



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).