



# STAFF REPORT

## CITY of YORBA LINDA

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### COMMUNITY DEVELOPMENT DEPARTMENT

**DATE:** JANUARY 16, 2024

**TO:** HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

**FROM:** DAVID BRANTLEY, COMMUNITY DEVELOPMENT DIRECTOR  
PREPARED BY: NATE FARNSWORTH, PLANNING MANAGER

**SUBJECT:** HOUSING ELEMENT UPDATE

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### RECOMMENDATION

It is recommended that the City Council consider removing Site S7-001 (Bryant Ranch Center) from the housing sites inventory in the draft revised Housing Element.

### BACKGROUND/DISCUSSION

Since May 2023, the City has been working on revisions to its Housing Element following the failed Measure Z vote in November 2022. This has included an extremely robust public outreach campaign to gather public input from a wide range of diverse groups of people. On December 5, 2023, the City Council authorized staff to submit the draft revised Housing Element to the State Department of Housing and Community Development (HCD) for their 60-day review.

The City is in receipt of a letter from Yorba Canyon, LLC, the property owner for Site S7-001 (Bryant Ranch Center), requesting that the City either update the Housing Element to allow 30 units per acre of mixed-use zoning on their property, or remove the site from the Housing Element completely. Their letter states that the City's proposed zoning at 10 units per acre is not feasible and would never be built.

There is a very high probability that HCD's comments back to the City following its 60-day review will address a concern related to this site about what is generally referred to as "realistic development capacity." Government Code Section 65583.2 requires that the City demonstrate the projected residential development capacity of the sites identified in the housing element can realistically be achieved. HCD's Housing Element Site Inventory Guidebook provides guidance on how to achieve a compliant housing sites inventory for the 6<sup>th</sup> Housing Cycle. One key factor, among many others, in demonstrating realistic development capacity is property owner interest.

In the case of Site S7-001, the property owner has stated that they are not interested in developing at the City's proposed density of 10 units per acre, and therefore, the site does not likely qualify for realistic development capacity at the City's proposed density. Given that the public voiced strong opposition to the City's original proposal of rezoning this site to 35

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units per acre, the City deferred placing this property on the ballot in November 2022. Based on prior public feedback, City staff does not believe that the public would support the property owner's request to rezone at 30 units per acre and does not recommend increasing the density on this site. Furthermore, the Resident Working Group also strongly opposed density on this site higher than 10 units per acre.

Staff believes it would be in the best interest of the City to remove this site from the Housing Element at this time rather than waiting for the comments from HCD because time is of the essence with deadlines fast approaching. Removing the site now would allow the City to modify the Housing Element during the current 60-day review period with HCD rather than waiting for the end of the review period and resubmitting a revised Housing Element for another 60-day review period.

Moreover, the petition being circulated by the property owner has fueled much confusion among residents over what is actually being proposed with the Bryant Ranch Center. This has led to frustration and further concerns among Bryant Ranch residents. Removal of this site from the Housing Element would have the secondary benefit of mitigating confusion and misinformation relating to having different zoning proposals for the same property.

### **FISCAL IMPACT**

No impact.

### **ALTERNATIVES**

1. The City could wait and see if HCD has any comments on the "realistic development capacity" for Site S7-001 and make revisions at that point in time. This is not recommended as it would likely significantly reduce the time available to meet the deadlines for the mandatory public hearings, CEQA compliance, and calling for the election.
2. The City could modify the proposed rezoning for Site S7-001 to be consistent with the property owner's request. This would result in there no longer being a need for a competing ballot measure from the property owner for this site; however, this would likely be met with significant opposition from the Bryant Ranch residents as well as other residents in the community.

### **ATTACHMENTS**

1. Letter from Yorba Canyon, LLC
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December 4, 2023

Honorable Mayor Gene Hernandez and Members of the City Council  
Yorba Linda City Council  
4845 Casa Loma Avenue  
Yorba Linda, CA 92886  
cc: Marcia Brown, City Clerk

**RE: OPPOSITION TO THE PROPOSED BRYANT RANCH CHANGES TO THE CERTIFIED HOUSING ELEMENT**

Dear Honorable Mayor Hernandez and Members of the City Council:

I am writing to you, respectfully, in strong opposition to the proposed Bryant Ranch changes to the Certified Housing Element.

I represent the owners of the Bryant Ranch Center in the city of Yorba Linda. For over a decade, we have been proud and active participant in Yorba Linda as a community including in our ongoing ownership of our large Bryant Ranch Shopping Center. This center is home to several wonderful businesses that provide services, experiences, and products to the residents of Yorba Linda, North Orange County, and thousands of residents of surrounding counties. We have invested millions of dollars following our purchase to ensure that the shopping center remains as occupied and active as possible. We appreciate the ongoing support and partnership with the City in these efforts.

As many of you know, we have been experiencing challenges at the Center since 2017, not to mention the impacts of COVID in 2020 and the ongoing issues with consumer and shopping habits. This has led to a continued struggle in keeping the center thriving. The Center cannot remain as it is today, and something has to change in order to protect the small businesses in the shopping center and continue to service the community.

We understand that the City's Resident Housing Group is proposing in their newly edited housing element zoning RM-10 (10 units per acre) for this property. This is NOT a viable option for us. This zoning would potentially remove all retail from the site. The City's Resident Housing Group proposal of 10 units per acre was developed without our input, is not feasible, and would never be built.

We are asking for the City to consider a few different options:

1. Please update the housing element to 30 units per acre mixed-use zoning to ensure a retail component will be built on this site (which is less than the 35 units per acre mixed-use zoning that was sent to HCD and certified originally), or
2. If this is not amenable, please remove our site from the proposed housing element completely.

We, together with our community, all can agree that we want to retain retail at this site to protect these small businesses in the community. Our proposed plan offers to upgrade retail, retain our valued tenants; under a feasible zoning plan with appropriate housing units to continue providing local services

and supporting local businesses. The City's Resident Housing Group is proposing an unfeasible plan, that again, was developed without property ownership's input and does not take into account the needs of the current tenants in the center. By adding a residential component to the property with a higher density, it would ensure viability of the project, addresses housing desires of our community, and future tenant success.

Unlike other proposals in the City, this site is located away from traditional neighborhoods. Our proposed option of 30 units per acre with a retail component would improve retail spaces. This would reduce out of town traffic by ensuring that traffic from this location to the 91 corridor, Weir and Gypsum Canyon interchanges are minimized.

We are urging the City to consider our proposal with a project that's viable and capable of being developed, to ensure we can continue to serve the local community with high quality retail, dining, lifestyle businesses, and a garden style residential community that matches the surrounding neighborhoods.

Sincerely,

*J. Michael Tinio*

Michael Tinio  
Yorba Canyon, LLC (Bryant Ranch Center)  
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