


REGIONAL HOUSING NEEDS ALLOCATION

Association of Bay Area Governments

2023-2031 Regional Housing Needs Assessment (RHNA) Appeal Request*Submit appeal requests and supporting documentation via DocuSign by 5:00 pm PST on July 9, 2021.****Late submissions will not be accepted.*** Send questions to rhna@bayareametro.govJurisdiction Whose Allocation is Being Appealed: Town of WindsorFiling Party: ☐ HCD ☒ Jurisdiction: Town of WindsorContact Name: Jessica Jones Title: Community Development DirectorPhone: 707-838-5313 Email: jjones@townofwindsor.com**APPEAL AUTHORIZED BY:**Name: Ken MacNabSignature: Date: 7/6/2021**PLEASE SELECT BELOW:**

- ☐ Mayor
- ☐ Chair, County Board of Supervisors
- ☒ City Manager
- ☐ Chief Administrative Officer
- ☐ Other: _____

IDENTIFY ONE OR MORE BASES FOR APPEAL [Government Code Section 65584.5(b)]

- ☐ ABAG failed to adequately consider information submitted in the Local Jurisdiction Survey regarding RHNA Factors (Government Code Section 65584.04(e)) and Affirmatively Furthering Fair Housing (See Government Code Section 65584.04(b)(2) and 65584(d)(5)):
- ☐ Existing and projected jobs and housing relationship.
 - ☐ Sewer or water infrastructure constraints for additional development due to laws, regulatory actions, or decisions made by a provider other than the local jurisdiction.
 - ☐ Availability of land suitable for urban development or for conversion to residential use.
 - ☐ Lands protected from urban development under existing federal or state programs.
 - ☐ County policies to preserve prime agricultural land.
 - ☐ Distribution of household growth assumed for Plan Bay Area 2050.
 - ☐ County-city agreements to direct growth toward incorporated areas of county.
 - ☐ Loss of units contained in assisted housing developments.
 - ☐ Households paying more than 30% or 50% of their income in rent.
 - ☐ The rate of overcrowding.
 - ☐ Housing needs of farmworkers.
 - ☐ Housing needs generated by the presence of a university campus within a jurisdiction.
 - ☐ Housing needs of individuals and families experiencing homelessness.
 - ☐ Loss of units during a declared state of emergency from January 31, 2015 to February 5, 2020.
 - ☐ The region's greenhouse gas emissions targets to be met by Plan Bay Area 2050.
 - ☐ Affirmatively furthering fair housing.
- ☒ 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).
- ☐ 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 (*appeals based on change of circumstance can only be made by the jurisdiction or jurisdictions where the change occurred*).

Pursuant to Government Code Section 65584.05, appeals shall be based upon comparable data available for all affected jurisdictions and accepted planning methodology, and supported by adequate documentation, and shall include a statement as to why the revision is necessary to further the intent of the objectives listed in Government Code Section 65584(d). An appeal shall be consistent with, and not to the detriment of, [the development pattern in the sustainable communities strategy \(Plan Bay Area 2050 Final Blueprint\)](#). (Click [here](#))

Number of units requested to be reduced or added to jurisdiction's Draft RHNA Allocation:

☒ Decrease Number of Units: ³⁴² _____ ☐ Increase Number of Units: _____

Brief description of appeal request and statement on why this revision is necessary to further the intent of the objectives listed in Government Code Section 65584(d) and how the revision is consistent with, and not to the detriment, of the development pattern in Plan Bay Area 2050. Please include supporting documentation for evidence as needed, and attach additional pages if you need more room.

The Town of Windsor is appealing its Sixth Cycle Draft Regional Housing Needs Allocation (RHNA) based on the following grounds for appeal identified in Government Code Section 65584.5(b):

- 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.

The Town finds that the following RHNA Objectives have not been met:

- Increasing the housing supply and the mix of housing types, tenure and affordability in all cities and counties within the region in an equitable manner, which shall result in each jurisdiction receiving an allocation of units for low- and very low-income households; and
- Promoting infill development and socioeconomic equity, the protection of environmental and agricultural resources, the encouragement of efficient development patterns, and the achievement of the region's greenhouse gas reductions targets provided by the State Air Resources Board pursuant to Government Code Section 65080.

Please see attached letter from the Town.

List of supporting documentation, by title and number of pages

1. RHNA Appeal Letter 7-6-2021 (3 pages) _____
2. Letter Attachment 1 - 2021 Status List of Projects in the Pipeline (2 pages) _____
3. Letter Attachment 2 - Residential Projects Map 2021 (1 page) _____



The maximum file size is 25MB. To submit larger files, please contact rhna@bayareametro.gov.

Click here to
attach files



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Councilmember
Esther Lemus

Town Manager
Ken MacNab

July 6, 2021

Jesse Arreguin
ABAG President
Association of Bay Area Governments
Bay Area Metro Center
375 Beale Street, Suite 700
San Francisco, CA 94105

RE: Town of Windsor Appeal of 6th Cycle RHNA

Dear Mr. Arreguin:

The Town of Windsor hereby submits an appeal to the Association of Bay Area Governments (ABAG) of ABAG's Draft Sixth Cycle Regional Housing Needs Allocation (RHNA) based on the following grounds for appeal identified in Government Code Section 65584.5(b):

- 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.

The Town finds that the following RHNA Objectives have not been met:

- Increasing the housing supply and the mix of housing types, tenure and affordability in all cities and counties within the region in an equitable manner, which shall result in each jurisdiction receiving an allocation of units for low- and very low-income households; and
- Promoting infill development and socioeconomic equity, the protection of environmental and agricultural resources, the encouragement of efficient development patterns, and the achievement of the region's greenhouse gas reductions targets provided by the State Air Resources Board pursuant to Government Code Section 65080.

The Town finds that the Draft RHNA was not developed in an equitable manner and did not take into account encouragement of efficient development patterns.

Following a yearlong effort, the Housing Methodology Committee (HMC) brought forward a recommended methodology for how the Bay Area RHNA would be distributed. Based on the HMC's recommendation, which included a draft methodology using data from Plan Bay Area 2050, Windsor's anticipated RHNA number was 652 units, a 48% increase over the existing 440 units in the current cycle. During the yearlong HMC process, several members introduced the idea of an equity adjustment that would look at each jurisdiction's divergence index score and percent of the jurisdictions above moderate households. The result added additional very low- and low-income allocations to jurisdictions that do not have a proportional share of the region's total households in 2020, including the Town of Windsor. However, the HMC voted to **not** include the

equity adjustment and the draft methodology was moved forward for consideration by the ABAG Regional Planning Committee based only on Plan Bay Area 2050.

During the January 14, 2021 Regional Planning Committee (Committee) meeting, the HMC members that initially brought forward the equity adjustment idea presented it to the Committee. The Committee voted at that meeting to recommend that the ABAG Executive Board adopt the draft methodology, including the equity adjustment.

The next week, on January 21, 2021, with no notification to affected jurisdictions, the Executive Board adopted the draft methodology, including the equity adjustment.

The Town of Windsor does not dispute the fact that housing is needed in the Bay Area, and particularly affordable housing. However, the lack of information or clear understanding that ABAG was able to provide on the equity adjustment formula, and the fact that the equity adjustment was not pursued by the HMC and clearly dismissed, needs to be taken into consideration. The equity adjustment was brought in at the last minute for action at the Regional Planning Committee with no notice or input from affected jurisdictions. The swift approval of the equity adjustment by the ABAG Executive Board, only one week after it was brought at the last minute to the Regional Planning Committee, with no apparent interest in feedback from jurisdictions or the community, as evidenced by the allowance of only one minute for comments by affected jurisdictions or the public, and with no clear explanation of how the formula works, indicates a failure in the process.

The Town of Windsor finds the following areas were specifically disregarded during the RHNA process:

- Lack of consideration of current population trends. The Town of Windsor is aware that, pursuant to Government Code Section 65584.04(g)(3), **stable** population growth from the previous regional housing needs cycle cannot be used as a justification for a determination or reduction in a jurisdiction's share of the regional housing need. However, for the second straight year, the California Department of Finance (DOF) has estimated that the Town's population has **decreased**. Between January 2019 and January 2021, the Town lost approximately 633 people, for a total current population of 27,855. This represents a 2.2% reduction in population over the last two years.
- The fact that, while Windsor's 5th Cycle RHNA is not currently being met, the Town is clearly able to process and approve residential projects, both affordable and market rate, in a timely manner. The Town has 998 residential units entitled and pending issuance of building permits, 10% of which will be affordable to lower income households. The Town also has 1,407 units pending entitlement approval, 29% of which will be affordable to lower income households. The issue is not the Town's ability to approve housing projects, the issue is that developers are not constructing, something the Town does not have control of.

- Lack of consideration of the need for city-centered growth. While the Town of Windsor received a 126% increase from the 5th Cycle RHNA, some of the more urban jurisdictions actually saw **reductions** in their RHNA from the 5th Cycle to the 6th Cycle. This is contrary to the intent of Plan Bay Area 2050. These jurisdictions are already planning for significant growth around their downtowns and transit stations, where higher density is expected, and the fact that they are seeing a reduction in units illustrates a clear flaw in the methodology.

Based on the forgoing, the Town of Windsor respectfully requests that ABAG eliminate the additional units added with the equity adjustment, reducing the Town of Windsor's 6th Cycle RHNA back down to the previously proposed 652 (a reduction of 342 units).

If you have any questions or need any additional information, please contact Jessica Jones, Community Development Director, at jjones@townofwindsor.com or at (707) 838-5313.

Sincerely,



Sam Salmon
At-Large Mayor

cc: Rosa Reynoza, Vice Mayor
Debora Fudge, Councilmember District 3
Esther Lemus, Councilmember
Ken MacNab, Town Manager
Jessica Jones, Community Development Director

Attachments:

1. Status List of Projects in the Pipeline, July 2021
2. Residential Projects Map, July 2021

TOWN OF WINDSOR

2021 SUMMARY OF RESIDENTIAL PROJECTS IN THE PIPELINE (4 units or more)

JULY 2021

APPROVED APPLICATIONS:

This category lists units in projects that have been approved but are not yet constructed (or that are currently under construction). In this category there are 998 unbuilt residential units. Over half of these units (75%) are part of two projects, the Vintage Oaks project (387 units) and the Mill Creek project (360 units) in downtown. Approximately 10% of the approved units will be affordable to lower-income households (Duncan Village, Heritage Park and Redwood Views).

<u>PROJECT NAME (File No.)</u>	<u>LOCATION</u>	<u>UNITS</u>
Overlook Subdivision (98-42)	Windsor Road	11
Los Amigos Subdivision (14-20)	280 Arata Lane	6
Vintage Oaks (14-17)	Old Redwood Highway	387
Windsor Garden Homes (06-20)	Old Redwood Highway	12
Richardson Mixed-Use (12-07)	Richardson Street	30
330 Arata Ln (15-30)	330 Arata Lane	6
6500 & 6516 Old Redwood Highway (15-31)	6500 & 6516 Old Redwood Highway	8
Draper Estates Subdivision (15-32)	10501 Herb Road	5
Duncan Village Affordable Housing (16-08)	484 Wall Street	16
Mill Creek - Revised (14-09)	Bell Rd/Johnson Street	360
The Oaks Mixed-Use (14-22)	Old Redwood Highway	34
19 th Hole Subdivision (19-14)	19 th Hole Drive	11
Shiloh Mixed Use (18-22)	1200 Shiloh Road	27
Heritage Park Affordable Housing (17-19)	8685 Old Redwood Highway	33
Redwood Views Affordable Housing (20-15)	8490-8500 Old Redwood Highway	52
Shiloh Apartments (21-13)	Shiloh Rd/Golf Course Dr	62

TOTAL APPROVED: 1,060
Percent Affordable: 10%

SUBMITTED APPLICATIONS:

This category includes units in projects for which a formal application for approval has been submitted to the Town but not yet acted on. There are 421 units in this category, more than half of which are part of a single project (Clearwater at Windsor). Approximately 13% of the units in this category will be affordable to lower income households.

<u>PROJECT NAME (File No.)</u>	<u>LOCATION</u>	<u>UNITS</u>
Creekwalk (14-21)	Old Redwood Highway	30
The Estates at Ross Ranch (19-08)	1295 Jensen Lane	29
Kashia-Burbank Affordable Housing (20-18)	10221 Old Redwood Highway	54
Clearwater at Windsor (19-20)	376 Shiloh Road	256
Windsor Residences Affordable Housing (21-10)	6011 Shiloh Rd/6035&6050 ORH	134

TOTAL SUBMITTED: 503
Percent Affordable: 37%

PENDING APPLICATIONS:

This category includes units in projects that have submitted an application for preliminary review but have not yet submitted a formal application for approval. In this category there are 976 units, 37% of which will be affordable to lower income households. One of the largest pending projects, the Jensen Lane subdivision (262 units), is on land that would require annexation into Town Limits before development could occur.

<u>PROJECT NAME (File No.)</u>	<u>LOCATION</u>	<u>UNITS</u>
Sky Mixed Use Apartments (16-27)	60 Shiloh Road	20
Jensen Lane Annexation & Subdivision (17-15)	657/1296 Jensen Lane	262
Artesian of Windsor (18-15)	6675 Old Redwood Highway	64
Sherlock Homes (18-27)	260 Arata Lane	8
North of Arata (20-08)	259 Arata Lane	240
Redwood Glen Affordable Senior Housing (20-14)	8550-8560 Old Redwood Highway	50
Shiloh Crossing Affordable Housing (21-17)	295 Shiloh Road	173
Hembree Ln Oaks Subdivision (21-18)	7842 Hembree Lane	25
TOTAL PENDING:		842
Percent Affordable:		26%

Map of Residential Projects (4 Units or More)

Status as of July 2021

APPROVED APPLICATIONS:

1. Overlook Sub, Windsor Rd: *11 units*
2. Los Amigos Sub, Arata Ln: *6 units*
3. Vintage Oaks, Old Redwood Hwy: *387 units*
4. Windsor Garden Homes, Old Redwood Hwy: *12 units*
5. Richardson Mixed-Use, Richardson St: *30 units*
6. 330 Arata Ln, Arata Ln: *6 units*
7. 6500/6516 Old Redwood Hwy, Old Redwood Hwy: *8 units*
8. Draper Estates Sub, Herb Rd: *5 units*
9. Duncan Village, Wall St: *16 units**
10. Mill Creek, Bell Rd/Johnson St: *360 units*
11. The Oaks, Old Redwood Hwy: *34 units*
12. 19th Hole Sub, 19th Hole Dr: *11 units*
13. Shiloh Mixed Use, Shiloh Rd: *27 units*
14. Heritage Park, Old Redwood Hwy: *33 units**
15. Redwood Views, Old Redwood Hwy: *52 units**
16. Shiloh Apartments, Shiloh Rd/Golf Course Dr: *62 units*

SUBMITTED APPLICATIONS:

17. Creekwalk, Old Redwood Hwy: *30 units*
18. The Estates at Ross Ranch, Jensen Ln: *29 units*
19. Kashia-Burbank, Old Redwood Hwy: *54 units**
20. Clearwater at Windsor, Shiloh Rd: *256 units*
21. Windsor Residences, Shiloh Rd/ORH: *134 units**

PENDING APPLICATIONS:

22. Sky Mixed Use Apartments, Shiloh Rd: *20 units*
23. Jensen Lane Annex & Sub, Jensen Ln: *262 units*
24. Artesian, Old Redwood Hwy: *64 units*
25. Sherlock Homes, Arata Ln: *8 units*
26. North of Arata, Arata Ln: *240 units*
27. Redwood Glen, Old Redwood Hwy: *50 units**
28. Shiloh Crossing, Shiloh Rd: *173 units**
29. Hembree Ln Oaks, Hembree Ln: *25 units*

* *Affordable Projects*