June 22, 2021

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

SUBJECT: Regional Housing Needs Allocation for Unincorporated Marin County and Appeal Options

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)

☒ County Administrator  ☐ N/A
☐ Department of Finance  ☒ N/A
☒ County Counsel  ☐ N/A
☐ Human Resources  ☒ N/A

SIGNATURE:

\[
\text{Tom Lai} \\
\text{Director}
\]

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

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>VERY LOW INCOME (&lt;50% of Area Median Income)</th>
<th>LOW INCOME (50-81% of Area Median Income)</th>
<th>MODERATE INCOME (80-120% of Area Median Income)</th>
<th>ABOVE MODERATE INCOME (&gt;120% of Area Median Income)</th>
<th>TOTAL</th>
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<tr>
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Source: ABAG REGIONAL HOUSING NEEDS ALLOCATION DRAFT METHODOLOGY: SAN FRANCISCO BAY AREA, 2023-2031
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<td>HCD Regional Housing Needs Determination (RHND)</td>
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<td>Oct. 2020</td>
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<td>Dec. 2020</td>
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<td>Draft Methodology to HCD</td>
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<td>Final RHNA Methodology Draft Allocation</td>
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<td>Final RHNA Allocation and ABAG Executive Board Approval</td>
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<td>Housing Element Due Date</td>
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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

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<td>Low (50-80% AMI)</td>
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<td>Moderate (80-120% AMI)</td>
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<tr>
<td>Above Moderate (120%+ AMI)</td>
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<tr>
<td>Total</td>
<td>3,569</td>
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Marin County RHNA
ALL MARIN CITIES AND TOWNS ALLOCATION (2023-2031)

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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
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
"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
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
**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
**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 TamAlmonte 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 RHNA 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 TamAlmonte

sharonr@tamalmonte.org  
tamalmonte.org
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.
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://secureservercdn.net/198.12.144.107/28s.530.myftpupload.com/wp-
• 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

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

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

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

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Draft Blueprint</th>
<th>Final Blueprint</th>
<th>Very Low</th>
<th>Low</th>
<th>Moderate</th>
<th>Above Moderate</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unincorporated</td>
<td>0.003%</td>
<td>0.007%</td>
<td>49</td>
<td>29</td>
<td>23</td>
<td>61</td>
<td>161</td>
</tr>
<tr>
<td>Cortes Madera</td>
<td>0.135%</td>
<td>0.325%</td>
<td>209</td>
<td>175</td>
<td>105</td>
<td>290</td>
<td>1,016</td>
</tr>
<tr>
<td>Fairfax</td>
<td>0.104%</td>
<td>0.186%</td>
<td>124</td>
<td>94</td>
<td>70</td>
<td>270</td>
<td>954</td>
</tr>
<tr>
<td>Mill Valley</td>
<td>0.176%</td>
<td>0.318%</td>
<td>219</td>
<td>175</td>
<td>190</td>
<td>290</td>
<td>1,016</td>
</tr>
<tr>
<td>Ross</td>
<td>0.033%</td>
<td>0.052%</td>
<td>19</td>
<td>20</td>
<td>17</td>
<td>44</td>
<td>90</td>
</tr>
<tr>
<td>San Anselmo</td>
<td>0.149%</td>
<td>0.204%</td>
<td>26</td>
<td>155</td>
<td>108</td>
<td>41</td>
<td>363</td>
</tr>
<tr>
<td>Tiburon</td>
<td>0.125%</td>
<td>0.176%</td>
<td>11</td>
<td>115</td>
<td>115</td>
<td>246</td>
<td>476</td>
</tr>
<tr>
<td>Sausalito</td>
<td>0.135%</td>
<td>0.152%</td>
<td>155</td>
<td>150</td>
<td>108</td>
<td>363</td>
<td>833</td>
</tr>
<tr>
<td>Marin County</td>
<td>0.307%</td>
<td>0.605%</td>
<td>4,165</td>
<td>2,943</td>
<td>2,146</td>
<td>5,548</td>
<td>14,160</td>
</tr>
</tbody>
</table>

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

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

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

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>2006: 107,804 housing units</td>
<td></td>
</tr>
<tr>
<td>2030: 121,847 housing units</td>
<td></td>
</tr>
<tr>
<td>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)</td>
<td></td>
</tr>
</tbody>
</table>

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:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>2006: 253,341 residents</td>
<td></td>
</tr>
<tr>
<td>2030: 286,340 residents</td>
<td></td>
</tr>
<tr>
<td>Projected Population Growth: 29,759 residents</td>
<td></td>
</tr>
</tbody>
</table>
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>
<thead>
<tr>
<th>Table 1: Factors and Weights for Proposed RHNA Methodology</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Very Low and Low Units</strong></td>
</tr>
<tr>
<td>70% Access to High Opportunity Areas</td>
</tr>
<tr>
<td>15% Job Proximity – Auto</td>
</tr>
<tr>
<td>15% Job Proximity – Transit</td>
</tr>
</tbody>
</table>

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”.  

8
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 (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”:

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

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.
G. Marin County’s Priority Development Area (PDA) should be rescinded in order to lower Unincorporated Marin’s RHNA. (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 RHNA. (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”:

“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
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:
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/0Bx15pyv0JoJZZtVR1pXOV9vTGRQVTRrQWxER0VOeVQxd2xz/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 chart:

<table>
<thead>
<tr>
<th>Year</th>
<th>Population</th>
<th>Growth</th>
<th>Growth Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>2020</td>
<td>259,548</td>
<td>-59</td>
<td>-0.02%</td>
</tr>
<tr>
<td>2019</td>
<td>259,607</td>
<td>-59</td>
<td>-0.02%</td>
</tr>
<tr>
<td>2018</td>
<td>259,666</td>
<td>-59</td>
<td>-0.02%</td>
</tr>
<tr>
<td>2017</td>
<td>259,725</td>
<td>-908</td>
<td>-0.35%</td>
</tr>
<tr>
<td>2016</td>
<td>260,633</td>
<td>-383</td>
<td>-0.15%</td>
</tr>
</tbody>
</table>

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.” \(^5\)

\(^3\) [http://www.dof.ca.gov/Forecasting/Demographics/projections/documents/P1_County_1yr.xlsx](http://www.dof.ca.gov/Forecasting/Demographics/projections/documents/P1_County_1yr.xlsx)

\(^4\) [http://www.dof.ca.gov/Forecasting/Demographics/Projections/](http://www.dof.ca.gov/Forecasting/Demographics/Projections/)

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.

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

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