



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:

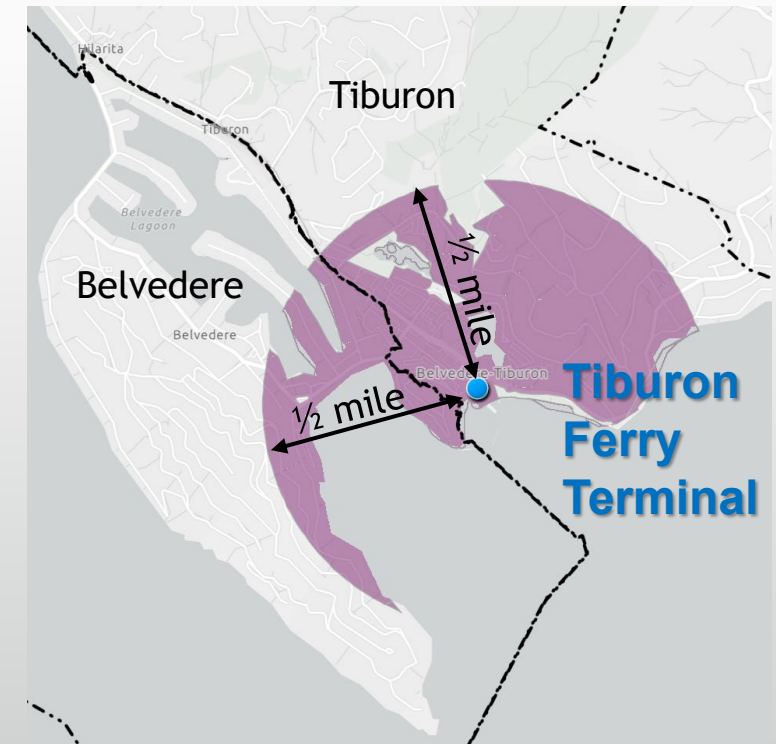
- Housing Element Law requires RHNA be consistent with Plan Bay Area 2050 development pattern, but does not specify how to determine consistency, giving ABAG discretion to define its own approach.
- Approach used throughout RHNA methodology development compares RHNA allocations to Final Blueprint growth 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).