



ABAG-MTC Staff Response to
City of Clayton RHNA Appeal

ABAG Administrative
Committee

September 24, 2021

Overview of **City of Clayton** Appeal

Appeal Request:

- Reduce allocation by 285 units (50%) from 570 units to 285 units.

Staff Recommendation:

- Deny the appeal.

Appeal bases cited:

- ABAG failed to adequately consider information submitted in the Local Jurisdiction Survey.
- ABAG failed to determine the jurisdiction's Draft Allocation in accordance with the Final RHNA Methodology and in a manner that furthers, and does not undermine, the RHNA Objectives.

Note: The City of Clayton did not submit a Local Jurisdiction Survey.

Issue #1: Jobs-Housing Relationship

***Jurisdiction Argument:** Clayton has a jobs-housing imbalance and most employed residents drive to jobs because of lack of convenient transit. More housing will increase commute trips, out of the city and contribute to air pollution and greenhouse gas emissions, which is counter to regional and statewide objectives.*

ABAG-MTC Staff Response:

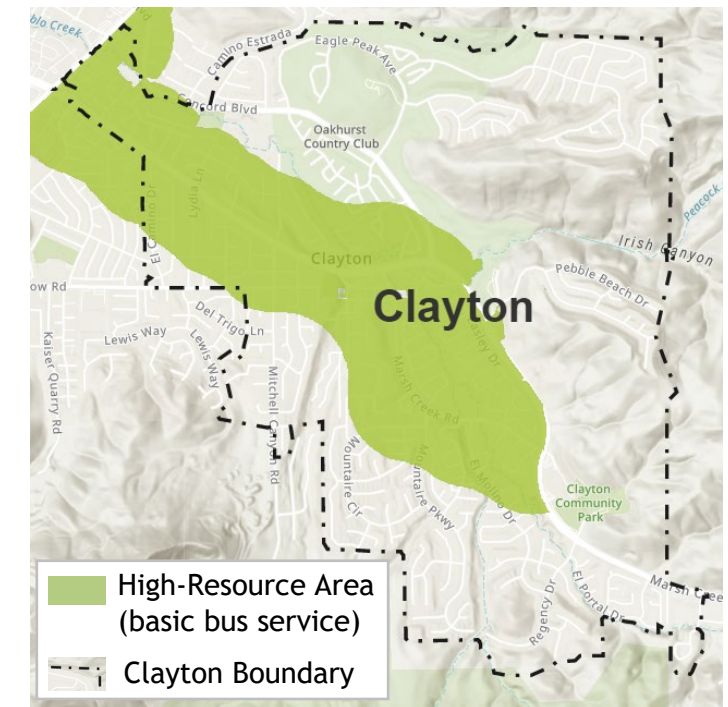
- The City's argument challenges the final RHNA methodology adopted by ABAG and approved by HCD, and thus falls outside the scope of the appeals process.
- HCD has authority to determine if the RHNA methodology furthers the statutory objectives and HCD found that ABAG's methodology does further the objectives.
- RHNA methodology uses data about each jurisdiction's jobs-housing relationship in the Plan Bay Area 2050 Final Blueprint and in factors related to Job Proximity, which measure job access based on commute shed to better capture lived experience of accessing jobs irrespective of jurisdiction boundaries.
- Housing Element Law requires RHNA methodology to improve *intraregional* relationship between jobs and housing—not jobs-housing balance in any particular jurisdiction.
- The methodology must also consider jobs-housing fit. Census Bureau data shows Clayton has almost 19 low-wage jobs per unit of rental housing affordable to low-wage workers. The City's lower-income RHNA could enable many of these workers to live closer to their jobs, for better jobs-housing balance, shorter commutes, and lower GHG.

Issue #2: Methodology Does Not Encourage Efficient Development Patterns (Objective 2)

Jurisdiction Argument: Clayton has basic transit service and no Growth Geographies in Plan Bay Area Final Blueprint. More housing in Clayton does not further RHNA objective to promote efficient development patterns. High Resource Area methodology flawed because it does not account for lack of transit.

ABAG-MTC Staff Response:

- City's argument challenges Final RHNA Methodology adopted by ABAG and approved by HCD, which falls outside the scope of the appeals process.
- HCD has authority to determine if RHNA methodology furthers statutory objectives and HCD found ABAG's methodology does further objectives.
- Final Blueprint designates High Resource Area (HRA) Growth Geography in Clayton. Designation of HRA is based on information from State's Opportunity Map about areas with well-resourced schools and access to jobs and open space and a transit service threshold of bus service with peak headways of 30 minutes or better. For Clayton, designation is based on the service frequencies on County Connection Route 10.



Issue #3: Lack of Available Land

Jurisdiction Argument: Clayton is a built out, hillside community, with little unconstrained vacant land remaining. There are significant areas that consist of natural hazards and natural resources that preclude development.

ABAG-MTC Staff Response:

- Government Code Section 65584.04(e)(2)(B) states:
 - ABAG may not limit consideration of suitable housing sites to a jurisdiction's existing zoning and land use restrictions and must consider potential for increased residential development under alternative zoning ordinances and land use restrictions.
 - Jurisdictions must consider underutilized land, opportunities for infill development, and increased residential densities as a component of available land for housing.
- Clayton does not provide evidence it is unable to consider underutilization of existing sites, increased densities, and other planning tools to accommodate its assigned need.

Issue #4: Drought

Jurisdiction Argument: RHNA process has not adequately considered water services planning and drought impacts. The Urban Water Management Plan (UWMP) by Contra Costa Water District assumes less population growth for Clayton from 2020 to 2030 than its draft RHNA allocation.

ABAG-MTC Staff Response:

- Government Code Section 65584.04(e)(2)(A) states:
 - ABAG must consider opportunities and constraints to development of housing due to “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.”
- Although Clayton indicates its RHNA exceeds population growth assumptions in Contra Costa Water District’s UWMP, the City has not demonstrated it is precluded from meeting its RHNA allocation because of a decision by its water service provider.

Recommended Action for **City of Clayton** Appeal

Deny the appeal filed by the City of Clayton to reduce its Draft RHNA Allocation by 285 units.

- Clayton did not submit a Local Jurisdiction Survey, so an appeal on this basis is not valid. Further, ABAG considered information submitted in the local Jurisdiction Survey consistent with how the methodology factors are defined in Government Code Section 65584.04(e).
- The jurisdiction's Draft RHNA Allocation is in accordance with the Final RHNA Methodology adopted by the ABAG Executive Board and approved by HCD and furthers the RHNA Objectives identified in Government Code Section 65584(d).