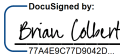


REGIONAL HOUSING NEEDS ALLOCATION

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: Town of San AnselmoFiling Party: HCD Jurisdiction: Town of San AnselmoContact Name: Elise Semonian Title: Planning DirectorPhone: 415-258-4636 Email: esemonian@townofsananselmo.org**APPEAL AUTHORIZED BY:**Name: Brian ColbertSignature: Date: 7/12/2021**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: 558 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.

The proposed RHNA violates the domain of local government’s exercise of police power protected by Calif. Const Art. 11, sec. 7. ABAG’s limits on the basis for appealing the allocation and failure to provide complete data to allow jurisdictions to verify data and calculations results in an unconstitutional abrogation of the right to seek redress of grievances protected by the First Amendment to the U.S. Constitution.

1. ABAG failed to adequately consider the information submitted pursuant to Government Code Section 65584.04(b).
2. ABAG failed to consider the distribution of household growth assumed for purposes of a comparable period of regional transportation plans and opportunities to maximize the use of public transportation and existing transportation infrastructure. A revision is necessary to further the intent of the objectives listed in Government Code Section 65584(d).
3. A significant and unforeseen change in circumstances has occurred that merits a revision.

List of supporting documentation, by title and number of pages

1. Town of San Anselmo RHNA appeal 5 pages
2. _____
3. _____



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

Click here to attach files

REGIONAL HOUSING NEEDS ALLOCATION



Association of Bay Area Governments

2023-2031 Regional Housing Needs Assessment (RHNA) Appeal Request

Submit appeal requests and supporting documentation to rhna@bayareametro.gov
by 5:00 pm PST on July 9, 2021. **Late submissions will not be accepted.**

Jurisdiction Whose Allocation is Being Appealed:

Date: July 6, 2021

Town of San Anselmo

APPEAL AUTHORIZED BY:

Filing Party: Town of San Anselmo
(Jurisdiction or HCD)

Name: Mayor Brian Colbert

Contact Name: Elise Semonian

PLEASE SELECT BELOW:

Title: Planning Director

Mayor
 Chair, County Board of Supervisors

Phone: 415-258-4617

City Manager

Email: esemonian@townofsananselmo.org

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.
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 - 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 \(Plan Bay Area 2050 Final Blueprint\)](#).

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

Number of Units Reduced 558 Number of Units Added _____

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.

List of supporting documentation, by title and number of pages

(Numbers may be continued to accommodate additional supporting documentation):

1. _____
2. _____
3. _____

The Town of San Anselmo submits the following appeal pursuant to government Code Section 65584.05 for a revision of its share of the Regional Housing Need proposed to be allocated to the Town.

ABAG has not provided adequate data to jurisdictions to verify data or calculations used to generate the draft RHNA. Jurisdiction units are adjusted up or down based on above or below average scores for certain factors. ABAG has not provided any methodology for making these adjustments and calculations. Jurisdictions are unable to verify if the methodology has been applied correctly.

The proposed RHNA violates the domain of local government's exercise of police power protected by Calif. Const Art. 11, sec. 7. ABAG's limits on the basis for appealing the allocation and failure to provide complete data to allow jurisdictions to verify data and calculations results in an unconstitutional abrogation of the right to seek redress of grievances protected by the First Amendment to the U.S. Constitution.

1. ABAG failed to adequately consider the information submitted pursuant to Government Code Section 65584.04(b).

The local government survey was inadequate. The ABAG [survey](#) to local governments did not request the minimum information regarding the factors listed in Government Code Section 65584.04(e) and, therefore, jurisdictions were not able to submit information for consideration by ABAG to develop the methodology, to comment on any information used for the analysis in the methodology, or the adequacy of the information. Specifically, the survey did not include the following information:

- Each member jurisdiction's existing and projected jobs and housing relationship (ABAG only requested information on low wage jobs and housing) (Gov. Code Sec. 65584.04(e)(1)).
- The distribution of household growth assumed for purposes of a comparable period of regional transportation plans and opportunities to maximize the use of public transportation and existing transportation infrastructure. (Gov. Code Sec. 65584.04(e)(3)).

ABAG failed to consider 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, including land subject to the risk of flooding.

- The draft RHNA is based on Plan Bay Area 2050 household growth forecasting. ABAG included High Fire Severity areas and excluded Very High Fire Severity from its modeling for Plan Bay Area, even though development is allowed in both High and Very High Fire Severity areas. This resulted in certain jurisdictions receiving a lower projection of new households, which unfairly increases RHNA allocations for similarly situated jurisdictions that also have high fire hazard areas.

- ABAG has indicated in writing that they provided no jurisdiction-level forecasts for Plan Bay Area 2050 Final Blueprint and the official Plan Bay Area 2050 growth pattern focused on county- and subcounty-level forecasts. This means that there was no specific consideration of the availability of land suitable for urban development within the Town to determine the RHNA, including the small existing lot sizes (median Lot size is 7,000 sq. ft. and average is 12,394 sq. ft) and presence of existing development. This is data available from every County Assessor office for all jurisdictions in the Bay Area. The Town's housing planning cannot rely on vacant land, as the Town has little vacant land. The Town has up-zoned non-vacant land but nearly all Town sites are small and developed. 94% of all assessor parcels in the Town are improved. A "nonvacant site's existing use is presumed to impede additional residential development." "To achieve financial feasibility, many assisted housing developments using state or federal resources are between 50 to 150 units. Parcels that are too small may not support the number of units necessary to be competitive and to access scarce funding resources." (HCD June 10, 2020, Memorandum for Planning Directors and Interested Parties, pages 15 and 27).
- ABAG indicates that households and jobs were projected on a localized level throughout the Bay Area by Bay Area UrbanSim 2, which they claim, "represents the potential effects of land use strategies and infrastructure investments." The Town has repeatedly requested information on projections created by Urban Sim modeling and was never afforded an opportunity to view the accuracy of the data and projections. Modeling that results in jurisdiction-level RHNA allocations must be provided so that jurisdictions can understand the model's assessments of development potential at the parcel level.
- ABAG did not take into consideration land within a Federal Emergency Management Agency (FEMA) special flood hazard area and, more particularly, lands within Regulatory Floodways where construction cannot raise the base flood level by any amount. Flood prone areas, particularly those in the floodway, should not be planned for urban levels of residential development.
- Wildland fires have increased in frequency and severity in California in the past decade and ABAG did not take into account areas subject to wildfire that should be excluded from calculation of available land for development, such as the areas of Wildland Urban Interface and areas with high fire hazards. ABAG should have also taken into consideration land not suitable for development where new households will exceed the capacity for evacuation in the event of a natural disaster or other emergency.

2. ABAG failed to consider the distribution of household growth assumed for purposes of a comparable period of regional transportation plans and opportunities to maximize the use of public transportation and existing transportation infrastructure. A revision is necessary to further the intent of the objectives listed in Government Code Section 65584(d).

No weight was given in the overall allocation to the location of high-quality transit areas or jobs. The RHNA allocation methodology does not adequately promote an improved intraregional relationship between jobs and housing.

The draft RHNA conflicts with the distribution of household growth assumed for Plan Bay Area 2050. The regional transportation plan projects a growth of 1.4 million households by 2050 (Table 8. Plan Bay Area 2050 Final Regional Growth Forecast). The Town's share of the projected household growth in Plan Bay Area is 0.13% yet the Town's RHNA is 0.19% of the Regional Housing Need. Town households are projected to grow by 1,746 in a 30-year period, which would result in a growth of about 466 units in an 8-year period, not 833 units. Other jurisdiction RHNAs similarly conflict with the regional transportation plan, such as the City of San Rafael whose household growth is expected to be 1.47% but their RHNA allocation is only 0.74%. San Rafael's 8-year household growth would be 5,157 households, but their draft RHNA is only 3,252 housing units.

Planning housing units in areas with higher-than-average vehicle miles travelled and further from significant public transit opportunities and existing transportation infrastructure does not further the State's climate goals or the regional transportation plan. Adding units in areas where jobs are unavailable will result in increased Vehicle Miles Travelled and an increase in Greenhouse Gases.

3. A significant and unforeseen change in circumstances has occurred that merits a revision.

A significant and unforeseen change in circumstances has occurred in the Town of San Anselmo and other parts of Marin County that merits a revision of the draft RHNA. The Marin Municipal Water District, the Town's water service provider, has declared drought conditions. Jurisdictions within Marin Municipal Water District lack capacity to construct the numbers of new housing units in the draft RHNA. The drought also creates uncertainty for housing developers who are unsure if they can obtain necessary infrastructure for additional development during the planning period in the form of water connections. Uncertainty and prohibitions on market rate housing unit water connections will have repercussions in housing development for years to come for both marketrate housing and affordable housing. Lack of market rate units is a cost constraint for constructing affordable housing.

Drought conditions are expected to become more regular with climate change, which further exacerbates the fire hazards in jurisdictions such as Marin with limited water supply for new housing as well as adequate water for firefighting. These new conditions merit a revision to the draft RHNA to limit draft RHNA in Wildland Urban Interface and high and very high fire hazard areas.

The Covid 19 pandemic has significantly altered transit conditions and service. According to the ABAG draft RHNA report, the draft RHNA calculations are based on 2017 Plan Bay Area 2040 travel model data. This data is not available for jurisdiction review and jurisdictions cannot verify if the data accurately reflects existing job proximity or transit service.