

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

**CERTIFIED  
TRANSCRIPT**

REPORTER'S TRANSCRIPT OF PROCEEDINGS VIA ZOOM  
VIDEOCONFERENCE  
FRIDAY, October 22, 2021  
MORNING SESSION

REPORTED BY:  
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EMERICK & FINCH  
Certified Shorthand Reporters  
18 Crow Canyon Court, Suite 125  
San Ramon, California 94583

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1 MEMBERS PRESENT:

2 MAYOR JESSE ARREGUIN, PRESIDENT

3 MAYOR PAT EKLUND

4 MAYOR NEYSA FLIGOR

5 MAYOR DAVE HUDSON

6 SUPERVISOR OTTO LEE

7 SUPERVISOR RAFAEL MANDELMAN

8 SUPERVISOR KAREN MITCHOFF

9 SUPERVISOR BELIA RAMOS

10 MAYOR CARLOS ROMERO

11

12 COMMENTS

13 COUNTY OF MARIN 12

14 CITY OF LOS ALTOS 43

15 TOWN OF LOS ALTOS HILLS 74

16 CITY OF MONTE SERENO 102

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1 PROCEEDINGS: FRIDAY, OCTOBER 22, 2021; A.M. SESSION

2

3 PRESIDENT ARREGUIN: Good morning. I'm Jesse  
4 Arreguin. I'm the chair of the ABAG Administrative  
5 Committee. I'd like to call the special meeting of the  
6 ABAG Administrative Committee to order and ask staff to  
7 play the COVID-19 meeting announcement for us.

8 Thank you.

9 (COVID meeting announcement is played).

10 PRESIDENT ARREGUIN: Please call the roll call  
11 to confirm whether a quorum of the committee is present.

12 CLERK OF THE BOARD: Yes, sir.

13 Mayor Arreguin?

14 PRESIDENT ARREGUIN: Present.

15 CLERK OF THE BOARD: Mayor Eklund?

16 MAYOR EKLUND: Yeah. I am present, too.

17 CLERK OF THE BOARD: Thank you.

18 Mayor Fligor?

19 MAYOR FLIGOR: Here.

20 CLERK OF THE BOARD: Mayor Hudson?

21 MAYOR HUDSON: Here.

22 CLERK OF THE BOARD: Supervisor Lee?

23 SUPERVISOR LEE: Present.

24 CLERK OF THE BOARD: Thank you.

25 Supervisor Mandelman? Supervisor Mandelman?

1 Is absent.

2

3 Supervisor Mitchoff?

4 SUPERVISOR MITCHOFF: Here.

5 CLERK OF THE BOARD: Councilmember Perales?

6 Councilmember Perales? Councilmember Perales is is

7 absent.

8 Supervisor Rabbitt? Supervisor Rabbitt is

9 absent.

10 Supervisor Ramos?

11 SUPERVISOR RAMOS: Here.

12 CLERK OF THE BOARD: Thank you.

13 Mayor Romero.

14 MAYOR ROMERO: Present.

15 CLERK OF THE BOARD: Mayor Wilson? Mayor

16 Wilson is absent.

17 Quorum is present.

18 PRESIDENT ARREGUIN: Okay. Thank you.

19 I'd like to thank my colleagues on the

20 Administrative Committee for attending this morning. We

21 had an important meeting yesterday where we approved Plan

22 Bay Area 2050. So appreciate your service to our region.

23 I also want to welcome the representatives of

24 our member jurisdictions and staff. We look forward to

25 your presentations today.

1           So we'll move down to public comment. This is  
2    an information item.

3           Are there any members of the public who wish to  
4    give public comment on items not on our agenda?

5           Mr. Castro?

6           CLERK OF THE BOARD: I see no members of the  
7    public with their hands raised. No written comments were  
8    received for this item.

9           PRESIDENT ARREGUIN: Okay. Thank you. So  
10   unless there are any additional raised hands, we'll move  
11   now to item 3, Committee Member Announcements.

12           Are there any announcements from the ABAG  
13   Administrative Committee? So please raise your hand.  
14   Seeing no raised hands, Mr. Castro, public comment.

15           CLERK OF THE BOARD: No members of the public  
16   with their hands raised. No written comments were  
17   received.

18           PRESIDENT ARREGUIN: Okay. Moving to item 4,  
19   Chair Support, and once again, welcome everyone. This is  
20   our fifth day of our public hearing on the appeals of the  
21   Regional Housing Needs Allocation.

22           And just by way of background, RHNA is a State  
23   mandated process to identify the number of housing units,  
24   including by affordability level, that each jurisdiction  
25   must accommodate in its Housing Element of its General

1 Plan.

2 The State of California Department of Housing  
3 Community Development determined that Bay Area  
4 communities must plan for 441,176 new units from the  
5 years 2023 to 2031.

6 On May 20th of this year, the ABAG Executive  
7 Board approved a final RHNA methodology and issued draft  
8 allocations which initiated the appeals phase of the RHNA  
9 process.

10 ABAG has received twenty-eight appeals from Bay  
11 Area jurisdictions by the July 9, 2021 deadline.

12 In per Government Code Section 65584.05(e),  
13 ABAG is required to hold one public hearing to consider  
14 all the appeals that have been filed, and this public  
15 hearing provides an opportunity for jurisdictions that  
16 have filed appeals by testimony before the Administrative  
17 Committee as part of the committee's deliberations on  
18 these appeals.

19 So once again, today is the fifth day of the  
20 public hearing which has been -- which will be continued  
21 over six meetings, and in late August and September, by  
22 way of background, legal notices were published in  
23 multiple languages in newspapers in each of the nine  
24 counties of the San Francisco Bay Area announcing the  
25 dates of the public hearing, and dates on future meetings

1 are available on the ABAG website.

2 In fact, our next meeting date is next Friday,  
3 October 29th, at which time we may take final action on  
4 all the appeals committed.

5 There are seven appeals to be heard today and  
6 written comments referencing all the appeals considered  
7 today are under agenda item 6.

8 I want to summarize the procedure for the  
9 conduct of our hearing today. The committee will  
10 consider each jurisdiction's appeal sequentially and I  
11 may call a brief recess as necessary as any point during  
12 the day.

13 For each jurisdiction, the hearing begins with  
14 the jurisdiction's presentation on its appeal.

15 The information, arguments presented by the  
16 appellant should be limited to what was presented in its  
17 written appeal submitted.

18 Following ABAG-MTC staff will provide their  
19 response, and then thereafter the appellant jurisdiction  
20 will have three minutes to provide a rebuttal response to  
21 staff presentation.

22 Members of the public will also have an  
23 opportunity to comment on the arguments presents on each  
24 appeal.

25 I want to summarize the public comment

1 procedure. Based on the appeal procedures adopted by the  
2 ABAG Executive Board, speakers will have two minutes for  
3 public comment, but as the chair, I have the discretion  
4 to adjust the time as needed to ensure the orderly  
5 conduct of the meeting.

6 To be fair to all jurisdictions and to ensure  
7 that their appeals are heard in a timely matter on the  
8 day that they are noticed, if there are five or more  
9 speakers on an appeal, I will reduce speaker time to one  
10 minute per speaker.

11 If the total time for public comment related to  
12 a jurisdiction's appeal exceeds thirty minutes -- so  
13 public comment's gone on for thirty minutes -- we will  
14 suspend consideration of that appeal and continue  
15 consideration of that appeal until later on in the day  
16 after we've heard other appeals. We also want to be  
17 mindful of the fact that we have other appeals to  
18 consider, as well.

19 So after following public comment, the  
20 Administrative Committee will discuss and take a  
21 preliminary decision on the appeal, and I just want to  
22 note that it is a preliminary decision as the final vote  
23 on the appeals will have been made at the close of the  
24 public hearing to ensure uniform decision-making.

25 After the decision has been made on all the

1 appeals, ABAG will issue final allocations that  
2 incorporate any adjustments needed as a result of  
3 successful appeals.

4 With the public hearing and adoption of the  
5 final RHNA plan scheduled for December of 2021, staff is  
6 maintaining a running list of issues or questions raised  
7 by committee members which will be presented to the ABAG  
8 Executive Board and they are included as an attachment to  
9 item 6.

10 So that includes -- that concludes my report  
11 and I'll ask if there are any questions from the  
12 committee? Mayor Eklund?

13 MAYOR EKLUND: Thank you, President Arreguin.  
14 I just wanted to make a comment about the running list  
15 that we're doing.

16 I'm -- I'm finding that it is not as complete  
17 and it is not putting things in perspective. I just  
18 wanted to let you know that I've been going through the  
19 meeting transcripts and rewatching the videos and just  
20 putting -- just cutting and pasting from the meeting  
21 transcripts just so we can put that in perspective.

22 PRESIDENT ARREGUIN: Thank you.

23 MAYOR EKLUND: You're welcome. And I will  
24 be -- be able to finish through today by early next week,  
25 and then of course I'm not going to be able to do next

1 Friday yet.

2 Just in reading it, it wasn't clear why we were  
3 putting those items on -- on the tentative list for  
4 questions.

5 Thank you.

6 PRESIDENT ARREGUIN: More context is helpful,  
7 so we appreciate --

8 MAYOR EKLUND: Absolutely. Appreciate it.  
9 Thank you.

10 PRESIDENT ARREGUIN: I also want to thank  
11 staff for continuing to keep this running list, and there  
12 may be issues we identify today which we'll add to the  
13 list, and thank you very much.

14 Any other questions from members of the  
15 Administrative Committee? Is there any public comment,  
16 Mr. Castro?

17 CLERK OF THE BOARD: No members of the public  
18 with their hands raised. No written comments were  
19 received for this item.

20 PRESIDENT ARREGUIN: Okay. So that completes  
21 this item.

22 We move to item 5, the Executive Director's  
23 report, and who would like to present the Executive  
24 Director's report this morning?

25 MR. PAUL: I -- I think I'm probably the

1 person that could do that, but we have no report to  
2 present.

3 PRESIDENT ARREGUIN: Thank you very much.

4 So there is no report today, I'll ask is there  
5 any public comment on this item?

6 CLERK OF THE BOARD: No comments were received  
7 and I see no public of the public with their hands  
8 raised.

9 PRESIDENT ARREGUIN: Okay. That brings us to  
10 the purpose of our meeting today. Item 6, the Regional  
11 Housing Needs Appeals Public Hearing, and the  
12 Administrative Committee will now hear appeals from  
13 jurisdictions or responses to issues raised by ABAG-MTC  
14 staff.

15 Jurisdictions scheduled for this meeting were  
16 listed on the published agenda and the hearing is  
17 scheduled to be continued to a special meeting of the  
18 ABAG Administrative Committee on Friday, October 29th,  
19 2021 at 9:00 AM with additional appeals considered out of  
20 the twenty-eight total appeals filed.

21 So I'd now like to move to item 6, continuation  
22 of the public hearing on the Regional Housing Needs  
23 Allocation appeals.

24 The public hearing is now officially reopened  
25 and a Certified Shorthand Reporter is transcribing these

1 proceedings.

2           Once again, if you wish to speak during the  
3 public comment portion, raise -- raise your hand or press  
4 star 9 and wait to be called upon.

5           So we'll now proceed to item 6A, the appeal  
6 from Marin County, and this is a preliminary action item.  
7 We'll first hear from Marin County who will have five  
8 minutes to present on their appeal, but before we begin,  
9 I ask who will be representing Marin County this morning.

10           MR. LAI:    Good morning, Mayor Arreguin. My  
11 name is Tom Lai. I will represent Marin along with any  
12 colleague, Leelee Thomas, who is also in the audience or  
13 in the --

14           PRESIDENT ARREGUIN:    And do you have a  
15 presentation?

16           MR. LAI:    Yes, I do, sir.

17           PRESIDENT ARREGUIN:    So if we could queue it  
18 up. Great. And whenever you'd like to proceed, the  
19 floor is yours.

20           MR. LAI:    Good morning, Mayor Arreguin and  
21 members of the committee. My name is Tom Lai and I will  
22 be making the presentation for the County of Marin on our  
23 appeal this morning. Thank you to your staff for  
24 processing our appeal and preparing this thoughtful  
25 response.

1           Marin County is committed to addressing housing  
2 as an issue of equity and are taking meaningful steps to  
3 increase our housing production, especially of homes  
4 affordable to lower income households.

5           Next slide, please.

6           I understand your hands are tied by prior  
7 decisions and assumptions made in the methodology as well  
8 as the very narrow statutorily set basis of appeal that  
9 your staff had to work with.

10           I will focus this presentation on the following  
11 three points: The draft RHNA for unincorporated Marin  
12 does not take into the availability of land.

13           The RHNA urban unincorporated areas with  
14 disproportionately more RHNA units relative to the amount of  
15 land designated under growth boundaries compared about  
16 our cities and towns.

17           And third, we're asking that you reduce our  
18 RHNA for market rate units. We don't dispute that draft  
19 RHNA for the low and very low income categories.

20           Next slide.

21           Marin County is primarily built out with over  
22 seventy-five percent of land preserved permanently for  
23 agriculture or open space, including our local, state and  
24 national parks.

25           The county's unincorporated in West Marin lack

1 urban services such as sewer, water and fire protection  
2 while the urbanized eastern corridor along the 101 spine  
3 is mostly made up of our eleven cities and towns.

4           Where accessory building units and limited  
5 increases in density may be possible within the  
6 unincorporated communities along the 101 corridor, these  
7 areas may not be very well suited for high density  
8 housing and mixed use development.

9           Next slide.

10           While no one disagrees that Marin County is  
11 subject to wildfire, flood and other hazards, I want to  
12 use fire -- this fire hazards map in the eastern 101  
13 corridor to point out an apparent contradiction in the  
14 blueprint and the assumptions underlying the methodology.

15           In this graphic, the areas shaded orange with  
16 black dots on our own map have high fire severity zones  
17 for locally designated wild and urban interface areas.

18           The response to our appeal we feel is to  
19 identify land as being eligible for growth within the  
20 growth geography in the blueprint does not necessarily  
21 mean future growth is necessarily directly into those  
22 lands.

23           However, most of the areas outside of the  
24 county's growth geographies within this urbanized  
25 corridor are mapped as fire hazards, thus implying that

1 growth is indeed being directed into these fire zone  
2 areas further endangering existing and future residents.

3 Next slide.

4 The RHNA departs from the blueprint by focusing  
5 disproportionately more units in unincorporated areas  
6 within our cities and towns where there are larger  
7 employment bases, public transportation, infrastructure  
8 and public service amenities.

9 Where the unincorporated county has 14.5  
10 percent of all growth geographies, the unincorporated  
11 county is assigned almost twenty-five percent of the RHNA  
12 units and has more units than our two largest cities.

13 While we have the largest population, we also  
14 have the largest land area compared to our cities and  
15 towns. This is fundamentally contrary to the principles  
16 for orderly growth and development and will result in  
17 additional density and urbanization of areas just outside  
18 city and town limits without benefit of urban services.

19 Next slide.

20 Marin County has enough market rate housing.  
21 The county recognizes that we need to prioritize the  
22 housing production toward the affordable categories and  
23 questions the appropriateness of significantly increasing  
24 the RHNA in the moderate above moderate income  
25 categories.

1           The draft RHNA proposes a tenfold increase to  
2 the targets for market rate units from 168 in the current  
3 cycle to 1,836 units.

4           Since 1999, approximately three out of four  
5 building permits for new construction have been issued  
6 for market rate units. So far in the current housing  
7 element cycle we have already exceeded the RHNA goal for  
8 these categories by sixteen percent.

9           My final point is to summarize our request  
10 which is to reduce the RHNA for moderate and above  
11 moderate by 195 and 1,093 units respectively resulting in  
12 a total RHNA of 2,281 units, still representing a 13-fold  
13 increase above the current RHNA.

14           We don't dispute the draft RHNA for the low and  
15 very low income categories which total over 1,700 units.  
16 We should focus efforts towards increasing the supply of  
17 affordable housing and not incentivize or possibly upzone  
18 for limited available land for the production of even  
19 more market rate housing which the county has had success  
20 in producing.

21           That concludes my presentation. I'm available  
22 to answer questions along with my colleague, Leelee  
23 Thomas.

24           Thank you.

25           PRESIDENT ARREGUIN: Thank you very much.

1 Thank you for your presentation.

2 Now I'd like to ask MTC staff to present on  
3 County of Marin's appeal.

4 MS. ADAMS: Thank you. Good morning. I'm  
5 Gillian Adams. I'm the project manager for the RHNA  
6 process.

7 If we could pull up our slides, please. The  
8 next slide, please.

9 So the County of Marin is requesting a  
10 reduction of 1,288 from its draft allocation of 3,569  
11 units, which was missated on this slide, to result in a  
12 an allocation of 2,281 units. This represents a thirty-  
13 six percent reduction from its draft allocation. Staff's  
14 recommendation is to deny the appeal.

15 Next slide, please.

16 So in its written appeal the county argued that  
17 ABAG indicates appeals cannot identify limits due to  
18 local zoning and land use restrictions but the local  
19 jurisdiction survey requested this data.

20 The county also argues that housing element law  
21 does not prohibit relying on existing zoning for  
22 determining land suitable for development and that ABAG  
23 did not provide evidence that it conducted the analysis  
24 of alternative zoning schemes required by statute.

25 ABAG conducted the local jurisdiction survey

1 consistent with the requirements of housing element law,  
2 so the argument is not a valid basis for an appeal.

3 HCD's comment letter on RHNA appeals reiterated  
4 that ABAG may not limit its consideration of suitable  
5 housing sites to existing zoning and land use  
6 restrictions and must consider the potential for  
7 increased development under alternative zoning and land  
8 use restrictions.

9 ABAG-MTC staff evaluated multiple alternative  
10 zoning schemes for the analyses that went into the Plan  
11 Bay Area 2050 Final Blueprint and Draft Environmental  
12 Impact Report.

13 Next slide, please.

14 The county argues that ABAG did not adequately  
15 consider information about development constraints and  
16 asserts that the RHNA methodology does not further RHNA  
17 objectives that emphasize housing near job centers,  
18 infill development and resource protection.

19 The RHNA methodology considers the development  
20 constraints made to this appeal by incorporating data  
21 from the Plan Bay Area 2050 Final Blueprint as the  
22 baseline allocation.

23 The Final Blueprint also includes strategies  
24 for agricultural and and open space preservation.

25 Housing element law states that jurisdictions

1 must consider under-utilized land, opportunities for  
2 infill development and increased residential densities as  
3 a component for available land for housing.

4 HCD has the authority to determine if the RHNA  
5 methodology furthers the statutory objectives and HCD  
6 found that ABAG's methodology does further the  
7 objectives.

8 Next slide, please. Next slide, please. Thank  
9 you.

10 The County of Marin argues that it is  
11 disproportionately impacted by RHNA compared to other  
12 jurisdictions in Marin. This argument challenges the  
13 final RHNA methodology adopted by ABAG and approved by  
14 HCD and thus falls outside the scope of the appeals  
15 process.

16 Not all land in the growth geography in the  
17 Final Blueprint is forecasted to see household growth.  
18 So the acreage in the growth geography does not translate  
19 linearly to development

20 RHNA must address both existing and future  
21 housing needs. The RHNA methodology accomplishes this by  
22 using total households in 2050 as the baseline  
23 allocation, incorporating both existing households and  
24 forecasted household growth from the Final Blueprint.

25 The county's draft RHNA is larger than other

1 Marin jurisdictions in part because the unincorporated  
2 county has the most existing households of any  
3 jurisdiction in Marin.

4 Next slide, please.

5 The county argues that ABAG did not adequately  
6 consider the effects for climate change and areas at risk  
7 for natural hazards.

8 Housing element law generally does not identify  
9 areas of risks from hazards as a constraints from  
10 housing.

11 Given the variety of natural hazard risks in  
12 the Bay Area, it's not possible to address the region's  
13 housing needs and avoid for new homes and places of risk.

14 Marin County does not provide evidence that it  
15 is unable to consider the under-utilization of existing  
16 sites, increased densities especially of dwelling units  
17 and other planning tools to accommodate its RHNA.

18 Next slide, please.

19 The county argues that its allocation of  
20 moderate and above moderate income units should be  
21 reduced to further the RHNA objectives to further fair  
22 housing.

23 This argument again challenges the final RHNA  
24 methodology adopted by ABAG and approved by HCD and thus  
25 falls outside the scope of the appeals process.

1           Moderate and above moderate income units  
2 represent nearly sixty percent of the housing needs  
3 assigned to the Bay Area by HCD.

4           We're allocating -- allocating units in all  
5 income levels to high resource communities helps ensure  
6 all communities do their fair share to provide more  
7 housing which advances several key RHNA objectives.

8           Next slide, please. Next slide.

9           HCD's comment letter appeals indicates that  
10 RHNA appeals based on changes caused by defined by  
11 COVID-19 do not qualify in the appeals criteria defined  
12 by statute.

13           Impacts from COVID are not unique to any single  
14 jurisdiction and the appeal does not indicate that Marin  
15 County's housing needs has been disproportionately impacted  
16 relative to the rest of the Bay Area.

17           Next slide, please.

18           Although staff understands the county's  
19 concerns about the drought currently being experienced by  
20 the Bay Area, the county's arguments do not meet the  
21 requirements for a valid RHNA appeal as the county has  
22 not demonstrated that it's precluded from meeting its  
23 RHNA allocation because of a decision by its water  
24 service provider.

25           Next slide, please.

1           Thus ABAG-MTC staff recommends that the  
2 committee deny the appeal filed by the county.

3           Thank you.

4           PRESIDENT ARREGUIN:    Thank you, Miss Adams.

5           Okay.  I'd like to ask if Marin County would  
6 like to respond to the staff presentation.  You'll have  
7 three minutes.

8           MR. LAI:    Thank you, Mayor Arreguin.  I will  
9 be brief.

10           We're requesting the reduction in the market  
11 rate units.  We believe Marin compared with the rest of  
12 the Bay Area probably has disproportionately higher  
13 percentage of our housing cost -- stock that is already  
14 below market rate units.

15           So building additional market rates as opposed  
16 to affordable has the potential unintended effect of  
17 creating a cycle of generating more demand for affordable  
18 housing.

19           We have a Nexus study that shows for each  
20 market rate units generates a certain number of low and  
21 very low income jobs and we do need to provide housing  
22 for those jobs that are created.

23           So you see the cycle that's created when we are  
24 pushed to create even more market rate housing which in  
25 turn creates more need for affordable housing.

1           We already have a significant shortage of  
2 affordable housing and would like to focus our resources  
3 and be limited -- the limits of our available land  
4 towards production of their affordable categories to meet  
5 our RHNA targets.

6           Thank you.

7           PRESIDENT ARREGUIN:    Thank you.

8           I just want to make sure you don't have  
9 anything else you want to add because you probably have  
10 two more minutes.

11          MR. LAI:    Let me ask my colleague Miss Thomas  
12 if you have anything you want to add.

13          MS. THOMAS:   No. I don't think so. Thank  
14 you.

15          MR. LAI:    Thank you.

16          PRESIDENT ARREGUIN:   Okay. Thank you so very  
17 much.

18          So we'll now proceed to public comment on the  
19 appeal from the County of Marin. If any member of the  
20 public would like to speak on this appeal, please raise  
21 your hand if you're on the Zoom platform or press star 9  
22 if you are phoning into our meeting.

23          And Mr. -- Mr. Castro, are we also -- did we  
24 also notice the location of 375 Beale?

25          MR. CASTRO:   I have a report from staff at

1 that location that there are no public speakers at that  
2 location.

3 PRESIDENT ARREGUIN: Okay. So once again, is  
4 there any attendee who wished to speak on the appeal from  
5 the County of Marin? If so, please raise your hand or  
6 press star 9 if you are phoning in to our meeting.

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

8 MR. CASTRO: Yes. Jordan Grimes, go ahead,  
9 please. You have two minutes.

10 MR. GRIMES: Yes. Thank you. Thank you so  
11 much for your time.

12 I just wanted to push back on the claim that  
13 Marin does not in fact need any more market rate housing.  
14 I would in fact say that the high rents and home prices  
15 in Marin at every income level demonstrates that the  
16 county in fact does not have enough market rate homes and  
17 certainly not enough market rate multi-family homes.

18 The claim that meeting the above moderate  
19 income goals on the cliff cycle is not evidence that a  
20 jurisdiction has enough housing.

21 Affluent areas like Marin County have for  
22 decades juked the stats when it comes to RHNA numbers  
23 shunting higher targets off to less wealthy areas.

24 I would take this moment to remind everyone  
25 that Beverly Hills had to produce just three units during

1 the fifth cycle.

2 The claim that producing more market rate  
3 housing will create the need for more low income housing  
4 is complete bunk. The demand that for low income housing  
5 exists.

6 And then lastly, should you in fact want to  
7 grant the appeal, I would suggest that Novato is a very  
8 good place to put more homes.

9 Thanks.

10 PRESIDENT ARREGUIN: Okay. Are there any  
11 other attendees who wish to offer public comment on the  
12 appeal from the County of Marin?

13 MR. CASTRO: There -- there are no other  
14 members of the public with their hands raised, no public  
15 members at the in-person location, and there were post  
16 public comment -- comments posted on the agenda and  
17 e-mailed to committee members.

18 PRESIDENT ARREGUIN: Thank you.

19 So that completes public comment. It's now in  
20 order for the Administrative Committee to discuss the  
21 appeal and first the member I'll recognize the Mayor  
22 Eklund.

23 MAYOR EKLUND: Thank you very much, President  
24 Arreguin.

25 I have two questions for the applicant and two

1 questions for ABAG. My first question for the applicant  
2 is the county is saying that they have urban growth  
3 boundaries.

4 I know of only one urban growth boundary that  
5 was approved by the voters in Marin County and that was  
6 the City of Novato. What other urban growth boundary was  
7 approved by the voters?

8 And should I -- the other -- no. I'll ask the  
9 next question when I get an answer to that.

10 PRESIDENT ARREGUIN: The question for the  
11 county.

12 MR. LAI: Yes.

13 PRESIDENT ARREGUIN: Sir, please.

14 MR. LAI: Thank you, Mayor Arreguin. Thank  
15 you, Mayor Eklund.

16 You are correct. There is one voter adopted  
17 urban growth boundary and that's for the City of Novato.

18 My point was that under the Local Agency  
19 Formation Commissions, kind of state law for a proper  
20 extension of urban services to unincorporated areas, that  
21 there are these pockets of unincorporated county outside  
22 city and town limits that could potentially increase  
23 significantly in density in order for the county to meet  
24 its RHNA numbers, and that would create the potential if  
25 the city doesn't annex those lands of creating a need for

1 urban services that are not met through the services  
2 available through the existing cities and towns.

3 MAYOR EKLUND: Okay. I understand the issue.

4 The other is you mentioned fire risk and you  
5 showed us the map of Marin which I'm very familiar with.

6 ABAG methodology did exclude from what I  
7 understand the very high and high severity zones per  
8 county.

9 So are -- are you saying that those zones that  
10 ABAG identified are not accurate or are you using a  
11 different map than ABAG?

12 MR. LAI: Thank you, Mayor Eklund.

13 We -- we are probably using the same map.  
14 These are maps of the Cal Fire designated very high and  
15 high severity zones as well as the locally adopted  
16 wildland urban interspace maps.

17 I believe my point was to say that outside of  
18 these map areas within the unincorporated pockets of  
19 Marin in that 101 corridor, there is not sufficient land  
20 to accommodate many of the units that would probably have  
21 to go there because of the planning and keeping  
22 development within that corridor.

23 We won't be able to do that without having to  
24 put units within these fire prone areas.

25 MAYOR EKLUND: Okay. Got it. Two questions

1 for the ABAG. First, can staff please define quote  
2 under-utilized land?

3 MS. ADAMS: I think the idea behind that is  
4 land -- so I will say I don't think there's a specific  
5 definition of that, and it's part of the conversation  
6 that local jurisdictions will have with HCD in -- in  
7 identifying the sites that go into the housing element  
8 site inventory.

9 But I think the general idea is a place where  
10 it seems as though, you know, additional density could  
11 happen or a change from, say, a commercial only zone to  
12 something that's more mixed use.

13 MAYOR EKLUND: So did ABAG define how they  
14 were going to define that in determining which land is  
15 quote under-utilized?

16 MS. ADAMS: I think, Dave, maybe if you can  
17 give me a -- help answer kind of the questions of how  
18 urban sim evaluates that when you're looking at the  
19 different parcels and what's there currently.

20 MR. VAUT: Yeah. Definitely. Thank you for  
21 the question, Boardmember Eklund.

22 On -- in the growth geographies, which are  
23 where four out of five new homes are located, the  
24 strategy is that it applies to those growth geographies,  
25 you know, really look at existing zoning and change that

1 zoning recognizing that some of those lands might be  
2 under-utilized, that there are places where you'd want to  
3 focus more growth.

4 Outside the growth geographies, one in five new  
5 homes are outside -- outside the growth geographies.

6 You know, local zoning is -- is primarily what  
7 drives that. So if a local jurisdiction, say, had  
8 increased the zoning on a certain parcel, they believe  
9 that parcel to be under-utilized. Maybe it's a parking  
10 lot or maybe it's a -- you know, a one-story building  
11 that they'd like to see more density on.

12 You know, that would be a way of identifying  
13 that parcel as something where there's local interest in  
14 seeing more intensity.

15 MAYOR EKLUND: Got it. And last question for  
16 you is: So Marin is saying that they would like to do  
17 less market rate.

18 What if they were to take -- or do we have the  
19 ability to recommend that half of the market rate homes  
20 go to very low and low? Not changing the allocation, but  
21 changing the distribution so that -- that there is a  
22 development of more very low and low income housing which  
23 is clearly needed in all counties.

24 Do we have the ability to recommend that to the  
25 ABAG board?

1 MS. ADAMS: So could you -- I'm sorry. Could  
2 you say that again? So their total allocation would  
3 remain the same but --

4 MAYOR EKLUND: Where the allocation would  
5 remain the same, but half of the market rate units to go  
6 to very low and low, because the county is acknowledging  
7 that they need to do more, and in order to create more of  
8 a balance in the county, very low and low income units  
9 are needed.

10 So do we have that flexibility or not?

11 MS. ADAMS: I -- so I don't know that we  
12 anticipated that as a potential in our -- our appeal  
13 procedures in terms of how we could sort of fine tune the  
14 allocations in that way.

15 So I guess maybe I'll ask sort of general  
16 counsel whether or not there's something you're aware of  
17 in statute whether that's something that available in  
18 statute, but I know that wasn't really necessarily  
19 something that we considered.

20 MAYOR EKLUND: I know. I think outside the  
21 box.

22 MR. LAVRINETTS: To answer the question that  
23 addresses that, I don't think it does. The committee  
24 does have discretio to determine the appeals within the  
25 numbers that the -- that ABAG has recommended and the

1 jurisdiction is seeking in the appeal. So there is some  
2 discretion in the -- in the committee.

3 MAYOR EKLUND: Okay. And then would they be  
4 achieving the RHNA number if they actually did that, if  
5 they kept to the -- the overall allocation, but instead  
6 of the market rate homes, they did more very low and low.  
7 Would they be considered as achieving their RHNA?

8 MS. ADAMS: So are you saying in the context  
9 where we have their current allocation or in the context  
10 where we make the change that you are asking about?

11 MAYOR EKLUND: If we don't make the change and  
12 actually move the numbers there, would they achieve their  
13 overall number if they -- by voluntarily doing more very  
14 low and low, but achieve the ultimate allocation?  
15 The reason is is because if they have that option, then  
16 the appeal may not necessarily be needed.  
17 So I -- I just try to understand that.

18 MS. ADAMS: I will say that I don't know the  
19 ins and outs of SB 35 and how is that plays out, but my  
20 understanding is that the requirements are related to the  
21 allocations by income category.

22 If it is -- if they've done sort of more in the  
23 very low and low, then their moderate and above moderate,  
24 that may not help them in terms of meeting the  
25 requirements for SB 35.

1                   MAYOR EKLUND:    Okay.  But we could recommend  
2   it to the board.  Thank you.  Those are my questions.  
3   And I do have some comments about some issues that we  
4   need to put on the list.

5                   PRESIDENT ARREGUIN:   Thank you.

6                   You might want to raise your hands to get back  
7   in the queue.

8                   Mayor Fligor?

9                   MAYOR FLIGOR:    Thank you, Chair, and I'll just  
10   quickly address the question that Mayor Eklund just asked  
11   because I remember that question came up during our  
12   methodology committee discussion, and I recall the answer  
13   being no, we could not do that because of the income  
14   category allocation.

15                   And so if I understood the question correctly,  
16   if we were to increase Marin County's numbers in the  
17   other categories and we reduced their market rate  
18   category, that would reshuffle all the numbers and impact  
19   the other jurisdiction.  I remember that discussion  
20   coming up during the methodology meetings.

21                   My question is for the applicant, Mr. Lai.  
22   Thank you for your presentation.

23                   I'm curious whether Marin County and the other  
24   local jurisdictions in Marin County considered forming a  
25   subregion.

1           MR. LAI:     Thank you, Mayor.  Mayor, we don't  
2     have a subregion and I would have to ask my colleague who  
3     may have participated in that discussions at that time as  
4     I wasn't in the -- in the current role at the time those  
5     discussions could have taken place.

6           MS. THOMAS:    Good morning.  Leelee Thomas with  
7     the County of Marin.

8           And those discussions did happen at the staff  
9     level and there was interest in a number of  
10    jurisdictions, but not enough to -- not from all of the  
11    jurisdictions enough to participate in the subregion.

12          MAYOR FLIGOR:   Thank you, because I think that  
13    would have addressed some of the concerns you've raised.

14          Thank you.  Mayor Romero.

15          MAYOR ROMERO:    I hope you can hear me.  My  
16    connection is quite unstable.

17          So I just want to make it clear to everyone  
18    who's listening that RHNA does not just allocate low  
19    income units.  It allocates units across the income  
20    spectrum.

21          Housing production at all levels is necessary  
22    to balance what is a broken housing production system  
23    today, and to remove those upper income units would  
24    indeed put upward pressure on the lower income units.

25          To address Councilwoman Eklund's concern about

1 moving around the units, the equity adjustment that we  
2 put forward -- and that certainly many of us championed --  
3 attempted to do exactly that within the confines of the  
4 RHNA methodology process and that allocation process.

5 I think we attempted to address that issue. I  
6 think that to tweak these numbers at this appeal level is  
7 probably inappropriate. I don't even know if it's legal,  
8 and I would suggest that based on what has been presented  
9 that we have to actually approve a -- or deny a -- an  
10 appeal, that what has been presented to us today by Marin  
11 does not meet that level for us to agree to any change in  
12 the numbers that have been proposed through the RHNA  
13 methodology process, and I would move that we should deny  
14 this application.

15 Thank you.

16 PRESIDENT ARREGUIN: Preliminary decision.

17 MAYOR ROMERO: Preliminary decision.

18 PRESIDENT ARREGUIN: Is there a second?

19 MAYOR HUDSON: I second.

20 MAYOR ROMERO: Thank you.

21 MAYOR HUDSON: We're all really saying the  
22 same thing. My reading of SB 375 which started all this  
23 with the sustainable community strategy is clear that I  
24 -- I want to use it more general that areas can come  
25 together and come up with numbers that do match all those

1 cells and go directly to HCD for approval on whether or  
2 not you're going to get credit, and in this new era with  
3 SB 8, 9 and 10 with the three amigos, I think you have  
4 latitude to pull off what you want to do if you're really  
5 going to come up with more very low and low.

6 I mean, you would be looked upon as one very  
7 special area.

8 I wouldn't be a bit surprised if San Francisco  
9 wanted to come over and talk to you for part of it and  
10 become part of a -- a group. I'll just put it that way.

11 But changing things as a subcommittee level and  
12 go back to the entire board is not a recommendation that  
13 I'd want to do with the constraints that we've been given  
14 during this appeal process.

15 I -- I would actually even vote against it, but  
16 I think Pat has a great idea. I would vote against it.  
17 This is not the path to take.

18 PRESIDENT ARREGUIN: Before I recognize Mayor  
19 Eklund I really want to offer some comments. I really  
20 want to thank the County of Marin. You know, we sat  
21 through five hearings to date and it's been -- it's been  
22 challenging because I think many of us are mayors of  
23 local governments in the Bay Area.

24 We are seeing a significant increase in our  
25 RHNA allocations and we -- we're going to have a lot to

1 do in the next year to update our housing elements and  
2 find adequate sites.

3 But I want to just remind everyone that ABAG's  
4 here to support you in the work to update your housing  
5 elements, and with our -- you know, our technical  
6 assistance programs, with new tools, consultants, that  
7 can really assist governments throughout the Bay Area,  
8 counties, cities to -- to do the really challenging work  
9 of submitting compliant housing elements by January of  
10 2023.

11 But, you know, with respect to this particular  
12 appeal, as Mayor Romero said, part of the reason why we  
13 have such higher numbers from the state is because of  
14 decades of underproduction in the State of California,  
15 and that prompted Senator Wiener to introduce Senate Bill  
16 828 which changed the way of the methodology in which HCD  
17 allocated numbers to regions constructs of the State of  
18 California.

19 So our job is to determine a methodology that  
20 fairly distributes those units throughout the San  
21 Francisco Bay Area region.

22 I do want to remind you that there is a  
23 provision in state law that allows a county to trans --  
24 if there's an agreement with a jurisdiction, to be able  
25 to transfer units to that jurisdiction.

1           And so that may afford an opportunity for you  
2   if you're able to work with an incorporated jurisdiction  
3   in Marin County to shift some of those units to where it  
4   may be more appropriate for more dense infill  
5   development.

6           So I wanted to call attention to that, as well.

7           Mayor Eklund?

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

10          I am very sympathetic to the county's request.  
11   Obviously I grew up in Marin County.  Sixty years of  
12   living here I know the county like the back of my hand.

13          I would like to, though, add some things to the  
14   list.  The advantage of going through all of the  
15   transcripts is that one of the common issues is  
16   under-utilized land, and I'm really glad that Dave  
17   mentioned that -- and that Gillian mentioned that there's  
18   no definition.

19          But that urban sims, the computer program,  
20   makes the decision, and they looked -- and it looks at  
21   the existing zoning and then changes the zoning by some  
22   method which is not clear to me.

23          So I think that we need to look in the future  
24   at urban sims because we have a lot of complaints about  
25   cities not being able to get the data from urban sims,

1 and I before the pandemic had actually brought in some  
2 cities to look at urban systems and had been unable to  
3 see it, and that's been a topic and a concern for many  
4 years.

5 And so I think we need to look at urban sims  
6 and so I think we need to look at urban sims and I think  
7 we need to look at how urban sims handles under-utilized  
8 land.

9 Because the def -- the definition of city -- of  
10 under-utilized land by cities and counties may be very  
11 different from urban sims, and we really need to  
12 straighten that out in my opinion.

13 The other issue that I think we need to add to  
14 the list is fire risk. I had mentioned this before, but  
15 I haven't really seen it articulated very well in the  
16 list.

17 So I think we need to look at the maps that are  
18 being used and whether the maps are updated or not in a  
19 timely manner, and we need to look at the very high high  
20 severity zone and the Ruiz environment urban interface  
21 which is currently not being considered by ABAG as -- as  
22 a hazard.

23 So I think we really need to try to sort --  
24 sort that out.

25 And I would lastly like to ask staff to ask HCD

1 about the -- and again a written answer on whether or not  
2 the Council of Governments has the ability to move  
3 numbers from market rate and high to very low and low.

4 Not to say that we would do it, but I would lie  
5 to know whether or not from HCD's perspective whether  
6 that is something that is appropriate.

7 And that's the last of my comments, but I -- I  
8 will vote to deny the appeal, but I'm very sympathetic to  
9 Marin County.

10 PRESIDENT ARREGUIN: Thank you, Mayor Eklund.

11 On your last point, you know, as counsel said,  
12 I think we have discretion. If we find that the appeal  
13 meets the criteria prescribed in Government Code Section  
14 65584.05, Subsection B, we do have the discretion to  
15 reduce numbers, adjust numbers across categories, but  
16 there may be an issue as stated about whether that may  
17 affect SB 35 compliance.

18 MAYOR EKLUND: And that's what we need to ask  
19 HCD about just so that we know whether or not we have  
20 that flexibility because that's the request of our  
21 county.

22 And I think that in all due respect to the  
23 other ABAG Executive Boardmembers or ABAG Administrative  
24 Committee Members, I think that we need to show our  
25 members that we're at least checking with the entity in

1 charge.

2 So I -- it doesn't take anything but an e-mail  
3 or a phone call, then asking HCD to put it in writing.  
4 That would be helpful.

5 Thank you.

6 PRESIDENT ARREGUIN: Mayor Hudson.

7 MAYOR HUDSON: I'm listening. I do agree with  
8 Pat almost everything she brings up. The problem is  
9 unintended consequences.

10 I don't know how you can say you have an  
11 argument for under-utilized when you had the -- the  
12 attendees speak to -- SB 8, 9 and 10 allows you to put  
13 another home on a low density zoning plus an ADU, and all  
14 you have to do is point to that and you're dead in the  
15 water to begin with.

16 The best argument you have is to put together  
17 this answer that HCD can look at very simply and say,  
18 "Well, if we just move this number, this number, this" --  
19 you don't even need ABAG other than to help make the  
20 presentation and go directly to HCD. You'll become the  
21 pilot program.

22 But if we start doing it in the subcommittee  
23 level, we're out of bounds. It's not what's intended,  
24 and the argument's going to be back to methodology which  
25 is where the argument's already been taken.

1 I lost the argument. I understand it. A lot  
2 of things I don't like, but this is the plan, and to  
3 start killing the plan before we even get it going,  
4 especially after last night, is not the direction I think  
5 people want to go. I'll leave it at that.

6 PRESIDENT ARREGUIN: With that, you have the  
7 final word. There's a motion to take preliminary action  
8 to deny the appeal from the County of Marin. Thank  
9 you to Marin County for your very thoughtful  
10 presentation.

11 And I'll ask the clerk to please call the roll.

12 MR. CASTRO: Motion was by Mayor Romero,  
13 second by Hudson on the motion.

14 Mayor Arreguin?

15 PRESIDENT ARREGUIN: Yes.

16 MR. CASTRO: Mayor Eklund?

17 MAYOR EKLUND: Yes.

18 MR. CASTRO: Mayor Fligor?

19 MAYOR FLIGOR: Yes.

20 MR. CASTRO: Mayor Hudson?

21 Yes. Unmute, too.

22 Supervisor Lee?

23 SUPERVISOR LEE: Yes.

24 MR. CASTRO: Supervisor Mandelman? Supervisor  
25 Mandelman is absent.

1 Supervisor Mitchoff?

2 SUPERVISOR MITCHOFF: Yes.

3 MR. CASTRO: Councilmember Perales?

4 Councilmember Perales is absent.

5 Supervisor Rabbitt? Supervisor Rabbitt is

6 absent.

7 MR. CASTRO: Supervisor Ramos?

8 Supervisor Rabbitt? Supervisor Rabbitt is

9 absent.

10 Supervisor Ramos?

11 SUPERVISOR RAMOS: Yes.

12 MR. CASTRO: Mayor Romero?

13 MAYOR ROMERO: Yes.

14 MR. CASTRO: Mayor Wilson? Mayor Wilson is

15 absent.

16 Motion passes unanimously by all members

17 present.

18 MR. LAI: Thank you, ABAG staff for doing this

19 service, and we really appreciate the technical

20 assistance and the collaboration that we'll continue to

21 have with your team.

22 Thank you.

23 THE COURT: Thank you so much. Have a good

24 morning.

25 So we're going to move now to item B, the

1 appeal from the City of Los Altos, and Mayor Fligor, I  
2 believe you're recusing yourself?

3 MAYOR FLIGOR: I am. Thank you, Chair. And  
4 my understanding of the process is I need to log off  
5 completely and the clerk will send me an e-mail when it's  
6 time for me to log back on.

7 Is that correct?

8 PRESIDENT ARREGUIN: Yes.

9 MAYOR FLIGOR: Okay. Thank you. And --

10 PRESIDENT ARREGUIN: Mr. Castro, when we're  
11 done, if you could e-mail Mayor Fligor or let her know so  
12 she can participate next appeal.

13 MR. CASTRO: I will.

14 PRESIDENT ARREGUIN: Thank you.

15 So we'll now proceed to the appeal from the  
16 City of Los Altos. This is a preliminary action item.

17 First we will hear a presentation from the City  
18 of Los Altos which will have five minutes to present  
19 their appeal, and before we begin, I ask who will be  
20 presenting on the behalf of the City of Los Altos.

21 MR. BIGGS: Mayor Arreguin, this is Jon Biggs.  
22 I'm the Community Development Director for the City of  
23 Los Altos. Good morning, everyone.

24 PRESIDENT ARREGUIN: Good morning. Great.

25 And as with the prior appeal, each appellant

1 jurisdiction will have five minutes. So whenever you'd  
2 like to proceed.

3 MR. BIGGS: Thank you very much, Mayor  
4 Arreguin, members of the committee. Thanks to the staff  
5 of ABAG, as well, for the assistance they provided in  
6 getting this Power Point presentation up on the screen  
7 for you.

8 Next slide, please.

9 Good morning, everyone. I'm Jon Biggs. I'm  
10 the Community Development Director for the City of Los  
11 Altos and we have submitted an appeal application for our  
12 RHNA allocation.

13 We believe that the RHNA allocation should be  
14 realistic and achievable, and at 1,958 units, we do not  
15 think that it is so.

16 We are requesting a reduction of fifty percent  
17 to 979 units.

18 Next slide, please.

19 The City of Los Altos has always been a net  
20 housing provider. We are not a community with a lot of  
21 jobs. In fact, our jobs to housing ratio is about 1.2.

22 We don't create the jobs that a lot of our  
23 neighboring communities create and we provide the  
24 housing, however, for the jobs that are created in those  
25 neighborhoods and those cities.

1           We do continue or expect the decrease in the  
2 jobs to housing ratio to continue into the future.  
3 That's because we have realized a lot of development in  
4 our commercial areas where our commercial properties are  
5 con -- being converted to high density residential  
6 properties.

7           We also believe that the RHNA allocation is not  
8 appropriate because there are some infrastructure  
9 constraints.

10           The RHNA allocation represents about an  
11 eighteen percent growth in the number of housing units  
12 within the City and that growth has not been anticipated  
13 in any of our facilities, plans either for the wastewater  
14 district or for water allocations.

15           The Valley Water allocation or report that goes  
16 into the 2040 planning horizon fully recognizes about --  
17 recognizes about a 6.6 percent growth for water demand  
18 into the future for growth and housing in the City, and  
19 the current RHNA proposal does not take into account --  
20 the water management land does not take into account the  
21 growth provided by the RHNA allocation.

22           We also believe that there are some constraints  
23 to the water supply given the drought that we're  
24 experiencing in the county's largest reservoir, Anderson  
25 Reservoir, is basically not at capacity, is drained right

1 now and will be drained for the next ten percent.

2 It will impact our ability to provide water  
3 service to the residents

4 Next slide, please.

5 Los Altos is basically a built out community.  
6 We have very little land available for providing housing  
7 opportunities for the RHNA allocation.

8 Seventy percent of our housing of our City is  
9 zoned for single family zoned -- zones properties, and  
10 the amount of commercial space in high density  
11 residential areas in the City are -- are also very  
12 limited.

13 As I mentioned, seventy percent of the land is  
14 designated or zoned for low density residential housing  
15 and the limited multi-family housing land and the  
16 commercial space, it makes it a challenge to achieve such  
17 a high RHNA number.

18 In fact, the twenty percent of the City's tax  
19 revenue is generated by the various commercial zoning  
20 districts that we have in the City, and these zoning  
21 districts are important to the community because they do  
22 provide walkable community serving commercial areas  
23 through many parts of our City.

24 We have what we call a fifteen-minute city  
25 where all of our commercial district provide about a

1 fifteen-minute walk between the location of residents and  
2 where they can go to get services or frequent restaurants  
3 or by -- by retail opportunities.

4           There's also some constraints regarding the --  
5 the City with respect to some hazard areas. We have four  
6 creeks that run through the City of Los Altos that are  
7 prone to flooding and we do have high levels of water,  
8 and this flooding extends not only to the 550 properties  
9 that are along the creeks, but also to some of our  
10 streets.

11           And we -- that's a constraint on some of our  
12 in -- internal facilities and roadway systems that is not  
13 anticipated in increasing the number of housing in the  
14 City.

15           MR. CASTRO: One minute.

16           MR. BIGGS: It could have an impact on that.

17           Likewise, we have some environmental impacts.  
18 The City has worked very, very hard to achieve reductions  
19 in our greenhouse gas emissions.

20           We believe that we've been very successful in  
21 the accomplishment of these. We had a climate action  
22 plan that was adopted in 2015 and the current City's  
23 currently working on an update to that 2015 Climate  
24 Action Plan with some aggressive goals for reducing the  
25 greenhouse gas effects.

1           We're -- we're not a transit rich community.  
2           We have two bus lines that connect to the City. One of  
3           the bus lines is a major bus line is along the El Camino  
4           Real and it does provide bus -- bus service for the  
5           northern-most portion of the City, but the other bus line  
6           that runs through the City does not really provide a lot  
7           of transit opportunities for the remaining residents in  
8           Los Altos, and we believe that the additional RHNA  
9           allocation could have a negative impacts on the efforts  
10          the City's trying to achieve with respect to reductions  
11          in greenhouse gas carbons.

12                 Next slide, please.

13                 We -- we -- in looking at the draft RHNA  
14          allocation to Los Altos, we found that there were some  
15          anomalies that we weren't able to correctly or  
16          independently take a look at and really figure out what  
17          was taking place in those anomalies.

18                 This is really a good opportunity we felt to  
19          validat the assumptions that went into the methods that  
20          arrive at the RHNA allocation, and we felt that there  
21          should be an opportunity to go back and address or take a  
22          look into some of those.

23                 MR. CASTRO:     Time, please.

24                 PRESIDENT ARREGUIN:     I'm going to give you  
25          another minute to wrap up.

1 MR. BIGGS; let me just wrap up to the next  
2 slide. Thank you for the time. I appreciate it.

3 The next slide, please.

4 In conclusion, we -- Los Altos is dedicated to  
5 providing its fair share of housing at all income levels,  
6 and this is reflected in the many multi-family projects  
7 that have been approved in the city through 2016.

8 All of those have various -- various levels of  
9 affordable housing units and we also believe that our  
10 commitment and leadership role in developing a housing  
11 project is one hundred percent affordable with ninety  
12 units is a demonstration of our ability to achieve  
13 affordable housing for not only Los Altos, but the  
14 region.

15 So again our request is seeking a fifty percent  
16 reduction of the allocation.

17 With that, I will conclude my presentation and  
18 thank you for your time.

19 PRESIDENT ARREGUIN: Thank you so much.

20 So you'll have an opportunity to respond to the  
21 ABAG-MTC staff presentation after they present. Thank  
22 you.

23 MR. BIGGS: Thank you.

24 PRESIDENT ARREGUIN: So now I'd like to ask  
25 ABAG-MTC to present on their response to the appeal.

1 MR. KAPLAN: Thank you. Good morning,  
2 everyone. My name is Eli Kaplan. I'm a regional housing  
3 analyst at ABAG-MTC, and can we pull up the next slide,  
4 please?

5 The City of Los Altos is requesting a reduction  
6 of at least fifty percent of its draft allocation. The  
7 staff's recommendation is to deny the appeal.

8 Next slide, please.

9 Los Altos argues that the City is a net  
10 provider of housing, so adding more housing will  
11 exacerbate the existing jobs/housing imbalance.

12 As we've discussed on previous appeals, housing  
13 element law requires the RHNA methodology to improve the  
14 intraregional relationship between jobs and housing and  
15 not the jobs/housing balance in any particular  
16 jurisdiction.

17 Additionally HCD determines that the RHNA  
18 methodology achieves the statutory requirement to improve  
19 the jobs/housing relationship in the region.

20 Next slide, please.

21 Los Altos argues the City has limited means to  
22 expand sewer capacity and that its RHNA allocation, its  
23 water service provider is needed to accommodate.

24 The City's appeal also states that Anderson  
25 Reservoir is unavailable for at least ten years due to

1 reconstruction and seismic retrofitting.

2           However, the City's diagnosis do not meet the  
3 requirements for a valid RHNA appeal as the City has not  
4 demonstrated it's precluded from meeting its RHNA  
5 allocations because of this decision by its water or  
6 sewage service provider.

7           Additionally, Valley Water has stated there  
8 will be enough water for Santa Clara County while water  
9 in Anderson Reservoir is unavailable and the citation for  
10 that is provided in staff's written response.

11           Although the City's cites information from  
12 Urban Water Management Plans, differences in growth  
13 assumptions between RHNA and Urban Water Management Plans  
14 do not represent a determination that Los Altos lacks  
15 sufficient water capacity to meet RHNA targets.

16           Next slide, please.

17           Los Altos argues its RHNA allocation is  
18 inconsistent with its General Plan and the City asserts  
19 that inconsistency violates statute and existing case  
20 law.

21           However, all jurisdictions are expected to  
22 update the housing elements of their General Plans to  
23 accommodate their RHNA allocations.

24           The City's need to revise its General Plan  
25 because of the sixth cycle RHNA does not represent a

1 valid basis for appeal as defined by statute.

2 Next slide, please.

3 Los Altos argues that ABAG fails to consider  
4 the availability of land for development because the RHNA  
5 methodology does not account for hilly land unsuitable  
6 for this element, flood risk and a lack of commercial  
7 areas for rezoning.

8 However, the RHNA methodology considers  
9 development extremes names in this appeal by  
10 incorporating data from the Final Blueprint as the  
11 baseline allocation.

12 Additionally, housing element law generally  
13 does not identify areas of risks from hazards as  
14 constraints to housing.

15 Los Altos does not any evidence that its flood  
16 management structure is not adequate to avoid the risk of  
17 flooding as required by statute.

18 Importantly HCD has specifically stated that  
19 housing planning cannot be limited to naked land and even  
20 communities that view themselves as built out are limited  
21 due to natural constraints such as fire/flood risk areas,  
22 lots and areas of housing through means such as rezoning  
23 commercial areas with mixed use areas and upzoning non-  
24 vacant land.

25 Next slide, please.

1           Los Altos argues no part of the City should be  
2 a transit rich area geography in Plan Bay Area 2050 due  
3 to limited transit service. And the City's appeal also  
4 asserts that transit service may not return to pre-COVID  
5 levels until after the RHNA cycle.

6           However, the Final Blueprint designated a  
7 portion of Los Altos is a transit rich and high resourced  
8 area based on the VTA frequency permanence features  
9 inside Plan Bay Area 2050.

10           Additionally, Strategy T1 in Plan Area 2050  
11 restores service levels to pre-COVID conditions and  
12 federal funding in 2020 and 2021 has been provided to  
13 transit operators to assist with accelerated service  
14 restoration.

15           The map on this slide provides an image of the  
16 pro geography in Los Altos.

17           Next slide, please.

18           Los Altos argues its allocation will increase  
19 VMT and GHG because most residents drive automobiles to  
20 commute. However, the RHNA methodology considers  
21 opportunities to maximize transit use by incorporating  
22 the forecasted development pattern that's in the Final  
23 Blueprint as the baseline allocation.

24           Additionally, HCD concluded that the RHNA  
25 methodology encourages an efficient development pattern,

1 allocates more RHNA to jurisdictions with more jobs to  
2 access and allocates more RHNA to jurisdictions with  
3 lower VMT.

4 Next slide, please.

5 Lot Altos stated it is difficult to validate  
6 application in the methodology because it is not possible  
7 to assess the baseline allocation based on the Plan Bay  
8 Area 2050 blueprint.

9 However, ABAG staff gave jurisdictions access  
10 to the underlying data for the Plan Bay Area 2050 Final  
11 Blueprint as used as the main allocation, and the  
12 opportunities to review this data are discussed on the  
13 slide in a written response.

14 And then additionally, all relevant data and  
15 calculations for the RHNA methodology are shown in the  
16 draft RHNA plan.

17 Next slide, please. And this is the last  
18 slide.

19 And then two considerations that are not a  
20 valid basis for an appeal was population growth and  
21 additionally impacts from COVID 19.

22 Next slide, please.

23 And so staff recommends that the committee deny  
24 the appeal filed by Los Altos.

25 Thank you.

1           PRESIDENT ARREGUIN:    Thank you, Mr. Kaplan.

2           Okay.  I'd like to ask if the City of Los Altos  
3   to like to response to the staff presentation.  And  
4   you'll have three minutes.

5           MR. BIGGS:    Thank you very much, Mr. Arregin.  
6   Just a very brief response.  Again, as we pointed out in  
7   our appeal letter, we feel that the housing allocation  
8   needs to be achievable and realistic.

9           We felt that the points we brought up in the  
10   appeal letter -- letter covered this and pointed this out  
11   and we stand by our letter that was submitted.

12          So thank you everyone for or consideration of  
13   this.

14          PRESIDENT ARREGUIN:    Thank you very much.

15          So we'll now proceed on to public comment for  
16   the RHNA appeal from the City of Los Altos.  If any  
17   attendee would -- would like to speak on this item,  
18   please raise your hand.  If you're on the Zoom platform,  
19   press star 9.

20          Mr. Castro, let me know if there are also  
21   speakers at 375 Beale.

22          MR. CASTRO:    There are no speakers at 375  
23   Beale.  We have two members of the public with their  
24   hands raised.  The first one is Frank Martin.

25          Go ahead, please.  You have three minutes.

1 MR. MARTIN: Can you hear me?

2 MR. CASTRO: Yes.

3 MR. MARTIN: Okay. I've lived in Los Altos  
4 since 1976. I chose this to live because it doesn't have  
5 any industry and it basically had lower density housing  
6 in surrounding towns like Cupertino, Sunnyvale, Mountain  
7 View.

8 I did not want to live in a city when I  
9 purchased my home here and I do not want to live in a  
10 city in the future.

11 Increasing housing by twenty percent through  
12 some arbitrary rule statewide is utter nonsense. It's  
13 going to create unforeseen consequences.

14 It's been attempted in other places and failed  
15 miserably because what you're going to do is raise the  
16 value of land, bring in outside developers and what we're  
17 going to see is higher rise buildings, higher rise  
18 density, and last election we -- we had the least amount  
19 of park space of any communities in the entire Peninsula  
20 for our current population, let alone twenty percent more  
21 people, twenty percent more congestion, the impact on  
22 schools. The list goes on and on.

23 If I was a younger person -- I'm age 79 -- I  
24 would move away from California. I may choose to -- to  
25 do that if my neighborhood begins to get impacted.

1 I think this rule is totally outrageous and  
2 it's impossible to achieve and basically you're going to  
3 have an utter rebellion on your hands once people see the  
4 impact of what you're doing statewide.

5 This is not going to create affordable housing  
6 as it has in the past because the land values are high  
7 and they're going to get much higher because of what  
8 you're doing.

9 So this is not ever going to be an affordable  
10 town for housing. And there are towns in the state that  
11 I can't live in because I can't afford to live there.  
12 That's just a fact of life.

13 So you guys we didn't vote -- vote for you and  
14 now we need to find a way to throw you out of office.  
15 Thank you for your time.

16 MR. CASTRO: Thank you. Our next speaker is  
17 Roberta Phillips. Go ahead, please.

18 MS. PHILLIPS: Hi. This is Roberto Phillips.  
19 I've lived in Los Altos for thirty years and I do not  
20 believe that one size fits all.

21 Los Altos was a bunch of apricot groves and  
22 walnut groves and those lands have already been divided  
23 up into subdivisions of -- for housing, and many of  
24 the -- many of the lots in Los Altos are flood lots that  
25 prevent fire trucks from entering into -- you know,

1 increasing density, a fire truck cannot back up out of a  
2 single lane that goes into a house that's already been  
3 subdivided.

4 I don't think you considered that at all and  
5 looked at our community and see how the land has already  
6 been subdivided and subdivided and subdivided again, and  
7 I think it's unrealistic for you to expect us to provide  
8 as much housing as you are expecting us to have.

9 You know, permit after permit after permit, and  
10 one of the big projects, the landlord went into  
11 bankruptcy and it never got built, and another project --  
12 two other projects that were on the drawing board were  
13 approved and approved and approved and the developer  
14 never built anything, and all we can do is provide  
15 opportunities.

16 We don't build housing, and you're -- you're  
17 threatening to punish us as a city even though we've made  
18 growth of low income housing. Yet you're being punitive  
19 to us because developers have failed.

20 The city has not failed. The City has bent  
21 over backwards. The Planning Department and many  
22 organizations in town has supported low income housing.

23 Right now we're building a project on Distal,  
24 which is a hundred percent low income. Like I said, we  
25 have very low fees in our town.

1 PRESIDENT ARREGUIN: Ma'am, your time is up.

2 MS. PHILLIPS: Thank you.

3 MR. CASTRO: The next speaker is Jon Baer. Go  
4 ahead, please. Jon Baer. Jon Baer, please unmute. Go  
5 ahead.

6 MR. BAER: I'm Jon Baer, 25-year resident of  
7 Los Altos. I don't know if that's good or bad at this  
8 point. More importantly, I spent nine years on the  
9 Planning Commission. I've got a number of comments.

10 The first one is that unfortunately the HCD  
11 staff analysis has oversimplified the challenges facing  
12 Los Altos, and that's terribly unfortunate because trying  
13 to understand the availability of land and the dynamics  
14 in a town when you are in Sacramento makes the process  
15 more difficult.

16 Now, I was part of the process to recommend and  
17 approve upzoning in various parts of Los Altos to  
18 increase the availability of housing.

19 We -- we made those changes. We made changes  
20 to our AGU rules, and yet we at times get pillered for  
21 the fact that we don't have as much BMR housing as  
22 anybody would like themselves included.

23 I've never met anyone in Los Altos who doesn't  
24 want more housing, doesn't want more BMR housing. The  
25 question is where.

1           As previous speakers have said, we have grown  
2 out of a small town. We are a small town that has been  
3 fully built out forty or fifty years ago. We are not on  
4 any major transit lane except for El Camino.

5           We have narrow streets. We have no sidewalks.  
6 So the notion of suddenly we can find places for  
7 additional cars is completely unrealistic.

8           We have made numerous changes to our zoning to  
9 encourage housing, and look at the result. Look at the  
10 result over the last decade. We are hostage to what  
11 developers want to build which is not what we all want as  
12 a community or as a state.

13           You're suggesting that you are being fair in  
14 your process. I don't deny that.

15           MR. CASTRO: Time, please.

16           MR. BAER: You are being unrealistic in your  
17 expectations. Thank you very much.

18           MR. CASTRO: Thank you.

19           Our next speaker is Jordan Grimes. Go ahead,  
20 Jordan Grimes.

21           MR. GRIMES: I just want to get this out of  
22 the way quickly. More housing isn't a punishment and --  
23 and neither are new neighbors.

24           The median home price in Los Altos is 3.9  
25 million dollars according to Zillow. There is a very

1 simple reason for that. It's because there are not  
2 enough homes to meet demand.

3 Just going down the list here of the City's  
4 claims. The city is built out. We hear that, you know,  
5 frequently. That is a political distinction, not an  
6 actual reality.

7 City staff notes that seventy percent of  
8 existing land is zoned for single family housing. Guess  
9 what? We just solved your problem of where you can put  
10 new housing and how you can meet your RHNA numbers.

11 You are going to have to make some zoning  
12 changes. Sorry. That's what this whole process is  
13 about.

14 Los Altos' population, there's a -- there's a  
15 comment about population growth. The population has  
16 nowhere to grow. There's no new housing to grow into.

17 The most absurd claim here was Los Altos'  
18 notion that the RHNA goals will increase their greenhouse  
19 gas emissions.

20 On the contrary, creating more housing,  
21 especially multi-family housing of all types, will allow  
22 those working in the City to be able to live there.

23 Los Altos has according to census data 12,000  
24 jobs, and per census data, ninety-four percent of those  
25 working in the City do not live there.

1           A huge part of that has absolutely led to the  
2 shortage and resultingly exorbitant price of homes.

3           That's pretty much it. Just lastly I'd like to  
4 suggest to Mr. Martin that he not let the door hit him on  
5 the way out.

6           Thanks so much.

7           PRESIDENT ARREGUIN: Okay. I'll ask are there  
8 any other attendees that wish to speak on the appeal from  
9 the City of Los Altos? Please raise your hand at this  
10 time.

11           This is the last call for public comment. If  
12 you are phoning in, please please star 9. I believe this  
13 is the fifth speaker, Mr. Castro.

14           MR. CASTRO: Yes, it is. Salim, go ahead.  
15 Salim, please go ahead.

16           MR. SALIM: I'm Salim. I grew up in Los  
17 Altos, currently a resident again and I've lived here for  
18 about nineteen years.

19           Majority of my friends who I grew up with in  
20 Los Altos either live at home or have left the Bay Area  
21 because of the housing crisis.

22           So I'm just disappointed as a Los Altan that  
23 the City is appealing our affordable housing targets.

24           I'm excited for the prospect that we'd be able  
25 to build more housing across the income spectrum and it's

1 sorely needed in Los Altos.

2           The only other thing I'd like to note is as  
3 someone who has seen every City Council meeting where  
4 this topic came up, I'm disappointed to say that I think  
5 this appeal was filed in bad faith.

6           And the City knew at the time before deciding  
7 to file this appeal that in order to have a successful  
8 appeal, there'd be -- there would need to be a technical  
9 problem with how the RHNA methodology was applied to Los  
10 Altos, and we made the decision as a city to file this  
11 appeal without identifying, and that's why the appeal is  
12 mainly targeting criticism that the methodology itself  
13 but not the application of the City.

14           So I -- I hope that Los Altos takes a policy  
15 challenge. We know exactly what to do to get this  
16 housing. We need to remove exclusionary zoning, and I --  
17 I look forward to a time when middle class people can  
18 afford again.

19           Thank you.

20           MR. CASTRO: Thank you.

21           There are no other members of the attendees  
22 with their hands raised. Again, no members of the public  
23 are at the -- at 375 Beale.

24           PRESIDENT ARREGUIN: There's one more raised  
25 hand.

1 MR. CASTRO: I see.

2 PRESIDENT ARREGUIN: Once again, this is the  
3 last call for public comment. If you wish to comment on  
4 the appeal for the City of Los Altos, I ask you to raise  
5 your hand now.

6 If you're on the Zoom platform, raise your  
7 hand. Press star 9 if you are phoning in.

8 MR. CASTRO: What's the time limit, Chair?

9 PRESIDENT ARREGUIN: Oh. Pursuant to the  
10 rules that I outlined in the beginning, if there are five  
11 or more speakers, it's one minute.

12 MR. CASTRO: One minute.

13 PRESIDENT ARREGUIN: Kristi Corley, you have  
14 one minute. Go ahead, please, on mute.

15 MS. CORLEY: Yes. Thank you. Thank you for  
16 taking my comment.

17 I was just wondering if you received the water  
18 agency letter from Los Altos.

19 MR. CASTRO: Ma'am, we can -- staff can  
20 respond to your request at the conclusion of public  
21 comment, but you have additional time if you wish to  
22 offer any additional testimony.

23 MS. CORLEY: That was my main question, if  
24 that letter was taken into consideration. Thank you.

25 PRESIDENT ARREGUIN: Last call for public

1 comment. Raise your hand now. Or forever hold your  
2 peace.

3 Okay. Mr. Castro, any -- any speakers at 375  
4 Beale?

5 MR. CASTRO: Staff reports that there are no  
6 speakers at 375 Beale.

7 PRESIDENT ARREGUIN: Okay. That completes  
8 public comment. I want to thank everyone attending today  
9 and for your comments.

10 Now, in order for the committee to discuss the  
11 appeal and to take a preliminary action, the first  
12 committee member I'll return is Mayor Eklund.

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

15 First I think that we need to caution the  
16 commenters to not make present attacks. I really take  
17 offense with the comment of Mr. Jordan, I guess, or  
18 Mr. Grimes.

19 I think it's totally inappropriate for that  
20 comment and which -- we should make sure that all the  
21 comments are professional.

22 PRESIDENT ARREGUIN: If I can just inject on  
23 that. So yes, I agree. I'd like to ask that all  
24 participants, members of the committee and attendees  
25 please exercise some decorum and -- and respect for all

1 those participating in this hearing.

2 We may -- there may be differences of opinion,  
3 but let's respect each other and have a civil discussion.

4 MAYOR EKLUND: Thank you very much, President  
5 Arreguin. I really appreciate that. That goes for  
6 everybody, committee members as well as the public.

7 I have two questions for the applicant. First  
8 of all, the applicant -- the City of Novato, we get seven  
9 cents on the property tax dollar.

10 We're a very low property tax city, and the  
11 applicant has said that they are heavily reliant on  
12 commercial lands for revenue.

13 My question there is: What is the percentage  
14 of property tax that Los Altos gets? And then the other  
15 question I have is: Why didn't Los Altos respond to the  
16 survey that ABAG sent out? Those are my two questions.

17 Thank you.

18 PRESIDENT ARREGUIN: For Los Altos --

19 MR. BIGGS: The answer to the first question,  
20 I don't have that number off the top of my head, but the  
21 property tax is a significant contributor to the City's  
22 revenue stream.

23 And then the answer to the second question, we  
24 were going through some transition with staffing members  
25 and just ran out of staff to accomplish that.

1           MAYOR EKLUND:    Thank you.

2           PRESIDENT ARREGUIN:    Okay.  Next is Mayor  
3   Hudson.

4           MAYOR HUDSON:    Thank you very much, President  
5   Arreguin.

6           I just want to tell not only this applicant or  
7   appealer and those that are going to follow that many of  
8   the things that you're saying we've heard over the first  
9   four or five days.

10           I think my neighbor must have written a  
11   template for what you're saying.  There's no way -- if  
12   you can't come up with 1,958, how are they going to come  
13   up with 2,200, and they're a similar to city to what you  
14   have.

15           But the problem is the difference between the  
16   two cities, their town is the county that you live in,  
17   and one of the things I asked staff to do when we first  
18   started down this road of administrative appeals is to  
19   put the graph up that we were looking at as we picked the  
20   methodology that showed jobs/housing balance now and into  
21   the future, and what we're doing now is future 2015  
22   through 2050.

23           Three counties leap off that graph for  
24   jobs/housing imbalance:  Santa Clara, San Mateo and San  
25   Francisco.

1 I will read one of your issue number one  
2 jobs/housing relation, the fourth bullet housing element  
3 law required RHNA methodology to improve intra-regional  
4 relationship between jobs and housing, not jobs/housing  
5 balance in any particular jurisdiction.

6 When we give the methodology, and I didn't  
7 agree to with it, but I'm sticking to it. I read off  
8 something that I sent off as a real estate agent back  
9 then, the changes in Bay Area jobs and housing from 1995  
10 to 1997. It's important because it's been brought up  
11 earlier that we are paying for the sins of the past.

12 Santa Clara County, 126,005 jobs, 7,154 houses.  
13 San Mateo, 25,195 jobs, 2,363 houses.

14 There is going to be a reckoning that's started  
15 now, and if you think the state's finished, you should go  
16 back and look at the e-mails I received throughout this  
17 process.

18 The vast majority said don't do 441,000 homes  
19 in this cycle. You should be doing at least a million.

20 Well now we're making the decision to where  
21 they go, and if we were to -- to uphold this appeal, I'd  
22 go back to the last four days and recommend everyone of  
23 them not be denied because this is where the problem  
24 really lies.

25 These three counties that need to get

1 jobs/housing balance way more into focus.

2 I will be voting to deny this appeal.

3 PRESIDENT ARREGUIN: Thank you.

4 Mayor Romero.

5 MAYOR ROMERO: I -- I just want to say that I  
6 take -- I have no problem with folks speaking truth to  
7 privilege. So yes, there is a rhetorical flourish on  
8 that one speaker.

9 But nevertheless, the points that were being  
10 made are maybe irrelevant to indeed the work that we're  
11 trying to do today, which is fairly distribute our fair  
12 share of housing throughout the nine county Bay Area.

13 I -- I do want to make it clear with all due  
14 respect to the woman on -- on the phone, I believe she  
15 was actually on the other side of the vote, but Los Altos  
16 has been a community that has essentially demonstrated  
17 some exclusionary tendencies, blocking a five story  
18 downtown housing project, and then finally after they  
19 realized the appeal indeed was going to be far too costly  
20 and they would lose because of SB 335, it -- it does  
21 indicate that indeed this is a city that truly needs to  
22 have the impetus of meeting the state goals and trying to  
23 correct their housing issues to rezone and horizontally,  
24 right, deal with mixed use concerns, commercial  
25 potentially office.

1           On the ground floor, you can stack it with  
2 housing. It is possible to meet these numbers if we are  
3 creative, if we are open to creating kind of an urban  
4 form that tries to respect what is there, but at the same  
5 time understands the need to break down some of these  
6 barriers that we have around exclusionary communities.

7           I do not see any reason to approve this  
8 particular request to have their numbers downgraded  
9 because I don't believe that they meet any of the  
10 criteria that we have been discussing throughout the last  
11 five weeks, and I certainly would move to deny this  
12 appeal.

13           MAYOR EKLUND:    And I will second the motion

14           MAYOR ROMERO:    Okay.

15           MAYOR EKLUND:    And I also have a request of  
16 staff.

17           PRESIDENT ARREGUIN:    So I -- Mr. Ecklund,  
18 would you like to state your request?

19           MAYOR EKLUND:    Oh, thanks.

20           I said this before, but in reviewing the  
21 transcripts, I think I need to be very clear.

22           I think one of the things on the list that we  
23 need to really focus in on is the survey that ABAG  
24 submitted. We need to make sure that -- that we follow  
25 up with local jurisdictions, and I will put that on -- on

1 the list as an issue for us to have a discussion about  
2 how the survey is created, how we get input from local  
3 communities on the survey and how we make sure that we  
4 get answers from them.

5 Thank you. And I'm going to support the  
6 motion, obviously.

7 PRESIDENT ARREGUIN: Thank you very much.

8 So there's a motion by Romero, seconded by  
9 Eklund taking preliminary action to deny the appeal.

10 Seeing no additional raised hands from the  
11 committee, I'll ask that we please call the roll.

12 MR. CASTRO: Motion was by Romero, seconded by  
13 Eklund.

14 Mayor Arreguin?

15 PRESIDENT ARREGUIN: Yes.

16 MR. CASTRO: Mayor Eklund?

17 MAYOR EKLUND: Aye.

18 MR. CASTRO: Mayor Fligor? Mayor Fligor has  
19 recused herself.

20 Mayor Hudson?

21 MAYOR HUDSON: Yes.

22 MR. CASTRO: Supervisor Lee?

23 SUPERVISOR LEE: Yes.

24 MR. CASTRO: Supervisor Mandelman?

25 SUPERVISOR MANDELMAN: Yes.

1 MR. CASTRO: Supervisor Mitchoff?

2 SUPERVISOR MITCHOFF: Yes.

3 MR. CASTRO: Councilmember Perales?

4 Councilmember Perales is absent.

5 Supervisor Rabbitt? Supervisor Rabbitt is  
6 absent.

7 Mayor Romero?

8 MAYOR ROMERO: Yes.

9 MR. CASTRO: Mayor Wilson? Mr. Wilson is  
10 absent.

11 Motion passes unanimously by all members  
12 present.

13 PRESIDENT ARREGUIN: Thank you to the City of  
14 Los Altos for joining us this morning, for your, you  
15 know, thoughtful presentation, and once again I want to  
16 reiterate what I said with respect to previous appeals.

17 This is hard. We know it. We're going to have  
18 to -- we're all going to have to work to implement this  
19 and ABAG is here to work with you over the next year.

20 MR. BIGGS: Well, thank you all very much for  
21 your time and consideration of our information this  
22 morning. We really appreciate your -- your consideration  
23 of it and comments you provided. Thank you very much.

24 PRESIDENT ARREGUIN: Thank you.

25 So Mr. Castro, if you can e-mail Mayor Fligor

1 to let her know that we're done with that appeal.

2 Mayor Hudson?

3 MAYOR HUDSON: You know, while she's coming  
4 in, I want to ask it now in case somebody else is going  
5 to leave. Our original scheduling shows a lunch after  
6 this.

7 Do you have plans to do this?

8 PRESIDENT ARREGUIN: Yeah, I --

9 MAYOR HUDSON: Up to you to consider. I don't  
10 need it.

11 PRESIDENT ARREGUIN: I think we should see how  
12 long it takes to get through this next one, but we do  
13 need to take a break at some point today because -- you  
14 know, we have seven, and -- I mean, a thirty-minute break  
15 at the very least would be --

16 MAYOR HUDSON: I think the concern that  
17 somebody who isn't here and you move, anyway.

18 PRESIDENT ARREGUIN: Let me ask staff. It's  
19 about point. What did we inform the appellants with  
20 respect to timing?

21 MR. CASTRO: This is -- this is Fred from the  
22 board. I sent out an e-mail to all presenters letting  
23 them know the order of the presentations and that there  
24 was no commitment because of the number of appellants and  
25 speakers, public speakers of a time certain.

1           PRESIDENT ARREGUIN:    Okay.

2           MR. CASTRO:     Just to be ready to come on when  
3 their item comes up.

4           PRESIDENT ARREGUIN:    I just want to state --

5           MAYOR HUDSON:     Jesse, the problem is if you  
6 sent out an e-mail to any attendees that might be five or  
7 six, this might have been the second most attendees we've  
8 had.

9           PRESIDENT ARREGUIN:    I'm looking at the agenda  
10 and it doesn't show that there's a break listed, so it  
11 just -- it's just the appeals in sequence.

12                           But I do want to state for the record to all  
13 the attendees that we will be taking a break.  Ideally,  
14 you know, after the -- the next appeal or the appeal  
15 thereafter.

16                           So I just want to state that, but I think we --  
17 it would be helpful for all of us to at least have thirty  
18 minutes to -- in between consideration of these appeals.  
19 So I'll -- I'll announce when we'll be calling the break.

20                           Thank you will for asking.

21                           Okay.  So let's move to the next appeal, which  
22 is item 6C, the appeal from the Town of Los Altos Hills,  
23 and consistent with the procedure we employed for the  
24 previous appeals, we'll first start from the appellant  
25 jurisdiction and they'll have five minutes, and who will

1 be presenting -- representing from the Town of Los Altos  
2 Hills.

3 MR. PADUAN: My name is Steve Paduan and I  
4 will be representing Los Altos Hills.

5 PRESIDENT ARREGUIN: Okay. Thank you very  
6 much. And do you have a presentation, sir?

7 MR. PADUAN: Yes.

8 PRESIDENT ARREGUIN: Okay. Take it away.

9 MR. PADUAN: Okay. Great. Thank you very  
10 much, Chair Arreguin and members of the Administrative  
11 Committee for this opportunity to present our appeal. I  
12 am Steve Paduan, the interim Planning Director for the  
13 Town of Los Altos Hills and I wrote the appeal memo to  
14 ABAG's appeal.

15 Next slide, please.

16 So basically stating as I put before you the  
17 specific Government Code sections and why we did that.  
18 The first section was quote -- or E1, which is each  
19 member's relationship workers, job growth, et cetera.

20 The next was opportunities and constraints of  
21 development of additional housing, including lack of  
22 sewer and water service, and availability of land  
23 suitable for urban development for under-utilized land  
24 and residence developments and increased densities.

25 We also indicated that there's lands that have

1 hazard zones, high fire hazard zones and seismic zones  
2 that encompass over half of the town where increased  
3 density is not good planning practice.

4 And lastly we feel that ABAG failed to consider  
5 the significant and unforeseen impact of the COVID  
6 pandemic and how it would impact the Santa Clara County  
7 economy, basically tech firms allowing employees to work  
8 at home and now potential housing for jobs because of  
9 this transition from working in office to outside.

10 So I know I've seen in the previous reports  
11 from the ABAG staff that that's not considered. I find  
12 that this is definitely exactly what an unforeseen and  
13 significant impact is, especially what's done to the  
14 actual firms that are hiring. I've seen it myself just  
15 in my own office.

16 Next slide, please.

17 So again, on the first jobs/housing, basically  
18 according to ABAG, stating that Los Altos Hills has a  
19 lack of affordable housing because of the low wage jobs  
20 in the area.

21 We disagree. Affordable housing in Los Altos  
22 Hills is filled with ADUs. Ten percent of our housing  
23 stock is ADUs.

24 And the survey that was just conducted back in  
25 March of 2021 indicates that about seventy-two percent of

1 the ADUs are rented to extremely low to moderate  
2 household and continued structure of ADUs will increase  
3 that so actually about seven percent of our total housing  
4 stock will be affordable housing, and basically most of  
5 the jobs are obviously in surrounding communities because  
6 of all we have is institutional uses of schools and those  
7 really haven't changed jobwise.

8 I understand obviously service jobs because  
9 these are large homes that have obviously landscapers and  
10 things that do come in, but, in fact, that hasn't changed  
11 in the last thirty years.

12 If you do look at the last thirty years, about  
13 400 housing units have been built in town, but actually  
14 no commercial or industrial land uses have been approved.  
15 Yet we now have 489 units over the next eight years.

16 Meanwhile, adjacent business parks have added  
17 thousands of jobs and absolutely no housing, and a review  
18 of ABAG's housing opportunity sites further confirms  
19 inequality but neglecting the show housing sites to  
20 adjacent appointed centers that -- and no multi-family  
21 housing in those.

22 Our rural residential properties in Los Altos  
23 Hills with steep slopes, wildland fire area and seismic  
24 hazards where they're identified are -- are identified as  
25 places where you could put additional housing.

1           Next slide, please.

2           This graphic is a -- is a perfect example. So  
3 on the orange are the ABAG's housing availability sites  
4 or opportunity sites. The orange sites a large lots  
5 obviously in the Town of Los Altos Hills. Most of our  
6 properties are on hillsides and such mostly by rural  
7 nature of the area.

8           This area as I indicate here it's a thirty plus  
9 acre lot. This is not an housing opportunity site as  
10 indentified by ABAG.

11           The two express lanes are within tentative  
12 walks of several thousand gallons on main bus routes,  
13 vacant land, clearly could easily be rezoned for a large  
14 apartment complex that would -- and half the apartments  
15 could be potentially affordable units. Right in the  
16 middle of the job or employment areas.

17           So this -- again what we're saying that we're  
18 looking at putting houses on steep, urban or rural watch  
19 and on potential landslide areas and such, fire hazard  
20 area, yet not right in the middle of that.

21           MR. PADUAN:    Next slide.

22           And so opportunity constraints, forty percent  
23 of our houses in our town are private wastewater systems.  
24 We're in close -- close proximity to seismic hazard  
25 zones. Almost half or over half the town is located on

1 high hazard fire zone maps.

2 ABAG acknowledges that more housing and, you  
3 know, wildlife urban space available is not responsible.  
4 Increased drought conditions add to fire hazard areas  
5 which means they could increased an area as very high and  
6 the prospect of increased density in high fire hazard  
7 areas again is ill-conceived and does not represent good  
8 planning process.

9 Next slide, please.

10 You can see we have a lot of lots that are in the area.

11 Fire hazard. I just have one more slide, I  
12 think. Next slide.

13 And then again COVID-19 is a significant  
14 impact. Census figures are less than what the department  
15 plans and ABAG estimated.

16 Many large tech firms are now not, you know,  
17 having employees come to the property, come to their  
18 businesses to work. They're working from their homes.

19 So now the entire state has become a potential  
20 jobs -- or housing areas, and on top of that, jobs have  
21 significantly dropped in Northern and Central Santa Clara  
22 County, but once again people working from their homes.

23 The last slide.

24 So in conclusion, Los Altos Hills does support  
25 increased housing production such as affordable housing,

1 and the town is currently providing for the wildland  
2 levels exceeding the surrounding jobs.

3 The request for a reduction of 129 units down  
4 to 360 is a feasible level, more in line with what's been  
5 approved in the past and also what could be feasibly be  
6 done with the land that we have.

7 COVID-19 is an unforeseen externality, and  
8 basically we're requesting that our appeal be granted.  
9 Thank you very much.

10 PRESIDENT ARREGUIN: Thank you very much.  
11 You'll have an opportunity to provide a response to the  
12 ABAG-MTC staff presentation after their presentation.

13 So now I'd like to ask ABAG-MTC staff to  
14 present a response to the town of Los Altos' appeal.

15 MR. KAPLAN: Thank you. Next slide, please.

16 In the Town of Los Altos Hills they're  
17 requesting of 129 units, a reduction of twenty-six  
18 percent from its draft allocation, and staff presentation  
19 is to deny the appeal.

20 Next slide, please.

21 Los Altos Hills argues that ABAG fails to  
22 adequately considers the town's jobs/housing relationship  
23 and disputes that the jobs can be met in the methodology  
24 instead of the number of jobs within the jurisdiction.

25 The town argues and challenges the final RHNA

1 methodology that was adopted by the ABAG Executive Board  
2 for ACD. In this critique of the adopted methodology  
3 process.

4 Additionally, the RHNA methodology uses data  
5 about each jurisdiction's jobs/housing relationship by  
6 incorporating Plan Bay Area 2050 by allocation.

7 The RHNA methodology allocates nearly half of  
8 the regions RHNA using factors related to jobs proximity.  
9 These jobs proximity can be factors measured jobs access  
10 based on commute times to better capture the living  
11 experience outside of their jurisdiction's boundaries.

12 As I stated previously, housing element law  
13 requires the methodology to improve the intra-regional  
14 relationships between jobs and housing, not the  
15 jobs/housing balance in any particular jurisdiction.

16 Next slide, please.

17 Los Altos feels that ABAG made an error in  
18 applying the RHNA methodology because the town believes  
19 there should be no units allocated from the jobs transit  
20 factor to Los Altos Hills.

21 The town's arguments does not accurately  
22 reflect the mechanics of the adopted methodology which  
23 appropriately recognizes the limited access to jobs by  
24 transit from most of Los Altos Hills.

25 That will distribute RHNA units throughout the

1 region, the RHNA factors are on scale, so all  
2 jurisdictions, even those with low scores of a particular  
3 vector receive some RHNA units from each factor.

4 Because Los Altos Hills has a small number of  
5 jobs that can be accessed with a forty-five minute  
6 transit commute, it receives very few units based on the  
7 vector relative to other jurisdictions.

8 Next slide, please.

9 Los Altos Hills argues that the ABAG  
10 methodology failed to consider the availability of land  
11 for development because the RHNA methodology does not  
12 account for relying on septic systems and hazard risks.

13 While the town argues that properties on septic  
14 systems represents sewer and wastewater constraints  
15 preventing additional development, the town's arguments  
16 do not meet the requirements for an appeal on this basis.

17 Los Altos Hills has not demonstrated it is  
18 precluded from meeting its RHNA allocation because of a  
19 an exclusion by its water and sewer service providers.

20 Additionally, the RHNA methodology considers  
21 that development constraints made in this appeal by  
22 incorporating data from the Final Blueprints.

23 The Final Blueprint excludes areas with  
24 unmitigated high risk related to all fire geographies.  
25 And as noted previously, housing element law generally

1 does not identify areas of risk to hazard as a constraint  
2 to housing.

3 Los Altos Hills has not provided evidence its  
4 infrastructure is inadequate to apply the risk of  
5 flooding as required by statute.

6 And throughout the region, it's essentially  
7 impossible to avoid all hazards when citing new  
8 development, but jurisdictions can think critically about  
9 which areas have the highest hazard risk.

10 As in all housing elements, Los Altos Hills has  
11 the opportunity to take hazard risk into consideration  
12 with where and how it sites future development.

13 Los Altos Hills does not provide evidence that  
14 it is unable to consider under-utilized land,  
15 opportunities for infill development and increased  
16 densities to meet its RHNA.

17 Next slide, please.

18 The town argues that COVID-19 is feeling  
19 impacts in population, housing and jobs estimates that  
20 affect RHNA directly. However, statute states that  
21 stable population numbers cannot be used as a  
22 justification for reducing the jurisdiction's RHNA for  
23 reducing a jurisdiction's RHNA.

24 And additionally while ABAG appreciates  
25 concerns about the significant economic and societal

1 changes resulting from COVID 19, changes that have been  
2 caused by COVID-19 do not fall within the criteria called  
3 for by statute.

4 MR. CASTRO: One minute, please.

5 MR. KAPLAN: Impacts does not apply to any  
6 single jurisdiction. Los Altos Hills does not  
7 demonstrate that its housing needs are disproportionately  
8 affected relative to the rest of the Bay Area.

9 Next slide, please.

10 And so staff recommends that the committee deny  
11 the appeal. Thank you.

12 PRESIDENT ARREGUIN: Thank you, Mr. Kaplan.

13 To give the Town of Los Altos Hills three  
14 minutes to respond to the staff presentation, please.

15 MR. PADUAN: Thank you very much for the  
16 opportunity to abut some of those comments.

17 Again, what we're looking at here not that we  
18 can't provide housing in the town. We find ways to  
19 provide a significant amount more than was typically  
20 provided over the last thirty years or so. That's what  
21 our concern is.

22 For one thing, this doesn't even take into  
23 account that half of the people that live in Los Altos  
24 Hills actually work out of their homes,

25 So the jobs/housing balance is zero right

1 there. They have their jobs in their homes, and that's  
2 not even taking into account at all the way that ABAG is  
3 counting our supposed contribution to the jobs/housing  
4 imbalance.

5 In other words, yes, we obviously have  
6 limited -- we don't have any apartments to be honest with  
7 you, and the idea here is that we are using ADUs, which  
8 many of them are affordable.

9 So whatever providing housing also for the  
10 affordable jobs that are low wage jobs, but again we have  
11 many people that work out of their homes. So we've -- so  
12 we're not contributing to the problem, I guess, is what  
13 our argument is.

14 And again, we're looking at -- if you want to  
15 resolve some of these jobs/housing problems, like I  
16 stated in that one slide, large properties that are  
17 sitting there vacant that could easily be converted to  
18 apartments, you know, under the jurisdiction of a -- of  
19 an entity that could easily do that if it's required to.

20 The problem is we're -- we're making other  
21 jurisdictions take up the mantel of having to provide  
22 housing that is a much more difficult situation than  
23 again vacant lots in the middle of that area.

24 Fire hazards not being considered to me almost  
25 seems that it's being very callous being that there were

1 a lot of areas in Santa Rosa that weren't considered fire  
2 hazard and they all burned because the fire hazard does  
3 what it does.

4 So any time you're near an urban land  
5 interface, that should be a significant concern. We  
6 shouldn't be putting denser housing in those areas at  
7 all, and it should be down again more in the areas where  
8 the actual jobs are where the housing should be.

9 And also there was a comment again that we went  
10 and donw our analysis. Of course not. That's why we're  
11 doing the housing element.

12 The housing element needs to be done and then  
13 obviously we're going to put the efforts into finding  
14 where our areas are that we can put more dense or some  
15 additional housing, but at this point we haven't been  
16 able to do that research.

17 Lastly, I just want to bring up the COVID  
18 issue. I'm -- I'm not seeing how that's not affected.  
19 It's been a huge impact to the United States economy let  
20 alone the Bay Area. It's been a great impact to the Bay  
21 Area since World War II.

22 It's completely changed commuting patterns,  
23 where people work, where they live. To say that that  
24 isn't something that needs to be addressed in Bay Area  
25 2050 seems ridiculous. But maybe that's being a

1 little -- I guess I just feel like this should be  
2 addressed.

3 This is a huge year. This is an unforeseen  
4 impact and it should be something that is looked at, not  
5 just for this town, but ultimately everyone.

6 Thank you.

7 PRESIDENT ARREGUIN: Thank you.

8 Before we proceed to public comment, I do want  
9 to address something that you stated with respect to  
10 considering the impact of COVID-19 on the population  
11 projections.

12 We did do that. We did make some adjustments  
13 in the population projections I think over -- I think  
14 over an eight-year period to account for impacts of  
15 COVID-19, and that's something that we had specifically  
16 requested because we had heard that from member  
17 jurisdictions. I just want want to state that for the  
18 record.

19 So I'll now open public comment on the appeal  
20 from the Town of Los Altos Hills. If you wish to testify  
21 on the RHNA appeal from the Town of Los Altos Hills,  
22 please raise your hand or press star 9 if you are phoning  
23 in.

24 Is there any public comment from any attendees  
25 on the RHNA appeal from the Town of Los Altos Hills.

1 MR. CASTRO: I see no mem -- oh, I have one.

2 PRESIDENT ARREGUIN: Yes.

3 MR. CASTRO: Jon Baer. Actually, I see Kristi  
4 Corley.

5 PRESIDENT ARREGUIN: Jon Baer is first, he is  
6 unmuted, and he is first.

7 Please proceed, sir.

8 MR. BAER: I'm Jon Baer. I don't live in Los  
9 Altos Hills. I live in Los Altos, but I thought it would  
10 be amusing to listen to the Los Altos Hills' appeal, and  
11 I'm disappointed, not in Los Altos Hills, but in this  
12 process and the rules by which this committee is  
13 operating.

14 You know, we have a crisis in this country. We  
15 have a crisis in this state and people's faith and trust  
16 in government and government process, and when we have a  
17 process that ignores on-the-ground reality and statements  
18 are made that don't reflect what people who are in  
19 positions of authority in towns like Los Altos Hills,  
20 when they say, you know, "we have fire danger, we have  
21 earthquake danger," you know, putting more housing in  
22 those areas, we have very limited availability of  
23 developal land, and that gets summarily ignored to me it  
24 is disappointing.

25 It's disappointing as a resident. It's

1     disappointing as somebody who formerly was on the  
2     Planning Commission in my town.

3             It calls in my mind the question of, you know  
4     is this a process that people in the communities can have  
5     faith in, and my answer is I don't think so.

6             Thank you.

7             MR. CASTRO:     Thank you.

8             Our next speaker is Kristi Corley.     Please go  
9     ahead.     Two minutes.

10            MS. CORLEY:     Thank you for taking my comment.  
11     We are -- I live in Portola Valley.     We are a neighbor of  
12     Los Altos Hills.     We have two fire exits, that being  
13     Alpine Road and Portola Road and maybe Arastradero going  
14     over to Los Altos Hills depending where a fire would be.

15            I don't want to be like Paradise, one of the  
16     eighty-five people that died trying to get out when a  
17     fire comes our way.

18            We are -- we were the next evacuation zone for  
19     the CZU fire, and so is Los Altos Hills.

20            I think fire and earthquake and landslides need  
21     to be considered in making decisions in the wooley areas,  
22     the urban interface areas with wildland.

23            So as a resident of Portola Valley abutting up  
24     to Los Altos Hills, we are neighbors, although we are  
25     different counties.

1           We have to work together and you have to see  
2   that Woodside, Los Altos Hills, Los Altos and Portola  
3   Valley are high risk areas as well as Hillsborough.

4           So please take into consideration. We have  
5   earthquake faults going through our cities and earthquake  
6   can cause a fire at any time, landslides.

7           Please keep our evacuation zones safe, and what  
8   we're forced to do is put housing on our evacuation  
9   zones, and I am very concerned for the lives of these  
10   residents in these cities, including all the residents;  
11   not just my own city, and that is why I'm speaking up  
12   now.

13           Your job is to keep the residents, public  
14   residents safe and away from risks and hazards in the  
15   area, and I feel this --

16           PRESIDENT ARREGUIN: Thank you, ma'am.

17           MS. CORLEY: -- hazards and risks.

18           Thank you.

19           MR. CASTRO: Our next speaker is Duffy Price.  
20   Go ahead, please.

21           MS. PRICE: Thank you. I would like to speak  
22   as a former fire commissioner from Los Altos Hills, now  
23   retired.

24           So it's very su -- super important that you  
25   understand we don't want Los Altos Hills to turn into the

1 next Oakland fire situation.

2 We have very narrow roads and getting in the  
3 fire responders down these narrow roads while we're  
4 trying to evacuate exactly as Kristi Corley just  
5 mentioned would be devastating to the community, and ABAG  
6 should definitely take fire into consideration,  
7 especially with the maps that are currently being  
8 produced with respect to the State of California and Cal  
9 Fire.

10 I would also like to say that first of all we  
11 have very limited transportation, no bus service in and  
12 out of the town and certainly there is no industry that  
13 is relevant to the people working in Los Altos Hills.

14 So therefore, we really need to have the appeal  
15 considered on all aspects, and all I can say is that the  
16 COVID issue that has recently come to the surface needs  
17 to be evaluated by ABAG very, very strongly.

18 I appreciate the opportunity and we want ABAG  
19 to be successful, not to be undermined and making poor  
20 decisions.

21 Thank you kindly.

22 MR. CASTRO: Thank you.

23 Our next speaker is Aaron Eckhouse. Go ahead,  
24 please.

25 MR. ECKHOUSE: My name is Aaron Eckhouse,

1 regional policy manager with California YIMBY. I was  
2 really struck in the Los Altos Hills presentation with  
3 the point that I think showed just how effective state  
4 preemption of local land use authority can be when we  
5 discuss ADUs.

6           So they noted that the supply of affordable  
7 housing in Los Altos Hills is pretty much entirely ADUs  
8 accessory dwelling units, and that a substantial majority  
9 of those ADUs are rented out at significantly lower  
10 prices than you'd be able to find any other type of  
11 housing in Los Altos Hills.

12           And those ADUs are entirely the result of the  
13 state preempting of the local land use authority of Los  
14 Altos Hills.

15           So that was an incredible success story for the  
16 having the state override local control and having that  
17 produce a significant amount of affordable housing even  
18 in a very wealthy and excluded area jurisdiction like Los  
19 Altos Hills.

20           I think you all are doing a great job on the  
21 appeals and I trust that you will reject this one, as  
22 well. There is no valid basis for it, and I just find it  
23 curious that you've heard from a lot of people joining  
24 these appeals who are talking about how their cities are  
25 so dangerous and it would be really unsafe to have more

1 people live there and yet seem to have no intention of  
2 moving themselves, so it makes me wonder how dangerous  
3 they really think it is.

4 Thank you.

5 PRESIDENT ARREGUIN: And so Mr. Castro, the  
6 next speaker is the fifth speaker, so pursuant to the  
7 procedures I outlined at the beginning of the hearing,  
8 the remaining speakers will now have one minute and I  
9 will do one last call for public comment.

10 If any other attendees wish to speak on the  
11 appeal from the Town of Los Altos Hills, raise your hand  
12 now or forever hold your peace.

13 Okay. Let's proceed with the next speaker.

14 MR. CASTRO: Okay. Jordan Grimes, one minute.  
15 Go ahead, please.

16 PRESIDENT ARREGUIN: I believe it's S.V.  
17 Leads.

18 MR. CASTRO: S.V. Leads, yes.

19 MS. LEADS: Great. Hi. This is Kelsey Leads.  
20 I'm the regional director for YIMBY Action and encourage  
21 you to deny this appeal and just have two quick points.  
22 One is about jobs.

23 Los Altos Hills does have jobs. They have  
24 workers who clean homes, who care for children, who are  
25 building kitchens and ADUs are not sufficient for meeting

1 the needs of the people who serve the community.

2 And the second point is just about fire and it  
3 doesn't make sense to me that it's safe to live in  
4 mansion but not a duplex of a cottage cluster.

5 So I think there are real conversations that we  
6 we need to have about fire, but it's possible to have  
7 exclusive housing type if it's possible for very wealthy  
8 people to live there.

9 Thank you.

10 PRESIDENT ARREGUIN: Thank you.

11 MR. CASTRO: Thank you.

12 Next speaker -- I saw Jordan Grimes. I don't  
13 see him.

14 MR. GRIMES: Yes. Sorry about that.

15 MR. CASTRO: One minute.

16 MR. GRIMES: Hello again, committee members.  
17 I want to encourage denial of this appeal, as well. Just  
18 a couple things to note. Per Zillow, the typical value  
19 for a home in Los Altos Hills is five million dollars.  
20 That is due to -- as staff just -- as City staff noted,  
21 the complete lack of multi-family housing.

22 Affluent and hyper-affluent jurisdictions like  
23 Los Altos Hills still have a responsibility to build  
24 housing, whether they have a massive lopsided, you know,  
25 jobs/housing imbalance like the rest of Silicon Valley or

1 not, and to house their workers, and they do have workers  
2 as Ms. Baines noted.

3           There are teachers and gardeners and  
4 housekeepers, and those people cannot afford to live  
5 there due to a severe lack of housing, and as I -- as  
6 mentioned by staff, which is gobsmacking, a complete lack  
7 of -- of apartments.

8           I'm frankly a little shocked to hear that, to  
9 hear staff in one breath say they can't accommodate their  
10 RHNA allocation and the next acknowledge the city has no  
11 apartments.

12           I would suggest that they both -- that they  
13 zone for some and -- and I think that RHNA would be --  
14 their RHNA allocation is entirely reasonable should they  
15 rezone as -- as many cities would.

16           So thank you again so much for your time. I  
17 really appreciate it.

18           MR. CASTRO: Thank you. Next speaker is  
19 Salim. Go ahead, please.

20           (Incoherent connection).

21           MR. CASTRO: Salkim, your connection is not  
22 good. Salim, I'm sorry. I think we're -- we're not  
23 receiving you.

24           PRESIDENT ARREGUIN: Yes. Salim, I'm sorry.  
25 We can't hear you. Your connection is poor. I encourage

1 you to maybe log off and log back on.

2 Okay. I'll ask. Are there any other attendees  
3 that wish to speak on this appeal? So please raise your  
4 hand.

5 MR. CASTRO: There are no members of the  
6 public at 375 Beale, no written comments submitted for  
7 this item.

8 PRESIDENT ARREGUIN: Okay. So that completes  
9 public comment on this appeal. It is now in order for  
10 the committee to discuss the appeal, and who would like  
11 to be returned first? Mayor Hudson.

12 MAYOR HUDSON: I don't think I want to jump in  
13 front of Fligor if -- if she's smiling, I'll start it  
14 off.

15 This is going to be the same story on all the  
16 rest of the appeals that I'm looking at. Jobs/housing  
17 balance is not jobs/housing balance within the  
18 jurisdiction.

19 If this particular jurisdiction -- I'm sorry.  
20 In this particular county, the last iteration for the  
21 methodology reduced the number of units in Santa Clara  
22 County by over 52, those units, and those units went  
23 somewhere else within the Bay Area.

24 To turn around and do any appeal in Santa Clara  
25 County and ship them somewhere else would seriously bring

1 this subcommittee into question by all the other  
2 jurisdictions, but it's worse than that.

3           It was pointed out that a lot of these people  
4 live in their homes. That's where a lot of these jobs  
5 are going, but the people that are at these jobs are  
6 going to places like River island and Tracy Hills.

7           They're becoming one hundred percent tech out  
8 there and that is displacement on a grand scale.

9           The people that live out there and work out  
10 there cannot afford to compete for that housing with  
11 people that -- that have the technology background, and  
12 we're seeing it.

13           I would be really hardpressed to accept even  
14 one home moved out of this county after having over  
15 52,000 homes placed somewhere else, and I will support  
16 denying the appeal.

17           PRESIDENT ARREGUIN: Thank you, Mayor Fligor?

18           MAYOR FLIGOR: Thank you, Chair. I do. At  
19 first let me thank Los Altos Hills for their  
20 presentation.

21           My question is for staff. We've heard it from  
22 many jurisdictions about whether or not this committee  
23 can consider a jurisdiction having potential high fire  
24 risk hazard areas and we just heard this from Los Altos  
25 Hills, as well.

1           And so I was hoping Gillian or Dave could again  
2 address -- I know it was in your response to the appeal,  
3 but we heard members of the public raise it again.

4           So I think it's very important for us to  
5 reiterate the limitations of this committee in  
6 considering claims of high risk fire areas in these  
7 jurisdictions.

8           MS. ADAMS: As written it does not include  
9 fire risk as a constraint to housing. I think we all  
10 understand that the Bay Area faces a number of natural  
11 hazard risks and I don't think we're saying that the  
12 communities don't need to plan for those and try to  
13 address those, but as it speaks to RHNA itself, they're  
14 not identified as constraints to housing.

15           Dave, I don't know if you wanted to add  
16 anything about sort of what the plan envisions, but it's  
17 certainly not that those are not concerns. It's just not  
18 part of the RHNA appeals process.

19           A           That no, sir are not concerns, but it's just  
20 not part of the RHNA process.

21           PRESIDENT ARREGUIN: I'd like to ask anyone  
22 who's not speaking to please mute your lines.

23           MR. VAUT: Just quick. I just --

24           PRESIDENT ARREGUIN: Sorry.

25           MR. VAUT: Thank you. I just wanted to

1 quickly add that it is important to remember that Plan  
2 Bay Area 2050 was used as a baseline for all of the RHNA  
3 allocations, and in that process, we did consider fire  
4 hazards as part of gross geographies, excluding those  
5 areas of very high fire -- very high fire risks in cities  
6 and towns, and very high and high in the counties, as  
7 well, to -- to knit in that into the methodology.

8 And the -- the same applies to the appellants'  
9 claims on -- on COVID, as well.

10 COVID -- you know, there's a whole discussion  
11 of Plan Bay Area 2050 of how it has affected the  
12 strategies, how it has affected the regional growth  
13 forecast, how our -- you know, the telecommuting was  
14 updated to reflect those changes.

15 So, you know, these are both situations where,  
16 you know, integration of the long-range plan into RHNA  
17 helps to address some of the concerns raised by appellants  
18 like this town.

19 PRESIDENT ARREGUIN: Okay. Thank you. Mayor  
20 Fligor, any other comments, questions at this time?  
21 Okay.

22 MAYOR FLIGOR: That's it. Thank you.

23 PRESIDENT ARREGUIN: Mayor Romero?

24 MAYOR ROMERO: Yes. I just wanted to uplift  
25 the social equity concern that was brought up by Mrs.

1 Baines.

2           There are many, many low income workers that  
3 service Los Altos Hills. They do their gardening, they  
4 take care of their kids, they build their homes, they  
5 clean their sewers.

6           They have a right to certainly live close to  
7 where they work. There is a demand for that type of work  
8 in Los Altos Hills and I believe we all have obligations  
9 to produce housing for folks who are servicing workers in  
10 our community, and I would hope that we would indeed deny  
11 this appeal and again require the City to appropriately  
12 to accommodate all sectors of our team.

13           PRESIDENT ARREGUIN: So I'll take a motion to  
14 take a preliminary action to deny the appeal from the  
15 Town of Los Altos Hills.

16           VICE-PRESIDENT RAMOS: I second.

17           PRESIDENT ARREGUIN: Seconded by Vice-  
18 President Ramos. Thank you.

19           Any other questions, comments from the  
20 committee? If not, Mr. Clerk, please call the roll.

21           MR. CASTRO: On the motion by Arreguin,  
22 seconded by Ramos.

23           Mayor Arreguin?

24           PRESIDENT ARREGUIN: Yes.

25           MR. CASTRO: Mayor Eklund?

1           MAYOR ECKLUND:    Aye.

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:     Supervisor Perales -- I mean

13 Councilmember Perales?  Is absent.

14          Supervisor Rabbitt?  Is absent.

15          Supervisor Ramos?

16          SUPERVISOR RAMOS:    Yes.

17          MR. CASTRO:     Mayor Romero?

18          MAYOR ROMERO:    Yes.

19          MR. CASTRO:     Motion passes unanimously with

20 all members present.

21          PRESIDENT ARREGUIN:   Thank you very much.

22 Thank you to staff from Los Altos Hills for joining us

23 this morning and that completes the item.  We'll proceed

24 to Monte Sereno and then we'll take a break.

25          So we'll go now to 6D, the regional housing

1 allocation appeal from the City of Monte Sereno. This is  
2 a preliminary action item. First we'll hear from the  
3 City of Monte Sereno who will have five minutes to  
4 present their appeal.

5 Who will be presenting on behalf of the City of  
6 Monte Sereno?

7 MR. JAMES: Richard James, consultant to the  
8 City of Monte Sereno. I'll be giving the presentation  
9 and the mayor will give the rebuttal.

10 PRESIDENT ARREGUIN: Okay. Thank you very  
11 much, and the presentation is on the screen. Please  
12 proceed.

13 MR. JAMES: If we can proceed to the next  
14 slide, please.

15 So Monte Sereno, some people may not even know  
16 where Monte Sereno is, but it's tucked up against the  
17 hills in the Santa Cruz Mountains near Los Gatos.

18 It's very small, 1.7 square miles. The RHNA  
19 has more than doubled. I think it's actually tripled in  
20 this round.

21 I did want to point out that last round, the  
22 fifth cycle, the City of Monte Sereno achieved more than  
23 twice its RHNA of sixty-one units, including more than  
24 double on the very low category.

25 Next slide, please.

1           So our reason for appeal includes three bases  
2 of appeal.

3           Next slide, please.

4           We want to focus this -- this morning on these  
5 four items: Wildfire hazard zones, the lack of available  
6 land, jobs/housing balance, which I know has been  
7 discussed a lot another these hearings, and the lack of  
8 transit access.

9           If we can go to the next slide, please.

10          So Monte Sereno is constrained by very high  
11 wildfire hazard zones as you can see all of the areas  
12 surrounding Highway 9, which is the major route through  
13 the city, and is in a very high fire hazard zone.

14          About half the land area and a third of the  
15 city's parcels are constrained that way.

16          Next slide, please.

17          Jobs/housing balance, and we do recognize  
18 ABAG's focus on a regional county jobs/housing balance,  
19 but we do wish to point out that Monte Sereno is an  
20 entirely residential city. It has no commercial zoning  
21 whatsoever.

22          The jobs that are in Monte Sereno estimated  
23 about 520 at-home jobs, but the jobs to resident workers  
24 ratio is 0.37.

25          And of course our concern locally is that it

1 would exacerbate commute traffic, greenhouse gas  
2 emissions, commuting into the heart of Silicon Valley  
3 area.

4 The next slide, please.

5 There's a graph showing the jobs/housing  
6 balance.

7 Go to the next slide, please.

8 So basically we believe that it fails to meet  
9 the jobs/housing objective even though we do recognize  
10 the state and ABAG's focus on county jobs/housing  
11 balance.

12 We're still concerned as a local jurisdiction  
13 that we have all housing, no commercial and that any new  
14 housing or the vast majority of new housing will invoke  
15 additional traffic on Bay Area's highways.

16 Can we go to the next slide, please?

17 There's very little land available for  
18 development in Monte Sereno. We've identified three  
19 vacant sites that are outside of the very high fire  
20 hazard area.

21 Those amount to three and a quarter acres total  
22 vacant. The largest of those is one and a half acres.  
23 As I mentioned, there are no commercial districts and no  
24 mixed use. There are no areas that can be rezoned into  
25 residential or mixed use in Monte Sereno, so that's not

1 an option in our case.

2 Next slide, please.

3 This is merely a graphic of those available  
4 sites. There are three, and in the blow-up, you can see  
5 that these are pretty constrained sites. One of those  
6 has a 20 by 300 foot long access driveway to it. It's a  
7 flag lot, and another one is apparently an abandoned road  
8 right-of-way. It's 50 feet wide and 600 feet deep, and  
9 in the middle, as you can see if you look carefully, it  
10 -- it narrows down to only five feet.

11 So really not suitable for high density  
12 residential at, say, thirty units per acre. It just --  
13 it couldn't work.

14 Design-wise is non-clear in terms of bank  
15 financing.

16 You can go to the next slide, then.

17 This slide shows where the only transit line  
18 serving Monte Sereno is. It's VTA line 27 which serves  
19 downtown Los Gatos and Winchester light rail station.

20 Very convenient, but it does go to the light  
21 rail station, but as you can see, the vast majority of  
22 the City's area is well beyond a half mile walk and much,  
23 much further beyond a more typical quarter mile walk to  
24 transit.

25 None of the three vacant sites are within the

1 half mile.

2 Can we go to the next slide, please?

3 This is just a reiteration. I think we can go  
4 to the next slide.

5 And we will conclude here that basically Monte  
6 Sereno as a lot of communities are is constrained  
7 constrained by very high fire hazards. Only a small area  
8 of Monte Sereno has vacant land, three and a quarter  
9 acres and three parcels.

10 Monte Sereno has of course very much housing  
11 and no job base at all and a very poor -- very poorly  
12 served by transit.

13 I know Monte Sereno probably was identified as  
14 a high resource community because of its income, but part  
15 of the definition in the Plan Bay Area 2050 for high  
16 resource area is that it's served by good quality  
17 transit, and only a very small sliver of Monte Sereno is  
18 served by VTA route 27, which as I showed was quite  
19 distant from most places in Monte Sereno and has thirty-  
20 minute headways.

21 So Monte Sereno respectfully requests a  
22 reduction in its RHNA from 193 to 97. 97 would represent  
23 still close to a fifty percent increase from the cycle.

24 Thank you very much, and again a reminder that  
25 the mayor will be presenting the rebuttal. Thank you.

1 PRESIDENT ARREGUIN: Thank you very much.

2 So I'd like to ask ABAG-MTC staff to please  
3 respond to the appeal from Monte Sereno.

4 MR. KAPLAN: Thank you. Next slide, please.

5 So Monte Sereno is requesting a reduction of 97  
6 unites, which is a reduction of fifty percent from its  
7 draft allocation. Staff's recommendation is to deny the  
8 appeal.

9 Next slide, please.

10 Monte Sereno argues that the city lacks jobs to  
11 support its RHNA as it was chartered to be a residential  
12 only district. The city's appeal of the methodology does  
13 not further the statutory objective to improve intra-  
14 regional relationship between jobs and housing.

15 As noted previously, HCD has confirmed that the  
16 methodology does further this objective.

17 Additionally, as we discussed, housing element  
18 law requires and statute applies through the region, not  
19 just in a particular jurisdiction, and statute also  
20 requires RHNA to consider the relationship between low  
21 wage jobs and housing that's affordable to low wage  
22 workers in any particular jurisdiction.

23 And census data shows Monte Sereno has 94 low  
24 wage jobs and very few rental housing affordable to low  
25 wage workers, so the city's low income RHNA can unable

1 many of these workers to live closer to their jobs, which  
2 would lead to shorter commutes and reduce greenhouse gas  
3 emissions.

4 Next slide, please.

5 Monte Sereno argues ABAG fails to consider the  
6 lack of transit access in the city which will lead to  
7 increase in VMT and GHG.

8 But the RHNA methodology does consider  
9 opportunities to maximize transit use by incorporating  
10 the forecasted development pattern of Plan Bay Area 2050  
11 Final Blueprint, and to help distribute jobs throughout  
12 the region so RHNA factors were scaled to that all  
13 jurisdictions receive some units from each factor, and  
14 this does recognize the lack of access to jobs by transit  
15 to Monte Sereno, because Monte Sereno receives very few  
16 units based on the jobs/housing transit factor relative  
17 to other jurisdictions.

18 HCD concluded that the RHNA methodology  
19 encourages an efficient development pattern and allocates  
20 more RHNA to jurisdictions with more jobs access to more  
21 dense jurisdictions with lower VMT.

22 Next slide, please.

23 So it is our recommendation that Monte Sereno  
24 showed data from the housing element site selection tool  
25 that shows limited vacant sites suitable for development

1 in Monte Sereno. And the city asserts that wildfire led  
2 to more risks limit the availability of land for housing.

3 The RHNA methodology considered the development  
4 constraints named in this appeal by incorporating data  
5 from the Final Blueprint as the baseline allocation, and  
6 also the HESS tool data that Monte Sereno cites in its  
7 appeal was not used in either the modeling forefront area  
8 2050 or as an input from the RHNA methodology itself.

9 It's also important to note that the housing  
10 element site selection tool evaluates potential sites  
11 based on existing local development policies, and housing  
12 element law specifically prohibits ABAG from limiting  
13 RHNA based on the existing zoning or land use  
14 restrictions that are shown in the HESS tool.

15 We have already discussed that housing element  
16 law does not identify areas at risk from hazards as a  
17 constraint to housing, and while Monte Sereno cites a  
18 lack of vacant land, HCD noted in its comment on Bay Area  
19 RHNA appeals that housing planning cannot be limited to  
20 vacate land, and even communities that view themselves as  
21 built out or limited due to other natural constraints  
22 such as fire and flood risk areas must plan for housing  
23 through means such as upzoning non-vacant land.

24 Next slide, please.

25 Monte Sereno argues the city's ability to

1 provide water supplies to new residential development has  
2 become progressively constrained due to ongoing drought  
3 conditions, and staff does understand the city's concerns  
4 about the drought currently being experienced by the Bay  
5 Area.

6           However, the city's arguments do not meet the  
7 requirements for a valid RHNA appeal. Monte Sereno has  
8 not demonstrated that it's precluded from meeting its  
9 RHNA allocation because of a decision by its water  
10 service provider.

11           The drought is affecting the entire region and  
12 not any particular jurisdiction, and furthermore the  
13 region can take steps to ensure that there is an adequate  
14 water reply regardless of droughtt in the future.

15           MR. CASTRO: One minute, please.

16           MR. KAPLAN: Next slide, please.

17           And the appeal also cites concerns that are not  
18 a valid basis for an appeal regarding the regional  
19 housing needs, termination calculation made by HCD and  
20 also about forming a subregion, and again neither of  
21 these are named by statute as basis for an appeal.

22           Next slide, please.

23           Monte Sereno argues that increased fire hazard  
24 potential in the city due to ongoing drought represents a  
25 change in circumstances requiring reduction in its RHNA.

1           However, HCD's comment letter on the Bay Area  
2 RHNA appeal noted that wildfire hazards cannot affect one  
3 city, county or region in isolation, and ABAG's  
4 allocation methodology encourages more efficient use  
5 patterns which are key to adapting to more intense  
6 drought cycles in wildfire season.

7           And next slide, please.

8           So with that, staff recommends that the  
9 committee deny the appeal filed by Monte Sereno.

10          Thank you.

11          PRESIDENT ARREGUIN:    Thank you, Mr. Kaplan.

12          So it is now in order for Monte Sereno to rebut  
13 or respond to staff presentation. I'd like to recognize  
14 the mayor of Monte Sereno who I believe will be  
15 presenting on behalf of the jurisdiction.

16          MAYOR LEUTHOLD:    Thank you. Shawn Leuthold,  
17 Mayor of Monte Sereno. Thank you to the committee for  
18 your time.

19          We have very much taken into account all of the  
20 points related to what you're saying about other cities  
21 and appreciate them.

22          But we do need to point out that Monte Sereno  
23 has been an exporter of housing from day one in the  
24 formation of the city. Monte Sereno I -- has over-  
25 produced in the last housing cycle as mentioned, just

1 about double the protection.

2 So we're not here not doing our part. In fact,  
3 we had twenty-three very low income units assigned to us.  
4 We've produced fifty-two permits already for that.

5 We are doing our part and we are really a city  
6 of rule followers doing our best to follow the state  
7 guideline and to implement. So we're saying we're doing  
8 our part.

9 We do think that the concerns about the  
10 wildlife urban interface has have not been properly  
11 balanced here.

12 We understand the constraints that are on the  
13 committee, but this is a tragedy in the making, and we  
14 want to point out that really -- and we have about half  
15 of the available land that ABAG considers we have  
16 available to us, which is really asking us to produce  
17 more than double in the area we have.

18 That's not right and that's not fair vis-a-vis  
19 the other cities that don't have these constraints.

20 So overall, this is really a question. We're  
21 asking you to -- as a committee to look at this  
22 holistically and think about the Bay Area that we want to  
23 build, and Monte Sereno is going to do its part in that,  
24 but do we want to build where transit is not going to  
25 work? Do we want to build in the wildlife urban

1 interface?

2           And clearly this is something that is not  
3 ideal. Monte Sereno will produce. We can double our  
4 RHNA numbers. We can't triple them, and so that's what  
5 we're something asking here.

6           MR. CASTRO: One minute.

7           MAYOR LEUTHOLD: San Jose and Santa Clara,  
8 Mountain View, the jobs producers who have the land, who  
9 have the transit, those are the correct places to move  
10 these housing units to.

11           They can be done much more efficiently there.  
12 We're doing our comment part.

13           I don't like the comments that say we're not  
14 interested in supporting our teachers and supporting  
15 landscape and those uses. We very much are.

16           Again, we're doubled our very low income  
17 production.

18           So thank you very much and thank you for the  
19 committee's work on this.

20           PRESIDENT ARREGUIN: Thank you, Mr. Mayor.

21           Okay. So we'll now open the public comment  
22 period on the appeal from the City of Monte Sereno. If  
23 you wish to speak on the appeal, please raise your hand  
24 if you're on the Zoom platform or press star 9.

25           I see we have two speakers ready, Mr. Castro.

1 MR. CASTRO: Yes. The first speaker is Daniel  
2 Rose. Go ahead, please.

3 MR. ROSE: Great. Can you all hear me?

4 PRESIDENT ARREGUIN: Yes.

5 MR. ROSE: I was sitting on the call for  
6 almost two hours now. I don't if you got to Saratoga,  
7 but I'm a resident of Saratoga for forty years and I'm  
8 hear the same denials are coming down from Los Altos  
9 Hills, now Monte Sereno, and I'm sure Saratoga's going to  
10 get the same denial.

11 It's a joke. This committee is a complete  
12 group of mayors who are all pro growth, YIMBYs, and  
13 frankly I'm ashamed that I even, you know, represent  
14 this -- this group.

15 When Senate Bill 9 and Senate Bill 10 passed,  
16 to me this whole ABAG and RHNA process is moot because  
17 now we have the state controlling what housing can be put  
18 on people's single family property.

19 And then one comment by Carlos I do agree on is  
20 that it's a right for housing. I totally agree, but  
21 you're not going to be putting any of these kind of  
22 housing in these areas where ABAG has no stipulations  
23 about low income.

24 So these people who are working for so-called  
25 house cleaners, cleaning out your sewers, et cetera, they

1     deserve a right to live, I agree, but none of this is  
2     going to be for low income, because the minute these  
3     buildings are built, you're going to have speculators  
4     come in and buy them up and then turn around and sell  
5     them at twice the price because they know they can get  
6     the money.

7             If housing is a right, then remove the  
8     incentive we have for people making exorbitant profits on  
9     housing which is all being funded by development groups  
10    who love these kind of bills and who love the ABAG  
11    process.

12            Thank you.

13            PRESIDENT ARREGUIN:    Thank you.

14            MR. CASTRO:    Next speaker is Rowena Turner.  
15    Go ahead, please.

16            PRESIDENT ARREGUIN:    I would just to request  
17    that speakers be respectful of the committee. We are --  
18    we're going to be respectful of you and listen to your  
19    comments. We may -- there may be differences of opinion,  
20    but let's have a civil discussion.

21            Next speaker.

22            MS. TURNER:    Thank you for the opportunity to  
23    speak here today. My name is Rowena Turner. I'm a  
24    councilmember for the City of Monte Sereno.

25            California has experienced many huge wildfires

1 in recent years, yes, and unfortunately the Bay Area is  
2 not being spared.

3 As an elected official, all of our job is to  
4 protect our communities and to provide a safe environment  
5 for the families we represent.

6 It would be irresponsible to just build, baby  
7 build when we know that we require buildings in very high  
8 fire zones.

9 We know very well that they could we creating  
10 potential death traps for people when fire season rolls  
11 around.

12 More than thirty percent of Monte Sereno is in  
13 fire restricted areas, earthquake faults and hillside  
14 homes. Many of these areas have only one way in and one  
15 way out.

16 We need evacuation routes that do not exist.  
17 We need routes for fire equipment that do not exist.

18 Forced building in this area for people is  
19 stressful and creating catastrophic situations, and  
20 government officials -- as government officials, we  
21 should not be advocating for this.

22 Monte Sereno lacks the infrastructure to  
23 support the infusion of traffic, the increases in water  
24 use and power consumption.

25 And as a mother and former school teacher, I

1 can tell you for the well-being of our children, we have  
2 to remain competitive in these jobs market. These are  
3 not excuses. They are reality.

4 We can ignore reality for a time, but we cannot  
5 ignore the consequences of ignoring reality. They come  
6 back to bite us.

7 So I request that as an a elected official that  
8 we will continue to ask you to reduce our allocation from  
9 193 to 97.

10 Please give the local representatives the  
11 accountability and the responsibility over land use and  
12 zoning decisions.

13 Leave it to the people who live in these  
14 communities directly affected instead of forcing us all  
15 on our one size fits all social engineering policy.

16 Thank you. Truly appreciate it.

17 PRESIDENT ARREGUIN: Thank you.

18 So before we go to the next speaker I just -- I  
19 just have to comment because your concern is with the  
20 State of California with your elected state  
21 representatives who have passed legislation which governs  
22 how the regional housing needs determination is done and  
23 what can be considered when a jurisdiction appeals.

24 Our job is to apply state law and the  
25 methodology that was adopted. So I just kind of really

1 center the conversation here that a lot of the concerns  
2 that I heard really should be directed to Sacramento.

3 MR. CASTRO: Thank you. Our next speaker is  
4 Liz Lawler. Go ahead, please.

5 MS. LAWLER: Thank you. Can you hear me?

6 MR. CASTRO: Yes.

7 MS. LAWLER: First of all, thank you for  
8 giving me the opportunity to speak today. My name is Liz  
9 Lawler and I'm a resident of Monte Sereno.

10 I've got two points that I would like to make  
11 today. The first is cities across our state are  
12 frustrated with the continuation of housing policy that  
13 has consistently failed to yield the desired result, and  
14 you are now seeing a record number of cities appealing  
15 their numbers.

16 Increasing allocation numbers and decreasing  
17 buildable space is setting things up for failure and once  
18 again unachieved goals. Which leads me to my second  
19 point.

20 Our city is a residential only city with a very  
21 small budget of four million dollars a year. We do not  
22 have the physical resources to accomplish the new RHNA  
23 numbers defined nor do we have the financial resources to  
24 pay the fines when we fail to comply.

25 Logically speaking, setting our city up for

1 failure is not the path to housing success. The path  
2 to success for our city is reducing our numbers to an  
3 amount that we can achieve which will also prevent our  
4 cities from financial ruin.

5 Is it your desire to bankrupt small cities like  
6 ours? How about help solve our housing crisis? Small  
7 cities with small budgets should be treated differently  
8 than large cities with large budgets.

9 I know you've heard this many times, but a one  
10 size fits all approach does not work. If our legislators  
11 actually took the time to create housing for each type of  
12 city in California, we will be much farther along in  
13 solving our housing crisis.

14 Thank you for your time.

15 MR. CASTRO: Thank you. The next speaker is  
16 Aaron Eckhouse.

17 Go ahead, please.

18 MR. ECKHOUSE: Thank you. Aaron Eckhouse,  
19 regional policy manager with California YIMBY.

20 I was very interested to hear Monte Sereno  
21 report that they have made so much progress on  
22 specifically the low income component of their RHNA, so I  
23 decided to go look up what developments were driving that  
24 car, and one hundred percent of the very low income homes  
25 that have been approved in Monte Sereno are accessory

1 dwelling units.

2           They gave an example where state preemption of  
3 local control is the primary factor in development of  
4 affordable housing in this wealthy community.

5           So it's funny to me to hear them talk about  
6 wanting to not have the state telling them what to do  
7 when it's precisely the state having required them to  
8 permit ADUs that has led to the success on developing  
9 affordable housing that they cite as a reason to grant  
10 them lenience.

11           So another great success story for state  
12 preemption of local land use.

13           Thank you.

14           PRESIDENT ARREGUIN: Any other attendees wish  
15 to speak on the appeal from Monte Sereno? I don't see  
16 any raised hands.

17           Mr. Castro, any commenters at 375 Beale?

18           MR. CASTRO: There are no -- no members of the  
19 public with their hands raised at 375 Beale, no written  
20 comments were received.

21           PRESIDENT ARREGUIN: Okay. That completes  
22 public comment.

23           Let's proceed on this, and I have not done this  
24 yet, but open on this and just say that the reason that  
25 the State of California gave such a significant number to

1 the San Francisco Bay Area is because of decades of  
2 under-production in the region.

3 We are facing a housing emergency and  
4 respectfully -- and I know it's difficult because we have  
5 to plan for 9,000 new units in my city, which is already  
6 very dense, and that is going to require some very  
7 significant zoning changes in my city, but we did not  
8 appeal our RHNA numbers.

9 With that being said, there is a significant  
10 jobs/housing imbalance in this -- in this county, as  
11 Mayor Hudson has so eloquently stated multiple times  
12 throughout today's hearing, and we do need to address the  
13 imbalance as well as the regional shortage of housing.

14 And I respect the comments that were made by  
15 the City of Monte Sereno, but, you know, our job is to  
16 apply the methodology that was adopted. It's state law,  
17 and so I will move to take a preliminary action to deny  
18 the appeal.

19 MAYOR EKLUND: And I'll second the motion.

20 PRESIDENT ARREGUIN: Thank you.

21 Mayor Hudson.

22 MAYOR HUDSON: And then I was actually going  
23 to suggest that people that are watching this thing, if  
24 you'll only listen to one or two minutes, is to listen to  
25 what the president of ABAG just said, but he just said it

1 again so you could listen to either one of them.

2 I'm afraid that when they do listen to it that  
3 one of the things that they're going to focus on is the  
4 methodology, and people have quickly forgotten that in  
5 methodology 8, option 8, Santa Clara County was reduced  
6 by over 52,000 homes than other options that could have  
7 been taken, and those numbers don't go away. They go to  
8 someone else, and people are going to want to know why.

9 My recollection -- and please, if there's a  
10 board member here today that remembers something  
11 different -- is by far the two counties that supported  
12 option 8 more than any other was Santa Clara and San  
13 Mateo.

14 You sent more people to that meeting than  
15 anyone else. I know because Contra Costa fought for 6A  
16 and got completely blown out of the water.

17 We had about one-third of what you had  
18 supporting option 8. That methodology is what the mayor  
19 of Berkeley just talked about.

20 That was approved by HCD and now we have to  
21 follow it. That's my soapbox. I'm off it.

22 PRESIDENT ARREGUIN: Vice-president Ramos.

23 VICE-PRESIDENT RAMOS: Thank you very much,  
24 President Arreguin for your comments, and I did want to  
25 actually address -- I've now heard it two times in

1 different appeals, and I do think it's important to know.

2           The word "achievable" has been used as a  
3 justification for reducing RHNA numbers, and -- and to  
4 tag on to the president's comments, we got this number  
5 because we have not done well and we cannot do better if  
6 we do not set higher goals.

7           And so achievable and realistic hasn't worked  
8 for us in the past few cycles because we have thousands  
9 of people that are unhoused or marginally housed.

10           And so achievable is not a justification. This  
11 is not a discretionary action before us at this point.  
12 The discretion was already applied in that methodology,  
13 and -- and as Mayor Hudson has said, that's the  
14 methodology we have approved. That is what we are stuck  
15 with.

16           And so achievable is by no means a  
17 justification to aim low. We all have to dig deeper so  
18 that we can aim high.

19           Next, another comment that has been made is  
20 that as -- we need to be able to give local jurisdictions  
21 the -- the opportunity to -- to plan and that there is  
22 not enough planning that has gone into fire, fire escape  
23 routes and fire prevention. By all means, local  
24 jurisdictions, go plan.

25           As a county supervisor elected, fifty percent

1 of our county has burned since I took office, and that's  
2 only been a short four and a half years.

3 I can tell you that those investments are  
4 important and they do have to be made, and yes, we are  
5 being asked to do more and we are being asked to do  
6 better, and it all comes back to everything we haven't  
7 done as jurisdictions, and I think collectively needed.

8 And so no one is saying that we're going to  
9 tell you where to build this housing. We're not telling  
10 you where to zone this housing. What we are saying  
11 through the application of the methodology is that you  
12 can in fact do better, and that is what is the key.

13 It's for all of us to acknowledge that we as a  
14 region can and should do better.

15 Next, HCD sets our parameters. I -- I can tell  
16 you I do not agree with HCD's formulation for developing  
17 the high opportunity areas.

18 In fact, the County of Napa sent a letter to  
19 ABAG and to HCD saying we take issue with that  
20 determination.

21 But that is not in the discretion of ABAG to be  
22 able to dispute. We are stuck with how HCD has set those  
23 parameters. We are stuck that state law and HCD have  
24 told us that we may not grant exceptions for flood and  
25 fires, and let me tell you I am from Napa County and my

1 first day in office as a supervisor, we had a flood and  
2 forty million dollars of road repair.

3 I get it. I am incredibly sympathetic to -- to  
4 the situations that we are all facing, facing from --  
5 from climate induced hazards in our community.

6 But I also acknowledge as a county that did not  
7 appeal its triple allocation from the last time that for  
8 every housing unit that we produced, we had twenty-six  
9 jobs that we added, and that over the last twenty years  
10 needs to be rectified.

11 So while I very much appreciate every  
12 jurisdiction saying that they struggle with the  
13 achievability of these numbers, we're all here together  
14 and that is why ABAG has made the investments into the  
15 technical assistance to help all of us do better.

16 Thank you, Mr. President.

17 PRESIDENT ARREGUIN: Yeah, and once again, you  
18 know, we -- we are -- we have to follow the state law and  
19 we have to evaluate the appeal based on the criterion  
20 established under Government Code 65584.05 and the  
21 methodology that was adopted.

22 That is our responsibility, and I do believe on  
23 the basis of the information presented and statutes that  
24 there -- that we cannot rule in favor of this appeal,  
25 that there is not sufficient grounds to grant the appeal.

1           And so the motion before the committee is to  
2 take a preliminary action to deny the appeal from the  
3 City of Monte Sereno.

4           Unless there's any further discussion, I'll ask  
5 the clerk to please call the roll.

6           MR. CASTRO:    The motion was by Arreguin, the  
7 second by Eklund.

8           Mayor Arreguin?

9           PRESIDENT ARREGUIN:    Yes.

10          MR. CASTRO:    Mayor Eklund?

11          MAYOR EKLUND:    Aye.

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 Perales?  Is  
23 absent.

24                 Supervisor Rabbitt?  Supervisor Rabbitt is  
25 absent.

1 Supervisor Ramos?

2 SUPERVISOR RAMOS: Yes.

3 MR. CASTRO: Supervisor -- Mayor Romero?

4 MAYOR ROMERO: Yes.

5 MR. CASTRO: Mayor Wilson? Mayor Wilson is  
6 absent.

7 Motion passes. Nine ayes, three absences.

8 PRESIDENT ARREGUIN: Okay. Thank you. So  
9 that completes this item.

10 Colleagues, we're going to take a thirty-minute  
11 break. So we'll be back a little after noon, say like  
12 12:05, and then we can proceed to the next appeal, which  
13 I believe is Palo Alto.

14 Thank you and see everyone in thirty minutes.

15 (Recess taken).

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1 STATE OF CALIFORNIA )

2 COUNTY OF SAN FRANCISCO )

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4 I, the undersigned, hereby certify that the  
5 discussion in the foregoing meeting was taken at the  
6 time and place therein stated; that the foregoing is a  
7 full, true and complete record of said matter.

8 I further certify that I am not of counsel or  
9 attorney for either or any of the parties in the  
10 foregoing meeting and caption named, or in any way  
11 interested in the outcome of the cause named in said  
12 action.

13

14 IN WITNESS WHEREOF, I have  
15 hereunto set my hand this  
16 4th day of November,  
17 2021.

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MARK I. BRICKMAN CSR 5527