



# ABAG-MTC Staff Response to *Town of Windsor* RHNA Appeal

ABAG Administrative  
Committee

October 29, 2021

# Overview of **Town of Windsor** Appeal

## Appeal Request:

- Reduce allocation by 342 units (34%) from 994 units to 652 units.

## Staff Recommendation:

- Deny the appeal.

## Appeal basis cited:

- 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.

# Issue #1: Equity Adjustment

*Jurisdiction Argument: Final RHNA methodology does not further statutory objective related to “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” because the process ABAG used to approve the Equity Adjustment as part of the methodology was flawed.*

## **ABAG-MTC Staff Response:**

- This argument challenges the final RHNA methodology that was adopted by the ABAG Executive Board and approved by HCD, and thus falls 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 the objectives.
- There were six publicly noticed meetings between September 2020 and January 2021 in which the information related to an Equity Adjustment was included in the agenda packet which was posted online. Local jurisdiction staff, elected officials, and residents had the opportunity to comment on the equity adjustment at these meetings.
- The ABAG Regional Planning Committee and ABAG Executive Board determined the additional equity gains produced by the equity adjustment merited this additional step in the methodology. The appeals process cannot be used to undo the decisions of the Executive Board on the methodology itself.

# Issue #2: Concerns That Are Not A Valid Basis For An Appeal — Population Decline

*Jurisdiction Argument: RHNA process did not consider current population trends, including a population decline in Windsor since 2019.*

## ***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 two years, one of which was heavily impacted by COVID.
- Windsor 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 #3: Past Performance in Approving Development

*Jurisdiction Argument: RHNA process did not consider Windsor's past RHNA performance, which demonstrates the Town has entitled residential projects that have not been built.*

## ***ABAG-MTC Staff Response:***

- This argument challenges the final RHNA methodology that was adopted by the ABAG Executive Board and approved by HCD, which falls outside the scope of the appeals process.
- A valid appeal must show ABAG made an error in the application of the methodology in determining the jurisdiction's allocation.
- Jurisdictions had multiple opportunities to comment as the methodology was developed and adopted between October 2019 and May 2021.

# Issue #4: Methodology Does Not Encourage Efficient Development Patterns (Objective 2)

*Jurisdiction Argument: RHNA methodology does not further the statutory objective related to encouraging efficient development patterns. The RHNA process did not consider need for city-centered growth because jurisdictions that are more urban than Windsor saw reductions in their RHNA from 5th Cycle to 6th Cycle.*

## **ABAG-MTC Staff Response:**

- This argument challenges the Final RHNA Methodology adopted by ABAG and approved by HCD, which falls 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 the objectives.
  - As HCD notes, ABAG's methodology allocates “nearly twice as many RHNA units to jurisdictions with higher jobs access, on a per capita basis. . . . Jurisdictions with the lowest vehicle miles traveled (VMT) per capita, relative to the region, receive more RHNA per capita than those with the highest per capita VMT.”
- 50 percent of the region's RHNA units are allocated to the ten largest jurisdictions in the Bay Area.

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

**Deny** the appeal filed by the Town of Windsor to reduce its Draft RHNA Allocation by 342 units.

- 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).