

Regional Housing Needs Determination Appeal Hearing Summary

Hearing Date: January 25, 2001

SUMMARY OF ACTIONS

1. RICHMOND 9:05-9:35A.M.

REQUEST: The City of Richmond requested that ABAG reduce its RHND allocation by an undetermined amount. The City also requested a modification to its income distribution allocation.

ACTION: *Proposed Revision 1.* The Appeal Committee accepted ABAG staff's recommendation to deny the City of Richmond's request to modify the RHND methodology by taking into consideration the City's high rate of unemployment.
Proposed Revision 2. The Appeal Committee accepted staff's recommendation to revise the City of Richmond's RHND income category distribution by applying the Contra Costa countywide income averages to the RHND allocation for the City of Richmond. This revision shifts 288 units from the very low, low, and moderate income categories into the above moderate category.

2. PIEDMONT 9:45-10:15A.M.

REQUEST: The City of Piedmont requested a reduction of 17 units.

ACTION: The Appeal Committee accepted ABAG staff's recommendation to deny the City of Piedmont's request to modify the RHND methodology by reducing the household and job growth in the RHND methodology.

3. ROHNERT PARK 10:25-10:55A.M.

REQUEST: The City of Rohnert Park requested a reduction of 1,503 units.

ACTION: The Appeal Committee accepted ABAG staff's recommendation to deny the City of Rohnert Park's request to reduce the City's RHND allocation.

4. SARATOGA 11:10-11:40A.M.

REQUEST: The City of Saratoga requested a reduction of 306 units.

ACTION: The Appeal Committee accepted ABAG staff's recommendation to deny the City of Saratoga's request to reduce the City's RHND allocation.

5. SOLANO COUNTY 11:50A.M.-12:20P.M.

REQUEST: The County of Solano requested that ABAG reduce its RHND allocation by an undetermined amount.

ACTION: The Appeal Committee accepted ABAG staff's recommendation to deny Solano County's request to reduce the County's RHND allocation.

6. WINDSOR 1:35-2:05P.M.

REQUEST: Town of Windsor requested a reduction of 796 units.

ACTION: The Appeal Committee accepted ABAG staff's recommendation to deny the Town of Windsor's request to reduce the Town's RHND allocation.

7. SONOMA COUNTY 2:15-2:45P.M.

REQUEST: The County of Sonoma requested a reduction of 3,676 units.

ACTION: The Appeal Committee accepted ABAG staff's recommendation to deny the County of Sonoma's request to reduce the County's RHND allocation.

8. GILROY 2:55-3:25P.M.

REQUEST: The City of Gilroy requested a reduction of 877 units.

ACTION: The Appeal Committee accepted ABAG staff's recommendation to deny the City of Gilroy's request to reduce the City's RHND allocation.

9. SANTA CLARA COUNTY 3:35-4:05P.M.

REQUEST: The County of Santa Clara requested a reduction of 992 units.

ACTION: The Appeal Committee accepted ABAG staff's recommendation to deny the County of Santa Clara's request to reduce the County's RHND allocation.

12. ALAMEDA 4:15-4:45P.M.

REQUEST: The City of Alameda requested a reduction of 882 units.

ACTION: The Appeal Committee accepted ABAG staff's recommendation to approve a reduction of 441 units from the City of Alameda's RHND allocation of 2,162 units.

Regional Housing Needs Determination Appeal Hearing Summary

Hearing Date: January 25, 2001

Hearing Time: 9:05 am

Jurisdiction: City of Richmond	Current RHND Allocation: 2,603
Appellant(s): Rosemary M. Corbin, Mayor Martin Jacobson, Planning Manager Claire Wilcox, Associate Planner	Appeal Committee Proposed Allocation: 2,603
	Committee Action: Approve Staff Recommendation 4-0, Unanimous

Summary of Appeal:

The City of Richmond appeared before the Appeal Committee and gave a presentation in support of the City's proposed revisions to the RHND allocations. The City of Richmond's appeal included two proposed revisions to the City's RHND allocation.

Proposed Revision 1. The City of Richmond proposed that ABAG modify the methodology by taking into consideration the City's existing rate of unemployment. The City stated that housing should not be required for jobs that are intended for its unemployed residents.

Proposed Revision 2. The City of Richmond also proposed that ABAG recalculate the City's RHND allocation by income distribution based upon an alternate methodology. This proposed revision would reduce the City of Richmond's Very Low and Low income units to zero.

The City of Richmond did not present additional or new information in support of its appeal.

Summary of Discussion and Action:

Proposed Revision 1. The Appeal Committee asked if ABAG staff determined the number of unemployed residents in the region, in order to analyze the effects that this factor may have on the RHND allocations in jurisdictions that are similar to the City of Richmond. Staff explained that there are similar jurisdictions in the region that have high unemployment rates when compared against other jurisdictions within each county. However, this factor was not considered directly in the RHND methodology that was approved by ABAG, thus a complete analysis of the effects of high unemployment rates on the RHND methodology- at the regional level- was not closely examined. Staff further explained that Housing Element Law mandates that any proposed revision must be based upon the same methodology that determined the RHND allocations. Because this proposed revision sought to incorporate an additional factor to the methodology, State Housing Element Law requires that ABAG not consider the proposed revision as a valid change that would warrant a revision to the RHND allocations.

The Appeal Committee accepted ABAG staff's recommendation to deny the City of Richmond's request to modify the RHND methodology by taking into consideration the City's high rate of unemployment.

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Findings in Support of Action:

Proposed Revision 1. The criteria cited by the City of Richmond is not consistent with the requirements of State Housing Element Law, nor the additional appeal criteria stipulated by the Executive Board, which would warrant a revision.

- The proposed revision is inconsistent with the goals of the RHND process. Jurisdictions that are planning additional job growth should be required to plan for additional housing units commensurate with that growth.
- The proposed revision is not supported by adequate documentation.
- The proposed revision is not based upon acceptable data that is available, accurate, current and replicable at the region level.
- The City of Richmond has not identified another recipient (other jurisdiction(s)) willing to incorporate the proposed reduction in RHND allocations.

Summary of Discussion and Action:

Proposed Revision 2. Staff explained that when a comparison is drawn between the combined very-low and low income percentages of the City of Richmond and the other jurisdictions within Contra Costa county, the City of Richmond is found to have a disproportionately higher number of lower income households than other jurisdictions throughout Contra Costa county. This condition is perpetuated by the income distribution method applied by the RHND methodology. In order to address this issue, staff recommended that the Appeal Committee apply the Contra Costa countywide income percentages to the City of Richmond's RHND allocation. This modification would result in a shift of 288 lower and moderate income housing units into the City of Richmond's above moderate income category, which would move the City of Richmond closer to the other jurisdiction's within Contra Costa county. The City of Richmond explained that while this modification does not immediately reconcile the total number of lower income units in the City with the rest of the jurisdictions within Contra Costa county, the City would support a modification that sought to bring the City closer to this target during the 1999-2006 RHND timeframe.

The Appeal Committee asked staff if this modification would reduce the total number of units for the very low and low income categories for the region, and if so, would the Appeal Committee be required to increase the very low and low income units in other jurisdictions, throughout the region, in order to make up the difference as a result of this proposed revision. Staff explained that while the number of very low and low income units for the region would be decreased by this proposed revision, the overall RHND allocation for the City of Richmond, as well as the region, would not be affected. Staff further explained that ABAG has been in contact with HCD regarding proposed modifications to the RHND allocations. HCD has informed ABAG staff that any proposed modification would be considered as long as each revision was in the "spirit of the law". Staff interpreted this to mean that any proposed revision could only minimally affect the overall RHND allocations. Staff further explained that it would not be necessary for the Appeal Committee to reassign very low and low income units to other jurisdictions in the region as a result of this modification.

The Appeal Committee accepted staff's recommendation to revise the City of Richmond's RHND income category distribution by applying the Contra Costa countywide income averages to the RHND allocation for the City of Richmond. This revision shifts 288 units from the very low, low, and moderate income categories into the above moderate category.

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**Findings in
Support of Action:**

Proposed Revision 2. An analysis of the number of lower income housing units in the City of Richmond compared to the other jurisdictions within Contra Costa County, indicates that the City is adversely impacted by the income distribution method used in the RHND methodology. The combined very low and low-income percentage for the City of Richmond is uniquely high at 44.5% when compared to the countywide combined very low and low-income percentage of 25.8%. This indicates that the City of Richmond has a substantially higher number of lower income units than the rest of the jurisdictions in the county.

Committee

members voting: Don Burnet, Council member, City of Cupertino
Kent Edens, Deputy Director, Planning Services City of San Jose
Pat Eklund, Council member, City of Novato
Rose Jacobs Gibson, Supervisor, San Mateo County

Committee

members recused: John Marquez, Council member, City of Richmond

Regional Housing Needs Determination Appeal Hearing Summary

Hearing Date: January 25, 2001

Hearing Time: 9:45 am

Jurisdiction: City of Piedmont	Current RHND Allocation: 49
Appellant(s): George S. Peyton, City Attorney Lori Salamack, City Planner Barry Miller, Planning Consultant	Appeal Committee Proposed Allocation: 49
	Committee Action: Approve Staff Recommendation 5-0, Unanimous

Summary of Appeal:

The City of Piedmont appeared before the Appeal Committee and gave a presentation in support of the proposed revisions to the City's RHND allocations. The appeal letter submitted by the City of Piedmont cited several issues in support of the City's proposed revision. However, the primary focus of the City's appeal was that the job growth for the City, as used in the RHND methodology, should be reduced from 136 jobs to 84 jobs due to home occupation jobs being included as job growth to determine the RHND allocations. The City of Piedmont also proposed that the City's household growth be reduced from 19 households to 14, due to the use the Department of Finance E-5 report estimate of occupied households in 1999- which the City states is underestimated by 5 households. These modifications would reduce the City's RHND allocation from 49 units to 32 units.

The City of Piedmont did not present additional or new information in support of its appeal.

Summary of Discussion and Action:

The Appeal Committee raised some concerns regarding the City of Piedmont's failure to update and/or correct the inconsistencies in the Projections 2000 forecasts prior to the assignment of the RHND allocations. The City of Piedmont stated that comments were submitted to ABAG regarding the household growth forecasts, and that this was the area that the City was primarily focused due to the current update of the City's Housing Element. The City of Piedmont further explained that it did not give much notice to the historical job growth data from 1995-2000 which is where the discrepancy in jobs is most noticeable, and ultimately results in the increased RHND allocation that the City has been assigned.

The City of Piedmont questioned ABAG staff's interpretation of the term "available data" as used in the context of the criteria in State Housing Element law that would warrant a revision to the RHND allocations. ABAG staff legal counsel addressed this question by stating that staff's interpretation of the term "available data" applies to the usage of data that is consistent with the methodology and data used on a region wide basis to determine the RHND allocations. ABAG staff legal counsel further explained that this interpretation is the intent of State Housing Element law, and that staff's application of the interpretation is appropriate.

The Appeal Committee accepted ABAG staff's recommendation to deny the City of Piedmont's request to modify the RHND methodology by reducing the household and job growth in the RHND methodology.

**Findings in
Support of Action:**

This proposed revision does not meet the requirements of State Housing Element Law, nor the additional appeal criteria stipulated by the Executive Board, which would warrant a revision.

- The proposed revision cites inaccuracies in the Projections 2000 forecast as the determining factor for an overstatement of the City's RHND allocation assignment. Jurisdiction's were given several opportunities to review and modify, if necessary, their Projections 2000 growth forecasts prior to the release of preliminary RHND allocations to Bay Area jurisdictions. The City of Piedmont did review their Projections 2000 forecast, however no modification was proposed to the City's employment estimates at that time.
- The proposed revision is not supported by adequate documentation.
- The City of Piedmont has not identified another recipient (other jurisdiction(s)) willing to incorporate the proposed reduction in RHND allocations.

Committee

members voting: Don Burnet, Council member, City of Cupertino
Kent Edens, Deputy Director, Planning Services City of San Jose
Pat Eklund, Council member, City of Novato
Rose Jacobs Gibson, Supervisor, San Mateo County
John Marquez, Council member, City of Richmond

Committee

members recused: None

Regional Housing Needs Determination Appeal Hearing Summary

Hearing Date: January 25, 2001

Hearing Time: 10:25 am

Jurisdiction: City of Rohnert Park	Current RHND Allocation: 2,124
Appellant(s): Jake Mackenzie, Mayor Nancy Kaufmann, Planning Director Betsy Strauss, City Attorney	Appeal Committee Proposed Allocation: 2,124
	Committee Action: Approve Staff Recommendation 5-0, Unanimous

Summary of Appeal:

The City of Rohnert Park appeared before the Appeal Committee and gave a presentation in support of the proposed revisions to the City's RHND allocations. The City of Rohnert Park proposed that the RHND allocation be reduced from 2,124 units to 621 units. The City stated that its RHND allocation is based upon data which overestimates growth due to the use of an erroneous sphere of influence boundary reported in ABAG's Local Policy Survey.

During the City of Rohnert Park's presentation, the City presented new information to the Appeal Committee that was not already cited in the Appeal letter submitted by the City prior to the Appeal Hearings. The City stated that it had recently met with ABAG staff regarding an update to its Local Policy Survey for the next round of Projections forecasts. The City indicated that during this meeting, an ABAG staff member stated that the Local Policy survey database for the City of Rohnert Park contained a record that was marked for deletion, however this record was not removed prior to the release of the Projections 2000 forecast. The City has stated that ABAG was first notified of this change in 1996.

Summary of Discussion and Action:

The Appeal Committee asked ABAG staff to clarify the information the City of Rohnert Park presented concerning the use of erroneous data in the Local Policy Survey. Staff explained that after the Local Policy Survey information is collected, database records that are marked for deletion are reviewed for accuracy. This review for the City of Rohnert Park occurred between 1996 and 1997. After this review, staff questioned whether the data was appropriately marked for deletion. In order to ensure the accuracy of the City of Rohnert Park's Local Policy Survey database, ABAG staff initiated a follow-up conversation with City of Rohnert Park staff. During this conversation, a discussion took place concerning whether the density of residential units assigned to the geographic area was to be modified or if the total acreage was to be removed from the database. However due to the amount of time that has elapsed, staff indicated that it is unclear as to what the final direction was after this conversation.

The Appeal Committee stated that it was uncertain as to what happens when a boundary change reduces the acreage assigned to the unincorporated SOI area in Sonoma County. The City of Rohnert Park stated that this particular area in question was removed from the City's SOI and placed in the unincorporated County's jurisdiction. The City Rohnert Park further explained that it is currently seeking to expand its SOI boundary in order to accommodate the City's future growth.

The Appeal Committee questioned whether the City could accommodate the RHND allocations in the expanded SOI which the City is currently seeking. ABAG staff indicated that they had met with City of Rohnert Park staff during the 90-Day Review and Revision period to discuss this issue. During this meeting, the City of Rohnert Park staff indicated that it could accommodate the RHND allocations if the Sonoma County LAFCO board would approve the SOI expansion. The City of Rohnert then indicated that the City could not adequately plan for the RHND allocation it has received from ABAG, in the expanded SOI during the 1999-2006 RHND time frame.

The Appeal Committee questioned whether HCD would accept a reduction in the overall regional housing unit allocations, in recognition of the seemingly limited supply of land available for residential development for the City of Rohnert Park. ABAG staff explained that this issue may be persuasive, however when balanced against the significant increase in jobs that the City of Rohnert Park is planning to add during the 1999-2006 RHND time frame, a separate concern can be raised of whether it is appropriate to add a significant number of jobs without the commensurate housing responsibilities. Staff further explained that HCD, in its implementation of the RHND process, has a central goal of providing housing by examining alternative land use scenarios that seek to expand the opportunities for housing to occur.

The City of Rohnert Park then stated that it has submitted a draft housing element to HCD for review and feedback. The City further stated that it has received comments from HCD, and that those comments suggest that the City's Housing Element, as submitted, would not be able to accommodate the RHND allocation assigned by ABAG. However, the City also indicated that its housing element identified sites for only 596 housing units, while its RHND allocation assignment from ABAG is 2,124 housing units. The City of Rohnert park stated that while it may be possible to accommodate the RHND allocations in an expanded SOI area, without the approval of the Sonoma County LAFCO, it will not be possible to meet its RHND allocations.

The Appeal Committee then questioned whether a set time frame has been established for the expansion of the City's SOI boundary. The City of Rohnert Park then stated that Sonoma Co. LAFCO has asked the City to adopt a growth management ordinance prior to making its request. The City stated that it expects to have this completed prior to the Summer of 2001, and that it will approach LAFCO with the request at that time. The City further stated that it will be aggressive in its pursuit of obtaining approval from LAFCO to expand its SOI boundary.

The Appeal Committee accepted ABAG staff's recommendation to deny the City of Rohnert Park's request to reduce the City's RHND allocation.

Findings in Support of Action:

The proposed revision does not meet the requirements of Housing Element Law which would warrant a revision.

- Approving a revision request that seeks to modify data that Rohnert Park failed to update prior to the release of the RHND allocations is unwarranted. Although ABAG staff acknowledges that out dated information was used in the *Projections 2000 forecast process*, the City of Rohnert Park has had several opportunities to correct this error prior to the release of the RHND allocations.
- The City of Rohnert Park has not identified another recipient (other jurisdiction(s)) willing to incorporate the proposed reduction in RHND allocations.

Committee

members voting:

Don Burnet, Council member, City of Cupertino

Kent Edens, Deputy Director, Planning Services City of San Jose

Pat Eklund, Council member, City of Novato

Rose Jacobs Gibson, Supervisor, San Mateo County

John Marquez, Council member, City of Richmond

Committee

members recused:

None

Regional Housing Needs Determination Appeal Hearing Summary

Hearing Date: January 25, 2001

Hearing Time: 11:10 am

Jurisdiction: City of Saratoga	Current RHND Allocation: 539
Appellant(s): Dave Anderson, City Manager Ann Waltonsmith, Council member Stan Bogosian, Council member Richard Taylor, City Attorney	Appeal Committee Proposed Allocation: 539 Committee Action: Approve Staff Recommendation 3-0, Unanimous

Summary of Appeal:

The City of Saratoga appeared before the Appeal Committee and gave a presentation in support of the City's proposed revisions to the RHND allocations. The City of Saratoga requests that ABAG recalculate the RHND allocation based upon past housing unit production trends and proposed revisions to ABAG's Projections 2000 job forecasts. Based upon a revised RHND calculation provided by the City, the proposed revision would reduce the City's RHND allocation assignment of 539 units to a proposed total of 233 units over the 1999-2006 RHND time frame.

The City of Saratoga did not present additional or new information in support of its appeal.

Summary of Discussion and Action:

The City of Saratoga stated that ABAG used erroneous data from the Projections 2000 forecast to determine the City's RHND allocation. The City further stated that the amount of land currently zoned for commercial use is too small to accommodate the projected growth numbers established by ABAG. Projections 2000 estimated a 14% increase in jobs (1200 new jobs) from 1995-2000. The City stated that Saratoga is a built-out community that has no room for expansion of commercial areas which could accommodate this level of commercial development. The City also raised concerns over the housing numbers from Projections 2000 that were used in the RHND methodology. The City explained that there were a few large parcels suitable for extensive development in the past, however these were already developed with 245 housing units. The City noted that it does not have the physical room to accommodate the projected housing growth as indicated in Projections 2000.

ABAG staff stated that data from Projections 2000 was based in part on information provided by jurisdictions in the region. Staff further explained that jurisdictions had the opportunity to review and modify Projections 2000 data prior to the determination of the RHND allocations. The City of

Saratoga did not request a modification to the Projections 2000 forecasts, therefore ABAG staff considered the data to be up-to-date and reliable information.

The Appeal Committee questioned whether the City could accommodate the RHND allocation by developing policies that would promote higher densities in the General Plan. The City stated that even with policies that promote higher densities, it would not be possible to accommodate the RHND allocation assigned by ABAG. The City continued, indicating it has established a zoning ordinance that specifically does not allow for the rezoning of land from commercial to residential use. However, State Housing Element Law suggests that alternative land use policies, such as rezoning, should be promoted in order to accommodate the housing goals established by the RHND process.

The Appeal Committee accepted ABAG staff's recommendation to deny the City of Saratoga's request to reduce the City's RHND allocation.

Findings in

Support of Action:

This proposed revision does not meet the requirements of State Housing Element Law, nor the additional appeal conditions stipulated by the Executive Board, which would warrant a revision.

- ❑ The proposed revision cites inaccuracies in the Projections 2000 forecast as the determining factor for an overstatement of the City's RHND allocation assignment. Jurisdiction's were given several opportunities to review and modify, if necessary, their Projections 2000 growth forecasts prior to the release of preliminary RHND allocations to Bay Area jurisdictions. Therefore, requests for modification based upon Projections 2000 data inaccuracies are not valid. All Bay Area jurisdictions are treated equally in this manner.
- ❑ The City of Saratoga has not identified another recipient (other jurisdiction(s)) willing to incorporate the proposed reduction in RHND allocations.

Committee

members voting: Pat Eklund, Council member, City of Novato
Rose Jacobs Gibson, Supervisor, San Mateo County
John Marquez, Council member, City of Richmond

Committee

members recused: Don Burnett, Council member, City of Cupertino
Kent Edens, Deputy Director, Planning Services City of San Jose

Regional Housing Needs Determination Appeal Hearing Summary

Hearing Date: January 25, 2001

Hearing Time: 11:50 am

Jurisdiction: County of Solano	Current RHND Allocation: 2,124
Appellant(s): Harry Englebright, Principal Planner	Appeal Committee Proposed Allocation: 2,124
	Committee Action: Approve Staff Recommendation 5-0, Unanimous

Summary of Appeal:

The County of Solano appeared before the Appeal Committee and gave a presentation in support of the proposed revisions to the County's RHND allocations. The County's appeal included two proposed revisions.

Proposed Revision 1. The County of Solano seeks to modify the RHND methodology by substituting the DOF E-5 report estimate of households with a calculated figure based upon ABAG's forecast of households between 1995 and 2000. This would reduce the household growth forecast for unincorporated Solano County, and the subsequent RHND allocations associated with this share of household growth.

Proposed Revision 2. The County also seeks to modify the RHND methodology by shifting the County's 25% share of the RHND allocation assignment for the unincorporated SOI to each incorporated jurisdiction within Solano County.

The County of Solano did not present additional or new information in support of its appeal.

Summary of Discussion and Action:

The County of Solano indicated that during the RHND methodology development process, ABAG staff suggested that it might be possible to adjust the RHND allocations based upon differences in the DOF estimates of occupied households. ABAG staff stated that they have conducted an analysis of the effects of making adjustments to the DOF estimates of occupied households in the RHND methodology. This analysis indicated that the effects would be widely varied due to the differences between the DOF estimates and ABAG's household forecasts. Substituting the DOF number with a calculated figure based upon Projections 2000 would cause the RHND allocations to increase for some jurisdictions, and decrease for others. The ABAG Executive Board adopted the methodology to be used for the RHND process, and accepted the use of the DOF numbers as an accurate and region-wide baseline representing existing housing units in 1999. Staff also noted that the Department of Housing and Community Development directed staff to use the DOF estimates as a baseline for determining household growth when preparing the RHND allocations.

The Appeal Committee accepted ABAG staff's recommendation to deny Solano County's request to reduce the County's RHND allocation.

**Findings in
Support of Action:**

This proposed revision does not meet the requirements of State Housing Element Law, nor the additional appeal criteria stipulated by the Executive Board, which would warrant a revision.

- The proposed revision seeks to modify the RHND methodology by substituting the DOF E-5 report estimate of households with a calculated figure based upon ABAG's forecast of households between 1995 and 2000. The proposed revision also seeks to modify the RHND methodology by shifting the County's 25% share of the RHND allocation assignment for the unincorporated SOI to each incorporated jurisdiction within Solano County. All revisions must be based upon the same accepted planning methodology which produced the RHND allocations.
- Solano County has not identified another recipient (other jurisdiction(s)) willing to incorporate the proposed reduction in RHND allocations.

Committee

members voting: Don Burnet, Council member, City of Cupertino
Kent Edens, Deputy Director, Planning Services City of San Jose
Pat Eklund, Council member, City of Novato
Rose Jacobs Gibson, Supervisor, San Mateo County
John Marquez, Council member, City of Richmond

Committee

members recused: None

Regional Housing Needs Determination Appeal Hearing Summary

Hearing Date: January 25, 2001

Hearing Time: 1:35 pm

Jurisdiction: Town of Windsor	Current RHND Allocation: 2,071
Appellant(s): Paul Berlant, Town Manager Peter Chamberlin, Planning Director	Appeal Committee Proposed Allocation: 2,071
	Committee Action: Approve Staff Recommendation 4-1

Summary of Appeal:

The Town of Windsor appeared before the Appeal Committee and gave a presentation in support of its proposed revisions to the RHND allocations. In recognition of the Town's General Plan and growth control goals, the Town of Windsor requests that the RHND allocation be revised to 170 units per year (a total of 1,275 units) over the 1999-2006 RHND time frame.

The Town of Windsor did not present additional or new information in support of its appeal.

Summary of Discussion and Action:

The Appeal Committee requested clarification on the Town of Windsor's intent to reduce its sphere of influence (SOI) boundary during the 1999-2006 RHND time frame. The Town explained its urban growth boundary was established in 1998. This was followed by a request to the Sonoma County LAFCO to reduce the Town's SOI boundary by a few hundred acres. The Town stated that the goal of this request was to establish a SOI boundary that would be coterminous with the Town's current limits, and urban growth boundary. The Town of Windsor indicated that this request is currently being reviewed by the Sonoma County LAFCO, however LAFCO has not given any indication as to when it will decide the outcome of the proposed change to the Town's SOI boundary.

The Appeal Committee asked ABAG staff to provide clarification as to what would happen to the RHND allocations for jurisdictions that obtain approval from LAFCO to reduce their SOI boundaries during the 1999-2006 RHND time frame. Staff explained that once the RHND allocations have been assigned, the jurisdiction is responsible for planning for those units in the update of its Housing Element. Staff further explained that Housing Element Law does not recognize local growth control measures or policies that would limit housing unit growth to occur. Staff indicated that the Executive Board modified the RHND methodology to reflect ABAG's smart growth policies. This modification had the effect of reducing the Town of Windsor's RHND allocations substantially from 3,471 to 2,071 units.

The Appeal Committee asked if ABAG staff would approach HCD with a request to reduce the RHND allocation for the Town of Windsor based on units attributed to the modified SOI boundary. Staff noted that once final RHND allocations have been determined, it is incumbent on each jurisdiction to negotiate housing element certification with HCD. In addition, the Town of Windsor's RHND allocation assigned by ABAG does not have units attributed to the Town's unincorporated SOI areas. Projections 2000 does not forecast household growth in the Town's unincorporated SOI areas, and therefore the RHND methodology did not assign any housing units to the unincorporated SOI areas for the Town of Windsor.

The Appeal Committee accepted ABAG staff's recommendation to deny the Town of Windsor's request to reduce the Town's RHND allocation.

Findings in

Support of Action:

This proposed revision does not meet the requirements of State Housing Element Law, nor the additional appeal criteria stipulated by the Executive Board, which would warrant a revision.

- ❑ State Housing Element Law does not recognize local growth control measures as a valid means of reducing RHND allocations.
- ❑ The Town of Windsor has not identified another recipient (other jurisdiction(s)) willing to incorporate the proposed reduction in RHND allocations.

Committee

members voting: Don Burnett, Council member, City of Cupertino (For)

Kent Edens, Deputy Director, Planning Services City of San Jose (For)

Pat Eklund, Council member, City of Novato (Against)

Rose Jacobs Gibson, Supervisor, San Mateo County (For)

John Marquez, Council member, City of Richmond (For)

Committee

members recused: None

Regional Housing Needs Determination Appeal Hearing Summary

Hearing Date: January 25, 2001

Hearing Time: 2:15 pm

Jurisdiction: County of Sonoma	Current RHND Allocation: 6,799
Appellant(s): Richard Flores, Deputy County Counsel	Appeal Committee Proposed Allocation: 6,799
	Committee Action: Approve Staff Recommendation 5-0, Unanimous

Summary of Appeal:

The County of Sonoma appeared before the Appeal Committee and gave a presentation in support of the proposed revisions to the County's RHND allocations. The County requests that ABAG and HCD resume negotiations over the total regional "goal" number, with the intent that the regional number be reduced to match the corresponding housing unit forecast as contained in the *Projections 2000* report.

The County of Sonoma did not present additional or new information in support of its appeal.

Summary of Discussion and Action:

The County of Sonoma raised several concerns regarding State Housing Element Law which did not relate directly to the County's RHND allocations, nor the criteria cited in support of its appeal. The principle issue raised by the County regarded the way Housing Element Law views infrastructure limitations as temporary conditions. The County stated that infrastructure limitations may last several years, and in many cases extend far beyond the planning period covered by the RHND allocations.

The Appeal Committee asked whether ABAG staff had any additional comments to offer in response to the concerns raised by the County. ABAG Staff indicated that the issues raised by The County of Sonoma could not be addressed in the context of State Housing Element Law. Staff noted that the concerns raised by the County could only be addressed in a legislative process that might seek to reform Housing Element Law in a manner that may facilitate jurisdictions ability to produce housing.

The Appeal Committee accepted ABAG staff's recommendation to deny the County of Sonoma's request to reduce the County's RHND allocation.

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**Findings in
Support of Action:**

The issues identified by the County of Sonoma do not meet the requirements of State Housing Element Law, nor the additional appeal conditions stipulated by the Executive Board, which would warrant a revision.

- The issues identified by the County of Sonoma are procedural, and therefore are not considered valid points of appeal.
- State Housing Element Law does not recognize local growth control measures as a valid means of reducing RHND allocations.
- The County of Sonoma has not identified another recipient (other jurisdiction(s)) willing to incorporate the proposed reduction in RHND allocations.

Committee

members voting: Don Burnet, Council member, City of Cupertino
Kent Edens, Deputy Director, Planning Services City of San Jose
Pat Eklund, Council member, City of Novato
Rose Jacobs Gibson, Supervisor, San Mateo County
John Marquez, Council member, City of Richmond

Committee

members recused: None

Regional Housing Needs Determination Appeal Hearing Summary

Hearing Date: January 25, 2001

Hearing Time: 2:55 pm

Jurisdiction: City of Gilroy	Current RHND Allocation: 3,746
Appellant(s): Melissa Durkin, Planner	Appeal Committee Proposed Allocation: 3,746
	Committee Action: Approve Staff Recommendation 3-0, Unanimous

Summary of Appeal:

The City of Gilroy appeared before the Appeal Committee and gave a presentation in support of the City's proposed revisions to the RHND allocations. The City of Gilroy's appeal included two proposed revisions.

Proposed Revision 1. The City of Gilroy seeks to recalculate the RHND allocations based upon an alternate methodology that considers LAFCO Urban Service Area policies, and other criteria that could be used in the methodology to reduce sprawl. Using the City's alternate methodology would reduce the RHND allocation from 3,746 units to 2,800 units, (a reduction of 946 units) for the 1999-2006 RHND time frame.

Proposed Revision 2. The City of Gilroy also requests that the distribution of allocations by income category be modified and that the very low and low-income units be more evenly distributed among cities in Santa Clara County.

The City of Gilroy did not present additional or new information in support of its appeal.

Summary of Discussion and Action:

The City of Gilroy stated that due to Santa Clara County LAFCO restrictions on the expansion of its Urban Service Areas (USA), the City will not be able to accommodate the RHND allocations in its current USA. ABAG staff indicated that State Housing Element Law would suggest that jurisdictions accommodate the RHND allocations by developing alternative land use policies- such as increasing in-fill potential and densities in already urbanized areas- that expand the opportunities for housing growth to occur.

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The City of Gilroy stated that the RHND allocation unfairly burdens the City with a higher proportion of lower-income housing units when compared to other jurisdictions within Santa Clara County. ABAG staff indicated that the percentage of lower-income housing assigned to the City of Gilroy is similar to many jurisdictions in Santa Clara County. The Appeal Committee noted that the need for affordable housing is great in the Bay Area, and that the current income distribution ratio is designed to address this issue. The Appeal Committee further noted that the intent of the RHND methodology is to move each jurisdiction in the direction of the regional average for income categories. In this case, the methodology is bringing the City of Gilroy's income categories closer to the other jurisdictions within Santa Clara County.

The Appeal Committee accepted ABAG staff's recommendation to deny the City of Gilroy's request to reduce the City's RHND allocation.

Findings in

Support of Action:

The proposed revisions do not meet the requirements of State Housing Element Law, nor the additional appeal conditions stipulated by the Executive Board, which would warrant a revision.

- ❑ All revisions must be based upon the same accepted planning methodology that produced the RHND allocations.
- ❑ State Housing Element Law does not recognize local growth control measures as a valid means of reducing RHND allocations.
- ❑ The proposed revision is not supported by adequate documentation.
- ❑ The proposed revision is not based upon acceptable data that is available, accurate, current and replicable across the entire region.
- ❑ The City of Gilroy has not identified another recipient (other jurisdiction(s)) willing to incorporate the proposed reduction in RHND allocations.

Committee

members voting:

Pat Eklund, Council member, City of Novato

Rose Jacobs Gibson, Supervisor, San Mateo County

John Marquez, Council member, City of Richmond

Committee

members recused:

Don Burnett, Council member, City of Cupertino

Kent Edens, Deputy Director, Planning Services City of San Jose

Regional Housing Needs Determination Appeal Hearing Summary

Hearing Date: January 25, 2001

Hearing Time: 3:35 pm

Jurisdiction: County of Santa Clara	Current RHND Allocation: 1,446
Appellant(s): Dunia Noel, Planner Don Weden, Manager, Comprehensive Planning	Appeal Committee Proposed Allocation: 1,446
	Committee Action: Approve Staff Recommendation 3-0, Unanimous

Summary of Appeal:

The County of Santa Clara appeared before the Appeal Committee and gave a presentation in support of the County's proposed revision to the RHND allocations. The County requests that its RHND allocation be reduced from 1,446 units to 474 units.

The County of Santa Clara did not present additional or new information in support of its appeal.

Summary of Discussion and Action:

The County of Santa Clara stated that it has a policy that requires all urbanized development to occur within incorporated cities, and that this policy limits the County's ability to accommodate the RHND allocations assigned by ABAG. ABAG staff indicated that State Housing Element Law does not recognize land use policies that limit the availability of housing growth to occur. The County also questioned the revision approved by the ABAG Executive Board that increased the unincorporated County's RHND allocations, while decreasing the RHND allocation assigned to the City of Cupertino. Staff indicated that the revision approved by the Executive Board was accomplished to rectify data inconsistencies between the DOF E-5 report and ABAG's Projections 2000 forecast. The County's household growth was underestimated in the RHND methodology due to the annexation of the unincorporated neighborhood of Rancho Rinconando into the City of Cupertino. Staff indicated that while ABAG's forecast in Projections 2000 considered the annexation, the DOF E-5 report estimate of occupied households in 1999 did not. This changed the household growth for the County of Santa Clara in the RHND methodology, and subsequently increased the County's RHND allocation while decreasing the City of Cupertino's allocation.

ABAG Staff noted that they are in the process of developing a policy that would set guidelines for the transfer of RHND allocations, during the RHND planning period, whenever a city (1) adjust's its sphere of influence, (2) annexes land into its current city limits, or (3) incorporates. Staff indicated that this policy may address some of the concerns raised by the County of Santa Clara.

The Appeal Committee requested that the County of Santa Clara clarify its assumption that the County did not expect any new housing unit growth within the unincorporated areas. The County indicated that its urban growth policies establish that there will be no net increase in housing densities for the pockets of already urbanized residential neighborhoods adjacent to many of the cities in the County of Santa Clara. The County further stated that any household growth that does occur would be very low density-rural housing. The County noted that the only housing production in these areas is typically replacement housing, in which there is no net gain in densities for the urbanized residential neighborhoods. The County explained that the goal of this policy is to promote density and urban growth in the incorporated jurisdictions within Santa Clara County.

The Appeal Committee accepted ABAG staff's recommendation to deny the County of Santa Clara's request to reduce the County's RHND allocation.

Findings in

Support of Action:

This proposed revision does not meet the requirements of State Housing Element Law, nor the additional appeal conditions stipulated by the Executive Board, which would warrant a revision.

- ❑ State Housing Element Law does not recognize local growth control measures as a valid means of reducing RHND allocations.
- ❑ The County of Santa Clara has not identified another recipient (other jurisdiction(s)) willing to incorporate the proposed reduction in RHND allocations.

Committee

members voting: Pat Eklund, Council member, City of Novato
Rose Jacobs Gibson, Supervisor, San Mateo County
John Marquez, Council member, City of Richmond

Committee

members recused: Don Burnett, Council member, City of Cupertino
Kent Edens, Deputy Director, Planning Services City of San Jose

Regional Housing Needs Determination Appeal Hearing Summary

Hearing Date: January 25, 2001

Hearing Time: 4:15 pm

Jurisdiction: City of Alameda	Current RHND Allocation: 2,162
Appellant(s): Collete Muenier, Planning Director Ralph Appezzato, Mayor Beverly Johnson, Council member	Appeal Committee Proposed Allocation: 1,721
	Committee Action: Approve Staff Recommendation 5-0, Unanimous

Summary of Appeal:

The City of Alameda appeared before the Appeal Committee and gave a presentation in support of the City's proposed revision to the RHND allocations. The City of Alameda seeks to reduce the City's job growth in the RHND methodology from 5,342 jobs to 2,150 jobs. The result of this modification would reduce the City's total RHND allocation by 882 units.

The City of Alameda did not present additional or new information in support of its appeal.

Summary of Discussion and Action:

ABAG staff indicated that the significant job loss that has occurred in the City of Alameda as a result of the Alameda NAS base closure is unique in the context of the region. Staff noted that the military base closure had an adverse impact on the 1990 job/ housing ratio for the City of Alameda. Prior to the base closure, the City of Alameda's jobs/ housing ratio was 1.33, very near the regional average of 1.34 jobs/ household. The loss of approximately 36% of the city's jobs- 14,000 jobs out of 38,730 jobs- caused the City's jobs/ household ratio to reduce to its current position at .90. No other jurisdiction in the region has suffered a job loss of this magnitude.

ABAG staff stated that the 4.94 jobs/ household that the City of Alameda is planning to add during the 1999-2006 RHND timeframe will allow the City of Alameda to replace those lost jobs, while bringing the City closer to its original jobs/ housing ratio established in 1990. However the additional housing units that have been assigned by the RHND process will counteract this effort. ABAG staff believes that the City of Alameda should not receive an RHND allocation that will cause a further decline in the City of Alameda's jobs/ housing ratio. However, staff also believes that the housing market is extremely tight in Alameda, as well as other adjacent communities. With each increase in jobs, cities should be responsible to create additional housing.

In order to balance the "fair-share distribution" goals of the RHND methodology with the realities of the job and housing market in the City of Alameda, ABAG staff suggested reducing the City's RHND allocation by 441 units, half of the City's proposed reduction. Staff indicated that the

reduction is contingent upon the Department of Housing and Community Development (HCD) approving an overall total RHND allocation that is less than the 230,743 unit total that was originally assigned. The Appeal Committee asked staff to clarify how the 441 unit reduction was determined. Staff indicated that the decision to recommend a reduction of 441 units was not based upon a methodology change, however it was based upon acknowledging the "fair-share distribution" goals of Housing Element Law, as well as the unique situation that the City of Alameda is faced with. Staff considered each factor equally important, and therefore devised a simple remedy which divided the proposed reduction in half. ABAG Staff also indicated that the decision was based upon what staff believes HCD will accept in terms of a overall regional housing unit reduction.

The Appeal Committee accepted ABAG staff's recommendation to approve a reduction of 441 units from the City of Alameda's RHND allocation of 2,162 units.

**Findings in
Support of Action:**

The recommendation by staff to reduce the City of Alameda's RHND allocation from 2,162 units, to 1,721 units, is based upon the following factors:

- The loss of approximately 9,700 civilian jobs has had an adverse impact on the 1990 job/ housing ratio for the City of Alameda. Prior to the base closure, the City of Alameda's jobs/ housing ratio was 1.33, very near the regional average of 1.34 jobs/ household. The City of Alameda's current jobs/ household ratio is .90. No other jurisdiction in the region has suffered a job loss of this magnitude.
- The 4.94 jobs/ household that the City of Alameda is planning to add during the 1999-2006 RHND timeframe will place them closer to the regional average, however the additional housing that has been assigned by the RHND process will hinder this effort. ABAG staff believes that the City of Alameda should not receive an RHND allocation that will cause a further decline in the City of Alameda's jobs/ housing ratio.
- ABAG Staff believes that the housing market is extremely tight in Alameda, as well as other adjacent communities. With each increase in jobs, cities should be responsible to create additional housing.
- ABAG Staff believes that the action recognizes the goals of State Housing Element Law, as well as the proposed revision sought by the City of Alameda.

Committee

members voting: Pat Eklund, Council member, City of Novato
Rose Jacobs Gibson, Supervisor, San Mateo County
John Marquez, Council member, City of Richmond
Don Burnett, Council member, City of Cupertino
Kent Edens, Deputy Director, Planning Services City of San Jose

Committee

members recused: None.