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October 22, 2020

Kome Ajise, Executive Director  
Southern California Association of Governments (SCAG)  
900 Wilshire Blvd., Suite 1700  
Los Angeles, CA 90017

**Subject: Appeal to 6th Cycle Draft Regional Housing Needs Assessment (RHNA)  
Allocation for City of Chino Hills**

Dear Mr. Ajise:

Thank you for your letter dated September 4, 2020, which transmitted the 6th Cycle Draft RHNA allocation for Chino Hills. Since SCAG kicked off its Bottom-Up Local Input and Envisioning Process in fall 2017, City of Chino Hills staff has diligently participated in the 6th Cycle RHNA process, providing detailed data of existing and future development patterns in Chino Hills. This data included transit availability and transportation analysis zone (TAZ) level population as well as housing and employment data. However, some of this information has not been accurately reflected in SCAG's Draft RHNA allocation for Chino Hills. To ensure the 6th Cycle RHNA allocation is accurate, the City of Chino Hills is filing this appeal pursuant to Government Code Section 65584.05.

The 6th Cycle Draft RHNA allocation miscalculates Chino Hills' "existing need due to High Quality Transit Area (HQTA) and job accessibility population share." This revision to correct these inaccuracies is necessary because accuracy is fundamental to furthering the intent of the Government Code Section 65584, subdivision (d) objectives. This is consistent with, and not to the detriment of, the development pattern in the sustainable communities strategy, or SCAG's Connect SoCal Plan.

The information supporting this appeal is provided in the attached 6th Cycle RHNA Appeal Request Form and attachment. This appeal has also been submitted digitally to [housing@scag.ca.gov](mailto:housing@scag.ca.gov).

*City Council:* Art Bennett ▪ Brian Johsz ▪ Ray Marquez ▪ Cynthia Moran ▪ Peter J. Rogers

Thank you for your consideration in this matter. Please feel free to contact me at (909) 364-2715 or [bmontgomery@chinohills.org](mailto:bmontgomery@chinohills.org), or Joann Lombardo, Community Development Director, at (909)364-2741 or [jlombardo@chinohills.org](mailto:jlombardo@chinohills.org), if you have any questions.

Sincerely,



Benjamin Montgomery  
City Manager, City of Chino Hills

cc: Mayor and City Council, City of Chino Hills  
Joann Lombardo, Community Development Director, City of Chino Hills

Enclosure:  
Sixth Cycle Regional Housing Needs Assessment (RHNA) Appeal Request Form,  
including Attachment #1 and Attachment #2

**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@scag.ca.gov](mailto:housing@scag.ca.gov).*  
*Late submissions will not be accepted.*

Date:

10/22/20

Jurisdiction Subject to This Appeal Filing:

*(to file another appeal, please use another form)*

City of Chino Hills

Filing Party (Jurisdiction or HCD)

City of Chino Hills

Filing Party Contact Name

Joann Lombardo

Filing Party Email:

jlombardo@chinohills.org

**APPEAL AUTHORIZED BY:**

Name: Benjamin Montgomery

**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 6<sup>th</sup> 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@scag.ca.gov](mailto:housing@scag.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.**

To ensure the 6th Cycle RHNA allocation is accurate, the City of Chino Hills is filing this appeal pursuant to Government Code Section 65584.05. The Draft 6th Cycle RHNA methodology miscalculates Chino Hills' existing need for both:

- "Existing need due to High Quality Transit Area (HQTa); and
- "Job accessibility population share".

Correcting these miscalculations is necessary to ensure the 6th Cycle RHNA meets the Government Code Section 65584 objectives in a manner consistent with, and not to the detriment of, the development pattern in the sustainable communities strategy, or SCAG's Connect SoCal Plan. This revision to correct these inaccuracies is necessary because accuracy is fundamental to furthering the intent of the Government Code Section 65584, subdivision (d) objectives.

Please see Attachment #1, ADDITIONAL PAGES, BRIEF STATEMENT ON WHY THIS REVISION IS NECESSARY.

**Brief Description of Appeal Request and Desired Outcome:**

- Correct Existing need due to job accessibility (50%) from 1,393 units to 483 units.
- Correct Existing need due to HQTa share (50%) from 877 units to 0 units.
- Total reduction of Chino Hills RHNA allocation by 1,797 units.

Please see Attachment #2, ADDITIONAL PAGES, BRIEF DESCRIPTION OF APPEAL REQUEST AND DESIRED OUTCOME.

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

Reduced 1,797      Added \_\_\_\_\_

**List of Supporting Documentation, by Title and Number of Pages**

**(Numbers may be continued to accommodate additional supporting documentation):**

1. Attachment #1. BRIEF STATEMENT ON WHY THIS REVISION IS NECESSARY
2. Attachment #2. BRIEF DESCRIPTION OF APPEAL REQUEST & OUTCOME
- 3.

**FOR STAFF USE ONLY:**

Date \_\_\_\_\_

Hearing Date: \_\_\_\_\_

Planner: \_\_\_\_\_

## ATTACHMENT #1

### CITY OF CHINO HILLS

#### 6TH CYCLE REGIONAL HOUSING NEEDS ASSESSMENT (RHNA) APPEAL REQUEST FORM - ADDITIONAL PAGES

#### **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):**

The 6<sup>th</sup> Cycle Draft RHNA allocation miscalculates Chino Hills' existing need for both:

- "Existing need due to High Quality Transit Area (HQTa); and
- "Job accessibility population share".

Correcting these miscalculations is necessary to ensure the 6<sup>th</sup> Cycle RHNA meets the Government Code Section 65584(d)(3) objective:

*Promoting an improved intraregional relationship between jobs and housing, including an improved balance between the number of low-wage jobs and the number of housing units affordable to low-wage workers in each jurisdiction.*

As delineated in SCAG's 6<sup>th</sup> RHNA Cycle Appeals Procedures, this appeal is filed in a manner consistent with, and not to the detriment of, the development pattern in the sustainable communities strategy, or SCAG's Connect SoCal Plan. This appeal is made on the following bases, consistent with Government Code Sections 65584.05(b)(1), 65584.05(b)(2) and 65584(d)(3):

1. *Methodology – That SCAG failed to determine the jurisdiction's share of the regional housing need in accordance with the information described in the Final RHNA Methodology established and approved by SCAG, and in a manner that furthers, and does not undermine, the five objectives listed in Government Code Section 65584(d).*
2. *Local Planning Factors and Information Affirmatively Furthering Fair Housing (AFFH) – That SCAG failed to consider information submitted by the local jurisdiction relating to certain local factors outlined in Government Code Section 65584.04(e) and information submitted by the local jurisdiction relating to affirmatively furthering fair housing pursuant to Government Code Sections 65584.04(b)(2) and 65584(d)(5), including the following:*
  - (a) Each jurisdiction's existing and projected jobs and housing relationship.*
  - (c) The distribution of household growth assumed for purposes of a comparable period of regional transportation plans and opportunities to maximize the use of public transportation and existing transportation infrastructure.*

The information supporting this appeal is summarized below:

## **INACCURATE JOB ACCESSIBILITY REPORTING**

In its Final RHNA Allocation Methodology, March 5, 2020, SCAG explains<sup>1</sup>:

*The methodology assigns fifty (50) percent of regional existing need based on job accessibility. Job accessibility is based on the share of the region's jobs accessible by a thirty (30) minute commute by car in 2045. Importantly, the RHNA methodology's job access factor is not based on the number of jobs within a jurisdiction from SCAG's Connect SoCal Plan or any other data source. Rather, it is a measure based on of how many jobs can be accessed from that jurisdiction within a 30-minute commute, which includes jobs in other jurisdictions.*

The RHNA Allocation Methodology was incorrectly applied to Chino Hills both because the underlying TAZ Data as to Chino Hills is incorrect and also because SCAG's calculation fails to consider major transportation routes.

### **TAZ Data for Chino Hills Is Flawed**

In its Final RHNA Allocation Methodology, SCAG explains that its calculation of commute times is based on data derived at the transportation analysis zone (TAZ) level from travel demand modelling output from SCAG's final Connect SoCal Plan.<sup>2</sup> Using this data, SCAG assigns Chino Hills an "Existing Need Due to Job Accessibility" of 1,393 units. However, SCAG's TAZ data for Chino Hill's is flawed. For example, SCAG TAZ 1432 is comprised of Chino Hills State Park. The City has no jurisdiction over Chino Hills State Park, and the State's plans for the park contain no existing or planned housing. Yet, SCAG erroneously assigns this TAZ a population of 7,944 for year 2016 and 10,525 for year 2040.

### **SCAG's Calculation of Job Accessibility Fails to Consider SCAG's Own Verified Data**

SCAG's calculation of Chino Hills' jobs accessibility also fails to consider major transportation routes. There are currently only two north south connectors in Chino Hills, State Route (SR-) 71, which is a two-lane highway in each direction, and SR-142, which is a one-lane highway in each direction. Both highways operate at Level of Service "F" during (non-COVID19) peak hours, and average commute times to the major employment hubs north and south of Chino Hills are well over 30 minutes. The SoCal Connect Plan proposes no improvements to SR-71 or SR-142 and no passenger vehicle improvements to other major highways such as the SR-60 or SR-91 that connect to SR-71.<sup>3</sup>

SCAG's "Profile of the City of Chino Hills (May 2019)", which is based on both City and SCAG verified data, reports that there are a total of 16,647 commuters in Chino Hills and that 65.3% of those commuters spend more than 30 minutes to travel to work, or that only the remaining 34.7% of Chino Hills commuters have jobs that can be accessed in a 30 minute drive time.<sup>4</sup> This data accurately reflects the existing conditions in Chino Hills, which as described above, has limited highway access. Because the SCAG SoCal Connect Plan does not include road improvements

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<sup>1</sup> SCAG Final RHNA Allocation Methodology. Page 10.

<sup>2</sup> Id.

<sup>3</sup> SCAG SoCal Connect, adopted September 3, 2020, Exhibit 3.2 "Sample Major Highway Projects", and Table 3.2 "Sample Major Highway Projects".

<sup>4</sup> SCAG Profile of the City of Chino Hills, Local Profiles Report 2019 (May 2019)



to the highways that serve Chino Hills, commute times from Chino Hills are not expected to improve by 2045 and may be expected to increase with the development of additional housing in Chino Hills and surrounding jurisdictions.

To more accurately reflect that only 34.7% of commuters in Chino Hills have a 30 minute or less travel time, both now and in the future, Chino Hills' regional share of existing need due to job accessibility should be reduced by 65.3%. This results in a recalculation of Chino Hills' "existing need due to jobs accessibility" from 1,393 units to 483 units.

Recalculating Chino Hills' job accessibility share meets Government Code Section 65584.05(b)(1) and 65584.05(b)(2) appeal requirements and is consistent with RHNA objective specified in Government Code 65584(d)(3).

## INACCURATE HQTA REPORTING

In its Final RHNA Allocation Methodology, March 5, 2020, SCAG explains<sup>5</sup>:

*"50 percent of the regional existing housing need will be distributed based on a jurisdiction's share of regional residential population within an HQTAs, based on the HQTAs boundaries used in the Final Connect SoCal Plan anticipated to be adopted by SCAG in April 2020. **Not all jurisdictions have an HQTAs within their jurisdictional boundaries and thus may not receive existing need based on this factor. [Emphasis added]**"*

SCAG identifies an HQTAs as an area within a half-mile of transit stations and corridors with at least a fifteen (15) minute headway during peak hours for bus service. HQTAs are based on state statutory definitions of HQTAs which includes transit corridors and major transit stops.<sup>6</sup> Based on this definition, SCAG assigns Chino Hills an "existing need due to HQTAs population share" of 887 units. However, SCAG does not provide the data to support this assignment, and in fact there is no data that can support it.

Chino Hills does not have any existing transit routes that meet the SCAG HQTAs definition. Omnitrans, which provides bus service to Chino Hills, has struggled to maintain any bus service to our City and has switched to on-demand models and away from transit stops. Currently, there is only one fixed bus route and one transit stop in Chino Hills: Route 88 which stops at Grand Avenue and City Center Drive in Chino Hills and connects to the Chino Transit Center at generally one-hour intervals.<sup>7</sup>

The SCAG Connect SoCal Plan, which provides a 2020-2045 roadmap to expand transportation options, provides no transit connections to Chino Hills.<sup>8</sup>

Consistent with SCAG's stated methodology above, Chino Hills does not have an HQTAs population and should not receive an existing need based on this factor. Consequently, the Draft RHNA Plan should be corrected to change Chino Hills' "existing need due to HQTAs population share" from 887 units to zero units.

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<sup>5</sup> SCAG Final RHNA Allocation Methodology, page 10.

<sup>6</sup> Id, page 9.

<sup>7</sup> Route 88 from page 69 of Omnitrans Busbook, September 8, 2020 – January 4, 2021.

<sup>8</sup> SCAG SoCal Connect, adopted September 3, 2020, Exhibit 3.1 "2045 Plan Transit Network".

Correcting Chino Hills' HQTAs share meets Government Code Section 65584.05(b)(1) and 65584.05(b)(2) appeal requirements and is consistent with RHNA objective specified in Government Code 65584(d)(3).



## ATTACHMENT #2

### CITY OF CHINO HILLS

### 6TH CYCLE REGIONAL HOUSING NEEDS ASSESSMENT (RHNA) APPEAL REQUEST FORM - ADDITIONAL PAGES

#### BRIEF DESCRIPTION OF APPEAL REQUEST AND DESIRED OUTCOME:

Consistent with the Government Section 65584(d)(3) objective, the Draft RHNA Plan is required to place houses in jurisdictions with access to jobs. Chino Hills does not have HQTAs that facilitate access to jobs and does not have the existing or planned highway capacity to ensure reasonable commute times (30 minutes or less) to employment centers. Placing additional housing in Chino Hills based on incorrect data does not promote improved intraregional relationships between jobs and housing, and would not improve the balance between the number of low-wage jobs and the number of housing units affordable to low-wage workers in Chino Hills.

By correcting Chino Hills' Draft RHNA Plan allocation as indicated in this appeal, the Draft RHNA Plan would more fully meet the Government Section 65584(d)(3) objective. Chino Hills therefore requests that our RHNA Allocation inputs be corrected as follows:

RHNA Allocation inputs for Chino Hills city		Corrections	Difference	
Forecasted household (HH) growth, RHNA period:	1196			
Vacancy Adjustment	28			
Replacement Need	3			
TOTAL PROJECTED NEED:	1227			
Existing need due to job accessibility (50%)	1393	483	-910	
Existing need due to HQTAs pop. share (50%)	887	0	-887	
Net residual factor for existing need	213			
TOTAL EXISTING NEED	2493	696	-1797	
TOTAL RHNA FOR CHINO HILLS CITY	3720	1923	-1797	Pct of total
Very-low income (<50% of AMI)	1384	715	-669	37.20%
Low income (50-80% of AMI)	819	423	-396	22.00%
Moderate income (80-120% of AMI)	787	408	-379	21.20%
Above moderate income (>120% of AMI)	731	377	-354	19.60%