

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: SausalitoFiling Party: HCD Jurisdiction: SausalitoContact Name: Lilly Whalen Title: Community Development DirectorPhone: (415) 289-4133 Email: lwhalen@sausalito.gov**APPEAL AUTHORIZED BY:**Name: Chris ZapataSignature: Date: 7/9/2021**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: _____ ^{reduction of 579 to 599 units} 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.

Please see attached Appeal Letter from the City of Sausalito, Figures 1-7 and Exhibit A.

List of supporting documentation, by title and number of pages

1. Sausalito Appeal Letter, 41 pages
2. Figures 1-7, 7 pages
3. Appendix A- Sources, 24 pages



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

Click here to attach files



CITY OF SAUSALITO

420 Litho Street • Sausalito, CA 94965
Telephone: (415) 289-4128
www.sausalito.gov

July 9, 2021

Mayor Jesse Arreguín, President
Association of Bay Area Governments (ABAG) Executive Board
375 Beal Street, Suite 700
San Francisco, CA 94105-2066
Via RHNA Appeal Request Form [electronic submittal](#)

RE: Sausalito 6th Cycle Regional Housing Needs Allocation (RHNA) Appeal

Dear Board President Arreguín,

Thank you for the difficult work to ensure the 6th Cycle RHNA is distributed in an equitable way that both seeks to provide opportunity to those in need of housing and ensures that our shared goals to put housing near services and jobs to address climate change are addressed. The City of Sausalito (Sausalito) would like to stress that it is an active partner in this process and is willing to take on its fair share of the region's housing needs. Sausalito is significantly constrained geographically and the Draft RHNA Plan overlooks this extremely important factor when planning for household growth. It is important for the city, as well as for all the partnering jurisdictions, that the Draft Regional Housing Needs Allocation (RHNA) Plan: San Francisco Bay Area, 2023-2031 (referred to herein as the Draft RHNA Plan) is equitable, achievable, and consistent with the State and regional sustainable development goals.

I. EXECUTIVE SUMMARY

This letter establishes the grounds for Sausalito's appeal of its allocation in the Draft RHNA Plan and includes a correct calculation of Sausalito's RHNA. As described herein, ABAG's methodology is not established in accordance with the information described in and the methodology required by Government Code Section 65584.04. By overallocating the RHNA where there are significant physical and environmental barriers to housing production and, thus, less capacity for household growth than identified by the Draft RHNA Plan, the hypothetical units that exceed realistic capacity will not be produced and there will be an underallocation of units in jurisdictions with realistic capacity. An allocation that exceeds the realistic capacity in a jurisdiction will result in underproduction of very low- and low-income units in jurisdictions with planned capacity, which is counter to the requirement to increase the housing supply and mix of housing types, tenure, and affordability as established by Government Code Section 65584(d)(1).

Section I, **Executive Summary**, provides an overview of the information included in Sausalito's appeal of its allocation in the Draft RHNA Plan.

As discussed in Section II, **Standard for Appeal**, the grounds for appeal of the Draft RHNA Plan identified by the Association of Bay Area Governments (ABAG) are inconsistent with the rights of each jurisdiction to appeal as provided by Government Code Section 65585.05(b). Sausalito is appealing its allocation in the Draft RHNA Plan pursuant to Government Code Section 65584.05(b)(2), which states:

“The council of governments or delegate subregion, as applicable, failed to determine the share of the regional housing need in accordance with the information described in, and the methodology established pursuant to, Section 65584.04, and in a manner that furthers, and does not undermine, the intent of the objectives listed in subdivision (d) of Section 65584.”

As identified in Section III, **Grounds for Appeal**, Sausalito is appealing its RHNA based on three grounds:

- A. ABAG failed to consider readily available data in order to address opportunities and constraints to development of additional housing in each member jurisdiction as required by Government Code Section 65584.04(e)(2).
 - 1. ABAG Failed to Identify Availability of Suitable Lands to Accommodate Household Growth
 - 2. ABAG Failed to Address Significant Hazards and Associated Risks that Constrain Housing Development Opportunities
 - 3. ABAG Failed to Address Lack of Water Service Capacity as a Growth-Limiting Factor
- B. ABAG did not adequately address existing and projected jobs and housing needs for each member jurisdiction as required by Government Code Section 65584.04(e)(1), and
- C. ABAG’s application of its RHNA methodology conflicts with the Draft Plan Bay Area 2050 and the Plan Bay Area 2050 Final Blueprint.

Section IV, **Conclusion and Correct Calculation of RHNA**, provides the correct calculation of Sausalito’s RHNA, based on accurate data for Sausalito that reflects Sausalito’s potential for household growth based on its capacity for development of residential units, significant hazards that constrain residential development, and consistency with the growth plan envisioned by Draft Plan Bay Area 2050 for Sausalito. Section IV presents Sausalito’s request for a revised RHNA, summarized in **Table 10**, based on the information presented in Sections II and III.

The following Tables are included throughout this letter:

- Table 1:** Thresholds to Appeal the Draft RHNA Plan: ABAG Requirements versus State Law.
- Table 2:** ABAG Data vs. Marin County Assessor Data and GIS Calculations – Parcel Size Comparison
- Table 3:** ABAG “Vacant” Parcel Overview
- Table 4:** Existing and Projected Jobs-to-Housing Ratio Comparison
- Table 5:** RHNA Comparison to Plan Bay Area 2050 Growth Conditions and Consideration of Growth Planned in Jurisdictions with Priority Development Area
- Table 6:** Factor and Weights for Final RHNA Methodology
- Table 7:** Overcrowded Housing in Sausalito
- Table 8:** Sausalito’s Residential Buildout Capacity
- Table 9:** ABAG RHNA Methodology Factors Applied to Corrected Sausalito Share of Regional Growth
- Table 10:** Revised RHNA Allocation – Equity Adjustment Applied to 2050 Growth Share Scenario and 2023-2031 Capacity Scenario

The following Figures and Exhibits are attached to this letter:

- Figure 1:** ABAG Sites Data Inaccuracies
- Figure 2:** Sea Level Rise and Flooding
- Figure 3:** Wildfire Hazards
- Figure 4:** Landslide Susceptibility
- Figure 5:** Earthquakes and Liquefaction
- Figure 6:** Consolidated Hazards Map
- Figure 7:** ABAG Sites Tool vs Development Potential
- Exhibit A:** Table of Data Sources

II. STANDARD FOR APPEAL

It is noted that ABAG’s three stated requirements for an appeal do not reflect the language of the Government Code and, thus, misleads jurisdictions as to their rights to appeal the RHNA based on State law; see **Table 1**. Government Code Section 65584.05(b)(2) provides for an appeal if ABAG failed to determine the share of regional housing need in accordance with the information provided in, and the methodology pursuant to, Section 65584.04. However, ABAG’s comparable threshold limits the appeal to ABAG determining the allocation in accordance with its adopted methodology, rather than whether ABAG determined the RHNA in accordance with the information described in Section 65584.04. Sausalito is appealing its RHNA under Government Code Section 65584.05(b)(2), based on the information provided in Section III.

Sausalito notes that it has requested data from ABAG regarding its RHNA methodology twice: in letters to the Association of Bay Area Governments Executive Board addressed to Board President Jesse Arreguín dated October 14, 2020 and November 18, 2020. No response to the City’s requests has been received. This information would have assisted Sausalito in understanding how ABAG determined Sausalito’s capacity for development of additional housing consistent with Government Code Section 65584.04(e)(2)(B). The lack of ABAG providing data at the member jurisdiction level as part of the Draft RHNA Plan means that Sausalito is prevented from objectively and qualitatively analyzing how ABAG has developed the RHNA and limits our appeal to summarizing in narrative format existing conditions, constraints, and conflicts with the RHNA that appear to have led to an incorrect allocation for Sausalito.

Table 1: Thresholds to Appeal the Draft RHNA Plan: ABAG Requirements versus State Law.

ABAG Stated Requirements for an Appeal	Government Code Section 65584.05(b) Requirements for an Appeal	ABAG Appeal Requirements vs. State Law
<p>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).</p>	<p>(2) The council of governments or delegate subregion, as applicable, failed to determine the share of the regional housing need in accordance with the information described in, and the methodology established pursuant to, Section 65584.04, and in a manner that furthers, and does not undermine, the intent of the objectives listed in subdivision (d) of Section 65584.</p>	<p>Inconsistent. State law provides for an appeal based on the information described in Section 65584.04 and the objectives of Section 65584(d). ABAG’s re-statement of this language omits a jurisdiction’s right to appeal based on ABAG’s application of the information described in Section 65584.04. Sausalito is appealing its RHNA under Government Code Section 65584.05(b)(2), based on the information provided in Section III.</p>

III. GROUNDS FOR APPEAL

Sausalito has conducted an extensive review of the methodology for the Draft RHNA Plan utilized by ABAG to understand how ABAG allocated the units for the 6th Cycle. Additionally, we have reviewed the information included within the ABAG/MTC Housing Element Site Selection (HESS) tool. Based on our

review, discussed under Appeal Basis A through Appeal Basis D, Sausalito has demonstrated that ABAG has failed to consider local information readily available pursuant to Government Code Section 65584.04(e), and has failed to determine Sausalito's share of regional housing needs in a way that furthers the five objectives in Government Code Section 65584(d). Thus, Sausalito is appealing the Draft RHNA Plan pursuant to Government Code Section 65584.05(b)(2), which states the following basis for an appeal:

“The council of governments or delegate subregion, as applicable, failed to determine the share of the regional housing need in accordance with the information described in, and the methodology established pursuant to, Section 65584.04, and in a manner that furthers, and does not undermine, the intent of the objectives listed in subdivision (d) of Section 65584.”

Appeal Basis A – ABAG Failed to Consider Readily Available Data and Did Not Address Opportunities and Constraints to Development of Additional Housing in Each Member Jurisdiction as Required by Government Code Section 65584.04(e)(2).

Subsection (e) of Government Code Section 65584.04 requires ABAG to include 13 specific factors to develop the methodology that allocates regional housing needs and requires ABAG to address these factors to the extent that sufficient information is available from local governments and other sources. In its discussion of the required factors on pages 34 through 43 of the Draft RHNA Plan, under the RHNA Methodology Factors Heading, ABAG provides a general discussion of these factors and points to forecasts from Plan Bay Area 2050, the Plan Bay Area 2050 Blueprint, and the UrbanSim 2.0 model, but does not provide the specific data from these sources and, most importantly, does not address specific factors that are required to be addressed at the jurisdiction level as specified under Government Code Section 65584.04(e).

Sausalito has requested data from ABAG regarding its RHNA methodology twice: in letters to the Association of Bay Area Governments Executive Board addressed to Board President Jesse Arreguín dated October 14, 2020 and November 18, 2020. No response to the City's requests has been received. This information would have assisted Sausalito in understanding how ABAG determined Sausalito's capacity for development of additional housing consistent with Government Code Section 65584.04(e)(2)(B). The lack of ABAG providing data at the member jurisdiction level means that Sausalito is prevented from objectively and qualitatively analyzing how ABAG has developed the RHNA, including consideration of Sausalito's opportunities and constraints to household growth, and limits our appeal to summarizing in narrative format existing conditions, constraints, and conflicts with the RHNA that appear to have led to an incorrect allocation for Sausalito.

As discussed and demonstrated below, the Draft RHNA Plan failed to consider the availability of suitable land for housing growth, failed to consider the constraints associated with significant hazards that limit development in Sausalito, and failed to consider water supply limitations.

A-1. ABAG's Draft RHNA Plan Failed to Consider Availability of Suitable Land

ABAG did not calculate household growth capacity in accordance with the information described in, and the methodology required by, subsection (e) of Government Code Section 65584.04, specifically paragraph (2) of subsection (e). There is no evaluation that addresses the opportunities and constraints to the development of additional housing for each member jurisdiction. While Section 65584.04(e) references information collected from local governments, it is also incumbent upon ABAG to use other

sources, such as readily available data, to address each of the 13 factors identified in this subsection and to address the actual capacity of each member jurisdiction to accommodate residential growth, in accordance the second factor listed at Section 65584.04(e)(2).

The second factor listed at Section 65584.04(e)(2) requires ABAG to address opportunities and constraints to development of additional housing, including the availability of land suitable for urban development of for conversion to residential use, the availability of underutilized land, and opportunities for infill development and increased residential densities. The applicable language from Government Code 65584.04(e)(2) is cited below, with emphasis added in bold related to ABAG’s duty to assemble data beyond the local government survey in reviewing the suitability of land available for residential development in each member jurisdiction.

*“(e) To the extent that **sufficient data is available** from local governments pursuant to subdivision (b) **or other sources**, each council of governments, or delegate subregion as applicable, shall include the following factors to develop the methodology that allocates regional housing needs:*

....

*(2) The opportunities and constraints to development of additional housing **in each member jurisdiction**, including all of the following:*

....

(B) The 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. The council of governments may not limit its consideration of suitable housing sites or land suitable for urban development to existing zoning ordinances and land use restrictions of a locality, but shall consider the potential for increased residential development under alternative zoning ordinances and land use restrictions. The determination of available land suitable for urban development may exclude lands where the Federal Emergency Management Agency (FEMA) or the Department of Water Resources has determined that the flood management infrastructure designed to protect that land is not adequate to avoid the risk of flooding.”

The Draft RHNA Plan methodology does not adequately address the availability of land suitable for urban development in Sausalito.

In reviewing the Draft RHNA Plan Methodology and 2050 Blueprint, there is no assessment of opportunities and constraints to development of housing in Sausalito that addresses the language at Government Code Section 65584.04(e)(2)(B).

On page 12 of the Draft RHNA Plan, ABAG describes that the law requires ABAG to survey its member jurisdictions to gather information on the factors that must be considered for inclusion in the methodology. However, the Draft RHNA Plan does not identify its efforts to develop other data sources to ensure that it adequately examines the opportunities and constraints to development of additional housing in each member jurisdiction, as specified by Section 65584.04(e)(2).

The discussion and methodology provided in the Draft RHNA Plan is primarily general, with some specifics addressed at the subregional level, and does not address the level of detail established by the Government

Code. As previously identified, the RHNA Methodology Factors discussion, on pages 34 through 43 of the Draft RHNA Plan, describes the factors required to be addressed by Section 65584.04(e) but does not provide analysis of these factors at the member jurisdiction level and does not apply these factors to the actual RHNA. ABAG has neglected its duty to address these factors through available sources and mainly provides anecdotal information or general information that does not actually correlate to the calculations performed for distribution of the RHNA.

Further, the Draft RHNA Plan does not provide any data at the member jurisdiction level (at the level of each city, town, and county) to substantiate its growth plans. While page 35 of the Draft RHNA Plan indicates that the UrbanSim 2.0 model was used to simulate housing feasibility, the model run data is not provided. While the Draft RHNA Plan indicates factors that the UrbanSim 2.0 model considered, the Draft RHNA Plan does not provide any inputs or outputs from the UrbanSim 2.0 model at the member jurisdiction level and does not summarize the growth potential identified by its model for each member jurisdiction. A review of ABAG's discussion of the RHNA Methodology Factors 2.a. through 2.d. on pages 34 through 36 provides broad references to opportunities and constraints but does not satisfy the requirement that ABAG address the opportunities and constraints to develop housing in each member jurisdiction, including addressing the availability of land suitable for residential use, the availability of underutilized land, and opportunities for infill development and increased residential densities in each member jurisdiction.

The Draft RHNA Plan states that the UrbanSim 2.0 model was used to forecast expanded growth by increasing allowable residential densities and expanding housing into areas currently zoned for commercial and industrial uses. Given Sausalito's limited amount of vacant and underutilized land available for increased residential intensities, as discussed below, it is difficult to conceive the level of development forecasted by ABAG. Further, ABAG's flawed parcel data for Sausalito cannot be used to support any growth assumptions, as described below.

Sausalito has many questions regarding the UrbanSim 2.0 model and its role in the Draft RHNA Plan.

- What were the data sources for the UrbanSim 2.0 model?
- How did the UrbanSim 2.0 model allocate growth in Sausalito? Which parcels were identified to accommodate growth? What densities were assumed?
- Did the UrbanSim 2.0 model assume that the City's jobs base associated with industrial development would be replaced by housing? Did ABAG consider how this would affect jobs, including jobs for the very low and low income groups?
- How did the UrbanSim 2.0 model consider constraints, including infrastructure, capacity for water and sewer service, disaster preparedness, circulation, preservation of natural resources, and areas at high risk for hazards?
- Did the UrbanSim 2.0 model assume that the City's services accommodated within commercial development and commercial zoning would be replaced by housing? Did ABAG consider how this would affect jobs, including jobs for the very low and low income groups?
- Did ABAG consider how the replacement of services with housing would affect the resources and services available to the very low and low income households planned for Sausalito?

These are all important questions and factors to consider when addressing capacity for growth, yet there is no information available. There is no documentation of Sausalito's capacity based on the UrbanSim 2.0

model run. The lack of transparency and data impeded the ability of every jurisdiction in the ABAG region to comment on ABAG's approach to addressing the factors identified at Government Code Section 65584.04.

As previously identified, Sausalito has twice requested that ABAG provide its methodology to develop its housing projections and ABAG has not responded. Due to the lack of transparency in this process and the unwillingness of ABAG to share its data inputs and factors in determining household growth capacity for each member jurisdiction information, we have reviewed the ABAG Sites Data Tool that ABAG has developed, as that reflects data that ABAG has gathered for each member jurisdiction to assist with the identification of sites. In reviewing ABAG's parcel-level data, there are significant errors that have led to a drastic overallocation of housing growth in Sausalito.

The ABAG/MTC Housing Element Site Selection Tool (ABAG Sites Data Tool) is a web-based mapping tool developed by ABAG and MTC to guide Bay Area local jurisdictions in identifying potential sites for new housing that align with state Housing Element requirements and support regional and local priorities, including equity, growth, and climate goals. As previously stated, in the absence of factors and data to support the household growth identified in the RHNA, we have used the ABAG Sites Data Tool as a proxy for ABAG's analysis of opportunities and constraints related to housing capacity at the member jurisdiction level.

Through the Plan Bay Area effort and ABAG Sites Data Tool, ABAG has developed red, yellow, and green site identification system to identify residential growth potential in each jurisdiction. ABAG defines "green" sites as adequate sites that can accommodate RHNA at any income category and "yellow" sites as potential sites that may accommodate RHNA with further analysis or rezoning. Lastly, "red" sites are defined as highly constrained sites where development is inhibited. In total, ABAG has identified 1 green site, 2,410 yellow sites, and 988 red sites in Sausalito.

Sausalito has concerns that ABAG did not utilize readily available data in their assumptions for potential residential development, resulting in unrealistic capacity assumptions for the City. In reviewing the potential capacity for residential growth in Sausalito associated with ABAG's data, which does not identify sources for assumptions, and comparing that information to parcel-level data from readily available data sources, we have found a number of factors that have not been adequately considered and addressed and have resulted in ABAG's gross overstatement of potential residential growth capacity in Sausalito. To determine Sausalito's residential development potential, accurate parcel-level information must be considered, including:

1. **Overstated/Incorrect Parcel Sizes.** ABAG's parcel-level data is grossly incorrect and overstates parcel sizes in Sausalito by an average of 61%, when compared to the Marin County Assessor data and acreages calculated using GIS. This results in calculations of residential growth potential that are too high and do not reflect the actual parcel size.
2. **Incorrect Existing Uses and Vacancy Information.** The existing uses reported in ABAG's parcel-level data are incorrect and lead to assumptions regarding capacity that do not reflect developed uses in Sausalito.

1. Overstated and Incorrect Parcel Sizes (Acreage)

Sausalito has discovered that the site acreage provided by ABAG severely overstates site acreages, with average overstatement of size of 61%. As shown in **Table 2**, a comparison of the acreage identified for ABAG’s Adequate Sites (1 parcel) and Potential Sites (2,410 parcels) in the ABAG Sites Data Tool versus the Marin County Assessor data, ABAG has overstated the total acreage of these sites by 190.5 acres, resulting in a significant overestimation of the “realistic” capacity of these parcels. **Figure 1** shows these parcels and highlights parcels where the size of the parcel has been overstated by ABAG.

This is of particular concern when reviewing sites that are 0.5 to 10 acres in size, which is the range required by State law (Government Code Section 65583.2(c)(2)(A,B)) to accommodate lower income housing, unless Sausalito can demonstrate smaller or larger sites were successfully developed during the planning period for an equivalent number of housing units, which it cannot for the levels of development assumed by ABAG. In allocating very low and low income housing units, ABAG must take into account each member jurisdiction’s realistic capacity to accommodate those units, including the site standards established by State law.

Sausalito has reviewed ABAG’s parcel size data for Sausalito against readily-available data: the Marin County Assessor parcel acreages and acreages calculated in GIS. **Table 2** highlights ABAG’s site acreage inaccuracies, by contrasting ABAG data to the readily-available assessor data for Marin County as well as GIS calculations for the parcels ABAG identified as having capacity to accommodate growth (adequate sites and potential sites). **Table 2** highlights the total site acreage inaccuracies in ABAG’s data, by contrasting ABAG data to the readily-available assessor data for Marin County as well as GIS calculations. The GIS calculations were used to confirm the accuracy of the Marin County Assessor data versus the ABAG data. See **Exhibit A** for a comparison of ABAG-reported parcel sizes versus actual assessed parcel sizes and parcel sizes calculated in GIS for each adequate site and potential site identified by ABAG. As shown, ABAG’s data is incorrect by 190.5 acres, an overcount of the actual assessed parcel sizes of 61%.

The Marin County assessor data, which is readily available to ABAG, must be used as a starting point for all calculations that involve parcel sizes as that reflects the mapped and legal parcel sizes. The GIS calculations have been provided as an informational item as the GIS calculations substantiate the accuracy of the Marin County Assessor’s data when compared to the ABAG data.

Table 2: ABAG Data vs. Marin County Assessor Data and GIS Calculations – Parcel Size Comparison

Source	Total Acreage	Acreage of Potential Residential and Commercial Sites 0.5 to 10 Acres in Size
ABAG Adequate and Potential Sites Acreage Data		
ABAG Sites Data Tool	500.56	20.88
Sausalito’s Independent Review of Parcel Size (Acres) Based on Readily Available Data		
Marin County Assessor Data	310.06	12.99
GIS Calculations	311.19	13.00
ABAG Acreage Error	190.5 acres (ABAG 61% overcount)	7.89 acres (ABAG 61% overcount)

Sources: ABAG/MTC ABAG Sites Data Tool data; Marin County Assessor Data – MarinMaps, 2021; GIS Calculations - De Novo Planning Group, 2021.

Moreover, as demonstrated in **Table 3** below, ABAG overstated the acreage as compared to the Marin County Assessor records of every vacant parcel, except for one (which is an access parcel that cannot be developed).

2. Incorrect Existing Uses and Vacancy Information

ABAG data does not accurately reflect existing uses, which is of particular importance in identifying vacant parcels with new development potential, and examining which developed parcels may have reuse potential. **Table 3** identifies the adequate and potential sites identified by ABAG as vacant and the corresponding existing land use based on Marin County Assessor data, which is publicly available and readily accessible by ABAG.

As shown in **Table 3**, 61% of the adequate and potential sites parcels (31 of 51 parcels) identified by ABAG as vacant are actually developed with multifamily residential, single family residential, commercial, and other uses. These developed parcels incorrectly identified as vacant are shown on **Figure 1**. Only 39% of the parcels identified by ABAG as vacant are actually vacant. As identified in **Appendix A**, the largest of these parcels is 0.273 acres in size and the smallest is 0.049 acres in size, meaning that these parcels have limited capacity for significant levels of development.

Additionally, the only parcel identified as an “adequate site” parcel in the ABAG Sites Data Tool is identified as “vacant”; however, this parcel is not vacant and is developed with a commercial use. The lack of fact-checking ABAG data with readily available data sources, including Marin County Assessor data, has resulted in overcalculation of development potential on these vacant sites. In addition, while not shown in **Table 3** below, ABAG data also undercounts the number of units on multiple sites in Sausalito. See the attached **Exhibit A** to compare ABAG data for existing uses with the Marin County Assessor data for each site designated as an adequate site for housing or as a potential site for housing in Sausalito.

Table 3: ABAG “Vacant” Parcel Overview

Assessor Parcel Number (APN)	ABAG Sites Data Tool Existing Use	Marin County Assessor Existing Use ¹
ABAG Adequate Site		
065-132-16	Vacant	Commercial Improved
ABAG Potential Sites		
065-293-22	Vacant	<i>Multiple Residential Improved</i>
065-261-32	Vacant	<i>Multiple Residential Improved</i>
064-344-09	Vacant	<i>Single-Residential Improved</i>
064-334-40	Vacant	<i>Single-Residential Improved</i>
064-276-11	Vacant	<i>Single-Residential Improved</i>
065-182-10	Vacant	<i>Single-Residential Improved</i>
065-182-49	Vacant	<i>Single-Residential Improved</i>
065-191-67	Vacant	<i>Multiple Residential Improved</i>
065-191-79	Vacant	Vacant
065-252-42	Vacant	Vacant
065-221-83	Vacant	Vacant
065-221-86	Vacant	<i>Single-Family Attached</i>
065-222-12	Vacant	Vacant
065-252-22	Vacant	<i>Multiple Residential Improved</i>

Assessor Parcel Number (APN)	ABAG Sites Data Tool Existing Use	Marin County Assessor Existing Use ¹
065-263-11	Vacant	<i>Multiple Residential Improved</i>
065-238-47	Vacant	<i>Single-Residential Improved</i>
065-235-41	Vacant	<i>Multiple Residential Improved</i>
065-233-30	Vacant	<i>Single-Residential Improved</i>
065-233-22	Vacant	Vacant
065-233-32	Vacant	Vacant
065-162-36	Vacant	Vacant
065-164-11	Vacant	Vacant
065-152-13	Vacant	<i>Single-Residential Improved</i>
065-151-13	Vacant	<i>Single-Residential Improved</i>
065-151-40	Vacant	Vacant
065-121-10	Vacant	<i>Multiple Residential Improved</i>
065-121-12	Vacant	<i>Multiple Residential Improved</i>
065-072-12	Vacant	<i>Multiple Residential Improved</i>
065-071-13	Vacant	Vacant
065-063-12	Vacant	Vacant
065-092-11	Vacant	<i>Single-Residential Improved</i>
065-112-50	Vacant	<i>Single-Residential Improved</i>
065-112-33	Vacant	Vacant
065-103-38	Vacant	<i>Single-Residential Improved</i>
065-141-13	Vacant	Vacant
064-213-23	Vacant	<i>Single-Residential Improved</i>
064-204-40	Vacant	<i>Single-Residential Improved</i>
064-204-35	Vacant	Vacant
064-204-03	Vacant	Vacant
064-203-47	Vacant	Vacant
064-163-06	Vacant	Vacant
064-162-03	Vacant	Vacant
064-162-15	Vacant	<i>Narrow 0.004-acre access parcel; not developable</i>
064-151-33	Vacant	<i>Single-Residential Improved</i>
064-142-23	Vacant	<i>Multiple Residential Improved</i>
064-181-34	Vacant	<i>Single-Residential Improved</i>
064-137-02	Vacant	<i>Single-Residential Improved</i>
064-131-07	Vacant	Vacant
065-303-20	Vacant	<i>Single-Residential Improved</i>
065-302-63	Vacant	Vacant
065-311-39	Vacant	Vacant
Totals	51 Vacant	20 – Vacant 1 – Commercial Development 10 – Multiple Residential Units 1 – Single-Family Attached 18 – Single-Family Residential 1 – Parcel Combined
SOURCES: ABAG/MTC ABAG SITES DATA TOOL; MARIN MAPS – MARIN COUNTY ASSESSOR DATA, 2021		
¹ PARCELS THAT HAVE BEEN INCORRECTLY IDENTIFIED BY ABAG AS VACANT ARE SHOWN IN <i>RED ITALICS</i>		

A-2. ABAG Failed to Consider Readily Available Data Related to Constraints to Housing Development, Including Significant Hazards, In Order to Address Opportunities and Constraints to Development of Additional Housing in Each Member Jurisdiction as Required by Government Code Section 65584.04(e)(2).

As previously described, Subsection (e) of Government Code Section 65584.04 requires ABAG to include 13 specific factors to develop the methodology that allocates regional housing needs and requires ABAG to address these factors to the extent that sufficient information is available from local governments and other sources. In its discussion of the required factors on pages 34 through 43 of the Draft RHNA Plan, under the RHNA Methodology Factors Heading, ABAG provides a general discussion of these factors and points to forecasts from Plan Bay Area 2050, the Plan Bay Area 2050 Blueprint, and the UrbanSim 2.0 model, but does not provide the specific data from these sources and, most importantly, does not address specific factors that are required to be addressed at the jurisdiction level as specified under Government Code Section 65584.04(e).

ABAG did not calculate household growth capacity in accordance with the information described in, and the methodology required by, subsection (e) of Government Code Section 65584.04, specifically paragraph (2) of subsection (e). There is no evaluation that addresses the opportunities and constraints to the development of additional housing for each member jurisdiction. While Section 65584.04(e) references information collected from local governments, it is also incumbent upon ABAG to use other sources, such as readily available data, to address each of the 13 factors identified in this subsection and to address the actual capacity of each member jurisdiction to accommodate residential growth, in accordance the second factor listed at Section 65584.04(e)(2).

In projecting growth throughout the ABAG region, it is incumbent upon ABAG to address potential constraints and to ensure that growth does not expose residents to significant hazards, contribute to a worsening of hazardous conditions, or result in hazardous events in areas with limited roadway capacity for evacuation. California's increased incidence of wildfires in recent years has emphasized the need to plan for disasters and to be mindful of all potential hazards when siting new residential development. This is of particular import when considering development that caters to special needs groups, such as seniors and disabled persons, that may have limited access to a personal vehicle and rely on outside assistance or public transportation in the event of a disaster. The growth projections prepared by ABAG do not adequately address areas in Sausalito with a very high potential for hazards and have assumed that areas with a high potential for hazards are suitable for urban levels of development.

Lands that are subject to significant hazards, including wildfire hazards, liquefaction, landslide, and flooding, should either have significantly reduced growth potential that addresses the need for hazard mitigation or should be removed from each member jurisdiction's sites that accommodate residential growth. While the Draft RHNA Plan indicates on page 36 that the UrbanSim2.0 model integrated the higher cost of building on parcels with physical development constraints, there is no information provided that identifies the projected costs, establishes whether the projected costs would preclude feasible affordable housing development, nor addresses how this analysis informed the site selection used to calculate the RHNA. The Draft RHNA Plan states that the Plan Bay Area 2050 Final Blueprint excludes areas with unmitigated high hazard risk from additional growth, but does not map or specify where these areas are located. ABAG notes in the Plan Bay Area 2050 Final Blueprint that Marin County is less suited

for growth than other counties in the region due to wildfire concerns coupled with limited job and transit centers.

The potential for significant hazards in Sausalito is described below.

1. Sea Level Rise and Flooding

The June 2021 Draft Environmental Impact Report for Plan Bay Area 2050 (PBA 2050 Draft EIR) states on p. 347 that "[p]ursuant to EO S-13-08 and the California Sea-Level Rise Interim Guidance document, in May 2011 Caltrans released guidance on incorporating sea level rise into planning and decision making with respect to transportation projects. Caltrans's guidance recommends first determining if sea level rise should be incorporated into project planning, based on the project location and level of risk. A screening process with 10 criteria guides the assessment of whether to incorporate sea level rise: design life, redundancy/alternative route(s), anticipated travel delays, evacuations/emergencies, traveler safety, expenditure of public funds, scope of project, effect on non-State highways, and environmental constraints. If the screening determines that sea level rise should be incorporated into project planning, the next step is to estimate the degree of potential impact and assess alternatives for preventing, mitigating, and/or absorbing the impact. Caltrans uses the Statewide sea level rise estimates presented in the California Sea Level Rise Interim Guidance document for different years (2030–2100) to determine target sea level rise values, and it directs projects with a life that extends to 2030 or earlier not to assume impacts from sea level rise. Having identified target sea level rise values for a project, Caltrans then lays out steps for implementation, including conducting more technical studies of inundation and subsidence and determining any adverse effects on facility functions and operations (e.g., from erosion, exposure to salt water), necessary adaptation measures, and the costs of mitigation. Caltrans plans to release an updated guidance document late in 2021 (Caltrans 2020)."

As identified in the Sausalito General Plan¹, sea level rise is of significant concern to a coastal city such as Sausalito. Sausalito recognizes that sea level rise is a countywide as well as regional issue, and collaboration with county and regional leaders is necessary to adapt to sea level rise and mitigate its effects. Sausalito is not in an area identified to be protected by the Draft Plan Bay Area 2050 approach of focusing resources on protecting Equity Priority Communities. While the Draft Plan Bay Area 2050 provides for 98% of homes regionwide to be protected from sea level rise, Sausalito is not located within area planned for protection. The city's residents, including future residents associated with the RHNA, and its roads will not be protected by the Plan Bay Area Adaptation Investments, which include elevated roads and rail, ecotone and traditional levees, seawalls, tidal gates, and marsh restoration, as shown on Map 5.1 of Draft Plan Bay Area 2050.

Lands anticipated to be inundated or adversely effected under the three-foot sea level rise scenario, as mapped by the San Francisco Bay Conservation and Development Commission (BCDC) Adapting to Rising Tides and the National Oceanic and Atmospheric Administration (NOAA) Coastal Flood Exposure Mapper, including lands served by roadways anticipated to be inundated under the three-foot sea level rise scenario, should be removed from consideration for residential development during the 6th Cycle, except for lands that have been identified as "Areas Protected" by Plan Bay Area 2050 (see Map 1, Impacts of Sea Level Rise and Resilience investments provided in Draft Plan Bay Area 2050). This approach will ensure that areas planned for protection are urbanized prior to areas that have not yet been identified for

¹ Available at: www.sausalitogeneralplan.org

protection in the future. This approach also allows the communities with unprotected areas to focus resources on ensuring existing housing is retained prior to accommodating new housing. **Figure 2** identifies areas in Sausalito that are subject to inundation under the three-foot increase in sea level, as modeled by BCDC's Adapting to Rising Tides.

2. Wildfire Hazards

Wildfires are, on average, becoming more frequent and more destructive due to a combination of higher temperatures, longer dry periods, expansive growth of nonindigenous vegetation, and increased human development within wooded areas. Sausalito is primarily exposed to two types of fires: wildland fires associated with the relatively undeveloped areas of the upper slopes, canyons, and ridges; and urban fires associated with the developed residential hillsides and commercial areas. Wildfires are, on average, becoming more frequent and more destructive due to a combination of higher temperatures, longer dry periods, expansive growth of nonindigenous vegetation, and increased human development within wooded areas. As identified in the Sausalito General Plan, the city is primarily exposed to two types of fires: wildland fires associated with the relatively undeveloped areas of the upper slopes, canyons, and ridges; and urban fires associated with the developed residential hillsides and commercial areas.

Title 14 Division 1.5 of the California Code of Regulations (CCR) Title 14 Division 1.5 establishes the regulations for CAL FIRE and is applicable in all State Responsibility Areas (SRAs). These regulations constitute the basic wildland fire protection standards of CALFIRE. They have been prepared and adopted for the purpose of establishing minimum wildfire protection standards in conjunction with building, construction, and development in state responsibility areas. Among other things, Title 14 establishes minimum standards for emergency access, fuel modification, setback to property line, signage, and water supply. ***Specifically, Chapter 7, Article 2, "Emergency Access and Egress," requires provision of safe access for emergency wildfire equipment and civilian evacuation concurrently and unobstructed traffic circulation during a wildfire emergency. To accomplish this, all roads must provide a minimum of two 10 foot traffic lanes that provide for two-way traffic flow to support emergency vehicle and civilian egress, unless other standards are provided in this article, or additional requirements are mandated by local jurisdictions or local subdivision requirements. Many of Sausalito's roads are located in developed hillside areas with steep slopes; there is limited to no potential to significantly increase the widths of these roadways due to existing development. Sausalito's General Plan recognizes this limitation, stating on page CP-2: "Steep slopes and rough terrain limit street capacity due to narrow pavement width and short sight distance. ... Note that many streets in Sausalito do not conform with typical standards due to their age and slope."***

To address wildfire risks, lands mapped as a Very High Fire Hazard Severity Zone (VHFSZ), by CAL FIRE, should be removed from consideration for residential development. The Fire Hazards Severity Zones maps for Marin County (*Fire Hazard Severity Zones in SRAs* adopted November 7, 2007 and *Very High Fire Hazard Severity Zones in LRAs* recommended in October 2008) should be used as a starting point.

Recognizing that wildland fires have increased in frequency and severity in California in the past decade and that areas subject to wildfire likely exceed those identified as VHFHSZ, the CALFIRE Fire and Resource Assessment Program (FRAP) map of the Wildland Urban Interface should also be used to identify WUI areas with high and very high hazards where high intensity levels of development are not appropriate. CALFIRE Fire Hazard Severity Zones and WUI areas are available via ABAG's website: <https://abag.ca.gov/our-work/resilience/data-research/wildfire>.

Areas that are identified as high or very high WUI hazard areas should be deprioritized for intense residential uses. ABAG has identified that *“Where homes, businesses, and infrastructure are located can be a powerful way to reduce wildfire risk. Different locations within a city can present drastically different wildfire risk. Locating important assets in areas of low fire risk is a straightforward method to reduce risk. When using land use as a fire management tool it is critical that other considerations like flood risk, transit access, and economic feasibility are considered as well.”* (White Paper Bay Area Wildland Urban Interface Review of Risks, Plans, and Strategies, ABAG & MTC, 2018)

In evaluating fire hazards, ABAG has ignored the Wildland Urban Interface (WUI) hazards, including areas identified as having high and very high WUI hazards, that have been mapped by ABAG as well as areas with roadway widths that do not meet the CALFIRE standards. This information identifies fire threats and is particularly applicable in urban areas in the vicinity of Very High Fire Hazard Severity zones as mapped by CALFIRE and must be included when determining where residential development is appropriate. Figure 3 identifies areas in Sausalito that have been identified by ABAG as subject to high and very high wildfire hazard risks associated with the WUI.

3. Landslide Susceptibility

Extreme slopes resulting in increased landslide potential is another significant environmental hazard for Sausalito. Based on our review of the ABAG Sites Data Tool, which has excluded areas in Sausalito that are within the 100-year floodplain, it is clear ABAG did not take the extreme slopes and areas with significant landslide potential into account when calculating the realistic development capacity of parcels, which is concerning since steep slopes and significant landslide potential both constrain the development potential of sites in the City.

The California Department of Conservation has mapped areas in California that are susceptible to landslides (Map 58: *Susceptibility to Deep-Seated Landslides in California*, California Department of Conservation California Geological Survey, 2011). Map 58 identifies landslide susceptibility by class, from 0 to X based on rock strength and slope factors. These classes express the generalization that on very low slopes, landslide susceptibility is low even in weak materials, and that landslide susceptibility increases with slope and in weaker rocks. Very high landslide susceptibility, classes VIII, IX, and X, includes very steep slopes in hard rocks and moderate to very steep slopes in weak rocks.

Areas with a very high landslide susceptibility should not be planned for urban levels of development and particularly should not be considered for high-intensity residential uses. Landslide risks should be based on an evaluation of an area’s susceptibility to landslides, including areas classified by the State of California Department of Conservation at a very high risk of landslide susceptibility. California Geological Survey California Geological Survey Map 58, *Susceptibility to Deep-Seated Landslides in California* (2011), which identifies areas susceptible to deep-seated landslides based on slope and rock strength, and specifically identifies very high landslide susceptibility as areas mapped as Classes VIII, IX, and X. Map 58 GIS data is available through the Department of Conservation.

Figure 4 identifies the landslide susceptibility of ABAG’s adequate and potential housing sites in Sausalito. Of the 2,411 sites identified by ABAG to potentially accommodate residential growth, 310.1 acres (50%) are identified by the California Geologic Survey as having a very high landslide susceptibility (Classes VIII, IX, and X).

4. Earthquake-Related Hazards: Shaking and Liquefaction

In the event of an earthquake, seismic risk to a structure will depend on the distance to the earthquake epicenter, the characteristics of the earthquake, the subsurface conditions underlying the structure and its immediate vicinity, and the characteristics of the structure. The intensity of ground shaking can be amplified by local geologic conditions. Areas most susceptible to a significant amplification of ground shaking are areas underlain by soft sediments such as bay mud.

Earthquakes may also cause water displacement and tidal abnormalities, which can greatly affect a waterfront community like Sausalito. In addition, aftershocks can put first responders and disadvantaged community members at great risk.

As described in the Sausalito General Plan, in several areas along the Sausalito waterfront, fill has been placed over bay mud as a part of site development. These areas are likely to experience substantially stronger ground shaking and liquefaction than nearby areas built on bedrock. The magnitude of ground shaking amplification will depend on many factors including earthquake characteristics and location and the engineering characteristics of the site. Careful geotechnical analysis, potentially incorporating data from the United States Geological Survey (USGS) is required to provide an estimate of the amount of amplification that can occur. Ground shaking amplification observed along San Francisco Bay during the Loma Prieta earthquake suggests that amplifications could be as large as a factor of two.

While most of the Bay Area is subject to very strong shaking in the event of an earthquake, lands subject to violent shaking at the Modified Mercalli Intensity (MMI) 9 or extreme shaking at MMI 10, which are the highest levels of shaking, should be planned for extremely limited levels of residential development. Data reflecting the MMI scale, which identifies increasing levels of intensity of shaking associated with an earthquake that range from imperceptible shaking to extreme destruction, for the Bay Area is available via ABAG's website: <https://abag.ca.gov/our-work/resilience/data-research/earthquake>.

Liquefaction results from ground shaking and is often followed by local settling or slope failure. The potential for liquefaction is highest in areas underlain by saturated, unconsolidated, granular sediments. Within Sausalito, the areas most at risk for liquefaction are located in the flat-lying valley bottoms and along the bay margin, especially the areas that are built on fill in Richardson's Bay. Lands that are designated as very high risk of liquefaction due to an earthquake should be planned for extremely limited levels of residential development. Earthquake liquefaction susceptibility data is available via ABAG's website: <https://abag.ca.gov/our-work/resilience/data-research/earthquake>.

Figure 5 identifies the MMI scale and earthquake-induced liquefaction potential, based on ABAG's hazards data, for the Sausalito area.

5. Disaster Preparedness and Evacuation

In areas with multiple hazards, including wildfire, flooding associated with sea level rise, landslides, and earthquake hazards, the ability of residents to safely evacuate an area must be considered when planning for new household growth. Section 3.9 (Hazards and Wildfire) on p. 456 of the PBA 2050 Draft EIR states, "*Comments received in response to the Notice of Preparation expressed concerns about development in proximity to known sites of contamination, including former landfills and plugged and abandoned oil and gas wells, as well as wildfire hazards, planned development in recognized fire hazard zones, and emergency evacuation plans. Potential for hazards related to development on or near sites that could result in a hazard are generally addressed in this section. The potential for exacerbation of wildfire risks*

and the consequences of development in recognized fire hazard zones are also evaluated in this section ... Consistent with these requirements, the comments received on the NOP have been carefully reviewed and considered by MTC and ABAG in the preparation of impacts in this section. Appendix B includes all NOP comments received." However, it is not clear how the Draft RHNA Plan has addressed the need to safely evacuate areas at high risks for hazards.

On PAGE 492, the PBA 2050 EIR provides:

"Temporary impairment of emergency response and evacuation plans could occur due to the land use development pattern, sea level rise adaptation infrastructure, and transportation projects. The land use development pattern, sea level rise adaptation infrastructure, and transportation projects that may result from implementation of the proposed Plan would be subject to implementation of applicable State and federal regulations, as well as local/regional requirements for adequate emergency response and emergency evacuation plans, such as those required by the California Emergency Services Act and Cal EMA. Emergency and evacuation plans are periodically updated to accommodate growth and would continue to be updated for growth and changes in projected development associated with the proposed Plan. Using transit systems, including buses, train, and ferries, is an additional means of evacuating people during a less rapid but urgent evacuation in addition to highway evacuation via personal automobile. The proposed Plan includes investments in transit systems along with the emphasis on growth near transit that could serve as vital resources to facilitate evacuation. However, increased population and employment anticipated in the Plan could increase congestion on evacuation routes and slow evacuation. This could impair implementation of emergency response or evacuation plans. While changes in land use would be reflected in updated emergency and evacuation plans, it is not known if the changes would be sufficient to ensure adequate evacuation. Therefore, while the improved transportation system efficiency may facilitate emergency response and evacuation plans, due to the uncertainty with respect to the ability to accommodate forecasted growth, potential impacts related to interference with emergency response and evacuation plans would be potentially significant (PS)."

The PBA 2050 EIR establishes Mitigation Measures Mitigation Measure HAZ-6 to address hazards. This measure states:

"Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations, that include those identified below:

- *Continue to participate in the San Francisco Bay Area Regional Transportation Emergency Management (RTEMP), review the plan annually, and update as appropriate.*
- *Develop new methods of conveying projected and real time evacuation information to citizens using emerging electronic communication tools including social media and cellular networks.*
- *Adopt and/or revise, as appropriate, local emergency response and evacuation plans that address growth and potential for congestion on evacuation routes. Include contingencies for lower private automobile ownership and reliance on public transit for evacuation, consistent with the RTEMP.*
- *Require specific projects to demonstrate consistency with all applicable emergency response and evacuation plans. Where temporary road closures would be required during construction, prepare traffic mitigation plans that address traffic control and establish*

alternate emergency response and evacuation routes in coordination with emergency service providers.”

As Sausalito reviews new projects, projects would have to meet the high bar of addressing compliance with evacuation plans, including State requirements for access. Given the significant hazards facing Sausalito discussed in this section, it is not realistic to expect a significant number of projects to meet this requirement. It is also noted that the Plan Bay Area 2050 found impacts associated with emergency response and evacuation to be significant and unavoidable.

Areas with limited evacuation opportunities should be planned for extremely limited levels of residential development, including: 1) Individual neighborhoods with an existing street system that was not planned to accommodate high intensities of development (such as Sausalito’s hillside areas that are served by narrow streets and are fully built out with no potential to widen roadways to serve increased intensities of residential uses), and 2) jurisdictions or portions of jurisdictions that are served by only a single primary roadway to with only one primary roadway leading in and out of the area should not be planned for residential growth that exceeds the roadway capacity in the event of a natural disaster or other emergency.

While an evacuation route analysis has not yet been conducted for Sausalito, all vehicle traffic in Sausalito is limited to evacuation from the Sausalito area via Highway 101 as there are no other regional highways or roadways serving Sausalito. While some homeowners have boats, it is unlikely that a significant amount of Sausalito’s households would evacuate via the water in the event of an emergency. Evacuation traffic will bottleneck on Highway 101 to the north of Sausalito at the Highway 101/Bridgeway interchange, or south of Sausalito, between Sausalito and the Golden Gate Bridge. This limitation on access and evacuation must be considered by ABAG to ensure that Sausalito’s evacuation needs do not exceed capacity in the event of a natural disaster or other emergency.

In addition to the single evacuation route (Highway 101), Sausalito’s local roads are narrow, steep, and extremely constrained. As discussed under Wildfire Hazards, CALFIRE requires a minimum of two 10-foot traffic lanes to support emergency vehicle and civilian egress. However, many of Sausalito’s roads are located in developed hillside areas with steep slopes; there is limited to no potential to significantly increase the widths of these roadways due to existing development. Sausalito’s General Plan recognizes this limitation, stating on page CP-2: *“Steep slopes and rough terrain limit street capacity due to narrow pavement width and short sight distance. ... Note that many streets in Sausalito do not conform with typical standards due to their age and slope.”*

A-2. ABAG’s Draft RHNA Plan Failed to Consider Lack of Capacity for Water Service

Government Code Section 65584.04(e)(2) requires ABAG to consider the lack of capacity for sewer or water service due to several factors, including supply and distribution decisions made by a sewer or water provider other than the local jurisdiction that preclude the necessary infrastructure for development during the planning period. Specifically, Government Code Section 65584.04 provides in pertinent part:

“(e) To the extent that sufficient data is available from local governments pursuant to subdivision (b) or other sources, each council of governments, or delegate subregion as applicable, shall include the following factors to develop the methodology that allocates regional housing needs:

...

(2) The opportunities and constraints to development of additional housing in each member jurisdiction, including all of the following:

(A) Lack of capacity for sewer or water service due to federal or state laws, regulations or regulatory actions, or supply and distribution decisions made by a sewer or water service provider other than the local jurisdiction that preclude the jurisdiction from providing necessary infrastructure for additional development during the planning period.”

Due to the drought, environmental constraints, and increased requirements to accommodate housing, on April 20, 2021, the Marin Municipal Water District (MMWD) Board declared a water shortage emergency. The Marin Municipal Water District has also signaled its intention to declare an emergency and suspend or limit new connections beginning in November or December 2021. Subsequently, the MMWD Board has adopted a number of measures to reduce water use and is continuing to implement measures to limit water use and ensure adequate supply for its customers. Drought conditions are identified and planned by water districts, typically through the Urban Water Management Plan. ABAG must identify the capacity of each jurisdiction’s water and sewer infrastructure, including constraints associated with drought (multiple dry year conditions) using readily available data, including Sewer Master Plans and Urban Water Management Plans prepared by service providers. Limitations on water connections due to limited water supply, exacerbated by drought conditions, is a significant constraint on growth in Marin County, including Sausalito, and must be addressed by ABAG using available data available from service providers.

Appeal Basis B: Inaccurate and Inadequate Existing and Projected Jobs and Housing Data

Paragraph (1) of subsection (e) of Government Code Section 655804.04, cited below, requires ABAG to address each member jurisdiction’s existing and projected jobs and housing relationship in developing the RHNA and the RHNA methodology.

*“(e) To the extent that **sufficient data is available** from local governments pursuant to subdivision (b) or other sources, each council of governments, or delegate subregion as applicable, shall include the following factors to develop the methodology that allocates regional housing needs:*

(1) Each member jurisdiction’s existing and projected jobs and housing relationship. This shall include an estimate based on readily available data on the number of low-wage jobs within the jurisdiction and how many housing units within the jurisdiction are affordable to low-wage workers as well as an estimate based on readily available data, of projected job growth and projected household growth by income level within each member jurisdiction during the planning period.

The discussion in the Draft RHNA Plan indicates that each jurisdiction’s information has been considered. For example, page 34 states: “The final RHNA methodology directly incorporates each jurisdiction’s existing and projected jobs-housing relationship in both the baseline allocation and the allocation factors.” However, this data is not provided anywhere in the Draft RHNA Plan and there are no references in the Draft RHNA Plan that identify where this jurisdiction-level information can be evaluated and reviewed. Therefore, ABAG has violated the requirements of Government Code Section 65584.04(e)(1) and, by doing so, has precluded jurisdictions from commenting on the development of the factors used to develop the methodology by not providing transparency in the development of its information.

ABAG has access to the American Community Survey (ACS) and On-the-Map data provided by the U.S. Census Bureau that provides detailed information on local employment and jobs data. Further, the California Employment Development Department publishes average wage information by region for a range of jobs. This information is readily available and should be used by ABAG to identify existing and projected jobs for each member jurisdiction and to address the low-wage jobs within each jurisdiction and the amount of housing that is affordable to low-wage workers. However, the Draft RHNA Plan does not demonstrate nor analyze each member jurisdiction's jobs and housing relationship. While the Draft RHNA Plan programmatically addresses this requirement on pages 34 and 35 and describes a general approach to the methodology, it does not demonstrate that the analysis meets the requirement of State law that each member jurisdiction's jobs and housing relationship must be assessed. While Appendix 3 of the Draft RHNA Plan addresses broad objectives related to member jurisdictions, it does not provide any data regarding how each member jurisdiction is affected. In fact, data is grouped into two categories for every metric referenced: one category reflecting 25 member jurisdictions that align with the metric category, then an "Other jurisdictions" category. There is no analysis of which 25 member jurisdictions align with each category or how this affects or addresses individual member jurisdictions.

Given the lack of data pertinent to each member jurisdiction, Sausalito has a number of concerns that ABAG has failed to consider readily available information about local planning factors that constrains its ability to facilitate such high levels of growth. Specifically, Sausalito has concerns with the effect the RHNA allocation would have on the existing and projected jobs-to-housing ratios.

According to the Draft RHNA Plan, ABAG's final RHNA methodology, includes three primary components: the baseline allocation, the factors and associated weights, and the equity adjustment. The baseline allocation is used to assign each jurisdiction a beginning share of the Regional Housing Need Determination. The baseline allocation is based on each jurisdiction's share of the region's total households in the year 2050 from the Plan Bay Area 2050 Final Blueprint.

According to Draft RHNA Plan methodology's approach to the final subregional shares, Sausalito's share of the Plan Bay Area 2050 future households is 0.125%. Thus, out of the 4,043,000 households in the Bay Area in 2050, Sausalito is projected to have 5,054 total households. The California Department of Finance (DOF) 2021 E-5 Report estimates that there are 4,243 households in Sausalito in 2021. This means that between 2021 to 2050 ABAG is anticipating approximately 811 new households in Sausalito or about 28 new households per year. Using this logic, Sausalito could expect 224 new households in the 8-year, 6th Housing Element Cycle. However, Sausalito has been allocated a RHNA of 724, which would result in household growth over three times than expected in Sausalito over the 8-year cycle. Even if the City were to accommodate a higher number of future households during the 2023-2031 period, the Draft RHNA Plan allocates 89% of Sausalito's capacity of a 30-year period to a small 8-year window.

According to ABAG's Draft Plan Bay Area 2050, *"the North Bay counties of Marin, Napa, Sonoma and Solano are expected to be home to less than 10% of new households and jobs, as relatively limited job centers and transit options coupled with wildfire risk make these counties less suited for growth. In fact, Marin County is projected to see a minor net loss in jobs as its population ages and exits the workforce."* If Marin County, including Sausalito, is less suited for growth, then ABAG should have taken this into account during the RHNA distribution to ensure that growth projected in Sausalito would not be significantly higher than ever forecasted and would be in line with the growth that is anticipated for this area. Additionally, this additional growth allocated to Sausalito, which is not supported by any actual capacity

of the City to accommodate growth as described under Appeal Basis A and B and Section IV, Correct Calculation of RHNA, and would allocate housing growth beyond that planned in the 2050 Blueprint, would further imbalance the future jobs-to-housing balance in the County, which is already forecasted to decrease 36.3% to 0.79 in 2050. This is the lowest job-to-housing ratio projected for the ABAG region in 2050, which has real potential to plummet further by allocating RHNA that is inconsistent with the growth projected in the Plan Bay Area 2050 Blueprint (see to the *PBA 2050 Baseline Allocation Concerns* Section below). **Table 4** highlights the future jobs-to-housing balance projected for the region in the Plan Bay Area 2050 Blueprint.

Table 4: Existing and Projected Jobs-to-Housing Ratio Comparison

Jurisdiction	2015 Job-to-Housing	2050 Final Blueprint Job-to-Housing	% Change
Alameda	1.57	1.40	-10.8%
Contra Costa	1.05	0.97	-7.6%
Napa	1.42	1.56	+8.9%
San Francisco	1.86	1.59	-14.5%
San Mateo	1.48	1.29	-12.8%
Santa Clara	1.77	1.50	-15.3%
Solano	0.93	1.14	+22.6%
Sonoma	1.18	1.14	-3.3%
Marin	1.24	0.79	-36.3%
Region	1.50	1.34	-10.6%

Source: *Plan Bay Area 2050: Final Blueprint*

Based upon the above information, ABAG must provide a jurisdiction-level evaluation of existing and projected jobs and housing growth as required by Government Code Section 65584.04(e)(1) and must demonstrate that the RHNA does not result in a detrimental jobs to housing balance, as Objective 4 of the RHNA statutory objectives is to promote improved intraregional jobs-housing relationship.

Appeal Basis C: ABAG's Application of the RHNA Methodology Is Inconsistent with Government Code Section 65584(d) and Government Code Section 65584.04(m)1)

ABAG's final Regional Housing Need Determination (RHND) letter from the California Department of Housing and Community Development (HCD) dated June 9, 2020 identifies the necessary RHNA Allocation for the 2023 – 2031 (6th Cycle) Planning Period. In total, HCD determined that the Bay Area must plan for 441,176 new housing units, consisting of 114,442 units affordable to very-low-incomes, 65,892 units affordable to low-incomes, 72,712 units affordable to moderate-incomes, and 188,130 units affordable to above moderate-incomes. ABAG is responsible for adopting a methodology for RHNA allocation and preparing a RHNA Plan to distribute these units among its local governments, which includes all jurisdictions within the counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma.

Pursuant to Government Code Section 65584(d), the methodology to prepare ABAG's RHNA Plan must further the following objectives:

1. Increasing the housing supply and mix of housing types, tenure, and affordability;
2. Promoting infill development and socioeconomic equity, protecting environmental and agricultural resources, and encouraging efficient development patterns;

3. Promoting an improved intraregional relationship between jobs and housing;
4. Balancing disproportionate household income distributions; and
5. Affirmatively furthering fair housing.

Additionally, Housing Element Law requires that the RHNA methodology adopted by ABAG be consistent with the forecasted development pattern from the Plan Bay Area 2050 Final Blueprint. ABAG-MTC staff developed a framework for evaluating consistency between the Draft RHNA Plan and Plan Bay Area 2050. This approach compares the 8-year RHNA allocations to the 35-year housing growth from the Plan Bay Area 2050 Final Blueprint at the county and sub-county geographies used in the plan. According to the Draft RHNA Plan, “if the 8-year growth level from RHNA does not exceed the 35-year housing growth level at either of these geographic levels, then RHNA and Plan Bay Area 2050 will be determined to be consistent”. This should not be used as a basis for consistency as it does not take into account the capacity of an individual jurisdiction to accommodate growth, does not reflect the growth horizon of Plan Bay Area 2050, and will result in growth in jurisdictions beyond those growth levels planned for by the Draft Plan Bay Area 2050 and the associated Draft Environmental Impact Report.

1. Inconsistency with the Draft Plan Bay Area 2050

The Draft RHNA Plan states: “*Development of the RHNA methodology was guided by the statutory requirements that the RHNA meet five objectives⁶ and be consistent with the forecasted development pattern from Plan Bay Area 2050.*”⁷ Draft RHNA Plan Footnote 7: Government Code Section 65584.04(m)(1)

Government Code Section 65584.04(m)(1) states:

“(m) (1) It is the intent of the Legislature that housing planning be coordinated and integrated with the regional transportation plan. To achieve this goal, the allocation plan shall allocate housing units within the region consistent with the development pattern included in the sustainable communities strategy.”

As shown in **Table 5**, the Draft RHNA Plan has resulted in significant increases, as well as significant decreases, in growth in comparison to the Draft Plan Bay Area 2050 anticipated growth. The growth planned for each jurisdiction through the RHNA process must be consistent with the growth addressed in the Draft Plan Bay Area 2050 to meet the consistency requirement established under Government Code Section 65584.04(m)(1).

The Draft RHNA Plan also conflicts with the designation of Priority Development Areas, which have been designated to support growth in transit-rich areas and connected communities suitable for higher intensities of residential, commercial, services, and other uses. As previously stated, ABAG’s Draft RHNA Plan methodology includes three primary components: the baseline allocation, the factors and associated weights, and the equity adjustment. Sausalito has a number of concerns related to ABAG’s application of the baseline allocation and factor components, which has resulted in 8-year growth levels exceeding the 35-year housing growth level for the city. Additionally, Sausalito believes that long-range aspirational housing goals to the year 2050 should not be applied to the near-term RHNA allocation process, especially with three more RHNA cycles within the 30-year time horizon of Plan Bay Area 2050.

PBA Growth Geographies

The Draft Plan Bay Area 2050 document identifies that the majority of growth is allocated to Growth Geographies, which are geographic areas used by Plan Bay Area 2050 to guide where future growth in housing and jobs would be focused under the plan’s strategies over the next 30 years. These geographies

are identified for growth either by local jurisdictions or because of their proximity to transit or access to opportunity. Growth Geographies are defined as:

Priority Development Areas (PDAs): Areas generally near existing job centers or frequent transit that are locally identified (i.e., identified by towns, cities or counties) for housing and job growth.

Priority Production Areas (PPAs): Locally identified places for job growth in middle-wage industries like manufacturing, logistics or other trades. An area must be zoned for industrial use or have a predominantly industrial use to be a PPA.

Transit-Rich Areas (TRAs): Areas near rail, ferry or frequent bus service that were not already identified as PDAs. Specifically, these are areas where at least 50% of the area is within 1/2 mile of either an existing rail station or ferry terminal (with bus or rail service), a bus stop with peak service frequency of 15 minutes or less, or a planned rail station or planned ferry terminal (with bus or rail service). 3 Plan Bay Area 2050's High-Resource Areas are a subset of the high-opportunity areas identified statewide by the California Department of Housing and Community Development that meet a minimum transit service threshold and are located in the Bay Area. See more at: <https://www.treasurer.ca.gov/ctcac/opportunity.asp>

High-Resource Areas (HRAs): State-identified places³ with well-resourced schools and access to jobs and open space, among other advantages, that may have historically rejected more housing growth. This designation only includes places that meet a baseline transit service threshold of bus service with peak headways of 30 minutes or better. PBA Footnote 3: Plan Bay Area 2050's High-Resource Areas are a subset of the high-opportunity areas identified statewide by the California Department of Housing and Community Development that meet a minimum transit service threshold and are located in the Bay Area. See more at: <https://www.treasurer.ca.gov/ctcac/opportunity.asp>

Based on a review of Draft Plan Bay Area 2050 Growth Geographies (Map 1.1²), a small portion of Sausalito is designated in the Growth Geographies category. It is not clear how the Draft RHNA Plan allocated growth in association with the small area designated as a Growth Geography, which is located in an area subject to the highest level of groundshaking (MMI 9, violent shaking) that is mapped for the Bay Area in the event of an earthquake, has areas rated at very high risk for landslides by the State, and is along the shoreline area that will be affected by sea level rise.

However, upon further review, it is clear this area does not meet the threshold for transit service required for the High Resource Area designation and is also not eligible for any of the other Growth Geography designations. A review of ferry and bus timetables (Marin Transit, Golden Gate Ferry Service, indicates that Sausalito is not served by transit service that meets the peak headways of 30 minutes or better. Golden Gate Bridge Highway & Transportation District ferry service occurs only twice a day with one morning departure and one evening departure, not meeting any headway requirements and only connecting ferry users to the San Francisco Ferry Building stops (a.m.) and Tiburon and San Francisco Ferry stops in the p.m.

The majority of bus lines serving Sausalito have headways in excess of an hour. Golden Gate Bridge Highway & Transportation District Bus Routes 30 and 70 have one-hour headways during the a.m. and p.m. peak hours. There is only one bus route serving Sausalito that provides regular service with less than one-hour headways during the a.m. and p.m. peak hours, Marin Transit's Route 17/17X. During peak

² Available online: https://www.planbayarea.org/sites/default/files/documents/2021-05/Draft_PBA2050_Growth_Geographies_May2021_0.pdf

hours (6 am to 10 am and 3 pm to 7 pm), the majority of headways exceed 30 minutes and there are no back-to-back headways that are less than 30 minutes. Specifically, the average headway during peak hours is 35.5 minutes, with an average headway in the a.m. peak hours of 36.2 minutes (headways during this time are 61 minutes, 22 minutes, 38 minutes, 22 minutes, and 38 minutes) and during the p.m. peak hours the average headway is 34.8 minutes (headways during this time are 19 minutes, 41 minutes, 19 minutes, 41 minutes, and 54 minutes). Further, bus service in Sausalito does not include any routes that serve the majority of neighborhoods in Sausalito; all routes are limited to the Bridgeway corridor.

Sausalito must be removed from the Growth Geographies category, including the High Resource Areas designation due to the limited transit service that does not meet the Plan Bay Area 2050 headway thresholds.

Baseline Allocation Concerns

The baseline allocation is used to assign each jurisdiction a beginning share of the Regional Housing Need Determination. The baseline allocation is based on each jurisdiction's share of the region's total households in the year 2050 from the Plan Bay Area 2050 Final Blueprint. Using the 2050 Households (Final Blueprint) 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. Utilizing this methodology, ABAG determined that Sausalito is responsible for 724 housing units. However, Sausalito has a number of concerns that ABAG and MTC staff misapplied the PBA 2050 housing growth level to establish the baseline allocations.

Appendix 5 to Draft RHNA Plan identifies that Sausalito is responsible for 0.125% of the regional share of Bay Area households in the year 2050. however, due to ABAG's factor methodology, Sausalito has been allocated 0.164% of the RHNA inconsistent with growth levels identified in the Plan Bay Area 2050 Final Blueprint. Therefore, using the growth accommodated under Plan Bay Area 2050 and its associated Draft Environmental Impact Report, Sausalito should have been responsible for no more than 0.125% of the total RHNA Allocation, which would be 552 housing units or a reduction of 172 housing units. Anything higher than 552 housing units would be requiring Sausalito to grow at a rate that is not comparable to the growth outlined, projected and established in the PBA 2050, inconsistent with Housing Element Law. Further, this growth should have been planned to address Sausalito's opportunities and constraints for residential development as discussed under Appeal Basis 1.

Further, many jurisdictions that have one or more Priority Development Areas to accommodate and encourage a mix of housing types have been allocated RHNA growth well below their growth projected by Draft Plan Bay Area 2050, as shown in **Table 5**. This will result in a growth pattern that conflicts with the growth envisioned by the Priority Development Areas in the Draft Plan Bay Areas household growth strategy.

Further, Table 6-1 of Draft Plan Bay Area 2050 identifies that 85% of household growth through 2050 will occur in Growth Geographies, with Priority Development Areas (PDA) accommodating 72% of regional household growth and High Resource Areas accommodating 28% of regional household growth. However, a review of the RHNA growth allocated by member jurisdiction indicates that the Draft RHNA Plan has not allocated growth consistent with the growth allocation shown and supported by the Draft Plan Bay Area 2050 document. As shown in **Table 5** below, many jurisdictions with multiple PDAs apiece were allocated growth below the pro-rated growth that would occur under Plan Bay Area 2050. This discrepancy indicates that the Draft RHNA Plan conflicts with PBA 2050. The RHNA must be reviewed for

consistency with Draft Plan Bay Area 2050 at the member jurisdiction level to identify the capacity associated with each PDA and each jurisdiction's total capacity for areas both within and without each specific type of Growth Geography ensure that the growth is consistent with Draft Plan Bay Area 2050 and the growth evaluated in the PBA EIR.

Table 5 compares a number of jurisdictions that have been allocated RHNA significantly below their forecasted growth rate or regional share of Bay Area Households in the year 2050 to Sausalito, as identified in the Plan Bay Area 2050 Final Blueprint. As shown in **Table 5**, a number of jurisdictions have been allocated RHNA numbers that are significantly lower than the growth assumed by ABAG in the Plan Bay Area 2050 Blueprint. Similarly, many jurisdictions have been allocated growth that is more than double the pro-rated growth the jurisdiction would be anticipated to accommodate in an 8-year period, when considering current household growth and the remaining capacity to meet the 2050 projected household growth. It is important to note that **Table 5** is not an exhaustive search of all jurisdictions within the ABAG region; however, this has been included to highlight how the draft RHNA allocations for certain jurisdictions forecast significantly different growth levels than assumed under the Plan Bay Area 2050 Final Blueprint. This is both a significant conflict with the growth planned under the Draft Plan Bay Area 2050 Final Blueprint and also indicates that the environmental analysis in the Plan Bay Area 2050 Draft EIR does not reflect the growth patterns that would occur with application of the Draft RHNA Plan.

It is also noted that there are errors in the 2050 jurisdiction shares of households that the RHNA methodology used for the baseline allocation. Sausalito has reviewed every jurisdiction's planned growth and there are multiple jurisdictions that have been identified for negative household growth in the Plan Bay Area 2050 Blueprint which is inconsistent with the Draft RHNA Plan. Specifically, Dixon's share of 2050 households is 0.146%, or 5,903 units, which is 6020 units less than its 2021 households; Vacaville's share of 2050 households is 0.775%, or 31,333 units, which is 3,188 units less than its 2021 households (34,521 in 2021). Similarly, the RHNA in some jurisdictions exceeds the growth planned for 2050.

Table 5: RHNA Comparison to Plan Bay Area 2050 Growth Conditions and Consideration of Growth Planned in Jurisdictions with Priority Development Area

	Current (2021) Conditions		Plan Bay Area 2050 Conditions		Change from 2021 to 2050	Draft RHNA		Plan Bay Area 2050 Consistency Evaluation			
	Current Households (2021)	Current Share of Bay Area HHs (2,505,064 Households ¹)	Share of Households in 2050 (%)	Share of Households 2050 (4,043,000 ²) (#)	Plan Bay Area Change in Households (2050-2021)	Draft RHNA Plan Allocation	Draft RHNA as % of 2021-2050 Growth	Pro-Rated PBA 2050 Growth from 2023-2031 ³	RHNA Consistent with Growth to be Accommodated under PBA	Priority Development Area	Does RHNA Support the PDA? (RHNA Is At Least as High as Pro-Rated Growth)?
Marin County											
Sausalito	4,243	0.169%	0.125%	5,054	811	724	89.30%	224 (27.59%)	500 (more than double 8-year growth)	None	N/A
San Rafael	23,101	0.922%	1.048%	42,371	19,270	3,220	16.71%	5,316 (27.59%)	-2,096 (under)	1	No – Significantly Less
Tiburon	3,897	0.156%	0.112%	4,528	631	639	101.24%	174 (27.59%)	465 (more than double 8-year growth)	None	N/A
Novato	20,690	0.826%	0.672%	27,169	6,479	2,090	32.26%	1,787 (27.59%)	303	None	N/A
Alameda County											
Livermore	31,869	1.272%	1.269%	51,306	19,437	4,569	23.51%	5,362 (27.59%)	-793	3	No – Significantly Less
Newark	14,510	0.579%	0.609%	24,622	10,112	1,874	18.53%	2,789 (27.59%)	-915 (under)	2	No – Significantly Less
Oakland	167,680	6.693%	6.338%	256,245	88,565	26,252	29.64%	24,432 (27.59%)	1,820	9	Yes
Hayward	48,591	1.940%	1.571%	63,516	14,925	4,624	30.98%	4,117 (27.59%)	507	4	Yes
Contra Costa County											
Antioch	34,384	1.372%	1.270%	51,346	16,962	3,016	17.78%	4,679 (27.59%)	-1,663 (under)	2	No – Significantly Less
Brentwood	20,482	0.818%	0.647%	26,158	5,676	1,552	27.34%	1,566 (27.59%)	-14	3	Yes
Concord	45,237	1.806%	1.725%	69,742	24,505	5,073	20.70%	6,760 (27.59%)	-1,687 (under)	2	No – Significantly Less
El Cerrito	10,345	0.413%	0.405%	16,374	6,029	1,391	23.07%	1,663 (27.59%)	-272 (under)	4	No – Less
Hercules	8,465	0.338%	0.264%	10,674	2,209	994	45.01%	609 (27.59%)	385	3	Yes
Martinez	14,333	0.572%	0.383%	15,485	1,152	1,345	116.78%	318 (27.59%)	1,027 (more than double 8-year growth)	1	Yes
Pinole	6,897	0.275%	0.183%	7,399	502	500	99.66%	138 (27.59%)	362 (more than double 8-year growth)	2	Yes
Pittsburg	22,240	0.888%	0.787%	31,818	9,578	2,017	21.06%	2,642 (27.59%)	-625 (under)	2	No – Significantly Less
Oakley	12,559	0.501%	0.450%	18,194	5,635	1,058	18.78%	1,554 (27.59%)	-496 (under)	2	No – Less
Richmond	37,189	1.484%	1.227%	49,608	12,419	3,614	29.10%	3,426 (27.59%)	188	5	Yes
San Pablo	9,031	0.360%	0.248%	10,027	996	746	74.93%	275 (27.59%)	471 (more than double 8-year growth)	2	Yes
Santa Clara County											
San Jose	324,573	12.956%	14.426%	583,243	258,670	62,202	24.05%	71,357 (27.59%)	-9,155	21	No – Significantly Less

	Current (2021) Conditions		Plan Bay Area 2050 Conditions		Change from 2021 to 2050	Draft RHNA		Plan Bay Area 2050 Consistency Evaluation			
	Current Households (2021)	Current Share of Bay Area HHs (2,505,064 Households ¹)	Share of Households in 2050 (%)	Share of Households 2050 (4,043,000 ²) (#)	Plan Bay Area Change in Households (2050-2021)	Draft RHNA Plan Allocation	Draft RHNA as % of 2021-2050 Growth	Pro-Rated PBA 2050 Growth from 2023-2031 ³	RHNA Consistent with Growth to be Accommodated under PBA	Priority Development Area	Does RHNA Support the PDA? (RHNA Is At Least as High as Pro-Rated Growth)?
Marin County											
Gilroy	16,223	0.648%	0.461%	18,638	2,415	1,773	73.41%	666 (27.59%)	1,107 (more than double 8-year growth)	1	Yes
Morgan Hill	15,243	0.608%	0.410%	16,576	1,333	1,037	77.78%	368 (27.59%)	669 (more than double 8-year growth)	1	Yes
Napa County											
American Canyon	5,963	0.238%	0.176%	7,116	1,153	446	38.69%	318 (27.59%)	128	1	Yes
Calistoga	2,066	0.082%	0.052%	2,102	36	119	327.28%	10 (27.59%)	109 (more than double 8-year growth)	None	N/A
Napa	28,749	1.148%	0.769%	31,091	2,342	1,939	82.80%	646 (27.59%)	1,293	1	Yes
St. Helen	2,480	0.099%	0.068%	2,749	269	254	94.34%	74 (27.59%)	180 (more than double 8-year growth)	None	N/A
Yountville	1,044	0.042%	0.029%	1,172	128	72	56.04%	35 (27.59%)	37 (more than double 8-year growth)	None	N/A
Solano County											
Benicia	10,832	0.432%	0.271%	10,957	125	806	647.23%	34 (27.59%)	772 (more than double 8-year growth; error in 2050 projection)	1	Yes
Dixon	6,505	0.260%	0.146%	5,903	(602)	347	-57.62%	(166) (27.59%)	513 (error in 2050 projection)	None	N/A
Fairfield	38,829	1.550%	1.226%	49,567	10,738	3,047	28.38%	2,962 (27.59%)	85	3	
Rio Vista	4,773	0.191%	0.207%	8,369	3,596	473	13.15%	992 (27.59%)	-519 (under)	None	N/A
Suisun City	9,231	0.368%	0.246%	9,946	715	611	85.48%	197 (27.59%)	414 (more than double 8-year projection)	1	Yes
Vacaville	34,521	1.378%	0.775%	31,333	(3,188)	1,862	-58.41%	(879) (27.59%)	2,741 (error in 2050 projection)	3	Yes
Vallejo	41,563	1.659%	1.117%	45,160	3,597	2,938	81.67%	992 (27.59%)	1,946 (more than double 8-year projection)	7	Yes

Source:
 1: E-5 Report, City/County Population and Housing Estimates (1/1/21), California Department of Finance, May 2021
 2: Draft Plan Bay Area 2050, Association of Bay Area Governments/Metropolitan Transportation Commission, May 2021
 3: Household change from 2021 to 2050 divided by 29 years (2050 less 2021) and multiplied by 8 years (2023-2031) to reflect the pro-rated share of growth for the 2023-2031 period in the remaining Draft Plan Bay Area 2050 projection period

Misapplication of the Factors for the Final RHNA Methodology Resulting in Infeasible Growth

It is Sausalito's understanding that ABAG has identified three factors and associated weights for allocating units by income category. **Table 6** shows the factors and weights selected for the Draft RHNA Plan methodology. The weight assigned to each factor (i.e., the percentages shown in **Table 6**) represents the factor's relative importance in the overall allocation. The weight determines the share of the region's housing needs that will be assigned by that particular factor.

Table 6: Factor and Weights for Final RHNA Methodology

Very Low and Low Units	Moderate and Above Moderate Units
70% -- Access to High Opportunity Areas	40% -- Access to High Opportunity Areas
15% -- Job Proximity – Auto	60% -- Job Proximity – Auto
15% -- Job Proximity – Transit	-----

Sources: Draft RHNA Plan 2023 – 2031 [Appendix 4], May 2021.

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. A jurisdiction with an above-average score on a factor would get an upwards adjustment, whereas a city with a below-average score on a factor would get a downwards adjustment relative to the baseline allocation. However, Sausalito believes that ABAG did not adequately complete the relative factor adjustments to ensure that growth was consistent with the Plan Bay Area 2050.

In Appendix 4 of the Draft RHNA Plan, ABAG calculated the factor score by multiplying a jurisdiction's baseline allocation (or share of Bay Area Households in Year 2050) by the factor scores that have been rescaled to 0.5-1.5. ABAG utilized values above 1.0 because a value of 1.0 for these complementary metrics means that the group of jurisdictions' overall share of RHNA is proportional relative to its overall share of households in 2020, while a value below 1.0 is less than proportional. The subsequent value or "baseline adjusted factor" is then compared to the other Bay Area jurisdictions to rescale it to a percentage of 100%. As discussed in Objective 1 of the ABAG 2023-2031 Draft RHNA Plan, the goal of utilizing these "baseline adjusted factors" was to direct more very low- and low-income units to jurisdictions with higher access to opportunity and easier access to the region's job centers. Specifically, jurisdictions with the most residents living in census tracts designated as High Resource or Highest Resource on the California Tax Credit Allocation Committee (TCAC) 2020 Opportunity Map were anticipated to receive a higher share of their allocation as lower-income units than other jurisdictions in the region. Additionally, these "baseline adjusted factors" direct more housing to jurisdictions with the most jobs that can be accessed with a 30-minute commute by automobile or a 45-minute commute by transit.

Sausalito agrees that jurisdictions with higher access to opportunity and easier access to the region's job centers should receive higher shares of lower-income housing to ensure everyone has the same chance to live in a community with great schools, healthy food options, public libraries, community centers, parks and trails, transportation hubs, and access to employment centers. With that said, Sausalito is confident that ABAG's choice to rescale the factor scores with values greater than 1.0 (i.e., 1.1 to 1.5) has resulted in RHNA allocations significantly larger than the forecasted growth in Plan Bay Area 2050 for jurisdictions with higher access to opportunity and easier access to the region's job centers. Conversely, jurisdictions with factor scores below 1.0 results in significantly less forecasted growth. This results in a growth imbalance when compared with Draft Plan Bay Area 2050 and contributes to the inconsistencies shown

in **Table 6**. This approach is particularly inappropriate when reducing the overall planned growth in areas with PDAs that are being planned to increase housing choices and diversity throughout the region and are supported by the Plan Bay Area 2050 framework. This approach to the allocation in the Draft RHNA Plan results in a conflict with growth envisioned by Draft Plan Bay Area 2050.

Sausalito recommends that the Access to High Opportunity Areas (AHOA), Jobs Proximity – Auto (JPA), Job Proximity – Transit (JPT) Factors be applied in order to redistribute growth that is **within** the Draft Plan Bay Area 2050 growth for a jurisdiction and that is consistent with each jurisdiction’s realistic capacity to accommodate growth. The application of these factors should not result in growth beyond that anticipated by the Draft Plan Bay Area 2050 and beyond the actual capacity of a jurisdiction. Redistributing growth based on capacity would increase the very low and low income units in jurisdictions with access to opportunity and correspondingly reduce the above market rate unit allocation, but would not exceed the total growth capacity. This will result in a more realistic application of the RHNA and will likely result in an increase in actual production of units, rather than applying units on a hypothetical basis in areas where there is limited real capacity to produce the units during the 2023-2031 time frame.

To ensure consistent growth with the Plan Bay Area 2050 Final Blueprint, ABAG must be consistent with the growth planned for each jurisdiction. To ensure consistency, rather than growth that either exceeds or falls short of planned growth, the Baseline Allocation should determine the total share of the RHNA each jurisdiction should be allocated. From there, the factor adjustments must be applied **within** the amount of household growth that a jurisdiction can accommodate, as required by Government Code Section 65584.04(e)(2)(A,B), and consistent with the growth allocated for each jurisdiction under the sustainable communities strategy (the Draft Plan Bay Area 2050), as required by Government Code Section 65584.04(m)(1), to determine what percentage of very-low, low, moderate, and above-moderate units should be allocated to a jurisdiction. For example, jurisdictions with factor score greater than 1.0 should have been allocated significantly more very-low and low-income units, while jurisdictions with factor scores below 1.0 should have received allocations of more moderate-income and above moderate-income units. However, it appears that ABAG’s application of the factors has actual only resulted in more units of every income-level being allocated to jurisdictions with the most residents living in census tracts designated as High Resource or Highest Resource on the TCAC 2020 Opportunity Map and with the most jobs that can be accessed with a 30-minute commute by automobile or a 45-minute commute by transit.

Sausalito understands that the Housing Methodology Committee advocated that it is “ultimately less impactful if a jurisdiction receives a high share of its RHNA as lower-income units if that same jurisdiction receives few units overall.” However, Sausalito would also like to assert that it is detrimental to jurisdictions to be allocated a RHNA that is significantly higher than the forecasted growth projections, as this level of growth is unachievable. Unachievable growth allocations have very real consequences for jurisdictions, including General Plan inadequacy, legal suits and attorney fees, loss of permitting authority, and loss of Federal and State grant funding, to name a few.

Sausalito understands that each factor (i.e., AHOA, JPA, and JPT factors) focuses on the share of lower-income units assigned to jurisdictions with certain characteristics is paired with a complementary factor (i.e., the baseline allocation) that examines whether those jurisdictions also receive a share of the regional housing need that is at least proportional to their share of the region’s households. However, Sausalito would like to assert that this is untrue. As shown in **Table 5**, jurisdictions within the counties of Contra Costa, Napa, and Solano received significantly lower allocations than their share of the Bay Area

households under Plan Bay Area 2050 Growth Conditions. Therefore, ABAG's use of these factors with a complementary metric has actually not resulted in jurisdictions receiving a RHNA that is at least proportional to their share of the region's households. Instead of growth following the development pattern projected in the Plan Bay Area 2050 Final Blueprint, growth is now going to be heavily focused into jurisdictions higher access to opportunity and easier access to the region's job centers. This has the effect of leaving behind certain counties, such as Contra Costa, Napa, and Solano. A healthy housing market is essential to all areas of the ABAG region. Thus, jurisdictions currently allocated less than their share of the region's households should have their RHNA adjusted to ensure equitable allocation consistent with the forecasted growth projects of the region.

B. ABAG's Methodology Does Not Adequately Address Factors that led to an Excessively High RHNA

In consultation with ABAG, HCD determined that the Bay Area must plan for 441,176 new housing units from 2023 to 2031, which is 253,186 more units than what HCD allocated to the Bay Area during the 5th Cycle. New laws governing the methodology for how HCD calculated the RHND resulted in a significantly higher number of housing units for which the Bay Area must plan compared to previous RHNA cycles. This is due to higher adjustments as a result of recent legislation (i.e., Senate Bill 828) that sought to incorporate an estimate of existing housing need by requiring HCD to apply factors related to a target vacancy rate, the rate of overcrowding, and the share of cost-burdened households.

ABAG's methodology does not address the factors that have led to an excessively high RHNA for the region. The methodology should have included adjustments to address the nature of vacancies (e.g., vacation rentals, seasonal homes, and other housing types that do not contribute to the housing stock available for year-round occupancy by residents of a jurisdiction), overpayment, and overcrowding (with an emphasis on providing additional extremely low, very low, and low income units in areas experience extreme cost burden and severe overcrowding) in jurisdictions where the households have a higher-than-average burden related to the cost of housing. Instead, ABAG focused on three factors: areas with higher opportunity, job proximity to automobiles, and job proximity to transit, which do not necessarily address or adjust for areas with low vacancies and overcrowding, as outlined below. Government Code Section 65584.04(e)(7) requires ABAG to consider overcrowding in the development of its methodology. Further, vacancy rate was used by HCD to determine ABAG's allocation and is a long-recognized metric in addressing housing supply and demand. ABAG has neglected to fully consider the effects of vacancy.

Overcrowding

Overcrowding is a measure of the ability of existing housing to adequately accommodate residents. The U.S. Census Bureau defines overcrowding as a household that lives in a dwelling unit with an average of more than 1.0 person per room, excluding kitchens and bathrooms. A severely crowded housing unit is occupied by 1.5 persons or more per room. Too many individuals living in housing with inadequate space and number of rooms can result in deterioration of the quality of life and the condition of the dwelling unit from overuse.

SB 828 requires the council of governments to provide data on the overcrowding rate for a comparable housing market. Utilizing 2014-2018 ACS data, HCD identified ABAG's overcrowding rate was 6.73% and the comparable region's rate was 3.6%, which results in an overcrowding adjustment of 3.13% requiring 94,605 additional units. According the 2014-2018 ACS, overcrowding in Sausalito was 0.64% (or 26 housing units), which is 3.0% below the comparable region's rate and approximately 6.1% less than

ABAG's overcrowding rate. **Table 7** below identifies the number occupants per room in Sausalito for owner occupied and renter occupied housing units (source: 2014-2018 ACS 5-Year Estimates, Table ID: B25014).

Table 7: Overcrowded Housing in Sausalito

	Units
Owner Occupied	2,046
<i>0.50 or less occupants per room</i>	1,848
<i>0.51 to 1.00 occupants per room</i>	191
<i>1.01 to 1.50 occupants per room</i>	7
<i>1.51 to 2.00 occupants per room</i>	0
<i>2.01 or more occupants per room</i>	0
Owner Occupied Overcrowded (1.01+)	7
Owner Occupied Severely Overcrowded (1.51+)	0
Renter Occupied	2,019
<i>0.50 or less occupants per room</i>	1,579
<i>0.51 to 1.00 occupants per room</i>	421
<i>1.01 to 1.50 occupants per room</i>	0
<i>1.51 to 2.00 occupants per room</i>	19
<i>2.01 or more occupants per room</i>	0
Renter Occupied Overcrowded	19
Renter Occupied Severely Overcrowded	19
Total Units	4,065
Total Overcrowded	26 or 0.64%
Total Severely Overcrowded	19 or 0.57%

Source: ACS 2014-2018 (Table B25014)

A high incidence of overcrowding may also indicate a higher demand for housing in these areas, compared to other jurisdictions that do not experience higher-than-average overcrowding rates. In these areas, there are existing households excessively burdened by the lack of affordable housing and required to live in constrained and potentially unsafe situations in order to afford a home. It is anticipated that a continuation of the jurisdiction's current growth trends would continue to exacerbate overcrowding issues. Thus, ABAG should have created an overcrowding factor to ensure that the 94,605 additional units were allocated at a higher percentage to jurisdictions with the highest percentages of overcrowding, with an emphasis on allocating extremely low-, very low-, and low-income units to jurisdictions where a higher-than-average percentage of households experience severe overcrowding.

Vacancy Rate

SB 828 defines the vacancy rate for a healthy rental housing market for those purposes to be no less than 5%. In looking at HCD's RHNA Allocation to ABAG, HCD has interpreted the 5% necessary vacancy should be applied to all households and does not differentiate between owner-households and renter-households, thus resulting in an additional 98,799 units. This is calculated by subtracting the region's existing vacancy rate of 1.73% from 5% and multiplying this new percentage to the project households needed. Both of these adjustments result in unnecessary double counting of units required for the projected household growth. The bill also requires the council of governments to include data on the

percentage of households that are cost burdened, the rate of housing cost for a healthy housing market, and data on the projected household income growth

According to the California Department of Finance (DOF) E-5 report, Sausalito is estimated to have a vacancy rate of 7.6%, which is 2.6% above the 5.0% vacancy benchmark utilized by HCD for a “healthy housing market”. Additionally, the 2014-2018 ACS data identifies that Sausalito had an overall vacancy rate of 9.6%, which is 4.6% above the 5.0% vacancy benchmark utilized by HCD for a “healthy housing market”. As previously stated, HCD assigned a vacancy adjustment of 98,799 units to ABAG to adjust the percentage based on the region’s current vacancy percentage to provide healthy market vacancies. Thus, ABAG should have established a vacancy factor to assign a higher percentage of the vacancy adjustment units to areas with low vacancy rates to facilitate housing availability and resident mobility.

2050 Baseline Allocation Inappropriate for Eight-Year RHNA Cycle

Sausalito understands that the Housing Methodology Committee preferred using 2050 Households as the baseline for the 6th Cycle RHNA because it provides a middle ground between using a baseline based on the current number of households and a baseline based on forecasted housing growth from the Plan Bay Area 2050 Final Blueprint. However, the year 2050 should not be applied to the near term RHNA allocation process, especially with three more RHNA cycles within the 30-year time horizon of Plan Bay Area 2050. As previously stated, the Plan Bay Area 2050 Final Blueprint is a long-range plan that contains long range aspirational housing goals and envisions future transit improvements that are not yet funded.

In light of the comparatively short-term nature of the 2023-2031 housing element cycle, projected need should give more weight to projected need in the vicinity of existing, near-term, and mid-term priority development areas, including those where the necessary infrastructure projects been identified and allocated funding, as the projected units are likely to be constructed in the next eight to twenty years. Those jurisdictions that will receive funds for priority development areas in the next eight years should have a greater share of the RHNA in order to ensure that the housing planned in association with the PDA material is consistent with the mix of very low, low, moderate, and above moderate income housing for that jurisdiction. However, while the RHNA is relatively short-term in nature, the RHNA is likely much higher than actual development that will occur in the next eight years, particularly for Sausalito and, likely for other cities with limited capacity for growth that have received a RHNA that exceeds their capacity. By distributing the RHNA where growth is anticipated in the near- and mid-term, land use decisions made in response to the RHNA will ensure that growth patterns in those areas are equitable, transit-oriented, and provide appropriate densities to support priority development areas. Further, this approach will be consistent with the Final Plan Bay Area Blueprint 2050 and with the Final Plan Bay Area Blueprint Draft EIR.

C. Equity Adjustment

An equity adjustment is applied to the RHNA allocation in order to ensure each jurisdiction receives an allocation of very low and low-income households that is proportional to its share of the regional households in 2020. There are a few concerns with the application of the equity adjustment.

This equity adjustment is applied to ensure all jurisdictions address their fair share of very low and low income needs. However, the equity adjustment does not factor in a jurisdiction’s capacity to accommodate growth, does not address the jobs-housing balance, including between very low income and low income jobs and very low income and low income housing opportunities, and does not address

constraints to development, including hazards, open space, and other factors that must be considered. Government Code Section 65584.04(e)(1) and Section 65584.04(e)(2) explicitly require that jobs and housing factors and opportunities and constraints to growth be considered and addressed at the member jurisdiction level. The application of the equity adjustment, along with the AHOA, JPA, and JPT Factors, should be within the amount of growth planned for each jurisdiction between 2023 and 2031 by Draft Plan Bay Area 2050 and the Final Blueprint. For example, the equity adjustment could increase very low and low income units, while commensurately decreasing moderate and above moderate income units within a jurisdiction's demonstrated capacity.

IV. CONCLUSION AND CORRECTED CALCULATION OF RHNA

When allocating growth to Sausalito, the City's ability to realistically accommodate residential growth as required for the RHNA methodology pursuant to Government Code Section 65584.04(e)(2)(B) must be considered at the member jurisdiction level as specifically required at Government Code Section 65584.04(e)(2). As discussed under Appeal Basis 1, ABAG has failed to apply the methodology required by Government Code Section 65584.04 to address opportunities for growth, including appropriate housing sites, and constraints to growth, including hazards and water supply limitations at the member jurisdiction level. As discussed under Appeal Basis 2, ABAG has failed to address existing and projected jobs, including lower income jobs, at the member jurisdiction level. As discussed under Appeal Basis 3, the Draft RHNA Plan is inconsistent with the Draft Plan Bay Area 2050 and thus is not consistent with the sustainable communities strategy as required by Government Code Section 65584.04(m)(1) and the Draft RHNA Plan does not fulfill the objectives identified at Government Code Section 65584(d).

As discussed, there is no data provided in the Draft RHNA Plan and no demonstration that ABAG, through the UrbanSim 2.0 model, addressed these important factors for growth and ensured that the growth indicated through 2031 could realistically and feasibly be accommodated, consistent with Government Code Section 65584.04(e)(2) and Government Code Section 65584.04(e)(1), and reflect growth consistent with the sustainable communities strategy (Draft Plan Bay Area 2050). As discussed above, Sausalito's parcel sizes, existing uses, and significant hazards, which are all pieces of information readily available to ABAG, have not been adequately considered and ABAG's growth assumptions for Sausalito are incorrect. **Table 8** summarizes the corrected growth potential for Sausalito.

CORRECTED RESIDENTIAL DEVELOPMENT CAPACITY

As shown in **Table 8**, the ABAG Sites Data Tool significantly overestimates Sausalito's net growth capacity due to inaccurate parcel sizes, inaccurate existing condition information, and dismissal of significant risks associated with steep slopes, landslides, and the WUI. As previously described, Sausalito has formally requested the data used by ABAG to develop the RHNA and RHNA factors, but has not received a response. In the absence of data at the member jurisdiction level, Sausalito has relied on available data sources to review and address the City's realistic capacity for growth.

To provide a more accurate capacity analysis, Sausalito has evaluated each parcel identified by the ABAG Sites Data Tool as adequate or potentially suitable for residential growth and has applied the Marin County assessor parcel size data, Marin County assessed use data, and significant hazard data to these parcels to identify residential capacity.

- Parcels within identified as Highly Constrained by the ABAG Sites Data Tool (in Sausalito, these are primarily those parcels within the 100-year floodplain and those affected by projected sea level rise) were not anticipated to develop. This is consistent with the ABAG Sites Data Tool.
- Parcels with industrial uses were not anticipated to develop with residential uses due to the potential for residential uses to conflict with the existing industrial uses (e.g., potential for unsafe noise levels, hazardous materials use, etc.). This is consistent with the ABAG Sites Data Tool.
- Parcels identified as open space or as a common area for an existing development were not anticipated to develop with residential uses. This is consistent with the ABAG Sites Data Tool.
- Many of the ABAG-identified parcels that had capacity for one or two units appeared solely to have capacity due to the incorrect acreages applied to the parcel. All parcels that were developed at full capacity and not likely to redevelop, which primarily included townhome and condominium developments, were not anticipated to develop.
- Parcels that were vacant or with existing residential uses were assumed to develop at their maximum allowed under the General Plan, with the following adjustments:
 - A 25% increase in potential residential capacity was applied to parcels that are larger than 0.49 acres or designated for High Density Residential, Medium High Density Residential, Medium Density Residential, Neighborhood Commercial, Central Commercial, and Mixed Residential and Commercial to reflect that there may be potential to increase densities on larger parcels and on parcels envisioned to accommodate urban levels of development;
 - Parcels with existing commercial and similar uses were assumed to intensify with high density residential uses at a density of 29 units per acre applied to the total acreage less developed square footage. This assumption reflects that while many commercial parcels will remain in their current state, may redevelop with a mix of uses that includes a residential component, may develop with solely residential uses, or may not redevelop with residential uses even if new zoning and land use designations are applied that accommodate high density residential uses. Parcels with a very high landslide susceptibility score of 9 or 10 were anticipated to develop at 50% of capacity due to the extreme landslide hazard.

In reviewing the sites for development, as shown in Exhibit A, many of the sites identified by ABAG for development are at full capacity, constrained by hazards, and would not realistically support growth during the 6th Cycle. **Figure 6** identifies the development potential of sites for the 6th Cycle RHNA (High Potential) overlain on a consolidated hazards map. Figure 7 provides a comparison of the sites calculated to have realistic development capacity, both during the 6th Cycle and in the longer term, based on the actual parcel size, existing uses, and potential for additional development.

The full results of this analysis are provided in **Exhibit A**. As summarized in **Table 8**, the maximum growth potential in Sausalito during the 6th RHNA Cycle is 145 units. This potential assumes that lots develop at full capacity, including lots with existing development that may be unlikely to develop in the short-term, with reductions applied to lots with steep slopes and high landslide susceptibility to reflect the reduced urban development potential. Further, the majority of the City's development potential (both for the 6th

Cycle period and the City's capacity at full buildout) is on small lots that do not meet the size parameters of State law for very low and low income development.

It is noted that of the 429 lots in the City with development potential, lots sizes range from a maximum of 1.90 acres to a minimum of 0.01 acres, with only 18 lots larger than 0.5 acres in size. Of these 18 lots, only 1 is vacant. Of the lots that are less than 0.5 acres in size, the majority of these lots are extremely small – 0.10 acres or less and are already developed with at least one residential unit. Lots larger than 0.10 acre that are included in this category have the potential to increase intensity, but are already fully or mostly developed with multifamily uses, commercial uses, or other non-residential uses at intensities that preclude the short-term intensification or reuse of these lots.

Many of these lots have the potential for only one or two additional units and would not meet State criteria for a very low or low income housing site. Specifically, of the 429 lots with any type of development potential, 291 (68%) of these lots only have capacity for one additional unit and 87 lots (20%) only have capacity for two additional units. While these developed lots, including the smaller lots, have capacity, the likelihood that a significant percentage of these developed lots will be redeveloped more intensively during the short 2023-2031 timeframe of the 6th Cycle is extremely small and has not been addressed by the RHNA methodology. These sites are shown in Table 6 as sites with minimal to low potential to redevelop during the 6th Cycle.

Thus, the City's resultant anticipated RHNA, which is benchmarked from Plan Bay Area 2050 Blueprint future **2050** household projections and does not reflect any calculations performed by ABAG of Sausalito's capacity for the 6th Cycle, remains likely unachievable for a community of our size with limited opportunities for redevelopment.

The draft RHNA allocation of 724 units must be reduced to reflect realistic development potential, including appropriate assumptions for very low and low units, during the 2023-20321 period. Based on our detailed review of development capacity, we anticipate that the City can realistically accommodate 123 units during the 6th Cycle, which does reflect the City increasing its allowed densities on sites with reduced constraints. Through 2050, Sausalito is likely to accommodate the 145 units with moderate to high potential to develop during the 6th Cycle and approximately 20% to 30% of the small lots with limited development potential ($538 \times 30\% = 161$ units) identified in **Table 8**. This results in a total capacity of 306 units through 2050. This reflects the actual growth capacity of Sausalito. Anything higher represents unrealistic assumptions that do not meet the methodology standards of Government Code 65584.04(e)(2), which requires that ABAG address, for each member jurisdiction as specified by State law, a number of factors including the 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.

Table 8: Sausalito's Residential Buildout Capacity

General Plan	ABAG Sites Data Tool			Sausalito Calculations Based on Marin County Assessor Data				
	ABAG Parcel Size (Acres)	ABAG Net Growth (Units)	GIS Parcel Size Calculation (Acres)	Marin County Assessor Parcel Size (Acres)	ABAG Parcel Size vs. Assessor Parcel Size Difference (Acres)	Full Capacity with Constraints (Units)	Assessor Existing Number of Units	Net Capacity: Full Capacity less Existing (Units)
SITES WITH MODERATE TO HIGH POTENTIAL TO DEVELOP DURING THE 6TH CYCLE								
Sites 0.5 Acre and Larger, Vacant Sites, and Sites Developed at Low Intensities								
Central Commercial	0.88	25	0.545	0.545	0.335	7	1	6
High Density Residential	1.03	9	0.642	0.642	0.388	23	21	2
Low Density Residential	1.15	5	0.718	0.718	0.432	4	1	3
Medium Density Residential	3.05	27	1.899	1.899	1.151	10	0	10
Medium High Density Residential	0.83	8	0.516	0.516	0.314	11	6	5
Medium Low Density Residential	9.35	49	5.819	5.819	3.531	42	10	32
<i>Subtotal</i>	<i>16.29</i>	<i>123</i>	<i>10.139</i>	<i>10.139</i>	<i>6.151</i>	<i>97</i>	<i>39</i>	<i>58</i>
Central Commercial	2.72	74	1.68	1.683	1.04	41	5	36
Low Density Residential	0.05	0	0.034	0.034	0.016	1	0	1
Medium High Density Residential	4.78	67	2.969	2.969	1.811	51	15	36
Medium Low Density Residential	2.4	15	1.485	1.485	0.915	12	0	12
Very Low Density Residential	0.21	0	0.128	0.128	0.082	2	0	2
<i>Subtotal</i>	<i>10.16</i>	<i>156</i>	<i>6.296</i>	<i>6.299</i>	<i>3.864</i>	<i>107</i>	<i>20</i>	<i>87</i>
TOTAL - 6th Cycle	26.45	279	16.435	16.438	10.015	204	59	145
DEVELOPED AND SMALL SITES WITH MINIMAL POTENTIAL TO DEVELOP DURING THE 6TH CYCLE (SHOULD ONLY BE USED TO ADDRESS FULL BUILDOUT POTENTIAL AND NOT SHORT- TO MID-TERM GROWTH)								
Sites Less than 0.5 Acre –Improved, Not Vacant								
Central Commercial	1.84	51	1.142	1.142	0.698	16	3	13
Commercial Waterfront	0.15	0	0.093	0.093	0.057	0	0	0
High Density Residential	24.98	558	15.494	15.54	9.486	378	167	211
Low Density Residential	8.82	38	5.481	5.481	3.339	21	10	11

General Plan	ABAG Sites Data Tool		Sausalito Calculations Based on Marin County Assessor Data					
	ABAG Parcel Size (Acres)	ABAG Net Growth (Units)	GIS Parcel Size Calculation (Acres)	Marin County Assessor Parcel Size (Acres)	ABAG Parcel Size vs. Assessor Parcel Size Difference (Acres)	Full Capacity with Constraints (Units)	Assessor Existing Number of Units	Net Capacity: Full Capacity less Existing (Units)
Medium High Density Residential	38.42	462	23.795	23.795	14.625	411	195	216
Medium Low Density Residential	35.73	167	22.173	22.173	13.557	134	55	79
Mixed Residential & Commercial	0.24	4	0.147	0.147	0.093	3	2	1
Neighborhood Commercial	0.56	15	0.347	0.347	0.213	7	1	6
Very Low Density Residential	1.59	4	0.989	0.989	0.601	1	0	1
TOTAL –Full Buildout	112.33	1299	69.661	69.707	42.669	971	433	538

Sources: ABAG/MTC ABAG Sites Data Tool data; Marin County Assessor Data – MarinMaps, 2021; GIS Calculations - De Novo Planning Group, 2021.

Sausalito's RHNA with Equity Adjustment

Table 9, below and continued on page 38, reflects Sausalito's RHNA with the ABAG factors applied when residential development capacity is also considered consistent with Government Code Section 65584.04(e)(2), particularly subparagraph (B). The potential growth calculated in **Table 8** identifies Sausalito's full growth capacity for the 6th Cycle based on quantifiable factors, including parcel size, existing uses, and physical constraints to development. **Table 9** applies ABAG's RHNA Methodology to Sausalito, based on Sausalito's net household growth from 2015 to 2050 of approximately 288 households that can be accommodated by 2050, applying the Government Code Section 65584.04(e)(2)(B) analysis to Sausalito, at the member jurisdiction level as stipulated by State law.

Table 10 on page 39 summarizes Sausalito's revised RHNA allocation with the equity adjustment applied. **Table 10** presents two options, in Option A, Sausalito's growth is based on its capacity (as described previously in association with the factors addressed under Appeal Basis 1 and demonstrated with **Table 8**) and its household growth as part of the region through 2050, in keeping with the ABAG Methodology. Option B recognizes the need for the equity adjustment to more aggressively adjust growth and distributes the equity allocation to the maximum units Sausalito could accommodate during the 6th Cycle, in order to ensure that Sausalito accommodates the equity adjustment to the maximum extent feasible. Sausalito requests that the RHNA allocation be adjusted to reflect Option A or Option B, as both approaches apply ABAG's very low, low, moderate, and above moderate income factors in accordance with ABAG's RHNA methodology and are consistent with the amount of growth that can be accommodated by Sausalito, in accordance with the member jurisdiction-level analysis required by State law, during the 6th RHNA Cycle.

Table 9: ABAG RHNA Methodology Factors Applied to Corrected Sausalito Share of Regional Growth

Calculation of RHNA Factors Using Corrected Sausalito Share of Regional Growth			
Factor	Amount	Data	Source
Sausalito households, 2015	4,160	(A)	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
Sausalito households, 2020	4,142	(C)	Source: CA Dept. of Finance, Report E-5 Population and Housing Estimates for Cities, Counties and the State, January 1, 2011-2020, with 2010 Benchmark, Occupied Housing Units
Sausalito households, 2050	4,48	(D)	Source: Evaluation of Sausalito Growth Potential: 100% of Development that has Moderate/High Potential and 30% of Growth that Has Minimal/Low Potential (See Table 6)
Sausalito household growth 2015-2050	288	(E)	Calculation: D-A
Regional households, 2015	2,677,000		Source: Plan Bay Area 2050 Final Blueprint Growth Pattern, updated January 21, 2021
Regional households, 2020	2,754,943	(F)	Source: CA Dept. of Finance, Report E-5 Population and Housing Estimates for Cities, Counties and the State, January 1, 2011-2020, with 2010 Benchmark, Occupied Housing Units
Regional households, 2050	4,043,000		Source: Plan Bay Area 2050 Final Blueprint Growth Pattern, updated January 21, 2021
Regional household growth, 2015-2050	1,367,000	(G)	Source: Plan Bay Area 2050 Final Blueprint Growth Pattern, updated January 21, 2021

Sausalito share of regional growth	0.0002107	(H)	<i>Calculation: E/G</i>	
ABAG RHNA Methodology Factors Applied to Corrected Sausalito Share of Regional Growth				
RHNA By Income Level	AHOA Factor Multiplied by Sausalito's Share of Regional Growth (H)	JPA Factor Multiplied by Sausalito's Share of Regional Growth (H)	JPT Multiplied by Sausalito's Share of Regional Growth (H)	TOTAL
Very Low	AHOA Factor: 70% 25	JPA Factor: 15% 4	JPT Factor: 15% 8	37
Low	AHOA Factor: 70% 15	JPA Factor: 15% 2	JPT Factor: 15% 2	19
Moderate	AHOA Factor: 40% 9	JPA Factor: 60% 10		19
Above Moderate	AHOA Factor: 40% 24	JPA Factor: 60% 26		50
Total	73	43	10	125

Table 10: Revised RHNA Allocation – Equity Adjustment Applied to 2050 Growth Share Scenario and 2023-2031 Capacity Scenario

Income Level	ABAG Draft RHNA Allocation	Equity Adjustment (Sausalito's % of 2020 Households Applied to Total Very Low and Low Income RHNA for the ABAG Region)	Does Equity Adjustment Exceed Capacity?	Equity Adjustment Percentages (Adjustment per Income Group/Total)	A: RHNA Based on Sausalito's Share of 2050 Growth (See Table 9)		B: RHNA Based on Sausalito's Capacity of Housing Growth during the 6 th Cycle (see Table 8)	
					Equity Adjustment Applied to Redistribute Capacity between Very Low and Low Income	Sausalito Requested RHNA (Option A)	Equity Adjustment Applied to Redistribute Capacity between Very Low and Low Income	Sausalito Requested RHNA (Option B)
Very Low	200	176	277 exceeds Sausalito's 2023-2031 Capacity of 145 Units (Table 8)	63.54%	123x 63.54%	78	143 x 63.54%	91
Low	115	101		36.46%	123 x 36.46%	45	143 x 36.46%	52
Moderate	114	-		0%	-	1	-	1
Above Moderate	295	-		0%	-	1	-	1
TOTAL	724	277	YES	100%	-	125	-	145

CONCLUSION

By overallocating the RHNA where there are significant physical and environmental barriers to housing production and, thus, less capacity for household growth than identified by the Draft RHNA Plan, the hypothetical units that exceed realistic capacity will not be produced and there will be an underallocation of units in jurisdictions with realistic capacity; this will result in underproduction of very low and low income units in jurisdictions with planned capacity, which reduces the ABAG's region to increase the housing supply and mix of housing types, tenure, and affordability as required by Government Code Section 65584(d)(1).

As previously demonstrated, ABAG's data includes erroneous information regarding sites in Sausalito, including parcel sizes and existing uses, and the Draft Plan Bay Area 2050 growth assumptions include incorrect factors for multiple jurisdictions. Member jurisdiction were not provided with all of the data used to reach the Draft RHNA Plan that substantiate ABAG's position, so our evaluation is based on readily available data. ABAG used flawed data, ABAG applied the models incorrectly and/or on bad data, and member jurisdictions were not provided with all the data used so that we could substantiate ABAG's position.

As discussed under Appeal Basis 1, ABAG neglected its duty to address specific factors including jobs and housing growth and urban development capacity, at the member jurisdiction-level consistent with the requirements of Government Code Section 65584.04(e)(1) and Government Code Section 65584.04(e)(2), which has resulted in allocation inconsistent with actual capacity for residential development, when taking into account the opportunities and constraints identified at Government Code Section 65584.04(e)(2) and jobs and housing considerations addressed by Government Code Section 65584.04(e)(1). This revision is necessary in order to be consistent with the forecasted development pattern of Plan Bay Area 2050, as articulated in the Final Blueprint, and to meet the RHNA statutory objectives through the fair, consistent, and accurate application of the adopted methodology.

Sausalito's total capacity for growth must be reduced to reflect 1) potential sites for urban development based on available data sources that accurately reflect the correct parcel sizes and existing uses and site conditions (Marin County Assessor Data), and 2) the high landslide potential and limitations of steep slopes in much of the City.

This adjustment adheres to the requirement under Government Code Section 65584.04(e)(2)(B) which requires ABAG to address the availability of land suitable for urban development or conversion to residential use, the availability of underutilized land, and opportunities for infill development and increased residential densities based on sufficient data available from local governments or from other sources. The statute does not limit ABAG to solely considering information provided directly by a local government. The countywide assessor data is a public, readily-available source of information for parcel size, existing uses, and additional factors that should have been considered in developing Sausalito's potential for growth. The California Geological Survey Map Sheet 58: Deep-Seated Landslide Susceptibility data is a public, readily available source of information that identifies areas at high risk for landslides throughout the state and should be reflected as there are extensive areas within Sausalito that are susceptible to landslides and would pose a public health and safety risk if developed with intensive urban uses.

In closing, Sausalito reiterates our strong commitment to accommodating our fair share of the region's housing needs, based on an evaluation of Sausalito's growth potential considering opportunities and constraints at the member jurisdiction level. Our revised RHNA allocation (Options A and B) as presented in **Table 10** would serve to increase the regional supply of affordable housing and increase access to high opportunity areas.

We would be happy to meet with ABAG to discuss our data, including readily available data sources, and recommended approaches to accommodate housing needs while addressing local constraints.

Sincerely,

DocuSigned by:

A55F4F92B9834A2...
Chris Zapata
City Manager
City of Sausalito

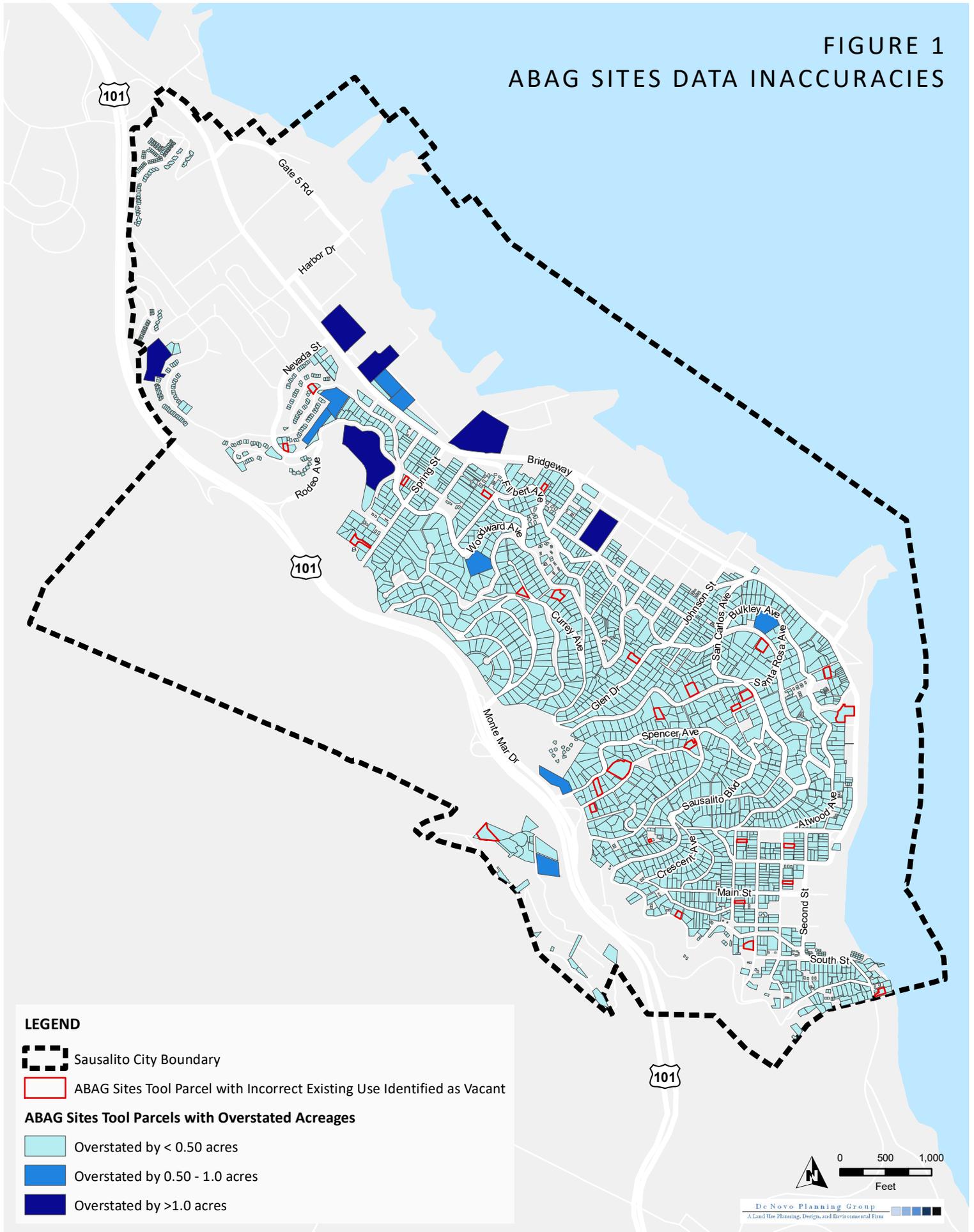
Attachments

Figures

- Figure 1: ABAG Sites Data Inaccuracies
- Figure 2: Sea Level Rise and Flooding
- Figure 3: Wildfire Hazards
- Figure 4: Landslide Susceptibility
- Figure 5: Earthquakes and Liquefaction
- Figure 6: Consolidated Hazards Map
- Figure 7: ABAG Sites Tool vs Development Potential

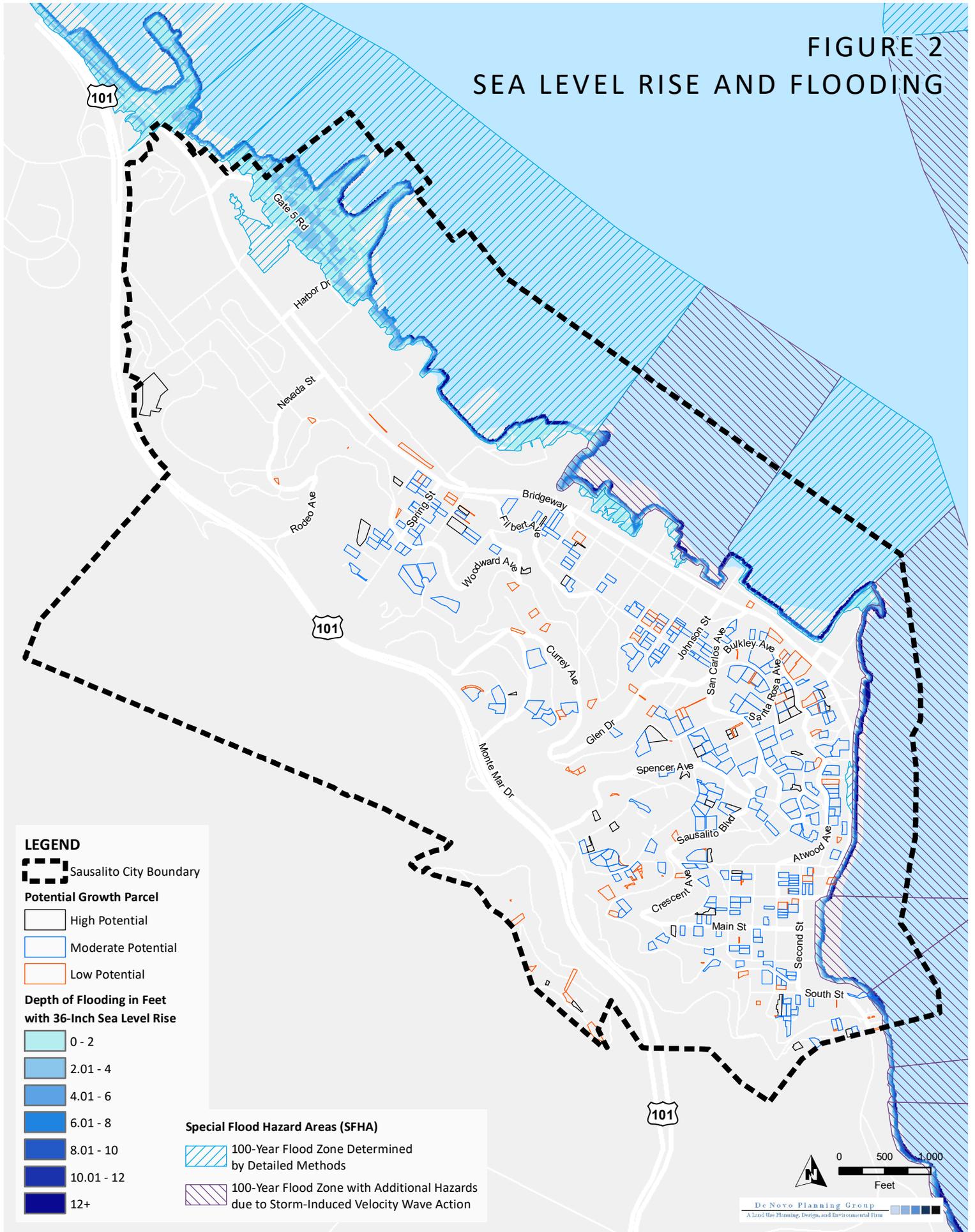
Exhibit A - Data Sources

FIGURE 1 ABAG SITES DATA INACCURACIES



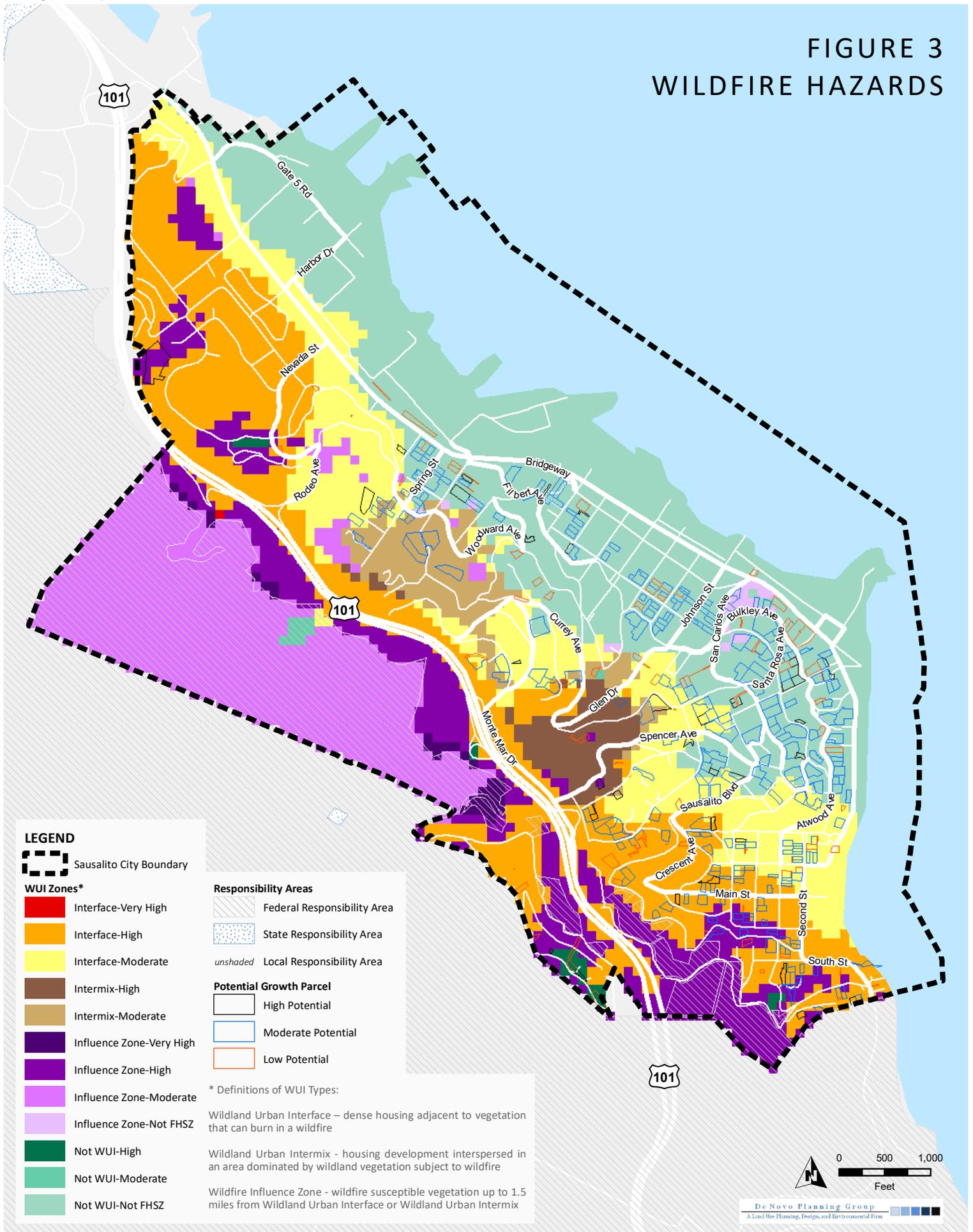
Sources: MarinMap/Marin GeoHub. Map date: July 7, 2021.

FIGURE 2 SEA LEVEL RISE AND FLOODING



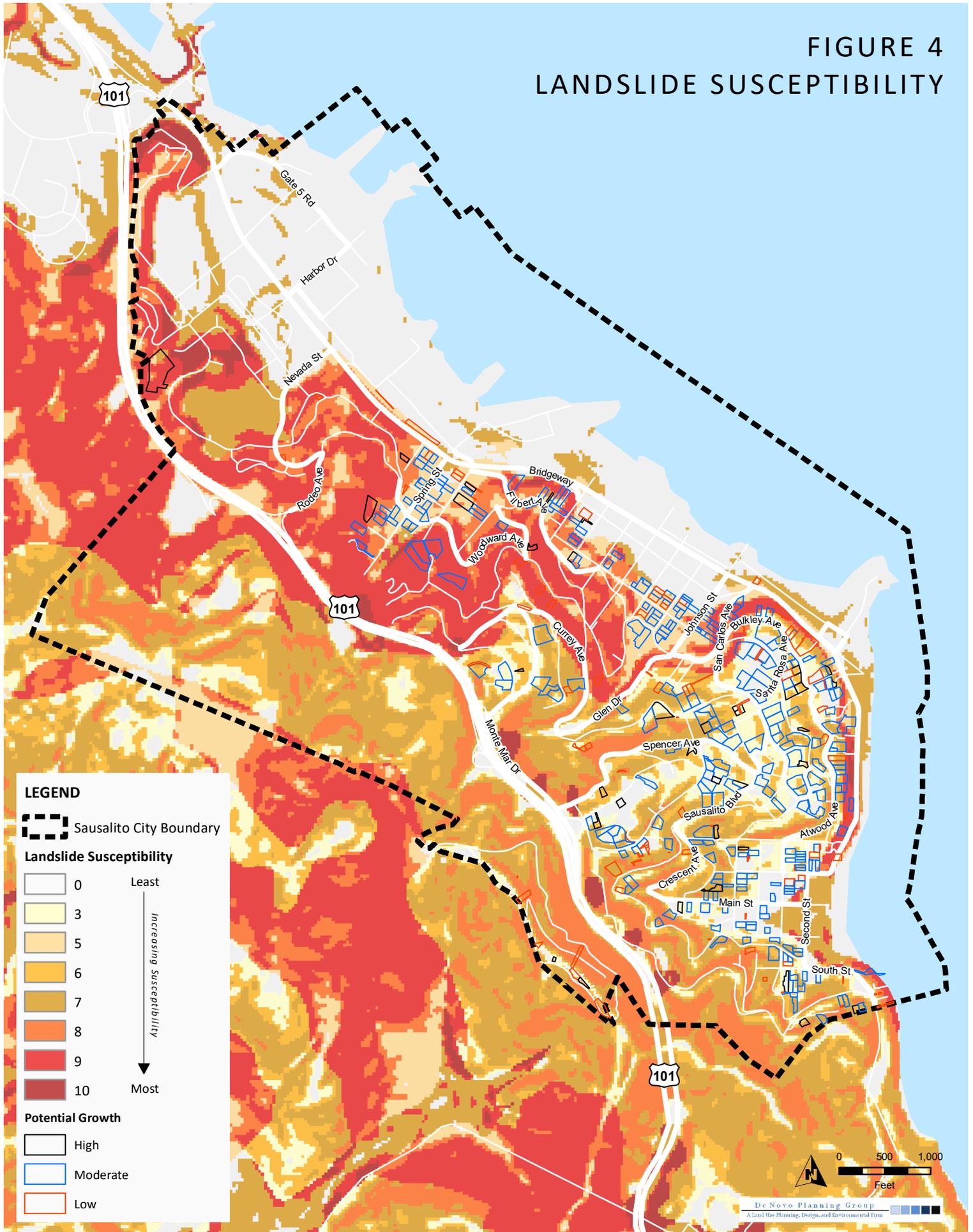
Sources: MarinMap/Marin GeoHub, San Francisco Bay Conservation and Development Commission (BCDC), Adapting to Rising Tides; FEMA. Map date: July 7, 2021.

FIGURE 3 WILDFIRE HAZARDS



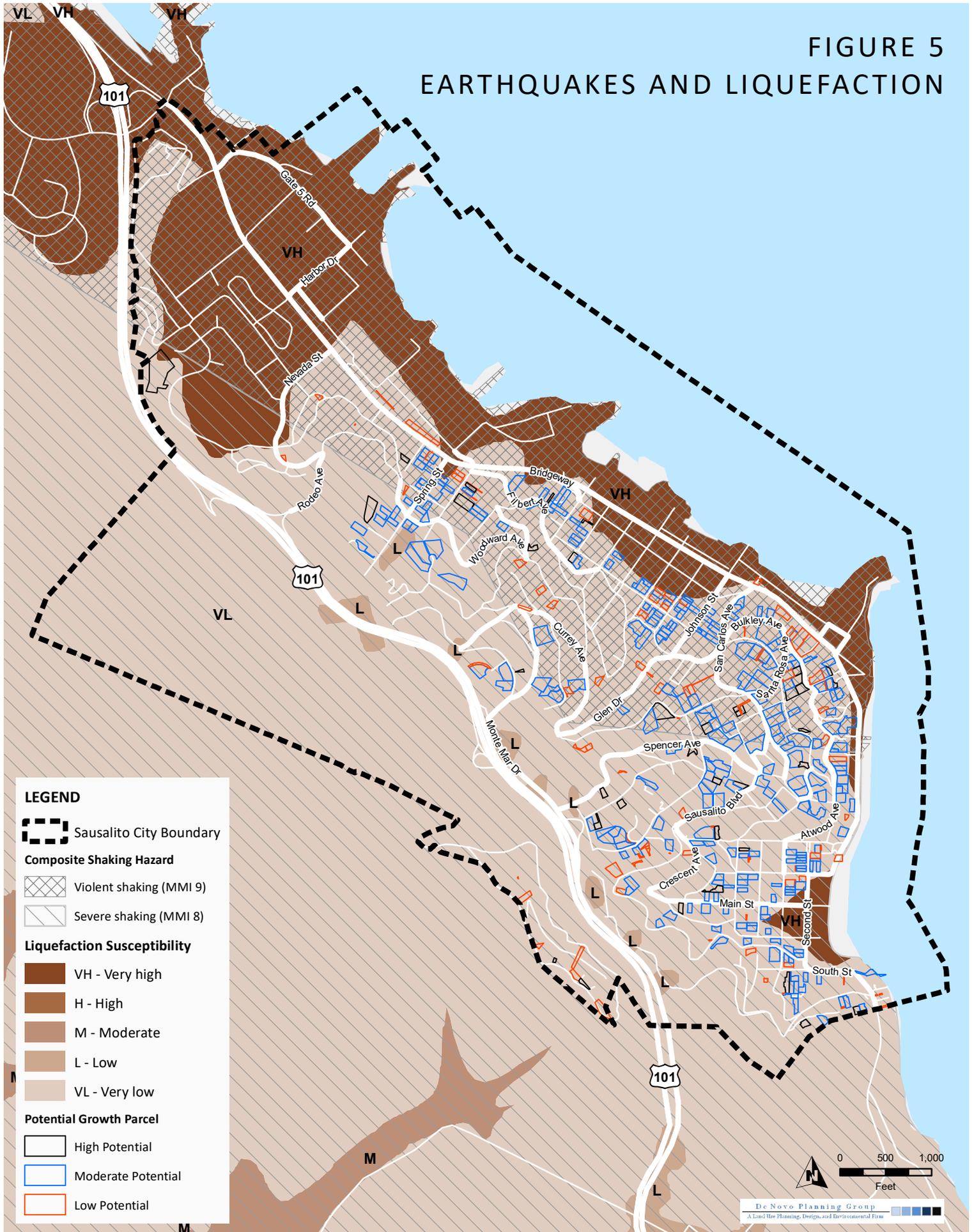
Sources: MarinMap/Marin GeoHub, CalFireFRAP "Wildland Urban Interface, Intermix, and Wildfire Influence Zones - with Housing Density and Hazard Class" (WUI12_3); CalFire SRA. Map date: July 7, 2021.

FIGURE 4 LANDSLIDE SUSCEPTIBILITY



Sources: MarinMap/Marin GeoHub. CGS Map Sheet 58. Map date: July 7, 2021.

FIGURE 5 EARTHQUAKES AND LIQUEFACTION



Sources: MarinMap/Marin GeoHub, MTC/ABAG/CISN "probabilistic_seismic_hazard_assessment," USGS "usgs_liquefaction_susceptibility." Map date: July 7, 2021.

FIGURE 6 CONSOLIDATED HAZARDS MAP

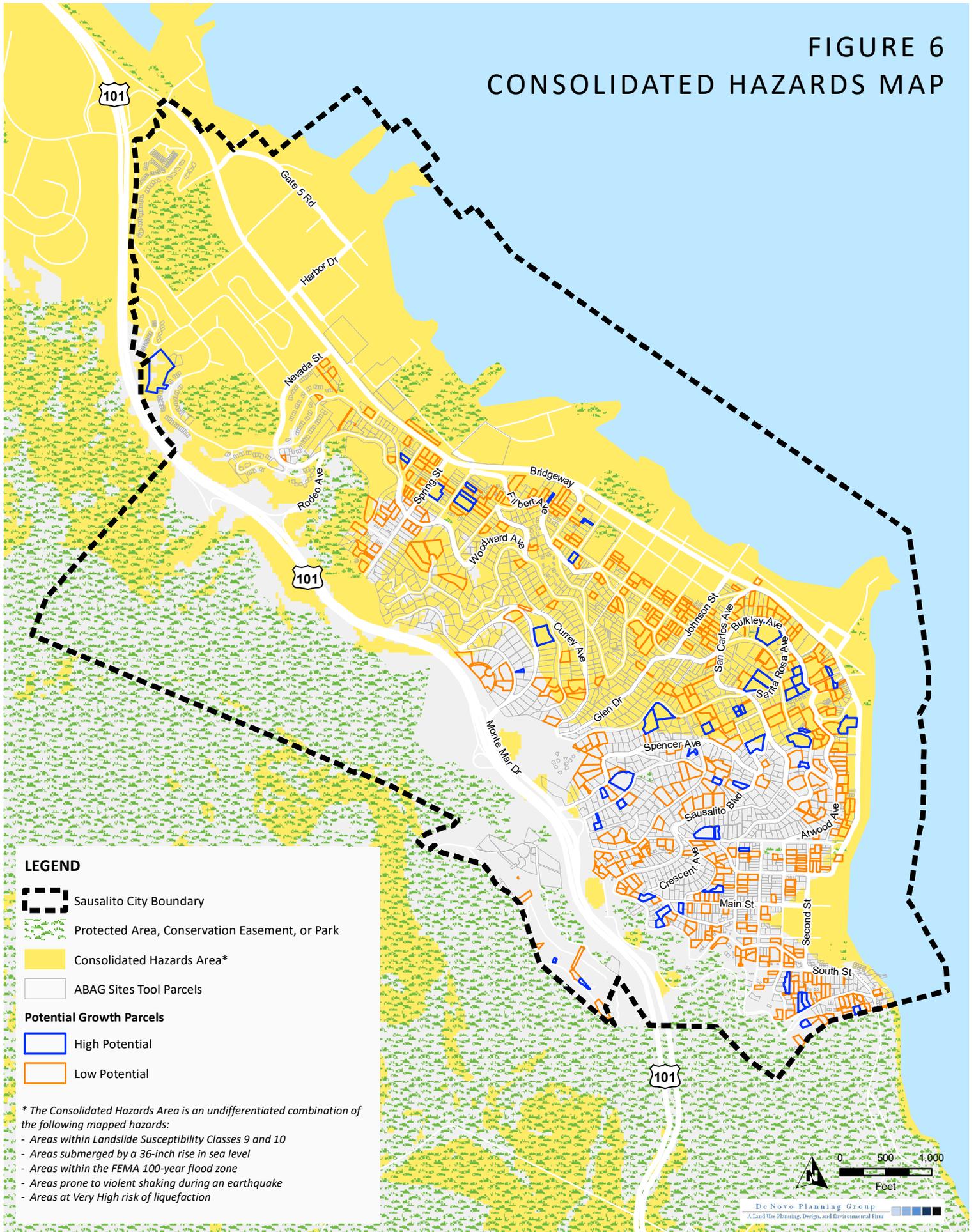
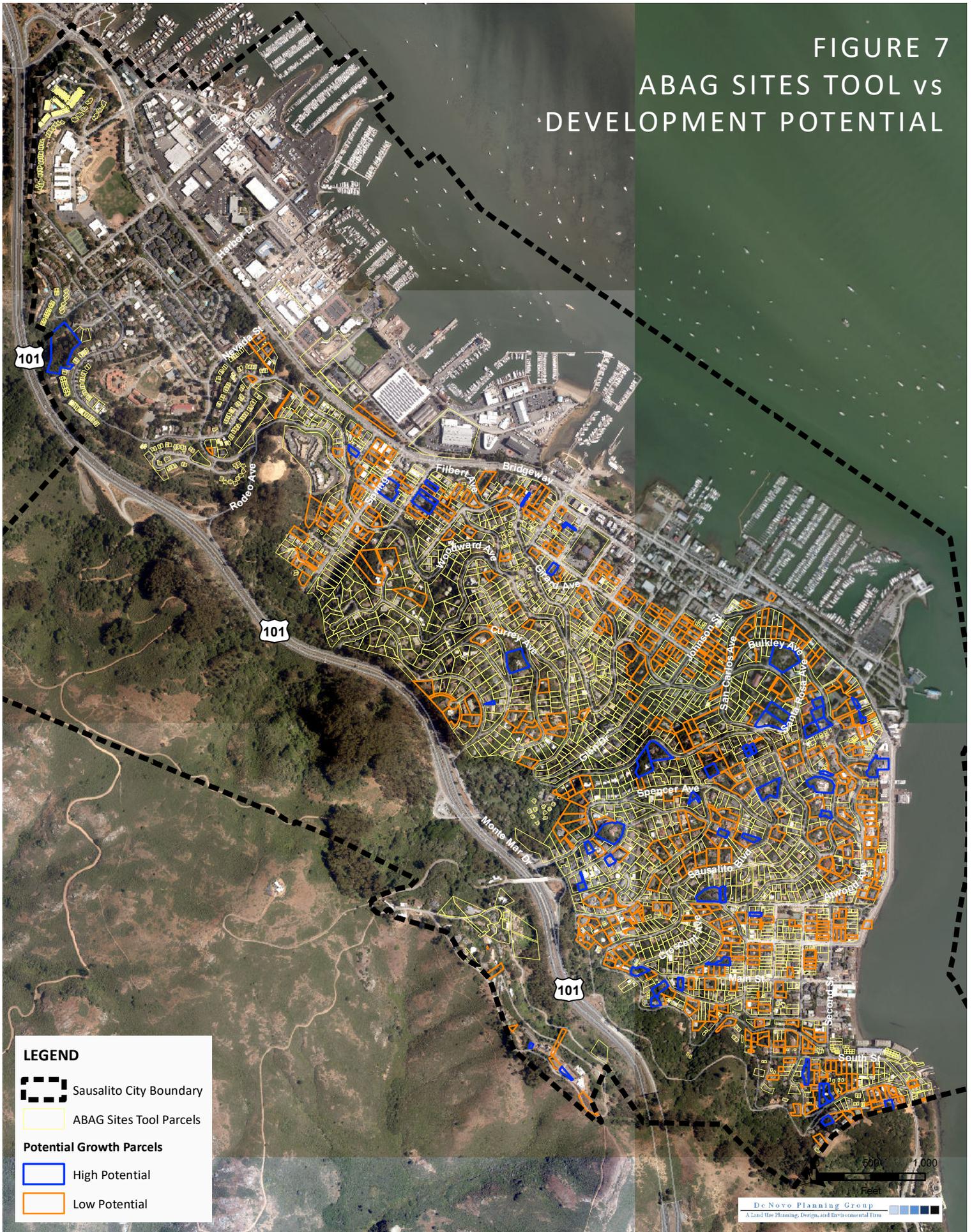


FIGURE 7
ABAG SITES TOOL vs
DEVELOPMENT POTENTIAL



Sources: MarinMap/Marin GeoHub; Marin County 2018 Ortho Imagery; ArcGIS Online Clarity Imagery. Map date: July 8, 2021.

