



CITY OF YORBA LINDA

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January 5, 2021

Peggy Huang
RHNA Appeals Board Chair
Southern California Association of Governments
900 Wilshire Boulevard, Suite 1700
Los Angeles, California 90017

Subject: Public Comments on RHNA Appeals Scheduled for January 6, 2021

Dear Ms. Huang:

I wanted to thank each of you for the considerable amount of time you have dedicated and will dedicate to reviewing and analyzing each of these individual appeals over the next several weeks. As was explained in the RHNA Appeals Orientation meeting on December 7, 2020, the purpose of the RHNA appeals process is not to change the regional determination of 1.34 million housing units or to revise the RHNA methodology. Rather the purpose of the RHNA appeals process is essentially to allow an opportunity for jurisdictions that may be considered an exception to the results of the RHNA methodology calculator. With 197 jurisdictions in the SCAG region, would it be unreasonable to assume that there could be at least some exceptions to the application of the methodology?

Among the three public hearing agenda packets that have been published so far, one of the common themes used as an appeal argument is the inconsistency between the RHNA and Connect SoCal. For example, the cities of Fontana and Pico Rivera have appealed on the grounds that "SCAG's proposed methodology is inconsistent with the household growth projections determined in the Connect SoCal Plan." The City of San Dimas argues that its RHNA allocation "is inconsistent with the development pattern proposed in Connect SoCal."

City of Fontana

SCAG staff's response for the City of Fontana is that "an appeal citing the adopted RHNA methodology as its basis must appeal the application of the methodology, not the methodology itself." However, Government Code Section 65584.05(b) outlines the three eligible criteria that can be used for filing a RHNA appeal. One of the eligible appeal criteria has been summarized by SCAG staff as only relating to the application of the methodology; however, a careful read of Government Code Section 65584.05(b)(2) states that the eligible appeal criteria also includes the following: "[SCAG]... failed to determine the share of the regional housing need in accordance with the information described in...Government Code Section 65584.04..." Government Code Section

65584.04(m) clearly states, "It is the intent of the Legislature that housing planning be coordinated and integrated with the regional transportation plan. To achieve this goal, the allocation plan shall allocate housing units within the region consistent with the development pattern included in the sustainable communities strategy." Therefore, the City of Fontana's inconsistency argument is a valid RHNA appeal argument and deserves a more in-depth analysis to determine whether the City's RHNA is consistent with the development pattern in the sustainable communities strategy, or Connect SoCal. Unfortunately, SCAG staff's response does not include any reference to the Legislature's intent from Government Code Section 65584.04(m), but rather demonstrates a misunderstanding of the prima facie intent of the statute.

Cities of Pico Rivera and San Dimas

SCAG staff provides a more detailed explanation for this inconsistency in the response portion of the jurisdictional staff reports for the cities of Pico Rivera and San Dimas. SCAG staff explains that the "projected need" portion of RHNA is consistent with the growth forecasts in Connect SoCal and that the "existing need" portion of the RHNA is consistent with the development pattern of the sustainable communities strategy by focusing growth near transit and jobs; therefore, according to SCAG staff, the RHNA meets this statutory requirement. However, what SCAG staff fails to point out is that the development pattern is more than simply focusing housing near transit and jobs.

The development pattern in the sustainable communities strategy can be summarized as follows:

- Focus growth into priority growth areas (PGAs), such as high quality transit areas and job centers.
- Avoid growth in constraint areas (e.g., military bases, protected open space, conservation areas, tribal lands, agricultural land, flood plains, and wildfire zones) by not exceeding Connect SoCal growth forecasts for these areas.

Therefore, it is imperative that the RHNA Appeals Board take this into consideration for jurisdictions that have made this argument by asking two key questions:

- Does the jurisdiction have any identified priority growth areas in Connect SoCal?
- Does the jurisdiction have any identified constraint areas in Connect SoCal?

It is important to note that only 19 jurisdictions have no priority growth areas in their jurisdictional boundaries. Therefore, if a jurisdiction has no identified priority growth areas **and** has identified constraint areas, then their RHNA should not exceed the Connect SoCal growth forecast. To do otherwise would render the RHNA inconsistent with the development pattern of the sustainable communities strategy as required by state housing law.

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The City of Yorba Linda put together a short video as part of its appeal to explain this important requirement in greater detail and would encourage the RHNA Appeals Board members to review this video to better understand this concept. It can be found at <https://tiny.yorbalindaca.gov/RHNA>. I would strongly encourage the RHNA Appeals Board to consider these questions in relation to appeals that have cited the argument that their RHNA is inconsistent with the development pattern of the sustainable communities strategy. If you have any further questions, I can be reached at (714) 961-7131 or nfarnsworth@yorbalindaca.gov.

Sincerely,



Nate Farnsworth
Planning Manager

cc: Mark Pulone, City Manager
David Brantley, Community Development Director
SCAG RHNA Appeals Board