

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

**CERTIFIED
TRANSCRIPT**

REPORTER'S TRANSCRIPT OF PROCEEDINGS VIA ZOOM
VIDEOCONFERENCE

Taken before AMBER ABREU-PEIXOTO
Certified Shorthand Reporter No. 13546
State of California

Friday, October 15, 2021

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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 DAVID RABBITT
 10 SUPERVISOR BELIA RAMOS
 11 MAYOR CARLOS ROMERO

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1 Friday, October 15, 2021

1:00 p.m.

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P R O C E E D I N G S

4

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PRESIDENT ARREGUIN: Good afternoon. I'm

6

Berkeley Mayor Jesse Arreguin, the Chair of the ABAG

7

Administrative Committee. I'd like to call the Special

8

Meeting of the ABAG Administrative Committee to order and

9

ask staff to play the COVID-19 meeting announcement

10

recording. Thank you.

11

RECORDING: Due to COVID-19, this meeting will be

12

conducted as a Zoom webinar pursuant to the provisions of

13

Assembly Bill 361, which suspends certain requirements of

14

the Brown Act. This meeting is being webcast on the ABAG

15

website. The Chair will call upon Commissioners,

16

presenters, staff, and other speakers by name and ask that

17

they speak clearly and state their names before giving

18

comments or remarks.

19

Persons participating via webcast and Zoom, with

20

their cameras enabled, are reminded that their activities

21

are visible to viewers.

22

Commissioners and members of the public

23

participating by Zoom, wishing to speak, should use the

24

"Raise Hand" feature or dial *9, and the Chair will call

25

upon them at the appropriate time. Teleconference

1 attendees will be called upon by the last four digits of
2 their phone number.

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

6 Written public comments received at
7 info@bayareametro.gov by 5:00 p.m. yesterday will be
8 posted to the online agenda and entered into the record,
9 but will not be read out loud. If authors of the written
10 correspondence would like to speak, they are free to do so
11 and should raise their hand and the Chair will call upon
12 them at the appropriate time.

13 A roll call vote will be taken for all action
14 items. Panelists and attendees should note that the
15 "Chat" feature is not active.

16 In order to get the full Zoom experience, please
17 make sure your application is up to date.

18 PRESIDENT ARREGUIN: Thank you very much.

19 Will the ABAG Clerk of the Board please conduct a
20 roll call to confirm whether a quorum of the committee is
21 present.

22 MR. CASTRO: Yes, sir.

23 Mayor Arreguin?

24 PRESIDENT ARREGUIN: Here.

25 MR. CASTRO: Mayor Eklund?

1 MAYOR EKLAND: Here. Here.

2 MR. CASTRO: Mayor Fligor?

3 MAYOR FLIGOR: Here.

4 MR. CASTRO: Mayor Hudson?

5 MAYOR HUDSON: Here.

6 MR. CASTRO: Supervisor Lee?

7 SUPERVISOR LEE: Lee, here.

8 MR. CASTRO: Thank you.

9 Supervisor Mandelman? Supervisor Mandelman is

10 absent.

11 Supervisor Mitchoff?

12 SUPERVISOR MITCHOFF: Here.

13 MR. CASTRO: Councilmember Peralez?

14 Councilmember Peralez is absent.

15 Supervisor Rabbit?

16 SUPERVISOR RABBIT: Here.

17 MR. CASTRO: Thank you.

18 Supervisor Ramos?

19 SUPERVISOR RAMOS: Here.

20 MR. CASTRO: Mayor Romero? Mayor Romero is

21 absent.

22 Mayor Wilson?

23 MAYOR WILSON: Here.

24 MR. CASTRO: Thank you.

25 Quorum is present.

1 PRESIDENT ARREGUIN: Thank you. Moving now to
2 public comment.

3 Is there any member of the public that wishes to
4 give public comment on items not on the agenda? If you
5 would like to speak on one of the appeals, please hold
6 your comments until that time.

7 Mr. Castro, any raised hands?

8 MR. CASTRO: I see no members of the public with
9 their hands raised, and no written comments were received
10 for this item.

11 PRESIDENT ARREGUIN: Okay. Thank you.

12 Moving now to Item No. 3, Committee Member
13 Announcements. This is an information item.

14 Are there any announcements from members of the
15 committee? If so, please raise your hand.

16 Okay. Seeing none, I'll ask, is there any public
17 comment on this item?

18 MR. CASTRO: I see no members of the public with
19 their hands raised, and no written comments were received.

20 PRESIDENT ARREGUIN: Okay. Thank you very much.
21 So we'll go to the Chair Support.

22 I want to welcome everybody to this RHNA Appeals
23 Hearing. And I want to summarize our procedure. So per
24 Government Code Section 65584.05(d), ABAG is required to
25 hold a public hearing on all RHNA appeals filed. And this

1 is the fourth day of the public hearing, which has been
2 continued over six meetings.

3 And I just want to note that in late August and
4 September, legal notices were published. We will hear
5 four appeals today, and written comments referencing all
6 the appeals were included under Agenda Item 6. And we
7 will consider each appeal sequentially. And I may call a
8 brief recess, if necessary, during the day.

9 So I will summarize the procedures regarding the
10 conduct of the hearing when we get to Item 6, but I just
11 wanted to provide context that we will be hearing all four
12 appeals sequentially and, you know, look forward to the
13 presentations.

14 So I'll ask, are there any questions from members
15 of the committee on my report?

16 MAYOR EKLUND: Not on your report.

17 PRESIDENT ARREGUIN: Oh. Mayor Eklund, do you
18 have a question?

19 MAYOR EKLUND: Yes. Well, actually, I have a
20 question of staff.

21 PRESIDENT ARREGUIN: Okay.

22 MAYOR EKLUND: Is it appropriate for me to ask
23 the question now?

24 PRESIDENT ARREGUIN: Sure.

25 MAYOR EKLUND: So the question I have is, the

1 applicants that we've seen before, and especially the
2 applicants that we're going to be hearing the appeals on
3 today, all of them have identified that the -- that they
4 do not have availability of land suitable for development
5 or conversion to residential. And that's one of the
6 arguments that are being presented on why the RHNA
7 allocations should be reduced. And what is consistent in
8 all of the ABAG reports -- responses is that, well, the
9 applicant didn't demonstrate that.

10 And I grew up in Marin County. I've lived here
11 for over 60 years, and I know these towns like the back of
12 my hand. And I know that they do not have the land
13 available for the number of units that are being assigned
14 to them.

15 So can staff help me to understand exactly what
16 it is that these cities need to demonstrate that they have
17 not provided in their application?

18 MS. ADAMS: So I --

19 PRESIDENT ARREGUIN: Thank you.

20 MS. ADAMS: Sorry.

21 PRESIDENT ARREGUIN: No problem. I was going to
22 ask, which staff member would like to answer that
23 question?

24 So thank you for jumping in.

25 MS. ADAMS: Okay. I think this is -- I

1 understand this is a challenging question.

2 I think one of the things about the RHNA statute
3 is that there is direction for local jurisdictions to
4 consider, as you mentioned, underutilized land and
5 rezoning of sites. And -- but there, you know -- and
6 we've gotten direction, as you've seen, in the comment
7 letter from HCD that that is the expectation of staff.

8 Local jurisdictions need to -- although they may
9 consider themselves to be "built-out," need to consider
10 zoning changes. There aren't -- aren't really any
11 direction in the statute about what, sort of, the
12 expectations are for local jurisdictions, in terms of what
13 those zoning changes or regulation changes should look
14 like.

15 MAYOR EKLUND: So in order for us to really do
16 this, I guess -- okay. Well, I just -- that still doesn't
17 help me to understand what they need to do to demonstrate
18 it.

19 But even if they rezoned existing property, most
20 people are going to still live in there. So they're not
21 going to be able to issue permits.

22 So, anyway -- okay. Thank you. That -- this
23 question applies to all four applicants that we're going
24 to be hearing today. And I didn't want to have to ask it
25 four different times, especially since all four applicants

1 are online. And so -- thank you, Gillian. Appreciate it.

2 Thank you, Chair Arreguin, for allowing me the
3 opportunity to ask that one question.

4 PRESIDENT ARREGUIN: Of course. Very important
5 context for the hearings we're going to have today. So
6 appreciate it.

7 Is there any other questions on the Chair
8 Support? If so, please raise your hand.

9 Seeing no raised hands, Mr. Castro, any public
10 comment?

11 MR. CASTRO: I see no members of the public with
12 their hands raised. No written comments were received for
13 this item.

14 PRESIDENT ARREGUIN: Okay. Great. We'll now
15 move to the next item, which is the Executive Director
16 Support.

17 And, Mr. Paul, do you have a report today?

18 MR. PAUL: Actually, Alix is the ranking --

19 PRESIDENT ARREGUIN: Okay.

20 MS. BOCKELMAN: I think either way, neither of us
21 have a report.

22 So you can proceed; right?

23 Thank you.

24 PRESIDENT ARREGUIN: Okay. Thank you.

25 All right. So that completes Item 5, the

1 Executive Director's Report.

2 Is there any public comment on this item?

3 MR. CASTRO: Seeing no members of the public with
4 their hands raised, no written comments were received.

5 PRESIDENT ARREGUIN: Okay. So that completes
6 Item 5.

7 We'll go to Item 6, which is the Regional Housing
8 Needs Allegation Appeals Hearing. And the ABAG
9 Administrative Committee will now hear from jurisdictions
10 and responses to issues raised by ABAG/MTC staff.

11 Jurisdictions scheduled for this meeting were
12 listed on our published agenda, and the hearing is
13 scheduled to be continued to a special meeting of the ABAG
14 Administrative Committee on October 22nd, 2021, at 9:00
15 a.m., with additional jurisdictions to be heard.

16 So I'd now like to take up Item 6. This is the
17 continuation on the public hearing on the Regional Housing
18 Needs Allocation Appeals. The public hearing is now
19 officially reopened, and a Certified Shorthand Reporter is
20 transcribing these proceedings. When it is time for
21 public comment, and if you wish to testify, please use the
22 "Raise Hand" feature or press *9 and wait to be called
23 upon.

24 So before we go to the first appeal, which is for
25 the Town of Ross, I just want to summarize our procedure

1 for our hearing today. And information was provided to
2 all the appellants.

3 So for each jurisdiction, the hearing begins with
4 the jurisdiction's presentation on its appeal. And
5 information and arguments presented by the applicant
6 should be limited to what was presented in the written
7 submitted appeal.

8 This is followed by response by ABAG/MTC staff,
9 and the applicant will then have an opportunity to respond
10 or rebut the arguments or evidence provided by ABAG/MTC
11 staff.

12 After the conclusion of the presentations,
13 members of the public will have an opportunity to comment
14 on the arguments presented on each appeal. And based on
15 the appeal procedures adopted by the ABAG Executive Board,
16 speakers will have two minutes for public comment, but the
17 Chair may adjust time, as needed, to ensure the orderly
18 conduct of the proceeding.

19 To be fair and to ensure that all appeals are
20 heard in a timely manner, if there are five or more
21 members of the public that wish to comment, each person
22 will have one minute to speak. And the total time for
23 public comment, if it exceeds 30 minutes, consideration of
24 that jurisdiction's appeal may be suspended and continued
25 to later in the day, after the appeals from other

1 jurisdictions have been heard.

2 Following public comment, the ABAG Administrative
3 Committee will discuss the appeal and then take a
4 preliminary decision. I want to emphasize, it's a
5 preliminary decision, as the final vote on all appeals
6 will happen after the close of the public hearing to
7 ensure uniform decisionmaking.

8 At the close of the public hearing and after a
9 final decision has been rendered, ABAG will then issue
10 final allocations, incorporating any adjustments needed as
11 a result of successful appeals. And the adoption of the
12 Final RHNA plan is scheduled for December 2021.

13 I just want to also note that staff is
14 maintaining a running list of issues or questions raised
15 by committee members, with respect to issues raised during
16 these appeal hearings, that will be reported to the
17 Executive Board. So that's a summary of our procedure for
18 today.

19 I'd like now to go to Item A, the report on the
20 RHNA appeal for the Town of Ross. And we'll first hear
21 from the Town of Ross, who will have five minutes to
22 present.

23 And I believe that Patrick Streeter will be
24 representing the Town of Ross; correct?

25 MR. STREETER: Correct.

1 PRESIDENT ARREGUIN: And do you have a
2 presentation or just an oral report?

3 MR. STREETER: We do have a PowerPoint
4 presentation.

5 PRESIDENT ARREGUIN: Okay. Let's que that up.

6

7 APPEAL FOR THE TOWN OF ROSS

8

9 MR. STREETER: Okay. Thank you, Mayor Arreguin,
10 and Members of the Committee. Patrick Streeter. I'm the
11 Planning and Building Director for the Town of Ross.

12 Next slide, please.

13 And, first, we did want to thank the committee
14 for giving each appeal its due and your service for this
15 matter. It's a daunting process. So we appreciate that.

16 We also appreciate ABAG staff for, you know,
17 considering each appeal for its merits and preparing
18 thoughtful responses. We're always used to working on the
19 same team. So this is -- there's a little friction here.
20 It's a little more challenging, but we all want the same
21 thing. We want to correct the imbalance and the poor
22 zoning and development that's been exclusionary in
23 California's history. And so we all want the same things.
24 And we're all trying to do our part.

25 In the Town of Ross, it's been brought up that --

1 you know, part of the challenge is that the allocation for
2 the Bay Area has more than doubled since the last cycle.
3 In Ross, we are a community of about 820 units. Our
4 allocation went up 600 percent. And so we're allocated
5 111 of those -- that's 111 new units, on top of our
6 existing 820. So it's a fairly big percentage of our
7 existing units that we're being asked to then add to the
8 already fully built-out community.

9 Next slide, please.

10 And as you've heard in many of these other
11 hearings, a lot of the response from ABAG staff has been
12 there's already a methodology. You may not agree with it,
13 but we're stuck with it. But there are grounds for appeal
14 that are permitted, which are based on the Local
15 Jurisdiction Survey.

16 The town did take that survey and raised several
17 issues, which I'll bring up later in the presentation that
18 we don't feel were considered, when the allocations were
19 made.

20 So if we're not willing to look at these -- these
21 grounds for appeal, then what's the point of having the
22 appeal process in the first place?

23 Next slide, please.

24 And as many other communities have pointed out,
25 we're in the midst of a historic drought right now. And

1 ABAG's response has been that Marin Water has not formally
2 adopted a moratorium on new development. And even if they
3 did, there's no guarantee that that would stay in place
4 through the next housing cycle. And that's a fair
5 argument. We won't deny it.

6 But we did want to go on the record as saying
7 that there's a very real likelihood that additional
8 housing will be not feasible, based on the water
9 availability. And then many communities in Marin,
10 particularly where we're very constrained already on water
11 availability, will not be able to meet our RHNA numbers.

12 So we concede to the fact that there is not a
13 constraint in place right now, but there is a likelihood
14 that -- that one could arise during this next housing
15 cycle.

16 Next slide, please.

17 But what we did want to point out was, there's
18 several other constraints that were raised, as part of the
19 jurisdictional survey, that there's no indication that
20 they were taken into consideration when these allocations
21 were made. The Plan Bay Area 50 -- 2050 does include
22 high-fire severity zones -- that it's not anticipating
23 housing in those areas.

24 But as you can see from these maps, pursuant to
25 the California Public Utilities Commission, most of the

1 Town of Ross is affected -- about 80 percent of the Town
2 of Ross is within extreme fire threat zone.

3 If you look to the lower left, many of the
4 parcels are also considered steep slope hazards. And then
5 the lower right, we have our FEMA Flood Hazard Map. So if
6 you're not in a steep hillside area, where many of the
7 roads don't meet emergency vehicle access standards,
8 you're in the bottom of the valley, where we have a high
9 FEMA flood risk. We have several properties in that area
10 that have suffered repetitive flood loss.

11 MR. CASTRO: One minute, please.

12 MR. STREETER: Okay. So it's likely that even if
13 there were a disaster and these units were destroyed, they
14 wouldn't be allowed to be rebuilt. And that was also
15 included in our survey that we provided.

16 And if I had a cool -- you know, a TV graphic
17 software that I could overlap all these maps, it would be
18 pretty evident that, basically, the entirety of the town
19 is undevelopable.

20 Next slide, please.

21 And Mayor Eklund brought up earlier, so what do
22 towns need to do to demonstrate that they've thought about
23 this? If we're trying to avoid the high hazard areas, we
24 can consider up-zoning our underdeveloped parcels or
25 allowing mixed use in our commercial districts.

1 Next slide, please.

2 The town has already done that. Our modest, less
3 than two-acre commercial district is already allowed for
4 mixed-use development. We even took our Marin Art and
5 Garden Center, which is a privately-operated open space
6 and, allowed a buy-right mixed-use housing there.

7 So we've already looked at where we can put
8 housing. It's been part of our previous housing elements,
9 and we're unable to place the additional constraint on
10 housing in our existing areas.

11 Next slide, please.

12 And I'll just briefly touch on the jobs/housing
13 balances that's been brought up by other communities.
14 Ross Valley is unique. It's that if you were to look from
15 10,000 feet up, it does look like there's easy connections
16 between different areas. But realistically for Fairfax,
17 Ross, and San Anselmo, we're on -- in parts, one lane,
18 each way, arterial road. It's not easy connections
19 between these different areas. So adding more housing to
20 a housing-heavy district does not make a lot of sense.

21 Next slide, please.

22 And so I just wanted to conclude that we're not
23 appealing doing our part for the housing allocation.
24 We're only requesting a reduction so that we can have a
25 feasible amount of housing that we plan for in the future.

1 And that concludes the presentation. Thank you.

2 PRESIDENT ARREGUIN: Thank you very much. There
3 will be an opportunity to respond to the staff
4 presentation, after we hear from ABAG/MTC staff.

5 So we'll next hear from ABAG/MTC staff on their
6 response to the Town of Ross' appeal. And you'll have
7 five minutes.

8 MR. KAPLAN: Thank you. Can you pull up the
9 slide, please.

10 PRESIDENT ARREGUIN: If tech staff can pull up
11 the staff -- the MTC staff presentation. Thank you.

12 MR. KAPLAN: Great. Thank you.

13 Good afternoon, everyone. My name is Eli Kaplan.
14 I'm a Regional Housing Policy Analyst for ABAG/MTC. And
15 if we could advance to the next slide, please.

16 The Town of Ross is requesting a reduction of 59
17 units, which represents a reduction of 53 percent from its
18 Draft allocation. Staff's recommendation is to deny the
19 appeal.

20 Next slide, please.

21 The Town of Ross argues that the RHNA Methodology
22 does not consider how natural hazards or the amount of
23 vacant land in a jurisdiction affects the availability of
24 developable land. But the RHNA Methodology does consider
25 the development constraints named in this appeal by

1 incorporating data from the Plan Bay Area 2050 Final
2 Blueprint as the baseline allocation.

3 The strength of the Land Use Model used for the
4 Final Blueprint is that it assesses feasibility, including
5 the higher costs of building on parcels with physical
6 constraints, like steep slopes or hillsides. The Final
7 Blueprint also excludes areas with unmitigated,
8 high-hazard risk related to sea level rise and wildfires
9 from growth geographies.

10 Although staff understands Ross' concerns about
11 natural hazards, with only a small exception, Housing
12 Element Law does not identify areas at risk from hazards
13 to constraints of housing. While there may be areas at
14 risk of flooding in Ross, the town has not provided
15 evidence its flood management infrastructure is not
16 adequate to avoid the risk of flooding, as required by
17 statute.

18 Furthermore, statute forbids ABAG from limiting
19 consideration of suitable housing sites to a
20 jurisdiction's existing zoning and land use restrictions.
21 In its comment letter on appeals, HCD specifically noted
22 that housing planning cannot be limited to vacant land.
23 And even communities that view themselves as built out or
24 limited, due to other natural constraints, such as fire
25 and flood risk areas, must plan for housing through means

1 such as rezoning commercial areas as mixed-use areas and
2 up-zoning non-vacant land.

3 Ross does not provide evidence it is unable to
4 consider underutilized land, opportunities for infill
5 development, increased densities, ADUs, and other planning
6 tools to accommodate its RHNA.

7 Next slide, please.

8 And slide after this, please.

9 Thank you.

10 Ross' appeal also argues that the modeling of
11 jobs and housing for Plan Bay Area 2050 did not observe
12 the town's jurisdictional boundaries. And Ross contends
13 that adding housing to areas with few jobs and limited
14 transit will increase vehicle miles traveled and
15 greenhouse gas emissions. But contrary to the town's
16 claims, the Final Blueprint incorporates information about
17 each jurisdiction's existing and projected jobs and
18 households.

19 More importantly, as we've discussed before,
20 Housing Element Law requires the RHNA Methodology to
21 improve the intraregional relationship between jobs and
22 housing and not the jobs/housing balance in any particular
23 jurisdiction. HCD determined that the RHNA Methodology
24 achieved the statutory requirement.

25 The statute also requires the methodology to

1 consider a jurisdiction's jobs/housing fit, which is the
2 ratio of low-wage jobs to housing affordable to low-wage
3 workers.

4 Census Bureau data indicates there are 89
5 low-wage jobs in Ross, and no rental units in the town
6 affordable to low-wage workers and their families. Ross'
7 lower income RHNA could enable many of these workers to
8 live close to their jobs, which would improve jobs/housing
9 fit, reduce commute times, and lower greenhouse gas
10 emissions and vehicle miles traveled.

11 Next slide, please.

12 Ross' appeal states that Marin Water has declared
13 drought conditions and could place a moratorium on new or
14 expanded water service. And the town argues that
15 uncertainty regarding municipal water supply represents a
16 change in circumstances, meriting a revision of Ross'
17 RHNA.

18 And staff understands the town's concerns about
19 the drought currently being experienced by the Bay Area,
20 but statute defines water supply constraints as those that
21 preclude the jurisdiction from providing the necessary
22 infrastructure for development during the RHNA period.

23 MR. CASTRO: One minute.

24 MR. KAPLAN: So while -- thank you.

25 So while Marin Water has discussed a potential

1 moratorium on new water connections, in response to the
2 drought, this has not been implemented.

3 And so the arguments put forward by Ross do not
4 meet the requirements for a valid RHNA appeal, as the town
5 has not demonstrated it is precluded from meeting its RHNA
6 allocation because of a decision by its water service
7 provider.

8 And, importantly, HCD's comments on Bay Area
9 appeals noted that ABAG's allocation encourages more
10 efficient land use patterns, which are key to adapting to
11 more intense drought cycles and wildfire seasons. So
12 while drought poses significant challenges to Bay Area
13 communities, these issues do not affect one city or one
14 county in isolation. And action can be taken to
15 efficiently meet the region's future water demand, even in
16 the face of additional periods of drought.

17 Next slide, please.

18 So, in conclusion, ABAG/MTC staff recommends that
19 the committee deny the appeal filed by the Town of Ross.

20 Thank you.

21 PRESIDENT ARREGUIN: Thank you.

22 I'd like to give the Town of Ross the opportunity
23 to respond to the staff presentation, if you'd like. And
24 you'll have three minutes.

25 MR. STREETER: Thank you.

1 Yes. So we acknowledge the fact that much of
2 this methodology is in place. And, regionally, it does
3 make sense.

4 Our only argument is that there are certain
5 constraints on the property that -- or on the town that
6 were not taken into consideration.

7 The staff's rebuttal is that we haven't
8 demonstrated that we can't find locations for all of these
9 new units. Providing the FEMA flood maps that say that
10 they can't be located there, providing the fire hazard
11 maps that say they can't be located there, demonstrating
12 where we have already rezoned for higher density
13 development, I think that's the best demonstration we can
14 do.

15 Additionally, we've adopted aggressive ADU
16 promotion in the town, beyond what the state minimums are
17 required. These also include incentives for providing
18 affordability. We don't dispute the fact that the
19 proportion of affordable units should be higher for Ross,
20 and we'd like to see that happen. So we're fine with the
21 proportion of affordability that's been assigned to us.
22 It's just the volume of units, the allocation.

23 So we're requesting that that volume be reduced
24 to something that's feasible, that we can actually
25 accomplish. The units that are reduced would then be

1 distributed in accordance with the Blueprint, so we
2 wouldn't be going against -- or with the methodology. So
3 we wouldn't be going against the methodology.

4 We are only asking that factors that were raised
5 in our jurisdictional survey be considered, when
6 considering the assignment of units to the town.

7 Thank you.

8 PRESIDENT ARREGUIN: Thank you very much.

9 I'll now ask, is there any public comment on the
10 appeal from the Town of Ross? If you wish to speak,
11 please raise your hand or press *9, if you are phoning
12 into this meeting.

13 I see we have one raised hand, Mr. Castro.

14 MR. CASTRO: Yes. And two minutes for Mr. Aaron
15 Eckhouse.

16 Go ahead, please.

17 MR. ECKHOUSE: Hello. Thank you.

18 My name is Aaron Eckhouse, Regional Policy
19 Manager with California YIMBY. I was interested to hear
20 the Town of Ross indicate that they allowed mixed use in
21 their commercial zones. So I decided to look up that
22 zoning. It has a height limit of two stories.

23 I don't think that Ross has exhausted their
24 capacity to promote infill development when their
25 mixed-use commercial zone has a height limit of two

1 stories.

2 Continuing to peruse the zoning code, I see that
3 in the R-1 zones, there are a minimum of -- 65 percent of
4 the depth of a minimum lot standard would be required for
5 front and backyards. And 60 percent of the width
6 dimension would be required for side yards.

7 Again, I don't think that Ross has exhausted its
8 capacity to promote infill development when the standards
9 in those current zoning are so restrictive.

10 Thank you.

11 PRESIDENT ARREGUIN: Thank you.

12 I see we have another raised hand.

13 MR. CASTRO: Yes. Jen L.

14 Go ahead, please.

15 MS. LARSON: Hi. My name is Jen Larson, and I'm
16 from Ross. I thought it was really interesting, reading
17 through the letters from people that supported this
18 measure. One was a couple from New York that said that
19 they moved to Sausalito. I find it interesting that
20 people that would move from very dense New York City to
21 Sausalito are advocating for more density. The great
22 thing about the United States is that there's a place for
23 everyone, meaning everybody can find a place that suits
24 them.

25 When you're talking about adding density to

1 places where it's going to impact people's safety, health
2 and wellbeing, that should be a nonstarter. As far as I
3 can see, when ABAG does this, is that they don't look past
4 40 or 50 years out. Is the plan to continue to build in
5 Ross so it looks like New York? Because that's what
6 you're -- that's what you're asking for.

7 On the RHNA appeal that Ross submitted, ABAG
8 itself had a checklist that asked whether safety, health,
9 water, drought were issues. And Ross checked all of these
10 boxes -- or many of these boxes. And now ABAG is coming
11 back to say that these aren't legitimate concerns.

12 I think you have to take everything into account.
13 People are going to be in a situation like in Paradise,
14 California, once you start allowing huge development in
15 places that are fire prone.

16 Please roll back -- not only in Ross, but please
17 roll back the ABAG unit requirement in all of Marin
18 County.

19 Thank you.

20 MR. CASTRO: Thank you.

21 There are no other members in the attendees with
22 their hands raised. There are no members of the public at
23 375 Beale. There were post-public comments that were
24 received and posted on the agenda and e-mailed to
25 committee members.

1 PRESIDENT ARREGUIN: Okay. That completes public
2 comment.

3 So it's now in order for the committee to discuss
4 the appeal and take a preliminary action. So who would
5 like to be recognized?

6 Mayor Eklund?

7 MAYOR EKLUND: Thank you very much, President
8 Arreguin.

9 On page 3 -- or slide 3 of ABAG's response, it
10 states -- if you could put it up on the screen so
11 everybody can see it -- is that "Ross has not provided
12 evidence it cannot accommodate the RHNA allocation due to
13 determination by FEMA or The Department of Water Resources
14 that flood management infrastructure is inadequate to
15 avoid risk of flooding."

16 So I thought that the application did address
17 that. And can you help me to understand what else they
18 needed to submit to be able to indicate that the
19 infrastructure is not there to protect them from the rise,
20 especially in the creek that goes through Ross?

21 MS. ADAMS: So, again, based on what's in the
22 statutory language, what it says is what we mentioned on
23 the slide about a designation that -- by FEMA or The
24 Department of Water Resources that the infrastructure is
25 not sufficient to protect the area from flooding.

1 That does not -- that's a different definition
2 than the fact that there isn't a flood zone or an area at
3 risk of flooding within the jurisdiction. So, again, it's
4 sort of an additional step, I guess, that -- a declaration
5 from one of those two water agencies that the area cannot
6 be protected.

7 MAYOR EKLUND: So I guess I would like to ask
8 Patrick Streeter, has FEMA or Department of Water
9 Resources made a determination that you don't have
10 adequate infrastructure to avoid the risk of flooding
11 through the Town of Ross?

12 MR. STREETER: I don't have that information at
13 this time. So I'm not -- I don't know.

14 MAYOR EKLUND: Okay. Thank you.

15 PRESIDENT ARREGUIN: I'll just follow up on that,
16 before I go to Mayor Hudson, to say that the statute also
17 does say that you must consider the potential for
18 increased residential development under alternative zoning
19 ordinances and land use restrictions. And so I was
20 intrigued by the comment made by one of the speakers that
21 there is a height limit in the commercial downtown area.

22 And we -- what we need to consider is the
23 potential for alternative land use scenarios, including
24 increased height in their commercially-zoned areas to
25 accommodate additional density.

1 So I just want to bring it back to statute.

2 That's another element we have to consider as well.

3 Mayor Hudson?

4 MAYOR HUDSON: I actually -- before -- am I on
5 mute? No.

6 Before I got into my part of the discussion, I
7 was going to ask for a point of clarification from Pat.

8 Are you talking about, if I may, the waterway
9 leaving Phoenix Dam or the concrete -- I guess I'd call it
10 -- creek, running through Ross?

11 MAYOR EKLUND: I am not -- I think there is
12 concrete going through Kentfield.

13 But I do not believe that the creek is concrete
14 all the way through Ross. But I do not know.

15 MAYOR HUDSON: I haven't run there in about 15,
16 25, 35 years. Notice how I did that one cutely. So I
17 wouldn't remember.

18 But I can tell you, I've been through there
19 during the drought. And I've been through there when it
20 rained inches one day, and it handles water very well.
21 And I don't think that's where the planner was going with
22 it anyway.

23 I think the bigger problem is with Ross, and
24 we're going to get it on the other three appeals, too.
25 This is why I wanted to commend you, Pat, for jumping on

1 this at the very beginning, and that's the narrow scope
2 that we are looking at, once methodology is taken.

3 And once the methodology was taken, we're going
4 to be confined to these cities that say, well, we're not
5 -- the RHNA isn't going to make sense here. We're going
6 to have more vehicle miles traveled.

7 Ross, like a lot of these cities we're going to
8 hear today, is close to the -- I want to say WETA -- but
9 that's not it. The ferry system that's there, that staff
10 brought up earlier. And I almost wish that they had
11 jumped in with both feet during the methodology and given
12 us some help when we were fighting.

13 But once the methodology is established, then
14 everybody that is close to jobs -- and that's that
15 statement, "improved interregional relationship between
16 jobs and housing" -- is going to find it's not what they
17 think it is. It's not jurisdiction.

18 Marin County is supplying jobs in San Francisco.
19 And, unfortunately, that's going to be one of the things
20 we're going to have to take a look at, when we say we're
21 going to deny an appeal. And I don't know how I can
22 uphold an appeal, when you have that jobs/housing balance
23 graph that I was hoping we'd get to look at, that shows
24 San Mateo, Santa Clara, and San Francisco so way out of
25 whack. I mean, I'm sympathetic. I used to run through

1 there every Wednesday night, with Ultra Marin. And I
2 thought that the town was built out as well as -- well, I
3 also thought Clayton was too, and Danville could make an
4 argument.

5 But the responsibility that this methodology
6 posts on all 101 cities is real, and I think staff is
7 right on this one. I'm going to support denying the
8 appeal.

9 MAYOR EKLUND: Mayor Arreguin, I have --

10 PRESIDENT ARREGUIN: Yes, Mayor Eklund.

11 MAYOR EKLUND: Thank you.

12 I have a response to Mayor Hudson, is that -- in
13 fact, Elise, who is a planner in the town of San Anselmo,
14 who will be speaking on their appeal, she and I
15 represented Marin County on the methodology committee.

16 And we did raise the issues of the hazards, not
17 only of fire, flooding, and climate change -- and,
18 unfortunately, that was not well-received by the entire
19 committee.

20 I do have a question for the Town of Ross on the
21 last bullet on that slide 3. Staff had indicated that
22 Ross did not provide evidence that they have not -- that
23 they are unable to consider underutilization of existing
24 sites, increased density, accessory dwelling units, and
25 other planning tools to accommodate its assigned need.

1 It was my understanding that you have made some
2 of those changes already. But can you help me to
3 understand whether or not you provided additional evidence
4 that the staff was indicating that they needed to see in
5 order to consider this appeal?

6 MR. STREETER: Thank you, Mayor Eklund.

7 Yes. The purpose of this appeal presentation was
8 an attempt to provide that evidence because that was in
9 response to the staff response to the appeal that was
10 written -- you know, the written response. So we did talk
11 about, you know, what the existing constraints are that
12 were in the jurisdictional survey, but not included in the
13 methodology.

14 And then we tried to demonstrate, as part of this
15 presentation, that we had considered those other methods
16 of increasing our ability to accommodate housing. And
17 we're not saying that we can't accommodate any more
18 housing. We're just saying that even with the strategies
19 in place, there's a limit to how much housing we can
20 support. And that's why we're asking for that reduction.

21 MAYOR EKLUND: So if the applicant did attempt to
22 answer that question, what else does the town need to
23 provide for ABAG to understand that they cannot
24 accommodate the number of the units that were assigned
25 with this factor? I mean, they are going to, I believe,

1 look at a rezoning in existing sites. But that won't get
2 them to the 111, or whatever it is, that they're required.

3 So can you help me to understand what else that
4 they need to do?

5 PRESIDENT ARREGUIN: That's a question for staff,
6 I believe.

7 MAYOR EKLUND: Yes. I'm sorry.

8 MS. ADAMS: So I want to acknowledge that we're
9 not saying that the town hasn't made any efforts or that
10 they haven't tried.

11 I think the point is a couple of things. One is,
12 I think it's understandable that staff sees hazard
13 constraints as a constraint to development. However, that
14 is not acknowledged in the RHNA statutes. And so when
15 you're kind of looking at those areas, those are still
16 areas that should be considered as potential areas for
17 growth.

18 And I think the second issue is, you know,
19 there's, again, no sort of definition within the statute
20 to say, what is enough of a zoning increase to accommodate
21 future housing? So...

22 PRESIDENT ARREGUIN: Yes.

23 MS. ADAMS: Although the town may have changed
24 some of its standards to make some of them more flexible,
25 I think the expectation is that additional change can

1 happen.

2 MAYOR EKLUND: Thank you.

3 PRESIDENT ARREGUIN: So I'll ask, is there a
4 motion and a second to take a preliminary action on this
5 appeal?

6 MAYOR HUDSON: I'll move to deny the appeal on a
7 preliminary action.

8 MAYOR WILSON: Second, Wilson.

9 PRESIDENT ARREGUIN: Okay. Through a motion and
10 second to take a preliminary action to deny the appeal for
11 the Town of Ross.

12 Colleagues, any additional questions or comments?

13 MAYOR EKLUND: Yes. I would like to --

14 PRESIDENT ARREGUIN: Could I go to Supervisor
15 Rabbitt first?

16 MAYOR EKLUND: Absolutely.

17 SUPERVISOR RABBITT: I apologize. And thank you,
18 Chair Arreguin.

19 I just wanted to ask staff a question, you know,
20 as a supervisor in Sonoma County and as someone who is
21 actually familiar with Ross -- I've designed a few homes
22 there -- and understanding the hazard situation, if there
23 were no homes built -- existing homes built in those high
24 hazard areas, be it flood, fire, or slope, those sites
25 would not be included? And it's only because they're

1 already built upon that they're included to require
2 additional units?

3 I'm just curious because, you know, I'll be
4 honest, after the '17 fires, when we lost 7,000
5 structures, the big debate for us was, do we allow those
6 homes to be built back in those areas, or do we try to
7 push them elsewhere?

8 MS. ADAMS: So there is no sort of distinction
9 between hazard areas that have growth on them and others
10 that don't.

11 So, again, the statute -- with the exception of
12 this one, mention of flooding areas, where FEMA or The
13 Department of Water Resources has indicated and made a
14 declaration that the flood infrastructure is insufficient,
15 that's the only place that Housing Element Law
16 acknowledges, as a constraint to housing, based on natural
17 hazards.

18 SUPERVISOR RABBITT: And if I -- through the
19 Chair, if I can just ask one other question that's in
20 general.

21 If, hypothetically -- and I know that's a
22 dangerous thing to say -- if we did have a seven-year
23 moratorium on water hookups by an independent district
24 and/or, I guess, the same thing would be said for, you
25 know, a recession or an economic downturn or a period of

1 high interest rates, where housing was essentially, kind
2 of, stopped in its tracks, it doesn't mean that the
3 eight-year cycle is -- needs to -- the eight-year cycle
4 still needs to be fulfilled -- correct? -- by all
5 jurisdictions?

6 MS. ADAMS: So, certainly, if it's financial or
7 that kind of situation, that's, again, not acknowledged in
8 Housing Element Law.

9 I think there is a distinction considered for a
10 decision made by a water service provider that is not the
11 local jurisdiction that precludes the jurisdiction from
12 accommodating its RHNA.

13 So, again, if -- I don't really want to get into
14 hypotheticals.

15 SUPERVISOR RABBITT: I appreciate that.

16 MS. ADAMS: But if there was that kind of
17 decision that might affect the eight-year RHNA period in
18 its entirety, then I think that would be something that
19 would, you know, be considered. But that doesn't exist at
20 this time.

21 And so I think, if that was to occur within --
22 somewhere in the next 10 years, before the end of the RHNA
23 cycle, it would be outside of the scope of this process at
24 this time to anticipate what remedy would happen for local
25 jurisdictions. I think that would be taken up by the

1 legislature.

2 SUPERVISOR RABBITT: Yeah. Because at this time,
3 it's only this -- I mean, once we lock in this eight-year
4 allotment, it is what it is. And there could be a water
5 moratorium in a year or two, depending on what happens in
6 the future.

7 Okay. I asked that as a water -- a director for
8 a water agency that supplies a quarter of the water, at
9 least to Marin County.

10 So thank you for that. I appreciate those
11 questions -- or those answers.

12 PRESIDENT ARREGUIN: I think the same goes for
13 something we've discussed before, which is the CAL FIRE
14 maps. You know, we don't have the latest CAL FIRE maps,
15 and so we can't consider that because this has already
16 been -- this methodology has already been determined. But
17 I think it's kind of a similar point to what you're
18 making.

19 SUPERVISOR RABBITT: And to my county friends, I
20 know they also understand -- and we're going -- we're
21 right in the middle of this with the Department of
22 Forestry. And that's actually out in the governor's
23 office regarding what the future of fire safe standards
24 really are and the -- well, in every jurisdiction, really,
25 on substandard -- quote/unquote, substandard roads that

1 don't meet a waiver.

2 So thank you.

3 PRESIDENT ARREGUIN: Mayor Eklund.

4 MAYOR EKLUND: Thank you very much.

5 I did want to add, though, too, that with the
6 fire risks, the cities are being treated differently than
7 the counties. And we talked about this at the last
8 meeting, is that the cities are only being considered for
9 the very high fire risk --

10 PRESIDENT ARREGUIN: That's right.

11 MAYOR EKLUND: -- where the counties are allowed
12 to include the very high and the high fire risk. And I
13 believe that that is not a fair assessment because -- in
14 my opinion, and that's one of the reasons why I was the
15 lone ABAG board member voting no on the methodology.

16 But, unfortunately, I am not going to be able to
17 support the motion. Of all the cities in Marin County, I
18 think Belvedere and Ross -- and forget about the income
19 part of it, because that does it, in my mind. I just know
20 the territory.

21 And there's -- for Ross to be required to plan
22 for and permit 111 housing units, I don't know where
23 they're going to be putting them and -- without really
24 adversely affecting their quality of life. And I'm not
25 even sure that that's even possible within the next cycle.

1 So I'm going to be voting no on this motion
2 that's before us.

3 PRESIDENT ARREGUIN: Mayor Hudson.

4 MAYOR HUDSON: Yes. I want a clarification here.

5 Did I just hear that only one person on ABAG
6 voted against option 8(a) for the methodology? Because I
7 thought that was me.

8 PRESIDENT ARREGUIN: Mayor Hudson, I think she's
9 talking about the housing methodology committee.

10 MAYOR HUDSON: Okay.

11 PRESIDENT ARREGUIN: Before it came to be --

12 MAYOR EKLUND: No. It's on the ABAG Executive
13 Board, January 21st, 20 --

14 MAYOR HUDSON: Yeah.

15 No. I definitely voted against that methodology.

16 MAYOR EKLUND: So, David, I will send you the
17 minutes that reflect there's only one person. I will send
18 that to you.

19 PRESIDENT ARREGUIN: I remember Julie Pierce also
20 didn't support the methodology at the committee, my
21 recollection was. That is here nor there.

22 The question before the committee is on the
23 motion, which is to take a preliminary action to deny the
24 appeal from the Town of Ross.

25 Clerk, please call the roll.

1 MR. CASTRO: Motion by Hudson. Second by Wilson.
2 Mayor Arreguin?
3 PRESIDENT ARREGUIN: Yes.
4 MR. CASTRO: Mayor Eklund?
5 MAYOR EKLUND: Sorry. No.
6 MR. CASTRO: Mayor Fligor?
7 MAYOR FLIGOR: Yes.
8 MR. CASTRO: Mayor Hudson?
9 MAYOR HUDSON: Yes.
10 MR. CASTRO: Supervisor Lee?
11 SUPERVISOR LEE: Yes.
12 MR. CASTRO: Supervisor Mandelman?
13 SUPERVISOR MANDELMAN: Yes.
14 MR. CASTRO: Supervisor Mitchoff?
15 SUPERVISOR MITCHOFF: Yes.
16 MR. CASTRO: Councilmember Peralez is absent.
17 Supervisor Rabbitt?
18 SUPERVISOR RABBITT: Aye.
19 MR. CASTRO: Supervisor Ramos?
20 SUPERVISOR RAMOS: Yes.
21 MR. CASTRO: Mayor Romero?
22 MAYOR ROMERO: Yes
23 MR. CASTRO: Mayor Wilson?
24 MAYOR WILSON: Aye.
25 MR. CASTRO: Motion passes. Ten votes aye; one

1 vote no; one is absent.

2 PRESIDENT ARREGUIN: Okay. Thank you. That
3 completes this appeal.

4 We'll move to the next appeal, which is the
5 Regional Housing Needs Appeal for the Town of San Anselmo.
6 I understand we are joined by the Mayor of San Anselmo,
7 Mayor Colbert, and Elise Semonian, the Planning Director.

8 As with the last appeal, we'll start with the
9 presentation from the appellate jurisdiction. And then
10 we'll have a presentation from staff, a rebuttal, and then
11 we'll take public testimony and committee deliberation
12 action.

13 So I'll turn the floor over to San Anselmo.

14

15 APPEAL FOR THE TOWN OF SAN ANSELMO

16

17 MAYOR COLBERT: Great. Can you hear me?

18 PRESIDENT ARREGUIN: Yes.

19 MAYOR COLBERT: Good afternoon, Chair and ABAG
20 Administrative Committee. I am Mayor Brian Colbert, from
21 the hamlet of San Anselmo. Thank you for hearing our
22 appeal today. I appreciate that so many of you on the
23 Administrative Committee voted against the RHNA
24 Methodology that gave us seven times our current RHNA
25 allocation. We are asking you to reduce our allocation so

1 that it is 250 percent of our current allocation.

2 I am here with San Anselmo Planning Director,
3 Elise Semonian, who will be presenting our appeal. And I
4 will turn it over to her to make our presentation.

5 Over to you, Elise.

6 MS. SEMONIAN: Thank you, Mayor Colbert. And
7 good afternoon, Chair and Administrative Committee. I am
8 Elise Semonian, the Planning Director for the Town of San
9 Anselmo.

10 I'd like to begin by acknowledging that San
11 Anselmo is on the unseated and central lands of the Coast
12 Miwok people, and I hope you will join me to honor, with
13 gratitude, the land itself and all its ancestors, past,
14 present, and emerging.

15 Next slide.

16 The San Anselmo Town Council appeals its Draft
17 RHNA allocation and respectfully requests the committee to
18 reduce its allocation from 833 units to 275 units.

19 Next slide.

20 San Anselmo is 2.7 square miles in area and has a
21 population of just under 13,000 people. We are approving
22 an average of 20 new units a year, with an occasional
23 multi-family project in the range of 12 to 18 units.

24 While most of our existing units are single
25 family, we have a lot of multi-family housing. And about

1 20 percent of our units are in apartment buildings with
2 three or more units.

3 The entire town is zoned to allow residential
4 units, except for our open space areas. Even our
5 commercial areas allow 100 percent residential projects
6 with densities from 20 to 30 units per acre, in
7 conformance with state law. And we allow exceptions to
8 all of our development regulations and have approved three
9 stories as an incentive for projects that include
10 affordable housing.

11 Next slide.

12 24 percent of our units are rental units.

13 Next slide.

14 The town's Draft RHNA is a 686 percent increase
15 over our existing RHNA, and greater than the sum of our
16 last five housing element cycles.

17 Next slide.

18 The government code mandates ABAG to survey for
19 information on specific factors outlined in state law.
20 ABAG failed to survey on two of the factors. The survey
21 focused only on low-wage jobs and not all jobs and
22 housing.

23 The survey did not request information on the
24 distribution of household growth assumed for purposes of a
25 comparable theories of Plan Bay Area.

1 The failure to include these questions in the
2 survey deprived our jurisdiction of opportunities to
3 provide important input that would be relevant to the
4 development of the RHNA Methodology and impacted our
5 redress to seek rejoice of our grievances.

6 Next slide.

7 The town can appeal an allocation if the
8 allocation was not determined in accordance with the
9 methodology. ABAG staff notes that they provided a link
10 to the data files.

11 Next slide.

12 These are some of the files that we were asked to
13 review. I urge you to review the data folder yourself and
14 see if you can replicate how the methodology was applied
15 to your jurisdiction. The task is so difficult that
16 jurisdictions have hired outside consultants to attempt to
17 verify application of the methodology.

18 How did ABAG calculate the number of jobs within
19 a 45-minute bus ride of San Anselmo? Typically job data
20 is extrapolated from county data, and there is very -- a
21 very high margin of error for a small jurisdiction.

22 The town of San Anselmo has two buses an hour,
23 during peak commute periods, and no major transit stop.
24 Yet, we were identified as a transit-rich area in Plan Bay
25 Area, which influences our projected household growth and

1 our RHNA allocation.

2 The town has no way to access the UrbanSim Model
3 to view its outputs for San Anselmo sites. This process
4 is just not transparent, the data is not verifiable, and
5 it has denied the town an opportunity to determine if our
6 allocation was determined correctly.

7 Next slide.

8 ABAG failed to consider the local government
9 survey responses for the methodology. As noted by many of
10 the jurisdictions that have presented before us, we have
11 serious constraints to development that were not given any
12 consideration.

13 Next slide.

14 MR. CASTRO: One minute.

15 MS. SEMONIAN: This is an example of a typical
16 housing site in San Anselmo. Note that there's only --
17 it's the only potential multi-family housing site that's
18 currently for sale in San Anselmo. The site is under
19 5,000 square feet and nearly \$2 million.

20 Even at a density of 100 units an acre, this site
21 would only generate eight market-rate units and two units
22 of affordable housing.

23 Further, three developed sites that are large
24 enough to accommodate affordable housing projects won't
25 come close to meeting the town's Draft RHNA allocation.

1 Our existing zoning allows for thousands and thousands of
2 units of housing, and developers are only coming in for 20
3 units a year. This is the evidence of our constraints.

4 Next slide.

5 The Draft RHNA conflicts with the distribution of
6 household growth in Plan Bay Area 2050. This is
7 particularly true for Marin County, which is projected to
8 fall in population and lose 19,000 jobs.

9 Next slide.

10 There have been significant and unforeseen
11 changed circumstances. Over the last 12 months, San
12 Anselmo has experienced historic drought conditions. Our
13 reservoirs are at the second-lowest level they have been
14 in 144 years. Marin Water is telling our developers the
15 water supply is uncertain, and that they cannot guarantee
16 future water service.

17 Thank you for your time today, and that concludes
18 our appeal presentation.

19 PRESIDENT ARREGUIN: Thank you. Good to see you,
20 Elise. And there will be an opportunity for a rebuttal,
21 after the MTC staff presentation.

22 So now I'd like to turn it forward to MTC/ABAG
23 staff to present on the appeal. You'll have five minutes.

24 MS. ADAMS: Thank you.

25 I'm Gillian Adams, a project manager for the

1 Regional Housing Allocation Needs process.

2 Next slide, please.

3 The Town of San Anselmo is requesting a reduction
4 of 558 units, which is a reduction of 67 percent from its
5 Draft allocation. Staff's recommendation is to deny the
6 appeal.

7 Next slide, please.

8 San Anselmo argues that ABAG did not provide
9 adequate data to verify if the RHNA Methodology was
10 applied correctly. However, all relevant data and
11 calculations for the RHNA Methodology are shown in the
12 Draft RHNA plan, which is on ABAG's website. And ABAG/MTC
13 staff also provided access to Public Open Source RHNA
14 calculations, posted on the GitHub website.

15 Next.

16 Staff also gave jurisdictions access to the
17 underlying data for the Plan Bay Area 2050 Final Blueprint
18 that is used as the RHNA Methodology baseline allocation.
19 Local staff had several months to review and correct their
20 land use and development pipeline data that was used for
21 Plan Bay Area 2050 forecasting and modeling.

22 Jurisdictions could also review the growth
23 pattern for the Draft Blueprint in summer of 2020, and
24 prior to adoption of the Final Blueprint in January of
25 2021. And ABAG/MTC staff held office hours to discuss

1 model inputs and forecasted growth from the UrbanSim
2 Model.

3 Additionally, Plan Bay Area 2050 modeling
4 assumptions are documented in the forecasting and modeling
5 report, which is available on the Plan Bay Area 2050
6 website.

7 Next slide, please.

8 San Anselmo argues that Local Jurisdiction Survey
9 did not request all information required by statute. For
10 the factor related to jobs/housing relationship, ABAG's
11 survey included six questions about the number of low-wage
12 jobs within a jurisdiction, and how many housing units
13 within the jurisdiction are affordable to low-wage workers
14 because this topic of jobs/housing fit was specifically
15 called out in the statute.

16 The survey also included multiple open-ended
17 questions for local staff to comment on what ABAG should
18 incorporate in the RHNA Methodology. These questions
19 provided San Anselmo with additional opportunities to
20 submit information about its jobs/housing relationship, if
21 the other questions were not sufficient.

22 The statutory factor related to the distribution
23 of household growth in Plan Bay Area 2050 and
24 opportunities to maximize use of public transportation and
25 existing transportation infrastructure are addressed in

1 question 10 in the survey.

2 Next slide, please.

3 San Anselmo argues that ABAG failed to consider
4 the availability of land suitable for development because
5 the RHNA Methodology does not account for small lot sizes,
6 limited vacant land, and natural hazards. As discussed
7 previously, the RHNA Methodology considers these
8 development constraints by incorporating data from the
9 Final Blueprint as the baseline allocation.

10 Housing Element Law generally does not identify
11 areas at risk from hazards as a constraint to housing.
12 Importantly, HCD has specifically stated that housing
13 planning cannot be limited to vacant land, and even
14 communities that view themselves as built out or limited,
15 due to other natural constraints, such as fire and
16 flood-risk areas, must plan for housing through means such
17 as rezoning commercial areas as mixed-use areas and
18 up-zoning non-vacant land.

19 Next slide, please.

20 San Anselmo argues its RHNA conflicts with the
21 housing -- excuse me -- the household growth distribution
22 in Plan Bay Area 2050. Although statute requires RHNA to
23 be consistent with the Plan's development pattern, it does
24 not specify how to determine consistency. This gives ABAG
25 discretion to define its approach.

1 The Final Blueprint growth forecasts are adopted
2 at the county and sub-county levels only, and the approach
3 used throughout the RHNA Methodology development process
4 deems RHNA consistent with the Plan if the eight-year RHNA
5 does not exceed the Plan's 35-year housing growth at the
6 county or sub-county levels. This evaluation shows that
7 RHNA is consistent with Plan Bay Area 2050.

8 Next slide, please.

9 San Anselmo's arguments that their RHNA
10 Methodology does not further the statutory objectives,
11 challenged the Final RHNA Methodology adopted by ABAG and
12 approved by HCD, which falls outside the scope of the
13 appeals process.

14 Next slide, please.

15 MR. CASTRO: One minute.

16 MS. ADAMS: San Anselmo argues that the
17 declaration of the drought by Marin Water represents a
18 change in circumstances, meriting a revision of the town's
19 RHNA. However, the town's arguments do not meet the
20 requirements for a valid RHNA appeal, as the town has not
21 demonstrated that it is precluded from meeting its RHNA
22 allocation because of a decision by its water service
23 provider.

24 Next slide, please.

25 San Anselmo argues that the impacts of COVID-19

1 on transit service represent a change in circumstances,
2 meriting a RHNA revision. Impacts from COVID-19 are not
3 unique to any single jurisdiction, and the appeal does not
4 indicate that San Anselmo's housing need has been
5 disproportionately impacted, relative to the rest of the
6 Bay Area.

7 Next slide, please.

8 Thus, ABAG/MTC staff recommends that the
9 committee deny the appeal filed by San Anselmo.

10 Thank you.

11 PRESIDENT ARREGUIN: Thank you very much.

12 I'd like to give San Anselmo an opportunity to
13 respond to the MTC staff presentation. And you'll have
14 three minutes.

15 MS. SEMONIAN: Thank you. Housing Element Law
16 requires RHNA to be consistent with Plan Bay Area, and
17 your committee does not have to accept the approach
18 defined by staff and can define its own approach and
19 request the RHNA to be consistent with the comparable time
20 period in Plan Bay Area.

21 As mentioned by some of the other jurisdictions,
22 Plan Bay Area only considered state fire hazard maps and
23 not our locally-designated fire hazard areas.

24 And, finally, the first statutory objective of
25 RHNA is to increase the housing supply and mix of housing

1 types. The goal is to ensure the homes actually get
2 built.

3 To meet our Draft RHNA, our limited staff would
4 need to convince hundreds of property owners, that are not
5 planning to sell or redevelop their sites, to build
6 thousands of market-rate units to generate our 519 units
7 of moderate to low-income housing. In the process, we'll
8 destroy affordable rental housing and small local
9 businesses, many of which are owned by women and people of
10 color, and they will likely not return, when the rents are
11 raised.

12 The Town of San Anselmo is approving many housing
13 units, and we will continue to approve housing units, but
14 it's not realistic to expect us to issue permits for 833
15 housing units in the next eight years.

16 We respectfully request you to reduce our
17 allocation to 275, which is an increase of 250 percent
18 over our current RHNA allocation.

19 Thank you.

20 PRESIDENT ARREGUIN: Thank you.

21 So now I'll turn to public comment on the appeal
22 from San Anselmo. Any member of the public who wishes to
23 speak on this appeal, please raise your hand.

24 Are there any speakers, Mr. Castro?

25 MR. CASTRO: Yes. We have one speaker, Aaron

1 Eckhouse.

2 Two minutes. Go ahead, please.

3 MR. ECKHOUSE: Hello. Thank you. Aaron Eckhouse
4 again, Regional Policy Manager with California YIMBY.

5 I decided again to look at the San Anselmo zoning
6 code. So first, look to the other and
7 belonging-institute's map of single family-inclusive
8 zoning in Bay Area cities.

9 94 percent of the residentially-zoned land in San
10 Anselmo is zoned exclusively for single houses. That is a
11 starting point for where the city could look at places to
12 make land use revisions to accommodate this allocation.

13 Additionally, San Anselmo is another town in
14 Marin that has a two-story height limit in its highest
15 density residential zone. Again, this is a policy change
16 that could be considered to facilitate the construction of
17 more than 20 new homes per year, which I think is just not
18 going to be adequate to meet the town's housing needs, let
19 alone the -- and I would suggest that staff look at
20 suggestions from The Greater Marin blogger, who is very
21 familiar with Marin County, lived in Marin County for many
22 years, and is also a land use and planning expert who has
23 put forward some pretty detailed proposals as to how San
24 Anselmo could accommodate its allocation under RHNA,
25 without having to demolish a single existing apartment

1 building.

2 So I urge you to reject this appeal. Thank you.

3 PRESIDENT ARREGUIN: Thank you.

4 MR. CASTRO: Our next speaker is a caller with
5 number -8800.

6 Go ahead, please.

7 MS. OCADA: Hi. My name is Nancy Ocada. I
8 actually live in San Anselmo, as the previous caller
9 probably doesn't.

10 We're experiencing a lot of growth already.
11 There's more and more traffic. And, you know, fire
12 danger. It's just -- this is crazy that we really -- we
13 really cannot add another 800-plus units.

14 And this town, as it is right now, is very
15 welcoming to low-income people. And we have a lot of
16 locally-owned businesses.

17 And, also, with the fire danger and the water
18 resources available, this kind of growth cannot happen in
19 San Anselmo. The smaller number, what they're asking for
20 with the appeal, is the reasonable number.

21 And if there were more San Anselmo residents who
22 were available at this time, I'm sure they'd be calling
23 in.

24 Thank you very much for considering my comment.

25 PRESIDENT ARREGUIN: Thank you.

1 MR. CASTRO: Our next speaker is Jordan Grimes.

2 Go ahead, please.

3 MR. GRIMES: Yes. Good afternoon. Jordan
4 Grimes, with Peninsula for Everyone, though I'm commenting
5 just as myself right now.

6 I do want to second the comments of Aaron
7 Eckhouse and also reject the comments of the last
8 commenter. It's frankly insane to say that San Anselmo is
9 a welcoming place to low-income people, just based on
10 housing prices alone, let alone on demographic
11 information.

12 I do -- there is some good news. I think we've
13 found, you know, part of the problem, as to -- or part of
14 the solution as to how San Anselmo can accomplish their
15 RHNA.

16 20 to 30 units an acre and three stories is your
17 problem right there. Like, that's why you're not going to
18 get any housing. That's why you're not going to get any
19 affordable housing. With the cost of land, materials, and
20 labor, 20 to 30 units an acre and three stories will not
21 allow new housing to pencil out.

22 So good news. We've figured out the problem
23 already. Just rezone for higher density, and you're much
24 like -- more likely to attract the housing that you want
25 to see.

1 I would say that 20 units a year is an absurdly
2 low amount of housing, not a high amount of housing, in
3 any respect. And hopefully with zoning changes, the city
4 of San Anselmo would be able to accomplish their RHNA.

5 I would urge you to deny the appeal. And thank
6 you for your time.

7 PRESIDENT ARREGUIN: Thank you.

8 MR. CASTRO: There are no other raised --

9 PRESIDENT ARREGUIN: There's one other speaker,
10 Mr. Castro.

11 MR. CASTRO: One more.

12 David Edmondson. Go ahead, please.

13 PRESIDENT ARREGUIN: David, you're muted.

14 MR. EDMONDSON: Sorry. Am I unmuted now?

15 PRESIDENT ARREGUIN: Yes, you are.

16 MR. EDMONDSON: Excellent. Hello. My name is
17 Dave -- is David Edmondson. I am -- well, I grew up in
18 San Anselmo, and I'm also known as "The Greater Marin,"
19 whom Aaron Eckhouse mentioned.

20 I believe that San Anselmo actually has a huge
21 opportunity here to dramatically improve its downtown, its
22 feel, as well as its strong history of being -- of being a
23 welcoming, inclusive place for misfits, and those who
24 can't be someplace else.

25 There is a significant amount of space on its

1 commercial lots. There are a lot of opportunities next to
2 hills for more height, without impacting view sheds.
3 There are a lot of open areas that can be improved upon
4 that can build and support a new chapter for San Anselmo
5 that makes it, again, a kind of welcoming place that it
6 was, when I was growing up. And that really should be
7 now.

8 I strongly support -- I strongly support
9 rejecting the appeal. Simply put, there is no way to make
10 San Anselmo a really great place without adding
11 significantly new homes and welcoming in a lot more
12 families.

13 PRESIDENT ARREGUIN: Thank you, sir.

14 Okay. So I believe this is the fifth speaker;
15 correct?

16 MR. CASTRO: Yes.

17 PRESIDENT ARREGUIN: So the speaker's time is at
18 one minute. And Jen L, you should be able to speak.

19 MS. LARSON: Hi. Thank you. Yes.

20 I commented on the Ross situation as well. I
21 just heard Dave Edmondson's discussion. And he made a
22 comment that said the only way to make San Anselmo
23 welcoming is to add 800 more housing units. I mean, when
24 somebody says something like that, you have to look at the
25 reason why he's saying that.

1 I live minutes from San Anselmo. And it's a very
2 welcoming, happy, inclusive place. So right off the bat,
3 when global comments like Dave made aren't questioned,
4 there's a problem. And I think that is endemic to this
5 entire ABAG charade.

6 Everything that you're talking about, it's --
7 there's just no basis for what you're doing. And as I
8 mentioned before, excluding things like wildfire danger,
9 drought, water moratorium, you're doing this in a vacuum.
10 And that's not -- that's not a real world situation.

11 I'd like you to consider actual, real-world data.

12 Thank you.

13 PRESIDENT ARREGUIN: Any other speakers,
14 Mr. Castro?

15 MR. CASTRO: There are no other members of the
16 attendees with their hands raised.

17 There are no members of the public at 375 Beale.

18 No written comments were submitted, but there
19 were post-public comments that were posted online and
20 e-mailed to members.

21 Thank you.

22 PRESIDENT ARREGUIN: Thank you. That completes
23 public comment.

24 And, you know, I'll just say, in response to some
25 of the comments, that we are constrained by state law, in

1 terms of what we can consider in -- in how we evaluate
2 these appeals.

3 Just as there are limitations about the grounds
4 for appeals, there are constraints, in terms of what we
5 consider. And staff addressed that, in response to some
6 of the questions from committee members, you know.

7 So I hope people understand the limitations that
8 we are operating under. We are applying the methodology
9 and the state statutes, and we have to apply the law as it
10 is. Certainly, you know, if there is an interest in
11 adding wildfire risk or other factors as things that can
12 be considered in an appeal, that's something that would
13 require a bill by the state legislature.

14 And I know that we've identified a number of
15 issues in our conversations of things that we want to
16 explore further, not only from an advocacy perspective,
17 but ways that we can, you know, implement our whole
18 appeals process going forward, in the next cycle.

19 So I'm going to -- first to Mayor Romero, and
20 then Mayor Hudson.

21 MAYOR ROMERO: Thank you very much, Mr. Chair.

22 I've said this before, and I say it again for the
23 record. The RHNA process was a long, comprehensive,
24 inclusive process in which cities from around the
25 nine-county Bay Area weighed in and, ultimately, through

1 what was a democratic process, determined what that
2 methodology was going to be.

3 We are constrained by it. We need to apply it
4 now moving forward. And at this point, I don't believe
5 this appeal or past appeals have given me any reason to
6 believe that we should not be denying this request.

7 In particular, I do want to point out that RHNA
8 is, above all, a planning exercise. And without this
9 planning exercise, in which we designate -- are forced to
10 designate areas, parcels, the zoning necessary to develop
11 the densities that we need to accommodate for growth and
12 for the fact that we did not accommodate for past growth,
13 this planning process gives cities the opportunity to look
14 at their existing land use maps, to look at their general
15 plans, their specific plans, and their housing elements
16 and right-size them, as both Mr. Grimes and Mr. Eckhouse
17 have mentioned because at single family, one and two-story
18 typologies, we're not going to be able to accommodate both
19 the growth and the existing population that we have within
20 the Bay Area.

21 I will be voting yes to deny this appeal.

22 Thank you.

23 PRESIDENT ARREGUIN: Mayor Hudson, you're muted.

24 MAYOR HUDSON: It was the best speech I've given
25 all day, too.

1 I am not going to be making the motion every
2 single time to deny. But I heard something that if people
3 are listening to this, they might get the wrong impression
4 -- that we can change the RHNA numbers. Somehow we can
5 change the methodology, the people that you see in front
6 of you here that are voting to deny or uphold the appeal.
7 If we could do that, you should be afraid.

8 You've got a real taste of what my e-mails looked
9 like. It wasn't one or two people from the YIMBY; it was
10 the hundreds. There were more people that wanted that
11 441,000 number increased to a million or more than there
12 were to decrease it.

13 I didn't support the methodology that came
14 through. I wanted 6(a). This is the fourth day that we
15 have listened to appeals, and I think every single one of
16 them, starting with Alameda -- I'll never forget it.
17 "We're not denying that we can do these numbers. Show us
18 where. Show us how." And, unfortunately, that's not what
19 we're allowed to do.

20 And I empathize. I've been to Ross. I've been
21 through San Anselmo. I've been through Clayton. I've
22 been through these cities that are talking to us. In our
23 opinion, and their opinion that live there, great job of
24 building their city. They don't want to see it changed.

25 Unfortunately, these are the rules that we are

1 dealing with and we voted -- meaning, all of the Bay
2 Area -- to use this methodology. And our constraints,
3 unless I'm wrong, President, we have to live within these
4 rules. Because if we don't, what good is the appeal? If
5 it ends up in court, what did you base it on?

6 And that's what my decisions are based on; these
7 very narrow constraints. Otherwise, I'd agree with all of
8 you. But that's, unfortunately, not the latitude I'm
9 given.

10 So I am not going to make the motion, just like I
11 was not -- with all my neighbors, when I had to vote
12 against them getting 5,000 and 7,000, but I do have to
13 support denying the appeal.

14 SUPERVISOR MITCHOFF: I'll make the motion.

15 PRESIDENT ARREGUIN: Okay. Motion to take a
16 preliminary action to deny the appeal for San Anselmo.

17 SUPERVISOR ROMERO: Second the motion.

18 PRESIDENT ARREGUIN: Seconded by Romero.

19 SUPERVISOR MITCHOFF: Yes.

20 PRESIDENT ARREGUIN: Mayor Eklund?

21 MAYOR EKLUND: Thank you very much.

22 I have a question for the applicant, Elise. I
23 can't find it now. I thought it was on page 7 of the
24 ABAG's response. But I can't seem to find the exact
25 phrase.

1 But apparently ABAG did not have the information
2 about your figures that you had submitted, and they said
3 that the source of those numbers were not provided. And
4 without actually looking at the sentence, are you able to
5 answer my question, if you know the source of the figures
6 that you were providing ABAG?

7 And, again, I had this sentence, and then I lost
8 the document and I had to bring it back up, and I can't
9 seem to find the sentence. So...

10 MS. SEMONIAN: I'm sorry. I don't have it in
11 front of me either to know what you're referring to.

12 MAYOR EKLUND: Okay. Then forget the question.

13 I will not be supporting the motion.

14 Thank you.

15 PRESIDENT ARREGUIN: Okay. Thank you.

16 Any other questions or comments from members of
17 the Administrative Committee?

18 If not, the motion is to take a preliminary
19 action to deny the appeal from the Town of San Anselmo.

20 Roll call, please.

21 MR. CASTRO: Motion by Mitchoff; second by
22 Romero.

23 Mayor Arreguin?

24 PRESIDENT ARREGUIN: Yes.

25 MR. CASTRO: Mayor Eklund?

1 MAYOR EKLUND: No.

2 MR. CASTRO: Mayor Fligor?

3 MAYOR FLIGOR: Yes.

4 MR. CASTRO: Mayor Hudson?

5 MAYOR HUDSON: Yes

6 MR. CASTRO: Supervisor Lee?

7 SUPERVISOR LEE: Yes

8 MR. CASTRO: Supervisor Mandelman?

9 SUPERVISOR MANDELMAN: Yes.

10 MR. CASTRO: Supervisor Mitchoff?

11 SUPERVISOR MITCHOFF: Yes.

12 MR. CASTRO: Councilmember Peralez is absent.

13 Supervisor Rabbitt?

14 SUPERVISOR RABBITT: Aye.

15 MR. CASTRO: Supervisor Ramos?

16 SUPERVISOR RAMOS: Yes.

17 MR. CASTRO: Mayor Romero?

18 MAYOR ROMERO: Yes.

19 MR. CASTRO: Mayor Wilson? Mayor Wilson?

20 MAYOR WILSON: Aye.

21 MR. CASTRO: Motion passes. Ten votes aye; one

22 no; one absent.

23 PRESIDENT ARREGUIN: Okay. That completes this

24 matter. Thank you for joining us this afternoon for your

25 presentation.

1 We'll proceed to the next order of business,
2 which is the RHNA appeal for the City of Sausalito. We'll
3 first hear from the City of Sausalito.

4 And who will be representing the City of
5 Sausalito.

6 MAYOR HOFFMAN: Hi. Good afternoon. My name is
7 Jill Hoffman, Mayor. I'll be doing the introductory
8 remarks, and Beth Thompson will take over from there.

9 PRESIDENT ARREGUIN: Good afternoon, Mayor.

10 MAYOR HOFFMAN: Good afternoon. Well, let me
11 know when I should start.

12 PRESIDENT ARREGUIN: You can start at anytime.

13

14 APPEAL FROM THE CITY OF SAUSALITO

15

16 MAYOR HOFFMAN: Okay. Great. Thank you.

17 Good afternoon. I'm Jill Hoffman, Mayor of
18 Sausalito, a two-square-mile town, the majority of which
19 stretches along a sensitive waterfront area with a unique
20 topography that includes housing primarily built on steep
21 hillside, in some places particularly susceptible to
22 seismic instability, as well as low-lying coastal
23 industrial areas that are within acknowledged zones
24 susceptible to sea level rise, seismic instability, and
25 liquefaction and toxicity related to long-term industrial

1 use.

2 However, these very real limitations on
3 Sausalito's ability to accommodate exponential new
4 residential growth of 724 units during the short term of
5 the Draft eight-year RHNA cycle have been ignored.

6 Sausalito is absolutely committed to providing housing
7 that is affordable and attributable to all households and
8 has include -- issued a policy direction to focus on 100
9 percent affordable sites and opportunities to improve
10 equity and housing choice in our community.

11 Beth Thompson, with DeNovo Planning Group, our
12 housing consultant, will provide an overview of our RHNA
13 appeal.

14 Thank you.

15 PRESIDENT ARREGUIN: Thank you.

16 MS. THOMPSON: Good afternoon. I'm Beth
17 Thompson, with DeNovo Planning Group. And I'm going to go
18 through this pretty quickly.

19 State law requires ABAG to include certain
20 factors of the member jurisdiction level of the
21 development of the RHNA. The RHNA plan fails to provide
22 this analysis. This is the information Mayor Eklund
23 requested in her earlier comment, and this was not
24 performed.

25 ABAG's response to Sausalito ignores the

1 requirement of state law that ABAG perform this analysis
2 at the member jurisdiction level, and incorrectly states
3 that appeals are limited to the application of adopted
4 methodology in the Local Jurisdiction Survey. This is not
5 consistent with the bases for appeals, established by
6 state law.

7 In its response to Sausalito's appeal, references
8 various documents and modeling conducted for Plan Bay Area
9 2050 and the RHNA effort. None of this information
10 provides the required analysis at the member jurisdiction
11 level; meaning, ABAG did not identify for each city and
12 county the jobs/housing ratio, local water and sewer
13 capacity, or suitable residential lands.

14 Despite readily-available service provider
15 reports, the RHNA plan did not consider whether there was
16 adequate water and sewer capacity to accommodate the RHNA
17 for each member jurisdiction. Despite data sources
18 readily available to address the availability of land
19 suitable for residential development, and despite the
20 requirement of state law, ABAG did not perform any review
21 of Sausalito's capacity for residential growth based on
22 the availability of land suitable for urban development or
23 conversion to residential use, including underutilized
24 land.

25 ABAG staff relied on generic, one-size-fits-all

1 modeling that is not commensurate with Sausalito.
2 Constraints in Sausalito, that are regularly unsuitable
3 for residential development, include lands with very high
4 landslide susceptibility. These lands are not appropriate
5 for high density and intense residential development.

6 In areas with narrow roads, that does not meet
7 state standards -- oops. Sorry -- that do not meet state
8 standards for emergency access and egress, this is
9 particularly important, given the presence of high and
10 very high wildland/urban interface fire hazards, areas
11 with high liquefaction potential that are at risk of a
12 ground collapse, in the event of an earthquake.

13 The RHNA plan has disregarded the state
14 requirement for capacity-driven analysis and has
15 disregarded the city's technical analysis related to
16 opportunities and constraints to residential development
17 on vacant parcels and parcels with existing development.

18 It is important to note the following: The city
19 is mostly built out, with very limited and small parcels
20 with any growth potential. The city made aggressive
21 growth assumptions, including development of all vacant
22 and underutilized sites suitable for residential
23 development during this cycle and alternatively increased
24 densities beyond the adopted General Plan and zoning to
25 determine capacity.

1 The city's suitable sites, evidenced in the
2 city's appeal, have a total capacity for 224 units. There
3 are 59 existing units on these sites, resulting in a net
4 capacity of 145 units.

5 There are inconsistencies in the RHNA plan
6 relative to the Draft Plan Bay Area 2050, particularly in
7 the application of the growth geographies in the context
8 of suitable sites. Sausalito's RHNA is inconsistent with
9 the growth assumed in Plan Bay Area. ABAG has made an
10 arbitrary determination that if RHNA growth is within Plan
11 Bay Area's --

12 MR. CASTRO: One minute.

13 MS. THOMPSON: -- 35-year housing growth, it is
14 consistent. This is illogical, as it front-loads all
15 anticipated growth and nullifies the growth assumptions of
16 Plan Bay Area.

17 If ABAG is planning for 35 years' of growth to
18 occur within eight years, then the total 2050 growth
19 numbers must be adjusted because ABAG is clearly planning
20 for much more growth than is actually being divulged.

21 For Sausalito, the RHNA plan allocates 724 units,
22 which is 89 percent of the total growth assumed for
23 Sausalito in Plan Bay Area 2050. It is unrealistic to
24 assume that 89 percent of the city's planned growth, over
25 a 35-year period, will occur during an eight-year window.

1 The RHNA plan over-projects growth for Sausalito
2 by more than 300 percent, compared to growth anticipated
3 under Plan Bay Area.

4 The city has calculated its RHNA, within its
5 demonstrated capacity, using the RHNA plan adjustment
6 factors. In the absence of ABAG providing information
7 demonstrating the suitability of sites in Sausalito for
8 the RHNA, the city respectfully requests a RHNA of 145
9 units, option (b), which would be 100 percent of its
10 eight-year capacity.

11 This would require the city to rezone and
12 redesignate sites in its General Plan and also reflects
13 re-use and intensification of sites with existing
14 development.

15 Thank you very much.

16 PRESIDENT ARREGUIN: Thank you very much. There
17 will be an opportunity to respond to the MTC/ABAG staff
18 presentation, after they present.

19 So I'll turn it forward to staff to present on
20 the appeal.

21 MR. KAPLAN: Thank you.

22 Good afternoon. Can you please bring up the
23 slides. Thank you.

24 Next slide, please.

25 The City of Sausalito is requesting a reduction

1 of between 579 and 599 units, which is a reduction of 80
2 to 83 percent from its Draft allocation. And staff's
3 recommendation is to deny the appeal.

4 Next slide, please.

5 Sausalito argues ABAG failed to consider
6 information about the availability of land suitable for
7 housing.

8 And Sausalito's appeal also states that the Draft
9 RHNA plan does not provide sufficient information about
10 each jurisdiction's land availability. The RHNA
11 Methodology does consider the land available in each
12 jurisdiction by incorporating data from the Plan Bay Area
13 2050 Blueprint as the baseline allocation. The strength
14 of the Land Use Model used in the Final Blueprint is that
15 it assesses feasibility.

16 Sausalito's appeal also notes that the city used
17 the Housing Element Site Selection tool, or HESS tool that
18 we've discussed previously, to evaluate whether the RHNA
19 Methodology considers the availability of land for
20 development. And it says they used this tool because
21 staff were not able to review the underlying data for the
22 Plan Bay Area 2050 Final Blueprint.

23 However, as discussed in the response to San
24 Anselmo, ABAG/MTC provided local jurisdiction staff with
25 access to the underlying data for the Plan Bay Area 2050

1 Final Blueprint forecast that determines the RHNA
2 Methodology's baseline allocation.

3 Moreover, the HESS tool data that Sausalito cites
4 in its appeal was not used to develop the RHNA allocation.
5 The data from the HESS tool was not used in either the
6 modeling for Plan Bay Area 2050, or as an input in the
7 RHNA Methodology itself.

8 While Sausalito's presentation notes that it has
9 429 lots with development potential, it does not
10 demonstrate why it has fully excluded all other parcels as
11 potential housing sites. As HCD noted in its comment
12 letter on the Bay Area's RHNA appeals, even communities
13 that view themselves as built out or limited, due to other
14 natural constraints, such as fire and flood risk areas,
15 must plan for housing through means such as rezoning
16 commercial areas as mixed-use areas and up-zoning
17 non-vacant land.

18 Next slide, please.

19 Sausalito argues that ABAG failed to consider the
20 availability of land suitable for development because RHNA
21 fails to exclude land at risk of natural hazards.
22 However, as discussed in previous responses to appeals,
23 housing law -- Housing Element Law generally does not
24 identify areas at risk from hazards as a constraint to
25 housing.

1 Plan Bay Area 2050 includes adaptation solutions
2 targeted along portions of shoreline that have inundation
3 with two feet of sea level rise. The adaptation solutions
4 envisioned in Plan Bay Area 2050 do not protect
5 Sausalito's shoreline from inundation because the affected
6 area is almost an entirely commercial and industrial zone,
7 and it's not identified as a priority development area or
8 other growth geography.

9 So because the potential inundation areas in
10 Sausalito are not protected by investments included in
11 Plan Bay Area 2050, the Final Blueprint does not envision
12 additional households in these areas. So as a result, the
13 household growth forecasted for Sausalito and, thus, its
14 baseline allocation, RHNA is lower than if the land was
15 protected in the Final Blueprint forecast.

16 Therefore, Sausalito's RHNA already reflects
17 reductions resulting from hazard risk due to sea-level
18 rise. For other areas at risk of flooding in Sausalito,
19 the city has not provided evidence its flood management
20 infrastructure is not adequate, as required by statute.

21 Throughout the region, it is essentially
22 impossible to avoid all hazards, when citing new
23 development. But jurisdictions can think critically about
24 which areas in the community have the highest hazard risk.
25 In developing its housing element, Sausalito has the

1 opportunity to take hazard risk into consideration with
2 where and how it sites future development.

3 Next slide, please.

4 Sausalito argues that the RHNA Methodology fails
5 to consider sewer and water capacity, but these arguments
6 do not meet the requirements for a valid RHNA appeal, as
7 the city has not demonstrated --

8 MR. CASTRO: One minute.

9 MR. KAPLAN: -- it is precluded from meeting its
10 RHNA allocation because of a decision by its water service
11 provider.

12 Next slide, please.

13 The appeal also makes various arguments about the
14 methodology not meeting the statutory requirements. But
15 as we've discussed before, this challenges the Final RHNA
16 Methodology itself and is outside the scope of the appeals
17 process. We address these arguments in more detail in the
18 written response, but there's not time to do so in this
19 presentation.

20 Next slide, please.

21 Sausalito argues there should not be any growth
22 geographies within the city because it does not meet the
23 minimum transit service thresholds. However, the Final
24 Blueprint designates a portion of Sausalito as a
25 transit-rich and high resource area, based on the

1 Sausalito Ferry terminal, which is a major transit stop,
2 based on the state's definition.

3 Next slide, please.

4 Sausalito's critiques of the Final RHNA
5 Methodology adopted by ABAG and approved by HCD also fall
6 outside the scope of the appeals process.

7 Next slide, please.

8 And just, lastly, the city provides calculations
9 that suggest the maximum growth potential in Sausalito,
10 during the six-cycle RHNA, is 145 units. However, statute
11 forbids ABAG from limiting a jurisdiction's RHNA using the
12 constraints Sausalito included in its calculation of
13 near-term development capacity.

14 As HCD notes in its comment letter on Bay Area
15 RHNA appeals, ABAG may not limit its consideration of
16 suitable housing sites to existing zoning and land use
17 restrictions and must consider the potential for increased
18 development under alternative zoning and land use
19 restrictions.

20 Most importantly, Sausalito's recalculation of
21 its RHNA does not identify that ABAG made any mistakes in
22 the application of the adopted RHNA Methodology. This
23 recalculation is a critique of the adopted methodology and
24 such critiques are not a valid basis for a RHNA appeal.

25 MR. CASTRO: Time, please.

1 MR. KAPLAN: Yes. All done. Thank you.

2 PRESIDENT ARREGUIN: Okay. Thank you very much.

3 So I'd like to give the City of Sausalito an
4 opportunity to respond to the staff presentation. You'll
5 have three minutes.

6 I believe you're muted.

7 Not anymore. Great.

8 MS. THOMPSON: Thank you.

9 Staff has mischaracterized Sausalito's appeal and
10 has not provided any information that demonstrates that
11 ABAG conducted the required analysis of suitable sites at
12 the member jurisdiction level. The modeling and data
13 referenced by staff does not provide the required local
14 level analysis.

15 We've reviewed the GitHub data. We have reviewed
16 -- we have reviewed the various methodologies, and none of
17 these specific factors, required to be addressed under
18 Government Code Section 65584.04, are addressed for each
19 city and county.

20 Note the staff's response did not include any
21 data or information specific to Sausalito, despite their
22 claim that this information is available. Analysis is at
23 the subregional and super district levels in many cases,
24 and that's not jurisdiction level analysis.

25 State law does not limit Sausalito to appealing

1 on ABAG's use of the Local Jurisdiction Survey, but rather
2 extends the grounds for appeal to ABAG's application of
3 Government Code Section 65584.04, which includes, but is
4 not limited to, the survey.

5 This section of the Government Code requires ABAG
6 to identify each member's jurisdiction's existing and
7 projected jobs/housing relationship, including an estimate
8 based on low-wage jobs and housing affordable to low-wage
9 workers within the jurisdiction not completed.

10 Opportunities and constraints for development of
11 additional housing, including the lack of capacity for
12 water or sewer service for each member jurisdiction not
13 provided or completed.

14 Availability of lands suitable for urban or
15 residential development for each member jurisdiction.
16 This is, again, not provided in the staff records
17 requested.

18 While ABAG staff has repeatedly trot about the
19 statement that state law forbids ABAG from considering
20 hazards, this is untrue. State law charges ABAG with
21 identifying lands suitable for urban development and
22 indicates that ABAG may exclude lands with flooding risk.
23 It does not prohibit ABAG from excluding or reducing
24 growth assumptions for land subject to hazards and risks
25 that jeopardize public safety. That has been ABAG's

1 choice.

2 To assume that Sausalito and other jurisdictions
3 will need to place high-intensity housing on
4 steeply-sloped hills subject to landslides, in areas
5 subject to violent ground-shaking and liquefaction, and in
6 areas that are fully developed with existing streets that
7 do not meet state standards for adequate evacuation, in
8 the event of a disaster. In Sausalito's review of its
9 sites, it is looking at all sites in its city to
10 accommodate future housing, not just sites designated in
11 the General Plan or by existing zoning.

12 ABAG staff's responses continually reiterate that
13 ABAG may not limit its consideration of suitable housing
14 sites or lands suitable for urban development to existing
15 zoning ordinances and land use restrictions, but shall
16 consider the potential for increased residential
17 development under alternative zoning ordinances and land
18 use restrictions.

19 Sausalito's capacity analysis, provided to ABAG
20 in its appeal, does exactly this. It looks at sites and
21 growth above and beyond what is provided for by the city's
22 General Plan and zoning. By not addressing opportunities
23 and constraints to the development of additional housing
24 for each member jurisdiction, as required by state law,
25 ABAG has developed a RHNA plan that is inconsistent with

1 state law, ignores public safety, and produces growth in
2 extremely constrained communities.

3 Sausalito respectfully requests that ABAG either
4 perform the analysis required at the member's jurisdiction
5 level or use Sausalito's calculated capacity to reflect
6 sites suitable for residential development.

7 Thank you very much.

8 PRESIDENT ARREGUIN: Thank you.

9 So now I'd like to open up public comment on the
10 appeal from the City of Sausalito. If you wish to speak
11 on the appeal, please raise your hand at this time or
12 press *9.

13 I see we have one attendee that wishes to speak,
14 Mr. Castro.

15 MR. CASTRO: Yes. One moment, please. Let me
16 get the timer.

17 PRESIDENT ARREGUIN: No problem.

18 MR. CASTRO: Our first speaker is Linda Pfeifer.
19 Go ahead, please. Two minutes.

20 Oh. I think we lost her.

21 Go ahead. I see --

22 PRESIDENT ARREGUIN: Linda, we lost you. But you
23 should be able to speak now.

24 MS. PFEIFER: Okay. Can you hear me now?

25 MR. CASTRO: Yes.

1 MS. PFEIFER: Thank you. Thank you.

2 My name is Linda Pfeifer, a Sausalito resident
3 and retired councilmember. Sausalito is unique in its
4 legacy of toxic waste from World War II shipyards and
5 landfills of toxicity. In fact, it's hard to find any
6 Sausalito city development upgrade project untouched by
7 toxic surprises and hazardous waste lying beneath the
8 surface.

9 ABAG's high opportunity areas are supposed to be
10 areas with high quality public schools, proximity to
11 well-paying jobs, high income population, and clean and
12 safe environment. Let's not repeat the inequity and Bay
13 Area's sad legacy of environmental discrimination seen at
14 Treasure Island and Hunters Point housing complexes.

15 Treasure Island is a former nuclear training site
16 for housing. Residents now cite chronic coughs and
17 cancers they attribute to radioactive exposure. Hunters
18 Point, the former ship site from the Navy, with
19 radioactive isotopes, with 55 residents testing elevated
20 levels of toxins and carcinogens.

21 Sausalito's Marinship, a former Navy shipyard
22 during World War II, at a time when there were no
23 safeguards against toxic waste.

24 And I haven't even mentioned the large sections
25 of the Marinship in Sausalito sinking half an inch to

1 three-quarters of an inch per year, risking liquefaction
2 during earthquakes, as a result of World War II landfills.

3 And, of course, the working waterfront is also a
4 tsunami zone. I haven't mentioned the 2008 River Watch
5 lawsuit, won against Sausalito for storm drains, hundreds
6 and thousands of gallons due to aging sewers and the EPA
7 mandates for repair.

8 So I ask ABAG's committee to consider the toxic
9 waste, the sinking land well-documented throughout
10 Sausalito's Marinship and other zones from the town's
11 World War II's legacy.

12 I urge ABAG to reduce Sausalito's RHNA in
13 consideration of the prospect of environmental
14 discrimination and sea level rise.

15 Thank you.

16 PRESIDENT ARREGUIN: Thank you.

17 Any other attendees who wish to speak on the RHNA
18 appeal for the City of Sausalito? If so, please raise
19 your hand, if you're on the Zoom platform, or press *9.

20 I don't see additional raised hands.

21 Mr. Castro, any comments at 375 Beale?

22 MR. CASTRO: No one at 375 Beale.

23 There were no written comments.

24 There were post-public comments that were -- and
25 late public comments that were received. Those were

1 posted online and e-mailed to committee members.

2 Thank you.

3 PRESIDENT ARREGUIN: Yes. Thank you very much.

4 So it's now in order for the committee to discuss
5 the appeal.

6 And who would like to start the discussion?

7 Mayor Eklund?

8 MAYOR EKLUND: Thank you very much, President
9 Arreguin.

10 I have a couple of questions. First of all, I
11 noticed that in the rebuttal, Sausalito showed a slide
12 that said that Sausalito was considered part of Central
13 Marin.

14 Can staff help me to understand why Sausalito was
15 factored into the Central Marin subarea? Because they're
16 not central; they're southern part of Marin County.

17 Can you help me to understand that?

18 MR. VAUTIN: So I'm happy to tackle this one.

19 I think, Boardmember Eklund, there's a typo on
20 that slide. And in the packet, we compared it to the
21 South Marin Super District.

22 MAYOR EKLUND: Oh, okay. Okay.

23 They also have -- I wanted to compliment
24 Sausalito for your outstanding and very lengthy rebuttal.
25 You really did take a long time and really looked at this

1 a lot.

2 UrbanSim has been an issue for as long as I could
3 remember, even, I think, before -- right around when ABAG
4 and MTC were consolidating. And so help me to understand,
5 on page 6 of 41, I think on the Sausalito's appeal, they
6 give a lengthy discussion about the inability to get some
7 of the data validated that's in UrbanSim. And I thought
8 that we had solved that a couple of years ago.

9 But can you help me to understand why Sausalito
10 was not able to validate some of the data that's in
11 UrbanSim, or get the information from ABAG/MTC to be able
12 to validate that?

13 MS. ADAMS: I'm going to ask, Dave, can you give
14 a little more detail about -- I mean, we did sort of
15 identify, in our staff response, the multiple ways that
16 jurisdictions were able to access the information, and
17 that we tried to make it available and had, kind of,
18 outreach including office hours where jurisdiction staff
19 could come and see some of those details.

20 But -- I don't know -- Dave, if you wanted to add
21 some more information about that.

22 MR. VAUTIN: Yeah. I'm happy to talk about that.

23 I know that that was a challenge with prior
24 iterations of Plan Bay Area. So one of the key things we
25 did at the beginning of this process is, we started a

1 brand new initiative called "BASIS," which is all about
2 having jurisdictions get a chance to look under the hood,
3 take a look at their baseline data, and give us feedback
4 on it.

5 And that occurred -- as we mentioned in the
6 presentation -- in 2019. And we actually gave extensions
7 to jurisdictions into 2020, if they wanted to give us
8 feedback on that baseline data. It incorporates all sorts
9 of layers, including the existing zoning and General Plan
10 information, which we incorporated into our modeling for
11 Plan Bay Area 2050.

12 And then, also, at each of the releases of the
13 Draft and the Final Blueprint, what we did is, we invited
14 jurisdictions to look under the hood, in terms of the
15 outputs as well and met with them to discuss the growth
16 projections on -- again, the plan uses the data on the
17 county and sub-county levels, but we also exported the
18 jurisdiction information into the RHNA process with the
19 2050 total households' data.

20 So what we did is, those meetings, we oftentimes
21 had maps. We brought the data, and we would discuss those
22 outputs with jurisdictions.

23 So, you know, there were several points in the
24 process and -- where folks had an opportunity to look at
25 the data and look at the modeling work.

1 MAYOR EKLUND: So -- but -- so did Sausalito
2 participate in any of those opportunities?

3 Do you know?

4 MR. VAUTIN: Off the top of my head, I don't
5 remember.

6 I know there were dozens of jurisdictions who
7 took us up on the offer. But I would have to ask the city
8 if they did.

9 MAYOR EKLUND: Okay. I guess I'll ask the
10 applicant whether or not you did participate in any of
11 those opportunities.

12 MS. HOFFMAN: Hi. I'll let Beth respond to that.
13 Thank you.

14 MS. THOMPSON: So I was brought on board with the
15 city after these opportunities were available.

16 Going to the ABAG's BASIS website, there is some
17 information available, but nothing that demonstrates that
18 each of the constraints that I've identified, that -- that
19 state law requires ABAG to identify and address, there is
20 nothing that demonstrates those have been considered.

21 And so when I went through the GitHub data, I
22 went through the BASIS data that's available online --
23 none of that -- looking under the hood, none of that shows
24 that this analysis addressed jurisdiction level capacity
25 based on suitable sites, based on water and sewer

1 availability, based on the jobs/housing ratio, including
2 low-income jobs and low-wage households in the
3 jurisdiction. So -- or permanent open spaces to be
4 designated. So while it may be in there, it's not -- it's
5 not obvious.

6 And in staff's response, we clicked on all of the
7 links they provided, and none of those links demonstrated
8 the data that we've identified has been absent.

9 MS. HOFFMAN: So if I can jump in here as well.
10 Thank you, Beth, for that.

11 So Beth was our consultant during this appeal
12 process. But if the ability and Sausalito's, you know,
13 participation, going back to, you know, these open
14 periods, you know, for participation, as described by
15 Dave, if that's something that's going to be significant
16 with regard to this decision and our appeal, I would ask
17 for a continuance on this particular issue -- that I can
18 reach back and look to our staff about whether or not we
19 actually participated during these time periods.

20 So I know that our -- we just had a turnover in
21 our Community Development. Ms. Whalen was our prior
22 Community Development Director. She just departed for
23 another opportunity.

24 And so I think that while that is interesting
25 that we were able to weigh in during the -- I mean,

1 interesting and significant, the fact that we should have
2 been able to easily access that information during
3 drafting our appeal is significant, and whether or not
4 that would justify either further time to address that, if
5 that's a significant issue with regard to the board.

6 Thank you.

7 MAYOR EKLUND: I guess I would ask ABAG staff to
8 indicate that.

9 But, Mayor Hoffman, I know that, in my ABAG
10 reports and in my verbal reports, I had asked all the
11 cities to not only complete their surveys, but also -- and
12 Sausalito did -- but also take the time to go through the
13 BASIS process of validating the data.

14 So I tried to keep up on what cities in Marin did
15 or did not. And I frankly cannot remember, going back two
16 years, whether or not Sausalito did. So -- but I'll ask
17 staff later whether or not that is crucial. In my
18 opinion, I'm not sure it is.

19 But -- so, President Arreguin, I think there are
20 some other issues that we need to add to this list -- this
21 ongoing discussion list. And I think UrbanSim needs to be
22 put back on it.

23 And there seems, in my opinion, to be a -- still
24 a disconnect between ABAG and cities. And so in my
25 opinion, I think we're going to need -- I would like to

1 have an opportunity to have us discuss, what can we do to
2 make sure that cities know of these opportunities and --
3 because they're being bombarded by all different aspects
4 of ABAG and MTC at the same time. So --

5 PRESIDENT ARREGUIN: Yes. Agreed.

6 MAYOR EKLUND: So I really would like to have
7 those issues at UrbanSim and this disconnect -- and how we
8 can increase the communication -- I mean, I do probably
9 more than most by writing a written report every month.
10 And I distribute it to all the cities in Marin, and I
11 distribute it to other cities and other counties in the
12 Bay Area that request it.

13 But I also think that we need to add some of the
14 issues -- other issues that I've been raising, too, about
15 how do you determine what is adequate for looking at
16 availability of land, of flooding, and some of these other
17 issues?

18 But I'm very sympathetic to the cities that we're
19 hearing from today because I know them and I spent -- I
20 worked in Sausalito for how many years -- I think it was
21 four years, before I moved to the Army Corps, in San
22 Francisco. And -- or it could have been five.

23 But I know Sausalito very, very well. And they
24 have some land availability, but not for the number of
25 units. So, anyway -- so I will not be supporting this

1 appeal as well.

2 Thank you very much for allowing me the
3 opportunity, President Arreguin, to add a couple more
4 issues to our discussion list.

5 PRESIDENT ARREGUIN: Yes. Thank you.

6 Okay. Colleagues, any questions or comments or a
7 motion to take a preliminary action?

8 I'll make a motion --

9 MAYOR FLIGOR: I'll motion --

10 PRESIDENT ARREGUIN: -- to take a preliminary
11 action to deny the appeal.

12 Is there a second?

13 MAYOR HUDSON: Second.

14 MAYOR FLIGOR: Seconded, Mayor Arreguin.

15 PRESIDENT ARREGUIN: Okay. And, you know, I do
16 agree that, you know, going forward, you know, next cycle,
17 we need to make clear to local governments about, you
18 know, these resources that are available -- you know,
19 participating in the survey, so everyone understands, you
20 know, what -- you know, what their -- you know, what their
21 obligations are and opportunities.

22 But I do, respectfully, think that, you know,
23 staff has made a very compelling case about why this
24 appeal shall be denied, and I'll be supporting the motion.

25 Mayor Romero?

1 MAYOR ROMERO: Yeah. I just wanted to comment on
2 Ms. Thompson's -- for lack of a better term -- allegations
3 within the rather lengthy report that was presented from
4 Sausalito that her consistently arguing that our -- the
5 RHNA Methodology itself is inconsistent with, and the
6 process we used was inconsistent with state law.

7 Clearly we have abundant correspondence from the
8 state that indicates that indeed the document, the process
9 we used, and ultimately the methodology passes muster with
10 the state.

11 So I just want to make that very clear for the
12 record because the allegations, I think, are not
13 substantiated by the appeal that was submitted.

14 PRESIDENT ARREGUIN: And to follow up on that,
15 Mayor Romero, HCD approved the methodology and found that
16 it met the statutory requirements.

17 Mayor Hudson?

18 MAYOR HUDSON: Well, Mayor Arreguin, I don't have
19 to say it, now that you did.

20 I just --

21 PRESIDENT ARREGUIN: Okay.

22 MAYOR HUDSON: The one thing I did hear in there
23 -- and I didn't want to go without addressing it -- is
24 somehow, we should continue this. And I'm under the
25 impression that this can't just continue. I mean, there

1 are some time constraints on this to get this done.

2 Am I missing this, or is this something that --
3 okay, we can start over again and do it again? Or, to me,
4 so much of the problem is in what we accepted or what HCD
5 has approved as our methodology.

6 If you change the methodology, you're going to
7 get different numbers. But you might find out, as I tried
8 to say earlier, that a lot of these people that are
9 speaking out will come out in hundreds, for larger
10 numbers.

11 So I guess the question is, is this methodology
12 -- is there a time constraint that we have on this, rather
13 than just continue this?

14 PRESIDENT ARREGUIN: I think the biggest time
15 constraint is, local governments have to have compliant
16 housing elements by January 2023. So if we, you know, go
17 back and change the methodology or delay action on the
18 RHNA plan, that's going to put governments in a really,
19 really difficult position.

20 And the state is not extending the timeline. So
21 we are -- we are up against the -- I think the limit, in
22 terms of -- you know, of the ability to take action.

23 Also, I believe, Gillian, if I'm not mistaken,
24 the statute does specify a specific time period in which
25 we have to act on the appeals. I think it's, like -- what

1 is it? 45 days from the start, from the noticing?

2 MS. ADAMS: That's correct.

3 PRESIDENT ARREGUIN: Yeah.

4 MS. ADAMS: Essentially the date that we have our
5 final hearing, on the 29th, is the deadline for us to
6 consider the appeals and complete the public hearing.

7 PRESIDENT ARREGUIN: Yes. So that's another sort
8 of legal constraint that we're operating under, with
9 respect to the timeline for our action.

10 Any other questions or comments from members of
11 the committee? If not, the motion is to take a
12 preliminary action to deny the appeal of Sausalito.

13 Roll call, please.

14 MR. CASTRO: Yes. Motion was by Arreguin; second
15 by Fligor.

16 Mayor Arreguin?

17 PRESIDENT ARREGUIN: Yes.

18 MR. CASTRO: Mayor Eklund?

19 MAYOR EKLUND: No.

20 MR. CASTRO: Mayor Fligor?

21 MAYOR FLIGOR: Yes.

22 MR. CASTRO: Mayor Hudson?

23 MAYOR HUDSON: Yes.

24 MR. CASTRO: Supervisor Lee?

25 SUPERVISOR LEE: Yes.

1 MR. CASTRO: Supervisor Mandelman?

2 SUPERVISOR MANDELMAN: Yes.

3 MR. CASTRO: Supervisor Mitchoff?

4 SUPERVISOR MITCHOFF: Yes.

5 MR. CASTRO: Councilmember Peralez is absent.

6 Supervisor Rabbitt?

7 SUPERVISOR RABBITT: Aye.

8 MR. CASTRO: Supervisor Ramos?

9 SUPERVISOR RAMOS: Yes.

10 MR. CASTRO: Mayor Romero?

11 MAYOR ROMERO: Yes.

12 MR. CASTRO: Mayor Wilson?

13 MAYOR WILSON: Aye.

14 MR. CASTRO: Motion passes. Ten ayes; one no;
15 one absent.

16 PRESIDENT ARREGUIN: Okay. So that is the
17 preliminary action.

18 And final action will be taken prior to -- after
19 the close of the public hearing, and we will provide
20 notice of the date and time of that meeting.

21 And I want to thank Sausalito for coming today
22 and for your very thorough presentation.

23 So with that, we'll move to our last appeal for
24 this afternoon, which is an appeal from the City of
25 Tiburon. And I understand we're joined by the Mayor of

1 Tiburon. Good afternoon -- and staff from Tiburon as
2 well.

3 And so, similar to the process that we employed
4 with the previous appeals, we'll first hear from the
5 appellant jurisdiction for five minutes. And I will turn
6 it over to Tiburon.

7 And if there's a presentation, if tech staff can
8 pull it up.

9

10 APPEAL FOR THE TOWN OF TIBURON

11

12 MAYOR THIER: Good afternoon, President Arreguin
13 and Vice President Ramos, and ABAG Board Members. I'm
14 Holli Thier, Mayor of Tiburon. We want to thank you very
15 much for this process, and we want to let you know that we
16 are absolutely committed to affordable housing and
17 creating more housing stock.

18 Our consultant, Christine O'Rourke, our General
19 Plan consultant, is going to cover the details right now
20 and bring up her presentation.

21 Christina?

22 MS. O'ROURKE: Thank you, Mayor.

23 Can I have the presentation, please?

24 All right. Thanks. Good afternoon. I'm
25 Christine O'Rourke. I'm also here with Town Manager Greg

1 Chanis.

2 Could I have the next slide, please.

3 So Tiburon was allocated 639 units, more than
4 eight times its last allocation of 72 units, when the Bay
5 Area region as a whole was allocated 2.3 times the last
6 allocation. This amount of housing simply cannot be
7 accommodated in Tiburon. The town is mostly built out and
8 the few remaining vacant parcels are primarily located on
9 steep slopes in the hills.

10 As demonstrated by ABAG's own HESS tool, there
11 are no vacant tools -- parcels in Tiburon that will meet
12 HCD's requirements for adequate sites suitable for lower
13 income, multi-family housing.

14 Furthermore, HCD's owner's rules for qualifying
15 sites suitable for lower income housing and for qualifying
16 non-vacant parcel sites for redevelopment make it
17 virtually certain that the town will not be able to
18 identify sites that meet HCD satisfaction.

19 There is an egregious disconnect here between
20 ABAG's methodology and the realities of the housing element
21 certification process and the availability of land.

22 Our request is for a reduction of 103 units.
23 That would still leave the town with an incredibly high
24 number of housing units to accommodate, but we had based
25 our request on the acceptance of the approved methodology

1 and a fair application of the sub-county growth factor, as
2 I will explain.

3 May I have the next slide, please.

4 The town's request identifies several grounds for
5 appeal. The first is that the RHNA allocation methodology
6 fails to consider environmental constraints and the actual
7 vacant and suitable land available for development and
8 redevelopment.

9 The second is that the methodology fails to
10 consider water service capacity. As we documented in our
11 appeal, and as staff does not dispute, the RHNA assigned
12 to the Marin Municipal Water District service area exceeds
13 the population plan for -- in the 2020 Urban Water
14 Management Plan by 32 percent. There is no way of knowing
15 at this point if there will be enough water to service the
16 RHNA housing growth.

17 Our next point is that the methodology
18 over-allocates units to Tiburon because it is in a
19 so-called "transit-rich area," without taking into
20 consideration the fact that a privately-owned ferry dock
21 is not a ferry terminal, and that the Golden Gate Ferry
22 provides very limited service, with only two trips to San
23 Francisco and back each day, serving less than 1 percent
24 of the Golden Gate Ferry ridership.

25 Furthermore, there is no vacant land within a

1 half mile of the ferry dock, and virtually all of the land
2 in this area is subject to flooding, liquefaction, and sea
3 level rise.

4 Next slide.

5 Our last point is that the allocation methodology
6 was unfairly applied to Tiburon and does not follow the
7 methodology that is actually described in the Draft RHNA
8 plan. To understand why, we look at the three components
9 of the methodology. The first is the baseline allocation,
10 which is based -- and here I quote from the Draft RHNA
11 plan: "The jurisdiction's share of the region's total
12 households in 2050 from the Final Blueprint."

13 The baseline allocation is modified by three
14 factors and then subjected to the equity adjustment. The
15 city takes issue with the baseline allocation, not the
16 other factors or the equity adjustment. And due to the
17 incomplete information that was presented in the Draft
18 RHNA plan, we were forced to do a little bit of math.

19 And as detailed in our appeal, we had to
20 determine the actual baseline allocation. Working the
21 equation backwards, we determined that Tiburon would have
22 to have 5,498 households in 2050, which is a 47 percent
23 increase over the 2015 level, and clearly one that cannot
24 be accommodated.

25 MR. CASTRO: One minute.

1 MS. O'ROURKE: Next slide.

2 The problem is that there are no growth rates
3 assigned to individual jurisdictions in the Final
4 Blueprint growth pattern. There's only growth rates to
5 counties and for sub-county areas. And the sub-county
6 area growth rate for south Marin, which is where Tiburon
7 is located, is 21 percent.

8 As we detailed in our appeal, the implied housing
9 household growth rates for the other south Marin
10 jurisdictions are all over the board, from 14 percent for
11 Mill Valley to 57 percent for Corte Madera. And ABAG has
12 provided no transparent methodology or data for how these
13 growth rates were determined.

14 In order to be consistent with the RHNA
15 Methodology described in the Draft plan, as well as the
16 growth rate identified in the Final Blueprint, the 21
17 percent growth rate should be applied to all of the
18 jurisdictions, which is what we've done in our request.

19 We've recalculated our RHNA, and that's why we
20 are requesting a reduction of 103 units.

21 Thanks for your time. And that concludes our
22 presentation.

23 PRESIDENT ARREGUIN: Thank you.

24 So now I'd like to ask MTC/ABAG staff to present
25 on the appeal from the Town of Tiburon.

1 MS. ADAMS: Thank you. If we could pull up the
2 slides. Thank you.

3 Next slide, please.

4 So the Town of Tiburon is requesting a reduction
5 of 103 units, which is a reduction of 16 percent from its
6 Draft allocation. And staff's recommendation is to deny
7 the appeal.

8 Next slide, please.

9 Tiburon argues that ABAG made an error in
10 calculating the town's Draft allocation, but ABAG/MTC
11 staff has determined that there were no errors. The
12 town's calculations did not include the steps shown in the
13 Draft RHNA plan to adjust the factor scores for all
14 jurisdictions to ensure that the methodology allocates 100
15 percent of units in each income category, as assigned by
16 HCD. When the calculations include this step, the results
17 are consistent with the town's Draft allocation.

18 Next slide, please.

19 Tiburon calculated an implied growth rate, and it
20 argues that this growth is inconsistent with the South
21 Marin Super District's growth rate in the Plan Bay Area
22 2050 Final Blueprint.

23 The town also states there is no
24 publicly-available methodology to demonstrate how
25 individual jurisdiction's baseline allocations were

1 calculated. However, as we've mentioned previously, all
2 relevant data and calculations for the RHNA Methodology
3 are shown in the Draft RHNA plan, which is on ABAG's
4 website.

5 ABAG/MTC staff also provided jurisdictions with
6 access to the underlying data for the Plan Bay Area 2050
7 Final Blueprint forecast that is used as the RHNA
8 Methodology's baseline allocation, as discussed in
9 previous responses.

10 Jurisdictions could also review the growth
11 pattern for the Draft Blueprint in summer 2020, and prior
12 to adoption of the Final Blueprint in January of 2021.
13 And ABAG and MTC staff held office hours to discuss the
14 model inputs and forecasted growth from the UrbanSim
15 model.

16 Although statute requires RHNA to be consistent
17 with the Plan's development pattern, it does not specify
18 how to determine consistency. This gives ABAG discretion
19 to define its approach.

20 The Final Blueprint growth forecasts are adopted
21 at the county and sub-county levels only, and the approach
22 used throughout the RHNA Methodology development process
23 deems RHNA consistent with the plan, if the eight-year
24 RHNA does not exceed the Plan's 35-year housing growth for
25 the county and sub-county levels.

1 The evaluation shows that RHNA is consistent with
2 Plan Bay Area 2050, including in the South Marin Super
3 District, where Tiburon is located.

4 Next slide, please.

5 Tiburon argues that the RHNA double-counts the
6 impact of high resource areas. The town also questions
7 designation of a transit-rich area growth geography in
8 Tiburon and why the job proximity transit factor allocates
9 units to Tiburon, when it scores low on this factor.
10 Importantly, these arguments challenge the Final RHNA
11 Methodology that was adopted by ABAG and approved by HCD,
12 which falls outside the scope of the appeals process.

13 Use of high-resource areas, in both the Final
14 Blueprint and as a RHNA factor, provides a bridge between
15 the long-term growth forecast and the Plan and the
16 short-term focus of RHNA, prioritizing these areas for
17 near-term growth during the eight-year RHNA period.

18 The Final Blueprint designates a portion of
19 Tiburon as a transit-rich and high-resource area, based on
20 the Tiburon Ferry terminal, which is a major transit stop,
21 based on the state's definition.

22 Lastly, to help distribute RHNA units throughout
23 the region, the RHNA factors are scaled so that all
24 jurisdictions -- even those with low scores -- receive
25 some RHNA units from each factor. Because Tiburon has a

1 small number of jobs that could be accessed within a
2 45-minute transit commute, it receives few units based on
3 this factor, relative to other jurisdictions.

4 Next slide, please.

5 The town cites information from the HESS tool
6 developed by ABAG to argue that it does not have
7 sufficient land available to accommodate its RHNA. As
8 stated previously, the HESS tool was not used to develop
9 the RHNA allocation.

10 Furthermore, the RHNA Methodology considers the
11 development constraints named in this appeal by
12 incorporating data from the Plan Bay Area 2050 Final
13 Blueprint as the baseline allocation.

14 Although staff understands Tiburon's concerns
15 about natural hazards, Housing Element Law generally does
16 not identify areas at risk from natural hazards as a
17 constraint to housing. Tiburon does not provide evidence
18 that it's unable to consider the availability of
19 underutilized land, opportunities for infill development,
20 and increased residential densities to accommodate its
21 RHNA, as required by statute.

22 Next slide, please.

23 Staff understands the town's concerns about the
24 drought currently being experienced by the Bay Area.
25 However, the town's arguments do not meet the requirements

1 for a valid RHNA appeal, as the town has not demonstrated
2 it is precluded from meeting its RHNA allocation because
3 of a decision made by its water service provider.

4 Next slide, please.

5 Thus, ABAG/MTC staff recommends that the
6 committee deny the appeal filed by Tiburon.

7 Thank you.

8 PRESIDENT ARREGUIN: Thank you very much.

9 So now I'd like to give Tiburon an opportunity to
10 respond to the staff presentation, if you so choose.

11 MS. O'ROURKE: Yes. Thank you very much.

12 So regarding the first issue, we didn't argue
13 that the staff made an error in the RHNA calculation, but
14 that the lack of transparency in how it was determined and
15 how it's presented in the Draft plan forced us to actually
16 go back, redo the numbers, and to determine what the
17 implied growth rate was.

18 Regarding issues two and three, again, our
19 argument is that since the Final Blueprint growth pattern
20 does not identify growth rates for the individual
21 jurisdictions, that it's the super district growth rate --
22 in this case 21 percent -- which should be used for all of
23 the jurisdictions within the South Marin Super District.

24 The way that staff allocates the baseline numbers
25 overweights Tiburon's RHNA because it's located in this

1 so-called "transit rich area" and within a high resource
2 area. Something that is supposed to be addressed through
3 the application are the factors of the baseline
4 application.

5 Clearly the methodology is double-counting the
6 impact of the high resource opportunity area and the
7 transit issue, first in the baseline allocation, and then
8 again in the application of the factors.

9 Regarding the issue, number four, the lack of
10 available land, I would simply note that we cited the HESS
11 data in our appeal due to the lack of information on how
12 ABAG staff identified available sites. We agree that it's
13 flawed, but it does support our point that there's a lack
14 of available vacant and underutilized land.

15 And then finally, with issue number five, I'd
16 simply state that our appeal is not based on a current
17 drought, but on the lack of an Urban Water Management Plan
18 that verifies that there will be enough water to service
19 the increase in housing units in the Marin Municipal Water
20 District service area, which includes Tiburon.

21 Thank you.

22 PRESIDENT ARREGUIN: Thank you.

23 So now I'd like to go to public comment on the
24 RHNA appeal from the Town of Tiburon. If you wish to
25 speak on this appeal, please raise your hand, if you're on

1 the Zoom platform, or press *9.

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

3 MR. CASTRO: I see no raised hands from members
4 of the attendees.

5 Let me check with staff, to see if there's anyone
6 at 375 Beale.

7 There were post-public comments received, and
8 that was posted online; e-mailed to committee members.

9 And there's -- staff confirms no members of the
10 public are at 375 Beale.

11 Thank you.

12 PRESIDENT ARREGUIN: Okay. Thank you very much.

13 So it's now in order for the committee to discuss
14 the appeal, and I'd like to recognize Mayor Fligor.

15 MAYOR FLIGOR: Thank you.

16 I just wanted to comment and thank staff. And
17 we've seen it with the other appeals as well, where they
18 are not just giving generic responses to the appeals
19 raised by the different jurisdictions. For each appeal,
20 they've actually gone through and cited specific responses
21 to the arguments being made by the city's appealing.

22 And so I really just wanted to comment on that
23 because this appeal, and a prior appeal, you know, would
24 give the impression that somehow the staff is not actually
25 demonstrating why they're recommending that we deny the

1 appeal.

2 And for those reasons, I will be supporting
3 staff's recommendation to deny this appeal.

4 Thank you.

5 PRESIDENT ARREGUIN: Thank you.

6 Mayor Hudson?

7 MAYOR HUDSON: Yes. I promised I wasn't going to
8 speak to every one of these, but I'm going to break my own
9 promise.

10 I -- one of the things that made this very
11 difficult is from the minute you put me on this committee,
12 I start questioning Gillian and others about getting
13 information. And the more information I got, the easier
14 it was to see what your job was. It's very constrained.

15 And I heard something that I want Tiburon to know
16 that -- you probably didn't want to say this. Statutory
17 requirement for an appeal, basis number two, consistent
18 with methodology, furthers RHNA objectives. A valid
19 appeal must show an error in the application of the
20 methodology. A critique of the adopted methodology itself
21 is outside the scope of the appeal process.

22 And what I just heard was, they didn't do the
23 math wrong. And that basically is what part of the appeal
24 is, is that you have to show where the math is wrong. And
25 we haven't seen that. I mean, I have heard some of the

1 best appeals of all the four days that we've done this,
2 but none of them are focusing on what we can look at as an
3 appeal.

4 Apparently -- well, I'm going to leave it at
5 that. I'm going to vote to deny it for that very reason
6 -- is, there has been nothing shown for the reasoning that
7 the methodology was done -- or the application was done
8 wrong.

9 PRESIDENT ARREGUIN: Okay. Thank you.

10 Any other questions or comments from the members
11 of the Administrative Committee?

12 If not, is there a motion to take a preliminary
13 action of any kind?

14 MAYOR ROMERO: I'd like to make that motion that
15 we can take that preliminary action to deny this appeal.

16 PRESIDENT ARREGUIN: Okay.

17 Is there a second?

18 SUPERVISOR LEE: I'll second.

19 PRESIDENT ARREGUIN: Seconded by Supervisor Lee.

20 Thank you.

21 Any additional comments or questions?

22 Mayor Eklund?

23 MAYOR EKLUND: Oh, yes. Thank you very much.

24 I wanted to ask a question of staff. If the
25 Marin Municipal Water District prohibits new water hookups

1 within -- well, let's say, not this year, but once we know
2 what the winter is going to be like -- so it would be --
3 probably be 2022, and that prohibition is -- is for an
4 uncertain period of time, what does this -- what does the
5 jurisdiction do, if that permit hookup prohibition
6 continues to 2023?

7 What do they do in order to not be penalized?
8 Because there's a lot of penalties, you know -- in fact,
9 we lose more local control if you don't start doing some
10 of this RHNA stuff.

11 So what does the jurisdiction do? So if the
12 prohibition continues to 2023, calendar year, when this
13 RHNA cycle starts, what can the jurisdiction do to put a
14 halt to the RHNA?

15 MS. ADAMS: So that is not something that is
16 explained in the statute. So it sort of falls outside of
17 what is included in the Housing Element Law.

18 MAYOR EKLUND: So then we're probably going to
19 need state legislation that provides for some mechanism
20 for a city or a jurisdiction -- could be a county as well
21 -- it depends, if there -- if there's only one water
22 district.

23 But, anyway, so I guess we need state
24 legislation; correct?

25 MR. VAUTIN: I'm happy to jump in here.

1 I think -- you know, like Gillian said -- is
2 saying is that, you know, really, after the end of the
3 appeals process, this is going to become a relationship
4 between local jurisdictions and HCD.

5 And that -- you know, certainly I don't think
6 we're in the best position to comment on all the specifics
7 of how HCD is going to be enforcing, or what sort of
8 exceptions could be made with the legislation.

9 But we'd certainly be happy to, you know,
10 facilitate and connect the -- our local partners to the
11 relevant state staff persons who are going to be reviewing
12 housing elements.

13 MAYOR EKLUND: I think that would be helpful.

14 But I also think that ABAG is supposed to be
15 providing services to cities. So if -- you know, there
16 may be multiple water districts that may be in that
17 position because in northern Marin, we are serviced by a
18 separate water district. And our source of water is
19 different than Marin Municipal. So I think that ABAG
20 needs to play some sort of a role.

21 But I guess we should probably add that to the
22 list for discussion because our job, as I see it, as a
23 council of government, is to help cities. And -- but I
24 know that the cities are capable of seeking legislation
25 ourselves.

1 Thank you very much for answering that.

2 PRESIDENT ARREGUIN: Any other questions or
3 comments?

4 Okay. If not, the motion is to take a
5 preliminary action to deny the appeal.

6 I'll ask the clerk to please call the roll.

7 MR. CASTRO: Motion was by Romero; second by Lee.
8 Mayor Arreguin?

9 PRESIDENT ARREGUIN: Yes.

10 MR. CASTRO: Mayor Eklund?

11 MAYOR EKLUND: No.

12 MR. CASTRO: Mayor Fligor?

13 MAYOR FLIGOR: Yes.

14 MR. CASTRO: Mayor Hudson?

15 MAYOR HUDSON: Yes

16 MR. CASTRO: Supervisor Lee?

17 SUPERVISOR LEE: Yes.

18 MR. CASTRO: Supervisor Mandelman?

19 SUPERVISOR MANDELMAN: Yes.

20 MR. CASTRO: Supervisor Mitchoff?

21 SUPERVISOR MITCHOFF: Yes.

22 MR. CASTRO: Councilmember Peralez is absent.
23 Supervisor Rabbitt?

24 SUPERVISOR RABBITT: Aye.

25 MR. CASTRO: Supervisor Ramos?

1 SUPERVISOR RAMOS: Yes.

2 MR. CASTRO: Mayor Romero?

3 MAYOR ROMERO: Yes.

4 MR. CASTRO: Mayor Wilson?

5 MAYOR WILSON: Aye.

6 MR. CASTRO: Motion passes. Ten ayes; one no;
7 one absent.

8 PRESIDENT ARREGUIN: Okay. Thank you. That
9 completes this matter.

10 And thank you to the Mayor and staff from Tiburon
11 for joining us today, and thank you for your presentation.

12 MAYOR THIER: Thank you.

13 PRESIDENT ARREGUIN: So that completes -- thank
14 you. That completes the business before the committee
15 this afternoon.

16 Unless there are any other comments, we can
17 adjourn.

18 MAYOR EKLUND: Mayor Arreguin?

19 PRESIDENT ARREGUIN: Yes?

20 MAYOR EKLUND: So our schedule for next Friday is
21 for all day.

22 Given the fact that we have been able to achieve
23 the review of these appeals faster, is there any thought
24 given to possibly doing a modification of the time set
25 aside?

1 PRESIDENT ARREGUIN: I have to consult with staff
2 about that. I don't think we posted the Agenda yet, but
3 we have provided -- we have provided notice to the
4 appellant jurisdictions that we're going to be hearing it
5 that day. I will consult with staff about that.

6 Also know that it's going to be a very busy two
7 days, since we have a whole day of meetings on Thursday
8 and then on Friday as well. So we should just be prepared
9 for that.

10 MAYOR EKLUND: Right. Okay. I just --

11 PRESIDENT ARREGUIN: We have a lot of business to
12 attend to. I will consult with staff. And thank you for
13 that -- raising that.

14 Mayor Hudson?

15 MAYOR HUDSON: Yes. I thought, frankly, that was
16 a great idea until I realized who was on the appeal. And
17 in all honesty -- and I didn't mean that to be cute or
18 anything.

19 But I think, when you really get into some of the
20 cities that the numbers were changed, shall we say, in
21 that county, and they were part of the debate, when we
22 were talking about Option 8, Option 6, or 3, I would hate
23 to guess how long those particular appeals might take. I
24 think you may have more than three or four people
25 speaking.

1 Just taking into consideration, when you look
2 into changing that, I believe that one could be a full
3 day, is what I'm saying.

4 My concern --

5 PRESIDENT ARREGUIN: Yes. And certainly, you
6 know, there's nothing -- you know, if -- if, for whatever
7 reason, we are able to complete our business sooner than
8 was anticipated, then we don't need to budget that
9 remainder of the time.

10 But, nonetheless, I will speak to staff about
11 that particular request.

12 MAYOR EKLUND: Thank you.

13 PRESIDENT ARREGUIN: So if --

14 MAYOR HUDSON: To be specific, you aren't talking
15 about moving Day 6 to 5, are you?

16 MAYOR EKLUND: No.

17 PRESIDENT ARREGUIN: No, no, no.

18 MAYOR EKLUND: No. Just changing the hours.

19 PRESIDENT ARREGUIN: Okay.

20 So with that, the ABAG Administrative Committee
21 will continue this public hearing on the RHNA appeals to
22 the Bay Area Metro Center or remotely on Zoom to Friday,
23 October 22nd, 2021, from 9:00 a.m. to 5:00 p.m., or
24 whatever time is duly noticed.

25 And this meeting is adjourned.

1 Thank you all.

2 MAYOR EKLUND: Thank you.

3

4 (WHEREUPON, the hearing concluded at 3:12 p.m.)

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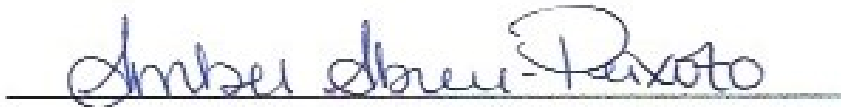
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CERTIFICATE OF REPORTER

I, AMBER ABREU-PEIXOTO, hereby certify that the foregoing proceedings were taken in shorthand by me, a Certified Shorthand Reporter of the State of California, and was thereafter transcribed into typewriting, and that the foregoing transcript constitutes a full, true, and correct report of said proceedings which took place;

That I am a disinterested person to the said action.

IN WITNESS WHEREOF, I have hereunto set my hand this 1st day of November, 2021.



AMBER ABREU-PEIXOTO, CSR No. 13546