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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

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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

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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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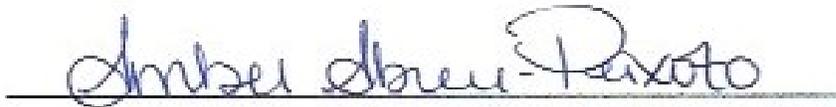
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CERTIFICATE OF REPORTER

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