



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

ABAG Administrative
Committee

October 22, 2021

Overview of City of Saratoga Appeal

Appeal Request:

- Reduce allocation by 856 units (50%) from 1,712 units to 856 units.

Staff Recommendation:

- Deny the appeal.

Appeal basis cited:

- ABAG failed to adequately consider information submitted in the Local Jurisdiction Survey.

Issue #1: Jobs-Housing Relationship and Lack of Available Land

Jurisdiction Argument: RHNA methodology fails to consider jobs-housing relationship and availability of land for housing in Saratoga. City will have to rezone limited commercial land for housing to accommodate RHNA, which would lead to reduction in services and jobs and a consequent increase in commutes and personal trips for current and future residents. These outcomes directly conflict with RHNA objective to reduce greenhouse gas emissions (GHG).

ABAG-MTC Staff Response:

- 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.
- Development constraints considered in Plan Bay Area 2050 Final Blueprint, the baseline allocation in RHNA methodology.
- 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.
- City does not provide evidence it is unable to consider underutilized sites, increased densities, accessory dwelling units, and other planning tools to accommodate its assigned need.

Issue #2: Transit-Rich Area Designation

Jurisdiction Argument: Transit-Rich Area designation in Plan Bay Area 2050 Final Blueprint is incorrect and counterproductive to greenhouse gas reduction goals. Saratoga residents need to drive as a result of the limited public transportation options.

ABAG-MTC Staff Response:

- VTA Route 57 has bus stops within City with peak service of 15 minutes or less based on VTA frequency improvements in Plan Bay Area 2050, which meets definition for Transit-Rich Area Growth Geography.
- Directing growth to Growth Geographies is essential to addressing priorities required of Plan Bay Area 2050 and RHNA: promoting efficient development patterns, reducing greenhouse gas emissions, and affirmatively furthering fair housing.
- HCD has authority to determine if the RHNA methodology furthers the statutory objectives and HCD found that ABAG's methodology does further the objectives.



Issue #3: Areas at Risk of Natural Hazards

Jurisdiction Argument: Approximately half of Saratoga is in a Wildland Urban Interface (WUI) at high or very high risk for wildfires, including downtown. Areas like WUI cannot sustain increased housing density, planning for RHNA allocation outside the WUI is unrealistic given the financial realities of residential construction.

ABAG-MTC Staff Response:

- Areas at risk of natural hazards not identified in Housing Element Law as constraint to housing.
- 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.
- 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.
- The City has not provided evidence that it cannot accommodate its RHNA in locations within the jurisdictions that are subject to lower risk of natural hazards.

Issue #4: Drought

Jurisdiction Argument: Santa Clara Valley Water recently instituted a mandatory reduction in water use. Saratoga cannot accommodate an increased demand for water.

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.”
- HCD notes in its comment letter on appeals that identified drought as an issue, “these issues do not affect one city, county, or region in isolation.”
- There is no indication that the mandatory reduction would extend for the next ten years until the end of the RHNA planning period in 2031.
- Saratoga has not demonstrated that a water service provider has made a decision that precludes it from accommodating its RHNA allocation.

Recommended Action for City of Saratoga Appeal

Deny the appeal filed by the City of Saratoga to reduce its Draft RHNA Allocation by 856 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).