



CITY OF RANCHO SANTA MARGARITA

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January 15, 2021

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

Sent Via Email to: housing@scag.ca.gov

SUBJECT: Appeal of Draft RHNA Allocation for the City of Rancho Santa Margarita

Dear Appeals Board Members,

As the Development Services Director for the City of Rancho Santa Margarita, I will be presenting our appeal to the Board at the upcoming hearing on January 19th. I would like to provide the following comments in advance of the hearing.

I have reviewed many of the staff reports prepared by SCAG staff and watched enough of the preceding hearings to understand that the Appeals Board is in a very difficult position. The appeals process and bases for appeal are very narrowly defined and the number of units SCAG must plan for is simply unreasonable.

Nonetheless, I would like to express our extreme frustration with some of the arguments supporting the denial of all of the appeals. One common argument by SCAG staff when faced with an appeal based on the availability of land suitable for urban development or for conversion to residential use is that the constraints cited in the appeals **do not completely preclude development**, and therefore the allocation should stand. Essentially, SCAG Staff is saying that cities simply need to be more creative in planning for new housing. I assure you, this is not the case in Rancho Santa Margarita.

For example, on page 1179, the staff report for the Appeal Hearing states, "it is presumed that planning factors such as lands protected by federal and state programs have already been accounted for prior to the local input submitted to SCAG.... No evidence was submitted that these areas have changed since the most current input provided in March 2018." The City of Rancho Santa Margarita agrees that the planning factors were accounted for in the local input, and have not changed since March, 2018. However, the outcome of the bottom-up planning process in March, 2018, was growth of 50 households between 2020 and 2030 (Staff Report pg 1183), not the addition of 680 housing units as assigned through RHNA.

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Additionally, the staff report for the Appeal Hearing on January 19th states that available land suitable for urban development or conversion to residential use is not limited to vacant sites, and must include underutilized land, opportunities for infill development, and increased residential densities as a component of “available” land. The City of Rancho Santa Margarita acknowledges this aspect of Housing Element law and did not include the lack of vacant land as a primary argument in our appeal; instead, we cited the specific physical constraints applicable to this jurisdiction. Further, we would like to acknowledge that SCAG’s HELPR tool lists no vacant parcels that would qualify as eligible housing element sites. However, the full ramifications of the lack of vacant sites has not been considered by SCAG. HCD’s Housing Element Guide Book states, “If a housing element relies on nonvacant sites to accommodate 50 percent or more of its RHNA for lower income households, the **nonvacant site’s existing use is presumed to impede additional residential development** (emphasis added), unless the housing element describes findings based on substantial evidence that the use will likely be discontinued during the planning period (Housing Element Guide Book pg 27).” As stated in our appeal, development in Rancho Santa Margarita is less than 35 years old and not in need of significant repairs or redevelopment. This further underscores the significant constraints faced by the City of Rancho Santa Margarita in planning for the RHNA.

Ultimately, the approval of the RHNA Allocations by the SCAG Regional Council is setting cities up for failure and sanctions from the State when we are unable to plan for the allocated units. I urge you to approve the City of Rancho Santa Margarita’s appeal based on the very limited availability of land suitable for urban development or for conversion to residential use.

Sincerely,



Cheryl Kuta, AICP
Development Services Director

cc:

Jennifer Cervantez, City Manager, Rancho Santa Margarita
Greg Simonian, City Attorney, Rancho Santa Margarita