



ABAG-MTC Staff Response to
City of Dublin RHNA Appeal

ABAG Administrative
Committee

September 24, 2021

Overview of **City of Dublin** Appeal

Appeal Request:

- Reduce allocation by 2,267 units (61%) from 3,719 units to 1,452 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: Lack of Available Land

Jurisdiction Argument: Dublin requests its above moderate-income allocation (1,449 units) be re-allocated to other jurisdictions. The City lacks sufficient land to accommodate RHNA because it issued building permits for 688% of its allocation of above moderate-income units in the 2015-2023 RHNA period.

ABAG-MTC Staff Response:

- 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.
- Dublin 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 #2: Drought

Jurisdiction Argument: The drought could create a challenge to provide water service for existing and planned growth. Dublin San Ramon Services District's Draft 2020 Urban Water Management Plan (UWMP) acknowledges that Dublin could experience problems due to an expiring water supply contract, dependence on imported water sources, and increased demand.

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 Dublin cites information from Dublin San Ramon Services District's UWMP about possible water supply issues and potential challenges posed by further growth, the City has not demonstrated it is precluded from meeting its RHNA allocation because of a decision by its water service provider.

Issue #3: Concerns That Are Not A Valid Basis For An Appeal — Population Decline

Jurisdiction Argument: City cites population decline from 2020-2021 in California (0.46%) and Dublin (0.7%). If declining population trend continues, it could translate to decreased households in 2050, which, as the baseline allocation in the RHNA methodology, is used for calculating Dublin's allocation.

ABAG-MTC Staff Response:

- Government Code Section 65584.04(g)(3) states:
 - Stable population numbers cannot be used as a justification for a determination or a reduction of a jurisdiction's share of the regional housing need.
- Stable or declining population in a jurisdiction is not, by itself, evidence there is no need for additional homes in the community.
- Population decline cited occurred over only one year — a year heavily impacted by COVID-19.
- Dublin has not provided evidence its population will continue to decline long-term or that there has been a reduction in the jurisdiction's need for housing during the 2023-2031 RHNA period.

Issue #4: Issues with Access to High Opportunity Areas Factor

Jurisdiction Argument: The RHNA methodology uses the State's Opportunity Maps as the basis for the Access to High Opportunity Areas factor. Most of Dublin is High Resource or Highest Resource, but 61.1% of its population racially identify as minorities or multiracial. Since the factor does include demographic data, more housing is allocated to Dublin compared to more segregated jurisdictions and the methodology detracts from HCD's policy goal to promote diversity.

ABAG-MTC Staff Response:

- Dublin is challenging the final RHNA methodology adopted by ABAG and approved by HCD, and thus falls outside the scope of the appeals process.
- HCD has authority to determine if the RHNA methodology furthers statutory objectives and HCD found that ABAG's methodology does further the objectives.
- HCD's letter approving ABAG's draft RHNA methodology states: *"HCD applauds the significant weighting of Access to High Opportunity Areas as an adjustment factor and including an equity adjustment in the draft methodology."*

Issue #5: Issues with Final Blueprint Growth Forecast

Jurisdiction Argument: Determination of total households in 2050 (the baseline allocation in the RHNA methodology) appears to include 10 parcels where Dublin does not have land use authority, including properties owned by the federal government, Alameda County, and the Dublin Unified School District. These parcels comprise more than one third (36%) of the total acres in Dublin, the City requests that 36% of its draft allocation (1,339 units) be re-allocated to other jurisdictions.

ABAG-MTC Staff Response:

- Most people living on parcels identified reside in “group quarters,” such as correctional institutions or military housing that are not included in Plan Bay Area 2050 Final Blueprint’s forecast of total households in 2050, and therefore have no impact on RHNA.
- On the parcels Dublin identified, there are a combined total of 10 households in 2050 which, according to information from the City, are single-family homes built in 2017 in Camp Parks.
- In a city of Dublin’s size, the impact of these 10 households on the City’s draft allocation is deemed negligible.

Recommended Action for **City of Dublin** Appeal

Deny the appeal filed by the City of Dublin to reduce its Draft RHNA Allocation by 2,267 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.