

COMMUNITY DEVELOPMENT AGENCY



Thomas K. Lai
DIRECTOR

June 22, 2021

Marin County Board of Supervisors
3501 Civic Center Drive
San Rafael, CA 94903

Marin County Civic Center
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Suite 308
San Rafael, CA 94903
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SUBJECT: Regional Housing Needs Allocation for Unincorporated Marin County and Appeal Options

Building and Safety
Environmental Health Services
Planning
Environmental Review
Housing
Sustainability
Code Enforcement
GIS
Federal Grants

www.marincounty.org/cda

Dear Supervisors:

RECOMMENDATION: Provide direction to staff regarding whether to file an appeal of the Regional Housing Needs Allocation numbers to the Association of Bay Area Governments.

SUMMARY:

The Regional Housing Needs Allocation (RHNA) process is used to determine how many new homes, and the affordability of those homes, each local government must plan for in its Housing Element. Unlike other elements of the County's general plan (Countywide Plan), the Housing Element is statutorily required to be updated every eight years. Marin County's Housing Element for the 2023 to 2031 planning period is required to be complete by January 2023. On May 20, 2021, the Association of Bay Area Governments (ABAG) Executive Board approved the final RHNA methodology and draft RHNA allocations. This begins the next phase of the RHNA process which allows for jurisdictions to appeal the number of units they have been allocated, and/or appeal the number of units allocated to any other jurisdiction in the Bay Area. A total of 3,569 units have been allocated to the unincorporated Marin County. (Please see Attachment 1.) This represents approximately 25% of the 14,405 units allocated to the county and its 11 cities and towns. By comparison, during the previous housing element cycle, the County's RHNA was 185 units. CDA staff met with the Board Subcommittee on Affordable Housing, comprised of Supervisors Connolly and Rodoni, and received direction to bring forward the request seeking the full Board's direction to staff whether to file an appeal of the RHNA for unincorporated Marin County. The deadline to submit the appeal is July 9, 2021. Staff is requesting Board direction on whether to move forward to prepare an appeal of the RHNA, and if the Board chooses to move forward, to provide specific feedback on concerns to focus on for the appeal.

BACKGROUND:

California state law¹ recognizes that local governments play a key role in developing housing and has mandated that local governments plan for the development of

1

https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=GOV&division=1.&title=7.&part=&chapter=3.&article=10.6

housing at all income levels. This mandate is implemented in part through the state Housing Element requirements and assignment of housing unit production goals for each jurisdiction in a designated region. The California Department of Housing and Community Development (HCD) determines the number of new homes the Bay Area needs to build—and how affordable those homes need to be—in order to meet the housing needs of people at all income levels. For the Bay Area, HCD has determined that 441,176 housing units are needed between 2023-31. This number is known as the RHNA. ABAG is responsible for preparing a methodology to distribute the 441,176 housing units throughout the nine county Bay Area region. This methodology relies on future population projections documented in the final Plan Bay Area 2050 (PBA 2050) regional plan and includes equity adjustments to affirmatively further fair housing. ABAG's RHNA methodology requires HCD approval, which was granted on April 12, 2021.

DISCUSSION:

The RHNA appeal procedures and process requires the preparation of an appeal based on evidentiary information that meets one of three statutory criteria for formulating an appeal, including:

1. ABAG failed to adequately consider the information submitted as part of the local jurisdiction survey (see Government Code Section 65584.04(b) for more details about the survey). ABAG conducted this survey in early 2020 and received responses from 72 jurisdictions.
2. ABAG did not determine the jurisdiction's allocation in accordance with its adopted methodology and in a manner that furthers, and does not undermine, the RHNA objectives identified in Government Code Section 65584(d).
3. A significant and unforeseen change in circumstances has occurred in the local jurisdiction or jurisdictions that merits a revision of the information submitted as part of the local jurisdiction survey. Appeals on this basis shall only be made by the jurisdiction or jurisdictions where the change in circumstances has occurred.

An appeal to ABAG is the County's only option to seek to reduce the allocation. No judicial review is available. *City of Irvine v. Southern California Association of Governments*, 175 Cal.App.4th 506 (2009).

Based on a review of these criteria, staff notes that an appeal that meets the eligibility requirements of state law may be possible citing such factors as the following:

- The draft RHNA is inconsistent with strategies identified in PBA 2050 to limit risks to existing and future communities from exposure to natural hazards and climate impacts associated with fire hazards and flooding and did not factor in the amount of land in the unincorporated county that is vulnerable to these hazards.
- Information requested in the local jurisdiction survey regarding land use constraints or capacity (e.g. amount of agricultural land preserved) apparently was not taken into account in the methodology and the development of the RHNA numbers.
- ABAG appears to not have taken into consideration a significant and unforeseen change in circumstances associated with the current drought when there is uncertainty about whether water will be available to serve new housing in the foreseeable future.

However, while an appeal application could be pursued, based on the experience of jurisdictions in Southern California where two of the 48 appeals filed with the Southern California Association of Governments were partially upheld, the likelihood of success is uncertain. In addition, if an appeal were upheld, any reduction in the County's RHNA units would be redistributed amongst other Marin jurisdictions.

EQUITY IMPACT:

The County has a statutory obligation to address barriers to fair housing choice and identify sites and programs that provide housing opportunity for residents at all income levels through the Housing Element. RHNA identifies the number of units the County must plan to build. During this cycle, the County is allocated 3,569 units as compared to 185 units in the last cycle, a 19 times increase. The Board's action whether or not to file an appeal of the County's RHNA is an issue of scale and thoughtful planning. The County wants to plan for the number of units that is practical and attainable. The outcome of the RHNA appeal may result in an equity impact if it changes or reduces the county's RHNA (planned units), particularly at the low and very low-income categories. In any case, the number of required low and moderate income units will substantially exceed the number included in the County's previous RHNA goal.

FISCAL/STAFFING IMPACT:

The RHNA process is preparatory to the update of the Housing Element. There would not be any fiscal impact on the general fund because funds have been allocated and available in the CDA's budget to update the Housing Element.

REVIEWED BY: (These boxes must be checked)

- | | |
|--|---|
| <input checked="" type="checkbox"/> County Administrator | <input type="checkbox"/> N/A |
| <input type="checkbox"/> Department of Finance | <input checked="" type="checkbox"/> N/A |
| <input checked="" type="checkbox"/> County Counsel | <input type="checkbox"/> N/A |
| <input type="checkbox"/> Human Resources | <input checked="" type="checkbox"/> N/A |

SIGNATURE:



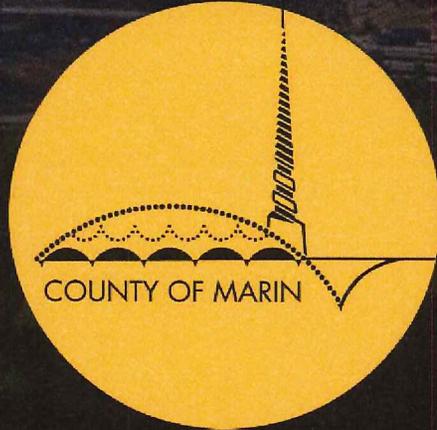
Tom Lai
Director

Attachment 1: Marin County Draft Regional Housing Needs Allocation 2023-2031

Marin County Draft Regional Housing Needs Allocation (2023-2031)

Jurisdiction	VERY LOW INCOME (<50% of Area Median Income)	LOW INCOME (50-80% of Area Median Income)	MODERATE INCOME (80-120% of Area Median Income)	ABOVE MODERATE INCOME (>120% of Area Median Income)	TOTAL
MARIN COUNTY					
Belvedere	49	28	23	60	160
Corte Madera	213	123	108	281	725
Fairfax	149	86	71	184	490
Larkspur	291	168	145	375	979
Mill Valley	262	151	126	326	865
Novato	570	328	332	860	2,090
Ross	34	20	16	41	111
San Anselmo	253	145	121	314	833
San Rafael	857	492	521	1,350	3,220
Sausalito	200	115	114	295	724
Tiburon	193	110	93	243	639
Unincorporated Marin	1,100	634	512	1,323	3,569

Source: ABAG REGIONAL HOUSING NEEDS ALLOCATION DRAFT METHODOLOGY: SAN FRANCISCO BAY AREA, 2023-2031



Regional Housing Needs Allocation & Appeal

Board of Supervisors
June 22, 2021

2023-2031 RHNA Development Timeline

Oct. 2019	Methodology Development Begins
Oct. 2019 – Sept. 2020	ABAG Housing Methodology Committee (HMC) Monthly Meetings
Feb. 2020	Subregions Form
June 2020	HCD Regional Housing Needs Determination (RHND)
Sept. 2020	Final HMC Meeting
Oct. 2020	Draft RHNA Methodology + Subregion Shares
Oct. 2020 – Nov. 2020	Public Comment Methodology
Dec. 2020	Final Subregion Shares
Jan. 2021	Draft Methodology to HCD
May 2021	Final RHNA Methodology Draft Allocation
July 9, 2021	Deadline to file RHNA Appeal
By Dec. 2021	Final RHNA Allocation and ABAG Executive Board Approval
Jan. 2023	Housing Element Due Date

What is Marin's Draft RHNA

RHNA (REGIONAL HOUSING NEEDS ALLOCATION)

- Marin's RHNA has increased over 1,900%
 - prior RHNA was 185 units
- Your Board has submitted 3 letters objecting to the numbers and raising concerns with planning for housing in areas subject to natural hazards

Income Category	2023 - 2031
Very Low (0-<50% AMI)	1,100
Low (50-80% AMI)	634
Moderate (80-120% AMI)	512
Above Moderate (120%+ AMI)	1,323
Total	3,569

Marin County RHNA

ALL MARIN CITIES AND TOWNS ALLOCATION (2023-2031)

Jurisdiction	VERY LOW INCOME (<50% of Area Median Income)	LOW INCOME (50-80% of Area Median Income)	MODERATE INCOME (80-120% of Area Median Income)	ABOVE MODERATE INCOME (>120% of Area Median Income)	TOTAL
MARIN COUNTY					
Belvedere	49	28	23	60	160
Corte Madera	213	123	108	281	725
Fairfax	149	86	71	184	490
Larkspur	291	168	145	375	979
Mill Valley	262	151	126	326	865
Novato	570	328	332	860	2,090
Ross	34	20	16	41	111
San Anselmo	253	145	121	314	833
San Rafael	857	492	521	1,350	3,220
Sausalito	200	115	114	295	724
Tiburon	193	110	93	243	639
Unincorporated Marin	1,100	634	512	1,323	3,569

Why has the RHNA increased?

CHANGES FROM PAST HOUSING ELEMENT

- Greater emphasis on **social equity**
- Higher **total regional housing need**
- Expanded **HCD oversight** on methodology & allocations
- More **factors** to consider in allocations (high-opportunity areas, overpayment, overcrowding, greenhouse gas target, jobs-housing fit)
- New **requirements for identifying eligible sites** for Housing Elements based on AB 686

What are Bases for appeal?

Eligibility requirements are established by state law and narrow

- Failure to consider local jurisdiction survey
- Not following the adopted RHNA methodology in a manner that furthers, and does not undermine, the RHNA objectives
- No consideration of “significant and unforeseen change in circumstances”

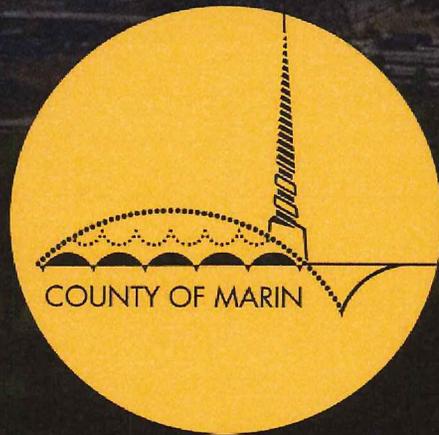
Appeal Points

Possible areas for your Board's consideration

- Inconsistency with Plan Bay Area 2050 by not taking into account risks associated with climate change and availability of land not subject to fire, flooding, and other hazards
- Not taking into account land use constraints or capacity information that was required in the local jurisdiction survey
- Not addressing circumstances associated with drought and potential limits placed by water providers on water service for new development

Recommendation

Conduct a public hearing and provide direction to staff whether to file an appeal of Marin County's RHNA



Questions

Stewart-Chung, Shelagh

From: J Reynolds <jrey94925@gmail.com>
Sent: Monday, June 21, 2021 3:20 PM
To: BOS; Rodoni, Dennis; Moulton-Peters, Stephanie; Connolly, Damon; Rice, Katie; Arnold, Judy
Subject: Comments: June 22 Hearing, RHNA in Unincorporated Marin

Dear Marin County Board of Supervisors,

I endorse Sustainable TamAlmonte's letter, dated June 20, 2021 to you re: Strategies to lower Unincorporated Marin's RHNA and urge you to place lower Unincorporated Marin's Regional Housing Needs Allocation as your top priority.

We have got to get a handle on becoming more resilient as a County to survive the devastating effects of climate change. Wildfires and drought crises alone make it insane to build new housing. We need to pause and consider this moment, not the pressure of the CA Building Industry.

We have an uphill road just on reducing our GHGs. In San Anselmo GHGs have grown from transportation in 2019. Adding new homes would exacerbate this extremely important climate mitigation challenge in reducing our GHGs.

Our building codes need to be updated on materials and energy efficiency. We are burning up but cannot even pass a policy to buy electric appliances once your gas appliances no longer are in working condition or build homes with fire resistant materials.

Thank you for your consideration to work to lower RHNA, our future depends on it.

Jinesse Reynolds
San Anselmo

Evans, Joyce

From: Linda Rames <ljrames@gmail.com>
Sent: Monday, June 21, 2021 1:37 PM
To: BOS
Subject: housing

Follow Up Flag: Follow up
Flag Status: Completed

June 21, 2021

Members of the Board:

We are very concerned about the RHNA housing numbers demanded by ABAG in their latest dictate. It is clear that these numbers were arbitrarily mandated by ABAG and MTC without any research on their part as to the need or possibility of completion in Marin. The numbers proposed would cause chaos on our roads and streets, substantially add to our chronic lack of water, and crowd way too many people into our neighborhoods. Already, the city of Mill Valley has proposed a huge apartment building in an already crowded neighborhood, causing the residents to circulate a petition against this development which has almost 1000 signatures and has caused a storm of protest on Next Door totaling more than 300 comments most of which are firmly opposed to the ruination of this area. We are worried that other communities will think they are forced to comply with these rules and will do the same; thereby, foregoing all sense of local control.

As the main political body in Marin County, we ask that you, the Marin County Board of Supervisors, join other communities around the bay area and ask your staff to appeal these ridiculous numbers and to come up with figures that make sense.

Best regards,

Linda & Robert Rames
240 Morning Sun Avenue
Mill Valley, CA 94941

Evans, Joyce

From: Dorothy McQuown <dr.dorothym@yahoo.com>
Sent: Monday, June 21, 2021 1:01 PM
To: BOS; Rodoni, Dennis; Moulton-Peters, Stephanie; Connolly, Damon; Rice, Katie; Arnold, Judy
Subject: Unincorporated Marin's RHNA

Follow Up Flag: Follow up
Flag Status: Completed

"Dear Marin County Board of Supervisors,

As a resident of unincorporated Marin, I urge you to place lowering Unincorporated Marin's Regional Housing Needs Allocation (RHNA) as your top priority and to assign ample funding and resources to achieve this goal. All possible strategies to lower the RHNA should be implemented.

I endorse Sustainable TamAlmonte's letter, dated June 20, 2021, to you re: Strategies to lower Unincorporated Marin's RHNA.

Thank you in advance for your conscientious consideration.

Sincerely, Dorothy MCQuown, Ph.D.

Sent from my iPad

Evans, Joyce

From: Barbara Freitas <freitasb@sbcglobal.net>
Sent: Monday, June 21, 2021 12:58 PM
To: BOS; Moulton-Peters, Stephanie; Connolly, Damon; Rodoni, Dennis; Rice, Katie; Arnold, Judy
Subject: Lower the RHNA for unincorporated Marin County

Follow Up Flag: Follow up
Flag Status: Completed

Dear Marin County Board of Supervisors,

We urge you to place lowering Unincorporated Marin's Regional Housing Needs Allocation (RHNA) as your top priority and to assign ample funding and resources to achieve this goal. All possible strategies to lower the RHNA should be implemented.

We endorse Sustainable TamAlmonte's letter, dated June 20, 2021, to you re: Strategies to lower Unincorporated Marin's RHNA.

Thank you in advance for your consideration.

Sincerely,

Barbara Freitas
Larkspur, CA 94939

Property owner in Strawberry area

Evans, Joyce

From: Sharon Rushton <sharonr@tamalmonite.org>
Sent: Monday, June 21, 2021 11:45 AM
To: BOS; Rodoni, Dennis; Connolly, Damon; Moulton-Peters, Stephanie; Arnold, Judy; Rice, Katie
Cc: Dobrovolny, Sarah; Parton, Maureen; Sackett, Mary; Goncalves, Gustavo; Lai, Thomas; Martinez, Crystal; Vernon, Nancy; Kutter, Rhonda; Cordova, Lorenzo; Albert, Tanya; Weber, Leslie
Subject: CORRECTION Re: Sustainable TamAlmonte's Letter to the BOS re: Strategies to Lower Unincorporated Marin's RHNA
Attachments: V2 Sustainable TamAlmonte Letter to BOS re Lowering RHNA 6-20-21.pdf; CALE-Letter-to-Local-Electeds-re-YIMBY-Lawsuit-Amicus-Brief 4-20-21.pdf
Follow Up Flag: Follow up
Flag Status: Completed

****Please confirm receipt of this email. Thank you kindly.**

CORRECTION

Dear Marin County Board of Supervisors,

We noticed that we needed to edit the letter we sent to you yesterday re: "Strategies to Lower Unincorporated Marin's Regional Housing Needs Allocation (RHNA)" for your June 22nd public hearing.

Attached is our revised letter. We have corrected the description of AB-1258 and added information in **Addendum I** pertaining to projections of Marin's population and job growth. Please read this corrected letter instead of the letter we sent you yesterday.

Please note:

"Support AB-1258. This bill would subject the CA Department of Housing and Community Development's final written determination of a region's housing needs to judicial review in an action brought by the council of governments. The bill would also subject the final regional housing need plan adopted by the council of governments or the department, as the case may be, to judicial review."

We apologize for any inconvenience this has caused you.

Thank you again for your conscientious consideration.

Very truly yours,

Sharon Rushton



Sharon Rushton

President | Sustainable TamAlmonte

sharonr@tamalmonite.org

tamalmonite.org

On 6/20/21 7:15 PM, Sharon Rushton wrote:

****Please confirm receipt of this email. Thank you kindly.**

Dear Marin County Board of Supervisors,

Attached are:

1. A letter, dated June 20, 2021, from Sustainable TamAlmonite to you re: Strategies to Lower Unincorporated Marin's Regional Housing Needs Allocation (RHNA); and
2. A letter from the California Alliance of Local Electeds (CALE) to Elected Officials regarding the right to ask the court for permission to file an amicus curiae brief to oppose the YIMBY lawsuit (a writ of mandate against the CA Department of Housing and Community Development) and to protect jurisdictions from having their RHNAs increased.

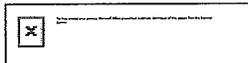
We are submitting these documents for your hearing on Tuesday, June 22nd regarding Unincorporated Marin's Regional Housing Needs Allocation (RHNA).

Thank you in advance for your conscientious consideration.

Very truly yours,

Sharon Rushton

--



Sharon Rushton

President | Sustainable TamAlmonite

sharonr@tamalmonite.org

tamalmonite.org

SUSTAINABLE TAMALMONTE

215 Julia Ave
Mill Valley, CA 94941

June 20, 2021

Marin County Board of Supervisors
3501 Civic Center Drive, Room 329
San Rafael, CA 94903

Re: Strategies to lower Marin County's RHNA

Dear Marin County Board of Supervisors,

We urge you to place lowering Unincorporated Marin's Regional Housing Needs Allocation (RHNA) as your top priority and to assign ample funding and resources to achieve this goal. All possible strategies to lower the RHNA should be implemented.

I. Unincorporated Marin's RHNA Is Unprecedented, Exorbitant, And Unrealistic

Marin County's total Regional Housing Needs Allocation (RHNA) and Unincorporated Marin's RHNA are unprecedented, exorbitant, and unrealistic. Marin County, as a whole, has been assigned 14,405 housing units for its total Regional Housing Needs Allocation, which is more than the current number of homes in Mill Valley (6,534 units) and Sausalito (4,830 units) combined. Unincorporated Marin's Regional Housing Needs Allocation of 3,569 housing units is 19 times larger than that for the last RHNA cycle, which was 185 units, and more than all of the housing units allocated to the County for the last 23 years (3 separate RHNA cycles – 1999 through 2022).

Due to new laws, this means that Unincorporated Marin will need to not only identify sites (and adjust zoning on those sites) for over 3,500 homes but, in addition, ensure that new housing is actually constructed on the sites, all within the 8-year RHNA cycle. An absolutely impossible task! If quotas are not met, then severe penalties (both fees and additional loss of local government control (per SB-35)) will apply.

Jurisdiction	1999-2006	2007-2014	2015-2022	2023-2031
Belvedere	10	17	16	160
Corte Madera	179	244	72	725
Fairfax	64	108	61	490
Larkspur	303	382	132	979
Mill Valley	225	292	129	865
Novato	2582	1241	415	2090
Ross	21	27	18	111
San Anselmo	149	113	106	833
San Rafael	2090	1403	1007	3220
Sausalito	207	165	79	724
Tiburon	164	117	78	639
Unincorporated	521	773	185	3569
Marin Total	6515	4882	2298	14405
Regional Total	97,548	214,500	187,990	441,176

Worse than not meeting the housing quotas, is if the 3,569 housing units assigned to Unincorporated Marin, along with the 10,836 units assigned to other Marin jurisdictions, were to actually be built. Marin County will be absolutely devastated with this amount of growth.

The 2007 Marin CWP’s EIR presented a projection of development that could occur if land vacant in 2006 were fully developed according to zoning designations of the cities in Marin County and the Countywide Plan. The 2007 CWP’s EIR projected 14,043 more housing units, which is less than 14,405 units - Marin County’s total RHNA for the 2023 to 2031 cycle. One of the most significant findings of the 2007 Marin Countywide Plan’s EIR is that “land uses and development consistent with the 2007 Countywide Plan would result in 42 significant **unavoidable** adverse impacts”, including severe traffic congestion and insufficient water supplies.

II. Support Staff Filing An Appeal Of Unincorporate Marin’s RHNA To ABAG

In order to lower Unincorporated Marin’s Regional Housing Needs Allocation (RHNA), please advise Staff to file an appeal of Unincorporated Marin’s RHNA numbers to the Association of Bay Area Governments (ABAG).

III. Pursue All Potential Strategies To Lower Unincorporated Marin’s RHNA

Besides filing an appeal with ABAG, we urge you to pursue other strategies to lower the Regional Housing Needs Allocation (RHNA) too.

ABAG’s RHNA appeal process limits the County’s ability to appeal to three statutory criteria:

1. ABAG failed to adequately consider the information submitted as part of the local jurisdiction survey (see Government Code Section 65584.04(b) for more details about the survey). ABAG conducted this survey in early 2020 and received responses from 72 jurisdictions.

2. ABAG did not determine the jurisdiction's allocation in accordance with its adopted methodology and in a manner that furthers, and does not undermine, the RHNA objectives identified in Government Code Section 65584(d).
3. A significant and unforeseen change in circumstances has occurred in the local jurisdiction or jurisdictions that merit a revision of the information submitted as part of the local jurisdiction survey.

Staff concludes that an appeal to ABAG is the County's only option to seek to reduce the allocation. We disagree. There are other ways to lower the quota too. The County should pursue all possible strategies.

****Please read Addendum I, which is an outline of numerous potential ways to lower Unincorporated Marin's RHNA.**

The County should advocate on many fronts to lower the RHNA and not be limited to just the ABAG appeals process. Moreover, the County should form alliances with like-minded jurisdictions in order to influence ABAG & MTC, the California Department of Housing & Community Development (HCD) and State legislators. For example, in addition to filing an appeal with ABAG, Unincorporated Marin should pursue the following goals, among others:

- Amend the State Housing Element Law – Gov. Code Section 65584 “Land Use: Housing Element”;
- Correct the California Department of Housing and Community Development's (HCD's) flawed Regional Housing Needs Determination methodology, which assigned ABAG 441,000 units for the Bay Area region
 - Urge ABAG/MTC to challenge HCD on its RHND determination
 - Lobby HCD
 - Consider a legal challenge against HCD;
- Support proposed State legislation, such as:
 - Support AB-1258. This bill would subject the CA Department of Housing and Community Development's final written determination of a region's housing needs to judicial review in an action brought by the council of governments. The bill would also subject the final regional housing need plan adopted by the council of governments or the department, as the case may be, to judicial review.
 - Support-if-Amended SB-12, which would lower the RHNA for jurisdictions with Very High Fire Hazard Severity Zones;
- Oppose proposed State legislation that worsens Housing Element Law, such as:
 - Oppose AB-215, which further penalizes jurisdictions that don't meet their RHNA by requiring them to attain a “prohousing” designation;
- Rescind Marin County's Priority Development Area (PDA);
- Correct the methodology for calculating the ‘High Opportunity Areas’ (HOA) Map;
- Advocate for a Spheres of Influence Adjustment to RHNAs of Marin County jurisdictions.
- Take legal action, including, but not limited to, filing an amicus curiae brief to oppose the YIMBY lawsuit that seeks to increase the RHNA even more. (See <https://securereservercdn.net/198.12.144.107/28s.530.myftpupload.com/wp->

[content/uploads/2021/06/Action.CALE-Letter-to-Local-Electeds-re-YIMBY-Lawsuit-Amicus-Brief.pdf](https://www.slideshare.net/rishi59/filing-an-appeal-for-the-rhna-numbers))

- Review other jurisdictions' appeals for additional ideas. For example, please read the City of Palo Alto's appeal by following the below link:
<https://www.slideshare.net/rishi59/filing-an-appeal-for-the-rhna-numbers>

IV. Hire A Consulting Firm

In order to achieve the lowest RHNA possible, the County of Marin must think outside the box. In order to do this, the County should hire a consulting firm. For instance, the County needs the expertise of an analyst to conduct computations and examine algorithms to determine which factors, metrics and weights of HCD's RHND methodology, ABAG's RHNA methodology, the "High Opportunity Areas" (HOA) Map methodology and Plan Bay Area strategies will lower Marin's quota. (Similar to what Contra Costa did.)

Typically, we are opposed to expensive outside consultants. However, lowering the RHNA is the utmost important goal for the County and warrants extraordinary action. The County Staff are highly respected and competent, but they are overloaded with a variety of assignments. The fact that Staff would say that an appeal to ABAG is the County's only option to reduce the allocation illustrates that Staff is not up to the task.

If the County of Marin can pay \$1.6 million to MIG and Veronica Tam Associates to satisfy its RHNA, then it can spend \$2 million to a consulting firm to fight against the allocation.

V. Conclusion:

Once again, we urge you to place lowering Unincorporated Marin's Regional Housing Needs Allocation (RHNA) as your top priority and to assign ample funding and resources to achieve this goal. All possible strategies to lower the RHNA should be implemented.

We hope our attached list of "Potential Strategies to Lower Unincorporate Marin's RHNA" (see **Addendum 1**) is helpful in this pursuit.

Thank you in advance for your conscientious consideration.

Very truly yours,

/s/

Sharon Rushton, President
Sustainable TamAlmonte

ADDENDUM I
Potential Strategies to Lower Marin County’s
Regional Housing Needs Allocation (RHNA) (2023-2031)

We request the Marin County Board of Supervisors and Community Development Agency to place lowering Unincorporated Marin’s Regional Housing Needs Allocation (RHNA) as the County’s top priority and to assign ample funding and resources to lower this cause. All possible strategies to lower the RHNA should be implemented.

I: Marin County’s Regional Housing Needs Allocation for the 2023-2031 Cycle is 3510 Units, which is 1,900% larger than the last 2015-2023 Cycle of 185 Units

**TABLE 1: Marin County Regional Housing Needs Allocations, 2015 to 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

Unincorporated Marin RHNA: 185 units
Total Marin County RHNA: 2, 298 units

TABLE 2: Marin County Regional Housing Needs Allocations, 2023-2031

Jurisdiction Illustrative Allocations by Income Category

Note: the jurisdiction-specific allocations shown are for illustrative purposes only. ABAG will issue Final Allocations by the end of 2021.

Jurisdiction	Jurisdiction Share of 2050 Households*		Proposed RHNA Methodology (Baseline: 2050 Households - Draft Blueprint)					Draft RHNA Methodology (Baseline: 2050 Households - Final Blueprint)					Comparison of Total RHNA	
	Draft Blueprint	Final Blueprint	Very Low Income	Low Income	Moderate Income	Above Moderate Income	Total	Very Low Income	Low Income	Moderate Income	Above Moderate Income	Total	Unit Change from Proposed to Draft	Percent Change from Proposed to Draft
Belvedere	0.033%	0.032%	49	28	23	61	161	49	28	23	60	160	(1)	-1%
Corte Madera	0.135%	0.138%	209	121	106	274	710	213	123	108	281	725	15	2%
Fairfax	0.104%	0.098%	158	91	75	195	519	149	86	71	184	490	(29)	-6%
Larkspur	0.197%	0.189%	303	175	150	390	1,018	291	168	145	375	979	(39)	-4%
Mill Valley	0.161%	0.164%	248	142	124	320	834	252	144	126	326	848	14	2%
Novato	0.669%	0.672%	582	335	332	858	2,107	583	336	332	860	2,111	4	0%
Ross	0.023%	0.022%	35	20	17	44	116	33	19	16	41	109	(7)	-6%
San Anselmo	0.149%	0.167%	226	130	108	280	744	253	145	121	314	833	89	12%
San Rafael	0.895%	1.048%	752	433	446	1,154	2,785	877	504	521	1,350	3,252	467	17%
Sausalito	0.125%	0.125%	200	115	115	296	726	200	115	114	295	724	(2)	0%
Tiburon	0.123%	0.126%	186	107	91	236	620	193	110	93	243	639	19	3%
Unincorporated Marin	0.893%	0.822%	1,157	666	557	1,440	3,820	1,063	611	512	1,324	3,510	(310)	-8%
Marin County	3.507%	3.605%	4,105	2,363	2,144	5,548	14,160	4,156	2,389	2,182	5,653	14,380	220	2%

Unincorporated Marin’s RHNA: 3,510 units
Total Marin County RHNA: 14,160 units

Draft RHNA: Unincorporated Marin County (2022-2030)

Income Level	Very Low	Low	Moderate	Above Moderate	Total
	1,063	611	512	1,324	3,510

II. Limits to Growth

- A. **2007 CWP’s EIR Most Significant Finding:** One of the most significant findings of the 2007 Marin Countywide Plan’s EIR is that “land uses and development consistent with the 2007 Countywide Plan would result in 42 significant unavoidable adverse impacts”, including insufficient water supplies.
- B. **2007 Marin Countywide Plan (CWP) EIR’s Statistics** regarding potential full buildout from Countywide Plan land use plan and projected population growth:

The 2007 Countywide Plan (CWP) EIR presents a projection of development that could occur if land vacant in 2006 were fully developed according to zoning designations of the cities in Marin County and the Countywide Plan. It is assumed that this buildout would occur by 2030.

1. Unincorporated Marin Potential Housing Units Buildout and Projected Population Growth:

<u>Housing Units</u>	<u>Population</u>
2006: 27,323 units	2006: 69,239 residents
2030: 32,714 units	2030: 76,400 residents
Potential Buildout: 5,391 more units (*more units than Sausalito w/ 4830 units)	Projected Population Growth: 7,161 more residents

2. Countywide (Cities & Unincorporated Marin) Potential Housing Units Buildout:

2006: 107,804 housing units
 2030: 121,847 housing units
Potential Housing Buildout: 14,043 more housing units. (**This is more than the current number of housing units in the cities of Mill Valley (6534 units) and Sausalito (4830 units) combined)

3. Countywide (Cities & Unincorporated Marin) Projected Population Growth:

The Countywide (cities and Unincorporated Marin) population in 2006 was 253,341. Population is projected to be 283,100 by 2030 and is based on full buildout of the 2007 Countywide Plan land use plan and assumes an average household size of 2.35 people.

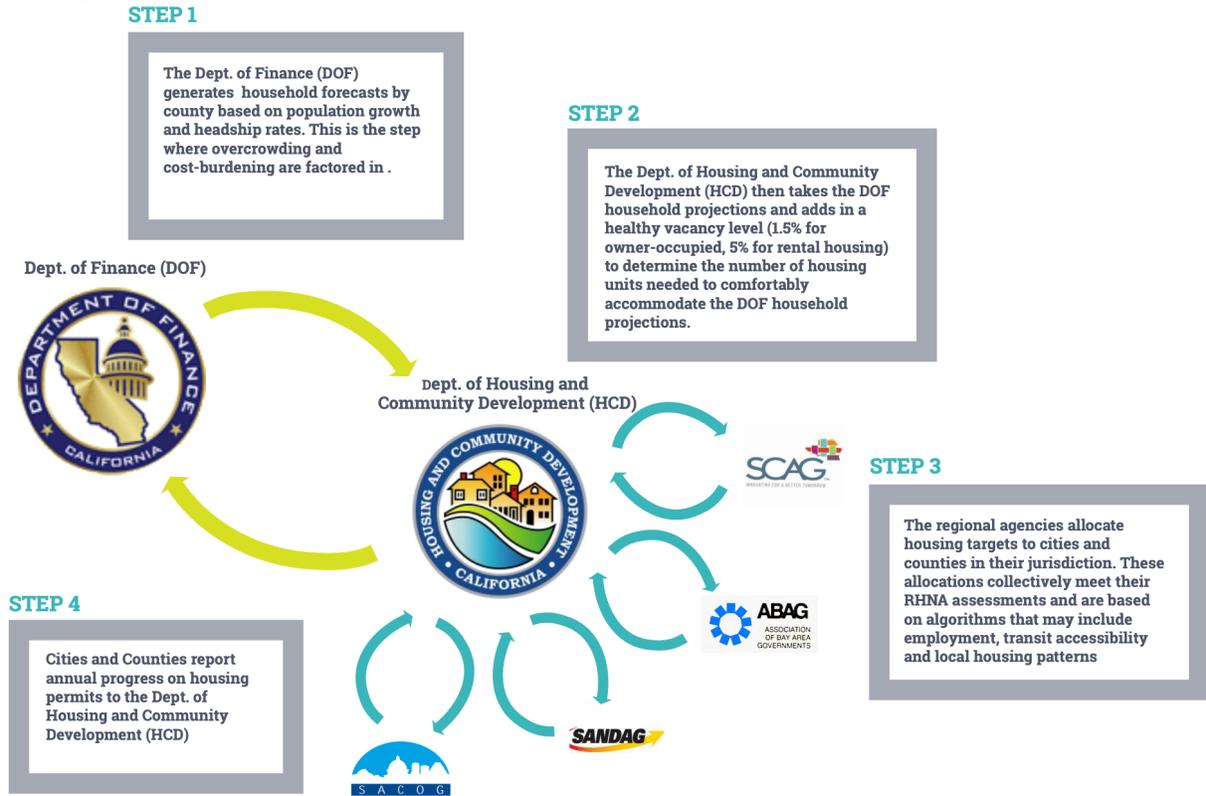
- a. Countywide (Cities & Unincorporated Marin) Projected Population Growth:
 2006: 253,341 residents
 2030: 286,340 residents
Projected Population Growth: 29,759 residents

C. **Housing Development consistent with the 2019 Accessory Dwelling Unit (ADU) Legislation would result in additional potential significant unavoidable adverse impacts**

1. The 2006 Report by the County Assessor-Recorder’s Office states that there were 61,264 single-family dwellings in Marin County. So, hypothetically, the 2019 Accessory Dwelling Unit legislation allows **61,264 more housing units (as detached ADUs)** to be built in Marin, over and above previous limitations on FAR and allowable potential build out. Therefore, development consistent with the new ADU legislation would result in an increase in potential significant unavoidable adverse impacts.

III. **Basic understanding of the Regional Housing Needs Assessment (RHNA) process**

How it Works: A multi-agency collaborative effort has generated past state housing targets. However, in 2018, SB-828 anointed the Dept. of Housing and Community Development with final veto powers.



IV. **Basic understanding of the ABAG Regional Housing Needs Allocation (RHNA) methodology**

- A. **Observation that the members of the ABAG Housing Methodology Committee (HMC) who were Stakeholders (16 Stakeholders) were primarily housing advocates.** There were no environmentalists or Slow Growth organizations. The HMC consisted of 9 Elected Officials, 12 Staff, **16 Stakeholders**, and 1 HCD representative.

B. See:

https://abag.ca.gov/sites/default/files/rhna_methodology_technical_documentation.pdf

C. ABAG’s chosen RHNA Methodology is Option 8A.

1. Option 8A’s Baseline Allocation is “Future Year 2050 Households (Draft Blueprint)” AKA “2050 Households (Blueprint)”: The baseline allocation is used to assign each jurisdiction a beginning share of the RHND. This baseline takes into consideration the number of households that are currently living in a jurisdiction as well as the number of households expected to be added over the next several decades from the Plan Bay Area 2050 DRAFT Blueprint. (Current households & Future household growth)

2. Option 8A’s Factors & Weights for Allocating Units By Income Category

Table 1: Factors and Weights for Proposed RHNA Methodology			
Very Low and Low Units		Moderate and Above Moderate Units	
70%	Access to High Opportunity Areas	40%	Access to High Opportunity Areas
15%	Job Proximity – Auto	60%	Job Proximity – Auto
15%	Job Proximity – Transit		

a. **Table 1** above shows the factors and weights the HMC selected for the proposed RHNA methodology. Each factor represents data related to the methodology’s policy priorities: access to high opportunity areas and proximity to jobs. A factor’s effect on a jurisdiction’s allocation depends on how the jurisdiction scores on the factor relative to other jurisdictions in the region. The weight assigned to each factor (i.e., the percentages shown in Table 1 above) represents the factor’s relative importance in the overall allocation. The weight determines the share of the region’s housing need that will be assigned by that particular factor.

3. An “Equity Adjustment to Lower-Income Allocations” was added to Option 8A

The “Equity Adjustment” imposes a “floor” for the number of very low- and low-income units assigned to 49 jurisdictions identified as exhibiting above-average racial and economic exclusion based on a method suggested by these HMC members

4. No Hazards-Related Factor

Unfortunately, ABAG did not support adding a hazards-related factor to the RHNA methodology. They justified this by pointing out that the “issue of wildfire risk is specifically addressed in the Plan Bay Area 2050 Blueprint, which is used as the baseline allocation for the RHNA methodology”.

VIII. Potential Ways To Lower Marin County's RHNA (2023-2031)

A. Hire a consulting firm to help Staff think outside the box. For example:

1. An analyst could be hired to conduct computations and examine algorithms to determine which factors, metrics and weights of the HCD RHNA methodology, the ABAG RHNA methodology, the High Opportunity Areas Map methodology, and Plan Bay Area strategies will lower Marin's quota. (Similar to what Contra Costa did.)

B. Lobby for amendments to SB-828 and Housing Element Law – Gov. Code Section 65584 “Land Use: Housing Element”

Senate Bill 828, enacted in 2018, has inadvertently doubled the Regional Housing Needs Assessment in California:

1. **SB-828 wrongly assumed “existing housing need” was not evaluated as part of California’s previous RHNA assessments.** There was an assumption that only future need had been taken into account in past assessments. However, this is incorrect. - The state’s existing housing need was fully evaluated in previous RHNA assessment cycles.
2. **SB-828 wrongly assumed a 5% vacancy rate in owner-occupied housing.** However, according to planning experts, 1.5% is the correct vacancy rate for owner-occupied housing.
3. **SB-828 wrongly assumed overcrowding and cost-burdening** (burdens of high housing cost and overcrowding) **had not been considered in the Dept. of Finance (DOF) projections of housing need.** However, the DOF has for years factored overcrowding and cost-burdening into their household projections.

C. Support-if-Amended Senate Bill-12

SB-12 would require Councils of Governments, including ABAG, to follow the following factor when developing the methodology that allocates regional housing needs: *“(13) The amount of land in each member jurisdiction that is within a very high fire risk area, by allocating a lower proportion of housing to a jurisdiction if it is likely that the jurisdiction would otherwise need to identify lands within a very high fire risk area as adequate sites pursuant to Section 65583 in order to meet its housing need allocation.”*

Lobby for SB-12 to be amended so that the bill also protects lands in the Wildland Urban Interface and High Fire Zones.

D. Support Assembly Bill-1258

AB-1258 would subject the CA Department of Housing and Community Development’s final written determination of a region’s housing needs to judicial review in an action brought by the council of governments. The bill would also subject the final regional housing need plan adopted by the council of governments or the department, as the case may be, to judicial review.

E. Lobby For A Correction In The CA Housing & Community Development Agency's Approach To Determining The Housing Need.

The California Housing & Community Development Agency's (HCD's) approach to determining housing need is flawed, resulting in exaggerated Regional Housing Needs Determinations (RHNDs). Correcting HCD's process would lower Marin County's RHNA's (For more details, please see Sustainable TamAlmonte's September 29th letter, **Section IV** and Sustainable TamAlmonte's October 5th letter, **Section IV**.)

1. Embarcadero Institute 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." In addition, there was an accounting error related to current vacancies that was introduced by the HCD methodology.

Link to Embarcadero Institute Report entitled; "Double Counting in the Latest Housing Needs Assessment":

<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>

**** We encourage you to set an appointment with Gab Layton, President of the Embarcadero Institute: embarcadero.institute@gmail.com**

2. Urge ABAG/MTC to challenge HCD on its RHND determination, which has been independently found to be in error and consider arguments by other regional agencies such as the Southern California Association of Governments. ABAG/MTC is the agency charged with reviewing and challenging the RHND when released by HCD and appealing the number when warranted. It appears ABAG/MTC failed to identify these potential errors and declined to appeal the RHND. It now has a responsibility to its member jurisdictions to expose any errors it missed earlier and stand up for jurisdictions that are overburdened with implausible RHNA numbers.
3. Lobby HCD to change its approach to determining the Regional Housing Need Assessment based on the Embarcadero Institute's findings.
4. Consider a legal challenge against HCD based on the Embarcadero Institute's findings.

**** Harper Burns Attorneys At Law are considering litigation regarding the Regional Housing Needs Allocation (714) 771-7728**

5. File an amicus curiae brief to oppose the YIMBY lawsuit that seeks to increase the RHNA even more.
(See: <https://secureservercdn.net/198.12.144.107/28s.530.myftpupload.com/wp-content/uploads/2021/06/Action.CALE-Letter-to-Local-Electeds-re-YIMBY-Lawsuit-Amicus-Brief.pdf>)
6. By law, the Bay Area’s Regional Housing Needs Allocation (RHNA) must be consistent with the Plan Bay Area 2050 Blueprint. Plan Bay Area 2050 Blueprint projects growth of 1,540,000 housing units over a 35-year period. This averages out to 44,000 housing units per year. Whereas, HCD’s Bay Area RHNA of 441,000 housing units over an 8-year period averages 55,125 housing units per year. HCD’s projection is inconsistent with Plan Bay Area’s projection and therefore should be amended.

F. The Regional Growth Forecast for Plan Bay Area 2050, which the Regional Housing Needs Allocations (RHNA) reflect, is inflated and unrealistic. Correcting this forecast would lower Marin County’s RHNA. (For more details, please see Sustainable TamAlmonte’s September 29th letter, **Section V**.)

By law, the Regional Housing Needs Allocation (RHNA) must be consistent with Plan Bay Area 2050. Yet, Plan Bay Area 2050’s Regional Growth Forecast is unrealistic.

The following **Table 2** illustrates the approved Regional Growth Forecast for Plan Bay Area 2050 (supposedly integrating impacts from the COVID-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.^[7]

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

The following historic population growth rates, population growth projections, and historic housing production demonstrate that the Regional Growth Forecast for Plan Bay Area 2050 is misguided.

The California Department of Finance Bay Area Population Forecast:

The California Department of Finance projects that the Bay Area Region will consist of 9,112,910 people in YEAR 2050. ^[8] ^[9] **This is 1,217,090 less people than the above Plan Bay Area 2050 projection.**

CALIFORNIA DEPARTMENT OF FINANCE FORECAST	
County	Projected Population for Year 2050
Alameda County	2,076,165
Contra Costa County	1,387,638
Marin County	247,437
Napa County	140,639
San Francisco County	1,083,003
San Mateo County	843,269
Santa Clara County	2,369,115
Sonoma County	459,497
TOTAL Bay Area Projected Population for Year 2050	9,112,910

G. Marin County’s Priority Development Area (PDA) should be rescinded in order to lower Unincorporated Marin’s RHNAs. (For more details, please see Sustainable TamAlmonte’s September 29th letter, **Section VI.**)

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.”

H. Identifying the areas with traffic density and unsafe toxic contaminants In Unincorporated Marin would reduce the number of areas in the County that are designated “High Opportunity Areas” (HOA) and thereby reduce Marin County’s RHNAs (For more details, please see Sustainable TamAlmonte’s September 29th letter, **Section X.**)

According to the “California Fair Housing Task Force Methodology for the 2020 TCAC/HCD Opportunity Map – June 2020”¹, the map of “High Opportunity Areas” takes into account traffic density and unsafe toxic contaminants.

Link to the “California Fair Housing Task Force Methodology for the 2020 TCAC/HCD Opportunity Map – June 2020”:

<https://www.treasurer.ca.gov/ctcac/opportunity/2020-tcac-hcd-methodology.pdf>

“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
4. Drinking Water Contaminants
5. Pesticide Use
6. Toxic Releases from Facilities

¹ <https://www.treasurer.ca.gov/ctcac/opportunity/2020-tcac-hcd-methodology.pdf>

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”

I. 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. (For more details, please see Sustainable TamAlmonte’s September 29th letter, **Section XI.**)

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.

J. Make certain that Plan Bay Area 2050 Blueprint’s definition of areas with “high wildfire risks” includes all areas in the Wildlands Urban Interface (WUI) and High Fire Risk Areas, not just Very High Fire Hazard Severity Zones (VHFHSZ).

Access and evacuation routes in the WUI and High Fire Risk Areas are typically just as perilous as those in VHFHSZ zones. The Plan Bay Area 2050 Blueprint’s future household growth, which is included in the baseline allocation for the selected Option 8A ABAG RHNA Allocation Methodology, does not focus growth in areas with high wildfire risks. Identifying all Unincorporated Marin communities in the Wildlands Urban Interface (WUI), High Fire Risk Areas and in Very High Fire Hazard Severity Zones as “high wildfire risk” areas will lower Marin County’s RHNA. (For more details, please see Sustainable TamAlmonte’s October 5th letter, **Section III. D. 1.**)

K. Verify that ABAG and the Plan Bay Area 2050 Blueprint use not just Cal Fire Maps but also local Fire District Maps as well as the list of “Communities at Risk” in the “Marin Community Wildfire Protection Plan”.

1. We recommend the interactive map entitled "**Marin County Wildlands Urban Interface & Evacuation Routes**". Everything in yellow is in the Wildlands Urban Interface (WUI) and is also a "High Fire Hazard Zone". ****Please note that there are other High Fire Hazard Zones that are not in the WUI. Below is a link to the WUI map:**

<https://marincounty.maps.arcgis.com/apps/webappviewer/index.html?id=688f506cfb144067826bb35a062b0f0a>

2. Link to the “**Marin Community Wildfire Protection Plan**”. See Pages 55 & 56, **Table 15** entitled “**Marin Communities at Risk**”, which lists Very High and High Fire Risk areas:
<https://drive.google.com/file/d/0Bx15pyv0JoJZZ0tVR1pXOV9vTGRQVTRrQWxER0VOeVQxd2xz/view>

L. Advocate for the Plan Bay Area Blueprint Strategy entitled; “Adapt to Sea Level Rise” to include precluding development in areas subject to sea level rise.

1. Currently the “Adapt to Sea Level Rise” strategy is described as follows: “Protect shoreline communities affected by sea level rise, prioritizing areas of low costs and high benefits and providing additional support to vulnerable populations.” This strategy should include “Preclude development in areas subject to sea level rise.” This may reduce Marin’s RHNA.

M. Advocate for Unincorporated Marin’s RHNA to be lowered in order to abide by the Plan Bay Area Blueprint Strategy entitled; “Maintain Urban Growth Boundaries”.

1. The “Maintain Urban Growth Boundaries” Plan Bay Area Blueprint strategy is described as; “Using urban growth boundaries and other existing environmental protections, confine new development within areas of existing development or areas otherwise suitable for growth, as established by local jurisdictions.”
2. Explain that Unincorporated Marin may (will) not be able to satisfy its RHNA unless its Housing Element identifies sites in open space and rural lands, which would increase sprawl and violate the above referenced Plan strategy. Therefore, the County’s RHNA should be lowered. - There has been some acceptance by ABAG members for a jurisdiction’s RHNA to be lowered in order to avoid sprawl and protect rural lands.

N. Advocate for Unincorporated Marin’s RHNA to be lowered in order to abide by the Plan Bay Area Blueprint Strategy entitled; “Protect and Manage High-Value Conservation Lands.”

1. The “Protect & Manage High-Value Conservation Lands” strategy is described as; “Provide strategic matching funds to help conserve and maintain high-priority natural and agricultural lands, including but not limited to Priority Conservation Areas and wildland-urban interface lands”.
2. Explain that Unincorporated Marin may (will) not be able to satisfy its RHNA unless its Housing Element identifies sites in Priority Conservation Areas or the Wildland Urban Interface, which would increase sprawl and violate the above referenced Plan strategy. Therefore, the County’s RHNA should be lowered.

O. Advocate for a Spheres of Influence Adjustment in Marin County

Spheres of Influence (SOI) must be considered in the RHNA methodology if there is projected growth within a city’s SOI. 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.

Due to the fact that Unincorporated Marin has little commercial area and the majority of Marin’s jobs are in the cities of Marin, we believe that 37.5 percent **or less** of the 2023 to 2031 allocation of housing need generated by the Unincorporated SOI should be assigned to the County.

P. Marin’s RHNA allocation should be lowered to reflect Marin’s population, household and employment growth projections.

Marin County lacks developable land, has very poor public transit, 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, business, and household growth. Respected forecasts confirm that Marin’s population and job growth, and therefore the need for housing growth, will remain flat or decline. (For more details, please see Sustainable TamAlmonte’s September 29th letter, **Section V.**)

1. Marin County’s 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 chart²:

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%

² <https://worldpopulationreview.com/us-counties/ca/marin-county-population>

2. Forecast of Marin County’s Population Growth by the California Department of Finance:

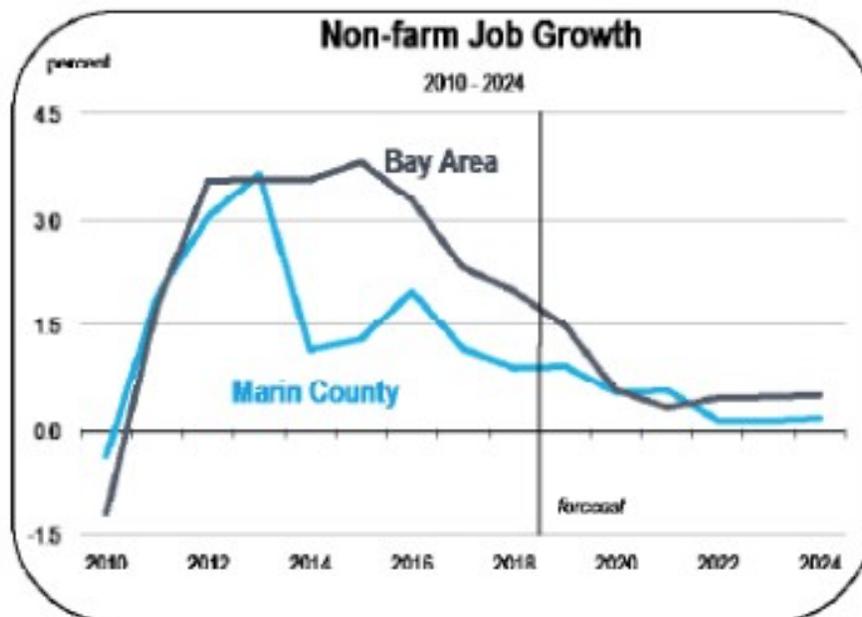
The California Department of Finance forecasts are highly respected and used by most public agencies. The Department of Finance estimates that Marin County’s current population (YR 2020) is 260,800 residents and projects that at the beginning of the next RHNA cycle (YR 2023) our population will be 259,345 residents. Therefore, the Department predicts that Marin’s population will shrink by 1,455 residents by 2023.

Furthermore, the Department of Finance projects that, between 2023 to 2031 (the next 8-year RHNA cycle), Marin County’s population will grow from 259,345 people (YR 2023) to 259,713 people (YR 2031), which is an increase of only 368 more people.^{3 4}

A growth of 368 people doesn’t even replace the 1,455 residents lost between YR 2020 and YR 2023. Hence, at the end of the next RHNA cycle (YR 2031), we will have fewer residents than we do now. This does not translate into a need for a tremendous amount of new housing.

3. 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.”⁵



³http://www.dof.ca.gov/Forecasting/Demographics/projections/documents/P1_County_1yr.xlsx

⁴<http://www.dof.ca.gov/Forecasting/Demographics/Projections/>

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

Q. Marin’s RHNA allocation should be lowered in order to attain the correct Jobs-Housing Balance.

The jobs-housing balance is the ratio of jobs to housing in a given municipality, region or area linked by commuter transit means.

If the jobs-housing balance is too high, adequate housing may be unaffordable or unavailable to workers in that area, leading to issues such as housing unaffordability and traffic congestion from in-commuting workers. If the jobs-housing balance is too low, this may indicate inadequate job availability for area residents.

When the goal is affordability, the jobs-housing balance can be too high, or too low. If the ratio is too high, it means that employees have to commute into the metro area, because there is not enough housing to accommodate all of the workers. Also, instead of commuting, people might crowd into housing that wasn't intended to house so many people, or live in RVs or in their cars on the roadways.

On the other end, the jobs-housing balance can also be too low. If there is less than one job per housing unit, then that means that many people, who may have housing, will have trouble paying for it no matter how cheap it seems because the adults in the household have only part time work or no work at all.

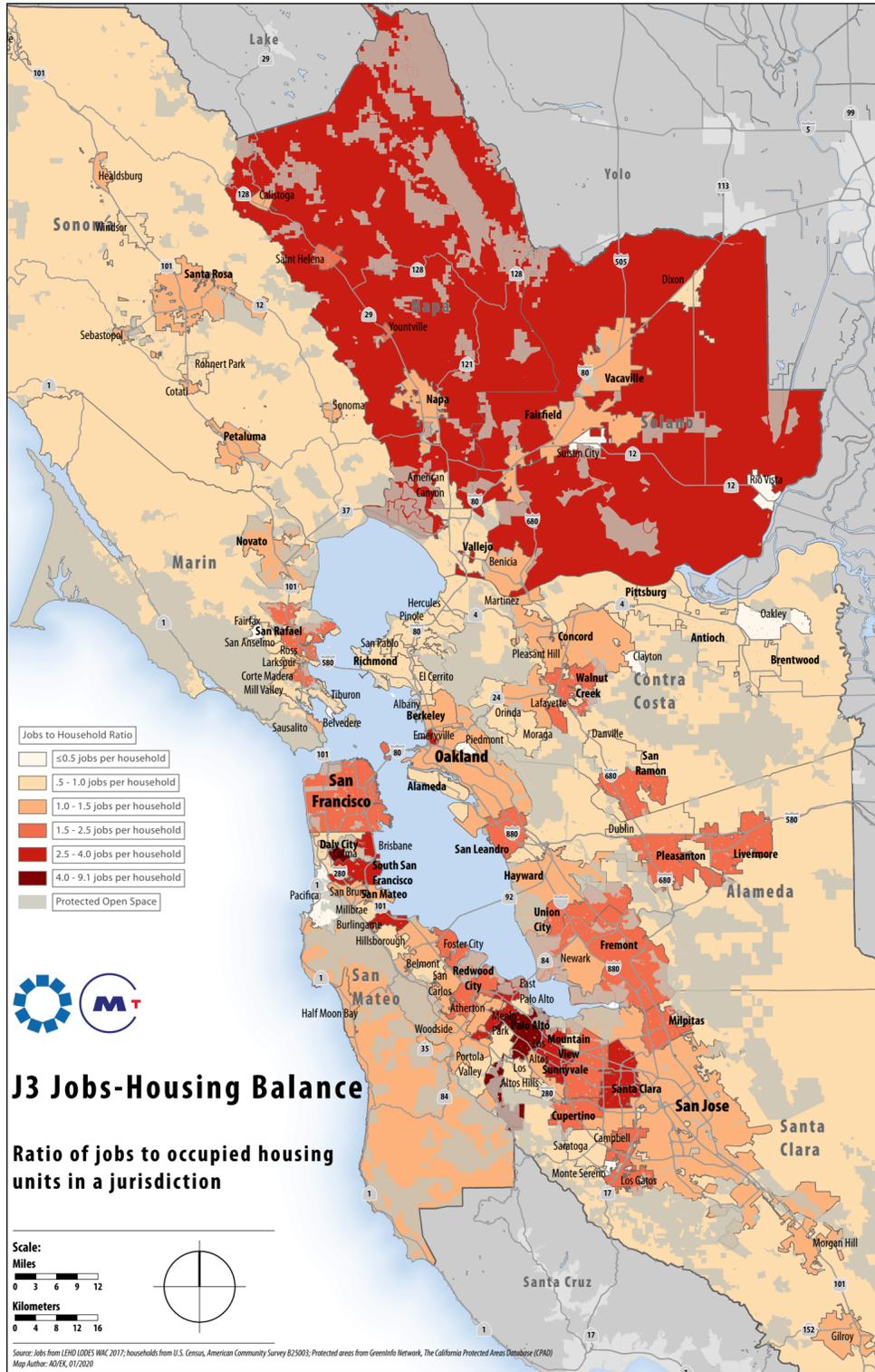
According to the Building Industry Association (BIA), experts say that a healthy jobs-housing balance is 1.5. (One full time job and one part time job per housing unit.). According to the American Planning Standard, the sweet spot for the jobs/housing ratio is between 1.3 to 1.7 jobs/housing balance and ideally 1.5 jobs per housing unit.

The Building Industry Association’s below diagram demonstrates that Marin County’s (Unincorporated Marin and Cities combined) overall Jobs-Housing Balance is currently 1.3. However, if Plan Bay Area projections hold up, then this will decrease to 1.21.

	A	B	C	D	E	F	G	H	I
2		Current total employment (JUNE 2017)	Current total housing units (baseline 2010 + units permitted Jan '11 to June '17)	Jobs Housing Balance (total employment in county divided by total housing units)	Jobs per housing unit ratio in 2040 if Plan Bay Area projections hold up	Baseline housing units in 2010 (Plan Bay Area, 2040*)	Total number of units projected by 2040 (ABAG 2040*)	Total additional units projected by 2040	Actual number of housing units permitted between JAN 2011 and JUNE 2017 (78 months)
3		Per CA EDD						Total MINUS Baseline Units	CIRB Monthly Data Compiled
4	Bay Area	3,954,200	2,731,801	1.45	1.37	2,608,000	3,426,700	818,700	123,801
5	Alameda Co.	803,600	570,929	1.41	1.30	545,000	734,100	189,100	25,929
6	Contra Costa Co.	532,300	388,270	1.37	1.05	375,400	475,400	100,000	12,870
7	Marin Co.	135,800	104,207	1.30	1.21	103,200	111,600	8,400	1,007
8	Napa Co.	72,300	50,303	1.44	1.52	48,900	54,700	5,800	1,403
9	San Francisco	542,100	369,066	1.47	1.80	345,800	483,700	137,900	23,266
10	San Mateo Co.	435,300	266,324	1.63	1.49	257,837	318,000	60,163	8,487
11	Santa Clara Co.	986,800	645,741	1.53	1.50	604,300	860,900	256,600	41,441
12	Solano Co.	195,500	146,784	1.33	0.89	141,700	169,300	27,600	5,084
13	Sonoma Co.	250,500	190,114	1.32	1.11	185,800	219,100	33,300	4,314

Source: https://housing.wiki/wiki/Jobs-Housing_Balance

According to ABAG's below map, the Unincorporated areas of the County have a Jobs-Housing Balance that is currently below 1 job per household.



In conclusion, regarding the Jobs-Housing Balance, Marin County has too many homes for the number of jobs. Instead of raising the number of homes, the County should actually be increasing the number of jobs. If Marin's RHNA allocations were fulfilled, then the Jobs-Housing Balance would become even more out of kilter and increase the housing affordability problem in Marin.

R. Other talking points, which may lower Marin's RHNA:

- 1. Advocate for a change to the RHNA allocation so that growth is targeted near employment centers and high-quality public transit (AKA "Transit Rich Areas").**

ABAG's RHNA Allocation Methodology Option 8A targets growth in areas far from employment and/or areas with non-existent or poor-quality transit, in which bus routes have average service intervals during peak traffic hours that are as long as 30 minutes. Few residents would use public transit that is so inconvenient.

High Quality Public Transit should be defined as a rail transit station, ferry terminal, or "high quality bus corridor", which is a fixed bus route service with average service intervals of 15 minutes or else 10 minutes or less during peak traffic hours. By changing this definition, Marin County's RHNA should be lowered.

- 2. If still possible, advocate for a hazards-related factor in the RHNA Allocation Methodology.** The RHNA Allocation should preclude development in areas subject to hazards, particularly areas subject to lack of water supplies, sea level rise & flooding, and high fire risk.



June 7, 2021

Local Elected
1234 5th Street
City, CA 9----

Dear [Local Elected]:

Last month ABAG issued its draft Regional Housing Need Allocation (“RHNA”) for each city and county in its region, including yours.¹ Notwithstanding that each city and county’s RHNA has substantially increased since the last allocation, a lawsuit is currently pending in Alameda County Superior Court that seeks to increase your RHNA even more. We write to alert you to your right to ask the court for permission to file, and to file, a brief amicus curiae (friend of the court) to oppose the lawsuit and to protect your city from having its RHNA increased. We urge your council and city attorney to consider doing so. The California Alliance of Local Electeds (CALE) is a statewide, nonpartisan group of local elected officials who advocate for the empowerment of local government and advocate for innovative housing, land use, transportation, and other legislation.

The lawsuit was brought by an organization called “Yes In My Back Yard,” (YIMBY) and other activists, who filed a petition for a writ of mandate against the state Department of Housing and Community Development (HCD). A copy is attached to this letter. The petition centers on HCD’s Regional Housing Needs Determination (RHND) for the ABAG region, which ABAG then divided into each city and county’s RHNA. In short, RHND is HCD’s estimate of statewide housing needs for the upcoming sixth cycle of the Housing Element. Every eight years state law requires HCD, in cooperation with the Department of Finance, to update RHND numbers for all cities and counties in California. The determination, which began in the 60s as a helpful state assist to local planning, has in recent years been “weaponized” against local governments to reduce local control over new housing projects.

The petition alleges that “Despite being required by the RHND Statute to make determinations in writing on the relationship between jobs and housing, including any imbalance, (Gov. Code §§ 65584.01(b)(1)(G); 65584.01(c)(1)) HCD failed to consider this element in the ABAG RHND.” (Petition, para. 26.) YIMBY asks the court to “compel HCD to supplement its total determination under the RHND with any additional housing needs after consideration of the relationship between jobs and housing, including the impacts of the jobs-housing balance on both

¹ See Appendix 4 of https://abag.ca.gov/sites/default/files/documents/2021-02/ABAG_Draft_RHNA_Methodology_Report_2023-2031.pdf

intraregional and interregional commutes, and any imbalance thereof.” (Petition, para. 32) The lawsuit seeks this increase in the RHND, and in each city and county’s RHNA, despite the fact that HCD’s current RHND numbers are more than double the prior ones -- 441,176 new units compared to 187,990 – and despite the fact that California’s population growth has been slowing for more than a decade, and reached negative growth for the first time in nearly a century in 2020. How will your city fill its RHND, and how will it pay for the necessary improvements to schools, fire and police protection, and critical infrastructure? The activists don’t know or care – as far as they’re concerned it’s “build, build, build.”

We urge your city to file an amicus brief in opposition to the activists’ writ petition. Such an amicus brief could argue that the case should be dismissed because it fails to join parties who would be affected by the decision – ABAG and its constituent cities and counties. The brief could also argue that the case does not belong in the courts, as a court ruled several years ago. Filing such a brief would not make the city that filed a party to the lawsuit. The court-ordered briefing schedule starts July 5 for the trial date of September 3, 2021. We stand ready and willing to provide assistance to your city attorney with legal research that has already been done. If a city desires greater involvement in the case, it could seek leave to intervene as a real party in interest. Doing so, if permission were granted by the court, would make the city a party, would be significantly more expensive, and potentially subject the city, if it loses, to an award against it of legal fees incurred by YIMBY. By contrast, filing an amicus brief does not appear to carry that risk, although of course there are no guarantees. Consult your own city attorney.

Cities might also consider banding together and sharing the cost of an attorney who would file a single brief on their combined behalf.

Respectfully,

The California Alliance of Local Electeds

Enclosure