



ABAG-MTC Staff Response to  
*City of Pleasanton* RHNA Appeal

ABAG Administrative  
Committee

September 24, 2021

# Overview of City of Pleasanton Appeal

## Appeal Request:

- Reduce allocation by 1,193 units (20%) from 5,965 units to 4,772 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.
- A significant and unforeseen change in circumstances has occurred in the local jurisdiction that merits a revision of the information submitted in the Local Jurisdiction Survey.

# Issue #1: Water Supply Uncertainty

*Jurisdiction Argument: Contamination has been identified in all three of City's groundwater wells, with costs of \$46 million for remediation and the water agency serving Pleasanton faces increasing uncertainty around supply and reliability. Water supply uncertainties represent a significant and unforeseen change in circumstances that merits a revision of the information submitted in the Local Jurisdiction Survey.*

## **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.”
- Pleasanton's appeal does not conclusively demonstrate that its water supply, even with one well offline, cannot provide the necessary water required for additional development to meet its RHNA allocation.

# Issue #2: Lack of Available Land

*Jurisdiction Argument: ABAG failed to consider information about constraints to housing development, including lack of vacant land. Plan Bay Area 2050 Final Blueprint strategies and RHNA methodology are flawed because they do not consider development feasibility.*

## **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.
- Pleasanton does not provide evidence it is unable to consider underutilization of existing sites, increased densities, and other planning tools to accommodate its assigned need.
- Land use model used for Plan Bay Area 2050 forecasting assesses feasibility and costs of developing a parcel.

## Issue #3: Methodology Does Not Encourage Efficient Development Patterns (Objective 2)

*Jurisdiction Argument: RHNA Methodology allocates too little housing to jobs-rich communities in the South Bay and too much housing to rural areas and suburban communities, which will result in increased vehicle miles traveled and greenhouse gas emissions, undermining RHNA objectives.*

### ***ABAG-MTC Staff Response:***

- The City’s argument challenges the 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 the RHNA methodology furthers the statutory objectives and HCD found that ABAG’s methodology does further the objectives.
  - As HCD notes, ABAG’s methodology allocates “*nearly twice as many RHNA units to jurisdictions with higher jobs access, on a per capita basis. . . . Jurisdictions with the lowest vehicle miles traveled (VMT) per capita, relative to the region, receive more RHNA per capita than those with the highest per capita VMT.*”

# Issues #4, #5, #6: Concerns That Are Not A Valid Basis For An Appeal

*Jurisdiction Argument: Pleasanton cited the following concerns about the draft RHNA allocations in its appeal, but these issues do not meet the statutory criteria for an appeal established by Government Code Section 65584.05.*

- Issue #4: Population decline in Pleasanton over the past year represents a significant and unforeseen change in circumstances that merits a revision of the City's RHNA.*
- Issue #5: COVID-19 pandemic and resulting changes in job and transportation patterns represent significant and unforeseen changes in circumstances that merit a revision of Pleasanton's RHNA.*
- Issue #6: Pleasanton raised concerns related to the assumptions and methodology underlying HCD's calculation of the Regional Housing Needs Determination (RHND).*

# Recommended Action for **City of Pleasanton** Appeal

**Deny** the appeal filed by the City of Pleasanton to reduce its Draft RHNA Allocation by 1,193 units.

- 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).
- No significant and unforeseen change in circumstances has occurred in the local jurisdiction that merits a revision of the information submitted in the Local Jurisdiction Survey.