

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

**CERTIFIED
TRANSCRIPT**

REPORTER'S TRANSCRIPT OF PROCEEDINGS VIA ZOOM
VIDEOCONFERENCE
FRIDAY, SEPTEMBER 29, 2021
9:01 A.M.

REPORTED BY:

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1 I N D E X

2 MEMBERS PRESENT:

3 CLERK FRED CASTRO

4 PRESIDENT ARREGUIN

5 MAYOR PAT EKLUND

6 MAYOR NEYSA FLIGOR

7 MAYOR DAVE HUDSON

8 SUPERVISOR OTTO LEE

9 SUPERVISOR RAFAEL MANDELMAN

10 SUPERVISOR KAREN MITCHOFF

11 SUPERVISOR DAVID RABBITT

12 SUPERVISOR BELIA RAMOS

13 MAYOR CARLOS ROMERO

14 MAYOR LORI WILSON

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17

18 COMMENTS PAGE

19 SAN RAMON 16

20 UNINCORPORATED CONTRA COSTA COUNTY 39

21 BELVEDERE 76

22 CORTE MADERA 105

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1 September 29, 2021

9:01 A.M.

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P R O C E E D I N G S

4

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

11 PRE-RECORDED VIDEO: Due to COVID-19, this
12 meeting will be conducted as a Zoom webinar pursuant to
13 the provisions of the Governor's executive order
14 N-29-20, which suspends certain requirements of the
15 Brown Act. This meeting is being webcast on the ABAG
16 website.

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

23 Commissioners and members of the public
24 participating by Zoom wishing to speak should use the
25 raise hand feature or dial star 9, and the chair will

1 call upon them at the appropriate time. Teleconference
2 attendees will be called upon by the last four digits of
3 their phone number. It is requested that public
4 speakers state their names and organizations, but
5 providing such information is voluntary.

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

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

15 (End of video.)

16 PRESIDENT ARREGUIN: Thank you. Will the ABAG
17 clerk of the board conduct roll call to confirm whether
18 quorum of the ABAG Administrative Committee is present?

19 CLERK FRED CASTRO: Yes, sir. Mayor Arreguin?

20 PRESIDENT ARREGUIN: Present.

21 CLERK FRED CASTRO: Mayor Eklund?

22 MAYOR PAT EKLUND: Present.

23 CLERK FRED CASTRO: Mayor Fligor?

24 MAYOR NEYSA FLIGOR: Here.

25 CLERK FRED CASTRO: Mayor Hudson?

1 MAYOR DAVE HUDSON: Here.

2 CLERK FRED CASTRO: Supervisor Lee?

3 SUPERVISOR OTTO LEE: Present.

4 CLERK FRED CASTRO: Thank you, sir.

5 Supervisor Mandelman? Supervisor Mandelman is

6 absent.

7 Supervisor Mitchoff?

8 SUPERVISOR KAREN MITCHOFF: Here.

9 CLERK FRED CASTRO: House member Peralez. House

10 member Peralez is absent.

11 Supervisor Rabbitt?

12 SUPERVISOR DAVID RABBITT: Here.

13 CLERK FRED CASTRO: Supervisor Ramos?

14 SUPERVISOR BELIA RAMOS: Here.

15 CLERK FRED CASTRO: Thank you.

16 Mayor Romero?

17 MAYOR CARLOS ROMERO: Presente.

18 CLERK FRED CASTRO: Thank you.

19 Mayor Wilson.

20 MAYOR LORI WILSON: Here.

21 CLERK FRED CASTRO: Thank you. Quorum is

22 present. Ten members.

23 PRESIDENT ARREGUIN: Okay. Thank you very much.

24 Thank you, colleagues, for being here today for this

25 important meeting. We will now move to item two, public

1 comment. This is an information item.

2 Is there any member of the public that wishes to
3 give a public comment on items not on today's agenda?
4 If you'd like to speak on any of the appeals, we will
5 take public testimony at the appropriate time. Once
6 again, this is public comment on items not on the
7 agenda.

8 Mr. Castro, any raised hands?

9 CLERK FRED CASTRO: I see no raised hands, and
10 no members of the public submitted written comments for
11 this item.

12 PRESIDENT ARREGUIN: Okay. Thank you. Move to
13 item 3, committee member announcements. This is an
14 information item. Are there any announcements from
15 members of the administrative ABAG committee? If so,
16 please raise your hand. Yes, Mayor Eklund.

17 MAYOR PAT EKLUND: Thank you very much,
18 President Arreguin. I wanted to state for the record
19 that I, as a member of the ABAG executive board, did not
20 vote to support the regional housing needs allocation
21 methodology.

22 But it is my understanding, and I will be asking
23 staff this during the open session before we start
24 hearing the appeals, that we are to judge the appeals
25 based on the methodology that was approved by the

1 executive board.

2 So I wanted to make sure that that statement was
3 made. There are some rumors going around the Bay Area
4 that -- that question that, and so I wanted to make sure
5 that it was stated for the record. Thank you.

6 PRESIDENT ARREGUIN: Thank you. Are there any
7 other announcements from members of the ABAG
8 Administrative Committee? If not, I'll ask, is there
9 any public comment on this item?

10 CLERK FRED CASTRO: I see one member of the
11 public with their hand raised, and no written comments
12 were received.

13 PRESIDENT ARREGUIN: Okay. And this is public
14 comment on committee member announcements. If you'd
15 like to speak on an appeal, please wait until we call
16 that appeal. But we will call on the first speaker.

17 CLERK FRED CASTRO: Kristi Corley, please unmute
18 yourself. Yes.

19 PUBLIC COMMENTER KRISTI CORLEY: Yes. Thank
20 you. I would like to once again comment on the fire
21 issue and the CAL FIRE maps that are coming out at the
22 end of December 2021. I think it's important to take
23 these maps into consideration when looking at RHNA
24 numbers.

25 And since the housing element is due next year,

1 it's important to take these maps into consideration
2 that come out in 2021 as cities are developing their
3 housing element. And that is my comment. Thank you.

4 PRESIDENT ARREGUIN: Thank you. Are there any
5 other comments on item three, committee member
6 announcements? If so, please raise your hand.

7 I don't see any hands. Mr. Castro, any written
8 comments submitted?

9 CLERK FRED CASTRO: No written comments
10 submitted for this item.

11 PRESIDENT ARREGUIN: Okay. Thank you very much.
12 That completes item 3. We will move to item 4, the
13 chair support. This is an information item. And once
14 again, I'd like to welcome my colleagues on the ABAG
15 Administrative Committee as well as staff and
16 representatives from our member jurisdictions to the
17 continued ABAG RHNA appeals public hearing.

18 RHNA is a state-mandated process to identify the
19 number of housing units, including by affordability
20 level, that each jurisdiction must accommodate in its
21 housing element of its general plan. The California
22 department of Housing and Community Development, HCD,
23 has determined that Bay Area communities must plan for
24 441,176 new housing units from the years 2023 to 2031.

25 On May 20th, 2021, the ABAG executive board

1 approved the final RHNA methodology and draft
2 allocations which initiated the appeals phase of the
3 RHNA process. ABAG received 28 appeals from Bay Area
4 jurisdictions by the July 9th deadline.

5 And per Government Code Section 65584.05(d),
6 ABAG is required to hold a public hearing to consider
7 all the appeals filed. The public hearing provides an
8 opportunity for jurisdictions that filed appeals to
9 provide testimony before the administrative committee as
10 part of the committee's determination on these appeals.

11 So today is the second day of the public hearing
12 which will be continued over six meetings in September
13 and October. In late August and September, legal
14 notices were published in multiple languages in
15 newspapers in each of the nine counties of the
16 San Francisco Bay Area announcing the dates of the
17 public hearing. And details of future meeting dates are
18 available on the ABAG website.

19 There are four appeals to be heard today, and
20 written comments referencing all RHNA appeals are
21 attached under agenda item 6. With regard to the
22 procedure for the conduct of today's hearing, the
23 committee will consider each jurisdiction's appeal
24 sequentially.

25 I may call a brief recess if necessary during

1 the day; however, I do not anticipate that we will need
2 to provide a lunch break today as I envision that we
3 will be wrapping up prior to 1:00.

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

9 Following this, ABAG-MTC staff will provide a
10 presentation, and the applicant then will have an
11 opportunity to respond to the arguments or evidence that
12 ABAG staff and MTC staff presented. Members of the
13 public will then have an opportunity to comment on the
14 arguments presented on each appeal.

15 And based on the appeal procedures adopted by
16 ABAG, speakers will have two minutes for public comment.
17 But as the chair, I have the discretion to adjust time
18 if needed to ensure the orderly conduct of the meeting.

19 To be fair to all jurisdictions and to ensure
20 that the appeals are heard in a timely manner on the day
21 that they are noticed, if there are more than five
22 speakers on an appeal, each speaker will have one
23 minute. And if the total time for public comment
24 related to a jurisdiction's appeal exceeds 30 minutes,
25 consideration of that jurisdiction's appeal may be

1 suspended and continued until later in the day after the
2 appeals from the other jurisdictions have been heard.

3 And once again, we are considering each appeal
4 sequentially, and we want to ensure that we can get to
5 each appeal today in a timely matter.

6 Following public comment, the administrative
7 committee will have the opportunity to discuss the
8 appeal, and then a roll call vote will be taken on a
9 preliminary decision on the appeal. The committee will
10 hold a final vote on all appeals at a meeting after the
11 close of the public hearing to ensure uniform
12 decisionmaking.

13 ABAG will then issue final allocations that
14 incorporate any adjustments needed as a result of any
15 appeals, with a public hearing and adoption of the final
16 RHNA plan scheduled for December 2021. And as noted at
17 the September 24th meeting, staff is maintaining a
18 running list of issues or questions raised by committee
19 members which will be presented to the committee and the
20 executive board.

21 So this concludes my report. And I'll ask, is
22 there any -- are there any questions or comments from
23 members of the administrative committee?

24 Mayor Eklund, you're muted.

25 MAYOR PAT EKLUND: I'm still waking up. Our

1 council meeting went to midnight last night.

2 PRESIDENT ARREGUIN: Mine was close to midnight.

3 MAYOR PAT EKLUND: Close to midnight. Okay.

4 Good. So I have two questions. One is, we had asked
5 that we get a running list of the issues today so that
6 we don't have to repeat them. But can we at least get a
7 draft while we are talking today?

8 PRESIDENT ARREGUIN: Yes. I see the draft. I'd
9 like to ask Mr. Paul and Mr. Castro if that could be
10 distributed to the committee members.

11 CLERK FRED CASTRO: I will do that. Yes.

12 PRESIDENT ARREGUIN: Okay. Thank you.

13 MAYOR PAT EKLUND: Thank you. And then my
14 second question is -- I need to have staff answer this
15 question. Do we have to evaluate every appeal based on
16 the Regional Housing Needs Allocation methodology that
17 was approved by the executive board? Is that the basis
18 for examining all of the appeals?

19 PRESIDENT ARREGUIN: Who would like to answer
20 that question? Mr. Maloney, or Ms. Adams, or
21 Mr. Vautin?

22 (Simultaneous speaking.)

23 GILLIAN ADAMS: Yes. We are evaluating based on
24 the approved methodology that was adopted by the
25 executive board.

1 MAYOR PAT EKLUND: Okay. Thank you very much.
2 Appreciate --

3 MAYOR DAVE HUDSON: Whoa, whoa, whoa. Point of
4 clarification. That was adopted and approved by HCD
5 also.

6 PRESIDENT ARREGUIN: Yes.

7 GILLIAN ADAMS: Correct. Thank you for that.

8 PRESIDENT ARREGUIN: And confirm that the
9 statutory requirements and the housing element.

10 MAYOR PAT EKLUND: Great. Just need to make
11 sure that that is clarified. There is a lot of rumors
12 going around that that is not the case. So I just
13 wanted to make sure. Thank you very much for clarifying
14 that.

15 PRESIDENT ARREGUIN: Thank you. Any other
16 questions or comments on the chair support? If not I'll
17 ask, is there any public comment on the chair support?
18 If so, please raise your hand or press star 9. I don't
19 see any raised hands.

20 Mr. Castro? Oh. You're muted.

21 CLERK FRED CASTRO: Sorry. No raised hands, and
22 no written comments were submitted for this item.

23 PRESIDENT ARREGUIN: Okay. So unless there is
24 any further discussion of this item, we'll proceed to
25 item 5, the executive director's support. And Brad Paul

1 will give the report today. Good morning.

2 BRAD PAUL: Good morning. Thank you, President
3 Arreguin. Actually I have no executive director report
4 to give at this time. Thank you.

5 PRESIDENT ARREGUIN: Okay. Thank you. Is there
6 any public comment on item 5, the executive director's
7 report? I don't see any raised hands.

8 Mr. Castro?

9 CLERK FRED CASTRO: No raised hands. No written
10 comments were submitted for this item.

11 PRESIDENT ARREGUIN: Okay. So that completes
12 item 5. So we will now proceed to item 6, the Regional
13 Housing Needs Allocation appeals public hearing. And
14 the ABAG Administrative Committee will hear appeals from
15 jurisdictions and responses to issues raised by ABAG-MTC
16 staff.

17 Jurisdictions scheduled this meeting are listed
18 on our published agenda. And the hearing is scheduled
19 to be continued to a special meeting of the ABAG
20 Administrative Committee October 8th, 2021, at 2:00 p.m.
21 with additional jurisdictions presenting their
22 respective appeals.

23 So now I'd like to take up item 6, the
24 continuation of the public hearing on the Regional
25 Housing Needs Allocation appeals. The public hearing is

1 now reopened, and a certified shorthand reporter is
2 transcribing these proceedings. When it is time for
3 public comment and if you wish to testify, please raise
4 your hand by using the raise hand icon on your Zoom
5 screen, or press star 9 if you are phoning into this
6 meeting, and please wait to be called upon.

7 So we will now proceed to 6-A, the report on the
8 Regional Housing Needs Allocation appeal for the City of
9 San Ramon. And before I introduce the item, I'd like to
10 recognize Mayor Hudson.

11 MAYOR DAVE HUDSON: Yeah. I -- as the mayor of
12 San Ramon, I feel it's appropriate that I recuse myself
13 from item 6-A. And I will duck out of this meeting. I
14 just want to let you know, Jesse, that you broke up for
15 about half of what you just announced.

16 PRESIDENT ARREGUIN: Oh. Okay.

17 MAYOR DAVE HUDSON: I'll be gone.

18 PRESIDENT ARREGUIN: Okay. Thank you. So
19 hopefully my internet is better, you can hear me
20 throughout the hearing.

21 MAYOR PAT EKLUND: It did not break up -- it did
22 not break up for me.

23 SUPERVISOR KAREN MITCHOFF: It didn't break up.
24 It's your fault, David.

25 PRESIDENT ARREGUIN: Okay. That is good to

1 know. So we'll now start with item 6-A, the report on
2 the RHNA appeal for the City of San Ramon. This is a
3 preliminary action item. We will first hear from the
4 City of San Ramon, in which they will have five minutes
5 to present on their appeal.

6 But before we begin I'll ask, who will be
7 presenting on behalf of the City of San Ramon, if you
8 could please identify yourself for the record.

9 DEBBIE CHAMBERLAIN: Good morning, chair members
10 of the executive committee. My name is Debbie
11 Chamberlain. I'm the director for the City of San Ramon
12 for community development, and today I have Lauren Barr,
13 our planning manager, and Ryan Driscoll, associate
14 planner, with me to assist in the presentation and
15 respond to any questions the committee may have.

16 PRESIDENT ARREGUIN: Thank you very much. So
17 I'd now like to turn the floor over to you to present on
18 your appeal. And do you have a presentation?

19 DEBBIE CHAMBERLAIN: We do. And if it could be
20 brought up, please.

21 PRESIDENT ARREGUIN: Okay. Thank you.

22 DEBBIE CHAMBERLAIN: Perfect. Thank you so very
23 much.

24 Again, I'm Debbie Chamberlain, the director for
25 the City of San Ramon, and I'd like to thank the

1 committee for the opportunity to hear our appeal this
2 morning. The selection of the RHNA methodology has
3 resulted in a housing allocation that is overweighted
4 based on high-opportunity areas and underweighted to the
5 jobs-housing balance. If this resulted in -- oh. Next
6 slide, please. I'm sorry.

7 This resulted in a mismatch between the RHNA and
8 the regional location of jobs, basically placing housing
9 further away from the job centers resulting in longer
10 commutes, increased vehicle miles traveled, and
11 decreasing the ability to achieve state greenhouse
12 reduction requirements.

13 We understand that the final RHNA methodology
14 concerns are not part of the appeal, but felt they
15 needed to be highlighted this morning. Next slide,
16 please.

17 While the City supports the job-housing
18 philosophy, we do not feel the forecasted development
19 pattern for the Plan Bay Area 2050 has captured recent
20 changes that significantly impact the job-housing
21 balance for San Ramon as it relates to RHNA.

22 As identified in our responsive local
23 jurisdiction survey, in August of 2020 the City adopted
24 the CityWalk Master Plan which resulted in 4500 housing
25 units within our City Center PDA, and the construction

1 will occur over the next three housing cycles. It
2 complies with our local inclusionary housing
3 requirements of 675 units at low or very low income
4 categories.

5 The adopted CityWalk Master Plan also results in
6 significant changes in employment assumptions going
7 forward and should be reflected in the RHNA allocations.
8 Additionally, other office sites within the office park
9 such as Bishop Ranch 6 are in a process of being
10 converted to housing sites to add to the reduction of
11 job employment assumptions.

12 And the Bishop Ranch 6 project that is in
13 process right now will convert over 550,000 square feet
14 of office to 400 housing units within our North Camino
15 Ramon PDA. Next slide, please.

16 So I just want to remind the committee members
17 of our two PDAs. So one to the north where you see the
18 larger rectangle is our North Camino Ramon PDA, which is
19 the site of the Bishop Ranch 6 application we are
20 currently processing. And to the -- below that is our
21 City Center PDA. And the two squares you see are office
22 space that is being converted into housing. Next slide,
23 please.

24 This slide just kind of gives a -- or shows you
25 how we have converted commercial sites to housing. So

1 over this -- this term we are losing 1.5 million square
2 feet of commercial space and increasing our housing
3 units by over 1,000, which results in a loss of about
4 almost 4,000 jobs. And so the loss of jobs, we feel, is
5 decreasing the need for housing, and we are increasing
6 the units -- number of units in our PDA. Next slide,
7 please.

8 I wanted to turn to the Dougherty Valley
9 high-resource area as designated by Plan Bay Area. This
10 high-resource area is outside the PDA, which is
11 generally located along bus routes within established
12 suburban neighborhoods, are substantially built out.
13 And as you can see, its distance from our City Center
14 PDA is quite substantial and requires transit to -- with
15 15 to 30 minute headways to get to the City Center, to
16 our job center. Next slide, please.

17 This high-resource area is primarily comprised
18 of about 11,000 housing units and is inconsistent with
19 the goal to develop housing near the existing job
20 centers in Bishop Ranch, which is in our core of our
21 PDA. The economic --

22 CLERK FRED CASTRO: One minute.

23 DEBBIE CHAMBERLAIN: -- economic and market
24 conditions does not support the development. Primarily
25 Dougherty Valley's 55 percent open space as new

1 housing -- has new housing stock. And as I mentioned,
2 the infrequent bus service is going to be difficult for
3 additional housing. Next slide.

4 In summary, our appeal request is simple.
5 Reduction in jobs reduces the job-employment base
6 assumptions within the jobs proximity transit metric.
7 There's no rails transit station within San Ramon to
8 support transit-oriented development, and no long-term
9 commitment to increase the headways by the transit
10 providers.

11 There is a disconnect between economic market
12 conditions/realities, existing constraints, and
13 feasibility to support redevelopment in high-resource
14 area of Dougherty Valley. Next slide.

15 Finally, we are requesting a reduction of 1450
16 units in our draft RHNA allocations due to loss of
17 jobs/employment base assumptions. And as you can see on
18 the screen, a calculation such as in the draft RHNA
19 numbers system results an overestimation of the city's
20 ability to address realistic future housing demand.

21 And I appreciate the committee hearing our
22 presentation. Thank you very much.

23 PRESIDENT ARREGUIN: Thank you very much. And
24 there may be questions at the conclusion of the public
25 comment.

1 DEBBIE CHAMBERLAIN: Of course.

2 PRESIDENT ARREGUIN: So thank you for your
3 presentation.

4 I'd now like to ask ABAG-MTC staff to present
5 their response to the City of San Ramon's appeal.

6 ELI KAPLAN: Good morning, everyone. My name is
7 Eli Kaplan. I'm a regional housing policy analyst for
8 ABAG-MTC, and I'll be presenting the staff's response.
9 Next slide, please.

10 The City of San Ramon is requesting a reduction
11 of 1,450 units, which represents a reduction of
12 28 percent from their draft allocation. Staff's
13 recommendation is to deny the appeal. Next slide,
14 please.

15 San Ramon argues that the adoption of the
16 CityWalk Master Plan in August 2020 results in the RHNA
17 methodology using incorrect jobs data. San Ramon
18 estimates a decrease in jobs resulting from the CityWalk
19 development.

20 San Ramon also argues that decreased transit
21 service during COVID impacts the data used for the job
22 proximity transit factor in the RHNA methodology
23 requiring a reduction in San Ramon's RHNA to improve
24 jobs-housing balance.

25 But it's important to note that the CityWalk

1 Master Plan area is located within a priority
2 development area, or PDA. The Plan Bay Area 2050
3 blueprint includes strategies for growth geographies
4 like PDAs to focus additional housing and commercial
5 development beyond what is in local plans by allowing
6 greater development capacities in these locations
7 region-wide.

8 The adoption of the CityWalk Master Plan does
9 not affect the blueprint strategies, and therefore does
10 not change the growth projections for San Ramon. Plan
11 Bay Area 2050 also includes strategies that encourage
12 the transformation of vacant commercial sites into
13 neighborhoods.

14 So in contrast to San Ramon's arguments, an
15 expected decline in jobs could lead to an increase in
16 forecasted housing in the final blueprint. Therefore,
17 the Plan Bay Area 2050 final blueprint and San Ramon's
18 RHNA allocation reflect housing growth targeted in the
19 CityWalk Master Plan area.

20 Additionally, the job proximity factors and the
21 RHNA methodology are based on the number of jobs
22 observed in 2015. So changes in forecasted jobs would
23 not affect this factor. Statute requires the RHNA
24 methodology to use data that is comparable throughout
25 the region and to use readily available data when

1 possible.

2 When the RHNA methodology was developed by the
3 Housing Methodology Committee in 2020, ABAG used MTC's
4 readily available data on job proximity by transit and
5 automobile. Thus, San Ramon's estimates for future
6 changes in its number of jobs have no impact on either
7 the job proximity factors, or on San Ramon's RHNA.

8 Lastly, ABAG's staff appreciates the City's
9 concerns about the significant changes resulting from
10 COVID-19. But as discussed at the last hearing, changes
11 caused by COVID-19 do not fall within the criteria
12 defined by statute as indicated by HCD in its comment
13 letter on RHNA appeals.

14 San Ramon does not provide evidence that the
15 RHNA methodology used incorrect jobs data, and
16 San Ramon's arguments do not represent a change in
17 circumstances meriting a revision of the city's RHNA.
18 Next slide, please.

19 San Ramon's appeal also notes that it has had
20 two annexations since 2016, and the City argues it is
21 unclear whether these annexations were included in the
22 final blueprint and the resulting baseline allocation
23 for the RHNA methodology.

24 ABAG staff investigated these claims and
25 determined that one of these annexations, DB 17, was

1 already included in all modeling for the blueprint. The
2 other annexation, DB 18, was finalized by the San Ramon
3 City Council in October 2020, which is after the ABAG
4 executive board action to initiate the modelling of the
5 Plan Bay Area 2050 final blueprint. Thus, this area was
6 included as part of unincorporated Contra Costa County
7 in the final blueprint.

8 However, there were no households on these
9 parcels in the base year of 2015, and the final
10 blueprint did not forecast any growth there. Therefore,
11 the final blueprint did not include any households in
12 this area in 2050.

13 So a shift of jurisdictional responsibility for
14 this area from the County of Contra Costa to San Ramon
15 would not have any impact on either jurisdiction's RHNA.
16 Next slide, please.

17 San Ramon also argues that the high-resource
18 area growth geographies in the Plan Bay Area 2050 final
19 blueprint, and specifically the HRA within Dougherty
20 Valley, do not adequately consider land use constraints
21 in development feasibility.

22 However, the Plan Bay Area 2050 final blueprint
23 does incorporate these constraints. In developing the
24 final blueprint ABAG-MTC staff worked with local
25 governments to gather information about local plans,

1 zoning, and physical characteristics that might affect
2 development. A strength of the land use model used for
3 Plan Bay Area 2050 forecasting is, it also assesses
4 feasibility in the cost of redeveloping a parcel.

5 Furthermore, statute forbids ABAG from limiting
6 San Ramon's RHNA based on existing zoning and land use
7 restrictions. San Ramon does not provide evidence it is
8 unable to consider underutilization of existing sites,
9 increased densities, and other planning tools to
10 accommodate its assigned need. Next slide, please.

11 So in conclusion, ABAG-MTC staff recommends that
12 the committee deny San Ramon's appeal. Thank you.

13 PRESIDENT ARREGUIN: Thank you very much. So
14 now I'd like to give the City of San Ramon an
15 opportunity to respond to the staff presentation if you
16 so wish.

17 DEBBIE CHAMBERLAIN: Thank you.

18 PRESIDENT ARREGUIN: You'll have three minutes.

19 DEBBIE CHAMBERLAIN: Thank you. I'll make a
20 couple of comments, and I'll ask Lauren and Ryan to jump
21 in if they feel like I've missed anything. I appreciate
22 ABAG's reports, and have been provided ahead of time. A
23 couple of things to clarify.

24 The sites in Bishop Ranch, the offices are not
25 vacant. They are -- they were fully-occupied offices.

1 And so they were not left vacant and sitting for many
2 years without development potential. And so it's the
3 voluntary construction by Bishop Ranch to convert those
4 offices. So they were in no way considered vacant sites
5 for the definition of vacant sites.

6 The transit in Bishop Ranch is provided by CCTA,
7 which are 30 to 45 minute headways. Before COVID Bishop
8 Ranch did provide express bus service to meet every BART
9 train in Walnut Creek and Dublin. That service was
10 privately funded and not funded by CCTA.

11 And so we are not sure if the transfer will
12 be -- we're not sure if Bishop Ranch will be reinstating
13 that service there to maintain their headways to meet
14 every BART train in the near future due to the loss
15 of -- the decrease in their office square footage.

16 Regarding the final blueprint for forecasting
17 homes in Dougherty Valley with annexation 18, I do
18 understand that it was included in the county share.
19 San Ramon does get the credit for those housing units
20 down the road. However, housing has been planned in
21 Dougherty Valley since 1990 for 11,000 units.

22 So to say those sites were not accounted for is
23 inaccurate. The housing was planned and approved within
24 Dougherty Valley. And regarding the constraints in
25 Dougherty Valley, as I mentioned, 55 percent of the land

1 in Dougherty Valley is permanent open space encumbered
2 by conservation easements with some help by Department
3 of Fishing and Wildlife Services for the State of
4 California with permanent endowments for the Center of
5 Natural Lands Management to continue those preservation
6 open spaces in perpetuity.

7 There -- the areas that are developed in
8 Dougherty Valley are only based on topographical
9 features are really the only areas that can be developed
10 in Dougherty Valley.

11 And so with that, I will turn to Lauren or Ryan
12 to ask if I have missed anything for -- on the rebuttal,
13 if you could chime in, please.

14 CLERK FRED CASTRO: One minute.

15 RYAN DRISCOLL: I would -- thank you. I'd just
16 add that the development within Dougherty Valley was
17 developed as planned unit developments. And so the
18 actual pattern of development is very specific in their
19 limited opportunities for in-fill or redevelopment based
20 on the age of the development, and then also the land
21 use pattern that was created.

22 While it is true that they are residential
23 designations, and there are opportunities for certain
24 in-fill sites such -- for ADUs and the like, it is
25 limited because of the way that the development was

1 approved initially. And so that creates a constraint.

2 And I would just also argue that creating a
3 growth geography, it's hard to assume that development
4 wouldn't be associated with that. And so the idea that
5 no units were planned for, that area seems to be a
6 little bit disconnected. Anyway, that is my thoughts in
7 addition to Debbie's comments.

8 PRESIDENT ARREGUIN: Okay. Thank you very much
9 to staff and City of San Ramon for your rebuttal. And
10 I'd now like to open the public comment portion of the
11 appeal for the City of San Ramon. If you wish to speak
12 on item 6-A, the City of San Ramon's RHNA appeal, please
13 raise your hand at this time if you're on the Zoom
14 platform, or press star 9 if you're phoning in.

15 Once again, is there any public comment on the
16 RHNA appeal from the City of San Ramon? Let's see. We
17 have one raised hand. Aaron Eckhous.

18 (Unintelligible, quiet speaking.)

19 AARON ECKHOUS: Hello. Thank you and good
20 morning. Aaron Eckhous, regional policy manager with
21 California YIMBY, Yes, In My Backyard. I support the
22 staff recommendation to deny the appeal.

23 I'll point out, San Ramon is itself a job
24 center. I'm not sure how housing there would be
25 detrimental to regional jobs-housing balance when it's a

1 city that has a comparable jobs-housing ratio to San
2 Francisco, Sunnyvale, Cupertino, and Campbell. As well
3 as the fact that, you know, being built out is a
4 political condition more so than a physical one.

5 I think staff are absolutely right that there
6 are strategies that San Ramon could pursue to add
7 housing in a variety of places within the city. So I
8 think this is a meet-able goal for them and support
9 denying the appeal. Thank you.

10 PRESIDENT ARREGUIN: I'll ask, is there any
11 other public comment on the RHNA appeal for the City of
12 San Ramon? If so, please raise your hand, or press
13 star 9 if you are phoning in. I don't see any
14 additional raised hands.

15 Mr. Castro?

16 CLERK FRED CASTRO: No raised hands. And there
17 was one public comment that was submitted from Zachary
18 Ackerman that was posted online, and an email link sent
19 to committee members.

20 PRESIDENT ARREGUIN: Okay. Thank you. So
21 unless there is any additional public testimony, I'll
22 bring it back to the committee. It is now in order for
23 the committee to discuss and take up preliminary action
24 on the appeal.

25 Mayor Eklund?

1 MAYOR PAT EKLUND: Thank you, President
2 Arreguin. I have a question for staff. On the issue
3 number three, lack of available land, I have noticed
4 that the ABAG-MTC staff response has been pretty
5 consistent in the applications saying that the applicant
6 has not provided evidence.

7 It is unable consider underutilization of
8 existing sites, increased densities, ADUs, and other
9 planning tools. Could staff go into that in a little
10 bit more depth? What is adequate evidence? And
11 especially, what are other planning tools? Because
12 frankly, I don't know of too many others. So if staff
13 could delve into that a little bit more.

14 GILLIAN ADAMS: Thank you. Yes. So what we are
15 talking about here is the information that was -- was
16 contained in ATD's comment letter where they were kind
17 of explaining this idea of jurisdictions needing to
18 provide additional information to support the idea of --
19 of required reduction in their draft allocation.

20 So the onus is on the jurisdiction to show how
21 it cannot accommodate its RHNA allocation. And I think
22 some of those, sort of, tools that we referenced there,
23 you know, it's a mix of things that jurisdictions can
24 consider when they are doing their planning.

25 Some of it is increasing densities. Some of it

1 is looking at, you know -- as the state's letters
2 indicates, looking at sort of the areas that could be --
3 sorry -- commercial areas that could be rezoned for
4 mixed use. So they could include a mix of commercial
5 and residential. It can include everything from ADUs
6 to, you know, increasing zoning. So it's a wide mix of
7 things.

8 MAYOR PAT EKLUND: You didn't really answer the
9 question of what is proper evidence? Because the
10 applicants I'm seeing are providing evidence of
11 restrictions on changing the density or whatever for
12 different plots of property. And so it's not clear to
13 me what our threshold is for providing adequate
14 evidence.

15 GILLIAN ADAMS: So I'm not quite sure how to
16 answer the question. So, I mean, I think what we are
17 looking for is, you know, if -- a case to be made with
18 detailed information that shows how a jurisdiction
19 cannot accommodate its RHNA. So I think what we are
20 hearing from San Ramon staff right now is some
21 information about some sites within the jurisdiction. I
22 think we've indicated that our plans, you know, Plan Bay
23 Area, the forecast, do not include those as areas where
24 we were anticipating future household growth. So they
25 are not a factor in determining the city's allocation.

1 So --

2 MAYOR PAT EKLUND: Great.

3 GILLIAN ADAMS: -- beyond that, it's up to the
4 city to chose the locations within jurisdiction where it
5 accommodates its RHNA. And even in the case where we
6 did forecast -- not that this is the situation, but if
7 we had forecast households on that site, that doesn't
8 mean that that is where the city has to locate those
9 housing. That is a choice for the jurisdiction to make
10 when it does its housing element.

11 MAYOR PAT EKLUND: That helps a little bit more
12 with this applicant. Thank you.

13 PRESIDENT ARREGUIN: And a lot of the factors
14 are analyzed on a regional scale. And, you know,
15 ultimately I think it's up to the jurisdiction as to
16 where they can locate. And I think HCD did say in their
17 comment letter that -- and it's noted in the statute
18 that, you know, we can't consider, you know, existing
19 zoning or land-use restrictions as a basis for -- for
20 granting an appeal.

21 But that -- I think they also have to look at
22 alternative potential scenarios and other locations
23 about where to accommodate density. And ultimately the
24 decision about where the accommodate the growth is a
25 decision of the specific jurisdiction.

1 Mayor Romero?

2 MAYOR CARLOS ROMERO: Actually, your last
3 comment was the comment I was going to make. It is
4 within our power as local elected officials to determine
5 land use on our land, with exceptions where, perhaps,
6 the federal government may trump us. But yes. Thank
7 you.

8 PRESIDENT ARREGUIN: Supervisor Rabbitt?

9 SUPERVISOR DAVID RABBITT: Yeah. Just to follow
10 up -- and I apologize -- but if -- if staff can remind
11 us, what about in cases of local -- local measures,
12 voter-approved measures, that then have restrictions in
13 terms of how they are relaxed going forward? How do we
14 deal with that?

15 GILLIAN ADAMS: So it's my understanding that --
16 and I'm sorry I don't have the statutory language right
17 in front of me -- that even a voter -- you know,
18 something that requires voter action is not something
19 where we can limit an allocation to the local
20 jurisdiction. I can --

21 PRESIDENT ARREGUIN: I have it. It's -- I can
22 read it. It's Government Code Section
23 65584.04(e)(2)(B). It says that the COG may not limit
24 its consideration of suitable housing sites to existing
25 zoning and land use restrictions. It must consider the

1 potential for increased development under alternative
2 zoning and land use restrictions.

3 SUPERVISOR DAVID RABBITT: Thank for that. I
4 appreciate it.

5 PRESIDENT ARREGUIN: Any additional questions
6 from members of the ABAG Administrative Committee for
7 the City of San Ramon or staff?

8 If not, I'll ask, is there a motion to take a
9 preliminary action on the appeal for the City of San
10 Ramon?

11 MAYOR CARLOS ROMERO: I'll move.

12 UNIDENTIFIED SPEAKER: Move that --

13 MAYOR PAT EKLUND: I'll second the motion.

14 PRESIDENT ARREGUIN: Mayor Romero, to clarify
15 that --

16 MAYOR CARLOS ROMERO: To approve staff's
17 recommendation.

18 PRESIDENT ARREGUIN: Okay.

19 MAYOR CARLOS ROMERO: To deny.

20 PRESIDENT ARREGUIN: And just to clarify for the
21 record, the motion is to take a preliminary action to
22 deny the appeal of the City of San Ramon, which was
23 staff's recommendation.

24 MAYOR CARLOS ROMERO: That's correct. That's
25 correct.

1 PRESIDENT ARREGUIN: Okay. And Mayor Eklund
2 does second that?

3 MAYOR PAT EKLUND: Yes. Yes, sir.

4 PRESIDENT ARREGUIN: Okay. So this is a
5 preliminary action. Final action will be taken at the
6 conclusion of all the hearings. I'll ask, is there any
7 additional discussion on the motion?

8 I'll just say, you know, and I said this at the
9 last RHNA appeal hearing, you know, what is driving this
10 whole process is the State's decision to allocate
11 significantly more units in the San Francisco Bay Area
12 region. This is due in part to recent changes in state
13 legislation, which has changed the way the state does
14 its population projections and its housing numbers.

15 And so, you know, we are -- we're faced with a
16 very difficult task, which is how we distribute this
17 housing need regionally. And I'll just say that, you
18 know, many cities throughout the San Francisco Bay Area,
19 including my city, are seeing a 200 percent increase in
20 the RHNA allocations.

21 We know this is a big change for many cities
22 throughout the Bay Area, and I just want to reinforce
23 that ABAG is here to work with member jurisdictions
24 providing technical assistance and resources as we are
25 doing the work to update our housing elements, and also

1 recognize that we need to provide support for the
2 infrastructure and for the housing that needs to --
3 needs to accompany the planning that is happening for
4 additional growth.

5 And so I know this is difficult, and I just want
6 to recognize how challenging it is for all of our
7 jurisdictions of the Bay Area, and I appreciate the very
8 thoughtful appeal and presentation that you gave today,
9 and really appreciate you participating in our hearing
10 today.

11 So with that, unless there's any additional
12 comments, I'll ask the clerk to please call the roll on
13 the motion.

14 CLERK FRED CASTRO: The motion was by Romero;
15 second by Ecklund.

16 Mayor Arreguin?

17 PRESIDENT ARREGUIN: Yes.

18 CLERK FRED CASTRO: Mayor Ecklund?

19 MAYOR PAT EKLUND: Aye.

20 CLERK FRED CASTRO: Mayor Fligor?

21 MAYOR NEYSA FLIGOR: Yes.

22 CLERK FRED CASTRO: Mayor Hudson? Hudson has
23 recused himself.

24 Supervisor Lee?

25 SUPERVISOR OTTO LEE: Yes.

1 CLERK FRED CASTRO: Supervisor Mandelman?

2 SUPERVISOR RAFAEL MANDELMAN: Yes.

3 CLERK FRED CASTRO: Supervisor Mitchoff?

4 SUPERVISOR KAREN MITCHOFF: Yes.

5 CLERK FRED CASTRO: Counsel Member Peralez?

6 Counsel Member Peralez is absent.

7 Supervisor Rabbitt?

8 SUPERVISOR DAVID RABBITT: Aye.

9 CLERK FRED CASTRO: Supervisor Ramos?

10 SUPERVISOR BELIA RAMOS: Yes.

11 CLERK FRED CASTRO: Mayor Romero?

12 MAYOR CARLOS ROMERO: Yes.

13 CLERK FRED CASTRO: Mayor Wilson?

14 MAYOR LORI WILSON: Aye.

15 CLERK FRED CASTRO: Motion passes unanimously of
16 all members present.

17 PRESIDENT ARREGUIN: Okay. Thank you. Thank
18 you to the team from the City of San Ramon for joining
19 us this morning, and thank you for your presentation.

20 And that completes item 6-A. We will now
21 proceed to item 6-B, the report on the Regional Housing
22 Needs Allocation appeal for the County of Contra Costa.
23 And I'd like to recognize Supervisor Mitchoff.

24 SUPERVISOR KAREN MITCHOFF: Thank you, President
25 Arreguin. I will be recusing myself from this appeal,

1 as I am a supervisor representing Unincorporated County
2 of Contra Costa on its appeal. Thank you.

3 PRESIDENT ARREGUIN: Thank you, Supervisor
4 Mitchoff.

5 Okay. So -- and, Mayor Hudson, we are -- we
6 completed the appeal on City of San Ramon, so whenever
7 you're able to join us, we welcome you back.

8 So we'll proceed to item 6-B. This is the
9 report on the RHNA appeal for the County of Contra
10 Costa. This is a preliminary action item. And ABAG-MTC
11 staff's recommendation is to partially grant the
12 county's appeal, which would directly impact the
13 allocation for the City of Pittsburg.

14 And city -- and city staff reached out -- ABAG
15 staff reached out to the City of Pittsburg to offer them
16 an opportunity to respond to this recommendation during
17 today's hearing, and they will have five minutes to
18 present their comments following a presentation from
19 ABAG-MTC staff.

20 And so we will first hear from the County of
21 Contra Costa, who will have five minutes to present on
22 their appeal. But before we begin, may I ask, who will
23 be presenting on the behalf of the appellant, County of
24 Contra Costa?

25 JOHN KOPCHIK: Good morning, Chair. John

1 Kopchik, Department of Conservation Development,
2 Director, Contra Costa County.

3 PRESIDENT ARREGUIN: Good morning.

4 JOHN KOPCHIK: Good morning. And I'm -- I'm
5 joined by a number of colleagues who I won't introduce
6 who are here to help me as well. Thanks very much for
7 your time. I understand that this is sort of thankless
8 work and very difficult, and that jurisdictions
9 throughout the Bay Area are all needing to do their fair
10 share to contribute to the high number that the State
11 handed down to the Bay Area.

12 And if we could start the county's presentation,
13 I can quickly run through our slides. And I think the
14 gist of it is that Contra Costa County's jurisdiction
15 has always been aggressive about pursuing housing
16 opportunities. And the main question is, why did we get
17 such a disproportionate share? Let's go to the next
18 slide, please.

19 So I think what really got our attention was the
20 change from October 2020 to December 2020. In
21 October 2020 our number was 5,827 units, and that is a
22 big increase from what we were before, which was -- you
23 know, our prior cycle number was 1,367 units, as you can
24 see on the slide. So that is a 4.26 times increase. So
25 I guess that is 326 percent increase right off the bat.

1 I don't think we would have recommended appeal
2 on that. It wasn't that different than other
3 jurisdictions, although still got our attention in a big
4 way. But then between October and December, almost
5 2,000 additional units were added on. So, you know, our
6 increase is 5.59 times our current RHNA number, whereas
7 the average for the Bay Area as a whole for all the
8 jurisdictions, I understand, is 2.35 times. So
9 459 percent.

10 We really -- I mean, another theme I'd like to
11 just convey is, we really don't fully understand the
12 methodology. That is partly on us. Understood. I
13 could have done a better job. But we really tried to
14 understand where that extra 2,000 units came from, and
15 sought extra consultation with ABAG, were referred to a
16 consultant, and basically got non-satisfactory answers,
17 I will have to say.

18 So we were really unable to provide any
19 comment -- meaningful comment on that change before
20 basically the die was cast by actions of ABAG in
21 January. So all of the sudden we were surprised with
22 these 2,000 extra units. We were uncertain about how
23 the HRA factor was applied. And it was -- I will just
24 say, we were quite caught off guard.

25 And the basic focus of our appeal is to put the

1 numbers back to what they were in October, which is
2 still way more than other jurisdictions are getting, but
3 something that we would frankly probably not meet, but
4 we would do our best and we would try. But it just felt
5 punitive to increase our number that much relative to
6 other jurisdictions. Next slide.

7 And so, you know, I think important context in
8 Contra Costa County is, I think, like a lot of other Bay
9 Area Counties. Most of the good, urban developable land
10 is in the cities. That is where they want it.

11 And the kind of urban land we have is brown
12 fields and industrial sites, and built-out communities.
13 So it makes it very hard, practically, to figure out
14 where you can shoehorn in more units. Let's go to the
15 next slide, please.

16 So I think that this -- this kind of emphasizes
17 the point. This is a lot of what unincorporated Contra
18 Costa County that isn't already, kind of, built, kind
19 of, communities has, big industrial. So these on the
20 map may look like sites that you could put housing
21 because there isn't a lot of housing, but it's truly not
22 a great place for housing. Next slide, please.

23 So -- and in ABAG's staff rebuttal they
24 basically have said that this -- that our mapping
25 exercise doesn't really prove a point. But I think the

1 point I want to make is that we really want to
2 understand where the units that were -- you know, how
3 the model says that there's growth capacity in Contra
4 Costa County.

5 I understand that part of the -- the model is
6 just, okay, if you have a certain number of households,
7 you need to grow proportionally, even if you're, quote,
8 built out, which I know is sort of a loaded word.

9 But there should be some factor for how much,
10 you know, opportunity there is. Otherwise, things won't
11 happen. And we've -- we went through this -- this map
12 that is in an attachment to the -- to -- that the
13 modeling were attached to the Plan Bay Area 2050.

14 And the purple areas show basically the growth
15 geographies. And we go through a series of maps to kind
16 of look at those and see whether they're --

17 CLERK FRED CASTRO: One minute.

18 JOHN KOPCHIK: -- they're real for Contra Costa.
19 Just very quickly, next slide. So annexations -- the
20 annexation in Pittsburg at the top 1500 units, its --
21 hasn't quite happened yet. But there is no way that is
22 going to happen in Contra Costa County. Next slide.

23 On the left-hand side there is a bunch of
24 Phillip 66 buffer lands. The staff report shows that
25 there is 5600 units slated for there. But that's in a

1 buffer of -- it's really not going to happen. So we
2 have really struggled to understand where -- where we
3 are going to put these units. Next slide.

4 The rest are subdivisions -- next slide -- that
5 have already been approved. So there is very little
6 purple left. So when we're trying to figure out where
7 to put these units, we would have started with the
8 purple, too, and then ended up without that. Next
9 slide.

10 So we are really committed to affordable
11 housing. These are images of some affordable housing
12 projects that we pursue. And I think the impact on a
13 jurisdiction is not just that, you know, you have to
14 write a housing element that shows a number of units.
15 We are going to try to put in a huge number of units no
16 matter what number you give us.

17 But if we don't meet our targets, then the
18 residents of Contra Costa County will lose some say
19 in -- because of SB-35 and other things -- some say in
20 some -- in which projects are discretionary. And that
21 doesn't seem fair to us.

22 So final slide, our request is just that you put
23 the number back to what -- the very high number that was
24 presented to us back in October. Thanks very much for
25 your time.

1 PRESIDENT ARREGUIN: Thank you very much. And
2 after the staff presentation, there will be an
3 opportunity for rebuttal. So thank you very much.

4 So now I'd like to ask ABAG-MTC staff to present
5 the response to Contra Costa County's appeal, and you
6 will have five minutes.

7 GILLIAN ADAMS: Thank you. Good morning. I'm
8 Gillian Adams. I'm the project manager for the RHNA
9 process. Next slide, please.

10 So the County of Contra Costa is requesting a
11 reduction of housing, 1,818 units, which represents a
12 reduction of 24 percent from its draft allocation. And
13 staff is recommending to partially grant the appeal.
14 Next slide, please.

15 In response to the county's argument that ABAG
16 failed to adequately consider information about
17 infrastructure constraints, lands protected from
18 development, and policies to preserve agricultural land,
19 the final blueprint which is the baseline allocation and
20 the RHNA methodology does not allow any significant
21 growth outside the urban limit line. As a result, none
22 of these areas contributed to the county's allocation.
23 Next slide, please.

24 The county argues that the RHNA methodology does
25 not further the objective to meet the region's

1 greenhouse gas target, which challenges the final RHNA
2 methodology that was adopted by ABAG and approved by
3 HCD, and thus falls outside the scope of the appeals
4 process.

5 HCD has the authority to determine that the RHNA
6 methodology furthers the statutory objectives, and HCD
7 found that ABAG's methodology does further these
8 objectives. Next slide, please.

9 Staff understands the concern about risks from
10 natural hazards, however, with only a small exception.
11 Housing Element Law does not identify areas at risk from
12 natural hazards as a constraint to housing.

13 In its comment letter on appeals, HCD
14 specifically noted that housing planning cannot be
15 limited to vacant land. And even communities that view
16 themselves as built or limited due to other natural
17 constraints such as fire and flood risk areas must plan
18 for housing through means such as rezoning commercial
19 areas as mixed-used areas and up-zoning non-vacant land.

20 The county does not provide evidence that it is
21 unable to consider underutilized land, opportunities for
22 in-fill development, increased residential densities,
23 and other planning tools to accommodate its RHNA. Next
24 slide, please.

25 Regarding the argument about housing development

1 on specific sites, the Plan Bay Area 2050 growth
2 forecast is adopted at the county and subcounty levels
3 only. While Plan Bay Area 2050 modeling does conduct
4 some parcel-level simulations, an issue with
5 parcel-level growth projected in the long-range plan is
6 not a valid basis for a RHNA appeal.

7 Neither Plan Bay Area nor RHNA dictates where a
8 jurisdiction sites future housing. Staff did review the
9 final blueprint, and nearly all sites identified by the
10 county were not forecasted to have households on them,
11 with two exceptions.

12 First, Bethel Island is projected to have a very
13 small number of additional households by 2050, and the
14 impact of these on the county's draft RHNA allocation is
15 deemed negligible.

16 Second, parcels along State Route 4, east of
17 Hercules within the urban limit line, are projected to
18 have more than 5,000 households in 2050 driven by
19 baseline land use data that was made available to the
20 county during the basis review period in 2019 and 2020.

21 The potential for future housing in this area as
22 envisioned in the final blueprint is possible as a
23 result of the upcoming closure of the Phillips 66 carbon
24 plant in 2023 as part of the Phillips 66 Rodeo Renewed
25 Project. Next slide, please.

1 The county cited four annexations that it argues
2 should reduce its growth forecast and RHNA. Two of
3 these were not incorporated into the final blueprint,
4 but no households were forecasted in these areas, so
5 they have no impact on either jurisdiction's RHNA
6 allocation. One annexation by Pittsburg is still in
7 progress, so the area was correctly included as part of
8 the county in the final blueprint.

9 However, Pittsburg annexation LAFCO 17-08 was
10 incorrectly included in as part of the county in the
11 final blueprint. The final blueprint forecasted 412
12 households in this area, and removing these reduces the
13 county's total RHNA by 35 units. Next slide, please.

14 The county's argument of the access to
15 high-opportunity areas factor is inaccurate. This
16 factor is based on the percentage of households on high
17 or highest resource census tracts on the state's
18 opportunity map. The county score of 36 percent of
19 households in these areas --

20 CLERK FRED CASTRO: One minute.

21 GILLIAN ADAMS: -- is relatively low compared to
22 the other jurisdictions. So this factor reduces the
23 county's allocation. Next slide, please.

24 ABAG-MTC staff recommends that the committee
25 partially grant the appeal filed by the County of Contra

1 Costa. I'll note there was a typo on this slide in the
2 packet that was originally distributed. We are
3 recommending a total reduction of 35 units.

4 Specifically, we are recommending that 35 units
5 be transferred to the City of Pittsburg in the income
6 categories shown here to account for the impact of the
7 annexation that was not correctly accounted for in the
8 final blueprint.

9 Thank you. That concludes my presentation.

10 PRESIDENT ARREGUIN: Thank you very much.

11 So now I'd like to ask the City of Pittsburg,
12 which is a jurisdiction that would be affected by the
13 staff recommendation, if they would like to speak.
14 They'll have five minutes. And I understand we are
15 joined today by the city manager of the City of the
16 Pittsburg.

17 GARRETT EVANS: Yes. Yes, Chair. How are you?

18 PRESIDENT ARREGUIN: Great. Good morning.

19 GARRETT EVANS: Good morning. Thank you very
20 much for allowing me the chance to speak, and thank you,
21 Chair and members of the ABAG committee, and staff for
22 excellent communication with the City of Pittsburg.

23 The City of Pittsburg, for a little context
24 here, have the highest rate of Contra Costa
25 jurisdictions in meeting housing production goals with a

1 B-plus in this past year, and the only city to receive
2 an A rating in the prior year.

3 Pittsburg currently has 235 units of
4 lower-income under construction, recently issued an RFP
5 for mixed-income development on land adjacent to the
6 Pittsburg center BART station, and have a hundred duplex
7 units being developed near the Pittsburg/Bay Point BART
8 station.

9 Pittsburg has been doing its part to provide the
10 housing shortage facing the region. In fact, we are
11 supportive of the recommendation by ABAG-MTC staff
12 regarding the RHNA appeal filed by Contra Costa County
13 in transferring 35 units to Pittsburg.

14 I'd like to take a final moment to encourage
15 ABAG through this process to work with cities such as
16 Pittsburg to bring more jobs to our area, balance
17 development meeting the needs of housing,
18 transportation, transit, and jobs together, otherwise we
19 will exacerbate challenges rather than solving them.

20 Again, thank you for your time.

21 PRESIDENT ARREGUIN: Thank you very much for
22 joining us this morning.

23 And, Mayor Hudson, if it's okay, hold your
24 question until after the public comment. But I'll
25 get -- definitely get to you first. So now --

1 MATT LAVRINETS: Excuse me. We do need to have
2 a rebuttal, I believe, from --

3 PRESIDENT ARREGUIN: Oh, yes. Thank you.

4 MATT LAVRINETS: -- the county.

5 PRESIDENT ARREGUIN: My apologies. This is not
6 usually how we've conduct the appeals as usual. It's
7 been the appellant, and then staff, and then the
8 rebuttal. So thank you, counsel, for reminding me.

9 I'd like to turn the floor over to the County of
10 Contra Costa to give an opportunity to provide a
11 rebuttal to staff's presentation.

12 CLERK FRED CASTRO: President Arreguin, this is
13 Fred, clerk and board. Time limit for the rebuttal?

14 PRESIDENT ARREGUIN: It's three minutes.

15 CLERK FRED CASTRO: Thank you.

16 JOHN KOPCHIK: Thank you, Chair. And appreciate
17 the comments from ABAG staff and also from my colleague
18 at the City of Pittsburg.

19 So I think one of the messages we want to say
20 is, where -- where are the units forecast? It wasn't --
21 for Contra Costa County? It wasn't until we saw the
22 staff packet that we realized that there was an idea
23 that there could be 5,600 units downwind of the Phillips
24 66 refinery.

25 Which is -- you know, and I know that the

1 argument be that, Well, you don't have to put the units
2 there. You can put them where you want. But where are
3 we supposed to put them? I mean, I do think that there
4 should be some ground truthing to these units.

5 And building on Garrett's point, Contra Costa
6 County in various ABAG forecasts over the years has been
7 the only county in the Bay Area that has a negative, in
8 our view -- that means more housing than jobs -- and
9 is -- it's protected -- projected to stay that way.

10 And the metric that the ABAG slide refers to is
11 RHNA per capita so that, you know, basically the plan as
12 the whole is supposed to doing a good job about VMT
13 because it's looking at RHNA per capita.

14 But at the same time, it's just going to
15 exacerbate the pattern of people living out in the
16 suburbs and commuting into the job centers. And we
17 really need to focus on jobs such as -- such as the city
18 manager mentioned.

19 The -- four of the worst commutes in the San
20 Francisco Bay Area are from cities in Contra Costa
21 County. One of those cities is the City of Hercules,
22 which is next door to where those 5,600 units downwind
23 of the Phillips 66 refinery are supposed to go.

24 So I just -- just there -- would be nice to have
25 a greater understanding of this. And at the very least,

1 could we have the data for which specific parcels are
2 modeled to go where? It would really help us understand
3 your thoughts on where we can accommodate this housing,
4 and it would also help us convince HCD that we are not
5 crazy if we suggest that we put units on those places.
6 So we would really request that data.

7 Final, kind of, gripe, you could -- I mean, I
8 think these things are often venting sessions, right?
9 So we appreciate you -- you suffering through my
10 venting.

11 But the HRA concept, the challenge with that for
12 a county is that we have pockets of HRA's, but they
13 are -- you know, and Alamo is one of those; Diablo is
14 another one of those. It is really hard to find a way
15 to put a lot of units in Alamo. We will do our very
16 best to put units there.

17 But to tear down multimillion dollar homes to
18 put up more housing is just -- market-wise is not going
19 to happen. So that influences the score. And so a
20 broad jurisdiction like Contra Costa County gets its
21 score based on its -- a portion of its HRAs, but where
22 are we going to put those units? There is no
23 requirement that we put them back in the HRA's, although
24 that would be logical.

25 So anyway, I think if you can tell, the basic

1 point we want to make is just that the disproportionate
2 increase on Contra Costa County, we think, is unfair to
3 the residents because it's going to take away some of
4 our local control. Thanks very much for listening to
5 us.

6 PRESIDENT ARREGUIN: Thank you very much.

7 So now we will go to the public comment portion
8 of the appeal from the County of Contra Costa. I'd like
9 to ask, are there any members that wish to testify on
10 the RHNA appeal for the County of Contra Costa. If so,
11 please raise your hand at this time, or press star 9 if
12 you are phoning into our meeting.

13 Once again, I will ask for public comment on the
14 RHNA appeal for the County of Contra Costa. If you wish
15 to testify, please raise your hand or press star 9. I
16 don't see any raised hands.

17 Mr. Castro?

18 CLERK FRED CASTRO: No raised hands. And no
19 written comments were received for this item.

20 PRESIDENT ARREGUIN: Okay. Thank you. Well, I
21 want to thank the County of Contra Costa for its
22 presentation. And thank you to the city manger from the
23 City of Pittsburg for joining us this morning. It's now
24 in order for the committee to discuss the appeal and to
25 take preliminary action.

1 And I just want to clarify that any action taken
2 today is preliminary, as we will take final action, all
3 of the appeals, at the close of the public hearing at
4 the conclusion of this process.

5 So I'd like to ask, are there any members of the
6 ABAG Administrative Committee that have any questions?
7 Mayor Hudson, yes.

8 MAYOR DAVE HUDSON: Yes. I -- I want to stop.
9 For some reason, Gillian, when I went to pull this --
10 the response to the appeal up from ABAG, it wasn't there
11 yesterday. Was this something that changed in
12 discussions so it -- in other words, was there an
13 original response, deny the appeal, instead of what I --
14 because I still don't have it in front of me at this --
15 to a proportional part?

16 And then, are we really doing this over 35
17 units? I think it's more than that, isn't it? I don't
18 have it in front of me, is the problem I have. And then
19 I have a second point after that.

20 GILLIAN ADAMS: So to your first question, I
21 don't -- I was able to download the materials from the
22 website, so I'm not quite sure why that didn't appear
23 for you.

24 MAYOR DAVE HUDSON: It's the same reason why I
25 was blaming Jesse when it was me. But...

1 GILLIAN ADAMS: Okay. So we did not change our
2 recommendation. We had a typo on the final slide that
3 said -- that should've said 35 units. So that was
4 always our recommendation, and that is what our written
5 memo said. So yes. And yes, the question is about
6 35 units.

7 So the way that worked was, the area in question
8 had 412 households forecast for it in terms of total
9 households in 2050. And once -- when we changed -- that
10 is, as you recall, the baseline allocation for the RHNA
11 methodology.

12 So once we changed the county's baseline based
13 on that, the impact after we sort of run the factors and
14 the RHNA methodology is a total of 35 units. That is
15 how that turned.

16 MAYOR DAVE HUDSON: And if I can, I'll just
17 throw in my comments. John, that was a great
18 presentation. And you're right. This is a great place
19 to do gripes. And it is totally unfair, and that is
20 exactly what every single city has told us up to this
21 point.

22 And I really -- if this is only 35 units in
23 particular, my first thing is just, okay, do it, and let
24 it go. But the reality is, you are right. They should
25 be in the cities. But there are 19 unincorporated

1 cities to match the incorporated cities in Contra Costa.

2 So you're going to be hard making that argument.

3 My problem here is, it's the same story that all
4 of this is. Well, where are we going to put them?

5 Nobody knows at this point. And I don't want to go out
6 of what we have been sticking to, which is this accepted
7 HCD -- well, the HCD acceptance unless it is on a math
8 error. And that is not exactly what I'm hearing.

9 So if -- when the other people ask their
10 question, if we are saying there was a math error in
11 particular, then I guess I could lean that way. But for
12 35 units I'm not inclined to go off of what we are going
13 to be facing over the next 18, 19, whatever it is,
14 districts that are going to be coming before us.

15 So it would be very interesting what our next
16 two questions are.

17 PRESIDENT ARREGUIN: Thank you.

18 Mayor Eklund?

19 MAYOR PAT EKLUND: Thank you very much,
20 President Arreguin. I am curious to hear staff's
21 response about why Contra Costa County was not able to
22 get the data on where the proposed housing units could
23 be placed in Contra Costa County. That's one of several
24 questions. But can I get an answer to that first,
25 please?

1 DAVE VAUTIN: I'm happy to take that question.
2 Dave Vautin, assistant director of major plans. So we
3 met with the county several times over the course of the
4 planning process, including at the conclusion of the
5 final blueprint to walk them through maps and other data
6 associated with the final land use pattern that was
7 ultimately adopted.

8 You know, like most jurisdictions in the region,
9 growth is occurring on a wide typology of parcels. The
10 county has growth geographies including priority
11 development areas. There is also, as was discussed
12 earlier, areas within the county's voter-approved urban
13 limit line that are eligible for future residential
14 growth.

15 And although we looked at some of the parcels
16 that they named, and many of those sites did not have
17 residential growth, there are locations within the
18 county, locations that may be annexed in the future by a
19 jurisdiction, and that RHNA may be transferred as part
20 of that annexation in the future, but there are
21 locations that are possible for those sorts of
22 developments.

23 And then furthermore, as was also discussed, you
24 know, locations like Alamo where there may be large
25 homes, there is a potential for things like accessory

1 dwelling units across the county. So it's really a wide
2 range of types of sites in a jurisdiction this large.

3 MAYOR PAT EKLUND: That really didn't answer my
4 question. Contra Costa County said that they were not
5 given opportunity to avail -- they weren't -- they
6 weren't allowed to get the data. They weren't allowed
7 to see the data.

8 So help me to understand why they are saying
9 that if he said that you met with them, but -- you know,
10 obviously planners need to see the data and assumptions
11 that the regional agencies are making these decisions
12 on. So help me to understand why -- why they said that
13 they did not get access to the data.

14 DAVE VAUTIN: Well, what I would say is we -- we
15 fundamentally disagree with -- with that assertion. Not
16 only did we meet with them specifically, but they had a
17 number of opportunities to look at the data starting
18 with the basis process in 2018 and -- sorry, 2019 and
19 2020.

20 Every jurisdiction in the region was allowed an
21 opportunity to look at the baseline data going into Plan
22 Bay Area 2050. In fact, as we discussed in our
23 presentation, one of the locations for growth along
24 Highway 4, that was a location driven purely by the
25 baseline data in the plan.

1 So they had an opportunity to review that at the
2 time. And many jurisdictions didn't take as close a
3 look at the draft blueprint when it was released in the
4 summer of 2020, and, you know, came back to us in the --
5 you know, in winter 2020 after new strategies have been
6 adopted by the ABAG board and the commission, as well as
7 updated data had been integrated in the growth pattern.

8 So I would argue there were really three
9 opportunities for the county to review: the basis
10 window, the draft blueprint, and the final blueprint.
11 And, you know, again, we did meet with them and share
12 maps during that process.

13 MAYOR PAT EKLUND: Okay. My next question is,
14 the comment was made that there was an assumption that
15 multimillion-dollar homes would be torn down to develop
16 more housing. Help me to understand that.

17 And you mentioned a little bit about
18 multi-family -- multimillion homes [sic] could do
19 something. But can you help me to understand why Contra
20 Costa County made that comment?

21 DAVE VAUTIN: Well, I'm not sure I can, you
22 know, analyze their wording or phrasing there. But, I
23 mean, I can certainly acknowledge that when we do our
24 lands-use modeling, there are locations in the region
25 that are not growth geographies. And they also have a

1 role to play. So in Plan Bay Area 2050, four out of
2 five new homes are in growth geographies. But one out
3 of five new homes isn't.

4 And the typology of growth outside growth
5 geographies is much more keeping in the character of
6 those communities with very targeted in-fill. Things
7 like accessory dwelling units, which there has been
8 state legislation that has, you know, smoothed the path
9 for those sorts of units, we do forecast accessory
10 dwelling units on some parcels throughout the region,
11 really looking at the land availability.

12 You know, obviously a large parcel size single
13 family home may have land availability for an accessory
14 dwelling unit is not to say that every parcel changes in
15 that way. But some percentage of them would over a
16 30-year horizon.

17 MAYOR PAT EKLUND: So, President Arreguin, is it
18 possible for Contra Costa County to respond to my
19 question about why they made that comment?

20 PRESIDENT ARREGUIN: Yes. I can take that as a
21 question to Contra Costa County staff.

22 MAYOR PAT EKLUND: Yes. Thank you.

23 JOHN KOPCHIK: And, Director Eklund, do you --
24 the question you have is about the multimillion-dollar
25 homes comment that I made?

1 MAYOR PAT EKLUND: Yeah.

2 JOHN KOPCHIK: Yeah. I think I was trying to
3 comment on the -- the methodology about the
4 high-resource areas that that -- that quantity of
5 high-resource areas affects the allocations, with the
6 logical thought that it makes sense to try and have more
7 units -- more houses -- more households go where you
8 have high resources so that there's good schools, et
9 cetera.

10 The challenge with that in the county is that we
11 are very disparate. And we have small pockets of those,
12 and larger areas that aren't that. And so if that's a
13 factor, then -- but there's no controls on where we put
14 it, and, in fact, the problem with a community like
15 Alamo are pockets of high-resource area are small.

16 And there really aren't -- I mean, there's -- we
17 could try and do retail mixed use on the one shopping
18 center. And we could -- there's a couple of small
19 vacant lots, about an acre along some thoroughfares that
20 present some opportunities.

21 But this is a drop in the bucket. And if you
22 really wanted to have a lot of new population in Alamo,
23 for instance -- I hope no one from Alamo is listening --
24 you would need to level some neighborhoods. And that is
25 just not realistic.

1 MAYOR PAT EKLUND: Thank you.

2 PRESIDENT ARREGUIN: Okay. Thank you very much.

3 Supervisor Mandelman?

4 SUPERVISOR RAFAEL MANDELMAN: Thank you, Chair

5 Arreguin. I'm actually in some sympathy with this --

6 this appeal. It is consistent with the experience of

7 San Francisco around the, sort of, sudden appearance of

8 a whole lot of units in December.

9 And I think -- although San Francisco did not

10 appeal, and I think it was correct that San Francisco

11 did not appeal, I think it's a lot. You know, we are

12 asking a lot of unincorporated Contra Costa in this

13 regard.

14 And I think if they did not in fact have the

15 opportunity to weigh in in a meaningful way after this

16 significant increase in the number of units being

17 assigned to them in December, that is a problem.

18 PRESIDENT ARREGUIN: Okay. Thank you.

19 Mayor Fligor?

20 MAYOR NEYSA FLIGOR: Thank you, Chair. And my

21 question is for staff, and it has to do with the 35

22 units. And it's a follow-up to Mayor Hudson's question.

23 So I understand that the recommendation in part

24 is to grant the appeal and reduce their allocation by 35

25 units due to the error in the 2050 baseline calculation.

1 But I'm curious if part of the process for staff
2 in recognizing there was an error in the baseline is to
3 go back to determine whether or not there are other
4 parcels or portions or areas in unincorporated Contra
5 Costa County that those 35 units, for example, could be
6 built.

7 Or is it an automatic, there was an error, and
8 so we need to decrease the number of units allocated to
9 Contra Costa County. Because I'm trying to reconcile,
10 you know, the direction that it's really up to the
11 jurisdiction where they build these housing units. So
12 even though in the 2050 Plan Bay Area baseline there's
13 certain areas identified, separately it's really up to a
14 jurisdiction to determine where they're going to build
15 these units.

16 And so could staff explain that process in
17 identifying the error and then automatically jumping to
18 reducing by 35 units as opposed to maybe seeing whether
19 or not there are other areas in unincorporated Contra
20 Costa County that those 35 units could be built.

21 DAVE VAUTIN: That's an excellent question. You
22 know, I think -- you know, through our process -- it was
23 really kind of two strands of the response here. And
24 certainly there are other parcels in the county that
25 were not built on.

1 I mean, we specifically discussed a whole slew
2 of them. The county was questioning certain sites, and
3 there are zero households on them. There are other
4 locations in the -- within the county borders where
5 growth could be accommodated, or accommodated on the
6 same parcels of existing earth but at a higher density.

7 However, you know, we also need to consider the
8 Bay Area 2050 process. If we start -- you know,
9 changing the land use pattern for Plan Bay Area 2050
10 while it's in the middle of an environmental process,
11 that would be very problematic.

12 And so our inclination and what's reflected in
13 the staff recommendation is to say that land use pattern
14 is in an environmental process. We are not going to try
15 to move around those units or put them on a different
16 parcel, but instead just say, let's just reflect the
17 corrected boundary based on where the growth was
18 forecasted.

19 You know, obviously this is the RHNA appeals
20 process so, you know, it's important that we kind of
21 keep both of these -- these strands in mind. But
22 that -- that's what led to our -- our recommendation
23 here in the RHNA context, was that this growth pattern
24 is going through a CEQA process, so we are not proposing
25 to tinker with that or -- but really just reflect the

1 boundary correction.

2 MAYOR NEYSA FLIGOR: Thank you, Dave.

3 PRESIDENT ARREGUIN: Okay. Thank you.

4 Supervisor Rabbitt?

5 SUPERVISOR DAVID RABBITT: Thank you very much.

6 I'm very sympathetic to a sharp increase in housing in
7 unincorporated counties. I think we all agree. You
8 know, city-centered growth is the ideal and I believe
9 better fulfills our climate and transit goals.

10 Our own county -- I think the -- quite frankly,
11 I think through the methodology that we went through, it
12 skewed a little bit, and we ended up with, quite
13 frankly, a larger number of housing units in the
14 unincorporated areas of counties than we might have
15 otherwise anticipated.

16 With that said, I know one of the issues -- and
17 I heard Dave Hudson say that there are 19
18 unincorporated, quote/unquote, cities. I know in my own
19 county we have few unincorporated areas that have
20 services: water, sewer, things that you really need to
21 have this number of units.

22 Is that the case in Contra Costa County? And
23 maybe this is to staff. Have we taken that into account
24 when we try to locate those housing units?

25 PRESIDENT ARREGUIN: That question to ABAG-MTC

1 staff, Supervisor, right?

2 SUPERVISOR DAVID RABBITT: Yeah.

3 PRESIDENT ARREGUIN: Okay.

4 DAVE VAUTIN: Well, I can provide a brief
5 response to this. You know, I would say that there are
6 areas within Contra Costa County that are more urban in
7 character. So, for example, one of the county's growth
8 geographies is near the Pittsburg Bay Point BART
9 station.

10 It is quite a bit different than maybe some of
11 the unincorporated areas in Sanoma County that are far
12 from freeways and other sorts of infrastructure. But I
13 also want to recognize that the county may have a
14 perspective on this as well about some of the unique
15 characteristics of their various unincorporated areas.

16 PRESIDENT ARREGUIN: Okay. Does Contra Costa
17 County want to also answer that question?

18 JOHN KOPCHIK: Yes. Thank you for the
19 opportunity.

20 While there are a few limited ones, like we have
21 two BART stations in the unincorporated area, one is
22 Contra Costa Center, a teeny pocket between Walnut Creek
23 and Pleasant Hill, and the -- my cover slide showed a
24 283-unit development that is being built as we speak
25 there -- that is the last unbuilt parcel that isn't

1 supposed to have an office tower on it. There is one
2 other. So basically really not a lot more opportunities
3 there.

4 And Bay Point, the county has one site next to
5 that. Because mostly the Pittsburg Bay Point BART
6 station is surrounded by City of Pittsburg. We have
7 done a good job of developing around that area.

8 We have one site that is a former redevelopment
9 area site where we're -- would like to put some housing
10 units on it. But that is going to be a couple hundred.

11 And then most of the rest of the unincorporated
12 communities are places like Bethel Island, which is an
13 island in the Delta that is mostly below sea level, or
14 Byron which is a former, kind of, stop on a train line.

15 I mean, these are very rural, not a lot of
16 services. We don't have a lot of good growth
17 geographies. We have some. We are willing to do our
18 part. But the 7,700 units in eight years is really
19 far-fetched.

20 PRESIDENT ARREGUIN: Okay. Thank you. If I
21 may, I have a question before I go back to Mayor Eklund.

22 So my understanding is that there is a process
23 that is authorized under state law, and I'd like to ask
24 staff to address this, whereby after the RHNA plan is
25 approved, a county can negotiate essentially with --

1 with an incorporated jurisdiction to work out an
2 agreement to transfer units to that jurisdiction.

3 And so I'm wondering if staff can just address
4 that, because that is also another potential strategy
5 that counties can employ in order to basically shift
6 some of the -- some of the impact of the -- of the
7 numbers to more urbanized areas. So who on the ABAG-MTC
8 staff can address that?

9 DAVE VAUTIN: I'm happy to address that
10 question, President Arreguin. Really there's actually
11 two -- two paths available to unincorporated counties.
12 So first of all, when an annexation occurs, that is an
13 opportunity for a RHNA transfer from the county to the
14 city in question.

15 So for future annexations, including some of the
16 things we discussed today where the annexation hasn't
17 happened yet but it may happen in the future, that can
18 trigger a RHNA transfer opportunity.

19 And then the second thing that you just alluded
20 to is, there is also the opportunity for voluntary
21 agreements to transfers from counties to one or more
22 cities. And that -- so that is another pathway,
23 especially in the case where maybe an annexation doesn't
24 occur, for counties and cities to work together to
25 encourage more city-focused growth.

1 PRESIDENT ARREGUIN: Thank you. Well, I will
2 acknowledge that cities also have to plan for greater
3 numbers, so that may be challenging to negotiate. But
4 needless to say, and I do I want to just put on the
5 record that there is an option that is enabled under
6 state law to work out a voluntary agreement to transfer
7 units after the final RHNA plan is approved.

8 Mayor Eklund?

9 MAYOR PAT EKLUND: Thank you, President
10 Arreguin. I'm sorry. Two more questions. First of
11 all, on that RHNA transfer, is there an opportunity for
12 cities to also work with other cities to do those
13 voluntary transfers?

14 DAVE VAUTIN: No. So the provisions in law are
15 specific to unincorporated counties, basically trying to
16 encourage transfers away from unincorporated counties.

17 MAYOR PAT EKLUND: Got it. And then the other
18 question was, is that -- the county representative
19 indicated that there was a huge transfer -- I mean a
20 huge increase in numbers. Was that increase in numbers
21 based on the 11th hour change in the RHNA methodology
22 that -- that ABAG made? Is that -- is that what caused
23 the 2,000 increase in the housing?

24 DAVE VAUTIN: That is a great question. So as
25 we -- as we mentioned when the final blueprint growth

1 pattern analysis completed in December 2020, and then
2 up- -- we updated the RHNA methodology with the final
3 blueprint, there were really two things that drove
4 changes to the plan's growth pattern over the course of
5 the fall.

6 The first was strategy changes that were adapted
7 by the ABAG board and commission in September 2020
8 directing us to make specific changes to strategies that
9 then drove a different growth pattern. That's what
10 caused things like San Francisco's growth to go up
11 between the draft and the final blueprint.

12 Contra Costa County is different. The change
13 here was really not driven by a change in strategies,
14 but by a correction in the baseline data. So what we
15 found is in the draft blueprint, it was a draft. And
16 one of the things we found in that was that the growth
17 in Contra Costa had been constrained to the city limits.

18 So the voter-approved urban growth boundary had
19 been kind of shrunk down, and prohibited growth in
20 portions of the unincorporated county, which is
21 inconsistent with the voter action. So we corrected
22 that.

23 And that did lead to Contra Costa's growth
24 projections going up by a bit, because areas that were
25 supposed to be in play, under consideration as some

1 potential sites were basically excluded in the draft.

2 So -- I mean, certainly we understand why the
3 county was happier with that lower projection, but it
4 was a data error that we felt we needed to address to
5 really match up with the basis data the county had an
6 opportunity to review.

7 MAYOR PAT EKLUND: Okay. Great. Thank you very
8 much. That explains the huge increase. Appreciate
9 that. Thank you.

10 PRESIDENT ARREGUIN: Mayor Hudson?

11 MAYOR DAVE HUDSON: Yeah. With all due respect,
12 Dave, your answer is yes, Pat. When we went from
13 Baseline to option 8 and 52,000 homes dropped out of
14 Santa Clara, they were going to go somewhere. And that
15 is the reality.

16 But I want to get back to the reality here on
17 Contra Costa. Everything Contra Costa is saying is
18 absolutely right if you don't agree with the methodology
19 or the changes or the increases. They had to go
20 somewhere.

21 My city jumped 2,000. Walnut Creek is actually,
22 I believe, higher than Contra Costa County. They are in
23 the 7700 range, and they are built out. I'm -- I'm just
24 focusing on the request at this moment of 35 units from
25 the county to Pittsburg, and I'm thinking, what did we

1 tell Clayton when I asked the question about, well, the
2 intraregion disbursement? Is this like, Clayton is next
3 to Concord? Or is it for the whole region? And the
4 answer is, it's the whole Bay Area.

5 So a lot of this conversation for 35 units isn't
6 really about the 35 units. It's about, are we going to
7 change this direction that we are taking to make an
8 adjustment at this point? This is a hard thing to do
9 when you've got the Concord Naval Weapons Station right
10 next to what we are discussing right here, which is,
11 what -- is it 11,000, or is it up to 13,000 right now?

12 In all honesty, I could go either way. But I --
13 I knew that when you brought this up David Rabbitt was
14 going to speak about the county. And I'm saying if we
15 get to those guys on the appeal, we are going to have to
16 be consistent. And I don't want to get in that argument
17 with Rabbitt because I don't win these arguments.

18 So, I mean, at this point I just -- I get where
19 the 35 units are here or there. I just don't think it
20 is worth accepting the appeal with all these other
21 appeals that are coming up and they are going to take
22 this same tack. And I just -- for 35 units, how did we
23 get into this, I guess, is the real question.

24 PRESIDENT ARREGUIN: Thank you. Yeah. I think
25 the 35-unit correction is really correcting a technical

1 error in how -- you know, how things were calculated
2 taking into account an annexation that was to occur. So
3 it's really just a technical correction. And on other
4 bases, staff is not recommending that the administrative
5 committee grant the county's appeal.

6 So I'll ask, are there any other questions for
7 members of the administrative committee? Or is there a
8 motion to take a preliminary action?

9 MAYOR PAT EKLUND: I'll move to make a
10 preliminary action to approve staff's recommendation.

11 PRESIDENT ARREGUIN: Which -- which is the
12 partial granting --

13 MAYOR PAT EKLUND: Partial granting of moving 35
14 units to the City of Pittsburg. And thanks to the city
15 manager of Pittsburg for agreeing to that correction.

16 PRESIDENT ARREGUIN: I'll second the motion for
17 purposes of discussion.

18 I will ask, are there any other questions or
19 comments from members of the administrative committee on
20 the motion? If not, I'll ask the clerk to please call
21 the roll on the motion.

22 CLERK FRED CASTRO: The motion was by Eklund;
23 second by Arreguin.

24 Mayor Arreguin?

25 PRESIDENT ARREGUIN: Yes.

1 CLERK FRED CASTRO: Mayor Eklund?
2 MAYOR PAT EKLUND: Aye.
3 CLERK FRED CASTRO: Mayor Fligor.
4 MAYOR NEYSA FLIGOR: Yes.
5 CLERK FRED CASTRO: Mayor Hudson? Mayor Hudson
6 is absent.
7 Supervisor Lee?
8 SUPERVISOR OTTO LEE: Yes.
9 CLERK FRED CASTRO: Supervisor Mandelman?
10 SUPERVISOR RAFAEL MANDELMAN: No.
11 CLERK FRED CASTRO: Supervisor Mitchoff has
12 recused herself.
13 House Member Peralez is absent.
14 Supervisor Rabbitt?
15 SUPERVISOR DAVID RABBITT: No.
16 CLERK FRED CASTRO: Supervisor Ramos?
17 SUPERVISOR BELIA RAMOS: Yes.
18 CLERK FRED CASTRO: Mayor Romero?
19 MAYOR CARLOS ROMERO: Yes.
20 CLERK FRED CASTRO: Mayor Wilson? Mayor Wilson
21 is absent.
22 There were six ayes, two noes, and four -- four
23 absences. Motion passes.
24 PRESIDENT ARREGUIN: Okay. Thank you. Thank
25 you to Contra Costa staff. Thank you for your

1 thoughtful presentation. We appreciate you
2 participating in this hearing today.

3 This is a preliminary action. So, once again,
4 the final action will be taken at the conclusion of the
5 public hearing, and ample notes will be provided at the
6 date and time of that meeting. So thank you very much.

7 JOHN KOPCHIK: Thank you.

8 PRESIDENT ARREGUIN: So we can welcome back
9 Supervisor Mitchoff, and we can proceed to the next
10 item, which is item 6-C, the report on the Regional
11 Housing Needs Allocation appeal for the City of
12 Belvedere.

13 And item 6-C -- this is a preliminary action
14 item. And as I summarized at the beginning of -- of
15 this hearing, our procedure is that we will hear from
16 the appellate jurisdiction. Then we will hear from
17 ABAG-MTC staff. Then there will be an opportunity for
18 rebuttal from the appellate jurisdiction. Then we will
19 have public comment, and then the committee will
20 deliberate.

21 So we will first hear from the City of Belvedere
22 who will have five minutes to present their appeal. And
23 before we begin, may I ask who will be presenting on
24 behalf of the City of Belvedere?

25 CRAIG MIDDLETON: I will be. I'm the city

1 manager of Belvedere. And our housing consultant
2 Christina O'Rourke, will present today, too.

3 PRESIDENT ARREGUIN: Okay. Thank you very much.

4 CRAIG MIDDLETON: Our planning and building
5 director is also with us today.

6 PRESIDENT ARREGUIN: And we have pulled up the
7 presentation, so you may proceed at any time.

8 CRAIG MIDDLETON: Thank you. Good morning,
9 members of the committee and staff. I'm Craig Middleton
10 as I just said, city manager of the City of Belvedere,
11 located in Marin County. Also in attendance today are
12 Irene Borba, planning and building director, and
13 Christine O'Rourke, our housing consultant. We
14 appreciate your time today and thank you for considering
15 our appeal.

16 Belvedere is a very small jurisdiction. We're
17 an island city with severe constraints as to new
18 construction. We're surrounded on three sides by water,
19 so there's almost no vacant land, and there is
20 insufficient demand for second units.

21 While the city understands the need for housing,
22 and we're certainly willing to do what we can to
23 supply -- or increase the supply in our town, it will be
24 very difficult to identify sites for new housing in the
25 quantities that have been proposed; a ten-fold increase

1 over our current RHNA allocation.

2 As Ms. O'Rourke will discuss, and as presented
3 in our written appeal, the city does not necessarily
4 have an issue with the methodology used for the housing
5 allocation process. We do, however, have concerns about
6 how it was applied to our jurisdiction.

7 Belvedere is willing to do its share. We
8 believe that rather than 160 units, the number should be
9 set at 130 units, which would be over eight times the
10 current allocation.

11 I'd now like to ask Christine O'Rourke to
12 present the city's arguments.

13 CHRISTINE O'ROURKE: Good morning, everyone. I
14 am Christine O'Rourke. I'm the city's consultant who
15 prepared the appeal documents.

16 I'd like to first thank ABAG staff for
17 responding to our -- the points that we made in our
18 appeal. I think the staff report cleared up some issues
19 like how the RHNA allocation was scaled to determine the
20 final numbers, but did not entirely address some other
21 issues, which is what I will focus on here this morning.
22 May I have the next slide, please?

23 Belvedere is a small city consisting of two
24 islands and a lagoon. The islands have very steep
25 slopes and narrow roadways. And the flat areas around

1 the lagoon, which make up about half of the land area,
2 are comprised of bay mud and fill, and are highly
3 vulnerable to flooding, sea level rise, and
4 liquefaction. Virtually all of the land is developed.

5 Only 16 parcels are vacant as shown here, and of
6 these, only eight are over half an acre, what HCD deems
7 as suitable for lower-income multifamily development.
8 And all of these are on steep slopes, and really are not
9 feasible for high-density housing. Next slide, please.

10 The city's request identifies several grounds
11 for appeal. This first is that the RHNA allocation
12 methodology fails to consider environmental constraints
13 and actual vacant and suitable land available for
14 development and redevelopment in Belvedere.

15 The second is that the methodology fails to
16 consider water service capacity. As we documented in
17 our appeal, and as staff does not dispute, the RHNA
18 assigned to the Marin Municipal Water District service
19 area exceeds the population planned for in the 2020
20 urban water management plan by 32 percent. There is no
21 way of knowing at this point if there is enough water to
22 service the RHNA housing growth.

23 Our next point is that the methodology
24 over-allocates units to Belvedere because it is in a
25 so-called transit-rich area without taking into

1 consideration the fact that the privately-owned ferry
2 dock is not a ferry terminal, and that the Golden Gate
3 Ferry provides very limited commuter service of only two
4 trips to San Francisco and back each day.

5 Our last point is really the crux of our
6 argument, that the allocation methodology was unfairly
7 applied to Belvedere and does not follow the methodology
8 described in the draft RHNA plan. Next slide.

9 To understand why, we need to look at the three
10 comments of the methodology. The first is the baseline
11 allocation, which is based on, and here I quote from the
12 draft RHNA plan, "Each jurisdiction's share of the
13 region's total households in 2050 from the Plan Bay Area
14 2050 blueprint." The draft RHNA plan identifies this as
15 0.0 percent for Belvedere. The baseline allocation is
16 modified by these --

17 CLERK FRED CASTRO: One minute.

18 CHRISTINE O'ROURKE: -- three factors and then
19 subjected to an equity adjustment as applicable. The
20 city takes issue with the baseline allocation, not the
21 other factors.

22 The draft -- so the draft RHNA plan rounded the
23 numbers in the baseline allocation, something it really
24 shouldn't have done in the interest of transparency,
25 which forced us to do a bit of math as detailed in our

1 appeal.

2 Working the equation backwards, we determined
3 that the baseline allocation must be 0.34 percent. That
4 means Belvedere would have 1,373 households in 2050.
5 That is a 48 percent increase over the 2005 level. Next
6 slide.

7 So the problem, and one that ABAG does not --
8 staff does not refute is that there is no growth rates
9 assigned to the individual jurisdictions in the final
10 blueprint growth pattern. There are only growth rates
11 for counties and for subcounty areas or superdistricts.
12 And the household growth rate for the South Marin
13 superdistrict is 21 percent.

14 As we detailed in our appeal, the implied growth
15 rates for the other South Marin jurisdictions are all
16 over the board, from 14 percent from Mill Valley to
17 57 percent in Corte Madera, and there is no
18 justification for how or why this happened, neither in
19 the draft RHNA plan or in the staff report.

20 Apparently staff just made a determination of
21 how to apportion growth across the jurisdiction within
22 the superdistrict. This is not fair or transparent, nor
23 does it reflect the published methodology that was
24 explicitly approved by the housing methodology
25 committee.

1 In order to be consistent with the RHNA
2 methodology described in the draft plan as well as the
3 growth rate in the final blueprint, the 21 percent
4 growth rate should be applied to all the jurisdictions
5 to determine the baseline allocation, and then modified
6 from there with the factors.

7 CLERK FRED CASTRO: Time, please.

8 CHRISTINE O'ROURKE: That's how we recalculate
9 our RHNA and why we are requesting a reduction of 30
10 units.

11 PRESIDENT ARREGUIN: I'll give you the
12 opportunity, just to make your final point, and then --

13 CHRISTINE O'ROURKE: Yeah. And that is --
14 that's it. That concludes my presentation. Thank you.

15 PRESIDENT ARREGUIN: Okay. Thank you very much.
16 And there will be an opportunity for rebuttal after
17 the staff presentation.

18 So now I'd like to ask ABAG-MTC staff to present
19 their response to the City of Belvedere's appeal.

20 GILLIAN ADAMS: Thank you

21 PRESIDENT ARREGUIN: And they'll have five
22 minutes.

23 GILLIAN ADAMS: Okay. Next slide, please. So
24 the City of Belvedere is requesting a reduction of 30
25 units, which represents reduction of 19 percent from its

1 draft allocation, and staff's recommendation is to deny
2 the appeal. Next slide, please.

3 So we are going to respond to the arguments that
4 were made in the written appeal. And so first Belvedere
5 argues that ABAG made an error in calculating the city's
6 draft allocation, but ABAG-MTC staff has determined
7 there were no errors.

8 The city's calculations did not include the
9 steps shown in the draft RHNA plan to adjust the factor
10 scores for all jurisdictions to ensure that the
11 methodology allocates 100 percent of units to each
12 income category as assigned by HCD.

13 And once the calculations include this step, the
14 results are consistent with the city's draft allocation.
15 Next slide, please.

16 Regarding the city's argument that its RHNA
17 allocation is not consistent with Plan Bay Area 2050,
18 although statute requires RHNA to be consistent with the
19 plan's development pattern, does not specify how to
20 determine consistency. This gave -- gives ABAG
21 discretion to define its approach. The final blueprint
22 growth forecasts are adopted at the county and subcounty
23 levels only.

24 And the approach used throughout the RHNA
25 methodology development process deems RHNA consistent

1 with the plan if the eight-year RHNA does not exceed the
2 plan's 35-year housing growth at the county or subcounty
3 levels.

4 This evaluation shows that RHNA is consistent
5 with Plan Bay Area 2050, including in the South Marin
6 superdistrict where Belvedere is located. Next slide,
7 please.

8 Belvedere argues that the RHNA methodology
9 double-counts the impact of the high resource areas;
10 however, use of high resource areas in the final
11 blueprint and as a RHNA factor provides a bridge between
12 the long-term growth forecast in the plan and the
13 short-term focus of RHNA.

14 The final blueprint designates a portion of
15 Belvedere as a transit rich and high resource area based
16 on the Tiburon ferry terminal, which is a major transit
17 stop based on the state's definition.

18 To help distribute RHNA units throughout the
19 region, the RHNA factors are scaled so all
20 jurisdictions, even those with both scores, receive some
21 RHNA units from each factor. Because Belvedere has a
22 small number of jobs that can be accessed within a
23 45-minute transit commute, it receives few units based
24 on this factor relative to other jurisdictions. Next
25 slide, please.

1 The city cites information from the Housing
2 Element Site Selection tool developed by ABAG to argue
3 that it does not have sufficient land available to
4 accommodate its RHNA. Importantly, the HESS tool was
5 not used to develop the RHNA allocation, and as was
6 communicated to local staff, this tool is still under
7 development.

8 The RHNA methodology considers the development
9 constraints named in the appeal by incorporating data
10 from the Plan Bay Area 2050 final blueprint as the
11 baseline allocation. In developing the final blueprint,
12 ABAG-MTC staff worked with local governments to gather
13 information about local plans, zoning, and physical
14 characteristics that might affect development.

15 Jurisdictions had several opportunities to
16 review and provide feedback on baseline land use data
17 and review the growth pattern for the draft blueprint
18 and final blueprint including UrbanSim land use modeling
19 results.

20 Although staff understands Belvedere's concerns
21 about natural hazards, with only a small exception,
22 Housing Element Law does not identify areas at risk for
23 natural hazards as a constraint to housing.

24 As HCD notes in its comment letter on appeals,
25 by statute ABAG may not limit its consideration of

1 suitable housing sites to existing zoning and land use
2 restrictions, and must consider the potential for
3 increased development under alternative zoning and land
4 use restrictions.

5 In simple terms, this means housing planning
6 cannot be limited to vacant land, and even communities
7 that view themselves as built out or limited due to
8 other natural constraints such as fire and flood risk
9 areas must plan for housing through means such as
10 rezoning commercial areas as mixed use areas, and
11 up-zoning non-vacant land.

12 Belvedere does not provide evidence that it is
13 unable to consider these strategies to accommodate its
14 RHNA. Next slide, please.

15 CLERK FRED CASTRO: One minute.

16 GILLIAN ADAMS: Staff understands the city's
17 concerns about the drought that is currently being
18 experienced by the Bay Area. The statute defines water
19 supply constraints as those that preclude the
20 jurisdiction from providing the necessary infrastructure
21 for development during the RHNA period.

22 Arguments put forward by Belvedere do not meet
23 the requirements for a valid RHNA appeal as the city has
24 not demonstrated that it's precluded from meeting its
25 RHNA allocation because of a decision by its water

1 service provider. Next slide, please.

2 Thus, ABAG-MTC staff recommends that the
3 committee deny the appeal filed by the City of
4 Belvedere. Thank you.

5 PRESIDENT ARREGUIN: Thank you very much. Now
6 to give the City of Belvedere an opportunity to respond
7 to the staff presentation. You'll have three minutes.

8 CHRISTINE O'ROURKE: Yes. Thank you. Okay.
9 So first of all, regarding issue number 1, I would just
10 note that we did not argue that the staff made an error
11 in the RHNA calculation.

12 Actually what we were saying is that the lack of
13 transparency in how the RHNA baseline allocation was
14 used is -- forced us to go back and recalculate the RHNA
15 and -- where the raw numbers were scaled was not readily
16 transparent either. So that forced us to use an
17 alternative method to determine what the implied growth
18 rate is.

19 Regarding issue number 2 and number 3, again,
20 our argument is since the final blueprint growth pattern
21 did not identify growth rates for the individual
22 jurisdictions, that the superdistrict growth rate, in
23 this case 21 percent, should've been used for all of the
24 jurisdictions within the superdistrict.

25 The way staff allocated the baseline numbers

1 overweights Belvedere's RHNA because it is located in
2 the so-called transit rich area within a high-resource
3 area, something that is supposed to be addressed through
4 the application of factors in the baseline in the
5 formula.

6 Otherwise, the methodology is double counting
7 the impact of both the access to high opportunity areas
8 and trucks' proximity to transit, first in the baseline
9 allocation, and then again in the application of the
10 factors. This is what led to Belvedere being assigned a
11 RHNA that is ten times higher than what it was
12 previously.

13 The final issue which -- number 4 regarding --
14 I'm sorry. Not the final one. The issue number 4
15 regarding the lack of available land, I'll simply note
16 here that we cited the HESS data in our appeal because
17 there is a lack of information from ABAG staff on how
18 the identified sites were available.

19 We agree that the HESS tool at this point is
20 very flawed, but it does support our point that there is
21 a lack of available vacant and underutilized land.

22 In fact, the HESS tool shows that there is no
23 land available that -- existing land that could be used
24 to -- for available sites.

25 Finally, issue number 5 --

1 CLERK FRED CASTRO: One minute.

2 CHRISTINE O'ROURKE: -- I simply state that our
3 appeal is not based on the current drought. We could
4 not make that argument. It is based on the lack of an
5 urban water management plan that verifies that there is
6 enough water to service the increase in housing units
7 that are anticipated under this RHNA allocation, and
8 that the urban water management plan and the process is
9 an important one, and it can't simply be discounted.

10 Thank you. That's it.

11 PRESIDENT ARREGUIN: Thank you very much. Okay.

12 Mayor Eklund, I'm going to ask that we hold
13 questions until after public comment. But I will go to
14 you first.

15 And so now we will proceed to public comment on
16 the RHNA appeal for the City of Belvedere. And if any
17 member of the public would like to address this matter,
18 please raise your hand at this time if you're on the
19 Zoom platform, or press star 9 if you're phoning in.

20 Is there any public comment on the RHNA appeal
21 for the City of Belvedere? If so, please raise your
22 hand or press star 9. Last call for public comment. I
23 don't see any raised hands.

24 Mr. Castro?

25 CLERK FRED CASTRO: No raised hands. There was

1 one public comment that was received that was included
2 in the agenda and emailed to committee members. Thank
3 you.

4 PRESIDENT ARREGUIN: Okay. Thank you. That
5 completes the public comment portion of our hearing.

6 And I will now recognize Mayor Eklund.

7 MAYOR PAT EKLUND: Thank you very much,
8 President Arreguin. I am very sympathetic to this
9 appeal, and I need to have a better understanding of how
10 ABAG determined the household growth rate for cities.

11 You talk about counties and subcounties, but I
12 don't get -- I -- I don't understand how you determined
13 the household growth rate, especially for a community
14 like Belvedere where there is very little available land
15 for growth.

16 DAVE VAUTIN: Happy to take this question. So I
17 think -- a couple of points here. So first of all, the
18 idea that this is about growth rate -- it's a good
19 opportunity to remind everyone, the RHNA methodology is
20 based on the total 2050 households, not the growth
21 envisioned over the next 35 years.

22 So it's -- both reflects existing Belvedere
23 households, which are the primary driver of Belvedere's
24 allocation, and envisioned future growth. So to your
25 question, Mayor Eklund, in terms of our forecasting for

1 Plan Bay Area 2050, we have identified a growth pattern
2 at the county and subcounty level.

3 But as was mentioned earlier, we do parcel-level
4 analysis so we can do our EIR and other sorts of very,
5 very localized things. So the growth pattern that is
6 adopted by ABAG and MTC is the county and subcounty
7 leaving the city level space, the jurisdiction level
8 space for the RHNA process.

9 So how did we provide this input to the RHNA
10 process from Plan Bay Area 2050? We summed up the total
11 households in each of those jurisdictions from the same
12 parcel growth pattern as we used for county and
13 subcounty, handed it off to RHNA, and then the RHNA
14 methodology adjusted up and down based on the factors in
15 play as well as the equity adjustment.

16 And so that is what drives the city allocation.
17 And as Gillian mentioned, when we are looking for that
18 consistency between the plan and RHNA, we sum up the
19 RHNA for the various cities and, you know,
20 unincorporated areas in that -- that subcounty region,
21 we compare them, and make sure that they are consistent
22 with each other.

23 MAYOR PAT EKLUND: So since there -- you
24 mentioned that there's opportunities for alternative
25 zoning. Since the city is built out except for a very

1 small -- I think they mentioned that there are 16 vacant
2 parcels, which would not be able to get to the 160 units
3 based on the constraints on that -- on those parcels --
4 but you mentioned alternative zoning.

5 But alternative zoning won't necessarily achieve
6 issuance of building permits unless there are existing
7 landowners that want to change what is on their parcels.
8 So help me to understand why staff indicated that they
9 have alternative zoning opportunities in order to
10 achieve the RHNA.

11 DAVE VAUTIN: I'm happy to start this answer,
12 and, Gillian, welcome to chime in as well. I think what
13 we are referring to there is, it is ultimately the
14 city's responsibility to explore all of its sites and to
15 explore different zoning and other, you know, loosening
16 of development constraints on those sites.

17 Obviously the city isn't responsible for
18 ensuring that those developments are built. They are
19 responsible for looking at sites and enabling them to be
20 included in the housing element, basically planning
21 those sites.

22 I think -- you know, Gillian, did you want to
23 add anything to that?

24 GILLIAN ADAMS: I mean, I just, again, refer to
25 the comment later from HCD which says that, you know, we

1 can't limit our consideration to existing zoning and --
2 and the jurisdiction can't limit its consideration of
3 sites to vacant land.

4 So there is an expectation that the jurisdiction
5 will look at changes to its zoning, and changes to
6 zoning for, you know, how it's using non-vacant land as
7 ways to facilitate having development. And, again, as
8 Dave pointed out, it's about planning for housing. It's
9 not necessarily about, you know, ensuring that the
10 housing gets built.

11 MAYOR PAT EKLUND: Right. But I guess I would
12 like the City of Belvedere to address that question.
13 Because even if they were to rezone the whole island,
14 there is no guarantee that -- actually I would imagine
15 that rezoning would never really occur.

16 But I guess I would like to hear from the City
17 of Belvedere because I believe that they have looked at
18 this. And so -- but I would like the City of Belvedere
19 to answer that question.

20 IRENE BORBA: Thank you. Irene Borba from the
21 city -- turn your volume off.

22 Sorry about that. Again, I'm Irene Borba from
23 the City of Belvedere. In terms --

24 MAYOR PAT EKLUND: It's still not working. I
25 can't hear you.

1 IRENE BORBA: Is that better?

2 MAYOR PAT EKLUND: Yes.

3 IRENE BORBA: Okay. Sorry about that. I
4 apologize.

5 Again, from the perspective of the City of
6 Belvedere, the vacant land that is available is in our
7 single-family zoning district up on the island. So it's
8 not in other zoning districts. There is very limited
9 sites. And again, as Christine mentioned in her appeal
10 and in her presentation today, those sites are
11 constrained. A lot of those sites are very steep in
12 terms of topography and would make it very difficult.

13 We will look at the possibility of rezoning, but
14 I don't foresee rezoning all of our single family zones,
15 which we are a majority of single family zoning
16 districts.

17 Again, Belvedere typically does single family
18 design review for additions, remodels, or maybe for a
19 new single family home, which somebody comes in and
20 demolishes an existing home to build a new one -- new
21 home.

22 So, again, we have very limited opportunities.
23 In terms of our commercial district, again, it is a very
24 small commercial district. One of the other constraints
25 we have is that our city limit line goes through our

1 commercial district, so we share that with the city of
2 Tiburon, which again makes it a little bit more
3 difficult to try and plan for additional housing.

4 But it is something that we will look at when we
5 embark on our housing element. We are still in the very
6 beginning stages of getting a consultant on board to set
7 up a work plan and get our housing element going.

8 MAYOR PAT EKLUND: Great. Thank you. My last
9 question for staff is related to the assumption about
10 transit. And I do -- I -- I agree wholeheartedly. I
11 mean, most of the public transit in Marin County has
12 30-minute headways, but the ferry that is in Tiburon,
13 it's not in Belvedere if I remember correctly, it is not
14 really a commute ferry.

15 So help me to understand why that factor
16 increased the -- what was used in this methodology for
17 Belvedere.

18 DAVE VAUTIN: Well, a couple points on that
19 front. So first of all, the state defines ferry
20 terminals with bus service as major transit stops in the
21 region. And that includes Tiburon and the half-mile
22 buffer around it that -- that, you know, includes a
23 portion of Belvedere as well.

24 You know, that does mean that -- it was
25 identified as a growth geography because Belvedere has

1 no PDAs, and so that area was incorporated based on the
2 action of the ABAG executive board and the commission
3 starting in February 2020 and kind of continuing through
4 the Plan Bay Area 2050 process.

5 At the same time, Gillian appropriately
6 mentioned in her presentation that the job access
7 factors in RHNA actually tamped down Belvedere's
8 allocation a bit because of the, you know, more limited
9 number of jobs you can access through that ferry
10 terminal than, say, a regional rail station that might
11 provide more access to more destinations.

12 MAYOR PAT EKLUND: But the state law that allows
13 for ferry service to be considered, isn't there some
14 performance level for that particular ferry service like
15 some of the other assumptions that we've used for
16 transit?

17 DAVE VAUTIN: No. So regional rail stations and
18 ferry terminals do not have a frequency requirement to
19 them because these sorts of infrastructure tend to be,
20 you know, higher-cost infrastructure compared to a local
21 bus. And so the idea being that around rail stations
22 and ferry terminals, that those are prime locations for
23 additional density. That's the theory under, kind of,
24 the state law.

25 MAYOR PAT EKLUND: Okay. I will have comments

1 on this application when we get to the point. Thank
2 you.

3 PRESIDENT ARREGUIN: Thank you. Any other
4 questions from the rest of the ABAG Administrative
5 Committee? If not, it is in order for discussion and
6 preliminary action.

7 So, Mayor Eklund, would you like to start the
8 discussion?

9 MAYOR PAT EKLUND: Absolutely. I cannot support
10 staff's recommendation for the denial of the City of
11 Belvedere's appeal. I have actually used Belvedere as
12 an example in some of our discussions because it shows
13 how the methodology really does not seem to work for all
14 jurisdictions.

15 And I think that -- as I've stated before
16 publicly, that this methodology is setting, I think,
17 some cities and counties up for failure. And I think
18 that reducing their allocation by 30 units is the least
19 that we should do, given that their allocation for the
20 last cycle, I believe, was only 16 units if I'm correct.
21 That's from my memory, which may not be quite as good
22 today because I'm not quite on top of things because of
23 a lack of sleep.

24 But, nevertheless, I -- I cannot support staff's
25 recommendation. And I really plead with my colleagues

1 to consider the request to lower it down to 130. Even
2 that is not necessarily going to be achievable, but at
3 least it will give them an opportunity to see if they
4 can do it. But 160 is just unreachable.

5 PRESIDENT ARREGUIN: Thank you, Mayor Eklund.
6 Mayor Hudson?

7 MAYOR DAVE HUDSON: Yeah. I apologize.
8 Apparently my city didn't like the -- what you voted on
9 for their appeal. Cut me off of Zoom for about 20
10 minutes there, it seemed like.

11 I want to go back to same thing we have been
12 saying at every single one of these appeals. We are not
13 appealing the methodology. The methodology is the
14 methodology. We have to deal with it. HCD approved it.

15 I mean, we started out with Alameda where we had
16 the elected official and city manager say, We're not
17 arguing about the number. Just tell us where we can put
18 them. Because we can't -- it doesn't work. Doesn't
19 work is not an answer. I mean, it should've been. It
20 should've been the argument when we were doing the
21 methodology. I wish we had won it. I stood with Pat on
22 that one, and we lost it.

23 There is no reason within this methodology that
24 we can find that staff made a mistake that doesn't allow
25 us or actually demand that we deny this appeal. And I

1 will make the motion to that effect that we deny the
2 appeal from Belvedere.

3 PRESIDENT ARREGUIN: To take a preliminary
4 action?

5 MAYOR DAVE HUDSON: To take a preliminary
6 action.

7 SUPERVISOR KAREN MITCHOFF: And I'll second
8 that.

9 PRESIDENT ARREGUIN: Okay. Thank you. We have
10 a motion on the floor. Colleagues, any additional
11 questions or comments?

12 Mayor Eklund.

13 MAYOR PAT EKLUND: Yes. I just want to state
14 that I will be voting against the motion. And it's not
15 because I don't agree -- well, it's not because I'm
16 challenging the methodology, but I'm challenging how it
17 was applied.

18 So I wanted to make that clear, because one of
19 the things that we are required to do as members of this
20 committee is to, you know, support the methodology that
21 the ABAG board adopted, even though I did not support
22 it.

23 So I am voting no on the staff's recommendation
24 because I do not think that the methodology was applied
25 correctly, and I agree with the reduction of the number

1 of units down to 130. Thank you.

2 PRESIDENT ARREGUIN: Mayor Romero?

3 MAYOR CARLOS ROMERO: Yes. I just wanted to
4 state that I support the motion, and certainly I support
5 the cogent and succinct explanation that the mayor from
6 San Ramon made. I think it's spot on, and we're --
7 we're limited to that. And, Dave, thank you for
8 articulating it so clearly.

9 PRESIDENT ARREGUIN: Okay. Colleagues, any
10 additional questions or comments?

11 Supervisor Mitchoff?

12 SUPERVISOR KAREN MITCHOFF: I'm sorry. And I
13 don't mean to be confrontational. But the reduction of
14 30 units is not that much; however, I would be more
15 sympathetic if there were another community and/or
16 unincorporated area in Marin for them to absorb those
17 30 units.

18 We are having the same concern placed by
19 everybody. And my own thought is, none of these numbers
20 can be reached. You know, HSCD, or whatever it is, they
21 are going to have a problem on their hands and -- you
22 know, down the line because they are going to have to
23 deal with -- with what they -- with what they sowed,
24 shall we say. So those are my comments. Thank you.

25 MAYOR PAT EKLUND: I guess, President

1 Arreguin --

2 PRESIDENT ARREGUIN: Thank you.

3 Mayor Eklund?

4 MAYOR PAT EKLUND: Yes. Sorry. Can staff add
5 to the list for us to have a discussion about seeking
6 legislation to allow cities to share RHNA allocations
7 with other cities in that county like counties can do
8 with cities?

9 I think we need to add that to the list for
10 future discussion so we can help cities out like the
11 City of Belvedere so that they are not penalized, even
12 for this cycle. So -- but I will still be voting no on
13 the motion. Thank you.

14 PRESIDENT ARREGUIN: I want to thank you, Mayor
15 Eklund, for that suggestion. Something -- that
16 definitely came up in our discussions on the
17 methodology.

18 And, you know, while counties can form
19 subregions like Solano County did, and that does provide
20 greater flexibility in terms of developing, you know,
21 regional specific plans, I think that that level of
22 flexibility could be very helpful.

23 MAYOR PAT EKLUND: Yes.

24 PRESIDENT ARREGUIN: And I would definitely
25 support adding that to the list and exploring that

1 around future legislative action.

2 Mayor Hudson?

3 MAYOR DAVE HUDSON: Yeah. I just want to point
4 out before I went on that sabbatical, my Zoom went off,
5 I was going to bring this up. I swear, I don't have it
6 in front of me, but within SB-375, that was one of the
7 early tenants that you were able to do this, that you
8 were able to trade off, and assume, and, you know, spend
9 the money in other cities to do their very lower
10 whatever.

11 I know it's in there somewhere. I just don't
12 know where it's gone over the last 12, 13 years. So if
13 you can, research SB-375 also. Not just the RHNA
14 portion of it, but the legislation we are bound to
15 follow.

16 PRESIDENT ARREGUIN: Okay. Thank you.

17 Supervisor Rabbitt?

18 SUPERVISOR DAVID RABBITT: I just wanted to
19 comment, it really goes to show you the value of the
20 subregion approach, which I think was overlooked by many
21 in this cycle. There's been a few counties that have
22 historically always gone that route. Our own county
23 went to the cities and said, do you want to do this?
24 They said no. I think now they would see the numbers,
25 they would say we should've done that, because that

1 allows the inner transfer without having to go to
2 legislation. I would encourage Marin County to do the
3 same in the future. I think that is the future.

4 I agree with Supervisor Mitchoff. The state is
5 going to be scratching their head and -- at the end of
6 this cycle figuring out what -- how to go forward. And
7 some changes need to be made in Sacramento. But the
8 methodology as it is, is what is being applied here
9 today. Thanks.

10 PRESIDENT ARREGUIN: Thank you. Are there any
11 additional comments from members of the ABAG
12 Administrative Committee?

13 Seeing none, I'll ask the clerk to please call
14 the roll on the motion which is, take a preliminary
15 action to -- to deny the appeal from the City of
16 Belvedere.

17 CLERK FRED CASTRO: The motion was from Hudson.
18 The second was from Mitchoff.

19 Mayor Arreguin?

20 PRESIDENT ARREGUIN: Yes.

21 CLERK FRED CASTRO: Mayor Eklund?

22 MAYOR PAT EKLUND: No.

23 CLERK FRED CASTRO: Mayor Fligor?

24 MAYOR NEYSA FLIGOR: Yes.

25 CLERK FRED CASTRO: Mayor Hudson?

1 MAYOR DAVE HUDSON: Yes.

2 CLERK FRED CASTRO: Supervisor Lee?

3 SUPERVISOR OTTO LEE: Yes.

4 CLERK FRED CASTRO: Supervisor Mandelman?

5 SUPERVISOR RAFAEL MANDELMAN: Yes

6 CLERK FRED CASTRO: Supervisor Mitchoff?

7 SUPERVISOR KAREN MITCHOFF: Yes.

8 CLERK FRED CASTRO: Counsel Member Peralez is

9 absent.

10 Supervisor Rabbitt?

11 SUPERVISOR DAVID RABBITT: Aye.

12 CLERK FRED CASTRO: Supervisor Ramos?

13 SUPERVISOR BELIA RAMOS: Yes.

14 CLERK FRED CASTRO: Mayor Romero?

15 MAYOR CARLOS ROMERO: Yes.

16 CLERK FRED CASTRO: Mayor Wilson? Mayor Wilson

17 is absent.

18 Nine ayes, one noes, two absents. Motion

19 passes.

20 PRESIDENT ARREGUIN: Okay. Thank you. Thank

21 you to the staff from the City of Belvedere for joining

22 us.

23 As we've touched upon today and the previous

24 hearing, this is a very difficult situation for the Bay

25 Area and for each member jurisdiction. You know, the

1 state has given us double the number of units that we
2 have to plan for this RHNA cycle. And that was driven
3 by state legislation, which did change some factors
4 around how the housing need was calculated and is going
5 to be allocated to regional governments throughout the
6 San Francisco Bay Area.

7 And we know this is a big change for many
8 jurisdictions, and, you know, I just want to reiterate
9 ABAG's commitment to working with local jurisdictions to
10 provide technical assistance and resources as we're
11 doing the work to update our housing elements.

12 And I just want to recognize that, you know, we
13 are also committed to providing the money for affordable
14 housing and supporting infrastructures that as we are
15 building housing, we can, you know, create sustainable
16 communities. But I appreciate your presentation, and
17 thank you for joining us this morning.

18 Okay. So that completes this item. We will
19 proceed to item 6-D, the report on the Regional Housing
20 Needs Allocation appeal for the Town of Corte Madera.
21 And this is a preliminary action item. And first we
22 will hear from the Town of Corte Madera, who will have
23 five minutes to present their appeal. And I would like
24 to ask who will be presenting on behalf of the Town of
25 Corte Madera?

1 ADAM WOLFF: Hi, President Arreguin. It's Adam
2 Wolff with -- the planning and building director for the
3 Town of Corte Madera.

4 PRESIDENT ARREGUIN: Welcome.

5 ADAM WOLFF: Thank you.

6 PRESIDENT ARREGUIN: And is there a slide deck?

7 ADAM WOLFF: There should be a slide deck.

8 Yeah. I am joined by a colleague of mine, Ann Danforth,
9 as well, but I will be making the presentation.

10 PRESIDENT ARREGUIN: Okay.

11 ANN DANFORTH: Good morning.

12 PRESIDENT ARREGUIN: Good morning.

13 So I turn the floor over to you, and you have
14 five minutes to present on your appeal.

15 ADAM WOLFF: Thank you. Good morning, President
16 Arreguin and members of the committee. My name is Adam
17 Wolff. I'm the director of planning and building for
18 the Town of Corte Madera. And on behalf of our town
19 council, I'd like to thank this committee for hearing
20 this appeal request.

21 This request is not about saying no to
22 additional new housing in Corte Madera, but about
23 requesting that ABAG reconsider how much new housing is
24 placed in flood and sea level rise inundation and risk
25 zones, and whether accepting the methodology that

1 accelerates the town's growth in the name of
2 socioeconomic equity actually achieves that objective in
3 the unique context of Corte Madera.

4 Despite what the staff report before you says
5 from -- from ABAG staff, the town has provided
6 sufficient evidence in its appeal request under
7 applicable state law for this committee to consider
8 modifying the town's final RHNA, and are hopeful you
9 will look at the evidence provided about where our
10 housing units will need to be located and the
11 independent research which shows the vulnerability of
12 these areas, and reduce Corte Madera's RHNA in line with
13 the town's request. Next slide, please.

14 So the town understands the significant policy
15 challenges ABAG staff and decision-makers face on a
16 regional level aligning housing, equity, and climate
17 change policies because at the local level we are also
18 trying to do our best to address these issues.

19 This is demonstrated by a track record far
20 exceeding our current RHNA in all income categories
21 including recently welcoming new housing for homing
22 homeless individuals as part of a joint effort with the
23 County of Marin to be part of the Home Key program, and
24 in our commitment to begin to tackle the incredible
25 challenges associated with climate change, as the town

1 recently completed a climate adaptation plan in May of
2 this year after a two-year planning process.

3 And what we learned through this process is that
4 Corte Madera is uniquely, and not really in a good way,
5 facing a dual climate-induced threat of more severe
6 wildfire risks and sea level rise because of its
7 historic development of the decreased sloping plots --
8 I'm sorry -- flanks that immediately abut Mount
9 Tamalpais and within bay marsh lands.

10 The images above show how the town developed the
11 oldest part of town nestled really into small parcels of
12 property at the base of Mount Tam, and more recent '50s
13 and '60s development of residential subdivisions pushing
14 into the floodplain with commercial development also in
15 the floodplain, but generally lining the Highway 101
16 corridor.

17 Additionally, significant amount of land among
18 the Bay and ridge lines has been protected by regional
19 and state agencies which the town does not control. I'm
20 sorry. That was the next slide. Next slide again.

21 This map, though, really tells a story of the
22 risks we face in Corte Madera, with the red zones
23 considered high fire hazards areas and the blue
24 indicating areas within the FEMA floodplain. Together
25 they comprise approximately 95 percent of the total lot

1 area in town, with only the white areas on the map
2 outside of either risk zone.

3 And from a land use perspective we have actually
4 done pretty well in maximizing these non-risk zone
5 areas. We don't have any remaining vacant land there,
6 and 97 percent of the lots contain residential uses at
7 relatively high densities. These are predominately our
8 multifamily residential areas.

9 The most recent example was the development of
10 or the redevelopment of a commercial site with a new
11 180-unit apartment complex on the knoll adjacent to
12 Highway 101.

13 The downside as explained in the appeal letter
14 is that this means our planning efforts to facilitate
15 new housing development that can realistically be
16 constructed in the next decade at the quantity proposed
17 by ABAG in its final RHNA will necessarily focus on the
18 blue area --

19 CLERK FRED CASTRO: One minute.

20 ADAM WOLFF: -- where redevelopment of
21 commercial property to residential uses and larger lot
22 sizes exist, and where the developers themselves who we
23 speak with want to build.

24 This is especially true of housing for low
25 income populations given HCD's rules regarding minimum

1 lot sizes for such housing, and the need for economies
2 of scale, again explained in detail in the letter.

3 For ABAG staff to assert otherwise, and that
4 there are other options outside of the flood zone to
5 locate this quantity of housing unfortunately overlooks
6 the town's knowledge and experience regarding local
7 conditions. Next slide.

8 And of course these areas in blue on the
9 previous map are also the exact same areas that are the
10 most vulnerable to sea level rise, with several existing
11 areas of town susceptible to flooding with less than a
12 foot of sea level rise, which is well within Plan Bay
13 Area assumptions of 2050. Next slide.

14 This is very concerning, obviously, because we
15 are already having considerable housing stock currently
16 at risk of flooding, including by one measure some of
17 the highest amounts of affordable housing at risk of
18 flooding in the nation.

19 Given that RHNA requires us to plan for and seek
20 and facilitate construction of housing over the short
21 term when regional sea level rise protection measures,
22 even if feasible over a much longer time horizon -- this
23 really speaks to the question of whether socioeconomic
24 equity is being served in Corte Madera by locating a
25 disproportional amount of additional affordable housing

1 into sea level rise and mitigation areas.

2 And with that, I'll just -- if you can fast
3 forward a couple more slides, I'll just try to complete
4 the -- keep going. One more slide. The next slide.

5 And so to summarize, we understand the
6 challenging work at hand for regional planners and you
7 all as well, the decision-makers, but local factors and
8 conditions must really be taken into consideration in
9 that process to avoid unintended consequences.

10 We don't think that has been done adequately to
11 this point, and we are now appealing to you. So thank
12 you for your consideration. I'm happy to answer any
13 questions that you have.

14 PRESIDENT ARREGUIN: Thank you very much. And
15 there will be an opportunity to respond to the staff
16 presentation after our staff respond to your appeal.

17 So now I'd like to ask ABAG-MTC staff to present
18 their response to the Town of Corte Madera's appeal.
19 And staff will have five minutes.

20 ELI KAPLAN: Apologies. I was on mute there.
21 Thank you. Next slide, please. The Town of Corte
22 Madera is requesting a reduction of 325 units, which
23 represents a reduction of 45 percent from its draft
24 allocation, and staff's recommendation is to deny the
25 appeal. Next slide, please.

1 The town argues that ABAG failed to adequately
2 consider information from the local jurisdiction survey
3 related to land suitability, the impacts of climate
4 change and natural hazards, and the availability of
5 vacant land.

6 Staff understands Corte Madera's concerns about
7 natural hazards; however, Housing Element Law does not
8 identify areas at risk for natural hazards as a
9 constraint to housing.

10 The only exception is for lands where FEMA or
11 the Department of Water Resources has determined that
12 the flood management infrastructure is not adequate to
13 avoid the risk of flooding.

14 While ABAG staff recognizes that a portion of
15 Corte Madera is in a FEMA-designated special flood
16 hazard area, the town does not provide any evidence that
17 Corte Madera's flood management infrastructure is not
18 adequate to avoid the risk of flooding.

19 While new development in Corte Madera's
20 floodplain is subject to additional regulations, neither
21 FEMA, nor the Town of Corte Madera prohibit the
22 construction of new housing there.

23 Additionally, the RHNA methodology considers the
24 development constraints named in this appeal by
25 incorporating data from the Plan Bay Area 2050 final

1 blueprint as the baseline allocation. The final
2 blueprint excludes the areas with unmitigated high
3 hazard risk from growth geographies including very high
4 fire hazard areas.

5 In the map shown by the Town of Corte Madera in
6 their presentation showed locally designated Wildland
7 Urban Interface areas. There are no state-designated
8 very high fire hazard severity areas in Corte Madera.

9 And as discussed previously, Housing Element Law
10 states that ABAG may not limit its consideration of
11 suitable housing sites to existing zoning and land-use
12 restrictions. As HCD notes in its comment letter on the
13 Bay Area RHNA appeals, housing planning cannot be
14 limited to vacant land.

15 Even communities that view themselves as built
16 out or limited due to other natural constraints such as
17 fire and flood risk areas must plan for housing through
18 means such as rezoning commercial areas, mixed-use
19 areas, and up-zoning vacant land. Next slide, please.

20 Corte Madera argues the RHNA methodology does
21 not further the statutory objective related to promoting
22 socioeconomic equity, encouraging efficient development,
23 and reducing greenhouse gas emissions. Importantly,
24 this argument challenges the final RHNA methodology
25 adopted by ABAG and approved by HCD.

1 And as we've discussed, challenging the RHNA
2 methodology itself falls outside the scope of the
3 appeals process.

4 HCD determined that ABAG's methodology does
5 further the statutory objectives, and specifically HCD
6 noted that the RHNA methodology encourages more
7 efficient development by allocating more RHNA to
8 jurisdictions with better job access, as well as more
9 RHNA to jurisdictions with the lowest VMT.

10 Corte Madera notes the risk to lower-income
11 housing in areas at risk of flood and sea level rise.
12 But while the region and Corte Madera are working to
13 protect existing neighborhoods from these hazards, the
14 protection of existing housing will also protect future
15 in-fill development.

16 And so affordable housing located in these areas
17 can be protected. And furthermore, assigning affordable
18 housing, lower income units to well-resourced
19 communities is key to the statutory mandate to
20 affirmatively further housing and achieve the region's
21 equity goals. Next slide, please.

22 Corte Madera also argues the RHNA methodology
23 fails to further the statutory objective related to
24 promoting an improved interregional relationship between
25 jobs and housing.

1 But as we've discussed previously, challenging
2 the RHNA methodology itself is not a valid basis for
3 appeal, and HCD found that ABAG's methodology does
4 further the statutory objectives.

5 CLERK FRED CASTRO: One minute.

6 ELI KAPLAN: Moreover, Housing Element Law
7 requires the RHNA methodology to improve the
8 interregional relationship between jobs and housing,
9 which means throughout the region, and so it's not the
10 jobs-housing balance in any particular jurisdiction.

11 The methodology allocates nearly half of the
12 region's RHNA using factors related to job proximity.
13 And these job proximity factors measure job access based
14 on commute shed, which reflects the lived experience of
15 residents who -- who commonly access jobs outside of
16 their jurisdiction's boundaries.

17 Statute also requires RHNA to improve the
18 balance between the number of low-wage jobs and the
19 number of housing units affordable to low-income workers
20 in each jurisdiction. Data from the census bureau
21 indicates that Corte Madera has over 1600 low-wage jobs,
22 and there are a few units of rental housing in the
23 jurisdiction affordable to low-wage workers and their
24 families.

25 So the allocation of lower income RHNA in Corte

1 Madera could enable many of the low-wage workers in
2 Corte Madera to live close to their jobs, which also
3 reduces commute times and GHG. Next slide, please.

4 Thus, staff recommends that the committee deny
5 the appeal. Thank you.

6 PRESIDENT ARREGUIN: Okay. Thank you. Want to
7 give the Town of Corte Madera an opportunity to respond
8 to the staff presentation. You'll have three minutes.

9 ADAM WOLFF: Thank you. I want to turn it over
10 to Ann Danforth, assistant town attorney.

11 ANN DANFORTH: Thank you, and good morning. I
12 have to agree and commend Mayor Eklund as she -- for her
13 comments during the prior appeal. Corte Madera's RHNA
14 allocation sets us up for failure. The problem isn't
15 that the town is built out. We can and we will look at
16 rezoning and increasing density in already developed
17 neighborhoods.

18 But I have to point out that the entire town is
19 subject to hazards. We have presented ample evidence of
20 this. You just have to look at Mr. Wolff's slide 4.
21 This means that we can't choose to put new units in less
22 hazardous locations. The entire town is hazardous.

23 We don't -- it's not good planning to increase
24 the residential density in hazardous areas. Our
25 percentage of hazardous land is unique in the Bay Area.

1 So we do ask that you take this and put this in mind.

2 The statute provides for an appeal by this body.

3 It has to mean -- that needs to be a meaningful appeal
4 where this board can exercise its judgment and look at
5 the RHNA numbers and ask itself whether or not these are
6 really achievable under this or any other methodology.

7 I ask you to give our most -- your most serious
8 consideration to our request. And now I will hand it
9 back to Mr. Wolff to wrap up.

10 ADAM WOLFF: Thanks. Yeah. And certainly I
11 respect and understand the challenges of -- of this
12 committee and -- in this process, and also on staff, and
13 the methodology and coming up with the methodology for
14 the entire Bay Area.

15 But I certainly just want to emphasize that
16 really the goal should be of this process, I would hope,
17 that we're -- and throughout the process we've made
18 comment letters. We try to inform the local experience
19 and local knowledge and provide that information into
20 the process so you could take that on a regional level
21 and adjust as necessary.

22 So this is what this appeal is really trying to
23 do, is communicate our local knowledge and information
24 about where this is actually --

25 CLERK FRED CASTRO: One minute.

1 ADAM WOLF: -- what this would actually mean on
2 a local level in terms of where new housing units are
3 going to go and the implications associated with doing
4 so. I want to -- you said that was it?

5 CLERK FRED CASTRO: One minute.

6 ADAM WOLFF: Oh. One minute. And so to that
7 end, I think that an important stat just to throw out
8 there is that the approved RHNA methodology would have
9 Corte Madera grow at a rate over the next decade that is
10 higher than that of any jurisdiction in Marin, Sonoma,
11 and Napa Counties, and higher than the growth rate of
12 the city of Oakland.

13 And just, you know, from a -- from a baseline
14 planning analysis, that seems like something that should
15 be really questioned here, especially when that growth
16 is really going to be located in sea level rise
17 mitigation areas with no -- I know there is a high-level
18 plan and concept out there to protect us, but that is
19 much further down the line. And so we have to build
20 these housing units now.

21 PRESIDENT ARREGUIN: Thank you very much.

22 Okay. I now would like to open the public
23 comment portion of this hearing and ask, is there any
24 member of the public that wishes to testify on the RHNA
25 appeal from the Town of Corte Madera? If you would like

1 to speak, please raise your hand if you are on the Zoom
2 platform, or press star 9 if you are phoning in.

3 I see we have one raised hand, Susan Kirsch.

4 SUSAN KIRSCH: I thank you for giving me this
5 opportunity to comment. I want to make three
6 observations. One -- the first one is that what I've
7 witnessed today through all of these hearings are the
8 number of dedicated local staff people who really know
9 and love their cities that they are working in, and that
10 that appears as quite a contrast to the people,
11 well-intentioned, I know, from ABAG who are the
12 bureaucrats who are doing the work of carrying out the
13 law of -- and the ABAG methodology.

14 A number of the presentations have pointed out
15 how unrealistic the methodology is and how difficult it
16 will be for cities to meet the RHNA numbers. So it
17 seems like unless the goal of these RHNA numbers is to
18 lead cities to failure, we need to look again at exactly
19 what this process is supposed to be doing.

20 There is an overwhelming disregard for common
21 sense in this process, is my third observation. One, we
22 know cities don't build housing. They can permit for
23 it. But these locally-informed, dedicated citizens are
24 saying there is no place to put these -- the regional
25 housing units that need to be allocated. We hear that

1 we can -- they should be rezoning in fire and water --
2 fire danger and water flooding areas.

3 So I just want to share those observations with
4 a feeling of dismay of how we've come to this point in a
5 process that should be working for everybody, and
6 instead it seems to be working for HCD and bureaucrats
7 but for not for local citizens. Thank you.

8 PRESIDENT ARREGUIN: Thank you, Ms. Kirsch.
9 I'll ask, is there any other members of the public that
10 wish to speak on the RHNA appeal or the Town of Corte
11 Madera? If so, please raise your hand or press star 9.

12 Jordan Grimes?

13 JORDAN GRIMES: Yes. Good morning, everyone. I
14 just want to make a very quick comment based on
15 essentially everything in the last comment and objecting
16 to everything to it. I really, really want to object to
17 this notion that cities are being set up to fail.
18 That -- that just isn't the case here. Cities are not
19 being set up to fail.

20 In fact, if they follow rezoning, if they do
21 everything that they -- you know, if they do everything
22 that they, you know, possibly can, cities aren't being
23 required to build housing. What they are doing or what
24 they are being required to do is to plan. I think that
25 is eminently sensible.

1 And I also just really want to chime in and say
2 thank you to the hard-working ABAG staff. I thought
3 that last characterization of staff was really uncalled
4 for, and I appreciate all of ABAG staff's work. And I
5 know many other citizens across the Bay Area do as well.
6 Thanks so much.

7 PRESIDENT ARREGUIN: Thank you. One last call
8 for public comment on the RHNA appeal from the Town of
9 Corte Madera. If you wish to speak on this appeal,
10 please raise your hand if you're on Zoom, or press
11 star 9.

12 I don't see any additional raised hands.
13 Mr. Castro, were there any written comments submitted?

14 CLERK FRED CASTRO: There was one written
15 comment that was submitted, posted, included in the
16 agenda emailed to members. No other written comments
17 were received.

18 PRESIDENT ARREGUIN: Okay. So that completes
19 public comment on item 6-D. It is in order for the
20 committee to discuss and take preliminary action on this
21 appeal.

22 And the first committee member I will recognize
23 is Mayor Fligor.

24 MAYOR NEYSA FLIGOR: Thank you, chair. And I
25 just wanted to respond to some of the comments I heard

1 about the methodology as someone who served on the
2 housing methodology committee along with other city
3 counsel or county board supervisors.

4 We empathize with the comments we have heard,
5 but I do want to clarify for the record and members of
6 the public who may not fully understand the process. We
7 were given a very big number from HCD, 441,000. And so
8 applying any methodology, regardless of what it looked
9 like, would have allocated big numbers to all the
10 different jurisdictions.

11 And the second point I wanted to make goes back
12 to the role of this appeal body. We are not questioning
13 or reassessing or reconsidering the methodology that was
14 approved by HMC, approved by the executive board, and as
15 Mayor Hudson has reminded us a few times, approve by HCD
16 as meeting the statutory objective.

17 And so I want to make sure that everybody
18 understands what's before us, the process that we went
19 through, and really what the methodology represents.
20 Thank you.

21 PRESIDENT ARREGUIN: Thank you.

22 Mayor Eklund?

23 MAYOR PAT EKLUND: Yes. I have some questions
24 for the applicant, as well as for ABAG staff.

25 First of all, ABAG has indicated that Corte

1 Madera does not prohibit growth in the FEMA 100-year
2 flood zone in the WUIs high fire zone areas, and the
3 identified sea level rise that is anticipated, or the
4 unique topography.

5 Can Corte Madera please help me to understand
6 whether or not there are any prohibitions that's in your
7 ordinance in those particular areas?

8 ADAM WOLFF: Sorry. Yes. Thank you for the
9 question. So -- so no. And I think we are not
10 arguing -- certainly we had development occurring in the
11 FEMA floodplain today. And we'd also had some hillside
12 development. We had some restrictions on the steep
13 hillside; the steeper the hillsides, the steeper the
14 risk associated with hillside development.

15 That does limit the amount of development that
16 occurred there. And that's essentially played out over
17 the last several decades, so there aren't many lots left
18 there. So -- but our -- I think our argument is more
19 that we can certainly develop there in these floodplain
20 areas.

21 But without adequate protection measures for sea
22 level rise, which certainly we are grappling with and
23 understand the enormity of the challenge, is that really
24 where we should be focusing all the development and new
25 growth at these quantities over a condensed period of

1 time?

2 MAYOR PAT EKLUND: Got it. And the other
3 comment that was made is that the state does not
4 designate high fire hazard areas or the Wildland Urban
5 Interface.

6 It's my understanding that the state -- Calfire
7 does the very high fire hazard areas, but actually
8 delegates down to the county and cities or the fire
9 districts -- the high fire hazard areas and the Wildland
10 Urban Interface. Is that your understanding, Adam?

11 ADAM WOLFF: Yes. And I'm not an expert on this
12 process, but I do know that there is a process where
13 local agencies then -- fire agencies then, sort of
14 report back and try to get the official maps changed or
15 something at the state level.

16 But at a local level, certainly our fire
17 departments view the areas in the WUIs and have made
18 resolutions to such that these are very high fire -- or
19 high fire risk zone areas.

20 MAYOR PAT EKLUND: Great, great. Thank you.

21 My question for staff is, why doesn't ABAG
22 respect the designation of high fire hazard areas that
23 are designated by the local jurisdictions as agreed to
24 by the State of California? And I'm not asking the
25 WUIs. I'm just asking about the high fire hazard areas.

1 DAVE VAUTIN: Mayor Eklund, to your question my
2 understanding is that within the local jurisdictions,
3 the state identifies very high fire risk areas. It
4 does -- it has in recent months released, I understand,
5 unofficial layers of the lower levels of fire risk.

6 But, you know, for the purposes of our
7 long-range plan, Plan Bay Area 2050, we set that
8 threshold at very high in -- in cities and towns, and
9 then included also very high and high in the
10 unincorporated areas. And that is really kind of
11 recognizing the priority of city-focused growth.

12 You know, the thresholds are different between
13 the city and county as we try to channel more growth in
14 the city areas, and then we can advance certain
15 mitigating strategies in the cities that can, you know,
16 help to make it possible even if there is growth in an
17 area that is, you know, a high-hazard location, that we
18 can work to reduce the risk by pairing that with
19 policies to protect those places as well.

20 And they are actually specific strategies in
21 Plan Bay Area 2050 for reducing fire hazard risk, the
22 sea level rise protections that we -- you know, that
23 have been alluded to this morning that would protect the
24 Town of Corte Madera from sea level rise, as well as the
25 101 corridor that would otherwise be flooded.

1 So there is -- you know, there are some very
2 specific, you know, actions that are included in the
3 plan that are designed to enable growth in these places.

4 MAYOR PAT EKLUND: Thank you. I have not had a
5 chance to look at the list that we just got this
6 morning, obviously because we are in the middle of an
7 appeal hearing, but I would like to make sure that we
8 add to that list a discussion about looking at the high
9 fire hazard areas, and also a discussion about looking
10 at the Wildland Urban Interface, which is usually
11 proposed by the fire district or city.

12 And if there is a fire district, the city
13 typically, then, does adopt that as well. So I'd like
14 to make sure that we have that discussion for the
15 future. And -- because I think that we need to really
16 ask ourselves whether or not we want to have growth in
17 those areas, given the climate change and the higher
18 risk of people losing homes that are built there. So we
19 are sort of self-defeating ourselves.

20 So that answers all my questions. Thank you
21 very much.

22 PRESIDENT ARREGUIN: Thank you.

23 Mayor Hudson?

24 MAYOR DAVE HUDSON: Yeah. I -- I appreciate
25 that they started off trying to give you a flavor

1 what -- what Marin County is like, because it is
2 different than some of the other counties, some of the
3 other problems we have.

4 Personally I've spent a lot of time over there.
5 I was a member of the Ultra Marin Running Club, and we
6 probably spent way more time than we were allowed to on
7 Mount Tam at night, even though it's closed at night.

8 But what you're really being asked for here is
9 not what is reasonable. We have made that determination
10 many times in the last two days. It's what is your fair
11 share of the responsibility that is being dumped on all
12 101 cities and nine counties.

13 It may not be reasonable, as somebody pointed
14 out, but I want to point out that we are following
15 legislation that is -- well, it comes from elected
16 legislators. And somebody elected them. If I had known
17 they were going to do these RHNA numbers, it certainly
18 wouldn't have been me.

19 But if you go back to the methodology, which we
20 are not allowed to change right now, you'll see that a
21 couple of us up here fought like crazy not to follow
22 this piece of methodology, and we lost. So now we are
23 charged with the responsibility of following it.

24 And I keep coming back in Marin's two appeals to
25 this one line. Housing Element Law requires -- requires

1 RHNA methodology to improve interregional relationship
2 between jobs and housing. And there is no getting
3 around it.

4 There is this little city on the other side of
5 the bridge that has a lot of jobs. And they are pushing
6 for Zoom, which is going to make you just a wonderful
7 neighborhood. And it's really hard to tell other people
8 like Alameda -- well, they -- they should have never
9 used the line they did -- that you've got to build them
10 there, and then have Corte Madera not have to do it or
11 Belvedere not have to do it.

12 The methodology is clear that -- I could go on
13 forever. I just want to touch on this. Please, Pat,
14 don't bring up high-risk fires again. David Rabbitt is
15 over there just salivating, waiting for his turn because
16 we would eliminate all of north bay if that's the --
17 yeah. I can see him -- and we are not going to do it,
18 David.

19 So I am prepared to -- to move that we deny the
20 appeal for Corte Madera.

21 PRESIDENT ARREGUIN: Preliminary action to deny
22 the appeal?

23 MAYOR DAVE HUDSON: Preliminary action.

24 MAYOR NEYSA FLIGOR: And I second that.

25 PRESIDENT ARREGUIN: Okay. Seconded by Mayor

1 Fligor. Thank you.

2 Mayor Romero?

3 MAYOR CARLOS ROMERO: I was going to make the
4 same motion. But I did want to point out as, again, the
5 good mayor pointed out, that we are bound by state
6 statutes, and by the process that we followed with the
7 nine-county Bay Area to set up this methodology.

8 It was open. It was democratic. It was
9 contentious. And ultimately it came to an agreement on
10 what that methodology was. Let us make it clear that it
11 has been years of neglect in the entire state around the
12 production of housing, the production of affordable
13 housing, the production of housing at all levels,
14 particularly in exclusionary cities that has brought us
15 this point.

16 And clearly what was being done for the last
17 20 years has not addressed the issue of housing
18 production. It was time for the state to have stepped
19 in and tried a new regimen. What we are doing here
20 today is indeed applying that. And this is a planning
21 exercise. We understand that cities do not build
22 housing.

23 But if you do not zone appropriately, if you do
24 not take away exclusionary barriers from communities who
25 have locked out sufficient affordable and middle income

1 housing, we will not get out of what is a massive social
2 and equity problem in this state.

3 And I'm ready to vote yes on this. And
4 certainly we don't have I think -- we are not working
5 with an agency or with people in ABAG who don't
6 understand the issues of local control. They certainly
7 understand the need to look at our growth from a
8 regional perspective and try to integrate all of our
9 perspectives into the plan that comes forward. I am
10 ready to vote yes on this item.

11 PRESIDENT ARREGUIN: Thank you.

12 Mayor Eklund?

13 MAYOR PAT EKLUND: Thank you very much,
14 President Arreguin. I just wanted to point out also
15 that the applicant before us, Corte Madera, has exceeded
16 their allocation for this cycle. So it's not like Corte
17 Madera is not agreeable to growth. So I did want to
18 point that out.

19 I think also another issue for us to discuss in
20 the future is, where there is a community that does
21 exceed an allocation in one RHNA cycle, I think we need
22 to have some discussion about to what extent can some of
23 those units in the future transcend RHNA cycles.

24 Because the pattern of growth may not
25 necessarily respect the RHNA cycle. So I just think

1 that we need to have some discussion about it, no to say
2 that we want to advance any changes, but I think we just
3 need to have that discussion.

4 I am still very torn because I did not support
5 the housing methodology, but I don't see any errors
6 where ABAG did -- did not factor in certain, or did
7 factor in certain lands that are not available for
8 growth. So I am still very torn, and will know how I
9 will vote when I am called. Thank you.

10 PRESIDENT ARREGUIN: Thank you. Are there any
11 other questions or comments from members of the ABAG
12 Administrative Committee on the appeal? I don't see any
13 other raised hands. So if not, I will ask the city
14 or -- ask the clerk to please call the role.

15 CLERK FRED CASTRO: And it's the -- just to
16 confirm, it's to accept the staff recommendation?

17 PRESIDENT ARREGUIN: Yes. The preliminary --
18 the motion is to make a preliminary decision to deny the
19 appeal from the Town of Corte Madera.

20 CLERK FRED CASTRO: Thank you. And the motion
21 was from Hudson; second by Fligor.

22 PRESIDENT ARREGUIN: Yes.

23 CLERK FRED CASTRO: Mayor Arreguin?

24 PRESIDENT ARREGUIN: Yes.

25 (Brief interruption.)

1 CLERK FRED CASTRO: Sorry. Arreguin is a yes.
2 Mayor Eklund?
3 MAYOR PAT EKLUND: Yes. I'm going to vote for
4 the -- for ABAG's decision.
5 CLERK FRED CASTRO: Okay. So Mayor Eklund voted
6 yes.
7 Mayor Fligor?
8 MAYOR NEYSA FLIGOR: Yes.
9 CLERK FRED CASTRO: Mayor Hudson?
10 MAYOR DAVE HUDSON: Yes.
11 CLERK FRED CASTRO: Supervisor Lee?
12 SUPERVISOR OTTO LEE: Yes.
13 CLERK FRED CASTRO: Supervisor Mandelman?
14 SUPERVISOR RAFAEL MANDELMAN: Yes.
15 CLERK FRED CASTRO: Supervisor Mitchoff?
16 SUPERVISOR KAREN MITCHOFF: Yes.
17 CLERK FRED CASTRO: House Member Peralez? House
18 Member Peralez is absent.
19 Supervisor Rabbit?
20 SUPERVISOR DAVID RABBIT: Aye.
21 CLERK FRED CASTRO: Supervisor Ramos?
22 SUPERVISOR BELIA RAMOS: Yes.
23 CLERK FRED CASTRO: Mayor Romero?
24 MAYOR CARLOS ROMERO: Yes.
25 CLERK FRED CASTRO: Mayor Wilson?

1 MAYOR LORI WILSON: Aye.

2 CLERK FRED CASTRO: Motion passes unanimously
3 with all members present.

4 PRESIDENT ARREGUIN: Okay. Thank you very much.
5 I'd like to thank staff from the Town of Corte Madera
6 for joining us this morning and for your presentation.
7 And this once again, this is a preliminary action.
8 Final action will be taken at the conclusion of the
9 public hearing, and we will provide notice of the date
10 and time of that meeting. So thank you very much.

11 So that completes the business before the
12 administrative committee this morning. And so the ABAG
13 Administrative Committee will continue this public
14 hearing on RHNA appeals to the Bay Area Metro Center or
15 remotely via Zoom on Friday, October 8, 2021, from
16 2:00 p.m. to 5:00 p.m.

17 And unless there are any other comments, this
18 meeting of the ABAG Administrative Committee is
19 adjourned.

20 MAYOR DAVE HUDSON: We've got two.

21 PRESIDENT AREGUIN: Oh. Yes. Supervisor
22 Mitchoff? You're muted.

23 SUPERVISOR KAREN MITCHOFF: Mayor Eklund
24 mentioned that list of things being emailed to us
25 earlier. I don't have that. And I'm happy to wait

1 until today's list gets compiled, but am I just missing
2 it? I went through my emails.

3 PRESIDENT ARREGUIN: I see Mr. Castro sent it to
4 us at 9:15 a.m., at the beginning of the hearing. And
5 the subject is ABAG Administrative Committee running
6 list. And there's a few things that we added to the
7 list today. So --

8 SUPERVISOR KAREN MITCHOFF: Right. So what I
9 would -- I will just wait until we finish the RHNA
10 hearings, and there will be a -- I'm assuming we are
11 going to continue compiling this list.

12 PRESIDENT ARREGUIN: Yes. It will be iterative
13 lists throughout the hearings.

14 SUPERVISOR KAREN MITCHOFF: All right. I can
15 wait for that, then. Thank you very much.

16 PRESIDENT ARREGUIN: I think if you have any --
17 any suggestions, please sent them along to Mr. Paul or
18 Fred --

19 SUPERVISOR KAREN MITCHOFF: Sure.

20 PRESIDENT ARREGUIN: -- to add to the list. And
21 I would also request, you know -- you know, before our
22 next hearing if we could send the updated list to
23 members of the committee. That would be greatly
24 appreciated.

25 Mayor Hudson?

1 MAYOR DAVE HUDSON: Yeah. I apologize for doing
2 this at this time, but it's just killing me. I want to
3 know how it turned out. For some reason my Zoom went
4 out for a while right when the vote was ready for Contra
5 Costa County. What happened?

6 PRESIDENT ARREGUIN: Mr. Castro, can --

7 MAYOR DAVE HUDSON: Did I -- did I luck out?

8 PRESIDENT ARREGUIN: So you were -- you were not
9 present, and I think the -- I think there were three
10 noes or abstentions.

11 CLERK FRED CASTRO: There were -- there were six
12 ayes, two noes, and four absences.

13 PRESIDENT ARREGUIN: Yeah.

14 MAYOR DAVE HUDSON: So Pittsburg got it, huh?

15 PRESIDENT ARREGUIN: Yes. Pittsburg is annexed,
16 take the 35 units.

17 MAYOR DAVE HUDSON: Boy, did I pick the right
18 time to un-Zoom. Thank you.

19 PRESIDENT ARREGUIN: Okay. So unless there any
20 other questions or comments, we are continuing this
21 hearing to Friday, October 8, 2021. There will be an
22 option for people to -- to testify at the Metro Center,
23 and as well, the hearing will also be conducted by Zoom.

24 And unless there is any other business, this
25 meeting of the ABAG Administrative Committee is

1 adjourned. Thank you, colleagues. Thank you, everyone.

2 (Proceedings adjourned at 11:40 a.m.)

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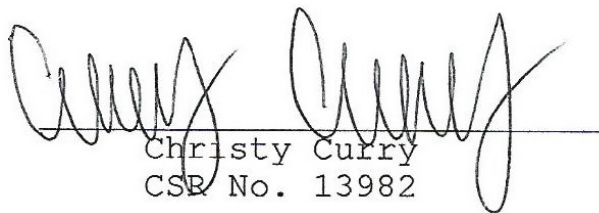
1 STATE OF CALIFORNIA)
 2)
 3 COUNTY OF CONTRA COSTA.)
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5 I hereby certify that the foregoing in the
 6 within-entitled cause was taken at the time and place
 7 herein named; that the transcript is a true record of
 8 the proceedings as reported by me, a duly certified
 9 shorthand reporter and a disinterested person, and was
 10 thereafter transcribed into typewriting by computer.

11 I further certify that I am not interested in
 12 the outcome of the said action, nor connected with, nor
 13 related to any of the parties in said action, nor to
 14 their respective counsel.

15 IN WITNESS WHEREOF, I have hereunto set my
 16 hand this 2nd day of November, 2021.

17
 18
 19
 20 
 21 Christy Curry
 22 CSR No. 13982
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