

RE: ASSOCIATION OF BAY AREA GOVERNMENTS
DAY ONE OF THE SIXTH CYCLE REGIONAL HOUSING NEEDS
ASSESSMENT (RHNA) APPEALS HEARING:
ADMINISTRATIVE COMMITTEE

REPORTER'S TRANSCRIPT OF PROCEEDINGS VIA ZOOM
VIDEOCONFERENCE

FRIDAY, SEPTEMBER 24, 2021

9:00 A.M.

**CERTIFIED
TRANSCRIPT**

REPORTED BY:

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- 1 MEMBERS PRESENT:
- 2 MAYOR JESSE ARREGUIN, PRESIDENT
- 3 MAYOR PAT EKLUND
- 4 MAYOR NEYSA FLIGOR
- 5 MAYOR DAVE HUDSON
- 6 SUPERVISOR OTTO LEE
- 7 SUPERVISOR RAFAEL MANDELMAN
- 8 SUPERVISOR KAREN MITCHOFF
- 9 SUPERVISOR BELIA RAMOS
- 10 MAYOR CARLOS ROMERO

11

12 COMMENTS	PAGE
13 CITY OF ALAMEDA	13
14 CITY OF DUBLIN	58
15 CITY OF PLEASANTON	79
16 CITY OF CLAYTON	105
17 CITY OF DANVILLE	130
18 CITY OF LAFAYETTE	155
19 CITY OF PLEASANT HILL	190

20

21

22

23

24

25

1 PROCEEDINGS; WEDNESDAY, SEPTEMBER 24, 2021; 9:00 A.M.

2

3 PRESIDENT ARREGUIN: Good morning. I'm Jesse
4 Arreguin. I'm the chair of the Association of Bay Area
5 Governments Administrative Committee. I'd like to call
6 the special meeting of the ABAG Administrative Committee
7 to order and ask staff to play the COVID-19 meeting
8 recording. Thank you.

9 RECORDING: Due to COVID-19, this meeting will
10 be conducted as a Zoom webinar pursuant to the
11 provisions of the Governor's Executive Order N-2920,
12 which suspends certain requirements of the Brown Act.
13 This meeting is being webcast on the ABAG website. The
14 Chair will call upon commissioners, presenters, staff,
15 and other speakers by name and ask that they state their
16 names before giving comments or remarks.

17 Persons participating via webcast and Zoom
18 with their cameras enabled are reminded that their
19 activities are visible to viewers.

20 Commissioners and members of the public
21 participating by Zoom wishing to speak should use the
22 raise hand feature, or dial *9, and the Chair will call
23 upon them at the appropriate time. Teleconference
24 attendees will be called upon by the last four digits of
25 their phone number.

1 It is requested that public speakers state
2 their names and organization, but providing such
3 information is voluntary.

4 Written public comments received at
5 info@BayAreaMetro.gov by 5:00 p.m. yesterday will be
6 posted to the online agenda and entered into the record
7 but will not be read out loud. If authors of the
8 written correspondence would like to speak, they are
9 free to do so.

10 A roll call vote will be taken for all action
11 items. Panelists and attendees should note that the
12 chat feature is not active.

13 PRESIDENT ARREGUIN: Will the ABAG Clerk of
14 the Board please conduct the roll call to confirm
15 whether a quorum of the ABAG Administrative Committee is
16 present?

17 CLERK OF THE BOARD: Yes, sir.

18 Mayor Arreguin?

19 PRESIDENT ARREGUIN: Present.

20 CLERK OF THE BOARD: Mayor Eckland?

21 MAYOR EKLUND: Present.

22 CLERK OF THE BOARD: Mayor Fligor?

23 MAYOR FLIGOR: Here.

24 CLERK OF THE BOARD: Mayor Hudson?

25 MAYOR HUDSON: Here.

1 CLERK OF THE BOARD: Supervisor Otto Lee?
2 Supervisor Lee is absent.
3 Supervisor Mandelman? Supervisor Mandelman is
4 absent.
5 Supervisor Mitchoff?
6 SUPERVISOR MITCHOFF: Present.
7 CLERK OF THE BOARD: Thank you.
8 Councilmember Peralez? Councilmember Peralez
9 is absent.
10 Supervisor Rabbit? Supervisor Rabbit is
11 absent.
12 Supervisor Ramos?
13 SUPERVISOR RAMOS: Good morning. Here.
14 CLERK OF THE BOARD: Thank you.
15 Mayor Romero?
16 MAYOR ROMERO: Here.
17 CLERK OF THE BOARD: Mayor Wilson? Mayor
18 Wilson is absent.
19 A quorum is present.
20 SUPERVISOR MANDELMAN: And Supervisor
21 Mandelman is present. Good morning.
22 CLERK OF THE BOARD: Thank you.
23 PRESIDENT ARREGUIN: Quorum of the committee
24 is present. Thank you.
25 Moving on to Item 2, public comment. We will

1 be taking public comment on each appeal separately, but
2 this is an opportunity for public comment on non-agenda
3 matters. So is there any member of the public that
4 wishes to give public comment on items not on the
5 agenda? If so, please raise your hand or press *9.

6 Mr. Castro, are there any public comments?

7 CLERK OF THE BOARD: There were no written
8 comments submitted, and I see no members of the
9 attendees with their hands raised.

10 PRESIDENT ARREGUIN: Thank you. That
11 completes this item.

12 We'll go to Item 3, committee member
13 announcements. This is an information item. Are there
14 any announcements from members of the ABAG
15 Administrative Committee? If so, please raise your hand
16 at this time.

17 Seeing no raised hands, I'll ask is there any
18 public comment on Item 3, committee member
19 announcements?

20 MR. CASTRO: I see no members of the attendees
21 with their hands raised, and no written comments were
22 submitted.

23 PRESIDENT ARREGUIN: Okay. So that completes
24 this item.

25 We'll go to Item 4, the Chair support. And so

1 I would like to welcome my colleagues and thank them for
2 being here today for this important meeting. This is
3 the first of several hearings that we will be conducting
4 on appeals of the Regional Housing Needs Allocation
5 Plan.

6 I'd also like welcome representatives from our
7 member jurisdictions to this RHNA appeals public
8 hearing. RHNA is a state-mandated process to identify
9 the number of housing units, including by affordability
10 level, that each jurisdiction must accommodate in their
11 housing element of their general plan.

12 The California Department of Housing Community
13 Development, HCD, determined that Bay Area communities
14 over the next years must plan for 441,176 new housing
15 units from 2023 to 2031.

16 On May 20th, 2021, the ABAG Executive Board
17 approved the final RHNA methodology and draft
18 allocations which initiated the appeals phase of the
19 RHNA process.

20 ABAG received 20 appeals from Bay Area
21 jurisdictions by the July 9, 2021 deadline, and per
22 Government Code Section 65584.05(d), ABAG is required to
23 hold a public hearing to consider all the appeals filed.

24 The public hearing provides an opportunity for
25 jurisdictions that filed appeals to provide testimony

1 before the RHNA Administrative -- ABAG Administrative
2 Committee, rather, as part of the Committee's
3 deliberation on appeals.

4 Today is the first day of the public hearing,
5 which will be continued over six meetings over September
6 and October.

7 In late August and early September, legal
8 notices were published in multiple languages in
9 newspapers in each of the nine counties of the San
10 Francisco Bay Area, announcing the dates of the public
11 hearing.

12 Details on future meeting dates are available
13 on the ABAG website. There are seven appeals which will
14 be heard today and written comments referencing all RHNA
15 appeals are attached under Agenda Item 6.

16 The Committee will consider each
17 jurisdiction's appeals sequentially. We expect to take
18 a lunch break after the third appeal. And after lunch
19 we will reconvene the public hearing and continue with
20 the remaining appeals. I may also call a brief recess
21 as necessary at any point during the day.

22 For each jurisdiction, the hearing begins with
23 the jurisdiction's presentation of its appeal. The
24 information and arguments presented by the appellant
25 should be limited to what was presented in the written

1 appeal submitted. We cannot consider new information
2 that was not submitted in the written appeal.

3 This is followed by a response from ABAG MTC
4 staff regarding the appeal, and, thereafter, the
5 applicant has an opportunity to respond to arguments or
6 evidence that ABAG MTC staff presented.

7 Members of the public will then have an
8 opportunity to comment on the arguments presented on
9 each appeal.

10 Based on the appeal procedures adopted by ABAG
11 which were posted to the appeal page website, speakers
12 will have two minutes for public comment, but the Chair
13 has the discretion to adjust this time, if needed, to
14 ensure the orderly conduct of the meeting to be fair to
15 all jurisdictions and to ensure that appeals are heard
16 in a timely manner on the day that they were noticed.

17 If there are more than five speakers, public
18 speakers, who wish to comment, each speaker will have
19 one minute to speak. And if the total time for public
20 comment relating to a jurisdiction's appeal exceeds 30
21 minutes, consideration of that jurisdiction's appeal may
22 be suspended and continued to later in the day after the
23 appeals from other jurisdictions have been heard. And
24 this is just to ensure that we keep on time, because we
25 have a number of appeals that we're considering today.

1 Following public comment, the Administrative
2 Committee will have an opportunity to discuss the appeal
3 and will then have a roll call on a preliminary decision
4 on the appeal.

5 The Committee will hold a final vote on all
6 appeals at a meeting after the close of the public
7 hearing to ensure uniform decision making.

8 ABAG will then issue final allocations that
9 incorporate any adjustments needed as a result of any
10 appeals with a public hearing and adoption of the final
11 RHNA plan scheduled for December 2021.

12 So this concludes my report. I'll ask, are
13 there any comments or questions from members of the
14 Administrative Committee?

15 Mayor Eklund?

16 MAYOR EKLUND: Thank you, Mayor Arreguin.

17 We're going to have an opportunity to ask
18 questions, and are we limited on the number of questions
19 that we're going to be able to ask?

20 PRESIDENT ARREGUIN: No, but just be mindful
21 we try to budget at least an hour for each public
22 hearing. So depending on the length of discussion and
23 public comment, that just means we'll probably go past
24 5:00 o'clock. But we do want to ensure we have ample
25 time for public comment, as well as for discussion by

1 the Committee before we make a preliminary decision.

2 MAYOR EKLUND: Great. Thank you.

3 PRESIDENT ARREGUIN: Any other questions or
4 comments from members of the Administrative Committee?
5 If not, I'll ask, is there any public comment on this
6 item? Mr. Castro?

7 CLERK OF THE BOARD: I see no members of the
8 attendees with their hands raised, and no written
9 comments were submitted. I'm sorry. There's one public
10 member with their hands raised.

11 PRESIDENT ARREGUIN: Yes.

12 CLERK OF THE BOARD: We should ask -- one
13 moment, please. Time limit is two minutes. Carmen, if
14 you can unmute, go ahead, please.

15 CARMEN: Hello. Is this the time to address
16 the RHNA numbers for the City of Alameda?

17 PRESIDENT ARREGUIN: No. I'll announce the
18 public comment period shortly. I was just going over --

19 CARMEN: Okay. Thank you.

20 PRESIDENT ARREGUIN: -- the procedures for the
21 conduct of today's hearing.

22 CARMEN: Okay. Thank you.

23 PRESIDENT ARREGUIN: I will announce when
24 we're taking public comments.

25 Are there any other public comments on Item 4,

1 the Chair's report?

2 CLERK OF THE BOARD: There are no members of
3 the attendees with their hands raised.

4 PRESIDENT ARREGUIN: Thank you. We'll go to
5 Item 5, the Executive Director's report. Ms. McMillan?

6 MS. McMILLAN: Good morning, everyone, and I
7 do not have a report this morning, Mr. Chair, except to
8 extend my appreciation to everyone today. Thank you.

9 PRESIDENT ARREGUIN: Thank you.

10 Is there any public comment on Item 5, the
11 Executive Director's report?

12 I don't see any raised hands, Mr. Castro. Any
13 written comments submitted on this item?

14 CLERK OF THE BOARD: No written comments were
15 submitted.

16 PRESIDENT ARREGUIN: Thank you. That brings
17 us now to Item 6, the Regional Housing Needs Allocations
18 appeals public hearing. The Administrative Committee
19 will hear appeals from jurisdictions and responses to
20 issues raised by ABAG MTC staff.

21 Jurisdictions scheduled for this meeting are
22 listed on our public agenda, and the hearing is
23 scheduled to be continued to a special meeting of the
24 ABAG Administrative Committee on September 29, 2021, at
25 9:00 a.m. with additional jurisdictions who will be

1 presenting their appeals.

2 So I would now like to take up Agenda Item 6,
3 the public hearing on the Regional Housing Needs
4 Allocation appeals is now open.

5 A certified shorthand reporter is transcribing
6 these proceedings for the record. And when it is time
7 for public comment if you wish to testify, please use
8 the raise-hand feature on Zoom, or press *9 and wait to
9 be called up.

10 So we will now proceed to the first appeal.
11 This is a report on the Regional Housing Needs
12 Allocation appeal for the City of Alameda. We will
13 start with 6-A, the report on the RHNA appeal for the
14 City of Alameda. This is a preliminary action item, and
15 we will first hear from the City of Alameda, who will
16 have five minutes to present their appeal.

17 Before we begin, I may ask the presenters to
18 introduce themselves. Who will be representing the City
19 of Alameda Today?

20 MR. THOMAS: That would be me, Andrew Thomas,
21 Planning, Building, Transportation director.

22 PRESIDENT ARREGUIN: Former City of Berkeley
23 employee?

24 MR. THOMAS: Yes, yes.

25 PRESIDENT ARREGUIN: So, as summarized in the

1 appeal procedures, you know, each appellant will have
2 five minutes to present to the Administrative Committee.

3 And, Mr. Castro, you'll be keeping time,
4 correct?

5 CLERK OF THE BOARD: Yes, sir.

6 PRESIDENT ARREGUIN: So you'll let us know
7 when the time has elapsed?

8 CLERK OF THE BOARD: Yes. And there will be
9 an audible signal.

10 PRESIDENT ARREGUIN: Mr. Thomas, I believe you
11 have a slide deck as well, right?

12 MR. THOMAS: That's right. Would you like me
13 to start?

14 PRESIDENT ARREGUIN: Yes, please proceed.

15 MR. THOMAS: Okay. Again, Andrew Thomas,
16 Planning, Building, Transportation director, City of
17 Alameda.

18 On behalf of the Alameda City Council, I'd
19 like to thank the Committee for considering our appeal
20 this morning. We understand how important this issue is
21 to the region, and we want to just start off by thanking
22 ABAG, the ABAG staff, and all of you for this important
23 work.

24 There is no immediate issue probably more
25 important to the region than this. And we know that all

1 you really hear is complaints, so I wanted to start off
2 this long series of hearings that you are going to have
3 by saying thank you for everything you have done to date
4 on this issue.

5 We also wanted to let you know the City of
6 Alameda, we do build housing in Alameda. We are on
7 track to meet our total housing allocation for the
8 current cycle, and we will meet whatever number you ask
9 us to meet in our next cycle.

10 This is an important issue, and we understand
11 that local agencies have a responsibility to the larger
12 region. But we also understand -- and we understand
13 that, as local agencies, we rely on and depend upon the
14 region for your support on these regional issues, and
15 other regional issues, such as transportation and, of
16 course, the upcoming crisis that we're all starting to
17 deal with, which is the climate change crisis.

18 Next slide, please.

19 We really wanted to focus our appeal on
20 this -- the issue of climate change. As I said, we
21 really see this as -- we're dealing with two major
22 regional planning issues that are right in front of us.
23 One is housing crisis. It's very immediate. We see it
24 every day as we walk in our parks and as we drive down
25 our streets, but there's also this other crisis that we

1 have to be thinking about and we have to be planning
2 for, and it has to be done at a regional level.

3 Next slide, please.

4 On the second issue of climate change, if you
5 think of the Bay Area as like a family of cities and
6 counties, we're going to be your problem child. We're
7 going to be that child that needs the extra help. We
8 are an island. We are flat as a pancake. There is
9 nowhere to retreat, no hills to retreat to.

10 The water is rising around us, and we will
11 need to build perimeter dikes and levees around the
12 entire perimeter of the city. And as the sea rises
13 around us, the groundwater is rising under us.

14 In fact, the impacts of sea level rise will
15 first be felt in Alameda by rising groundwater. And as
16 the rising groundwater rises, so will the hazardous
17 materials that have been capped over the years under the
18 current surface of the earth and, of course, all series
19 of related issues.

20 So it's going to be much more than just
21 building some seawalls. It's going to be upgrading the
22 entire infrastructure of the city. All of the storm
23 drain systems citywide will need to be upgraded. Every
24 aspect of our infrastructure is going to be impacted by
25 sea level rise.

1 The ABAG staff report in response to our
2 appeal was very rational and thorough. There was one
3 issue that sort of raised our eyebrows when it --
4 essentially saying --

5 CLERK OF THE BOARD: One minute.

6 MR. THOMAS: All right. Let's keep moving.

7 Next slide, please.

8 Really, the question to the region: Are you
9 sure you want us growing, to speed up our growth? Are
10 we sure that retreat is not the plan for Alameda looking
11 forward over the next 20 to 30 years?

12 If the region says no, don't worry about
13 retreating, Alameda, just keep growing, then that's what
14 we will do. But what we ask the region, is if that's
15 your decision, then please let us know that you will be
16 there for us financially when we need to start dealing
17 with the implications of sea level rise to this
18 community.

19 It's a regional decision. Alameda can't make
20 the decision whether to stay or go. It's a regional
21 decision, and if you ask us to keep growing and stay, we
22 will.

23 Next slide, please.

24 Last question I want to focus on -- is that my
25 five minutes?

1 We have a cap.

2 Fred, stop me if I'm over my time.

3 CLERK OF THE BOARD: It's time.

4 MR. THOMAS: Okay.

5 PRESIDENT ARREGUIN: I'll give you 30 seconds
6 to make your final point.

7 MR. THOMAS: This is my final point.

8 We have a huge -- if you want us to keep
9 growing and you feel that Alameda is part of the
10 regional solution and needs to be part -- for not just
11 this cycle, but the next cycle after this, we have a
12 federal cap on housing on one of the region's largest
13 opportunity sites, NAS Alameda. We are going to run
14 through that cap in the next few years, and all housing
15 is going to have to stop. It's a financial cap.

16 So we're asking for your help with this cap.
17 Help us work with the federal government to relieve us
18 of this cap.

19 With that, next slide I think is my grand
20 finale. Thank you for your consideration.

21 Once again, we understand what a hard job this
22 is for ABAG, for region, and thank you for your
23 consideration.

24 We're available to answer any questions. And
25 thank you for the extra 30 seconds.

1 PRESIDENT ARREGUIN: No problem.

2 You will have an opportunity to respond to
3 staff's presentation after their presentation. So with
4 that, I'd like to now turn to ABAG MTC staff to present
5 their response to the City of Alameda's appeal and
6 you'll have five minutes.

7 MS. ADAMS: If you could pull the slides up,
8 please?

9 I'm Gillian Adams. I'm the Regional Housing
10 Needs Allocation project manager.

11 Next slide, please.

12 So the City of Alameda is requesting a
13 reduction of 2,703 units, which represents a reduction
14 of about 50 percent from its draft allocation, and
15 staff's recommendation is to deny the appeal.

16 Next slide, please.

17 We're going to just walk through the issues
18 that the jurisdiction raised in its written appeal. The
19 first is Alameda's prohibition on multi-family housing,
20 which is not a valid basis for a RHNA appeal because
21 housing element law specifically states that:

22 "A voter-approved measure that limits
23 the number of residential building permits
24 cannot be a justification for reducing for
25 a city's share of the regional housing

1 need."

2 Next slide, please.

3 So the impact fee that was mentioned that's
4 imposed by the Navy is not a valid basis for an appeal
5 because housing element law states that:

6 "ABAG may not limit its consideration
7 of suitable sites for housing to a city's
8 existing zoning and land use restrictions,
9 and the jurisdiction must consider
10 underutilized land, opportunities for
11 infield development, and increased
12 residential densities as a component of
13 available land for housing."

14 While Alameda Point may be the city's largest
15 opportunity site, Alameda has not demonstrated that it
16 cannot accommodate its RHNA allocation in other
17 locations.

18 Next slide, please.

19 So staff understands Alameda's concerns about
20 the risks from natural hazards, especially sea level
21 rise. However, with only a small exception, housing
22 element law does not identify areas at risk from natural
23 hazards as a constraint to housing.

24 This issue is similar to the previous one
25 where a jurisdiction must consider underutilized land,

1 opportunities for infield development, and increased
2 residential densities as a component of available land
3 for housing.

4 In its comment letter on appeals, HCD
5 specifically noted that housing planning cannot be
6 limited to vacant land, and even communities that view
7 themselves as built out or limited due to other natural
8 constraints, such as fire and flood risk areas, must
9 plan for housing through means such as rezoning
10 commercial areas as mixed-use areas and upzoning
11 non-vacant land.

12 And given the variety of natural hazard risks
13 in the Bay Area, it's not possible to address the
14 Region's housing needs and completely avoid planning for
15 new homes in places at risk.

16 However, when planning for new housing,
17 Alameda can choose locations with the lowest hazard risk
18 or increase building standards for sites within at-risk
19 areas.

20 The city does not provide evidence that it is
21 unable to consider these strategies for accommodating
22 its RHNA.

23 Next slide, please.

24 In developing the RHNA methodology, the
25 Housing Methodology Committee considered including a

1 factor related to natural hazards, but ultimately
2 decided not to, largely because these risks are
3 addressed in the Plan Bay Area 2050 final blueprint that
4 is used as the baseline allocation for the RHNA
5 methodology.

6 The final blueprint assumes one foot of sea
7 level rise by 2035 and two feet of rise by 2050, and it
8 includes adaptation solutions for areas with two feet of
9 rise, including the locations in Alameda.

10 The adaptation investments in the plan protect
11 almost all areas in Alameda at risk of a sea level rise,
12 with the protected areas shown in blue here on the map.

13 Importantly, the scientific evidence produced
14 by the State of California suggests it is very unlikely
15 that there will be sea level rise over the next few
16 decades that is more extreme than the levels assumed in
17 Plan Bay Area.

18 As the region develops adaptation solutions to
19 address inundation from the bay, comparing solutions
20 that address groundwater will also be necessary. New
21 development, like all existing development in Alameda
22 will need to enact adaptation solutions to address the
23 rising groundwater associated with sea level rise and
24 mitigating these risks may be easier with new
25 development as possible solutions can be designed

1 directly into the development.

2 Next slide, please.

3 CLERK OF THE BOARD: One minute.

4 MS. ADAMS: Thank you.

5 Housing element law does not include
6 transportation impacts as a factor to be considered in
7 the RHNA methodology; therefore, this is not a valid
8 basis for a RHNA appeal.

9 Additionally, Plan Bay Area 2050 includes more
10 than half a trillion dollars of future transportation
11 investments that would encourage alternatives to
12 driving, lessening the impacts of household growth on
13 the City of Alameda's roads.

14 Next slide, please.

15 As a result, the ABAG MTC staff recommends
16 that the committee deny Alameda's appeal requests a
17 reduction of 2,703 units. Thank you.

18 PRESIDENT ARREGUIN: Thank you very much,
19 Ms. Adams.

20 I would like to give the City of Alameda an
21 opportunity to respond to the staff presentation if it
22 so chooses, and you'll have three minutes.

23 MR. THOMAS: We have no response, no need. I
24 think, you know, our -- just as -- briefly, our issue is
25 we can build the 5,300 units. We're asking, are you

1 sure you want us to, and given the prospect of what we
2 are then going to be turning around and asking for the
3 region for.

4 What we don't want to hear is, in ten years,
5 Alameda, you should be planning for retreat, you should
6 be not building, we've changed our mind, it's -- you
7 should -- why are you all staying on this island, you
8 should be getting out, we can't afford to help you as a
9 region. If the region is saying, don't worry about
10 that, Alameda, we'll be there for you, then we have
11 no -- we'll build those units.

12 We don't debate any of the staff's
13 conclusions. What we're asking is that ABAG as the
14 regional planning agency, last call, are you sure about
15 this, because if you're saying fortify, then let's
16 fortify and protect against sea level rise, but it's
17 going to be a major, major investment for the region.

18 And it's not like Berkeley or San Francisco
19 where we can retreat to the hills and just build there.
20 We will be building in flood-prone areas, because every
21 part of Alameda is going to be susceptible to -- and
22 affected and impacted by the rising seas.

23 With that, I have nothing else to add.

24 PRESIDENT ARREGUIN: Thank you very much. I
25 would now like to open the public comment on the RHNA

1 appeal for the city of Alameda. If any member of the
2 public would like to speak on the City of Alameda's
3 appeal, please raise your hand at the time or press *9
4 if you're phoning in for a meeting.

5 And, Mr. Castro, if you could please call the
6 speakers?

7 CLERK OF THE BOARD: Yes. Each has two
8 minutes. The first speaker is Carmen. Go ahead and
9 proceed, please. Carmen, unmute. Yes, please.

10 PRESIDENT ARREGUIN: Carmen, you are currently
11 muted.

12 CARMEN: Can you hear me now?

13 PRESIDENT ARREGUIN: Yes, we can.

14 CARMEN: Okay. Thank you very much.

15 I am a long-term resident in the City of
16 Alameda, and I respectfully request a reduction of our
17 RHNA numbers based on this hazard zone exemption.

18 Alameda is an island, as it's been discussed,
19 with limited egress and ingress, and we have only one
20 tube and four bridges. In the event of a tsunami, the
21 majority of the island would be under water, and
22 proposed density housing would likely be in those hazard
23 zones.

24 Also, there would be likely liquefaction
25 during an earthquake that could potentially negatively

1 affect our residents.

2 There was also a recent groundwater study
3 report that was released last summer, and that supports
4 this robust analysis that that is very serious issue.

5 We already have existing flooding issues in
6 many of our basements, and I ask that you please
7 reconsider and please reduce our allocation of our RHNA
8 numbers and appropriately address these very important
9 issues.

10 Thank you very much for your work.

11 CLERK OF THE BOARD: Thank you.

12 Our next speaker is John Knox. Please go
13 ahead.

14 COUNCILMEMBER KNOX WHITE: Thank you, Mayor
15 Arreguin and committee members. I'm John Knox White,
16 I'm the city councilmember for the city of Alameda. I
17 am an YIMBY, and I'm also one of the three
18 councilmembers who voted in favor of the appeal that was
19 filed.

20 I just called in first to thank you for all of
21 your work and to add my voice to Mr. Thomas's
22 presentation. Our appeal was not entirely an appeal to
23 just reduce numbers and to reduce housing. It was to
24 ask a question, which Andrew put forth, which I don't
25 believe has been answered correctly or appropriately at

1 this time.

2 I fully understand that there are natural
3 hazards everywhere, but as an island city who's on --
4 you know, ingress and egress is impacted very early on
5 by climate change, we do have a special unique need that
6 is different than other cities. Our liquefaction is
7 like other city --

8 CLERK OF THE BOARD: One minute.

9 COUNCILMEMBER KNOX WHITE: Thank you.

10 CLERK OF THE BOARD: Thank you.

11 COUNCILMEMBER KNOX WHITE: And we are really
12 asking for either a, you know, reevaluation of whether
13 you would like us to build, and, as Andrew said, if not,
14 we would like this Committee to recommend that there be
15 language in the denial that specifically calls out the
16 Regions's commitment to helping our island.

17 In the last ten years there has been sea level
18 rise production and mitigation work that has been done,
19 in which Alameda is outside the dike, not seen as
20 regionally important, and we can't be asking the city to
21 increase its housing by merely 20 percent and at the
22 same time saying, you are on your own, because the cost
23 for our city to fix this issue is going to be outside of
24 the level of our ability to do it alone.

25 So thank you for your work. Greatly

1 appreciated. I know it's a hard decision. I want to
2 thank you all for spending the time and giving me a
3 chance to speak.

4 CLERK OF THE BOARD: Thank you, Councilmember.

5 Our next speaker is David Foreman. Go ahead,
6 unmute yourself. Thank you.

7 MR. FOREMAN: I'm actually Paul Foreman.
8 David is my son. I'm speaking on behalf of Alameda
9 Citizens Task Force.

10 Our primary objection to the current RHNA
11 allocation is a failure of ABAG to consider our unique
12 natural hazard constraints. The ABAG staff position is
13 that the entire Bay Area is very much subject to natural
14 hazards, making it impossible to differentiate between
15 cities as part of the allocation methodology.

16 They argue that each city is free to locate
17 its RHNA housing sites outside of hazard zones. Their
18 position is contradicted by the methodology committee's
19 study of the variations of natural hazard impacts
20 throughout the Bay Area, which produce a map that uses a
21 metric of the percentage of a city's urbanized area that
22 is outside of the natural hazard zone.

23 It demonstrates wide variations from city to
24 city and places Alameda in the most impacted area,
25 having less than 50 percent of its land outside of a

1 nature hazard zone.

2 Moreover, most of our available vacant land is
3 adjacent to water within those very hazard zones.

4 Planned Bay Area's promise of future funding to mitigate
5 this gives me no solace because it provides no guarantee
6 whatsoever of that funding source thereof.

7 Alameda is a high resource city --

8 CLERK OF THE BOARD: Thirty seconds.

9 MR. FOREMAN: -- close to jobs and
10 transportation, which are legitimate factors for placing
11 a significant RHNA allocation on us. However, Alameda
12 has unique conditions that argue strongly for a
13 significant tempering of that allocation.

14 Thank you for listening.

15 PRESIDENT ARREGUIN: Thank you very much.

16 CLERK OF THE BOARD: Our next speaker is Trish
17 Herrera Spencer.

18 Go ahead, please.

19 COUNCILMEMBER HERRERA SPENCER: Can you hear
20 me?

21 CLERK OF THE BOARD: Yes, ma'am.

22 PRESIDENT ARREGUIN: Yes.

23 COUNCILMEMBER HERRERA SPENCER: Thank you.

24 Thank you all for your service. I appreciate the
25 opportunity to speak.

1 So I'm on city council. I'm former mayor. I
2 have been on school board. As someone who sits on that
3 dais and makes the decision where to put this housing,
4 it is very challenging and difficult to continue to put
5 housing where we know we are putting people in harm's
6 way.

7 And I appreciate all the legal comments from
8 ABAG staff of what they can and cannot consider, but we
9 know much of Alameda is landfill. It's landfill. It
10 will liquefy in earthquakes, and we have to be prepared
11 for that. Sadly, there are so many times we know we are
12 not prepared. We need solutions if you're going to ask
13 us to put housing in harm's way.

14 If we have flooding and now the latest maps
15 for --

16 CLERK OF THE BOARD: One minute.

17 COUNCILMEMBER HERRERA SPENCER: -- much of it
18 is red, which means -- and where would we put the
19 housing? We will, in fact, be putting it on, you know,
20 landfill. We will be putting it in flood zones. And,
21 sadly -- we're a small city, less than 80,000. We do
22 not have the money to build all these walls to try to
23 protect our community.

24 We're a former base. The contamination, we
25 cap it, but like our staff member shared, that's a big

1 part of where we are putting housing with the
2 groundwater rising. The sealants, we know they're not
3 going to be able to protect us.

4 And so we will desperately need help from you
5 all if you're going to demand to us continue to put
6 housing in harm's way. It is a very serious problem.
7 People will, in fact, lose their lives whenever this
8 catastrophe happens. We are not prepared as a region.
9 We are definitely not prepared as a community. So we
10 really need your help to actually pull back on the
11 numbers until you help us solve the problem so that we
12 are safely building housing.

13 CLERK OF THE BOARD: Time, please.

14 COUNCILMEMBER HERRERA SPENCER: Thank you.

15 PRESIDENT ARREGUIN: Thank you, Councilmember.

16 As I announced at the beginning of the hearing
17 and as stated to the appellants, if there are five or
18 more speakers, we'll reduce speaker time to one minute.
19 So I'll ask if there are any members of the public that
20 wish to speak on the City of Alameda's appeal. If so,
21 please raise your hand at this time.

22 I believe this is the fifth speaker,
23 Mr. Castro, correct?

24 CLERK OF THE BOARD: Yes, sir.

25 PRESIDENT ARREGUIN: Next speaker has one

1 minute.

2 CLERK OF THE BOARD: You have one minute.

3 MR. BOWLING: Hi there. I just want to --

4 (Audio interruption.)

5 PRESIDENT ARREGUIN: I'm muting this person.

6 Sorry about that. Can we restart the clock?

7 CLERK OF THE BOARD: Yes.

8 MR. BOWLING: Thank you. I sent a letter in
9 that covered most of the RHNA appeals but I am against
10 this appeal. I'm an Alameda citizen, and I'm against
11 all the appeals except for the smaller of the Sonoma
12 appeals.

13 But specifically on this one, it doesn't raise
14 to the standard of what's allowable in an appeal under
15 HCD's memo. The questioned methodology is not an
16 acceptable appeal, but that's the summary of my
17 comments.

18 PRESIDENT ARREGUIN: Thank you. I don't see
19 any other raised hands, Mr. Castro.

20 CLERK OF THE BOARD: We have one more raised
21 hand.

22 PRESIDENT ARREGUIN: Okay. So I'm going to do
23 one last call for public comment on the City of
24 Alameda's appeal. If you wish to speak, please raise
25 your hand at this time.

1 The next speaker is Rick Hammer.

2 MR. HAMMER: Hello, Committee. Thank you for
3 hearing me. I disagree with this appeal. I believe
4 that there is high enough land to replace some of the
5 existing structures with high density housing, and we
6 don't have to utilize any of the threatened inundated
7 risk zones in order to comply with the RHNA number.
8 Thank you.

9 PRESIDENT ARREGUIN: Thank you, sir. Okay.
10 I'll ask one last call for public comment. If you wish
11 to speak on the City of Alameda's appeal, please raise
12 your hand now. I see we have one more raised hand,
13 Rosalinda. Please go ahead.

14 Rosalinda, do you wish to speak on the City of
15 Alameda's appeal, so please --

16 ROSALINDA: Yes. Can you hear me?

17 PRESIDENT ARREGUIN: Yes, we can.

18 ROSALINDA: Hi. I've been a long-time
19 resident of Alameda. And I grew up as a military child,
20 you know, back in the days when my father was
21 transferred to the Alameda Naval Air Station.

22 I have seen the changes that Alameda has
23 already built so many housing, and we are inundated.
24 People are getting upset. The citizens are upset on the
25 amount of new housing that we already have.

1 And the island itself is unsafe around the
2 shorelines to build on, just like Trish Herrera Spencer
3 had previously said, because of the liquefaction and the
4 flood zones that are designated by FEMA. Those are
5 things that have already been designated as unsafe by
6 researchers. And with the climate change, we have to be
7 more proactive in building safely.

8 CLERK OF THE BOARD: Time, please.

9 ROSALINDA: Hello. Yes, and I would like --

10 PRESIDENT ARREGUIN: Please wrap up your
11 comments.

12 ROSALINDA: I would like the appeal for less
13 density in the City of Alameda. Thank you very much.

14 PRESIDENT ARREGUIN: Thank you. Okay. I
15 don't see any other raised hands, Mr. Castro.

16 CLERK OF THE BOARD: No other raised hands.
17 And there were three public comments that were
18 submitted, written comments, that were posted online and
19 emailed to committee members.

20 PRESIDENT ARREGUIN: Okay. Thank you. That
21 completes public comment on the City of Alameda's
22 appeal.

23 It's now in order for the administrative
24 committee to discuss and take preliminary action on the
25 appeal.

1 I'd like to ask, are there any members of the
2 committee that have questions at this time? Supervisor
3 Mitchoff.

4 SUPERVISOR MITCHOFF: Thank you, Mr. Arreguin.
5 It's unfortunate that somebody has to go first, and so
6 it's sort of easy to be a bit critical.

7 But understanding all of the arguments that
8 Alameda is making, they seem to lay all the blame on
9 ABAG, and I understand we did come up with the
10 methodology.

11 It would be helpful if these appellants would
12 tell us where they would like us to place these houses.
13 It's like, just don't give them to us, and where would
14 you place them. This is more comment than a question,
15 unless anybody from that community has a response.

16 Thank you, Mr. Arreguin.

17 PRESIDENT ARREGUIN: Thank you. Supervisor
18 Lee?

19 SUPERVISOR LEE: Yes. Thank you, Chair
20 Arreguin. I actually have more of a question as to the
21 process today, and I apologize to those who have done
22 this before. This is very new to me in terms of process
23 and what options we have in terms of a vote, our motion.

24 So today we are today to hear the appeals, to
25 either deny the appeals -- there's certainly a motion of

1 that -- or we could approve the appeals as laid out. Do
2 we also have the option of coming up, like cut the
3 babies in half? Let's say, maybe they're asking to
4 reduce 2,000, we will just have a motion to reduce only
5 1,000 for those reasons. Are these all acceptable
6 potential proposals we can make in this body?

7 PRESIDENT ARREGUIN: Very good question,
8 Supervisor Lee. I'll ask our general counsel if she can
9 address that.

10 MS. KANE: Generally, yes, you have the
11 authority to act within the sort of maximum request of
12 the appellant. You wouldn't certainly want to exceed
13 that, because that would have denied other jurisdictions
14 to comment on an appeal.

15 Generally speaking, I wouldn't do something
16 that doesn't rest on the arguments that were made, and
17 that sort of correlates to that, just because we want to
18 make sure the way the whole structure is set up that
19 other jurisdictions have the opportunity to read the
20 appeal and determine whether they want to participate.

21 So the administrative committee should reach a
22 decision that's within the arguments and amounts that
23 were put forward by the jurisdiction and responded to by
24 staff, and you don't want to pick an Option C that is
25 neither and that would have deprived other jurisdictions

1 of the opportunity to.

2 SUPERVISOR LEE: Thank you.

3 PRESIDENT ARREGUIN: Ms. Kane, it is correct
4 that options before us include approving the appeal,
5 denying the appeal, or we could approve within
6 modifications.

7 MS. KANE: As long as it's within that ambit
8 of what other people would have understood to be in
9 play, then it's within your discretion.

10 PRESIDENT ARREGUIN: Thank you.

11 SUPERVISOR LEE: Thank you. So my further
12 question would be, on our further directions in this
13 specific case, Alameda has asked that, hey, we could
14 build the units, but you better defend us when it
15 comes -- seawater rises coming through, and I will need
16 more allocations of funding to fight this climate
17 change. Is that something we could add to our motions
18 as this other element, or is this outside our
19 jurisdiction that we could add onto our motion today?

20 MS. KANE: Well, understanding sort of what's
21 within scope and out of scope for these hearings, you're
22 here to apply the housing element and RHNA law which
23 sort of does not include promises of future funding and
24 support.

25 Now, having said that, if you wanted to add

1 what would amount to sort of a statement of
2 understanding or support that doesn't have any binding
3 nature to it, you can do that, understanding also that
4 this committee can't bind, you know, future actions of
5 the general assembly or anything like that. But if this
6 committee wanted to recognize a situation through sort
7 of a separate statement appended to a motion, you can
8 certainly do that.

9 SUPERVISOR LEE: Great. Thank you very much.

10 PRESIDENT ARREGUIN: Thank you.

11 Mayor Eklund.

12 MAYOR EKLUND: Thank you very much, Mayor
13 Arreguin. I have some questions for the applicant, and
14 then I also have questions for staff. Which order
15 should we go in?

16 PRESIDENT ARREGUIN: Why don't we start with
17 the appellant.

18 MAYOR EKLUND: So, Andrew, thank you very much
19 for your comment. I'm Pat Eklund, and I'm mayor of the
20 City of Novato.

21 I was curious in the staff analysis, they
22 indicated that the city did not respond or submit a
23 survey. Most -- a lot of the cities did, and counties.
24 So I'm curious as to why didn't the city submit a survey
25 in responding to the availability of land.

1 MR. THOMAS: I have to take personal
2 responsibility for that, I think. We're still looking
3 for that survey. I was -- as planning director, I
4 was -- first became aware of it about a month ago.

5 Look, we're not suggesting that ABAG never
6 sent it to us. I'm sure you did. Did we not fill it
7 out? It wasn't a conscious decision not to fill it out.

8 MAYOR EKLUND: Okay. Great. Thank you.

9 Second question is, can you help me to
10 understand why your application did not address the land
11 that is available for development, and excluding the
12 federal. That's another question I have.

13 But excluding the -- it's called Alameda
14 Point, why didn't the application for an appeal address
15 whether or not you could accommodate the units within
16 the land that is available for development?

17 MR. THOMAS: We're working on our housing
18 element now. I mean, we're already publishing and
19 developing our strategies for accommodating the full
20 RHNA. So we are already having public meetings about
21 which neighborhoods we're going to upzone and where the
22 sites are going to be that we're going to do this within
23 our Navy caps, within our zoning. Those -- I guess
24 that's the point we're making. If you tell us to do
25 5300, we can do it.

1 MAYOR EKLUND: Okay.

2 MR. THOMAS: We're not making the case it's
3 not possible. We're asking the question, are you sure
4 you want to us to. And if you do want us to, are you
5 going to be there for us when we -- you know, when the
6 inevitable comes around, which is we cannot be
7 identified a city sort of outside of the region's sea
8 level rise protection plan.

9 MAYOR EKLUND: Right. Help me to
10 understand -- this is my last question for the
11 applicant.

12 Help me to understand the agreement that you
13 have with the federal government. I happen to have --
14 full disclosure, I worked for the federal government for
15 43 years, 7 months, 11 days, no one's counting. Also
16 full disclosure, too, my mom was born and raised in
17 Alameda. She died at age 97, so I know Alameda very
18 well.

19 So help me to understand, the agreement with
20 the federal government you have a cap.

21 MR. THOMAS: Yes.

22 MAYOR EKLUND: Was that an agreement that was
23 assigned by the city as well as the federal government?

24 MR. THOMAS: It was. It was basically imposed
25 upon us. You know, this is a 20-minute conversation.

1 I'll do it in ten seconds.

2 Federal government, to redevelop bases around
3 all through California, you need to do a community reuse
4 plan. We did a community reuse plan back in 1996 so
5 that the land could be conveyed from the city -- from
6 the federal government to the city. So then it took the
7 federal government 20 -- you know, it took the federal
8 government 20 years to clean up the land. Twenty years
9 later, 2014, it's pretty obvious that the 1500 units
10 that everybody thought was a good amount of housing at
11 Alameda Point back in 1996 was not going to be enough.

12 But the federal government said, hey, we can't
13 give you this land if your plans for the land don't
14 comply with the 1996 community reuse plan.

15 So what the federal government in 2016 decided
16 or 2015 decided, oh, we have a solution to this problem,
17 we're going to put a -- because we're transferring the
18 land for free for the city, if you exceed the number of
19 housing units in the 1996 plan that the federal
20 government approved, then you will pay the federal
21 government a -- this financial impact fee. Essentially,
22 you're buying that.

23 And that fee is based on what's called the
24 Case-Shiller Index, so it's not a CPI cost of living
25 increase. It's tied to real estate so -- values, so it

1 started at \$50,000 five years ago. It's already up to a
2 hundred. Halfway through this RHNA cycle, it's going to
3 be over \$150,000 per unit, effectively stopping all
4 housing.

5 So we're -- and we know we need to go back to
6 the federal government to try to fix that problem. We
7 think it will be more effective if the region wants more
8 housing in Alameda, that's just a task in front of all
9 of us. If you want us to keep growing and building in
10 Alameda, we're asking for regional help with that issue.

11 MAYOR EKLUND: Okay. Thank you.

12 Questions for staff. You mentioned that the
13 areas at risk of natural hazards, like increasing the
14 height of groundwater, sea level rises, is addressed in
15 Plan Bay Area 2050. Can you help me to understand how
16 the funding for those improvements to address the
17 natural hazards of sea level rise in Alameda, how does
18 it -- how does Plan Bay Area address the funding of
19 those improvements?

20 MR. VAUTIN: This is Dave Vautin with the
21 Regional Planning Team. I'm happy to take your
22 question, Mayor Eklund.

23 First of all, I think it's important to
24 remember that Plan Bay Area 50 is 30-year long-range
25 plan. It incorporates both existing and future funding

1 sources that are reasonably anticipated.

2 In the sea level rise space there are some
3 existing monies to help with wetland restoration, which
4 is a key part of our sea level rise strategy, but we
5 recognize there is also additional funding required.

6 That funding is going to need to come from a variety of
7 sources, local, regional, state, and hopefully federal.

8 The plan is really a blueprint for how we can
9 move forward on sea level rise. In the past we have not
10 incorporated these sorts of protection as critical
11 infrastructure. In this plan we looked carefully at
12 what parts of the region we need to protect because they
13 have thousands of residents, and I would include Alameda
14 in this category, critical locations for a variety of
15 other public policy goals, like reducing greenhouse gas
16 emissions and addressing our housing and affordability
17 crises, as well as some select places where we do
18 identify in as locations for strategic retreat.

19 In terms of filling that gap, one of our media
20 term next steps that has been specifically called out in
21 the plan is we're proposing to do what is known as the
22 funding and investment strategy for sea level rise
23 starting next year. That is going to go through and
24 look at all different types of funding mechanisms and
25 what is the appropriate geographic level for different

1 types of funding mechanisms to start filling those gaps.

2 The last thing I'll say in response to your
3 request is, this is a somewhat exciting time for
4 infrastructure on the federal and state level. There
5 are new monies that are emerging for things like
6 resilience seemingly every month. While we acknowledge
7 that not every single dollar of a 30-year long-range
8 plan is in hands today, there's a lot of opportunities
9 that are emerging, especially in the next three years,
10 to help us start filling those funding gaps.

11 MAYOR EKLUND: Thank you very much.

12 The last question I have for staff is on
13 Page 5, you talk about the ABAG MTC response to the
14 transportation impacts is that it's not considered in
15 the RHNA methodology. It's my understanding that Plan
16 Bay Area 2050 does also address transportation
17 investments.

18 And so help me to understand about some of the
19 transportation concerns that Alameda had and how it is
20 addressed in Plan Bay Area 2050, or if it has. That's
21 my last question, thank you.

22 MR. VAUTIN: Thank you. I'll keep my response
23 a little briefer for this one.

24 First of all, there's a whole suite of
25 different ferry improvements in the long-range plan. Of

1 course, we just opened ferry service to a new portion of
2 Alameda Point. You know, those ferries are not just for
3 transportation purposes. They are also for emergency
4 purposes. That is in the name of the Water Emergency
5 Transportation Authority.

6 Furthermore, there are some specific
7 investments in the plan, including investments in A.C.
8 Transit, improving the tubes that connect Alameda that I
9 think were brought up at least at one point in the
10 public comment. So there are some specific investments
11 in the plan that are designed to increase the capacity
12 for folks to get on and off the island and move around
13 within the island.

14 MAYOR EKLUND: Thank you.

15 PRESIDENT ARREGUIN: Mayor Eklund, I'll just
16 add. I served on Alameda Transportation Commission.
17 And one project that isn't --

18 (Audio interruption.)

19 PRESIDENT ARREGUIN: Thank you. I'm going to
20 mute you.

21 -- is an pedestrian-bike bridge connection
22 between Oakland and Alameda to add additional safe
23 crossing for pedestrians and bicyclists. As a bicyclist
24 myself who used to bike to Alameda, I can attest it's
25 not very safe, definitely don't want to go through the

1 Webster Tunnel.

2 So adding capacity through extended transit
3 service, bike-ped connection, and ferries are all things
4 that are under consideration.

5 Mayor Hudson.

6 MAYOR HUDSON: Thank you, Mayor Arreguin.

7 I am a little concerned on what I'm hearing
8 early on in the 27 appeals coming up. So I want to get
9 some clarification.

10 First of all, I can agree with every speaker
11 this morning, but that's not my job. As I understand
12 it, we, ABAG, voted to take one methodology, and HCD
13 blessed that decision. I didn't vote for Option A, but
14 Option A -- A or B, I can't even remember the letters --
15 is what was blessed by HCD.

16 Now our job, if I understand this correctly,
17 is to follow statutes and vote on the allowable reasons
18 within statutes. We aren't voting on reopening
19 methodology or HCD's decision.

20 And I heard something today like we could give
21 numbers to other people. My understanding is the full
22 board voted for a methodology that has like 49 areas
23 where the high -- whatever -- some special designation.
24 It isn't going to be an even, we can give these numbers
25 to whomever. That's changing the methodology and I

1 don't think we're able to do that today.

2 And one of the concerns I really have is we're
3 talking like that when we have a staff member from
4 Alameda tell you that we could build the 5300 homes and
5 you have a member of the council that says we support
6 that decision.

7 Now, is it a good decision to build there,
8 which is what we're asked? I could agree with you
9 personally. I mean, if I were on the council, I'd
10 probably vote against putting more housing in Alameda
11 also. But that changes the methodology, and there's
12 nothing in the statutes that I see that would have us do
13 anything but deny the appeal. And that's the problem in
14 a nutshell.

15 If we start going out from those boundaries,
16 we're going to be there off and on all day, and it
17 really isn't going to be defensible.

18 So I mean, I sympathize, empathize, whatever
19 it is, but I can't find a reason to support it. That's
20 the problem. So I will be supporting a denial of the
21 appeal.

22 PRESIDENT ARREGUIN: Would you like to make a
23 motion to make a preliminary action to deny the appeal?

24 MAYOR HUDSON: Heck, no. I just got myself in
25 enough trouble with people listening. I don't want to

1 bury myself --

2 (Simultaneous colloquy.)

3 SUPERVISOR MITCHOFF: I'll be happy to make
4 that motion, Mr. President.

5 MAYOR HUDSON: -- for the rest of the day.
6 No. I can find better ways to commit suicide.

7 SUPERVISOR MITCHOFF: I'll be happy to make
8 the motion, Mayor Arreguin.

9 SUPERVISOR RAMOS: I'll make the second.
10 Ramos.

11 PRESIDENT ARREGUIN: Seconded by Ramos to take
12 preliminary action to deny the appeal from the City of
13 Alameda.

14 And I'll just say that, you know, I'm very
15 sympathetic to some of concerns that have been expressed
16 by the City of Alameda. And I think what's been
17 requested is outside the scope of this proceeding.

18 But I do want to express my support for
19 working with Alameda to not only secure the necessary
20 funding for infrastructure to protect the City of
21 Alameda from the threat of rising sea levels, but also
22 as the mayor's conference representative for Alameda
23 County to ABAG, but also to work with the City of
24 Alameda around approaching the federal government to
25 lift the federal cap on the number of units at Alameda

1 Air Station.

2 I'm very interested in working with Mayor
3 Ashcraft and staff to advocate for that because, you
4 know, there's a great deal of development that's
5 happening at the old air station, and that is really an
6 appropriate place to build additional density, as well
7 in the core downtown area of Alameda as well.

8 The decision about more growth will be
9 distributed, however. That's a decision of the City of
10 Alameda. ABAG does not make that determination.

11 So, while I am sympathetic and certainly
12 committed as president of ABAG and as a fellow Alameda
13 County mayor to work with Alameda on these issues, I
14 will be supporting the motion to take a preliminary
15 action to deny the appeal.

16 Supervisor Lee?

17 SUPERVISOR LEE: Yes. Thank you, Mayor
18 Arreguin.

19 Yeah, I completely agree with what you just
20 mentioned, is that we really need to have that statement
21 as part of the motion or make it very clear to our staff
22 and to City of Alameda that it is absolutely crucial
23 that the sea level issue is being considered when it
24 comes to building these housing.

25 So let's say if this appeal has been denied

1 and those numbers, I do want to make sure that, number
2 one, the cap and how the fee structure with the Navy --
3 excuse me -- should be -- should be advocated at the
4 federal level to make sure that it doesn't make these
5 cost of housing unaffordable in the future to be built.
6 Number one.

7 And second is we really need to look in
8 allocating future resources to make sure the sea level
9 rise risk is being prevented or mitigated in the future
10 because it's certainly not something one city should
11 be -- should bear the brunt of this regional or
12 worldwide problem, honestly.

13 So if that's something that needs to be added
14 as part of the motion, I'll be happy to add as a
15 friendly amendment. If that statement could be
16 understood by staff, I'll be able to agree to it as
17 well.

18 Thank you.

19 PRESIDENT ARREGUIN: Supervisor Mitchoff,
20 Supervisor Lee is proposing a friendly amendment to add
21 a statement. I guess it would go to the executive
22 board, you know, I guess, one -- you know, urging ABAG
23 to support additional resources for sea level rise and
24 climate adaptation projects to address the impacts on
25 the City of Alameda and, moreover, to explore, you know,

1 working with Alameda to request the federal government
2 to lift the cap on the number of units.

3 I see Ms. McMillan raised her hand.

4 SUPERVISOR MITCHOFF: I'd like to hear from
5 Therese first, please.

6 MS. McMILLAN: Thank you, President Arreguin.

7 Respectfully, what I would say, with respect
8 to wanting to reference future investments on climate
9 change, as staff explained -- I think Dave did a really
10 good job -- this is an issue that is region-wide, and
11 ABAG and MTC, as outlined in Plan Bay Area 2050, as
12 outlined in the implementation plan you'll be
13 considering in October, we'll need to be pursuing a
14 regional strategy for regional threat.

15 So to the extent that Alameda would be part
16 and parcel of that regional response, I think that would
17 be an appropriate statement, rather than a very limited
18 jurisdictional commitment of future funding down the
19 road. I think it needs, just to be recognized, it would
20 have to be part of an overall regional strategy
21 consideration.

22 Thank you.

23 PRESIDENT ARREGUIN: Yeah, if I may just
24 respectfully suggest, I think, given that, it's
25 important to look at this in a regional context. This

1 is certainly a community that's going to see significant
2 inundation. We have to think about how we're going to
3 protect this and other communities.

4 So, Supervisor Lee, if I may suggest, I
5 think -- I've made an explicit commitment on the record
6 today. It's in the court reporter transcript. You
7 know, I represent Alameda County on ABAG. I'm committed
8 to working with the City of Alameda. I think these are
9 issues we can work independently of any particular
10 motion.

11 And, moreover, I think it's important that we
12 focus on the question of the appeal and the
13 appropriateness of the appeal relative the statutory
14 requirements.

15 Supervisor Lee.

16 SUPERVISOR LEE: Thank you very much for
17 stating that, Therese. That was very helpful.

18 Certainly, climate change is not a one-city,
19 even one-region issue. It's certainly something that's
20 far greater. And so thanks for bringing that up. And I
21 think this is something that we would need to fight for.

22 As I say, somebody told me this climate change
23 is a fad. I said it will be a fad for the next thousand
24 years. So I certainly agree that it's something that we
25 need to work in a regional fashion as well.

1 But the other issue I do want to mention is, I
2 want to say that, regarding this very specific federal
3 cap with the Navy issue, I think that's something I do
4 want to have some actual direction to be made so that
5 either through our federal delegation or congress
6 members, to reach out to the federal government that
7 this is something that really needs to be readdressed,
8 because, otherwise, we could approve as many units as we
9 want, but at the end of the day it's unaffordable to
10 build. So it's just much ado about nothing in the end.
11 I just want to make sure that gets on the record.

12 Thank you.

13 PRESIDENT ARREGUIN: Ms. Kane, before I go to
14 Mayor Eklund.

15 MS. KANE: Sorry to preempt.

16 PRESIDENT ARREGUIN: I want to make sure we
17 close the loop on this.

18 MS. KANE: Sure. If I could suggest maybe
19 what we should do, in order to keep the motions focused
20 on the business at hand today, which are the RHNA
21 appeals themselves.

22 PRESIDENT ARREGUIN: Yes.

23 MS. KANE: We have the motions just relate to
24 that, but that staff can keep a running log of issues
25 and impressions that the --

1 PRESIDENT ARREGUIN: Great idea.

2 MS. KANE: -- administrative committee is
3 encountering, and those can be presented as a separate
4 informational item to the executive board at the end of
5 this process so we don't lose these conversations, but
6 they're not necessarily part of the motion.

7 PRESIDENT ARREGUIN: Thank you, Kathleen.
8 That's an excellent suggestion. I think that's a good
9 way to proceed, just to ensure that these important
10 issues, we're capturing them and we can follow up in the
11 future.

12 Mayor Eklund.

13 MAYOR EKLUND: Thank you very much, President
14 Arreguin.

15 I, first of all, I want to say all these
16 hearings is not to modify the methodology, but to look
17 at how the methodology was applied within the individual
18 cities.

19 And so I too am very sympathetic to the city
20 and island of Alameda, and I believe strongly that,
21 having worked for the feds and worked with all the
22 states -- a lot of states in the west and having been a
23 locally-elected official for over 26 years, I definitely
24 am sympathetic to the City of Alameda's issues about
25 funding.

1 And I want to put my hand up and say that we
2 really need to prioritize the funding for cities to meet
3 the RHNA as we develop that funding improvement plan
4 relative to the Plan Bay Area. And I see Dave Vautin
5 shaking his head yes.

6 But I think that needs to be noted, and that's
7 actually one of the comments that I was going to make.

8 But Alameda, my mom remembers when Bay Farm
9 Island was just a farm. And when I drove her out there
10 recently sometime last year, because she's going to be
11 95 in January, she commented that it's all built up.
12 And I said, yes, it is, it's quite a change.

13 But I am going to support the motion to deny
14 the appeal with the understanding that we're going to
15 have some discussion about how we're going to help
16 cities to fund some of these critical improvements that
17 are critical to attaining the regional housing needs
18 allocation.

19 PRESIDENT ARREGUIN: And the affordable
20 housing as well.

21 Mayor Romero.

22 MAYOR ROMERO: Yes. With all due respect, I
23 would love to call the question.

24 PRESIDENT ARREGUIN: You are the last speaker,
25 so there are no other raised hands. So I'll now call

1 for a vote on the motion to take a preliminary action to
2 deny the City of alameda's appeal.

3 MS. KANE: I'm sorry. To the chair, if I may?

4 PRESIDENT ARREGUIN: Yes.

5 MS. KANE: Just a procedural point, since we
6 had an issue in a previous -- some time ago about
7 calling the question and whether that is itself a
8 motion.

9 PRESIDENT ARREGUIN: Yes.

10 MS. KANE: I would just like to clarify, it
11 was not a motion, it was just a request. Is that
12 correct, Mr. Romero?

13 MAYOR ROMERO: That is correct.

14 PRESIDENT ARREGUIN: Thank you for clarifying.

15 MS. KANE: Therefore the motion is --

16 (Simultaneous colloquy.)

17 PRESIDENT ARREGUIN: Mr. Castro, please call
18 the roll.

19 CLERK OF THE BOARD: On the motion, motion was
20 by Mitchoff, seconded by Ramos. This is the vote.

21 Mayor Arreguin?

22 PRESIDENT ARREGUIN: Yes.

23 CLERK OF THE BOARD: Mayor Eklund?

24 MAYOR EKLUND: Yes.

25 CLERK OF THE BOARD: Mayor Fligor?

1 MAYOR FLIGOR: Yes.

2 CLERK OF THE BOARD: Mayor Hudson?

3 MAYOR HUDSON: Yes.

4 CLERK OF THE BOARD: Supervisor Lee?

5 SUPERVISOR LEE: Yes.

6 CLERK OF THE BOARD: Supervisor Mandelman?

7 Supervisor Mandelman? Is absent.

8 Supervisor Mitchoff.

9 SUPERVISOR MITCHOFF: Yes.

10 CLERK OF THE BOARD: Councilmember Peralez?

11 Councilmember Peralez is absent.

12 Supervisor Rabbit? Supervisor Rabbit is

13 absent.

14 Supervisor Ramos?

15 SUPERVISOR RAMOS: Yes.

16 CLERK OF THE BOARD: Mayor Romero?

17 MAYOR ROMERO: Yes.

18 CLERK OF THE BOARD: Mayor Wilson? Mayor

19 Wilson is absent.

20 Motion passes unanimously of all members

21 present.

22 PRESIDENT ARREGUIN: Okay. Thank you.

23 Thank you, Mr. Thomas. And we'll be in touch

24 on the issues we discussed.

25 And I just want to note this is a preliminary

1 action. Final action will be taken at a future meeting
2 after the close of the hearing.

3 MR. THOMAS: Just on behalf of Alameda, thank
4 you, all of you, for the work you're doing. It's
5 important work and we appreciate it. Thank you.

6 Good luck for the rest of the day. You have a
7 long day ahead of you.

8 PRESIDENT ARREGUIN: Thank you.

9 MR. THOMAS: Hang in there.

10 PRESIDENT ARREGUIN: All right. Thank you.

11 So with that we'll go to Item B, the report on
12 the regional housing needs allocation appeal for the
13 City of Dublin.

14 This is preliminary action item, and we will
15 first hear from the City of Dublin who will have five
16 minutes to present their appeal.

17 And before we begin may I ask, who will be
18 presenting on behalf of the City of Dublin?

19 MR. CASS: Michael Cass, principal planner of
20 the City of Dublin.

21 PRESIDENT ARREGUIN: Great. I see we have the
22 city manager from the City of Dublin as well. Good
23 morning.

24 Okay. So Mr. Cass, do you have a slide deck?

25 MR. CASS: I do. It was provided.

1 PRESIDENT ARREGUIN: If staff can cue the
2 slide deck?

3 And you may proceed at any time.

4 MR. CASS: Good morning, members of the ABAG
5 administrative committee. My name is Michael Cass,
6 principal planner with the City of Dublin, and I am here
7 this morning to present a regional housing needs
8 allocation appeal on behalf of the city.

9 Next slide, please.

10 The basis of our appeal really falls into five
11 main areas, which I'll go into separately, but they
12 include past performance and lack of suitable land,
13 water supply and drought, population decrease, high
14 opportunity areas and land use authority.

15 Next slide, please.

16 First, starting with past performance and lack
17 of suitable land. Within the City of Dublin our
18 population increased by 44 percent between 2010 and 2019
19 and increased from approximately 46,000 residents to
20 over 66,000 residents, making Dublin one of the fastest
21 growing communities in California.

22 Specifically, within the current housing
23 element cycle the city has issued building permits for
24 4,420 units compared to our current allocation of 2,258
25 units. Specifically, we have a 6.91 times our

1 above-moderate-income category for the current cycle.

2 Beyond the permits that have been issued, we
3 also have 2,723 units in the project pipeline, which
4 include affordable units. To facilitate that effort,
5 the city has secured a local housing trust fund grant of
6 \$3.3 million. We also have provided close to
7 \$15 million in cities affordable housing funds and
8 Alameda County A1 bond funds, as well as we've provided
9 land dedication valued at a few million dollars.

10 Next slide, please.

11 In terms of past performance and lack of
12 suitable land, I do want to make sure it is importantly
13 clear, a significant portion of Dublin is new
14 construction, making it more challenging for
15 redevelopment in the community compared to other
16 jurisdictions.

17 Second argument in regards to water supply and
18 drought. The city contracts with Zone 7 for our water
19 services, which tentatively expires in 2024. Dublin is
20 fully dependent on imported water sources. Most
21 notably, 90 percent of our treated water comes from the
22 state water project, which is anticipated in future
23 supply deficits, and increased demand with additional
24 housing will further to compound that problem.

25 On top of that, drought and those impacts are

1 unknown, but based on past behavior, we've seen that
2 communities that rely on Delta water, like the City of
3 Dublin, will be greater impacted because Delta water has
4 additional issues with endangered species, as well as
5 heavy use by the agricultural industry. This will be a
6 profound potential impact on our community with this
7 additional growth.

8 Next slide, please.

9 In regards to population decrease, Dublin's
10 population in 2010 decreased by 466 residents, or
11 .7 percent. It was 1.5 times the state average. So
12 making a disproportional change compared to other
13 jurisdictions throughout the state.

14 Population translates to households which was
15 used for the methodology, and if trends were to continue
16 it could result in fewer households than estimated by
17 ABAG staff for 2050.

18 Next slide.

19 Purpose of high opportunity areas. One of the
20 main purposes of HOAs is to avoid further segregation
21 and concentration of poverty and encourage access to
22 opportunity through affordable housing programs. The
23 maps that were used to create the high opportunity areas
24 do not factor in demographic data from the American
25 community survey.

1 To point out of interest, Dublin is a diverse
2 community and 61.1 percent of our Dublin population in
3 2019 racially identified as minorities or multiracial.

4 While the city believes that facilitating the
5 production of housing for lower income households in
6 high opportunity areas is laudable, however, the draft
7 allocation assigns approximately 1400 above-moderate
8 income units to Dublin, while, in general, additional
9 units have the potential to avoid further -- to have the
10 potential to further our diversity goals, assigning more
11 market rate housing to Dublin doesn't actually achieve
12 that purpose.

13 Next slide, please.

14 Final argument is in regards to land use
15 authority. The city has pointed out ten parcels that
16 are owned by the federal government, Alameda County, and
17 school district properties. We want to ensure that
18 those properties do not have units attributed to them
19 that are passed on to the City of Dublin.

20 Those areas we called out comprise more than
21 36 percent of acreage in Dublin. So it is considerable
22 land that we do not have control over. Again, I want to
23 make sure that those parcels in question do not have
24 housing units that are attributed to them.

25 If the previous elements are granted in

1 regards to our reallocation about above-moderate income
2 units -- excuse me -- and the city requests a reduction
3 of an additional 818 units in our very low, low, and
4 moderate income categories to ensure that based on both
5 reduction and land area.

6 Finally -- next slide, please.

7 In conclusion, the city requests Dublin's 1449
8 above-moderate income units be reallocated to other
9 jurisdictions based upon past performance and lack of
10 suitable land and high opportunity areas detracting from
11 the goal to avoid further segregation. And we request
12 an additional 818 very low, low, and moderate income
13 units be reallocated due to the city not having land use
14 authority.

15 We are available for any comments or questions
16 you may have. Thank you.

17 PRESIDENT ARREGUIN: Thank you very much.

18 Okay. I will now ask ABAG MTC staff to
19 present their response to the City of Dublin's appeal.
20 They'll have five minutes.

21 MS. ADAMS: Thank you. If you could pull up
22 the slides, please.

23 Can we get the slides pulled up for the
24 response to Dublin? Thank you.

25 So the city of Dublin is requesting a

1 reduction of 2,267 units, which represents a reduction
2 of 61 percent from its draft allegation. Staff's
3 recommendation is to deny the appeal.

4 Next slide, please.

5 In response to Dublin's request for reduction
6 of its above-moderate income allocation because its past
7 performance has created a lack of available land for new
8 developments, we commend the city's track record in
9 building new homes. However, housing element law states
10 that ABAG may not limit its consideration of suitable
11 sites for housing to a city's existing zoning and land
12 use restrictions and the jurisdiction must consider
13 underutilized land, opportunities for infill
14 development, and increased residential densities as a
15 component of available land for housing. Dublin does
16 not provide evidence that it is unable to consider these
17 strategies to accommodate its RHNA.

18 Next slide, please.

19 So staff understands the city's concerns about
20 the drought currently being experienced by the Bay Area.
21 Statute defines water supply constraints as those that
22 preclude the jurisdiction from providing a necessary
23 infrastructure for development during the RHNA period.
24 The arguments put forward by Dublin do not meet the
25 requirements for a valid RHNA appeal.

1 Although Dublin cites information from its
2 water service provider's urban water management plan
3 about possible water supply issues and potential
4 challenges posed by future growth, the city has not
5 demonstrated that it is precluded from meeting its RHNA
6 allocation because of a decision by its water service
7 provider.

8 As HCD notes its comment letter on the
9 drought, these issues do not affect one city, county, or
10 region in isolation. ABAG's allocation methodology
11 encourages more efficient land use patterns, which are
12 key to adapting to more intense drought cycles and
13 wildfire seasons.

14 The methodology directs growth toward infill
15 and existing communities that have more resources to
16 promote climate resilience and conservation efforts.

17 Importantly, the existence of the drought does
18 not change the need to add more housing to address the
19 Bay Area's lack of housing affordability.

20 Next slide, please.

21 Regarding the population decline, housing
22 element law states that stable population numbers cannot
23 be used as a justification for reducing a jurisdiction's
24 RHNA. Stable or declining population in a jurisdiction
25 is not by itself evidence that there's no need for

1 additional homes in the community. It may instead be a
2 sign of an unhealthy housing market where individuals
3 and families lack affordable housing choices and must
4 leave the jurisdiction to find housing elsewhere.

5 Additionally, Dublin cites a population
6 decline that has happened over one year, the year
7 impacted by COVID-19. Dublin has not provided evidence
8 that its population will continue to decline long term
9 or that there's been a reduction in the jurisdiction's
10 need for housing during the RHNA period.

11 Next slide, please.

12 Regarding Dublin's issues with the access to
13 high opportunity areas factor, the city is challenging
14 the final RHNA methodology adopted by ABAG and approved
15 by HCD, which falls outside the scope of the appeals
16 process. ABAG MTC staff incorporated the high
17 opportunity area maps developed by the state as they
18 were defined by the state. HCD has the authority to
19 determine if the RHNA methodology furthers the statutory
20 objectives, and HCD found than that ABAG's methodology
21 does further the objectives.

22 Next slide, please.

23 Regarding Dublin's argument about forecasted
24 growth on the city where the city does have land use
25 authority, most of the people living on these parcels

1 reside in group quarters such as correctional
2 institutions or military housing that are not included
3 in the final blueprints forecast and, therefore, have no
4 impact on RHNA.

5 On the parcels that Dublin identified, there
6 are a combined total of ten households in 2050, which
7 according to information from the city, are homes that
8 were built in 2017 in camp parks.

9 In a city of Dublin's size, the impact of
10 these ten households on the city's draft allocation is
11 deemed negligible.

12 Next slide, please.

13 As a result, ABAG MTC staff recommends that
14 the committee deny the appeal filed by the City of
15 Dublin requesting a reduction of 2,267 units.

16 Thank you. That completes my presentation.

17 PRESIDENT ARREGUIN: Thank you, Ms. Adams.

18 We'll now give City of Dublin an opportunity
19 to respond to the staff presentation, and you'll have
20 three minutes.

21 MR. CASS: I just have a quick response and
22 then I'll turn it over to the other members who are
23 present in case they have anything to add.

24 First, thank you again for the opportunity for
25 us to speak on that. I didn't have a chance to say that

1 during the initial presentation. So I appreciate that
2 and I appreciate the response that ABAG staff's has been
3 throughout this process.

4 The one big question that I have in response
5 to the information that ABAG staff has put forward is in
6 with regards to the land use authority argument.

7 So your staff has admitted there was some
8 errors in terms of information in terms of how it was
9 actually calculated and how units were actually
10 attributed. What we would be requesting is that, in
11 order for the committee to make a determination today,
12 that you actually see the data on the parcel-by-parcel
13 basis for the ten parcels that the city has brought out
14 in question. The information that's been made publicly
15 available at this point has been broken down on a
16 subregion basis making it near to impossible to analyze
17 that information.

18 We just want to make sure, because staff has
19 admitted that there was an error, that you have that
20 accurate information when you're making -- so you can
21 make an informed decision today.

22 And now I'll turn it over to our city manager
23 and community development director in case they have
24 anything else they would like to add.

25 MS. SMITH: Thank you, Michael. And thank you

1 members of the committee for the opportunity to address
2 you today.

3 I think for the City of Dublin, the land use
4 authority issue is our primary issue, given that it
5 comprises 36 percent of our land mass, and making
6 sure -- when we were trying to address this issue, we
7 couldn't find any data that would help us to make a
8 clean argument. That's because the data wasn't readily
9 accessible to us.

10 So we just want to make sure it's clear and
11 transparent that these land masses that we have
12 absolutely no control over were not a factor in the
13 establishment of our RHNA numbers. We can make all the
14 other arguments. I know we probably won't be successful
15 in making those arguments.

16 Dublin has been a good steward of developing
17 housing in the Bay Area, an absolutely great steward of
18 doing that. We've focused on every planning principle.
19 We've done everything we're supposed to be doing. And
20 we certainly, you know, are proud of the work that we've
21 done. And we're reaching our buildout now with a lot of
22 new housing.

23 And it's very difficult for us to argue that
24 we needed to have our plan in place. We are working on
25 our plan on how to address these units. We don't have

1 that plan yet, and over 50 percent of our land mass is
2 brand new housing in the last 15 years.

3 CLERK OF THE BOARD: Thirty seconds.

4 MS. SMITH: In any event, I appreciate the
5 time and the opportunity to address the committee.

6 Thank you.

7 PRESIDENT ARREGUIN: Mr. Castro, how many more
8 seconds?

9 CLERK OF THE BOARD: Twenty seconds.

10 THE COURT: Anyone want to speak for 20
11 seconds?

12 Okay. Well, thank you to the City of Dublin
13 for your presentation, and there may be questions.

14 So we are now going to proceed to the public
15 comment portion of this hearing. And I'll ask, is there
16 any member of the public that wishes to testify on the
17 City of Dublin's appeal of its RHNA allocations?

18 Please raise your hand if you are on the Zoom
19 platform or press *9 if you are phoning in to this
20 meeting. Is there any public comment on the City of
21 Dublin's RHNA appeal? If so, please your hand or press
22 *9. I don't see any raised hands -- oh, spoke too soon.
23 I see we have one raised hand. Josh Han. You'll have
24 two minutes.

25 MR. HAN: Hi, everyone. I'll just be really

1 brief. I just wanted to comment. Citing reasons like
2 having lack of water and lack of developable land while
3 requesting that very low, low, and moderate allocation
4 get reassigned but keeping like the above moderate seems
5 inconsistent because that group uses the most water and
6 most land typically.

7 That's my comment. And thanks.

8 PRESIDENT ARREGUIN: Thank you.

9 I'll ask, are there any more public comments
10 on the City of Dublin's appeal of its draft RNHA
11 allocation?

12 I don't see any raised hands. Mr. Castro?

13 CLERK OF THE BOARD: No raised hands. There
14 were a couple of public comments received after the
15 official public comment period that was posted on the
16 agenda and available online and was sent as email to
17 committee members.

18 PRESIDENT ARREGUIN: Thank you very much.
19 That completes public comment. It's now in order for
20 the committee to discuss and take action, preliminary
21 action on this appeal.

22 I would like to open with a question. It was
23 stated in the City of Dublin's presentation that there
24 was an error in the data for the City of Dublin, I
25 think, with respect to ten parcels, and I think this was

1 addressed in their presentation, ten parcels the city
2 does not have authority over.

3 I'm wondering if staff can respond to that
4 particular issue?

5 MR. VAUTIN: I'm happy to respond to that,
6 President Arreguin, and Gillian can add if I miss
7 anything here.

8 I think, first of all, our response is we do
9 not agree with the city's characterization that there
10 was an error. In fact, we looked at all ten parcels
11 that they identified. The city had the opportunity to
12 review baseline data as part of our basis land use
13 review.

14 These are existing houses. They existed
15 before the start of the RHNA period. And in the RHNA
16 methodology we look at the 2050 total households.
17 There's no additional projected growth in Plan Bay Area
18 2050. These are existing homes that were part of the
19 review process in 2019 and 2020.

20 As was mentioned in Gillian's presentation,
21 the housing units we're talking about here were built in
22 2017, and they're on the camp park parcel. All the
23 other parcels have zero households, and, you know, many
24 of them are group quarters locations, and group quarters
25 are appropriately not included in the total households.

1 PRESIDENT ARREGUIN: Thank you very much,
2 Mr. Vautin.

3 So I just wanted staff to respond because
4 there was a statement that there were errors in the
5 underlying data. So that helped and clarified the
6 record. So thank you very much.

7 I'll go to my colleagues on the committee now.
8 Mayor Eklund. Mayor Eklund?

9 MAYOR EKLUND: Thank you. I have a question
10 for staff on the group quarters and the ten parcels.

11 You mentioned that the data does not include
12 any projected growth on those parcels where there's some
13 existing houses that were built in 2017.

14 I think the other question that was raised, if
15 I understood it correctly, was on the other parcels
16 where there are no housing, was -- did our data include
17 any projected housing growth on those other parcels that
18 they do not have land use authority over?

19 MR. VAUTIN: No, there was no projected
20 housing growth on any of the ten parcels. The
21 households we're talking about here are existing housing
22 units.

23 MAYOR EKLUND: And the other question that the
24 applicant had is can we see that data, or can it be
25 included as part of the package that goes to the

1 executive board?

2 MR. VAUTIN: Well, I think we included some of
3 that. We're more than happy to show a table of their
4 ten parcels and zero households on all of them except
5 for that one parcel that has the ten units, which we
6 included the APN for that specific parcel.

7 MAYOR EKLUND: That would be great.

8 I have comments on the application, but if
9 there are -- I see some other questions. Otherwise, I
10 was going to move that we deny the appeal.

11 PRESIDENT ARREGUIN: So are you making a
12 motion at this time, Mayor Eklund?

13 MAYOR EKLUND: Yes.

14 PRESIDENT ARREGUIN: So the motion is to deny
15 the appeal from the City of Dublin. No. A
16 preliminary -- a motion to take a preliminary action to
17 deny the appeal for the City of Dublin. Is there a
18 second?

19 SUPERVISOR RAMOS: Second, Ramos.

20 PRESIDENT ARREGUIN: Seconded by Ramos. Thank
21 you.

22 Mayor Hudson? Mayor Hudson, you're muted.

23 MAYOR HUDSON: I just unmuted. I must
24 have got -- I want to thank you for making the motion to
25 second. I don't have to do it because I have to face

1 Melissa Hernandez on this. She doesn't forgive.

2 I just wanted to clarify something that I
3 heard and make sure it's clear. The request from Dublin
4 is to transfer out above moderate and the speaker
5 said -- okay. The nod of the head answers my question.
6 Thank you.

7 PRESIDENT ARREGUIN: Mayor Fligor.

8 MAYOR FLIGOR: Thank you. My question I think
9 is for Dave, and I have to admit when I went through the
10 Dublin presentation, I was initially confused on whether
11 or not they were seeking to increase the RHNA allocation
12 number or decrease it just because of the growth that
13 they experienced between 2010 and 2019, and everybody
14 knows 2020 was an anomaly.

15 So, Dave, I think this question is for you.
16 Do you have the projected growth, population growth, for
17 Dublin over the next nine years?

18 MR. VAUTIN: Well, to that question, I would
19 say the RHNA allocation is our next decade of projected
20 housing growth. We do have a longer term, 30-year
21 protection for the Tri-Valley, which is part of the
22 adopted Plan Bay Area 2050 growth program. I'm more
23 than happy to pull that up if that's helpful.

24 MAYOR FLIGOR: No, but I'm sure you can
25 confirm that, basically, it will continue to increase,

1 and that's what I wanted to point to.

2 MR. VAUTIN: That's correct. That's correct.

3 MAYOR FLIGOR: Thank you.

4 That's it, Chair.

5 PRESIDENT ARREGUIN: Thank you.

6 Any other comments or questions from members
7 of the administrative committee?

8 Mayor Eklund, I believe you wanted to address
9 the motion.

10 MAYOR EKLUND: Yeah, I did want to make a
11 couple of comments, though, that Dublin's comments about
12 water availability.

13 I do believe that the region does have a
14 carrying capacity, especially for portable water, and I
15 think that -- and I'm hoping that Plan Bay Area 2050 has
16 some -- some issues in there that we can try to address
17 this as we progress within the Bay Area, because I think
18 it's applicable to all cities, 101 cities and nine
19 counties in the Bay Area.

20 Secondly, is that I agree -- I did not support
21 the methodology, primarily because of the incorporation
22 of high opportunity areas or high resource areas, which
23 are one in the same.

24 But I think that if we're going to use high
25 opportunity areas in the future, that we need to look at

1 trying to reconcile the difference of the demographic
2 data with other data sources like the American Community
3 Survey. And this, obviously, we'd have to have some
4 discussion about as a full committee and executive
5 board.

6 So those are the two that I'd like to make
7 sure that we put on that list for future discussion.

8 Thank you.

9 PRESIDENT ARREGUIN: Thank you. Okay. Unless
10 there's any further questions or comments, the motion is
11 to take a preliminary action to deny the RHNA appeal
12 from the City of Dublin.

13 I'll ask Mr. Castro to call the role.

14 CLERK OF THE BOARD: The motion was by Eklund,
15 seconded by Ramos.

16 Mayor Arreguin?

17 PRESIDENT ARREGUIN: Yes.

18 CLERK OF THE BOARD: Mayor Eklund?

19 MAYOR EKLUND: Yes.

20 CLERK OF THE BOARD: Mayor Fligor?

21 MAYOR FLIGOR: Yes.

22 CLERK OF THE BOARD: Mayor Hudson?

23 MAYOR HUDSON: Yes.

24 CLERK OF THE BOARD: Supervisor Lee?

25 SUPERVISOR LEE: Yes.

1 CLERK OF THE BOARD: Supervisor Mandelman?

2 SUPERVISOR MANDELMAN: Yes.

3 CLERK OF THE BOARD: Supervisor Mitchoff?

4 SUPERVISOR MITCHOFF: Yes.

5 CLERK OF THE BOARD: Councilmember Peralez?

6 Councilmember Peralez is absent.

7 Supervisor Rabbit? Supervisor Rabbit is
8 absent.

9 Supervisor Ramos?

10 SUPERVISOR RAMOS: Yes.

11 CLERK OF THE BOARD: Mayor Romero? Mayor
12 Romero?

13 MAYOR ROMERO: Yes.

14 CLERK OF THE BOARD: Mayor Wilson? Mayor
15 Wilson is absent.

16 Motion passes unanimously, all members
17 present.

18 PRESIDENT ARREGUIN: Okay. Thank you very
19 much. Thank you very much to the City of Dublin for
20 your presentation, and this is a preliminary action.
21 The ABAG administrative committee will meet at the
22 conclusion of our public hearing to take final action on
23 all of the appeals, and that will form the basis of the
24 final RHNA plan that the ABAG executive board will vote
25 on in December. So, thank you very much.

1 Okay. We'll now proceed to Item C, the report
2 on the regional housing needs allocation appeal for the
3 City of Pleasanton. This is a preliminary action item,
4 and first we will hear from the City of Pleasanton who
5 will have five minutes to present on their appeal.

6 Who will be presenting on behalf of the City
7 of Pleasanton?

8 MS. CLARK: Ellen Clark, the director of
9 community development for the City of Pleasanton.

10 PRESIDENT ARREGUIN: Excellent. Good to see
11 you. We are on the housing methodology committee
12 together.

13 MS. CLARK: Likewise.

14 PRESIDENT ARREGUIN: We have the presentation
15 up. And, Ms. Clark, you may proceed at any time.

16 MS. CLARK: Thank you so much. Good morning,
17 Mayor Arreguin and members of the administrative
18 committee. I would echo the remarks of some of the
19 earlier presenters to offer our appreciation for the
20 work of this ABAG staff through this lengthy and
21 difficult process, as well as the opportunity to present
22 our appeal on behalf of the City of Pleasanton today.

23 My name is Ellen Clark. I'm the director of
24 community development for the City of Pleasanton. City
25 manager, Nelson Fialho, and assistant city manager,

1 Brian Dolan are also here with me today.

2 And though I will address key points of appeal
3 in my presentation, I would also, of course, refer the
4 Committee to our appeal letter submitted in July for
5 additional information.

6 Next slide, please.

7 Pleasanton's appeal incorporates three bases
8 in accordance with those allowed under the Government
9 Code, including concerns over failure to account for
10 local conditions, water supply and land availability,
11 changed circumstances. And highlighted on this slide
12 are the -- is the item I will focus on for the majority
13 of my presentation today; methodology and its local
14 application, and conformance with statutory objectives.

15 Next slide, please.

16 Before going on, I did want to note and
17 acknowledge some of Pleasanton's efforts in recent years
18 to address the regional housing challenge. Over the
19 last six years alone we have rezoned sites and permitted
20 close to 2,000 new housing units in the city, including
21 400 dedicated to lower income households.

22 The city has individually made significant
23 financial contributions to support affordable housing in
24 the city, including a couple of projects that we're very
25 proud, a 185-unit senior housing project that's deed

1 restricted, as well as a 31-unit project for
2 developmentally disabled adults.

3 I say this in an effort to make it clear that
4 Pleasanton's request in the sixth cycle is not to be
5 relieved of our obligations to help address the regional
6 housing need but, rather, to receive a RHNA allocation
7 that is fair, realistic, and provided in accordance with
8 the objectives identified by state law.

9 Next slide, please.

10 As mentioned, although our appeal includes
11 other basis, I wanted to highlight the most significant
12 issue, which is around conformance with the
13 state-defined statutory objectives, particularly
14 Statutory Objective Number 2, which is to protect
15 environmental resources, encourage efficient development
16 patterns, and to achieve greenhouse gas reduction
17 targets.

18 During the RHNA methodology process -- and I
19 appreciate methodology is not under scrutiny today, but
20 it does stem back to our earlier comments.

21 We, along with many other jurisdictions,
22 raised serious questions about the baseline choice used
23 in the overall RHNA allocation methodology. There are
24 other factors we know come into play, but overall the
25 baseline has the most profound effect on the

1 distribution of RHNA across the region.

2 Unfortunately, that selected baseline had what
3 we would consider the fatal flaw of significantly
4 allocating RHNA in a manner contradictory to Objective 2
5 by underallocating to areas in the South Bay that have
6 produced a large number of new jobs over the past
7 decade, and, conversely, overallocated RHNA to the
8 suburbs and transit-poor communities, including
9 Pleasanton.

10 The RHNA methodology, as locally applied,
11 exacerbates already imbalanced commute flows between the
12 East Bay and South Bay, from Pleasanton to other
13 communities, and from transit poor suburbs to other job
14 centers because it relieved our highest job-producing
15 counties from meeting the housing demand generated by
16 that huge employment base.

17 And those effects are documented in the EIR
18 for Plan Bay Area. That forms the baseline of the RHNA
19 allocation. And that document includes a number of
20 significant and unavoidable impacts --

21 CLERK OF THE BOARD: One minute.

22 MS. CLARK: -- around GHT and VMT.

23 Next slide, please.

24 We saw some late changes in our RHNA
25 methodology that were concerning in that there was

1 limited opportunity, in our view, to scrutinize that
2 resulted in a significant increase in RHNA's during the
3 last weeks of the process.

4 And those same changes further relieve the
5 South Bay and the cities we just mentioned of their
6 obligation, we believe, to provide housing, exacerbate
7 the degree of inconformance of with the statutory
8 objectives, and are really of significant concern to the
9 city.

10 Next slide, please.

11 I'll skip over this briefly since my time is
12 short, but this highlights a couple of the other points
13 raised in our appeal letter to which I'll refer you.

14 Next slide.

15 So in conclusion, as I noted, the city is
16 committed to meeting its obligation to plan and zone for
17 new housing. The RHNA methodology, as locally applied,
18 the underlying baseline, and the resulting RHNA fails to
19 properly account for local conditions and significantly
20 undermines the key statutory objective related to GHG
21 reduction and protection of resources.

22 Therefore, the City of Pleasanton is
23 requesting reduction in RHNA by 1193 units. That's
24 equivalent to the increase that we saw at the very end
25 of the process that further worsened that imbalance and

1 degree of non-conformance with the statutory objective.

2 Thank you very much for your time today. That
3 concludes my presentation.

4 PRESIDENT ARREGUIN: Thank you very much.
5 There may be questions at the conclusion of public
6 comment.

7 So now I'd like to ask ABAG MTC staff to
8 present their response to the City of Pleasanton's
9 appeal.

10 MR. KAPLAN: Can you bring up the slides,
11 please?

12 Good morning, everyone. My name is Eli
13 Kaplan. I'm a regional housing policy analyst at ABAG
14 MTC, and I support Gillian Adams on our RHNA team.

15 Next slide, please.

16 The City of Pleasanton is requesting a
17 reduction of 1193 units, which represents a reduction of
18 20 percent from their draft allocation, and staff's
19 recommendation is to deny the appeal.

20 Next slide, please.

21 So Pleasanton argues that ABAG failed to
22 consider information in their local jurisdiction survey
23 about water supply uncertainty, but Pleasanton did not
24 include the specific information in their survey
25 infrastructure.

1 Also, as Gillian stated previously, statute
2 defines water supply constraints as those that preclude
3 the jurisdiction from providing necessary infrastructure
4 for development during the RHNA period.

5 Pleasanton's appeal does not demonstrate it is
6 unable to provide necessary infrastructure for
7 development during the 2023 to 2031 planning period.

8 As the city notes in its appeal, there are
9 potential solutions to its current reduction in water
10 supply, and the city states it may be able to bring back
11 all of its wells online as early as 2025, which is only
12 two years into the eight-year RHNA cycle.

13 So Pleasanton's appeal does not demonstrate
14 that its water supply cannot provide the necessary water
15 required for additional development to meet its RHNA
16 allocation.

17 Next slide, please.

18 Pleasanton also argues that ABAG failed to
19 consider information submitted in the local jurisdiction
20 survey about a shortage of land suitable for conversion
21 to residential use. However, the RHNA methodology
22 considers the constraints named in this appeal by
23 incorporating data from the Plan Bay Area 2050 final
24 blueprint as the baseline allocation.

25 In developing the final blueprint, ABAG MTC

1 staff worked with local governments to gather
2 information about local plans, zoning and physical
3 characteristics that might affect development.

4 The strength of the land use model used for
5 Plan Bay Area 2050 forecasting is it also assesses
6 feasibility in the cost of redeveloping a parcel.

7 Furthermore, statute forbids ABAG from
8 limiting consideration of suitable housing sites to a
9 jurisdiction's existing zoning and land use
10 restrictions.

11 Pleasanton does provide evidence it is unable
12 to consider underutilization of existing sites,
13 increased densities and other planning tools accommodate
14 its assigned need.

15 Next slide, please.

16 Pleasanton in its appeal also argues the RHNA
17 methodology does not further the statutory objective
18 related to efficient development patterns in greenhouse
19 gas reduction, but as we've discussed today, this
20 argument challenges the final RHNA methodology adopted
21 by ABAG and approved by HCD. And challenging the RHNA
22 methodology itself falls outside the scope of this
23 appeals process. HCD has the authority to determine if
24 the RHNA methodology furthers the statutory objective.
25 HCD found that ABAG's methodology does further the

1 objectives.

2 HCD determined that jurisdictions with the
3 lowest VMT received more RHNA than those with the
4 highest VMT, and HCD also concluded ABAG's methodology
5 allocates more RHNA units to jurisdictions with more
6 jobs.

7 Next slide, please.

8 Pleasanton cites population decline, and
9 COVID-19 is issues that it believes represents a change
10 in circumstances meriting reduction in its RHNA.

11 However, statute states that stable population numbers
12 cannot be used as a justification for reducing a
13 jurisdiction's RHNA.

14 In addition, the city cites a population
15 decline that has occurred over only one year, a year
16 heavily impacted by COVID-19. Pleasanton has not
17 provided evidence that its population will continue to
18 decline long term or that there has been a reduction in
19 the jurisdiction's housing need for the RHNA planning
20 period.

21 ABAG appreciates the city's concerns about the
22 significant economic and societal changes resulting from
23 COVID-19; however, as HCD indicated in its comment
24 letter on the RHNA appeals --

25 CLERK OF THE BOARD: One minute.

1 MR. KAPLAN: -- the changes caused by COVID-19
2 do not fall within the appeal criteria defined by
3 statute.

4 Importantly, impacts from COVID-19 are not
5 unique to any single jurisdiction. There are issues
6 that the entire region is grappling with.

7 Lastly, Pleasanton's appeal raises questions
8 about the regional housing need determination calculated
9 by HCD, but the deadline to appeal that calculation is
10 long past, and that also does not fall within the
11 statutory grounds for an appeal.

12 Next slide, please.

13 So, in conclusion, ABAG MTC staff recommends
14 that the committee deny Pleasanton's appeal. The
15 methodology adequately considers information from the
16 local jurisdiction survey, and Pleasanton has not proved
17 the information from its survey demonstrates the city
18 cannot accommodate its assigned housing need.

19 Additionally, the allocation furthers the
20 statutory objectives, as HCD has confirmed, and the city
21 has not identified any changes in circumstances that
22 merit a revision of its RHNA.

23 Thank you.

24 PRESIDENT ARREGUIN: Thank you, very much.

25 I would like to give the City of Pleasanton

1 opportunity to respond to the MTC staff presentation, if
2 you so choose.

3 MS. CLARK: I'll just briefly note a couple of
4 points, and I would welcome our staff here today to add
5 to that.

6 With respect to the main item we raised today,
7 we do have a concern -- I appreciate the methodology
8 regionally speaking checks the boxes relative to
9 statutory objectives. However, when you look at that
10 same -- those assumptions and those applications on a
11 local basis, almost the entire City of Pleasanton is in
12 a high VMT area. That will make it locally challenging
13 for us to adopt a housing element that does not come
14 with its own set of significant environmental --
15 significant and unavoidable environmental impacts,
16 realistically, and that that just appears to be in
17 direct contradiction the statutory objectives.

18 Number two, that's raised particularly when
19 you consider a similar pattern will be played out across
20 many other cities within the Bay Area. That was one
21 point I wanted to raise in rebuttal.

22 And Brian or Nelson, if you have any other
23 items to add, please do.

24 MR. DOLAN: I have one question I would like
25 to ask. I was wondering if ABAG staff could articulate

1 for the committee what it was that happened in the last
2 two weeks of the process that added a thousand units to
3 our number?

4 PRESIDENT ARREGUIN: We can address that after
5 the public comment portion. I could actually respond to
6 your question pretty simply, and we can elaborate after
7 public comment.

8 When the final growth geographies were issued,
9 that did result in changes to the distribution. This
10 was something that was discussed extensively at the
11 December, as well as January, ABAG executive board
12 meetings.

13 But staff can elaborate, you know, after the
14 public comment period. I don't want to take up more of
15 your time.

16 Any other comments from the City of Pleasanton
17 in response to the staff presentation? Okay. If not,
18 thank you so much for your presentation.

19 I'll now open the public comment period for
20 the City of Pleasanton's appeal of its RHNA allocations.
21 Is there any member of the public that wishes to
22 testify, if so, please raise your hand at this time, or
23 press *9 if you are phoning into our meeting. Okay. I
24 see we have one raised hand. Mr. Castro.

25 CLERK OF THE BOARD: Yes. Jordan Grimes. Go

1 ahead and unmute yourself, please.

2 PRESIDENT ARREGUIN: You have two minutes.

3 MR. GRIMES: Thank you so much.

4 I just wanted to really quickly respond to --
5 I wasn't planning on speaking -- I really quickly wanted
6 to respond to the point about Pleasanton's job growth
7 and housing.

8 Yes, Silicon Valley absolutely has to build
9 more housing. I personally wish our city's RHNA number
10 was higher. But according to data from HUD, as well as
11 census data, Pleasanton added nearly 21,000 jobs between
12 2010 and 2018 while permitting just 3,334 new homes. So
13 that argument doesn't really hold water. They're
14 clearly very behind.

15 I think the RHNA allocation is evidently
16 reasonable and just wanted to put that out there.

17 Thanks so much.

18 PRESIDENT ARREGUIN: Okay. Thank you very
19 much.

20 I'll ask, is there any other public comments
21 on the City of Pleasanton's RHNA appeal. If so, please
22 raise your hand or press *9 if you are phoning into our
23 meeting.

24 I don't see any other raised hands,
25 Mr. Castro. Are there any written comments?

1 CLERK OF THE BOARD: Yes, there were written
2 comments submitted post after the official public
3 comment period that was posted on the online agenda and
4 emailed to committee members.

5 PRESIDENT ARREGUIN: Okay. Thank you very
6 much.

7 So now it is in order for the committee to
8 discuss and take preliminary action on the appeal.

9 And before I recognize Mayor Eklund, I'd like
10 to ask staff to address the question that was raised by
11 the City of Pleasanton around the change in the final
12 numbers. I did briefly address it with respect to when
13 the final growth geographies were issued. I believe it
14 was in December of 2020. We did see adjustment in the
15 distribution of numbers, and this is something we
16 discussed extensively at the ABAG executive board.

17 But Mr. Vautin, as you are leading the Plan
18 Bay Area process, I think if you can elaborate on this
19 issue and provide some context, that would be greatly
20 appreciated.

21 MR. VAUTIN: Absolutely. Let me give the one
22 to two-minute explanation for this question. I know
23 it's an important one.

24 So first of all, the board and the commission
25 approved a set of strategies and growth geographies for

1 the Plan Bay Area draft blueprint in February 2020. Our
2 team analyzed and developed a growth pattern based on
3 those strategies over the course of spring 2020 and
4 released the draft blueprint findings, as well as an
5 associated growth pattern driven by those geographies
6 and strategies.

7 We noted very explicitly at that time, going
8 into public comment on that, that release, which lasted
9 through summer 2020, that growth pattern did not meet
10 statutory greenhouse gas reduction targets established
11 by the state and that additional changes to strategies
12 would be required to close that gap for greenhouse gas
13 emissions, and those included things on the
14 transportation front, but also on the land use
15 strategies as well and when the -- the board approved a
16 series of changes and additions to the strategies in
17 Plan Bay Area 2050's blueprint in September 2020.

18 So the early RHNA numbers, which, again, were
19 noted as draft, and we underscored they were using the
20 draft blueprint data, were shared in summer 2020,
21 reflected draft data, with the recognition that the
22 final blueprint would come out at the end of 2020 and
23 lead to updates.

24 The board in September, along with the
25 commission, approved changes to strategies specifically

1 to target more growth towards transit-rich and high
2 resource areas. This could include places like the
3 areas surrounding the BART station in Pleasanton, but in
4 other locations across the region.

5 And so we analyzed those strategies throughout
6 the fall and released an updated growth pattern in
7 December 2020, which was then, as President Arreguin
8 mentioned, discussed and eventually adopted January of
9 2021. Once adopted, it fed into the RHNA methodology
10 and, yes, it did update the RHNA numbers as well.

11 That's basically the lineage in terms of the
12 step-by-step process. Again, there was a clear
13 acknowledgment with those early numbers that they were
14 draft and they were based on the Plan Bay Area 2050
15 draft blueprint, and, thus, the final numbers reflect
16 the final blueprint.

17 PRESIDENT ARREGUIN: Thank you, Mr. Vautin.
18 Mayor Eklund.

19 MAYOR EKLUND: Thank you very much, President
20 Arreguin.

21 A couple of question for applicant.

22 I did not understand the high vehicle mile
23 issue and that you'd be out of compliance. I didn't
24 understand that. If you can help explain that to me?

25 MS. CLARK: Certainly. So Alameda County has

1 been working on SB -- I forget the bill number. 375?
2 Implementation around CEQA thresholds. As part of that
3 they've done mapping of high -- relatively high and low
4 VMT areas throughout the county, including for
5 Pleasanton.

6 So what their mapping shows is that, as you
7 can imagine, we have lower VMT areas around our BART
8 stations, which are really the primary high quality
9 transit in the city, and high VMT relatively elsewhere
10 in the city, the majority of the city. I may have
11 flipped that. Low VMT at the BART stations, high VMT
12 elsewhere.

13 And so what that means is in order for us to
14 achieve appropriate VMT levels, we have to site more
15 housing near BART. Some of that is achievable. We
16 completely agree. But the idea we can place all of that
17 housing in a low VMT area is just not feasible in the
18 city's view. And so the outcome of that, we believe, is
19 very likely to be significant unavoidable VMT and GMC
20 issues, because we do not have the transportation and
21 transit infrastructure to mitigate against those VMT
22 impacts. That's the concern.

23 What happens in Pleasanton on a local level
24 will be replicated across the region, and that, to us,
25 appears contrary to that important statutory objective

1 around environmental sustainability.

2 MAYOR EKLUND: Great. Your application talks
3 about lack of vacant land and repurposing of commercial
4 properties near transit. I don't understand why you
5 don't -- repurposing commercial properties, why is --
6 why is that difficult for the city?

7 MS. CLARK: Again, we don't contend that there
8 is no possibility that commercial properties can be
9 repurposed. We do have a number of aging commercial
10 centers. And, in fact, as part of our housing element
11 update, we are looking at exactly those sorts of sites
12 as new opportunity housing sites.

13 It's question of degree and it's a question of
14 a realistic set of assumptions about how -- how that
15 housing can be accommodated, because we also have a lot
16 of very vibrant and very viable commercial within the
17 City of Pleasanton.

18 As you know, through the housing element
19 process, we have to make the case to HCD that sites that
20 are underutilized, in particular, are actually viable.
21 So it's a formidable challenge on existing commercial
22 sites.

23 MAYOR EKLUND: And my last question is, staff
24 indicated that your concerns about water supply weren't
25 included in the survey. I was kind of curious as to why

1 it wasn't.

2 MS. CLARK: The answer there is that one of
3 the issues is really an emerging issue in early 2020
4 around PFAS contamination for one of our local
5 groundwater wells. We were coming to grips with that
6 issue, and, at that point, did not reflect that in the
7 survey because we didn't really have all the facts at
8 our disposal at that point, or we were just beginning to
9 assemble them. That was one reason.

10 The local survey in general, it was a lengthy
11 survey, it was broadly written, and I would not say as
12 the staff person helping to fill it out, I necessarily
13 drew the connection between our information in that
14 survey and our ability to raise those same issues 2-1/2
15 years later in this appeals process.

16 And if, you know, we were to do it again, I
17 think I would request that that be made more explicit in
18 the local survey process, that that's what the
19 consequence of the information of the local survey is.
20 If those are the basis for your appeal in the future,
21 I'm not sure that was completely evident to me and
22 possibly other cities as well in the process.

23 MAYOR EKLUND: Thank you very much for your
24 answers. I do have comments once the motion is made.

25 PRESIDENT ARREGUIN: Thank you.

1 Mayor Hudson.

2 MAYOR HUDSON: I will warn everybody ahead of
3 time. I did the same problem when I lost the argument
4 for 6-A. That's your answer, Brian. There was a change
5 when we didn't accept options ahead of us, and I'll let
6 the mayor get into it further.

7 But under public comment, we heard where there
8 was disparity in Pleasanton on they -- they took in all
9 these jobs and only bought so many homes. I can warn
10 you ahead of time, every time I hear this, I am going to
11 pull out the same thing I told you during that 6-A
12 argument.

13 Between 1995 and 1997, Santa Clara County
14 added 126,005 jobs and only built 7,154 homes. So by
15 that standard, Pleasanton is angelic. I mean, there's
16 just absolutely no way we can make up for what we're
17 doing in the past to what we're doing right now, except
18 that's not what's in front of us.

19 And, unfortunately, it's back to the same
20 thing I was saying. We have to stay within the statutes
21 and everything we're supposed to be looking at today.

22 If I were to write an appeal, I would write
23 the appeal that Pleasanton had, and I fully acknowledge
24 I'd lose.

25 PFAS is a real problem, and I will be watching

1 to see how the other appeals go throughout this
2 five-day -- I want to call it an ordeal. I guess I
3 shouldn't. I should find some pretty little name for
4 it -- but throughout the RHNA process to see what is
5 making sense to our members and what isn't.

6 But, clearly, there is nothing that I see here
7 that would allow us to uphold this appeal. I mean, I
8 love the appeal you wrote, but I can't support it. I'm
9 sorry.

10 PRESIDENT ARREGUIN: Thank you.

11 MAYOR HUDSON: And I'm not going to make the
12 motion, Jesse.

13 PRESIDENT ARREGUIN: That's okay.

14 MAYOR HUDSON: These are my neighbors.

15 PRESIDENT ARREGUIN: Understood.

16 Any other questions from members of the
17 administrative committee on the City of Pleasanton's
18 appeal? I don't see any raised hands. If not, a motion
19 is in order to take a preliminary action to either
20 approve, deny, or approve with modifications.

21 SUPERVISOR MITCHOFF: I move to take the
22 preliminary action to deny appeal.

23 PRESIDENT ARREGUIN: Okay. Move by Mitchoff.
24 Seconded by Fligor?

25 SUPERVISOR RAMOS: Seconded by Ramos.

1 PRESIDENT ARREGUIN: Thank you.

2 And Mayor Fligor, do you wish to speak on the
3 motion, or you just seconded?

4 MAYOR FLIGOR: I was seconding the motion. I
5 was getting ready to make the motion, but I'm fine
6 seconding the motion.

7 CLERK OF THE BOARD: Okay. Mayor Eklund.

8 MAYOR EKLUND: Thank you very much for the
9 opportunity to comment on the motion.

10 I do -- I did want to state that I did not
11 support the methodology and the change of focusing more
12 growth and high opportunity areas and transit, so I am
13 very sympathetic to the applicant, but that is the
14 methodology that was approved. So I am going to be
15 supporting the motion to deny it even though I don't
16 agree with it.

17 I do, though, want to add to the list for us
18 to talk about that local survey because I personally was
19 trying to get the cities and the County of Marin and
20 other cities that I'm close to to realize the
21 significance of that survey.

22 I think we really need to rethink this for the
23 next RHNA cycle, and that needs to be a topic of
24 discussion about how we can improve that in the future.

25 Then my other comment about population

1 decline, since we're seeing that in a lot of
2 applications, my comment there is that I just don't
3 think it's necessarily a possible failure in housing.
4 I'm seeing -- we're seeing a decline of the number of
5 people that live in a household. And so people are
6 living longer, they're living in their homes, like my
7 mother. She lives in a four-bedroom house, and she
8 wants to die there, and that's our job as kids to help
9 make that happen, and I think that is prevalent around
10 the Bay Area.

11 So I think there is other reason for it, but
12 that is not part of the methodology.

13 Anyway, those are my comments, and thank you
14 very much for allowing me to make those comments.

15 PRESIDENT ARREGUIN: Thank you.

16 Supervisor Mandelman?

17 SUPERVISOR MANDELMAN: Thank you, Chair
18 Arreguin. I have some sympathy with Pleasanton's
19 arguments and frustration with the last-minute shift at
20 the end of December of significant numbers of units and
21 particularly shifting them away from Santa Clara and the
22 South Bay. That is a tremendous frustration that San
23 Francisco shares. That said, I don't believe there is
24 the basis to uphold this appeal.

25 PRESIDENT ARREGUIN: Thank you.

1 Before we vote, I just want to also say I
2 certainly sympathize with the points that the City of
3 Pleasanton has raised. And I do agree with Mayor
4 Eklund's comment that, going forward, I do think we have
5 to provide more information on the local jurisdiction
6 survey and the implications of that survey. Although,
7 I'll note the Government Code does reference the local
8 jurisdiction survey, and that is a basis for an appeal.

9 But, you know, with respect to the seventh
10 cycle, because I guess we're talking about seventh cycle
11 now, I think that's extremely important to just really
12 emphasize the importance of people participating and the
13 implications of the information that was submitted.

14 So I hope staff will add that to the list as
15 something we can discuss relative to the next process.

16 But, respectfully, I -- we are constrained to
17 consider the appeal on the basis of the statute, and
18 there's not a lot of flexibility. We have to evaluate
19 this relative to does it meet the statutory objectives
20 and is there adequate information and justification to
21 grant the appeal based on the three factors. And I do
22 agree with staff's conclusion, and I will be supporting
23 the motion, respectfully.

24 So unless there are any further comments, I
25 will ask the Clerk to please call the roll.

1 CLERK OF THE BOARD: The motion was by
2 Mitchoff, seconded by Fligor.
3 Mayor Arreguin?
4 PRESIDENT ARREGUIN: Yes.
5 CLERK OF THE BOARD: Mayor Eklund?
6 MAYOR EKLUND: Aye.
7 CLERK OF THE BOARD: Mayor Fligor?
8 MAYOR FLIGOR: Yes.
9 CLERK OF THE BOARD: Mayor Hudson?
10 MAYOR HUDSON: Yes.
11 CLERK OF THE BOARD: Supervisor Lee?
12 SUPERVISOR LEE: Yes.
13 CLERK OF THE BOARD: Supervisor Mandelman?
14 SUPERVISOR MANDELMAN: Yes.
15 CLERK OF THE BOARD: Supervisor Mitchoff?
16 SUPERVISOR MITCHOFF: Yes.
17 CLERK OF THE BOARD: Councilmember Peralez is
18 absent.
19 Supervisor Rabbit is absent.
20 Supervisor Ramos?
21 SUPERVISOR RAMOS: Yes.
22 CLERK OF THE BOARD: Mayor Romero?
23 MAYOR ROMERO: Yes.
24 CLERK OF THE BOARD: Mayor Wilson is absent.
25 Motion passes unanimously with all members

1 present.

2 PRESIDENT ARREGUIN: Thank you.

3 Once again, this is a preliminary action. We
4 will be taking final action at the close of the public
5 hearing, and we'll provide ample notice of that meeting
6 date, after which time the ABAG executive board will
7 vote on the final RHNA plan in 2021.

8 So thank you very much to the City of
9 Pleasanton for the thoughtful appeal and for presenting
10 today, and we can proceed.

11 So we're technically supposed to take a lunch
12 break now, but we are making great progress.

13 So I would like to ask, the next appeal is for
14 the City of Clayton. I would like to ask, is there
15 anyone from the City of Clayton present who is going to
16 be presenting?

17 Yes, Reina Schwartz, were you to present on
18 behalf of the City of Clayton?

19 MS. SCHWARTZ: I am. Thank you.

20 PRESIDENT ARREGUIN: Would you be prepared to
21 go now?

22 MS. SCHWARTZ: I am prepared to go now.

23 PRESIDENT ARREGUIN: Let me do the preliminary
24 sort of steps, and I'll recognize you to present. Thank
25 you.

1 We are now going to go to Item D, report on
2 the regional housing needs allocation appeal for the
3 City of Clayton. And this is a preliminary action item.
4 We'll first hear from the City of Clayton, who will have
5 five minutes to present on their appeal.

6 And before we hear the presentation, I
7 believe, Ms. Schwartz, you'll be presenting on behalf of
8 the City of Clayton, correct? Okay. Excellent. Is
9 there a slide deck?

10 MS. SCHWARTZ: Yes, thank you.

11 PRESIDENT ARREGUIN: Okay. So I turn the
12 floor over to you.

13 MAYOR FLIGOR: Chair, before the City of
14 Clayton presents, I just have a point of order question.

15 PRESIDENT ARREGUIN: Yes.

16 MAYOR FLIGOR: The fact that the notice said
17 we would take a lunch break, and I know the Clayton
18 representative said that we're fine going now, but I
19 want to make sure there are no members of the public who
20 are expecting us to take a lunch break and maybe when we
21 get back from whenever that lunch break is we can
22 accommodate them in case they were looking at the
23 agenda.

24 PRESIDENT ARREGUIN: Yes. That's a good
25 point. I would like to ask our general counsel or staff

1 if they can respond? What do you advise?

2 MS. KANE: I think it's a fair point. What I
3 might advise is that we -- in the words of, I think,
4 Supervisor Lee, split the baby.

5 If Clayton is able and willing to proceed now,
6 they can do that. We can get through their
7 presentation, staff's response, and maybe some questions
8 from the committee, take an early lunch break.

9 (Simultaneous colloquy.)

10 PRESIDENT ARREGUIN: And then take a break and
11 come back and do public comment. That's an excellent
12 suggestion.

13 MS. KANE: If there are members of the public
14 who are here now who want to comment, you can continue
15 public comment over the lunch break, and just make sure
16 we've captured everybody on the back end.

17 CLERK OF THE BOARD: Is that acceptable to the
18 City of Clayton?

19 MS. SCHWARTZ: Absolutely. Thank you.

20 PRESIDENT ARREGUIN: Thank you. Okay. So
21 we'll proceed in that fashion.

22 We'll now hear from the City of Clayton
23 regarding their appeal and then we'll have the staff
24 presentation, and then we can have some initial
25 questions from the administrative committee.

1 With that, I turn the floor over to you.

2 MS. SCHWARTZ: Great. Thank you very much,
3 Chair, and members of the committee. I'm Reina
4 Schwartz. I'm the city manager for the City of Clayton.
5 I also have with me Laura Stetson who is assisting in
6 this effort.

7 I appreciate, as previous speakers have said,
8 the time and effort of the staff at ABAG, as well as the
9 committee.

10 As you've seen in your packet, the City of
11 Clayton had four --

12 If I could have the next slide, please.

13 -- four major areas in our request for an
14 appeal. You can see those there. I will just go
15 through them briefly.

16 Next slide, please.

17 The first is really the issue of jobs and
18 housing and lack of multi-modal transportation.

19 Next slide, please. Thanks.

20 So Clayton is a small community with very few
21 jobs and very little land that's dedicated toward any
22 commercial endeavors. It is primarily a residential
23 community. What that means is the vast majority leave
24 the community, primarily by automobile, in order to
25 commute to a job.

1 What this means is that we have relatively
2 little transit, relatively few people coming in, and
3 adding a significant number of houses does not improve
4 the overall balance for greenhouse gases or VMT. This
5 is similar to what other communities have talked already
6 this morning.

7 We do have minimum bus service that meets that
8 30-minute headway, but it does not serve the entire
9 community. It's quite a minimum level for us and
10 doesn't help us really contribute to efficient
11 development, which I'll talk about in a moment.

12 If I could have the next slide, please.

13 Second is that Clayton is not identified as a
14 growth geography in Plan Bay Area 2050. If you look in
15 the middle of Contra Costa County, it's kind of an empty
16 area in the center with not of lot of anticipated job
17 growth over the planning period associated with Plan Bay
18 Area 2050.

19 As staff has noted, Clayton is identified as a
20 high resource area, and so it does have that. That is
21 part of the methodology on which the housing numbers
22 were based. But it still isn't a place where we expect
23 to see a lot of job growth. And the idea of remaining
24 consistent with that underlying basis in Plan Bay Area
25 2050 does not lend itself well to significant housing

1 growth in Clayton if we're trying to keep houses and
2 jobs close to one another.

3 Next slide, please.

4 The third -- and this may be one of the
5 biggest concerns, I think, for Clayton -- while we've
6 heard in the staff's response, and as in the statute,
7 the housing requirements say that we cannot simply
8 ignore -- we can't simply rely on the fact that current
9 land use or other designations preclude housing or
10 haven't allowed for the development of housing. We have
11 to think beyond that. And we do need to think beyond
12 that if we're going to meet the kinds of housing needs
13 this region and all of our communities have.

14 However, cities also have a requirement and a
15 duty to protect residents, and so where the
16 recommendation is, well, okay, you've got these high
17 risk areas, you just to have somehow mitigate it in
18 order to have more housing or figure out how to be more
19 dense elsewhere.

20 As you can see, there's a significant amount
21 on this -- I know this was on preliminary data, but
22 maybe a third on the city is covered in a geologic
23 hazard abatement district, so this is an area that --

24 CLERK OF THE BOARD: One minute.

25 MS. SCHWARTZ: -- we already know is prone to

1 slides.

2 I think there's a real concern for us about
3 whether or not increasing development in this area makes
4 sense. Yes, we can't be -- we can't just eliminate it
5 out of hand, but by the same token, it may not be
6 responsible to develop in those areas, and that's a huge
7 concern for us.

8 Next slide, please.

9 And this is my last point. Similar -- no, I
10 was mistaken. This is our GHAB, Geologic Hazard
11 Abatement District, just more specifically, the areas
12 that it controls. There is a golf course and some
13 development here, but it is a concern for us in terms of
14 future development.

15 Next slide, please. Water service. This is
16 the one I was anticipating.

17 So Clayton does not control its own water
18 supply. We're part of Contra Costa Water district. The
19 most current water management plan does not plan for the
20 kind of housing development is anticipated through this
21 RHNA, 107 versus the 570. While those plans can
22 obviously be amended and accommodate greater growth, it
23 isn't under Clayton's control. It's under the
24 district's control. So we feel quite strongly that
25 there isn't the ability to say, yes, we have capacity to

1 do that from a water standpoint.

2 Next slide. I believe that was my last
3 content slide.

4 Based on the information presented, we have
5 requested a reduction of 285 units in the RHNA
6 allocation for Clayton. Appreciate the committee's
7 time, and I look forward to answering any questions.

8 Thank you.

9 PRESIDENT ARREGUIN: Thank you very much. I'd
10 like to ask MTC ABAG staff to present their response to
11 the City of Clayton's apply.

12 MS. ADAMS: Thank you.

13 If you could pull up the slides, please. Next
14 slide, please.

15 So the City of Clayton is requesting a
16 reduction of 285 units, which represents a reduction of
17 50 percent from its draft allocation. Staff's
18 recommendation is to deny the appeal.

19 Next slide, please.

20 So the city's argument that its RHNA
21 allocation will exacerbate jobs/housing imbalance
22 challenges the final RHNA methodology adopted by ABAG
23 and approved by HCD, which falls outside the scope of
24 the appeals process.

25 HCD has the authority to determine if the RHNA

1 methodology furthers the statutory objectives, and HCD
2 found that ABAG's methodology does further the
3 objectives.

4 Housing element law requires the RHNA
5 methodology to improve the intra-regional relationship
6 between jobs and housing, not the jobs/housing balance
7 in any particular jurisdiction. The RHNA methodology
8 allocates nearly half of the region's RHNA using factors
9 related to job proximity. These job proximity factors
10 measure job access based on commute sheds to better
11 capture the lived experience of residents accessing jobs
12 outside of their jurisdiction's boundaries.

13 Next slide, please.

14 The city's argument that the methodology does
15 not further the RHNA objectives to promote efficient
16 development patterns, again, challenges the final RHNA
17 methodology which falls outside the scope of the appeals
18 process.

19 In its determination that ABAG's methodology
20 furthers the RHNA's objective, HCD noted that
21 jurisdictions with the lowest VMT received more RHNA
22 than those with the highest CMG and that ABAG's
23 methodology allocates RHNA units to jurisdictions with
24 more jobs.

25 In addition, the final blueprint does identify

1 high resource area for Clayton as shown in green on the
2 map. High resource areas are growth geographies in the
3 final blueprint.

4 The high resource areas used in the plan are
5 based on areas identified in the state's opportunity map
6 that also meet a transit service threshold. For Clayton
7 this designation is based on the service frequencies on
8 County Connect Route 10.

9 Next slide, please.

10 The city cites information from the housing
11 element site selection tool developed by ABAG to argue
12 that it does not have sufficient land available to
13 accommodate its RHNA.

14 Importantly, the HESS tool was not used to
15 develop the RHNA allocation, and as was communicated to
16 local jurisdiction staff, the tool is still under
17 development.

18 The RHNA methodology considers the development
19 constraints named in this appeal by incorporating data
20 from the Plan Bay Area 2050 final blueprint in the
21 baseline allocation.

22 In developing the final blueprints, ABAG and
23 MTC staff worked with local governments to gather
24 information about local plans, zoning, and physical
25 characteristics that might affect development.

1 A strength of the land use model used for the
2 final blueprint forecast is it assesses feasibility,
3 including the higher costs of building on parcels with
4 physical constraints.

5 Although staff understands Clayton's concerns
6 about natural hazards, with only a small exception,
7 housing element law does not identify areas at risk from
8 natural hazards as a constraint to housing.

9 Importantly, as HCD notes in its comment
10 letter on submitted appeals, housing element law states
11 that ABAG may not limit its consideration of suitable
12 housing sites to existing zoning and land use
13 restrictions and must consider the potential for
14 increased development under alternative zoning and land
15 use restrictions.

16 In simple terms, this means housing planning
17 cannot be limited to vacant land. And even communities
18 that view themselves as built out or other limited due
19 to other natural constraints, such as fire and flood
20 risk areas, must plan for housing through means such as
21 rezoning commercial areas as mixed-use areas and
22 upzoning non-vacant land.

23 Clayton does not provide evidence that it is
24 unable to consider these strategies to accommodate its
25 RHNA.

1 Next slide, please.

2 Staff understands Clayton's concerns about the
3 drought that's currently being experienced by the Bay
4 Area; however, housing element law defines water supply
5 constraints as those that preclude the jurisdiction from
6 providing necessary infrastructure for development
7 during their RHNA period.

8 The arguments put forth by Clayton do not meet
9 the requirements for a valid RHNA appeal. Although
10 Clayton indicates that its draft allocation exceeds the
11 population growth assumptions in its water service
12 provider's urban water management plan --

13 CLERK OF THE BOARD: One minute.

14 MS. ADAMS: -- the city has not demonstrated
15 it's precluded from meeting its RHNA allocation.

16 Next slide, please.

17 The staff recommends that the committee deny
18 appeal by the City of Clayton.

19 PRESIDENT ARREGUIN: Thank you very much,
20 Ms. Adams.

21 We would like to give the City of Clayton an
22 opportunity to respond to the staff presentation if it
23 so chooses.

24 MS. SCHWARTZ: Thank you. Just a couple of
25 comments. I appreciate the staff's work on this.

1 I think one of the challenges for all of this
2 is the series of competing objectives that we have to
3 both meet housing, keep our residents safe, promote
4 environmentally sustainable policies, et cetera. And I
5 think the struggle is, for Clayton, does that make sense
6 at RHNA allocation of 570, do we really make the best
7 tradeoffs across those.

8 We -- I just want to reiterate the idea of
9 having better utilization of vacant land or reuse of
10 commercial land, et cetera, Clayton has no industrial
11 land. It has very little commercial land. There isn't
12 a lot of opportunity, as there is in some communities,
13 to reuse that land for housing development. So that is
14 something that, unfortunately, we don't have the
15 opportunity to do.

16 And as well, you know, we will certainly be
17 considering additional density, but we do have to trade
18 that off against what I think are reasonably significant
19 threats due to land movement.

20 With that, thank you very much.

21 PRESIDENT ARREGUIN: Thank you very much. So
22 I'd like to open it up for initial questions from
23 members of the administrative committee for either the
24 appellant or staff. Mayor Hudson?

25 MAYOR HUDSON: For clarification, if I can,

1 staff, Issue Number 1, I believe is Page 3, the fourth
2 bullet under ABAG MTC staff response -- and this may
3 help as we go further into the appeals.

4 It reads:

5 "Housing element law requires RHNA
6 methodology to improve intra-regional
7 relationship between jobs and housing, not
8 jobs/housing balance in a particular
9 jurisdiction."

10 I'm trying to envision what you're looking for
11 here. Would this be something like Clayton's proximity
12 to jobs in Walnut Creek and Clayton, or is this the
13 region is the Bay Area and how they fit into the whole
14 scope of things throughout -- what the heck is
15 intra-regional relationship and they have -- what are
16 you looking for there?

17 Gillian is laughing at me, so what are you
18 looking at there, Gillian? I'll stick it on you.

19 MS. ADAMS: I would say what the statute is
20 talking about is the region as a whole, right, and so --

21 MAYOR HUDSON: Bay Area?

22 MS. ADAMS: Bay Area. Have we improved the
23 jobs/housing balance within the region as a whole. I
24 guess our point what we did in the RHNA methodology
25 itself is we did look at, not by jurisdiction

1 boundaries, but by, you know, commute shed meaning how
2 far can --

3 MAYOR HUDSON: Walnut Creek --

4 MS. ADAMS: What number of jobs can you access
5 by a 30-minute drive or a 45-minute transit commute.

6 MAYOR HUDSON: Okay. That actually was the
7 question I was asking. The intra-region is, per se, the
8 Concord/Walnut Creek area also then. Thank you.

9 PRESIDENT ARREGUIN: Thank you.

10 Mayor Eklund?

11 MAYOR EKLUND: Thank you. One question for
12 the applicant is, the ABAG response indicated that you
13 did not respond to the survey. Can you please help me
14 understand why you didn't? Especially, I believe, your
15 representative was in a leadership role, and I'm kind of
16 curious as to why.

17 MS. SCHWARTZ: Thank you for that question.
18 Certainly, former councilmember Mayor Pierce was very
19 active in ABAG for a long time. Unfortunately, I wasn't
20 at the city at that time, so I'm not sure why we did not
21 respond to that. I do know that we have a very small
22 staff and that may have been part of it. But other than
23 that, I do not have a clear answer for you, as I was not
24 there at the time. I wish we had, let me just put it
25 that way.

1 MAYOR EKLUND: Thank you very much for your
2 response. No other questions, but I do have comments
3 after a motion is made.

4 PRESIDENT ARREGUIN: Thank you.
5 Mayor Fligor.

6 MAYOR FLIGOR: Thank you. And my question is
7 for staff. I don't know if this is for Gillian or Dave,
8 but it has to do with the natural hazard argument raised
9 by Clayton, that I know other jurisdictions have made
10 the same argument. I want to make sure I'm
11 understanding staff's response and whether or not it's
12 specific to Clayton or if it's across the board.

13 So looking at staff's response to Clayton, is
14 staff saying, even with those identified natural hazard
15 areas, there are other sufficient available land areas
16 to build these units? Or is staff saying that, you
17 know, there are things that Clayton can do to fortify or
18 whatever steps they need to take and can build housing
19 in these areas that they're claiming are natural hazard
20 areas?

21 MR. VAUTIN: I'm happy to provide an initial
22 response, and, Gillian, if you'd like to chime in
23 further, that would be welcome.

24 I think a couple of points on this hazards
25 topics -- so I think, first of all, you know, we

1 acknowledge the Bay Area is a very hazard-rich region.
2 There are hazards. There are wildfires, earthquakes,
3 sea level rise, flooding. We could talk about some
4 others, but almost every inch of the region has some
5 sort of hazard.

6 Of course, within the region and within each
7 jurisdiction, there are areas that are comparably lower
8 and comparably higher hazards locations. So as
9 jurisdictions are developing their housing elements,
10 that is a key layer that needs to be considered in terms
11 of site selection. Ultimately that site selection is a
12 jurisdiction-specific responsibility.

13 Now, the other thing I think we would like to
14 bring up is risk and hazard are actually different
15 concepts, right? So there are hazards that exist, but
16 we can work to mitigate risks through specific policies
17 and strategies. We've incorporated strategies into Plan
18 Bay Area 2050 to acknowledge those hazards and reduce
19 the risks. And it's incumbent on the local
20 jurisdictions as weighing those tradeoffs, for specific
21 sites, to be thinking about the sort of strategies and
22 policies on the local level that can reduce those risks
23 depending on what sites are selected.

24 Gillian, did you want to add anything to that
25 context?

1 MS. ADAMS: Yeah, thank you. I think I would
2 say that it is a mix of, as Dave said, you know,
3 choosing -- you know, you might choose as a local
4 jurisdiction your housing element to avoid certain
5 locations, and you might also find that you need to site
6 some housing in those locations and adopt policies to
7 try to mitigate or harden the housing that's built
8 there.

9 I would also say from the RHNA perspective and
10 the RHNA appeals perspective, in particular, you know,
11 housing law does not say that natural hazards are a
12 constraint to housing, so that's part of the perspective
13 that we're bringing to our responses.

14 MAYOR FLIGOR: Thank you.

15 PRESIDENT ARREGUIN: Supervisor Ramos?

16 SUPERVISOR RAMOS: Thank you.

17 Along the same lines as the comments -- the
18 questions of Mayor Fligor, I would just add for purposes
19 of followup and the list that staff is keeping, I know
20 the County of Napa did, in fact, send a letter
21 expressing concern.

22 And I think, to what Mayor Hudson keeps
23 reminding us of, there are two separate issues. There's
24 RHNA allocation and how that methodology was applied to
25 the jurisdiction. Secondly, from that, high-opportunity

1 information, although they informed that RHNA allocation
2 process, that is not before us.

3 I personally have, in fact, raised concerns
4 with how high opportunity areas are not -- do not appear
5 to take into consideration risk and hazards and other
6 factors, but that's a separate conversation. I think
7 that's for staff's list when it comes to the methodology
8 that was adopted by RHNA and the question before us, in
9 fact, is based on that approved methodology, was it
10 applied correctly, and whether any of these issues
11 raised on appeal are valid points.

12 So I have just -- I want to separate that out
13 for purposes of this. It seems like we keep on
14 returning to the same subject.

15 PRESIDENT ARREGUIN: Okay. Thank you.

16 As we discussed, we will go to Mayor Romero,
17 but before I go to Mayor Romero, as we discussed, after
18 this sort of initial round of questions, we're going to
19 take our lunch break, and then we'll come back and do
20 public comment for the Clayton.

21 MAYOR ROMERO: That was precisely why I put up
22 my hand. I was going to make a motion, but not until
23 after lunch. So that's fine. We need to take public
24 comment.

25 Ms. Kane?

1 MS. KANE: Yes, I was going to say, through
2 the Chair, if there is any member of the public who is
3 currently here that wants to comment, it may be a better
4 use of their time to let them do that.

5 PRESIDENT ARREGUIN: Sure.

6 MS. KANE: As long as we make sure we check in
7 after lunch as well.

8 PRESIDENT ARREGUIN: That's an excellent
9 suggestion. So I'll ask are there any members of the
10 public at this time that wish to comment on the City of
11 Clayton's RHNA appeal. If so, please raise your hand if
12 you're on the Zoom platform, or press *9 if you're
13 phoning in. Are there any public comments at this time
14 on the City of Clayton's appeal?

15 I don't see any raised hands, so, with that,
16 we can break for lunch. I would suggest a 30-minute
17 lunch break.

18 MAYOR HUDSON: Can we make it 45? I'd like to
19 go home and change, Jesse. I came in --

20 MAYOR ROMERO: I second the motion.

21 PRESIDENT ARREGUIN: We'll do 45.

22 MAYOR HUDSON: Thank you.

23 PRESIDENT ARREGUIN: So we'll be back in 45
24 minutes, at which time we can finish the Clayton appeal,
25 and move on to the rest of the appeals. So thank you,

1 all.

2 MAYOR ROMERO: Thank you, Mr. Chair.

3 (The proceedings adjourned at 11:29 a.m.
4 for the lunch recess.)

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1 AFTERNOON SESSION

2 WEDNESDAY, SEPTEMBER 24, 2021; 12:15 P.M.

3 PRESIDENT ARREGUIN: Okay. The 45-minute
4 break has elapsed and the ABAG administrative committee
5 is now back in session. And before we went on our lunch
6 break we had heard from the City of Clayton, as well as
7 the staff response, and had some initial discussion, and
8 so we'd now like to turn to public comment on the RHNA
9 appeal for the City of Clayton.

10 If any member of the public would like to
11 speak on the RHNA appeal for the City of Clayton, please
12 raise your hand if you are on the Zoom platform or press
13 *9 if you are phoning in.

14 Once again, is there any public testimony on
15 the RHNA appeal for the City of Clayton? I see we have
16 one raised hand. Joshua Han, you have two minutes.

17 MR. HAN: So I know we are in the middle of
18 talking about Clayton right now, but I did want to
19 acknowledge an error I made in my earlier public comment
20 on Dublin.

21 As Mayor Dave Hudson pointed out, I did get it
22 completely backwards. I'm sorry about that. But I do
23 want to say I agree with all the reasons staff pointed
24 out for denying the appeal. Thank you.

25 PRESIDENT ARREGUIN: Okay. Is there any other

1 public comments on the RHNA appeal for the City of
2 Clayton? If so, please raise your hand or press *9.

3 Mr. Castro, I don't see any additional raised
4 hands.

5 CLERK OF THE BOARD: No raised hands for the
6 public, and no written comments were received.

7 PRESIDENT ARREGUIN: Okay. Thank you. So
8 that completes public comment. It's now in order for
9 the committee to discuss and potentially take action on
10 the appeal, and note we will be taking a preliminary
11 action, as final action will occur at the close of the
12 public hearing.

13 Okay. Mayor Eklund.

14 MAYOR EKLUND: Thank you. I would like to
15 move preliminary approval to support staff's
16 recommendation to deny the appeal.

17 CLERK OF THE BOARD: Okay. Move by Mayor
18 Eklund to take a preliminary action to deny the appeal
19 for the City of Clayton. Is there a second? I will
20 second the motion.

21 MAYOR EKLUND: And I have comments as well.

22 PRESIDENT ARREGUIN: You're recognized, Mayor
23 Eklund.

24 MAYOR EKLUND: Thank you very much,
25 Mr. Arreguin and president.

1 First of all, we already talked about the
2 local survey, and so I think that's on the list.

3 I think that the other issue that we need to
4 put on the list, because it is applicable to other
5 applicants as well that we have not yet necessarily
6 heard from, is that natural hazards -- not only for just
7 all natural hazards, I think that we need to have a
8 discussion with the HCD and/or the legislature that
9 somehow we need to factor in natural hazards in figuring
10 out the statewide regional housing needs allocation and
11 distribution, not only for fire, and I would say very
12 high fire risk, as well as a high fire risk, which we'll
13 talk about a little bit later, but also other hazards
14 like hillsides and stuff like that. But I think that
15 that needs to be included in the factors that Council of
16 Governments can factor into as we develop the
17 methodologies. And I think that needs to be on the list
18 big time. Because we do have natural hazards, you know,
19 sea level rise and all that other kind of stuff that
20 we're talking about that really needs to be factored in
21 in a thoughtful manner, but it needs to be -- we need to
22 have legislation that allows for that, I believe, or HCD
23 can do it. I'm not sure HCD has the authority or not.

24 So that's the one comment I wanted to add to
25 the list, President Arreguin, and, hopefully, we'll get

1 support to do that as well.

2 Thank you.

3 PRESIDENT ARREGUIN: Thank you.

4 Any other questions or comments from members
5 of the ABAG administrative committee on the motion? If
6 so, please raise your hand.

7 Okay. Seeing no additional comments, the
8 motion is to take a preliminary action to deny the RHNA
9 appeal from the City of Clayton. Once again, unless
10 there's any further discussion, I'll ask the clerk to
11 please call the roll.

12 CLERK OF THE BOARD: Motion was by Eklund,
13 second by Arreguin.

14 On the motion, Mayor Arreguin?

15 PRESIDENT ARREGUIN: Yes.

16 CLERK OF THE BOARD: Mayor Eklund?

17 MAYOR EKLUND: Aye.

18 CLERK OF THE BOARD: Mayor Fligor?

19 MAYOR FLIGOR: Yes.

20 CLERK OF THE BOARD: Mayor Hudson?

21 MAYOR HUDSON: Yes.

22 CLERK OF THE BOARD: Supervisor Lee?

23 SUPERVISOR LEE: Yes.

24 CLERK OF THE BOARD: Supervisor Mandelman?

25 SUPERVISOR MANDELMAN: Yes.

1 CLERK OF THE BOARD: Supervisor Mitchoff?
2 SUPERVISOR MITCHOFF: Yes.
3 CLERK OF THE BOARD: Councilmember Peralez is
4 absent.
5 Supervisor Rabbit is the absent.
6 Supervisor Ramos?
7 SUPERVISOR RAMOS: Yes.
8 CLERK OF THE BOARD: Mayor Romero? I'm sorry,
9 there's -- he said that he was on the call. I'm sorry.
10 I need to transfer him.
11 PRESIDENT ARREGUIN: Is he the 650?
12 CLERK OF THE BOARD: I believe --
13 PRESIDENT ARREGUIN: Carlos, is that you,
14 650-283-2852?
15 MAYOR ROMERO: Yes. I vote yes.
16 CLERK OF THE BOARD: Your vote, please, Mayor
17 Romero?
18 MAYOR ROMERO: Yes.
19 CLERK OF THE BOARD: Thank you.
20 Mayor Wilson is absent.
21 Motion passes unanimously with all members
22 present.
23 PRESIDENT ARREGUIN: Thank you.
24 I want to thank the City of Clayton for your
25 very thoughtful presentation and appeal. We acknowledge

1 this is challenging for every jurisdiction in the Bay
2 Area.

3 I just want to emphasize the resources that
4 ABAG has and will continue to provide local government
5 jurisdictions as we work to implement our housing
6 elements. I agree with many of the comments that were
7 made. We've really got to look very carefully at
8 natural hazards, particularly as we -- well, not only as
9 housing developments are developed, but in the next
10 cycle, particularly given the impacts of climate change,
11 which are even more catastrophic now more than ever.

12 You know, we are here to support local
13 governments as we're doing the work of updating our
14 housing elements and provide the resources so that we
15 can help build affordable housing and provide the
16 infrastructure needed. I want to thank you very much
17 for your presentation.

18 With that, we'll proceed to Item E, the report
19 on the reasonable housing needs allocation appeal for
20 the Town of Danville. And this is a preliminary action
21 item.

22 And first we'll hear from the Town of Danville
23 regarding their appeal. They'll have five minutes to
24 present.

25 And may I ask who will be presenting on behalf

1 of the Town on Danville?

2 MAYOR MORGAN: That would be myself and our
3 assistant town manager, Tai Williams.

4 Renee Morgan here.

5 PRESIDENT ARREGUIN: Thank you.

6 MAYOR MORGAN: Thank you. Well, I hope
7 everybody had a wonderful lunch, and good afternoon.
8 I'm Danville's mayor, Renee Morgan. And on behalf of
9 our community and town council, I would like to thank
10 the administrative committee for your time and the
11 opportunity to hear the town's appeal.

12 Tai Williams, our assistant town manager, will
13 present the appeal. Upon completion of her
14 presentation, Tai and our housing team are available for
15 any questions.

16 Once again, thank you, and I will now turn it
17 over to Tai.

18 MS. WILLIAMS: Thank you, Mayor, and thank you
19 committee for your time in hearing our appeal this
20 afternoon.

21 It really centers on three points we've shown
22 on the slide, the first of which we believe there's been
23 a modeling error. The second is that the process of
24 allocating RHNA may not have taken into consideration a
25 number of local planning factors that has regional

1 impacts. And last, but not least, we believe there's a
2 significant and unforeseen circumstance that merits
3 consideration.

4 Next slide, please.

5 To the first point, we know that the model
6 sends much of the RHNA allocation to the four growth
7 geographies that are shown on the slide, one of which is
8 a locally-nominated priority development area, or PDA.
9 Conceptually, it makes complete sense.

10 The challenge for Danville, unfortunately, is
11 we actually don't have a locally-adopted PDA, and I
12 think that the confusion arises from the fact about a
13 decade ago, we did, in fact, initiate the process of
14 trying to form one, but we had to pause that for a
15 number of reasons.

16 And for many years our little geography in
17 there shows that we have a potential PDA, and it wasn't
18 really until recently, until the end of this entire RHNA
19 process, that we thought to really zoom in on this
20 map --

21 And if you could get to the next slide,
22 please.

23 -- that we know our geography is no longer a
24 potential, but shown as an actual PDA.

25 So confusion aside, I think the fact remains

1 that Danville has never taken step two of a two-step
2 mandatory process to adopt a locally-mandated PDA. And,
3 consequently, if the model is sending growth to a growth
4 geography that does not exist, we ask that the committee
5 consider that as a merit basis for our appeal.

6 Next slide, please.

7 To the second point, the town believes that
8 the RHNA allocation process failed to consider local
9 planning factors that have regional implications.
10 Locally, you can see on the slide that Danville
11 jobs/housing balance ratio is falling behind those of
12 the county and far behind those of the entire region and
13 definitely below that of the ideal 1.5 ratio advocated
14 by the homebuilders association.

15 But, more importantly and cumulatively --

16 Next slide, please.

17 -- we believe that assigning high RHNA
18 allocation units to suburban edges of our metropolitan
19 region would only exacerbate, not reduce, the long
20 commutes that are shown on the red thin lines to the
21 major job centers illustrated by the bright yellow.

22 Next slide, please.

23 Those job centers are locations where we know,
24 because ABAG has shared it with us in prior years, that
25 we have an existing gap between jobs and housing

1 production.

2 And so this underscores the points and the
3 concerns raised by earlier speakers, and we would
4 completely support that, that, you know, much of this
5 allocation process works against some of the other
6 statutory mandates and objectives that we have, as
7 stewards of our communities and lands, to ensure there
8 are certain environmental protections.

9 Last slide, please.

10 Lastly, while it's not unique to Danville, we
11 do feel it's important to ask the question about whether
12 or not our water service providers is able to serve the
13 tremendously --

14 CLERK OF THE BOARD: One minute.

15 MS. WILLIAMS: -- extraordinary new growth
16 that's been assigned to us, cumulatively and
17 collectively by our state.

18 We would like to conclude our presentation by
19 recognizing that the committee's task is, by no stretch,
20 an easy one, and that there is indeed a need for more
21 housing. Danville acknowledges that. But we advance
22 the notion that the magnitude of the units assigned to
23 communities at the urban fringe and underserved by
24 transit may not serve our other high priority objectives
25 for both the region and the state.

1 And with that, I'll conclude my presentation.

2 And, as a team, we are happy to answer any questions you
3 might have.

4 PRESIDENT ARREGUIN: Thank you so very much.
5 There will be an opportunity to respond to the staff
6 presentation shortly.

7 I would like to ask MTC ABAG staff if they can
8 present their response to the city -- to the Town of
9 Danville's appeal.

10 MR. KAPLAN: Good afternoon, everyone.

11 Next slide, please.

12 The Town of Danville is requesting reduction
13 of between 1,441 to 1,641 units, which represents a
14 reduction of 64 to 73 percent from their draft
15 allocation, and staff's recommendation is to deny the
16 appeal.

17 Next slide, please.

18 So as you just heard, the town argues that the
19 Plan Bay Area 2050 final blueprint incorrectly includes
20 a priority development area, or PDA in Danville.
21 However, Danville formally authorized this PDA in 2012
22 by passing an official resolution. ABAG staff
23 recommended the PDA for approval to the ABAG executive
24 board at its March 2012 meeting, pending information
25 regarding transit service improvements.

1 None of Danville's staff and the County
2 Connection transit agency subsequently provided the
3 required information, resulting in the formal inclusion
4 of the PDA in Plan Bay Area 2013, and this PDA has been
5 included in all previous regional plans in addition to
6 Plan Bay Area 2050.

7 Importantly, a potential PDA just means the
8 local jurisdiction itself has not yet done the planning
9 for that area, but it's still an official growth
10 geography in terms of our regional plans.

11 Danville provides no documentation of a
12 request to ABAG to remove the PDA. Over the course of
13 our region plans, other jurisdictions have made such
14 requests to remove PDAs, but ABAG has never received one
15 from Danville. Therefore, the Plan Bay Area 2050
16 blueprint correctly includes the downtown Danville PDA
17 as a growth geography.

18 Next slide, please.

19 Danville also argues that ABAG failed to
20 consider Danville's existing projected jobs and housing
21 relationship. However, the RHNA methodology uses data
22 about each jurisdiction's jobs/housing relationship by
23 incorporating the Plan Bay Area 2050 final blueprint as
24 the baseline allocation.

25 Additionally, the methodology allocates nearly

1 half of the region's RHNA using factors related to job
2 proximity, and these job proximity factors measure job
3 access based on commute shed which better captures the
4 lived experience of folks in this region, many of them
5 access jobs outside of their jurisdiction boundaries.

6 Danville also claims the RHNA methodology does
7 not consider the availability of land suitable for
8 housing, but, as stated earlier, the final blueprint
9 includes information from local governments about local
10 plans, zoning, and physical characteristics that might
11 affect development.

12 Importantly, statute forbids ABAG from
13 limiting consideration of suitable housing sites to a
14 jurisdiction's existing zoning and land use
15 restrictions.

16 In its appeal Danville does not provide
17 evidence it is unable to consider underutilization of
18 existing sites, increased densities, and other planning
19 tools to accommodate its assigned housing needs.

20 And, lastly, Danville states that the ABAG
21 failed to consider the Plan Bay Area 2050 growth
22 distribution and opportunities to maximize transit use,
23 but the RHNA methodology considers these factors
24 directly by incorporating the forecasted development
25 pattern from the Plan Bay Area 2050 final blueprint as

1 the baseline allocation.

2 Next slide, please.

3 Danville argues the RHNA methodology does not
4 further the statutory objectives related to efficient
5 development patterns and greenhouse gas reduction, and
6 Danville also claims the RHNA methodology does not
7 affirmatively further housing, but, as we discussed
8 earlier today, this argument challenges the final RHNA
9 methodology that has been adopted by ABAG and approved
10 by HCD, and challenging the RHNA methodology itself
11 falls outside of the scope of the appeals process. HCD
12 has the authority to determine if the RHNA
13 methodology --

14 CLERK OF THE BOARD: One minute.

15 MR. KAPLAN: -- objectives, and HCD found that
16 ABAG's methodology does further the objectives.

17 Next slide, please.

18 Danville also argues the current job
19 represents a significant and unforeseen circumstance
20 meriting revision of its RHNA, but as we've also
21 discussed today, statute defines water supply
22 constraints as those that preclude the jurisdiction from
23 providing necessary infrastructure for development
24 during the RHNA period.

25 While staff very much understands concerns

1 about the current drought, these arguments do meet the
2 requirements for a valid RHNA appeal.

3 Next slide, please.

4 Danville also cites several concerns about the
5 draft RHNA allocation and its appeal and it explicitly
6 notes the arguments are not a valid basis for an appeal.
7 We've addressed these arguments in detail in our written
8 response, but there's not really time to go over them in
9 this presentation.

10 Next slide, please.

11 So staff recommends that the committee deny
12 Danville's appeal. Thank you.

13 PRESIDENT ARREGUIN: Okay. Thank you.

14 Now I'd like to give the town of Danville an
15 opportunity to respond to the staff presentation, if you
16 so choose.

17 MS. WILLIAMS: Thank you, Mayor. I think the
18 only thing we would like to clarify is certainly the
19 confusion with regard to the process with regard to
20 PDAs. It is pretty clear to us that, in order to create
21 a locally nominated PDA, we needed to have completed a
22 two-step process. I believe it's still on the ABAG
23 website.

24 And so to the point that was made earlier, if
25 we didn't complete step number 2, we were under the

1 impression we needed to take the extra step to formally
2 withdraw.

3 PRESIDENT ARREGUIN: Okay. Thank you.

4 Would the mayor or any other representatives
5 from the Town of Danville like to offer any additional
6 comments?

7 MAYOR MORGAN: I'm not seeing -- I don't have
8 any. I think we pretty much well represented that as
9 well.

10 David, did you have any other additional
11 comments you'd like to make? And/or Joe? Okay. Tai?

12 PRESIDENT ARREGUIN: Okay. Well, thank you
13 very much.

14 So, Mayor Eklund, before I go to you, I'm
15 going to open up for public comment if that's
16 appropriate.

17 So that completes the presentation. We'll now
18 open public comment on the RHNA appeal from the Town of
19 Danville. If you wish to speak on the appeal, please
20 raise your hand if you're on the Zoom platform, or press
21 *9 if you are phoning into our meeting.

22 Once again, I'll ask is there any public
23 comment on the RHNA appeal from the Town of Danville.
24 If so please raise your hand or press *9.

25 I don't see any raised hands, Mr. Castro.

1 CLERK OF THE BOARD: No raised hands. No
2 written comments were submitted for this item. There
3 were public comments --

4 PRESIDENT ARREGUIN: Yes.

5 CLERK OF THE BOARD: -- submitted after the
6 public period, and those were posted online and emailed
7 to committee members.

8 PRESIDENT ARREGUIN: Yes, thank you. So that
9 completes public comment. So it's now in order for the
10 committee to discuss and take a preliminary action, and
11 I'll go first to Mayor Eklund.

12 MAYOR EKLUND: Thank you very much, President
13 Arreguin.

14 My question is to staff. So since the PDA was
15 approved in, I guess, 2013, since then, though, has
16 there been -- have we ever sent a letter to those cities
17 that have not done the, quote, second step to find out
18 if they're still supportive of that PDA? Because I can
19 imagine from 2013 to 2020 -- you know, that's seven
20 years, and so you're going to have changes in staff,
21 you're going to have changes in the elected officials.
22 And so a lot of times those kinds of things are lost.

23 So has ABAG or -- has ABAG actually sent a
24 letter to Danville in this particular case asking them
25 if they want to continue with the PDA for this 2050 Plan

1 Bay Area?

2 MR. VAUTIN: I'm happy to take this question.

3 I can't recall of a specific letter where we
4 explicitly go and ask jurisdictions citizens do you want
5 to keep a PDA. However, we have, through our processes,
6 analyzed all the PDAs, looked at and surveyed
7 jurisdictions about whether they've completed the
8 required planning work.

9 I want to underscore that the requirement to
10 do a plan is not a prerequisite to establish the PDA,
11 but it is something that, once the PDA is established,
12 that in the years ahead, a jurisdiction is expected to
13 complete that local plan.

14 As part of the Plan Bay Area 2050 process, we
15 identified a small -- you know, a relatively small
16 minority of all PDAs that still lack those sorts of
17 local plans. And in final Plan Bay Area 2050's
18 implementation plan, there's a specific implementation
19 action to get all those PDAs with a local plan by 2025.

20 And, in fact, the recent funding for -- you
21 know, the various housing technical assistant funding is
22 helping to close that gap and fund many of the remaining
23 PDA plans in the region.

24 Ultimately, it's a jurisdiction's
25 responsibility if they want to request that a PDA is

1 removed to contact us. It is something that was
2 approved by the board, this specific PDA, and it's been
3 included in maps, as was mentioned, for every single
4 Plan Bay Area iteration, multiple iterations of the
5 draft of the plan, and the growth geographies have been
6 adopted for this plan by the board, I believe, three
7 times now.

8 MAYOR EKLUND: I guess I have a comment back
9 on that. Jesse, did you want me to wait until the
10 comment period on that? I'll wait.

11 PRESIDENT ARREGUIN: No, please proceed.

12 MAYOR EKLUND: Dave, I think that there may be
13 some value to having ABAG MTC staff do maybe an intern
14 for a few months with local government, because I have
15 to tell you that local governments just do not have
16 enough staff to keep on top of regional plans like this,
17 especially when you have, you know, potential staff
18 changes, elected official changes, and there's a lot of
19 movement especially now due to COVID. A lot of elected
20 officials are resigning and so -- same with appointed
21 staff.

22 So I really think it's unfortunate that the
23 ABAG -- we didn't ask -- I know this was a question that
24 I had been asking at the regional planning committee for
25 a long time, is that, you know, how do we communicate

1 and validate that that jurisdiction still wants to
2 proceed with that. So I think that this may have been a
3 missed opportunity, and maybe it's a fault probably of
4 both ABAG MTC as well as Danville.

5 But, anyway, I just -- I will have more
6 comments on this and suggestions for us to put on that
7 list. But it's really unfortunate, because, obviously,
8 2013 to 2020, I mean, that's a lot of years. So we had
9 lots of opportunity, but so did Danville, too.

10 Thanks.

11 PRESIDENT ARREGUIN: Thank you.

12 Mayor Hudson.

13 MAYOR HUDSON: I think you might want to
14 clarify something. I don't think Tai Williams is going
15 to get speak again.

16 One of the things that I want to bring to
17 everybody's attention, the appeal by the Town of
18 Danville is not to reduce the RHNA allocation by 1,441
19 1,641 units. It's somewhere between 1,441 and 1,641 to
20 be between 600 and 800. It isn't exactly clear there.
21 I don't think it's going to make a difference.

22 Probably the answer to the question that Pat's
23 been asking is, is it really going to make a difference
24 whether or not there is a PDA in Danville to the number
25 they were allotted. And I'm not sure, from what I've

1 been hearing today, that that made a difference, Dave,
2 whether or not the PDA was or wasn't -- was that
3 specifically taken into account when the number was
4 there, and, if it's taken away, it makes a difference?

5 MR. VAUTIN: It's important, Mayor Hudson.
6 That's an excellent question, so let me address it here.

7 So, first of all, the growth geographies are
8 locations where adopted geographies and strategies are
9 applied in those locations in Plan Bay Area 2050. So it
10 does matter what geography is on the map.

11 However, however, the board approved a growth
12 geography definition that said jurisdictions that had
13 identified PDAs in at least 50 percent of their
14 PDA-eligible lands would not have additional
15 transit-rich areas or high-resource areas added to their
16 growth geographies.

17 So for a jurisdiction like Danville, removing
18 the PDA may have triggered the creation of new growth
19 geographies in the similar locations to their downtown
20 Danville PDA.

21 So it's not to say it has no impact, but, in
22 fact, Danville, if Danville in the future ended up
23 removing that PDA for, say, a future iteration of Plan
24 Bay Area, it may lead to new growth geographies being
25 regionally identified in their jurisdiction.

1 PRESIDENT ARREGUIN: Mayor Hudson, do you have
2 any other questions?

3 MAYOR HUDSON: No, I lowered my hand. I got
4 it. Thank you.

5 PRESIDENT ARREGUIN: So I'll ask -- Tai, I'll
6 ask you a question. At this juncture, is there anything
7 else you want to add? I'll give you an opportunity
8 because you wanted to make a comment.

9 MS. WILLIAMS: Thank you, President Arreguin.
10 I think I want to thank the questions that
11 have been asked.

12 I do want to underscore that for a small
13 community with two planners, it is difficult for us to
14 maintain and monitor all maps.

15 I will share with you that any opportunity we
16 have had to come across them, we do try to check them,
17 which is why in my presentation I attempted to
18 characterize that. On occasion we will check it.

19 Specifically, I do want to share that recently
20 the OBAG grants that we have received fall into the
21 category of those that are granted to cities without
22 PDA. So that is one of the many reasons why we believed
23 and were under the impression we do not have a PDA.

24 So all of that confusion aside is a reason why
25 we raised this issue, and we would greatly appreciate a

1 much more open dialogue with our ABAG partners about
2 these regional plans.

3 We -- you know, it ties back to the comments
4 about the surveys earlier. The surveys we realized
5 after the fact are critically important to this process.
6 But when we're trying to divide up how much time we
7 spend -- two planners spend on everything, you know,
8 it's not necessarily something that rises to the top of
9 our priority list.

10 Thank you, though, for the opportunity to
11 augment.

12 PRESIDENT ARREGUIN: Thank you.

13 Mayor Romero?

14 MAYOR ROMERO: A question to staff about the
15 PDA. I believe the report itself does mention that the
16 city did rely on the PDA determination for a previous
17 application, or at least for the submission of a
18 previous application. Is that correct, or am I
19 recalling incorrectly?

20 PRESIDENT ARREGUIN: Who would like to take
21 this one?

22 MR. VAUTIN: I believe Gillian is on mute
23 there, and she's just responding.

24 MS. ADAMS: Sorry.

25 It is our understanding is that the town did

1 receive OBAG funding based on the inclusion of the PDA.
2 However, you know, I don't know the details of the, you
3 know, the specific OBAG funding source or type of
4 funding that they received.

5 PRESIDENT ARREGUIN: Thank you. Colleagues,
6 you know, it's in order for us to take preliminary
7 action. Are there any additional questions, information
8 needed, or is there a motion? Mayor Eklund.

9 MAYOR EKLUND: Mayor Arreguin, President, I
10 think Tai Williams said that she could answer that
11 question about whether they got OBAG funding. I'd sure
12 like to hear from her.

13 PRESIDENT ARREGUIN: Okay. That's a question
14 to Tai.

15 MAYOR EKLUND: Yeah. I'm sorry. It's a
16 question to Tai.

17 MS. WILLIAMS: Thank you. Just to clarify,
18 because I think it's an important point, OBAG funding is
19 divided into two pots. There is a 70 percent pot that
20 cities with a PDA or with projects proximate to a PDA.
21 And then there's a 30 percent pot that are allowed for
22 cities without PDAs or projects not proximate to PDAs to
23 compete for.

24 So we have been able to have the benefit of
25 two OBAG grants, one of which fell into the 30 percent

1 pot, which means we don't have a PDA. The other one,
2 you know -- Mayor Hudson will chuckle at this -- one of
3 our projects was proximate to one of San Ramon's PDAs.

4 So because of that, these are the kinds of
5 things a small city like ours would use to validate
6 whether or not we thought we had a PDA.

7 MAYOR EKLUND: So with that then, I will move
8 that we approve -- make an interim decision to approve
9 staff's recommendation to deny the appeal, and if I get
10 a second, then I'll make some comments as well.

11 MAYOR ROMERO: I second the motion.

12 PRESIDENT ARREGUIN: Seconded by Romero.

13 Mayor Eklund?

14 MAYOR EKLUND: Thank you very much.

15 Obviously, I think very strongly -- I mean, I
16 couldn't agree with the Mayor Renee, as well as Tai.
17 We're a small city. We just do not have the bandwidth
18 at the staff level to keep up with all the regional
19 agencies, and I wish that we could just get one staff
20 person in every single small city just to follow what
21 the regional agencies are doing, but we don't have that
22 capability.

23 So I really think that the regional agencies
24 have to work a little bit harder to reach out to the
25 local agencies and validate -- especially if there

1 hasn't been any particular movement on a specific PDA.

2 And I think that was the case here in Danville.

3 Secondly, I just want to say that I'm very
4 sympathetic to Danville's appeal, and I totally agree
5 with them that upzoning land in built-out communities
6 adds economic value for land owners and yields
7 negligible amount of affordable housing. Unfortunately,
8 that's what state law is doing, whether you look at
9 SB 35, SB 9, 10. It's absolutely ridiculous. I think
10 that's the reason why some of us are actually pursuing a
11 statewide initiative.

12 Third comment is I think ABAG MTC, we really
13 need to get the water agencies together. I have raised
14 this at the general assembly, I believe it was 2013 or
15 2014, that we have carrying capacity, especially for
16 water. So I think we really need to get the water
17 agencies, which are separate in some areas from the
18 cities or land use organizations, we need to get them
19 together and really facilitate a dialogue; do we have a
20 carrying capacity in the region. If so, then how is
21 that going to affect our land use.

22 And I think this is really a significant issue
23 as we have more fire hazards, because what do they use
24 primarily for fighting fires. That's portable water,
25 not necessarily recyclable water. That's one of the

1 improvements we can look at.

2 Unfortunately, also, I think some of the
3 points that are raised in this appeal are really not
4 within our jurisdiction.

5 But, anyway, so I -- as I said before, I
6 didn't support the methodology, and -- but I need to
7 support what the ABAG executive board approved for the
8 methodology, so that's why I'm supporting the appeal.

9 PRESIDENT ARREGUIN: Thank you.

10 Any other questions or comments from
11 administrative committee members?

12 Mayor Hudson.

13 MAYOR HUDSON: Yeah, it's -- you know, we've
14 gone through what, five, six of these things today. As
15 advocates, we could probably build cases for each one of
16 them in whatever direction we want to go.

17 To me what's lost in all this -- and Pat just
18 alluded to it, or I wasn't going to say anything -- is
19 we are going to assign numbers that probably can't be
20 done and definitely can't be done without absolutely
21 changing the character of two cities.

22 I mean, one is called a town, but I mean,
23 there's still two cities, and the reality is they spend
24 their entire lives working towards what they've got, and
25 now we're hitting numbers on them that just -- I don't

1 know. They laughed at -- where Tai was right, she
2 chuckles when I said we shouldn't have to build any, but
3 that's -- if you're not, then who? That's not what we
4 have the opportunity to do today. We can't change the
5 methodology. We can't say where they should go.

6 I'm just as worried, as they go into this pot
7 and start to get reallocated, and you end up with even
8 more than you started out with because it's that high
9 resource stuff, which I'm still not clear on.

10 But the reality is we've got to stick to the
11 chore that's in front of us, which is does this meet the
12 methodology that the ABAG members voted for. And I
13 don't like it, but I'm going to stick to it.

14 PRESIDENT ARREGUIN: Thank you. I'll just
15 also note, you know, the HCD did double the number of
16 units that the Bay Area region has to plan for, and that
17 is also really a critical factor as to why every
18 jurisdiction has to plan for more.

19 My city, we're getting a 102 percent increase,
20 and it's going to be a big impact. There's no question
21 about it. So I'm very sympathetic to the points that
22 you raised and to the impact this is going to have on
23 your community, but we do need to, you know, evaluate
24 this and make a decision on the basis of the methodology
25 that's adopted and on the statute.

1 So, respectfully, I will be supporting staff
2 recommendation, but, once again, I want to reiterate our
3 commitment to working with you as you're doing the work
4 to update your housing elements, and we have, you know,
5 a significant amount of resources that we have
6 available.

7 And we recognize we need to support local
8 government through the transit, housing, and other
9 infrastructure to be able to support the growth that the
10 state is requiring that local jurisdictions have to plan
11 for.

12 So unless there are any other questions or
13 comments, I'll ask the Clerk to please call the roll on
14 the motion, which is to take a preliminary action to
15 deny the appeal from the town of Danville.

16 CLERK OF THE BOARD: The motion was from
17 Eklund, second by Romero.

18 On the motion, Mr. Arreguin?

19 PRESIDENT ARREGUIN: Yes.

20 CLERK OF THE BOARD: Mayor Eklund?

21 MAYOR EKLUND: Aye.

22 CLERK OF THE BOARD: Mayor Fligor?

23 MAYOR FLIGOR: Yes.

24 CLERK OF THE BOARD: Mayor Hudson?

25 MAYOR HUDSON: Yes.

1 CLERK OF THE BOARD: Supervisor Lee?

2 Supervisor Lee is absent.

3 Supervisor Mandelman?

4 SUPERVISOR MANDELMAN: Yes.

5 CLERK OF THE BOARD: Supervisor Mitchoff?

6 SUPERVISOR MITCHOFF: Yes.

7 CLERK OF THE BOARD: Councilmember Peralez is
8 absent.

9 Supervisor Rabbit is absent.

10 Supervisor Ramos?

11 MAYOR ROMERO: Yes.

12 CLERK OF THE BOARD: Mayor Romero?

13 MAYOR ROMERO: Yes.

14 CLERK OF THE BOARD: Mayor Wilson is absent.

15 Motion passes with all members present.

16 SUPERVISOR LEE: This is lee. Yes. Sorry
17 about that.

18 CLERK OF THE BOARD: Nine votes aye.

19 PRESIDENT ARREGUIN: So, Greg Wolff, are you
20 with Danville or -- okay. Greg Wolff is no longer here.

21 Madam Mayor and staff and the City of
22 Danville, thank you very much for coming today and the
23 very thoughtful presentation.

24 And I think it's not an empty statement. We
25 want to reiterate our commitment to work with you

1 because we know it's going to be a big change. So thank
2 you for coming today.

3 MAYOR MORGAN: We very much appreciate it, and
4 thank you for your time. I know you have your hands
5 tied. Thank you, though.

6 PRESIDENT ARREGUIN: Thank you.

7 Okay. We will now proceed to Item F, which is
8 the report on the regional housing needs appeal for the
9 City of Lafayette. And this is a preliminary action
10 item.

11 First, we'll hear from the City of Lafayette,
12 which will have five minutes to present on the appeal.
13 But before we begin, may I ask who will be presenting
14 being on behalf of the City of Lafayette? Greg Wolff?
15 Yes. I see we have Susan Candell as well. Okay.

16 MAYOR CANDELL: I have a question really quick
17 on process.

18 PRESIDENT ARREGUIN: Yes.

19 MAYOR CANDELL: Thank you.

20 We had asked if Greg is presenting, if I can
21 still enter in a two-minute public comment?

22 PRESIDENT ARREGUIN: Yes, you can.

23 MAYOR CANDELL: Is that still okay?

24 PRESIDENT ARREGUIN: Absolutely.

25 MAYOR CANDELL: Super. Thank you.

1 PRESIDENT ARREGUIN: There's also a time for
2 rebuttal after the staff presentation. So if there's
3 anything additionally you would like to add, that
4 affords an opportunity as well.

5 MAYOR CANDELL: Thank you.

6 PRESIDENT ARREGUIN: Gina Dawson, are you with
7 Lafayette as well?

8 MAYOR CANDELL: She is.

9 PRESIDENT ARREGUIN: Thank you.

10 As summarized and as you may have seen with
11 how the other hearings were conducted, the appellant
12 jurisdiction will have five minutes to present, after
13 which time we'll receive a presentation from MTC ABAG
14 staff. Then there will be an opportunity for rebuttal
15 from the appealing jurisdiction.

16 So with that I'd like to turn the floor over
17 to the City of Lafayette to begin their presentation.

18 MR. WOLFF: Thanks very much, and thanks for
19 your attention to the merits of our appeal today.

20 Next slide, please.

21 Representing Lafayette are Mayor Susan
22 Candell, Councilmember Gina Dawson, housing consultant
23 Diana Elrod. And I'm Greg Wolff, the planning and
24 building director.

25 Next slide, please.

1 Lafayette has a long history of supporting
2 housing and our certified housing element and general
3 plan demonstrate this. Of all of the applications
4 submitted to create new housing, in the last 20 years
5 the city has approved 99 percent of those units.

6 Recent project approvals total 644 new units
7 with another 190 which are currently under construction.

8 Next slide, please.

9 This map from Cal Fire shows Lafayette in the
10 greater Bay Area context and illustrates that almost
11 half the city is in a very high fire hazard severity
12 zone.

13 Next slide, please.

14 Forty-six percent of the city is in a very
15 high fire hazard zone as identified by Cal Fire.

16 Next slide, please.

17 You are well aware that only three factors go
18 into the RHNA methodology. In part this is because the
19 baseline for the RHNA allegation is Plan Bay Area 2050,
20 which addressed the housing methodology committee's
21 concerns about the natural hazards by excluding high
22 fire hazard zones and areas of unmitigated sea level
23 rise.

24 Next slide, please.

25 Contra Costa County is shown to grow by

1 12 percent on average.

2 Next slide, please.

3 This slide shows the percentage of each Contra
4 Costa County jurisdiction. Lafayette's allocation
5 increased 28 percent between the preliminary draft, the
6 proposed draft, and the draft allocation in May.

7 Next slide, please.

8 The same information is shown here but as a
9 function of existing population. You can see
10 Lafayette's disproportional increase.

11 Next slide, please.

12 This map from Plan Bay Area 2050 draft
13 blueprint shows Lafayette's prior development area,
14 transit rich areas around the BART station, and a very
15 high fire hard severity zone north of Highway 24.

16 Next slide, please.

17 This map is from the final blueprint and shows
18 the same information, albeit, without the high fire
19 hazard layer turned on, but the text of the map states
20 that the following areas are excluded from the map.
21 Highest and high wildfire risk areas, locally-adopted
22 WUI interface areas.

23 Next slide, please.

24 The draft RHNA allocation plan adopted by the
25 executive board notes on Page 36 that:

1 "The final blueprint growth
2 geographies exclude Cal Fire designated
3 high fire hazard zones and county
4 designated WUIs."

5 It goes on to say that the final blueprint
6 strategies focus future growth away from the highest
7 fire risk zones.

8 And the following two quotes are not on the
9 slide, but I'll read them.

10 "The January 21 executive board
11 meeting transcript reads in part: 'When
12 we're trying to accommodate 1.5 million
13 homes across the region, it's hard to take
14 everything off the table. We've taken off
15 the table large parts of the region that
16 are not growth geographies, we are
17 protecting public buildings, public parks
18 and open spaces. All those things are
19 protected. We took off the table high
20 risk fire areas and the like and any sort
21 of areas that wouldn't be protected from
22 sea level rise."

23 ABAG's response to our appeal, which is your
24 packet today, states that:

25 "Throughout the region it is

1 essentially impossible to avoid all
2 hazards when citing new developments, but
3 jurisdictions can think critically about
4 which areas of the community have the
5 highest hazard risks."

6 And we agree with this. It is clear ABAG did
7 precisely this at a regional scale when it excluded high
8 fire hazard zones from growth geographies. And we
9 respectfully submit that an error was made including
10 public lands which lie within high fire zones, and staff
11 acknowledges this. We ask that the error --

12 CLERK OF THE BOARD: One minute.

13 MR. WOLFF: -- be corrected by reducing
14 Lafayette's allocation by the number of units
15 attributable to public lands that are in high fire
16 hazard zones.

17 The reuse -- I'm sorry. Next slide, please.

18 The reuse of public land strategy and the
19 final growth geographies didn't acknowledge BART parking
20 lots are in a very high fire hazard zone.

21 The final blueprint clearly states that the
22 strategies focus future growth away from the highest
23 fire risk zones, and recent lawsuits filed by the
24 attorney general support this policy, and we believe
25 it's good planning.

1 Next slide, please.

2 Lafayette respectfully requests that units
3 projected on public lands in high fire hazard zones be
4 deducted to align with the policy decisions of the
5 housing methodology committee and the executive board,
6 which based its decisions on the understanding that
7 growth geographies excluded very high fire hazard zones
8 and public lands were located in growth geographies.

9 If it pleases the committee, Lafayette has
10 reviewed ABAG's responses to issues 224. In the
11 interest of time, we're willing to accept ABAG's
12 response, staff's response to those so the discussion
13 can focus on issue number one.

14 PRESIDENT ARREGUIN: Thank you.

15 There will be an opportunity after the staff
16 presentation for rebuttal or any additional comments you
17 would like to add. We'll go to the elected officials
18 when we go to public comment if that's appropriate.

19 I now would like to ask MTC ABAG staff to
20 present their response to the Lafayette appeal.

21 MS. ADAMS: Thank you. Next slide, please.

22 So the City of Lafayette is requesting a
23 reduction of 822 units, which represents a reduction of
24 39 percent from its draft allocation, and staff's
25 recommendation is to deny the appeal.

1 And consistent with what the city just said,
2 I'm happy to just talk about the first issue raised in
3 the jurisdiction in their presentation, and we can skip
4 the others unless there's a request from the committee
5 to continue with those.

6 So next slide, please.

7 Regarding the city's arguments about excluding
8 very high fire hazard severity zones in the Plan Bay
9 Area 2050 public land strategy, with only a small
10 exception, as we noted before, housing element law does
11 not identify areas of risk from natural hazards as a
12 constraint to housing.

13 So as HCD has noted in its comment letter on
14 submitted appeals, housing element law states that ABAG
15 may not limit consideration of suitable housing sites to
16 existing zoning and land use restrictions and must
17 consider the potential for increased development under
18 alternative zoning and land use restrictions.

19 In simple terms, this means housing planning
20 cannot be limited to vacant land and even communities
21 that view themselves as built out or limited due to
22 natural -- excuse me -- other natural constraints, such
23 as fire and flood risk areas must plan for housing
24 through means such as rezoning commercial areas as mixed
25 use areas and upzoning non-vacant land.

1 As noted previously, given the variety of
2 natural hazard risks the Bay Area faces, it's not
3 possible to address a region's housing needs and avoid
4 planning for new homes in all places at risk.

5 The city has the authority to plan for housing
6 in places with lower risk in its housing elements.

7 The final blueprint growth geographies exclude
8 very high fire hazard severity zones, but the public
9 land strategy that was adopted by the ABAG board in
10 September of 2020 is not constrained by the same
11 criteria.

12 The BART station parking lots and other public
13 lands within very high fire hazard severity zones are
14 not excluded from the public land strategy as these
15 sites represent some of the region's most critical
16 locations for walkable, transit-oriented development.

17 Lafayette has not provided evidence that it is
18 unable to consider unutilized land, opportunities for
19 infill development, increased residential densities and
20 other planning tools to accommodate its RNHA.

21 And with that I'll conclude the presentation.

22 PRESIDENT ARREGUIN: Thank you very much,
23 Ms. Adams.

24 Mr. Wolff, or any staff from Lafayette, you
25 have the opportunity to offer comments in response to

1 the staff presentation if you so choose.

2 MR. WOLFF: What we heard was that it is not
3 the statutory requirement to consider natural hazards
4 which we agree with. There's very little natural
5 hazard -- I think it's only a flood zone, and ABAG staff
6 could advise further. But it is not a requirement to
7 consider those.

8 However, as a policy matter and good planning,
9 the housing methodology committee and executive board
10 clearly did so, clearly looked at natural hazards and
11 excluded, by means of growth geographies and mapping,
12 high fire hazard and areas of unmitigated sea level
13 rise. It's clearly a policy decision within your
14 purview.

15 And it's our understanding -- our research
16 finds no evidence in the record that there was an
17 affirmative discussion decision made to include public
18 lands in very high fire hazard zones in Strategy 8. All
19 the evidence is to the contrary that stated -- all the
20 documents, maps stated that public lands were in growth
21 geographies, and growth geographies included very high
22 fire hazard zones. So the information the executive
23 board had as its hands when it made the decision on the
24 RHNA allocation supports our claim.

25 PRESIDENT ARREGUIN: Thank you. Unless

1 there's anything else you would like to add, we can
2 proceed to public comment.

3 I'd like to first recognize Mayor Susan
4 Candell from the City of Lafayette.

5 MAYOR CANDELL: Hello. I'm Susan Candell, the
6 Mayor of Lafayette.

7 You heard the facts about how we pointed out
8 the high fire hazard security zones was not present over
9 our growth geography when Strategy 8 was added last
10 winter. However, every word and every meeting and every
11 printed word from staff reports, as well as your own
12 staff's very strong statement in January, after public
13 lands were included about how very high fire hazard
14 severity zones were removed from every strategy
15 indicates that these lands should be excluded.

16 But more importantly, this errata in
17 September, just a few weeks ago, indicates a significant
18 policy change as our errata was so completely different
19 than the other ministerial inputs for the rest of the
20 errata.

21 To say that public lands are somehow okay to
22 be in very high fire hazard zones, as compared to
23 private lands, is counter to every direction we are
24 hearing from our planners and even our state
25 legislature.

1 We all know there is no difference in terms of
2 safety in comparing public to private lands. So I would
3 charge that this body, or at least the ABAG exec
4 committee, or at least, the very least, would have had
5 to vote on such significant policy change. Excuse me?

6 PRESIDENT ARREGUIN: I muted the person.
7 Sorry.

8 MAYOR CANDELL: Thank you.

9 For transparency, you may be not statutorily
10 required to eliminate land in very high fire hazard
11 severity zones, but use of the body has been consistent
12 in every manner of use to support that policy to
13 eliminate these lands. And this effort to simply
14 eliminate words "within growth geographies," two weeks
15 ago, via an errata document, is unacceptable on so many
16 levels for ABAG, due to government's end policy
17 implications.

18 So I respectfully urge you as a board to
19 simply fix the error and return the 822 units that are
20 in the mistakenly included lands.

21 Thank you so much.

22 PRESIDENT ARREGUIN: Thank you very much.
23 We'll now go to Lafayette Councilmember Gina Dawson.

24 COUNCILMEMBER DAWSON: Hello. Thank you.

25 Following up on Mayor Candell's point is an

1 important one I would like to make.

2 The strategy for development on public lands
3 is focused on adding affordable housing units. So the
4 population of families and individuals in the low to
5 moderate income level range that this housing is
6 targeted for may bear disproportionate risk to their
7 safety with high density building in this high fire
8 hazard zone.

9 So not only is this property, this parcel, in
10 the high fire hazard zone, but the location affords a
11 single ingress and egress, which also further
12 exacerbates their safety in terms of evacuation route,
13 as well as the existing neighborhoods that also need to
14 use this evaluation route in case of fire or other
15 significant emergency.

16 Lafayette, as historically proven, supports
17 building affordable housing, and we will continue to
18 work to include this focus on housing inventory in our
19 priority development area. However, per our sound
20 planning and public safety planning, housing planning
21 and public safety planning, and the current legislative
22 environment regarding wildfire protections for
23 communities, we respectfully ask for reduction of units
24 in proportion to the accelerated allocation relative to
25 public lands development in Lafayette since this

1 particular parcel lies within the fire hazard zones.
2 And poses additional risk to that density, that
3 population.

4 Thank you.

5 PRESIDENT ARREGUIN: Thank you. We'll go now
6 to the next speaker, Scott O'Neill.

7 MR. O'NEILL: Hi. Thank you. My name is
8 Scott O'Neill. I grew up in Lafayette.

9 I wanted to say staff's reports today have
10 been extremely high quality and Lafayette's is no
11 exception, just a stellar showing. Thank you for this
12 very thorough effort.

13 I'd like to add just a little bit of color.
14 This is a BART station. Lafayette should not be looking
15 at what they claim is an unmitigated wildfire hazard to
16 a key piece of regional transit infrastructure and
17 thinking we can use this to appeal RHNA. Don't they
18 have a moral responsibility to take action to mitigate
19 the hazard. Housing at these sites would only enhance a
20 mitigation imperative that very much creates housing.

21 This shouldn't be a heavy lift as far as fire
22 hazards go. If Lafayette can spring the perimeter by
23 likely one lot width, then the BART sites fall out of
24 it. Lafayette might well consider going further to
25 protect the numerous luxury single-family homes in the

1 Happy Valley area.

2 One minor point that I wanted to raise is that
3 Lafayette's computation of an 823-unit impact seems
4 suspect. As an outsider, it's hard to follow the PBA
5 2050 baselines, but it seems unlikely that more than a
6 third of Lafayette's total allocation would be due to
7 exactly three lots adjacent to 24.

8 It does not appear that the premises of this
9 appeal are in danger of being granted, but if that were
10 to change, I'd ask ABAG to look hard at the requested
11 remedy.

12 Thank you.

13 PRESIDENT ARREGUIN: Thank you.

14 Next speaker is Sam Monk. You should be able
15 to speak.

16 MR. MONK: Hello. Everything in the public
17 record regarding the blueprint states the growth is
18 located in growth geographies. MTC ABAG acknowledged
19 that very high fire zones were to be excluded from
20 growth geos. The May forecasting and modeling report
21 stated that H8 in public lands were within growth
22 geographies.

23 Lafayette BART lobby is in a very high fire
24 zone and should never have been included in H8.

25 When the Lafayette appeal pointed out the

1 error that the very high fire zones were included, the
2 MTC claimed the May forecasting and modeling report was
3 in error, that strategy H8 sites were actually not
4 constrained by growth geos. Only 11 days ago was the
5 errata revised to remove that mention.

6 Going outside growth geos is at odds with the
7 stated intent regarding the blueprint. There are many
8 quotes here to:

9 "While the growth geographies will
10 define where growth is focused in the
11 blueprint, the blueprint strategies will
12 shape what kind of growth takes place in
13 these geographies.

14 "We're also asking for approval of
15 the growth geographies, which are in the
16 places assumed for future housing and job
17 growth in the final blueprint."

18 If growth geographies required approval,
19 shouldn't an exception to go beyond them require formal
20 approval as well? I think that Lafayette's fire zones
21 were never -- were never excluded from any of Plan Bay
22 Area's modeling, only the location specificity at H8
23 made this error obvious.

24 Instead of acknowledging the erroneous
25 inclusion of very high fire zones, MTC has tried to

1 change the record to make the error irrelevant to H8.

2 If this appeal is denied, I hope MTC is
3 prepared to demonstrate that Lafayette's very high fire
4 zones were not included in Lafayette's growth
5 geographies that fed the entirety of the Plan Bay Area
6 modeling process. MTC still has published maps
7 identifying growth geographies in very high fire zones.
8 If these geographies didn't feed models, then what did?

9 Thank you.

10 PRESIDENT ARREGUIN: Thank you.

11 Okay. As I announced at the beginning of this
12 proceeding, if there are five or more speakers, time
13 will be reduced to one minute. So the remaining
14 speakers have a minute.

15 I'll do one last call for public comment on
16 the City of Lafayette's appeal. If you would like to
17 speak, please raise your hand on the Zoom platform or
18 press *9.

19 Jay Garfinkle?

20 MR. GARFINKLE: Good afternoon. I
21 participated in the methodology process last year, and
22 there was overwhelming support for including natural
23 hazards as a significant factor. Then out of the blue,
24 the administrative staff chose to eliminate this as a
25 factor. Now the administrative staff says, well,

1 because it's eliminated, we can't consider it.

2 I think this is rather disingenuous. It's
3 unbelievable that the people in charge in this state
4 would put all of these hazardous areas, designate them
5 as desirable for additional housing.

6 This whole process is suspect.

7 Thank you.

8 PRESIDENT ARREGUIN: The next speaker is Zac
9 Bowling.

10 MR. BOWLING: Zac Bowling, East Bay YIMBY. I
11 wanted to say we concur with a lot of the statements
12 Scott O'Neill had previously commented, and we concur
13 with staff's finding. I want to thank staff on how
14 thorough they were. And we would also like to recommend
15 that you move forward with denying this appeal. I will
16 leave it at that.

17 PRESIDENT ARREGUIN: Thank you. The next
18 speaker is Jordan Grimes.

19 MR. GRIMES: Yes. Good afternoon again. I
20 just want to commend staff on their complete dismantling
21 of Lafayette's absurd arguments here. The idea that
22 Lafayette has any kind of history of being in support of
23 any kind of housing, affordable or otherwise, is truly
24 absurd.

25 I think we're all aware of the saga that's

1 occurred there over the better part of a decade in the
2 attempt to build one single apartment building.

3 So Lafayette is 80 percent white, has a median
4 household income of \$180,000 per year. This is the
5 exact kind of affluent exclusionary place where we
6 should be building new housing, especially on parking
7 lots around public transit stations. And I look forward
8 to the denial of the appeal.

9 Thanks so much.

10 PRESIDENT ARREGUIN: I'll ask, are there any
11 other attendees that wish to speak on the City of
12 Lafayette's RHNA appeal, please raise your hand or press
13 *9. I don't see any raised hands, Mr. Castro. Any
14 written -- you're muted.

15 CLERK OF THE BOARD: No raised hands, and no
16 written comments were received for this item.

17 PRESIDENT ARREGUIN: Thank you.

18 Mr. Wolff, at this time, we will call on you
19 if there's a question.

20 So it's now in order for the committee to
21 discuss us the matter. I will ask you a question which
22 will afford you an opportunity to respond, but I'm going
23 to go first to Mayor Eklund.

24 MAYOR EKLUND: Thank you, Mayor Arreguin and
25 President.

1 I guess my question is for staff. I don't
2 understand the distinction that was being made, and
3 maybe I'm not hearing it correctly from Lafayette, but
4 it sounds as though that their number included very high
5 hazard zone for lands that are designated public lands.
6 But I thought that we had included exclusion for very
7 high lands regardless of whether it's private or public.

8 I was advocating earlier on that we also
9 include high fire zones and WUIs, but that was declined
10 by the ABAG board.

11 So can you help me understand the difference
12 here?

13 MR. VAUTIN: Certainly. I'm happy to take
14 that question. I would like to make kind of three parts
15 to the response here.

16 So I think, first of all, it's important to
17 remember we do parcel-level modeling for the purposes of
18 Plan Bay Area 2050, but, ultimately, when it comes to
19 allocating growth and finding sites for growth, that
20 is -- these allocations are given to jurisdictions on
21 the jurisdictional level, and jurisdictions don't have
22 to plan for the specific sites that are assumed in Plan
23 Bay Area 2050.

24 And I think the second point, although this is
25 the RHNA appeals hearing, not the plan Bay Area 2050

1 appeals hearing, I will speak to the fact that the city
2 is correct that the growth geography in that area is in
3 the very high fire zone, and we are actually correcting
4 that in final Plan Bay Area 2050. That growth geography
5 layer was used for strategy H3, which basically has
6 additional development capacity on those privately-owned
7 lands. However, there was no significant growth on
8 those lands in Plan Bay Area 2050, and in this area
9 north of 24 in Lafayette, almost all the growth was on
10 the public land parcel, a different strategy in the
11 plan.

12 Not every new development in Plan Bay Area
13 2050 is in a growth geography. In fact, we have made
14 this clear that roughly four out of five new homes are
15 located in the growth geographies and other places have
16 a role to play as well.

17 The last point is with regard to strategy H8,
18 which is the public land strategy. While the city is
19 pointing out a draft technical report that was released
20 in May which was erroneous, staff did the modeling based
21 on board-adopted specific information for strategy.

22 And if you go to the September and January
23 ABAG board packets where the strategies were approved in
24 September, you'll note that growth geographies are not
25 mentioned with this strategy and that, specifically,

1 it's about accelerating the reuse of surplus public land
2 and land owned by non-profit institutions to meet
3 community housing and service needs, small business
4 opportunities, and community gathering spaces.

5 And so this strategy, based on the
6 board-adopted language, was not restricted to growth
7 geography and, therefore, did not have the same -- the
8 fire hazard restrictions that are placed upon them.

9 MAYOR EKLUND: So, Dave, just following up,
10 can you do a yes or no answer? Was the draft RHNA
11 numbers including -- oh, dear -- including the very high
12 public lands that Lafayette is objecting to, did the
13 RHNA number include that as total capacity for growth?

14 MR. VAUTIN: So there are a handful of public
15 land projects in strategy H8 that are in or next to high
16 fire risk areas, very high fire risk areas. Yes, there
17 are a handful across the region.

18 Now, the vast majority of public land sites in
19 the area are within growth geographies, and, again, the
20 vast majority of them are not in these very high fire
21 risk areas.

22 Again, that wasn't a restriction placed upon
23 the strategy based on the Board adoption.

24 MAYOR EKLUND: Right. So determining RHNA
25 then, this very high public lands area was included as a

1 potential capacity for growth in determining the number?

2 MR. VAUTIN: Yes.

3 MAYOR EKLUND: And do we have, as a board or
4 committee, can we recommend that that be excluded?

5 MR. VAUTIN: Again, this comes back to two
6 separate parallel processes. So, ultimately, this
7 committee has the authority to approve appeals on RHNA.
8 In the Plan Bay Area 2050 context, that would require
9 changing strategies in the long-range plan. And, of
10 course, you're probably well aware that long-range plan
11 is wrapping up the environmental process right now.

12 Changing a strategy means we have to
13 resimulate the entire plan yielding a different land use
14 pattern and might require additional environmental
15 review.

16 MAYOR EKLUND: So we have to be -- the RHNA
17 has to be consistent with 2050 plan, correct?

18 MR. VAUTIN: Yes.

19 MAYOR EKLUND: And that's why we would be
20 jeopardizing all the work that we've done on 2050 plan
21 if we wanted to change this particular aspect of it for
22 RHNA, correct?

23 MR. VAUTIN: Well, let me be clear. Approving
24 a RHNA appeal doesn't necessarily mean that Plan Bay
25 Area 2050 needs to be reopened. So as long as -- and I

1 will turn to Gillian -- so long as I believe the appeals
2 are consistent with -- you know, generally consistent
3 with Plan Bay Area 2050, which is one of the
4 requirements, but a precise specific change does not
5 mean there has to be an exact change to Play Bay Area
6 2050 as well.

7 MAYOR EKLUND: So is their number correct that
8 was applied to this public lands in the very high fire
9 zone? I think they said, what, 625 housing units; is
10 that correct?

11 MR. VAUTIN: We projected a somewhat higher
12 number on that parcel than compared to what the city is
13 siting. I believe they're siting kind of the minimum
14 amount of development on that parcel. But, again, this
15 is, like all of the various BART, public lands projects,
16 there's a number of BART stations -- you've probably
17 seen them, like MacArthur, Walnut Creek, Pleasant Hill
18 that have done these sorts of transit-oriented
19 developments. This is one of those similar sites, and
20 we try to apply consistent assumptions across the region
21 so we are being fair to all the jurisdictions that are
22 under that law.

23 MAYOR EKLUND: Great. That helps me. Thank
24 you.

25 PRESIDENT ARREGUIN: Mayor Hudson?

1 MAYOR HUDSON: Thanks, Dave. Stay on that
2 same vein. We just did Dublin's appeal earlier today,
3 and they're building housing on the BART -- where a BART
4 parking structure was going to be. Are they using that
5 housing for their numbers? Don't they get to use it
6 even though it's a BART project?

7 MR. VAUTIN: Yes. So when we develop -- when
8 we run the RHNA calculations, we're looking at total
9 households in 2050, right? So that could be -- if
10 you're Pleasant Hill, that's the housing that's -- there
11 are households there. There might be something under
12 construction. That's reflected as well as future
13 planned housing, which is the case with the Lafayette
14 site.

15 MAYOR HUDSON: Okay. I don't want to do one
16 thing in Dublin and one thing in Lafayette. That's all.
17 Thank you.

18 PRESIDENT ARREGUIN: I have a question and
19 this will give Mr. Wolff an opportunity to make his
20 comment.

21 This site is subject to Assembly Bill 2923.
22 So you have to adopt zoning that confirms to the TOD
23 standards that BART has promulgated, which is going to
24 require that you have to plan for certain densities at
25 the station. So regardless of whether you exclude the

1 site or not, you are going to have to zone for the
2 housing at that location anyway.

3 So I'm just trying to understand, given that,
4 you know -- I guess I don't understand the particular
5 argument that you're making, because you are going to
6 have to rezone this site anyway at a certain density
7 regardless of whether it's in a high fire zone or not.
8 The transit station is there.

9 MR. WOLFF: You're right. This lot, unlike
10 Orinda's and others, is subject to 2923 and the minimum
11 TOD standards that BART adopted in general --

12 PRESIDENT ARREGUIN: We have the problem in
13 Berkeley. BART just adopted it, and we have to conform
14 to it, so...

15 MR. WOLFF: Of 822, yes. So 822 units is
16 essentially the minimum calculation I heard from
17 Mr. Vautin, that their assumption is beyond that. But
18 it is in a very high fire hazard zone.

19 And there may be other provisions of state law
20 which allow a jurisdiction to not upzone in a very high
21 fire hazard zone, which would apply to this site, and,
22 thus, it's premature for us to --

23 PRESIDENT ARREGUIN: So that would preempt
24 2923?

25 MR. WOLFF: Potentially. We're still

1 researching and investigating so that we can comply with
2 all of the laws, not just the one narrowly construed,
3 because there are other laws that do factor in and speak
4 to very high fire hazard zones and upzoning in those
5 sense.

6 PRESIDENT ARREGUIN: Okay. That's very
7 helpful. You wanted to make a comment?

8 MR. WOLFF: It was just about how, the
9 calculation. Thank you.

10 PRESIDENT ARREGUIN: Okay. So colleagues,
11 it's in order -- unless there's any other questions,
12 it's in order for us to, you know, take a preliminary
13 action. So I'd like to ask is there a motion or any
14 additional discussion?

15 MAYOR EKLUND: I guess I would like to have
16 some additional discussion, President Arreguin, about
17 this public plans issue. If -- and, again, we don't
18 have BART in Marin, and so I don't understand how BART
19 can set -- I guess because they are the landowner they
20 can set the zoning that they want.

21 PRESIDENT ARREGUIN: It's already -- it was
22 baked into the bill, Assembly Bill 2923.

23 MAYOR EKLUND: It was baked into the bill.

24 PRESIDENT ARREGUIN: Yeah. So I am well
25 versed in this, because we're doing TOD at two stations

1 in Berkeley. Assembly Bill 2923 enabled BART to zone
2 and plan for housing at various stations in their
3 service area. And staff had promulgated zoning
4 standards, planning standards for development in their
5 district, their service area.

6 That was done administratively, and the bill
7 baked in those zoning standards as the standards that
8 local jurisdictions have to apply when they're doing TOD
9 in their communities.

10 So the staff level decision on these TOD
11 guidelines are what we have to implement, or we can
12 exceed those, but at the very minimum, we have to do the
13 minimum densities that BART prescribes.

14 MAYOR EKLUND: What is this law then that
15 would allow a jurisdiction to not necessarily adhere to
16 what AB 2923 says?

17 PRESIDENT ARREGUIN: I think that's a question
18 for Lafayette. That's the first of I've heard of that.
19 It sounds like it's something they are exploring.

20 MAYOR EKLUND: But if we don't know
21 specifically what that law is, how can we do anything
22 but deny the appeal? I guess that's my question of
23 staff. I don't know.

24 PRESIDENT ARREGUIN: Does staff have a
25 response? I think you're raising a legal issue. The

1 Mayor of Lafayette would like to respond, if you want to
2 yield to her.

3 MAYOR EKLUND: Sure.

4 MAYOR CANDELL: Hi. Sure. Thank you.

5 SB-330 specifically exempts upzoning in very
6 high fire hazard severity zones. So Senator Skinner's
7 SB-330, she did that for Berkeley Hills. She realized
8 that putting in high density housing in very high fire
9 hazard severity zones in her own district. I know this
10 because I spoke with Senator Stern who helped convince
11 her, from North L.A., that these very high hazard
12 severity zones should be exempted from the Housing
13 Crisis Act she passed in SB-330.

14 PRESIDENT ARREGUIN: I'll just say, but they
15 are allowing by-right ADUs in high fire zones, but
16 that's an entirely separate issue we can talk about at
17 another time.

18 MAYOR CANDELL: Not quite as high density.

19 PRESIDENT ARREGUIN: Mayor Eklund, do you have
20 any other questions?

21 MAYOR EKLUND: No, that's it. Thank you.

22 PRESIDENT ARREGUIN: Mayor Hudson?

23 MAYOR HUDSON: I don't think that's exactly
24 what 330 is. I guess apparently the pilot program is
25 gone and it's going to be permanent now.

1 There are other -- I think I'd be more worried
2 about the other laws that I can't remember so many
3 numbers, because we look at so many of these. One, if
4 BART comes in and does, what, 38, 43 percent very low
5 and low income, they also could go three stories higher.

6 PRESIDENT ARREGUIN: Yeah.

7 MAYOR HUDSON: Or 33 more feet. I mean, this
8 is -- that isn't the direction I'm seeing in legislation
9 to limit these things. In fact, I don't know of anybody
10 that's able to stop where BART's going with this thing.

11 The reality is, if you're not going to do the
12 822 there, where in our statutes, or in what we can use
13 for an appeal, do we eliminate 282 for Lafayette? We're
14 getting off on a tangent here. Lafayette's still on the
15 hook for these things, unless, we're going to say, okay,
16 if you're in a fire hazard, you can get rid of it.

17 Well, Pat Eklund is going to be over there
18 just glowing for the opportunity to get the appeal in
19 the North Bay if we do that.

20 That's why I asked the question on Dublin.
21 Are we consistent with what we did with the appeal on
22 Dublin? Therein lies the problem. So unless you want
23 to get outside of our small, constrained, what we can
24 look at, we're going to have to make a determination to
25 deny or uphold.

1 I think that's where we are. When Pat started
2 speaking, I cut her off.

3 PRESIDENT ARREGUIN: I just want to say, you
4 know, I think there's distinction between a vacant --
5 vacant land that is in a high fire severity zone and a
6 transit station, and the transit station's still there.
7 So unless you're going to relocate the transit station
8 to a place that's not in the high fire security zone,
9 it's a transit station.

10 So, you know, I am very concerned broadly
11 around siting more housing in areas where there's
12 extreme fire risk. It's an issue we're dealing with in
13 my jurisdiction in Berkeley. I know it's an issue that
14 Lamorinda communities are also facing as well.

15 I think the fact that the state, specifically
16 in passing Assembly Bill 2923, wanted to encourage and
17 enable BART to build transit-oriented development at
18 parking lots around their stations.

19 This is part of the regional transit network.
20 It's a little bit different, this particular site. So I
21 guess for purposes of discussion, I'd like to make a
22 motion to take a preliminary action to deny the appeal
23 from the City of Lafayette. Is there a second?

24 MAYOR RAMOS: I didn't hear you. Who made the
25 motion?

1 PRESIDENT ARREGUIN: I did.

2 MAYOR RAMOS: You did? I will second your
3 motion.

4 PRESIDENT ARREGUIN: And, you know, I -- once
5 again, we know this is difficult. I think the decision
6 about where you put housing is a decision of the local
7 jurisdiction. We're not telling you where the housing
8 needs to be built.

9 But I just think, given this particular piece
10 of property and the fact that you're going to have to
11 rezone anyways under the state law most likely, you
12 know, I'm going to support the staff recommendation
13 respectfully.

14 Mayor Eklund?

15 MAYOR EKLUND: Yes. I'd like to make
16 comments.

17 I totally agree with your comment, President
18 Arreguin, that there's a difference between extreme fire
19 risk, very high, and high fire risk in areas that is
20 vacant that's not developed or not designated as transit
21 site or even designated for development.

22 And I guess that's the difference that I see
23 when Dave Hudson says, oh, we're going to look for that
24 for Marin County. That's not true at all, because
25 Dublin and Lafayette, those cities may not have

1 designated that as housing, whereas, BART, another
2 public agency, in fact, did, and may not be at the
3 approval of Lafayette, but then state law does allow for
4 that other transit organization to make a decision about
5 how -- where housing is located.

6 So, to me, that is a significant difference
7 than from what Dave Hudson said earlier about the
8 difference between Dublin and Lafayette.

9 So, given that, I really sympathize with
10 Lafayette, and I did not support that bill that -- what
11 it was -- the bill that gave BART the authority, because
12 that meant that also SMART would have the authority to
13 do housing on SMART's property as well without our
14 approval.

15 So I did not support that legislation.
16 Unfortunately, the state did. So, I unfortunately have
17 no choice but to support the motion to deny the appeal,
18 unfortunately.

19 PRESIDENT ARREGUIN: Okay. Thank you.

20 Any other questions or comments from members
21 of the administrative committee? Once again, you know,
22 we know -- we're all dealing with this in our
23 jurisdictions. I have 202 percent increase in our RHNA
24 allocation that we're going to have to absorb somehow.
25 And we're looking at some of the very issues around

1 additional density in high fire risk issues in the
2 Berkeley Hills.

3 We're dealing with issues around, you know,
4 by-right ADUs and whether they can be allowed on very
5 narrow streets and areas where there would be -- there's
6 not proper egress.

7 And we all remember the '91 Tuttle Fire. The
8 30th anniversary is actually coming up very soon.

9 I'm very, very sympathetic to the concerns
10 around the potential of putting more people in an area
11 where there is real risk of public safety. That being
12 said, I think given BART and Assembly Bill 2923 and
13 you're likely going to have to zone anyway here, and
14 just the fact this is at, you know, at a transit station
15 as part of our regional transit network. It's a
16 different situation.

17 Respectfully, I made the motion. I understand
18 the challenges we're dealing with. And, once again,
19 we're here to help work with you as you're working to
20 implement your housing elements. Unless there's any
21 other questions or comments, the motion is to make a
22 preliminary decision to deny the appeal.

23 Roll call?

24 CLERK OF THE BOARD: On the motion by
25 Arreguin, second by Ramos, Mayor Arreguin.

1 PRESIDENT ARREGUIN: Yes.

2 CLERK OF THE BOARD: Mayor Eklund?

3 MAYOR EKLUND: Aye, reluctantly.

4 CLERK OF THE BOARD: Mayor Fligor?

5 MAYOR FLIGOR: Yes.

6 CLERK OF THE BOARD: Mayor Hudson?

7 MAYOR HUDSON: Yes.

8 CLERK OF THE BOARD: Supervisor Lee?

9 Supervisor Lee is absent.

10 Supervisor Mandelman?

11 SUPERVISOR MANDELMAN: Aye.

12 CLERK OF THE BOARD: Thank you.

13 Supervisor Mitchoff?

14 SUPERVISOR MITCHOFF: Aye.

15 CLERK OF THE BOARD: Councilmember Peralez is

16 absent.

17 Supervisor Rabbit is absent.

18 Supervisor Ramos?

19 SUPERVISOR RAMOS: Yes.

20 CLERK OF THE BOARD: Mayor Romero?

21 MAYOR ROMERO: Yes.

22 CLERK OF THE BOARD: Mayor Wilson is absent,

23 and I'll call on Supervisor Lee once more.

24 SUPERVISOR LEE: Yes. Thank you.

25 CLERK OF THE BOARD: Motion passes unanimously

1 with all members present, nine votes aye.

2 PRESIDENT ARREGUIN: Once again, this is a
3 preliminary action. Final action will be taken at the
4 close of the public hearing, and we'll provide notice of
5 when that meeting is.

6 I'll just say, as well, that if BART wants to
7 have development at this location, then they need to
8 make an investment to protect the housing and the people
9 of Lafayette through various fire mitigation efforts.
10 They need to harden the station and parking lot against
11 fire. I mean, that -- I mean, if it's going to be in a
12 high fire hazard zone, they need take the steps to
13 protect the community as well.

14 That's a statement that I want to just make on
15 the record.

16 Okay. Thank you for your appeal and your
17 presentation.

18 And, with that, we're actually going to go to
19 our last appeal for today, which is Item G, report on
20 the regional housing needs allocation appeal for the
21 City of Pleasant Hill, and this is a preliminary
22 action -- oh, yes. Supervisor Mitchoff. You're muted.

23 SUPERVISOR MITCHOFF: I've been very quiet on
24 all the Contra Costa ones, as you might imagine.

25 I know I have to recuse myself from when the

1 county makes its presentation, but I do live in Pleasant
2 Hill and am a former member and mayor of their city
3 council. I'd like to know from counsel, and I'm happy
4 to do so, if I should recuse myself.

5 MS. KANE: It's not required under our
6 procedures because you don't currently represent them,
7 but if you feel like it would be prudent, then that
8 decision is up to you in terms of whether -- whether
9 it's difficult to make an unbiased decision.

10 SUPERVISOR MITCHOFF: It's not difficult.
11 It's not fair to single out one community, as I
12 mentioned earlier. I just wanted counsel's
13 recommendation. Thank you very much. I will stay into
14 the meeting.

15 PRESIDENT ARREGUIN: Okay. Thank you.

16 So given the process we've employed for the
17 many other appeals we've considered today, the appellant
18 jurisdiction will have five minutes to present, and then
19 after which time, ABAG MTC staff will provide their
20 response to the appeal. There will be an opportunity
21 for rebuttal, the appealing jurisdiction to respond to
22 staff presentation, after which time we will open public
23 comment, and, thereafter, the committee will deliberate.

24 We'll start first with a presentation from the
25 City of Pleasant Hill. You'll have five minutes to

1 present your appeal.

2 Who will be representing the City of Pleasant
3 Hill?

4 MR. BINDERNAGEL: I will be representing the
5 City of Pleasant Hill, Ethan Bindernagel, community
6 development director, Mayor Arreguin.

7 PRESIDENT ARREGUIN: Thank you. Is there a
8 presentation?

9 MR. BINDERNAGEL: We don't have a formal
10 presentation in terms of a PowerPoint.

11 PRESIDENT ARREGUIN: I just wanted to make
12 sure if there was we cue that up. Thank you.

13 MR. BINDERNAGEL: May I begin?

14 PRESIDENT ARREGUIN: I turn the floor over to
15 you.

16 MR. BINDERNAGEL: Thank you. Good afternoon.
17 I want to thank all of you for your participation today,
18 President Arreguin, committee members, ABAG staff as
19 well. I know it takes a lot to put on public hearings
20 and to sit through all the appeals and arguments. I
21 just want to thank you and acknowledge your work. I
22 appreciate it.

23 I am happy to present our case today for the
24 City of Pleasant Hill. I am joined -- I am not alone.
25 I am joined today by our city manager, June Catalano, as

1 well my colleague, city planner Troy Fujimoto.

2 I don't know if Mayor Sue Noack will be able
3 to join us. I believe she has a Cal cities meetings
4 she's in attendance at, so she may or may not be
5 present. In any event, we are here to answer any
6 questions that may arise.

7 Let me start by also saying the City of
8 Pleasant Hill would like to associate itself with many
9 of the comments and arguments raised previously relating
10 to climate change and the climate-related concerns,
11 whether it be sea level rise or wild fires -- like we
12 just had a discussion -- and drought, and all those
13 concerns, we believe those are valid arguments that
14 should be under consideration as we consider as a
15 region, as a state, growth, future growth.

16 We did raise some -- or, again, we want to
17 associate ourselves with some of those arguments raised,
18 right.

19 There are ever present wildfire dangers. We
20 have our entire west flank of our city adjacent to open
21 spaces and other areas that might be more prone to
22 burning in the future. And so we would be hesitant to
23 want to increase densities near those sorts of natural
24 hazards, potentially.

25 Also, regarding drought conditions, it's a

1 reality for an entire region. We understand and respect
2 that Pleasant Hill is not alone on an island, so to
3 speak, when it comes to drought. And while we
4 understand the proposed solution as related in the ABAG
5 appeal or response letter to our appeal, the solution
6 could be infill or bigger housing densities for
7 efficiencies of scale, so to speak. We still have
8 concerns related to that I'll get into related to some
9 sales tax measures or issues that are unique, I think,
10 to Pleasant Hill that I'm happy to communicate.

11 Let me also be very clear, and I'll step back
12 from the precipice of the methodology. I realize this
13 is not an appeals process on the methodology presented
14 or adopted during the methodology process. I
15 understand -- we do believe, as others have mentioned,
16 that there are some flaws in those measures.

17 We believe there's a jobs/housing growth
18 imbalance. We think that housing generally should occur
19 where jobs are prevalent, so the South Bay and other
20 places should have, perhaps a greater concentration of
21 the housing growth, as opposed to jurisdictions like
22 Pleasant Hill and others.

23 However, I'm not here to debate those points.
24 I heard very clearly throughout the day where that might
25 lead, so I will move along to another point.

1 And I want to touch on two points from the
2 City of Pleasant Hill's perspective that we think are
3 unique to our city and that merit consideration and,
4 hence, our appeal.

5 The first of which is in the northeast corner
6 portion of our city, there is Buchanan Airfield. It is
7 located in Concord, of course, but the runways do lead
8 to -- and airplanes do fly over portions of the city
9 such that there are constraints in that portion of the
10 city relative to density, height zones, and other things
11 that limit ultimately the redevelopment potential of
12 that area.

13 I also want to touch on unique to Pleasant
14 Hill, we have one of the lowest property tax bases. I
15 think we may be second or third lowest in the entire
16 county at about 5.6 percent. And so we have that as a
17 backdrop.

18 Why I raise that is we are concerned with
19 maintaining a proper jobs/housing balance, of course.
20 And roughly 15 percent of Pleasant Hill's eight roughly
21 square miles of existence here in the county, our
22 jurisdiction, only about 15 percent of that land is
23 available for commercial uses.

24 CLERK OF THE BOARD: One minute.

25 MR. BINDERNAGEL: There is lack of

1 potentially, a lack of available commercial lands to
2 accommodate housing growth, and we're concerned about,
3 given the majority of our city is housing related,
4 residential.

5 We have about 570 acres of commercial lands
6 within our city limits, many of which are already
7 developed, by the way, and have tenancies and property
8 owners that may not be inclined to change and
9 accommodate housing growth. HCD has that as one of the
10 factors to say, what is the likelihood of actual change
11 in ownership or opportunity for these sites.

12 Of that 570 acres, 60 acres, or less than
13 60 acres, in our entire city is vacant for various land
14 use on classifications that we could rezone to
15 accommodate potential growth. One of the lots in
16 particular is about half that entire sum. And so we
17 have some limited resources available to us.

18 Again, it comes back to the whole idea of
19 commercial lands for residential uses could potentially
20 erode Pleasant Hill's sales tax base.

21 Bottom line is those are the concerns we have.
22 We think it merits consideration. Loss of sales, TOT or
23 any kind of sales tax could have some injurious effect
24 to our general fund, which could impact services
25 relative emergency and other things.

1 We just think it's a unique position. Again,
2 given our lower property tax base, we would consider or
3 request the consideration of a revision, reduction in
4 our numbers as noted in our letter.

5 I believe I ran out of time. I apologize for
6 going over, and I will stop there.

7 PRESIDENT ARREGUIN: No problem. There will
8 be an opportunity for rebuttal after the staff
9 presentation. So anything else you would like to add,
10 you'll have the opportunity to say as well.

11 I would like to ask ABAG MTC staff to present
12 their response to the City of Pleasant Hill's appeal.

13 MR. KAPLAN: Thank you. Good afternoon,
14 everyone, and thank you to the City of Pleasant Hill for
15 presenting their arguments.

16 As discussed, the City of Pleasant Hill is
17 requesting a reduction of 1,1 -- sorry -- 1,019, units,
18 which represents a reduction of 57 percent from their
19 draft allocation, and staff's recommendation is to deny
20 the appeal.

21 Next slide, please.

22 And so Pleasant Hill has argued that ABAG
23 failed to consider the impact of development
24 restrictions around Buchanan Airport. Importantly, the
25 city did not submit a local jurisdiction survey

1 providing ABAG with this information, but, regardless,
2 we did look into it, and they provided a link to a
3 Buchanan Field Airport policies document, and we
4 reviewed that, as well as the locations of household
5 growth forecasted in Pleasant Hill in the Plan Bay Area
6 2050 final blueprint.

7 Staff confirmed that there was no residential
8 growth forecasted in Pleasant Hill in Safety Zones 2
9 and 3 where residential development is prohibited. The
10 final blueprint does forecast growth in Safety Zone 4,
11 which is allowed with the building limitation of four
12 stories.

13 The residential project forecasted in this
14 area is a townhome development, replacing existing
15 retail, on a 10.7 acre parcel. On this large site, the
16 development would certainly be within the high limit of
17 four stories allowed by the airport safety regulations,
18 and it would be near other existing retail and
19 residential development.

20 So staff concludes that the Plan Bay Area 2050
21 final blueprint and final RHNA methodology align with
22 the restrictions imposed by the Buchanan Airport safety
23 zones.

24 Next slide, please.

25 Pleasant Hill argues that the RHNA methodology

1 fails to consider the availability of lands suitable for
2 housing. Pleasant Hill states that rezoning commercial
3 lands for housing to meet its RHNA requirements would
4 exacerbate jobs/housing imbalance.

5 As we discussed earlier, that RHNA methodology
6 considers the constraints named in this appeal by
7 incorporating data from the Plan Bay Area 2050 final
8 blueprint as the baseline allocation.

9 In developing the final blueprints, staff
10 worked with local governments to gather information
11 about local plans, zoning, and physical characteristics
12 that might effect development.

13 It's important to note, of course, that
14 statute forbids ABAG from limiting consideration of
15 suitable housing sites to a jurisdiction's existing
16 zoning and land use restrictions.

17 Pleasant Hill does not provide evidence that
18 it's unable to consider underutilization of existing
19 sites, increased density and other planning tools to
20 accommodate its assigned need.

21 And in regards to jobs/housing balance, the
22 RHNA methodology uses data about each jurisdiction's
23 job/housing relationship by incorporating data from the
24 Plan Bay Area 2050 final blueprint, and also the job
25 proximity factors that allocate nearly half of the

1 region's RHNA based on proximity to jobs, and HCD has
2 confirmed that the RHNA methodology improves jobs/
3 housing balance in the region.

4 Next slide, please.

5 Pleasant Hill argues that the RHNA methodology
6 fails to consider the long-term availability of water
7 resources for new housing development.

8 As we discussed, statute defines water supply
9 constraints in terms of the RHNA allocation as those
10 that preclude the jurisdiction from providing necessary
11 infrastructure for development during the RHNA period.

12 While staff very much understands concerns
13 about the current drought, Pleasant Hill's arguments do
14 meet the requirements for valid RHNA appeal.

15 Pleasant Hill states the Contra Costa Water
16 District's urban water management plan does not analyze
17 the impact of household growth resulting from RHNA, but
18 the city does not demonstrate that it is prevented from
19 meeting its RHNA allocation because of a decision by
20 this water service provider.

21 The existence of the drought does not change
22 the need to add more housing to address this Bay Area's
23 lack of housing affordability.

24 Next slide, please.

25 CLERK OF THE BOARD: One minute.

1 MR. KAPLAN: Pleasant Hill argues that the
2 RHNA methodology does not further four of the five
3 statutory objectives. And, importantly, this argument
4 challenges the final RHNA methodology, and, as we've
5 established today, that falls outside the scope of the
6 appeals process, as HCD has approved the methodology and
7 certified that it does indeed further the statutory
8 objectives.

9 Our written response to the appeal goes into
10 more detail about these different arguments, but there's
11 not really time to cover that right now in this oral
12 presentation.

13 Next slide, please.

14 And so ABAG MTC staff recommends that the
15 committee deny Pleasant Hill's appeal. Pleasant Hill
16 did not submit a local jurisdiction survey, so its
17 arguments related to the information submitted in the
18 survey are not valid, but we did indeed explore these
19 arguments and determined Pleasant Hill has not proved
20 it's unable to accommodate its assigned housing need.

21 And, additionally, the allocation furthers the
22 statutory objectives as HCD has confirmed.

23 Thank you.

24 PRESIDENT ARREGUIN: Thank you.

25 So we would now like to give the City of

1 Pleasant Hill an opportunity to respond to the staff
2 presentation if you so choose.

3 MR. BINDERNAGEL: Thank you, President
4 Arreguin. I would just note -- and apologies for going
5 over earlier, but just to revisit a couple of points,
6 and I respect the conclusion relative to methodology and
7 the RHNA determination relative to the assumptions, et
8 cetera.

9 I do want to put a finer point on the sales
10 tax or TOT tax. And I think, as I mentioned, we have a
11 very -- we are predominantly a residential community.
12 We do have this commercial strip, Contra Costa
13 Boulevard, and some other neighborhood-serving
14 facilities. But, really, we do rely heavily upon that
15 sales tax for the provision of and for the general funds
16 revenue. It's roughly 45 percent. Those taxes
17 constitute 45 percent of our revenues.

18 And any sort of reduction, the erosion of that
19 tax base is of grave concern to the city, and we believe
20 that, in an effort to meet these numbers, we may
21 actually end up causing ourselves the ability to respond
22 in emergency services or infrastructure upgrades or
23 routine maintenance of general facilities.

24 So I'll pause here to see if my colleagues
25 have anything to add, but to that point, I think that

1 would conclude our presentation or our rebuttal unless
2 city manager or city planner have anything to add.

3 MS. CATALANO: No, I have nothing to add.
4 Thank you.

5 MR. BINDERNAGEL: Sorry, Troy, go ahead.

6 MR. FUJIMOTO: I was just going to say I
7 didn't have anything more either.

8 MR. BINDERNAGEL: Very good. I think that
9 concludes our rebuttal.

10 Thank you, President Arreguin and committee
11 members.

12 PRESIDENT ARREGUIN: Thank you very much.

13 We'd now like to open public comment on the
14 RHNA appeal from the City of Pleasant Hill. If you wish
15 to speak on this item, please raise your hand if you are
16 on Zoom platform, or press *9 if you are phoning in.

17 I do see we have one raised hand, Christy
18 Corely.

19 MS. CORELY: Yes. I have a question, mainly
20 for all cities in high fire zones. Isn't Cal Fire
21 coming out with their new high -- very high and high
22 fire maps for California in December, and then cities
23 can adopt or not adopt those maps? How is ABAG taking
24 that into consideration if, in fact, the maps have not
25 been updated in ten years, I believe, eight years to ten

1 years, maybe ten years? I'm just curious if that's
2 being considered.

3 PRESIDENT ARREGUIN: Thank you. We can
4 address after public comment.

5 Any other public comments on the RHNA appeal
6 from the City of Pleasant Hill? If you'd like to speak
7 on the appeal, please raise your hand or press *9. I
8 don't see any additional raised hands, Mr. Castro.

9 CLERK OF THE BOARD: No written comments
10 either.

11 PRESIDENT ARREGUIN: Okay. Thank you.

12 So, I first want to address the question from
13 the speaker. Yes, it is correct that new maps are going
14 to be coming out. You know, unfortunately, that's not
15 going to be able to impact the RHNA allocation, but
16 that's definitely something that local jurisdictions, if
17 I'm not mistaken, can consider relative to where they
18 locate their housing in their housing element site
19 selection process.

20 But Mr. Vautin or Ms. Adams, I don't know if
21 you have any comment on that.

22 MR. VAUTIN: President Arreguin, I would
23 concur with everything you just said. As soon as the
24 maps are finalized, which I think we heard at one point
25 may be at the end of 2021, but there's been continued

1 slippage on that deadline from the state.

2 We will incorporate that into future planning
3 projects including the next iteration of Plan Bay Area.
4 But, obviously, we weren't able to incorporate something
5 that wasn't available to us and that was not finalized
6 by the state into this iteration of the plan in RHNA.

7 PRESIDENT ARREGUIN: Moreover, local
8 jurisdictions have a year to update their housing
9 elements and any associated rezoning to achieve a
10 compliant housing element. So any delay would put local
11 jurisdictions at risk of not having a compliant element,
12 which we know the state has increased their, you know,
13 their compliance of housing element, including seeking
14 legal action against local jurisdictions.

15 So we don't want to put local governments in a
16 position also where they are doomed to fail, but this is
17 definitely something that can be considered as the
18 housing elements are being developed by each respective
19 jurisdiction.

20 Okay. We'll go to Mayor Eklund.

21 MAYOR EKLUND: Thank you very much, President
22 Arreguin.

23 First, I wanted to ask the applicant why they
24 didn't complete their survey that ABAG sent out?

25 MR. BINDERNAGEL: I appreciate the question.

1 Not making excuses. I'm relatively new to the city.
2 However, I do know in talking to staff, when I realized
3 we had not submitted the survey, I asked the same
4 question. I think at the time the survey came out we
5 were in a bit of a transition on staffing. Now, that's
6 not -- that's an unfortunate reality, but it's an
7 unfortunate excuse, because I would point to Pleasant
8 Hill's history of participating in -- we have sent
9 letters of support for Plan Bay Area 2050.

10 We have a PDA here in town. We are generally
11 supportive of regional efforts. I think this is an
12 unfortunate miss on our part. And I don't have any
13 other explanation other than that, other than to say I
14 think -- I think it was expressed earlier in the day by,
15 I think, the City of Dublin, perhaps, that had they
16 known the gravity that would have been placed on that
17 survey years ago, perhaps we would have -- well, we
18 missed the opportunity. And so we acknowledge that, but
19 we still think it deserves merit to discuss the points
20 we raised in our appeal.

21 MAYOR EKLUND: That supports and reinforces a
22 lot of the comments I've been making throughout this
23 hearing.

24 Two questions for staff. One is lack of
25 available land and then the need to rezone commercial

1 properties.

2 Novato is the poorest property tax city in
3 Marin County. We get 7 cents on the dollar. For
4 Pleasant Hill getting 5.6 cents on the dollar, that's
5 even less than us. I know how much we rely on retail
6 and commercial properties to get enough sales tax and
7 TOT to be able to support our community needs.

8 And so is there a factor in determining -- in
9 making a decision about having to rezone commercial
10 properties? Is there a factor in there that the
11 availability of -- for those cities that are low
12 property tax cities, because there's -- there's a few in
13 the state. There's several in the state, especially
14 those cities that have been formed after 1978 after
15 Prop 13. But for those that are old, the cities that
16 were formed before 1978, we got caught when the mil rate
17 was frozen.

18 So can staff identify whether or not the
19 funding that cities get from commercial property that's
20 still viable, would it be able to support our city? Is
21 that a factor at all?

22 MS. ADAMS: That is something that's not
23 identified in housing element law as something that
24 needs to be considered when doing RHNA allocations.

25 MAYOR EKLUND: I think this is another

1 issue -- and I'll make it under comments, actually,
2 instead of questions.

3 But, you know, we need state law to be able to
4 change that, but it's not going to happen, at least in
5 my opinion, because the other taxing organizations are
6 not going to be interested in trying to lower their tax
7 rate in order to make sure that cities like Pleasant
8 Hill and Novato and others get adequate tax rate on
9 property. I think that's something we need to look at.

10 The second question I had is, based on the
11 water availability, most cities in the Bay Area, I
12 think, do not have jurisdiction over water. So what if
13 a water agency, a separate governmental agency, ceases
14 hookups based on lack of water, so that they're not
15 going to approve any hookups? What -- is there a
16 provision in state law that then would relieve that city
17 or town from the RHNA, because we could not issue
18 permits without availability of water hookups?

19 MS. ADAMS: So I don't have the exact
20 statutory language at my fingerprints right now. But
21 what the statute says in general is that if a water
22 service provider was to make a decision that precludes
23 the jurisdiction from meeting its RHNA. So I think one
24 of the things you would have to consider is whether
25 they've made a decision that lasts throughout the entire

1 eight-year RHNA period. Right?

2 So we've heard, obviously, that some water
3 service providers are, you know, in anticipation of
4 maybe the current drought getting worse, considering
5 that as a possibility. But, you know, the RHNA period
6 starts two years from now, and so what a jurisdiction
7 would have to demonstrate is that they are, through a
8 decision that's sort of outside of their control, fully
9 precluded from meeting the RHNA allocation.

10 MAYOR EKLUND: That doesn't quite answer my
11 question. So if it's a hookup prohibition for one or
12 two years, it's going to delay the permit issuance,
13 because a lot of developers are not going to want to
14 pursue development in that area because of the water
15 hookups.

16 So you're saying the city would actually still
17 be on the hook unless they got, like, state legislation
18 or something to have more of a factor in there?

19 MS. ADAMS: I'm not entirely sure what the
20 remedy would be. I mean, that sounds like one
21 possibility. You know, again, if -- you know, so the
22 question of whether a developer might, you know, not
23 want to develop there -- I mean, the requirement for
24 RHNA is that the jurisdiction be able to plan for it,
25 right, to plan for their RHNA allocation.

1 So I think, again, you would have to have some
2 indication from a water service provider that whatever
3 action they're taking would affect the jurisdiction's
4 ability to accommodate RHNA for the entire RHNA period.

5 MR. VAUTIN: May I? If I may add to what
6 Gillian is saying? I think there's two important lenses
7 here. What we've really been speaking about is, in the
8 context of RHNA appeals, you know, the role of ABAG here
9 for today's hearings is basically does a -- is a local
10 jurisdiction precluded over the horizon of the RHNA
11 period.

12 Now, I think you raised another important
13 question, maybe you have a question more appropriately
14 addressed to the state, you know, once we wrap up this
15 RHNA process as an organization, it then does pivot
16 towards local jurisdictions and HCD and potentially the
17 state, you know, overseeing and enforcing state laws.
18 And certainly, you know, they may be in a better
19 position to kind of answer how the drought and those
20 sorts of things as they're looking at housing elements,
21 as they are looking at progress towards housing elements
22 throughout the 2020s, how that might consider, you know,
23 unique circumstances that arise, like a multiyear
24 prohibition on new hookups.

25 So I think it's important to kind of delineate

1 those two things and the role of ABAG in this space.

2 MAYOR EKLUND: Okay. Great. That helps me a
3 lot. And I'll make some suggestions during my comments
4 on the motion once we get there. So thank you.

5 PRESIDENT ARREGUIN: Thank you.

6 Mayor Hudson.

7 MAYOR HUDSON: Yes, I actually talked to your
8 mayor yesterday at the League of California Cities, not
9 at length about this, but I did tell her I thought you
10 wrote a very good appeal. I told Pleasanton earlier
11 today I thought they wrote a very good appeal.

12 The problem is we're strapped on what we can
13 use for decision making, and, you know, you can have the
14 greatest appeal in the world, but if we can't make the
15 findings -- to me it came down to the same thing that I
16 read to this committee earlier from Clayton, housing
17 element law requires RHNA methodology to improve
18 intra-regional relationship between jobs and housing,
19 not jobs/housing balance in any particular jurisdiction.

20 No matter what you think or might want to say,
21 Pleasant Hill is literally ground zero for the
22 Innovate 680 project that CCTA is trying to do. So
23 though it may not be prudent for me to move the item, I
24 am compelled -- the information is compelling, I should
25 say, to vote denial on the appeal.

1 PRESIDENT ARREGUIN: Thank you. Any other
2 questions of the appellant or staff?

3 Okay. If not, I'll entertain a motion to take
4 a preliminary action to either approve, deny, or approve
5 with modification.

6 MAYOR FLIGOR: I'll move it, Chair.

7 PRESIDENT ARREGUIN: Moved by Fligor, seconded
8 by Romero. Thank you.

9 Colleagues, any additional questions or
10 comments? Mayor Eklund.

11 MAYOR EKLUND: Thank you. I wanted to add two
12 more items to the list for future discussion. One is
13 the issue of water hookups, and after the RHNA is
14 determined and if there is a hookup prohibition, can we
15 work with the state legislature, HCD to possibly give an
16 extension on the RHNA performance period or something
17 commensurate with that water hookup.

18 We just need to have -- start some
19 discussions, because I anticipate, unless we got a lot
20 of water this winter, which I kind of doubt, we're
21 probably going to have a limitation on hookups in a lot
22 of cities in the Bay Area, or actually in the State of
23 California. The other issue I'd like to add is this
24 issue of poor property tax cities, and the RHNA factor
25 of, well, if you demonstrate a lack of availability

1 land, then tough rezone commercial property, but there
2 is a potential significant impact financially on that
3 city and being able to provide services. And so we all
4 know, every single selected official knows that serves
5 in a city or county, that housing does not pay for
6 itself. And that's why a lot of cities are issuing --
7 doing Mello-Rooses or special tax features on future
8 developed properties.

9 So those are the two areas that I'd like to
10 add. Unfortunately, I will to have support the denial
11 on the appeal.

12 PRESIDENT ARREGUIN: Thank you.

13 Any additional comments, questions? I don't
14 see any other raised hands.

15 So the motion is to take a preliminary action
16 to deny the RHNA appeal from the City of Pleasant Hill.
17 And I'll just note this is preliminary. We'll take
18 final action at the conclusion of the public hearing,
19 and we will provide notice of a date for that hearing.

20 So unless there's any discussion, I'll ask the
21 clerk to please call the roll.

22 CLERK OF THE BOARD: Motion by Fligor,
23 seconded by Romero.

24 Mayor Arreguin?

25 PRESIDENT ARREGUIN: Yes.

1 CLERK OF THE BOARD: Mayor Eklund?
2 MAYOR EKLUND: Aye.
3 CLERK OF THE BOARD: Mayor Fligor?
4 MAYOR FLIGOR: Yes.
5 CLERK OF THE BOARD: Mayor Hudson?
6 MAYOR HUDSON: Yes.
7 CLERK OF THE BOARD: Supervisor Lee?
8 SUPERVISOR LEE: Yes.
9 CLERK OF THE BOARD: Supervisor Mandelman?
10 SUPERVISOR MANDELMAN: Yes.
11 CLERK OF THE BOARD: Supervisor Mitchoff?
12 SUPERVISOR MITCHOFF: Yes.
13 CLERK OF THE BOARD: Councilmember Peralez is
14 absent.
15 Supervisor Rabbit is absent.
16 Supervisor Ramos?
17 SUPERVISOR RAMOS: Yes.
18 CLERK OF THE BOARD: Mayor Romero?
19 MAYOR ROMERO: Yes.
20 CLERK OF THE BOARD: Mayor Wilson is absent.
21 Motion passes unanimously by all members
22 present.
23 PRESIDENT ARREGUIN: Thank you. Thank you to
24 the City of Pleasant Hill for coming today and for your
25 thoughtful presentation. That completes this item, and

1 that completes all the appeals that we are considering
2 today.

3 So with that -- Mayor Eklund?

4 MAYOR EKLUND: Thank you, President Arreguin.

5 Is it possible for staff -- because we made
6 lot of suggestions here for to us look at at a later
7 time -- is it possible for staff to give us a draft list
8 before the next hearing so maybe we don't have to repeat
9 some of these things? And just say, well, it's on the
10 list for future discussion, and that might just help a
11 little bit, so that we know it's on that list. At least
12 it would help me. I don't know about others, but it
13 will help me. Thank you.

14 And I thought, Mayor Arreguin, you did a
15 fantastic job in running this hearing. I also want to
16 thank you publicly. I also want to thank staff. I
17 specifically want to thank Gillian and Eli for your
18 outstanding staff work.

19 Gillian, I've worked with you ever since I've
20 been with ABAG, and you're -- you're the top. I mean,
21 I've really seen the growth and the development and just
22 really impressed with your analytical and communication
23 skills, just fantastic --

24 And, Dave, for your leadership --

25 MAYOR HUDSON: Thank you.

1 MAYOR EKLUND: -- and responsiveness is
2 outstanding. So -- is that okay?

3 MAYOR HUDSON: It was there for the taking.

4 MAYOR EKLUND: Oh, not Dave Hudson. I'm
5 talking about Dave Vautin.

6 In fact, Dave Hudson, you owe me with --
7 anyway, great job.

8 Kathleen, your guidance is very clear and
9 direct, and I really appreciate that as well. You guys
10 are doing a fantastic job.

11 All the cities, my heart bleeds with every
12 single one of them. Enough already.

13 PRESIDENT ARREGUIN: Mayor Hudson?

14 MAYOR HUDSON: Jesse, that is the first time
15 I've seen you hesitate. I know you wanted to say
16 adjourned. Just say "adjourned."

17 PRESIDENT ARREGUIN: Almost there.

18 Supervisor Mitchoff.

19 SUPERVISOR MITCHOFF: Thank you. I want to
20 reiterate what Pat said.

21 I was very impressed by staff's presentations.
22 They didn't do rote. They didn't do cut and paste. You
23 did an in-depth job and really serviced each city's
24 appeal. I feel that they got personalized and
25 specialized attention. I just was really, really

1 impressed by staff's response, and we just can't thank
2 you enough.

3 I know we're sitting here all day. We get to
4 do a little bit of other stuff. You have to be right on
5 at all times, and we know how difficult that is. So I
6 just want to add my kudos that I am so impressed and so
7 appreciative of you and staff at ABAG. Thank you very
8 much.

9 PRESIDENT ARREGUIN: I second that really
10 incredible work throughout the whole process, but
11 particularly in responding to these appeals. I
12 appreciate you even looked at things that we can't even
13 consider. You really, you know, listened to what the
14 city said and really considered objectively. I want to
15 thank you so much.

16 And thank you to the committee. You know,
17 this is a big commitment, and it's a lot of time, and we
18 just really appreciate -- you know, we're all elected
19 officials. We have very busy schedules. We really
20 appreciate you dedicating the time for this important
21 task. We really appreciate it.

22 So with that, the ABAG administrative
23 committee will continue this public hearing on RHNA
24 appeals remotely via Zoom to Wednesday, September 29,
25 2021 from 9:00 to 1:00 p.m. And this meeting is

1 adjourned. Thank you, all.
2 (Proceedings adjourned at 2:10 p.m.)
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1 STATE OF CALIFORNIA)
 2) SS
 3 COUNTY OF CONTRA COSTA)
 4

5 I hereby certify that the foregoing in the
 6 within-entitled cause was taken at the time and place
 7 herein named; that the transcript is a true record of
 8 the proceedings as reported by me, a duly certified
 9 shorthand reporter and a disinterested person, and was
 10 thereafter transcribed into typewriting by computer.

11 I further certify that I am not interested in
 12 the outcome of the said action, nor connected with, nor
 13 related to any of the parties in said action, nor to
 14 their respective counsel.

15 IN WITNESS WHEREOF, I have hereunto set my
 16 hand this 14th day of October, 2021.

17
 18 
 19 _____
 20 JOAN MARIE COLUMBINI, CSR 5435

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