SUSTAINABLE TAMALMONTE

215 Julia Ave
Mill Valley, CA 94941

September 29, 2020

Supervisor Dennis Rodoni,   Mayor Pro Tem Pat Eklund,
ABAG Executive Board Member   ABAG Executive Board Member
Supervisor Damon Connolly,   City of Novato
Marin's Rep. on the MTC Commission &   922 Machin Avenue
Alternate ABAG Executive Board Member   Novato, CA 94945
3501 Civic Center Drive, Suite 329
San Rafael, CA 94903

Re: Strategy to lower the estimated 2024-2032 Regional Housing Needs Allocations (RHNA) for the Cities and County of Marin, restore confidence in the RHNA process, and lower the effects of climate change

Dear Supervisor Rodoni, Supervisor Connolly, and Mayor Pro Tem Eklund,

We are very concerned about the estimated 2024-2032 Regional Housing Needs Allocations (RHNAs) for the Cities of Marin and, in particular, for Unincorporated Marin. These estimated allocations are unprecedented and many times greater than those for the 2015 to 2023 planning period. We wish to offer suggestions on how to lower these unrealistic and flawed allocations.

I. Introduction

The State's approach to determining the housing need must be defensible and reproducible for cities and counties to be held accountable. Unfortunately, the State is falling far short in this regard.

During the last Regional Housing Needs Allocation (RHNA) cycle (2015-2023), over 400 of California's 480 municipalities have not reached their RHNA targets. New laws require local jurisdictions to not only identify RHNA sites but, in addition, to ensure that new housing is actually constructed on the sites. Yet, local governments are not developers and cannot force private property owners to build housing units. Indeed, the Embarcadero Institute found that the shortage of housing resulted not from a failure by cities to issue housing permits, but rather a failure by the state to fund and support affordable housing.

Moreover, non-performance in a RHNA income category triggers a streamlined approval process per Senate Bill 35 (2017), which lessens local communities' control over land use, environmental protections, and quality development.

By issuing such inflated 2024-2032 allocations without providing funds for affordable housing, the State and Regional Agencies are setting local governments up to fail again.

Our recommendations seek to rectify inaccuracies and restore confidence in the RHNA process, while giving priority to dealing with the effects of climate change.   We favor a RHNA allocation methodology, which emphasizes land use that will lower Green House Gas emissions and protect residents from environmental hazards, including sea level rise, flooding, and fire - which are rapidly growing more severe due to climate change.

This letter demonstrates the following:
- The California Housing & Community Development Agency's (HCD's) approach to determining housing need is flawed, resulting in exaggerated Regional Housing Needs Allocations (RHNAs). Correcting HCD's process would lower Marin's RHNAs;
- The Regional Growth Forecast for Plan Bay Area 2050, which the Regional Housing Needs Allocations (RHNAs) reflect, is inflated and unrealistic. Correcting this forecast would lower Marin's RHNAs;
- Marin's Priority Development Areas should be rescinded in order to lower Marin's RHNAs;
- A RHNA allocation methodology (E.g. **Option 8A**) that targets growth in High Opportunity Areas, regardless of distance from employment or access to high quality public transit, is inconsistent with RHNA Statutory Objectives and Plan Bay Area 2050 and should be denied. Voting "no" on **Option 8A** and similar methodologies would reduce Marin's RHNAs;
- The preferred RHNA allocation methodology is one that: 1) targets growth in areas close to employment and/or high-quality public transit; and 2) gives greater weight to precluding environmentally sensitive and hazardous areas from growth. Such a methodology would be consistent with RHNA Statutory Objectives and Plan Bay Area 2050 and would lower Marin's RHNAs;
- Identifying the areas with traffic density and unsafe toxic contaminants in Marin would reduce the number of areas in Marin that are designated "High Opportunity Areas" and thereby reduce Marin's RHNAs;
- The methodology for calculating "High Opportunity Areas" (HOA) should give greater weight to areas with clean and safe environments. As such, the HOA methodology should exclude more hazardous areas from growth than it currently does by increasing the kinds of environmental hazards that should be avoided. Adopting such an HOA methodology would lower Marin's RHNAs;
- Marin's RHNA allocations should be lowered to reflect Marin's population, household and employment growth projections. Marin County lacks developable land, is encumbered with many environmental hazards and constraints, including a very limited water supply, and has a rapidly growing senior population who will soon retire and contribute to lower employment levels. These factors stunt population, household and business growth.

We recommend that you advocate for corrections to the above referenced forecasts, methodologies and allocations and thereby lower Marin's unrealistic and flawed Estimated Regional Housing Needs Allocations (2024-2032). Please read below for more details about our findings.

II. The County of Marin and the Cities of Marin should work together to lower all the Regional Housing Needs Allocations (RHNAs) across Marin.

We recommend that the County of Marin and the Cities of Marin work together to lower all the Regional Housing Needs Allocations (RHNAs) across Marin. Each Marin jurisdiction is highly impacted by the growth of neighboring jurisdictions. It is to the advantage of the County and every City in Marin to lower all Marin RHNAs. Moreover, lobbying together for the same objectives should be more effective.

III. Comparison between the actual Marin County Regional Housing Need Allocations for the 2015 to 2023 planning period and the estimated 2024-2032 Marin County Regional Housing Need Allocations

Please review the below charts. The first chart (**CHART 1**) shows the final Marin County Regional Housing Needs Allocations for the 2015 to 2023 planning period. The second chart (**CHART 2**) demonstrates a rough estimate of the Marin County Regional Housing Need Allocations for 2024 to 2032, if the **Option 8A** Allocation Methodology is adopted and if the HCD RHNA Allocation Approach and the Plan Bay Area 2050 Regional Growth Forecast are maintained.

CHART 1: Marin County Regional Housing Need Allocation, 2015-2023
Marin County

	Very Low	Low	Moderate	Above Moderate	Total
Belvedere	4	3	4	5	16
Corte Madera	22	13	13	24	72
Fairfax	16	11	11	23	61
Larkspur	40	20	21	51	132
Mill Valley	41	24	26	38	129
Novato	111	65	72	167	415
Ross	6	4	4	4	18
San Anselmo	33	17	19	37	106
San Rafael	240	148	181	438	1,007
Sausalito	26	14	16	23	79
Tiburon	24	16	19	19	78
Unincorporated	55	32	37	61	185
Marin Total	**618**	**367**	**423**	**890**	**2,298**

CHART 2: Rough Estimate of Marin County Regional Housing Needs Allocations, 2024-2032

	VLI	LI	MOD	MOD+	Total
Belvedere	50	30	20	60	160
Corte Madera	210	120	110	270	710
Fairfax	160	90	80	200	530
Larkspur	300	180	150	390	1,020
Mill Valley	250	140	120	320	830
Novato	580	340	330	860	2,110
Ross	40	20	20	40	120
San Anselmo	230	130	110	280	750
San Rafael	750	430	450	1,150	2,780
Sausalito	200	120	120	300	740
Tiburon	190	110	90	240	630
Unincorporated Marin	1,160	670	560	1,440	3,830
TOTAL					**14,210**

It is apparent that the estimated Marin County Regional Housing Needs Allocations (RHNAs), 2024-2032 are many times greater than the actual Marin County RHNAs, 2015-2023. For example, Unincorporated Marin's estimated 2024-2032 allocation is 20 times greater than that for the 2015-2023 planning period. Such enormous increases are unprecedented, and the sheer magnitude of the upsurges indicates that the new allocations are flawed. The estimated 2024-2032 allocations should be reduced.

IV. The Embarcadero Institute Report entitled; "Double Counting in the Latest Housing Needs Assessment" proves that the California Department of Housing and Community Development's Regional Housing Needs Assessments for four regional planning agencies, including the Association of Bay Area Governments' (ABAG's) assessment, are dramatically inflated

The Regional Housing Need Allocation (RHNA) is the state-mandated process to identify the total number of housing units each jurisdiction must accommodate. As part of this process, the California Department of Housing and Community Development (HCD) calculates the total housing need (referred to as the Regional Housing Needs Assessment) for each planning region, including the San Francisco Bay Area, for an eight-year period. Then, each region's planning agency, including the Association of Bay Area Governments (ABAG), distributes this need to local governments. If HCD's methodology for calculating the total Regional Housing Needs Assessment is flawed, then all subsequent housing needs for regions and local

governments are similarly flawed. The Embarcadero Institute's report proves that the HCD methodology is indeed defective.

The Embarcadero Institute's report entitled; "Double Counting in the Latest Housing Needs Assessment" found that; "Senate Bill 828, co-sponsored by the Bay Area Council and Silicon Valley Leadership Group, and authored by Senator Scott Wiener in 2018, has inadvertently doubled the Regional Housing Needs Assessment in California."

"Use of an incorrect vacancy rate and double counting, inspired by SB-828, caused the state's Department of Housing and Community Development (HCD) to exaggerate by more than 900,000 the units needed in SoCal, the Bay Area, and the Sacramento area." [1]

V. The Regional Growth Forecast for Plan Bay Area 2050 is unrealistic and should be rejected and re-evaluated

The following **Table 2** illustrates the approved Regional Growth Forecast for Plan Bay Area 2050 (supposedly integrating impacts from the COVIC-19 Pandemic & the 2020 Recession). Between 2015 and 2050, the region's employment is projected to grow by 1.4 million to just over 5.4 million total jobs. Population is forecasted to grow by 2.7 million people to 10.3 million. This population will comprise over 4.0 million households, for an increase in nearly 1.3 million households from 2015.[2]

Table 2: Plan Bay Area 2050 - Regional Growth Forecast (Millions)

	2015	2020	2025	2030	2035	2040	2045	2050
Total Population	7,660,000	7,930,000	8,230,000	8,550,000	9,000,000	9,490,000	9,930,000	10,330,000
Total Employment	4,010,000	4,080,000	4,150,000	4,640,000	4,830,000	5,050,000	5,230,000	5,410,000
Total Households	2,680,000	2,760,000	2,950,000	3,210,000	3,500,000	3,710,000	3,890,000	4,040,000
Total Housing Units	2,710,000	2,840,000	3,060,000	3,370,000	3,670,000	3,900,000	4,080,000	4,250,000

Figure 6 illustrates historic housing production and Plan Bay Area 2050's projected housing production, based on the plan's anticipated demand for housing units. The plan projects an increase of 1.4 million housing units through 2050. The extreme difference between historic and projected production implies that the plan's anticipated housing demand is overexaggerated.

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[1] https://secureservercdn.net/198.71.233.65/r3g.8a0.myftpupload.com/wp-content/uploads/2020/09/Double-counting-in-the-Latest-Housing-Needs-Assessment-Sept-Update.pdf
[2] https://www.planbayarea.org/sites/default/files/pdfs_referenced/Plan_Bay_Area_2050_-_Regional_Growth_Forecast_July_2020v2DV_0.pdf

Figure 6: Annual Housing Production, Historic and Projected (in thousands of housing units)
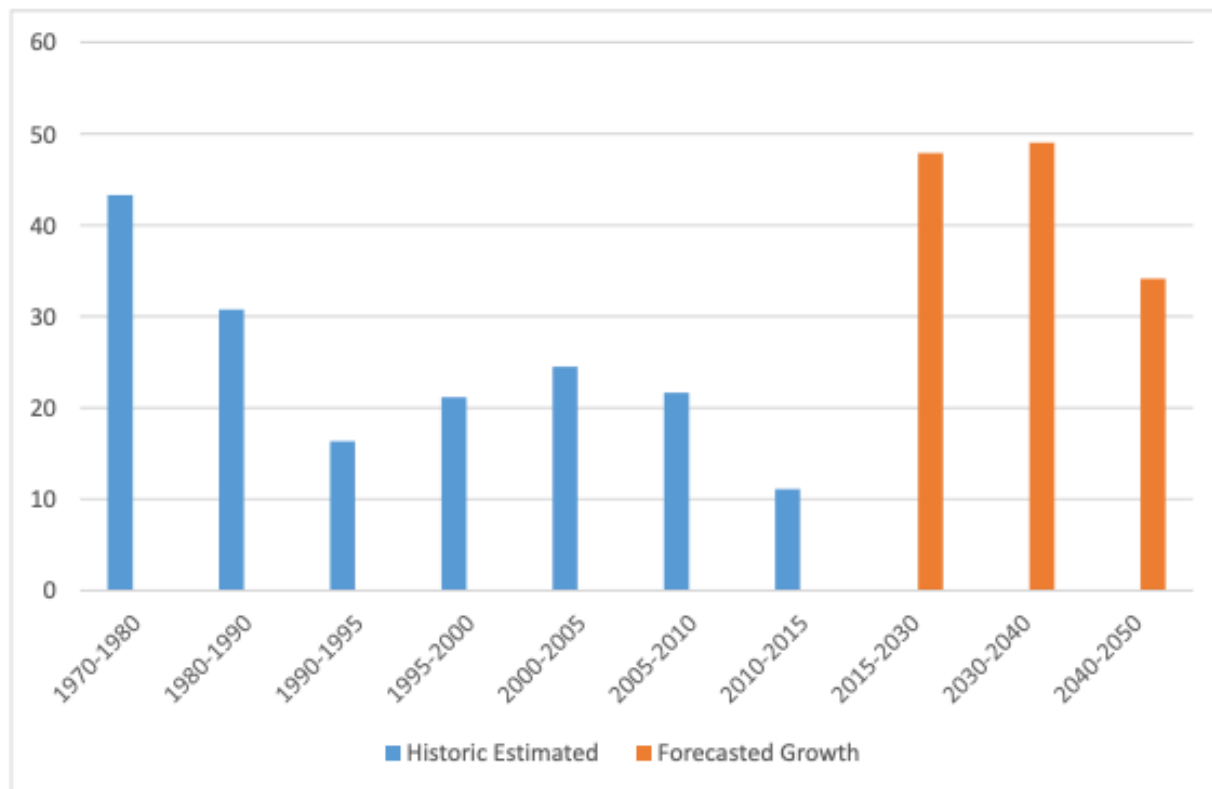
Source: MTC/ABAG household and housing unit analysis

The above Regional Growth Forecast of 10,330,000 people and 4,250,000 housing units by 2050 is unrealistic.

California's Actual/Historic Population Growth Rate:
California's population growth rate is at a record low and predicted to remain low. Estimates released on Dec. 20, 2019 by the California Department of Finance show that between July 1, 2018 and July 1, 2019, the growth rate was just .35%, the lowest recorded growth rate since 1900. During the same time period, the Department reported that there was substantial negative domestic net migration, which resulted in a loss of 39,500 residents – "the first time since the 2010 census that California has had more people leaving the state than moving in from abroad or other states".[3] Since 2019, we have entered into the COVID-19 recession, which should further lower California's growth rate.

Marin County's Actual/Historic Population Growth Rate:
Marin's population growth rate has been negative for the last five years. From 2016 through 2020, the growth rate has ranged from -.02% to -.35%. Please see the below chart [4]:

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[3] https://www.latimes.com/california/story/2019-12-21/california-population-continues-to-decline-with-state-emigration-a-major-factor

[4] https://worldpopulationreview.com/us-counties/ca/marin-county-population
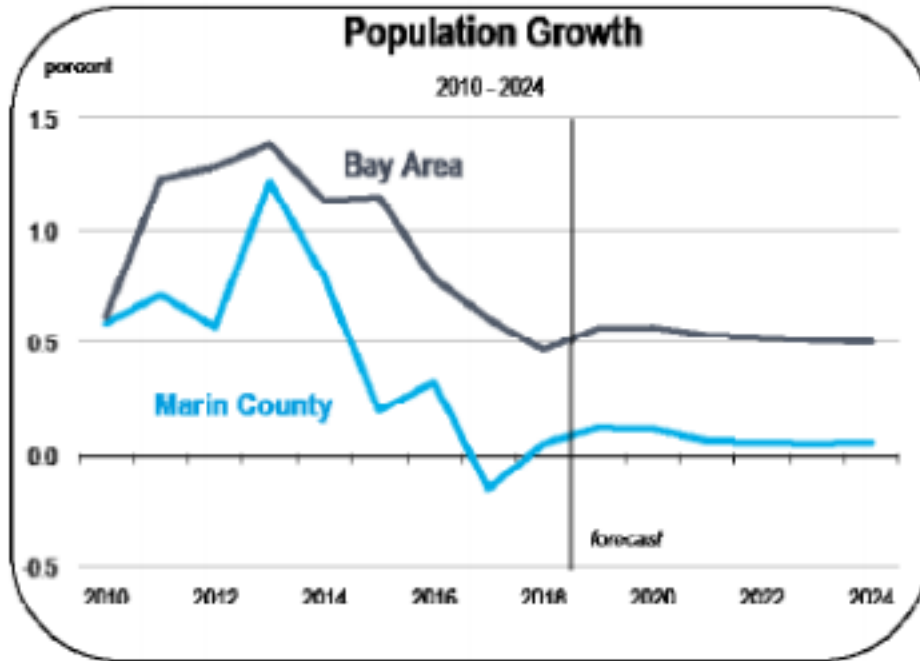
Marin County, California Population 2020

Marin County, California's estimated population is 259,548 with a growth rate of -0.02% in the past year according to the most recent United States census data. Marin County, California is the 26th largest county in California.

Year ▼	Population	Growth	Growth Rate
2020	259,548	-59	-0.02%
2019	259,607	-59	-0.02%
2018	259,666	-59	-0.02%
2017	259,725	-908	-0.35%
2016	260,633	-383	-0.15%

2019 Marin County Economic Forecast by the California Department of Transportation:

Marin County Population Growth: The 2019 Marin County Economic Forecast by the California Department of Transportation states; "Marin County Population is growing slower than the California average, and will continue to do so. Marin County's overall population growth will be slow, averaging only 0.1 percent per year through 2024, and the population will expand by a total of only 1,200 residents over the entire 2018—2024 period."[5]

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[5] https://dot.ca.gov/-/media/dot-media/programs/transportation-planning/documents/socioeconomic-forecasts/2019-pdf/marinfinal-a11y.pdf

Population Growth
2010 – 2024

Marin County Job Growth: Per the 2019 Marin County Economic Forecast by the California Department of Transportation; "Job growth in Marin County is slowing and will slow further during the forecast period. Marin County is at risk of losing jobs by 2020 or 2021."[6]

Non-farm Job Growth
2010 – 2024

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[6] https://dot.ca.gov/-/media/dot-media/programs/transportation-planning/documents/socioeconomic-forecasts/2019-pdf/marinfinal-a11y.pdf
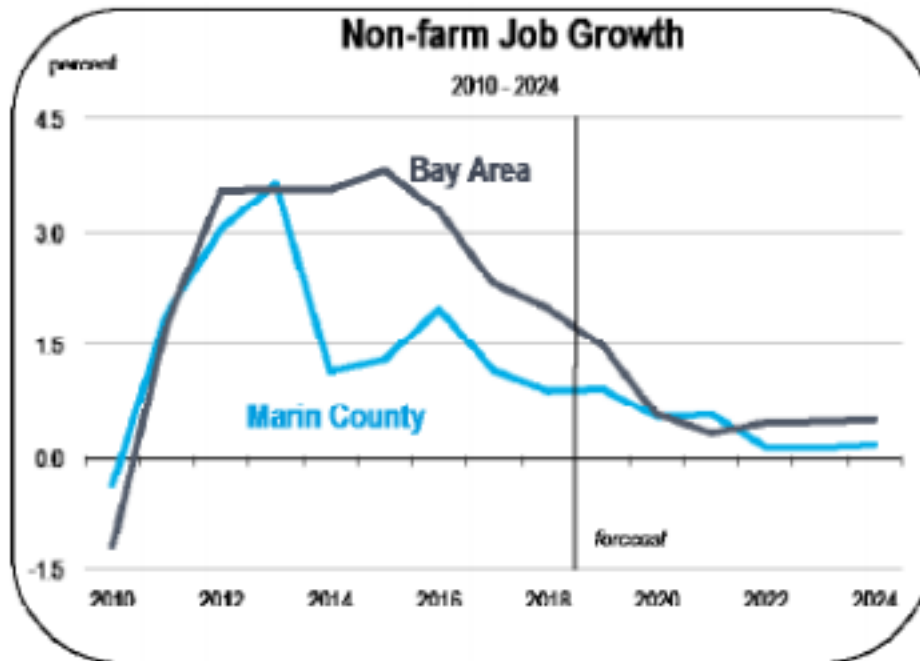
The above historic/actual population growth rates, population and job growth projections by the Department of Transportation, and the Embarcadero Institute Report demonstrate that the Regional Growth Forecast for Plan Bay Area 2050 is misguided. The flawed forecast is one of the reasons that the estimated 2050 Marin County Regional Housing Needs Allocations (RHNAs) are so high. The Plan Bay Area 2050 Growth Forecast should be rejected and reevaluated. A lower more realistic growth forecast would lower the upcoming RHNAs for the Bay Area and Marin.

Moreover, Marin's RHNA allocations should reflect Marin's population, household and employment growth projections. Marin County lacks developable land and is encumbered with many environmental hazards and constraints, including an extremely limited availability of water resources. These factors stunt population, household and business growth. In addition, Marin's growing population of seniors will retire or not be fully employed, which will also contribute to lower employment levels.

Even if the leadership of ABAG and MTC has approved the Regional Growth Forecast for Plan Bay Area 2050, the flawed projections should still be challenged, particularly during review of the Plan's Environmental Impact Report.

VI. Remove the Priority Development Areas (PDAs) in Marin

Mayor Pro-Tem Pat Eklund's "ABAG Report to MCCMC – September 2020" regarding the Plan Bay Area 2050 – Draft Blueprint states; "the job and housing growth in the 9 Bay Area Counties will be focused in the **Priority Development Areas**, High Resource Areas, Transit-Rich Areas, and Priority Production Areas."

The transportation funds gained by adopting Priority Development Areas (PDAs) are minuscule compared to the costs associated with accelerated growth, which is what is expected in jurisdictions with PDAs. Increased housing and population growth will lead to an increase in the risk of adverse impacts on the environment, public health and safety, traffic congestion, infrastructure, utilities (water supply), public services (schools), views, sunlight, privacy, neighborhood character, and quality of life. Marin's local governments and residents will have to pay for improvements to infrastructure, utilities and public services and for mitigating the above adverse impacts.

Therefore, we recommend that the Marin County Board of Supervisors eliminate the PDA in Unincorporated Marin (Gateway Shopping Center in Marin City). If the City of San Rafael's three PDAs (Downtown San Rafael, North San Rafael/ Northgate, and Southeast San Rafael/ Canal) are raising the RHNAs for all of Marin, then we recommend that San Rafael also eliminate its PDAs.

VII. Vote "No" on Option 8A and any Option that targets growth primarily in "High Opportunity Areas" AKA "High Resource Areas".

Option 5A: 50/50 High Opportunity Areas & Jobs	Option 6A: Modified High Opportunity Areas Emphasis	Option 7A: Balanced High Opportunity Areas & Job Proximity	Option 8A: High Opportunity Areas Emphasis & Job Proximity
Very Low and Low • 50% Access to High Opportunity Areas • 50% Jobs-Housing Fit	*Very Low and Low* • 70% Access to High Opportunity Areas • 30% Jobs-Housing Fit	*Very Low and Low* • 50% Access to High Opportunity Areas • 25% Job Proximity - Auto • 25% Job Proximity - Transit	*Very Low and Low* • 70% Access to High Opportunity Areas • 15% Job Proximity - Auto • 15% Job Proximity - Transit
Moderate and Above Moderate • 50% Access to High Opportunity Areas • 50% Job Proximity - Auto	*Moderate and Above Moderate* • 40% Access to High Opportunity Areas • 60% Job Proximity - Auto	*Moderate and Above Moderate* • 50% Access to High Opportunity Areas • 50% Job Proximity - Auto	*Moderate and Above Moderate* • 40% Access to High Opportunity Areas • 60% Job Proximity - Auto

The Association of Bay Area Government (ABAG) Housing Methodology Committee is recommending **Option 8A** (described in the above chart) as the preferred allocation methodology for dividing the Bay Area's Regional Housing Need Determination (RHND) (441,000 housing units) among the region's jurisdictions for the next Regional Housing Needs Allocation (RHNA) cycle.

This recommendation now goes to the ABAG Regional Planning Committee on October 1, 2020; then, the MTC Planning and ABAG Administrative Committees on October 9, 2020. The final decision will be made by the ABAG Executive Board on October 15, 2020.

Option 8A targets 70% of RHNAs for Very Low and Low households in "High Opportunity Areas". If this option is approved by the ABAG Executive Board, then the above **CHART 2**, in **Section III** of this letter, illustrates a rough estimate of what the RHNAs will be for the cities of Marin and Unincorporated Marin.

"**High Opportunity Areas**" are areas with high quality public schools, proximity to well-paying jobs, and a clean and safe environment.

Here is the link to the map of "High Opportunity Areas" across California. You can zoom into Marin:
https://belonging.berkeley.edu/tcac-opportunity-map-2020

Below is a map of the "High Opportunity Areas" in Marin County.

Marin County High Opportunity Areas Map
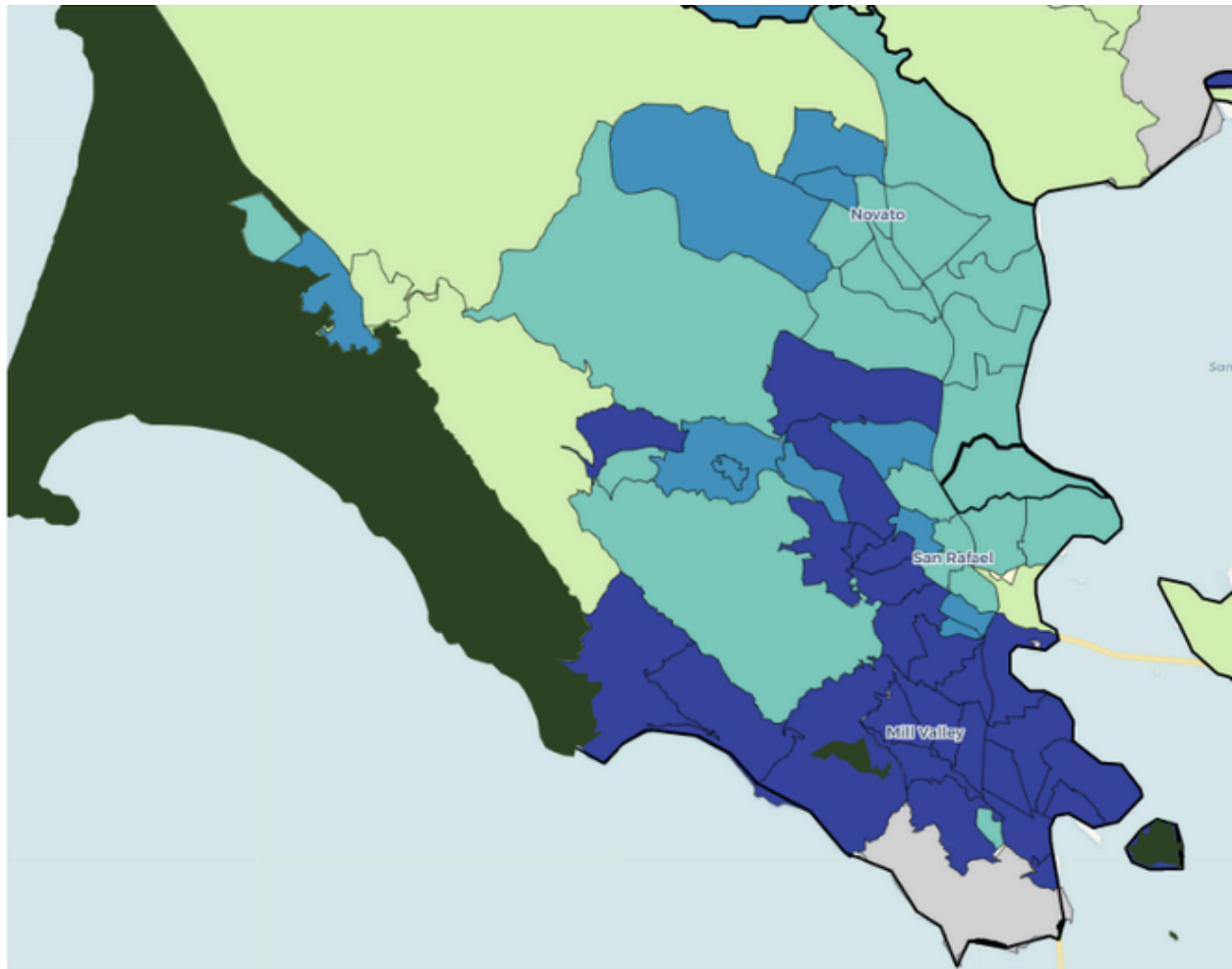
Legend

- Highest Resource
- High Resource
- Moderate Resource (Rapidly Changing)
- Moderate Resource
- Low Resource
- High Segregation & Poverty
- Missing/Insufficient Data
- National & State Park/Forest/Rec Area

According to the "California Fair Housing Task Force Methodology for the 2020 TCAC/HCD Opportunity Map – June 2020"[7], the map of "High Opportunity Areas" takes into account the following indicators, measures, and data sources:

- Poverty (Percent of population with income above 200% of federal poverty line);
- Adult Education (Percent of adults with a BA or above);
- Employment (Percent of adults aged 20 to 64 who are employed in the civilian labor force or in the armed forces);
- Job Proximity (Proximity to low wage jobs filled by workers with less than a BA);
- Median Home Value (Value of owner-occupied units);
- Pollution Indicators "CalEnviroScreen 3.0 Indicators" (Exposure to traffic density and toxic contaminants in ground, air or water);
- Math Proficiency (Percentage of 4th graders who meet or exceed math proficiency standards);
- Reading Proficiency (Percentage of 4th graders who meet or exceed literacy standards);
- High School Graduation Rates (Percentage of high school cohort that graduated on time);
- Student Poverty Rate (Percent of students not receiving free or reduced-price lunch);
- Poverty (Tracts with at least 30% of the population falling under the federal poverty line);
- Racial Segregation (Tracts with a racial Location Quotient of higher than 1.25 for minorities).

Based on the above map and criteria, targeting 70% of RHNAs for Very Low and Low Households in "High Opportunity Areas" is a recipe for tremendous growth in Marin, as indicated by the rough estimate of highly inflated RHNAs for the Cities of Marin and Unincorporated Marin (**CHART 2**).

Therefore, we urge you to vote "No" on any RHNA allocation methodology that targets growth in "High Opportunity Areas", including **Option 8A**.

VIII. An allocation methodology, like Option 8A, which targets Regional Housing Needs Allocations (RHNAs) for Very Low and Low Households in "High Opportunity Areas", regardless of distance from employment and access to high quality public transit, is not consistent with the requirements of the Second RHNA Statutory Objective; Plan Bay Area 2050 Strategy #9; and the Sustainable Communities and Climate Protection Act (Senate Bill 375, which was enacted into law in 2008). Lobby for the allocation methodology to correct this inconsistency.

Please review the above "**Marin County High Opportunity Areas Map**". It illustrates that the majority of High Opportunity Areas in Marin are areas far from jobs and/or areas with poor, inconvenient or non-existent public transit.

The Regional Housing Needs Allocations (RHNA allocations) must meet the five statutory objectives of RHNA[8] and be consistent with the forecasted development pattern of Plan Bay Area 2050.

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[7] https://www.treasurer.ca.gov/ctcac/opportunity/2020-tcac-hcd-methodology.pdf
[8] https://rhna-factors.mtcanalytics.org/data/RHNA_Statutory_Objectives.pdf

Focusing growth in "High Opportunity Areas" without a nexus to high quality public transit and/or jobs is in conflict with the Second Statutory Objective for the Regional Housing Needs Allocation (RHNA) and Plan Bay Area 2050's Strategy #9. Such growth focus also defeats the main purpose of Plan Bay Area 2050, the Bay Area's Sustainable Communities Strategy, which is to lower Green House Gas (GHG) emissions from cars and light trucks while accommodating all needed housing growth within the region. The Second RHNA Statutory Objective, Plan Bay Area 2050 Strategy #9, and Senate Bill 375 "The Sustainable Communities & Climate Protection Act 2008", which mandated Sustainable Communities Strategies and Plan Bay Area, require development patterns that achieve the region's Green House Gas (GHG) reduction targets.

The Second Statutory Objective for RHNA is; "Promoting infill development and socioeconomic equity, the protection of environmental and agricultural resources, the encouragement of efficient development patterns, and **the achievement of the region's greenhouse gas reductions targets provided by the State Air Resources Board** pursuant to Section 65080."[9]

Plan Bay Area 2050 Strategy #9 states; "**Reduce Environmental Impacts.** Maintain the region's existing urban growth boundaries through 2050, while simultaneously partnering with public and non-profit entities to protect high-value conservation lands. **Further expand the Climate Initiatives Program to drive down greenhouse gas emissions.**"[10]

As already mentioned, the tactic of targeting growth in "High Opportunity Areas", regardless of access to high quality public transit or distance from jobs, goes against Senate Bill-375 (Steinberg), "The Sustainable Communities and Climate Protection Act", enacted into law in 2008. SB-375 mandated Sustainable Communities Strategies and was the basis for creating Plan Bay Area. Plan Bay Area 2050 is a "Sustainable Communities Strategy". SB-375 requires regional metropolitan planning organizations (E.g. MTC & ABAG) in California to develop Sustainable Communities Strategies (SCS) (E.g. Plan Bay Area), or long-range plans, which align transportation, housing, and land use decisions toward achieving Green House Gas (GHG) emissions reduction targets set by the California Air Resources Board (CARB).

In summary, the Second RHNA Statutory Objective requires and Plan Bay Area 2050 mandates a reduction in Green House Gas emissions. RHNA is supposed to be consistent with the Statutory Objective and Plan Bay Area. Therefore, RHNAs should not be focused in High Opportunity Areas without a nexus to high quality public transit and/or jobs.

Besides voting "No" on Option 8A, we recommend that you lobby for a change to the RHNA allocation methodology. Instead of targeting growth predominantly in "High Opportunity Areas", the preferred allocation methodology should target RHNA allocations primarily in areas that are close to employment and/or high-quality public transit. Since most of Marin has very poor public transit and few current jobs and there is a projection of future job loss in the county, this emphasis should substantially lower the RHNAs allocated to Unincorporated Marin and to the cities of Marin.

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[9] https://rhna-factors.mtcanalytics.org/data/RHNA_Statutory_Objectives.pdf
[10] https://www.planbayarea.org/sites/default/files/5b_PBA50_DraftBlueprint_StrategiesAction.pdf

IX. Lobby for the RHNA allocation methodology to reflect the Second and Sixth RHNA Statutory Objectives; Plan Bay Area 2050 Strategy #8 entitled; "Reduce Risks from Hazards"; Plan Bay Area 2050 Strategy #9 entitled; "Reduce Environmental Impacts"; and Plan Bay Area 2050's stipulation that Areas Outside of Growth Boundaries (including Priority Conservation Areas - PCAs) and Unmitigated High Hazard Areas should be protected. Preclude environmentally sensitive and hazardous areas from growth.

The Regional Hosing Needs Allocations (RHNA allocations) must meet the five statutory objectives of RHNA[11] and be consistent with the forecasted development pattern of Plan Bay Area 2050.

The Second Statutory Objective for RHNA is; "Promoting infill development and socioeconomic equity, **the protection of environmental** and agricultural **resources**, the encouragement of efficient development patterns, and the achievement of the region's greenhouse gas reductions targets provided by the State Air Resources Board pursuant to Section 65080."[12]

The Sixth Statutory Objective for RHNA, pending state legislation, is; "**Reducing development pressure within very high fire risk areas.**"[13]

Plan Bay Area 2050 Strategy #8 states; "**Reduce Risks from Hazards.** Adapt the vast majority of the Bay Area's shoreline to sea level to protect existing communities and infrastructure, while providing means-based financial support to retrofit aging homes."[14] Until communities and infrastructure are actually protected from sea level rise, areas subject to sea level rise should not be further developed.

Plan Bay Area 2050 Strategy #9 states; "**Reduce Environmental Impacts.** Maintain the region's existing urban growth boundaries through 2050, while simultaneously partnering with public and non-profit entities to protect high-value conservation lands. Further expand the Climate Initiatives Program to drive down greenhouse gas emissions."[15]

The Plan Bay Area 2050 – Draft Blueprint states that **Areas Outside Urban Growth Boundaries (including Priority Conservation Areas – PCAs) and Unmitigated High Hazard Areas should be protected**.[16] As such, growth should not be targeted in such areas.

In addition, Plan Bay Area 2050's Guiding Principle entitled "Healthy" states; "**The region's natural resources, open space, clean water, and clean air are conserved – the region actively reduces it's environmental footprint and protects residents from environmental impacts.**"[17]

The RHNA allocation methodology should reflect the above objectives, strategies, policy, and guiding principle. Therefore, we recommend that you lobby for the RHNA allocation

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[11] https://rhna-factors.mtcanalytics.org/data/RHNA_Statutory_Objectives.pdf
[12] https://rhna-factors.mtcanalytics.org/data/RHNA_Statutory_Objectives.pdf
[13] https://rhna-factors.mtcanalytics.org/data/RHNA_Statutory_Objectives.pdf
[14] https://www.planbayarea.org/sites/default/files/5b_PBA50_DraftBlueprint_StrategiesAction.pdf
[15] https://www.planbayarea.org/sites/default/files/5b_PBA50_DraftBlueprint_StrategiesAction.pdf
[16] Mayor Pro Tem Pat Eklund. "Report on ABAG to MCCMC". September, 2020
[17] https://www.planbayarea.org/sites/default/files/PBA2050_GP_Res.4393_Table.pdf

methodology to eliminate the following unsafe, sensitive and constrained areas from housing growth:

- Areas subject to lack of water supplies;
- Very high fire hazard zones;
- High fire hazard zones;
- Areas within the Wildland Urban Interface (WUI);
- Areas with unsafe evacuation routes;
- Areas subject to sea level rise;
- Areas subject to flooding;
- Areas subject to high seismic activity;
- Areas subject to high traffic congestion;
- Land zoned or designated for preservation by a local ballot measure that was approved by voters of that jurisdiction;
- Areas adjacent to habitat for protected species;
- Areas adjacent to natural habitat and wildlife preserves;
- Lands under conservation easement;
- Wetlands.

**We wish to emphasize that Marin County's potential growth is greatly constrained by our limited water supply.

The 2007 Marin Countywide Plan's Environmental Impact Report (EIR) examined the cities' and county's zoning designations and projected potential growth of 14,043 more housing units (more than the current number of homes in Sausalito and Mill Valley combined). This didn't include density bonuses. Alarmingly, the EIR concluded that "land uses and development consistent with the plan would result in 42 significant unavoidable adverse impacts", including worse traffic congestion and **insufficient water supplies**.

The total estimated RHNA (2024 to 2032) for all of Marin is 14,210 housing units. This is similar to the number of housing units (14,043 units) evaluated by the 2007 Marin Countywide Plan's EIR. Marin's water supply is insufficient for this magnitude of growth.

X. Identify the areas with traffic density and unsafe toxic contaminants in Marin and reduce the number of areas that are considered "High Opportunity Areas" in the county

According to the "California Fair Housing Task Force Methodology for the 2020 TCAC/HCD Opportunity Map – June 2020"[18], the map of "High Opportunity Areas" takes into account the pollution burden.

"The environmental domain relies on twelve of the indicators that are used in CalEnviroScreen 3.0 under the "exposures" and "environmental effect" subcomponents of the "pollution burden" domain:

1. Ozone Concentrations
2. PM2.5 Concentrations
3. Diesel PM Emissions

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[18] https://www.treasurer.ca.gov/ctcac/opportunity/2020-tcac-hcd-methodology.pdf

4. Drinking Water Contaminants
5. Pesticide Use
6. Toxic Releases from Facilities
7. Traffic Density
8. Cleanup Sites
9. Groundwater Threats
10. Hazardous Waste Generators and Facilities
11. Impaired Water Bodies
12. Solid Waste Sites and Facilities"

We know that many areas in Marin are subject to "Traffic Density" and "Toxic Contaminants". These areas can be proven by the 2007 Marin Countywide Plan's Environmental Impact Report (EIR) and the General Plan EIRs of the cities of Marin. There are also Marin County Integrative Pest Management Reports, which demonstrate the use of pesticides in many areas of the County.

We suggest that the County of Marin and the cities of Marin identify the areas in Marin that are subject to traffic density and unsafe levels of toxic contaminants and thereby exempt these areas from the "High Opportunity Areas" map.

XI. Lobby for a change in the methodology for calculating "High Opportunity Areas"

High Opportunity Areas are supposed to be clean and safe environments. "The purpose of the opportunity map is to identify areas in every region of the state whose characteristics have been shown by research to support positive economic, educational, and **health outcomes** for low-income families – particularly long-term outcomes for children."[19] Yet, the current methodology for identifying a "High Opportunity Area" only excludes areas that experience traffic density and exposure to toxic contaminants in the ground, air or water. There are many other environmental hazards that should also be taken into account in order to ensure a safe environment.

In addition to areas subject to traffic density and toxic contaminants, areas with the following environmental hazards should also be exempt from "High Opportunity Areas":
- Areas subject to lack of water supplies;
- Very high fire hazard zones;
- High fire hazard zones;
- Areas within the Wildland Urban Interface (WUI);
- Areas with unsafe evacuation routes;
- Areas subject to sea level rise;
- Areas subject to flooding;
- Areas subject to high seismic activity.

By excluding the above hazardous and constrained areas from "High Opportunity Areas", Marin's "High Opportunity Areas" should be greatly reduced. Subsequently, the portion of Marin's RHNAs, which are associated with "High Opportunity Areas", should also be reduced.

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[19] https://www.treasurer.ca.gov/ctcac/opportunity/2020-tcac-hcd-methodology.pdf

XII. Spheres of Influence Adjustment & the RHNA methodology

"Spheres of Influence (SOI) must be considered in the RHNA methodology if there is projected growth within a city's SOI. Most SOI in the Bay Area are anticipated to experience growth. Every city in the Bay Area has a SOI which can be either contiguous with or go beyond the city's boundary. The SOI is considered the probable future boundary of a city and that city is responsible for planning within its SOI.

The SOI boundary is designated by the county's Local Area Formation Commission (LAFCO). The LAFCO influences how government responsibilities are divided among jurisdictions and service districts in these areas.

The method for allocating housing need for jurisdictions where there is projected growth within the SOI varies by county. In Marin County, 62.5 percent of the 2015 to 2023 allocation of housing need generated by the unincorporated SOI was assigned to the city and 37.5 percent was assigned to the county. …

These rules are based on the premise that each local jurisdiction with land use permitting authority over its SOI should plan for the housing need generated within that area. These rules reflect the fact that each county in the Bay Area is different in terms of whether a city or county has jurisdiction over land use and development within unincorporated SOIs."[20]

We have asked Marin County's planning staff to answer questions pertinent to the Spheres of Influence Adjustment. Once staff replies, we will send you our recommendations regarding this issue.

XIII. Conclusion

The estimated 2024-2032 Regional Housing Needs Allocations (RHNAs) for the County and Cities of Marin are excessive and unrealistic. We hope our above findings and recommendations will help you to lower these misguided housing allocations, restore confidence in the RHNA process, and reduce the effects of climate change.

Thank you in advance for your conscientious consideration.

Very truly yours,
        /s/
Sharon Rushton, Chair
Sustainable TamAlmonte

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[20] Regional Housing Need Plan, San Francisco Bay Area: 2015-2023 -
https://abag.ca.gov/sites/default/files/2015-23_rhna_plan.pdf