



375 Beale Street
Suite 700
San Francisco, California
94105

Meeting Agenda - Final

ABAG Administrative Committee

Chair, Jesse Arreguin, Mayor, City of Berkeley
Vice Chair, Belia Ramos, Supervisor, County of Napa

Wednesday, September 29, 2021

9:00 AM

Board Room - 1st Floor (REMOTE)

Special Meeting

Association of Bay Area Governments Administrative Committee

The ABAG Administrative Committee will conduct a public hearing on RHNA Appeals and will meet in the Bay Area Metro Center or remotely via Zoom on the following dates:

Wednesday, September 29, 2021, 9:00 a.m. to 1:00 p.m., via Zoom

Friday, October 8, 2021, 2:00 p.m. to 5:00 p.m.

Friday, October 15, 2021, 1:00 p.m. to 5:00 p.m.

Friday, October 22, 2021, 9:00 a.m. to 5:00 p.m.

Friday, October 29, 2021, 9:00 a.m. to 5:00 p.m.

Friday, November 12, 2021, 10:30 a.m. to 12:00 p.m.

In light of Governor Newsom's State of Emergency declaration regarding the COVID-19 outbreak and in accordance with Executive Order N-29-20 issued by Governor Newsom on March 17, 2020 and the Guidance for Gatherings issued by the California Department of Public Health, the meeting will be conducted via webcast, teleconference, and Zoom for committee, commission, or board members who will participate in the meeting from individual remote locations.

A Zoom panelist link for meeting participants will be sent separately to committee, commission, or board members.

The meeting webcast will be available at: <https://abag.ca.gov/meetings-events/live-webcasts>

Members of the public are encouraged to participate remotely via Zoom at the following link or phone number:

Please click the link below to join the webinar:

<https://bayareametro.zoom.us/j/85403172751>

Or One tap mobile :

US: +16699006833,,85403172751# or +14086380968,,85403172751#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 669 900 6833 or +1 408 638 0968 or +1 346 248 7799 or +1 253 215 8782 or +1 646 876 9923 or +1 301 715 8592 or +1 312 626 6799 or 833 548 0282 (Toll Free) or 877 853 5247 (Toll Free) or 888 788 0099 (Toll Free) or 833 548 0276 (Toll Free)

Webinar ID: 854 0317 2751

Detailed instructions on participating via Zoom are available at:
<https://abag.ca.gov/zoom-information>

Committee members and members of the public participating by Zoom wishing to speak should use the “raise hand” feature or dial “*9”.

In order to get the full Zoom experience, please make sure your application is up to date.

Members of the public may participate by phone or Zoom or may submit comments by email at info@bayareametro.gov by 5:00 p.m. the day before the scheduled meeting date. Please include the committee or board meeting name in the subject line. Due to the current circumstances there may be limited opportunity to address comments during the meeting. All comments received will be submitted into the record.

The ABAG Administrative Committee may act on any item on the agenda.

The meeting is scheduled to begin at 9:00 a.m.

Agenda, roster, and webcast available at <https://abag.ca.gov>

For information, contact Clerk of the Board at (415) 820-7913.

Roster

Jesse Arreguin, Pat Eklund, Neysa Fligor, Dave Hudson, Otto Lee, Rafael Mandelman, Karen Mitchoff, Raul Peralez, David Rabbitt, Belia Ramos, Carlos Romero, Lori Wilson

1. Call to Order / Roll Call / Confirm Quorum

2. Public Comment

Information

3. Committee Member Announcements

Information

4. Chair's Report

- 4.a. [21-1248](#) ABAG Administrative Committee Chair's Report for September 29, 2021

Action: Information

Presenter: Jesse Arreguin

5. Executive Director's Report

- 5.a. [21-1249](#) Executive Director's Report for September 29, 2021

Action: Information

Presenter: Therese W. McMillan

6. Regional Housing Needs Allocation Appeals Public Hearing

6. [21-1250](#) The Administrative Committee will hear appeals from jurisdictions and responses to issues raised by ABAG/MTC staff. Jurisdictions scheduled for this meeting are listed below; the hearing is scheduled to be continued at the special meeting of the ABAG Administrative Committee on October 8, 2021 at 2:00 PM with additional jurisdictions out of the 28 total appeals.

Attachments: [Post Public Comment Period General Comments on All Appeals.pdf](#)

Contra Costa County

- 6.a. [21-1251](#) Report on Regional Housing Needs Allocation (RHNA) Appeal for the City of San Ramon

Action: Preliminary Action

Presenter: Gillian Adams and Eli Kaplan

Attachments: [06a 1 Summary Sheet San Ramon.pdf](#)
[06a a San Ramon RHNA Appeal.pdf](#)
[06a b Presentation San Ramon 210929 ABAG RHNA Appeal Presentation.pdf](#)
[06a c ABAG RHNA Appeal Response San Ramon.pdf](#)
[06a d ABAG RHNA Appeal Response San Ramon.pdf](#)
[Post Public Comment Period San Ramon.pdf](#)

- 6.b. [21-1252](#) Report on Regional Housing Needs Allocation (RHNA) Appeal for the County of Contra Costa

Action: Preliminary Action

Presenter: Gillian Adams and Eli Kaplan

Attachments: [06b 1 Summary Sheet Contra Costa County.pdf](#)
[06b a Contra Costa County RHNA Appeal.pdf](#)
[06b b Presentation Contra Costa County FINAL RHNA Appeal Presentation.pdf](#)
[06b c ABAG RHNA Appeal Response Contra Costa County.pdf](#)
[06b c Attachment1 Contra Costa LAFCO Email Annexations.pdf](#)
[06b d ABAG RHNA Appeal Response Contra Costa County CORRECTED.1](#)
[06b e RHNA Appeal Comments Contra Costa County.pdf](#)

Marin County

6.c. [21-1253](#) Report on Regional Housing Needs Allocation (RHNA) Appeal for the City of Belvedere

Action: Preliminary Action

Presenter: Gillian Adams and Eli Kaplan

Attachments: [06c 1 Summary Sheet Belvedere.pdf](#)
 [06c a Belvedere RHNA Appeal.pdf](#)
 [06c b Presentation Belvedere RHNA Appeal \(002\).pdf](#)
 [06c c ABAG RHNA Appeal Response Belvedere.pdf](#)
 [06c d ABAG RHNA Appeal Response Belvedere.pdf](#)
 [06c e RHNA Appeal Comments Belvedere.pdf](#)
 [Post Public Comment Period Belvedere.pdf](#)

6.d. [21-1254](#) Report on Regional Housing Needs Allocation (RHNA) Appeal for the City of Corte Madera

Action: Preliminary Action

Presenter: Gillian Adams and Eli Kaplan

Attachments: [06d 1 Summary Sheet Corte Madera.pdf](#)
 [06d a Corte Madera RHNA Appeal.pdf](#)
 [06d b Presentation Corte Madera ABAG RHNA Appeal 9.29.21.pdf](#)
 [06d c ABAG RHNA Appeal Response Corte Madera.pdf](#)
 [06d d ABAG RHNA Appeal Response Corte Madera.pdf](#)
 [06d e RHNA Appeal Comments Corte Madera.pdf](#)
 [Post Public Comment Period Corte Madera.pdf](#)

7. Adjournment / Next Meeting

The ABAG Administrative Committee will continue this public hearing on RHNA Appeals at the Bay Area Metro Center or remotely via Zoom on Friday, October 8, 2021, 2:00 p.m. to 5:00 p.m.

Public Comment: The public is encouraged to comment on agenda items at Committee meetings by completing a request-to-speak card (available from staff) and passing it to the Committee secretary. Public comment may be limited by any of the procedures set forth in Section 3.09 of MTC's Procedures Manual (Resolution No. 1058, Revised) if, in the chair's judgment, it is necessary to maintain the orderly flow of business.

Meeting Conduct: If this meeting is willfully interrupted or disrupted by one or more persons rendering orderly conduct of the meeting unfeasible, the Chair may order the removal of individuals who are willfully disrupting the meeting. Such individuals may be arrested. If order cannot be restored by such removal, the members of the Committee may direct that the meeting room be cleared (except for representatives of the press or other news media not participating in the disturbance), and the session may continue.

Record of Meeting: Committee meetings are recorded. Copies of recordings are available at a nominal charge, or recordings may be listened to at MTC offices by appointment. Audiocasts are maintained on MTC's Web site (mtc.ca.gov) for public review for at least one year.

Accessibility and Title VI: MTC provides services/accommodations upon request to persons with disabilities and individuals who are limited-English proficient who wish to address Commission matters. For accommodations or translations assistance, please call 415.778.6757 or 415.778.6769 for TDD/TTY. We require three working days' notice to accommodate your request.

可及性和法令第六章: MTC 根據要求向希望來委員會討論有關事宜的殘疾人士及英語有限者提供服務/方便。需要便利設施或翻譯協助者, 請致電 415.778.6757 或 415.778.6769 TDD / TTY。我們要求您在三個工作日前告知, 以滿足您的要求。

Acceso y el Titulo VI: La MTC puede proveer asistencia/facilitar la comunicación a las personas discapacitadas y los individuos con conocimiento limitado del inglés quienes quieran dirigirse a la Comisión. Para solicitar asistencia, por favor llame al número 415.778.6757 o al 415.778.6769 para TDD/TTY. Requerimos que solicite asistencia con tres días hábiles de anticipación para poderle proveer asistencia.

Attachments are sent to Committee members, key staff and others as appropriate. Copies will be available at the meeting.

All items on the agenda are subject to action and/or change by the Committee. Actions recommended by staff are subject to change by the Committee.



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #: 21-1248 **Version:** 1 **Name:**
Type: Report **Status:** Informational
File created: 9/21/2021 **In control:** ABAG Administrative Committee
On agenda: 9/29/2021 **Final action:**
Title: ABAG Administrative Committee Chair's Report for September 29, 2021
Sponsors:
Indexes:
Code sections:
Attachments:

Date	Ver.	Action By	Action	Result
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ABAG Administrative Committee Chair's Report for September 29, 2021

Jesse Arreguin

Information



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #: 21-1249 **Version:** 1 **Name:**
Type: Report **Status:** Informational
File created: 9/21/2021 **In control:** ABAG Administrative Committee
On agenda: 9/29/2021 **Final action:**
Title: Executive Director's Report for September 29, 2021
Sponsors:
Indexes:
Code sections:
Attachments:

Date	Ver.	Action By	Action	Result
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Executive Director's Report for September 29, 2021

Therese W. McMillan

Information



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #:	21-1250	Version:	1	Name:	
Type:	Report	Status:		Agenda Ready	
File created:	9/21/2021	In control:		ABAG Administrative Committee	
On agenda:	9/29/2021	Final action:			
Title:	The Administrative Committee will hear appeals from jurisdictions and responses to issues raised by ABAG/MTC staff. Jurisdictions scheduled for this meeting are listed below; the hearing is scheduled to be continued at the special meeting of the ABAG Administrative Committee on October 8, 2021 at 2:00 PM with additional jurisdictions out of the 28 total appeals.				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	Post Public Comment Period General Comments on All Appeals.pdf				

Date	Ver.	Action By	Action	Result
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The Administrative Committee will hear appeals from jurisdictions and responses to issues raised by ABAG/MTC staff. Jurisdictions scheduled for this meeting are listed below; the hearing is scheduled to be continued at the special meeting of the ABAG Administrative Committee on October 8, 2021 at 2:00 PM with additional jurisdictions out of the 28 total appeals.

From: Zac Bowling [REDACTED]
Sent: Tuesday, August 31, 2021 10:51 AM
To: Regional Housing Need Allocation
Subject: RHNA appeals

External Email

Honorable members of the RHNA Appeals Body and Executive Board,

I've carefully reviewed all the RHNA appeals submitted by all jurisdictions.

All the submitted appeals, with the exception of Sonoma county's first appeal in relation to the annexation of a town, do not rise the bar required for any allowable claim to appeal and do nothing more than question the methodology used to allocate RHNA which is not in scope for a valid appeal under the statutes that allow for an appeal.

Please review the letter from HCD and review previous SCAG appeals. SCAG correctly denied nearly all the jurisdictional appeals that were all made on similar grounds to the Bay Area appeals. I humbly ask that you find that all appeals, except for the Sonoma County appeal concerning the units in the annexation, are without merit and to deny them.

Thank you,

Zac Bowling



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #: 21-1251 **Version:** 1 **Name:**
Type: Report **Status:** Committee Approval
File created: 9/21/2021 **In control:** ABAG Administrative Committee
On agenda: 9/29/2021 **Final action:**
Title: Report on Regional Housing Needs Allocation (RHNA) Appeal for the City of San Ramon
Sponsors:
Indexes:
Code sections:
Attachments: [06a 1 Summary Sheet San Ramon.pdf](#)
[06a a San Ramon RHNA Appeal.pdf](#)
[06a b Presentation San Ramon 210929 ABAG RHNA Appeal Presentation.pdf](#)
[06a c ABAG RHNA Appeal Response San Ramon.pdf](#)
[06a d ABAG RHNA Appeal Response San Ramon.pdf](#)
[Post Public Comment Period San Ramon.pdf](#)

Date	Ver.	Action By	Action	Result
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Report on Regional Housing Needs Allocation (RHNA) Appeal for the City of San Ramon

Gillian Adams and Eli Kaplan

Preliminary Action

Association of Bay Area Governments

Administrative Committee

September 29, 2021

Agenda Item 6.a.

Regional Housing Needs Allocation Appeal

Subject: Report on Regional Housing Needs Allocation (RHNA) Appeal for the City of San Ramon.

Background: RHNA is the state-mandated¹ process to identify the number of housing units (by affordability level) that each jurisdiction must accommodate in the Housing Element of its General Plan. The California Department of Housing and Community Development (HCD) determined Bay Area communities must plan for 441,176 new housing units from 2023 to 2031.

On May 20, 2021, the ABAG Executive Board approved the [Final Regional Housing Needs Allocation \(RHNA\) Methodology and Draft Allocations](#). Release of the Draft RHNA Allocations initiated the appeals phase of the RHNA process.² ABAG received 28 appeals from Bay Area jurisdictions by the July 9, 2021 deadline.

Per Government Code Section 65584.05(d), ABAG is required to hold a public hearing to consider all appeals filed. The ABAG Administrative Committee will consider the appeal submitted by the City of San Ramon.

Recommended Action: The Administrative Committee is requested to take preliminary action on the RHNA appeal from the City of San Ramon.

The Administrative Committee is requested to deny the RHNA appeal from the City of San Ramon.

Attachments:

- a. City of San Ramon RHNA Appeal
- b. City of San Ramon RHNA Jurisdiction Presentation
- c. ABAG-MTC Staff Report
- d. ABAG-MTC Staff Presentation

Reviewed:




Therese W. McMillan

¹ See California [Government Code §65584](#).

² See [Government Code Section 65584.05](#) for an overview of the appeals process.

REGIONAL HOUSING NEEDS ALLOCATION

Association of Bay Area Governments

2023-2031 Regional Housing Needs Assessment (RHNA) Appeal Request*Submit appeal requests and supporting documentation via DocuSign by 5:00 pm PST on July 9, 2021.****Late submissions will not be accepted.*** Send questions to rhna@bayareametro.govJurisdiction Whose Allocation is Being Appealed: San RamonFiling Party: ☐ HCD ☒ Jurisdiction: San RamonContact Name: Cindy Yee Title: Senior PlannerPhone: 925-973-2560 Email: cyyee@sanramon.ca.gov**APPEAL AUTHORIZED BY:**Name: Debbie ChamberlainSignature: Date: 7/10/2021**PLEASE SELECT BELOW:**

- ☐ Mayor
- ☐ Chair, County Board of Supervisors
- ☐ City Manager
- ☐ Chief Administrative Officer
- ☒ Other: Community Development Director

IDENTIFY ONE OR MORE BASES FOR APPEAL [Government Code Section 65584.5(b)]

- ☒ ABAG failed to adequately consider information submitted in the Local Jurisdiction Survey regarding RHNA Factors (Government Code Section 65584.04(e)) and Affirmatively Furthering Fair Housing (See Government Code Section 65584.04(b)(2) and 65584(d)(5)):
- ☒ Existing and projected jobs and housing relationship.
 - ☐ Sewer or water infrastructure constraints for additional development due to laws, regulatory actions, or decisions made by a provider other than the local jurisdiction.
 - ☐ Availability of land suitable for urban development or for conversion to residential use.
 - ☐ Lands protected from urban development under existing federal or state programs.
 - ☐ County policies to preserve prime agricultural land.
 - ☒ Distribution of household growth assumed for Plan Bay Area 2050.
 - ☐ County-city agreements to direct growth toward incorporated areas of county.
 - ☐ Loss of units contained in assisted housing developments.
 - ☐ Households paying more than 30% or 50% of their income in rent.
 - ☐ The rate of overcrowding.
 - ☐ Housing needs of farmworkers.
 - ☐ Housing needs generated by the presence of a university campus within a jurisdiction.
 - ☐ Housing needs of individuals and families experiencing homelessness.
 - ☐ Loss of units during a declared state of emergency from January 31, 2015 to February 5, 2020.
 - ☐ The region's greenhouse gas emissions targets to be met by Plan Bay Area 2050.
 - ☐ Affirmatively furthering fair housing.
- ☒ ABAG failed to determine the jurisdiction's Draft RHNA Allocation in accordance with the Final RHNA Methodology and in a manner that furthers, and does not undermine the RHNA Objectives (see Government Code Section 65584(d) for the RHNA Objectives).
- ☐ A significant and unforeseen change in circumstances has occurred in the local jurisdiction or jurisdictions that merits a revision of the information submitted in the Local Jurisdiction Survey (*appeals based on change of circumstance can only be made by the jurisdiction or jurisdictions where the change occurred*).

Pursuant to Government Code Section 65584.05, appeals shall be based upon comparable data available for all affected jurisdictions and accepted planning methodology, and supported by adequate documentation, and shall include a statement as to why the revision is necessary to further the intent of the objectives listed in Government Code Section 65584(d). An appeal shall be consistent with, and not to the detriment of, [the development pattern in the sustainable communities strategy \(Plan Bay Area 2050 Final Blueprint\)](#). (Click [here](#))

Number of units requested to be reduced or added to jurisdiction's Draft RHNA Allocation:

☒ Decrease Number of Units: 1,450 ☐ Increase Number of Units: _____

Brief description of appeal request and statement on why this revision is necessary to further the intent of the objectives listed in Government Code Section 65584(d) and how the revision is consistent with, and not to the detriment, of the development pattern in Plan Bay Area 2050. Please include supporting documentation for evidence as needed, and attach additional pages if you need more room.

See San Ramon's Attached Appeal Letter that describes request and reasoning for appeal.

List of supporting documentation, by title and number of pages

1. San Ramon Appeal Letter to ABAG RHNA Manager, 3 pages
2. San Ramon Growth Geographies Map, 1 page
3. _____



The maximum file size is 25MB. To submit larger files, please contact rhna@bayareametro.gov.

Click here to
attach files



City of San Ramon

7000 BOLLINGER CANYON RD.
SAN RAMON, CALIFORNIA 94583
PHONE: (925) 973-2500
WEB SITE: WWW.SANRAMON.CA.GOV

July 8, 2021

Association of Bay Area Governments
Attn: Gillian Adams, RHNA Manager
Bay Area Metro Center
375 Beale Street, Suite 800
San Francisco, CA 94105-2066
gadams@bayareametro.gov

SUBJECT: Appeal of the 6th Cycle Regional Housing Need Assessment (RHNA) Draft Allocation for the City of San Ramon

Over the past 18 months, the City has been following the RHNA allocation process based on the Housing Methodology Committee's (HMC) recommendations. The selection of RHNA methodology 8A and additional strategies added by Plan Bay Area 2050 have resulted in a housing allocation that is overweighed based on High Opportunity Areas and underweighted to Jobs-Housing balance. The City is dismayed by the increase in units as a result of the selected methodology and feels that the RHNA has fail to recognize local land use changes that have the potential to materially affect the City's allocation and overall feasibility to address local housing numbers.

While we may fundamentally disagree with the selected methodology, our appeal focuses on what we perceive to be flaws in the RHNA process and data utilization that has resulted in a disproportionate housing numbers for the City of San Ramon based on the following factors:

Incorrect and dated Jobs Projections for the Jobs/Housing Balance- (Change in Circumstance)

As stated in the Draft Regional Housing Needs Allocation Plan "The final RHNA methodology directly incorporates the forecasted development pattern from the Plan Bay Area 2050 Final Blueprint as the baseline allocation. The Final Blueprint emphasizes growth near job centers and in locations near transit, as well as in high-resource areas, with the intent of reducing greenhouse gas emissions. The strategies incorporated into the Final Blueprint help improve the region's jobs-housing balance, leading to shorter commutes—especially for low-income workers." The methodology also aligns with the Statutory Objective 3 "Promoting an improved intraregional relationship between jobs and housing, including an improved balance between the number of low-wage jobs and the number of housing units affordable to low-wage workers in each jurisdiction."

City Council 973-2530
City Manager: 973-2530
City Attorney: 973-2549

City Clerk: 973-2539
Employee Services: 973-2503
Finance Department: 973-2609

Parks & Community Services: 973-3200
Police Services: 973-2700
Economic Development: 973-2554

Planning Department: 973-2560
Public Services: 973-2800
Engineering Services: 973-2670

While the City supports the jobs-housing philosophy, we do not feel the forecasted development pattern from the Plan Bay Area 2050 has captured recent changes that significantly impact the jobs-housing balance for San Ramon as it relates to RHNA. As the home to Bishop Ranch Office Park, San Ramon has been a jobs-rich community, which has driven the continued emphasis on housing for the City. Blueprint 2050 utilizes a data set based on 2015 projections that form the basis for the RHNA allocations.

We believe the methodology failed to adequately consider information submitted by the City of San Ramon as part of the Local Jurisdiction Survey, which has since also resulted in a significant change in circumstances. In the survey response, the City of San Ramon stated the City was reviewing opportunities with Bishop Ranch Office Park to develop the CityWalk Master Plan (City Center Mixed Use project) for up to 4,500 housing units near an existing job center and transportation networks. In August 2020, the City adopted the CityWalk Master Plan as a new vision to achieve a mix of housing and commercial uses within the City core (City Center PDA), including the Bishop Ranch Office Park. The housing component of the Master Plan includes up to 4,500 residential units, subject to inclusionary standards, to be constructed over the next three Housing Element cycles. To accomplish this level of development, surface parking lots as well as previously entitled/constructed office uses were replaced with housing sites.

The adopted CityWalk Master Plan also results in significant changes in the employment assumptions going forward, and should be reflected in the RHNA allocation. Additionally, other office sites within the Office Park (Bishop Ranch 6) are in the process of being converted to housing sites, which adds to the reduction in job/employment assumptions. The following table represents the revisions to projects sites within San Ramon's PDAs and the corresponding reduction in employment:

Commercial Sites and Jobs Lost between 2015 to 2021:

Project Site	Sq. footage	New Use	Units	PDA	Est. Jobs Lost*
Bishop Ranch 2	(194,650)	Retail/Commercial	0	City Center	**564-232=(332)
Bishop Ranch 1	(680,000)	Residential	652	City Center	(1,971)
Bishop Ranch 6***	(564,000)	Residential	404	NCRSP	(1,635)
Totals	(1,438,650) SF lost		1,056		(3,938) jobs lost

*1 Job per 345 sf of office

**Net considering addition of retail jobs

***Entitlement in process 2021

This reduction in employment, coupled with changes in the commute patterns, has limited the job pool that can be assumed within the definitions used for the "Jobs Proximity-Transit" metric. San Ramon has no rail stations and changes in commuter patterns, including decreased commuter demand in response to COVID-19 have resulted in the suspension of supplemental Express Bus service to BART as part of Bishop Ranch's Transportation Demand Management (TDM) program. The City has no control over the operation of future express service levels and therefore the job base is limited by the 45-minute travel

time, defined by the Jobs Proximity-Transit metric, to San Ramon and the immediately surrounding residential areas, which has a minimal additional employment base.

Uncertainty Regarding the Impact of Recent Annexations

Since 2016, the City has had 2 annexation in the Dougherty Valley. Annexation DV 17 added 44 acres, 308 housing units with an estimated population of 897 residents. Annexation DV 18 added 876 acres, 978 housing units with an estimated population of 2,905 residents. These annexations should ultimately be considered in the 2050 Growth Geographies (as planned growth for the City), however it is unclear if this baseline information was factored into the 6th cycle RHNA process housing demand.

Growth Geography - High Resource Areas Fail to Address Land Use Constraints

The emphasis on Job Proximity and access to High Resource Areas has been an essential part of establishing the Growth Geography. While demographics, transit and available resources establish the High Resource Areas, they are not directly correlated with the ability to develop. For San Ramon, the Plan Bay Area 2050 Final Blueprint established a High Resource Area outside the PDA which is generally located along bus routes within established suburban neighborhoods that are substantially built-out (Attachment A). The new housing unit factors associated with the High Resource Areas cannot be accommodated in these areas based on the existing land use pattern and the fact that the economic conditions would not support redevelopment based on a relatively new supply of housing stock and fragmented ownership. A minimal amount of additional development such as Accessory Dwelling Units (ADUs) may be possible; however, it is not near the level of housing units allocated as a result of the High Resource Area growth geography. Additionally, the PDAs already have programed housing to address the proportionate future need within those areas and carrying capacity may limit the ability to fully address the increase RHNA as a result of the High Resource Area growth geography. Relying on a RHNA process data that is disconnected from existing constraints, feasibility, and economic considerations results in an overestimation of the City's ability to address future housing demands and further constrains the region's ability to produce units.

We ask for your consideration of San Ramon's appeal and an adjustment of our allocation accordingly. If you wish to discuss our comments further, please contact me by email at dchamberlain@sanramon.ca.gov or by telephone at 925-973-2566.

Sincerely,



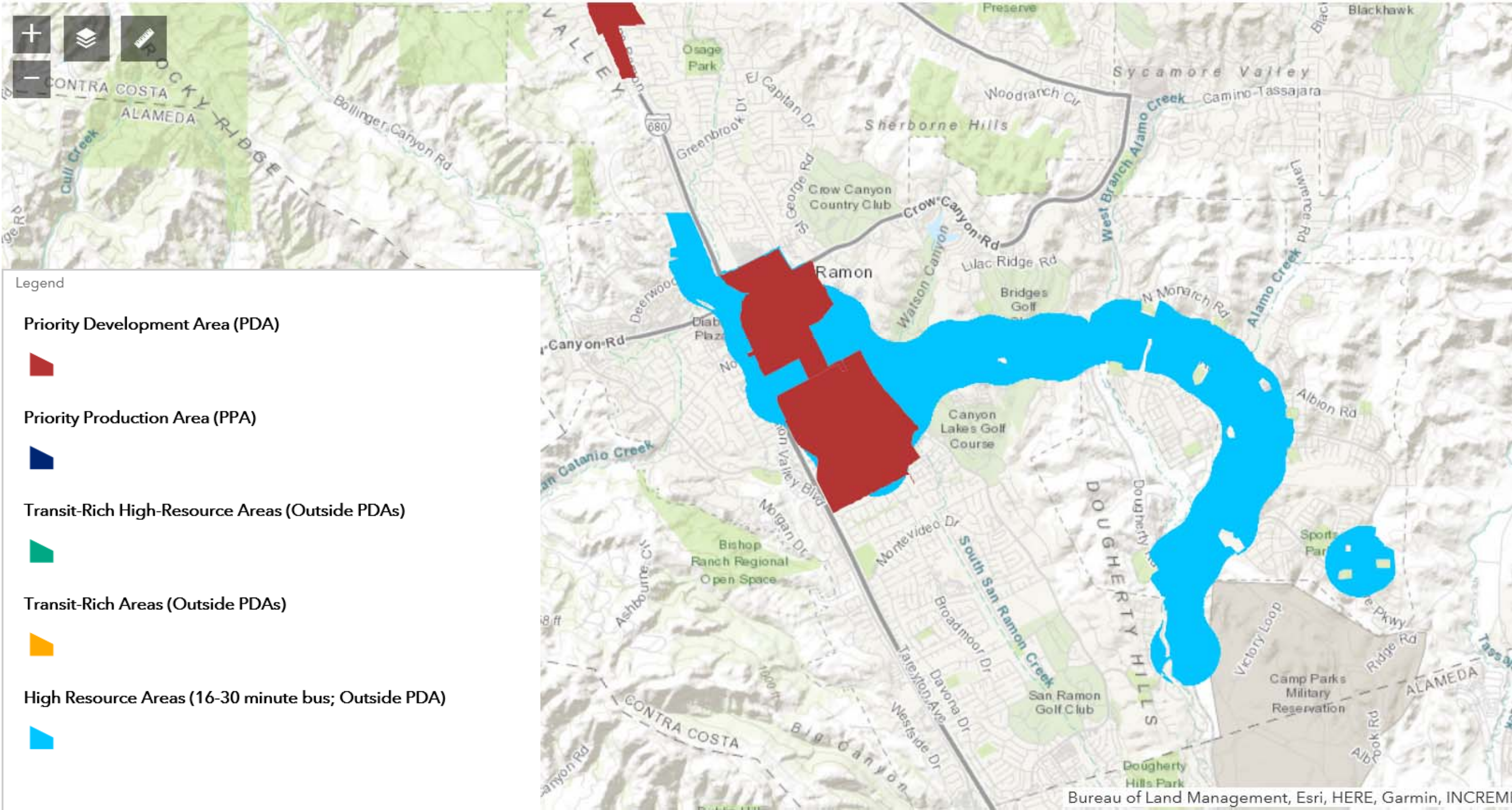
Debbie Chamberlain
Community Development Director

Attachment: Plan Bay Area 2050 Final Blueprint Growth Geographies (San Ramon)

Cc: San Ramon City Council/City Manager
Lauren Barr Planning Manager

Plan Bay Area 2050:Final Blueprint Growth Geographies

Adopted by ABAG Executive Board and MTC Commission, September 2020





CITY OF SAN RAMON

COMMUNITY DEVELOPMENT

SAN RAMON 6TH CYCLE RHNA DRAFT ALLOCATION APPEAL

SEPTEMBER 29, 2021

FINAL RHNA METHODOLOGY



- Disagree with approved Final RHNA Methodology
 - Overweight High Opportunity Areas factor
 - Underweight Jobs-Housing Balance

- Results in mismatch between RHNA and regional location of jobs
 - Long commutes
 - Increases regional Vehicle Miles Travel (VMT)
 - Decreases ability to achieve State-mandated Greenhouse Gas (GHG) reduction requirements

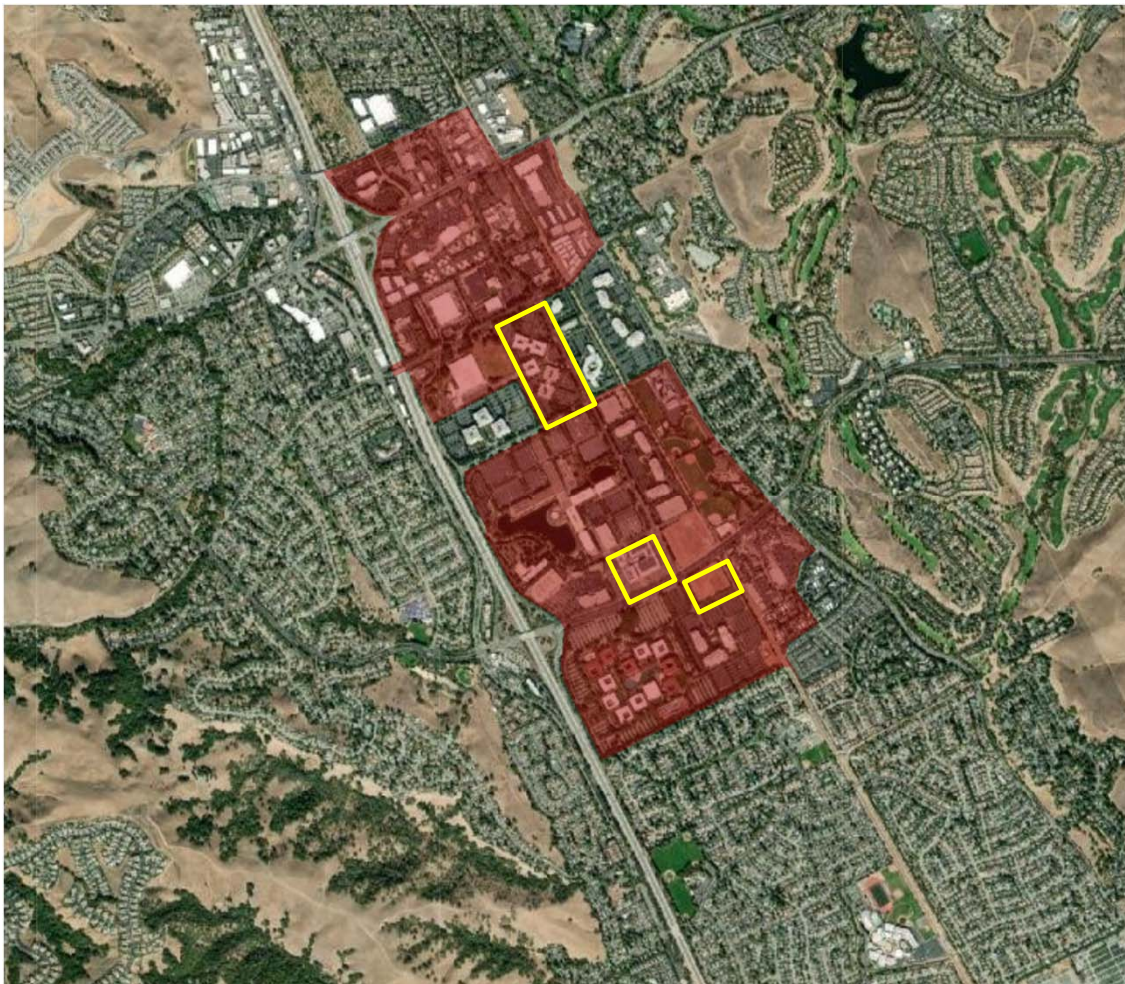
- Final RHNA methodology concerns not part of Appeal

SAN RAMON RHNA APPEAL



- Plan Bay Area 2050 Final Blueprint:
 - Forecasted development pattern does not capture recent changes related to job/employment assumptions
 - August 2020: City adopted the CityWalk Master Plan
 - Up to 4,500 housing units within City Center PDA
 - Constructed during next 3 housing cycles
 - Complies with local inclusionary housing requirement (675 units at low/very low income categories)
 - Entitlement in Process: Conversion of Bishop Ranch 6 Office to Residential
 - Conversion of 564k sq. ft. office to 404 housing units within North Camino Ramon PDA

SAN RAMON PRIORITY DEVELOPMENT AREAS



- Sites with loss of commercial sq. ft./jobs
- Results in loss of jobs/employment base assumptions to support RHNA numbers

COMMERCIAL SITES AND JOBS LOST 2015 TO 2021



Project Site	Commercial Sq. Ft. Loss	New Use	Units	PDA	Est. Jobs Lost*
Bishop Ranch 2	(194,650)	Retail/Com.	0	City Center	**564-232=(332)
Bishop Ranch I	(680,000)	Residential	652	City Center	(1,971)
Bishop Ranch 6***	(564,000)	Residential	404	NCRSP	(1,635)
Totals	(1,438,650) SF lost		1,056		(3,938) Jobs lost

* 1 Job per 345 sf of office

** Net considering addition of retail jobs

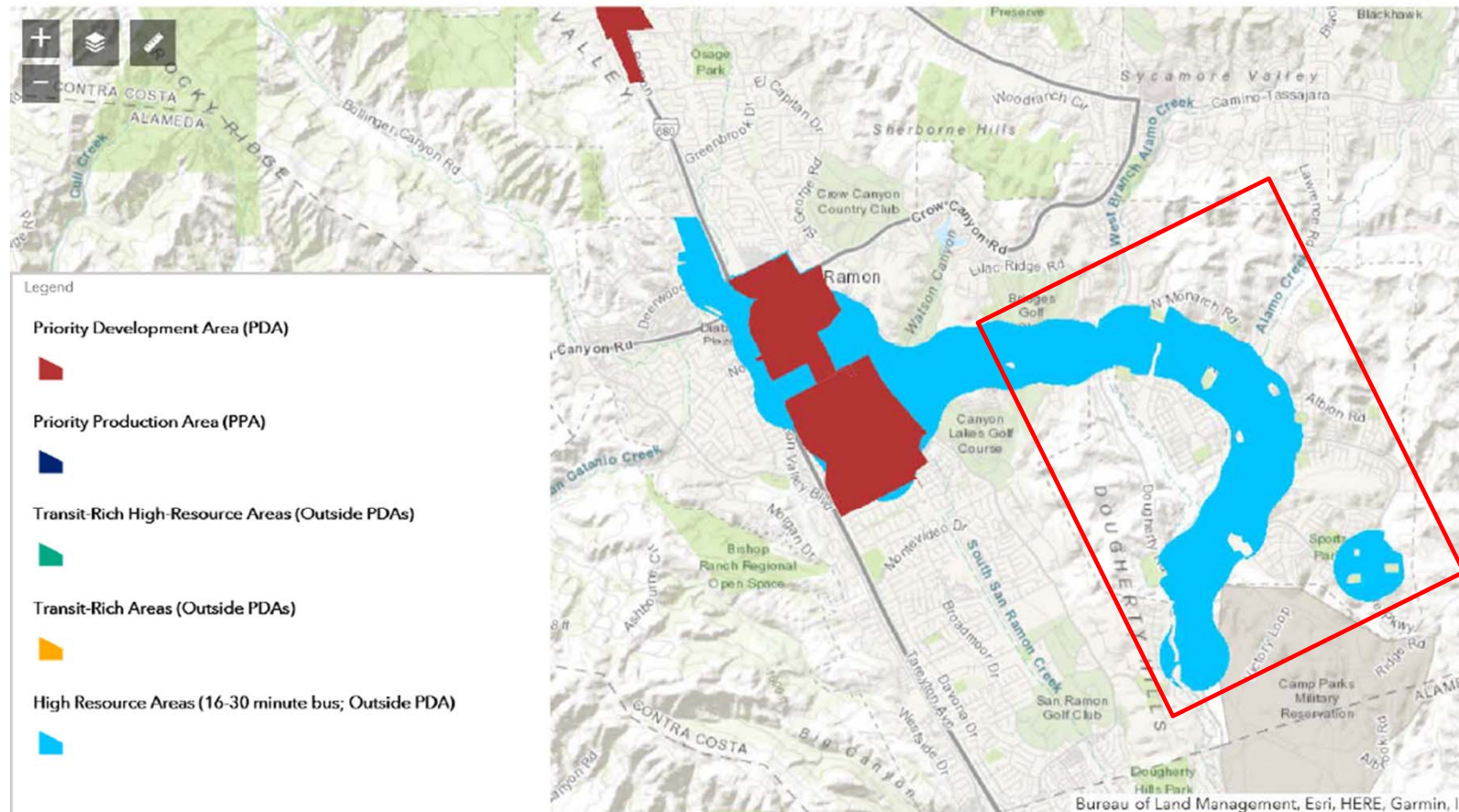
*** Entitlement in process 2021

- Results in loss of jobs/employment base assumptions to support RHNA numbers

DOUGHERTY VALLEY HIGH RESOURCE AREA



Plan Bay Area 2050: Final Blueprint Growth Geographies
Adopted by ABAG Executive Board and MTC Commission, September 2020



DOUGHERTY VALLEY HIGH RESOURCE AREA (CONT.)



- Primarily residential land use pattern (11,000 existing housing units)
 - Inconsistent with goal to develop housing near existing job centers (Bishop Ranch) and within San Ramon core (i.e. PDAs)
- Economic market conditions/realities do not support redevelopment:
 - Open space/conservation restrictions on 55% of Dougherty Valley;
 - Relatively new supply of housing stock (not prime for redevelopment);
 - Fragmented ownership;
 - Bus service too infrequent to spur and support increased housing;
 - Majority of Dougherty Valley residential lots (90%) too small to support detached Accessory Dwelling Units (ADUs)

SAN RAMON RHNA APPEAL REQUEST



- Reduction in jobs reduces the job/employment base assumptions within the “Jobs Proximity-Transit” metric
- No rail transit station within San Ramon to support transit-oriented development and limited fixed-route peak bus frequency (20 min. or greater headways post COVID)
 - No long-term commitment to increase headways by transit provider
- Disconnected from economic market conditions/realities, existing constraints, and feasibility to support redevelopment in Dougherty Valley High Resource Area

SAN RAMON RHNA APPEAL REQUEST (CONT.)



- Requesting a 1,450 unit decrease in the San Ramon Draft RHNA number due to loss of jobs/employment base assumptions
 - Loss of 3,938 jobs divided by typical San Ramon persons per household (approx. 2.71)
- Draft RHNA number for San Ramon results in an overestimation of City's ability to address realistic future housing demand

TO: ABAG Administrative Committee
FROM: Therese W. McMillan, Executive Director
SUBJECT: City of San Ramon Appeal of Draft RHNA Allocation and Staff Response

DATE: September 29, 2021

OVERVIEW

Jurisdiction: City of San Ramon

Summary: City of San Ramon requests the decrease of its Draft RHNA Allocation by 1,450 units (28 percent) from 5,111 units to 3,661 units based on the following issues:

- ABAG failed to adequately consider information submitted in the Local Jurisdiction Survey related to:
 - Existing and projected jobs and housing relationship.
 - Distribution of household growth assumed for Plan Bay Area 2050.
- ABAG failed to determine the jurisdiction's Draft Allocation in accordance with the Final RHNA Methodology and in a manner that furthers, and does not undermine, the RHNA Objectives.

Staff Recommendation: Deny the appeal.

BACKGROUND

Draft RHNA Allocation

Following adoption of the Final RHNA Methodology on May 20, 2021, the City of San Ramon received the following draft RHNA allocation on May 25, 2021:

	Very Low Income	Low Income	Moderate Income	Above Moderate Income	Total
City of San Ramon	1,497	862	767	1,985	5,111

Local Jurisdiction Survey

The City of San Ramon submitted a Local Jurisdiction Survey. A [compilation of the surveys submitted](#) is available on the ABAG website.

Comments Received during 45-Day Comment Period

ABAG received nearly 450 comments during the 45-day public comment period described in Government Code section 65584.05(c). Some comments encompassed all of the appeals submitted, but there were none that specifically relate to the appeal filed by the City of San Ramon. [All comments received](#) are available on the ABAG website.

ANALYSIS

Issue 1: *The City argues that ABAG failed to adequately consider information submitted in the Local Jurisdiction Survey regarding the existing and projected jobs and housing relationship in San Ramon. San Ramon claims the adoption of the CityWalk Master Plan in August 2020 results in the Plan Bay Area 2050 Final Blueprint and RHNA Methodology using outdated and incorrect jobs projections. San Ramon also asserts its projected loss of jobs as well as decreased transit service during COVID impact the data used for Job Proximity – Transit factor in the RHNA Methodology, and the City believes this change in circumstances requires a reduction in San Ramon’s RHNA to improve jobs-housing balance.*

ABAG-MTC Staff Response: As noted in the City’s appeal, the only mention of the Bishop Ranch project in San Ramon’s survey response is the following statement: “Opportunities are being reviewed with the Bishop Ranch City Center Mixed Use project for up to 4,500 housing units near existing jobs and transportation networks.”¹ However, San Ramon’s Local Jurisdiction Survey makes no mention of the potential impacts of this redevelopment on the number of jobs in the City, so ABAG could not have incorporated the information that San Ramon asserts the RHNA methodology fails to consider.

Regardless, staff have determined that Plan Bay Area 2050 and the RHNA Methodology adequately incorporate the Bishop Ranch City Center Mixed Use project/CityWalk Master Plan cited in the appeal. This area is within a locally designated Priority Development Area; Priority Development Areas are one of the Growth Geographies in Plan Bay Area 2050. The Plan Bay Area 2050 Final Blueprint includes specific assumptions about increases in allowable density and intensity of future residential and commercial development that are regionally applied to Growth Geographies based on transit access and resource level in alignment with Board-adopted strategies. The RHNA Methodology incorporates the total year 2050 households forecast from the Plan Bay Area 2050 Final Blueprint as the RHNA Methodology’s baseline allocation, and so San Ramon’s RHNA allocation reflects housing growth targeted in the CityWalk Master Plan area. Plan Bay Area 2050 includes strategies that encourage the transformation of vacant commercial sites into neighborhoods, so in contrast to San Ramon’s arguments in its appeal, an expected decline in jobs could lead to an increase in forecasted housing in the Final Blueprint.

The information provided in the City’s appeal fails to prove that inaccurate and outdated data was used for the RHNA Methodology’s Job Proximity – Transit factor. The Job Proximity factors are based on the number of jobs observed in 2015. Per Government Code Section 65584.04(3), the RHNA Methodology should use “information in a manner and format that is comparable throughout the region and utilize readily available data to the extent possible.” When the RHNA

¹ A copy of San Ramon’s survey response is available on ABAG’s website:
https://abag.ca.gov/sites/default/files/documents/2021-05/ABAG_RHNA_Local_Jurisdiction_Surveys_Received.pdf

Methodology was developed by the Housing Methodology Committee in 2020, ABAG used MTC's readily available data on job proximity by transit.² ABAG is not aware of any other data source on job proximity by transit for the Bay Area that existed at the time in a format that was comparable throughout the region.

Thus, assumptions about future changes in jobs have no impact on the RHNA Methodology's factors nor the baseline allocation derived from the Plan Bay Area 2050 Final Blueprint. Staff thus concludes that the information submitted by San Ramon does not provide evidence that the RHNA methodology used incorrect data, nor does this information represent a change in circumstances meriting a revision of the City's RHNA.

ABAG-MTC staff appreciates the jurisdiction's concerns about the significant economic and societal changes resulting from COVID-19. In its comment letter on submitted appeals, HCD indicated that RHNA appeals based on changes caused by COVID-19 do not fall within the appeal criteria defined by statute, stating "The COVID-19 pandemic has only increased the importance of ensuring that each community is planning for sufficient affordable housing as essential workers, particularly lower income ones, continue to commute to their places of business."³

Potential impacts of COVID-19, including accelerated shift toward telecommuting and the associated economic boom/bust cycle, are incorporated into the Final RHNA Methodology through integration of the Plan Bay Area 2050 Final Blueprint. It is also important to remember that the eight-year RHNA cycle (which starts in 2023) represents a longer-term outlook than the current impacts of the pandemic in 2020 and 2021. The current cuts to transit service cited by the City in its appeal are unlikely to be permanent, with transit agencies planning to restore services in the coming months and years. The jurisdiction has not provided evidence to suggest that COVID-19 reduces the jurisdiction's housing need for the entirety of the 2023-2031 RHNA planning period. Additionally, impacts from COVID-19 are not unique to any single jurisdiction, and the appeal does not indicate that the jurisdiction's housing need has been disproportionately impacted relative to the rest of the Bay Area.

Issue 2: *The City states that it has had two annexations since 2016 and it is unclear whether these annexations were included in the Plan Bay Area 2050 Final Blueprint and the resulting baseline allocation for the RHNA Methodology.*

ABAG-MTC Staff Response: Annexation DV 17 was already included in all modeling for the Plan Bay Area 2050 Final Blueprint. In contrast, the annexation for DV 18 was finalized by the San

² For more information on this methodology factor, see page 18 of the Draft RHNA Plan on ABAG's website: https://abag.ca.gov/sites/default/files/documents/2021-05/ABAG_2023-2031_Draft_RHNA_Plan.pdf

³ See [HCD's comment letter on appeals](#) for more details.

Ramon City Council in October 2020, which occurred after the September 2020 Commission and ABAG Executive Board action to initiate modeling of the Plan Bay Area 2050 Final Blueprint. Thus, this area was included as part of unincorporated Contra Costa County in the Final Blueprint. The County also cited the annexation of DV 18 as grounds for an appeal. However, while the annexation was not capturing when calculating jurisdictional baselines for RHNA, the Final Blueprint did not forecast any households in this area in 2050, so a shift of jurisdictional responsibility from the County to San Ramon would have no impact on either jurisdiction's RHNA allocation.

Issue 3: *The City argues that the High Resource Area Growth Geographies in the Plan Bay Area 2050 Final Blueprint do not adequately consider land use constraints and development feasibility, and so the RHNA assigned to San Ramon is an overestimation of the City's ability to accommodate growth.*

ABAG-MTC Staff Response: In developing the Plan Bay Area 2050 Final Blueprint, ABAG-MTC staff worked with local governments to gather information about local plans, zoning, and physical characteristics that might affect development. A strength of the land use model used for Plan Bay Area 2050 forecasting is that it assesses feasibility and the cost of redeveloping a parcel. These feasibility and cost assessments are used to forecast San Ramon's share of the region's households in 2050, which is an input into its RHNA allocation.

However, RHNA is not just a reflection of projected future growth, as statute also requires RHNA to address the existing need for housing that results in overcrowding and housing cost burden throughout the region. Accordingly, the 2050 Households baseline allocation in the RHNA methodology represents both the housing needs of existing households and forecasted household growth from the Plan Bay Area 2050 Blueprint. Thus, the RHNA methodology adequately considers the development constraints raised in this appeal, but the allocation to San Ramon also reflects both existing and future housing demand in the Bay Area.

Importantly, as HCD notes in its comment letter on submitted appeals, Government Code Section 65584.04(e)(2)(B) states that ABAG:

"may not limit its consideration of suitable housing sites to existing zoning and land use restrictions and must consider the potential for increased development under alternative zoning and land use restrictions. Any comparable data or documentation supporting this appeal should contain an analysis of not only land suitable for urban development, but land for conversion to residential use, the availability of underutilized land, and opportunity for infill development and increased residential densities. In simple terms, this means housing planning cannot be limited to vacant land, and even communities that view themselves as

built out or limited due to other natural constraints such as fire and flood risk areas must plan for housing through means such as rezoning commercial areas as mixed-use areas and upzoning non-vacant land.”⁴

Per Government Code Section 65584.04(e)(2)(B), the City of San Ramon must consider the availability of underutilized land, opportunities for infill development and increased residential densities to accommodate its RHNA. While the City asserts that its High Resource Area Growth Geography is built out, it does not provide evidence that it is unable to consider underutilization of existing sites, increased densities, accessory dwelling units (ADUs), and other planning tools to accommodate more housing.⁵ Furthermore, directing growth to High Resource Areas and other Growth Geographies is essential for addressing the policy priorities required for Plan Bay Area 2050 and RHNA, including promoting efficient development patterns, reducing greenhouse gas emissions, and affirmatively furthering fair housing.

RECOMMENDED ACTION

ABAG-MTC staff have reviewed the appeal and recommend that the Administrative Committee **deny** the appeal filed by City of San Ramon to reduce its Draft RHNA Allocation by 1,450 units (from 5,111 units to 3,661 units).

⁴ See [HCD's comment letter on appeals](#) for more details.

⁵ See HCD's [Housing Element Site Inventory Guidebook](#) for more details on the various methods jurisdictions can use to plan for accommodating their RHNA.



ABAG-MTC Staff Response to *City of San Ramon* RHNA Appeal

ABAG Administrative
Committee

September 29, 2021

Overview of City of San Ramon Appeal

Appeal Request:

- Reduce allocation by 1,450 units (28%) from 5,111 units to 3,661 units.

Staff Recommendation:

- Deny the appeal.

Appeal bases cited:

- ABAG failed to adequately consider information submitted in the Local Jurisdiction Survey.
- ABAG failed to determine the jurisdiction's Draft Allocation in accordance with the Final RHNA Methodology and in a manner that furthers, and does not undermine, the RHNA Objectives.

Issue #1: Jobs-Housing Relationship

Jurisdiction Argument: Adoption of CityWalk Master Plan in August 2020 makes jobs projections used in Plan Bay Area 2050 Final Blueprint and RHNA Methodology outdated and incorrect. COVID-related jobs loss and decreased transit service are change in circumstances that warrants RHNA reduction to improve jobs-housing balance.

ABAG-MTC Staff Response:

- Changes to CityWalk Master Plan do not affect City's RHNA because CityWalk is located in San Ramon's PDA. Plan Bay Area 2050 Final Blueprint strategies adopted by the ABAG Board applied increased density and intensity assumptions in a consistent manner based upon transit access and resource level.
- Job Proximity - Transit factor in RHNA Methodology is based on number of jobs observed in 2015. Assumptions about future changes in jobs have no impact on San Ramon's allocation.
- Impacts from COVID-19 are not a valid basis for an appeal.

Issue #2: Impact of Recent Annexations

Jurisdiction Argument: San Ramon has had two annexations since 2016 and it is unclear whether these were included in the Final Blueprint and the resulting baseline allocation for the RHNA Methodology.

ABAG-MTC Staff Response:

- Annexation DV 17 was included in all modeling for the Plan Bay Area 2050 Final Blueprint.
- Annexation DV 18 occurred after modeling for the Final Blueprint, so the area was included as part of Contra Costa County when calculating RHNA baselines.
- **However:** the Final Blueprint did not forecast any households in this area in 2050, so a shift of jurisdictional responsibility from the County to San Ramon would have no impact on either jurisdiction's RHNA allocation.

Issue #3: Lack of Available Land

Jurisdiction Argument: High Resource Area Growth Geographies in Plan Bay Area 2050 Final Blueprint do not adequately consider land use constraints and development feasibility, San Ramon's RHNA overestimates the City's ability to accommodate growth.

ABAG-MTC Staff Response:

- Government Code Section 65584.04(e)(2)(B) states:
 - ABAG may not limit consideration of suitable housing sites to a jurisdiction's existing zoning and land use restrictions and must consider potential for increased residential development under alternative zoning ordinances and land use restrictions.
 - Jurisdictions must consider underutilized land, opportunities for infill development, and increased residential densities as a component of available land for housing.
- San Ramon does not provide evidence it is unable to consider underutilization of existing sites, increased densities, accessory dwelling units (ADUs), and other planning tools to accommodate more housing.

Recommended Action for City of San Ramon Appeal

Deny the appeal filed by the City of San Ramon to reduce its Draft RHNA Allocation by 1,450 units.

- ABAG considered information submitted in the local Jurisdiction Survey consistent with how the methodology factors are defined in Government Code Section 65584.04(e).
- The jurisdiction's Draft RHNA Allocation is in accordance with the Final RHNA Methodology adopted by the ABAG Executive Board and approved by HCD and furthers the RHNA Objectives identified in Government Code Section 65584(d).

From: [REDACTED]
To: [Regional Housing Need Allocation](#)
Subject: Housing Element Appeals
Date: Tuesday, August 31, 2021 12:32:46 PM

External Email

To whom it may concern,

I would like to echo my partners sentiments. I feel the same way he does, that housing for all should be a top community effort. Thank you for the opportunity to provide public comment on the Housing Element Appeals. I am a homeowner [REDACTED].

While a resident of Pleasanton, the Tri-Valley region's housing market needs to be examined as a whole. The inaction of one municipality affects the housing of all residents in the region. As such, I am writing to express my disappointment in and disapproval of the appeals filed by the City of Pleasanton, Town of Danville, City of San Ramon, and City of Dublin:

City of Pleasanton: The City of Pleasanton is appealing on the grounds that water supplies and land are too limited. Water supply is limited across the state and Bay Area. By neglecting our responsibility to build housing, we are simply pushing the water burden to another community - a community that is likely part of the same water utility anyways. As for land, Pleasanton is rich with underutilized land. There are multiple vacant lots that could be used for high-density housing with access to good schools and commercial amenities. Additionally, there are huge swaths of vacant parking lots near our two BART stations that need the right incentives to be redeveloped. Finally, there is the entire County Fairgrounds, next to the ACE train, that could be so much more than empty fields and parking lots.

Town of Danville: The Town of Danville is appealing on the grounds that their lack of public transit would be detrimental to the well-being of people who would live in affordable housing. Not having public transit is a choice that the community made and continues to make. It is a form of segregation because they exclude those who need buses from living in the community. The fact that Danville chooses to be segregated should not be an excuse to continue that segregation by denying affordable housing.

City of San Ramon: In the City of San Ramon's appeal, they admit that they have lots of jobs and should build housing near their employment centers. However, they are at the same time rejecting the amount of housing that needs to be built. San Ramon can provide so much economic opportunity to so many Californians through employment. Those people deserve to live near work, and they will pollute less and cause less traffic if they don't have to drive as far.

City of Dublin: The City of Dublin is appealing, in part, because they have built a lot of housing recently and do not feel the continued pressure is fair. We should all be very grateful to Dublin for leading the Tri-Valley in building new homes for our neighbors. However, they need to keep that momentum up. Every community in the Bay Area needs to do all they can.

Thank you again for the opportunity to write in and express my views.

Best,

Alison Kuelz

From: Zachary Ackerman [REDACTED]
Sent: Tuesday, August 31, 2021 11:03 AM
To: Regional Housing Need Allocation
Subject: Public Comment: Housing Element Appeals

External Email

To whom it may concern,

Thank you for the opportunity to provide public comment on the Housing Element Appeals. I am a homeowner [REDACTED].

While a resident of Pleasanton, the Tri-Valley region's housing market needs to be examined as a whole. The inaction of one municipality affects the housing of all residents in the region. As such, I am writing to express my disappointment in and disapproval of the appeals filed by the City of Pleasanton, Town of Danville, City of San Ramon, and City of Dublin:

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City of San Ramon: In the City of San Ramon's appeal, they admit that they have lots of jobs and should build housing near their employment centers. However, they are at the same time rejecting the amount of housing that needs to be built. San Ramon can provide so much economic opportunity to so many Californians through employment. Those people deserve to live near work, and they will pollute less and cause less traffic if they don't have to drive as far.

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Thank you again for the opportunity to write in and express my views.

Best,
Zachary Ackerman

--

Zachary Ackerman





Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #: 21-1252 **Version:** 1 **Name:**

Type: Report **Status:** Committee Approval

File created: 9/21/2021 **In control:** ABAG Administrative Committee

On agenda: 9/29/2021 **Final action:**

Title: Report on Regional Housing Needs Allocation (RHNA) Appeal for the County of Contra Costa

Sponsors:

Indexes:

Code sections:

Attachments: [06b 1 Summary Sheet Contra Costa County.pdf](#)
[06b a Contra Costa County RHNA Appeal.pdf](#)
[06b b Presentation Contra Costa County FINAL RHNA Appeal Presentation.pdf](#)
[06b c ABAG RHNA Appeal Response Contra Costa County.pdf](#)
[06b c Attachment1 Contra Costa LAFCO Email Annexations.pdf](#)
[06b d ABAG RHNA Appeal Response Contra Costa County CORRECTED.pdf](#)
[06b e RHNA Appeal Comments Contra Costa County.pdf](#)

Date	Ver.	Action By	Action	Result
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Report on Regional Housing Needs Allocation (RHNA) Appeal for the County of Contra Costa

Gillian Adams and Eli Kaplan

Preliminary Action

Association of Bay Area Governments

Administrative Committee

September 29, 2021

Agenda Item 6.b.

Regional Housing Needs Allocation Appeal

Subject: Report on Regional Housing Needs Allocation (RHNA) Appeal for the County of Contra Costa.

Background: RHNA is the state-mandated¹ process to identify the number of housing units (by affordability level) that each jurisdiction must accommodate in the Housing Element of its General Plan. The California Department of Housing and Community Development (HCD) determined Bay Area communities must plan for 441,176 new housing units from 2023 to 2031.

On May 20, 2021, the ABAG Executive Board approved the [Final Regional Housing Needs Allocation \(RHNA\) Methodology and Draft Allocations](#). Release of the Draft RHNA Allocations initiated the appeals phase of the RHNA process.² ABAG received 28 appeals from Bay Area jurisdictions by the July 9, 2021 deadline.

Per Government Code Section 65584.05(d), ABAG is required to hold a public hearing to consider all appeals filed. The ABAG Administrative Committee will consider the appeal submitted by the County of Contra Costa.

Recommended Action: The Administrative Committee is requested to take preliminary action on the RHNA appeal from the County of Contra Costa.

The Administrative Committee is requested to partially grant the RHNA appeal from the County of Contra Costa.

Attachments:

- a. County of Contra Costa RHNA Appeal
- b. County of Contra Costa RHNA Jurisdiction Presentation
- c. ABAG-MTC Staff Report
- d. ABAG-MTC Staff Presentation
- e. Public Comment for County of Contra Costa RHNA Appeal

Reviewed:



Therese W. McMillan

¹ See California [Government Code §65584](#).

² See [Government Code Section 65584.05](#) for an overview of the appeals process.

REGIONAL HOUSING NEEDS ALLOCATION

Association of Bay Area Governments

2023-2031 Regional Housing Needs Assessment (RHNA) Appeal Request*Submit appeal requests and supporting documentation via DocuSign by 5:00 pm PST on July 9, 2021.****Late submissions will not be accepted.*** Send questions to rhna@bayareametro.govJurisdiction Whose Allocation is Being Appealed: Contra Costa CountyFiling Party: ☐ HCD ☒ Jurisdiction: Contra Costa CountyContact Name: Maureen TomsTitle: Deputy DirectorPhone: 925-655-2895Email: maureen.toms@dcd.cccounty.us**APPEAL AUTHORIZED BY:**Name: John KopchikSignature: Date: 7/11/2021**PLEASE SELECT BELOW:**

- ☐ Mayor
- ☐ Chair, County Board of Supervisors
- ☐ City Manager
- ☐ Chief Administrative Officer
- ☒ Other: Conservation and Development Director, as authorized by

IDENTIFY ONE OR MORE BASES FOR APPEAL [Government Code Section 65584.5(b)]

- ☒ ABAG failed to adequately consider information submitted in the Local Jurisdiction Survey regarding RHNA Factors (Government Code Section 65584.04(e)) and Affirmatively Furthering Fair Housing (See Government Code Section 65584.04(b)(2) and 65584(d)(5)):
- ☐ Existing and projected jobs and housing relationship.
 - ☒ Sewer or water infrastructure constraints for additional development due to laws, regulatory actions, or decisions made by a provider other than the local jurisdiction.
 - ☐ Availability of land suitable for urban development or for conversion to residential use.
 - ☒ Lands protected from urban development under existing federal or state programs.
 - ☒ County policies to preserve prime agricultural land.
 - ☐ Distribution of household growth assumed for Plan Bay Area 2050.
 - ☐ County-city agreements to direct growth toward incorporated areas of county.
 - ☐ Loss of units contained in assisted housing developments.
 - ☐ Households paying more than 30% or 50% of their income in rent.
 - ☐ The rate of overcrowding.
 - ☐ Housing needs of farmworkers.
 - ☐ Housing needs generated by the presence of a university campus within a jurisdiction.
 - ☐ Housing needs of individuals and families experiencing homelessness.
 - ☐ Loss of units during a declared state of emergency from January 31, 2015 to February 5, 2020.
 - ☒ The region's greenhouse gas emissions targets to be met by Plan Bay Area 2050.
 - ☐ Affirmatively furthering fair housing.
- ☒ ABAG failed to determine the jurisdiction's Draft RHNA Allocation in accordance with the Final RHNA Methodology and in a manner that furthers, and does not undermine the RHNA Objectives (see Government Code Section 65584(d) for the RHNA Objectives).
- ☒ A significant and unforeseen change in circumstances has occurred in the local jurisdiction or jurisdictions that merits a revision of the information submitted in the Local Jurisdiction Survey (*appeals based on change of circumstance can only be made by the jurisdiction or jurisdictions where the change occurred*).

Pursuant to Government Code Section 65584.05, appeals shall be based upon comparable data available for all affected jurisdictions and accepted planning methodology, and supported by adequate documentation, and shall include a statement as to why the revision is necessary to further the intent of the objectives listed in Government Code Section 65584(d). An appeal shall be consistent with, and not to the detriment of, [the development pattern in the sustainable communities strategy \(Plan Bay Area 2050 Final Blueprint\)](#). (Click [here](#))

Number of units requested to be reduced or added to jurisdiction's Draft RHNA Allocation:

☒ Decrease Number of Units: 1,818 ☐ Increase Number of Units: _____

Brief description of appeal request and statement on why this revision is necessary to further the intent of the objectives listed in Government Code Section 65584(d) and how the revision is consistent with, and not to the detriment, of the development pattern in Plan Bay Area 2050. Please include supporting documentation for evidence as needed, and attach additional pages if you need more room.

See the following:

1. Attachment A-Brief statement on why this revision is necessary to further the intent of the objectives listed in Government Code Section 65584
2. Attachment B – Figure 1-Urban Boundary Lines Across Alternatives CCC Close-up Map
Attachment B-Figure 2-Unreflected Annexations Map
Attachment B-Figure 3-Active Facilities Map
Attachment B-Figure 4-Current and Former Development Map
Attachment B-Figure 5-Urban Boundary Lines Across Alternatives-Suggested Revision to CCC Map
3. Attachment C – Breakdown of Census information and RHNA for the jurisdictions in Contra Costa County

List of supporting documentation, by title and number of pages

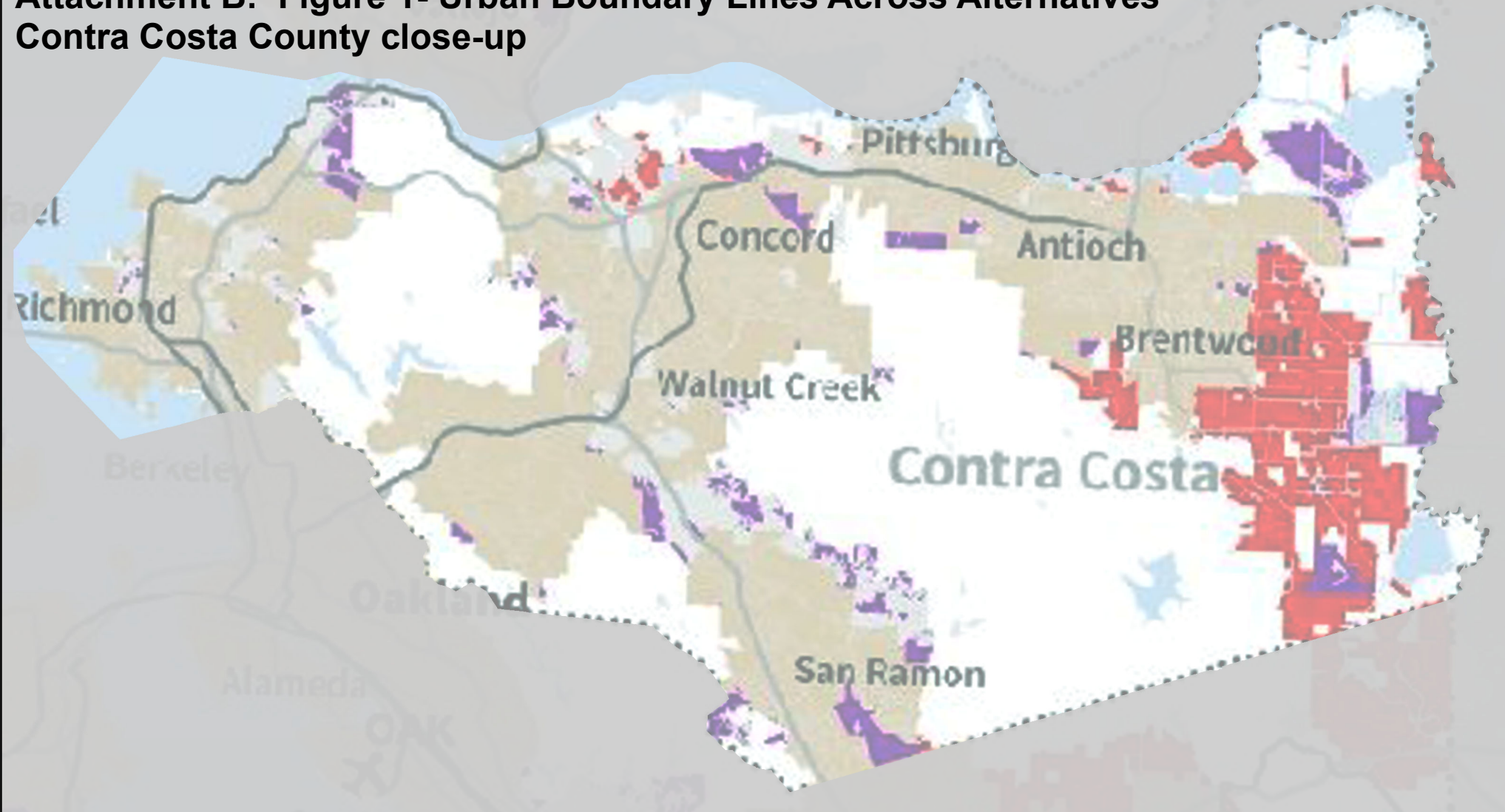
1. Attachment A-Brief statement on why this revision is necessary to further the intent of the objectives listed in Government Code
2. Attachment B – Figures 1-5 Maps
3. Attachment C-Breakdown of Census information and RHNA for the jurisdictions in Contra Costa County



The maximum file size is 25MB. To submit larger files, please contact rhna@bayareametro.gov.

Click here to
attach files

Attachment B: Figure 1- Urban Boundary Lines Across Alternatives Contra Costa County close-up



Source: TomTom North America, 2019
Map Author: B.Lu, April, 2021

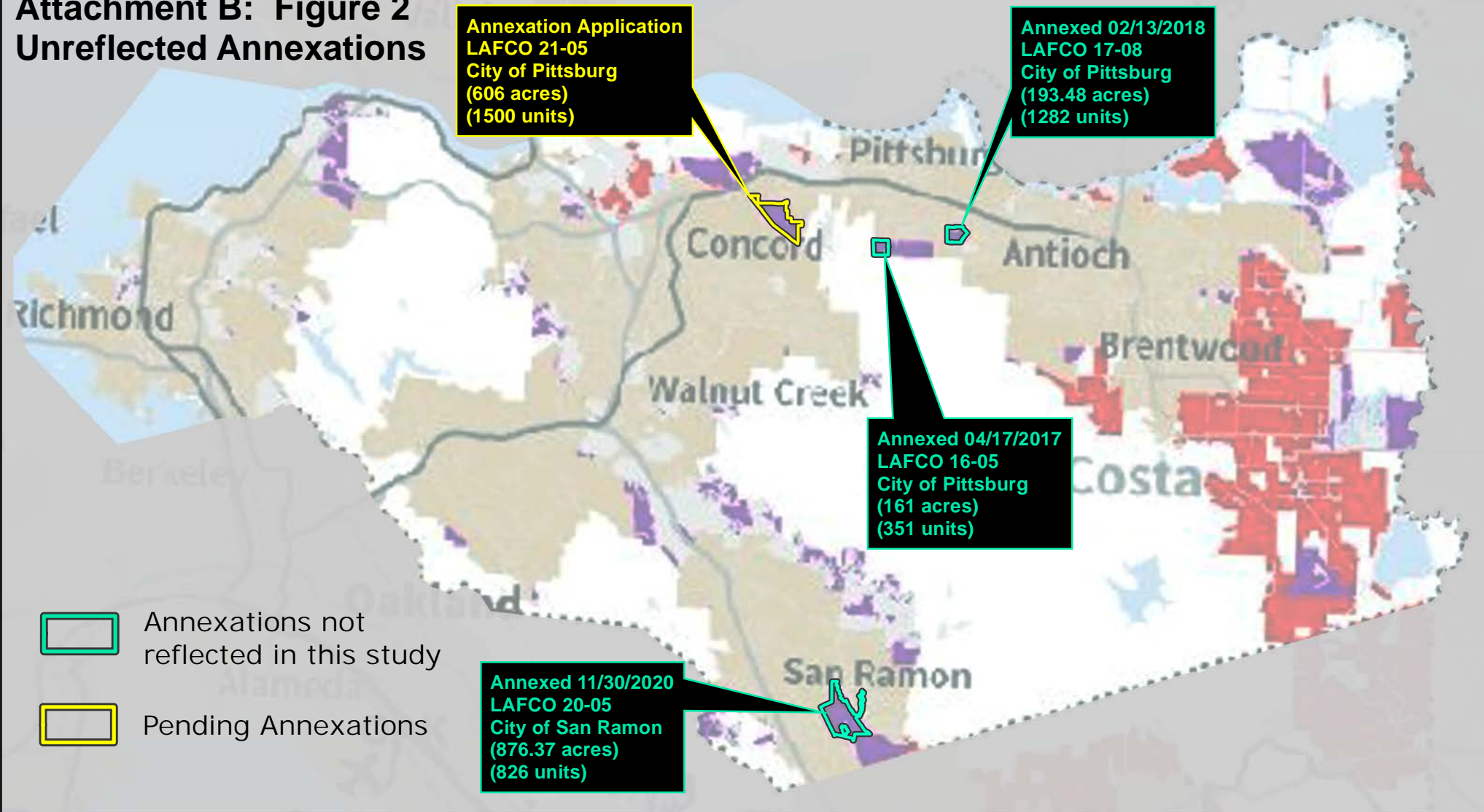
Source: ABAG/MTC's Plan Bay Area 2050
"Draft Forecasting and Modeling Report" - May 2021
Figure 17 - "Urban Boundary Lines Across Alternatives"

Urban Boundary Lines

Expansion Areas

- Urbanized Area Outside Alternative 1
- Alternative 1
- Added Areas in Final Blueprint, Alternative 2, and No Project, Outside Urbanized Area
- Added Areas Only in No Project, Outside Urbanized Area

Attachment B: Figure 2 Unreflected Annexations



Source: TomTom North America, 2019
Map Author: B.Lu, April, 2021

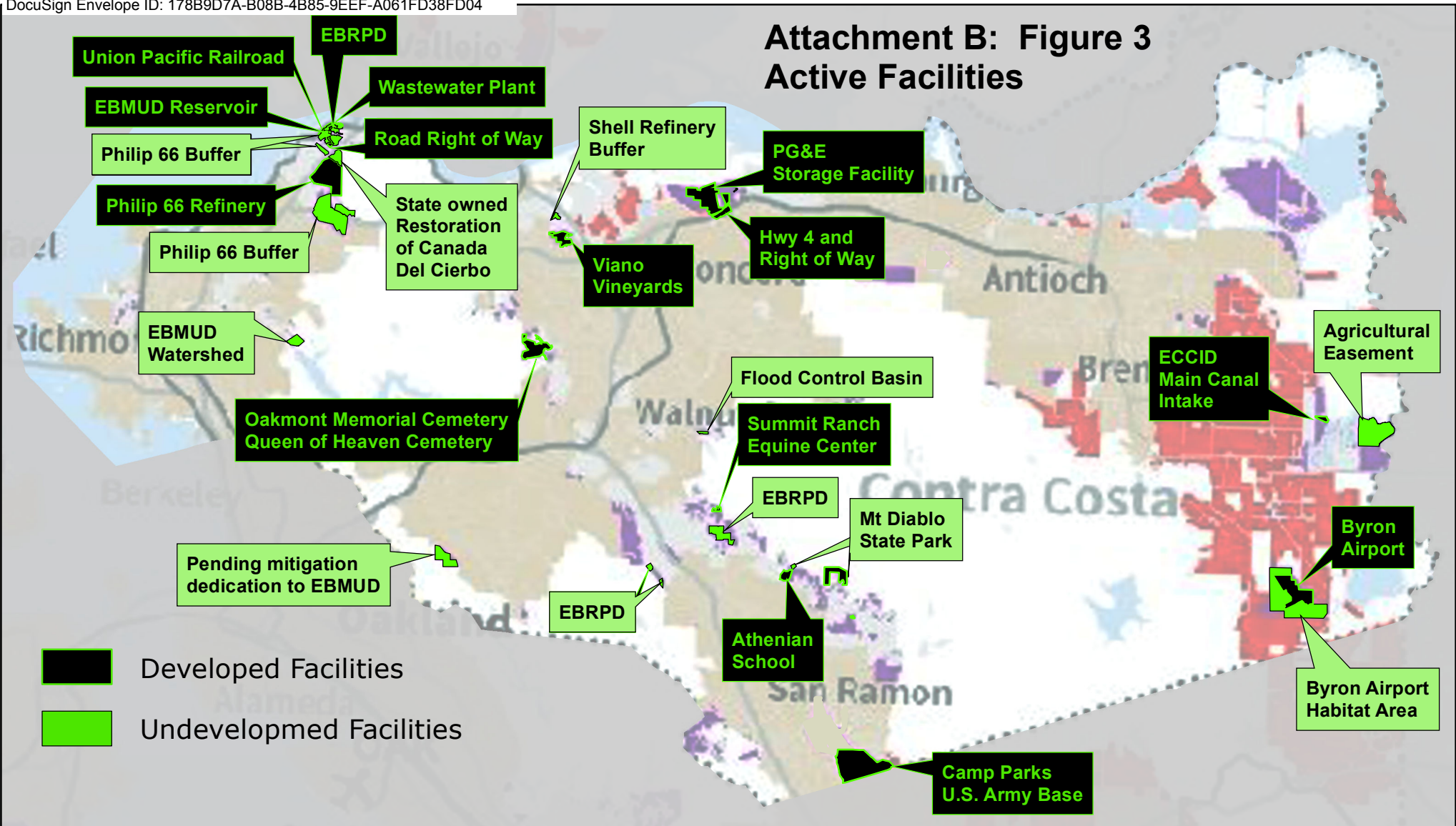
Source: ABAG/MTC's Plan Bay Area 2050
"Draft Forecasting and Modeling Report" - May 2021
Figure 17 - "Urban Boundary Lines Across Alternatives"

Urban Boundary Lines

Expansion Areas

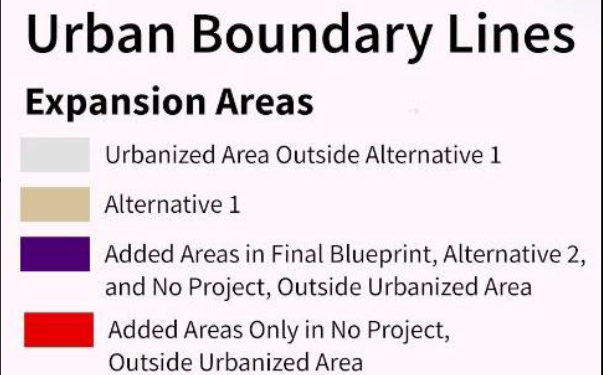
- Urbanized Area Outside Alternative 1
- Alternative 1
- Added Areas in Final Blueprint, Alternative 2, and No Project, Outside Urbanized Area
- Added Areas Only in No Project, Outside Urbanized Area

Attachment B: Figure 3 Active Facilities

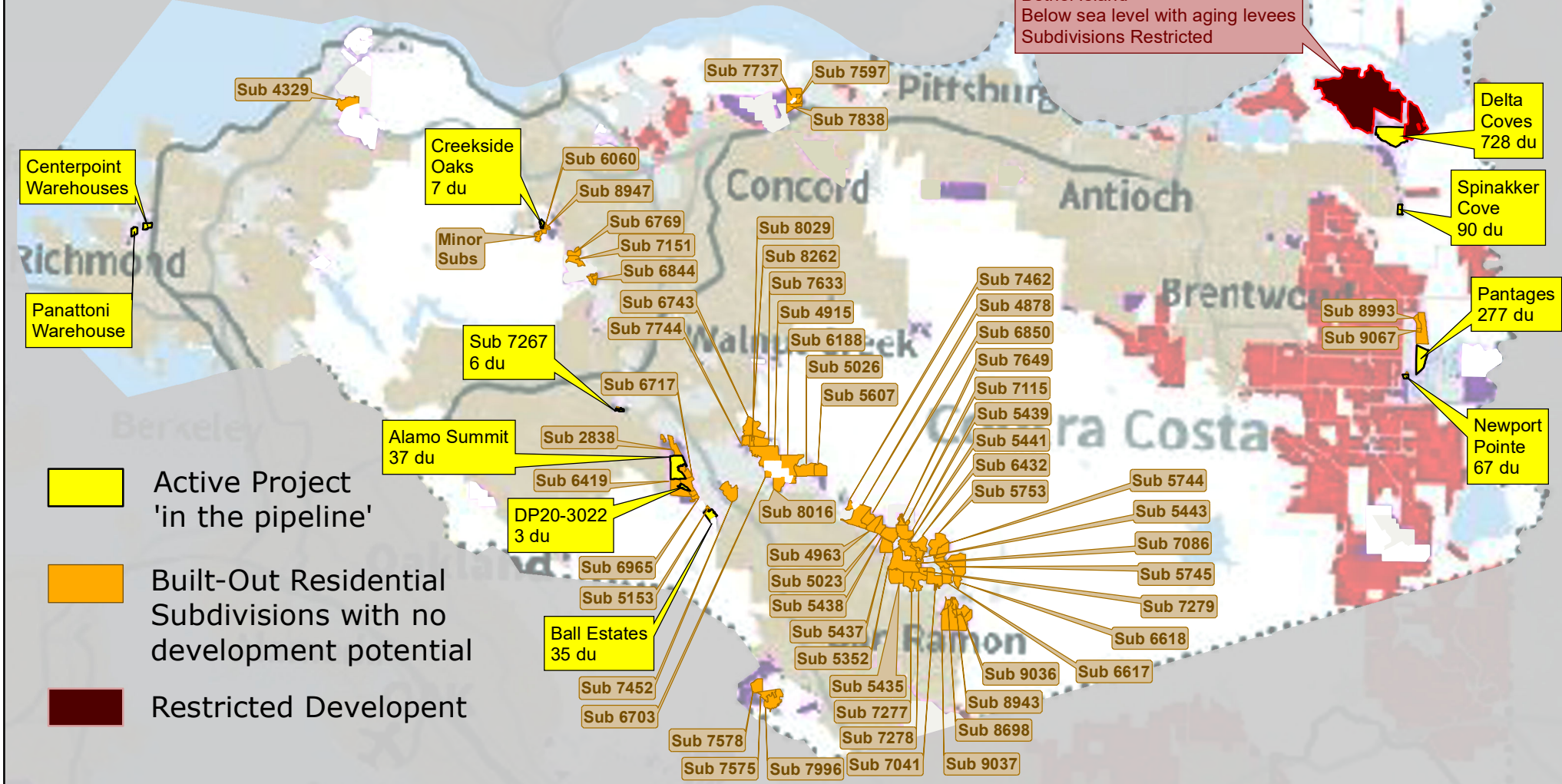


Source: TomTom North America, 2019
Map Author: B.Lu, April, 2021

Source: ABAG/MTC's Plan Bay Area 2050
"Draft Forecasting and Modeling Report" - May 2021
Figure 17 - "Urban Boundary Lines Across Alternatives"



Attachment B: Figure 4 Current and Former Development



Source: TomTom North America, 2019
Map Author: B.Lu, April, 2021

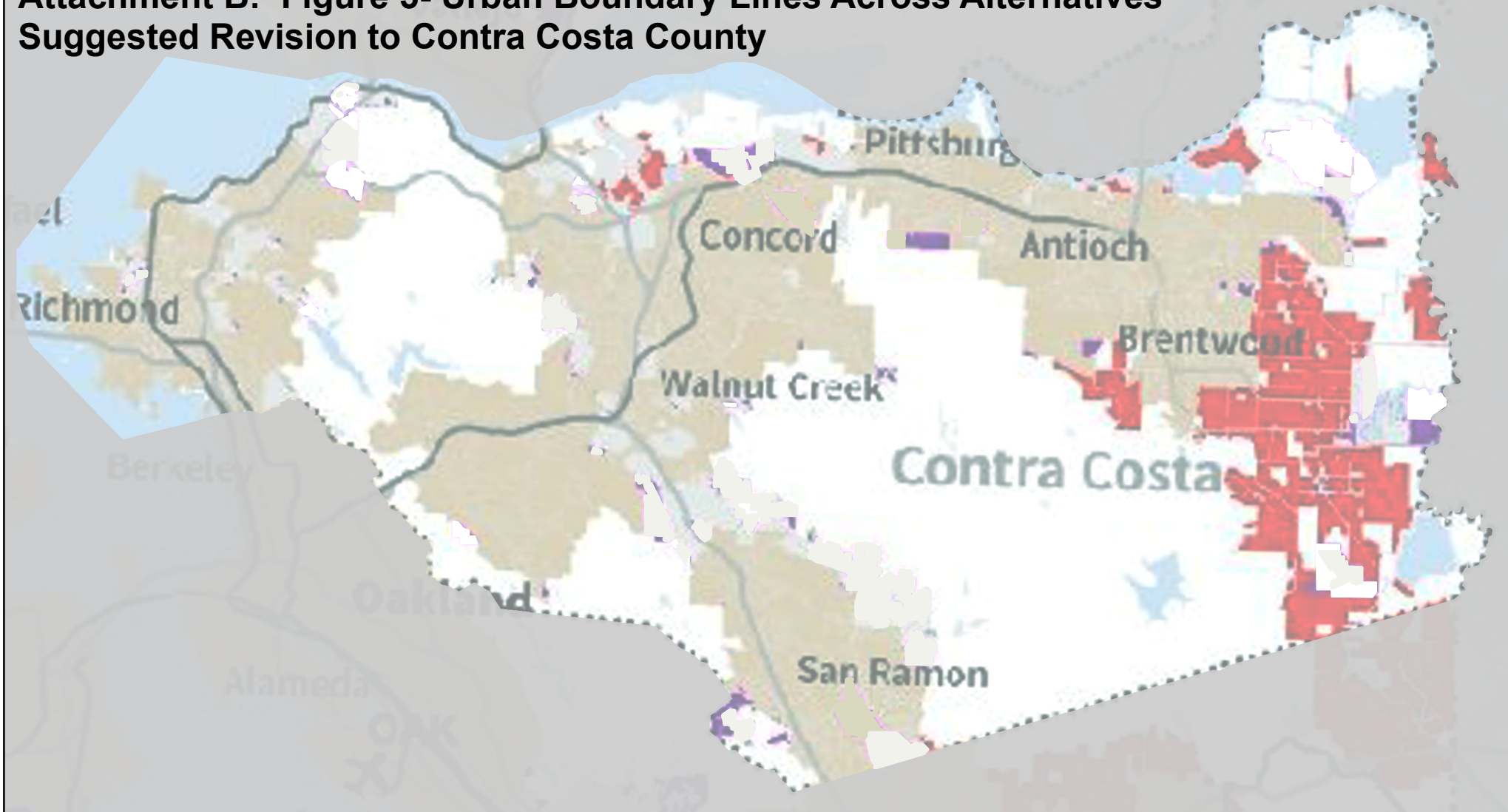
Source: ABAG/MTC's Plan Bay Area 2050
"Draft Forecasting and Modeling Report" - May 2021
Figure 17 - "Urban Boundary Lines Across Alternatives"

Urban Boundary Lines

Expansion Areas

- Urbanized Area Outside Alternative 1
- Alternative 1
- Added Areas in Final Blueprint, Alternative 2, and No Project, Outside Urbanized Area
- Added Areas Only in No Project, Outside Urbanized Area

Attachment B: Figure 5- Urban Boundary Lines Across Alternatives Suggested Revision to Contra Costa County



Source: TomTom North America, 2019
Map Author: B.Lu, April, 2021

Source: ABAG/MTC's Plan Bay Area 2050
"Draft Forecasting and Modeling Report" - May 2021
Figure 17 - "Urban Boundary Lines Across Alternatives"

Urban Boundary Lines

Expansion Areas

- Urbanized Area Outside Alternative 1
- Alternative 1
- Added Areas in Final Blueprint, Alternative 2, and No Project, Outside Urbanized Area
- Added Areas Only in No Project, Outside Urbanized Area

Attachment C

Breakdown of Census Information and RHNA for Contra Costa County

							Oct-20		May-21		
							DRAFT		(5/20/21)		
							RHNA		RHNA	change	
							method-	% of TOTAL	method-	from Dec	
							ology	County	ology	'20 to	
										May '21	
id	Geographic Area Name	Type	Population	% of total	Household	% of total					
	Contra Costa County		1,142,250		413,719						
	City/Towns										
16000000US0602252	Antioch city, California	Incorporated	111,200	9.74%	34,028	8.22%	2,481	5.65%	3,016	6.15%	18%
	Brentwood	Incorporated	61,961	5.42%	19,906	4.81%	1,474	3.35%	1,522	3.10%	3%
16000000US0613882	Clayton city, California	Incorporated	12,083	1.06%	4,232	1.02%	592	1.35%	570	1.16%	-4%
16000000US0616000	Concord city, California	Incorporated	129,183	11.31%	46,455	11.23%	3,890	8.85%	5,073	10.34%	23%
16000000US0617988	Danville town, California	Incorporated	44,605	3.91%	16,053	3.88%	2,173	4.95%	2,241	4.57%	3%
16000000US0621796	El Cerrito city, California	Incorporated	25,398	2.22%	10,034	2.42%	1,182	2.69%	1,391	2.84%	15%
16000000US0633308	Hercules city, California	Incorporated	25,616	2.24%	8,402	2.03%	671	1.53%	995	2.03%	33%
16000000US0639122	Lafayette city, California	Incorporated	26,305	2.30%	9,426	2.28%	1,651	3.76%	2,114	4.31%	22%
16000000US0646114	Martinez city, California	Incorporated	38,290	3.35%	14,723	3.56%	1,351	3.07%	1,345	2.74%	0%
16000000US0649187	Moraga town, California	Incorporated	17,539	1.54%	5,867	1.42%	1,061	2.41%	1,118	2.28%	5%
16000000US0653070	Oakley city, California	Incorporated	41,324	3.62%	11,778	2.85%	941	2.14%	1,058	2.16%	11%
16000000US0654232	Orinda city, California	Incorporated	19,646	1.72%	7,167	1.73%	1,142	2.60%	1,359	2.77%	16%
	Pinole city, California	Incorporated	19,279	1.69%	6,748	1.63%	579	1.32%	500	1.02%	-16%
16000000US0657456	Pittsburg city, California	Incorporated	71,422	6.25%	21,357	5.16%	1,641	3.73%	2,017	4.11%	19%
16000000US0657764	Pleasant Hill city, California	Incorporated	34,840	3.05%	13,817	3.34%	1,873	4.26%	1,803	3.68%	-4%
16000000US0660620	Richmond city, California	Incorporated	109,884	9.62%	37,088	8.96%	4,179	9.51%	3,614	7.37%	-16%
16000000US0668294	San Pablo city, California	Incorporated	30,967	2.71%	9,221	2.23%	793	1.80%	746	1.52%	-6%
16000000US0668378	San Ramon city, California	Incorporated	75,648	6.62%	25,535	6.17%	4,716	10.73%	5,111	10.42%	8%
16000000US0683346	Walnut Creek city, California	Incorporated	69,567	6.09%	31,390	7.59%	5,725	13.03%	5,805	11.84%	1%
	Total Incorporated		964,757	84.46%	333,227	80.53%	38,115	86.74%	41,398	84.41%	8%

							Oct-20		May-21		
							Pro-rata	% of TOTAL	Pro-rata	% of	
							Distribution	County	Distribution	TOTAL	
Unincorporated County											
1600000US0600135	Acalanes Ridge CDP, California	Unincorporated	1,134	0.10%	410	0.10%		0.00%	57	0.12%	100%
1600000US0600618	Alamo CDP, California	Unincorporated	14,905	1.30%	5,156	1.25%	548	1.25%	718	1.46%	24%
1600000US0600898	Alhambra Valley CDP, California	Unincorporated	783	0.07%	273	0.07%	29	0.07%	38	0.08%	24%
1600000US0604415	Bay Point CDP, California	Unincorporated	25,808	2.26%	6,917	1.67%	735	1.67%	964	1.97%	24%
1600000US0604470	Bayview CDP (Contra Costa County),	Unincorporated	1,862	0.16%	587	0.14%	62	0.14%	82	0.17%	24%
1600000US0606210	Bethel Island CDP, California	Unincorporated	2,161	0.19%	906	0.22%	96	0.22%	126	0.26%	24%
1600000US0606928	Blackhawk CDP, California	Unincorporated	9,604	0.84%	3,458	0.84%	367	0.84%	482	0.98%	24%
1600000US0609346	Byron CDP, California	Unincorporated	1,304	0.11%	439	0.11%	47	0.11%	61	0.12%	23%
1600000US0610301	Camino Tassajara CDP, California	Unincorporated	4,721	0.41%	1,270	0.31%	135	0.31%	177	0.36%	24%
	Castle Hill	Unincorporated	1,425	0.12%	187	0.05%	20	0.05%	26	0.05%	23%
1600000US0614232	Clyde CDP, California	Unincorporated	792	0.07%	321	0.08%	34	0.08%	45	0.09%	24%
1600000US0616090	Contra Costa Centre CDP, California	Unincorporated	6,558	0.57%	3,611	0.87%	383	0.87%	503	1.03%	24%
1600000US0617274	Crockett CDP, California	Unincorporated	3,265	0.29%	1,448	0.35%	154	0.35%	202	0.41%	24%
1600000US0619150	Diablo CDP, California	Unincorporated	448	0.04%	228	0.06%	24	0.05%	32	0.07%	25%
1600000US0619339	Discovery Bay CDP, California	Unincorporated	16,159	1.41%	5,482	1.32%	582	1.32%	764	1.56%	24%
1600000US0621061	East Richmond Heights CDP,	Unincorporated	3,162	0.28%	1,360	0.33%	144	0.33%	189	0.39%	24%
1600000US0622454	El Sobrante CDP (Contra Costa	Unincorporated	13,818	1.21%	4,901	1.18%	520	1.18%	683	1.39%	24%
1600000US0638086	Kensington CDP, California	Unincorporated	5,329	0.47%	2,254	0.54%	239	0.54%	314	0.64%	24%
1600000US0638772	Knightsen CDP, California	Unincorporated	1,176	0.10%	465	0.11%	49	0.11%	65	0.13%	25%
1600000US0648718	Montalvin Manor CDP, California	Unincorporated	2,852	0.25%	816	0.20%	87	0.20%	114	0.23%	24%
1600000US0649651	Mountain View CDP, California	Unincorporated	1,970	0.17%	770	0.19%	82	0.19%	107	0.22%	23%
1600000US0651622	Norris Canyon CDP, California	Unincorporated	897	0.08%	285	0.07%	30	0.07%	40	0.08%	25%
1600000US0651890	North Gate CDP, California	Unincorporated	685	0.06%	242	0.06%	26	0.06%	34	0.07%	24%
1600000US0652162	North Richmond CDP, California	Unincorporated	4,085	0.36%	1,109	0.27%	118	0.27%	155	0.32%	24%
1600000US0654764	Pacheco CDP, California	Unincorporated	4,361	0.38%	1,692	0.41%	180	0.41%	236	0.48%	24%
1600000US0658226	Port Costa CDP, California	Unincorporated	180	0.02%	83	0.02%	9	0.02%	12	0.0%	25%
1600000US0660279	Reliez Valley CDP, California	Unincorporated	3,518	0.31%	1,441	0.35%	153	0.35%	201	0.4%	24%
	Rodeo	Unincorporated	10,409	0.91%	3,384	0.82%	359	0.82%	471	1.0%	24%
1600000US0662700	Rollingwood CDP, California	Unincorporated	3,449	0.30%	810	0.20%	86	0.20%	113	0.2%	24%
1600000US0668263	San Miguel CDP (Contra Costa	Unincorporated	3,433	0.30%	1,180	0.29%	125	0.28%	164	0.3%	24%
	Saranap	Unincorporated	6,231	0.55%	2,480	0.60%	263	0.60%	346	0.7%	24%
	Shell Ridge CDP, California	Unincorporated	1,342	0.12%	487	0.12%	52	0.12%	68	0.1%	24%
1600000US0671362	Shell Ridge CDP, California	Unincorporated	1,342	0.12%	473	0.11%	50	0.11%	66	0.1%	24%
	Tara Hills CDP, Calidornia	Unincorporated	5,117	0.45%	1,859	0.45%	197	0.45%	259	0.5%	24%
1600000US0682842	Vine Hill CDP, California	Unincorporated	3,886	0.34%	1,314	0.32%	140	0.32%	183	0.4%	23%
	Unincorporated Remainer	Unincorporated	9,322	0.82%	22,466	5.43%	2,386	5.43%	3,130	6.4%	24%
Total unincorporated			177,493		80,564	19.47%	5,827	13.26%	7,645	16%	24%
TOTAL County			1,142,250	100.00%	413,791	100%	43,942		49,043		10%

SB1000 Communities	53,434	30.10%	16,274	4%
rural	5,477	3.09%	2,179	1%
Built-out land-locked areas bounded	11,690	6.59%	5,741	1%
Fire Hazard area	9,624	5.42%	4084	1%
Sea level rise risk	2,161	1.22%	906	0%

Attachment A

Background

The initial draft RHNA number assigned to unincorporated Contra Costa County in October 2020 was 5,827 units or **13%** of the total allocation for all of the County. Unincorporated Contra Costa County has 15.4% of the County population. Though the initial draft RHNA allocation for unincorporated Contra Costa County was 4.26 times the allocation for the prior period (which was 1,367), the County did not individually comment on the process as our allocation was less than our current share of the population (though we have fewer, thoughtful growth opportunities than most cities) and the Contra Costa County Mayor's conference submitted a comment letter urging a different approach be used to allocate units, an approach that would have reduced the total allocation to jurisdictions in the County overall as well as the allocation to the unincorporated area (that recommended change would have resulted in 2,588 units being allocated to the unincorporated area). The Final Regional Housing Needs Allocation (RHNA) Methodology and Draft Allocations approved May 20, 2021 resulted in an increase of 1,818 units to 7,645 units for the unincorporated county or **16%** of the total Contra Costa County allocation. With the increase approved in May 2021, the increase in the County's Allocation from the prior cycle is larger than the increase for the Bay Area as whole (5.59 times higher for the County versus 2.35 times higher for the region as a whole) See Attachment C for a breakdown of Census information and RHNA for the jurisdictions within Contra Costa County, as well as the unincorporated communities.

	Total CCC	Unincorporated CCC	
Total County Population	1,142,250	177,493	15.5%
Total County Households	413,791	80,564	19.4%
CCC 2020 RHNA Draft allocation	43,942	5,827	13%
CCC 2021 RHNA Final Draft allocation	49,043	7,645	16%

Staff from Contra Costa County Department of Conservation and Development (DCD) discussed the 1,818-unit increase with ABAG staff to try and gain understanding of the methodology behind the substantial change for the unincorporated County. ABAG referred county staff to Plan Bay Area 2050 "Draft Forecasting and Modeling Report" from May 2021. We will demonstrate using Figure 17 - "Urban Boundary Lines Across Alternatives", where we suspect ABAG's model may have overestimated the amount of developable land in unincorporated Contra Costa County within the life cycle of both Plan Bay Area 2050 and the 6th RHNA cycle. The maps, overlaid with constraints such as recent annexations, and current/former development, as identified by DCD staff, is attached as Attachment B -Figures 1-5.

1. Sewer or water infrastructure constraints for additional development due to laws, regulatory actions, or decisions made by a provider other than the local jurisdiction.

In 1990, voters approved Measure C-1990, which created an urban limit line and a guarantee that at least 65% of land in the County would be preserved for agriculture, open space, wetlands, parks, and other non-urban uses. All the areas outside of the urban limit line are within the unincorporated area of the County, where sewer and water infrastructure is very limited or non-existent. Expansion of sewer and water

infrastructure outside the Urban Limit Line is prohibited. The Final Residential Maximum DUA Final Blueprint map shows substantial area projected for up to 15 units per acre that are outside the urban limit line, and/or are owned by East Bay Regional Park District or are conserved in perpetuity pursuant to conservation easement or other permanent restriction (see Attachment B, Figure 3).

Attachment B-Figure 1, shows growth areas identified by Plan Bay Area in the unincorporated county outside the urban limit line. Therefore, a substantial portion of the growth geographies should not be assigned to the unincorporated county because of sewer and water infrastructure constraints.

2. Lands protected from urban development under existing federal or state programs.

Parks Reserve Forces Training Area, commonly known as Camp Parks, is a United States Army facility located in Contra Costa County and Alameda County that is currently a semi-active mobilization and training center for U.S. Army Reserve personnel to be used in case of war or natural disaster. Byron airport is permitted by the Federal Aviation Administration, with no potential for residential units due to conflicts with aviation uses, lack of sewer and water and a conservation easement held by the California Department of Fish and Wildlife on 900+ acres surrounding the airport (the mitigation for the construction of the airport). In addition, substantial lands have been encumbered in perpetuity pursuant to the joint state/federal East Contra Costa County habitat Conservation Plan / Natural Community Conservation Plan (which allows streamlined permitting for areas within cities and the urban limit line in exchange for conservation in more rural areas. Such area shown on Plan Bay Area maps as growth potential are identified on Attachment B-Figure 3.

3. County policies to preserve prime agricultural land.

The Plan Bay Area Urban Boundary Lines map includes areas outside the urban limit line and within the agricultural core and are not available for housing development. See also the discussion above Sewer or water infrastructure constraints.

4. The region's greenhouse gas emissions targets to be met by Plan Bay Area 2050.

Unincorporated areas tend to have fewer services and resources than incorporated areas. Many of these communities, including the most urbanized unincorporated communities like Bay Point, North Richmond, and El Sobrante lack grocery stores, banks, etc. Bay Point, with a population over 25,000 people, does not even have a high school. Their nearest high school is over eight miles away in the city of Concord. Greenhouse gas emission targets will be difficult to meet with the lack of services, lower resources and disinvestment in the unincorporated areas.

The Plan Bay Area Urban Boundary Lines map identifies geographies of growth potential, however many of these areas reflect a spawl growth pattern. In fact, the high rate of growth implied in unincorporated areas in far east county, where both jobs and public transit are scarce, run counter to the goal of reducing greenhouse gasses.

5. Methodology Factors:

The opportunities and constraints to development of additional housing in each member jurisdiction, including all of the following:

The ABAG RHNA methodology does not consider existing hazards as a criteria when identifying land to

accommodate future growth. Many sites identified for the Unincorporated Contra Costa County have significant constraints. The areas identified in Attachment B-Figures 1-5 include sites with significant constraints, with no potential for residential growth. These sites include operating refineries, refinery owned buffer, military installations, an airport, a PG&E natural gas storage field, State Park and East Bay Regional Park District property, Water and Irrigation District property, a private boarding school, a winery, an island in the Delat that is largely below current sea level, a large agricultural easement, and several areas that are within the city limits of other jurisdictions.

The over-estimated growth potential may result in unattainable RHNA's for the County. This, combined with affordability requirements and lack of subsidies for developers, will not further the objectives of the Government Code but instead hinder their accomplishment and the collective ability to house our lower income residents.

(6) Significant and Unforeseen Change in Circumstances

As previously mentioned, ABAG staff referred county staff to Plan Bay Area 2050 "Draft Forecasting and Modeling Report". Figure 17 shows several areas of Alternative 2 Expansion that are currently inside incorporated cities, with approved projects yielding 2459 units that will be built in those jurisdictions and will not count toward the County's RHNA. In addition, a recent application for Annexation was submitted to Contra Costa LAFCo that would yield another 1500 units on land that is shown for growth potential in the ABAG analysis (see Attachment B, Figure 2).

The other significant and unforeseen circumstances occurred when the adjustments for unincorporated Contra Costa County were calculated. Incorporated areas tend to have more services and higher resources than unincorporated areas. While some communities of the unincorporated areas have high resources, including Alamo and Diablo, a far larger share of unincorporated communities have economic and environmental constraints such as Very High Fire Severity Zones (Kensington, East Richmond Heights, El Sobrante, Canyon, Diablo and Marsh Creek/Morgan Territory); areas at risk of sea level rise and/or flooding (Rodeo and Bethel Island); and Disadvantaged Communities according to SB1000 (North Richmond, Montalvin Manor, Tara Hills, Bayview, Rodeo, Crockett, Pacheco, Clyde and Bay Point). These SB1000 communities represent approximately 30% of the unincorporated County population. These communities are low-income and communities of color that have experienced a combination of historic discrimination, negligence, and political and economic disempowerment, with the result that today, they are struggling with both a disproportionate burden of pollution and health impacts, as well as disproportionate social and economic disadvantages such as poverty or housing instability "low resourced area". SB 1000 was enacted to respond to this inequity by both alleviating pollution and health impacts and compelling cities and counties to include the voices of previously marginalized residents in long-range planning decisions.

It appears the adjustment multiplier factor for the high resources areas was applied to the entire unincorporated County base population. It also appears factors related to Very High Fire Severity Zones and SB 1000 communities were not considered and also used as part of the base data for the adjustment increase. It also does not seem appropriate to include a RHNA multiplier to add units for high resource areas in a jurisdiction that has such a limited extent of such areas, particularly when the areas in question (Alamo/Diablo) have virtually no undeveloped land or redevelopment potential. Since there is such limited available land in this high resource areas in our jurisdiction, units added for the purpose of placing more housing in high resource areas will instead have to go elsewhere.

Brief Description of Appeal Request and Desired Outcome:

Unincorporated Contra Costa County requests the original draft number of 5,827 units as the final RHNA allocation. The Final Regional Housing Needs Allocation (RHNA) Methodology and Draft Allocations approved May 20, 2021, resulted in an increase of 1,818 units in to 7,645 units or **16%** of the total Contra Costa County allocation, despite the factors discussed above.



Del Hombre Apartments Contra Costa Centre

Contra Costa County

RHNA Appeal

September 29, 2021

Contra Costa County's Big Bump in Draft RHNA

Disproportionate change to Draft RHNA Allocation between October 2020 and December 2020

October 2020

5,827 units

Big increase from 1,367 units in the 5th cycle RHNA

Tough to meet, but a 4.26x increase was at least less than double the Bay Area average

Staff was not going to recommend an appeal

December 2020 – May 2021

7,722 ➡ 7,645 units

Disproportionate increase compared to rest of Bay Area – 5.59x compared to 2.35x

An appointment was made to discuss the numbers, but staff did not receive a clear explanation of why an additional 33% increase was made after the public comment period.

HRA factor applied to entire unincorporated jurisdiction

Board of Supervisors approved staff recommendation to appeal

Appeal Letter

Highlighted Unique Challenges to Counties in General, and Contra Costa County in Particular

Each unincorporated community has its own opportunities and constraints – many can accommodate more units, including HRAs. Many, including those that are SB 1000 communities, cannot.

Plan Bay Area's "growth areas" show areas outside the ULL, meaning without water or sewer service. Adopted Urban Limit Line can only be changed by voters; supported by Greenbelt Alliance, Sierra Club, Save Mount Diablo, and other environmental organizations.

Protected Land – Federal Lands, conservation easements, State Parks, regional parks, agricultural core lands.

Allocation reinforces existing patterns of sprawl that County is actively working to change by creating growth geographies outside of transit-rich communities.

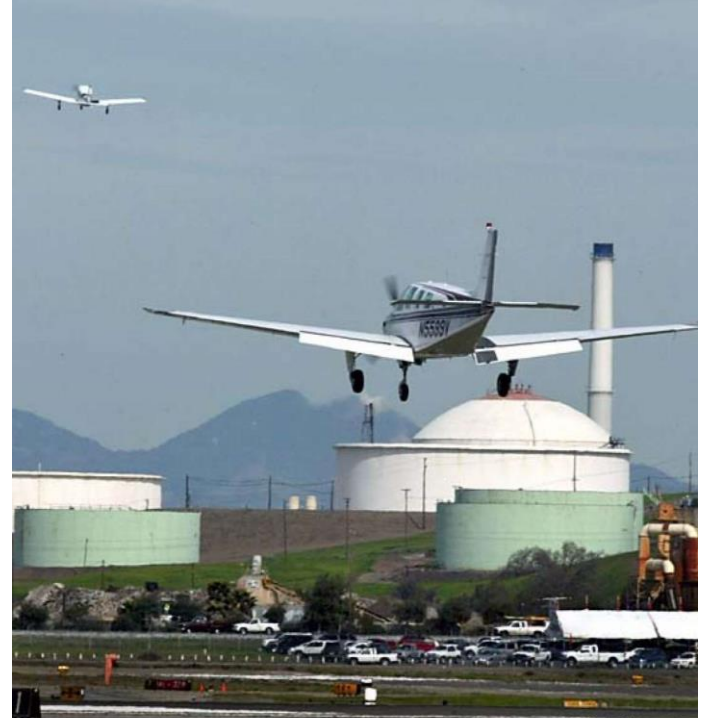
No consideration of hazard mitigation or avoidance – unincorporated Contra Costa has two active fault lines, active military installation (largest munitions depot on the West Coast), active permitted emitters, neighborhoods below sea level, Very High Fire Severity Zones, underground pipelines, etc.

Incompatible Land Uses

Identified as Potential Housing in ABAG Maps

AIRPORTS

ACTIVE MILITARY INSTALLATIONS



REFINERIES

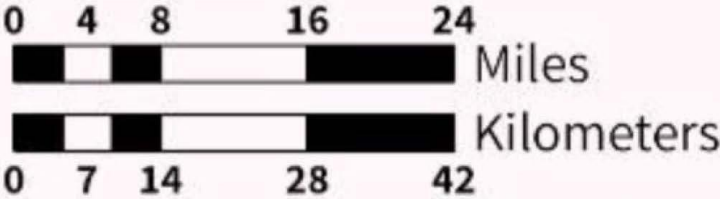
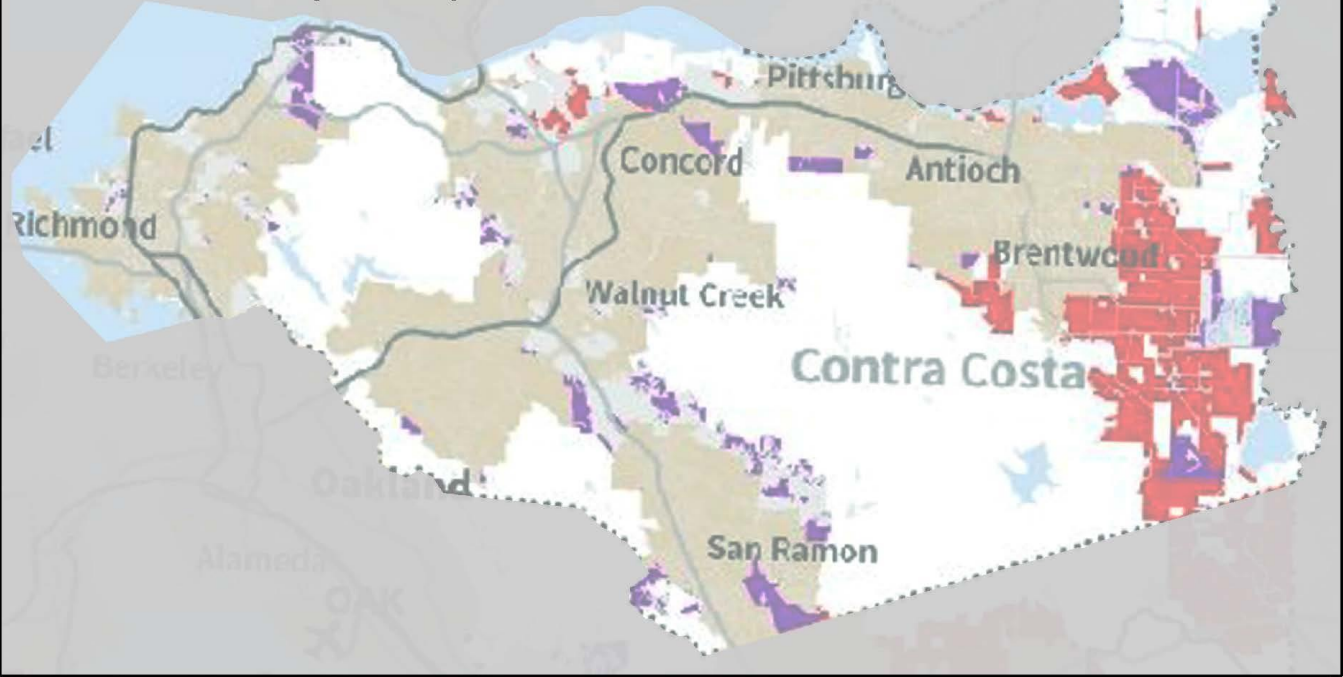
LANDFILLS AND HEAVY MANUFACTURING SITES

A Closer Look at the Growth Modeling

(ABAG's Urban Expansion Areas)

Source: Plan Bay Area 2050 Draft Forecast and Modeling Report

Attachment B: Figure 1- Urban Boundary Lines Across Alternatives
Contra Costa County close-up



Source: TomTom North America, 2019
Map Author: B.Lu, April, 2021

Source: ABAG/MTC's Plan Bay Area 2050
"Draft Forecasting and Modeling Report" - May 2021
Figure 17 - "Urban Boundary Lines Across Alternatives"

Urban Boundary Lines

Expansion Areas

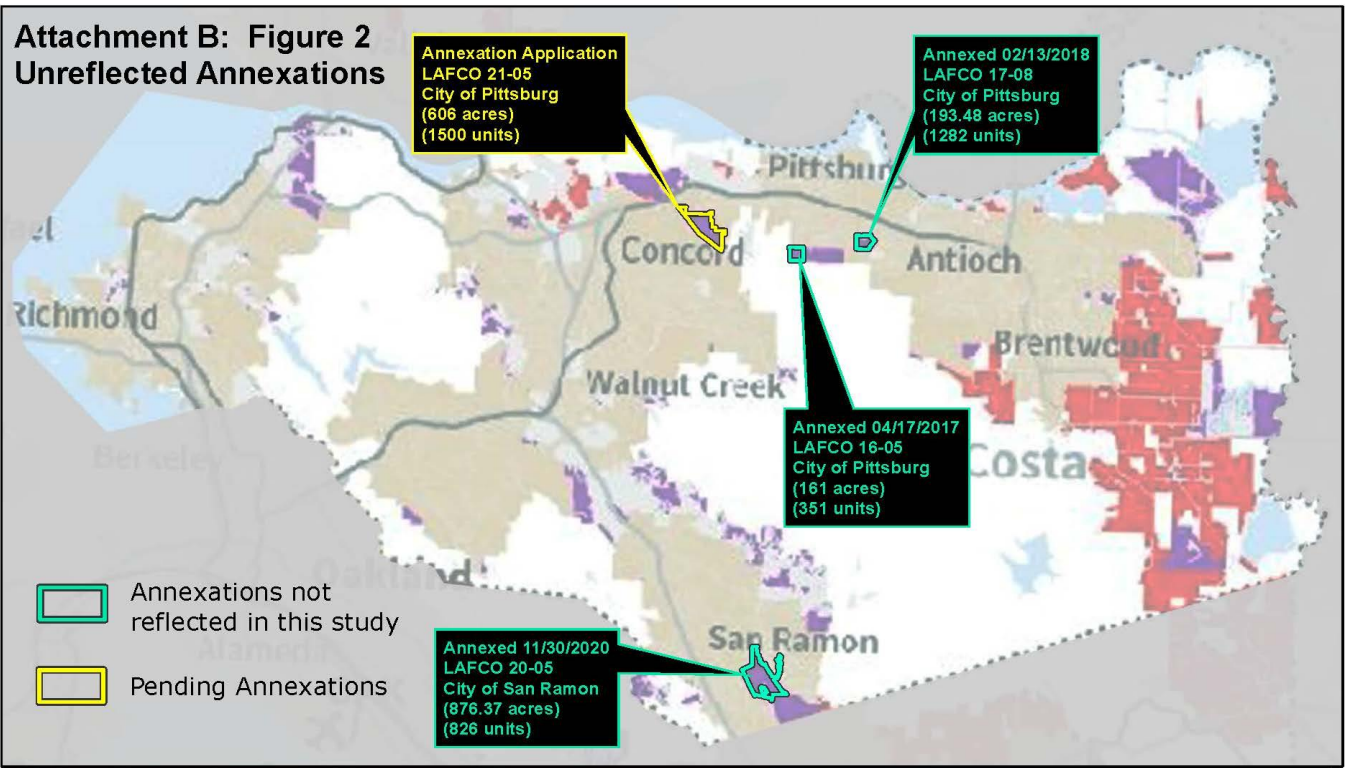
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- Added Areas Only in No Project, Outside Urbanized Area

A Closer Look at the Growth Modeling

(ABAG's Urban Expansion Areas)

Source: Plan Bay Area 2050 Draft Forecast and Modeling Report

Attachment B: Figure 2
Unreflected Annexations



Source: TomTom North America, 2019
Map Author: B.Lu, April, 2021

Source: ABAG/MTC's Plan Bay Area 2050
"Draft Forecasting and Modeling Report" - May 2021
Figure 17 - "Urban Boundary Lines Across Alternatives"

Urban Boundary Lines

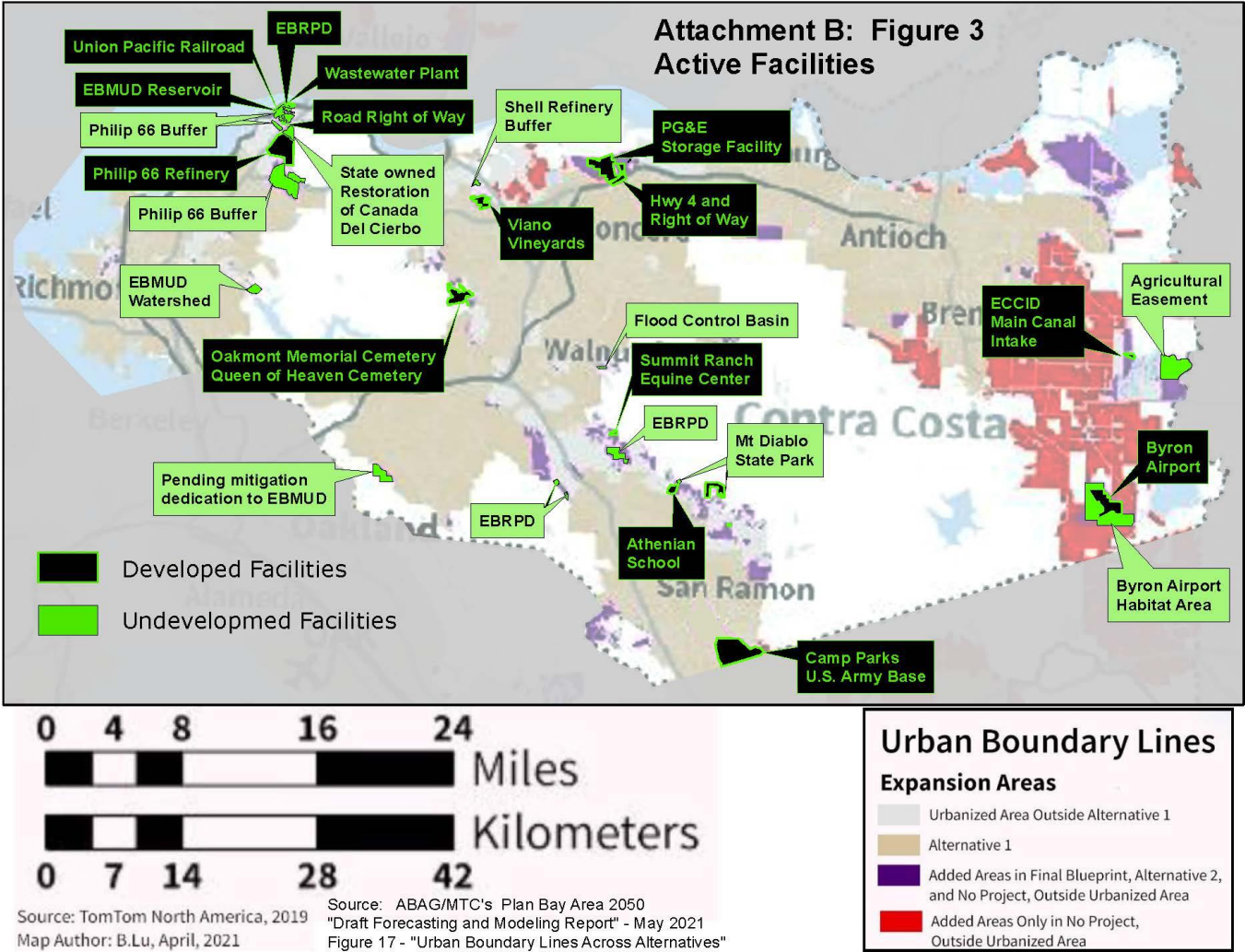
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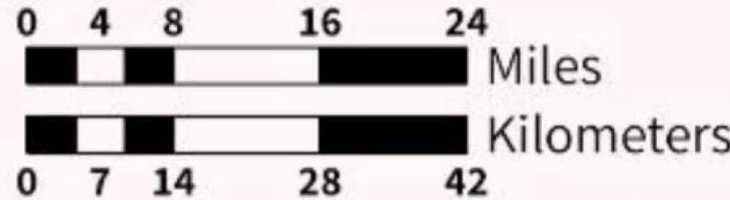
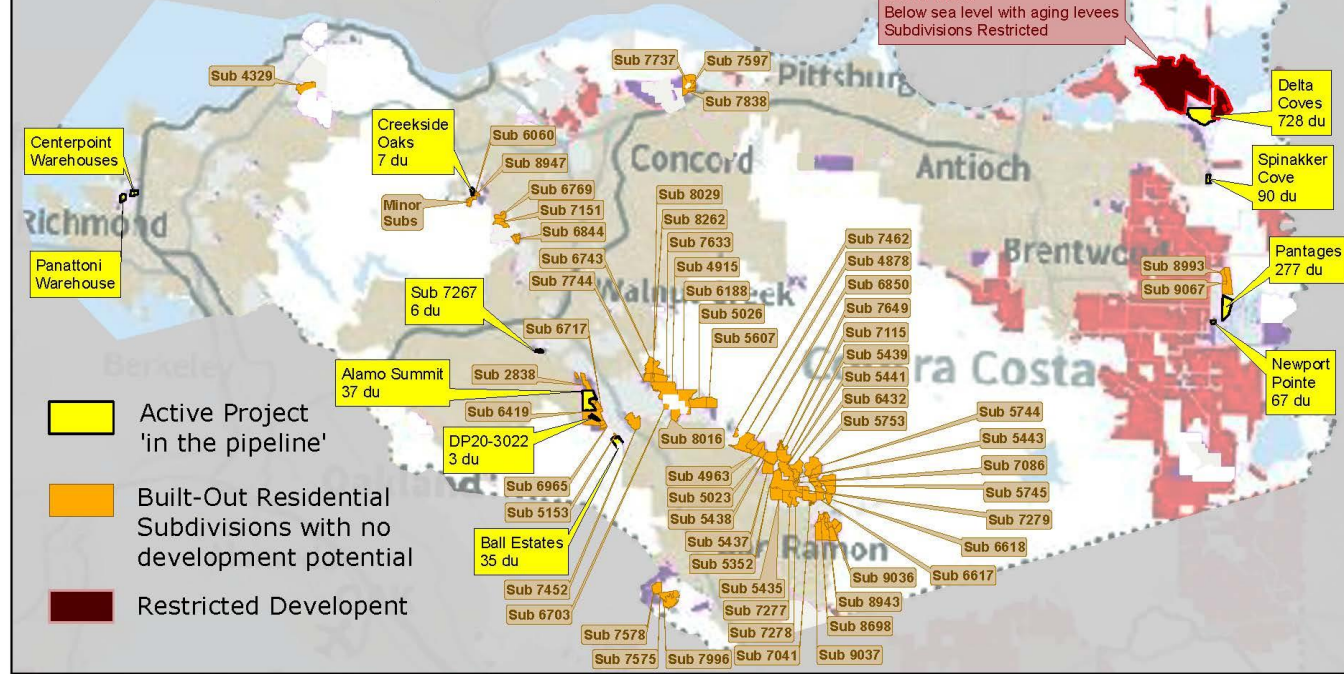


A Closer Look at the Growth Modeling

(ABAG's Urban Expansion Areas)

Source: Plan Bay Area 2050 Draft Forecast and Modeling Report

Attachment B: Figure 4 Current and Former Development



Source: TomTom North America, 2019
Map Author: B.Lu, April, 2021

Source: ABAG/MTC's Plan Bay Area 2050
"Draft Forecasting and Modeling Report" - May 2021
Figure 17 - "Urban Boundary Lines Across Alternatives"

Urban Boundary Lines

Expansion Areas

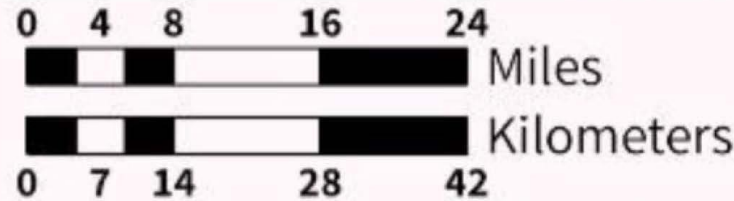
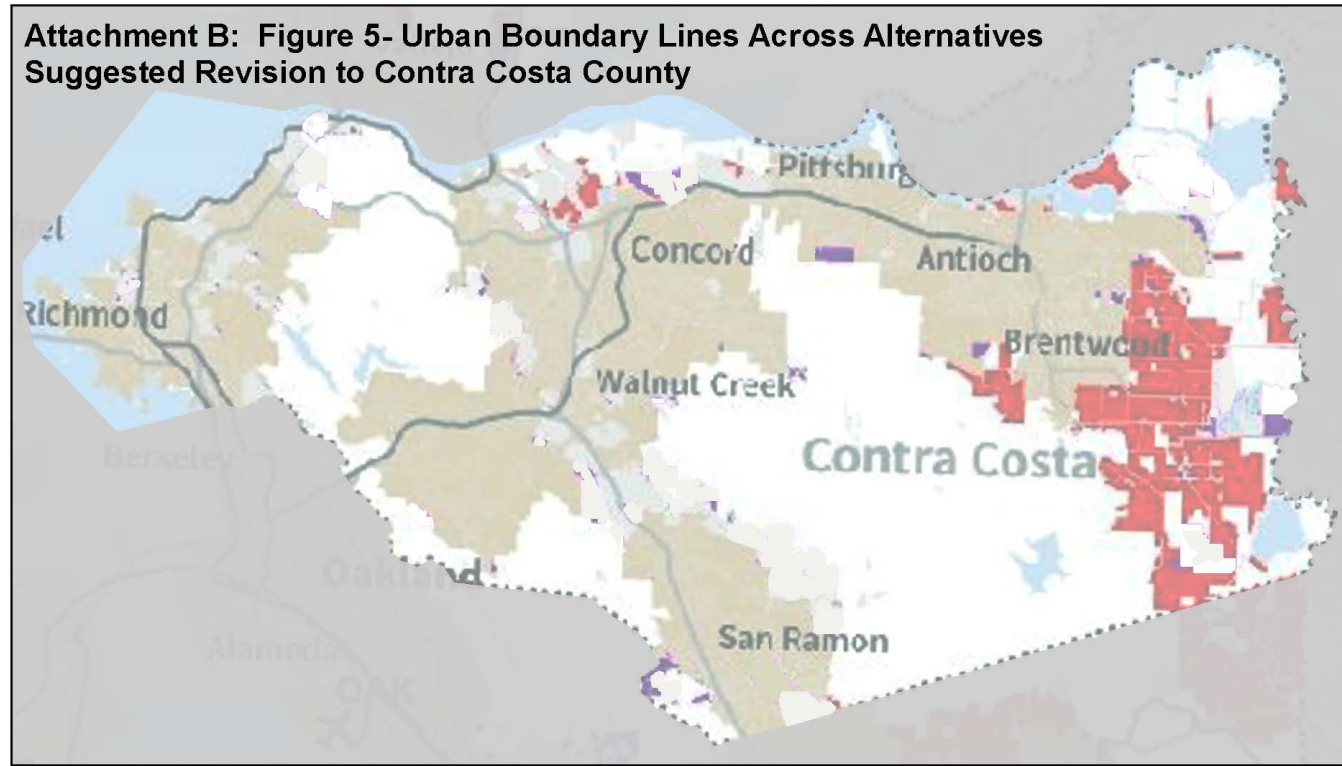
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A Closer Look at the Growth Modeling

(ABAG's Urban Expansion Areas)

Source: Plan Bay Area 2050 Draft Forecast and Modeling Report

Attachment B: Figure 5- Urban Boundary Lines Across Alternatives
Suggested Revision to Contra Costa County



Source: TomTom North America, 2019
Map Author: B.Lu, April, 2021

Source: ABAG/MTC's Plan Bay Area 2050
"Draft Forecasting and Modeling Report" - May 2021
Figure 17 - "Urban Boundary Lines Across Alternatives"

Urban Boundary Lines

Expansion Areas

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BELLA MONTE

Bay Point



HERITAGE POINT

Richmond



DEL HOMBRE

Contra Costa Centre



WILLOW VIEW

Bay Point



COGGINS SQUARE

Contra Costa Centre

Recent Affordable Housing Projects

Deed-restricted affordable housing financing and planning is a priority of the Contra Costa Board of Supervisors.



Conclusion

We respectfully request a fair realignment of RHNA to the draft number presented in October 2020.

TO: ABAG Administrative Committee
FROM: Therese W. McMillan, Executive Director
DATE: September 29, 2021
SUBJECT: County of Contra Costa Appeal of Draft RHNA Allocation and Staff Response

OVERVIEW

Jurisdiction: County of Contra Costa

Summary: County of Contra Costa requests the decrease of its Draft RHNA Allocation by 1,818 units (24 percent) from 7,645 units to 5,827 units based on the following issues:

- ABAG failed to adequately consider information submitted in the Local Jurisdiction Survey related to:
 - Sewer or water infrastructure constraints for additional development due to laws, regulatory actions, or decisions made by a provider other than the local jurisdiction.
 - Lands protected from urban development under existing federal or state programs.
 - County policies to preserve prime agricultural land.
 - The region's greenhouse gas emissions targets to be met by Plan Bay Area 2050.
- ABAG failed to determine the jurisdiction's Draft Allocation in accordance with the Final RHNA Methodology and in a manner that furthers, and does not undermine, the RHNA Objectives.
- A significant and unforeseen change in circumstances has occurred in the local jurisdiction that merits a revision of the information submitted in the Local Jurisdiction Survey.

Staff Recommendation: Partially grant the appeal, based on an error in the Plan Bay Area 2050 Final Blueprint where an area annexed to Pittsburg in 2018 was included as part of unincorporated Contra Costa County when forecasting total 2050 households, which is used as the baseline allocation in the final RHNA methodology. Staff proposes that the County's allocation should be reduced by 35 units as a result of this error.

BACKGROUND

Draft RHNA Allocation

Following adoption of the Final RHNA Methodology on May 20, 2021, the County of Contra Costa received the following draft RHNA allocation on May 25, 2021:

	Very Low Income	Low Income	Moderate Income	Above Moderate Income	Total
County of Contra Costa	2,082	1,199	1,217	3,147	7,645

Local Jurisdiction Survey

The County of Contra Costa submitted a Local Jurisdiction Survey. A [compilation of the surveys submitted](#) is available on the ABAG website.

Comments Received during 45-Day Comment Period

ABAG received nearly 450 comments during the 45-day public comment period described in Government Code section 65584.05(c). Some comments encompassed all of the appeals submitted, and there was one comment that specifically relates to the appeal filed by the County of Contra Costa. The comment opposes the County's appeal. [All comments received](#) are available on the ABAG website.

ANALYSIS

Issue 1: *Contra Costa County argues its draft allocation is too high relative to the allocations to other jurisdictions in Contra Costa County. Specifically, the County argues ABAG overestimated the amount of developable land in the County because the Plan Bay Area 2050 Final Blueprint identifies areas for growth outside of the Urban Limit Lines established by voters in 1990 to preserve land in the county for agriculture, open space, wetlands, parks, and other nonurban uses. Areas outside the Urban Limit Lines have limited sewer and water infrastructure and expansion of these utilities outside the Urban Limit Lines is prohibited.*

ABAG-MTC Staff Response: In support of its argument, the County references the "Urban boundary lines across alternatives" map from the *Plan Bay Area 2050 Draft Forecasting and Modeling Report*, one of the technical reports that is part of the Plan Bay Area 2050 Draft Environmental Impact Report (EIR). This map shows scenarios for where future growth could occur in the different EIR alternatives.¹ The Plan Bay Area 2050 Final Blueprint, which is used to develop the baseline allocation in the final RHNA methodology, forecasts potential future urbanized growth in some locations outside urbanized areas (shown in purple on the map), but within the County's voter identified Urban Limit Line.² The other areas shown on the map relate to other EIR alternatives for Plan Bay Area 2050 and are not part of the Final Blueprint that is used in the final RHNA methodology. In some cases, the purple expansion areas for growth are within city limits and sometimes in unincorporated areas.

It is also important to note that identification of land as being *eligible* for growth or included in a Growth Geography does not mean the Final Blueprint necessarily forecasts future growth in these areas; the acreage included in a potential growth area does not translate linearly to development. For example, parklands are protected in perpetuity, even if they are included inside the Urban Limit Line. The Final Blueprint also assumes that some unprotected lands within expansion areas remain undeveloped by 2050.

¹ [Plan Bay Area 2050 Draft Forecasting and Modeling Report](#), page 61.

² See http://64.166.146.245/docs/2016/BOS/20161220_831/27024_Attachment%20A%20-%20ULL%20Map.pdf.

Part of the reason the County's draft allocation is larger than other jurisdictions in Contra Costa County is because the County has the highest number of existing households (60,500) of any jurisdiction in the county.³ As noted previously, the RHNA must address both existing and future housing needs. The final RHNA methodology accomplishes this by using total households in 2050 as the baseline allocation because it incorporates both existing households and the forecasted growth in households from the Final Blueprint. Housing Element Law requires the RHNA allocation to affirmatively further fair housing, which means overcoming patterns of segregation and addressing disparities in access to opportunity. Incorporating existing housing patterns into the RHNA methodology ensures that the allocations further this objective in all communities, not just those expected to experience significant growth.

Issue 2: *The County argues ABAG did not adequately consider lands protected from urban development under existing federal or state programs. The appeal identifies specific sites that should not be considered for housing development, including Parks Reserve Forces Training Area (a U.S. Army Reserve facility), Byron Airport (permitted by the Federal Aviation Administration), and land designated with conservation easements as part of the East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan.*

ABAG-MTC Staff Response: The Plan Bay Area 2050 Final Blueprint, which is used to develop the baseline allocation in the final RHNA methodology, does not forecast any households in 2050 on any of the sites identified above. As a result, none of these parcels contributed to the County's allocation.

Issue 3: *Contra Costa County asserts ABAG did not adequately consider county policies to preserve prime agricultural land because the Final Blueprint includes areas outside Urban Limit Lines.*

ABAG-MTC Staff Response: See response for Issue 1, above.

Issue 4: *The County argues ABAG failed to adequately consider the region's greenhouse gas emissions target and references the "Urban boundary lines across alternatives" map from the Plan Bay Area 2050 Draft Forecasting and Modeling Report as evidence that the growth pattern for Contra Costa County in the Final Blueprint will be sprawl and runs counter to the goal of reducing greenhouse gases.*

ABAG-MTC Staff Response: The final RHNA methodology adequately considers the region's greenhouse gas target by using the Plan Bay Area 2050 Final Blueprint as the baseline allocation, as the Final Blueprint was developed specifically to meet the greenhouse gas reduction target. The County's argument that the RHNA does not promote achieving the region's greenhouse gas

³ State of California, Department of Finance, *E-5 Population and Housing Estimates for Cities, Counties and the State — January 1, 2010-2020*. Sacramento, California, May 2020.

emissions target challenges the final RHNA methodology that was adopted by the ABAG Executive Board and approved by HCD. A valid appeal must show ABAG made an error in the application of the methodology in determining the jurisdiction's allocation; a critique of the adopted methodology itself falls outside the scope of the appeals process. Jurisdictions had multiple opportunities to comment as the methodology was developed and adopted between October 2019 and May 2021. Housing Element Law gives HCD the authority to determine whether the RHNA methodology furthers the statutory objectives described in Government Code Section 65584(d), and HCD made this determination.⁴ Regarding the RHNA objective related to achieving the region's greenhouse gas reduction target, HCD made the following findings:

"The draft ABAG methodology⁵ encourages a more efficient development pattern by allocating nearly twice as many RHNA units to jurisdictions with higher jobs access, on a per capita basis. Jurisdictions with higher jobs access via transit also receive more RHNA on a per capita basis.

Jurisdictions with the lowest vehicle miles traveled (VMT) per capita, relative to the region, receive more RHNA per capita than those with the highest per capita VMT. ABAG's largest individual allocations go to its major cities with low VMT per capita and better access to jobs. For example, San Francisco – which has the largest allocation – has the lowest per capita VMT and is observed as having the highest transit accessibility in the region. As a major employment center, San Jose receives a substantial RHNA allocation despite having a higher share of solo commuters and a lower share of transit use than San Francisco. However, to encourage lower VMT in job-rich areas that may not yet be seeing high transit ridership, ABAG's Plan Bay Area complements more housing in these employment centers (which will reduce commutes by allowing more people to afford to live near jobs centers) with strategies to reduce VMT by shifting mode share from driving to public transit."

As noted previously, the Plan Bay Area 2050 Final Blueprint forecasts nearly all new growth within the County's Urban Limit Line.

Issue 5a: *Contra Costa County argues the final RHNA methodology does not adequately consider constraints to development related to areas at risk of natural hazards.*

ABAG-MTC Staff Response: The final RHNA methodology adequately considers the potential development constraints described in the County of Contra Costa's appeal through use of data from the Plan Bay Area 2050 Final Blueprint as the baseline allocation. In developing the Plan

⁴ For more details, see [HCD's letter](#) confirming the methodology furthers the RHNA objectives.

⁵ Pursuant to Government Code Section 65584.04(i), HCD must review the Draft RHNA Methodology developed by the Council of Governments. On May 20, 2021, ABAG adopted the Draft RHNA Methodology without any modifications as the Final RHNA Methodology.

Bay Area 2050 Final Blueprint, ABAG-MTC staff worked with local governments to gather information about local plans, zoning, and physical characteristics that might affect development. A strength of the land use model used for Plan Bay Area 2050 forecasting is that it assesses feasibility and the cost of redeveloping a parcel, including the higher cost of building on parcels with physical development constraints, e.g., steep hillsides. These feasibility and cost assessments are used to forecast the County's share of the region's households in 2050, which is an input into its RHNA allocation.

However, RHNA is not just a reflection of projected future growth, as statute also requires RHNA to address the existing need for housing that results in overcrowding and housing cost burden throughout the region. Accordingly, the 2050 Households baseline allocation in the RHNA methodology represents both the housing needs of existing households and forecasted household growth from the Plan Bay Area 2050 Final Blueprint. Thus, the RHNA methodology adequately considers the development constraints raised in this appeal, but the allocation to this jurisdiction also reflects both existing and future housing demand in the Bay Area.

Importantly, as HCD notes in its comment letter on submitted appeals, Government Code Section 65584.04(e)(2)(B) states that ABAG:

*"may not limit its consideration of suitable housing sites to existing zoning and land use restrictions and must consider the potential for increased development under alternative zoning and land use restrictions. Any comparable data or documentation supporting this appeal should contain an analysis of not only land suitable for urban development, but land for conversion to residential use, the availability of underutilized land, and opportunity for infill development and increased residential densities. In simple terms, this means housing planning cannot be limited to vacant land, and even communities that view themselves as built out or limited due to other natural constraints such as fire and flood risk areas must plan for housing through means such as rezoning commercial areas as mixed-use areas and upzoning non-vacant land."*⁶

The Bay Area is subject to wildfire, flood, seismic, and other hazards and climate impacts, and ABAG-MTC staff understands the County of Contra Costa's concerns about the potential for future growth in areas at risk of natural hazards. However, with only a small exception, Housing Element Law does not identify areas at risk of natural hazards as a potential constraint to housing development."⁷ Given the significant natural hazard risks in the Bay Area, whether to

⁶ See [HCD's comment letter on appeals](#) for more details.

⁷ Government Code Section 65584.04(e)(2)(B) states "The determination of available land suitable for urban development may exclude lands where the Federal Emergency Management Agency (FEMA) or the Department of Water Resources has determined that the flood management infrastructure designed to protect that land is not adequate to avoid the risk of flooding."

incorporate information about hazard risks when allocating RHNA units was one of the topics most thoroughly discussed by the Housing Methodology Committee (HMC) during the methodology development process.⁸ Ultimately, HMC members came to consensus that though housing in high hazard areas is a concern, adding a specific hazard factor to the RHNA methodology may not be the best tool to address this issue. In large part, this is because the Plan Bay Area 2050 Final Blueprint, which forms the baseline of the final RHNA methodology, already addresses concerns about natural hazards, as the Final Blueprint excludes areas with unmitigated high hazard risk from Growth Geographies.

The Final Blueprint Growth Geographies exclude CAL FIRE designated “Very High” fire severity areas in incorporated jurisdictions, and “High” and “Very High” fire severity areas as well as county-designated wildland-urban interfaces (WUIs) where applicable in unincorporated areas. The only exception is for locally-nominated Priority Development Areas (PDAs), which does not apply to the County.⁹ While there may be areas at risk of flooding in the County, it has not provided evidence that it cannot accommodate its RHNA allocation due to a determination by FEMA or the Department of Water Resources that the flood management infrastructure is inadequate to avoid the risk of flooding, consistent with Government Code Section 65584.04(e)(2)(B).

Throughout the region, it is essentially impossible to avoid all hazards when siting new development, but jurisdictions can think critically about which areas in the community have the *highest* hazard risk. Notably, the residents of new development are likely to be safer from hazards than current residents living in older structures, as new construction is built to modern standards that more effectively address hazard risk. In developing its Housing Element, the County has the opportunity to identify the specific sites it will use to accommodate its RHNA. In doing so, the County can choose to take hazard risk into consideration with where and how it sites future development, either limiting growth in areas of higher hazard or by increasing building standards for sites within at-risk areas to cope with the hazard.

Per Government Code Section 65584.04(e)(2)(B), the County of Contra Costa must consider the availability of underutilized land, opportunities for infill development, and increased residential densities to accommodate its RHNA. The County does not provide evidence it is unable to consider underutilization of existing sites, increased densities, accessory dwelling units (ADUs), and other planning tools to accommodate its assigned need.¹⁰

Issue 5b: Contra Costa County argues the final RHNA methodology does not adequately consider constraints to development related to specific sites that have no potential for residential growth.

⁸ See the [meeting materials for HMC meetings](#), including detailed notes for each meeting, for more information.

⁹ The only locally nominated PDA affected was the Urbanized Corridor PDA in Marin County.

¹⁰ See HCD’s [Housing Element Site Inventory Guidebook](#) for more details on the various methods jurisdictions can use to plan for accommodating their RHNA.

ABAG-MTC Staff Response: Plan Bay Area 2050 uses parcel-based data as an input into the land use model used to generate the forecasted development pattern for the region. However, the growth forecasted for a specific parcel is only a simulation of potential growth. In Plan Bay Area 2050, the forecasted totals for future households and jobs are adopted at the county and subcounty levels, as the scale most appropriate for representing the future development pattern for the region. The jurisdiction-level totals of households in 2050 produced by the Final Blueprint forecast were provided only for use as the baseline allocation for the RHNA Methodology.

Ultimately, the region has millions of parcels and identifying a potential issue on one or more specific parcels does not constitute a valid basis for a RHNA appeal, as the allocation is at the jurisdiction level and the jurisdiction could find one or more alternative parcels to accommodate that growth instead. The forecasted development for a parcel in Plan Bay Area 2050's land use modeling does not dictate where a local jurisdiction sites housing. In developing its Housing Element, the County of Contra Costa has the opportunity to identify the specific sites it will use to accommodate its RHNA.

Despite the fact that this argument is not a valid basis for a RHNA appeal, ABAG-MTC staff did review each of the specific sites the County identified as having no potential for residential growth to see if any households is forecasted to exist on them in 2050. Nearly all of the sites were not forecasted to have households on them, but there were two exceptions. The first is Bethel Island, which is projected to have fewer than 20 additional households by 2050, many of which are assumed to be accessory dwelling units (ADUs). As the County of Contra Costa has tens of thousands of households now and in the future, the impact of 19 households on the County's share of the region's total households in 2050 and, as a result, its draft RHNA allocation, is deemed negligible.

The second area where the Final Blueprint forecasted household growth to occur is along State Route 4 east of Hercules on parcels nearby and adjacent to the Phillips 66 carbon plant, where more than 5,000 households were projected to exist in 2050. Projected growth in this location is within the County's Urban Limit Line and was driven by baseline zoning and land use assumptions shared with the County during the BASIS data review process. The County did not identify development constraints in this area, due to the proximity of the industrial facility, during the BASIS review or as part of their local jurisdiction survey. The potential for future housing in this area, as envisioned in the Final Blueprint, is possible as a result of Phillips 66's plans to close the carbon plant in 2023, as part of its Phillips 66 Rodeo Renewed Project.¹¹

¹¹ For more information about the Phillips 66 Rodeo Renewed Project, see https://www.contracosta.ca.gov/DocumentCenter/View/69279/LP20-2040_NOP?bidId= and <https://www.ogj.com/refining-processing/refining/construction/article/14201644/phillips-66-lets-contract-for-san-francisco-refineryintorenewables-conversion-project>

Issue 6a: Under the appeal basis “significant and unforeseen change in circumstances,” the County identifies several areas that were annexed or are in the process of being annexed that should not be considered when forecasting future growth in the County in the Final Blueprint.

ABAG-MTC Staff Response: The County cites four annexations for consideration in an adjustment to its RHNA allocation, one that relates to the City of San Ramon and three that relate to the City of Pittsburg:

- 1) LAFCO 20-05 is the annexation of 867 acres by San Ramon in the Dougherty Valley (Annexation DV18). This annexation was finalized by the San Ramon City Council in October 2020, which occurred after the September 2020 Commission and ABAG Executive Board action to initiate modeling of the Plan Bay Area 2050 Final Blueprint. Thus, this area was included as part of unincorporated Contra Costa County in the Final Blueprint. However, the Final Blueprint did not forecast any households in this area in 2050, so a shift of jurisdictional responsibility from the County to the City would have no impact on either jurisdiction’s RHNA allocation.
- 2) LAFCO 16-05 is an area annexed to Pittsburg in 2017 that was incorrectly included as part of the unincorporated Contra Costa County in the Plan Bay Area 2050 Final Blueprint. However, the Final Blueprint did not forecast any households in this area in 2050, so a shift of jurisdictional responsibility from the County to the City would have no impact on either jurisdiction’s RHNA allocation.
- 3) LAFCO 17-08 is an area annexed to Pittsburg in 2018 that was incorrectly included as part of the unincorporated Contra Costa County in the Plan Bay Area 2050 Final Blueprint. The Final Blueprint forecasted a total of 412 households in this area in 2050. ABAG-MTC staff recalculated the County’s RHNA allocation after reducing its baseline share (total households in 2050) by 412 households. This results in a reduction in the County’s total RHNA of 35 units, as shown below:

Very Low- Income Units	Low-Income Units	Moderate- Income Units	Above Moderate- Income Units	Total
10	5	6	14	35

Government Code Section 65584.05(e)(1) states that the determination on an appeal may require ABAG to adjust the share of the regional housing need allocated to a jurisdiction that is not the subject of the appeal.¹² In this case, staff is recommending that

¹² See ABAG’s adopted [2023-2031 RHNA Cycle Appeals Procedures](#) for more information.

the 35 units identified above be transferred to the City of Pittsburg, based on the fact that the forecasted households are within Pittsburg's boundaries and if the City's boundaries had been properly accounted for in the Final Blueprint, these households would have contributed to Pittsburg's draft RHNA allocation.

- 4) LAFCO 21-05 is the Faria Southwest Hills Boundary Organization affecting Pittsburg. According to Contra Costa LAFCO, this annexation is currently incomplete (**Attachment 1**). As a result, this area should still be considered part of the unincorporated county. For 90 days following the date of annexation, Government Code Section 65584.07(d) allows a transfer of a portion of the county's allocation to a city. Upon request by the County of Contra Costa and the City of Pittsburg, ABAG-MTC staff is prepared to facilitate this type of transfer of RHNA responsibility.

Issue 6b: *Under the appeal basis "significant and unforeseen change in circumstances," the County cites the changes that occurred between the Plan Bay Area 2050 Draft Blueprint and the Final Blueprint as a significant and unforeseen change in circumstances. As part of this argument, the County specifically cites a lack of consideration of areas at risk from natural hazards and asserts that the RHNA factor related to Access to High Opportunity Areas was incorrectly applied to the entire population of the county, even though there are many areas defined as Disadvantaged Communities per SB 1000.*

ABAG-MTC Staff Response: Government Code Section 65584.05(b)(3) states that a jurisdiction can appeal its allocation if there has been a significant and unforeseen change in circumstances that merits a revision of the information submitted in the Local Jurisdiction Survey. The County's argument about the impact of the Final Blueprint on the draft allocations is not consistent with the statutory language for a change in circumstances and challenges the final RHNA methodology that was adopted by the ABAG Executive Board and approved by HCD, and thus is not a valid basis for an appeal.

The County's argument about how the Access to High Opportunity Areas (AHOA) factor was used in the methodology challenges the final RHNA methodology that was adopted by the ABAG Executive Board and approved by HCD, and thus falls outside the scope of the appeals process. Importantly, the impact of the AHOA factor is to *reduce* the County's allocation.

The AHOA factor and how it was used in the RHNA methodology is explained in detail on pages 16 to 19 in the Draft RHNA Plan.¹³ The factors in the RHNA methodology adjust a jurisdiction's baseline allocation (total households in 2050 from the Plan Bay Area 2050 Final Blueprint) either up or down, depending on how the jurisdiction scores on each factor compared to other jurisdictions in the region. The AHOA factor is based on the percentage of a jurisdiction's

¹³ See https://abag.ca.gov/sites/default/files/documents/2021-05/ABAG_2023-2031_Draft_RHNA_Plan.pdf.

households that are living in census tracts that are labelled High Resource or Highest Resource on the 2020 Opportunity Map produced by HCD and the California Tax Credit Allocation Committee (TCAC).¹⁴ Using a jurisdiction's share of total households in these higher resource areas ensures that the factor excludes households living in lower resource areas. As shown in Appendix 4 of the Draft RHNA Plan, 35.9 percent of households in Contra Costa County are in High Resource or Highest Resource census tracts. Since the County scores relatively low on this factor compared to other jurisdictions in the region, this factor reduces the County's baseline allocation, leading to a lower RHNA allocation.

RECOMMENDED ACTION

ABAG-MTC staff have reviewed the appeal and recommend that the Administrative Committee **partially grant** the appeal filed by County of Contra Costa to reduce its Draft RHNA Allocation by 35 units (from 7,645 units to 7,610 units).

Based on the explanation provided in response to Issue 6 above, staff recommends that 35 units, distributed across income categories as shown below, be transferred to the City of Pittsburg:

Very Low-Income Units	Low-Income Units	Moderate-Income Units	Above Moderate-Income Units	Total
10	5	6	14	35

Although ABAG-MTC staff is not recommending a further reduction in the County of Contra Costa's draft RHNA allocation beyond what is stated above, we understand the County's concerns about accommodating its RHNA in a way that fosters efficient infill and protection of agricultural and environmental resources. Housing Element Law recognizes some of the specific challenges unincorporated areas face by including provisions available only to counties that allow for a transfer of RHNA units to incorporated cities and towns in the county following adoption of the final RHNA allocation.¹⁵ One option allowed by the statute is for the County and one or more jurisdictions to voluntarily agree on a transfer of units from the County to the city or town. A second option is for a County to transfer units following annexation of unincorporated land to a city (as noted above for the City of Pittsburg annexation that remains incomplete).

By statute, voluntary transfers can be completed following ABAG's adoption of the final RHNA plan and prior to the Housing Element due date (January 2023) and transfers related to annexations can occur at any point during the RHNA cycle, as long as the request is submitted

¹⁴ See <https://www.treasurer.ca.gov/ctcac/opportunity/2020.asp>.

¹⁵ See [Government Code Section 65584.07](#) for more details.

to ABAG within 90 days of the annexation. ABAG-MTC staff is prepared to work with jurisdictions in Contra Costa County to come to agreement on a voluntary transfer as a way to advance the County's goals for city-centered growth, and to move forward with approval of the transfer expediently following adoption of the final RHNA in December 2021.

ATTACHMENT(S):

Attachment 1: Email from Contra Costa County LAFCO

From: [Ada Chan](#)
To: [Gillian Adams](#)
Subject: FW: Annexations
Date: Wednesday, August 18, 2021 9:53:38 AM
Attachments: [LAFCO 20-05 Dougherty Valley Reorg - Annexation to City of San Ramon and Detachment from CSA P-6 - Notice of Completed Boundary Changes.docx](#)
[LAFCO 20-05 DV No 18 Reorg - Cert of Completion Packet.pdf](#)
[LAFCO 20-05 BOE Acknowledgement Letter.pdf](#)

Regional Planner
achan@bayareametro.gov

BAY AREA METRO | BayAreaMetro.gov
Association of Bay Area Governments
Metropolitan Transportation Commission

Bay Area Metro Center | 375 Beale Street | Suite 800
San Francisco, CA 94105
(415) 820-7958

From: Lou Ann Texeira <LouAnn.Teixeira@lafco.cccounty.us>
Sent: Wednesday, August 18, 2021 8:42 AM
To: Ada Chan <achan@bayareametro.gov>
Subject: RE: Annexations

External Email

Good Morning Ada,

Thanks for contacting Contra Costa LAFCO.

Attached please find the Certificate of Completion and corresponding documentation relating to Dougherty Valley Boundary Reorganization No. 18 which was approved by LAFCO on 10/14/20.

Regarding the annexation to City of Pittsburg (Faria Southwest Hills Boundary Reorganization), the application is currently incomplete. At this time, we do not know when the LAFCO Commissioners will be asked to take action on this application.

Hope this is helpful. Feel free to contact us if you have questions or need additional information.

Lou Ann Texeira, Executive Officer
Contra Costa LAFCO
40 Muir Road, 1st Floor
Martinez, CA 94553

925-313-7133

LouAnn.Texeira@lafco.cccounty.us

From: Ada Chan <achan@bayareametro.gov>

Sent: Tuesday, August 17, 2021 6:05 PM

To: Lou Ann Texeira <LouAnn.Texeira@lafco.cccounty.us>

Subject: Annexations

Ms. Texeira -

The Association of Bay Area Governments is working on RHNA appeals and I'm writing to you to confirm new information provided to us by Contra Costa County.

Would an certificate of completion be available for the 11/30/2020 Annexation of 876.37 Acres by the City of San Ramon?

We understand the City of Pittsburg currently has an application in for the annexation of 606 acres. When is the annexation expected to be complete?

Any information you can provide to assist would be greatly appreciated.

Ada Chan

Regional Planner

achan@bayareametro.gov

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Metropolitan Transportation Commission

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ABAG-MTC Staff Response to *County of Contra Costa* RHNA Appeal

ABAG Administrative
Committee

September 29, 2021

Overview of **County of Contra Costa** Appeal

Appeal Request:

- Reduce allocation by 1,818 units (24%) from 7,645 units to 5,827.

Staff Recommendation:

- Partially grant the appeal.

Appeal bases cited:

- ABAG failed to adequately consider information submitted in the Local Jurisdiction Survey.
- ABAG failed to determine the jurisdiction's Draft Allocation in accordance with the Final RHNA Methodology and in a manner that furthers, and does not undermine, the RHNA Objectives.
- A significant and unforeseen change in circumstances has occurred in the local jurisdiction that merits a revision of the information submitted in the Local Jurisdiction Survey.

Issues #1, #2 and #3: Areas Identified for Growth in Final Blueprint

Jurisdiction Argument: ABAG failed to adequately consider information about infrastructure constraints, lands protected from development, and policies to preserve prime agricultural land. County asserts Final Blueprint identifies these as areas for growth.

ABAG-MTC Staff Response:

- Final Blueprint, which is baseline allocation in the final RHNA methodology, does not allow any significant growth outside the Urban Limit Line.
- As a result, none of the areas identified above contributed to the County's allocation.

Issue #4: Region's Greenhouse Gas Target

Jurisdiction Argument: ABAG failed to adequately consider the region's greenhouse gas emissions target because the growth pattern for Contra Costa County in the Plan Bay Area 2050 Final Blueprint will result in sprawl and runs counter to goal of reducing greenhouse gases.

ABAG-MTC Staff Response:

- Final RHNA methodology adequately considers the region's greenhouse gas target by using Final Blueprint as baseline allocation, as Final Blueprint was developed specifically to meet greenhouse gas reduction target.
- This argument challenges the final RHNA methodology adopted by ABAG and approved by HCD, and thus falls outside the scope of the appeals process.
- HCD has authority to determine if the RHNA methodology furthers the statutory objectives and HCD found that ABAG's methodology does further these objectives.
 - As HCD notes, ABAG's methodology allocates *“nearly twice as many RHNA units to jurisdictions with higher jobs access, on a per capita basis. . . . Jurisdictions with the lowest vehicle miles traveled (VMT) per capita, relative to the region, receive more RHNA per capita than those with the highest per capita VMT.”*

Issue #5: Development Constraints

Jurisdiction Argument: RHNA methodology does not adequately consider constraints to development related to areas at risk of natural hazards and identifies specific sites that have no potential for residential growth.

ABAG-MTC Staff Response:

- Areas at risk of natural hazards not identified in Housing Element Law as constraint to housing. While new development is subject to additional regulations, neither Town nor FEMA prohibits new housing in floodplain.
- Given variety of natural hazard risks Bay Area faces, it is not possible to address the region's housing needs and avoid planning for new homes in places at risk. The Town has authority to plan for housing in places with lower risk.
- Government Code Section 65584.04(e)(2)(B) states:
 - ABAG may not limit consideration of suitable housing sites to a jurisdiction's existing zoning and land use restrictions and must consider potential for increased residential development under alternative zoning ordinances and land use restrictions.
 - Jurisdictions must consider underutilized land, opportunities for infill development, and increased residential densities as a component of available land for housing.

Issue #5: Development Constraints (*cont.*)

Jurisdiction Argument: County identified specific sites as having no potential for residential growth.

ABAG-MTC Staff Response:

- Plan Bay Area 2050 growth forecast adopted at county and subcounty levels only. Parcel-specific forecast simulates region's future growth pattern; an issue with growth projected for particular parcel is not a valid basis for RHNA appeal, as the Plan does not dictate where jurisdiction sites housing.
- Review of Final Blueprint showed nearly all sites identified by the County were not forecasted to have households on them, with two exceptions:
 - Bethel Island projected to have 19 additional households by 2050, many of which are assumed to be accessory dwelling units (ADUs). The impact of 19 households on the County's share of the region's total households in 2050 and, as a result, its draft RHNA allocation, is deemed negligible.
 - Parcels along SR-4 east of Hercules within the Urban Limit Line are projected to have 5,684 households in 2050, driven by baseline land use data made available to the County during the BASIS review period in 2019 and 2020. Potential for future housing in this area, as envisioned in Final Blueprint, is possible as a result of upcoming closure of the Phillips 66 Carbon Plant in 2023, as part of the Phillips 66 Rodeo Renewed Project.

Issue #6: Change in Circumstances

Jurisdiction Argument: County identifies four areas recently annexed/in process of annexation that should not be considered when forecasting future growth in the County in the Final Blueprint.

ABAG-MTC Staff Response:

- An annexation by San Ramon and one by Pittsburg were not incorporated in the Final Blueprint. However, no households were forecasted in these areas, so a shift of jurisdictional responsibility would have no impact on either jurisdiction’s RHNA allocation.
- The Faria Southwest Hills Boundary Organization affecting Pittsburg is incomplete according to Contra Costa LAFCO and is still part of Unincorporated Contra Costa County.
- A Pittsburg annexation (LAFCO 17-08) **was incorrectly included as part of County in Final Blueprint.** Reducing the County’s 2050 households baseline by the 412 households projected in that area **results in a reduction in the County’s total RHNA of 35 units:**

Very Low-Income Units	Low-Income Units	Moderate-Income Units	Above Moderate-Income Units	Total
10	5	6	14	35

Issue #6: Change in Circumstances (*cont.*)

Jurisdiction Argument: County asserts RHNA factor related to Access to High Opportunity Areas was incorrectly applied to the entire population of the county.

ABAG-MTC Staff Response:

- This argument challenges the final RHNA methodology adopted by ABAG and approved by HCD, and thus falls outside the scope of the appeals process.
- Access to High Opportunity Areas factor is based on percentage of households in High or Highest Resource census tracts on State's Opportunity Map.
- County's score (36% of households) is relatively low compared to other jurisdictions, so this factor reduces the County's allocation.

Recommended Action for **County of Contra Costa** Appeal

Partially grant the appeal filed by the County of Contra Costa by reducing its Draft RHNA Allocation by 35 units, with units to be redistributed in the following manner:

- 35 units from the error related to City of Pittsburg annexation would be transferred to Pittsburg:

Very Low Units	Low Units	Moderate Units	Above Moderate Units	Total
10	5	6	14	35

With this adjustment to the County’s draft RHNA allocation, ABAG has:

- Adequately considered information submitted in the Local Jurisdiction Survey.
- Determined the jurisdiction’s Draft Allocation in accordance with the Final RHNA Methodology and in a manner that furthers, and does not undermine, the RHNA Objectives.
- Incorporated the significant and unforeseen changes in circumstances that are eligible bases for a revision to the RHNA allocation.

From: Kevin Burke [REDACTED]
Sent: Friday, July 16, 2021 12:43 PM
To: Regional Housing Need Allocation; [REDACTED]
Subject: Oppose Contra Costa County RHNA appeal

Follow Up Flag: Follow up
Flag Status: Flagged

External Email

I grew up in Alamo. The town's buildings have looked basically the same as they did when I was born in 1988; there's been basically no new development since I was born.

As the appeal points out, Contra Costa County has a lot of low resource and high fire risk areas. Alamo is one of the few areas that is *not* at risk of either of those. However the zoning is so strict that you need to buy a huge backyard to live there and as a result the town is basically off limits to anyone who can get a \$2 million mortgage and make \$15,000 a month. The Housing Element will give Alamo a chance to finally add denser housing and low income housing so a variety of families can live there.

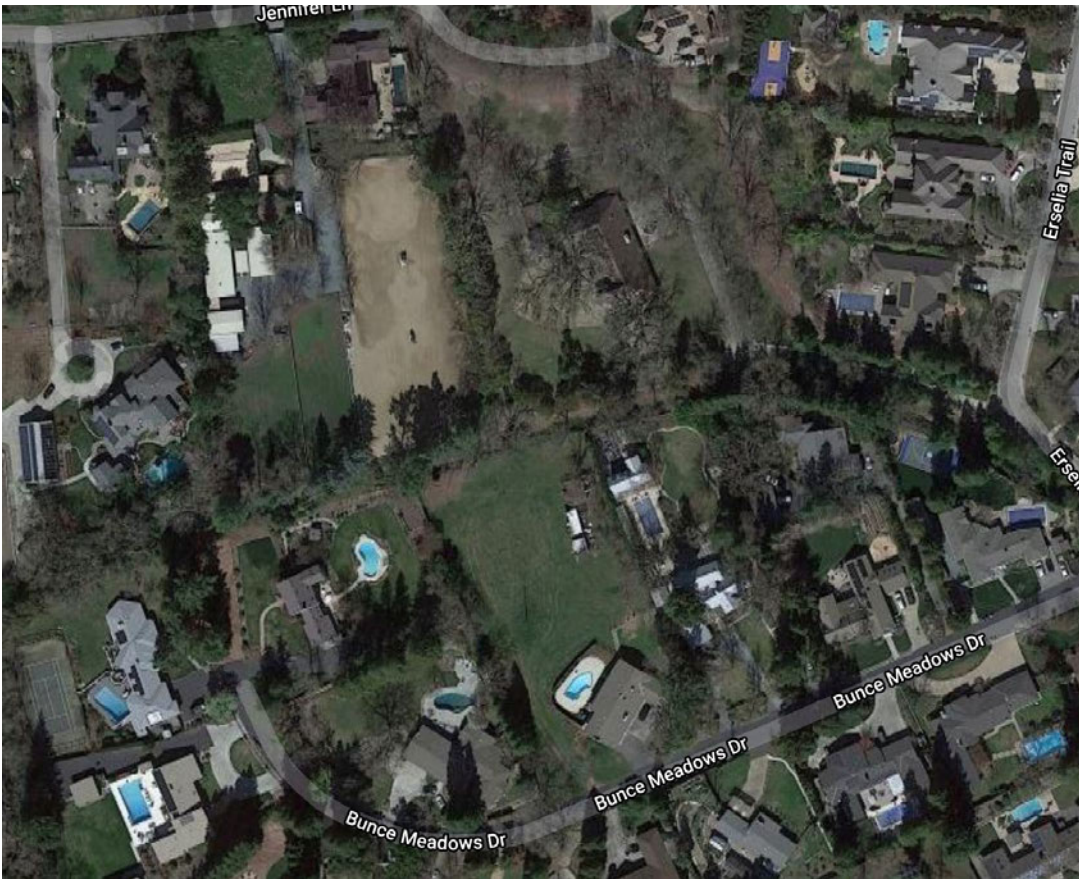
I am disappointed to see multiple descriptions in the appeal that Alamo's subdivisions have "no development potential" and further that Alamo has "no redevelopment potential." Because land values are so high and the lots are so large **Alamo has the best redevelopment potential of any unincorporated area of the County.**

There are still horse stables in Alamo for heavens sake! The idea that there is no development or redevelopment potential in Alamo implies a severe lack of imagination from the County planning staff.

Just off the top of my head:

- Make any lot eligible for a fourplex. A fourplex with 800 units would be 3200 square feet, **about the same total size as the average new single family home proposed in Alamo.**

- Make any 1/3 acre lot or larger eligible for a lot split in the backyard and a new fourplex behind the existing single family home. I mean just look at this from Google Maps - it's laughable to describe this as "built out."



- Make any horse stables in Alamo eligible to be converted to housing at Mullin densities.
- Rezone Alamo Plaza for housing development on top of the commercial at Mullin densities.
- Rezone the lot behind the Mauzy School for teacher housing at Mullin densities (4 acres, undeveloped)

This is by no means an exhaustive list. The proposals for fourplexes and lot splits would also work in Diablo and Blackhawk. Property owners should be given the choice to build denser housing and make room for grandma, or for their own children (including my brother, sister and basically all of my friends from middle school and high school) who have been priced out of the area.

I have sent other suggestions for housing sites to County planning staff as well.

Contra Costa is right to be concerned about low resource and high fire risk areas, but ABAG should be mindful that lowering CCC's RHNA allocation will mean raising someone else's, or, worse, pushing more people out of the nine-county Bay Area and to jurisdictions like Stockton.

Don't lower the number.

Kevin



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #: 21-1253 **Version:** 1 **Name:**

Type: Report **Status:** Committee Approval

File created: 9/21/2021 **In control:** ABAG Administrative Committee

On agenda: 9/29/2021 **Final action:**

Title: Report on Regional Housing Needs Allocation (RHNA) Appeal for the City of Belvedere

Sponsors:

Indexes:

Code sections:

Attachments: [06c 1 Summary Sheet Belvedere.pdf](#)
[06c a Belvedere RHNA Appeal.pdf](#)
[06c b Presentation Belvedere RHNA Appeal \(002\).pdf](#)
[06c c ABAG RHNA Appeal Response Belvedere.pdf](#)
[06c d ABAG RHNA Appeal Response Belvedere.pdf](#)
[06c e RHNA Appeal Comments Belvedere.pdf](#)
[Post Public Comment Period Belvedere.pdf](#)

Date	Ver.	Action By	Action	Result
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Report on Regional Housing Needs Allocation (RHNA) Appeal for the City of Belvedere

Gillian Adams and Eli Kaplan

Preliminary Action

Association of Bay Area Governments

Administrative Committee

September 29, 2021

Agenda Item 6.c.

Regional Housing Needs Allocation Appeal

Subject: Report on Regional Housing Needs Allocation (RHNA) Appeal for the City of Belvedere.

Background: RHNA is the state-mandated¹ process to identify the number of housing units (by affordability level) that each jurisdiction must accommodate in the Housing Element of its General Plan. The California Department of Housing and Community Development (HCD) determined Bay Area communities must plan for 441,176 new housing units from 2023 to 2031.

On May 20, 2021, the ABAG Executive Board approved the [Final Regional Housing Needs Allocation \(RHNA\) Methodology and Draft Allocations](#). Release of the Draft RHNA Allocations initiated the appeals phase of the RHNA process.² ABAG received 28 appeals from Bay Area jurisdictions by the July 9, 2021 deadline.

Per Government Code Section 65584.05(d), ABAG is required to hold a public hearing to consider all appeals filed. The ABAG Administrative Committee will consider the appeal submitted by the City of Belvedere.

Recommended Action: The Administrative Committee is requested to take preliminary action on the RHNA appeal from the City of Belvedere.

The Administrative Committee is requested to deny the RHNA appeal from the City of Belvedere.

Attachments:

- a. City of Belvedere RHNA Appeal
- b. City of Belvedere RHNA Jurisdiction Presentation
- c. ABAG-MTC Staff Report
- d. ABAG-MTC Staff Presentation
- e. Public Comment for City of Belvedere RHNA Appeal

Reviewed:




Therese W. McMillan

¹ See California [Government Code §65584](#).

² See [Government Code Section 65584.05](#) for an overview of the appeals process.

REGIONAL HOUSING NEEDS ALLOCATION

Association of Bay Area Governments

2023-2031 Regional Housing Needs Assessment (RHNA) Appeal Request*Submit appeal requests and supporting documentation via DocuSign by 5:00 pm PST on July 9, 2021.****Late submissions will not be accepted.*** Send questions to rhna@bayareametro.govJurisdiction Whose Allocation is Being Appealed: City of BelvedereFiling Party: ☐ HCD ☒ Jurisdiction: City of BelvedereContact Name: Irene Borba Title: Director of Planning & BuildingPhone: 415-435-8907 Email: iborba@cityofbelvedere.org**APPEAL AUTHORIZED BY:**Name: James CampbellSignature: Date: 7/8/2021**PLEASE SELECT BELOW:**

- ☒ Mayor
- ☐ Chair, County Board of Supervisors
- ☐ City Manager
- ☐ Chief Administrative Officer
- ☐ Other: _____

IDENTIFY ONE OR MORE BASES FOR APPEAL [Government Code Section 65584.5(b)]

- ☐ ABAG failed to adequately consider information submitted in the Local Jurisdiction Survey regarding RHNA Factors (Government Code Section 65584.04(e)) and Affirmatively Furthering Fair Housing (See Government Code Section 65584.04(b)(2) and 65584(d)(5)):
- ☐ Existing and projected jobs and housing relationship.
 - ☐ Sewer or water infrastructure constraints for additional development due to laws, regulatory actions, or decisions made by a provider other than the local jurisdiction.
 - ☐ Availability of land suitable for urban development or for conversion to residential use.
 - ☐ Lands protected from urban development under existing federal or state programs.
 - ☐ County policies to preserve prime agricultural land.
 - ☐ Distribution of household growth assumed for Plan Bay Area 2050.
 - ☐ County-city agreements to direct growth toward incorporated areas of county.
 - ☐ Loss of units contained in assisted housing developments.
 - ☐ Households paying more than 30% or 50% of their income in rent.
 - ☐ The rate of overcrowding.
 - ☐ Housing needs of farmworkers.
 - ☐ Housing needs generated by the presence of a university campus within a jurisdiction.
 - ☐ Housing needs of individuals and families experiencing homelessness.
 - ☐ Loss of units during a declared state of emergency from January 31, 2015 to February 5, 2020.
 - ☐ The region's greenhouse gas emissions targets to be met by Plan Bay Area 2050.
 - ☐ Affirmatively furthering fair housing.
- ☒ ABAG failed to determine the jurisdiction's Draft RHNA Allocation in accordance with the Final RHNA Methodology and in a manner that furthers, and does not undermine the RHNA Objectives (see Government Code Section 65584(d) for the RHNA Objectives).
- ☐ A significant and unforeseen change in circumstances has occurred in the local jurisdiction or jurisdictions that merits a revision of the information submitted in the Local Jurisdiction Survey (*appeals based on change of circumstance can only be made by the jurisdiction or jurisdictions where the change occurred*).

Pursuant to Government Code Section 65584.05, appeals shall be based upon comparable data available for all affected jurisdictions and accepted planning methodology, and supported by adequate documentation, and shall include a statement as to why the revision is necessary to further the intent of the objectives listed in Government Code Section 65584(d). An appeal shall be consistent with, and not to the detriment of, [the development pattern in the sustainable communities strategy \(Plan Bay Area 2050 Final Blueprint\)](#). (Click [here](#))

Number of units requested to be reduced or added to jurisdiction's Draft RHNA Allocation:

☒ Decrease Number of Units: 30 ☐ Increase Number of Units: _____

Brief description of appeal request and statement on why this revision is necessary to further the intent of the objectives listed in Government Code Section 65584(d) and how the revision is consistent with, and not to the detriment, of the development pattern in Plan Bay Area 2050. Please include supporting documentation for evidence as needed, and attach additional pages if you need more room.

Grounds for Appeal

ABAG has mischaracterized the statutory grounds for appeal in the second bases of appeal described above. Government Code Section 95584.05(b)(2) states that an appeal may be made based on the circumstance whereby "The council of governments or delegate subregion, as applicable, failed to determine the share of the regional housing need in accordance with the information described in, and the methodology established pursuant to, Section 65584.04, and in a manner that furthers, and does not undermine, the intent of the objectives listed in subdivision (d) of Section 65584.

Subsection (e) of Section 65584.04 states:

(e) To the extent that sufficient data is available from local governments pursuant to subdivision (b) or other sources [emphasis added], each council of governments, or delegate subregion as applicable, shall include the following factors to develop the methodology that allocates regional housing needs:

Thus, it is established that the local government has the right to appeal based on ABAG's failure to include information identified in Section 65584.04. In other words, the local government's appeal is not limited to only the information it provided in the local government survey.

Subsection (e) goes on to identify the factors that ABAG must include as it develops its RHNA methodology. Section 65584.04(e)(2) states that the council of governments must consider certain constraints to development of additional housing in each member jurisdiction, including the following factors:

(A) Lack of capacity for sewer or water service due to federal or state laws, regulations or regulatory actions, or supply and distribution decisions made by a sewer or water service provider other than the local jurisdiction that preclude the jurisdiction from providing necessary infrastructure for additional development during the planning period.

SEE ATTACHMENT 1 - DESCRIPTION OF APPEAL REQUEST - ADDITIONAL PAGES

List of supporting documentation, by title and number of pages

1. Attachment 1 - Description of Appeal Request - Additional Pages (7 pages) _____
2. Attachment 2 - juris_baselines.xlsx (1 page) _____
3. Attachment 3 - Belvedere RHNA Calculations.xlsx (3 pages) _____



Click here to
attach files

The maximum file size is 25MB. To submit larger files, please contact rhna@bayareametro.gov.

Attachment 1: Description of Appeal Request – Additional Pages

(B) The availability of land suitable for urban development or for conversion to residential use, the availability of underutilized land, and opportunities for infill development and increased residential densities. The council of governments may not limit its consideration of suitable housing sites or land suitable for urban development to existing zoning ordinances and land use restrictions of a locality, but shall consider the potential for increased residential development under alternative zoning ordinances and land use restrictions. The determination of available land suitable for urban development may exclude lands where the Federal Emergency Management Agency (FEMA) or the Department of Water Resources has determined that the flood management infrastructure designed to protect that land is not adequate to avoid the risk of flooding.

Thus, the appeal is based on the following three grounds:

1. ABAG failed to determine Belvedere’s draft RHNA Allocation in accordance with the Final RHNA Methodology; and
2. ABAG failed to consider the availability of land suitable for urban development in Belvedere or for conversion to residential use, the availability of underutilized land, and opportunities for infill development and increased residential densities.
3. ABAG failed to consider the capacity of water service due to supply and distribution decisions made by a water service provider.

Appeal 1: ABAG Failed to Determine Belvedere’s Draft RHNA Allocation in Accordance with the Final RHNA Methodology

The final RHNA methodology is described in the [Association of Bay Area Governments’ Draft Regional Housing Needs Allocation \(RHNA\) Plan: San Francisco Bay Area, 2023-2031 \(May 2021\)](#), which was approved by the ABAG Executive Board on May 20, 2021 (“RHNA Plan”).

According to the RHNA Plan, “[t]he baseline allocation is used to assign each jurisdiction a beginning share of the RHND. The baseline allocation is based on each jurisdiction’s share of the region’s total households in the year 2050 from the Plan Bay Area 2050 Final Blueprint.” (RHNA Plan, p. 15).

The baseline allocation and factors which are used to adjust the baseline allocation are shown in Appendix 4 of the RHNA Plan. Unfortunately, these numbers are rounded and cannot be used in this format to recreate the RHNA calculation. For Belvedere’s actual baseline allocation, we refer to column E in ABAG’s juris_baselines.xlsx file (Attachment 2), which shows a baseline allocation for Belvedere of 0.000323, or .0323% (these figures are rounded here but not in the Excel files).

The factors shown in Appendix 4 of the RHNA plan are 1.5 for the Access to High

Opportunity Areas (AHOA) factor, 0.6 for the Jobs Proximity – Auto (JPA) factor, and 0.5 for the Jobs Proximity – Transit (JPT) factor. These factors may be rounded, but there is no documentation to conclude that they should not be taken at their face value. In any event, we are assuming the highest range of the AHOA factor, which is given the greatest weight in the calculation.

As shown in Attachment 3 (see worksheet “Recalculated RHNA”), the recalculated RHNA is 151 units, which is 6% lower than Belvedere’s RHNA allocation of 160 units. Even the AHOA factor allocation, which assumes the highest possible value in the 0.5 – 1.5 range, produces an allocation that is 4 units fewer than the corresponding RHNA allocation.

As shown in Attachment 3 (see worksheet “Implied Growth”), a baseline allocation of 0.034% is necessary to result in a RHNA allocation of 160 units for Belvedere. This means that Belvedere is projected to have 0.034% of the region’s 4,043,000 households in 2050 identified in the Plan Bay Area Final Blueprint Growth Pattern (“Final Blueprint”) (Attachment 4), or 1,373 housing units. This is a **48.0% increase** over the 2015 level.

The Final Blueprint identifies 2015-2050 growth for the region’s counties and sub-county areas or “superdistricts.” Marin County’s growth for the 2015-2050 period is 34% and the South Marin superdistrict, of which Belvedere is a part, is 21%. Both of these growth rates are significantly lower than the one assigned to Belvedere. In fact, Belvedere’s growth rate is more than double the South Marin District growth rate of 21%. Table 1 below shows the growth rates for the South Marin District jurisdictions as calculated from the draft RHNA allocations. There is a wide range of growth rates, with no explanation for the disparity.

Table 1: Implied Growth Rates for South Marin Jurisdictions

	Implied Growth Rate 2015 - 2050	South Marin Superdistrict Growth Rate 2015-2050	Difference
Belvedere	48.00%	21.00%	27.00%
Corte Madera	57.30%	21.00%	36.30%
Larkspur	35.60%	21.00%	14.60%
Mill Valley	14.00%	21.00%	-7.00%
Sausalito	25.70%	21.00%	4.70%
Tiburon	46.50%	21.00%	25.50%

Furthermore, the calculated growth rate for the South Marin superdistrict, when combining the incorporated cities and towns and after factoring in the unincorporated areas, exceeds the 21% growth rate for the South Marin district as identified in the Final Blueprint.

There is no publicly available methodology to demonstrate how the individual jurisdictions’ baselines were calculated. The RHNA Plan simply states, “The final RHNA methodology incorporates the Plan Bay Area 2050 Final Blueprint as the data source for the baseline allocation used to assign each jurisdiction a beginning share of the RHND, using each

jurisdiction's share of the region's households in the year 2050." (RHNA Plan, p. 30).

The RHNA Plan further states, "... the Final Blueprint prioritizes housing growth in three types of growth geographies, Priority Development Areas nominated by local jurisdictions, Transit-Rich Areas with lower greenhouse gas emissions potential, and High-Resource Areas with excellent access to jobs, schools, and more." (RHNA Plan, p. 31). A portion of Belvedere is identified as a Transit Rich Area within a High Resource Area in the Final Blueprint Growth Geographies (Attachment 5). Presumably, it is the presence of this Transit Rich Area within a High Resource Area – which encompasses a small portion of Belvedere's land area – that accounts for the 48% growth rate assigned to Belvedere. This would mean that ABAG's RHNA methodology double counts the High Resource Area impact on Belvedere's RHNA allocation, once in the manipulation of the baseline allocation and another in the application of the AHOA factor. It also directs additional growth to a "Transit Rich" area after concluding, in the development of the Jobs Proximity – Transit factor, that Belvedere's JPT factor is at the lowest end of the scale at 0.5.

ABAG has failed to determine Belvedere's RHNA allocation using a methodology that is documented in the RHNA Plan and that is consistent with the South Marin's 21% growth rate as identified in the Final Blueprint.

Appeal 2: ABAG failed to consider the availability of land suitable for urban development or for conversion to residential use, the availability of underutilized land, and opportunities for infill development and increased residential densities.

The RHNA Plan states that the Final Blueprint Growth Geographies are derived from the UrbanSim 2.0 land use model, which is in turn used to develop the baseline allocations for the individual jurisdictions. ABAG has not made this data publicly available. Instead, the City analyzed ABAG's land use data available in the ABAG/MTC Housing Element Site Selection Tool ("HESS Tool").

The HESS Tool identifies housing sites within each jurisdiction according to three color-coded categories.

- Green sites are Adequate Sites that can accommodate RHNA at any income category
- Yellow sites are Potential Sites that may accommodate RHNA with further analysis or rezoning
- Red sites are Highly Constrained sites where development is inhibited

The Hess Tool identifies sites for Belvedere as follows:

- No Adequate Sites
- 413 Potential Sites
- 604 Highly Constrained sites

These are shown in Figure 1 in Attachment 6.

Of the 413 Potential Sites, 98.1% are developed according to the HESS Tool. The City analyzed a random 25% sample of these Potential Sites, shown in blue in Figure 2 in Attachment 6.

ABAG calculates the total acreage of the Potential Sites sample at 39.42 acres. The Marin County Assessor shows these parcels totaling 25.58 acres, meaning that ABAG has overcounted the acreage by 54% (Attachment 7). Moreover, the median size of these parcels is 0.21 acres, and the vast majority are developed with a single family or multifamily dwelling. Given the City's experience with residential redevelopment, it is unlikely that these parcels would be redeveloped even if the density were increased.

ABAG identifies 8 Potential Sites as vacant, totaling 4.43 acres. Sites over 0.5 acres, which are considered adequate by HCD to accommodate multifamily housing affordable to lower-income households, total 4.16 acres according to ABAG. An analysis of Marin County Assessor data shows that ABAG has overcounted the acreage associated with these sites. ABAG overcounted total acreage by 57% and the acreage of Potential Sites over 0.5 acres by 247%.

Table 2: ABAG and Marin County Assessor Data for Potential Sites

Source	Total Acreage	Acreage of Potential Sites over 0.5 Acres
ABAG Potential Sites Acreage Data		
ABAG's HESS Tool	4.43	4.16
Belvedere's Independent Review of Parcel Size (Acres) Based on Readily Available Data		
Marin County Assessor Data	2.83	1.20
ABAG Acreage Error	1.60 (ABAG 57% overcount)	2.96 acres (ABAG 247% overcount)

Of the eight Potential Sites identified by ABAG as vacant, six are actually vacant. Of these, only two parcels are over 0.5 acres, and both are in hillside areas limiting potential development (see Figures 3 and 4 in Attachment 6) with highly constrained evacuation and emergency route access. Only one of these parcels is in the ABAG/MTC-defined Transit Rich Area, and this parcel has a steep slope, rendering approximately 40% of the parcel undevelopable. At Belvedere's default density of 20 units per acre, this parcel has a realistic capacity of 8 units, far less than the 77 lower income units allocated to Belvedere.

As discussed above, the baseline allocation assigned to Belvedere appears to be inflated by the presence of a "Transit Rich Area within a High Resource Area" shared with downtown Tiburon, where there is limited commuter ferry service (one AM and one PM trip to San Francisco and two PM trips from San Francisco to Tiburon) connected to one bus route. Commuter ferry service is provided by the Golden Gate Bridge, Highway and Transportation

District, which must lease use of the privately-owned ferry dock. The annual ferry ridership is approximately 195,000 (FY 2019), or about 560 riders per day, and is less than 1 percent of the total Golden Gate District ridership (source: <https://www.goldengate.org/ferry/history-research/statistics-ridership/>). According to the California Public Resources Code, the ferry dock does not qualify as a major transit stop (PRC §21064.3). Therefore, housing projects in this area are not eligible for environmental review screening under SB 743 and density bonuses associated with transit-oriented development under Government Code §65915-65918.

Moreover, directing growth to the “Transit Rich Area” fails to take into account that there is only one vacant parcel and extremely limited, if any, underutilized land within the area in Belvedere, as evidenced by the City’s evaluation of ABAG’s own housing element sites tool. In addition, a significant amount of this land area is in a FEMA 100-year flood zone (Attachment 8), is vulnerable to sea level rise (Attachment 9) and is highly vulnerable to liquefaction (Attachment 10).

The HESS tool significantly overstates the amount of vacant and underutilized land that is potentially available for additional housing, including land in the Transit Rich area identified in the Final Blueprint Growth Geographies. The City concludes that ABAG has not considered the actual availability of land suitable for urban development or for conversion to residential use. Suitable land in Belvedere would accommodate far less than the 160 units assigned to the City.

Appeal 3: ABAG failed to consider the capacity of water service due to supply and distribution decisions made by a water service provider.

The Marin Municipal Water District (MMWD) provides water to the City of Belvedere as well as the incorporated cities and towns of San Rafael, Mill Valley, Fairfax, San Anselmo, Ross, Larkspur, Corte Madera, Tiburon and Sausalito and an estimated 76% percent of the population living in unincorporated areas of Marin County. MMWD’s primary water supply is local surface water obtained solely from rainfall collected from a watershed with six reservoirs. The District receives a supplemental water supply from the Sonoma County Water Agency.

On June 15, the MMWD Board of directors adopted the [2020 Urban Water Management Plan](#) (UWMP). The UWMP determined that there is adequate supply to meet demand for a projected service population of 211,961 in 2045, an increase of 20,692 people from the 2020 level. ABAG’s RHNA allocation, however, anticipates much greater population growth for MMWD’s service area. Table 3 shows the RHNA allocated to each jurisdiction in the MMWD service area and the corresponding population growth assuming the current 2.38 persons per household rate (Department of Finance, E-5 Report, 2021). The population growth associated with ABAG’s RHNA allocation exceeds the growth analyzed in the UWMP by 6,578 people, or 32%. Table 3 also shows a RHNA allocation that would be consistent with the growth projected in the UWMP. Belvedere’s RHNA allocation should not exceed 121

units in order to ensure adequate water supplies for the projected population growth.

Table 3: RHNA and Population Growth in the MMWD Service Area

Jurisdiction	ABAG's RHNA Allocation		Revised RHNA Allocation Consistent with the UWMP	
	Units	Population Growth	Units	Population Growth
Belvedere	160	381	121	289
Corte Madera	725	1,726	550	1,309
Fairfax	490	1,166	372	885
Larkspur	979	2,330	743	1,768
Mill Valley	865	2,059	656	1,562
Ross	111	264	84	200
San Anselmo	833	1,983	632	1,504
San Rafael	3,220	7,664	2,443	5,815
Sausalito	724	1,723	549	1,307
Tiburon	639	1,521	485	1,154
Unincorporated Marin (76% of 3,569)	2,712	6,455	2,058	4,898
Total	11,458	27,270	8,694	20,692

The City concludes that ABAG has not adequately considered water availability and infrastructure in the RHNA allocation.

Number of Units Requested to Be Reduced

We have recalculated the number of units, by income category, that should be allocated to Belvedere based on the superdistrict growth rate of 21%, as shown in Table 4. The calculations are documented in Attachment 2 (worksheet "Requested RHNA"). This a reduction of 30 units.

Table 4: Revised RHNA Allocation for Belvedere

Revised RHNA Allocation				
Very Low	Low	Moderate	Above Moderate	Total
38	23	19	50	130

Statement on why this revision is necessary to further the intent of the objectives listed in Government Code Section 65584(d) and how the revision is consistent with, and not to the detriment, of the development pattern in Plan Bay Area 2050.

The requested revision furthers the intent of Government Code Section 65584(d) objectives as follows:

(1) Increasing the housing supply and the mix of housing types, tenure, and affordability in all cities and counties within the region in an equitable manner, which shall result in each jurisdiction receiving an allocation of units for low- and very low income households.

The revision results in an allocation of 38 units for very low income households and 23 units for low income households.

(2) Promoting infill development and socioeconomic equity, the protection of environmental and agricultural resources, the encouragement of efficient development patterns, and the achievement of the region's greenhouse gas reductions targets provided by the State Air Resources Board pursuant to Section 65080.

The revision will result in infill development, the promotion of socioeconomic equity, the encouragement of efficient development patterns, and the protection of environmental resources through the development of multifamily housing in Belvedere.

(3) Promoting an improved intraregional relationship between jobs and housing, including an improved balance between the number of low-wage jobs and the number of housing units affordable to low-wage workers in each jurisdiction.

The revision will result in the allocation of 61 units affordable to lower-income households, thereby improving the balance between low-wage jobs and housing.

(4) Allocating a lower proportion of housing need to an income category when a jurisdiction already has a disproportionately high share of households in that income category, as compared to the countywide distribution of households in that category from the most recent American Community Survey.

The revision allocates a higher share of very low and low income units, the same share of moderate income units, and a lower share of above moderate income units, meeting the requirements of this objective.

(5) Affirmatively furthering fair housing.

The revision affirmatively furthers fair housing by continuing to adjust the baseline allocation by the AHOA factor of 1.5.

juris	hh19	jobs17	bp_hh50_dr	bp_hh50_fnl
Alameda	0.011287474	0.00732677	0.009935667	0.011000635
Albany	0.002405684	0.001111116	0.002110893	0.002064397
Berkeley	0.017478658	0.01742592	0.014520274	0.017012291
Dublin	0.007894843	0.00513426	0.006867885	0.007049914
Emeryville	0.002342898	0.00609637	0.003986583	0.004927149
Fremont	0.026899818	0.03007452	0.026938807	0.02433599
Hayward	0.017452222	0.01853867	0.013934616	0.015714592
Livermore	0.011427732	0.01278367	0.011298163	0.012686629
Newark	0.005176332	0.00477574	0.00577942	0.006088573
Oakland	0.059571515	0.05360577	0.065027878	0.063382692
Piedmont	0.001418369	0.00043054	0.000993492	0.000975438
Pleasanton	0.010072516	0.01728161	0.009091062	0.01135208
San Leandro	0.011327495	0.01282957	0.009130634	0.011371865
Unincorporated Alameda	0.017921463	0.00664061	0.013473608	0.014194551
Union City	0.00768005	0.00860836	0.007021472	0.00726632
Antioch	0.012437811	0.00571147	0.010323962	0.012700974
Brentwood	0.007068715	0.00315938	0.006182308	0.006467718
Clayton	0.001483725	0.00039545	0.001148563	0.00111097
Concord	0.016290136	0.0150738	0.01306058	0.017253183
Danville	0.00575352	0.0032066	0.004100351	0.00423811
El Cerrito	0.003798719	0.00140584	0.00339301	0.004051876
Hercules	0.00306475	0.0011969	0.002403722	0.002642883
Lafayette	0.003521507	0.00268241	0.002971821	0.003816426
Martinez	0.005332012	0.00537511	0.003806286	0.003833738
Moraga	0.002053937	0.00114625	0.001933069	0.002040159
Oakley	0.00438068	0.00101224	0.003950227	0.004500024
Orinda	0.002506655	0.00102965	0.001968188	0.002347828
Pinole	0.002488664	0.00136574	0.00208814	0.001825731
Pittsburg	0.00776046	0.00378672	0.006304485	0.007865334
Pleasant Hill	0.005024692	0.00441406	0.004234895	0.003677678
Richmond	0.013347286	0.00821027	0.014025383	0.012274838
San Pablo	0.003317729	0.00155516	0.002607763	0.002481876
San Ramon	0.010192947	0.01117311	0.008975315	0.009746465
Unincorporated Contra Costa	0.021702924	0.00987517	0.016580467	0.022027486
Walnut Creek	0.011537883	0.01496537	0.011176481	0.011477472
Belvedere	0.000341833	0.00011133	0.000326218	0.00032325
Corte Madera	0.001460594	0.0017232	0.001348647	0.00138253
Fairfax	0.00124323	0.00044689	0.001041968	0.0009836
Larkspur	0.00221035	0.00174457	0.001967199	0.001893497
Mill Valley	0.002276808	0.00137603	0.001614271	0.00164296
Novato	0.007506747	0.00593993	0.00668635	0.006720975
Ross	0.000296304	0.00012874	0.000233719	0.000216159
San Anselmo	0.001943419	0.00082942	0.001490362	0.001669671
San Rafael	0.008399332	0.01032628	0.008948852	0.010484969
Sausalito	0.00153109	0.00144462	0.001252933	0.001249223
Tiburon	0.001380918	0.00052366	0.001227459	0.001263815

Unincorporated Marin	0.009700942	0.00490712	0.008929066	0.008217521
American Canyon	0.002160416	0.00103862	0.001899433	0.001764148
Calistoga	0.000771052	0.00055163	0.000897779	0.000520613
Napa	0.010507977	0.00867352	0.008148518	0.007692456
St. Helena	0.000914982	0.00141138	0.000726632	0.000675436
Unincorporated Napa	0.003441464	0.00698646	0.002882538	0.002790039
Yountville	0.000408658	0.00074447	0.000311873	0.000291593
San Francisco	0.134088598	0.1866139	0.123944924	0.143035462
Atherton	0.000838611	0.00061626	0.000650457	0.000718965
Belmont	0.003913275	0.00185537	0.00302178	0.003048244
Brisbane	0.000702392	0.00171159	0.007417434	0.004225991
Burlingame	0.004576747	0.01056398	0.005716601	0.005464827
Colma	0.000159718	0.00114942	0.000470159	0.000524817
Daly City	0.011804814	0.00492848	0.010401621	0.009450915
East Palo Alto	0.002644343	0.00109718	0.002186079	0.002060687
Foster City	0.004661563	0.00533739	0.003491197	0.003272317
Half Moon Bay	0.001628022	0.00138658	0.001472555	0.0014869
Hillsborough	0.001411026	0.00051839	0.001068926	0.000973954
Menlo Park	0.004874888	0.01038248	0.005003324	0.004805714
Millbrae	0.00302583	0.00148366	0.003751133	0.003504058
Pacifica	0.00510143	0.00124993	0.003592105	0.003559953
Portola Valley	0.000656863	0.00029863	0.000449879	0.000446911
Redwood City	0.010957023	0.01620184	0.011023389	0.009844157
San Bruno	0.005691836	0.00419984	0.00486235	0.007304903
San Carlos	0.004255475	0.00422754	0.003976196	0.004552456
San Mateo	0.014476694	0.01510176	0.013384572	0.014191089
South San Francisco	0.007764499	0.01422143	0.009234261	0.009293619
Unincorporated San Mateo	0.0078629	0.00607447	0.008273663	0.008092376
Woodside	0.000738375	0.00055796	0.000568099	0.000575024
Campbell	0.006306842	0.00732809	0.007411251	0.0056335
Cupertino	0.007356208	0.01191758	0.009796177	0.007238373
Gilroy	0.005773714	0.00455941	0.005229871	0.004607114
Los Altos	0.004105304	0.00303011	0.003475121	0.003006446
Los Altos Hills	0.001113987	0.00056587	0.000842131	0.000759031
Los Gatos	0.00462044	0.00482217	0.003258715	0.003354676
Milpitas	0.007815168	0.01311343	0.012281268	0.012569399
Monte Sereno	0.000486865	0.00010737	0.000318798	0.000318056
Morgan Hill	0.005290522	0.00392917	0.004436957	0.004103567
Mountain View	0.012555305	0.02226022	0.017716417	0.017537603
Palo Alto	0.010144481	0.02843732	0.015412118	0.00934704
San Jose	0.118065025	0.11010817	0.152421332	0.144256985
Santa Clara	0.016915423	0.02999485	0.021844221	0.021350071
Saratoga	0.003997356	0.00182319	0.003431593	0.002802406
Sunnyvale	0.021048631	0.0241578	0.022616607	0.020876697
Unincorporated Santa Clara	0.009766298	0.00570276	0.010648943	0.008146539
Benicia	0.003916212	0.00336568	0.002861516	0.002707681
Dixon	0.002266894	0.001342	0.001588055	0.001456232

Fairfield	0.013711516	0.01040332	0.014378312	0.012257526
Rio Vista	0.001585798	0.00038173	0.0009836	0.002071569
Suisun City	0.003346368	0.00075423	0.002420788	0.002457391
Unincorporated Solano	0.002504085	0.00529887	0.00420299	0.00380678
Vacaville	0.012166474	0.00868539	0.008284545	0.007749587
Vallejo	0.014954012	0.00819312	0.011903608	0.01117104
Cloverdale	0.00119403	0.00051944	0.001260353	0.001202232
Cotati	0.001127572	0.00094602	0.001049882	0.000923995
Healdsburg	0.001690074	0.00167255	0.001448318	0.001212372
Petaluma	0.008268253	0.007546	0.007811171	0.007164918
Rohnert Park	0.006005397	0.003281	0.004916514	0.00624958
Santa Rosa	0.023857465	0.01906233	0.024043408	0.017453266
Sebastopol	0.001224138	0.00124228	0.001627626	0.000858207
Sonoma	0.001880634	0.00197593	0.00143051	0.001334797
Unincorporated Sonoma	0.019841016	0.01354001	0.020576448	0.015397278
Windsor	0.003345633	0.00184244	0.002830848	0.002598365

Worksheet: Recalculated RHNA

Bay Area RHNA Allocation

	VL	Low	Moderate	Above Moderate	Total
Bay Area	114,442	65,892	72,712	188,131	441,177

Source: Association of Bay Area Governments, Draft Regional Housing Needs Allocation (RHNA) Plan: San Francisco Bay Area, 2023-2031 (May 2021), Table 1

Belvedere Baseline Allocation and Factors

	Baseline Allocation ¹	AHOA Raw Score ²	AHOA Factor ²	JPA Factor ²	JPT Factor ²
Belvedere	0.00032325	100%	1.5	0.6	0.5

¹ Source: ABAG, https://github.com/BayAreaMetro/regional-housing-needs-assessment/blob/master/RHNA/data/juris_baselines.xlsx

² Source: Association of Bay Area Governments, Draft Regional Housing Needs Allocation (RHNA) Plan: San Francisco Bay Area, 2023-2031 (May 2021), Appendix 4, "Jurisdiction Share of 2050 Households Final Blueprint"

Recalculated RHNA Allocation

	AHOA	JPA	JPT	Total
Very Low	70%	15%	15%	
	39	3	3	45
Low	70%	15%	15%	
	22	2	2	26
Mod	40%	60%		
	14	8		22
Above Mod	40%	60%		
	36	22		58
Total	111	35	5	151

RHNA Allocation for Belvedere, with Factor Components

	AHOA	JPA	JPT	Total
Very Low	70%	15%	15%	
	42	3	4	49
Low	70%	15%	15%	
	24	2	2	28
Mod	40%	60%		
	15	8		23
Above Mod	40%	60%		
	39	21		60
Total				160

Source: Association of Bay Area Governments, Draft Regional Housing Needs Allocation (RHNA) Plan: San Francisco Bay Area, 2023-2031 (May 2021), Appendix 5

RHNA Allocation vs. Recalculated RHNA

	Draft RHNA Allocation	Recalculated RHNA Allocation	% change
Belvedere	160	151	-6%

Worksheet: Implied Growth

RHNA Allocation

	VL	Low	Moderate	Above Mod	Total
Bay Area	114,442	65,892	72,712	188,131	441,177
Belvedere	49	28	23	60	160

Source: Association of Bay Area Governments, Draft Regional Housing Needs Allocation (RHNA) Plan: San Francisco Bay Area, 2023-2031 (May 2021), Table 1 and Table 4

Factor Scores for Belvedere

	Raw Score	Factor
AHOA	100%	1.50
JPA	3.21	0.60
JPT	0	0.50

Source: Association of Bay Area Governments, Draft Regional Housing Needs Allocation (RHNA) Plan: San Francisco Bay Area, 2023-2031 (May 2021), Appendix 4

RHNA Allocation for Belvedere Using Implied Growth Rate

Implied growth, 2015-2050	48.00% (A)
Belvedere households (occupied housing units), 2015 ¹	928 (B)
Belvedere households, 2050	1,373 (C) Calculation: $B \times (1+A)$
Regional households, 2050 ²	4,043,000
Belvedere share of regional households, 2050	0.034% Calculation: C/D

¹ Source: CA Dept. of Finance, Report E-5 Population and Housing Estimates for Cities, Counties and the State, January 1, 2011-2019, with 2010 Benchmark

² Source: Plan Bay Area 2050 Final Blueprint Growth Pattern, updated January 21, 2021, https://www.planbayarea.org/sites/default/files/FinalBlueprintRelease_December2020_GrowthPattern_Jan2021Update.pdf

RHNA Allocation for Belvedere Using Implied Growth Rate

	AHOA	JPA	JPT	Total
Very Low	70%	15%	15%	
	41	3	3	47
Low	70%	15%	15%	
	24	2	2	28
Mod	40%	60%		
	15	9		24
Above Mod	40%	60%		
	38	23		61
Total				160

Worksheet: Requested RHNA

RHNA Allocation

	VL	Low	Moderate	Above Mod	Total
Bay Area	114,442	65,892	72,712	188,131	441,177
Belvedere	49	28	23	60	160

Source: Association of Bay Area Governments, Draft Regional Housing Needs Allocation (RHNA) Plan: San Francisco Bay Area, 2023-2031 (May 2021), Table 1 and Table 4

Factor Scores for Belvedere

	Raw Score	Factor
AHOA	100%	1.50
JPA	3.21	0.60
JPT	0	0.50

Source: Association of Bay Area Governments, Draft Regional Housing Needs Allocation (RHNA) Plan: San Francisco Bay Area, 2023-2031 (May 2021), Appendix 4

RHNA Methodology Applied to Belvedere, Using Published Data

Belvedere households (occupied housing units), 2015 ¹	928 (A)	
Growth Rate, South Marin District ²	21% (B)	
Belvedere households (occupied housing units), 2020 ³	919 (C)	
Belvedere households, 2050	1,123 (D)	Calculation: A*(1+B)
Regional households, 2015 ²	2,677,000	
Regional households (occupied housing units), 2020 ³	2,752,510 (E)	
Regional households, 2050 ²	4,043,000 (F)	
Belvedere share of regional households, 2050	0.028%	Calculation: D/F
Equity adjustment	0.033%	Calculation: C/E

¹ Source: CA Dept. of Finance, Report E-5 Population and Housing Estimates for Cities, Counties and the State, January 1, 2011-2019, with 2010 Benchmark

² Source: Plan Bay Area 2050 Final Blueprint Growth Pattern, updated January 21, 2021, https://www.planbayarea.org/sites/default/files/FinalBlueprintRelease_December2020_GrowthPattern_Jan2021Update.pdf

³ Source: CA Dept. of Finance, Report E-5 Population and Housing Estimates for Cities, Counties and the State, January 1, 2011-2021, with 2010 Benchmark

Requested RHNA for Belvedere

	AHOA	JPA	JPT	Total	With Equity Adjustment
Very Low	70%	15%	15%		
	33	3	0	36	38
Low	70%	15%	15%		
	19	2	2	23	23
Mod	40%	60%			
	12	7		19	19
Above Mod	40%	60%			
	31	19		50	50
Total				128	130



Data tables below summarize the regional, county, and sub-county growth pattern for households and jobs in the Plan Bay Area 2050 Final Blueprint. Jurisdiction-level growth projections are developed solely for the 2023-2031 Regional Housing Needs Allocation (RHNA) process – for more information on RHNA, go to abag.ca.gov.

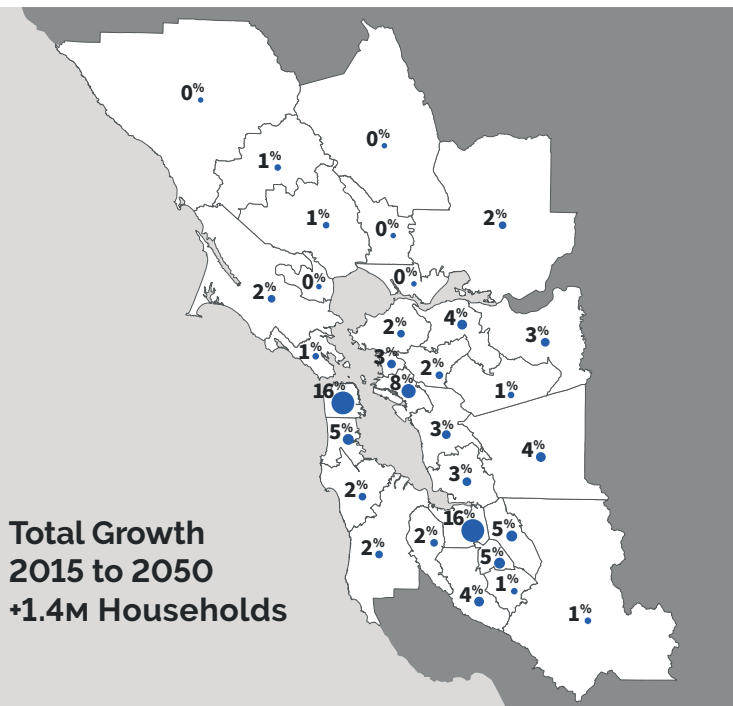
PROJECTED HOUSEHOLD AND JOB GROWTH, BY COUNTY

	HOUSEHOLDS					JOBS				
COUNTY	2015	2050	GROWTH	PERCENT GROWTH	SHARE OF REGIONAL GROWTH	2015	2050	GROWTH	PERCENT GROWTH	SHARE OF REGIONAL GROWTH
San Francisco	366,000	578,000	213,000	+58%	16%	682,000	918,000	236,000	+35%	17%
San Mateo	265,000	394,000	129,000	+48%	9%	393,000	507,000	114,000	+29%	8%
Santa Clara	623,000	1,075,000	453,000	+73%	33%	1,099,000	1,610,000	511,000	+46%	36%
Alameda	552,000	847,000	295,000	+54%	22%	867,000	1,182,000	315,000	+36%	22%
Contra Costa	383,000	551,000	169,000	+44%	12%	404,000	534,000	130,000	+32%	9%
Solano	142,000	177,000	35,000	+24%	3%	132,000	201,000	69,000	+53%	5%
Napa	50,000	56,000	5,000	+10%	0%	72,000	87,000	15,000	+21%	1%
Sonoma	188,000	220,000	32,000	+17%	2%	221,000	251,000	30,000	+14%	2%
Marin	109,000	146,000	37,000	+34%	3%	135,000	116,000	-19,000	-14%	-1%
REGION	2,677,000	4,043,000	1,367,000	+51%	100%	4,005,000	5,408,000	1,403,000	+35%	100%

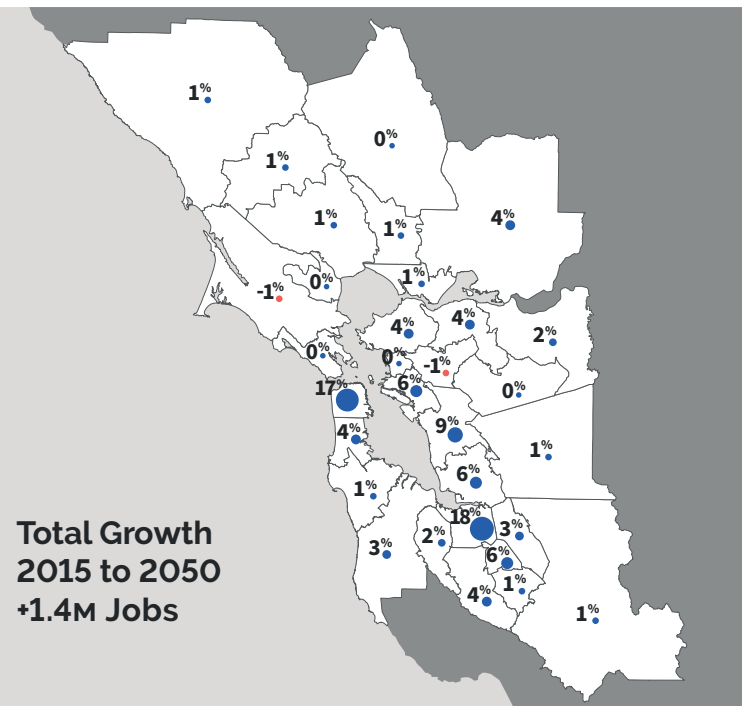
Numbers may not always sum to 100% due to rounding.

GROWTH PATTERN

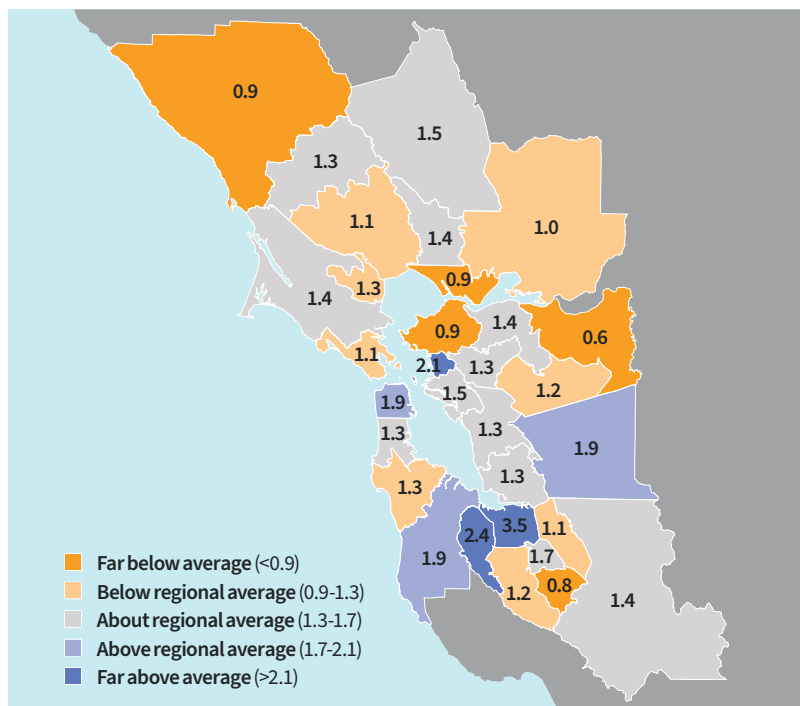
Housing Growth between 2015-2050 (as a Share of Region's Growth)



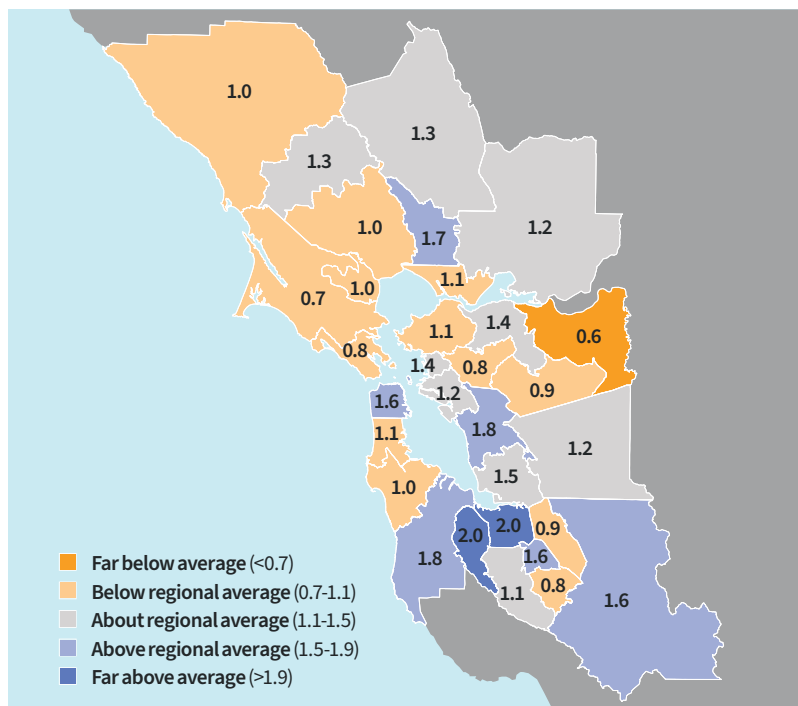
Job Growth between 2015-2050 (as a Share of Region's Growth)



Jobs/Housing Ratio 2015 (Region-Wide Average: 1.5)



Jobs/Housing Ratio 2050 (Region-Wide Average: 1.3)



The nine-county Bay Area is divided into 34 subcounty areas, called “superdistricts.” Superdistricts are combinations of cities, towns and unincorporated areas that allow the public to see the more localized growth pattern in Plan Bay Area 2050. More information on the superdistricts can be found in the [layer documentation](#).



GROWTH PATTERN

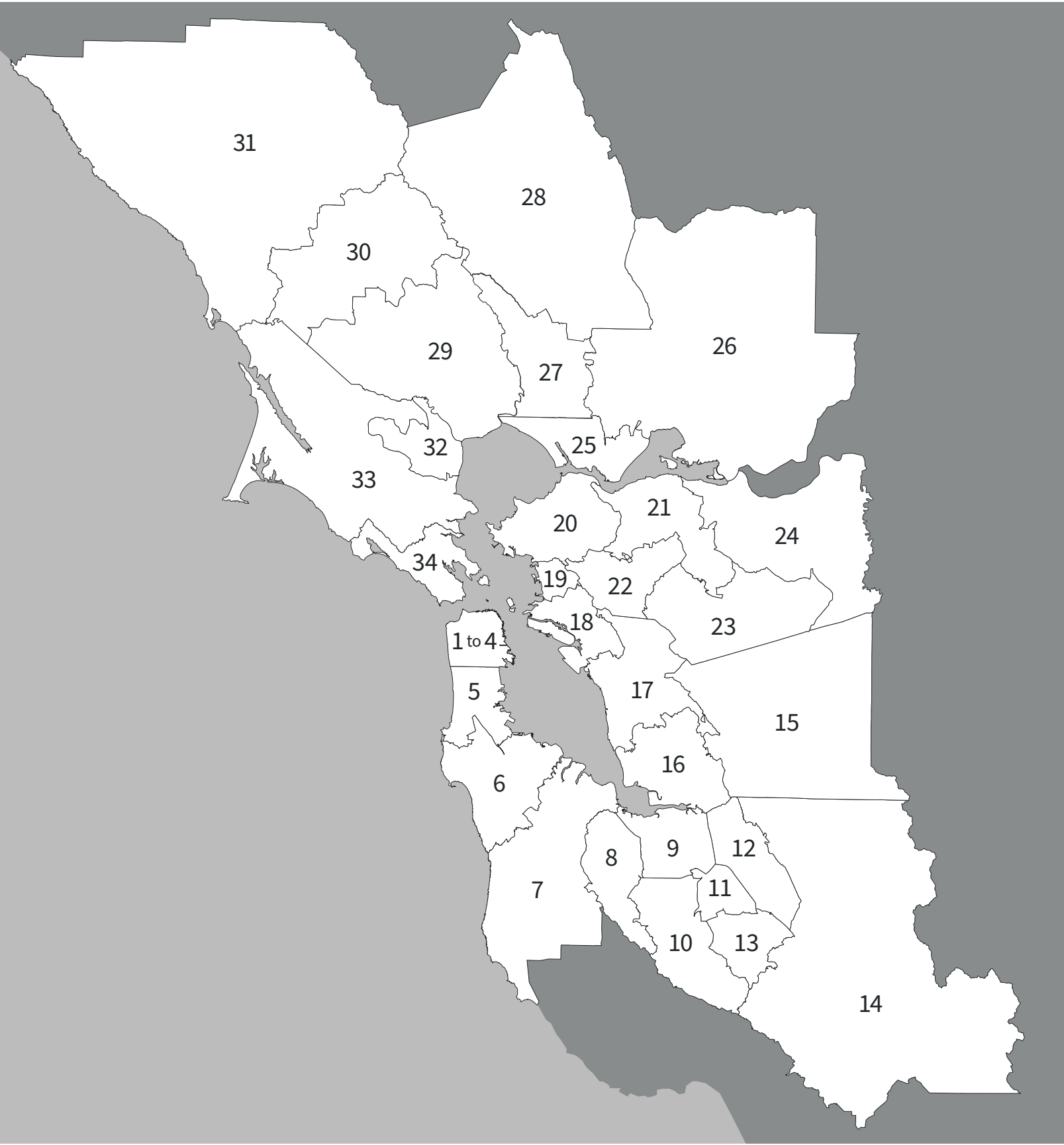
			PROJECTED HOUSEHOLD AND JOB GROWTH, BY SUPERDISTRICT									
			HOUSEHOLDS					JOBS				
COUNTY	SUPER-DISTRICT	SUPERDISTRICT NAME	2015	2050	GROWTH	PERCENT GROWTH	SHARE OF REGIONAL GROWTH	2015	2050	GROWTH	PERCENT GROWTH	SHARE OF REGIONAL GROWTH
San Francisco	1 to 4	San Francisco County (Combined)	366,000	578,000	213,000	+58%	16%	682,000	918,000	236,000	+35%	17%
San Mateo	5	North San Mateo County	98,000	166,000	69,000	+70%	5%	130,000	188,000	58,000	+44%	4%
	6	Central San Mateo County	87,000	121,000	34,000	+39%	2%	110,000	123,000	13,000	+12%	1%
	7	South San Mateo County	80,000	106,000	26,000	+32%	2%	152,000	196,000	44,000	+29%	3%
Santa Clara	8	Northwest Santa Clara County	74,000	102,000	28,000	+38%	2%	180,000	207,000	27,000	+15%	2%
	9	North Santa Clara County	107,000	320,000	212,000	+199%	16%	370,000	629,000	259,000	+70%	18%
	10	West Santa Clara County	121,000	172,000	51,000	+42%	4%	145,000	197,000	52,000	+36%	4%
	11	Central Santa Clara County	105,000	168,000	63,000	+60%	5%	178,000	263,000	86,000	+48%	6%
	12	East Santa Clara County	108,000	180,000	72,000	+67%	5%	121,000	170,000	49,000	+40%	3%
	13	Central South Santa Clara County	73,000	91,000	18,000	+25%	1%	57,000	77,000	21,000	+36%	1%
	14	South Santa Clara County	35,000	43,000	8,000	+24%	1%	49,000	68,000	18,000	+37%	1%
Alameda	15	East Alameda County	72,000	132,000	60,000	+82%	4%	138,000	156,000	18,000	+13%	1%
	16	South Alameda County	105,000	152,000	47,000	+45%	3%	142,000	221,000	79,000	+56%	6%
	17	Central Alameda County	120,000	160,000	40,000	+33%	3%	157,000	285,000	128,000	+82%	9%
	18	North Alameda County	181,000	287,000	107,000	+59%	8%	275,000	358,000	83,000	+30%	6%
	19	Northwest Alameda County	73,000	115,000	42,000	+57%	3%	155,000	162,000	7,000	+5%	0%
Contra Costa	20	West Contra Costa County	89,000	123,000	34,000	+38%	2%	79,000	132,000	52,000	+66%	4%
	21	North Contra Costa County	85,000	134,000	49,000	+58%	4%	121,000	184,000	63,000	+52%	4%
	22	Central Contra Costa County	60,000	89,000	28,000	+47%	2%	81,000	74,000	-7,000	-9%	-1%
	23	South Contra Costa County	55,000	70,000	15,000	+28%	1%	66,000	60,000	-6,000	-9%	0%
	24	East Contra Costa County	94,000	136,000	42,000	+45%	3%	56,000	84,000	28,000	+51%	2%
Solano	25	South Solano County	53,000	57,000	5,000	+9%	0%	45,000	62,000	17,000	+37%	1%
	26	North Solano County	89,000	119,000	30,000	+34%	2%	87,000	139,000	53,000	+61%	4%
Napa	27	South Napa County	34,000	40,000	5,000	+15%	0%	48,000	66,000	19,000	+39%	1%
	28	North Napa County	16,000	16,000	0	+1%	0%	24,000	20,000	-3,000	-14%	0%
Sonoma	29	South Sonoma County	64,000	83,000	19,000	+30%	1%	72,000	80,000	8,000	+11%	1%
	30	Central Sonoma County	88,000	98,000	10,000	+11%	1%	118,000	131,000	14,000	+12%	1%
	31	North Sonoma County	36,000	39,000	3,000	+9%	0%	31,000	40,000	9,000	+28%	1%
Marin	32	North Marin County	23,000	30,000	7,000	+28%	0%	29,000	29,000	0	+0%	0%
	33	Central Marin County	44,000	66,000	22,000	+50%	2%	63,000	49,000	-14,000	-23%	-1%
	34	South Marin County	41,000	50,000	9,000	+21%	1%	44,000	40,000	-4,000	-10%	0%
REGION			2,677,000	4,043,000	1,367,000	+51%	100%	4,005,000	5,408,000	1,403,000	+35%	100%

Numbers may not always sum to 100% due to rounding.



GROWTH PATTERN

REGIONAL MAP – SUPERDISTRICTS



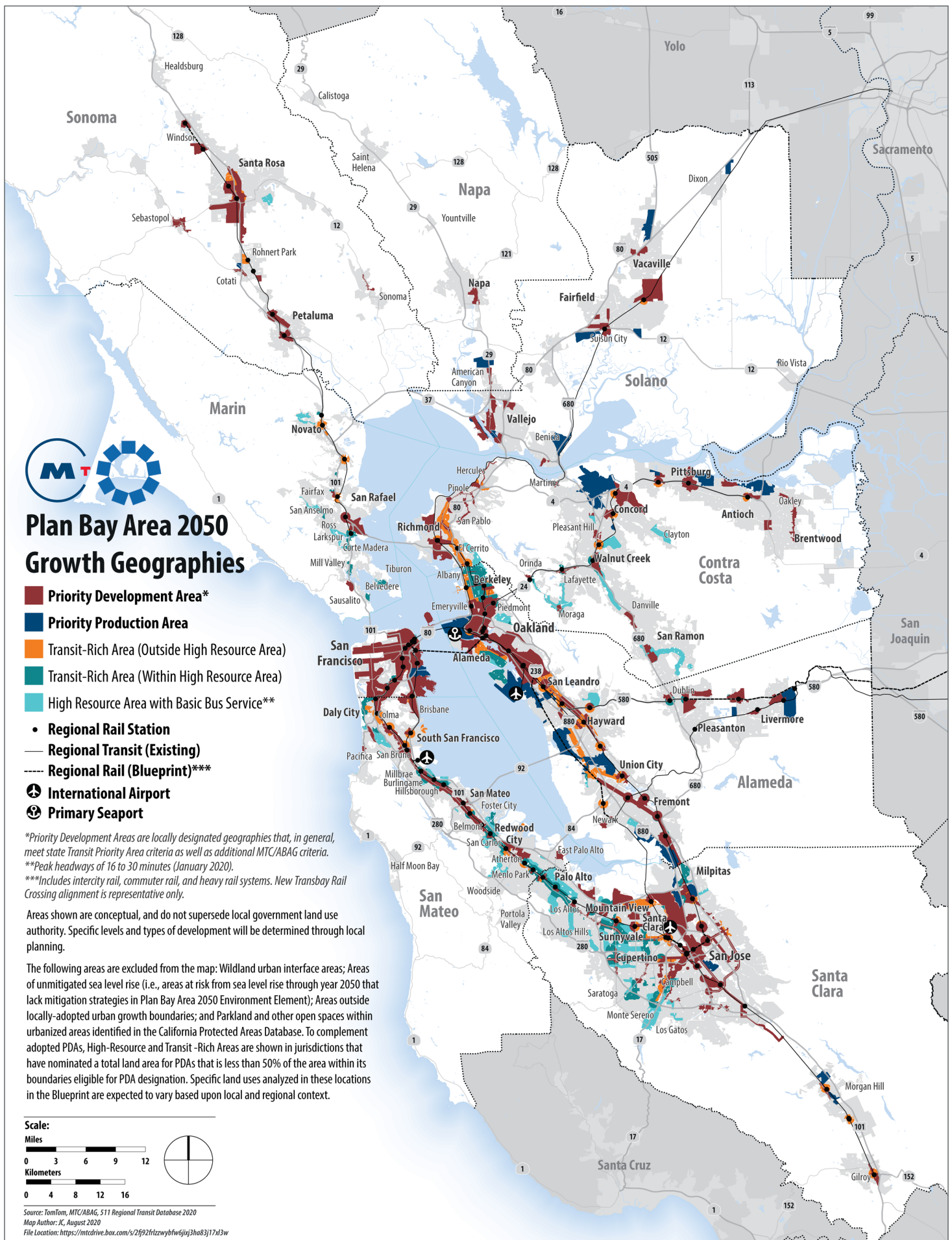
SUPER-DISTRICT	COUNTY	SUPERDISTRICT NAME	PRIMARY JURISDICTIONS INCLUDED IN SUPERDISTRICT
1 to 4	San Francisco	San Francisco County (Combined)	San Francisco
5	San Mateo	North San Mateo County	Brisbane, Colma, Daly City, Pacifica, South San Francisco, Millbrae, San Bruno, Burlingame (partial)
6	San Mateo	Central San Mateo County	Half Moon Bay, Hillsborough, San Mateo, Foster City, Belmont, Burlingame (partial)
7	San Mateo	South San Mateo County	Atherton, Menlo Park, Redwood City, Woodside, East Palo Alto, Portola Valley, San Carlos
8	Santa Clara	Northwest Santa Clara County	Los Altos Hills, Los Altos, Palo Alto (partial), Mountain View (partial)
9	Santa Clara	North Santa Clara County	Sunnyvale, Santa Clara (partial), Mountain View (partial), Milpitas (partial), San Jose (partial), Palo Alto (partial)
10	Santa Clara	West Santa Clara County	Los Gatos, Monte Sereno, Saratoga, Cupertino, Campbell (partial), Santa Clara (partial)
11	Santa Clara	Central Santa Clara County	Campbell (partial), San Jose (partial)
12	Santa Clara	East Santa Clara County	Milpitas (partial), San Jose (partial)
13	Santa Clara	Central South Santa Clara County	San Jose (partial)
14	Santa Clara	South Santa Clara County	Gilroy, Morgan Hill, San Jose (partial)
15	Alameda	East Alameda County	Dublin, Livermore, Pleasanton
16	Alameda	South Alameda County	Newark, Fremont, Union City
17	Alameda	Central Alameda County	San Leandro, Hayward
18	Alameda	North Alameda County	Alameda, Piedmont, Oakland
19	Alameda	Northwest Alameda County	Albany, Berkeley, Emeryville
20	Contra Costa	West Contra Costa County	El Cerrito, Hercules, Pinole, Richmond, San Pablo
21	Contra Costa	North Contra Costa County	Clayton, Pleasant Hill, Concord, Martinez, Lafayette (partial), Pittsburg (partial)
22	Contra Costa	Central Contra Costa County	Moraga, Orinda, Walnut Creek (partial), Lafayette (partial)
23	Contra Costa	South Contra Costa County	Danville, San Ramon, Walnut Creek (partial)
24	Contra Costa	East Contra Costa County	Antioch, Brentwood, Oakley, Pittsburg (partial)
25	Solano	South Solano County	Benicia, Vallejo
26	Solano	North Solano County	Dixon, Fairfield, Rio Vista, Suisun City, Vacaville
27	Napa	South Napa County	American Canyon, Napa
28	Napa	North Napa County	Calistoga, St. Helena, Yountville
29	Sonoma	South Sonoma County	Cotati, Petaluma, Sonoma, Rohnert Park
30	Sonoma	Central Sonoma County	Santa Rosa, Sebastopol
31	Sonoma	North Sonoma County	Cloverdale, Healdsburg, Windsor
32	Marin	North Marin County	Novato
33	Marin	Central Marin County	Fairfax, San Anselmo, San Rafael, Ross
34	Marin	South Marin County	Belvedere, Corte Madera, Mill Valley, Sausalito, Tiburon, Larkspur

Unincorporated areas included in most superdistricts outside San Francisco. Small overlap zones, less than 10 percent of city size, are not shown for clarity.



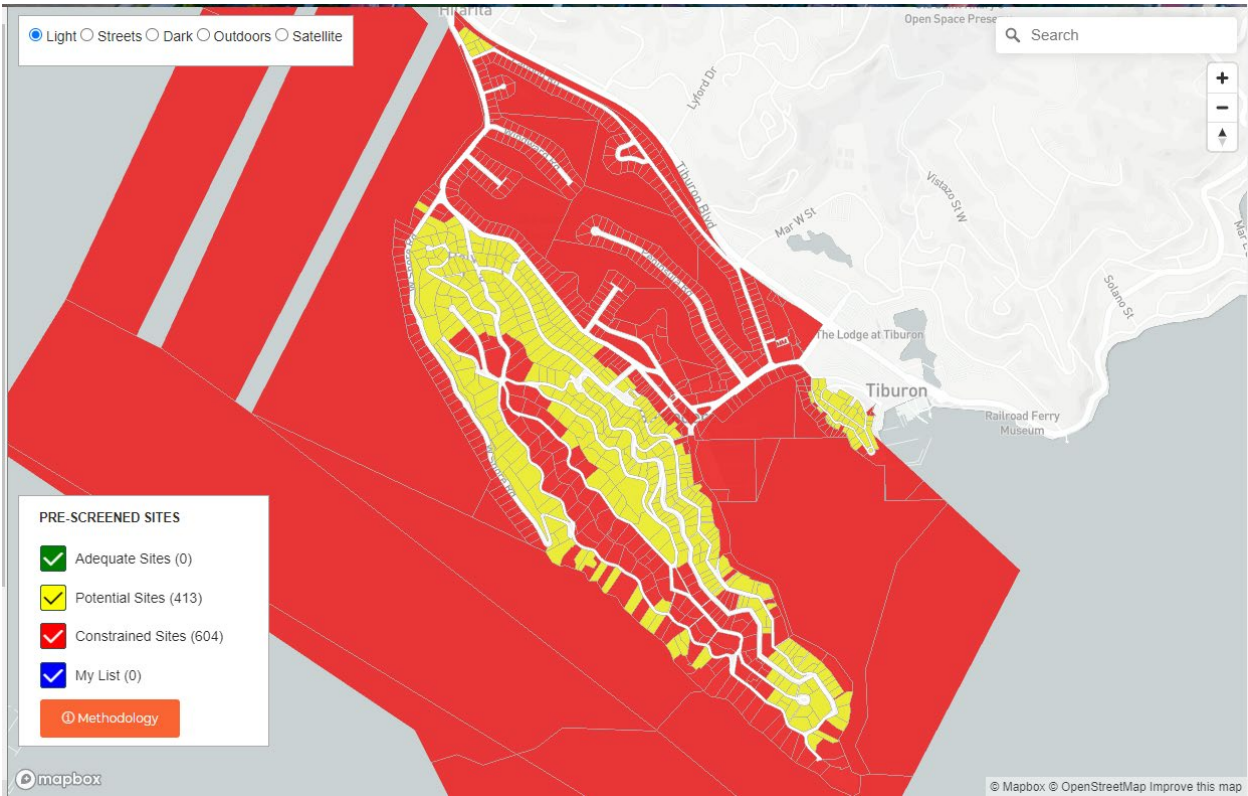
GROWTH GEOGRAPHIES

PLAN BAY AREA 2050



Attachment 6: HESS Tool Output

Figure 1: HESS Screened Sites for Belvedere



Attachment 6: HESS Tool Output

Figure 2: Sample Sites for City’s Analysis

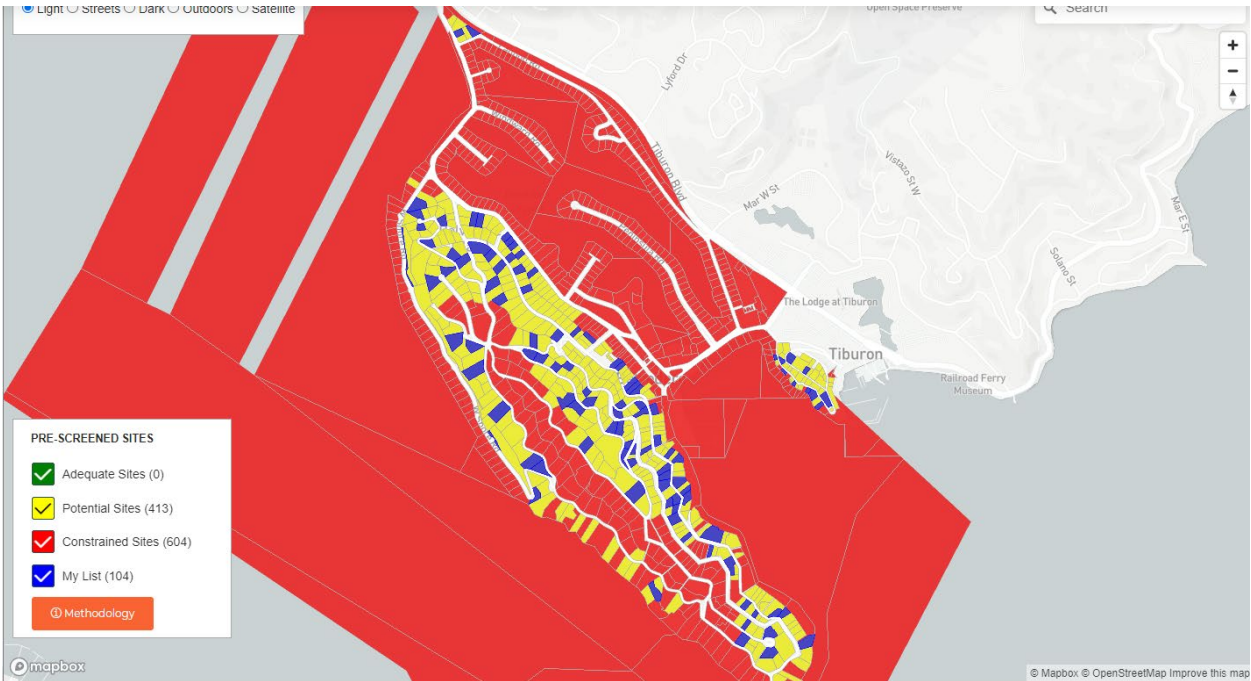
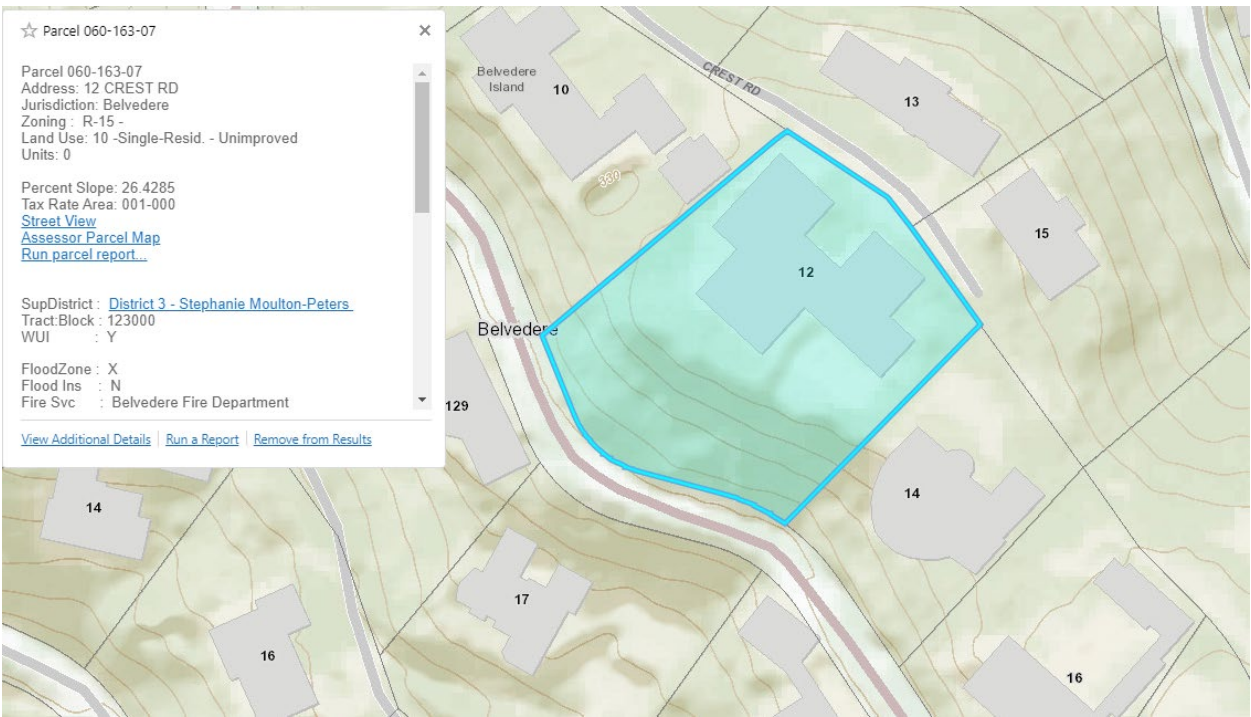
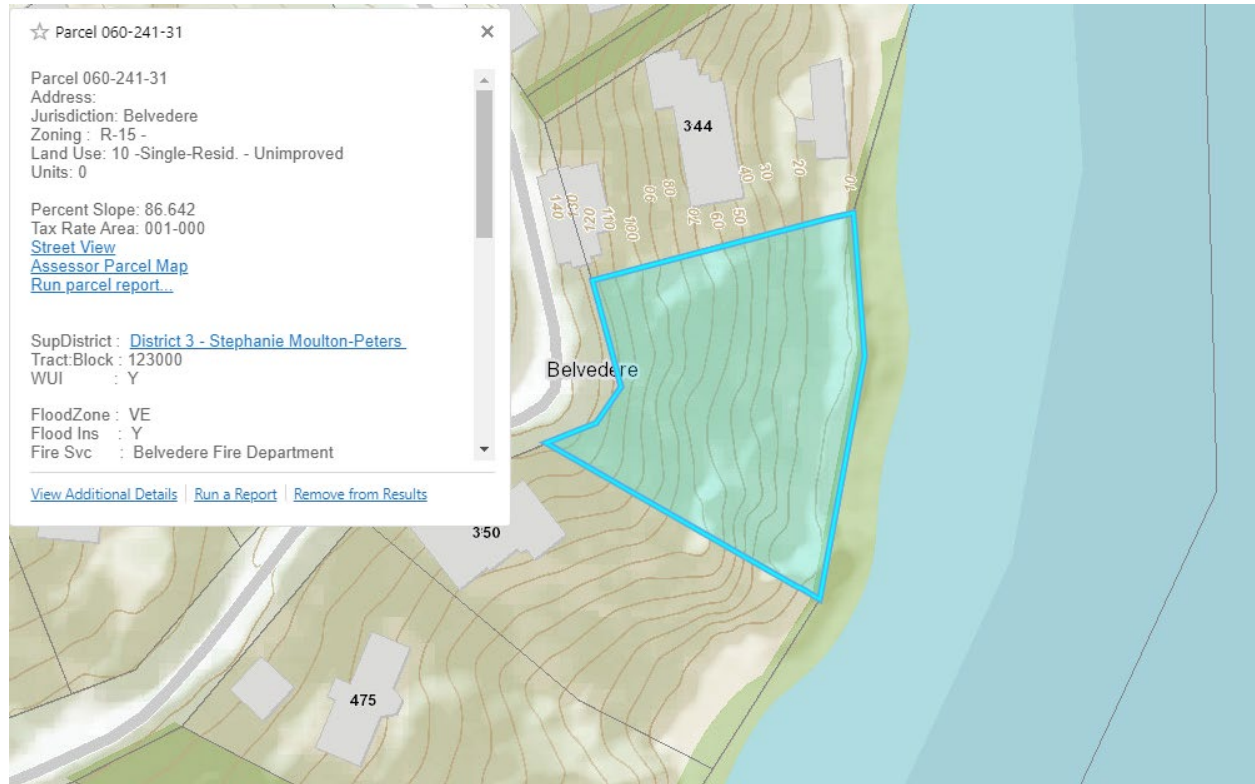


Figure 3: Vacant Potential Site APN 060-163-07



Attachment 6: HESS Tool Output

Figure 4: Vacant Potential Site APN 060-241-31



Sample Potential Sites

Site Address	Assessor Parcel Number	Zoning Designation	Parcel Size (Gross Acres)	Parcel Size - Marin Assessor	Existing Use/ Vacancy	Use Code - Marin Assessor	Number of Existing Residential Units	Existing Units - Marin Assessor
18 SAN RAFAEL AVE, Belvec	CA041 055-263-02	R-1L	0.24	0.16	1001	11	1	1
3 LAGOON RD, Belvedere C.	CA041 055-263-07	R-1L	0.31	0.22	1001	11	1	1
11 ALCATRAZ AVE, Belvede	CA041 060-102-12	R-1C	0.12	0.08	1001	11	1	1
74 BELLEVUE AVE, Belveder	CA041 060-102-48	R-1C	0.38	0.26	1001	11	1	1
12 ALCATRAZ AVE, Belvede	CA041 060-103-56	R-1C	0.31	0.16	1001	11	1	1
50 ALCATRAZ AVE, Belvede	CA041 060-103-57	R-1C	0.15	0.09	1001	11	1	1
	CA041 060-105-18	R-1C	0.07	0.1	9000	11	0	1
	CA041 060-105-29		0	0		80	0	0
	CA041 060-105-31	R-1C	0.07	0.05		11	0	1
89 BELLEVUE AVE, Belveder	CA041 060-105-50	R-1C	0.18	0.11	1001	11	1	1
	CA041 060-105-71	R-1C	0.07	0.05	9000	11	0	1
71 BELLEVUE AVE, Belveder	CA041 060-105-82	R-1C	0.09	0.06	1001	11	0	1
79 BELLEVUE AVE, Belveder	CA041 060-105-83	R-1C	0.28	0.2	1001	11	0	1
6 N POINT CIR, Belvedere C	CA041 060-111-04	R-15	0.23	0.15	1001	11	1	1
9 N POINT CIR, Belvedere C	CA041 060-111-10	R-15	0.4	0.33	1001	11	1	1
1 N POINT CIR, Belvedere C	CA041 060-111-14	R-15	0.33	0.21	1001	11	1	1
12 BRITTON AVE, Belvedere	CA041 060-111-24	R-15	0.64	0.49	1001	11	1	1
15 BRITTON AVE, Belvedere	CA041 060-111-28	R-15	0.43	0.35	1001	11	1	1
10 TAMALPAIS AVE, Belved	CA041 060-112-03	R-15	0.34	0.26	1001	11	1	1
14 TAMALPAIS AVE, Belved	CA041 060-112-12	R-15	0.45	0.26	1001	11	1	1
16 TAMALPAIS AVE, Belved	CA041 060-112-13	R-15	0.56	0.36	1001	11	1	1
209 SAN RAFAEL AVE, Belve	CA041 060-113-03	R-15	0.4	0.25	1001	11	1	1
211 SAN RAFAEL AVE, Belve	CA041 060-113-04	R-15	0.39	0.25	1001	11	1	1
11 BAYVIEW AVE, Belveder	CA041 060-114-04	R-15	0.37	0.23	1001	11	1	1
19 BAYVIEW AVE, Belveder	CA041 060-114-06	R-15	0.43	0.27	1001	11	1	1
3 BAYVIEW AVE, Belvedere	CA041 060-114-11	R-15	0.91	0.42	9000	61	0	0
301 SAN RAFAEL AVE, Belve	CA041 060-115-01	R-15	0.24	0.13	1001	11	1	1
303 SAN RAFAEL AVE, Belve	CA041 060-115-02	R-15	0.22	0.14	1001	11	1	1
305 SAN RAFAEL AVE, Belve	CA041 060-115-03	R-15	0.23	0.14	1001	11	1	1

309 SAN RAFAEL AVE, Belve	CA041 060-115-05	R-15	0.22	0.14	1001	11	1	1
24 BAYVIEW AVE, Belveder	CA041 060-115-09	R-15	0.36	0.2	1001	11	1	1
16 BAYVIEW AVE, Belveder	CA041 060-115-11	R-15	0.27	0.16	1001	11	1	1
6 PELICAN POINT RD, Belve	CA041 060-121-05	R-15	0.93	0.62	1001	11	1	1
1 PELICAN POINT RD, Belve	CA041 060-121-20	R-15	0.57	0.41	1001	11	1	1
13 OAK AVE, Belvedere CA	' CA041 060-131-11	R-15	0.45	0.29	1101	21	2	2
2 BUCKEYE RD, Belvedere C	CA041 060-131-18	R-15	0.62	0.42	1001	11	1	1
6 BUCKEYE RD, Belvedere C	CA041 060-131-26	R-15	0.48	0.34	1001	11	1	1
317 SAN RAFAEL AVE, Belve	CA041 060-132-02	R-15	0.28	0.18	1001	11	1	1
36 BAYVIEW AVE, Belveder	CA041 060-132-15	R-15	0.31	0.19	1001	11	1	1
11 BELVEDERE AVE, Belved	CA041 060-141-12	R-15	1.05	0.71	1001	11	1	1
35 BELVEDERE AVE, Belved	CA041 060-141-16	R-15	1.09	0.68	1001	11	1	1
9 CREST RD, Belvedere CA	9 CA041 060-143-28	R-15	0.71	0.73	1001	11	1	1
1 OAK AVE, Belvedere CA	9 CA041 060-151-03	R-15	0.41	0.24	1001	11	1	1
9 LAUREL AVE, Belvedere C	CA041 060-152-10	R-15	0.27	0.17	1001	11	1	1
80 BAYVIEW AVE, Belveder	CA041 060-152-13	R-15	0.22	0.14	1001	11	1	1
15 OAK PL, Belvedere CA	94 CA041 060-153-03	R-15	0.3	0.2	1001	11	1	1
30 MADRONA AVE, Belvede	CA041 060-153-09	R-15	0.29	0.19	1001	11	1	1
10 MADRONA AVE, Belvede	CA041 060-153-11	R-15	0.42	0.26	1001	11	1	1
2 MADRONA AVE, Belveder	CA041 060-153-12	R-15	0.45	0.27	1001	11	1	1
120 BAYVIEW AVE, Belvede	CA041 060-155-14	R-15	0.21	0.13	1001	11	1	1
118 BAYVIEW AVE, Belvede	CA041 060-155-23	R-15	0.27	0.17	1001	11	1	1
77 BELVEDERE AVE, Belved	CA041 060-161-16	R-15	0.82	0.53	1001	11	1	1
81 BELVEDERE AVE, Belved	CA041 060-161-21	R-15	0.59	0.42	1001	11	1	1
14 CREST RD, Belvedere CA	CA041 060-163-06	R-15	0.56	0.37	1001	11	1	1
	CA041 060-163-19	R-15	0.54	0.34		10	0	0
39 BELLA VISTA AVE, Belvec	CA041 060-171-02	R-15	0.21	0.15	1001	11	1	1
120 MADRONA AVE, Belvec	CA041 060-171-13	R-15	0.44	0.27	1001	11	1	1
146 MADRONA AVE, Belvec	CA041 060-171-27	R-15	0.39	0.25	1001	11	1	1
150 MADRONA AVE, Belvec	CA041 060-171-30	R-15	0.4	0.25	1001	11	1	1
11 TOYON AVE, Belvedere C	CA041 060-172-04	R-15	0.26	0.15	1001	11	1	1
240 BAYVIEW AVE, Belvede	CA041 060-173-14	R-15	0.31	0.16	1001	11	1	1
148 BAYVIEW AVE, Belvede	CA041 060-173-16	R-15	0.33	0.2	1001	11	1	1
144 BAYVIEW AVE, Belvede	CA041 060-173-17	R-15	0.31	0.2	1001	11	1	1

152 BAYVIEW AVE, Belvede CA041 060-173-29	R-15	0.26	0.19	1001	11	1	1
CA041 060-173-33	R-15	0.32	0.19	9000	11	0	1
104 BELLA VISTA AVE, Belve CA041 060-174-01	R-15	0.29	0.24	1001	11	1	1
201 BAYVIEW AVE, Belvede CA041 060-174-04	R-15	0.27	0.17	1001	11	1	1
118 BELLA VISTA AVE, Belve CA041 060-174-05	R-15	0.33	0.22	1001	11	1	1
142 BELLA VISTA AVE, Belve CA041 060-174-13	R-15	0.23	0.15	1001	11	2	2
245 MADRONA AVE, Belvec CA041 060-191-11	R-15	1.07	0.63	1001	11	1	1
176 MADRONA AVE, Belvec CA041 060-192-01	R-15	0.2	0.19	1001	11	1	1
180 MADRONA AVE, Belvec CA041 060-192-02	R-15	0.29	0.24	1001	11	1	1
2 FERN AVE, Belvedere CA CA041 060-193-01	R-15	0.13	0.09	1001	11	1	1
7 FERN AVE, Belvedere CA CA041 060-193-15	R-15	0.24	0.17	1101	21	2	2
160 BELLA VISTA AVE, Belve CA041 060-194-05	R-15	0.37	0.23	1001	11	1	1
166 BELLA VISTA AVE, Belve CA041 060-194-06	R-15	0.38	0.25	1001	11	2	2
283 BAYVIEW AVE, Belvede CA041 060-194-11	R-15	0.32	0.18	1001	11	1	1
236 BELLA VISTA AVE, Belve CA041 060-194-14	R-15	0.46	0.28	1101	21	3	3
210 BELLA VISTA AVE, Belve CA041 060-194-15	R-15	0.26	0.14	1001	11	1	1
285 BAYVIEW AVE, Belvede CA041 060-194-18	R-15	0.21	0.14	1001	11	2	2
172 BELLA VISTA AVE, Belve CA041 060-194-19	R-15	0.44	0.42	1101	21	3	3
250 BAYVIEW AVE, Belvede CA041 060-195-04	R-15	0.24	0.14	1001	11	1	1
270 BAYVIEW AVE, Belvede CA041 060-195-08	R-15	0.49	0.28	1001	11	1	1
278 BAYVIEW AVE, Belvede CA041 060-195-10	R-15	0.22	0.15	1001	11	2	2
280 BAYVIEW AVE, Belvede CA041 060-195-11	R-15	0.35	0.24	1001	38	1	1
258 BAYVIEW AVE, Belvede CA041 060-195-17	R-15	0.31	0.2	1001	11	1	1
300 BELLA VISTA AVE, Belve CA041 060-212-04	R-15	0.23	0.13	1101	21	2	2
211 BEACH RD, Belvedere C CA041 060-212-31	R-15	0.21	0.23	1001	11	1	1
350 BELLA VISTA AVE, Belve CA041 060-212-34	R-15	0.52	0.34	1001	11	2	2
CA041 060-213-17	R-15	1.08	0.63	9000	11	0	2
30 CLIFF RD, Belvedere CA CA041 060-221-44	R-15	0.56	0.35	1001	11	1	1
425 GOLDEN GATE AVE, Bel CA041 060-222-04	R-15	0.54	0.3	1001	11	1	1
420 GOLDEN GATE AVE, Bel CA041 060-223-06	R-15	0.22	0.19	1001	11	1	1
CA041 060-224-04	R-15	0.14	0.09		11	0	1
430 BELLA VISTA AVE, Belve CA041 060-224-10	R-15	0.28	0.17	1001	11	1	1
300 BEACH RD, Belvedere C CA041 060-225-18	R-15	0.29	0.22	1001	11	1	1
432 GOLDEN GATE AVE, Bel CA041 060-232-01	R-15	0.47	0.31	1001	11	1	1

433 GOLDEN GATE AVE, Bel	CA041 060-232-06	R-15	0.6	0.36	1001	11	1	1
310 BEACH RD, Belvedere C	CA041 060-233-07	R-15	0.31	0.18	1001	11	1	1
344 BEACH RD, Belvedere C	CA041 060-241-32	R-15	0.69	0.38	1001	11	1	1
8 W SHORE RD, Belvedere C	CA041 060-272-04	R-15	0.72	0.43	1001	11	1	1
	CA041 060-282-01	R-15	0.2	0		80	0	0
	CA041 060-302-01	R-15	0.13	0.06		10	0	0
	CA041 060-303-19	R-15	0.37	0.17		10	0	0
Total acreage			39.42	25.58				
ABAG overcount (acres)			13.84					
ABAG overcount (%)			54%					
Median Parcel Size				0.205				

Indicates information from Marin County Assessor; all other information from HESS.

Vacant Potential Sites

Site Address	Assessor Parcel Number	Zoning Designation	Parcel Size (Gross Acres)	Parcel Size - Marin Assessor	Existing Use/ Vacancy	Use Code Marin Assessor	Number of Existing Residential Units	Existing Units - Marin Assessor
57 BELLEVUE AVE, Belvedere CA 9	CA041 060-105-38	R-1C	0.06	0.04	8001	11	0	1
	CA041 060-113-17	R-15	0.56	0.34	8006	60	0	0
18 CREST RD, Belvedere CA 94920	CA041 060-163-04	R-15	0.57	0.38	8001	10	0	0
12 CREST RD, Belvedere CA 94920	CA041 060-163-07	R-15	1.16	0.68	8001	10	0	0
218 BAYVIEW AVE, Belvedere CA 9	CA041 060-173-43	R-15	0.21	0.14	8001	10	0	0
117 BELVEDERE AVE, Belvedere CA 9	CA041 060-181-35	R-15	0.55	0.35	8001	10	0	0
46 CLIFF RD, Belvedere CA 94920	CA041 060-201-11	R-15	0.63	0.38	8001	10	0	1
	CA041 060-241-31	R-15	0.69	0.52	8001	10	0	0
Total acreage			4.43	2.83				
ABAG overcount (acres)			1.60					
ABAG overcount (%)			57%					
Sites over 0.5 acres (acres)			4.16	1.20				
ABAG overcount (acres)			2.96					
ABAG overcount (%)			247%					

Indicates information from Marin County Assessor; all other information from HESS.

FEMA 100 Year Flood Zone

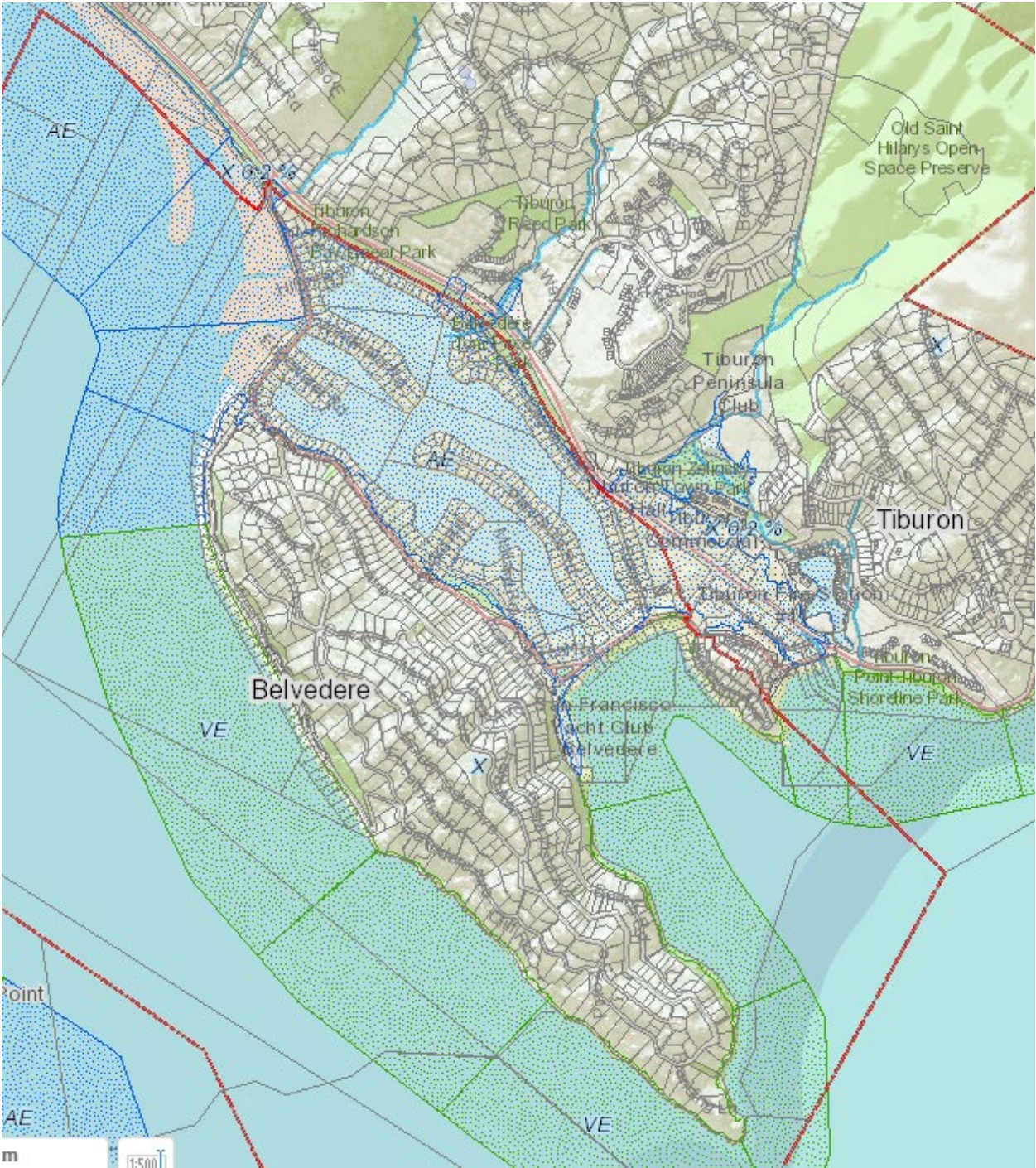


Figure 1: Sea Level Rise at 30 Inches



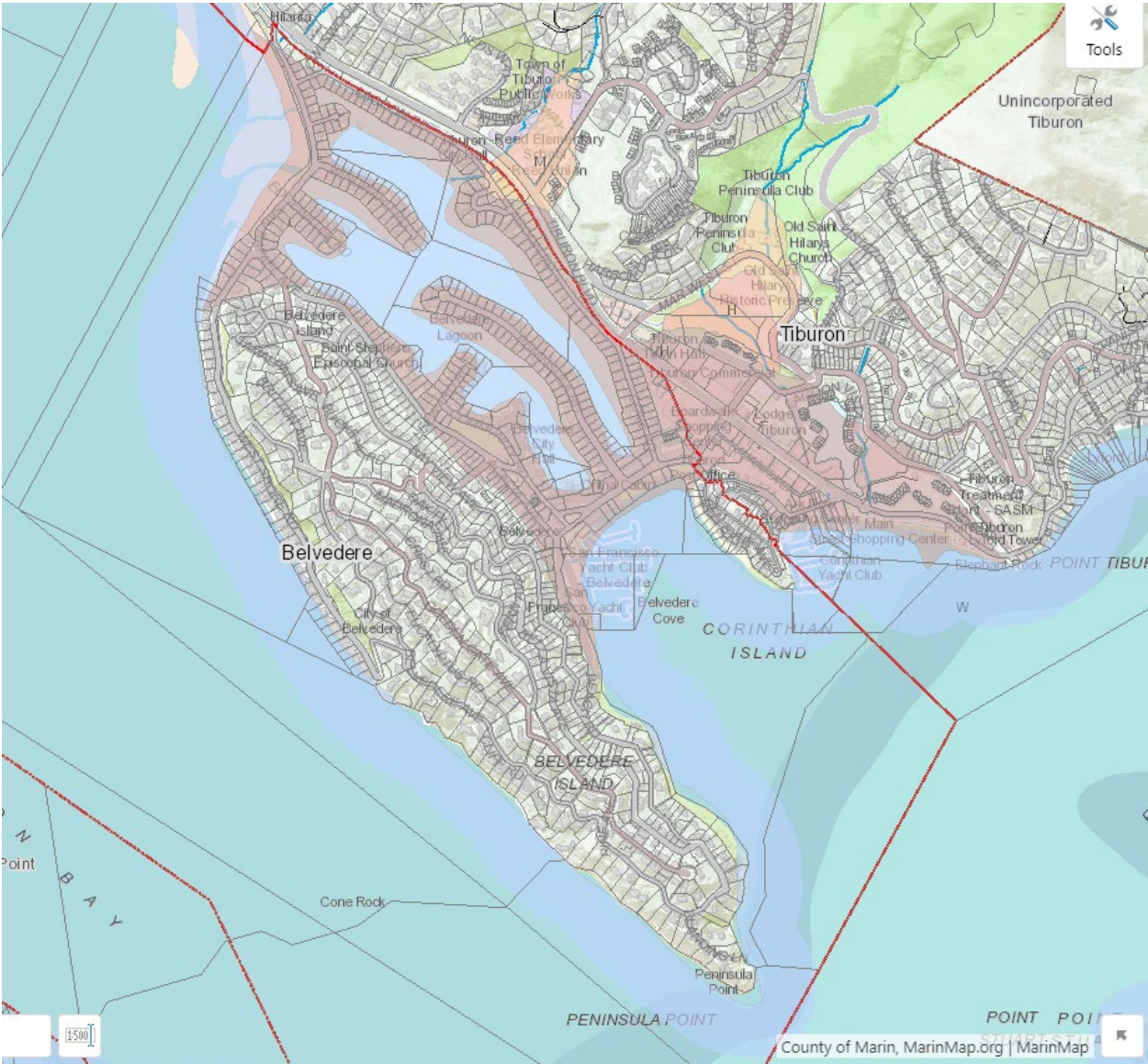
Source: Our Coast, Our Future

Figure 2: Sea Level Rise at 39 Inches



Source: Our Coast, Our Future

Figure 1: Areas Vulnerable to Liquefaction



Source: MarinMap



City of Belvedere

RHNA Appeal

September 29, 2021

CITY OF BELVEDERE
GENERAL PLAN
AVAILABLE LANDS INVENTORY

- Belvedere is a small city consisting of two islands and a lagoon connected to the Tiburon peninsula by two causeways.
- Currently, 933 households.
- Approximately half of the land area is in a 100-year flood zone, is vulnerable to sea level rise, and/or is highly vulnerable to liquefaction.
- Islands have steep slopes, and many roads are single lane.
- 98.3% of parcels are developed.
- Only 16 parcels are vacant.
- Of these, only 8 are over .5 acres (i.e., suitable for lower income, multifamily development), and all are on steep hillside lots with highly constrained evacuation and emergency route access.



- City was allocated 160 units.
- The RHNA Allocation Methodology fails to consider environmental constraints and actual vacant and suitable land available for development in Belvedere.
- The RHNA Allocation Methodology fails to consider water service capacity.
 - The RHNA for the Marin Municipal Water District's service area exceeds the population planned for in the Marin Municipal Water District's 2020 Urban Water Management Plan by 32%.
- The RHNA Allocation Methodology appears to over allocate units to Belvedere because it is a "Transit Rich Area" even though there is only very limited ferry service serving less than 1% of the total Golden Gate Ferry ridership.
- The RHNA Allocation Methodology was unfairly applied to Belvedere.



3 Components of RHNA

1. Baseline Allocation “based on each jurisdiction’s share of the region’s total households in the year 2050 from the Plan Bay Area 2050 Final Blueprint”. RHNA Plan identifies this as 0.0%
2. Factors Modify the Allocation:
 - Access to High Opportunity Areas (AHOA). Belvedere’s factor is 1.5
 - Jobs Proximity – Auto (JPA). Belvedere’s factor is 0.6
 - Jobs Proximity – Transit (JPT). Belvedere’s factor is 0.5
3. Equity Adjustment. Not applied to Belvedere.

The City takes issue with the Baseline Allocation, not the other components of RHNA.

- Obviously, 0.0% is not the baseline allocation used in the RHNA formula, or RHNA would be 0.
- Working the equation backwards, we determine baseline allocation must be 0.034% to generate 160 units.
- 0.034% of the region’s households in 2050, as identified in the Final Blueprint Growth pattern, is 1,373 housing units. **This is a 48% increase over the 2015 level.**

- The Final Blueprint Growth Pattern identifies a 21% growth rate for the South Marin “superdistrict,” of which Belvedere is a part.
- There are no other official projections for individual cities.
- ABAG staff apparently determined individual growth rates for the cities and towns but would not share those growth rates or explain the rationale for them.
- Belvedere’s growth rate may have been inflated due to the determination of the city being a “Transit Rich Area within a High Resource Area.” However, the methodology factors (AHOA, JPA, JPT) and the equity adjustment are supposed to adjust for these conditions. Adjusting the baseline allocation to reflect these conditions is not fair or transparent. Nor does it reflect the spirit of the RHNA Methodology adopted by the Housing Methodology Committee.
- Belvedere’s allocation should reflect the superdistrict’s growth rate of 21%. This would result in 130 units, after applying the equity adjustment.
- The City therefore requests a reduction in its RHNA allocation of 30 units.

PLAN BAY AREA 2050			GROWTH PATTERN				
			PROJECTED HOUSEHOLDS				
COUNTY	SUPER-DISTRICT	SUPERDISTRICT NAME	2015	2050	GROWTH	PERCENT GROWTH	SHARE OF REGIONAL GROWTH
San Francisco	1 to 4	San Francisco County (Combined)	366,000	578,000	213,000	+58%	16%
San Mateo	5	North San Mateo County	98,000	166,000	68,000	+70%	5%
	6	Central San Mateo County	87,000	121,000	34,000	+39%	2%
	7	South San Mateo County	80,000	106,000	26,000	+32%	2%
Santa Clara	8	Northwest Santa Clara County	74,000	102,000	28,000	+38%	2%
	9	North Santa Clara County	107,000	320,000	212,000	+199%	16%
	10	West Santa Clara County	121,000	172,000	51,000	+42%	4%
	11	Central Santa Clara County	105,000	168,000	63,000	+60%	5%
	12	East Santa Clara County	108,000	180,000	72,000	+67%	5%
	13	Central South Santa Clara County	73,000	91,000	18,000	+25%	1%
Alameda	14	South Santa Clara County	35,000	43,000	8,000	+24%	1%
	15	East Alameda County	72,000	132,000	60,000	+82%	4%
	16	South Alameda County	105,000	152,000	47,000	+45%	3%
	17	Central Alameda County	120,000	160,000	40,000	+33%	3%
	18	North Alameda County	181,000	287,000	107,000	+59%	8%
Contra Costa	19	Northwest Alameda County	73,000	115,000	42,000	+57%	3%
	20	West Contra Costa County	89,000	123,000	34,000	+38%	2%
	21	North Contra Costa County	85,000	134,000	49,000	+58%	4%
	22	Central Contra Costa County	60,000	89,000	28,000	+47%	2%
	23	South Contra Costa County	55,000	70,000	15,000	+28%	1%
	24	East Contra Costa County	94,000	136,000	42,000	+45%	3%
Solano	25	South Solano County	53,000	57,000	5,000	+9%	0%
	26	North Solano County	89,000	119,000	30,000	+34%	2%
Napa	27	South Napa County	34,000	40,000	5,000	+15%	0%
	28	North Napa County	16,000	16,000	0	+0%	0%
Sonoma	29	South Sonoma County	64,000	83,000	19,000	+30%	1%
	30	Central Sonoma County	88,000	98,000	10,000	+11%	1%
	31	North Sonoma County	36,000	39,000	3,000	+9%	0%
Marin	32	North Marin County	23,000	30,000	7,000	+28%	0%
	33	Central Marin County	44,000	66,000	22,000	+50%	2%
	34	South Marin County	41,000	50,000	9,000	+22%	1%
REGION			2,677,000	4,043,000	1,367,000	+51%	100%

TO: ABAG Administrative Committee
FROM: Therese W. McMillan, Executive Director
SUBJECT: City of Belvedere Appeal of Draft RHNA Allocation and Staff Response

DATE: September 29, 2021

OVERVIEW

Jurisdiction: City of Belvedere

Summary: The City of Belvedere requests the reduction of its Draft RHNA Allocation by 30 units (19%) from 160 units to 130 units based on the following issues:

- ABAG failed to determine the jurisdiction's Draft Allocation in accordance with the Final RHNA Methodology and in a manner that furthers, and does not undermine, the RHNA Objectives.

Staff Recommendation: Deny the appeal.

BACKGROUND

Draft RHNA Allocation

Following adoption of the Final RHNA Methodology on May 20, 2021, the City of Belvedere received the following draft RHNA allocation on May 25, 2021:

	Very Low Income	Low Income	Moderate Income	Above Moderate Income	Total
City of Belvedere	49	28	23	60	160

Local Jurisdiction Survey

The City of Belvedere did not submit a Local Jurisdiction Survey. A [compilation of the surveys submitted](#) is available on the ABAG website.

Summary of Comments Received during 45-Day Comment Period

ABAG received nearly 450 comments during the 45-day public comment period described in Government Code section 65584.05(c). Some comments encompassed all of the appeals submitted, and there were nine that specifically relate to the appeal filed by the City of Belvedere. All nine comments oppose the City's appeal. [All comments received](#) are available on the ABAG website.

ANALYSIS

The City of Belvedere argues ABAG mischaracterized the statutory grounds for appeal under Government Code Section 65584.05(b)(2). The City argues that a local government has the right

to appeal based on ABAG's failure to include information identified in Section 65584.04 and the local government's appeal is not limited to only the information it provided in the local government survey. ABAG developed the RHNA Appeals Procedures in accordance with applicable law and responds to the substance of each of the City's arguments below.

Issue 1: *Belvedere argues ABAG made an error in calculating the City's draft allocation, and thus ABAG failed to determine Belvedere's RHNA using the methodology documented in the [Draft RHNA Plan](#).*

ABAG-MTC Staff Response: There is no error in the calculation of Belvedere's allocation. On the "Recalculated RHNA" worksheet in the City's appeal, the second table shows the correct baseline 2050 share for Belvedere and correct factor scores for the RHNA methodology. The City's calculations resulted in a different outcome because the City's re-calculated allocations do not include the final step of adjusting the scaled factor scores for all jurisdictions to ensure they sum to 100%. This final step is shown in Appendix 4 of the Draft RHNA Plan, in the fourth column for each factor, entitled "Factor Distribution: Adjusted Baseline Rescaled to 100%." This re-scaling step is necessary to ensure the methodology allocates the exact number of housing units in each income category that was assigned by HCD in the Regional Housing Needs Determination (RHND).

Appendix 4 in the Draft RHNA Plan shows the impact that each factor has on each jurisdiction's baseline allocation from the Plan Bay Area 2050 Final Blueprint. Appendix 5 shows the number of units, by income category, that each jurisdiction receives as a result of each factor in the methodology. Although the numbers presented in these tables are rounded to a single decimal point, the calculations were done using un-rounded numbers. ABAG-MTC staff also provided access to a jurisdiction's un-rounded baseline allocation through the public open-source RHNA calculations posted on GitHub.¹ Attachment 1 shows the calculation of Belvedere's factor scores using the unrounded baseline.

Using the Access to High Opportunity Areas (AHOA) factor as an example, the sum of the factor scores for all jurisdictions in the region is 92.872889%. Since the total does not equal 100%, each jurisdiction's score needs to be rescaled. Belvedere's unrounded AHOA factor score (0.048487%) is rescaled as follows: $0.048487\% / 92.872889\% = 0.052208\%$. This value is what is then used in the distribution of units for each income category for AHOA.

For very low-income units, given the 70% weight assigned to the AHOA factor and the total of 114,442 units assigned to the Bay Area by HCD, $0.70 * 114,442 = 80,109$ units to be distributed using the AHOA-adjusted baseline. This total (80,109) is then multiplied by Belvedere's rescaled

¹ Source: https://github.com/BayAreaMetro/regional-housing-needs-assessment/blob/master/RHNA/data/juris_baselines.xlsx

AHOA factor score of 0.052208%. This results in a total of 42 very low-income units as a result of the AHOA factor, consistent with Appendix 5 in the Draft RHNA Report. Without the step identified above to rescale the total to 100%, this factor would only allocate 74,397 units in the low-income category in the region, and the total number of units allocated would not match the RHND.

The same rescaling process needs to be conducted for the other two factors, for each income category. Once the calculations for each factor/income category include the use of the "Factor Distribution: Adjusted Baseline Rescaled to 100%," the results match Belvedere's draft allocation, consistent with Appendix 5 in the Draft RHNA Report. As a result, there is no error in the application of the adopted RHNA methodology and, thus, it is not a valid basis for an appeal.

Issue 2: *The City uses its draft RHNA allocation and the total households in the region in 2050 from Plan Bay Area 2050 to impute the "implied growth" in the Plan Bay Area 2050 Final Blueprint for Belvedere and other jurisdictions in the South Marin Superdistrict. The City uses its calculations of implied growth rates to argue ABAG failed to determine Belvedere's RHNA allocation in a way that is consistent with the South Marin superdistrict's 21% growth rate in the Final Blueprint.*

ABAG-MTC Staff Response: While Government Code Statute 65584.04(m) requires that the RHNA plan allocate units consistent with the development pattern included in the Sustainable Community Strategy, the statute does not specify how to determine consistency. In the absence of statutory direction, ABAG has discretion to identify the framework to be used for establishing that RHNA is consistent with Plan Bay Area 2050.

Plan Bay Area 2050 includes adopted growth forecasts at the county and subcounty levels, not the jurisdiction level where RHNA is statutorily focused.² Therefore, staff developed an approach for determining consistency between RHNA and Plan Bay Area 2050 that received support from the Housing Methodology Committee, the ABAG Regional Planning Committee, and the ABAG Executive Board. This approach compares the 8-year RHNA allocations to the 35-year housing growth from the Plan Bay Area 2050 Final Blueprint at the county and subcounty geographies used in the plan. If the 8-year growth level from RHNA does not exceed the 35-year housing growth level at either of these geographic levels, then RHNA and Plan Bay Area 2050 are determined to be consistent. Staff evaluated the draft RHNA allocations using the described approach and found the RHNA allocations are fully consistent with Plan Bay Area 2050, including the allocations to the South Marin superdistrict where Belvedere is located (see Table 1 for more details).

² View the table of 35-year household growth at https://www.planbayarea.org/sites/default/files/FinalBlueprintRelease_December2020_GrowthPattern_Jan2021Update.pdf.

Table 1. Superdistrict Forecasted Growth in Final Blueprint Compared to Draft RHNA*

Superdistrict	County	Superdistrict Name	Blueprint Final 2015-2050 Growth	Draft RHNA
34	Marin	South Marin County	9,000	5,976

* The South Marin County superdistrict contains the following jurisdictions: Belvedere, Corte Madera, Mill Valley, Sausalito, Tiburon, Larkspur, and portions of unincorporated Marin County.

Issue 3: The City argues the RHNA methodology double counts the High Resource Area impact on Belvedere's RHNA allocation, once in the baseline allocation and again in the application of the AHOA factor. The City also questions why the RHNA methodology directs additional growth to a "Transit Rich" area after concluding, in the development of the Jobs Proximity – Transit factor, that Belvedere's JPT factor is at the lowest end of the scale at 0.5.

ABAG-MTC Staff Response: As noted by the City, a portion of Belvedere is identified as a Transit-Rich and High-Resource Area in the Plan Bay Area 2050 Final Blueprint. The designation of the Transit-Rich and High-Resource Area in the Final Blueprint is based on the Tiburon Ferry Terminal. Contrary to what is stated in the City's appeal, this is a major transit stop based on Public Resources Code Section 21064.3, since the ferry terminal is served by bus service; there is no frequency requirement for ferry terminals under state law.³

Directing growth to these types of Growth Geographies is an essential component to addressing the policy priorities required for Plan Bay Area 2050 and RHNA, including promoting efficient development patterns, reducing greenhouse gas emissions, and affirmatively furthering fair housing. In addition, the use of consistent geographies in the Final Blueprint and the RHNA methodology helps ensure consistency between RHNA and Plan Bay Area 2050, as required by Government Code Statute 65584.04(m). Rather than constituting double counting, use of the High Resource Areas in both processes provides a bridge between the long-term growth forecast in Plan Bay Area 2050 and the short-term focus of RHNA. Inclusion of High Resource Areas indicates that these are areas that are prioritized for an increased focus on near-term growth during the eight-year RHNA period.

In the RHNA methodology, the Job Proximity – Transit factor is based on the number of jobs that can be accessed within a 45-minute transit commute from a jurisdiction. The three factors in the RHNA methodology are placed on the same scale so a factor can modify a jurisdiction's baseline allocation in the range from 50% to 150%. Thus, jurisdictions scoring at the top for the region will get baseline share times 1.5, while jurisdictions scoring at the bottom for the region will get baseline share times 0.5. This scaling approach helps distribute RHNA units throughout

³ [Public Resources Code Section 21064.3.](#)

the region by ensuring that even a jurisdiction with a low score gets an allocation from each factor and placing a limit on how many units can be assigned to a jurisdiction with a high score. Relative to other jurisdictions in the region, Belvedere has a small number of jobs that can be accessed within a 45-minute commute. As a result of its low score, the City receives a scaled score of 0.5 on the Job Proximity – Transit factor, which means few units are allocated to Belvedere based on this factor compared to other jurisdictions in the region.

Issue 4: *Belvedere uses data from the ABAG-MTC Housing Element Site Selection (HESS) Tool to argue ABAG has not considered the actual availability of land suitable for urban development or for conversion to residential use.*

ABAG-MTC Staff Response: The City of Belvedere indicates it used the HESS Tool to evaluate whether ABAG adequately considered the availability of land suitable for urban development in the RHNA methodology. Per Government Code Section 65584.05(b), this is not a valid basis for an appeal, because the HESS Tool is not used as an input in the RHNA methodology, and thus played no role in determining Belvedere’s RHNA.

The HESS Tool is a web-based mapping tool that is currently being developed by ABAG-MTC staff to assist Bay Area jurisdictions with preparing the sites inventory required for their Housing Element updates. The tool is still under development and further data collection, data quality control, and refinements to the HESS Tool’s screening methodology are underway. When Belvedere activated its HESS account, the City received an email noting that the tool was under active development and the data presented was preliminary. ABAG expects to have a final release of the data and an updated version of the HESS Tool available in fall 2021. Local jurisdictions will be able to review this data and submit corrections directly to ABAG.

Belvedere’s appeal states that it reviewed HESS data because its staff were not able to review the underlying data for the Plan Bay Area 2050 Final Blueprint, but both the land use modeling results and the inputs used to produce them have been made available to local staff. In fall 2019, ABAG-MTC staff collected local development policy data (i.e., information about zoning and general plans) from local jurisdictions for use in Plan Bay Area 2050 forecasting and modeling.⁴ Local jurisdiction staff had several months to review and correct their land use and development pipeline data.⁵ Jurisdictions then had an opportunity to review the growth pattern for the Draft

⁴ To learn more about BASIS and download its datasets, visit this website: <https://basis.bayareametro.gov/>.

⁵ Communications to local staff about BASIS and review of Plan Bay Area 2050 baseline data included the following:

- Invitation to a webinar on August 6, 2019 about BASIS and how baseline information would be gathered for use in Plan Bay Area 2050.
- Email on August 26, 2019 asking staff to identify someone to review jurisdiction’s baseline data in fall 2019.
- [Videos](#) to assist local staff with the data review process were made available on YouTube.
- Email on October 4, 2019 to jurisdictions who had not identified a staff contact to review BASIS land use data.
- Email reminder on October 29, 2019 to local staff about the BASIS data review process.

Blueprint in summer 2020 and prior to the adoption of the Final Blueprint in January 2021, with office hours available to local jurisdictions to discuss model inputs and forecasted growth from the Bay Area UrbanSim 2.0 model. While only county and sub-county projections are used for the purposes of Plan Bay Area 2050, the jurisdiction-level totals of households in 2050 produced by the Final Blueprint forecast were then provided for use as the baseline allocation for the RHNA Methodology.

The City of Belvedere also uses information from the HESS Tool to argue it does not have sufficient developable land available to accommodate its RHNA. As noted previously, the data in HESS is still under development (with an opportunity for future review by local jurisdictions) and it was not used in the RHNA methodology. Furthermore, Belvedere was notified that this data was preliminary and under active development when it activated its HESS account. It is also important to note that the HESS Tool evaluates potential sites based on **existing** local development policies. Housing Element Law specifically prohibits ABAG from limiting RHNA based on the existing zoning or land use restrictions that are shown in the HESS Tool. Importantly, as HCD notes in its comment letter on submitted appeals, Government Code Section 65584.04(e)(2)(B) states that ABAG:

*"may not limit its consideration of suitable housing sites to existing zoning and land use restrictions and must consider the potential for increased development under alternative zoning and land use restrictions. Any comparable data or documentation supporting this appeal should contain an analysis of not only land suitable for urban development, but land for conversion to residential use, the availability of underutilized land, and opportunity for infill development and increased residential densities. In simple terms, this means housing planning cannot be limited to vacant land, and even communities that view themselves as built out or limited due to other natural constraints such as fire and flood risk areas must plan for housing through means such as rezoning commercial areas as mixed-use areas and upzoning non-vacant land."*⁶

RHNA is not just a reflection of projected future growth, as statute also requires RHNA to address the existing need for housing that results in overcrowding and housing cost burden throughout the region. Accordingly, the 2050 Households baseline allocation in the RHNA methodology represents both the housing needs of existing households and forecasted household growth from the Plan Bay Area 2050 Blueprint. Thus, the RHNA methodology

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- Email to Bay Area planning directors on July 10, 2020 about office hours where local staff could have a one-on-one consultation with ABAG-MTC staff to provide feedback on the Plan Bay Area 2050 Draft Blueprint or BASIS.
 - Additional office hours were held in December 2020 to discuss Plan Bay Area 2050 Final Blueprint outcomes and the draft RHNA methodology.

⁶ See [HCD's comment letter on appeals](#) for more details.

adequately considers the development constraints raised in this appeal, but the allocation to this jurisdiction also reflects the realities of housing demand in the Bay Area.

Per Government Code Section 65584.04(e)(2)(B), the City of Belvedere must consider the availability of underutilized land, opportunities for infill development and increased residential densities to accommodate its RHNA. In addition to considering non-vacant sites, sites identified in the HESS Tool as “environmentally constrained” may still be developable. The HESS Tool designates sites as environmentally constrained if they possess hazard risks or other restrictive environmental conditions such as critical habitats and California protected areas. Local jurisdictions are generally advised to avoid locating new housing on these sites where possible. However, local jurisdictions may find that siting housing on sites with hazards is unavoidable in order to accommodate their housing need, in which case appropriate mitigation measures should be considered. For additional guidance on how to integrate resilience into the Sites Inventory and the Housing Element more broadly, refer to ABAG’s Resilient Housing Instruction Guide and associated resources.⁷

Based on the information above, staff concludes that Belvedere’s claims about the HESS Tool are neither evidence that the RHNA Methodology failed to consider the availability of land suitable for development nor do they provide evidence that Belvedere is unable to consider underutilization of existing sites, increased densities, accessory dwelling units (ADUs), and other planning tools to accommodate its assigned need.⁸

Issue 5: *Belvedere argues ABAG failed to adequately consider water service capacity due to decisions made by a water service provider. Marin Municipal Water District (MMWD) provides water to the City of Belvedere. The population growth associated with the draft RHNA allocation exceeds the growth analyzed in the Urban Water Management Plan (UWMP) adopted by MMWD on June 15, 2020.*

ABAG-MTC Staff Response: Government Code Section 65584.04(e)(2)(A) states that ABAG must consider the opportunities and constraints to development of additional housing in each member jurisdiction due to “Lack of capacity for sewer or water service due to federal or state laws, regulations or regulatory actions, or supply and distribution decisions made by a sewer or water service provider other than the local jurisdiction that preclude the jurisdiction from providing necessary infrastructure for additional development during the planning period.”

⁷ The Resilient Housing Instruction Guide is available on ABAG’s website: https://abag.ca.gov/sites/default/files/documents/2021-07/0_ResilientHousingInstructionGuide.docx. Additional resources for incorporating resilience in Housing Element updates are available here: <https://abag.ca.gov/our-work/resilience/planning/general-plan-housing-element-updates>.

⁸ See HCD’s [Housing Element Site Inventory Guidebook](#) for more details on the various methods jurisdictions can use to plan for accommodating their RHNA.

However, the arguments put forward by the City of Belvedere do not meet the requirements for a valid RHNA appeal. Although the City cites information from the Urban Water Management Plan (UWMP) prepared by Marin Municipal Water District (MMWD), Belvedere has not demonstrated that it is precluded from accommodating its RHNA allocation because of a decision by this water service provider. The City indicates the RHNA allocation exceeds the population growth assumption used by the water service provider in the UWMP. However, this difference in assumptions about expected growth does not represent a determination that Belvedere will not have sufficient water capacity in the future.

Indeed, future population growth does not necessarily mean a similar increase in water consumption: while the region's population grew by approximately 23 percent between 1986 and 2007, total water use increased by less than one percent.⁹ A review by ABAG-MTC staff of 54 UWMPs from 2015 and 2020 produced by water retailers that cover 94 percent of the Bay Area's population illustrate a further reduction in per capita water use over the past decade. Between 2010 and 2015 per capita water use fell from 162 gallons per person per day to 105, reflecting significant conservation during the last major drought. In the 2020 non-drought year, conservation held, with the regional daily use at 114 gallons per person per day, a 30 percent reduction since 2010. In addition to having an impressive aggregate reduction in water use, only one water retailer out of the 54 reviewed plans did not meet state per capita water conservation goals. In other words, per capita water use has substantially declined in the region over the last quarter century.

While Marin Water has discussed a potential moratorium on new water connections in response to the drought, this action has not yet been implemented. Even if a moratorium is implemented in the future, there is no indication that it would extend for the next ten years until the end of the RHNA planning period in 2031. Thus, at this time, there is no evidence that Belvedere is precluded from accommodating its RHNA allocation.

The Plan Bay Area 2050 Final Blueprint, which is used as the baseline allocation in the RHNA methodology, has the potential to lessen water supply issues in the region. The Final Blueprint concentrates future growth within already developed areas to take advantage of existing water supply infrastructure and reduce the need for new water infrastructure to be developed to serve new areas. Per capita water use is likely to be less due to a greater share of multifamily housing and modern water efficiency standards for new construction and development. The continued urban densification promoted by the Final Blueprint – in addition to the continued implementation of water conservation, reuse and recycling programs by local water agencies and municipalities – will help to continue the downward trajectory of per capita water consumption within the region. One of Plan Bay Area 2050's strategies to reduce risks from hazards is to provide financial support for retrofits to existing residential buildings to increase

⁹ San Francisco Bay Area Integrated Regional Water Management Plan, 2019.

water efficiency. ABAG and MTC are working with partner agencies to secure additional resources to improve water conservation in the Bay Area over the long term.

It is true that the current drought poses significant challenges to Bay Area communities, and that the incidence of droughts is likely to increase as a result of climate change. All jurisdictions in the Bay Area, State of California, and much of the western United States must contend with impacts from drought and all 441,176 new homes that must be planned for in the region need sufficient water. However, as HCD notes in its comment letter on appeals that identified drought as an issue, “these issues do not affect one city, county, or region in isolation. ABAG’s allocation methodology encourages more efficient land-use patterns which are key to adapting to more intense drought cycles and wildfire seasons. The methodology directs growth toward infill in existing communities that have more resources to promote climate resilience and conservation efforts.”¹⁰

Action can be taken to efficiently meet the region’s future water demand, even in the face of additional periods of drought. Eight of the region’s largest water districts in the region worked together to produce the Drought Contingency Plan to cooperatively address water supply reliability concerns and drought preparedness on a mutually beneficial and regional focused basis.¹¹ The Drought Contingency Plan identifies 15 projects of a regional nature to further increase water supply reliability during droughts and other emergencies.

Importantly, the existence of the drought does not change the need to add more housing to address the Bay Area’s lack of housing affordability. Part of the reason the Regional Housing Needs Determination (RHND) assigned by HCD for this RHNA cycle is significantly higher than in past cycles is because it incorporates factors related to overcrowding and housing cost burden as a way of accounting for existing housing need. ABAG encourages jurisdictions to take steps to accommodate growth in a water-wise manner, such as supporting new development primarily through infill and focusing on dense housing types that use resources more efficiently. We also support efforts like the Bay Area Regional Reliability partnership between many of the major water agencies in the region. The measures identified in the Drought Contingency Plan will improve regional reliability for all, especially water districts with a small or singular water supply portfolio.

RECOMMENDED ACTION

ABAG-MTC staff have reviewed the appeal and recommend that the Administrative Committee **deny** the appeal filed by the City of Belvedere to reduce its Draft RHNA Allocation by 30 units (from 160 units to 130 units).

¹⁰ See [HCD’s comment letter on appeals](#) for more details.

¹¹ See the [Drought Contingency Plan](#) for more information.

ATTACHMENT(S):

Attachment 1: Overview of Factor Score Calculations Using Unrounded Baseline

Attachment 1: Overview of Factor Score Calculations Using Unrounded Baseline

In its appeal, the City of Belvedere includes a recalculation of its factor scores (similar to what is shown in Appendix 4 of the Draft RHNA Plan) using the un-rounded baseline allocation. The following shows the results for the factor scores when using the unrounded baseline:

- For the **Access to High Opportunity Areas (AHOA)** factor, Belvedere's raw score is 100.0%; this becomes 1.5 when scaled to the 0.5-1.5 range. The scaled factor score (1.5) is multiplied with Belvedere's un-rounded baseline share (0.032325%) to result in 0.048487% for the AHOA factor. The sum of the factor scores for *all* jurisdictions in the region is 92.872889%, so a rescaling of all the factors to 100% is done as a last step, as follows: $0.048487\% / 92.872889\% = 0.052208\%$. This value is what is then used in the distribution of units for each income category for AHOA. This last adjustment was omitted in Belvedere's appeal.
- For the **Job Proximity - Auto (JPA)** factor, Belvedere's raw score is 3.208475; this becomes 0.6 when scaled to the 0.5-1.5 range with 1-digit precision. The calculation retains full floating-point precision, so the scaled factor score (0.597460) is multiplied with Belvedere's un-rounded baseline share (0.032325%) to result in 0.019313% for the JPA factor. The sum of the factor scores for *all* jurisdictions in the region is 103.624431%, so a rescaling of all the factors to 100% is done as a last step, as follows: $0.019313\% / 103.624431\% = 0.018637\%$. This value is what is then used in the distribution of units for each income category for JPA. This last adjustment was omitted in Belvedere's appeal.
- For the **Job Proximity - Transit (JPT)** factor, Belvedere's raw score is 0.0; this becomes 0.5 when scaled to the 0.5-1.5 range. The scaled factor score (0.5) is multiplied with Belvedere's un-rounded baseline share (0.032325%) to result in 0.016162% for the JPT factor. The sum of the factor scores for *all* jurisdictions in the region is 74.786074%, so a rescaling of all the factors to 100% is done as a last step, as follows: $0.016162\% / 74.786074\% = 0.021612\%$. This value is what is then used in the distribution of units for each income category for JPT. This last adjustment was omitted in Belvedere's appeal.

The City uses its own recalculated factor scores to show the impact of each factor on the jurisdiction's final allocation (similar to what is shown in Appendix 5 of the Draft RHNA Plan) and argues that use of the un-rounded baseline resulted in a total allocation of 151 units instead of 160 units. However, as noted in ABAG-MTC Staff's response to Issue 1 in the appeal, the City's calculations result in a different total allocation because they do not include the final step of adjusting the scaled factor scores for all jurisdictions to ensure they sum to 100%, which is necessary to ensure the methodology allocates the exact number of housing units in each income category in the RHND.



ABAG-MTC Staff Response to *City of Belvedere* RHNA Appeal

ABAG Administrative
Committee

September 29, 2021

Overview of City of Belvedere Appeal

Appeal Request:

- Reduce allocation by 30 units (19%) from 160 units to 130 units.

Staff Recommendation:

- Deny the appeal.

Appeal basis cited:

- ABAG failed to determine the jurisdiction's Draft Allocation in accordance with the Final RHNA Methodology and in a manner that furthers, and does not undermine, the RHNA Objectives.

Note: The City of Belvedere did not submit a Local Jurisdiction Survey.

Issue #1: Error in RHNA Calculation

***Jurisdiction Argument:** ABAG made an error in calculating the City's draft allocation, and thus failed to determine Belvedere's RHNA using the methodology documented in the Draft RHNA Plan.*

ABAG-MTC Staff Response:

- There is no error in the calculation of Belvedere's allocation.
- City's results were different because calculations did not include step to adjust factor scores for all jurisdictions to ensure methodology allocates 100% of units in each income category assigned by HCD.
- When calculations for each factor/income category include this step, results are consistent with Draft RHNA Plan.

Issue #2: Implied Growth Rate

Jurisdiction Argument: Belvedere uses its draft RHNA allocation and region's total households in 2050 to impute the "implied growth" in Plan Bay Area 2050 Final Blueprint for Belvedere and other jurisdictions in South Marin Superdistrict. The City uses implied growth rates to argue ABAG failed to determine its RHNA allocation in a way that is consistent with South Marin's 21% growth rate as identified in the Final Blueprint.

ABAG-MTC Staff Response:

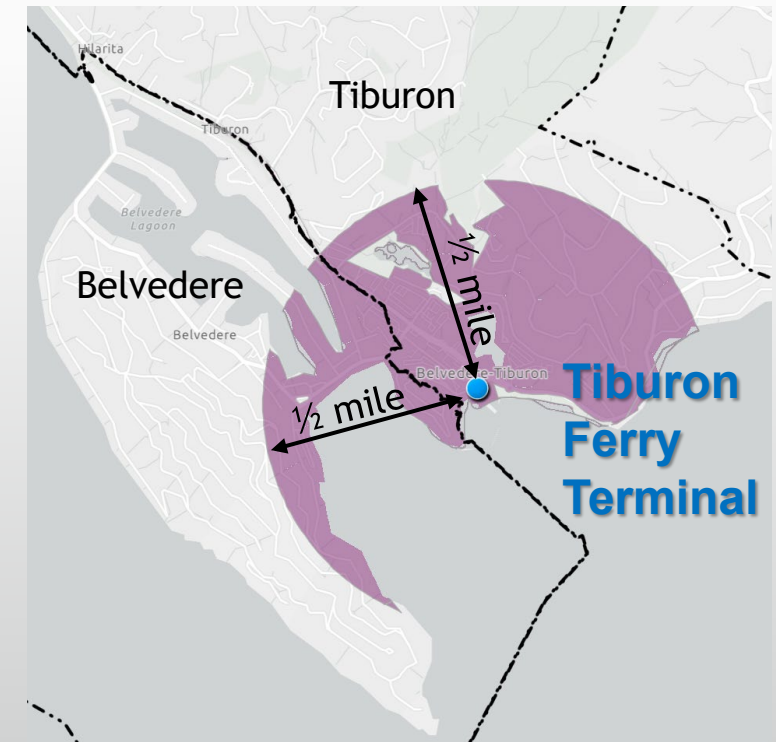
- Housing Element Law requires RHNA be consistent with Plan Bay Area 2050 development pattern, but does not specify how to determine consistency, giving ABAG discretion to define its own approach.
- Approach used throughout RHNA methodology development compares RHNA allocations to Final Blueprint growth forecasts adopted at the county and subcounty (i.e., superdistrict) levels.
- RHNA is consistent if 8-year growth from RHNA does not exceed Plan's 35-year housing growth at county or subcounty levels.
- Evaluation shows RHNA is consistent with Plan Bay Area 2050, including in South Marin superdistrict where Belvedere is located.

Issue #3: High Resource Area Methodology

Jurisdiction Argument: RHNA methodology double counts High Resource Area impact, once in baseline allocation and again in application of the Access to High Opportunity Areas factor. City questions directing additional growth to a “Transit Rich” area after concluding Belvedere’s Jobs Proximity - Transit factor (JPT) is at lowest end of the scale at 0.5.

ABAG-MTC Staff Response:

- Use of High Resource Areas in both processes provides a bridge between long-term growth forecast in Plan Bay Area 2050 and short-term focus of RHNA. Inclusion indicates these are areas prioritized for increased focus on near-term growth during the eight-year RHNA period.
- Final Blueprint designates a portion of Belvedere as Transit-Rich and High-Resource Area based on Tiburon Ferry Terminal, which is a major transit stop based on State’s definition.
- To help distribute RHNA units throughout region, RHNA factors scaled so all jurisdictions - even those with low scores - receive some RHNA units.



Issue #4: Lack of Available Land

Jurisdiction Argument: Belvedere uses data from ABAG-MTC Housing Element Site Selection (HESS) Tool to argue ABAG has not considered actual availability of land suitable for housing.

ABAG-MTC Staff Response:

- The HESS Tool is still under development and was not used in developing RHNA allocations.
- Jurisdictions had several opportunities to review and provide feedback on baseline land use data and review the growth pattern for Draft Blueprint and Final Blueprint, including UrbanSim land use modeling results.
- HESS Tool evaluates sites based on **existing** local development policies.
- Government Code Section 65584.04(e)(2)(B) states:
 - ABAG may not limit consideration of suitable housing sites to a jurisdiction's existing zoning and land use restrictions and must consider potential for increased residential development under alternative zoning ordinances and land use restrictions.
 - Jurisdictions must consider underutilized land, opportunities for infill development, and increased residential densities as a component of available land for housing.
- Belvedere does not provide evidence it is unable to consider underutilization of sites, increased densities, and other planning tools to accommodate its assigned need.

Issue #5: Drought

Jurisdiction Argument: ABAG failed to adequately consider limited water service capacity due to decisions made by a water service provider. Population growth from draft RHNA allocation exceeds growth analyzed in the Urban Water Management Plan (UWMP) adopted by Marin Municipal Water District on June 15, 2020.

ABAG-MTC Staff Response:

- Government Code Section 65584.04(e)(2)(A) states:
 - ABAG must consider opportunities and constraints to development of housing due to “lack of capacity for sewer or water service due to federal or state laws, regulations or regulatory actions, or supply and distribution decisions made by a sewer or water service provider other than the local jurisdiction that preclude the jurisdiction from providing necessary infrastructure for additional development during the planning period.”
- Difference in assumptions about expected growth does not represent a determination that Belvedere will not have sufficient water capacity in the future.
- City has not demonstrated it is precluded from accommodating its RHNA allocation because of a decision by its water service provider.

Recommended Action for City of Belvedere Appeal

Deny the appeal filed by the City of Belvedere to reduce its Draft RHNA Allocation by 30 units.

- The jurisdiction's Draft RHNA Allocation is in accordance with the Final RHNA Methodology adopted by the ABAG Executive Board and approved by HCD and furthers the RHNA Objectives identified in Government Code Section 65584(d).

From: Buff Whitman-Bradley [REDACTED]
Sent: Sunday, August 29, 2021 12:49 PM
To: Regional Housing Need Allocation
Subject: regarding RINA appeals in Marin and Sonoma counties

External Email

Dear ABAG:

I know many, many people have sent you letters opposing the appeals filed by communities in Marin and Sonoma counties. You have all the information and the arguments in front of you. I join those urging you to reject those appeals. I am a resident of Fairfax, in Marin County, and I cannot understand how so many local jurisdictions have been so successful for so long in keeping affordable housing out of their towns. It is shameful and now we have a chance to right that wrong. Please deny the appeals.

Sincerely,

Arthur Whitman-Bradley
[REDACTED]

[REDACTED]

BY EMAIL ONLY (RHNA@bayareametro.gov)

August 30, 2021

Associated Bay Area Governments
RHNA@bayareametro.gov

RE: Comment on RHNA allocation appeals filed by the cities of Belvedere, Larkspur, Mill Valley, Sausalito, Corte Madera, Fairfax, Ross, San Anselmo, Tiburon, and the County of Marin

To Whom It May Concern,

I am writing to you concerning the RHNA allocation appeals that have been filed from jurisdictions in Marin County: the cities of Belvedere, Larkspur, Mill Valley, Sausalito, Corte Madera, Fairfax, Ross, San Anselmo, Tiburon, and the county of Marin.

I urge you to deny these appeals. I have been a housing attorney for renters in Marin County for almost 20 years, and I see the severe human toll of our housing crisis on almost a daily basis. Although the entire bay area shares responsibility for our failure to provide adequate housing during the recent economic expansion for the region, Marin's performance is even worse than most other counties.

Many of the jurisdictions listed above have increased tenant protections and housing affordability for the people who live and work in the jurisdiction – such as through recent ordinances, including just cause for eviction protections for renters, COVID-19 related eviction moratoriums, and source of income protections for people with rental subsidies. These are all positive actions.

However, I am concerned that the appeal of the Regional Housing Needs Allocation (RHNA) allocations sends a negative signal by promoting exclusion and reinforcing the segregation of low- income, disabled, and BIPOC communities.

I understand that the Executive Board of the Association of Bay Area Governments (ABAG) adopted the RHNA equity adjustment to ensure that all jurisdictions exhibiting above-average levels of racial and economic exclusion take on their fair share of low- and very-low-income RHNA units.

I support the equity adjustment because previous RHNA's have failed to allocate enough affordable housing to white, affluent jurisdictions that have a history of opposing affordable housing development in the Bay Area. The new RHNA methodology, which includes the equity adjustment, provides a meaningful opportunity for these cities and counties to address the inequitable allocations of the recent past. Keeping the adjusted allocations will allow jurisdictions to meet state legal requirements to affirmatively further fair housing in their communities.

The equity adjustment is critical to address racial segregation in the Bay Area, including in Marin County. Since the Fair Housing Act of 1968 barred exclusion on the basis of race, wealthier and largely white municipalities throughout California, including in Marin, passed exclusionary land use and zoning regulations such as large-lot zoning, prohibitions on multi-family housing, parking requirements, and more to limit the development of affordable housing and exclude low-income people of color.

Today, exclusionary zoning and community opposition in neighborhoods with well-funded schools and public amenities are major barriers to developing affordable housing. It's because of this that Marin County is dramatically more segregated today than almost any other area in the region. We need the RHNA allocations to address the impacts of our historical inequitable land use policies.

When we exclude affordable homes, communities who need that affordability, particularly people of color and those with disabilities who work in the community, are forced to live elsewhere, far from their work or in overcrowded homes. Many lower-income communities of color are now facing displacement yet again as suburban expenses quickly outstrip their incomes. The equity adjustment helps increase affordability, ensuring that everyone can live in neighborhoods of their choice based on individual and family needs rather than based on historic patterns of segregation.

The COVID-19 pandemic has highlighted the disparities and inequities in our region, exposing a housing system that is failing low-income people and BIPOC communities. We must all work together to ensure everyone has a choice to stay and thrive in their communities or move closer to their jobs and other needs.

I urge you to require that these jurisdictions meet their assigned regional housing needs, expand opportunities in high-resource communities, particularly for African-American and Latinx community members, and deny their appeals.

Thank you for your consideration.

Sincerely,

Sincerely,

David Levin

[REDACTED]
[REDACTED]

From: Debra [REDACTED]
Sent: Sunday, August 29, 2021 7:59 AM
To: Regional Housing Need Allocation
Subject: Housing

External Email

RE: Comment on RHNA allocation appeals filed by the cities of Belvedere, Larkspur, Mill Valley, Sausalito, Corte Madera, Fairfax, Ross, San Anselmo, Tiburon, and Windsor, and the counties of Marin and Sonoma

To Whom It May Concern,

I am writing to you concerning the RHNA allocation appeals that have been filed from jurisdictions in Marin and Sonoma counties: the cities of Belvedere, Larkspur, Mill Valley, Sausalito, Corte Madera, Fairfax, Ross, San Anselmo, Tiburon, and Windsor, and the counties of Marin and Sonoma.

As an over 25 year resident of San Rafael, I continue to see our community as vocal supporters for diversity and equity. However, the actions taken by our communities in Marin and Sonoma counties need to support the advocacy that is preached.

Many of the jurisdictions listed above have increased tenant protections and housing affordability for the people who live and work in the jurisdiction – such as through recent ordinances, including just cause for eviction protections for renters, Covid-19 related eviction moratoriums, and source of income protections for people with rental subsidies. These are all positive actions.

However, I am concerned that the appeal of the Regional Housing Needs Allocation (RHNA) allocations sends a negative signal by promoting exclusion and reinforcing the segregation of low- income, disabled, and BIPOC communities.

I understand that the Executive Board of the Association of Bay Area Governments (ABAG) adopted the RHNA equity adjustment to ensure that all jurisdictions exhibiting above-average levels of racial and economic exclusion take on their fair share of low- and very-low-income RHNA units.

I support the equity adjustment because previous RHNAs have failed to allocate enough affordable housing to white, affluent jurisdictions that have a history of opposing affordable housing development in the Bay Area. The new RHNA methodology, which includes the equity adjustment, provides a meaningful opportunity for these cities and counties to address the inequitable allocations of the recent past. Keeping the adjusted allocations will allow jurisdictions to meet state legal requirements to affirmatively further fair housing in their communities.

The equity adjustment is critical to address racial segregation in the Bay Area, including in Marin and Sonoma counties. Since the Fair Housing Act of 1968 barred exclusion on the basis of race, wealthier and largely white municipalities throughout California, including in these two counties, passed exclusionary land use and zoning regulations such as large-lot zoning, prohibitions on multi-family housing, parking requirements, and more to limit the development of affordable housing and exclude low-income people of color.

Today, exclusionary zoning and community opposition in neighborhoods with well-funded schools and public amenities are major barriers to developing affordable housing. It's because of this that Marin and Sonoma counties are dramatically more segregated today than four decades ago. We need the RHNA allocations to address the impacts of our historical inequitable land use policies.

I understand the concerns expressed about fire safety, drought, and lack of developable land. However, these concerns need not exclude the need for equity and inclusion.

When we exclude affordable homes, communities who need that affordability, particularly people of color and those with disabilities who work in the community, are forced to live elsewhere, far from their work or in overcrowded homes. Many lower-income communities of color are now facing displacement yet again as suburban expenses quickly outstrip their incomes. The equity adjustment helps increase affordability, ensuring that everyone can live in neighborhoods of their choice based on individual and family needs rather than based on historic patterns of segregation.

The COVID-19 pandemic has highlighted the disparities and inequities in our region, exposing a housing system that is failing low-income people and BIPOC communities. We must all work together to ensure everyone has a choice to stay and thrive in their communities or move closer to their jobs and other needs.

I urge you to require that these jurisdictions meet their assigned regional housing needs, expand opportunities in high-resource communities, particularly for Latinx community members, and deny their appeals.

Thank you for your consideration.

Sincerely,
Debra Taube



Fair Housing Advocates of Northern California

1314 Lincoln Ave., Ste. A, San Rafael, CA 94901 ▼ (415) 457-5025 ▼ TDD: (800) 735-2922
www.fairhousingnorcal.org ▼ fhanc@fairhousingnorcal.org

August 30, 2021

Associated Bay Area Governments
RHNA@bayareametro.gov

RE: Comment on RHNA allocation appeals filed by the cities of Belvedere, Larkspur, Mill Valley, Sausalito, Corte Madera, Fairfax, Ross, San Anselmo, Tiburon, and Windsor, and the counties of Marin and Sonoma

To Whom It May Concern,

On behalf of staff and board of Fair Housing Advocates of Northern California (FHANC), I am writing to you concerning the RHNA allocation appeals that have been filed from jurisdictions in Marin and Sonoma counties: the cities of Belvedere, Larkspur, Mill Valley, Sausalito, Corte Madera, Fairfax, Ross, San Anselmo, Tiburon, and Windsor, and the counties of Marin and Sonoma. FHANC is a non-profit organization dedicated to promoting equal housing opportunity in Marin, Sonoma, and Solano Counties through community education, housing counseling, particularly related to housing discrimination, and advocacy related to affirmatively furthering fair housing.

We urge you to deny the appeals.

Many of the jurisdictions listed above have increased tenant protections and housing affordability for the people who live and work in the jurisdiction – as evidenced by recent ordinances, including just cause for eviction protections for renters, Covid-19 related eviction moratoriums, and source of income protections for people with rental subsidies.

However, we are concerned that the appeal of the Regional Housing Needs Allocation (RHNA) allocations sends an opposite signal from a message of inclusivity and prosperity for all.

As we know, the Executive Board of the Association of Bay Area Governments (ABAG) adopted the RHNA equity adjustment to ensure that all jurisdictions exhibiting above-average levels of racial and economic exclusion take on their fair share of low- and very-low-income RHNA units.¹

¹ The equity adjustment uses a composite score that identifies jurisdictions exhibiting racial and economic exclusion based on the jurisdiction's divergence index score and the percent of the jurisdiction's households above 120% of Area Median Income (AMI). The divergence index score calculates how different a jurisdiction's racial demographics are from the region's demographics. (The Othering and Belonging Institute at UC Berkeley has identified the divergence index as the best measure of segregation in the region.) The equity adjustment ensures that all of the jurisdictions identified using this composite score receive an allocation of very low- and low-income units that is at least proportional to its share of the region's total households in 2020. This means that to have a proportional allocation, a city with 2% of existing households would also get 2% of the allocation of very low- and low-income RHNA units. In the seven jurisdictions in Marin, Napa, and

A local non-profit helping communities eliminate housing discrimination

TDD: CALIFORNIA RELAY SERVICE FOR THE HEARING OR SPEECH IMPAIRED: (800) 735-2922
SE HABLA ESPAÑOL - NẾU CẦN GIÚP ĐỖ BẰNG TIẾNG VIỆT NAM XIN LIÊN LẠC SỐ: (415) 847-2747

When high-resource jurisdictions, such as those in Marin County, improve housing opportunities for low-income individuals, who are disproportionately people of color and people with disabilities, the jurisdiction will move closer to being an inclusive and equitable place where all residents have access to a safe and affordable home and equal access to economic opportunity.

FHANC supports the equity adjustment because previous RHNA's have failed to allocate enough affordable housing to white, affluent jurisdictions that have a history of opposing affordable housing development in the Bay Area.² A 2017 study by the Haas Institute for a Fair and Inclusive Society at UC Berkeley found that ABAG was not allocating a fair share of low-income housing to jurisdictions with higher percentages of White residents in prior RHNA cycles.³

The new RHNA methodology, which includes the equity adjustment, provides a meaningful opportunity for these cities and counties to address the inequitable allocations of the recent past. Adhering to the adjusted allocations will allow the jurisdictions to meet state legal requirements to affirmatively further fair housing in their communities.

Affirmatively furthering fair housing means taking meaningful actions to overcome patterns of segregation and fostering inclusive communities, free from barriers that restrict access to opportunity.⁴ The equity adjustment helps meet the duty to affirmatively further fair housing by increasing affordability and thereby inclusivity in our community such that everyone can live in neighborhoods of their choice based on individual and family needs rather than based on patterns of segregation.

The equity adjustment is critical to address racial segregation in the Bay Area, including Marin and Sonoma counties. Since the Fair Housing Act of 1968 barred exclusion on the basis of race, wealthier predominantly white municipalities throughout California, including the jurisdictions in these two counties, passed exclusionary land use and zoning regulations such as large-lot zoning, prohibitions on multi-family housing, parking requirements, and more to limit the development of affordable housing and exclude low-income people of color.⁵

Sonoma subject to the equity adjustment, a total of 940 lower-income units are needed to achieve proportionality. ABAG Executive Director, "Draft RHNA Methodology and Final Subregional Shares" (Association of Bay Area Governments, January 21, 2021), 36, 19 https://abag.ca.gov/sites/default/files/draft_rhna_allocation_presentation_to_exec_bd_jan_21.pdf.

² For background on the most racially segregated cities in the Bay Area measured by "inter-municipal" segregation, see Stephen Menendian, Arthur Gailes, and Samir Gambhir, "The Most Segregated (and Integrated) Cities in the SF Bay Area," (Othering & Belonging Institute, November 18, 2020), <https://belonging.berkeley.edu/most-segregated-and-integrated-cities-sf-bay-area>.

³ Local governments with higher percentages of white residents were allocated lower numbers of lower income housing during the 3rd and 5th RHNA cycles, which span the years 1999-2006 and 2014-2023. Heather Bromfield and Eli Moore, "Unfair Shares: Racial Disparities and the Regional Housing Needs Allocation Process in the Bay Area," Research Brief (Haas Institute for a Fair and Inclusive Society, August 2017), 6, https://belonging.berkeley.edu/sites/default/files/haasinstitute_unfairshares_rhnabayarea_publish.pdf.

⁴ See Gov. Code, § 8899.50, subd. (a)(1).

⁵ Amee Chew and Chione Lucina Muñoz Flegal, Facing History, Uprooting Inequality: A Path to Housing Justice in California (PolicyLink, 2020), 47, https://www.policylink.org/sites/default/files/pl_report_calif-housing_101420a.pdf.

Today, exclusionary zoning and community opposition in neighborhoods with well-funded schools and public amenities are significant barriers to affordable housing development.⁶ As a result, Marin and Sonoma counties are dramatically more segregated today than it was in 1980.⁷ A regional approach is necessary to address the impacts of this history of inequitable land use policy.

FHANC recognizes the jurisdictions' concerns such as fire safety and lack of developable land; however, if we do not step up on building more affordable housing, these counties cannot be successful in becoming more diverse.

When jurisdictions exclude affordable homes, communities who need that affordability, particularly people of color and those with disabilities who work in the community, are forced to live elsewhere, far from their work or in an overcrowded home. Many lower-income communities of color have already had to do that in the Bay Area, but they are now facing displacement again as the suburban cost-of-living skyrockets much faster than their incomes.

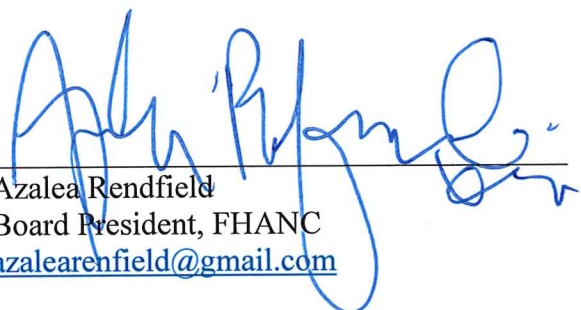
The COVID-19 pandemic has highlighted the disparities and inequities in our region, exposing a housing system that is failing low-income people and BIPOC communities and requiring us to reimagine our housing system as we build toward a just recovery. We must all work together to ensure everyone has a choice to stay and thrive in their communities or move closer to their jobs and other needs.

We urge you to require that these jurisdictions meet their assigned regional housing needs and expand opportunities in high-resource communities, particularly for Latinx community members,⁸ and deny their appeals. Thank you for your consideration.

Sincerely,

Caroline Peattie

Caroline Peattie
Executive Director, FHANC
peattie@fairhousingnorcal.org



Azalea Rendfield
Board President, FHANC
azalearendfield@gmail.com

⁶ Chew et al., Facing History, Uprooting Inequality: A Path to Housing Justice in California, 47.

⁷ Stephen Menendian and Samir Gambhir, "Racial Segregation in the San Francisco Bay Area, Part 3: Measuring Segregation," (Othering & Belonging Institute, May 28, 2019), <https://belonging.berkeley.edu/racial-segregation-san-francisco-bay-area-part-3>. ⁸ See Gov. Code, § 65587(b). ⁹ Between 2000 and 2015, Sonoma County's low-income Latinx population more than doubled and Marin's nearly doubled. Rising Housing Costs and Re-Segregation in the San Francisco Bay Area (UC Berkeley's Urban Displacement Project and the California Housing Partnership, February 2019), 8, https://www.urbandisplacement.org/sites/default/files/images/bay_area_re-segregation_rising_housing_costs_report_2019.pdf.

⁸ Between 2000 and 2015, Sonoma County's low-income Latinx population more than doubled and Marin's nearly doubled. Rising Housing Costs and Re-Segregation in the San Francisco Bay Area (UC Berkeley's Urban Displacement Project and the California Housing Partnership, February 2019), 8, <https://www.urbandisplacement.org/sites/default/files/images/>

August 30, 2021

Associated Bay Area Governments
RHNA@bayareametro.gov

RE: Comment on RHNA allocation appeals filed by the cities of Belvedere, Larkspur, Mill Valley, Sausalito, Corte Madera, Fairfax, Ross, San Anselmo, Tiburon, and Windsor, and the counties of Marin and Sonoma

To Whom It May Concern,

I am writing to you concerning the RHNA allocation appeals that have been filed from jurisdictions in Marin and Sonoma counties: the cities of Belvedere, Larkspur, Mill Valley, Sausalito, Corte Madera, Fairfax, Ross, San Anselmo, Tiburon, and Windsor, and the counties of Marin and Sonoma.

I urge you to deny the appeals. We retired to Sausalito and now Mill Valley 5 years ago from New York City where we lived for many years in highly integrated buildings. Priced from \$3 million purchase to \$3,000/mo. – subsidy rent, each floor of each building had residents from a wide economic and racial background. Marinites claim progressiveness but it only shows up in voting and attitudes pertaining to areas outside their own communities.

Just cause for eviction protections for renters, Covid-19 related eviction moratoriums, and source of income protections for people with rental subsidies are all positive actions, however, the appeal of the Regional Housing Needs Allocation (RHNA) allocations promotes exclusion and reinforcing the segregation of low-income, disabled, and BIPOC communities.

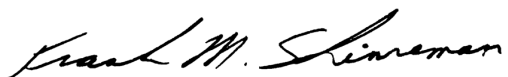
Previous RHNAs have failed to allocate enough affordable housing to white, affluent jurisdictions that have a history of opposing affordable housing development in the Bay Area. The new RHNA methodology, which includes the equity adjustment, provides a meaningful opportunity for these cities and counties to address the inequitable allocations of the recent past. Keeping the adjusted allocations will allow jurisdictions to meet state legal requirements to affirmatively further fair housing in their communities.

It is time for Marin to get used to living in neighborhoods that contain people from a wide variety of income, education, religion and racial backgrounds. Such communities are more safe, vibrant and productive and do not reduce property values.

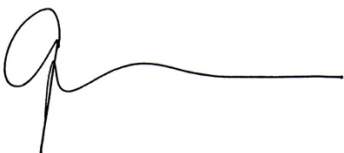
I urge you to require that these jurisdictions meet their assigned regional housing needs, expand opportunities in high-resource communities, particularly for Latinx community members, and deny their appeals.

Thank you for your consideration.

Sincerely,



Frank Shinneman & Cindy Knoebel



August 28, 2021

Associated Bay Area Governments
RHNA@bayareametro.gov

RE: Comment on RHNA allocation appeals filed by the cities of Belvedere, Larkspur, Mill Valley, Sausalito, Corte Madera, Fairfax, Ross, San Anselmo, Tiburon, and Windsor, and the counties of Marin and Sonoma

To Whom It May Concern,

I am writing to you concerning the RHNA allocation appeals that have been filed from jurisdictions in Marin and Sonoma counties: the cities of Belvedere, Larkspur, Mill Valley, Sausalito, Corte Madera, Fairfax, Ross, San Anselmo, Tiburon, and Windsor, and the counties of Marin and Sonoma.

I urge you to deny the appeals. As a 40 year resident of Fairfax and San Anselmo, I continue to see our community as vocal supporters for diversity and equity. However, the actions taken by our communities in Marin and Sonoma counties need to support the advocacy that is preached.

Many of the jurisdictions listed above have increased tenant protections and housing affordability for the people who live and work in the jurisdiction – such as through recent ordinances, including just cause for eviction protections for renters, Covid-19 related eviction moratoriums, and source of income protections for people with rental subsidies. These are all positive actions.

However, I am concerned that the appeal of the Regional Housing Needs Allocation (RHNA) allocations sends a negative signal by promoting exclusion and reinforcing the segregation of low- income, disabled, and BIPOC communities.

I understand that the Executive Board of the Association of Bay Area Governments (ABAG) adopted the RHNA equity adjustment to ensure that all jurisdictions exhibiting above-average levels of racial and economic exclusion take on their fair share of low- and very-low-income RHNA units.

I support the equity adjustment because previous RHNAs have failed to allocate enough affordable housing to white, affluent jurisdictions that have a history of opposing affordable housing development in the Bay Area. The new RHNA methodology, which includes the equity adjustment, provides a meaningful opportunity for these cities and counties to address the inequitable allocations of the recent past. Keeping the adjusted allocations will allow jurisdictions to meet state legal requirements to affirmatively further fair housing in their communities.

The equity adjustment is critical to address racial segregation in the Bay Area, including in Marin and Sonoma counties. Since the Fair Housing Act of 1968 barred exclusion on the basis of

race, wealthier and largely white municipalities throughout California, including in these two counties, passed exclusionary land use and zoning regulations such as large-lot zoning, prohibitions on multi-family housing, parking requirements, and more to limit the development of affordable housing and exclude low-income people of color.

Today, exclusionary zoning and community opposition in neighborhoods with well-funded schools and public amenities are major barriers to developing affordable housing. It's because of this that Marin and Sonoma counties are dramatically more segregated today than four decades ago. We need the RHNA allocations to address the impacts of our historical inequitable land use policies.

I understand the concerns expressed about fire safety, drought, and lack of developable land. The actual appeal made by the Town of Fairfax, for example, focuses on these three items. However, Fairfax's appeal does not make any argument against the need for inclusion, equity or diversity within our community, which is the basis of the equity adjustment.

When we exclude affordable homes, communities who need that affordability, particularly people of color and those with disabilities who work in the community, are forced to live elsewhere, far from their work or in overcrowded homes. Many lower-income communities of color are now facing displacement yet again as suburban expenses quickly outstrip their incomes. The equity adjustment helps increase affordability, ensuring that everyone can live in neighborhoods of their choice based on individual and family needs rather than based on historic patterns of segregation.

The COVID-19 pandemic has highlighted the disparities and inequities in our region, exposing a housing system that is failing low-income people and BIPOC communities. We must all work together to ensure everyone has a choice to stay and thrive in their communities or move closer to their jobs and other needs.

I urge you to require that these jurisdictions meet their assigned regional housing needs, expand opportunities in high-resource communities, particularly for Latinx community members, and deny their appeals.

Thank you for your consideration.

Sincerely,

Lisa Mennucci

From: [REDACTED]
Sent: Sunday, August 29, 2021 1:25 PM
To: Regional Housing Need Allocation
Subject: Comment on RHNA allocation appeals

External Email

Associated Bay Area Governments

To Whom It May Concern,

I have lived in Marin County for 50 years and have never been happy with the lack of diversity in our County.

I am writing now concerning the RHNA allocation appeals that have been filed from jurisdictions in Marin and Sonoma counties: the cities of Belvedere, Larkspur, Mill Valley, Sausalito, Corte Madera, Fairfax, Ross, San Anselmo, Tiburon, and Windsor, and the counties of Marin and Sonoma.

I hope to hear that you deny the appeals. I support the equity adjustment because previous RHNAs have failed to allocate enough affordable housing to white, affluent jurisdictions that have a history of opposing affordable housing development in the Bay Area.

Sincerely

Marilyn Price
[REDACTED]

From: Stephen Bingham [REDACTED]
Sent: Sunday, August 29, 2021 3:04 PM
To: Regional Housing Need Allocation
Subject: RHNA allocation appeals filed by the Marin County and various cities in the County

External Email

August 30, 2021

Executive Board
Associated Bay Area Governments
RHNA@bayareametro.gov

RE: Comment on RHNA allocation appeals filed by the cities of Belvedere, Larkspur, Mill Valley, Sausalito, Corte Madera, Fairfax, Ross, San Anselmo, Tiburon, and Windsor, and the counties of Marin and Sonoma

Dear Members of the ABAG Executive Board:

I am writing to you concerning the RHNA allocation appeals that have been filed from jurisdictions in Marin and Sonoma counties: the cities of Belvedere, Larkspur, Mill Valley, Sausalito, Corte Madera, Fairfax, Ross, San Anselmo, Tiburon, and Windsor, and the counties of Marin and Sonoma.

I urge you to deny the appeals. I live in San Rafael and have fought for years for more affordable housing in San Rafael and Marin County. While San Rafael and Novato have taken some positive steps in the right direction, the County and the cities filing the current RHNA appeals have approved virtually no affordable housing in the over 25 years my wife and I have lived in Marin. This has resulted in a huge lack of diversity of populations in the County and horrific traffic during commute hours because those who work in Marin can't afford to live here. [

Many of the jurisdictions listed above have increased tenant protections and housing affordability for the people who live and work in the jurisdiction – such as through recent ordinances, including just cause for eviction protections for renters, Covid-19 related eviction moratoriums, and source of income protections for people with rental subsidies. These are all positive actions.

However, I am concerned that the appeal of the Regional Housing Needs Allocation (RHNA) allocations sends a negative signal by promoting exclusion and reinforcing the segregation of low- income, disabled, and BIPOC communities.

I understand that the Executive Board of the Association of Bay Area Governments (ABAG) adopted the RHNA equity adjustment to ensure that all jurisdictions exhibiting above-average levels of racial and economic exclusion take on their fair share of low- and very-low-income RHNA units.

I support the equity adjustment because previous RHNA's have failed to allocate enough affordable housing to white, affluent jurisdictions that have a history of opposing affordable housing development in the Bay Area. The new RHNA methodology, which includes the equity adjustment, provides a meaningful opportunity for these cities and counties to address the inequitable allocations of the recent past. Keeping the adjusted allocations will allow jurisdictions to meet state legal requirements to affirmatively further fair housing in their communities.

The equity adjustment is critical to address racial segregation in the Bay Area, including in Marin and Sonoma counties. Since the Fair Housing Act of 1968 barred exclusion on the basis of race, wealthier and largely white municipalities throughout California, including in these two counties, passed exclusionary land use and zoning regulations such as large-lot zoning, prohibitions on multi-family housing, parking requirements, and more to limit the development of affordable housing and exclude low-income people of color.

Today, exclusionary zoning and community opposition in neighborhoods with well-funded schools and public amenities are major barriers to developing affordable housing. It's because of this that Marin and Sonoma counties are dramatically more segregated today than four decades ago. We need the RHNA allocations to address the impacts of our historical inequitable land use policies.

I understand the concerns expressed about fire safety, drought, and lack of developable land. However, the appeals don't argue against the need for inclusion, equity or diversity within our community, which is the basis of the equity adjustment.

When we exclude affordable homes, communities who need that affordability, particularly people of color and those with disabilities who work in the community, are forced to live elsewhere, far from their work or in overcrowded homes. Many lower-income communities of color are now facing displacement yet again as suburban expenses quickly outstrip their incomes. The equity adjustment helps increase affordability, ensuring that everyone can live in neighborhoods of their choice based on individual and family needs rather than based on historic patterns of segregation.

The COVID-19 pandemic has highlighted the disparities and inequities in our region, exposing a housing system that is failing low-income people and BIPOC communities. We must all work together to ensure everyone has a choice to stay and thrive in their communities or move closer to their jobs and other needs.

I urge you to require that these jurisdictions meet their assigned regional housing needs, expand opportunities in high-resource communities, particularly for Latinx community members, and deny their appeals.

Thank you for your consideration.

Sincerely,

Stephen Bingham

Stephen Bingham


August 31, 2021

Associated Bay Area Governments
RHNA@bayareametro.gov

RE: Comment on RHNA allocation appeals filed by the cities of Belvedere, Larkspur, Mill Valley, Sausalito, Corte Madera, Fairfax, Ross, San Anselmo, Tiburon, and Windsor, and the counties of Marin and Sonoma

To Whom It May Concern,

We are writing to you concerning the RHNA allocation appeals that have been filed from jurisdictions in Marin and Sonoma counties: the cities of Belvedere, Larkspur, Mill Valley, Sausalito, Corte Madera, Fairfax, Ross, San Anselmo, Tiburon, and Windsor, and the counties of Marin and Sonoma.

We urge you to deny the appeals. We see a lot of lip service paid to diversity, equity and inclusion in our community but when it comes to housing, the conversation changes to then deflect and disregard the deep-seated systemic racism behind the resistance to more housing in Marin.

Many of the jurisdictions listed above have increased tenant protections and housing affordability for the people who live and work in the jurisdiction – such as through recent ordinances, including just cause for eviction protections for renters, Covid-19 related eviction moratoriums, and source of income protections for people with rental subsidies. These are all positive actions.

However, we are concerned that the appeal of the Regional Housing Needs Allocation (RHNA) allocations sends a negative signal by promoting exclusion and reinforcing the segregation of low- income, disabled, and BIPOC communities.

We understand that the Executive Board of the Association of Bay Area Governments (ABAG) adopted the RHNA equity adjustment to ensure that all jurisdictions exhibiting above-average levels of racial and economic exclusion take on their fair share of low- and very-low-income RHNA units.

We support the equity adjustment because previous RHNAs have failed to allocate enough affordable housing to white, affluent jurisdictions that have a history of opposing affordable housing development in the Bay Area. The new RHNA methodology, which includes the equity adjustment, provides a meaningful opportunity for these cities and counties to address the inequitable allocations of the recent past. Keeping the adjusted allocations will allow jurisdictions to meet state legal requirements to affirmatively further fair housing in their communities.

The equity adjustment is critical to address racial segregation in the Bay Area, including in Marin and Sonoma counties. Since the Fair Housing Act of 1968 barred exclusion on the basis of race, wealthier and largely white municipalities throughout California, including in these two counties, passed exclusionary land use and zoning regulations such as large-lot zoning, prohibitions on multi-family housing, parking requirements, and more to limit the development of affordable housing and exclude low-income people of color.

Today, exclusionary zoning and community opposition in neighborhoods with well-funded schools and public amenities are major barriers to developing affordable housing. It's because of this that Marin and Sonoma counties are dramatically more segregated today than four decades ago. We need the RHNA allocations to address the impacts of our historical inequitable land use policies.

We understand the concerns expressed about fire safety, drought, and lack of developable land. The actual appeal made by the Town of Fairfax, for example, focuses on these three items. However, Fairfax's appeal does not make any argument against the need for inclusion, equity or diversity within our community, which is the basis of the equity adjustment. And these environmental concerns tend to overlook the current, creative solutions which will ensure better environmental outcomes for all of us.

When we exclude affordable homes, communities who need that affordability, particularly people of color and those with disabilities who work in the community, are forced to live elsewhere, far from their work or in overcrowded homes. Many lower-income communities of color are now facing displacement yet again as suburban expenses quickly outstrip their incomes. The equity adjustment helps increase affordability, ensuring that everyone can live in neighborhoods of their choice based on individual and family needs rather than based on historic patterns of segregation.

The COVID-19 pandemic has highlighted the disparities and inequities in our region, exposing a housing system that is failing low-income people and BIPOC communities. We must all work together to ensure everyone has a choice to stay and thrive in their communities or move closer to their jobs and other needs.

We urge you to require that these jurisdictions meet their assigned regional housing needs, expand opportunities in high-resource communities, particularly for Latinx community members, and deny their appeals.

Thank you for your consideration.

Sincerely,

SURJ Marin (Showing Up for Racial Justice)

<https://surjmarin.org/>

August 30, 2021

Associated Bay Area Governments
RHNA@bayareametro.gov

RE: Comment on RHNA allocation appeals filed by the cities of Belvedere, Larkspur, Mill Valley, Sausalito, Corte Madera, Fairfax, Ross, San Anselmo, Tiburon, and Windsor, and the counties of Marin and Sonoma

To Whom It May Concern,

I am writing to you concerning the RHNA allocation appeals that have been filed from jurisdictions in Marin and Sonoma counties: the cities of Belvedere, Larkspur, Mill Valley, Sausalito, Corte Madera, Fairfax, Ross, San Anselmo, Tiburon, and Windsor, and the counties of Marin and Sonoma.

I urge you to deny the appeals. I am a resident of Mill Valley. The cycle of exclusion and funding neighborhood schools and attracting more wealth continues. I started a Community Land Trust and support Golden Gate Village in Marin City. When the city of Mill Valley proposes a project, I am there alongside our Chamber of Commerce and other citizens who are fighting for diversity and equity.

Many of the jurisdictions listed above have increased tenant protections and housing affordability for the people who live and work in the jurisdiction – such as through recent ordinances, including just cause for eviction protections for renters, Covid-19 related eviction moratoriums, and source of income protections for people with rental subsidies. These are all positive actions.

However, I am concerned that the appeal of the Regional Housing Needs Allocation (RHNA) allocations sends a negative signal by promoting exclusion and reinforcing the segregation of low- income, disabled, and BIPOC communities.

I understand that the Executive Board of the Association of Bay Area Governments (ABAG) adopted the RHNA equity adjustment to ensure that all jurisdictions exhibiting above-average levels of racial and economic exclusion take on their fair share of low- and very-low-income RHNA units.

I support the equity adjustment because previous RHNAs have failed to allocate enough affordable housing to white, affluent jurisdictions that have a history of opposing affordable housing development in the Bay Area. The new RHNA methodology, which includes the equity adjustment, provides a meaningful opportunity for these cities and counties to address the inequitable allocations of the recent past. Keeping the adjusted allocations will allow jurisdictions to meet state legal requirements to affirmatively further fair housing in their communities.

The equity adjustment is critical to address racial segregation in the Bay Area, including in Marin and Sonoma counties. Since the Fair Housing Act of 1968 barred exclusion on the basis of race, wealthier and largely white municipalities throughout California, including in these two counties, passed exclusionary land use and zoning regulations such as large-lot zoning, prohibitions on multi-family housing, parking requirements, and more to limit the development of affordable housing and exclude low-income people of color.

Today, exclusionary zoning and community opposition in neighborhoods with well-funded schools and public amenities are major barriers to developing affordable housing. It's because of this that Marin and Sonoma counties are dramatically more segregated today than four decades ago. **We need the RHNA allocations to address the impacts of our historical inequitable land use policies.**

I understand the concerns expressed about fire safety, drought, and lack of developable land. Despite these concerns, large expensive condominiums and houses are squeezed into what land is left. Zoning remains exclusionary and only amplifies the need for diversity within Mill Valley.

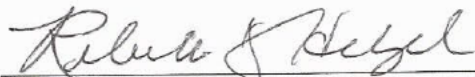
When we exclude affordable homes, communities who need that affordability, particularly people of color and those with disabilities who work in the community, are forced to live elsewhere, far from their work or in overcrowded homes. Many lower-income communities of color are now facing displacement yet again as suburban expenses quickly outstrip their incomes. The equity adjustment helps increase affordability, ensuring that everyone can live in neighborhoods of their choice based on individual and family needs rather than based on historic patterns of segregation.

The COVID-19 pandemic has highlighted the disparities and inequities in our region, exposing a housing system that is failing low-income people and BIPOC communities. We must all work together to ensure everyone has a choice to stay and thrive in their communities or move closer to their jobs and other needs.

I urge you to require that these jurisdictions meet their assigned regional housing needs, expand opportunities in high-resource communities, for hard working BIPOC that make our lifestyles possible, and deny their appeals.

Thank you for your consideration.

Sincerely,



Signature
Rebekah Helzel

Advocate for Affordable Housing
I Show up for Racial Justice



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #: 21-1254 **Version:** 1 **Name:**

Type: Report **Status:** Committee Approval

File created: 9/21/2021 **In control:** ABAG Administrative Committee

On agenda: 9/29/2021 **Final action:**

Title: Report on Regional Housing Needs Allocation (RHNA) Appeal for the City of Corte Madera

Sponsors:

Indexes:

Code sections:

Attachments: [06d 1 Summary Sheet Corte Madera.pdf](#)
[06d a Corte Madera RHNA Appeal.pdf](#)
[06d b Presentation Corte Madera ABAG RHNA Appeal 9.29.21.pdf](#)
[06d c ABAG RHNA Appeal Response Corte Madera.pdf](#)
[06d d ABAG RHNA Appeal Response Corte Madera.pdf](#)
[06d e RHNA Appeal Comments Corte Madera.pdf](#)
[Post Public Comment Period Corte Madera.pdf](#)

Date	Ver.	Action By	Action	Result
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Report on Regional Housing Needs Allocation (RHNA) Appeal for the City of Corte Madera

Gillian Adams and Eli Kaplan

Preliminary Action

Association of Bay Area Governments

Administrative Committee

September 29, 2021

Agenda Item 6.d.

Regional Housing Needs Allocation Appeal

Subject: Report on Regional Housing Needs Allocation (RHNA) Appeal for the Town of Corte Madera.

Background: RHNA is the state-mandated¹ process to identify the number of housing units (by affordability level) that each jurisdiction must accommodate in the Housing Element of its General Plan. The California Department of Housing and Community Development (HCD) determined Bay Area communities must plan for 441,176 new housing units from 2023 to 2031.

On May 20, 2021, the ABAG Executive Board approved the [Final Regional Housing Needs Allocation \(RHNA\) Methodology and Draft Allocations](#). Release of the Draft RHNA Allocations initiated the appeals phase of the RHNA process.² ABAG received 28 appeals from Bay Area jurisdictions by the July 9, 2021 deadline.

Per Government Code Section 65584.05(d), ABAG is required to hold a public hearing to consider all appeals filed. The ABAG Administrative Committee will consider the appeal submitted by the Town of Corte Madera.

Recommended Action: The Administrative Committee is requested to take preliminary action on the RHNA appeal from the Town of Corte Madera.

The Administrative Committee is requested to deny the RHNA appeal from the Town of Corte Madera.

Attachments:

- a. Town of Corte Madera RHNA Appeal
- b. Town of Corte Madera RHNA Jurisdiction Presentation
- c. ABAG-MTC Staff Report
- d. ABAG-MTC Staff Presentation
- e. Public Comment for Town of Corte Madera RHNA Appeal

Reviewed:



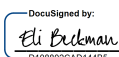
Therese W. McMillan

¹ See California [Government Code §65584](#).

² See [Government Code Section 65584.05](#) for an overview of the appeals process.

REGIONAL HOUSING NEEDS ALLOCATION

Association of Bay Area Governments

2023-2031 Regional Housing Needs Assessment (RHNA) Appeal Request*Submit appeal requests and supporting documentation via DocuSign by 5:00 pm PST on July 9, 2021.****Late submissions will not be accepted.*** Send questions to rhna@bayareametro.govJurisdiction Whose Allocation is Being Appealed: Town of Corte MaderaFiling Party: ☐ HCD ☒ Jurisdiction: Town of Corte MaderaContact Name: Adam Wolff Title: Director, Planning and Building DepartmentPhone: 415-927-5059 Email: awolff@tcmmail.org**APPEAL AUTHORIZED BY:**Name: Eli BeckmanSignature: Date: 7/8/2021**PLEASE SELECT BELOW:**

- ☒ Mayor
- ☐ Chair, County Board of Supervisors
- ☐ City Manager
- ☐ Chief Administrative Officer
- ☐ Other: _____

IDENTIFY ONE OR MORE BASES FOR APPEAL [Government Code Section 65584.5(b)]

- ☒ ABAG failed to adequately consider information submitted in the Local Jurisdiction Survey regarding RHNA Factors (Government Code Section 65584.04(e)) and Affirmatively Furthering Fair Housing (See Government Code Section 65584.04(b)(2) and 65584(d)(5)):
- ☐ Existing and projected jobs and housing relationship.
 - ☐ Sewer or water infrastructure constraints for additional development due to laws, regulatory actions, or decisions made by a provider other than the local jurisdiction.
 - ☒ Availability of land suitable for urban development or for conversion to residential use.
 - ☐ Lands protected from urban development under existing federal or state programs.
 - ☐ County policies to preserve prime agricultural land.
 - ☐ Distribution of household growth assumed for Plan Bay Area 2050.
 - ☐ County-city agreements to direct growth toward incorporated areas of county.
 - ☐ Loss of units contained in assisted housing developments.
 - ☐ Households paying more than 30% or 50% of their income in rent.
 - ☐ The rate of overcrowding.
 - ☐ Housing needs of farmworkers.
 - ☐ Housing needs generated by the presence of a university campus within a jurisdiction.
 - ☐ Housing needs of individuals and families experiencing homelessness.
 - ☐ Loss of units during a declared state of emergency from January 31, 2015 to February 5, 2020.
 - ☐ The region's greenhouse gas emissions targets to be met by Plan Bay Area 2050.
 - ☐ Affirmatively furthering fair housing.
- ☒ ABAG failed to determine the jurisdiction's Draft RHNA Allocation in accordance with the Final RHNA Methodology and in a manner that furthers, and does not undermine the RHNA Objectives (see Government Code Section 65584(d) for the RHNA Objectives).
- ☐ A significant and unforeseen change in circumstances has occurred in the local jurisdiction or jurisdictions that merits a revision of the information submitted in the Local Jurisdiction Survey (*appeals based on change of circumstance can only be made by the jurisdiction or jurisdictions where the change occurred*).

Pursuant to Government Code Section 65584.05, appeals shall be based upon comparable data available for all affected jurisdictions and accepted planning methodology, and supported by adequate documentation, and shall include a statement as to why the revision is necessary to further the intent of the objectives listed in Government Code Section 65584(d). An appeal shall be consistent with, and not to the detriment of, [the development pattern in the sustainable communities strategy \(Plan Bay Area 2050 Final Blueprint\)](#). (Click here)

Number of units requested to be reduced or added to jurisdiction's Draft RHNA Allocation:

☒ Decrease Number of Units: 325 ☐ Increase Number of Units: _____

Brief description of appeal request and statement on why this revision is necessary to further the intent of the objectives listed in Government Code Section 65584(d) and how the revision is consistent with, and not to the detriment, of the development pattern in Plan Bay Area 2050. Please include supporting documentation for evidence as needed, and attach additional pages if you need more room.

On behalf of the Town of Corte Madera, the Town of Corte Madera Town Council hereby submits its appeal of the Association of Bay Area Governments (ABAG) Final Draft Regional Housing Needs Allocation (RHNA) assigned to the Town of Corte Madera for its 6th Cycle (2023-2031) Housing Element update.

The Town of Corte Madera bases its appeal of the Draft RHNA pursuant to Government Code Section 65584.05 on the following:

- ABAG failed to adequately consider Local Planning Factors and Affirmatively Furthering Fair Housing from the Local Jurisdiction Survey relating to certain local factors outlined in Government Code Section 65584.04(e); and
- ABAG failed to determine the share of the regional housing need in a manner that furthers, and does not undermine, the intent of the objectives listed in subdivision (d) of Section 65584.

Based upon the information cited in this appeal request, including attachments and references, the Town of Corte Madera requests a reduction of the Draft RHNA allocation from 725 units to 400 units. As discussed in the supporting documentation and attachments, there is a lack of suitable land available in Corte Madera for new residential development at the scale required pursuant to the Draft RHNA and the manner in which ABAG determined the Draft RHNA for Corte Madera undermines the intent of key RHNA objectives related to fostering socioeconomic equity, promoting efficient development patterns, and improving intraregional relationships between jobs and housing.

The Town of Corte Madera understands the challenges of meeting critical regional planning objectives related to housing affordability, equity, and climate change and supports ABAG's efforts in this area. However, specific, unique, local constraints and factors must be given due consideration in regional planning efforts in order to avoid unintended consequences. We hope this appeal request is viewed as an opportunity for ABAG to do just that.

List of supporting documentation, by title and number of pages

1. _____
2. _____
3. _____



The maximum file size is 25MB. To submit larger files, please contact rhna@bayareametro.gov.

Click here to
attach files



Town of Corte Madera
300 Tamalpais Drive
Corte Madera, CA 94925

July 9, 2021

Dear ABAG Administrative Committee:

On behalf of the Town of Corte Madera, the Town of Corte Madera Town Council hereby submits its appeal of the Association of Bay Area Governments (ABAG) Final Draft Regional Housing Needs Allocation (RHNA) assigned to the Town of Corte Madera for its 6th Cycle (2023-2031) Housing Element update.

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- ABAG failed to determine the share of the regional housing need in a manner that furthers, and does not undermine, the intent of the objectives listed in subdivision (d) of Section 65584.

This appeal: 1) is based on comparable data available for all affected jurisdictions and accepted planning methodology and is supported by the applicable documentation; 2) includes statements as to why a RHNA revision for Corte Madera is necessary to further the intent of the objectives listed in Government Code Section 65584(d), and 3) is consistent with, and not to the detriment of, the development pattern in the sustainable communities strategy (Plan Bay Area 2050 Final Blueprint).

Introduction

The Town of Corte Madera recognizes that the lack of affordable housing in the Bay Area is a significant problem that we must all work together to solve. As one of few Bay Area jurisdictions to meet and far exceed its 5th Cycle Housing Element RHNA for all income levels (see Table 1 below), the Town of Corte Madera has proven its commitment to thoughtfully plan for, facilitate, and integrate new housing development into our community, helping to address the region's affordability and equity issues and support local growth in a responsible manner.

Table 1. Corte Madera's Progress in Meeting 5th Cycle RHNA Targets (through 2021)

	RHNA	2015	2016	2017	2018	2019	2020	2021 ¹	2022	Total	% Total
Very Low	22	5	2	1	5	3	2	18		36	164%
Low	13	12	1				2	4		19	146%
Moderate	13	2	1	2	2	1		12		20	154%
Above Moderate	24	164	13	2				16		195	813%
Total	72	183	17	5	7	4	4	50		270	375%

¹ Includes building permits that have been issued in 2021, and building permits anticipated to be issued in 2021, including 18 very low-income units developed through the Project Homekey program and six accessory dwelling units (ADUs).

The ten-fold increase in the Town of Corte Madera's 6th Cycle Draft RHNA (from 72 to 725 units), however, equates to an 18% household growth rate compared to 2020 households, the highest growth rate in the entire North Bay (Marin, Sonoma, and Solano counties) and higher than the City of Oakland².

Additionally, the Draft RHNA, assuming the Marin County average of 2.4 persons per household³, requires that Corte Madera grow by approximately 1,740 residents between 2023 and 2031, approximately the same population growth seen in Corte Madera between 1980 and 2019, over a period of 39 years⁴. This ignores critical facts:

- Corte Madera lacks a Major Transit Stop.
- Corte Madera is expected to lose approximately 3,000 jobs -- about 43% of its current jobs -- by 2050, according to the Plan Bay Area 2050 Draft Blueprint⁵. In other words, the Draft RHNA allocation would create a jobs/housing imbalance.
- Corte Madera is almost entirely located within the FEMA 100-year flood zone or a locally-recognized Very High Fire Severity Zone, and is extremely susceptible to sea level rise, as discussed in more detail below.

As a result, the Town of Corte Madera does not believe the Draft RHNA for Corte Madera, and the methodology on which it was based, furthers the statutorily mandated objectives of RHNA pursuant to Government Code Section 65584(d). The extremely high number of units that the Draft RHNA imposes on Corte Madera, combined with punitive recent State legislation that limits the Town of Corte Madera's ability to control local land use decisions if the Draft RHNA is not fulfilled, compels the Town of Corte Madera to request this appeal to ensure that local and regional growth occurs in a sustainable way, based on the efficient use of land, and the health and safety of all future residents of the Town of Corte Madera.

Basis for Appeal

1. ABAG failed to adequately consider information about Local Planning Factors and Affirmatively Furthering Fair Housing from the Local Jurisdiction Survey relating to certain local factors outlined in Government Code Section 65584.04(e).

In February of 2020, the Town of Corte Madera Planning Department responded to ABAG's Local Jurisdiction Survey and identified "Land suitability," "Impact of climate change and natural hazards," and "Availability of vacant land" as local planning factors that should be considered constraints to the development of additional housing by 2030⁶. The excerpts in Table 2 below are taken directly from the Town of Corte Madera's response to the ABAG Local Jurisdiction Survey.

² See Attachment 1 ("Jurisdiction Growth Rate Compared to 2020 Households" from ABAG)

³ US Census, American Community Survey 2015-2019 (<https://www.census.gov/quickfacts/marincountycalifornia>)

⁴ Bay Area Census from MTC/ABAG (<http://www.bayareacensus.ca.gov/cities/CorteMadera.htm>) and US Census, American Community Survey (<https://www.census.gov/quickfacts/marincountycalifornia>)

⁵ The Plan Bay Area 2050 Final Blueprint places Corte Madera in the Southern Marin "superdistrict", which is expected to lose 4,000 jobs by 2050. Corte Madera also borders the Central Marin "superdistrict", which is expected to lose 14,000 jobs by 2050 (See Attachment 2)

⁶ See Attachment 3 for the complete Local Jurisdiction Survey response

Table 2. Excerpts from Corte Madera Response to ABAG Local Jurisdiction Survey

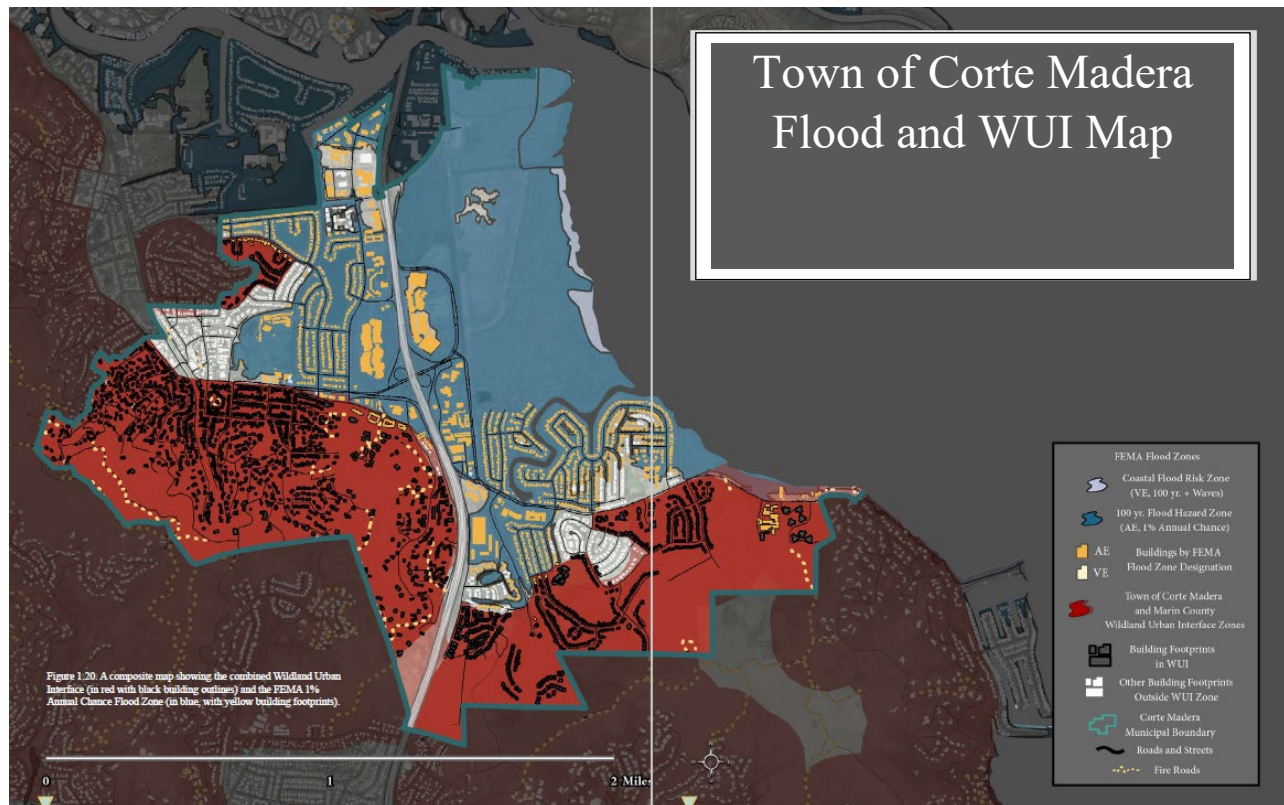
Topic	Opportunity/Constraint	Explanation
Land suitability	Constraint	The Town of Corte Madera encompasses approximately 4.5 sq. miles, however, approximately 1.25 sq. miles is submerged under bay waters and .67 [sq.] miles is protected marshland, leaving a net land area of 2.55 [sq.] miles, of which approximately half is within the FEMA 100-year flood zone, and the other half is in the Wildland-Urban Interface (WUI)..."
Impact of climate change and natural hazards	Constraint	The most up to date sea level rise maps show that sea level rise poses a significant risk to vast areas of land in Corte Madera, including the most-likely [sic] sites available for redevelopment for housing. Without knowing whether potential mitigation measures can be funded or are feasible, the redevelopment of these sites presents a constraint to the availability of land for housing development. Similarly, increasing wildfire risks constrain the amount of housing development that can be developed in the Town of Corte Madera's hillside areas due to the need to mitigate the public safety risks associated with narrow roads and impediments to evacuations during emergencies.
Availability of vacant land	Constraint	There are approximately 10 vacant parcels of land in Corte Madera, and with the exception of a[n] [approved] 3 lot single-family subdivision, all located on steep hillsides, within existing single family very low density zones.

ABAG failed to adequately consider these factors in considering the Draft RHNA for Corte Madera. The below information is being presented here for consideration as part of the Town of Corte Madera's appeal request.

a. FEMA Flood Zone and Wildland-Urban Interface (WUI)

The map in Figure 1 below provides a simple graphic that conveys the significant constraints to land development in Corte Madera due to risks associated with flooding (shown in blue as the FEMA 100-year AE flood zone) and fire hazards (shown in red as the Wildland Urban Interface).

Figure 1. Town of Corte Madera Flood and WUI Map



Source: Corte Madera Climate Adaptation Assessment

These hazards are the result of the historical development of the Town within Bay marshlands and on the steeply sloping flanks that immediately abut Mt. Tamalpais, a dramatic condition unique to this area of the Bay Area⁷. ABAG did not adequately consider local development constraints posed by existing hazards, as required by Government Code Section 65584.04(e)(2)(B)⁸.

To analyze the unique local development constraints within Corte Madera and the development risks posed by natural hazards, parcel level information was obtained through MarinMap, the Town's GIS service. Of the Town of Corte Madera's 3,417 parcels of property that are not located in the Bay or on protected marshlands, approximately 1,151 parcels or 33.68% of all parcels, representing 40% of gross lot area, are located in the FEMA 100-year flood zone on land that FEMA has determined is not adequately protected by flood management infrastructure to avoid the risk of flooding. These parcels are unsuitable for development under the express terms of Section 65584.04(e)(2)(B). Additionally, approximately 1,711 parcels or 50 % of all parcels, representing 55% of gross lot area, are located in the WUI. These

⁷ See Attachment 4 for historical and current images of Corte Madera.

⁸ Government Code Section 65584.04(e)(2)(B) reads: "The availability of land suitable for urban development or for conversion to residential use, the availability of underutilized land, and opportunities for infill development and increased residential densities. The council of governments may not limit its consideration of suitable housing sites or land suitable for urban development to existing zoning ordinances and land use restrictions of a locality, but shall consider the potential for increased residential development under alternative zoning ordinances and land use restrictions. *The determination of available land suitable for urban development may exclude land where the Federal Emergency Management Agency or the Department of Water Resources has determined that the flood management infrastructure designed to protect that land is not adequate to avoid the risk of flooding [emphasis added].*"

areas are locally-recognized as Very High Fire Hazard Severity Zones (VHFHSZ) by our local Fire Department, based on the adoption of local WUI maps in 2008. The Central Marin Fire Department is currently in the process of requesting that CalFire formally designate our WUI areas as VHFHSZs through the Fire and Resource Assessment Program (FRAP). In a state already plagued by wildfires, these 1,711 parcels are also unsuitable for additional urban development

Of the remaining 555 parcels outside of the FEMA 100-year flood zone and the WUI (see white areas on map in Figure 1 representing approximately 5% of total gross lot area in Corte Madera), all are occupied with existing developed uses, and approximately 97% are occupied with existing residential uses⁹. Even accounting for condominium units by removing all lots less than 5,000 gross square feet in area from the dataset, the average lot size of parcels outside of flood or fire risk zones is less than 8,000 square feet and the median lot size is approximately 6,900 square feet. The few larger parcels are located along Tamal Vista Blvd. and are occupied by a 180-unit apartment building completed in 2017, the Marin Municipal Water District headquarters, the State of California (DMV office), and two fully occupied office buildings. The small number of parcels outside of the FEMA flood zone and WUI, the lack of any vacant parcels in that subset, the lack of opportunities for residential conversions, and the small size of these lots, demonstrates the lack of suitable land available for new residential development in Corte Madera at the scale required pursuant to the Draft RHNA.

The small size of existing lots out of the hazard areas (and even within the WUI) represents a particular challenge for the development of affordable housing, given that several parcels, under different ownership, would have to be combined and assembled, including the demolition of existing residential uses, in order to create a lot of sufficient size presumed to realistically allow for the development of lower income units based on needed economies of scale for such projects. This fact is recognized by Government Code Section 65583.2(c)(2)(A), which in relation to the land inventory analysis required by Housing Element law states, “A site smaller than half an acre shall not be deemed adequate to accommodate lower income housing need unless the locality can demonstrate that sites of equivalent size were successfully developed during the prior planning period for an equivalent number of lower income units as projected for the site or unless the locality provides other evidence to the department that the site is adequate to accommodate lower income housing.” At this time, the Town is unaware of evidence to support the development of affordable housing on sites smaller than .5 acres (except for the development of accessory dwelling units (ADUs)) or to assume the assemblage of single family home lots for such purpose.

As a result, the scale of Corte Madera’s Draft RHNA, if not modified pursuant to this appeal request, will necessarily require locating the vast majority of housing development sites (estimated to be at least 600 units or 83% of the Draft RHNA) in the FEMA 100-year flood zone, where: 1) parcels are relatively larger and therefore can meet the RHNA site inventory rules of Government Code Section 65583.2(c)(2)(A) governing minimum lot sizes for accommodating lower income housing needs; 2) the vast majority of the Town of Corte Madera’s commercial uses exist, allowing for potential residential redevelopment or conversion, and 3) the land is relatively flat (if prone to differential settlement and other factors that increase development costs).

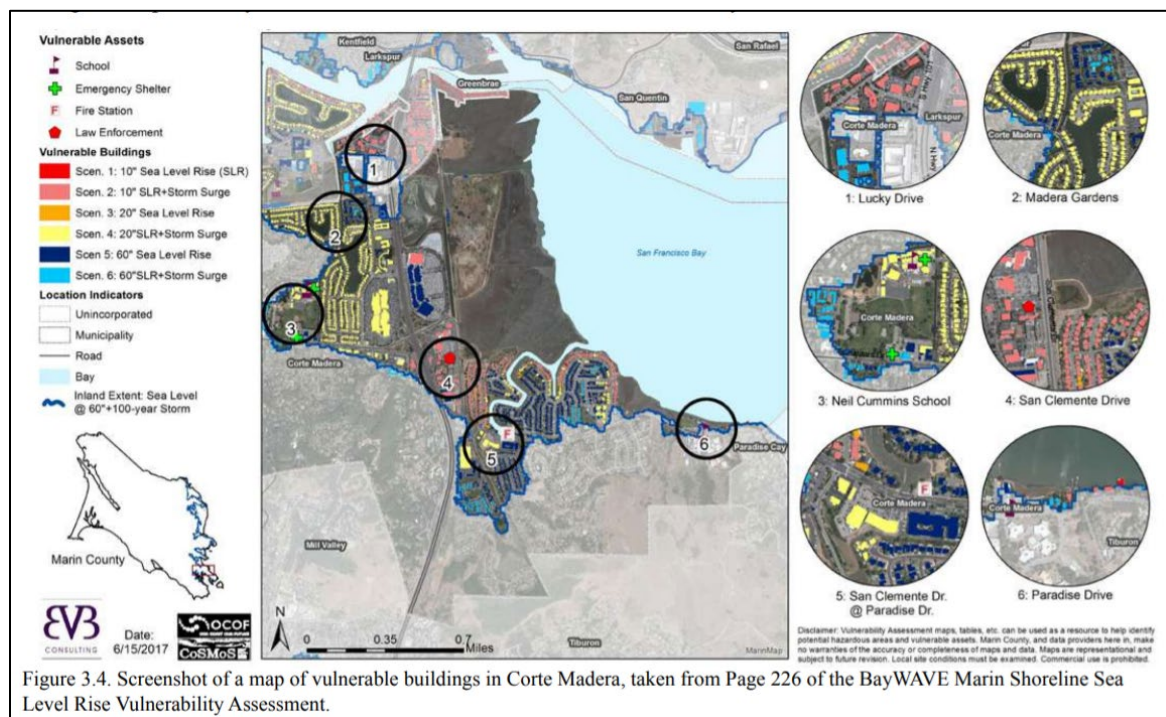
Unfortunately, the areas in Corte Madera within the FEMA 100-year flood zone are the same areas most susceptible to the risks associated with Sea Level Rise (SLR).

⁹ Even if we were to consider vacant land in the 100-year FEMA flood zone or the WUI, only 10 vacant parcels exist in Corte Madera, and with the exception of one 3 parcel small lot subdivision, are located in densely forested, steeply sloped portions of Corte Madera that cannot readily accommodate denser development.

b. Sea Level Rise (SLR)

In April 2021, following a two and a half year process, the Town of Corte Madera completed a Climate Adaptation Assessment to identify the Town of Corte Madera's vulnerabilities in the face of changing climatic conditions and to develop a roadmap for action based on a toolkit of potential options.¹⁰ The Town of Corte Madera is well aware of the significant challenges that lie ahead to protect existing residents and businesses, let alone new community members that the Town of Corte Madera will welcome over the coming years and decades. While it is not known at this time the amount of SLR that will occur during the RHNA 2023-2031 planning period, State guidance is to plan for 1.1 to 1.9 feet of SLR by 2050 and Plan Bay Area 2050 assumed 2 feet of permanent inundation and 3 feet of temporary inundation during storm and king tide events by 2050¹¹. Figure 2 shows the potential impact on Corte Madera property at different SLR estimates.

Figure 2. Potential Impact to Corte Madera Properties from Sea Level Rise



As discussed above, due to the overall size of Corte Madera's Draft RHNA, a significant number of new housing units will be located in the FEMA 100-year flood zone and areas subject to increased risk of inundation as a result of projected SLR. While this raises serious questions in itself about meeting the statutory objectives of 65584(d), particularly with respect to furthering the objective of encouraging efficient development patterns, the Draft RHNA will have a disproportionate effect on very-low and low-income households given that Corte Madera's Draft RHNA skewed heavily toward very-low and low-income units (336 units or 46% of the total Draft RHNA) because of Corte Madera's designation as a High Resource Area and the weight provided to that criterion through the RHNA methodology process. As noted above, the likelihood that these units will be in the FEMA 100-year flood zone and SLR

¹⁰ Information regarding the Town of Corte Madera's Climate Adaptation Assessment can be found at:

www.cortemaderaadapts.org

¹¹ Plan Bay Area 2050 and Sea Level Rise Technical Memo:

https://www.planbayarea.org/sites/default/files/pdfs_referenced/PBA2050_SLR_Brief_102120_Final_0.pdf

permanent inundation area is exacerbated by the RHNA site inventory rules of Government Code Section 65583.2(c)(2)(A) which effectively restricts designating sites for very-low and low income housing to only those greater than .5 acres in size. While undoubtedly intended to target the most feasible sites for affordable housing development, the unintended consequence in Corte Madera is to locate these units disproportionately in areas at risk of flooding, where larger lot sizes exist.

Unfortunately, the outcome described above already exists in Corte Madera, as all but a few of the Town of Corte Madera's existing deed restricted affordable housing units are located in areas susceptible to flooding and SLR. By one measure, Corte Madera ranks in the top 20 in the United States with respect to cities where the greatest number of affordable housing units are currently at risk and where the potential exposure of affordable housing to flooding is disproportionately high compared to its overall housing stock.¹²

Locating several hundred additional housing units, including a significant number of affordable housing units, in areas of Corte Madera that are increasingly at risk of flooding due to SLR, does not further the RHNA objective under 65584(d)(2) to encourage efficient development patterns. Worse, this outcome directly undermines the 65584(d)(2) objective of promoting socioeconomic equity. As stated by Buchanan, "the combination of physical vulnerability of affordable housing infrastructure, socioeconomic vulnerability, and more frequent flooding due to sea level rise (SLR) presents a triple threat to residents of the country's already scarce affordable housing (p. 2)."

While Corte Madera has begun the process of identifying potential actions that may be able to mitigate some of the risks associated with SLR as part of our Climate Adaptation Assessment process, our own experience working with our community tells us that the Plan Bay Area 2050 approach to protecting the Bay's cities from the impacts of SLR is overly optimistic both in terms of the \$19 billion projected cost (which is as yet unfunded) and the timeline for constructing needed mitigation measures. Even if we as a region are successful in implementing adequate SLR protections in the coming decades for our communities, the 6th Cycle RHNA for Corte Madera effectively promotes a policy for the development of new housing units (disproportionally at lower income levels) in SLR inundation areas well before feasible protection measures have even been identified, let alone implemented, leaving hundreds of new residents at risk of flooding and displacement in the interim. The general statements in Plan Bay Area 2050 about our region's ability to protect our shorelines from the impacts of SLR should therefore not be used as a basis for supporting RHNA's required objectives to further socioeconomic equity or efficient development patterns in the Corte Madera context.

For the reasons stated above in both sections a) and b), a revision to Corte Madera's Draft RHNA is necessary to further the intent of the objectives listed in Government Code Section 65584(d)(2) related to encouraging efficient development patterns and promoting socioeconomic equity. A revision would be consistent with, and not to the detriment of, the development pattern in the sustainable communities strategy (Plan Bay Area 2050 Final Blueprint) since the relatively small number of units requested to be eliminated from Corte Madera's Draft RHNA could be reallocated within the Central or Southern Marin "superdistricts" or other High Resource Areas within the Bay Area, which have a lower proportion of developable land vulnerable to the impacts of existing flooding and SLR.

2. ABAG failed to determine Corte Madera's share of the regional housing needs in a manner that furthers, and does not undermine the objectives listed in Government Code Section 65584(d).

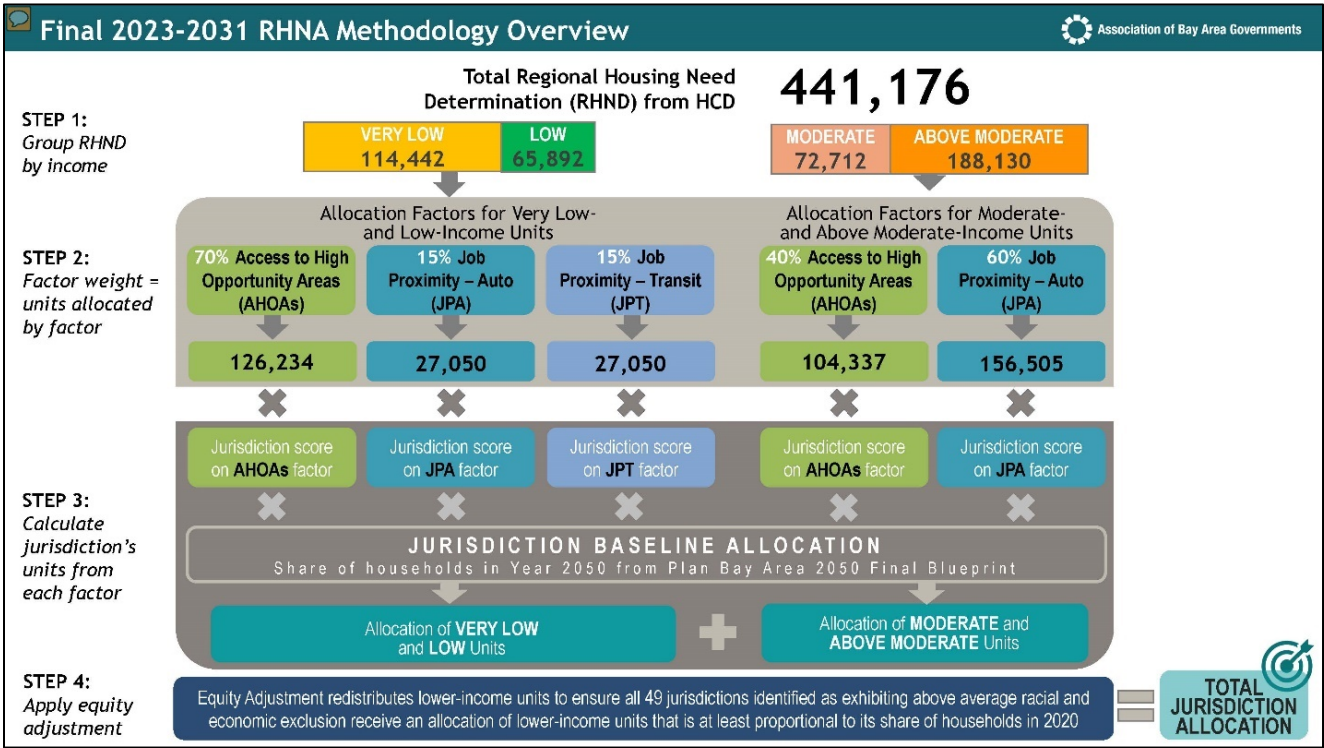
¹² Maya K. Buchanan, et al. 2020. "Sea level rise and coastal flooding threaten affordable housing." *Environmental Research Letters* 15 124020. See [Attachment 5](#).

The Town of Corte Madera contends that ABAG failed to determine Corte Madera’s share of the regional housing needs in a manner that furthers, and does not undermine the objectives listed in Government Code Section 65584(d)(2) and 65584(d)(3).

a. Government Code Section 655842(d)(2)

The methodology utilized to determine the Draft RHNA for Corte Madera undermines the objective in Government Code Section 655842(d)(2) to promote socioeconomic equity and the encouragement of efficient development patterns. As described in the below image (Figure 3) pulled from the ABAG template presentation materials for RHNA appeals, the methodology used to determine the Draft RHNA for High Opportunity Areas, like Corte Madera, significantly increased the number of housing units, primarily at the lower income levels, above Corte Madera’s baseline allocation. As discussed above, based on the specific local factors in Corte Madera, and the RHNA regulations in Government Code Section 65583.2(c)(2)(A), this has the unintended consequence of facilitating development of higher concentrations of affordable housing in the FEMA 100-year flood zone and areas vulnerable to the risks of SLR. The RHNA methodology approved by ABAG, therefore, undermines the promotion of socioeconomic equity in Corte Madera, a key objective stated in Government Code Section 65584(d).

Figure 3. RHNA Methodology Overview



Furthermore, as described in the Town of Corte Madera’s October 6, 2020 comment letter regarding the proposed RHNA methodology (see [Attachment 6](#)), and elaborated upon above, ABAG’s approved methodology more generally undermines the required RHNA objective to encourage efficient development patterns. The methodology for the Draft RHNA allocates higher proportions of new housing units to areas, such as Corte Madera, that lack adequate transportation infrastructure, that are

away from existing and future job centers, and into areas at risk of sea level rise and wildfire in quantities inconsistent with more realistic growth projections more carefully considered in Plan Bay Area 2050.

b. Government Code Section 65584(d)(3)

The methodology utilized to determine the Draft RHNA for Corte Madera undermines the objective in Government Code Section 65584(d)(3) to promote improved intraregional relationships between jobs and housing. Plan Bay Area 2050 projects that the Central and Southern Marin “superdistricts” will lose a significant number of jobs (18,000) and gain a significant number of households (31,000) by 2050. This projected jobs to housing shift reduces the jobs/housing ratio of these “superdistricts” to approximately .7 and .8 respectively (see Attachment 2), well below the region’s average and, depending upon the makeup of the specific jobs expected to be lost and type of housing gained, is inconsistent with accepted planning standards for creating healthy development patterns and goals to reduce Vehicle Miles Traveled (VMT).¹³

Based on the methodology used to determine the Draft RHNA, these same “superdistricts” are expected to add 12,315 households in just the eight-year period from 2023-2031. This portends an even greater reduction in the job/housing ratio than projected in Plan Bay Area by 2050, demonstrating that the methodology used to determine the Draft RHNA undermines the objective to promote an *improved* intraregional relationship between jobs and housing in Government Code Section 65584(d)(3). Further, it demonstrates that a reduction to the Draft RHNA for Corte Madera would be consistent with, and not to the detriment of, the development pattern in the sustainable communities strategy (Plan Bay Area 2050 Final Blueprint).

To further the intent of the objectives listed in Government Code Section 65584(d), related to promoting socioeconomic equity, encouraging efficient development patterns, and to promote the improved intraregional relationship between jobs and housing, ABAG must reduce the Town of Corte Madera’s RHNA allocation. Such a reduction and reallocation would be consistent, and not to the detriment of, the development pattern in the sustainable communities strategy (Plan Bay Area 2050 Final Blueprint).

Conclusion

Based upon the information cited in this appeal request, including attachments and references, the Town of Corte Madera requests a reduction of the Draft RHNA allocation from 725 units to 400 units. As discussed above, there is a lack of suitable land available in Corte Madera for new residential development at the scale required pursuant to the Draft RHNA. It is infeasible for an additional 725 units to be developed in the next Housing Element cycle based on the reasons included in this appeal request. As part of this appeal request, Town staff has reviewed the land available for more intensive residential development, including developed parcels that could potentially redevelop within the next housing element cycle.

The Town of Corte Madera understands the challenges of meeting critical regional planning objectives related to housing affordability, equity, and climate change and supports ABAG’s efforts in this area. However, specific, unique, local constraints and factors must be given due consideration in regional planning efforts in order to avoid unintended consequences. We hope this appeal request is viewed as an opportunity for ABAG to do just that.

¹³ Weitz, Jerry. 2003. “Jobs-Housing Balance.” *American Planning Association, Planning Advisory Service, Report No. 516.* https://planning-org-uploaded-media.s3.amazonaws.com/publication/download_pdf/PAS-Report-516.pdf.

Respectfully Submitted,

Town of Corte Madera Town Council

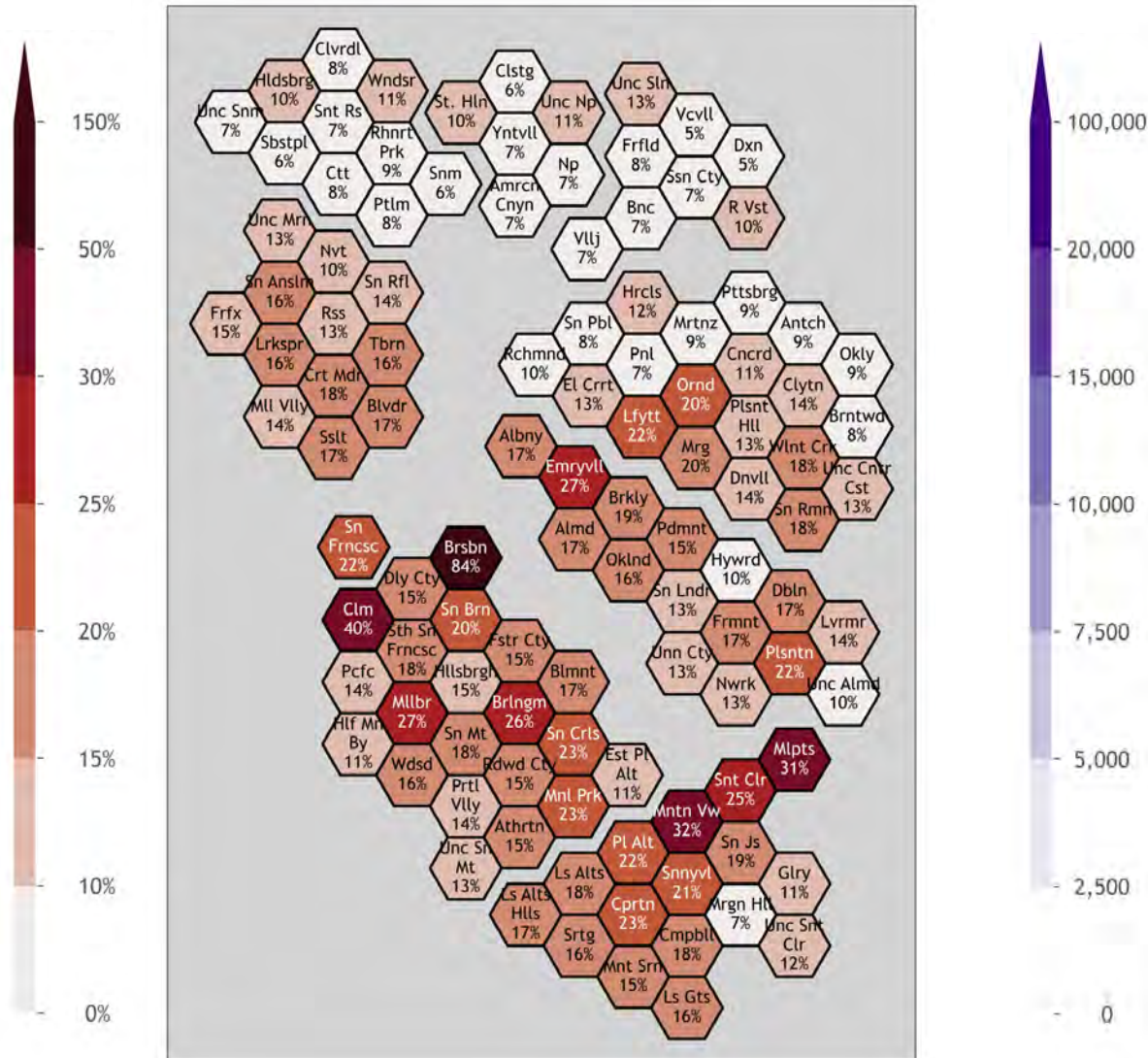
Attachments:

1. Jurisdiction Growth Rate Compared to 2020 Households (from ABAG)
2. Plan Bay Area 2050 Final Blueprint: Growth Pattern
3. Corte Madera's Local Jurisdiction Survey Response
4. Historical and Current Images of Corte Madera
5. Maya K. Buchanan et al 2020. "Sea level rise and coastal flooding threaten affordable housing"
6. Town of Corte Madera comment letter re: RHNA methodology

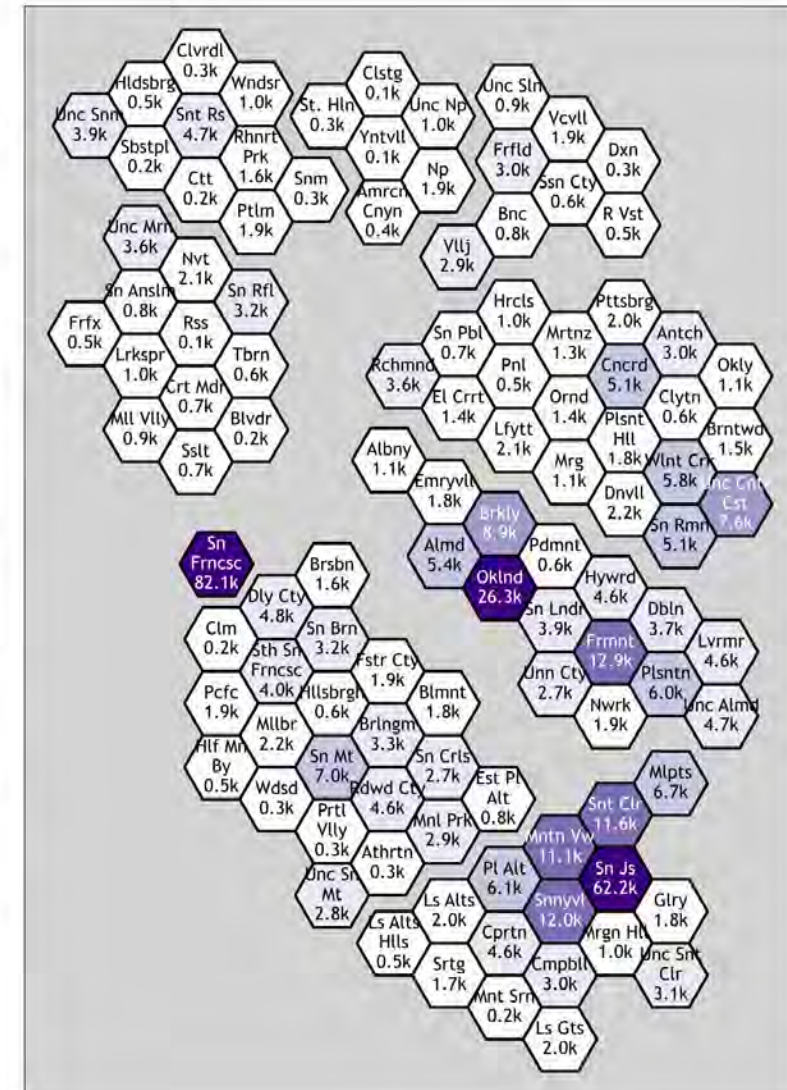
Corte Madera RHNA Appeal Attachment 1

Draft RHNA Allocations

Jurisdiction
Growth
Rate
Compared
to 2020
Households



Jurisdiction
Growth in
Units





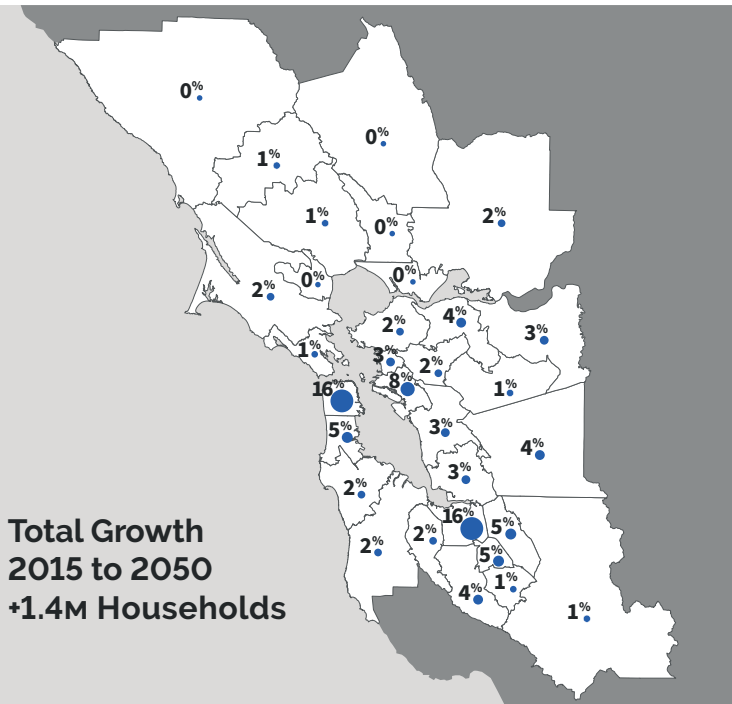
Data tables below summarize the regional, county, and sub-county growth pattern for households and jobs in the Plan Bay Area 2050 Final Blueprint. Jurisdiction-level growth projections are developed solely for the 2023-2031 Regional Housing Needs Allocation (RHNA) process – for more information on RHNA, go to abag.ca.gov.

PROJECTED HOUSEHOLD AND JOB GROWTH, BY COUNTY

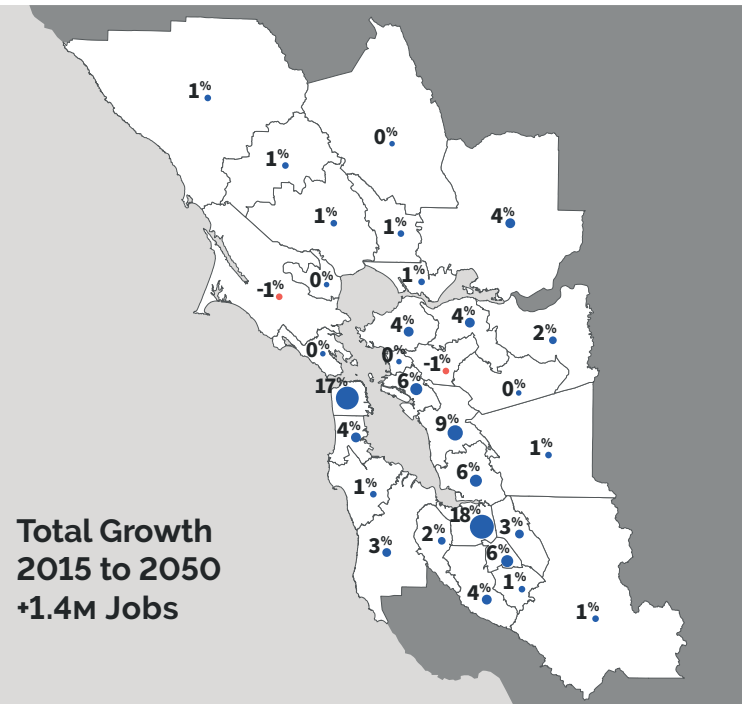
COUNTY	HOUSEHOLDS					JOBS				
	2015	2050	GROWTH	PERCENT GROWTH	SHARE OF REGIONAL GROWTH	2015	2050	GROWTH	PERCENT GROWTH	SHARE OF REGIONAL GROWTH
San Francisco	366,000	578,000	213,000	+58%	16%	682,000	918,000	236,000	+35%	17%
San Mateo	265,000	394,000	129,000	+48%	9%	393,000	507,000	114,000	+29%	8%
Santa Clara	623,000	1,075,000	453,000	+73%	33%	1,099,000	1,610,000	511,000	+46%	36%
Alameda	552,000	847,000	295,000	+54%	22%	867,000	1,182,000	315,000	+36%	22%
Contra Costa	383,000	551,000	169,000	+44%	12%	404,000	534,000	130,000	+32%	9%
Solano	142,000	177,000	35,000	+24%	3%	132,000	201,000	69,000	+53%	5%
Napa	50,000	56,000	5,000	+10%	0%	72,000	87,000	15,000	+21%	1%
Sonoma	188,000	220,000	32,000	+17%	2%	221,000	251,000	30,000	+14%	2%
Marin	109,000	146,000	37,000	+34%	3%	135,000	116,000	-19,000	-14%	-1%
REGION	2,677,000	4,043,000	1,367,000	+51%	100%	4,005,000	5,408,000	1,403,000	+35%	100%

Numbers may not always sum to 100% due to rounding.

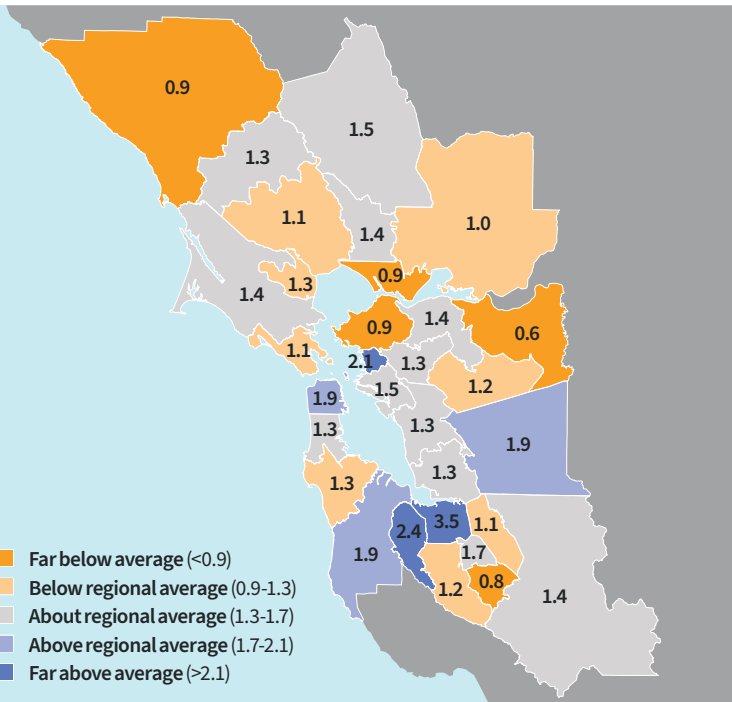
Housing Growth between 2015-2050 (as a Share of Region's Growth)



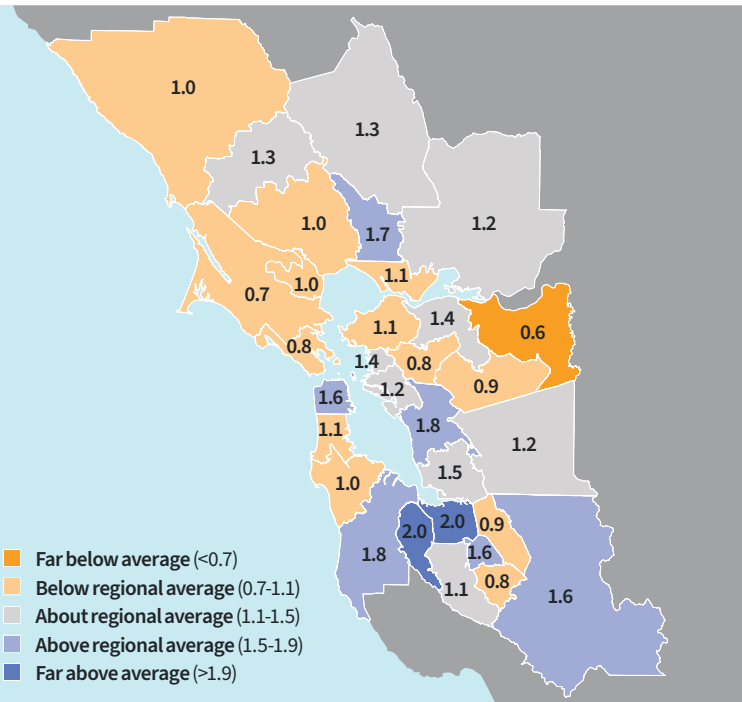
Job Growth between 2015-2050 (as a Share of Region's Growth)



Jobs/Housing Ratio 2015 (Region-Wide Average: 1.5)



Jobs/Housing Ratio 2050 (Region-Wide Average: 1.3)



The nine-county Bay Area is divided into 34 subcounty areas, called “superdistricts.” Superdistricts are combinations of cities, towns and unincorporated areas that allow the public to see the more localized growth pattern in Plan Bay Area 2050. More information on the superdistricts can be found in the [layer documentation](#).



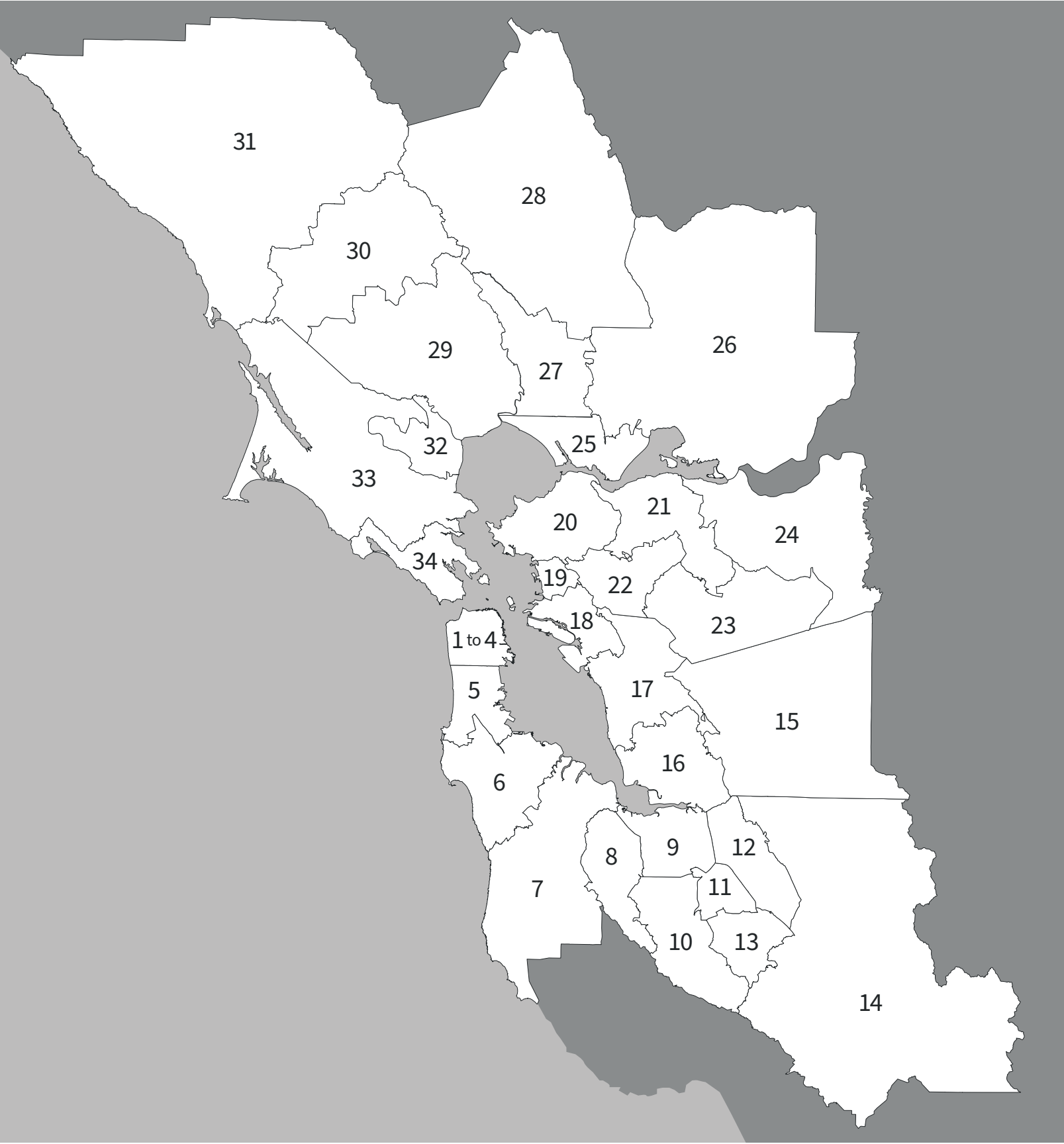
GROWTH PATTERN

			PROJECTED HOUSEHOLD AND JOB GROWTH, BY SUPERDISTRICT									
			HOUSEHOLDS					JOBS				
COUNTY	SUPER-DISTRICT	SUPERDISTRICT NAME	2015	2050	GROWTH	PERCENT GROWTH	SHARE OF REGIONAL GROWTH	2015	2050	GROWTH	PERCENT GROWTH	SHARE OF REGIONAL GROWTH
San Francisco	1 to 4	San Francisco County (Combined)	366,000	578,000	213,000	+58%	16%	682,000	918,000	236,000	+35%	17%
San Mateo	5	North San Mateo County	98,000	166,000	69,000	+70%	5%	130,000	188,000	58,000	+44%	4%
	6	Central San Mateo County	87,000	121,000	34,000	+39%	2%	110,000	123,000	13,000	+12%	1%
	7	South San Mateo County	80,000	106,000	26,000	+32%	2%	152,000	196,000	44,000	+29%	3%
Santa Clara	8	Northwest Santa Clara County	74,000	102,000	28,000	+38%	2%	180,000	207,000	27,000	+15%	2%
	9	North Santa Clara County	107,000	320,000	212,000	+199%	16%	370,000	629,000	259,000	+70%	18%
	10	West Santa Clara County	121,000	172,000	51,000	+42%	4%	145,000	197,000	52,000	+36%	4%
	11	Central Santa Clara County	105,000	168,000	63,000	+60%	5%	178,000	263,000	86,000	+48%	6%
	12	East Santa Clara County	108,000	180,000	72,000	+67%	5%	121,000	170,000	49,000	+40%	3%
	13	Central South Santa Clara County	73,000	91,000	18,000	+25%	1%	57,000	77,000	21,000	+36%	1%
	14	South Santa Clara County	35,000	43,000	8,000	+24%	1%	49,000	68,000	18,000	+37%	1%
Alameda	15	East Alameda County	72,000	132,000	60,000	+82%	4%	138,000	156,000	18,000	+13%	1%
	16	South Alameda County	105,000	152,000	47,000	+45%	3%	142,000	221,000	79,000	+56%	6%
	17	Central Alameda County	120,000	160,000	40,000	+33%	3%	157,000	285,000	128,000	+82%	9%
	18	North Alameda County	181,000	287,000	107,000	+59%	8%	275,000	358,000	83,000	+30%	6%
	19	Northwest Alameda County	73,000	115,000	42,000	+57%	3%	155,000	162,000	7,000	+5%	0%
Contra Costa	20	West Contra Costa County	89,000	123,000	34,000	+38%	2%	79,000	132,000	52,000	+66%	4%
	21	North Contra Costa County	85,000	134,000	49,000	+58%	4%	121,000	184,000	63,000	+52%	4%
	22	Central Contra Costa County	60,000	89,000	28,000	+47%	2%	81,000	74,000	-7,000	-9%	-1%
	23	South Contra Costa County	55,000	70,000	15,000	+28%	1%	66,000	60,000	-6,000	-9%	0%
	24	East Contra Costa County	94,000	136,000	42,000	+45%	3%	56,000	84,000	28,000	+51%	2%
Solano	25	South Solano County	53,000	57,000	5,000	+9%	0%	45,000	62,000	17,000	+37%	1%
	26	North Solano County	89,000	119,000	30,000	+34%	2%	87,000	139,000	53,000	+61%	4%
Napa	27	South Napa County	34,000	40,000	5,000	+15%	0%	48,000	66,000	19,000	+39%	1%
	28	North Napa County	16,000	16,000	0	+1%	0%	24,000	20,000	-3,000	-14%	0%
Sonoma	29	South Sonoma County	64,000	83,000	19,000	+30%	1%	72,000	80,000	8,000	+11%	1%
	30	Central Sonoma County	88,000	98,000	10,000	+11%	1%	118,000	131,000	14,000	+12%	1%
	31	North Sonoma County	36,000	39,000	3,000	+9%	0%	31,000	40,000	9,000	+28%	1%
Marin	32	North Marin County	23,000	30,000	7,000	+28%	0%	29,000	29,000	0	+0%	0%
	33	Central Marin County	44,000	66,000	22,000	+50%	2%	63,000	49,000	-14,000	-23%	-1%
	34	South Marin County	41,000	50,000	9,000	+21%	1%	44,000	40,000	-4,000	-10%	0%
REGION			2,677,000	4,043,000	1,367,000	+51%	100%	4,005,000	5,408,000	1,403,000	+35%	100%

Numbers may not always sum to 100% due to rounding.



REGIONAL MAP – SUPERDISTRICTS



SUPER-DISTRICT	COUNTY	SUPERDISTRICT NAME	PRIMARY JURISDICTIONS INCLUDED IN SUPERDISTRICT
1 to 4	San Francisco	San Francisco County (Combined)	San Francisco
5	San Mateo	North San Mateo County	Brisbane, Colma, Daly City, Pacifica, South San Francisco, Millbrae, San Bruno, Burlingame (partial)
6	San Mateo	Central San Mateo County	Half Moon Bay, Hillsborough, San Mateo, Foster City, Belmont, Burlingame (partial)
7	San Mateo	South San Mateo County	Atherton, Menlo Park, Redwood City, Woodside, East Palo Alto, Portola Valley, San Carlos
8	Santa Clara	Northwest Santa Clara County	Los Altos Hills, Los Altos, Palo Alto (partial), Mountain View (partial)
9	Santa Clara	North Santa Clara County	Sunnyvale, Santa Clara (partial), Mountain View (partial), Milpitas (partial), San Jose (partial), Palo Alto (partial)
10	Santa Clara	West Santa Clara County	Los Gatos, Monte Sereno, Saratoga, Cupertino, Campbell (partial), Santa Clara (partial)
11	Santa Clara	Central Santa Clara County	Campbell (partial), San Jose (partial)
12	Santa Clara	East Santa Clara County	Milpitas (partial), San Jose (partial)
13	Santa Clara	Central South Santa Clara County	San Jose (partial)
14	Santa Clara	South Santa Clara County	Gilroy, Morgan Hill, San Jose (partial)
15	Alameda	East Alameda County	Dublin, Livermore, Pleasanton
16	Alameda	South Alameda County	Newark, Fremont, Union City
17	Alameda	Central Alameda County	San Leandro, Hayward
18	Alameda	North Alameda County	Alameda, Piedmont, Oakland
19	Alameda	Northwest Alameda County	Albany, Berkeley, Emeryville
20	Contra Costa	West Contra Costa County	El Cerrito, Hercules, Pinole, Richmond, San Pablo
21	Contra Costa	North Contra Costa County	Clayton, Pleasant Hill, Concord, Martinez, Lafayette (partial), Pittsburg (partial)
22	Contra Costa	Central Contra Costa County	Moraga, Orinda, Walnut Creek (partial), Lafayette (partial)
23	Contra Costa	South Contra Costa County	Danville, San Ramon, Walnut Creek (partial)
24	Contra Costa	East Contra Costa County	Antioch, Brentwood, Oakley, Pittsburg (partial)
25	Solano	South Solano County	Benicia, Vallejo
26	Solano	North Solano County	Dixon, Fairfield, Rio Vista, Suisun City, Vacaville
27	Napa	South Napa County	American Canyon, Napa
28	Napa	North Napa County	Calistoga, St. Helena, Yountville
29	Sonoma	South Sonoma County	Cotati, Petaluma, Sonoma, Rohnert Park
30	Sonoma	Central Sonoma County	Santa Rosa, Sebastopol
31	Sonoma	North Sonoma County	Cloverdale, Healdsburg, Windsor
32	Marin	North Marin County	Novato
33	Marin	Central Marin County	Fairfax, San Anselmo, San Rafael, Ross
34	Marin	South Marin County	Belvedere, Corte Madera, Mill Valley, Sausalito, Tiburon, Larkspur

Unincorporated areas included in most superdistricts outside San Francisco. Small overlap zones, less than 10 percent of city size, are not shown for clarity.

Corte Madera RHNA Appeal Attachment 3

[Home](#) » [Local Jurisdiction Survey on Housing Factors and Fair Housing](#) » [Webform results](#)

Submission #127

[Previous submission](#) [Next submission](#)

[Resend e-mails](#)

SURVEY RESPONDENT CONTACT INFORMATION

Jurisdiction
Corte Madera

Page Break

RELATIONSHIP BETWEEN JOBS AND HOUSING

1. If you believe the information from federal data sources shown in the link below is not accurate, please report your own data in the box. Note your estimate for jobs-housing fit for your jurisdiction and the data sources used to calculate this estimate.

It doesn't appear that the Federal data source includes any of the deed restricted housing units for low and very low income residents that exist in Corte Madera. For example, of the 79 units at San Clemente Place apartments, 60 are deed-restricted for extremely low income residents and 19 are deed-restricted for low income residents. If this is because those deed-restricted units charge more than \$749 in rent/month, I would question the validity of this metric in determining low wage housing. Even very-low income deed restricted housing units (up to 50% AMI) can charge up to \$1,275 per month in the San Francisco HUD Metro FMR Area in 2019. Further, a low-wage job that earns less than \$1,250 per month would require that job to pay less than a minimum wage salary. It is highly unlikely that Corte Madera has 1,615 jobs that pay less than the minimum wage. According to the California Economic Development Department, Occupational Employment Statistics, in 2014, all service sector jobs pay more than \$1,250 per month. In short, I do

believe the Federal data source is inaccurate, significantly so, and a new metric should be established based on local conditions to define jobs-housing fit.

2. How would you rate the balance between low-wage jobs and the number of homes affordable to low-wage workers in your jurisdiction?

Very imbalanced

3. Please briefly explain your reasoning for your response to the previous question

While I question the absolute number of "low wage" jobs that exist in Corte Madera, based on the definition of "low wage job" used above, there is no question that there is a great disparity between the number of housing units affordable to lower wage workers (based on paying 30-33% of income toward housing) in Corte Madera and the number of lower wage workers working in Corte Madera.

4. Which of the following impacts does the balance or imbalance of low-wage workers to homes affordable to low-wage workers have on your jurisdiction?

- Long commutes into the jurisdiction
- Difficulty for local employers to hire and/or retain workers

5. Does your jurisdiction use data on the local jobs-housing fit ratio to inform policy decisions?

Yes

This metric (not specifically the local jobs-housing fit ratio described above, but a general jobs-housing ratio) has been used in the past to provide justification for allowing housing development in certain areas of Town. Nonetheless, I do not agree that this metric, if it describes the ratio only for Corte Madera, should be used to inform Corte Madera policy. To effectively achieve any policy goals related to addressing the negative outcomes of local jobs-housing fit imbalance, a regional metric, that includes multiple surrounding jurisdictions, should be utilized, and regional strategy should be developed.

6. If your jurisdiction experiences an imbalance in the jobs-housing fit for low-wage workers, which of the following policies, programs, or strategies would be most helpful for your jurisdiction to implement to help address this imbalance?

- Increased funding for affordable housing
- Inclusionary zoning
- Community land trusts

HOUSING OPPORTUNITIES AND CONSTRAINTS

7. Which of the following apply to your jurisdiction as either an opportunity or a constraint for development of additional housing by 2030?

	Opportunity	Constraint	Explanation
Sewer capacity			
Water capacity			
Land suitability		Constraint	The Town of Corte Madera encompasses approximately 4.5 sq. miles, however, approximately 1.25 sq. miles is submerged under bay waters and .67 miles is protected marshland, leaving a net land area of 2.55 miles, of which approximately half is within the FEMA 100 year flood zone, and the other half is in the Wildland-Urban Interface. The only remaining vacant parcels in Town are on steep hillsides

Corte Madera RHNA Appeal Attachment 3

	Opportunity	Constraint	Explanation
Lands protected by federal or state programs			
County policies to preserve agricultural land		Constraint	
Availability of schools	Opportunity		
Availability of parks	Opportunity		
Availability of public or social services			
Impact of climate change and natural hazards		Constraint	The most up to date sea level rise maps show that sea level rise poses a significant risk to vast areas of land in Corte Madera, including the most-likely sites available for redevelopment for housing. Without knowing whether potential mitigation measures can be funded or are feasible, the redevelopment of these sites presents a constraint to the availability of land for housing development. Similarly, increasing wildfire risks constrain the amount of housing development that can be developed in the Town's hillside areas due to the need to mitigate the public safety risks associated with narrow roads and impediments to evacuations during emergencies.
Construction costs		Constraint	
Availability of construction workforce		Constraint	
Availability of surplus public land			
Availability of vacant land		Constraint	There are approximately 10 vacant parcels of land in Corte Madera, and with the exception of a 3 lot single-family subdivision, all located on steep hillsides, within existing single family very low density zones.
Financing/funding for affordable housing			
Weak market conditions	Opportunity		
Project Labor Agreements (i)			
Utility connection fees			
Other			

8. Of the issues above that you marked as opportunities, list up to three that you feel represent the greatest opportunities for developing additional housing in your jurisdiction by 2030 and explain the

reasoning for your selection: **Corte Madera RHNA Appeal Attachment 3**

Corte Madera has excellent schools, recreation, and geographic location that makes the demand for housing in the community high. As a result, market rate residential projects have recently been developed (or are in construction) in conjunction with either deed-restricted affordable housing or accessory dwelling units that have diversified the Town's housing stock. There may be opportunities to utilize the high market demand to develop higher ratios of affordable housing. Currently, the Town's inclusionary housing requirement is 25%. If feasible sea level rise mitigation measures are identified, there are relatively large sites that could be available for mixed-use or infill housing projects.

9. Of the issues above that you marked as constraints, list up to three that you feel represent the greatest constraints for developing additional housing in your jurisdiction by 2030 and explain the reasoning for your selection:

The lack of Town owned land, the lack of vacant land, high construction costs, including availability of labor, and questions surrounding the impacts of sea level rise provide the greatest constraints to developing additional housing. The last sizable vacant residential vacant property has been approved for 24 units of housing and will be under construction shortly. There is some potential for the Town to develop a modest amount of housing on land it owns, but the vast majority of land is privately held and currently occupied with existing uses. The most likely sites available for redevelopment for housing are in the FEMA flood zone and despite the ability to meet FEMA requirements, long-term projections regarding sea level rise raise significant questions regarding the ability to mitigate potential impacts. It is unclear how the private real estate market will be affected during the 2020s.

10. Does your jurisdiction face opportunities or constraints in encouraging more jobs and housing near public transportation and existing transportation infrastructure?

No

11. Does your jurisdiction face opportunities or constraints in encouraging housing near job centers (including jobs that are not served by transit)?

No

12. What agreements, if any, are in place between your county and the cities in your county that direct growth toward either the incorporated or unincorporated areas of the county?

Not aware of any specific agreements, but historic land use policies have directed transportation infrastructure and population growth to incorporated areas along Hwy. 101.

13. The location and type of housing can play a key role in meeting state and regional targets to reduce greenhouse gas emissions. What land use policies or strategies has your jurisdiction implemented to minimize greenhouse gas emissions?

- Energy efficiency standards in new construction or retrofits
- Investment in pedestrian, bicycle, and active transportation infrastructure
- Land use changes that encourage a diversity of housing types and/or mixed-use development
- Land use changes to allow greater density near transit
- Incentives or policies to encourage housing development on vacant or underutilized land near transit
- Implementing a Climate Action Plan

HOUSING AFFORDABILITY AND OVERCROWDING

14. Has your jurisdiction considered what impacts high housing costs and the proportion of rent-burdened households have on residents in your jurisdiction?

Yes

Incorporated into inclusionary housing, ADU, and source of income policies. Considering as part of short term rental ordinance.

Corte Madera RHNA Appeal Attachment 3

15. Has your jurisdiction considered what impacts overcrowding has on residents in your jurisdiction?

No

16. What data sources does your jurisdiction use to examine local trends in housing costs?

- American Community Survey or other Census Bureau data
- Online real estate databases (Zillow, Redfin, etc)
- Locally collected data (please describe below)

Locally collected data

News sources, broker reports, etc...

17. What are the current housing cost trends in your jurisdiction?

They have moderated slightly after several years of significant growth both for owners and renters.

18. Does your jurisdiction collect data on homelessness within the jurisdiction and demand for transitional housing for those experiencing homelessness?

No

19. What are the primary barriers or gaps your jurisdiction faces in meeting its RHNA goals for producing housing affordable to very low- and low-income households?

- Land use and zoning laws, such as minimum lot sizes, limits on multi-unit properties, height limits, or minimum parking requirements
- Local affordable housing development capacity
- Availability of land
- Community opposition
- Other (please explain below)

Corte Madera has met its RHNA goals for the 5th cycle housing element and expects to continue meeting its goals through the 8 year cycle. For the next cycle, assuming significantly higher numbers, the availability of land, in conjunction with zoning limitations (height) likely limit the ability to construct a substantial numbers of housing units. If zoning limitations have to be modified I would expect community opposition to be relatively strong.

20. If local gap financing is a barrier to constructing more affordable housing in your jurisdiction, what do you estimate is the number of affordable housing units that could be built in your jurisdiction if this financing was available?

Please provide an estimate for the amount of gap financing necessary to fund those projects:

21. What types of support would your jurisdiction like to see the Bay Area Housing Finance Authority (BAHFA) provide to help your jurisdiction meet its RHNA goals and comply with the requirement to affirmatively further fair housing?

- Financing for new construction of affordable housing
- Financing for the preservation of existing subsidized affordable housing
- Financing for the preservation of housing that is currently on the private market to make it permanently affordable
- Technical assistance to determine locations to site housing (e.g. feasibility studies)
- Technical assistance on land assembly
- Technical assistance to pursue compliance with California HCD's new pro-housing designation or other state regulation

Corte Madera RHNA Appeal Attachment 3

HOUSING DEMAND

22. Over the course of a typical year, is there a need in your jurisdiction for housing for farmworkers?
No

23. What is the source for the data used for the previous response?

24. If your jurisdiction is not currently meeting the demand for farmworker housing, what are the main reasons for this unmet demand?

25. Please indicate the amount of housing need in your jurisdiction created by the presence of any of the postsecondary educational institutions in the table below.

Housing Units Needed to Meet Demand
Private university
Campus of the California State University or the University of California
Community college

26. What is the source for the data used to respond to the previous question?

27. Is your jurisdiction currently meeting the housing demand created by post-secondary educational institutions? Why or why not? If not, what is the total amount of unmet need?

28. Do any of the following dynamics in your jurisdiction impact the local demand for housing?
Population of senior residents

29. Has your jurisdiction experienced a loss of units in assisted housing developments in the past 10 years due to expiring affordability contracts or other issues facing at-risk affordable housing units?
No

30. If yes, how many units? What is the source of this data?

31. Does your jurisdiction anticipate a loss of units in assisted housing developments in the next 10 years?
Yes

32. If yes, why? How many units will be lost? What is the source of this data?
We expect approximately 8-10 units to be lost due to expiration of deed restrictions. This is based on Marin Housing Authority records

33. Has your jurisdiction lost housing units due to a state-declared emergency (fire, natural disasters, etc.) that have yet to be rebuilt or replaced as of January 1, 2020?
No

34. If yes, please provide the date of the emergency. How many units were lost? What is the source of this data?

35. Does your jurisdiction anticipate that some housing units lost during a state-declared emergency won't be replaced? If yes, why?

36. If possible, please describe the housing tenure (rental vs. ownership) and affordability levels of units that have been lost during a state-declared emergency:

FAIR HOUSING PLANNING AND DATA SOURCES

37. Does your jurisdiction receive funding from the U.S. Department of Housing and Urban Development (HUD) that requires submitting a Consolidated Plan?

No

38. If you answered yes to the previous question, which of the following reports has your jurisdiction undertaken or completed for HUD?

Please upload your most recently completed report:

Or provide a Web link/URL to the report

39. Which of the following data sources does your jurisdiction maintain or use to assess fair housing issues in the community?

40. Which of the following outreach activities has your jurisdiction used to encourage community participation in planning processes related to fair housing?

41. Did you collect data about the demographics of those who participated in planning processes related to fair housing? If so, please describe the demographics of the participants.

42. Please describe your goals for the process to elicit community participation for fair housing planning.

43. How successful were you in achieving the goals described in the previous question?

44. Describe reasons for the success or lack of success of these community engagement efforts:

DIVERSITY AND SEGREGATION, ACCESS TO OPPORTUNITY, AND DISPROPORTIONATE HOUSING NEEDS

45. Which of the following factors contribute to fair housing issues in your jurisdiction?

	Limited access to housing in your jurisdiction	Segregated housing patterns or concentrated areas of poverty	Disparities in access to opportunity areas	Disparities in housing cost burdens and overcrowding	Describe how this factor contributes to fair housing issues in your jurisdiction
Community opposition to proposed or existing developments	Yes				
Displacement of residents due to increased rents or other economic pressures					

Corte Madera RHNA Appeal Attachment 3

	Limited access to housing in your jurisdiction	Segregated housing patterns or concentrated areas of poverty	Disparities in access to opportunity areas	Disparities in housing cost burdens and overcrowding	Describe how this factor contributes to fair housing issues in your jurisdiction
Displacement of low-income residents and/or residents of color					
Displacement of residents due to natural hazards, such as wildfires					
Land use and zoning laws, such as minimum lot sizes, limits on multi-unit properties, height limits, or minimum parking requirements					
Occupancy standards that limit the number of people in a unit					
Location of affordable housing					
The availability of affordable units in a range of sizes (especially larger units)					
Foreclosure patterns					
Deteriorated or abandoned properties					
Lack of community revitalization strategies					
Lack of private investments in low-income neighborhoods and/or communities of color, including services or amenities					
Lack of public investments in low-income neighborhoods and/or communities of color, including services or amenities					
Lack of regional cooperation					
Access to financial services					
Lending discrimination					

Corte Madera RHNA Appeal Attachment 3

	Limited access to housing in your jurisdiction	Segregated housing patterns or concentrated areas of poverty	Disparities in access to opportunity areas	Disparities in housing cost burdens and overcrowding	Describe how this factor contributes to fair housing issues in your jurisdiction
Location of employers					
Location of environmental health hazards, such as factories or agricultural production					
Availability, frequency, and reliability of public transit					
Access to healthcare facilities and medical services					
Access to grocery stores and healthy food options					
Location of proficient schools and school assignment policies					
Creation and retention of high-quality jobs					
Range of job opportunities available					
The impacts of natural hazards, such as wildfires					
CEQA and the land use entitlement process					
Private discrimination, such as residential real estate "steering" (i)					
Other (please describe)					
46. List up to three of the factors you selected in the previous question that you feel are the biggest contributors to fair housing issues in your jurisdiction. Why did you select these factors?					

FAIR HOUSING GOALS AND ACTIONS

47. What actions has your jurisdiction taken to overcome historical patterns of segregation or remove barriers to equal housing opportunity?
48. Briefly describe your jurisdiction's goals for past actions to overcome historical patterns of segregation or remove barriers to equal housing opportunity:
49. How successful were these past actions in achieving these goals?
- Describe reasons for success or lack thereof:

50. Which of the following policies, programs, or actions does your jurisdiction use to prevent or mitigate the displacement of low-income households?

	In Use	Under Council/Board Consideration	Potential Council/Board Interest
Rent stabilization/rent control			
Rent review board and/or mediation			
Mobile home rent control			
Single-room occupancy (SRO) preservation			
Condominium conversion regulations			
Foreclosure assistance			
Affordable housing impact/linkage fee on new residential development			
Affordable housing impact/linkage fee on new commercial development			
Inclusionary zoning			
Community land trusts			
First source hiring ordinances			
Living wage employment ordinances			
Promoting streamlined processing of ADUs			
Fair housing legal services			
Housing counseling			
Acquisition of affordable units with expiring subsidies			
Acquisition of unsubsidized properties with affordable rents			
Dedicating surplus land for affordable housing			
Other (please describe below)			
Other			

— ANY ADDITIONAL FACTORS/COMMENTS —

51. Are there any other factors that you think ABAG should consider in the RHNA methodology?

52. What criteria or factors do you think are most important to consider in the RHNA methodology?

53. Any further comments about anything in this survey?

[Previous submission](#)

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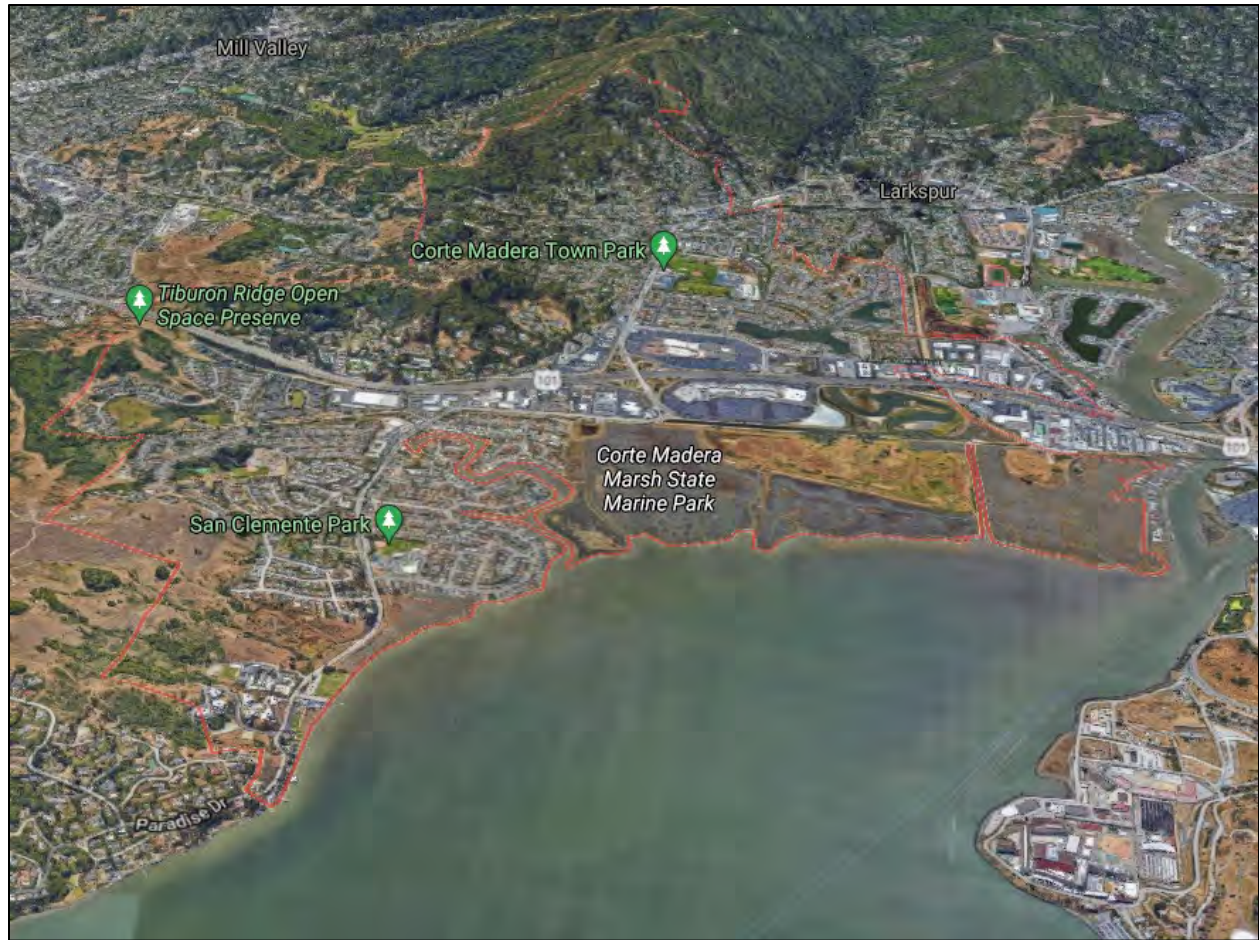
Corte Madera RHNA Appeal Attachment 4



Corte Madera (1926)

Courtesy: Corte Madera Memories

Corte Madera RHNA Appeal Attachment 4



Corte Madera (2021)

Courtesy: Google Maps

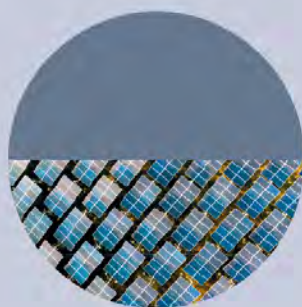
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Sea level rise and coastal flooding threaten affordable housing

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LETTER

Sea level rise and coastal flooding threaten affordable housing

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citation and DOI.Maya K Buchanan^{1,5} , Scott Kulp¹, Lara Cushing², Rachel Morello-Frosch³, Todd Nedwick⁴
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E-mail: bstrauss@climatecentral.org**Keywords:** sea level rise, coastal flooding, affordable housingSupplementary material for this article is available [online](#)

Abstract

The frequency of coastal floods around the United States has risen sharply over the last few decades, and rising seas point to further future acceleration. Residents of low-lying affordable housing, who tend to be low-income persons living in old and poor quality structures, are especially vulnerable. To elucidate the equity implications of sea level rise (SLR), we provide the first nationwide assessment of recent and future risks to affordable housing from SLR and coastal flooding in the United States. By using high-resolution building footprints and probability distributions for both local flood heights and SLR, we identify the coastal states and cities where affordable housing—both subsidized and market-driven—is most at risk of flooding. We provide estimates of both the expected number of affordable housing units exposed to extreme coastal water levels and of how often those units may be at risk of flooding. The number of affordable units exposed in the United States is projected to more than triple by 2050. New Jersey, New York, and Massachusetts have the largest number of units exposed to extreme water levels both in absolute terms and as a share of their affordable housing stock. Some top-ranked cities could experience numerous coastal floods reaching higher than affordable housing sites each year. As the top 20 cities account for 75% of overall exposure, limited, strategic and city-level efforts may be able to address most of the challenge of preserving coastal-area affordable housing stock.

1. Introduction

The frequency of coastal floods around the United States has risen sharply in recent decades, and rising seas point to further acceleration in both tidal (or 'nuisance') and extreme floods in the years ahead (Sweet *et al* 2017a, Sweet *et al* 2017b, Buchanan *et al* 2017, Vitousek *et al* 2017). For example, by 2050, with continued high carbon emissions, the flood level currently expected to occur approximately every 100 years (with an annual 1% chance of occurrence) could occur ~ 40 times more often on average at tide gauges along the contiguous United States (Buchanan *et al* 2017). By the same time, the frequency of tidal flooding, which generally occurs at least once a year,

may occur on a weekly basis in some places (Sweet and Park 2014, Sweet *et al* 2018). Together, these results indicate that more frequent flooding events will become a major concern for many U.S. coastal communities in the coming decades.

While people and assets in virtually all coastal areas face some degree of risk from coastal flooding, the exposure of low-lying affordable housing is of particular concern. Housing is conventionally considered affordable to low-income households if it costs no more than 30% of their gross household income (U.S. Census 2018b). Nationwide, affordable housing is an increasingly scarce resource. Median rents in the U.S. have increased by over 25% over the last decade while wages have remained largely stagnant (US Census

2007, Stone *et al* 2011). Unlike previous periods of price inflation, this rise in rents is not the result of increased incomes or improvements in housing quality (Desmond and Bell 2015). Nationwide, there are only an estimated 35 affordable rental units available for every 100 extremely low-income renters (those living in households with incomes $\leq 30\%$ of the median income of their metropolitan area)—a national shortfall of over 7 million units that impacts all 50 largest metropolitan areas (NLIHC 2019). The result is that the majority of poor renting families today devote over half of their income to housing, and almost a quarter dedicate more than 70%, leaving little left over for basic needs such as food and health care and resulting in housing insecurity, including homelessness, multiple moves, or ‘doubling up’ with others (Desmond 2015). Moreover, affordable housing (the vast majority of which is in privately-owned buildings, even among subsidized units) tends to be older and of poorer quality than other housing (Vale *et al* 2014). Often built to older housing codes and prone to deferred maintenance, affordable housing tends to be far less structurally sound than general housing (Keenan *et al* 2018). Because of this, affordable housing structures are more physically vulnerable than the general housing stock to damage from flooding.

Residents of affordable housing also face high socioeconomic vulnerability due to the fact that they are predominately low-income and more likely to be disabled, single parents, seniors, minorities, and/or lacking stable employment than the general population (e.g. Brennan *et al* 2011, Desmond and Gershenson 2016, NLIHC 2019). Socially disadvantaged communities are more likely to be adversely impacted by natural hazards such as flooding because they have fewer financial resources, less political influence, and receive less information about financial aid to support recovery (Cutter *et al* 2009, Fussell *et al* 2010).

The combination of physical vulnerability of affordable housing infrastructure, socioeconomic vulnerability, and more frequent flooding due to sea level rise (SLR) presents a triple threat to residents of the country’s already scarce affordable housing. To help quantify these intersecting challenges and elucidate the equity implications of SLR, we provide the first nationwide assessment of the coastal flood risks facing affordable housing. To the best of our knowledge, this research advances upon previous methods for characterizing the impacts of coastal flooding and SLR in four important ways.

First, while past studies have used low-resolution data on the locations and numbers of people and structures, we base our analysis on a comprehensive geolocated inventory of individual building footprints across the United States. Prior studies have typically relied on density data at the relatively coarse scale of census tracts (e.g. Kirshen *et al* 2008, Clark *et al* 1998, Rygel *et al* 2006, Martinich *et al*

2013). Averaging $\sim 4\,000$ inhabitants (1 200–8 000; US Census 2010), tract sizes vary widely depending on the density of settlement, and are often large enough to include substantial variation in both flood risk and socioeconomic conditions. Neumann *et al* (2015) used comparatively finer spatial data (150 m by 150 m, about the area of a New York City block); however, this scale still exceeds that of individual buildings. Others have used address-based points, which approximate the location of a house or building, but could misplace a structure in a nearby stream or on land with a different elevation (e.g. Torgersen *et al* 2017). Using building footprint data offers the advantage of being able to precisely locate the lowest ground elevation across a building’s footprint—a critical attribute for calculating flood risk. We combine this data with a comprehensive inventory of U.S. affordable housing buildings and units therein (both subsidized and market-driven).

Second, flood risk assessments have traditionally focused on a few particular storm surge water levels (e.g. Cooper *et al* 2008, San Francisco Bay Conservation and Development Commission 2011, Neumann *et al* 2015, Hallegatte *et al* 2013, Hinkel *et al* 2014, Diaz 2016). For example, San Francisco Bay Conservation and Development Commission (2011) and Houser *et al* (2015) showed the number of buildings and amount of land exposed to SLR plus the 100 yr flood. Here, we follow the approach of Kulp and Strauss (2017) using the full annual probability distribution of water levels above high tide, from minor to extreme flooding. This probability-weighted approach provides a more complete picture of flood hazard and could have a strong quantitative effect in calculating the threat posed by SLR.

Third, previous studies have estimated future flood risk by using a few particular projected amounts of SLR, either reflecting a scenario-based estimate of SLR (typically by 2100; e.g. Cooper *et al* 2008, Hallegatte *et al* 2013, Neumann *et al* 2015) or slices of a SLR probability distribution for a future year (e.g. the 50th or 95th percentiles; Diaz 2016, Houser *et al* 2015, Kulp and Strauss 2017). These approaches only provide a snapshot of potential future flood hazard, given the wide range of possible SLR values. Here, we integrate over the entire SLR distribution conditional on a selected greenhouse gas emissions scenario, extending the approach of Buchanan *et al* (2016) to incorporate the uncertainty in the SLR distribution into the calculation of future flood risk.

Finally, past studies have tended to focus on either the number of people and/or structures exposed or on average annual economic losses. Although a useful metric, calculation of average annual losses can be computationally intensive and thus is often done at relatively coarse scales (Hallegatte *et al* 2013, Neumann *et al* 2015) or with proprietary (Houser *et al* 2015) and limited information about the relationship between flood height and damage (Merz *et al* 2004).

We focus on exposure to projected extreme coastal water levels (driven by tides, storm surges, and SLR; Gregory *et al* 2019), or ‘flood-risk events’. Using a ‘bathtub’ model, a building is considered exposed if its ground elevation lies below projected water levels, accounting for hydrological connectivity. Accordingly, the probability of a structure being exposed in a given year is dependent on three factors: its elevation (adjusted to account for coastal defenses), local SLR projections by the year of interest, and local flood height exceedance probabilities. We note that bathtub models are generally known to overestimate coastal vulnerability to extreme flood levels, as they cannot capture water height attenuation over land with distance from the ocean (Vafeidis *et al* 2019). Hydrodynamic models do incorporate these physical interactions, but are computationally infeasible for the wide spatial scale we consider here.

We estimate *expected annual flood-risk events*, the number of times that a particular building may be exposed in a given year, as well as *expected annual exposure*, the average number of affordable housing buildings and units exposed in a typical year, which can be aggregated for an administrative region of interest (e.g. for a particular municipality, county, or state). Together, this information can provide an indication of not only *how many* buildings or units are at risk, but also of *how often* they are at risk. This provides counts of the number of times a place could potentially flood based on water and land elevations, not predictions of how many times a place will actually flood, dependent on floodplain features and on the nature of storms (Vafeidis *et al* 2019). This approach works best for milder (and thus more frequent) events and serves as an indicator of risk (Orton *et al* 2015, Seenath *et al* 2016).

By using high-resolution building footprints and integrating across both local flood and SLR distributions to calculate exposure, as described above, we aim to identify the coastal states and cities where affordable housing—both subsidized and market-driven—is most at risk. We also evaluate exposure of the general housing stock and identify the coastal states and cities where affordable housing is disproportionately exposed in comparison. This information may be particularly relevant for preserving the affordable housing stock, especially in places with strained public finance and dwindling affordable housing inventory.

2. Methods

To assess the exposure of affordable housing (and of general housing for comparison), we use the core methodology of Kulp and Strauss (2017), who defined *expected annual exposure*—the quantity of some variable (such as housing stock) expected to be exposed to at least one coastal flood-risk event in a given year.

In this paper, we assess vulnerability of individual buildings and their contained housing units by computing their expected annual exposure. We introduce a new metric, *expected annual flood-risk events*, the *total* expected number of flood-risk events each building/unit could experience. Both of these quantities can be made unconditional to SLR sensitivity to emissions by integrating across the distribution of potential SLR, given an emissions scenario.

This analysis is performed by refining a digital elevation model (DEM) to reference local high tide and enforce hydrological connectivity given any water height threshold; integrating SLR projections and flood height exceedance probabilities to generate a function estimating the annual and daily probabilities of at least one coastal flood above a height threshold in a given year; and applying this function to each building and year of interest, from which expected annual exposure and flood-risk events can be computed and aggregated within any administrative area. The inputs, models, and outputs of the analysis are illustrated in figure 1 and described in detail below.

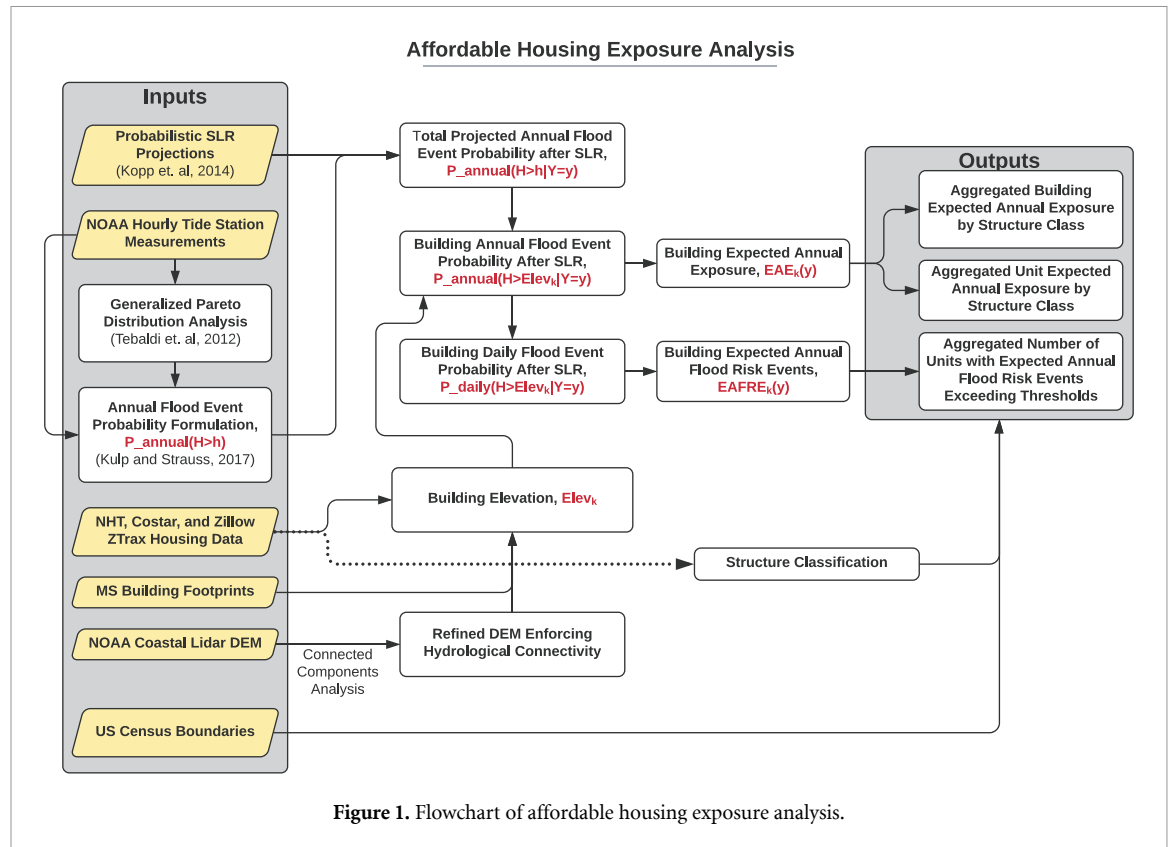
2.1. Digital Elevation Models

To assess topography, we employ lidar-derived DEMs compiled and distributed by NOAA (NOAA 2015), supplemented with the USGS Northern Gulf of Mexico Topobathymetric DEM (USGS 2014) in Louisiana, and the USGS National Elevation Dataset (Gesch *et al* 2002) in the small fraction of land not covered by the preceding DEMs. These data have a continuous vertical resolution, and a horizontal resolution of about 5 m, except in parts of LA (3 m) and Norfolk, VA (1 m). We then recompute elevations relative to local mean higher high water (MHHW) levels at nearest neighbors in NOAA’s VDatum grid (version 2.3.5; Parker *et al* 2003), measured in the National Tidal Datum Epoch (1983–2001).

Topography or levees isolate some low-lying areas from the ocean. To account for known protective features and to facilitate downstream computations, the DEM is further refined by raising individual grid cell heights in identified isolated regions. Designated pixel elevations are raised until they match the lowest water level connecting each cell to the ocean despite protective features. We use the following procedure.

We consider flood heights between 0–10 m above MHHW at quarter-meter intervals, denoting the i ’th such height in this sequence by h_i . For each i , we generate a binary inundation surface $S_i(lat, lon)$, equal to one where the DEM’s elevation is less than h_i , and zero otherwise. For each grid cell below 10 m, we note the minimum value of i for which $S_i(lat, lon) = 1$, denoting this index by $I(lat, lon)$.

We then incorporate levee data and use connected components analysis to remove isolated areas within each inundation surface, which produces new, connected binary surfaces denoted by $\tilde{S}_i(lat, lon)$. Data from the Mid-term Levee Inventory (FEMA/USACE,



acquired September 2013) is used to identify levees and other flood control structures. In Louisiana, we supplement this with data from Louisiana's Coastal Protection and Restoration Authority (Flood Protection GIS Database as of June 2015), and in Massachusetts, by Chris Watson at University of Massachusetts Boston, April 2014, based on MassGIS's Digital Orthophoto Topographic Breaklines, April 2003. We treat levees as impassible barriers, as these data lack information regarding levee strength or height. This could cause certain areas protected by weak levees to appear less vulnerable than they truly may be.

As before, for each grid cell below ~ 10 m, we compute $\tilde{I}(lat, lon)$, the smallest value of i in which $\tilde{S}_i(lat, lon) = 1$. Where no such value of i exists (meaning the cell is isolated from the ocean up to a water height of more than 10 m), we reassign its elevation to 10 m—higher than any plausible combination of SLR and one year return level this century in the United States, thereby effectively removing it from further consideration. If $I(lat, lon) = \tilde{I}(lat, lon)$, we assume this grid cell is not hydrologically isolated and do not modify its elevation. Otherwise, where $I(lat, lon) < \tilde{I}(lat, lon)$, meaning a cell is hydrologically isolated up to a water height of at most $\sim h_{\tilde{I}(lat, lon)}$, we reassign its elevation to $h_{\tilde{I}(lat, lon)}$.

2.2. Sea level rise

SLR is not geographically uniform. Because SLR is driven by global, regional, and local factors, the rise of local relative sea levels differs from the global mean. These factors include changes to temperature

and salinity (i.e. steric processes), land-ice melt, changes in the Earth's rotation and gravitational field associated with water-mass redistribution (e.g. from land-ice melt; Mitrovica *et al* 2011), dynamic ocean processes (Levermann *et al* 2005), as well as glacial isostatic adjustment (GIA; Farrell and Clark 1976) and other drivers of vertical land motion. To localize SLR, we use probabilistic SLR projections from Kopp *et al* (2014)—hereafter denoted by K14—which account for these time- and geographically-varying components. The K14 projections are conditional on global carbon emissions scenarios, including Representative Concentration Pathways (RCPs) 2.6, 4.5, and 8.5 (Van Vuuren *et al* 2011).

2.3. Annual Flood Event Probabilities

We use the formulation derived in Kulp and Strauss (2017) to construct $P_{\text{annual}}(H \geq h)$, the probability of the highest water height of the year exceeding h . This function is defined at each of 71 U.S. tide gauge stations with at least 30 years of hourly records, based on Tebaldi *et al* (2012), Supplementary Information (SI) table 1 (stacks.iop.org/ERL/15/124020/mmedia). The one year return levels for these stations are shown in figure 2. The station-distance sensitivity analysis presented in Kulp and Strauss (2017) suggests that the spatial density of these locations is sufficient for expected annual exposure analysis across the U.S. coastline.

Given the (adjusted) elevation of a building's geolocation (see section 2.6), $Elev(lat, lon)$, $P_{\text{annual}}(H \geq Elev(lat, lon))$ reflects the annual probability of at least one flood risk event, in the

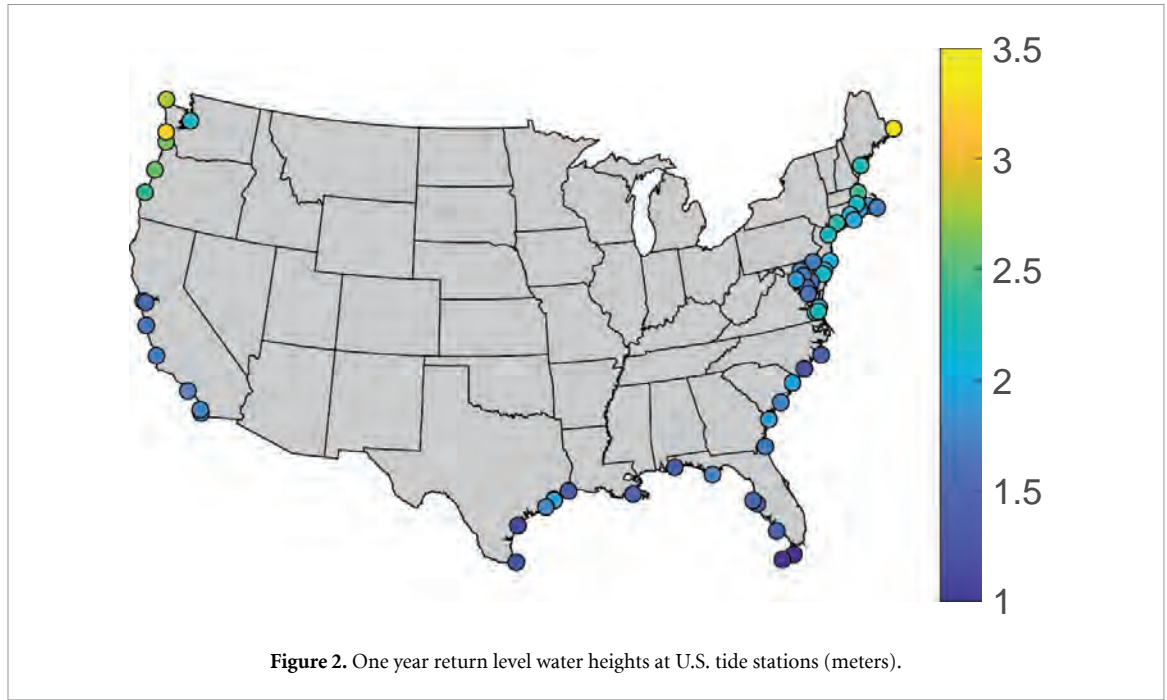


Figure 2. One year return level water heights at U.S. tide stations (meters).

absence of SLR. Making the assumption that the return level curves stay constant relative to sea level, and treating the year 2000 as the baseline case where $SLR(2000) = 0$, we incorporate a specific SLR projection to predict the flood event probability for any given year, y , $P_{annual}(H \geq Elev(lat, lon) | SLR(y) = x) = P_{annual}(H \geq Elev(lat, lon) - x)$.

Since for each emissions scenario considered, K14 provides a set of probabilistic distributions with 10,000 Monte Carlo samples of relative sea-level change for each tide gauge, we denote each sample as the function $SLR_{(j)}(y)$ for $j \in [1, \dots, 10000]$. We can estimate the probability, unconditional on model sensitivity, as:

$$P_{annual}(H \geq Elev(lat, lon) | Y = y) \approx \frac{1}{10000} \times \sum_{j=1}^{10000} P_{annual}(H \geq (Elev(lat, lon) - SLR_{(j)}(y))). \quad (1)$$

Making the simplifying assumption that the probability of a flood event on one day is independent of any other day, we can also estimate the *daily* probability of a flood event as:

$$P_{daily}(H \geq Elev(lat, lon) | Y = y) \approx 1 - (1 - P_{annual}(H \geq Elev(lat, lon) | Y = y))^{1/365}. \quad (2)$$

2.4. Expected Annual Exposure and Flood-Risk Events

The probability of annual flooding, $P_{annual}(H \geq Elev_k | Y = y)$, where $Elev_k$ is the land elevation of building k , reflects the annual probability of *at least*

one flood higher than the ground elevation of that individual building. Multiplying this probability with the number of housing units within the building ($Units_k$) represents the expected annual number of units exposed. Summing the values of this metric across all buildings within some administrative area (i.e. a particular city, state, etc) results in that area's total expected annual exposure of units. Although some units in an exposed building may not be directly flooded, access points (e.g. entrances, stairs) and amenities (e.g. electricity, water supply and sewage systems) may be affected.

Similarly, the product of the structure's *daily* flood event probability with $Units_k$ results in the expected *daily* exposure of units. With the assumption of daily independence, we can estimate the total number of expected annual flood-risk events by multiplying expected daily exposure by 365.

2.5. Housing data

2.5.1. Affordable housing stock: Subsidized

We utilize a comprehensive dataset of federally subsidized affordable housing buildings as of November 2018. This dataset was collected through the National Housing Preservation Database (<https://preservationdatabase.org/>), managed by the Public and Affordable Housing Research Corporation and the National Low Income Housing Coalition, and analyzed by the National Housing Trust (NHT). Information collected for this analysis included each building's address, latitude/longitude coordinates, number of units, number of subsidized units, government program, and funding source (i.e. government agency, shown in table 1). In this analysis, housing supported by any federal program is considered

subsidized. An affordable housing building can be subsidized by more than one program.

While some cities and states have additional programs to subsidize housing, many do not report comprehensive and publicly available data on the locations of housing supported by these programs. It is also common for state programs to provide gap financing to properties that are already subsidized through federal programs. We include housing subsidized directly by federal programs, which captures the vast majority of government-subsidized affordable housing. We include housing subsidized directly by known state-funded subsidies, which make up 2% of all subsidized housing in the database.

2.5.2. Affordable housing stock: Market-driven

Although there is no universally accepted definition of unsubsidized affordable housing, the term is generally applied to housing that is rented below market rates or $\sim 30\%$ of median income levels, without rental assistance (such as government subsidies or tax credits; NLIHC 2019, HUD 2019). Below-market-rate housing also tends to be low quality (e.g. Hood 2005, Nordby *et al* 2017). To identify and locate below-market-rate housing, we use the CoStar Building Rating System, a national rating for commercial and multifamily buildings on a universally recognized 5-Star quality scale, following the approach of the Urban Land Institute (Nordby *et al* 2017).

CoStar's rating distinguishes properties based on their age, physical condition, and amenities. We classify properties that are rated one- or two-stars as market-driven affordable housing because these buildings tend to rent at levels that are below market rate due to their age and need of significant repairs (Nordby *et al* 2017). For example, one-star buildings are characterized as being practically non-competitive with respect to typical multi-family investments and possibly functionally obsolete. Two-star units are characterized as having simply functional structures, below average finishes, inefficient use of space, and minimal or no shared amenities. Commercial real estate information (including each building's address, latitude/longitude coordinates, quality rating, and number of units) was collected in December 2018.

2.5.3. General housing stock

In the context of this study, a methodologically commensurate comparison of the exposure of affordable housing to that of the general housing stock requires a source of general housing information with address-level data. Although the 2010 U.S. Census (US Census 2011) includes data on all types of housing units, such as single-family homes, condos, and apartments, it is only available as totals at census block scale. As a result, we use housing data from Zillow's ZTRAX database, which includes latitude/longitude coordinates, to characterize the general housing stock. The ZTRAX

data serves as a broad indicator of general housing because it includes only housing units that are zoned for non-commercial use, meaning apartments are not included in the dataset. These data were collected in June 2018.

2.6. Building Footprints

We further refine the geographic representation of our affordable housing stock (subsidized and market-driven) and general housing stock datasets using Microsoft's U.S. Building Footprints database (<https://github.com/Microsoft/USBuildingFootprints>). Since points are poor representations of the areal extent of a building, building latitude and longitude locations are linked with the Building Footprints database and each point is assigned to the building footprint that contained it, or its nearest building footprint. If any part of a building is on land at a lower elevation than a given water height (according to the DEMs described in section 2.1), we considered the entire structure exposed, as well as all units within it, if applicable. This is a conservative measure, as not all buildings will necessarily suffer damage if water reaches the corner of a house, though those with basements or split levels still may.

3. Results and discussion

In the following results, we assess the threat of coastal flooding to individual affordable housing units nationwide, tabulating results to the national, state, and city levels. This analysis enables the identification of locations where affordable housing is the most at risk and where the potential exposure of affordable housing may be disproportionately high compared to housing overall.

As the size of affordable housing buildings varies from single-family homes to apartment complexes, we present results on the units within buildings to reflect the threat facing affordable housing residents. Focusing on units is also helpful because flood damage to a part of a building could impact all of the units in the building (e.g. by way of flooded access points, such as entrances or stairs, or service interruptions, including electricity, water supply, and sewage systems).

3.1. Recent threat

Using mean sea levels for the year 2000 as a baseline for comparison with future threat (section 3.2), we found that 7,668 affordable housing units were recently at risk of flooding per year in the United States. Figure 3 illustrates the recent vulnerability among states. New Jersey has the highest number and percentage of its affordable housing stock exposed (1,640, $\sim 1\%$; figure 3.a,c; SI table 2). New York and Massachusetts are also within the top three states at risk in terms of the number of units exposed

Table 1. Federal programs and corresponding funding agencies subsidizing affordable housing.

Program	Funding source
Project-based (Section 8)	U.S. Department of Housing and Urban Development (HUD)
Supportive housing for the elderly (Section 202)	HUD
HOME Investment Partnerships Program	HUD
Public Housing	HUD
Subsidized mortgage properties (Section 236)	HUD and Federal Housing Administration (FHA)
FHA-Insured Mortgages	FHA
Low-Income Housing Tax Credit Program	Internal Revenue Service
Rural Rental Housing program (Section 515)	U.S. Department of Agriculture (USDA)
Multi-Family Housing Loan Guarantees (Section 538)	USDA
State funded rental subsidy	State level

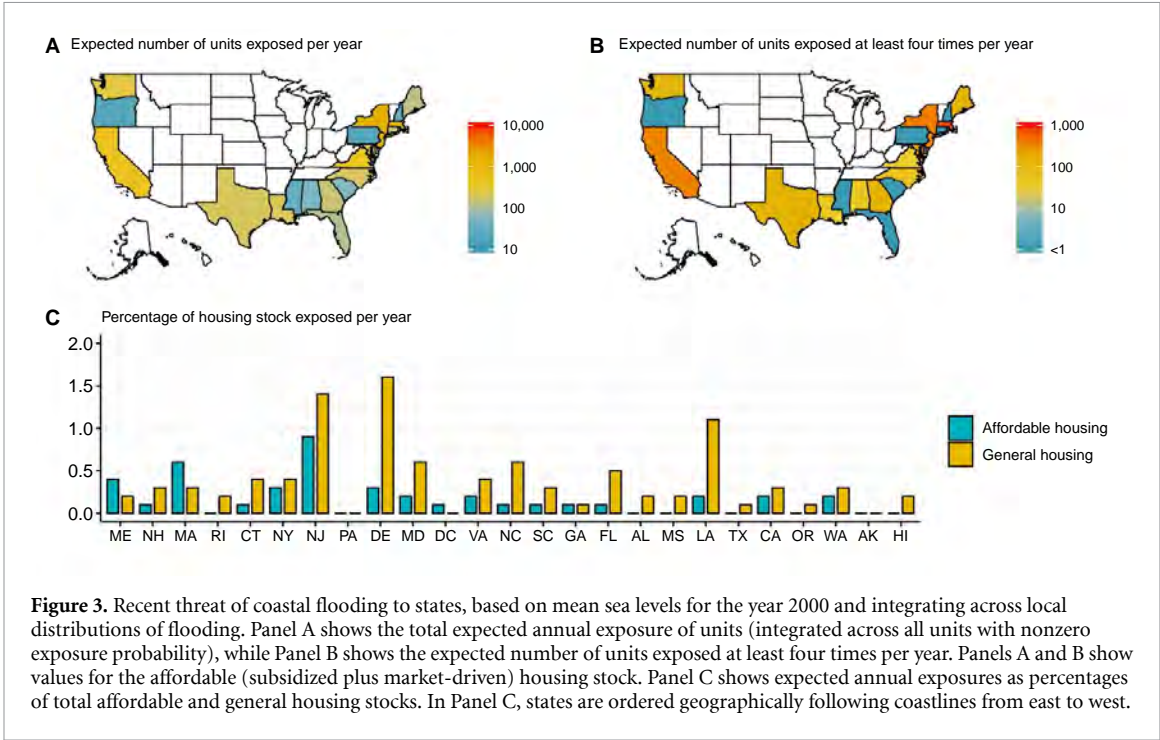


Figure 3. Recent threat of coastal flooding to states, based on mean sea levels for the year 2000 and integrating across local distributions of flooding. Panel A shows the total expected annual exposure of units (integrated across all units with nonzero exposure probability), while Panel B shows the expected number of units exposed at least four times per year. Panels A and B show values for the affordable (subsidized plus market-driven) housing stock. Panel C shows expected annual exposures as percentages of total affordable and general housing stocks. In Panel C, states are ordered geographically following coastlines from east to west.

(1,574, and 1,530, respectively)—an order of magnitude more than the other coastal states (figure 3.a). Massachusetts, Maine, and the District of Columbia are noteworthy in that the percentage of the affordable housing stock exposed markedly exceeds that of the general housing stock.

Looking at the number of flood-risk events per unit exposed shows another threat dimension (figure 3.b). Although California, for example, has about a third as many exposed units as New Jersey, it has roughly the same number of units exposed to flooding at least four times per year (358) as New Jersey (313; SI table 2). We chose at least four times per year because this corresponds to an average of at least once per quarter, although actual flood-risk events may be seasonally clustered. Along with New Jersey, Massachusetts, New York, and California, affordable housing units in Maryland are the most at risk of repetitive flooding, with an over 200 units exposed to at least four flood-risk events per year in each of these states. By contrast, units in Rhode Island, New

Hampshire, and Oregon are some of the states least at risk to more than one flood event per year.

Cities as well as states vary dramatically in the vulnerability of their affordable housing to flood risk. Figure 4 shows the top 20 cities recently at risk of coastal flooding, in terms of the absolute number of units exposed (see SI table 3 for all cities). Threats are primarily clustered in smaller cities in California and in the northeastern United States. New York City has the largest number of units exposed per year (1,373), even though these units make up less than 1% of the city's supply of subsidized affordable housing (figure 4.a,c). The second most at-risk city in absolute terms is Atlantic City. Its significant number of units exposed per year (618) consists of more than 10% of the city's affordable housing stock. With a similar number of units exposed (609), Boston ranks third; more than half of its at-risk units face at least four flood-risk events per year.

Five of the top-ranked cities have more than 200 units that face flood-risk at least four times per year,



Figure 4. Recent threat of coastal flooding to the top 20 cities exposed (in absolute terms), based on mean sea levels for the year 2000 and integrating across local distributions of flooding. Panel A shows the total expected annual exposure of affordable housing units and the number of units expected to be exposed at least four times per year. Panel B shows expected annual exposures as percentages of total affordable and general housing stocks. Cities are ordered geographically following coastlines from east to west.

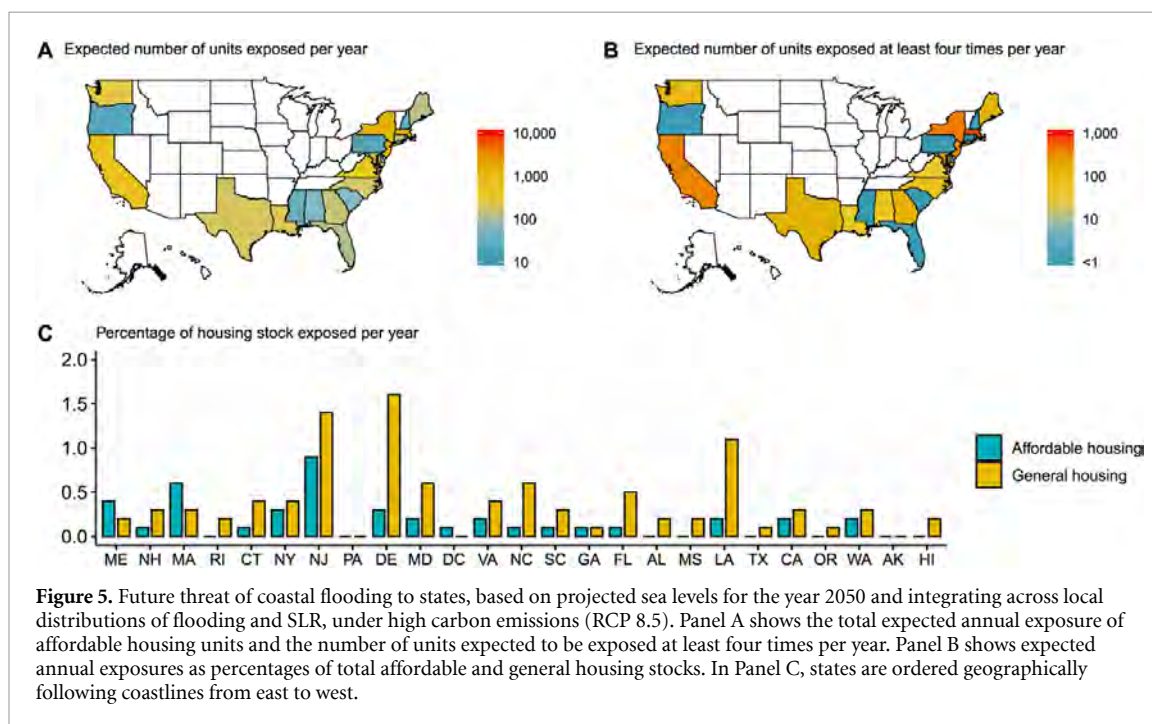


Figure 5. Future threat of coastal flooding to states, based on projected sea levels for the year 2050 and integrating across local distributions of flooding and SLR, under high carbon emissions (RCP 8.5). Panel A shows the total expected annual exposure of affordable housing units and the number of units expected to be exposed at least four times per year. Panel B shows expected annual exposures as percentages of total affordable and general housing stocks. In Panel C, states are ordered geographically following coastlines from east to west.

on average, including those in New York City; Boston; Foster City, CA; Revere, MA; and Crisfield, MD. Exposure may be overestimated in Foster City, CA, where new levees may not have been included in the Mid-term Levee Inventory. The percentage of the affordable housing stock exposed exceeded that of the general housing stock in nearly all of the top-ranked cities, with the greatest disparities in relative terms in Corte Madera and Suisun City, CA, and in Woodlawn, VA (figure 4.c).

3.2. Future threat

To estimate future threat of coastal flooding to affordable housing, we focused on risks posed by

2050. This 30 year outlook reflects threats that could affect current residents. The projected threats could also affect private developers and government entities, as this time period spans the typical duration of loans and other financial instruments. Results presented here assume continued high carbon emissions (represented by RCP8.5); however, there is little difference in projected SLR across carbon emission scenarios by the mid-21st century (Kopp *et al* 2014). Results for 2100 and for other RCPs are listed in SI tables 2–4.

The mid-term change in risk is significant, with the aggregate number of affordable units exposed in the United States more than tripling by 2050 to 24,519

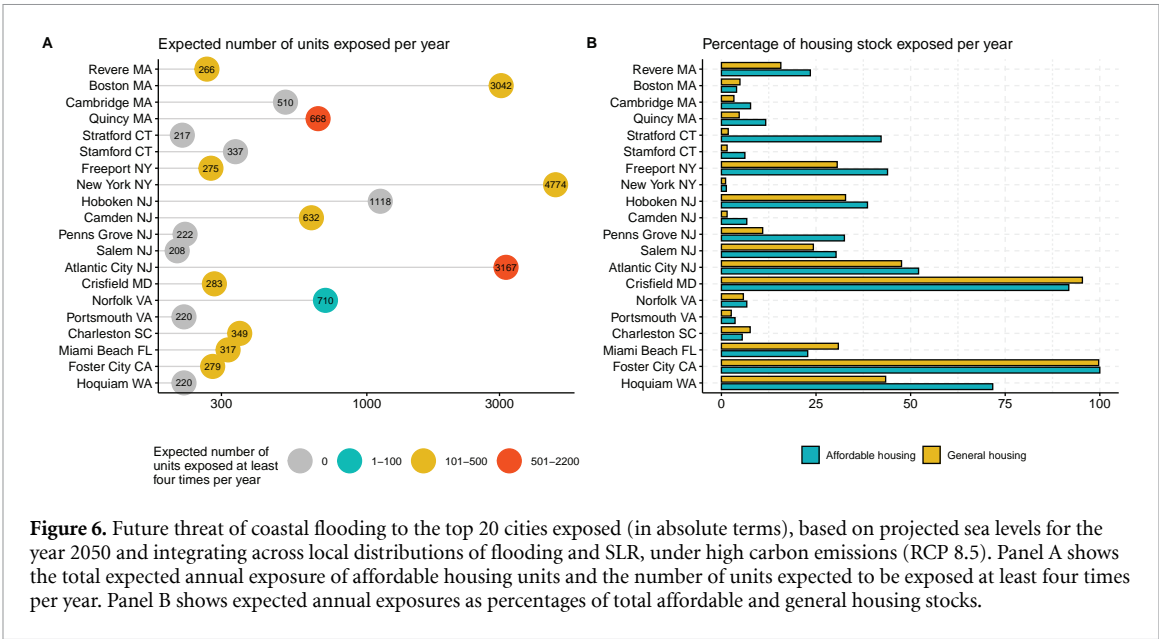


Figure 6. Future threat of coastal flooding to the top 20 cities exposed (in absolute terms), based on projected sea levels for the year 2050 and integrating across local distributions of flooding and SLR, under high carbon emissions (RCP 8.5). Panel A shows the total expected annual exposure of affordable housing units and the number of units expected to be exposed at least four times per year. Panel B shows expected annual exposures as percentages of total affordable and general housing stocks.

units. Table 2 shows the ranking of states in terms of units exposed per year in 2050. New Jersey remains the most vulnerable state, as measured by both the absolute and relative number of units exposed. In New Jersey, the number of units exposed approaches seven thousand per year, a four-fold increase from the year 2000, and equal to the aggregate number of units recently exposed across the country.

New York and Massachusetts remain within the top three states at risk in terms of the absolute and relative number of units exposed (figure 5.a,c). Pennsylvania, Florida, and South Carolina face the greatest percentage increase in the expected annual exposure from 2000 to 2050 (792%, 774%, and 669%, respectively; table 2). Across coastal states, a large majority of exposed affordable housing units are subsidized (72%; see SI table 4 for exposure by program). In 2050, the affordable housing stock is estimated to be markedly more exposed relative to the general housing stock in Massachusetts, New York, New Hampshire, Pennsylvania and the District of Columbia (figure 5.c).

By 2050, most coastal states are estimated to have at least some affordable housing units exposed to flood risk events at least four times per year (table 2, figure 5.b). Nearly half of New Jersey’s large stock of exposed affordable housing units could flood at least four times per year. Delaware, Washington, and South Carolina had zero affording housing units exposed to flooding at least four times per year in the year 2000, but approximately one hundred units exposed to such frequent flooding by 2050 (76, 103, and 119 units, respectively).

Table 3 shows the ranking of the top 20 cities in terms of annual number of units exposed by 2050. The top 20 cities account for 75% of the United State’s aggregate expected annual exposure. These most vulnerable cities are highly concentrated along

the northeastern corridor and in California. In some of these cities, with relatively smaller affordable housing stocks, over 90% of the stock is exposed (Crisfield, MD and Revere, MA).

New York City remains the most vulnerable city in absolute terms, with the number of units exposed exceeding 4,000 per year by 2050. However, these units represent less than 2% of the city’s affordable housing stock and rich cities like New York generally have more resources to bolster protection than poorer ones. For example, New York City not only plans to increase its supply of affordable housing by 50% in 10 years, but has also revised its building design guidelines to address the projected impacts of climate change (NYC 2014, NYC 2019).

The rankings of cities include many smaller and less wealthy cities, where risk management efforts may be lower. Aside from New York City and Boston, all of the top-ranked cities have populations of ~ 200 000 or less ($m = 71\,106$, $sd = 60\,922$; U.S. Census 2019). Four cities in New Jersey are of particular concern: Atlantic City, Camden, Penns Grove, and Salem. These top-ranked cities are some of the poorest in the country, with average median household income (\$28,618) half of the national median, and a correspondingly high demand for affordable housing (U.S. Census 2018a). In addition, their proportion of people of color (81.2%) is double the national average (U.S. Census 2018a). In most of these New Jersey cities, about a third of the affordable housing stock is projected to be exposed, a 321% to 957% percentage increase in exposure from the year 2000 (table 3). This extensive exposure in multiple cities could put a major strain on the state and is particularly concerning since many affordable housing units in New Jersey are still being rehabilitated even seven years after Hurricane Sandy (e.g. Ortiz *et al* 2019).

Table 2. Future threat of coastal flooding to states, based on projected sea levels for the year 2050, under high carbon emissions (RCP 8.5). States are ranked by the expected number of units exposed per year (expected annual exposure). The best estimate of the number of units exposed is shown, integrating across the full SLR probability distribution, as well as estimates under the 5th and 95th percentiles of the SLR distribution. The percentage of affordable housing exposed, percentage of the exposed affordable housing stock that is subsidized, percentage increase in exposure from the year 2000, and the number of units with at least two or four annual expected flood risk events are also shown.

Rank		Units exposed per year			Units with X or more flood-risk events per year		
		# (5th-95th)	% of affordable housing	% subsidized	% increase from 2000	two	four
1	New Jersey	6,825 (3 877–10 155)	3.7	80	316	3 855	3 066
2	New York	5,293 (2 676–9 019)	1.1	47	236	867	867
3	Massachusetts	4 818 (2,172–9 463)	2.0	82	215	1 858	1 272
4	Virginia	1 473 (841–2 340)	0.8	76	273	368	248
5	Florida	963 (408–1 599)	0.8	32	774	606	443
6	California	738 (655–831)	0.2	40	40	650	650
7	Connecticut	695 (321–1,098)	0.7	85	344	0	0
8	Louisiana	685 (494–937)	0.6	96	220	176	176
9	South Carolina	474 (262–702)	0.5	63	669	403	119
10	North Carolina	435 (388–583)	0.2	100	136	290	286
11	Washington	385 (316–453)	0.2	91	50	350	103
12	Maryland	365 (311–436)	0.2	100	43	288	288
13	Texas	332 (271–412)	0.1	96	66	146	146
14	New Hampshire	215 (94–288)	0.8	100	652	263	0
15	Pennsylvania	175 (80–223)	0.1	100	792	222	0
16	Georgia	151 (150–152)	0.1	100	1.0	150	150
17	Maine	150 (128–200)	0.4	39	19	125	125
18	District of Columbia	90 (79–106)	0.1	81	31	0	0
19	Delaware	78 (77–81)	0.4	99	29	76	76
20	Alabama	64 (61–67)	0.1	90	9	43	43
21	Mississippi	56 (48–66)	0.1	94	76	0	0
22	Oregon	52 (34–76)	0.1	100	163	0	0
23	Rhode Island	4 (2–7)	0	87	148	0	0
24	Hawaii	2 (0–7)	0	98	*	0	0
	Total	24,518 (13,745–39,300)	0.7	72	219	10,737	8,058

Notes: * indicates division by zero.

Table 3. Future threat of coastal flooding to the top 20 cities exposed (in absolute terms), based on projected sea levels for the year 2050, under high carbon emissions (RCP 8.5). Cities are ranked by the expected number of units exposed per year (expected annual exposure). The best estimate of the number of units exposed is shown, integrating across the full SLR probability distribution, as well as estimates under the 5th and 95th percentiles of the SLR distribution. The percentage of affordable housing exposed, percentage of the exposed affordable housing stock that is subsidized, percentage increase in exposure from the year 2000, and the number of units with at least two or four annual expected flood risk events per unit exposed are also shown.

Rank		Units exposed per year			Units with X or more flood-risk events per year		
		# (5th–95th)	% of affordable housing	% subsidized	% increase from 2000	two	four
1	New York NY	4 774 (2 290–8 371)	1.3	49	248	10,183	457
2	Atlantic City NJ	3 167 (1 996–4 191)	52.1	87	412	2 842	2 183
3	Boston MA	3 042 (1 088–6 445)	4.0	89	400	994	407
4	Hoboken NJ	1 118 (476–1 889)	38.6	88	411	0	0
5	Norfolk VA	710 (360–1 165)	6.7	72	523	134	14
6	Quincy MA	668 (554–837)	11.7	64	31	511	511
7	Camden NJ	632 (345–1 008)	6.7	54	321	235	225
8	Cambridge MA	510 (117–1 241)	7.7	67	1278	0	0
9	Charleston SC	349 (198–528)	5.5	50	546	275	119
10	Stamford CT	337 (165–479)	6.2	69	327	0	0
11	Miami Beach FL	317 (139–481)	22.8	28	1074	322	169
12	Crisfield MD	283 (262–307)	91.8	100	20	258	258
13	Foster City CA*	279 (279–279)	100	78	0	279	279
14	Freeport NY	275 (230–288)	43.9	35	129	280	280
15	Revere MA	266 (266–266)	23.5	100	0	266	266
16	Penns Grove NJ	222 (77–413)	32.5	39	957	120	0
17	Portsmouth VA	220 (98–402)	3.6	51	610	0	0
18	Hoquiam WA	220 (181–244)	71.7	91	62	247	0
19	Stratford CT	217 (101–334)	42.2	100	352	0	0
20	Salem NJ	208 (64–388)	30.3	98	1056	0	0

Notes: *Exposure may be overstated in Foster City, CA, where new levees may not have been included in the Mid-term Levee Inventory.

The majority of the top-ranked cities face exposure to flooding at least four times per year, which could pose maintenance and public safety challenges. This risk highlights the importance of flood resilience measures to help residents and city managers cope with increasingly frequent flooding, which may be particularly challenging in the less wealthy top-ranked cities, such as Camden, New Jersey.

3.3. Implications for the preservation of affordable housing

Flooding can wreak havoc on buildings and the residents who live in them. Even low levels of flooding can damage belongings, disrupt electrical equipment, contaminate water sources and septic systems, generate mold, and block roads (Moftakhari *et al* 2017, Sweet *et al* 2018). These impacts may increase maintenance costs, threaten public health, and cause profound disruptions to families already struggling to make ends meet. Because affordable housing units are frequently in poor repair to begin with, additional damage from flooding may be particularly challenging—and expensive—to remedy.

This study's findings demonstrate that if communities aim to preserve affordable housing stock in coastal areas, significant resiliency planning and investment is likely to be needed. Inaction could result in high risk for residents who may lack access to sufficient resources to prepare and recover from flooding impacts. As coastal flood risks to affordable housing units tend to be highly concentrated, flood protection measures in key cities and neighborhoods could help protect a large number of affordable housing residents. The number of expected annual flood-risk events for individual buildings (or aggregated within administrative areas) could be used to help identify hot spots of repetitive flooding, and where to invest in coastal protection or other adaptation measures for the greatest impact relative to cost. Over time, investment in these areas may pay off in terms of not only damage avoided, but also harm avoided to individuals and families in need.

As community resilience investments are made, complementary policies may be needed to protect against the displacement (and potential homelessness) of residents. Infrastructure improvements such as flood defenses can result in new amenities that can attract wealthier households and drive up property values and rents (e.g. Keenan *et al* 2018). The issue of improving the resilience of affordable housing, without compromising its affordability, is complex and increasingly being recognized in both public and private spheres. For example, it has become a focus of public-private partnership programs such as Energy Efficiency for All (EEFA 2019), which upgrades energy efficiency in multi-family affordable housing complexes, and the Urban Land Institute's Urban Resilience Program (Urban Land Institute 2018), which shares resilience information and strategies.

Such efforts are critically important to help avoid systemic effects which may deepen cycles of poverty. A reduction in affordable housing could have multiple downstream consequences for individuals and families (e.g. affecting equitable access to public transportation, healthcare, and other services) as well as for regional and local economies, which may lose part of their labor forces. The loss of affordable housing in coastal communities may also drive up housing costs in adjacent communities as competition for a dwindling supply of low-cost housing intensifies (e.g. Keenan *et al* 2018). Ultimately, increasing the overall supply of resilient affordable housing is critically needed to help ensure that communities can absorb the impacts of increased flooding among other climate-related hazards.

4. Conclusion

Climate-change-driven sea level rise will continue to amplify coastal flooding in the coming decades. To better understand the potential impact on vulnerable U.S. populations and to aid resiliency planning, we assess the growing exposure of affordable housing with unprecedented geographic resolution and national comprehensiveness. Knowledge of the estimated number of affordable housing units exposed to at least one flood-risk event per year as well as the total number of flood-risk events facing an area's affordable housing stock could help inform strategic resilience planning. Because coastal flood risks are highly concentrated, flood-threat reduction measures (physical, financial, or regulatory) in key cities and states could help protect a large number of affordable housing residents. Localities where frequent exposure to extreme coastal water levels is projected for affordable housing may require near-term measures to successfully reduce flood threats.

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Corte Madera RHNA Appeal Attachment 6



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415-927-5150

October 6, 2020

Mayor Jesse Arreguín, President
Association of Bay Area Governments, Executive Board
375 Beale Street, Suite 700
San Francisco, CA 94105-2066

Dear Board President Arreguín:

On behalf of the Town Council of the Town of Corte Madera, please accept our comments related to the proposed Regional Housing Needs Allocation (RHNA) methodology recommended by the RHNA Housing Methodology Committee (HMC). Please consider these comments in advance of the October 15, 2020 ABAG Executive Board meeting where the recommended methodology will be discussed.

The Town of Corte Madera appreciates the efforts and dedication of the diverse stakeholder group of HMC members over the last year in attempting to make a collective recommendation regarding the appropriate distribution of 441,000 new housing units within the region and understands the urgency and challenge of addressing regional policy goals related to housing affordability, climate change and equity in this RHNA cycle. Unfortunately, however, the methodology recommended by the HMC allocates new housing units to areas that lack adequate transportation infrastructure, away from existing and future job centers, and into areas at risk of sea level rise and wildfire in quantities inconsistent with the growth patterns and policy objectives more carefully considered in Plan Bay Area 2050. As a result, the recommended methodology and resulting RHNA, if indeed intended to set realistic quotas for housing growth regionally, will not only fail to meet the Bay Area's total regional housing need, but will threaten our region's ability to grow sustainably into the future.

Our conclusions may be best illustrated by the fact that, pursuant to the proposed HMC methodology, the Town of Corte Madera is expected to experience an 18% household growth rate from 2019 as a result of the 2023-2031 RHNA. This is a greater growth rate than Berkeley and Oakland in the East Bay (16% and 17% respectively), San Mateo and Redwood City on the Peninsula (17% each), and significantly greater than San Rafael and Santa Rosa in the North Bay (12% and 10% respectively), yet Corte Madera lacks a Major Transit Stop and is expected to lose approximately 3,000 jobs (or approximately 43% of its current jobs) by 2050 according to the Plan Bay Area 2050 Draft Blueprint.

Other similarly situated cities in Marin and the region are expected to grow at similarly high relative growth rates between 2019 and 2031, despite Plan Bay Area 2050 projections to the contrary. The result is to push a greater proportion of new development into areas that will promote auto dependency and longer commute times, exacerbate GHG impacts, and run counter to the goals and objectives well-formulated and strongly articulated in the recently released Plan Bay Area Blueprint. Additionally, for Corte Madera, it means pushing housing

Corte Madera RHNA Appeal Attachment 6

growth into areas that are either increasingly at risk due to projected sea level rise or wildfire since the vast majority of Corte Madera's geographic area is in either FEMA's 100-year flood plain or the Wildland Urban Interface (WUI).

To reduce the negative effect of the proposed HMC RHNA methodology, we recommend consideration of both of the following changes to the recommended methodology:

- *Utilize Plan Bay Area 2050 household (HH) growth rates between 2019 and 2050 as the baseline for the RHNA allocation rather than Plan Bay Area HHs in 2050.*

Utilizing the PBA 2050 household growth rate as the baseline will align RHNA more closely with Plan Bay Area Blueprint objectives related to reducing GHG emissions by focusing a greater proportion of growth to areas where transportation investments, job growth, and beneficial market conditions are expected to exist. This proposed change to the HMC methodology is supported by many other Bay Area jurisdictions who have also provided public comments and was supported by ABAG staff in its July 2020 report to the HMC.

- *Reduce the 40% allocation factor to High Resource Areas for moderate and market rate units utilized in Recommended Option 8A*

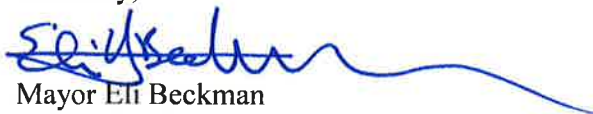
While not clear from the presentation materials provided to the HMC, it appears that the 70% allocation factor for very low and low-income units, and the 40% allocation factor for moderate and market rate units, are driving a significant number of additional units to High Resource Areas, such as Corte Madera, beyond that anticipated in Plan Bay Area 2050. It is not clear how the 40% allocation factor for moderate and market rate units helps further the equity purpose the HMC intends, as it would appear to drive relatively more higher income households to High Resource Areas. Reducing or eliminating this allocation factor would presumably reduce the overall housing allocation to jurisdictions like Corte Madera without affecting the strategy the HMC proposes to introduce greater equity into the RHNA process.

While we again recognize the challenge that the HMC faced in developing an appropriate allocation methodology, and appreciate many of the thoughtful contributions they have introduced into the process, we believe the outcomes of the recommended methodology, without modifications, *do not further the statutorily mandated objectives of RHNA and are inconsistent with Plan Bay Area 2050 objectives* that aim to grow the Bay Area sustainably and allocate scarce resources efficiently.

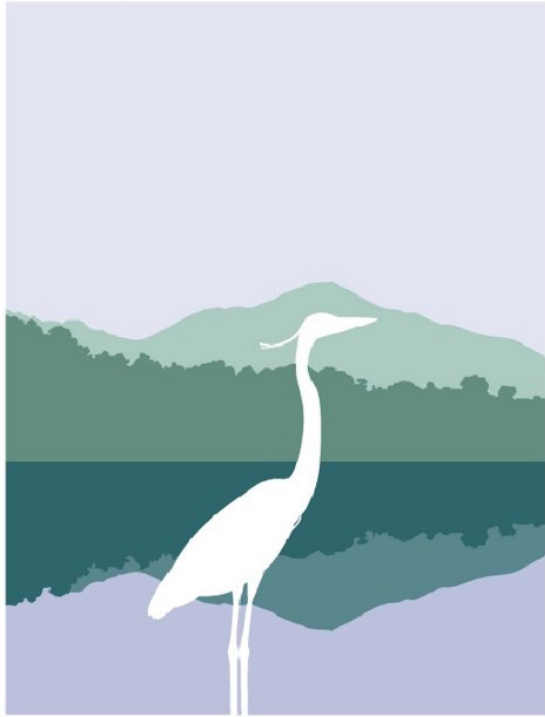
As one of the few Bay Area jurisdictions to meet and exceed its current 5th Cycle RHNA allocation with respect to all income categories, Corte Madera believes that there is room in our community to thoughtfully develop new housing that both helps to address the region's affordability and equity issues and improves the quality of our Town. Without modification however, the recommended HMC methodology presents wholly unrealistic housing quotas over the 2023-2031 RHNA cycle which appear to simply be a punitive attempt to set higher resource communities up for failure and state-imposed land use controls and penalties.

We thank you for your time and consideration.

Sincerely,



Mayor Eli Beckman
Town of Corte Madera



THE TOWN OF
CORTE MADERA

MARIN COUNTY CALIFORNIA

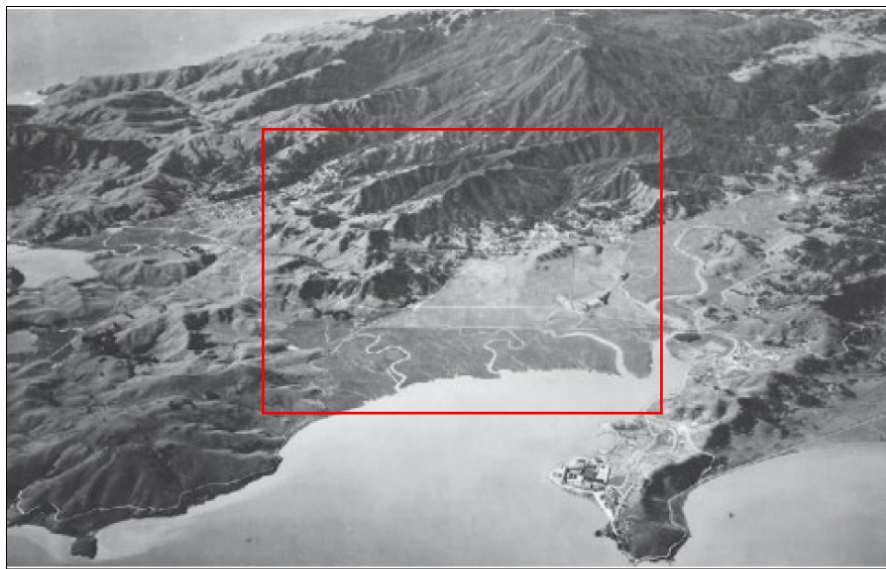
Appeal of ABAG Final Draft Regional Housing Needs Allocation (RHNA) for Corte Madera

September 29, 2021

Corte Madera's Progress Meeting 5th Cycle RHNA (Through 2021)

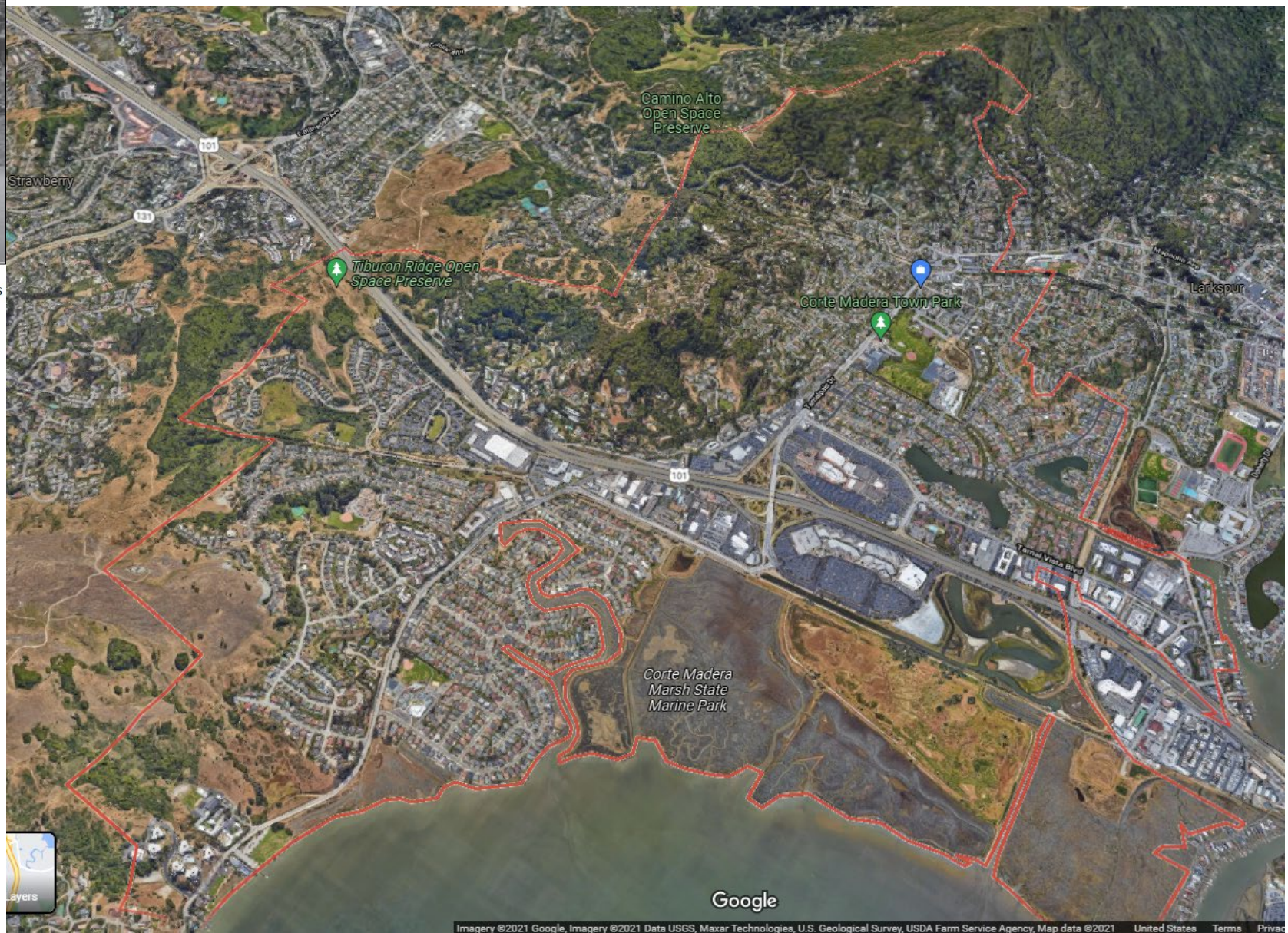
	RHNA	2015	2016	2017	2018	2019	2020	2021 ¹	2022	Total	% Total
Very Low	22	5	2	1	5	3	2	18		36	164%
Low	13	12	1				2	4		19	146%
Moderate	13	2	1	2	2	1		12		20	154%
Above Moderate	24	164	13	2				16		195	813%
Total	72	183	17	5	7	4	4	50		270	375%

¹ Includes building permits that have been issued in 2021, and building permits anticipated to be issued in 2021, including 18 very low-income units developed through the Project Homekey program and six accessory dwelling units (ADUs).



Corte Madera (1926)

Courtesy: Corte Madera Memories



Town of Corte Madera Flood and WUI Map

Figure ES - 2. A composite map showing the combined Wildland Urban Interface (in red with black building outlines) and the FEMA 1% Annual Chance Flood Zone (in blue, with yellow building footprints).



Vulnerable Assets

- School
- Emergency Shelter
- Fire Station
- Law Enforcement

Vulnerable Buildings

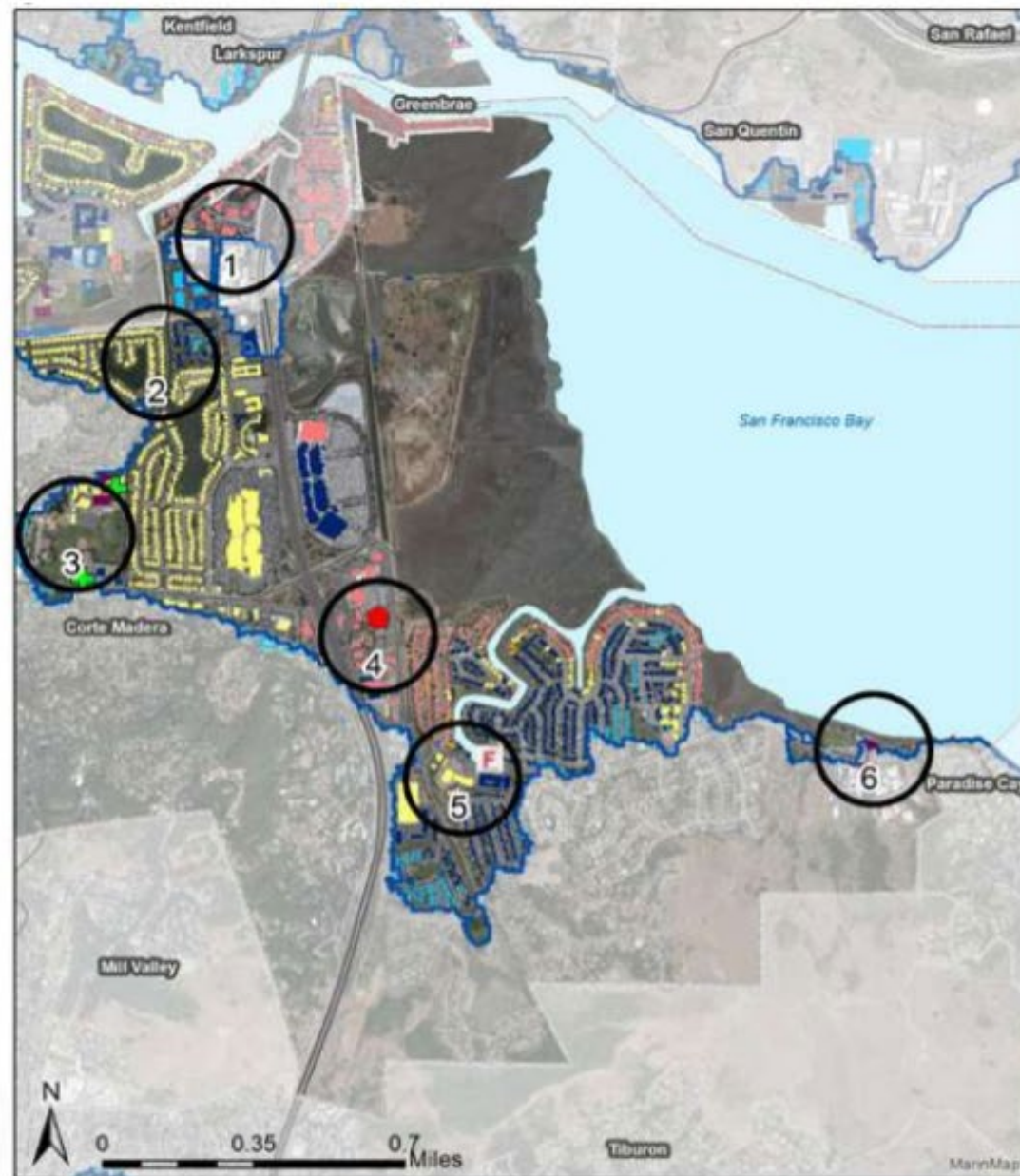
- Scen. 1: 10" Sea Level Rise (SLR)
- Scen. 2: 10" SLR+Storm Surge
- Scen. 3: 20" Sea Level Rise
- Scen. 4: 20" SLR+Storm Surge
- Scen. 5: 60" Sea Level Rise
- Scen. 6: 60" SLR+Storm Surge

Location Indicators

- Unincorporated
- Municipality
- Road
- Bay
- Inland Extent: Sea Level @ 60"+100-year Storm



Date:
6/15/2017



1: Lucky Drive



2: Madera Gardens



3: Neil Cummins School



4: San Clemente Drive



5: San Clemente Dr.
@ Paradise Dr.



6: Paradise Drive

Disclaimer: Vulnerability Assessment maps, tables, etc. can be used as a resource to help identify potential hazardous areas and vulnerable assets. Marin County, and data providers here in, make no warranties of the accuracy or completeness of maps and data. Maps are representational and subject to future revision. Local site conditions must be examined. Commercial use is prohibited.

Figure 3.4. Screenshot of a map of vulnerable buildings in Cortez Madera, taken from Page 226 of the BayWAVE Marin Shoreline Sea Level Rise Vulnerability Assessment.

ENVIRONMENT

Rising seas: California's affordable housing faces worse floods



BY JULIE CART
DECEMBER 3, 2020

A new study published this week projects that the number of affordable housing units at risk of flooding in the United States is projected to more than triple by 2050.

"In terms of the absolute number of units exposed...threats are primarily clustered in smaller cities in California and in the northeastern United States," [the study](#) found.

Three Bay Area cities are included in the top 20 at-risk cities in the United States identified by the researchers: Corte Madera in Marin County, Foster City in San Mateo County and Suisun City in Solano County.

Affordable housing has a greater chance of flooding than general housing "in nearly all of the top-ranked cities," according to the researchers.

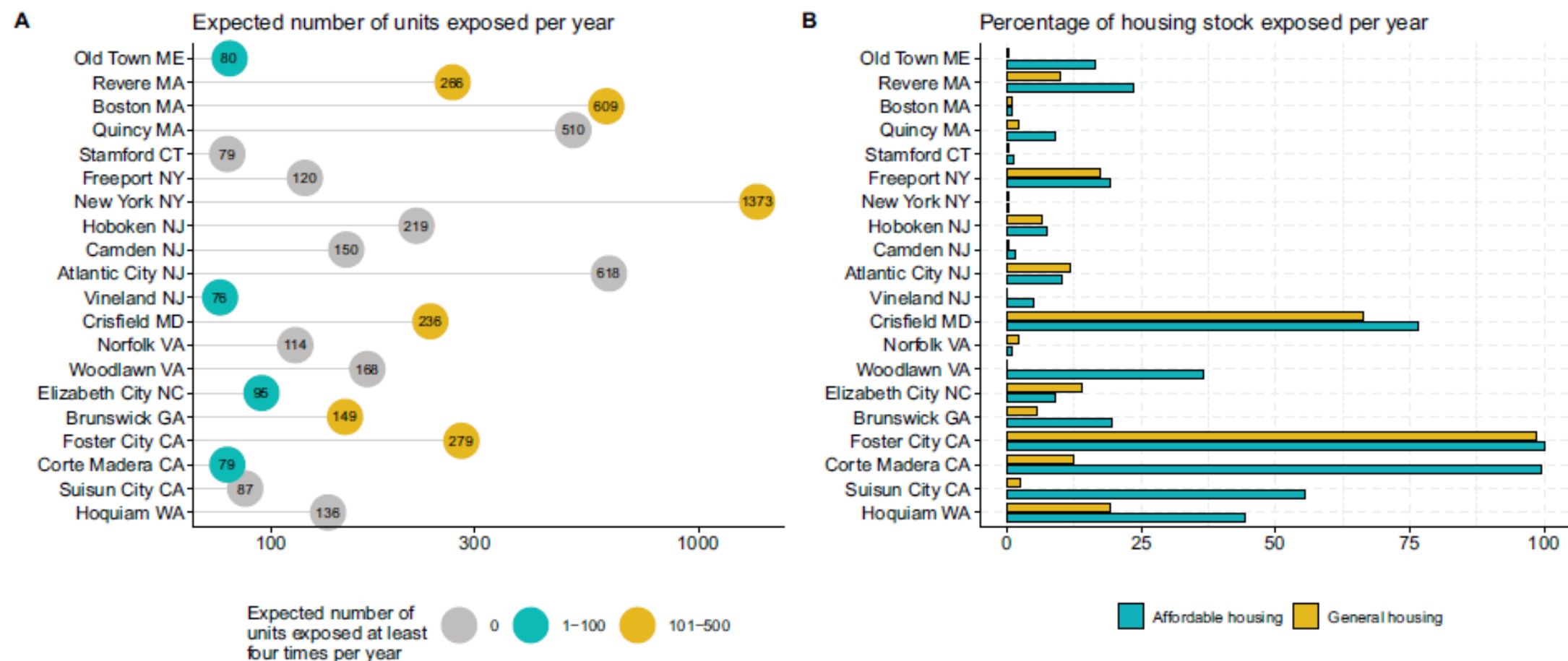
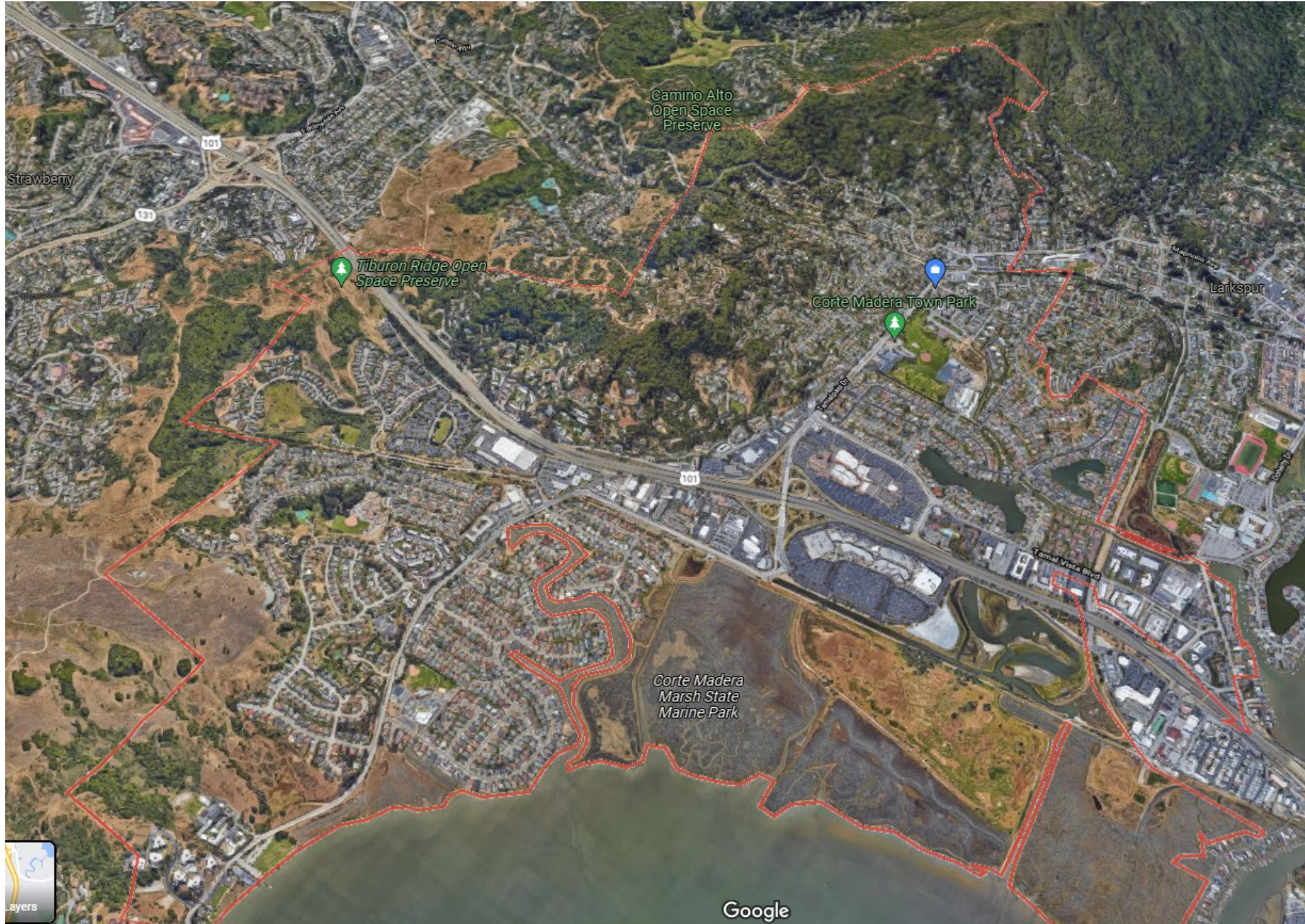


Figure 4. Recent threat of coastal flooding to the top 20 cities exposed (in absolute terms), based on mean sea levels for the year 2000 and integrating across local distributions of flooding. Panel A shows the total expected annual exposure of affordable housing units and the number of units expected to be exposed at least four times per year. Panel B shows expected annual exposures as percentages of total affordable and general housing stocks. Cities are ordered geographically following coastlines from east to west.



Google

BASIS FOR APPEAL

1. ABAG failed to adequately consider information about Local Planning Factors and Affirmatively Furthering Fair Housing from the Local Jurisdiction Survey relating to certain local factors outlined in Government Code Section 65584.04(e).
 - FEMA 100 Year Flood Zone
 - WUI/High Fire Hazard Areas
 - Unique Topography and Lot Sizes
 - Sea Level Rise
2. The Town of Corte Madera contends that ABAG failed to determine Corte Madera's share of the regional housing needs in a manner that furthers, and does not undermine the objectives listed in Government Code Section 65584(d)(2) and 65584(d)(3).
 - Socioeconomic Equity
 - Efficient Development Patterns

REQUEST

REDUCE FINAL RHNA FROM 725 UNITS TO 400 UNITS

The Town of Corte Madera understands the challenges of meeting critical regional planning objectives related to housing affordability, equity, and climate change and supports ABAG's efforts in this area. However, specific, unique, local constraints and factors must be given due consideration in regional planning efforts in order to avoid unintended consequences. We hope this appeal request is viewed as an opportunity for ABAG to do just that.

TO: ABAG Administrative Committee
FROM: Therese W. McMillan, Executive Director
SUBJECT: Town of Corte Madera Appeal of Draft RHNA Allocation and Staff Response

OVERVIEW

Jurisdiction: Town of Corte Madera

Summary: Town of Corte Madera requests the decrease of its Draft RHNA Allocation by 325 units (45 percent) from 725 units to 400 units based on the following issues:

- ABAG failed to adequately consider information submitted in the Local Jurisdiction Survey related to:
 - Availability of land suitable for urban development or for conversion to residential use.
- ABAG failed to determine the jurisdiction's Draft Allocation in accordance with the Final RHNA Methodology and in a manner that furthers, and does not undermine, the RHNA Objectives.

Staff Recommendation: Deny the appeal.

BACKGROUND

Draft RHNA Allocation

Following adoption of the Final RHNA Methodology on May 20, 2021, the Town of Corte Madera received the following draft RHNA allocation on May 25, 2021:

	Very Low Income	Low Income	Moderate Income	Above Moderate Income	Total
Town of Corte Madera	213	123	108	281	725

Local Jurisdiction Survey

The Town of Corte Madera submitted a Local Jurisdiction Survey. A [compilation of the surveys submitted](#) is available on the ABAG website.

Comments Received during 45-Day Comment Period

ABAG received nearly 450 comments during the 45-day public comment period described in Government Code section 65584.05(c). Some comments encompassed all of the appeals submitted, and there were nine that specifically relate to the appeal filed by the Town of Corte Madera. All nine comments oppose the Town's appeal. [All comments received](#) are available on the ABAG website.

ANALYSIS

Issue 1: *The Town argues ABAG failed to adequately consider information from the Local Jurisdiction Survey related to land suitability, the impact of climate change and natural hazards, and the availability of vacant land. The Town's appeal states that 33.68% of parcels are in the FEMA 100-year flood zone on land that FEMA has determined is not adequately protected by flood management infrastructure, which Government Code Section 65584.04(e)(2)(B) states may make this land considered not suitable for development. The appeal also notes that 50% of parcels are in the Wildland Urban Interface (WUI), which the Town believes makes them unsuitable for additional urban development. Additionally, the Town claims its remaining parcels are all occupied with existing uses, with 97% of these parcels having existing residential uses. The Town believes its current RHNA allocation will require it to build the majority of its housing within the 100-year flood zone, which is most susceptible to risks associated with sea level rise.*

ABAG-MTC Staff Response: The Town's argument centers on lacking land suitable for urban development as a result of natural hazard risks. The Bay Area is subject to wildfire, flood, seismic, and other hazards and climate impacts, and ABAG-MTC staff understands Corte Madera's concerns about the potential for future growth in areas at risk of natural hazards. However, with only a small exception, Housing Element Law does not identify areas at risk of natural hazards as a potential constraint to housing development."¹ As HCD notes in its comment letter on submitted appeals, Government Code Section 65584.04(e)(2)(B) states that ABAG "may not limit its consideration of suitable housing sites to existing zoning and land use restrictions and must consider the potential for increased development under alternative zoning and land use restrictions....In simple terms, this means housing planning cannot be limited to vacant land, and even communities that view themselves as built out or limited due to other natural constraints such as fire and flood risk areas must plan for housing through means such as rezoning commercial areas as mixed-use areas and upzoning non-vacant land."²

Given the significant natural hazard risks in the Bay Area, whether to incorporate information about hazard risks when allocating RHNA units was one of the topics most thoroughly discussed by the Housing Methodology Committee (HMC) during the methodology development process.³ Ultimately, HMC members took a vote and came to consensus that though housing in high hazard areas is a concern, adding a specific hazard factor to the RHNA methodology may not be the best tool to address this issue. In large part, this is because the Plan Bay Area 2050 Final Blueprint, which forms the baseline of the final RHNA methodology, already addresses

¹ Government Code Section 65584.04(e)(2)(B) states "The determination of available land suitable for urban development may exclude lands where the Federal Emergency Management Agency (FEMA) or the Department of Water Resources has determined that the flood management infrastructure designed to protect that land is not adequate to avoid the risk of flooding."

² See [HCD's comment letter on appeals](#) for more details.

³ See the [meeting materials for HMC meetings](#), including detailed notes for each meeting, for more information.

concerns about natural hazards, as the Final Blueprint excludes areas with unmitigated high hazard risk from Growth Geographies.

The Final Blueprint Growth Geographies exclude CAL FIRE designated “Very High” fire severity areas in incorporated jurisdictions, and “High” and “Very High” fire severity areas as well as county-designated wildland-urban interfaces (WUIs) where applicable in unincorporated areas. The only exception is for locally-nominated Priority Development Areas (PDAs), which does not apply to Corte Madera.⁴ Plan Bay Area 2050 assumes one foot of sea level rise by 2035 and two feet of rise in 2050. The adaptation solutions that are imagined are targeted along portions of shoreline that have inundation with just two feet of rise, including locations in Corte Madera. While Plan Bay Area 2050 focuses on the segments of shoreline that flood with two feet of rise, the strategies are costed out to provide significantly greater levels of protection.

Regarding flood risks, Housing Element Law identifies a flood zone as a constraint to housing if “the Federal Emergency Management Agency (FEMA) or the Department of Water Resources has determined that the flood management infrastructure designed to protect that land is not adequate to avoid the risk of flooding.”⁵ The Town states in its appeal that 33.68% of all parcels and 40% of gross lot area is located in the FEMA 100-year flood zone. The Town also claims this is “land that FEMA has determined is not adequately protected by flood management infrastructure to avoid the risk of flooding.” While ABAG recognizes that a portion of Corte Madera is in a FEMA-designated Special Flood Hazard Area (SFHA), the Town does not provide any evidence that FEMA has determined that the flood management infrastructure designed to protect that land is not adequate to avoid the risk of flooding, which is required in Government Code Section 65584.04(e)(2)(B) for the land to be excluded from consideration as part of land suitable for urban development.

In fact, Corte Madera’s own flood protection website states, “The National Flood Insurance Program (NIFP) requires that the town examine the construction of all new structures, and the improvement, modification, or repair of existing structures that are located within the SFHA. Any new development or additions/renovations to an existing structure within the SFHA will require a ‘Floodplain Development Permit.’”⁶ So while new development in Corte Madera’s floodplain is subject to additional regulations, there is no indication FEMA prohibits construction of new housing.

Throughout the region, it is essentially impossible to avoid all hazards when siting new development, but jurisdictions can think critically about which areas in the community have the *highest* hazard risk. Notably, the residents of new development are likely to be safer from

⁴ The only locally nominated PDA affected was the Urbanized Corridor PDA in Marin County.

⁵ Government Code Section 65584.04(e)(2)(B).

⁶ For more information, see Corte Madera’s website here: <https://townofcortemadera.org/192/Flood-Protection>

hazards than current residents living in older structures, as new construction is built to modern standards that more effectively address hazard risk. In developing its Housing Element, Corte Madera has the opportunity to identify the specific sites it will use to accommodate its RHNA. In doing so, the Town can choose to take hazard risk into consideration with where and how it sites future development, either limiting growth in areas of higher hazard or by increasing building standards for sites within at-risk areas to cope with the hazard.

While the Town asserts that it will be forced to build in areas of high hazard risk, it has not provided evidence that it cannot accommodate its RHNA in locations within the jurisdiction that are subject to lower risk of natural hazards. Per Government Code Section 65584.04(e)(2)(B), Corte Madera must consider the availability of underutilized land, opportunities for infill development and increased residential densities to accommodate its RHNA. The Town does not provide evidence it is unable to consider underutilization of existing sites, increased densities, accessory dwelling units (ADUs), and other planning tools to accommodate its assigned need.⁷

Issue 2: *The Town of Corte Madera argues ABAG failed to determine its share of the regional housing needs in a manner that furthers the statutory objective to promote “infill development and socioeconomic equity, the protection of environmental and agricultural resources, the encouragement of efficient development patterns, and the achievement of the region’s greenhouse gas reductions target,” as described in Government Code Section 65584(d)(2). Specifically, the Town argues the large allocation of lower-income units to Corte Madera will force the town to site these units in areas at risk of flooding and sea level rise. Additionally, the Town claims the RHNA Methodology fails to promote efficient development patterns because it assigns too many housing units to communities like Corte Madera that lack adequate transportation infrastructure, are away from existing and future job centers, and face high natural hazard risks.*

ABAG-MTC Staff Response: This argument by the Town challenges the final RHNA methodology that was adopted by the ABAG Executive Board and approved by HCD. A valid appeal must show ABAG made an error in the application of the methodology in determining the jurisdiction’s allocation; a critique of the adopted methodology itself falls outside the scope of the appeals process. Jurisdictions had multiple opportunities to comment as the methodology was developed and adopted between October 2019 and May 2021. Housing Element Law gives HCD the authority to determine whether the RHNA methodology furthers the statutory objectives described in Government Code Section 65584(d), and HCD made this determination. Regarding the RHNA objective described in in Government Code Section 65584(d)(2), HCD confirmed the RHNA methodology encourages efficient development patterns and made the following findings:

⁷ See HCD’s [Housing Element Site Inventory Guidebook](#) for more details on the various methods jurisdictions can use to plan for accommodating their RHNA.

The draft ABAG methodology encourages a more efficient development pattern by allocating nearly twice as many RHNA units to jurisdictions with higher jobs access, on a per capita basis. Jurisdictions with higher jobs access via transit also receive more RHNA on a per capita basis. Jurisdictions with the lowest vehicle miles traveled (VMT) per capita, relative to the region, receive more RHNA per capita than those with the highest per capita VMT. ABAG's largest individual allocations go to its major cities with low VMT per capita and better access to jobs. For example, San Francisco – which has the largest allocation – has the lowest per capita VMT and is observed as having the highest transit accessibility in the region. As a major employment center, San Jose receives a substantial RHNA allocation despite having a higher share of solo commuters and a lower share of transit use than San Francisco. However, to encourage lower VMT in job-rich areas that may not yet be seeing high transit ridership, ABAG's Plan Bay Area complements more housing in these employment centers (which will reduce commutes by allowing more people to afford to live near jobs centers) with strategies to reduce VMT by shifting mode share from driving to public transit.

The Town asserts the allocation of 336 units of lower-income RHNA to Corte Madera “undermines the promotion of socioeconomic equity in Corte Madera.” However, ABAG is mandated by statute to affirmatively further fair housing, and assigning fewer lower-income units to well-resourced communities like Corte Madera would limit progress toward regional equity goals. Additionally, HCD commended the equitable outcomes of the RHNA Methodology: “HCD applauds the significant weighting of Access to High Opportunity Areas as an adjustment factor and including an equity adjustment in the draft methodology. ABAG’s methodology allocates more RHNA to jurisdictions with higher access to resources on a per capita basis. Additionally, those higher-resourced jurisdictions receive even larger lower income RHNA on a per capita basis.”

Corte Madera argues it cannot accommodate its lower-income RHNA because it will need to build these units in areas at high risk of flooding and sea level rise. Unless the Town is planning to adopt a strategy of retreat, Corte Madera can plan to accommodate new lower-income residents in these existing neighborhoods that the Town is actively working to protect from hazards. Furthermore, the Town does not conclusively show that it cannot use alternative zoning, increased density, and other planning tools to accommodate some of its lower-income RHNA in areas at less risk of flooding and other hazards.

HCD has determined that the RHNA Methodology successfully achieves the statutory objective described in Government Code Section 65584(d)(2), as the RHNA allocation promotes socioeconomic equity, efficient development patterns, and GHG reduction. While the information above discusses how the RHNA Methodology furthers equity by providing greater access to opportunity for all, the response to Issue 3 below provides additional details regarding

how the 2023-2031 RHNA allocations encourage efficient development patterns that can reduce VMT and GHG across the region.

Issue 3: *The Town claims the RHNA Methodology fails to further the objective related to “promoting an improved intraregional relationship between jobs and housing, including an improved balance between the number of low-wage jobs and the number of housing units affordable to low-wage workers in each jurisdiction,” as described in Government Code Section 65584(d)(3). Specifically, the Town argues the RHNA Methodology represents an even larger reduction to the jobs-housing ratio in Corte Madera than is forecasted in Plan Bay Area 2050, which projects the Central and South Marin “superdistricts” will lose jobs while gaining households.*

ABAG-MTC Staff Response: Similar to Issue 2, this argument by the Town challenges the final RHNA methodology that was adopted by the ABAG Executive Board and approved by HCD, and thus falls outside the scope of the appeals process. In its findings that the RHNA methodology furthers the statutory objective described in Government Code Section 65584(d)(3), HCD stated:

The draft ABAG methodology⁸ allocates more RHNA units to jurisdictions with more jobs. Jurisdictions with a higher jobs/housing imbalance receive higher RHNA allocations on a per capita basis. For example, jurisdictions within the healthy range of 1.0 to 1.5 jobs for every housing unit receive, on average, a RHNA allocation that is 61% of their current share of households. Jurisdictions with the highest imbalances – 6.2 and higher – receive an average allocation 1.21 times their current share of households. Lastly, higher income jurisdictions receive larger lower income allocations relative to their existing lower income job shares.

The RHNA methodology incorporates each jurisdiction’s jobs-housing relationship through use of the Plan Bay Area 2050 Final Blueprint as the baseline allocation. The Final Blueprint incorporates information about each jurisdiction’s existing and projected jobs and households. The Final Blueprint emphasizes growth near job centers and in locations near transit, including in high-resource areas, with the intent of reducing GHG. It includes strategies related to increased housing densities and office development subsidies to address jobs-housing imbalances in the region. This land use pattern is developed with complementary transportation investments in an effort to ensure past and future transportation investments are maximized. The strategies incorporated into the Final Blueprint help improve the region’s jobs-housing balance, leading to shorter commutes—especially for low-income workers. The Draft RHNA Allocation was also found to be consistent with Plan Bay Area 2050, which meets the statutory GHG reduction target.

⁸ Pursuant to Government Code Section 65584.04(i), HCD must review the Draft RHNA Methodology developed by the Council of Governments. On May 20, 2021, ABAG adopted the Draft RHNA Methodology without any modifications as the Final RHNA Methodology.

The final RHNA methodology amplifies the Plan Bay Area 2050 Final Blueprint's emphasis on improving jobs-housing balance by using factors related to job proximity to allocate nearly half of the Regional Housing Needs Determination (RHND). It is important to note that Housing Element Law requires that the RHNA methodology improve the *intraregional* relationship between jobs and housing—not the jobs-housing balance in any particular jurisdiction. The job proximity factors direct housing units to those jurisdictions with the most jobs that can be accessed with a 30-minute commute by automobile and/or a 45-minute commute by transit. The inclusion of the Job Proximity – Transit factor encourages growth that capitalizes on the Bay Area's existing transit infrastructure, while the Job Proximity – Auto factor recognizes that most people in the region commute by automobile.

These factors measure job access based on a commute shed to better capture the lived experience of accessing jobs irrespective of jurisdiction boundaries. Housing and job markets extend beyond jurisdiction boundaries—in most cities, a majority of workers work outside their jurisdiction of residence, and demand for housing in a particular jurisdiction is substantially influenced by its proximity and accessibility to jobs in another community. As the Town notes in its appeal, Plan Bay Area 2050 forecasts a decline in the number of jobs in the South Marin superdistrict where Corte Madera is located. However, regional transportation, environmental, and housing goals aim for a jobs-housing balance at the regional level, and South Marin remains in close proximity to many of the region's jobs. Even in jurisdictions that lack robust transit service or where most residents commute by automobile, adding more housing in areas with easy access to jobs can lead to shorter commutes, helping to reduce VMT and GHG.

Notably, state law also requires the RHNA to improve the balance between the number of low-wage jobs and the number of housing units affordable to low-wage workers in each jurisdiction, as described in Government Code Section 65584(d)(2). Data from the Census Bureau indicates that Corte Madera has an imbalanced ratio between low-wage jobs and affordable housing units, with 1,615 low-wage jobs and few units of rental housing affordable to low-wage workers and their families.⁹ Accordingly, the allocation of 336 units of lower-income RHNA assigned to Corte Madera could enable many of the low-wage workers in Corte Madera to live closer to their jobs, helping to improve the jobs-housing balance, reduce commute times, and lower GHG.

RECOMMENDED ACTION

ABAG-MTC staff have reviewed the appeal and recommend that the Administrative Committee **deny** the appeal filed by Town of Corte Madera to reduce its Draft RHNA Allocation by 325 units (from 725 units to 400 units).

⁹ For more information, see this data source created by ABAG for the Local Jurisdiction Survey: <https://rhna.mtcanalytics.org/jobshousingratio.html?city=Corte%20Madera>.



ABAG-MTC Staff Response to *Town of Corte Madera* RHNA Appeal

ABAG Administrative
Committee

September 29, 2021

Overview of Town of Corte Madera Appeal

Appeal Request:

- Reduce allocation by 325 units (45%) from 725 units to 400 units.

Staff Recommendation:

- Deny the appeal.

Appeal bases cited:

- ABAG failed to adequately consider information submitted in the Local Jurisdiction Survey.
- ABAG failed to determine the jurisdiction's Draft Allocation in accordance with the Final RHNA Methodology and in a manner that furthers, and does not undermine, the RHNA Objectives.

Issue #1: Areas at Risk of Natural Hazards

Jurisdiction Argument: ABAG failed to adequately consider Corte Madera's lack of available land for housing because of existing development and hazard risks related to unprotected flood zones, sea level rise, and wildfires.

ABAG-MTC Staff Response:

- Areas at risk of natural hazards not identified in Housing Element Law as constraint to housing. While new development is subject to additional regulations, neither Town nor FEMA prohibits new housing in floodplain.
- Given variety of natural hazard risks Bay Area faces, it is not possible to address the region's housing needs and avoid planning for new homes in places at risk. The Town has authority to plan for housing in places with lower risk.
- Government Code Section 65584.04(e)(2)(B) states:
 - ABAG may not limit consideration of suitable housing sites to a jurisdiction's existing zoning and land use restrictions and must consider potential for increased residential development under alternative zoning ordinances and land use restrictions.
 - Jurisdictions must consider underutilized land, opportunities for infill development, and increased residential densities as a component of available land for housing.

Issue #2: Methodology Does Not Encourage Efficient Development Patterns (Objective 2)

Jurisdiction Argument: RHNA Methodology assigns too many housing units to communities like Corte Madera that lack adequate transportation infrastructure, are away from existing and future job centers, and face high natural hazard risks. The large allocation of lower-income units will force the town to site these units in areas at risk of flooding and sea level rise.

ABAG-MTC Staff Response:

- The Town's argument challenges the Final RHNA Methodology adopted by ABAG and approved by HCD, which falls outside the scope of the appeals process.
- HCD has authority to determine if the RHNA methodology furthers the statutory objectives and HCD found that ABAG's methodology does further the objectives.
 - As HCD notes, ABAG's methodology allocates “nearly twice as many RHNA units to jurisdictions with higher jobs access, on a per capita basis. . . . Jurisdictions with the lowest vehicle miles traveled (VMT) per capita, relative to the region, receive more RHNA per capita than those with the highest per capita VMT.”

Issue #3: Jobs-Housing Relationship

Jurisdiction Argument: RHNA Methodology fails to further objective related to “promoting an improved intraregional relationship between jobs and housing” because it represents an even larger reduction to the jobs-housing ratio in Corte Madera than is forecasted in Central and South Marin “superdistricts” in Plan Bay Area 2050.

ABAG-MTC Staff Response:

- This argument challenges the final RHNA methodology adopted by ABAG and approved by HCD, and thus falls outside the scope of the appeals process.
- HCD has authority to determine if the RHNA methodology furthers the statutory objectives and HCD found that ABAG’s methodology does further the objectives.
- RHNA methodology uses data about each jurisdiction’s jobs-housing relationship in the Plan Bay Area 2050 Final Blueprint and in factors related to Job Proximity, which measure job access based on commute shed to better capture lived experience of accessing jobs irrespective of jurisdiction boundaries.
- Housing Element Law requires RHNA methodology to improve intraregional relationship between jobs and housing—not jobs-housing balance in any particular jurisdiction. South Marin is near many of the region’s jobs, so adding housing can lead to shorter commutes, helping to reduce VMT and GHG.
- The methodology must also consider jobs-housing fit. Census Bureau data shows Corte Madera has 1,615 low-wage jobs and few rental housing units affordable to low-wage workers. RHNA allocation of 336 lower-income units could enable many of these workers to live closer to their jobs, for better jobs-housing balance, shorter commutes, and lower GHG.

Recommended Action for **Town of Corte Madera** Appeal

Deny the appeal filed by the City of Corte Madera to reduce its Draft RHNA Allocation by 325 units.

- ABAG considered information submitted in the local Jurisdiction Survey consistent with how the methodology factors are defined in Government Code Section 65584.04(e).
- The jurisdiction's Draft RHNA Allocation is in accordance with the Final RHNA Methodology adopted by the ABAG Executive Board and approved by HCD and furthers the RHNA Objectives identified in Government Code Section 65584(d).

From: Buff Whitman-Bradley [REDACTED]
Sent: Sunday, August 29, 2021 12:49 PM
To: Regional Housing Need Allocation
Subject: regarding RINA appeals in Marin and Sonoma counties

External Email

Dear ABAG:

I know many, many people have sent you letters opposing the appeals filed by communities in Marin and Sonoma counties. You have all the information and the arguments in front of you. I join those urging you to reject those appeals. I am a resident of Fairfax, in Marin County, and I cannot understand how so many local jurisdictions have been so successful for so long in keeping affordable housing out of their towns. It is shameful and now we have a chance to right that wrong. Please deny the appeals.

Sincerely,

Arthur Whitman-Bradley
[REDACTED]

[REDACTED]

BY EMAIL ONLY (RHNA@bayareametro.gov)

August 30, 2021

Associated Bay Area Governments
RHNA@bayareametro.gov

RE: Comment on RHNA allocation appeals filed by the cities of Belvedere, Larkspur, Mill Valley, Sausalito, Corte Madera, Fairfax, Ross, San Anselmo, Tiburon, and the County of Marin

To Whom It May Concern,

I am writing to you concerning the RHNA allocation appeals that have been filed from jurisdictions in Marin County: the cities of Belvedere, Larkspur, Mill Valley, Sausalito, Corte Madera, Fairfax, Ross, San Anselmo, Tiburon, and the county of Marin.

I urge you to deny these appeals. I have been a housing attorney for renters in Marin County for almost 20 years, and I see the severe human toll of our housing crisis on almost a daily basis. Although the entire bay area shares responsibility for our failure to provide adequate housing during the recent economic expansion for the region, Marin's performance is even worse than most other counties.

Many of the jurisdictions listed above have increased tenant protections and housing affordability for the people who live and work in the jurisdiction – such as through recent ordinances, including just cause for eviction protections for renters, COVID-19 related eviction moratoriums, and source of income protections for people with rental subsidies. These are all positive actions.

However, I am concerned that the appeal of the Regional Housing Needs Allocation (RHNA) allocations sends a negative signal by promoting exclusion and reinforcing the segregation of low- income, disabled, and BIPOC communities.

I understand that the Executive Board of the Association of Bay Area Governments (ABAG) adopted the RHNA equity adjustment to ensure that all jurisdictions exhibiting above-average levels of racial and economic exclusion take on their fair share of low- and very-low-income RHNA units.

I support the equity adjustment because previous RHNA's have failed to allocate enough affordable housing to white, affluent jurisdictions that have a history of opposing affordable housing development in the Bay Area. The new RHNA methodology, which includes the equity adjustment, provides a meaningful opportunity for these cities and counties to address the inequitable allocations of the recent past. Keeping the adjusted allocations will allow jurisdictions to meet state legal requirements to affirmatively further fair housing in their communities.

The equity adjustment is critical to address racial segregation in the Bay Area, including in Marin County. Since the Fair Housing Act of 1968 barred exclusion on the basis of race, wealthier and largely white municipalities throughout California, including in Marin, passed exclusionary land use and zoning regulations such as large-lot zoning, prohibitions on multi-family housing, parking requirements, and more to limit the development of affordable housing and exclude low-income people of color.

Today, exclusionary zoning and community opposition in neighborhoods with well-funded schools and public amenities are major barriers to developing affordable housing. It's because of this that Marin County is dramatically more segregated today than almost any other area in the region. We need the RHNA allocations to address the impacts of our historical inequitable land use policies.

When we exclude affordable homes, communities who need that affordability, particularly people of color and those with disabilities who work in the community, are forced to live elsewhere, far from their work or in overcrowded homes. Many lower-income communities of color are now facing displacement yet again as suburban expenses quickly outstrip their incomes. The equity adjustment helps increase affordability, ensuring that everyone can live in neighborhoods of their choice based on individual and family needs rather than based on historic patterns of segregation.

The COVID-19 pandemic has highlighted the disparities and inequities in our region, exposing a housing system that is failing low-income people and BIPOC communities. We must all work together to ensure everyone has a choice to stay and thrive in their communities or move closer to their jobs and other needs.

I urge you to require that these jurisdictions meet their assigned regional housing needs, expand opportunities in high-resource communities, particularly for African-American and Latinx community members, and deny their appeals.

Thank you for your consideration.

Sincerely,

Sincerely,

David Levin

[REDACTED]
[REDACTED]

From: Debra [REDACTED]
Sent: Sunday, August 29, 2021 7:59 AM
To: Regional Housing Need Allocation
Subject: Housing

External Email

RE: Comment on RHNA allocation appeals filed by the cities of Belvedere, Larkspur, Mill Valley, Sausalito, Corte Madera, Fairfax, Ross, San Anselmo, Tiburon, and Windsor, and the counties of Marin and Sonoma

To Whom It May Concern,

I am writing to you concerning the RHNA allocation appeals that have been filed from jurisdictions in Marin and Sonoma counties: the cities of Belvedere, Larkspur, Mill Valley, Sausalito, Corte Madera, Fairfax, Ross, San Anselmo, Tiburon, and Windsor, and the counties of Marin and Sonoma.

As an over 25 year resident of San Rafael, I continue to see our community as vocal supporters for diversity and equity. However, the actions taken by our communities in Marin and Sonoma counties need to support the advocacy that is preached.

Many of the jurisdictions listed above have increased tenant protections and housing affordability for the people who live and work in the jurisdiction – such as through recent ordinances, including just cause for eviction protections for renters, Covid-19 related eviction moratoriums, and source of income protections for people with rental subsidies. These are all positive actions.

However, I am concerned that the appeal of the Regional Housing Needs Allocation (RHNA) allocations sends a negative signal by promoting exclusion and reinforcing the segregation of low- income, disabled, and BIPOC communities.

I understand that the Executive Board of the Association of Bay Area Governments (ABAG) adopted the RHNA equity adjustment to ensure that all jurisdictions exhibiting above-average levels of racial and economic exclusion take on their fair share of low- and very-low-income RHNA units.

I support the equity adjustment because previous RHNAs have failed to allocate enough affordable housing to white, affluent jurisdictions that have a history of opposing affordable housing development in the Bay Area. The new RHNA methodology, which includes the equity adjustment, provides a meaningful opportunity for these cities and counties to address the inequitable allocations of the recent past. Keeping the adjusted allocations will allow jurisdictions to meet state legal requirements to affirmatively further fair housing in their communities.

The equity adjustment is critical to address racial segregation in the Bay Area, including in Marin and Sonoma counties. Since the Fair Housing Act of 1968 barred exclusion on the basis of race, wealthier and largely white municipalities throughout California, including in these two counties, passed exclusionary land use and zoning regulations such as large-lot zoning, prohibitions on multi-family housing, parking requirements, and more to limit the development of affordable housing and exclude low-income people of color.

Today, exclusionary zoning and community opposition in neighborhoods with well-funded schools and public amenities are major barriers to developing affordable housing. It's because of this that Marin and Sonoma counties are dramatically more segregated today than four decades ago. We need the RHNA allocations to address the impacts of our historical inequitable land use policies.

I understand the concerns expressed about fire safety, drought, and lack of developable land. However, these concerns need not exclude the need for equity and inclusion.

When we exclude affordable homes, communities who need that affordability, particularly people of color and those with disabilities who work in the community, are forced to live elsewhere, far from their work or in overcrowded homes. Many lower-income communities of color are now facing displacement yet again as suburban expenses quickly outstrip their incomes. The equity adjustment helps increase affordability, ensuring that everyone can live in neighborhoods of their choice based on individual and family needs rather than based on historic patterns of segregation.

The COVID-19 pandemic has highlighted the disparities and inequities in our region, exposing a housing system that is failing low-income people and BIPOC communities. We must all work together to ensure everyone has a choice to stay and thrive in their communities or move closer to their jobs and other needs.

I urge you to require that these jurisdictions meet their assigned regional housing needs, expand opportunities in high-resource communities, particularly for Latinx community members, and deny their appeals.

Thank you for your consideration.

Sincerely,
Debra Taube



Fair Housing Advocates of Northern California

1314 Lincoln Ave., Ste. A, San Rafael, CA 94901 ▼ (415) 457-5025 ▼ TDD: (800) 735-2922
www.fairhousingnorcal.org ▼ fhanc@fairhousingnorcal.org

August 30, 2021

Associated Bay Area Governments
RHNA@bayareametro.gov

RE: Comment on RHNA allocation appeals filed by the cities of Belvedere, Larkspur, Mill Valley, Sausalito, Corte Madera, Fairfax, Ross, San Anselmo, Tiburon, and Windsor, and the counties of Marin and Sonoma

To Whom It May Concern,

On behalf of staff and board of Fair Housing Advocates of Northern California (FHANC), I am writing to you concerning the RHNA allocation appeals that have been filed from jurisdictions in Marin and Sonoma counties: the cities of Belvedere, Larkspur, Mill Valley, Sausalito, Corte Madera, Fairfax, Ross, San Anselmo, Tiburon, and Windsor, and the counties of Marin and Sonoma. FHANC is a non-profit organization dedicated to promoting equal housing opportunity in Marin, Sonoma, and Solano Counties through community education, housing counseling, particularly related to housing discrimination, and advocacy related to affirmatively furthering fair housing.

We urge you to deny the appeals.

Many of the jurisdictions listed above have increased tenant protections and housing affordability for the people who live and work in the jurisdiction – as evidenced by recent ordinances, including just cause for eviction protections for renters, Covid-19 related eviction moratoriums, and source of income protections for people with rental subsidies.

However, we are concerned that the appeal of the Regional Housing Needs Allocation (RHNA) allocations sends an opposite signal from a message of inclusivity and prosperity for all.

As we know, the Executive Board of the Association of Bay Area Governments (ABAG) adopted the RHNA equity adjustment to ensure that all jurisdictions exhibiting above-average levels of racial and economic exclusion take on their fair share of low- and very-low-income RHNA units.¹

¹ The equity adjustment uses a composite score that identifies jurisdictions exhibiting racial and economic exclusion based on the jurisdiction's divergence index score and the percent of the jurisdiction's households above 120% of Area Median Income (AMI). The divergence index score calculates how different a jurisdiction's racial demographics are from the region's demographics. (The Othering and Belonging Institute at UC Berkeley has identified the divergence index as the best measure of segregation in the region.) The equity adjustment ensures that all of the jurisdictions identified using this composite score receive an allocation of very low- and low-income units that is at least proportional to its share of the region's total households in 2020. This means that to have a proportional allocation, a city with 2% of existing households would also get 2% of the allocation of very low- and low-income RHNA units. In the seven jurisdictions in Marin, Napa, and

A local non-profit helping communities eliminate housing discrimination

TDD: CALIFORNIA RELAY SERVICE FOR THE HEARING OR SPEECH IMPAIRED: (800) 735-2922
SE HABLA ESPAÑOL - NẾU CẦN GIÚP ĐỖ BẰNG TIẾNG VIỆT NAM XIN LIÊN LẠC SỐ: (415) 847-2747

When high-resource jurisdictions, such as those in Marin County, improve housing opportunities for low-income individuals, who are disproportionately people of color and people with disabilities, the jurisdiction will move closer to being an inclusive and equitable place where all residents have access to a safe and affordable home and equal access to economic opportunity.

FHANC supports the equity adjustment because previous RHNA cycles have failed to allocate enough affordable housing to white, affluent jurisdictions that have a history of opposing affordable housing development in the Bay Area.² A 2017 study by the Haas Institute for a Fair and Inclusive Society at UC Berkeley found that ABAG was not allocating a fair share of low-income housing to jurisdictions with higher percentages of White residents in prior RHNA cycles.³

The new RHNA methodology, which includes the equity adjustment, provides a meaningful opportunity for these cities and counties to address the inequitable allocations of the recent past. Adhering to the adjusted allocations will allow the jurisdictions to meet state legal requirements to affirmatively further fair housing in their communities.

Affirmatively furthering fair housing means taking meaningful actions to overcome patterns of segregation and fostering inclusive communities, free from barriers that restrict access to opportunity.⁴ The equity adjustment helps meet the duty to affirmatively further fair housing by increasing affordability and thereby inclusivity in our community such that everyone can live in neighborhoods of their choice based on individual and family needs rather than based on patterns of segregation.

The equity adjustment is critical to address racial segregation in the Bay Area, including Marin and Sonoma counties. Since the Fair Housing Act of 1968 barred exclusion on the basis of race, wealthier predominantly white municipalities throughout California, including the jurisdictions in these two counties, passed exclusionary land use and zoning regulations such as large-lot zoning, prohibitions on multi-family housing, parking requirements, and more to limit the development of affordable housing and exclude low-income people of color.⁵

Sonoma subject to the equity adjustment, a total of 940 lower-income units are needed to achieve proportionality. ABAG Executive Director, “Draft RHNA Methodology and Final Subregional Shares” (Association of Bay Area Governments, January 21, 2021), 36, 19 https://abag.ca.gov/sites/default/files/draft_rhna_allocation_presentation_to_exec_bd_jan_21.pdf.

² For background on the most racially segregated cities in the Bay Area measured by “inter-municipal” segregation, see Stephen Menendian, Arthur Gailes, and Samir Gambhir, “The Most Segregated (and Integrated) Cities in the SF Bay Area,” (Othering & Belonging Institute, November 18, 2020), <https://belonging.berkeley.edu/most-segregated-and-integrated-cities-sf-bay-area>.

³ Local governments with higher percentages of white residents were allocated lower numbers of lower income housing during the 3rd and 5th RHNA cycles, which span the years 1999-2006 and 2014-2023. Heather Bromfield and Eli Moore, “Unfair Shares: Racial Disparities and the Regional Housing Needs Allocation Process in the Bay Area,” Research Brief (Haas Institute for a Fair and Inclusive Society, August 2017), 6, https://belonging.berkeley.edu/sites/default/files/haasinstitute_unfairshares_rhnabayarea_publish.pdf.

⁴ See Gov. Code, § 8899.50, subd. (a)(1).

⁵ Amee Chew and Chione Lucina Muñoz Flegal, Facing History, Uprooting Inequality: A Path to Housing Justice in California (PolicyLink, 2020), 47, https://www.policylink.org/sites/default/files/pl_report_calif-housing_101420a.pdf.

Today, exclusionary zoning and community opposition in neighborhoods with well-funded schools and public amenities are significant barriers to affordable housing development.⁶ As a result, Marin and Sonoma counties are dramatically more segregated today than it was in 1980.⁷ A regional approach is necessary to address the impacts of this history of inequitable land use policy.

FHANC recognizes the jurisdictions' concerns such as fire safety and lack of developable land; however, if we do not step up on building more affordable housing, these counties cannot be successful in becoming more diverse.

When jurisdictions exclude affordable homes, communities who need that affordability, particularly people of color and those with disabilities who work in the community, are forced to live elsewhere, far from their work or in an overcrowded home. Many lower-income communities of color have already had to do that in the Bay Area, but they are now facing displacement again as the suburban cost-of-living skyrockets much faster than their incomes.

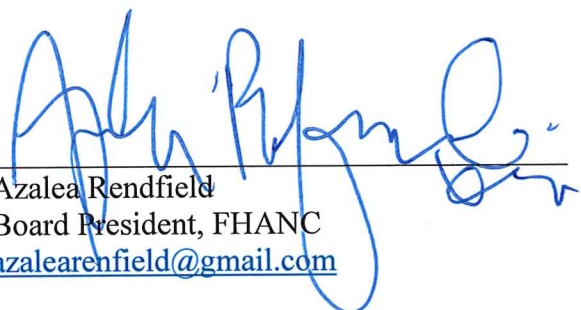
The COVID-19 pandemic has highlighted the disparities and inequities in our region, exposing a housing system that is failing low-income people and BIPOC communities and requiring us to reimagine our housing system as we build toward a just recovery. We must all work together to ensure everyone has a choice to stay and thrive in their communities or move closer to their jobs and other needs.

We urge you to require that these jurisdictions meet their assigned regional housing needs and expand opportunities in high-resource communities, particularly for Latinx community members,⁸ and deny their appeals. Thank you for your consideration.

Sincerely,

Caroline Peattie

Caroline Peattie
Executive Director, FHANC
peattie@fairhousingnorcal.org



Azalea Rendfield
Board President, FHANC
azalearendfield@gmail.com

⁶ Chew et al., Facing History, Uprooting Inequality: A Path to Housing Justice in California, 47.

⁷ Stephen Menendian and Samir Gambhir, "Racial Segregation in the San Francisco Bay Area, Part 3: Measuring Segregation," (Othering & Belonging Institute, May 28, 2019), <https://belonging.berkeley.edu/racial-segregation-san-francisco-bay-area-part-3>. ⁸ See Gov. Code, § 65587(b). ⁹ Between 2000 and 2015, Sonoma County's low-income Latinx population more than doubled and Marin's nearly doubled. Rising Housing Costs and Re-Segregation in the San Francisco Bay Area (UC Berkeley's Urban Displacement Project and the California Housing Partnership, February 2019), 8, https://www.urbandisplacement.org/sites/default/files/images/bay_area_re-segregation_rising_housing_costs_report_2019.pdf.

⁸ Between 2000 and 2015, Sonoma County's low-income Latinx population more than doubled and Marin's nearly doubled. Rising Housing Costs and Re-Segregation in the San Francisco Bay Area (UC Berkeley's Urban Displacement Project and the California Housing Partnership, February 2019), 8, <https://www.urbandisplacement.org/sites/default/files/images/>

August 30, 2021

Associated Bay Area Governments
RHNA@bayareametro.gov

RE: Comment on RHNA allocation appeals filed by the cities of Belvedere, Larkspur, Mill Valley, Sausalito, Corte Madera, Fairfax, Ross, San Anselmo, Tiburon, and Windsor, and the counties of Marin and Sonoma

To Whom It May Concern,

I am writing to you concerning the RHNA allocation appeals that have been filed from jurisdictions in Marin and Sonoma counties: the cities of Belvedere, Larkspur, Mill Valley, Sausalito, Corte Madera, Fairfax, Ross, San Anselmo, Tiburon, and Windsor, and the counties of Marin and Sonoma.

I urge you to deny the appeals. We retired to Sausalito and now Mill Valley 5 years ago from New York City where we lived for many years in highly integrated buildings. Priced from \$3 million purchase to \$3,000/mo. – subsidy rent, each floor of each building had residents from a wide economic and racial background. Marinites claim progressiveness but it only shows up in voting and attitudes pertaining to areas outside their own communities.

Just cause for eviction protections for renters, Covid-19 related eviction moratoriums, and source of income protections for people with rental subsidies are all positive actions, however, the appeal of the Regional Housing Needs Allocation (RHNA) allocations promotes exclusion and reinforcing the segregation of low-income, disabled, and BIPOC communities.

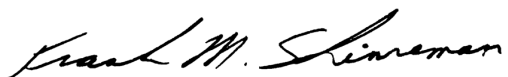
Previous RHNAs have failed to allocate enough affordable housing to white, affluent jurisdictions that have a history of opposing affordable housing development in the Bay Area. The new RHNA methodology, which includes the equity adjustment, provides a meaningful opportunity for these cities and counties to address the inequitable allocations of the recent past. Keeping the adjusted allocations will allow jurisdictions to meet state legal requirements to affirmatively further fair housing in their communities.

It is time for Marin to get used to living in neighborhoods that contain people from a wide variety of income, education, religion and racial backgrounds. Such communities are more safe, vibrant and productive and do not reduce property values.

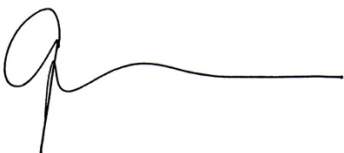
I urge you to require that these jurisdictions meet their assigned regional housing needs, expand opportunities in high-resource communities, particularly for Latinx community members, and deny their appeals.

Thank you for your consideration.

Sincerely,



Frank Shinneman & Cindy Knoebel



August 28, 2021

Associated Bay Area Governments
RHNA@bayareametro.gov

RE: Comment on RHNA allocation appeals filed by the cities of Belvedere, Larkspur, Mill Valley, Sausalito, Corte Madera, Fairfax, Ross, San Anselmo, Tiburon, and Windsor, and the counties of Marin and Sonoma

To Whom It May Concern,

I am writing to you concerning the RHNA allocation appeals that have been filed from jurisdictions in Marin and Sonoma counties: the cities of Belvedere, Larkspur, Mill Valley, Sausalito, Corte Madera, Fairfax, Ross, San Anselmo, Tiburon, and Windsor, and the counties of Marin and Sonoma.

I urge you to deny the appeals. As a 40 year resident of Fairfax and San Anselmo, I continue to see our community as vocal supporters for diversity and equity. However, the actions taken by our communities in Marin and Sonoma counties need to support the advocacy that is preached.

Many of the jurisdictions listed above have increased tenant protections and housing affordability for the people who live and work in the jurisdiction – such as through recent ordinances, including just cause for eviction protections for renters, Covid-19 related eviction moratoriums, and source of income protections for people with rental subsidies. These are all positive actions.

However, I am concerned that the appeal of the Regional Housing Needs Allocation (RHNA) allocations sends a negative signal by promoting exclusion and reinforcing the segregation of low- income, disabled, and BIPOC communities.

I understand that the Executive Board of the Association of Bay Area Governments (ABAG) adopted the RHNA equity adjustment to ensure that all jurisdictions exhibiting above-average levels of racial and economic exclusion take on their fair share of low- and very-low-income RHNA units.

I support the equity adjustment because previous RHNAs have failed to allocate enough affordable housing to white, affluent jurisdictions that have a history of opposing affordable housing development in the Bay Area. The new RHNA methodology, which includes the equity adjustment, provides a meaningful opportunity for these cities and counties to address the inequitable allocations of the recent past. Keeping the adjusted allocations will allow jurisdictions to meet state legal requirements to affirmatively further fair housing in their communities.

The equity adjustment is critical to address racial segregation in the Bay Area, including in Marin and Sonoma counties. Since the Fair Housing Act of 1968 barred exclusion on the basis of

race, wealthier and largely white municipalities throughout California, including in these two counties, passed exclusionary land use and zoning regulations such as large-lot zoning, prohibitions on multi-family housing, parking requirements, and more to limit the development of affordable housing and exclude low-income people of color.

Today, exclusionary zoning and community opposition in neighborhoods with well-funded schools and public amenities are major barriers to developing affordable housing. It's because of this that Marin and Sonoma counties are dramatically more segregated today than four decades ago. We need the RHNA allocations to address the impacts of our historical inequitable land use policies.

I understand the concerns expressed about fire safety, drought, and lack of developable land. The actual appeal made by the Town of Fairfax, for example, focuses on these three items. However, Fairfax's appeal does not make any argument against the need for inclusion, equity or diversity within our community, which is the basis of the equity adjustment.

When we exclude affordable homes, communities who need that affordability, particularly people of color and those with disabilities who work in the community, are forced to live elsewhere, far from their work or in overcrowded homes. Many lower-income communities of color are now facing displacement yet again as suburban expenses quickly outstrip their incomes. The equity adjustment helps increase affordability, ensuring that everyone can live in neighborhoods of their choice based on individual and family needs rather than based on historic patterns of segregation.

The COVID-19 pandemic has highlighted the disparities and inequities in our region, exposing a housing system that is failing low-income people and BIPOC communities. We must all work together to ensure everyone has a choice to stay and thrive in their communities or move closer to their jobs and other needs.

I urge you to require that these jurisdictions meet their assigned regional housing needs, expand opportunities in high-resource communities, particularly for Latinx community members, and deny their appeals.

Thank you for your consideration.

Sincerely,

Lisa Mennucci

From: [REDACTED]
Sent: Sunday, August 29, 2021 1:25 PM
To: Regional Housing Need Allocation
Subject: Comment on RHNA allocation appeals

External Email

Associated Bay Area Governments

To Whom It May Concern,

I have lived in Marin County for 50 years and have never been happy with the lack of diversity in our County.

I am writing now concerning the RHNA allocation appeals that have been filed from jurisdictions in Marin and Sonoma counties: the cities of Belvedere, Larkspur, Mill Valley, Sausalito, Corte Madera, Fairfax, Ross, San Anselmo, Tiburon, and Windsor, and the counties of Marin and Sonoma.

I hope to hear that you deny the appeals. I support the equity adjustment because previous RHNAs have failed to allocate enough affordable housing to white, affluent jurisdictions that have a history of opposing affordable housing development in the Bay Area.

Sincerely

Marilyn Price
[REDACTED]

From: Stephen Bingham [REDACTED]
Sent: Sunday, August 29, 2021 3:04 PM
To: Regional Housing Need Allocation
Subject: RHNA allocation appeals filed by the Marin County and various cities in the County

External Email

August 30, 2021

Executive Board
Associated Bay Area Governments
RHNA@bayareametro.gov

RE: Comment on RHNA allocation appeals filed by the cities of Belvedere, Larkspur, Mill Valley, Sausalito, Corte Madera, Fairfax, Ross, San Anselmo, Tiburon, and Windsor, and the counties of Marin and Sonoma

Dear Members of the ABAG Executive Board:

I am writing to you concerning the RHNA allocation appeals that have been filed from jurisdictions in Marin and Sonoma counties: the cities of Belvedere, Larkspur, Mill Valley, Sausalito, Corte Madera, Fairfax, Ross, San Anselmo, Tiburon, and Windsor, and the counties of Marin and Sonoma.

I urge you to deny the appeals. I live in San Rafael and have fought for years for more affordable housing in San Rafael and Marin County. While San Rafael and Novato have taken some positive steps in the right direction, the County and the cities filing the current RHNA appeals have approved virtually no affordable housing in the over 25 years my wife and I have lived in Marin. This has resulted in a huge lack of diversity of populations in the County and horrific traffic during commute hours because those who work in Marin can't afford to live here. [

Many of the jurisdictions listed above have increased tenant protections and housing affordability for the people who live and work in the jurisdiction – such as through recent ordinances, including just cause for eviction protections for renters, Covid-19 related eviction moratoriums, and source of income protections for people with rental subsidies. These are all positive actions.

However, I am concerned that the appeal of the Regional Housing Needs Allocation (RHNA) allocations sends a negative signal by promoting exclusion and reinforcing the segregation of low- income, disabled, and BIPOC communities.

I understand that the Executive Board of the Association of Bay Area Governments (ABAG) adopted the RHNA equity adjustment to ensure that all jurisdictions exhibiting above-average levels of racial and economic exclusion take on their fair share of low- and very-low-income RHNA units.

I support the equity adjustment because previous RHNA's have failed to allocate enough affordable housing to white, affluent jurisdictions that have a history of opposing affordable housing development in the Bay Area. The new RHNA methodology, which includes the equity adjustment, provides a meaningful opportunity for these cities and counties to address the inequitable allocations of the recent past. Keeping the adjusted allocations will allow jurisdictions to meet state legal requirements to affirmatively further fair housing in their communities.

The equity adjustment is critical to address racial segregation in the Bay Area, including in Marin and Sonoma counties. Since the Fair Housing Act of 1968 barred exclusion on the basis of race, wealthier and largely white municipalities throughout California, including in these two counties, passed exclusionary land use and zoning regulations such as large-lot zoning, prohibitions on multi-family housing, parking requirements, and more to limit the development of affordable housing and exclude low-income people of color.

Today, exclusionary zoning and community opposition in neighborhoods with well-funded schools and public amenities are major barriers to developing affordable housing. It's because of this that Marin and Sonoma counties are dramatically more segregated today than four decades ago. We need the RHNA allocations to address the impacts of our historical inequitable land use policies.

I understand the concerns expressed about fire safety, drought, and lack of developable land. However, the appeals don't argue against the need for inclusion, equity or diversity within our community, which is the basis of the equity adjustment.

When we exclude affordable homes, communities who need that affordability, particularly people of color and those with disabilities who work in the community, are forced to live elsewhere, far from their work or in overcrowded homes. Many lower-income communities of color are now facing displacement yet again as suburban expenses quickly outstrip their incomes. The equity adjustment helps increase affordability, ensuring that everyone can live in neighborhoods of their choice based on individual and family needs rather than based on historic patterns of segregation.

The COVID-19 pandemic has highlighted the disparities and inequities in our region, exposing a housing system that is failing low-income people and BIPOC communities. We must all work together to ensure everyone has a choice to stay and thrive in their communities or move closer to their jobs and other needs.

I urge you to require that these jurisdictions meet their assigned regional housing needs, expand opportunities in high-resource communities, particularly for Latinx community members, and deny their appeals.

Thank you for your consideration.

Sincerely,

Stephen Bingham

Stephen Bingham


August 31, 2021

Associated Bay Area Governments
RHNA@bayareametro.gov

RE: Comment on RHNA allocation appeals filed by the cities of Belvedere, Larkspur, Mill Valley, Sausalito, Corte Madera, Fairfax, Ross, San Anselmo, Tiburon, and Windsor, and the counties of Marin and Sonoma

To Whom It May Concern,

We are writing to you concerning the RHNA allocation appeals that have been filed from jurisdictions in Marin and Sonoma counties: the cities of Belvedere, Larkspur, Mill Valley, Sausalito, Corte Madera, Fairfax, Ross, San Anselmo, Tiburon, and Windsor, and the counties of Marin and Sonoma.

We urge you to deny the appeals. We see a lot of lip service paid to diversity, equity and inclusion in our community but when it comes to housing, the conversation changes to then deflect and disregard the deep-seated systemic racism behind the resistance to more housing in Marin.

Many of the jurisdictions listed above have increased tenant protections and housing affordability for the people who live and work in the jurisdiction – such as through recent ordinances, including just cause for eviction protections for renters, Covid-19 related eviction moratoriums, and source of income protections for people with rental subsidies. These are all positive actions.

However, we are concerned that the appeal of the Regional Housing Needs Allocation (RHNA) allocations sends a negative signal by promoting exclusion and reinforcing the segregation of low- income, disabled, and BIPOC communities.

We understand that the Executive Board of the Association of Bay Area Governments (ABAG) adopted the RHNA equity adjustment to ensure that all jurisdictions exhibiting above-average levels of racial and economic exclusion take on their fair share of low- and very-low-income RHNA units.

We support the equity adjustment because previous RHNAs have failed to allocate enough affordable housing to white, affluent jurisdictions that have a history of opposing affordable housing development in the Bay Area. The new RHNA methodology, which includes the equity adjustment, provides a meaningful opportunity for these cities and counties to address the inequitable allocations of the recent past. Keeping the adjusted allocations will allow jurisdictions to meet state legal requirements to affirmatively further fair housing in their communities.

The equity adjustment is critical to address racial segregation in the Bay Area, including in Marin and Sonoma counties. Since the Fair Housing Act of 1968 barred exclusion on the basis of race, wealthier and largely white municipalities throughout California, including in these two counties, passed exclusionary land use and zoning regulations such as large-lot zoning, prohibitions on multi-family housing, parking requirements, and more to limit the development of affordable housing and exclude low-income people of color.

Today, exclusionary zoning and community opposition in neighborhoods with well-funded schools and public amenities are major barriers to developing affordable housing. It's because of this that Marin and Sonoma counties are dramatically more segregated today than four decades ago. We need the RHNA allocations to address the impacts of our historical inequitable land use policies.

We understand the concerns expressed about fire safety, drought, and lack of developable land. The actual appeal made by the Town of Fairfax, for example, focuses on these three items. However, Fairfax's appeal does not make any argument against the need for inclusion, equity or diversity within our community, which is the basis of the equity adjustment. And these environmental concerns tend to overlook the current, creative solutions which will ensure better environmental outcomes for all of us.

When we exclude affordable homes, communities who need that affordability, particularly people of color and those with disabilities who work in the community, are forced to live elsewhere, far from their work or in overcrowded homes. Many lower-income communities of color are now facing displacement yet again as suburban expenses quickly outstrip their incomes. The equity adjustment helps increase affordability, ensuring that everyone can live in neighborhoods of their choice based on individual and family needs rather than based on historic patterns of segregation.

The COVID-19 pandemic has highlighted the disparities and inequities in our region, exposing a housing system that is failing low-income people and BIPOC communities. We must all work together to ensure everyone has a choice to stay and thrive in their communities or move closer to their jobs and other needs.

We urge you to require that these jurisdictions meet their assigned regional housing needs, expand opportunities in high-resource communities, particularly for Latinx community members, and deny their appeals.

Thank you for your consideration.

Sincerely,

SURJ Marin (Showing Up for Racial Justice)

<https://surjmarin.org/>