



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

ABAG Administrative  
Committee

October 15, 2021

# Overview of **Town of San Anselmo** Appeal

## Appeal Request:

- Reduce allocation by 558 units (67%) from 833 units to 275 units.

## Staff Recommendation:

- Deny the appeal.

## Appeal bases cited:

- ABAG failed to adequately consider information submitted in the Local Jurisdiction Survey.
- 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: Availability of Data for Review

*Jurisdiction Argument: ABAG did not provide adequate data to jurisdictions to verify if methodology applied correctly.*

## *ABAG-MTC Staff Response:*

- All data and calculations for RHNA Methodology available in [Draft RHNA Plan](#), including each jurisdiction's share of 2050 households, raw and scaled factor scores, and each factor's impact on each jurisdiction's baseline allocation, as well as the number of units, by income category, that result from each factor in the methodology.
- Public open-source RHNA calculations also posted on [GitHub](#).
- ABAG-MTC also provided local jurisdiction staff with access to the underlying data for the Plan Bay Area 2050 Final Blueprint forecast that determines the RHNA methodology's baseline allocation.
  - Local jurisdiction staff had several months to review and correct land use and development pipeline data.
  - Jurisdictions could review growth pattern for Draft Blueprint in summer 2020 and prior to adoption of Final Blueprint in January 2021, with office hours to discuss model inputs and forecasted growth from Bay Area UrbanSim 2.0 model.
  - Plan Bay Area 2050 modeling assumptions documented in *Forecasting and Modeling Report*.

# Issue #2: Local Jurisdiction Survey

*Jurisdiction Argument: ABAG's Local Jurisdiction Survey did not ask questions related to factors described in Government Code Section 65584.04(e)(1) and Government Code Section 65584.04(e)(3). The lack of questions for these topics prevented jurisdictions from submitting relevant information for consideration during methodology development process.*

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

- Government Code Section 65584.04(e)(1) specifies low-wage jobs and housing affordable to low-wage workers in its definition of the factor related to jobs-housing relationship.
  - The Local Jurisdiction Survey questions 1-6 fulfilled this statutory requirement.
  - Questions 51 through 53 were general and open-ended questions that provided additional opportunities for sharing information related to the jobs-housing relationship.
- Government Code Section 65584.04(e)(3) references “The distribution of household growth assumed for purposes of a comparable period of regional transportation plans and opportunities to maximize the use of public transportation and existing transportation infrastructure.”
  - Question 10 in the Local Jurisdiction Survey (“Does your jurisdiction face opportunities or constraints in encouraging more jobs and housing near public transportation and existing transportation infrastructure?") aligns with this statutory factor.



# Issue #3: Lack of Available Land

*Jurisdiction Argument: ABAG failed to consider availability of land suitable for housing. RHNA methodology does not account for small lot sizes, limited vacant land, and land at risk of wildfires and flooding.*

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

- Areas at risk of natural hazards are not identified in Housing Element Law as a constraint to housing development.
- San Anselmo has not provided evidence that FEMA or the Department of Water Resources has determined the Town's flood management infrastructure is inadequate to avoid the risk of flooding.
- Given variety of natural hazard risks the 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 #4: Consistency with Plan Bay Area 2050

*Jurisdiction Argument: RHNA methodology fails to adequately consider Plan Bay Area 2050 distribution of household growth and the draft RHNA is not consistent with the distribution of household growth assumed for Plan Bay Area 2050.*

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

- Final RHNA methodology directly incorporates forecasted development pattern from Plan Bay Area 2050 Final Blueprint as the baseline allocation.
- 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 the Central Marin superdistrict where San Anselmo is located.

# Issue #5: Methodology Does Not Further RHNA Objectives

*Jurisdiction Argument: RHNA does not reduce greenhouse gas emissions (Objective 2) and fails to promote and improved intraregional relationship between jobs and housing (Objective 3).*

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

- These arguments challenge the final RHNA methodology adopted by ABAG and approved by HCD, and thus fall 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.
- HCD concluded ABAG's RHNA methodology promotes efficient development patterns and reduced greenhouse gas emissions by allocating more units to jurisdictions with greater job access and lower VMT per resident.
- 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.
- The methodology must also improve the balance between the number of low-wage jobs and the number of housing units affordable to low-wage workers in each jurisdiction. Census Bureau data shows San Anselmo has almost 12 low-wage jobs per unit of rental housing affordable to low-wage workers.

# Issue #6: Drought

***Jurisdiction Argument:** The declaration of a drought by Marin Municipal Water District represents a change in circumstances meriting a revision of San Anselmo's RHNA. There is uncertainty for developers about water connections for new housing development in jurisdictions served by the Marin Municipal Water District.*

**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.”
- San Anselmo has not demonstrated it is precluded from accommodating its RHNA allocation because of a decision by its water service provider. Even if a moratorium on new water connections is implemented in the future, there is no indication it would extend until the end of the RHNA planning period in 2031.



# Issue #7: Impact of COVID-19 on Transit

*Jurisdiction Argument: The impacts of COVID-19 on transit service represent a significant and unforeseen change in circumstances meriting a revision of San Anselmo's RHNA.*

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

- Job Proximity factors in RHNA methodology use existing jobs in 2015, the readily available data at time of methodology development for job proximity by transit.
- HCD comment letter on appeals indicates RHNA appeals based on changes caused by COVID-19 do not fall within the appeal criteria defined by statute.
  - HCD states: *“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.”*
- Potential impacts of COVID-19, including accelerated shift toward telecommuting and associated economic boom/bust cycle, incorporated into RHNA Methodology through integration of Plan Bay Area 2050 Final Blueprint.
- Impacts from COVID-19 are not unique to any single jurisdiction, and the appeal does not indicate San Anselmo's housing need has been disproportionately impacted relative to the rest of the Bay Area. The pandemic is not cause for a reduction in RHNA for any particular jurisdiction.

# Recommended Action for **Town of San Anselmo** Appeal

**Deny** the appeal filed by the Town of San Anselmo to reduce its Draft RHNA Allocation by 558 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).
- 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.