



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

ABAG Administrative  
Committee

September 24, 2021

# Overview of City of Lafayette Appeal

## Appeal Request:

- Reduce allocation by 822 units (39%) from 2,114 units to 1,292 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.

# Issue #1: Failure to Exclude *Very High Fire Hazard Severity Zones* on Public Lands

*Jurisdiction Argument: ABAG failed to adequately consider information from Local Jurisdiction Survey and to determine Lafayette's allocation in accordance with the adopted methodology because Very High Fire Hazard Severity Zones at the Lafayette BART station parking lots were not excluded from Growth Geographies in the Plan Bay Area 2050 Final Blueprint.*

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

- Final Blueprint Growth Geographies exclude *Very High Fire Hazard Severity Zones*, but the public lands strategy is not constrained by same criteria. BART station parking lots and other public lands within *Very High Fire Hazard Severity Zones* are not excluded from Strategy H8, as these sites represent some of the region's most critical locations for walkable transit-oriented development.
- 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.
- Areas at risk of natural hazards not identified in statute as constraint to housing except when FEMA or Department of Water Resources has determined flood management infrastructure to protect land is inadequate.
- Given variety of natural hazard risks Bay Area faces, it is not possible to address the region's housing needs and avoid planning for new homes in places at risk. The City has authority to plan for housing in places with lower risk in its Housing Element.

## Issue #2: Concerns That Are Not A Valid Basis For An Appeal – Unforeseen Changes Related to COVID-19

*Jurisdiction Argument: RHNA determination process was flawed because long-term impacts of COVID were not adequately considered.*

### *ABAG-MTC Staff Response:*

- HCD comment letter on appeals indicates RHNA appeals based on changes caused by COVID-19 do not fall within the appeal criteria defined by statute, stating “The COVID-19 pandemic has only increased the importance of ensuring that each community is planning for sufficient affordable housing as essential workers, particularly lower income ones, continue to commute to their places of business.”
- Potential impacts of COVID-19, including accelerated shift toward telecommuting and associated economic boom/bust cycle, are incorporated into RHNA Methodology through integration of the Plan Bay Area 2050 Final Blueprint.
- Impacts from COVID-19 are not unique to any single jurisdiction, and the appeal does not indicate Lafayette’s housing need has been disproportionately impacted relative to the rest of the Bay Area. The pandemic is not cause for a reduction in RHNA for any particular jurisdiction.

# Issue #3: Jobs-Housing Relationship

*Jurisdiction Argument: RHNA Methodology fails to promote an improved jobs-housing balance and will result in worse greenhouse gas emissions (GHG).*

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

- The City's argument challenges 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 Lafayette has 13 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 #4: Plan Bay Area 2050 Strategies Have Negative Impacts at Local Level

*Jurisdiction Argument: While the addition of 10 strategies to Final Blueprint achieved the regionwide greenhouse gas (GHG) reduction target, these strategies will result in increased vehicle miles travelled (VMT) at the local level.*

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

- This argument is a critique of Plan Bay Area 2050 and does not relate directly to the statutory bases for appealing Draft RHNA.
- The required GHG target for Plan Bay Area 2050 is set at the regional level, and the additional strategies in Final Blueprint resulted in reduced per-capita GHG and VMT compared to Draft Blueprint.
- The strategies incorporated into the Blueprint help improve the region's jobs-housing balance, leading to shorter commutes and reduced VMT — especially for low-income workers.

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

**Deny** the appeal filed by the City of Lafayette to reduce its Draft RHNA Allocation by 822 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).