



ABAG-MTC Staff Response to *Town of Los Altos Hills* RHNA Appeal

ABAG Administrative
Committee

October 22, 2021

Overview of Town of Los Altos Hills Appeal

Appeal Request:

- Reduce allocation by 129 units (26%) from 489 units to 360 units.

Staff Recommendation:

- Deny the appeal.

Appeal bases cited:

- ABAG failed to adequately consider information submitted in the Local Jurisdiction Survey.
- 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: Jobs-Housing Relationship

Jurisdiction Argument: ABAG failed to adequately consider jobs-housing relationship. Los Altos Hills disputes use of job proximity factors in the methodology instead of number of jobs within a jurisdiction. The Town also argues it has sufficient affordable housing units relative to number of low-wage jobs in the jurisdiction.

ABAG-MTC Staff Response:

- Town's argument challenges the final RHNA methodology that was adopted by the ABAG Executive Board and approved by HCD, and this critique of the adopted methodology 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 that the RHNA methodology improve the *intraregional* relationship between jobs and housing—not the jobs-housing balance in any particular jurisdiction.
- Adding more housing in areas with easy access to jobs can lead to shorter commutes, helping to reduce vehicle miles travelled (VMT) and GHG.

Issue #2: Error in Application of Methodology

***Jurisdiction Argument:** ABAG made an error in applying RHNA methodology. Los Altos Hills has limited transit, and there should be no units allocated from Job Proximity-Transit (JPT) factor.*

ABAG-MTC Staff Response:

- Town's argument does not accurately reflect mechanics of adopted methodology, which appropriately recognizes Los Altos Hills's limited access to jobs by transit.
- JPT factor is placed on scale to modify a jurisdiction's baseline allocation in range from 50% to 150%. This scaling approach helps distribute units throughout region by ensuring even a jurisdiction with the lowest score gets an allocation from each factor.
- Relative to other jurisdictions in the region, Los Altos Hills has a small number of jobs that can be accessed within a 45-minute commute, so the Town receives a scaled score of 0.5 on the JPT factor.

Issue #3: Lack of Available Land

Jurisdiction Argument: RHNA Methodology fails to adequately consider limited land available for development in Los Altos Hills in which 39% of properties rely on septic systems and only low-density development with ADU is viable. Wildfire, landslides, and seismic hazards further limit development potential.

ABAG-MTC Staff Response:

- Development constraints considered in Plan Bay Area 2050 Final Blueprint, which is baseline allocation for RHNA methodology.
- Areas at risk of natural hazards are not identified in Housing Element Law as a constraint to housing development.
- Given variety of natural hazard risks the 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 Town has authority to plan for housing in places with lower risk.
- 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.

Issue #4: Impacts of COVID-19

Jurisdiction Argument: COVID-19 is significantly impacting population, housing and jobs estimates which affects RHNA directly.

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.
 - HCD states: *“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, incorporated into RHNA Methodology through integration of Plan Bay Area 2050 Final Blueprint.
- Impacts from COVID-19 are not unique to any single jurisdiction, and appeal does not indicate Los Altos Hills’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.

Recommended Action for **Town of Los Altos Hills** Appeal

Deny the appeal filed by the Town of Los Altos Hills to reduce its Draft RHNA Allocation by 129 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).
- 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.