

Sixth Cycle Regional Housing Needs Assessment (RHNA) Appeal Request Form
All appeal requests and supporting documentation must be received by SCAG October 26, 2020, 5 p.m.
Appeals and supporting documentation should be submitted to housing@scaq.ca.gov.
Late submissions will not be accepted.

Date:
10/26/20

Jurisdiction Subject to This Appeal Filing:
(to file another appeal, please use another form)
City of Alhambra

Filing Party (Jurisdiction or HCD)
Jurisdiction

Filing Party Contact Name
Joseph M. Montes

Filing Party Email:
jmontes@bwslaw.com

APPEAL AUTHORIZED BY:

Name: Hon. David Mejia

PLEASE SELECT BELOW:

- Mayor
- Chief Administrative Office
- City Manager
- Chair of County Board of Supervisors
- Planning Director
- Other: _____

BASES FOR APPEAL

- Application of the adopted Final RHNA Methodology for the 6th Cycle RHNA (2021-2029)
- Local Planning Factors and/or Information Related to Affirmatively Furthering Fair Housing (See Government Code Section 65584.04 (b)(2) and (e))
 - Existing or projected jobs-housing balance
 - Sewer or water infrastructure constraints for additional development
 - 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 purposes of comparable Regional Transportation Plans
 - County-city agreements to direct growth toward incorporated areas of County
 - Loss of units contained in assisted housing developments
 - High housing cost burdens
 - The rate of overcrowding
 - Housing needs of farmworkers
 - Housing needs generated by the presence of a university campus within a jurisdiction
 - Loss of units during a state of emergency
 - The region's greenhouse gas emissions targets
 - Affirmatively furthering fair housing
- Changed Circumstances (Per Government Code Section 65584.05(b), appeals based on change of circumstance can only be made by the jurisdiction or jurisdictions where the change in circumstance occurred)

FOR STAFF USE ONLY:

Date _____ Hearing Date: _____ Planner: _____

Sixth Cycle Regional Housing Needs Assessment (RHNA) Appeal Request Form
All appeal requests and supporting documentation must be received by SCAG October 26, 2020, 5 p.m.
Appeals and supporting documentation should be submitted to housing@scaq.ca.gov.
Late submissions will not be accepted.

Brief statement on why this revision is necessary to further the intent of the objectives listed in Government Code Section 65584 (please refer to Exhibit C of the Appeals Guidelines):

Please include supporting documentation for evidence as needed, and attach additional pages if you need more room.

A revision is required to Alhambra’s draft allocation to further the intent and objectives of the RHNA methodology under each of the criteria set forth in Government Code section 65584(d).

American Community Survey data show that the City’s median income is below that of the County as a whole and true higher-resource communities with better job and transit access are located nearby. Alhambra’s draft allocation would encourage long drive times and increase Vehicle Miles Traveled in conflict with the State’s greenhouse gas reduction targets. Allocating a share of Alhambra’s existing need to other Los Angeles County jurisdictions with better job access would better fulfill the State’s goals. Allocating some of the City’s share of existing housing need to higher-resource jurisdictions would be more equitable and better reflect the region’s obligation to affirmatively further fair housing.

More information on each of these points is included in the enclosed Attachment.

Brief Description of Appeal Request and Desired Outcome:

At a minimum, Alhambra’s allocation should be reduced by 525 units to reflect the fact that it is inappropriately identified as a higher-resource community. In addition, further adjustments to reflect the City’s existing built-out nature and significant infrastructure constraints, are required. The City proposes a total RHNA allocation of 3,318 units for the Sixth Cycle, an increase of more than 2.2 times the units that the City was required to accommodate during the Fifth Cycle. More information on the proposed reduction is included in the enclosed Attachment.

Number of units requested to be reduced or added to the jurisdiction’s draft RHNA allocation (circle one):

Reduced 3,490 Added _____

List of Supporting Documentation, by Title and Number of Pages
(Numbers may be continued to accommodate additional supporting documentation):

1. City of Alhambra - Documentation in Support of RHNA Appeal Request (5 pages)
- 2.
- 3.

FOR STAFF USE ONLY:

Date _____ Hearing Date: _____ Planner: _____

City of Alhambra
Documentation in Support of
RHNA Appeal Request

As noted in the *Sixth Cycle Regional Housing Needs Assessment (RHNA) Appeal Request Form* to which this documentation is attached, a revision is required to the City of Alhambra's draft allocation to further the intent and objectives of the RHNA methodology under each of the criteria set forth in Government Code section 65584(d).

As set forth further below, Alhambra requests a RHNA reduction to 3,318 units for the Sixth Cycle to correct errors in the application of the Sixth Cycle RHNA methodology; appropriately account for local factors; and to reflect the significant and unforeseen change in circumstances that the ongoing COVID-19 pandemic has brought to the region's need for housing.

I. Alhambra's Draft Allocation Should be Revised to Advance RHNA's Statutory Goals.

Government Code section 65584(d) defines five criteria that RHNA methodology must advance. Alhambra's draft allocation conflicts with each of the statutory objectives, and revisions are required to further the State's objectives for the RHNA process.

First, Alhambra's draft allocation does not increase the housing supply with respect to affordability in an equitable manner. Alhambra has been assigned too large a share of the County's existing housing need, because the draft allocation overstates the City's job accessibility and access to transit. According to the most recent American Community Survey, 73.9 percent of workers in Los Angeles drive alone to their place of employment. By contrast, 79.1 percent of workers who live in Alhambra drive alone. Alhambra residents are forced to drive at a higher rate than County workers as a whole because employed residents do not have adequate access to high quality and frequent transit that connects them to their jobs. Similarly, the American Community Survey shows that Alhambra workers commute for almost the same length of time as average Los Angeles County workers, so increasing housing allocations in the City will not meaningfully improve access to employment within Los Angeles County. Accordingly, access to jobs and transit do not provide a basis to increase Alhambra's RHNA, and the State's goal of increasing RHNA to address existing housing needs would be better served with larger allocations in jurisdictions with better transit access and shorter commute times.

Beyond this initial overstatement of need, the draft allocation assigns an additional 525 units of housing to the City on the mistaken-assumption that Alhambra is a high-resource community, despite the fact that American Community Survey data show that the City's median household income of \$57,117 is 12 percent below that of the County as a whole and true higher-resource communities with better job and transit access are located nearby.

Second, Alhambra's draft allocation would encourage long drive times and increase Vehicle Miles Traveled ("VMT") in conflict with the State's greenhouse gas reduction targets. As described above, the American Community Survey shows a larger percentage of single drive vehicles and comparable commute times in Alhambra compared with the County as a whole. Accordingly, the State's goal of reducing VMT to reduce carbon emissions would be better

**City of Alhambra
Documentation in Support of
RHNA Appeal Request**

served with larger allocations in jurisdictions with better transit access and shorter commute times.

Third, as stated above, Alhambra's job accessibility is comparable to the County's as a whole. Allocating a share of Alhambra's existing need to other Los Angeles County jurisdictions with better job access would better fulfill the State's goals of increasing housing production in areas with better job access.

Fourth and fifth, Alhambra already has a disproportionately high percentage of lower income households, as illustrated by the American Community Survey data showing a lower median income in the City than the County as a whole. Allocating some of its share of existing housing need to higher-resource jurisdictions would be more equitable and better reflect the region's obligation to affirmatively further fair housing.

II. Alhambra's RHNA Modification Request is Based on Each of the Three Statutory Grounds for Appeal.

Appeals under Government Code section 65584.05 may be brought on three different grounds: (A) the methodology fails to adequately consider local information submitted pursuant to subdivision (b) of Section 65584.04; (B) the allocation fails to apply the methodology correctly and does not further the affirmatively furthering fair housing obligations established in subdivision (d) of Section 65584; and (C) a significant and unforeseen change in circumstances has occurred in the City. Each of the three grounds is relevant here.

A. The methodology failed to adequately consider local information.

On September 9, 2019, the City submitted a letter to SCAG's RHNA Subcommittee Chair Peggy Huang raising local planning factors related to the availability of land suitable for urban development or available for conversion to residential use. Specifically, the City asked that the RHNA methodology recognize the City's significant constraints for future residential development, such as open space deficits, incompatible industrial uses, environmental contamination, and high levels of existing density.

For example, the City includes major freeway corridors (I-10, I-710) that require adequate buffers around those locations from housing developments. Since 2005, the California Air Resources Board has warned against building new homes in high-pollution zones within 500 feet of freeways, due to the strong linkage between traffic pollution and rates of asthma, heart attacks, and other health problems. While design features can minimize these risks, air pollution rates in these areas remain high and have large health impacts on their residents. However this constraint on available land was not considered when developing or applying the RHNA methodology.

Further, the City of Alhambra is built out with a population density currently exceeding the City of Los Angeles by 1.5 times and LA County by 4.5 times. The City is also nearly entirely built out. It simply is not possible to identify sufficient vacant land to satisfy the City's draft RHNA allocation, nor is it realistic to assume that this dense, built-out City will redevelop

**City of Alhambra
Documentation in Support of
RHNA Appeal Request**

in the eight year planning period for the Sixth Cycle. The City is characterized by small, developed lots, and there are relatively few opportunities for lot consolidations or rezoning efforts that would be likely to result in new housing development. This problem is exacerbated by the newly-enacted provisions of SB 330, which impose costly replacement housing and relocation obligations on developers who seek to create new housing on land that is occupied by existing tenants. (*See* Gov. Code § 66300(d).) Given the built out nature of the City, SB 330 will apply broadly, but it is expected to have the effect of making residential redevelopment projects infeasible to develop. By ignoring these local characteristics, the RHNA methodology creates an impossible goal and sets the City up for failure simply by virtue of its existing development patterns and the underlying land use economics of redeveloping existing housing.

Finally, the City consistently struggles with energy reliability. SoCal Edison consistently struggles to provide power to City residents, and Alhambra has suffered more frequent and longer blackouts than surrounding communities. Residential development at the scale required to meet the City's draft RHNA allocation far exceeds any of SoCal Edison's projections for future capacity. Accordingly, the draft RHNA allocation would only exacerbate this issue, threatening the quality of life of new and future residents.

- B. *The allocation fails to apply the methodology correctly and does not affirmatively further fair housing.*

As discussed above, the draft RHNA allocation overstates the City's access to transit and proximity to employment centers, resulting in the overstatement of the City's existing housing needs. In fact, the City has comparable commute times to average Los Angeles County jurisdictions and a higher percentage of single-occupancy of drivers than the County as a whole. The City's actual transit proximity is quite limited; for example, there are no properties within the City that are within one-half mile of a major transit stop, as defined in subdivision (b) of Section 21155 of the Public Resources Code. These characteristics do not warrant the application of an increased RHNA share, yet SCAG applied its draft methodology to do exactly that.

Moreover, the draft methodology compounds this problem by adding another 525 units on the basis that the City is a well-resourced community that should draw RHNA allocation from other jurisdictions. The City of Alhambra also lacks open space, amenities, and quality infrastructure and has existing environmental hazards that impact the health of existing residents and represent constraints for additional housing development. According to CalEnviroScreen 3.0, the vast majority of City of Alhambra is identified as disadvantaged by various metrics given its surrounding environmental hazards, health factors, and socioeconomic demographics. Likewise, the City has a lower median income than Los Angeles County as a whole, and further concentrations of high-density development would not tend to create opportunities that are as high quality as some surrounding jurisdictions with higher incomes, better job access, and better transit service. Therefore, application of the RHNA methodology would not affirmatively further fair housing in conflict with the requirements of Government Code section 65584(d).

**City of Alhambra
Documentation in Support of
RHNA Appeal Request**

- C. *The COVID-19 Pandemic is a significant and unforeseen change in circumstances that affects housing needs in the City.*

The RHNA allocation methodology was devised and applied before the full effects of the COVID-19 pandemic were understood, and it should be revised to account for the significant changes that have occurred in the housing market. Employees with the ability to work remotely are able to move further from traditional job centers, decreasing the importance of being near traditional employment centers. Therefore, less dense communities in the eastern portion of the SCAG region are better able to absorb new housing development without increasing VMT or demanding new transportation infrastructure investments.

In addition, the need for safe, healthy open spaces where it is possible to maintain social distancing outside of the home has grown in importance. As discussed above, Alhambra is quite dense already and suffers from a lack of adequate open space; housing opportunities are better developed elsewhere where these needs can be met.

Finally, COVID-19 has slowed the economy and reduced the demand for housing, particularly rental housing. As prices fall, existing housing within the City will become more affordable, reducing the demand for new affordable housing opportunities in the City. Therefore, the methodology should be revised to account for the significant changes in the housing market resulting from COVID-19.

III. Beyond the RHNA Modification Request, the Regional Determination of 1.34 Million Housing Units is Flawed and Creates an Inappropriate Regional Target.

In addition to these statutory criteria, the City believes that the overall regional determination of RHNA was flawed and inconsistent with the legal requirements imposed by Government Code Section 65584.01(a). As described in the City's February 26, 2020 letter to SCAG Executive Director Kome Ajise, the regional determination of 1.34 million housing units was not supported by evidence as required by law, and it inappropriately established RHNA targets throughout the region that are unobtainable. Likewise, the September 18, 2020 letter from each of the Orange County Mayors to SCAG President Rex Richardson raises additional details about current data demonstrating that the regional determination is fatally flawed, which the State has thus far ignored. Although this is not directly germane to the issues on appeal raised above, the City wishes to continue to express its hope that SCAG and the State take measures outside of this appeal process to consider relevant data regarding realistic growth and need projections and to ensure that the RHNA distribution methodology is equitable and achievable.

IV. The City's RHNA Should be Reduced.

At a minimum, Alhambra's allocation should be reduced by 525 units to reflect the fact that it is inappropriately identified as a higher-resource community. In addition, further adjustments to reflect the City's relative lack of access to housing and jobs, as well as to account for its existing built-out nature and significant infrastructure constraints, are required. The City's HCD-certified Fifth Cycle Housing Element identified approximately 53.7 acres of vacant and

**City of Alhambra
Documentation in Support of
RHNA Appeal Request**

underutilized land that could be developed for high-density housing. Although some of these sites have been developed or have pending development applications, due to many of the factors described above, very few of these sites have actually been developed, and 53.7 acres likely remains a reasonable estimate of land that could feasibly be developed in the coming Sixth Cycle. Assuming that every site could be developed to support 30 units/acre of base density (the minimum density to be presumed available for lower income households) plus a 35% density bonus, 2,175 units of new housing could be provided. Adding the 1,143 units that have been proposed but not yet approved in the City would result in a total RHNA allocation of 3,318 units for the Sixth Cycle. Although this would reduce the City's allocation by 3,490 units for the Sixth Cycle as compared to SCAG's draft allocation, it would still represent an increase of more than 2.2 times the figure that the City was required to accommodate during the Fifth Cycle, making the revised figure of 3,318 an aspirational, yet potentially achievable, goal.