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**From:** Nate Farnsworth <nfarnsworth@yorbalingaca.gov>

**Sent:** Friday, February 12, 2021 2:20 PM

**To:** Regional Housing <Housing@scag.ca.gov>

**Cc:** Peggy Huang <phuang@yorbalingaca.gov>

**Subject:** Comments on Item 9.45 - February 16, 2021 RHNA Appeals Board Meeting

Dear Chair Huang:

The City of Yorba Linda takes issue with some of the statements made in the written appeals determination for the City of Yorba Linda. There appears to be some extremely inconsistent information being presented in the written determination. Therefore, the City would like to go on record requesting that this language be clarified and corrected.

### **Definition of Existing Need**

Page 1483 of the agenda packet states the following: “ Legislative changes in 2018 modified the nature of the regional housing need determination for the 6<sup>th</sup> cycle of RHNA by adding measures of household overcrowding and housing cost burden to the list of factors to be considered by HCD for the determination of housing need. These new measures are not included in the Connect SoCal Growth Forecast because they are not part of the growth forecasting process. They reflect housing needs in the current population (i.e., “existing need”) and do not result in a change in regional population. In accordance with Govt. Code Section 65584.04(m)(1), this existing need is distributed consistent with the development pattern included in the SCS by distributing these units based on transit adjacency and proximity to jobs.”

- 1) SCAG states that **only** the measures of household overcrowding and housing cost burden were not included in the Connect SoCal Growth Forecast. This is contradictory to what was calculated by HCD, who calculated an “existing need” of approximately 577,000 housing units while SCAG calculated an existing need of 836,000 housing units. How does SCAG justify an “existing need” of 836,000 housing units when SCAG’s staff report states that “existing need” is calculated exclusively from overcrowding and cost-burdened households yet HCD only calculated 577,000 housing units of “existing need”?
- 2) SCAG claims that RHNA allocates “projected need” housing units consistent with Connect SoCal at the jurisdictional level. Does the final RHNA allocate housing units consistent with Connect SoCal’s “projected need” of 505,000 or HCD’s “projected need” of 764,000?
- 3) SCAG has made it clear that Connect SoCal’s development pattern constraints as well as the local planning factor constraints were only applied to the “projected need” of RHNA. Why were these constraints only applied to the “projected need” of RHNA? Do those same constraints not also apply to “existing need”?

### **Valid Basis of Appeal**

Page 1485 of the agenda packet states that “consistency with the development pattern is not technically a basis for appeal as set forth by the statute.” As outlined in the City’s letter dated January 14, 2021, SCAG has again continued to misinterpret what the law actually says. For the record, we are reiterating this point again and are requesting that SCAG correct the written determination to accurately reflect the law. Government Code Section 65584.05(b)(2) clearly states that an eligible appeal includes that SCAG “failed to determine the share of regional housing need in accordance with the information described in, and the methodology established pursuant to, Section 65584.04.” In other words, this statute actually creates two appeal circumstances:

- 1) “[SCAG] failed to determine the share of regional housing need in accordance with the information described in...Section 65584.04.”
- 2) “[SCAG] failed to determine the share of regional housing need in accordance with...the methodology established pursuant to Section 65584.04.”

Therefore, SCAG's argument that this appeal can only be based upon the application of the methodology is incorrect. As such, the City of Yorba Linda's argument that SCAG failed to determine the share of regional housing need in accordance with the information described in Section 65584.04 is a valid appeal argument.

As such, Government Code 65584.04(m) 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 housing plan [or RHNA] shall allocate housing units within the region consistent with the development pattern included in the sustainable communities strategy." Therefore, for SCAG to continue to argue that this is not a valid appeal basis is simply incorrect.

### **Opportunities and Constraints**

Page 1486 of the agenda packet states that "none of the additional information provided in the City's January 14, 2021 letter changes SCAG's conclusions regarding the appeal presented by the City of Yorba Linda." Throughout the appeal public hearings, SCAG concluded that while jurisdictions had provided significant information regarding land use constraints, these jurisdictions had not adequately analyzed all of the potential land use opportunities that exist within the City. When SCAG first published the staff report related to the City's appeal, it claimed that the City had not provided evidence that it cannot accommodate housing using other considerations such as underutilized land, opportunities for infill development, and increased residential densities. However, in the City's January 14, 2021 letter, the City outlines in great detail a significant number of housing opportunities that exist within the City; however, despite these opportunities, there is still insufficient opportunities to accommodate the RHNA assigned to the City. If the information contained within the January 14, 2021 letter is still insufficient to demonstrate an appropriate availability of lands, we would ask for SCAG to provide a detailed analysis of what information could have been provided to demonstrate unavailability of land.

### **Resolution of Consistency between RHNA and SCS**

Finally, the City questions why SCAG has not included a draft resolution for the RHNA Appeals Board to recommend to the Regional Council approving the **final** housing need allocation plan demonstrating that the plan is consistent with the sustainable communities strategy in the regional transportation plan and furthers the objectives listed in subdivision (d) of Section 65584 as required by Government Code Section 65584.04(m)(3).

Sincerely,

#### **NATE FARNSWORTH**

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**CITY of YORBA LINDA**



Please note City operations and services are currently impacted by the COVID-19 situation. Please visit the City's devoted webpage for the latest updates: [yorbalinga.gov/coronavirus](http://yorbalinga.gov/coronavirus).