



# ABAG-MTC Staff Response to *Town of Ross* RHNA Appeal

ABAG Administrative  
Committee

October 15, 2021

# Overview of Town of Ross Appeal

## Appeal Request:

- Reduce allocation by 59 units (53%) from 111 units to 52 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.
- 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.

# Issue #1: Lack of Available Land

*Jurisdiction Argument: There is no indication Plan Bay Area 2050 Final Blueprint, the baseline allocation for the RHNA methodology, accounted for FEMA floodplain, fire severity zones, slope stability, or availability of vacant land with public services and utilities when considering “developable land.”*

## **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
- Ross has not provided evidence it cannot accommodate RHNA allocation due to determination by FEMA or the Dept. of Water Resources that flood management infrastructure is inadequate to avoid risk of flooding.
- Ross does not provide evidence it is unable to consider underutilization of existing sites, increased densities, accessory dwelling units, and other planning tools to accommodate its assigned need.

# Issue #2: Jobs-Housing Relationship

***Jurisdiction Argument:** ABAG failed to adequately consider Town's jobs-housing relationship, as there is no indication modeling of households and jobs conformed to Ross's jurisdictional boundaries. Adding units to areas with few jobs and limited transit will increase vehicle miles traveled and greenhouse gas emissions.*

## **ABAG-MTC Staff Response:**

- The Town's 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.
- The methodology must also consider jobs-housing fit. Census Bureau data shows Ross has 89 low-wage jobs and no rental units that are affordable to low-wage workers and their families. The Town's lower-income RHNA could enable many of these workers to live closer to their jobs, for better jobs-housing balance, shorter commutes, and lower GHG.



# Issue #3: Drought

***Jurisdiction Argument:** Marin Municipal Water District has declared drought conditions and could place a moratorium on new or expanded water service. Uncertainty regarding municipal water supply represents a change in circumstances meriting a revision of Ross's RHNA.*

**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.”
- Ross has not demonstrated it is precluded from accommodating its RHNA allocation because of a decision by its water service provider. A moratorium on new water connections has not been implemented, nor is there an indication a moratorium would extend until the end of the RHNA planning period in 2031.

# Recommended Action for **Town of Ross** Appeal

**Deny** the appeal filed by the Town of Ross to reduce its Draft RHNA Allocation by 59 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).
- No 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.