



CITY OF YORBA LINDA

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OFFICE OF THE CITY MANAGER

December 21, 2020

Kome Ajise
Executive Director
Southern California Association of Governments
900 Wilshire Boulevard, Suite 1700
Los Angeles, California 90017

Subject: Response to Arguments Made by the Public Law Center Regarding the City of Yorba Linda RHNA Appeal

Dear Mr. Ajise:

The purpose of this letter is to provide a public response to the arguments made by the Public Law Center (PLC) on December 10, 2020, regarding the City of Yorba Linda RHNA appeal dated October 26, 2020. Although the City is committed to assisting in the state's housing crisis, it is imperative to recognize that State housing law establishes the parameters that must be used to determine an equitable RHNA methodology. The purpose of the City's RHNA appeal is to ensure that the RHNA distribution is in compliance with the law. We believe that the RHNA methodology does not comply with Government Code 65584.04 and the City has exercised its right to appeal on the grounds outlined in its written appeal. The purpose of this letter is to clarify the numerous misrepresentations and inaccuracies from the PLC letter.

RHNA Inconsistency with Connect SoCal

PLC contends that the City's arguments regarding inconsistency with Connect SoCal "are not within the scope of a methodology appeal." However, Government Code Section 65584.05(b)(2) states that one of the eligible appeal criteria is that "[SCAG]...failed to determine the share of the regional housing need in accordance with the information described in...Government Code Section 65584.04..." This section states, "It is the intent of the Legislature that housing planning be coordinated and integrated with the regional transportation plan."¹

One of the City's primary arguments is that Government Code Section 65584.04(m)(1) states, "The allocation plan [or RHNA] **shall** allocate housing units within the region consistent with the development pattern included in the sustainable communities strategy." This section of the law requires that the RHNA and Connect SoCal are consistent. As such, not only is this appeal criteria by statute within the scope of a

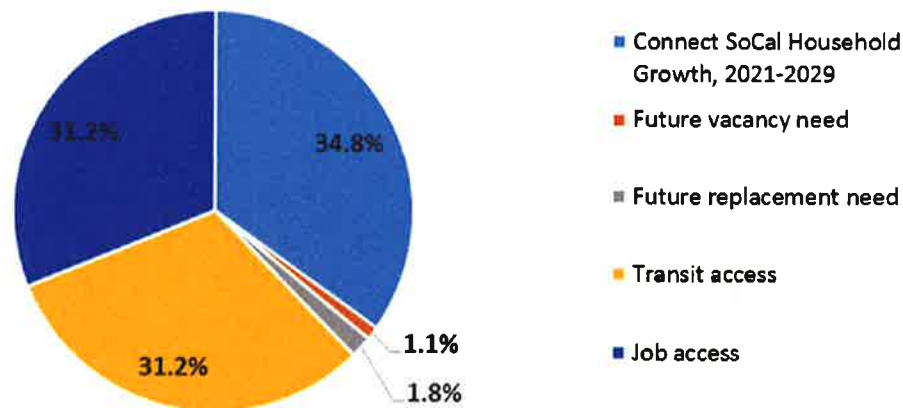
¹ Government Code 65584.04(m)

methodology appeal, it is also the intent of the Legislature. If SCAG were to ignore this statutory requirement, SCAG would be unable to comply with Government Code Section 65584.04(m)(3), which requires that “the resolution approving the final housing need allocation plan shall demonstrate that the plan is consistent with the sustainable communities strategy in the regional transportation plan...”

Local Planning Factors

PLC also contends that “the City broadly claims that the local planning factors were only applied to the projected need, that the redistribution of residual need from Disadvantaged Communities (DACs) was done without consideration of local factors, and that SCAG’s assignment of existing need units was a one-size-fits-all approach do not address whether SCAG considered certain factors properly.” Government Code Section 65584.04(e) lists the local planning factors that must be considered by SCAG to develop the RHNA methodology. These local planning factors generally consist of various data points, opportunities, and constraints. One of the eligible appeal criteria is that SCAG failed to adequately consider the information submitted in the local planning factors.

The City’s contention is that SCAG failed to **adequately** consider the constraints identified in the local planning factors. SCAG has broken down the RHNA into “projected need” (Connect SoCal household growth, future vacancy need, and future replacement need) of 504,970 housing units and “existing need” (transit access and job access) of 836,857 housing units.



Only the projected need (or approximately 1/3 of the total RHNA) takes into consideration the constraints outlined in Government Code Section 65584.04(e). Among these constraints include the following:

- A jurisdiction’s jobs and housing relationship
- The opportunities and constraints to development of additional housing
- The distribution of household growth assumed for the RTP
- Agreements between a county and cities to direct growth toward incorporated areas

- Loss of units during a state of emergency
- Regional greenhouse gas emissions targets

Therefore, the existing need (or approximately 2/3 of the total RHNA) has been distributed throughout the region solely based on a jurisdiction's proximity to job access and transit access, without any consideration of any constraints that may exist within the jurisdiction. This is specifically where SCAG has not **adequately** considered these constraints from the local planning factors and it results in a one-size-fits-all approach for 2/3 of the total RHNA.

This issue is even further compounded by the redistribution of the residual need from DACs throughout the county of origin as it simply redistributes a portion of the existing need under the same criteria as the methodology for the existing need. This redistribution is also inequitably redistributed throughout the region with each county resulting in disproportionate shares of the existing need. This redistribution makes up 33% of the total existing need for jurisdictions in Orange County, while it only makes up 10% or less of the existing need for jurisdictions throughout the rest of the SCAG region.

PLC also misrepresents the City's arguments related to several of the local planning factors. It is also important to note that while each individual planning factor may not be sufficient on its own to merit a reduction in RHNA, the cumulative impacts of these local planning factors should be more than sufficient to demonstrate that SCAG did not adequately consider the local planning factors.

Existing or Projected Jobs-Housing Balance

PLC misses the point of the City's appeal argument related to this issue. The City's primary contention is that there is already a significantly imbalanced relationship between jobs and housing and that the assigned RHNA will only further exacerbate this jobs-housing imbalance. The City's appeal argument related to this planning factor does not hinge on the potential need to rezone commercial property. The purpose of this example in the City's appeal is to demonstrate that rezoning commercial properties would likely result in further reduction of jobs in the City, which would intensify the jobs-housing imbalance. This is a constraint that SCAG did not adequately consider with respect to the distribution of the existing need.

Availability of Land Suitable for Urban Development

PLC misrepresents the City's argument related to this local planning factor. The point of the City's appeal in relation to each of the planning factors goes back to the argument that SCAG did not adequately consider these local planning factor constraints. Government Code 65584.04(e)(2)(B) specifically lists the exclusion of "urban development from lands where [FEMA]...has determined that the flood management infrastructure designed to protect land that is not adequate to avoid the risk of flooding." While this local planning factor was considered for the projected need, it was not

considered for the existing need. The City of Yorba Linda has nearly 750 acres of land that falls within this category.

Distribution of Household Growth Assumed for Purposes of Comparable Regional Transportation Plans

PLC is correct that the City is arguing that a lack of public transportation should result in a lower RHNA allocation. As discussed previously, state housing law requires that the regional housing plan be consistent with the development pattern of the regional transportation plan, which focuses housing growth within areas that contain high quality transit opportunities. The development pattern contained within Connect SoCal clearly demonstrates that there are **no** priority growth areas (PGAs) anticipated in the City of Yorba Linda through at least 2045, which is well beyond even the next three RHNA cycles. Connect SoCal's PGAs are SCAG's identified "opportunities to maximize the use of public transportation and existing transportation infrastructure." Given the dearth of public transit opportunities in the City of Yorba Linda (and thus no PGAs within the City of Yorba Linda), this should absolutely be considered as a factor in the City's appeal. If this issue is not taken into account, one of the primary objectives of SCS is not met as it relates to goal of ensuring growth is focused carefully to minimize negative impacts, including increased traffic congestion and reduced air quality.

Other "Unpermitted" Bases of Appeal

PLC fails to recognize that Government Code 65584.04(e)(2) does not limit the "constraints to development of additional housing" to only the following four specific categories identified:

- Lack of sewer or water service
- Availability of suitable land for conversion to residential use (excluding FEMA-restricted parcels), availability of underutilized land, and opportunities for infill development and increased residential densities.
- Lands protected from urban development under existing federal or state programs
- County policies to preserve prime agricultural land

The City has identified additional significant constraints to development of additional housing including oil wells, natural disaster protection, and topography that should have been more adequately considered in the preparation of the RHNA methodology. In fact, among the over 250 comment letters submitted during the RHNA methodology public hearings, very high fire hazard zones/susceptibility to wildfire were cited extensively among factors recommended be included. Unfortunately, due to a last-minute substitute motion at the Regional Council meeting on November 7, 2019, the entire RHNA methodology was altered and approved without allowing an opportunity to fully analyze

the impacts related to this dramatic shift in methodology. This is another example of how SCAG failed to adequately consider the information submitted by jurisdictions.

Conclusion

In conclusion, the Public Law Center has misinterpreted the City's appeal and has misunderstood several important aspects of state housing law in their analysis of the City's appeal. The City has clearly demonstrated that SCAG not only failed to adequately consider the information submitted by the City, but it also failed to determine the share of the regional housing need in accordance with Government Code Section 65584.04. If you have any questions, please contact my office at (714) 641-5100.

Sincerely,



Mark Pulone
City Manager

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