



# CITY OF YORBA LINDA

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December 9, 2020

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

**Subject: Appeal of the RHNA Allocation by the County of Orange**

Dear Chair Huang:

The City of Yorba Linda appreciates the opportunity to review and provide comment on the RHNA appeals. The purpose of this letter is to provide jurisdictional comments related to the RHNA appeal from the County of Orange. In their appeal, the County of Orange requests a reduction of their RHNA by 80 housing units because of an annexation that occurred within the City of Yorba Linda's Sphere of Influence on December 20, 2019. Although state housing law requires that adjustments from successful RHNA appeals shall be redistributed proportionally to all local governments,<sup>1</sup> the SCAG-adopted RHNA procedures state that jurisdictions not subject to an appeal may receive an adjustment to their allocation based on another jurisdiction's appeal.<sup>2</sup> The County of Orange did not appeal the City of Yorba Linda's RHNA allocation; therefore, if RHNA adjustments total 7 percent or less of the total RHNA, a successful appeal of these units must be redistributed throughout the region. However, given the SCAG-adopted RHNA procedures, the City of Yorba Linda is concerned that this request from the County of Orange could result in a potential increase in the City's RHNA by 80 housing units. Therefore, we are writing this letter to discourage those 80 housing units from being assigned to the City of Yorba Linda.

This project was approved by the County of Orange on December 13, 2016, as an 80-unit market rate subdivision. Prior to annexation, the City of Yorba Linda entered into a cooperative agreement with the County of Orange dated October 22, 2019. This agreement states that the County of Orange will be responsible for completion of the development approvals, which includes all permits, licenses, consents, inspections, and other actions that are associated with the construction of this project until it is fully improved, or until the County of Orange has issued certificates of occupancy for all housing units.

One of the responsibilities associated with housing construction is the reporting of those housing units on a jurisdiction's mandatory Annual Progress Report (APR) to the State Department of Housing and Community Development (HCD). Given that the cooperative agreement between the County of Orange and the City of Yorba Linda grants **all** responsibilities for the completion of the development solely to the County of Orange, this would also include the responsibility to report these units to HCD on the County's APR. These APRs are used to track progress for each jurisdiction on meeting its RHNA obligations. Furthermore, it would be infeasible for the City of Yorba Linda to report the progress of these housing units on its APR, since the City will have none of this data. Although there has been a good working relationship between the City and the

<sup>1</sup> Government Code 65584.05(f)

<sup>2</sup> SCAG's 6<sup>th</sup> RHNA Cycle Appeals Procedures adopted March 5, 2020

County, it would not be reasonable for the City to be required to provide the time-sensitive data associated with the APR that relies on coordinating with another jurisdiction for that data.

Therefore, if the RHNA Appeals Board is inclined to support the County's request to reduce their RHNA allocation, the City's request is that these housing units be redistributed throughout the region as required by state housing law and not be transferred to the City of Yorba Linda. However, if the RHNA Appeals Board decides to transfer these 80 housing units directly to the City of Yorba Linda, our request is that these units only be transferred at the above-moderate income level, since the project has already been entitled as an above-market housing project. Due to the cooperative agreement with the County of Orange, the City does not have any legal mechanism to require lower income housing units in this area and it would not be reasonable to require the City's RHNA allocation to increase by 80 units across the four income levels for a previously approved above-market project.

The City appreciates the time each of the RHNA Appeals Board members has committed to reviewing the individual merits of each of these appeals. Please let us know if you need any additional clarification or have any questions by contacting Nate Farnsworth, Planning Manager, at (714) 961-7131 or [nfarnsworth@yorbalingca.gov](mailto:nfarnsworth@yorbalingca.gov).

Sincerely,



Mark Pulone  
City Manager

cc: Yorba Linda City Council  
David Brantley, Community Development Director  
Nate Farnsworth, Planning Manager  
SCAG RHNA Appeals Board  
Kome Ajise, SCAG Executive Director