



# ABAG-MTC Staff Response to *County of Santa Clara* RHNA Appeal

ABAG Administrative  
Committee

October 22, 2021

# Overview of **County of Santa Clara** Appeal

## Appeal Request:

- Reduce allocation by 2,000 units (64%) from 3,125 units to 1,125 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: Lack of Available Land

***Jurisdiction Argument:** ABAG failed to adequately consider availability of land suitable for urban development; lands protected from urban development to protect open space, farmland, environmental habitats; and agreements between the County and cities to direct growth toward incorporated areas of the county.*

**ABAG-MTC Staff Response:**

- County's draft allocation is consistent with Housing Element Law that assigns RHNA responsibility to jurisdiction with land use authority. Statute allows unincorporated county to transfer RHNA responsibility to city/town when land is annexed, or to enter into voluntary agreement to reduce RHNA.
- Development constraints considered in Plan Bay Area 2050 Final Blueprint, which is baseline allocation in RHNA methodology. Final Blueprint growth constrained by County's Urban Service Areas as *de facto* Urban Growth Boundary.
- 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.
- County does not provide evidence that it is unable to consider underutilization of existing sites, increased densities, accessory dwelling units (ADUs), and other planning tools to accommodate its assigned need.

# Issue #2: Methodology Does Not Further RHNA Objective 2

*Jurisdiction Argument: RHNA methodology does not promote infill development and socioeconomic equity, protect environmental and agricultural resources, encourage efficient development patterns, and achieve greenhouse gas reduction targets. Specifically, County argues it will have to identify housing sites outside Urban Service Areas, which will increase vehicle miles traveled and greenhouse gas emissions and loss of rural and agricultural lands.*

## **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."
- HESS Tool plays no role in determining RHNA, and evaluates sites using **existing** local development policies.



# Recommended Action for County of Santa Clara Appeal

**Deny** the appeal filed by the County of Santa Clara to reduce its Draft RHNA Allocation by 2,000 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).