

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

**CERTIFIED
TRANSCRIPT**

REPORTER'S TRANSCRIPT OF PROCEEDINGS VIA ZOOM
VIDEOCONFERENCE

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

Friday, October 29, 2021

EMERICK & FINCH
Certified Shorthand Reporters
18 Crow Canyon Court, Suite 125
San Ramon, California 94583
(800) 331-9029

--o0o--

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

12
13
14
15
16
17
18
19
20
21
22
23
24
25

COMMENTS: PAGE
UNINCORPORATED SONOMA COUNTY
TOWN OF WINDSOR

1 Friday, October 29, 2021

9:00 a.m.

2

3

P R O C E E D I N G S

4

5 PRESIDENT ARREGUIN: Good morning. I'm Berkeley
6 Mayor Jesse Arreguin. I'm the Chair of the Association of
7 Bay Area Governments Administrative Committee. I'd like
8 to call the special meeting of the ABAG Administrative
9 Committee to order and ask staff to play the COVID-19
10 meeting announcement report.

11 RECORDING: Due to COVID-19, this meeting will be
12 conducted as a Zoom webinar, pursuant to the provisions of
13 Assembly Bill 361, which suspends certain requirements of
14 the Brown Act. This meeting is being webcast on the ABAG
15 website.

16 The Chair will call upon Commissioners,
17 presenters, staff, and other speakers by name, and ask
18 that they speak clearly and state their names before
19 giving comments or remarks. Persons participating via
20 webcast and Zoom with their cameras enabled are reminded
21 that their activities are visible to viewers.

22 Commissioners and members of the public
23 participating by Zoom, wishing to speak, should use the
24 "Raise Hand" feature or dial *9, and the Chair will call
25 upon them at the appropriate time.

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

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

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

14 Panelists and attendees should note that the
15 "Chat" feature is not active. In order to get the full
16 Zoom experience, please make sure your application is up
17 to date.

18 PRESIDENT ARREGUIN: Thank you. I'd like to ask
19 the ABAG Clerk of the Board to conduct a roll call to
20 confirm whether quorum is present.

21 MR. CASTRO: Yes, sir.

22 Mayor Arreguin?

23 PRESIDENT ARREGUIN: Here

24 MR. CASTRO: Mayor Eklund?

25 MAYOR EKLUND: Here

1 MR. CASTRO: Mayor Fligor?
2 MAYOR FLIGOR: Here.
3 MR. CASTRO: Mayor Hudson?
4 MAYOR HUDSON: Here.
5 MR. CASTRO: Supervisor Lee?
6 SUPERVISOR LEE: Present.
7 MR. CASTRO: Thank you, sir.
8 Supervisor Mandelman? Supervisor Mandelman is
9 absent.
10 Supervisor Mitchoff?
11 SUPERVISOR MITCHOFF: Yes. Here.
12 MR. CASTRO: Thank you.
13 Councilmember Peralez? Councilmember Peralez is
14 absent.
15 Supervisor Rabbitt? Supervisor Rabbitt is
16 absent.
17 Supervisor Ramos?
18 SUPERVISOR RAMOS: Here.
19 MR. CASTRO: Mayor Romero? Mayor Romero --
20 PRESIDENT ARREGUIN: Absent.
21 MR. CASTRO: -- is absent.
22 Mayor Wilson?
23 MAYOR WILSON: Here.
24 MR. CASTRO: Thank you.
25 Quorum is present.

1 PRESIDENT ARREGUIN: Thank you.

2 I want to thank the members of the committee for
3 joining us for this RHNA hearing. We'll move now to Item
4 No. 2, Public Comment. This is an information item.

5 Are there any members of the public that wish to
6 give public comment on items not on our agenda? If so,
7 please raise your hand or press *9.

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

9 MR. CASTRO: Yes. No members of the attendees
10 with their hands raised.

11 No public comments were received for this item,
12 and no members of the public are at 375 Beale, with their
13 hands raised.

14 PRESIDENT ARREGUIN: Thank you.

15 Move now to Item 3, Committee Announcements.

16 Are there any announcements from members of the
17 ABAG Administrative Committee? If so, please raise your
18 hand.

19 Mayor Hudson?

20 MAYOR HUDSON: Mine's brief.

21 But am I wrong, or David Rabbitt need not be here
22 anyway?

23 Wouldn't he have to recuse himself --

24 PRESIDENT ARREGUIN: He would need to recuse
25 himself on Sonoma County, but he could participate in the

1 Windsor appeal.

2 MAYOR HUDSON: Okay. I couldn't remember where
3 Windsor was. Thank you.

4 PRESIDENT ARREGUIN: Mayor Eklund?

5 MAYOR EKLUND: Thank you very much, President
6 Arreguin.

7 Could staff explain why the discussion and the
8 decision on -- or preliminary decision, or whatever it is,
9 is not on today's agenda?

10 Why did they decide to move it to November 12th?
11 Just kind of curious.

12 PRESIDENT ARREGUIN: The final action on the --

13 MAYOR EKLUND: Yeah. The final action.

14 So why was it postponed to November 12th? If we
15 could just get an explanation, that would be helpful.

16 PRESIDENT ARREGUIN: Mr. Maloney, if he's here,
17 he can address --

18 MR. MALONEY: Sure. I can take that.

19 Matt Maloney, Director of Regional Planning.

20 In order -- and Dave and Gillian can chime in, of
21 course. In order to do the final determination of the
22 RHNA appeals, it requires staff to essentially create
23 detailed summaries of the appeals, as well as kind of what
24 has happened in these meetings.

25 And I think one of the things we just ran up

1 against is that it's a voluminous amount of material to
2 assemble.

3 Also, as you know, we are actually hearing
4 appeals today --

5 MAYOR EKLUND: Right.

6 MR. MALONEY: -- which would make it impossisble
7 for us to simultaneously create the summary. And I think
8 we were fairly clear with this committee since the
9 beginning that we would try to do the ratification, you
10 know, possibly today, on the final day, but it was
11 possible that it would be at the subsequent meeting. So
12 hopefully that's helpful.

13 MAYOR EKLUND: That's helpful.

14 And then, also, can we just clarify when we're
15 going to be able to get a legal opinion on the City of
16 Sausalito's letter that we received the other day? Will
17 we be able to get it before the 12th or as part of the
18 package on the 12th?

19 PRESIDENT ARREGUIN: Dave or Matt, do you have
20 any update?

21 I know we did send a letter to you. I know staff
22 is reviewing it and will be preparing a response.

23 MR. MALONEY: There's been a few letters that
24 have come in from the appellants, after we've heard the
25 appeals.

1 MAYOR EKLUND: Uh-huh.

2 MR. MALONEY: We will make -- make sure those
3 letters are all available to the committee prior to the
4 meeting on the 12th of November, and we will have staff
5 responses to those.

6 And I see Matt Lavrinets is here, in case he
7 wants to weigh in, or Dave or Gillian.

8 MR. LAVRINETS: Yeah. No thanks.

9 I think that the legal components of those
10 responses will be part of the staff response. So, yes, in
11 advance of the next meeting on the 12th.

12 MAYOR EKLUND: Great. Thank you very much.

13 PRESIDENT ARREGUIN: Any other announcements from
14 members of the committee? If not, I'll ask, is there any
15 public comment on this item?

16 Mr. Castro?

17 MR. CASTRO: Yes. I'm sorry.

18 No attendees with their hands raised.

19 No members of the public at 375 Beale with their
20 hands raised.

21 No written comments were received for this item.

22 PRESIDENT ARREGUIN: Okay. Thank you.

23 We'll move to Item 4, the Chair's Report.

24 I want to welcome everyone to this continuation
25 of the RHNA appeals hearing. And on May 20th, 2021, the

1 ABAG Executive Board approved a Final RHNA Methodology and
2 Draft Allocations, which initiated the appeals phase of
3 the RHNA process. And ABAG has received 28 appeals from
4 Bay Area jurisdictions by the July 9th, 2021, deadline.

5 Per Government Code Section 65584.05(d), ABAG is
6 required to hold a public hearing to consider all appeals
7 filed. This hearing provides an opportunity for
8 jurisdictions which filed appeals to provide testimony
9 before the RHNA -- before the ABAG Administrative
10 Committee as part of the committee's determination on
11 appeals.

12 So today is the sixth and final day of the public
13 hearing, which has been continued over six meetings in
14 September and October.

15 And in late August and early September, legal
16 notices were published in multiple languages in newspapers
17 in each of the nine Bay Area counties, announcing the
18 dates of the public hearing.

19 There are two appeals which will be heard today,
20 and written comments referencing all RHNA appeals are
21 attached under Agenda Item 6.

22 I do want to summarize the procedure for the
23 conduct of today's hearing.

24 The committee will consider each jurisdiction's
25 appeal sequentially, and I may call a brief recess, as

1 necessary, during the day. For each jurisdiction, the
2 hearing begins with the jurisdiction's presentation of its
3 appeal. And information and arguments presented by the
4 applicant should be limited to what was presented in the
5 written appeal submitted.

6 Following the appellant jurisdiction's
7 presentation, we will hear a response from ABAG/MTC staff.
8 And after the staff presentation, the appellant will have
9 an opportunity to respond to the arguments or evidence
10 presented by ABAG/MTC staff.

11 Members of the public will then have an
12 opportunity to comment on the arguments presented on each
13 appeal. And based on the appeals' procedures adopted by
14 ABAG, which were sent to all the appellants and published
15 on the ABAG website, speakers will have two minutes for
16 public comment. But, as the Chair, I may adjust speaker
17 time, as needed, to ensure the orderly conduct of the
18 meeting.

19 To be fair to all jurisdictions and to ensure
20 that we hear the appeals in a timely manner on the day
21 that they are noticed, if there are five or more members
22 of the public who wish to comment on an appeal, speaker
23 time will be reduced to one minute per speaker.

24 If the total time for public comment related to a
25 jurisdiction's appeal exceeds 30 minutes, consideration of

1 that appeal may be suspended and continued to later in the
2 day, after all the appeals from other jurisdictions have
3 been heard. This is to ensure that we keep on the
4 schedule that we had advertised and allow sufficient time,
5 if an appeal requires more discussion and deliberation.

6 Following public comment, the Administrative
7 Committee will have the opportunity to discuss the appeal
8 and will take a roll call vote on a preliminary decision
9 on the appeal.

10 The committee will hold a final vote on all
11 appeals at a meeting anticipated to be held on Friday,
12 November 12th, after the close of the public hearing, to
13 ensure uniform decisionmaking.

14 ABAG will then issue final allocation that
15 incorporate any adjustments needed as a result of appeals,
16 with a public hearing in adoption of the Final RHNA plan,
17 scheduled for December, 2021, before the ABAG Executive
18 Board.

19 As was discussed in previous meetings, staff is
20 maintaining a running list of issues and questions raised
21 by committee members, which will be reported to the
22 Executive Board. And the discussion topics were included
23 under Agenda Item 6.

24 Just to provide context, you know, we know that
25 RHNA is a state-mandated process to identify the number of

1 housing units, including by affordability level, that each
2 jurisdiction must accommodate in its housing element of
3 its General Plan.

4 And the California Department of Housing and
5 Community Development determined that the Bay Area must
6 plan for 441,176 new housing units over the eight-year
7 period of 2023 to 2031.

8 For the past two years, the ABAG Executive Board
9 have engaged and the -- our Housing Methodology Committee
10 in trying to develop a methodology to allocate those units
11 to each of the 101 cities and towns in the nine Bay Area
12 counties. And we did approve a Final Methodology and
13 Draft Allocations which initiated this appeals process.

14 The appeals process is a very critical phase of
15 the legally-mandated RHNA process. And we look forward to
16 your presentation and the public comment today.

17 So that concludes my report. I'll ask, are there
18 any questions from members of the ABAG Administrative
19 Committee?

20 Seeing no raised hands, I'll ask, is there any
21 public comment?

22 Mr. Castro?

23 MR. CASTRO: Yes, sir. There are no members of
24 the attendees with their hands raised.

25 I see no report from staff that there are public

1 members who want to speak at 375 Beale, and no written
2 comments were received for this item.

3 PRESIDENT ARREGUIN: Okay. Thank you very much.

4 We'll now proceed to Item 5, the Executive
5 Director's Report. This is an information item.

6 I'd like to recognize Therese McMillan, Executive
7 Director.

8 MS. MCMILLAN: Thank you, Mr. President. And I
9 don't have a report for the committee today, but look
10 forward to the day itself.

11 Thanks.

12 PRESIDENT ARREGUIN: Thank you.

13 That completes the report.

14 I'll ask, is there any -- any questions or
15 comments from members of the committee? If so, please
16 raise your hand.

17 Is there any public comment on this item? If so,
18 please raise your hand or press *9.

19 MR. CASTRO: There are no members of the
20 attendees with their hands raised.

21 There is no report from staff at 375 Beale that a
22 public member would like to speak, and no written comments
23 were received for this item.

24 PRESIDENT ARREGUIN: Okay. So that completes
25 Item 5.

1 We'll proceed to Item 6, which is the Regional
2 Housing Needs Allocation Appeals Public Hearing. And the
3 ABAG Administrative Committee will now hear appeals from
4 jurisdictions and responses to issues raised by ABAG/MTC
5 staff.

6 I would now like to take up Item 6, the
7 continuation of the public hearing on the Regional Housing
8 Needs Allocation Appeals. The public hearing is now
9 officially reopened, and a Certified Shorthand Reporter is
10 transcribing these proceedings for the record.

11 When it is time for public comment, if you wish
12 to testify, please use the "Raise Hand" feature or press
13 *9.

14 So we'll proceed to Item 6(a). This is the
15 Regional Housing Needs Allocation Appeal for
16 unincorporated Sonoma County. We will first hear a
17 presentation from Sonoma County on its appeal. And unlike
18 previous appeals, Sonoma County submitted two separate
19 appeals, prior to the appeal's deadline.

20 Please note that the county's appeals have been
21 consolidated into a single agenda item, consistent with
22 the adopted RHNA appeals guidelines, which provide each
23 applicant five minutes to present to the committee. And
24 ABAG/MTC staff will then present a consolidated response
25 to the appeals, following the jurisdiction's presentation.

1 So a question for counsel or Mr. Maloney, did we
2 speak to Sonoma County about how much time they'll have,
3 given that they have two appeals?

4 MR. MALONEY: I'm not sure.

5 Gillian or Dave?

6 MS. ADAMS: So our understanding from legal
7 counsel is, we're treating it as one appeal. So they'll
8 have five minutes.

9 We did not discuss with Sonoma County staff how
10 long they'll have. But I defer to Matt Lavrinets, if
11 there was -- if I'm understanding that correctly.

12 MR. LAVRINETS: Yes. I think that's correct.

13 And I'm not aware of any attempt to reach out to
14 Sonoma County to discuss this with them. It is within the
15 Chair's discretion, if the Chair feels that a bit more
16 time is needed for the presentation, to allow that.

17 PRESIDENT ARREGUIN: Yeah. I'd like to exercise
18 my discretion to give them a little bit more time, as
19 there were two appeals submitted.

20 So I guess I'd like to ask Sonoma County, who is
21 representing Sonoma County today?

22 MR. WICK: Good morning, Mr. Chair. That -- my
23 name is Tennis Wick. I'm the Director of Permit Sonoma,
24 the county's land use authority.

25 PRESIDENT ARREGUIN: I'm assuming you're prepared

1 to present for five minutes, but would you like some
2 additional time?

3 MR. WICK: I think five minutes will be
4 sufficient.

5 I'm going to focus on the first Petition of
6 Appeal that deals with the Draft allocation.

7 PRESIDENT ARREGUIN: But do you understand that
8 this is an opportunity to present on both appeals?

9 MR. WICK: I understand.

10 PRESIDENT ARREGUIN: Okay. All right. I just
11 wanted to make sure. If you wanted more time, you had
12 that opportunity.

13 So if you want to go over a little bit, I'll let
14 you go over. So...

15 MR. WICK: Thank you very much.

16 PRESIDENT ARREGUIN: Just to -- you know, just to
17 respect your due process rights.

18 Okay. Mayor Hudson?

19 MAYOR HUDSON: Completely fine with using your
20 discretion.

21 I would just ask, what can we do with Contra
22 Costa County and Pittsburg, if the idea is to be
23 consistent?

24 PRESIDENT ARREGUIN: Well, what we did with
25 Pittsburg is, we gave them special time.

1 MR. HUDSON: Okay. Yeah. That's all. Just a
2 reminder. Either way, even if you wanted to do more.

3 PRESIDENT ARREGUIN: Yeah. I think we gave
4 Pittsburg, like, three minutes to speak, after Contra
5 Costa spoke.

6 So if -- Mr. Wick, if you would like three
7 additional minutes, happy to give you that.

8 MR. WICK: Thank you.

9 MR. CASTRO: Mayor Arreguin?

10 PRESIDENT ARREGUIN: Yes.

11 MR. CASTRO: So there was an e-mail from
12 Supervisor Rabbitt's staff, explaining and asking that
13 Supervisor Rabbitt is recusing himself from today's
14 meeting because he is the supervisor of Sonoma County.

15 He asked that --

16 PRESIDENT ARREGUIN: Yes. I believe he requests
17 to be notified when we're done with this appeal, so he can
18 participate in Windsor.

19 Thank you, Mr. Castro, for stating that for the
20 record.

21 Okay. We'll start first with the presentation
22 from Sonoma County.

23 And is there a presentation?

24 Excellent. And I'll turn the floor over to
25 Sonoma County.

1 APPEAL OF UNINCORPORATED SONOMA COUNTY

2

3 MR. WICK: Thank you. And thank you members of
4 the committee for considering our appeal this morning.
5 Again, my name is Tennis Wick. I am Director of Permit
6 Sonoma, which is the land use authority for Sonoma County.

7 Next slide, please.

8 I'll briefly go through the three bases of appeal
9 that are detailed in our petition. First, the
10 availability of urban services. While we agree with the
11 subregional allocation, we simply do not agree with the
12 location and ask for a redistribution opportunity back to
13 some of our cities.

14 This structure, upon which the allocation is
15 based, relies on reversing the responsibility for spheres
16 of influence, which violates state and local LAFCO
17 regulations and makes it legally impossible for us to
18 achieve the allocation.

19 The result also is a 654 percent increase in the
20 unincorporated county's responsibility, compared to the
21 previous cycle of 515 units.

22 At the same time, our largest city, Santa Rosa,
23 has -- would experience a 14 percent decrease. In
24 comparison, the overall Bay Area, average increase of 135
25 percent, our request is not to absolve us of or hold to

1 the prior allocation, but to increase it 271 percent, an
2 equivalent to Petaluma's.

3 And the basis for that request is the urban
4 services land area in the county is approximately the same
5 as Petaluma's.

6 Next slide, please.

7 Sonoma is a big county, a million acres, but it
8 has a number of constraints on urban development. This
9 slide shows you the city limits, the spheres of influence
10 in pink, coastal commission area in light gray --
11 obviously, along the coast -- and, in yellow, the urban
12 service areas within the unincorporated county.

13 Next slide, please.

14 Here again, the legally-protected areas in the
15 county; those that are public parkland or subject to land
16 conservation agreements and open space district easements.

17 Next slide, please.

18 And, obviously, as we've gone through with ABAG
19 staff, a number of environmental constraints, principally
20 very high and high fire hazard areas and flood areas. In
21 our county, you know the tragedy that's occurred over the
22 four years with fires and floods along the Russian River,
23 which has the highest repetitive loss rate of any river in
24 the United States.

25 Next slide, please.

1 So onto basis two and three of our appeals. The
2 objectives for RHNA we think are frustrated by the
3 proposed allocation, especially as it applies to
4 objectives one, two, four, and five.

5 Increasing the supply in an equitable manner by,
6 again, reversing the sphere of influence responsibility to
7 the county. This will further concentrate housing in the
8 unincorporated parts of the county, such as southeast
9 Santa Rosa, which is already experiencing a concentration
10 of affordable housing in an area that is subject to the
11 air pollution along Highway 101, other environmental
12 hazards due to the proximity to industrial uses, and has
13 very low public amenities because it has not been annexed
14 into the city yet.

15 This is also an area of relative low-income
16 distribution. So, again, that too would be frustrated
17 under the proposed allocation and -- because the
18 demographics of these areas and the springs of southeast
19 Santa Rosa -- and to some extent the lower Russian River,
20 it will also frustrate our ability to overcome segregation
21 and poor socioeconomic outcomes.

22 Under the third basis, we are also not part of
23 the statewide water system, but rely primarily on the
24 Russian River for our water service. And as you know, the
25 Governor called out Mendocino and Sonoma County as the

1 first two counties in the drought emergency, a declaration
2 under which we are still struggling to provide water, even
3 after the significant storm earlier this week.

4 Next slide, please.

5 So here is some of the areas that we're -- I was
6 speaking about earlier. Southeast Santa Rosa.

7 Next slide, please.

8 The airport area and Larkfield-Wikiup, where the
9 2017 fires hit. And you can see the impact of high and
10 very high fire severity areas to the right, in Larkfield
11 and Sonoma Valley, in the springs.

12 Next slide, please.

13 And here we are in the river, showing its
14 proximity to the main channel, especially around the areas
15 in Guerneville, where we have high level of constraints
16 due to topography and high fire severity and, of course,
17 floodplain.

18 Next slide, please.

19 So in conclusion, I'd just ask that the committee
20 consider Sonoma County's rather unique voter-approved land
21 use framework. We have transit-oriented development
22 around SMART stations, promoted in all ten of our general
23 plans. And those are buttressed by voter-approved urban
24 growth boundaries, further supported by community
25 separators approved by the people, and the acquisition of

1 easements and fee interests by our ag preservation and
2 open space district.

3 We are a pro-housing county. We met and will
4 exceed our fifth cycle, including the low-income housing.
5 And by reversing the sphere of influence responsibility,
6 it creates this perverse result of actually building more
7 housing in the unincorporated area than eight of our nine
8 cities.

9 So I, again, thank you for your time and
10 consideration. And I thank my Board of Supervisors for
11 their support, and a wonderful coalition of environmental
12 trades -- agriculture, market and affordable-housing
13 interest groups, who all came together to support our
14 appeal.

15 We fight about a number of things, but,
16 fortunately, in Sonoma County, housing is not one of them
17 because of the framework that we've all worked so hard on
18 over the last few generations, to summarize in the last
19 slide.

20 That concludes my presentation. And I'm happy to
21 answer questions from committee members.

22 PRESIDENT ARREGUIN: Thank you, Mr. Wick. There
23 will be an opportunity to respond to the MTC staff
24 presentation after the presentation. So --

25 MR. WICK: Thank you.

1 PRESIDENT ARREGUIN: -- with that, I'd like to
2 now turn the floor over to ABAG/MTC staff to present the
3 response to the County of Sonoma's appeal.

4 MS. ADAMS: Good morning. I am Gillian Adams,
5 the project manager for the RHNA process.

6 Next slide, please.

7 So the County of Sonoma is requesting a reduction
8 of 1,971 units from its Draft allocation, for a 51 percent
9 reduction.

10 And it is also requesting a transfer of 60 units
11 to the City of Cloverdale, due to a recent annexation.

12 Staff's recommendation is to deny the appeals.

13 Next slide, please.

14 The county argues that ABAG failed to consider
15 information about land available for development because
16 the Plan Bay Area 2050 Final Blueprint did not incorporate
17 Sonoma County's urban service areas and community
18 separators.

19 The RHNA Methodology considers the development
20 constraints named in the appeal by incorporating data from
21 the Final Blueprint as the baseline allocation. The Final
22 Blueprint includes strategies for agricultural and open
23 space preservation, including strategy EN4 that maintains
24 all existing urban growth boundaries.

25 Importantly, urban service areas in Sonoma County

1 are larger than the urban growth boundaries, as can be
2 seen on the map on this slide. Therefore, use of the
3 urban service areas would have allowed growth in more
4 areas of the county. Household growth is not forecasted
5 in the county's community separators, which lie outside of
6 the urban growth boundaries.

7 While Plan Bay Area 2050 strategies largely do
8 not forecast growth outside of urban growth boundaries, an
9 exception is made for locally-nominated priority
10 development areas. The Final Blueprint forecasts some
11 development on public lands within the county's airport
12 PDA, within walking distance of the SMART station. These
13 developments remain within the urban service area.

14 Notably, Housing Element Law states that
15 jurisdictions must consider underutilized land,
16 opportunities for infill development, and increased
17 residential densities, as a component of available land
18 for housing. And the county does not provide evidence
19 that it is unable to consider these strategies to
20 accommodate its RHNA.

21 Next slide, please.

22 The county argues that ABAG did not adequately
23 consider information about FEMA flood areas. As discussed
24 previously, Housing Element Law generally does not
25 identify areas at risk from hazards as a constraint to

1 housing. Sonoma County has not provided evidence that its
2 flood management infrastructure is not adequate to avoid
3 the risk of flooding, as required by statute.

4 The RHNA Methodology does not dictate where your
5 housing is located within unincorporated Sonoma County,
6 and the county can choose to take hazard risk into
7 consideration with where and how it sites future
8 development, either limiting growth in areas of higher
9 hazard or by increasing building standards for sites
10 within at-risk areas.

11 Next slide, please.

12 The county argues that the size of its allocation
13 would require it to locate lower-income units in
14 disadvantaged communities and areas at risk for flooding,
15 which fails the statutory requirements to affirmatively
16 further fair housing.

17 This argument challenges the Final RHNA
18 Methodology adopted by ABAG and approved by HCD, and thus
19 falls outside the scope of the appeals process. RHNA must
20 address both existing and future housing needs, and the
21 Final RHNA Methodology does this by using total households
22 in 2050 as the baseline allocation.

23 Incorporating existing housing patterns ensures
24 that allocations affirmatively further fair housing in all
25 communities, not just those expected to experience

1 significant growth.

2 Sonoma County has 54,000 households, the second
3 most in the county, and it would experience a 7 percent
4 increase in households from RHNA, compared to a 16 percent
5 increase for the entire Bay Area.

6 As noted in the response to the previous issue,
7 the county has full authority over where it sites lower
8 income housing in its housing element. Many Bay Area
9 jurisdictions may find that siting housing in areas with
10 some hazard risk is unavoidable to accommodate their
11 housing need. By considering mitigation measures, the
12 county can appropriately site lower income housing in
13 locations throughout the county.

14 While ABAG/MTC staff commends the county's
15 commitment to focusing lower income housing in areas with
16 the most access to opportunity, affirmatively furthering
17 fair housing can also include providing affordable housing
18 in disadvantaged communities where low-income residents
19 are most vulnerable to displacement.

20 Next slide, please.

21 The county's arguments that the RHNA Methodology
22 does not further the statutory objectives fall outside the
23 scope of the appeals process. ABAG/MTC staff addresses
24 these arguments in more detail in the written response to
25 the appeal.

1 Next slide, please.

2 Although staff understands the county's concerns
3 about the current drought, the county's arguments do not
4 meet the requirements for a valid RHNA appeal. The county
5 has not demonstrated that it is precluded from meeting its
6 RHNA allocation because of a decision by its water service
7 provider.

8 Next slide, please.

9 Regarding the county's request to transfer 60
10 units to Cloverdale, based on an annexation in May of
11 2021, the Final Blueprint does not forecast any households
12 in 2050 on the four annexed parcels. Since total
13 households in 2050 is the baseline allocation for RHNA,
14 this annexation does not affect the RHNA allocation for
15 either Sonoma County or Cloverdale. Therefore, ABAG/MTC
16 staff recommends denying the appeal.

17 We are ready to assist the county in Cloverdale,
18 if they choose to pursue a voluntary transfer of units, as
19 allowed by Housing Element Law.

20 Next slide, please.

21 Thus, ABAG/MTC staff recommends that the
22 committee deny the appeals filed by Sonoma County.

23 Thank you.

24 PRESIDENT ARREGUIN: Thank you.

25 With that, Mr. Wick, I'd like to give you three

1 minutes, if you'd like to respond to the MTC staff
2 presentation.

3 MR. WICK: Thank you. I don't think I'll need
4 all of it.

5 I would simply refer the committee back to our
6 Petition. We go into some detail about information that
7 was made available from my staff to ABAG staff,
8 specifically geographic information systems' maps, showing
9 how some of the sites considered in the Draft allocation
10 are in areas with slopes greater than 30 percent or in
11 floodways, an area of particular concern, speaking as the
12 flood control administrator for the county, where our code
13 and federal regulations prevent new development.

14 So I would respectfully disagree with my
15 colleague and refer back to our Petition.

16 We also look forward to working with staff, if
17 the committee cannot support the appeal regarding
18 Cloverdale, and working on a voluntary transfer of units.

19 Thank you.

20 PRESIDENT ARREGUIN: Thank you very much.

21 So we'll now proceed to public comment on the
22 RHNA appeal from the County of Sonoma. If any member of
23 the public would like to speak on this item, please raise
24 your hand, if you're on the Zoom platform, or press *9, if
25 you are phoning into our meeting.

1 We also have a remote in-person location at 375
2 Beale, where members of the public had the opportunity to
3 also attend and provide public testimony.

4 Are there any attendees that wish to speak on the
5 appeal from the County of Sonoma? If so, please raise
6 your hand at this time.

7 Last call for public comment.

8 MR. CASTRO: There's no members --

9 PRESIDENT ARREGUIN: I don't see any raised
10 hands, Mr. Castro.

11 MR. CASTRO: There are no members of the
12 attendees with their raised hands.

13 No members of the public at 357 Beale have raised
14 their hands, and there was written -- post-written
15 comments that were submitted after the public comment
16 period. That was posted on the Agenda and e-mailed to
17 members.

18 Thank you.

19 PRESIDENT ARREGUIN: Okay. Thank you very much.

20 So it's now in order for the committee to discuss
21 the appeal and take a preliminary action. I just want to
22 emphasize that it is a preliminary action; that we will
23 take final action on all the appeals at our next meeting,
24 most likely on Friday, November 12th.

25 So who would like to start the discussion?

1 MAYOR EKLUND: I would like to make a motion that
2 we deny the appeal -- make a preliminary decision to deny
3 the appeal.

4 MAYOR WILSON: Second, Wilson.

5 PRESIDENT ARREGUIN: Seconded by Mayor Wilson.
6 Okay.

7 Any further discussion?

8 Mayor Hudson?

9 MAYOR HUDSON: I should have known this answer.
10 I should have asked Rabbitt.

11 But, you know, there have been a lot of fires in
12 Sonoma. Are these numbers taking into account that
13 they're rebuilding? I mean, are some of these numbers
14 homes that will be rebuilt over the next eight years in
15 Sonoma?

16 I mean, the first thought was, they have the
17 opportunity to change where they're putting it, but that
18 didn't work in Alameda, with the Oakland fire.

19 So I guess it's just a simple question. Do we
20 take into account that houses have burned down, and
21 they'll be rebuilding those homes as part of their RHNA
22 number?

23 PRESIDENT ARREGUIN: Is that a question for staff
24 or for Sonoma County?

25 MAYOR HUDSON: Actually, it would be for staff.

1 PRESIDENT ARREGUIN: Okay. Thank you.

2 MS. ADAMS: So the allocation to the jurisdiction
3 doesn't take that into consideration. So I think the way
4 that would work is -- progress in meeting RHNA allocations
5 is based on building permits issued. And so if some of
6 those are in places where it's rebuilding, the county
7 would still get credit toward its RHNA for issuing those
8 permits.

9 PRESIDENT ARREGUIN: Mayor -- or Supervisor
10 Mitchoff?

11 SUPERVISOR MITCHOFF: Thank you. And I should
12 know the answer to this question, too.

13 We've heard a number of appeals that deal with
14 lack of water. And to the best of my knowledge, we have
15 denied all those because -- for a variety of reasons.
16 This appeal, from my perspective -- and I need reminding,
17 if I am incorrect -- is the only one that talks about
18 federal designation that they can't build there. And I
19 know that staff was saying that in a lot of these fragile
20 areas, wildfire, floodplains, that they -- you can change
21 the codes in order to meet that.

22 But if the feds have said they can't build there,
23 how -- how does that interact with state law, since feds
24 supersedes state law?

25 MS. ADAMS: So I would -- I guess I would give

1 two answers to that. The first is that I don't think that
2 the county's appeal included any documentation that there
3 are places where they are forbidden to build.

4 I think the second answer is nothing about the
5 RHNA allocation that we're giving to the jurisdictions
6 specifies where it has to be located within the county.
7 And so if those places are off limit from development,
8 then the county has that choice to make, when it sites the
9 locations within its housing element.

10 SUPERVISOR MITCHOFF: Okay. Thank you very much.

11 PRESIDENT ARREGUIN: I have a question. There
12 was a lot of -- one of the main arguments of Sonoma
13 County's appeal as well -- there was a lot of reference in
14 the correspondence we received in this appeal around the
15 urban growth boundaries that have been established in
16 Sonoma County, particularly around specific jurisdictions.
17 And the fact that having to accommodate these numbers of
18 units may require that they have to put housing within
19 areas that were designated as urban growth boundaries.
20 And so I'd just like staff to respond to that.

21 Moreover, there was an assertion that we did not
22 adequately consider specific protected areas in the Plan
23 Bay Area Final Blueprint that had been designated in
24 Sonoma County and -- you know, given that that, you know,
25 was something that we specifically wanted to avoid having

1 more housing in high fire risk areas and in designated
2 conservation areas, wondering if staff can respond to
3 those points.

4 MR. VAUTIN: I'm happy to respond. Dave Vautin,
5 Assistant Director of Major Plans.

6 So as Gillian laid out in her presentation, we
7 did incorporate those urban growth boundaries, which is
8 a -- you know, a more compact growth pattern than the
9 urban surface areas in Sonoma County. Usage of that data
10 layer, you know, meant that the growth was focused in
11 those areas, with that one notable exception of the Sonoma
12 County PDA near the airport.

13 So, you know, the county's points about urban
14 service areas, we were actually, you know, more
15 conservative in terms of trying to focus more growth in
16 cities in Sonoma County.

17 PRESIDENT ARREGUIN: Okay. Thank you. That's
18 very helpful.

19 You know, I want to recognize the challenges that
20 Sonoma County faces. We know that Sonoma County, Napa
21 County, Solano County have been significantly affected by
22 devastating wildfires that have happened in the past
23 several years. And we want to be very sensitive to where
24 housing is built so that we're not putting people in areas
25 where they may be at risk.

1 I -- however, you know, there is a -- you know,
2 an opportunity, through the Government Code, to transfer
3 units out of unincorporated areas to incorporated areas,
4 if the jurisdiction believes that, you know, accommodating
5 housing in a particular area is not in the best interest
6 of health or safety or is not an appropriate location to
7 locate housing.

8 Some of this housing probably does need to be in
9 unincorporated areas because it supports agricultural
10 uses, but at the same time, my hope is that there can be
11 discussion with some of the urban -- you know, urbanized
12 jurisdictions in the county around a potential of land
13 transfers. And there may be ways to incentivize unit
14 transfers between the counties and those urbanized
15 jurisdictions.

16 I just want to recognize, I'm very sympathetic to
17 the challenges that Sonoma County faces because of the --
18 you know, what we've seen happen over these past few
19 years. And there are mechanisms the county can avail
20 themselves of, if they don't believe that growth should be
21 concentrated in a particular area. Moreover, you know,
22 this is what the housing element process will be
23 outlining, is where it -- should housing be specifically
24 concentrated in a particular jurisdiction.

25 And I hope -- you know, I would also like to

1 encourage, you know, counties, particularly, to consider
2 in the future the opportunity of becoming a subregion,
3 which does provide greater flexibility for a particular
4 county to decide where to accommodate growth. Solano
5 County, for example, did that this time.

6 But I want to thank Sonoma County for the very
7 comprehensive appeal that you submitted and all the
8 information.

9 Mayor Fligor?

10 MAYOR FLIGOR: Thank you, Chair. And I want to
11 pick up on what you were saying.

12 I was going to ask a similar question. I would
13 appreciate it if staff could briefly go over that process
14 again, where unincorporated counties can avail themselves
15 of that Government Code section where they can transfer --
16 work with a city within their jurisdiction to transfer
17 units to those cities.

18 I know it's too late for the subregion, but I
19 know Gillian and Dave have mentioned this alternative
20 option. And if you could briefly just explain how that
21 would work so Sonoma County and other county
22 representatives, who may watch this, will really
23 understand what the process looks like to do that.

24 MS. ADAMS: Sure. I am going to mention that
25 there's two, sort of, different transfers that can occur

1 from a county to the city. And the first is the
2 annexation. So as we mentioned here, Cloverdale had an
3 annexation. And so the county can sort of request an
4 annexation -- sorry -- a transfer of RHNA units from the
5 county to the city, based on that annexation.

6 And there are some sort of timeframes where -- I
7 think that has to happen -- the request to ABAG has to
8 happen within 90 days of when the annexation is finalized.
9 And that process can happen at any point. So it's not
10 specific -- there's no specific timeframe. It's really
11 tied to when the annexation occurs. So at any point in
12 the RHNA period that can happen.

13 The other kind that we've been talking about is a
14 voluntary transfer from the county to a city or town. And
15 that can occur -- so after ABAG finalizes the final
16 allocations, which is what we're expecting to do in
17 December, any point after that, before the housing element
18 due date, which is January 2023, a jurisdiction and the
19 counties can work on an agreement. And that is just a
20 request to ABAG to sort of approve the agreement.

21 PRESIDENT ARREGUIN: Mayor Fligor, any other
22 questions?

23 MAYOR FLIGOR: No. That's it. Thank you.

24 PRESIDENT ARREGUIN: Okay. Mr. Wick, we normally
25 don't go to appellants, but I will recognize you, sir.

1 MR. WICK: Thank you.

2 Just the point of, we were a subregion in the
3 Fifth Cycle. And the point I'd really like to make to all
4 of us, as we try to provide more housing, is that by
5 reversing the responsibility for the spheres of influence
6 to counties, instead of cities, it structurally
7 incentivizes cities not to participate in the subregional
8 process.

9 And that's why you see me before you today, as an
10 individual jurisdiction, and not as part of the subregion
11 to which I used to belong.

12 Thank you.

13 PRESIDENT ARREGUIN: Thank you. I really
14 appreciate that -- that context. And that's very helpful
15 information.

16 I just also want to emphasize that, you know, we
17 are also very constrained, under a statute, around, you
18 know, considering -- particularly certain natural hazards,
19 which I would argue, we should be able to consider.

20 And one of the things that's been abundantly
21 clear, as we've had these appeals over the past month, has
22 been, you know, the need to seek what -- you know,
23 legislation, to ensure that things that should expressly
24 be, you know, factors that councils of government should
25 be able to consider, that we have that -- we have that

1 specifically called out in the statute, and that's
2 something that we can, you know, consider.

3 And, you know, I think we know that climate
4 change is not going away. It's becoming significantly
5 worsened, which is resulting in increased fire risk on a
6 daily basis in many communities throughout the San
7 Francisco Bay Area and the state of California.

8 So this is an issue we're going to have to
9 address, and we look forward to talking to our legislative
10 representatives around this issue, particularly those that
11 represent communities that have been most impacted by
12 wildfire risk over the past several years.

13 But, you know, once again, our job is to apply
14 the methodology that's been adopted by the ABAG Executive
15 Board and the specific statutory requirements.

16 And on that basis, I will be supporting the
17 motion.

18 So I'll ask, are there any other questions or
19 comments from members of the ABAG Administrative
20 Committee?

21 If not, I'll ask the Clerk to please call the
22 roll on the motion, which is to take a preliminary action
23 to deny the appeal from the County of Sonoma.

24 MR. CASTRO: Yes. The motion was by Eklund;
25 second by Wilson.

1 On the motion, Mayor Arreguin?
2 PRESIDENT ARREGUIN: Yes.
3 MR. CASTRO: Mayor Eklund?
4 MAYOR EKLUND: Aye.
5 MR. CASTRO: Mayor Fligor?
6 MAYOR FLIGOR: Yes.
7 MR. CASTRO: Mayor Hudson?
8 MAYOR HUDSON: Yes.
9 MR. CASTRO: Supervisor Lee?
10 SUPERVISOR LEE: Yes.
11 MR. CASTRO: Supervisor Mandelman?
12 SUPERVISOR MANDELMAN: Yes.
13 MR. CASTRO: Supervisor Mitchoff?
14 SUPERVISOR MITCHOFF: Yes.
15 MR. CASTRO: Councilmember Peralez is absent.
16 Supervisor Rabbitt is absent.
17 Supervisor Ramos?
18 SUPERVISOR RAMOS: Yes.
19 MR. CASTRO: Mayor Romero is absent.
20 Mayor Wilson?
21 MAYOR WILSON: Aye.
22 MR. CASTRO: Thank you.
23 Motion passes unanimously by all members present.
24 PRESIDENT ARREGUIN: Okay. Thank you. Thank you
25 to the County of Sonoma for being here today. And that

1 completes this item.

2 We will be taking final action on the appeals at
3 our next meeting.

4 Mayor Hudson?

5 MAYOR HUDSON: Yeah. Just a minor point. Fred,
6 do we put "Absent" for David Rabbitt? Do we put "Absent"
7 for David Rabbitt? I mean, he had to abstain.

8 MR. CASTRO: He is not present.

9 PRESIDENT ARREGUIN: Not present.

10 MR. CASTRO: Correct.

11 PRESIDENT ARREGUIN: And I did just alert him
12 that we just completed this appeal. Okay. Thank you.

13 MR. CASTRO: Thank you.

14 PRESIDENT ARREGUIN: Unless there's any other
15 questions, we'll go now to our next order of business,
16 Item 6(b), the Regional Housing Needs Allocation Appeal
17 for the Town of Windsor.

18 This is a preliminary action item, and we will
19 first hear from the Town of Windsor, who will have five
20 minutes to present on their appeal.

21 May I ask, who will be presenting on behalf of
22 the Town of Windsor?

23 MAYOR SALMON: Sam Salmon. I'm currently the
24 Mayor.

25 PRESIDENT ARREGUIN: Yes, Mr. Mayor. Thank you

1 for joining us.

2 MAYOR SALMON: Thank you. So tell me when to
3 begin.

4 PRESIDENT ARREGUIN: Whenever you're ready.

5

6 APPEAL FOR THE TOWN OF WINDSOR

7

8 MAYOR SALMON: Okay. I'd like to go through the
9 slides fairly quickly. The next slide, please.

10 You can -- you've probably reviewed these. I
11 think our major consideration is the equity.

12 Next slide, please.

13 We've done everything we can do to provide
14 housing within our town. The 100 and -- the equity
15 adjustment just took us by surprise and very difficult to
16 deal with.

17 Next slide, please.

18 You can see here, 1,400 multi-family units. That
19 represents 59 percent of our Pipeline units. So we're not
20 really building the single family, large lot, or even
21 single family, small lot.

22 Next slide, please.

23 This is kind of the layout.

24 Next slide, please.

25 Okay. This is our 360-unit development. It's

1 been like this for five years.

2 Next slide, please.

3 This one is 104 units, ready to build; 20 houses
4 built in the last three years.

5 Next slide, please.

6 This is another 360 units all approved. What you
7 see there is not the development of the site, but it's
8 just used for utility -- a utility project that's not on
9 the site.

10 Next slide, please.

11 This is our last approval. This is an all -- all
12 low income.

13 In terms of restrictions, there's many
14 three-bedroom units in this development. It's been
15 approved. One parking place per unit, which is very --
16 you know, I think we're doing everything we can do.

17 I think that may be the last slide, please.

18 That's it. Oh. Here we go. Sorry. Okay.

19 These are the building permits. We're really
20 having problems with developers coming forward and being
21 able to build the houses.

22 Next slide, please.

23 This one is just talking about our feasibility.

24 Last slide, please.

25 One more slide. There you go.

1 Single family detached. That's the only thing
2 that's feasible, with regard to how we're building.

3 And then I'd just like to read -- if I could just
4 read a statement.

5 Windsor's appeal requests the original RHNA
6 numbers go back to the 652 units -- as recommended by the
7 Housing Methodology Committee -- be implemented, and the
8 equity adjustments, which added 342 units to its
9 allocation, be reconsidered.

10 My understanding, why RHNA numbers are --
11 currently require sufficient land to be zoned to meet our
12 obligation, which allows the state's required housing
13 element to be certified, we can expect, in the future,
14 performance of actually providing the housing is going to
15 be required. And therein lies our fear, and the subject
16 of our appeal.

17 The equity adjustment, increasing our RHNA
18 numbers by 50 percent, from 652 to 994, is determined by
19 performance requirement, which we'll be required -- it
20 depends on our economy and the ability of developers to
21 build out the desired required units, despite our best
22 efforts.

23 We're physically located in an environment that
24 differs from the three metropolitan areas, and the equity
25 adjustment lacks justification. Windsor's efforts, since

1 its incorporation in 1992, reflect its commitment to smart
2 growth, sustainable development, which has increased
3 affordability and inclusivity, to the extent that the real
4 estate market allows, the developers can provide, and the
5 economy and the environment can accommodate. And we
6 object to the equity adjustment.

7 Contrary to your response, the equity adjustment
8 was not shared with jurisdictions such as Windsor, didn't
9 consider the realities that local jurisdictions face, and
10 is punitive, for reasons that Windsor doesn't understand,
11 and required our appeal.

12 We have not passed exclusionary land use and
13 zoning regulations, such as at-large-lot zoning,
14 prohibitions on multi-family housing, parking
15 requirements, and more, to limit the development of
16 affordable housing, and to exclude low-income people of
17 color. We haven't done it.

18 I've been involved in Windsor and on the council
19 for 27 years. The town's 29 years old. So I have some
20 experience in what we've done here.

21 And it's just -- I guess my appeal is that the
22 blanket of the equity adjustment seems to be something
23 that was made based on feeling good. And why that
24 happened, and how it happened, is what I question and
25 questioned from the very beginning.

1 So I've got the gist of what's going to happen
2 here today, and I'll let your staff respond to our appeal.

3 Thank you very much.

4 PRESIDENT ARREGUIN: Thank you, Mr. Mayor, for
5 your comments and the presentation. So you'll have an
6 opportunity to respond to the -- you or your staff will
7 have an opportunity to respond to the MTC/ABAG staff
8 presentation.

9 Now I'd like to ask ABAG/MTC staff to present the
10 response to the appeal from the Town of Windsor.

11 MR. KAPLAN: Thank you. Good morning, everyone.

12 Next slide, please.

13 The Town of Windsor is requesting a reduction of
14 342 units, which represents a reduction of 34 percent from
15 its Draft allocation. And staff's recommendation is to
16 deny the appeal.

17 Next slide, please.

18 Windsor argues the RHNA Methodology does not
19 further the first statutory objective because ABAG used a
20 flawed process to approve the methodology's equity
21 adjustment. However, this argument challenges the Final
22 RHNA Methodology adopted by the ABAG Executive Board and
23 approved by HCD, and as we've discussed previously, that
24 is not a valid basis for appeal.

25 HCD has the authority to determine if the RHNA

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

4 Additionally, the equity adjustment was developed
5 and approved over the course of six publicly-noticed
6 meetings. Information related to the equity adjustment
7 was included in the Agenda packets and posted online.

8 Local jurisdiction staff, elected officials, and
9 the public had the opportunity to comment on the equity
10 adjustment at these meetings.

11 And HCD's letter, approving ABAG's RHNA
12 Methodology, in April 2021, commended the inclusion of the
13 equity adjustment in the methodology.

14 And the final methodology adopted by the
15 Executive Board in May 2021 included the equity
16 adjustment, and this appeals process cannot be used to
17 undo the Executive Board's decisions regarding the
18 methodology itself.

19 Next slide, please.

20 While Windsor argues that the RHNA process did
21 not consider current population trends, Housing Element
22 Law states that stable population numbers cannot be used
23 as a justification for reducing a jurisdiction's RHNA.

24 Stable or declining population in a jurisdiction
25 is not necessarily evidence there is no need for

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

5 Additionally, Windsor cites a population decline
6 that has occurred over only two years; one of which was
7 heavily impacted by COVID-19. And Windsor has not
8 provided evidence that its population will continue to
9 decline long term or that there's been a reduction in the
10 jurisdiction's need for housing during the upcoming 2023
11 to 2031 RHNA period.

12 Next slide, please.

13 Windsor argues the RHNA process did not consider
14 the town's past RHNA performance, which demonstrates the
15 town has entitled residential projects that have not been
16 built.

17 And ABAG/MTC staff commends the Town of Windsor's
18 track record in entitling and permitting new homes, which
19 was evidenced by the presentation just shown to this
20 committee. However, the town's argument that developers
21 are not building housing in Windsor does not represent one
22 of the grounds for appeal, defined by statute.

23 This argument also challenges the Final RHNA
24 Methodology. And as we've discussed, such arguments are
25 not within the scope of this appeals process. A valid

1 appeal must show ABAG made an error in the application of
2 the methodology in determining the jurisdiction's
3 allocation.

4 And the Final RHNA Methodology adopted by the
5 ABAG Executive Board did not include past performance as a
6 factor. And Windsor's disagreement with this decision is
7 not a basis for appealing its draft allocation.

8 Next slide, please.

9 Windsor's appeal states that the RHNA process did
10 not consider the need for city-centered growth because
11 jurisdictions that are more urban than Windsor saw
12 reductions in their RHNA from Fifth Cycle to Sixth Cycle.
13 Accordingly, Windsor argues the RHNA methodology does not
14 further the statutory objective related to encouraging
15 efficient development patterns.

16 As noted earlier, arguments challenging the Final
17 RHNA Methodology fall outside the scope of the appeals
18 process, and HCD has determined that the RHNA methodology
19 furthers all statutory objectives, including the
20 objectives cited in Windsor's appeal.

21 HCD's letter, approving ABAG's RHNA Methodology,
22 stated that the methodology encourages more efficient
23 development patterns by allocating more RHNA to
24 jurisdictions with more jobs and lower vehicle miles
25 traveled.

1 Furthermore, the methodology's emphasis on
2 city-centered growth is demonstrated by the fact that 50
3 percent of the region's RHNA units are allocated to the
4 ten largest cities in the Bay Area.

5 Next slide, please.

6 So, in conclusion, ABAG/MTC recommends that the
7 committee deny the appeal filed by the Town of Windsor.

8 Thank you.

9 PRESIDENT ARREGUIN: Thank you, Mr. Kaplan.

10 So, Mr. Mayor, or staff from Windsor, you have
11 three minutes, if you'd like to respond to the MTC/ABAG
12 staff presentation.

13 MAYOR SALMON: I don't think there is any staff
14 from Windsor. We -- they provided the presentation.

15 It's a bit like check-mate. We -- you have an
16 answer for everything. And you tend to work in a silo.

17 Many of us may have attended the California
18 League of Cities convention in Sacramento. And the second
19 presenter at the first day talked about how the state is
20 mandating mandates about housing and many things, and how
21 we want to -- we have to have some form of local control.

22 And then I look here, and I see city
23 representatives. And it's the same process as the state.
24 You've indicated that there's really no basis for an
25 appeal. And I have a feeling that if I ask that in all

1 the prior appeals, "Has any appeal been granted?" -- and I
2 probably can answer -- I can probably take a pretty good
3 guess that none have been appealed -- or have been
4 successful to be looked at.

5 So I don't -- we're just kind of at a loss. And
6 we were at a loss when the equity allocation came up and
7 increased our -- what we hope is a goal to have affordable
8 housing.

9 So with that said, I'll just Zoom on.

10 Thank you.

11 PRESIDENT ARREGUIN: Thank you, Mr. Mayor.

12 So I'll now ask, is there any public comment on
13 the appeal from the Town of Windsor? If you wish to speak
14 on this item, please raise your hand, if you're on the
15 Zoom platform, or press *9, if you're phoning in.

16 Once again, I'll ask, is there any public comment
17 on the appeal from the Town of Windsor?

18 Mr. Castro, I know we have a remote location at
19 375 Beale. Were there any members of the public there to
20 testify?

21 MR. CASTRO: There was no report from staff at
22 375 Beale -- there is a report from staff at 375 Beale.
23 There are no members of the public with their hands
24 raised.

25 No members of the attendees with their hands

1 raised.

2 There was a post-public comment -- written
3 comments that were submitted, and that was posted and
4 e-mailed to members.

5 And Supervisor Rabbitt is on the phone in
6 the "Attendees."

7 PRESIDENT ARREGUIN: I've activated his line so
8 he can unmute and participate at anytime.

9 MR. CASTRO: Thank you.

10 PRESIDENT ARREGUIN: And he can also raise his
11 hand, if he wants to speak.

12 So unless there are any other attendees that wish
13 to speak on the appeal for the Town of Windsor, we'll now
14 proceed to committee discussion and deliberation.

15 And it's now in order for the committee to
16 deliberate on the appeal and to take a preliminary action.

17 Mayor Hudson?

18 MAYOR HUDSON: I want to focus on the terms that
19 we just heard, "I can see where this is going." I really
20 wish a lot of -- a lot more cities had seen where this was
21 going, when we had the discussion of methodology. That
22 was, I would say, a pretty heated discussion with the
23 people that were there.

24 And the vote of the elected officials, who chimed
25 in on that night, overwhelmingly -- not overwhelmingly,

1 but I would say the majority were pushing for this option
2 8.

3 There is going to be a couple of us speaking now
4 that said, no, that was not the methodology that we
5 wanted. We lost that vote.

6 Once that was approved by HCD, I thought our fate
7 was pretty well determined that you're going to use this
8 methodology to determine who is going to share in this. I
9 still, to this day, don't think it's going to be fair.

10 I think the terms that we've heard from many of
11 these cities, all of my neighbors -- and I had to vote
12 against them -- were good appeals, but not for the
13 methodology that was voted on by the entire Bay Area.

14 I've heard the arguments coming in to this last
15 appeal, that, "Well, we've got a vote of the people."
16 Pleasanton, who submitted an appeal that wasn't anything
17 to do with this one, had a vote of the appeal, and then
18 attorney -- State Attorney Jerry Brown just tore that
19 thing apart, and they didn't have a certified housing
20 element afterwards, which is the key to what we're trying
21 to do today: Get this ready for our housing elements and
22 our general plans.

23 The other thing that keeps popping up is water.
24 I don't know if Windsor did it. I think Sonoma did it
25 before. We don't have enough water.

1 I'm in East Bay MUD. It's a little bit
2 different. And I've been on city council or planning
3 commission for a better part of about 30 years also. And
4 I can tell you, when I first moved here was after the
5 drought in the '70s. Our city was about 5,000 homes. Now
6 it's over 30,000 homes, and we've never reached the
7 consumption level, for the entire East Bay MUD district,
8 of 1976. So conservation -- whatever -- it kind of blows
9 the argument for water out of the water, so to speak.

10 And, last, I just want to make this point because
11 it's the same argument from every city. The world just
12 changed on us, when these RHNA numbers jumped up, when the
13 legislation started coming in, "We're not producing
14 enough." And now we're starting to feel the pain for it.

15 The argument to reduce these numbers doesn't
16 reduce the numbers; it just spreads it around. Over the
17 next eight years, we're going to have to produce. That's
18 the key. And, unfortunately, it's going to change the
19 character of a lot of cities and a lot of towns.

20 But there is nothing in this methodology for what
21 this committee is doing that allows us to say, "Oh, that's
22 a good appeal. It was a good argument. We're going to
23 accept yours and not the others."

24 And to me, every single one of the appeals I've
25 heard were good, but they're not -- not going to be

1 successful, unless we change the methodology. And that's
2 not up for debate.

3 So I am going to support denying the appeal, as
4 we have the others -- "preliminary." Is that the word,
5 Mayor? "Preliminarily."

6 PRESIDENT ARREGUIN: Preliminary action. Yes.

7 MAYOR HUDSON: And I'll wait to hear from my
8 other comrades here.

9 PRESIDENT ARREGUIN: Thank you, Mayor.

10 We'll go now to Supervisor Mitchoff.

11 SUPERVISOR MITCHOFF: Thank you.

12 And I will say that one appeal was upheld, and it
13 was for my county, unincorporated, and I recused myself as
14 the supervisor there. Staff has done a tremendous amount
15 of work.

16 And I can understand your frustration, Mayor
17 Salmon. We're all frustrated with it. Your bitch, my
18 bitch, is with the state legislature, and seeing how
19 that's going, and we have no option but to follow and play
20 by the rules. I agree.

21 I didn't agree with the methodology. My county
22 was very vocal about that. But once it was adopted -- and
23 there's several people on this committee, over the course
24 of these appeals, who have raised that issue, that there
25 but for the methodology, we could have, perhaps, had more

1 appeals granted. But our hands are tied.

2 You know, I've not been impressed with the state
3 legislature on housing for a long time. I, too, have been
4 on a city council and a planning commission, and I still
5 don't know how we're going to meet all.

6 So I just wanted you to know that we're as
7 frustrated as you are.

8 PRESIDENT ARREGUIN: Thank you.

9 If it's okay, can I go to Supervisor Rabbitt?

10 Supervisor Rabbitt, do you wish to speak on the
11 appeal from the Town of Windsor?

12 SUPERVISOR RABBITT: Yeah.

13 No. Thank you very much. I appreciate that.
14 Thank you for the accommodation.

15 And to Mayor Salmon, I think you made some -- I
16 was nodding my head in agreement in much of what you said.

17 But the same thing is true of my two colleagues
18 who just spoke, Dave Hudson and Karen Mitchoff. The
19 problem lies with the state, the methodology, of course,
20 and the process that we're in.

21 It is frustrating to hear all these appeals and,
22 yes, one was upheld on an -- over in Contra Costa. But
23 the majority of them are going to fail, obviously. And
24 it's almost like I wish we could have these conversations
25 before we took -- and I know this is a straw vote, but I

1 don't think that we're -- you know, the numbers are what
2 they are. They're not going to shift.

3 I will say this again, as someone who is opposed
4 to the methodology going forward, that for our county in
5 Sonoma, I hope that this is a lesson for us to make sure
6 that we approach it as a regional -- subregional approach
7 in the future, in the next cycle, and that we -- throw the
8 numbers at us. We'll figure out within our -- within the
9 county where those are going to be best filled.

10 And it's going to be a little more difficult, but
11 I think, to me, that's really what this is really proving
12 to be the case. So I appreciate the cathartic nature of
13 the testimony, and I know that many of those share those
14 same kind of concerns.

15 It will be interesting to see how this next cycle
16 goes, and what the impacts are going to be to cities at
17 the end of that cycle, especially as funding sources are
18 tied to it and the housing element that need to be
19 prepared and passed.

20 So thank you very much for your -- for being here
21 today.

22 PRESIDENT ARREGUIN: Thank you, Supervisor
23 Rabbitt.

24 Go now to Vice President Ramos.

25 SUPERVISOR RAMOS: Thank you so much.

1 I wanted to address a comment that Mayor Salmon
2 had made, and that was that the equity adjustment was a
3 "feel good" move by ABAG.

4 And I wanted to address this as -- from my
5 perspective. I was not in favor of the equity adjustment
6 at first. We had many interactions, lengthy discussions
7 of how we were going to take this onerous number from HCD
8 and distribute it to the jurisdictions in an equitable
9 manner -- equitable to the jurisdictions.

10 And one of the recognitions was this equity
11 adjustment. And I, myself, came to support it. And I
12 wanted to address that it was not a "feel good" move. The
13 equity adjustment is a recognition that economic and
14 racial exclusions in housings occurred in many
15 jurisdictions throughout the Bay Area.

16 And there were many comments by members of the
17 Executive Board addressing this. And the methodology was
18 approved by a super majority. A "super" majority. And it
19 doesn't mean that we like it. It means that this is the
20 most equitable way in which the committee, representatives
21 from the cities and the counties of the Bay Area, found to
22 distribute this large number so that we can do better, all
23 of us together.

24 It's a shared regional obligation. And while --
25 as individual jurisdictions, myself included, we feel that

1 it is incredibly burdensome -- it's important for all of
2 us to recognize that we play a role in having to dig
3 deeper to find a solution towards those that are
4 marginally housed and those that are unhoused, and
5 understanding that we have an obligation to rectify the
6 housing injustices of the past and to move forward in this
7 cycle with an open mind and with a commitment towards
8 policies that allow the building to actually occur.

9 Thank you.

10 PRESIDENT ARREGUIN: Thank you so much, Vice
11 President Ramos.

12 Mayor Eklund?

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

15 First of all, Mayor Sam, it's great to see you
16 and hopefully see you at our bocce ball tournament up
17 there in -- later in the year.

18 But I wanted to share a couple of thoughts with
19 you. First of all, I believe all of the cities and
20 counties -- I think all of the jurisdictions have some
21 level of difficulty getting units built. And I think
22 that's a reality because of the cost of housing.
23 Developers want to get their fair share of profit, which
24 was never discussed during the Casa project, even though
25 that was one of the things that cities and counties had

1 highlighted was an essential issue for us to discuss.

2 Never got to it, unfortunately.

3 And so I really think that ABAG needs to have
4 some discussion about if a jurisdiction is consistently
5 unable to get approved development constructed, that there
6 needs to be some sort of factor, either in the
7 distribution of the units or consideration of possibly
8 then moving some of the units to others, which may require
9 state law.

10 But I think that we, as a body, should have that
11 discussion, because I think Windsor, and some of the
12 smaller cities, have more of a difficulty getting
13 developers interested in building approved housing for a
14 variety of different reasons. And it may be the profit
15 level, but that needs to be looked at. And so we may have
16 to eventually deal with that.

17 Secondly, is that -- I think the other issue that
18 we're dealing with, with ABAG, is the number of housing
19 units that we received from the State of California.
20 441,000 -- I'm just rounding down right there. I think
21 it's 441,176 -- I may be off -- and we did not appeal
22 that, unlike some other councils of government. But it
23 was a decision of the board not to appeal.

24 There is an audit being conducted by the state
25 legislature on the distribution of the units and whether

1 or not HCD did double count, as what was contended by the
2 Embarcadero Institute.

3 I had requested some time ago for ABAG to have a
4 presentation on the Embarcadero study. We never had that,
5 unfortunately. So I haven't studied it, but I've read it.
6 But it will be interesting to see what HCD comes through.

7 So, lastly, I did want to mention that I have
8 consistently voted against the methodology because I don't
9 think -- I don't think that the methodology uses factors
10 that, in my opinion, reinforces Plan Bay Area. I know
11 other elected officials disagree.

12 But when you put in high opportunity areas, where
13 you have housing that's not necessarily near transit, but
14 is in high income and high -- schools that may not be
15 located near transit, then that, in my opinion, causes
16 some issues.

17 I think the two equity adjustments that were made
18 were for a good reason, but I think that the implications
19 were that housing, again, was being put in jurisdictions
20 without adequate transit. And given the pandemic, I think
21 the whole issue of transit needs to be revisited because
22 I'm not sure people are going to go back to public
23 transit.

24 So I am very empathetic for your application,
25 Mayor Sam. Unfortunately, because we look at this

1 application relative to the methodology that the ABAG
2 Executive Board did approve on January 26, '21, you know,
3 I'm going to have to support the motion to deny the
4 appeal.

5 And I will send you those minutes of those
6 meetings and also some of my ABAG reports that I've been
7 distributing to elected officials throughout the Bay Area.
8 Unfortunately, I guess it's not getting to Windsor. It's
9 not for lack of trying.

10 So, anyway, because I am the representative for
11 Marin County, as you know, and trying to work out with
12 Nancy, how Bennett -- a better way to get these reports
13 out to all the jurisdictions because it's important for
14 the jurisdictions to be involved, as we go through. I
15 think that's something that a lot of the elected officials
16 on this committee have been trying to do.

17 But, unfortunately, it's always a lack of time
18 for elected officials. So, anyway, my heart goes out to
19 you, Mayor Sam. And I'll see you soon.

20 PRESIDENT ARREGUIN: Thank you.

21 I do not believe a motion is on the floor. So I
22 would like to opt -- make a motion to take a preliminary
23 action to deny the appeal for the Town of Windsor.

24 MAYOR HUDSON: Second.

25 MAYOR WILSON: Seconded by Wilson.

1 PRESIDENT ARREGUIN: Seconded by Mayor Wilson.

2 Thank you.

3 Mayor Hudson?

4 MAYOR HUDSON: Yeah. I don't want to let this go
5 too far down the road or we're going to be misleading.

6 One, this high number of 441,000 is not a high
7 number. The problem is, most of my e-mails were, "Why are
8 you doing it so low? We are over a million homes behind
9 where we should be." And my e-mails were to go higher.

10 (Brief interruption.)

11 PRESIDENT ARREGUIN: Nalungo, you are not muted.

12 MAYOR HUDSON: Okay. Yeah. I didn't realize I
13 was that popular.

14 The other thing I would like to see down the
15 road, I wonder -- we keep kicking the methodology. But
16 I've got to tell you, folks, that was the methodology.
17 There were two or three presented, and 8 was the one that
18 won.

19 And that's what the people will be voting on
20 November 12th, or whatever it is. I would -- I wonder if
21 there were a way -- and it's one of those hypotheticals
22 that why it doesn't make sense to people is, we're
23 supposed to be doing this to reduce vehicle miles
24 traveled, and I wonder if it's really going to happen.

25 I can tell you, people are going to go back to

1 transit in my city because the developer -- who is putting
2 4,500 homes on his parking lots at commercial buildings he
3 has here -- is going to do his own transit system,
4 including bike rentals and who knows. Probably have
5 little Twizies running around somewhere. That actually is
6 the name of an automobile.

7 There's a key phrase that I am hearing, that it
8 -- "We need to put it on the table right now." This is
9 not going to happen, and that's going back. We're not
10 going to be able to just go back to the way things were
11 done.

12 I mean, the way I was thinking 30 years ago, when
13 I got onto this train, and just in the last three years,
14 let alone this century, has changed drastically. People
15 will go back to transit because we're going to do more
16 higher density within the commercial areas, the few that
17 are there. I mean, a lot of people are converting their
18 commercial and doing less parking. It's one of the
19 incentives that's in there.

20 To me, I think Windsor would have been one of
21 those -- Clayton, in my county, my neighbor Danville, I
22 would have said, you know, "Why are we doing them there,
23 when they are not adding any jobs and the jobs/housing
24 balance is the reverse of what some of these major
25 business areas are?"

1 And the answer is, the equity. They're sharing
2 in this monster job of committing 441,000 in the next
3 eight-year cycle. I just hope somebody is watching to
4 find out if it does reduce the vehicle miles traveled,
5 which was supposed to be the mandate of what we're doing.

6 But until then, this appeal has to be denied to
7 stay in line with what we're doing throughout the entire
8 Bay Area. And hopefully we will be producing more of the
9 441,000 than we have in the past. Because if we don't,
10 the number is going to go higher in the Seventh Cycle.

11 And so that's why I'm going to support denying
12 this appeal.

13 PRESIDENT ARREGUIN: Thank you.

14 I'll ask, are there any other questions or
15 comments from members of the ABAG Administrative
16 Committee?

17 Okay. If not, the motion is to take a
18 preliminary action to deny the appeal for the Town of
19 Windsor.

20 Mr. Castro, if you can please call the roll.

21 MR. CASTRO: Yes, sir.

22 Motion by Arreguin; second by Wilson.

23 On the motion, Mayor Arreguin?

24 PRESIDENT ARREGUIN: Yes.

25 MR. CASTRO: Mayor Eklund?

1 MAYOR EKLUND: 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: Councilmember Peralez?

13 Councilmember Peralez is absent.

14 Supervisor Rabbitt?

15 SUPERVISOR RABBITT: Aye.

16 MR. CASTRO: Supervisor Ramos?

17 SUPERVISOR RAMOS: Yes.

18 MR. CASTRO: Mayor Romero? Mayor Romero is

19 absent.

20 Mayor Wilson?

21 MAYOR WILSON: Aye.

22 MR. CASTRO: Motion passes unanimously. Ten

23 votes aye; two absences.

24 PRESIDENT ARREGUIN: Okay. Thank you very much.

25 Thank you, Mr. Mayor, for joining us today.

1 And with that, we'll proceed to our next order of
2 business. Before we adjourn, colleagues, I do want to
3 address next steps. And so I have a question for General
4 Counsel. We received several letters from jurisdictions
5 regarding this process and the statutory basis of the
6 decisions that we've made. Staff is going to be
7 developing a written response. There may be questions
8 related to that or related to some of the other appeals.

9 I just want to be 100 percent sure that if we
10 close the public hearing officially today, that there will
11 be an opportunity for us to ask questions of staff on
12 those -- on any appeals that we've considered, or on any
13 response to correspondence that we've received.

14 MR. LAVRINETS: Yes. At the next meeting for
15 consideration of all the appeals, there should be that
16 opportunity.

17 PRESIDENT ARREGUIN: Okay. So if we close the
18 public hearing, as we are statutorily required to do, that
19 would enable that discussion?

20 MR. LAVRINETS: Yes.

21 PRESIDENT ARREGUIN: Okay. Mayor Wilson?

22 Thank you.

23 MAYOR WILSON: And just another procedural
24 question to make sure I'm clear, when we consider all of
25 the preliminary decisions we make and have a vote to adopt

1 those preliminary -- if that vote fails, one, those are
2 all -- all those decision points are together. So that's
3 one motion.

4 And then, if that motion fails, what would be the
5 next step?

6 PRESIDENT ARREGUIN: That's a very good question,
7 Mayor. I mean, I think we are going to consider it as one
8 action, but it is potentially possible for the committee
9 to sever consideration of different appeals, if I'm not
10 mistaken, General Counsel?

11 MR. LAVRINETS: Yes. That is correct.

12 PRESIDENT ARREGUIN: So if the motion to take a
13 final action on all the appeals collectively does not
14 pass, we can entertain other motions; we can consider
15 appeals individually. I think that's all within the
16 discretion of the committee.

17 MAYOR WILSON: Okay. Thank you.

18 PRESIDENT ARREGUIN: So by closing the public
19 hearing, that will enable this committee to discuss and
20 take final action at our next meeting. And we have a
21 number of options that we can take, whether to ratify the
22 preliminary decisions, to modify the preliminary decisions
23 -- because at the end of the day, they are preliminary
24 decisions.

25 So with that, I'd now like to officially close

1 the public hearing, which commenced on September 24, 2021,
2 consistent with Government Code Section 65584.05(d).

3 Now, the ABAG Administrative Committee will meet
4 on Friday, November 12th, 2021, at the Bay Area Metro
5 Center or remotely by Zoom, at 10:30 a.m.

6 And with that, this meeting of the ABAG
7 Administrative Committee -- oh. Apologies.

8 Mayor Hudson?

9 MAYOR HUDSON: Yeah. And not that I'm paranoid
10 or anything, Mr. President, but do you want a motion to
11 close this? You know what I'm talk -- where I'm going
12 with this.

13 Do you want this formal, or is this okay?

14 PRESIDENT ARREGUIN: I was advised that I can
15 close it.

16 But let me get clarification from General
17 Counsel.

18 MR. LAVRINETS: Yes. It should be within the
19 Chair's discretion to close the meeting.

20 MAYOR HUDSON: I'm just asking. I don't want to
21 find out on paper.

22 PRESIDENT ARREGUIN: No. Thank you, Mayor
23 Hudson. Thanks for catching that.

24 Supervisor Mitchoff?

25 SUPERVISOR MITCHOFF: No. I was just waving

1 good-bye.

2 PRESIDENT ARREGUIN: Oh, okay.

3 So once again, the ABAG Administrative Committee
4 will hold our next meeting on Friday, November 12th, 2021,
5 at 10:30 a.m., at the Bay Area Metro Center, remotely, via
6 Zoom.

7 With that, this meeting of the ABAG
8 Administrative Committee is adjourned.

9 Thank you.

10

11 (WHEREUPON, the proceedings ended at 10:25 a.m.)

12

13 --o0o--

14

15

16

17

18

19

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE OF REPORTER

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

That I am a disinterested person to the said action.

IN WITNESS WHEREOF, I have hereunto set my hand this 3rd day of November, 2021.



AMBER ABREU-PEIXOTO, CSR No. 13546