Station, where a large new Google campus is planned. Furthering fair housing requires housing affordable to low-income residents to be placed in resource-rich areas, but when large-scale investment in a PDA is still in the planning stages, there may be considerable uncertainty about the level of resources that might be available in the future. The Fair Housing Task Force has tried to account for this by creating a new category for the 2021 map, called "Rapidly Changing." This indicates a Moderate resource area where substantial new investment is already moving the tract toward a High-Resource designation. However, there is ample evidence that not everything planned is built. When investment has not yet begun, is there a point in the planning process that there is sufficient certainty that an area will be well-resourced, such that low-income homes should be built there? Because of the complexity of the planning process and the enormous number of factors involved, including state legislation, financing and grant availability, cost and availability of building materials and labor, and the possibility that the entire process could be stymied indefinitely by serial CEQA complaints, the potential for establishing a point of certainty needs further analysis.

Until this issue is better understood and incorporated into the Opportunity Maps used to score affordable developments for financing, worthy projects may continue to go unfunded.

Limitations of the Study

This study examines only six of California's 538 unique jurisdictions, all within the unique context of Silicon Valley and its dense clusters of high-wage employment. Although high-quality transit is not widely available in much of the study area, many areas within the state have less. Data obtained from cities' Annual Progress Reports, the foundation of the study of RHNA implementation, may contain errors. The home page for HCD's new Housing Element Implementation and APR Data Dashboard, announced April 21, 2021, notes, "Data is self-reported by cities and counties. HCD cannot independently verify most project-level data" (HCD, 2021b). During the course of this study, several errors in multiple jurisdictions were identified, including incorrect or incomplete addresses and incorrect categorization of the income level of permitted units. Finally, the study is dependent on the accuracy and methodology of other research, particularly the Opportunity Map. Some potential concerns with the Opportunity Map include its use of the federal poverty rate rather than the Supplemental Poverty Rate (which would account for the Bay Area's high cost of living), and the decision not to disaggregate by race (which may disguise disparity between quality of life outcomes between different races of color). Both of these decisions may obscure nuances that could change the categorization of an area.

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