



ABAG-MTC Staff Response to  
*Town of Danville* RHNA Appeal

ABAG Administrative  
Committee

September 24, 2021

# Overview of **Town of Danville** Appeal

## Appeal Request:

- Reduce allocation by 1,441-1,641 units (64-73%) from 2,241 units to 600-800 units.

## Staff Recommendation:

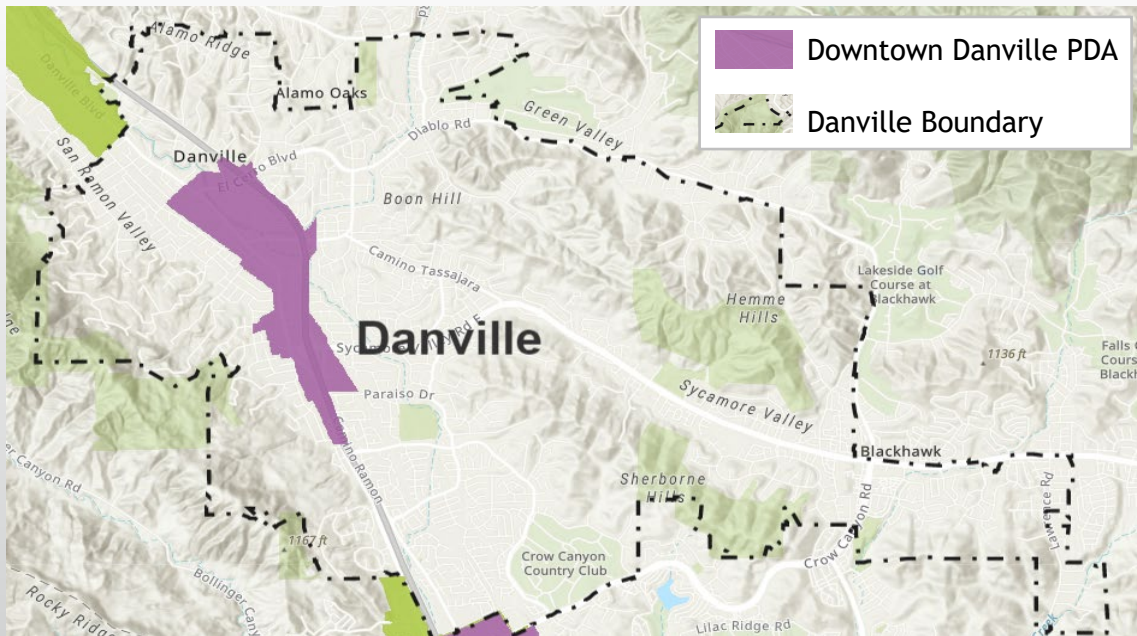
- Deny the appeal.

## 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.
- 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: Inclusion of Danville PDA in Plan Bay Area 2050 Final Blueprint

*Jurisdiction Argument: Final Blueprint contains incorrect assumption Danville has a locally identified Priority Development Area (PDA). Any forecasted growth and corresponding RHNA based on assumption a PDA exists in Danville is incorrect.*



**ABAG-MTC Staff Response:**

- Danville Resolution No. 1-2012 authorized the Town Manager to apply for a PDA in Danville’s downtown. The PDA was formally included in Plan Bay Area (2013), Plan Bay Area 2040, and Plan Bay Area 2050.
- Downtown Danville PDA also appears in documents from Contra Costa Transportation Authority, which has cited this PDA as basis for supporting Danville’s application for transportation funding through the One Bay Area Grant (OBAG) program.
- There is no documentation of a request to remove the PDA being communicated to ABAG or to any entity outside the Town. Thus, there is no error in the Final Blueprint, which correctly includes the Downtown Danville PDA as a growth geography.

# Issues #2, #3, #4: ABAG Failed to Adequately Consider Statutory Factors

## *Jurisdiction Arguments:*

- *Issue #2 - ABAG failed to adequately consider Danville's existing and projected jobs and housing relationship.*
- *Issue #3 - ABAG failed to adequately consider the availability of land suitable for housing in Danville.*
- *Issue #4 - ABAG failed to adequately consider Plan Bay Area 2050 growth distribution and opportunities to maximize transit use.*

## *ABAG-MTC Staff Responses:*

- **Issue #2** - 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.
- **Issue #3** - Statute states that 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. Danville does not provide evidence it is unable to consider underutilization of existing sites, increased densities, and other planning tools to accommodate its assigned need.
- **Issue #4** -The RHNA Methodology considers both distribution of household growth assumed for regional transportation plans as well as opportunities to maximize use of public transportation by incorporating the forecasted development pattern from the Plan Bay Area 2050 Final Blueprint as the baseline allocation.

# Issue #5 and Issue #6: Methodology Does Not Further RHNA Objectives

## *Jurisdiction Arguments:*

- *Issue #5 - RHNA methodology does not further RHNA objectives because use of 2050 Households from Final Blueprint as its baseline allocation instead of forecasted growth results in an increase in vehicle miles traveled and greenhouse gas emissions.*
- *Issue #6 - RHNA methodology does not further RHNA objectives because it fails to affirmatively further fair housing.*

## *ABAG-MTC Staff Response:*

- These arguments by Danville challenge the final RHNA methodology adopted by ABAG and approved by HCD, and thus fall 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 these objectives.

# Issue #7: Drought

*Jurisdiction Argument: Danville's Local Jurisdiction Survey stated water supply was an opportunity for development, but water supply is now a development constraint due to drought.*

## **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.”
- Although Danville cites information from Urban Water Management Plan (UWMP) prepared by EBMUD about potential impacts from drought, the Town has not demonstrated it is precluded from meeting its RHNA allocation because of a decision by its water service provider.

# Issues #8, #9, #10, #11: Concerns That Are Not A Valid Basis For An Appeal

*Jurisdiction Argument: The Town of Danville cited the following concerns about the draft RHNA allocations in its appeal but noted that these arguments are not a valid basis for an appeal.*

- *Issue #8 - The RHNA process and final methodology are flawed because there is insufficient evidence to demonstrate Danville's RHNA is consistent with the development pattern in the Plan Bay Area 2050 Final Blueprint.*
- *Issue # 9 - The Town states HCD's calculation of the Regional Housing Needs Determination (RHND) represents a "historic methodological anomaly" and does not reflect a trend of slowing population growth.*
- *Issue #10 - The Town asserts that the RHNA process is flawed because "external forces - including the economy, construction labor costs, and land prices - have far greater impact on housing production than RHNA, city practices or public policies."*
- *Issue #11 - The RHNA Methodology is flawed because the effects of the pandemic are not reflected in Plan Bay Area 2050 Final Blueprint growth forecast.*

# Recommended Action for **Town of Danville** Appeal

**Deny** the appeal filed by the Town of Danville to reduce its Draft RHNA Allocation by 1,441 to 1,641 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).
- 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.