


REGIONAL HOUSING NEEDS ALLOCATION

Association of Bay Area Governments

2023-2031 Regional Housing Needs Assessment (RHNA) Appeal Request*Submit appeal requests and supporting documentation via DocuSign by 5:00 pm PST on July 9, 2021.****Late submissions will not be accepted.*** Send questions to rhna@bayareametro.govJurisdiction Whose Allocation is Being Appealed: City of Mill ValleyFiling Party: HCD Jurisdiction: City of Mill ValleyContact Name: Patrick Kelly Title: Director of Planning and BuildingPhone: 415-388-4033 Email: pkelly@cityofmillvalley.org**APPEAL AUTHORIZED BY:**Name: Alan E. Piombo, Jr.Signature: Date: 7/7/2021**PLEASE SELECT BELOW:**

- Mayor
- Chair, County Board of Supervisors
- City Manager
- Chief Administrative Officer
- Other: _____

IDENTIFY ONE OR MORE BASES FOR APPEAL [Government Code Section 65584.5(b)]

- ABAG failed to adequately consider information submitted in the Local Jurisdiction Survey regarding RHNA Factors (Government Code Section 65584.04(e)) and Affirmatively Furthering Fair Housing (See Government Code Section 65584.04(b)(2) and 65584(d)(5)):
- Existing and projected jobs and housing relationship.
 - Sewer or water infrastructure constraints for additional development due to laws, regulatory actions, or decisions made by a provider other than the local jurisdiction.
 - Availability of land suitable for urban development or for conversion to residential use.
 - Lands protected from urban development under existing federal or state programs.
 - County policies to preserve prime agricultural land.
 - Distribution of household growth assumed for Plan Bay Area 2050.
 - County-city agreements to direct growth toward incorporated areas of county.
 - Loss of units contained in assisted housing developments.
 - Households paying more than 30% or 50% of their income in rent.
 - The rate of overcrowding.
 - Housing needs of farmworkers.
 - Housing needs generated by the presence of a university campus within a jurisdiction.
 - Housing needs of individuals and families experiencing homelessness.
 - Loss of units during a declared state of emergency from January 31, 2015 to February 5, 2020.
 - The region's greenhouse gas emissions targets to be met by Plan Bay Area 2050.
 - Affirmatively furthering fair housing.
- ABAG failed to determine the jurisdiction's Draft RHNA Allocation in accordance with the Final RHNA Methodology and in a manner that furthers, and does not undermine the RHNA Objectives (see Government Code Section 65584(d) for the RHNA Objectives).
- A significant and unforeseen change in circumstances has occurred in the local jurisdiction or jurisdictions that merits a revision of the information submitted in the Local Jurisdiction Survey (*appeals based on change of circumstance can only be made by the jurisdiction or jurisdictions where the change occurred*).

Pursuant to Government Code Section 65584.05, appeals shall be based upon comparable data available for all affected jurisdictions and accepted planning methodology, and supported by adequate documentation, and shall include a statement as to why the revision is necessary to further the intent of the objectives listed in Government Code Section 65584(d). An appeal shall be consistent with, and not to the detriment of, [the development pattern in the sustainable communities strategy \(Plan Bay Area 2050 Final Blueprint\)](#). (Click here)

Number of units requested to be reduced or added to jurisdiction’s Draft RHNA Allocation:

Decrease Number of Units: 286 Increase Number of Units: _____

Brief description of appeal request and statement on why this revision is necessary to further the intent of the objectives listed in Government Code Section 65584(d) and how the revision is consistent with, and not to the detriment, of the development pattern in Plan Bay Area 2050. Please include supporting documentation for evidence as needed, and attach additional pages if you need more room.

Pursuant to Government Code section 65584.05, the City of Mill Valley is exercising its right to file an appeal to modify its Final Draft Allocation as part of ABAG’s Draft RHNA Allocation Plan. A revision to the Final Draft Allocation is necessary to further the intent of those statutorily mandated objectives listed in Government Code Section 65584(d).

The Final Draft Allocation of 865 housing units for the City of Mill Valley is based on flawed methodologies that conflict with the Plan Bay Area objectives and do not fully consider local planning factors unique to a local jurisdiction nor consider other State policy guidance that looks to balance development with local hazards and safety. This appeal is based on the following grounds:

1. Methodology – ABAG failed to determine the City of Mill Valley’s share of the regional housing need in accordance with the information described in the Final RHNA Methodology established and approved by ABAG, and in a manner that furthers, and does not undermine the five (5) objectives listed in Government Code Section 65584(d). Information contained in our letter includes supporting evidence of ABAG not meeting RHNA statutory and Plan Bay Area objectives, particularly those related to promoting infill development and social equity by encouraging efficient development patterns and the achievement of the regional GHG targets.
2. Local Planning Factors - ABAG failed to adequately consider the information submitted as part of the local jurisdiction survey, including the City’s noted concerns about topographical constraints and local hazards such as those areas in the City’s FEMA Floodway, FEMA Floodplain, and Wildland Urban Interface/High Fire Severity Zones; small number of vacant lots; small parcel sizes
3. Changed Circumstances - ABAG failed to consider the State of California’s Fire Hazard Planning Technical Advisory Series released in November 2020 and recent documentation of the fact the State of California is seeing slow growth and a decline in population.

List of supporting documentation, by title and number of pages

1. _____
2. _____
3. _____



Click here to attach files

The maximum file size is 25MB. To submit larger files, please contact rhna@bayareametro.gov.

John McCauley
Mayor
Jim Wickham
Vice Mayor
Urban Carmel
Councilmember



Tricia Ossa
Councilmember
Sashi McEntee
Councilmember
Alan E. Piombo, Jr.
City Manager

Mayor Jesse Arreguín, President
Association of Bay Area Governments, Executive Board
375 Beale Street, Suite 700
San Francisco, CA 94105-2066

RE: Draft RHNA Allocation Appeal

Dear Board President Arreguín:

On behalf of the City of Mill Valley and in accordance with applicable Government Code provisions, please accept our appeal to the Association of Bay Area Governments (ABAG) for the City's Final Draft Allocation of 865 housing units, which is based on the Regional Housing Needs Assessment (RHNA) methodology for the 6th Housing Element Cycle (2023-2031) for the Bay Area.

Pursuant to Government Code Section 65584.05, the City of Mill Valley is exercising its right to file an appeal to modify its Final Draft Allocation as part of ABAG's Draft RHNA Allocation Plan. A revision to the Final Draft Allocation is necessary to further the intent of the statutorily mandated objectives listed in Government Code Section 65584(d). This appeal is consistent with, and not to the detriment of, the development pattern in the applicable Sustainable Communities Strategy developed pursuant to Government Code Section 65080(b)(2) as explained in our appeal.

BASIS FOR THE CITY OF MILL VALLEY'S APPEAL

The Final Draft Allocation of 865 housing units is based on flawed methodologies that conflict with the Plan Bay Area objectives and do not fully consider local planning factors unique to a local jurisdiction nor consider other State policy guidance that looks to balance development with local hazards and safety.

This appeal is based on the following grounds:

1. **Methodology** – ABAG failed to determine the City of Mill Valley's share of the regional housing need in accordance with the information described in the Final RHNA Methodology established and approved by ABAG, and in a manner that furthers, and does not undermine the five (5) objectives listed in Government Code Section 65584(d). These objectives are:
 - a. Increasing the supply and mix of housing types, tenure and affordability in all cities and counties within the region in an equitable manner.

- b. Promoting infill development and social equity, the protection of environmental and agricultural resources, the encouragement of efficient development patterns and the achievement of the region’s greenhouse gas reduction targets.
 - c. Promoting improved intraregional relationship between jobs and housing, including an improved balance between the number of low-wage jobs and the number of housing units affordable to low-wage workers for each jurisdiction.
 - d. Allocating a lower proportion of housing need to an income category when a jurisdiction already has a disproportionately high share of households in that income category, as compared to the countywide distribution of households in that category from the most recent American Community Survey.
 - e. Affirmatively furthering fair housing.
2. **Local Planning Factors** – that ABAG failed to consider information submitted as part of the Local Jurisdiction Survey.
 3. **Changed Circumstances** – that a significant and unforeseen change in circumstances has occurred after February 5, 2020 and merits a revision of the information previously submitted by the local jurisdiction.

DETAILED ANALYSIS

Below is the Draft RHNA for the City of Mill Valley from ABAG’s Final Draft RHNA Allocation, as well as the City’s requested adjustments, which are justified based on the analysis in this letter and further explained in the “conclusion” section below.

Income Category	Final Draft RHNA Allocation	Recommended Adjustments based on this Appeal
Very Low (0-50% AMI)	262	223
Low (50-80% AMI)	151	129
Moderate (80-120% AMI)	126	77
Above Moderate (120%+ AMI)	326	150
Total	865	579

The City is appealing this Draft Allocation based on the following:

1. Methodology

The RHNA methodology must meet the statutory requirements under Government Code Section 65584(d) and be consistent with Plan Bay Area 2050 (PBA). The current methodology is flawed based on the following reasons outlined below.

Appeal 1.a RHNA Statutory Objectives. The statutory requirements for the RHNA methodology under Government Code Section 65584(d) can be summarized into 5 main objectives: 1) increase housing supply and mix of housing types; 2) promote infill development and socioeconomic equity; 3) promote improved intraregional jobs-housing relationship; 4) balance disproportionate household income distributions; 5) affirmatively further fair housing.

Objective 2 indicates that infill development and socio-economic equity should be promoted through efficient development patterns that achieve greenhouse gas emission targets and protect environmental and agricultural resources.¹

Further, Government Code Section 65584.04(e)(2) requires that, to the extent sufficient data is available from local governments or other sources, ABAG must factor into its RHNA methodology the opportunities and constraints to development of additional housing in each jurisdiction, including availability of land suitable for urban development or for conversion to residential use, the availability of underutilized land, and opportunities for infill development and increased residential densities.

As noted in the City of Mill Valley's ABAG methodology appeal letter in October 2020 (ATTACHMENT 1):

“Protecting Bay Area citizens from hazardous conditions, such as fire danger, should be included in the RHNA criteria. Collect more information and consider topographical constraints of the region and consider FEMA and high fire severity zones in the RHNA Methodology in order to accurately address development constraints.

Emergency access and fire safety are of great concern for residents living in these hillsides as well as the general community. Of the 6,539 parcels in Mill Valley, approximately 60% (3,865) are located in the Wildland Urban Interface.... These areas also represent largely sloped areas with roadways less than 20' wide. These lots are developed parcels zoned as Single-Family-- rightfully so, as they pose little opportunity for any other type of development due to limited access. Another 306 parcels are in the FEMA Floodway where the building footprint cannot be expanded. These local site conditions need to be recognized as part of the process. Almost 65% of the City's parcels which are already developed are in a high fire zone

¹ Association of Bay Area Governments, Draft Regional Housing Needs Allocation (RHNA) Plan: San Francisco Bay Area, 2023-2031 (May 2021), page 12, https://abag.ca.gov/sites/default/files/documents/2021-05/ABAG_2023-2031_Draft_RHNA_Plan.pdf.

with limited access or FEMA Floodway that prohibits changes to an existing parcel's footprint. There needs to be a better understanding of these local site conditions and the acknowledgement that there is little opportunity for growth and development in these areas."

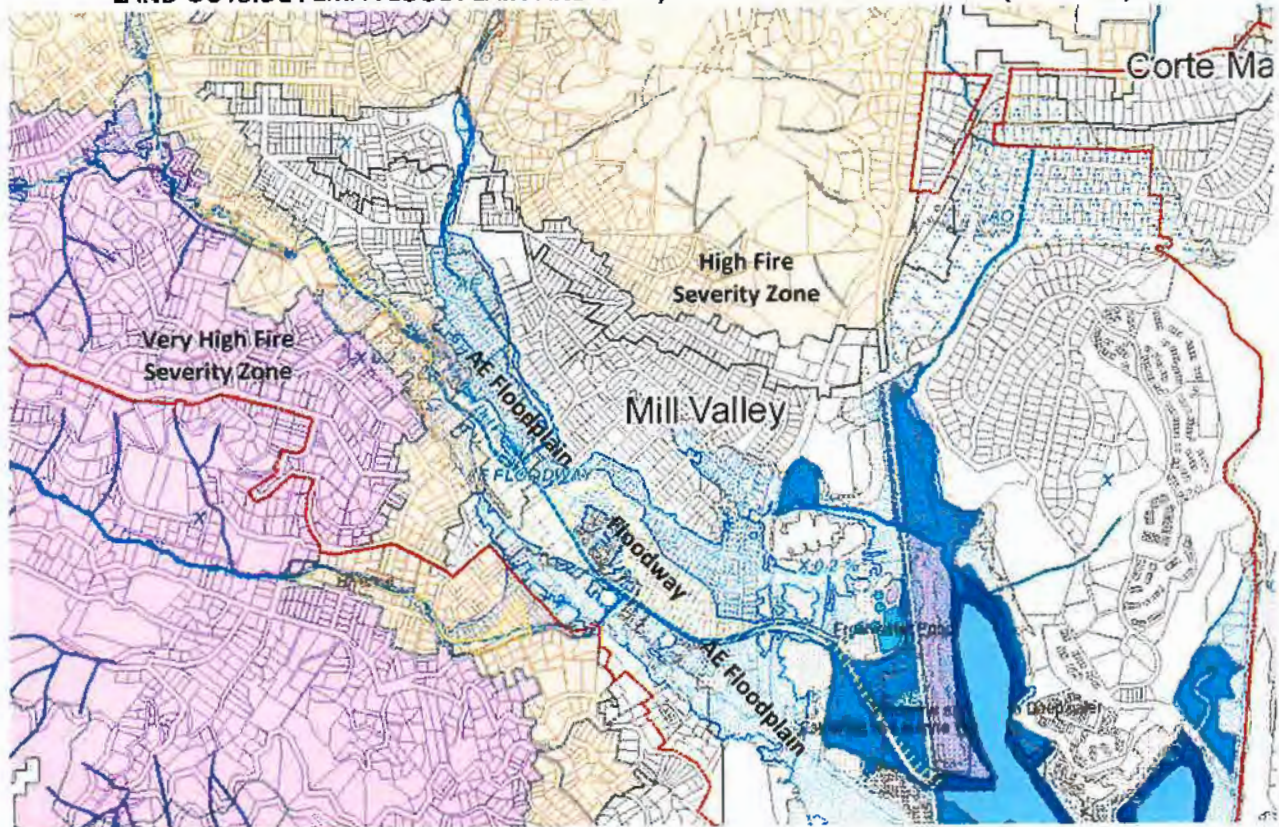
It is still unclear whether or how ABAG Draft Regional Housing Needs Allocation Plan considers topographical and environmental constraints of each member jurisdiction, such as FEMA floodways and high fire severity zones, in the Final Draft Allocations. For instance, page 35 states: "the determination of available land suitable for urban development may exclude lands where Federal Management Agency, FEMA or the Department of Water Resources has determined that flood management infrastructure designed to protect that land is not adequate to avoid the risk"², as provided in Government Code Section 65584.04(e)(2). Yet, no detailed maps are provided by ABAG identifying or acknowledging those high-risk fire or flood areas that are removed from modelling, nor is there any explanation of how growth forecasts were modified to address reduced acreage available for news jobs and housing for each local jurisdiction.

The RHNA methodology and resulting Draft Allocations should be modified to reflect the RHNA statutory requirements to consider local constraints to development of additional housing and to promote infill development OUTSIDE the boundaries of High Fire Severity and FEMA hazard zones. In turn, *at least* 65%³ of the City of Mill Valley's land should be removed from any forecasting or mapping exercises. See Exhibit 1 below and provided as ATTACHMENT 2.

² *ibid*, pages 35-37.

³ Note that 65% includes the WUI and Floodway FEMA zone. Additional parcels are located in the FEMA floodplain and may also need to be removed pending input from FEMA.

**EXHIBIT 1: CITY OF MILL VALLEY
LAND OUTSIDE FEMA FLOODPLAIN AND VERY/HIGH FIRE SEVERITY ZONES (IN WHITE)**



Appeal 1.b Plan Bay Area Objectives. The City of Mill Valley's Draft Allocation is inconsistent with PBA 2050. The adopted strategies of PBA 2050 include five Guiding Principles and 35 strategies to accommodate anticipated regional growth. Housing Strategy H3 indicates that PBA should "allow a greater mix of housing densities and types in growth geographies" to promote growth in transit-rich and high resource areas⁴. A small portion of Mill Valley in the eastern part of the city is high-resource and near transit served by express buses running along US Route 101, but very little of the overall City is within the growth geographies.⁵

Similar to Appeal 1.a, it is unclear how the methodology accounted for land area, and therefore the City of Mill Valley is appealing its Draft Allocation. Within growth geographies, FEMA floodplain and topographical constraints that limit access and transit should also be eliminated. Again, at least 65% of the City's parcels should be removed when factoring in housing allocations due to hazards (fire and flood risk), which also correlate with limited roadway widths and limited access outside of an automobile. Only the eastern area that is in a high-resource area AND near

⁴ Association of Bay Area Governments and Metropolitan Transportation Commission, Plan Bay Area 2050 (May 26, 2021), page 10, [https://www.planbayarea.org/sites/default/files/documents/2021-05/Draft Plan Bay Area 2050 May2021 0.pdf](https://www.planbayarea.org/sites/default/files/documents/2021-05/Draft%20Plan%20Bay%20Area%202050%20May2021%200.pdf).

⁵ Plan Bay Area 2060 Growth Geographies, [https://www.planbayarea.org/sites/default/files/FinalBlueprintRelease December2020 GrowthGeographies.pdf](https://www.planbayarea.org/sites/default/files/FinalBlueprintRelease%20December2020%20GrowthGeographies.pdf)

transit AND outside a Floodplain AND Fire Severity Zone should be used to establish Housing Strategy H3. See Exhibit 1 above and ATTACHMENT 2.

Secondly, the City of Mill Valley is forecasted to have an increase of 1,000 households by 2050 in Plan Bay Area 2050, while the Draft RHNA Allocation established 865 new units by 2031. This large-scale growth within an 8-year timeframe is inconsistent with Plan Bay Area 2050's growth forecasts and timeline. State law requires ABAG to allocate housing units within the region consistent with the development pattern included in PBA 2050.⁶

Thirdly, the direct allocation based on the methodology ABAG has approved is not correct. If ABAG declines to adjust its methodology as requested by this appeal, at minimum the City's allocation should be modified to reduce the City's total to 818 units (versus the assigned 865 units). See TABLE 1 and ATTACHMENT 3 for details.

Lastly, the ABAG's Draft Allocation fails to acknowledge that the overall "Factor Distributions" are all within the same area and should only be counted once. See Conclusion Section for details and Mill Valley's suggested RHNA allocation.

TABLE 1: New Housing Units, Comparison of Methodology. Draft Distribution and City Appeal

	Factor Distribution 1: Access to High Opportunity Areas	Factor Distribution 2: Job Proximity Auto	Factor Distribution 3: Job Proximity Transit	Equity Adjustment	ABAG Methodology	Total Draft Allocation	City Appeal
Very Low Income	70%	15%	15%				
	197	20	14	10	231	252	223
Low Income	70%	15%	15%				
	114	11	8	7	133	144	129
Moderate Income	40%	60%					
	72	50			122	126	77
Above Moderate Income	40%	60%					
	185	130			315	326	150
Total	568	211	22	17	818	865	579

2. Local Planning Factors

ABAG failed to adequately consider the information submitted as part of the local jurisdiction survey (ATTACHMENT 4).

⁶ Government Code Section 65584.04(e)(3), (m)(1).

Appeal 2a-High Fire Severity and FEMA Floodplain Zones. Constraints identified in the City's responses to the survey (question 7 and 52) included: the majority of land in the City is contained within either the High Fire Zone Area or the FEMA Floodplain, and additional parcels are likely to be impacted by sea level rise⁷. These factors continue to be an issue. ABAG failed to consider the information provided by the City with respect to determining the availability of land suitable for urban development or conversion to residential use.

Appeal 2b-Lot Size. Minimum lots sizes (question 19 and 45) were identified in the local jurisdiction survey as a barrier or gap in meeting RHNA goals for producing very low- and low-income households. Those parcels OUTSIDE the Wildland Urban Interface (WUI) area and FEMA floodplain are diverse in terms of their zoning (multi-family, single family, commercial) in order to accommodate various types of housing (single-family, multi-family and mixed use). The majority of these lots are less than ¼ acre and currently provide housing on site. Any added density or "up zoning" will not result in a large increase in housing units but will rather result in tearing down older affordable housing stock and replacing the units with more expensive new units. See Exhibit 2 below of local "affordable" housing stock that is at the appropriate size and scale based on the size of the lots.



Exhibit 2: Miller Avenue Four-plex and six-plex built at 22-25 units/acre

Appeal 2c-Vacant land. The City of Mill Valley also noted in the survey (question 7, 9, 10, 52) that the City faces a constraint to building housing based on the fact that 97% of the parcels are not vacant. The 3% of vacant parcels in Mill Valley have an average slope of 41%, with almost half of all vacant land on undersized lots (less than 6,000 square feet). Should ABAG be serious about displacement concerns, then the methodology and allocations should reflect limitations on existing parcels that currently house exiting residents and community members. Utilizing these existing "non-vacant" parcels should assume displacement will occur of existing residents.

3. Changed Circumstances

⁷ San Francisco Bay Conservation and Development Commission, Adapting to Rising Tides Explorer, <https://explorer.adaptingtorisingtides.org/explorer>.

Appeal 3a - Fire Hazard Planning Technical Advisory Series, 2020 Update. In November 2020, the State of California requested comments on its Fire Hazard Planning Technical Advisory⁸ which is intended to update the Technical Advisory to include specific land use strategies to reduce fire risk to buildings, infrastructure and communities. City staff submitted comments on the Draft Technical Advisory (ATTACHMENT 5). In particular, page 4S of the Draft Technical Advisory recommends the following policies:

“All infill development projects within the SRA or VHFSZ shall be required to comply with all applicable state or local fire safety and defensible space regulations or standards, and any applicable fire protection or risk reduction measures identified in locally adopted plans.”

“Avoid expanding new development, critical facilities, and infrastructure in areas subject to extreme threat or high risk, such as High or Very High Fire Severity Zones or areas classified by CAL FIRE as having an Extreme Threat classification on Fire Threat maps, unless all feasible risk reduction measures have been incorporated into project designs or conditions of approval.”

These policies are in direct conflict with the RHNA methodology and various assumptions for the Draft Allocations. Before assuming any new development in High Fire Severity Zones, the State of California needs to clarify what “feasible risk reduction measures” are allowed under State Law. Staff, in its public comments, notes that the avoidance of new development in these High Fire Severity Zones should be incorporated in regional housing allocations, especially in areas with extreme slopes and narrow streets, which combined create evacuation concerns. Again, it is still unclear how the RHNA Methodology and Draft Allocations accounted for hazard areas.

Appeal 3b – Increased Fire Risk. The City of Mill Valley continues to face increased risk and exposure to fire since 2020 due to climate change and the drought. In 2019 the City had 18 fire incidents and in 2020 the City has had 22 fire incidents.

A community’s vulnerability to fire and providing safety for its residents is a key component of land use planning and should be taken into account as part of the Draft Allocations. As Governor Newsom’s Strike Force Report⁹ states:

“The strike force recommends that at the state and regional level, governments and planners incorporate CAL FIRE’s Fire Risk protections and the fire protection information in the Adoption Clearinghouse and the Fourth Climate Assessment into short term and long-term planning, and begin to de-prioritize new development in

⁸ Governor’s Office of Planning and Research, Fire Hazard Planning Technical Advisory (Nov. 2020),

https://www.opr.ca.gov/docs/20201109-Draft_Wildfire_TA.pdf.

⁹ Strike Force Report, Wildfires and Climate Change: California’s Energy Future (April 12, 2019), page 14,

<https://www.gov.ca.gov/wp-content/uploads/2019/04/Wildfires-and-Climate-Change-California%E2%80%99s-Energy-Future.pdf>.

areas of the most extreme fire risk. In turn, more urban and lower risk regions in the state must prioritize infill development and overall housing productions.”

The City of Mill Valley wholeheartedly agrees with the above statement and, similar to sustainability and equity, natural hazards including flood and fire should be reflected in the RHNA methodology and Draft Allocations.

Appeal 3c – Reduced Population. The RHNA methodology has failed to incorporate and recognize the changing trend in reduced population counts for California.

As noted in a recent CalMatters article:

*“Between 2010 and 2020, the national population increased by 7.4% to 331.4 million, according to the bureau’s new figures. That’s the second smallest increase in the 24 decades the census has been done. **California’s population grew by even less, just 5.9%, from 37.3 million to 39.5 million residents**”.*¹⁰

However, the ABAG Final Blueprint anticipates a population increase of 35% by 2050. Similar to the previous RHNA cycle when the economy trended downward, ABAG should recognize that population in California is slowing¹¹, and should therefore modify its population and household forecasts accordingly.

CONCLUSION

The City of Mill Valley is seeking a reduction in its Draft Allocation so that the necessary housing units can be accommodated in the more developed, urban portion of the City that is outside the Very High and High Fire Severity Zones AND the FEMA Floodplain.

The City has an estimated 65% of all parcels located in the Wildland Urban Interface and FEMA Floodway¹². In light of the State’s interest and policy direction stating that land use patterns should de-prioritize new development in fire-prone areas, we believe a reduction in the City’s RHNA Allocation is warranted. The RHNA methodology uses three factor distributions, noted in Table 2 below. **The City of Mill Valley therefore has modified its Draft Allocation and requests that ABAG:**

- 1) Acknowledge that the majority of the City is not within ABAG’s “growth geography” and adjust growth assumptions accordingly. Again, at least 65% of the City’s parcels cannot be increased in terms of density due to local topographical constraints and hazards, including fire, flood, safety, and roadway egress;

¹⁰ Ben Christopher, “California Loses Congressional Seat for First Time,” *CalMatters*, May 6, 2021, <https://calmatters.org/politics/2021/04/california-congress-census>.

¹¹ Sources vary but are validated by the loss of Congressional seat based on the 2020 US Census.

¹² Note this percentage does not account for additional parcels located within the AE and AO FEMA floodplain areas. If all floodplain areas are included, the percentage of land excluded for Mill Valley would increase.


- 2) Add a “hazards distribution factor” to modify the distribution of forecasted units to acknowledge local topographical constraints and hazards within local jurisdictions;
- 3) Modify the factor distributions, acknowledging that the distributions are duplicative and represent the same area(s) within the City of Mill Valley. The High Opportunity Zones, Job Proximity to Transit/Auto and Equity factor distributions are all in the same location and should only be counted within 25% of total parcels in Mill Valley that are outside the City’s hazard zones. These Distribution Factors are duplicative and count the same areas of the City. The City therefore is requesting an adjustment to the distribution by eliminating “Job Proximity to Transit” and “Job Proximity Auto” Distribution Factors with the understanding that this scenario is covered through the High Opportunity Area objective as well as the Equity objective;
- 4) Modify growth projections based on the slowing growth of California population; and/or
- 5) Acknowledge Above Moderate homes are market-driven and do not need to be accounted for in Mill Valley’s RHNA. The City of Mill Valley remains committed to increasing affordable housing opportunities. With limited land opportunities, the City encourages the State of California and its regional partners to focus on below-market rate housing. The City has reduced its Above-Moderate Income Draft Allocation in order to focus its limited land opportunities on housing strategies related to below market rate housing. This is also supported by the State of California’s “Strategies for Sustainable Communities: A Guidebook Based on California Community Types,” which indicates that a high-income inner suburb like Mill Valley should focus on housing options that allow the young and elderly to stay in the community and diversify its housing stock to create workforce housing.¹³

¹³ Governor’s Office of Planning and Research, Strategies for Sustainable Communities: A Guidebook Based on California Community Types (December 15, 2010), page 11.

TABLE 2: REVISED RHNA ALLOCATION - APPEAL

Mill Valley	Factor Distribution			Very Low Income				Low Income				Moderate Income			Above Moderate Income			Total		
	Access to High Opportunity Areas	Job Proximity Auto	Job Proximity Transit	Access to High Opportunity Areas	Job Proximity Auto	Job Proximity Transit	Subtotal	Equity Adjustment	Access to High Opportunity Areas	Job Proximity Auto	Job Proximity Transit	Subtotal	Equity Adjustment	Access to High Opportunity Areas	Job Proximity Auto	Subtotal	Access to High Opportunity Areas		Job Proximity to Auto	Subtotal
Draft RHNA	.3%	.1%	.1%	213	19	20	252	10	122	11	11	144	7	77	49	126	200	126	326	865
City Appeal	.3%	0%	0%	213	0	0	213	10	122	0	0	122	7	77	0	77	150	0	150	579

Sincerely,



John McCauley
Mayor of Mill Valley

ATTACHMENTS

- 1) Methodology appeal letter October 2020
- 2) Map of Mill Valley, including Very High and High Fire Severity Zones and FEMA Floodplain
- 3) Discrepancy in Draft Allocation based on ABAG methodology provided to the public
- 4) Mill Valley Survey Response
- 5) Comments on Draft Fire Hazard Planning Advisory

Sashi McEntee
Mayor
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Vice Mayor
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Councilmember



Urban Carmel
Councilmember
Tricia Ossa
Councilmember
Alan E. Piombo, Jr.
City Manager

Mayor Jesse Arreguín, President
Association of Bay Area Governments, Executive Board
375 Beale Street, Suite 700
San Francisco, CA 94105-2066

RE: DRAFT RHNA METHODOLOGY

Dear Board President Arreguín:

On behalf of the City of Mill Valley, please accept our comments related to the proposed Regional Housing Needs Allocation (RHNA) methodology recommended by the RHNA Housing Methodology Committee (HMC). Please consider these comments in advance of the October 15, 2020 ABAG Executive Board meeting where the recommended methodology will be discussed.

The City of Mill Valley appreciates the efforts and dedication of the diverse stakeholder group of HMC members over the last year in attempting to make a collective recommendation regarding the appropriate distribution of 441,000 new housing units within the region and understands the urgency and challenge of addressing regional policy goals related to housing affordability, climate change and equity in this RHNA cycle. Unfortunately, the methodology recommended by the HMC allocates new housing units to areas that lack adequate transportation infrastructure, away from existing and future job centers, and into areas at risk of wildfire and sea level rise. As a result, the recommended methodology and resulting RHNA, if indeed intended to set realistic quotas for housing growth regionally, will not only fail to meet the Bay Area's total regional housing need, but will threaten our region's ability to grow sustainably into the future.

With that, the ABAG Executive Board should direct staff to conduct additional review and further explore of the following items as part of finalizing the RHNA Methodology.

- 1) **Household Growth.** Consider modifying the Household Growth approach based on guidance received from the Contra Costa County Mayors Conference dated October 2, 2020. From our understanding, this approach was not considered by the methodology Committee and warrants more investigation. We support further review of "Modified Option 8A" as presented by the Contra Costa County of Mayors.
- 2) **Roadway Access and Fire Hazard Areas.** Protecting Bay Area citizens from hazardous conditions, such as fire danger, should be included in the RHNA criteria. Collect more information and consider topographical constraints of the region and consider FEMA and high fire severity zones in the RHNA Methodology in order to accurately address development constraints.

ATTACHMENT 1

Emergency access and fire safety are of great concern for residents living in these hillsides as well as the general community. Of the 6,539 parcels in Mill Valley, approximately 60% (3,865) are located in the Wildland Urban Interface and 33% (2,183) are located in the Very High Fire Severity Zone. These areas also represent largely sloped areas with roadways less than 20' wide. These lots are developed parcels zoned as Single-Family--rightfully so, as they pose little opportunity for any other type of development due to limited access. Another 306 parcels are in the FEMA Floodway where the building footprint cannot be expanded. These local site conditions need to be recognized as part of the process. Almost 65% of the City's parcels which are already developed are in a high fire zone with limited access or FEMA Floodway that prohibits changes to an existing parcel's footprint. There needs to be a better understanding of these local site conditions allow and the acknowledgement that there is little opportunity for growth and development in these areas.

- 3) **Acknowledge COVID and Changing Conditions in Commercial Business Zones.** There should be some acknowledgement of changing conditions—the economy, housing market and working conditions based on COVID. The region's commercial and business zones are not what they once were due changes in consumerism/retail (pre-COVID) as well as new economic conditions and working remotely from home. Remote work from home is becoming a new business model that should be further explored. Former commercial and business zones may provide a new housing opportunities through mixed use development, or even converting existing office buildings into housing units. Document the vacancy rate of commercial buildings in the region to help identify such potential. Conversion of office space could potentially provide the same housing opportunities that have come about through the State's Accessory Dwelling Unit program.

We would like to acknowledge the work of the Committee and the importance of addressing the current and future housing needs of the Bay Area. With that being said, the City of Mill Valley continues to do its part through the implementation of various programs contained in its Housing Element and has successfully worked to meet its regional housing goals to date. Most recently, the City just launched a home sharing program. This may include JADUs but it also just be a roommate in a home. While these new housing starts may not necessarily be documented in the "RHNA" process, the City recognizes the potential opportunity to provide additional housing within the existing built environment.

In short, we hope ABAG provides the overall policy guidance that will foster creativity and innovative solutions to address Bay Area housing needs while also acknowledging local topographical conditions such as FEMA Floodway and Fire Severity Zones that limit growth.

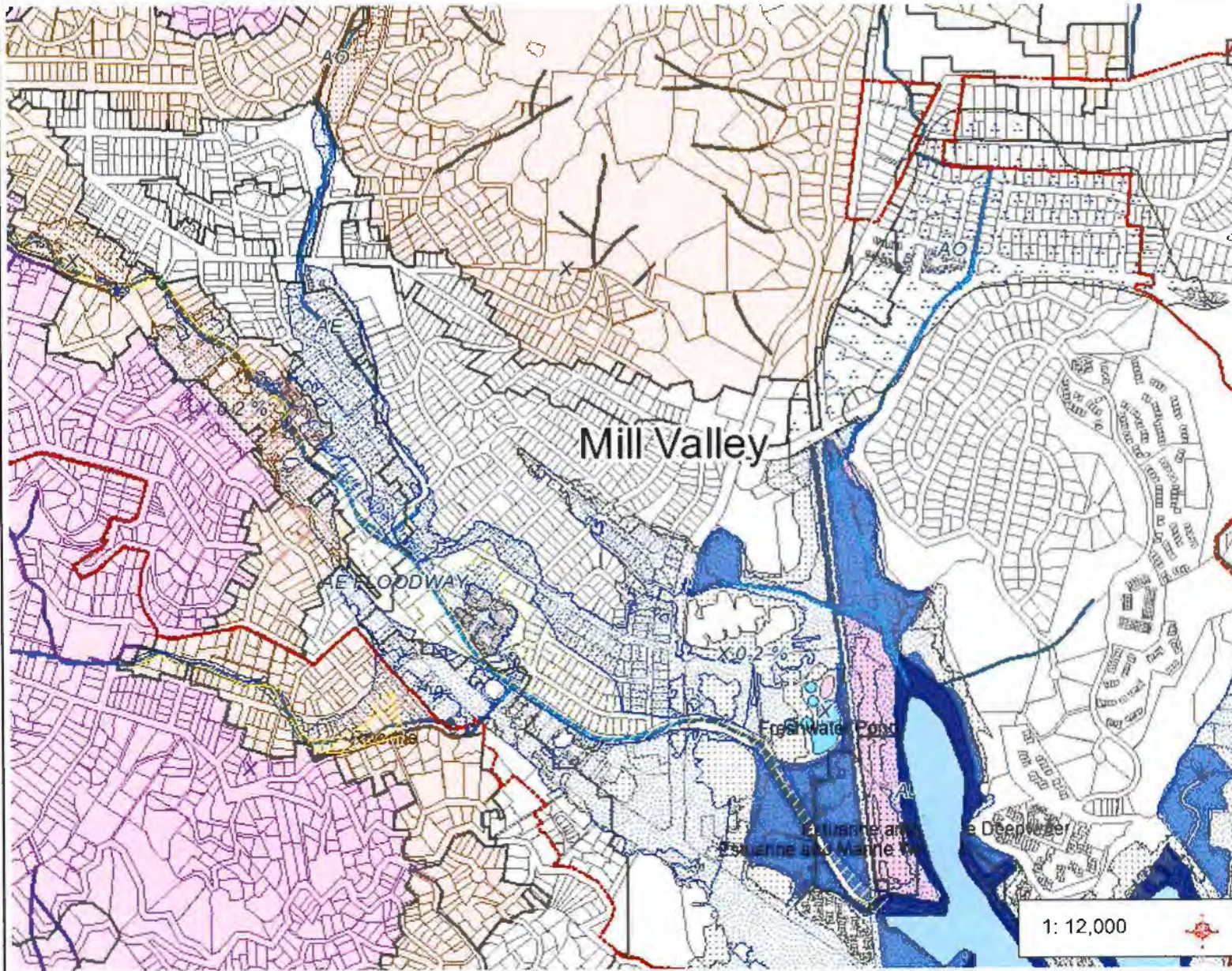
Sincerely,



Sashi McEntee
Mayor of Mill Valley



MarinMap GIS Map Report



Legend

- City
- Ocean and Bay
- Fire Hazard Severity Zone**
- Haz_Class**
- Very High
- High
- Non-Wildland/Non-Urban
- Moderate**
- Urban Unzoned
- Flood Hazard Zone, August 20**
- A
- AE
- AE, FLOODWAY
- AH
- AO
- D
- V
- VE
- X
- X
- X
- Parcel Secured
- Stream - Perennial (NHD)
- Wetland (NWI)**
- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland

1: 12,000



2,000.0 0 1,000.00 2,000.0 Feet

NAD_1983_HARN_StatePlane_California_III_FIPS_0403_Feet
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This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

Tool to Calculate RHNA Allocation

RHNA Allocation

	VL	Low	Moderate	Above Moderate	Total
Bay Area	114,442	65,892	72,712	188,131	441,177

Source: Association of Bay Area Governments, Draft Regional Housing Needs Allocation (RHNA)

Plan: San Francisco Bay Area, 2023-2031 (May 2021), Table 1

	Draft RHNA Allocation ¹	AHOA Raw Score ²	AHOA Factor ²	JPA Factor ²	JPT Factor ²
Mill Valley	0.00164296	100%	1.5	0.7	0.5

¹ Source: ABAG, https://github.com/BayAreaMetro/regional-housing-needs-assessment/blob/master/RHNA/data/juris_baselines.xlsx

² Source: Association of Bay Area Governments, Draft Regional Housing Needs Allocation (RHNA) Plan: San Francisco Bay Area, 2023-2031 (May 2021), Appendix 4, "Jurisdiction Share of 2050 Households Final Blueprint"

Mill Valley

Equity Adjustment

	AHOA	JPA	JPT	Total	
Very Low	70%	15%	15%		
	197	20	14	231	10
Low	70%	15%	15%		
	114	11	8	133	7
Mod	40%	60%			
	72	50		122	
Above Mod	40%	60%			
	185	130		315	
Total				801	818

Implied Jurisdiction Growth Rate

	Draft RHNA Allocation ¹	Regional Households, 2050	Jurisdiction Households, 2015 ²	Jurisdiction Households, 2050	Jurisdiction Implied Growth Rate
	A	B	C	A * B = D	(D/C) - 1
Mill Valley	0.1643%	4,043,000	6,168	6,642	8%

¹ Source: ABAG, https://github.com/BayAreaMetro/regional-housing-needs-assessment/blob/master/RHNA/data/juris_baselines.xlsx

² Source: CA Dept. of Finance, Report E-5 Population and Housing Estimates for Cities, Counties and the State, January 1, 2011-2019, with 2010 Benchmark, Occupied Housing Units

[Home](#) » [Local Jurisdiction Survey on Housing Factors and Fair Housing](#) » [Webform results](#)

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SURVEY RESPONDENT CONTACT INFORMATION

Jurisdiction
Mill Valley

Page Break

RELATIONSHIP BETWEEN JOBS AND HOUSING

1. If you believe the information from federal data sources shown in the link below is not accurate, please report your own data in the box. Note your estimate for jobs-housing fit for your jurisdiction and the data sources used to calculate this estimate.

There should be a ratio related to only rental unit opportunities, which would make the data more relevant to low-wage and affordable household.

Home-ownership: large number of parcels that continue to remain in trusts, passed down from generation to generation. Large number of Service Providers (nannies, gardeners, construction workers). Large number of seniors occupying housing units. Low vacancy rates to actually find an affordable unit.

2. How would you rate the balance between low-wage jobs and the number of homes affordable to low-wage workers in your jurisdiction?

Very imbalanced

ATTACHMENT 4

3. Please briefly explain your reasoning for your response to the previous question

The median single-family home sales price in Mill Valley is over \$1.5 million, requiring an annual income of \$289,000 to buy a house (on average). Based on US Census data, approximately 18% of California Households can afford a house in Marin County. Renting in Mill Valley is also expensive, with recent estimates requiring wages of \$49/hour or more (approximately \$102,000 annually) to afford a one-bedroom apartment.

Based on the US Census, the 2016 median household income in Mill Valley was \$149,336, meaning that over half the households in Mill Valley cannot afford a single-family home and just over half the households qualify to purchase a condominium in town. By way of example, of the 6,084 total Mill Valley Households: 21% have an annual income \$50,000, or less and 33% households are single income households living alone (many of which are seniors on a fixed income).

4. Which of the following impacts does the balance or imbalance of low-wage workers to homes affordable to low-wage workers have on your jurisdiction?

- Long commutes into the jurisdiction
- Long commutes to jobs outside of the jurisdiction
- Difficulty for local employers to hire and/or retain workers
- High rates of housing cost burden for residents

5. Does your jurisdiction use data on the local jobs-housing fit ratio to inform policy decisions?

No

We use the impacts (identified above #4) as well as the housing costs vs. avg wage (discussed above in #3) as it provides more meaningful context than a ratio statement.

6. If your jurisdiction experiences an imbalance in the jobs-housing fit for low-wage workers, which of the following policies, programs, or strategies would be most helpful for your jurisdiction to implement to help address this imbalance?

- Increased funding for affordable housing
- Community land trusts
- Economic development programs to encourage job growth

HOUSING OPPORTUNITIES AND CONSTRAINTS**7. Which of the following apply to your jurisdiction as either an opportunity or a constraint for development of additional housing by 2030?**

	Opportunity	Constraint	Explanation
Sewer capacity	Opportunity	Constraint	
Water capacity			unknown, ask the municipal water district.
Land suitability		Constraint	Like most of the Bay Area, vacant land is vacant for a reason -- it is difficult and expensive to build on (mainly for slope or floodway reasons).
Lands protected by federal or state programs		Constraint	
County policies to preserve agricultural land		Constraint	

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	Opportunity	Constraint	Explanation
Availability of schools	Opportunity	Constraint	School population continues to vary drastically over the years.
Availability of parks		Constraint	
Availability of public or social services		Constraint	
Impact of climate change and natural hazards		Constraint	The majority of land (over 75%) contained within either the High Fire Zone Area or the FEMA Floodplain.
Construction costs		Constraint	We approve many projects that end up not being built, or are built 10 years after the approval date.
Availability of construction workforce			.
Availability of surplus public land	Opportunity		The majority of public land is less than 1 acre in size, so not an opportunity for leveraging an affordable housing project.
Availability of vacant land		Constraint	As mentioned above, vacant land is vacant for a reason. Typically on a steep hillside, has encroachments, is substandard in parcel size; zoned as open space; or is in a floodway.
Financing/funding for affordable housing		Constraint	
Weak market conditions	Opportunity		If there were weak market conditions, that would provide the opportunity to acquire and convert properties to deed restricted affordable units.
Project Labor Agreements (i)			
Utility connection fees			
Other			

8. Of the issues above that you marked as opportunities, list up to three that you feel represent the greatest opportunities for developing additional housing in your jurisdiction by 2030 and explain the reasoning for your selection:

Availability of public land (such as schools); tied with density bonus and funding for teacher housing.

Other not mentioned above: Dying commercial areas is an opportunity to create mixed use buildings.

9. Of the issues above that you marked as constraints, list up to three that you feel represent the greatest constraints for developing additional housing in your jurisdiction by 2030 and explain the reasoning for your selection:

Funding for affordable housing projects
construction costs
availability of vacant land

10. Does your jurisdiction face opportunities or constraints in encouraging more jobs and housing near public transportation and existing transportation infrastructure?

Yes

The city is built out. Its main transit corridor (Miller, Camino Alto, East Blithedale) includes single family zoned parcels as well as mixed use zoned areas. There is approximately 2-3 vacant parcel available on this corridor, all other parcels have existing buildings on the property.

11. Does your jurisdiction face opportunities or constraints in encouraging housing near job centers (including jobs that are not served by transit)?

see above.

12. What agreements, if any, are in place between your county and the cities in your county that direct growth toward either the incorporated or unincorporated areas of the county?

Not sure, please contact the county of marin.

13. The location and type of housing can play a key role in meeting state and regional targets to reduce greenhouse gas emissions. What land use policies or strategies has your jurisdiction implemented to minimize greenhouse gas emissions?

- Energy efficiency standards in new construction or retrofits
- Investment in pedestrian, bicycle, and active transportation infrastructure
- Implementing a Climate Action Plan

HOUSING AFFORDABILITY AND OVERCROWDING

14. Has your jurisdiction considered what impacts high housing costs and the proportion of rent-burdened households have on residents in your jurisdiction?

Yes

15. Has your jurisdiction considered what impacts overcrowding has on residents in your jurisdiction?

No

16. What data sources does your jurisdiction use to examine local trends in housing costs?

- American Community Survey or other Census Bureau data
- Online real estate databases (Zillow, Redfin, etc)

17. What are the current housing cost trends in your jurisdiction?

See number 1

18. Does your jurisdiction collect data on homelessness within the jurisdiction and demand for transitional housing for those experiencing homelessness?

Yes

See county survey.

19. What are the primary barriers or gaps your jurisdiction faces in meeting its RHNA goals for producing housing affordable to very low- and low-income households?

- Land use and zoning laws, such as minimum lot sizes, limits on multi-unit properties, height limits, or minimum parking requirements
- Local gap financing for affordable housing development
- Local affordable housing development capacity
- Availability of land
- Community opposition

20. If local gap financing is a barrier to constructing more affordable housing in your jurisdiction, what do you estimate is the number of affordable housing units that could be built in your jurisdiction if this financing was available?

Please provide an estimate for the amount of gap financing necessary to fund those projects:

21. What types of support would your jurisdiction like to see the Bay Area Housing Finance Authority (BAHFA) provide to help your jurisdiction meet its RHNA goals and comply with the requirement to affirmatively further fair housing?

- Financing for new construction of affordable housing
- Financing for the preservation of housing that is currently on the private market to make it permanently affordable
- Technical assistance to determine locations to site housing (e.g. feasibility studies)
- Technical assistance on land assembly

HOUSING DEMAND

22. Over the course of a typical year, is there a need in your jurisdiction for housing for farmworkers?

No

23. What is the source for the data used for the previous response?

Based on proximity of agricultural jobs.

24. If your jurisdiction is not currently meeting the demand for farmworker housing, what are the main reasons for this unmet demand?

25. Please indicate the amount of housing need in your jurisdiction created by the presence of any of the postsecondary educational institutions in the table below.

Housing Units Needed to Meet Demand

Private university

Campus of the California State University or the University of California

Community college

26. What is the source for the data used to respond to the previous question?

27. Is your jurisdiction currently meeting the housing demand created by post-secondary educational institutions? Why or why not? If not, what is the total amount of unmet need?

28. Do any of the following dynamics in your jurisdiction impact the local demand for housing?

- Presence of jobs without a set place of employment (e.g. gardeners, nannies, gig workers, etc.)
- Population of senior residents
- High-income job growth

29. Has your jurisdiction experienced a loss of units in assisted housing developments in the past 10 years due to expiring affordability contracts or other issues facing at-risk affordable housing units?

No

30. If yes, how many units? What is the source of this data?

31. Does your jurisdiction anticipate a loss of units in assisted housing developments in the next 10 years?

No

32. If yes, why? How many units will be lost? What is the source of this data?

33. Has your jurisdiction lost housing units due to a state-declared emergency (fire, natural disasters, etc.) that have yet to be rebuilt or replaced as of January 1, 2020?

No

34. If yes, please provide the date of the emergency. How many units were lost? What is the source of this data?

35. Does your jurisdiction anticipate that some housing units lost during a state-declared emergency won't be replaced? If yes, why?

Yes, either with sea level rise/flooding occurrences or wild land fire.

36. If possible, please describe the housing tenure (rental vs. ownership) and affordability levels of units that have been lost during a state-declared emergency:

FAIR HOUSING PLANNING AND DATA SOURCES

37. Does your jurisdiction receive funding from the U.S. Department of Housing and Urban Development (HUD) that requires submitting a Consolidated Plan?

No

38. If you answered yes to the previous question, which of the following reports has your jurisdiction undertaken or completed for HUD?

Please upload your most recently completed report:

Or provide a Web link/URL to the report

39. Which of the following data sources does your jurisdiction maintain or use to assess fair housing issues in the community?

- Publicly available datasets (e.g. data from the Census Bureau)
- Local data sources (please describe below)

Local data sources

Marin County.

40. Which of the following outreach activities has your jurisdiction used to encourage community participation in planning processes related to fair housing?

- Resident survey
- Resident focus groups
- Open house community meetings
- Public hearing

41. Did you collect data about the demographics of those who participated in planning processes related to fair housing? If so, please describe the demographics of the participants.

42. Please describe your goals for the process to elicit community participation for fair housing planning.

43. How successful were you in achieving the goals described in the previous question?

44. Describe reasons for the success or lack of success of these community engagement efforts:

DIVERSITY AND SEGREGATION, ACCESS TO OPPORTUNITY, AND DISPROPORTIONATE HOUSING NEEDS

45. Which of the following factors contribute to fair housing issues in your jurisdiction?

Limited access to housing in your jurisdiction	Segregated housing patterns or concentrated areas of poverty	Disparities in access to opportunity areas	Disparities in housing cost burdens and overcrowding	Describe how this factor contributes to fair housing issues in your jurisdiction
---	---	---	---	---

- Community opposition to proposed or existing developments**
- Displacement of residents due to increased rents or other economic pressures**
- Displacement of low-income residents and/or residents of color**
- Displacement of residents due to natural hazards, such as wildfires**
- Land use and zoning laws, such as minimum lot sizes, limits on multi-unit properties, height limits, or minimum parking requirements**
- Occupancy standards that limit the number of people in a unit**
- Location of affordable housing**
- The availability of affordable units in a range of sizes (especially larger units)**
- Foreclosure patterns**
- Deteriorated or abandoned properties**
- Lack of community revitalization strategies**

Describe how this factor contributes to fair housing issues in your jurisdiction

Limited access to housing in your jurisdiction

Segregated housing patterns or concentrated areas of poverty

Disparities in access to opportunity areas

Disparities in housing cost burdens and overcrowding

Lack of private investments in low-income neighborhoods and/or communities of color, including services or amenities

Lack of public investments in low-income neighborhoods and/or communities of color, including services or amenities

Lack of regional cooperation

Access to financial services

Lending discrimination

Location of employers

Location of environmental health hazards, such as factories or agricultural production

Availability, frequency, and reliability of public transit

Access to healthcare facilities and medical services

Access to grocery stores and healthy food options

Location of proficient schools and school assignment policies

Creation and retention of high-quality jobs

Range of job opportunities available

The impacts of natural hazards, such as wildfires

CEQA and the land use entitlement process

Private discrimination, such as residential real estate "steering" (i)

Describe how this factor contributes to fair housing issues in your jurisdiction

Limited access to housing in your jurisdiction **Segregated housing patterns or concentrated areas of poverty** **Disparities in access to opportunity areas** **Disparities in housing cost burdens and overcrowding**

Other (please describe)

46. List up to three of the factors you selected in the previous question that you feel are the biggest contributors to fair housing issues in your jurisdiction. Why did you select these factors?

FAIR HOUSING GOALS AND ACTIONS

47. What actions has your jurisdiction taken to overcome historical patterns of segregation or remove barriers to equal housing opportunity?

- Dedicated local funding source for affordable housing development
- Support for affordable housing development near transit
- Providing financial support or other resources for low-income homebuyers
- Funding rehabilitation and accessibility improvements for low-income homeowners
- Providing incentives for landlords to participate in the Housing Choice Voucher program
- Streamlining entitlements processes and/or removing development fees for affordable housing construction
- Inclusionary zoning or other programs to encourage mixed-income developments

48. Briefly describe your jurisdiction’s goals for past actions to overcome historical patterns of segregation or remove barriers to equal housing opportunity:

49. How successful were these past actions in achieving these goals?

Describe reasons for success or lack thereof:

50. Which of the following policies, programs, or actions does your jurisdiction use to prevent or mitigate the displacement of low-income households?

In Use	Under Council/Board Consideration	Potential Council/Board Interest
--------	-----------------------------------	----------------------------------

- Rent stabilization/rent control**
- Rent review board and/or mediation**
- Mobile home rent control**
- Single-room occupancy (SRO) preservation**
- Condominium conversion regulations**
- Foreclosure assistance**
- Affordable housing impact/linkage fee on new residential development**
- Affordable housing impact/linkage fee on new commercial development**

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In Use	Under Council/Board Consideration	Potential Council/Board Interest
--------	-----------------------------------	----------------------------------

Inclusionary zoning
Community land trusts
First source hiring ordinances
Living wage employment ordinances
Promoting streamlined processing of ADUs
Fair housing legal services
Housing counseling
Acquisition of affordable units with expiring subsidies
Acquisition of unsubsidized properties with affordable rents
Dedicating surplus land for affordable housing
Other (please describe below)

Other

ANY ADDITIONAL FACTORS/COMMENTS

51. Are there any other factors that you think ABAG should consider in the RHNA methodology?

Consider credits for documented home share programs at the end of the RHNA reporting cycle, should the parcel contain a home share occupant over the entire RHNA housing cycle. There is a tremendous number of single-occupant homes, which could be targeted as housing opportunities that has not been explored. This is becoming of more interest with the high cost of housing, maintaining housing and also provides a social benefit for the aging population.

52. What criteria or factors do you think are most important to consider in the RHNA methodology?

Consider zoning of land; number of vacant parcels; identify the number of parcels that are over an acre and land constraints (remove parcels in Very High Fire Severity Zone and FEMA Floodplain or floodway; parcels on roadways less than 20' wide; parcels over a certain slope percentage)

Incorporate assumptions in about ADUs and provide guidance on how ADUs can be distributed in each income category.

Include working from home / home based jobs

53. Any further comments about anything in this survey?

[Previous submission](#) [Next submission](#)

Danielle Staude

From: Danielle Staude
Sent: Thursday, November 12, 2020 10:52 AM
To: fcastro@bayareametro.gov; info@bayareametro.gov
Subject: RHNA vs. OPR's Fire Hazard Planning Technical Advisory Released

Hello,

Can you please pass this on to the Regional Planning Committee as part of public comment on the Housing Needs Assessment agenda item today (11/12).

Dear Committee Members,

I would encourage you to refer to the new technical advisory release by the State Department's Office of Planning And Research in regards to planning, including infill and new development in Fire prone areas. Below is draft guidance stipulated on page 45 of the PDF.

It is important, again, to balance local conditions with the overall intent and need of housing in the Bay Area. I would encourage ABAG/MTC to meet with OPR representatives to further discuss this important balance and/or comment on the draft guidance.

Danielle Staude

Policy Guidance/Page 45 of the PDF (see link below):

Infill Development

- Policy Prioritize infill development within the existing developed footprint to reduce vehicle miles traveled; improve access to jobs, services, and education; increase active transportation choices; avoid future unfunded infrastructure repair and maintenance liabilities; and avoid hazardous or environmentally sensitive open space areas.
- Policy All infill development projects within the SRA or VHFHSZ shall be required to comply with all applicable state or local fire safety and defensible space regulations or standards, and any applicable fire protection or risk reduction measures identified in locally adopted plans.
- Policy Discretionary infill projects may be required to prepare a project-specific fire hazard and risk assessment and incorporate project-specific risk reduction measures, subject to the determination and approval of the local agency.
- Program Develop streamlined wildfire risk assessment and mitigation procedures for infill projects in the SRA and VHFHSZ.
- Program Conduct a feasibility study for a TDR program that identifies undeveloped wildland areas within high or very high FHSZ or subject to extreme threat as “sending areas” and areas outside of FHSZs or high fire threat areas as “receiving areas”.

New Growth

- Policy Avoid expanding new development, critical facilities, and infrastructure in areas subject to extreme threat or high risk, such as High or Very High FHSZs or areas classified by CAL FIRE as

having an Extreme Threat classification on Fire Threat maps, unless all feasible risk reduction measures have been incorporated into project designs or conditions of approval.

- Policy Prohibit land uses that could exacerbate the risk of ignitions in High or Very High FHSZs, such as outdoor storage of hazardous or highly flammable materials, automobile service or gas stations, or temporary fireworks sales.
- Policy Prohibit land uses that could place occupants at unreasonable risk in high or very high fire hazard severity areas, such as areas with large events or assembly of people, health care facilities, etc.
- Policy Encourage the use of conservation easements or establish a TDR program in undeveloped wildland areas within high fire hazard severity zones.
- Program Update local zoning and subdivision codes to designate wildfire hazard overlay zones and associated conditional use, site development standards, and design criteria to mitigate wildfire hazards and reduce risks to new development within the overlay zones.

From: Erik De Kok [Erik.DeKok@OPR.CA.GOV]

Sent: Tuesday, November 10, 2020 5:40 PM

To: OPR Wildfire TA

Subject: Draft Update to OPR's Fire Hazard Planning Technical Advisory Released for Public Review

CAUTION: External Sender

Dear California Planning Directors and staff,

Please note that OPR has released a draft update to the [Fire Hazard Planning Technical Advisory](#) for public review and comment. Note also that we will be holding a public webinar next week on **Weds, November 18 at 12:30** to provide an overview of the draft and answer questions. Details on how to view and comment on the document, register for the webinar, etc. are all in the notice below.

If you do not wish to be included on future emails from OPR on this subject, please feel free to respond to this email accordingly and we would be happy to remove your name/contact info from our mailing list for this project.

If you would like to receive future OPR emails regarding this Technical Advisory or on other topics, please sign up for the General Announcements "e-list" on OPR's website here if you haven't already done so: <https://opr.ca.gov/e-lists.html>

Kind regards,

Erik de Kok, AICP
Program Manager, Planning and Community Development
Governor's Office of Planning and Research (OPR)
erik.dekok@opr.ca.gov



Office of Planning and Research

www.opr.ca.gov

Draft Update to OPR's Fire Hazard Planning Technical Advisory Released for Public Review

As California grapples with the most extensive wildfires in the state's history, OPR has released a [draft update to the Fire Hazard Planning Technical Advisory \(Fire Hazard Planning TA\)](#) for public comment. The draft update has been prepared in response to [Senate Bill 901 \(Dodd, 2018\)](#) and [Assembly Bill 2911 \(Friedman, 2018\)](#), which called for OPR to update the Fire Hazard Planning TA to include specific land use strategies to reduce fire risk to buildings, infrastructure, and communities.

The document is meant to assist cities and counties as they revise their general plans and provides guidance on:

- outreach and engagement to promote more robust and collaborative wildfire solutions;
- conducting comprehensive wildfire hazard and risk assessments;
- aligning and integrating these assessments across a variety of plans; and

- developing general plan policies and programs that reduce risk for existing and future communities.

Moreover, the TA includes sample policies and programs, case studies, potential funding sources, and numerous other resources and tools to support local level planning and implementation to reduce wildfire risk at the community scale.

[Read OPR's Draft Fire Hazard Planning Technical Advisory](#)



Public Review Process and Next Steps

Public comments on the draft are due to OPR by December 18, 2020.

OPR staff will host a webinar on November 18, 2020 to present the draft Fire Hazard Planning TA and answer questions. This webinar will be live streamed and archived on [OPR's YouTube channel](#). Staff may host additional webinars during and after the public review process. To receive future webinar announcements, sign up for the [OPR Announcements E-List](#).

OPR staff are committed to reviewing and reflecting on all comments received and will work to the best of their ability to integrate public input into the final document. The final Fire Hazard Planning TA is expected to be released in early 2021. Once finalized, the updated Fire Hazard Planning TA will supersede the [initial version published in 2015](#).

[Frequently Asked Questions](#)

[November 18, 2020 Webinar Registration](#)

[Provide Input Through OPR's Public Comment Submission Form](#)

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