

Anne Paulson



29 August 2021

ABAG Administrative Committee  
[RHNA@bayareametro.gov](mailto:RHNA@bayareametro.gov)

## **Response to Los Altos RHNA Appeal**

Dear ABAG Administrative Committee,

Thank you for the opportunity to comment on the RHNA appeal filed by the City of Los Altos. I write to oppose it.

The City of Los Altos appealed its RHNA on the basis of a number of claims. A successful appeal must explain why the jurisdiction's RHNA was mistakenly assigned to the jurisdiction and should instead be redistributed to all the other ABAG jurisdictions. None of Los Altos' claims meets this requirement. None is backed by evidence. The appeal should be summarily rejected.

Below I'll discuss each claim.

### **ABAG failed to adequately consider information submitted in the Local Jurisdiction Survey regarding RHNA Factors (Government Code Section 65584.04(e)): Existing and projected jobs and housing relationship**

Los Altos says that it is a provider of housing for the region, and therefore shouldn't provide housing. However, the approved methodology for allocating RHNA does not consider the jobs/housing balance within the city. Rather, the approved methodology considers jobs within a 30 minute drive, and for low/very low income housing also considers jobs within a 45 minute transit trip.<sup>1</sup> With Los Altos' proximity to the big job centers of Mountain View, Cupertino, and Palo Alto, access to jobs is high. Therefore jobs/housing imbalance is not a reason to reduce Los Altos' RHNA.

### **ABAG failed to adequately consider information submitted in the Local Jurisdiction Survey regarding RHNA Factors (Government Code Section 65584.04(e)): Sewer or water infrastructure constraints for additional development due to laws, regulatory actions, or decisions made by a provider other than the local jurisdiction.**

Like many cities in the region, Los Altos does not have its own city-owned sewage company, nor

---

<sup>1</sup> DRAFT REGIONAL HOUSING NEEDS ALLOCATION (RHNA) PLAN: San Francisco Bay Area, 2023-2031 May 2021, p. 16,  
[https://abag.ca.gov/sites/default/files/documents/2021-05/ABAG\\_2023-2031\\_Draft\\_RHNA\\_Plan.pdf](https://abag.ca.gov/sites/default/files/documents/2021-05/ABAG_2023-2031_Draft_RHNA_Plan.pdf)

does it own its own water company. But lacking city-owned utilities is not a get-out-of-RHNA-free card. In order for this objection to be relevant, the city must point to a law, regulatory action or decision made by someone other than the City of Los Altos that would prevent new housing from being built because it could not be supplied with sewer or water connections. The appeal doesn't point to any such constraint, because there isn't any.

As to sewage treatment, Los Altos uses the Palo Alto Regional Water Quality Control Plant (RWQCP). RWQCP has not made any decision denying Los Altos access to sewage treatment for new residential construction.

As to water infrastructure, Los Altos gets its water from California Water Service, which supplies water from the Santa Clara Valley Water District (SCVWD) as well as local groundwater. SCVWD has not made any decision denying Los Altos access to water. Indeed, it has rejected the need for such an action. The Santa Clara Valley Water Commission, an advisory committee consisting of a group of elected officials from local cities, asked the Board of Directors of SCVWD to send a letter to the State and to ABAG, "requesting that the current Regional Housing Needs Allocation (RHNA) requirements be revisited to better balance housing growth and development with sustainable levels of water demand and supply, thereby helping to ensure RHNA requirements are feasible given the available water supply for the planning time period..." In its August 24 Board Meeting, the Board of Directors of SCVWD unanimously rejected this request.<sup>2</sup>

Therefore, sewer and water constraints are not reasons to reduce Los Altos' RHNA.

**ABAG failed to adequately consider information submitted in the Local Jurisdiction Survey regarding RHNA Factors (Government Code Section 65584.04(e)): Availability of land suitable for urban development or for conversion to residential use**

The City of Los Altos correctly notes that it has successfully rezoned and encouraged redevelopment of numerous parcels for housing. Far from being evidence that there is no possible way to develop more housing, this record demonstrates that if Los Altos up-zones areas for housing, then developers will build housing. Los Altos has commercial corridors that could be up-zoned, a downtown that could be up-zoned, commercial neighborhoods that could be up-zoned, and large areas presently zoned for four single family homes to the acre that could be up-zoned. There is plenty of room for denser housing, if Los Altos commits to allowing it. The land exists. Lack of land availability is not a reason to reduce Los Altos' RHNA.

The City of Los Altos says that it contains flood zones. To be sure, it does. So do many other cities in ABAG. After all, this is an area with a bay ringed by mountains. Many cities are between the mountains where creeks originate, and the Bay to which water flows, and therefore have creeks running through them. Building should not be permitted in the flood zones near creeks,

---

<sup>2</sup> Santa Clara Valley Water District Board of Directors Meeting, Item 4.6, <https://scvwd.legistar.com/MeetingDetail.aspx?ID=886173&GUID=B16BC51D-17C2-47E9-8BAE-F5A9E1FF197D&Options=info>

but fortunately, in Los Altos as in the other cities of the region, most of the land is not subject to this constraint. Flood zones are not a reason to reduce Los Altos' RHNA.

**ABAG failed to adequately consider information submitted in the Local Jurisdiction Survey regarding RHNA Factors (Government Code Section 65584.04(e)): The region's greenhouse gas emissions targets to be met by Plan Bay Area 2050**

The City of Los Altos says that its current Climate Action Plan would be inadequate to deal with the new residents from the new buildings resulting from RHNA, because current residents have a lot of cars and drive a lot.

First of all, many of the new residents would be living in multifamily buildings near transit and would be less wealthy than current residents; they would therefore be expected to have fewer cars and drive less, even absent any other changes.

More importantly, the city does not present any evidence that it is unable to create a new Climate Action Plan to deal with the new reality, by discouraging car use and encouraging other modes of transportation. The city currently makes it easy to drive, but that is a choice; different choices could be made. For example, the city could make it slower and more difficult to drive on streets with schools, and safer to walk or bike, enabling children to safely get to school on their own. The city currently devotes almost ten acres of downtown land, over \$100 million worth of land, to free parking, making it easy for local drivers to drive alone in their cars to downtown destinations instead of using an alternate transportation type like an e-bike; that decision could be revisited. The city chooses its current situation but could instead make other choices.

The City of Los Altos can reduce greenhouse gases while welcoming new residents. These goals are not incompatible. Plan Bay Area greenhouse gas emission targets are not a reason to reduce Los Altos' RHNA.

**ABAG failed to determine the jurisdiction's Draft RHNA Allocation in accordance with the Final RHNA Methodology and in a manner that furthers, and does not undermine the RHNA Objectives (see Government Code Section 65584(d) for the RHNA Objectives).**

"The underlying assumption by the ABAG methodology is flawed," the appeal says. The time has passed for litigating the RHNA methodology. A RHNA appeal is for demonstrating errors in applying the methodology, rather than complaining about the methodology

The City of Los Altos doesn't give any reason to believe that ABAG erred in applying the Final RHNA Methodology. "It is difficult to validate the application of the methodology to the city of Los Altos," Los Altos wrote. Perhaps so, but that was the city's job in preparing this appeal, and they failed, instead supplying a page and a half of speculation and grievances. Speculation about the ABAG methodology and grievances about RHNA are not reasons to reduce the city's RHNA.

**A significant and unforeseen change in circumstances has occurred in the local jurisdiction or jurisdictions that merits a revision of the information submitted in the Local Jurisdiction Survey**

Los Altos cites the pandemic as the “significant and unforeseen change” that should cause ABAG to redistribute Los Altos’ RHNA to other local cities. But all ABAG cities were affected by the pandemic. Moreover, HCD has already dismissed the pandemic as a justification for an appeal, in a letter to SCAG.

“Several appeals are based upon the provision described in Government Code section 65584.05(b)(3), arguing that the COVID-19 pandemic represents a significant and unforeseen change in circumstances that will affect future population and job growth. Ensuring everyone has a home is critical to public health. Reducing and preventing overcrowding and homelessness are essential concerns for every community. The COVID-19 pandemic has only increased the importance that each community is planning for sufficient affordable housing.”<sup>3</sup>

The pandemic is not a valid reason to reduce Los Altos’ RHNA.

In sum, none of the objections in this scattershot appeal have merit. It should be dismissed out of hand.

Sincerely,

Anne Paulson



---

<sup>3</sup>RE: Comment on Appeals of the Draft Regional Housing Need Allocation (RHNA) Plan, <https://scag.ca.gov/sites/main/files/file-attachments/hcd-all121020.pdf>

**Board of Directors**

Kevin Zwick, Chair  
*United Way Bay Area*

Gina Dalma, Vice Chair  
*Silicon Valley Community  
Foundation*

Candice Gonzalez, Secretary  
*Sand Hill Property Company*

Andrea Osgood, Treasurer  
*Eden Housing*

Shiloh Ballard  
*Silicon Valley Bicycle Coalition*

Bob Brownstein  
*Working Partnerships USA*

Amie Fishman  
*Non-Profit Housing  
Association of Northern CA*

Ron Gonzales  
*Hispanic Foundation  
of Silicon Valley*

Javier Gonzalez  
*Google*

Poncho Guevara  
*Sacred Heart Community  
Service*

Janice Jensen  
*Habitat for Humanity  
East Bay/Silicon Valley*

Janikke Klem

Jan Lindenthal  
*MidPen Housing*

Jennifer Loving  
*Destination: Home*

Mary Murtagh  
*EAH Housing*

Chris Neale  
*The Core Companies*

Kelly Snider  
*Kelly Snider Consulting*

Jennifer Van Every  
*The Van Every Group*

**STAFF**

Leslye Corsiglia  
*Executive Director*

**TRANSMITTED VIA EMAIL**

Mayor Jesse Arreguin, President  
Executive Board, Association of Bay Area Governments  
375 Beale Street, Suite 700  
San Francisco, CA 94105

**RE: RHNA Appeal for the City of Los Altos**

Dear President Arreguin and ABAG Administration Committee,

On behalf of SV@Home and our members, we write today to express our disappointment in the City of Los Altos for appealing its draft Regional Housing Needs Allocation (RHNA) and urge ABAG to reject the appeal. We disagree with the City of Los Altos' bases for appeal and believe that the City should move forward with the process of planning for its portion of the regional housing needs as allocated. Every city in the region must do its part in this critical process amidst our ongoing affordable housing crisis.

The City of Los Altos has argued that due to limitations on water and sewer capacity, flood-prone areas, and adjacency to fire-prone wildlands, there is a lack of real, developable land. Los Altos also claims to be a fully built-out city that will have to rely on converting scarce developed commercial land to housing. While we fully agree that homes should be built in environmentally sustainable areas, concerns around state-wide challenges like drought and fire hazards are not compelling bases for an appeal. Instead of selecting sites in environmentally hazardous areas to meet its RHNA, the City has the option to rezone its existing residential land and create denser housing near jobs and transit. Creating more density near transit and jobs would lower water usage by creating more efficient economies of scale and eliminate the need to develop and sprawl on fire-prone lands. This approach would help the City of Los Altos meet its RHNA while also helping reduce greenhouse gas emissions.

The City of Los Altos will need to take significant steps that will necessarily diverge from current land use planning and policies to plan for the assigned RHNA obligations. We are in a housing crisis that is regional in scope, but planning and building new homes in response to this crisis requires local action. The City of Los Altos must be receptive to making changes to its zoning standards to enable more housing capacity within its existing real, developable land and help address the regional housing crisis.

Like many other jurisdictions, the City of Los Altos has also advanced the argument that their RHNA should be reduced as a result of Covid-19 pandemic induced changes in work and commuting behavior. If anything, the Covid-19 pandemic has exacerbated the region's housing shortage and affordable housing crisis, and the City must do its part in providing its fair share of housing. The rise in hybrid workplace models and telecommuting behaviors do not account for all jobs, and with increased vaccination rates, it is abundantly clear that employers are bringing back its workers into the office. Moreover, the City of Los Altos is not alone in experiencing changes in work and commuting behavior. Every jurisdiction has

felt the impacts of the Covid-19 pandemic. Using the Covid-19 pandemic as a ground for appeal is therefore an illegitimate excuse to reduce the City's RHNA.

As evidenced from the 2021 Annual Progress Report for the 5th Cycle of the Housing Element below, the City of Los Altos has failed to make adequate progress on meeting its RHNA goals for any of its lower-income categories. With our housing crisis, the City cannot continue only planning for higher income households. The City has an obligation to meet the housing needs of all residents, and by law, the City of Los Altos must produce an updated Housing Element that can feasibly accommodate the RHNA obligation for lower-income households that Los Altos has been assigned.

**2015-2023 (5<sup>th</sup> Cycle) RHNA Permit Progress for the City of Los Altos**

	<b>Permits as of Dec 2020</b>	<b>5th Cycle RHNA</b>	<b>% Attained</b>
<b>Very Low Income</b>	2	169	1.2%
<b>Low Income</b>	28	99	28.3%
<b>Moderate Income</b>	2	112	1.8%
<b>Above Moderate</b>	558	97	575.3%

Source: HCD Housing Element APR, Updated 7/8/2021

The City of Los Altos has the opportunity to become a more inclusive, sustainable community with the planned addition of 1,958 new homes. We strongly encourage ABAG to reject the City's appeal so it can continue its work to create a compliant housing element to help address the region's affordable housing crisis.

Sincerely,

Mathew Reed, Director of Policy

