

**From:** [MTC-ABAG Info](#)  
**To:** [Regional Housing Need Allocation](#); [Fred Castro](#)  
**Subject:** Fwd: SAY NO to RHNA unreasonable numbers!  
**Date:** Friday, October 8, 2021 3:26:33 PM

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**From:** Kathy Flores [REDACTED]  
**Sent:** Friday, October 8, 2021 2:29:07 PM  
**To:** MTC-ABAG Info <info@bayareametro.gov>  
**Cc:** Kathy Flores [REDACTED]  
**Subject:** SAY NO to RHNA unreasonable numbers!

**\*External Email\***

Good afternoon,

There are multiple problems with the RHNA process, but I will only touch on two topics.

Fairfax has requested that their RHNA numbers be reduced from 490 to 370 during the coming 8 year housing cycle. This quota is unreasonable!

To reach this unrealistic RHNA number, we'd have to force Fairfax into adopting zoning standards that threaten the SAFETY and human life of our residents.

These unreachable and unattainable RHNA allocations is encouraging risky decisions by our city council, by forcing Fairfax to ignore their number one responsibility: SAFETY!

Why is this a crazy idea?

Much of Fairfax is in the WildLand Urban Interface Zone with one road in and one road out. It will be almost impossible to evacuate in cars (which per the RVFD is the best place to be if there is a fire) with fire engines and heavy fire fighting equipment coming in and out of our main thoroughfare, SF Drake Blvd.

One accident on any part of SF Drake Blvd puts the entire upper Ross Valley in gridlock - there is no way we will be able to get out.

The police will help as much as they can, but if an evacuation happens in the middle of the night - good luck - you are pretty much on your own with Fairfax having at most 2 officers on duty at a time until 3am then ONLY 1 officer between 3am-7am.

Also, don't ignore the warnings about global climate change. The Marin Municipal Water District has sent residents a notice, "Drought is Here. Conserve Water." We have let our landscaping die, we can't plant new trees because of the lack of water. We are and have been in a drought. What evidence and documentation does ABAG have to demonstrate that water will be available to support the RHNA growth projections?

The RHNA methodology is inconsistent and unpredictable. There is no substantial evidence to support their allocations and force this outrageous RHNA numbers on our small overpopulated towns.

More housing = more people = more cars = more traffic = increasing greenhouse gas

emissions = climate change.

Thank you for listening,

Kathy Flores



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KEVIN T. HAROFF, ESQ.

October 8, 2021

*By Electronic Delivery*

Ms. Therese McMillan  
Executive Director  
Association of Bay Area Governments  
375 Beale Street, Suite 800  
San Francisco, CA 94105-2066

**Re: Appeal by the City of Larkspur of the City's 2023-2031 Regional  
Housing Needs Assessment**

Dear Ms. McMillan:

I am writing in support of the appeal by the City of Larkspur (the "City") of the 2023-2031 Regional Housing Needs Assessment ("RHNA") assigned to the City by the Association of Bay Area Governments and the Bay Area Metropolitan Transportation Commission (collectively "ABAG"). The appeal has been set for hearing today, Oct. 8, 2021, before the ABAG Administrative Committee (the "Committee").

I am a longtime resident of the City, a former member of the City's Planning Commission, an elected member of the City Council, and currently serving my second term as the City's Mayor. That said, I am writing this letter solely in my capacity as a private citizen, and nothing in the letter should be construed as an expression of the views of the City Council or City staff in any way other than by myself as a private citizen.

ABAG staff has recommended that the City's appeal be denied. This recommendation is unwarranted based on the facts cited in the appeal, on the rationale for denial provide by ABAG staff, and on relevant provisions of applicable law. For the reasons stated below (among others), I encourage that the Committee reject the staff recommendation and grant the City's appeal. To do otherwise would be arbitrary and capricious, and potentially violative of the requirements of the California Administrative Procedure Act ("APA"), Government Code Section 11340, et seq.

ABAG staff's recommendation focuses on three issues, one of which primarily raises disputed issues of law that are not unique to the City's appeal – namely the question of whether ABAG's RHNA methodology appropriately addresses various matters required to be considered under Government Code Section 65584(d). As a private citizen, I support the City's position on this issue, but I also recognize that it is one that likely can be resolved only by a judicial determination with general applicability to multiple jurisdictions.

The other two issues are factual ones that relate to circumstances specific to the City. The first of those issues concerns whether ABAG adequately considered the City's contentions regarding constraints on the availability of local land resources as a result of natural hazard risks and lack of undeveloped property

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Ms. Therese  
McMillan  
Executive Director  
Association of Bay  
Area Governments  
October 8, 2021  
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within its separate jurisdiction. The City has provided substantial evidence to support those contentions in its appeal. Larkspur already is effectively built out, and meaningful opportunities for further development consistent with ABAG's RHNA allocation are non-existent. ABAG staff's recommendation provides no substantial evidence to contradict the City's contentions, and acceptance of that recommendation would be arbitrary, capricious, and without any lawful basis.

The second issue concerns whether ABAG adequately considered the City's contentions regarding constraints on opportunities to support further development in light of critical ongoing drought conditions in Marin County. Our community is facing water shortages that we have not experienced in decades, and there currently is no end in sight to the challenges these conditions present. To assume that those challenges will miraculously go away just to accommodate ABAG's desire for expansive development here is unrealistic and places undue burdens on a community going into an uncertain future over our capacity to supply water to current residents. Again, ABAG staff's recommendation provides no substantial evidence to contradict the City's contentions on the drought crisis, and acceptance of staff's recommendation in that regard also would be arbitrary, capricious, and without any basis in law.

For all these reasons, I encourage the Committee to reject staff's recommendations and grant the City's appeal without qualification.

Respectfully yours,



Kevin T. Haroff

Copies to:

Mr. Dan Schwarz, City Manager, City of Larkspur  
Mr. Neal Toft, Planning Director, City of Larkspur  
Mr. Jesse Arreguin, Chair, ABAG Administrative Committee  
Ms. Belia Ramos, Vice-Chair, ABAG Administrative Committee







