



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

ABAG Administrative  
Committee

October 15, 2021

# Overview of Town of Tiburon Appeal

## Appeal Request:

- Reduce allocation by 103 units (16%) from 639 units to 536 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.

# Issue #1: Error in RHNA Calculation

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

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

- There is no error in the calculation of Tiburon's allocation.
- Calculations in Tiburon's appeal did not include step to adjust factor scores for all jurisdictions to ensure they sum to 100%, which is necessary to allocate exact number of units in each income category from the Regional Housing Needs Determination.
- When calculations for each factor and income category include this step, results are consistent with Draft RHNA Plan.

# Issue #2: RHNA-Plan Bay Area Consistency

*Jurisdiction Argument: Tiburon uses draft RHNA and region's total households in 2050 to calculate "implied growth" in Plan Bay Area 2050 Final Blueprint for jurisdictions in South Marin superdistrict. The Town uses implied growth rates to argue its RHNA allocation is inconsistent with South Marin superdistrict's 21% growth rate in Final Blueprint. Town also argues no publicly available methodology to demonstrate how each jurisdiction's baseline allocation calculated.*

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

- Modeling assumptions for Final Blueprint available in *Forecasting and Modeling Report*. All data and calculations for RHNA Methodology available in [Draft RHNA Plan](#), including each jurisdiction's share of 2050 households.
- 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 Tiburon is located.

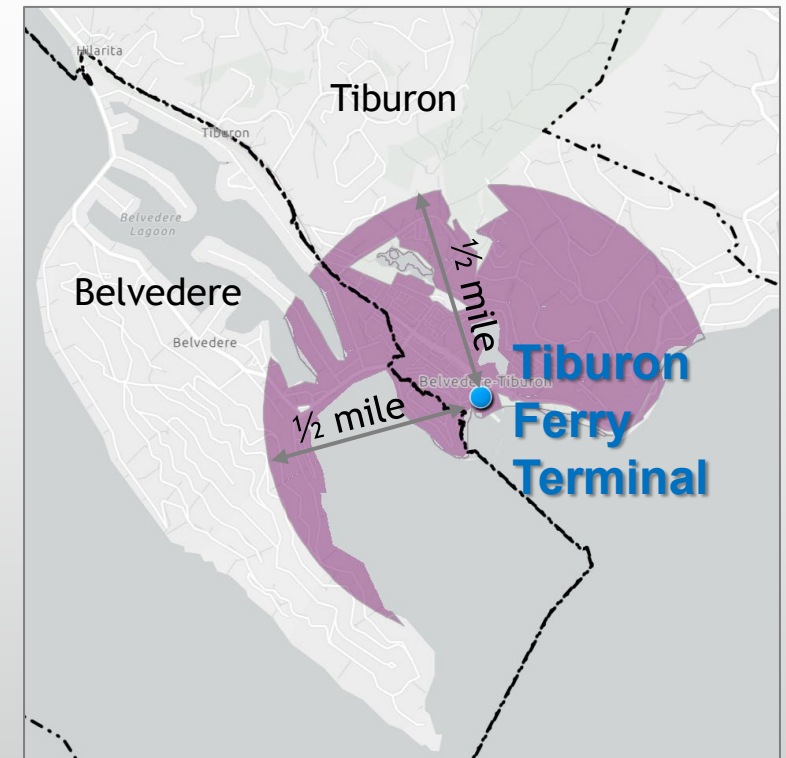


# Issue #3: High Resource Area Methodology

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

## **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.
- 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 Tiburon 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: Tiburon 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:***

- HESS Tool plays no role in determining RHNA, and evaluates sites using ***existing*** local development policies.
- Jurisdictions had several opportunities to correct land use data and review the growth pattern for Draft Blueprint and Final Blueprint, including UrbanSim land use modeling results for superdistricts.
- 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.
- Tiburon 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 Tiburon will not have sufficient water capacity in the future.
- Town has not demonstrated it is precluded from accommodating its RHNA allocation because of a decision by its water service provider.

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

**Deny** the appeal filed by the Town of Tiburon to reduce its Draft RHNA Allocation by 103 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).