



January 21, 2021

Executive Board  
Association of Bay Area Governments  
375 Beale St.  
San Francisco, CA 94105

**Re: Item 11.b Draft RHNA Methodology**

Dear President Arreguin, Vice President Ramos, and members of the Executive Board,

To our knowledge, Green Foothills has not received a response from ABAG staff to our October 14, 2020 letter (sent in separate attachment) pointing out deficiencies in the RHNA 8a methodology that will cause sprawl development in unincorporated county areas, specifically focusing on Santa Clara County. We are aware that responses to other letters have been received in the last 48 hours. These responses and the modest reductions (with an approximately 1,300% increase in RHNA numbers for unincorporated Santa Clara County subsequently reduced by approximately 25%) do not resolve the methodology's failure to satisfy Housing and Community Development (HCD) standards.

ABAG cannot approve this deficient methodology and meet HCD requirements. We note that ABAG staff may assert there is insufficient time at present to revise the standards and still meet HCD's deadlines. It is unfortunate that the methodology has not been adequately revised as we first requested in October, repeated at the December 17 meeting, and are now repeating yet again. **We request you direct ABAG staff to inform HCD that your current methodology is inadequate and to work independently and together with HCD to fix the methodology in as timely a manner as possible.** As we have said, we support the production of much needed housing in our region consistent with the statutory requirements and accordingly urge changes to the methodology to make it adequate..

Our letter of October 14 explains why the RHNA allocations to unincorporated county areas contravene policy and best practice. Large-scale development in areas without urban services is unlikely to occur in practice, creates health and safety risks such as septic system failures, and encourages much higher Vehicle Miles Travelled emissions than placing those thousands of units where they belong, in urban areas. Large areas such as Coyote Valley have been slated in part in the past to be developed but are now in the process of being preserved, with General Plan changes being proposed and large land purchases for conservation completed. These areas should not be considered appropriate for development.

Prior to the last round of RHNA allocations, a similar problem of overallocation to unincorporated Santa Clara County areas existed, and was then corrected in that last round. The prior RHNA allocations for Santa Clara County at least had the advantage of many significant unincorporated urban areas which have since been annexed. With relatively few exceptions, those do not exist in manner that would make feasible the 3100 unit allocation for Santa Clara County unincorporated areas.

It is also important to note that unincorporated County areas are for the most part not responsible for the jobs-housing imbalance, as the vast majority of jobs are generated in cities. It is illogical to impose housing requirements on the units of government that did not create the lack of needed housing.

It is similarly inappropriate to rely on subsequent voluntary agreements transferring RHNA numbers from counties to cities as a “fix” of inadequate methodology. These agreements may not occur, or not occur at the level needed to avoid developing unincorporated open space. ABAG and HCD can acknowledge and support these agreements as potential, “might-happen” improvements on a baseline methodology that is adequate even without them, but they do not provide the certainty needed to improve a deficient methodology to one that is adequate.

In addition to the above, we join concerns raised by other commenters that the RHNA allocation methodology fails to comply with statutory requirements. For example, these high allocations to unincorporated county areas without urban services are not consistent with Objectives 65584(d), “The regional housing needs allocation plan shall further all of the following objectives: ....(2) Promoting infill development and socioeconomic equity, the protection of the environmental and agricultural resources, the encouragement of efficient development patterns, and the achievement of the regional greenhouse gas reductions targets provided by the State Air Resources Board pursuant to section 65080.”

We also note that Objective 65584.03 (e)(2)(C) states the methodology should include as constraints “Lands preserved or protected from urban development under existing federal or state programs, or both, designed to protect open space, farmland, environmental habitats, and natural resources on a long-term basis.” If this applies to lands under Williamson Act contracts for protection, a program established under state law, then the methodology may not be adequate unless that constraint has been included in the analysis.

For the above stated reasons and the reasons articulated in our prior comments, the methodology and allocations must be revised to comply with the law and to assure much needed housing is feasible and will be built in locations capable of meeting statutory objectives.

Please contact me if you have any questions.

Sincerely,



Brian Schmidt  
Interim Legislative Advocate



Silicon Valley

October 14, 2020

Executive Board  
Association of Bay Area Governments  
375 Beale St.  
San Francisco, CA 94105

Re: Proposed 2023-2031 RHNA Methodology

Dear President Arreguin, Vice President Ramos, and members of the Executive Board,

This represents the comments of the Sierra Club Loma Prieta Chapter, Mothers Out Front Silicon Valley, Green Foothills, Santa Clara Valley Audubon Society, and CLEAN South Bay with regard to Option 8A, the RHNA methodology recommended by the Housing Methodology Committee to the Executive Board.

We are environmental organizations that represent tens of thousands of members in Santa Clara County. We advocate at the local level for open space, wildlife habitat, and responsible land use planning. We have serious concerns with the impacts of Option 8A on climate change resilience, wildfire risk, open space, wildlife habitat, and greenhouse gas emissions reduction. Please take action to address these very serious concerns before voting on the RHNA methodology.

### **Option 8A Will Result In Sprawl Development**

As organizations that work to protect open space, we have spent decades fighting against unwise sprawl development proposals. Never did we think to see ABAG recommending a methodology that would literally mandate sprawl development into our open space and natural and working lands.

In Santa Clara County, Option 8A allocates 4,137 residential units in the unincorporated area -- a 1,300% increase from the previous RHNA allocation, which was 277 units. Because one of the foundational principles of the Santa Clara County General Plan is that urban-scale growth should occur within urban areas, and that the unincorporated areas should remain undeveloped

as much as possible, this means that Option 8A is mandating sprawl development into rural agricultural and habitat areas.

Plan Bay Area's goals since inception have always been focusing growth in infill areas close to transit through Priority Development Areas (PDAs), while protecting important open space through Priority Conservation Areas (PCAs). Option 8A would turn this on its head by requiring a 1,300% increase in housing allocation for Santa Clara County's rural areas. By contrast, the increase in allocation for the cities in Santa Clara County ranges between 100% and 500% (for example, San Jose's allocation increases by 98%, and Cupertino's allocation increases by 498%). Again, this is the exact opposite of smart land use planning, as well as flying in the face of Plan Bay Area's guiding principles.

Governor Newsom, when announcing his recent Executive Order calling for conservation of 30% of the state's lands and waters by 2030, stated: "California's beautiful natural and working lands are an important tool to help slow and avert catastrophic climate change, and today's executive order provides important new tools to take on this existential threat." Option 8A runs directly counter to this vision.

### **Option 8A Will Be Harmful To Wildlife, Floodplains and Farmland**

The allocation of 4,137 residential units to unincorporated Santa Clara County creates particular risk for Coyote Valley, a critical wildlife corridor and landscape linkage that has been identified by the Conservation Lands Network and the Santa Clara Valley Open Space Authority as a priority for conservation. Coyote Valley is the link that connects 1.13 million acres of core habitat in the Santa Cruz Mountains and the Diablo Range, forming a migratory pathway for mountain lions, coyotes, bobcats, badgers and other wildlife. Coyote Valley hosts 12 species of rare, threatened and endangered plants and animals. Coyote Valley is also an important floodplain and groundwater recharge area and contains some of the Santa Clara Valley's last prime farmland.

Coyote Valley has been the focus of several state-level efforts for conservation. In 2019, AB 948 (Kalra) recognized Coyote Valley as a natural resource of statewide importance, and in 2020, SB 940 (Beall) made it possible for San Jose to expedite changes for infill housing development while proactively protecting open space, including in Coyote Valley.

Due to its proximity to the urbanized areas of San Jose and Morgan Hill, Coyote Valley has always been threatened with development, ever since the days when the inevitability of sprawl into open space was taken for granted. Now, however, thanks to our new awareness of the importance of preserving open space for climate resilience and human health, Coyote Valley is finally on a path to being permanently protected. But the allocation of 4,137 residential units to unincorporated Santa Clara County will create new and unforeseen development pressure on Coyote Valley. It is critical for the survival of this "last chance landscape" that the RHNA methodology be revised to remove this target that Option 8A paints on the open space of Coyote Valley.

### **Option 8A Will Increase Wildfire Risk**

Option 8A's allocations will place thousands of residents in the wildland-urban interface (WUI), the area where urbanized neighborhoods intersect with undeveloped lands. Only a few weeks ago, the SCU Complex Fire raged over nearly 400,000 acres in unincorporated Santa Clara County and neighboring counties, prompting evacuations even in densely populated neighborhoods in San Jose and Morgan Hill. If we have learned anything at all from this wildfire season, it's that we cannot allow residential development to sprawl outward from cities into the WUI. Yet that is exactly what Option 8A would require.

We respectfully request that the ABAG Executive Board take action to modify the RHNA methodology to eliminate these harmful impacts to climate change resilience, wildlife habitat, wildfire risk, and natural and working lands. Thank you for your consideration of these comments.

Sincerely,

Alice Kaufman, Legislative Advocacy Director  
Green Foothills

Shani Kleinhaus, Environmental Advocate  
Santa Clara Valley Audubon Society

Dave Poeschel, Open Space Committee Chair  
Sierra Club Loma Prieta Chapter

Trish Mulvey  
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