



SOUTHERN CALIFORNIA  
ASSOCIATION OF GOVERNMENTS  
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## SPECIAL MEETING

# REGIONAL HOUSING NEEDS ASSESSMENT (RHNA) APPEALS BOARD PUBLIC HEARING

**Remote Participation Only**  
**Friday, January 15, 2021**  
**9:00 a.m. – 3:00 p.m.**

**To Participate on Your Computer:**  
**<https://scag.zoom.us/j/91702781766>**

**To Participate by Phone:**  
**Call-in Number: 1-669-900-6833**  
**Meeting ID: 917 0278 1766**

***Please see next page for detailed  
instructions on how to participate in the meeting.***

### **PUBLIC ADVISORY**

Given recent public health directives limiting public gatherings due to the threat of COVID-19 and in compliance with the Governor's recent Executive Order N-29-20, the meeting will be held telephonically and electronically.

If members of the public wish to review the attachments or have any questions on any of the agenda items related to RHNA, please send an email to [housing@scag.ca.gov](mailto:housing@scag.ca.gov). Agendas and Minutes are also available at: [www.scag.ca.gov/committees](http://www.scag.ca.gov/committees).

SCAG, in accordance with the Americans with Disabilities Act (ADA), will accommodate persons who require a modification of accommodation in order to participate in this meeting. SCAG is also committed to helping people with limited proficiency in the English language access the agency's essential public information and services. You can request such assistance by calling (213) 236-1959. We request at least 72 hours (three days) notice to provide reasonable accommodations and will make every effort to arrange for assistance as soon as possible.



## Instructions for Public Comments

*You may submit public comments in two (2) ways:*

1. **Submit written comments via email to: [housing@scag.ca.gov](mailto:housing@scag.ca.gov) by 5pm on Thursday, January 14, 2021.**

All written comments received after 5pm on Thursday, January 14, 2021 will be announced and included as part of the official record of the meeting.

2. **If participating via Zoom or phone, during the Public Comment Period, use the “raise hand” function on your computer or \*9 by phone and wait for SCAG staff to announce your name/phone number. SCAG staff will unmute your line when it is your turn to speak. Limit oral comments to 3 minutes, or as otherwise directed by the presiding officer.**

If unable to connect by Zoom or phone and you wish to make a comment, you may submit written comments via email to: [housing@scag.ca.gov](mailto:housing@scag.ca.gov).

***In accordance with SCAG’s Regional Council Policy, Article VI, Section H and California Government Code Section 54957.9, if a SCAG meeting is “willfully interrupted” and the “orderly conduct of the meeting” becomes unfeasible, the presiding officer or the Chair of the legislative body may order the removal of the individuals who are disrupting the meeting.***



## Instructions for Participating in the Meeting

SCAG is providing multiple options to view or participate in the meeting:

### To Participate and Provide Verbal Comments on Your Computer

1. Click the following link: <https://scag.zoom.us/j/91702781766>
2. If Zoom is not already installed on your computer, click “Download & Run Zoom” on the launch page and press “Run” when prompted by your browser. If Zoom has previously been installed on your computer, please allow a few moments for the application to launch automatically.
3. Select “Join Audio via Computer.”
4. The virtual conference room will open. If you receive a message reading, “Please wait for the host to start this meeting,” simply remain in the room until the meeting begins.
5. During the Public Comment Period, use the “raise hand” function located in the participants’ window and wait for SCAG staff to announce your name. SCAG staff will unmute your line when it is your turn to speak. Limit oral comments to 3 minutes, or as otherwise directed by the presiding officer.

### To Listen and Provide Verbal Comments by Phone

1. Call **(669) 900-6833** to access the conference room. Given high call volumes recently experienced by Zoom, please continue dialing until you connect successfully.
2. Enter the **Meeting ID: 917 0278 1766**, followed by #.
3. Indicate that you are a participant by pressing # to continue.
4. You will hear audio of the meeting in progress. Remain on the line if the meeting has not yet started.
6. During the Public Comment Period, press \*9 to add yourself to the queue and wait for SCAG staff to announce your name/phone number. SCAG staff will unmute your line when it is your turn to speak. Limit oral comments to 3 minutes, or as otherwise directed by the presiding officer.



# REGIONAL HOUSING NEEDS ASSESSMENT (RHNA) APPEALS BOARD PUBLIC HEARING SPECIAL MEETING AGENDA

## RHNA APPEALS BOARD MEMBERS – RHNA 6<sup>TH</sup> CYCLE

### VOTING MEMBERS

#### **Representing Imperial County**

Primary: Hon. Cheryl Viegas-Walker, El Centro  
Alternate: Sup. Luis Plancarte, Imperial County

#### **Representing Los Angeles County**

Primary: Hon. Margaret Finlay, Duarte  
Alternate: Hon. Rex Richardson, Long Beach

#### **Representing Orange County**

Primary: Hon. Wendy Bucknum, Mission Viejo  
Alternate: **CHAIR** Peggy Huang, Yorba Linda, TCA

#### **Representing Riverside County**

Primary: Hon. Russell Betts, Desert Hot Springs  
Alternate: Hon. Rey SJ Santos, Beaumont

#### **Representing San Bernardino County**

Primary: Hon. Deborah Robertson, Rialto  
Alternate: Hon. Larry McCallon, Highland

#### **Representing Ventura County**

Primary: Sup. Carmen Ramirez, Ventura County  
Alternate: Hon. Mike Judge, Simi Valley, VCTC



# REGIONAL HOUSING NEEDS ASSESSMENT (RHNA) APPEALS BOARD

## PUBLIC HEARING – SPECIAL MEETING AGENDA

Southern California Association of Governments  
Remote Participation Only  
**Friday, January 15, 2021**  
**9:00 AM – 3:00 PM**

### **CALL TO ORDER AND PLEDGE OF ALLEGIANCE** *(The Honorable Peggy Huang, Chair)*

### **PUBLIC COMMENT PERIOD**

Members of the public are encouraged to submit written comments by sending an email to: [housing@scag.ca.gov](mailto:housing@scag.ca.gov) by 5pm on Thursday, January 14, 2021. Such comments will be transmitted to members of the legislative body and posted on SCAG's website prior to the meeting. Written comments received after 5pm on January 14, 2021 will be announced and included as part of the official record of the meeting. Members of the public wishing to verbally address the RHNA Appeals Board will be allowed up to 3 minutes to speak, with the presiding officer retaining discretion to adjust time limits as necessary to ensure efficient and orderly conduct of the meeting. The presiding officer has the discretion to reduce the time limit based upon the number of comments received and may limit the total time for all public comments to twenty (20) minutes.

Click [here](#) to access the list of written Public Comments received as of 1/7/2021, or see the attachment.

All comments submitted are posted online at <https://scag.ca.gov/rhna-comments>.

### **ACTION ITEM/S**

1. Public Hearings to Consider Appeals Submitted by Jurisdictions Related to the 6th Cycle Draft RHNA Allocations  
*(Kome Ajise, Executive Director)*

### **RECOMMENDED ACTION:**

Review the appeals submitted by eight (8) jurisdictions regarding their respective 6th cycle Draft RHNA Allocations; review corresponding staff recommendations as reflected in the staff reports; receive public comments; hear arguments by appellants and staff responses; and take action to grant, partially grant, or deny each appeal.

The Chair has the discretion to determine the order of appeals heard.

### Schedule

- 1.1 City of Santa Ana\*
  - a. Garden Grove Appeal\*
  - b. Irvine Appeal\*
  - c. Newport Beach Appeal\*
  - d. Yorba Linda Appeal\*



- 1.2 City of Irvine\*
- 1.3 County of Newport Beach\*
- 1.4 City of Garden Grove\*
- 1.5 City of Yorba Linda\*

**\* For each appeal, the general time allocation is as the following with Chair's discretion to grant extension as needed:**

- Initial Arguments (5 min)
- Staff Response (5 min)
- Rebuttal (3 min)

For more information, please see Appeals Hearing Procedures in the Attachment.

### **ADJOURNMENT**

***The Public Hearing to hear submitted appeals to the 6th cycle Regional Housing Needs Assessment (RHNA) Allocations will continue on January 19, 2021.***

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## ATTACHMENT - Appeals Hearing Procedures

### (Per Adopted 6<sup>th</sup> Cycle RHNA Appeals Procedures Section G)

The hearing(s) shall be conducted to provide applicants and jurisdictions that did not file appeals but are the subject of an appeal, with the opportunity to make their case regarding a change in their draft regional housing need allocation or another 7 jurisdiction's allocation, with the burden on the applicants to prove their case. The appeals hearings will be organized by the specific jurisdiction subject to an appeal or appeals and will adhere to the following procedures:

#### 1. Initial Arguments

Applicants who have filed an appeal for a particular jurisdiction will have an opportunity to present their request and reasons to grant the appeal. In the event of multiple appeals filed for a single jurisdiction, the subject jurisdiction will present their argument first if it has filed an appeal on its own draft RHNA allocation. Applicants may present their case either on their own, or in coordination with other applicants, but each applicant shall be allotted five (5) minutes each. If the subject jurisdiction did not file an appeal on its own draft RHNA allocation, it will be given an opportunity to present after all applicants have provided initial arguments on their filed appeals. Any presentation from the jurisdiction who did not appeal but is the subject of the appeal is limited to five (5) minutes unless it is responding to more than one appeal, in which case the jurisdiction is limited to eight (8) minutes.

#### 2. Staff Response

After initial arguments are presented, SCAG staff will present their recommendation to approve or deny the appeals filed for the subject jurisdiction. The staff response is limited to five (5) minutes.

#### 3. Rebuttal

Applicants and the jurisdiction who did not file an appeal but is the subject of the appeal may elect to provide a rebuttal but are limited to the arguments and evidence presented in the staff response. Each applicant and the subject jurisdiction that did not file an appeal on its own draft RHNA allocation will be allotted three (3) minutes each for a rebuttal.

#### 4. Extension of Time Allotment

The Chair of the Appeals Board may elect to grant additional time for any presentation, staff response, or rebuttal in the interest of due process and equity.

#### 5. Appeal Board Discussion and Determination



After arguments and rebuttals are presented, the RHNA Appeals Board may ask questions of applicants, the subject jurisdiction (if present), and SCAG staff. The Chair of the Appeals Board may request that questions from the Appeals Board be asked prior to a discussion among Appeals Board members. Any voting Board member may make a motion regarding the appeal(s) for the subject jurisdiction.

The Appeals Board is encouraged to make a single determination on the subject jurisdiction after hearing all arguments and presentations on each subject jurisdiction. The RHNA Appeals Board need not adhere to formal evidentiary rules and procedures in conducting the hearing. An appealing jurisdiction may choose to have technical staff present its case at the hearing. At a minimum, technical staff should be available at the hearing to answer any questions of the RHNA Appeals Board.



Written Comments Received on the 6th Cycle RHNA (as of 1/7/21)

Date of Letter	Organization	Name	Topic(s)
10/11/2018	City of Beverly Hills	Hon. John Mirisch	Subcommittee membership
12/2/2018	City of Mission Viejo	Gail Shiomoto-Lohr	Subcommittee charter, subregional delegation, growth forecast
1/17/2019	City of Beverly Hills	Hon. John Mirisch	Urban sprawl
2/4/2019	City of Beverly Hills	Hon. John Mirisch	Role of housing supply, single family homes, subcommittee membership
3/11/2019	City of Beverly Hills	Hon. John Mirisch	Subcommittee membership, upzoning, single family homes
3/30/2019	City of Beverly Hills	Hon. John Mirisch	Upzoning, urbanism, density
5/2/2019	Central Cities Association of Los Angeles	Jessica Lall	Regional Determination
5/6/2019	City of Irvine	Marika Poynter	Regional determination, existing need distribution, social equity adjustment
5/20/2019	City of Redondo Beach	Sean Scully	Existing housing need and zoning
5/23/2019	UCLA Luskin School of Public Affairs	Paavo Monkkonen	Zoning, housing prices, and regulation
5/28/2019	Orange County Council of Governments (OCCOG)	Hon. Stacy Berry	Regional determination consultation package
5/29/2019	City of Anaheim	Chris Zapata	Regional determination consultation package
5/31/2019	City of Yorba Linda	David Brantley	Regional determination consultation package
6/1/2019	City of Mission Viejo		Regional determination consultation package; distribution methodology
6/3/2019	City of Newport Beach	Seimone Jurjjs	Regional determination consultation package
6/3/2019	UCLA	Paavo Monkkonen	Regional determination consultation package
6/4/2019	City of Tustin	Elizabeth Binsack	Regional determination consultation package
6/4/2019		Henry Fung	Public outreach and engagement; regional determination consultation package
6/5/2019		Hunter Owens	Regional determination consultation package
6/5/2019	City of Santa Ana	Kristine Ridge	Regional determination consultation package
6/5/2019	City of Newport Beach	Seimone Jurjjs	Regional determination consultation package
6/5/2019	City of Calabasas	Mayor David Shapiro	RHNA methodology
6/5/2019		Vyki Englert	Regional determination consultation package
6/5/2019		Juan Lopez	Regional determination consultation package
6/5/2019		Louis Mirante	Regional determination consultation package
6/5/2019		Carter Rubin	Regional determination consultation package
6/6/2019		Hon. Meghan Sahli-Wells, City of Culver City	Regional determination consultation package
6/5/2019		Andy Freeland	Regional determination consultation package
6/5/2019		Eve Bachrach	Regional determination consultation package
6/6/2019		Emily Groendyke	Regional determination consultation package
6/6/2019		Timothy Hayes	Regional determination consultation package
6/6/2019		Carter Moon	Regional determination consultation package
6/6/2019		Jesse Lerner-Kinglake	Regional determination consultation package
6/6/2019		Alex Fisch	Regional determination consultation package
6/6/2019		Jed Lowenthal	Regional determination consultation package
6/6/2019	City of Moorpark	Karen Vaughn	Proposed RHNA Methodology
6/6/2019	City of La Habra	Jim Gomez	Regional determination package
6/6/2019	County of Orange	Supervisor Donald Wagner	Regional determination package
6/18/2019		Thomas Glaz	Proposed RHNA methodology
6/18/2019		Brendan Regulinski	Proposed RHNA methodology
6/18/2019		Chris Palencia	Proposed RHNA methodology
6/19/2019		Henry Fung	Action on regional determination; proposed RHNA methodology; public hearing and outreach process
6/21/2019		Glenn Egelko	Subcommittee member remarks
6/22/2019		Donna Smith	Proposed RHNA methodology
6/24/2019		Fred Zimmerman	Regional determination package
6/24/2019		Antoine Wakim	Regional determination package

Written Comments Received on the 6th Cycle RHNA (as of 1/7/21)

Date of Letter	Organization	Name	Topic(s)
6/24/2019		Darrell Clarke	Regional determination package
6/24/2019		Marcos Rodriguez Maciel	Regional determination package
6/24/2019		Taylor Hallam	Regional determination package
6/24/2019		Phil Lord	Regional determination package
6/24/2019		Edwin Woll	Regional determination package
6/24/2019		Steven Guerry	Regional determination package
6/24/2019		Prabhu Reddy	Regional determination package
6/24/2019		Judd Schoenholtz	Regional determination package
6/24/2019		Bret Contreras	Regional determination package
6/24/2019		Mark Montiel	Regional determination package
6/24/2019		Hardy Wronske	Regional determination package
6/24/2019		William Wright	Regional determination package
6/24/2019		Nicholas Burns III	Regional determination package
6/24/2019		Brendan Regulinski	Regional determination package
6/24/2019		Gabe Rose	Regional determination package
6/24/2019		Sean McKenna	Regional determination package
6/24/2019		Lolita Nurmamade	Regional determination package
6/24/2019		Paul Moorman	Regional determination package
6/24/2019		Ryan Welch	Regional determination package
6/24/2019		Gerald Lam	Regional determination package
6/24/2019		Carol Gordon	Regional determination package
6/24/2019		Anthony Dedousis	Regional determination package
6/24/2019		Christopher Cooper	Regional determination package
6/24/2019		Colin Frederick	Regional determination package
6/24/2019		Joe Goldman	Regional determination package
6/24/2019		David Douglass-Jaimes	Regional determination package
6/24/2019		Liz Barillas	Regional determination package
6/24/2019		Andy Freeland	Regional determination package
6/24/2019		Grayson Peters	Regional determination package
6/24/2019		Andrew Oliver	Regional determination package
6/24/2019		Kyle Jenkins	Regional determination package
6/24/2019		Matthew Ruscigno	Regional determination package
6/24/2019		Amar Billoo	Regional determination package
6/24/2019		Joshua Blumenkopf	Regional determination package
6/24/2019		Leonora Camner	Regional determination package
6/24/2019		Ryan Tanaka	Regional determination package
6/24/2019		Partho Kalyani	Regional determination package
6/24/2019		Victoria Englert	Regional determination package
6/24/2019		Josh Albrekton	Regional determination package
6/24/2019		Matt Stauffer	Regional determination package
6/24/2019		Brooks Dunn	Regional determination package
6/24/2019		Nancy Barba	Regional determination package
6/24/2019		Sandra Madera	Regional determination package
6/25/2019		Gregory Dina	Regional determination package
6/25/2019		Brent Gaisford	Regional determination package
6/25/2019		Andrew Kerr	Regional determination package
6/25/2019		Hunter Owens	Regional determination package
6/25/2019		Alexander Murray	Regional determination package
6/25/2019		Eric Hayes	Regional determination package
6/25/2019		Brent Stoll	Regional determination package
6/25/2019		Matthew Dixon	Regional determination package

Written Comments Received on the 6th Cycle RHNA (as of 1/7/21)

Date of Letter	Organization	Name	Topic(s)
6/25/2019		Mark Yetter	Regional determination package
6/25/2019		Chase Engelhardt	Regional determination package
6/25/2019		Hugh Martinez	Regional determination package
6/25/2019		Christopher Palencia	Regional determination package
6/25/2019		Nathan Pope	Regional determination package
6/25/2019		Lauren Borchard	Regional determination package
6/25/2019		Shane Philips	Regional determination package
6/25/2019		Alexander Naylor	Regional determination package
6/25/2019		Andy May	Regional determination package
6/25/2019		Jon Dearing	Regional determination package
6/25/2019		David Barboza	Regional determination package
6/26/2019		Sofia Tablada	Regional determination package
6/26/2019		Amanda Wilson	Regional determination package
6/26/2019		Mike Bettinardi	Regional determination package
6/26/2019		Emily Skehan	Regional determination package
6/26/2019	City of Long Beach	Patrick West	Proposed RHNA methodology
6/27/2019		Jesse Silva	Regional determination package
6/27/2019		Ryan Rubin	Regional determination package
6/27/2019	City of Garden Grove	Mayor Steve Jones	Regional determination package; proposed RHNA methodology
6/27/2019	County of Los Angeles	Amy Bodek	Proposed RHNA methodology
6/28/2019		Maggie Rattay	Regional determination package
6/28/2019		Brittney Hojo	Regional determination package
6/28/2019		Thomas Irwin	Regional determination package
6/28/2019		Steph Pavon	Regional determination package
7/3/2019		Tyler Lindberg	Regional determination package
7/3/2019		Ji Son	Regional determination package
7/3/2019		David Kitani	Regional determination package
7/3/2019		Chase Andre	Regional determination package
7/3/2019		Taily Pulido	Regional determination package
7/5/2019		Stephanie Palencia	Regional determination package
7/6/2019		Charlie Stigler	Regional determination package
7/8/2019		Chris Rattay	Regional determination package
7/9/2019		Holly Osborne	Proposed RHNA Methodology
7/9/2019	City of Ojai	James Vega	Proposed RHNA Methodology
7/10/2019	City of South Gate	Joe Perez	Proposed RHNA Methodology
7/11/2019	City of Malibu	Reva Feldman	Proposed RHNA Methodology
7/16/2019	City of Los Angeles, 15 <sup>th</sup> District	Aksel Palacios	Affordable Housing Solutions
7/17/2019	City of Culver City	Mayor Meghan Sahli-Wells	Regional Determination
7/18/2019	League of Women Voters of Los Angeles	Sandra Trutt	Zoning and Homelessness
7/18/2019	County of Riverside	Juan Perez	Proposed RHNA allocation
7/19/2019	League of Women Voters of Los Angeles County	Marge Nichols	Regional Determination
7/20/2019		Therese Mufic Neustaedter	Regional Determination
7/23/2019	County of Ventura – Board of Supervisors	Supervisor Steve Bennett	Proposed RHNA Methodology
7/25/2019		Jose Palencia	Regional Determination
7/27/2019		Henry Fung	Proposed RHNA Methodology
7/29/2019		Paavo Monkkonen	Proposed RHNA Methodology
7/29/2019		Paavo Monkkonen	Proposed RHNA Methodology
7/29/2019	Endangered Habitats League	Dan Silver	Proposed RHNA methodology
7/31/2019	League of Women Voters Los Angeles County	Marge Nichols	Regional Determination; Proposed RHNA Methodology
7/31/2019	City of Beverly Hills	Mayor John Mirisch	Proposed RHNA Methodology

Written Comments Received on the 6th Cycle RHNA (as of 1/7/21)

Date of Letter	Organization	Name	Topic(s)
7/31/2019	City of Beverly Hills	Mayor John Mirisch	Proposed RHNA Methodology
7/31/2019		Assm. Richard Bloom	Proposed RHNA Methodology
8/1/2019	League of Women Voters Santa Monica	Natalya Zernitskaya	Proposed RHNA Methodology
8/1/2019	City of Malibu	Bonnie Blue	Proposed RHNA Methodology; SB 182
8/1/2019	People for Housing OC	Elizabeth Hansburg	Regional Determination
8/1/2019	City of Big Bear Lake	Jeff Matthieu	Proposed RHNA Methodology
8/2/2019		Donna Smith	?
8/4/2019		Gary Drucker	Proposed RHNA Methodology
8/5/2019		Valerie Fontaine	Proposed RHNA Methodology
8/5/2019		Jay Ross	Proposed RHNA Methodology
8/7/2019		Miriam Cantor	Proposed RHNA Methodology
8/8/2019		Jonathan Baty	Population growth
8/12/2019		City of Yucaipa	Proposed RHNA methodology
8/12/2019		Paul Lundquist	?
8/12/2019		Leonora Camner	Proposed RHNA Methodology
8/12/2019		Ryan Tanaka	Proposed RHNA Methodology
8/12/2019		Jesse Silva	Proposed RHNA Methodology
8/12/2019		Joshua Gray-Emmer	Proposed RHNA Methodology
8/12/2019		Chase Engelhardt	Proposed RHNA Methodology
8/12/2019		Drew Heckathorn	Proposed RHNA Methodology
8/12/2019		Liz Barillas	Proposed RHNA Methodology
8/12/2019		Jonah Bliss	Proposed RHNA Methodology
8/12/2019		Angus Beverly	Proposed RHNA Methodology
8/12/2019		Gregory Dina	Proposed RHNA Methodology
8/12/2019		Eduardo Mendoza	Proposed RHNA Methodology
8/12/2019		Carol Gordon	Proposed RHNA Methodology
8/12/2019		Joanne Leavitt	Proposed RHNA Methodology
8/12/2019		Mark Yetter	Proposed RHNA Methodology
8/12/2019		Meredith Jung	Proposed RHNA Methodology
8/12/2019		Nicholas Burns III	Proposed RHNA Methodology
8/12/2019		Judd Scoenholtz	Proposed RHNA Methodology
8/12/2019		Lee Benson	Proposed RHNA Methodology
8/12/2019		Kate Poisson	Proposed RHNA Methodology
8/12/2019		Joshua Blumenkopf	Proposed RHNA Methodology
8/12/2019		Anthony Dedousis	Proposed RHNA Methodology
8/12/2019		Christopher Tausanovitch	Proposed RHNA Methodology
8/12/2019		Emerson Dameron	Proposed RHNA Methodology
8/12/2019		Grayson Peters	Proposed RHNA Methodology
8/12/2019		Tami Kagan-Abrams	Proposed RHNA Methodology
8/12/2019		Lauren Borchard	Proposed RHNA Methodology
8/12/2019		Alec Mitchell	Proposed RHNA Methodology
8/12/2019		Andy Freeland	Proposed RHNA Methodology
8/12/2019		Michelle Castelletto	Proposed RHNA Methodology
8/12/2019		Brent Gaisford	Proposed RHNA Methodology
8/12/2019		Rebecca Muli	Proposed RHNA Methodology
8/12/2019		Ryan Welch	Proposed RHNA Methodology
8/12/2019		Prabhu Reddy	Proposed RHNA Methodology
8/12/2019		Matthew Dixon	Proposed RHNA Methodology
8/12/2019		Richard Hofmeister	Proposed RHNA Methodology
8/12/2019		David Barboza	Proposed RHNA Methodology

Written Comments Received on the 6th Cycle RHNA (as of 1/7/21)

Date of Letter	Organization	Name	Topic(s)
8/12/2019		Michael Drowsky	Proposed RHNA Methodology
8/12/2019		Allison Wong	Proposed RHNA Methodology
8/13/2019		Justin Jones	Proposed RHNA Methodology
8/13/2019		Yurhe Lim	Proposed RHNA Methodology
8/13/2019		Ryan Koyanagi	Proposed RHNA Methodology
8/13/2019		William Wright	Proposed RHNA Methodology
8/13/2019		Norma Guzman	Proposed RHNA Methodology
8/13/2019		Mary Vaiden	Proposed RHNA Methodology
8/13/2019		Andy May	Proposed RHNA Methodology
8/13/2019		Gerald Lam	Proposed RHNA Methodology
8/13/2019		Kelly Koldus	Proposed RHNA Methodology
8/13/2019		Thomas Irwin	Proposed RHNA Methodology
8/14/2019		Susan Decker	Proposed RHNA Methodology
8/14/2019		Michael Busse	Proposed RHNA Methodology
8/14/2019		Rosa Flores	Proposed RHNA Methodology
8/14/2019		Pedro Juarez	Proposed RHNA Methodology
8/14/2019		Zennon Ulyate-Crow	Proposed RHNA Methodology
8/16/2019		Ron Javorsky	
8/16/2019	County of Riverside	Robert Flores	RHNA Public Outreach
8/17/2019		Marianne Buchanan	
8/17/2019		Carolyn Byrnes	Other
8/17/2019		Sharon Willkins	
8/17/2019		Natalya Zernitskaya	Proposed RHNA Methodology
8/19/2019		Kawauna Reed	
8/19/2019		Hon. Manuel Chavez (Costa Mesa Councilmember, District 4)	Proposed RHNA Methodology
		Cassius Rutherford (Parks Commissioner, Costa Mesa)	
		Chris Gaarder (Planning Commission Chair, Fullerton)	
		Brandon Whalen-Castellanos (Transportation Commission Chair, Fullerton)	
		Luis Aleman (Parks Commission, Santa Ana)	
8/19/2019		Theopilis Hester	Proposed RHNA Methodology
8/20/2019	City of Santa Monica	Rick Cole	Proposed RHNA Methodology
8/20/2019	City of Rancho Palos Verdes	Octavio Silva	Proposed RHNA Methodology
8/20/2019	City of Yorba Linda	Mayor Tara Campbell	Proposed RHNA Methodology
8/22/2019	City of Redondo Beach	Mayor William Brand	Proposed RHNA Methodology
8/22/2019	Orange County Council of Governments (OCCOG)	Marnie O. Primmer	Proposed RHNA Methodology
8/23/2019		Bruce Szekes	Public Outreach
8/23/2019	Center for Demographic Research		Proposed RHNA Methodology
8/23/2019		Laura Smith	Housing Distribution
8/23/2019	City of Beverly Hills	Mayor John Mirisch	Proposed RHNA Methodology
8/24/2019		Sharon Commins	Proposed RHNA Methodology
8/26/2019	City of El Segundo		Proposed RHNA Methodology
8/26/2019		Sean McKenna	Proposed RHNA Methodology
8/26/2019		Mark Chenevey	Proposed RHNA Methodology
8/26/2019		Derek Ryder	Proposed RHNA Methodology
8/26/2019	City of Long Beach	Patrick West	Proposed RHNA Methodology
8/27/2019	City of Mission Viejo	Elaine Lister	Proposed RHNA Methodology data correction
8/27/2019		Shawn Danino	Proposed RHNA Methodology
8/27/2019		Jeffery Alvarez	Proposed RHNA Methodology
8/27/2019		Claudia Vu	Proposed RHNA Methodology

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Date of Letter	Organization	Name	Topic(s)
8/27/2019		Laila Delgado	Proposed RHNA Methodology
8/27/2019		Madeline Swim	Proposed RHNA Methodology
8/27/2019		Nicholas Paganini	Proposed RHNA Methodology
8/27/2019		David Aldama	Proposed RHNA Methodology
8/27/2019		Hannah Winnie	Proposed RHNA Methodology
8/27/2019		Akif Khan	Proposed RHNA Methodology
8/27/2019		Gianna Lum	Proposed RHNA Methodology
8/27/2019		Bradley Ewing	Proposed RHNA Methodology
8/27/2019		Anne Martin	Proposed RHNA Methodology
8/27/2019		Mysten Walker	Proposed RHNA Methodology
8/27/2019		Verity Freebern	Proposed RHNA Methodology
8/27/2019		Ryan Oillataguerre	Proposed RHNA Methodology
8/27/2019		Emma Desopo	Proposed RHNA Methodology
8/27/2019		Elyssa Medina	Proposed RHNA Methodology
8/27/2019		Judith Trujillo	Proposed RHNA Methodology
8/27/2019		Kenia Agaton	Proposed RHNA Methodology
8/27/2019	OC Business Council	Alicia Berhow	Proposed RHNA Methodology
8/27/2019	Palms Neighborhood Council	Eryn Block	Proposed RHNA Methodology
8/27/2019	County of Riverside	Juan Perez	Proposed RHNA Methodology
8/28/2019		Sophia Parmisano	Proposed RHNA Methodology
8/28/2019		Anthony Castelletto	Proposed RHNA Methodology
8/28/2019		Minh Le	Proposed RHNA Methodology
8/28/2019		Carol Luong	Proposed RHNA Methodology
8/28/2019		Chitra Patel	Proposed RHNA Methodology
8/28/2019		Misha Ponnuraju	Proposed RHNA Methodology
8/27/2019		Griffin McDaniel	Proposed RHNA Methodology
8/28/2019		Lauren Walker	Proposed RHNA Methodology
8/28/2019		Robert Flores	Proposed RHNA Methodology
8/28/2019		Hailey Maxwell	Proposed RHNA Methodology
8/28/2019		Carey Kayser	Proposed RHNA Methodology
8/28/2019		Annie Bickerton	Proposed RHNA Methodology
8/29/2019	City of Fullerton	Matt Foulkes	Proposed RHNA Methodology
8/29/2019	City of Norco	Steve King	Proposed RHNA Methodology
8/29/2019	City of Signal Hill	Mayor Lori Wood	Proposed RHNA Methodology
8/29/2019	SCANPH	Francisco Martinez	Proposed RHNA Methodology
8/29/2019		Ross Heckmann	Proposed RHNA Methodology
8/30/2019		Dottie Alexanian	Proposed RHNA Methodology
8/30/2019		Judith Deutsch	Proposed RHNA Methodology
8/30/2019	City of Tustin	Elizabeth Binsack	Proposed RHNA Methodology
8/30/2019	City of Menifee	Cheryl Kitzerow	Proposed RHNA Methodology
8/31/2019		Paavo Monkkonen	Proposed RHNA Methodology
8/31/2019		Paavo Monkkonen and 27 professors	Proposed RHNA Methodology
8/31/2019		Ryan Kelly	Proposed RHNA Methodology
8/31/2019		Hydee Feldstein	Proposed RHNA Methodology
8/31/2019		Alex Ivina	Proposed RHNA Methodology
8/31/2019		Steve Rogers	Proposed RHNA Methodology
8/31/2019		Phil Davis	Proposed RHNA Methodology
8/31/2019		Kathy Hersh	Proposed RHNA Methodology
9/1/2019		Jane Demian	Proposed RHNA Methodology
9/1/2019		Diana Stiller	Proposed RHNA Methodology
9/1/2019		Paula Bourges	Proposed RHNA Methodology

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Date of Letter	Organization	Name	Topic(s)
9/1/2019		Raymond Goldstone	Proposed RHNA Methodology
9/1/2019		Christopher Palencia	Proposed RHNA Methodology
9/2/2019		Doris Roach	Proposed RHNA Methodology
9/3/2019		Judy Saunders	Proposed RHNA Methodology
9/3/2019		Susan Ashbrook	Proposed RHNA Methodology
9/3/2019		Marcelo & Irene Olavarria	Proposed RHNA Methodology
9/3/2019		Margret Healy	Proposed RHNA Methodology
9/3/2019		Genie Saffren	Proposed RHNA Methodology
9/3/2019	City of Rancho Santa Margarita	Cheryl Kuta	Proposed RHNA Methodology
9/3/2019	City of Corona	Joanne Coletta	Proposed RHNA Methodology
9/3/2019	City of Desert Hot Springs	Rebecca Deming	Proposed RHNA Methodology
9/3/2019		Karen Boyarsky	Regional Determination
9/3/2019		Nancee L.	Proposed RHNA Methodology
9/3/2019		Tracy St. Claire	Regional Determination
9/4/2019		Shelly Carlo	Housing Distribution
9/4/2019		Bill Zimmerman	Proposed RHNA Methodology
9/4/2019		Mark Vallianatos	Proposed RHNA Methodology
9/4/2019		Marilyn Frost	Housing Distribution
9/4/2019		Matthew Stevens	Proposed RHNA Methodology
9/4/2019		Georgianne Cowan	Regional Determination
9/4/2019		Lisa Schecter	Regional Determination
9/4/2019		Carol Watkins	Regional Determination
9/4/2019		Mark Robbins	Regional Determination
9/4/2019		Susan Horn	Regional Determination
9/4/2019		Barbara Broide	Regional Determination
9/4/2019		Joseph Sherwood	Regional Determination
9/4/2019		Linda Sherwood	Regional Determination
9/4/2019		Darren Swimmer	Regional Determination
9/4/2019		Lee Zeldin	Regional Determination
9/4/2019		Nancy Rae Stone	Regional Determination
9/4/2019		Rachael Gordon	Regional Determination
9/4/2019		Martha Singer	Regional Determination
9/4/2019		Laurie Balustein	Regional Determination
9/4/2019		Henry Fung	Regional Determination
9/4/2019		Brad Pennington	Regional Determination
9/4/2019		Mike Javadi	Regional Determination
9/4/2019		Lauren Thomas	Regional Determination
9/4/2019		Keith Solomon	Regional Determination
9/4/2019		Linda Blank	Regional Determination
9/4/2019		Valerie Brucker	Regional Determination
9/4/2019		Craig Rich	Regional Determination
9/4/2019		Wansun Song	Regional Determination
9/4/2019		Robert Seligman	Regional Determination
9/4/2019	City of Newport Beach	Seimone Jurjis	Regional Determination
9/4/2019	City of Calabasas	Mayor David Shapiro	Regional Determination
9/4/2019		Paul Soroudi	Regional Determination
9/4/2019		Terrence Gomes	Regional Determination
9/4/2019		Kimberly Fox	Regional Determination
9/4/2019		Mra Tun	Regional Determination
9/4/2019		Laura Levine Lacter	Regional Determination
9/4/2019		Stephen Resnick	Regional Determination

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Date of Letter	Organization	Name	Topic(s)
9/4/2019		Kimberly Christensen	Regional Determination
9/4/2019		Rita Villa	Regional Determination
9/4/2019	City of San Clemente	James Makshanoff	Proposed RHNA Methodology
9/4/2019	City of Beaumont	Julio Martinez	Proposed RHNA Methodology
9/4/2019	City of Hawthorne	Arnold Shadbeh	Proposed RHNA Methodology
9/5/2019	City of Murrieta	Mayor Kelly Seyarto	Proposed RHNA Methodology
9/5/2019	City of Canyon Lake	Jim Morrissey	Proposed RHNA Methodology
9/5/2019		Hunter Owens	Proposed RHNA Methodology
9/5/2019		Stephen Twining	Regional Determination
9/5/2019		Paul Callinan	Regional Determination
9/5/2019		C. McAlpin	Regional Determination
9/5/2019		Isabel Janken	Regional Determination
9/5/2019		Ann Hayman	Regional Determination
9/5/2019		Meg Sullivan	Housing Production
9/5/2019	City of Moreno Valley	Patty Nevins	Proposed RHNA Methodology
9/5/2019		Massy Mortazavi	Regional Determination
9/5/2019		Fred Golan	Regional Determination
9/5/2019		Debbie & Howard Nussbaum	Regional Determination
9/5/2019		Devony Hastings	Regional Determination
9/5/2019	League of Women Voters of Los Angeles County	Marge Nichols	RHNA Methodology
9/5/2019		Larry Blugrind	Housing Distribution
9/5/2019		Terry Tegnazian	Regional Determination
9/5/2019	Gateway Cities Council of Governments (GCCOG)	M. Diane DuBois	RHNA Methodology
9/5/2019		Denson Fujikawa	Other
9/5/2019		Tracy Fitzgerald	Regional Determination
9/5/2019	City of Pomona	Anita Gutierrez	Proposed RHNA Methodology
9/5/2019		Minhlinh Nguyen	Regional Determination
9/5/2019		Anita Gutierrez	Proposed RHNA Methodology
9/5/2019	City of Fountain Valley	Steve Nagel	Proposed RHNA Methodology
9/5/2019	City of Camarillo	Kevin Kildee	Proposed RHNA Methodology
9/5/2019		Denson Fujikawa	Other
9/6/2019	City of Sierra Madre	Gabriel Engeland	Proposed RHNA Methodology
9/6/2019	City of Laguna Hills	Donald White	Proposed RHNA Methodology
9/6/2019		David Oliver	Regional Determination
9/6/2019	City of Chino Hills	Joann Lombardo	Proposed RHNA Methodology
9/7/2019		David Ting	Regional Determination
9/9/2019	City of Azusa	Sergio Gonzalez	Proposed RHNA Methodology
9/9/2019	City of Alhambra	Jessica Binnquist	Proposed RHNA Methodology
9/9/2019	Los Angeles Chamber of Commerce	Maria Salinas	RHNA Methodology
9/9/2019	City of Ranchos Palos Verdes	Octavio Silva	Proposed RHNA Methodology
9/9/2019		Kathy Whooley	Regional Determination
	San Gabriel Valley Council of Governments		
9/9/2019	(SGVCOG)	Cynthia Sternquist	Proposed RHNA Methodology
9/9/2019		Matthew Hinsley	Regional Determination
9/9/2019	City of Agoura Hills	Greg Ramirez	Proposed RHNA Methodology
9/10/2019	City of Redondo Beach	Laura Emdee	Regional Determination
9/10/2019		Jessica Sandoval	Proposed RHNA Methodology
9/10/2019	City of Redondo Beach	Bill Brand	Proposed RHNA Methodology
9/10/2019		Yesenia Medina	Regional Determination



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Date of Letter	Organization	Name	Topic(s)
9/10/2019		Jeannette Mazul	Regional Determination
9/10/2019		Jocelyne Irineo	Proposed RHNA Methodology
9/10/2019		Cristina Resendez	Proposed RHNA Methodology
9/10/2019		Carla Bucio	Proposed RHNA Methodology
9/10/2019	City of Redondo Beach	Bill Brand	Proposed RHNA Methodology
9/10/2019	City of Redondo Beach	Laura Emdee	Proposed RHNA Methodology
9/10/2019	City of Garden Grove	Steve Jones	Proposed RHNA Methodology
9/10/2019		Henry Fung	Overall RHNA Process
9/10/2019	City of San Marino	Aldo Cervantes	Proposed RHNA Methodology
9/10/2019	City of South Gate	Jorge Morales	Proposed RHNA Methodology
9/10/2019	City of Torrance	Patrick Furey	Proposed RHNA Methodology
9/10/2019	City of Rancho Cucamonga	John Gillison	Proposed RHNA Methodology
9/10/2019		Jeannette Mazul	Affordable Housing
9/10/2019		Tina Kim	Proposed RHNA Methodology
9/11/2019	City of South Pasadena	Stephanie DeWolfe	Proposed RHNA Methodology
9/11/2019	City of Glendora	Jeff Kugel	Proposed RHNA Methodology
9/11/2019	City of Ojai	John F. Johnson	Proposed RHNA Methodology
9/11/2019	City of Oxnard	Tim Flynn	Proposed RHNA Methodology
9/11/2019	City of Westlake Village	Ned E. Davis	Proposed RHNA Methodology
9/11/2019	City of Cerritos	Art Gallucci	Proposed RHNA Methodology
9/11/2019	City of Hemet	Christopher Lopez	Proposed RHNA Methodology
9/11/2019	City of La Palma	Laurie Murray	Proposed RHNA Methodology
9/11/2019	City of Bell	Ali Saleh	Proposed RHNA Methodology
9/11/2019		Karen Rivera	Regional Determination
9/11/2019		David Coffin	Regional Determination
9/12/2019	City of Lomita	Alicia Velasco	Proposed RHNA Methodology
9/12/2019	City of Wildomar	Matthew Bassi	Proposed RHNA Methodology
9/12/2019	City of Aliso Viejo	David Doyle	Proposed RHNA Methodology
9/12/2019	City of Commerce	Vilko Domic	Proposed RHNA Methodology
9/12/2019	City of El Monte	Betty Donavanik	Proposed RHNA Methodology
9/12/2019	South Bay Cities Council of Governments (SBCCOG)	Christian Horvath	Proposed RHNA Methodology
9/12/2019	City of Huntington Beach	Dave Kiff	Proposed RHNA Methodology
9/12/2019	City of Rosemead	Gloria Molleda	Proposed RHNA Methodology
9/12/2019	City of Dana Point	Matt Schneider	Proposed RHNA Methodology
9/12/2019	City of Placentia	Rhonda Shader	Proposed RHNA Methodology
9/12/2019	City of Palos Verdes Estates	Carolynn Petru	Proposed RHNA Methodology
9/12/2019	City of Palmdale	Mark Oyler	Proposed RHNA Methodology
9/12/2019	City of Hawthorne	Alejandro Vargas	Proposed RHNA Methodology
9/12/2019	City of Irvine	Mayor Christina L. Shea	Proposed RHNA Methodology
9/12/2019	City of Walnut	Rob Wishner	Proposed RHNA Methodology
9/12/2019	City of Maywood	Jennifer Vasquez	Proposed RHNA Methodology
9/12/2019	City of Culver City	Meghan Sahli-Wells	Proposed RHNA Methodology
9/12/2019	City of Buena Park	Joel Rosen	Proposed RHNA Methodology
9/12/2019	City of Santa Clarita	Thomas Cole	Proposed RHNA Methodology
9/12/2019	City of Temecula	Luke Watson	Proposed RHNA Methodology
9/12/2019	City of Lake Elsinore	Richard MacHott	Proposed RHNA Methodology
9/12/2019	City of San Dimas	Ken Duran	Proposed RHNA Methodology
9/12/2019	City of Irwindale	William Tam	Proposed RHNA Methodology
9/12/2019	City of Santa Ana	Kristine Ridge	Proposed RHNA Methodology
9/12/2019	City of La Mirada	Jeff Boynton	Proposed RHNA Methodology

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Date of Letter	Organization	Name	Topic(s)
9/12/2019	City of Anaheim	Chris Zapata	Proposed RHNA Methodology
9/12/2019	City of Costa Mesa	Lori Ann Farrell Harrison	Proposed RHNA Methodology
9/12/2019	City of Huntington Park	Sergio Infanzon	Proposed RHNA Methodology
9/12/2019	Westside Neighborhood Council	Terri Tippit	Proposed RHNA Methodology
9/12/2019	City of Eastvale	Bryan Jones	Proposed RHNA Methodology
9/12/2019		John Birkett	Regional Determination
9/12/2019		Lourdes Petersen	Regional Determination
9/12/2019		Jesse Silva	Proposed RHNA Methodology
9/12/2019		Anne Hilborn	Proposed RHNA Methodology
9/12/2019		Henry Fung	Proposed RHNA Methodology
9/13/2019		Holly Osborne	Proposed RHNA Methodology
9/13/2019		Niall Huffman	Proposed RHNA Methodology
9/13/2019		Michael Hoskinson	Proposed RHNA Methodology
San Bernardino County Transportation			
9/13/2019	Authority/Council of Governments (SBCTA/SBCOG)	Darcy McNaboe	Proposed RHNA Methodology
9/13/2019	City of Downey	Aldo Schindler	Proposed RHNA Methodology
9/13/2019	City of Bellflower	Elizabeth Corpuz	Proposed RHNA Methodology
9/13/2019	City of Lakewood	Abel Avalos	Proposed RHNA Methodology
9/13/2019	City of Orange	Rick Otto	Proposed RHNA Methodology
9/13/2019	City of Paramount	John Carver	Proposed RHNA Methodology
9/13/2019	City of Rolling Hills	Jeff Pieper	Proposed RHNA Methodology
9/13/2019	City of San Fernando	Nick Kimball	Proposed RHNA Methodology
9/13/2019	City of Mission Viejo	Dennis Wilberg	Proposed RHNA Methodology
9/13/2019	City of Moorpark	Karen Vaughn	Proposed RHNA Methodology
9/13/2019	American Planning Association (CA Chapter)	Eric Phillips	Proposed RHNA Methodology
9/13/2019	County of Ventura	David Ward	Proposed RHNA Methodology
9/13/2019	City of Chino	Nicholas Liguori	Proposed RHNA Methodology
9/13/2019	One Step A La Vez	Kate English	Housing Development
American Planning Association (Los Angeles Section)			
9/13/2019		Ryan Kurtzman	Proposed RHNA Methodology
9/13/2019	City of Laguna Beach	Scott Drapkin	Proposed RHNA Methodology
9/13/2019	Santa Monicans for Renters' Rights	Patricia Hoffman and Denny Zane	Proposed RHNA Methodology
Western Riverside Council of Governments (WRCOG)			
9/13/2019		Rick Bishop	Proposed RHNA Methodology
9/13/2019	City of Los Angeles	Mayor Eric Garcetti	Proposed RHNA Methodology
9/13/2019	City of West Hollywood	Mayor John D'Amico	Proposed RHNA Methodology
9/13/2019	City of San Juan Capistrano	Joel Rojas	Proposed RHNA Methodology
9/13/2019	City of Thousand Oaks	Mark Towne	Proposed RHNA Methodology
9/13/2019	City of Newport Beach	Seimone Jurjis	Proposed RHNA Methodology
9/13/2019	City of Laguna Niguel	Jonathan Orduna	Proposed RHNA Methodology
9/13/2019	County of San Bernardino	Terri Rahhal	Proposed RHNA Methodology
9/13/2019	City of Indio	Kevin Snyder	Proposed RHNA Methodology
9/13/2019	City of Avalon	Anni Marshall	Proposed RHNA Methodology
9/13/2019	City of Burbank	Patrick Prescott	Proposed RHNA Methodology
9/13/2019	City of Santa Monica Housing Commission	Michael Soloff	Proposed RHNA Methodology
9/13/2019	City of Riverside	Jay Eastman	Proposed RHNA Methodology
9/13/2019	City of Whittier	Conal McNamara	Proposed RHNA Methodology
9/13/2019	City of San Gabriel	Arminé Chaparyan	Proposed RHNA Methodology
9/13/2019	City of San Buenaventura (Ventura)	Peter Gilli	Proposed RHNA Methodology
9/13/2019	City of Temple City	Scott Reimers	Proposed RHNA Methodology

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Date of Letter	Organization	Name	Topic(s)
9/13/2019	City of Palm Desert	Ryan Stendell	Proposed RHNA Methodology
9/13/2019	City of Monterey Park	Ron Bow	Proposed RHNA Methodology
9/13/2019	LA Thrives Et Al. (19 total organizations)	LA Thrives Et Al. (19 total organizations)	Proposed RHNA Methodology
9/13/2019	Leadership Council for Justice and Accountability Et Al. (7 total organizations)	Leadership Council for Justice and Accountability Et Al. (7 total organizations)	Proposed RHNA Methodology
9/13/2019	Southern California Business Coalition (7 total organizations)	Southern California Business Coalition (7 total organizations)	Proposed RHNA Methodology
9/15/2019		Michelle Schumacher	Other
9/30/2019	Homeowners of Encino	Eliot Cohen	Proposed RHNA Methodology
9/30/2019		Trudy Sokol	Other
10/1/2019	City of Barstow	Michael Massimini	Proposed RHNA Methodology
10/2/2019	County of Orange	Supervisor Donald Wagner	Draft RHNA Methodology
10/3/2019	County of Riverside	Charissa Leach	Draft RHNA Methodology
10/4/2019	City of Irvine	Mayor Christina L. Shea	Draft RHNA Methodology
10/6/2019	UCLA Luskin School of Public Affairs	Paavo Monkkonen	Draft RHNA Methodology
10/7/2019	City of Costa Mesa	Lori Ann Farrell Harrison	Draft RHNA Methodology
10/8/2019	South Bay Cities Council of Governments (SBCCOG)	Christian Horvath	Draft RHNA Methodology
10/9/2019	Del Rey Residents Association	Tara Walden	Other
10/10/2019		Karen Davis Ferlauto	Other
10/11/2019	Abundant Housing LA	David Bonaccorsi	Draft RHNA Methodology
10/11/2019	City of Oxnard	Mayor Tim Flynn	Draft RHNA Methodology
10/16/2019	County of Riverside	Charissa Leach	Draft RHNA Methodology
10/21/2019	City of Newport Beach	Seimone Jurjis	Draft RHNA Methodology
	San Bernardino County Transportation Authority/Council of Governments (SBCTA/SBCOG)		
10/21/2019		Ray Wolfe	Draft RHNA Methodology
10/23/2019		Barbara Broide	Draft RHNA Methodology
10/23/2019	County of Riverside	Supervisor Kevin Jeffries	Draft RHNA Methodology
10/25/2019		Robert Flores	Draft RHNA Methodology
10/25/2019		Reed Bernet	Draft RHNA Methodology
10/29/2019	Rancho Palos Verdes	Ana Mihranian	Draft RHNA Methodology
10/28/2019		Warren Hogg	Draft RHNA Methodology
10/29/2019	City of Coachella	Luis Lopez	Draft RHNA Methodology
10/31/2019		Marilyn Brown	Purpose of RHNA
		Mayor Rusty Bailey (City of Riverside) Supervisor Karen Spiegel (County of Riverside) Mayor Frank Navarro (City of Colton)	
11/1/2019		Hon. Toni Momberger (City of Redlands)	Draft RHNA Methodology
11/1/2019	City of Los Angeles, 4th District	Hon. David Ryu	Draft RHNA Methodology
11/4/2019	Central Cities Association of Los Angeles	Jessica Lall	Draft RHNA Methodology
11/5/2019	Orange County Council of Governments (OCCOG)	Marnie O. Primmer	Draft RHNA Methodology
11/5/2019	City of Gardena	Mayor Tasha Cerda	Draft RHNA Methodology
11/5/2019	City of Los Angeles	Vincent P. Bertoni and Kevin J. Keller	Draft RHNA Methodology
11/5/2019	City of Huntington Beach	Oliver Chi	Draft RHNA Methodology
11/6/2019	City of Hemet	Christopher Lopez	Draft RHNA Methodology
11/6/2019	City of Chino	Nicholos S. Liguori	Draft RHNA Methodology
11/6/2019	City of Menifee	Cheryl Kitzerow	Draft RHNA Methodology
11/6/2019	County of Los Angeles	Sachi A. Hamai	Draft RHNA Methodology
11/6/2019	City of Newport Beach	Seimone Jurjis	Draft RHNA Methodology

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Date of Letter	Organization	Name	Topic(s)
11/6/2019	City of Fontana	Michael Milhiser	Draft RHNA Methodology
11/6/2019	City of Chino Hills	Joann Lombardo	Draft RHNA Methodology
11/6/2019		Henry Fung	Regional Determination
11/6/2019	City of Costa Mesa	Barry Curtis	Draft RHNA Methodology
11/7/2019	City of Temple City	Scott Reimers	Draft RHNA Methodology
11/8/2019	Gateway Cities Council of Governments (GCCOG)	Nancy Pfeffer	Draft RHNA Methodology
11/20/2019	City of Huntington Beach	Michael Gates, Mayor Erik Peterson, and Mayor Pro Tem Lyn Semeta	Draft RHNA Methodology
12/12/2019		Holly Osborne	Draft RHNA Methodology
12/12/2019	City of Tustin	Allan Bernstein	Draft RHNA Methodology
12/19/2019	City of Fountain Valley	Mayor Cheryl Brothers	Draft RHNA Methodology
12/16/2019	City of Chino Hills	Joann Lombardo	Draft RHNA Methodology
12/20/2019	City of Cerritos	Naresh Solanki	Draft RHNA Methodology
1/23/2020		Karen Farley	Draft RHNA Methodology
1/23/2020		Steve Stowell	Draft RHNA Methodology
1/27/2020		Janet Chang	Draft RHNA Methodology
1/29/2020	City of Downey	Mayor Blanca Pacheco	Draft RHNA Methodology
2/4/2020	City of Cerritos	Mayor Naresh Solanki	Draft RHNA Methodology
2/6/2020		Steve Davey	Draft RHNA Methodology
2/6/2020		Connie Bryant	Draft RHNA Methodology
2/6/2020		Tom Wright	Draft RHNA Methodology
2/10/2020	City of Irvine	Marika Poynter	Draft Appeals Procedures
2/10/2020	City of Laguna Hills	David Chantarangsu	Draft Appeals Procedures
2/10/2020	City of Mission Viejo	Gail Shiomoto-Lohr	Draft Appeals Procedures
2/10/2020	City of Santa Ana	Melanie McCann	Draft Appeals Procedures
2/10/2020	City of Oxnard (amended)	Elyssa Vasquez	Draft Appeals Procedures
2/10/2020		Jennifer Denmark	Draft Appeals Procedures
2/12/2020		Janice and Ricardo Lim	Draft RHNA Methodology
2/18/2020	City of Lakewood	Thaddeus McCormack	Draft RHNA Methodology
2/18/2020	OCCOG	Marnie O. Primmer	Regional Determination Objection
2/18/2020		Nancy Norman	Draft RHNA Methodology
2/18/2020		Sepeedeh Ahadiat	Draft RHNA Methodology
2/18/2020		Nas Ahadiat	Draft RHNA Methodology
2/19/2020		Dave Latter	Draft RHNA Methodology
2/19/2020		Vikki Bujold-Peterson	Draft RHNA Methodology
2/19/2020	City of Yorba Linda	David Brantley	Draft RHNA Methodology
2/21/2020	City of Newport Beach	Will O'Neill	Draft RHNA Methodology
2/20/2020	City of Rancho Santa Margarita	Cheryl Kuta	Draft RHNA Methodology
2/20/2020	City of Huntington Beach	Oliver Chi	Draft RHNA Methodology
2/20/2020	City of South Gate	Joe Perez	Draft RHNA Methodology
2/20/2020	City of West Hollywood	John Leonard	Draft RHNA Methodology
2/20/2020	City of Cerritos	Art Gallucci	Draft RHNA Methodology
2/22/2020		Colleen Johnson	Draft RHNA Methodology
2/23/2020		Nancy Pleskot	Other
2/23/2020		Susan Decker	Draft RHNA Methodology
2/23/2020		Scott Nathan	Housing Development
2/20/2020	City of Irvine	Pete Carmichael	Draft RHNA Methodology
2/20/2020	City of Anaheim	Ted White	Draft RHNA Methodology
2/24/2020	City of Anaheim	Trevor O'Neil	Draft RHNA Methodology
2/25/2020		Vito Mancini	Draft RHNA Methodology
2/25/2020		Henry Fung	CEHD Meeting Agenda

Written Comments Received on the 6th Cycle RHNA (as of 1/7/21)

Date of Letter	Organization	Name	Topic(s)
2/25/2020	City of Rosemead	Margaret Clark and Gloria Molleda	Draft RHNA Methodology
2/26/2020	City of Fullerton	Kenneth Domer	Draft RHNA Methodology
2/26/2020		Henry Fung	Draft RHNA Methodology
2/26/2020	City of Alhambra	Jessica Binnquist	Draft RHNA Methodology
2/26/2020		Holly Osborne	Draft RHNA Methodology
2/26/2020	City of La Mirada	Jeff Boynton	Draft RHNA Methodology
2/26/2020	City of Garden Grove	Steven Jones	Draft RHNA Methodology
2/26/2020		Mehta Sunil	Draft RHNA Methodology
2/26/2020	City of Gardena	Tasha Cerda	Draft RHNA Methodology
2/27/2020		Jaimee Suh	Draft RHNA Methodology
2/27/2020	City of South Pasadena	Robert S. Joe	Draft RHNA Methodology
2/27/2020	City of South Gate	Michael Flad	Draft RHNA Methodology
2/27/2020	City of Walnut	Rob Wishner	Draft RHNA Methodology
2/27/2020	City of La Verne	Eric Scherer	Draft RHNA Methodology
2/28/2020		Kari Geosano	Draft RHNA Methodology
2/28/2020	City of Torrance	Danny E. Santana	Draft RHNA Methodology
2/28/2020	City of Laguna Hills	Janine Heft	Draft RHNA Methodology
3/1/2020		Scott Pisano	Draft RHNA Methodology
3/2/2020	City of Bradbury	Richard T. Hale, Jr.	Draft RHNA Methodology
3/2/2020	City of La Mirada	Jeff Boynton	Draft RHNA Methodology
3/2/2020	City of Norco	Steve King	Draft RHNA Methodology
3/2/2020	City of Seal Beach	Les Johnson	Draft RHNA Methodology
3/3/2020	City of Torrance	Danny E. Santana	Draft RHNA Methodology
3/3/2020	City of Cerritos	Art Gallucci	Draft RHNA Methodology
3/3/2020	City of San Dimas	Ken Duran	Draft RHNA Methodology
3/3/2020	City of La Palma	Peter Kim	Draft RHNA Methodology
3/3/2020	City of Newport Beach	Will O'Neill	Draft RHNA Methodology
3/3/2020	City of Rancho Palos Verdes	Terry Rodrigue	Draft RHNA Methodology
3/4/2020		Brian Johnson	Draft RHNA Methodology
3/4/2020	City of Riverside	William R. "Rusty" Bailey (City of Riverside), Frank Navarro (City of Colton), Larry K. McCallon (City of Highland), Deborah Robertson (City of Rialto), Carmen Ramirez (City of Oxnard), Steve Manos (City of Lake Elsinore), Karen S. Spiegel (County of Riverside)	Draft RHNA Methodology
3/4/2020	City of Monterey Park	Ron Bow	Draft RHNA Methodology
3/4/2020		Holly Osborne	Draft RHNA Methodology
3/4/2020	City of La Puente	Bob Lindsey	Draft RHNA Methodology
3/4/2020	City of Huntington Beach	Oliver Chi	Draft RHNA Methodology
3/4/2020	City of Eastvale	Bryan Jones	Draft RHNA Methodology
3/4/2020	City of Lake Forest	Neeke Moatazed	Draft RHNA Methodology
3/4/2020	City of Chino Hills	Ray Marquez	Draft RHNA Methodology
3/4/2020	City of La Puente	Bob Lindsey	Draft RHNA Methodology
3/5/2020	City of Costa Mesa	Barry Curtis	Draft RHNA Methodology
3/12/2020	City of Fountain Valley	(unsigned)	Proposed Housing Legislative Amendments
3/14/2020		Amy Wasson	RHNA Methodology
4/27/2020	OCCOG	Hon. Trevor O'Neil	RHNA Methodology
5/5/2020		Holly Osborne	RHNA Methodology
5/5/2020		Holly Osborne	RHNA Methodology (2nd letter received)
11/4/2020	City of Beverly Hills	Lester J. Friedman	RHNA Litigation Committee
11/9/2020	City of Lakewood	Todd Rogers	RHNA Litigation Committee
11/10/2020	City of Rosemead	Sandra Armenta	RHNA Litigation Committee
11/10/2020	City of Gardena	Tasha Cerda	RHNA Litigation Committee

Written Comments Received on the 6th Cycle RHNA (as of 1/7/21)

Date of Letter	Organization	Name	Topic(s)
11/11/2020	City of Cypress	Rob Johnson	Comment from Jurisdiction on filed appeal: City of Santa Ana
11/11/2020	City of Cypress	Rob Johnson	RHNA Litigation Committee
11/12/2020	City of Torrance	Patrick J. Furey	RHNA Litigation Committee
11/13/2020	City of Whittier	Joe Vinatieri	RHNA Litigation Committee
11/16/2020	City of Rancho Santa Margarita	Bradley J. McGirr	RHNA Litigation Committee
11/16/2020	City of Pico Rivera	Gustavo Camacho	RHNA Litigation Committee
11/16/2020	City of Pico Rivera	Steve Carmona	RHNA Litigation Committee
11/16/2020	City of Glendora	Michael Allawos	RHNA Litigation Committee
11/17/2020	City of Beverly Hills	George Chavez	RHNA Litigation Committee
11/17/2020	City of Lawndale	Robert Pullen-Miles	RHNA Litigation Committee
11/17/2020	City of Norwalk	Jennifer Perez	RHNA Litigation Committee
11/17/2020	City of Redondo Beach	William Brand	RHNA Litigation Committee
11/17/2020	City of San Fernando	Joel Fajardo	RHNA Litigation Committee
11/17/2020	City of Fountain Valley	Cheryl Brothers	RHNA Litigation Committee
11/17/2020	City of Laguna Beach	Bob Whalen	RHNA Litigation Committee
11/18/2020	City of Cerritos	Frank Aurelio Yokoyama	RHNA Litigation Committee
11/18/2020	City of Rancho Palos Verdes	Ara Michael Mhuranian	RHNA Litigation Committee
11/18/2020	City of Pasadena	Steve Mermell	RHNA Litigation Committee
11/18/2020	City of Lomita	James Gazeley	RHNA Litigation Committee
11/18/2020	City of Westminster	Sherry Johnson	RHNA Litigation Committee
11/18/2020	City of Temple City	Bryan Cook	RHNA Litigation Committee
11/20/2020	South Bay Cities Council of Governments	Olivia Valentine	RHNA Litigation Committee
11/24/2020	City of Calipatria	Jim Spellins	RHNA Litigation Committee
11/24/2020	City of Chino	Nicholas S. Liguori	RHNA Litigation Committee
11/30/2020	City of Irvine	Christina Shea	RHNA Litigation Committee
11/30/2020	City of Signal Hill	Robert Copeland	RHNA Litigation Committee
12/1/2020	City of Yorba Linda	Mark Pulone	Comment from Jurisdiction on filed appeal: City of Yorba Linda
12/1/2020	Orange County Mayors	21 Orange County mayors	RHNA Litigation Committee
12/2/2020	City of Rancho Santa Margarita	Bradley J. McGirr	Comment from Jurisdiction on filed appeal: City of Santa Ana
12/3/2020	City of Long Beach	Christopher Koontz	Comment from Jurisdiction on filed appeal: All appeals
12/4/2020		Kevin Yang	Public comment on filed appeal: City of Yorba Linda
12/9/2020	City of Yorba Linda	Mark Pulone	Comment from Jurisdiction on filed appeal: City of Yorba Linda
12/10/2020	City of Whittier	Jeffrey S. Adams	Comment from Jurisdiction on filed appeal: All appeals
12/10/2020	California Department of Housing and Community Development (HCD)	Megan Kirkeby	Comment from California Department of Housing & Community Development on filed appeal: All appeals
12/10/2020	City of Corona	Joanne Coletta	Comment from Jurisdiction on filed appeal: City of Hemet and County of Riverside
12/10/2020	City of Santa Ana	Kristine Ridge	Comment from Jurisdiction on filed appeal: City of Santa Ana
12/10/2020	Public Law Center	Alexis Mondares and Richard Walker	Public comment on filed appeal: Costa Mesa
12/10/2020	Public Law Center	Alexis Mondares and Richard Walker	Public comment on filed appeal: County of Orange
12/10/2020	Public Law Center	Alexis Mondares and Richard Walker	Public comment on filed appeal: Fountain Valley
12/10/2020	Public Law Center	Alexis Mondares and Richard Walker	Public comment on filed appeal: Fullerton
12/10/2020	Public Law Center	Alexis Mondares and Richard Walker	Public comment on filed appeal: Garden Grove
12/10/2020	Public Law Center	Alexis Mondares and Richard Walker	Public comment on filed appeal: Irvine
12/10/2020	Public Law Center	Alexis Mondares and Richard Walker	Public comment on filed appeal: La Palma
12/10/2020	Public Law Center	Alexis Mondares and Richard Walker	Public comment on filed appeal: Laguna Beach
12/10/2020	Public Law Center	Alexis Mondares and Richard Walker	Public comment on filed appeal: Laguna Hills
12/10/2020	Public Law Center	Alexis Mondares and Richard Walker	Public comment on filed appeal: Los Alamitos
12/10/2020	Public Law Center	Alexis Mondares and Richard Walker	Public comment on filed appeal: Mission Viejo
12/10/2020	Public Law Center	Alexis Mondares and Richard Walker	Public comment on filed appeal: Newport Beach
12/10/2020	Public Law Center	Alexis Mondares and Richard Walker	Public comment on filed appeal: Rancho Santa Margarita

Written Comments Received on the 6th Cycle RHNA (as of 1/7/21)

Date of Letter	Organization	Name	Topic(s)
12/10/2020	Public Law Center	Alexis Mondares and Richard Walker	Public comment on filed appeal: Tustin
12/10/2020	Public Law Center	Alexis Mondares and Richard Walker	Public comment on filed appeal: Westminster
12/10/2020	Public Law Center	Alexis Mondares and Richard Walker	Public comment on filed appeal: Yorba Linda
12/18/2020	Public Law Center	Alexis Mondares and Richard Walker	Public comment on filed appeal: Orange County jurisdictions
12/21/2020	City of Yorba Linda	Mark Pulone	Response to comment from Public Law Center (12/10/20)
12/24/2020		Holly Osborne	RHNA Methodology
1/4/2021		Henry Fung	RHNA Litigation Committee
1/5/2021	City of Yorba Linda	Nate Farnsworth	Public comment on filed appeal: Fontana; Pico Rivera; San Dimas; Yorba Linda
1/5/2021	City of Chino Hills	Joann Lombardo	Public comment on filed appeal: Chino Hills
1/6/2021		Henry Fung	RHNA Litigation Committee

All comments are posted online at <https://scag.ca.gov/rhna-comments>.

Comments can be submitted to: [housing@scag.ca.gov](mailto:housing@scag.ca.gov)



Southern California Association of Governments  
Remote Participation Only  
January 15, 2021

**To:** Regional Housing Needs Assessment Subcommittee (RHNA)

**EXECUTIVE DIRECTOR'S  
APPROVAL**

**From:** Kevin Kane, Senior Regional Planner,  
(213) 236-1828, kane@scag.ca.gov

**Subject:** Appeal of the Draft RHNA Allocation for the City of Santa Ana

**RECOMMENDED ACTION:**

Deny the appeals filed by:

1. The City of Garden Grove to increase the Draft RHNA Allocation for the City of Santa Ana based on the application of the Final RHNA Methodology for the 6<sup>th</sup> cycle (requested increase of 7,087 units),
2. The City of Irvine to increase the Draft RHNA Allocation for the City of Santa Ana based on the application of the Final RHNA Methodology for the 6<sup>th</sup> cycle and the availability of land suitable for urban development or conversion to residential use (requested increase of 10,000 units),
3. The City of Newport Beach to increase the Draft RHNA Allocation for the City of Santa Ana based on the application of the Final RHNA Methodology for the 6<sup>th</sup> cycle and the availability of land suitable for urban development or conversion to residential use (requested increase of 7,087 units), and
4. The City of Yorba Linda to increase the Draft RHNA Allocation for the City of Santa Ana based on the application of the Final RHNA Methodology for the 6<sup>th</sup> cycle (requested increase of 23,167 units).

While the appeals differ somewhat, they provide similar evidence and make substantively similar arguments. Namely, all four appeals argue that household growth forecast information provided by the City of Santa Ana pursuant to SCAG's Bottom-Up Local Input and Envisioning Process in 2018 (see Attachment 1) is out of date. The Bottom-Up Local Input data was collected in a manner and format which was consistent throughout the region and the data provided to SCAG was the most recent and comprehensive data available to SCAG at the time on total household growth across the region. Since SCAG correctly executed Bottom-Up Local Input and Envisioning Process which generates necessary inputs to the Final RHNA Methodology, there is no basis for the appeals filed.

Santa Ana's comment letter provides information suggesting that an increased household forecast for 2020-2045 (which would impact its RHNA allocation) could be merited based on pipeline development projects which have been identified since Santa Ana's Local Input in 2018. While

**OUR MISSION**

*To foster innovative regional solutions that improve the lives of Southern Californians through inclusive collaboration, visionary planning, regional advocacy, information sharing, and promoting best practices.*

**OUR VISION**

*Southern California's Catalyst for a Brighter Future*

**OUR CORE VALUES**

*Be Open | Lead by Example | Make an Impact | Be Courageous*



Santa Ana may appeal its own RHNA Allocation and request a revision to its Draft RHNA Allocation based on either a correction in the data provided to SCAG or a change in circumstances, the appealing cities cannot appeal Santa Ana's RHNA Allocation based on a change in circumstance in Santa Ana. Also, the appealing cities are not able to better identify or correct the potential growth of Santa Ana.

Because the appealing cities have not presented a valid basis for appeal and SCAG staff cannot consider Santa Ana's comment letter an assertion of a change in circumstance or a data correction meriting an adjustment to the Santa Ana's household growth input to the RHNA Methodology for the 6<sup>th</sup> Cycle, staff recommends denying the appeals, and staff recommends no change to Santa Ana's Draft RHNA Allocation. However, if Santa Ana is willing to present Attachment 2 of its comment letter – City of Santa Ana Major Development Pipeline Project as updated information for SCAG to consider in the 6<sup>th</sup> Cycle and if the City is willing to adjust its RHNA Allocation consistent with the Final RHNA Methodology and in furtherance of the RHNA objectives, SCAG can adjust Santa Ana's allocation as detailed in the "Rationale for Staff Recommendation" below.

**STRATEGIC PLAN:**

This item supports the following Strategic Plan Goal 2: Advance Southern California's policy interests and planning priorities through regional, statewide, and national engagement and advocacy.

**SUMMARY OF APPEAL(S):**

Unlike previous cycles of RHNA, Government Code section 65584.05(b) now permits local jurisdictions to appeal the Draft RHNA Allocation of other jurisdictions in the region, in addition to their own on bases other than changed circumstances. Garden Grove, Irvine, Newport Beach, and Yorba Linda have each appealed Santa Ana's Draft RHNA Allocation. Pursuant to SCAG's 6<sup>th</sup> cycle Appeals Procedures, appeals shall be organized by the jurisdiction subject to the appeal and as such this report provides SCAG staff recommendation regarding Santa Ana's Draft RHNA Allocation, considering all four appeals filed and comments received.

Garden Grove and Yorba Linda have appealed Santa Ana's Draft RHNA Allocation on the basis of application of the methodology, arguing that it should be higher. Irvine and Newport Beach also argue for an increase in Santa Ana's RHNA Allocation, but do so on the basis of both application of the methodology and on the basis of the availability of land suitable for urban development or conversion to residential use.

While the appeals differ somewhat, they provide similar evidence and make substantively similar arguments. Namely, all four appeals argue that household growth forecast information provided by the City of Santa Ana pursuant to SCAG's Bottom-Up Local Input and Envisioning Process in 2018

(see Attachment 1) is out of date. As such an update to this information, which is an input to the RHNA Methodology, is merited for the purposes of the RHNA Allocation.

Two major sources of new information are provided. The first is a review of development pipeline projects recently approved, under review, or entitled totaling between 7,594 and 9,891 new units. The second is a June 2020 document which is part of the City of Santa Ana's under-development general plan update entitled "GP Buildout Methodology," which identifies growth capacity. This document identifies a build-out capacity of 36,261 net new units city-wide.<sup>1</sup>

Per the adopted RHNA Methodology, a growth cap is applied to defined disadvantaged communities (DAC) based on their 2020-2045 local input growth forecast. Since Santa Ana fits the RHNA Methodology's definition for a DAC, its Draft RHNA Allocation is capped based on its 2020-2045 local input growth forecast, at 3,087 units.

#### **RATIONALE FOR STAFF RECOMMENDATION:**

Staff have reviewed the appeals and recommend denying the appeals filed.

Staff does not recommend granting an appeal based on the application of the methodology [Government Code section 65584.05(b)(2)]. The DAC adjustment is part of the adopted RHNA Methodology and was described by HCD as an important component in ensuring that the Methodology furthers RHNA objective #5 regarding Affirmatively Furthering Fair Housing (AFFH). Santa Ana's draft RHNA allocation was calculated properly pursuant to the information submitted by the City during the local input process and documented through a signed Data Verification form (attached) that was returned to SCAG on October 2, 2018 approving the growth forecast information. In particular, Santa Ana participated in and provided extensive growth forecast input during 2018 including total household growth. The Bottom-Up Local Input data is the most recent and comprehensive data available to SCAG on total household growth across the region and, per the methodology, is reflected in the Draft RHNA Allocation for the City of Santa Ana and all other local jurisdictions in SCAG region. SCAG adhered to its established process for developing household growth forecast information in a manner that is comparable across the region for the purposes of the 6<sup>th</sup> cycle Final RHNA Methodology, and SCAG properly applied the Final RHNA Methodology in developing Santa Ana's Draft RHNA Allocation.

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<sup>1</sup> Capacity is calculated by multiplying a theoretical allowed development level in each zone by the number of acres in that zone. This differs from a growth forecast which is an estimate of occupied building space/units at a particular point in time. The Santa Ana General Plan Update EIR, Appendix B Santa Ana General Plan Buildout Methodology, explains how buildout was calculated and also indicates that, "AECOM conducted a market analysis for the General Plan update in 2019 and 2020 (final Santa Ana Economic Indicators Report, May 2020). The report concluded that the demand for new residential development could reach upwards of 15,520 units through 2040 (including pipeline projects, [which would be 739 units per year over the 21 years 2019 to 2040] ... although the report also noted that housing demand could increase if the housing pipeline remains strong if it can increase its capture rate of countywide growth."

Similarly, staff does not recommend granting this appeal based on the local planning factor regarding the availability of land described in Government Code 65584.04(e)(2)(B). SCAG relies on the authority and planning expertise of each jurisdiction (and experts they rely upon<sup>2</sup>) to identify growth in each community consistent with the requirements of state law. Santa Ana met its obligations to provide information to SCAG during the RHNA process, and SCAG fully complied with the adopted Final RHNA Methodology in developing the City's Draft RHNA Allocation. New information regarding market absorption of units, which may include pipeline projects or an under-development General Plan update, will be comprehensively taken into account at the outset of the development of the 2024 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS).

Per the appeal bases found in Government Code section 65584.05(b)(3), only Santa Ana may provide a change in circumstances basis for granting an appeal. In its comment letter, the City of Santa Ana acknowledges that the appeals filed present new information relating to Santa Ana and that the appeals "are in fact based on changed circumstances, which cannot be the basis for an appeal of Santa Ana's RHNA by another city." However, the City of Santa Ana does not request a revision to its Draft RHNA Allocation based on changed circumstances nor does it present information to suggest a revision would further the RHNA objectives. As such, SCAG has no authority to revise Santa Ana's Draft RHNA Allocation on the bases of a change in circumstance per Government Code section 65584.05(b)(3).

Santa Ana's comment letter provides evidence, verified by SCAG staff, of 4,777 housing units of additional development potential which has been realized since the City completed its submissions to SCAG regarding future household growth in 2018. Based on the Final RHNA Methodology, disadvantaged communities (DAC) are capped at 1.0368 of their 2020-2045 household growth total. If such an adjustment was to be made to the 2020-2045 household growth input to RHNA ("projected need") for Santa Ana, application of the Final RHNA Methodology would increase Santa

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<sup>2</sup> In their GP Buildout Methodology, Santa Ana indicates: "The Center for Demographic Research (CDR) is the entity through which jurisdictions in Orange County distribute and generate population, housing, and employment projections for Orange County. This includes the use of Orange County projection (OCP) figures to communicate expected growth for the regional transportation plan. The latest OCP figures were finalized (September 2018) prior to the current land use planning and buildout efforts associated with the General Plan update. Interim adjustments can be made to the OCP figures if significant changes in land use or other policies will have a significant impact on the projections, and if these changes can be documented. The buildout for the Santa Ana General Plan will be finalized upon the adoption of the General Plan at the end of 2020, with implementation beginning in 2021. The General Plan land use plan and buildout projections will be incorporated into the OCP figures in 2021/2022." [Adoption of the General Plan was tabled in November 2020.]

Ana's Draft RHNA Allocation by 4,949 units broken into 1,521 very-low income units, 940 low-income units, 1,360 moderate income units, and 4,215 above-moderate income units<sup>3</sup>.

Furthermore, if these 4,949 housing units were added to the City's projected need, effectively raising its 2020-2045 DAC growth cap, per the RHNA Methodology it would incrementally reduce the reallocation of the DAC growth cap residual to other jurisdictions within Orange County. Per Section H of SCAG's Appeals Procedures, the Appeals Board may make adjustments to the allocation of jurisdictions which are not the subject of an appeal and pursuant to the Final RHNA Methodology the above-referenced adjustment could result in concomitant decreases in RHNA allocations for 30 non-DAC jurisdictions in Orange County ranging between an estimated -12 to -672 total units.

Santa Ana's comment letter indicates that they are agreeable to absorbing additional housing units in certain income categories (moderate and above moderate) —a proposal which cannot be accomplished within the confines the RHNA appeals process. Furthermore, there is no mechanism within the Final RHNA Methodology for restricting forecasted household growth to certain income categories. The RHNA Methodology would place 30.6% of the City's units into lower income categories no matter the total number. Because SCAG staff cannot consider Santa Ana's comment letter an assertion of a change in circumstance or a data correction meriting an adjustment to the City's household growth input to the RHNA Methodology, staff recommends denying the appeals and making no change to Santa Ana's Draft RHNA Allocation for the 6<sup>th</sup> Cycle.

However, if Santa Ana is willing to present its identified development pipeline projects as updated information for SCAG to consider in the 6<sup>th</sup> Cycle and if the City is willing to adjust its RHNA Allocation consistent with the Final RHNA Methodology and in furtherance of the RHNA objectives, SCAG can adjust Santa Ana's allocation as detailed above.

## **BACKGROUND:**

### **Draft RHNA Allocation**

Following the adoption of the Final RHNA Methodology on March 5, 2020 and the adoption of Connect SoCal on September 3, 2020, all local jurisdictions received Draft RHNA Allocations on September 11, 2020. A summary is below.

Total RHNA for the City of Santa Ana: 3,087 units  
Very Low Income: 584 units  
Low Income: 361 units

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<sup>3</sup> Santa Ana's original household growth (2,974) plus the additional amount identified (4,777) are multiplied by 1.0368 to yield a potential new total RHNA allocation of 8,036 units. This exceeds Santa Ana's draft RHNA allocation (3,087) by 4,949 units.

Moderate Income: 522 units  
Above Moderate Income: 1,620 units

Additional background related to the Draft RHNA Allocation is included in Attachment 1.

### **Summary of Comments Received during 45-day Comment Period**

Government Code section 65584.05(c) describes a 45-day public comment period during which local jurisdictions or HCD may comment on filed RHNA appeals. Three comments were received which relate to appeals filed generally:

- HCD submitted a comment on December 10, 2020 delineating the statutory basis for RHNA appeals and the requirement that any appeals granted must include written findings regarding how revisions are necessary to further RHNA's statutory objectives.
- The City of Whittier submitted a comment on December 10, 2020 supporting surrounding cities in their appeals, but expressing concern that additional units may be applied to Whittier if reallocated from cities which are successful in their appeals.
- The City of Long Beach submitted a comment on December 3, 2020 indicating their view that the RHNA allocation process was fair and transparent, their support for evaluating appeals on their merits (specifically those from the Gateway Council of Governments), and their opposition to any action which would result in a transfer of additional units to Long Beach.

In addition, three comments were received during the 45-day comment period regarding appeals filed on the City of Santa Ana's draft RHNA allocation:

- The City of Cypress submitted a comment letter on November 11, 2020 supporting the appeals which request an increased RHNA Allocation for Santa Ana. Cypress contends that Santa Ana underreported its actual growth potential and the methodology's redistribution of residual need moves the distribution of housing needs further from Connect SoCal's greenhouse gas emissions goals.
- The City of Rancho Santa Margarita submitted a comment letter on December 2, 2020 supporting the appeals which request an increased RHNA Allocation for Santa Ana. Rancho Santa Margarita notes that Santa Ana has demonstrated significant development potential and has amongst the highest job and transit access in Orange County.
- The City of Santa Ana submitted a comment letter on December 10, 2020, attesting that
  - The statutory basis for an appeal based on the local planning factors related to land availability is not demonstrated, since the appeals at issue do not use *information submitted* under 65584.04; rather, they present new information which is "readily

- available” and other jurisdictions are not allowed to appeal based on changed circumstances.
- Santa Ana properly followed SCAG’s procedure for developing forecast data for Connect SoCal during 2018 (this procedure explained in Attachment 1 of this staff report)
  - On November 9, 2020 the Santa Ana Planning Commission voted to table its consideration of the proposed general plan indefinitely
  - Complimenting SCAG for adopting a methodology that attempts to further equity objectives, and requesting SCAG not allow appeals by wealthy and resource-rich cities to undermine its final RHNA methodology
  - Indicating that the City is agreeable to absorbing up to an additional 4,777 housing units in the Moderate and Above Moderate categories not to exceed a total RHNA of 7,864 units, a figure which is based on the City’s review of units in its pipeline project list which have been realized since, and were not included in, their 2018 local input submission of forecast data for Connect SoCal

**ANALYSIS:*****Issue 1: Application of the adopted Final RHNA Methodology for the 6th Cycle RHNA (2021-2029) [Government Code Section 65584.05 (b)(2)].***

*Garden Grove, Irvine, Newport Beach, and Yorba Linda appeal Santa Ana’s Draft RHNA Allocation based on the application of the methodology, described in Government Code section 65584.05(b)(2):*

*“The council of governments or delegate subregion, as applicable, failed to determine the share of the regional housing need in accordance with the information described in, and the methodology established pursuant to, Section 65584.04, and in a manner that furthers, and does not undermine, the intent of the objectives listed in subdivision (d) of Section 65584.”*

*Specifically, the four appellants all assert that in the case of Santa Ana, the Final RHNA Methodology’s so-called “DAC adjustment” and redistribution of residual housing need result in assigning housing need to jurisdictions which score more poorly in job accessibility and transit accessibility. In addition to not furthering the aforementioned objectives in 65584(d), the appellants also assert that for the same reason, this is inconsistent with Government Code 65584.04(m)(1) although this code section does not constitute a separate basis for appeal:*

*“It is the intent of the Legislature that housing planning be coordinated and integrated with the regional transportation plan. To achieve this goal, the allocation*

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*plan shall allocate housing units within the region consistent with the development pattern included in the sustainable communities strategy.”*

*In addition to this main issue, individual appellants make related arguments.*

- A. Garden Grove proposes an alternative to the DAC adjustment found in the Final RHNA Methodology which uses a sliding scale to define a DAC rather than the hard cutoff which is currently used,*
- B. Newport Beach and Irvine assert that the TCAC/HCD Opportunity Index Scores relied upon for this part of the Methodology are insufficient for this purpose, and*
- C. Irvine asserts that this part of the Methodology was a last-minute addition with a substantial material effect and insufficient opportunities to review and comment.*
- D. Yorba Linda questions Santa Ana’s designation as a DAC and the associated redistribution of units in other Orange County jurisdictions, especially in light of Santa Ana’s General Plan Update.*

*In their comment letter, the City of Santa Ana attests that SCAG determined Santa Ana’s RHNA in accordance with the Final Methodology, that the appellants fail to cite an instance where the Methodology was not applied to Santa Ana exactly as required, and that their appeals urge SCAG to modify its Final Methodology, which cannot be done through an appeal.*

**SCAG Staff Response:** The RHNA Methodology is a complex balance of several regional objectives ranging from jobs-housing balance to Affirmatively Furthering Fair Housing (AFFH). AFFH is one of the RHNA objectives described in Government Code 65584(d) and the residual reallocation is part of the adopted Final RHNA Methodology. The Final RHNA Methodology furthers the AFFH objectives by ensuring that RHNA allocations are not concentrated in jurisdictions with lower opportunity scores, reallocating them to jurisdictions with higher opportunity scores. The appellant jurisdictions assert that this reallocation is to the detriment of job and transit access because DAC jurisdictions may not receive allocation on those bases, compromising other statutory objectives and the SCS consistency described in Government Code 65584.04(m)(1)<sup>4</sup>. However, the residual reallocation at issue is made to non-DAC jurisdictions on the basis of their job and transit access levels. Furthermore, Government Code 65584.04(i) vests authority to assess whether a methodology furthers the statutory objectives in HCD. In HCD’s January 13, 2020 letter (attached), HCD finds that SCAG’s RHNA Methodology furthers all five statutory objectives, stating,

*“HCD applauds the inclusion of the affirmatively furthering fair housing adjustment factor in the methodology. This factor directs more lower income RHNA to higher opportunity areas and reduces allocations in segregated concentrated areas of poverty, as defined in the HCD/TCAC Opportunity Maps, which evaluate access to*

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<sup>4</sup> Note that this code section is not the basis of an appeal.

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*opportunity, racial segregation, and concentrated poverty on 11 dimensions, which are all evidence-based indicators related to long term life outcomes.”*

Regarding Santa Ana specifically, the City scores relatively high in both job and transit accessibility<sup>5</sup> (#20 and #14 in the SCAG region, respectively); however, the City is also amongst the most low-resourced jurisdictions in the region based on opportunity scores (3<sup>rd</sup> highest population in low/very low opportunity areas). As such, and in order to balance RHNA’s objectives, the RHNA Methodology’s DAC adjustment caps the RHNA unit total based on Santa Ana’s long-range (2045) plan as conveyed to SCAG during the Bottom-Up Local Input and Envisioning Process, specifically, 2020-2045 forecasted household growth plus 3.68%, to reflect the difference between HCD’s regional determination and Connect SoCal’s household forecast for that period. Santa Ana’s Data Verification form (attached) indicates that the City is in agreement with SCAG’s forecasted growth for Connect SoCal.

With respect to sub-issue A, Garden Grove proposes a modification to the Methodology to reconceive of the DAC adjustment as a sliding scale based on population in low/very low resourced areas rather than its manifestation in the RHNA Methodology, which is to designate a jurisdiction as low-resourced (“DAC”) if more than 50 percent of its population live in a low/very low Census Tract. However, this would constitute a change to the Methodology itself rather than a misapplication of the adopted Methodology per Government Code 65584.05(b)(1). As such, it cannot be considered by the Appeals Board.

With respect to sub-issue B, Newport Beach and Irvine assert that the purpose of the TCAC/HCD Opportunity Index Scores and Mapping were never intended to be used for calculating RHNA. While these appellants note “limitations” to this data source, such an argument is not unique to this, or any other data source. Not only had the 2019 opportunity mapping data been part of previous proposed variations of the methodology, but these data went through an extensive development and public review process during their development by the California Fair Housing Task Force (see <https://www.treasurer.ca.gov/ctcac/opportunity.asp>) and vetting through TCAC and HCD. As the above quotation from HCD’s January 13, 2020 letter makes clear, the use of these data in the Methodology were cited as a basis for HCD’s finding that the RHNA Methodology furthers RHNA’s statutory objectives.

With respect to sub-issue C, contrary to Irvine’s assertions, the SCAG Regional Council took action on both the Draft and Final RHNA Methodology pursuant to properly noticed agendas, and every member of the Regional Council, in addition to a significant number of members of the public, had ample opportunity to place on the record, both in writing and in person, their input for the Regional

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<sup>5</sup> 88.36% of Santa Ana’s future population will live in an HQTA, ranking 14 out of 197 in the SCAG Region. Future job access, 20.13%, 20<sup>th</sup> out of 197. Santa Ana ranks #3 with 89% of its approximately 338,000 present-day population in low or very-low resourced areas using this measure.



Council's consideration. For example, no less than fourteen (14) letters were acknowledged on the record and these were made available for public and SCAG review prior to the Regional Council's action on the Draft Methodology, all in compliance with applicable law. On March 5, 2020, SCAG Regional Council adopted the Draft Methodology as the Final Methodology.

Further, for the Draft Methodology, many members of the public offered oral testimony on the issue both in support of the original staff recommendation and in support of the alternative Draft RHNA Methodology that was ultimately approved after a robust discussion among the Regional Council, with staff offering input and answering questions as requested. Both methodologies had been presented in the staff report that was published in the November 7th Regional Council meeting agenda in advance of the meeting in accordance with applicable law. Finally, members of the Regional Council were given wide opportunity to offer input and comments during the course of the discussion and consideration of the item.

The November 7th Regional Council action was preceded by more than nine months of preparatory work and the regional planning process is necessarily complex and multi-faceted. That there are competing interests and priorities is not new. SCAG staff has been committed to fairness and transparency since the start of the RHNA process in October 2018.

With respect to sub-issue D, the delineation and treatment of DACs is part of the adopted final RHNA methodology and is therefore not a basis for appeal. As described above, this feature of the methodology is important in ensuring that RHNA's statutory objective to affirmatively further fair housing is met.

For these reasons, SCAG staff cannot recommend a change to Santa Ana's RHNA Allocation based on the application of the methodology (Government Code 65584.05(b)(2)). Ultimately, the adjustment at issue is part of the adopted Methodology which was found by HCD to further statutory objectives and cannot itself be changed through the appeals process.

***Issue 2: Availability of land suitable for urban development or for conversion to residential use [Government Code Section 65584.04(e)(2)(B)].***

*Irvine and Newport Beach appealed Santa Ana's RHNA Allocation on the basis of Government Code 65584.05(b)(1), which describes local planning factors:*

*"The council of governments or delegate subregion, as applicable, failed to adequately consider the information submitted pursuant to subdivision (b) of Section 65584.04."*

*Specifically, the appellants reference Government Code 65584.04(e)(2)(B):*

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*“The availability of land suitable for urban development or for conversion to residential use, the availability of underutilized land, and opportunities for infill development and increased residential densities. The council of governments may not limit its consideration of suitable housing sites or land suitable for urban development to existing zoning ordinances and land use restrictions of a locality, but shall consider the potential for increased residential development under alternative zoning ordinances and land use restrictions.”*

*In addition, while Garden Grove does not formally indicate an appeal based on these grounds in its appeal form, its appeal letter cites this statutory language and similar evidence is provided. While Yorba Linda neither indicates an appeal on this ground on its form nor references this statutory language in its appeal letter, they present similar evidence as Irvine and Newport Beach’s sections covering this appeal basis.*

*The appellants provide evidence related to Santa Ana’s in-progress General Plan update and a variety of Non-Specific Plan and Specific Plan projects (“development pipeline projects”). A June 2020 document titled Santa Ana General Plan Buildout Methodology contains an estimate of potential housing unit growth of 36,261 units citywide. Specifically, Irvine notes that a section in this document specifically addresses its relationship to SCAG’s projections (page B-b-8). This section indicates that the extant projection data was finalized in September 2018, while the anticipated adoption of the General Plan update will be in late 2020, implementation will begin in 2021, and it will be incorporated into SCAG’s 2024 RTP/SCS.*

*Newport Beach and Garden Grove present identical analyses demonstrating 9,891 units of housing approved and/or planned for production by Santa Ana over the next several years (7,594 of which are not in a Specific Plan). Irvine presents a map of planned projects from the City of Santa Ana showing 7,338 units in projects planned from 2020-2045, a list of projects in various stages of planning or completion totaling 9,891 units, and photos of certain multifamily projects under construction. Irvine also asserts that the growth projection for the City of Santa Ana is outdated considering this new evidence.*

*Santa Ana’s comment letter indicates that the Santa Ana Planning Commission voted on November 9, 2020 to table its consideration of the proposed General Plan. No further meetings are scheduled, and Santa Ana contends that the General Plan buildout projections cannot be considered to be valid projections of future growth in Santa Ana. However, the comment letter identifies 4,777 units worth of development pipeline projects which have been realized since the City completed its local input household growth submission to SCAG in 2018.*

**SCAG Staff Response:** SCAG’s procedure for developing the jurisdiction-level forecast for the City of Santa Ana is described in Attachment 1: Local Input and Development of the Draft RHNA Allocation. Following an in-person meeting in March 2018, a signed Data Verification form

(attached) was returned to SCAG on October 2, 2018 approving the growth forecast information, which was developed in order to be consistent with Orange County Projections (OCP). The 2020-2045 household growth total of 2,974 was included in Connect SoCal (3.85% total growth). Connect SoCal's Demographics and Growth Forecast Technical Report<sup>6</sup> includes a review of the forecast at a regional level, which includes Santa Ana's household growth total, and found it to be technically sound. The RHNA Methodology, which includes the aforementioned DAC adjustment, results in a draft RHNA allocation of 3,087 units which is based on this figure, adjusted upward by 3.68%.

SCAG has conducted a technical assessment of the General Plan update and pipeline project lists provided by the appellant jurisdictions and Santa Ana's comment letter.

### General Plan

While Attachment 3 to Irvine's appeal shows that Santa Ana's Planning Commission was considering the General Plan update for recommendation to the City Council for approval in December 2020, Santa Ana's comment letter indicates that on November 9, 2020, the Planning Commission voted to table its consideration to allow for additional community outreach with no future Commission or City Council meetings scheduled. The City further represents:

"At this point, it is not possible to predict what land use changes will be included in whatever plan is ultimately adopted, and the preliminary general plan buildout projections cannot be considered valid projections of future growth in Santa Ana."

The existing Santa Ana General Plan was last comprehensively updated in 1982. While the General Plan update may have been in development, it was never presented to SCAG for consideration during the Local Input process in 2018.

SCAG staff have evaluated the General Plan evidence submitted by appellant jurisdictions which indicates a build-out capacity of 36,261 net new housing units.<sup>7</sup> However, the growth forecasting processes used by the regional Connect SoCal Plan are not equivalent to a build out scenario. For the Connect SoCal forecast, the region and county's components of population growth such as fertility, mortality, domestic migration, and immigration, are balanced with local land use information in order to estimate occupied housing units (households) in each jurisdiction. Since SCAG's regional household forecast was within acceptable ranges, but lower than the preliminary forecast's baseline or mid-range level<sup>8</sup>, if additional capacity had been identified as available in Santa Ana's General Plan, regional and county components would support a 2020-2045 household

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<sup>6</sup> [https://scag.ca.gov/sites/main/files/file-attachments/0903connectsocial\\_demographics-and-growth-forecast.pdf](https://scag.ca.gov/sites/main/files/file-attachments/0903connectsocial_demographics-and-growth-forecast.pdf)

<sup>7</sup> *Ibid* pg. 3

<sup>8</sup> See [https://scag.ca.gov/sites/main/files/file-attachments/0903connectsocial\\_demographics-and-growth-forecast.pdf?1606001579](https://scag.ca.gov/sites/main/files/file-attachments/0903connectsocial_demographics-and-growth-forecast.pdf?1606001579).

forecast well in excess of the 2,974 additional households currently forecasted during this period for the City but below the indicated build-out capacity of 36,261.

SCAG acknowledges that a General Plan update in its final stages for the region’s fourth-largest city would likely have a substantial impact on future land use and the validity of these regional assessments over such a long time horizon. While SCAG is principally concerned with ensuring county-level and regional-level forecast balance and relies in large part on local expertise to verify data at smaller spatial scales, a likely or potential upcoming change of such magnitude, particularly to one of the region’s largest cities, would merit discussion and analysis during the Bottom-Up Local Input and Envisioning Process. If this information were available and presented to SCAG at the time of the local input process in 2018, it certainly would have been used to develop the regional forecast. Indeed, once the General Plan Update is adopted, the information will be incorporated into SCAG’s 2024 RTP/SCS.

In sum, SCAG properly considered information presented by Santa Ana pursuant to the 2018 Local Input process, including land availability, and SCAG staff does not recommend a change based on this evidence.

Development Pipeline Projects

SCAG staff has evaluated the lists of development pipeline projects submitted by appellant jurisdictions. Specifically, staff have evaluated the list of major development pipeline projects submitted in the City of Santa Ana’s comment letter as Attachment 2. This list:

- Includes a total of 10,857 units
- Includes all projects listed in appellant jurisdictions’ lists, and
- Concludes that projects with a current unit total of 4,777 can be verified as newly considered as being reasonably foreseeable<sup>9</sup> compared to when the City completed its submissions to SCAG regarding future household growth in 2018

SCAG sought to verify Santa Ana’s assessment that all projects were included in the Connect SoCal forecast. The forecast process, as described in Attachment 1, included an in-person meeting in March 2018 and various follow-ups culminating in the City’s submission of the attached Data Verification Form on October 2, 2018 which confirms the following household forecast:

	2016	2020	2030	2035	2045
Santa Ana Households	73,919	77,159	79,637	79,742	80,133

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<sup>9</sup> Individual projects are subject to socio-economic fluctuations and until individual projects are constructed and occupied, their future remains somewhat uncertain.

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The above table of jurisdiction-level household totals includes estimates and projections for the years requested during the local input process, and reflects totals used in the final Connect SoCal forecast. Santa Ana's longer-term 2020-2045 growth trajectory is 2,974 households (119 units per year, or 214 units per year over 2016 to 2045). The shorter-term 2016-2020 trajectory is 3,240 units (higher, at 810 units per year). The 6<sup>th</sup> cycle RHNA calculations takes a long-term approach to forecasting growth but nonetheless likely includes several of the listed projects in Santa Ana's attachment 2.

In order to assess the theoretical impact of the current pipeline projects on the Connect SoCal forecast (2016-2045), staff first identified the Transportation Analysis Zones (TAZs) in which each project lies (see attached map). Pipeline projects were identified as being in 24 distinct TAZs. SCAG then compared the forecasted growth in each TAZ from 2016-2045 against the total pipeline projects. If the pipeline projects would result in larger TAZ growth totals than the entire SCAG forecast for that TAZ, then an increase in 2020-2045 growth may be merited.

SCAG identified 40 projects totaling 4,777 units that were not included in the Connect SoCal forecast. The Connect SoCal forecast is based on data conveyed by Santa Ana in 2018. The difference between the higher unit totals provided in the appellant jurisdictions' lists is attributable to two principal factors:

- Projects accounted for in the 2016-2045 forecast
- Additional projects identified in Santa Ana's comment letter and appellant jurisdictions' lists<sup>10</sup>

This analysis indicates that the inclusion of pipeline projects could add 4,777 units above and beyond those already included in Connect SoCal's forecast and as such could reasonably merit their inclusion in a 2020-2045 household growth total for Santa Ana.

However, SCAG appropriately considered the pipeline projects available during the 2018 local input process as presented by the City, and this information was included in the input data for use in the Final RHNA Methodology. Therefore, SCAG staff cannot recommend a change to Santa Ana's Draft RHNA Allocation based on the land availability factor described in Government Code

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<sup>10</sup> The majority of this difference is attributable to three projects which Santa Ana describes in footnotes of Attachment 2 to its comment letter: MainPlace Mall Revitalization Specific Plan, 2700 Main Street Apartments, and Magnolia at the Park. While the City of Irvine's list indicates a total of 2,399 units across these three projects, Santa Ana confirms a total of 1,903 units in the pipeline based on these projects. Santa Ana further estimates that constraints including needed zoning and general plan changes preclude considering any development at 2700 Main Street Apartments or Magnolia at the Park as likely; and that due to a development agreement the total for MainPlace Mall should be 511 units. As described above regarding the City's pending General Plan update, a more comprehensive review of development likelihood on a project-level would also be anticipated to take place during the Bottom-Up Local Input and Envisioning Process for SCAG's 2024 RTP/SCS; however, site-specific development constraints do not necessarily preclude SCAG from considering such projects in its long-range forecast.

65584.04(e)(2)(B). While this information might be considered either a correction or a change in circumstance, only Santa Ana can make these assertions and request a change to its Draft RHNA Allocation consistent with the Final RHNA Methodology and in furtherance of the RHNA objectives.

### ***Santa Ana's Comments***

Government Code section 65584.05(d) outlines the procedure for the appeal hearing and indicates that:

*“No later than 30 days after the close of the comment period, and after providing all local governments within the region or delegate subregion, as applicable, at least 21 days prior notice, the council of governments or delegate subregion shall conduct one public hearing to consider all appeals filed pursuant to subdivision (b) **and all comments received** pursuant to subdivision (c).” [emphasis added]*

Santa Ana's comment letter, which must be considered in the appeal hearing, provides evidence which has been verified by SCAG staff of 4,777 housing units of additional development potential. However, while these units may now be considered reasonably foreseeable, they were not reasonably foreseeable when the City completed its submissions to SCAG regarding future household growth in 2018 and were not included in the 2020-2045 household growth total for Santa Ana.

Santa Ana indicates that the City is agreeable to absorbing up to an additional 4,777 housing units from the region in the moderate and above-moderate income categories only. However, this proposal is not consistent with SCAG's correctly executed process for generating necessary inputs to the Final RHNA Methodology since there is no mechanism for forecasted household growth to be restricted to certain income categories. The Final RHNA Methodology applies a social equity adjustment to allocate total housing units to four income categories only after considering all the inputs to total RHNA units—a change to this step would constitute a change to the Methodology itself which is not permitted through an appeal. Any adjustment to Santa Ana's unit total would require allocating 30.6% of the units to lower income categories in order to maintain consistency with the Final RHNA Methodology.

If the Final RHNA Methodology is applied and the total housing units could be adjusted to all income categories the adjustment would satisfy the RHNA objectives. Government Code section 65584.05(b) provides that revisions must further the intent of RHNA's statutory objectives and must be consistent with the development patterns in a Sustainable Communities Strategy (SCS, i.e. Connect SoCal). An upward adjustment to Santa Ana's household forecast data based on projects which mostly represent urban infill, in a jurisdiction which scores highly in the RHNA methodology's job and transit access measures largely relied upon to demonstrate consistency with SCS

development patterns would not change this finding. Further, such an adjustment would not change the Methodology itself nor how the “DAC adjustment” and “residual” features of the Methodology further the RHNA objective to Affirmatively Further Fair Housing (AFFH).

While the RHNA Methodology has identified Santa Ana as a DAC on the basis of its Opportunity Scores, which qualifies it for a reduction of its housing need as part of a regional strategy to reduce overconcentration of housing—especially lower-income housing—in lower-opportunity areas, it is also the 4<sup>th</sup> largest city in the SCAG region and experiences the region’s 3<sup>rd</sup> highest household overcrowding rate at 31% (2018 ACS). As such, an increase in RHNA Allocation which still keeps Santa Ana’s total allocation of lower-income units as the lowest among the region’s large jurisdictions would not likely compromise the regional AFFH objective.<sup>11</sup>

A change to the 2020-2045 household growth input to RHNA (“projected need”) for Santa Ana and applied to the Final RHNA Methodology would increase its Draft RHNA Allocation by 4,949 units to a total of 8,036 broken into 1,521 very-low income units, 940 low-income units, 1,360 moderate income units, and 4,215 above-moderate income units. If these 4,949 housing units were added to the City’s projected need, effectively raising its 2020-2045 DAC growth cap per the RHNA Methodology, it would affect the reallocation of the DAC growth cap residual to other jurisdictions within Orange County. Per Section H of SCAG’s Appeals Procedures, the Appeals Board may make adjustments to the allocation of jurisdictions which are not the subject of an appeal and pursuant to the Final RHNA Methodology the above-referenced change would result in concomitant decreases in RHNA allocations for 30 non-DAC jurisdictions in Orange County ranging between an estimated -12 to -672 total units.

Also, per the appeal bases found in Government Code section 65584.05(b)(3), only Santa Ana may assert a change in circumstances as a basis for granting an appeal. Alternatively, Santa Ana may provide a correction to the data it presented to SCAG for consideration in the Local Input process to revise its draft RHNA Allocation. Santa Ana has done neither here.

Because SCAG staff cannot consider Santa Ana’s comment letter an assertion of a change in circumstance or a data correction meriting an adjustment to the City’s household growth input to the RHNA Methodology for the 6<sup>th</sup> Cycle, staff recommends denying the appeals and making no change to Santa Ana’s Draft RHNA Allocation. However, if Santa Ana is willing to present its identified development pipeline projects as updated information for SCAG to consider in the 6<sup>th</sup> Cycle and if the City is willing to adjust its RHNA Allocation consistent with the Final RHNA Methodology and in furtherance of the RHNA objectives, SCAG can adjust Santa Ana’s allocation as detailed above, i.e., increase Santa Ana’s draft RHNA allocation by 4,949 units for all income categories, for a total of 8,036 units.

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<sup>11</sup> E.g. amongst the SCAG region’s 16 jurisdictions which have a population greater than 200,000, according to 2019 DOF estimates.

**FISCAL IMPACT:**

Work associated with this item is included in the current FY20-21 Overall Work Program (300-4872Y0.02: Regional Housing Needs Assessment).

**ATTACHMENT(S):**

1. Local Input and Development of Draft RHNA Methodology (City of Santa Ana)
2. Garden Grove Appeal of Santa Ana's Draft RHNA Allocation and Supporting Documentation
3. Irvine Appeal of Santa Ana's Draft RHNA Allocation and Supporting Documentation
4. Newport Beach Appeal of Santa Ana's Draft RHNA Allocation and Supporting Documentation
5. Yorba Linda Appeal of Santa Ana's Draft RHNA Allocation and Supporting Documentation
6. Santa Ana Local Input Data Verification Form (2018)
7. Santa Ana Projects Map (SCAG's Review)
8. HCD Review of SCAG Draft RHNA Methodology (Jan 13, 2020)
9. Comments Received during the Comment Period



## Attachment 1: Local Input and Development of the Draft RHNA Allocation

This attachment sets forth the nature and timing of the opportunities which the City of Santa Ana had to provide information and local input on SCAG's growth forecast, the RHNA methodology, and the Growth Vision of the 2020 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS or Connect SoCal). It also describes how the RHNA Methodology development process integrates this information in order to develop the City of Santa Ana's Draft RHNA Allocation.

### 1. Local input

#### *a. Bottom-Up Local Input and Envisioning Process*

On October 31, 2017, SCAG took the first step toward developing draft RHNA allocations by initiating the Bottom-Up Local Input and Envisioning Process. At the direction of the Regional Council, the objective of this process was to seek local input and data to prepare for Connect SoCal and the 6<sup>th</sup> cycle of RHNA.<sup>1</sup> Each jurisdiction was provided with a package of land use, transportation, environmental, and growth forecast data for review and revision which was due on October 1, 2018.<sup>2</sup> While the local input process materials focus principally on jurisdiction-level and Transportation Analysis Zone (TAZ) level growth, input on specific parcels, sites, and project areas were welcomed and integrated into SCAG's growth forecast as well as data on other elements. SCAG met one-on-one with all 197 local jurisdictions between November 2017 and July 2018 and provided training opportunities and staff support. Following input from SCAG's Technical Working Group (TWG), the Connect SoCal growth forecast reflected precisely the jurisdiction-level growth totals provided during this process.

Forecasts for jurisdictions in Orange County were developed through the 2018 Orange County Projections (OCP-2018) update process conducted by the Center for Demographic Research (CDR) at Cal State Fullerton. Jurisdictions were informed of this arrangement by SCAG at the kickoff of the Process. For the City of Santa Ana, the anticipated number of households in 2045 was 80,133 (growth of 2,974 households from 2020-2045). In March 2018, SCAG staff and CDR staff met with staff from the City of Santa Ana to discuss the Bottom-Up Local Input and Envisioning Process and answer questions.

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<sup>1</sup> While the RTP/SCS and RHNA share data elements, they are distinct processes. The RTP/SCS growth forecast provides an assessment of reasonably foreseeable future patterns of employment, population, and household growth in the region given demographic and economic trends, and existing local and regional policy priorities. The RHNA identifies anticipated housing need over a specified eight-year period and requires that local jurisdictions make available sufficient zoned capacity to accommodate this need. A further discussion of the relationship between these processes can be found in Connect SoCal Master Response 1 at [https://www.connectsocial.org/Documents/Adopted/0903fConnectSoCal\\_Public-Participation-Appendix-2.pdf](https://www.connectsocial.org/Documents/Adopted/0903fConnectSoCal_Public-Participation-Appendix-2.pdf).

<sup>2</sup> A detailed list of data during this process reviewed can be found in each jurisdiction's Draft Data/Map Book at <https://scag.ca.gov/local-input-process-towns-cities-and-counties>.

### **b. RHNA Methodology Surveys**

On March 19, 2019, SCAG distributed a packet of methodology surveys, which included the local planning factor survey (formerly known as the AB2158 factor survey), Affirmatively Furthering Fair Housing (AFFH) survey, and replacement need survey, to SCAG jurisdictions' Community Development Directors. Surveys were due on April 30, 2019. SCAG reviewed all submitted responses as part of the development of the draft RHNA methodology. The City of Santa Ana submitted the following surveys prior to the adoption of the draft RHNA methodology:

- Local planning factor survey
- Affirmatively Furthering Fair Housing (AFFH) survey
- Replacement need survey
- No survey was submitted to SCAG

### **c. Connect SoCal Growth Vision and Additional Refinements**

Beginning in May 2018, SCAG's Sustainable Communities Working Group began the process of developing growth scenarios for the SCAG region. The culmination of this work was the development of the Connect SoCal Growth Vision, which directly uses jurisdictional-level growth projections from the Bottom-Up Local Input and Envisioning process, and also features strategies for growth at the TAZ-level that help to reduce greenhouse gas emissions (GHG) from automobiles and light trucks to achieve Southern California's GHG reduction target, approved by the California Air Resources Board (CARB) in accordance with state planning law. Additional detail regarding the Connect SoCal Growth Vision, specifically the Transportation Analysis Zone (TAZ, or neighborhood) level projections is found at <https://scag.ca.gov/sites/main/files/file-attachments/growth-vision-methodology.pdf>.

As a result of these strategies, in some jurisdictions growth at the TAZ-level differed from locally anticipated growth conveyed during the Bottom-Up Local Input and Envisioning Process.

As such, SCAG provided two additional opportunities for all local jurisdictions to make TAZ-level technical refinements on the topics of general plan capacities and entitlements. During the release of the draft Connect SoCal Plan, jurisdictions were notified on October 31, 2019 that SCAG would accept additional refinements until December 11, 2019. Following the Regional Council's decision to delay full adoption of Connect SoCal for 120 days due to the COVID-19 pandemic, all jurisdictions were again notified on May 26, 2020 that SCAG would accept additional refinements until June 9, 2020.

Connect SoCal Growth Vision data have been available to local jurisdiction staff during the entirety of this process through SCAG's Scenario Planning Model Data Management Site (SPM-DM) at <http://spm dm.scag.ca.gov> and updates were shared with local jurisdictions on technical refinements to the data in February 2020 and August 2020 to share the results of both review opportunities. SCAG received additional technical corrections from the City of Santa Ana and incorporated them into the

Growth Vision in December 2019. The City of Santa Ana’s TAZ-level data utilized in the Connect SoCal Growth Vision matches input provided during the Bottom-Up Local Input and Envisioning Process.

**2. Development of the Final RHNA Methodology**

SCAG convened the first meeting of the RHNA Subcommittee in October 2018. In their subsequent monthly meetings, this body reviewed and advised on the development of SCAG’s 6<sup>th</sup> cycle RHNA process, including the development of the RHNA methodology. Per Government Code 65584.04(a), SCAG must develop a RHNA methodology which furthers the five statutory objectives of RHNA:

*(1) Increasing the housing supply and the mix of housing types, tenure, and affordability in all cities and counties within the region in an equitable manner, which shall result in each jurisdiction receiving an allocation of units for low- and very low income households.*

*(2) Promoting infill development and socioeconomic equity, the protection of environmental and agricultural resources, the encouragement of efficient development patterns, and the achievement of the region’s greenhouse gas reductions targets provided by the State Air Resources Board pursuant to Section 65080.*

*(3) Promoting an improved intraregional relationship between jobs and housing, including an improved balance between the number of low-wage jobs and the number of housing units affordable to low-wage workers in each jurisdiction.*

*(4) Allocating a lower proportion of housing need to an income category when a jurisdiction already has a disproportionately high share of households in that income category, as compared to the countywide distribution of households in that category from the most recent American Community Survey.*

*(5) Affirmatively furthering fair housing. (Govt. Code § 65584(d).)*

As explained in more detail below, the Draft RHNA Methodology (which was adopted as the Final RHNA Methodology) set forth the policy factors, data sources, and calculations which would be used to generate draft RHNA allocations for all local jurisdictions. Following extensive debate and public comment, SCAG’s Regional Council voted to approve the Draft RHNA Methodology on November 7, 2019 and provide it to HCD for review. Per Government Code 65584.04(i), HCD is vested with the authority to determine whether a methodology furthers the objectives set forth in Government Code section 65584(d). On January 13, 2020, HCD found that the Draft RHNA Methodology furthers these five statutory objectives of RHNA. Specifically, HCD noted that:

*“This methodology generally distributes more RHNA, particularly lower income RHNA, near jobs, transit, and resources linked to long term improvements of life outcomes.*

*In particular, HCD applauds the use of the objective factors specifically linked the statutory objectives in the existing need methodology.” (Letter from HCD to SCAG dated January 13, 2020 at <https://scag.ca.gov/sites/main/files/file-attachments/hcd-review-rc-approved-draft-rhna-methodology.pdf?1602190239>).*

On March 5, 2020, again following extensive debate and public comment, the Regional Council voted to approve the Draft RHNA Methodology as the Final RHNA Methodology. Unlike SCAG’s 5<sup>th</sup> cycle RHNA methodology which relies almost entirely on the household growth component of the RTP/SCS, SCAG’s 6<sup>th</sup> cycle RHNA methodology consists of two primary elements: “projected need” which includes the number of housing units required to accommodate anticipated population growth over the 8-year RHNA planning period and “existing need,” which refers to the number of housing units required to accommodate excess or unsatisfied housing demand experienced by the region’s current population.<sup>3</sup> Furthermore, the Final RHNA methodology utilizes measures of 2045 job accessibility and High Quality Transit Area (HQT) population measures based on TAZ-level projections in the Connect SoCal Growth Vision.

More specifically, the Final RHNA Methodology considers three primary factors in determining a local jurisdiction’s total housing need which are primarily based on data from Connect SoCal’s aforementioned Bottom-Up Local Input and Envisioning Process:

- Forecasted growth over 2020-2030 (projected need)
- Transit accessibility in 2045 (existing need)
- Job accessibility in 2045 (existing need)

The methodology is described in further detail at <https://scag.ca.gov/programs/Documents/RHNA/SCAG-Final-RHNA-Methodology-030520.pdf>.

### **3. Draft RHNA Allocation for the City of Santa Ana**

Following the adoption of the Final RHNA Methodology on March 5, 2020 and the 120 day delay due to the COVID-19 pandemic, SCAG adopted Connect SoCal on September 3, 2020, and the City of Santa Ana received its draft RHNA allocation on September 11, 2020. Application of the RHNA methodology yields the draft RHNA allocation for the City of Santa Ana as summarized in the data and calculations in the tables below.

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<sup>3</sup> 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 direct inputs to the growth forecasting process and are independent of employment and population projections. In contrast, they reflect additional latent housing needs in the current population (i.e. “existing need”) and would not result in a change in regional population. For further discussion see Connect SoCal Master Response 1 at [https://www.connectsocial.org/Documents/Adopted/0903fConnectSoCal\\_Public-Participation-Appendix-2.pdf](https://www.connectsocial.org/Documents/Adopted/0903fConnectSoCal_Public-Participation-Appendix-2.pdf).

<b>Santa Ana city statistics and inputs:</b>	
Forecasted household (HH) growth, RHNA period: <i>(2020-2030 Household Growth * 0.825)</i>	2044
Percent of households who are renting:	55%
Housing unit loss from demolition (2009-18):	-
Adjusted forecasted household growth, 2020-2045: <i>(Local input growth forecast total adjusted by the difference between the RHNA determination and SCAG's regional 2020-2045 forecast, +4%)</i>	3,087
Percent of regional jobs accessible in 30 mins (2045): <i>(For the jurisdiction's median TAZ)</i>	20.13%
Jobs accessible from the jurisdiction's median TAZ (2045): <i>(Based on Connect SoCal's 2045 regional forecast of 10.049M jobs)</i>	2,023,000
Share of region's job accessibility (population weighted):	2.66%
Jurisdiction's HQTAs population (2045):	318,180
Share of region's HQTAs population (2045):	3.11%
Share of population in low/very low-resource tracts:	88.81%
Share of population in very high-resource tracts:	0.00%
Social equity adjustment:	170%

Calculation of Draft RHNA Allocation for Santa Ana city	
Forecasted household (HH) growth, RHNA period:	2044
Vacancy Adjustment <i>(5% for renter households and 1.5% for owner households)</i>	70
Replacement Need	-
<b>TOTAL PROJECTED NEED:</b>	<b>2114</b>
Existing need due to job accessibility (50%)	11125
Existing need due to HQTAs pop. share (50%)	13016
Net residual factor for existing need <i>(Negative values reflect a cap on lower-resourced community with good job and/or transit access. Positive values represent this amount being redistributed to higher-resourced communities based on their job and/or transit access.)</i>	-23168
<b>TOTAL EXISTING NEED</b>	<b>973</b>
<b>TOTAL RHNA FOR SANTA ANA CITY</b>	<b>3087</b>
Very-low income (<50% of AMI)	584
Low income (50-80% of AMI)	361
Moderate income (80-120% of AMI)	522
Above moderate income (>120% of AMI)	1620

The transit accessibility measure is based on the population anticipated to live in High-Quality Transit Areas (HQTAs) in 2045 based on Connect SoCal’s designation of high-quality transit areas and population forecasts. With a forecasted 2045 population of 318,180 living within HQTAs, the City of Santa Ana represents 3.11% of the SCAG region’s HQTA population, which is the basis for allocating housing units based on transit accessibility.

Job accessibility is defined as the jurisdiction’s share of regional jobs accessible within a 30-minute drive commute. Since over 80 percent of the region’s workers live and work in different jurisdictions, the RHNA methodology uses a measure based on Connect SoCal’s travel demand model output for the year 2045 rather than assigning housing units based on the number of jobs with a specific

jurisdiction. Specifically, the share of future (2045) regional jobs which can be reached in a 30-minute automobile commute from the local jurisdiction's median TAZ is used as to allocate housing units based on transit accessibility. From the City of Santa Ana's median TAZ, it will be possible to reach 20.13% of the region's jobs in 2045 within a 30-minute automobile commute (2,023,000 jobs, based on Connect SoCal's 2045 regional job forecast of 10,049,000 jobs).

While allocating housing need on the basis of job and transit accessibility is consistent with the statutory objectives of RHNA and represents factors in which Santa Ana scores very highly, in the SCAG region many jurisdictions with especially high job and transit accessibility are lower-income and lower-resourced. The methodology applies a maximum to these so-called disadvantaged communities (DACs) equal to the 2045 household growth forecast, as described above. While Santa Ana's existing need factors score highly, as a DAC a residual factor of -23,168 is applied such that the City's total RHNA housing unit need of 3,087 units is not in excess of its 2020-2045 forecasted household growth plus approximately 3 percent.

Please note that the above represents only a partial description of key data and calculations which result in the draft RHNA allocation.

**Sixth Cycle Regional Housing Needs Assessment (RHNA) Appeal Request Form**  
*All appeal requests and supporting documentation must be received by SCAG October 26, 2020, 5 p.m.*  
*Appeals and supporting documentation should be submitted to [housing@scaq.ca.gov](mailto:housing@scaq.ca.gov).*  
*Late submissions will not be accepted.*

Date: \_\_\_\_\_ Jurisdiction Subject to This Appeal Filing: \_\_\_\_\_  
*(to file another appeal, please use another form)*

Filing Party (Jurisdiction or HCD)  
\_\_\_\_\_

Filing Party Contact Name  
\_\_\_\_\_

Filing Party Email:  
\_\_\_\_\_

**APPEAL AUTHORIZED BY:**

Name: \_\_\_\_\_

**PLEASE SELECT BELOW:**

- Mayor
- Chief Administrative Office
- City Manager
- Chair of County Board of Supervisors
- Planning Director
- Other: \_\_\_\_\_

**BASES FOR APPEAL**

- Application of the adopted Final RHNA Methodology for the 6<sup>th</sup> Cycle RHNA (2021-2029)
- Local Planning Factors and/or Information Related to Affirmatively Furthering Fair Housing (See Government Code Section 65584.04 (b)(2) and (e))
  - Existing or projected jobs-housing balance
  - Sewer or water infrastructure constraints for additional development
  - Availability of land suitable for urban development or for conversion to residential use
  - Lands protected from urban development under existing federal or state programs
  - County policies to preserve prime agricultural land
  - Distribution of household growth assumed for purposes of comparable Regional Transportation Plans
  - County-city agreements to direct growth toward incorporated areas of County
  - Loss of units contained in assisted housing developments
  - High housing cost burdens
  - The rate of overcrowding
  - Housing needs of farmworkers
  - Housing needs generated by the presence of a university campus within a jurisdiction
  - Loss of units during a state of emergency
  - The region's greenhouse gas emissions targets
  - Affirmatively furthering fair housing
- Changed Circumstances (Per Government Code Section 65584.05(b), appeals based on change of circumstance can only be made by the jurisdiction or jurisdictions where the change in circumstance occurred)

**FOR STAFF USE ONLY:**

Date \_\_\_\_\_ Hearing Date: \_\_\_\_\_ Planner: \_\_\_\_\_



**Sixth Cycle Regional Housing Needs Assessment (RHNA) Appeal Request Form**  
*All appeal requests and supporting documentation must be received by SCAG October 26, 2020, 5 p.m.*  
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*Late submissions will not be accepted.*

**Brief statement on why this revision is necessary to further the intent of the objectives listed in Government Code Section 65584 (please refer to Exhibit C of the Appeals Guidelines):**

**Please include supporting documentation for evidence as needed, and attach additional pages if you need more room.**

**Brief Description of Appeal Request and Desired Outcome:**

**Number of units requested to be reduced or added to the jurisdiction's draft RHNA allocation (circle one):**

Reduced \_\_\_\_\_ Added \_\_\_\_\_

**List of Supporting Documentation, by Title and Number of Pages**

**(Numbers may be continued to accommodate additional supporting documentation):**

- 1.
- 2.
- 3.

**FOR STAFF USE ONLY:**

Date \_\_\_\_\_

Hearing Date: \_\_\_\_\_

Planner: \_\_\_\_\_



# CITY OF GARDEN GROVE

Steven R. Jones  
Mayor

Stephanie Klopfenstein  
Mayor Pro Tem – District 5

George S. Brietigam  
Council Member– District 1

John O’Neill  
Council Member– District 2

Thu-Ha Nguyen  
Council Member– District 3

Patrick Phat Bui  
Council Member– District 4

Kim B. Nguyen  
Council Member– District 6

October 26, 2020

RHNA Appeals Board  
Southern California Association of Governments  
Attn: Mr. Kome Ajise, Executive Director  
900 Wilshire Blvd., Suite 1700  
Los Angeles, CA 90017

**SUBJECT: APPEAL OF THE CITY OF SANTA ANA’S REGIONAL HOUSING  
NEEDS ASSESSMENT (RHNA) ALLOCATION OF 3,087 UNITS**

Dear Mr. Ajise,

On behalf of the City of Garden Grove City Council, and in accordance with Government Code Section 65584.05, the City of Garden Grove (City) submits the following appeal for a revision of the allocation of the regional housing need to the City of Santa Ana and other local jurisdictions under the RHNA Methodology adopted for the 6<sup>th</sup> cycle.

The City believes SCAG failed to adequately consider historic and projected housing development, and adopted a methodology that is in direct conflict with the development patterns described in the regional transportation plan. Therefore, the City respectfully requests the City of Santa Ana’s RHNA Allocation be increased by 7,087 units for a total 6<sup>th</sup> Cycle Allocation of 10,174 units.

**1. SCAG Failed to Adequately Consider Historic and Projected Housing Development**

Pursuant to Government Code Section 65584.05(b)(1), a jurisdiction may appeal the RHNA allocation of any other jurisdiction based on the failure of SCAG to adequately consider information submitted pursuant to Government Code Section 65584.04 and other readily available data related to the historic and projected development of housing by the City of Santa Ana.

Pursuant to Government Code Section 65584.04:

“(e) To the extent that sufficient data is available from local governments pursuant to subdivision (b) or other sources, each council of governments, or delegate subregion as applicable, **shall include the following factors to develop the methodology that allocates regional housing needs:**

(2) The **opportunities** and constraints **to development of additional housing** in each member jurisdiction, including all of the following:

(B) The **availability of land suitable for urban development or for conversion to residential use, the availability of underutilized land, and opportunities for infill development...**”

During the 5<sup>th</sup> RHNA Cycle, the City of Santa Ana received a RHNA Allocation of 204 housing units, whereas their actual production seven years into the 8-year cycle is 2,996 housing units, which equates to an average of 428 units per year and a surplus of 2,792 units. History has shown the ability of Santa Ana to produce quality housing and the likelihood of Santa Ana to successfully produce substantially more RHNA units than allocated in the upcoming RHNA Cycle. However, the adopted 6<sup>th</sup> Cycle RHNA Allocation Methodology does not consider certain sources of data of which **10,174 units of housing approved and/or planned for production by Santa Ana over the next eight years**. The following represents the City of Santa Ana’s planned/approved housing production per their Planning Division website at <https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-monthly-development-project-reports/>

### **Specific Plan Area Projects:**

#### Harbor Mixed-Use Transit Corridor

- 20-Year Implementation Period (2014 through 2034)
- Provides framework to support 1,700 to 4,600 new residential units
- Minimum Planned Production - 1,700 units (85 units/year)
- **680 units** - Estimated Total Production over the next 8 years
- **Harbor Corridor Plan**

#### Mainplace Mall Transformation

- 8-Year Implementation Period (2019 through 2027)
- **1,900 units** – Total Planned Production over the next 8 years
- **Mainplace Specific Plan**

### **Non-Specific Plan Area Projects:**

The City of Santa Ana lists on its website 28 Major Planning Projects not located in the Specific Plan Areas listed above and totaling **7,594 housing units** (See **Exhibit 1: Non-Specific Plan Projects**). While these projects are in various stages of development, the fact remains that Santa Ana is a pro-housing jurisdiction focused on producing a significant number of housing units over the next eight years.

Combined, the Specific Plan and Non-Specific Plan projects total 10,174 units of housing, which should be the basis for determining Santa Ana’s 6<sup>th</sup> Cycle RHNA Allocation and represents a more equitable approach to allocating units throughout Orange County.

**General Plan Update:**

In June 2020, the City of Santa Ana produced a document entitled, “Santa Ana General Plan Buildout Methodology” (attached hereto as **Exhibit 2**), which is a component of their General Plan Update Environmental Impact Review. This document (Table 1 on Page B-b-9, shown below) identifies a potential growth of 36,261 housing units between 2020 and 2045; an average of 1,450 units per year, or a total of **11,604 new housing units over the 8-year RHNA Cycle**. Additionally, this document (Table 7 beginning on Page B-b-13) contains a list of projects totaling **8,748 new housing units in the “pipeline” as of January 2020**.

**Table 1 Existing Conditions, Potential Growth, and Buildout Conditions in Santa Ana, 2020 to 2045**

PLANNING AREA	EXISTING <sup>1</sup>			GROWTH <sup>2</sup>		
	Housing Units	Bldg. Sq. Ft. <sup>3</sup>	Jobs	Housing Units	Bldg. Sq. Ft. <sup>3</sup>	Jobs
<b>FOCUS AREAS</b>	6,380	13,421,155	28,428	17,575	2,263,130	6,616
55 Freeway/Dyer Road	1,221	5,666,453	8,898	8,731	475,830	4,404
Grand Avenue/17 <sup>th</sup> Street	561	1,400,741	3,568	1,722	-696,847	-1,946
South Bristol Street	220	1,577,511	3,337	5,272	3,505,130	7,855
South Main Street	1,720	1,685,978	3,455	588	-739,316	-1,304
West Santa Ana Boulevard	2,658	3,090,472	9,170	1,262	-281,667	-2,393
<b>SPECIFIC PLAN / SPECIAL ZONING</b>	4,685	13,924,891	38,548	15,839	3,033,554	1,154
Adaptive Reuse Overlay Zone <sup>4</sup>	260	976,935	3,043	1,000	0	-476
Bristol Street Corridor Specific Plan	136	140,348	294	-1	2,791	-12
Harbor Corridor Specific Plan	1,324	1,767,937	3,286	3,298	200,045	-1,708
Main Place Specific Plan	0	1,108,080	2,216	1,900	1,318,843	3,164
Metro East Overlay Zone	844	2,516,056	7,524	4,707	2,169,891	4,734
Midtown Specific Plan	607	1,885,065	4,824	0	-66,812	-209
Transit Zoning Code	1,514	5,530,470	17,361	4,935	-591,204	-4,339
<b>ALL OTHER AREAS OF THE CITY<sup>5</sup></b>	67,727	39,772,550	92,004	2,847	552,536	3,666
<b>CITYWIDE TOTAL</b>	78,792	67,118,596	153,980	36,261	5,849,220	11,436

The reduction of a jurisdiction’s RHNA Allocation below their projected level of development is inequitable in that it causes the reduced units (via Residual Units) to be redistributed throughout the County, *thus being double-counted*. The City believes every jurisdiction’s RHNA Allocation, regardless of their status, should take into consideration both historic and projected housing development. Therefore, the City respectfully requests the City of Santa Ana’s RHNA allocation be increased by 7,087 units, for a total 6<sup>th</sup> Cycle allocation of 10,174 units (See **Exhibit 3**: Proposed RHNA Allocation Table). *The adjustment of Santa Ana’s RHNA allocation would revise Garden Grove’s RHNA allocation of 19,122 units to 18,186 units, resulting in a reduction of 936 units.*

2. **Application of the Final Methodology Directly Conflicts with SCAG's Regional Transportation Plan**

Government Code Section 65584.05(b)(2) allows a jurisdiction to appeal another jurisdiction's RHNA allocation based on a failure by SCAG to determine the share of the jurisdiction's regional housing need in accordance with the information described in and the methodology established pursuant to Government Code Section 65584.04, in a manner that furthers, and does not undermine, state housing objectives. SCAG's adoption of a methodology that allocates units in direct conflict with the development patterns described in the approved regional transportation plan (Connect SoCal) violates state law, and results in allocation of regional housing need in a manner that is highly inequitable.

Pursuant to Government Code Section 68554.04:

(m)(1) It is the intent of the Legislature that housing planning be ***coordinated and integrated with the regional transportation plan***. To achieve this goal, the allocation plan shall allocate housing units within the region ***consistent with the development pattern included in the sustainable communities strategy***.

On September 3, 2020, the SCAG Regional Council adopted the regional transportation plan known as Connect SoCal (Plan). The overarching intent of the Plan is to reduce greenhouse gas emissions by building housing near jobs and transit.

Per the data used by SCAG to determine housing allocations, the City of Santa Ana has greater access to jobs and transit than 98% of fellow SCAG jurisdictions. As such, Santa Ana's Existing Need allocation (prior to applying the DAC exemption) is 24,141 units, which is the second highest Existing Need allocation among all Orange County jurisdictions (the highest is the City of Anaheim which also received an exemption).

Due to the exemption granted by SCAG, the City of Santa Ana is scheduled to receive an exemption that reduces their 6<sup>th</sup> Cycle allocation from 26,256 units to 3,087 units, a decrease of over 88%. The difference of Residual Units are then reallocated to non-exempt jurisdictions within the same county.

SCAG's adoption of a methodology that allocates housing near jobs and transit, but then reduces and redistributes said units to various jurisdictions within the same County directly conflicts with the Plan and, therefore, violates Government Code Section 65584.04(m)(1).

The City requests a more equitable approach to implement a "sliding-scale application" to reduce the housing burden for those jurisdictions with high proportions of their population living in DACs. Such an approach would continue to provide relief to DACs, but in a manner that is proportionate to each jurisdiction's disadvantaged population. In the "sliding-scale application" proposed by Garden Grove, a jurisdiction identified as having 60% of its population in DACs would receive a 10% reduction of their Total Need allocation, a jurisdiction with 70% in DACs would receive a 20%

reduction, and so on (i.e. a one percent reduction in Total Need allocation for each percent, over 50%, of the jurisdiction's population that lives in a DAC). See **Exhibit 4** which illustrates implementation of the "sliding-scale application" for all jurisdictions within Orange County.

In addition to being more equitable, a sliding-scale application would bring SCAG's RHNA allocation more in line with the intent of its adopted regional transportation plan as required by Government Code Section 65584.04(m)(1) by accommodating for housing in areas with the greatest access to jobs and housing. *Implementation of the "sliding-scale application" would adjust Garden Grove's RHNA allocation of 19,122 units to 16,309 units, resulting in a reduction of 2,813 units.*

### **Conclusion**

The City of Garden Grove respectfully requests that SCAG increase the City of Santa Ana's 6<sup>th</sup> Cycle RHNA allocation by 7,087 units to a total of 10,174 units. This increase furthers state housing objectives and is consistent with Connect SoCal in that it would bring housing to locations with the greatest access to jobs and transportation. Importantly, such an increase would not place an additional burden on the City of Santa Ana, since it has already planned for and approved over 10,000 residential units which will be constructed during the 6<sup>th</sup> Cycle. In addition, the City further request that SCAG revise the draft RHNA allocation through utilization of the sliding-scale DAC exemption formula as explained herein and seen in **Exhibit 4**. Applying the more equitable sliding-scale exemption would decrease the City of Garden Grove's RHNA Allocation from 19,122 to 16,309, a reduction of 2,813 units. Doing so would further the state housing objectives identified by Government Code Section 65584(d) by "increasing the housing supply and the mix of housing types, tenure, and affordability in all cities and counties within the region *in an equitable manner.*"

Sincerely,



Steven R. Jones  
Mayor

**Exhibit 1**  
**Non-Specific Plan Projects**

<b>Project Location</b>	<b>Planned Approved or Entitled Units</b>	<b>Links</b>
2700 N. Main St.	243	<a href="#">2700 N. Main St.</a>
201 W. 3 <sup>rd</sup> St.	171	<a href="#">201 W. 3rd St.</a>
409-509 E. 4 <sup>th</sup> St.	169	<a href="#">409-509 E. 4th St.</a>
1122 N. Bewley St.	10	<a href="#">1122 N. Bewley St.</a>
2300 Red Hill Ave.	1100	<a href="#">2300 Red Hill Ave.</a>
1801 E. 4 <sup>th</sup> St.	650	<a href="#">1801 E. 4th St.</a>
1126 E. Washington Ave.	86	<a href="#">1126 E. Washington Ave.</a>
114 E. 5 <sup>th</sup> St.	220	<a href="#">114 E. 5th St.</a>
801, 807, 809, 809 ½ E. Santa Ana Blvd.	17	<a href="#">801, 807, 809, 809 ½ E. Santa Ana Blvd.</a>
3025 W. Edinger Ave.	18	<a href="#">3025 W. Edinger Ave.</a>
609 N. Spurgeon St.	93	<a href="#">609 N. Spurgeon St.</a>
651 W. Sunflower Ave.	226	<a href="#">651 W. Sunflower Ave.</a>
200 E. First American Way	278	<a href="#">200 E. First American Way</a>
200 N. Cabrillo Park Dr.	260	<a href="#">200 N. Cabrillo Park Dr.</a>
2525 N. Main St.	256	<a href="#">2525 N. Main St.</a>
301 N. Mountain View St.	8	<a href="#">301 N. Mountain View St.</a>
1109 N. Broadway	327	<a href="#">1109 N. Broadway</a>
1008 E. 4 <sup>th</sup> St.	117	<a href="#">1008 E. 4th St.</a>
1660 E. First St.	603	<a href="#">1660 E. First St.</a>
2534 W. Westminster	85	<a href="#">2534 W. Westminster</a>
3417 W. 5 <sup>th</sup> St.	7	<a href="#">3417 W. 5th St.</a>



888 N. Main St.	148	<a href="#">888 N. Main St.</a>
2222 E. 1 <sup>st</sup> St.	419	<a href="#">2222 E. 1st St.</a>
2114 E. 1 <sup>st</sup> St.	552	<a href="#">2114 E. 1st St.</a>
2001 E. Dyer Rd.	1221	<a href="#">2001 E. Dyer Rd.</a>
3630 Westminster Ave.	228	<a href="#">3630 Westminster Ave.</a>
1666 N. Main St.	58	<a href="#">1666 N. Main St.</a>
1584 E. Santa Clara	24	<a href="#">1584 E. Santa Clara</a>

**Total Units                    7594**

**Exhibit 2**  
**Santa Ana General Plan Buildout Methodology**

# Santa Ana General Plan Buildout Methodology

June 2020

## Purpose, Design, and Limitations

The following summarizes the methodology and factors used to calculate existing and buildout conditions for purposes of the General Plan and its analysis through an environmental impact report. All figures are estimates generated using the best available data for analysis at a citywide level, with additional detail provided by specific planning/focus areas and traffic analysis zones.

Whenever possible, the figures generated were derived from authoritative data sources, such as the U.S. Census or California Department of Finance. Such sources are subject to their own error rates and may summarize data at different geographic levels or in different categories. When more precise data was not available, figures generated for existing and projected figures were compared to aggregated or citywide totals from authoritative sources, understanding that such comparisons are primarily for the purpose of determining order-of-magnitude accuracy.

It is important to note that the buildout figures represent an informed but estimated projection of a future condition. The actual construction of development will likely vary by parcel and planning area in terms of location and mix of uses. The analysis in the General Plan Environmental Impact Report provides a programmatic assessment of potential impacts, enabling tiering for future projects that are consistent with the assumptions on some CEQA topics (other project-level impacts will still need to be evaluated through the appropriate environmental clearance under CEQA).

## Existing Conditions

### Housing Units and Building Square Footage

Existing conditions figures (see Table 1) reflects the built environment as of January 2020, using parcel data from the City of Santa Ana Planning Information Network, augmented by projects listed as already under construction in the City's January 2020 monthly development project report (see Table 5).

### Households and Population

The number of households was generated by multiplying the total number of housing units by the occupancy rate as reported by the California Department of Finance for 2019 (see source notes in Table 4). Population was generated by multiplying the total number of households by persons per household rates, varying for single family and multi-family units, as reported in the 2018 American Community Survey 1-year estimates (see Table 4).

### Students

The number of K-12 and college students currently attending schools in Santa Ana was obtained from the California Department of Education and Rancho Santiago Community College District, respectively (see Table 5).

## Employment

The number of jobs (employment) in Santa Ana was generated by dividing building square footage (by land use) by employment generation factors (see Table 3). The building use and square footage data was obtained from the City of Santa Ana Planning Information Network, augmented by projects listed as already under construction in the City's January 2020 monthly development project report. The employment generation factors were derived by first dividing the building square footage by factors provided by the City and sourced to the Santa Ana OCP 2002/2006 Interagency Team. The results were compared to total employment figures reported citywide and by industry sector (with rough equivalents identified for each land use category), by the U.S. Census Bureau for 2017. The employment generation factors were adjusted as necessary to bring calculated figures for existing employment generally in line with figures reported by the U.S. Census in 2017.

## Employed Persons

The number of employed persons is calculated exclusively as an input into the Orange County Traffic Analysis Model (OCTAM) to conduct the traffic analysis of the General Plan as part of the environmental impact report. The total estimated number of employed residents varies between different U.S. Census datasets. The Longitudinal Employer-Household Dynamics Origin-Destination Employment Statistics (LEHD) reports data based on W-2 and W-4 forms related to wages and worker's compensation, while the American Community Survey relies on statistical surveys of self-reported data. The LEHD figures are generally considered more appropriate for traffic analysis purposes since the job information is more consistent and more likely to involve vehicular travel outside of the home.

The number of employed persons in Santa Ana was generated by multiplying the total population in households by the percentage of population age 16 and over by the employment-to-population ratio, as reported by the U.S. Census Bureau in 2018 (see Table 4). These calculations, drawn from the ACS, are then reduced proportionally to bring figures in line with the total reported by LEHD.

## Buildout Conditions

### Proposed Plan

In coordination with a General Plan Advisory Group, the City identified five areas suited for new growth and development: South Main Street, Grand Avenue/17th Street, West Santa Ana Boulevard, 55 Freeway/Dyer Road, and South Bristol Street. These five areas are located along major travel corridors, the future OC Streetcar line, and/or linked to the Downtown. In general, many areas currently designated for General Commercial and Professional Office are expanding opportunities for residential development through a proposed change to the Urban Neighborhood or District Center General Plan land use designations. Industrial Flex would be introduced where Industrial land use designations currently exist within each of the five focus areas in order to allow for cleaner industrial and commercial uses with live-work opportunities.

There are seven other planning areas that represent specific plans and other special zoning areas that were previously adopted: Adaptive Reuse Overlay (2014), Bristol Street Corridor Specific Plan (1991/2018), Harbor Mixed Use Corridor Specific Plan (2014), MainPlace Specific Plan (2019), Metro East Mixed Use Overlay Zone (2007/2018), Midtown Specific Plan (1996), and Transit Zoning Code Specific Development (2010). The potential for new development in these areas is based on the forecasted buildout at the time of the respective zoning

document's adoption, minus the amount of new development built between their adoption date and 2019. The most recent adoption/amendment date for each zoning document is noted above in parentheses.

Growth outside of the focus areas and special planning areas is expected to be incremental and limited. Some growth was projected for the professional office surrounding the Orange County Global Medical Center and along Broadway north of the Midtown Specific Plan. Some growth was also projected for the commercial and retail area south of the West Santa Ana Boulevard focus area. Finally, some additional residential development is expected to occur on a small portion (five percent) of single-family and multi-family lots through the construction of second units.

### Focus Areas

Parcels within focus areas were first evaluated for the potential for new uses (units or building square footage), through redevelopment, intensification, and/or turnover. The analysis was conducted by MIG in 2019, in support of the City of Santa Ana, using the City of Santa Ana Planning Information Network as of April 2019. MIG determined the potential based on the building-to-land-value ratio. Those parcels that were vacant or exhibited a building-to-land-value ratio below 1.0 were determined to have potential for new uses. Exceptions include religious and governmental institutions.

For parcels without the potential for new uses, existing building square footage (non-residential) and/or existing units (residential) were carried over into future buildout. For parcels with potential for new uses, buildout factors can be found in Table 2. These factors were established by the City, assisted by MIG, based on a comparison of development throughout southern California that matched the vision established for each focus area. MIG identified the density and intensity factors corresponding with such development to inform the City's focus area buildout factors.

After calculating future buildout conditions using the density/intensity factors, PlaceWorks assisted the City in evaluating the potential implications of the potential buildout figures for each focus area, informed by analyses by IBI Group (circulation) and AECOM (market) conducted in 2019 and 2020. PlaceWorks concluded that the City should not assume a maximum theoretical buildout based on maximum density/intensity standards but should forecast and plan for growth beyond current market demand. PlaceWorks recommended that the City apply a buildout factor of 80% to the totals generated using the factors in Table 2 to arrive at buildout projections for 2045 that are realistic, market-friendly, consistent with the visions for each focus area, and more compatible with the proposed roadway network. The following information substantiates the General Plan buildout development assumptions and adjustments.

### *Realistic vs Maximum Theoretical Buildout*

Density and intensity standards are provided in a general plan to convey the maximum scale and intensity for broad land use categories. Zoning standards are then applied at a parcel level to guide and control density and intensity at a development project level. When calculating buildout, a jurisdiction is permitted to assume that every single parcel will develop at the maximum permitted density/intensity. However, this assumption of absolute buildout runs the risk of overestimating the amount of building space and residential units within the identified planning horizon (in this case the year 2045). Overestimating buildout can lead to unnecessary and misleading concerns, mitigation measures, and planning efforts, as well as a misallocation of current and future

public funds. Accordingly, the City of Santa Ana General Plan calculated a realistic or more likely buildout scenario for projecting growth between 2020 and 2045.

### *Past Development Trends*

While 25 years is a long period of time, the City of Santa Ana is a highly urbanized place containing relatively few vacant lots. The process of intensifying and/or redeveloping parcels of land that already contain functional uses and structures is often substantially more complicated and costly compared to developing vacant land. A review of the City's property records indicates that the pace of new development, intensification, and redevelopment has occurred over a much longer period of time to reach where the City is today. The average floor area ratios (amount of building space compared to the total area of the parcel) throughout the focus areas are 0.22 to 0.41 for commercial, 0.28 to 0.43 for industrial, 0.26 to 1.29 for office, and 0.40 for mixed use. Average densities are 4.5 to 6.5 dwelling units per acre (du/ac) for single family units and 13.5 to 24.8 units per acre for multi-family units.

### *Current Development Trends*

Of course, past development trends do not necessarily match the likely and/or desired scale, intensity, or pace of new development envisioned by the updated General Plan. Current development trends can be identified through recent development projects and applications. The following list contains projects that were under construction, entitled, or in review as of January 2020. The projects are listed by planning area, with the proposed project intensity details shown alongside the maximum intensity standards of the desired general plan or zoning designation. This list demonstrates that some current projects are building to their maximum potential, but the majority are building at roughly 60% to 75% of the maximum potential (either in terms of residential density and/or building space).

- Metro East Mixed Use Overlay
  - Active Urban District, no maximum on stories
    - AMG Family Affordable Apartments, 6 stories, 80 du/ac, 10,000 sq. ft. of commercial
    - Central Pointe Mixed-Use Development, 5 stories, 75 du/ac, 8,800 sq. ft. of commercial
    - The Madison, 6 stories, 93 du/ac, 6,600 sq. ft. of commercial
    - Wermers Elks Site "Elan" Mixed-Use Development, 6 stories, 97 du/ac, 20,000 sq. ft. of commercial
  - Neighborhood Transitional District, allows up to 4 stories
    - AMCAL First Street Apartments, 3 stories, 32 du/ac
- 55/Dyer Focus Area
  - District Center, up to 90 du/ac, up to 1.7 FAR (Heritage) and up to 5.0 FAR (Bowery)
    - The Bowery Mixed-Use Project, 79 du/ac, 80,000 sq. ft. of commercial
    - The Heritage, 65 du/ac, 18,400 sq. ft. of commercial, and 56,000 sq. ft. of office
- MainPlace Specific Plan
  - District Center, up to 90 du/ac, up to 2.1 FAR
    - 2700 N Main, 71 du/ac
    - Magnolia at the Park, 58 du/ac
- Adaptive Reuse Overlay
  - Adaptive reuse standards/incentives, minimum 500-sq. ft. units, can exceed general plan density
    - Meta Housing Santa Ana Arts Collective Adaptive Re-Use, 61 du/ac

- Transit Zoning Code
  - Transit Village Zone, up to 25 stories
    - Crossroads at Washington, 4 stories, 38 du/ac, 10,060 sq. ft. of commercial
  - Downtown Zone, up to 10 stories
    - 3<sup>rd</sup> & Broadway, 10 stories of residential, 14,816 sq. ft. of commercial, 75-room hotel
    - 4th and Mortimer Mixed-Use Development, 6 stories of residential, 49 du/ac, 15,800 sq. ft. of commercial
    - First American Title Co. Site, 7 stories of residential, 12,350 sq. ft. of commercial
  - Urban Neighborhood 2, up to 5 stories
    - Tom's Trucks Residential & Adaptive Reuse Development, 3 stories, 14 du/ac

### *Market Analysis*

AECOM conducted a market analysis for the General Plan update in 2019 and 2020 (final Santa Ana Economic Indicators Report, May 2020). The report concluded that the demand for new residential development could reach upwards of 15,520 units through 2040 (including pipeline projects, per Figure 7.2 in the Economic Indicators Report Report), although the report also noted that housing demand could increase if the housing pipeline remains strong if it can increase its capture rate of countywide growth. AECOM determined that future demand for office and industrial space would continue to be in line with historical rates, and demand for retail would continue to be tied to household growth and spending. While such findings may seem to justify relatively low levels of growth (especially compared to maximum buildout standards), jurisdictions must plan increased capacity throughout planning areas to create responsive and flexible market areas. New development requires not only market demand but also property owners willing to sell and/or redevelop. This means that new development is often limited to a fraction of the land theoretically available and suitable for reuse and/or development.

### *Density Bonus Assumptions*

State law allows a graduated density bonus for the inclusion of affordable housing units --- for an increasing number of affordable units (by percentage), a project is allowed an increasing ability to exceed the permitted density. The amount of density bonus is generally capped at 35 percent. Recent updates to state housing law (Assembly Bill 1763, effect January 1, 2020), enables projects that are 100 percent affordable (either 100% lower income or 80% lower and 20% moderate (as defined in Section 50053 of the Health and Safety Code), to obtain a density bonus of 80 percent, or no limit if within one-half mile of a major transit stop.

However, not every project will include affordable units and not every project that includes affordable units will need a density bonus. Projects are not required to build at densities that exceed maximum limits; the law only requires that jurisdictions grant the density bonus if requested. The buildout methodology was based on past development trends, current development trends, and a forecasted market analysis. These trends accounted for any units approved (density bonus or otherwise), to determine the appropriate density and amount of development to assume.

Additionally, the optimal density of affordable units is at or below the densities levels assumed for forecasting buildout. Generally, projects beyond 50 to 70 units per acre require Type 1 construction (steel and concrete structure), which is dramatically more expensive compared to Type V construction (wood structure).

Accordingly, affordable projects are rarely greater than 70 units per acre (exceptions for very small parcels). The average densities used to calculate projected buildout at 2045 are 50 to 90 units per acre in the three most intense focus areas (55/Dyer, 17th/Grand, and South Bristol), with the other two applying a residential assumption at 30 units per acre over a broad area to account for development at or above the maximum density of 30 units per acre (maximum is 20 units per acre for projects proposed exclusively residential in the South Main Focus Area; maximum is 30 units per acre for a relatively small part of the West Santa Ana Boulevard Focus Area).

#### *Roadway Network Performance*

IBI Group conducted an analysis of existing roadway conditions in 2019 (documented in Section 5 of Santa Ana General Plan Update Traffic Impact Study, June 2020), including an analysis of existing and future roadway segment and intersections that are likely to experience roadway congestion issues created by future growth, even with feasible mitigation. While roadway congestion (level-of-service or LOS) is not a topic evaluated in the environmental impact report (removed through Senate Bill 743, passed in 2013), the performance of the City's roadway network remains a concern of the City and its residents, businesses, and other stakeholders. PlaceWorks and IBI Group recommended reduced (below absolute maximum) buildout assumptions for the focus areas given known or likely roadway (segment and/or intersection) performance issues alongside the City's desire to make adjustments to a number of roadway classifications.

#### *Adopted and Existing Plans*

##### *Adaptive Reuse (AR) Overlay Zone*

In consultation with the City, it was determined that 1,000 residential units could be developed over the planning period. A total of 800 units were distributed proportionally among parcels covered by AR Zone only (not in a specific plan or focus area). The remaining 200 units were distributed proportionally among parcels throughout the Midtown Specific Plan. For non-residential building square footage, it was assumed that no additional growth would occur during the planning period, and existing building square footage was carried over into future buildout.

##### *Bristol Street Corridor Specific Plan*

The City was determined that parcels with existing single/multi-family units would not redevelop during the planning period, and therefore existing units were carried forward into future buildout. For non-residential building square footage, due to the location and age of existing non-residential development, turnover was considered to potentially occur during the planning period.

##### *Harbor Street Corridor Specific Plan*

The Harbor Corridor Specific Plan was adopted in 2014 and included a comprehensive buildout analysis that spanned a similar planning period. Accordingly, the buildout conditions were carried over as detailed in the Specific Plan, adjusting for new development constructed or entitled since 2014.

##### *MainPlace Specific Plan*

The MainPlace Specific Plan was adopted in 2019 and included a comprehensive buildout analysis that spanned a similar planning period. Accordingly, the buildout conditions were carried over as detailed in the Specific Plan, adjusting for new development constructed or entitled since 2019.



### *Metro East Overlay Zone*

The Metro East Mixed Use Overlay Zone, adopted in 2007 and amended in 2018, included a cumulative buildout analysis that spanned a similar planning period. Accordingly, the buildout conditions were carried over as detailed in the Specific Plan, distributed proportionally throughout the plan area and adjusting for new development constructed or entitled since 2019.

### *Midtown Specific Plan*

The City determined that the Midtown Specific Plan (adopted in 1996) would experience little net growth during the planning period, so existing single/multi-family units and building square footage were largely carried forward into future buildout. To account for adaptive reuse projects, 200 multifamily units were distributed across eligible parcels.

### *Transit Zoning Code*

The Transit Zoning Code was adopted in 2010 and included a cumulative buildout analysis that spanned a similar planning period. The cumulative buildout conditions for residential and non-residential development were carried over as detailed in the Specific Plan, distributed proportionally throughout the plan area according to the block system established in working maps (previously identified under the Draft Renaissance Specific Plan).

### *All Other Areas of the City*

The City assumed a small increase (five percent) of residential units through the construction of second units, which are distributed throughout the City by traffic analysis zone and is not concentrated in a subset of neighborhoods. A 10 percent increase in non-residential building square footage (and associated employment), was assumed for the professional offices surrounding the Orange County Global Medical Center and along Broadway north of the Midtown Specific Plan, as well as the commercial and retail areas along 1st Street south of the West Santa Ana Boulevard focus area. Current development projects as listed in the City of Santa Ana monthly development project report (as of January 2020), were incorporated as follows: projects under construction and nearing occupancy were factored into the existing conditions figures; all other projects were included as potential future growth.

## **Current General Plan**

As part of the technical analyses, it is common to evaluate a buildout scenario that reflects the currently adopted General Plan. It is also important to keep the overall buildout approach generally consistent with that used in developing the Proposed Plan buildout, with obvious exceptions for areas that are planned differently—in this case, the focus areas. The buildout for focus areas was based on the land designations as of January 2020, using a combination of current assumptions stated in the 1998 Land Use Element (Table A-4, Land Use Plan Build-out Capacities), past and current trends, and the results of the 2020 Economic Indicators Report by AECOM.

## **Other Projections**

### **Orange County Projections (OCP)**

The Center for Demographic Research (CDR) is the entity through which jurisdictions in Orange County distribute and generate population, housing, and employment projections for Orange County. This includes the use of OCP figures to communicate expected growth for the regional transportation plan. The latest OCP figures were

finalized (September 2018) prior to the current land use planning and buildout efforts associated with the General Plan update. Interim adjustments can be made to the OCP figures if significant changes in land use or other policies will have a significant impact on the projections, and if these changes can be documented. The buildout for the Santa Ana General Plan will be finalized upon the adoption of the General Plan at the end of 2020, with implementation beginning in 2021. The General Plan land use plan and buildout projections will be incorporated into the OCP figures in 2021/2022.

### Southern California Association of Governments (SCAG)

As the metropolitan planning organization SCAG is responsible for developing long-range transportation plans and a sustainability strategy for the vast majority of Southern California. The centerpiece of that planning work is Connect SoCal, the 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS). This effort includes population, housing, and employment projections for each jurisdiction between 2020 and 2045.

SCAG is required by federal law to prepare and update (ever four years) a long-range RTP that identifies a feasible transportation system, adequate financial plan, and strategies to move people and goods efficiently. SCAG must also develop a SCS to integrate land use and transportation strategies that will achieve California Air Resources Board (CARB) greenhouse gas emissions reduction targets. In regard to housing, the SCS must demonstrate, on a regional level, areas sufficient to house all the population of the region, including the eight-year projection of the Regional Housing Needs Assessment (RHNA).

SCAG is also responsible for preparing the RHNA, a quantification of the housing need in each jurisdiction during specified planning periods. SCAG is in the process of developing the 6th cycle RHNA allocation plan which will cover the planning period October 2021 through October 2029. It is planned for adoption by SCAG in October 2020. Per Senate Bill 375 (2008), the RHNA must be consistent with the adopted SCS. The update process for the 2020 RTP/SCS began in 2018, and a draft of the proposed RTP/SCS was released in November 2019. SCAG's Regional Council approved the final RTP/SCS (aka Connect SoCal) on May 7, 2020, for the limited purpose of federal transportation conformity, so that SCAG could submit the plan to the Federal Highway Administration and Federal Transit Administration for review prior to the June 1, 2020, deadline, as required by the federal Clean Air Act. As of June 2020, the Regional Council anticipates the approval of Connect SoCal in its entirety sometime in late 2020 (possibly 120 days from May 7, 2020), following additional engagement with stakeholders to consider the impacts of the novel coronavirus (COVID-19) pandemic on the plan and its implementation.

The period to file RHNA appeals is expected to commence on the eighth day after the Regional Council adopts the Connect SoCal in its entirety. The appeals process will then follow the adopted RHNA Appeals Procedures with timelines updated to reflect the delay of the Connect SoCal Plan adoption.

Note that the adoption dates for the RTP/SCS and RHNA may be pushed due to circumstances related to the novel coronavirus (COVID-19) crisis. The buildout for the Santa Ana General Plan will be finalized upon the adoption of the General Plan at the end of 2020, with implementation beginning in 2021. The General Plan land use plan and buildout projections will be incorporated into the 2024 RTP/SCS, for which the update process should be in 2022.

**Table 1 Existing Conditions, Potential Growth, and Buildout Conditions in Santa Ana, 2020 to 2045**

PLANNING AREA	EXISTING <sup>1</sup>			GROWTH <sup>2</sup>			BUILDOUT		
	Housing Units	Bldg. Sq. Ft. <sup>3</sup>	Jobs	Housing Units	Bldg. Sq. Ft. <sup>3</sup>	Jobs	Housing Units	Bldg. Sq. Ft. <sup>3</sup>	Jobs
<b>FOCUS AREAS</b>	<b>6,380</b>	<b>13,421,155</b>	<b>28,428</b>	<b>17,575</b>	<b>2,263,130</b>	<b>6,616</b>	<b>23,955</b>	<b>15,684,285</b>	<b>35,044</b>
55 Freeway/Dyer Road	1,221	5,666,453	8,898	8,731	475,830	4,404	9,952	6,142,283	13,302
Grand Avenue/17 <sup>th</sup> Street	561	1,400,741	3,568	1,722	-696,847	-1,946	2,283	703,894	1,622
South Bristol Street	220	1,577,511	3,337	5,272	3,505,130	7,855	5,492	5,082,641	11,192
South Main Street	1,720	1,685,978	3,455	588	-739,316	-1,304	2,308	946,662	2,151
West Santa Ana Boulevard	2,658	3,090,472	9,170	1,262	-281,667	-2,393	3,920	2,808,805	6,777
<b>SPECIFIC PLAN / SPECIAL ZONING</b>	<b>4,685</b>	<b>13,924,891</b>	<b>38,548</b>	<b>15,839</b>	<b>3,033,554</b>	<b>1,154</b>	<b>20,524</b>	<b>16,958,445</b>	<b>39,702</b>
Adaptive Reuse Overlay Zone <sup>4</sup>	260	976,935	3,043	1,000	0	-476	1,260	976,935	2,567
Bristol Street Corridor Specific Plan	136	140,348	294	-1	2,791	-12	135	143,139	282
Harbor Corridor Specific Plan	1,324	1,767,937	3,286	3,298	200,045	-1,708	4,622	1,967,982	1,578
Main Place Specific Plan	0	1,108,080	2,216	1,900	1,318,843	3,164	1,900	2,426,923	5,380
Metro East Overlay Zone	844	2,516,056	7,524	4,707	2,169,891	4,734	5,551	4,685,947	12,258
Midtown Specific Plan	607	1,885,065	4,824	0	-66,812	-209	607	1,818,253	4,615
Transit Zoning Code	1,514	5,530,470	17,361	4,935	-591,204	-4,339	6,449	4,939,266	13,022
<b>ALL OTHER AREAS OF THE CITY <sup>5</sup></b>	<b>67,727</b>	<b>39,772,550</b>	<b>92,004</b>	<b>2,847</b>	<b>552,536</b>	<b>3,666</b>	<b>70,574</b>	<b>40,325,086</b>	<b>95,670</b>
<b>CITYWIDE TOTAL</b>	<b>78,792</b>	<b>67,118,596</b>	<b>158,980</b>	<b>36,261</b>	<b>5,849,220</b>	<b>11,436</b>	<b>115,053</b>	<b>72,967,816</b>	<b>170,416</b>

Notes:

- Existing represents conditions as of December 2019 as derived from the City of Santa Ana Planning Information Network and projects already under construction per the January 2020 monthly development project report.
- The potential growth for new development in specific plan / special zoning area is based on the forecasted buildout at the time of the respective zoning document's adoption, minus the amount of new development built between its adoption date and 2019.
- Only includes nonresidential building square footage.
- The figures shown on the row for the Adaptive Reuse Overlay represents parcels that are exclusively in the Adaptive Reuse Overlay boundary. Figures for parcels that are within the boundaries of both the Adaptive Reuse Overlay Zone and a specific plan, other special zoning, or focus area boundary are accounted for in the respective specific plan, other special zoning, or focus area.
- The City has included an assumption for growth on a small portion (five percent) of residential parcels through the construction of second units, which is distributed throughout the City and is not concentrated in a subset of neighborhoods. Additional growth includes known projects in the pipeline and an increase of 10 percent in building square footage and employment for the professional office surrounding the Orange County Global Medical Center and along Broadway north of the Midtown Specific Plan, as well as the commercial and retail along 1<sup>st</sup> Street south of the West Santa Ana Boulevard focus area.

Source: City of Santa Ana with assistance from PlaceWorks, 2020.

**Table 2: Focus Area Buildout Factors**

Focus Area Land Use	Density <sup>1</sup>	Intensity (FAR) <sup>1</sup>					Use Ratio (pct. of land) <sup>1</sup>						
	DU/ac	Comm.	Off.	Ind.	Ins.	Hotel	Res.	Comm.	Off.	Ind.	Ins.	Hotel	O.S.
<b>55 Freeway / Dyer Road</b>													
District Center	85	0.5	0.5	-	-	1.0	75%	15%	5%	-	-	-	5%
General Commercial	-	1.0	-	-	-	-	-	100%	-	-	-	-	-
Industrial / Flex	-	0.5	1.0	0.75	-	-	-	5%	30%	65%	-	-	-
Open Space	-	-	-	-	-	-	-	-	-	-	-	-	100%
<b>17<sup>th</sup> Street / Grand Avenue</b>													
District Center	50	0.5	0.5	-	-	-	75%	15%	5%	-	-	-	5%
General Commercial	-	0.28	-	-	-	-	-	100%	-	-	-	-	-
Industrial / Flex	-	0.5	0.75	0.6	-	-	-	5%	30%	65%	-	-	-
Open Space	-	-	-	-	-	-	-	-	-	-	-	-	100%
Urban Neighborhood	30	0.5	0.5	-	-	-	75%	15%	5%	-	-	-	5%
<b>South Bristol Street</b>													
District Center Area A <sup>2</sup>	80	1.0	2.0	-	-	3.0	35%	5%	50%	-	-	5%	5%
District Center Area B <sup>3</sup>	90	1.0	2.0	-	-	3.0	75%	7%	7%	-	-	3%	8%
Open Space	-	-	-	-	-	-	-	-	-	-	-	-	100%
Urban Neighborhood	30	0.5	0.5	-	-	-	65%	25%	5%	-	-	-	5%
<b>South Main Street</b>													
Industrial / Flex	-	0.75	0.5	0.3	-	-	-	15%	30%	55%	-	-	-
Institutional	-	-	-	-	0.36	-	-	-	-	-	100%	-	-
Low Density Residential	7	-	-	-	-	-	100%	-	-	-	-	-	-
Open Space	-	-	-	-	-	-	-	-	-	-	-	-	100%
Urban Neighborhood	30	0.5	0.5	-	-	-	70%	20%	5%	-	-	-	5%
<b>West Santa Ana Boulevard</b>													
Corridor Residential	30	-	-	-	-	-	100%	-	-	-	-	-	-
General Commercial	-	1.0	-	-	-	-	-	100%	-	-	-	-	-
Industrial / Flex	15	0.5	0.75	0.6	-	-	5%	15%	30%	50%	-	-	-
Institutional	-	-	-	-	1.09	-	-	-	-	-	100%	-	-
Low Density Residential	7	-	-	-	-	-	100%	-	-	-	-	-	-
Low-Medium Density Residential	13.7	-	-	-	-	-	100%	-	-	-	-	-	-
Medium Density Residential	24.8	-	-	-	-	-	100%	-	-	-	-	-	-
Open Space	-	-	-	-	-	-	-	-	-	-	-	-	100%
Professional and Administrative Office	-	-	2.0	-	-	-	-	-	100%	-	-	-	-
Urban Neighborhood	30	0.5	0.5	-	-	-	80%	10%	5%	-	-	-	5%

Notes:  
 1. Density, intensity, and use ratio figures determined by the City of Santa Ana in collaboration with MIG, 2019. The FAR figures address nonresidential building square footage only. The resulting buildout figures, with the exception of South Bristol Street District Center Area B, were then multiplied by a factor of 80% to arrive at projections for 2045.  
 2. Includes all District Center areas north of MacArthur Blvd and on the east side of Bristol south of MacArthur (~52 acres).  
 3. Includes all District Center areas south of MacArthur Blvd and west of Bristol (~58 acres).

Attachment: Garden Grove Appeal of Santa Ana's Draft RHNA Allocation and Supporting Documentation

**Table 3: Employment Factors**

<b>Employment Generation Factors</b>		
<b>Land Use</b>	<b>Existing Factor</b>	<b>Buildout Factor</b>
Commercial	500 sq. ft. / emp.	500 sq. ft. / emp.
Office / Office Park	286 sq. ft. / emp.	364 sq. ft. / emp.
Business Park / R&D	300 sq. ft. / emp.	333 sq. ft. / emp.
Light Industrial	400 sq. ft. / emp.	500 sq. ft. / emp.
Heavy Industrial	500 sq. ft. / emp.	500 sq. ft. / emp.
Warehouse	800 sq. ft. / emp.	800 sq. ft. / emp.
Medical	400 sq. ft. / emp.	222 sq. ft. / emp.
Government Office	286 sq. ft. / emp.	286 sq. ft. / emp.
Hospital	400 sq. ft. / emp.	364 sq. ft. / emp.
Religious Institution	800 sq. ft. / emp.	800 sq. ft. / emp.
Hotel / Motel	0.9 / room	0.9 / room
School	0.1 / student	0.1 / student
Park	0.75 / acre	0.75 / acre
<b>Employed Persons Factors</b>		
Population age 16+ (% of total)	76.8%	
Employment/working population ratio	63.7%	
LEHD / ACS employment	84.0%	
Source:		
<ul style="list-style-type: none"> <li>▪ Existing employment generation factors based on U.S. Census Bureau, Longitudinal Employer-Household Dynamics Origin-Destination Employment Statistics (LEHD), 2017, accessed and aggregated by PlaceWorks in March 2020.</li> <li>▪ Buildout employment generation factors based on OCTA Typical Employment Conversion Factors, June 2001 allowable ranges; adjusted by Santa Ana OCP 2002/2006 Interagency Team.</li> <li>▪ Population age 16+ derived by comparing total population in households and workforce population 16 and over, reported by the U.S. Census, American Community Survey (ACS) 2018 5-Year Estimates, Tables B25033 and S2301), accessed in March 2020.</li> <li>▪ Employed/ working population ratio as reported by the U.S. Census, ACS 2018 5-Year Estimates, Table S2301), accessed in March 2020.</li> <li>▪ LEHD / ACS employment compares the number of employed residents reported by LEHD to self-reported data in ACS 2017 5-Year Estimates, accessed in March 2020.</li> </ul>		

**Table 4: Persons per Household Assumptions**

<b>Units in Structure</b>	<b>2000</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2045</b>
Citywide	4.37	4.30	4.26	4.41	4.14	3.97	4.33	4.20	4.11	3.97	3.62
<b>Single family<sup>1</sup></b>	5.01	4.92	4.98	4.94	4.84	4.81	5.00	4.85	4.73	<b>4.59<sup>3</sup></b>	<b>4.30<sup>4</sup></b>
<b>Multi-family<sup>2</sup></b>	4.07	4.01	3.86	4.15	3.82	3.51	4.01	3.86	3.74	<b>3.58<sup>3</sup></b>	<b>3.12<sup>4</sup></b>
2 to 4	4.40	4.84	4.09	4.77	3.90	3.56	4.48	4.37	4.01	4.03	3.43
5 to 19	3.93	3.78	3.75	4.31	3.69	3.55	4.01	3.85	3.53	3.99	3.60
20 to 49	4.67	4.20	4.35	4.49	4.31	3.81	4.10	4.20	3.92	2.95	2.05
50 or more	3.71	3.58	3.67	3.55	3.71	3.19	3.43	3.18	3.74	2.77	2.41
Notes:											
<ol style="list-style-type: none"> <li>1. A category representing the aggregate figure for single family detached and single family attached units, as reported in the Census tables.</li> <li>2. A category representing the aggregate figure for multi-family units with two or more units in the structure, as reported in the Census tables.</li> <li>3. Factors used to generate population estimates for existing conditions.</li> <li>4. Factors used to generate population estimates for buildout conditions.</li> </ol>											
Source:											
<ul style="list-style-type: none"> <li>▪ 2000 (Decennial Census Tables HCT003 and H033), accessed and aggregated (weighted average) by PlaceWorks in March 2020.</li> <li>▪ 2010-218 (U.S. Census, American Community Survey 1-Year Estimates, Tables B25124 and B25033), accessed and aggregated (weighted average) by PlaceWorks in March 2020.</li> <li>▪ 2045 derived through trendline analysis of 2000-2018 data by PlaceWorks in March 2020.</li> <li>▪ Occupancy rate of 95.94% from the California Department of Finance, Table 2: E-5 City/County Population and Housing Estimates, 1/1/2019, downloaded in March 2020.</li> </ul>											

**Table 5: Student Enrollment for Public and Private Schools in Santa Ana, 2018/2019**

School	Enrollment	School	Enrollment
<b>Garden Grove Unified School District</b>		<b>Santa Ana Unified School District continued</b>	
Edward Russell Elementary	502	Manuel Esqueda Elementary	1,100
Heritage Elementary	452	Martin Elementary	645
Newhope Elementary	396	Martin Luther King Jr. Elementary	640
R. F. Hazard Elementary	468	Martin R. Heninger Elementary	1,151
Rosita Elementary	480	McFadden Intermediate	1,184
Stephen R. Fitz Intermediate	687	Middle College High	349
Bethel Baptist	225	Mitchell Child Development Center	419
Saint Barbara Elementary	325	Monroe Elementary	300
Santa Clara Nursery School	24	Monte Vista Elementary	516
<b>Orange County Department of Education</b>		Orange County School of the Arts	2,177
Samueli Academy	529	Pio Pico Elementary	563
Citrus Springs Charter	256	Raymond A. Villa Fund. Intermediate	1,390
College and Career Preparatory Academy	241	REACH Academy	34
Ednovate - Legacy College Prep.	189	Saddleback High	1574
Scholarship Prep	436	Santa Ana High	3,057
Vista Condor Global Academy	132	Santiago Elementary	1,152
Vista Heritage Global Academy	275	Segerstrom High	2,435
<b>Orange Unified School District</b>		Sierra Intermediate	757
Fairhaven Elementary	544	Taft Elementary	544
Panorama Elementary	404	Theodore Roosevelt Elementary	572
<b>Santa Ana Unified School District</b>		Thomas A. Edison Elementary	515
Edward B. Cole Academy	373	Valley High	2,150
Orange County Educational Arts Academy	622	Walker Elementary	401
Abraham Lincoln Elementary	790	Wallace R. Davis Elementary	538
Advanced Learning Academy	364	Washington Elementary	750
Andrew Jackson Elementary	745	Willard Intermediate	708
Carl Harvey Elementary	409	Wilson Elementary	578
Cesar E. Chavez High	385	<b>Tustin Unified School District</b>	
Century High	1,660	Arroyo Elementary	640
Community Day Intermediate and High	34	Foothill High	2,467
Diamond Elementary	509	Guin Foss Elementary	443
Douglas MacArthur Fundamental Intermediate	1,210	Hewes Middle	1,003
El Sol Santa Ana Science and Arts Academy	919	Loma Vista Elementary	454
Franklin Elementary	409	Red Hill Elementary	563
Fremont Elementary	536	Tustin Memorial Elementary	584
Garfield Elementary	723	<b>SBE - Magnolia Science Academy</b>	
George Washington Carver Elementary	386	Magnolia Science Academy Santa Ana	674
Gerald P. Carr Intermediate	1,405	<b>Private</b>	
Gonzalo Felicitas Mendez Fund. Intermediate	1,392	Ari Guiragos Minassian Armenian	109
Greenville Fundamental Elementary	1,043	Blind Children's Learning Center	60
Hector Godinez Fundamental High School	2,449	Calvary Chapel Private School	251
Heroes Elementary	565	Calvary Chapel High/Maranatha Christian Acad.	1,370
Hoover Elementary	357	Calvary Christian School	322
Jefferson Elementary	707	Fairmont Private School	300
Jim Thorpe Fundamental	927	Foothill Montessori School	76
John Adams Elementary	420	Mater Dei High School	2,200
John F. Kennedy Elementary	619	Nova Academy Early College High	430
John Muir Fundamental Elementary	876	Reedemer Christian School	19
Jose Sepulveda Elementary	372	Saint Anne School	220
Julia C. Lathrop Intermediate	948	Saint Joseph Elementary	220
Lorin Griset Academy	371	School of Our Lady	185
Lowell Elementary	709	The Prentice School	140
Lydia Romero-Cruz Elementary	196	<b>Rancho Santiago Community College District</b>	
Madison Elementary	1,009	Santa Ana College	36,411

Source: Santa Ana College student enrollment figure (2018 student headcount) from the Rancho Santiago Community College District, <https://www.rscdd.edu/Discover-RSCDD/Pages/default.aspx>, accessed in March 2020. All other student enrollment figures from the California Department of Education, California School Directory, 2018/2019 enrollment data, accessed in March 2020.

**Table 6: Student Generation Rates**

School District	Multi-Family Unit	Single Family Unit
Santa Ana Unified	0.4475	0.9099
Garden Grove Unified	0.3081	0.59877
Orange Unified	0.3735	0.4922
Tustin Unified	0.3072	0.6063

Sources:

- SAUSD, 2020 Residential Development School Fee Justification Study.
- GGUSD, 2020 Response to Service Questionnaire for Draft EIR. Multi-family rate reflects an average of rates for single family attached and multi-family units.
- OUSD, 2018 Fee Justification Report.
- TUSD, 2018 Fee Justification Report.

**Table 7: Pipeline Projects as of January 2020**

APN	Project Name	Address	Land Use	Res Units	Nonres Sq. Ft.	Status
198-081-28	The Line	3630 W Westminster Avenue	Residential Apartments and Commercial	228	4,248	Under Construction
002-312-35	Saint Thomas 3-Lot Subdivision	2828 N Flower Street	Single-Family Residential	3		Site Plan Review
002-210-40	2700 Main Street Apartments	2700 N Main Street	Residential Apartments	247		Site Plan Review
002-210-42	MainPlace Mall Revitalization Plan	2800 N Main Street	Residential	1900		DA Entitled
002-210-42	MainPlace Mall Revitalization Plan	2800 N Main Street	Hotel (400 rooms)		n/a	DA Entitled
002-210-42	MainPlace Mall Revitalization Plan	2800 N Main Street	Office		750,000	DA Entitled
002-210-42	MainPlace Mall Revitalization Plan	2800 N Main Street	Commercial		270,000	DA Entitled
041-213-04	Town and Country Manor (revise entitlement)	555 E Memory Lane	Senior Care Facility		46,218	Plan Check
390-171-03	Starbucks	2701 N Grand Avenue	Restaurant with Drive-thru		907	Under Construction
003-010-27	Magnolia at the Park	2525 N Main Street	Residential Apartments	347		Site Plan Review
003-010-27	Magnolia at the Park	2525 N Main Street	Demo Office Building for Apartments	0	-81,172	Site Plan Review
396-141-01	Starbucks Drive-thru & Retail Pad	2301 N Tustin Avenue	Restaurant with Drive-thru		3,567	Under Construction
003-113-41	Hampton Inn Hotel	2056 N Bush Street	Relocate SFD to 2125 North Main, change to commercial	-1	922	Plan Check
003-113-59	Hampton Inn Hotel	2115 N Main Street	SFD/Office Change to Commercial	-1	2,627	Plan Check
003-113-61	Hampton Inn Hotel	2058 N Bush Street	Demo SFD	-1		Plan Check
003-113-63	Hampton Inn Hotel	2119 N Main Street	Demo Office Building		-1,619	Plan Check
003-113-81	Hampton Inn Hotel	2129 N Main Street	Hampton Inn Hotel		73,322	Plan Check
399-031-23	The Academy Charter High School	1901 N Fairview Street	"Family" apartments	8		Under Construction
399-031-23	The Academy Charter High School	1901 N Fairview Street	Educational (High School)		146,136	Under Construction
399-031-24	Samuelli Academy Master Plan Revisions	1919 N Fairview Street	Master plan to modify schools classrooms		-6,530	Entitled
396-211-48	North Grand Car Wash	1821 N Grand Ave	Car Wash		5,243	Site Plan Review
396-211-48	North Grand Car Wash	1821 N Grand Ave	Demo Restaurant		-6,592	Site Plan Review

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**Table 7: Pipeline Projects as of January 2020**

APN	Project Name	Address	Land Use	Res Units	Nonres Sq. Ft.	Status
396-031-16	Rocket Express Car Wash	1703 E Seventeenth Street	Car Wash		4,292	Entitled
396-031-16	Rocket Express Car Wash	1703 E Seventeenth Street	Demo Existing Commercial		-20,146	Entitled
396-052-43	Sexlinger Homes	1584 E Santa Clara Avenue	Single Family Residence	23		Under Construction
396-341-06	Tustin Service Station and Car Wash	2230 N Tustin Avenue	Commercial		3,600	Site Plan Review
405-262-20	In-N-Out Burger Bristol Rebuild & Expansion	815 N Bristol	Restaurant Rebuild & Expansion		1,776	Entitled
405-272-19	North Bristol Medical Project	1415 N Bristol	Medical Office Buildings		5,120	Plan Check
005-153-19	Arts Collective Meta Housing Adaptive Reuse	1666 N Main Street	Convert Office to Residential Apartments	58		Under Construction
398-522-18	Broadway Live/Work Units	1412 N Broadway	Live/work units	3		Site Plan Review
398-533-07	Craftsman Residential Duplex	1002 N Van Ness Avenue	Residential Apartments	2		Site Plan Review
398-541-13	The Orleans Adaptive Reuse Apartments	1212 N	Convert Existing Office to Residential Apartments	24		Under Construction
398-552-12	YCU Conversion of SFD to Office Use	1008 N Broadway	Convert Historic Structure SFD to Office	-1	2,800	Under Construction
398-561-18	One Broadway Plaza	1109 N Broadway	Office Tower		518,000	Entitled
398-561-18	One Broadway Plaza	1109 N Broadway	Restaurant		16,000	Entitled
003-153-48	Bridging the Aqua	317 E Seventeenth Street	Residential Apartments	57		Under Construction
100-161-46	Nguyen Medical Plaza	5030 Westminster Avenue	Commercial		5,800	Site Plan Review
004-020-12	Lam Residential	1514 N English Street	Single Family Residence	6		Site Plan Review
007-313-16	Tiny Tim Plaza Mixed Use	2223 W Fifth Street	Mixed Use Residential Apartments/Commercial	54	51,300	Under Construction
939-450-61	Vista Heritage School Expansion	2609 W Fifth Street	School Expansion (6-8th to K-8th/Enroll 470 to 870)		n/a	Site Plan Review
398-191-02	Certified Transportation	628 E Washington Avenue	Bus Terminal Maintenance Bldg		7,165	Plan Check
400-231-02	Target Shopping Center Commercial Pads	1330 E Seventeenth Street	Commercial		9,112	Under Construction
400-242-02	Ednovate Charter High School	1450 E Seventeenth Street	Convert 24,428 Office to School w/4,940 SF addition		4,940	Under Construction
400-062-01	Park Court Office Building A	1801 E Parkcourt Place	Office building		3,968	Site Plan Review
400-121-09	Raising Cane's Restaurant	2250 E Seventeenth Street	Demo Existing Restaurant		-10,000	Under Construction
400-121-09	Raising Cane's Restaurant	2250 E Seventeenth Street	Restaurant		3,935	Under Construction
400-164-10	Calvary Church Master Plan	1010 N Tustin Avenue	Master plan to modify center, classrooms, and office		50,000	Site Plan Review
198-101-07	Bewley Street Townhomes	1122 N Bewley Street	Residential Townhomes	11		Site Plan Review
198-102-20	John Le 5-Unit Development	1113 N Bewley Street	Residential Apartments	5		Site Plan Review
198-182-23	First & Harbor Commercial Development	121 N Harbor Boulevard	Commercial		36,606	Entitled
198-182-23	First & Harbor Commercial Development	121 N Harbor Boulevard	Demo Commercial		-6,400	Entitled
198-182-36	Fifth and Harbor Mixed Use Apartments	421 N Harbor Boulevard	Mixed Use Residential Apartments/Commercial	94	9,900	Entitled
198-281-05	Hue-Vo Two Unit Development	3402 W Seventh Street	Single-Family Residential	3		Site Plan Review
198-281-25	West Fifth Villas	3417 W Fifth Street	Residential Condos	8		Entitled
005-185-30	Eight Eight 8 - Adaptive Reuse	888 N Main Street	Convert Office to Mixed-Use/Residential Apartments	121	3,700	Plan Check
005-185-30	Eight Eight 8 - Adaptive Reuse	888 N Main Street	Convert Office to Mixed-Use/Residential Livework Apt	25		Plan Check

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**Table 7: Pipeline Projects as of January 2020**

APN	Project Name	Address	Land Use	Res Units	Nonres Sq. Ft.	Status
398-236-03	Legacy Square Mixed-Use Development	609 N Spurgeon Street	Demolition of Institutional Building	0	-8,030	Entitled
398-236-03	Legacy Square Mixed-Use Development	609 N Spurgeon Street	Demolition of Church	0	-22,330	Entitled
398-236-03	Legacy Square Mixed-Use Development	609 N Spurgeon Street	Mixed Use Residential Apartments/Commercial	93	7,267	Entitled
099-221-28	CN Square Office Building	402 N Euclid Street	Office Building		4,025	Site Plan Review
100-231-01	Euclid-Hazard 7-Eleven Service Station	813 N Euclid Street	Gas Station/Convenience Store		3,045	Site Plan Review
100-301-03	Euclid Commercial Plaza	111 N Euclid Street	Commercial		2,680	Plan Check
100-281-05	Bui 8-Unit Development	301 N Mountain View	Residential Apartments	8		Site Plan Review
398-214-01	Walnut Pump Station	723 W Walnut Street	Water Pump		3,800	Plan Check
398-325-01	4th and Mortimer (Block A)	409 E Fourth Street	Mixed Use Residential Apartments/Commercial	93	99,985	Site Plan Review
398-325-01	4th and Mortimer (Block A)	409 E Fourth Street	Demolition of Commercial Building		-22,330	Site Plan Review
398-327-09	201 E. 4th Street	401 N Bush Street	Residential Apartments	24		Under Construction
398-328-01	First American Site Mixed-Use Redevelopment	114 E Fifth Street	Mixed Use Residential Apartments/Commercial	218	8,900	Site Plan Review
398-330-08	4th and Mortimer (Block B)	509 E Fourth Street	Mixed Use Residential Apartments/Commercial	40	5,827	Site Plan Review
398-471-03	Tom's Trucks Residential Development	1008 E Fourth Street	Single Family Residence	117		Entitled
400-071-03	Madison Project	200 N Cabrillo Park Drive	Mixed Use Residential Apartments/Commercial	260	6,500	Entitled
402-181-11	AMG East First Senior Apartments	2222 E First Street	Residential Apartments	418	10,000	Under Construction
402-191-01	AMG East First Apartments/1st Point One	2114 E First Street	Mixed Use Residential Apartments/Commercial	552	10,000	Entitled
108-131-49	610 Newhope Condos	610 S Newhope Street	Residential Condos	9		Plan Check
188-021-08	4404 W. First Street	4404 W First Street	Commercial		3,662	Site Plan Review
144-341-04	Hoa Buddhist Center Addition	3222 W First Street	Church/Temple Expansion		9,256	Site Plan Review
144-551-51	Veteran's Village (Jamboree)	3314 W First Street	Residential Apartments	76		Under Construction
007-332-07	7-Eleven Store and Gas Station	1904 W First Street	Gas Station/Convenience Store		2,480	Site Plan Review
405-214-04	King Street Five Home Subdivision	1102 N King Street	Single Family Residence	5		Plan Check
011-154-43	AMCAL First Street Family Apartments	1440 E First Street	Residential Apartments	69		Under Construction
402-222-01	Wermers Properties Mixed-Use Development	1660 E First Street	Mixed Use Residential Apartments/Commercial	603	8,900	Entitled
108-073-14	Saigon Reformed Presbyterian	5321 W McFadden Avenue	Church/Temple Expansion		2,000	Site Plan Review
010-272-22	Star Wok	1019 S Bristol Street	Demo Apartment	-4		Plan Check
010-272-22	Star Wok	1019 S Bristol Street	Demo Mini Market		-1,645	Plan Check
010-272-22	Star Wok	1019 S Bristol Street	Restaurant		2,546	Plan Check
108-244-30	Archangel Michael Coptic Orthodox Church	4405 W Edinger Avenue	Church/Temple Expansion		9,928	Site Plan Review
108-244-30	Archangel Michael Coptic Orthodox Church	4319 W Edinger Avenue	Demo of SFD for church expansion	-1		Site Plan Review
108-244-30	Archangel Michael Coptic Orthodox Church	4325 W Edinger Avenue	Demo of SFD for church expansion	-1		Site Plan Review
108-244-30	Archangel Michael Coptic Orthodox Church	4326 W Regent Drive	Demo of SFD for church expansion	-1		Site Plan Review
108-244-30	Archangel Michael Coptic Orthodox Church	4330 W Regent Drive	Demo of SFD for church expansion	-1		Site Plan Review

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**Table 7: Pipeline Projects as of January 2020**

APN	Project Name	Address	Land Use	Res Units	Nonres Sq. Ft.	Status
108-244-30	Archangel Michael Coptic Orthodox Church	4402 W Regent Drive	Demo of SFD for church expansion	-1		Site Plan Review
407-107-23	Haphan Housing	3025 W Edinger Avenue	Residential Townhomes	18		Entitled
402-111-36	McFadden Village Chevron	2120 E McFadden Avenue	Commercial		2,037	Under Construction
013-040-29	Mater Dei Park Structure	1202 W Edinger Avenue	Parking Structure		3 Story	Under Construction
403-164-08	TLC Care Facility	2032 S Cypress Avenue	Change of Use SF to Care Facility (12 Bed)		n/a	Site Plan Review
140-061-94	Shea Homes	2001 W MacArthur Boulevard	Single Family Residence	42		Under Construction
412-191-04	South Coast Speedwash	2402 S Bristol Street	Commercial Retail/Restaurant		8,183	Permits Issued
412-191-04	South Coast Speedwash	2402 S Bristol Street	Car Wash		26,153	Permits Issued
412-191-04	South Coast Speedwash	2402 S Bristol Street	Demo Existing Car Wash		-5,410	Permits Issued
016-051-28	Softscapes New Building	2605 S Cypress Avenue	Office/Industrial Building		2,665	Plan Check
016-082-48	Our Lady of Guadalupe Office/Residence	542 E Central	Office/Residential Apartment	1	6,372	Site Plan Review
016-151-11	Tapestry by Hilton and Restaurant	1580 E Warner Avenue	6-story Hotel		79,375	Site Plan Review
016-151-11	Tapestry by Hilton and Restaurant	1580 E Warner Avenue	Restaurant		5,000	Site Plan Review
430-221-13	Heritage Village Residential Phase A	1951 E Dyer Road	Mixed-Use Residential Apartments	335	65,700	Under Construction
430-221-13	Heritage Village Residential Phase B	1901 E Dyer Road	Mixed-Use Residential Apartments	403	4,100	Under Construction
430-221-13	Heritage Village Residential Phase C	2001 E Dyer Road	Mixed-Use Residential Apartments	483	4,200	Under Construction
430-222-07	Bowery: Redhill & Warner Mixed-Use	2300 S Redhill Ave	Residential Apartments and Commercial	1,150	80,000	Site Plan Review
411-141-12	Shea ITT	666 E Dyer Road	Industrial		40,000	Under Construction
411-074-03	Legado at the MET	200 E First American Way	Residential Apartments	278		Entitled
414-271-03	Shell Service Station Retail Building	3820 S Fairview Street	Demo Fuel Kiosk		-80	Site Plan Review
414-271-03	Shell Service Station Retail Building	3820 S Fairview Street	Gas Station/Convenience Store		1,600	Site Plan Review
412-541-07	Christ Our Savior Church	2000 W Alton Avenue	Demo Existing Modular Church		-7,190	Under Construction
412-541-07	Christ Our Savior Parcel Map	2000 W Alton Avenue	New Church, Community Center, and Office		46,307	Under Construction
410-111-02	Legacy Multi-Family Residential At Sunflower	651 W Sunflower Ave	Residential Apartments	226		Entitled
410-111-02	Legacy Multi-Family Residential At Sunflower	651 W Sunflower Ave	Demo Church	0	-9,875	Entitled
400-032-02	Russell/Fisher Gas Station & Com Ctr	325 N Tustin Avenue	Commercial		7,368	Entitled
400-032-02	Russell/Fisher Gas Station & Com Ctr	325 N Tustin Avenue	Demo Restaurant for commercial bldg.		-3,440	Entitled
400-032-02	Russell/Fisher Gas Station & Com Ctr	325 N Tustin Avenue	Car Wash		4,354	Site Plan Review
400-032-03	Russell/Fisher Gas Station & Com Ctr	301 N Tustin Avenue	Commercial		2,778	Entitled
400-032-03	Russell/Fisher Gas Station & Com Ctr	301 N Tustin Avenue	Demo Carwash for commercial gas station		-1,780	Entitled
400-032-03	Russell/Fisher Gas Station & Com Ctr	301 N Tustin Avenue	Commercial		2,778	Site Plan Review

Source: City of Santa Ana, Major Planning Projects and Monthly Development Reports, January 2020.

**Table 8: Focus Area Buildout Factors for Current General Plan Scenario (the GP land use plan adopted in 1998, with amendments through 2019)**

Focus Area Land Use	Density <sup>1</sup>	Intensity (FAR) <sup>1</sup>					Use Ratio (pct. of land) <sup>1</sup>						
	DU/ac	Comm.	Off.	Ind.	Ins.	Hotel	Res.	Comm.	Off.	Ind.	Ins.	Hotel	O.S.
<b>55 Freeway / Dyer Road</b>													
District Center	90	1.0	1.0	-	-	-	40%	10%	50%	-	-	-	-
General Commercial	-	0.5	-	-	-	-	-	100%	-	-	-	-	-
Industrial	-	-	-	0.45	-	-	-	-	-	100%	-	-	-
Open Space	-	-	-	-	-	-	-	-	-	-	-	-	100%
Professional and Administrative Office	-	-	0.5	-	-	-	-	-	100%	-	-	-	-
<b>17<sup>th</sup> Street / Grand Avenue</b>													
General Commercial	-	0.5	-	-	-	-	-	100%	-	-	-	-	-
Institutional	-	-	-	-	0.5	-	-	-	-	-	100%	-	-
Low Density Residential	7	-	-	-	-	-	-	-	-	-	-	-	-
Open Space	-	-	-	-	-	-	-	-	-	-	-	-	100%
Professional and Administrative Office	-	-	0.5	-	-	-	-	-	100%	-	-	-	-
<b>South Bristol Street</b>													
District Center	90	1.0	1.0	-	-	-	40%	10%	50%	-	-	-	-
General Commercial	-	0.5	-	-	-	-	-	100%	-	-	-	-	-
Medium Density Residential	15	-	-	-	-	-	100%	-	-	-	-	-	-
Open Space	-	-	-	-	-	-	-	-	-	-	-	-	100%
Professional and Administrative Office	-	-	0.5	-	-	-	-	-	100%	-	-	-	-
<b>South Main Street</b>													
District Center	90	1.0	1.0	-	-	-	40%	10%	50%	-	-	-	-
General Commercial	-	0.5	-	-	-	-	-	100%	-	-	-	-	-
Industrial	-	-	-	0.45	-	-	-	-	-	100%	-	-	-
Institutional	-	-	-	-	0.5	-	-	-	-	-	100%	-	-
Low Density Residential	7	-	-	-	-	-	100%	-	-	-	-	-	-
<b>West Santa Ana Boulevard</b>													
General Commercial	-	0.5	-	-	-	-	-	100%	-	-	-	-	-
Industrial	-	-	-	0.45	-	-	-	-	-	100%	-	-	-
Institutional	-	-	-	-	0.5	-	-	-	-	-	100%	-	-
Low Density Residential	7	-	-	-	-	-	100%	-	-	-	-	-	-
Medium Density Residential	15	-	-	-	-	-	100%	-	-	-	-	-	-
Open Space	-	-	-	-	-	-	-	-	-	-	-	-	100%
Professional and Administrative Office	-	-	0.5	-	-	-	-	-	100%	-	-	-	-
Urban Neighborhood	30	0.5	0.5	-	-	-	50%	30%	20%	-	-	-	-

Notes:  
 1. Density, intensity, and use ratio figures determined using a combination of current assumptions stated in the 1998 Land Use Element (Table A-4, Land Use Plan Build-out Capacities), past and current trends, and the results of the 2020 Economic Indicators Report by AECOM. Maximum densities/intensities were assumed for conventional residential and industrial categories, while commercial and office categories were assumed to build out below maximum intensities. A balance of residential and nonresidential uses, with maximum residential densities and below-maximum nonresidential intensities, was assumed for the mixed used categories of Urban Neighborhood and District Center.

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**Table 9: Citywide Figures by Orange County Traffic Analysis Model (OCTAM) Category**

Statistic	Existing Conditions	2045 Projections		
		Current GP	80% / 50% Prop GP	Proposed GP
K-12 Enrollment <sup>1</sup>	58,097	69,074	72,675	75,480
College Enrollment <sup>2</sup>	36,411	36,411	36,411	36,411
Total Population <sup>3</sup>	334,774	383,202	411,804	431,629
Household Population	330,256	378,684	407,286	427,111
Employed Population	135,717	155,615	167,368	175,515
Total Households	76,314	94,104	103,864	109,883
Median HH Income <sup>4</sup>	see note	see note	see note	see note
Retail Employment <sup>5,8</sup>	20,738	22,957	17,297	18,002
Services Employment <sup>6,8</sup>	45,602	60,513	48,260	52,367
Other Employment <sup>7,8</sup>	95,324	98,967	96,580	98,875

Notes:

1. Only includes students attending schools within the city boundaries.
2. No projection data was available.
3. Total Population includes all individuals living in households, institutional group quarters, and non-institutional group quarters.
4. Median household income figures generated by the traffic model.
5. Retail employment estimated to account for 50% of jobs generated by commercial land uses.
6. Services employment estimated to account for 50% of jobs generated by commercial land uses, 70% of jobs generated by office land uses, and 100% of jobs generated by hotel land uses.
7. Other ("Base") employment estimated to account for 30% of jobs generated by office land uses and 100% of jobs generated by industrial, institutional, and open space land uses.
8. The employment figures are subject to rounding when aggregated by parcel into traffic analysis zones, resulting in a 0.69% rounding delta.

Source: Figures aggregated and projected by PlaceWorks, 2020.

**Exhibit 3**  
**Proposed RHNA Allocation Table**

OC Jurisdiction	BASELINE			CURRENT METHODOLOGY			SANTA ANA APPEAL METHODOLOGY				Differenc (Total RHNA)
	Proj Need	Exist Need	Total Need	Residual Units	Redistri- bution	Total RHNA	% of Residual	New Residual	New Redistribu- tion	New Total RHNA	
Stanton	667	561	3768	2540	0	1228	0.00%	2540	0	1228	0
Santa Ana	2114	973	26256	23168	0	3087	0.00%	16082	0	10174	7087
La Habra	341	463	2684	1881	0	803	0.00%	1881	0	803	0
Anaheim	4113	13299	28669	11257	0	17412	0.00%	11257	0	17412	0
Orange	2192	1735	9533	5606	0	3927	0.00%	5606	0	3927	0
<b>Garden Grove</b>	<b>1512</b>	<b>17611</b>	<b>13246</b>	<b>0</b>	<b>5877</b>	<b>19122</b>	<b>13.22%</b>	<b>0</b>	<b>4940</b>	<b>18186</b>	<b>(936)</b>
Buena Park	1533	7366	6441	0	2458	8899	5.53%	0	2066	8507	(392)
San Juan Capistrano	277	774	793	0	258	1051	0.58%	0	217	1010	(41)
Laguna Woods	20	974	669	0	325	994	0.73%	0	273	943	(51)
Westminster	709	9027	6724	0	3013	9736	6.78%	0	2532	9256	(480)
Tustin	49	6717	4525	0	2241	6766	5.04%	0	1884	6409	(357)
Fullerton	1641	11538	9329	0	3850	13179	8.66%	0	3237	12565	(614)
Placentia	860	3503	3194	0	1169	4364	2.63%	0	983	4177	(187)
Lake Forest	428	2799	2293	0	934	3228	2.10%	0	785	3079	(149)
Costa Mesa	411	11322	7955	0	3778	11733	8.50%	0	3176	11131	(602)
Fountain Valley	177	4650	3275	0	1552	4827	3.49%	0	1304	4579	(248)
Unincorporated OC	5407	4974	8721	0	1660	10381	3.73%	0	1395	10117	(264)
Dana Point	209	321	422	0	107	529	0.24%	0	90	512	(17)
Huntington Beach	441	12896	9033	0	4304	13337	9.68%	0	3618	12651	(686)
Brea	136	2224	1618	0	742	2360	1.67%	0	624	2242	(118)
Laguna Hills	848	1132	1602	0	378	1980	0.85%	0	317	1920	(60)
Irvine	7690	15864	18260	0	5294	23554	11.91%	0	4450	22710	(844)
Newport Beach	320	4514	3327	0	1506	4834	3.39%	0	1266	4594	(240)
Villa Park	10	285	200	0	95	295	0.21%	0	80	280	(15)
Cypress	112	3815	2654	0	1273	3927	2.86%	0	1070	3724	(203)
Mission Viejo	41	2170	1487	0	724	2212	1.63%	0	609	2096	(116)
Aliso Viejo	48	1144	811	0	382	1193	0.86%	0	321	1132	(61)
La Palma	6	794	535	0	265	800	0.60%	0	223	757	(43)
Laguna Beach	18	375	267	0	125	393	0.28%	0	105	373	(20)
Laguna Niguel	62	1143	824	0	381	1205	0.86%	0	321	1144	(61)
Los Alamitos	158	609	564	0	203	767	0.46%	0	171	734	(33)
Rancho Santa Margarita	43	636	467	0	212	679	0.48%	0	178	646	(33)
San Clemente	462	517	806	0	172	979	0.39%	0	145	951	(28)
Seal Beach	112	1128	863	0	377	1240	0.85%	0	317	1180	(60)
Yorba Linda	34	2376	1617	0	793	2410	1.78%	0	667	2283	(127)
	<b>33201</b>	<b>150229</b>	<b>183431</b>	<b>44451</b>	<b>44451</b>	<b>183431</b>	<b>100.00%</b>	<b>37366</b>	<b>37366</b>	<b>183431</b>	

Attachment: Garden Grove Appeal of Santa Ana's Draft RHNA Allocation and Supporting Documentation (Appeal of the Draft RHNA Allocation)

**Exhibit 4**  
**Proposed Siding-Scale RHNA Allocation Table**

OC Jurisdiction	BASELINE			CURRENT METHODOLOGY			SLIDING SCALE METHODOLOGY						
	Proj Need	Exist Need	Total Need	Residual Units	Redistri- bution	Total RHNA	DAC %	DAC Reduction (%)	New Residual Units	Redistri- bution %	New Redistri- bution	New RHNA	Differenc New - Ol RHNA
Stanton	667	561	3768	2540	0	1228	99.5%	49.5%	1864	0.0%	0	1904	676
Santa Ana	2114	973	26256	23168	0	3087	88.8%	38.8%	10191	0.0%	0	16064	12977
La Habra	341	463	2684	1881	0	803	87.9%	37.9%	1019	0.0%	0	1666	863
Anaheim	4113	13299	28669	11257	0	17412	82.9%	32.9%	9439	0.0%	0	19230	1818
Orange	2192	1735	9533	5606	0	3927	56.9%	6.9%	656	0.0%	0	8877	4950
<b>Garden Grove</b>	<b>1512</b>	<b>17611</b>	<b>13246</b>	<b>0</b>	<b>5877</b>	<b>19122</b>	<b>47.9%</b>	<b>0.0%</b>	<b>0</b>	<b>13.2%</b>	<b>3063</b>	<b>16309</b>	<b>(2813)</b>
Buena Park	1533	7366	6441	0	2458	8899	43.4%	0.0%	0	5.5%	1281	7722	(1177)
San Juan Capistrano	277	774	793	0	258	1051	42.5%	0.0%	0	0.6%	135	927	(124)
Laguna Woods	20	974	669	0	325	994	38.6%	0.0%	0	0.7%	169	839	(155)
Westminster	709	9027	6724	0	3013	9736	37.8%	0.0%	0	6.8%	1570	8294	(1442)
Tustin	49	6717	4525	0	2241	6766	35.2%	0.0%	0	5.0%	1168	5693	(1073)
Fullerton	1641	11538	9329	0	3850	13179	33.5%	0.0%	0	8.7%	2007	11335	(1844)
Placentia	860	3503	3194	0	1169	4364	29.8%	0.0%	0	2.6%	609	3804	(560)
Lake Forest	428	2799	2293	0	934	3228	24.8%	0.0%	0	2.1%	487	2780	(448)
Costa Mesa	411	11322	7955	0	3778	11733	19.2%	0.0%	0	8.5%	1969	9924	(1809)
Fountain Valley	177	4650	3275	0	1552	4827	12.3%	0.0%	0	3.5%	809	4084	(743)
Unincorporated OC	5407	4974	8721	0	1660	10381	8.7%	0.0%	0	3.7%	865	9587	(794)
Dana Point	209	321	422	0	107	529	8.6%	0.0%	0	0.2%	56	478	(51)
Huntington Beach	441	12896	9033	0	4304	13337	7.8%	0.0%	0	9.7%	2243	11276	(2061)
Brea	136	2224	1618	0	742	2360	6.6%	0.0%	0	1.7%	387	2004	(356)
Laguna Hills	848	1132	1602	0	378	1980	6.4%	0.0%	0	0.8%	197	1799	(181)
Irvine	7690	15864	18260	0	5294	23554	5.8%	0.0%	0	11.9%	2759	21019	(2535)
Newport Beach	320	4514	3327	0	1506	4834	4.3%	0.0%	0	3.4%	785	4112	(722)
Villa Park	10	285	200	0	95	295	2.0%	0.0%	0	0.2%	50	249	(46)
Cypress	112	3815	2654	0	1273	3927	0.3%	0.0%	0	2.9%	664	3317	(610)
Mission Viejo	41	2170	1487	0	724	2212	0.0%	0.0%	0	1.6%	378	1865	(347)
Aliso Viejo	48	1144	811	0	382	1193	0.0%	0.0%	0	0.9%	199	1010	(183)
La Palma	6	794	535	0	265	800	0.0%	0.0%	0	0.6%	138	673	(127)
Laguna Beach	18	375	267	0	125	393	0.0%	0.0%	0	0.3%	65	333	(60)
Laguna Niguel	62	1143	824	0	381	1205	0.0%	0.0%	0	0.9%	199	1023	(182)
Los Alamitos	158	609	564	0	203	767	0.0%	0.0%	0	0.5%	106	669	(98)
Rancho Santa Margarita	43	636	467	0	212	679	0.0%	0.0%	0	0.5%	111	578	(101)
San Clemente	462	517	806	0	172	979	0.0%	0.0%	0	0.4%	90	896	(83)
Seal Beach	112	1128	863	0	377	1240	0.0%	0.0%	0	0.8%	196	1060	(180)
Yorba Linda	34	2376	1617	0	793	2410	0.0%	0.0%	0	1.8%	413	2030	(380)
	<b>33201</b>	<b>150229</b>	<b>183431</b>	<b>44451</b>	<b>44451</b>	<b>183431</b>		<b>12.6%</b>	<b>23168</b>		<b>23168</b>	<b>183431</b>	





October 26, 2020

Mr. Kome Ajise, Executive Director  
Southern California Association of Governments (SCAG)  
900 Wilshire Boulevard, Suite 1700  
Los Angeles, California 90017

**Subject: City of Irvine Regional Housing Needs Assessment Appeal Letter for the City of Santa Ana**

Dear Director Ajise:

In accordance with Government Code Section 65504.05, subdivisions (b)(1), (b)(2), and (b)(3), the City of Irvine hereby submits this appeal to the Southern California Association of Governments (SCAG) for a revision of the City of Santa Ana's Draft Regional Housing Needs Assessment (RHNA) Allocation for the 6<sup>th</sup> Cycle Housing Element Cycle (2021-2029). The City of Irvine appreciates and encourages the Southern California Association of Governments Regional Housing Needs Assessment Appeal Board to review the appeal outlined below because a revision on the draft allocation is necessary to further – and not undermine- the intent of the statutorily mandated objectives listed in Government Code Section 65584, subdivision (d) ("Section 65584(d)" and "Section" refers to the Government Code unless otherwise noted). With the issuance of the draft allocation, there were failures not only (1) to adequately consider the information submitted as part of the methodology, but also (2) to determine the share according to the information and the methodology established, pursuant to Section 65584.04, subdivision (b). These failures ultimately undermine – instead of further-the intent of objectives in Section 65584(d).

- The draft allocation does not increase the housing supply and mix of housing types in an equitable manner;
- The draft allocation does not promote infill development and socioeconomic equity, encourage efficient development patterns, and will result in the inability to achieve the region's greenhouse gas reduction targets

As required by Section 65504.05, subdivision (b), this appeal is consistent with – and not to the detriment of – the development pattern in the applicable sustainable communities strategy developed pursuant to paragraph (2) of subdivision (b) of Government Code Section 65080.

**SUMMARY OF THE APPEAL:**

Utilizing the approved RHNA methodology, the City of Santa Ana RHNA Allocation would have 26,255 units. The City of Santa Ana benefits from the disadvantage communities (“DAC”) residual component that was added to the final RHNA methodology less than a week before the adoption by the SCAG Regional Council. As a result, the City of Santa Ana’s Draft RHNA Allocation is 3,087 units; however, as documented on their website and in the “Santa Ana General Plan Buildout Methodology” (June 2020), the City of Santa Ana has identified over 10,000 new units under construction, approved, or currently under review. At a minimum, the City of Santa Ana RHNA should be consistent with their current list of reasonably foreseeable development projects that will ultimately count towards their RHNA for the 6<sup>th</sup> Cycle and results in greater consistency with the growth strategies of Connect SoCal.

The City of Irvine is requesting an additional 10,000 units should be added to the City of Santa Ana’s current RHNA Allocation of 3,087, resulting in a revised allocation of **13,087 total units**.

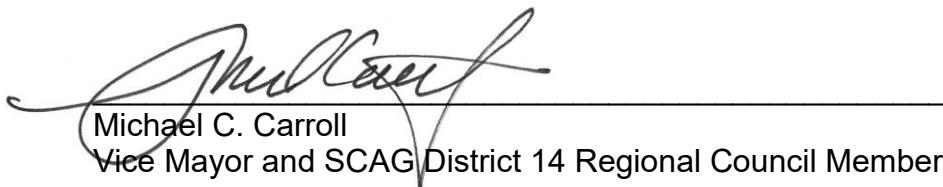
**City of Irvine’s Request in Appealing the City of Santa Ana RHNA:**

The City of Irvine respectfully requests that the City of Santa Ana RHNA allocation be increased by 10,000 units to a total of **13,087 units** to be consistent with the updated major residential development information publicly accessible on their website. The redistribution of over 23,000 units from the City of Santa Ana to non-DAC jurisdictions in Orange County is a contradiction and in conflict with many of the sustainable policies outlined in both the adopted Connect SoCal Plan and established state statute like Senate Bill 375. The City of Santa Ana growth forecast, provided over 2.5 years ago, is outdated and should be at a minimum, increased to reflect the residential units that are approved, under construction, or under review and would be constructed during the eight year, 6<sup>th</sup> Cycle RHNA planning period.

Respectfully Submitted,



Christina Shea  
Mayor



Michael C. Carroll  
Vice Mayor and SCAG District 14 Regional Council Member

City of Irvine Appeal of the City of Santa Ana RHNA Allocation Letter  
October 26, 2020  
Page 3 of 3

Attachment A: City of Irvine Appeal of the City of Santa Ana RHNA Allocation  
Documentation

ec: City Council  
Marianna Marysheva, Interim City Manager  
Jeff Melching, City Attorney  
Pete Carmichael, Director of Community Development Department  
Timothy Gehrich, Deputy Director of Community Development Department  
Kerwin Lau, Manager of Planning Services  
SCAG RHNA Subcommittee/RHNA Appeals Board  
Honorable Peggy Huang, Chair RHNA Subcommittee/RHNA Appeals Board  
Honorable Wendy Bucknum, Orange County Representative RHNA  
Subcommittee/RHNA Appeals Board

**Sixth Cycle Regional Housing Needs Assessment (RHNA) Appeal Request Form**  
*All appeal requests and supporting documentation must be received by SCAG October 26, 2020, 5 p.m.*  
*Appeals and supporting documentation should be submitted to [housing@scaq.ca.gov](mailto:housing@scaq.ca.gov).*  
*Late submissions will not be accepted.*

Date: \_\_\_\_\_ Jurisdiction Subject to This Appeal Filing: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
*(to file another appeal, please use another form)*

Filing Party (Jurisdiction or HCD)  
 \_\_\_\_\_

Filing Party Contact Name  
 \_\_\_\_\_

Filing Party Email:  
 \_\_\_\_\_

**APPEAL AUTHORIZED BY:**

Name: \_\_\_\_\_

**PLEASE SELECT BELOW:**

- Mayor
- Chief Administrative Office
- City Manager
- Chair of County Board of Supervisors
- Planning Director
- Other: \_\_\_\_\_

**BASES FOR APPEAL**

- Application of the adopted Final RHNA Methodology for the 6<sup>th</sup> Cycle RHNA (2021-2029)
- Local Planning Factors and/or Information Related to Affirmatively Furthering Fair Housing (See Government Code Section 65584.04 (b)(2) and (e))
  - Existing or projected jobs-housing balance
  - Sewer or water infrastructure constraints for additional development
  - Availability of land suitable for urban development or for conversion to residential use
  - Lands protected from urban development under existing federal or state programs
  - County policies to preserve prime agricultural land
  - Distribution of household growth assumed for purposes of comparable Regional Transportation Plans
  - County-city agreements to direct growth toward incorporated areas of County
  - Loss of units contained in assisted housing developments
  - High housing cost burdens
  - The rate of overcrowding
  - Housing needs of farmworkers
  - Housing needs generated by the presence of a university campus within a jurisdiction
  - Loss of units during a state of emergency
  - The region's greenhouse gas emissions targets
  - Affirmatively furthering fair housing
- Changed Circumstances (Per Government Code Section 65584.05(b), appeals based on change of circumstance can only be made by the jurisdiction or jurisdictions where the change in circumstance occurred)

**FOR STAFF USE ONLY:**

Date \_\_\_\_\_ Hearing Date: \_\_\_\_\_ Planner: \_\_\_\_\_

**Sixth Cycle Regional Housing Needs Assessment (RHNA) Appeal Request Form**  
*All appeal requests and supporting documentation must be received by SCAG October 26, 2020, 5 p.m.*  
*Appeals and supporting documentation should be submitted to [housing@scaq.ca.gov](mailto:housing@scaq.ca.gov).*  
*Late submissions will not be accepted.*

**Brief statement on why this revision is necessary to further the intent of the objectives listed in Government Code Section 65584 (please refer to Exhibit C of the Appeals Guidelines):**

**Please include supporting documentation for evidence as needed, and attach additional pages if you need more room.**

**Brief Description of Appeal Request and Desired Outcome:**

**Number of units requested to be reduced or added to the jurisdiction's draft RHNA allocation (circle one):**

Reduced \_\_\_\_\_ Added \_\_\_\_\_

**List of Supporting Documentation, by Title and Number of Pages**  
**(Numbers may be continued to accommodate additional supporting documentation):**

- 1.
- 2.
- 3.

**FOR STAFF USE ONLY:**

Date \_\_\_\_\_

Hearing Date: \_\_\_\_\_

Planner: \_\_\_\_\_

## Attachment A: City of Irvine Appeal of the City of Santa Ana Regional Housing Needs Assessment (RHNA) Allocation Documentation

In accordance with Government Code Section 65504.05, subdivisions (b)(1), (b)(2), and (b)(3), the City of Irvine hereby submits this appeal to the Southern California Association of Governments (SCAG) for a revision of the City of Santa Ana's Draft Regional Housing Needs Assessment (RHNA) Allocation for the 6<sup>th</sup> Cycle Housing Element Cycle (2021-2029). The City of Irvine appreciates and encourages the Southern California Association of Governments Regional Housing Needs Assessment Appeal Board to review the appeal outlined below because a revision on the draft allocation is necessary to further – and not undermine- the intent of the statutorily mandated objectives listed in Government Code Section 65584, subdivision (d) ("Section 65584(d)" and "Section" refers to the Government Code unless otherwise noted). With the issuance of the draft allocation, there were failures not only (1) to adequately consider the information submitted as part of the methodology, but also (2) to determine the share according to the information and the methodology established, pursuant to Section 65584.04, subdivision (b). These failures ultimately undermine – instead of further- the intent of objectives in Section 65584(d).

- The draft allocation does not increase the housing supply and mix of housing types in an equitable manner;
- The draft allocation does not promote infill development and socioeconomic equity, encourage efficient development patterns, and will result in the inability to achieve the region's greenhouse gas reduction targets

As required by Section 65504.05, subdivision (b), this appeal is consistent with – and not to the detriment of – the development pattern in the applicable sustainable communities strategy developed pursuant to paragraph (2) of subdivision (b) of Government Code Section 65080.

### ***SUMMARY OF THE APPEAL:***

Utilizing the approved RHNA methodology, the City of Santa Ana RHNA Allocation would have 26,255 units. The City of Santa Ana benefits from the disadvantage communities ("DAC") residual component that was added to the final RHNA methodology less than a week before the adoption by the SCAG Regional Council. As a result, the City of Santa Ana's Draft RHNA Allocation is 3,087 units; however, as documented on their website and in the "Santa Ana General Plan Buildout Methodology" (June 2020), the City of Santa Ana has identified over 10,000 new units under construction, approved, or currently under review. At a minimum, the City of Santa Ana RHNA should be consistent with their current list of reasonably foreseeable development projects that will ultimately count towards their RHNA for the 6<sup>th</sup> Cycle and results in greater consistency with the growth strategies of Connect SoCal.

The City of Irvine is requesting an additional 10,000 units should be added to the City of Santa Ana's current RHNA Allocation of 3,087, resulting in a revised allocation of **13,087 total units**.

**Grounds for Appeal #1: Failure to Adequately Consider Information for the Methodology (Government Code Section 65584.05, subd. (b)(1)).**

According to the approved RHNA methodology, two factors were included in the determination of a jurisdiction's existing need. For extremely disadvantaged communities (hereafter "DACs") the residual need was identified. The residual need is defined as total housing need in excess of household growth between 2020 and 2045. DACs are jurisdictions with more than half of the population living in high segregation and poverty or low resource areas as defined by the California Tax Credit Allocation Committee (TCAC)/ HCD Opportunity Index Scores. According to the methodology for the 2020 TCAC/HCD Opportunity Index Scores and Map (June 2020), "the opportunity mapping is a way to measure and visualize place-based characteristics linked to critical life outcomes. Opportunity maps can be used to inform how to target investments and policies in a way that is conscious of the independent and inter-related effects that research has shown places on economic, educational, and health outcomes."

However, "Opportunity mapping also has limitations. For example, maps' accuracy is dependent on the accuracy of the data behind them. Data may be derived from self-reported surveys of subsets of the area's population and sometimes may not be recorded or reliable in some areas. Further, even the most recent publicly available datasets typically lag by two years, meaning they may not adequately capture conditions in areas undergoing rapid change." The TCAC/HCD Opportunity Maps and corresponding Opportunity Index Scores are designed to identify high-opportunity areas for the investment of private capital into the development of affordable rental housing for low income Californians. **The purpose of the TCAC/HCD Opportunity Index Scores and Mapping were never intended to be used for the purpose of calculating the RHNA.**

- The residual existing need was then reallocated by Orange County to non-DAC jurisdictions within the same county based on the formula (50% transit accessibility and 50% job accessibility). The redistribution of the DAC residual at the county level was not vetted at the RHNA Subcommittee or the CEHD and was introduced days before the vote at the Regional Council. Had the DAC residual been redistributed at the SCAG regional level, the impact would not have been as significant to non-DAC jurisdictions within the county. There are five jurisdictions in Orange County that qualify for the DAC protection of the 2020-2045 household growth (Anaheim, La Habra, Orange, Santa Ana, and Stanton), resulting in 44,452 units that are redistributed to non-DAC Orange County jurisdictions. Over 23,000 of these units are redistributed from a single jurisdiction, the City of Santa Ana. The City of Irvine receives a total of 5,294 units from the five Orange County DACs. The City of Irvine receives 52 percent of its net residual factor for existing need from the City of Santa Ana (2,759 units).

- Utilizing the RHNA methodology approved by the SCAG Regional Council, the City of Santa Ana would have received an allocation of 26,255 units. However, SCAG added an exception for jurisdictions that are considered a disadvantaged community (DAC) utilizing information from the TCAC.
- The City of Santa Ana’s RHNA allocation of 3,087 housing units is being capped to the household growth between 2020 and 2045 per the adopted RHNA methodology.
- The remaining 23,168 units (the residual) are being redistributed to other non-DAC Orange County jurisdictions. The DAC redistribution to the county of origin was added to the methodology days before the adoption by the Regional Council. The impact of the DAC redistribution on jurisdictions within the county of origin was not adequately vetted by jurisdictions and the true impact of the methodology were not realized until after the plan was adopted by the Regional Council. According to the November 7, 2019 Regional Council report for the RHNA methodology (page 56), SCAG staff states: “Staff was also asked by several members of the Regional Council to analyze for Board consideration the merits of the staff recommendation versus a substitute motion that was defeated in a 4-3 vote during the October 7, 2019, RHNA Subcommittee.” It should be noted that the substitute motion that was proposed by Subcommittee Member Rusty Bailey on October 7, 2019 did NOT contain any component even remotely close to the DAC residual; it simply asked for the elimination of the household growth component (local input) between 2030 and 2045.
- This alternative methodology from Member Bailey was not considered at the October 17, 2019 Community, Economic and Human Development (CEHD) meeting where the CEHD unanimously approved the original methodology recommended by the RHNA Subcommittee. If this component of the final November 7, 2019 methodology had been known, the City of Irvine would have raised the concern with the outdated growth forecast for the City of Santa Ana at that time.
- SCAG staff received a copy of the letter from Member Bailey proposing an alternative methodology on November 1, 2019 and ultimately, this became the proposed SCAG staff RHNA methodology. The City of Irvine still expresses concern with the quick turn around and analysis of Member Bailey’s methodology, which was outlined in the Regional Council staff report released for public review on the day SCAG received the letter from Member Bailey. From the November 7, 2019 Regional Council agenda: “the RHNA methodology considers many factors across the complex regional geography of Southern California, and as such, **changes to a single factor may have unintended consequences that should be considered and addressed.** However to be responsive to the request **and for discussion purposes**, staff conducted preliminary analysis of the defeated motion (Bailey substitute motion from RHNA Subcommittee). In conducting the analysis, staff modified the Recommended Draft Methodology as follows to reflect the desire to eliminate the use of Household Growth between 2030 and 2045:
  - The Existing Needs allocation factors were changed to only rely on “transit accessibility” and “jobs accessibility” factors (for the year 2045) with 50% of existing need assigned to each. The share of existing need allocated based Household Growth between 2030 and 2045 was eliminated.



- The cap on RHNA allocation to a jurisdiction’s 2045 Household Growth was eliminated for all jurisdictions except those in Disadvantaged Communities (DACs). Caps were retained in DACs and assigned within county as a measure to guard against gentrification in job and transit-accessible disadvantaged areas per HCD requirements. Removing caps reduces the impact of the “residual” redistribution to approximately 7 percent of total regional housing need, compared to 12 percent in the Recommended Draft Methodology.”
- Had this component been introduced at ANY of the previous RHNA Subcommittee meetings related to the development of the methodology or the CEHD meeting of October 17, 2019, the City of Irvine and other impacted jurisdictions would have raised their concern with the outdated growth forecast for the City of Santa Ana and would have insisted that updated information be provided based on the information Santa Ana had provided adjacent jurisdictions through interagency review.
- Furthermore, the RHNA estimator calculator was not posted until November 19, 2019, well after the adoption of the RHNA methodology. With no Regional Council meetings scheduled for the remainder of the 2019 calendar year, the first opportunity for jurisdictions to express their concerns with the DAC residual redistribution or discuss an issue with the outdated growth forecast information utilized to cap the RHNA allocation for the DACs was February 6, 2020. Again, the City of Irvine vehemently emphasizes that, *IF* the City of Irvine (and other cities) had been made aware of the DAC residual redistribution component added to the RHNA methodology at the last moment and immediately prior to the November 7, 2019 Regional Council meeting, public comments on this matter would have been made verbally and in writing to all decision making committees.
- The projected household growth for the City of Santa Ana is outdated and does not reflect the reality of projects under construction, approved, or currently under review. According to the City of Santa Ana project website, there are over 10,000 units under construction, approved, or currently under review that will be completed during the 6<sup>th</sup> Cycle RHNA timeframe. (Attachments 1-2)
- This does not include the additional units that would be permitted when the City’s General Plan is adopted. According to the City of Santa Ana General Plan Environmental Impact Report, the “No Project/Existing General Plan” results in the potential for more than 18,000 units than the growth projections in the adopted Connect SoCal (2020 RTP/SCS. The proposed General Plan Update would result in the potential for 31,515 more units than the “2020 RTP/SCS Consistency Alternative”. The General Plan Update is tentatively scheduled for review by the Santa Ana Planning Commission in October 2020 and the City Council in November 2020.
- The City of Irvine recommends the City of Santa Ana’s RHNA should be updated to reflect the total number of units identified on the City’s website. A comprehensive list of projects that should be included in the revised growth forecast is attached. The residual should be readjusted to reflect the revised RHNA.
- Within Orange County, the City of Santa Ana has the second highest share of the region’s job accessibility in Orange County and the highest share of the region’s HQT population in Orange County.

- Failing to update Santa Ana’s RHNA allocation to reflect the units that are being constructed, approved or nearing approval within Santa Ana, prior to redistributing the residual units to other jurisdictions that have significantly lower shares of the region’s HQTAs and job accessibility population, is contrary to many of the preferred policies of the state, the California Air Resources Board, HCD, and the recently approved Connect SoCal (2020 RTP/SCS). Specifically, the redistribution is in conflict with the following:
  - As it relates to the adopted Connect SoCal plan, this includes focusing growth near destinations and existing transit options, promoting diverse housing choices, reducing vehicle miles travelled, and reducing greenhouse gas emission reductions. SCAG’s Growth Vision: “aims to increase mobility options and reduce the need for residents to drive by locating housing, jobs and transit closer together. To help the region achieve sustainable outcomes, Connect SoCal’s Forecasted Development Pattern focuses within jurisdictions near destinations and mobility options, in line with the policies and strategies of the Growth Vision.”<sup>1</sup> SCAG’s forecasted development pattern for the SCS relies on new housing development to be focused in “priority growth areas” and to avoid housing developments in areas with “growth constraints.”<sup>2</sup> The redistribution of growth from the City of Santa Ana to other jurisdictions within Orange County that may not have a “priority growth area”, transit, or be near jobs is in conflict with and contradicts the SCAG Growth Vision.
  - Senate Bill 375 (Chapter 728, Statutes of 2008): Requires SCAG to prepare and adopt a sustainable communities strategy that sets forth a forecasted regional development pattern which, when integrated with the transportation network, measures and polices, will reduce greenhouse gas emissions from automobiles and light-duty trucks.

Specific Policy Objectives of Connect SoCal:

**Focus Growth Near Destinations and Mobility Options**

- Plan for growth near transit investments and support implementation of first/last mile strategy
- Promote redevelopment of underperforming retail developments and other outmoded nonresidential uses
- Prioritize infill and redevelopment of underutilized land to accommodate new growth, increase amenities and connectivity in existing neighborhoods
- Encourage design and transportation options that reduce the reliance on and number of solo car trips

**Promote Diverse Housing Choices**

- Provide support to local jurisdictions to streamline and lessen barriers to housing development that supports reduction of greenhouse gas emissions

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<sup>1</sup> Connect SoCal, Sustainable Communities Strategy Technical Report, Page 28

<sup>2</sup> Connect SoCal, Sustainable Communities Strategy Technical Report, Page 17-19

SCAG Growth Vision:

- SCAG’s Growth Vision “aims to increase mobility options and reduce the need for residents to drive by locating housing, jobs and transit closer together. To help the region achieve sustainable outcomes, Connect SoCal’s Forecasted Development Pattern focuses within jurisdictions near destinations and mobility options, in line with the policies and strategies of the Growth Vision.”<sup>3</sup>
- SCAG’s forecasted development pattern for the SCS relies on new housing development to be focused in “priority growth areas” and to avoid housing developments in areas with “growth constraints.”<sup>4</sup> The redistribution of growth from the City of Santa Ana to other jurisdictions within Orange County that may not have a “priority growth area”, transit, or be near jobs is in conflict with and contradicts the SCAG Growth Vision.

Senate Bill 375:

- Requires SCAG to prepare and adopt an SCS that sets forth a forecasted regional development pattern which, when integrated with the transportation network, measures and policies, will reduce greenhouse gas emissions from automobiles and light-duty trucks.

**City of Irvine Grounds for Appeal of the City of Santa Ana RHNA #2: Failure to Determine the City’s Share of the Regional Need in Accordance with Information Described in, and Methodology Established in a Manner that Furthers and Does Not Undermine the Intent of the Objectives in Section 65584(d) (Government Code Section 65584.05, subd. (b)(2)).**

SCAG failed to adequately consider readily available data related to over 10,000 housing units approved and/or planned by the City of Santa Ana over the next eight years that will exceed their RHNA allocation of 3,087 units for the 6<sup>th</sup> Cycle. Furthermore, the City of Santa Ana has documented, in the attached “Santa Ana General Plan Buildout Methodology” (June 2020) that was prepared in association with their pending General Plan Update and is posted on the City’s website, over 36,261 units are identified as growth from 2020 to 2045. This is noted as the “potential growth for new development in specific plan/special zoning area based on forecasted buildout at the time of the respective zoning document’s adoption, minus the amount of new development built between its adoption date and 2019.” (page B-b-9)

Additionally, on page B-b-8 of this document (Attachment 3), “The latest OCP (Orange County Projection) figures were finalized (September 2018) prior to the current land use planning and buildout efforts associated with the General Plan update. Interim adjustments can be made to the OCP figures if significant changes in land use or other policies will have a significant impact on the projections, and if these changes can be documented. The buildout for the Santa Ana General Plan will be finalized upon the adoption of the General Plan at the end of 2020, with implementation beginning in 2021. The General Plan land use plan and buildout projections will be incorporated into the OCP figures in 2021/2022.”

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<sup>3</sup> Connect SoCal, Sustainable Communities Strategy Technical Report, Page 28

<sup>4</sup> Connect SoCal, Sustainable Communities Strategy Technical Report, Page 17-19

The City of Santa Ana has notified all residents within one of the five “Focus Areas” identified in the General Plan Update that the public hearings for the General Plan Update will be held throughout November 2020. In the notice, the City of Santa Ana states “the total long-term potential growth within these Focus Areas is estimated to be 17,575 new housing units.” (Attachment 6). This document further supports the argument that the RHNA for Santa Ana should be reflective of what is identified as the future growth for the Connect SoCal planning period.

Pursuant to Government Code 65584.04 (e)(2)(B):

(e) To the extent that sufficient data is available from local governments pursuant to subdivision (b) or other sources, each council of governments, or delegate subregion as applicable, ***shall include the following factors to develop the methodology that allocates regional housing needs:***

(2) The ***opportunities*** and constraints ***to development of additional housing*** in each member jurisdiction, including all of the following:

(B) The ***availability of land suitable for urban development or for conversion to residential use, the availability of underutilized land, and opportunities for infill development...***

As noted above, the adopted 6<sup>th</sup> Cycle RHNA Allocation Methodology fails to take into consideration over 10,000 units of housing approved and/or planned for production by the City of Santa Ana over the next eight years and that will be available for RHNA credit during that planning period. The following represents the City of Santa Ana’s planned/approved housing production per their Planning Division website at <https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-monthly-development-project-reports>.

The reduction of a jurisdiction’s RHNA Allocation below their projected level of development is inequitable as it causes the reduced units (residential units) to be redistributed throughout Orange County, inflating the already unrealistic housing allocations. The City of Irvine believes every jurisdiction’s RHNA Allocation, regardless of their status, should take into consideration actual projected housing development.

#### **City of Irvine’s Request in Appealing the City of Santa Ana RHNA:**

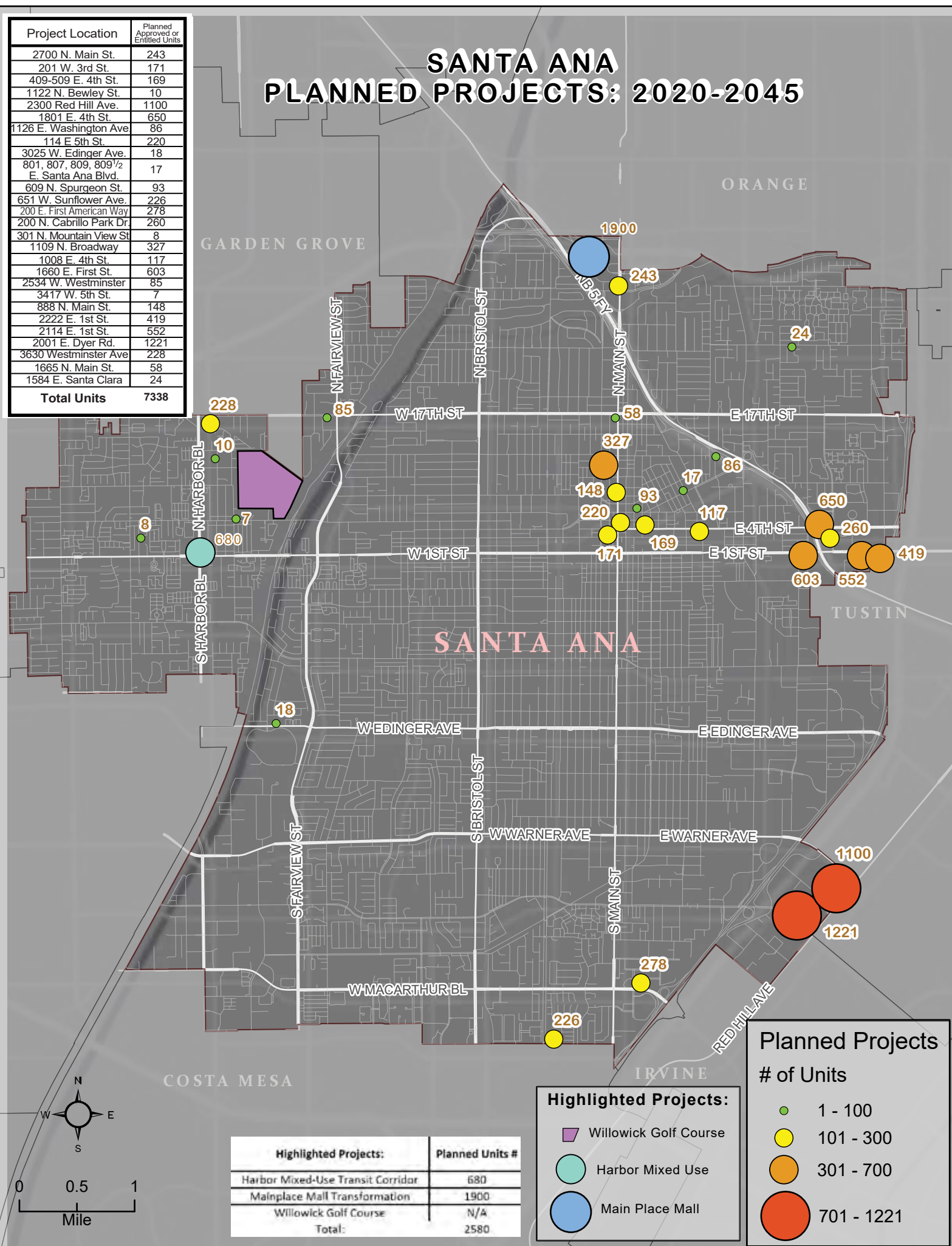
The City of Irvine respectfully requests that the City of Santa Ana RHNA allocation be increased by 10,000 units to a total of **13,087 units** to be consistent with the updated major residential development information publicly accessible on their website. The redistribution of over 23,000 units from the City of Santa Ana to non-DAC jurisdictions in Orange County is a contradiction and in conflict with many of the sustainable policies outlined in both the adopted Connect SoCal Plan and established state statute like Senate Bill 375. The City of Santa Ana growth forecast, provided over 2.5 years ago, is outdated and should be at a minimum, increased to reflect the residential units that are approved, under construction, or under review and would be constructed during the eight year, 6<sup>th</sup> Cycle RHNA planning period.

Attachments

1. City of Santa Ana Major Development (under review, approved, under construction) Map/Santa Ana Proposed General Plan Transit Map
2. City of Santa Ana Major Development Project List and Individual Project Website Information
3. Santa Ana General Plan Buildout Methodology (June 2020)
4. Historical Background Data
5. Santa Ana Major Project Photos
6. City of Santa Ana Notice of Public Hearing

Project Location	Planned Approved or Entitled Units
2700 N. Main St.	243
201 W. 3rd St.	171
409-509 E. 4th St.	169
1122 N. Bewley St.	10
2300 Red Hill Ave.	1100
1801 E. 4th St.	650
1126 E. Washington Ave	86
114 E 5th St.	220
3025 W. Edinger Ave.	18
801, 807, 809, 809 1/2 E. Santa Ana Blvd.	17
609 N. Spurgeon St.	93
651 W. Sunflower Ave.	226
200 E. First American Way	278
200 N. Cabrillo Park Dr.	260
301 N. Mountain View St.	8
1109 N. Broadway	327
1008 E. 4th St.	117
1660 E. First St.	603
2534 W. Westminster	85
3417 W. 5th St.	7
888 N. Main St.	148
2222 E. 1st St.	419
2114 E. 1st St.	552
2001 E. Dyer Rd.	1221
3630 Westminster Ave	228
1665 N. Main St.	58
1584 E. Santa Clara	24
<b>Total Units</b>	<b>7338</b>

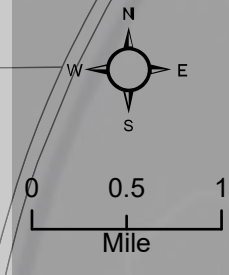
# SANTA ANA PLANNED PROJECTS: 2020-2045



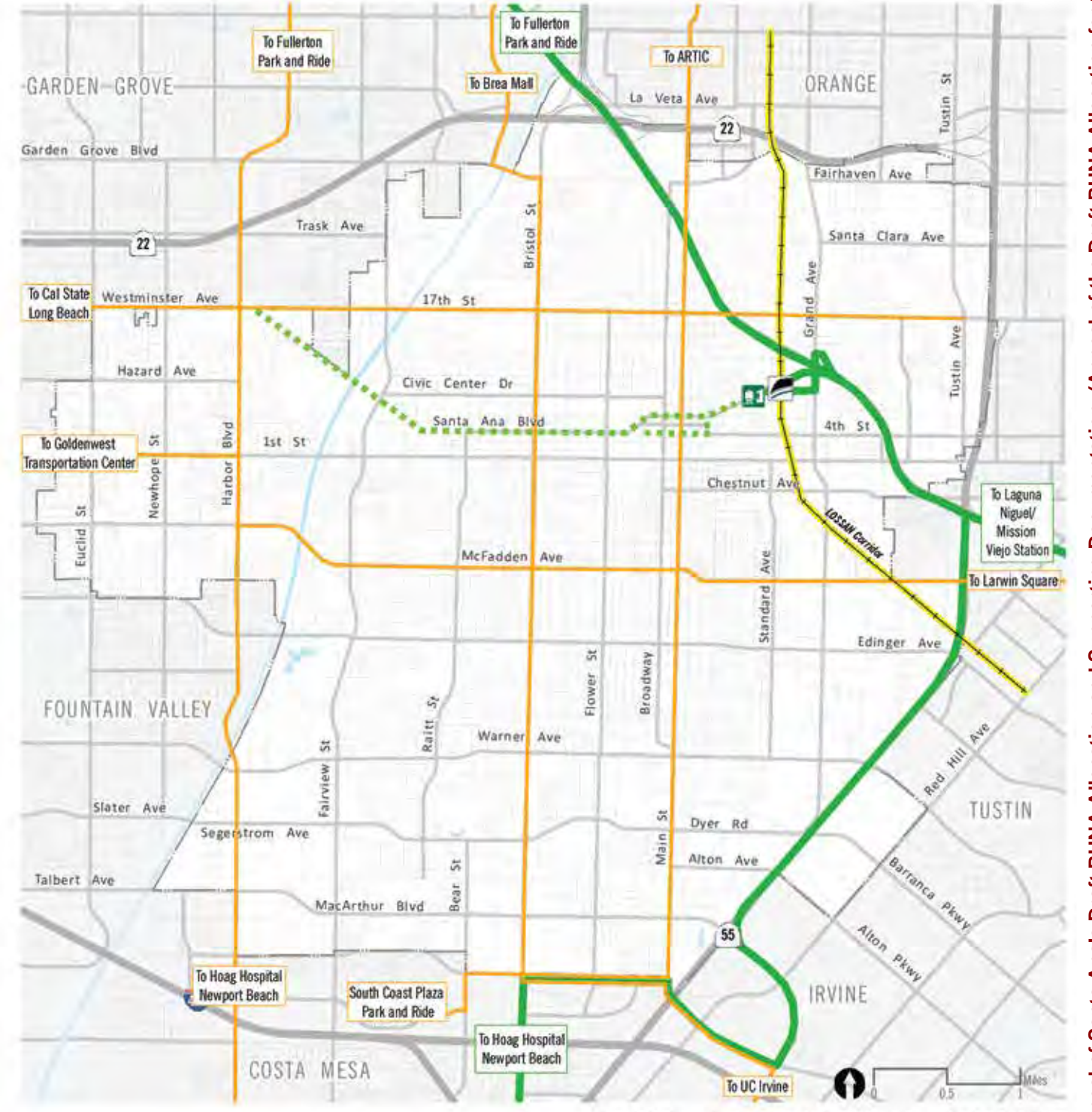
Highlighted Projects:	Planned Units #
Harbor Mixed-Use Transit Corridor	680
Mainplace Mall Transformation	1900
Willowick Golf Course	N/A
<b>Total:</b>	<b>2580</b>

- Highlighted Projects:**
- Willowick Golf Course
  - Harbor Mixed Use
  - Main Place Mall

- Planned Projects # of Units**
- 1 - 100
  - 101 - 300
  - 301 - 700
  - 701 - 1221



**ABOUT THE MAP.** This map shows the long-term plans of the City and regional transit operators to expand and enhance ways for people to travel within, to, and from Santa Ana by rail, streetcar, and bus. OCTA Transit and Freeway Transit Opportunity Corridors represent bus rapid transit lines; other OCTA bus lines (not shown) run along most major streets in the city.



- OCTA Transit Opportunity Corridor
- OCTA Freeway Transit Opportunity Corridor
- Future Alignment of OC Street Car
- Santa Ana Regional Transportation Center
- Metrolink and Amtrak Commuter Rail
- Metrolink Station

Attachment: Irvine Appeal of Santa Ana's Draft RHNA Allocation and Supporting Documentation (Appeal of the Draft RHNA Allocation for the

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Project	DU	Unit type	Status	Application Date	Approval Date	Link
520 South Harbor	35	SFD	Entitlements Approved		Jun-15	<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-</a>
888 N Main Street	148	Multi-Family Residential	Plan Check Review		Historic Resources	<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-</a>
1440 E First Street	64	Multi-Family Residential	Under Construction		CC - 5/3/2016	<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-</a>
2222 E First Street	419	Senior housing project	Under Construction		PC - 9/11/17	<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-</a>
2114 E First Street	552	affordable multi-family	Entitlements Approved		PC - 6/4/18	<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-</a>
1112 N Bewley Street	10	Condos (Single Family	Public Hearings		PC - 7/13/2020; CC -	<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-</a>
2300 S Red Hill Avenue (The Bowery)	1,150	Multi-Family Residential	Public Hearings	NOP -8/5/2019	CC - 8/18/2020	<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-</a>
317 E 17th Street	56	permanent supportive housing	Under Construction		PC - 4/6/17; CC - 5/22/17	<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-</a>
1406 North Harbor Boulevard	38	for-sale townhomes (6 for mod	Completed		2015?	<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-</a>
3025 West Edinger Ave	18	multi-family residential	Entitlements Approved		PC - 5/13/19; CC 6/4/19	<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-</a>
609 North Spurgeon Street	93	affordable residential units	Entitlements Approved		CC-2/19/19	<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-</a>
651 W. Sunflower Ave.	226	Apartments	Entitlements Approved		CC- 1/18/19	<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-</a>
200 E. First American Way	278	Multi-Family Residential	Tentative Parcel Map was		PC - 1/16/19	<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-</a>
3630 Westminster Ave.	228	apartment	Under Construction		PC - 1/25/16	<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-</a>
200 N. Cabrillo Park Dr.	260	6-story mixed use	Tolling Agreement		CC - 6/5/18	<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-</a>
2525 N. Main St.	256	Multi-Family Residential	Litigation			<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-</a>
2800 North Main Street	1,900	Multi-Family Residential	Entitlements Approved		CC - 6/4/19	<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-</a>
1666 N. Main St.	58	Multi-Family Residential	Under Construction		PC - 5/9/16	<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-</a>
301 N. Mountain View St.	8	Condos	N/A		Tentatively Scheduled	<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-</a>
2700 N. Main St.	243	Multi-Family Residential	TDB		TBD	<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-</a>
2223 W Fifth Street	51	Multi-Family Residential	Under Construction		CC - 1/16/2018	<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-</a>
1008 E 4th Street	117	single family residential	Entitlements Approved		CC - 2/20/18	<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-</a>
Tribella Homes	110	15 live/work and 95 SFD	Under Construction			<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-</a>
1660 E. First St.	603	Multi-Family (Mixed-Use)	Entitled		10/22/2018	<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-</a>
2534 West Westminster Avenue	85	Multi-Family Residential	N/A		TBD	<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-</a>
201 W. 3rd St.	171	Multi-Family Residential	N/A		PC - 9/24/2020; CC- TBD	<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-</a>
409-509 E. 4th St.	169	Multi-Family Residential	N/A		PC - 10/12/2020; CC	<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-</a>
1801 E. 4th St.	650	Multi-Family Residential	N/A		TDB	<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-</a>
1126 E. Washington Ave.	86	Multi-Family Residential	Development Project			<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-</a>
114 E. 5th St.	220	Multi-Family Residential	Plan Check Review		PC - 10/28/19; CC-	<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-</a>
801, 807, 809, 809	17	Multi-Family Residential	Development Project			<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-</a>
1109 N. Broadway	327	Multi-Family Residential	Development Project			<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-</a>
2001 E. Dyer Rd.	1221	Multi-Family Residential	Under Construction		CC- 2/2/16	<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-</a>
1584 E. Santa Clara	24	SFD	Under Construction		CC - 9/2/14	<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-</a>
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# Santa Ana General Plan Buildout Methodology

June 2020

## Purpose, Design, and Limitations

The following summarizes the methodology and factors used to calculate existing and buildout conditions for purposes of the General Plan and its analysis through an environmental impact report. All figures are estimates generated using the best available data for analysis at a citywide level, with additional detail provided by specific planning/focus areas and traffic analysis zones.

Whenever possible, the figures generated were derived from authoritative data sources, such as the U.S. Census or California Department of Finance. Such sources are subject to their own error rates and may summarize data at different geographic levels or in different categories. When more precise data was not available, figures generated for existing and projected figures were compared to aggregated or citywide totals from authoritative sources, understanding that such comparisons are primarily for the purpose of determining order-of-magnitude accuracy.

It is important to note that the buildout figures represent an informed but estimated projection of a future condition. The actual construction of development will likely vary by parcel and planning area in terms of location and mix of uses. The analysis in the General Plan Environmental Impact Report provides a programmatic assessment of potential impacts, enabling tiering for future projects that are consistent with the assumptions on some CEQA topics (other project-level impacts will still need to be evaluated through the appropriate environmental clearance under CEQA).

## Existing Conditions

### Housing Units and Building Square Footage

Existing conditions figures (see Table 1) reflects the built environment as of January 2020, using parcel data from the City of Santa Ana Planning Information Network, augmented by projects listed as already under construction in the City's January 2020 monthly development project report (see Table 5).

### Households and Population

The number of households was generated by multiplying the total number of housing units by the occupancy rate as reported by the California Department of Finance for 2019 (see source notes in Table 4). Population was generated by multiplying the total number of households by persons per household rates, varying for single family and multi-family units, as reported in the 2018 American Community Survey 1-year estimates (see Table 4).

### Students

The number of K-12 and college students currently attending schools in Santa Ana was obtained from the California Department of Education and Rancho Santiago Community College District, respectively (see Table 5).



## Employment

The number of jobs (employment) in Santa Ana was generated by dividing building square footage (by land use) by employment generation factors (see Table 3). The building use and square footage data was obtained from the City of Santa Ana Planning Information Network, augmented by projects listed as already under construction in the City's January 2020 monthly development project report. The employment generation factors were derived by first dividing the building square footage by factors provided by the City and sourced to the Santa Ana OCP 2002/2006 Interagency Team. The results were compared to total employment figures reported citywide and by industry sector (with rough equivalents identified for each land use category), by the U.S. Census Bureau for 2017. The employment generation factors were adjusted as necessary to bring calculated figures for existing employment generally in line with figures reported by the U.S. Census in 2017.

## Employed Persons

The number of employed persons is calculated exclusively as an input into the Orange County Traffic Analysis Model (OCTAM) to conduct the traffic analysis of the General Plan as part of the environmental impact report. The total estimated number of employed residents varies between different U.S. Census datasets. The Longitudinal Employer-Household Dynamics Origin-Destination Employment Statistics (LEHD) reports data based on W-2 and W-4 forms related to wages and worker's compensation, while the American Community Survey relies on statistical surveys of self-reported data. The LEHD figures are generally considered more appropriate for traffic analysis purposes since the job information is more consistent and more likely to involve vehicular travel outside of the home.

The number of employed persons in Santa Ana was generated by multiplying the total population in households by the percentage of population age 16 and over by the employment-to-population ratio, as reported by the U.S. Census Bureau in 2018 (see Table 4). These calculations, drawn from the ACS, are then reduced proportionally to bring figures in line with the total reported by LEHD.

## Buildout Conditions

### Proposed Plan

In coordination with a General Plan Advisory Group, the City identified five areas suited for new growth and development: South Main Street, Grand Avenue/17th Street, West Santa Ana Boulevard, 55 Freeway/Dyer Road, and South Bristol Street. These five areas are located along major travel corridors, the future OC Streetcar line, and/or linked to the Downtown. In general, many areas currently designated for General Commercial and Professional Office are expanding opportunities for residential development through a proposed change to the Urban Neighborhood or District Center General Plan land use designations. Industrial Flex would be introduced where Industrial land use designations currently exist within each of the five focus areas in order to allow for cleaner industrial and commercial uses with live-work opportunities.

There are seven other planning areas that represent specific plans and other special zoning areas that were previously adopted: Adaptive Reuse Overlay (2014), Bristol Street Corridor Specific Plan (1991/2018), Harbor Mixed Use Corridor Specific Plan (2014), MainPlace Specific Plan (2019), Metro East Mixed Use Overlay Zone (2007/2018), Midtown Specific Plan (1996), and Transit Zoning Code Specific Development (2010). The potential for new development in these areas is based on the forecasted buildout at the time of the respective zoning

document's adoption, minus the amount of new development built between their adoption date and 2019. The most recent adoption/amendment date for each zoning document is noted above in parentheses.

Growth outside of the focus areas and special planning areas is expected to be incremental and limited. Some growth was projected for the professional office surrounding the Orange County Global Medical Center and along Broadway north of the Midtown Specific Plan. Some growth was also projected for the commercial and retail area south of the West Santa Ana Boulevard focus area. Finally, some additional residential development is expected to occur on a small portion (five percent) of single-family and multi-family lots through the construction of second units.

### Focus Areas

Parcels within focus areas were first evaluated for the potential for new uses (units or building square footage), through redevelopment, intensification, and/or turnover. The analysis was conducted by MIG in 2019, in support of the City of Santa Ana, using the City of Santa Ana Planning Information Network as of April 2019. MIG determined the potential based on the building-to-land-value ratio. Those parcels that were vacant or exhibited a building-to-land-value ratio below 1.0 were determined to have potential for new uses. Exceptions include religious and governmental institutions.

For parcels without the potential for new uses, existing building square footage (non-residential) and/or existing units (residential) were carried over into future buildout. For parcels with potential for new uses, buildout factors can be found in Table 2. These factors were established by the City, assisted by MIG, based on a comparison of development throughout southern California that matched the vision established for each focus area. MIG identified the density and intensity factors corresponding with such development to inform the City's focus area buildout factors.

After calculating future buildout conditions using the density/intensity factors, PlaceWorks assisted the City in evaluating the potential implications of the potential buildout figures for each focus area, informed by analyses by IBI Group (circulation) and AECOM (market) conducted in 2019 and 2020. PlaceWorks concluded that the City should not assume a maximum theoretical buildout based on maximum density/intensity standards but should forecast and plan for growth beyond current market demand. PlaceWorks recommended that the City apply a buildout factor of 80% to the totals generated using the factors in Table 2 to arrive at buildout projections for 2045 that are realistic, market-friendly, consistent with the visions for each focus area, and more compatible with the proposed roadway network. The following information substantiates the General Plan buildout development assumptions and adjustments.

### *Realistic vs Maximum Theoretical Buildout*

Density and intensity standards are provided in a general plan to convey the maximum scale and intensity for broad land use categories. Zoning standards are then applied at a parcel level to guide and control density and intensity at a development project level. When calculating buildout, a jurisdiction is permitted to assume that every single parcel will develop at the maximum permitted density/intensity. However, this assumption of absolute buildout runs the risk of overestimating the amount of building space and residential units within the identified planning horizon (in this case the year 2045). Overestimating buildout can lead to unnecessary and misleading concerns, mitigation measures, and planning efforts, as well as a misallocation of current and future

public funds. Accordingly, the City of Santa Ana General Plan calculated a realistic or more likely buildout scenario for projecting growth between 2020 and 2045.

*Past Development Trends*

While 25 years is a long period of time, the City of Santa Ana is a highly urbanized place containing relatively few vacant lots. The process of intensifying and/or redeveloping parcels of land that already contain functional uses and structures is often substantially more complicated and costly compared to developing vacant land. A review of the City’s property records indicates that the pace of new development, intensification, and redevelopment has occurred over a much longer period of time to reach where the City is today. The average floor area ratios (amount of building space compared to the total area of the parcel) throughout the focus areas are 0.22 to 0.41 for commercial, 0.28 to 0.43 for industrial, 0.26 to 1.29 for office, and 0.40 for mixed use. Average densities are 4.5 to 6.5 dwelling units per acre (du/ac) for single family units and 13.5 to 24.8 units per acre for multi-family units.

*Current Development Trends*

Of course, past development trends do not necessarily match the likely and/or desired scale, intensity, or pace of new development envisioned by the updated General Plan. Current development trends can be identified through recent development projects and applications. The following list contains projects that were under construction, entitled, or in review as of January 2020. The projects are listed by planning area, with the proposed project intensity details shown alongside the maximum intensity standards of the desired general plan or zoning designation. This list demonstrates that some current projects are building to their maximum potential, but the majority are building at roughly 60% to 75% of the maximum potential (either in terms of residential density and/or building space).

- Metro East Mixed Use Overlay
  - Active Urban District, no maximum on stories
    - AMG Family Affordable Apartments, 6 stories, 80 du/ac, 10,000 sq. ft. of commercial
    - Central Pointe Mixed-Use Development, 5 stories, 75 du/ac, 8,800 sq. ft. of commercial
    - The Madison, 6 stories, 93 du/ac, 6,600 sq. ft. of commercial
    - Wermers Elks Site "Elan" Mixed-Use Development, 6 stories, 97 du/ac, 20,000 sq. ft. of commercial
  - Neighborhood Transitional District, allows up to 4 stories
    - AMCAL First Street Apartments, 3 stories, 32 du/ac
- 55/Dyer Focus Area
  - District Center, up to 90 du/ac, up to 1.7 FAR (Heritage) and up to 5.0 FAR (Bowery)
    - The Bowery Mixed-Use Project, 79 du/ac, 80,000 sq. ft. of commercial
    - The Heritage, 65 du/ac, 18,400 sq. ft. of commercial, and 56,000 sq. ft. of office
- MainPlace Specific Plan
  - District Center, up to 90 du/ac, up to 2.1 FAR
    - 2700 N Main, 71 du/ac
    - Magnolia at the Park, 58 du/ac
- Adaptive Reuse Overlay
  - Adaptive reuse standards/incentives, minimum 500-sq. ft. units, can exceed general plan density
    - Meta Housing Santa Ana Arts Collective Adaptive Re-Use, 61 du/ac

- Transit Zoning Code
  - Transit Village Zone, up to 25 stories
    - Crossroads at Washington, 4 stories, 38 du/ac, 10,060 sq. ft. of commercial
  - Downtown Zone, up to 10 stories
    - 3<sup>rd</sup> & Broadway, 10 stories of residential, 14,816 sq. ft. of commercial, 75-room hotel
    - 4th and Mortimer Mixed-Use Development, 6 stories of residential, 49 du/ac, 15,800 sq. ft. of commercial
    - First American Title Co. Site, 7 stories of residential, 12,350 sq. ft. of commercial
  - Urban Neighborhood 2, up to 5 stories
    - Tom's Trucks Residential & Adaptive Reuse Development, 3 stories, 14 du/ac

### *Market Analysis*

AECOM conducted a market analysis for the General Plan update in 2019 and 2020 (final Santa Ana Economic Indicators Report, May 2020). The report concluded that the demand for new residential development could reach upwards of 15,520 units through 2040 (including pipeline projects, per Figure 7.2 in the Economic Indicators Report Report), although the report also noted that housing demand could increase if the housing pipeline remains strong if it can increase its capture rate of countywide growth. AECOM determined that future demand for office and industrial space would continue to be in line with historical rates, and demand for retail would continue to be tied to household growth and spending. While such findings may seem to justify relatively low levels of growth (especially compared to maximum buildout standards), jurisdictions must plan increased capacity throughout planning areas to create responsive and flexible market areas. New development requires not only market demand but also property owners willing to sell and/or redevelop. This means that new development is often limited to a fraction of the land theoretically available and suitable for reuse and/or development.

### *Density Bonus Assumptions*

State law allows a graduated density bonus for the inclusion of affordable housing units --- for an increasing number of affordable units (by percentage), a project is allowed an increasing ability to exceed the permitted density. The amount of density bonus is generally capped at 35 percent. Recent updates to state housing law (Assembly Bill 1763, effect January 1, 2020), enables projects that are 100 percent affordable (either 100% lower income or 80% lower and 20% moderate (as defined in Section 50053 of the Health and Safety Code), to obtain a density bonus of 80 percent, or no limit if within one-half mile of a major transit stop.

However, not every project will include affordable units and not every project that includes affordable units will need a density bonus. Projects are not required to build at densities that exceed maximum limits; the law only requires that jurisdictions grant the density bonus if requested. The buildout methodology was based on past development trends, current development trends, and a forecasted market analysis. These trends accounted for any units approved (density bonus or otherwise), to determine the appropriate density and amount of development to assume.

Additionally, the optimal density of affordable units is at or below the densities levels assumed for forecasting buildout. Generally, projects beyond 50 to 70 units per acre require Type 1 construction (steel and concrete structure), which is dramatically more expensive compared to Type V construction (wood structure).

Accordingly, affordable projects are rarely greater than 70 units per acre (exceptions for very small parcels). The average densities used to calculate projected buildout at 2045 are 50 to 90 units per acre in the three most intense focus areas (55/Dyer, 17th/Grand, and South Bristol), with the other two applying a residential assumption at 30 units per acre over a broad area to account for development at or above the maximum density of 30 units per acre (maximum is 20 units per acre for projects proposed exclusively residential in the South Main Focus Area; maximum is 30 units per acre for a relatively small part of the West Santa Ana Boulevard Focus Area).

### *Roadway Network Performance*

IBI Group conducted an analysis of existing roadway conditions in 2019 (documented in Section 5 of Santa Ana General Plan Update Traffic Impact Study, June 2020), including an analysis of existing and future roadway segment and intersections that are likely to experience roadway congestion issues created by future growth, even with feasible mitigation. While roadway congestion (level-of-service or LOS) is not a topic evaluated in the environmental impact report (removed through Senate Bill 743, passed in 2013), the performance of the City's roadway network remains a concern of the City and its residents, businesses, and other stakeholders. PlaceWorks and IBI Group recommended reduced (below absolute maximum) buildout assumptions for the focus areas given known or likely roadway (segment and/or intersection) performance issues alongside the City's desire to make adjustments to a number of roadway classifications.

### *Adopted and Existing Plans*

#### *Adaptive Reuse (AR) Overlay Zone*

In consultation with the City, it was determined that 1,000 residential units could be developed over the planning period. A total of 800 units were distributed proportionally among parcels covered by AR Zone only (not in a specific plan or focus area). The remaining 200 units were distributed proportionally among parcels throughout the Midtown Specific Plan. For non-residential building square footage, it was assumed that no additional growth would occur during the planning period, and existing building square footage was carried over into future buildout.

#### *Bristol Street Corridor Specific Plan*

The City was determined that parcels with existing single/multi-family units would not redevelop during the planning period, and therefore existing units were carried forward into future buildout. For non-residential building square footage, due to the location and age of existing non-residential development, turnover was considered to potentially occur during the planning period.

#### *Harbor Street Corridor Specific Plan*

The Harbor Corridor Specific Plan was adopted in 2014 and included a comprehensive buildout analysis that spanned a similar planning period. Accordingly, the buildout conditions were carried over as detailed in the Specific Plan, adjusting for new development constructed or entitled since 2014.

#### *MainPlace Specific Plan*

The MainPlace Specific Plan was adopted in 2019 and included a comprehensive buildout analysis that spanned a similar planning period. Accordingly, the buildout conditions were carried over as detailed in the Specific Plan, adjusting for new development constructed or entitled since 2019.

### *Metro East Overlay Zone*

The Metro East Mixed Use Overlay Zone, adopted in 2007 and amended in 2018, included a cumulative buildout analysis that spanned a similar planning period. Accordingly, the buildout conditions were carried over as detailed in the Specific Plan, distributed proportionally throughout the plan area and adjusting for new development constructed or entitled since 2019.

### *Midtown Specific Plan*

The City determined that the Midtown Specific Plan (adopted in 1996) would experience little net growth during the planning period, so existing single/multi-family units and building square footage were largely carried forward into future buildout. To account for adaptive reuse projects, 200 multifamily units were distributed across eligible parcels.

### *Transit Zoning Code*

The Transit Zoning Code was adopted in 2010 and included a cumulative buildout analysis that spanned a similar planning period. The cumulative buildout conditions for residential and non-residential development were carried over as detailed in the Specific Plan, distributed proportionally throughout the plan area according to the block system established in working maps (previously identified under the Draft Renaissance Specific Plan).

### *All Other Areas of the City*

The City assumed a small increase (five percent) of residential units through the construction of second units, which are distributed throughout the City by traffic analysis zone and is not concentrated in a subset of neighborhoods. A 10 percent increase in non-residential building square footage (and associated employment), was assumed for the professional offices surrounding the Orange County Global Medical Center and along Broadway north of the Midtown Specific Plan, as well as the commercial and retail areas along 1st Street south of the West Santa Ana Boulevard focus area. Current development projects as listed in the City of Santa Ana monthly development project report (as of January 2020), were incorporated as follows: projects under construction and nearing occupancy were factored into the existing conditions figures; all other projects were included as potential future growth.

## **Current General Plan**

As part of the technical analyses, it is common to evaluate a buildout scenario that reflects the currently adopted General Plan. It is also important to keep the overall buildout approach generally consistent with that used in developing the Proposed Plan buildout, with obvious exceptions for areas that are planned differently—in this case, the focus areas. The buildout for focus areas was based on the land designations as of January 2020, using a combination of current assumptions stated in the 1998 Land Use Element (Table A-4, Land Use Plan Build-out Capacities), past and current trends, and the results of the 2020 Economic Indicators Report by AECOM.

## **Other Projections**

### **Orange County Projections (OCP)**

The Center for Demographic Research (CDR) is the entity through which jurisdictions in Orange County distribute and generate population, housing, and employment projections for Orange County. This includes the use of OCP figures to communicate expected growth for the regional transportation plan. The latest OCP figures were

finalized (September 2018) prior to the current land use planning and buildout efforts associated with the General Plan update. Interim adjustments can be made to the OCP figures if significant changes in land use or other policies will have a significant impact on the projections, and if these changes can be documented. The buildout for the Santa Ana General Plan will be finalized upon the adoption of the General Plan at the end of 2020, with implementation beginning in 2021. The General Plan land use plan and buildout projections will be incorporated into the OCP figures in 2021/2022.

### Southern California Association of Governments (SCAG)

As the metropolitan planning organization SCAG is responsible for developing long-range transportation plans and a sustainability strategy for the vast majority of Southern California. The centerpiece of that planning work is Connect SoCal, the 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS). This effort includes population, housing, and employment projections for each jurisdiction between 2020 and 2045.

SCAG is required by federal law to prepare and update (ever four years) a long-range RTP that identifies a feasible transportation system, adequate financial plan, and strategies to move people and goods efficiently. SCAG must also develop a SCS to integrate land use and transportation strategies that will achieve California Air Resources Board (CARB) greenhouse gas emissions reduction targets. In regard to housing, the SCS must demonstrate, on a regional level, areas sufficient to house all the population of the region, including the eight-year projection of the Regional Housing Needs Assessment (RHNA).

SCAG is also responsible for preparing the RHNA, a quantification of the housing need in each jurisdiction during specified planning periods. SCAG is in the process of developing the 6th cycle RHNA allocation plan which will cover the planning period October 2021 through October 2029. It is planned for adoption by SCAG in October 2020. Per Senate Bill 375 (2008), the RHNA must be consistent with the adopted SCS. The update process for the 2020 RTP/SCS began in 2018, and a draft of the proposed RTP/SCS was released in November 2019. SCAG's Regional Council approved the final RTP/SCS (aka Connect SoCal) on May 7, 2020, for the limited purpose of federal transportation conformity, so that SCAG could submit the plan to the Federal Highway Administration and Federal Transit Administration for review prior to the June 1, 2020, deadline, as required by the federal Clean Air Act. As of June 2020, the Regional Council anticipates the approval of Connect SoCal in its entirety sometime in late 2020 (possibly 120 days from May 7, 2020), following additional engagement with stakeholders to consider the impacts of the novel coronavirus (COVID-19) pandemic on the plan and its implementation.

The period to file RHNA appeals is expected to commence on the eighth day after the Regional Council adopts the Connect SoCal in its entirety. The appeals process will then follow the adopted RHNA Appeals Procedures with timelines updated to reflect the delay of the Connect SoCal Plan adoption.

Note that the adoption dates for the RTP/SCS and RHNA may be pushed due to circumstances related to the novel coronavirus (COVID-19) crisis. The buildout for the Santa Ana General Plan will be finalized upon the adoption of the General Plan at the end of 2020, with implementation beginning in 2021. The General Plan land use plan and buildout projections will be incorporated into the 2024 RTP/SCS, for which the update process should be in 2022.

**Table 1 Existing Conditions, Potential Growth, and Buildout Conditions in Santa Ana, 2020 to 2045**

PLANNING AREA	EXISTING <sup>1</sup>			GROWTH <sup>2</sup>			BUILDOUT		
	Housing Units	Bldg. Sq. Ft. <sup>3</sup>	Jobs	Housing Units	Bldg. Sq. Ft. <sup>3</sup>	Jobs	Housing Units	Bldg. Sq. Ft. <sup>3</sup>	Jobs
<b>FOCUS AREAS</b>	6,380	13,421,155	28,428	17,575	2,263,130	6,616	23,955	15,684,285	35,044
55 Freeway/Dyer Road	1,221	5,666,453	8,898	8,731	475,830	4,404	9,952	6,142,283	13,302
Grand Avenue/17 <sup>th</sup> Street	561	1,400,741	3,568	1,722	-696,847	-1,946	2,283	703,894	1,622
South Bristol Street	220	1,577,511	3,337	5,272	3,505,130	7,855	5,492	5,082,641	11,192
South Main Street	1,720	1,685,978	3,455	588	-739,316	-1,304	2,308	946,662	2,151
West Santa Ana Boulevard	2,658	3,090,472	9,170	1,262	-281,667	-2,393	3,920	2,808,805	6,777
<b>SPECIFIC PLAN / SPECIAL ZONING</b>	4,685	13,924,891	38,548	15,839	3,033,554	1,154	20,524	16,958,445	39,702
Adaptive Reuse Overlay Zone <sup>4</sup>	260	976,935	3,043	1,000	0	-476	1,260	976,935	2,567
Bristol Street Corridor Specific Plan	136	140,348	294	-1	2,791	-12	135	143,139	282
Harbor Corridor Specific Plan	1,324	1,767,937	3,286	3,298	200,045	-1,708	4,622	1,967,982	1,578
Main Place Specific Plan	0	1,108,080	2,216	1,900	1,318,843	3,164	1,900	2,426,923	5,380
Metro East Overlay Zone	844	2,516,056	7,524	4,707	2,169,891	4,734	5,551	4,685,947	12,258
Midtown Specific Plan	607	1,885,065	4,824	0	-66,812	-209	607	1,818,253	4,615
Transit Zoning Code	1,514	5,530,470	17,361	4,935	-591,204	-4,339	6,449	4,939,266	13,022
<b>ALL OTHER AREAS OF THE CITY <sup>5</sup></b>	67,727	39,772,550	92,004	2,847	552,536	3,666	70,574	40,325,086	95,670
<b>CITYWIDE TOTAL</b>	78,792	67,118,596	158,980	36,261	5,849,220	11,436	115,053	72,967,816	170,416

Notes:

- Existing represents conditions as of December 2019 as derived from the City of Santa Ana Planning Information Network and projects already under construction per the January 2020 monthly development project report.
- The potential growth for new development in specific plan / special zoning area is based on the forecasted buildout at the time of the respective zoning document's adoption, minus the amount of new development built between its adoption date and 2019.
- Only includes nonresidential building square footage.
- The figures shown on the row for the Adaptive Reuse Overlay represents parcels that are exclusively in the Adaptive Reuse Overlay boundary. Figures for parcels that are within the boundaries of both the Adaptive Reuse Overlay Zone and a specific plan, other special zoning, or focus area boundary are accounted for in the respective specific plan, other special zoning, or focus area.
- The City has included an assumption for growth on a small portion (five percent) of residential parcels through the construction of second units, which is distributed throughout the City and is not concentrated in a subset of neighborhoods. Additional growth includes known projects in the pipeline and an increase of 10 percent in building square footage and employment for the professional office surrounding the Orange County Global Medical Center and along Broadway north of the Midtown Specific Plan, as well as the commercial and retail along 1<sup>st</sup> Street south of the West Santa Ana Boulevard focus area.

Source: City of Santa Ana with assistance from PlaceWorks, 2020.



**Table 2: Focus Area Buildout Factors**

Focus Area Land Use	Density <sup>1</sup>	Intensity (FAR) <sup>1</sup>					Use Ratio (pct. of land) <sup>1</sup>						
	DU/ac	Comm.	Off.	Ind.	Ins.	Hotel	Res.	Comm.	Off.	Ind.	Ins.	Hotel	O.S.
<b>55 Freeway / Dyer Road</b>													
District Center	85	0.5	0.5	-	-	1.0	75%	15%	5%	-	-	-	5%
General Commercial	-	1.0	-	-	-	-	-	100%	-	-	-	-	-
Industrial / Flex	-	0.5	1.0	0.75	-	-	-	5%	30%	65%	-	-	-
Open Space	-	-	-	-	-	-	-	-	-	-	-	-	100%
<b>17<sup>th</sup> Street / Grand Avenue</b>													
District Center	50	0.5	0.5	-	-	-	75%	15%	5%	-	-	-	5%
General Commercial	-	0.28	-	-	-	-	-	100%	-	-	-	-	-
Industrial / Flex	-	0.5	0.75	0.6	-	-	-	5%	30%	65%	-	-	-
Open Space	-	-	-	-	-	-	-	-	-	-	-	-	100%
Urban Neighborhood	30	0.5	0.5	-	-	-	75%	15%	5%	-	-	-	5%
<b>South Bristol Street</b>													
District Center Area A <sup>2</sup>	80	1.0	2.0	-	-	3.0	35%	5%	50%	-	-	5%	5%
District Center Area B <sup>3</sup>	90	1.0	2.0	-	-	3.0	75%	7%	7%	-	-	3%	8%
Open Space	-	-	-	-	-	-	-	-	-	-	-	-	100%
Urban Neighborhood	30	0.5	0.5	-	-	-	65%	25%	5%	-	-	-	5%
<b>South Main Street</b>													
Industrial / Flex	-	0.75	0.5	0.3	-	-	-	15%	30%	55%	-	-	-
Institutional	-	-	-	-	0.36	-	-	-	-	-	100%	-	-
Low Density Residential	7	-	-	-	-	-	100%	-	-	-	-	-	-
Open Space	-	-	-	-	-	-	-	-	-	-	-	-	100%
Urban Neighborhood	30	0.5	0.5	-	-	-	70%	20%	5%	-	-	-	5%
<b>West Santa Ana Boulevard</b>													
Corridor Residential	30	-	-	-	-	-	100%	-	-	-	-	-	-
General Commercial	-	1.0	-	-	-	-	-	100%	-	-	-	-	-
Industrial / Flex	15	0.5	0.75	0.6	-	-	5%	15%	30%	50%	-	-	-
Institutional	-	-	-	-	1.09	-	-	-	-	-	100%	-	-
Low Density Residential	7	-	-	-	-	-	100%	-	-	-	-	-	-
Low-Medium Density Residential	13.7	-	-	-	-	-	100%	-	-	-	-	-	-
Medium Density Residential	24.8	-	-	-	-	-	100%	-	-	-	-	-	-
Open Space	-	-	-	-	-	-	-	-	-	-	-	-	100%
Professional and Administrative Office	-	-	2.0	-	-	-	-	-	100%	-	-	-	-
Urban Neighborhood	30	0.5	0.5	-	-	-	80%	10%	5%	-	-	-	5%

Notes:  
 1. Density, intensity, and use ratio figures determined by the City of Santa Ana in collaboration with MIG, 2019. The FAR figures address nonresidential building square footage only. The resulting buildout figures, with the exception of South Bristol Street District Center Area B, were then multiplied by a factor of 80% to arrive at projections for 2045.  
 2. Includes all District Center areas north of MacArthur Blvd and on the east side of Bristol south of MacArthur (~52 acres).  
 3. Includes all District Center areas south of MacArthur Blvd and west of Bristol (~58 acres).

Attachment: Irvine Appeal of Santa Ana's Draft RHNA Allocation and Supporting Documentation (Appeal

**Table 3: Employment Factors**

<b>Employment Generation Factors</b>		
<b>Land Use</b>	<b>Existing Factor</b>	<b>Buildout Factor</b>
Commercial	500 sq. ft. / emp.	500 sq. ft. / emp.
Office / Office Park	286 sq. ft. / emp.	364 sq. ft. / emp.
Business Park / R&D	300 sq. ft. / emp.	333 sq. ft. / emp.
Light Industrial	400 sq. ft. / emp.	500 sq. ft. / emp.
Heavy Industrial	500 sq. ft. / emp.	500 sq. ft. / emp.
Warehouse	800 sq. ft. / emp.	800 sq. ft. / emp.
Medical	400 sq. ft. / emp.	222 sq. ft. / emp.
Government Office	286 sq. ft. / emp.	286 sq. ft. / emp.
Hospital	400 sq. ft. / emp.	364 sq. ft. / emp.
Religious Institution	800 sq. ft. / emp.	800 sq. ft. / emp.
Hotel / Motel	0.9 / room	0.9 / room
School	0.1 / student	0.1 / student
Park	0.75 / acre	0.75 / acre
<b>Employed Persons Factors</b>		
Population age 16+ (% of total)	76.8%	
Employment/working population ratio	63.7%	
LEHD / ACS employment	84.0%	
Source:		
<ul style="list-style-type: none"> <li>Existing employment generation factors based on U.S. Census Bureau, Longitudinal Employer-Household Dynamics Origin-Destination Employment Statistics (LEHD), 2017, accessed and aggregated by PlaceWorks in March 2020.</li> <li>Buildout employment generation factors based on OCTA Typical Employment Conversion Factors, June 2001 allowable ranges; adjusted by Santa Ana OCP 2002/2006 Interagency Team.</li> <li>Population age 16+ derived by comparing total population in households and workforce population 16 and over, reported by the U.S. Census, American Community Survey (ACS) 2018 5-Year Estimates, Tables B25033 and S2301), accessed in March 2020.</li> <li>Employed/ working population ratio as reported by the U.S. Census, ACS 2018 5-Year Estimates, Table S2301), accessed in March 2020.</li> <li>LEHD / ACS employment compares the number of employed residents reported by LEHD to self-reported data in ACS 2017 5-Year Estimates, accessed in March 2020.</li> </ul>		

**Table 4: Persons per Household Assumptions**

<b>Units in Structure</b>	<b>2000</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2045</b>
Citywide	4.37	4.30	4.26	4.41	4.14	3.97	4.33	4.20	4.11	3.97	3.62
<b>Single family<sup>1</sup></b>	5.01	4.92	4.98	4.94	4.84	4.81	5.00	4.85	4.73	<b>4.59<sup>3</sup></b>	<b>4.30<sup>4</sup></b>
<b>Multi-family<sup>2</sup></b>	4.07	4.01	3.86	4.15	3.82	3.51	4.01	3.86	3.74	<b>3.58<sup>3</sup></b>	<b>3.12<sup>4</sup></b>
2 to 4	4.40	4.84	4.09	4.77	3.90	3.56	4.48	4.37	4.01	4.03	3.43
5 to 19	3.93	3.78	3.75	4.31	3.69	3.55	4.01	3.85	3.53	3.99	3.60
20 to 49	4.67	4.20	4.35	4.49	4.31	3.81	4.10	4.20	3.92	2.95	2.05
50 or more	3.71	3.58	3.67	3.55	3.71	3.19	3.43	3.18	3.74	2.77	2.41
Notes:											
<ol style="list-style-type: none"> <li>A category representing the aggregate figure for single family detached and single family attached units, as reported in the Census tables.</li> <li>A category representing the aggregate figure for multi-family units with two or more units in the structure, as reported in the Census tables.</li> <li>Factors used to generate population estimates for existing conditions.</li> <li>Factors used to generate population estimates for buildout conditions.</li> </ol>											
Source:											
<ul style="list-style-type: none"> <li>2000 (Decennial Census Tables HCT003 and H033), accessed and aggregated (weighted average) by PlaceWorks in March 2020.</li> <li>2010-2018 (U.S. Census, American Community Survey 1-Year Estimates, Tables B25124 and B25033), accessed and aggregated (weighted average) by PlaceWorks in March 2020.</li> <li>2045 derived through trendline analysis of 2000-2018 data by PlaceWorks in March 2020.</li> <li>Occupancy rate of 95.94% from the California Department of Finance, Table 2: E-5 City/County Population and Housing Estimates, 1/1/2019, downloaded in March 2020.</li> </ul>											

**Table 5: Student Enrollment for Public and Private Schools in Santa Ana, 2018/2019**

School	Enrollment	School	Enrollment
<b>Garden Grove Unified School District</b>		<b>Santa Ana Unified School District continued</b>	
Edward Russell Elementary	502	Manuel Esqueda Elementary	1,100
Heritage Elementary	452	Martin Elementary	645
Newhope Elementary	396	Martin Luther King Jr. Elementary	640
R. F. Hazard Elementary	468	Martin R. Heninger Elementary	1,151
Rosita Elementary	480	McFadden Intermediate	1,184
Stephen R. Fitz Intermediate	687	Middle College High	349
Bethel Baptist	225	Mitchell Child Development Center	419
Saint Barbara Elementary	325	Monroe Elementary	300
Santa Clara Nursery School	24	Monte Vista Elementary	516
<b>Orange County Department of Education</b>		Orange County School of the Arts	2,177
Samueli Academy	529	Pio Pico Elementary	563
Citrus Springs Charter	256	Raymond A. Villa Fund. Intermediate	1,390
College and Career Preparatory Academy	241	REACH Academy	34
Ednovate - Legacy College Prep.	189	Saddleback High	1574
Scholarship Prep	436	Santa Ana High	3,057
Vista Condor Global Academy	132	Santiago Elementary	1,152
Vista Heritage Global Academy	275	Segerstrom High	2,435
<b>Orange Unified School District</b>		Sierra Intermediate	757
Fairhaven Elementary	544	Taft Elementary	544
Panorama Elementary	404	Theodore Roosevelt Elementary	572
<b>Santa Ana Unified School District</b>		Thomas A. Edison Elementary	515
Edward B. Cole Academy	373	Valley High	2,150
Orange County Educational Arts Academy	622	Walker Elementary	401
Abraham Lincoln Elementary	790	Wallace R. Davis Elementary	538
Advanced Learning Academy	364	Washington Elementary	750
Andrew Jackson Elementary	745	Willard Intermediate	708
Carl Harvey Elementary	409	Wilson Elementary	578
Cesar E. Chavez High	385	<b>Tustin Unified School District</b>	
Century High	1,660	Arroyo Elementary	640
Community Day Intermediate and High	34	Foothill High	2,467
Diamond Elementary	509	Guin Foss Elementary	443
Douglas MacArthur Fundamental Intermediate	1,210	Hewes Middle	1,003
El Sol Santa Ana Science and Arts Academy	919	Loma Vista Elementary	454
Franklin Elementary	409	Red Hill Elementary	563
Fremont Elementary	536	Tustin Memorial Elementary	584
Garfield Elementary	723	<b>SBE - Magnolia Science Academy</b>	
George Washington Carver Elementary	386	Magnolia Science Academy Santa Ana	674
Gerald P. Carr Intermediate	1,405	<b>Private</b>	
Gonzalo Felicitas Mendez Fund. Intermediate	1,392	Ari Guiragos Minassian Armenian	109
Greenville Fundamental Elementary	1,043	Blind Children's Learning Center	60
Hector Godinez Fundamental High School	2,449	Calvary Chapel Private School	251
Heroes Elementary	565	Calvary Chapel High/Maranatha Christian Acad.	1,370
Hoover Elementary	357	Calvary Christian School	322
Jefferson Elementary	707	Fairmont Private School	300
Jim Thorpe Fundamental	927	Foothill Montessori School	76
John Adams Elementary	420	Mater Dei High School	2,200
John F. Kennedy Elementary	619	Nova Academy Early College High	430
John Muir Fundamental Elementary	876	Reedemer Christian School	19
Jose Sepulveda Elementary	372	Saint Anne School	220
Julia C. Lathrop Intermediate	948	Saint Joseph Elementary	220
Lorin Griset Academy	371	School of Our Lady	185
Lowell Elementary	709	The Prentice School	140
Lydia Romero-Cruz Elementary	196	<b>Rancho Santiago Community College District</b>	
Madison Elementary	1,009	Santa Ana College	36,411

Source: Santa Ana College student enrollment figure (2018 student headcount) from the Rancho Santiago Community College District, <https://www.rscdd.edu/Discover-RSCDD/Pages/default.aspx>, accessed in March 2020. All other student enrollment figures from the California Department of Education, California School Directory, 2018/2019 enrollment data, accessed in March 2020.

**Table 6: Student Generation Rates**

School District	Multi-Family Unit	Single Family Unit
Santa Ana Unified	0.4475	0.9099
Garden Grove Unified	0.3081	0.59877
Orange Unified	0.3735	0.4922
Tustin Unified	0.3072	0.6063

Sources:

- SAUSD, 2020 Residential Development School Fee Justification Study.
- GGUSD, 2020 Response to Service Questionnaire for Draft EIR. Multi-family rate reflects an average of rates for single family attached and multi-family units.
- OUSD, 2018 Fee Justification Report.
- TUSD, 2018 Fee Justification Report.

**Table 7: Pipeline Projects as of January 2020**

APN	Project Name	Address	Land Use	Res Units	Nonres Sq. Ft.	Status
198-081-28	The Line	3630 W Westminster Avenue	Residential Apartments and Commercial	228	4,248	Under Construction
002-312-35	Saint Thomas 3-Lot Subdivision	2828 N Flower Street	Single-Family Residential	3		Site Plan Review
002-210-40	2700 Main Street Apartments	2700 N Main Street	Residential Apartments	247		Site Plan Review
002-210-42	MainPlace Mall Revitalization Plan	2800 N Main Street	Residential	1900		DA Entitled
002-210-42	MainPlace Mall Revitalization Plan	2800 N Main Street	Hotel (400 rooms)		n/a	DA Entitled
002-210-42	MainPlace Mall Revitalization Plan	2800 N Main Street	Office		750,000	DA Entitled
002-210-42	MainPlace Mall Revitalization Plan	2800 N Main Street	Commercial		270,000	DA Entitled
041-213-04	Town and Country Manor (revise entitlement)	555 E Memory Lane	Senior Care Facility		46,218	Plan Check
390-171-03	Starbucks	2701 N Grand Avenue	Restaurant with Drive-thru		907	Under Construction
003-010-27	Magnolia at the Park	2525 N Main Street	Residential Apartments	347		Site Plan Review
003-010-27	Magnolia at the Park	2525 N Main Street	Demo Office Building for Apartments	0	-81,172	Site Plan Review
396-141-01	Starbucks Drive-thru & Retail Pad	2301 N Tustin Avenue	Restaurant with Drive-thru		3,567	Under Construction
003-113-41	Hampton Inn Hotel	2056 N Bush Street	Relocate SFD to 2125 North Main, change to commercial	-1	922	Plan Check
003-113-59	Hampton Inn Hotel	2115 N Main Street	SFD/Office Change to Commercial	-1	2,627	Plan Check
003-113-61	Hampton Inn Hotel	2058 N Bush Street	Demo SFD	-1		Plan Check
003-113-63	Hampton Inn Hotel	2119 N Main Street	Demo Office Building		-1,619	Plan Check
003-113-81	Hampton Inn Hotel	2129 N Main Street	Hampton Inn Hotel		73,322	Plan Check
399-031-23	The Academy Charter High School	1901 N Fairview Street	"Family" apartments	8		Under Construction
399-031-23	The Academy Charter High School	1901 N Fairview Street	Educational (High School)		146,136	Under Construction
399-031-24	Samuelli Academy Master Plan Revisions	1919 N Fairview Street	Master plan to modify schools classrooms		-6,530	Entitled
396-211-48	North Grand Car Wash	1821 N Grand Ave	Car Wash		5,243	Site Plan Review
396-211-48	North Grand Car Wash	1821 N Grand Ave	Demo Restaurant		-6,592	Site Plan Review

**Table 7: Pipeline Projects as of January 2020**

APN	Project Name	Address	Land Use	Res Units	Nonres Sq. Ft.	Status
396-031-16	Rocket Express Car Wash	1703 E Seventeenth Street	Car Wash		4,292	Entitled
396-031-16	Rocket Express Car Wash	1703 E Seventeenth Street	Demo Existing Commercial		-20,146	Entitled
396-052-43	Sexlinger Homes	1584 E Santa Clara Avenue	Single Family Residence	23		Under Construction
396-341-06	Tustin Service Station and Car Wash	2230 N Tustin Avenue	Commercial		3,600	Site Plan Review
405-262-20	In-N-Out Burger Bristol Rebuild & Expansion	815 N Bristol	Restaurant Rebuild & Expansion		1,776	Entitled
405-272-19	North Bristol Medical Project	1415 N Bristol	Medical Office Buildings		5,120	Plan Check
005-153-19	Arts Collective Meta Housing Adaptive Reuse	1666 N Main Street	Convert Office to Residential Apartments	58		Under Construction
398-522-18	Broadway Live/Work Units	1412 N Broadway	Live/work units	3		Site Plan Review
398-533-07	Craftsman Residential Duplex	1002 N Van Ness Avenue	Residential Apartments	2		Site Plan Review
398-541-13	The Orleans Adaptive Reuse Apartments	1212 N	Convert Existing Office to Residential Apartments	24		Under Construction
398-552-12	YCU Conversion of SFD to Office Use	1008 N Broadway	Convert Historic Structure SFD to Office	-1	2,800	Under Construction
398-561-18	One Broadway Plaza	1109 N Broadway	Office Tower		518,000	Entitled
398-561-18	One Broadway Plaza	1109 N Broadway	Restaurant		16,000	Entitled
003-153-48	Bridging the Aqua	317 E Seventeenth Street	Residential Apartments	57		Under Construction
100-161-46	Nguyen Medical Plaza	5030 Westminster Avenue	Commercial		5,800	Site Plan Review
004-020-12	Lam Residential	1514 N English Street	Single Family Residence	6		Site Plan Review
007-313-16	Tiny Tim Plaza Mixed Use	2223 W Fifth Street	Mixed Use Residential Apartments/Commercial	54	51,300	Under Construction
939-450-61	Vista Heritage School Expansion	2609 W Fifth Street	School Expansion (6-8th to K-8th/Enroll 470 to 870)		n/a	Site Plan Review
398-191-02	Certified Transportation	628 E Washington Avenue	Bus Terminal Maintenance Bldg		7,165	Plan Check
400-231-02	Target Shopping Center Commercial Pads	1330 E Seventeenth Street	Commercial		9,112	Under Construction
400-242-02	Ednovate Charter High School	1450 E Seventeenth Street	Convert 24,428 Office to School w/4,940 SF addition		4,940	Under Construction
400-062-01	Park Court Office Building A	1801 E Parkcourt Place	Office building		3,968	Site Plan Review
400-121-09	Raising Cane's Restaurant	2250 E Seventeenth Street	Demo Existing Restaurant		-10,000	Under Construction
400-121-09	Raising Cane's Restaurant	2250 E Seventeenth Street	Restaurant		3,935	Under Construction
400-164-10	Calvary Church Master Plan	1010 N Tustin Avenue	Master plan to modify center, classrooms, and office		50,000	Site Plan Review
198-101-07	Bewley Street Townhomes	1122 N Bewley Street	Residential Townhomes	11		Site Plan Review
198-102-20	John Le 5-Unit Development	1113 N Bewley Street	Residential Apartments	5		Site Plan Review
198-182-23	First & Harbor Commercial Development	121 N Harbor Boulevard	Commercial		36,606	Entitled
198-182-23	First & Harbor Commercial Development	121 N Harbor Boulevard	Demo Commercial		-6,400	Entitled
198-182-36	Fifth and Harbor Mixed Use Apartments	421 N Harbor Boulevard	Mixed Use Residential Apartments/Commercial	94	9,900	Entitled
198-281-05	Hue-Vo Two Unit Development	3402 W Seventh Street	Single-Family Residential	3		Site Plan Review
198-281-25	West Fifth Villas	3417 W Fifth Street	Residential Condos	8		Entitled
005-185-30	Eight Eight 8 - Adaptive Reuse	888 N Main Street	Convert Office to Mixed-Use/Residential Apartments	121	3,700	Plan Check
005-185-30	Eight Eight 8 - Adaptive Reuse	888 N Main Street	Convert Office to Mixed-Use/Residential Livework Apt	25		Plan Check

Attachment: Irvine Appeal of Santa Ana's Draft RHNA Allocation and Supporting Documentation (Appeal

**Table 7: Pipeline Projects as of January 2020**

APN	Project Name	Address	Land Use	Res Units	Nonres Sq. Ft.	Status
398-236-03	Legacy Square Mixed-Use Development	609 N Spurgeon Street	Demolition of Institutional Building	0	-8,030	Entitled
398-236-03	Legacy Square Mixed-Use Development	609 N Spurgeon Street	Demolition of Church	0	-22,330	Entitled
398-236-03	Legacy Square Mixed-Use Development	609 N Spurgeon Street	Mixed Use Residential Apartments/Commercial	93	7,267	Entitled
099-221-28	CN Square Office Building	402 N Euclid Street	Office Building		4,025	Site Plan Review
100-231-01	Euclid-Hazard 7-Eleven Service Station	813 N Euclid Street	Gas Station/Convenience Store		3,045	Site Plan Review
100-301-03	Euclid Commercial Plaza	111 N Euclid Street	Commercial		2,680	Plan Check
100-281-05	Bui 8-Unit Development	301 N Mountain View	Residential Apartments	8		Site Plan Review
398-214-01	Walnut Pump Station	723 W Walnut Street	Water Pump		3,800	Plan Check
398-325-01	4th and Mortimer (Block A)	409 E Fourth Street	Mixed Use Residential Apartments/Commercial	93	99,985	Site Plan Review
398-325-01	4th and Mortimer (Block A)	409 E Fourth Street	Demolition of Commercial Building		-22,330	Site Plan Review
398-327-09	201 E. 4th Street	401 N Bush Street	Residential Apartments	24		Under Construction
398-328-01	First American Site Mixed-Use Redevelopment	114 E Fifth Street	Mixed Use Residential Apartments/Commercial	218	8,900	Site Plan Review
398-330-08	4th and Mortimer (Block B)	509 E Fourth Street	Mixed Use Residential Apartments/Commercial	40	5,827	Site Plan Review
398-471-03	Tom's Trucks Residential Development	1008 E Fourth Street	Single Family Residence	117		Entitled
400-071-03	Madison Project	200 N Cabrillo Park Drive	Mixed Use Residential Apartments/Commercial	260	6,500	Entitled
402-181-11	AMG East First Senior Apartments	2222 E First Street	Residential Apartments	418	10,000	Under Construction
402-191-01	AMG East First Apartments/1st Point One	2114 E First Street	Mixed Use Residential Apartments/Commercial	552	10,000	Entitled
108-131-49	610 Newhope Condos	610 S Newhope Street	Residential Condos	9		Plan Check
188-021-08	4404 W. First Street	4404 W First Street	Commercial		3,662	Site Plan Review
144-341-04	Hoa Buddhist Center Addition	3222 W First Street	Church/Temple Expansion		9,256	Site Plan Review
144-551-51	Veteran's Village (Jamboree)	3314 W First Street	Residential Apartments	76		Under Construction
007-332-07	7-Eleven Store and Gas Station	1904 W First Street	Gas Station/Convenience Store		2,480	Site Plan Review
405-214-04	King Street Five Home Subdivision	1102 N King Street	Single Family Residence	5		Plan Check
011-154-43	AMCAL First Street Family Apartments	1440 E First Street	Residential Apartments	69		Under Construction
402-222-01	Wermers Properties Mixed-Use Development	1660 E First Street	Mixed Use Residential Apartments/Commercial	603	8,900	Entitled
108-073-14	Saigon Reformed Presbyterian	5321 W McFadden Avenue	Church/Temple Expansion		2,000	Site Plan Review
010-272-22	Star Wok	1019 S Bristol Street	Demo Apartment	-4		Plan Check
010-272-22	Star Wok	1019 S Bristol Street	Demo Mini Market		-1,645	Plan Check
010-272-22	Star Wok	1019 S Bristol Street	Restaurant		2,546	Plan Check
108-244-30	Archangel Michael Coptic Orthodox Church	4405 W Edinger Avenue	Church/Temple Expansion		9,928	Site Plan Review
108-244-30	Archangel Michael Coptic Orthodox Church	4319 W Edinger Avenue	Demo of SFD for church expansion	-1		Site Plan Review
108-244-30	Archangel Michael Coptic Orthodox Church	4325 W Edinger Avenue	Demo of SFD for church expansion	-1		Site Plan Review
108-244-30	Archangel Michael Coptic Orthodox Church	4326 W Regent Drive	Demo of SFD for church expansion	-1		Site Plan Review
108-244-30	Archangel Michael Coptic Orthodox Church	4330 W Regent Drive	Demo of SFD for church expansion	-1		Site Plan Review

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**Table 7: Pipeline Projects as of January 2020**

APN	Project Name	Address	Land Use	Res Units	Nonres Sq. Ft.	Status
108-244-30	Archangel Michael Coptic Orthodox Church	4402 W Regent Drive	Demo of SFD for church expansion	-1		Site Plan Review
407-107-23	Haphan Housing	3025 W Edinger Avenue	Residential Townhomes	18		Entitled
402-111-36	McFadden Village Chevron	2120 E McFadden Avenue	Commercial		2,037	Under Construction
013-040-29	Mater Dei Park Structure	1202 W Edinger Avenue	Parking Structure		3 Story	Under Construction
403-164-08	TLC Care Facility	2032 S Cypress Avenue	Change of Use SF to Care Facility (12 Bed)		n/a	Site Plan Review
140-061-94	Shea Homes	2001 W MacArthur Boulevard	Single Family Residence	42		Under Construction
412-191-04	South Coast Speedwash	2402 S Bristol Street	Commercial Retail/Restaurant		8,183	Permits Issued
412-191-04	South Coast Speedwash	2402 S Bristol Street	Car Wash		26,153	Permits Issued
412-191-04	South Coast Speedwash	2402 S Bristol Street	Demo Existing Car Wash		-5,410	Permits Issued
016-051-28	Softscapes New Building	2605 S Cypress Avenue	Office/Industrial Building		2,665	Plan Check
016-082-48	Our Lady of Guadalupe Office/Residence	542 E Central	Office/Residential Apartment	1	6,372	Site Plan Review
016-151-11	Tapestry by Hilton and Restaurant	1580 E Warner Avenue	6-story Hotel		79,375	Site Plan Review
016-151-11	Tapestry by Hilton and Restaurant	1580 E Warner Avenue	Restaurant		5,000	Site Plan Review
430-221-13	Heritage Village Residential Phase A	1951 E Dyer Road	Mixed-Use Residential Apartments	335	65,700	Under Construction
430-221-13	Heritage Village Residential Phase B	1901 E Dyer Road	Mixed-Use Residential Apartments	403	4,100	Under Construction
430-221-13	Heritage Village Residential Phase C	2001 E Dyer Road	Mixed-Use Residential Apartments	483	4,200	Under Construction
430-222-07	Bowery: Redhill & Warner Mixed-Use	2300 S Redhill Ave	Residential Apartments and Commercial	1,150	80,000	Site Plan Review
411-141-12	Shea ITT	666 E Dyer Road	Industrial		40,000	Under Construction
411-074-03	Legado at the MET	200 E First American Way	Residential Apartments	278		Entitled
414-271-03	Shell Service Station Retail Building	3820 S Fairview Street	Demo Fuel Kiosk		-80	Site Plan Review
414-271-03	Shell Service Station Retail Building	3820 S Fairview Street	Gas Station/Convenience Store		1,600	Site Plan Review
412-541-07	Christ Our Savior Church	2000 W Alton Avenue	Demo Existing Modular Church		-7,190	Under Construction
412-541-07	Christ Our Savior Parcel Map	2000 W Alton Avenue	New Church, Community Center, and Office		46,307	Under Construction
410-111-02	Legacy Multi-Family Residential At Sunflower	651 W Sunflower Ave	Residential Apartments	226		Entitled
410-111-02	Legacy Multi-Family Residential At Sunflower	651 W Sunflower Ave	Demo Church	0	-9,875	Entitled
400-032-02	Russell/Fisher Gas Station & Com Ctr	325 N Tustin Avenue	Commercial		7,368	Entitled
400-032-02	Russell/Fisher Gas Station & Com Ctr	325 N Tustin Avenue	Demo Restaurant for commercial bldg.		-3,440	Entitled
400-032-02	Russell/Fisher Gas Station & Com Ctr	325 N Tustin Avenue	Car Wash		4,354	Site Plan Review
400-032-03	Russell/Fisher Gas Station & Com Ctr	301 N Tustin Avenue	Commercial		2,778	Entitled
400-032-03	Russell/Fisher Gas Station & Com Ctr	301 N Tustin Avenue	Demo Carwash for commercial gas station		-1,780	Entitled
400-032-03	Russell/Fisher Gas Station & Com Ctr	301 N Tustin Avenue	Commercial		2,778	Site Plan Review

Source: City of Santa Ana, Major Planning Projects and Monthly Development Reports, January 2020.

**Table 8: Focus Area Buildout Factors for Current General Plan Scenario (the GP land use plan adopted in 1998, with amendments through 2019)**

Focus Area Land Use	Density <sup>1</sup>	Intensity (FAR) <sup>1</sup>					Use Ratio (pct. of land) <sup>1</sup>						
	DU/ac	Comm.	Off.	Ind.	Ins.	Hotel	Res.	Comm.	Off.	Ind.	Ins.	Hotel	O.S.
<b>55 Freeway / Dyer Road</b>													
District Center	90	1.0	1.0	-	-	-	40%	10%	50%	-	-	-	-
General Commercial	-	0.5	-	-	-	-	-	100%	-	-	-	-	-
Industrial	-	-	-	0.45	-	-	-	-	-	100%	-	-	-
Open Space	-	-	-	-	-	-	-	-	-	-	-	-	100%
Professional and Administrative Office	-	-	0.5	-	-	-	-	-	100%	-	-	-	-
<b>17<sup>th</sup> Street / Grand Avenue</b>													
General Commercial	-	0.5	-	-	-	-	-	100%	-	-	-	-	-
Institutional	-	-	-	-	0.5	-	-	-	-	-	100%	-	-
Low Density Residential	7	-	-	-	-	-	-	-	-	-	-	-	-
Open Space	-	-	-	-	-	-	-	-	-	-	-	-	100%
Professional and Administrative Office	-	-	0.5	-	-	-	-	-	100%	-	-	-	-
<b>South Bristol Street</b>													
District Center	90	1.0	1.0	-	-	-	40%	10%	50%	-	-	-	-
General Commercial	-	0.5	-	-	-	-	-	100%	-	-	-	-	-
Medium Density Residential	15	-	-	-	-	-	100%	-	-	-	-	-	-
Open Space	-	-	-	-	-	-	-	-	-	-	-	-	100%
Professional and Administrative Office	-	-	0.5	-	-	-	-	-	100%	-	-	-	-
<b>South Main Street</b>													
District Center	90	1.0	1.0	-	-	-	40%	10%	50%	-	-	-	-
General Commercial	-	0.5	-	-	-	-	-	100%	-	-	-	-	-
Industrial	-	-	-	0.45	-	-	-	-	-	100%	-	-	-
Institutional	-	-	-	-	0.5	-	-	-	-	-	100%	-	-
Low Density Residential	7	-	-	-	-	-	100%	-	-	-	-	-	-
<b>West Santa Ana Boulevard</b>													
General Commercial	-	0.5	-	-	-	-	-	100%	-	-	-	-	-
Industrial	-	-	-	0.45	-	-	-	-	-	100%	-	-	-
Institutional	-	-	-	-	0.5	-	-	-	-	-	100%	-	-
Low Density Residential	7	-	-	-	-	-	100%	-	-	-	-	-	-
Medium Density Residential	15	-	-	-	-	-	100%	-	-	-	-	-	-
Open Space	-	-	-	-	-	-	-	-	-	-	-	-	100%
Professional and Administrative Office	-	-	0.5	-	-	-	-	-	100%	-	-	-	-
Urban Neighborhood	30	0.5	0.5	-	-	-	50%	30%	20%	-	-	-	-

Notes:  
 1. Density, intensity, and use ratio figures determined using a combination of current assumptions stated in the 1998 Land Use Element (Table A-4, Land Use Plan Build-out Capacities), past and current trends, and the results of the 2020 Economic Indicators Report by AECOM. Maximum densities/intensities were assumed for conventional residential and industrial categories, while commercial and office categories were assumed to build out below maximum intensities. A balance of residential and nonresidential uses, with maximum residential densities and below-maximum nonresidential intensities, was assumed for the mixed used categories of Urban Neighborhood and District Center.

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**Table 9: Citywide Figures by Orange County Traffic Analysis Model (OCTAM) Category**

Statistic	Existing Conditions	2045 Projections		
		Current GP	80% / 50% Prop GP	Proposed GP
K-12 Enrollment <sup>1</sup>	58,097	69,074	72,675	75,480
College Enrollment <sup>2</sup>	36,411	36,411	36,411	36,411
Total Population <sup>3</sup>	334,774	383,202	411,804	431,629
Household Population	330,256	378,684	407,286	427,111
Employed Population	135,717	155,615	167,368	175,515
Total Households	76,314	94,104	103,864	109,883
Median HH Income <sup>4</sup>	see note	see note	see note	see note
Retail Employment <sup>5,8</sup>	20,738	22,957	17,297	18,002
Services Employment <sup>6,8</sup>	45,602	60,513	48,260	52,367
Other Employment <sup>7,8</sup>	95,324	98,967	96,580	98,875

Notes:

1. Only includes students attending schools within the city boundaries.
  2. No projection data was available.
  3. Total Population includes all individuals living in households, institutional group quarters, and non-institutional group quarters.
  4. Median household income figures generated by the traffic model.
  5. Retail employment estimated to account for 50% of jobs generated by commercial land uses.
  6. Services employment estimated to account for 50% of jobs generated by commercial land uses, 70% of jobs generated by office land uses, and 100% of jobs generated by hotel land uses.
  7. Other ("Base") employment estimated to account for 30% of jobs generated by office land uses and 100% of jobs generated by industrial, institutional, and open space land uses.
  8. The employment figures are subject to rounding when aggregated by parcel into traffic analysis zones, resulting in a 0.69% rounding delta.
- Source: Figures aggregated and projected by PlaceWorks, 2020.

## **Additional Background and Supporting Data for City of Santa Ana RHNA Appeal:**

### Ongoing General Plan Update:

- The City of Santa Ana is in the process of adopting a comprehensive General Plan Update. The GPU is scheduled to be heard by the Planning Commission in October 2020 and the City Council in November 2020. If approved, the General Plan Update would allow for up to 115,053 units to be constructed, a significant increase above the “no project/current General Plan alternative”.
- The “No Project/Current General Plan Alternative” also reflects a unit count significantly larger than the outdated growth forecast provided by the City of Santa Ana to CDR and SCAG that was utilized to establish the household growth for 2020-2045.

### Consistency with City of Santa Ana Major Residential Development Projects:

- The City of Santa Ana should have their RHNA increased to reflect the number of units currently shown on the City’s website as projects under construction, approved, or currently under review.
- Reference the attached City of Santa Ana Major Residential Development Project Map and List

### Previous RHNA Allocations:

4<sup>th</sup> Cycle RHNA: County: 83,332                      Santa Ana: 3,393

5<sup>th</sup> Cycle RHNA: County 37,966                      Santa Ana: 204

5<sup>th</sup> Cycle RHNA Annual Progress Report (APR): The City of Santa Ana has constructed 2,996 units to date and have exceeded their 5<sup>th</sup> Cycle RHNA

**Orange County Projections Historical Data for Trend Reference**

**Santa Ana OCP 2006**

Year	Housing Unit Total	Housing Unit Growth
2003	74,948	
2005	75,246	298
2010	78,016	2,770
2015	78,790	774
2020	78,970	180
2025	79,166	196
2030	79,166	0
2035	79,166	0

**Santa Ana OCP 2010**

Year	Housing Unit Total	Housing Unit Growth
2008	76,416	
2010	76,918	502
2015	77,521	603
2020	77,521	0
2025	77,521	0
2030	77,949	428
2035	78,323	374

**Santa Ana OCP 2014**

Year	Housing Unit Total	Housing Unit Growth
2012	76,987	
2015	77,574	557
2020	80,492	2,918
2025	81,132	640
2030	81,282	150
2035	81,282	0
2040	81,283	1

**Santa Ana OCP 2018**

Year	Housing Unit Total	Housing Unit Growth
2016	77,681	
2020	80,863	3,182
2025	83,185	2,322
2030	83,203	18
2035	83,367	164
2040	83,380	13
2045	83,385	5
2050*	83,390	5

Department of Finance E-5 data

2010: 76,919

2011: 76,937

2012: 76,976

2013: 76,991

2014: 77,133

2015: 77,477

2016: 77,610

2017: 77,892

2018: 78,069

2019: 78,565

2020: 78,761

## Santa Ana Major Residential Projects:

*AMG East First Street Senior Project: 418 units*



AMG East First Street: 552 units



Heritage: 1,221 units



*Legacy Square: 93 units*



*5<sup>th</sup> Street – Tiny Tim Project (OC Streetcar): 54 units*





*Wermers Mixed Use Residential: 603 units*





# CITY OF SANTA ANA

## Planning and Building Agency

20 Civic Center Plaza • P.O. Box 1988  
Santa Ana, California 92702  
www.santa-ana.org/pba

### NOTICE OF PUBLIC HEARING BEFORE THE SANTA ANA PLANNING COMMISSION

The City of Santa Ana encourages the public to participate in the decision-making process. This notice is being sent to those who live or own property within 500 feet of five Focus Areas or who have expressed an interest in the proposed action. We encourage you to contact us prior to the Public Hearing if you have any questions.

**Planning Commission Action Items** - The Planning Commission will hold a Public Hearing at a regular meeting to receive public testimony and will make a recommendation on the items described below. Their recommendation will be forwarded to the City Council at a later date for final determination.

**Project Location:** The City of Santa Ana, encompassing 27.3 square miles in Central Orange County.

**Project Applicant:** City of Santa Ana

**Proposed Project:** The Planning Commission of the City of Santa Ana will hold a public hearing to consider action on the comprehensive update of the City's General Plan. The eleven elements of the General Plan Update will provide a long-term policy direction and communicate the vision and values for the next 25 years, through 2045. The General Plan goals and policies will guide the City's physical development, fiscal and environmental sustainability, and overall quality of life for the community. Five Focus Areas identified for potential change and new growth include South Main Street, Grand Avenue/17th Street, West Santa Ana Boulevard, 55 Freeway/Dyer Road, and South Bristol Street. The total long-term potential growth within these Focus Areas is estimated at 17,575 new housing units, 2,263,130 non-residential building square footage and 6,616 jobs. In order to facilitate the project, the City is requesting (1) certification of Final Environmental Impact Report (EIR) No. 2020-03 (SCH No. 2020029087), including environmental findings of fact pursuant to the California Environmental Quality Act (CEQA) and adoption of a Statement of Overriding Considerations and of a Mitigation Monitoring and Reporting Program; and, (2) approval of General Plan Amendment (GPA) No. 2020-06 for the comprehensive update to the General Plan.

**Environmental Impact:** In accordance with the California Environmental Quality Act (CEQA), Environmental Impact Report Environmental Review No. 2020-03 was prepared for the project to analyze the potential impacts of the project and identify measures to mitigate the environmental effects. The Draft EIR indicates there may be significant unavoidable adverse environmental impacts associated with the following environmental categories: Air Quality, Cultural Resources (historic resources), Greenhouse Gas Emissions, Noise, and Population and Housing (population growth). Upon compliance with regulatory requirements and recommended mitigation measures (as appropriate), all other environmental impacts were found to be less than significant.

**Meeting Details:** This matter will be heard at a Regular meeting on **Thursday, November 5, 2020 at 5:30 p.m.** Due to Governor Gavin Newsom's *Executive Order* and the City Council's *Proclamation of Local Emergency*, we can no longer offer an in-person meeting location for the community to attend public meetings.

You may watch the meeting live in the following ways:

- Visit the City's website <https://www.santa-ana.org/cc/city-meetings> and select the active link for the current Planning Commission meeting; or
- Visit the City's YouTube site at <https://www.youtube.com/cityofsantaanavideos/live>; or
- Spanish audio can be heard on [santaana.granicus.com/MediaPlayer.php?publish\\_id=1](https://santaana.granicus.com/MediaPlayer.php?publish_id=1)

You may provide a comment in the following ways:

- Send an e-mail to [ecomments@santa-ana.org](mailto:ecomments@santa-ana.org) (reference "Planning Commission Public Comment for Agenda Item No. #" in the subject line). Make sure to include your name, whether you are in support of or in opposition to the item and why. **The deadline to submit comments is 5:00 p.m. on the day of the meeting.** Comments

received after the deadline may not be distributed to the Commission but will be posted on the City's website at the earliest possible opportunity after the meeting; or

- Join the Zoom Webinar directly at: <https://us02web.zoom.us/j/315965149>; or
- Call 669-900-9128 and enter Meeting ID: 315 965 149# when prompted. Callers can begin joining the speaker queue by 5:00 p.m. on the day of the meeting. While the item that you would like to comment on is being discussed, dial \*9 to let us know that you want to speak. After the clerk confirms the last three digits of caller's phone number and unmutes them, the caller must press \*6 to speak. You will have 3 minutes to state your name, whether you are in support of or in opposition to the item, and why. **If you are calling in and watching YouTube, please turn your volume down on YouTube to limit any feedback when you speak.**






**Who To Contact For Questions:** Should you have any questions, please contact Vince Fregoso or Melanie McCann with the Planning and Building Agency at [vfregoso@santa-ana.org](mailto:vfregoso@santa-ana.org) or [mmcann@santa-ana.org](mailto:mmcann@santa-ana.org). Additional information related to the project can be found at [www.santa-ana.org/general-plan](http://www.santa-ana.org/general-plan).

**Where To Get More Information:** Additional details regarding the proposed action(s), including the full text of the discretionary item, may be found on the City website 72 hours prior to the public hearing at: <https://www.santa-ana.org/cc/city-meetings>.








**Note:** If you challenge the decision on the above matter, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission or City Council of the City of Santa Ana at, or prior to, the public hearing.

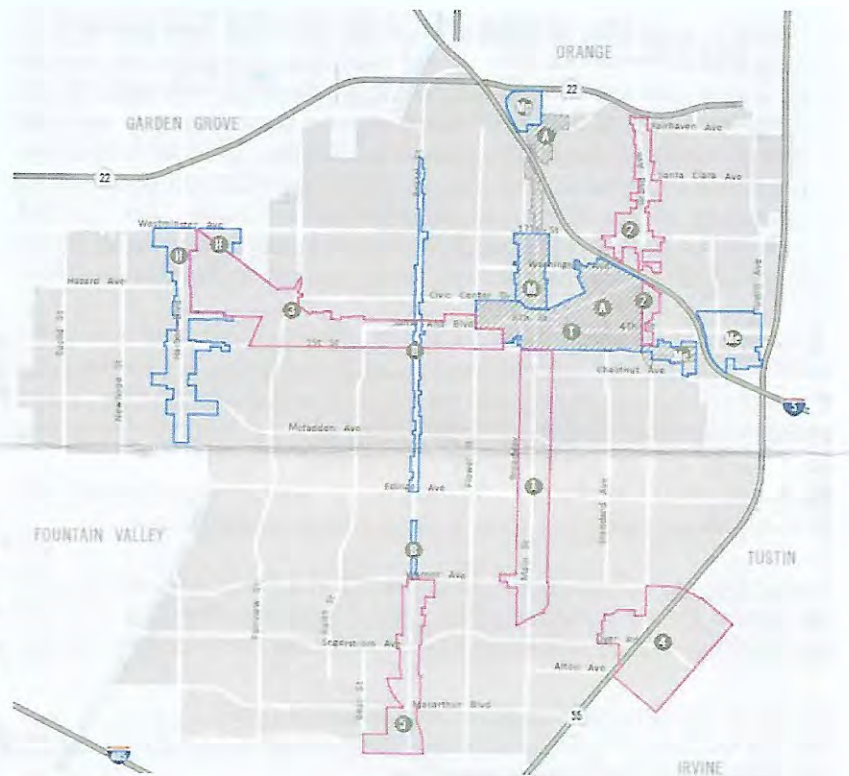
**Nếu cần liên lạc bằng tiếng Việt, xin điện thoại cho Tony Lai số (714) 565-2627.**

**Focus Areas**

-  1, South Main Street
-  2, Grand Ave/17th Street
-  3, West Santa Ana Boulevard
-  4, 55 Fwy/Dyer Road
-  5, South Bristol Street

**Adopted Planning Areas**

-  A, Adaptive Reuse Project Incentive Area
-  B, Bristol Street Corridor Specific Plan
-  H, Harbor Mixed Use Transit Corridor Specific
-  M, Midtown Plan
-  Me, Metro East Mixed Use Overlay Zone
-  Mp, Main Place Specific Plan
-  T, Transit Zoning Code





**CITY OF NEWPORT BEACH**

100 Civic Center Drive  
Newport Beach, California 92660  
949 644-3004 | 949 644-3039 FAX  
newportbeachca.gov

**Mayor**

Will O'Neill

**Mayor Pro Tem**

Brad Avery

**Council Members**

Joy Brenner

Diane Brooks Dixon

Marshall "Duffy" Duffield

Jeff Herdman

Kevin Muldoon

October 23, 2020

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

**Subject: Appeal of the City of Santa Ana's Sixth Cycle Draft Regional Housing Needs Assessment (RHNA) Allocation**

Dear Mr. Ajise:

On behalf of the City of Newport Beach City Council, and in accordance with applicable California Government Code ("Government Code") Section 65584.05, the City of Newport Beach ("City") hereby submits this appeal to the Southern California Association of Governments (SCAG) for a revision of the City of Santa Ana's Draft Regional Housing of Needs Assessment (RHNA) Allocation ("Draft RHNA Allocation") for the Sixth Housing Element Cycle (2021-2029) (referred to herein as the Sixth Cycle).

The City of Santa Ana's Draft RHNA Allocation is 3,087 units; however, as documented on their website, there are currently over 10,000 new units approved or under review. At minimum, their RHNA Allocation should be consistent with their current list of reasonably foreseeable development projects that will ultimately count towards their RHNA progress in the Sixth Cycle and result in greater consistency with the growth strategies of Connect SoCal.

Attachment: Newport Beach Appeal of Santa Ana's Draft RHNA Allocation and Supporting Documentation (Appeal of the Draft RHNA Allocation)

A revision to the Draft RHNA Allocation is necessary to further the intent of the statutorily mandated objectives listed in Government Code Section 65584(d). In addition, this appeal is consistent with, and not to the detriment of, the development pattern in the applicable Sustainable Communities Strategy (SCAG's Connect SoCal Plan) developed pursuant to Government Code Section 65080(b)(2) as explained herein. This appeal is based on the following grounds:

- 1) **Local Planning Factors** - *SCAG failed to adequately consider readily available data related to 10,174 housing units approved and/or planned by the City of Santa Ana over the next eight years that that will exceed their Draft RHNA Allocation of 3,087 units for the Sixth Cycle.*
  - a. *Availability of land suitable for urban development or for conversion to residential use, the availability of underutilized land, and opportunities for infill development and increased residential densities.*
- 2) **Methodology** - *SCAG failed to determine the share of the regional housing need in accordance with the information described in and the methodology established pursuant to Government Code Section 65584.04, and in a manner that furthers, and does not undermine, the intent of the objectives listed in Government Code Section 65584(d).*

To be clear, the intent of this appeal is not to force new housing into Santa Ana. Nor is it the intent of this appeal that all units reallocated back to Santa Ana would be removed from Newport Beach's requirements. The intent is to recognize the overall goal of the RHNA framework, which is to require housing in specific sectors of our region. This goal has been partially accomplished in Santa Ana and SCAG should give credit where credit is due, which would thereby reduce regional allocations in surrounding communities.

*(The balance of this page left intentionally blank.)*

**Grounds for the City of Newport Beach Appeal**

<b>1</b>	<b>Local Planning Factors</b>	<b><i>SCAG failed to adequately consider readily available data related to 10,174 housing units approved and/or planned by the City of Santa Ana over the next eight years that will exceed their Draft RHNA Allocation of 3,087 units for the Sixth Cycle.</i></b>
<b><i>Availability of Land Suitable for Urban Development or for Conversion to Residential Use, the Availability of Underutilized Land, and Opportunities for Infill Development and Increased Residential Densities</i></b>		

Pursuant to Government Code 65584.04(e)(2)(B):

(e) To the extent that sufficient data is available from local governments pursuant to subdivision (b) or other sources, each council of governments, or delegate subregion as applicable, ***shall include the following factors to develop the methodology that allocates regional housing needs:***

(2) The ***opportunities*** and constraints ***to development of additional housing*** in each member jurisdiction, including all of the following:

(B) The ***availability of land suitable for urban development or for conversion to residential use, the availability of underutilized land, and opportunities for infill development...***

The adopted Sixth Cycle RHNA Allocation Methodology fails to take into consideration 10,174 units of housing approved and/or planned for production by Santa Ana over the next eight years and that will be available for RHNA credit during that planning period. The following represents the City of Santa Ana’s planned/approved housing production per their Planning Division website at <https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-monthly-development-project-reports/> :

***Non-Specific Plan Projects:***

The City of Santa Ana lists on their website 28 Major Planning Projects not located in the Specific Plan Areas listed above and totaling **7,594 housing units** (see Attachment A).

***Specific Plan Projects:***

Harbor Mixed-Use Transit Corridor-

20-Year Implementation Period (2014 through 2034)

Provides framework to support 1,700 to 4,600 new residential units

Minimum Planned Production - 1,700 units (85 units/year)

**680 units** - Estimated Total Production over the next 8 years

[Harbor Corridor Plan](#)

Mainplace Mall Transformation-

8-Year Implementation Period (2019 through 2027)

**1,900 units** – Total Planned Production over the next 8 years

[Mainplace Specific Plan](#)

**Combined, the Non-Specific Plan and Specific Plan projects total 10,174 units of housing.** In addition, the City of Santa Ana is in process of adopting a comprehensive General Plan Update, which if adopted, results in a projected growth of 36,261 additional units between 2020 to 2045 (Attachment B). At minimum, their RHNA Allocation should be consistent with their current list of development projects totaling 10,174 units that will ultimately count towards their RHNA for in Sixth Cycle and result in greater consistency with the growth strategies of Connect SoCal.

The reduction of a jurisdiction’s RHNA Allocation below their projected level of development is inequitable as it causes the reduced units (Residual Units) to be redistributed throughout the County, inflating the already unrealistic housing allocations. The City believes every jurisdiction’s RHNA Allocation, regardless of their status, should take into consideration actual projected housing development.

<b>2</b>	<b>Methodology</b>	<b><i>SCAG failed to determine the share of the regional housing need in accordance with the information described in, and the methodology established pursuant to Section 65584.04, and in a manner that furthers, and does not undermine, the intent of the objectives listed in Section 65584(d).</i></b>
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SCAG’s adoption of a methodology that allocates units in direct opposition to the development patterns described in the approved Regional Transportation Plan (RTP)/Sustainable Communities Strategy (SCS) (Connect SoCal) is both a violation of the statute and results in a highly inequitable redistribution of units.

Pursuant to Government Code 68554.04:

(m)(1) It is the intent of the Legislature that housing planning be ***coordinated and integrated with the regional transportation plan***. To achieve this goal, the allocation plan shall allocate housing units within the region ***consistent with the development pattern included in the sustainable communities strategy***.

On September 3, 2020, the SCAG Regional Council adopted Connect SoCal. Connect SoCal is supported by a combination of transportation and land use strategies that help the region achieve state greenhouse gas emission reduction goals and federal Clean Air Act requirements, preserve open space areas, improve public health and roadway safety, and utilize resources more efficiently. Strategies includes focusing growth near transit investments and jobs to reduce commute times, distances, and greenhouse gas emissions; and prioritizing infill and redevelopment of underutilized land to accommodate new growth, increased amenities, and connectivity in existing neighborhoods. SCAG’s adoption of a methodology that allocates housing near jobs and transit, but then reduces

and redistributes said units to various jurisdictions within the same County is in direct violation of Government Code 68554.04(m)(1).

According to the approved RHNA methodology, the *Existing Need* component is based on: 1) share of population in High Quality Transit Areas (HQTAs); 2) Share of region's jobs that can be accessed within 30-minute commute (jobs accessibility); and 3) a Residual Need adjustment. The Residual Need adjustment either increases or decreases a jurisdiction's RHNA depending on its classification as an Extremely Disadvantaged Community (DAC). DACs are jurisdictions with more than half of their population living in high segregation and poverty or low resource areas as defined by the California Tax Credit Allocation Committee (TCAC)/HCD Opportunity Index Scores. However, the purpose of the TCAC/HCD Opportunity Index Scores and Mapping is to "inform how to target investments and policies in a way that is conscious of the independent and inter-related effects that research has shown places have on economic, educational, and health outcomes". **The purpose of the TCAC/HCD Opportunity Index Scores and Mapping was never intended to be used for the purposes of calculating the RHNA.** If a jurisdiction is defined as a DAC, such as the City of Santa Ana, their Draft RHNA Allocation is capped at their household growth projections reported through 2045. Any residential need beyond that cap is then reallocated to other non-DAC jurisdictions in the same county, such as Newport Beach.

There are five jurisdictions identified as DACs in Orange County, resulting in a total Residual Need of 44,442 units that must be reallocated to non-DAC jurisdictions. City of Santa Ana's Residual Need adjustment is disproportionately the largest reducing their Draft RHNA Allocation down from 26,255 down to 3,087 units (88 percent reduction or 23,168 units). As previously stated, this reduction is not consistent with actual minimum projected housing development of 10,174 units anticipated in the City of Santa Ana over the next eight years.

According to the SCAG methodology, the City of Santa Ana has the second highest share of the region's job accessibility in Orange County and the highest share of population in HQTAs in Orange County. Despite this information and Connect SoCal's emphasis on providing more housing at all income levels near existing and high ridership HQTAs and job center to reduce vehicle miles traveled, SCAG's methodology does the opposite by redistributing City of Santa Ana's RHNA to jurisdictions that have less access to transit and longer drives from the job centers.

The City of Newport Beach contends that increasing the City of Santa Ana's RHNA allocation to 10,174 units will ensure greater consistency with the identified growth strategies of Connect SoCal.



## CONCLUSION

The City of Newport Beach respectfully requests that the City of Santa Ana RHNA allocation be increased to be consistent with the updated major residential development information publicly accessible on their website. The redistribution of over 23,000 units from the City of Santa Ana to jurisdictions in Orange County is in contradiction and in conflict with many of the sustainable policies outlined in both the adopted Connect SoCal Plan and established state statute like Senate Bill 375. The City of Santa Ana growth forecast, provided over 2.5 years ago, is outdated and should be, at a minimum, increased to reflect the residential units that are approved, under construction, or under review and would be constructed during the Sixth Cycle RHNA planning period.

Respectfully Submitted,



Will O'Neill, Mayor  
City of Newport Beach

Cc: City Council Members, City of Newport Beach  
Grace K. Leung, City Manager  
Aaron C. Harp, City Attorney  
Seimone Jurjis, Community Development Director

### Attachments:

- A. City of Santa Ana Major Planning Projects
- B. Table 1- Existing Conditions, Potential Growth, and Buildout Conditions in Santa Ana, 2020 to 2045

**Sixth Cycle Regional Housing Needs Assessment (RHNA) Appeal Request Form**  
*All appeal requests and supporting documentation must be received by SCAG October 26, 2020, 5 p.m.*  
*Appeals and supporting documentation should be submitted to [housing@scaq.ca.gov](mailto:housing@scaq.ca.gov).*  
*Late submissions will not be accepted.*

Date: \_\_\_\_\_ Jurisdiction Subject to This Appeal Filing:  
*(to file another appeal, please use another form)*  
\_\_\_\_\_

Filing Party (Jurisdiction or HCD)  
\_\_\_\_\_

Filing Party Contact Name \_\_\_\_\_ Filing Party Email: \_\_\_\_\_  
\_\_\_\_\_

**APPEAL AUTHORIZED BY:**

Name: \_\_\_\_\_

**PLEASE SELECT BELOW:**

- Mayor
- Chief Administrative Office
- City Manager
- Chair of County Board of Supervisors
- Planning Director
- Other: \_\_\_\_\_

**BASES FOR APPEAL**

- Application of the adopted Final RHNA Methodology for the 6<sup>th</sup> Cycle RHNA (2021-2029)
- Local Planning Factors and/or Information Related to Affirmatively Furthering Fair Housing (See Government Code Section 65584.04 (b)(2) and (e))
  - Existing or projected jobs-housing balance
  - Sewer or water infrastructure constraints for additional development
  - Availability of land suitable for urban development or for conversion to residential use
  - Lands protected from urban development under existing federal or state programs
  - County policies to preserve prime agricultural land
  - Distribution of household growth assumed for purposes of comparable Regional Transportation Plans
  - County-city agreements to direct growth toward incorporated areas of County
  - Loss of units contained in assisted housing developments
  - High housing cost burdens
  - The rate of overcrowding
  - Housing needs of farmworkers
  - Housing needs generated by the presence of a university campus within a jurisdiction
  - Loss of units during a state of emergency
  - The region's greenhouse gas emissions targets
  - Affirmatively furthering fair housing
- Changed Circumstances (Per Government Code Section 65584.05(b), appeals based on change of circumstance can only be made by the jurisdiction or jurisdictions where the change in circumstance occurred)

**FOR STAFF USE ONLY:**

Date \_\_\_\_\_ Hearing Date: \_\_\_\_\_ Planner: \_\_\_\_\_

**Sixth Cycle Regional Housing Needs Assessment (RHNA) Appeal Request Form**  
*All appeal requests and supporting documentation must be received by SCAG October 26, 2020, 5 p.m.*  
*Appeals and supporting documentation should be submitted to [housing@scaq.ca.gov](mailto:housing@scaq.ca.gov).*  
*Late submissions will not be accepted.*

**Brief statement on why this revision is necessary to further the intent of the objectives listed in Government Code Section 65584 (please refer to Exhibit C of the Appeals Guidelines):**

**Please include supporting documentation for evidence as needed, and attach additional pages if you need more room.**

**Brief Description of Appeal Request and Desired Outcome:**

**Number of units requested to be reduced or added to the jurisdiction's draft RHNA allocation (circle one):**

Reduced \_\_\_\_\_ Added \_\_\_\_\_

**List of Supporting Documentation, by Title and Number of Pages**  
**(Numbers may be continued to accommodate additional supporting documentation):**

- 1.
  
- 2.
  
- 3.

**FOR STAFF USE ONLY:**

Date \_\_\_\_\_

Hearing Date: \_\_\_\_\_

Planner: \_\_\_\_\_

## City of Santa Ana Major Planning Projects (Non-Specific Plan)

Address	Planned Approved or Entitled Units	Project Website Links
2700 N. Main St.	243	<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-monthly-development-project-reports/2700-n-main">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-monthly-development-project-reports/2700-n-main</a>
201 W. 3rd St.	171	<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-monthly-development-project-reports/3rd-and-0">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-monthly-development-project-reports/3rd-and-0</a>
409-509 E. 4th St.	169	<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-monthly-development-project-reports/4th-and">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-monthly-development-project-reports/4th-and</a>
1122 N. Bewley St.	10	<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-monthly-development-project-reports/bewley-street">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-monthly-development-project-reports/bewley-street</a>
2300 Red Hill Ave.	1100	<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-monthly-development-project-reports/bowery">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-monthly-development-project-reports/bowery</a>
1801 E. 4th St.	650	<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-monthly-development-project-reports/central-pointe">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-monthly-development-project-reports/central-pointe</a>
1126 E. Washington Ave.	86	<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-documents/crossroads-washington">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-documents/crossroads-washington</a>
114 E. 5th St.	220	<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-monthly-development-project-reports/first-american">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-monthly-development-project-reports/first-american</a>
801, 807, 809, 809 1/2 E. Santa Ana Blvd.	17	<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-monthly-development-project-reports/fx-residences">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-monthly-development-project-reports/fx-residences</a>
3025 W. Edinger Ave.	18	<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-monthly-development-project-reports/haphan">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-monthly-development-project-reports/haphan</a>
609 N. Spurgeon St.	93	<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-documents/609-n-spurgeon-st-legacy-square">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-documents/609-n-spurgeon-st-legacy-square</a>
651 W. Sunflower Ave.	226	<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-monthly-development-project-reports/legacy">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-monthly-development-project-reports/legacy</a>
200 E. First American Way	278	<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-monthly-development-project-reports/legado-met">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-monthly-development-project-reports/legado-met</a>
200 N. Cabrillo Park Dr.	260	<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-monthly-development-project-reports/madison">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-monthly-development-project-reports/madison</a>
2525 N. Main St.	256	<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-monthly-development-project-reports/magnolia-park">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-monthly-development-project-reports/magnolia-park</a>
301 N. Mountain View St.	8	<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-monthly-development-project-reports/mountain-view">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-monthly-development-project-reports/mountain-view</a>
1109 N. Broadway	327	<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-documents/one-broadway-plaza">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-documents/one-broadway-plaza</a>
1008 E. 4th St.	117	<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-monthly-development-project-reports/toms-trucks">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-monthly-development-project-reports/toms-trucks</a>
1660 E. First St.	603	<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-monthly-development-project-reports/wermers-elks">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-monthly-development-project-reports/wermers-elks</a>
2534 W. Westminster	85	<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-monthly-development-project-reports/Westview-Housing">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-monthly-development-project-reports/Westview-Housing</a>
3417 W. 5th St.	7	<a href="https://publicdocs.santa-ana.org/WebLink/DocView.aspx?id=117321&amp;searchid=31c0a47f-ae03-47ba-807c-93630e879fea&amp;dbid=1&amp;cr=1">https://publicdocs.santa-ana.org/WebLink/DocView.aspx?id=117321&amp;searchid=31c0a47f-ae03-47ba-807c-93630e879fea&amp;dbid=1&amp;cr=1</a>
888 N. Main St.	148	<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-monthly-development-project-reports/888-north-main">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-monthly-development-project-reports/888-north-main</a>
2222 E. 1st St.	419	<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-monthly-development-project-reports/amg-2222-e">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-monthly-development-project-reports/amg-2222-e</a>
2114 E. 1st St.	552	<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-monthly-development-project-reports/amg-family">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-monthly-development-project-reports/amg-family</a>
2001 E. Dyer Rd.	1221	<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-monthly-development-project-reports/heritage">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-monthly-development-project-reports/heritage</a>
3630 Westminster Ave.	228	<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-monthly-development-project-reports/line">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-monthly-development-project-reports/line</a>
1666 N. Main St.	58	<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-monthly-development-project-reports/meta-housing">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-monthly-development-project-reports/meta-housing</a>
1584 E. Santa Clara	24	<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-monthly-development-project-reports/sexlinger">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-monthly-development-project-reports/sexlinger</a>

**Total Units** **7594**

**Table 1 Existing Conditions, Potential Growth, and Buildout Conditions in Santa Ana, 2020 to 2045**

PLANNING AREA	EXISTING <sup>1</sup>			GROWTH <sup>2</sup>			BUILDOUT		
	Housing Units	Bldg. Sq. Ft. <sup>3</sup>	Jobs	Housing Units	Bldg. Sq. Ft. <sup>3</sup>	Jobs	Housing Units	Bldg. Sq. Ft. <sup>3</sup>	Jobs
<b>FOCUS AREAS</b>	6,380	13,421,155	28,428	17,575	2,263,130	6,616	23,955	15,684,285	35,044
55 Freeway/Dyer Road	1,221	5,666,453	8,898	8,731	475,830	4,404	9,952	6,142,283	13,302
Grand Avenue/17 <sup>th</sup> Street	561	1,400,741	3,568	1,722	-696,847	-1,946	2,283	703,894	1,622
South Bristol Street	220	1,577,511	3,337	5,272	3,505,130	7,855	5,492	5,082,641	11,192
South Main Street	1,720	1,685,978	3,455	588	-739,316	-1,304	2,308	946,662	2,151
West Santa Ana Boulevard	2,658	3,090,472	9,170	1,262	-281,667	-2,393	3,920	2,808,805	6,777
<b>SPECIFIC PLAN / SPECIAL ZONING</b>	4,685	13,924,891	38,548	15,839	3,033,554	1,154	20,524	16,958,445	39,702
Adaptive Reuse Overlay Zone <sup>4</sup>	260	976,935	3,043	1,000	0	-476	1,260	976,935	2,567
Bristol Street Corridor Specific Plan	136	140,348	294	-1	2,791	-12	135	143,139	282
Harbor Corridor Specific Plan	1,324	1,767,937	3,286	3,298	200,045	-1,708	4,622	1,967,982	1,578
Main Place Specific Plan	0	1,108,080	2,216	1,900	1,318,843	3,164	1,900	2,426,923	5,380
Metro East Overlay Zone	844	2,516,056	7,524	4,707	2,169,891	4,734	5,551	4,685,947	12,258
Midtown Specific Plan	607	1,885,065	4,824	0	-66,812	-209	607	1,818,253	4,615
Transit Zoning Code	1,514	5,530,470	17,361	4,935	-591,204	-4,339	6,449	4,939,266	13,022
<b>ALL OTHER AREAS OF THE CITY <sup>5</sup></b>	67,727	39,772,550	92,004	2,847	552,536	3,666	70,574	40,325,086	95,670
<b>CITYWIDE TOTAL</b>	78,792	67,118,596	158,980	36,261	5,849,220	11,436	115,053	72,967,816	170,416

Notes:

- Existing represents conditions as of December 2019 as derived from the City of Santa Ana Planning Information Network and projects already under construction per the January 2020 monthly development project report.
- The potential growth for new development in specific plan / special zoning area is based on the forecasted buildout at the time of the respective zoning document's adoption, minus the amount of new development built between its adoption date and 2019.
- Only includes nonresidential building square footage.
- The figures shown on the row for the Adaptive Reuse Overlay represents parcels that are exclusively in the Adaptive Reuse Overlay boundary. Figures for parcels that are within the boundaries of both the Adaptive Reuse Overlay Zone and a specific plan, other special zoning, or focus area boundary are accounted for in the respective specific plan, other special zoning, or focus area.
- The City has included an assumption for growth on a small portion (five percent) of residential parcels through the construction of second units, which is distributed throughout the City and is not concentrated in a subset of neighborhoods. Additional growth includes known projects in the pipeline and an increase of 10 percent in building square footage and employment for the professional office surrounding the Orange County Global Medical Center and along Broadway north of the Midtown Specific Plan, as well as the commercial and retail along 1<sup>st</sup> Street south of the West Santa Ana Boulevard focus area.

Source: City of Santa Ana with assistance from PlaceWorks, 2020.

**Sixth Cycle Regional Housing Needs Assessment (RHNA) Appeal Request Form**  
*All appeal requests and supporting documentation must be received by SCAG October 26, 2020, 5 p.m.*  
*Appeals and supporting documentation should be submitted to [housing@scaq.ca.gov](mailto:housing@scaq.ca.gov).*  
*Late submissions will not be accepted.*

Date: \_\_\_\_\_ Jurisdiction Subject to This Appeal Filing: \_\_\_\_\_  
 (to file another appeal, please use another form)

Filing Party (Jurisdiction or HCD)  
 \_\_\_\_\_

Filing Party Contact Name \_\_\_\_\_ Filing Party Email: \_\_\_\_\_

**APPEAL AUTHORIZED BY:**

Name: \_\_\_\_\_

**PLEASE SELECT BELOW:**

- Mayor
- Chief Administrative Office
- City Manager
- Chair of County Board of Supervisors
- Planning Director
- Other: \_\_\_\_\_

**BASES FOR APPEAL**

- Application of the adopted Final RHNA Methodology for the 6<sup>th</sup> Cycle RHNA (2021-2029)
- Local Planning Factors and/or Information Related to Affirmatively Furthering Fair Housing (See Government Code Section 65584.04 (b)(2) and (e))
  - Existing or projected jobs-housing balance
  - Sewer or water infrastructure constraints for additional development
  - Availability of land suitable for urban development or for conversion to residential use
  - Lands protected from urban development under existing federal or state programs
  - County policies to preserve prime agricultural land
  - Distribution of household growth assumed for purposes of comparable Regional Transportation Plans
  - County-city agreements to direct growth toward incorporated areas of County
  - Loss of units contained in assisted housing developments
  - High housing cost burdens
  - The rate of overcrowding
  - Housing needs of farmworkers
  - Housing needs generated by the presence of a university campus within a jurisdiction
  - Loss of units during a state of emergency
  - The region’s greenhouse gas emissions targets
  - Affirmatively furthering fair housing
- Changed Circumstances (Per Government Code Section 65584.05(b), appeals based on change of circumstance can only be made by the jurisdiction or jurisdictions where the change in circumstance occurred)

**FOR STAFF USE ONLY:**

Date \_\_\_\_\_ Hearing Date: \_\_\_\_\_ Planner: \_\_\_\_\_

**Sixth Cycle Regional Housing Needs Assessment (RHNA) Appeal Request Form**  
*All appeal requests and supporting documentation must be received by SCAG October 26, 2020, 5 p.m.*  
*Appeals and supporting documentation should be submitted to [housing@scaq.ca.gov](mailto:housing@scaq.ca.gov).*  
*Late submissions will not be accepted.*

**Brief statement on why this revision is necessary to further the intent of the objectives listed in Government Code Section 65584 (please refer to Exhibit C of the Appeals Guidelines):**

**Please include supporting documentation for evidence as needed, and attach additional pages if you need more room.**

**Brief Description of Appeal Request and Desired Outcome:**

**Number of units requested to be reduced or added to the jurisdiction's draft RHNA allocation (circle one):**

Reduced \_\_\_\_\_ Added \_\_\_\_\_

**List of Supporting Documentation, by Title and Number of Pages**  
**(Numbers may be continued to accommodate additional supporting documentation):**

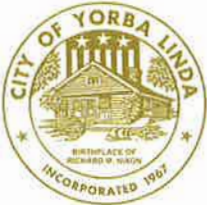
- 1.
  
- 2.
  
- 3.

**FOR STAFF USE ONLY:**

Date \_\_\_\_\_

Hearing Date: \_\_\_\_\_

Planner: \_\_\_\_\_



# CITY OF YORBA LINDA

4845 CASA LOMA AVENUE • YORBA LINDA • CALIFORNIA 92886

October 26, 2020

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

**Subject: Appeal of the RHNA Allocation for the City of Santa Ana**

Dear Mr. Ajise:

In accordance with Government Code Section 65584.05(b), the City of Yorba Linda submits this appeal for a revision of the share of the regional housing need for the 6<sup>th</sup> Cycle Regional Housing Needs Assessment (RHNA) assigned to the City of Santa Ana. Using the approved RHNA methodology, the City of Santa Ana would have received a RHNA allocation of 26,255 housing units; however, the City of Santa Ana is capped in its RHNA allocation at 3,087 because it is a disadvantaged community. However, there is compelling evidence on the City's website to demonstrate that the City of Santa Ana is now projecting 36,261 housing units, which is more than ten times SCAG's current projected growth of 3,087 housing units. The City of Santa Ana is contributing over 400 housing units directly to the City of Yorba Linda's RHNA allocation.

Therefore, on October 20, 2020, the City Council of the City of Yorba Linda directed staff to file an appeal regarding the RHNA for the City of Santa Ana through a unanimous vote (4-0-1) with Councilmember Peggy Huang recusing herself from the discussion. The City of Yorba Linda is requesting that the City of Santa Ana's growth projections be updated based on current data projections of 36,261 housing units.

The City recognizes and appreciates the time and effort provided by everyone on this important and complex issue and for your consideration of these items. 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@yorbalindaca.gov](mailto:nfarnsworth@yorbalindaca.gov).

Sincerely,

Mark Pulone  
City Manager

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

Attachment: Yorba Linda Appeal of Santa Ana's Draft RHNA Allocation and Supporting Documentation (Appeal of the Draft RHNA Allocation)



# City of Yorba Linda RHNA Appeal of the City of Santa Ana

The City of Yorba Linda is receiving a total of 793 housing units from the nearly 45,000 residual housing need units being redistributed from the five DACs in Orange County. As the City reviewed these numbers, it was discovered that the RHNA methodology resulted in Santa Ana alone contributing over 50% (23,167 housing units) of the Orange County residual housing need and that Santa Ana was capped at 3,074 housing units based on its local input for 2020-2045. This results in Yorba Linda receiving 413 housing units directly from Santa Ana.

Once the City discovered the significant impact this factor had on the RHNA methodology, City staff began to verify the data and discovered that Santa Ana's current household growth projections should be updated. Specifically, Santa Ana's website currently shows over 10,000 housing units that are either currently under review or entitled.<sup>1</sup>

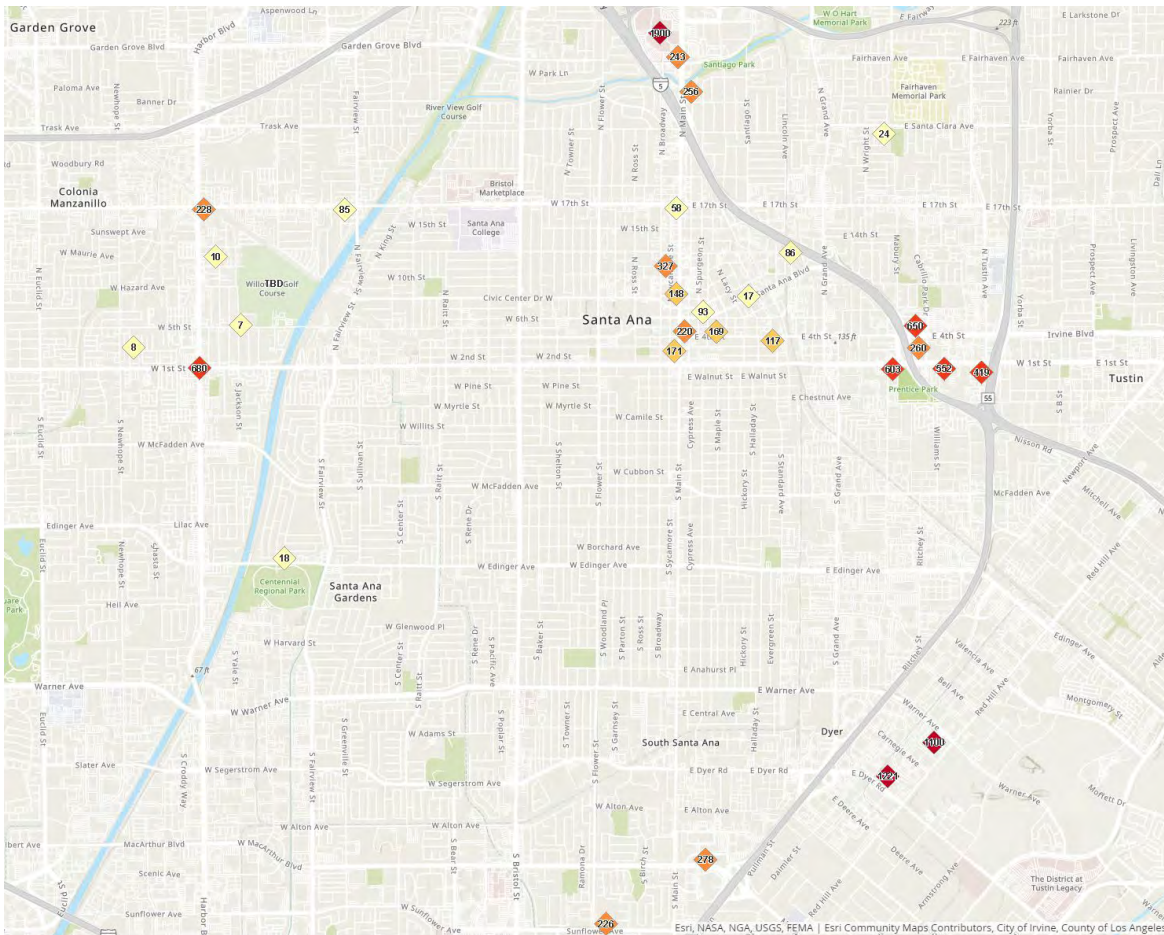


FIGURE 1 CITY OF SANTA ANA HOUSING MAJOR HOUSING PROJECTS LISTED ON THE CITY WEBSITE

<sup>1</sup> <https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-monthly-development-project-reports>

Furthermore, on November 5, 2020, Santa Ana's Planning Commission will be considering a General Plan update, which projects 36,261 housing units to be built by 2045.<sup>2</sup> The City Council will consider the Planning Commission's recommendation on November 17, 2020. It is important to note that this growth projection is a realistic buildout projection and not a maximum theoretical buildout projection.<sup>3</sup>

**TABLE LU-2. BUILDOUT TABLE**

Planning Area	Existing <sup>1</sup>			Growth <sup>2</sup>			Buildout		
	Housing Units	Building Sq. Ft.	Jobs	Housing Units	Building Sq. Ft.	Jobs	Housing Units	Building Sq. Ft.	Jobs
<b>Specific Plan / Special Zoning</b>	<b>4,685</b>	<b>13,924,891</b>	<b>38,548</b>	<b>15,839</b>	<b>3,033,554</b>	<b>1,154</b>	<b>20,524</b>	<b>16,958,445</b>	<b>39,702</b>
Adaptive Reuse Overlay Zone <sup>4</sup>	260	976,935	3,043	1,000	0	-476	1,260	976,935	2,567
Bristol Street Corridor Specific Plan	136	140,348	294	-1	2,791	-12	135	143,139	282
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Midtown Specific Plan	607	1,885,065	4,824	0	-66,812	-209	607	1,818,253	4,615
Transit Zoning Code	1,514	5,530,470	17,361	4,935	-591,204	-4,339	6,449	4,939,266	13,022
<b>Focus Areas</b>	<b>6,380</b>	<b>13,421,155</b>	<b>28,428</b>	<b>17,575</b>	<b>2,263,130</b>	<b>6,616</b>	<b>23,955</b>	<b>15,684,285</b>	<b>35,044</b>
South Main Street	1,720	1,685,978	3,455	588	-739,316	-1,304	2,308	946,662	2,151
Grand Avenue/17th Street	561	1,400,741	3,568	1,722	-696,847	-1,946	2,283	703,894	1,622
West Santa Ana Boulevard	2,658	3,090,472	9,170	1,262	-281,667	-2,393	3,920	2,808,805	6,777
55 Freeway/Dyer Road	1,221	5,666,453	8,898	8,731	475,830	4,404	9,952	6,142,283	13,302
South Bristol Street	220	1,577,511	3,337	5,272	3,505,130	7,855	5,492	5,082,641	11,192
<b>All Other Areas of the City <sup>5</sup></b>	<b>67,727</b>	<b>39,772,550</b>	<b>92,004</b>	<b>2,847</b>	<b>552,536</b>	<b>3,666</b>	<b>70,574</b>	<b>40,325,086</b>	<b>95,670</b>
<b>Citywide Total</b>	<b>78,792</b>	<b>67,118,596</b>	<b>158,980</b>	<b>36,261</b>	<b>5,849,220</b>	<b>11,436</b>	<b>115,053</b>	<b>72,967,816</b>	<b>170,416</b>

FIGURE 2 CITY OF SANTA ANA UPDATE GROWTH ASSUMPTIONS FROM THE 2020 GENERAL PLAN UPDATE

If Santa Ana were not a DAC, it would be receiving a total of 26,255 housing units; however, since it is a DAC, Santa Ana is redistributing 23,167 housing units throughout Orange County. Therefore, since Santa has now projected 36,261 housing units, the City of Yorba Linda is requesting that the RHNA calculator be updated with the current data for the City of Santa Ana.

<sup>2</sup> See Santa Ana Public Hearing Draft General Plan, Land Use Element, Page LU-11, Table LU-2 ([https://www.santa-ana.org/sites/default/files/pb/general-plan/documents/Draft%20General%20Plan/Sept%20Draft%20Elements/09\\_LandUse\\_draft\\_20200928.pdf](https://www.santa-ana.org/sites/default/files/pb/general-plan/documents/Draft%20General%20Plan/Sept%20Draft%20Elements/09_LandUse_draft_20200928.pdf)) and Santa Ana Complete Draft PEIR for the General Plan, Page 3-57, Table 3-8 (<https://www.santa-ana.org/sites/default/files/pb/general-plan/documents/Draft%20EIR/Complete%20Draft%20PEIR.pdf>)

<sup>3</sup> See Santa Ana General Plan Update Draft Program Environmental Impact Report, Appendix B-b, Santa Ana General Plan Buildout Methodology, Page B-b-3

This revision is necessary to further the objectives of RHNA for the following reasons, which will be explained in greater detail throughout the body of this appeal:

- The RHNA, as proposed, does not increase the housing supply and mix of housing types in an **equitable** manner primarily because the City of Santa Ana has updated household growth estimates that would redistribute housing units within Orange County in a more equitable manner due to the RHNA methodology factor that redistributes residual housing need from DACs to non-DAC jurisdictions within the county of origin. Furthermore, this revision would continue to require the 15 cities with the highest median housing costs to receive greater than 50 percent of the RHNA as lower income RHNA.
- The RHNA, as proposed, does not promote infill development and socioeconomic equity, encourage efficient development patterns, and will result in the inability to achieve the region's greenhouse gas reductions targets as described in this appeal. This revision would reallocate units that are currently projected to be built by 2045 back to the City of Santa Ana, where there is significantly better access to jobs and transit, which is one of the primary development patterns established within the sustainable communities strategy. As it stands, many of these units are being redistributed from Santa Ana to jurisdictions that have significant growth constraints outlined in the sustainable communities strategy.
- With this revision, the RHNA will continue to promote an improved intraregional relationship between jobs and housing in that it would place the housing intended to serve the jobs near Santa Ana back into the City of Santa Ana instead of scattered throughout the County of Orange.
- With this revision, the RHNA will continue to allocate a lower proportion of housing need to income categories when a jurisdiction already has a disproportionately high share of households in that income category in that this revision does not alter the social equity adjustment factor.
- With this revision, the RHNA will continue to affirmatively further fair housing in that it will continue to assign the highest shares of lower income RHNA in regions with over 99.95% high and highest resource areas.

# Santa Ana General Plan Buildout Methodology

June 2020

## Purpose, Design, and Limitations

The following summarizes the methodology and factors used to calculate existing and buildout conditions for purposes of the General Plan and its analysis through an environmental impact report. All figures are estimates generated using the best available data for analysis at a citywide level, with additional detail provided by specific planning/focus areas and traffic analysis zones.

Whenever possible, the figures generated were derived from authoritative data sources, such as the U.S. Census or California Department of Finance. Such sources are subject to their own error rates and may summarize data at different geographic levels or in different categories. When more precise data was not available, figures generated for existing and projected figures were compared to aggregated or citywide totals from authoritative sources, understanding that such comparisons are primarily for the purpose of determining order-of-magnitude accuracy.

It is important to note that the buildout figures represent an informed but estimated projection of a future condition. The actual construction of development will likely vary by parcel and planning area in terms of location and mix of uses. The analysis in the General Plan Environmental Impact Report provides a programmatic assessment of potential impacts, enabling tiering for future projects that are consistent with the assumptions on some CEQA topics (other project-level impacts will still need to be evaluated through the appropriate environmental clearance under CEQA).

## Existing Conditions

### Housing Units and Building Square Footage

Existing conditions figures (see Table 1) reflects the built environment as of January 2020, using parcel data from the City of Santa Ana Planning Information Network, augmented by projects listed as already under construction in the City's January 2020 monthly development project report (see Table 5).

### Households and Population

The number of households was generated by multiplying the total number of housing units by the occupancy rate as reported by the California Department of Finance for 2019 (see source notes in Table 4). Population was generated by multiplying the total number of households by persons per household rates, varying for single family and multi-family units, as reported in the 2018 American Community Survey 1-year estimates (see Table 4).

### Students

The number of K-12 and college students currently attending schools in Santa Ana was obtained from the California Department of Education and Rancho Santiago Community College District, respectively (see Table 5).

## Employment

The number of jobs (employment) in Santa Ana was generated by dividing building square footage (by land use) by employment generation factors (see Table 3). The building use and square footage data was obtained from the City of Santa Ana Planning Information Network, augmented by projects listed as already under construction in the City's January 2020 monthly development project report. The employment generation factors were derived by first dividing the building square footage by factors provided by the City and sourced to the Santa Ana OCP 2002/2006 Interagency Team. The results were compared to total employment figures reported citywide and by industry sector (with rough equivalents identified for each land use category), by the U.S. Census Bureau for 2017. The employment generation factors were adjusted as necessary to bring calculated figures for existing employment generally in line with figures reported by the U.S. Census in 2017.

## Employed Persons

The number of employed persons is calculated exclusively as an input into the Orange County Traffic Analysis Model (OCTAM) to conduct the traffic analysis of the General Plan as part of the environmental impact report. The total estimated number of employed residents varies between different U.S. Census datasets. The Longitudinal Employer-Household Dynamics Origin-Destination Employment Statistics (LEHD) reports data based on W-2 and W-4 forms related to wages and worker's compensation, while the American Community Survey relies on statistical surveys of self-reported data. The LEHD figures are generally considered more appropriate for traffic analysis purposes since the job information is more consistent and more likely to involve vehicular travel outside of the home.

The number of employed persons in Santa Ana was generated by multiplying the total population in households by the percentage of population age 16 and over by the employment-to-population ratio, as reported by the U.S. Census Bureau in 2018 (see Table 4). These calculations, drawn from the ACS, are then reduced proportionally to bring figures in line with the total reported by LEHD.

## Buildout Conditions

### Proposed Plan

In coordination with a General Plan Advisory Group, the City identified five areas suited for new growth and development: South Main Street, Grand Avenue/17th Street, West Santa Ana Boulevard, 55 Freeway/Dyer Road, and South Bristol Street. These five areas are located along major travel corridors, the future OC Streetcar line, and/or linked to the Downtown. In general, many areas currently designated for General Commercial and Professional Office are expanding opportunities for residential development through a proposed change to the Urban Neighborhood or District Center General Plan land use designations. Industrial Flex would be introduced where Industrial land use designations currently exist within each of the five focus areas in order to allow for cleaner industrial and commercial uses with live-work opportunities.

There are seven other planning areas that represent specific plans and other special zoning areas that were previously adopted: Adaptive Reuse Overlay (2014), Bristol Street Corridor Specific Plan (1991/2018), Harbor Mixed Use Corridor Specific Plan (2014), MainPlace Specific Plan (2019), Metro East Mixed Use Overlay Zone (2007/2018), Midtown Specific Plan (1996), and Transit Zoning Code Specific Development (2010). The potential for new development in these areas is based on the forecasted buildout at the time of the respective zoning

document's adoption, minus the amount of new development built between their adoption date and 2019. The most recent adoption/amendment date for each zoning document is noted above in parentheses.

Growth outside of the focus areas and special planning areas is expected to be incremental and limited. Some growth was projected for the professional office surrounding the Orange County Global Medical Center and along Broadway north of the Midtown Specific Plan. Some growth was also projected for the commercial and retail area south of the West Santa Ana Boulevard focus area. Finally, some additional residential development is expected to occur on a small portion (five percent) of single-family and multi-family lots through the construction of second units.

### Focus Areas

Parcels within focus areas were first evaluated for the potential for new uses (units or building square footage), through redevelopment, intensification, and/or turnover. The analysis was conducted by MIG in 2019, in support of the City of Santa Ana, using the City of Santa Ana Planning Information Network as of April 2019. MIG determined the potential based on the building-to-land-value ratio. Those parcels that were vacant or exhibited a building-to-land-value ratio below 1.0 were determined to have potential for new uses. Exceptions include religious and governmental institutions.

For parcels without the potential for new uses, existing building square footage (non-residential) and/or existing units (residential) were carried over into future buildout. For parcels with potential for new uses, buildout factors can be found in Table 2. These factors were established by the City, assisted by MIG, based on a comparison of development throughout southern California that matched the vision established for each focus area. MIG identified the density and intensity factors corresponding with such development to inform the City's focus area buildout factors.

After calculating future buildout conditions using the density/intensity factors, PlaceWorks assisted the City in evaluating the potential implications of the potential buildout figures for each focus area, informed by analyses by IBI Group (circulation) and AECOM (market) conducted in 2019 and 2020. PlaceWorks concluded that the City should not assume a maximum theoretical buildout based on maximum density/intensity standards but should forecast and plan for growth beyond current market demand. PlaceWorks recommended that the City apply a buildout factor of 80% to the totals generated using the factors in Table 2 to arrive at buildout projections for 2045 that are realistic, market-friendly, consistent with the visions for each focus area, and more compatible with the proposed roadway network. The following information substantiates the General Plan buildout development assumptions and adjustments.

### *Realistic vs Maximum Theoretical Buildout*

Density and intensity standards are provided in a general plan to convey the maximum scale and intensity for broad land use categories. Zoning standards are then applied at a parcel level to guide and control density and intensity at a development project level. When calculating buildout, a jurisdiction is permitted to assume that every single parcel will develop at the maximum permitted density/intensity. However, this assumption of absolute buildout runs the risk of overestimating the amount of building space and residential units within the identified planning horizon (in this case the year 2045). Overestimating buildout can lead to unnecessary and misleading concerns, mitigation measures, and planning efforts, as well as a misallocation of current and future

public funds. Accordingly, the City of Santa Ana General Plan calculated a realistic or more likely buildout scenario for projecting growth between 2020 and 2045.

### *Past Development Trends*

While 25 years is a long period of time, the City of Santa Ana is a highly urbanized place containing relatively few vacant lots. The process of intensifying and/or redeveloping parcels of land that already contain functional uses and structures is often substantially more complicated and costly compared to developing vacant land. A review of the City's property records indicates that the pace of new development, intensification, and redevelopment has occurred over a much longer period of time to reach where the City is today. The average floor area ratios (amount of building space compared to the total area of the parcel) throughout the focus areas are 0.22 to 0.41 for commercial, 0.28 to 0.43 for industrial, 0.26 to 1.29 for office, and 0.40 for mixed use. Average densities are 4.5 to 6.5 dwelling units per acre (du/ac) for single family units and 13.5 to 24.8 units per acre for multi-family units.

### *Current Development Trends*

Of course, past development trends do not necessarily match the likely and/or desired scale, intensity, or pace of new development envisioned by the updated General Plan. Current development trends can be identified through recent development projects and applications. The following list contains projects that were under construction, entitled, or in review as of January 2020. The projects are listed by planning area, with the proposed project intensity details shown alongside the maximum intensity standards of the desired general plan or zoning designation. This list demonstrates that some current projects are building to their maximum potential, but the majority are building at roughly 60% to 75% of the maximum potential (either in terms of residential density and/or building space).

- Metro East Mixed Use Overlay
  - Active Urban District, no maximum on stories
    - AMG Family Affordable Apartments, 6 stories, 80 du/ac, 10,000 sq. ft. of commercial
    - Central Pointe Mixed-Use Development, 5 stories, 75 du/ac, 8,800 sq. ft. of commercial
    - The Madison, 6 stories, 93 du/ac, 6,600 sq. ft. of commercial
    - Wermers Elks Site "Elan" Mixed-Use Development, 6 stories, 97 du/ac, 20,000 sq. ft. of commercial
  - Neighborhood Transitional District, allows up to 4 stories
    - AMCAL First Street Apartments, 3 stories, 32 du/ac
- 55/Dyer Focus Area
  - District Center, up to 90 du/ac, up to 1.7 FAR (Heritage) and up to 5.0 FAR (Bowery)
    - The Bowery Mixed-Use Project, 79 du/ac, 80,000 sq. ft. of commercial
    - The Heritage, 65 du/ac, 18,400 sq. ft. of commercial, and 56,000 sq. ft. of office
- MainPlace Specific Plan
  - District Center, up to 90 du/ac, up to 2.1 FAR
    - 2700 N Main, 71 du/ac
    - Magnolia at the Park, 58 du/ac
- Adaptive Reuse Overlay
  - Adaptive reuse standards/incentives, minimum 500-sq. ft. units, can exceed general plan density
    - Meta Housing Santa Ana Arts Collective Adaptive Re-Use, 61 du/ac

- Transit Zoning Code
  - Transit Village Zone, up to 25 stories
    - Crossroads at Washington, 4 stories, 38 du/ac, 10,060 sq. ft. of commercial
  - Downtown Zone, up to 10 stories
    - 3<sup>rd</sup> & Broadway, 10 stories of residential, 14,816 sq. ft. of commercial, 75-room hotel
    - 4th and Mortimer Mixed-Use Development, 6 stories of residential, 49 du/ac, 15,800 sq. ft. of commercial
    - First American Title Co. Site, 7 stories of residential, 12,350 sq. ft. of commercial
  - Urban Neighborhood 2, up to 5 stories
    - Tom's Trucks Residential & Adaptive Reuse Development, 3 stories, 14 du/ac

### *Market Analysis*

AECOM conducted a market analysis for the General Plan update in 2019 and 2020 (final Santa Ana Economic Indicators Report, May 2020). The report concluded that the demand for new residential development could reach upwards of 15,520 units through 2040 (including pipeline projects, per Figure 7.2 in the Economic Indicators Report Report), although the report also noted that housing demand could increase if the housing pipeline remains strong if it can increase its capture rate of countywide growth. AECOM determined that future demand for office and industrial space would continue to be in line with historical rates, and demand for retail would continue to be tied to household growth and spending. While such findings may seem to justify relatively low levels of growth (especially compared to maximum buildout standards), jurisdictions must plan increased capacity throughout planning areas to create responsive and flexible market areas. New development requires not only market demand but also property owners willing to sell and/or redevelop. This means that new development is often limited to a fraction of the land theoretically available and suitable for reuse and/or development.

### *Density Bonus Assumptions*

State law allows a graduated density bonus for the inclusion of affordable housing units --- for an increasing number of affordable units (by percentage), a project is allowed an increasing ability to exceed the permitted density. The amount of density bonus is generally capped at 35 percent. Recent updates to state housing law (Assembly Bill 1763, effect January 1, 2020), enables projects that are 100 percent affordable (either 100% lower income or 80% lower and 20% moderate (as defined in Section 50053 of the Health and Safety Code), to obtain a density bonus of 80 percent, or no limit if within one-half mile of a major transit stop.

However, not every project will include affordable units and not every project that includes affordable units will need a density bonus. Projects are not required to build at densities that exceed maximum limits; the law only requires that jurisdictions grant the density bonus if requested. The buildout methodology was based on past development trends, current development trends, and a forecasted market analysis. These trends accounted for any units approved (density bonus or otherwise), to determine the appropriate density and amount of development to assume.

Additionally, the optimal density of affordable units is at or below the densities levels assumed for forecasting buildout. Generally, projects beyond 50 to 70 units per acre require Type 1 construction (steel and concrete structure), which is dramatically more expensive compared to Type V construction (wood structure).



Accordingly, affordable projects are rarely greater than 70 units per acre (exceptions for very small parcels). The average densities used to calculate projected buildout at 2045 are 50 to 90 units per acre in the three most intense focus areas (55/Dyer, 17th/Grand, and South Bristol), with the other two applying a residential assumption at 30 units per acre over a broad area to account for development at or above the maximum density of 30 units per acre (maximum is 20 units per acre for projects proposed exclusively residential in the South Main Focus Area; maximum is 30 units per acre for a relatively small part of the West Santa Ana Boulevard Focus Area).

#### *Roadway Network Performance*

IBI Group conducted an analysis of existing roadway conditions in 2019 (documented in Section 5 of Santa Ana General Plan Update Traffic Impact Study, June 2020), including an analysis of existing and future roadway segment and intersections that are likely to experience roadway congestion issues created by future growth, even with feasible mitigation. While roadway congestion (level-of-service or LOS) is not a topic evaluated in the environmental impact report (removed through Senate Bill 743, passed in 2013), the performance of the City's roadway network remains a concern of the City and its residents, businesses, and other stakeholders. PlaceWorks and IBI Group recommended reduced (below absolute maximum) buildout assumptions for the focus areas given known or likely roadway (segment and/or intersection) performance issues alongside the City's desire to make adjustments to a number of roadway classifications.

#### *Adopted and Existing Plans*

##### *Adaptive Reuse (AR) Overlay Zone*

In consultation with the City, it was determined that 1,000 residential units could be developed over the planning period. A total of 800 units were distributed proportionally among parcels covered by AR Zone only (not in a specific plan or focus area). The remaining 200 units were distributed proportionally among parcels throughout the Midtown Specific Plan. For non-residential building square footage, it was assumed that no additional growth would occur during the planning period, and existing building square footage was carried over into future buildout.

##### *Bristol Street Corridor Specific Plan*

The City was determined that parcels with existing single/multi-family units would not redevelop during the planning period, and therefore existing units were carried forward into future buildout. For non-residential building square footage, due to the location and age of existing non-residential development, turnover was considered to potentially occur during the planning period.

##### *Harbor Street Corridor Specific Plan*

The Harbor Corridor Specific Plan was adopted in 2014 and included a comprehensive buildout analysis that spanned a similar planning period. Accordingly, the buildout conditions were carried over as detailed in the Specific Plan, adjusting for new development constructed or entitled since 2014.

##### *MainPlace Specific Plan*

The MainPlace Specific Plan was adopted in 2019 and included a comprehensive buildout analysis that spanned a similar planning period. Accordingly, the buildout conditions were carried over as detailed in the Specific Plan, adjusting for new development constructed or entitled since 2019.

### *Metro East Overlay Zone*

The Metro East Mixed Use Overlay Zone, adopted in 2007 and amended in 2018, included a cumulative buildout analysis that spanned a similar planning period. Accordingly, the buildout conditions were carried over as detailed in the Specific Plan, distributed proportionally throughout the plan area and adjusting for new development constructed or entitled since 2019.

### *Midtown Specific Plan*

The City determined that the Midtown Specific Plan (adopted in 1996) would experience little net growth during the planning period, so existing single/multi-family units and building square footage were largely carried forward into future buildout. To account for adaptive reuse projects, 200 multifamily units were distributed across eligible parcels.

### *Transit Zoning Code*

The Transit Zoning Code was adopted in 2010 and included a cumulative buildout analysis that spanned a similar planning period. The cumulative buildout conditions for residential and non-residential development were carried over as detailed in the Specific Plan, distributed proportionally throughout the plan area according to the block system established in working maps (previously identified under the Draft Renaissance Specific Plan).

### *All Other Areas of the City*

The City assumed a small increase (five percent) of residential units through the construction of second units, which are distributed throughout the City by traffic analysis zone and is not concentrated in a subset of neighborhoods. A 10 percent increase in non-residential building square footage (and associated employment), was assumed for the professional offices surrounding the Orange County Global Medical Center and along Broadway north of the Midtown Specific Plan, as well as the commercial and retail areas along 1st Street south of the West Santa Ana Boulevard focus area. Current development projects as listed in the City of Santa Ana monthly development project report (as of January 2020), were incorporated as follows: projects under construction and nearing occupancy were factored into the existing conditions figures; all other projects were included as potential future growth.

## **Current General Plan**

As part of the technical analyses, it is common to evaluate a buildout scenario that reflects the currently adopted General Plan. It is also important to keep the overall buildout approach generally consistent with that used in developing the Proposed Plan buildout, with obvious exceptions for areas that are planned differently—in this case, the focus areas. The buildout for focus areas was based on the land designations as of January 2020, using a combination of current assumptions stated in the 1998 Land Use Element (Table A-4, Land Use Plan Build-out Capacities), past and current trends, and the results of the 2020 Economic Indicators Report by AECOM.

## **Other Projections**

### **Orange County Projections (OCP)**

The Center for Demographic Research (CDR) is the entity through which jurisdictions in Orange County distribute and generate population, housing, and employment projections for Orange County. This includes the use of OCP figures to communicate expected growth for the regional transportation plan. The latest OCP figures were

finalized (September 2018) prior to the current land use planning and buildout efforts associated with the General Plan update. Interim adjustments can be made to the OCP figures if significant changes in land use or other policies will have a significant impact on the projections, and if these changes can be documented. The buildout for the Santa Ana General Plan will be finalized upon the adoption of the General Plan at the end of 2020, with implementation beginning in 2021. The General Plan land use plan and buildout projections will be incorporated into the OCP figures in 2021/2022.

### Southern California Association of Governments (SCAG)

As the metropolitan planning organization SCAG is responsible for developing long-range transportation plans and a sustainability strategy for the vast majority of Southern California. The centerpiece of that planning work is Connect SoCal, the 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS). This effort includes population, housing, and employment projections for each jurisdiction between 2020 and 2045.

SCAG is required by federal law to prepare and update (ever four years) a long-range RTP that identifies a feasible transportation system, adequate financial plan, and strategies to move people and goods efficiently. SCAG must also develop a SCS to integrate land use and transportation strategies that will achieve California Air Resources Board (CARB) greenhouse gas emissions reduction targets. In regard to housing, the SCS must demonstrate, on a regional level, areas sufficient to house all the population of the region, including the eight-year projection of the Regional Housing Needs Assessment (RHNA).

SCAG is also responsible for preparing the RHNA, a quantification of the housing need in each jurisdiction during specified planning periods. SCAG is in the process of developing the 6th cycle RHNA allocation plan which will cover the planning period October 2021 through October 2029. It is planned for adoption by SCAG in October 2020. Per Senate Bill 375 (2008), the RHNA must be consistent with the adopted SCS. The update process for the 2020 RTP/SCS began in 2018, and a draft of the proposed RTP/SCS was released in November 2019. SCAG's Regional Council approved the final RTP/SCS (aka Connect SoCal) on May 7, 2020, for the limited purpose of federal transportation conformity, so that SCAG could submit the plan to the Federal Highway Administration and Federal Transit Administration for review prior to the June 1, 2020, deadline, as required by the federal Clean Air Act. As of June 2020, the Regional Council anticipates the approval of Connect SoCal in its entirety sometime in late 2020 (possibly 120 days from May 7, 2020), following additional engagement with stakeholders to consider the impacts of the novel coronavirus (COVID-19) pandemic on the plan and its implementation.

The period to file RHNA appeals is expected to commence on the eighth day after the Regional Council adopts the Connect SoCal in its entirety. The appeals process will then follow the adopted RHNA Appeals Procedures with timelines updated to reflect the delay of the Connect SoCal Plan adoption.

Note that the adoption dates for the RTP/SCS and RHNA may be pushed due to circumstances related to the novel coronavirus (COVID-19) crisis. The buildout for the Santa Ana General Plan will be finalized upon the adoption of the General Plan at the end of 2020, with implementation beginning in 2021. The General Plan land use plan and buildout projections will be incorporated into the 2024 RTP/SCS, for which the update process should be in 2022.

**Table 1 Existing Conditions, Potential Growth, and Buildout Conditions in Santa Ana, 2020 to 2045**

PLANNING AREA	EXISTING <sup>1</sup>			GROWTH <sup>2</sup>			BUILDOUT		
	Housing Units	Bldg. Sq. Ft. <sup>3</sup>	Jobs	Housing Units	Bldg. Sq. Ft. <sup>3</sup>	Jobs	Housing Units	Bldg. Sq. Ft. <sup>3</sup>	Jobs
<b>FOCUS AREAS</b>	6,380	13,421,155	28,428	17,575	2,263,130	6,616	23,955	15,684,285	35,044
55 Freeway/Dyer Road	1,221	5,666,453	8,898	8,731	475,830	4,404	9,952	6,142,283	13,302
Grand Avenue/17 <sup>th</sup> Street	561	1,400,741	3,568	1,722	-696,847	-1,946	2,283	703,894	1,622
South Bristol Street	220	1,577,511	3,337	5,272	3,505,130	7,855	5,492	5,082,641	11,192
South Main Street	1,720	1,685,978	3,455	588	-739,316	-1,304	2,308	946,662	2,151
West Santa Ana Boulevard	2,658	3,090,472	9,170	1,262	-281,667	-2,393	3,920	2,808,805	6,777
<b>SPECIFIC PLAN / SPECIAL ZONING</b>	4,685	13,924,891	38,548	15,839	3,033,554	1,154	20,524	16,958,445	39,702
Adaptive Reuse Overlay Zone <sup>4</sup>	260	976,935	3,043	1,000	0	-476	1,260	976,935	2,567
Bristol Street Corridor Specific Plan	136	140,348	294	-1	2,791	-12	135	143,139	282
Harbor Corridor Specific Plan	1,324	1,767,937	3,286	3,298	200,045	-1,708	4,622	1,967,982	1,578
Main Place Specific Plan	0	1,108,080	2,216	1,900	1,318,843	3,164	1,900	2,426,923	5,380
Metro East Overlay Zone	844	2,516,056	7,524	4,707	2,169,891	4,734	5,551	4,685,947	12,258
Midtown Specific Plan	607	1,885,065	4,824	0	-66,812	-209	607	1,818,253	4,615
Transit Zoning Code	1,514	5,530,470	17,361	4,935	-591,204	-4,339	6,449	4,939,266	13,022
<b>ALL OTHER AREAS OF THE CITY <sup>5</sup></b>	67,727	39,772,550	92,004	2,847	552,536	3,666	70,574	40,325,086	95,670
<b>CITYWIDE TOTAL</b>	78,792	67,118,596	158,980	36,261	5,849,220	11,436	115,053	72,967,816	170,416

Notes:

- Existing represents conditions as of December 2019 as derived from the City of Santa Ana Planning Information Network and projects already under construction per the January 2020 monthly development project report.
- The potential growth for new development in specific plan / special zoning area is based on the forecasted buildout at the time of the respective zoning document's adoption, minus the amount of new development built between its adoption date and 2019.
- Only includes nonresidential building square footage.
- The figures shown on the row for the Adaptive Reuse Overlay represents parcels that are exclusively in the Adaptive Reuse Overlay boundary. Figures for parcels that are within the boundaries of both the Adaptive Reuse Overlay Zone and a specific plan, other special zoning, or focus area boundary are accounted for in the respective specific plan, other special zoning, or focus area.
- The City has included an assumption for growth on a small portion (five percent) of residential parcels through the construction of second units, which is distributed throughout the City and is not concentrated in a subset of neighborhoods. Additional growth includes known projects in the pipeline and an increase of 10 percent in building square footage and employment for the professional office surrounding the Orange County Global Medical Center and along Broadway north of the Midtown Specific Plan, as well as the commercial and retail along 1<sup>st</sup> Street south of the West Santa Ana Boulevard focus area.

Source: City of Santa Ana with assistance from PlaceWorks, 2020.

**Table 2: Focus Area Buildout Factors**

Focus Area Land Use	Density <sup>1</sup>	Intensity (FAR) <sup>1</sup>					Use Ratio (pct. of land) <sup>1</sup>						
	DU/ac	Comm.	Off.	Ind.	Ins.	Hotel	Res.	Comm.	Off.	Ind.	Ins.	Hotel	O.S.
<b>55 Freeway / Dyer Road</b>													
District Center	85	0.5	0.5	-	-	1.0	75%	15%	5%	-	-	-	5%
General Commercial	-	1.0	-	-	-	-	-	100%	-	-	-	-	-
Industrial / Flex	-	0.5	1.0	0.75	-	-	-	5%	30%	65%	-	-	-
Open Space	-	-	-	-	-	-	-	-	-	-	-	-	100%
<b>17<sup>th</sup> Street / Grand Avenue</b>													
District Center	50	0.5	0.5	-	-	-	75%	15%	5%	-	-	-	5%
General Commercial	-	0.28	-	-	-	-	-	100%	-	-	-	-	-
Industrial / Flex	-	0.5	0.75	0.6	-	-	-	5%	30%	65%	-	-	-
Open Space	-	-	-	-	-	-	-	-	-	-	-	-	100%
Urban Neighborhood	30	0.5	0.5	-	-	-	75%	15%	5%	-	-	-	5%
<b>South Bristol Street</b>													
District Center Area A <sup>2</sup>	80	1.0	2.0	-	-	3.0	35%	5%	50%	-	-	5%	5%
District Center Area B <sup>3</sup>	90	1.0	2.0	-	-	3.0	75%	7%	7%	-	-	3%	8%
Open Space	-	-	-	-	-	-	-	-	-	-	-	-	100%
Urban Neighborhood	30	0.5	0.5	-	-	-	65%	25%	5%	-	-	-	5%
<b>South Main Street</b>													
Industrial / Flex	-	0.75	0.5	0.3	-	-	-	15%	30%	55%	-	-	-
Institutional	-	-	-	-	0.36	-	-	-	-	-	100%	-	-
Low Density Residential	7	-	-	-	-	-	100%	-	-	-	-	-	-
Open Space	-	-	-	-	-	-	-	-	-	-	-	-	100%
Urban Neighborhood	30	0.5	0.5	-	-	-	70%	20%	5%	-	-	-	5%
<b>West Santa Ana Boulevard</b>													
Corridor Residential	30	-	-	-	-	-	100%	-	-	-	-	-	-
General Commercial	-	1.0	-	-	-	-	-	100%	-	-	-	-	-
Industrial / Flex	15	0.5	0.75	0.6	-	-	5%	15%	30%	50%	-	-	-
Institutional	-	-	-	-	1.09	-	-	-	-	-	100%	-	-
Low Density Residential	7	-	-	-	-	-	100%	-	-	-	-	-	-
Low-Medium Density Residential	13.7	-	-	-	-	-	100%	-	-	-	-	-	-
Medium Density Residential	24.8	-	-	-	-	-	100%	-	-	-	-	-	-
Open Space	-	-	-	-	-	-	-	-	-	-	-	-	100%
Professional and Administrative Office	-	-	2.0	-	-	-	-	-	100%	-	-	-	-
Urban Neighborhood	30	0.5	0.5	-	-	-	80%	10%	5%	-	-	-	5%

Notes:

1. Density, intensity, and use ratio figures determined by the City of Santa Ana in collaboration with MIG, 2019. The FAR figures address nonresidential building square footage only. The resulting buildout figures, with the exception of South Bristol Street District Center Area B, were then multiplied by a factor of 80% to arrive at projections for 2045.
2. Includes all District Center areas north of MacArthur Blvd and on the east side of Bristol south of MacArthur (~52 acres).
3. Includes all District Center areas south of MacArthur Blvd and west of Bristol (~58 acres).

**Table 3: Employment Factors**

<b>Employment Generation Factors</b>		
<b>Land Use</b>	<b>Existing Factor</b>	<b>Buildout Factor</b>
Commercial	500 sq. ft. / emp.	500 sq. ft. / emp.
Office / Office Park	286 sq. ft. / emp.	364 sq. ft. / emp.
Business Park / R&D	300 sq. ft. / emp.	333 sq. ft. / emp.
Light Industrial	400 sq. ft. / emp.	500 sq. ft. / emp.
Heavy Industrial	500 sq. ft. / emp.	500 sq. ft. / emp.
Warehouse	800 sq. ft. / emp.	800 sq. ft. / emp.
Medical	400 sq. ft. / emp.	222 sq. ft. / emp.
Government Office	286 sq. ft. / emp.	286 sq. ft. / emp.
Hospital	400 sq. ft. / emp.	364 sq. ft. / emp.
Religious Institution	800 sq. ft. / emp.	800 sq. ft. / emp.
Hotel / Motel	0.9 / room	0.9 / room
School	0.1 / student	0.1 / student
Park	0.75 / acre	0.75 / acre
<b>Employed Persons Factors</b>		
Population age 16+ (% of total)	76.8%	
Employment/working population ratio	63.7%	
LEHD / ACS employment	84.0%	
Source:		
<ul style="list-style-type: none"> <li>▪ Existing employment generation factors based on U.S. Census Bureau, Longitudinal Employer-Household Dynamics Origin-Destination Employment Statistics (LEHD), 2017, accessed and aggregated by PlaceWorks in March 2020.</li> <li>▪ Buildout employment generation factors based on OCTA Typical Employment Conversion Factors, June 2001 allowable ranges; adjusted by Santa Ana OCP 2002/2006 Interagency Team.</li> <li>▪ Population age 16+ derived by comparing total population in households and workforce population 16 and over, reported by the U.S. Census, American Community Survey (ACS) 2018 5-Year Estimates, Tables B25033 and S2301), accessed in March 2020.</li> <li>▪ Employed/ working population ratio as reported by the U.S. Census, ACS 2018 5-Year Estimates, Table S2301), accessed in March 2020.</li> <li>▪ LEHD / ACS employment compares the number of employed residents reported by LEHD to self-reported data in ACS 2017 5-Year Estimates, accessed in March 2020.</li> </ul>		

**Table 4: Persons per Household Assumptions**

<b>Units in Structure</b>	<b>2000</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2045</b>
Citywide	4.37	4.30	4.26	4.41	4.14	3.97	4.33	4.20	4.11	3.97	3.62
<b>Single family<sup>1</sup></b>	5.01	4.92	4.98	4.94	4.84	4.81	5.00	4.85	4.73	<b>4.59<sup>3</sup></b>	<b>4.30<sup>4</sup></b>
<b>Multi-family<sup>2</sup></b>	4.07	4.01	3.86	4.15	3.82	3.51	4.01	3.86	3.74	<b>3.58<sup>3</sup></b>	<b>3.12<sup>4</sup></b>
2 to 4	4.40	4.84	4.09	4.77	3.90	3.56	4.48	4.37	4.01	4.03	3.43
5 to 19	3.93	3.78	3.75	4.31	3.69	3.55	4.01	3.85	3.53	3.99	3.60
20 to 49	4.67	4.20	4.35	4.49	4.31	3.81	4.10	4.20	3.92	2.95	2.05
50 or more	3.71	3.58	3.67	3.55	3.71	3.19	3.43	3.18	3.74	2.77	2.41
Notes:											
<ol style="list-style-type: none"> <li>1. A category representing the aggregate figure for single family detached and single family attached units, as reported in the Census tables.</li> <li>2. A category representing the aggregate figure for multi-family units with two or more units in the structure, as reported in the Census tables.</li> <li>3. Factors used to generate population estimates for existing conditions.</li> <li>4. Factors used to generate population estimates for buildout conditions.</li> </ol>											
Source:											
<ul style="list-style-type: none"> <li>▪ 2000 (Decennial Census Tables HCT003 and H033), accessed and aggregated (weighted average) by PlaceWorks in March 2020.</li> <li>▪ 2010-218 (U.S. Census, American Community Survey 1-Year Estimates, Tables B25124 and B25033), accessed and aggregated (weighted average) by PlaceWorks in March 2020.</li> <li>▪ 2045 derived through trendline analysis of 2000-2018 data by PlaceWorks in March 2020.</li> <li>▪ Occupancy rate of 95.94% from the California Department of Finance, Table 2: E-5 City/County Population and Housing Estimates, 1/1/2019, downloaded in March 2020.</li> </ul>											

**Table 5: Student Enrollment for Public and Private Schools in Santa Ana, 2018/2019**

School	Enrollment	School	Enrollment
<b>Garden Grove Unified School District</b>		<b>Santa Ana Unified School District continued</b>	
Edward Russell Elementary	502	Manuel Esqueda Elementary	1,100
Heritage Elementary	452	Martin Elementary	645
Newhope Elementary	396	Martin Luther King Jr. Elementary	640
R. F. Hazard Elementary	468	Martin R. Heninger Elementary	1,151
Rosita Elementary	480	McFadden Intermediate	1,184
Stephen R. Fitz Intermediate	687	Middle College High	349
Bethel Baptist	225	Mitchell Child Development Center	419
Saint Barbara Elementary	325	Monroe Elementary	300
Santa Clara Nursery School	24	Monte Vista Elementary	516
<b>Orange County Department of Education</b>		Orange County School of the Arts	2,177
Samueli Academy	529	Pio Pico Elementary	563
Citrus Springs Charter	256	Raymond A. Villa Fund. Intermediate	1,390
College and Career Preparatory Academy	241	REACH Academy	34
Ednovate - Legacy College Prep.	189	Saddleback High	1574
Scholarship Prep	436	Santa Ana High	3,057
Vista Condor Global Academy	132	Santiago Elementary	1,152
Vista Heritage Global Academy	275	Segerstrom High	2,435
<b>Orange Unified School District</b>		Sierra Intermediate	757
Fairhaven Elementary	544	Taft Elementary	544
Panorama Elementary	404	Theodore Roosevelt Elementary	572
<b>Santa Ana Unified School District</b>		Thomas A. Edison Elementary	515
Edward B. Cole Academy	373	Valley High	2,150
Orange County Educational Arts Academy	622	Walker Elementary	401
Abraham Lincoln Elementary	790	Wallace R. Davis Elementary	538
Advanced Learning Academy	364	Washington Elementary	750
Andrew Jackson Elementary	745	Willard Intermediate	708
Carl Harvey Elementary	409	Wilson Elementary	578
Cesar E. Chavez High	385	<b>Tustin Unified School District</b>	
Century High	1,660	Arroyo Elementary	640
Community Day Intermediate and High	34	Foothill High	2,467
Diamond Elementary	509	Guin Foss Elementary	443
Douglas MacArthur Fundamental Intermediate	1,210	Hewes Middle	1,003
El Sol Santa Ana Science and Arts Academy	919	Loma Vista Elementary	454
Franklin Elementary	409	Red Hill Elementary	563
Fremont Elementary	536	Tustin Memorial Elementary	584
Garfield Elementary	723	<b>SBE - Magnolia Science Academy</b>	
George Washington Carver Elementary	386	Magnolia Science Academy Santa Ana	674
Gerald P. Carr Intermediate	1,405	<b>Private</b>	
Gonzalo Felicitas Mendez Fund. Intermediate	1,392	Ari Guiragos Minassian Armenian	109
Greenville Fundamental Elementary	1,043	Blind Children's Learning Center	60
Hector Godinez Fundamental High School	2,449	Calvary Chapel Private School	251
Heroes Elementary	565	Calvary Chapel High/Maranatha Christian Acad.	1,370
Hoover Elementary	357	Calvary Christian School	322
Jefferson Elementary	707	Fairmont Private School	300
Jim Thorpe Fundamental	927	Foothill Montessori School	76
John Adams Elementary	420	Mater Dei High School	2,200
John F. Kennedy Elementary	619	Nova Academy Early College High	430
John Muir Fundamental Elementary	876	Reedemer Christian School	19
Jose Sepulveda Elementary	372	Saint Anne School	220
Julia C. Lathrop Intermediate	948	Saint Joseph Elementary	220
Lorin Griset Academy	371	School of Our Lady	185
Lowell Elementary	709	The Prentice School	140
Lydia Romero-Cruz Elementary	196	<b>Rancho Santiago Community College District</b>	
Madison Elementary	1,009	Santa Ana College	36,411

Source: Santa Ana College student enrollment figure (2018 student headcount) from the Rancho Santiago Community College District, <https://www.rscdd.edu/Discover-RSCDD/Pages/default.aspx>, accessed in March 2020. All other student enrollment figures from the California Department of Education, California School Directory, 2018/2019 enrollment data, accessed in March 2020.

**Table 6: Student Generation Rates**

School District	Multi-Family Unit	Single Family Unit
Santa Ana Unified	0.4475	0.9099
Garden Grove Unified	0.3081	0.59877
Orange Unified	0.3735	0.4922
Tustin Unified	0.3072	0.6063

Sources:

- SAUSD, 2020 Residential Development School Fee Justification Study.
- GGUSD, 2020 Response to Service Questionnaire for Draft EIR. Multi-family rate reflects an average of rates for single family attached and multi-family units.
- OUSD, 2018 Fee Justification Report.
- TUSD, 2018 Fee Justification Report.

**Table 7: Pipeline Projects as of January 2020**

APN	Project Name	Address	Land Use	Res Units	Nonres Sq. Ft.	Status
198-081-28	The Line	3630 W Westminster Avenue	Residential Apartments and Commercial	228	4,248	Under Construction
002-312-35	Saint Thomas 3-Lot Subdivision	2828 N Flower Street	Single-Family Residential	3		Site Plan Review
002-210-40	2700 Main Street Apartments	2700 N Main Street	Residential Apartments	247		Site Plan Review
002-210-42	MainPlace Mall Revitalization Plan	2800 N Main Street	Residential	1900		DA Entitled
002-210-42	MainPlace Mall Revitalization Plan	2800 N Main Street	Hotel (400 rooms)		n/a	DA Entitled
002-210-42	MainPlace Mall Revitalization Plan	2800 N Main Street	Office		750,000	DA Entitled
002-210-42	MainPlace Mall Revitalization Plan	2800 N Main Street	Commercial		270,000	DA Entitled
041-213-04	Town and Country Manor (revise entitlement)	555 E Memory Lane	Senior Care Facility		46,218	Plan Check
390-171-03	Starbucks	2701 N Grand Avenue	Restaurant with Drive-thru		907	Under Construction
003-010-27	Magnolia at the Park	2525 N Main Street	Residential Apartments	347		Site Plan Review
003-010-27	Magnolia at the Park	2525 N Main Street	Demo Office Building for Apartments	0	-81,172	Site Plan Review
396-141-01	Starbucks Drive-thru & Retail Pad	2301 N Tustin Avenue	Restaurant with Drive-thru		3,567	Under Construction
003-113-41	Hampton Inn Hotel	2056 N Bush Street	Relocate SFD to 2125 North Main, change to commercial	-1	922	Plan Check
003-113-59	Hampton Inn Hotel	2115 N Main Street	SFD/Office Change to Commercial	-1	2,627	Plan Check
003-113-61	Hampton Inn Hotel	2058 N Bush Street	Demo SFD	-1		Plan Check
003-113-63	Hampton Inn Hotel	2119 N Main Street	Demo Office Building		-1,619	Plan Check
003-113-81	Hampton Inn Hotel	2129 N Main Street	Hampton Inn Hotel		73,322	Plan Check
399-031-23	The Academy Charter High School	1901 N Fairview Street	"Family" apartments	8		Under Construction
399-031-23	The Academy Charter High School	1901 N Fairview Street	Educational (High School)		146,136	Under Construction
399-031-24	Samuelli Academy Master Plan Revisions	1919 N Fairview Street	Master plan to modify schools classrooms		-6,530	Entitled
396-211-48	North Grand Car Wash	1821 N Grand Ave	Car Wash		5,243	Site Plan Review
396-211-48	North Grand Car Wash	1821 N Grand Ave	Demo Restaurant		-6,592	Site Plan Review



**Table 7: Pipeline Projects as of January 2020**

APN	Project Name	Address	Land Use	Res Units	Nonres Sq. Ft.	Status
396-031-16	Rocket Express Car Wash	1703 E Seventeenth Street	Car Wash		4,292	Entitled
396-031-16	Rocket Express Car Wash	1703 E Seventeenth Street	Demo Existing Commercial		-20,146	Entitled
396-052-43	Sexlinger Homes	1584 E Santa Clara Avenue	Single Family Residence	23		Under Construction
396-341-06	Tustin Service Station and Car Wash	2230 N Tustin Avenue	Commercial		3,600	Site Plan Review
405-262-20	In-N-Out Burger Bristol Rebuild & Expansion	815 N Bristol	Restaurant Rebuild & Expansion		1,776	Entitled
405-272-19	North Bristol Medical Project	1415 N Bristol	Medical Office Buildings		5,120	Plan Check
005-153-19	Arts Collective Meta Housing Adaptive Reuse	1666 N Main Street	Convert Office to Residential Apartments	58		Under Construction
398-522-18	Broadway Live/Work Units	1412 N Broadway	Live/work units	3		Site Plan Review
398-533-07	Craftsman Residential Duplex	1002 N Van Ness Avenue	Residential Apartments	2		Site Plan Review
398-541-13	The Orleans Adaptive Reuse Apartments	1212 N	Convert Existing Office to Residential Apartments	24		Under Construction
398-552-12	YCU Conversion of SFD to Office Use	1008 N Broadway	Convert Historic Structure SFD to Office	-1	2,800	Under Construction
398-561-18	One Broadway Plaza	1109 N Broadway	Office Tower		518,000	Entitled
398-561-18	One Broadway Plaza	1109 N Broadway	Restaurant		16,000	Entitled
003-153-48	Bridging the Aqua	317 E Seventeenth Street	Residential Apartments	57		Under Construction
100-161-46	Nguyen Medical Plaza	5030 Westminster Avenue	Commercial		5,800	Site Plan Review
004-020-12	Lam Residential	1514 N English Street	Single Family Residence	6		Site Plan Review
007-313-16	Tiny Tim Plaza Mixed Use	2223 W Fifth Street	Mixed Use Residential Apartments/Commercial	54	51,300	Under Construction
939-450-61	Vista Heritage School Expansion	2609 W Fifth Street	School Expansion (6-8th to K-8th/Enroll 470 to 870)		n/a	Site Plan Review
398-191-02	Certified Transportation	628 E Washington Avenue	Bus Terminal Maintenance Bldg		7,165	Plan Check
400-231-02	Target Shopping Center Commercial Pads	1330 E Seventeenth Street	Commercial		9,112	Under Construction
400-242-02	Ednovate Charter High School	1450 E Seventeenth Street	Convert 24,428 Office to School w/4,940 SF addition		4,940	Under Construction
400-062-01	Park Court Office Building A	1801 E Parkcourt Place	Office building		3,968	Site Plan Review
400-121-09	Raising Cane's Restaurant	2250 E Seventeenth Street	Demo Existing Restaurant		-10,000	Under Construction
400-121-09	Raising Cane's Restaurant	2250 E Seventeenth Street	Restaurant		3,935	Under Construction
400-164-10	Calvary Church Master Plan	1010 N Tustin Avenue	Master plan to modify center, classrooms, and office		50,000	Site Plan Review
198-101-07	Bewley Street Townhomes	1122 N Bewley Street	Residential Townhomes	11		Site Plan Review
198-102-20	John Le 5-Unit Development	1113 N Bewley Street	Residential Apartments	5		Site Plan Review
198-182-23	First & Harbor Commercial Development	121 N Harbor Boulevard	Commercial		36,606	Entitled
198-182-23	First & Harbor Commercial Development	121 N Harbor Boulevard	Demo Commercial		-6,400	Entitled
198-182-36	Fifth and Harbor Mixed Use Apartments	421 N Harbor Boulevard	Mixed Use Residential Apartments/Commercial	94	9,900	Entitled
198-281-05	Hue-Vo Two Unit Development	3402 W Seventh Street	Single-Family Residential	3		Site Plan Review
198-281-25	West Fifth Villas	3417 W Fifth Street	Residential Condos	8		Entitled
005-185-30	Eight Eight 8 - Adaptive Reuse	888 N Main Street	Convert Office to Mixed-Use/Residential Apartments	121	3,700	Plan Check
005-185-30	Eight Eight 8 - Adaptive Reuse	888 N Main Street	Convert Office to Mixed-Use/Residential Livework Apt	25		Plan Check

Attachment: Yorba Linda Appeal of Santa Ana's Draft RHNA Allocation and Supporting Documentation

**Table 7: Pipeline Projects as of January 2020**

APN	Project Name	Address	Land Use	Res Units	Nonres Sq. Ft.	Status
398-236-03	Legacy Square Mixed-Use Development	609 N Spurgeon Street	Demolition of Institutional Building	0	-8,030	Entitled
398-236-03	Legacy Square Mixed-Use Development	609 N Spurgeon Street	Demolition of Church	0	-22,330	Entitled
398-236-03	Legacy Square Mixed-Use Development	609 N Spurgeon Street	Mixed Use Residential Apartments/Commercial	93	7,267	Entitled
099-221-28	CN Square Office Building	402 N Euclid Street	Office Building		4,025	Site Plan Review
100-231-01	Euclid-Hazard 7-Eleven Service Station	813 N Euclid Street	Gas Station/Convenience Store		3,045	Site Plan Review
100-301-03	Euclid Commercial Plaza	111 N Euclid Street	Commercial		2,680	Plan Check
100-281-05	Bui 8-Unit Development	301 N Mountain View	Residential Apartments	8		Site Plan Review
398-214-01	Walnut Pump Station	723 W Walnut Street	Water Pump		3,800	Plan Check
398-325-01	4th and Mortimer (Block A)	409 E Fourth Street	Mixed Use Residential Apartments/Commercial	93	99,985	Site Plan Review
398-325-01	4th and Mortimer (Block A)	409 E Fourth Street	Demolition of Commercial Building		-22,330	Site Plan Review
398-327-09	201 E. 4th Street	401 N Bush Street	Residential Apartments	24		Under Construction
398-328-01	First American Site Mixed-Use Redevelopment	114 E Fifth Street	Mixed Use Residential Apartments/Commercial	218	8,900	Site Plan Review
398-330-08	4th and Mortimer (Block B)	509 E Fourth Street	Mixed Use Residential Apartments/Commercial	40	5,827	Site Plan Review
398-471-03	Tom's Trucks Residential Development	1008 E Fourth Street	Single Family Residence	117		Entitled
400-071-03	Madison Project	200 N Cabrillo Park Drive	Mixed Use Residential Apartments/Commercial	260	6,500	Entitled
402-181-11	AMG East First Senior Apartments	2222 E First Street	Residential Apartments	418	10,000	Under Construction
402-191-01	AMG East First Apartments/1st Point One	2114 E First Street	Mixed Use Residential Apartments/Commercial	552	10,000	Entitled
108-131-49	610 Newhope Condos	610 S Newhope Street	Residential Condos	9		Plan Check
188-021-08	4404 W. First Street	4404 W First Street	Commercial		3,662	Site Plan Review
144-341-04	Hoa Buddhist Center Addition	3222 W First Street	Church/Temple Expansion		9,256	Site Plan Review
144-551-51	Veteran's Village (Jamboree)	3314 W First Street	Residential Apartments	76		Under Construction
007-332-07	7-Eleven Store and Gas Station	1904 W First Street	Gas Station/Convenience Store		2,480	Site Plan Review
405-214-04	King Street Five Home Subdivision	1102 N King Street	Single Family Residence	5		Plan Check
011-154-43	AMCAL First Street Family Apartments	1440 E First Street	Residential Apartments	69		Under Construction
402-222-01	Wermers Properties Mixed-Use Development	1660 E First Street	Mixed Use Residential Apartments/Commercial	603	8,900	Entitled
108-073-14	Saigon Reformed Presbyterian	5321 W McFadden Avenue	Church/Temple Expansion		2,000	Site Plan Review
010-272-22	Star Wok	1019 S Bristol Street	Demo Apartment	-4		Plan Check
010-272-22	Star Wok	1019 S Bristol Street	Demo Mini Market		-1,645	Plan Check
010-272-22	Star Wok	1019 S Bristol Street	Restaurant		2,546	Plan Check
108-244-30	Archangel Michael Coptic Orthodox Church	4405 W Edinger Avenue	Church/Temple Expansion		9,928	Site Plan Review
108-244-30	Archangel Michael Coptic Orthodox Church	4319 W Edinger Avenue	Demo of SFD for church expansion	-1		Site Plan Review
108-244-30	Archangel Michael Coptic Orthodox Church	4325 W Edinger Avenue	Demo of SFD for church expansion	-1		Site Plan Review
108-244-30	Archangel Michael Coptic Orthodox Church	4326 W Regent Drive	Demo of SFD for church expansion	-1		Site Plan Review
108-244-30	Archangel Michael Coptic Orthodox Church	4330 W Regent Drive	Demo of SFD for church expansion	-1		Site Plan Review

Attachment: Yorba Linda Appeal of Santa Ana's Draft RHNA Allocation and Supporting Documentation

**Table 7: Pipeline Projects as of January 2020**

APN	Project Name	Address	Land Use	Res Units	Nonres Sq. Ft.	Status
108-244-30	Archangel Michael Coptic Orthodox Church	4402 W Regent Drive	Demo of SFD for church expansion	-1		Site Plan Review
407-107-23	Haphan Housing	3025 W Edinger Avenue	Residential Townhomes	18		Entitled
402-111-36	McFadden Village Chevron	2120 E McFadden Avenue	Commercial		2,037	Under Construction
013-040-29	Mater Dei Park Structure	1202 W Edinger Avenue	Parking Structure		3 Story	Under Construction
403-164-08	TLC Care Facility	2032 S Cypress Avenue	Change of Use SF to Care Facility (12 Bed)		n/a	Site Plan Review
140-061-94	Shea Homes	2001 W MacArthur Boulevard	Single Family Residence	42		Under Construction
412-191-04	South Coast Speedwash	2402 S Bristol Street	Commercial Retail/Restaurant		8,183	Permits Issued
412-191-04	South Coast Speedwash	2402 S Bristol Street	Car Wash		26,153	Permits Issued
412-191-04	South Coast Speedwash	2402 S Bristol Street	Demo Existing Car Wash		-5,410	Permits Issued
016-051-28	Softscapes New Building	2605 S Cypress Avenue	Office/Industrial Building		2,665	Plan Check
016-082-48	Our Lady of Guadalupe Office/Residence	542 E Central	Office/Residential Apartment	1	6,372	Site Plan Review
016-151-11	Tapestry by Hilton and Restaurant	1580 E Warner Avenue	6-story Hotel		79,375	Site Plan Review
016-151-11	Tapestry by Hilton and Restaurant	1580 E Warner Avenue	Restaurant		5,000	Site Plan Review
430-221-13	Heritage Village Residential Phase A	1951 E Dyer Road	Mixed-Use Residential Apartments	335	65,700	Under Construction
430-221-13	Heritage Village Residential Phase B	1901 E Dyer Road	Mixed-Use Residential Apartments	403	4,100	Under Construction
430-221-13	Heritage Village Residential Phase C	2001 E Dyer Road	Mixed-Use Residential Apartments	483	4,200	Under Construction
430-222-07	Bowery: Redhill & Warner Mixed-Use	2300 S Redhill Ave	Residential Apartments and Commercial	1,150	80,000	Site Plan Review
411-141-12	Shea ITT	666 E Dyer Road	Industrial		40,000	Under Construction
411-074-03	Legado at the MET	200 E First American Way	Residential Apartments	278		Entitled
414-271-03	Shell Service Station Retail Building	3820 S Fairview Street	Demo Fuel Kiosk		-80	Site Plan Review
414-271-03	Shell Service Station Retail Building	3820 S Fairview Street	Gas Station/Convenience Store		1,600	Site Plan Review
412-541-07	Christ Our Savior Church	2000 W Alton Avenue	Demo Existing Modular Church		-7,190	Under Construction
412-541-07	Christ Our Savior Parcel Map	2000 W Alton Avenue	New Church, Community Center, and Office		46,307	Under Construction
410-111-02	Legacy Multi-Family Residential At Sunflower	651 W Sunflower Ave	Residential Apartments	226		Entitled
410-111-02	Legacy Multi-Family Residential At Sunflower	651 W Sunflower Ave	Demo Church	0	-9,875	Entitled
400-032-02	Russell/Fisher Gas Station & Com Ctr	325 N Tustin Avenue	Commercial		7,368	Entitled
400-032-02	Russell/Fisher Gas Station & Com Ctr	325 N Tustin Avenue	Demo Restaurant for commercial bldg.		-3,440	Entitled
400-032-02	Russell/Fisher Gas Station & Com Ctr	325 N Tustin Avenue	Car Wash		4,354	Site Plan Review
400-032-03	Russell/Fisher Gas Station & Com Ctr	301 N Tustin Avenue	Commercial		2,778	Entitled
400-032-03	Russell/Fisher Gas Station & Com Ctr	301 N Tustin Avenue	Demo Carwash for commercial gas station		-1,780	Entitled
400-032-03	Russell/Fisher Gas Station & Com Ctr	301 N Tustin Avenue	Commercial		2,778	Site Plan Review

Source: City of Santa Ana, Major Planning Projects and Monthly Development Reports, January 2020.

**Table 8: Focus Area Buildout Factors for Current General Plan Scenario (the GP land use plan adopted in 1998, with amendments through 2019)**

Focus Area Land Use	Density <sup>1</sup>	Intensity (FAR) <sup>1</sup>					Use Ratio (pct. of land) <sup>1</sup>						
	DU/ac	Comm.	Off.	Ind.	Ins.	Hotel	Res.	Comm.	Off.	Ind.	Ins.	Hotel	O.S.
<b>55 Freeway / Dyer Road</b>													
District Center	90	1.0	1.0	-	-	-	40%	10%	50%	-	-	-	-
General Commercial	-	0.5	-	-	-	-	-	100%	-	-	-	-	-
Industrial	-	-	-	0.45	-	-	-	-	-	100%	-	-	-
Open Space	-	-	-	-	-	-	-	-	-	-	-	-	100%
Professional and Administrative Office	-	-	0.5	-	-	-	-	-	100%	-	-	-	-
<b>17<sup>th</sup> Street / Grand Avenue</b>													
General Commercial	-	0.5	-	-	-	-	-	100%	-	-	-	-	-
Institutional	-	-	-	-	0.5	-	-	-	-	-	100%	-	-
Low Density Residential	7	-	-	-	-	-	-	-	-	-	-	-	-
Open Space	-	-	-	-	-	-	-	-	-	-	-	-	100%
Professional and Administrative Office	-	-	0.5	-	-	-	-	-	100%	-	-	-	-
<b>South Bristol Street</b>													
District Center	90	1.0	1.0	-	-	-	40%	10%	50%	-	-	-	-
General Commercial	-	0.5	-	-	-	-	-	100%	-	-	-	-	-
Medium Density Residential	15	-	-	-	-	-	100%	-	-	-	-	-	-
Open Space	-	-	-	-	-	-	-	-	-	-	-	-	100%
Professional and Administrative Office	-	-	0.5	-	-	-	-	-	100%	-	-	-	-
<b>South Main Street</b>													
District Center	90	1.0	1.0	-	-	-	40%	10%	50%	-	-	-	-
General Commercial	-	0.5	-	-	-	-	-	100%	-	-	-	-	-
Industrial	-	-	-	0.45	-	-	-	-	-	100%	-	-	-
Institutional	-	-	-	-	0.5	-	-	-	-	-	100%	-	-
Low Density Residential	7	-	-	-	-	-	100%	-	-	-	-	-	-
<b>West Santa Ana Boulevard</b>													
General Commercial	-	0.5	-	-	-	-	-	100%	-	-	-	-	-
Industrial	-	-	-	0.45	-	-	-	-	-	100%	-	-	-
Institutional	-	-	-	-	0.5	-	-	-	-	-	100%	-	-
Low Density Residential	7	-	-	-	-	-	100%	-	-	-	-	-	-
Medium Density Residential	15	-	-	-	-	-	100%	-	-	-	-	-	-
Open Space	-	-	-	-	-	-	-	-	-	-	-	-	100%
Professional and Administrative Office	-	-	0.5	-	-	-	-	-	100%	-	-	-	-
Urban Neighborhood	30	0.5	0.5	-	-	-	50%	30%	20%	-	-	-	-

Notes:  
 1. Density, intensity, and use ratio figures determined using a combination of current assumptions stated in the 1998 Land Use Element (Table A-4, Land Use Plan Build-out Capacities), past and current trends, and the results of the 2020 Economic Indicators Report by AECOM. Maximum densities/intensities were assumed for conventional residential and industrial categories, while commercial and office categories were assumed to build out below maximum intensities. A balance of residential and nonresidential uses, with maximum residential densities and below-maximum nonresidential intensities, was assumed for the mixed used categories of Urban Neighborhood and District Center.

Attachment: Yorba Linda Appeal of Santa Ana's Draft RHNA Allocation and Supporting Documentation

**Table 9: Citywide Figures by Orange County Traffic Analysis Model (OCTAM) Category**

Statistic	Existing Conditions	2045 Projections		
		Current GP	80% / 50% Prop GP	Proposed GP
K-12 Enrollment <sup>1</sup>	58,097	69,074	72,675	75,480
College Enrollment <sup>2</sup>	36,411	36,411	36,411	36,411
Total Population <sup>3</sup>	334,774	383,202	411,804	431,629
Household Population	330,256	378,684	407,286	427,111
Employed Population	135,717	155,615	167,368	175,515
Total Households	76,314	94,104	103,864	109,883
Median HH Income <sup>4</sup>	see note	see note	see note	see note
Retail Employment <sup>5,8</sup>	20,738	22,957	17,297	18,002
Services Employment <sup>6,8</sup>	45,602	60,513	48,260	52,367
Other Employment <sup>7,8</sup>	95,324	98,967	96,580	98,875

Notes:

1. Only includes students attending schools within the city boundaries.
  2. No projection data was available.
  3. Total Population includes all individuals living in households, institutional group quarters, and non-institutional group quarters.
  4. Median household income figures generated by the traffic model.
  5. Retail employment estimated to account for 50% of jobs generated by commercial land uses.
  6. Services employment estimated to account for 50% of jobs generated by commercial land uses, 70% of jobs generated by office land uses, and 100% of jobs generated by hotel land uses.
  7. Other ("Base") employment estimated to account for 30% of jobs generated by office land uses and 100% of jobs generated by industrial, institutional, and open space land uses.
  8. The employment figures are subject to rounding when aggregated by parcel into traffic analysis zones, resulting in a 0.69% rounding delta.
- Source: Figures aggregated and projected by PlaceWorks, 2020.



# CITY OF SANTA ANA

## Planning and Building Agency

20 Civic Center Plaza • P.O. Box 1988  
Santa Ana, California 92702  
www.santa-ana.org/pba

### NOTICE OF PUBLIC HEARING BEFORE THE SANTA ANA PLANNING COMMISSION

The City of Santa Ana encourages the public to participate in the decision-making process. This notice is being sent to those who live or own property within 500 feet of five Focus Areas or who have expressed an interest in the proposed action. We encourage you to contact us prior to the Public Hearing if you have any questions.

**Planning Commission Action Items** - The Planning Commission will hold a Public Hearing at a regular meeting to receive public testimony and will make a recommendation on the items described below. Their recommendation will be forwarded to the City Council at a later date for final determination.

**Project Location:** The City of Santa Ana, encompassing 27.3 square miles in Central Orange County.

**Project Applicant:** City of Santa Ana

**Proposed Project:** The Planning Commission of the City of Santa Ana will hold a public hearing to consider action on the comprehensive update of the City's General Plan. The eleven elements of the General Plan Update will provide a long-term policy direction and communicate the vision and values for the next 25 years, through 2045. The General Plan goals and policies will guide the City's physical development, fiscal and environmental sustainability, and overall quality of life for the community. Five Focus Areas identified for potential change and new growth include South Main Street, Grand Avenue/17th Street, West Santa Ana Boulevard, 55 Freeway/Dyer Road, and South Bristol Street. The total long-term potential growth within these Focus Areas is estimated at 17,575 new housing units, 2,263,130 non-residential building square footage and 6,616 jobs. In order to facilitate the project, the City is requesting (1) certification of Final Environmental Impact Report (EIR) No. 2020-03 (SCH No. 2020029087), including environmental findings of fact pursuant to the California Environmental Quality Act (CEQA) and adoption of a Statement of Overriding Considerations and of a Mitigation Monitoring and Reporting Program; and, (2) approval of General Plan Amendment (GPA) No. 2020-06 for the comprehensive update to the General Plan.

**Environmental Impact:** In accordance with the California Environmental Quality Act (CEQA), Environmental Impact Report Environmental Review No. 2020-03 was prepared for the project to analyze the potential impacts of the project and identify measures to mitigate the environmental effects. The Draft EIR indicates there may be significant unavoidable adverse environmental impacts associated with the following environmental categories: Air Quality, Cultural Resources (historic resources), Greenhouse Gas Emissions, Noise, and Population and Housing (population growth). Upon compliance with regulatory requirements and recommended mitigation measures (as appropriate), all other environmental impacts were found to be less than significant.

**Meeting Details:** This matter will be heard at a Regular meeting on **Thursday, November 5, 2020 at 5:30 p.m.** Due to Governor Gavin Newsom's *Executive Order* and the City Council's *Proclamation of Local Emergency*, we can no longer offer an in-person meeting location for the community to attend public meetings.

You may watch the meeting live in the following ways:

- Visit the City's website <https://www.santa-ana.org/cc/city-meetings> and select the active link for the current Planning Commission meeting; or
- Visit the City's YouTube site at <https://www.youtube.com/cityofsantaanavideos/live>; or
- Spanish audio can be heard on [santaana.granicus.com/MediaPlayer.php?publish\\_id=1](https://santaana.granicus.com/MediaPlayer.php?publish_id=1)

You may provide a comment in the following ways:

- Send an e-mail to [ecomments@santa-ana.org](mailto:ecomments@santa-ana.org) (reference "Planning Commission Public Comment for Agenda Item No. #" in the subject line). Make sure to include your name, whether you are in support of or in opposition to the item and why. **The deadline to submit comments is 5:00 p.m. on the day of the meeting.** Comments

received after the deadline may not be distributed to the Commission but will be posted on the City's website at the earliest possible opportunity after the meeting; or

- Join the Zoom Webinar directly at: <https://us02web.zoom.us/j/315965149>; or
- Call 669-900-9128 and enter Meeting ID: 315 965 149# when prompted. Callers can begin joining the speaker queue by 5:00 p.m. on the day of the meeting. While the item that you would like to comment on is being discussed, dial \*9 to let us know that you want to speak. After the clerk confirms the last three digits of caller's phone number and unmutes them, the caller must press \*6 to speak. You will have 3 minutes to state your name, whether you are in support of or in opposition to the item, and why. **If you are calling in and watching YouTube, please turn your volume down on YouTube to limit any feedback when you speak.**






**Who To Contact For Questions:** Should you have any questions, please contact Vince Fregoso or Melanie McCann with the Planning and Building Agency at [vfregoso@santa-ana.org](mailto:vfregoso@santa-ana.org) or [mmccann@santa-ana.org](mailto:mmccann@santa-ana.org). Additional information related to the project can be found at [www.santa-ana.org/general-plan](http://www.santa-ana.org/general-plan).

**Where To Get More Information:** Additional details regarding the proposed action(s), including the full text of the discretionary item, may be found on the City website 72 hours prior to the public hearing at: <https://www.santa-ana.org/cc/city-meetings>.








**Note:** If you challenge the decision on the above matter, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission or City Council of the City of Santa Ana at, or prior to, the public hearing.

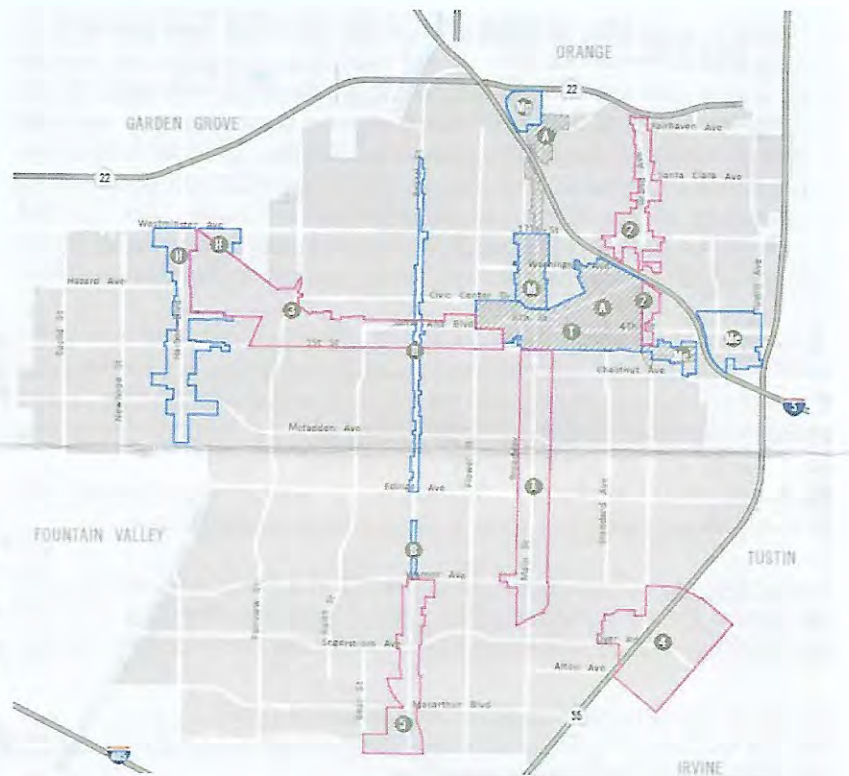
**Nếu cần liên lạc bằng tiếng Việt, xin điện thoại cho Tony Lai số (714) 565-2627.**

**Focus Areas**

-  1, South Main Street
-  2, Grand Ave/17th Street
-  3, West Santa Ana Boulevard
-  4, 55 Fwy/Dyer Road
-  5, South Bristol Street

**Adopted Planning Areas**

-  A, Adaptive Reuse Project Incentive Area
-  B, Bristol Street Corridor Specific Plan
-  H, Harbor Mixed Use Transit Corridor Specific
-  M, Midtown Plan
-  Me, Metro East Mixed Use Overlay Zone
-  Mp, Main Place Specific Plan
-  T, Transit Zoning Code



**Data Input and Verification Form**  
 Bottom-Up Local Input and Envisioning Process  
 2020 Regional Transportation Plan and Sustainable Communities Strategy (RTP/SCS)

Date: October 2, 2018

Page 1

A - Contact & Background Information

**This Represents Communication:** From the Jurisdiction of City of Santa Ana to SCAG

<p><b>Jurisdiction Contact Person:</b> <u>Melanie G. McCann</u></p> <p><b>Position:</b> <u>Senior Planner</u></p> <p><b>Email:</b> <u>mmccann@santa-ana.org</u></p> <p><b>Phone:</b> <u>714.667.2746</u></p>	<p><b>Background Information:</b></p> <p><input type="checkbox"/> I am my Jurisdiction's City Manager/County Administrative Officer, Community Development/Planning Director, or City Clerk (submitting on behalf of a jurisdiction's governing body)</p> <p><input checked="" type="checkbox"/> I am a staff person from a local jurisdiction, submitting input under supervision of one of the persons identified above (see appropriate signature below)</p>
<p><b>Additional Background, if any, based upon Previous Communications:</b></p> <hr/> <hr/>	

B - Action Items

**We are seeking to (select all that apply):**

**Submit to SCAG:**

Provide Input on SCAG's Core Geographic Data

Provide Input on SCAG's Core Demographic Data

Provide Input on Supplemental Data Elements

Other, please specify \_\_\_\_\_

C - Data Type

**With Relation to SCAG s:**

<p><b>Core Geographic Data:</b></p> <p><input checked="" type="checkbox"/> General Plan Land Use</p> <p><input checked="" type="checkbox"/> Zoning</p> <p><input checked="" type="checkbox"/> Existing Land Use</p> <p>Specific Plan Land Use</p> <p><input type="checkbox"/> Endangered Species and Plants*</p> <p><input type="checkbox"/> Open Space and Parks*</p> <p><input type="checkbox"/> Flood Areas*</p> <p><input type="checkbox"/> Natural Community and Habitat Conservation Plans*</p> <p>Farmland*</p> <p>Coastal Inundation (Sea Level Rise)*</p> <p><input type="checkbox"/> Major Stops and High Quality Transit Corridors*</p> <p>Transit Priority Areas*</p> <p>Regional Bikeways</p> <p>Regional Truck Routes</p> <p><input type="checkbox"/> City Boundary*</p> <p>Sphere of Influence*</p> <p>Census Tracts**</p> <p>Transportation Analysis Zone (TAZ) Boundaries**</p> <p><input checked="" type="checkbox"/> Entitlements</p> <p><input checked="" type="checkbox"/> Potential Infill Sites</p>	<p><b>Core Demographic Data:</b></p> <p><input checked="" type="checkbox"/> Population</p> <p><input checked="" type="checkbox"/> Households</p> <p><input checked="" type="checkbox"/> Employment</p> <p>Year:</p> <p><input checked="" type="checkbox"/> 2016</p> <p><input checked="" type="checkbox"/> 2020</p> <p><input checked="" type="checkbox"/> 2030 (Input needed at jurisdictional level only)</p> <p><input checked="" type="checkbox"/> 2035</p> <p><input type="checkbox"/> 2045</p> <p>Geographic Level:</p> <p><input checked="" type="checkbox"/> Jurisdictional Level</p> <p><input checked="" type="checkbox"/> Transportation Analysis Zone (TAZ)</p> <p><input type="checkbox"/> Other Geographic Level (Please Specify): _____</p>																		
<p><b>Supplemental Data Elements (available for review June 2018):</b></p> <table style="width:100%; border: none;"> <tr> <td style="border: none;"><input type="checkbox"/> Zoning Overlay Areas</td> <td style="border: none;"><input type="checkbox"/> Corridor Plans</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> Community Design Overlays</td> <td style="border: none;"><input type="checkbox"/> Special Districts</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> Community Land Trusts</td> <td style="border: none;"><input type="checkbox"/> Bike/Ped Volume Data***</td> </tr> <tr> <td style="border: none;"><input checked="" type="checkbox"/> Historic Preservation Areas</td> <td style="border: none;"><input type="checkbox"/> Ped Trails/Sidewalk Data***</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> Bike Sharing Facilities</td> <td style="border: none;"><input type="checkbox"/> Public Health Data***</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> Bike Stations</td> <td></td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> Car-Sharing Parking Sites</td> <td></td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> Joint Public/Private Developments for Affordable Housing</td> <td></td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> Areas with Reduced Parking Minimums and Maximums</td> <td></td> </tr> </table>		<input type="checkbox"/> Zoning Overlay Areas	<input type="checkbox"/> Corridor Plans	<input type="checkbox"/> Community Design Overlays	<input type="checkbox"/> Special Districts	<input type="checkbox"/> Community Land Trusts	<input type="checkbox"/> Bike/Ped Volume Data***	<input checked="" type="checkbox"/> Historic Preservation Areas	<input type="checkbox"/> Ped Trails/Sidewalk Data***	<input type="checkbox"/> Bike Sharing Facilities	<input type="checkbox"/> Public Health Data***	<input type="checkbox"/> Bike Stations		<input type="checkbox"/> Car-Sharing Parking Sites		<input type="checkbox"/> Joint Public/Private Developments for Affordable Housing		<input type="checkbox"/> Areas with Reduced Parking Minimums and Maximums	
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<input type="checkbox"/> Areas with Reduced Parking Minimums and Maximums																			

\* These data elements are maintained by local, state, or federal entities, and SCAG will forward input received from jurisdictions to the appropriate source

\*\* These data elements are being provided as reference information as they are not open to revision (TAZ Boundaries and Census Tracts)

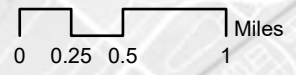
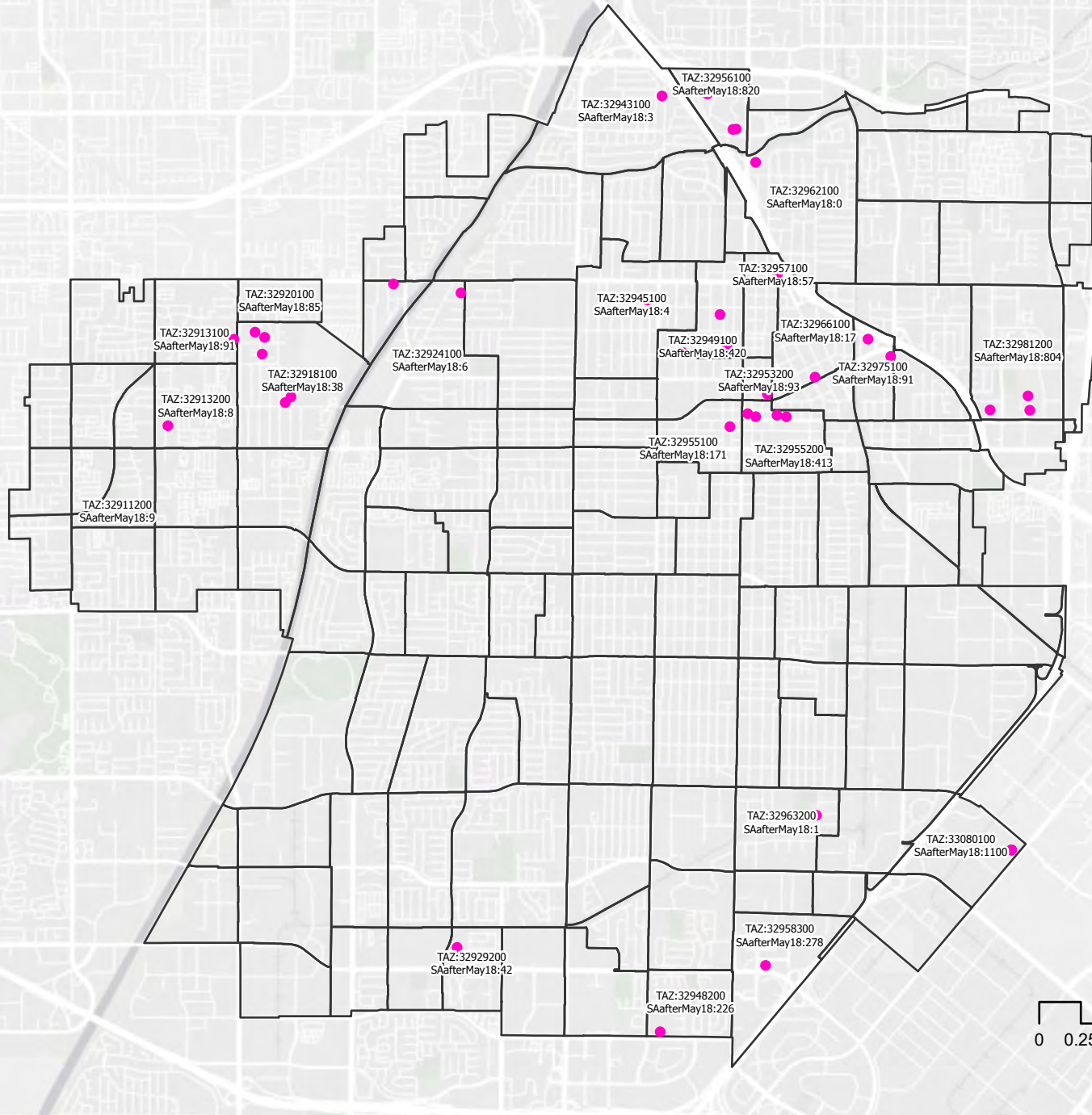
\*\*\* For these elements, SCAG is looking to obtain any available data; local review not needed

Attachment: Santa Ana Local Input Data Verification Form (2018) (Appeal of the Draft RHNA Allocation for the City of Santa Ana)





# SCAG Review of Santa Ana Major Development Pipeline Projects from City of Santa Ana comment letter



City TAZ Boundary      Santa Ana Projects

Attachment: Santa Ana Projects Map (SCAG's Review) (Appeal of the Draft RHNA Allocation for the City)

Date Saved: 12/23/2020 9:39 AM

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Ave  
Sacramento, CA 95833-1829  
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January 13, 2020

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

Dear Executive Director Ajise:

**RE: Review of Draft Regional Housing Need Allocation (RHNA) Methodology**

Thank you for submitting the draft Southern California Association of Governments (SCAG) Sixth Cycle Regional Housing Need Allocation (RHNA) Methodology. Pursuant to Government Code Section 65584.04(i), the California Department of Housing and Community Development (HCD) is required to review draft RHNA methodology to determine whether the methodology furthers the statutory objectives described in Government Code Section 65584(d).

In brief, the draft SCAG RHNA methodology begins with the total regional determination provided by the California Department of Housing and Community Development (HCD) and separates it into two methodologies to allocate the full determination: projected need (504,970) and existing need (836,857).

For projected need, the household growth projected in SCAG's Connect SoCal growth forecast for the years 2020-2030 is used as the basis for calculating projected housing need for the region. A future vacancy and replacement need are also calculated and added to the projected need.

The existing need is calculated by assigning 50 percent of regional existing need based on a jurisdiction's share of the region's population within the high-quality transit areas (HQTAs) based on future 2045 HQTAs. The other 50 percent of the regional existing need is based on a jurisdiction's share of the region's estimated jobs in 2045 that can be accessed within a 30-minute driving commute. For high segregation and poverty areas as defined by [HCD/TCAC Opportunity Maps](#),<sup>1</sup> referred to by SCAG as extremely disadvantaged communities (DACs), existing need in excess of the 2020-2045 household growth forecast is reallocated to non-DAC jurisdictions within the same county.

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<sup>1</sup> Created by the California Fair Housing Task Force and commissioned by HCD and the California Tax Credit Allocation Committee (TCAC) to assist public entities in affirmatively furthering fair housing. The version used in this analysis is the 2019 HCD/TCAC Opportunity Maps available at [treasurer.ca.gov/ctcac/opportunity.asp](http://treasurer.ca.gov/ctcac/opportunity.asp).

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Within both the projected and existing need methodologies the four RHNA income categories (very low, low, moderate, and above moderate) are assigned to each jurisdiction by the use of a 150 percent social equity adjustment, which inversely adjusts based on the current incomes within the jurisdiction. An additional percentage of social equity adjustment is made for jurisdictions that have a high concentration of DACs or Highest Resource areas as defined by the HCD/TCAC Opportunity maps. Overall, the social equity adjustments result in greater shares of lower income RHNA to higher income and higher-resource areas.

**HCD has completed its review of the methodology and finds that the draft SCAG RHNA Methodology furthers the five statutory objectives of RHNA.<sup>2</sup>**

HCD acknowledges the complex task of developing a methodology to allocate RHNA to 197 diverse jurisdictions while furthering the five statutory objectives of RHNA. This methodology generally distributes more RHNA, particularly lower income RHNA, near jobs, transit, and resources linked to long term improvements of life outcomes. In particular, HCD applauds the use of objective factors specifically linked the statutory objectives in the existing need methodology.

Below is a brief summary of findings related to each statutory objective described within Government Code Section 65584(d):

*1. Increasing the housing supply and the mix of housing types, tenure, and affordability in all cities and counties within the region in an equitable manner, which shall result in each jurisdiction receiving an allocation of units for low- and very low-income households.*

The methodology generally allocates increased shares of lower income RHNA to jurisdictions that have higher housing costs. In support of a mix of affordability, the highest housing cost cities generally receive higher shares of lower income RHNA. Under this methodology the 15 cities with the highest median housing costs all receive greater than 50 percent of the RHNA as lower income RHNA. Beverly Hills with the 18<sup>th</sup> highest median housing costs receives the 25<sup>th</sup> highest share of lower income RHNA; Westlake Village with the 14<sup>th</sup> highest median housing costs receives the 12<sup>th</sup> highest share of lower income RHNA; Aliso Viejo with the 23<sup>rd</sup> highest median housing costs receives the 38<sup>th</sup> highest share of lower income RHNA; and Villa Park with the 10<sup>th</sup> highest median housing costs receives the 31<sup>st</sup> highest share of lower income RHNA.

*2. Promoting infill development and socioeconomic equity, the protection of environmental and agricultural resources, the encouragement of efficient development patterns, and the achievement of the region's greenhouse gas reductions targets provided by the State Air Resources Board pursuant to Section 65080.*

The draft SCAG RHNA methodology furthers the environmental principles of this objective as demonstrated by the transportation and job alignment with the RHNA allocations.

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<sup>2</sup> While HCD finds that this particular methodology furthers the objectives of RHNA, HCD's determination is subject to change depending on the region or cycle, as housing conditions in those circumstances may differ.

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*3. Promoting an improved intraregional relationship between jobs and housing, including an improved balance between the number of low-wage jobs and the number of housing units affordable to low-wage workers in each jurisdiction.*

Half of the existing need portion of the draft SCAG RHNA methodology is set based on the jurisdiction's share of the region's estimated jobs in 2045. While future looking job projections are important for housing planning, and housing built in the next decade will likely exist for 50-100 years or more, it is also critical to plan for the needs that exist today. This objective specifically considers the balance of low-wage jobs to housing available to low-wage workers. As part of HCD's analysis as to whether this jobs-housing fit objective was furthered by SCAG's draft methodology, HCD analyzed how the percentage share of the region's lower income RHNA compared to the percentage share of low-wage jobs.

For example, under the draft SCAG RHNA methodology Irvine would receive 1.84 percent of the region's lower income RHNA, and currently has 2.07 percent of the region's low-wage jobs, .23 percent less lower income RHNA than low-wage jobs for the region. Pomona would receive .71 percent of the region's lower income RHNA, and currently has .57 percent of the region's low-wage jobs, .13 percent more lower income RHNA than low-wage jobs for the region. Across all jurisdictions there is generally good alignment between low-wage jobs and lower income RHNA, with all but 15 jurisdictions within a half percent plus or minus difference between their share of lower income RHNA for the region and their percentage low-wage jobs for the region.

HCD is aware there has been some opposition to this current methodology from jurisdictions that received lower allocations under prior iterations; however it is worth noting that even if it is by a small amount, many of the jurisdictions that received increases are still receiving lower shares of the region's lower income RHNA compared to their share of the region's low-wage jobs. HCD recommends any changes made in response to appeals should be in the interest of seeking ways to more deeply further objectives without compromising other objectives.

*4. Allocating a lower proportion of housing need to an income category when a jurisdiction already has a disproportionately high share of households in that income category, as compared to the countywide distribution of households in that category from the most recent American Community Survey.*

This objective is furthered directly by the social equity adjustment factor included in the draft SCAG RHNA methodology. Jurisdictions in the SCAG region range from as little as 10.9 percent lower income households to 82.7 percent lower income households. The 20 jurisdictions with the greatest share of lower income households, 67.2-82.7 percent lower income households, would receive an average of 31.6 percent lower income share of their RHNA; compared to the 20 jurisdictions with the lowest share of lower income households, 10.9-25.1 percent lower income households, would receive an average of 59.1 percent lower income share of their RHNA. While the social equity adjustment explicitly responds to objective four, it also assists in the methodology furthering each of the other objectives.

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*5. Affirmatively furthering fair housing, which means taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws.*

HCD applauds the inclusion of the affirmatively furthering fair housing adjustment factor in the methodology. This factor directs more lower income RHNA to higher opportunity areas and reduces allocations in segregated concentrated areas of poverty, as defined in the [HCD/TCAC Opportunity Maps](#), which evaluate access to opportunity, racial segregation, and concentrated poverty on 11 dimensions, which are all evidence-based indicators related to long term life outcomes. 14 of the top 15 highest shares of lower income RHNA are in regions over 99.95 percent High and Highest Resource areas. These include: Imperial, La Habra Heights, Rolling Hills Estates, Hermosa Beach, La Cañada Flintridge, Palos Verdes Estates, Manhattan Beach, Rolling Hills, Agoura Hills, Rancho Palos Verdes, Westlake Village, San Marino, Eastvale, and Hidden Hills. With the exceptions of the cities of Vernon and Industry, the 31 jurisdictions with the highest share of lower income RHNA are all over 95 percent High and Highest Resource areas.

HCD appreciates the active role of SCAG staff in providing data and input throughout the draft SCAG RHNA methodology development and review period. HCD especially thanks Ping Chang, Kevin Kane, Sarah Jepson, and Ma'Ayn Johnson for their significant efforts and assistance.

HCD looks forward to continuing our partnership with SCAG to assist its member jurisdictions to meet and exceed the planning and production of the region's housing need.

Support opportunities available for the SCAG region this cycle include, but are not limited to:

- SB 2 Planning Technical Assistance (Technical assistance available now through June 2021)
- Regional and Local Early Action Planning grants (25 percent of Regional funds available now, all other funds available early 2020)
- SB 2 Permanent Local Housing Allocation (Available April – July 2020)

If HCD can provide any additional assistance, or if you, or your staff, have any questions, please contact Megan Kirkeby, Assistant Deputy Director for Fair Housing, [megan.kirkeby@hcd.ca.gov](mailto:megan.kirkeby@hcd.ca.gov).



Megan Kirkeby  
Assistant Deputy Director for Fair Housing

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Vicente Sarmiento  
MAYOR PRO TEM  
David Penalosa  
COUNCILMEMBERS  
Phil Bacerra  
Johnathan Ryan Hernandez  
Jessie Lopez  
Nelida Mendoza  
Thai Viet Phan



CITY MANAGER  
Kristine Ridge  
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## CITY OF SANTA ANA

CITY MANAGER'S OFFICE  
20 Civic Center Plaza • P.O. Box 1988  
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[www.santa-ana.org](http://www.santa-ana.org)

December 10, 2020

Mr. Kome Ajise  
Executive Director  
Southern California Association of Governments (SCAG)  
900 Wilshire Blvd. Suite 1700  
Los Angeles, CA 90017

**RE: Response to Appeals of the City of Santa Ana's Sixth Cycle Draft Regional Housing Needs Assessment (RHNA) Allocation**

Dear Mr. Ajise,

The City of Santa Ana (City) respectfully submits this response to the appeals submitted to the Southern California Association of Governments (SCAG) by the Cities of Garden Grove, Irvine, Newport Beach, and Yorba Linda related to the City's Draft Regional Housing Needs Assessment (RHNA) Allocation for the Sixth Housing Element Cycle (2021-2029).

SCAG's RHNA Housing Needs Assessment Subcommittee; Community, Economic, and Human Development Committee; and Regional Council met over a period of more than 18 months to undertake the arduous RHNA planning process required by Government Code Sections 65584 – 65584.04.<sup>1</sup> The effort culminated in the finding by the Department of Housing and Community Development (HCD) that the draft RHNA methodology met the five objectives contained in Section 65584(d) and the Regional Council's adoption of the Final RHNA Methodology on March 4, 2020. In particular, HCD applauded the inclusion of the "DAC" process, whereby units are reallocated from cities such as Santa Ana designated as "disadvantaged communities (DACs)" to cities with high opportunity areas, meeting the goal of affirmatively furthering fair housing (required by Section 65584(d)(5)) by increasing access to high opportunity areas. Santa Ana compliments SCAG on adopting a methodology that attempts to further equity and reduce segregation and concentrated poverty.

<sup>1</sup> All future citations are to the Government Code.

### SANTA ANA CITY COUNCIL

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Attachment: Comments Received during the Comment Period (Appeal of the Draft RHNA Allocation for the City of Santa Ana)

The appeals before you attempt to unwind this laudable adopted standard by lowering the RHNA in high opportunity cities and increasing housing development in Santa Ana, which was designated as a DAC only because over half of its population resides in either high segregation and poverty or very low resource areas. SCAG should not allow appeals by wealthy and resource-rich cities to undermine its approved Final Methodology crafted to promote equity in the region.

### **None of the Submitted Appeals May Be Approved under State Law**

As a threshold matter, none of the claims made in the four appeals fulfill the criteria provided in Section 65584.05(b) or that in Section I(C) of the SCAG 6<sup>th</sup> RHNA Cycle Appeals Procedures, which together specify the grounds for an appeal.

State law allows other cities to appeal Santa Ana's RHNA on only two grounds:

- **Methodology:** SCAG failed to determine Santa Ana's RHNA in accordance with the information described in, and the Final RHNA Methodology established under Section 65584.04 and in a manner that furthers and does not undermine the intent of the objectives listed in Section 65584(d).(Section 65584.05(b)(2)).
- **Local Planning Factors and Information Affirmatively Furthering Fair Housing:** SCAG failed to adequately consider information submitted under Section 65584.04(b).

SCAG determined Santa Ana's RHNA in accordance with the Final RHNA Methodology. Although the appeals criticize the Final RHNA Methodology adopted by SCAG, they cite no instance where the methodology was not applied to Santa Ana exactly as required by the Final RHNA Methodology. Rather, they urge SCAG to modify its Final Methodology – which is *final*, cannot be modified, and cannot serve as the grounds for an appeal.

Although the appellants supply a variety of "readily available information" relating to development in Santa Ana, failure to consider "readily available information" is not the basis for a RHNA appeal. Government Code Section 65585.05(b)(1) allows appeals based *only* on SCAG's failure to adequately consider the "information *submitted*" under Section 65584.04(b). That section requires that, *before the RHNA methodology is adopted*, SCAG must survey cities and counties within the region and invite them to provide information that can be used in developing the methodology. If the information was not submitted to SCAG as part of the Section 65584.04(b) process, it cannot be used as grounds for an appeal.

All four appeals failed to include any examples of information related to Santa Ana that was actually *submitted* to SCAG before development of the Final RHNA Methodology and which SCAG did not adequately consider. Rather, the appeals introduce *new* information relating to Santa Ana. The appeals are in fact based on changed circumstances, which cannot be the basis for an appeal of Santa Ana's RHNA by another city (Section 65584.05(b)(3)).



In conclusion, the four appeals are fatally flawed and cannot be approved under the criteria contained in state law. Additional responses to the four appeals are contained in Attachment 1.

### **Validity of Appeal Data**

The City's RHNA allocation that is being challenged is chiefly based on growth projections contained in Connect SoCal. These were developed through a cooperative process that was consistent for all Orange County jurisdictions. As with all Orange County jurisdictions, the City of Santa Ana's projected housing, population, and employment growth was provided through the Orange County Projection (OCP 2018) process and provided to California State University Fullerton Center for Demographic Research (CDR) in April/May of 2018. The City of Santa Ana's projected growth was based on new housing units that were viewed as "likely," or reasonably foreseeable, based on pipeline projects and other anticipated growth and projects to be developed during the planning period of 2016 to 2045.

The Orange County Projection 2018 numbers were then provided to SCAG for incorporation into the SCAG regional growth forecast and were included in SCAG's Connect SoCal Plan. The growth projections in the Connect SoCal plan, developed based on the information provided in 2018, were then used by SCAG to develop the City's RHNA. Connect SoCal projects growth of 2,974 units in Santa Ana to 2045, resulting in Santa Ana's existing RHNA of 3,087 units when the residual adjustment factor was applied. The methodology, data, and resulting growth were deemed by SCAG to be consistent with the region.

The appeals filed by the cities of Garden Grove, Irvine, and Newport Beach recommend an increase in the City's projected growth ranging from 7,087 to 10,000 units and rely on sources of data as follows:

1. Various lists of "pipeline" projects provided by Garden Grove, Newport Beach, and Irvine. The list used by Garden Grove and Newport Beach includes 7,594 units while Irvine's list includes 9,810 units.
2. Table 1 entitled "Existing Conditions, Potential Growth, and Buildout Conditions in Santa Ana, 2020 – 2045" in a document entitled, "Santa Ana General Plan Buildout Methodology, June 2020" related to a draft general plan update that has not been adopted.

The City has consolidated and reviewed the lists of pipeline projects submitted by these cities and compared the numbers with the Pipeline Project List that the City maintains (see Attachment 2), and has identified 4,777 potential new units that were not included in the 2018 submission for So Cal Connect. Of the total 9,891 pipeline units listed in Irvine's appeal, which contained the largest number of specific projects, 3,946 were already included in the original growth projections, and 2,467 were either built before 2020, not approved, or were a part of projects no longer viable for development.

**City General Plan Update and SCAG DAC Reallocation**

The appeals also cite growth projections in the draft land use element of the proposed comprehensive general plan update for Santa Ana that has not adopted. The City of Yorba Linda further requested that the entire DAC redistribution of 23,167 units be reallocated to the City for inclusion in the final RHNA allocation.

On November 9, 2020, the Santa Ana Planning Commission voted to table its consideration of the proposed general plan indefinitely to allow time for additional community outreach regarding the proposed general plan policies and implementation actions, particularly reaching those within Santa Ana Disadvantaged Communities, also known as Environmental Justice Communities. It is very possible that the growth plans and projections will change to ensure that the plan does not cause displacement of existing communities. The plan is not moving forward for adoption at this time; no further Commission or Council meetings are scheduled. At this point, it is not possible to predict what land use changes will be included in whatever plan is ultimately adopted, and the preliminary general plan buildout projections cannot be considered to be valid projections of future growth in Santa Ana.

Yorba Linda's appeal is entirely inconsistent with the DAC provisions included in the Final RHNA Methodology which were deemed particularly significant by HCD to affirmatively further fair housing. The reallocation promoted by Yorba Linda would move housing from high opportunity areas to lower resource areas and open disadvantaged neighborhoods in Santa Ana to unplanned growth, with the potential for significant displacement, the very reason the DAC provisions were adopted. The appeal should be rejected as inconsistent with the Final RHNA Methodology adopted by SCAG.

**Appeal Procedures**

Under SCAG's adopted Appeal Procedures, the four appellant cities will have 20 minutes to present their case (5 minutes each), while Santa Ana will have only 8 minutes to respond. Similarly, the cities will have 12 minutes (3 minutes each) to rebut the staff presentation, while Santa Ana will have only 3 minutes to respond. The Appeal Procedures provide that the Chair of the Appeals Board may elect to grant additional time for any presentation or rebuttal in the interest of due process and fairness. Given the large number of appeals lodged against Santa Ana, the City would request 15 minutes to present its case and 10 minutes to rebut. We would further ask that this request be acted on before the date of the hearing so that the City might appropriately prepare its presentations.

In closing, the 1.3 million RHNA determination for the SCAG region by the State of California has created challenges for all communities within this region. Working together collectively to address this goal and meet the critical housing needs of our communities is necessary. As an urban developed community, successful new development in Santa Ana is reliant on the redevelopment of the existing built-out environment, which has many challenges. As a result of years of responsible actions by the City shaping and implementing regulations and policies to expand public

Attachment: Comments Received during the Comment Period (Appeal of the Draft RHNA Allocation for the City of Santa Ana)

infrastructure such as the OC Streetcar, Santa Ana is committed to playing a leadership role in Orange County in promoting attainable housing and sustainable transit supportive development projects.

The City of Santa Ana is agreeable to absorbing up to an additional maximum of 4,777 housing units from the region in the Moderate and Above Moderate Income categories for a total not to exceed RHNA of 7,864 housing units. This total is consistent with the City of Santa Ana's adopted General Plan Land Use Element and will more than double the City's current allocation of 3,087 units in the various income categories. This action will assist our fellow Orange County jurisdictions, particularly those designated as high resource communities, by offsetting some of the unintended consequences associated with the redistribution of DAC "residual" housing.

Additional specific responses to the four appeals are contained in Attachment 1. Should you have any questions regarding this correspondence, please feel free to contact Planning and Building Agency Executive Director Minh Thai at [Mthai@santa-ana.org](mailto:Mthai@santa-ana.org).

Sincerely,



Kristine Ridge  
City Manager

Attachments:

1. Additional Responses to Appeals of Garden Grove, Irvine, Newport Beach, and Yorba Linda
2. City of Santa Ana Major Development Pipeline Projects

C: Minh Thai, Executive Director, Planning and Building Agency

## ATTACHMENT 1

### **ADDITIONAL RESPONSES TO APPEALS OF GARDEN GROVE, IRVINE, NEWPORT BEACH, AND YORBA LINDA**

#### **Additional Responses to Appeal of Garden Grove**

Garden Grove has appealed Santa Ana's RHNA on two bases, discussed below.

#### **Assertion One: SCAG failed to adequately consider historic and projected housing development.**

Garden Grove asserts that SCAG failed to consider "readily available information" related to planned development in Santa Ana, and so Santa Ana's RHNA must be increased.

However, failure to consider "readily available information" is not the basis for a RHNA appeal. Government Code Section 65585.05(b)(1) allows appeals based on SCAG's failure to adequately consider the "information *submitted*" under Section 65584.04(b). That section requires that, *before the RHNA methodology is adopted*, SCAG must survey cities and counties within the region and invite them to provide information that can be used in developing the methodology. The appeal includes no examples of information related to Santa Ana that was actually submitted to SCAG before development of the RHNA methodology and which SCAG failed to adequately consider. Rather, the appeal submits new information relating to changed circumstances, which cannot be the basis for an appeal of another city's RHNA.

#### **Assertion Two: Allocation of the final methodology directly conflicts with SCAG's Regional Transportation Plan.**

Garden Grove asserts that the Final RHNA Methodology adopted by SCAG conflicts with SCAG's Regional Transportation Plan and suggests that an alternative "sliding-scale" methodology be used to reallocate units from disadvantaged communities (DACs).

The Final RHNA Methodology has been adopted by SCAG. Challenges to the methodology itself cannot be the basis for an appeal of the RHNA allocation.

#### **Validity of Appeal Data**

Garden Grove asks that Santa Ana's RHNA be increased from 3,087 units to 10,174 units based upon: 1) a list of planned projects that include 7,594 total units; and 2) estimated growth of 2,580 units in the Harbor Mixed-Use Corridor (680 units) and the Mainplace Mall Transformation (1,900 units).

Attachment 1 shows projects previously included in growth estimates provided for SoCal Connect and already incorporated into the City's 3,087-unit RHNA calculation. Of the 7,594 units listed in Garden Grove's project list; 3,646 were already included in the original growth projections, and 2,230 were either built before 2020, not approved or were a part of projects no longer viable for development.

## **Additional Responses to Appeal of Newport Beach**

Newport Beach has appealed Santa Ana's RHNA on two bases, discussed below.

**Assertion One: SCAG failed to adequately consider readily available data related to 10,174 housing units approved and/or planned by the City of Santa Ana over the next eight years that will exceed their Draft RHNA allocation of 3,087 units for the Sixth Cycle.**

Newport Beach asserts that SCAG failed to consider "readily available data" related to planned development in Santa Ana, and so Santa Ana's RHNA must be increased.

However, failure to consider "readily available data" is not the basis for a RHNA appeal. Government Code Section 65585.05(b)(1) allows appeals based on SCAG's failure to adequately consider the "information *submitted*" under Section 65584.04(b). That section requires that, *before the RHNA methodology is adopted*, SCAG must survey cities and counties within the region and invite them to provide information that can be used in developing the methodology. The appeal includes no examples of information related to Santa Ana that was actually submitted to SCAG before development of the RHNA methodology and which SCAG failed to adequately consider. Rather, the appeal submits new information relating to changed circumstances, which cannot be the basis for an appeal of another city's RHNA.

**Assertion Two: SCAG failed to determine the share of the regional housing need in accordance with the information described in, and the methodology established, pursuant to Section 65584.04, and in a manner that furthers, and does not undermine, the intent of the objectives listed in Section 65584(d).**

Newport Beach asserts that the Final RHNA Methodology adopted by SCAG misuses the TCAC/HCD Opportunity Index Scores and Mapping and states that SCAG's DAC methodology results in redistributing units to those with less access to transit and longer drives from the job centers.

The Final RHNA Methodology has been adopted by SCAG. Challenges to the methodology itself cannot be the basis for an appeal of the RHNA allocation.

### **Validity of Appeal Data**

Newport Beach, like Garden Grove, asks that Santa Ana's RHNA be increased from 3,087 units to 7,954 units and has submitted the same data justifying the request. The City's evaluation is contained in the response to the Garden Grove appeal.

## **Additional Responses to Appeal of Irvine**

Irvine has appealed Santa Ana's RHNA on two bases, discussed below.

### **Grounds for Appeal #1: Failure to Adequately Consider Information for the Methodology (Government Code Section 65584.05(b)(1).)**

Irvine asserts that SCAG failed to consider various information when it developed the Final RHNA Methodology. In particular, it asserts that the TCAC/HCD Opportunity Index Scores and Mapping were misused by being incorporated into the Final Methodology and that the last-minute adoption of the DAC formula by the Regional Council did not provide Irvine with an adequate opportunity to provide information relating to the factor.

However, irregularities in the RHNA adoption process and objections to the use of a factor in the *adopted* methodology are not the basis for a RHNA appeal under Section 65584.05(b)(1). That section only allows appeals based on SCAG's failure to adequately consider the "information *submitted*" under Section 65584.04(b), which requires that, at least six months *before the RHNA methodology is adopted*, SCAG must survey cities and counties within the region and invite them to provide information that can be used in developing the methodology. If information was not submitted during that period, it cannot be the basis for an appeal.

Irvine's appeal acknowledges that Irvine did not submit information about growth in Santa Ana during this period; the appeal includes no examples of information related to Santa Ana that was actually submitted to SCAG before development of the RHNA methodology and which SCAG failed to adequately consider. Rather, like the Garden City and Newport Beach appeals, the appeal submits new information relating to changed circumstances, which cannot be the basis for an appeal of another city's RHNA. (Section 65584.05(b)(3).)

### **Grounds for Appeal #2: Failure to Determine the City's Share of the Regional Need in Accordance with Information Described in, and Methodology Established, in a Manner that Furthers and Does Not Undermine the Intent of the Objectives in Section 65584(d). (Section 65584.05(b)(2).)**

Irvine asserts that SCAG did not consider information available about the City's proposed general plan and planned projects in determining the City's RHNA but does not explain how this is inconsistent with the information described in, and the methodology established by, SCAG.

The Final RHNA Methodology states that a jurisdiction's projected household need will be established by "[a]ssign[ing] household growth to jurisdictions based on SCAG's Connect SoCal Regional Transportation Plan." (page 4 of Final RHNA Methodology). It describes how household growth was calculated "based on local input" (*id.* page 6) and following an interactive process, which Santa Ana participated in. The 2,974-unit growth projection was based on Connect SoCal and so fully consistent with the process described in the Final RHNA Methodology.

## Validity of Appeal Data

Irvine has submitted a list of "pipeline" projects in Irvine containing 9,891 units. Of the total 9,891 pipeline units listed in the appeal, 3,946 were already included in the original growth projections; and 2,467 were either built before 2020, not approved, or were a part of projects no longer viable for development.



## **Additional Responses to Appeal of Yorba Linda**

The City of Yorba Linda's appeal does not cite either Section 65584.05(b)(1) or (b)(2) as the basis for the City's appeal nor explain how the cited issues comply with the statutory requirements. Consequently, it does conform with State law.

Yorba Linda's appeal asks that Santa Ana's entire residual need of 23,167 units be reallocated to the City based on the general plan considered by the Planning Commission in November. As described in our letter, the general plan has been tabled, and reallocation of all 23,167 units would be contrary to the DAC provisions adopted as part of the Final RHNA Methodology and critically important to affirmatively further fair housing.

The appeal also cites the pipeline projects listed on Santa Ana's website. These are evaluated in Attachment 1 and in the previous appeals.

S:\Planning\Comprehensive.Planning\Housing\6thCycleHsgElement\Appeals\Response 12.10.20 ATTACHMENT 1 Addition FINAL.docx

## Attachment 2 - City of Santa Ana Major Development Pipeline Projects

Project Name		Address	Land Use	Santa Ana Pipeline Res. Units (1)	Res. Units After May 2018 (2)	Irvine List (3)	Garden Grove & Newport Beach Lists (4)	Status	Construct Date
<b>INCLUDED IN OCP 2018/ So Cal Connect</b>									
Andalucía Apartments	815	N Harbor Boulevard	Residential Apartments	70				Constructed	4/2/2017
Trumark "Tribella"	1206	N Harbor Boulevard	Single Family Residence	95		95		Constructed	6/19/2017
Trumark "Tribella"	1206	N Harbor Boulevard	Live-Work	15		15		Constructed	6/19/2017
Orchard First Street Care Home	2151	E First Street	Convert Motel to Supportive Housing	72				Constructed	1/1/2018
KB Homes "Lotus"	520	S Harbor Boulevard	Single Family Residence	35		35		Constructed	2/6/2018
Habitat for Humanity Homes	4010-4026	W McFadden Avenue	Single Family Residence	5				Constructed	6/1/2018
PRISMA	301	E Jeanette Lane	Residential Apartments	182				Constructed	6/6/2018
Depot at Santiago	923	N Santiago Street	Mixed Use Residential Apartments/Commercial	70				Constructed	6/21/2018
Santa Ana Collection/VENTURE	1010	S Harbor Boulevard	Residential Townhouses and Livework	79				Constructed	8/8/2018
Olson Residential/Ventana Walk	1506	W First Street	Residential Townhomes	62				Constructed	12/21/2018
Harbor Collection Residential	1406	N Harbor Boulevard	Residential Townhomes	38		38		Constructed	1/8/2019
Sexlinger Homes (Avery at the Grove)	1584	E Santa Clara Avenue	Single Family Residence	22		24	24	Constructed	3/27/2019
Heritage Village Residential Phase A	1951	E Dyer Road	Mixed-Use Residential Apartments	335		335	335	Constructed	2/28/2020
Veteran's Village (Jamboree)	3314	W First Street	Residential Apartments	76				Constructed	6/3/2020
The Line	3630	W Westminster Avenue	Residential Apartments and Commercial	228		228	228	Constructed	6/11/2020
Arts Collective Meta Housing	1665	N Sycamore	Convert Office to Residential Apartments	10			10	Constructed	6/24/2020
Arts Collective Meta Housing	1666	N Main Street	Convert Office to Residential Apartments	48		58	48	Constructed	6/24/2020
AMCAL First Street Family Apartments	1440	E First Street	Residential Apartments	69		64		Constructed	8/29/2019
Fifth and Harbor Mixed Use Apartments	421	N Harbor Boulevard	Mixed Use Residential Apartments/Commercial	94				Entitled	
Madison Project	200	N Cabrillo Park Drive	Mixed Use Residential Apartments/Commercial	260		260	260	Entitled	
Haphan Housing	3025	W Edinger Avenue	Residential Townhomes	18		18	18	Plan Check	
King Street Five Home Subdivision	1102	N King Street	Single Family Residence	5				Plan Check	
Tom's Trucks Residential Development	1008	E Fourth Street	Single Family Residence	117		117	117	Plan Check (grading only)	
The Orleans Adaptive Reuse Apartments	1212	N Broadway	Convert Existing Office to Residential Apartments	24				Under Construction	
Wermers Properties Mixed-Use Development	1660	E First Street	Mixed Use Residential Apartments/Commercial	603		603	603	Under Construction	
Eight Eight 8 - Adaptive Reuse	888	N Main Street	Convert Office to Mixed-Use/Residential Live-Work	146		148	148	Under Construction	
Tiny Tim Plaza Mixed Use	2223	W Fifth Street	Mixed Use Residential Apartments/Commercial	54		51		Under Construction	
AMG East First Senior Apartments	2222	E First Street	Residential Apartments	418		419	419	Under Construction	
Heritage Village Residential Phase C	2001	E Dyer Road	Mixed-Use Residential Apartments	483		483	483	Under Construction	
Heritage Village Residential Phase B	1901	E Dyer Road	Mixed-Use Residential Apartments	403		403	403	Under Construction	
AMG East First Apartments/1st Point One	2114	E First Street	Mixed Use Residential Apartments/Commercial	552		552	552	Under Construction	
<b>ADDITIONAL PIPELINE PROJECT AFTER MAY 2018</b>									
Shea Homes (Artisan at South Coast)	2001	W MacArthur Boulevard	Single Family Residence	42	42			Constructed	9/26/2019
Central Pointe	1801	E Fourth Street	Mixed Use Residential Apartments/Commercial	644	644	650	650	Entitled/ Appealed	
MainPlace Mall Revitalization Specific Plan **	2800	N Main Street	Multi Family Residential	1,591	511	1,900		Entitled	
3rd & Broadway	201	W Third Street	Mixed Use Residential Apartments/Commercial	171	171	171	171	Entitled	
One Broadway Plaza	1109	N Broadway	Residential Apartments	415	415	327	327	Entitled	

Attachment: Comments Received during the Comment Period (Appeal of the Draft RHNA Allocation for

## Attachment 2 - City of Santa Ana Major Development Pipeline Projects

Project Name		Address	Land Use	Santa Ana Pipeline Res. Units (1)	Res. Units After May 2018 (2)	Irvine List (3)	Garden Grove & Newport Beach Lists (4)	Status	Construct Date
Our Lady of Guadalupe Office/Residence	542	E Central	Office/Residential Apartment	1	1			Entitled	
The Bowery: Building A	2300	S Redhill Avenue	Mixed Use Residential Apartments/Commercial	300	300	1,150	1100	Entitled/ In litigation	
The Bowery: Building B	2300	S Redhill Avenue	Mixed Use Residential Apartments/Commercial	248	248			Entitled/ In litigation	
The Bowery: Building C	2300	S Redhill Avenue	Mixed Use Residential Apartments/Commercial	322	322			Entitled/ In litigation	
The Bowery: Building D	2300	S Redhill Avenue	Residential Apartments	230	230			Entitled/ In litigation	
Craftsman Residential Duplex	1002	N Van Ness Avenue	Residential Apartments	2	2			Entitled	
4th and Mortimer (Block A)	409	E Fourth Street	Mixed Use Residential Apartments/Commercial	99	99	99	99	Entitled	
4th and Mortimer (Block B)	509	E Fourth Street	Mixed Use Residential Apartments/Commercial	70	70	70	70	Entitled	
The Crossroads at Washington	1126	E Washington Avenue	Residential Apartments	86	86	86	86	Entitled	
Budget Inn Conversion	1108	N Harbor Boulevard	Residential Apartments	91	91			Entitled	
Bewley Townhomes	1122	N Bewley Street	Residential Townhomes	10	10	10	10	Plan Check	
Legacy Square Mixed-Use Development	609	N Spurgeon Street	Mixed Use Residential Apartments/Commercial	93	93	93	93	Plan Check	
Legado at the MET	200	E First American Way	Residential Apartments	278	278	278	278	Plan Check	
West Fifth Villas	3417	W Fifth Street	Residential Condos	8	8		7	Plan Check	
First American Mixed-Use Redevelopment	114	E Fifth Street	Mixed Use Residential Apartments/Commercial	220	220	220	220	Plan Check	
Lam Residential	1514	N English Street	Single Family Residence	6	6			Plan Check	
MainPlace Residential Community**	2800	N Main Street	Residential Apartments	309	309			Site Plan Review	
Hue-Vo Two Unit Development	3402	W Seventh Street	Single-Family Residential	3	3			Site Plan Review	
Saint Thomas 3-Lot Subdivision	2828	N Flower Street	Single-Family Residential	3	3			Site Plan Review	
Dantes North Olive Subdivision	1510	N Olive Street	Single-Family residential subdivision	4	4			Site Plan Review	
John Le 5-Unit Development	1113	N Bewley Street	Residential Apartments	5	5			Site Plan Review	
Bui 8-Unit Development	301	N Mountain View	Residential Apartments	8	8	8	8	Site Plan Review	
Bewley Townhomes	921	N Bewley Street	10 Residential Townhomes + 2 ADUs	12	12			Site Plan Review	
Francis Xavier	801-809	E Santa Ana Blvd.	Permanent Supportive Residential Apartment	17	17	17	17	Site Plan Review	
Innovative Housing (North)	601	N Golden Circle Drive	Mixed Use Residential Apartments/Commercial	80	80			Site Plan Review	
Innovative Housing (South)	2021	E Fourth Street	Mixed Use Residential Apartments/Commercial	80	80			Site Plan Review	
Westview Housing	2534	W Westminster Avenue	Residential Apartments	85	85	85	85	Site Plan Review	
2700 Main Street Apartments **	2700	N Main Street	Residential Apartments	312	0	243	243	Site Plan Review	
Broadway Live/Work Units	1412	N Broadway	Live-Work Apartments	3	3			Under Construction	
Midoros LLC Train Station Lofts	930	N Grand Avenue	Live-Work Apartments	5	5			Under construction	
610 Newhope Condos	610	S Newhope Street	Residential Condos	9	9			Under Construction	
201 E. 4th Street	401	N Bush Street	Convert Commerical to Residential Apartments	24	24			Under Construction	
Bridging the Aqua	317	E Seventeenth Street	Residential Apartments	57	57	56		Under Construction	
Legacy Multi-Family Residential At Sunflower	651	W Sunflower Avenue	Residential Apartments	226	226	226	226	Under Construction	
Magnolia at the Park ***	2525	N Main Street	Residential Apartments & Discovery Parking Lot	0	0	256	256	Denied/ In litigation	
			Santa Ana Current Pipeline Projects	10,857	4,777	9,891	7594		

Attachment: Comments Received during the Comment Period (Appeal of the Draft RHNA Allocation for

## Attachment 2 - City of Santa Ana Major Development Pipeline Projects

Project Name		Address	Land Use	Santa Ana Pipeline Res. Units (1)	Res. Units After May 2018 (2)	Irvine List (3)	Garden Grove & Newport Beach Lists (4)	Status	Construct Date
Notes:									
(1) The Santa Ana Pipeline Residential Units identifies housing included in the OCP 2018/So Cal Connect (4,688 units) and confirmed pipeline projects through December 1, 2020.									
(2) Housing units included in the City of Santa Ana's development pipeline identified after May 2018 through December 1, 2020.									
(3) Housing units included in the City of Irvine Appeal of City of Santa Ana's RHNA as detailed in their Attachment 2 (City of Santa Ana Major Development Project List and Individual Project Website Information)									
(4) Housing units included in the Cities of Newport Beach and Garden Grove Appeal of City of Santa Ana's RHNA, as detailed in their Appeal attachment as City of Santa Ana Major Planning Projects (Non-Specific Plan)									
* The MainPlace Specific Plan allows a Maximum Buildout of 1,900. However, the Development Agreement limits 401 to 820 housing units, pending the redevelopment of former Nordstrom box and new entertainment use of at least 75,000 sq. ft. is built within the first 7 years. Thus, buildout projected is a total of 820.									
**This project has significant site access issues requiring adjacent property owner approval, and is not considered likely to be developed. Site also requires a General Plan Amendment and Zone Change.									
*** This project was denied the needed General Plan Amendment and Zone Change by City Council.									

Attachment: Comments Received during the Comment Period (Appeal of the Draft RHNA Allocation for



# CITY of CYPRESS

5275 Orange Avenue, Cypress, California 90630

Phone 714-229-6700 www.cypressca.org

November 11, 2020

RECEIVED DEC 07 2020

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

**SUBJECT: Support for the Appeal of the City of Santa Ana’s Sixth Cycle Draft Regional Housing Needs Assessment (RHNA) Allocation**

Dear Director Ajise,

In accordance with Government Code Section 655.04.05, subdivision (c), the City of Cypress submits this letter in support of the Cities of Garden Grove, Irvine, Newport Beach, and Yorba Linda in appealing the City of Santa Ana’s RHNA Allocation.

As noted by the aforementioned cities, the Southern California Association of Governments (SCAG) failed to adequately consider readily available data related to 10,174 housing units approved and/or planned by the City of Santa Ana over the next eight years that will exceed their draft RHNA Allocation of 3,087 units for the Sixth Housing Element Cycle. The City’s Santa Ana’s underreporting of its actual growth potential created an artificial residual need compared to the Regional Transportation Plan forecast. The reduction of a jurisdiction’s RHNA allocation below their actual projected (versus reported) level of development as documented by the local jurisdiction is inequitable as it causes the residual units to be redistributed to other jurisdictions throughout the County.

Further, SCAG’s methodology of redistribution of residual units throughout the County is in direct conflict with SCAG’s Regional Transportation Plan, Connect SoCal, adopted in September 2020. The intent of Connect SoCal is to reduce greenhouse gas emissions by building housing near jobs and transit. Per SCAG’s data analysis, the City of Santa Ana has greater access to jobs and transit than 98 percent of SCAG jurisdictions. Therefore, a methodology that redistributes 88 percent of Santa Ana’s 26,256-unit allocation (units allocated prior to the disadvantaged community (DAC) exemption) to other areas of Orange County is contradictory to this intent.

We acknowledge the City of Santa Ana’s disadvantaged community designation. However, precisely this designation reflects the extensive housing needs in Santa Ana. Therefore, reallocating the City of Santa Ana’s housing needs is inconsistent with the intent of the Housing Element and RHNA requirements.

**Rob Johnson, Mayor**

**Mariellen Yarc, Mayor Pro Tem**

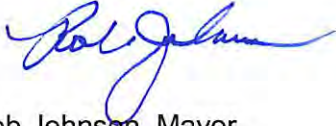
**Stacy Berry, Council Member**

**Paulo M. Morales, Council Member**

**Jon E. Peat, Council Member**

Therefore, the City of Cypress supports the efforts of the Cities of Garden Grove, Irvine, Newport Beach, and Yorba Linda to appeal the City of Santa Ana's RHNA Allocation. The City of Santa Ana's RHNA Allocation should reflect the major residential development that is projected within the City during the Sixth Cycle planning period and the reduction in residual units should be distributed proportionally among all Orange County jurisdictions not receiving the DAC exemption.

Sincerely,



Rob Johnson, Mayor

CC: City of Cypress City Council  
Peter Grant, City Manager  
Alicia Velasco, Planning Director  
SCAG RHNA Appeals Board



# CITY OF RANCHO SANTA MARGARITA

22112 El Paseo • Rancho Santa Margarita • California 92688-2824  
949.635.1800 • fax 949.635.1840 • www.cityofrsm.org

December 2, 2020

**Submitted via email to: [housing@scag.ca.gov](mailto:housing@scag.ca.gov)**

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

**SUBJECT: COMMENT ON APPEAL OF SANTA ANA'S RHNA ALLOCATION**

On behalf of the Rancho Santa Margarita City Council, I would like to express support for the appeal of Santa Ana's RHNA allocation filed by the cities of Garden Grove, Irvine, Newport Beach, and Yorba Linda. While each appeal differs in the final requested outcome, they all point out the ways in which the application of the Final RHNA Methodology for the 6<sup>th</sup> Cycle results in a RHNA for Santa Ana is inconsistent with State law, fails to adequately consider historic and projected housing development, and directly conflicts with SCAG's adopted Regional Transportation Plan (RTP or "Connect SoCal"). Further, each of the appeals describe how an increase in Santa Ana's RHNA commensurate with the City's planned development would further State housing objectives and consistency with Connect SoCal. Increasing Santa Ana's RHNA would support planned housing in locations with the greatest access to jobs and transportation, as Santa Ana has the highest share of population in HQTAs, and the second highest share of job accessibility in Orange County.

As noted in the City of Rancho Santa Margarita's appeal dated October 23, 2020, the Existing Need calculation of the RHNA Allocation Methodology used a one-size-fits-all distribution method to reallocate the "net residual factor" units from disadvantaged communities to higher resource areas. The stated purpose of the redistribution of units is to ensure housing with better access to jobs and transit. However, the end result was the opposite by redistributing units away from Santa Ana into jurisdictions with less access to transit and longer drives to job centers.

Santa Ana demonstrated significant housing production during the 5<sup>th</sup> Cycle, and has over 10,000 units approved or planned for development within the upcoming 6<sup>th</sup> Cycle. Reallocation of RHNA units to Santa Ana would promote infill development in an area with demonstrated development capacity, and would improve access to jobs and transit in support of the goals of Connect SoCal. Reallocation of the "net residual factor" units back to Santa Ana would be more beneficial to the region by decreasing the allocation of units from communities like Rancho Santa Margarita with limited development opportunities, very little access to transit, and lower job accessibility than Santa Ana.

*Mayor*  
Bradley J. McGirr

*Mayor Pro Tempore*  
L. Anthony Beall

*Council Member*  
Anne D. Figueroa

*Council Member*  
Carol A. Gamble

*Council Member*  
Jerry Holloway

*City Manager*  
Jennifer M. Cervantez

The Rancho Santa Margarita City Council urges the RHNA Appeals Board to carefully consider redistribution of the "net residual" units back to Santa Ana to ensure consistency with Connect SoCal and to further the intent of the statutorily mandated objectives listed in Government Code Section 65584(d).

Sincerely,



Bradley J. McGirr  
Mayor

cc:

Tony Beall, Mayor Pro Tem, Rancho Santa Margarita  
Anne Figueroa, Council Member, Rancho Santa Margarita  
Carol Gamble, Council Member, Rancho Santa Margarita  
Jerry Holloway, Council Member, Rancho Santa Margarita  
Steve Jones, Mayor, Garden Grove  
Christina Shea, Mayor, Irvine  
Will O'Neill, Mayor, Newport Beach  
Beth Haney, Mayor, Yorba Linda  
Jennifer Cervantez, City Manager, Rancho Santa Margarita  
Cheryl Kuta, Development Services Director, Rancho Santa Margarita  
Marnie Primmer, Executive Director, Orange County Council of Governments



**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Ave  
Sacramento, CA 95833-1829  
916) 263-2911 FAX: (916) 263-7453  
www.hcd.ca.gov



December 10, 2020

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

Dear Executive Director Ajise:

**RE: Comment on Appeals of the Draft Regional Housing Need Allocation (RHNA) Plan**

Thank you for the opportunity to comment on the 52 appeals Southern California Association of Governments (SCAG) has received regarding the draft RHNA plan. The appeal process is an important phase in the development of a RHNA plan that ensures that all relevant factors and circumstances are considered.

The only circumstances under which a jurisdiction can appeal are:

- 65584.05(b)(1): The council of governments failed to adequately consider the information regarding the factors listed in subdivision (e) of section 65584.04.
- 65584.05(b)(2): The council of governments failed to determine the share of the regional housing need in a manner that furthers the intent of the objectives listed in subdivision (d) of section 65584.
- 65584.05(b)(3): A significant unforeseen change in circumstances occurred in the local jurisdiction that merits a revision of the information submitted pursuant to subdivision (e) of Section 65584.04.

The California Department of Housing and Community Development (HCD) urges SCAG to only consider appeals that meet these criteria.

Per Government Code section 65584.05(e)(1), SCAG's final determination on whether to accept, reject, or modify any appeal must be accompanied by written findings, including how the final determination is based upon the adopted RHNA allocation methodology, and how any revisions are necessary to further the statutory objectives of RHNA described in Government Code section 65584(d).

Among the appeals based on Government Code section 65584.05(b)(1), several appeals state that SCAG failed to consider the factor described in Government Code section 65584.04(e)(2)(B), citing the lack of land suitable for development as a basis for the appeal. However, this section states the council of governments may not limit its consideration of suitable housing sites to existing zoning and land use restrictions and must consider the potential for increased development under alternative zoning and

land use restrictions. Any comparable data or documentation supporting this appeal should contain an analysis of not only land suitable for urban development, but land for conversion to residential use, the availability of underutilized land, and opportunity for infill development and increased residential densities. In simple terms, this means housing planning cannot be limited to vacant land, and even communities that view themselves as built out must plan for housing through means such as rezoning commercial areas as mixed-use areas and upzoning non-vacant land.

With regard to appeals submitted related to Government Code section 65584.05(b)(2), that SCAG failed to determine the RHNA in a manner that furthers the statutory objectives, it should be noted that HCD reviewed SCAG's draft allocation methodology and found that the draft RHNA allocation methodology furthered the statutory objectives described in Government Code section 65584.

Among the appeals based on Government Code section 65584.05(b)(2), several contend that the cap on units allocated to extremely disadvantaged communities (DACs) does not further RHNA's statutory objectives. This cap furthers the statutory objective to affirmatively further fair housing by allocating more units to high opportunity areas and fewer units to low resource communities, and concentrated areas of poverty with high levels of segregation. Due to the inclusion of this factor, as well as the use of TCAC/HCD Opportunity Maps, SCAG's methodology allocates 14 of the top 15 highest shares of lower-income RHNA to jurisdictions with over 99.95 percent High and Highest Resource areas. With the exceptions of two jurisdictions, the 31 jurisdictions with the highest share of lower-income RHNA are all over 95 percent High and Highest Resource areas. Any weakening of these inputs to the methodology could risk not fulfilling the statutory objective to affirmatively further fair housing.

Several appeals argue that SCAG's RHNA allocation methodology does not adequately promote access to jobs and transit, as required in objectives two and three. HCD's review of SCAG's RHNA methodology found the allocation does further the environmental principles of objective two. SCAG's overall allocation includes significant weight related to the location of high-quality transit areas and the regional distribution of jobs that can be accessed within a 30-minute driving commutes. Regarding objective three, HCD's analysis as to whether jobs-housing fit was furthered by SCAG's draft methodology found that across all jurisdictions there is generally good alignment between low-wage jobs and lower-income RHNA, with all but 15 jurisdictions within a half percent plus or minus difference between their share of lower-income RHNA for the region and their percentage low-wage jobs for the region.

Several appeals are based upon the provision described in Government Code section 65584.05(b)(3), arguing that the COVID-19 pandemic represents a significant and unforeseen change in circumstances that will affect future population and job growth. Ensuring everyone has a home is critical to public health. Reducing and preventing overcrowding and homelessness are essential concerns for every community. The COVID-19 pandemic has only increased the importance that each community is planning for sufficient affordable housing.

Lastly, several appeals state that the Regional Housing Needs Determination (RHND) HCD provided to the SCAG region is too large. SCAG submitted an objection to the RHND at the appropriate time and through the appropriate process. HCD considered those objections and [determined the final RHND for 6<sup>th</sup> Housing Element Cycle for the SCAG region on October 15, 2019](#). There are no further appeal procedures available to alter the SCAG region's RHND for this cycle. Government Code section 65584.05(b) does not allow local governments to appeal the RHND during the 45-day period following receipt of the draft allocation.

HCD acknowledges that many local governments will need to plan for more housing than in the prior cycle to accommodate a RHND that more fully captures the housing need and as the statutory objectives of RHNA shift more housing planning near jobs, transit, and resources. The Southern California region's housing crisis requires each jurisdiction to plan for the housing needs of their community and the region. In recognition of this effort there are more resources available than ever before to support jurisdictions as they prepare to update their 6<sup>th</sup> cycle housing elements:

- SB 2 Planning Grants – \$123 million one-time allocation to cities and counties
- SB 2 Planning Grants Technical Assistance offered to all jurisdictions
- Regional and Local Early Action Planning Grants – \$238 million one-time allocation for local and regional governments
- SB 2 Permanent Local Housing Allocation – approximately \$175 million annually in ongoing funding for local governments to increase affordable housing stock

If HCD can provide any additional assistance, or if you, or your staff, have any questions, please contact Megan Kirkeby, Deputy Director, [megan.kirkeby@hcd.ca.gov](mailto:megan.kirkeby@hcd.ca.gov).



Megan Kirkeby  
Deputy Director



# City of Whittier

13230 Penn Street, Whittier, California 90602-1716  
(562) 567-9320 Fax (562) 567-2872 www.cityofwhittier.org

Electronically Transmitted to: [Housing@scag.ca.gov](mailto:Housing@scag.ca.gov)

December 10, 2020

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

**SUBJECT: City of Whittier's Comments on Appeals to the Sixth Cycle Regional Housing Needs Assessment (RHNA) Allocation**

Honorable Chair and Honorable Committee Members:

The City of Whittier ("City") appreciates the challenges that are inherent in allocating 1,341,827 housing units by the thousands (a 226% increase above the baseline 412,137 unit) to cities across Southern California, especially in built-out cities. However, the City is deeply concerned its housing allocation of 3,431 units from the State Department of Housing and Community Development ("HCD") and the Southern California Association of Government's ("SCAG") unit distribution methodology, along with recent housing legislation will fundamentally abridge the City's ability to develop effective land-use policies that are appropriate for managing the community's actual needs. The 878 units in the 5<sup>th</sup> cycle RHNA allocation has been increased by 290% to 3,431 units in the current 6<sup>th</sup> cycle. Particularly challenging in the 6<sup>th</sup> cycle, is the number of low and very low-income units (1,558) which combined with the moderate and above moderate unit totals forces unplanned and unnecessary residential densification of the community.

The affordable units are an unfunded mandate with very limited regional or State financial support for their development. Considering the affordable housing subsidies typically range from \$50,000 to \$250,000 per unit, the overall funding requirements could range from \$78,000,000 to \$390,000,000 which is clearly beyond the reach of the City of Whittier in that the City's general fund budget is just \$72,000,000 which already include \$2,000,000 annually to house the City's unsheltered residents in transitional housing. Additionally, the City only receives 7.5% of each property tax dollar to provide general services including police and library services.

The City is currently in the process of updating its Housing Element as well as the General Plan to incorporate the current RHNA allocation, so Whittier is acutely aware of the various housing needs as well as the potential obstacles, such as aging infrastructure and unplanned density, to creating the requisite housing within a city that

Attachment: Comments Received during the Comment Period (Appeal of the Draft RHNA Allocation for the City of Santa Ana)

is essentially built out. The changes in the State's housing laws (SB 35, SB 166 and AB 1397) have created additional constraints for the agencies and may severely impact the City's ability to accomplish our regional and local housing goals.

Since development in Whittier began more than 130 years ago, the City is virtually built-out with little developable vacant land outside of its designated open space areas that are dedicated to accommodating existing and future residents. While the City has made significant efforts through its specific plans to densify existing corridors and districts, the majority of Whittier's remaining single-family residential neighborhoods cannot accommodate similar densification. Furthermore, the hills north of Whittier contain regional open space, sensitive habitat and wildlife areas that must be preserved in perpetuity. There are also significant infrastructure and water service constraints that impact Whittier's ability to produce significantly more housing. Although these facts may not be desirable, they must be pragmatically accounted for and mitigated by not further increasing Whittier's share of housing units contained in SCAG's 6<sup>th</sup> Cycle RHNA. The final RHNA allocation and methodology must be fair and equitable while reflecting the capacity for reasonable housing unit construction.

As with many other cities, the City is concerned about the current allocation, but an even greater concern is that additional units may be applied to the City if reallocated from cities that are successful in their appeals. To that end, the City believes the appeal process itself was unclear as to the potential ramifications to other cities and not fully understood.

Although we fully support the surrounding cities in their appeals, the potential for additional units being applied to the City would exacerbate the problems described herein and in Whittier's September 13, 2019 letter to SCAG.

Should you have any questions, please do not hesitate to contact me.

Sincerely,



Jeffery S. Adams  
Director of Community Development

File

**From:** Christopher Koontz <Christopher.Koontz@longbeach.gov>  
**Sent:** Thursday, December 3, 2020 11:14 AM  
**To:** Regional Housing  
**Subject:** RHNA Appeals

**Categories:** Response Required, Record

Good morning,

The purpose of this email is to provide the City of Long Beach’s position in regards to pending RHNA appeals before SCAG. The City of Long Beach seeks to meet its housing needs and obligations for the benefit of Long Beach residents and the region. Our allocation was extremely large and presents a planning and financing challenge for the City. Nonetheless we chose not to appeal our allocation because the allocation process was fair and transparent including taking the City of Long Beach’s input into consideration.

We oppose and will not accept any transfer of additional allocation due to the pending appeals. We note that within our area, the Gateway COG, appeals are pending from Bellflower, Cerritos, Downey, Huntington Park, La Mirada, Lakewood, Pico Rivera, and South Gate. Each of these appeals should be evaluated by SCAG on the merits, however Long Beach opposes any transfer of allocation to our City. It would be inappropriate to transfer a further burden to Long Beach when we have already accepted a large allocation and have done more than many cities in the region to accommodate housing growth under the current RHNA cycle, including fully meeting our market-rate RHNA allocation.

The City of Long Beach will continue to work with SCAG and our neighbor jurisdictions to address the housing needs of our residents.

We thank you for consideration and please do not hesitate to contact the City regarding our position.

Christopher Koontz, AICP  
*Deputy Director*

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Southern California Association of Governments  
Remote Participation Only  
January 15, 2021

To: Regional Housing Needs Assessment Subcommittee (RHNA)

EXECUTIVE DIRECTOR'S  
APPROVAL

From: Kevin Kane, Senior Regional Planner,  
(213) 236-1828, kane@scag.ca.gov

Subject: Appeal of the Draft RHNA Allocation for the City of Irvine

**RECOMMENDED ACTION:**

Deny the appeal filed by the City of Irvine to reduce the draft RHNA allocation for the City of Irvine by 8,259 units.

**STRATEGIC PLAN:**

This item supports the following Strategic Plan Goal 2: Advance Southern California’s policy interests and planning priorities through regional, statewide, and national engagement and advocacy.

**SUMMARY OF APPEAL(S):**

The City of Irvine requests a reduction of its RHNA allocation by 8,259 units (from 23,554 units to 15,295 units) on twelve issues:

- 1) Application of the adopted Final RHNA Methodology for the 6<sup>th</sup> Cycle RHNA (2021 – 2029)
  - a. Location of and population within HQTAs
  - b. Residual reallocation pursuant to the AFFH factor\*
- 2) Existing or projected jobs-housing balance
- 3) Sewer or water infrastructure constraints for additional development
- 4) Availability of land suitable for urban development or for conversion to residential use
- 5) Lands protected from urban development under existing federal or state programs
- 6) County policies to preserve prime agricultural land
- 7) Distribution of household growth assumed for purposes of comparable Regional Transportation Plans
- 8) The rate of overcrowding
- 9) Housing needs generated by the presence of a university campus within a jurisdiction
- 10) Loss of units during a state of emergency,
- 11) The region’s greenhouse gas (GHG) emissions targets
- 12) Changed circumstances
- 13) Affirmatively furthering fair housing\*

**OUR MISSION**

*To foster innovative regional solutions that improve the lives of Southern Californians through inclusive collaboration, visionary planning, regional advocacy, information sharing, and promoting best practices.*

**OUR VISION**

*Southern California’s Catalyst for a Brighter Future*

**OUR CORE VALUES**

*Be Open | Lead by Example | Make an Impact | Be Courageous*

\* The AFFH factor is not checked on the appeal request form but is addressed in the appeal.

Other: The City contests the regional determination of 1.34 million units, consistency with the RTP/SCS as well as the achievability of the RHNA allocation.

The City of Irvine organized its appeal into the following five categories, but SCAG’s response to the issues raised follows the appeal request form (Issues 1 through 13 identified above as well as other issues not considered bases for appeal):

1. “Appeal one” relates to application of the adopted Final RHNA Methodology, specifically:  
(A) contestation of the population within a high-quality transit area (HQTAs) and the reallocation of the so-called “residual” need.  
(B) Affirmatively Furthering Fair Housing (AFFH) which was not included in Irvine’s appeal request form but centers on the reallocation of residual housing need based on AFFH.
2. “Appeal two” is based on the local planning factors (Issues 2 through 11 above) which Irvine contends were not sufficiently considered.
3. “Appeal three” cites changed circumstances (Issue 12), primarily related to job losses and other observed changes stemming from the COVID-19 pandemic.
4. “Appeal four” contests the regional determination of 1.34 million housing units, which is not a basis for appeal.
5. “Appeal five” relates to the issue of consistency between the RHNA and SCAG’s Sustainable Communities Strategy (SCS)—which along with the Regional Transportation Plan (RTP) form Connect SoCal. While this is not a basis of appeal, it is substantively similar to arguments raised in Irvine’s “Appeal Two” related to the local planning factors of RTP consistency and regional GHG emissions (Issues 7 and 11).

#### **RATIONALE FOR STAFF RECOMMENDATION:**

Staff have reviewed the appeal(s) and recommend no change to the City of Irvine’s RHNA allocation. In Issue 1a, the location and population of HQTAs were correctly identified pursuant to the adopted, Final RHNA Methodology. In Issue 1b, the residual reallocation at issue is part of the adopted, Final RHNA Methodology and cannot be changed through an appeal. With respect to Issues 2 through 11, Irvine has not demonstrated that SCAG failed to consider any of the local planning factors listed and has not demonstrated that additional residential development is precluded in other areas of the city not subject to the variety of constraints identified. With respect to Issue 12, given the long-range nature of our planning process and Irvine’s failure to demonstrate how changed circumstances uniquely impact the city such that its housing need is reduced, a reduction is not recommended.

With respect to other issues including the regional determination of 1.34 million units, consistency with the RTP/SCS as well as the achievability of the RHNA allocation, these are not bases for appeal



and Irvine does not demonstrate the existence of any policy inconsistency which would impact the local planning factors cited.

**BACKGROUND:****Draft RHNA Allocation**

Following the adoption of the Final RHNA Methodology on March 5, 2020 and the adoption of Connect SoCal on September 3, 2020, all local jurisdictions received draft RHNA allocations on September 11, 2020. A summary is below.

Total RHNA for the City of Irvine: 23,554 units  
    Very Low Income: 6,379 units  
    Low Income: 4,225 units  
    Moderate Income: 4,299 units  
    Above Moderate Income: 8,651 units

Additional background related to the Draft RHNA Allocation is included in Attachment 1.

**Summary of Comments Received during 45-day Comment Period**

No comments were received from local jurisdictions or HCD during the 45-day public comment period described in Government Code section 65584.05(c) which specifically regard the appeal filed for the City of Irvine. Three comments were received which relate to appeals filed generally:

- HCD submitted a comment on December 10, 2020 delineating the statutory basis for RHNA appeals and the requirement that any appeals granted must include written findings regarding how revisions are necessary to further RHNA's statutory objectives.
- The City of Whittier submitted a comment on December 10, 2020 supporting surrounding cities in their appeals, but expressing concern that additional units may be applied to Whittier if reallocated from cities which are successful in their appeals.
- The City of Long Beach submitted a comment on December 3, 2020 indicating their view that the RHNA allocation process was fair and transparent, their support for evaluating appeals on their merits (specifically those from the Gateway Council of Governments), and their opposition to any action which would result in a transfer of additional units to Long Beach.

**ANALYSIS:**

**Issue 1a: Application of the adopted Final RHNA Methodology for the 6<sup>th</sup> Cycle RHNA (2021-2029)**  
**[Government Code section 65584.05 (b)(2)] – HQTAs location and population.**

*The City of Irvine contends that SCAG’s assessment of 2045 HQTAs and population in 2045 HQTAs were inaccurate. The basis for this issue is that the methodology was not properly applied, pursuant to Government Code section 65584.05(a)(2):*

*“The council of governments or delegate subregion, as applicable, failed to determine the share of the regional housing need in accordance with the information described in, and the methodology established pursuant to, Section 65584.04, and in a manner that furthers, and does not undermine, the intent of the objectives listed in subdivision (d) of Section 65584.”*

*Irvine claims that three of the four stops which associated with 2045 HQTAs, which are relied upon in the RHNA methodology’s assessment of existing housing need are not in the Connect SoCal project list and therefore should not be considered HQTAs. Furthermore, Irvine contests SCAG’s measurement of 2045 forecasted population within its HQTA areas, contending that it should be lower.*

**SCAG Staff Response:** SCAG’s final regional determination of approximately 1.34 million units was issued by HCD on October 15, 2019 per state housing law. The regional determination is not a basis for appeal per adopted RHNA Appeals Procedures as it is not within the authority of the Appeals Board to make any changes to HCD’s regional housing needs assessment. Only improper application of the methodology is grounds for an appeal. An example of an improper application of the adopted methodology might be a data error which was identified by a local jurisdiction.

With respect to the statutory objectives<sup>1</sup>, SCAG used objective measures to advance certain principles, but since local and regional conditions vary tremendously across the state and over time, there are few consistent quantitative standards which can be used to evaluate all aspects of the methodology. Ultimately, however, the RHNA statute vests HCD with the authority to decide whether statutory objectives have been met.

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<sup>1</sup> The objectives are: 1) Increasing the housing supply and the mix of housing types, tenure, and affordability in all cities and counties within the region in an equitable manner, which shall result in each jurisdiction receiving an allocation of units for low- and very low-income households. (2) Promoting infill development and socioeconomic equity, the protection of environmental and agricultural resources, the encouragement of efficient development patterns, and the achievement of the region’s greenhouse gas reductions targets provided by the State Air Resources Board pursuant to Section 65080. (3) Promoting an improved intraregional relationship between jobs and housing, including an improved balance between the number of low-wage jobs and the number of housing units affordable to low-wage workers in each jurisdiction. (4) Allocating a lower proportion of housing need to an income category when a jurisdiction already has a disproportionately high share of households in that income category, as compared to the countywide distribution of households in that category from the most recent American Community Survey. (5) Affirmatively furthering fair housing (Govt. Code § 65584(d)).

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As described in Attachment 1: Local Input and Development of Draft RHNA Allocation, the Final RHNA Methodology was adopted by the Regional Council on March 5, 2020 and describes the various policy factors whereby housing unit need is to be allocated across the region—for example, anticipated growth, access to jobs and transit, and vacancy. The methodology makes extensive use of locally reviewed input data and describes data sources and how they are calculated in detail. On January 13, 2020, the Final RHNA Methodology was found by HCD to further the five statutory objectives in large part due to its use of objective factors and as such cannot consider factors differently in one jurisdiction versus another.

#### HQTA Location

SCAG appreciates the City of Irvine’s input into SCAG’s HQTA definition which was provided through SCAG’s Technical Working Group (TWG) in October 2019. This input resulted in the removal of freeway-running transit corridors with no bus stops on the freeway alignment from consideration as high-quality transit corridors (HQTC). This modification to the definition explicitly retained the areas surrounding the station-stop areas as those are proximate to high-quality transit service consistent with the HQTC definition in CA Pub. Res. Code § 21155(b). Ultimately, this led to a sharper regional definition for areas which are serviced by high quality transit and coincidentally led to a substantially lower HQTA population within the City of Irvine.

Irvine’s appeal now argues that the three freeway-running BRT station areas within its boundaries (Alton Parkway, Jeffrey Road, and Spectrum Center) should be excluded from the SCAG definition because they are not included in the Connect SoCal project list, because OCTA did not first consult with the City of Irvine before providing information regarding these transit service improvements to SCAG, and due to various land-use constraints in the 0.5-mile radius areas surrounding these stops.

First, SCAG’s definition of high-quality transit corridors is found in Appendix A of Connect SoCal’s Transit Technical Report (attached) and indicates that:

*Planned HQTCs and major transit stops are future improvements that are expected to be implemented by transit agencies by the RTP/SCS horizon year of 2045. These are assumed by definition to meet the statutory requirements of an HQTC or major transit stop. SCAG updates its inventory of planned major transit stops and HQTCs with the adoption of a new RTP/SCS, once every four years.*

The nature of bus services is that routes and service frequency can change periodically, thus a CTC’s estimate of future transit service frequency is the best estimate available at a given point in time—in this instance, the point in time required to complete Connect SoCal. Future year HQTCs and HQTAs are an important component of regional planning and facilitate the achievement of

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statutory goals including RHNA objectives to promote infill, encourage efficient development patterns, achieve the region's GHG emissions targets, and improve the balance between jobs and housing.

OCTA's 2018 and most recent Long Range Transportation Plan (LRTP) includes both the I-5 and SR-55 BRT projects, and their LRTP was developed with stakeholder engagement. In reviewing public comment records, Irvine did not appear to submit any written comments to OCTA on the Draft 2018 LRTP. OCTA staff were clear in stating that the LRTP is intended to be an input to SCAG's RTP update. OCTA I-5 BRT has 15-min AM and PM peak headways beginning in 2027 per the OCTA LRTP and is coded in the 2045 Plan. Both I-5 and SR-55 BRT projects are included in RTP Project ID 2160008. Both routes are in the HQTc maps of the Connect SoCal Transit Technical Report (attached).

Irvine states that the I-5 and SR-55 BRT station stops are conceptual and not yet been studied or deemed feasible. For the RTP purposes this is not an issue – it is understood that further project-level planning and environmental studies would be performed in accordance with state and federal law and SCAG relies on CTCs to provide these assumptions. SCAG is required to make assumptions about RTP projects' scope and timeline to support modeling and emissions analysis needed for the conformity determination. SCAG's Final RHNA Methodology explicitly made use of Final Connect SoCal data points such as HQTAs which are a vetted, well-established, well-understood mechanism for linking areas of current and potential future growth with transit access with the objective of reducing GHG emissions among other outcomes. SCAG's definition of an HQTa is described above and has been subject to extensive discussion and public review.

Irvine also identifies constraints to residential development in the areas surrounding these station-stops. However, the RHNA methodology in no way specifies where, within a jurisdiction's boundaries housing should be promoted. The methodology uses objective, region-wide factors to determine one jurisdiction's housing need versus another. It is the role of the local jurisdictions' housing element to decide where units allocated to the jurisdiction through the RHNA process are accommodated. Even still, the RHNA methodology uses TAZ-level growth forecast information provided by the City of Irvine to assess future population in HQTAs so as to assess future HQTa population as equitably as possible region-wide. Per Attachment 1, following additional review opportunities, SCAG directly used the local input TAZ growth distribution for the City of Irvine as the basis for this measure and any constraints to development in these station areas would have been amply considered during that process.

The Regional Council decided to include planned HQTAs following this definition as a component of the RHNA methodology. The evidence submitted by the City of Irvine does not suggest that these three stations should be excluded from consideration as HQTcs and therefore an HQTa. As such,

the inclusion of these stations does not indicate a misapplication of the adopted final RHNA methodology.

### HQTA Population

Irvine also contends that the HQTA population should be lower, suggesting that SCAG may not have “prorated” TAZ populations based on which portions of TAZs are inside of HQTAs versus outside of HQTAs. Irvine totals all the TAZs which lie completely or partially with HQTA boundaries and indicates a total population of 43,719 which is slightly lower than the HQTA population of 43,855 used by SCAG (note that Irvine’s appeal incorrectly states that this figure is 43,892).

In order to estimate the population of each city which lies within each HQTA boundary, SCAG uses small area forecast data provided through the Bottom-Up Local Input and Envisioning Process. While the transportation analysis zone (TAZ) geography is more commonly used, SCAG’s forecast contains a higher degree of accuracy and is associated with local general plans down to the parcel level. In addition, TAZs contain an average of 2,000 residents across the region and as such are not sufficiently accurate for measuring anticipated population within a precisely defined HQTA. Thus, SCAG relies on forecasted population from Connect SoCal in Scenario Planning Zones (SPZs) to associate with HQTA boundaries using area-weighted interpolation. As SPZs are approximately 1/10<sup>th</sup> the size of TAZs, this is the most accurate method that could be devised to estimate future populations in bespoke areas across a large region using locally reviewed input data.

The attached map of Irvine’s HQTA areas by population and overlays this information with the HQTAs within the city. 150 SPZs lie fully within HQTA boundaries. An additional 127 SPZs lie partially within HQTA boundaries—this population is proportionally allocated to HQTAs based on how much of each SPZ’s land area is within HQTA boundaries. The sum results in 43,855 people being assessed as within HQTA boundaries in Irvine. These data are equivalent to the small-area population forecast data in Connect SoCal’s Growth Vision (discussed further in Attachment 1), which for Irvine matches the data provided by the City during the Bottom-Up Local Input and Envisioning Process. These data have been continuously available to local jurisdictions for review through the Scenario Planning Model (SPM).

It is important to have regionally standardized approaches in all parts of the RHNA methodology in order to ensure that housing units are allocated fairly and consistently, and this approach is part of the adopted Final RHNA Methodology. Irvine has not provided evidence to suggest that the process underlying the adopted Final RHNA Methodology for arriving at HQTA population is in any way flawed or incorrectly applied. As such, SCAG staff does not recommend a reduction in the City’s draft RHNA allocation based on this issue.

**Issues 1b and 13:** Application of the adopted Final RHNA Methodology for the 6<sup>th</sup> Cycle RHNA (2021-2029) [Government Code section 65584.05 (b)(2)] -- residual reallocation pursuant to the AFFH factor.

*Irvine contends that the residual reallocation distribution component of the RHNA methodology, which relates to Disadvantaged Communities (DACs) and requirements to affirmatively further fair housing (AFFH), was based on a failure to adequately consider information for the methodology pursuant to Government Code section 65584.05(b)(2):*

*“The council of governments or delegate subregion, as applicable, failed to determine the share of the regional housing need in accordance with the information described in, and the methodology established pursuant to, Section 65584.04, and in a manner that furthers, and does not undermine, the intent of the objectives listed in subdivision (d) of Section 65584.”*

*Note that Irvine does not base its appeal on Affirmatively Furthering Fair Housing, which is an allowable appeal basis. Specifically, Irvine contends that:*

- *TCAC/HCD data relied upon for this part of the RHNA methodology were not intended for this purpose and their accuracy in capturing local conditions is questionable,*
- *The manner in which “Residual need” is redistributed within a county was not adequately vetted prior to its adoption by the Regional Council,*
- *The City of Santa Ana’s draft RHNA allocation is based on projected growth figures which are outdated which impacts Irvine’s RHNA allocation (these issues have also been raised in Irvine’s separate appeal of Santa Ana’s draft RHNA allocation), and*
- *The redistribution of residual need portion of the RHNA methodology is contrary to Sustainable Communities Strategy goals, e.g. promoting job and transit access.*

**SCAG Staff Response:** First, the SCAG Regional Council took action on both the Draft and Final RHNA methodology pursuant to properly noticed agendas and every member of the Regional Council, in addition to a significant number of members of the public, had ample opportunity to place on the record, both in writing and in person, their relevant input for the Regional Council’s consideration. For example, no less than fourteen (14) letters were acknowledged on the record and these were made available for public and SCAG review prior to the Regional Council’s action on the draft methodology, all in compliance with applicable law. It should also be noted that the draft methodology was reviewed by HCD and was found to further statutory objectives of RHNA on January 13, 2020. On March 5, 2020, SCAG Regional Council adopted the draft methodology as the final methodology.

Further, for the draft methodology, many members of the public offered oral testimony on the issue both in support of the original staff recommendation and in support of the alternative draft

RHNA methodology that was ultimately approved after a robust discussion among the Regional Council, with staff offering input and answering questions as requested. Both methodologies had been presented in the staff report that was published in the November 7<sup>th</sup>, 2019 Regional Council meeting agenda in advance of the meeting in accordance with applicable law. Finally, members of the Regional Council were given wide opportunity to offer input and comments during the course of the discussion and consideration of the item.

The November 7<sup>th</sup> Regional Council action was preceded by more than nine months of preparatory work and the regional planning process is necessarily complex and multi-faceted. That there are competing interests and priorities is not new. Since the start of the RHNA process in October 2018, SCAG staff has been committed to a fair and transparent process from the very beginning.

The RHNA methodology is a complex balance of several regional objectives ranging from job-housing balance to affirmatively furthering fair housing. Ultimately, AFFH is a RHNA objective and the residual reallocation is part of the adopted final RHNA methodology—it is not an addition afterward, nor is it an optional element. Government code 65584.04(i) vests authority to assess whether a methodology furthers the statutory objectives in HCD. In HCD’s 1/13/2020 letter (attached), HCD finds that SCAG’s RHNA methodology furthers all five statutory objectives, stating,

*“HCD applauds the inclusion of the affirmatively furthering fair housing adjustment factor in the methodology. This factor directs more lower income RHNA to higher opportunity areas and reduces allocations in segregated concentrated areas of poverty, as defined in the HCD/TCAC Opportunity Maps, which evaluate access to opportunity, racial segregation, and concentrated poverty on 11 dimensions, which are all evidence-based indicators related to long term life outcomes.”*

This quotation makes clear that this adjustment was critical in securing HCD’s finding that the RHNA methodology furthers the AFFH objective of RHNA. While Irvine notes “limitations” to this data source, such an argument is not unique to this, or any other data source. Not only had the 2019 opportunity mapping data been part of previous proposed variations of the methodology, but these data went through an extensive development and public review process during their development by the California Fair Housing Task Force (see <https://www.treasurer.ca.gov/ctcac/opportunity.asp>). and vetting through TCAC and HCD. The RHNA methodology uses several robust, vetted data sources which are agreed upon in advance and are able to equitably assess conditions between one jurisdiction and another. The City does not provide evidence regarding any error in how Irvine’s local conditions were reflected in this dataset, and changes cannot be made to the adopted RHNA methodology through the appeals process.

Irvine also contends that Santa Ana’s growth forecast is outdated, which results in a higher draft RHNA allocation for the City of Irvine, and that there was insufficient time to identify this issue in

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advance of the adoption of the RHNA methodology. The Bottom-Up Local Input and Envisioning Process, described in Attachment 1, afforded equal opportunity for Santa Ana, Irvine, and 195 other local jurisdictions to provide growth forecast information in the same manner between 2017 and 2018. Specific issues related to Santa Ana will be discussed in more detail during the time allotted to discuss the appeals on Santa Ana's draft RHNA allocation.

The City contends that it is bearing the burden of other jurisdictions; however, the residual reallocation is part of the adopted Final RHNA Methodology—not a step which is “added” afterward but is a plan to allocate need based on regional considerations. Irvine further contends that Orange County is singled out regarding the residual reallocation; however, the methodology is consistent in its application across counties and does not include any specific exemptions or treatments for Orange County.

Irvine's contention that the residual need component of the Final RHNA Methodology is inconsistent with the Sustainable Communities Strategy (SCS) portion of Connect SoCal is flawed. The RHNA methodology is a complex balance of several regional objectives ranging from jobs-housing balance to AFFH. Ultimately, AFFH is one of the RHNA objectives described in Government Code 65584(d) and the residual reallocation is part of the adopted Final RHNA Methodology. It furthers the AFFH objectives by ensuring that RHNA allocations are not concentrated in jurisdictions with lower opportunity scores, reallocating them to jurisdictions with higher opportunity scores. Irvine asserts that this is to the detriment of SCS goals and thus injures the SCS consistency described in Government Code 65584.04(m)(1), which is a finding which SCAG must make following the adoption of the final RHNA allocation. The reason for this assertion is that DAC jurisdictions may not receive allocation on those bases, compromising other statutory objectives and the SCS consistency described in. However, the residual reallocation at issue is made to non-DAC jurisdictions *on the basis* of their job and transit access levels.

Since the residual reallocation is part of the adopted RHNA methodology which was found by HCD to further AFFH, and since Irvine has not identified an error in how the methodology was applied, SCAG staff does not recommend a reduction based on this issue.



**Issue 2:** Existing or projected jobs-housing balance [Government Code section 65584.04(e)(1)].

Government Code section 65584.04(e)(1) provides that to the extent that sufficient data is available, the following factor shall be included in developing the methodology that allocates regional housing needs:

*“Each member jurisdiction’s existing and projected jobs and housing relationship. This shall include an estimate based on readily available data on the number of low-wage jobs within the jurisdiction and how many housing units within the jurisdiction are affordable to low-wage workers as well as an estimate based on readily available data, of projected job growth and projected household growth by income level within each member jurisdiction during the planning period.”*

The City contends that its job centers are regional in nature and that employees may live in adjacent jurisdictions. Requiring the City to find adequate sites for both the aggregate total of the RHNA allocation and the various income levels may require employment centers to be rezoned, and these job losses would negatively impact Irvine’s jobs and housing relationship.

**SCAG Staff Response:** Irvine does not provide evidence to indicate that SCAG failed to consider the jurisdiction’s jobs and housing relationships to merit a reduction in its Draft RHNA Allocation. In recognition of the fact that in the SCAG region only 20% of workers live and work in the same jurisdiction, the RHNA methodology is based on access to jobs. This is consistent with Irvine’s contention that living in an adjacent jurisdiction to one’s workplace may in fact be beneficial. Despite having a very large employment base, Irvine ranks only 28<sup>th</sup> amongst larger cities in the region based on the job access measure used in the methodology (17.45% of 2045 regional employment accessible—see Attachment 1 for details). Irvine’s 2020 projected employment-to-households ratio in Connect SoCal is 2.73, which is far higher than the 1.37 ratio for the SCAG region and is the 2<sup>nd</sup> highest amongst the region’s larger cities<sup>2</sup>.

In its appeal the City notes that job losses from rezoning employment centers for housing would negatively impact the city’s jobs-housing relationships; however, since the city’s employment base exceeds its households by a wide margin, it is unclear from the appeal how additional housing stock would negatively impact this relationship. Therefore, SCAG staff does not recommend a reduction based on this issue.

**Issues 3 and 4:** Sewer or water infrastructure constraints for additional development [Section 65584.04(e)(2)(A)] and availability of land suitable for urban development or conversion to residential use [Section 65584.04(e)(2)(B)].

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<sup>2</sup> Above 50,000 population, per 2019 DOF estimates

*Government Code section 65584.04(e)(2) provides that to the extent that sufficient data is available, the following constraints shall be included in developing the methodology that allocates regional housing needs:*

*“(A) Lack of capacity for sewer or water service due to federal or state laws, regulations or regulatory actions, or supply and distribution decisions made by a sewer or water service provider other than the local jurisdiction that preclude the jurisdiction from providing necessary infrastructure for additional development during the planning period.*

*(B) The availability of land suitable for urban development or for conversion to residential use, the availability of underutilized land, and opportunities for infill development and increased residential densities. The council of governments may not limit its consideration of suitable housing sites or land suitable for urban development to existing zoning ordinances and land use restrictions of a locality, but shall consider the potential for increased residential development under alternative zoning ordinances and land use restrictions. The determination of available land suitable for urban development may exclude lands where the Federal Emergency Management Agency (FEMA) or the Department of Water Resources has determined that the flood management infrastructure designed to protect that land is not adequate to avoid the risk of flooding.”*

*The City contends that the majority of land suitable for urban development in the City is entitled through development agreements that allow units to be constructed in phases and that nearly all planning areas have met the maximum number of units and there is no vacant land available. Also, the City has areas identified as Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP), which limit development.*

**SCAG Staff Response:** For Government Code Section 65584.04(e)(2)(A) to apply in this case, the jurisdiction must be precluded from providing necessary infrastructure for additional development due to supply and distribution decisions made by a sewer or water provider other than the local jurisdiction. It is not evident from Irvine’s appeal that a water provider has rendered a decision that would prevent the city from providing necessary infrastructure.

With respect to Government Code Section 65584.04(e)(2)(B), SCAG “may not limit its consideration of suitable housing sites or land suitable for urban development to existing zoning ordinances and land use restrictions of a locality” (which includes the land use policies in its General Plan). “Available land suitable for urban development or conversion to residential use,” as expressed in 65584.04(e)(2)(B), is not restricted to vacant sites; rather, it specifically indicates that underutilized

land, opportunities for infill development, and increased residential densities are a component of “available” land. As indicated by HCD in its December 10, 2020 comment letter (HCD Letter):

“In simple terms, this means housing planning cannot be limited to vacant land, and even communities that view themselves as built out must plan for housing through means such as rezoning commercial areas as mixed-use areas and upzoning non-vacant land.” (HCD Letter at p. 2).

As such, the City can and must consider other opportunities for development besides vacant land. This includes the availability of underutilized land, opportunities for infill development and increased residential densities, or alternative zoning and density. Alternative development opportunities should be explored further and could possibly provide the land needed to zone for the City’s projected growth. Note that while zoning and capacity analysis is used to meet RHNA need, they should not be used to determine RHNA need at the jurisdictional level. Per the adopted RHNA methodology, RHNA need at the jurisdictional level is determined by projected household growth, transit access, and job access. Housing need, both existing and projected need, is independent of zoning and other related land use restrictions, and in some cases is exacerbated by these very same restrictions. Thus, land use capacity that is restricted by factors unrelated to existing or projected housing need cannot determine existing or projected housing need.

While Irvine notes that development agreements typically take place in phases and cannot be modified by the City and that other areas are protected natural areas, these factors do not constitute evidence that additional residential development in any of the myriad forms permitted for inclusion in housing elements is not possible in all other areas of the city.

SCAG recognizes there are many environmental (e.g., NCCP/HCP protections) and other constraints to development on portions of the land in the City of Irvine. However, this does not preclude additional residential development (i.e. infill) outside of such constrained areas. This includes the availability of underutilized land, opportunities for infill development and increased residential densities, alternative zoning and density, and accessory dwelling units. On June 10, 2020, HCD released extensive guidelines for housing element site inventories.<sup>3</sup> A wide range of adequate sites are detailed including accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs). Specifically, page 32 of the guidelines indicates that “In consultation with HCD, other alternatives may be considered such as motel conversions, adaptive reuse of existing buildings, or legalization of units not previously reported to the Department of Finance.”

Market conditions and the cost to develop and construct the allocated new housing units within a jurisdiction should not be considered by SCAG as a justification for a RHNA reduction since the RHNA Allocation does not provide a building quota or mandate. The City is not responsible for

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<sup>3</sup> See [https://www.hcd.ca.gov/community-development/housing-element/docs/sites\\_inventory\\_memo\\_final06102020.pdf](https://www.hcd.ca.gov/community-development/housing-element/docs/sites_inventory_memo_final06102020.pdf)

obtaining land or developing housing, it is only required to plan and zone for its determined housing need. Based on the above, SCAG staff does not recommend a reduction based on this issue.

***Issue 5: Lands protected from urban development under existing federal or state programs [Section 65584.04(e)(2)(C)].***

*Government Code section 65584.04(e)(2)(C) provides that to the extent that sufficient data is available, the following constraint shall be included in developing the methodology that allocates regional housing needs:*

*“Lands preserved or protected from urban development under existing federal or state programs, or both, designed to protect open space, farmland, environmental habitats, and natural resources on a long-term basis, including land zoned or designated for agricultural protection or preservation that is subject to a local ballot measure that was approved by the voters of that jurisdiction that prohibits or restricts conversion to nonagricultural uses.”*

*The City contends that certain areas of Irvine are protected from development by the regional NCCP and the City of Irvine Open Space Initiative (City Resolution 88-1).*

***SCAG Staff Response:*** See also response to Issues 3 and 4 above. 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 since such factors are required to be considered at the local level. No evidence was submitted that these areas have changed since the most current input provided prior to October 2018.

In addition, while the City of Irvine has indicated it cannot accommodate units in these specific areas, no evidence has been provided that the jurisdiction cannot accommodate its RHNA allocation in other areas. The presence of protected open space alone does not reduce housing need nor does it preclude a jurisdiction from accommodating its housing need elsewhere.

Furthermore, while SCAG commends the City’s commitment to conservation and habitat protection, the City’s decision to join the regional NCCP and to implement City Resolution 88-1, does not constitute evidence that additional residential development in any of the myriad of forms permitted for inclusion in housing elements (as discussed above in Response to Issues 3 and 4) is not possible in all other areas of the city. For these reasons, SCAG staff does not recommend a reduction to the jurisdiction’s RHNA allocation based on this factor.

***Issue 6: County policies to preserve prime agricultural land [Section 65584.04(e)(2)(D)].***

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Government Code section 65584.04(e)(2) provides that to the extent that sufficient data is available, the following factor shall be included in developing the methodology that allocates regional housing needs:

*“(D) County policies to preserve prime agricultural land, as defined pursuant to Section 56064, within an unincorporated area and land within an unincorporated area zoned or designated for agricultural protection or preservation that is subject to a local ballot measure that was approved by the voters of that jurisdiction that prohibits or restricts its conversion to nonagricultural uses.”*

The City contends that its General Plan Conservation and Open Space Element includes Objective L-10 that encourages the maintenance of agriculture in undeveloped areas of the City until the time of development and in areas no available for development.

**SCAG Staff Response:** See also response to Issues 3, 4 and 5 above. The City cites an objective in its general plan which encourages maintenance of agricultural areas until the time of development and in areas not available for development. However, a city’s general plan objective would not fit the statutory criteria of a county policy to preserve prime agricultural land within an unincorporated area, nor does Irvine’s appeal indicate why the City’s housing need would in any way be impacted by county policies governing unincorporated areas. Also, no local ballot measure is presented. Therefore, SCAG staff does not recommend a reduction based on this issue.

**Issues 7 and 11:** Distribution of household growth assumed for purposes of comparable Regional Transportation Plans [Government Code section 65584.04(e)(3)] and the region’s greenhouse gas (GHG) emission targets [Government Code section 65584.04(e)(12)].

Irvine contends there to be an inconsistency between the Regional Housing Needs Assessment and Sustainable Communities Strategy. This is not a basis for an appeal; however, issues raised are common to two factors that are bases for appeal. Government Code section 65584.04(e) provides that to the extent that sufficient data is available the following factors shall be included in developing the methodology that allocates regional housing needs:

*“(3) The distribution of household growth assumed for purposes of a comparable period of regional transportation plans and opportunities to maximize the use of public transportation and existing transportation infrastructure.*

...

*(12) The region’s greenhouse gas emissions targets provided by the State Air Resources Board pursuant to Section 65080.”*

*Irvine argues that the RHNA methodology is inconsistent with the growth patterns of Connect SoCal largely due to its inclusion of an “existing need” of 836,857 units—a housing unit total which is not reflected in the household forecast of Connect SoCal and cites vehicle miles traveled (VMT) per capita statistics to illustrate longer commutes for City of Irvine residents.*

**SCAG Staff Response:** While Connect SoCal is required under state planning law to identify areas sufficient to house the 8-year RHNA need pursuant to Government Code Section 65080(b)(2)(B)(iii), the RHNA allocation of housing need is a distinct process set forth under state housing law, Government Code Section 65584 *et seq.* The RHNA requirements address the mandate to plan for housing units to further statutory objectives. The RHNA establishes “minimum housing development capacity that cities and counties are to make available via their land use powers to accommodate growth within a planning period.”<sup>4</sup>

The RHNA identifies anticipated housing need over a specified eight-year period and requires that local jurisdictions make available sufficient zoned capacity to accommodate this need. Actual housing production depends on a variety of factors external to the identification of need through RHNA—local jurisdictions frequently have sufficient zoned capacity but actual housing construction depends on market and other external forces. For example, per HCD’s Annual Progress Reports covering new unit permits through 2018, the region’s low and very-low income permits totaled 19,328 units (2,494/year) compared to the RHNA allocation of 165,579 units (21,365/year).

In contrast, the Connect SoCal Growth Forecast is an assessment of the reasonably foreseeable future pattern of growth given regional factors such as births, deaths, migration, and employment growth as well as local factors, which includes the availability of zoned capacity.<sup>5</sup>

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 direct inputs to the growth forecasting process and are independent of employment and population projections. They reflect additional latent housing needs in the current population (i.e., “existing need”) and do not result in a change in regional population.

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<sup>4</sup> Concurrence in Senate Amendments, AB 1771 (Bloom), as amended August 24, 2018 Comments at p.4 (Original Committee Reference: H. & C.D.).

<sup>5</sup> For details, see Connect SoCal’s Demographics and Growth Forecast Technical Report at [https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocial\\_demographics-and-growth-forecast.pdf](https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocial_demographics-and-growth-forecast.pdf)

Ultimately it is this difference between these processes which accounts for the difference between the reasonably foreseeable household growth rate included in Connect SoCal and the development capacity target which RHNA envisions for the City of Irvine.

Following adoption of SCAG's Final RHNA allocation, local jurisdictions must update their housing elements (as needed) to provide sufficient zoned capacity for the total 6th Cycle allocation pursuant to state guidelines. Updated housing elements are due in October 2021. Pursuant to Government Code Section 65583(c)(1)(A), local jurisdictions will have until January 2025 to complete any necessary rezoning to accommodate their RHNA allocation. Until this planning work is done at the local level, it would be speculative for Connect SoCal to make assumptions about potential development levels and patterns that includes the 6th Cycle "existing need." Once this process is complete, in future RTP/SCS development processes SCAG will re-evaluate the reasonably foreseeable future growth pattern, including the potential impact of any policy changes made in response to the 6<sup>th</sup> cycle RHNA allocations.

An additional key difference is that the RHNA process only permits SCAG to allocate jurisdiction-level totals (by income category), whereas the RTP/SCS requires SCAG to model future transportation patterns and Greenhouse Gas (GHG) impacts, which requires an estimate of *where* within the jurisdiction future growth may occur. As such, the RHNA process requires adapting Connect SoCal's key policy direction in order to ensure that *development patterns* are generally consistent across the two processes. For example, Connect SoCal achieves its jobs-housing balance objectives in part by envisioning a set of 72 individual job centers across the region; however, this relies on within-jurisdiction prediction of the location of development. The final RHNA process adapts this concept by developing a measure of job accessibility at the jurisdiction-level—using Connect SoCal data—to ensure consistent strategic and policy direction. Similarly, half of existing need is allocated on the basis of the jurisdiction's share of the region's population in a HQTAs in 2045 as defined in Connect SoCal and discussed above. This consistent strategic and policy direction results in the Final RHNA Methodology and Draft RHNA Allocation's consistency with the development patterns in the SCS, pursuant to Government Code section 65584.04(m)(1):

"It is the intent of the Legislature that housing planning be coordinated and integrated with the regional transportation plan. To achieve this goal, the allocation plan shall allocate housing units within the region consistent with the development pattern included in the sustainable communities strategy."

For further discussion see Attachment 1 as well as Connect SoCal Master Response 1 at [https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocial\\_public-participation-appendix-2.pdf](https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocial_public-participation-appendix-2.pdf)

Relatedly, the California Air Resources Board (CARB) GHG emissions reduction target of 19% by 2035 was achieved by Connect SoCal which, per the above, has sufficient policy alignment and consistency in development patterns with the RHNA methodology—in part due to the existing need measures of job and transit access which assign housing units on the basis of key drivers of regional GHG reduction potential. While Irvine cites VMT per capita statistics based on standards within the city, this analysis does not address regional GHG emissions which are the appeal basis in Government Code section 65584.04(e)(12) and are achieved through the RHNA methodology's aforementioned policy alignment with Connect SoCal.

Since the City of Irvine has not provided evidence to suggest that its Draft RHNA Allocation was based on a failure to consider these local planning factors, SCAG staff does not recommend a reduction on these bases.

**Issue 8:** *The rate of overcrowding [Section 65584.04(e)(7)].*

*Government Code section 65584.04(e)(7) provides that to the extent that sufficient data is available, “the rate of overcrowding” shall be included as a factor in developing the methodology that allocates regional housing needs.*

*The City contends that the definition of “overcrowding” has not been clearly established and recommends that SCAG determine a definition rather than use the US Census Bureau’s definition of one person per room.*

**SCAG Staff Response:** Irvine argues that there is lack of clarity in the Census Bureau’s definition of overcrowding. However, no explicit measure of overcrowding at the jurisdictional-level is used, nor is required to be used, in SCAG’s adopted final RHNA methodology. Irvine does not provide any evidence to suggest a reduction in the City’s housing need is merited on the basis of any measure of overcrowding. Therefore, SCAG staff does not recommend a reduction based on this issue.

**Issue 9:** *Housing needs generated by the presence of a university campus within a jurisdiction [Section 65584.04(e)(9)].*

*Government Code section 65584.04(e)(9) provides that to the extent that sufficient data is available, the following factor shall be included in developing the methodology that allocates regional housing needs:*

*“The housing needs generated by the presence of a private university or a campus of the California State University or the University of California within any member jurisdiction.”*



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*The City contends that that there are three colleges or universities within its boundaries and that the COVID-19 pandemic has disrupted in-person instruction in many instances. The City suggests that fewer students and faculty may need housing on or near campus.*

**SCAG Staff Response:** While the City argues that fewer students and faculty may need housing on or near campus, it does not provide evidence from these colleges/universities or other sources which would indicate how and to what extent this change will reduce housing need within the household population of the City of Irvine (i.e. outside of dormitories or school-provided housing and thus under the purview of Connect SoCal’s household growth forecast and RHNA), particularly over the 8-year planning horizon of RHNA. The City simply speculates that “it is a very realistic possibility that restrictions on the percentage of students permitted to attend in person classes may not be lifted for years to come, dramatically impacting the number of students and faculty needing on campus or near campus housing.” Therefore, SCAG staff does not recommend a reduction based on this issue. See also the Response to Issue 12, regarding changed circumstances and COVID-19 below.

**Issue 10:** *Loss of units during a state of emergency [Government Code section 65584.04(e)(11)].*

*Government Code section 65584.04(e)(11) indicates that to the extent that sufficient data is available the following factor shall be included in developing the methodology that allocates regional housing needs:*

*“The loss of units during a state of emergency that was declared by the Governor pursuant to the California Emergency Services Act (Chapter 7 (commencing with Section 8550) of Division 1 of Title 2), during the planning period immediately preceding the relevant revision pursuant to Section 65588 that have yet to be rebuilt or replaced at the time of the analysis.”*

*The City contends that there has been a major wildfire in or near Irvine every decade since the 1980s.*

**SCAG Staff Response:** Irvine does not provide any evidence to suggest that wildfire risk either was not sufficiently considered in SCAG’s development of the RHNA methodology or otherwise may merit a reduction of housing needs in the City of Irvine. Therefore, SCAG staff does not recommend a reduction based on this issue.

***Issue 13: Changed circumstances [Government Code section 65584.05(b)(3)].***

*Government Code section 65584.05(b)(3) provides that to the extent that sufficient data is available, the following factor shall be included in developing the methodology that allocates regional housing needs:*

*“A significant and unforeseen change in circumstances has occurred in the local jurisdiction or jurisdictions that merits a revision of the information submitted pursuant to subdivision (b) of Section 65584.04.”*

*Irvine primarily contends that job losses stemming from COVID-19 merit a reconsideration of long-range employment forecasts. Irvine also notes that the rise in telecommuting and a purported shift in desire for more open space and less dense living are also changed circumstances resulting from COVID-19 which will continue following the pandemic. The city contends that reliance on existing 2045 employment projections in the current RHNA methodology is thus flawed.*

*Irvine cites a City resolution encouraging long-term telecommuting, high regional unemployment rates currently experienced, instances of corporate campuses being eliminated, decreases in passenger air travel, and potential reduction in in-person education at colleges and universities in Irvine. In addition to providing statewide unemployment statistics, the City indicates that 2,490 jobs have been lost in Irvine since July 2020.*

**SCAG Staff Response:** While SCAG staff recognizes that COVID-19 presents unforeseen circumstances and that local governments have been affected by significant unemployment, these facts, as presented by the City, “do not “merit a revision of the information submitted pursuant to subdivision (b) of Section 65584.04” (Government Code section 65584.05(b)(3)). Furthermore, section 65584.05(b) requires that,

*“Appeals shall be based upon comparable data available for all affected jurisdictions and accepted planning methodology, and supported by adequate documentation, and shall include a statement as to why the revision is necessary to further the intent of the objectives listed in subdivision (d) of Section 65584.”*

While the City or Irvine provides several anecdotes related to COVID-19’s economic and social impacts, comparable data following this standard is not provided by the City of Irvine.

SCAG’s Regional Council delayed the adoption of the 2020 RTP/SCS by 120 days in order to assess the impact of COVID-19; however, the document’s long-range (2045) forecast of population, employment, and household growth remained unchanged. The Demographics and Growth Forecast Technical Report outlines the process for forecasting long-range employment growth

which involves understanding national growth trends and regional competitiveness, i.e., the SCAG's region share of national jobs. Short-term economic forecasts commenting on COVID-19 impacts generally do not provide a basis for changes in the region's long-term competitiveness or the region's employment outlook for 2023-2045. As such, SCAG's assessment is that comparable data would not suggest long-range regional employment declines.

The COVID-19 pandemic has had various impacts throughout Southern California; however it has not resulted in a slowdown in major construction nor has it resulted in a decrease in a demand for housing or housing need. Southern California home prices continue to increase (+2.6 percent from August to September 2020) led by Los Angeles (+10.4 percent) and Ventura (+6.2 percent) counties. Demand for housing as quantified by the RHNA allocation is a need that covers an 8-year period, not simply for impacts that are in the immediate near-term. Irvine does not provide evidence suggesting that any of the other potential COVID impacts listed (e.g. job losses, telecommuting increases, a desire for open space, lower in-person college enrollment, etc.) reduce housing need in any way.

Moreover, impacts from COVID-19 are not unique to any single SCAG jurisdiction and no evidence has been provided in Irvine's appeal that indicates that housing need within the City is disproportionately impacted in comparison to the rest of the SCAG region by these potential changes. For these reasons, SCAG staff does not recommend a reduction to the jurisdiction's draft RHNA allocation.

***Other:*** HCD's regional determination of 1.34 million housing units, achievability and RTP/SCS consistency.

*Irvine contends that HCD's regional determination of 1.34 million housing units violates state law.*

*Irvine also argues that "achievability" is a standard.*

*Irvine argues there to be an inconsistency between the Regional Housing Needs Assessment and Sustainable Communities Strategy.*

**SCAG Staff Response:**

Regional Determination

SCAG's final regional determination of approximately 1.34 million units was issued by HCD on October 15, 2019 per state housing law. The regional determination is not a basis for appeal per adopted RHNA Appeals Procedures as it is not within the authority of the Appeals Board to make any changes to HCD's regional housing needs determination.

SCAG's development of a consultation package to HCD regarding the regional housing needs determination took place during the first half of 2019. During this time SCAG extensively reviewed a wide range of reports which commented on housing needs in the state and region, including studies from USC, UCLA, UC-Berkeley, the California Legislative Analyst's Office, Beacon Economics, McKinsey, the Center for the Continuing Study of the California Economy, and others. These studies covered a wide range of approaches and methodologies for understanding housing need in the region and state. On March 27, 2019 SCAG convened a panel of fifteen experts in demographics, economics, and housing planning to assess and review the region's housing needs in the context of SCAG's regional determination.

Notwithstanding the merits of the various approaches toward estimating regional housing need, state statute outlines a very specific process for arriving at a regional housing needs determination for RHNA. It also prescribes a specific timeline which necessitated the completion of the regional determination step by fall 2019 in order to allow sufficient time for the development of a methodology, appeals, and local housing element updates.

The defined timeframes are guided by the deadline for the housing element revisions for HCD's RHNA determination and SCAG's Final RHNA Allocation Plan. HCD, in consultation with each council of governments (COG), shall determine each region's existing and projected housing need pursuant to Section 65584.01 at least two years prior to the scheduled revision required pursuant to Section 65588. Govt. Code § 65584(b). This "determination shall be based upon population projections produced by the Department of Finance and regional population forecasts used in preparing regional transportation plans, in consultation with each council of governments." Govt. Code § 65584.01(b). HCD begins the process 26 months prior to the scheduled revision so the data HCD relies on is the available provided by the COGs at that time. Similarly, the COG issues its survey for information to develop the RHNA allocation methodology up to 30 months prior to the scheduled revision. By necessity, the data used for these processes is data available at that time.

During both the consultation process and the filing of SCAG's formal objection to HCD's regional determination, SCAG extensively reviewed the issues brought up in these recent reports including a variety of indicators of housing backlog such as cost burden, overcrowding, demolition, and vacancy. In addition, SCAG has a well-developed program for forecasting population and household growth in the region which is conducted with the advice and collaboration of the state Department of Finance's forecasting staff. SCAG assessed the relationship between the measures used and not used in its analyses in order to avoid overlap ("double counting").

While the RHNA statute prescribes specific requirements for HCD in determining the regional housing need (e.g., the determination shall be based on population projects produced by the Department of Finance and regional population forecasts used in preparing regional transportation

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plans), it allows HCD to accept or reject information provided by SCAG with respect to the data assumptions from SCAG's growth forecast or to modify its own assumptions or methodology based on this information. Following SCAG's formal objection filed on September 18, 2019, HCD did not materially change the regional determination following SCAG's formal objection filed on September 18, 2019, and there are no further mechanisms provided for in statute to contest their decision. Nevertheless, SCAG has a statutory obligation to complete the remaining steps required in the RHNA process—namely the adoption of a Final RHNA Methodology, conducting an appeals process, and issuing final RHNA allocations.

A report by Freddie Mac's Economic & Housing Research Group titled "The housing supply shortage: State of the states" was released in February 2020, and a slide deck titled "Double counting in the latest housing needs assessment" was placed on the Embarcadero Institute's website during 2020 (last update September 2020). Notwithstanding the merits (or lack thereof) of these studies, in order for such materials to have been considered by HCD, they would have had to have been submitted by June of 2019 as discussed above. Furthermore, as discussed above, SCAG's consultation package to HCD regarding the regional determination contained an extensive quantitative assessment of overcrowding, vacancy, and cost burden factors and a discussion of the issue of double-counting.

Additionally, these studies are regional in nature and do not provide information on individual jurisdictions. For an appeal to be granted on the incorrect application of RHNA methodology, arguments and evidence must be provided that demonstrate the methodology was incorrectly applied to determine the jurisdiction's share of regional housing need. Because a regional study does not meet this criterion, these studies cannot be used to justify a particular jurisdiction's appeal. Moreover, any reduction would have to be redistributed to the region when in theory, all jurisdictions would be impacted by the regional study.

In sum, it would be untenable to reopen the process anytime new data or materials become available, particularly when there is a codified process. If so, there would be no finality to the process and local government could not meet the deadlines for their housing element updates. Procedurally, SCAG cannot consider a regional study outside of the regional determination process nor should it apply a regional study to reduce an individual jurisdiction's draft RHNA allocation. For these reasons, SCAG staff does not recommend a reduction to the jurisdiction's draft RHNA allocation.

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### Achievability

While an objective of the RHNA statute is to facilitate the eventual construction of new housing units to meet housing needs, achievability of this objective is not a basis for appeal. Citing its inclusionary housing program, Irvine estimates that 127,580 sites would be needed to accommodate the very low income RHNA allocation. However, the ability to count lower income RHNA sites in the housing element is set forth by HCD, not Irvine's estimate. As described above, HCD's site inventory guidelines describe a wide range of alternative options for accommodating housing need identified in the RHNA. Therefore, SCAG staff does not recommend a reduction based on this issue.

### Consistency between RHNA and the SCS

While the consistency between the RHNA and the SCS is not a basis for appeal, the issues raised by the City are addressed in the responses to Issues 7 and 11 above. Staff does not recommend a reduction based on this issue.

### **FISCAL IMPACT:**

Work associated with this item is included in the current FY20-21 Overall Work Program (300-4872Y0.02: Regional Housing Needs Assessment).

### **ATTACHMENT(S):**

1. Local Input and Development of Draft RHNA Methodology (City of Irvine)
2. Irvine Appeal and Supporting Documentation
3. Connect SoCal - Map of HQTCS
4. Irvine - SPZs in HQTAs (SCAG Map)
5. Map of HQTAs in the City of Irvine (2045)
6. Connect SoCal Transit Technical Report Appendix (including HQTC/HQTA definitions)
7. HCD Review of SCAG Draft RHNA Methodology (Jan 13, 2020)
8. Comments Received during the Comment Period

## **Attachment 1: Local Input and Development of the Draft RHNA Allocation**

This attachment sets forth the nature and timing of the opportunities which the City of Irvine had to provide information and local input on SCAG's growth forecast, the RHNA methodology, and the Growth Vision of the 2020 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS or Connect SoCal). It also describes how the RHNA Methodology development process integrates this information in order to develop the City of Irvine's Draft RHNA Allocation.

### **1. Local input**

#### ***a. Bottom-Up Local Input and Envisioning Process***

On October 31, 2017, SCAG took the first step toward developing draft RHNA allocations by initiating the Bottom-Up Local Input and Envisioning Process. At the direction of the Regional Council, the objective of this process was to seek local input and data to prepare for Connect SoCal and the 6<sup>th</sup> cycle of RHNA.<sup>1</sup> Each jurisdiction was provided with a package of land use, transportation, environmental, and growth forecast data for review and revision which was due on October 1, 2018.<sup>2</sup> While the local input process materials focus principally on jurisdiction-level and Transportation Analysis Zone (TAZ) level growth, input on specific parcels, sites, and project areas were welcomed and integrated into SCAG's growth forecast as well as data on other elements. SCAG met one-on-one with all 197 local jurisdictions between November 2017 and July 2018 and provided training opportunities and staff support. Following input from SCAG's Technical Working Group (TWG), the Connect SoCal growth forecast reflected precisely the jurisdiction-level growth totals provided during this process.

Forecasts for jurisdictions in Orange County were developed through the 2018 Orange County Projections (OCP-2018) update process conducted by the Center for Demographic Research (CDR) at Cal State Fullerton. Jurisdictions were informed of this arrangement by SCAG at the kickoff of the Process. For the City of Irvine, the anticipated number of households in 2020 was 103,382 and in 2030 was 112,404 (growth of 9,022 households). In March 2018, SCAG staff and CDR staff met with staff from the City of Irvine to discuss the Bottom-Up Local Input and Envisioning Process and answer questions.

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<sup>1</sup> While the RTP/SCS and RHNA share data elements, they are distinct processes. The RTP/SCS growth forecast provides an assessment of reasonably foreseeable future patterns of employment, population, and household growth in the region given demographic and economic trends, and existing local and regional policy priorities. The RHNA identifies anticipated housing need over a specified eight-year period and requires that local jurisdictions make available sufficient zoned capacity to accommodate this need. A further discussion of the relationship between these processes can be found in Connect SoCal Master Response 1 at [https://www.connectsoocal.org/Documents/Adopted/0903fConnectSoCal\\_Public-Participation-Appendix-2.pdf](https://www.connectsoocal.org/Documents/Adopted/0903fConnectSoCal_Public-Participation-Appendix-2.pdf).

<sup>2</sup> A detailed list of data during this process reviewed can be found in each jurisdiction's Draft Data/Map Book at <https://scag.ca.gov/local-input-process-towns-cities-and-counties>.

**b. RHNA Methodology Surveys**

On March 19, 2019, SCAG distributed a packet of methodology surveys, which included the local planning factor survey (formerly known as the AB2158 factor survey), Affirmatively Furthering Fair Housing (AFFH) survey, and replacement need survey, to SCAG jurisdictions’ Community Development Directors. Surveys were due on April 30, 2019. SCAG reviewed all submitted responses as part of the development of the draft RHNA methodology. The City of Irvine submitted the following surveys prior to the adoption of the draft RHNA methodology:

- Local planning factor survey
- Affirmatively Furthering Fair Housing (AFFH) survey
- Replacement need survey
- No survey was submitted to SCAG

**c. Connect SoCal Growth Vision and Additional Refinements**

Beginning in May 2018, SCAG’s Sustainable Communities Working Group began the process of developing growth scenarios for the SCAG region. The culmination of this work was the development of the Connect SoCal Growth Vision, which directly uses jurisdictional-level growth projections from the Bottom-Up Local Input and Envisioning process, and also features strategies for growth at the TAZ-level that help to reduce greenhouse gas emissions (GHG) from automobiles and light trucks to achieve Southern California’s GHG reduction target, approved by the California Air Resources Board (CARB) in accordance with state planning law. Additional detail regarding the Connect SoCal Growth Vision, specifically the Transportation Analysis Zone (TAZ, or neighborhood) level projections is found at <https://www.connectsocial.org/Documents/DataMapBooks/Growth-Vision-Methodology.pdf>.

As a result of these strategies, in some jurisdictions growth at the TAZ-level differed from locally anticipated growth conveyed during the Bottom-Up Local Input and Envisioning Process.

As such, SCAG provided two additional opportunities for all local jurisdictions to make TAZ-level technical refinements on the topics of general plan capacities and entitlements. During the release of the draft Connect SoCal Plan, jurisdictions were notified on October 31, 2019 that SCAG would accept additional refinements until December 11, 2019. Following the Regional Council’s decision to delay full adoption of Connect SoCal for 120 days due to the COVID-19 pandemic, all jurisdictions were again notified on May 26, 2020 that SCAG would accept additional refinements until June 9, 2020.

Connect SoCal Growth Vision data have been available to local jurisdiction staff during the entirety of this process through SCAG’s Scenario Planning Model Data Management Site (SPM-DM) at <http://spmdm.scag.ca.gov> and updates were shared with local jurisdictions on technical refinements to the data in February 2020 and August 2020 to share the results of both review opportunities. SCAG



received additional technical corrections from the City of Irvine and incorporated them into the Growth Vision in December 2019. Based on these corrections, the City of Irvine's TAZ-level data utilized in the Connect SoCal Growth Vision matches input provided during the Bottom-Up Local Input and Envisioning Process.

## 2. Development of the Final RHNA Methodology

SCAG convened the first meeting of the RHNA Subcommittee in October 2018. In their subsequent monthly meetings, this body reviewed and advised on the development of SCAG's 6<sup>th</sup> cycle RHNA process, including the development of the RHNA methodology. Per Government Code 65584.04(a), SCAG must develop a RHNA methodology which furthers the five statutory objectives of RHNA:

*(1) Increasing the housing supply and the mix of housing types, tenure, and affordability in all cities and counties within the region in an equitable manner, which shall result in each jurisdiction receiving an allocation of units for low- and very low income households.*

*(2) Promoting infill development and socioeconomic equity, the protection of environmental and agricultural resources, the encouragement of efficient development patterns, and the achievement of the region's greenhouse gas reductions targets provided by the State Air Resources Board pursuant to Section 65080.*

*(3) Promoting an improved intraregional relationship between jobs and housing, including an improved balance between the number of low-wage jobs and the number of housing units affordable to low-wage workers in each jurisdiction.*

*(4) Allocating a lower proportion of housing need to an income category when a jurisdiction already has a disproportionately high share of households in that income category, as compared to the countywide distribution of households in that category from the most recent American Community Survey.*

*(5) Affirmatively furthering fair housing. (Govt. Code § 65584(d).)*

As explained in more detail below, the Draft RHNA Methodology (which was adopted as the Final RHNA Methodology) set forth the policy factors, data sources, and calculations which would be used to generate draft RHNA allocations for all local jurisdictions. Following extensive debate and public comment, SCAG's Regional Council voted to approve the Draft RHNA Methodology on November 7, 2019 and provide it to HCD for review. Per Government Code 65584.04(i), HCD is vested with the authority to determine whether a methodology furthers the objectives set forth in Government Code section 65584(d). On January 13, 2020, HCD found that the Draft RHNA Methodology furthers these five statutory objectives of RHNA. Specifically, HCD noted that:

*“This methodology generally distributes more RHNA, particularly lower income RHNA, near jobs, transit, and resources linked to long term improvements of life outcomes. In particular, HCD applauds the use of the objective factors specifically linked the statutory objectives in the existing need methodology.” (Letter from HCD to SCAG dated January 13, 2020 at <https://scag.ca.gov/sites/main/files/file-attachments/hcd-review-rc-approved-draft-rhna-methodology.pdf?1602190239>).*

On March 5, 2020, again following extensive debate and public comment, the Regional Council voted to approve the Draft RHNA Methodology as the Final RHNA Methodology. Unlike SCAG’s 5<sup>th</sup> cycle RHNA methodology which relies almost entirely on the household growth component of the RTP/SCS, SCAG’s 6<sup>th</sup> cycle RHNA methodology consists of two primary elements: “projected need” which includes the number of housing units required to accommodate anticipated population growth over the 8-year RHNA planning period and “existing need,” which refers to the number of housing units required to accommodate excess or unsatisfied housing demand experienced by the region’s current population.<sup>3</sup> Furthermore, the Final RHNA methodology utilizes measures of 2045 job accessibility and High Quality Transit Area (HQTAs) population measures based on TAZ-level projections in the Connect SoCal Growth Vision.

More specifically, the Final RHNA Methodology considers three primary factors in determining a local jurisdiction’s total housing need which are primarily based on data from Connect SoCal’s aforementioned Bottom-Up Local Input and Envisioning Process:

- Forecasted growth over 2020-2030 (projected need)
- Transit accessibility in 2045 (existing need)
- Job accessibility in 2045 (existing need)

The methodology is described in further detail at <http://scag.ca.gov/programs/Documents/RHNA/SCAG-Final-RHNA-Methodology-030520.pdf>.

### 3. Draft RHNA Allocation for the City of Irvine

Following the adoption of the Final RHNA Methodology on March 5, 2020 and the 120 day delay due to the COVID-19 pandemic, SCAG adopted Connect SoCal on September 3, 2020, and the City of Irvine received its draft RHNA allocation on September 11, 2020. Application of the RHNA methodology yields the draft RHNA allocation for the City of Irvine as summarized in the data and calculations in the tables below.

<sup>3</sup> 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 direct inputs to the growth forecasting process and are independent of employment and population projections. In contrast, they reflect additional latent housing needs in the current population (i.e. “existing need”) and would not result in a change in regional population. For further discussion see Connect SoCal Master Response 1 at [https://www.connectsocial.org/Documents/Adopted/0903fConnectSoCal\\_Public-Participation-Appendix-2.pdf](https://www.connectsocial.org/Documents/Adopted/0903fConnectSoCal_Public-Participation-Appendix-2.pdf).

<b>Irvine city statistics and inputs:</b>	
Forecasted household (HH) growth, RHNA period: <i>(2020-2030 Household Growth * 0.825)</i>	7443
Percent of households who are renting:	52%
Housing unit loss from demolition (2009-18):	-
Adjusted forecasted household growth, 2020-2045: <i>(Local input growth forecast total adjusted by the difference between the RHNA determination and SCAG's regional 2020-2045 forecast, +4%)</i>	19,055
Percent of regional jobs accessible in 30 mins (2045): <i>(For the jurisdiction's median TAZ)</i>	17.45%
Jobs accessible from the jurisdiction's median TAZ (2045): <i>(Based on Connect SoCal's 2045 regional forecast of 10.049M jobs)</i>	1,754,000
Share of region's job accessibility (population weighted):	2.10%
Jurisdiction's HQTAs population (2045):	43,855
Share of region's HQTAs population (2045):	0.43%
Share of population in low/very low-resource tracts:	5.76%
Share of population in very high-resource tracts:	40.34%
Social equity adjustment:	150%

Calculation of Draft RHNA Allocation for Irvine city	
Forecasted household (HH) growth, RHNA period:	7443
Vacancy Adjustment <i>(5% for renter households and 1.5% for owner households)</i>	247
Replacement Need	-
<b>TOTAL PROJECTED NEED:</b>	<b>7690</b>
Existing need due to job accessibility (50%)	8776
Existing need due to HQTAs pop. share (50%)	1794
Net residual factor for existing need <i>(Negative values reflect a cap on lower-resourced community with good job and/or transit access. Positive values represent this amount being redistributed to higher-resourced communities based on their job and/or transit access.)</i>	5294
<b>TOTAL EXISTING NEED</b>	<b>15864</b>
<b>TOTAL RHNA FOR IRVINE CITY</b>	<b>23554</b>
Very-low income (<50% of AMI)	6379
Low income (50-80% of AMI)	4225
Moderate income (80-120% of AMI)	4299
Above moderate income (>120% of AMI)	8651

The transit accessibility measure is based on the population anticipated to live in High-Quality Transit Areas (HQTAs) in 2045 based on Connect SoCal’s designation of high-quality transit areas and population forecasts. With a forecasted 2045 population of 43,855 living within HQTAs, the City of Irvine represents 0.43% of the SCAG region’s HQTAs population, which is the basis for allocating housing units based on transit accessibility.

Job accessibility is defined as the jurisdiction’s share of regional jobs accessible within a 30-minute drive commute. Since over 80 percent of the region’s workers live and work in different jurisdictions, the RHNA methodology uses a measure based on Connect SoCal’s travel demand model output for the year 2045 rather than assigning housing units based on the number of jobs with a specific

jurisdiction. Specifically, the share of future (2045) regional jobs which can be reached in a 30-minute automobile commute from the local jurisdiction's median TAZ is used as to allocate housing units based on transit accessibility. From the City of Irvine's median TAZ, it will be possible to reach 17.45% of the region's jobs in 2045 within a 30-minute automobile commute (1,754,000 jobs, based on Connect SoCal's 2045 regional job forecast of 10,049,000 jobs).

An additional factor is included in the methodology to account for RHNA Objective #5 to Affirmatively Further Fair Housing (AFFH). Several jurisdictions in the region which are considered disadvantaged communities (DACs) on the basis of access to opportunity measures (described further in the RHNA methodology document), but which also score highly in job and transit access, may have their total RHNA allocations capped based on their long-range (2045) household forecast. This additional housing need, referred to as residual, is then reallocated to non-DAC jurisdictions in order to ensure housing units are placed in higher-resourced communities consistent with AFFH principles. This reallocation is based on the job and transit access measures described above, and results in an additional 5,294 units assigned to the City of Irvine.

Please note that the above represents only a partial description of key data and calculations which result in the draft RHNA allocation.

**Sixth Cycle Regional Housing Needs Assessment (RHNA) Appeal Request Form**  
*All appeal requests and supporting documentation must be received by SCAG October 26, 2020, 5 p.m.*  
*Appeals and supporting documentation should be submitted to [housing@scaq.ca.gov](mailto:housing@scaq.ca.gov).*  
*Late submissions will not be accepted.*

Date: \_\_\_\_\_ Jurisdiction Subject to This Appeal Filing:  
 \_\_\_\_\_  
*(to file another appeal, please use another form)*

Filing Party (Jurisdiction or HCD)  
 \_\_\_\_\_

Filing Party Contact Name \_\_\_\_\_ Filing Party Email: \_\_\_\_\_

**APPEAL AUTHORIZED BY:**

Name: \_\_\_\_\_

**PLEASE SELECT BELOW:**

- Mayor
- Chief Administrative Office
- City Manager
- Chair of County Board of Supervisors
- Planning Director
- Other: \_\_\_\_\_

**BASES FOR APPEAL**

- Application of the adopted Final RHNA Methodology for the 6<sup>th</sup> Cycle RHNA (2021-2029)
- Local Planning Factors and/or Information Related to Affirmatively Furthering Fair Housing (See Government Code Section 65584.04 (b)(2) and (e))
  - Existing or projected jobs-housing balance
  - Sewer or water infrastructure constraints for additional development
  - Availability of land suitable for urban development or for conversion to residential use
  - Lands protected from urban development under existing federal or state programs
  - County policies to preserve prime agricultural land
  - Distribution of household growth assumed for purposes of comparable Regional Transportation Plans
  - County-city agreements to direct growth toward incorporated areas of County
  - Loss of units contained in assisted housing developments
  - High housing cost burdens
  - The rate of overcrowding
  - Housing needs of farmworkers
  - Housing needs generated by the presence of a university campus within a jurisdiction
  - Loss of units during a state of emergency
  - The region's greenhouse gas emissions targets
  - Affirmatively furthering fair housing
- Changed Circumstances (Per Government Code Section 65584.05(b), appeals based on change of circumstance can only be made by the jurisdiction or jurisdictions where the change in circumstance occurred)

**FOR STAFF USE ONLY:**

Date \_\_\_\_\_ Hearing Date: \_\_\_\_\_ Planner: \_\_\_\_\_

**Sixth Cycle Regional Housing Needs Assessment (RHNA) Appeal Request Form**  
*All appeal requests and supporting documentation must be received by SCAG October 26, 2020, 5 p.m.*  
*Appeals and supporting documentation should be submitted to [housing@scaq.ca.gov](mailto:housing@scaq.ca.gov).*  
*Late submissions will not be accepted.*

**Brief statement on why this revision is necessary to further the intent of the objectives listed in Government Code Section 65584 (please refer to Exhibit C of the Appeals Guidelines):**

**Please include supporting documentation for evidence as needed, and attach additional pages if you need more room.**

**Brief Description of Appeal Request and Desired Outcome:**

**Number of units requested to be reduced or added to the jurisdiction's draft RHNA allocation (circle one):**

Reduced \_\_\_\_\_ Added \_\_\_\_\_

**List of Supporting Documentation, by Title and Number of Pages**  
**(Numbers may be continued to accommodate additional supporting documentation):**

- 1.
- 2.
- 3.

**FOR STAFF USE ONLY:**

Date \_\_\_\_\_

Hearing Date: \_\_\_\_\_

Planner: \_\_\_\_\_



October 26, 2020

Mr. Kome Ajise, Executive Director  
Southern California Association of Governments (SCAG)  
900 Wilshire Boulevard, Suite 1700  
Los Angeles, California 90017

**Subject: City of Irvine Regional Housing Needs Assessment Appeal Letter**

Dear Director Ajise:

In accordance with Government Code Section 65504.05, subdivisions (b)(1), (b)(2) and (b)(3), the City of Irvine submits this appeal for a revision of the share of the regional housing need proposed to be allocated to the City of Irvine under the Regional Housing Needs Assessment (RHNA) methodology adopted for the 6<sup>th</sup> Cycle. The City of Irvine appreciates and encourages the Southern California Association of Governments Regional Housing Needs Assessment Appeal Board to review the appeal outlined below because a revision of the draft allocation is necessary to further—and not undermine—the intent of the statutorily mandated objectives listed in Government Code Section 65584, subdivision (d) (“Section 65584(d)” and “Section” refers to the Government Code unless otherwise noted).

With the issuance of the draft allocation, there were failures not only (1) to adequately consider the information submitted as part of the methodology, but also (2) to determine the share according to information and the methodology established, pursuant to Section 65584.04, subdivision (b). These failures ultimately undermine—instead of further—the intent of the objectives in Section 65584(d). As required by Section 65504.05, subdivision (b), this appeal is consistent with—and not to the detriment of—the development pattern in the applicable sustainable communities strategy developed pursuant to paragraph (2) of subdivision (b) of Government Code Section 65080.

**SUMMARY OF THE APPEAL**

The City of Irvine is requesting a reduction of **8,259 total units** from the draft RHNA allocation or 23,554 on the grounds outlined below. This revision is necessary to further the objectives in Section 65584(d) for the following reasons, which will be explained in greater detail throughout the attached body of this appeal (Attachment A):

- The draft allocation does not increase the housing supply and mix of housing types in an equitable manner;
- The draft allocation does not promote infill development and socioeconomic equity, encourage efficient development patterns, and will result in the inability to achieve the region’s greenhouse gas reduction targets;



- The draft allocation does not promote an improved intraregional relationship between jobs and housing.

## CONCLUSION


The City of Irvine respectfully requests the total RHNA be reduced by 8,259 units and that SCAG modify the allocations to address the following outstanding issues:

1. Grounds for Appeal #1: Methodology
  - a. HQTAs Errors: reduction of 1,500 units
  - b. Residual Allocation Redistribution due to Disadvantaged Community component of the RHNA Methodology, specifically outdated growth forecast information: reduction of 2,759 units
2. Grounds for Appeal #2: Local Planning Factors and Information Furthering Fair Housing (AFFH): reduction of 1,500 units
3. Grounds for Appeal #3: Changed Circumstances: reduction of 2,500 units
4. Grounds for Appeal #4: Regional Determination of 1.34 Million Housing Units Violates State Law
5. Grounds for Appeal #5: Inconsistency Between Regional Housing Needs Assessment and Sustainable Communities Strategy

Finally, the City of Irvine is requesting errors in the underlying data included in the RHNA methodology and the change in circumstances associated by the global COVID-19 pandemic be addressed to ensure there is an equitable distribution of affordable units throughout the SCAG region. The City of Irvine is a model in providing affordable housing in the region and even with the requested revision will still be responsible for accommodating one of Orange County's highest RHNA allocation.

Respectfully Submitted,

  
Honorable Christina L. Shea  
Mayor

  
Honorable Michael C. Carroll  
Vice Mayor and SCAG District 14 Regional Council Member

Attachment A: City of Irvine Regional Housing Needs Assessment Appeal Documentation

City of Irvine RHNA Appeal Letter  
October 26, 2020  
Page 3

cc (via email):

City Council

Marianna Marysheva, Interim City Manager

Jeff Melching, City Attorney

Pete Carmichael, Director of Community Development Department

Timothy Gehrich, Deputy Director of Community Development Department

Kerwin Lau, Manager of Planning Services

Mark Steuer, Director of Public Works and Transportation

Jaimee Bourgeois, Deputy Director of Transportation

SCAG RHNA Subcommittee/RHNA Appeals Board

Honorable Peggy Huang, Chair RHNA Subcommittee

Honorable Wendy Bucknum, Orange County Representative RHNA Subcommittee

## Attachment A: City of Irvine Regional Housing Needs Assessment Appeal Documentation

In accordance with Government Code Section 65504.05, subdivisions (b)(1), (b)(2) and (b)(3), the City of Irvine submits this appeal for a revision of the share of the regional housing need proposed to be allocated to the City of Irvine under the Regional Housing Needs Assessment (RHNA) methodology adopted for the 6<sup>th</sup> Cycle. The City of Irvine appreciates and encourages the Southern California Association of Governments Regional Housing Needs Assessment Appeal Board to review the appeal outlined below because a revision of the draft allocation is necessary to further—and not undermine—the intent of the statutorily mandated objectives listed in Government Code Section 65584, subdivision (d) (“Section 65584(d)” and “Section” refers to the Government Code unless otherwise noted).

With the issuance of the draft allocation, there were failures not only (1) to adequately consider the information submitted as part of the methodology, but also (2) to determine the share according to information and the methodology established, pursuant to Section 65584.04, subdivision (b). These failures ultimately undermine—instead of further—the intent of the objectives in Section 65584(d). As required by Section 65504.05, subdivision (b), this appeal is consistent with—and not to the detriment of—the development pattern in the applicable sustainable communities strategy developed pursuant to paragraph (2) of subdivision (b) of Government Code Section 65080.

### **SUMMARY OF THE APPEAL:**

The City of Irvine is requesting a reduction of **8,259 total units** from the draft RHNA allocation or 23,554 on the grounds outlined below. This revision is necessary to further the objectives in Section 65584(d) for the following reasons, which will be explained in greater detail throughout the body of this appeal:

- The draft allocation does not increase the housing supply and mix of housing types in an equitable manner;
- The draft allocation does not promote infill development and socioeconomic equity, encourage efficient development patterns, and will result in the inability to achieve the region’s greenhouse gas reduction targets;
- The draft allocation does not promote an improved intraregional relationship between jobs and housing.

**City of Irvine Grounds for Appeal #1: Failure to Adequately Consider Information for the Methodology (Government Code Section 65584.05, subd. (b)(1)).**

1. A. Three of the four stops associated with 2045 High Quality Transit Area (HQTA) are contingent on two transportation projects NOT included in the adopted Connect SoCal Project List. The State Route 55 Bus Rapid Transit (BRT) and Interstate 5 Bus Rapid Transit (BRT) are NOT projects in either the financially constrained project list or the strategic project list. Therefore, these three station stops should NOT be included in any calculations for 2045 population within a half mile of the HQTA since they are NOT projects and inclusion of the stations stops would be inconsistent and in conflict with the adopted Connect SoCal plan. (Attachment 1: Final Project List for Connect SoCal)
- B. 2045 High Quality Transit Area (HQTA) population factor for existing need is based on conceptual stops, not fully vetted by the City of Irvine.
- C. HQTA population for 2045 was not prorated to accurately reflect the population within the half mile radius of a HQTA stop. The 2045 population for Irvine's one HQTA (Irvine Transportation Center) should be prorated to reflect the percentage of the geographic unit (Traffic Analysis Zone or Scenario Planning Zone) within the half mile radius ONLY. (Attachments 2-10)

HQTA Population for Existing Need Allocation: 1,794 units

**City of Irvine requests reduction of: 1,500 units (combination of 1.A. - 1.C.)**

1. A.
  - For several years, SCAG has developed a measure called High Quality Transit Areas (HQTAs) which are areas within a half-mile of transit stations and corridors with at least a fifteen (15) minute headway during peak hours for bus service. HQTAs are based on state statutory definitions of high-quality transit corridors (HQTCs) and major transit stops. For the development of Connect SoCal (2020 Regional Transportation Plan/Sustainable Communities Strategy), freeway-running HQTCs have been excluded from HQTAs to better reflect the level of service they provide to nearby areas. However, SCAG, in coordination with the Orange County Transportation Authority (OCTA), made the decision to include the conceptual station stops associated with these freeway-running HQTCs, even though they have not yet been studied or deemed feasible.

SCAG identified four HQTAs in the City of Irvine.

1. The Irvine Transportation Center: The Irvine Station, located in the Spectrum area of the City, is a growing transportation hub in South Orange County. As the busiest station in Orange County serving over a million commuters annually, the Irvine Transportation Center is currently served by Amtrak and Metrolink passenger rail services, as well as being a hub for express, local and rail-feeder bus services operated by the Orange County Transportation Authority (OCTA).
2. Alton Parkway BRT stop: According to information provided to City of Irvine staff in September 2019, this stop was identified by the OCTA without consultation with the City of Irvine and would be established to support the non-existent, but possible

future bus rapid transit on State Route 55. There is currently no off-ramp from SR 55 at Alton Parkway to support a station stop. The SR 55 BRT project is **NOT** included in the adopted Connect SoCal project list, either as a financially supported project or unfunded, strategic project. **As such, this HQTA should be removed from the RHNA methodology.**

3. Jeffrey Road Park and Ride BRT stop: According to information provided to City of Irvine staff in September 2019, this stop was identified by OCTA without consultation with the City of Irvine and would be established to support the non-existent, but possible future bus rapid transit on Interstate 5. The Interstate 5 BRT project is **NOT** included in the adopted Connect SoCal project list, either as a financially supported project or as an unfunded, strategic project. **As such, this HQTA should be removed from the RHNA methodology.**
  4. Spectrum Center BRT stop: According to information provided to City of Irvine staff in September 2019, this stop was identified by OCTA without consultation with the City of Irvine and would be established to support the non-existent, but possible future bus rapid transit on Interstate 5. The Interstate 5 BRT is **NOT** included in the adopted Connect SoCal project list, either as a financially supported project or as an unfunded, strategic project. **As such, this HQTA should be removed from the RHNA methodology.**
- On numerous occasions throughout the development of the RHNA methodology, the City of Irvine expressed verbal and written disagreement with the inclusion of HQTA stops associated with Bus Rapid Transit (BRT) routes that are hypothetical and in the earliest of planning stages. At the time the methodology was developed, the Orange County Transportation Authority (OCTA) had not vetted the proposed BRT station stops along the Interstate 5 corridor with the City of Irvine and the BRT station stop along State Route 55 had been introduced with concern expressed by City of Irvine staff. The HQTA stops at Alton Parkway, the Jeffrey Road Park and Ride, and Spectrum Center were provided to SCAG staff by OCTA without consultation with the City of Irvine.

The City disagrees with and disputes the use of a BRT route and proposed station stops that are not only conceptual at this time, but may also be infeasible, in the methodology for the RHNA. As stated above, neither the SR 55 BRT project nor the Interstate 5 BRT project are listed as a project for Orange County in the Connect SoCal project list adopted by the Regional Council on September 3, 2020. Inclusion of the three station stops associated with these two projects is inconsistent and in conflict with the Connect SoCal plan.

1. B.
  - Even if the SR 55 BRT and Interstate 5 BRT routes were included in the adopted Connect SoCal plan, the stops were never vetted or discussed with the City of Irvine prior to their incorporation into the RHNA methodology. Constraints associated with the three BRT related station stops are outlined below:

- a. State Route 55 BRT: OCTA has conceptually proposed the incorporation of Direct Access Ramps (DAR) as part of the future Alton Parkway Overcrossing project to accommodate a BRT stop in the Irvine Business Complex (IBC). The Alton Parkway Overcrossing project is led by the City of Santa Ana, with 50 percent of construction funding to come from City of Irvine. The Alton Parkway Overcrossing has been designed but does not have adequate funding for construction, and may not for quite some time. This funding shortfall is exacerbated particularly in light of the change of circumstances associated with the COVID-19 pandemic. In addition, the inclusion of this DAR is inaccurate because it is not a part of the project, has not been demonstrated to be geometrically feasible, and has no identified funding. Furthermore, the BRT and proposed station stop in the vicinity of Alton Parkway would primarily support non-residential uses in the IBC, such as Edwards Lifesciences, one of the City's largest employers. The half mile radius around the Alton Parkway station stop is not zoned and will not be zoned to support a residential population given that it is within the flight path of John Wayne Airport (JWA). In general, residential development is not considered an acceptable use within the 65 CNEL noise contour, within certain safety zones for approaching/departing flight paths, and similar limits to residential use tied to federal restrictions under an active (here, very active) flight path and airport. Additional height restrictions also vary depending on project location. Any future residential project within a half mile radius of the proposed stop would be found inconsistent with the Airport Environs Land Use Plan for JWA and would result in safety and noise concerns for the future residents. According to the Final OC Transit Vision Report (January 2018), the proposed BRT stop at Alton Parkway is considered to have a relatively low BRT stop score.
- b. Interstate 5 BRT Stop - Existing Jeffrey Park and Ride: OCTA has proposed a BRT stop at the existing Caltrans park and ride adjacent to the I-5 at Jeffrey Road on/off-ramps. The park and ride would not support future residential development as it is surrounded by the under construction Innovation Office Park, Interstate 5, and an existing utility corridor that will feature the extension of the Jeffrey Open Space Trail (JOST). Two neighborhood commercial centers are located on the north side of Jeffrey Road, but these commercial centers are part of *no* plan to be converted to residential use. According to the Final OC Transit Vision Report, the proposed BRT stop at the Jeffrey Park and Ride is considered to have a relatively low BRT stop score.
- c. Interstate 5 BRT Stop - Spectrum Center: The Irvine Spectrum Center BRT stop is highly conceptual and an exact location is not known and has not been provided to the City of Irvine at any time during the development of the RHNA methodology. Existing residential population is limited in this area and no new residential growth is expected. According to the Final OC Transit Vision Report, the proposed BRT stop at the Spectrum Center is considered to have a relatively low BRT stop score. As noted below in detail, there was a failure to have the 2045 population prorated to reflect what percentage of a TAZ or SPZ was included in the half mile radius of the conceptual HQTA stop.

## 1. C.

- After researching the 2045 population growth forecast utilized for the existing need calculation, it appears that SCAG did not prorate the population of the land that is actually located within a half mile of the HQTAs. The City of Irvine has conducted a review of the Traffic Analysis Zones (TAZ) located within a half mile of the HQTAs stops included by SCAG staff in the methodology, and, without prorating, the population is equal to the one used in the RHNA methodology. In many cases, only a very small percentage of the land within a TAZ or even a Scenario Planning Zone (SPZ), if that was the level of geography utilized, is within that half mile radius of the HQTAs. Yet, the *entire* 2045 estimated population for that geographic unit is included in the calculation, and this is most notable in the areas around the Irvine Transportation Center (ITC) and the conceptual Spectrum HQTAs. Regrettably, there was a lack of transparency in the methodology, as jurisdictions are not able to access ALL the input data because it is not clearly traceable in models, and there are multiple formulas and models that need to be run to determine all of this.
  - Irvine Transportation Center: As noted above, the Irvine Transportation Center is the only HQTAs stop that exists in the City of Irvine today and is the ONLY HQTAs stop projected for the year 2045 (according to the adopted Connect SoCal Project List). It is currently served by Amtrak and Metrolink passenger rail services, as well as being a hub for express, local and rail-feeder bus services operated by OCTA. Based on review of the 2045 population data included in the RHNA methodology background information, the 2045 population was NOT prorated to reflect the actual percentage of the TAZ or SPZ located within the a half mile of the ITC. SCAG must prorate the 2045 population to accurately reflect the percentage of population that will be located within a half mile of the ITC.
  - The City of Irvine estimates approximately 15% of TAZ 1223, the only TAZ projected to have residential population, is within ½ mile radius of the ITC. Therefore, only 15% of the projected 7,456 population should be included in the calculation for Irvine’s HQTAs share of existing need.
- In conclusion, the City of Irvine has identified three areas of inconsistency and concern with the HQTAs component of the existing need calculation. Due to the complexity of the RHNA estimator tool, and because it is impossible for a jurisdiction to determine whether the impact of the requested corrections to the HQTAs component is accurate, the City of Irvine is estimating the HQTAs component of the existing need should be reduced by approximately 1,500 units. At a minimum, SCAG should recalculate the 2045 population within an HQTAs for the City of Irvine to exclude any 2045 population associated with the Alton Parkway HQTAs, the Jeffery Road Park and Ride HQTAs, and the Spectrum Center HQTAs; and
- Prorate the 2045 population associated with the Irvine Transportation Center HQTAs to accurately reflect the percentage of the population located within a half mile of the HQTAs stop.

## 2. Residual Allocation Redistribution due to Disadvantaged Community component of the RHNA Methodology

Net residual factor for existing need: 5,294

**City of Irvine requests reduction by 2,759**

According to the approved RHNA methodology, two factors were included in the determination of a jurisdiction's existing need. For extremely disadvantaged communities (hereafter "DACs") the residual need was identified. The residual need is defined as total housing need in excess of household growth between 2020 and 2045. DACs are jurisdictions with more than half of the population living in high segregation and poverty or low resource areas as defined by the California Tax Credit Allocation Committee (TCAC)/ HCD Opportunity Index Scores. According to the methodology for the 2020 TCAC/HCD Opportunity Index Scores and Map (June 2020), "the opportunity mapping is a way to measure and visualize place-based characteristics linked to critical life outcomes. Opportunity maps can be used to inform how to target investments and policies in a way that is conscious of the independent and inter-related effects that research has shown places on economic, educational, and health outcomes." However, "Opportunity mapping also has limitations. For example, maps' accuracy is dependent on the accuracy of the data behind them. Data may be derived from self-reported surveys of subsets of the area's population and sometimes may not be recorded or reliable in some areas. Further, even the most recent publicly available datasets typically lag by two years, meaning they may not adequately capture conditions in areas undergoing rapid change." The TCAC/HCD Opportunity Maps and corresponding Opportunity Index Scores are designed to identify high-opportunity areas for the investment of private capital into the development of affordable rental housing for low income Californians. It is not the purpose of the TCAC/HCD Opportunity Index Scores to identify disadvantaged communities (DACs) for the purposes of calculating the RHNA.

- The residual existing need was then reallocated by Orange County to non-DAC jurisdictions within the same county based on the formula (50% transit accessibility and 50% job accessibility). The redistribution of the DAC residual at the county level was not vetted at the RHNA Subcommittee or the CEHD and was introduced days before the vote at the Regional Council. Had the DAC residual been redistributed at the SCAG regional level, the impact would not have been as significant to non-DAC jurisdictions within the county. There are five jurisdictions in Orange County that qualify for the DAC protection of the 2020-2045 household growth (Anaheim, La Habra, Orange, Santa Ana, and Stanton), resulting in 44,452 units that are redistributed to non-DAC Orange County jurisdictions. Over 23,000 of these units are redistributed from a single jurisdiction, the City of Santa Ana. The City of Irvine receives a total of 5,294 units from the five Orange County DACs. The City of Irvine receives 52 percent of its net residual factor for existing need from the City of Santa Ana (2,759 units). The City of Irvine requests the net residual factor for existing need be reduced by 2,759 units based on the information outlined below.



- Utilizing the RHNA methodology approved by the SCAG Regional Council, the City of Santa Ana would have received an allocation of 26,255 units. However, SCAG added an exception for jurisdictions that are considered a disadvantaged community (DAC) utilizing information from the TCAC.
- The City of Santa Ana's RHNA allocation of 3,087 housing units is being capped to the household growth between 2020 and 2045 per the adopted RHNA methodology.
- The remaining 23,168 units (the residual) are being redistributed to other non-DAC Orange County jurisdictions. The DAC redistribution to the county of origin was added to the methodology days before the adoption by the Regional Council. The impact of the DAC redistribution on jurisdictions within the county of origin was not adequately vetted by jurisdictions and the true impact of the methodology were not realized until after the plan was adopted by the Regional Council. According to the November 7, 2019 Regional Council report for the RHNA methodology (page 56), SCAG staff states: "Staff was also asked by several members of the Regional Council to analyze for Board consideration the merits of the staff recommendation versus a substitute motion that was defeated in a 4-3 vote during the October 7, 2019, RHNA Subcommittee." It should be noted that the substitute motion that was proposed by Subcommittee Member Rusty Bailey on October 7, 2019 did NOT contain any component even remotely close to the DAC residual; it simply asked for the elimination of the household growth component (local input) between 2030 and 2045.
- This alternative methodology from Member Bailey was not considered at the October 17, 2019 Community, Economic and Human Development (CEHD) meeting where the CEHD unanimously approved the original methodology recommended by the RHNA Subcommittee. If this component of the final November 7, 2019 methodology had been known, the City of Irvine would have raised the concern with the outdated growth forecast for the City of Santa Ana at that time.
- SCAG staff received a copy of the letter from Member Bailey proposing an alternative methodology on November 1, 2019 and ultimately, this became the proposed SCAG staff RHNA methodology. The City of Irvine still expresses concern with the quick turn around and analysis of Member Bailey's methodology, which was outlined in the Regional Council staff report released for public review on the day SCAG received the letter from Member Bailey. From the November 7, 2019 Regional Council agenda: "the RHNA methodology considers many factors across the complex regional geography of Southern California, and as such, **changes to a single factor may have unintended consequences that should be considered and addressed.** However to be responsive to the request **and for discussion purposes**, staff conducted preliminary analysis of the defeated motion (Bailey substitute motion from RHNA Subcommittee). In conducting the analysis, staff modified the Recommended Draft Methodology as follows to reflect the desire to eliminate the use of Household Growth between 2030 and 2045:
  - The Existing Needs allocation factors were changed to only rely on "transit accessibility" and "jobs accessibility" factors (for the year 2045) with 50% of existing need assigned to each. The share of existing need allocated based Household Growth between 2030 and 2045 was eliminated.

- The cap on RHNA allocation to a jurisdiction’s 2045 Household Growth was eliminated for all jurisdictions except those in Disadvantaged Communities (DACs). Caps were retained in DACs and assigned within county as a measure to guard against gentrification in job and transit-accessible disadvantaged areas per HCD requirements. Removing caps reduces the impact of the “residual” redistribution to approximately 7 percent of total regional housing need, compared to 12 percent in the Recommended Draft Methodology.”
- Had this component been introduced at ANY of the previous RHNA Subcommittee meetings related to the development of the methodology or the CEHD meeting of October 17, 2019, the City of Irvine and other impacted jurisdictions would have raised their concern with the outdated growth forecast for the City of Santa Ana and would have insisted that updated information be provided based on the information Santa Ana had provided adjacent jurisdictions through interagency review.
- Furthermore, the RHNA estimator calculator was not posted until November 19, 2019, well after the adoption of the RHNA methodology. With no Regional Council meetings scheduled for the remainder of the 2019 calendar year, the first opportunity for jurisdictions to express their concerns with the DAC residual redistribution or discuss an issue with the outdated growth forecast information utilized to cap the RHNA allocation for the DACs was February 6, 2020. Again, the City of Irvine vehemently emphasizes that, *IF* the City of Irvine (and other cities) had been made aware of the DAC residual redistribution component added to the RHNA methodology at the last moment and immediately prior to the November 7, 2019 Regional Council meeting, public comments on this matter would have been made verbally and in writing to all decision making committees.
- The projected household growth for the City of Santa Ana is outdated and does not reflect the reality of projects under construction, approved, or currently under review. According to the City of Santa Ana project website, there are over 10,000 units under construction, approved, or currently under review that will be completed during the 6<sup>th</sup> Cycle RHNA timeframe. (Attachments 11-12)
- This does not include the additional units that would be permitted when the City’s General Plan is adopted. According to the City of Santa Ana General Plan Environmental Impact Report, the “No Project/Existing General Plan” results in the potential for more than 18,000 units than the growth projections in the adopted Connect SoCal (2020 RTP/SCS. The proposed General Plan Update would result in the potential for 31,515 more units than the “2020 RTP/SCS Consistency Alternative”. The General Plan Update is tentatively scheduled for review by the Santa Ana Planning Commission in October 2020 and the City Council in November 2020.
- The City of Irvine recommends the City of Santa Ana’s RHNA should be updated to reflect the total number of units identified on the City’s website. A comprehensive list of projects that should be included in the revised growth forecast is attached. The residual should be readjusted to reflect the revised RHNA.
- Within Orange County, the City of Santa Ana has the second highest share of the region’s job accessibility in Orange County and the highest share of the region’s HQT population in Orange County.

- Failing to update Santa Ana’s RHNA allocation to reflect the units that are being constructed, approved or nearing approval within Santa Ana, prior to redistributing the residual units to other jurisdictions that have significantly lower shares of the region’s HQTAs and job accessibility population, is contrary to many of the preferred policies of the state, the California Air Resources Board, HCD, and the recently approved Connect SoCal (2020 RTP/SCS). Specifically, the redistribution is in conflict with the following:
  - As it relates to the adopted Connect SoCal plan, this includes focusing growth near destinations and existing transit options, promoting diverse housing choices, reducing vehicle miles travelled, and reducing greenhouse gas emission reductions. SCAG’s Growth Vision: “aims to increase mobility options and reduce the need for residents to drive by locating housing, jobs and transit closer together. To help the region achieve sustainable outcomes, Connect SoCal’s Forecasted Development Pattern focuses within jurisdictions near destinations and mobility options, in line with the policies and strategies of the Growth Vision.”<sup>1</sup> SCAG’s forecasted development pattern for the SCS relies on new housing development to be focused in “priority growth areas” and to avoid housing developments in areas with “growth constraints.”<sup>2</sup> The redistribution of growth from the City of Santa Ana to other jurisdictions within Orange County that may not have a “priority growth area”, transit, or be near jobs is in conflict with and contradicts the SCAG Growth Vision.
  - Senate Bill 375 (Chapter 728, Statutes of 2008): Requires SCAG to prepare and adopt a sustainable communities strategy that sets forth a forecasted regional development pattern which, when integrated with the transportation network, measures and policies, will reduce greenhouse gas emissions from automobiles and light-duty trucks.

**City of Irvine Grounds for Appeal #2: Failure to Determine the City of Irvine’s Share of the Regional Need in Accordance with Information Described in, and Methodology Established, in a Manner that Furthers and Does Not Undermine the Intent of the Objectives in Section 65584(d) (Government Code Section 65584.05, subd. (b)(2)).**

SCAG failed to consider information submitted by the local jurisdiction relating to certain local factors outlined in Government Code Section 65584.04, subdivision (e), and information submitted by the local jurisdiction relating to affirmatively furthering fair housing (AFFH) pursuant to Government Code Section 65584.04, subdivision (b)(2) and 65584, subdivision (d)(5), as described below.

**City of Irvine requests reduction of 1,500 units**

The information submitted by the local jurisdictions relating to certain local factors outlined in Government Code Section 65584.04, subdivision (e), and information submitted by the local jurisdictions relating to affirmatively furthering fair housing pursuant to Government Code Sections 65584.04, subdivision (b)(2) and 65584, subdivision (d)(5), were utilized on the projected need portion of the methodology, but were NOT applied to the existing need. It is important to note that SCAG only

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<sup>1</sup> Connect SoCal, Sustainable Communities Strategy Technical Report, Page 28

<sup>2</sup> Connect SoCal, Sustainable Communities Strategy Technical Report, Page 17-19

applied these absolute and variable growth constraints to the projected need portion of the RHNA (approximately 1/3 of the total RHNA). SCAG has attempted to focus the remaining approximately 2/3 of the total RHNA into priority growth areas, but completely ignored the sustainable community strategy (SCS) growth constraints for approximately 836,000 RHNA housing units. This is in direct conflict with Government Code Section 65080, subdivision (b)(2)(B) and Government Code Section 65584.04, subdivision (m), which require that Connect SoCal and RHNA be consistent with one another.

a. *Each jurisdiction's existing and projected jobs and housing relationship.*

The City of Irvine has always strived to be a complete community that offers the opportunity to live, work, and play in the same jurisdiction. The City of Irvine has two major job centers, the Irvine Business Complex (IBC) and the Irvine Spectrum, which are regional in nature and are situated on the city border with other Orange County jurisdictions. An employee working in the IBC may decide to live in Newport Beach, Costa Mesa, or Santa Ana because it is closer to the employment center than living in Portola Springs or Orchard Hills in more distant areas that are nonetheless still within the City of Irvine, thus reducing vehicle miles travelled and greenhouse gas emissions. Employees working in Irvine are encouraged to live within the city they work in, but it is not requirement and it shouldn't be dictated by the State or SCAG. In fact, living in an adjacent jurisdiction to the employment center may result in a shorter commute, possibly providing the employee an opportunity to walk or bike to work. Additionally, if the City is required to find adequate sites for both the aggregate total of the RHNA allocation and the various income levels, the employment centers may need to be rezoned. These job losses would negatively impact Irvine's jobs and housing relationship.

b. *The opportunities and constraints to development of additional housing in each jurisdiction, including the following:*

*Legal Criteria: Lack of capacity for sewer or water service due to federal or state laws, regulations or regulatory actions, or supply distribution decision made by a sewer or water service provider other than the local jurisdiction that preclude the jurisdiction from providing necessary infrastructure for additional development during the planning period; and The availability of land suitable for urban development or for conversion to residential use, the availability of underutilized land, and opportunities for infill development and increased residential densities.*

- City's Reasons for Failing to Meet this Legal Criteria: The majority of land suitable for urban development in the City of Irvine is entitled through development agreements that allow units to be constructed in phases. In addition, nearly all planning areas have met the maximum number of units and there is no vacant land available. Nearly all the residential units in Irvine are less than 50 years old, with the majority of these units constructed since the mid-1990s. Out of the 114,093 units, 59,031 units have been built from 2000-present. The housing stock is new and would not be available for redevelopment or repurposing. The neighborhoods are primarily single family neighborhoods that will not be redeveloped. Furthermore, the City of Irvine has areas identified as Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP), which areas are protected and not suitable or permitted for urban development.
- The City does not have the ability to modify development agreements that are legal documents without the participation of the land owner;

- Legal Criteria: *Lands preserved or protected from urban development under existing federal or state programs, or both, designed to protect open space, farmland, environmental habitats, and natural resources on a long-term basis, including land zoned or designated for agricultural protection or preservation that is subject to a local ballot measure that was approved by the voters that a jurisdiction that prohibits or restricts conversion of non-agricultural uses.*
- City's Reasons for Failing to Meet this Legal Criteria: In the mid-1990s, the City of Irvine joined the regional Natural Community Conservation Plan (NCCP). The NCCP created a regional network of land reserves to protect entire communities of native plants and animals, while allowing development to move forward in other areas. The majority of the NCCP lands are also identified in the Habitat Conservation Plan (HCP) that is the mechanism by which the Federal government permitted the City of Irvine land use and conservation program. In addition, the City of Irvine has identified additional areas of locally preserved open space under the City of Irvine Open Space Initiative that permanently protects specific areas from development.

Specifically, on June 7, 1988, in the General Municipal Election, Irvine voters overwhelming approved Initiative Resolution 88-1, titled "An Initiative Resolution of the City of Irvine Directing the Amendment of the Conservation and Open Space Element and the Land Use Element of the Irvine General Plan." The Open Space Initiative reflected the following principal objectives:

- To consolidate important conservation and open space areas into large contiguous areas that may be integrated into local and regional open space areas;
- To establish a network of open space spines, linking the consolidated conservation and open space areas; and
- To assure the preservation of conservation and open space areas through a phased dedicating and compensating development opportunities program, acceptable to the City and owner of the land involved, which transfers development opportunities from conservation and open space areas and consolidates them in appropriate development areas.

It was further outlined in the Memorandum of Understanding Implementing Initiative Resolution 88-1 between the City of Irvine and the Irvine Company, whereby the Irvine Company agreed to convey to the City open space lands – in the form of Preservation Areas – in exchange for development rights in other areas of Irvine. These Preservation Areas that comprise the Irvine Open Space Preserve are dedicated to the City in perpetuity as protected open space. The deeds include language that restricts the use of the land solely for infrastructure, resource conservation, habitat enhancement and passive recreation purposes such as hiking. In other words, these lands cannot ever be sold, leased or used for any commercial, office, industrial, or residential purposes.

- Legal Criteria: *County policies to preserve prime agricultural land, as defined pursuant to Government Code Section 56064, within an unincorporated area, and land within an unincorporated area zoned or designated for agricultural protection or preservation that*

*is subject to a local ballot measure that was approved by the voters of that jurisdiction that prohibits or restricts its conversion to non-agricultural uses.*

- City's Reasons for Failing to Meet this Legal Criteria: The City of Irvine General Plan Conservation and Open Space Element includes Objective L-10 that encourages the maintenance of agriculture in undeveloped areas of the City until the time of development and in areas not available for development.
- c. *The distribution of household growth assumed for purposes of a comparable period of regional transportation plans and opportunities to maximize the use of public transportation and existing transportation infrastructure.*

The growth forecast for the City of Irvine included in the adopted 2020 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), known as Connect SoCal, is inconsistent with the City's existing General Plan and Zoning Code. However, the RHNA allocation deviates from local input and greatly exceeds the existing General Plan and Zoning Code. Accommodating the RHNA allocation for all income levels will create a significant impact on the jurisdiction. This will place a tremendous strain on the existing transportation infrastructure. There is limited existing or future plans for public transportation in the City of Irvine as the County transportation committee (OCTA) has reduced or eliminated public transit throughout much of Irvine and south Orange County.

- d. *The rate of overcrowding.*

Although the 2018 Department of Finance figures show an average of 3.1 persons per household in Irvine, the City does not track the number of occupants per dwelling unit. The City is concerned that the definition of "overcrowding" has not been clearly established. Therefore any jurisdictional responses to this question would not be an accurate comparison. The City recommends that SCAG determine a consistent and perhaps more appropriate definition of overcrowding rather than using the US Census definition of one person per room. The current Census definition would determine that a married couple in a studio apartment would be overcrowded or that a family of six would be overcrowded if living in a three-bedroom home. Census does not take into consideration multi-generational housing, which is a growing trend in the City. None of these extreme examples would constitute overcrowding except under the current Census definition.

- e. *The housing needs generated by the presence of a private university or a campus of the California State University or the University of California within any member jurisdiction.*

The City of Irvine is home to Irvine Valley College, Concordia University, and the University of California, Irvine. Irvine Valley College is a two-year public community college and is part of the South Orange County Community College District. Prior to March 2020, the majority of the students attending Irvine Valley College lived locally and commuted to class. Concordia University is a private four year university with a total student population of 4,123 (1,334 undergraduate). Concordia currently has 256 dormitory units with 1,024 beds and another 74 dormitory units with 296 beds have been entitled through discretionary approval. The University of California, Irvine (UCI) has an approved long range development plan (LRDP) that has a maximum of 22,000 beds and over 2,000 dwelling units for faculty and staff. With all colleges and universities, the COVID-19 pandemic has required instruction to be held remotely for the remainder of the 2020 calendar year and it is unknown how long digital learning will continue into the future. It is a very realistic possibility that restrictions on the percentage of students

permitted to attend in person classes may not be lifted for years to come, dramatically impacting the number of students and faculty needing on campus or near campus housing.

- f. *The loss of units during a state of emergency that was declared by the Governor pursuant to the California Emergency Services Act (Chapter 7 (commencing with Section 8550) of Division 1 of Title 2), during the planning period immediately preceding the relevant revision pursuant to Section 65588 that have yet to be rebuilt or replaced at the time of the analysis. For purposes of these guidelines, this applies to loss of units during a state of emergency occurring since October 2013 and have not yet been rebuilt or replaced by the time of the development of the draft RHNA methodology, or November 7, 2019.*

Historically, there have been a significant number of wildfires in and surrounding the City of Irvine. The City has seen a major wildfire within or near its borders every decade since the 1980s. Fortunately, the City of Irvine has not experienced any devastation from these fires, but it serves as a constant reminder that the hillside terrain and open space that surrounds the City of Irvine makes it a constant threat to potential wildfires. (Attachment 13)

- g. *The region's greenhouse gas emissions targets provide by the State Air Resources Board pursuant to Section 65080, to be met by SCAG's Connect SoCal Plan.*

The City of Irvine has limited public transit opportunities and the conversion of office to additional residential as a way to meet the RHNA would likely increase the number of vehicle miles traveled (VMT) within the region, which could potentially conflict with AB 32 and SB 375 goals.

The City of Irvine initiated a review of the proposed RHNA allocation (required site inventory to address all income levels) and the impact to the vehicle miles travelled for the City. Based on this preliminary review, the impact of the RHNA as a "project" and it would result in 19.78 VMT/capita vs. 14.88 VMT/capita (threshold) with potential need to mitigate a VMT impact amount 24.8% through mitigation strategies. The majority of the units were hypothetically located near the Irvine Transportation Center (ITC) or within the Irvine Business Complex (IBC) that is serviced by the iShuttle, Irvine's locally serving transit. Both of these areas are near the City's two large job centers, the Spectrum and the IBC and it does not take into consideration the possible reduction in nonresidential uses to accommodate the dwelling units. The detailed report is included as Attachment 14.

Furthermore, the California Air Resources Board (CARB) has established goals of reducing GHGs in the SCAG region by 19% by 2035 beginning October 1, 2018. Previously, the targets were to reduce GHGs by 13% by 2035. This 6% target reduction increase could potentially limit housing production within the City as these target adjustments result in increased housing production costs. Specifically, according to the local Building Industry Association (BIA), the cost to construct high density, multifamily residential on developed land in Orange County and Los Angeles County is extremely costly and may result in limited to no housing production. The principle is supported by several sections of the state's RHNA methodology process (such as Government Code Sections 65584, subd. (a)(3), 65584, subd. (d)(2), and 65584, subd. (d)(3).)

- h. *Information based upon the issues, strategies, and actions that are included, as available in an Analysis of Impediments to Fair Housing Choice or an Assessment of Fair Housing completed by*

*any city or county or the California Department of Housing and Community Development, and in housing elements.*

The City of Irvine identified several other factors in the RHNA Local Planning Factor Survey submitted in April 2019 that limit residential development. Areas of the Great Park Neighborhoods will be developed, but are limited to non-residential development due to soil contamination that has not been cleaned to residential standards. For residential to be possible, extensive remediation would be required. Remediation plans can be cost-prohibitive in worst case scenarios, but often add significant cost to housing development in most cases. Additionally, there are other areas within the City such as Rancho San Joaquin that have limitations on what portions of the site could be converted to residential due to active methane gas emissions from a previous landfill site.

The City of Irvine recommends that SCAG consider other planning factors such as potential impacts from natural disasters (i.e., earthquakes, fires, floods, liquefaction, landslides, dam inundation, etc.) History of natural disasters or recent fire events should also be taken into consideration.

*i. Information not considered: Achievability*

Per California State Law, the City of Irvine must prepare a housing element update that identifies adequate sites for both the aggregate RHNA allocation AND each of the income level categories (Assembly Bill 1397; Chapter 375, Statutes 2017). In addition, the City must also allocate additional units to ensure that there is no net loss per Senate Bill 166; Chapter 367, Statutes 2017). The City of Irvine received the following draft allocation:

Draft RHNA Allocation	23,554
Very Low	6,379
Low	4,225
Moderate	4,299
Above Moderate	8651

The City of Irvine has one of the most progressive inclusionary housing programs in Orange County and as a result, the City has constructed 4,608 affordable housing units, the most in Orange County. Eighty percent of the affordable units are extremely low, very low, and low. The City’s inclusionary housing program requires 15% of all units be set aside as affordable utilizing a 5%/5%/5% split for very low, low, and moderate income levels. Therefore, to meet the very low income levels using Irvine’s existing inclusionary housing program would need to identify sites for at least 127,580 units:

Total Allocation to Meet All Income Levels	127,580
Very Low	6,379
Low	6,379
Moderate	6,379
Above Moderate	108,443



As previously noted, the majority of land suitable for urban development in the City of Irvine is entitled through development agreements that allow units to be constructed in phases. In addition, nearly all planning areas have met the maximum number of units and there is no vacant land available that is not permanently protected open space. Nearly all the residential units in Irvine are less than 50 years old, with the majority of these units constructed since the mid-1990s. Out of the 114,093 units, 59,031 units have been built from 2000-present. The housing stock is new and would not be available for redevelopment or repurposing. The City incorporated in 1971 and while a number of units were constructed prior to incorporation, it has taken nearly fifty years to construct 114,093 units. The City is now being asked to more than double the existing housing inventory and find adequate sites for 127,580 new, additional units to be able to accommodate the very low income RHNA allocation. For the City to actually construct enough units to meet the RHNA allocation, Irvine would need to construct almost 16,000 units each year. Any allocation that is disproportional AND is not attainable, does not further the statutory requirements and is patently flawed.

While some argue the RHNA is a hypothetical planning exercise, it should be noted that jurisdictions are evaluated through HCD's RHNA Annual Progress Report (APR). Jurisdictions that are not meeting their RHNA goal for construction of affordable housing are subject to streamlined housing approvals for certain housing projects under Senate Bill 35 (Chapter 366, Statutes 2017).

Additionally, if the City of Irvine is unable to identify adequate sites to meet both the total need and the need by each income category, the City will not be able to have a certified Housing Element. If the City is unable to have a certified Housing Element, we will be ineligible to receive Senate Bill 2 Permanent Local Housing Allocation funding in the amount of approximately \$4.5 million over a five year period.

**City of Irvine Appeal Grounds for Appeal #3: A Significant and Unforeseen Change in Circumstances Has Occurred that Merits a Revision of the Information Submitted for the Methodology (Government Code Section 65584.05, subd. (b)(3)).**

A significant and unforeseen change in circumstances has occurred in the City after April 30, 2019 that merits a revision of the information previously submitted by the local jurisdiction.

- **The City of Irvine is requesting a reduction of 2,500 units.** In March 2020, the Southern California region came to a halt due to the COVID-19 pandemic. Seven months later, the majority of the counties in the SCAG region are in the purple tier or widespread category where many of the non-essential indoor business operations are closed. Orange County recently moved into the red tier or substantial category where some non-essential indoor business operations are closed. The California Department of Public Health (CDPH) requires working remotely in the red tier and continues to encourage teleworking in the orange tier (moderate) and yellow tier (minimal). What these unprecedented times have demonstrated is that telecommuting can be a viable, flexible work option. The interest in working remotely is not going to end once the pandemic is behind us, and while the long term impacts of the COVID-19 pandemic will not be known immediately, there are indications that the pandemic will have long term

impacts on how work will be reimagined. On October 13, 2020, the City of Irvine unanimously approved a Resolution encouraging long-term telecommuting, where possible, for the City and its businesses. This is an opportunity to proactively make adjustments that benefit the City's residents (less traffic, improved air quality), employees (increased productivity, higher employee satisfaction), businesses (reduced operational costs, improved recruitment and retention) and our environment (reduced greenhouse gas emissions, reduced fuel usage).

- According to an article published in the Orange County Register on September 16, 2020, Los Angeles-Orange County's joblessness rate of 16.8% is the highest in the United States. Major corporations are rethinking how they will do business and there have been articles written about Google and REI. Both corporations have recently completed new campuses, but are looking to sell the campuses due to changes resulting from COVID-19. (see articles for Google and REI). The Orange County Business Council recently released the 2020-21 Orange County Community Indicators Report that included a special section on COVID-19 and the potential long term impacts. According to the report "the COVID-19 pandemic has dramatically impacted economies and workplaces at all levels, both regionally and globally. While many believed the economy would rebound into a quick recovery, continued levels of unemployment and financial distress suggest the recovery will likely take years."
- Reliance on the 2045 employment to determine the existing need in the RHNA methodology is flawed. It will be argued that the impacts of COVID-19 can be addressed in future iterations of Connect SoCal (2024 and 2028) and the 7<sup>th</sup> Cycle RHNA (2028), but the damage to a jurisdiction will be done by that point in time. Jurisdictions will have been forced into modifying their General Plans and Zoning to accommodate the unrealistic and unachievable RHNA allocations for the 6<sup>th</sup> Cycle.
- On September 28, 2020, John Wayne Airport (JWA) posted the statistics for August 2020. This is only one month of data reflecting the impact of COVID-19 on a local economy that relies on commercial aircraft operations. In August 2020, JWA served 266,986 passengers, a decrease of 71.7% when compared with the August 2019 passenger traffic count of 942,385. The loss of revenue associated with airline travel has had a tremendous impact on the operating budgets of the jurisdictions surrounding JWA. Based on information provided by the California Employment Development Department (EDD) in the Worker Adjustment Retraining Notification (WARN report), the City of Irvine has suffered a loss of 2,490 jobs from July 2020 to present. According to the WARN report, statewide job losses since March have been catastrophic:
  - July 2019: 2,720 jobs
  - August 2019: 3,927 jobs
  - September 2019: 6,825 jobs
  - October 2019: 5,119 jobs
  - November 2019: 4,483
  - December 2019: 2,343
  - January 2020: 5,949 jobs
  - February 2020: 6,016 jobs
  - March 2020: 44,922 jobs

- April 2020: 240,362 jobs
  - May 2020: 130,152 jobs
  - June 2020: 56,596 jobs
  - July 2020: 33,088 jobs
  - August 2020: 32,875 jobs
  - September 2020: 49,021 jobs
  - October 2020: 12,701 jobs
- There will be long term impacts to the local colleges and universities if complete distance learning is continued into the near future or even modified to allow a percentage of students learning on campus. The University of California, Irvine and Concordia University both offer on-site student housing for undergraduates and graduate students that might be enough to house the existing on campus student population and faculty.
  - Additionally, numerous articles have documented a shift in the desire for there to be more housing that allows residents to have open space and is less dense. Below are the links to ongoing news articles regarding the long term impacts of COVID-19.
    - <http://www.freddiemac.com/research/insight/20200227-the-housing-supply-shortage.page>
    - <https://calmatters.org/commentary/dan-walters/2020/07/california-local-housing-shortage-crisis/>
    - <https://padailypost.com/2020/04/16/economic-slowdown-is-a-new-factor-in-determining-housing-quotas/>
    - <https://www.citywatchla.com/index.php/cw/los-angeles/20136-a-powerful-lesson-from-the-pandemic-trickle-down-city-planning-does-not-work>
    - <https://www.ocregister.com/2019/12/10/can-southern-california-build-1-34-million-homes-in-a-decade/>
    - <https://uccs.ucdavis.edu/events/2020-July-15-Blumenberg>
    - [https://calmatters.org/commentary/rethinking-work-and-life-in-lessons-learned-from-covid-19/?utm\\_campaign=CHL%3A%20Daily%20Edition&utm\\_medium=email&\\_hsmi=88358094&\\_hsenc=p2ANqtz--mmjM\\_srt2o0plbA-HD570CcmAgf2UTTAX-K0guxe8Rb5OTBIGQ1YXa0xrCkoOF6xBlkRcm0iMwr79tNV2MXByD8JD7w&utm\\_content=88358094&utm\\_source=hs\\_email](https://calmatters.org/commentary/rethinking-work-and-life-in-lessons-learned-from-covid-19/?utm_campaign=CHL%3A%20Daily%20Edition&utm_medium=email&_hsmi=88358094&_hsenc=p2ANqtz--mmjM_srt2o0plbA-HD570CcmAgf2UTTAX-K0guxe8Rb5OTBIGQ1YXa0xrCkoOF6xBlkRcm0iMwr79tNV2MXByD8JD7w&utm_content=88358094&utm_source=hs_email)
    - [https://www.hostcompliance.com/sharing-econ-post-covid-planners?mkt\\_tok=eyJpIjoiTIRka09UQTVOVFEyTW1RdyIsInQiOiJvMXgrVGVEiXQ4SjFcl2UrtZ4Mms4aXFQTXNCQVh0cINSNUpdnd3F5VW1iRjVTRlI4Q0VINWwpoREVVQ1ROVEwwTUtEekFUbfIWWWTUrUUUzdndYcFN0UFFPUmRxnYt0bmR4ZTRyVjlsNjNkQ1h2ZU1UcmtWYyW1JbW9QdzjiaHhyTzAifQ%3D%3D](https://www.hostcompliance.com/sharing-econ-post-covid-planners?mkt_tok=eyJpIjoiTIRka09UQTVOVFEyTW1RdyIsInQiOiJvMXgrVGVEiXQ4SjFcl2UrtZ4Mms4aXFQTXNCQVh0cINSNUpdnd3F5VW1iRjVTRlI4Q0VINWwpoREVVQ1ROVEwwTUtEekFUbfIWWWTUrUUUzdndYcFN0UFFPUmRxnYt0bmR4ZTRyVjlsNjNkQ1h2ZU1UcmtWYyW1JbW9QdzjiaHhyTzAifQ%3D%3D)
    - <https://www.cp-dr.com/articles/cpdr-news-briefs-may-12-2020>
    - [http://www.newgeography.com/files/Policy\\_Delusion.pdf](http://www.newgeography.com/files/Policy_Delusion.pdf)
    - <https://ternercenter.berkeley.edu/news/affirmatively-furthering-fair-housing-in-california>
    - [http://www.scag.ca.gov/Documents/scag-COVID-19-Transportation\\_Impacts.pdf?utm\\_medium=email&utm\\_campaign=SCAG%20Update%20August%2012&utm\\_content=SCAG%20Update%20August%2012+CID\\_58f8861a62362ccce09f7628b1bbb022&utm\\_source=SCAG%20Campaign%20Monitor&utm\\_term=new%20study](http://www.scag.ca.gov/Documents/scag-COVID-19-Transportation_Impacts.pdf?utm_medium=email&utm_campaign=SCAG%20Update%20August%2012&utm_content=SCAG%20Update%20August%2012+CID_58f8861a62362ccce09f7628b1bbb022&utm_source=SCAG%20Campaign%20Monitor&utm_term=new%20study)
    - <https://www.forbes.com/sites/retailwire/2020/08/18/rei-sells-its-headquarters-others-should-take-notice/#70f53e273166>
    - <https://www.wsj.com/articles/rei-built-an-iconic-hq-because-of-covid-19-the-outdoor-retailer-wants-to-sell-it-11597263188https://www.msn.com/en-us/money/companies/google-abandons-plan-to-rent-dublin-office-for-2000-workers/ar-BB18NsOQ>

- <https://www.barrons.com/news/google-abandons-dublin-office-plan-for-up-to-2-000-staff-01599562531>

**City of Irvine Grounds for Appeal 4: Regional Determination of 1.34 Million Housing Units Violates State Law (Government Code Section 65584.01, subd. (a)).**

- State housing law is very clear on how to calculate the regional determination. “If the total regional population forecast for the projection year, developed by the council of governments and used for the preparation of the regional transportation plan, is within a range of 1.5 percent of the total regional population forecast for the projection year by the Department of Finance, then the population forecast, then the population forecast developed by the council of governments shall be the basis from which the department determines the existing and projected need for housing in the region...”
- SCAG regional population forecast for its Regional Transportation Plan (RTP) differs from the Department of Finance (DOF) projection by **1.32%** which falls within the statutory range of 1.5% outlined in state law. Therefore, by statute, the regional determination should be based on SCAG’s population projections.
- However, HCD cites two reasons for not using SCAG’s total regional population forecast:
  1. The total household projection from SCAG is 1.96% lower than DOF’s household projection.
  2. The age cohort of under 15-year old persons from SCAG’s population projections differ from DOF’s projections by 15.8%
- The City of Irvine responds, however, that HCD’s interpretation is incorrect for the following two reasons:
  1. The law clearly states that the 1.5% range is based on the total regional **population** forecast not the regional **household** projection forecast.
  2. The law clearly states that the 1.5% range is based on the **total** regional population forecast and not on **age-cohort** population forecasts.
- While state housing law provides a significant level of discretion to HCD over many of the factors used for the regional determination (*e.g.*, vacancy adjustments, overcrowding rates, replacement adjustments, cost-burdened adjustments), there is no discretion granted HCD on this numeric issue. Therefore, while the City of Irvine supported the arguments SCAG outlined in its September 18, 2019 objections letter, the City also recognizes that state law grants HCD the final determination for those factors. Notwithstanding, had HCD adhered to Section 65584.01, subdivision (a) as clearly stated, the City estimates that the regional determination should have been approximately 133,000 housing units lower, or no more than approximately 1.2 million housing units.
- Among the other factors used by HCD to establish the regional determination, the City contends that HCD incorrectly applied the vacancy rate for the SCAG region and double-counted a significant number of units needed to accommodate overcrowded and cost burdened households. This is the result of “Double Counting,” as described by a recent study from the Embarcadero Institute, “*Double Counting in the Latest Housing Needs Assessment*” (September 2020). The report demonstrates that the total regional housing need for the SCAG region should actually be approximately 651,000 housing units and not 1.34 million housing units. Other reputable sources, including the Freddie Mac report, “*The Housing Supply Shortage: State of the*

*States*” (February 2020), also demonstrate that HCD’s calculation of 1.34 million housing units is significantly overinflated. This new and credible data should at a minimum be explored if not incorporated into the final allocation.

- . On October 1, 2020, SCAG President Rex Richardson verbally confirmed his intent to reconvene the SCAG RHNA Litigation Study Team. To date, the SCAG RHNA Litigation Study Team has not been reconvened, but it is our hope that the President’s RHNA Litigation Study Team could deliberate on options to require State HCD to:
  1. Consider this and other new information from credible agencies;
  2. Justify how its 1.34 million housing unit determination is defensible in light of the new information and should be fittingly revised; and
  3. Justify how its 1.34 million housing unit determination is consistent with State Statute provisions.

**City of Irvine Grounds for Appeal #5: Inconsistency Between Regional Housing Needs Assessment and Sustainable Communities Strategy (Government Code Sections 65080, subd. (b)(2) and 65584, subs. (a) & (d)).**

- State law requires that SCAG, “prepare a sustainable communities strategy”, which shall, among many other things, “identify areas within the region sufficient to house an eight-year projection of the regional housing need for the region pursuant to Section 65584.” Government Code 65584 clearly establishes that the eight-year projection of regional housing need includes both “existing **and** projected” housing need.
- Additionally, California housing law states that, “it is the intent of the Legislature that housing planning shall be coordinated and integrated with the regional transportation plan. To achieve this goal, the allocation plan (RHNA) shall be consistent with the development pattern included in the sustainable communities strategy.” This point is further emphasized in the law regarding RHNA appeals: “An appeal pursuant to this subdivision shall be consistent with, and not to the detriment of, the development pattern in an applicable sustainable communities strategy...”
- Previous iterations of the RTP/SCS (2008 and 2012) were amended after the adoption of the final RHNA to ensure the consistency between the RHNA and SCS.
- Beginning in October 2018, SCAG began an in-depth public review process for the 6<sup>th</sup> Cycle RHNA. In August 2019, SCAG released three RHNA methodology options for public review based on various factors discussed at the RHNA Subcommittee meetings between February and June 2019.
- Between August 1 and September 13, 2019, SCAG conducted four public hearings and received over 250 written comments. Based on the comments received, SCAG prepared a recommended RHNA methodology that met all five RHNA objectives and was consistent with the development pattern in the draft SCS.
- This RHNA methodology was recommended by the RHNA Subcommittee and unanimously supported by the CEHD Committee in October 2019.
- However, on November 7, 2019, a new RHNA methodology, which was inconsistent with the development pattern in the SCS, was introduced by Riverside Mayor Rusty Bailey and endorsed by Los Angeles Mayor Eric Garcetti and approved by a split vote of the Regional Council without any adequate public review or in depth analysis of the new methodology.

- SCAG is now attempting to fit a square peg into a round hole by claiming that the eight-year projection of the regional housing need<sup>3</sup> only applies to RHNA’s “projected need” and does not apply to RHNA’s “existing need”<sup>4</sup> despite the fact that state housing law clearly defines RHNA as “existing and projected need”<sup>5</sup>. SCAG states that “HCD identifies the ‘existing need’ as 836,857 units...”<sup>6</sup> This response is completely misleading and patently false. In fact, HCD has never differentiated between existing and projected need. A careful read of HCD’s letter<sup>7</sup> demonstrates that it was actually SCAG (not HCD) that established an “existing need” of 836,857 and that HCD was simply acknowledging that this was SCAG’s approach to the RHNA methodology. Moreover, HCD has never differentiated between existing need and projected need in any region in the state; HCD has only provided a total housing need.
- In their calculations, HCD projected a total of 6,801,760 households in the SCAG region by October 2029 (see Figure 1).<sup>8</sup> HCD added in several adjustment factors (vacancy, overcrowding, replacement, and cost burden) and subtracted the current occupied households. However, even if one were to try and differentiate projected and existing need based on this data, it is clear that at least 551,499 housing units (projected households less occupied housing units) would need to be attributed to “projected need”. The only two new factors to be considered with RHNA this cycle are overcrowding and cost burden. Therefore, if one were to differentiate existing need and projected need, the existing need would more likely be 577,422 housing units and a projected need of 764,405 housing units. In other words, SCAG’s “eight-year projection of the regional housing need” in Connect SoCal is underestimated by 259,435 housing units.

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<sup>3</sup> Government Code 65080(b)(2)(B)

<sup>4</sup> Connect SoCal, Public Participation and Consultation, Appendix 2 (Comments and Responses), Master Response No. 1: Regional Housing Needs Assessment

<sup>5</sup> Government Code 65584 et al.

<sup>6</sup> Connect SoCal, Public Participation and Consultation, Appendix 2 (Comments and Responses), Master Response No. 1: Regional Housing Needs Assessment, Page iv

<sup>7</sup> January 15, 2020 letter from HCD to SCAG regarding RHNA methodology

<sup>8</sup> October 15, 2019 letter from HCD to SCAG establishing the final regional determination of 1.34 million housing units

Figure 1: October 15, 2019 Regional Determination from HCD

SCAG: June 30, 2021-October 15, 2029 (8.3 Years) HCD Determined Population, Households, & Housing Need				
1.	<b>Population: DOF 6/30/2029 projection adjusted +3.5 months to 10/15/2029</b>			20,455,355
2.	- Group Quarters Population: DOF 6/30/2029 projection adjusted +3.5 months to 10/15/2029			-363,635
3.	<b>Household (HH) Population: October 15, 2029</b>			20,079,930
	<b>Household Formation Groups</b>	<b>HCD Adjusted DOF Projected HH Population</b>	<b>DOF HH Formation Rates</b>	<b>HCD Adjusted DOF Projected Households</b>
		20,079,930		6,801,760
	under 15 years	3,292,955	n/a	n/a
	15 – 24 years	2,735,490	6.45%	176,500
	25 – 34 years	2,526,620	32.54%	822,045
	35 – 44 years	2,460,805	44.23%	1,088,305
	45 – 54 years	2,502,190	47.16%	1,180,075
	55 – 64 years	2,399,180	50.82%	1,219,180
	65 – 74 years	2,238,605	52.54%	1,176,130
	75 – 84 years	1,379,335	57.96%	799,455
	85+	544,750	62.43%	340,070
4.	<b>Projected Households (Occupied Unit Stock)</b>			6,801,760
5.	+ Vacancy Adjustment (2.63%)			178,896
6.	+ Overcrowding Adjustment (6.76%)			459,917
7.	+ Replacement Adjustment (.50%)			34,010
8.	- Occupied Units (HHs) estimated (June 30, 2021)			-6,250,261
9.	+ Cost Burden Adjustment (Lower Income: 10.63%, Moderate and Above Moderate Income: 9.28%)			117,505
<b>6<sup>th</sup> Cycle Regional Housing Need Assessment (RHNA)</b>				<b>1,341,827</b>

- As a result, 81 jurisdictions in the SCAG region have been assigned a RHNA allocation that exceeds SCAG’s 2045 growth totals. In fact, among those jurisdictions the average percentage increase of RHNA above SCAG’s 2045 jurisdictional growth totals is 233% with some jurisdictions being assigned a RHNA over 1000% higher than SCAG’s 2045 jurisdictional growth totals.<sup>9</sup> In contrast, the other 116 jurisdictions are receiving a RHNA on average that is 42% lower than their 2045 jurisdictional growth totals. This result is not supportable under Sections 65080, subdivision (b)(2)(B) and 65584, subdivision (a) and (d).

**CONCLUSION**

The City of Irvine respectfully requests the total RHNA be reduced by 8,259 units and that SCAG modify the allocations to address the following outstanding issues:

- Grounds for Appeal #1: Methodology
  - HQTA Errors: reduction of 1,500 units
  - Residual Allocation Redistribution due to Disadvantaged Community component of the RHNA Methodology, specifically outdated growth forecast information: reduction of 2,759 units
- Grounds for Appeal #2: Local Planning Factors and Information Furthering Fair Housing (AFFH): reduction of 1,500 units
- Grounds for Appeal #3: Changed Circumstances: reduction of 2,500 units

<sup>9</sup> Nine jurisdictions were projected to have no growth by 2045 and were not included in this average percentage increase

4. Grounds for Appeal #4: Regional Determination of 1.34 Million Housing Units Violates State Law
5. Grounds for Appeal #5: Inconsistency Between Regional Housing Needs Assessment and Sustainable Communities Strategy

Finally, the City of Irvine is requesting errors in the underlying data included in the RHNA methodology and the change in circumstances associated by the global COVID-19 pandemic be addressed to ensure there is an equitable distribution of affordable units throughout the SCAG region. The City of Irvine is a model of providing affordable housing in the region and even with the requested revision will still be responsible for accommodating one the Orange County's highest RHNA allocation.

Attachments:

1. Final Project List for Connect SoCal
2. City of Irvine High Quality Transit Area (HQTA) Traffic Analysis Zone (TAZ) 2045 Population Data
3. Irvine Transportation Center HQTA ½ mile radius map
4. Irvine Transportation Center HQTA Extended TAZ map
5. Future Alton Parkway HQTA ½ mile radius map
6. Future Alton Parkway HQTA Extended TAZ map
7. Jeffrey Park and Ride HQTA ½ mile radius map
8. Jeffrey Park and Ride HQTA Extended TAZ map
9. Spectrum Center HQTA ½ mile radius map
10. Spectrum Center HQTA Extended TAZ map
11. City of Santa Ana Major Development Project Map/HQTA
12. City of Irvine Major Development Project List
13. City of Irvine Major Fire History Map
14. Preliminary VMT Analysis of Proposed RHNA Allocation
15. City of Irvine Comment on RHNA – May 6, 2019
16. City of Irvine Comment Letter on RHNA – October 4, 2019
17. City of Irvine Comment Letter on RHNA – February 20, 2020
18. Orange County Mayors' Letter on RHNA - September 18, 2020

Cc: City Council  
Marianna Marysheva, Interim City Manager  
Jeff Melching, City Attorney  
Pete Carmichael, Director of Community Development Department  
Timothy Gehrich, Deputy Director of Community Development Department  
Kerwin Lau, Manager of Planning Services  
Mark Steuer, Director of Public Works and Transportation  
Jaimee Bourgeois, Deputy Director of Transportation  
SCAG RHNA Subcommittee/RHNA Appeals Board  
Honorable Peggy Huang, Chair RHNA Subcommittee  
Honorable Wendy Bucknum, Orange County Representative RHNA Subcommittee



## 2045 City of Irvine Population for SCAG Identified High Quality Transit Areas (HQTAs) – Half Mile Radius of SCAG Identified HQTA

Irvine Transportation Center (Existing HQTA):

Irvine (ITAM) Traffic Analysis Zone (TAZ)	Orange County (OCTAM) Traffic Analysis Zone (TAZ)	Relationship to ½ mile radius of High Quality Transit Area	2045 Population <sup>1</sup> <u>Not Prorated</u>
971	1229	Population would need to be prorated	0
956	1229		0
936	1229		0
609	1229		0
975	1223	Population would need to be prorated	7,456
610	1223		-
926	1223		-
611	1223		-
947	1223		-
949	1223		-
386	1244	Population would need to be prorated	0
337	1249	Population would need to be prorated	0
339	1249		0
860	1249		0
338	1249		0
965	1261	Population would need to be prorated	0
925	1261		0
612	1261		0
613	1261		0
340	1261		0
322	1261		0
321	1261		0
343	1261		0
863	1261		0
864	1261		0
341	1264	Population would need to be prorated	0
859	1264		0
342	1264		0
920	1281	Population would need to be prorated	0

<sup>1</sup> Orange County Projections 2018

**Future Alton Parkway Exit (State Route 55) (HQTA does NOT exist, SR 55 Bus Rapid Transit NOT a project in the adopted Connect SoCal Plan)**

<b>Irvine (ITAM) Traffic Analysis Zone (TAZ)</b>	<b>Orange County (OCTAM) Traffic Analysis Zone (TAZ)</b>	<b>Relationship to ½ mile radius of High Quality Transit Area</b>	<b>2045 Population<sup>2</sup></b>
396	1161	Population would need to be prorated	0
400	1161		0
408	1161		0
413	1161		0
404	1161		0
399	1161		0
395	1160	Population would need to be prorated	0
398	1160		0
402	1160		0
407	1169	Population would need to be prorated	0
412	1169		0
418	1169		0
415	1169		0
424	1169		0
423	1169		0
691	807	City of Santa Ana	
692	807		
690	807		
689	800	City of Santa Ana	

<sup>2</sup> Orange County Projections 2018

**Jeffrey Park and Ride (Interstate 5): (HQTA does NOT exist, Interstate 5 Bus Rapid Transit NOT a project in the adopted Connect SoCal Plan)**

<b>Irvine (ITAM) Traffic Analysis Zone (TAZ)</b>	<b>Orange County (OCTAM) Traffic Analysis Zone (TAZ)</b>	<b>Relationship to ½ mile radius of High Quality Transit Area</b>	<b>2045 Population<sup>3</sup></b>
155	1200	Population would need to be prorated	0
156	1206	Population would need to be prorated	0
154	1190	Population would need to be prorated	0
824	1186	Population would need to be prorated	4,005
827	1186		-
826	1177	Population would need to be prorated	7,428
110	1177		-
109	1177		-
97	1165	Population would need to be prorated	3,544
96	1165		-
95	1165		-
98	1165		-
148	1174	Population would need to be prorated	1,991
142	1174		-
146	1174		-
149	1174		-
143	1170	Population would need to be prorated	2,808
152	1185	Population would need to be prorated	2,510
151	1185		-
150	1185		-

<sup>3</sup> Orange County Projections 2018

**Spectrum Center (Interstate 5): (HQTA does NOT exist, Interstate 5 Bus Rapid Transit NOT a project in the adopted Connect SoCal Plan)**

Irvine (ITAM) Traffic Analysis Zone (TAZ)	Orange County (OCTAM) Traffic Analysis Zone (TAZ)	Relationship to ½ mile radius of High Quality Transit Area	2045 Population <sup>4</sup>
342	1264	Population would need to be prorated	0
341	1264		0
363	1282	Population would need to be prorated	0
364	1282		0
856	1282		0
855	1282		0
358	1265	Population would need to be prorated	0
362	1265		0
359	1265		0
355	1265		0
558	1276	Population would need to be prorated	8,156
557	1276		-
349	1253	Population would need to be prorated	0
346	1253		0
338	1249	Population would need to be prorated	0
356	1262	Population would need to be prorated	5,821
354	1262		-






<b>Total 2045 Population – HQTA ½ mile radius: Orange County Projections 2018 (Not Prorated to reflect population located within the HQTA)<sup>5</sup></b>	<b>43,719</b>
<b>Total 2045 Population – HQTA ½ mile radius: SCAG RHNA Methodology Appendix Page 18<sup>6</sup></b>	<b>43,892</b>

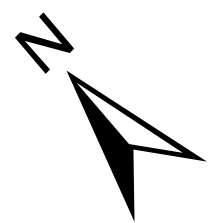
OCP-2018 and SCAG RHNA Methodology are consistent with TOTAL 2045 population of 327,664

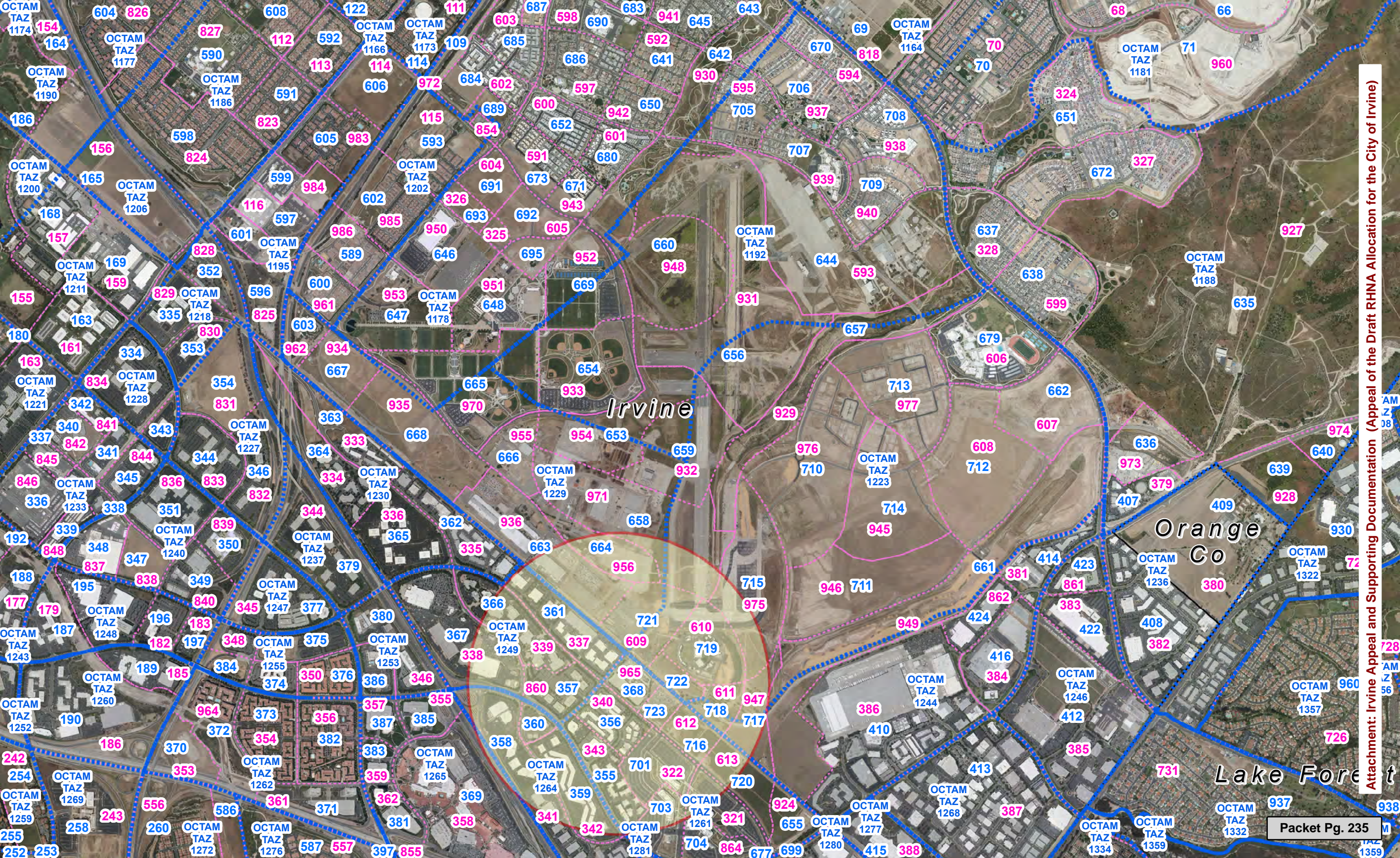
<sup>4</sup> Orange County Projections 2018

<sup>5</sup> Orange County Projections 2018

<sup>6</sup> SCAG Adopted RHNA Methodology Data Appendix

-  .5 Miles
-  Traffic Analysis Zone
-  City Boundary
-  Irvine Transportation Center
-  Public ROW





Irvine







Orange  
Co

Lake Forest

Attachment: Irvine Appeal and Supporting Documentation (Appeal of the Draft RHNA Allocation for the City of Irvine)

City of Santa Ana

City of Irvine

-  .5 Miles from Alton ROW
-  Traffic Analysis Zone
-  Alton ROW at the 55
-  City Boundary
-  Zoning
-  Public ROW

55

Alton ROW at the 55

5.1 IBC Multi-Use

TAZ 395  
49.6601  
acres

TAZ 398  
23.9502  
acres

TAZ 402  
24.4562  
acres

TAZ 396  
56.4835  
acres

TAZ 399  
33.3253  
acres

TAZ 407  
14.5784  
acres

TAZ 412  
18.4052  
acres

TAZ 418  
25.3881  
acres

TAZ 404  
25.1246  
acres

TAZ 415  
13.3709  
acres

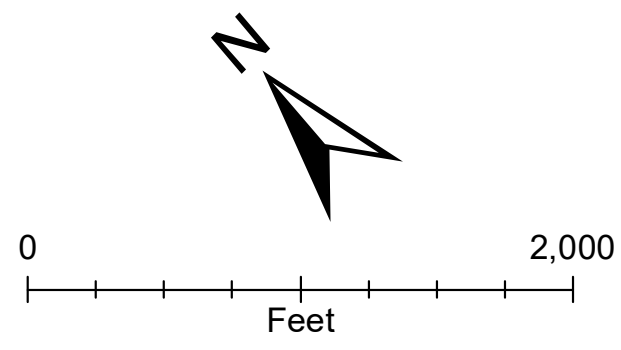
TAZ 424  
22.246  
acres

TAZ 400  
69.3034  
acres

TAZ 413  
26.5476  
acres

TAZ 423  
19.8735  
acres







TAZ 408  
41.7334  
acres

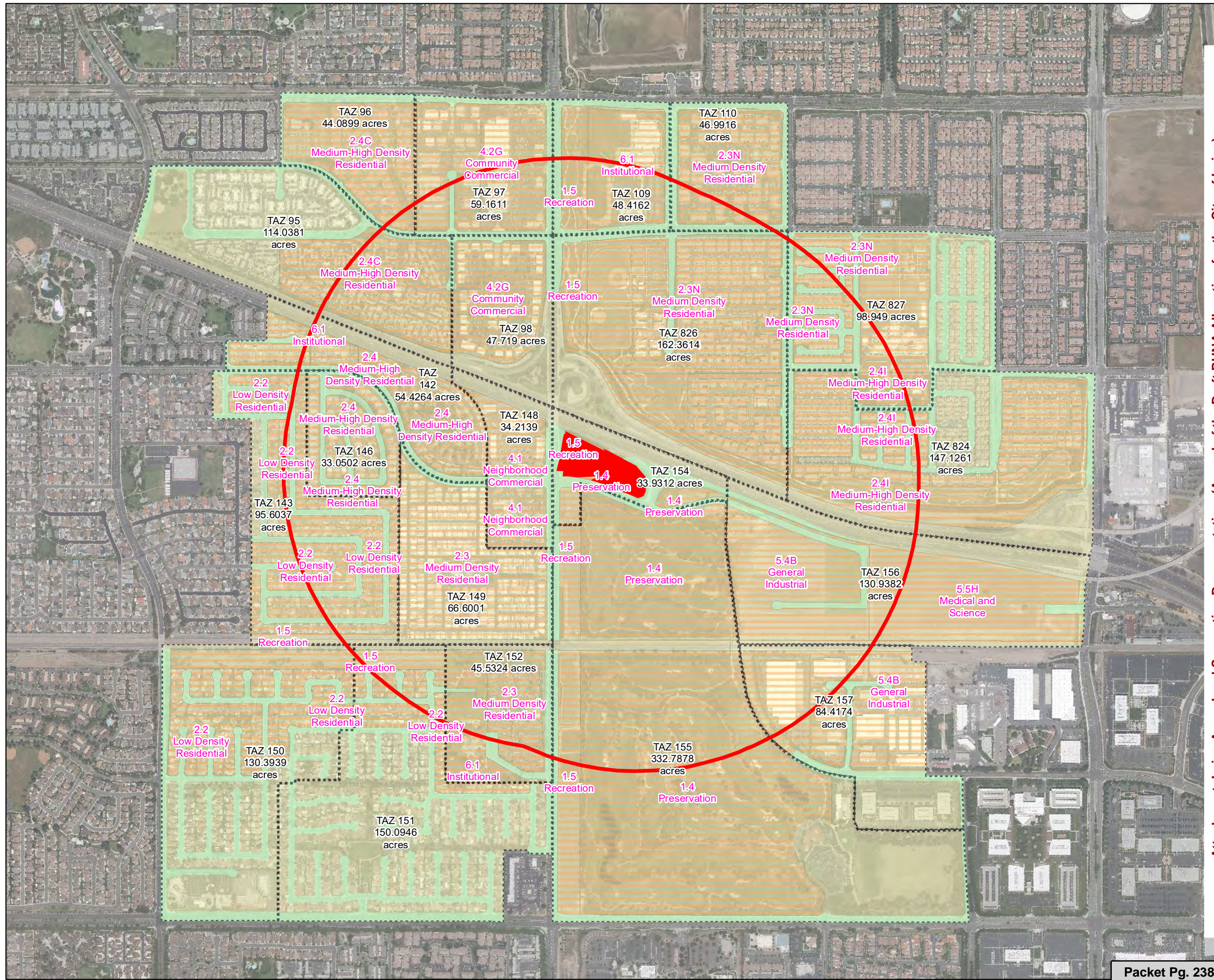
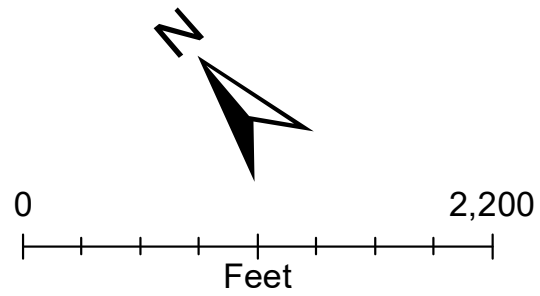


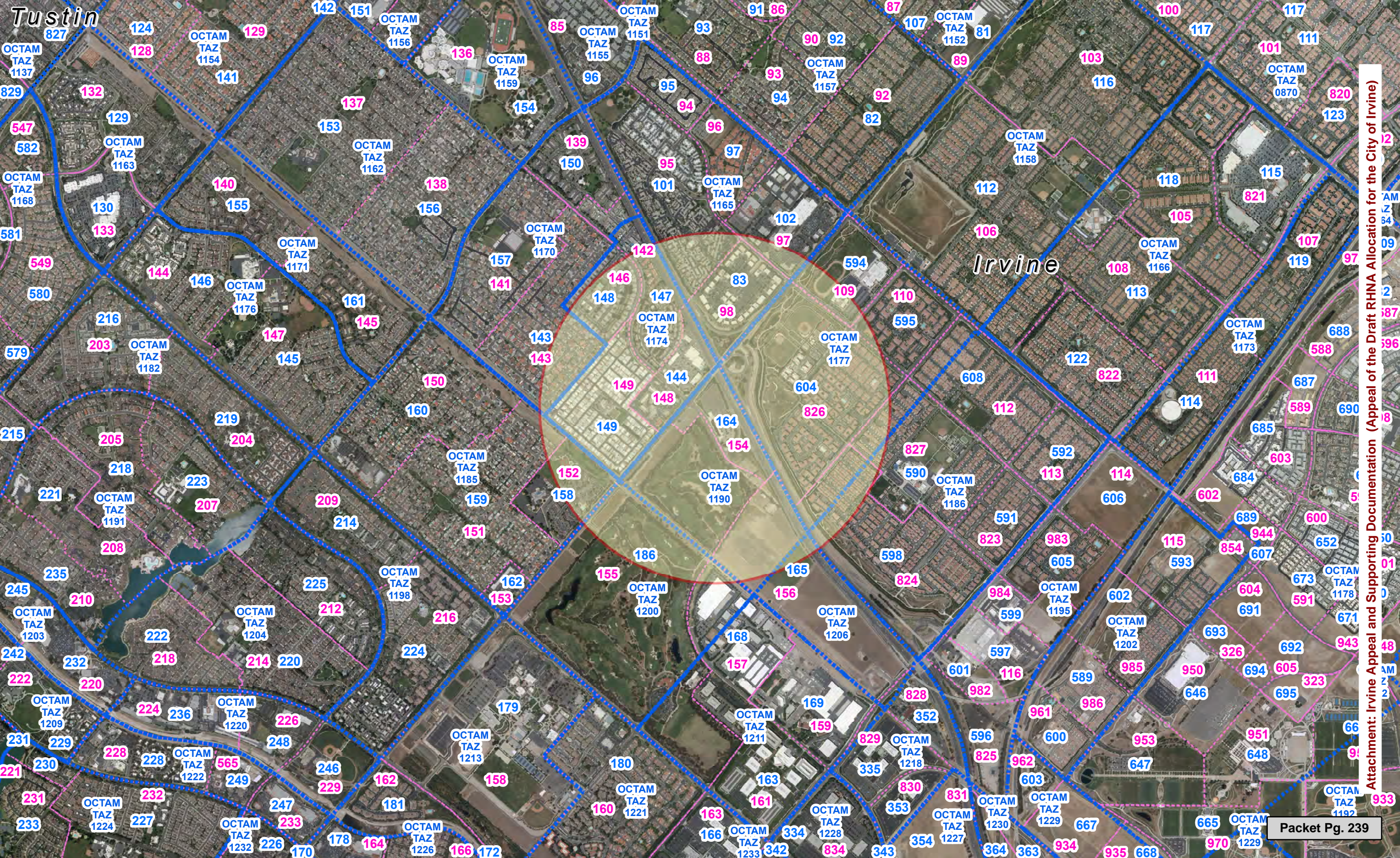
Attachment: Irvine Appeal and Supporting Documentation (Appeal of the Draft RHNA Allocation for the City of Irvine)



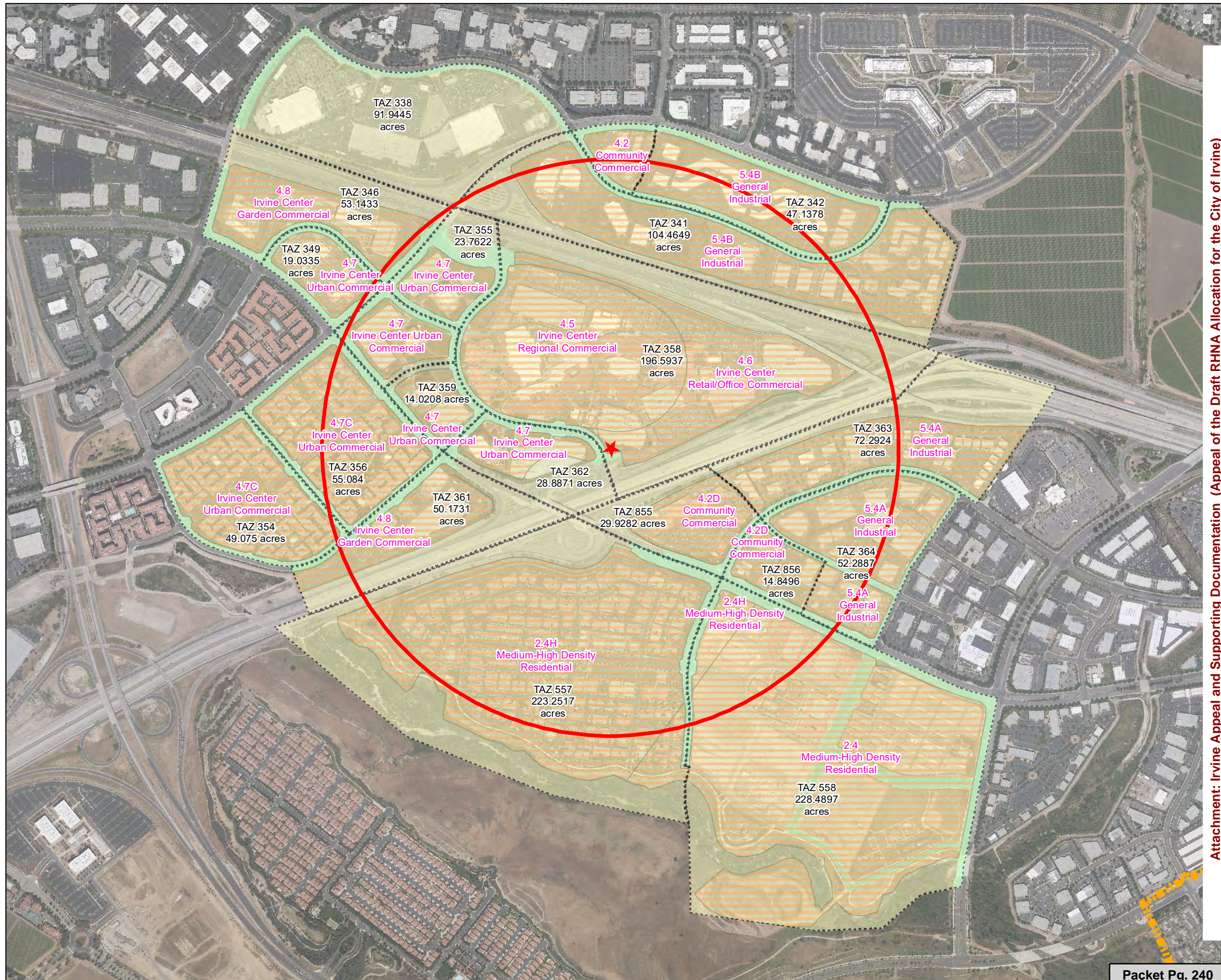


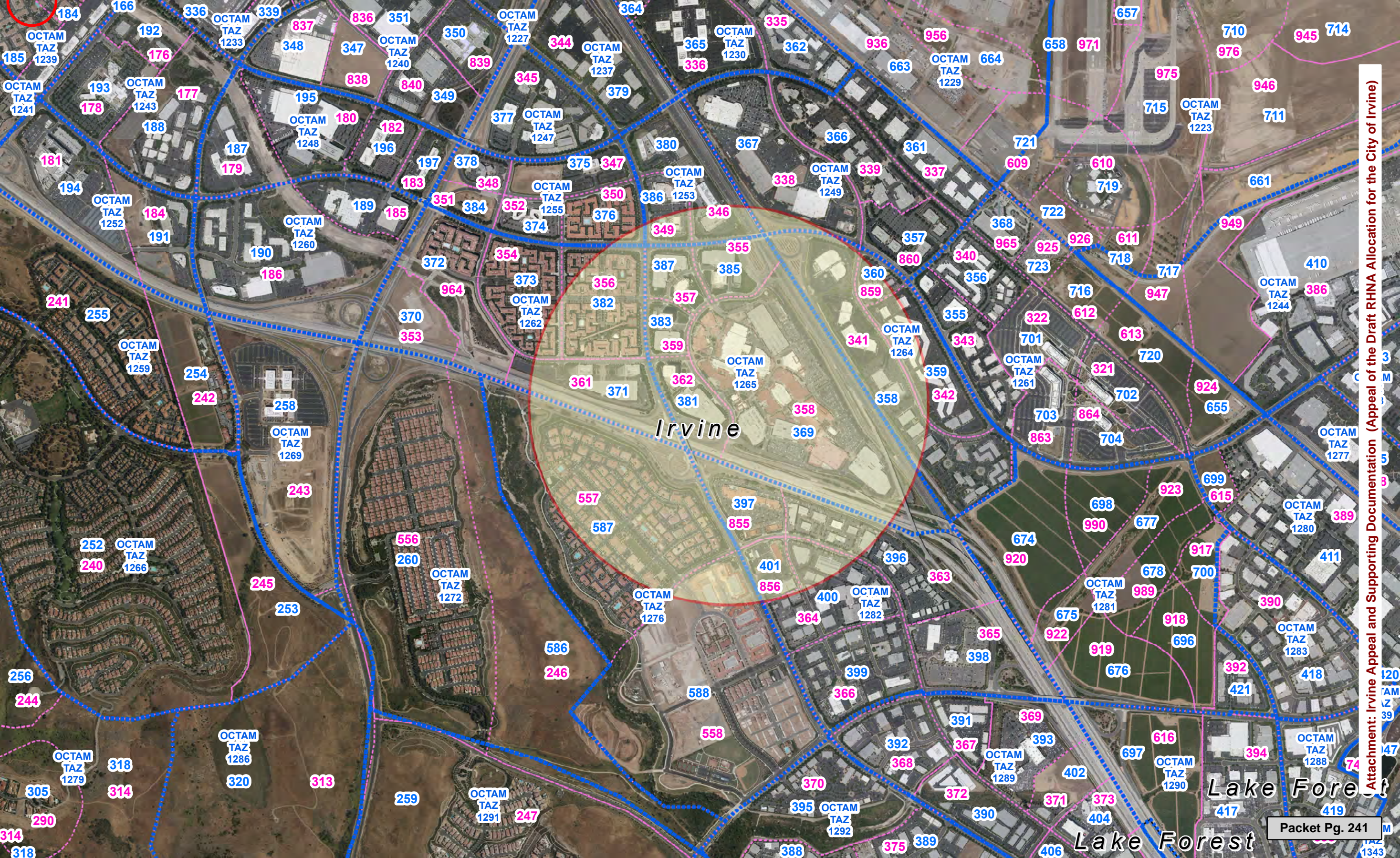
-  Jeffery Park & Ride
-  .5 Miles from Jeffery Park & Ride
-  Traffic Analysis Zone
-  Zoning
-  City Boundary
-  Public ROW





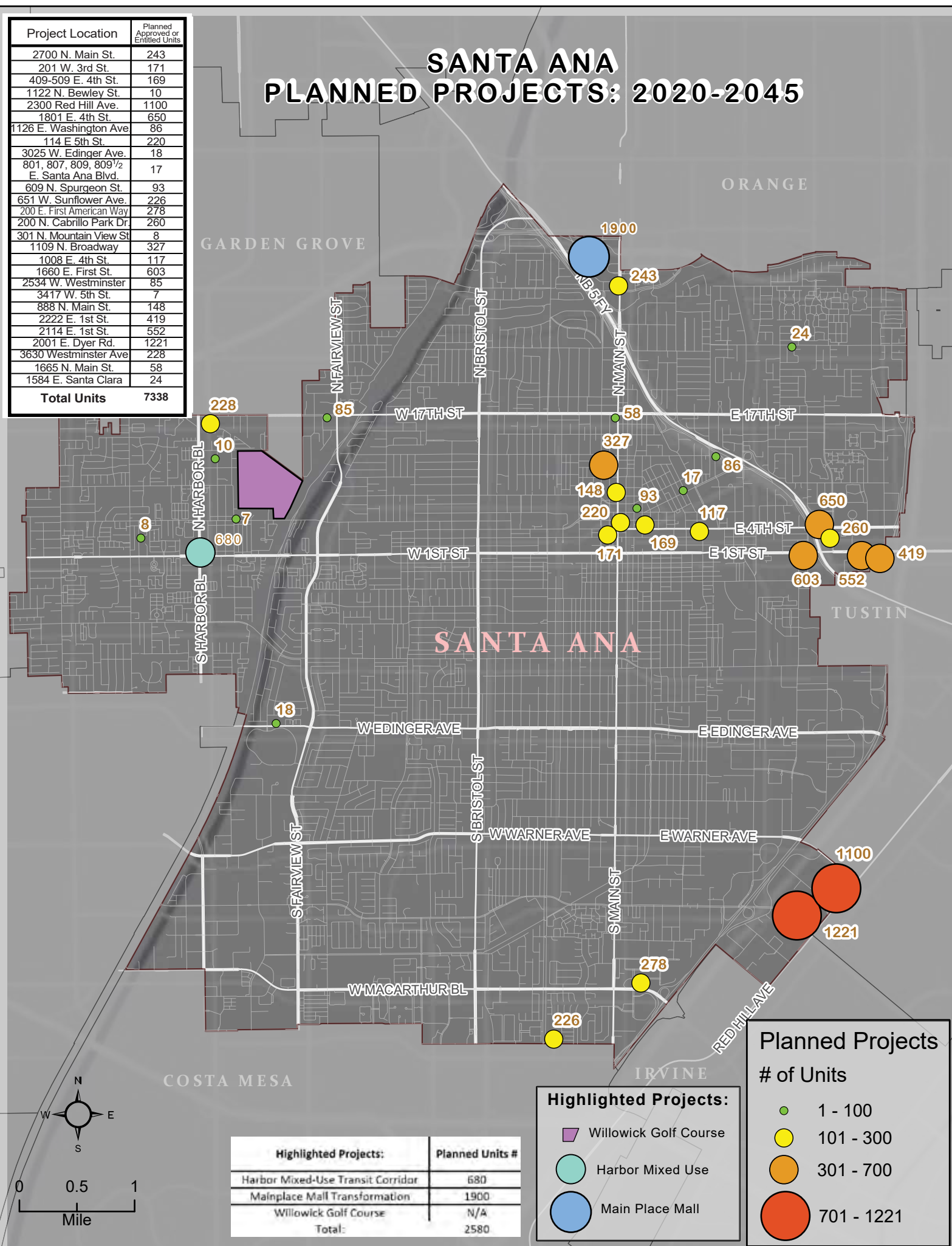
-  **Spectrum Bus Stop**
-  **.5 Miles from Bus Stop**
-  **Traffic Analysis Zone**
-  **Zoning**
-  **City Boundary**
-  **Public ROW**





Project Location	Planned Approved or Entitled Units
2700 N. Main St.	243
201 W. 3rd St.	171
409-509 E. 4th St.	169
1122 N. Bewley St.	10
2300 Red Hill Ave.	1100
1801 E. 4th St.	650
1126 E. Washington Ave	86
114 E 5th St.	220
3025 W. Edinger Ave.	18
801, 807, 809, 809 1/2 E. Santa Ana Blvd.	17
609 N. Spurgeon St.	93
651 W. Sunflower Ave.	226
200 E. First American Way	278
200 N. Cabrillo Park Dr.	260
301 N. Mountain View St.	8
1109 N. Broadway	327
1008 E. 4th St.	117
1660 E. First St.	603
2534 W. Westminster	85
3417 W. 5th St.	7
888 N. Main St.	148
2222 E. 1st St.	419
2114 E. 1st St.	552
2001 E. Dyer Rd.	1221
3630 Westminster Ave	228
1665 N. Main St.	58
1584 E. Santa Clara	24
<b>Total Units</b>	<b>7338</b>

# SANTA ANA PLANNED PROJECTS: 2020-2045

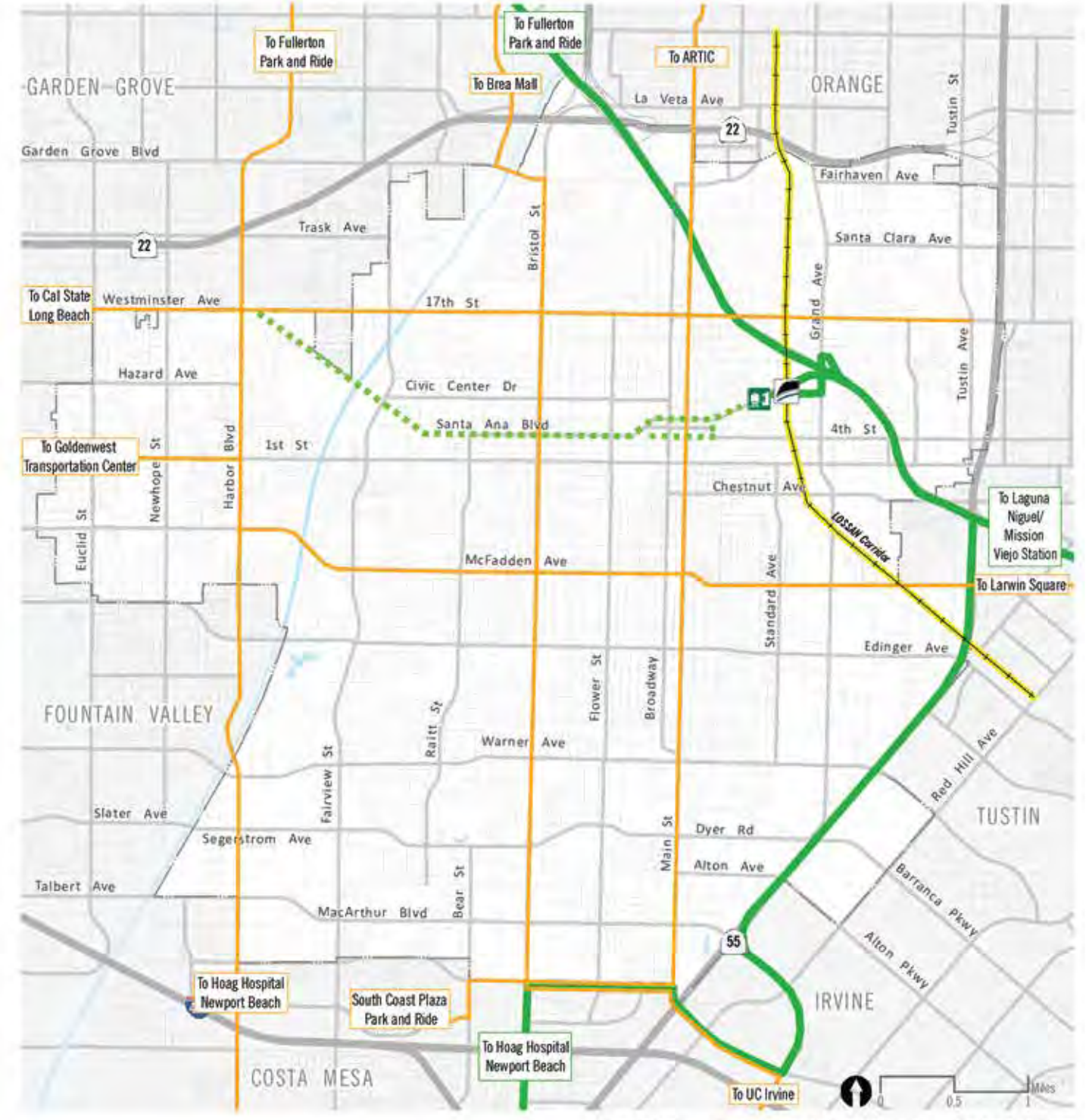


Highlighted Projects:	Planned Units #
Harbor Mixed-Use Transit Corridor	680
Mainplace Mall Transformation	1900
Willowick Golf Course	N/A
<b>Total:</b>	<b>2580</b>

- Highlighted Projects:**
- Willowick Golf Course
  - Harbor Mixed Use
  - Main Place Mall

- Planned Projects # of Units**
- 1 - 100
  - 101 - 300
  - 301 - 700
  - 701 - 1221

**ABOUT THE MAP.** This map shows the long-term plans of the City and regional transit operators to expand and enhance ways for people to travel within, to, and from Santa Ana by rail, streetcar, and bus. OCTA Transit and Freeway Transit Opportunity Corridors represent bus rapid transit lines; other OCTA bus lines (not shown) run along most major streets in the city.



- OCTA Transit Opportunity Corridor
- OCTA Freeway Transit Opportunity Corridor
- Future Alignment of OC Street Car
- Santa Ana Regional Transportation Center
- Metrolink and Amtrak Commuter Rail
- Metrolink Station

Attachment: Irvine Appeal and Supporting Documentation (Appeal of the Draft RHNA Allocation for the City of Irvine)

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Project	DU	Unit type	Status	Application Date	Approval Date	Link
520 South Harbor	35	SFD	Entitlements Approved		Jun-15	<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-</a>
888 N Main Street	148	Multi-Family Residential	Plan Check Review		Historic Resources	<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-</a>
1440 E First Street	64	Multi-Family Residential	Under Construction		CC - 5/3/2016	<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-</a>
2222 E First Street	419	Senior housing project	Under Construction		PC - 9/11/17	<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-</a>
2114 E First Street	552	affordable multi-family	Entitlements Approved		PC - 6/4/18	<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-</a>
1112 N Bewley Street	10	Condos (Single Family	Public Hearings		PC - 7/13/2020; CC -	<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-</a>
2300 S Red Hill Avenue (The Bowery)	1,150	Multi-Family Residential	Public Hearings	NOP -8/5/2019	CC - 8/18/2020	<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-</a>
317 E 17th Street	56	permanent supportive housing	Under Construction		PC - 4/6/17; CC - 5/22/17	<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-</a>
1406 North Harbor Boulevard	38	for-sale townhomes (6 for mod	Completed		2015?	<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-</a>
3025 West Edinger Ave	18	multi-family residential	Entitlements Approved		PC - 5/13/19; CC 6/4/19	<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-</a>
609 North Spurgeon Street	93	affordable residential units	Entitlements Approved		CC-2/19/19	<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-</a>
651 W. Sunflower Ave.	226	Apartments	Entitlements Approved		CC- 1/18/19	<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-</a>
200 E. First American Way	278	Multi-Family Residential	Tentative Parcel Map was		PC - 1/16/19	<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-</a>
3630 Westminster Ave.	228	apartment	Under Construction		PC - 1/25/16	<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-</a>
200 N. Cabrillo Park Dr.	260	6-story mixed use	Tolling Agreement		CC - 6/5/18	<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-</a>
2525 N. Main St.	256	Multi-Family Residential	Litigation			<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-</a>
2800 North Main Street	1,900	Multi-Family Residential	Entitlements Approved		CC - 6/4/19	<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-</a>
1666 N. Main St.	58	Multi-Family Residential	Under Construction		PC - 5/9/16	<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-</a>
301 N. Mountain View St.	8	Condos	N/A		Tentatively Scheduled	<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-</a>
2700 N. Main St.	243	Multi-Family Residential	TDB		TBD	<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-</a>
2223 W Fifth Street	51	Multi-Family Residential	Under Construction		CC - 1/16/2018	<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-</a>
1008 E 4th Street	117	single family residential	Entitlements Approved		CC - 2/20/18	<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-</a>
Tribella Homes	110	15 live/work and 95 SFD	Under Construction			<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-</a>
1660 E. First St.	603	Multi-Family (Mixed-Use)	Entitled		10/22/2018	<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-</a>
2534 West Westminster Avenue	85	Multi-Family Residential	N/A		TBD	<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-</a>
201 W. 3rd St.	171	Multi-Family Residential	N/A		PC - 9/24/2020; CC- TBD	<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-</a>
409-509 E. 4th St.	169	Multi-Family Residential	N/A		PC - 10/12/2020; CC	<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-</a>
1801 E. 4th St.	650	Multi-Family Residential	N/A		TDB	<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-</a>
1126 E. Washington Ave.	86	Multi-Family Residential	Development Project			<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-</a>
114 E. 5th St.	220	Multi-Family Residential	Plan Check Review		PC - 10/28/19; CC-	<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-</a>
801, 807, 809, 809	17	Multi-Family Residential	Development Project			<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-</a>
1109 N. Broadway	327	Multi-Family Residential	Development Project			<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-</a>
2001 E. Dyer Rd.	1221	Multi-Family Residential	Under Construction		CC- 2/2/16	<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-</a>
1584 E. Santa Clara	24	SFD	Under Construction		CC - 9/2/14	<a href="https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-">https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-</a>
	9891					

# Major Fire History Map CITY OF IRVINE



# ITAM PROJECT VMT SUMMARY REPORT

V 1.1-071820



PROJECT INFORMATION

Project #:	1
Name:	-
Description:	127k DU
Type:	Residential

		Baseline	Project
Vehicle Miles Travelled (VMT)	ORANGE COUNTY	Total	139,318,384
		Population	56,348,927
		Employment	82,969,450
Population and Employment	ORANGE COUNTY	Population	3,219,593
		Employment	1,706,388
Δ VMT (With Project - No Project)		Total	7,266,176
		Population	6,869,739
		Employment	396,448
Δ Population & Employment Caused by Project		Population	347,303
		Employment	-
VMT Rate Threshold Goal <sup>1</sup>		Residential	14.88
		Non-Residential	41.33
Project Δ VMT Rate <sup>1</sup>		Residential	19.78
		Non-Residential	
		Applicable Measure(s)	19.78
		Threshold Goal	14.88
		Net VMT Rate Percentage Increase <sup>2</sup>	24.77%
		Mitigation required?	Yes

## MITIGATION MEASURES

On-Site	<input type="checkbox"/>	2.5%
Off-Site	<input type="checkbox"/>	5.0%
Additional Mitigation <sup>3</sup>	<input type="checkbox"/>	
<b>Significant VMT Impact?</b>		<b>24.8%</b>
		<b>YES</b>

### Notes:

- Both Residential and Non-Residential VMT Rates are calculated based on the County VMT and SED.
- For Mixed-Use projects, the "Net VMT Rate Percentage Increase" is based on the higher of Residential or Non-Residential VMT rate.
- Sufficient justification must be provided to support additional mitigation.

Attachment: Irvine Appeal and Supporting Documentation (Appeal of the Draft RHNA Allocation for the City of Irvine)



*read at beginning public comment*

Marika A Poynter, AICP, Senior Planner   
City of Irvine, Community Development Department  
May 6, 2019

The City of Irvine requests the RHNA Subcommittee consider the following recommendations:

For Item 6: SCAG should propose a regional determination of 430,000 for the 6<sup>th</sup> RHNA Cycle. This eight-year regional projection incorporates input from local jurisdictions that already incorporates existing need and future projected need. The proposed original determination of approximately 430,000 is consistent with the local input utilized in the draft SCS. All numbers, tables, and discussion regarding existing need as a separate calculation should be removed from the HCD consultation package.

For Item 7: No action should be taken on the social equity adjustment until after HCD provides SCAG with the regional housing allocation. As a jurisdiction, we are unable to analyze the true impact of the social equity adjustment until the regional allocation is confirmed. If a decision on a social equity adjustment factor is required prior to HCD's regional distribution, the City of Irvine supports a social equity adjustment of 110%, consistent with the 4<sup>th</sup> and 5<sup>th</sup> RHNA Cycles.

The City of Irvine formally requests SCAG provide an Excel table that identifies the following variables by all the jurisdictions in the SCAG region:

- a. Cost burden
- b. Healthy vacancy rate
- c. Overcrowding
- d. Share of the region's population
- e. Share of the region's population within the high quality transit areas (HQTAs)



October 4, 2019

Honorable Peggy Huang, Chair  
Regional Housing Needs Assessment Subcommittee  
Southern California Association of Governments  
900 Wilshire Boulevard, Suite 1700  
Los Angeles, California 90017

**Subject: Regional Housing Needs Assessment (RHNA) Methodology**

Honorable Chair Huang and Honorable Members of the Regional Housing Needs Assessment (RHNA) Subcommittee:

The City of Irvine expresses its appreciation to the RHNA Subcommittee; Community, Economic and Human Development (CEHD) Policy Committee; Regional Council; and the Southern California Association of Governments (SCAG) staff for their efforts in attempting to establish an equitable RHNA that complies with new state housing law and addresses the state's housing crisis. In particular, the City of Irvine appreciates the use of local input for several factors in the new SCAG staff recommended RHNA methodology.

The late release of the SCAG staff-recommended RHNA allocation is a departure from the spirit of transparency and collaboration that has marked the process to date. The sixth RHNA cycle has been years in the making, yet the recommended methodology is only being shared with the public and the affected jurisdictions a couple of weeks before it is to be voted on. Further, the calculation tool that allows City's to see their estimated allocation was released three working days prior to vote of the subcommittee. Beyond the general concerns about lack of transparency, the City of Irvine has several specific concerns due to significant late changes to the methodology and lack of sufficient vetting of newly included data, as outlined below.

- 1. Data accuracy is critical to any selected RHNA methodology. With the staff-recommended option, new elements have been added to the methodology that have not had the opportunity for technical vetting, especially by affected jurisdictions and agencies. As such, the City of Irvine cannot currently support the use of any data not previously reviewed, verified, and corrected by the jurisdictions. Specifically, new data elements associated with 2045 transit accessibility and jobs accessibility were introduced with the release of the new RHNA methodology for the staff-recommended option, as part of the RHNA Subcommittee staff report on October 2, 2019. This is not adequate time to review the data and methodology assumptions and the City of Irvine recommends that no decision on the methodology**

**should be made until after jurisdictions have the opportunity to verify all new data and assumptions.**

- 2. The City of Irvine has concern that the job accessibility factor has not been adequately reviewed and verified.**

As noted in Comment 1 above, the jobs accessibility factor dataset has not been reviewed or verified by local jurisdictions. Specifically, there is not a definition nor an explanation of what a jurisdiction's "median" traffic analysis zone is, and how it was determined for each jurisdiction. The City of Irvine would appreciate a discussion on the approach that has been used. Also, the job accessibility factor is solely based on the region's jobs within a 30-minute auto commute. The City of Irvine recommends the jobs accessibility factor should be recalculated to include jobs located within a 30 minute commute of all transportation modes.

- 3. The City of Irvine does not agree with the methodology utilized to determine the transit accessibility factor.**

In reviewing the data provided on page 19 of 210 in the Draft RHNA Methodology Data Appendix, the total acreage in the City of Irvine located within a half mile of a High Quality Transit Area (HQTA) increases from 781 acres or 1.9 percent of Irvine's total acreage in 2016 to 8,081 acres or 19.20 percent of Irvine's total acreage in 2045. This significant increase appears to be related to the inclusion of the Interstate 5 Corridor – Freeway Bus Rapid Transit (BRT) between the Fullerton Park-and-Ride and the Mission Viejo/Laguna Niguel Metrolink station. The City of Irvine finds this increase in acres included in a 2045 HQTA to be inappropriately overestimated, for the reasons noted below:

- This specific Bus Rapid Transit Line is located within the Interstate 5 freeway, not along an arterial. The City of Irvine objects to the entire Interstate 5 corridor being identified as a viable HQTA, since stops have not been identified by the Orange County Transportation Authority (OCTA), and there has been no assessment or determination on how users would access the freeway service, until applicable studies have commenced. OCTA has identified the Interstate 5 BRT will begin at the Fullerton park-and-ride and will terminate at the Mission Viejo/Laguna Niguel Metrolink station; therefore, these should be the only two known Transit Priority Areas associated with this route. Intermediate stops along the Interstate 5 corridor BRT route have not been determined and will not be determined in the near future. Inclusion of all the areas within a half of mile of the proposed BRT corridor line itself, as currently assumed, is not appropriate. It assumes that all the population along that one-half mile zone has access to the BRT line within the one-half mile zone. With no determination of the access points to the freeway BRT line, that conclusion cannot be supported. Additionally, there is no information on where the one-half mile HQTA is measured from (center line or edge of

the freeway right-of-way) and how the population was calculated. It is unclear whether the entire acreage and population within the impacted traffic analysis zone (TAZ) was included or only the percentage of the acreage and the population within the one-half mile HQTAs corridor..

As an alternative, the City of Irvine supports the inclusion of a transit accessibility factor, but it should be based on the 2045 Transit Priority Area (TPA) and not the BRT planned for the Interstate 5 corridor

#### 4. Redistribution of Housing Units

With regard to successful appeals and resulting redistribution of housing units, has SCAG given full consideration as to the methodology for redistributing housing units that are successfully appealed? There are a myriad of scenarios that could unfold. For example, will jurisdictions that successfully file an appeal to their RHNA be exempt from receiving additional housing units successfully appealed by other jurisdictions in the region? Will the appeals process be based on the methodology utilized to distribute the "residual" units? This is an issue that needs to be discussed as part of the RHNA planning process.

In conclusion, the City of Irvine implores SCAG to preserve the integrity of the local input process in establishing any RHNA methodology. Additionally, all jurisdictions within the SCAG region should be given adequate time to review and verify all datasets utilized in determining the RHNA allocation.

The City recognizes and appreciates the time and effort provided by all those involved in this important and complex issue and for your consideration of those items. Please work to ensure the integrity of the process by providing adequate transparency and vetting of key data. Let us know if you need any additional clarification or have any questions by contacting Principal Planner Marika Poynter at [mpoynter@cityofirvine.org](mailto:mpoynter@cityofirvine.org) or 949-724-6456.

Sincerely,



Christina Shea  
Mayor

cc: City Council  
John Russo, City Manager  
Marianna Marysheva, Assistant City Manager  
Pete Carmichael, Director of Community Development  
Tim Gehrich, Deputy Director of Community Development

Honorable Peggy Huang

October 4, 2019

Page 4 of 4

Steve Holtz, Manager of Neighborhood Services

Kerwin Lau, Manager of Planning Services

Marika Poynter, Principal Planner

Kome Ajise, Executive Director, Southern California Association of Governments

Sarah Jepson, Director of Planning, Southern California Association of  
Governments

Marnie Primmer, Executive Director, Orange County Council of Governments

[housing@scag.ca.gov](mailto:housing@scag.ca.gov)



February 20, 2020

Mr. Kome Ajise, Executive Director  
Southern California Association of Governments  
900 Wilshire Boulevard, Suite 1700  
Los Angeles, California 90017  
housing@scag.ca.gov

**Subject: Request to the Southern California Association of Governments (SCAG) to Amend the Regional Housing Needs Assessment (RHNA) Methodology for the 6<sup>th</sup> Cycle**

Dear Mr. Ajise:

The City of Irvine requests that SCAG amend the RHNA methodology to reinstate local input as a factor in the existing need portion of the calculation. The City of Cerritos recently submitted a proposal dated February 4, 2020, which recommends that household growth forecasts be reintroduced back into the calculations for the existing needs calculation as follows: household growth (33.3 percent), job accessibility (33.3 percent), and population within high quality transit areas (33.3 percent). These household growth projections are an important factor in that they take into consideration the unique characteristics of each jurisdiction. Moreover, these growth projections more closely align the RHNA with the development pattern established within Connect SoCal as required by state statute. Finally, as stated in the staff-recommended RHNA methodology within the staff report for the November 7, 2019 Regional Council meeting, the reintroduction of household growth into the existing need would further the five objectives of state housing law. The objectives include: increasing the housing supply and mix of housing types; promoting infill development; promoting an improved intraregional relationship between jobs and housing; ensuring social equity; and, affirmatively furthering fair housing (AFFH).

The City also requests also request that SCAG object again to the Department of Housing and Community Development's (HCD) regional determination based on the fact that it did not follow state law in its development of this number and did not utilize the growth forecast based on local input [see Government Code Section 65584.01(a)]. Furthermore, The Department of Finance recently updated its population projections and shows a significant decrease relative to its previous forecast. Governor Newsom has also stated that his commitment to building 3.5

Mr. Kome Ajise  
February 20, 2020  
Page 2

million homes by 2025 was a “stretch goal” and that the state would soon be releasing a more pragmatic estimate of the housing needs by region. The regional determination of 1.34 million housing units combined with the inequitable RHNA methodology, which does not include local input, are setting up local jurisdictions for failure to comply with state housing law.

We request that the RHNA Subcommittee, CEHD Policy Committee, and Regional Council consider these two recommendations prior to the adoption of the RHNA. We recognize that there are time constraints established by state law; however, the RHNA will have significant impacts on jurisdictions over the next decade. Therefore, it is imperative that the RHNA be finalized in a way that is equitable and attainable in responding to the housing crisis.

Sincerely,



Pete Carmichael  
Director of Community Development

cc: Irvine City Council  
John Russo, City Manager



September 18, 2020

The Honorable Rex Richardson,  
President  
Southern California Association of Governments  
900 Wilshire Boulevard, Suite 1700  
Los Angeles, CA 90017

RE: Request to Reconvene the SCAG President's RHNA Litigation Study Team to Re-Assess State HCD's RHNA Allocation of 1.34 Million Housing Units to the SCAG Region

Dear President Richardson:

On behalf of thirty-two cities in Orange County, we, the mayors respectfully support the request of our colleague – City of Yorba Linda Council Member Peggy Huang – that the SCAG President promptly reconvene the SCAG President's RHNA Litigation Study Team.

We have a deep respect for Council Member Huang and her stewardship of the SCAG RHNA Subcommittee these past two years. We all agree with Council Member Huang that the starting point – the 1.34 million RHNA housing units that the State Department of Housing and Community Development (State HCD) issued for the 6-county SCAG region – must be re-examined.

At the September 3, 2020 SCAG Regional Council meeting, Council Member Huang explained that new and recent housing shortage information has been issued by Freddie Mac, which states that the housing shortage for the entire State of California, not just the SCAG region, is 820,000 units (Attachment 1: Page 6, February 2020 Freddie Mac Insights Report: "The Housing Supply Shortage: State of the States."). Further, the Embarcadero Institute, a non-profit policy analysis organization, just released a September 2020 Report – "Double Counting in the Latest Housing Needs Assessment" – that questions whether State HCD's use of an incorrect vacancy rate and double counting has exaggerated the RHNA for the SCAG region, San Diego, the Bay Area and Sacramento area by more than 900,000 units (Attachment 3).

Clearly, this new and credible data should be explored with the members of the President's RHNA Litigation Study Team. It is our hope that upon examination of the new data, that the President's RHNA Litigation Study Team could deliberate on options to require State HCD to:



- 1) consider this and other new information from credible agencies;
- 2) justify how its 1.34 million housing unit determination is defensible in light of the new information and should be fittingly revised; and,
- 3) justify how its 1.34 million housing unit determination is consistent with State Statute provisions.

A prompt assessment of this information, and options to pursue resolution with State HCD, would be invaluable and timely to SCAG's member agencies, many of which are currently exploring appeals of their individual RHNA allocations.

Moreover, if the SCAG President's RHNA Litigation Study Team is reconvened, we would strongly urge SCAG to revisit the critical issue that State HCD did not follow housing statute, when it determined SCAG's 1.34 million housing units need. We appreciate that SCAG raised this concern to State HCD. We object, however, that State HCD has chosen to not adhere to the provisions of our Government Code, and we have provided a detailed, technical assessment of such noncompliance in Attachment 2.

We thus respectfully seek your support and follow-through of your verbal commitment to Council Member Huang, that the President's RHNA Litigation Study Team be reconvened to undertake this important discussion. We look forward to your response, with the desire that the RHNA Litigation Study Team be reconvened prior to the next SCAG Regional Council meeting, October 1, 2020.

With sincere respect and appreciation,



**Mike Munzing**  
Mayor  
City of Aliso Viejo



**Harry Sidhu**  
Mayor  
City of Anaheim



**Marty Simonoff**  
Mayor  
City of Brea



**Fred Smith**  
Mayor  
City of Buena Park



**Katrina Foley**  
Mayor  
City of Costa Mesa



**Rob Johnson**  
Mayor  
City of Cypress



**Cheryl Brothers**  
Mayor  
City of Fountain Valley



**Jennifer Fitzgerald**  
Mayor  
City of Fullerton



**Steven R. Jones**  
Mayor  
City of Garden Grove



**Lyn Semeta**  
Mayor  
City of Huntington Beach



**Christina Shea**  
Mayor  
City of Irvine



**Tom Beamish**  
Mayor  
City of La Habra



**Peter Kim**  
Mayor  
City of La Palma



**Bob Whalen**  
Mayor  
City of Laguna Beach



**Janine Heft**  
Mayor  
City of Laguna Hills



**Laurie Davies**  
Mayor  
City of Laguna Niguel



**Noel Hatch**  
Mayor  
City of Laguna Woods



**Neeki Moatzedi**  
Mayor  
City of Lake Forest



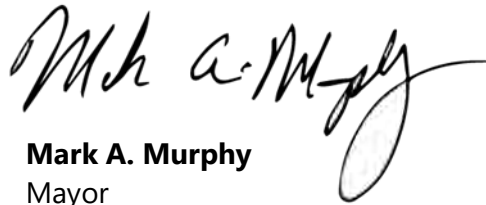
**Richard D. Murphy**  
Mayor  
City of Los Alamitos



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**Ward Smith**  
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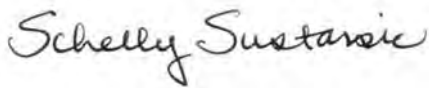
**Bradley J. McGirr**  
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City of Rancho Santa Margarita



**Troy Bourne**  
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**Miguel A. Pulido**  
Mayor  
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**Schelly Sustarsic**  
Mayor  
City of Seal Beach



**David J. Shawver**  
Mayor  
City of Stanton



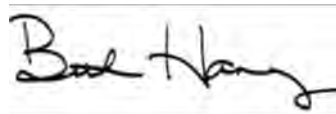
**Allan Bernstein**  
Mayor  
City of Tustin



**Robbie Pitts**  
Mayor  
City of Villa Park



**Tri Ta**  
Mayor  
City of Westminster



**Beth Haney**  
Mayor  
City of Yorba Linda

Attachments:

1. Freddie Mac Economic and Housing Research Insight: February 2020
2. Orange County Technical Analysis: State Government Code Requirements to Calculate Regional Housing Need
3. Embarcadero Institute Report: Updated September 2020

cc: Council Member Peggy Huang, City of Yorba Linda and SCAG RHNA Subcommittee Chair  
Council Member Trevor O'Neil, Chair, OCCOG Board of Directors  
Council Member Wendy Bucknum, Vice-Chair, OCCOG Board of Directors  
Mayor Pro Tem Michael Carroll, OC Representative SCAG's RHNA Litigation Study Team  
Orange County Representatives on SCAG Policy Committees and Regional Council  
Kome Ajise, SCAG Executive Director  
Orange County City Managers Association  
Orange County Mayors  
Marnie O'Brien Primmer, OCCOG Executive Director  
Nate Farnsworth, OCCOG TAC Chair



FEBRUARY 2020

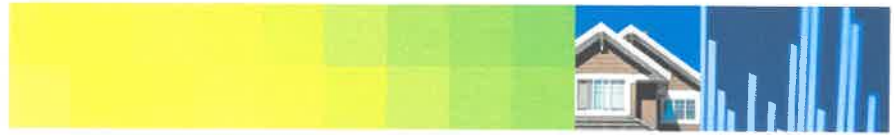
## The Housing Supply Shortage: State of the States

The United States suffers from a severe housing shortage. In a recent study, [The Major Challenge of Inadequate U.S. Housing Supply](#), we estimated that 2.5 million additional housing units will be needed to make up this shortage. Our earlier study used national statistics, treating the United States as a single market. What happens when we look closer, basing the analysis at the state level?

When we account for state-level variations, the estimated housing deficit is even greater in some states because housing is a fixed asset. A surplus of housing in one area can do little to help faraway places. For example, vacant homes in Ohio make little difference to the housing markets in Texas. We estimate that there are currently 29 states that have a housing deficit, and when we consider only these states, the housing shortage grows from 2.5 million units to 3.3 million units.

Unsurprisingly, the states with the most severe housing shortage are the states that have recently attempted to loosen zoning policy regulations. States like California, Oregon, and others have undertaken policy action to address this issue. California, for example, has been working on chipping away at single-use zoning while Texas has passed a density bonus program, an ordinance which amends the city code by loosening site restrictions and promoting construction of more units in affordable and mixed-income housing developments. Oregon was one of the first states to pass legislation to eliminate exclusive single-family zoning in much of the state. The Minneapolis City Council voted to get rid of single-family zoning and started allowing residential structures with up to three dwelling units in every neighborhood. We took a deep dive into the supply/demand dynamics to analyze state-level variations.

We estimate that there are currently 29 states that have a housing deficit, and when we consider only these states, the housing shortage grows from 2.5 million units to 3.3 million units.



### Accounting for housing supply/demand conditions

To estimate housing supply, we rely on U.S. Census Bureau estimates of the total number of housing units in each state. These estimates include single-family homes, apartments, and manufactured housing. We compare supply to our estimates of housing demand. We first focus on static estimates of housing demand, and then we consider the impact of interstate migration.

Our estimate of housing demand relies on two components. First, we need an estimate of long-term vacancy rates ( $v^*$ ). Second, we need an estimate of the target number of households ( $h^*$ ).<sup>1</sup> The estimates of  $v^*$  and  $h^*$  give an estimate of housing demand ( $k^*$ ) using the formula:

$$k^* = \frac{h^*}{1 - v^*} \text{ Eq(1)}$$

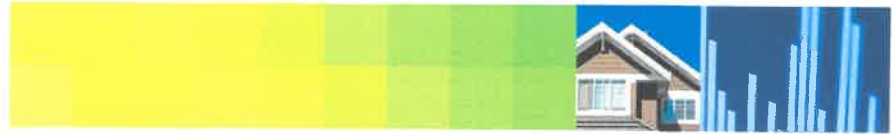
### Vacancy rates

As we discussed in our earlier [study](#), for the housing market to function smoothly, year-round vacant units are needed. Vacancy rates are often used to track the vitality of the housing market. Too high of a vacancy rate reflects a moribund market, while too low of a rate means demand is outstripping supply. Our previous research estimated the average U.S. vacancy rate to be around 13%.

For long-term vacancy rates ( $v^*$ ), we use historical estimates of vacancy rates in each state as well as the share of the state in the housing stock to obtain the state weight. We compute the weighted average national vacancy rate for the U.S. and then estimate the deviation of the state vacancy rate from the average national vacancy rate (see **Appendix 1.1** for a detailed methodology). We use each state's average from 1970 to 2000 as the estimate for  $v^*$  because this was the period before the boom and the bust in the housing market began. Historical vacancy rates vary dramatically by state. States like Vermont and Maine tend to have high vacancy rates because a large fraction of the housing stock serves as vacation/second homes. On the other hand, states like California tend to have very low vacancy rates.

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<sup>1</sup> The target number of households is the number of unconstrained households that would have formed if households did not face any constraints related to housing costs.

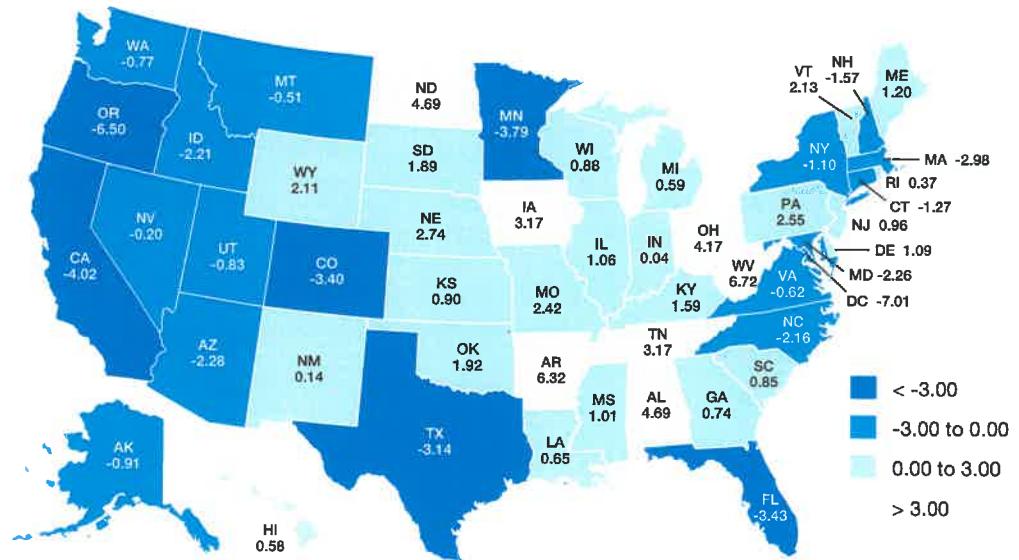


It is interesting to compare each state's long-term vacancy rate ( $v^*$ ) to recent estimates ( $v$ ). This measure estimates the number of housing units needed to close the gap between the current vacancy rate and long-term average rates. **Exhibit 1** shows the difference between the estimated vacancy rate in 2018 and the long-term vacancy rate for each state. States like Oregon, California, and Minnesota have much lower current vacancy rates compared to their historical averages, while states like West Virginia, Alabama, North Dakota, and Ohio have witnessed an increase in the vacancy rates as the populations of these states have decreased.

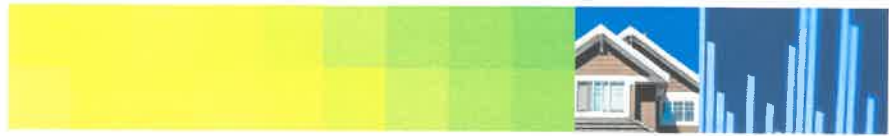
**Exhibit 1**

**Difference between 2018 vacancy rate and historical vacancy rate**

States that are losing (gaining) population have high (low) vacancy rates.



Source: Author's calculations based on CPS, HVS, and Moody's Analytics estimated data.



**Target households**

Our previous [research](#) has shown that high housing costs have constrained household formation. These high housing costs have hit the Millennial generation particularly hard. To overcome these cost barriers, some young adults have turned to shared living arrangements. Others have moved back home with parents. As a result, there are more than 400,000 missing households headed by 25- to 34-year-olds (households that would have formed except for higher housing costs).

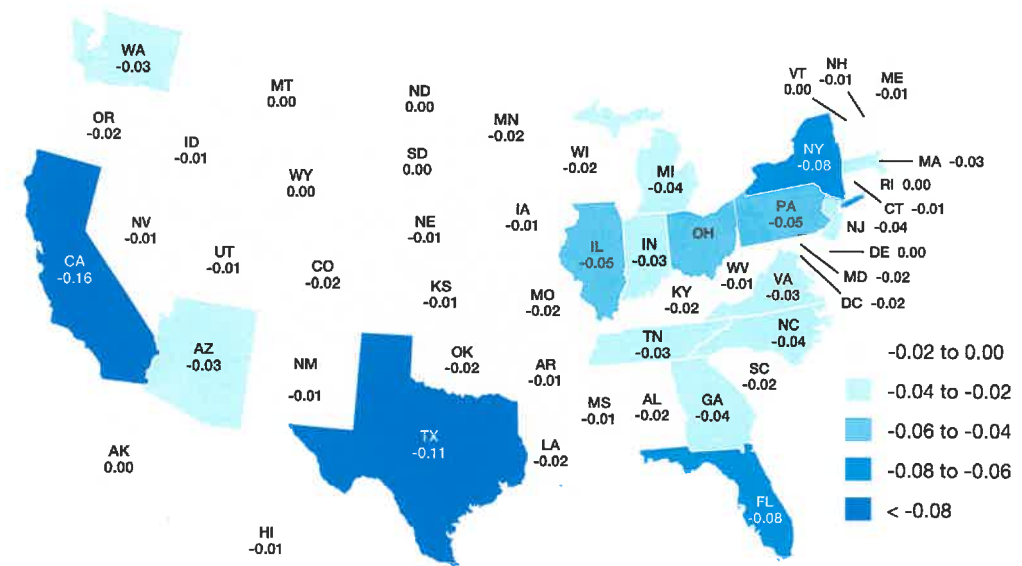
While high housing costs have hit young adults hardest, they have affected all age groups. If housing costs were lower, more households would form. We use our model estimates of the number of households reduced due to unusually high housing costs and add them back. We do this for each age group (see **Appendix 1.2** for more details.)

Due to different age profiles, the share of missing households varies by state. **Exhibit 2** plots the share of missing households due to housing costs for each state. In general, states with relatively lower vacancy rates have proportionally more missing households.

**Exhibit 2**

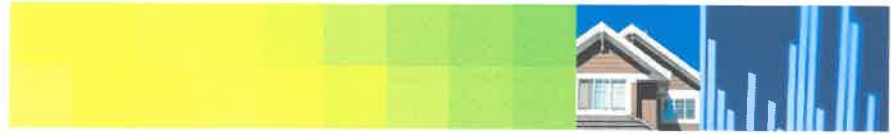
**Missing households due to high housing costs (millions)**

States with relatively lower (higher) vacancy rates have proportionally more (fewer) missing households.



Source: Author's calculations based on American Community Survey data.





### Static estimate of housing deficit

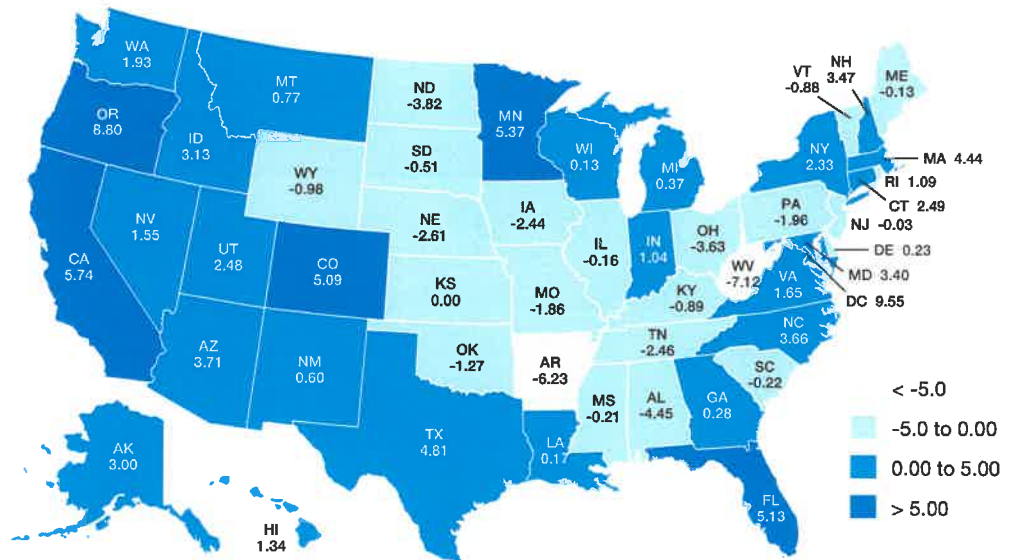
We combine our target vacancy rate and target households to estimate housing demand. Subtracting our estimated housing demand from the Census estimate of housing supply gives us the estimated housing deficit. **Exhibit 3** shows our results by state.

As a percent of the housing stock, the state housing supply deficit varies from -7 to 10%. Excluding the District of Columbia, Oregon has the largest deficit (nearly 9%) followed by California (nearly 6%).<sup>2</sup> Some states have a negative deficit, meaning they are oversupplied. According to our estimate, 21 states are oversupplied, the largest being West Virginia, at more than 7%.

**Exhibit 3**

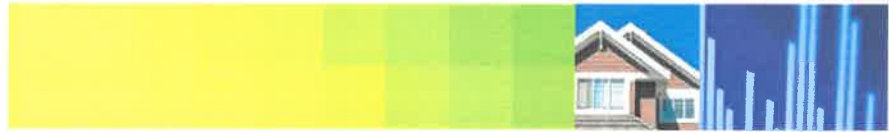
### Housing stock deficit as proportion of a state's housing stock (static estimate not considering interstate migration flows)

A static view suggests that 29 states have a housing undersupply.



Source: Author's calculations.

<sup>2</sup> The District of Columbia had the highest deficit as a share of the existing housing stock at 9.7%.



### Impact of migration on the housing deficit of the states

While houses stay in place, people do not. Job growth attracts in-migrants, while a dearth of opportunity drives out-migration. High housing costs also contribute to migration patterns. When the rents get too high, people move away. This dynamic can impact our estimates.

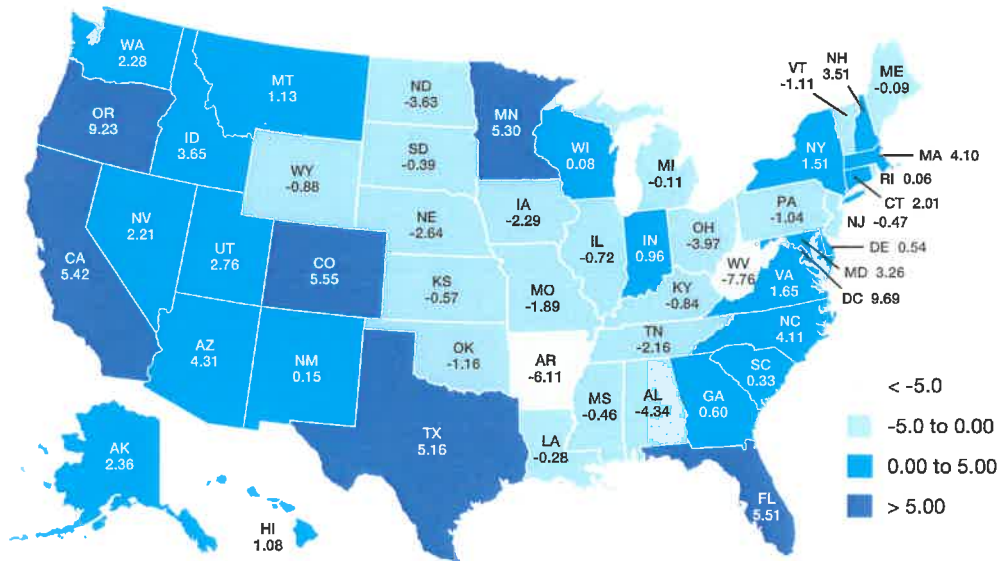
It's helpful to consider the case of California. Our estimates indicate that California has a shortage of 820,000 housing units. But history suggests that California's shortage may be overestimated if interstate migration is considered. For more than four decades, California's state population has grown, but this increase has been driven primarily by international migration. High housing costs have driven many U.S. citizens and households out of California, driving housing demand higher in their destination states.

A robust model of domestic migration flows between states is beyond the scope of this study. But we can approximate how migration may affect our estimates. We can use the historical average of state-to-state migration flows as a forecast of future flows. If the future interstate migration exactly matches past flows since 2001, we can create a rough, but useful approximation (Exhibit 4).<sup>3</sup>

Exhibit 4

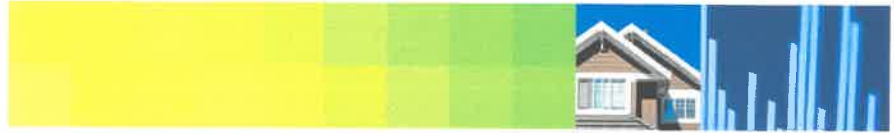
### Housing stock deficit as proportion of state's housing stock (dynamic estimate considering interstate migration flows)

A dynamic view indicates that some states' deficit is overestimated, like California, while others' is underestimated, like Texas. Some states, like Michigan, move from a deficit to a surplus.



Source: Author's calculations.

3 We used the average net migration flows between states from 2001 to 2017 for the past flows.



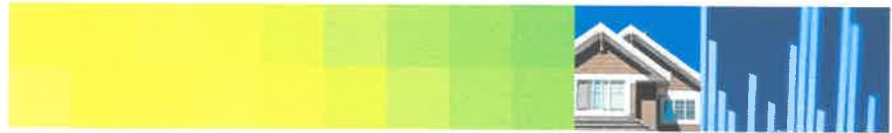
For example, when considering migration flows, the estimated housing demand in Michigan changes from deficit to surplus; Ohio's surplus increases; and Florida's deficit increases (see **Appendix 1.3** for details on our estimation method).

Given the severity of the problem, states have started addressing the issue of supply shortages by taking legislative action. Some of these states such as California, Oregon, Minnesota, and North Carolina have passed legislation to eliminate exclusive single-family zoning. Removing these zoning restrictions will provide builders with the flexibility to build a range of housing options which could help alleviate some of the shortage.

### Conclusion

A shortage of housing remains a major issue for the United States. Years of underbuilding has created a large deficit, particularly for states with strong economies that have attracted a lot of people from other states. The issue of undersupply will be further exacerbated as Millennials and younger generations enter the housing markets, especially as housing costs become more favorable.

Dynamic estimates suggest that contrary to expectations, it isn't only the larger states that have a higher housing supply shortage. Some of the smaller states, which have been attracting a lot of migrants from other states, also need to build more housing units to accommodate the needs of their growing population.



## Appendix

### 1.1 Vacancy rate calculations

We calculate the vacancy rate based on the historical vacancy rate. For this purpose, we obtain the historical vacancy rates by state from Moody's analytics for the period from 1970 to 2000<sup>4</sup> and estimate the average vacancy rate for this period for each state.

$$VR_i = average(VR_i) \text{ for } 1970-2000,$$

where  $i$  is the state.

We then obtain the housing stock information by state from the Housing Stock (HVS) ('000s) U.S. Census Bureau (BOC): Housing Vacancies and Homeownership—Table 8—Quarterly Estimates of the Housing Inventory. From these data, the share of the state in the total housing stock is calculated to get the state weights.

$$w_i = \frac{K_i}{\sum_i K_i}.$$

The sum product of the vacancy rate of the state and the state's weight in the housing stock gives us the U.S. average vacancy rate.

$$\text{U.S. average vacancy rate: } VR = \sum_i VR_i * w_i.$$

We then compute the difference between the state vacancy rate and the average U.S. vacancy rate to see how far away the state is from the U.S. average.

$$D_i = VR_i - VR.$$

This deviation for the states is then applied to the long-run vacancy rate for the United States (which we estimated earlier to be 13%) to get the state-wise vacancy rate.

$$\text{State-wise Vacancy Rate} = 13\% + D_i \text{ for each state.}$$

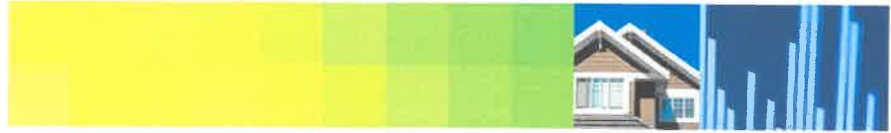
### 1.2 Estimating target households

We obtain the headship rates<sup>5</sup> for the year 2018 by state and by age for all the 50 states and District of Columbia.<sup>6</sup> We then estimate target households using this headship rate and adding back housing

4 Data is available from 1970:Q2 onward. We estimate the average for the period up to 2000:Q4. This corresponds to the period before the boom and bust in the housing market began.

5 Headship Rate = Number of Head of Households/Total Households.

6 Data source: Current Population Survey—Annual Social and Economic Supplement (CPS-ASEC) using the Integrated Public Use Microdata Series (IPUMS) (Steven Ruggles, Sarah Flood, Ronald Goeken, Josiah Grover, Erin Meyer, Jose Pacas and Matthew Sobek. IPUMS USA: Version 9.0 [dataset]. Minneapolis, MN: IPUMS, 2019.)



costs assuming that housing costs become more favorable for household formation. The target headship rate would be

$$hr_{i,j}^* = hr_{(i,2018)} + \alpha_{(\text{housing costs}, i)}$$

We then use this target headship rate and the population by five-year age buckets to compute the households in each state.

$$hh_i^* = \sum_j hr_{i,j}^* * pop_{i,j}$$

where  $i$  is the state and  $j$  is the five-year age buckets.

The product of headship rate and population by age gives the households by age group. Summing it up over all the ages gives the total households in the state.<sup>7</sup>

### 1.3 Domestic migration flows between states

For the estimate of the states' share of the deficit, we need to obtain the share of the migration flows between states by age. To get detailed age-wise distribution of population, we use the ACS data from 2001 to 2017. We obtain the population by age and by state for these years. We identify people who had a different state of residence from a year ago, which indicates that they migrated to a different state. We then get estimates of the in-migrants and out-migrants by state and age.

We then estimate the net domestic migrants for each state as the difference between the in-migrants and out-migrants.

$$NM_{i,j} = I_{i,j} - O_{i,j}$$

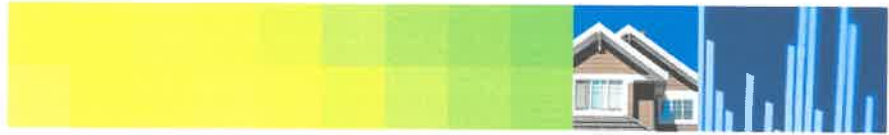
where  $i$  is the state,  $j$  is the five-year age buckets,  $I$  is the in-migrants, and  $O$  is the outmigrants.

To estimate the net outmigrants from states that have a  $NM < 0$ , we obtain the Moody's historical net domestic migration data. We then apply these shares by state and age to the net migration data for 2018 to obtain the number of people leaving a state by the five-year age bucket.

$$\Delta P_{i,j,out}^* = \frac{NM_{i,j}}{\sum_{i,j} NM_{i,j}} * P_{m,j}$$

where  $P_{i,j,out}^*$  is the total change in population (net out-migrants) for states that have net outmigration,

7 These households would be based on the Current Population survey (CPS). To make them consistent with estimates of housing supply from HVS, we apply a multiplier to this gap that is proportional to the gap between the CPS-ASEC and HVS household counts. The CPS-ASEC household estimate for 2018 was 127.6 million. The HVS estimate for that year was 121.3 million. We deflate our target households by a factor equal to 121.3/127.6, or 0.95.



$NM_{i,j}$  is the net out-migrants by age group and state,

$\sum NM_{i,j}$  is the sum of the total out-migrants for the state, and

$P_{m,j}$  is the historical net domestic migration data from Moody.

The ratio of  $NM / \sum NM$  gives the share of the five-year age group in the total out-migrants from the state.

This pool of out-migrants ( $P_{i,j,out}^*$ ) is then divided among the in-migrating states, given that the net flows for the country are 0.

We distribute these migrants according to the share of the state in the total in-migrants as well as by the share of the age group in the total in-migrants to the state.

$$\Delta P_{i,j,in}^* = SI_i * SA_{i,j} * \Delta P_{i,j,out}^*$$

where  $\Delta P_{i,j,in}^*$  is the in-migrants to the state i from the outmigrants pool,

$SI$  is the share of the state in total in-migrants,

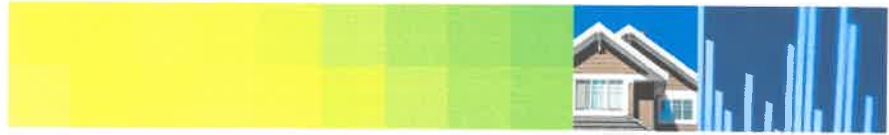
$SA$  is the share of the five-year age bucket in the total in-migrants, and

$\Delta P_{i,j,out}^*$  is the total out-migrants.

The population of each state is then adjusted according to the change in the population estimated above.

$$\begin{aligned} Population_i^* &= P_{i,j} + \Delta P_{i,j,out}^* \text{ if } NM < 0. \\ &= P_{i,j} + \Delta P_{i,j,in}^* \text{ if } NM > 0. \end{aligned}$$

The households are then computed based on this adjusted population for each state by applying the headship rates by age group. Then the housing stock is estimated as per equation (1).



**Prepared by the Economic & Housing Research group**

Sam Khater, Chief Economist  
Len Kiefer, Deputy Chief Economist  
Venkataramana Yanamandra, Macro Housing Economics Senior

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### Orange County Technical Analysis of SCAG's Regional Determination from HCD

Government Code Section 65584.01(a) states: "If the total regional population forecast for the projection year, developed by the council of governments and used for the preparation of the regional transportation plan, is within a range of 1.5 percent of the total regional population forecast for the projection year by the Department of Finance, then the population forecast developed by the council of governments shall be the basis from which the department determines the existing and projected need for housing in the region....".

As outlined in SCAG's September 18, 2019 objection letter to the California Department of Housing and Community Development (HCD) (see Exhibit B), SCAG's regional population forecast for its Regional Transportation Plan (RTP) differs from the State Department of Finance (DOF) projection by **1.32%**, which falls within the statutory range of 1.5% outlined in state law. Therefore, by statute, the regional determination should be based on SCAG's population projections.

However, HCD's October 15, 2019 response letter to SCAG (see Exhibit C) cites two reasons for not using SCAG's total regional population forecast:

- 1) The total household projection from SCAG is 1.96% lower than DOF's household projection.
- 2) The age cohort of under 15-year old persons from SCAG's population projections differ from DOF's projections by 15.8%.

A careful reading of Government Code Section 65584.01(a) demonstrates that HCD's interpretation and rejection of the use of SCAG's regional population forecast is incorrect for the following two reasons:

- 1) The law clearly states that that the 1.5% range is based on the total regional **population** forecast and not the regional **household** projection forecast.
- 2) The law clearly states that the 1.5% range is based on the **total** regional population forecast and not on **age-cohort** population forecasts.

While Government Code 65584.01 provides a significant level of discretion to HCD over many of the factors used for the regional determination (i.e., vacancy adjustments, overcrowding rates, replacement adjustments, cost-burdened adjustments, etc.), this one issue is clearly written into the law without any discretion from HCD. Therefore, even though we support all of the arguments SCAG outlined in their September 18, 2019 objection letter, we also recognize that state law grants HCD the final determination for those specific factors. However, there is no discretion in HCD's decision to ignore SCAG's regional population forecast. Had HCD adhered to Government Code 65584.01(a), we estimate that the regional determination should have been at least approximately 133,000 housing units lower (see Exhibit A), or no more than approximately 1.2 million housing units.

We would hope that HCD would reconsider the other SCAG's recommendations as noted in their September 18, 2020 objection letter, especially in light of the change in circumstances related to the current COVID-19 pandemic, as well as the recent studies and reports stating that California's statewide housing shortfall is significantly lower than even SCAG's entire RHNA obligation.



Exhibit A

<b>OPTION A: SCAG region housing needs, June 30 2021-October 1 2029 (8.25 Years)</b>				
1	<b>Population: Oct 1, 2029 (SCAG 2020 RTP/SCS Forecast)</b>			<b>20,725,878</b>
2	- <i>Less Group Quarters Population (SCAG 2020 RTP/SCS Forecast)</i>			<b>-327,879</b>
3	<b>Household (HH) Population, Oct 1, 2029</b>			<b>20,397,998</b>
		<b>SCAG Projected HH Population</b>	<b>Headship rate - see Table 2</b>	<b>Projected Households</b>
	<b>Household Formation Groups</b>	<b>20,397,998</b>		<b>6,668,498</b>
	under 15 years	3,812,391		n/a
	15 - 24 years	2,642,548		147,005
	25 - 34 years	2,847,526		864,349
	35 - 44 years	2,821,442		1,304,658
	45 - 54 years	2,450,776		1,243,288
	55 - 64 years	2,182,421		1,116,479
	65 - 74 years	1,883,181		1,015,576
	75 - 84 years	1,167,232		637,415
	85+	590,480		339,727
4	<b>Projected Households (Occupied Unit Stock)</b>			<b>6,668,498</b>
5	+ Vacancy Adjustment (2.63%)			178,896
6	+ Overcrowding (6.76%)			459,917
7	+ Replacement Adjustment (0.50%)			34,010
8	- <i>Occupied Units (HHs) estimated June 30, 2021 (from DOF data)</i>			-6,250,261
9	+ Cost-burden Adjustment ((Lower Income: 10.63%, Moderate and Above Moderate Income: 9.28%)			117,505
	<b>6<sup>th</sup> Cycle Regional Housing Need Assessment (RHNA)</b>			<b>1,208,565</b>



September 18, 2019

Mr. Doug McCauley  
Acting Director  
Housing & Community Development (HCD)  
2020 W. El Camino Ave.  
Sacramento, CA 95833

Subject: SCAG’s Objection to HCD’s Regional Housing Need Determination

Dear Mr. McCauley,

This letter represents the Southern California Association of Governments (SCAG)’s formal objection to HCD’s Regional Housing Need Determination as submitted to SCAG on August 22, 2019 and is made in accordance with Government Code Section 65584.01(c)(2)(A) and (B). At the outset, please know that SCAG is fully aware that the State of California is in the midst of a housing crisis and that resolving this crisis requires strong partnerships with state, regional and local entities in addition to private and non-profit sectors.

As such, SCAG desires to be an active and constructive partner with the State and HCD on solving our current housing crisis, and this objection should not suggest otherwise. We are in fact currently setting up a housing program that will assist our local jurisdictions on activities and policies that will lead to actual housing unit construction.

In the context of the 6<sup>th</sup> cycle Regional Housing Needs Assessment (RHNA) process, SCAG appreciates the collaboration with HCD as reflected in the numerous consultation sessions on the regional determination and other staff engagement on housing issues with the objective of making RHNA a meaningful step toward addressing our housing crisis.

As you are aware, HCD transmitted its Regional Housing Needs Determination of 1,344,740 units for the SCAG region last month. This number reflects the housing units that local jurisdictions in the region must plan for during the 8-year period from October 2021 to October 2029. At the September 5, 2019 meeting, SCAG Regional Council authorized staff to file an objection to HCD on regional housing need determination pursuant to Government Code Section 65584.01(c).

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**Linda Parks, Ventura County**
- Transportation  
**Cheryl Viegas-Walker, El Centro**

Attachment: Irvine Appeal and Supporting Documentation (Appeal of the Draft RHNA Allocation for the City of Irvine)

*I would like to note that SCAG's objection focuses on the process and adherence to state housing law requirements and not necessarily to the regional housing need determination number. The ultimate aim of this objection, as discussed at length by the Regional Council, is to ensure the most technically and legally credible basis for a regional determination so that the 197 local jurisdictions in the SCAG region can approach the difficult task of zoning to accommodate regional needs with the backing of the most robust and realistic target that is possible.*

One of our major concerns is that HCD did not base its determination on SCAG's RTP/SCS Growth Forecast, which was inconsistent with Government Code 65584.01(c)(2)(A). Another major concern is that pursuant to Government Code 65584.01(c) (2) (B), HCD's determination of housing need in the SCAG region is not a reasonable application of the methodology and assumptions described in statute. Specifically, HCD compared household overcrowding and cost-burden rates in the SCAG region to national averages rather than to rates in comparable regions as statutorily required. These and two additional basis for objections are described in detail in the section below which also includes a deduction for household growth on tribal land and a concern that the vacancy rate standards used by HCD are not substantiated by data, analysis, or literature. In addition, the attached EXCEL worksheet and technical documentation contain SCAG's alternative proposed 6th cycle RHNA determination, which would consist of a range of total housing unit need between 823,808 and 920,772.

## **BASIS FOR SCAG OBJECTION**

### **Use of SCAG's Population Forecast**

HCD did not base its determination on SCAG's RTP/SCS Growth Forecast, which was provided in the original consultation package and via follow-up email to HCD. Government Code 65584.01(a) indicates [emphasis added]:

*“(a) The department's determination shall be based upon population projections produced by the Department of Finance and regional population forecasts used in preparing regional transportation plans, in consultation with each council of governments. **If the total regional population forecast for the projection year, developed by the council of governments and used for the preparation of the regional transportation plan, is within a range of 1.5 percent of the total regional population forecast for the projection year by the Department of Finance, then the population forecast developed by the council of governments shall be the basis from which the department determines the existing and projected need for housing in the region.** If the difference between the total population projected by the council of governments and the total population projected for the region by the Department of Finance is greater than 1.5 percent, then the department and the council of governments shall meet to discuss variances in methodology used for population projections and seek agreement on a population projection for the region to be used as a basis for determining the existing and projected housing need for the region. If no agreement is reached, then the population projection for the region shall be the population projection for the region prepared by the Department of Finance as may be modified by the department as a result of discussions with the council of governments.”*

SCAG projects total regional population to grow to 20,725,878 by October, 2029. SCAG's projection differs from Department of Finance (DOF) projection of 20,689,591, which was issued by DOF in May, 2018, by 0.18%. The total population provided in HCD's determination is 20,455,355, reflecting an updated DOF projection, differs from SCAG's projection by 1.32%. As SCAG's total projection is within the statutory tolerance of 1.5%, accordingly HCD is to use SCAG's population forecast.

While HCD has emphasized that consistency in approach to the 6<sup>th</sup> cycle RHNA across regions is a priority, deference to the Council of Governments' forecast as specified in statute is an important aspect of regional planning. Federal requirements for SCAG's Regional Transportation Plan necessitate a forecast of population, households, and employment for evaluating future land use patterns and measuring future travel demand as well as air quality conformity under the federal Clean Air Act. In addition, under SB 375, the State requires SCAG to develop a Sustainable Communities Strategy which is a coordination of transportation and land use in the regional planning process to achieve State's climate goals. Both federal and State requirements are predicated on SCAG's forecast of population, households and employment.

As a result, SCAG has a long-established and well-respected process for producing a balanced forecast of population, households, and employment for the region, the details of which can be found in each Regional Transportation Plan (e.g. [http://scagrtpscs.net/Documents/2016/final/f2016RTPSCS\\_DemographicsGrowthForecast.pdf](http://scagrtpscs.net/Documents/2016/final/f2016RTPSCS_DemographicsGrowthForecast.pdf)). SCAG's quadrennial growth forecast begins with a consensus on appropriate assumptions of fertility, migration, immigration, household formation, and job growth by a panel of state and regional experts including members of DOF's Demographic Research Unit. In addition, SCAG co-hosts an annual demographic workshop with the University of Southern California to keep state and regional experts and stakeholders apprised of demographic and economic trends (<https://www.scag.ca.gov/calendar/Pages/DemographicWorkshop.aspx>).

SCAG places a high priority on generating its own forecasts of population, households, and employment and ensuring the highest possible degree of consistency and integrity of its projections for transportation, land use, and housing planning purposes.

### **Use of Comparable Regions**

Pursuant to Government Code 65584.01(c)(2)(B), HCD's determination of housing need in the SCAG region is not a reasonable application of the methodology and assumptions described in statute. Specifically, HCD compared household overcrowding and cost-burden rates in the SCAG region to national averages rather than to rates in comparable regions as statutorily required.

SCAG's initial consultation package provided an approach using comparable regions to evaluate household overcrowding. SCAG staff met with HCD staff in-person in both Los Angeles and Sacramento to discuss adjustment criteria and how to define a comparable region to Southern California, as our region's size precludes a straightforward comparison. At the direction of HCD, SCAG staff refined its methodology for identifying comparable regions and provided a state-of-the-practice analysis supported by recent demographic and economic literature which determined

that the most appropriate comparison to the SCAG region would be an evaluation against the San Jose, New York, San Francisco, Miami, Seattle, Chicago, San Diego, Washington D.C., Houston, and Dallas metropolitan areas. Despite this collaboration on the subject between HCD and SCAG, HCD elected to reject this approach and instead used national average statistics, which include small metropolitan areas and rural areas having little in common with Southern California.

HCD's choice to use national averages:

- Is inconsistent with the statutory language of SB 828, which added the comparable region standard to RHNA law in order to improve the technical robustness of measures of housing need.
- Is inconsistent with empirical data as economic and demographic characteristics differ dramatically based on regional size and context. For comparison, the median-sized metropolitan region in the country is Fargo, North Dakota with a population of 207,500. That is not a meaningful basis of comparison for the nation's largest MPO.
- Is inconsistent with HCD's own internal practice for the 6<sup>th</sup> cycle of RHNA. The regional need determination for the Sacramento Area Council of Governments (SACOG), issued on July 18, 2019, was the first 6<sup>th</sup> cycle RHNA determination following SB 828's inclusion of the comparable region standard. During their consultation process with HCD, SACOG also produced a robust technical analysis to identify comparable regions for the purposes of using overcrowding and cost-burden statistics to determine regional housing needs. However, HCD's final determination for SACOG used this analysis while the SCAG region was held to a different and less reasonable standard.

### Improved Vacancy Rate Comparison

HCD seemingly uses unrealistic comparison points to evaluate healthy market vacancy, which is also an unreasonable application of the methodology and assumptions described in statute. While SB 828 specifies a vacancy rate for a healthy rental housing market as no less than 5 percent, healthy market vacancy rates for for-sale housing are not specified. HCD's practice is to compare actual, ACS vacancy rates for the region versus a 5 percent total vacancy rate (i.e. owner and renter markets combined).

During the consultation process, SCAG discussed this matter with HCD staff and provided several points of comparison including historical data, planning standards, and comparisons with other regions. In addition, SCAG staff illustrated that given tenure shares in the SCAG region, HCD's suggestion of a 5 percent total vacancy rate is mathematically equivalent to an 8 percent rental market vacancy rate plus a 2.25 percent for-sale housing vacancy rate. However, in major metropolitan regions, vacancy rates this high are rarely experienced outside of severe economic recessions such as the recent, housing market-driven Great Recession. Given the region's current housing shortage, the high volume of vacant units envisioned in HCD's planning target would be rapidly absorbed, making it an unrealistic standard.

SCAG staff's original suggestion of 5 percent rental vacancy and 1.5 percent for-sale vacancy (resulting in a 3.17 percent total vacancy rate based on current tenure shares) is in fact *higher* than the observed rate in the comparable regions defined above. It is also above Federal Housing Authority standards for regions experiencing slow or moderate population growth. It is also above the very liberal standard of 6 percent for for-rent housing and 2 percent for for-sale housing suggested by the California Office of Planning and Research (equivalent to 3.90 percent total vacancy based on SCAG tenure shares) which would also be a more reasonable application of the methodology.<sup>1</sup>

### **Additional Considerations**

In addition to the three key points above, SCAG's proposed alternative includes several other corrections to technical shortcomings in HCD's analysis of regional housing needs.

1. HCD's evaluation of replacement need is based on an arbitrary internal standard of 0.5 percent to 5.0 percent of total housing units. 2010-2019 demolition data provided by DOF suggest that over an 8.25-year period, it is reasonable to expect that 0.14 percent of the region's total housing units will be demolished, but not replaced. This would form the basis of a more reasonable housing needs determination, as DOF's survey represents the most comprehensive and robust data available.
2. Anticipated household growth on tribal land was not excluded from the regional determination as indicated in the consultation package and follow-up communications. Tribal entities within the SCAG region have repeatedly requested that this estimate be excluded from the RHNA process entirely since as sovereign nations, state law does not apply. SCAG's proposed approach is to subtract estimates of household growth on tribal land from the regional determination and ensure that these figures are also excluded from local jurisdictions' annual progress reports (APRs) of new unit construction to HCD during the 6<sup>th</sup> cycle.
3. A refinement to the adjustment for cost burden would yield a more reasonable determination of regional housing needs. SCAG has repeatedly emphasized the shortcomings of and overlap across various ACS-based measures of housing need. Furthermore, the relationship between new unit construction and cost burden is poorly understood (i.e., what will be the impact of new units on cost, and by extension, cost-burden). Nonetheless, SCAG recognizes that the region's cost burden exceeds that of comparable regions and proposes one modification to HCD's methodology, which currently considers cost burden separately by lower and higher income categories.

While housing security is dependent on income, it is also heavily dependent on tenure. While spending above 30 percent of gross income on housing for renters can reflect true housing insecurity, spending above this threshold for owners is substantially less problematic. This is particularly true for higher income homeowners, who generally benefit from housing shortages as it results in home value appreciation. Thus, a more reasonable application of cost burden

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<sup>1</sup> See Nelson, AC. (2004), *Planner's Estimating Guide Projecting Land-Use and Facility Needs*. Planners Press, American Planning Association, Chicago. P. 25.

statistics would exclude cost-burden experienced by moderate and above-moderate owner households and instead make an adjustment based on three of the four income and tenure combinations: lower-income renters, higher-income renters, and lower-income owners.

4. From our review, HCD's data and use of data is not current. In large metropolitan regions, there is no reasonable basis for using 5-year ACS data, which reflects average conditions from 2013 to 2017. For cost-burden adjustments, HCD relies on 2011-2015 CHAS data. By the beginning of the 6<sup>th</sup> cycle of RHNA, some of the social conditions upon which the determination is based will be eight years old.

During the consultation process, SCAG staff provided HCD with Excel-version data of all inputs needed to replicate their methodology using ACS 2017 1-year data (the most recent available); however, this was not used. The Census bureau is scheduled to release ACS 2018 1-year data on September 26, 2019. SCAG staff would support replicating the same analysis, but substituting 2018 data when it becomes available in order to ensure the most accurate estimates in planning for the region's future.

Finally, given that the manner and order in which modifications are made affects the total housing need, the attachments demonstrate two alternatives with varying interpretations of three of the above points (see boldface, red text in attachments):

- Vacancy rate comparison – SCAG's originally proposed values versus an alternative which emerged from the consultation process
- Replacement need – DOF survey value versus HCD's current practice
- Cost burden measure – whether or not to include higher-income homeowners in this adjustment

We appreciate your careful consideration of this objection. RHNA is a complex process and we recognize the difficult positions that both SCAG and HCD are in but are hopeful that our agencies can reach a reasonable conclusion with respect to the regional need determination. Please contact me if you have questions. I look forward to continuing our close partnership to address the housing crisis in our state.

Sincerely,



Kome Ajise  
Executive Director

Attachments

1. SCAG Alternative Determination
2. Excel version: SCAG Alternative Determination and supporting data
3. HCD Letter on Regional Need Determination, August 22, 2019

**Attachment 1  
SCAG Alternative Determination**

1	<b>OPTION A: SCAG region housing needs, June 30 2021-October 1 2029 (8.25 Years)</b>			
2	<b>Population: Oct 1, 2029 (SCAG 2020 RTP/SCS Forecast)</b>			<b>20,725,878</b>
3	<b>- Less Group Quarters Population (SCAG 2020 RTP/SCS Forecast)</b>			<b>-327,879</b>
4	<b>Household (HH) Population, Oct 1, 2029</b>			<b>20,397,998</b>
		<b>SCAG Projected HH Population</b>	<b>Headship rate - see Table 2</b>	<b>Projected Households</b>
	<b>Household Formation Groups</b>			
		<b>20,397,998</b>		<b>6,668,498</b>
	<b>under 15 years</b>	3,812,391		n/a
	<b>15 - 24 years</b>	2,642,548		147,005
	<b>25 - 34 years</b>	2,847,526		864,349
	<b>35 - 44 years</b>	2,821,442		1,304,658
	<b>45 - 54 years</b>	2,450,776		1,243,288
	<b>55 - 64 years</b>	2,182,421		1,116,479
	<b>65 -74 years</b>	1,883,181		1,015,576
	<b>75 - 84 years</b>	1,167,232		637,415
	<b>85+</b>	590,480		339,727
5	<b>Projected Households (Occupied Unit Stock)</b>			<b>6,668,498</b>
6	<b>+ Vacancy</b>	<b>Owner</b>	<b>Renter</b>	
	Tenure Share (ACS 2017 1-year)	52.43%	47.57%	
	Households by Tenure	3,496,058	3,172,440	
	Healthy Market Vacancy Standard	<b>1.50%</b>	<b>5.00%</b>	
	SCAG Vacancy (ACS 2017 1-year)	1.13%	3.30%	
	Difference	0.37%	1.70%	
	Vacancy Adjustment	12,953	53,815	66,768
7	+ Overcrowding (Comparison Point vs. Region ACS %)	5.20%	9.82%	4.62%
8	+ Replacement Adj (Actual DOF Demolitions)		<b>0.14%</b>	
	- Household Growth on Tribal Land (SCAG Estimate)			-2,766
9	- Occupied Units (HHs) estimated June 30, 2021 (from DOF data)			-6,250,261
10	+ Cost-burden Adjustment (Comparison Point vs. Region)			<b>23,969</b>
	<b>6th Cycle Regional Housing Need Assessment (RHNA)</b>			<b>823,808</b>



1	<b>OPTION B: SCAG region housing needs, June 30 2021–October 1 2029 (8.25 Years)</b>			
2	<b>Population: Oct 1, 2029 (SCAG 2020 RTP/SCS Forecast)</b>			<b>20,725,878</b>
3	- Less Group Quarters Population (SCAG 2020 RTP/SCS Forecast)			-327,879
4	<b>Household (HH) Population, Oct 1, 2029</b>			<b>20,397,998</b>
	<b>Household Formation Groups</b>	<b>SCAG Projected HH Population</b>	<b>Headship rate - see Table 2</b>	<b>Projected Households</b>
		<b>20,397,998</b>		<b>6,668,498</b>
	under 15 years	3,812,391		n/a
	15 - 24 years	2,642,548		147,005
	25 - 34 years	2,847,526		864,349
	35 - 44 years	2,821,442		1,304,658
	45 - 54 years	2,450,776		1,243,288
	55 - 64 years	2,182,421		1,116,479
	65 -74 years	1,883,181		1,015,576
	75 - 84 years	1,167,232		637,415
	85+	590,480		339,727
5	<b>Projected Households (Occupied Unit Stock)</b>			<b>6,668,498</b>
6	+ Vacancy	Owner	Renter	
	Tenure Share (ACS 2017 1-year)	52.43%	47.57%	
	Households by Tenure	3,496,058	3,172,440	
	Healthy Market Vacancy Standard	<b>2.00%</b>	<b>6.00%</b>	
	SCAG Vacancy (ACS 2017 1-year)	1.13%	3.30%	
	Difference	0.87%	2.70%	
	Vacancy Adjustment	30,433	85,540	115,973
7	+ Overcrowding (Comparison Point vs. Region ACS %)	5.20%	9.82%	4.62%
8	+ Replacement Adj (HCD minimum standard)		<b>0.50%</b>	
	- Household Growth on Tribal Land (SCAG Estimate)			-2,766
9	- Occupied Units (HHs) estimated June 30, 2021 (from DOF data)			-6,250,261
10	+ Cost-burden Adjustment (Comparison Point vs. Region)			<b>47,724</b>
	<b>6th Cycle Regional Housing Need Assessment (RHNA)</b>			<b>920,772</b>

1	Projection period: Gov. Code 65588(f) specifies RHNA projection period start is December 31 or June 30, whichever date most closely precedes end of previous RHNA projection period end date. RHNA projection period end date is set to align with planning period end date. The planning period end date is eight years following the Housing Element due date, which is 18 months following the Regional Transportation Plan adoption rounded to the 15th or end of the month.
2-5	Population, Group Quarters, Household Population, & Projected Households: Pursuant to Government Code Section 65584.01, projections were extrapolated from SCAG's Regional Transportation Plan projections. <u>Population</u> reflects total persons. <u>Group Quarter Population</u> reflects persons in a dormitory, group home, institution, military, etc. that do not require residential housing. <u>Household Population</u> reflects persons requiring residential housing. <u>Projected Households</u> reflect the propensity of persons, by age-groups, to form households at different rates based on Census trends.
6	Vacancy Adjustment: Pursuant to Government Code 65584.01, a 5% minimum is considered to be healthy market vacancy in the for-rent housing market. Vacancy rates in the for-sale market are unspecified in statute. <b>SCAG's analysis of vacancy rates suggests a healthy market standard of 5% for fore-rent housing and 1.5% for for-sale housing. After extensive consultation with HCD, a review of historical trends, regional and national comparison, and various planning standards, a more liberal vacancy standard of 6% for for-rent housing and 2% for for-sale housing may also be supported by this analysis.</b> These standards are compared against ACS 2017 1-year data based on the renter/owner share in the SCAG region.
7	Overcrowding Adjustment: In regions where overcrowding is greater than the Comparable Region Rate, an adjustment is applied based on the amount the region's overcrowding rate (9.82%) exceeds the Comparable Region Rate (5.20%). Data is from 2017 1-year ACS.
8	Replacement Adjustment: A replacement adjustment is applied based on the current 10-year average % of demolitions according to local government annual reports to Department of Finance. <b>While these data suggest an adjustment of 0.14% is most appropriate, SCAG recognizes that HCD's internal practice is to use an adjustment factor of 0.5%.</b>
9	Occupied Units: Reflects DOF's estimate of occupied units at the start of the projection period (June 30, 2021).
10	Cost Burden Adjustment: A cost-burden adjustment is applied to the projected need by comparing the difference in cost-burden by income and tenure group for the region to the cost-burden by income and tenure group for comparable regions. Data are from 2017 1-year ACS and the ACS \$50,000/year household income threshold is used to distinguish between lower and higher income groups. The lower income RHNA is increased by the percent difference between the region and the comparison region cost burden rate for households earning approximately 80% of area median income and below (88.89%-84.39%=4.51% for renters and 27.33%-20.97%=6.36% for owners), then this difference is applied to very low- and low-income RHNA proportionate to the share of the population these groups currently represent (Very Low=63% of lower, Low=37% of lower). The higher income RHNA is increased by the percent difference between the region and the comparison region cost burden rate (67.15%-65.53%=1.62% for renters and 23.78%-17.06%=6.72% for owners) for households earning above 80% Area Median Income, then this difference is applied to moderate and above moderate income RHNA proportionate to the share of the population these groups currently represent (Moderate=29% of higher, Above Moderate=71% of higher). <b>SCAG's analysis of the cost-burden measure suggests that it may be less appropriate to apply for higher-income owners and it may be excluded from the adjustment.</b>

**Option A: Regional Housing Need Allocation (RHNA) Determination**

**SCAG Region**

**June 30, 2021 through October 1, 2029**

<u>Income Category</u>	<u>Percent</u>	<u>Housing Unit Need</u>
Very-Low *	25.8%	212,284
Low	15.1%	124,375
Moderate	17.1%	140,601
Above-Moderate	42.1%	346,547
<b>Total</b>	<b>100.0%</b>	<b>823,808</b>
* Extremely-Low	14.6%	included in Very-Low Category

**Option B: Regional Housing Need Allocation (RHNA) Determination**

**SCAG Region**

**June 30, 2021 through October 1, 2029**

<u>Income Category</u>	<u>Percent</u>	<u>Housing Unit Need</u>
Very-Low *	25.8%	231,084
Low	15.1%	135,390
Moderate	17.1%	159,982
Above-Moderate	42.1%	394,316
<b>Total</b>	<b>100.0%</b>	<b>920,772</b>
* Extremely-Low	14.6%	included in Very-Low Category

*Income Distribution : Income categories are prescribed by California Health and Safety Code (Section 50093, et.seq.). Percents are derived based on ACS reported household income brackets and county median income, then adjusted based on the percent of cost-burdened households in the region compared with the percent of cost burdened households nationally.*

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF HOUSING POLICY DEVELOPMENT**

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October 15, 2019

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

Dear Executive Director Ajise,

**RE: Final Regional Housing Need Assessment**

The California Department of Housing and Community Development (HCD) has received and reviewed your objection to the Southern California Association of Governments (SCAG)'s Regional Housing Needs Assessment (RHNA) provided on August 22, 2019. Pursuant to Government Code (Gov. Code) section 65584.01(c)(3), HCD is reporting the results of its review and consideration, along with a final written determination of SCAG's RHNA and explanation of methodology and inputs.

As a reminder, there are several reasons for the increase in SCAG's 6<sup>th</sup> cycle Regional Housing Needs Assessment (RHNA) as compared to the 5<sup>th</sup> cycle. First, as allowed under Gov. Code 65584.01(b)(2), the 6<sup>th</sup> cycle RHNA applied housing need adjustment factors to the region's total projected households, thus capturing existing and projected need. Second, overcrowding and cost burden adjustments were added by statute between 5<sup>th</sup> and 6<sup>th</sup> cycle; increasing RHNA in regions where incidents of these housing need indicators were especially high. SCAG's overcrowding rate is 10.11%, 6.76% higher than the national average. SCAG's cost burden rate is 69.88% for lower income households, and 18.65% for higher income households, 10.88% and 8.70% higher than the national average respectively. Third, the 5<sup>th</sup> cycle RHNA for the SCAG region was impacted by the recession and was significantly lower than SCAG's 4<sup>th</sup> cycle RHNA.

This RHNA methodology establishes the minimum number of homes needed to house the region's anticipated growth and brings these housing need indicators more in line with other communities, but does not solve for these housing needs. Further, RHNA is ultimately a requirement that the region zone sufficiently in order for these homes to have the potential to be built, but it is not a requirement or guarantee that these homes will be built. In this sense, the RHNA assigned by HCD is already a product of moderation and compromise; a minimum, not a maximum amount of planning needed for the SCAG region.

For these reasons HCD has not altered its RHNA approach based on SCAG's objection. However, the cost burden data input has been updated following SCAG's objection due to the availability of more recent data. Attachment 1 displays the minimum RHNA of **1,341,827** total homes among four income categories for SCAG to distribute among its local governments. Attachment 2 explains the methodology applied pursuant to Gov. Code section 65584.01.

Attachment: Irvine Appeal and Supporting Documentation (Appeal of the Draft RHNA Allocation for the City of Irvine)

The following briefly responds to each of the points raised in SCAG's objection:

Use of SCAG's Population Forecast

SCAG's overall population estimates for the end of the projection period exceed Department of Finance's (DOF) population projections by 1.32%, however the SCAG household projection derived from this population forecast is 1.96% lower than DOF's household projection. This is a result of SCAG's population forecast containing 3,812,391 under 15-year old persons, compared to DOF's population projection containing 3,292,955 under 15-year old persons; 519,436 more persons within the SCAG forecast that are anticipated to form no households. In this one age category, DOF's projections differ from SCAG's forecast by 15.8%.

Due to a greater than 1.5% difference in the population forecast assessment of under 15-year olds (15.8%), and the resulting difference in projected households (1.96%), HCD maintains the use of the DOF projection in the final RHNA.

Use of Comparable Regions

While the statute allows for the council of government to determine and provide the comparable regions to be used for benchmarking against overcrowding and cost burden, Gov. Code 65584.01(b)(2) also allows HCD to "accept or reject information provided by the council of governments or modify its own assumptions or methodology based on this information." Ultimately, HCD did not find the proposed comparable regions an effective benchmark to compare SCAG's overcrowding and cost burden metrics to. HCD used the national average as the comparison benchmark, which had been used previously throughout 6<sup>th</sup> cycle prior to the addition of comparable region language into the statute starting in January 2019. As the housing crisis is experienced nationally, even the national average does not express an ideal overcrowding or cost burden rate; we can do more to reduce and eliminate these worst-case housing needs.

Vacancy Rate

No changes have been made to the vacancy rate standard used by HCD for the 6<sup>th</sup> cycle RHNA methodology.

Replacement Need

No changes have been made to the replacement need minimum of adjustment .5%. This accounts for replacement homes needed to account for homes potentially lost during the projection period.

Household Growth Anticipated on Tribal Lands

No changes have been made to reduce the number of households planned in the SCAG region by the amount of household growth expected on tribal lands. The region should plan for these homes outside of tribal lands.

Overlap between Overcrowding and Cost Burden

No changes have been made to overcrowding and cost burden methodology. Both factors are allowed statutorily, and both are applied conservatively in the current methodology.

### Data Sources

No changes have been made to the data sources used in the methodology. 5-year American Community Survey data allows for lower margin of error rates and is the preferred data source used throughout this cycle. With regard to cost burden rates, HCD continues to use the Comprehensive Housing Affordability Strategy, known as CHAS data. These are custom tabulations of American Community Survey requested by the U.S. Department of Housing and Urban Development. These custom tabulations display cost burden by income categories, such as lower income, households at or below 80% area median income; rather than a specific income, such as \$50,000. The definition of lower income shifts by region and CHAS data accommodates for that shift. The 2013-2016 CHAS data became available August 9, 2019, shortly prior to the issuance of SCAG's RHNA determination so that data is now used in this RHNA.

### Next Steps

As you know, SCAG is responsible for adopting a RHNA allocation methodology for the *projection* period beginning June 30, 2021 and ending October 15, 2029. Pursuant to Gov. Code section 65584(d), SCAG's RHNA allocation methodology must further the following objectives:

- (1) Increasing the housing supply and the mix of housing types, tenure, and affordability in all cities and counties within the region in an equitable manner, which shall result in each jurisdiction receiving an allocation of units for low- and very-low income households.
- (2) Promoting infill development and socioeconomic equity, the protection of environmental and agricultural resources, the encouragement of efficient development patterns, and the achievement of the region's greenhouse gas reductions targets provided by the State Air Resources Board pursuant to Section 65080.
- (3) Promoting an improved intraregional relationship between jobs and housing, including an improved balance between the number of low-wage jobs and the number of housing units affordable to low-wage workers in each jurisdiction.
- (4) Allocating a lower proportion of housing need to an income category when a jurisdiction already has a disproportionately high share of households in that income category, as compared to the countywide distribution of households in that category from the most recent American Community Survey.
- (5) Affirmatively furthering fair housing.

Pursuant to Gov. Code section 65584.04(e), to the extent data is available, SCAG shall include the factors listed in Gov. Code section 65584.04(e)(1-12) to develop its RHNA allocation methodology. Pursuant to Gov. Code section 65584.04(f), SCAG must explain in writing how each of these factors was incorporated into the RHNA allocation methodology and how the methodology furthers the statutory objectives described above. Pursuant to Gov. Code section 65584.04(h), SCAG must consult with HCD and submit its draft allocation methodology to HCD for review.

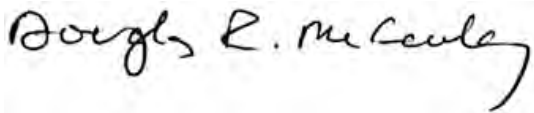
HCD appreciates the active role of SCAG staff in providing data and input throughout the consultation period. HCD especially thanks Ping Chang, Ma'Ayn Johnson, Kevin Kane, and Sarah Jepson.

HCD looks forward to its continued partnership with SCAG to assist SCAG's member jurisdictions meet and exceed the planning and production of the region's housing need. Just a few of the support opportunities available for the SCAG region this cycle include:

- SB 2 Planning Grants and Technical Assistance (application deadline November 30, 2019)
- Regional and Local Early Action Planning Grants
- Permanent Local Housing Allocation

If HCD can provide any additional assistance, or if you, or your staff, have any questions, please contact Megan Kirkeby, Assistant Deputy Director for Fair Housing, at [megan.kirkeby@hcd.ca.gov](mailto:megan.kirkeby@hcd.ca.gov).

Sincerely,



Douglas R. McCauley  
Acting Director

Enclosures

**ATTACHMENT 1**

**HCD REGIONAL HOUSING NEED DETERMINATION**

**SCAG: June 30, 2021 – October 15, 2029 (8.3 years)**

<u>Income Category</u>	<u>Percent</u>	<u>Housing Unit Need</u>
Very-Low*	26.2%	351,796
Low	15.4%	206,807
Moderate	16.7%	223,957
Above-Moderate	41.7%	559,267
<b>Total</b>	<b>100.0%</b>	<b>1,341,827</b>
* Extremely-Low	14.5%	Included in Very-Low Category

*Notes:*

*Income Distribution:*

*Income categories are prescribed by California Health and Safety Code (Section 50093, et.seq.). Percents are derived based on ACS reported household income brackets and regional median income, then adjusted based on the percent of cost-burdened households in the region compared with the percent of cost burdened households nationally.*



## ATTACHMENT 2

**HCD REGIONAL HOUSING NEED DETERMINATION  
SCAG: June 30, 2021 – October 15, 2029 (8.3 years)**

**Methodology**

SCAG: June 30, 2021-October 15, 2029 (8.3 Years) HCD Determined Population, Households, & Housing Need					
1.	<b>Population: DOF 6/30/2029 projection adjusted +3.5 months to 10/15/2029</b>				20,455,355
2.	<i>- Group Quarters Population: DOF 6/30/2029 projection adjusted +3.5 months to 10/15/2029</i>				-363,635
3.	<b>Household (HH) Population: October 15, 2029</b>				20,079,930
	<b>Household Formation Groups</b>	<b>HCD Adjusted DOF Projected HH Population</b>	<b>DOF HH Formation Rates</b>	<b>HCD Adjusted DOF Projected Households</b>	
		20,079,930		6,801,760	
	under 15 years	3,292,955	n/a	n/a	
	15 – 24 years	2,735,490	6.45%	176,500	
	25 – 34 years	2,526,620	32.54%	822,045	
	35 – 44 years	2,460,805	44.23%	1,088,305	
	45 – 54 years	2,502,190	47.16%	1,180,075	
	55 – 64 years	2,399,180	50.82%	1,219,180	
	65 – 74 years	2,238,605	52.54%	1,176,130	
	75 – 84 years	1,379,335	57.96%	799,455	
	85+	544,750	62.43%	340,070	
4.	<b>Projected Households (Occupied Unit Stock)</b>				6,801,760
5.	+ Vacancy Adjustment (2.63%)				178,896
6.	+ Overcrowding Adjustment (6.76%)				459,917
7.	+ Replacement Adjustment (.50%)				34,010
8.	<i>- Occupied Units (HHs) estimated (June 30, 2021)</i>				-6,250,261
9.	+ Cost Burden Adjustment (Lower Income: 10.63%, Moderate and Above Moderate Income: 9.28%)				117,505
<b>6<sup>th</sup> Cycle Regional Housing Need Assessment (RHNA)</b>					<b>1,341,827</b>

**Explanation and Data Sources**

- 1-4. Population, Group Quarters, Household Population, & Projected Households: Pursuant to Government Code Section 65584.01, projections were extrapolated from Department of Finance (DOF) projections. Population reflects total persons. Group Quarter Population reflects persons in a dormitory, group home, institution, military, etc. that do not require residential housing. Household Population reflects persons requiring residential housing. Projected Households reflect the propensity of persons, by age-groups, to form households at different rates based on Census trends.
5. Vacancy Adjustment: HCD applies a vacancy adjustment based on the difference between a standard 5% vacancy rate and the region's current "for rent and sale" vacancy percentage to provide healthy market vacancies to facilitate housing availability and resident mobility. The adjustment is the difference between standard 5% and region's current vacancy rate (2.37%) based on the 2013-2017 5-year American Community Survey (ACS) data. For SCAG that difference is 2.63%.
6. Overcrowding Adjustment: In region's where overcrowding is greater than the U.S overcrowding rate of 3.35%, HCD applies an adjustment based on the amount the region's overcrowding rate (10.11%) exceeds the U.S. overcrowding rate (3.35%) based on the 2013-2017 5-year ACS data. For SCAG that difference is 6.76%.

*Continued on next page*

7. Replacement Adjustment: HCD applies a replacement adjustment between .5% & 5% to total housing stock based on the current 10-year average of demolitions in the region's local

government annual reports to Department of Finance (DOF). For SCAG, the 10-year average is .14%, and SCAG's consultation package provided additional data on this input indicating it may be closer to .41%; in either data source the estimate is below the minimum replacement adjustment so the minimum adjustment factor of .5% is applied.

8. Occupied Units: Reflects DOF's estimate of occupied units at the start of the projection period (June 30, 2021).
9. Cost Burden Adjustment: HCD applies an adjustment to the projected need by comparing the difference in cost-burden by income group for the region to the cost-burden by income group for the nation. The very-low and low income RHNA is increased by the percent difference ( $69.88\% - 59.01\% = 10.88\%$ ) between the region and the national average cost burden rate for households earning 80% of area median income and below, then this difference is applied to very low- and low-income RHNA proportionate to the share of the population these groups currently represent. The moderate and above-moderate income RHNA is increased by the percent difference ( $18.65\% - 9.94\% = 8.70\%$ ) between the region and the national average cost burden rate for households earning above 80% Area Median Income, then this difference is applied to moderate and above moderate income RHNA proportionate to the share of the population these groups currently represent. Data is from 2013-2016 Comprehensive Housing Affordability Strategy (CHAS).



Our Work ▾

What We Do

Contact



# Double Counting in the Latest Housing Needs Assessment



[View PDF Report](#)



Attachment: Irvine Appeal and Supporting Documentation (Appeal of the Draft RHNA Allocation for the City of Irvine)

**Do the Math: The state has ordered more than 350 cities to prepare the way for more than 2 million homes by 2030.**

But what if the math is wrong?

Senate Bill 828, co-sponsored by the Bay Area Council and Silicon Valley Leadership Group, and authored by state Sen. Scott Wiener in 2018, has inadvertently doubled the “Regional Housing Needs Assessment” in California.

Use of an incorrect vacancy rate and double counting, inspired by SB-828, caused the state’s Department of Housing and Community Development (HCD) to exaggerate by more than 900,000 the units needed in SoCal, the Bay Area and the Sacramento area.

The state’s approach to determining the housing need must be defensible and reproducible if cities are to be held accountable. Inaccuracies on this scale mask the fact that cities and counties are surpassing the state’s market-rate housing targets, but falling far short in meeting affordable housing targets. The inaccuracies obscure the real problem and the associated solution to the housing crisis—the funding of affordable housing.



# **Do the Math: The state has ordered more than 350 cities to prepare the way for more than 2 million homes by 2030. But what if the math is wrong?**

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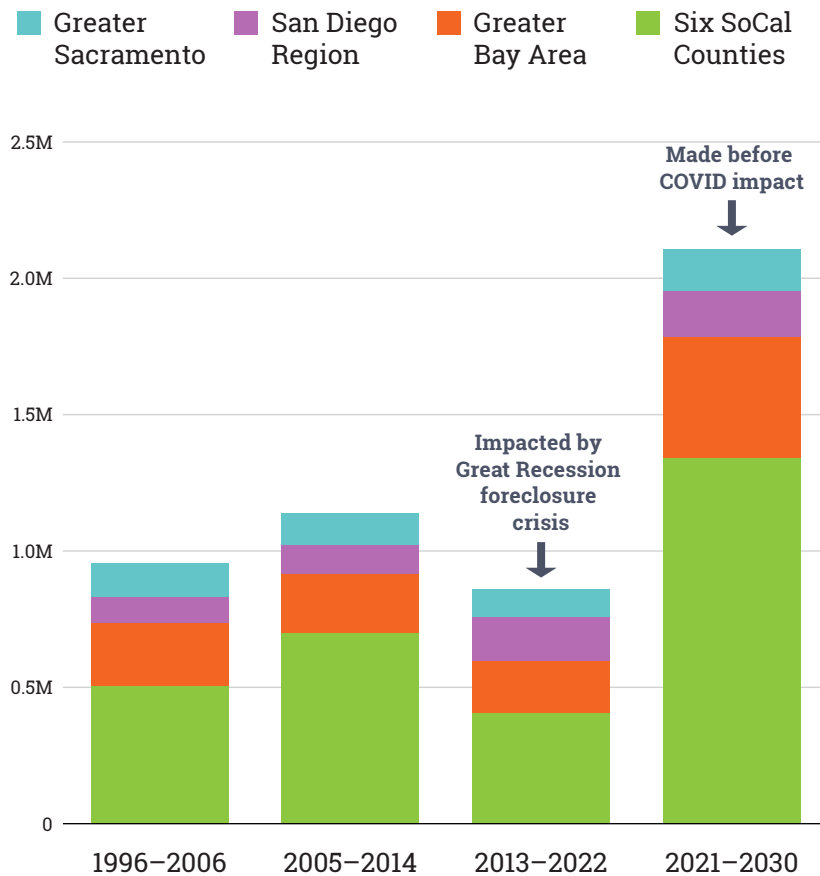
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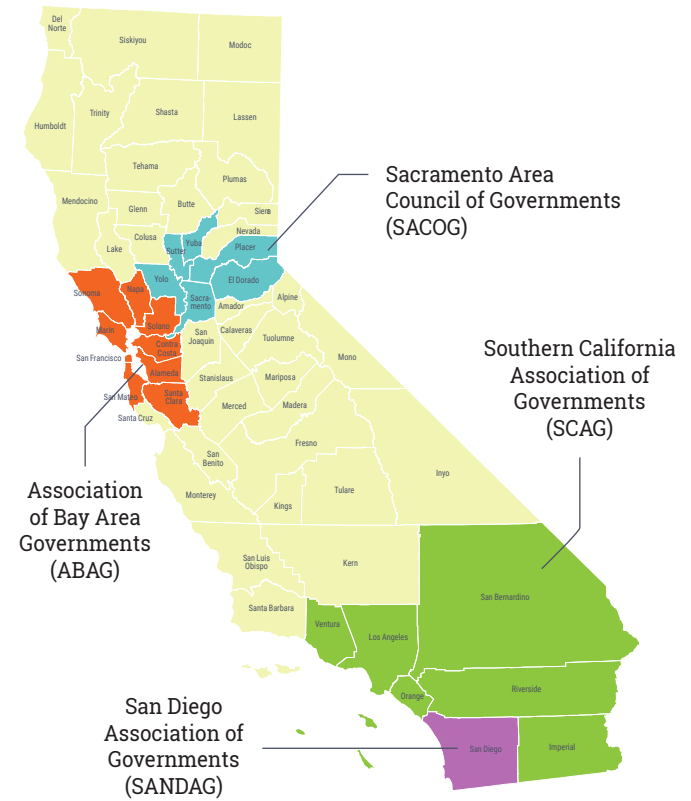
## Double counting (not surprisingly) doubled the assessed housing need for the four major planning regions.

Every five to eight years the Department of Housing and Community Development (HCD) supervises and publishes the results of a process referred to as the Regional Housing Needs Assessment (RHNA). Four regional planning agencies cover the 21 most urban counties and account for 80% of California's housing. All four regions saw a significant jump in the state's assessment of their housing need for the years 2021 to 2030.

### Housing Units Needed According to the State, (1996–2030)



### Four Regions Contain 80% of the State's Housing



# The double count, an unintended consequence of Senate Bill 828, has exaggerated the housing need by more than 900,000 units in the four regions below.

California plans for its housing needs in “cycles.” The four regions are on cycles that last roughly eight years with staggered start dates. In the 2021–2030 housing cycle, errors introduced by language in SB-828 nearly equal the entire 1.15M units of new housing required during the 2013–2022 “cycle.” As illustrated, Southern California and the Bay Area are the most impacted by the state’s methodology errors.



# Senate Bill 828 was drafted absent a detailed understanding of the Department of Finance’s methodology for developing household forecasts, and absent an understanding of the difference between rental and home-owner vacancies. These misunderstandings have unwittingly ensured a series of double counts.

## SB-828 MISTAKENLY ASSUMED:

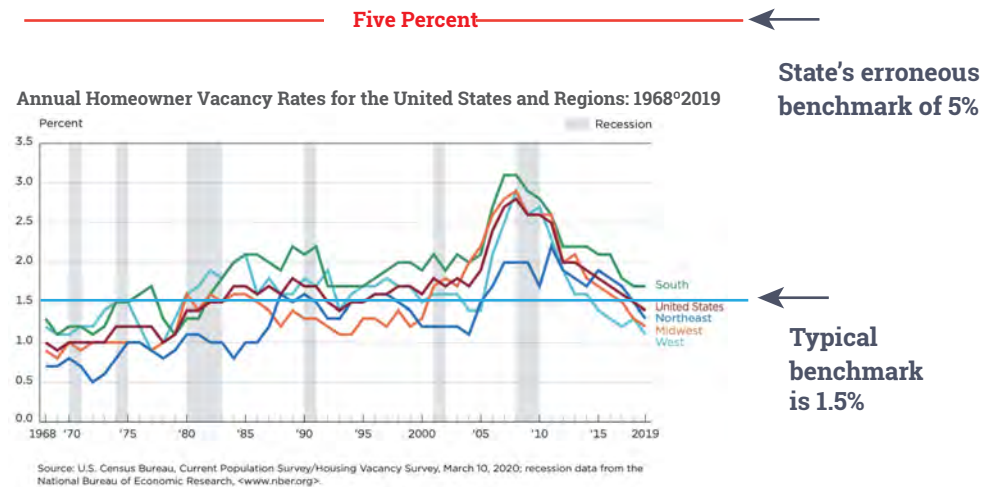
## THE REALITY IS:

1. SB-828 wrongly assumed ‘existing housing need’ was not evaluated as part of California’s previous Regional Housing Need Assessments, or RHNA. There was an assumption that only future need had been taken into account in past assessments. (In fact, as detailed in The Reality section, the state’s existing housing need was fully evaluated in previous RHNA assessment cycles).

1. Existing housing need has long been incorporated in California’s planning cycles. It has been evaluated by comparing existing vacancy rates with widely accepted benchmarks for healthy market vacancies (rental and owner-occupied). The difference between actual and benchmark is the measure of housing need/surplus in a housing market. Confusion about the inclusion of “existing need” may have arisen because vacancy rates at the time of the last assessment of housing need (“the 5th cycle”) were unusually high (higher than the healthy benchmarks) due to the foreclosure crisis of 2007–2010, and in fact, the vacancy rates suggested a surplus of housing. So, in the 5th cycle the vacancy adjustment had the effect of lowering the total housing need. Correctly seeing the foreclosure crisis as temporary, the state Department of Finance did not apply the full weight of the surplus, but instead assumed a percentage of the vacant housing would be absorbed by the time the 5th cycle began. The adjustment appears in the 5th cycle determinations, not as ‘Existing Housing Need’ but rather as “Adjustment for Absorption of Existing Excess Vacant Units.”

2. SB-828 wrongly assumed a 5% vacancy rate in owner-occupied housing is healthy (as explained in the column on the right, 5% vacancy in owner-occupied homes is never desirable, and contradicts Government Code 65584.01(b)(1)(E) which specifies that a 5% vacancy rate applies only to the rental housing market).

2. While 5% is a healthy benchmark for rental vacancies, it is unhealthy for owner-occupied housing (which typically represents half of existing housing). Homeowner vacancy in the U.S. has hovered around 1.5% since the ‘70s, briefly reaching 3% during the foreclosure crisis. However, 5% is well outside any healthy norm, and thus does not appear on the Census chart (to the right) showing Annual Homeowner Vacancy Rates for the United States and Regions: 1968–2019.



3. SB-828 wrongly assumed overcrowding and cost-burdening had not been considered in Department of Finance projections of housing need. The bill sought to redress what it mistakenly thought had been left out by requiring regional planning agencies to report overcrowding and cost-burdening data to the Dept. of Housing and Community Development (as explained in the right column).

3. Unknown to the authors of SB-828, the Department of Finance (DOF) has for years factored overcrowding and cost-burdening into their household projections. These projections are developed by multiplying estimated population by the headship rate (the proportion of the population who will be head of a household). The Department of Finance (DOF) in conjunction with the Department of Housing and Community Development (HCD) has documented its deliberate decision to use higher headship rates to reflect optimal conditions and intentionally “alleviate the burdens of high housing cost and overcrowding.” Unfortunately, SB-828 has caused the state to double count these important numbers.



# The forced double-counting errors are significant.\*

---

## 1. Incorrect use of a 5% benchmark vacancy rate for owner-occupied housing.

The vacancy rate was incorrectly used for both existing and projected owner-occupied households.

**+ 229,000**  
housing units

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## 2. Current vacancies were assumed to exist in household projections.

This error is unrelated to SB-828, but is an accounting error introduced by HCD methodology.

**- 22,000**  
housing units

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## 3. Overcrowding and cost-burdening were double counted.\*\*

In addition to the household projection methodology outlined by the Department of Finance (shown to account for overcrowding and cost-burdening), the matter is also mentioned in meeting notes available on the Association of Bay Area Government's (ABAG) website.\*\*\*

Quote from ABAG's Housing Methodology Committee Agenda Packet for the 4th RHNA Cycle, July 2006

"There was also a lot of discussion about the headship rates used by HCD/DOF. Several people commented that headship rates in the Bay Area are generally lower than the State's estimates because the region's high housing costs limit household formation. In response, Mr. Fassinger noted that HCD uses these higher headship rates because the RHNA process is intended to alleviate the burdens of high housing cost and overcrowding."

Despite this, overcrowding and cost-burdening were counted a second time as adjustment factors required by SB-828.

**+ 734,000**  
housing units

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**TOTAL: + 941,000**  
housing units

\* All errors are rounded to the nearest thousand.

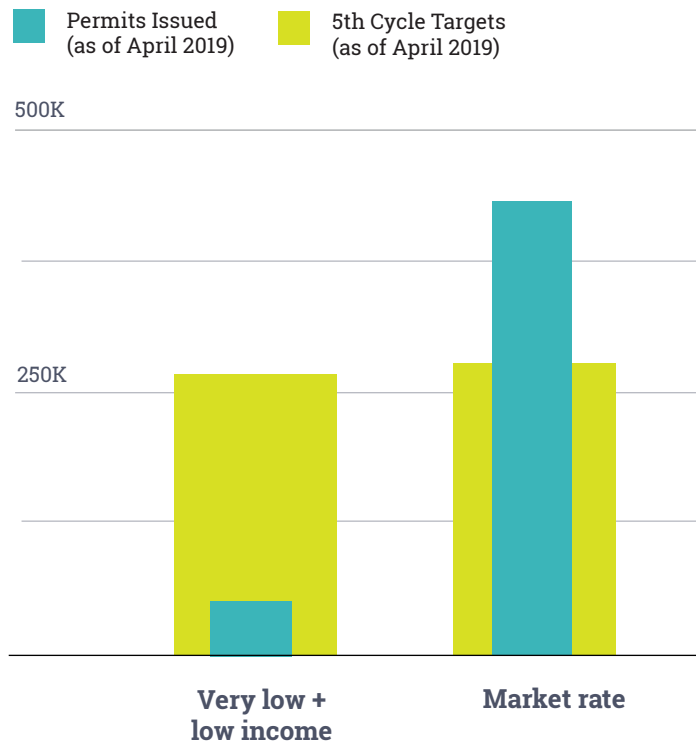
\*\* Overcrowding measures the number of households with more than 1 person per room. Cost-burdening measures the number of households that spend more than 30% of the household income on housing. Cost-burdening is measured by five income levels – extremely low, very low, low, moderate, above moderate

\*\*\* P-4 tables are created by the Department of Finance–Household Projection table 2020–2030 and their methodology is fully explained in 'read me' notes that accompany the table.

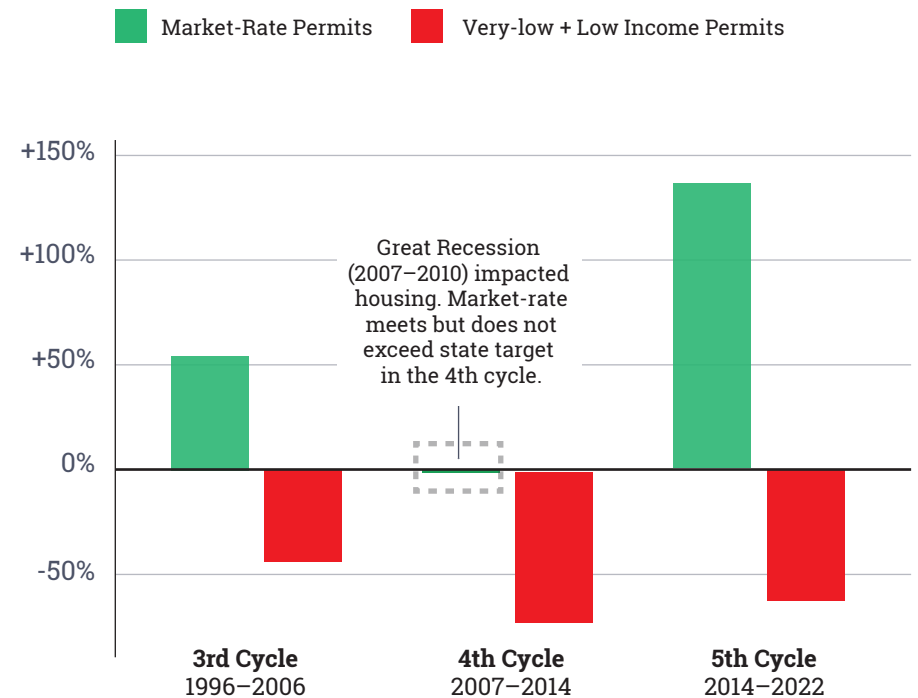
# The state's exaggerated targets unfortunately mask the real story: Decades of overachieving in market-rate housing has not reduced housing costs for lower income households.

The state has shown, with decades of data, that it cannot dictate to the market. The market is going to take care of itself. The state's responsibility is to take care of those left behind in the market's wake. Based on housing permit progress reports published by the Dept. of Housing and Community Development in July 2020, cities and counties in the four most populous regions continue to strongly outperform on the state's assigned market-rate housing targets, but fail to achieve even 20% of their low-income housing target. In the Bay Area where permit records have been kept since 1997, there is evidence that this housing permit imbalance has propagated through decades of housing cycles.

## Permit Progress in the 5th Cycle (2013-2022)\* (all 4 regions)



## Affordable Housing Languishes as Market-Rate Housing Overachieves (Bay Area only)\*



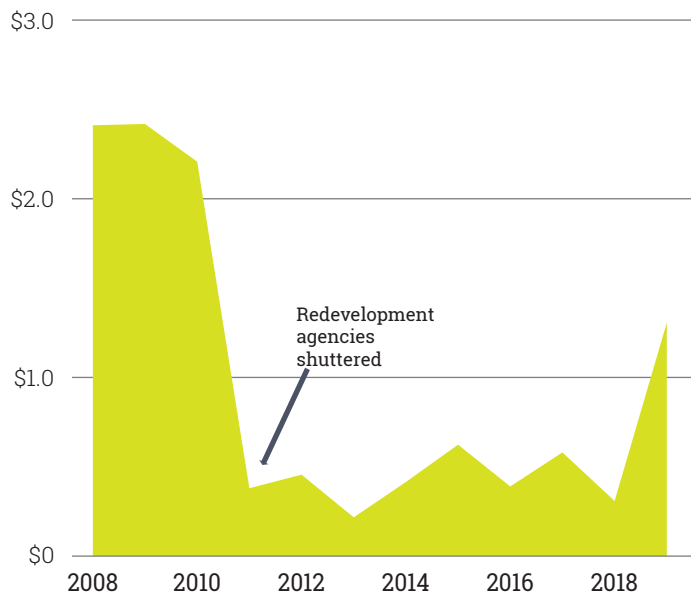
\* Based on permit progress reports published by the Dept of Housing and Community Development and updated July 2020, reporting progress through April 2019.

\*\* Only the Bay Area is shown because other regions have not kept detailed records of permit progress through the 3rd and 4th cycles.

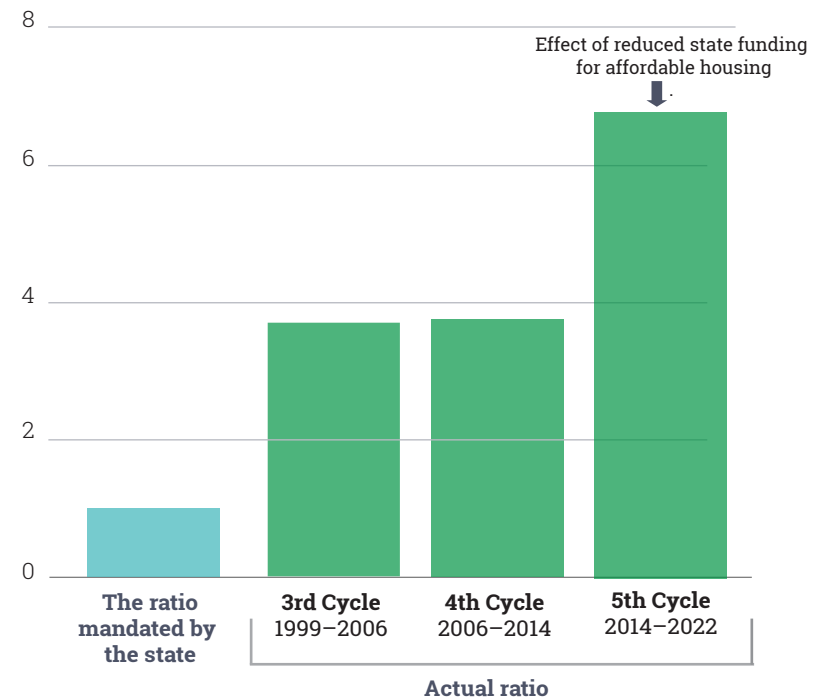
# It's clear. Market-rate housing doesn't need state incentives. Affordable housing needs state funding.

Cities are charged by the state to build one market-rate home for every one affordable home. But state laws, such as the density bonus law, incentivize developers to build market-rate units at a far higher rate than affordable units. As a result, California has been building four market-rate units for every one affordable unit for decades. And with the near-collapse of legislative funding for low-income housing in 2011, that ratio has grown to seven to eight market-rate units to each affordable unit. Yet we need one-to-one. This worsening situation can't be fixed by zoning or incentives which are the focus of many recent housing bills and only reinforce or worsen the ever-higher market-rate housing ratios. From the data it appears that the shortage of housing resulted not from a failure by cities to issue housing permits, but rather a failure by the state to fund and support affordable housing. Future legislative efforts should take note.

**State Funds for Affordable Housing, 2008–2019\***  
\$ Billion



**Market-Rate to Low-Income Housing Permits in the Bay Area has grown from a ratio of 4 : 1 to 7 : 1**  
(Bay Area only)\*\*



\* "The Defunding of Affordable Housing in California", Embarcadero Institute, update June 2020 [www.embarcaderoinstitute.com/reports/](http://www.embarcaderoinstitute.com/reports/)

\*\* Only Bay Area is shown because other regions have not kept detailed records of permit progress through the 3rd and 4th cycles. Data is from ABAG's permit progress reports for 3rd and 4th cycle and Dept. of Housing and Community Development's 5th cycle Annual Progress Report.

# Finally, since penalties are incurred for failing to reach state targets for housing permits, the methodology for developing these numbers must be transparent, rigorous and defensible.

Non-performance in an income category triggers a streamlined approval process per Senate Bill 35 (2017). These exaggerated 6th cycle targets will make it impossible for cities and counties to attain even their market-rate targets, ensuring market-rate housing will qualify for incentives and bonuses meant for low income housing. **Yet again low-income housing will lose out.** The state needs to correct the errors in the latest housing assessment, and settle on a consistent, defensible approach going forward.

## At Least Four Different Methodologies Have Been Used Simultaneously by the State to Discuss Housing Need: We Only Need One

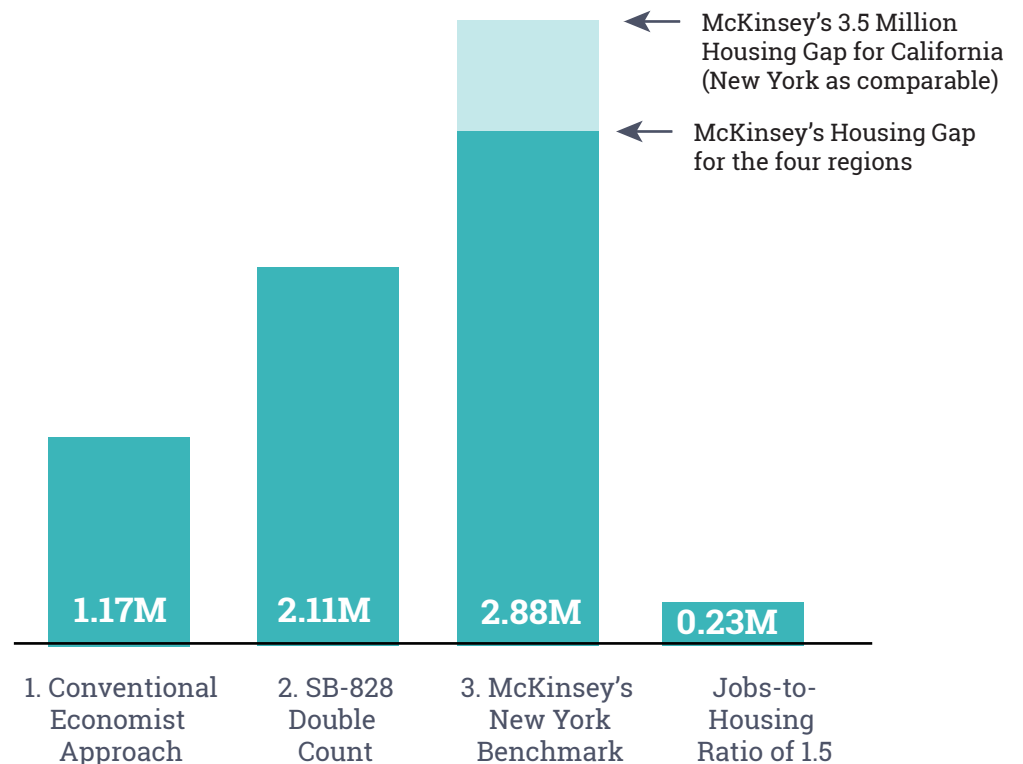
**1. The Conventional Economist Approach:** uses goldilocks (not too big, not too small, just right) benchmarks for vacancies - 1.5% for owner-occupied and 5% for rental housing.

**2. SB-828 Double Count:** incorrectly uses a benchmark of 5% vacancy for owner-occupied housing. It also double counts overcrowding and cost-burdening

**3. McKinsey's New York Benchmark:** the over-simplified approach generated an exaggerated housing gap of 3.5 Million for California. McKinsey multiplied California's population by New York's housing per capita to get 3.5M. New York is not a proper benchmark for California and NY's higher housing per capita is more reflective of NY's declining population rather than a healthy benchmark for housing

**4. Jobs-to-housing ratio of 1.5:** according to state planning agencies 1.5 is the optimal benchmark. Employment in the four regions is estimated to grow to 17 million by 2030 (job growth estimates prepared before COVID).\*\*

Forecast 2030 Housing Need for the Four Regions



\* California's Employment Development Department (EDD) estimates employment by county through 2026. Using annualized growth (2016 to 2026) as a basis for future growth 2030 employment is estimated for the four regions.

\*\* The 17 million includes estimates of self employed, private household workers, farm and nonfarm employment. Occupations with employment below 100 in 2016 are excluded.

**How it Works :** A multi-agency collaborative effort has generated past state housing targets. However, in 2018, SB-828 annointed the Dept. of Housing and Community Development with final veto powers.

**STEP 1**

The Dept. of Finance (DOF) generates household forecasts by county based on population growth and headship rates. This is the step where overcrowding and cost-burdening are factored in .

Dept. of Finance (DOF)



**STEP 2**

The Dept. of Housing and Community Development (HCD) then takes the DOF household projections and adds in a healthy vacancy level (1.5% for owner-occupied, 5% for rental housing) to determine the number of housing units needed to comfortably accommodate the DOF household projections.

dept. of Housing and Community Development (HCD)



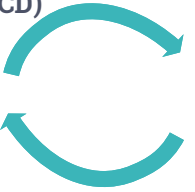
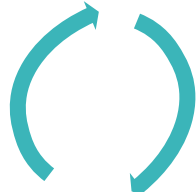
**STEP 3**

The regional agencies allocate housing targets to cities and counties in their jurisdiction. These allocations collectively meet their RHNA assessments, and are based on algorithms that may include employment, transit accessibility and local housing patterns



**STEP 4**

Cities and Counties report annual progress on housing permits to the Dept. of Housing and Community Development (HCD)



**SB-828 introduced errors in Step 2 (when the Dept. of Housing and Community Development made adjustments to the Dept. of Finance’s household projections).**

Southern California and the Bay Area were most impacted by the double counting. San Diego was not assessed for cost-burdening although it is more cost-burdened than the Bay Area. It was perhaps overlooked because its assessment cycle began in July, 2018, a few months before SB-828 passed into law.

**The Department of Housing and Community and Development**

**1. Used a benchmark of 5% vacancy rate for BOTH owner-occupied and rental housing.**

<b>Six SoCal Counties</b>	<b>=</b>	<b>+126,000</b>	<b>+ 228,000</b> housing units
<b>Greater Bay Area</b>	<b>=</b>	<b>+59,000</b>	
<b>San Diego Area</b>	<b>=</b>	<b>+23,000</b>	
<b>Greater Sacramento</b>	<b>=</b>	<b>+21,000</b>	

**2. Assumed vacancies in household projections \***

<b>Six SoCal Counties</b>	<b>=</b>	<b>-13,000</b>	<b>- 22,000</b> housing units
<b>Greater Bay Area</b>	<b>=</b>	<b>-4,000</b>	
<b>San Diego Area</b>	<b>=</b>	<b>-2,000</b>	
<b>Greater Sacramento</b>	<b>=</b>	<b>-3,000</b>	

**3. Double counted overcrowding and cost-burdening**

<b>Six SoCal Counties</b>	<b>=</b>	<b>+578,000</b>	<b>+ 734,000</b> housing units
<b>Greater Bay Area</b>	<b>=</b>	<b>+104,000</b>	
<b>San Diego Area</b>	<b>=</b>	<b>+39,000</b>	
<b>Greater Sacramento</b>	<b>=</b>	<b>+13,000</b>	

\* P-4 tables are created by the Department of Finance—Household Projection table 2020–2030 and their methodology is fully explained in ‘read me’ notes that accompany the table  
 \*\* Overcrowding measures the number of households with more than 1 person per room. Cost-burdening measures the number of households that spend more than 30% of the household income on housing. Cost-burdening is measured by five income levels—extremely low, very low, low, moderate, above moderate.

## Detailed explanation of the errors using SoCal Counties as an example: First—the correct approach.

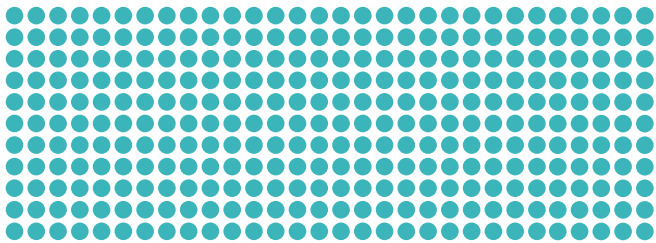
The Department of Housing and Community Development (HCD) have traditionally arrived at a number for pent-up demand or housing shortfall by comparing vacancy rates in owner-occupied and rental housing to healthy benchmarks (1.5% for owner-occupied\* and 5% for rental housing). The largest of the four regions, six SoCal Counties (covering Imperial, Los Angeles, Orange, Riverside, San Bernardino, and Ventura counties) is considered in the example below\*\*.

### EXISTING HOUSING: Six SoCal Counties

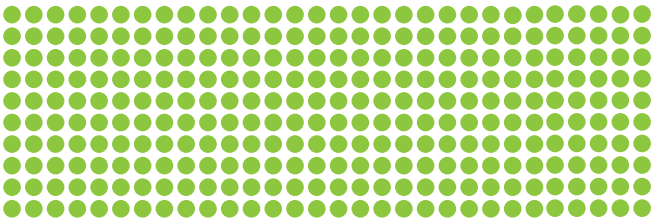
1 circle = 10,000 households

#### Occupied Housing Units

##### Home-owned (3.3 Million)



##### Rentals (3 Million)



#### Vacant Housing Units

Actual Vacancies (40,000)



1.2%

Healthy Benchmark (50,000)



1.5%

#### Existing Need

(10,000)



Actual Vacancies (111,000)



3.7%

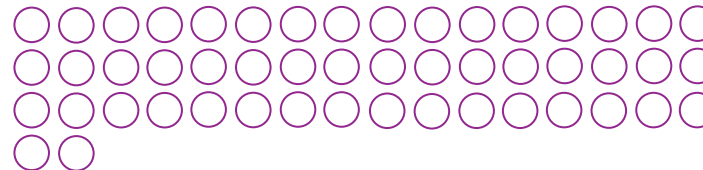
Healthy Benchmark (150,000)



5.0%

(39,000)

Seasonal Vacancies (500,000)\*\*\*



\* Owner-occupied has a lower healthy vacancy rate because it is usually only vacant while a house is for sale

\*\* All numbers are rounded to the nearest thousand.

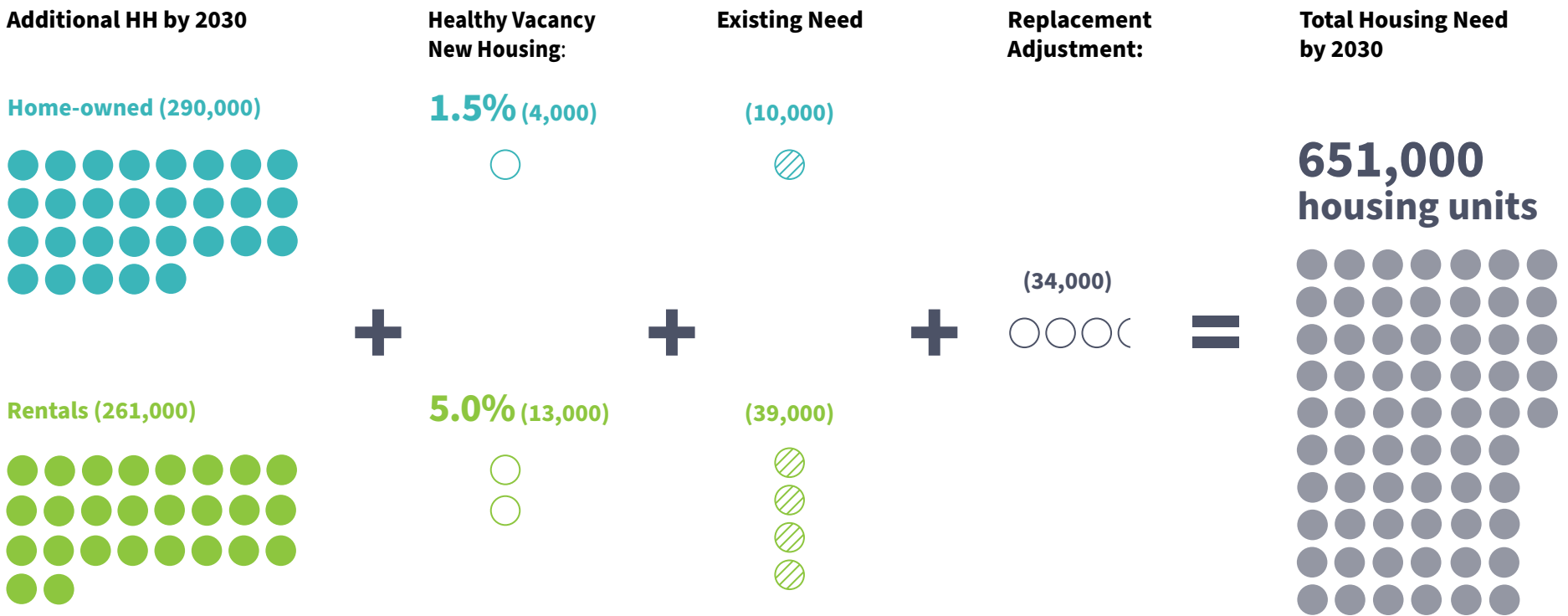
\*\*\* Seasonal Vacancies represent second homes, corporate housing, and short-term rentals such as AirBnBs

## The housing need also takes into account for future growth.

The Dept. of Finance (DOF) supplies the Dept. of Housing and Community Development (HCD) with an estimate of additional households (HH) needed by the end of the cycle. The DOF forecast the 2030 population and using an optimal household formation rate determine the number of households needed to comfortably house that population\*. The DOF also supply the HCD with the number of existing households at the start of the cycle. The HCD adds to the base number of additional households needed, factoring in vacancies for a healthy market, and adding a replacement adjustment (also supplied by the DOF)\*\*.

### PROJECTED HOUSING NEED: Six SoCal Counties

1 circle = 10,000 households



\* Households represent occupied housing units. The number of housing units is always higher as at any given time than the number of households because some housing will be vacant or unutilized. The DOF is responsible for the base projection because they manage population projections for the state, and determine those by analyzing births, deaths and net migration.

\*\* Replacement represents houses that may be demolished or replaced during the cycle\*.



**However, the Dept. of Housing and Community Development has adopted an unusual methodology in evaluating existing need in the 6th housing cycle.**

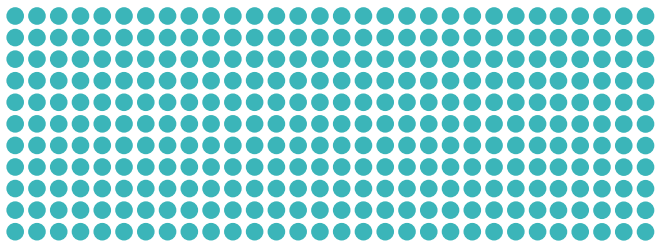
Instead of the typical 1.5% benchmark for owner-occupied housing, they used a 5% vacancy rate usually reserved for rental housing. A 5% vacancy in owner-occupied housing is indicative of a distressed housing market. At 5%, SoCal's existing housing need is increased by 115,000 housing units. Existing need for rental housing is unchanged.

**EXISTING HOUSING: Six SoCal Counties**

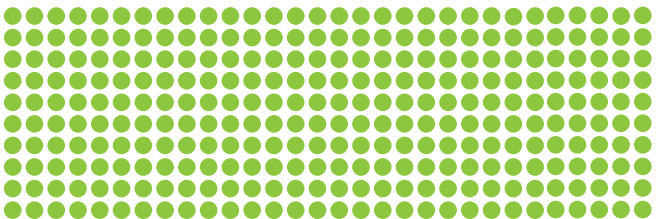
1 circle = 10,000 households

**Occupied Housing Units**

**Home-owned (3.3 Million)**



**Rentals (3 Million)**



**Vacant Housing Units**

**Actual Vacancies (40,000)**

**1.2%**



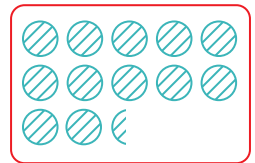
**Healthy Benchmark (165,000)**

**5.0%**



**Existing Need**

**(125,000)**



**=**

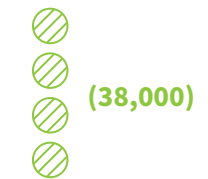
**Actual Vacancies (110,000)**

**3.7%**

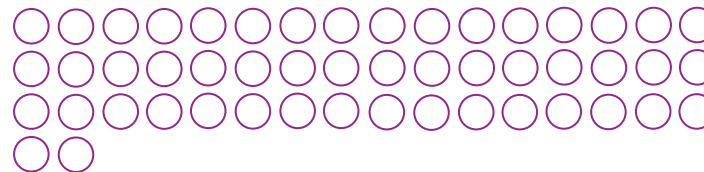


**Healthy Benchmark (149,000)**

**5.0%**



**Seasonal Vacancies (500,000)**

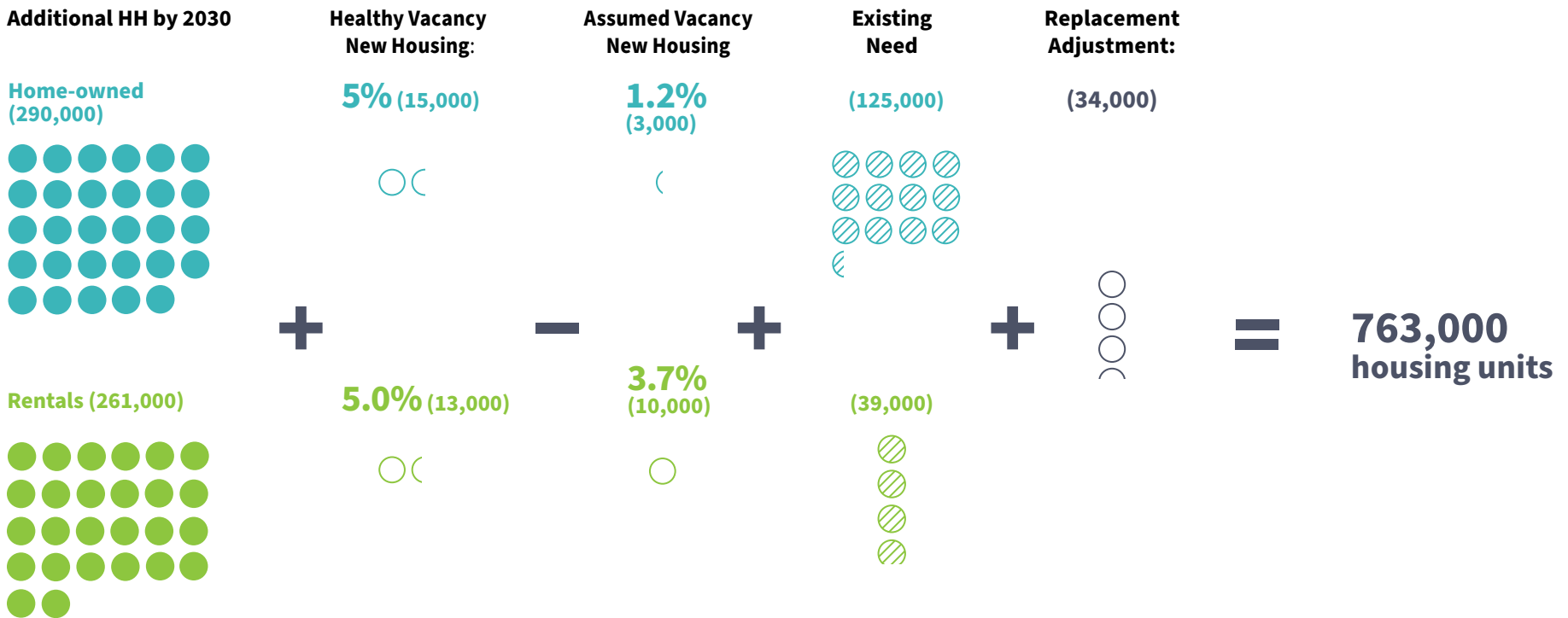


**The Dept. of Housing and Community Development have also taken an unusual approach in evaluating projected housing need.**

Again, instead of using the separate benchmark of 1.5% for owner-occupied housing, 5% was used for all housing. It was also assumed that new projected households had existing vacancies. The full benchmark was not applied to new households. Instead, the difference between the benchmark and the current vacancy rate was applied. The replacement adjustment was applied as it has been in the past.

**PROJECTED HOUSING NEED: Six SoCal Counties**

1 circle = 10,000 households



**Lastly, the Dept. of Housing and Community Development double counted by adding two new factors that had already been factored into household forecasts made by the Dept. of Finance (DOF).**

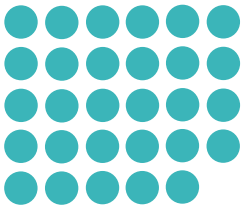
Two new factors were introduced into the 6th assessment – overcrowding and cost burdening. These factors had already been rolled into the DOF’s household projections. The DOF explicitly recognized that regional household formation rates might be depressed (a symptom of overcrowding and cost-burdening) because of the affordable housing crisis. The household formation rate used by the DOF is higher than the actual rate experienced. As such it generates a higher housing target meant to relieve overcrowding and cost-burdening.

**PROJECTED HOUSING NEED: Six SoCal Counties**

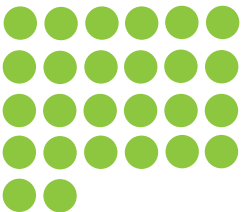
1 circle = 10,000 households

**Additional HH by 2030**

Home-owned  
(290,000)



Rentals (261,000)



**Projected Households already factors in overcrowding and cost-burdening**

From the Department of Finance

“The argument was that the Great Recession and the affordability crisis which impact recent trends in headship should not be allowed to solely dominate the projection, rather some return to underlying socio-cultural norms of homeownership/fewer roommates is a beneficial assumption”



**A DOUBLE COUNT**

Overcrowding Adjustment\*

(460,000)



Cost Burdening Adjustment\*\*

(118,000)



\* In addition to double counting, HCD incorrectly calculated the overcrowding factor. They assumed that for every house that was overcrowded another house would be required to relieve overcrowding. The more accurate analysis would be to assess the number of extra people to be housed and divide by the average household size.  
 \*\* HCD only applied cost-burdening adjustments to future households not existing households. It is unclear why cost-burdening would only be considered an issue for future households, as the data is for current households.

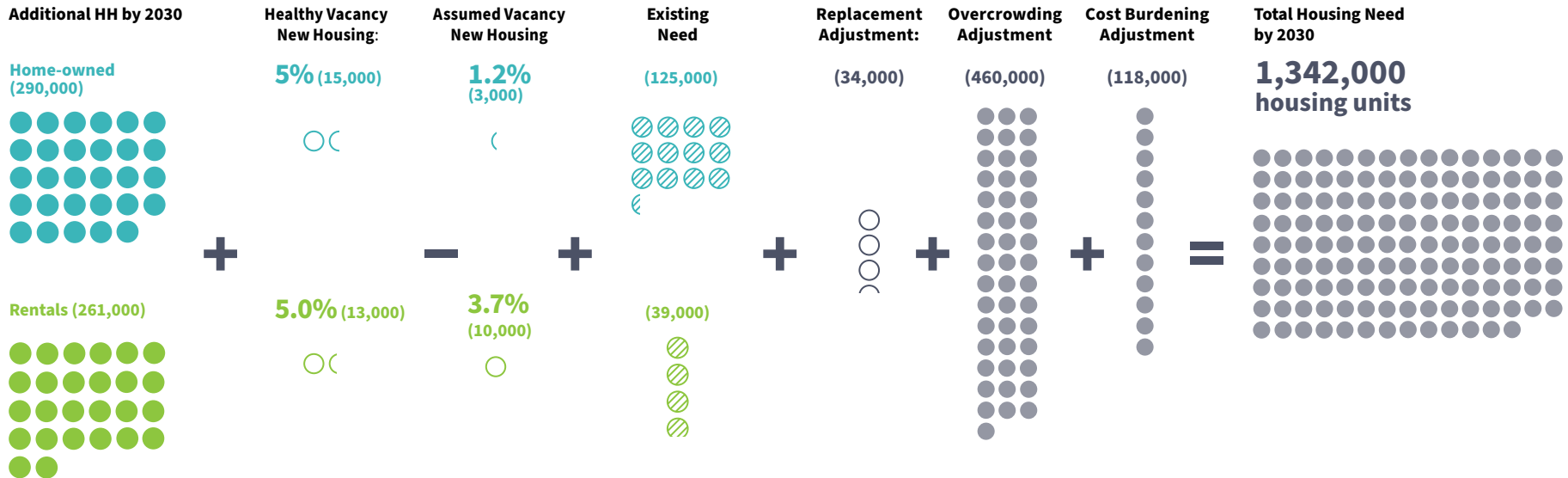
# The vacancy errors and double counting resulted in a doubling of the housing needs assessment for the six counties of SoCal.

## TYPICAL METHODOLOGY

1 circle = 10,000 households



## HCD 6TH CYCLE METHODOLOGY



Complete data tables: *RHNA Data and Models 6th cycle*, [www.embarcaderoinstitute.com](http://www.embarcaderoinstitute.com)

**References used in the analysis :**

**Dept. of Housing and Community Development (HCD)** <https://www.hcd.ca.gov>

**Regional Housing Needs Allocation and Housing Elements**

**Regional Housing Needs**

**Allocations for 6th Cycle Housing Elements:**

- Association of Bay Area Governments Regional Housing Need Determination Plan for the Sixth Housing Element Update
- Sacramento Area Council of Governments Regional Housing Need Determination for the Sixth Housing Element Update
- Southern California Association of Governments Regional Housing Need Determination for the Sixth Housing Element Update
- San Diego Association of Governments Regional Housing Need Determination and Plan for the Sixth Housing Element Update

**Allocations for 5th Cycle Housing Elements:**

- Association of Bay Area Governments (February 24, 2012)
- Sacramento Area Council of Governments (September 26, 2011)
- San Diego Association of Governments (November 23, 2010)
- Southern California Association of Governments (August 17, 2011)

**Annual Progress Reports**

Annual Progress Report APR: 5th Cycle Annual Progress Report Permit Summary (updated 7/30/2020)

**Allocations for Earlier Cycles and Housing Element**

- RHNA 2007-2014 - Housing Methodology Committee Agenda Packet 07-27-06
- Regional Housing Needs Plan 2006 to 2013 SACOG February 2008
- 3rd and 4th Cycle RHNA allocations (data sent in personal communication with the Department of Housing and Community Development)

**Department of Finance Methodology for Household Forecasts**

- "Read Me" P4 Tables : Household Projections 2020 to 2030
- Association of Bay Area Governemnets Digital Library: RHNA Documents, Regional Housing Neeed Allocation Documents
- RHNA 2007-2014 - Housing Methodology Committee Agenda Packet 07-27-06, Regional Housing Need Allocation p 2

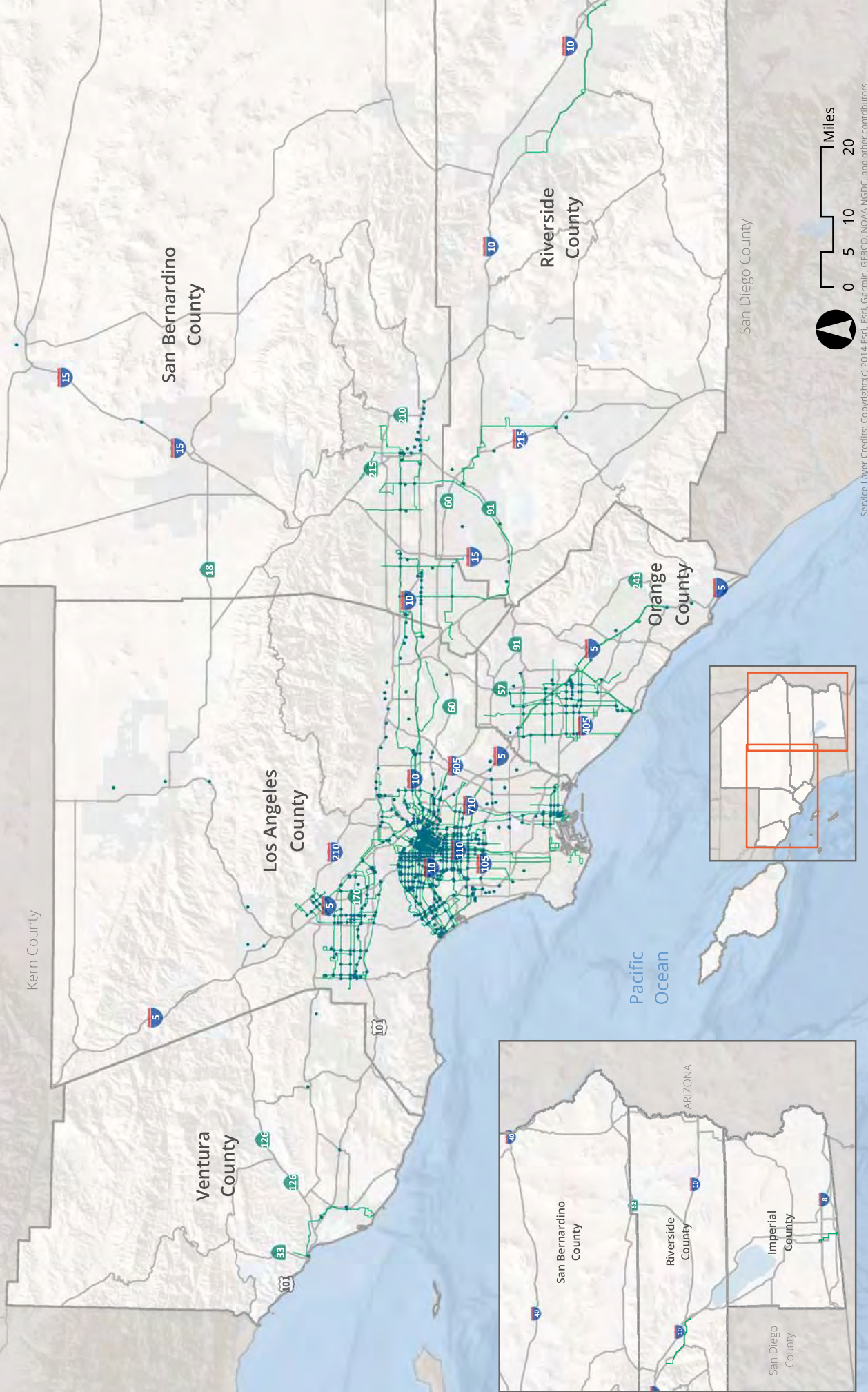
**Other Housing Assessment Methodologies**

**"Mckinsey & Company:** A TOOL KIT TO CLOSE CALIFORNIA'S HOUSING GAP: 3.5 MILLION HOMES BY 2025", October 2016

**Jobs to Housing**

Employment Development Department, State of California, Employment Projections : Long Term Projections  
<https://www.labormarketinfo.edd.ca.gov/data/employment-projections.html>

**EXHIBIT 14 2045 Plan High Quality Transit Corridors**



Service Layer Credits: Copyright (c) 2014 Esri, Esri, Garmin, GEBCO, NOAA NGDC, and other contributors

- Major Transit Stops (2045)
- High Quality Transit Corridors (HQTCS) (2045)

Note: SCAG identifies Major Transit Stops and HQTCS using the methodology described in the Transit Technical Report. In summary, these maps and data are intended for planning purposes only. SCAG shall incur no responsibility or liability as to the completeness, currentness, or accuracy of this information, and assumes no responsibility arising from use of this information by individuals, businesses, or other public entities. The information is provided with no warranty of any kind, expressed or implied. Local jurisdictions should consult with the appropriate transit provider(s) to obtain the latest information on transit routes, stop locations, and service intervals before making determinations regarding CEQA exemption or streamlining.

**Attachment: Connect SoCal - Map of HQTCS (Appeal of the Draft RHNA Allocation for the City of Irvine)**

## PLAN PROJECTS AND STRATEGIES

Connect SoCal includes significant investment in public transit across all transit modes. It includes a \$67 billion investment in transit capital and a \$174 billion investment in transit operations and maintenance. Transit represents 55 percent of total operations and maintenance in Connect SoCal and 23 percent of capital investments. **TABLE 10** displays selected major transit capital projects included in Connect SoCal. These investments include new rail transit facilities, vehicle replacements, bus system improvements and capitalized maintenance projects.

Through its metropolitan planning process, SCAG will continue to support local efforts to redesign transit systems to better support travelers' needs, such as Metro's NextGen Study and OCTA's OC Bus 360 and Transit Master Plan. SCAG will also continue to share best practices and promote regional coordination and consistency in how transit agencies can leverage technology and innovation to promote seamless multimodal travel, improve first/last mile connections and provide shared on-demand services where and when fixed route transit isn't cost effective.

**EXHIBITS 8** through **13** depict each county's local transit network as the plan envisions it in 2045.

## PLANNED HQTCS

Planned HQTCS are future improvements that are expected to be implemented by transit agencies by the RTP/SCS horizon year of 2045. These are assumed by definition to meet the statutory requirements of HQTCS. SCAG's methodology is included as an Appendix to this technical report.

SCAG updates its inventory of planned HQTCS with the adoption of a new RTP/SCS, once every four years. **EXHIBIT 14** identifies the planned future HQTCS included in Connect SoCal.

## FIXED GUIDEWAY GAP CLOSURES

The previous 2016 RTP/SCS included as regional initiatives five fixed guideway

gap closures, funded by the Plan's innovative financing strategies. These projects are included above and beyond locally funded CTC investments, providing important links in the future transit network. They leverage existing investments to expand the connectivity of the regional rail system and support seamless transferability throughout the network. Three of the projects, the Gold Line Foothill Extension to Montclair, Vermont Corridor, and Metro Green Line Norwalk extension to the Norwalk/Santa Fe Springs Metrolink Station, are now included Metro's Measure M expenditure plan. All of these fixed guideway gap closures, including the Slauson Corridor and Metro Red Line extension to Burbank Airport, are carried forward into Connect SoCal.

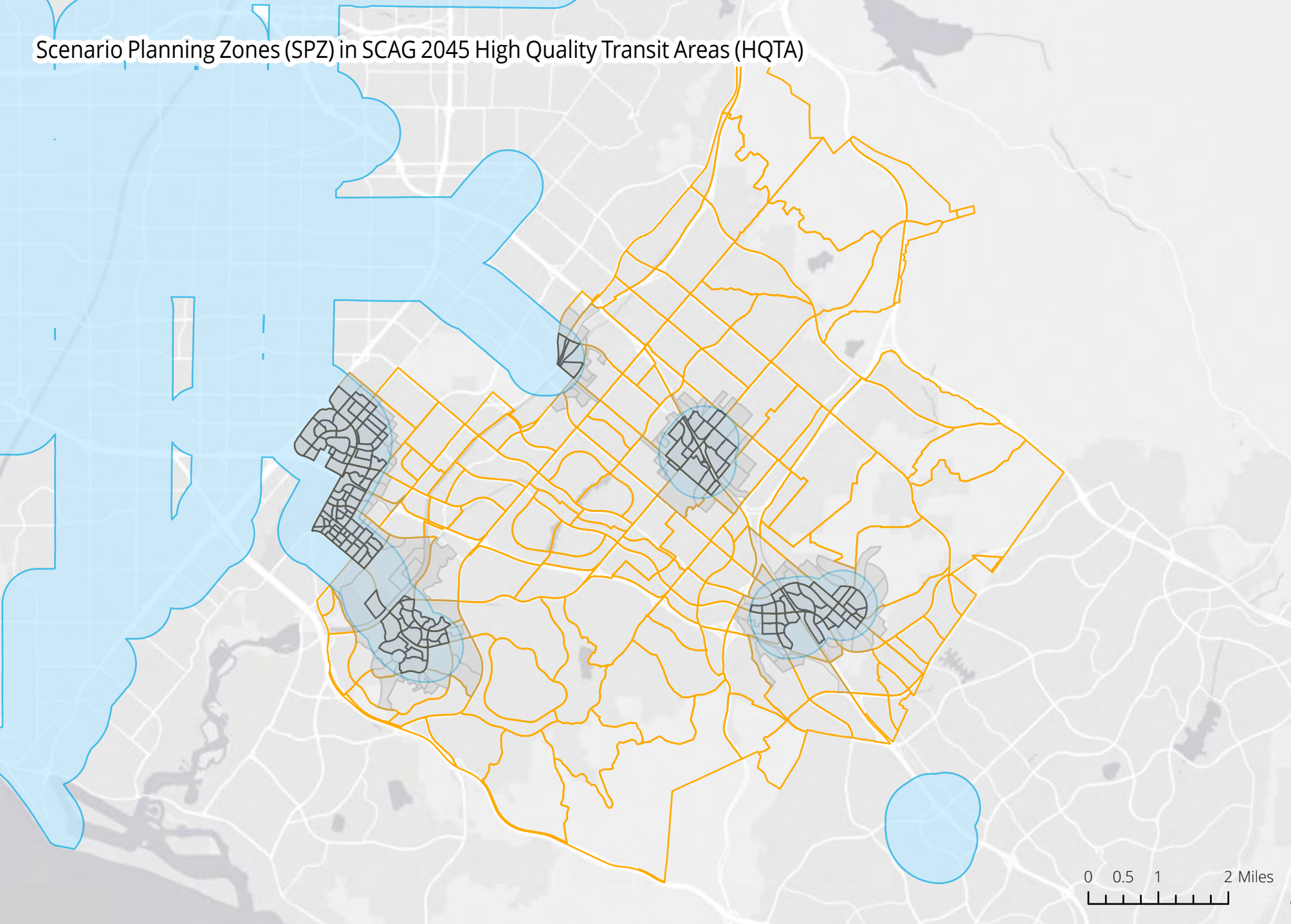
## DEDICATED MULTIMODAL LANES

As previously noted, the City of Los Angeles's Mobility Plan 2035 calls for a Transit-Enhanced Network that includes peak-hour and dedicated all day bus-only lanes. While Connect SoCal recognizes that the network identified in the City of Los Angeles Mobility Plan is subject to further local planning and project development, including environmental impact analysis, implementation of such a network would support regional and statewide environmental goals, including a reduction in greenhouse gas emissions. SCAG therefore estimates "off-model" greenhouse gas emissions reductions in 2035 from such a network as part of the Connect SoCal Sustainable Communities Strategy.

## PLAN PERFORMANCE

Our region's investment in transit and passenger rail, coupled with its commitment to attaining sustainable communities, result in significant growth in transit trips and passenger miles by 2045. The output from the travel demand model indicates a 144 percent increase in, or more than doubling of, transit and rail boardings. This includes a 104 percent increase for bus, and a fourfold increase for rail (light, heavy, and commuter). Passenger miles are also up significantly for bus service including BRT and local, and especially for rail, reflecting a higher percentage of transit trips on rail due to the new rail facilities to be built between now and 2045. On a per capita level, transit ridership will double, outpacing the region's growth in population (19.5 percent) and

# Scenario Planning Zones (SPZ) in SCAG 2045 High Quality Transit Areas (HQTA)



SPZ within HQTA (150)    SPZ partially within HQTA (127)    HQTA (2045)    City Tier2 TAZ Boundary

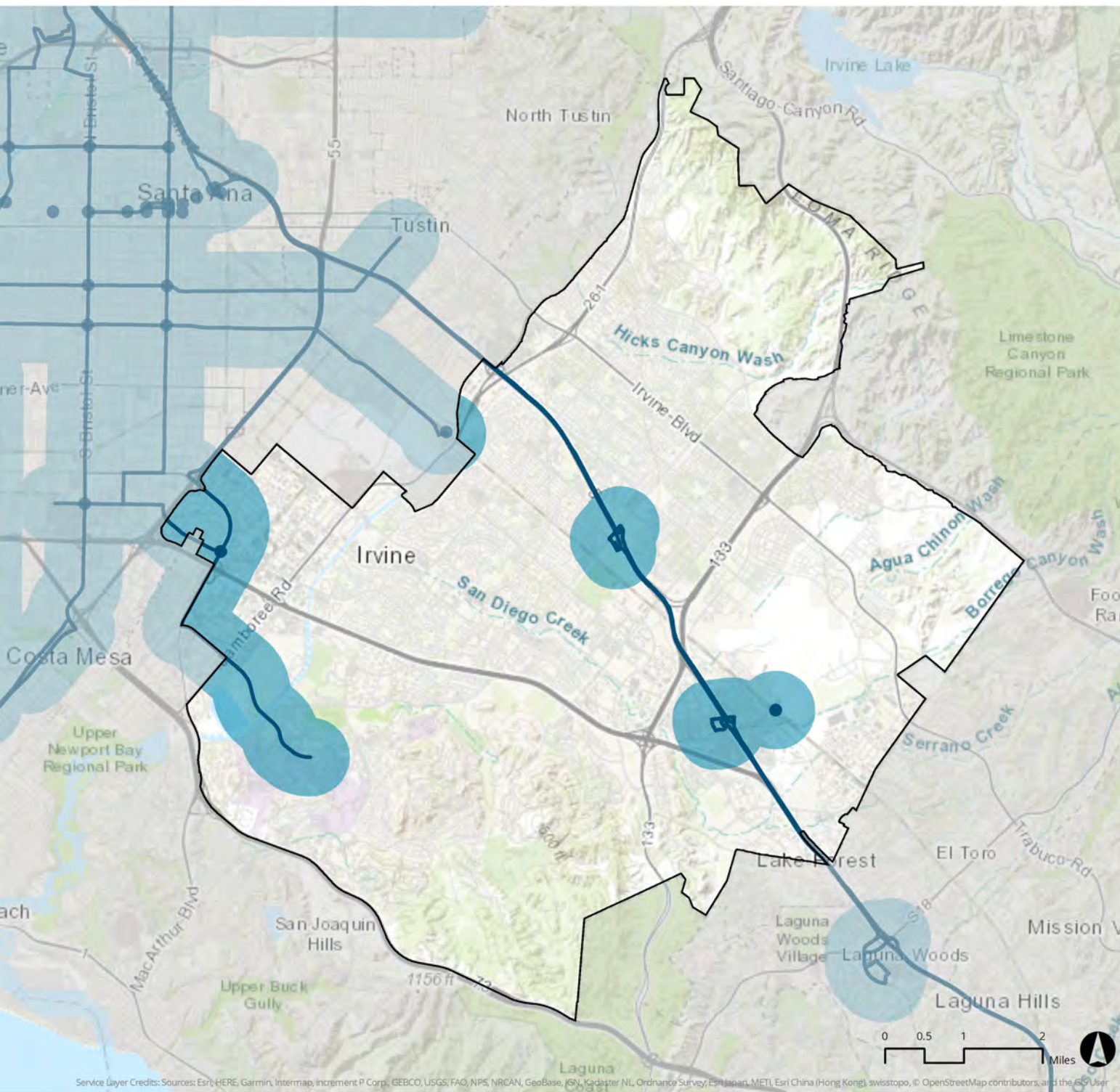
Source: SCAG, 2020

Date Saved: 1/4/2025 10:00 AM

Packet Pg. 309

Attachment: Irvine - SPZs in HQTAs (SCAG Map) (Appeal of the Draft RHNA Allocation for the City of Irvine)





## Major Transit Stops and High Quality Transit Areas in City of Irvine [Year 2045]

- Major Transit Stops
- ⚡ High Quality Transit Corridors (HQTCS)
- High Quality Transit Areas (HQTAs)

Note: SCAG identifies Major Transit Stops and High Quality Transit Corridors (HQTCS), and their surrounding areas in one-half mile radius distance as specified in Section 21155.(b)(3). Major transit stops and HQTCS are extracted from 2045 plan year data of Connect SoCal. SCAG's High Quality Transit Area (HQTA) is within one-half mile from Major Transit Stops and HQTCS and developed based on the language in SB375; however, freeway transit corridors with no bus stops on the freeway alignment do not have a directly associated HQTA. The RHNA process, per Section 65584 et seq., specifies that SCAG's housing needs allocation plan shall further several objectives including those related to infill development and jobs-housing balance. To that end, SCAG's Regional Council-adopted 6th Cycle Final RHNA Methodology relies on a jurisdiction's forecasted 2045 population within HQTAs to allocate housing need.

Data Source: SCAG, County Transportation Commissions, 2020 | Map Created: 10/22/2020

Disclaimer: The information shown on this map reflect jurisdiction's input submitted during the Local Input and Envisioning Process for the City of Irvine. SCAG shall not be responsible for user's misuse or misrepresentation of this map. For the details regarding the sources, methodologies and data please refer to the SCAG Data/Map Book at [connectsocial.org/Pages/Local-Input-Process.aspx](https://connectsocial.org/Pages/Local-Input-Process.aspx) or contact [RTPLocalInput@scag.ca.gov](mailto:RTPLocalInput@scag.ca.gov).

# APPENDIX 1 OF 1

## High Quality Transit Corridors and Major Transit Stops

### BACKGROUND

The Sustainable Communities and Climate Protection Act of 2008, Senate Bill (SB) 375, requires that Metropolitan Planning Organizations (MPOs) develop a Sustainable Communities Strategy (SCS) to reduce per capita greenhouse gas emissions through integrated transportation, land use, housing and environmental planning. SB 375 creates incentives for residential or mixed-use projects that may be exempt from, or subject to a limited review of, the California Environmental Quality Act (CEQA), provided they are consistent with the MPO's adopted SCS. These "transit priority projects" must, among other criteria, be located within one-half mile of a major transit stop or high-quality transit corridor (HQTC).

SB 743, signed into law in 2013, provides further opportunities for CEQA exemption and streamlining to facilitate transit oriented development (TOD). Specifically, certain types of projects within "transit priority areas" (TPAs) can benefit from a CEQA exemption if they are consistent with an adopted specific plan and the SCS. A TPA is an area within one-half mile of a major transit stop that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a Federal Transportation Improvement Program (FTIP).

### STATUTORY DEFINITIONS

Definitions of "major transit stop" and "high quality transit corridor" are set forth under California law as follows:

CA Pub. Res. Code § 21155(b)

For purposes of this chapter, a transit priority project shall (1) contain at least 50 percent residential use, based on total building square footage and, if the project contains between 26 percent and 50 percent nonresidential uses, a floor area ratio of not less than 0.75; (2) provide a minimum net density of at least 20 dwelling units per acre; and (3) be within one-half mile of a major transit stop or high-quality transit corridor included in a regional transportation plan. A major transit stop is as defined in Section 21064.3, except that, for purposes of this section, it also includes major transit stops that are included in the applicable regional transportation plan. For purposes of this section, a high-quality transit corridor means a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours. A project shall be considered to be within one-half mile of a major transit stop or high-quality transit corridor if all parcels within the project have no more than 25 percent of their area farther than one-half mile from the stop or corridor and if not more than 10 percent of the residential units or 100 units, whichever is less, in the project are farther than one-half mile from the stop or corridor.

CA Pub. Res. Code § 21064.3

“Major transit stop” means a site containing any of the following:

- (a) An existing rail or bus rapid transit station.
- (b) A ferry terminal served by either a bus or rail transit service.
- (c) The intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.

CA Pub. Res. Code § 21060.2

- (a) “Bus rapid transit” means a public mass transit service provided by a public agency or by a public-private partnership that includes all of the following features:

- (1) Full-time dedicated bus lanes or operation in a separate right-of-way dedicated for public transportation with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.
- (2) Transit signal priority.
- (3) All-door boarding.
- (4) Fare collection system that promotes efficiency.
- (5) Defined stations.

- (b) “Bus rapid transit station” means a clearly defined bus station served by a bus rapid transit.

## METHODOLOGY

SCAG’s technical methodology for identifying HQTcs and major transit stops is based on input from the Regional Transit Technical Advisory Committee (RTTAC), as well as consultation with local agencies, other large MPOs in California, and the Governor’s Office of Planning and Research. The methodology and assumptions are discussed below. This methodology may be periodically updated to incorporate revisions or clarifications. Questions should be directed to Steve Fox, at fox@scag.ca.gov, or Phillip Law, at law@scag.ca.gov.

SCAG maps and data depicting HQTcs and major transit stops are intended for planning purposes only. SCAG shall incur no responsibility or liability as to the completeness, currentness, or accuracy of this information. SCAG assumes no responsibility arising from use of this information by individuals, businesses, or other public entities. The information is provided with no warranty of any kind, expressed or implied, including but not limited to the implied warranties of merchantability and fitness for a particular purpose.

For the methodology SCAG uses to identify “high quality transit areas,” see the Sustainable Communities Strategies Technical Report.

## EXISTING HQTCS AND MAJOR TRANSIT STOPS

SCAG updates its inventory of existing major transit stops and HQTCS with the adoption of a new Regional Transportation Plan (RTP) and SCS, once every four years. Data for the existing (“base year”) condition for the RTP/SCS are typically obtained several years before plan adoption. The base year transit network for *Connect SoCal*, the 2020 RTP/SCS, is based primarily on data for 2016. This inventory of existing major transit stops and HQTCS is therefore only a snapshot in time as of 2016, and does not reflect the existing levels of transit service for any other timeframe.

See **EXHIBIT 7, 2016 Base Year “existing” major transit stops and high quality transit corridors.**

Transit agencies make adjustments to bus service on a regular basis. Therefore, given the limitations of the RTP/SCS base year transit network, local jurisdictions should consult with the appropriate transit provider(s) to obtain the latest information on existing transit routes, stop locations, and service intervals before making determinations regarding CEQA exemption or streamlining. It is the responsibility of the lead agency under CEQA to determine if a project meets statutory requirements.

## STOP-BASED ANALYSIS

SCAG calculates peak commute bus service intervals at the stop level using schedule data published by transit agencies in the General Transit Feed Specification (GTFS) format (see for example, [www.transitfeeds.com](http://www.transitfeeds.com)). An HQTC therefore comprises or is determined by the qualifying stops on an individual bus route.

## PEAK PERIOD BUS SERVICE INTERVAL (FREQUENCY)

To determine whether the peak commute bus service interval (also called frequency) meets the statutory threshold of 15 minutes or less, SCAG uses the peak period defined in its regional travel demand model. The morning peak

is defined as 6am to 9am and the afternoon peak is defined as 3pm to 7pm. A transit operator may have a different, board-adopted or de facto peak period; in such cases SCAG will accept requests to use operator-specific peak-hour periods on a case-by-case basis.

SCAG uses the total population of bus trips during the combined seven-hour morning and afternoon peak periods to determine the peak frequency at a bus stop. This is done for each bus route, by direction. The peak frequency is calculated by dividing 420 minutes (the seven-hour peak converted to minutes) by the total peak bus trips. This average frequency should be 15 minutes or less in order to qualify. The threshold is strict, at 15.0 minutes.

## DIRECTIONAL FREQUENCY

A bus route must only meet the 15-minute service interval threshold in one direction to qualify as an HQTC. This is based on RTTAC feedback that transit agencies often operate very peak-directional service or operate predominantly one-way service on a corridor.

## CORRIDORS WITH MULTIPLE OVERLAPPING BUS ROUTES

Separate but overlapping bus routes that do not individually meet the 15-minute threshold may not be combined in order to qualify as an HQTC. However, based on RTTAC feedback, there are certain corridors where overlapping “line families” or local/bus rapid transit (BRT) lines are intended to function as one bus route. On these corridors, transit riders typically board the first bus available, whether it be a local, express, or BRT line. For these line families or local/BRT corridors, SCAG uses the combined routes to calculate the frequency.

## ROUTE ALIGNMENT

The entire alignment of a bus route, based on the stops that meet the 15-minute peak frequency threshold, is considered an HQTC. This would include,

for example, express bus services that operate along freeways where there are no stops along the freeway right-of-way.

## **BUS RAPID TRANSIT**

As defined in statute, a BRT must include full-time dedicated bus lanes. In the SCAG region, there are existing and proposed BRT projects that have only a portion of their alignment in a full-time dedicated bus lane. For these BRT projects, only those stations that are adjacent to a full-time dedicated bus lane are considered major transit stops. For the BRT projects that have a full-time dedicated bus lane on their entire route, all of the stations are considered major transit stops.

## **MAJOR TRANSIT STOPS AND INTERSECTING SERVICE TRANSFER ZONES**

As defined in statute, major transit stops include the intersection of two or more HQTcs. For purposes of transferring between intersecting service, SCAG uses a 500-foot buffer to determine a major transit stop. In other words, two intersecting HQTcs must have stops that are within 500 feet of each other to qualify as a major transit stop. A 500-foot buffer is assumed to be a reasonable limit to the distance that a transit patron would walk to transfer between bus routes. It is also consistent with the Metro Transfers Design Guide definition of a transfer zone.

## **AMTRAK STATIONS AND FERRY STATIONS**

Amtrak intercity passenger rail stations with only limited long-distance service are not automatically included as a major transit stop unless requested by a local agency. Similarly, ferry stations with seasonal and/or non-commuter based service (and that are served by bus or rail transit) are not automatically included as a major transit stop unless requested by a local agency.

## **PLANNED HQTCS AND MAJOR TRANSIT STOPS**

Planned HQTcs and major transit stops are future improvements that are expected to be implemented by transit agencies by the RTP/SCS horizon year of 2045. These are assumed by definition to meet the statutory requirements of an HQTc or major transit stop. SCAG updates its inventory of planned major transit stops and HQTcs with the adoption of a new RTP/SCS, once every four years. However, transit planning studies may be completed by transit agencies on a more frequent basis than the RTP/SCS is updated by SCAG. Local jurisdictions should consult with the appropriate transit provider(s) to obtain the latest information on planned transit routes, stop locations, and service intervals/frequencies before making determinations regarding CEQA exemption or streamlining.

See **EXHIBIT 14, planned (year 2045) major transit stops and high quality transit corridors.**

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF HOUSING POLICY DEVELOPMENT**

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Sacramento, CA 95833-1829  
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www.hcd.ca.gov



January 13, 2020

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

Dear Executive Director Ajise:

**RE: Review of Draft Regional Housing Need Allocation (RHNA) Methodology**

Thank you for submitting the draft Southern California Association of Governments (SCAG) Sixth Cycle Regional Housing Need Allocation (RHNA) Methodology. Pursuant to Government Code Section 65584.04(i), the California Department of Housing and Community Development (HCD) is required to review draft RHNA methodology to determine whether the methodology furthers the statutory objectives described in Government Code Section 65584(d).

In brief, the draft SCAG RHNA methodology begins with the total regional determination provided by the California Department of Housing and Community Development (HCD) and separates it into two methodologies to allocate the full determination: projected need (504,970) and existing need (836,857).

For projected need, the household growth projected in SCAG's Connect SoCal growth forecast for the years 2020-2030 is used as the basis for calculating projected housing need for the region. A future vacancy and replacement need are also calculated and added to the projected need.

The existing need is calculated by assigning 50 percent of regional existing need based on a jurisdiction's share of the region's population within the high-quality transit areas (HQTAs) based on future 2045 HQTAs. The other 50 percent of the regional existing need is based on a jurisdiction's share of the region's estimated jobs in 2045 that can be accessed within a 30-minute driving commute. For high segregation and poverty areas as defined by [HCD/TCAC Opportunity Maps](#),<sup>1</sup> referred to by SCAG as extremely disadvantaged communities (DACs), existing need in excess of the 2020-2045 household growth forecast is reallocated to non-DAC jurisdictions within the same county.

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<sup>1</sup> Created by the California Fair Housing Task Force and commissioned by HCD and the California Tax Credit Allocation Committee (TCAC) to assist public entities in affirmatively furthering fair housing. The version used in this analysis is the 2019 HCD/TCAC Opportunity Maps available at [treasurer.ca.gov/ctcac/opportunity.asp](http://treasurer.ca.gov/ctcac/opportunity.asp).

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Within both the projected and existing need methodologies the four RHNA income categories (very low, low, moderate, and above moderate) are assigned to each jurisdiction by the use of a 150 percent social equity adjustment, which inversely adjusts based on the current incomes within the jurisdiction. An additional percentage of social equity adjustment is made for jurisdictions that have a high concentration of DACs or Highest Resource areas as defined by the HCD/TCAC Opportunity maps. Overall, the social equity adjustments result in greater shares of lower income RHNA to higher income and higher-resource areas.

**HCD has completed its review of the methodology and finds that the draft SCAG RHNA Methodology furthers the five statutory objectives of RHNA.<sup>2</sup>**

HCD acknowledges the complex task of developing a methodology to allocate RHNA to 197 diverse jurisdictions while furthering the five statutory objectives of RHNA. This methodology generally distributes more RHNA, particularly lower income RHNA, near jobs, transit, and resources linked to long term improvements of life outcomes. In particular, HCD applauds the use of objective factors specifically linked the statutory objectives in the existing need methodology.

Below is a brief summary of findings related to each statutory objective described within Government Code Section 65584(d):

*1. Increasing the housing supply and the mix of housing types, tenure, and affordability in all cities and counties within the region in an equitable manner, which shall result in each jurisdiction receiving an allocation of units for low- and very low-income households.*

The methodology generally allocates increased shares of lower income RHNA to jurisdictions that have higher housing costs. In support of a mix of affordability, the highest housing cost cities generally receive higher shares of lower income RHNA. Under this methodology the 15 cities with the highest median housing costs all receive greater than 50 percent of the RHNA as lower income RHNA. Beverly Hills with the 18<sup>th</sup> highest median housing costs receives the 25<sup>th</sup> highest share of lower income RHNA; Westlake Village with the 14<sup>th</sup> highest median housing costs receives the 12<sup>th</sup> highest share of lower income RHNA; Aliso Viejo with the 23<sup>rd</sup> highest median housing costs receives the 38<sup>th</sup> highest share of lower income RHNA; and Villa Park with the 10<sup>th</sup> highest median housing costs receives the 31<sup>st</sup> highest share of lower income RHNA.

*2. Promoting infill development and socioeconomic equity, the protection of environmental and agricultural resources, the encouragement of efficient development patterns, and the achievement of the region's greenhouse gas reductions targets provided by the State Air Resources Board pursuant to Section 65080.*

The draft SCAG RHNA methodology furthers the environmental principles of this objective as demonstrated by the transportation and job alignment with the RHNA allocations.

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<sup>2</sup> While HCD finds that this particular methodology furthers the objectives of RHNA, HCD's determination is subject to change depending on the region or cycle, as housing conditions in those circumstances may differ.

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*3. Promoting an improved intraregional relationship between jobs and housing, including an improved balance between the number of low-wage jobs and the number of housing units affordable to low-wage workers in each jurisdiction.*

Half of the existing need portion of the draft SCAG RHNA methodology is set based on the jurisdiction's share of the region's estimated jobs in 2045. While future looking job projections are important for housing planning, and housing built in the next decade will likely exist for 50-100 years or more, it is also critical to plan for the needs that exist today. This objective specifically considers the balance of low-wage jobs to housing available to low-wage workers. As part of HCD's analysis as to whether this jobs-housing fit objective was furthered by SCAG's draft methodology, HCD analyzed how the percentage share of the region's lower income RHNA compared to the percentage share of low-wage jobs.

For example, under the draft SCAG RHNA methodology Irvine would receive 1.84 percent of the region's lower income RHNA, and currently has 2.07 percent of the region's low-wage jobs, .23 percent less lower income RHNA than low-wage jobs for the region. Pomona would receive .71 percent of the region's lower income RHNA, and currently has .57 percent of the region's low-wage jobs, .13 percent more lower income RHNA than low-wage jobs for the region. Across all jurisdictions there is generally good alignment between low-wage jobs and lower income RHNA, with all but 15 jurisdictions within a half percent plus or minus difference between their share of lower income RHNA for the region and their percentage low-wage jobs for the region.

HCD is aware there has been some opposition to this current methodology from jurisdictions that received lower allocations under prior iterations; however it is worth noting that even if it is by a small amount, many of the jurisdictions that received increases are still receiving lower shares of the region's lower income RHNA compared to their share of the region's low-wage jobs. HCD recommends any changes made in response to appeals should be in the interest of seeking ways to more deeply further objectives without compromising other objectives.

*4. Allocating a lower proportion of housing need to an income category when a jurisdiction already has a disproportionately high share of households in that income category, as compared to the countywide distribution of households in that category from the most recent American Community Survey.*

This objective is furthered directly by the social equity adjustment factor included in the draft SCAG RHNA methodology. Jurisdictions in the SCAG region range from as little as 10.9 percent lower income households to 82.7 percent lower income households. The 20 jurisdictions with the greatest share of lower income households, 67.2-82.7 percent lower income households, would receive an average of 31.6 percent lower income share of their RHNA; compared to the 20 jurisdictions with the lowest share of lower income households, 10.9-25.1 percent lower income households, would receive an average of 59.1 percent lower income share of their RHNA. While the social equity adjustment explicitly responds to objective four, it also assists in the methodology furthering each of the other objectives.

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*5. Affirmatively furthering fair housing, which means taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws.*

HCD applauds the inclusion of the affirmatively furthering fair housing adjustment factor in the methodology. This factor directs more lower income RHNA to higher opportunity areas and reduces allocations in segregated concentrated areas of poverty, as defined in the [HCD/TCAC Opportunity Maps](#), which evaluate access to opportunity, racial segregation, and concentrated poverty on 11 dimensions, which are all evidence-based indicators related to long term life outcomes. 14 of the top 15 highest shares of lower income RHNA are in regions over 99.95 percent High and Highest Resource areas. These include: Imperial, La Habra Heights, Rolling Hills Estates, Hermosa Beach, La Cañada Flintridge, Palos Verdes Estates, Manhattan Beach, Rolling Hills, Agoura Hills, Rancho Palos Verdes, Westlake Village, San Marino, Eastvale, and Hidden Hills. With the exceptions of the cities of Vernon and Industry, the 31 jurisdictions with the highest share of lower income RHNA are all over 95 percent High and Highest Resource areas.

HCD appreciates the active role of SCAG staff in providing data and input throughout the draft SCAG RHNA methodology development and review period. HCD especially thanks Ping Chang, Kevin Kane, Sarah Jepson, and Ma'Ayn Johnson for their significant efforts and assistance.

HCD looks forward to continuing our partnership with SCAG to assist its member jurisdictions to meet and exceed the planning and production of the region's housing need.

Support opportunities available for the SCAG region this cycle include, but are not limited to:

- SB 2 Planning Technical Assistance (Technical assistance available now through June 2021)
- Regional and Local Early Action Planning grants (25 percent of Regional funds available now, all other funds available early 2020)
- SB 2 Permanent Local Housing Allocation (Available April – July 2020)

If HCD can provide any additional assistance, or if you, or your staff, have any questions, please contact Megan Kirkeby, Assistant Deputy Director for Fair Housing, [megan.kirkeby@hcd.ca.gov](mailto:megan.kirkeby@hcd.ca.gov).



Megan Kirkeby  
Assistant Deputy Director for Fair Housing

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Ave  
Sacramento, CA 95833-1829  
916) 263-2911 FAX: (916) 263-7453  
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December 10, 2020

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

Dear Executive Director Ajise:

**RE: Comment on Appeals of the Draft Regional Housing Need Allocation (RHNA) Plan**

Thank you for the opportunity to comment on the 52 appeals Southern California Association of Governments (SCAG) has received regarding the draft RHNA plan. The appeal process is an important phase in the development of a RHNA plan that ensures that all relevant factors and circumstances are considered.

The only circumstances under which a jurisdiction can appeal are:

- 65584.05(b)(1): The council of governments failed to adequately consider the information regarding the factors listed in subdivision (e) of section 65584.04.
- 65584.05(b)(2): The council of governments failed to determine the share of the regional housing need in a manner that furthers the intent of the objectives listed in subdivision (d) of section 65584.
- 65584.05(b)(3): A significant unforeseen change in circumstances occurred in the local jurisdiction that merits a revision of the information submitted pursuant to subdivision (e) of Section 65584.04.

The California Department of Housing and Community Development (HCD) urges SCAG to only consider appeals that meet these criteria.

Per Government Code section 65584.05(e)(1), SCAG's final determination on whether to accept, reject, or modify any appeal must be accompanied by written findings, including how the final determination is based upon the adopted RHNA allocation methodology, and how any revisions are necessary to further the statutory objectives of RHNA described in Government Code section 65584(d).

Among the appeals based on Government Code section 65584.05(b)(1), several appeals state that SCAG failed to consider the factor described in Government Code section 65584.04(e)(2)(B), citing the lack of land suitable for development as a basis for the appeal. However, this section states the council of governments may not limit its consideration of suitable housing sites to existing zoning and land use restrictions and must consider the potential for increased development under alternative zoning and

land use restrictions. Any comparable data or documentation supporting this appeal should contain an analysis of not only land suitable for urban development, but land for conversion to residential use, the availability of underutilized land, and opportunity for infill development and increased residential densities. In simple terms, this means housing planning cannot be limited to vacant land, and even communities that view themselves as built out must plan for housing through means such as rezoning commercial areas as mixed-use areas and upzoning non-vacant land.

With regard to appeals submitted related to Government Code section 65584.05(b)(2), that SCAG failed to determine the RHNA in a manner that furthers the statutory objectives, it should be noted that HCD reviewed SCAG's draft allocation methodology and found that the draft RHNA allocation methodology furthered the statutory objectives described in Government Code section 65584.

Among the appeals based on Government Code section 65584.05(b)(2), several contend that the cap on units allocated to extremely disadvantaged communities (DACs) does not further RHNA's statutory objectives. This cap furthers the statutory objective to affirmatively further fair housing by allocating more units to high opportunity areas and fewer units to low resource communities, and concentrated areas of poverty with high levels of segregation. Due to the inclusion of this factor, as well as the use of TCAC/HCD Opportunity Maps, SCAG's methodology allocates 14 of the top 15 highest shares of lower-income RHNA to jurisdictions with over 99.95 percent High and Highest Resource areas. With the exceptions of two jurisdictions, the 31 jurisdictions with the highest share of lower-income RHNA are all over 95 percent High and Highest Resource areas. Any weakening of these inputs to the methodology could risk not fulfilling the statutory objective to affirmatively further fair housing.

Several appeals argue that SCAG's RHNA allocation methodology does not adequately promote access to jobs and transit, as required in objectives two and three. HCD's review of SCAG's RHNA methodology found the allocation does further the environmental principles of objective two. SCAG's overall allocation includes significant weight related to the location of high-quality transit areas and the regional distribution of jobs that can be accessed within a 30-minute driving commutes. Regarding objective three, HCD's analysis as to whether jobs-housing fit was furthered by SCAG's draft methodology found that across all jurisdictions there is generally good alignment between low-wage jobs and lower-income RHNA, with all but 15 jurisdictions within a half percent plus or minus difference between their share of lower-income RHNA for the region and their percentage low-wage jobs for the region.

Several appeals are based upon the provision described in Government Code section 65584.05(b)(3), arguing that the COVID-19 pandemic represents a significant and unforeseen change in circumstances that will affect future population and job growth. Ensuring everyone has a home is critical to public health. Reducing and preventing overcrowding and homelessness are essential concerns for every community. The COVID-19 pandemic has only increased the importance that each community is planning for sufficient affordable housing.

Lastly, several appeals state that the Regional Housing Needs Determination (RHND) HCD provided to the SCAG region is too large. SCAG submitted an objection to the RHND at the appropriate time and through the appropriate process. HCD considered those objections and [determined the final RHND for 6<sup>th</sup> Housing Element Cycle for the SCAG region on October 15, 2019](#). There are no further appeal procedures available to alter the SCAG region's RHND for this cycle. Government Code section 65584.05(b) does not allow local governments to appeal the RHND during the 45-day period following receipt of the draft allocation.

HCD acknowledges that many local governments will need to plan for more housing than in the prior cycle to accommodate a RHND that more fully captures the housing need and as the statutory objectives of RHNA shift more housing planning near jobs, transit, and resources. The Southern California region's housing crisis requires each jurisdiction to plan for the housing needs of their community and the region. In recognition of this effort there are more resources available than ever before to support jurisdictions as they prepare to update their 6<sup>th</sup> cycle housing elements:

- SB 2 Planning Grants – \$123 million one-time allocation to cities and counties
- SB 2 Planning Grants Technical Assistance offered to all jurisdictions
- Regional and Local Early Action Planning Grants – \$238 million one-time allocation for local and regional governments
- SB 2 Permanent Local Housing Allocation – approximately \$175 million annually in ongoing funding for local governments to increase affordable housing stock

If HCD can provide any additional assistance, or if you, or your staff, have any questions, please contact Megan Kirkeby, Deputy Director, [megan.kirkeby@hcd.ca.gov](mailto:megan.kirkeby@hcd.ca.gov).



Megan Kirkeby  
Deputy Director



# City of Whittier

13230 Penn Street, Whittier, California 90602-1716  
(562) 567-9320 Fax (562) 567-2872 www.cityofwhittier.org

Electronically Transmitted to: [Housing@scag.ca.gov](mailto:Housing@scag.ca.gov)

December 10, 2020

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

SUBJECT: City of Whittier's Comments on Appeals to the Sixth Cycle Regional Housing Needs Assessment (RHNA) Allocation

Honorable Chair and Honorable Committee Members:

The City of Whittier ("City") appreciates the challenges that are inherent in allocating 1,341,827 housing units by the thousands (a 226% increase above the baseline 412,137 unit) to cities across Southern California, especially in built-out cities. However, the City is deeply concerned its housing allocation of 3,431 units from the State Department of Housing and Community Development ("HCD") and the Southern California Association of Government's ("SCAG") unit distribution methodology, along with recent housing legislation will fundamentally abridge the City's ability to develop effective land-use policies that are appropriate for managing the community's actual needs. The 878 units in the 5<sup>th</sup> cycle RHNA allocation has been increased by 290% to 3,431 units in the current 6<sup>th</sup> cycle. Particularly challenging in the 6<sup>th</sup> cycle, is the number of low and very low-income units (1,558) which combined with the moderate and above moderate unit totals forces unplanned and unnecessary residential densification of the community.

The affordable units are an unfunded mandate with very limited regional or State financial support for their development. Considering the affordable housing subsidies typically range from \$50,000 to \$250,000 per unit, the overall funding requirements could range from \$78,000,000 to \$390,000,000 which is clearly beyond the reach of the City of Whittier in that the City's general fund budget is just \$72,000,000 which already include \$2,000,000 annually to house the City's unsheltered residents in transitional housing. Additionally, the City only receives 7.5% of each property tax dollar to provide general services including police and library services.

The City is currently in the process of updating its Housing Element as well as the General Plan to incorporate the current RHNA allocation, so Whittier is acutely aware of the various housing needs as well as the potential obstacles, such as aging infrastructure and unplanned density, to creating the requisite housing within a city that

Attachment: Comments Received during the Comment Period (Appeal of the Draft RHNA Allocation for the City of Irvine)

is essentially built out. The changes in the State's housing laws (SB 35, SB 166 and AB 1397) have created additional constraints for the agencies and may severely impact the City's ability to accomplish our regional and local housing goals.

Since development in Whittier began more than 130 years ago, the City is virtually built-out with little developable vacant land outside of its designated open space areas that are dedicated to accommodating existing and future residents. While the City has made significant efforts through its specific plans to densify existing corridors and districts, the majority of Whittier's remaining single-family residential neighborhoods cannot accommodate similar densification. Furthermore, the hills north of Whittier contain regional open space, sensitive habitat and wildlife areas that must be preserved in perpetuity. There are also significant infrastructure and water service constraints that impact Whittier's ability to produce significantly more housing. Although these facts may not be desirable, they must be pragmatically accounted for and mitigated by not further increasing Whittier's share of housing units contained in SCAG's 6<sup>th</sup> Cycle RHNA. The final RHNA allocation and methodology must be fair and equitable while reflecting the capacity for reasonable housing unit construction.

As with many other cities, the City is concerned about the current allocation, but an even greater concern is that additional units may be applied to the City if reallocated from cities that are successful in their appeals. To that end, the City believes the appeal process itself was unclear as to the potential ramifications to other cities and not fully understood.

Although we fully support the surrounding cities in their appeals, the potential for additional units being applied to the City would exacerbate the problems described herein and in Whittier's September 13, 2019 letter to SCAG.

Should you have any questions, please do not hesitate to contact me.

Sincerely,



Jeffery S. Adams  
Director of Community Development

File

**From:** Christopher Koontz <Christopher.Koontz@longbeach.gov>  
**Sent:** Thursday, December 3, 2020 11:14 AM  
**To:** Regional Housing  
**Subject:** RHNA Appeals

**Categories:** Response Required, Record

Good morning,

The purpose of this email is to provide the City of Long Beach’s position in regards to pending RHNA appeals before SCAG. The City of Long Beach seeks to meet its housing needs and obligations for the benefit of Long Beach residents and the region. Our allocation was extremely large and presents a planning and financing challenge for the City. Nonetheless we chose not to appeal our allocation because the allocation process was fair and transparent including taking the City of Long Beach’s input into consideration.

We oppose and will not accept any transfer of additional allocation due to the pending appeals. We note that within our area, the Gateway COG, appeals are pending from Bellflower, Cerritos, Downey, Huntington Park, La Mirada, Lakewood, Pico Rivera, and South Gate. Each of these appeals should be evaluated by SCAG on the merits, however Long Beach opposes any transfer of allocation to our City. It would be inappropriate to transfer a further burden to Long Beach when we have already accepted a large allocation and have done more than many cities in the region to accommodate housing growth under the current RHNA cycle, including fully meeting our market-rate RHNA allocation.

The City of Long Beach will continue to work with SCAG and our neighbor jurisdictions to address the housing needs of our residents.

We thank you for consideration and please do not hesitate to contact the City regarding our position.

Christopher Koontz, AICP  
*Deputy Director*

Development Services  
411 W. Ocean Blvd., 3rd Floor | Long Beach, CA 90802  
Office: 562.570.6288 | Fax: 562.570.6068



Attachment: Comments Received during the Comment Period (Appeal of the Draft RHNA Allocation for the City of Irvine)



Southern California Association of Governments  
Remote Participation Only  
January 15, 2021

**To:** Regional Housing Needs Assessment Subcommittee (RHNA)  
**From:** Kevin Kane, Senior Regional Planner,  
(213) 236-1828, kane@scag.ca.gov  
**Subject:** Appeal of the Draft RHNA Allocation for the City of Newport  
Beach

EXECUTIVE DIRECTOR'S  
APPROVAL

**RECOMMENDED ACTION:**

Deny the appeal filed by the City of Newport Beach to reduce the Draft RHNA Allocation for the City of Newport Beach by 2,408 units.

**STRATEGIC PLAN:**

This item supports the following Strategic Plan Goal 2: Advance Southern California’s policy interests and planning priorities through regional, statewide, and national engagement and advocacy.

**SUMMARY OF APPEAL(S):**

The City of Newport Beach requests a reduction of its Draft RHNA Allocation by 2,408 units (from 4,834 units to 2,426) based on:

1. Application of the Final RHNA methodology for the 6<sup>th</sup> cycle RHNA (2021 -2029) - the Draft RHNA Allocation is inconsistent with the development patterns projected in SCAG’s 2020 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS or Connect SoCal) as the household growth reflected in the Draft RHNA Allocation is much higher than the growth forecast in Connect SoCal.
2. Availability of land suitable for urban development or conversion to residential use - constraints on several land use types which might accommodate the Draft RHNA Allocation including limited vacant land, limited conversion potential of existing land uses (the City provides sample calculations about the density that the Draft RHNA Allocation might result in).
3. Lands protected from urban development under existing federal or state programs - coastal zone limitations, sea level rise, airport-related growth constraints, protected natural lands, and high fire risk areas, and seismic hazard zones.
4. Distribution of household growth assumed for purposes of comparable Regional Transportation Plans – same issue as item 1).
5. Changed circumstances - COVID-19 pandemic will have lasting effects on the City’s economy

**OUR MISSION**

*To foster innovative regional solutions that improve the lives of Southern Californians through inclusive collaboration, visionary planning, regional advocacy, information sharing, and promoting best practices.*

**OUR VISION**

*Southern California’s Catalyst for a Brighter Future*

**OUR CORE VALUES**

*Be Open | Lead by Example | Make an Impact | Be Courageous*



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and housing market.

Other: The City also identifies other limitations on growth that are not allowable bases of appeal (existing uses, development trends, market conditions, realistic development capacity, realistic capacity of nonvacant sites, substantial evidence requirement).

**RATIONALE FOR STAFF RECOMMENDATION:**

Staff have reviewed the appeal(s) and recommend no change to the City of Newport Beach's RHNA Allocation.

In (1) and (4), the City does not contest the validity of the data, measures, or inputs used in the RHNA methodology, instead contesting whether it furthers statutory objectives or is adequately consistent with the RTP/SCS. Since HCD found that the Draft Methodology furthers statutory objectives and the Methodology itself cannot be changed through the appeals process, SCAG staff does not recommend granting an appeal on these bases.

Regarding (2) and (3), while Newport Beach demonstrates that some areas of the city are subject to external development constraints described in Government Code 65584.04(e)(2)(A), this does not preclude development on land that is not so encumbered which might be possible under alternative zoning and land use restrictions, as described in Government Code 65584.04(e)(2)(B). As such, SCAG staff cannot recommend granting an appeal on these bases.

In (5), given the long-range nature of our planning processes and failure of Newport Beach to demonstrate how changed circumstances uniquely impact Newport Beach such that their housing need is reduced, SCAG does not recommend granting an appeal on this basis.

Regarding other limitations on growth that are not allowable bases of appeal but are raised by the City, the RHNA Allocation does not provide a building quota or mandate; a local jurisdiction is only required to plan and zone for its determined housing need and is not required to develop the allocated units.

**BACKGROUND:**

**Draft RHNA Allocation**

Following the adoption of the Final RHNA Methodology on March 5, 2020 and the adoption of Connect SoCal on September 3, 2020, all local jurisdictions received Draft RHNA Allocations on September 11, 2020. A summary is below.

Total RHNA for the City of Newport Beach: 4,834 units

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Very Low Income: 1,453 units  
Low Income: 928 units  
Moderate Income: 1,048 units  
Above Moderate Income: 1,405 units

Additional background related to the Draft RHNA Allocation is included in Attachment 1.

### **Summary of Comments Received during 45-day Comment Period**

No comments were received from local jurisdictions or HCD during the 45-day public comment period described in Government Code section 65584.05(c) which specifically regard the appeal filed for the City of Newport Beach. Three comments were received which relate to appeals filed generally:

- HCD submitted a comment on December 10, 2020 delineating the statutory basis for RHNA appeals and the requirement that any appeals granted must include written findings regarding how revisions are necessary to further RHNA's statutory objectives.
- The City of Whittier submitted a comment on December 10, 2020 supporting surrounding cities in their appeals, but expressing concern that additional units may be applied to Whittier if reallocated from cities which are successful in their appeals.
- The City of Long Beach submitted a comment on December 3, 2020 indicating their view that the RHNA allocation process was fair and transparent, their support for evaluating appeals on their merits (specifically those from the Gateway Council of Governments), and their opposition to any action which would result in a transfer of additional units to Long Beach.

### **ANALYSIS:**

***Issues 1 and 4: Application of the adopted Final RHNA Methodology for the 6th Cycle RHNA (2021-2029) [Government Code Section 65584.05 (b)(2)] and distribution of household growth assumed for purposes of comparable Regional Transportation Plans [Section 65584.04(e)(3)].***

*The City of Newport Beach appeals on the basis that the methodology was not properly applied, pursuant to Government Code section 65584.05(a)(2):*

*"The council of governments or delegate subregion, as applicable, failed to determine the share of the regional housing need in accordance with the information described in, and the methodology established pursuant to, Section 65584.04, and in a manner that furthers, and does not undermine, the intent of the objectives listed in subdivision (d) of Section 65584."*

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and on the basis of the local planning factor described in Government Code section 65584.04(e)(3):

*“The distribution of household growth assumed for purposes of a comparable period of regional transportation plans and opportunities to maximize the use of public transportation and existing transportation infrastructure.”*

*Specifically, the City contends that the Draft RHNA Allocation envisions a higher growth rate (roughly 604 housing units per year) than envisioned in the Connect SoCal plan (roughly 100 household per year) and that, if the housing unit targets in RHNA were to materialize during the 2021-2029 planning period, the City would exceed its 2045 forecasted growth in only 6.5 years.*

*The City also argues that the residual need portion of the Methodology is inconsistent with Connect SoCal as it is based on need left by other jurisdictions. Relatedly, Newport Beach argues that the Methodology’s redistribution of this factor within county boundaries is arbitrary and does not amply consider regional employment.*

**SCAG Staff Response:** The RHNA allocation process is a related, but separate process from the development of the RTP/SCS. While Connect SoCal is required under state planning law to identify areas sufficient to house the 8-year RHNA need pursuant to Government Code Section 65080(b)(2)(B)(iii), the RHNA allocation of housing need is a distinct process set forth under state housing law, Government Code Section 65584 *et seq.* The RHNA requirements address the mandate to plan for housing units to accommodate growth within the planning period and to further statutory objectives.

More specifically, the RHNA identifies anticipated housing need over a specified eight-year period and requires that local jurisdictions make available sufficient zoned capacity to accommodate this need. Actual housing production depends on a variety of factors external to the identification of need through RHNA—local jurisdictions frequently have sufficient zoned capacity but actual housing construction depends on market and other external forces. For example, per HCD’s Annual Progress Reports covering new unit permits through 2018, the region’s low and very-low income permits totaled 19,328 units (2,494/year) compared to the RHNA allocation of 165,579 units (21,365/year).

In contrast, the Connect SoCal Growth Forecast is an assessment of the reasonably foreseeable future pattern of growth given regional factors such as births, deaths, migration, and employment growth as well as local factors, which includes the availability of zoned capacity.<sup>1</sup>

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<sup>1</sup> For details, see Connect SoCal’s Demographics and Growth Forecast Technical Report at [https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocial\\_demographics-and-growth-forecast.pdf](https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocial_demographics-and-growth-forecast.pdf)

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 direct inputs to the growth forecasting process and are independent of employment and population projections. They reflect additional latent housing needs in the current population (i.e., “existing need”) and do not result in a change in regional population.

Ultimately it is this difference between these processes which accounts for the difference between the reasonably foreseeable household growth rate included in Connect SoCal and the development capacity target which RHNA envisions for Newport Beach.

Following adoption of SCAG’s Final RHNA Allocation, local jurisdictions must update their housing elements (as needed) to provide sufficient zoned capacity for the total 6<sup>th</sup> Cycle allocation pursuant to state guidelines. Updated housing elements are due in October 2021. Pursuant to Government Code Section 65583(c)(1)(A), local jurisdictions will have until January 2025 to complete any necessary rezoning to accommodate their RHNA allocation. Until this planning work is done at the local level, it would be speculative for Connect SoCal to make assumptions about potential development levels and patterns that includes the 6<sup>th</sup> Cycle “existing need.” Once this process is complete, in future RTP/SCS development processes SCAG will re-evaluate the reasonably foreseeable future growth pattern, including the potential impact of any policy changes made in response to the 6<sup>th</sup> cycle RHNA allocations.

An additional key difference is that the RHNA process only permits SCAG to allocate jurisdiction-level totals (by income category), whereas the RTP/SCS requires SCAG to model future transportation patterns and Greenhouse Gas (GHG) impacts, which requires an estimate of *where* within the jurisdiction future growth may occur. As such, the RHNA process requires adapting Connect SoCal’s key policy direction in order to ensure that *development patterns* are generally consistent across the two processes. For example, Connect SoCal achieves its jobs-housing balance objectives in part by envisioning a set of 72 individual job centers across the region; however, this relies on within-jurisdiction prediction of the location of development. The final RHNA process adapts this concept by developing a measure of job accessibility at the jurisdiction-level—using Connect SoCal data—to ensure consistent strategic and policy direction. Similarly, half of existing need is allocated on the basis of the jurisdiction’s share of the region’s population in a High Quality Transit Area (HQTA) in 2045 as defined in Connect SoCal. This consistent strategic and policy direction results in the Final RHNA Methodology and Draft RHNA Allocation’s consistency with the development patterns in the SCS, pursuant to Government Code section 65584.04(m)(1):

“It is the intent of the Legislature that housing planning be coordinated and integrated with the regional transportation plan. To achieve this goal, the allocation plan shall allocate

housing units within the region consistent with the development pattern included in the sustainable communities strategy.”

For further discussion see Attachment 1 as well as Connect SoCal Master Response 1 at [https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocial\\_public-participation-appendix-2.pdf](https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocial_public-participation-appendix-2.pdf)

Newport Beach’s contention that the residual need component of the Final RHNA Methodology is inconsistent with Connect SoCal is also flawed. The RHNA Methodology is a complex balance of several regional objectives ranging from jobs-housing balance to Affirmatively Furthering Fair Housing (AFFH). Ultimately, AFFH is one of the RHNA objectives described in Government Code 65584(d) and the residual reallocation is part of the adopted Final RHNA Methodology. It furthers the AFFH objectives by ensuring that RHNA allocations are not concentrated in jurisdictions with lower opportunity scores, reallocating them to jurisdictions with higher opportunity scores. Newport Beach asserts that this is to the detriment of regional job accessibility because DAC jurisdictions may not receive allocation on those bases, compromising other statutory objectives and the SCS consistency described in Government Code 65584.04(m)(1). However, the residual reallocation at issue is made to non-DAC jurisdictions *on the basis* of their job and transit access levels.

The City contends that it is bearing the burden of other jurisdictions; however, the residual reallocation is part of the adopted Final RHNA Methodology—not a step which is “added” afterward but is a plan to allocate need based on regional considerations. Newport Beach further contends that Orange County is singled out regarding the residual reallocation; however, the Methodology is consistent in its application across counties and does not include any specific exemptions or treatments for Orange County.

For these reasons, SCAG appropriately applied the Methodology, and the Methodology and Connect SoCal are consistent; thus staff does not recommend a reduction to Newport Beach’s Draft RHNA Allocation on these bases.

***Issue 2: Lands protected from urban development under existing federal or state programs [Section 65584.04(e)(2)(C)].***

*The City of Newport Beach contends that SCAG failed to adequately consider the information submitted pursuant to Government Code 65584.04(b). Specifically, the City references Government Code section 65584.04(e)(2)(C):*

*“Lands preserved or protected from urban development under existing federal or state programs, or both, designed to protect open space, farmland, environmental habitats, and natural resources on a long-term basis...”*

*The City organizes this issue in the following manner, and includes a table of acreage associated with each constraint, asserting that approximately 50 percent of the legal parcels in the City of Newport Beach are subject to these constraints:*

- a.) Coastal Zone Limitations Not Considered in Methodology (1,226 acres)*
- b.) Sea Level Rise and Storm Inundation (flood zone; 479 acres)*
- c.) Airport Environs Land Use Plan (391 acres)*
- d.) Lands Protected and/or Precluded from Development Activity*
  - a. Protected Natural Lands (2,734 acres)*
  - b. High Fire Severity Hazard Zones (3,227 acres)*
  - c. Seismic Hazard Zones (4,107 acres)*

*The City also suggests that SCAG’s Methodology should allow for a 10 percent adjustment factor to RHNA allocations to permit the accommodation of hazards—an approach being considered for inclusion in the Association of Bay Area Government’s (ABAG) Draft RHNA Methodology.*

**SCAG Staff Response:** 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 since such factors are required to be considered at the local level. Attachment 1 describes SCAG’s extensive Bottom-Up Local Input and Envisioning Process which provided extensive engagement and review opportunities to ensure that forecasting growth in constrained areas was avoided. An updated version of the draft data/map book originally provided to and discussed with Newport Beach in March 2018 is available at <https://scag.ca.gov/sites/main/files/file-attachments/newportbeach.pdf> and specifically includes data on coastal inundation/sea level rise, protected natural lands, and flood hazard zones. Similar information was received through Newport Beach’s Local Planning Factor Survey. While maps were not explicitly provided regarding fire hazard, seismic hazard, and airport noise, the local input process provided Newport Beach with the opportunity to make changes based on any additional constraint. On October 1, 2018 the City submitted its input along with requests for minor updates to various land use codes, revisions to several data layers relating to transportation, and noting that a new FEMA flood zone map will be available shortly.

The City of Newport Beach’s appeal does not provide evidence that any of these constraints have changed since the City’s local input was provided.

Ultimately the RHNA Methodology has provided ample input opportunity regarding these constrained areas. However, locally-reviewed growth forecasts are not the only part of the RHNA methodology—additional units are assigned on the basis of job and transit accessibility in particular. There is no requirement for each part of the RHNA Methodology to consider each local planning factor.

In addition, while the jurisdiction has indicated it cannot accommodate units in these specific areas, no evidence has been provided that the jurisdiction cannot accommodate its RHNA allocation in other areas. The City provides a detailed analysis indicating that these constraints would restrict development in portions of Newport Beach – specifically the coastal zone limitations which are specific state programs consistent with this appeal basis (65584.04(e)(2)(C)). However, the presence of protected open space or other constrained areas alone does not reduce housing need nor does it preclude a jurisdiction from accommodating its housing need elsewhere. Specifically, Government Code Section 65584.04(e)(2)(B) indicates that:

“...The council of governments may not limit its consideration of suitable housing sites or land suitable for urban development to existing zoning ordinances and land use restrictions of a locality, but shall consider the potential for increased residential development under alternative zoning ordinances and land use restrictions...”

Moreover, in response to similar arguments made by the cities of Coronado and Solana Beach in their RHNA allocation appeals earlier this year,

“Coastal Commission Executive Director Jack Ainsworth said that while there are some constraints in the coastal zone related to increases in housing density around areas vulnerable to sea level rise and erosion, that doesn’t mean that there are not areas within the coastal zone where significant increases in housing density are possible. ‘To make a blanket statement that the Coastal Commission would not approve increases in housing density is simply not accurate,’ he wrote. ‘Over the past year or so, the Commission has demonstrated our commitment to increasing housing density through individual permitting actions and our local coastal program planning efforts with local governments.’”<sup>2</sup>

The California Coastal Act encourages the protection of housing opportunities for individuals of low and moderate incomes (Public Resources Code section 30604). Furthermore, the Coastal Act does not allow residential densities to be reduced (including projects making use of density bonuses) unless the density cannot feasibly be accommodated in conformity with the Local Coastal Program (Public Resources Code

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<sup>2</sup> *San Diego County cities push back on state-mandated housing goals*, San Diego Union Tribune, January 14, 2020 (<https://www.sandiegouniontribune.com/business/growth-development/story/2020-01-14/sandag-housing>).

section 30604(f)). The Coastal Act also encourages the minimization of vehicle miles traveled (Public Resources Code section 30253(e)). In addition, in April 2020, the Coastal Commission recently issued new guidance on the “Implementation of New ADU [accessory dwelling units] Laws”.<sup>3</sup>

For these reasons, SCAG staff does not recommend a reduction to the jurisdiction’s RHNA allocation based on this factor.

***Issue 3: Availability of land suitable for urban development or for conversion to residential use [Section 65584.04(e)(2)(B)].***

*The City of Newport Beach contends that SCAG failed to adequately consider the information submitted pursuant to Government Code section 65584.04(b). Specifically, the City references 65584.04(e)(2)(B):*

*“The availability of land suitable for urban development or for conversion to residential use, the availability of underutilized land, and opportunities for infill development and increased residential densities. The council of governments may not limit its consideration of suitable housing sites or land suitable for urban development to existing zoning ordinances and land use restrictions of a locality, but shall consider the potential for increased residential development under alternative zoning ordinances and land use restrictions...”*

*The City asserts that there is “little appropriate, available vacant land” to accommodate the draft RHNA allocation, further contending that the recent enactment of AB 1397 requires the City to demonstrate vacant land availability and that HCD’s site inventory guidebook requires the City to provide substantial evidence that existing uses will be discontinued during the planning period for inclusion.*

*The City provides an assessment of its:*

- a.) available vacant land,*
- b.) existing non-vacant residential land,*
- c.) existing commercial/retail land,*
- d.) existing industrial land,*

*and provides an evaluation of the density which could be needed to accommodate the Draft RHNA Allocation based on these constraints, suggesting that density at these levels may pose a public*

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<sup>3</sup> Memo from John Ainsworth to Planning Directors of Coastal Cities and Counties dated April 21, 2020 re: Implementation of New ADU Laws (<https://documents.coastal.ca.gov/assets/rflg/California%20Coastal%20Commission%20ADU%20Memo%20dated%20042120.pdf>).



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health concern specifically considering the COVID-19 pandemic. The City contends that 161.0 acres of existing, developed, high value land would be needed to accommodate the Draft RHNA Allocation of 4,834 units at a density of 30 dwelling units per acre.

**SCAG Staff Response:** While Newport Beach contends that SCAG did not consider land availability pursuant to Government Code Section 65584.04(e)(2)(B), as described in Issue 2 above and in Attachment 1, these constraints were discussed at length and directly considered in SCAG’s 6<sup>th</sup> cycle RHNA methodology. However, locally-reviewed growth forecasts are not the only part of the RHNA methodology—additional units are assigned on the basis of job and transit accessibility in particular. There is no requirement for each part of the RHNA Methodology to consider each local planning factor.

Furthermore, Government Code section 65584.04(e)(2)(B) also states that SCAG “may not limit its consideration of suitable housing sites or land suitable for urban development to existing zoning ordinances and land use restrictions of a locality” (which includes the land use policies in its General Plan). “Available land suitable for urban development or conversion to residential use,” as expressed in this section, is not restricted to vacant or any other type of site; rather, it specifically indicates that underutilized land, opportunities for infill development, and increased residential densities are a component of “available” land. As indicated by HCD in its December 10, 2020 comment letter (HCD Letter):

“In simple terms, this means housing planning cannot be limited to vacant land, and even communities that view themselves as built out must plan for housing through means such as rezoning commercial areas as mixed-use areas and upzoning non-vacant land.” (HCD Letter at p. 2).

As such, the City can and must consider other opportunities for development. This includes the availability of underutilized land, opportunities for infill development and increased residential densities, or alternative zoning and density. Alternative development opportunities should be explored further and could possibly provide the land needed to zone for the City’s projected growth.

While zoning and capacity analysis is used to meet RHNA need, they should not be used to *determine* RHNA need at the jurisdictional level. Per the adopted RHNA Methodology, RHNA need at the jurisdictional level is determined by projected household growth, transit access, and job access. Housing need, both existing and projected need, is independent of zoning and other related land use restrictions, and in some cases is exacerbated by these very same restrictions. Thus, land use capacity that is restricted by factors unrelated to existing or projected housing need cannot determine existing or projected housing need.

The City does provide an evaluation of several other types of potentially available land, but in each case notes that such types of land conversion would be either uniquely challenging or result in density levels which are undesirable.

In particular, the City cites AB1397 as a series of new, additional constraints on development. While this legislation certainly increases requirements for demonstrating that a site is suitable for inclusion in RHNA, it does not, as Newport Beach asserts, “require the City to explicitly demonstrate the availability of vacant lands to accommodate future housing growth need.” On June 10, 2020, HCD released extensive guidelines for housing element site inventories which takes into account AB 1397’s changes<sup>4</sup>. A wide range of adequate sites are detailed including accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs). Specifically, the guidelines indicate that (page 32):

“In consultation with HCD, other alternatives may be considered such as motel conversions, adaptive reuse of existing buildings, or legalization of units not previously reported to the Department of Finance.”

Alternative development opportunities should be explored further and could possibly provide the land needed to zone for the City’s RHNA Allocation. While it is up to the individual jurisdiction to determine the optimal density to accommodate its housing need, provided that a residential unit meets all California Building Health and Safety Code requirements there is not a maximum density limit that would result in a need to reduce a RHNA Allocation.

For these reasons, SCAG staff does not recommend a reduction on the basis of this factor.

***Issue 5: Changed Circumstances [Government Code 65584.05(b)].***

*The City of Newport Beach argues that job losses related to the COVID-19 pandemic and slowing statewide population growth constitute changes in circumstance which merit a revision to the Draft RHNA Allocation.*

**SCAG Staff Response:** SCAG recognizes that COVID-19 presents unforeseen circumstances and that local governments have been affected by significant unemployment. However, these facts, as presented by the City, do not “merit a revision of the information submitted pursuant to subdivision (b) of Section 65584.04.” (Govt. Code § 65584.05(b)(3)). Furthermore, Section 65584.05(b) requires that:

“Appeals shall be based upon comparable data available for all affected jurisdictions and accepted planning methodology, and supported by adequate documentation, and shall

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<sup>4</sup> See [https://www.hcd.ca.gov/community-development/housing-element/docs/sites\\_inventory\\_memo\\_final06102020.pdf](https://www.hcd.ca.gov/community-development/housing-element/docs/sites_inventory_memo_final06102020.pdf)

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include a statement as to why the revision is necessary to further the intent of the objectives listed in subdivision (d) of Section 65584.”

SCAG’s Regional Council delayed the adoption of its 2020-2045 RTP/SCS by 120 days in order to assess the extent to which long-range forecasts of population, households, and employment may be impacted by COVID-19; however, the document’s long-range (2045) forecast of population, employment, and household growth remained unchanged. The Demographics and Growth Forecast Technical Report<sup>5</sup> outlines the process for forecasting long-range employment growth which involves understanding national growth trends and regional competitiveness, i.e., the SCAG’s region share of national jobs. Short-term economic forecasts commenting on COVID-19 impacts generally do not provide a basis for changes in the region’s long-term competitiveness or the region’s employment outlook for 2023-2045. As such, SCAG’s assessment is that comparable data would not suggest long-range regional employment declines.

The COVID-19 pandemic has had various impacts throughout Southern California; however it has not resulted in a slowdown in major construction nor has it resulted in a decrease in a demand for housing or housing need. Southern California home prices continue to increase (+2.6 percent from August to September 2020) led by Los Angeles (+10.4 percent) and Ventura (+6.2 percent) counties. Demand for housing as quantified by the RHNA allocation is a need that covers an 8-year period, not simply for impacts that are in the immediate near-term. Moreover, impacts from COVID-19 are not unique to any single SCAG jurisdiction and no evidence has been provided in the appeal that indicates that housing need within jurisdiction is disproportionately impacted in comparison to the rest of the SCAG region. For these reasons, SCAG staff does not recommend a reduction to the jurisdiction’s Draft RHNA Allocation.

Secondly, population growth rates and housing need due to projected growth represent a very small portion of Newport Beach’s Draft RHNA Allocation. As described in more detail in Attachment 1, only 320 of Newport Beach’s total of 4,834 units (6.6%) are due to projected need, which consists of projected household growth plus an adjustment for vacancy. While some updated forecasts may indicate population growth slowing, the Department of Finance’s most recently released county-level population projections (series P2A, released on January 10, 2020) show Orange County’s population increasing from 3,228,519 in 2020 to 3,385,857 in 2030 (+4.9%) during the years which encompass the 6<sup>th</sup> cycle RHNA projection period. Furthermore, it is not demonstrated that a slowing of population growth rates is a significant and unforeseen change in circumstances—state growth rates have been persistently slowing<sup>6</sup>.

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<sup>5</sup> See [https://www.connectsocial.org/Documents/Adopted/0903fConnectSoCal\\_Demographics-And-Growth-Forecast.pdf](https://www.connectsocial.org/Documents/Adopted/0903fConnectSoCal_Demographics-And-Growth-Forecast.pdf)

<sup>6</sup> Further discussion of this trend can be found in Connect SoCal’s Demographics & Growth Forecast Technical Report at [https://scag.ca.gov/sites/main/files/file-attachments/demo29\\_panel0101.pdf](https://scag.ca.gov/sites/main/files/file-attachments/demo29_panel0101.pdf). Additionally, an illustration of a decade of downward revisions to DOF’s state fertility assumptions can be found in slide 3 of this presentation at SCAG’s 29<sup>th</sup> Annual Demographic Workshop: [https://scag.ca.gov/sites/main/files/file-attachments/demo29\\_panel0101.pdf](https://scag.ca.gov/sites/main/files/file-attachments/demo29_panel0101.pdf)

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In February 2020 national home lending agency Freddie Mac's Economic & Housing Research group prepared a national analysis of housing supply shortages titled "The Housing Supply Shortage: State of the States" (the Freddie Mac report). This information cannot now be considered for adjusting HCD's regional housing needs determination. The RHNA statute outlines a very specific process for arriving at a regional housing needs determination for RHNA. It also prescribes a specific timeline which necessitated the completion of the regional determination step by fall 2019 in order to allow enough time for the development of a methodology, appeals, and local housing element updates.

The defined timeframes are guided by the deadline for the housing element revisions for HCD's RHNA determination and SCAG's Final RHNA Allocation Plan. HCD, in consultation with each council of governments (COG), shall determine each region's existing and projected housing need pursuant to Section 65584.01 at least two years prior to the scheduled revision required pursuant to Section 65588. Govt. Code § 65584(b). This "determination shall be based upon population projections produced by the Department of Finance and regional population forecasts used in preparing regional transportation plans, in consultation with each council of governments." Govt. Code § 65584.01(b). HCD begins the process 26 months prior to the scheduled revision so the data HCD relies on is the available provided by the COGs at that time. Similarly, the COG issues its survey for information to develop the RHNA allocation methodology up to 30 months prior to the scheduled revision. By necessity, the data used for these processes is data available at that time.

Without assessing the merits of the report, because the Freddie Mac report was not available during at the time HCD was determining regional housing need, it could not be considered then; and it cannot be considered now that the regional housing need has been determined. Furthermore, the Freddie Mac report is regional in nature and does not provide information on individual jurisdictions. For an appeal to be granted on the incorrect application of RHNA methodology, arguments and evidence must be provided that demonstrate the methodology was applied incorrectly to determine the jurisdiction's share of regional housing need. Because a regional study does not meet this criterion, these studies cannot be used to justify a particular jurisdiction's appeal. Moreover, any reduction would have to be redistributed to the region when in theory, all jurisdictions would be impacted by the regional study.

Finally, Government Code Section 65584.04(g)(3) prohibits stable population numbers from the previous RHNA cycle as a justification or reduction in a jurisdiction's share of regional housing need. Thus, the slow growth that is suggested occurring within the City from the conclusion of this particular state level study cannot be used as a basis to grant a reduction to the City's Draft RHNA Allocation.

In sum, it would be untenable to reopen the process anytime new data or materials become available, particularly when there is a codified process. If so, there would be no finality to the process and local government could not meet the deadlines for their housing element updates.

Procedurally, SCAG cannot consider a regional study outside of the regional determination process nor should it apply a regional study to reduce an individual jurisdiction's draft RHNA allocation. For these reasons, SCAG staff does not recommend a reduction to the jurisdiction's Draft RHNA Allocation based on changed circumstances.

**Other:** Limitations on growth

*Beginning on page 27 of its appeal, Newport Beach also raises several issues which are not bases for appeal. These include:*

- *Existing uses*
- *Development trends*
- *Market conditions*
- *Realistic development capacity*
- *Realistic capacity of nonvacant sites*
- *Substantial evidence requirement*

The discussion of Issue 2 above details how despite legislative changes, it is still permissible for Newport Beach to use a variety of types of non-vacant land to satisfy its Draft RHNA Allocation, and that there are many ways to provide substantial evidence of development capacity, including on nonvacant sites. These opportunities include alternative sites such as accessory dwelling units. HCD's comment letter regarding SCAG 6<sup>th</sup> cycle RHNA appeals details these opportunities further. Market conditions and the cost to develop and construct the allocated new housing units within a jurisdiction should not be considered by SCAG as a justification for a RHNA reduction since the RHNA Allocation does not provide a building quota or mandate. A local jurisdiction is only required to plan and zone for its determined housing need and is not required to develop the allocated units.

**FISCAL IMPACT:**

Work associated with this item is included in the current FY20-21 Overall Work Program (300-4872Y0.02: Regional Housing Needs Assessment).

**ATTACHMENT(S):**

1. Local Input and Development of Draft RHNA Methodology (City of Newport Beach)
2. Newport Beach Appeal and Supporting Documentation
3. Comments Received during the Comment Period

Southern California Association of Governments  
Remote Participation Only  
**City of Newport Beach RHNA Appeal**  
January 15, 2021

## Attachment 1: Local Input and Development of Draft RHNA Allocation

This attachment sets forth the nature and timing of the opportunities which the City of Newport Beach had to provide information and local input on SCAG’s growth forecast, the RHNA methodology, and the Growth Vision of the 2020 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS or Connect SoCal). It also describes how the RHNA Methodology development process integrates this information in order to develop the City of Newport Beach’s Draft RHNA Allocation.

### 1. Local input

#### *a. Bottom-Up Local Input and Envisioning Process*

On October 31, 2017, SCAG took the first step toward developing draft RHNA allocations by initiating the Bottom-Up Local Input and Envisioning Process. At the direction of the Regional Council, the objective of this process was to seek local input and data to prepare for Connect SoCal and the 6<sup>th</sup> cycle of RHNA.<sup>1</sup> Each jurisdiction was provided with a package of land use, transportation, environmental, and growth forecast data for review and revision which was due on October 1, 2018.<sup>2</sup> While the local input process materials focus principally on jurisdiction-level and Transportation Analysis Zone (TAZ) level growth, input on specific parcels, sites, and project areas were welcomed and integrated into SCAG’s growth forecast as well as data on other elements. SCAG met one-on-one with all 197 local jurisdictions between November 2017 and July 2018 and provided training opportunities and staff support. Following input from SCAG’s Technical Working Group (TWG), the Connect SoCal growth forecast reflected precisely the jurisdiction-level growth totals provided during this process.

Forecasts for jurisdictions in Orange County were developed through the 2018 Orange County Projections (OCP-2018) update process conducted by the Center for Demographic Research (CDR) at Cal State Fullerton. Jurisdictions were informed of this arrangement by SCAG at the kickoff of the Process. For the City of Newport Beach, the anticipated number of households in 2020 was 39,952 and in 2030 was 40,240 (growth of 288 households, or 0.7%). In March 2018, SCAG staff and CDR staff met with staff from the City of Newport Beach to discuss the Bottom-Up Local Input and Envisioning Process and answer questions.

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<sup>1</sup> While the RTP/SCS and RHNA share data elements, they are distinct processes. The RTP/SCS growth forecast provides an assessment of reasonably foreseeable future patterns of employment, population, and household growth in the region given demographic and economic trends, and existing local and regional policy priorities. The RHNA identifies anticipated housing need over a specified eight-year period and requires that local jurisdictions make available sufficient zoned capacity to accommodate this need. A further discussion of the relationship between these processes can be found in Connect SoCal Master Response 1 at [https://www.connectsocial.org/Documents/Adopted/0903fConnectSoCal\\_Public-Participation-Appendix-2.pdf](https://www.connectsocial.org/Documents/Adopted/0903fConnectSoCal_Public-Participation-Appendix-2.pdf).

<sup>2</sup> A detailed list of data during this process reviewed can be found in each jurisdiction’s Draft Data/Map Book at <https://scag.ca.gov/local-input-process-towns-cities-and-counties>

### **b. RHNA Methodology Surveys**

On March 19, 2019, SCAG distributed a packet of methodology surveys, which included the local planning factor survey (formerly known as the AB2158 factor survey), Affirmatively Furthering Fair Housing (AFFH) survey, and replacement need survey, to SCAG jurisdictions' Community Development Directors. Surveys were due on April 30, 2019. SCAG reviewed all submitted responses as part of the development of the Draft RHNA Methodology. The City of Newport Beach submitted the following surveys prior to the adoption of the Draft RHNA Methodology:

- Local planning factor survey
- Affirmatively Furthering Fair Housing (AFFH) survey
- Replacement need survey
- No survey was submitted to SCAG

### **c. Connect SoCal Growth Vision and Additional Refinements**

Beginning in May 2018, SCAG's Sustainable Communities Working Group began the process of developing growth scenarios for the SCAG region. The culmination of this work was the development of the Connect SoCal Growth Vision, which directly uses jurisdictional-level growth projections from the Bottom-Up Local Input and Envisioning process, and also features strategies for growth at the TAZ-level that help to reduce greenhouse gas emissions (GHG) from automobiles and light trucks to achieve Southern California's GHG reduction target, approved by the California Air Resources Board (CARB) in accordance with state planning law. Additional detail regarding the Connect SoCal Growth Vision, specifically the Transportation Analysis Zone (TAZ, or neighborhood) level projections is found at <https://www.connectsocal.org/Documents/DataMapBooks/Growth-Vision-Methodology.pdf>.

As a result of these strategies, in some jurisdictions growth at the TAZ-level differed from locally anticipated growth conveyed during the Bottom-Up Local Input and Envisioning Process. As such, SCAG provided two additional opportunities for all local jurisdictions to make TAZ-level technical refinements on the topics of general plan capacities and entitlements. During the release of the draft Connect SoCal Plan, jurisdictions were notified on October 31, 2019 that SCAG would accept additional refinements until December 11, 2019. Following the Regional Council's decision to delay full adoption of Connect SoCal for 120 days due to the COVID-19 pandemic, all jurisdictions were again notified on May 26, 2020 that SCAG would accept additional refinements until June 9, 2020.

Connect SoCal Growth Vision data have been available to local jurisdiction staff during the entirety of this process through SCAG's Scenario Planning Model Data Management Site (SPM-DM) at <http://spmDM.scag.ca.gov> and updates were shared with local jurisdictions on technical refinements to the data in February 2020 and August 2020 to share the results of both review opportunities. SCAG received additional technical corrections from the City of Newport Beach and incorporated them into the Growth Vision in December 2019.

## 2. Development of the Final RHNA Methodology

SCAG convened the first meeting of the RHNA Subcommittee in October 2018. In their subsequent monthly meetings, this body reviewed and advised on the development of SCAG’s 6<sup>th</sup> cycle RHNA process, including the development of the RHNA methodology. Per Government Code 65584.04(a), SCAG must develop a RHNA methodology which furthers the five statutory objectives of RHNA:

*(1) Increasing the housing supply and the mix of housing types, tenure, and affordability in all cities and counties within the region in an equitable manner, which shall result in each jurisdiction receiving an allocation of units for low- and very low income households.*

*(2) Promoting infill development and socioeconomic equity, the protection of environmental and agricultural resources, the encouragement of efficient development patterns, and the achievement of the region’s greenhouse gas reductions targets provided by the State Air Resources Board pursuant to Section 65080.*

*(3) Promoting an improved intraregional relationship between jobs and housing, including an improved balance between the number of low-wage jobs and the number of housing units affordable to low-wage workers in each jurisdiction.*

*(4) Allocating a lower proportion of housing need to an income category when a jurisdiction already has a disproportionately high share of households in that income category, as compared to the countywide distribution of households in that category from the most recent American Community Survey.*

*(5) Affirmatively furthering fair housing (Govt. Code § 65584(d)).*

As explained in more detail below, the Draft RHNA Methodology (which was adopted as the Final RHNA Methodology) set forth the policy factors, data sources, and calculations which would be used to generate draft RHNA allocations for all local jurisdictions. Following extensive debate and public comment, SCAG’s Regional Council voted to approve the Draft RHNA Methodology on November 7, 2019 and provide it to HCD for review. Per Government Code 65584.04(i), HCD is vested with the authority to determine whether a methodology furthers the objectives set forth in Government Code section 65584(d). On January 13, 2020, HCD found that the Draft RHNA Methodology furthers these five statutory objectives of RHNA. Specifically, HCD noted that:

*“This methodology generally distributes more RHNA, particularly lower income RHNA, near jobs, transit, and resources linked to long term improvements of life outcomes. In particular, HCD applauds the use of the objective factors specifically linked the statutory objectives in the existing need methodology.” (Letter from HCD to SCAG*



dated January 13, 2020 at <https://scag.ca.gov/sites/main/files/file-attachments/hcd-review-rc-approved-draft-rhna-methodology.pdf?1602190239>).

On March 5, 2020, again following extensive debate and public comment, the Regional Council voted to approve the Draft RHNA Methodology as the Final RHNA Methodology. Unlike SCAG's 5<sup>th</sup> cycle RHNA methodology which relies almost entirely on the household growth component of the RTP/SCS, SCAG's 6<sup>th</sup> cycle RHNA methodology consists of two primary elements: "projected need" which includes the number of housing units required to accommodate anticipated population growth over the 8-year RHNA planning period and "existing need," which refers to the number of housing units required to accommodate excess or unsatisfied housing demand experienced by the region's current population.<sup>3</sup> Furthermore, the Final RHNA methodology utilizes measures of 2045 job accessibility and High Quality Transit Area (HQTA) population measures based on TAZ-level projections in the Connect SoCal Growth Vision.

More specifically, the Final RHNA Methodology considers three primary factors in determining a local jurisdiction's total housing need which are primarily based on data from Connect SoCal's aforementioned Bottom-Up Local Input and Envisioning Process:

- Forecasted growth over 2020-2030 (projected need)
- Transit accessibility in 2045 (existing need)
- Job accessibility in 2045 (existing need)

The methodology is described in further detail at <http://scag.ca.gov/programs/Documents/RHNA/SCAG-Final-RHNA-Methodology-030520.pdf>.

### 3. Draft RHNA Allocation for the City of Newport Beach

Following the adoption of the Final RHNA Methodology on March 5, 2020 and the 120 day delay due to the COVID-19 pandemic, SCAG adopted Connect SoCal on September 3, 2020, and the City of Newport Beach received its draft RHNA allocation on September 11, 2020. Application of the RHNA methodology yields the draft RHNA allocation for the City of Newport Beach as summarized in the data and calculations in the tables below.

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<sup>3</sup> 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 direct inputs to the growth forecasting process and are independent of employment and population projections. In contrast, they reflect additional latent housing needs in the current population (i.e. "existing need") and would not result in a change in regional population. For further discussion see Connect SoCal Master Response 1 at [https://www.connectsocial.org/Documents/Adopted/0903fConnectSoCal\\_Public-Participation-Appendix-2.pdf](https://www.connectsocial.org/Documents/Adopted/0903fConnectSoCal_Public-Participation-Appendix-2.pdf).

<b>Newport Beach city statistics and inputs:</b>	
Forecasted household (HH) growth, RHNA period: <i>(2020-2030 Household Growth * 0.825)</i>	238
Percent of households who are renting:	43%
Housing unit loss from demolition (2009-18):	75
Adjusted forecasted household growth, 2020-2045: <i>(Local input growth forecast total adjusted by the difference between the RHNA determination and SCAG's regional 2020-2045 forecast, +4%)</i>	1,944
Percent of regional jobs accessible in 30 mins (2045): <i>(For the jurisdiction's median TAZ)</i>	16.63%
Jobs accessible from the jurisdiction's median TAZ (2045): <i>(Based on Connect SoCal's 2045 regional forecast of 10.049M jobs)</i>	1,671,000
Share of region's job accessibility (population weighted):	0.56%
Jurisdiction's HQTAs population (2045):	16,131
Share of region's HQTAs population (2045):	0.16%
Share of population in low/very low-resource tracts:	4.25%
Share of population in very high-resource tracts:	85.62%
Social equity adjustment:	170%

Calculation of Draft RHNA Allocation for Newport Beach city	
Forecasted household (HH) growth, RHNA period:	238
Vacancy Adjustment <i>(5% for renter households and 1.5% for owner households)</i>	7
Replacement Need	75
<b>TOTAL PROJECTED NEED:</b>	<b>320</b>
Existing need due to job accessibility (50%)	2348
Existing need due to HQTAs pop. share (50%)	660
Net residual factor for existing need <i>(Negative values reflect a cap on lower-resourced community with good job and/or transit access. Positive values represent this amount being redistributed to higher-resourced communities based on their job and/or transit access.)</i>	1506
<b>TOTAL EXISTING NEED</b>	<b>4514</b>
<b>TOTAL RHNA FOR NEWPORT BEACH CITY</b>	<b>4834</b>
Very-low income (<50% of AMI)	1453
Low income (50-80% of AMI)	928
Moderate income (80-120% of AMI)	1048
Above moderate income (>120% of AMI)	1405

The transit accessibility measure is based on the population anticipated to live in High-Quality Transit Areas (HQTAs) in 2045 based on Connect SoCal’s designation of high-quality transit areas and population forecasts. With a forecasted 2045 population of 16,131 living within HQTAs, the City of Newport Beach represents 0.16% of the SCAG region’s HQTAs population, which is the basis for allocating housing units based on transit accessibility.

Job accessibility is defined as the jurisdiction’s share of regional jobs accessible within a 30-minute drive commute. Since over 80 percent of the region’s workers live and work in different jurisdictions, the RHNA methodology uses a measure based on Connect SoCal’s travel demand model output for the year 2045 rather than assigning housing units based on the number of jobs with a specific jurisdiction. Specifically, the share of future (2045) regional jobs which can be reached in a 30-minute

automobile commute from the local jurisdiction's median TAZ is used as to allocate housing units based on transit accessibility. From the City of Newport Beach's median TAZ, it will be possible to reach 16.63% of the region's jobs in 2045 within a 30-minute automobile commute (1,671,000 jobs, based on Connect SoCal's 2045 regional job forecast of 10,049,000 jobs).

An additional factor is included in the methodology to account for RHNA Objective #5 to Affirmatively Further Fair Housing (AFFH). Several jurisdictions in the region which are considered disadvantaged communities (DACs) on the basis of access to opportunity measures (described further in the RHNA methodology document), but which also score highly in job and transit access, may have their total RHNA allocations capped based on their long-range (2045) household forecast. This additional housing need, referred to as residual, is then reallocated to non-DAC jurisdictions in order to ensure housing units are placed in higher-resourced communities consistent with AFFH principles. This reallocation is based on the job and transit access measures described above, and results in an additional 1506 units assigned to the City of Newport Beach.

Please note that the above represents only a partial description of key data and calculations which result in the Draft RHNA Allocation.

**Sixth Cycle Regional Housing Needs Assessment (RHNA) Appeal Request Form**  
*All appeal requests and supporting documentation must be received by SCAG October 26, 2020, 5 p.m.*  
*Appeals and supporting documentation should be submitted to [housing@scaq.ca.gov](mailto:housing@scaq.ca.gov).*  
*Late submissions will not be accepted.*

Date: \_\_\_\_\_ Jurisdiction Subject to This Appeal Filing: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
*(to file another appeal, please use another form)*

Filing Party (Jurisdiction or HCD)  
 \_\_\_\_\_

Filing Party Contact Name \_\_\_\_\_ Filing Party Email: \_\_\_\_\_  
 \_\_\_\_\_

**APPEAL AUTHORIZED BY:**

Name: \_\_\_\_\_

**PLEASE SELECT BELOW:**

- Mayor
- Chief Administrative Office
- City Manager
- Chair of County Board of Supervisors
- Planning Director
- Other: \_\_\_\_\_

**BASES FOR APPEAL**

- Application of the adopted Final RHNA Methodology for the 6<sup>th</sup> Cycle RHNA (2021-2029)
- Local Planning Factors and/or Information Related to Affirmatively Furthering Fair Housing (See Government Code Section 65584.04 (b)(2) and (e))
  - Existing or projected jobs-housing balance
  - Sewer or water infrastructure constraints for additional development
  - Availability of land suitable for urban development or for conversion to residential use
  - Lands protected from urban development under existing federal or state programs
  - County policies to preserve prime agricultural land
  - Distribution of household growth assumed for purposes of comparable Regional Transportation Plans
  - County-city agreements to direct growth toward incorporated areas of County
  - Loss of units contained in assisted housing developments
  - High housing cost burdens
  - The rate of overcrowding
  - Housing needs of farmworkers
  - Housing needs generated by the presence of a university campus within a jurisdiction
  - Loss of units during a state of emergency
  - The region's greenhouse gas emissions targets
  - Affirmatively furthering fair housing
- Changed Circumstances (Per Government Code Section 65584.05(b), appeals based on change of circumstance can only be made by the jurisdiction or jurisdictions where the change in circumstance occurred)

**FOR STAFF USE ONLY:**

Date \_\_\_\_\_ Hearing Date: \_\_\_\_\_ Planner: \_\_\_\_\_

**Sixth Cycle Regional Housing Needs Assessment (RHNA) Appeal Request Form**  
*All appeal requests and supporting documentation must be received by SCAG October 26, 2020, 5 p.m.*  
*Appeals and supporting documentation should be submitted to [housing@scaq.ca.gov](mailto:housing@scaq.ca.gov).*  
*Late submissions will not be accepted.*

**Brief statement on why this revision is necessary to further the intent of the objectives listed in Government Code Section 65584 (please refer to Exhibit C of the Appeals Guidelines):**

**Please include supporting documentation for evidence as needed, and attach additional pages if you need more room.**

**Brief Description of Appeal Request and Desired Outcome:**

**Number of units requested to be reduced or added to the jurisdiction's draft RHNA allocation (circle one):**

Reduced \_\_\_\_\_ Added \_\_\_\_\_

**List of Supporting Documentation, by Title and Number of Pages**

**(Numbers may be continued to accommodate additional supporting documentation):**

- 1.
- 2.
- 3.
- 4.

**FOR STAFF USE ONLY:**

Date \_\_\_\_\_

Hearing Date: \_\_\_\_\_

Planner: \_\_\_\_\_



**CITY OF NEWPORT BEACH**

100 Civic Center Drive  
Newport Beach, California 92660  
949 644-3004 | 949 644-3039 FAX  
newportbeachca.gov

**Mayor**

Will O'Neill

**Mayor Pro Tem**

Brad Avery

**Council Members**

Joy Brenner

Diane Brooks Dixon

Marshall "Duffy" Duffield

Jeff Herdman

Kevin Muldoon

October 13, 2020

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

**Subject: City of Newport Beach Appeal of the Sixth Cycle Draft Regional Housing Needs Assessment (RHNA) Allocation**

Dear Mr. Ajise:

On behalf of our residents, and in accordance with applicable California Government Code ("Government Code") Section 65584.05, the City of Newport Beach ("City") hereby submits this appeal to the Southern California Association of Governments (SCAG) of the Draft Regional Housing Needs Assessment (RHNA) Allocation ("Draft RHNA Allocation"), received September 11, 2020, for the Sixth Housing Element Cycle (2021-2029) (referred to herein as the Sixth Cycle).

A revision to the Draft RHNA Allocation is necessary to further the intent of the statutorily mandated objectives listed in Government Code Section 65584(d). In addition, this appeal is consistent with, and not to the detriment of, the development pattern in the applicable Sustainable Communities Strategy (SCAG's Connect SoCal Plan) developed pursuant to Government Code Section 65080(b)(2) as explained herein. This appeal is based on the following grounds:

Attachment: Newport Beach Appeal and Supporting Documentation (Appeal of the Draft RHNA Allocation for the City of Newport Beach)

- 1) **Local Planning Factors** - SCAG failed to adequately consider the information previously submitted by the City of Newport Beach that articulated a variety of local factors that directly influence housing production.
  - a. Specifically, this information includes lands preserved or protected from urban development under federal or state programs, or both, designed to protect open space, farmland, environmental habitats, and natural resources on a long-term basis; and
  - b. Availability of land suitable for urban development or for conversion to residential use, the availability of underutilized land, and opportunities for infill development and increased residential densities.
- 2) **Methodology** - SCAG failed to determine the share of the regional housing need in accordance with the information described in and the methodology established pursuant to Government Code Section 65584.04, and in a manner that furthers, and does not undermine, the intent of the objectives listed in Government Code Section 65584(d); and
- 3) **Changed Circumstances** - A significant and unforeseen change in circumstances has occurred that supports revisions to the information submitted pursuant to Government Code Section 65584.04(b).

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**Grounds for the City of Newport Beach Appeal**

1(a)	Local Planning Factors	<b><i>SCAG failed to adequately consider the information submitted pursuant to Section 65584.04(b).</i></b>
<i>Lands Preserved or Protected from Urban Development Under Federal or State Programs, or both, designed to protect open space, farmland, environmental habitats, and natural resources on a long-term basis</i>		

The City has several major constraints on existing lands that severely limit or totally restrict the City’s ability to accommodate growth to the extent identified in the Draft RHNA Allocation. SCAG provided the City with Regional Housing Needs Assessment (RHNA) Local Planning Factor Survey, dated April 29, 2019. This Survey is required by law for SCAG to allow jurisdictions to identify local planning factors (formerly known as “AB 2158 Factors”) prior to the development of a proposed RHNA methodology, per Government Code Section 65584.04(b). Information collected from the survey is required to be included as part of the proposed RHNA methodology.

The City submitted responses to the Local Planning Factors Survey, provided herein as Attachment A. These responses indicate the planning factors that demonstrate severe limitations in the City’s ability to accommodate the Draft RHNA Allocation. Additionally, the City also provided testimony before SCAG and submitted additional written correspondence to SCAG during the RHNA Methodology process which articulated these concerns (Attachment B).

The City of Newport Beach has a number of legitimate and justifiable claims to demonstrate SCAG’s failure to adequately consider prior information submitted. The failure to adequately address these local factors further undermines Government Code Section 65588(d).

The following factors, pursuant to Government Code Section 65584.04(e), are relevant to determine the City of Newport Beach’s ability to accommodate growth and were not adjusted for in the Draft RHNA Allocation.

**(a) Local Factor: Coastal Zone Limitations Not Considered in Methodology**

Although SCAG is not permitted to limit its considerations of suitable housing sites to a jurisdiction’s existing zoning and land use policies, and the cities should consider other opportunities for development such as the availability of underutilized land or infill development with increased residential densities, SCAG should consider a city’s ability to rezone or increase densities for residential development when subject to jurisdiction of other agencies and regulations, such as the California Coastal Commission and Executive Order N-82-20, signed by Governor Newsom on October 7, 2020 that sets the goal of conserving at least 30 percent of California’s land and coastal waters by the year 2030. For Newport Beach, over 63 percent of the City, as shown in ***Exhibit A: Coastal Zone Boundary***, is within the Coastal Zone and subject to the oversight by the California Coastal Commission.

A major goal of the California Coastal Act and the City's adopted Local Coastal Program is to assure the priority for coastal-dependent and coastal-related development over other development in the Coastal Zone, which is a constraint on residential development, particularly in areas on or near the shoreline.



**Exhibit A**  
*Coastal Zone Boundary*

In 1972, California voters passed Proposition 20, the Coastal Zone Conservation Act. The purposes of the Coastal Zone Conservation Act are to protect public access to the coast, promote visitor-serving uses and limit residential development and speculation along the coast. The Coastal Act was subsequently adopted in 1976 and the California Coastal Commission ("Coastal Commission") was formed to administer the Coastal Act.

The Coastal Act is an umbrella legislation designed to encourage local governments to create Local Coastal Programs (LCPs) to govern decisions that determine the short- and long-term conservation and use of coastal resources. The City of Newport Beach's LCP is considered the legislative equivalent of the City's General Plan for areas within the Coastal Zone. Local Coastal Programs are obligated by statute to be consistent with the policies of the Coastal Act and protect public access and coastal resources.

The Coastal Land Use Plan contains restrictions applicable to twelve (12) sensitive habitat areas that limit potential residential development areas and that control and

regulate locations on new buildings and structures to ensure preservation of unique natural resources and to minimize alteration of natural land forms along bluffs and cliffs. It should be noted that residential development is not considered a coastal-dependent use according to the Coastal Commission, and re-use of properties that result in the reduction of coastal-dependent commercial uses are discouraged. New development is also required to avoid hazardous areas and minimize risks to life and property from coastal and other hazards. The shoreline height limit further restricts heights within the Coastal Zone to a maximum of 35 feet, and only when impacts to public coastal views are not created.

Therefore, the extraordinarily high Draft RHNA Allocation for Newport Beach would necessitate pursuing new, significantly high-density, multi-family housing within the Coastal Zone and would require Coastal Commission approval of a comprehensive amendment of the City's certified Local Coastal Program. Such an amendment would include rezoning to allow higher density residential uses in commercial and visitor-serving zones, increasing height, floor area ratio, and density allowances, and reductions in off-street parking standards that would directly undermine the Coastal Act's requirements for coastal access, coastal views, and protection of visitor-serving uses.

While SCAG is permitted to consider Newport Beach's ability to change its zoning, it cannot require members to violate other laws to do so.

As identified in the City's adopted and certified 2014-2021 Housing Element, the City identified Banning Ranch as the only remaining vacant site available to accommodate future growth. On July 23, 2012, the City adopted a Master Development Plan for the site that included 1,375 dwelling units, including an affordable housing component. Unfortunately, on September 7, 2016, the California Coastal Commission denied a coastal development permit for the project due to its potential impact to environmentally sensitive habitat areas and coastal resources. As a result of this Coastal Commission action, the Newport Beach City Council adopted Ordinance No. 2017-17 on December 12, 2017, which repealed all approvals for the Banning Ranch project.

The Banning Ranch project is a clear example of outside agency constraints and how the additional Coastal Commission jurisdiction severely limits the City's ability to increase densities and rezone land to accommodate the Draft RHNA Allocation. The City spent four (4) years reviewing the application and approving the project for up to 1,375 residential units, only to have the California Coastal Commission spend another four (4) years of review and ultimate denial of the project.

#### **(b) Local Factor: Sea Level Rise and Storm Inundation**

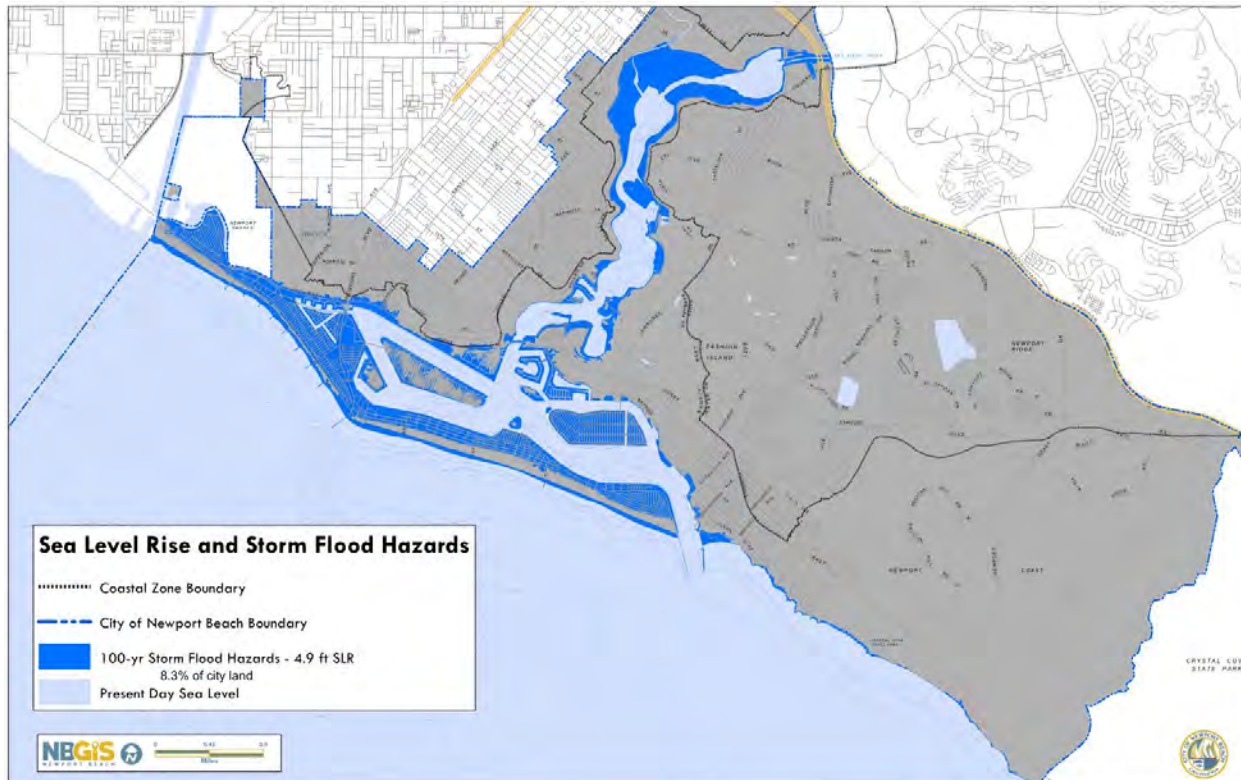
Newport Beach is exposed to a variety of coastal hazards including beach erosion, bluff erosion, and coastal flooding due to sea level rise (SLR) and storm inundation. As a coastal community with the one of the largest pleasure craft harbors in the United States, the City has a significant amount of land directly adjacent to surface water that is directly affected by sea level rise and storm inundation. This exposure has unique risks to the

City of Newport Beach and has profound implications when analyzing the realistic growth potential of these lands.

The effects of SLR on coastal processes, such as shoreline erosion, storm-related flooding and bluff erosion, have been evaluated using a Coastal Storm Modeling System (CoSMoS), a software tool and multi-agency effort led by the United States Geological Survey (USGS), to make detailed predictions of coastal flooding and erosion based on existing and future climate scenarios for Southern California. The modeling system incorporates state-of-the-art physical process models to enable prediction of currents, wave height, wave runup, and total water levels. The mapping results from CoSMoS provide predictions of shoreline erosion (storm and non-storm), coastal flooding during extreme events, and bluff erosion for the City in community-level coastal planning and decision-making.

As shown in ***Exhibit B: 100-Year Storm Hazards***, a significant portion of the City's coastal adjacent land appropriate for development is at risk of tidal flooding. Land along the coast is vulnerable to shoreline retreat, which is predicted to accelerate with Sea Level Rise. Long-term shoreline retreat coupled with storm-induced beach erosion has the potential to cause permanent damage to buildings and infrastructure in these hazard zones. Beach loss threatens structures and also has the potential to impact the diverse range of coastal assets dependent on the sandy beaches of Newport Beach. The public access, recreational opportunities, habitat, visual, and cultural assets that contribute to the City's vibrant beach town culture are all valuable to the locals that live in Newport Beach and its visitors.

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**Exhibit B**  
**100-Year Storm Hazards**

On November 7, 2018, the California Coastal Commission released an update to the Sea Level Rise Policy Guidance. The Coastal Commission provides direct guidance on how the City of Newport Beach addresses future land use in consideration of sea level rise. According to the California Coastal Commission Sea Level Rise Policy Guidance<sup>1</sup>, local jurisdictions can “Minimize Coastal Hazards through Planning and Development Standards” through the following measures applicable to Newport Beach:

- *“Design adaptation strategies according to local conditions and existing development patterns, in accordance with the Coastal Act.” (Page 37)*
- *“Avoid significant coastal hazard risks to new development where feasible.” (Page 39)*
- *“Minimize hazard risk to new development over the life of the authorized development.” (Page 39)*
- *“Minimize coastal hazard risks and resource impacts when making redevelopment decisions.” (Page 39)*

<sup>1</sup> California Coastal Commission Sea Level Rise Policy Guidance, 2018 Science Update

- *“Account for the social and economic needs of the people of the state include environmental justice, assure priority for coastal-dependent and coastal-related develop over other development” (Page 30)*

The Coastal Commission has also prepared a Draft Coastal Adaptation Planning Guidance: Residential Development (dated March 2018), which will serve as the Coastal Commission’s policy guidance on sea level rise adaptation for residential development to help facilitate planning for resilient shorelines while protecting coastal resources in LCPs. Section 6(B) Model Policy Language (Avoid Siting New Development and/or Perpetuating Redevelopment in Hazard Areas) included in the guidance confirms the Coastal Commission’s stance on new development and likely denial of any land use changes in hazardous areas, such as lands subject to future sea level rise and flooding. Policy B.9 (Restrict Land Division in Hazardous Areas) serves to prohibit land divisions in areas vulnerable to coastal hazards.

Furthermore, on September 21, 2018, the Federal Emergency Management Agency (FEMA) issued a final determination revising Flood Insurance Rate Maps (FIRMs) for the City that expanded the designation of areas most prone to flooding or affected by waves from the coastline (**Exhibit C: FEMA Flood Zones**). This determination created a new flood zone in the City called Coastal High Hazard Area, which is considered one of the highest risk depicted on FIRMs. Specifically, Zone VE is designated where wave hazards are expected to be particularly strong and have the potential to cause dramatic structural damage. To address the added wave hazard, more stringent building practices are required in Zone VE, such as elevating a home on pilings so that waves can pass beneath it, or a prohibition to building on fill, which can be easily washed away by waves. These practices are intended to improve the chance of a home safely weathering a storm but add significant construction costs.

Although the Housing Element planning period is from 2021-2029, the City of Newport Beach must consider long-term consequences of growth and development in the Coastal Zone. Therefore, the selection of sites must consider these constraints not just for the eight (8)-year RHNA housing cycle, but for the 75- to 100-year lifecycle of a residential development project. It would be irresponsible, and in conflict with State guidance, for Newport Beach to not consider the long-term impacts of coastal hazards when planning for future residential development. Much of the land in the Coastal Zone is considered built out and no vacant land is available for development. Therefore, future housing unit growth must consider the implications of these coastal hazards and will directly limit the type and extent of development that can occur in the future.



**Exhibit C**  
*FEMA Flood Zones*

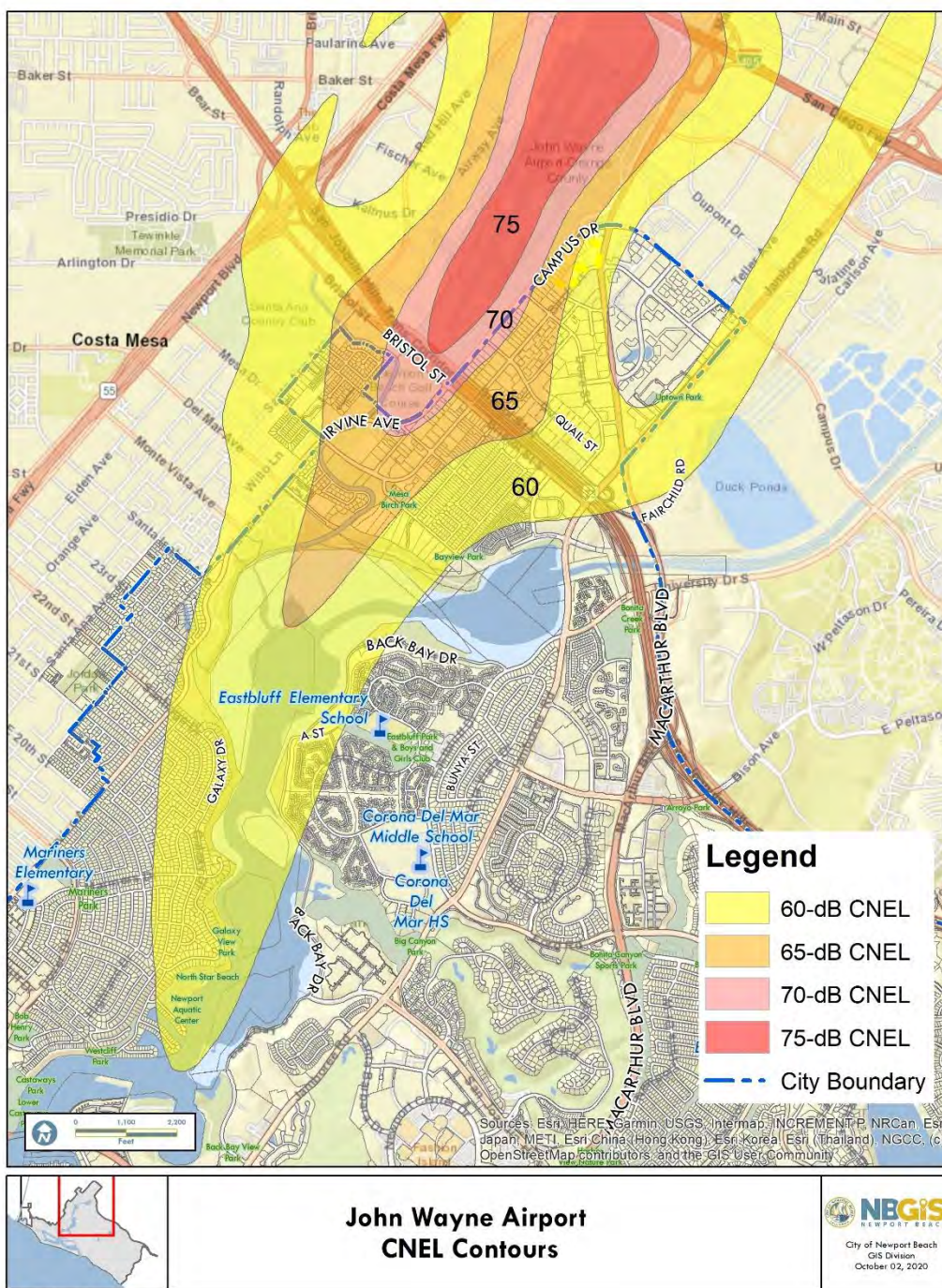
### **(c) Local Factor: Airport Environs Land Use Plan (AELUP)**

The City's Airport Area is identified as one of the City's greatest opportunities in the community to create new residential neighborhoods through the replacement of existing uses and new construction on underutilized parking lots. However, lands located within the Airport Planning Area for the John Wayne Airport and subject to the development restrictions of the John Wayne Airport Environs Land Use Plan (AELUP) limit the ability to develop residential units. Any amendment to the City's General Plan or zoning, including the rezoning for residential use, requires review by the Orange County Airport Land Use Commission (ALUC).

Residential development in the Airport Area is restricted due to the noise impacts of John Wayne Airport. Much of the southwestern portion of the Airport Area is in the John Wayne Airport Environs Land Use Plan (AELUP) 65 dBA CNEL (Community Noise Equivalent Level) contour, which is unsuitable for residential and other "noise-sensitive" uses. As shown in **Exhibit D: John Wayne Airport CNEL Contours**, approximately 391 acres of land adjacent to John Wayne Airport have restrictions for residential development.

Additionally, there are building restrictions and height limitations imposed by the Airport Land Use Commission. According to the Airport Environs Land Use Plan for John Wayne

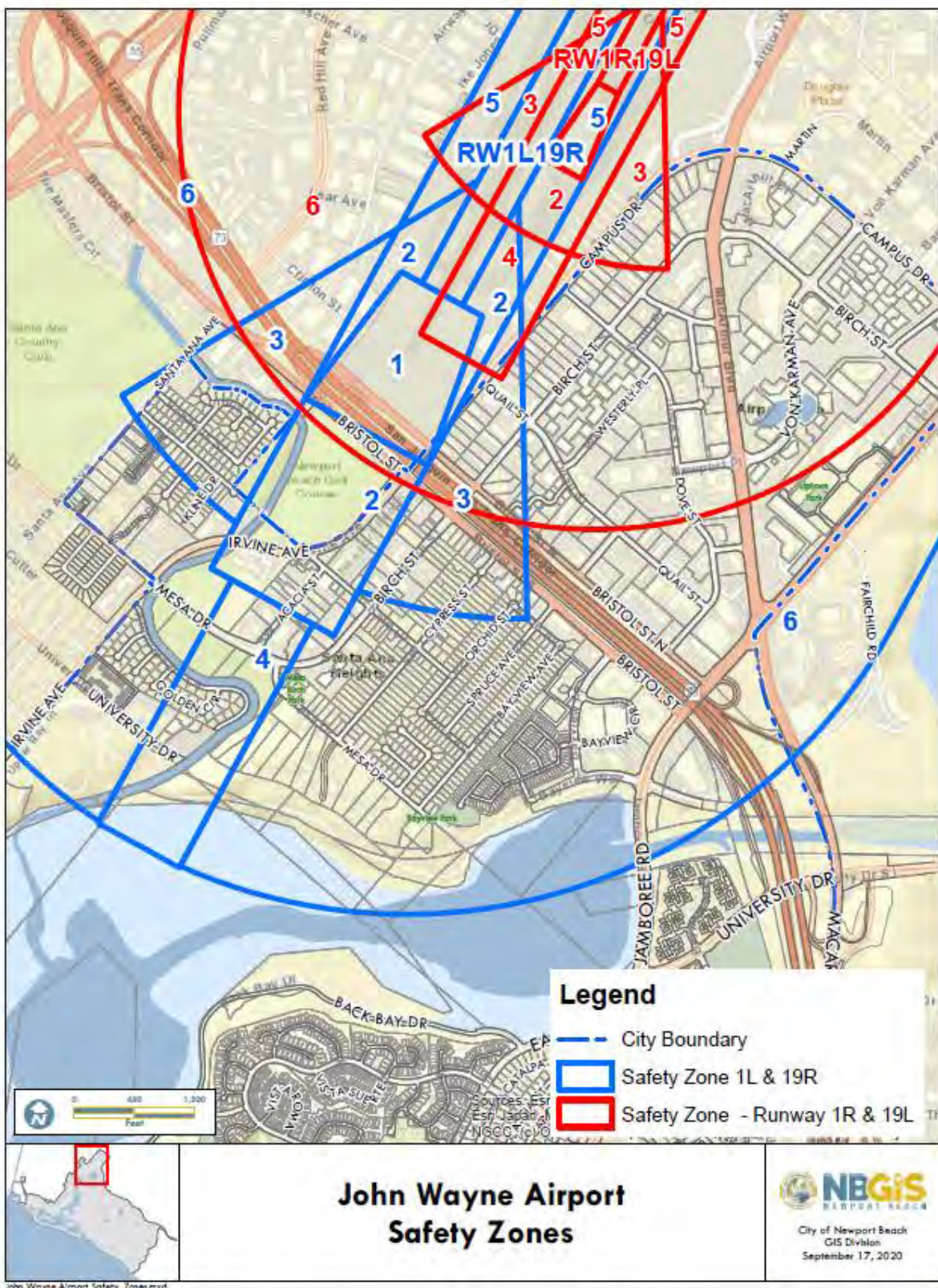
Airport<sup>2</sup>, there are portions of Newport Beach that restrict or limit the development of any residential development. See **Exhibit E: Airport Safety Zones**.



**Exhibit D**  
*John Wayne Airport CNEL Contours*

<sup>2</sup> Airport Environs Land Use Plan for John Wayne Airport, amended April 17, 2008.





**John Wayne Airport  
Safety Zones**

**NBGis**  
 Newport Beach  
 City of Newport Beach  
 GIS Division  
 September 17, 2020

**Exhibit E**  
*John Wayne Airport Safety Zones*

Attachment: Newport Beach Appeal and Supporting Documentation (Appeal of the Draft RHNA Allocation for the City of Newport Beach)

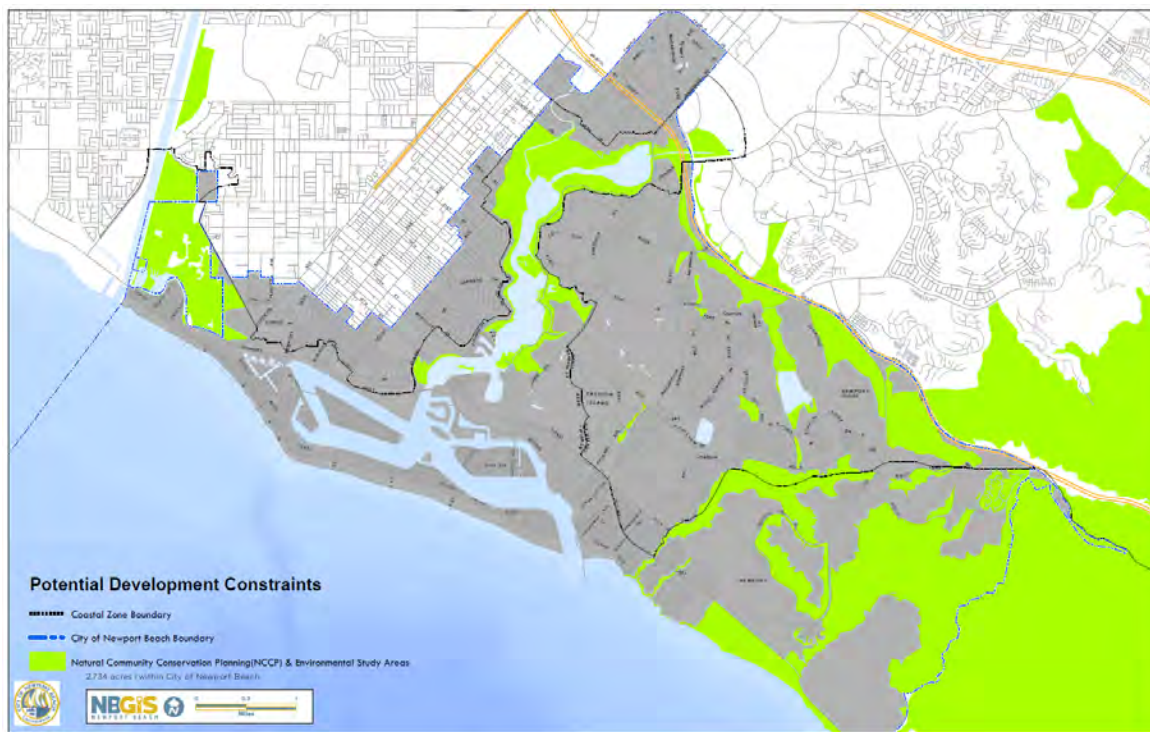
Requisite analysis for the Sixth Cycle housing elements will require review of adequacy of sites based upon known environmental factors, including noise and safety impacts. The limitation of the use of these sites further limit the ability for the City of Newport Beach to accommodate future residential growth.

The City anticipates the ALUC and the California Department of Transportation (Caltrans) Division of Aeronautics will oppose future rezoning efforts for increased residential development in the Airport Area based on recent experience with residential development projects designed consistent with the noise and safety requirements of the AELUP. In reviewing these recent projects, both ALUC and Caltrans found the projects to be inconsistent due to their proximity to John Wayne Airport and potential for complaints from future residents and safety impacts outside the identified safety zones.

**(d) Local Factor: Lands Protected and/or Precluded From Development Activity**

**i. Protected Natural Lands**

A majority of the City's remaining open space land is designated and protected as environmentally sensitive habitat areas and cannot be utilized for residential development. These areas are identified in ***Exhibit F: Natural Community Conservation Planning (NCCP) and Environmental Study Areas***.



***Exhibit F***  
***Natural Community Conservation Planning (NCCP) and Environmental Study Areas***

In July 1996, the City became a signatory agency in the Orange County Central-Coastal Subregion Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP). The plan covers nearly 38,000 acres in coastal southern California and is a collaboration of federal and state resource agencies, local governments, special districts, and private property owners. The NCCP uses a multi-species habitat conservation approach rather than a species-specific approach resulting in the preservation of some of the most valuable native habitats, while freeing other properties for development. As a signatory agency, the City is responsible for enforcing mitigation measures and other policies identified in the NCCP/Habitat Conservation Plan Implementation Agreement for properties located within the City limits that are part of the NCCP Sub-regional Plan.

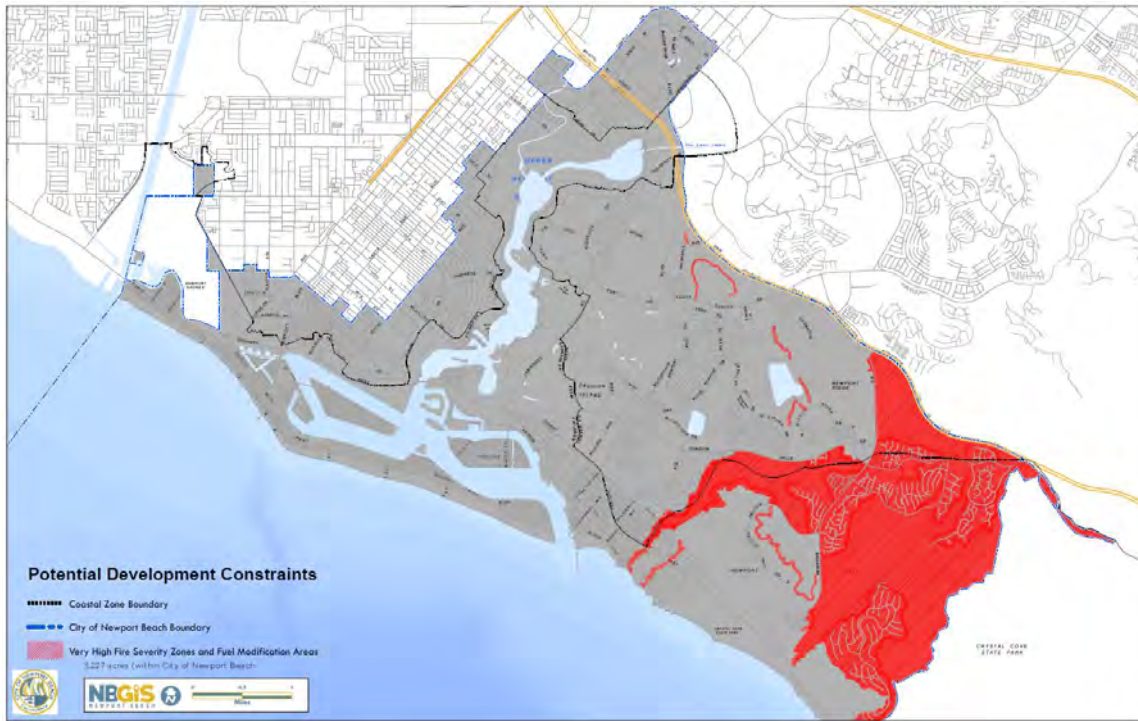
Furthermore, Section 30107.5 of the Coastal Act defines “environmentally sensitive area” as “any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.” Section 30240 of the Coastal Act requires that environmentally sensitive habitat areas (ESHAs) be protected against any significant disruption of habitat values. Only uses dependent on those resources are allowed within ESHAs and adjacent development must be sited and designed to prevent impacts that would significantly degrade the ESHA and must be compatible with the continuance of the ESHA.

Several of the natural communities that occur in Newport Beach are designated rare by the California Department of Fish and Wildlife (CDFW) and are easily disturbed or degraded by human activity and therefore are presumed to meet the definition of Environmental Sensitive Habitat Area (ESHA) under the Coastal Act.

***ii. High Fire Severity Hazard Zones***

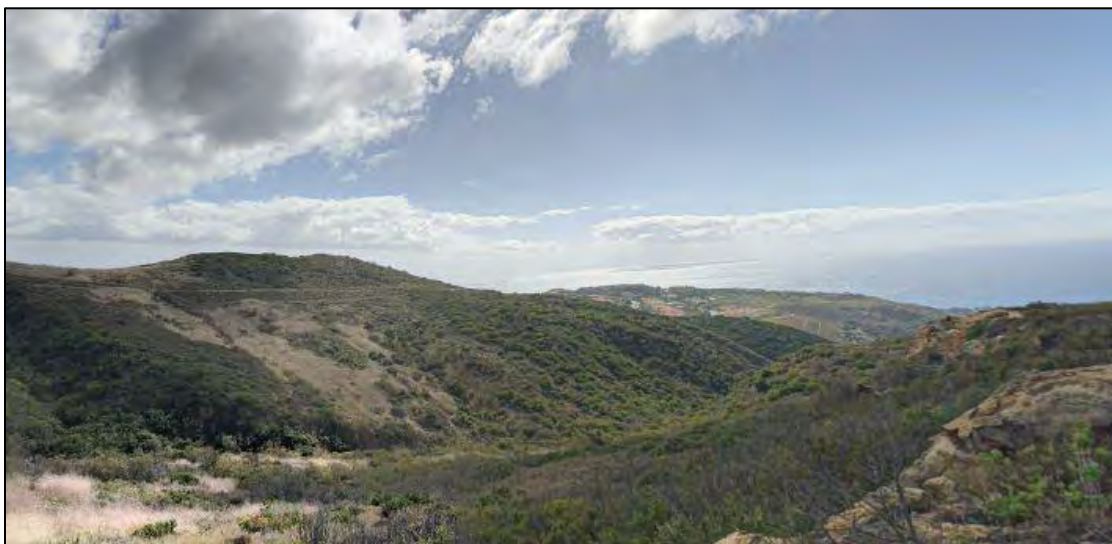
Lands with high severity risk of fire and fuel modification areas further limit available land to develop residential units, in particular, higher density residential development. The areas identified in ***Exhibit G: High Fire Severity Zones*** are highly prone to wildfire.

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**Exhibit G**  
High Fire Severity Zones

Additionally, these high fire severity zones are not compatible with development due to severe limitations of slope and natural features. As shown in **Exhibit H: Photo of Very High Fire Severity Zone**, these areas are characterized by natural slopes in excess of those that would contribute to feasible development. The considerable cost to modify landforms to provide access and provide infrastructure are significant factors contributing to the infeasibility of development within this area.



**Exhibit H**  
Photo of Very High Fire Severity Zone

### **iii. Seismic Hazard Zones**

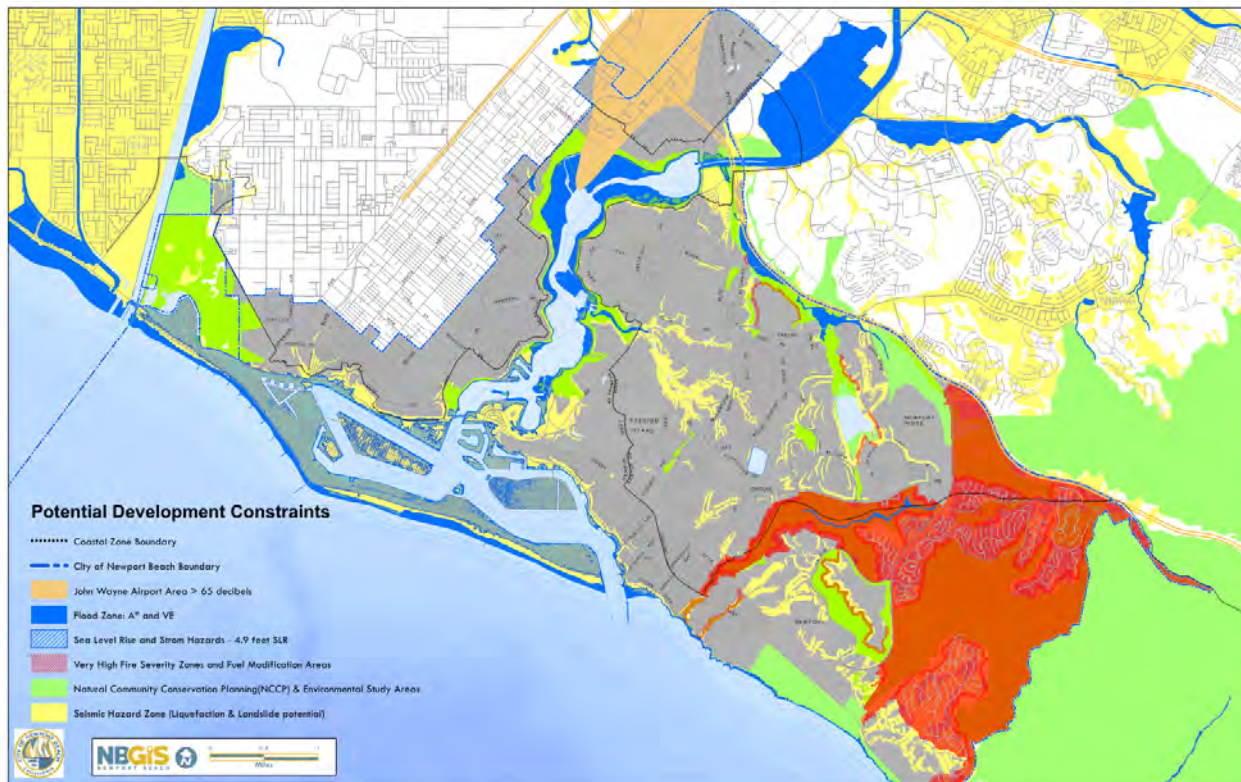
Strong ground shaking can result in liquefaction. Liquefaction, a geologic process that causes ground failure, typically occurs in loose, saturated sediments primarily of sandy composition. Areas of the City susceptible to liquefaction and related ground failure (i.e. seismically induced settlement) include areas along the coastline, such as Balboa Peninsula, in and around the Newport Bay and Upper Newport Bay, in the lower reaches of major streams in Newport Beach, and in the floodplain of the Santa Ana River. It is likely that residential or commercial development will never occur in many of the other liquefiable areas, such as Upper Newport Bay, the Newport Coast beaches, and the bottoms of stream channels. However, other structures (such as bridges, roadways, major utility lines, and park improvements) that occupy these areas are vulnerable to damage from liquefaction if mitigation measures have not been included in their design.

### **(e) Summary of Land Use Constraints**

When the City of Newport Beach compiles all lands exhibiting constraints that severely limit or restrict residential development within its jurisdiction, a considerable amount of land is not available to accommodate the Draft RHNA Allocation of 4,834 units for the 2021-2029 planning period. **Exhibit I: Summary of Development Constraints** illustrates the lands subject to these constraints.

The current methodology does not permit the consideration of hazards and a criterion for identifying the availability of land to accommodate growth. There is precedent that permits the consideration of constraints in determining available land. In the Draft Methodologies for the Association of Bay Area Governments (ABAG), a 10 percent adjustment factor is permitted to accommodate the consideration of hazards into the determination of RHNA Allocations. The SCAG methodology does not, but should permit this factor as it results in an overstated Draft RHNA Allocation for the City of Newport Beach.

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**Exhibit I**  
 Summary of Development Constraints

**Table A** provides a statistical summary of the acreage subject to identified constraints, demonstrating the significant amount of land. Of the 29,361 legal parcels in the City of Newport Beach, approximately 50 percent of these parcels are subject to the constraints illustrated in this section.

**Table A**  
 Statistical Summary of Land Use Constraints

Land Use Constraint	Acreage	Key Constraint Factors
Sea Level Rise & Storm	1,226	Coastal Hazard Avoidance
Flood Zone	479	Flood Hazards/Insurance
Airport Restrictions	391	Noise Compatibility
NCCP Conservation Areas	2,734	Protected Lands Preclusions
High Fire Severity Zone	3,227	Fire Hazards/Insurance
Seismic Hazard	4,107	Seismic Hazards Preclusions
<b>TOTAL</b>	<b>8,418 ACRES*</b>	

*\*Note: Total acreage represents land area affected by one or more constraint layer; therefore, affected land area is only counted once.*

1(b)	Local Planning Factors	<i>SCAG failed to adequately consider the information submitted pursuant to Section 65584.04(b).</i>
<b><i>Availability of Land Suitable for Urban Development or for Conversion to Residential Use, the Availability of Underutilized Land, and Opportunities for Infill Development and Increased Residential Densities</i></b>		

In consideration of all local factors that limit the use of land to accommodate the City’s Draft RHNA Allocation, future growth must be accommodated on lands not subject to identified constraints as identified in ***Exhibit I: Summary of Development Constraints***. These include all residential and non-residentially designated land including:

- Residential
- Commercial/Retail
- Mixed-Use
- Industrial

**(a) Severe Limitations of Available Vacant Land**

The City has little appropriate, available vacant land to accommodate future growth anticipated in the Draft RHNA Allocation. The only remaining land considered vacant are lands within the City’s Sphere of Influence and cannot be considered when identifying adequate sites for residential development unless they are anticipated to be incorporated in the planning period.

Recently enacted AB 1397 modified Sections 65580, 65583 and 65583.2 of the Government Code. Generally, jurisdictions must demonstrate the following:

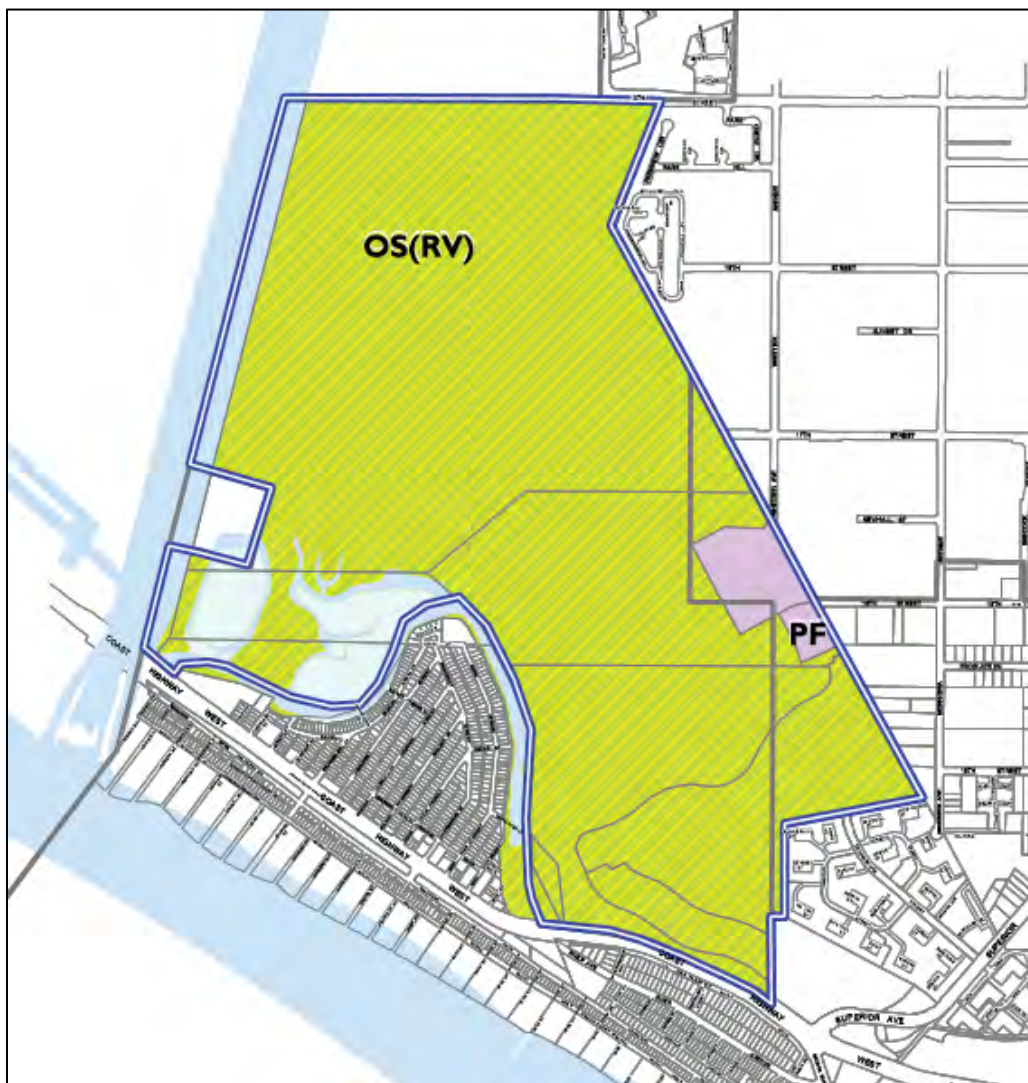
- *Land Inventory Sites Must Be “Available” and May Only Include Non-Vacant Sites with Realistic Development Potential (Government Code Section 65583).*
- *Sites in the Land Inventory Must Have Demonstrated Potential for Development (Government Code Section 65583(a)(3))*

This provision in State law requires the City to explicitly demonstrate the availability of vacant lands to accommodate future housing growth need.

Banning Ranch is the only remaining vacant site available to accommodate future growth (see ***Exhibit J: Housing Sites Precluded from Future Development - Banning Ranch***). However, as previously discussed, the City’s efforts in approving the development of 1,375 dwelling units on the site, including a portion dedicated to affordable housing, was ultimately overturned by the California Coastal Commission in 2016 due to the potential impacts to environmentally sensitive habitat areas and coastal

resources. Development of the site is further complicated by the fact that a large portion of the site is in County of Orange's jurisdiction, although in City's Sphere of Influence

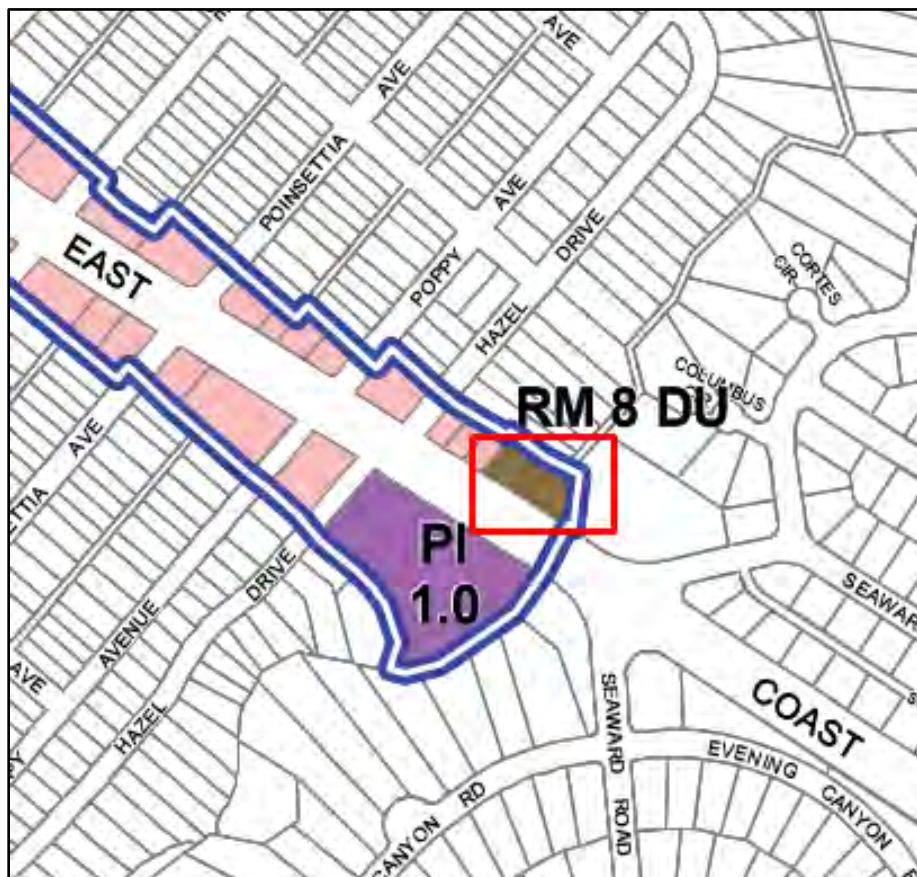
It should also be noted that recent guidance from the California Department of Housing and Community Development (HCD), pursuant to AB 1397 on the use of adequate sites, limits the identification of sites that are not located within the incorporated boundaries of a jurisdiction. Therefore, any sites intended to accommodate future growth must demonstrate they are either within corporate boundaries or anticipated to be incorporated into the City's boundaries during the planning period. Due to the Coastal Commission's prior denial of a viable residential project, the entitlement and incorporation of the approximately 400 acre Banning Ranch property is unlikely during the planning period.



**Exhibit J**  
*Housing Sites Precluded from Future Development - Banning Ranch*



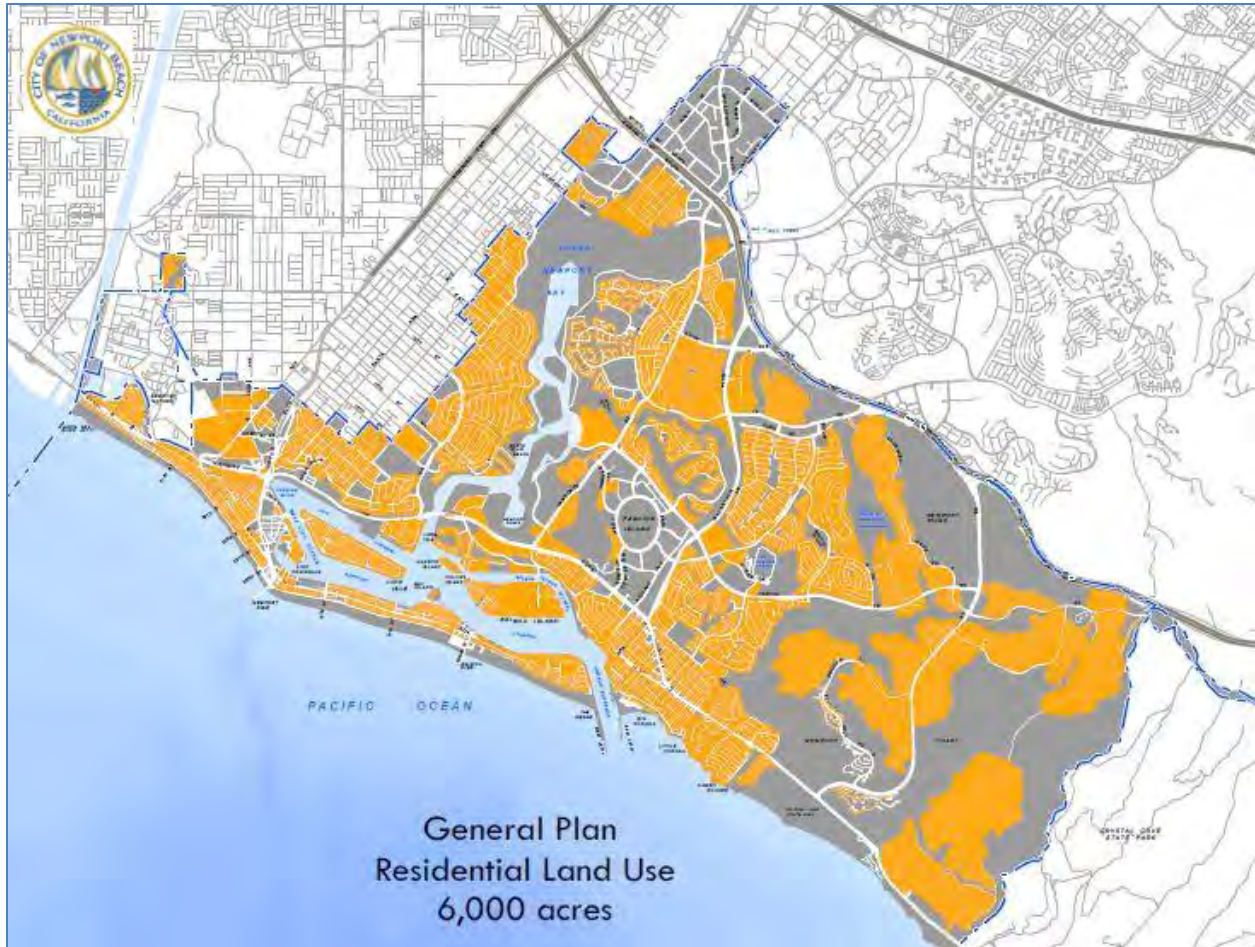
The only other vacant land available for the 2014-2021 Housing Element to accommodate growth was a residentially zoned parcel located at 3928 East Coast Highway, as shown in **Exhibit K: Housing Sites Precluded from Development – 3928 East Coast Highway**. This site is currently under construction and will not be available to accommodate future growth during the Sixth Cycle.



**Exhibit K**  
*Housing Sites Precluded from Development – 3928 East Coast Highway*

**(b) Existing Non-Vacant Residential Land**

There are approximately 6,000 acres of residential land not subject to the constraints listed in **Table A**. As shown in **Exhibit L: Summary of Residential Land**, the majority of existing residential land consists of currently developed properties. There is no vacant residential land currently available to provide additional opportunities for residential development. Therefore, future residential development would have to be accommodated on infill, reuse and redevelopment of these existing residential properties.

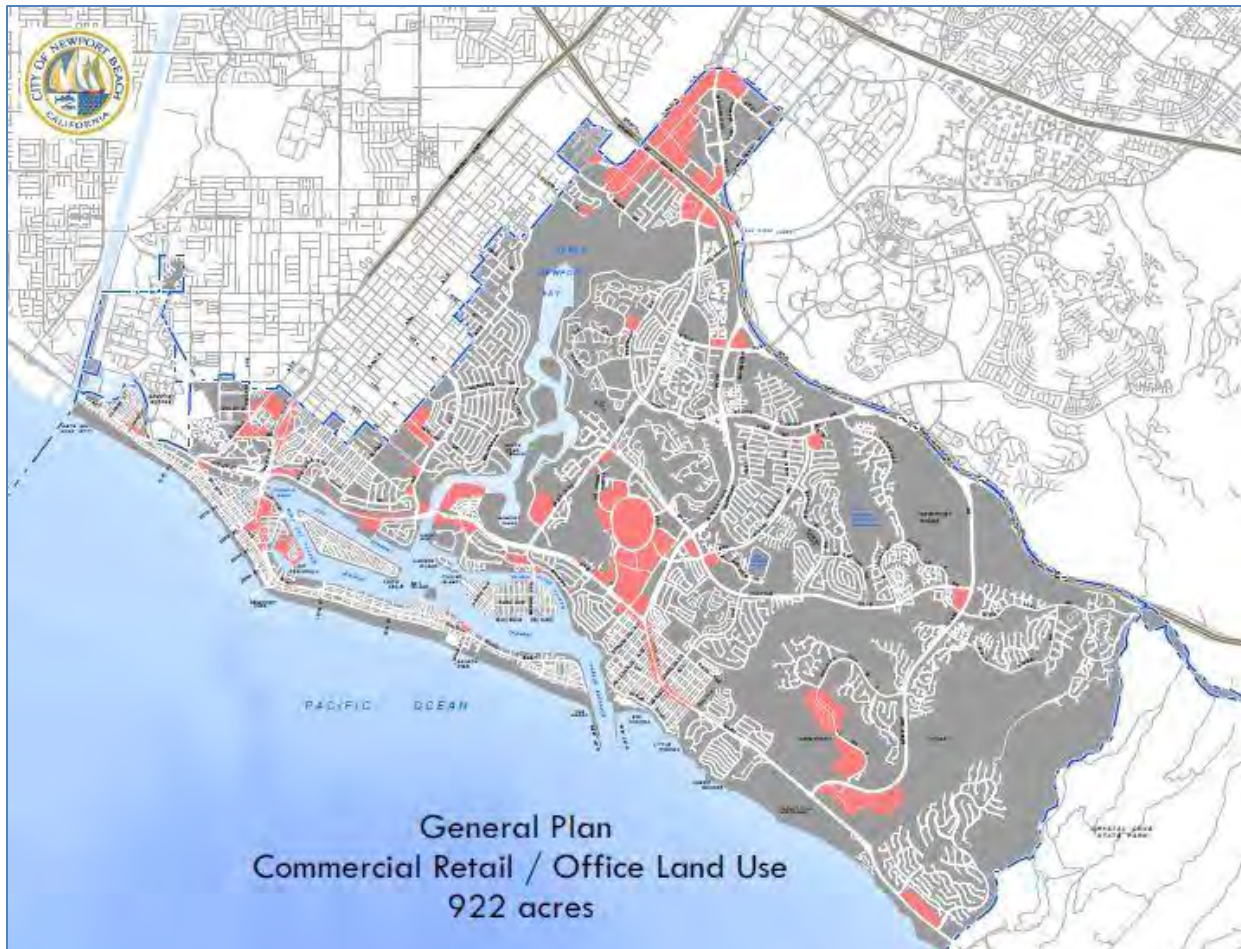


**Exhibit L**  
*Summary of Residential Land*

**(c) Existing Commercial/Retail Lands**

There are approximately 922 acres of commercial/retail land not subject to the constraints listed in **Table A**. As shown in **Exhibit M: Summary of Commercial/Retail Land**, much of the existing commercial and retail land in the City is built out and highly utilized.

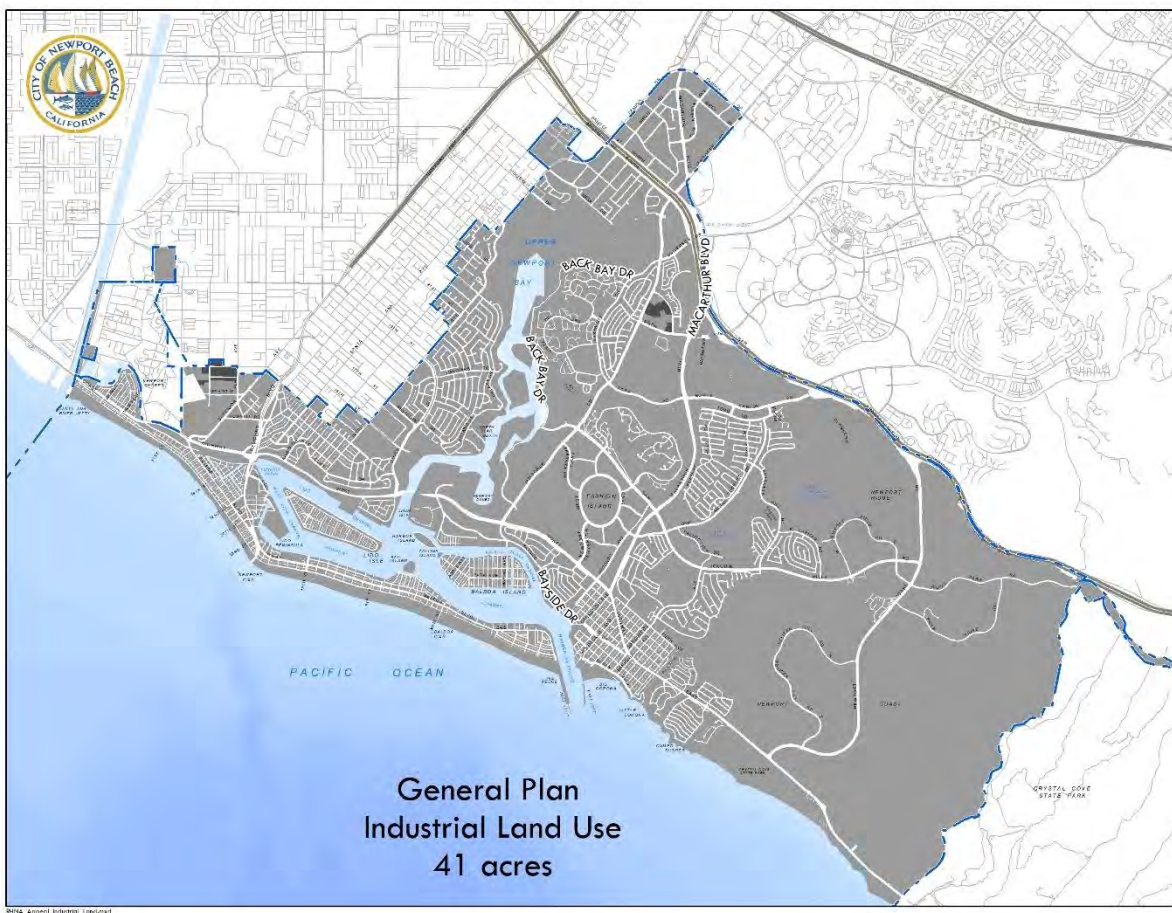
One of the factors included within the methodology to determine future RHNA allocations is employment generation. Employment generation is based on the existing job base and the forecast potential for new job creation. Therefore, future employment growth is dependent upon the preservation and expansion of existing inventory of land suitable for employment-generating activities. The significant size of RHNA allocations will force the City to re-designate land for residential development. This effectively limits the City's ability to create jobs, thus reducing the employment demand factor in the RHNA methodology.



**Exhibit M**  
*Summary of Commercial/Retail Land*

**(d) Existing Industrial Lands**

There are approximately 41 acres of industrial land not subject to the constraints listed in **Table A**. As shown in **Exhibit N: Summary of Industrial Land**, much of this land is located adjacent to Hoag Hospital where market conditions, including land costs and market demand for the expansion of medical and supportive uses, do not support the use of this land for residential use. Most of the remainder of this land is used for small scale service uses that should remain available for residents of the City.



**Exhibit N**  
*Summary of Industrial Land*

**(e) Unavailability of Existing Commercial/Retail and Industrial Land for Housing Use.**

The HCD Sites Inventory Guidebook requires the City to analyze property as either vacant or non-vacant. As noted above, there is next to no vacant land in the City; therefore, the City will need to meet its RHNA with non-vacant land. The HCD Guidebook states that when a City plans to accommodate more than 50 percent of the lower-income RHNA on non-vacant land, substantial evidence must be provided proving that the existing uses of the land will be discontinued during the planning period.

In the Draft RHNA allocation to the City, SCAG does not appear to have made an effort to determine if there is sufficient non-vacant land in the City that can satisfy the substantial evidence standard. The City will list as many sites as practicable, but in order to meet its RHNA, the City will need at least 161 acres of land, assuming a density of 30 units per acre. That means property owners of 161 acres of land in the City must conclude that a conversion of some, or all, of their land to a residential use is more advantageous than the land's current commercial use. But the reality is there is very little land in the City that contains obsolete commercial or industrial improvements or is underutilized due to high

property values and rents. As a highly attractive location for businesses and thus jobs (as SCAG acknowledges), inefficiently used commercial/industrial land is in very low supply in Newport Beach.

Because the City has little vacant land, and little commercial/industrial land with obsolete improvements or which is underutilized, the City will have tremendous difficulty in meeting the Draft RHNA that was assigned to the City without regard to whether or not enough physical locations for residential uses are economically feasible. Before assigning the City its Draft RHNA, SCAG should have included a reasonable level of analysis, or at least made direct inquiries, as to the availability of land upon which the City would be able to plan its RHNA.

If Newport Beach cannot facilitate enough landowners to make their land available for housing through various incentives, as described in HCD Guidebook, the City will have very limited alternatives. Therefore, inherent consequences of non-compliance will be forced upon the City if it fails to comply with a RHNA, when current land resources do not allow the City to comply. State law should therefore not punish the inability of the City to comply with a mandate due to the lack of land resources.

**(f) Comparative Analysis of Density Needed to Accommodate RHNA Growth Analysis**

As described in **Table B**, the City must transition up to 161 acres of existing, developed, high value land to accommodate future growth need. Therefore, the City must demonstrate that 4,834 units must be accommodated by transitioning existing development over the eight (8)-year planning period. It is unreasonable to assume the City will be able to justify this extent of sites, pursuant to the analysis required under AB 1397.

**Table B  
Comparison of Densities Versus RHNA Growth Allocation**

Density Range	RHNA Allocation	Acreage Needed to Accommodate Growth
30 Dwelling Units/Acre	4,834 units	161.0 acres
60 Dwelling Units/Acre	4,834 units	80.5 acres
100 Dwelling Units/Acre	4,834 units	48.3 acres
150 Dwelling Units/Acre	4,834 units	32.2 acres
200 Dwelling Units/Acre	4,834 units	24.1 acres

**(g) Density Considerations and Resiliency Planning**

The unique land use conditions in Newport Beach have historically affected the ability for the City to effectively respond and recover from a variety of natural and man-made events. These include flood, fire, sea level rise, and public health. The City has conducted extensive analysis of threats and the proper mitigation of these threats through resiliency planning to identify, mitigate and respond to them.

In response to the recent COVID-19 pandemic, the City must consider contingency planning to ensure the health, safety, welfare and economic integrity of our residents, which can be addressed through appropriate land use considerations, such as density and land uses. To provide for local resiliency and effective response to future pandemics and the need for social distancing, considerations related to development design and open space will be critical factors in future contingency planning.

As social distancing should allow for residents, children and pets the ability to recreate, exercise and provide a level of social interaction and movement, the provision of adequate open spaces through parks, open space and urban spaces will have an effect on urban densities. Coupled with the need to accommodate 4,834 dwelling units within infill development, this will pose considerable challenges in designing development that meets appropriate criteria.

2	Methodology	<i>SCAG failed to determine the share of the regional housing need in accordance with the information described in, and the methodology established pursuant to Section 65584.04, and in a manner that furthers, and does not undermine, the intent of the objectives listed in Section 65584(d).</i>
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**(a) The Methodology Fails to Consider Growth Projections Consistent with the SoCal Connect Plan**

SCAG failed to adequately consider local household growth factors and utilized growth projections inconsistent with the Connect SoCal Plan.

Utilization of projected household growth consistent with the Regional Transportation Plan (RTP)/Sustainable Communities Strategy (SCS) (Connect SoCal) is consistent with State law. However, the Draft RHNA Allocation would not be consistent with the development patterns projected in the Connect SoCal Plan. These forecasts are to be developed in conjunction with local input. As demonstrated in previous correspondence, the City of Newport Beach believes the profound inconsistency in forecasting growth demonstrates the failure of the methodology to consider local factors and future growth projections.

According to SCAG’s *Connect SoCal Plan, Technical Reports - Demographics and Growth Forecast*<sup>3</sup>, the City of Newport Beach’s household growth is forecast to reach 41,800 in 2045. Comparatively, the 2018 American Community Survey 5-Year Estimates show that the City of Newport Beach currently has 37,870 households.

As shown in **Table C** below, forecasts for households through 2045 are expected to be 41,800 according to the Connect SoCal Plan. If this is amortized over the forecast period (2016-2045), it equates to approximately 100 households per year of growth.

The City of Newport Beach’s Draft RHNA Allocation is 4,834 units for the period of 2021 to 2029. If this is amortized over the planning period (2021-2029), it equates to approximately 604 households per year growth.

This demonstrates the unrealistic assumption that the City of Newport Beach would exceed its total 2045 forecast of household growth within 6.5 years of the 2021-2029 Housing Element planning period. More directly, the City of Newport Beach would reach the household estimate for 2045 approximately 17.5 years early.

<sup>3</sup> Connect SoCal (2020 - 2045 Regional Transportation Plan/Sustainable Communities Strategy) Technical Reports - Demographics and Growth Forecast, Table 14.

**Table C  
Comparison of Household Growth Rates  
Connect SoCal vs. RHNA**

Connect SoCal Forecast Growth	Connect SoCal Forecast Year	Average Per year growth rate 2016-2045	RHNA Estimate Total Growth Need	RHNA Forecast Year	Average Per year growth rate 2021-2029
2,900	2045	100 HH/yr	4,834	2029	604 HH/yr

Source: Connect SoCal Plan; 2021-2029 Final Draft RHNA Allocations.

The City of Newport Beach contends that the household formation defined in the Draft RHNA Allocation far exceeds any reasonable projection for growth during the 2021-2029 Housing Element planning period. SCAG’s own 2045 growth forecast, stated in the Connect SoCal Plan is inconsistent and directly undermines the validity of the assumptions in the Draft RHNA Allocation.

The discrepancy demonstrates the Draft RHNA Allocation undermines Government Code Section 65584(d)(1) by failing to provide the distribution of units in an equitable manner. This is demonstrated by the household growth rate increased by a factor of 504 percent above Connect SoCal forecasts. The City of Newport Beach contends that a realistic estimate of future growth need should be directly tied to realistic projections of household formation, consistent with SCAG’s own projections in the Connect SoCal Plan.

**(b) The Methodology of redistributing units from residual need calculation fails to be equitably distributed at a regional level, undermining objectives listed in Govt. Code Section 65584(d).**

On November 7, 2019, the Regional Council approved a substitute motion removing the household growth factor and significantly modifying the Draft RHNA Allocation methodology to shift approximately 44,000 units of residual RHNA Allocation from lower-resourced jurisdictions (Anaheim, La Habra, Orange, Santa Ana and Stanton) to other higher-resourced jurisdictions in Orange County. As a result, Newport Beach and other Orange County communities not designated as lower-resourced must accommodate the residual need. This effectively increases the City’s obligations not based on the City’s demonstrated local needs, but based upon the residual need left by these jurisdictions. This has artificially allocated 1,506 units of growth need to Newport Beach, even when SCAG’s own growth forecasts do not support this growth.

Further, the County of Orange is burdened with the redistribution of this residual need, when numerous other factors support the redistribution of the residual needs to areas not necessarily in the County. These factors include:



- **Failure to consider regional employment factors** – The methodology to redistribute housing growth is absent of regional factors in determining future growth. The methodology arbitrarily defines the county line rather than the regional influence of jobs to determine redistribution of units. This does not consider the influence of Los Angeles, Riverside, San Bernardino and San Diego counties when considering the proper distribution of these reallocated units.
- **Arbitrary reassignment of all need to Orange County jurisdictions only** - Newport Beach and other Orange County communities not designated as lower-resourced must accommodate the residual need. This effectively increases the City’s obligations not based on the City’s demonstrated local needs, but based upon the residual need left by these jurisdictions. This has artificially allocated 1,506 units of growth need to Newport Beach, even when SCAG’s own growth forecasts do not support this growth. Furthermore, the reassignment fails to consider adjacent communities not designated as lower-resourced that are located outside the boundaries of Orange County.

**(c) The Final Draft RHNA Allocation for Newport Beach Directly Undermines Government Code Sections 65588(d)(1) and 65588(d)(2)**

Government Code Section 65588(d) defines five (5) specific objectives the RHNA allocation plan shall further. In particular, Section 65588(d)(1) objective of *“Increasing the housing supply and the mix of housing types, tenure, and affordability in all cities and counties within the region in an equitable manner, which shall result in each jurisdiction receiving an allocation of units for low- and very low income households”* is dependent on the availability of suitable land to various location within the City.

As discussed previously in this appeal letter, the City is very limited in appropriate and available vacant land and must accommodate almost all future growth need on infill parcels. Therefore, significant impact will occur to the City’s non-residential land uses as these sites must be used to accommodate the growth identified in the Draft RHNA Allocation. Even at residential densities far above historical averages, the amount of land necessary to accommodate residential growth at the levels identified in the Draft RHNA Allocation would require the City to sacrifice a significant percentage of job-creating uses, retail and industrial land. Furthermore, the majority of this land will not be justifiable as adequate sites pursuant to the strict requirements for adequate sites of AB 1397. Requisite analysis to determine if these sites are viable is stated on the State Department of Housing and Community Development’s “Building Blocks” website<sup>4</sup>. Considerations include:

- i. Existing Uses** – *“The housing element must demonstrate non-vacant and/or underutilized sites in the inventory that can be realistically developed with residential uses or more-intensive residential uses at densities appropriate to accommodate the*

<sup>4</sup> <https://www.hcd.ca.gov/community-development/building-blocks/site-inventory-analysis/analysis-of-sites-and-zoning.shtml#realistic>

*regional housing need (by income) within the planning period... The condition or age of existing uses and the potential for such uses to be discontinued and replaced with housing (within the planning period) are important factors in determining “realistic” development potential...*

It is the burden of the City of Newport Beach to demonstrate the realistic development potential of infill sites by income category. The ability to identify adequate acreage to rezone and permit new residential development on land that is “...*realistically developed with residential uses or more-intensive residential uses at densities appropriate to accommodate the regional housing need (by income) within the planning period....*” will be an insurmountable task that will be primarily influenced by current market conditions, the viability and health of existing non-residential uses, and the likelihood of existing investments to transition to new residential uses. Many of these existing non-residential lands are limited by constraints imposed by lease provisions, financing provisions and other encumbrances tied to the land that can negate the possibility of transition due to these circumstances.

- ii. Development Trends** – *“The inventory analysis should describe recent development and/or redevelopment trends in the community. The housing element should also include a description of the local government’s track record and specific role in encouraging and facilitating redevelopment, adaptive reuse, or recycling to residential or more-intense residential uses. If the local government does not have any examples of recent recycling or redevelopment, the housing element should describe current or planned efforts (via new programs) to encourage and facilitate this type of development (e.g. providing incentives to encourage lot consolidation or assemblage to facilitate increased residential-development capacity).”*

Development trends cannot be considered solely at the regional or state level. All development in Newport Beach is affected by the local market. Due to local market conditions, value of the land and construction costs, infill development transitioning to affordable housing is heavily influenced by existing development activity. The general costs to bring affordable residential development to the market does not generate the residual values to justify the transition of existing developed land. Newport Beach currently cannot demonstrate a consistent track record of transitioning viable existing commercial development into residential development projects.

Development activity in Newport Beach is also significantly influenced by the variety of approvals required by external agencies. These approvals in many cases can limit, or completely halt future development activity. The City of Newport Beach is therefore influenced by the decision of external agencies in the approval of projects. In particular the California Coastal Commission, Federal Aviation Administration (FAA), ALUC, and Caltrans, all have local jurisdiction for a large percentage of lands in the City. These agencies can preempt local decisions and deny the use of lands. This is demonstrated by the recent Coastal Commission denial of the Banning Ranch project, which was to provide significant opportunity to accommodate residential growth.

**iii. Market Conditions** – *“Housing market conditions also play a vital role in determining the feasibility or realistic potential of non-vacant sites and/or underutilized sites for residential development. The housing element should evaluate the impact of local market conditions on redevelopment or reuse strategies. For example, high land and construction costs, combined with a limited supply of available and developable land may indicate conditions ‘ripe’ for more-intensive, compact and infill development or redevelopment and reuse.”*

As required by statute, the City of Newport Beach must “...evaluate the impact of local market conditions on redevelopment or reuse strategies...”. Local market conditions include some of the highest land costs in the United States and they play a significant role in the feasibility of transitioning existing viable commercial uses to residential use. Financing costs are also subject to market forces and they affect the feasibility of projects. The combination of high construction costs, high land values, increased financing costs, and the scarcity of vacant land are all factors that are included in development pro-formas to justify whether to proceed with redevelopment. In addition, existing commercial/industrial leases or loans place severe limitations on the ability to redevelop existing commercial/industrial sites. Therefore, all these market factors significantly affect the ability to structure the complex, multi-tranche financing necessary to accommodate affordable housing. In the end, all of these factors result in almost insurmountable conditions.

The Final Draft RHNA Allocation fails to consider the implications of existing law governing Housing Elements. Specifically, the requirements of State law that Newport Beach will be subject to in determining the adequacy of housing sites to accommodate future housing growth directly conflict with the ability of the City to accommodate the current Draft RHNA Allocation. This creates a scenario where the City cannot accommodate the level of RHNA growth need based on the inability to justify these sites pursuant to statutory provisions.

In review of the Government Code’s Housing Element for compliance with State law, the following factors severely limit the sites that can be considered for future growth:

**iv. Realistic Development Capacity** - *Realistic development capacity calculation accounts for minimum density requirements, land use controls, site improvements, and typical densities of existing or approved projects at similar income levels, and access to current, or planned, water, sewer, and dry utilities (Government Code Sections 65583.2(c)(1) and (2)).*

The City of Newport Beach must demonstrate realistic development capacity for approximately a large percentage of existing viable land with existing stable land uses in the City. This is infeasible as the City would essentially have to consider a large portion of existing job-generating uses to transition to residential uses and must prove these sites are a viable to transition during the planning period.

**v. Realistic Capacity of Non-Vacant Sites** - *The realistic capacity methodology analyzes the extent the existing use may impede additional residential development, the jurisdiction’s past experience converting existing uses to higher density residential development, current market demand for the existing use, analysis of existing leases or other contracts that would perpetuate the existing use or prevent additional residential development, development trends, market conditions, and incentives or standards that encourage development (Government Code Section 65583.2(g)(1)).*

Existing uses are a major impediment to the development of future residential use in Newport Beach to the extent identified in the Draft RHNA Allocation. This would require the City to analyze all private lease agreements and contracts to determine site feasibility. This is both impractical and infeasible. Additionally, market factors must consider the actual ability of the site to transition during the planning period. Many of the infill sites must be accommodated on existing commercial/industrial lands, which have long-term financing provisions with severe penalties if these provisions are compromised. Even with incentives, by-right development and other regulatory relief, a site could not redevelop due to these restrictions.

**vi. “Substantial Evidence” Requirement** - *If non-vacant sites accommodate 50 percent or more of the lower-income need, the housing element must describe “substantial evidence” that the existing use does not constitute an impediment for additional residential use on the site. Absent substantial evidence, the existing use is deemed an impediment to additional residential development during the planning period (Government Code Section 65583.2(g)(2)).*

As the City of Newport Beach has an extremely limited inventory of vacant lands available to accommodate growth, all future development will occur on sites identified as non-vacant sites. The substantial evidence requirement will be difficult, if not impossible to achieve. If more than 50 percent of the lower-income need is accommodated on sites currently in use, before the site could be identified as one available for housing, Newport Beach must overcome the presumption by showing: 1) past experience with converting the existing type of use to higher density residential development, 2) the current market demand for the current use will not impede redevelopment, and 3) existing leases or contracts would not legally prevent redevelopment of the site. Each of these criteria could not be currently met by the City.

<b>3</b>	<b>Changed Circumstances</b>	<b><i>A significant and unforeseen change in circumstances has occurred in the local jurisdiction or jurisdictions that merits a revision of the information submitted pursuant to Section 65584.04(b).</i></b>
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The COVID-19 pandemic has had a demonstrable impact on Newport Beach’s economy. The pandemic was unforeseen during the development of regional RHNA methodology and will have lasting impacts to Newport Beach’s economy and housing market. Additionally, population growth trends in California have recently been revised to reflect a substantially lower rate of population growth in the region.

Prior to COVID-19, Newport Beach enjoyed a robust and diversified economy. With the restrictions imposed and ongoing during the pandemic, these restrictions have significantly impacted all aspects of Newport Beach's economy. With many job opportunities supportive to the tourist and hospitality industries now gone, it is estimated it will take years to return to pre-COVID levels. Because this was an unforeseen circumstance, the impacts to the economy of the City and consequently to the housing market are profound and should be a consideration when evaluating realistic development potential over the eight (8)-year RHNA planning period.

The State of California is experiencing population growth rates at historically low levels. Recent downward revisions by the Department of Finance illustrate the rate of population growth throughout California is slowing at a faster rate than previously anticipated. In the last three (3) years, the state has experienced the lowest population growth rates on record since 1900. Population growth is directly tied to household formation. The flattening of the population growth curve is contrary to the rate of growth identified in the Draft RHNA Allocation. Furthermore, according to Freddie Mac's February 2020 report, *The Housing Supply Shortage: State of the States*, their research indicates that "...California has a shortage of 820,000 housing units. But history suggests that California's shortage may be overestimated if interstate migration is considered."<sup>5</sup>

#### **Summary of Contributing Factors Justifying Modifications to the City of Newport Beach's Draft RHNA Allocation**

Based on the evidence provided herein, the Draft RHNA Allocation undermines Government Code Section 65584(d) by failing to support the goals identified therein. Further, the substantial growth need allocated to the City of Newport Beach, when applying current statutory requirements, will preclude the City from complying with law and be unfairly affected by the failure to enact these laws. The Draft RHNA Allocation and methodology used to develop it needs to be revised so that it fulfils the objectives identified in the Government Code.

The City of Newport Beach has compiled all development-contributing factors to summarize the severe limitations of the City to accommodate the Final RHNA Allocation. As shown in **Exhibit I: Summary of Development Constraints**, the City is severely limited in the availability of land to accommodate the unprecedented increase in growth from the Sixth RHNA cycle.

Remaining land available to accommodate growth will be limited to infill development on parcels with existing development, including existing residential zoned land and non-residential land that must be rezoned to accommodate residential development. **Exhibits J through M** demonstrate the only sites that can be used to accommodate residential growth in the future.

<sup>5</sup> Freddie Mac, "The Housing Supply Shortage: State of the States" February 2020, Page 6.

The future growth of residential development will require the execution of the substantial evidence clause in State housing law to demonstrate the viability of infill sites. This evidence may include:

- Age of Existing Structures
- Developer Interest
- Past Experience in Developing Infill Property
- Existing Lease Provisions
- Environmental and Infrastructure Constraints

The City will not be able to justify the use of these infill sites in the Housing Element to accommodate the level of need shown in the Draft RHNA Allocation.

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**CONCLUSION**

The City of Newport Beach is committed to accommodating the existing and future needs of its residents. While the City is committed to contributing to the collective local, regional and State needs for housing, the City has demonstrated that the Draft RHNA Allocation is unrealistic, excessive and based on faulty assumptions that can have grave consequences to the City and its residents. Therefore, the City, respectfully objects to the Final Draft RHNA Allocation and methodology used and requests the RHNA Allocation be revised so that it fulfils the objectives identified in the Government Code.

Pursuant to Government Code Section 65584.05(b), the City of Newport Beach states the following revisions to the Final Draft RHNA Allocation are necessary to further the intent of the objectives stated in Government Code Section 65584(d). **Table D** illustrates these recommended modifications.

**Table D  
Summary of RHNA Reductions**

Government Code Requirements	RHNA Reduction
<p><b>Section 65584(d)(1)</b> - <i>Increasing the housing supply and the mix of housing types, tenure, and affordability in all cities and counties within the region in an equitable manner, which shall result in each jurisdiction receiving an allocation of units for low- and very low-income households.</i></p> <p><b>Reason-</b> The Draft RHNA Allocation undermines this objective as it does not assign housing unit growth need in an equitable manner. The allocation is a marked increase in allocations from prior RHNA planning cycles and a disproportionately higher amount of lower income need to the community, based upon a flawed methodology that is inconsistent with regional growth forecasts at the regional, state and federal level.</p>	-902
<p><b>Section 65584(d)(2)</b> - <i>Promoting infill development and socioeconomic equity, the protection of environmental and agricultural resources, the encouragement of efficient development patterns, and the achievement of the region’s greenhouse gas reductions targets provided by the State Air Resources Board pursuant to Section 65080.</i></p> <p><b>Reason-</b> The Draft RHNA Allocation undermines this objective as it does not properly consider lands that are designated for the protection of natural resources, protected lands precluded from development and lands subject to high fire severity. Furthermore, the use of these lands is not supportive of the efficient utilization of land to encourage and support efficient development patterns.</p>	-1506
<b>TOTAL</b>	<b>-2,408</b>

**Table E** summarizes the City of Newport Beach's recommended RHNA allocation by income category:

**Table E**  
**Summary of Recommended RHNA Allocations for Newport Beach**

<b>Income Category</b>	<b>SCAG September 3, 2020 Final Draft RHNA Allocation</b>	<b>Newport Beach Recommended RHNA Allocation</b>
Very Low	1,453Units	729 Units
Low	928 Units	466 Units
Moderate	1,048 Units	526 Units
Above Moderate	1,405 Units	705 Units
<b>TOTAL</b>	<b>4,834 Units</b>	<b>2,426 Units</b>

*Respectfully Submitted,*



*Will O'Neill, Mayor  
City of Newport Beach*

*cc: City Council Members, City of Newport Beach  
Grace K. Leung, City Manager  
Aaron C. Harp, City Attorney  
Seimone Jurjis, Community Development Director*

*Attachments:  
A - Local Planning Factors Survey  
B - RHNA Methodology Correspondence*



# **Attachment A**

## **Local Planning Factors Survey**

Regional Housing Needs Assessment (RHNA) Local Planning Factor Survey

The RHNA process requires that SCAG survey its jurisdictions on local planning factors (formerly known as “AB 2158 factors”) prior to the development of a proposed RHNA methodology, per Government Code 65584.04 (b). Information collected from this survey will be included as part of the proposed RHNA methodology.

Between October 2017 and October 2018, SCAG included these factors as part of the local input survey and surveyed a binary yes/no as to whether these factors impacted jurisdictions. If your jurisdiction answered this part of the survey, your reply has been pre-populated in the table. Please review each factor and provide any information that may be relevant to the RHNA methodology. You may attach additional information to the survey. Please keep in mind that recent housing-related legislation has updated some of the factors listed, which were not included in the prior survey.

Per Government Code Section 65584.04 (g), there are several criteria that **cannot** be used to determine or reduce a jurisdiction’s RHNA allocation:

- (1) Any ordinance, policy, voter-approved measure, or standard of a city or county that directly or indirectly limits the number of residential building permits issued by the jurisdiction
- (2) Underproduction of housing units as measured by the last RHNA cycle allocation
- (3) Stable population numbers as measured by the last RHNA cycle allocation

The planning factors in the table below are abbreviated. For the full language used, please refer to Government Code Section 65584.04 (e) or the attached reference list.

Please review and submit the survey by 5 p.m. April 30, 2019 to [housing@scag.ca.gov](mailto:housing@scag.ca.gov).

RHNA Methodology Local Planning Factor Survey

Jurisdiction	
County	

Planning Factor	Impact on Jurisdiction
Existing and projected jobs and housing relationship, particularly low-wage jobs and affordable housing	
Lack of capacity for sewer or water service due to decisions made outside of the jurisdiction’s control	
Availability of land suitable for urban development	

<p>Lands protected from development under Federal or State programs</p>	
<p>County policies to preserve agricultural land</p>	
<p>Distribution of household growth assumed for regional transportation planning and opportunities to maximize use of public transportation</p>	
<p>Agreements between a county and cities to direct growth to incorporated areas of the county</p>	

Loss of low income units through contract expirations	
[NEW] Percentage of households that pay more than 30% and more than 50% of their income on rent	
[NEW] Rate of overcrowding	
Farmworker housing needs	

<p>Housing needs generated by the presence of a university campus within the jurisdiction</p>	
<p>[NEW] Loss of units during a declared state of emergency that have yet to rebuilt at the time of this survey</p>	
<p>[NEW] The region's greenhouse gas emission targets provided by the California Air Resources Board</p>	
<p>Other factors</p>	

Affirmatively Furthering Fair Housing (AFFH) Survey

Jurisdiction	
County	
Survey Respondent Name	
Survey Respondent Title	

SCAG is surveying cities and counties on information related to affirmatively further fair housing\* as part of its development of the Regional Housing Needs Assessment (RHNA) proposed methodology. Information related to AFFH may be obtained from local analysis for housing choice, housing elements, and other sources. Using your jurisdiction’s Analysis of Impediments to Fair Housing Choice, Assessment of Fair Housing, and/or local housing element, please answer the questions below about local issues, strategies and actions regarding AFFH and submit your answers no later than April 30, 2019 to [housing@scag.ca.gov](mailto:housing@scag.ca.gov).

**Data Sources**

1a. Does your jurisdiction have an Analysis of Impediments to Fair Housing Choice or an Assessment of Fair Housing due to U.S. Department of Housing and Urban Development (HUD) requirements?

Yes	
No	

2. When did your jurisdiction last update the General Plan?

Year	
------	--

3a. Does your General Plan have an environmental justice/social equity chapter or integrate environmental justice/social equity, per SB 1000?

Yes	
No	
In process	

3b. If you answered yes or in process to question 3a, how does your General Plan integrate or plan to integrate environmental justice?

A) An environmental justice chapter	
B) Throughout the General Plan in each chapter	
C) Both	

\* Per Government Code 65584(e), affirmatively furthering fair housing is defined as “taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws.”

**Fair Housing Issues**

4. Describe demographic trends and patterns in your jurisdiction over the past ten years. Do any groups experience disproportionate housing needs?

--

5. To what extent do the following factors impact your jurisdiction by contributing to segregated housing patterns or racially or ethnically-concentrated areas of poverty?

Land use and zoning laws, such as minimum lot sizes, limits on multi-unit properties, height limits, or minimum parking requirements	
Occupancy restrictions	
Residential real estate steerings	
Patterns of community opposition	
Economic pressures, such as increased rents or land and development costs	
Major private investments	
Municipal or State services and amenities	
Foreclosure patterns	
Other	



6. To what extent do the following acts as determinants for fair housing and compliance issues in your jurisdiction?

Unresolved violations of fair housing or civil rights laws	
Patterns of community opposition	
Support or opposition from public officials	
Discrimination in the housing market	
Lack of fair housing education	
Lack of resources for fair housing agencies and organizations	

**Fair Housing Strategies and Actions**

7. What are your public outreach strategies to reach disadvantaged communities?

Partnership with advocacy/non-profit organizations	
Partnership with schools	
Partnership with health institutions	
Variety of venues to hold community meetings	
Door-to-door interaction	
Increased mobile phone app engagement	
Other	

8. What steps has your jurisdiction undertaken to overcome historical patterns of segregation or remove barriers to equal housing opportunity?

--

9. What steps has your jurisdiction undertaken to avoid, minimize, or mitigate the displacement of low income households?

--

**Housing Unit Demolition Data Survey Form**

Please complete and return the survey by April 30, 2019 to [housing@scag.ca.gov](mailto:housing@scag.ca.gov).

City: Newport  
 Beach  
 County: Orange

Report Year	Demolished Housing Units Lost									2012&2018 Newly Constructed or Permitted Housing Units (on site of demolition)								Not Developed Nor Permitted for Housing Uses After the				
	Single Unit Structure				Multi-unit Structure			Total units lost	Affordable units out of total units	Single Unit Structure				Multi-unit Structure			Total units gained	Affordable units out of total units	Not Developed		Land Use Change	
	Detached	Attached	Mobile Homes	Total	2,3, or 4-plex	5 or more	Total			Detached	Attached	Mobile Homes	Total	2, 3, or 4-plex	5 or more	Total			Parcels	Units	Parcels	Units
A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W
2009								-83									80					
2010								-67									73					
2011								-75									66					
2012								-87									85					
2013								-119									120					
2014								-165									152					
2015								-186									148					
2016								-234									221					
2017								-174									173					
2018								-192									189					
Total								-1382									1307					

Directions

Column A-I	Confirm that the number of demolished units for each category is correct.
Column J	Enter the number of affordable housing units that were among the demolished housing units.
Column K-R	Enter the number of newly constructed or permitted housing units on the site of demolition.
Column S	Enter the number of affordable housing units among the newly constructed or permitted housing units on the site of demolition.
Column T-U	For sites that remained vacant after the demolition where zoning is designated for housing uses, enter the number of parcels and potential housing unit capacity on these sites
Column V-W	For sites that have been converted to non-housing units after the demolition or sites that have remained vacant after the demolition where zoning is designated for non-housing uses, enter the number of parcels and the potential loss of housing unit capacity from the changes.

# **Attachment B**

## **RHNA Methodology Correspondence**



**CITY OF NEWPORT BEACH**

100 Civic Center Drive  
Newport Beach, California 92660  
949 644-3004 | 949 644-3039 FAX  
newportbeachca.gov

March 3, 2020

**Mayor**

Will O'Neill

**Mayor Pro Tem**

Brad Avery

**Council Members**

Joy Brenner

Diane Brooks Dixon

Marshall "Duffy" Duffield

Jeff Herdman

Kevin Muldoon

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

**RE: March 5, 2020, Community, Economic and Human Development (CEHD) Policy Committee and Regional Council Meetings Related to Regional Housing Needs Assessment (RHNA) Allocation Methodology**

Dear Mr. Ajise:

The City of Newport Beach (City) appreciates the opportunity to provide written comments regarding the Regional Housing Needs Assessment (RHNA) methodology being considered for the 6<sup>th</sup> RHNA cycle. Like many other jurisdictions and stakeholders, the City has been heavily engaged and has participated in the numerous meetings held by the Southern California Association of Governments (SCAG) regarding the development of the Draft RHNA allocation methodology. Through much of the development process, SCAG staff has listened to recommendations and input provided by various jurisdictions, housing experts, and housing advocates to develop a fair and equitable RHNA methodology. The months of effort and public input resulted in a methodology recommended by SCAG staff and supported by the RHNA Subcommittee, as well as the Community, Economic and Human Development (CEHD) Committee. This recommended methodology incorporated a reasonable factor of household growth (50%) and appropriately responded to changes in State law to factor in job accessibility (25%) and proximity to transit (25%) within the existing need portion of the allocations. However, to our dismay, with very little warning and no reasonable opportunity for any detailed analysis and thoughtful public input, the Regional Council inappropriately approved a substitute motion on November 7, 2019, removing the household growth factor and significantly modifying the Draft RHNA methodology to shift approximately 75,000 additional housing units into Orange County. **Therefore, the City of Newport Beach respectfully requests that SCAG consider the following comments and incorporate the City of Cerritos proposal dated**

Attachment: Newport Beach Appeal and Supporting Documentation (Appeal of the Draft RHNA Allocation for the City of Newport Beach)

February 4, 2020, which recommends that household growth forecasts be reintroduced back into the calculations for the existing need as follows:

- household growth (33.3%);
- job accessibility (33.3%); and
- population within high quality transit areas (33.3%).

**1. Reinstate household growth as a factor of existing need**

As stated in previous comment letters, local input and projected household growth is part of the very foundation of SCAG’s planning efforts and furthermore is required by State law.

State law requires that the determination of regional housing need:

*“... shall be based upon population projections produced by the Department of Finance and regional population forecasts used in preparing regional transportation plans, in consultation with each council of governments. [65584.01(b)]*

Incorporating local input of projected household growth would ensure greater consistency between RHNA and the Regional Transportation Plan (RTP)/Sustainable Communities Strategy (SCS) (Connect SoCal) as required by State law. However, the draft RHNA allocation would not be consistent with the development patterns projected in the Connect SoCal Plan. For Newport Beach, approximately 2,900 households are projected to be formed through 2045, yet the current draft RHNA allocation assigns 4,832 new units to be constructed in the City in the next eight-year planning period.

Any RHNA methodology that does not consider local conditions, as expressed in local General Plans, would ignore more than a half-century of State and Federal planning policy requiring comprehensive planning. Local General Plans and their development policies and assumptions must reflect a wide range of issues. Newport Beach is an attractive city for residents and visitors alike, but subject to various legal and geographic constraints. Though relatively small compared to sprawling bedroom communities, Newport Beach:

- (1) neighbors an international airport;
- (2) oversees the largest recreational boating harbor west of the Mississippi River;
- (3) contains substantial Environmentally Sensitive Habitat Areas, as well as wetlands;
- (4) borders state lands that have been recently described as high-risk fire zones;
- (5) is home to a number of State parks and beaches; and
- (6) has a vacant landfill bordering a tolled highway system.

The above list is not comprehensive, but paints a complex picture of the challenges that are overlooked with the elimination of local input.

Furthermore, these environmental concerns are all governed by comprehensive state and federal laws and regulations with differing objectives that will constrain the City's ability to comply with state housing laws and achieve RHNA allocations. For example, in 2008, the City approved the Banning Ranch project, which would have allowed for the development of 1,375 residential units, including an Affordable Housing Implementation Plan, and 252 acres of permanent open space. However, the California Coastal Commission denied the project and the property remains fenced off. This places Newport Beach – and cities like it – in a perilous position of trying to comply with the housing allocations when other State and Federal agencies have competing programmatic agendas.

Finally, as SCAG staff has correctly noted in every RHNA staff report, State law required SCAG to conduct a survey of “local planning factors” to identify local conditions and explain how each of the factors are incorporated into the proposed methodology. A simple mathematical calculation of local housing allocations based only on jurisdictions' proximity to jobs or population within transit-rich areas without consideration for local development constraints would render the local planning factors survey completely meaningless and would be contrary to State law.

Incorporating the request from the City of Cerritos to reintroduce a component of household growth forecasts back into the calculations for the existing need at a reduced rate of 33.3%, instead of the SCAG staff's original recommended methodology of 50%, is a compromise that the City of Newport Beach fully supports. This would constitute a minor revision to the RHNA methodology that remains substantially consistent with HCD's January 13, 2020, review of the methodology. As supported in the SCAG staff-recommended RHNA methodology staff report for the November 7, 2019, Regional Council meeting, the reintroduction of household growth into the existing need would further the five objectives of state housing law.

**2. Redistributed units from residual need calculation should be redistributed region wide as opposed to remaining within county**

Orange County has five jurisdictions defined as the “extremely disadvantaged communities” (DACs), meaning they have over 50% of their population located in very low resource areas. As a result of their DAC designations, the draft RHNA allocation methodology caps their RHNA allocation to the jurisdiction's projected 2045 household growth to limit growth in very low resource jurisdictions. Despite the DAC jurisdictions proximity to transit and jobs, the “residual” share of their existing need above projected household growth is then redistributed to other Orange County cities. It is recommended that redistribution occur across the SCAG region for the following reasons:

- Each of the five DACs have jobs accessible via 30-minute commute that are located outside boundaries of Orange County. Therefore, county boundaries should not be a factor in redistribution.
- The existing need projection for the region is stated to be the result of low vacancies, high overcrowding rates, and high cost burdens across the State. As such, each jurisdiction in the region, not just the counties, must do its part to address the housing crisis.

**3. SCAG should continue objections to Department of Housing and Community Development's (HCD) faulty regional determination of 1,341,827 housing units**

The City of Newport Beach supports Orange County Council of Government's (OCCOG's) February 18, 2020, request to SCAG to continue to oppose the regional deamination provided by the HCD. SCAG should continue to assert that HCD did not follow statute when allocating the regional determination:

*"If the total regional population forecast for the projection year, developed by the council of governments and used for the preparation of the regional transportation plan, is within a range of 1.5 percent of the total regional population forecast for the projection year by the Department of Finance, then the population forecast developed by the council of governments shall be the basis from which the department determines the existing and projected need for housing in the region...." ...* [Gov. Code § 65584.01(a)]

This sets a dangerous precedent not only for SCAG, but also for other metropolitan planning organizations across the State to have their projections cast aside capriciously in pursuit of political agendas not based in fact but in hyperbole. Additionally, as you are likely aware, the State Department of Finance recently updated its population projections, which show a significant decrease since their previous forecast. Furthermore, Governor Newsom has stated that his commitment to building 3.5 million homes by 2025 was a "stretch goal" and that the state would soon be releasing a more pragmatic estimate of the housing needs by region. The regional determination of 1.34 million housing units is therefore not only unsupported by statute, it is not a feasible allocation given recent housing projections. Combined with an inequitable RHNA methodology, we are fearful that local jurisdictions are being set up for failure to comply with state housing law.

The City of Newport Beach shares SCAG's goal to develop and adopt a RHNA methodology that represents the best in regional planning, developed collaboratively with local jurisdictions and stakeholders in a manner that is credible and defensible at all levels, and can be realistically implemented in an equitable manner.

We request that the CEHD Policy Committee and Regional Council consider these recommendations prior to the adoption of the Final RHNA methodology. We recognize that there are time constraints established by State law; however, the



RHNA will have significant impacts on jurisdictions over the next decade and beyond. Therefore, it is imperative that the RHNA be finalized in a way that is equitable, realistic and achievable to help ensure tangible results in responding to the housing crisis.

Sincerely,

A handwritten signature in black ink, appearing to read "Will O'Neill". The signature is fluid and cursive, with the first name "Will" being the most prominent.

Will O'Neill  
Mayor

CC. City Council Members  
Grace Leung, City Manager  
Seimone Jurjis, Community Development Director



February 21, 2020

**Mayor**

Will O'Neill

**Mayor Pro Tem**

Brad Avery

**Council Members**

Joy Brenner

Diane Brooks Dixon

Marshall "Duffy" Duffield

Jeff Herdman

Kevin Muldoon

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

**RE: February 24, 2020, Regional Housing Needs Assessment (RHNA) Subcommittee, Comments Regarding Agenda Item 1 – Recommended Final RHNA Methodology**

Dear Mr. Ajise:

The City of Newport Beach (City) appreciates the opportunity to provide written comments regarding the Regional Housing Needs Assessment (RHNA) methodology being considered for the 6<sup>th</sup> RHNA cycle. Like many other jurisdictions and stakeholders, the City has been heavily engaged and has participated in the numerous meetings held by the Southern California Association of Governments (SCAG) regarding the development of the Draft RHNA allocation methodology. Through much of the development process, SCAG staff has listened to recommendations and input provided by various jurisdictions, housing experts, and housing advocates to develop a fair and equitable RHNA methodology. The months of effort and public input resulted in a methodology recommended by SCAG staff and supported by the RHNA Subcommittee, as well as the Community, Economic and Human Development (CEHD) Committee. This recommended methodology incorporated a reasonable factor of household growth (50%) and appropriately responded to changes in State law to factor in job accessibility (25%) and proximity to transit (25%) within the existing need portion of the allocations. However, to our dismay, with very little warning and no reasonable opportunity for any detailed analysis and thoughtful public input, the Regional Council inappropriately approved a substitute motion on November 7, 2019, removing the household growth factor and significantly modifying the Draft RHNA methodology to shift approximately 75,000 additional housing units into Orange County. **Therefore, the City of Newport Beach respectfully requests that SCAG consider the following comments and incorporate the City of Cerritos proposal dated February 4, 2020, which recommends that household growth**

Attachment: Newport Beach Appeal and Supporting Documentation (Appeal of the Draft RHNA Allocation for the City of Newport Beach)

forecasts be reintroduced back into the calculations for the existing need as follows:

- household growth (33.3%);
- job accessibility (33.3%); and
- population within high quality transit areas (33.3%).

**1. Reinstate household growth as a factor of existing need**

As stated in previous comment letters, local input and projected household growth is part of the very foundation of SCAG’s planning efforts and furthermore is required by State law.

State law requires that the determination of regional housing need:

*“... shall be based upon population projections produced by the Department of Finance and regional population forecasts used in preparing regional transportation plans, in consultation with each council of governments. [65584.01(b)]*

Incorporating local input of projected household growth would ensure greater consistency between RHNA and the Regional Transportation Plan (RTP)/Sustainable Communities Strategy (SCS) (Connect SoCal) as required by State law. However, the draft RHNA allocation would not be consistent with the development patterns projected in the Connect SoCal Plan. For Newport Beach, approximately 2,900 households are projected to be formed through 2045, yet the current draft RHNA allocation assigns 4,832 new units to be constructed in the City in the next eight-year planning period.

Any RHNA methodology that does not consider local conditions, as expressed in local General Plans, would ignore more than a half-century of State and Federal planning policy requiring comprehensive planning. Local General Plans and their development policies and assumptions must reflect a wide range of issues. Newport Beach is an attractive city for residents and visitors alike, but subject to various legal and geographic constraints. Though relatively small compared to sprawling bedroom communities, Newport Beach:

- (1) neighbors an international airport;
- (2) oversees the largest recreational boating harbor west of the Mississippi River;
- (3) contains substantial Environmentally Sensitive Habitat Areas, as well as wetlands;
- (4) borders state lands that have been recently described as high-risk fire zones;
- (5) is home to a number of State parks and beaches; and
- (6) has a vacant landfill bordering a tolled highway system.

The above list is not comprehensive, but paints a complex picture of the challenges that are overlooked with the elimination of local input.

Furthermore, these environmental concerns are all governed by comprehensive state and federal laws and regulations with differing objectives that will constrain the City's ability to comply with state housing laws and achieve RHNA allocations. For example, in 2008, the City approved the Banning Ranch project, which would have allowed for the development of 1,375 residential units, including an Affordable Housing Implementation Plan, and 252 acres of permanent open space. However, the California Coastal Commission denied the project and the property remains fenced off. This places Newport Beach – and cities like it – in a perilous position of trying to comply with the housing allocations when other State and Federal agencies have competing programmatic agendas.

Finally, as SCAG staff has correctly noted in every RHNA staff report, State law required SCAG to conduct a survey of “local planning factors” to identify local conditions and explain how each of the factors are incorporated into the proposed methodology. A simple mathematical calculation of local housing allocations based only on jurisdictions' proximity to jobs or population within transit-rich areas without consideration for local development constraints would render the local planning factors survey completely meaningless and would be contrary to State law.

Incorporating the request from the City of Cerritos to reintroduce a component of household growth forecasts back into the calculations for the existing need at a reduced rate of 33.3%, instead of the SCAG staff's original recommended methodology of 50%, is a compromise that the City of Newport Beach fully supports. This would constitute a minor revision to the RHNA methodology that remains substantially consistent with HCD's January 13, 2020, review of the methodology. As supported in the SCAG staff-recommended RHNA methodology staff report for the November 7, 2019, Regional Council meeting, the reintroduction of household growth into the existing need would further the five objectives of state housing law.

**2. Redistributed units from residual need calculation should be redistributed region wide as opposed to remaining within county**

Orange County has five jurisdictions defined as the “extremely disadvantaged communities” (DACs), meaning they have over 50% of their population located in very low resource areas. As a result of their DAC designations, the draft RHNA allocation methodology caps their RHNA allocation to the jurisdiction's projected 2045 household growth to limit growth in very low resource jurisdictions. Despite the DAC jurisdictions proximity to transit and jobs, the “residual” share of their existing need above projected household growth is then redistributed to other Orange County cities. It is recommended that redistribution occur across the SCAG region for the following reasons:

- Each of the five DACs have jobs accessible via 30-minute commute that are located outside boundaries of Orange County. Therefore, county boundaries should not be a factor in redistribution.
- The existing need projection for the region is stated to be the result of low vacancies, high overcrowding rates, and high cost burdens across the State. As such, each jurisdiction in the region, not just the counties, must do its part to address the housing crisis.

**3. SCAG should continue objections to Department of Housing and Community Development's (HCD) faulty regional determination of 1,341,827 housing units**

The City of Newport Beach supports Orange County Council of Government's (OCCOG's) February 18, 2020, request to SCAG to continue to oppose the regional deamination provided by the HCD. SCAG should continue to assert that HCD did not follow statute when allocating the regional determination:

*"If the total regional population forecast for the projection year, developed by the council of governments and used for the preparation of the regional transportation plan, is within a range of 1.5 percent of the total regional population forecast for the projection year by the Department of Finance, then the population forecast developed by the council of governments shall be the basis from which the department determines the existing and projected need for housing in the region...." ...* [Gov. Code § 65584.01(a)]

This sets a dangerous precedent not only for SCAG, but also for other metropolitan planning organizations across the State to have their projections cast aside capriciously in pursuit of political agendas not based in fact but in hyperbole. Additionally, as you are likely aware, the State Department of Finance recently updated its population projections, which show a significant decrease since their previous forecast. Furthermore, Governor Newsom has stated that his commitment to building 3.5 million homes by 2025 was a "stretch goal" and that the state would soon be releasing a more pragmatic estimate of the housing needs by region. The regional determination of 1.34 million housing units is therefore not only unsupported by statute, it is not a feasible allocation given recent housing projections. Combined with an inequitable RHNA methodology, we are fearful that local jurisdictions are being set up for failure to comply with state housing law.

The City of Newport Beach shares SCAG's goal to develop and adopt a RHNA methodology that represents the best in regional planning, developed collaboratively with local jurisdictions and stakeholders in a manner that is credible and defensible at all levels, and can be realistically implemented in an equitable manner.

We request that the RHNA Subcommittee consider these recommendations prior to the adoption of the Final RHNA methodology. We recognize that there are time constraints established by State law; however, the RHNA will have significant

impacts on jurisdictions over the next decade and beyond. Therefore, it is imperative that the RHNA be finalized in a way that is equitable, realistic and achievable to help ensure tangible results in responding to the housing crisis.

Sincerely,



Will O'Neill  
Mayor

CC. City Council Members  
Grace Leung, City Manager  
Seimone Jurjis, Community Development Director



November 6, 2019

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

Subject: November 7, 2019 Regional Council Agenda Item 4 - RHNA Methodology

Dear Mr. Ajise:

The City of Newport Beach offers the following comments regarding SCAG staff's RHNA methodology recommendations to the Regional Council:

1. Some participants continue to urge SCAG to eliminate or minimize the use of local input in the RHNA process. However, SCAG staff has correctly noted that it is a requirement by State statutes to consider local input, as reflected in the Connect SoCal RTP/SCS growth forecast, in the RHNA methodology.
2. The "substitute motion" alternative discussed in the Regional Council staff report would result in major changes to the RHNA distribution at the county and jurisdictional levels. For example, under the substitute alternative, the Newport Beach RHNA would increase from 2,751 units to 4,832 units. It would be highly inappropriate for the Regional Council to approve this alternative, or any substantial change to the staff recommendation, at the 11<sup>th</sup> hour without allowing additional time for analysis and comment.
3. We continue to be concerned that the additional social equity adjustment in "high resource areas" results in an unachievable RHNA that could set those cities up for failure. *For Newport Beach, the very-low- and low-income categories represent 50 percent of the total RHNA allocation.* The lack of sufficient affordable housing subsidy funds combined with initiatives by the State legislature to punish cities that do not achieve their RHNA allocations is a recipe for failure, and Sacramento continues to blame cities for "not building enough housing." SCAG staff has commented that most cities in the region have enough residential capacity to

accommodate the 2045 growth forecast; however, under Housing Element, law development capacity is stratified by income category and new State laws severely limit use of “underutilized” sites to accommodate the lower-income RHNA allocation. In fact, most housing development in the most highly urbanized areas of the region occurs on underutilized sites, and *some cities in the SCAG region have virtually no buildable vacant land*. This fact in combination with “no net loss” rules creates a major disconnect between the regional growth forecast, transportation planning, and housing capacity as determined by HCD during Housing Element reviews.

4. While we continue to share the concerns expressed by many other jurisdictions regarding the unrealistically high RHNA assigned by HCD, we encourage the Regional Council to adopt SCAG’s staff recommendation as a reasonable methodology given the constraints imposed by State housing mandates.

The City of Newport Beach appreciates your consideration of these comments and all the efforts of SCAG staff throughout the RHNA process.

Sincerely,



Seimone Jurjis,  
Community Development Director

cc: City Council  
Grace Leung, City Manager  
Jaime Murillo, Senior Planner  
Marnie Primmer, Orange County Council of Governments Executive Director





October 21, 2019

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

Subject: Community, Economic and Human Development Committee  
October 21, 2019, Agenda Item 1 - Recommended Draft RHNA Methodology

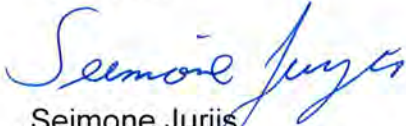
Dear Mr. Ajise:

As SCAG moves toward finalization of the RHNA methodology, the City of Newport Beach would like to offer the following recommendations.

1. Some housing advocacy organizations continue to urge SCAG to eliminate local input from consideration in the RHNA process. As your staff, subregional councils, and many jurisdictions have correctly noted, SCAG is required by State statutes to consider local input in developing the RHNA allocations, and any arguments to the contrary are a misrepresentation of the law.
2. We continue to be concerned that the additional social equity adjustment in "high resource areas" results in an unachievable RHNA that could set those cities up for failure. *For Newport Beach, the very-low- and low-income categories represent 50 percent of the total RHNA allocation.* The lack of sufficient affordable housing subsidy funds combined with initiatives by the State legislature to punish cities that do not achieve their RHNA allocations is a recipe for failure, and Sacramento continues to blame cities for "not building enough housing." SCAG staff has commented that most cities in the region have enough residential capacity to accommodate the 2045 growth forecast; however, under Housing Element law development capacity is stratified by income category and new State laws severely limit use of "underutilized" sites to accommodate the lower-income RHNA allocation. This fact in combination with "no net loss" rules creates a major "disconnect" between the regional growth forecast, transportation planning and housing capacity as determined by HCD during Housing Element reviews.

While we continue to have great concern regarding the unrealistically high RHNA assigned by HCD, the City of Newport Beach appreciates your consideration of the comments provided in this letter and all the efforts of SCAG staff throughout the RHNA process.

Sincerely,



Seimone Jurjjs,  
Community Development Director

cc: City Council  
Grace Leung, City Manager  
Jaime Murillo, Senior Planner  
Marnie Primmer, Orange County Council of Governments Executive Director



September 13, 2019

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

**Subject: Comments on Proposed 6<sup>th</sup> Cycle RHNA Methodology**

Dear Mr Ajise:

The City of Newport Beach appreciates the opportunity to provide written comments to SCAG regarding the draft Regional Housing Needs Assessment (RHNA) methodologies being considered for the 6<sup>th</sup> RHNA cycle. The City also recognizes the efforts of SCAG staff and the RHNA Subcommittee, CEHD Committee, and Regional Council members who devoted their time to participate in this important effort. The City remains committed to doing its part in addressing this housing crisis in compliance with Housing Element law (Government Code Sections 65580-65598.8) and respectfully requests that SCAG carefully consider the following comments related to the RHNA methodology options.

Overall, the City of Newport Beach supports Option 3, with recommended modifications below, as it is the only option based on local input grounded in the Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) process. Options 1 and 2 fail to consider limitations local agencies may have in being able to accommodate additional housing and allocation of housing largely based on population without regard to local input.

**Opposition to Option 1**

- **Redistribution of existing need would result in allocations and percent shares of income categories that are inconsistent with those provided in HCD's Regional Determination.** As noted in the Center for Demographic Research letter of August 23 ,2019 (Comments 3 and 4), we agree with redistribution of existing need above-moderate units to the very-low, low and moderate income categories is not consistent with the 6th cycle methodology adopted in other regions throughout the state and should be eliminated from SCAG's RHNA methodology. This redistribution proposal would result in allocations and percent shares of income categories that are inconsistent with those provided in HCD's Regional Determination.

- **For Newport Beach, existing need represents more than 90% of the total need in Option 1.** Option 1 is based upon local input for *projected need*, but *existing need* is based primarily (70%) on the jurisdiction's share of total regional population. This method of allocating existing need fails to acknowledge the fact that cities have different levels of vacancy, overcrowding and cost-burden, which are the primary components of existing need, or that cities have vastly different amounts of land (either vacant or underutilized) suitable for housing development.
- **Disaggregation of the existing regional "unmet" housing need based on a jurisdiction's population is inequitable and penalizes jurisdictions that have not contributed to the factors that are attributable to that "unmet" regional need.** Attachment 1 of the SCAG RHNA Subcommittee June 3, 2019, staff report, identifies each jurisdiction in the region and four factors that have contributed to the unmet housing needs. *In this attachment, the City of Newport Beach is not highlighted as having a pronounced problem in any of the four factors identified as contributing to the unmet existing housing need.* In particular, Newport Beach has issued building permits for new single-family and multi-family construction above the regional average. Additionally, Newport Beach maintains rates of overcrowding and cost-burden significantly below the regional average. Yet, as noted in the bullet above, utilizing Option 1, the *existing need* component assigned to Newport Beach is 9 times the *projected needs* for the City.
- **Disaggregation of the existing need based on population results in a social equity factor being applied twice.** Establishing existing housing needs for the region based on adjustment factors related to vacancy, overcrowding, and cost burden, and then redistributing the need based on a jurisdiction's percentage of the region's population will have the effect of disproportionately increasing housing need assessments to jurisdictions that experience higher vacancy rates and lower rates of overcrowding and cost burden, such as Newport Beach. Alternatively, jurisdictions that historically experienced lower vacancies and higher rates of overcrowding and cost burden, factors upon which unmet existing need is being calculated, will benefit from a lower proportionate assessment of this existing unmet need. Newport Beach understands that each jurisdiction must do its part to address the housing crisis and jurisdictions that are already overly burdened by these factors cannot be expected to take on the sole responsibility of addressing unmet housing needs, redistributing the unmet existing housing need based on population inherently implements a form of social equity. Therefore, the need for a subsequent social equity adjustment at the final RHNA allocation process will apply a social equity factor twice in the process. If disaggregation of existing need is approved based on population, then the final social equity adjustment (such as the currently proposed 150% adjustment) should not be removed.

## Opposition to Option 2

- **Option 2 would completely disregard local input in determining RHNA allocations and would be inconsistent with both State law and long-standing SCAG practice.** Several comments submitted argue that local input should not be a

primary factor, or considered, in the RHNA methodology. However, local input is part of the very foundation of SCAG's planning efforts and furthermore is required by State law.

SB 375 of 2008, the landmark climate change legislation, integrated regional planning for transportation and housing, and includes the following key provisions:

*Each metropolitan planning organization shall prepare a sustainable communities strategy ... including the requirement to utilize the most recent planning assumptions considering local general plans and other factors. The sustainable communities strategy shall ... identify the general location of uses, residential densities, and building intensities within the region, ... identify areas ... within the region sufficient to house an eight-year projection of the regional housing need for the region pursuant to Section 65584, ... set forth a forecasted development pattern for the region, which, when integrated with the transportation network, and other transportation measures and policies, will reduce the greenhouse gas emissions ... to achieve, ... the greenhouse gas emission reduction targets approved by the state. [Government Code Sec. 65080(b)(2)(B)]*

State law also requires that the determination of regional housing need:

*"... shall be based upon population projections produced by the Department of Finance and regional population forecasts used in preparing regional transportation plans, in consultation with each council of governments. [65584.01(b)]*

As noted in the first excerpt, the population forecast upon which the RTP/SCS is based utilizes planning assumptions grounded in local general plans. Therefore, it is clear that any RHNA methodology that does not consider local input would be contrary to the intent of the State Legislature.

Furthermore, any RHNA methodology that does not consider local conditions, as expressed in local General Plans, would ignore more than a half-century of State and Federal planning policy requiring comprehensive planning. Local General Plans and their development policies and assumptions must reflect a wide range of issues including sensitive environmental resources such as endangered species habitat, public safety hazards such as wildland fire zones, flood zones and geotechnical hazards, and infrastructure constraints such as water supply and the availability of wastewater treatment systems.

Finally, as SCAG staff has correctly noted in each RHNA staff report, State law required SCAG to conduct a survey of "local planning factors" to identify local conditions and explain how each of the factors are incorporated into the proposed methodology. A simple mathematical calculation of local housing allocations based only on jurisdictions' total population or population within transit-rich areas without consideration for local development constraints would render the local planning factors survey completely futile and be contrary to State law.

Since Option 2 would completely disregard local input in determining RHNA

allocations, it would be inconsistent with both State law and long-standing SCAG practice.

### Support for Option 3 with Modifications

- **Population vs. household growth share.** Option 3 would allocate housing need based upon jurisdictions' shares of projected population growth rather than household growth. However, housing need is more closely correlated with households than population; therefore, it is more appropriate to use projected household growth in the RHNA methodology.
- **Replacement need should be based on net units lost, not on a per site basis.** Both Options 1 and 3 apply a *replacement need* component to the calculation for units demolished that were not replaced on the same site. This has the effect of requiring units demolished and not replaced on the same site to be replaced in the next planning period on a different site. What this methodology fails to address is that replacement may have already occurred on other sites in the same planning period as the demolition. In Newport Beach, new housing development has exceeded the prior RHNA allocation by more than the replacement need; therefore, the City recommends that the calculation of replacement need be based on total housing permits regardless of whether those units were built on the same sites where the demolition occurred.

### General Comments

- **No alternative methodologies without additional public review.** The City recommends that SCAG not adopt an alternative RHNA methodology to Options 1, 2, or 3 until after HCD provides a final regional determination and additional public review time is afforded so that jurisdictions and the public will have the opportunity to fully assess how the alternative methodology will impact individual jurisdictions.
- **Local input should be used as the floor for any RHNA Allocation of projected need.** As noted in the Orange County Council of Governments (OCCOG) letter dated August 22, 2019, each jurisdiction has submitted projected housing development numbers to SCAG as part of the Connect SoCal process, which is linked with the RHNA process. The selected RHNA methodology therefore should ensure that any number assigned to a jurisdiction captures, at minimum, the number of units a jurisdiction identified through the local input process. For example, if a jurisdiction projected construction of 8,000 units, but the selected RHNA methodology only gives that jurisdiction 5,000 units, there should be an adjustment provided for the remaining 3,000 units to the jurisdiction, rather than distribute the 3,000 units to other jurisdictions. This respects local input, and ensures equity for other jurisdictions not to be overburdened.
- **Overestimating housing needs, when combined with new housing element law, may result in an unattainable RHNA and sets up local jurisdictions for failure.** It is essential that SCAG officials recognize the significance of the RHNA allocations to cities and counties. Combining an over estimation of existing need to a jurisdiction's RHNA with new State housing element law requirements, adopted in

Mr. Kome Ajise, Executive Director  
September 13, 2019  
Page 5 of 5

2017 that limit a jurisdiction's ability to "count" sites towards RHNA, may lead to widespread noncompliance throughout the State. The State Legislature has adopted new laws making it more difficult for sites to qualify for RHNA "credit," and HCD is proposing a RHNA allocation that is more than three times higher than the current Housing Element cycle. Despite the City of Newport Beach's efforts to identify a surplus of adequate sites in past housing element cycles, AB1397 will significantly increase the difficulty for jurisdictions to illustrate the adequacy of sites. Furthermore, SB 166 will require a jurisdiction to continually identify additional low-income housing sites when a developer chooses to develop market-rate housing on a site identified to accommodate low-income housing. The combination of these requirements would create a de-facto, State-mandated inclusionary requirement necessitating State funding.

The City of Newport Beach appreciates your consideration of the comments provided in this letter. The City of Newport Beach shares SCAG's goal to develop and adopt a RHNA methodology that represents the best in regional planning, developed collaboratively with local jurisdictions and stakeholders in a manner that is credible and defensible at all levels, and can be realistically implemented in an equitable manner. The City looks forward to working with SCAG to achieve this goal.

Sincerely,

  
Seimone Jurjis, PE, CBO  
Community Development Director

cc: City Council  
Grace Leung, City Manager  
Jaime Murillo, Principal Planner  
Marnie Primmer, Orange County Council of Governments Executive Director

Attachment: Newport Beach Appeal and Supporting Documentation (Appeal of the Draft RHNA Allocation for the City of Newport Beach)



June 5, 2019

Honorable Peggy Huang, Chair  
Honorable Stacy Berry, Vice Chair  
Community, Economic and Human Development Policy Community  
Southern California Association of Governments  
900 Wilshire Boulevard, Suite 1700  
Los Angeles, California 90017

**Subject: Draft Regional Housing Needs Assessment (RHNA) Consultation Package to the California Department of Housing and Community Development (HCD)**

Honorable Chair Huang and Honorable Committee Members:

The City of Newport Beach appreciates the opportunity to provide written comments to the Southern California Association of Governments (SCAG) regarding the June 6, 2019 CEHD Agenda Item on the RHNA Consultation package to HCD. The City appreciates SCAG staff's efforts and the Committee members who sacrifice their time to participate in this important effort. The City remains committed to doing its part in addressing this housing crisis in compliance with Housing Element law (Government Code Sections 65580-65598.8).

It should be noted that in 2006, the City comprehensively updated its General Plan and identified several new residential housing opportunity areas. These opportunities were created as infill and replacement of previously permitted retail and office development capacity, with a realistic development capacity of approximately 3,200 new dwelling units. In 2011, the Airport Area was identified as the City's primary housing opportunity area to address the City's lower-income housing needs and a Residential Overlay was adopted to incentivize residential development that includes a minimum of 30% of the units affordable to lower-income households. Since then, the City has approved over 2,100 new multi-family dwelling units, including 91 very low-income units and 78 low-income units. While the City has been able to continue to build housing units to meet existing and projected need, available land within the sites inventory has been significantly reduced since the last RHNA cycle by changes to Housing Element Law. Extremely high land values in the City exacerbates the difficulty in developing housing affordable to lower-income households due to the high financial subsidies needed to make projects financially feasible. Therefore, the City of Newport Beach is concerned about the proposed methodology that SCAG is proposing for the 6<sup>th</sup> RHNA cycle that is above and beyond the projected growth in the Regional Transportation Plan/ Sustainable Communities Strategy (RTP/SCS) and will greatly impact the City's ability to remain compliant with state housing laws. Therefore, the City respectfully requests

Attachment: Newport Beach Appeal and Supporting Documentation (Appeal of the Draft RHNA Allocation for the City of Newport Beach)



that the Subcommittee carefully consider the following comments related to the proposed consultation package to HCD and the proposed RHNA Methodology.

- 1) Existing need already accounted in RTP/SCS - The City of Newport Beach encourages SCAG to propose a total regional determination of 429,926 for the 6<sup>th</sup> RHNA cycle, consistent with the RTP/SCS. The RTP/SCS growth forecast includes input from local jurisdictions that already incorporates existing need and future projected need. As such, all numbers, tables, and discussion regarding existing need as a separate calculation should be removed from discussion, since by adding a separate existing need, the proposed RHNA methodology would result in double counting the need.
- 2) Applying adjustment factors overestimates need - Beyond double counting the existing need as mentioned above, the additive approach of vacancy, overcrowding, and cost burden factors are additionally inappropriate due to the level of overlap between them. Although we commend SCAG staff for recognizing that cost burden may be an inappropriate factor to apply, the application of the remaining factors are still closely related and would result in overestimating unmet housing needs.
- 3) Phasing of existing need imperative beyond a single RHNA cycle - Although the City strongly disagrees with the proposed methodology of calculating existing housing needs, if HCD determines this calculation to be appropriate, it is imperative that this existing need be spread across the 6<sup>th</sup>, 7<sup>th</sup>, and 8<sup>th</sup> cycles of RHNA. It is unrealistic to assume that years of unmet housing needs “back log” can be addressed in an 8-year planning cycle. Housing construction typically lags behind RHNA targets, with affordable housing projects taking significantly longer to finance and develop. Spreading past unmet need across multiple cycles would allow jurisdictions to realistically plan and address for this additional growth that has not been included in the RTP/SCS. Additionally, it will allow jurisdictions to make a good-faith effort to accommodate this unmet need.
- 4) Consultation package should recognize that disaggregation of the proposed existing unmet housing need based on population results in a social equity factor being applied twice - Establishing existing housing needs for the region based on adjustment factors related to vacancy and overcrowding, and then redistributing the need based on a jurisdictions percentage of the region’s population will have the effect of disproportionately increasing housing need assessments to jurisdictions that experience higher vacancy rates and lower rates of overcrowding and cost burden, such as Newport Beach. Alternatively, jurisdictions that historically experienced lower vacancies and higher rates of overcrowding and cost burden, factors upon which unmet existing need is being calculated, will benefit from a lower proportionate assessment of this existing unmet need. While Newport Beach understands that each jurisdiction must do its part to address the housing crisis and jurisdictions that are already overly burdened by these factors cannot be expected to take on the sole responsibility of addressing unmet housing needs, redistributing the unmet existing housing need based on population inherently implements a form of social equity. Therefore, the need for a subsequent social equity adjustment at the final RHNA allocation process may be unnecessary and as it will apply a social equity factor twice in the process.

Honorable Peggy Huang, Chair

June 5, 2019

Page 3 of 3

5) Over estimating existing housing needs, when combined with new housing element law, may result in an unattainable RHNA and sets up local jurisdictions for failure -

Combining an over estimation of existing need to a jurisdiction's RHNA with new State housing element law requirements adopted in 2017 that limit a jurisdiction's ability to "count" sites towards RHNA, may lead to widespread noncompliance throughout the State. Despite the City of Newport Beach's efforts to identify a surplus of adequate sites in past housing element cycles, AB1397 will significantly increase the difficulty for jurisdictions to illustrate the adequacy of sites. Furthermore, SB 166 will require a jurisdiction to continually identify additional low-income housing sites when a developer chooses to develop market-rate housing on a site identified as being able to accommodate low-income housing.

The City of Newport Beach appreciates your consideration of the comments provided in this letter. The City of Newport Beach shares SCAG's goal to develop and adopt a RHNA methodology that represents the best in regional planning, developed collaboratively with local jurisdictions and stakeholders in a manner that is credible and defensible at all levels, and can be realistically implemented in an equitable manner. The City looks forward to working with SCAG to achieve this goal.

Sincerely,

  
Seimone Jurjis, PE, CBO  
Community Development Director

cc: City Council  
Grace Leung, City Manager  
Jaime Murillo, Senior Planner  
Marnie Primmer, Orange County Council of Governments Executive Director



June 3, 2019

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

**Subject: Draft Regional Housing Needs Assessment (RHNA) Consultation Package to the California Department of Housing and Community Development (HCD) and Proposed RHNA Methodology Components**

Honorable Chair Huang and Honorable Members of the RHNA Subcommittee:

The City of Newport Beach appreciates the opportunity to provide written comments to the Southern California Association of Governments (SCAG) on Item No. 5 and No. 6 of your June 3, 2019, meeting agenda. The City appreciates SCAG staff's efforts and the RHNA Subcommittee members who sacrifice their time to participate in this important effort. The City remains committed to doing its part in addressing this housing crisis in compliance with Housing Element law (Government Code Sections 65580-65598.8).

It should be noted that in 2006, the City comprehensively updated its General Plan and identified several new residential housing opportunity areas. These opportunities were created as infill and replacement of previously permitted retail and office development capacity, with a realistic development capacity of approximately 3,200 new dwelling units. In 2011, the Airport Area was identified as the City's primary housing opportunity area to address the City's lower-income housing needs and a Residential Overlay was adopted to incentivize residential development that includes a minimum of 30% of the units affordable to lower-income households. Since then, the City has approved over 2,100 new multi-family dwelling units, including 91 very low-income units and 78 low-income units. While the City has been able to continue to build housing units to meet existing and projected need, available land within the sites inventory has been significantly reduced since the last RHNA cycle by changes to Housing Element Law. Extremely high land values in the City exacerbates the difficulty in developing housing affordable to lower-income households due to the high financial subsidies needed to make projects financially feasible. Therefore, the City of Newport Beach is concerned about the proposed methodology that SCAG is proposing for the 6<sup>th</sup> RHNA cycle that is above and beyond the projected growth in the Regional Transportation Plan/ Sustainable Communities Strategy (RTP/SCS) and will greatly impact the City's ability to remain compliant with state housing laws. Therefore, the City respectfully requests that the Subcommittee carefully consider

the following comments related to the proposed consultation package to HCD and the proposed RHNA Methodology.

Comments on Agenda Item 5 (RHNA Consultation Package to HCD)

The City fully supports the comments raised in the Orange County Council of Governments (OCCOG) letter regarding the RHNA consultation package to HCD. In particular, the City of Newport Beach encourages SCAG to propose a regional determination of 429,926 for the 6<sup>th</sup> RHNA cycle, consistent with the RTP/SCS. The approach identified in the June 3, 2019, SCAG staff report to the RHNA Subcommittee to address *existing housing need* through certain adjustment factors such as vacancy, overcrowding, and cost burden is inappropriate for the following reasons:

- 1) Existing need already accounted in RTP/SCS - The RTP/SCS growth forecast includes input from local jurisdictions that already incorporates existing need and future projected need. As such, all numbers, tables, and discussion regarding existing need as a separate calculation should be removed from discussion, since by adding a separate existing need, the proposed RHNA methodology would result in double counting the need.
- 2) Applying adjustment factors overestimates need - Beyond double counting the existing need as mentioned above, the additive approach of vacancy, overcrowding, and cost burden factors are additionally inappropriate due to the level of overlap between them. Although we commend SCAG staff for recognizing that cost burden may be an inappropriate factor to apply, the application of the remaining factors are still closely related and would result in overestimating unmet housing needs.
- 3) Consultation package should recognize that disaggregation of the proposed existing unmet housing need based on population results in a social equity factor being applied twice - Establishing existing housing needs for the region based on adjustment factors related to vacancy and overcrowding, and then redistributing the need based on a jurisdiction's percentage of the region's population will have the effect of disproportionately increasing housing need assessments to jurisdictions that experience higher vacancy rates and lower rates of overcrowding and cost burden, such as Newport Beach. Alternatively, jurisdictions that historically experienced lower vacancies and higher rates of overcrowding and cost burden, factors upon which unmet existing need is being calculated, will benefit from a lower proportionate assessment of this existing unmet need. While Newport Beach understands that each jurisdiction must do its part to address the housing crisis and jurisdictions that are already overly burdened by these factors cannot be expected to take on the sole responsibility of addressing unmet housing needs, redistributing the unmet existing housing need based on population inherently implements a form of social equity. Therefore, the need for a subsequent social equity adjustment at the final RHNA allocation process will apply a social equity factor twice in the process. If disaggregation of existing need is approved based on population, then the final social equity adjustment should not be increased from the past practice of 110% and should arguably be removed.
- 4) Phasing of existing need imperative beyond a single RHNA cycle - Although the City strongly disagrees with the proposed methodology of calculating existing housing needs, if HCD determines this calculation to be appropriate, it is imperative that this existing need be spread across the 6<sup>th</sup>, 7<sup>th</sup>, and 8<sup>th</sup> cycles of RHNA. It is unrealistic to assume that years of unmet housing needs "back log" can be addressed in an 8-year planning cycle. Housing construction typically lags behind RHNA targets, with affordable housing projects taking significantly longer

to finance and develop. Spreading past unmet need across multiple cycles would allow jurisdictions to realistically plan and address for this additional growth that has not been included in the RTP/SCS. Additionally, it will allow jurisdictions to make a good-faith effort to accommodate this unmet need.

- 5) Over estimating existing housing needs, when combined with new housing element law, may result in an unattainable RHNA and sets up local jurisdictions for failure - Combining an over estimation of existing need to a jurisdiction's RHNA with new State housing element law requirements adopted in 2017 that limit a jurisdiction's ability to "count" sites towards RHNA, may lead to widespread noncompliance throughout the State. Despite the City of Newport Beach's efforts to identify a surplus of adequate sites in past housing element cycles, AB1397 will significantly increase the difficulty for jurisdictions to illustrate the adequacy of sites. Furthermore, SB 166 will require a jurisdiction to continually identify additional low-income housing sites when a developer chooses to develop market-rate housing on a site identified as being able to accommodate low-income housing. The combination of these requirements would create a de-facto, State-mandated inclusionary requirement necessitating State funding.

#### Comments on Agenda Item 6 (Proposed RHNA Distribution Methodology)

Although this item is described as informational only, SCAG staff is requesting input and direction from the RHNA Subcommittee on the staff recommended approaches for distributing existing and projected need to jurisdictions along with the social equity adjustments. The City of Newport Beach respectfully requests the Subcommittee to consider the following comments and provide SCAG staff direction to address these concerns.

- 6) Multiple adjustments for Social Equity - As mentioned in Comment 3 above, if a separate existing need calculation is developed based on the adjustment factors of vacancy and overcrowding, and subsequently redistributed to jurisdictions based on population, a social equity adjustment is already included through this redistribution. As such, no additional social equity adjustment should be applied.

Furthermore, the application of a new proposed 150% social equity adjustment is inappropriate for the following reasons:

- As previously stated, the redistribution of existing need based on population already accounts for social equity adjustment.
- As illustrated in Attachment 1 of the staff report, the City of Newport Beach is not highlighted as having a pronounced problem in any of the four factors identified as contributing to the unmet existing housing need. In particular, Newport Beach has issued building permits for new single-family and multi-family construction above the regional average. Additionally, Newport Beach maintains rates of overcrowding and cost-burden significantly below the regional average. Therefore, the application of 150% adjustment factor is excessive in the case of Newport Beach, and when combined with the fact that Newport Beach would be disproportionately assigned an existing need based on factors of vacancy and overcrowding that are not identified as a problem locally. The increased adjustment factor is simply unwarranted.

- The application of a 110% social equity adjustment factor in past RHNA cycles is a historically accepted practice that has been manageable for jurisdictions to zone and provide adequate sites to meet increased lower-income housing need.

7) Insufficient data to analyze proposed 30% distribution for High Quality Transit Area (HQTAs)

Insufficient data has been provided to thoroughly analyze the effect of the proposed 30% distribution based on population with HQTAs. Although the current staff report now includes a weblink to SCAG's Open Data platform, there is a vast amount of documents and data available for review and it is not clear how to find jurisdiction-specific information. SCAG should provide each jurisdictions population in an excel table, similar to a table provided in Attachment 1, and jurisdiction-specific maps to allow transparent availability to the data.

8) HQTA maps may have significant errors that need to be addressed

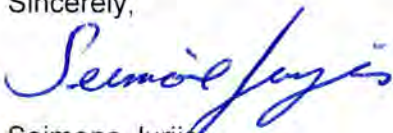
In reviewing both the 2014 and 2040 SCAG HQTA maps, it appears that the Catalina Flyer dock located in the City's historic Balboa Village is identified as a HQTA, when in reality, the ferry provides once-a-day recreational transportation to Catalina Island and does not connect to any significant bus and transit routes. The goal of encouraging growth around HQTAs will not be realized at this ferry location and assigning Newport Beach additional housing needs as a result is unwarranted.

9) Elimination of above-moderate income housing category from existing need allocation is not appropriate.

SCAG staff's current proposal to redistribute the existing need solely to lower- and moderate-income categories is not consistent with past practice, further increases the intensity of social equity adjustments being applied to jurisdictions, and will further set up jurisdictions for failure when attempting to development a compliant Housing Element as mentioned in Comment 6 above.

The City of Newport Beach appreciates your consideration of the comments provided in this letter. The City of Newport Beach shares SCAG's goal to develop and adopt a RHNA methodology that represents the best in regional planning, developed collaboratively with local jurisdictions and stakeholders in a manner that is credible and defensible at all levels, and can be realistically implemented in an equitable manner. The City looks forward to working with SCAG to achieve this goal.

Sincerely,



Seimone Jurjis,  
Community Development Director

cc: City Council  
Grace Leung, City Manager  
Jaime Murillo, Senior Planner  
Marnie Primmer, Orange County Council of Governments Executive Director

**RESOLUTION NO. 2020-92**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, AUTHORIZING THE FILING OF AN APPEAL OF THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS FINAL DRAFT REGIONAL HOUSING NEEDS ASSESSMENT ALLOCATION FOR THE CITY OF NEWPORT BEACH SIXTH CYCLE HOUSING ELEMENT (PA2018-225)**

**WHEREAS**, California Government Code Section 65580 *et seq.* requires that each city and county plan for existing and future housing needs in accordance with the Regional Housing Needs Assessment (“RHNA”) process;

**WHEREAS**, the Southern California Association of Governments (“SCAG”) is a joint powers authority encompassing Imperial, Los Angeles, Orange, Riverside, San Bernardino and Ventura counties that functions as a forum to address regional issues including allocation of residential units among SCAG member cities and counties;

**WHEREAS**, the City of Newport Beach (“City”) has worked diligently in partnership with other SCAG members and stakeholders for the Sixth Cycle Housing Element covering the planning period 2021 through 2029 (“Sixth Cycle”), reviewing draft methodologies and providing comments and recommendations to achieve a RHNA allocation that is fair, equitable, and in consideration of the unique circumstances and local planning factors inherent in our community;

**WHEREAS**, SCAG allocated 4,834 residential units (“RHNA Allocation”) to the City for the Sixth Cycle which is extraordinary, inequitable and based on flawed methodologies that do not fully consider constraints on the development of housing in the City as a result of a number of factors including, but not limited to, the City’s proximity to John Wayne Airport, the coastline, fire and flood zones;

**WHEREAS**, California Government Code Section 65584.05 authorizes a local government or the Department of Housing and Community Development (“HCD”) to appeal for a revision of the RHNA Allocation proposed for one or more local governments; and

**WHEREAS**, a revision to the City’s RHNA Allocation is necessary to further the intent of the statutorily mandated objectives listed in California Government Code Section 65584(d).

**NOW, THEREFORE**, the City Council resolves as follows:

**Section 1:** The City appeals the City's RHNA Allocation based upon the following three (3) criteria as authorized in California Government Code Section 65584.05(b):

- a. Local Planning Factors (Govt. Code § 65584.05(b)(1)). SCAG failed to adequately consider the information submitted pursuant to Section 65584.04(b). The City has several major unique constraints to the use of existing lands that severely limit or totally restrict the ability to accommodate growth to the extent identified.
- b. Methodology (Govt. Code § 65584.05(b)(2)). SCAG failed to determine the share of the regional housing need in accordance with the information described in, and the methodology established pursuant to Section 65584.04, and in a manner that furthers, and does not undermine, the intent of the objectives listed in Section 65584(d). The methodology fails to consider growth projections consistent with the SoCal Connect Plan, fails to equitably distribute residual units at a regional level, and fails to consider regional employment factors. The Final Draft Allocation for the City directly undermines Government Code Sections 65588(d)(1) and 65588(d)(2).
- c. Changed Circumstances (Govt. Code § 65584.05(b)(3)). A significant and unforeseen change in circumstances has occurred in the local jurisdiction or jurisdictions that merits a revision of the information submitted pursuant to Section 65584.04(b). The COVID-19 pandemic has had a demonstrable impact on the City's economy, as well as the economy of the region. The pandemic was unforeseen during the development of RHNA methodology and will have lasting impacts to the economy and housing market. Additionally, population growth trends in California have recently been revised to reflect a substantially lower rate of population growth in the region.

**Section 2:** The Community Development Director, or his designee, is directed to file the appeal of the City's RHNA Allocation of the Sixth Cycle in substantial conformance with the City of Newport Beach Appeal of the Sixth Cycle RHNA Allocation, which is attached hereto and incorporated herein by reference, and take any additional actions necessary to further the City's appeal of the RHNA Allocation.

**Section 3:** This appeal is consistent with, and not to the detriment of, the development pattern in the applicable sustainable communities' strategy (SCAG's Connect SoCal Plan) developed pursuant to California Government Code Section 65080(b)(2).



**Section 4:** The City Council is a strong advocate of the development of housing, including affordable housing, and of local control as the best means to protect the City, its residents and business owners, and promote the goals and priorities of the community. While the City is committed to contributing to its collective local, regional and state needs for housing, the City has demonstrated that its RHNA Allocation is unrealistic, excessive and based on faulty assumptions that can have grave consequences to the City and its residents. Therefore, the City respectfully objects to the RHNA Allocation and methodology used.

**Section 5:** The recitals provided in this resolution are true and correct and are incorporated into the operative part of this resolution.

**Section 6:** If any section, subsection, sentence, clause or phrase of this resolution is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this resolution. The City Council hereby declares that it would have passed this resolution, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.


**Section 7:** The City Council finds the adoption of this resolution is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

**Section 8.** This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting the resolution.

**ADOPTED** this 13th day of October, 2020.


  
\_\_\_\_\_  
Will O'Neill  
Mayor

**ATTEST:**

  
\_\_\_\_\_  
Leilani I. Brown  
City Clerk



**APPROVED AS TO FORM:**  
CITY ATTORNEY'S OFFICE

  
\_\_\_\_\_  
Aaron C. Harp  
City Attorney

ATTACHMENT: City of Newport Beach Appeal of the Sixth Cycle Draft Regional Housing Needs Assessment (RHNA) Allocation

Attachment: Newport Beach Appeal and Supporting Documentation (Appeal of the Draft RHNA Allocation for the City of Newport Beach)

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Ave  
Sacramento, CA 95833-1829  
916) 263-2911 FAX: (916) 263-7453  
www.hcd.ca.gov



December 10, 2020

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

Dear Executive Director Ajise:

**RE: Comment on Appeals of the Draft Regional Housing Need Allocation (RHNA) Plan**

Thank you for the opportunity to comment on the 52 appeals Southern California Association of Governments (SCAG) has received regarding the draft RHNA plan. The appeal process is an important phase in the development of a RHNA plan that ensures that all relevant factors and circumstances are considered.

The only circumstances under which a jurisdiction can appeal are:

- 65584.05(b)(1): The council of governments failed to adequately consider the information regarding the factors listed in subdivision (e) of section 65584.04.
- 65584.05(b)(2): The council of governments failed to determine the share of the regional housing need in a manner that furthers the intent of the objectives listed in subdivision (d) of section 65584.
- 65584.05(b)(3): A significant unforeseen change in circumstances occurred in the local jurisdiction that merits a revision of the information submitted pursuant to subdivision (e) of Section 65584.04.

The California Department of Housing and Community Development (HCD) urges SCAG to only consider appeals that meet these criteria.

Per Government Code section 65584.05(e)(1), SCAG's final determination on whether to accept, reject, or modify any appeal must be accompanied by written findings, including how the final determination is based upon the adopted RHNA allocation methodology, and how any revisions are necessary to further the statutory objectives of RHNA described in Government Code section 65584(d).

Among the appeals based on Government Code section 65584.05(b)(1), several appeals state that SCAG failed to consider the factor described in Government Code section 65584.04(e)(2)(B), citing the lack of land suitable for development as a basis for the appeal. However, this section states the council of governments may not limit its consideration of suitable housing sites to existing zoning and land use restrictions and must consider the potential for increased development under alternative zoning and

land use restrictions. Any comparable data or documentation supporting this appeal should contain an analysis of not only land suitable for urban development, but land for conversion to residential use, the availability of underutilized land, and opportunity for infill development and increased residential densities. In simple terms, this means housing planning cannot be limited to vacant land, and even communities that view themselves as built out must plan for housing through means such as rezoning commercial areas as mixed-use areas and upzoning non-vacant land.

With regard to appeals submitted related to Government Code section 65584.05(b)(2), that SCAG failed to determine the RHNA in a manner that furthers the statutory objectives, it should be noted that HCD reviewed SCAG's draft allocation methodology and found that the draft RHNA allocation methodology furthered the statutory objectives described in Government Code section 65584.

Among the appeals based on Government Code section 65584.05(b)(2), several contend that the cap on units allocated to extremely disadvantaged communities (DACs) does not further RHNA's statutory objectives. This cap furthers the statutory objective to affirmatively further fair housing by allocating more units to high opportunity areas and fewer units to low resource communities, and concentrated areas of poverty with high levels of segregation. Due to the inclusion of this factor, as well as the use of TCAC/HCD Opportunity Maps, SCAG's methodology allocates 14 of the top 15 highest shares of lower-income RHNA to jurisdictions with over 99.95 percent High and Highest Resource areas. With the exceptions of two jurisdictions, the 31 jurisdictions with the highest share of lower-income RHNA are all over 95 percent High and Highest Resource areas. Any weakening of these inputs to the methodology could risk not fulfilling the statutory objective to affirmatively further fair housing.

Several appeals argue that SCAG's RHNA allocation methodology does not adequately promote access to jobs and transit, as required in objectives two and three. HCD's review of SCAG's RHNA methodology found the allocation does further the environmental principles of objective two. SCAG's overall allocation includes significant weight related to the location of high-quality transit areas and the regional distribution of jobs that can be accessed within a 30-minute driving commutes. Regarding objective three, HCD's analysis as to whether jobs-housing fit was furthered by SCAG's draft methodology found that across all jurisdictions there is generally good alignment between low-wage jobs and lower-income RHNA, with all but 15 jurisdictions within a half percent plus or minus difference between their share of lower-income RHNA for the region and their percentage low-wage jobs for the region.

Several appeals are based upon the provision described in Government Code section 65584.05(b)(3), arguing that the COVID-19 pandemic represents a significant and unforeseen change in circumstances that will affect future population and job growth. Ensuring everyone has a home is critical to public health. Reducing and preventing overcrowding and homelessness are essential concerns for every community. The COVID-19 pandemic has only increased the importance that each community is planning for sufficient affordable housing.

Lastly, several appeals state that the Regional Housing Needs Determination (RHND) HCD provided to the SCAG region is too large. SCAG submitted an objection to the RHND at the appropriate time and through the appropriate process. HCD considered those objections and [determined the final RHND for 6<sup>th</sup> Housing Element Cycle for the SCAG region on October 15, 2019](#). There are no further appeal procedures available to alter the SCAG region's RHND for this cycle. Government Code section 65584.05(b) does not allow local governments to appeal the RHND during the 45-day period following receipt of the draft allocation.

HCD acknowledges that many local governments will need to plan for more housing than in the prior cycle to accommodate a RHND that more fully captures the housing need and as the statutory objectives of RHNA shift more housing planning near jobs, transit, and resources. The Southern California region's housing crisis requires each jurisdiction to plan for the housing needs of their community and the region. In recognition of this effort there are more resources available than ever before to support jurisdictions as they prepare to update their 6<sup>th</sup> cycle housing elements:

- SB 2 Planning Grants – \$123 million one-time allocation to cities and counties
- SB 2 Planning Grants Technical Assistance offered to all jurisdictions
- Regional and Local Early Action Planning Grants – \$238 million one-time allocation for local and regional governments
- SB 2 Permanent Local Housing Allocation – approximately \$175 million annually in ongoing funding for local governments to increase affordable housing stock

If HCD can provide any additional assistance, or if you, or your staff, have any questions, please contact Megan Kirkeby, Deputy Director, [megan.kirkeby@hcd.ca.gov](mailto:megan.kirkeby@hcd.ca.gov).



Megan Kirkeby  
Deputy Director



# City of Whittier

13230 Penn Street, Whittier, California 90602-1716  
(562) 567-9320 Fax (562) 567-2872 www.cityofwhittier.org

Electronically Transmitted to: [Housing@scag.ca.gov](mailto:Housing@scag.ca.gov)

December 10, 2020

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

**SUBJECT: City of Whittier's Comments on Appeals to the Sixth Cycle Regional Housing Needs Assessment (RHNA) Allocation**

Honorable Chair and Honorable Committee Members:

The City of Whittier ("City") appreciates the challenges that are inherent in allocating 1,341,827 housing units by the thousands (a 226% increase above the baseline 412,137 unit) to cities across Southern California, especially in built-out cities. However, the City is deeply concerned its housing allocation of 3,431 units from the State Department of Housing and Community Development ("HCD") and the Southern California Association of Government's ("SCAG") unit distribution methodology, along with recent housing legislation will fundamentally abridge the City's ability to develop effective land-use policies that are appropriate for managing the community's actual needs. The 878 units in the 5<sup>th</sup> cycle RHNA allocation has been increased by 290% to 3,431 units in the current 6<sup>th</sup> cycle. Particularly challenging in the 6<sup>th</sup> cycle, is the number of low and very low-income units (1,558) which combined with the moderate and above moderate unit totals forces unplanned and unnecessary residential densification of the community.

The affordable units are an unfunded mandate with very limited regional or State financial support for their development. Considering the affordable housing subsidies typically range from \$50,000 to \$250,000 per unit, the overall funding requirements could range from \$78,000,000 to \$390,000,000 which is clearly beyond the reach of the City of Whittier in that the City's general fund budget is just \$72,000,000 which already include \$2,000,000 annually to house the City's unsheltered residents in transitional housing. Additionally, the City only receives 7.5% of each property tax dollar to provide general services including police and library services.

The City is currently in the process of updating its Housing Element as well as the General Plan to incorporate the current RHNA allocation, so Whittier is acutely aware of the various housing needs as well as the potential obstacles, such as aging infrastructure and unplanned density, to creating the requisite housing within a city that

Attachment: Comments Received during the Comment Period (Appeal of the Draft RHNA Allocation for the City of Newport Beach)

is essentially built out. The changes in the State's housing laws (SB 35, SB 166 and AB 1397) have created additional constraints for the agencies and may severely impact the City's ability to accomplish our regional and local housing goals.

Since development in Whittier began more than 130 years ago, the City is virtually built-out with little developable vacant land outside of its designated open space areas that are dedicated to accommodating existing and future residents. While the City has made significant efforts through its specific plans to densify existing corridors and districts, the majority of Whittier's remaining single-family residential neighborhoods cannot accommodate similar densification. Furthermore, the hills north of Whittier contain regional open space, sensitive habitat and wildlife areas that must be preserved in perpetuity. There are also significant infrastructure and water service constraints that impact Whittier's ability to produce significantly more housing. Although these facts may not be desirable, they must be pragmatically accounted for and mitigated by not further increasing Whittier's share of housing units contained in SCAG's 6<sup>th</sup> Cycle RHNA. The final RHNA allocation and methodology must be fair and equitable while reflecting the capacity for reasonable housing unit construction.

As with many other cities, the City is concerned about the current allocation, but an even greater concern is that additional units may be applied to the City if reallocated from cities that are successful in their appeals. To that end, the City believes the appeal process itself was unclear as to the potential ramifications to other cities and not fully understood.

Although we fully support the surrounding cities in their appeals, the potential for additional units being applied to the City would exacerbate the problems described herein and in Whittier's September 13, 2019 letter to SCAG.

Should you have any questions, please do not hesitate to contact me.

Sincerely,



Jeffery S. Adams  
Director of Community Development

File

**From:** Christopher Koontz <Christopher.Koontz@longbeach.gov>  
**Sent:** Thursday, December 3, 2020 11:14 AM  
**To:** Regional Housing  
**Subject:** RHNA Appeals

**Categories:** Response Required, Record

Good morning,

The purpose of this email is to provide the City of Long Beach’s position in regards to pending RHNA appeals before SCAG. The City of Long Beach seeks to meet its housing needs and obligations for the benefit of Long Beach residents and the region. Our allocation was extremely large and presents a planning and financing challenge for the City. Nonetheless we chose not to appeal our allocation because the allocation process was fair and transparent including taking the City of Long Beach’s input into consideration.

We oppose and will not accept any transfer of additional allocation due to the pending appeals. We note that within our area, the Gateway COG, appeals are pending from Bellflower, Cerritos, Downey, Huntington Park, La Mirada, Lakewood, Pico Rivera, and South Gate. Each of these appeals should be evaluated by SCAG on the merits, however Long Beach opposes any transfer of allocation to our City. It would be inappropriate to transfer a further burden to Long Beach when we have already accepted a large allocation and have done more than many cities in the region to accommodate housing growth under the current RHNA cycle, including fully meeting our market-rate RHNA allocation.

The City of Long Beach will continue to work with SCAG and our neighbor jurisdictions to address the housing needs of our residents.

We thank you for consideration and please do not hesitate to contact the City regarding our position.

Christopher Koontz, AICP  
*Deputy Director*

Development Services  
411 W. Ocean Blvd., 3rd Floor | Long Beach, CA 90802  
Office: 562.570.6288 | Fax: 562.570.6068



Attachment: Comments Received during the Comment Period (Appeal of the Draft RHNA Allocation for the City of Newport Beach)





Southern California Association of Governments  
Remote Participation Only  
January 15, 2021

**To:** Regional Housing Needs Assessment Subcommittee (RHNA)  
**From:** Kevin Kane, Senior Regional Planner,  
(213) 236-1828, kane@scag.ca.gov  
**Subject:** Appeal of the Draft RHNA Allocation for the City of Garden Grove

EXECUTIVE DIRECTOR'S  
APPROVAL

**RECOMMENDED ACTION:**

Deny the appeal filed by the City of Garden Grove to reduce the Draft RHNA Allocation for the City of Garden Grove by 2,813 units.

**STRATEGIC PLAN:**

This item supports the following Strategic Plan Goal 2: Advance Southern California’s policy interests and planning priorities through regional, statewide, and national engagement and advocacy.

**SUMMARY OF APPEAL(S):**

The City of Garden Grove requests a reduction of its RHNA allocation by 2,813 units (from 19,122 units to 16,309 units). Garden Grove bases its appeal on the following:

1. Application of the adopted Final RHNA Methodology for the 6<sup>th</sup> Cycle (2021 – 2029) - the “DAC” or Disadvantaged Communities adjustment places a disproportionate burden on Non-DAC jurisdictions which fall just below the 50% DAC threshold.
2. Changed circumstances - the COVID-19 pandemic has uniquely impacted its future employment and that this should lead to a reduction of the City’s housing need.

**RATIONALE FOR STAFF RECOMMENDATION:**

Staff have reviewed the appeal(s) and recommend no change to the City of Garden Grove’s RHNA allocation.

Regarding Issue 1, the assertion that the application of the DAC adjustment was inequitable and disproportionate is a challenge to the Final RHNA methodology, which was adopted in final form by the Regional Council on March 5, 2020. This is not a valid basis for an appeal as the adopted Final RHNA methodology cannot be revised by the RHNA Appeals Board.

**OUR MISSION**

*To foster innovative regional solutions that improve the lives of Southern Californians through inclusive collaboration, visionary planning, regional advocacy, information sharing, and promoting best practices.*

**OUR VISION**

*Southern California’s Catalyst for a Brighter Future*

**OUR CORE VALUES**

*Be Open | Lead by Example | Make an Impact | Be Courageous*

Regarding Issue 2, while the City of Garden Grove indicates that COVID-19 has resulted in job losses, it does not provide evidence as to how and why this information merits a revision of information used to determine housing need, per Government Code 65584.05(b)(3).

**BACKGROUND:****Draft RHNA Allocation**

Following the adoption of the Final RHNA Methodology on March 5, 2020 and the adoption of Connect SoCal on September 3, 2020, all local jurisdictions received draft RHNA allocations on September 11, 2020. A summary is below.

Total RHNA for the City of Garden Grove: 19,122 units  
Very Low Income: 4,155 units  
Low Income: 2,795 units  
Moderate Income: 3,204 units  
Above Moderate Income: 8,968 units

Additional background related to the Draft RHNA Allocation is included in Attachment 1.

**Summary of Comments Received during 45-day Comment Period**

No comments were received from local jurisdictions or HCD during the 45-day public comment period described in Government Code section 65584.05(c) which specifically regard the appeal filed for the City of Garden Grove. Three comments were received which relate to appeals filed generally:

- HCD submitted a comment on December 10, 2020 delineating the statutory basis for RHNA appeals and the requirement that any appeals granted must include written findings regarding how revisions are necessary to further RHNA's statutory objectives.
- The City of Whittier submitted a comment on December 10, 2020 supporting surrounding cities in their appeals, but expressing concern that additional units may be applied to Whittier if reallocated from cities which are successful in their appeals.
- The City of Long Beach submitted a comment on December 3, 2020 indicating their view that the RHNA allocation process was fair and transparent, their support for evaluating appeals on their merits (specifically those from the Gateway Council of Governments), and their opposition to any action which would result in a transfer of additional units to Long Beach.

**ANALYSIS:**

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**Issue 1: Application of the adopted Final RHNA Methodology for the 6th Cycle RHNA (2021-2029) [Government Code Section 65584.05 (b)(2)].**

*The City of Garden Grove raises issues related to the “DAC adjustment.” The City contends that in its application, an exemption for five of the 35 Orange County jurisdictions inequitably redistributes 24% of the County’s total allocation to the 30 “non-DAC” jurisdictions based on their job and transit accessibility measures. Relatedly, the City claims that the 2019 state Tax Credit Allocation Commission (TCAC) data are being used outside their intended purpose.*

*The City, with 48% of its population in a low or very-low resourced area, requests that a “sliding scale exemption” would result in a more equitable distribution of housing need based on this criterion rather than an all-or-nothing approach.*

*Furthermore, the City claims that SCAG failed to adequately consider information submitted and available to SCAG prior to the adoption of the RHNA Methodology. Specifically, Garden Grove uses data from the websites of the 5 DAC jurisdictions in Orange County to suggest that their planned and approved units as of September 2020 exceed their 6<sup>th</sup> cycle RHNA allocation.*

**SCAG Staff Response:**

**RHNA Methodology and AFFH Objectives**

SCAG’s adopted RHNA Methodology balanced a wide range of policy and statutory objectives (i.e., the objectives set forth in Government Code section 65584(d)). For example, the methodology incorporates locally envisioned growth from Connect SoCal, recognizes the importance of job and transit access in future housing planning, and demonstrates a commitment to social equity in the form of the social equity adjustment and the reallocation of residual housing need in lower-resourced jurisdictions to higher-resourced jurisdictions.

With respect to the statutory objectives, SCAG used objective measures to advance certain principles, but since local and regional conditions vary tremendously across the state and over time, there are few consistent quantitative standards which can be used to evaluate all aspects of the methodology. Ultimately, however, the RHNA statute vests HCD with the authority to decide whether statutory objectives have been met. On January 13, 2020, HCD found that SCAG’s (then draft) 6th cycle Methodology advanced all five statutory objectives of RHNA.<sup>1</sup>

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<sup>1</sup> The objectives are: 1) Increasing the housing supply and the mix of housing types, tenure, and affordability in all cities and counties within the region in an equitable manner, which shall result in each jurisdiction receiving an allocation of units for low- and very low-income households. (2) Promoting infill development and socioeconomic equity, the protection of environmental and agricultural resources, the encouragement of efficient development patterns, and the achievement of the region’s greenhouse gas reductions targets provided by the State Air Resources Board pursuant to Section 65080. (3) Promoting an

Affirmatively Furthering Fair Housing (AFFH) is a RHNA objective, and the residual reallocation is part of the adopted Final RHNA Methodology. The DAC adjustment is a feature of the RHNA Methodology whereby lower-resourced jurisdictions, as measured by having 50% or more of their population within low or very-low resource areas using the 2019 state Tax Credit Allocation Commission (TCAC) opportunity mapping indicators, have a cap on their RHNA Allocation based on their 2020-2045 local input-based growth forecast. Government Code section 65584.04(i) vests authority to assess whether a methodology furthers the statutory objectives in HCD. In HCD's comment letter dated December 20, 2020 (HCD Comment Letter), HCD specifically explains that the cap on units allocated to DACs furthers the AFFH statutory objective:

“Among the appeals based on Government Code section 65584.05(b)(2), several contend that the cap on units allocated to extremely disadvantaged communities (DACs) does not further RHNA's statutory objectives. This cap furthers the statutory objective to affirmatively further fair housing by allocating more units to high opportunity areas and fewer units to low resource communities, and concentrated areas of poverty with high levels of segregation. Due to the inclusion of this factor, as well as the use of TCAC/HCD Opportunity Maps, SCAG's methodology allocates 14 of the top 15 highest shares of lower-income RHNA to jurisdictions with over 99.95 percent High and Highest Resource areas. With the exceptions of two jurisdictions, the 31 jurisdictions with the highest share of lower-income RHNA are all over 95 percent High and Highest Resource areas. Any weakening of these inputs to the methodology could risk not fulfilling the statutory objective to affirmatively further fair housing.” (HCD Comment Letter at p.2).

Furthermore, in HCD's January 13, 2020 letter approving the Draft RHNA Methodology (HCD RHNA Methodology Letter) (attached), HCD finds that SCAG's RHNA Methodology furthers all five statutory objectives, stating,

“HCD applauds the inclusion of the affirmatively furthering fair housing adjustment factor in the methodology. This factor directs more lower income RHNA to higher opportunity areas and reduces allocations in segregated concentrated areas of poverty, as defined in the *HCD/TCAC Opportunity Maps*, which evaluate access to opportunity, racial segregation, and concentrated poverty on 11 dimensions, which are all evidence-based indicators related to long term life outcomes.” (HCD RHNA Methodology Letter at p.1) (emphasis added and footnote omitted).

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improved intraregional relationship between jobs and housing, including an improved balance between the number of low-wage jobs and the number of housing units affordable to low-wage workers in each jurisdiction. (4) Allocating a lower proportion of housing need to an income category when a jurisdiction already has a disproportionately high share of households in that income category, as compared to the countywide distribution of households in that category from the most recent American Community Survey. (5) Affirmatively furthering fair housing (Govt. Code § 65584(d)).

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### Opportunity Mapping Data and “Sliding Scale” Proposal

While the City argues that the TCAC’s Opportunity Mapping Tool was never intended to identify jurisdictions with more than 50% of their population located in DACs, HCD, the co-creator of this data source, has found that the tool’s use for this purpose to be a critical component in SCAG’s RHNA Methodology and furthers the AFFH statutory objective. The 2019 opportunity mapping data been part of several proposed variations of SCAG’s RHNA Methodology as they underwent review during 2019 and also went through an extensive development and public review process during their development by the California Fair Housing Task Force (see <https://www.treasurer.ca.gov/ctcac/opportunity.asp>) and vetting through TCAC and HCD.

The City proposes an alternative method for measuring advantage or disadvantage in a jurisdiction which involves utilizing a “sliding scale exemption”. However, an appeal citing RHNA Methodology as its basis must appeal the application of the adopted Methodology, not the Methodology itself. An example of an improper application of the adopted Methodology might be a data error which was identified by a local jurisdiction, not the presentation of an alternative methodology.

### Information Submitted and/or Available Regarding DAC Jurisdictions

Attachment 1 describes SCAG’s Bottom-Up Local Input and Envisioning Process in detail. All local jurisdictions were provided the same opportunity to comment on and provide additional information regarding anticipated population, household, and employment growth. In order to ensure ample time for required modeling analyses and public review, data inputs were due in October 2018, with two subsequent opportunities for providing technical refinements in December 2019 and June 2020 (jurisdiction-level growth totals could *not* be changed during these opportunities). These data constitute what was submitted to SCAG described in 65584.04(e).

The RHNA statute provides defined timeframes guided by the deadline for the housing element revisions<sup>2</sup> for HCD’s RHNA determination and SCAG’s Final RHNA Allocation Plan. HCD, in consultation with each council of governments (COG), shall determine each region’s existing and projected housing need pursuant to Section 65584.01 at least **two years prior** to the scheduled revision required pursuant to Section 65588. Govt. Code § 65584(b). This “determination shall be based upon population projections produced by the Department of Finance and regional population forecasts used in preparing regional transportation plans, in consultation with each council of governments.” Govt. Code § 65584.01(b). HCD begins the process **26 months prior** to the scheduled revision so the data HCD relies on is the available provided by the COGs at that time.

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<sup>2</sup> Currently, local governments within the jurisdiction of SCAG are required to adopt their sixth revision of the housing element on or before October 15, 2021. Govt. Code § 65588(e)(2)(II).

Similarly, the COG issues its survey for information to develop the RHNA allocation methodology up to **30 months prior** to the scheduled revision. By necessity, the data used for these processes is data available at that time.

Under the constraints of the timeframe and considering the comprehensive and equitable process whereby local input had already been solicited, submitted, and included in the RHNA methodology, SCAG does not have a responsibility or the authority to include every piece of information “available” as Garden Grove contends. SCAG relies on the local input process for jurisdictions to provide the most accurate and relevant information for SCAG to consider in its growth forecast.

SCAG staff does not recommend a reduction on the basis of new information regarding the websites of the 5 DAC jurisdictions in Orange County since the information is not related to the City of Garden Grove. Government code 65584.05(b)(1) permits a jurisdiction to appeal the Draft RHNA Allocation of another jurisdiction on the same grounds. Garden Grove has filed a separate appeal of Santa Ana’s Draft RHNA Allocation, requesting an increase of 7,087 units, also contending that SCAG failed to adequately consider housing development data in the City of Santa Ana. These issues are addressed in the appeal of Santa Ana’s Draft RHNA Allocation.

***Issue 2: Changed circumstances [Government Code 65584.05(b)].***

*The City of Garden Grove claims that a change in circumstances warrants a revision to the Draft RHNA Allocation. The COVID-19 pandemic has resulted in a “significant and unforeseen” change in circumstance since employment projection data were submitted in 2018 which result in an anticipated decrease in the City’s 2020-2030 job forecast by 1,746 jobs.*

**SCAG Staff Response:** Citing the Covid-19 pandemic, the City asserts that changed circumstances merit revisions to data previously relied upon. The City states that nearly 2,800 service jobs have been lost and as such the 2020-2030 employment outlook for the City is 1,746 jobs lower than it previously had been.

First, while SCAG staff recognizes that COVID-19 presents unforeseen circumstances and that local governments have been affected by significant unemployment, these facts, as presented by the City, do not “merit a revision of the information submitted pursuant to subdivision (b) of Section 65584.04” (Government Code section 65584.05(b)(3)). Furthermore, section 65584.05(b) requires that,

“Appeals shall be based upon comparable data available for all affected jurisdictions and accepted planning methodology, and supported by adequate documentation, and shall include a statement as to why the revision is necessary to further the intent of the objectives listed in subdivision (d) of Section 65584.”

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Such comparable data is not provided by the City of Garden Grove.

In fact, SCAG's Regional Council delayed the adoption of the 2020 RTP/SCS by 120 days in order to assess the impact of COVID-19; however, the document's long-range (2045) forecast of population, employment, and household growth remained unchanged. The Demographics and Growth Forecast Technical Report<sup>3</sup> outlines the process for forecasting long-range employment growth which involves understanding national growth trends and regional competitiveness, i.e., the SCAG's region share of national jobs. Short-term economic forecasts commenting on COVID-19 impacts generally do not provide a basis for changes in the region's long-term competitiveness or the region's employment outlook for 2023-2045. As such, SCAG's assessment is that comparable data would not suggest long-range regional employment declines.

Secondly, the City of Garden Grove suggests that the loss of employment in the City should reduce its housing need by 1,512 units. However, no evidence is provided that this loss of jobs will reduce housing need. While the City references the RHNA objective regarding regional jobs-housing relationships (Government Code § 65584(d)(3)) as a basis for this connection, SCAG's RHNA Methodology addresses this statutory objective through the job accessibility measure—in large part due to the fact that 80 percent of the SCAG region's workers live and work in different jurisdictions. Specifically, the City's share of regional job accessibility is used to allocate housing units. This measure indicates that 2,175,000 future jobs (21.64% of the region's total employment of 10,049,000) can be accessed within a 30-minute AM peak automobile commute. Note that as discussed above, HCD found that the Draft Methodology furthers the five statutory objectives of RHNA, including promoting an improved intraregional relationship between jobs and housing.

Assuming *arguendo* Garden Grove's reduction of future employment by 1,746, this would mean that 2,173,254 future jobs (21.63% of the regional total) would be accessible. Using the largest city job loss figure referenced in the City's appeal of 4,500 jobs, future Garden Grove residents would still be able to access 21.60% of the region's jobs. Such a change would result in an extremely small decrease in Garden Grove's share of regional job access. However, Garden Grove asserts that this job reduction has crippled the tourism economy more broadly and can reasonably be assumed to decrease jobs outside of the City as well. As such, it cannot be assessed from the evidence provided how the City's job accessibility relative to the region would decrease.

Ultimately, these issues do not "merit a revision of the information submitted pursuant to subdivision (b) of Section 65584.04(b)." (Government Code section 65584.05(b)(3)). The inputs to the RHNA Methodology are not impacted by these purported changes in circumstance and SCAG staff does not recommend a reduction of the City of Garden Grove's Draft RHNA Allocation.

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<sup>3</sup> See [https://www.connectsocial.org/Documents/Adopted/0903fConnectSoCal\\_Demographics-And-Growth-Forecast.pdf](https://www.connectsocial.org/Documents/Adopted/0903fConnectSoCal_Demographics-And-Growth-Forecast.pdf)

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**FISCAL IMPACT:**

Work associated with this item is included in the current FY20-21 Overall Work Program (300-4872Y0.02: Regional Housing Needs Assessment).

**ATTACHMENT(S):**

1. Local Input and Development of Draft RHNA Methodology (City of Garden Grove)
2. Garden Grove Appeal and Supporting Documentation
3. Map of Job Accessibility near the City of Garden Grove (2045)
4. HCD Review of Draft RHNA Methodology (Jan 13, 2020)
5. Comments Received during the Comment Period



Southern California Association of Governments  
Remote Participation Only  
**City of Garden Grove RHNA Appeal**  
**January 15, 2021**

**Attachment 1: Local Input and Development of the Draft RHNA Allocation**

This attachment sets forth the nature and timing of the opportunities which the City of Garden Grove had to provide information and local input on SCAG’s growth forecast, the RHNA methodology, and the Growth Vision of the 2020 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS or Connect SoCal). It also describes how the RHNA Methodology development process integrates this information in order to develop the City of Garden Grove’s Draft RHNA Allocation.

**1. Local input**

***a. Bottom-Up Local Input and Envisioning Process***

On October 31, 2017, SCAG took the first step toward developing draft RHNA allocations by initiating the Bottom-Up Local Input and Envisioning Process. At the direction of the Regional Council, the objective of this process was to seek local input and data to prepare for Connect SoCal and the 6<sup>th</sup> cycle of RHNA.<sup>1</sup> Each jurisdiction was provided with a package of land use, transportation, environmental, and growth forecast data for review and revision which was due on October 1, 2018.<sup>2</sup> While the local input process materials focus principally on jurisdiction-level and Transportation Analysis Zone (TAZ) level growth, input on specific parcels, sites, and project areas were welcomed and integrated into SCAG’s growth forecast as well as data on other elements. SCAG met one-on-one with all 197 local jurisdictions between November 2017 and July 2018 and provided training opportunities and staff support. Following input from SCAG’s Technical Working Group (TWG), the Connect SoCal growth forecast reflected precisely the jurisdiction-level growth totals provided during this process.

Forecasts for jurisdictions in Orange County were developed through the 2018 Orange County Projections (OCP-2018) update process conducted by the Center for Demographic Research (CDR) at Cal State Fullerton. Jurisdictions were informed of this arrangement by SCAG at the kickoff of the Process. For the City of Garden Grove, the anticipated number of households in 2020 was 46,870 and in 2030 was 48,350 (growth of 1,480 households). In March 2018, SCAG staff and CDR staff met with staff from the City of Garden Grove to discuss the Bottom-Up Local Input and Envisioning Process and answer questions.

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<sup>1</sup> While the RTP/SCS and RHNA share data elements, they are distinct processes. The RTP/SCS growth forecast provides an assessment of reasonably foreseeable future patterns of employment, population, and household growth in the region given demographic and economic trends, and existing local and regional policy priorities. The RHNA identifies anticipated housing need over a specified eight-year period and requires that local jurisdictions make available sufficient zoned capacity to accommodate this need. A further discussion of the relationship between these processes can be found in Connect SoCal Master Response 1 at [https://www.connectsoocal.org/Documents/Adopted/0903fConnectSoCal\\_Public-Participation-Appendix-2.pdf](https://www.connectsoocal.org/Documents/Adopted/0903fConnectSoCal_Public-Participation-Appendix-2.pdf).

<sup>2</sup> A detailed list of data during this process reviewed can be found in each jurisdiction’s Draft Data/Map Book at <https://scag.ca.gov/local-input-process-towns-cities-and-counties>

### **b. RHNA Methodology Surveys**

On March 19, 2019, SCAG distributed a packet of methodology surveys, which included the local planning factor survey (formerly known as the AB2158 factor survey), Affirmatively Furthering Fair Housing (AFFH) survey, and replacement need survey, to SCAG jurisdictions' Community Development Directors. Surveys were due on April 30, 2019. SCAG reviewed all submitted responses as part of the development of the Draft RHNA Methodology. The City of Garden Grove submitted the following surveys prior to the adoption of the Draft RHNA Methodology:

- Local planning factor survey
- Affirmatively Furthering Fair Housing (AFFH) survey
- Replacement need survey
- No survey was submitted to SCAG

### **c. Connect SoCal Growth Vision and Additional Refinements**

Beginning in May 2018, SCAG's Sustainable Communities Working Group began the process of developing growth scenarios for the SCAG region. The culmination of this work was the development of the Connect SoCal Growth Vision, which directly uses jurisdictional-level growth projections from the Bottom-Up Local Input and Envisioning process, and also features strategies for growth at the TAZ-level that help to reduce greenhouse gas emissions (GHG) from automobiles and light trucks to achieve Southern California's GHG reduction target, approved by the California Air Resources Board (CARB) in accordance with state planning law. Additional detail regarding the Connect SoCal Growth Vision, specifically the Transportation Analysis Zone (TAZ, or neighborhood) level projections is found at <https://www.connectsocial.org/Documents/DataMapBooks/Growth-Vision-Methodology.pdf>.

As a result of these strategies, in some jurisdictions growth at the TAZ-level differed from locally anticipated growth conveyed during the Bottom-Up Local Input and Envisioning Process.

As such, SCAG provided two additional opportunities for all local jurisdictions to make TAZ-level technical refinements on the topics of general plan capacities and entitlements. During the release of the draft Connect SoCal Plan, jurisdictions were notified on October 31, 2019 that SCAG would accept additional refinements until December 11, 2019. Following the Regional Council's decision to delay full adoption of Connect SoCal for 120 days due to the COVID-19 pandemic, all jurisdictions were again notified on May 26, 2020 that SCAG would accept additional refinements until June 9, 2020.

Connect SoCal Growth Vision data have been available to local jurisdiction staff during the entirety of this process through SCAG's Scenario Planning Model Data Management Site (SPM-DM) at <http://spmdm.scag.ca.gov> and updates were shared with local jurisdictions on technical refinements to the data in February 2020 and August 2020 to share the results of both review opportunities. SCAG

received additional technical corrections from the City of Garden Grove and incorporated them into the Growth Vision in December 2019.

## 2. Development of the Final RHNA Methodology

SCAG convened the first meeting of the RHNA Subcommittee in October 2018. In their subsequent monthly meetings, this body reviewed and advised on the development of SCAG's 6<sup>th</sup> cycle RHNA process, including the development of the RHNA methodology. Per Government Code 65584.04(a), SCAG must develop a RHNA methodology which furthers the five statutory objectives of RHNA:

*(1) Increasing the housing supply and the mix of housing types, tenure, and affordability in all cities and counties within the region in an equitable manner, which shall result in each jurisdiction receiving an allocation of units for low- and very low income households.*

*(2) Promoting infill development and socioeconomic equity, the protection of environmental and agricultural resources, the encouragement of efficient development patterns, and the achievement of the region's greenhouse gas reductions targets provided by the State Air Resources Board pursuant to Section 65080.*

*(3) Promoting an improved intraregional relationship between jobs and housing, including an improved balance between the number of low-wage jobs and the number of housing units affordable to low-wage workers in each jurisdiction.*

*(4) Allocating a lower proportion of housing need to an income category when a jurisdiction already has a disproportionately high share of households in that income category, as compared to the countywide distribution of households in that category from the most recent American Community Survey.*

*(5) Affirmatively furthering fair housing (Govt. Code § 65584(d)).*

As explained in more detail below, the Draft RHNA Methodology (which was adopted as the Final RHNA Methodology) set forth the policy factors, data sources, and calculations which would be used to generate draft RHNA allocations for all local jurisdictions. Following extensive debate and public comment, SCAG's Regional Council voted to approve the Draft RHNA Methodology on November 7, 2019 and provide it to HCD for review. Per Government Code 65584.04(i), HCD is vested with the authority to determine whether a methodology furthers the objectives set forth in Government Code section 65584(d). On January 13, 2020, HCD found that the Draft RHNA Methodology furthers these five statutory objectives of RHNA. Specifically, HCD noted that:

*"This methodology generally distributes more RHNA, particularly lower income RHNA, near jobs, transit, and resources linked to long term improvements of life outcomes.*

*In particular, HCD applauds the use of the objective factors specifically linked the statutory objectives in the existing need methodology.” (Letter from HCD to SCAG dated January 13, 2020 at <https://scag.ca.gov/sites/main/files/file-attachments/hcd-review-rc-approved-draft-rhna-methodology.pdf?1602190239>).*

On March 5, 2020, again following extensive debate and public comment, the Regional Council voted to approve the Draft RHNA Methodology as the Final RHNA Methodology. Unlike SCAG’s 5<sup>th</sup> cycle RHNA methodology which relies almost entirely on the household growth component of the RTP/SCS, SCAG’s 6<sup>th</sup> cycle RHNA methodology consists of two primary elements: “projected need” which includes the number of housing units required to accommodate anticipated population growth over the 8-year RHNA planning period and “existing need,” which refers to the number of housing units required to accommodate excess or unsatisfied housing demand experienced by the region’s current population.<sup>3</sup> Furthermore, the Final RHNA methodology utilizes measures of 2045 job accessibility and High Quality Transit Area (HQTA) population measures based on TAZ-level projections in the Connect SoCal Growth Vision.

More specifically, the Final RHNA Methodology considers three primary factors in determining a local jurisdiction’s total housing need which are primarily based on data from Connect SoCal’s aforementioned Bottom-Up Local Input and Envisioning Process:

- Forecasted growth over 2020-2030 (projected need)
- Transit accessibility in 2045 (existing need)
- Job accessibility in 2045 (existing need)

The methodology is described in further detail at <http://scag.ca.gov/programs/Documents/RHNA/SCAG-Final-RHNA-Methodology-030520.pdf>.

### 3. Draft RHNA Allocation for the City of Garden Grove

Following the adoption of the Final RHNA Methodology on March 5, 2020 and the 120 day delay due to the COVID-19 pandemic, SCAG adopted Connect SoCal on September 3, 2020, and the City of Garden Grove received its draft RHNA allocation on September 11, 2020. Application of the RHNA methodology yields the draft RHNA allocation for the City of Garden Grove as summarized in the data and calculations in the tables below.

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<sup>3</sup> 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 direct inputs to the growth forecasting process and are independent of employment and population projections. In contrast, they reflect additional latent housing needs in the current population (i.e., “existing need”) and would not result in a change in regional population. For further discussion see Connect SoCal Master Response 1 at [https://www.connectsocial.org/Documents/Adopted/0903fConnectSoCal\\_Public-Participation-Appendix-2.pdf](https://www.connectsocial.org/Documents/Adopted/0903fConnectSoCal_Public-Participation-Appendix-2.pdf).

<b>Garden Grove city statistics and inputs:</b>	
Forecasted household (HH) growth, RHNA period: <i>(2020-2030 Household Growth * 0.825)</i>	1221
Percent of households who are renting:	46%
Housing unit loss from demolition (2009-18):	253
Adjusted forecasted household growth, 2020-2045: <i>(Local input growth forecast total adjusted by the difference between the RHNA determination and SCAG's regional 2020-2045 forecast, +4%)</i>	2,421
Percent of regional jobs accessible in 30 mins (2045): <i>(For the jurisdiction's median TAZ)</i>	21.64%
Jobs accessible from the jurisdiction's median TAZ (2045): <i>(Based on Connect SoCal's 2045 regional forecast of 10.049M jobs)</i>	2,175,000
Share of region's job accessibility (population weighted):	1.48%
Jurisdiction's HQTa population (2045):	135,945
Share of region's HQTa population (2045):	1.33%
Share of population in low/very low-resource tracts:	47.92%
Share of population in very high-resource tracts:	0.00%
Social equity adjustment:	150%

Calculation of Draft RHNA Allocation for Garden Grove city	
Forecasted household (HH) growth, RHNA period:	1221
Vacancy Adjustment <i>(5% for renter households and 1.5% for owner households)</i>	38
Replacement Need	253
<b>TOTAL PROJECTED NEED:</b>	<b>1512</b>
Existing need due to job accessibility (50%)	6172
Existing need due to HQTAs pop. share (50%)	5561
Net residual factor for existing need <i>(Negative values reflect a cap on lower-resourced community with good job and/or transit access. Positive values represent this amount being redistributed to higher-resourced communities based on their job and/or transit access.)</i>	5877
<b>TOTAL EXISTING NEED</b>	<b>17611</b>
<b>TOTAL RHNA FOR GARDEN GROVE CITY</b>	<b>19122</b>
Very-low income (<50% of AMI)	4155
Low income (50-80% of AMI)	2795
Moderate income (80-120% of AMI)	3204
Above moderate income (>120% of AMI)	8968

The transit accessibility measure is based on the population anticipated to live in High-Quality Transit Areas (HQTAs) in 2045 based on Connect SoCal’s designation of high-quality transit areas and population forecasts. With a forecasted 2045 population of 135,945 living within HQTAs, the City of Garden Grove represents 1.33% of the SCAG region’s HQTAs population, which is the basis for allocating housing units based on transit accessibility.

Job accessibility is defined as the jurisdiction’s share of regional jobs accessible within a 30-minute drive commute. Since over 80 percent of the region’s workers live and work in different jurisdictions, the RHNA methodology uses a measure based on Connect SoCal’s travel demand model output for the year 2045 rather than assigning housing units based on the number of jobs with a specific jurisdiction. Specifically, the share of future (2045) regional jobs which can be reached in a 30-minute

automobile commute from the local jurisdiction's median TAZ is used as to allocate housing units based on transit accessibility. From the City of Garden Grove's median TAZ, it will be possible to reach 21.64% of the region's jobs in 2045 within a 30-minute automobile commute (2,175,000 jobs, based on Connect SoCal's 2045 regional job forecast of 10,049,000 jobs).

An additional factor is included in the methodology to account for RHNA Objective #5 to Affirmatively Further Fair Housing (AFFH). Several jurisdictions in the region which are considered disadvantaged communities (DACs) on the basis of access to opportunity measures (described further in the RHNA methodology document), but which also score highly in job and transit access, may have their total RHNA allocations capped based on their long-range (2045) household forecast. This additional housing need, referred to as residual, is then reallocated to non-DAC jurisdictions in order to ensure housing units are placed in higher-resourced communities consistent with AFFH principles. This reallocation is based on the job and transit access measures described above, and results in an additional 5,877 units assigned to the City of Garden Grove.

Please note that the above represents only a partial description of key data and calculations which result in the Draft RHNA Allocation.

**Sixth Cycle Regional Housing Needs Assessment (RHNA) Appeal Request Form**  
*All appeal requests and supporting documentation must be received by SCAG October 26, 2020, 5 p.m.*  
*Appeals and supporting documentation should be submitted to [housing@scaq.ca.gov](mailto:housing@scaq.ca.gov).*  
*Late submissions will not be accepted.*

Date: \_\_\_\_\_ Jurisdiction Subject to This Appeal Filing: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
*(to file another appeal, please use another form)*

Filing Party (Jurisdiction or HCD)  
 \_\_\_\_\_

Filing Party Contact Name \_\_\_\_\_ Filing Party Email: \_\_\_\_\_  
 \_\_\_\_\_

**APPEAL AUTHORIZED BY:**

Name: \_\_\_\_\_

**PLEASE SELECT BELOW:**

- Mayor
- Chief Administrative Office
- City Manager
- Chair of County Board of Supervisors
- Planning Director
- Other: \_\_\_\_\_

**BASES FOR APPEAL**

- Application of the adopted Final RHNA Methodology for the 6<sup>th</sup> Cycle RHNA (2021-2029)
- Local Planning Factors and/or Information Related to Affirmatively Furthering Fair Housing (See Government Code Section 65584.04 (b)(2) and (e))
  - Existing or projected jobs-housing balance
  - Sewer or water infrastructure constraints for additional development
  - Availability of land suitable for urban development or for conversion to residential use
  - Lands protected from urban development under existing federal or state programs
  - County policies to preserve prime agricultural land
  - Distribution of household growth assumed for purposes of comparable Regional Transportation Plans
  - County-city agreements to direct growth toward incorporated areas of County
  - Loss of units contained in assisted housing developments
  - High housing cost burdens
  - The rate of overcrowding
  - Housing needs of farmworkers
  - Housing needs generated by the presence of a university campus within a jurisdiction
  - Loss of units during a state of emergency
  - The region's greenhouse gas emissions targets
  - Affirmatively furthering fair housing
- Changed Circumstances (Per Government Code Section 65584.05(b), appeals based on change of circumstance can only be made by the jurisdiction or jurisdictions where the change in circumstance occurred)

**FOR STAFF USE ONLY:**

Date \_\_\_\_\_ Hearing Date: \_\_\_\_\_ Planner: \_\_\_\_\_



**Sixth Cycle Regional Housing Needs Assessment (RHNA) Appeal Request Form**  
*All appeal requests and supporting documentation must be received by SCAG October 26, 2020, 5 p.m.*  
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*Late submissions will not be accepted.*

**Brief statement on why this revision is necessary to further the intent of the objectives listed in Government Code Section 65584 (please refer to Exhibit C of the Appeals Guidelines):**

**Please include supporting documentation for evidence as needed, and attach additional pages if you need more room.**

**Brief Description of Appeal Request and Desired Outcome:**

**Number of units requested to be reduced or added to the jurisdiction's draft RHNA allocation (circle one):**

Reduced \_\_\_\_\_ Added \_\_\_\_\_

**List of Supporting Documentation, by Title and Number of Pages**  
**(Numbers may be continued to accommodate additional supporting documentation):**

- 1.
- 2.
- 3.

**FOR STAFF USE ONLY:**

Date \_\_\_\_\_

Hearing Date: \_\_\_\_\_

Planner: \_\_\_\_\_



# CITY OF GARDEN GROVE

Steven R. Jones  
Mayor

Stephanie Klopfenstein  
Mayor Pro Tem – District 5

George S. Brietigam  
Council Member– District 1

John O’Neill  
Council Member– District 2

Thu-Ha Nguyen  
Council Member– District 3

Patrick Phat Bui  
Council Member– District 4

Kim B. Nguyen  
Council Member– District 6

October 26, 2020

RHNA Appeals Board  
Southern California Association of Governments  
Attn: Mr. Kome Ajise, Executive Director  
900 Wilshire Blvd., Suite 1700  
Los Angeles, CA 90017

**SUBJECT: CITY OF GARDEN GROVE APPEAL OF THE REGIONAL HOUSING NEEDS ASSESSMENT ALLOCATION OF 19,122 UNITS**

Dear Mr. Ajise,

The City of Garden Grove (City) commends the Southern California Association of Governments (SCAG) for taking on the task of developing methodology to distribute the Department of Housing and Community Development’s (HCD) Regional Determination of 1.34 million housing units. The City appreciates the time and effort that has gone into this process. And while the City is prepared to do its part in accommodating the regional housing need, it is the City’s position that the allocation of regional housing need to the City was inappropriately determined for several reasons.

First, SCAG failed to determine each jurisdiction’s regional housing need in a manner that furthers, and does not undermine, the intent and objectives of state housing law as required by Government Code section 65584(d). Specifically, SCAG granted an exemption to jurisdictions with more than 50% of their population located in high poverty/segregation areas, otherwise known as Disadvantaged Communities (DAC), rather than proportionately distributing those residential need units based upon the percentage of each jurisdiction’s total population that lives in a high DAC area. Then, SCAG exacerbated that problem by redistributing the residential unit needs of the jurisdictions eligible for the DAC exemption (“DAC Jurisdictions”) to those jurisdictions that are not eligible for the DAC exemption (Non-DAC Jurisdictions) through utilization of an Existing Need Methodology which failed to account for various relevant factors and, as a result, inequitably redistributed those units among the Non-DAC Jurisdictions.

Attachment: Garden Grove Appeal and Supporting Documentation (Appeal of the Draft RHNA Allocation for the City of Garden Grove)

Second, SCAG failed to consider information submitted to it as a result of the survey required by Government Code section 65584.04(b) and information that was readily available to SCAG during the development of its regional housing need allocation methodology. Specifically, SCAG failed to hold DAC Jurisdictions accountable for their fair share of the housing burden by failing to recognize planned and approved housing projects by DAC Jurisdictions, which in turn, causes the units that were redistributed to Non-DAC Jurisdictions to be double-counted. Further, SCAG relied upon unreliable data in determining which jurisdictions qualify for the DAC exemption.

Finally, and in addition to the grounds for appeal stated above, the City has experienced changed circumstances due to the Coronavirus pandemic which has disproportionately affected jurisdictions which are dependent upon tourism such as Garden Grove. The data submitted by the City in advance of SCAG's adoption of the allocation methodology was premised upon pre-Covid employment projections which have drastically changed due to the pandemic.

**1. SCAG Failed to Determine Each Jurisdiction's Regional Housing Need in a Manner that Furthers, and does not Undermine, State Housing Goals.**

Pursuant to Government Code section 65584.05(b)(2), a jurisdiction may appeal SCAG'S regional housing need allocation on the grounds that "[t]he council of governments . . . failed to determine the share of the regional housing need in accordance with the information described in, and the methodology established pursuant to, Section 65584.04, and in a manner that furthers, and does not undermine, the intent of the objectives listed in subdivision (d) of Section 65584." (Emphasis added) Government Code section 65584(d) sets forth five objectives that must be furthered by SCAG's regional housing need allocation, the first of which is "[i]ncreasing the housing supply and mix of housing types, tenure, and affordability in all cities and counties within the region in an equitable manner, which shall result in each jurisdiction receiving an allocation of units for low- and very low income households." (Emphasis added)

The approved RHNA methodology, in its application, results in an exemption for five (5) of the 35 Orange County jurisdictions which inequitably redistributes 24% of the County's total allocation of 183,431 units (i.e. 44,451 units) to the 30 Non-DAC jurisdictions. Further, two (2) of the five (5) Orange County DAC Jurisdictions have the largest Total Need Allocations in Orange County with a combined Total Need of 54,925 units, which represents 30% of the entire County's Total Need allocation.

a) Inequitable and Disproportionate Application of the DAC Exemption

The DAC exemption was applied only to jurisdictions in which 50% or more of the jurisdiction's population live in high poverty/segregation areas, otherwise known as DACs. But this "all or nothing" approach places a disproportionate burden on Non-DAC Jurisdictions which fall just below the 50% DAC threshold. The City of Garden Grove is a prime example of this inequity in that 48% of its residents live in DACs. So not only does Garden Grove barely miss the threshold for the exemption itself, but since it does miss that threshold, it is not only responsible for accommodating its

own housing need, but must also share in the additional housing need burden of the five (5) DAC Jurisdictions. And that is true whether the DAC Jurisdiction’s total DAC population is just 2% higher than Garden Grove’s at 50%, or is at 100%. Stated differently, the draft RHNA allocation completely dismisses the disadvantaged populations of Non-DAC Jurisdictions. For Garden Grove, this equates to approximately 90,000 disadvantaged individuals.

The application of this exemption does not “increase[e] the housing supply and the mix of housing types, tenure, and affordability in all cities and counties within the region in an equitable manner” as contemplated by Gov. Code 65584(d)(1). To the contrary, it undermines that objective by treating jurisdictions that are substantially similar in terms of their DAC population in a completely different, and almost punitive, fashion; specifically, by requiring a Non-DAC Jurisdiction that just missed the 50% threshold to accommodate ***thousands of additional units***, while a DAC Jurisdiction that barely met that threshold is not required to accommodate any of its ***own*** housing need.

The City hereby requests that SCAG consider a more equitable approach by ***utilizing a “sliding scale exemption”*** which would continue to provide relief to disadvantaged communities, but in a manner that is proportionate to each jurisdiction’s disadvantaged population. This application would not discount any jurisdiction’s entire DAC population, nor would it treat a jurisdiction that is 51% DAC as though it were 100% disadvantaged. With the sliding scale application proposed by Garden Grove, a jurisdiction identified as having 60% of its population in DACs would receive a 10% reduction of their Total Need allocation, a jurisdiction with 70% in DACs would receive a 20% reduction, and so on (i.e. a one percent reduction in Total Need allocation for each percent over 50% of the jurisdiction’s population that lives in a DAC). For the 30 Non-DAC Jurisdictions in Orange County, this “sliding scale exemption” would reduce the number of Residual Units from 44,451 to 23,168, creating a much more equitable redistribution. The following (Table 1) is an illustration of the more equitable sliding-scale methodology. See **Exhibit 1** for implementation of a sliding-scale methodology for all jurisdictions within Orange County.

**Table 1: Proposed Sliding Scale Exemption Application Illustration**

Orange County DAC Jurisdictions	Total Need Allocation	% of Disadvantaged Population	% of Reduction to Total Need Allocation	Reduction to Total Need (Residual)	Total RHNA Allocation
Santa Ana city	26,256	88.81%	-38.81%	(10,191)	16,064
Anaheim city	28,669	82.93%	-32.93%	(9,439)	19,230
Orange city	9,533	56.88%	-6.88%	(656)	8,877
Stanton city	3,768	99.46%	-49.46%	(1,864)	1,904
La Habra city	2,684	87.95%	-37.95%	(1,019)	1,666
<b>TOTALS</b>	<b>70,909</b>		<b>-33%</b>	<b>(23,168)</b>	<b>47,741</b>

\*Table data derived from the RHNA Methodology Calculator released on 9/3/20.

b) Inequitable Redistribution of DAC Jurisdictions’ Residual Need Units

As discussed in section 1(a) of this appeal, the exemption provided to the five (5) Orange County DAC Jurisdictions reduces their Total Need Allocations by 63% (44,514 housing units), which necessitates redistribution of those Residual Units to Non-DAC Jurisdictions located within the County. Under the current draft allocation, this redistribution is accomplished by utilizing Existing Need methodology, which **allocates a higher percentage of units to jurisdictions with greater access to jobs and transit.**

SCAG’s redistribution of Residual Need units based on Existing Need Methodology furthers the inequity created by the DAC exemption in that it fails to take other relevant factors into consideration. For example:

- Garden Grove is considered 48% disadvantaged
- Garden Grove has greater access to jobs than 98% of all SCAG jurisdictions.
- Garden Grove has greater access to high quality transit than 96% of all SCAG jurisdictions.

So, despite the fact that 48% of Garden Grove’s residents live in DACs the City does not qualify for any DAC exemption under the current draft allocation. To make matters worse, the current redistribution criteria for Residual Units now places the City in a position to receive the **2nd highest Residual Need allocation among all of the 197 SCAG jurisdictions;** second only to Los Angeles City which has a population of nearly 4 million people.

The following (Table 2) represents the five SCAG jurisdictions receiving the highest redistribution of Residual Units.

**Table 2: Highest Redistribution of Residual Units in SCAG region**

Jurisdiction	Projected Population by 2045	Population within 1/2 mile of High Quality Transit	Population with High Job Accessibility	Residual Units Redistributed to non-DAC
Los Angeles city	4,771,326	84.8%	17.5%	27,732
Garden Grove city	185,829	73.2%	21.6%	5,877
Irvine city	327,664	13.4%	17.5%	5,294
Huntington Beach city	205,310	36.4%	17.6%	4,304
Unincorp. Los Angeles Co.	1,258,026	40.6%	11.7%	4,105

\*Table data derived from the RHNA Methodology Calculator released on 9/3/20.

The City believes SCAG failed to meet the objectives of State housing law in the form of equitable distribution of housing units by redistributing Residual Units based primarily on Job Accessibility and High-Quality Transit. This inequity is intensified by the fact that SCAG failed to consider that the City very nearly qualified

for a complete exemption given its 48% DAC designation. Consider this: If only 3,503 of Garden Grove's 175,155 residents were to reside in what are defined as DACs, the City would have received **zero** Residual Units under the draft allocation methodology. Instead, Garden Grove is now set to receive 5,877 Residual Need units. This simply cannot meet the state housing objective of *equitable* distribution of housing units among various jurisdictions.

**2. SCAG Failed to Adequately Consider Information Submitted and Available to SCAG Prior to Adoption of the RHNA Allocation Methodology.**

Pursuant to Government Code section 65584.05(b)(2), a jurisdiction may appeal SCAG'S regional housing need allocation on the grounds that "[t]he council of governments . . . failed to adequately consider the information submitted pursuant to subdivision (b) of Section 65584.04." Here, SCAG failed to consider two crucial pieces of information when reaching its 6<sup>th</sup> Cycle RHNA allocation decision.

a) SCAG Failed to Consider the Housing Units that have Already Been Planned and/or Approved for Development by DAC Jurisdictions During the 6<sup>th</sup> Cycle.

In the midst of a state-wide housing crisis, as evidenced by the 6th Cycle Regional Allocation of 1.34 million units, jurisdictions are being called upon to carry their fair share of the housing burden by taking on RHNA allocations significantly higher than in previous cycles. While the City understands the daunting nature of the aforementioned task, the adopted methodology failed to consider the current and future housing production of DAC Jurisdictions, thus causing ***redistributed units to be double-counted***. With the approved RHNA allocation, SCAG has completely ***disregarded housing production that has already been planned and/or approved in DAC Jurisdictions***, while concurrently creating a DAC exemption for those jurisdictions. In short, SCAG failed to account for the anticipated overproduction of units by DAC Jurisdictions.

The following (Table 3) represents an analysis of planned/approved units as part of Specific Plans, zone overlay districts, and/or individual planned or approved projects per websites of the respective DAC Jurisdictions as of September 2020.

**Table 3: Illustration of Planned and Approved Units in Orange County DACs**

DAC Jurisdiction	RHNA Requirements					Units Planned/Approved (Sep. 2020)			Remaining Units Needed
	5th Cycle			6th Cycle		Planned	Approved	Total	
	2020 5th Cycle	Annual Progress Report	Difference	6th Cycle	Total RHNA (6th + 5th Cycle Remainder)				
Anaheim	5,702	7,377	(1,675)	17,412	17,412	15,899	11	15,910	1,502
Santa Ana	204	2,996	(2,792)	3,087	3,087	7,504	2,650	10,154	(7,067)
Orange	363	1,910	(1,547)	3,927	3,927	685	590	1,275	2,652
La Habra	4	518	(514)	803	803	202	0	202	601
Stanton	313	268	45	1,228	1,273	951	47	998	275
<b>Total</b>	<b>6,586</b>	<b>13,069</b>	<b>(6,483)</b>	<b>26,457</b>	<b>26,502</b>	<b>25,241</b>	<b>3,298</b>	<b>28,539</b>	<b>(2,037)</b>
<b>Garden Grove</b>	<b>747</b>	<b>639</b>	<b>108</b>	<b>19,122</b>	<b>19,230</b>	<b>225</b>	<b>1,084</b>	<b>1,309</b>	<b>17,921</b>

\*Table data derived from websites of the specific jurisdictions

As shown in Table 3 above, prior to the start of the 6th RHNA Cycle, DAC Jurisdictions are planning for, or have approved, a total of 28,539 units, which is 2,037 units over their total 6th Cycle allocation. The City is requesting a more equitable allocation that would consider the planned/approved housing production of DAC Jurisdictions and reduce the number of Residual Units redistributed to Non-DAC Jurisdictions accordingly. In conjunction with the proposed "sliding scale application" for DAC exemptions described in 1(a) of this appeal, this approach would result in a more equitable distribution of the region's housing need allocation. For Garden Grove, inclusion of Planned and Approved Units from DAC Jurisdictions would equitably reduce the City's Residual Unit allocation from 5,877 to 3,063.

b) SCAG Relied Upon the Tax Credit Allocation Committee's Opportunity Mapping Tool to Determine What Constitutes a DAC Without Considering that the Data Generated by the Tool is Unreliable for that Purpose.

As mentioned previously, SCAG's exemption for DAC Jurisdictions has resulted in an overwhelmingly inequitable allocation of Regional Housing Need to Non-DAC Jurisdictions. With that in mind, it is important to note that the data used by SCAG to identify DACs *was never intended to be used for that purpose*. The Tax Credit Allocation Committee's (TCAC) Opportunity Mapping Tool was created to assist in the review of 9% Tax Credit applications by ensuring the greatest level of assistance is allocated to housing projects in the highest resource areas, thus breaking the cycle of concentrated poverty/segregation and giving disadvantaged populations increased access to much-needed resources.

Conversely, the methodology adopted by SCAG utilizes the TCAC Opportunity Mapping Tool to identify jurisdictions with more than 50% of their population located in high poverty/high-segregation areas (DACs) in order to offer a substantial reduction to the number of units determined to be necessary to accommodate Total Need. Further, pursuant to the TCAC Opportunity Mapping Tool Methodology (see excerpt below), the data that drives the Tool has limitations since it is based on surveys, may not be reliable in some areas, and is delayed by two years.

*"Opportunity mapping also has limitations. For example, maps' accuracy is dependent on the accuracy of the data behind them. Data may be derived from self-reported surveys of subsets of an area's population, and sometimes may not be recorded or reliable in some areas. Further, even the most recent publicly available datasets typically lag by two years, meaning they may not adequately capture conditions in areas undergoing rapid change."*

Being that the DAC exemption results in redistribution of 25% of Orange County's Total Need allocation, and 63% of the five Orange County DAC Jurisdictions' Total Need allocation, SCAG's utilization of a tool that was never intended for such a purpose and is, by its own admission, based on outdated and unreliable data, constitutes a failure to consider relevant information.

### **3. Garden Grove Has Experienced Changed Circumstances Which Warrant a Revisions to the Draft RHNA Allocation.**

Pursuant to Government Code section 65584.05(b)(3), a jurisdiction may appeal a regional council of government's draft allocation if "[a] significant and unforeseen change in circumstances has occurred in the local jurisdiction or jurisdictions that merits as revision of the information submitted pursuant to subdivision (b) of Section 65584.04."

Household Growth Projections, a key factor in SCAG's determination of Projected Need, were based upon employment projection data for the period from 2020 to 2030, which was submitted by the City to the Center of Demographic Research (CDR) in March 2018<sup>1</sup>. The importance of this data to the RHNA allocation process is due to the state's objective of "[p]romoting an improved intraregional relationship between jobs and housing, including an improved balance between the number of low-wage jobs and the number of housing units affordable to low-wage workers in each jurisdiction." (Gov. Code § 65584(d)(3))

But the City has experienced a "significant and unforeseen change in circumstances" since 2018 when that employment projection data was submitted to CDR. Specifically, the employment projection data submitted in 2018 was based on a thriving tourism market and the future development of hotels and commercial uses in the Grove Resort District along Harbor Boulevard. However, the Coronavirus pandemic, which has disproportionately affected the tourism industry and jurisdictions that rely upon it, resulted in a significant economic downturn that has crippled the tourism market and (per the U.S. Department of Labor's WARN Report, See **Exhibit 2**), as of August 2020, has resulted in nearly 2,800 service jobs being lost in Garden Grove. Due to the change in circumstance caused by COVID-19, the

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<sup>1</sup> Household Growth Projections also take into consideration housing unit production and population growth estimates.



Garden Grove RHNA Appeal  
October 26, 2020

City is amending its 2020-2030 employment growth projection from 5,477 to 3,731, a reduction of 1,746 jobs (-32%). Therefore, due to the significant loss of over 4,500 new and existing jobs, the City requests a reduction of its current Projected Need allocation of 1,512 housing units.

### **Conclusion**

The City of Garden Grove respectfully requests that SCAG revise the draft RHNA allocation through utilization of the sliding-scale DAC exemption formula as explained herein. Doing so would further the state housing objectives identified by Government Code section 65584(d) by "increasing the housing supply and the mix of housing types, tenure, and affordability in all cities and counties within the region *in an equitable manner*," and by "promoting an improved intraregional relationship between jobs and housing, including an improved balance between the number of low-wage jobs and the number of housing units affordable to low-wage workers in each jurisdiction." (Gov. Code § 65584(d), subsections (1) and (3)) Further, the City requests that, due to the changed circumstances experienced as a result of the Coronavirus pandemic, it's Projected Need Allocation be reduced from 1,512 housing units to account for the loss of jobs and decreased employment growth projection in the City.

Sincerely,



Steven R. Jones  
Mayor

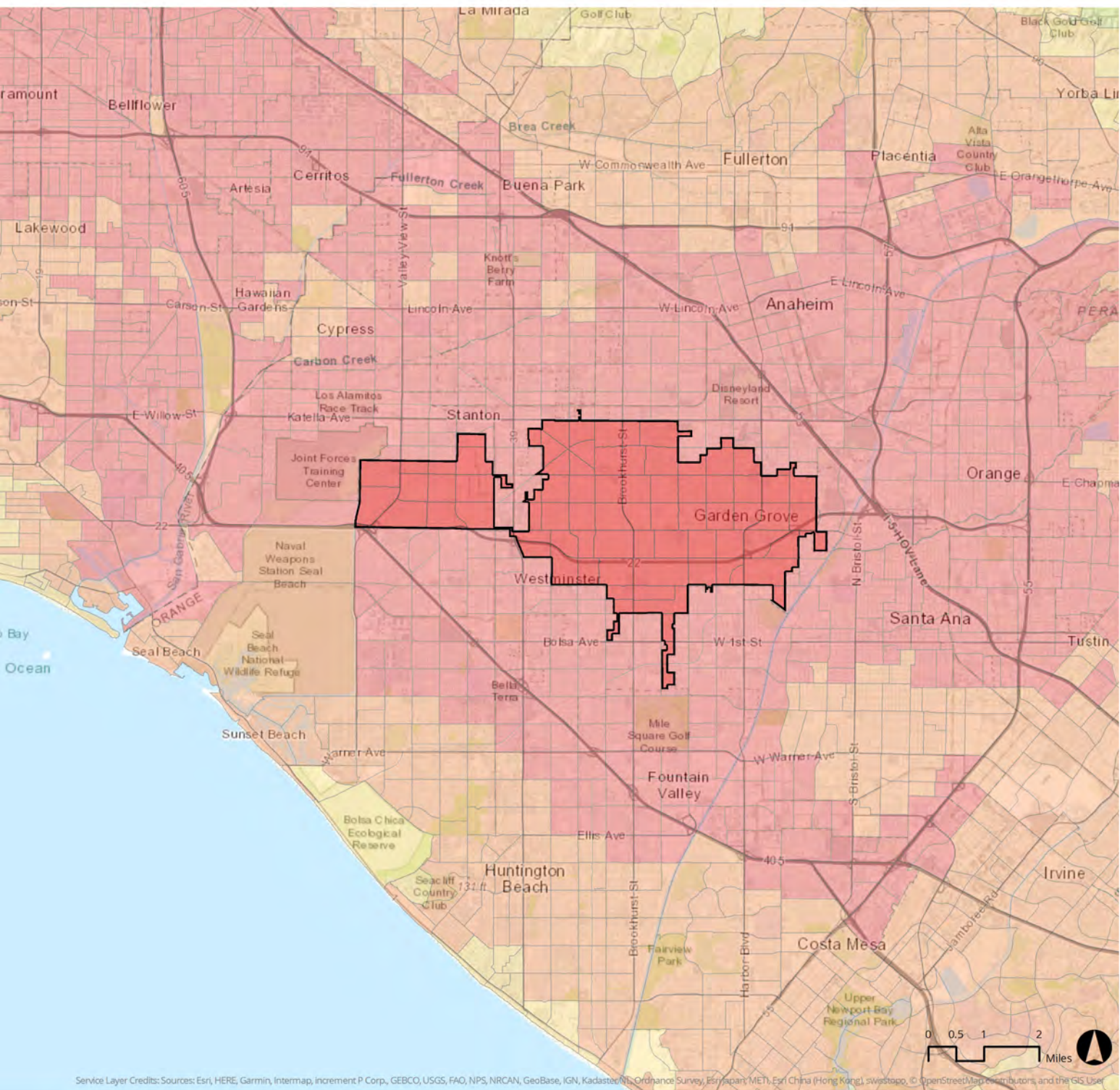
### Exhibit 1: Sliding-Scale DAC Methodology

OC Jurisdiction	BASELINE			CURRENT METHODOLOGY			SLIDING SCALE METHODOLOGY						
	Proj Need	Exist Need	Total Need	Residual Units	Redistribution	Total RHNA	DAC %	DAC Reduction (%)	New Residual Units	Redistribution %	New Redistribution	New RHNA	Difference New - Old RHNA
Stanton	667	561	3768	2540	0	1228	99.5%	49.5%	1864	0.0%	0	1904	676
Santa Ana	2114	973	26256	23168	0	3087	88.8%	38.8%	10191	0.0%	0	16064	12977
La Habra	341	463	2684	1881	0	803	87.9%	37.9%	1019	0.0%	0	1666	863
Anaheim	4113	13299	28669	11257	0	17412	82.9%	32.9%	9439	0.0%	0	19230	1818
Orange	2192	1735	9533	5606	0	3927	56.9%	6.9%	656	0.0%	0	8877	4950
Garden Grove	1512	17611	13246	0	5877	19122	47.9%	0.0%	0	13.2%	3063	16309	(2813)
Buena Park	1533	7366	6441	0	2458	8899	43.4%	0.0%	0	5.5%	1281	7722	(1177)
San Juan Capistrano	277	774	793	0	258	1051	42.5%	0.0%	0	0.6%	135	927	(124)
Laguna Woods	20	974	669	0	325	994	38.6%	0.0%	0	0.7%	169	839	(155)
Westminster	709	9027	6724	0	3013	9736	37.8%	0.0%	0	6.8%	1570	8294	(1442)
Tustin	49	6717	4525	0	2241	6766	35.2%	0.0%	0	5.0%	1168	5693	(1073)
Fullerton	1641	11538	9329	0	3850	13179	33.5%	0.0%	0	8.7%	2007	11335	(1844)
Placentia	860	3503	3194	0	1169	4364	29.8%	0.0%	0	2.6%	609	3804	(560)
Lake Forest	428	2799	2293	0	934	3228	24.8%	0.0%	0	2.1%	487	2780	(448)
Costa Mesa	411	11322	7955	0	3778	11733	19.2%	0.0%	0	8.5%	1969	9924	(1809)
Fountain Valley	177	4650	3275	0	1552	4827	12.3%	0.0%	0	3.5%	809	4084	(743)
Unincorporated OC	5407	4974	8721	0	1660	10381	8.7%	0.0%	0	3.7%	865	9587	(794)
Dana Point	209	321	422	0	107	529	8.6%	0.0%	0	0.2%	56	478	(51)
Huntington Beach	441	12896	9033	0	4304	13337	7.8%	0.0%	0	9.7%	2243	11276	(2061)
Brea	136	2224	1618	0	742	2360	6.6%	0.0%	0	1.7%	387	2004	(356)
Laguna Hills	848	1132	1602	0	378	1980	6.4%	0.0%	0	0.8%	197	1799	(181)
Irvine	7690	15864	18260	0	5294	23554	5.8%	0.0%	0	11.9%	2759	21019	(2535)
Newport Beach	320	4514	3327	0	1506	4834	4.3%	0.0%	0	3.4%	785	4112	(722)
Villa Park	10	285	200	0	95	295	2.0%	0.0%	0	0.2%	50	249	(46)
Cypress	112	3815	2654	0	1273	3927	0.3%	0.0%	0	2.9%	664	3317	(610)
Mission Viejo	41	2170	1487	0	724	2212	0.0%	0.0%	0	1.6%	378	1865	(347)
Aliso Viejo	48	1144	811	0	382	1193	0.0%	0.0%	0	0.9%	199	1010	(183)
La Palma	6	794	535	0	265	800	0.0%	0.0%	0	0.6%	138	673	(127)
Laguna Beach	18	375	267	0	125	393	0.0%	0.0%	0	0.3%	65	333	(60)
Laguna Niguel	62	1143	824	0	381	1205	0.0%	0.0%	0	0.9%	199	1023	(182)
Los Alamitos	158	609	564	0	203	767	0.0%	0.0%	0	0.5%	106	669	(98)
Rancho Santa Margarita	43	636	467	0	212	679	0.0%	0.0%	0	0.5%	111	578	(101)
San Clemente	462	517	806	0	172	979	0.0%	0.0%	0	0.4%	90	896	(83)
Seal Beach	112	1128	863	0	377	1240	0.0%	0.0%	0	0.8%	196	1060	(180)
Yorba Linda	34	2376	1617	0	793	2410	0.0%	0.0%	0	1.8%	413	2030	(380)
<b>33201</b>	<b>150229</b>	<b>183431</b>	<b>44451</b>	<b>44451</b>	<b>183431</b>		<b>12.6%</b>	<b>23168</b>		<b>23168</b>	<b>183431</b>		

**Exhibit 2:  
 U.S. Department of Labor's WARN Report (as of 8/27/20)**

Worker Adjustment and Retraining Notification Act ("WARN")

Company	Street Address	CSZ	Date	Associates
Basic Energy Services	12891 Neson Street	Garden Grove, CA 92840	1-Apr-20	52
Burlington #772	13092 Harbor Boulevard	Garden Grove, CA 92843	8-Apr-20	69
Club Demonstration Services			11-Apr-20	43
Enterprise Holdings (Enterprise Rent-A-Car)	13292 Brookhurst St.	Garden Grove, CA 92843	2-May-20	2
Evans Manufacturing				73
Garden Grove Kia			10-Apr-20	50
GKN Aerospace	12122 Western Avenue	Garden Grove, CA 92841	4-Jun-20	40
Goodwill - Orange County	11052 Magnolia Street	Garden Grove, CA 92841	7-Apr-20	32
Great Wolf Lodge	12681 Harbor Boulevard	Garden Grove, CA 92840	26-Mar-20	721
Hyatt Regency			9-Apr-20	369
Island Hospitality Group/Residence Inn	11931 Harbor Boulevard	Garden Grove, CA 92840	7-Apr-20	16
Keolis	13591 Harbor Boulevard	Garden Grove, CA 92843	30-Apr-20	19
Outback Steakhouse - Out West Restaurant Group, Inc.	12001 Harbor Boulevard	Garden Grove, CA 92840	3-Apr-20	59
Regal	9741 Chapman Avenue	Garden Grove, CA 92841	27-Apr-20	62
ROSS	13200 Harbor Boulevard	Garden Grove, CA 92843	3-Apr-20	62
Safran Cabin	73300 Lincoln Way	Garden Grove, CA 92840	15-Apr-20	304
Saint Gobain				110
SPS Technologies DBA Air Industries				534
STG Auto Group				37
The Roman Catholic Bishop of Orange ("the Diocese")	13280 Chapman Ave.	Garden Grove, CA 92840	21-Apr-20	52
United Here Local				7
Western Dental & Orthodontics	12141 Garden Grove Blvd.	Garden Grove, CA 92843	30-Mar-20	11
Western Transit System, Inc.	13591 Harbor Boulevard	Garden Grove, CA 92843	29-Apr-20	39
Yellow Cab of Greater Orange County	13591 Harbor Boulevard	Garden Grove, CA 92843	30-Apr-20	33
			Total Job Loss	2796



## TAZ-level job accessibility in and around: City of Garden Grove [Year 2045]



Note: These data represent the share of jobs in the SCAG region accessible by automobile commute in 30 minutes in 2045 during the peak AM commute (6-9am). Further detail on the job accessibility measure can be found in SCAG's Final RHNA Methodology. Note that since the SCAG region's total employment forecast for 2045 is 10,049,000 jobs, the number of jobs available can be measured by multiplying the percentage found on the map by this number. For example, a TAZ-level job accessibility measure of 10.0% means that 1,049,000 future jobs could be reached in 30 minutes.

Data Source: SCAG, 2020 | Map Created: 10/22/2020

Disclaimer: The data underlying the information shown on this map reflect jurisdiction's input submitted during the Local Input and Envision Connect SoCal. SCAG shall not be responsible for user's misuse or misrepresentation of this map. For the details regarding the sources, methodology of this map, please refer to the SCAG Data/Map Book at <https://www.connectsocial.org/Pages/Local-Input-Process.aspx> or contact [RTPLocal@scag.ca.gov](mailto:RTPLocal@scag.ca.gov)

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF HOUSING POLICY DEVELOPMENT**

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January 13, 2020

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

Dear Executive Director Ajise:

**RE: Review of Draft Regional Housing Need Allocation (RHNA) Methodology**

Thank you for submitting the draft Southern California Association of Governments (SCAG) Sixth Cycle Regional Housing Need Allocation (RHNA) Methodology. Pursuant to Government Code Section 65584.04(i), the California Department of Housing and Community Development (HCD) is required to review draft RHNA methodology to determine whether the methodology furthers the statutory objectives described in Government Code Section 65584(d).

In brief, the draft SCAG RHNA methodology begins with the total regional determination provided by the California Department of Housing and Community Development (HCD) and separates it into two methodologies to allocate the full determination: projected need (504,970) and existing need (836,857).

For projected need, the household growth projected in SCAG's Connect SoCal growth forecast for the years 2020-2030 is used as the basis for calculating projected housing need for the region. A future vacancy and replacement need are also calculated and added to the projected need.

The existing need is calculated by assigning 50 percent of regional existing need based on a jurisdiction's share of the region's population within the high-quality transit areas (HQTAs) based on future 2045 HQTAs. The other 50 percent of the regional existing need is based on a jurisdiction's share of the region's estimated jobs in 2045 that can be accessed within a 30-minute driving commute. For high segregation and poverty areas as defined by [HCD/TCAC Opportunity Maps](#),<sup>1</sup> referred to by SCAG as extremely disadvantaged communities (DACs), existing need in excess of the 2020-2045 household growth forecast is reallocated to non-DAC jurisdictions within the same county.

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<sup>1</sup> Created by the California Fair Housing Task Force and commissioned by HCD and the California Tax Credit Allocation Committee (TCAC) to assist public entities in affirmatively furthering fair housing. The version used in this analysis is the 2019 HCD/TCAC Opportunity Maps available at [treasurer.ca.gov/ctcac/opportunity.asp](http://treasurer.ca.gov/ctcac/opportunity.asp).

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Within both the projected and existing need methodologies the four RHNA income categories (very low, low, moderate, and above moderate) are assigned to each jurisdiction by the use of a 150 percent social equity adjustment, which inversely adjusts based on the current incomes within the jurisdiction. An additional percentage of social equity adjustment is made for jurisdictions that have a high concentration of DACs or Highest Resource areas as defined by the HCD/TCAC Opportunity maps. Overall, the social equity adjustments result in greater shares of lower income RHNA to higher income and higher-resource areas.

**HCD has completed its review of the methodology and finds that the draft SCAG RHNA Methodology furthers the five statutory objectives of RHNA.<sup>2</sup>**

HCD acknowledges the complex task of developing a methodology to allocate RHNA to 197 diverse jurisdictions while furthering the five statutory objectives of RHNA. This methodology generally distributes more RHNA, particularly lower income RHNA, near jobs, transit, and resources linked to long term improvements of life outcomes. In particular, HCD applauds the use of objective factors specifically linked the statutory objectives in the existing need methodology.

Below is a brief summary of findings related to each statutory objective described within Government Code Section 65584(d):

*1. Increasing the housing supply and the mix of housing types, tenure, and affordability in all cities and counties within the region in an equitable manner, which shall result in each jurisdiction receiving an allocation of units for low- and very low-income households.*

The methodology generally allocates increased shares of lower income RHNA to jurisdictions that have higher housing costs. In support of a mix of affordability, the highest housing cost cities generally receive higher shares of lower income RHNA. Under this methodology the 15 cities with the highest median housing costs all receive greater than 50 percent of the RHNA as lower income RHNA. Beverly Hills with the 18<sup>th</sup> highest median housing costs receives the 25<sup>th</sup> highest share of lower income RHNA; Westlake Village with the 14<sup>th</sup> highest median housing costs receives the 12<sup>th</sup> highest share of lower income RHNA; Aliso Viejo with the 23<sup>rd</sup> highest median housing costs receives the 38<sup>th</sup> highest share of lower income RHNA; and Villa Park with the 10<sup>th</sup> highest median housing costs receives the 31<sup>st</sup> highest share of lower income RHNA.

*2. Promoting infill development and socioeconomic equity, the protection of environmental and agricultural resources, the encouragement of efficient development patterns, and the achievement of the region's greenhouse gas reductions targets provided by the State Air Resources Board pursuant to Section 65080.*

The draft SCAG RHNA methodology furthers the environmental principles of this objective as demonstrated by the transportation and job alignment with the RHNA allocations.

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<sup>2</sup> While HCD finds that this particular methodology furthers the objectives of RHNA, HCD's determination is subject to change depending on the region or cycle, as housing conditions in those circumstances may differ.

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*3. Promoting an improved intraregional relationship between jobs and housing, including an improved balance between the number of low-wage jobs and the number of housing units affordable to low-wage workers in each jurisdiction.*

Half of the existing need portion of the draft SCAG RHNA methodology is set based on the jurisdiction's share of the region's estimated jobs in 2045. While future looking job projections are important for housing planning, and housing built in the next decade will likely exist for 50-100 years or more, it is also critical to plan for the needs that exist today. This objective specifically considers the balance of low-wage jobs to housing available to low-wage workers. As part of HCD's analysis as to whether this jobs-housing fit objective was furthered by SCAG's draft methodology, HCD analyzed how the percentage share of the region's lower income RHNA compared to the percentage share of low-wage jobs.

For example, under the draft SCAG RHNA methodology Irvine would receive 1.84 percent of the region's lower income RHNA, and currently has 2.07 percent of the region's low-wage jobs, .23 percent less lower income RHNA than low-wage jobs for the region. Pomona would receive .71 percent of the region's lower income RHNA, and currently has .57 percent of the region's low-wage jobs, .13 percent more lower income RHNA than low-wage jobs for the region. Across all jurisdictions there is generally good alignment between low-wage jobs and lower income RHNA, with all but 15 jurisdictions within a half percent plus or minus difference between their share of lower income RHNA for the region and their percentage low-wage jobs for the region.

HCD is aware there has been some opposition to this current methodology from jurisdictions that received lower allocations under prior iterations; however it is worth noting that even if it is by a small amount, many of the jurisdictions that received increases are still receiving lower shares of the region's lower income RHNA compared to their share of the region's low-wage jobs. HCD recommends any changes made in response to appeals should be in the interest of seeking ways to more deeply further objectives without compromising other objectives.

*4. Allocating a lower proportion of housing need to an income category when a jurisdiction already has a disproportionately high share of households in that income category, as compared to the countywide distribution of households in that category from the most recent American Community Survey.*

This objective is furthered directly by the social equity adjustment factor included in the draft SCAG RHNA methodology. Jurisdictions in the SCAG region range from as little as 10.9 percent lower income households to 82.7 percent lower income households. The 20 jurisdictions with the greatest share of lower income households, 67.2-82.7 percent lower income households, would receive an average of 31.6 percent lower income share of their RHNA; compared to the 20 jurisdictions with the lowest share of lower income households, 10.9-25.1 percent lower income households, would receive an average of 59.1 percent lower income share of their RHNA. While the social equity adjustment explicitly responds to objective four, it also assists in the methodology furthering each of the other objectives.

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*5. Affirmatively furthering fair housing, which means taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws.*

HCD applauds the inclusion of the affirmatively furthering fair housing adjustment factor in the methodology. This factor directs more lower income RHNA to higher opportunity areas and reduces allocations in segregated concentrated areas of poverty, as defined in the [HCD/TCAC Opportunity Maps](#), which evaluate access to opportunity, racial segregation, and concentrated poverty on 11 dimensions, which are all evidence-based indicators related to long term life outcomes. 14 of the top 15 highest shares of lower income RHNA are in regions over 99.95 percent High and Highest Resource areas. These include: Imperial, La Habra Heights, Rolling Hills Estates, Hermosa Beach, La Cañada Flintridge, Palos Verdes Estates, Manhattan Beach, Rolling Hills, Agoura Hills, Rancho Palos Verdes, Westlake Village, San Marino, Eastvale, and Hidden Hills. With the exceptions of the cities of Vernon and Industry, the 31 jurisdictions with the highest share of lower income RHNA are all over 95 percent High and Highest Resource areas.

HCD appreciates the active role of SCAG staff in providing data and input throughout the draft SCAG RHNA methodology development and review period. HCD especially thanks Ping Chang, Kevin Kane, Sarah Jepson, and Ma'Ayn Johnson for their significant efforts and assistance.

HCD looks forward to continuing our partnership with SCAG to assist its member jurisdictions to meet and exceed the planning and production of the region's housing need.

Support opportunities available for the SCAG region this cycle include, but are not limited to:

- SB 2 Planning Technical Assistance (Technical assistance available now through June 2021)
- Regional and Local Early Action Planning grants (25 percent of Regional funds available now, all other funds available early 2020)
- SB 2 Permanent Local Housing Allocation (Available April – July 2020)

If HCD can provide any additional assistance, or if you, or your staff, have any questions, please contact Megan Kirkeby, Assistant Deputy Director for Fair Housing, [megan.kirkeby@hcd.ca.gov](mailto:megan.kirkeby@hcd.ca.gov).



Megan Kirkeby  
Assistant Deputy Director for Fair Housing



**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
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December 10, 2020

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

Dear Executive Director Ajise:

**RE: Comment on Appeals of the Draft Regional Housing Need Allocation (RHNA) Plan**

Thank you for the opportunity to comment on the 52 appeals Southern California Association of Governments (SCAG) has received regarding the draft RHNA plan. The appeal process is an important phase in the development of a RHNA plan that ensures that all relevant factors and circumstances are considered.

The only circumstances under which a jurisdiction can appeal are:

- 65584.05(b)(1): The council of governments failed to adequately consider the information regarding the factors listed in subdivision (e) of section 65584.04.
- 65584.05(b)(2): The council of governments failed to determine the share of the regional housing need in a manner that furthers the intent of the objectives listed in subdivision (d) of section 65584.
- 65584.05(b)(3): A significant unforeseen change in circumstances occurred in the local jurisdiction that merits a revision of the information submitted pursuant to subdivision (e) of Section 65584.04.

The California Department of Housing and Community Development (HCD) urges SCAG to only consider appeals that meet these criteria.

Per Government Code section 65584.05(e)(1), SCAG's final determination on whether to accept, reject, or modify any appeal must be accompanied by written findings, including how the final determination is based upon the adopted RHNA allocation methodology, and how any revisions are necessary to further the statutory objectives of RHNA described in Government Code section 65584(d).

Among the appeals based on Government Code section 65584.05(b)(1), several appeals state that SCAG failed to consider the factor described in Government Code section 65584.04(e)(2)(B), citing the lack of land suitable for development as a basis for the appeal. However, this section states the council of governments may not limit its consideration of suitable housing sites to existing zoning and land use restrictions and must consider the potential for increased development under alternative zoning and

land use restrictions. Any comparable data or documentation supporting this appeal should contain an analysis of not only land suitable for urban development, but land for conversion to residential use, the availability of underutilized land, and opportunity for infill development and increased residential densities. In simple terms, this means housing planning cannot be limited to vacant land, and even communities that view themselves as built out must plan for housing through means such as rezoning commercial areas as mixed-use areas and upzoning non-vacant land.

With regard to appeals submitted related to Government Code section 65584.05(b)(2), that SCAG failed to determine the RHNA in a manner that furthers the statutory objectives, it should be noted that HCD reviewed SCAG's draft allocation methodology and found that the draft RHNA allocation methodology furthered the statutory objectives described in Government Code section 65584.

Among the appeals based on Government Code section 65584.05(b)(2), several contend that the cap on units allocated to extremely disadvantaged communities (DACs) does not further RHNA's statutory objectives. This cap furthers the statutory objective to affirmatively further fair housing by allocating more units to high opportunity areas and fewer units to low resource communities, and concentrated areas of poverty with high levels of segregation. Due to the inclusion of this factor, as well as the use of TCAC/HCD Opportunity Maps, SCAG's methodology allocates 14 of the top 15 highest shares of lower-income RHNA to jurisdictions with over 99.95 percent High and Highest Resource areas. With the exceptions of two jurisdictions, the 31 jurisdictions with the highest share of lower-income RHNA are all over 95 percent High and Highest Resource areas. Any weakening of these inputs to the methodology could risk not fulfilling the statutory objective to affirmatively further fair housing.

Several appeals argue that SCAG's RHNA allocation methodology does not adequately promote access to jobs and transit, as required in objectives two and three. HCD's review of SCAG's RHNA methodology found the allocation does further the environmental principles of objective two. SCAG's overall allocation includes significant weight related to the location of high-quality transit areas and the regional distribution of jobs that can be accessed within a 30-minute driving commutes. Regarding objective three, HCD's analysis as to whether jobs-housing fit was furthered by SCAG's draft methodology found that across all jurisdictions there is generally good alignment between low-wage jobs and lower-income RHNA, with all but 15 jurisdictions within a half percent plus or minus difference between their share of lower-income RHNA for the region and their percentage low-wage jobs for the region.

Several appeals are based upon the provision described in Government Code section 65584.05(b)(3), arguing that the COVID-19 pandemic represents a significant and unforeseen change in circumstances that will affect future population and job growth. Ensuring everyone has a home is critical to public health. Reducing and preventing overcrowding and homelessness are essential concerns for every community. The COVID-19 pandemic has only increased the importance that each community is planning for sufficient affordable housing.

Lastly, several appeals state that the Regional Housing Needs Determination (RHND) HCD provided to the SCAG region is too large. SCAG submitted an objection to the RHND at the appropriate time and through the appropriate process. HCD considered those objections and [determined the final RHND for 6<sup>th</sup> Housing Element Cycle for the SCAG region on October 15, 2019](#). There are no further appeal procedures available to alter the SCAG region's RHND for this cycle. Government Code section 65584.05(b) does not allow local governments to appeal the RHND during the 45-day period following receipt of the draft allocation.

HCD acknowledges that many local governments will need to plan for more housing than in the prior cycle to accommodate a RHND that more fully captures the housing need and as the statutory objectives of RHNA shift more housing planning near jobs, transit, and resources. The Southern California region's housing crisis requires each jurisdiction to plan for the housing needs of their community and the region. In recognition of this effort there are more resources available than ever before to support jurisdictions as they prepare to update their 6<sup>th</sup> cycle housing elements:

- SB 2 Planning Grants – \$123 million one-time allocation to cities and counties
- SB 2 Planning Grants Technical Assistance offered to all jurisdictions
- Regional and Local Early Action Planning Grants – \$238 million one-time allocation for local and regional governments
- SB 2 Permanent Local Housing Allocation – approximately \$175 million annually in ongoing funding for local governments to increase affordable housing stock

If HCD can provide any additional assistance, or if you, or your staff, have any questions, please contact Megan Kirkeby, Deputy Director, [megan.kirkeby@hcd.ca.gov](mailto:megan.kirkeby@hcd.ca.gov).



Megan Kirkeby  
Deputy Director



# City of Whittier

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(562) 567-9320 Fax (562) 567-2872 www.cityofwhittier.org

Electronically Transmitted to: [Housing@scag.ca.gov](mailto:Housing@scag.ca.gov)

December 10, 2020

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

**SUBJECT: City of Whittier's Comments on Appeals to the Sixth Cycle Regional Housing Needs Assessment (RHNA) Allocation**

Honorable Chair and Honorable Committee Members:

The City of Whittier ("City") appreciates the challenges that are inherent in allocating 1,341,827 housing units by the thousands (a 226% increase above the baseline 412,137 unit) to cities across Southern California, especially in built-out cities. However, the City is deeply concerned its housing allocation of 3,431 units from the State Department of Housing and Community Development ("HCD") and the Southern California Association of Government's ("SCAG") unit distribution methodology, along with recent housing legislation will fundamentally abridge the City's ability to develop effective land-use policies that are appropriate for managing the community's actual needs. The 878 units in the 5<sup>th</sup> cycle RHNA allocation has been increased by 290% to 3,431 units in the current 6<sup>th</sup> cycle. Particularly challenging in the 6<sup>th</sup> cycle, is the number of low and very low-income units (1,558) which combined with the moderate and above moderate unit totals forces unplanned and unnecessary residential densification of the community.

The affordable units are an unfunded mandate with very limited regional or State financial support for their development. Considering the affordable housing subsidies typically range from \$50,000 to \$250,000 per unit, the overall funding requirements could range from \$78,000,000 to \$390,000,000 which is clearly beyond the reach of the City of Whittier in that the City's general fund budget is just \$72,000,000 which already include \$2,000,000 annually to house the City's unsheltered residents in transitional housing. Additionally, the City only receives 7.5% of each property tax dollar to provide general services including police and library services.

The City is currently in the process of updating its Housing Element as well as the General Plan to incorporate the current RHNA allocation, so Whittier is acutely aware of the various housing needs as well as the potential obstacles, such as aging infrastructure and unplanned density, to creating the requisite housing within a city that

is essentially built out. The changes in the State's housing laws (SB 35, SB 166 and AB 1397) have created additional constraints for the agencies and may severely impact the City's ability to accomplish our regional and local housing goals.

Since development in Whittier began more than 130 years ago, the City is virtually built-out with little developable vacant land outside of its designated open space areas that are dedicated to accommodating existing and future residents. While the City has made significant efforts through its specific plans to densify existing corridors and districts, the majority of Whittier's remaining single-family residential neighborhoods cannot accommodate similar densification. Furthermore, the hills north of Whittier contain regional open space, sensitive habitat and wildlife areas that must be preserved in perpetuity. There are also significant infrastructure and water service constraints that impact Whittier's ability to produce significantly more housing. Although these facts may not be desirable, they must be pragmatically accounted for and mitigated by not further increasing Whittier's share of housing units contained in SCAG's 6<sup>th</sup> Cycle RHNA. The final RHNA allocation and methodology must be fair and equitable while reflecting the capacity for reasonable housing unit construction.

As with many other cities, the City is concerned about the current allocation, but an even greater concern is that additional units may be applied to the City if reallocated from cities that are successful in their appeals. To that end, the City believes the appeal process itself was unclear as to the potential ramifications to other cities and not fully understood.

Although we fully support the surrounding cities in their appeals, the potential for additional units being applied to the City would exacerbate the problems described herein and in Whittier's September 13, 2019 letter to SCAG.

Should you have any questions, please do not hesitate to contact me.

Sincerely,



Jeffery S. Adams  
Director of Community Development

File

**From:** Christopher Koontz <Christopher.Koontz@longbeach.gov>  
**Sent:** Thursday, December 3, 2020 11:14 AM  
**To:** Regional Housing  
**Subject:** RHNA Appeals

**Categories:** Response Required, Record

Good morning,

The purpose of this email is to provide the City of Long Beach’s position in regards to pending RHNA appeals before SCAG. The City of Long Beach seeks to meet its housing needs and obligations for the benefit of Long Beach residents and the region. Our allocation was extremely large and presents a planning and financing challenge for the City. Nonetheless we chose not to appeal our allocation because the allocation process was fair and transparent including taking the City of Long Beach’s input into consideration.

We oppose and will not accept any transfer of additional allocation due to the pending appeals. We note that within our area, the Gateway COG, appeals are pending from Bellflower, Cerritos, Downey, Huntington Park, La Mirada, Lakewood, Pico Rivera, and South Gate. Each of these appeals should be evaluated by SCAG on the merits, however Long Beach opposes any transfer of allocation to our City. It would be inappropriate to transfer a further burden to Long Beach when we have already accepted a large allocation and have done more than many cities in the region to accommodate housing growth under the current RHNA cycle, including fully meeting our market-rate RHNA allocation.

The City of Long Beach will continue to work with SCAG and our neighbor jurisdictions to address the housing needs of our residents.

We thank you for consideration and please do not hesitate to contact the City regarding our position.

Christopher Koontz, AICP  
*Deputy Director*

Development Services  
411 W. Ocean Blvd., 3rd Floor | Long Beach, CA 90802  
Office: 562.570.6288 | Fax: 562.570.6068



Attachment: Comments Received during the Comment Period (Appeal of the Draft RHNA Allocation for the City of Garden Grove)



Southern California Association of Governments  
Remote Participation Only  
January 15, 2021

To: Regional Housing Needs Assessment Subcommittee (RHNA)

EXECUTIVE DIRECTOR'S  
APPROVAL

From: Kevin Kane, Senior Regional Planner,  
(213) 236-1828, kane@scag.ca.gov

Subject: Appeal of the Draft RHNA Allocation for the City of Yorba Linda

**RECOMMENDED ACTION:**

Deny the appeal filed by the City of Yorba Linda to reduce the draft RHNA allocation for the City of Yorba Linda by 2,200 units.

**STRATEGIC PLAN:**

This item supports the following Strategic Plan Goal 2: Advance Southern California’s policy interests and planning priorities through regional, statewide, and national engagement and advocacy.

**SUMMARY OF APPEAL(S):**

The City of Yorba Linda requests a reduction of its RHNA allocation by 2,200 units or 91 percent (from 2,411 units to 211 units) based on the following ten issues:

- 1) Application of the adopted Final RHNA Methodology for the 6<sup>th</sup> Cycle RHNA (2021 – 2029)
- 2) Existing or projected jobs-housing balance
- 3) Sewer or water infrastructure constraints for additional development
- 4) Availability of land suitable for urban development or for conversion to residential use
- 5) Lands protected from urban development under existing federal or state programs
- 6) Distribution of household growth assumed for purposes of comparable Regional Transportation Plans
- 7) The rate of overcrowding
- 8) Loss of units during a state of emergency
- 9) The region’s greenhouse gas (GHG) emissions targets
- 10) Changed circumstances

Other: Yorba Linda also argues that the 6<sup>th</sup> Cycle RHNA violates State law because HCD incorrectly developed the regional determination.

**RATIONALE FOR STAFF RECOMMENDATION:**

Staff have reviewed the appeal(s) and recommend no change to the City of Yorba Linda’s RHNA

**OUR MISSION**

*To foster innovative regional solutions that improve the lives of Southern Californians through inclusive collaboration, visionary planning, regional advocacy, information sharing, and promoting best practices.*

**OUR VISION**

*Southern California’s Catalyst for a Brighter Future*

**OUR CORE VALUES**

*Be Open | Lead by Example | Make an Impact | Be Courageous*

allocation.

In Issues 1 and 6, Yorba Linda does not contest SCAG's application of the Final RHNA Methodology; rather, Yorba Linda challenges the Final RHNA Methodology itself by asserting that the methodology is inconsistent with the SCS. Given the differences in process and objectives between the RTP and RHNA, the City has not demonstrated inconsistent regional development patterns between these processes; housing need measures are appropriately assigned through the Final RHNA Methodology based on household growth in the RTP and factors which maximize the use of public transportation and existing transportation infrastructure.

With respect to Issues 2, 5, 7 and 9, these issues are addressed at the regional level or above and not at the jurisdictional level as suggested by the City's comments and therefore SCAG staff cannot recommend granting an appeal on these bases.

With respect to Issue 3, a lack of sewer infrastructure can only be appealable if a provider other than the jurisdiction has made a decision that precludes the jurisdiction from permitting units and the appeal has not met this criterion.

With respect to Issue 4, availability of land and lands protected from urban development, while Yorba Linda demonstrates constraints to development on some portions of the City, this does not preclude development on the substantial remaining land which is not so encumbered which might be possible under alternative zoning and land use restrictions. As such, SCAG staff cannot recommend granting an appeal on these bases.

With respect to issue 8, a loss of units due to a state emergency based on the appeal's argument has already been factored into replacement need in the RHNA methodology.

For Issue 10, Yorba Linda cannot justify the use of updated materials from the Embarcadero Institute and Freddie Mac in light of the statutory framework. The City also does not provide evidence suggesting that COVID-19 related unemployment or potential job location changes reduce housing need in any way. The City's contention that it no longer makes sense to have a housing plan which focuses growth around jobs and commute patterns, offered without evidence related to anticipated future work-from-home rates, would represent a change to the RHNA methodology which cannot be considered by the Appeals Board.

Other: With respect to the HCD's regional determination, this is not a valid basis for appeal since the Appeals Board has no authority to change the regional determination.

**BACKGROUND:**

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### **Draft RHNA Allocation**

Following the adoption of the final RHNA methodology on March 5, 2020 and the adoption of Connect SoCal on September 3, 2020, all local jurisdictions received draft RHNA allocations on September 11, 2020. A summary is below.

Total RHNA for the City of Yorba Linda: 2,411 units

Very Low Income: 763 units

Low Income: 450 units

Moderate Income: 457 units

Above Moderate Income: 741 units

Additional background related to the draft RHNA allocation is included in Attachment 1.

### **Summary of Comments Received during 45-day Comment Period**

One comment was received from a local jurisdiction during the 45-day public comment period described in Government Code section 65584.05(c):

- The City of Yorba Linda submitted a comment on December 1, 2020 elaborating on points made in its own appeal, specifically related to consistency between RHNA and Connect SoCal and describing planning constraints in areas such as fire hazard zones in additional detail.

In addition, three comments were received which relate to appeals filed generally:

- HCD submitted a comment on December 10, 2020 delineating the statutory basis for RHNA appeals and the requirement that any appeals granted must include written findings regarding how revisions are necessary to further RHNA's statutory objectives.
- The City of Whittier submitted a comment on December 10, 2020 supporting surrounding cities in their appeals, but expressing concern that additional units may be applied to Whittier if reallocated from cities which are successful in their appeals.
- The City of Long Beach submitted a comment on December 3, 2020 indicating their view that the RHNA allocation process was fair and transparent, their support for evaluating appeals on their merits (specifically those from the Gateway Council of Governments), and their opposition to any action which would result in a transfer of additional units to Long Beach.

### **ANALYSIS:**

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**Issues 1 and 6: Application of the adopted Final RHNA Methodology for the 6<sup>th</sup> Cycle RHNA (2021-2029) [Government Code section 65584.05 (b)(2)] and distribution of household growth assumed for purposes of comparable Regional Transportation Plans [Section 65584.04(e)(3)].**

Government Code section 65584.05(b)(2) sets forth the following basis for appeal:

*“The council of governments or delegate subregion, as applicable, failed to determine the share of the regional housing need in accordance with the information described in, and the methodology established pursuant to, Section 65584.04, and in a manner that furthers, and does not undermine, the intent of the objectives listed in subdivision (d) of Section 65584.”*

Government Code section 65584.04(e)(3) provides that to the extent that sufficient data is available, the following factor shall be included in developing the methodology that allocates regional housing needs:

*“The distribution of household growth assumed for purposes of a comparable period of regional transportation plans and opportunities to maximize the use of public transportation and existing transportation infrastructure.”*

Yorba Linda argues that the RHNA methodology is inconsistent with the growth patterns of Connect SoCal in large part due to the inclusion of “existing need” totaling 836,857 units. In Yorba Linda this results in a housing need per RHNA which is substantially larger than the forecast of households in Connect SoCal and assigning any additional units to the City beyond its 2045 projected household totals is inconsistent with Connect SoCal. Yorba Linda also contends that the RHNA methodology which was approved by the Regional Council in draft form on November 7, 2019 was insufficiently analyzed and publicly vetted.

Additionally, the City contends that because it does not have any Priority Growth Areas (PGA) within its boundaries, assigning housing need to the City based on this component results in an inconsistency with the development pattern of the Sustainable Communities Strategy. The appeal also argues that because the City has multiple natural and other constraints including certain land use designations that are identified as constraints in the Connect SoCal Plan, this furthers the indication that SCAG’s RHNA methodology is inconsistent with the development pattern of Connect SoCal.

**SCAG Staff Response:**

Adoption of Final RHNA Methodology and Application to Yorba Linda

The adopted Final RHNA Methodology is a complex balance of several regional objectives ranging from jobs-housing balance to affirmatively furthering fair housing. With respect to the statutory objectives<sup>1</sup>, SCAG used objective measures to advance certain principles, but since local and regional conditions vary tremendously across the state and over time, there are few consistent quantitative standards which can be used to evaluate all aspects of the methodology. Ultimately, however, the RHNA statute vests HCD with the authority to decide whether statutory objectives have been met.

As described in Attachment 1: Local Input and Development of Draft RHNA Allocation, the Final RHNA Methodology was adopted by the Regional Council on March 5, 2020 and describes the various policy factors whereby housing unit need is to be allocated across the region—for example, anticipated growth, access to jobs and transit, and vacancy. The methodology makes extensive use of locally reviewed input data and describes data sources and how they are calculated in detail. On January 13, 2020, the Final RHNA Methodology was found by HCD to further the five statutory objectives in large part due to its use of objective factors and as such cannot consider factors differently in one jurisdiction versus another.

Attachment 1 describes in detail the allocation methodology and provides specific data for the City of Yorba Linda. Household growth provided by the City during the Bottom-Up Local Input and Envisioning Process totals 33 households for the RHNA period (an increase of 0.14% compared to the City's 2020 anticipated household total of 23,130). Adding adjustments for vacancy and replacement need per the Final RHNA Methodology results in a total “projected need” of 34 units. However, as determined by HCD, a large share of the region's housing need is based on factors other than future household growth and can be characterized as the “existing need” of the existing population.

SCAG's RHNA methodology explicitly ensures that “existing need” units are allocated to jurisdictions across the region based on measures of transit and job accessibility such that future housing development can maximize the use of public transportation and existing infrastructure. The measure of transit accessibility is defined as a jurisdiction's share of the region's population in a high quality transit area (HQTAs) in 2045. The measure of job accessibility is defined as a jurisdiction's share of regional 2045 jobs accessible within a 30-minute drive commute (additional

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<sup>1</sup> The objectives are: 1) Increasing the housing supply and the mix of housing types, tenure, and affordability in all cities and counties within the region in an equitable manner, which shall result in each jurisdiction receiving an allocation of units for low- and very low-income households. (2) Promoting infill development and socioeconomic equity, the protection of environmental and agricultural resources, the encouragement of efficient development patterns, and the achievement of the region's greenhouse gas reductions targets provided by the State Air Resources Board pursuant to Section 65080. (3) Promoting an improved intraregional relationship between jobs and housing, including an improved balance between the number of low-wage jobs and the number of housing units affordable to low-wage workers in each jurisdiction. (4) Allocating a lower proportion of housing need to an income category when a jurisdiction already has a disproportionately high share of households in that income category, as compared to the countywide distribution of households in that category from the most recent American Community Survey. (5) Affirmatively furthering fair housing. (Govt. Code § 65584(d).)

details are found in the adopted RHNA methodology). In addition, the distribution of existing need includes a commitment to social equity in the form of the social equity adjustment and the reallocation of “residual” housing need from lower-resourced jurisdictions. Residual need is housing need that is reallocated from disadvantaged communities (DACs) to non-DAC jurisdictions in order to ensure housing units are placed in higher-resourced communities consistent with affirmatively furthering fair housing (AFFH principles). This reallocation of residual need is also based on job and transit access measures.

For the City of Yorba Linda, there are no HQTAs within the city limit and therefore the City receives no allocation of units based on transit access. The majority of the City’s draft RHNA allocation is associated with job accessibility. For the City of Yorba Linda, per Connect SoCal, 14.62% of the region’s 2045 jobs are anticipated to be accessible to City residents and results in a draft RHNA allocation of 1,583 units. The remaining portion of the City’s allocation is attributable to the reallocated residual need and results in an additional 793 units assigned to the City of Yorba Linda (see Attachment 1 for further discussion of the Final RHNA Methodology and adoption process).

Thus, Yorba Linda’s share of the 1.34 million unit regional determination provided by HCD is 0.1797%. As confirmed in HCD’s comment letter (attached), there are no further appeal procedures available to alter the SCAG region’s housing needs determination and local governments may not challenge the regional determination pursuant to the appeal bases specified in Government Codes section 65584.05(b). Appeals are only allowed regarding the *application* of the adopted Final RHNA Methodology to an individual jurisdiction and as such evidence must be provided related to how the adopted methodology is applied (or misapplied) to a jurisdiction, rather than relative to factors which comprise the adopted Methodology or regional determination itself.

#### Housing Needs in RHNA and Household Growth in Connect SoCal (SCAG’s 2020 RTP/SCS)

RHNA and Connect SoCal are two separate processes that are related by very specific requirements of the respective sections of state planning law.

The RHNA process identifies anticipated housing *need* over a specified eight-year period and requires that local jurisdictions make available sufficient zoned capacity to accommodate this need. Actual housing production depends on a variety of factors external to the identification of need through RHNA—local jurisdictions frequently have sufficient zoned capacity but actual housing construction depends on market and other external forces. For example, per HCD’s Annual Progress Reports covering new unit permits through 2018, the region’s low and very-low income permits totaled 19,328 units (2,494/year) compared to the RHNA allocation of 165,579 units (21,365/year)<sup>2</sup>.

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<sup>2</sup> See <https://www.hcd.ca.gov/community-development/housing-element/index.shtml>

Legislative changes in 2018 modified the nature of the regional housing need determination for the 6th 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 direct inputs to the growth forecasting process and are independent of employment and population projections. They reflect additional latent housing needs in the current population (i.e., “existing need”) and do not result in a change in regional population.

The Connect SoCal Growth Forecast is an assessment of the reasonably foreseeable future pattern of growth given regional factors such as births, deaths, migration, and employment growth as well as local factors, which includes the availability of zoned capacity.<sup>3</sup> Furthermore, Connect SoCal addresses growth over a 25-year time horizon (through 2045).

The City provides evidence in its appeal and its comment letter that the City’s anticipated household growth from 2021-2029 (33 households), its anticipated household growth from 2020-2045 of (200 households), and its draft RHNA allocation (2,411 housing units) are different. However, it is this difference between these two processes which accounts for the difference between the reasonably foreseeable household growth rate included in Connect SoCal and the development capacity target which RHNA envisions for the City of Yorba Linda. Note that there is no statutory requirement for these figures to match in order to show consistency between Connect SoCal and the RHNA. Rather, as the RHNA statute indicates and as discussed in more detail below, the allocation plan “shall allocate housing units within the region consistent with the development pattern included in the [SCS].” (Govt. Code § 65584.04(m)(1)).

#### SCS Development Pattern

SCAG agrees that the RHNA allocations must be consistent with the development pattern in the SCS. Indeed, any appeals granted would need to demonstrate that the revised allocation is “consistent with, and not to the detriment of, the development pattern in an applicable [SCS]”. (Govt. Code Sec. 65584.05(b)). This requirement also mirrors one of the five objectives which requires the RHNA allocation plan to encourage efficient development patterns and achieve the region’s GHG emissions targets (Govt. Code Sec. 65584(d)(2)). As discussed below, consistency with the SCS is not technically a basis for appeal as set forth by the statute. However, there is much overlap of consistency with the SCS and two of the local planning factors, Section 65584.04(e)(3) “[t]he distribution of household growth assumed for purposes of comparable [RTPs]” and Section 65584.04(e)(12) “[t]he region’s GHG targets provided by CARB”; therefore, SCAG addresses the RHNA allocation consistency with the SCS below and in Response to Issue 9 in this staff report.

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<sup>3</sup> While Connect SoCal identifies and plans for reasonably foreseeable growth through the year 2045 it is also required to identify areas sufficient to house the 8-year RHNA need pursuant to Government Code Section 65080(b)(2)(B)(iii).

(Issue 6 -- the distribution of household growth assumed for purposes of comparable RTPs – is discussed as part of this response to Issue 1).

Connect SoCal’s Sustainable Communities Strategy represents a wide-ranging policy framework, strategies, and key connections which link land use and transportation goals across myriad stakeholders.<sup>4</sup> No fewer than 19 different statutory requirements which the SCS must satisfy are addressed (p. 6-7). The SCS includes dozens of individual, local projects and comprehensive outreach and scenario exercises which include, among other things, priority growth areas (PGAs) and constraint areas. The City of Yorba Linda’s appeal makes extensive reference to on the strategy of focusing growth in PGAs and avoiding growth in Constraint Areas, noting that Yorba Linda does not have any discrete PGAs within its boundaries. PGAs include job centers, high quality transit areas HQTAs, and neighborhood mobility areas (NMAs). Each of the local planning factors that relate to the City’s constraints to growth arguments are discussed as separate issues in Response to Issues 2 through 8 below.

While the RHNA process only permits SCAG to allocate jurisdiction-level totals (by income category), the SCS requires SCAG to model future transportation patterns and Greenhouse Gas (GHG) impacts, which requires an estimate of *where* within the jurisdiction future growth may occur. As such, the RHNA process requires adapting Connect SoCal’s key policy directions in order to ensure that *development patterns* are consistent across the two processes. For example, Connect SoCal achieves its jobs-housing balance objectives in part by envisioning a set of 72 individual job centers across the region; however, this relies on within-jurisdiction prediction of the location of development (job centers are one part of Priority Growth Areas and are illustrated in Exhibit 1 of the Connect SoCal SCS Technical Report<sup>5</sup>). The final RHNA process adapts this concept by developing a measure of job accessibility at the jurisdiction-level—using Connect SoCal data (as illustrated in the job accessibility map in the RHNA Methodology Data Appendix<sup>6</sup>)—to ensure consistent strategic and policy direction. Half of the region’s existing need is allocated on job accessibility. As noted above, the City received 1,583 units based on its proximity to 14.62% of the regions 2045 jobs (plus residual need units also based on job accessibility).

Similarly, half of the region’s existing need is allocated on the basis of the jurisdiction’s share of the region’s population in an HQTA in 2045 as defined in Connect SoCal. As noted above the City of Yorba Linda receives zero units based on transit accessibility because there are no HQTAs within the City.

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<sup>4</sup> [https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocial\\_sustainable-communities-strategy.pdf](https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocial_sustainable-communities-strategy.pdf)

<sup>5</sup> [https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocial\\_sustainable-communities-strategy.pdf?1606002097](https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocial_sustainable-communities-strategy.pdf?1606002097).

<sup>6</sup> <https://scag.ca.gov/sites/main/files/file-attachments/scag-final-rhna-data-appendix-030520.pdf?1602189406>.

Also noted above, in addition to the units assigned based on proximity to jobs and transit, “residual need” units are assigned to affirmatively further fair housing. This reallocation is also based on the job and transit access measures described above, and results in an additional 793 units assigned to the City of Yorba Linda based on job accessibility. (The City received no residual need units based on HQTAs.)

Consistent strategic and policy direction results in the Final RHNA Methodology and Draft RHNA Allocation’s consistency with the development patterns in the SCS, pursuant to Government Code section 65584.04(m)(1). As such, a comparison simply based on whether a jurisdiction has priority growth areas is insufficient for understanding whether development patterns are consistent across these processes. For these reasons, SCAG staff does not recommend a reduction to Yorba Linda’s draft RHNA allocation based on the application of the methodology or the distribution of household growth in the RTP/SCS.

For further discussion see Attachment 1 as well as Connect SoCal Master Response 1 at [https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocial\\_public-participation-appendix-2.pdf](https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocial_public-participation-appendix-2.pdf)

Note that while not a basis for an appeal, the City references Government Code section 65584.04(m)(1):

*“It is the intent of the Legislature that housing planning be coordinated and integrated with the regional transportation plan. To achieve this goal, the allocation plan shall allocate housing units within the region consistent with the development pattern included in the sustainable communities strategy.”*

And Government Code section 65584.04(m)(3):

*“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 and furthers the objectives listed in subdivision (d) of Section 65584.”*

While SCAG must make these findings upon the approval of a final RHNA allocation plan, they are not a basis for an appeal of Yorba Linda’s share of the region’s housing needs. The only bases for appeals are set forth in Government Code section 65584.05(b) and the 6<sup>th</sup> RHNA Cycle Appeals Procedures which include: (1) application of methodology; (2) consideration of information submitted by local jurisdictions relating to local factors and AFFH; and (3) changed circumstances. Nevertheless, SCAG has addressed the consistency of the RHNA allocation with the SCS in the discussion above and in response to Issue 9.

In summary, the RHNA methodology was appropriately developed and adopted and consistently applied to all jurisdictions in the SCAG region, including Yorba Linda. Furthermore, the SCAG's draft RHNA allocation plan is consistent with the development pattern in the SCS. Therefore, SCAG staff do not recommend a reduction in Yorba Linda's draft RHNA allocation based on application of the RHNA methodology.

***Issue 2: Existing or projected jobs-housing balance [Government Code section 65584.04(e)(1)].***

*Government Code section 65584.04(e)(1)] provides that to the extent that sufficient data is available the following factor shall be included in developing the methodology that allocates regional housing needs:*

*“Each member jurisdiction’s existing and projected jobs and housing relationship. This shall include an estimate based on readily available data on the number of low-wage jobs within the jurisdiction and how many housing units within the jurisdiction are affordable to low-wage workers as well as an estimate based on readily available data, of projected job growth and projected household growth by income level within each member jurisdiction during the planning period.”*

*The City contends that it has relatively few jobs including only 0.2% of the region’s low wage jobs and the RHNA would increase housing units 167% above SCAG’s 2045 forecast which would force rezoning of commercial properties worsening the jobs-housing balance in the City.*

**SCAG Staff Response:** SCAG considered the city’s job-housing relationship. SCAG’s RHNA methodology data appendix, which has been available online since at least mid-2019, contains a direct jurisdiction-level comparison of population and employment using Census Longitudinal Employer Household Dynamics (LEHD) dataset. Additionally, current and future population, employment, and household totals for the City of Yorba Linda from Connect SoCal and vetted by the City in the Bottom-Up Local Input and Envisioning Process (described in Attachment 1) were used throughout the process.

The above-referenced code section mandates consideration of jobs-housing relationships; however, in the SCAG region, simple jobs-housing ratios (e.g. 22,400 households versus 11,424 jobs within the City of Yorba Linda) were deemed to be insufficient to further the RHNA objective in Government Code section 65584(d)(2) to promote an improved intraregional relationship between jobs and housing. Over 80 percent of SCAG region workers live and work in different jurisdictions, which calls for an approach to the region’s job housing relationship through the measurement of access rather than number of jobs within a certain jurisdiction. Limiting a jobs housing balance solely within jurisdictions can effectively worsen a regional jobs housing balance. Similarly, while



Yorba Linda contends that rezoning commercial properties could reduce the City's jobs-housing ratio, this hypothetical impact on the ratio alone is not sufficient to demonstrate that jobs-housing relationships were not considered. For these reasons, SCAG staff does not recommend a reduction to the jurisdiction's RHNA allocation based on this factor.

**Issue 3: Sewer or water infrastructure constraints for additional development [Section 65584.04(e)(2)(A)].**

*Government Code section 65584.04(e)(2)(A) indicates that to the extent that sufficient data is available, the following constraint shall be included in developing the methodology that allocates regional housing needs:*

*"Lack of capacity for sewer or water service due to federal or state laws, regulations or regulatory actions, or supply and distribution decisions made by a sewer or water service provider other than the local jurisdiction that preclude the jurisdiction from providing necessary infrastructure for additional development during the planning period."*

*The City indicates that it has a high number of septic systems (56 per square mile) and conversion from septic to sewer is often cost prohibitive for developers.*

**SCAG Staff Response:** For Government Code Section 65584.04(e)(2)(A) to apply in this case, the jurisdiction must be precluded from providing necessary infrastructure for additional development due to supply and distribution decisions made by a sewer or water provider other than the local jurisdiction. Yorba Linda's appeal specifically states that the Santa Ana Regional Water Quality Board has not identified a known capacity issue.

While converting from septic to sewer may represent a significant cost, this appeal basis relates exclusively to capacity issues and costs cannot be considered. Further, market conditions and the cost to develop and construct the allocated new housing units within a jurisdiction should not be considered by SCAG as a justification for a RHNA reduction since the RHNA Allocation does not provide a building quota or mandate. The City is not responsible for obtaining land, developing, or financing housing, it is only required to plan and zone for its determined housing need. For these reasons, SCAG staff does not recommend a reduction to the jurisdiction's RHNA allocation based on this factor.

**Issue 4: Availability of land suitable for urban development or conversion to residential use [Section 65584.04(e)(2)(B)].**

Government Code section 65584.04(e)(2)(B) indicates that to the extent that sufficient data is available the following constraint shall be included in developing the methodology that allocates regional housing needs:

*“The availability of land suitable for urban development or for conversion to residential use, the availability of underutilized land, and opportunities for infill development and increased residential densities. The council of governments may not limit its consideration of suitable housing sites or land suitable for urban development to existing zoning ordinances and land use restrictions of a locality, but shall consider the potential for increased residential development under alternative zoning ordinances and land use restrictions. The determination of available land suitable for urban development may exclude lands where the Federal Emergency Management Agency (FEMA) or the Department of Water Resources has determined that the flood management infrastructure designed to protect that land is not adequate to avoid the risk of flooding.”*

The City provides information indicating that substantial portions of the City are constrained and cannot accommodate additional residential development:

- 32.78% of the City is in Connect SoCal absolute constraint areas,
- 77.22% of the City is in Connect SoCal variable constraint areas; these include
  - o 6,700 acres in wildland urban interface areas,
  - o 750 acres in FEMA-designated flood hazard zones,
  - o 3,200 acres in very high fire hazard severity zones, and
  - o 2,100 acres of State and County parks.

Since the projected need component of the RHNA Methodology takes these constraints into account, Yorba Linda’s fair share allocation of housing units based on projected need should be 34 units (0.007% of the SCAG region). The City has extrapolated this to include the approximately 840,000 units due to existing need, including residual need, to claim that Yorba Linda’s share of the region’s total housing need should be 94 units (0.007% of the SCAG region).

The City indicates it has approximately 15 vacant properties totaling less than 10 acres of undeveloped land and most of the properties are small.

The City also points to their susceptibility to natural disasters (proximity to an earthquake fault, liquefaction areas, landslide potential, etc.) as well as the many properties with slopes of greater than 15% that are challenging and expensive to develop.

**SCAG Staff Response:** As discussed above in Response to Issue 1, the adopted Final RHNA Methodology is a complex balance of several regional objectives. It requires consideration of local factors; however, ultimately these must be balanced with the five statutory objectives of RHNA using objective factors which can be applied equitably across 197 jurisdictions. There is no requirement to directly consider each local planning factor or RHNA objective in each part of the RHNA methodology.

Government Code section 65584.04(i) vests authority to assess whether a methodology furthers the statutory objectives in HCD. In HCD's January 13, 2020 letter (attached), HCD finds that SCAG's RHNA methodology furthers all five statutory objectives, noting specifically that "*HCD applauds the use of objective factors specifically linked to the statutory objectives in the existing need methodology.*" Based on this, it is reasonable to conclude that a methodology which did not include the existing need in this or a substantively similar manner might not be found to further all five statutory objectives.

Pursuant to Government Code Section 65584.04(e)(2)(B), SCAG "may not limit its consideration of suitable housing sites or land suitable for urban development to existing zoning ordinances and land use restrictions of a locality" (which includes the land use policies in its General Plan). "Available land suitable for urban development or conversion to residential use," as expressed in 65584.04(e)(2)(B), is not restricted to vacant sites; rather, it specifically indicates that underutilized land, opportunities for infill development, and increased residential densities are a component of "available" land. As indicated by HCD in its December 10, 2020 comment letter (HCD Letter):

"In simple terms, this means housing planning cannot be limited to vacant land, and even communities that view themselves as built out must plan for housing through means such as rezoning commercial areas as mixed-use areas and upzoning non-vacant land." (HCD Letter at p. 2).

As such, the City can consider other opportunities for development. This includes the availability of underutilized land, opportunities for infill development and increased residential densities, or alternative zoning and density. Alternative development opportunities should be explored further and could possibly provide the land needed to zone for the City's projected growth. Note that while zoning and capacity analysis is used to meet RHNA need, they should not be used to determine RHNA need at the jurisdictional level. Per the adopted RHNA methodology, RHNA need at the jurisdictional level is determined by projected household growth, transit access, and job access. Housing need, both existing and projected need, is independent of zoning and other related land use restrictions, and in some cases is exacerbated by these very same restrictions. Thus, land use capacity that is restricted by factors unrelated to existing or projected housing need cannot determine existing or projected housing need.

Yorba Linda's assessment that it should be responsible for 0.007% of the region's housing need would represent a 53-fold deviation from the City's 0.18% share of the draft RHNA allocation and is even further from the City's 0.36% share of the SCAG region's population (DOF 2019). If, assuming changes of this nature could be made equitably to all regions in the jurisdiction, this would represent a substantial deviation from the methodology which would very likely compromise HCD's compliance finding.

Yorba Linda identifies only 10 acres' worth of vacant properties in the City which have not been developed, entitled, or are in the process of entitlement that are available for urban development and contends that SCAG did not consider land availability pursuant to Government Code Section 65584.04(e)(2)(B). As described above and in Attachment 1, these constraints were discussed at length and directly considered in SCAG's 6<sup>th</sup> cycle RHNA methodology. However, locally-reviewed growth forecasts (which resulted in a projected need of 34 units in Yorba Linda) are not the only part of the RHNA methodology—additional units are assigned on the basis of job and transit accessibility in particular.

While zoning and capacity analysis is used to meet RHNA need, they should not be used to *determine* RHNA need at the jurisdictional level. Per the adopted RHNA methodology, RHNA need at the jurisdictional level is determined by projected household growth, transit access, and job access. Housing need, both existing and projected need, is independent of zoning and other related land use restrictions, and in some cases is exacerbated by these very same restrictions. Thus, land use capacity that is restricted by factors unrelated to existing or projected housing need cannot determine existing or projected housing need.

SCAG recognizes there are many environmental and other constraints to development on portions of the land in the City of Yorba Linda. However, this does not preclude additional residential development (i.e. infill) outside of such constrained areas. This includes the availability of underutilized land, opportunities for infill development and increased residential densities, alternative zoning and density, and accessory dwelling units. On June 10, 2020, HCD released extensive guidelines for housing element site inventories which takes into account AB 1397's changes<sup>7</sup>. A wide range of adequate sites are detailed including accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs). Specifically, the guidelines indicate that (page 32):

“In consultation with HCD, other alternatives may be considered such as motel conversions, adaptive reuse of existing buildings, or legalization of units not previously reported to the Department of Finance.”

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<sup>7</sup> See [https://www.hcd.ca.gov/community-development/housing-element/docs/sites\\_inventory\\_memo\\_final06102020.pdf](https://www.hcd.ca.gov/community-development/housing-element/docs/sites_inventory_memo_final06102020.pdf)

Alternative development opportunities should be explored further and could possibly provide the land needed to zone for the City's RHNA allocation. For these reasons, SCAG staff does not recommend a reduction to the jurisdiction's RHNA allocation based on this factor.

***Issue 5: Lands protected from urban development under existing federal or state programs [Section 65584.04(e)(2)(C)].***

*Government Code section 65584.04(e)(2)(C) provides that to the extent that sufficient data is available the following constraint shall be included in developing the methodology that allocates regional housing needs:*

*"Lands preserved or protected from urban development under existing federal or state programs, or both, designed to protect open space, farmland, environmental habitats, and natural resources on a long-term basis, including land zoned or designated for agricultural protection or preservation that is subject to a local ballot measure that was approved by the voters of that jurisdiction that prohibits or restricts conversion to nonagricultural uses."*

*Yorba Linda indicates that substantial areas of the City are constrained by various issues related to open space, protected species, etc. They also indicate that many properties are impacted by oil wells and are restricted in use by the Division of Oil, Gas and Geothermal Resources (DOGGR).*

**SCAG Staff Response:** See also Response to issue 4 above. 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 since such factors are required to be considered at the local level. Attachment 1 describes SCAG's extensive Bottom-Up Local Input and Envisioning Process which provided extensive engagement and review opportunities to ensure that forecasting growth in constrained areas was avoided if possible. An updated version of the draft data/map book originally provided to and discussed with Yorba Linda in March 2018 is available at <https://scag.ca.gov/sites/main/files/file-attachments/yorbalinda.pdf> and specifically includes data on coastal inundation/sea level rise, protected natural lands, and flood hazard zones. Similar information was received through Yorba Linda's Local Planning Factor Survey. While maps were not explicitly provided regarding fire hazard, the local input process provided the City with the opportunity to make changes based on any additional constraint.

The RHNA methodology has provided ample input opportunity regarding these constrained areas and their inclusion has resulted in Yorba Linda having one of the region's lowest housing need due to projected growth at 34 units. The City of Yorba Linda's appeal does not provide evidence that any of these constraints have changed since the City's local input was provided.

In addition, while the jurisdiction has indicated it cannot accommodate units in specific areas, no evidence has been provided that the jurisdiction cannot accommodate its RHNA allocation in other areas. The City provides a detailed analysis indicating that these constraints would restrict development in portions of Yorba Linda. However, the presence of protected open space or other constrained areas alone does not reduce housing need nor does it preclude a jurisdiction from accommodating its housing need elsewhere. For these reasons, SCAG staff does not recommend a reduction to the jurisdiction's RHNA allocation based on this factor.

***Issue 7: The rate of overcrowding [Section 65584.04(e)(7)].***

*Government Code section 65584.04(e)(7)] provides that to the extent that sufficient data is available, "the rate of overcrowding" shall be included as a factor in developing the methodology that allocates regional housing needs.*

*The City indicates that it has only of 452 "overcrowded" housing units (or 1.98% overcrowding rate) and that the Department of Finance shows an average of 3.04 persons per household in Yorba Linda. Therefore, overcrowding is not a significant issue within the City of Yorba Linda.*

**SCAG Staff Response:** Government code 65584.01 *et seq.* allows HCD to use the region's level of household overcrowding as a factor in determining regional housing need. HCD elected to use this measure and determined that the region's level of overcrowding merited an adjustment to the region's housing needs based on extent to which the region's overcrowding rate exceeds the nation's. This results in an adjustment of 459,917 units (comprising 34.2% of the total regional housing needs determination of 1,341,827 units). Both statute and HCD's interpretation thereof frame overcrowding as an issue relevant to the regional housing market and not one limited by jurisdictional boundaries. Put differently, overcrowding is a regional issue relevant to jurisdictions with both high and low levels of overcrowding themselves. There is no requirement that housing units are allocated to jurisdictions on the same basis whereby HCD assigned housing need to the SCAG region (i.e. allocated to jurisdictions on the basis of their individual overcrowding rates, in this instance). SCAG's adopted RHNA methodology relies on other factors to distribute housing need – namely job and transit accessibility – which more acutely further RHNA's statutory objectives particularly related to increasing the mix of housing types, promoting socioeconomic equity, improving the interregional jobs-housing balance, and affirmatively furthering fair housing (AFFH).

The City argues that the US Census Bureau's definition of overcrowding may count examples which are not "extreme" such as a married couple living in a studio as overcrowded. However,

Government Code section 65584.01(b)(1)(C)(i) specifically defines overcrowding in the same manner as the Census Bureau definition:

*“The term “overcrowded” means more than one resident per room in each room in a dwelling.”*

The Census Bureau also includes a category of “severe overcrowding” of more than 1.5 residents per room in each room in a dwelling to capture a different set of overcrowding cases; however, this is not referenced in statute. In its appeal on this issue, Yorba Linda is requesting a change to the adopted Final RHNA Methodology which cannot be considered by the Appeals Board. For these reasons, SCAG staff does not recommend a reduction to the jurisdiction’s RHNA allocation based on this factor.

***Issue 8: Loss of units during a state of emergency [Section 65584.04(e)(11)].***

*Government Code section 65584.04(e)(11) provides that to the extent that sufficient data is available the following factor shall be included in developing the methodology that allocates regional housing needs:*

*“The loss of units during a state of emergency that was declared by the Governor pursuant to the California Emergency Services Act (Chapter 7 (commencing with Section 8550) of Division 1 of Title 2), during the planning period immediately preceding the relevant revision pursuant to Section 65588 that have yet to be rebuilt or replaced at the time of the analysis.”*

*Yorba Linda contends that several properties have not yet been rebuilt following the 2008 Freeway Complex Fire.*

**SCAG Staff Response:** SCAG conducts a replacement need survey, described in Attachment 1, in order to solicit information on units which have yet to be rebuilt during the immediately preceding planning period (2009-2018). The purpose of a replacement need is to ensure support for household growth. If a unit is demolished and not replaced, the housing stock is reduced since there is one fewer unit available for a household and the jurisdiction must replace that unit in order to maintain its household growth. Yorba Linda submitted the attached replacement needs survey indicating no units have been lost but not replaced during this time. As such, the RHNA methodology assigned a replacement need of 0 units to Yorba Linda.

The City’s appeal indicates that several properties have not yet been rebuilt from a 2008 state of emergency; however, the number of properties is not specified. Destroyed units would need to be replaced and this would be calculated by adding on additional units to the jurisdiction. However,

since this state of emergency occurred before the immediately preceding planning period described in the above-referenced code section, SCAG staff does not recommend increasing Yorba Linda's draft RHNA allocation to include any units which have still not been replaced.

**Issue 9: The region's greenhouse gas (GHG) emissions targets [Government Code section 65584.04(e)(12)].**

*Government Code section 65584.04(e)(12) provides that to the extent that sufficient data is available the following factor shall be included in developing the methodology that allocates regional housing needs:*

*"The region's greenhouse gas emissions targets provided by the State Air Resources Board pursuant to Section 65080."*

*The City's concerns relate to the potential for longer commutes as a result of placing homes in the City and associated increased GHG emissions.*

**SCAG Staff Response:** As described in Attachment 1, from the City of Yorba Linda's median TAZ it will be possible to reach 14.6% of the region's jobs in 2045 within a 30-minute automobile commute. This ranks 62<sup>nd</sup> out of 197 jurisdictions in the SCAG region, and 22<sup>nd</sup> out of 35 jurisdictions in Orange County. The City's existing need allocation is based entirely on this moderate level of job accessibility (no units are allocated on the basis of future HQTAs since there are none in Yorba Linda). As such, the City's existing need allocation is reflective of its low-to-moderate level of contribution to potential regional GHG.

Yorba Linda uses a tool to assess the increase in trips associated with a potential increase of 2,411 households (equivalent to their draft RHNA allocation) indicating an increase in 23,000 daily trips while also noting the lack of current and future transit options in the city. The City contends that this RHNA allocation would increase the city's contribution to GHG emissions. However, as described in Attachment 1, the existing need measures which comprise the vast majority of the City's draft RHNA allocation reflect additional latent housing needs in the current population and would not result in a change in regional population.

The RHNA statute specifies that the *region's* GHG emissions target is a factor to be included in developing the RHNA methodology. The California Air Resources Board (CARB) GHG emissions reduction target of 19% by 2035 was achieved by Connect SoCal. The evidence presented by Yorba Linda only evaluates the impacts of potential Yorba Linda residents—not an assessment of the draft RHNA allocation region-wide versus an alternative in which Yorba Linda receives a decreased allocation. As such SCAG staff do not recommend a reduction on this basis.



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**Issue 10:** Changed circumstances [Government Code 65584.05(b)].

*Yorba Linda identifies three changes in circumstance under this appeal basis:*

- 1) *Updated information related to HCD's calculation of SCAG's regional housing needs determination of 1.34 million units*
- 2) *The COVID-19 pandemic's socioeconomic impacts, mostly related to job losses and changes to how people will work in the future*
- 3) *DAC redistribution related to the City of Santa Ana (these issues have also been raised in Yorba Linda's separate appeal of Santa Ana's draft RHNA allocation),*

**SCAG Staff Response:**

- 1) Regional Determination

Issues related to the regional determination are also discussed in Response to “other” issues below. The regional determination itself does not provide grounds for an appeal based on changed circumstances or any other possible appeal basis. As described in HCD's comment letter (attached), HCD determines the regional housing need total, no further appeal procedures are available to alter the SCAG region's total, and it cannot be appealed by local governments under Government Code Section 65584.05(b).

SCAG's development of a consultation package to HCD regarding the regional housing needs determination took place during the first half of 2019. During this time SCAG extensively reviewed a wide range of reports which commented on housing needs in the state and region, including studies from USC, UCLA, UC-Berkeley, the California Legislative Analyst's Office, Beacon Economics, McKinsey, the Center for the Continuing Study of the California Economy, and others. These studies covered a wide range of approaches and methodologies for understanding housing need in the region and state. On March 27, 2019 SCAG convened a panel of fifteen experts in demographics, economics, and housing planning to assess and review the region's housing needs in the context of SCAG's regional determination.

Notwithstanding the merits of the various approaches toward estimating regional housing need, the RHNA statute outlines a very specific process for arriving at a regional housing needs determination for RHNA. It also prescribes a specific timeline which necessitated the completion of the regional determination step by fall 2019 in order to allow enough time for the development of a methodology, appeals, and local housing element updates.

The defined timeframes are guided by the deadline for the housing element revisions for HCD's RHNA determination and SCAG's Final RHNA Allocation Plan. HCD, in consultation with each council

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of governments (COG), shall determine each region's existing and projected housing need pursuant to Section 65584.01 at least two years prior to the scheduled revision required pursuant to Section 65588. Govt. Code § 65584(b). This "determination shall be based upon population projections produced by the Department of Finance and regional population forecasts used in preparing regional transportation plans, in consultation with each council of governments." Govt. Code § 65584.01(b). HCD begins the process 26 months prior to the scheduled revision so the data HCD relies on is the available provided by the COGs at that time. Similarly, the COG issues its survey for information to develop the RHNA allocation methodology up to 30 months prior to the scheduled revision. By necessity, the data used for these processes is data available at that time.

During both the consultation process and the filing of SCAG's formal objection to HCD's regional determination, SCAG extensively reviewed the issues brought up in these recent reports including a variety of indicators of housing backlog such as cost burden, overcrowding, demolition, and vacancy. In addition, SCAG has a well-developed program for forecasting population and household growth in the region which is conducted with the advice and collaboration of the state Department of Finance's forecasting staff. SCAG assessed the relationship between the measures used and not used in its analyses in order to avoid overlap ("double counting").

While the RHNA statute prescribes specific requirements for HCD in determining the regional housing need (e.g., the determination shall be based on population projects produced by the Department of Finance and regional population forecasts used in preparing regional transportation plans), it allows HCD to accept or reject information provided by SCAG with respect to the data assumptions from SCAG's growth forecast or to modify its own assumptions or methodology based on this information. Following SCAG's formal objection filed on September 18, 2019, HCD did not materially change the regional determination following SCAG's formal objection filed on September 18, 2019, and there are no further mechanisms provided for in statute to contest their decision. Nevertheless, SCAG has a statutory obligation to complete the remaining steps required in the RHNA process—namely the adoption of a Final RHNA Methodology, conducting an appeals process, and issuing final RHNA allocations.

A report by Freddie Mac's Economic & Housing Research Group titled "The housing supply shortage: State of the states" was released in February 2020, and a slide deck titled "Double counting in the latest housing needs assessment" was placed on the Embarcadero Institute's website during 2020 (last update September 2020). Notwithstanding the merits (or lack thereof) of these studies, in order for such materials to have been considered by HCD, they would have had to have been submitted by June of 2019 as discussed above. Furthermore, as discussed above, SCAG's consultation package to HCD regarding the regional determination contained an extensive quantitative assessment of overcrowding, vacancy, and cost burden factors and a discussion of the issue of double-counting.

Additionally, the studies referenced are regional in nature and do not provide information on individual jurisdictions. For an appeal to be granted on the incorrect application of RHNA methodology, arguments and evidence must be provided that demonstrate the methodology was incorrectly applied to determine the jurisdiction's share of regional housing need. Because a regional study does not meet this criterion, these studies cannot be used to justify a particular jurisdiction's appeal. Moreover, any reduction would have to be redistributed to the region when in theory, all jurisdictions would be impacted by the regional study.

In sum, it would be untenable to reopen the process anytime new data or materials become available, particularly when there is a codified process. If so, there would be no finality to the process and local government could not meet the deadlines for their housing element updates. Procedurally, SCAG cannot consider a regional study outside of the regional determination process nor should it apply a regional study to reduce an individual jurisdiction's draft RHNA allocation. For these reasons, SCAG staff does not recommend a reduction to the jurisdiction's draft RHNA allocation.

## 2) The COVID-19 pandemic

While SCAG staff recognizes that COVID-19 presents unforeseen circumstances and that the region has been affected by significant unemployment, these facts, as presented by the City, do not "merit a revision of the information submitted pursuant to subdivision (b) of Section 65584.04" (Government Code section 65584.05(b)(3)). Furthermore, section 65584.05(b) requires that,

"Appeals shall be based upon comparable data available for all affected jurisdictions and accepted planning methodology, and supported by adequate documentation, and shall include a statement as to why the revision is necessary to further the intent of the objectives listed in subdivision (d) of Section 65584."

While the City of Yorba Linda provides several anecdotes related to COVID-19's economic and social impacts, comparable data following this standard is not provided by the City.

SCAG's Regional Council delayed the adoption of the 2020 RTP/SCS by 120 days in order to assess the impact of COVID-19; however, the document's long-range (2045) forecast of population, employment, and household growth remained unchanged. The Demographics and Growth Forecast Technical Report outlines the process for forecasting long-range employment growth which involves understanding national growth trends and regional competitiveness, i.e., the SCAG's region share of national jobs. Short-term economic forecasts commenting on COVID-19 impacts generally do not provide a basis for changes in the region's long-term competitiveness or the region's employment outlook for 2023-2045. As such, SCAG's assessment is that comparable data would not suggest long-range regional employment declines.

The COVID-19 pandemic has had various impacts throughout Southern California; however, it has not resulted in a slowdown in major construction nor has it resulted in a decrease in a demand for housing or housing need. Southern California home prices continue to increase (+2.6 percent from August to September 2020) led by Los Angeles (+10.4 percent) and Ventura (+6.2 percent) counties. Demand for housing as quantified by the RHNA allocation is a need that covers an 8-year period, not simply for impacts that are in the immediate near-term. Yorba Linda does not provide evidence suggesting that unemployment or potential job location changes reduce housing need in any way.

The City's contention that it no longer makes sense to have a housing plan which focuses growth around jobs and commute patterns, offered without evidence related to anticipated future work-from-home rates, would represent a change to the RHNA methodology which cannot be considered by the Appeals Board.

While Yorba Linda asserts that 8,400 anticipated layoffs at Disneyland in nearby Anaheim may reduce the number of nearby jobs, the City does not elaborate as to if and how this would impact the 1,469,000 jobs accessible to Yorba Linda residents in 2045 or the City's 0.38% share of housing need based on job accessibility, both per the Final RHNA Methodology. Any such employment location data and the housing needs assigned thereupon would need to be reassessed for all jurisdictions in the SCAG region per the statutory standard described above. Yorba Linda has not provided such information. As aforementioned, long-range job losses are not anticipated and even this claim of anticipated layoffs would not indicate that Yorba Linda or the surrounding area are the only areas impacted by layoffs. For these reasons, SCAG staff does not recommend a reduction to the jurisdiction's RHNA allocation based on this factor.

### 3) DAC redistribution related to the City of Santa Ana

Specific issues related to Santa Ana which have also been included as a part of Yorba Linda's appeal of Santa Ana's draft RHNA allocation are addressed in the appeals on Santa Ana's draft RHNA allocation.

#### **Other: Regional Determination**

*Yorba Linda contends that HCD's regional housing needs determination of 1.34 million units violates State law.*

#### **SCAG Staff Response:**

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SCAG's final regional determination of approximately 1.34 million units was issued by HCD on October 15, 2019 per state housing law. As discussed above, the regional determination is not an eligible basis for appeal per adopted RHNA Appeals Procedures, and it is not within the authority of the Appeals Board to make any changes to HCD's regional housing needs determination.

While the RHNA statute prescribes specific requirements for HCD in determining the regional housing need (e.g., the determination shall be based on population projects produced by the Department of Finance and regional population forecasts used in preparing regional transportation plans), it allows HCD to accept or reject information provided by SCAG with respect to the data assumptions from SCAG's growth forecast or to modify its own assumptions or methodology based on this information. Following SCAG's formal objection filed on September 18, 2019, HCD did not materially change the regional determination following SCAG's formal objection filed on September 18, 2019, and there are no further mechanisms provided for in statute to contest their decision.

**FISCAL IMPACT:**

Work associated with this item is included in the current FY20-21 Overall Work Program (300-4872Y0.02: Regional Housing Needs Assessment).

**ATTACHMENT(S):**

1. Local Input and Development of Draft RHNA Methodology (City of Yorba Linda)
2. Yorba Linda Appeal and Supporting Documentation
3. Yorba Linda Submitted Replacement Need Survey
4. Map of Job Accessibility in the City of Yorba Linda (2045)
5. HCD Review of SCAG Draft RHNA Methodology (Jan 13, 2020)
6. Comments Received during the Comment Period

## **Attachment 1: Local Input and Development of the Draft RHNA Allocation**

This attachment sets forth the nature and timing of the opportunities which the City of Yorba Linda had to provide information and local input on SCAG’s growth forecast, the RHNA methodology, and the Growth Vision of the 2020 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS or Connect SoCal). It also describes how the RHNA Methodology development process integrates this information in order to develop the City of Yorba Linda’s Draft RHNA Allocation.

### **1. Local input**

#### ***a. Bottom-Up Local Input and Envisioning Process***

On October 31, 2017, SCAG took the first step toward developing draft RHNA allocations by initiating the Bottom-Up Local Input and Envisioning Process. At the direction of the Regional Council, the objective of this process was to seek local input and data to prepare for Connect SoCal and the 6<sup>th</sup> cycle of RHNA.<sup>1</sup> Each jurisdiction was provided with a package of land use, transportation, environmental, and growth forecast data for review and revision which was due on October 1, 2018.<sup>2</sup> While the local input process materials focus principally on jurisdiction-level and Transportation Analysis Zone (TAZ) level growth, input on specific parcels, sites, and project areas were welcomed and integrated into SCAG’s growth forecast as well as data on other elements. SCAG met one-on-one with all 197 local jurisdictions between November 2017 and July 2018 and provided training opportunities and staff support. Following input from SCAG’s Technical Working Group (TWG), the Connect SoCal growth forecast reflected precisely the jurisdiction-level growth totals provided during this process.

Forecasts for jurisdictions in Orange County were developed through the 2018 Orange County Projections (OCP-2018) update process conducted by the Center for Demographic Research (CDR) at Cal State Fullerton. Jurisdictions were informed of this arrangement by SCAG at the kickoff of the Process. For the City of Yorba Linda, the anticipated number of households in 2020 was 23,130 and in 2030 was 23,170 (growth of 40 households). In March 2018, SCAG staff and CDR staff met with staff from the City of Yorba Linda to discuss the Bottom-Up Local Input and Envisioning Process and answer questions.

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<sup>1</sup> While the RTP/SCS and RHNA share data elements, they are distinct processes. The RTP/SCS growth forecast provides an assessment of reasonably foreseeable future patterns of employment, population, and household growth in the region given demographic and economic trends, and existing local and regional policy priorities. The RHNA identifies anticipated housing need over a specified eight-year period and requires that local jurisdictions make available sufficient zoned capacity to accommodate this need. A further discussion of the relationship between these processes can be found in Connect SoCal Master Response 1 at [https://www.connectsocial.org/Documents/Adopted/0903fConnectSoCal\\_Public-Participation-Appendix-2.pdf](https://www.connectsocial.org/Documents/Adopted/0903fConnectSoCal_Public-Participation-Appendix-2.pdf).

<sup>2</sup> A detailed list of data during this process reviewed can be found in each jurisdiction’s Draft Data/Map Book at <https://scag.ca.gov/local-input-process-towns-cities-and-counties>

### **b. RHNA Methodology Surveys**

On March 19, 2019, SCAG distributed a packet of methodology surveys, which included the local planning factor survey (formerly known as the AB2158 factor survey), Affirmatively Furthering Fair Housing (AFFH) survey, and replacement need survey, to SCAG jurisdictions' Community Development Directors. Surveys were due on April 30, 2019. SCAG reviewed all submitted responses as part of the development of the draft RHNA methodology. The City of Yorba Linda submitted the following surveys prior to the adoption of the draft RHNA methodology:

- Local planning factor survey
- Affirmatively Furthering Fair Housing (AFFH) survey
- Replacement need survey
- No survey was submitted to SCAG

### **c. Connect SoCal Growth Vision and Additional Refinements**

Beginning in May 2018, SCAG's Sustainable Communities Working Group began the process of developing growth scenarios for the SCAG region. The culmination of this work was the development of the Connect SoCal Growth Vision, which directly uses jurisdictional-level growth projections from the Bottom-Up Local Input and Envisioning process, and also features strategies for growth at the TAZ-level that help to reduce greenhouse gas emissions (GHG) from automobiles and light trucks to achieve Southern California's GHG reduction target, approved by the California Air Resources Board (CARB) in accordance with state planning law. Additional detail regarding the Connect SoCal Growth Vision, specifically the Transportation Analysis Zone (TAZ, or neighborhood) level projections is found at <https://www.connectsocial.org/Documents/DataMapBooks/Growth-Vision-Methodology.pdf>.

As a result of these strategies, in some jurisdictions growth at the TAZ-level differed from locally anticipated growth conveyed during the Bottom-Up Local Input and Envisioning Process. As such, SCAG provided two additional opportunities for all local jurisdictions to make TAZ-level technical refinements on the topics of general plan capacities and entitlements. During the release of the draft Connect SoCal Plan, jurisdictions were notified on October 31, 2019 that SCAG would accept additional refinements until December 11, 2019. Following the Regional Council's decision to delay full adoption of Connect SoCal for 120 days due to the COVID-19 pandemic, all jurisdictions were again notified on May 26, 2020 that SCAG would accept additional refinements until June 9, 2020.

Connect SoCal Growth Vision data have been available to local jurisdiction staff during the entirety of this process through SCAG's Scenario Planning Model Data Management Site (SPM-DM) at <http://spmDM.scag.ca.gov> and updates were shared with local jurisdictions on technical refinements to the data in February 2020 and August 2020 to share the results of both review opportunities. SCAG received additional technical corrections from the City of Yorba Linda and incorporated them into the Growth Vision in December 2019. As such, the City of Yorba Linda's TAZ-level data utilized in the

Connect SoCal Growth Vision matches input provided during the Bottom-Up Local Input and Envisioning Process.

## 2. Development of the Final RHNA Methodology

SCAG convened the first meeting of the RHNA Subcommittee in October 2018. In their subsequent monthly meetings, this body reviewed and advised on the development of SCAG's 6<sup>th</sup> cycle RHNA process, including the development of the RHNA methodology. Per Government Code 65584.04(a), SCAG must develop a RHNA methodology which furthers the five statutory objectives of RHNA:

*(1) Increasing the housing supply and the mix of housing types, tenure, and affordability in all cities and counties within the region in an equitable manner, which shall result in each jurisdiction receiving an allocation of units for low- and very low income households.*

*(2) Promoting infill development and socioeconomic equity, the protection of environmental and agricultural resources, the encouragement of efficient development patterns, and the achievement of the region's greenhouse gas reductions targets provided by the State Air Resources Board pursuant to Section 65080.*

*(3) Promoting an improved intraregional relationship between jobs and housing, including an improved balance between the number of low-wage jobs and the number of housing units affordable to low-wage workers in each jurisdiction.*

*(4) Allocating a lower proportion of housing need to an income category when a jurisdiction already has a disproportionately high share of households in that income category, as compared to the countywide distribution of households in that category from the most recent American Community Survey.*

*(5) Affirmatively furthering fair housing. (Govt. Code § 65584(d).)*

As explained in more detail below, the Draft RHNA Methodology (which was adopted as the Final RHNA Methodology) set forth the policy factors, data sources, and calculations which would be used to generate draft RHNA allocations for all local jurisdictions. Following extensive debate and public comment, SCAG's Regional Council voted to approve the Draft RHNA Methodology on November 7, 2019 and provide it to HCD for review. Per Government Code 65584.04(i), HCD is vested with the authority to determine whether a methodology furthers the objectives set forth in Government Code section 65584(d). On January 13, 2020, HCD found that the Draft RHNA Methodology furthers these five statutory objectives of RHNA. Specifically, HCD noted that:

*"This methodology generally distributes more RHNA, particularly lower income RHNA, near jobs, transit, and resources linked to long term improvements of life outcomes.*



*In particular, HCD applauds the use of the objective factors specifically linked the statutory objectives in the existing need methodology.” (Letter from HCD to SCAG dated January 13, 2020 at <https://scag.ca.gov/sites/main/files/file-attachments/hcd-review-rc-approved-draft-rhna-methodology.pdf?1602190239>).*

On March 5, 2020, again following extensive debate and public comment, the Regional Council voted to approve the Draft RHNA Methodology as the Final RHNA Methodology. Unlike SCAG’s 5<sup>th</sup> cycle RHNA methodology which relies almost entirely on the household growth component of the RTP/SCS, SCAG’s 6<sup>th</sup> cycle RHNA methodology consists of two primary elements: “projected need” which includes the number of housing units required to accommodate anticipated population growth over the 8-year RHNA planning period and “existing need,” which refers to the number of housing units required to accommodate excess or unsatisfied housing demand experienced by the region’s current population.<sup>3</sup> Furthermore, the Final RHNA methodology utilizes measures of 2045 job accessibility and High Quality Transit Area (HQTA) population measures based on TAZ-level projections in the Connect SoCal Growth Vision.

More specifically, the Final RHNA Methodology considers three primary factors in determining a local jurisdiction’s total housing need which are primarily based on data from Connect SoCal’s aforementioned Bottom-Up Local Input and Envisioning Process:

- Forecasted growth over 2020-2030 (projected need)
- Transit accessibility in 2045 (existing need)
- Job accessibility in 2045 (existing need)

The methodology is described in further detail at <http://scag.ca.gov/programs/Documents/RHNA/SCAG-Final-RHNA-Methodology-030520.pdf>.

### **3. Draft RHNA Allocation for the City of Yorba Linda**

Following the adoption of the Final RHNA Methodology on March 5, 2020 and the 120 day delay due to the COVID-19 pandemic, SCAG adopted Connect SoCal on September 3, 2020, and the City of Yorba Linda received its draft RHNA allocation on September 11, 2020. Application of the RHNA methodology yields the draft RHNA allocation for the City of Yorba Linda as summarized in the data and calculations in the tables below.

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<sup>3</sup> 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 direct inputs to the growth forecasting process and are independent of employment and population projections. In contrast, they reflect additional latent housing needs in the current population (i.e. “existing need”) and would not result in a change in regional population. For further discussion see Connect SoCal Master Response 1 at [https://www.connectsocial.org/Documents/Adopted/0903fConnectSoCal\\_Public-Participation-Appendix-2.pdf](https://www.connectsocial.org/Documents/Adopted/0903fConnectSoCal_Public-Participation-Appendix-2.pdf).

<b>Yorba Linda city statistics and inputs:</b>	
Forecasted household (HH) growth, RHNA period: <i>(2020-2030 Household Growth * 0.825)</i>	33
Percent of households who are renting:	17%
Housing unit loss from demolition (2009-18):	-
Adjusted forecasted household growth, 2020-2045: <i>(Local input growth forecast total adjusted by the difference between the RHNA determination and SCAG's regional 2020-2045 forecast, +4%)</i>	207
Percent of regional jobs accessible in 30 mins (2045): <i>(For the jurisdiction's median TAZ)</i>	14.62%
Jobs accessible from the jurisdiction's median TAZ (2045): <i>(Based on Connect SoCal's 2045 regional forecast of 10.049M jobs)</i>	1,469,000
Share of region's job accessibility (population weighted):	0.38%
Jurisdiction's HQTAs population (2045):	-
Share of region's HQTAs population (2045):	0.00%
Share of population in low/very low-resource tracts:	0.00%
Share of population in very high-resource tracts:	13.77%
Social equity adjustment:	150%

Calculation of Draft RHNA Allocation for Yorba Linda city	
Forecasted household (HH) growth, RHNA period:	33
Vacancy Adjustment <i>(5% for renter households and 1.5% for owner households)</i>	1
Replacement Need	-
<b>TOTAL PROJECTED NEED:</b>	<b>34</b>
Existing need due to job accessibility (50%)	1583
Existing need due to HQTAs pop. share (50%)	0
Net residual factor for existing need <i>(Negative values reflect a cap on lower-resourced community with good job and/or transit access. Positive values represent this amount being redistributed to higher-resourced communities based on their job and/or transit access.)</i>	793
<b>TOTAL EXISTING NEED</b>	<b>2376</b>
<b>TOTAL RHNA FOR YORBA LINDA CITY</b>	<b>2411</b>
Very-low income (<50% of AMI)	763
Low income (50-80% of AMI)	450
Moderate income (80-120% of AMI)	457
Above moderate income (>120% of AMI)	741

The transit accessibility measure is based on the population anticipated to live in High-Quality Transit Areas (HQTAs) in 2045 based on Connect SoCal’s designation of high-quality transit areas and population forecasts. With a forecasted 2045 population of 0 living within HQTAs, the City of Yorba Linda represents 0.00% of the SCAG region’s HQTAs population, which is the basis for allocating housing units based on transit accessibility.

Job accessibility is defined as the jurisdiction’s share of regional jobs accessible within a 30-minute drive commute. Since over 80 percent of the region’s workers live and work in different jurisdictions, the RHNA methodology uses a measure based on Connect SoCal’s travel demand model output for the year 2045 rather than assigning housing units based on the number of jobs with a specific jurisdiction. Specifically, the share of future (2045) regional jobs which can be reached in a 30-minute

automobile commute from the local jurisdiction's median TAZ is used as to allocate housing units based on transit accessibility. From the City of Yorba Linda's median TAZ, it will be possible to reach 14.62% of the region's jobs in 2045 within a 30-minute automobile commute (1,469,000 jobs, based on Connect SoCal's 2045 regional job forecast of 10,049,000 jobs).

An additional factor is included in the methodology to account for RHNA Objective #5 to Affirmatively Further Fair Housing (AFFH). Several jurisdictions in the region which are considered disadvantaged communities (DACs) on the basis of access to opportunity measures (described further in the RHNA methodology document), but which also score highly in job and transit access, may have their total RHNA allocations capped based on their long-range (2045) household forecast. This additional housing need, referred to as residual, is then reallocated to non-DAC jurisdictions in order to ensure housing units are placed in higher-resourced communities consistent with AFFH principles. This reallocation is based on the job and transit access measures described above, and results in an additional 793 units assigned to the City of Yorba Linda.

Please note that the above represents only a partial description of key data and calculations which result in the draft RHNA allocation.

**Sixth Cycle Regional Housing Needs Assessment (RHNA) Appeal Request Form**  
*All appeal requests and supporting documentation must be received by SCAG October 26, 2020, 5 p.m.*  
*Appeals and supporting documentation should be submitted to [housing@scaq.ca.gov](mailto:housing@scaq.ca.gov).*  
*Late submissions will not be accepted.*

Date: \_\_\_\_\_ Jurisdiction Subject to This Appeal Filing:  
*(to file another appeal, please use another form)*  
\_\_\_\_\_

Filing Party (Jurisdiction or HCD)  
\_\_\_\_\_

Filing Party Contact Name \_\_\_\_\_ Filing Party Email: \_\_\_\_\_  
\_\_\_\_\_

**APPEAL AUTHORIZED BY:**

Name: \_\_\_\_\_

**PLEASE SELECT BELOW:**

- Mayor
- Chief Administrative Office
- City Manager
- Chair of County Board of Supervisors
- Planning Director
- Other: \_\_\_\_\_

**BASES FOR APPEAL**

- Application of the adopted Final RHNA Methodology for the 6<sup>th</sup> Cycle RHNA (2021-2029)
- Local Planning Factors and/or Information Related to Affirmatively Furthering Fair Housing (See Government Code Section 65584.04 (b)(2) and (e))
  - Existing or projected jobs-housing balance
  - Sewer or water infrastructure constraints for additional development
  - Availability of land suitable for urban development or for conversion to residential use
  - Lands protected from urban development under existing federal or state programs
  - County policies to preserve prime agricultural land
  - Distribution of household growth assumed for purposes of comparable Regional Transportation Plans
  - County-city agreements to direct growth toward incorporated areas of County
  - Loss of units contained in assisted housing developments
  - High housing cost burdens
  - The rate of overcrowding
  - Housing needs of farmworkers
  - Housing needs generated by the presence of a university campus within a jurisdiction
  - Loss of units during a state of emergency
  - The region's greenhouse gas emissions targets
  - Affirmatively furthering fair housing
- Changed Circumstances (Per Government Code Section 65584.05(b), appeals based on change of circumstance can only be made by the jurisdiction or jurisdictions where the change in circumstance occurred)

**FOR STAFF USE ONLY:**

Date \_\_\_\_\_ Hearing Date: \_\_\_\_\_ Planner: \_\_\_\_\_

**Sixth Cycle Regional Housing Needs Assessment (RHNA) Appeal Request Form**  
*All appeal requests and supporting documentation must be received by SCAG October 26, 2020, 5 p.m.*  
*Appeals and supporting documentation should be submitted to [housing@scaq.ca.gov](mailto:housing@scaq.ca.gov).*  
*Late submissions will not be accepted.*

**Brief statement on why this revision is necessary to further the intent of the objectives listed in Government Code Section 65584 (please refer to Exhibit C of the Appeals Guidelines):**

**Please include supporting documentation for evidence as needed, and attach additional pages if you need more room.**

**Brief Description of Appeal Request and Desired Outcome:**

**Number of units requested to be reduced or added to the jurisdiction's draft RHNA allocation (circle one):**

Reduced \_\_\_\_\_ Added \_\_\_\_\_

**List of Supporting Documentation, by Title and Number of Pages**  
**(Numbers may be continued to accommodate additional supporting documentation):**

- 1.
2. Yorba Linda Mayor's Message (see <https://vimeo.com/471771367/93d97ea9e1>)
3. Yorba Linda Appeal Summary (see <http://rhna-appeal.yorbalindaca.gov>)

**FOR STAFF USE ONLY:**

Date \_\_\_\_\_ Hearing Date: \_\_\_\_\_ Planner: \_\_\_\_\_



# CITY OF YORBA LINDA

4845 CASA LOMA AVENUE • YORBA LINDA • CALIFORNIA 92886

October 26, 2020

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

**Subject: Appeal of the RHNA Allocation for the City of Yorba Linda**

Dear Mr. Ajise:

In accordance with Government Code Section 65584.05(b), the City of Yorba Linda submits this appeal for a revision of its share of the regional housing need for the 6<sup>th</sup> Cycle Regional Housing Needs Assessment (RHNA). As proposed, the draft RHNA allocation assigned to the City of Yorba Linda was established in a manner that contradicts Government Code 65584.04 and undermines the intent of the RHNA objectives established under state housing law. Specifically, the RHNA was established in a manner where the regional housing need is inconsistent with the development pattern of SCAG's sustainable communities strategy.

Furthermore, SCAG failed to consider the planning factors submitted by the City to approximately two-thirds of the total RHNA. Finally, there are several significant and unforeseen changes in circumstances that have occurred that merit a revision of the information submitted. Therefore, on October 6, 2020, the City Council of the City of Yorba Linda directed staff to file this appeal through a unanimous vote (4-0-1) with Councilmember Peggy Huang recusing herself from the discussion. The City of Yorba Linda is requesting a reduction of at least 2,200 housing units from the draft RHNA for the reasons outlined in this written appeal.

The City recognizes and appreciates the time and effort provided by everyone on this important and complex issue and for your consideration of these items. 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, City Manager  
Nate Farnsworth, Planning Manager  
SCAG RHNA Appeals Board

Attachment: Yorba Linda Appeal and Supporting Documentation (Appeal of the Draft RHNA Allocation for the City of Yorba Linda)

# City of Yorba Linda Regional Housing Needs Assessment Appeal Summary

Government Code Section 65584.04(m) states that "it is the intent of the Legislature that housing planning shall be coordinated and integrated within the regional transportation plan. To achieve this goal, the [RHNA] shall be consistent with the development pattern included in the sustainable communities strategy." Furthermore, Government Code Section 65584.05(b) states that any RHNA appeal "shall be consistent with, and not to the detriment of, the development pattern in an applicable sustainable communities strategy."

On September 3, 2020, SCAG adopted Connect SoCal (also referred to as the Regional Transportation Plan/Sustainable Communities Strategy), which clearly outlines SCAG's development pattern. This development pattern directs future growth of employment and households into priority growth areas (PGAs) and avoids growth from "constraint" areas. SCAG's Forecasted Development Pattern claims that 60% of regional household growth would occur within PGAs and that growth through 2045 can be reduced and redirected from constrained areas.

The City of Yorba Linda does not have any PGAs located within its jurisdictional boundary and nearly 80% of the entire city is located within constraint areas according to the SCS. However, contrary to the development pattern of the SCS, the City of Yorba Linda has been assigned a RHNA nearly three times its 2045 jurisdictional growth totals as described in the SCS. Therefore, for the City of Yorba Linda's RHNA to be consistent with the development pattern of the SCS, as required by state housing law, the City's RHNA should be reduced to 211 housing units. Clearly, SCAG failed to determine the City's share of the regional housing need in accordance with state housing law.

Additionally, SCAG failed to adequately consider the information submitted from the City's analysis of impediments survey in relation to the existing need portion of the RHNA. Nearly 840,000 housing units were distributed throughout the region with no regard for the land use constraints within the cities and SCAG applied a one-size-fits-all approach to this "existing need." Furthermore, the residual need of 44,441 housing units reallocated within Orange County were also redistributed with no regard for these land use constraints. Had SCAG taken these constraints into consideration for the existing need, the City's total RHNA would have been approximately 94 housing units.

Moreover, the COVID-19 pandemic has resulted in a significant change in circumstance, which necessitates a reevaluation of several key data inputs in the RHNA methodology. Specifically, SCAG should reevaluate the number of jobs available within a 30-minute commute from each jurisdiction, which is used to determine the existing need for each jurisdiction.

Based on these arguments, which are supported by state housing law, the City of Yorba Linda's RHNA should realistically be reduced from 2,411 housing units to between 70 and 211 housing



units. This revision is necessary to further the objectives of RHNA for the following reasons, which will be explained in greater detail throughout the body of this appeal:

- The RHNA, as proposed, does not increase the housing supply and mix of housing types in an **equitable** manner as described in this appeal. This is primarily because the RHNA methodology ignores the constraints outlined in Connect SoCal for nearly two-thirds of the total RHNA and treats a significant portion of the RHNA through a one-size-fits-all approach. Furthermore, this revision would continue to require the 15 cities with the highest median housing costs to receive greater than 50 percent of the RHNA as lower income RHNA.
- The RHNA, as proposed, does not promote infill development and socioeconomic equity, encourage efficient development patterns, and will result in the inability to achieve the region's greenhouse gas reductions targets as described in this appeal. This revision would take into account certain constraints identified within SCAG's sustainable communities strategy as areas to avoid in development, which would encourage more efficient development patterns and would better achieve the region's greenhouse gas reductions targets. It would also more closely align the RHNA with the development pattern of the SCS as required by state housing law.
- With this revision, the RHNA will continue to promote an improved intraregional relationship between jobs and housing. Without this revision, the City would likely be forced to rezone commercial properties, which could potentially eliminate a significant number of low-wage jobs.
- With this revision, the RHNA will continue to allocate a lower proportion of housing need to income categories when a jurisdiction already has a disproportionately high share of households in that income category in that this revision does not alter the social equity adjustment factor.
- With this revision, the RHNA will continue to affirmatively further fair housing in that it will continue to assign the highest shares of lower income RHNA in regions with over 99.95% high and highest resource areas.

## Regional Housing Needs Assessment Appeal

State housing law outlines three grounds for appeals:<sup>1</sup>

- (1) [SCAG]...failed to adequately consider the information submitted pursuant to subdivision (b) of Section 65584.04.
- (2) [SCAG]...failed to determine the share of the regional housing need in accordance with the information described in, and the methodology established pursuant to, Section 65584.04, and in a manner that furthers, and does not undermine, the intent of the objectives listed in subdivision (d) of Section 65584.
- (3) A significant and unforeseen change in circumstances has occurred in the local jurisdiction or jurisdictions that merits a revision of the information submitted pursuant to subdivision (b) of Section 65584.04.

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<sup>1</sup> [Government Code 65584.05\(b\)](#)

The City of Yorba Linda is appealing its RHNA on all three grounds based on the points described below. However, as described previously, the City's primary argument is that SCAG failed to determine the share of regional housing need in accordance with state housing law, specifically, that the RHNA assigned to the City of Yorba Linda is inconsistent with the development pattern of the sustainable communities strategy approved in Connect SoCal. The City also contends that SCAG failed to apply the local planning factors to the existing need portion of the RHNA, which makes up nearly two-thirds of the total RHNA. The City has prepared a GIS webpage that helps to summarize its appeal, which can be accessed at the following website: <http://rhna-appeal.yorbalindaca.gov>.

## 6<sup>th</sup> Cycle RHNA Violates State Law

One of the major challenges jurisdictions in the SCAG region are facing with the 6<sup>th</sup> Cycle RHNA is that there are two major violations of state housing law: 1) The regional determination of 1.34 million housing units is too high and was calculated in a manner that did not adhere to state law; and, 2) The RHNA is inconsistent with the development pattern of the sustainable communities strategy. While SCAG has exhausted its administrative remedies by formally objecting to regional determination of 1.34 million housing units as calculated by the State Department of Housing and Community Development (HCD) by formally objecting to this determination<sup>2</sup>, SCAG's President Rex Richardson has committed to reconvene a Litigation Study Team to discuss and consider options to hold HCD accountable to the law.<sup>3</sup>

Even though the regional determination is inconsistent with state housing law, SCAG is required to establish a RHNA that is consistent with the development pattern of the SCS. Unfortunately, when SCAG's Regional Council approved a last-minute change to the RHNA methodology on November 7, 2019, it approved a RHNA methodology which was significantly different from the development pattern established in Connect SoCal. This was primarily the result of rushing through a RHNA methodology which had not been thoroughly analyzed and publicly vetted. Both issues are discussed in greater detail below.

## Regional Determination of 1.34 Million Housing Units Violates State Law

State housing law is very clear on how to calculate the regional determination. "If the total regional population forecast for the projection year, developed by the council of governments and used for the preparation of the regional transportation plan, is within a range of 1.5 percent of the total regional population forecast for the projection year by the Department of Finance,

<sup>2</sup> [September 18, 2019 SCAG Objection Letter to HCD's Regional Determination](#)

<sup>3</sup> SCAG's Litigation Study Team was originally convened by former SCAG President Bill Jahn at the October 21, 2019, CEHD Committee Meeting. At SCAG's November 7, 2019 Executive/Administration Committee (EAC), President Jahn reported that the Litigation Study Team "determined that litigation is not the preferred approach **at this time.**" Instead SCAG staff was directed to prepare a letter to HCD outlining SCAG's frustration and concerns with the process and to arrange for SCAG to meet with state representatives to discuss and partner on realistic approaches to housing. At the September 3, 2020 Regional Council Meeting, Yorba Linda Councilmember Peggy Huang made a motion to reconvene the Litigation Study Team and current SCAG President Rex Richardson committed to reconvening. At the October 1, 2020 Regional Council Meeting, President Richardson stated that he was scheduling the Litigation Study Team meeting.

then the population forecast developed by the council of governments shall be the basis from which the department determines the existing and projected need for housing in the region...”<sup>4</sup>

SCAG’s regional population forecast for its Regional Transportation Plan (RTP) differs from the Department of Finance (DOF) projection by **1.32%**, which falls within the statutory range of 1.5% outlined in state law. Therefore, by statute, the regional determination should be based on SCAG’s population projections.

However, HCD cites two reasons for not using SCAG’s total regional population forecast:<sup>5</sup>

- 1) The total household projection from SCAG is 1.96% lower than DOF’s household projection.
- 2) The age cohort of under 15-year old persons from SCAG’s population projections differ from DOF’s projections by 15.8%.

A careful reading of state housing law demonstrates that HCD’s interpretation is incorrect for the following two reasons:

- 1) The law clearly states that that the 1.5% range is based on the total regional **population** forecast and not the regional **household** projection forecast.
- 2) The law clearly states that the 1.5% range is based on the **total** regional population forecast and not on **age-cohort** population forecasts.

While state housing law provides a significant level of discretion to HCD over many of the factors used for the regional determination (i.e., vacancy adjustments, overcrowding rates, replacement adjustments, cost-burdened adjustments, etc.), this one issue is clearly written into the law without any discretion from HCD. Therefore, even though we support all the arguments SCAG outlined in their September 18, 2019 objection letter,<sup>6</sup> we also recognize that state law grants HCD the final determination for those factors. Notwithstanding, had HCD adhered to the law, SCAG has estimated that the regional determination should have been at least in the range of 823,808 and 920,772.

Among the other factors used by HCD to establish the regional determination, the City contends that HCD incorrectly applied the vacancy rate for the SCAG region and double-counted a significant number of units needed to accommodate overcrowded and cost burdened households. This is the result of the authors of Senate Bill 828 not understanding the DOF’s methodology for developing household forecasts, and not understanding the difference between rental and owner vacancy rates. A recent study by the Embarcadero Institute corroborates this problem.<sup>7</sup> The report demonstrates that the total regional housing need for the SCAG region should actually be approximately 651,000 housing units and not 1.34 million housing units. Other

<sup>4</sup> [Government Code Section 65584.01\(a\)](#)

<sup>5</sup> [October 15, 2019 Response Letter from HCD to SCAG](#)

<sup>6</sup> [September 18, 2019 Objection Letter from SCAG to HCD](#)

<sup>7</sup> Embarcadero Institute, *Double Counting in the Latest Housing Needs Assessment*, September 2020, See: <https://embarcaderoinstitute.com/wp-content/uploads/2020/09/Double-counting-in-the-Latest-Housing-Needs-Assessment-Sept-2020.pdf>

reputable sources also demonstrate that HCD's calculation of 1.34 million housing units is significantly overinflated.<sup>8</sup>

## Inconsistency Between Regional Housing Needs Assessment and Sustainable Communities Strategy

State law requires that SCAG "prepare a sustainable communities strategy" which shall, among many other things, "identify areas within the region sufficient to house an eight-year projection of the regional housing need for the region pursuant to Section 65584."<sup>9</sup> Government Code 65584 clearly establishes that the eight-year projection of regional housing need includes both "existing **and** projected"<sup>10</sup> housing need.

Additionally, California housing law states that "it is the intent of the Legislature that housing planning **shall** be coordinated and integrated within the regional transportation plan. To achieve this goal, the allocation plan [RHNA] **shall** be consistent with the development pattern included in the sustainable communities strategy."<sup>11</sup> This point is further emphasized in the law regarding RHNA appeals: "An appeal pursuant to this subdivision shall be consistent with, and not to the detriment of, the development pattern in an applicable sustainable communities strategy..."<sup>12</sup>.

Beginning in October 2018, SCAG began an in-depth public review process for the 6<sup>th</sup> Cycle Regional Housing Needs Assessment. In August 2019, SCAG released three RHNA methodology options for public review based on various factors discussed at the RHNA Subcommittee meetings between February and June 2019. Between August 1 and September 13, 2019, SCAG conducted four public hearings and received over 250 written comments. Based on the comments received, SCAG prepared a recommended RHNA methodology that met all five RHNA objectives. This RHNA methodology was recommended by the RHNA Subcommittee and unanimously supported by the CEHD Committee in October 2019. However, on November 7, 2019, a new RHNA methodology, **which was inconsistent with the development pattern in the SCS**, was introduced by Riverside Mayor Rusty Bailey and endorsed by Los Angeles Mayor Eric Garcetti and approved by a split vote of the Regional Council without any adequate public review or in depth analysis of the new methodology.

SCAG is now attempting to fit a square peg into a round hole by claiming that the "eight-year projection of the regional housing need"<sup>13</sup> only applies to RHNA's "projected need" and does not apply to RHNA's "existing need"<sup>14</sup> despite the fact that state housing law clearly defines RHNA

<sup>8</sup> Freddie Mac, *The Housing Supply Shortage: State of the States*, February 2020, See: <http://www.freddiemac.com/fmac-resources/research/pdf/202002-Insight-12.pdf>

<sup>9</sup> [Government Code 65080\(b\)\(2\)\(B\)](#)

<sup>10</sup> Government Code 65584 contains 25 individual references clearly explaining that the regional housing need includes both existing and projected housing need. It is important to note that the regional housing need has included existing **and** projected housing need since at least 1980 according to the Statutes of California approved by the Voters in the General Election on November 4, 1980, and Codified as [Volume 3, Chapter 1143, Section 65584](#).

<sup>11</sup> [Government Code 65584.04\(m\)](#)

<sup>12</sup> [Government Code 65584.05\(b\)](#)

<sup>13</sup> [Government Code 65080\(b\)\(2\)\(B\)](#)

<sup>14</sup> [Connect SoCal, Appendix 2 \(Comments and Responses\), Master Response No. 1: Regional Housing Needs Assessment](#)

as “existing and projected need.”<sup>15</sup> SCAG states that “HCD identifies the ‘existing need’ as 836,857 units...”<sup>16</sup> This response is completely misleading and patently false. In fact, HCD has never differentiated between existing and projected need. A careful read of HCD’s letter<sup>17</sup> demonstrates that it was actually SCAG (not HCD) that established an “existing need” of 836,857 and that HCD was simply acknowledging that this was SCAG’s approach to the RHNA methodology. Moreover, HCD has never differentiated between existing need and projected need in any region in the state; HCD has only provided a total housing need.

In their calculations, HCD projected a total of 6,801,760 households in the SCAG region by October 2029 (see Figure 1).<sup>18</sup> HCD added in several adjustment factors (vacancy, overcrowding, replacement, and cost burden) and subtracted the current occupied households. However, even if one were to try to differentiate projected and existing need based on this data, it is clear that at least 551,499 housing units (projected households less occupied housing units) would need be attributed to “projected need.” The only two new factors to be considered with RHNA this cycle are overcrowding and cost burden. Therefore, if one were to differentiate existing need and projected need, the existing need would more likely be 577,422 housing units and a projected need of 764,405 housing units. In other words, SCAG’s “eight-year projection of the regional housing need” in Connect SoCal is underestimated by at least 259,435 housing units. However, since “the eight-year projection of the regional housing need” is RHNA, this eight-year projection really includes both existing and projected need.

SCAG: June 30, 2021-October 15, 2029 (8.3 Years)					
HCD Determined Population, Households, & Housing Need					
1.	<b>Population: DOF 6/30/2029 projection adjusted +3.5 months to 10/15/2029</b>				20,455,355
2.	- Group Quarters Population: DOF 6/30/2029 projection adjusted +3.5 months to 10/15/2029				-363,635
3.	<b>Household (HH) Population: October 15, 2029</b>				20,079,930
	<b>Household Formation Groups</b>	<b>HCD Adjusted DOF Projected HH Population</b>	<b>DOF HH Formation Rates</b>	<b>HCD Adjusted DOF Projected Households</b>	
		20,079,930		6,801,760	
	under 15 years	3,292,955	n/a	n/a	
	15 – 24 years	2,735,490	6.45%	176,500	
	25 – 34 years	2,526,620	32.54%	822,045	
	35 – 44 years	2,460,805	44.23%	1,088,305	
	45 – 54 years	2,502,190	47.16%	1,180,075	
	55 – 64 years	2,399,180	50.82%	1,219,180	
	65 – 74 years	2,238,605	52.54%	1,176,130	
	75 – 84 years	1,379,335	57.96%	799,455	
	85+	544,750	62.43%	340,070	
4.	<b>Projected Households (Occupied Unit Stock)</b>				6,801,760
5.	+ Vacancy Adjustment (2.63%)				178,896
6.	+ Overcrowding Adjustment (6.76%)				459,917
7.	+ Replacement Adjustment (.50%)				34,010
8.	- Occupied Units (HHs) estimated (June 30, 2021)				-6,250,261
9.	+ Cost Burden Adjustment (Lower Income: 10.63%, Moderate and Above Moderate Income: 9.28%)				117,505
	<b>6<sup>th</sup> Cycle Regional Housing Need Assessment (RHNA)</b>				<b>1,341,827</b>

FIGURE 1 OCTOBER 15, 2019 REGIONAL DETERMINATION FROM HCD

<sup>15</sup> [Government Code 65584 et al](#)

<sup>16</sup> [Connect SoCal, Appendix 2 \(Comments and Responses\), Master Response No. 1: Regional Housing Needs Assessment, Page iv](#)

<sup>17</sup> [January 15, 2020 letter from HCD to SCAG regarding the RHNA methodology](#)

<sup>18</sup> [October 15, 2019 letter from HCD to SCAG establishing the final regional determination of 1.34 million housing units](#)

As a result, 81 jurisdictions in the SCAG region have been assigned a RHNA allocation that exceeds SCAG’s 2045 jurisdictional growth totals. In fact, among those jurisdictions the average percentage increase of RHNA above SCAG’s 2045 jurisdictional growth totals is 233% with some jurisdictions being assigned RHNA over 1000% higher than SCAG’s 2045 jurisdictional growth totals.<sup>19</sup> In contrast, the other 116 jurisdictions are receiving a RHNA on average that is 42% lower than their 2045 jurisdictional growth totals. The City of Yorba Linda has been assigned a RHNA 168% higher than its Connect SoCal jurisdictional growth total. In fact, when considering the housing units that have already been constructed from the City’s 2045 jurisdictional growth total since 2016, the City’s RHNA is actually 1,106% higher than its Connect SoCal 2045 jurisdictional growth total.

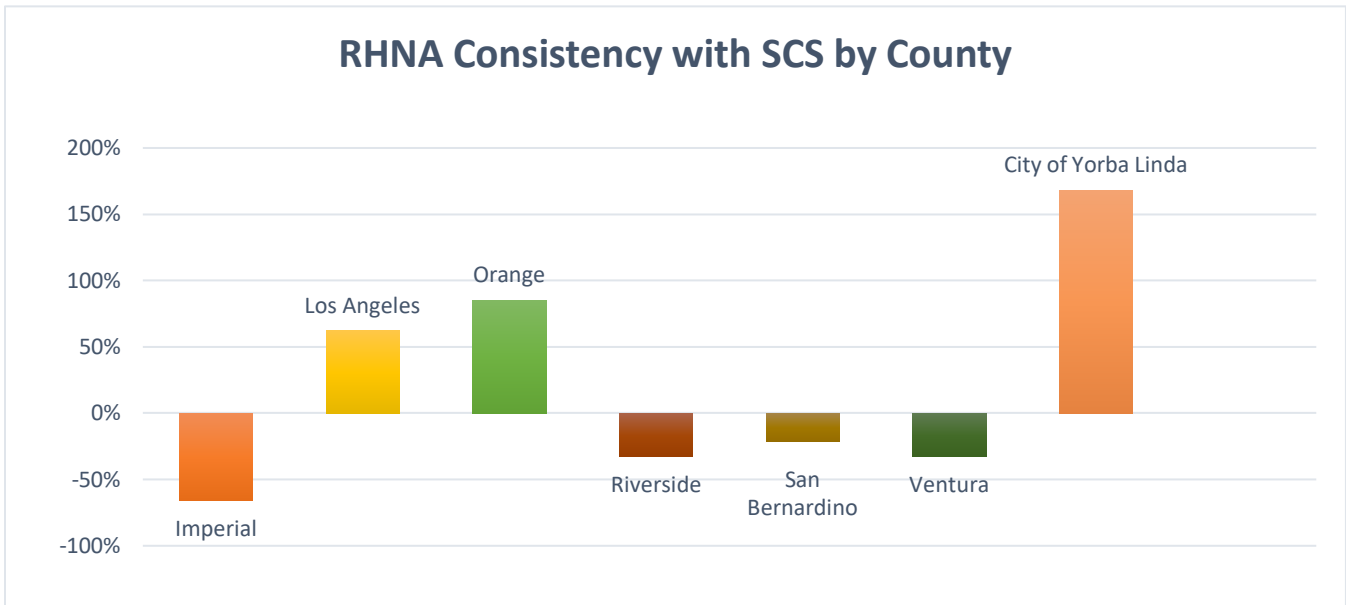


FIGURE 2 AVERAGE PERCENTAGE DIFFERENCE BETWEEN RHNA AND CONNECT SOCAL JURISDICTIONAL GROWTH TOTALS BY COUNTY AND THE CITY OF YORBA LINDA

## SCAG Failed to Determine the Share of the Regional Housing Need in Accordance with State Housing Law

### Jurisdictional Growth Totals

SCAG’s jurisdictional growth total for the City of Yorba Linda is 900 households between 2016-2045.<sup>20</sup> Since households are simply occupied housing units, if one assumes a 5% healthy market vacancy rate for those 900 households, it can be inferred that the City’s total housing unit growth between 2016-2045 is 945 housing units. Since 2016, the City of Yorba Linda has built 734 of the projected 945 housing units. Therefore, according to Connect SoCal, the City of

<sup>19</sup> Nine jurisdictions were projected to have no growth by 2045 and were not included in this average percentage increase.

<sup>20</sup> [Connect SoCal, Demographics and Growth Forecast Technical Report, Table 14](#)

Yorba Linda only has 211 housing units (or 200 households) remaining to reach its 2045 jurisdictional growth totals outlined in Connect SoCal. This would be an average of 8.5 housing units per year or approximately 70 housing units over the eight-year projection period. To assign any additional RHNA units beyond this would be inconsistent with Connect SoCal.

In fact, the housing need assigned through RHNA is dramatically inconsistent with the adopted Connect SoCal growth forecast. The draft RHNA projects the need for an additional 2,411 housing units between 2021 and 2029 (or an average of 301 housing units per year). This eight-year “housing need” is more than ten times the remaining 25-year jurisdictional growth total for the City of Yorba Linda of 211 housing units (or 200 households). Since RHNA is mandated to be consistent with the development pattern of Connect SoCal and SCAG only projects an additional approximately 211 housing units the next 25 years for the City of Yorba Linda, why would RHNA project the need for 2,411 housing units between 2021-2029?

Furthermore, according to the 2019 Department of Finance Population and Housing Estimates, the City of Yorba Linda has 861 vacant housing units (3.6% vacancy rate). The City could easily accommodate its remaining 2045 projected household growth of 200 households over the eight-year RHNA period through its existing vacant housing units and still have over 650 vacant housing units available without constructing any additional housing units. In other words, the proposed RHNA would essentially require the City to construct an additional 2,411 housing units plus utilize its 861 vacant housing units (a total of 3,272 housing units) to accommodate a projected population growth of 1,644 people and a projected household growth of 200 during the eight-year RHNA period.

## Development Pattern of the Sustainable Communities Strategy

The passage of SB 375 in 2008 requires that a Metropolitan Planning Organization, such as SCAG, prepare and adopt an SCS that sets forth a forecasted regional development pattern which, when integrated with the transportation network, measures and policies, will reduce greenhouse gas emissions from automobiles and light-duty trucks.

SCAG’s Growth Vision “aims to increase mobility options and reduce the need for residents to drive by locating housing, jobs and transit closer together. To help the region achieve sustainable outcomes, Connect SoCal’s Forecasted Development Pattern focuses growth within jurisdictions near destinations and mobility options, in line with the policies and strategies of the Growth Vision.”<sup>21</sup> SCAG’s forecasted development pattern for the SCS relies on new housing development to be focused in “priority growth areas” and to avoid housing development in areas with “growth constraints.”<sup>22</sup>

As described in the SCS, priority growth areas include transit priority areas, high quality transit areas, livable corridors, neighborhood mobility areas, and job centers. However, the City of Yorba Linda does not have any priority growth areas located within its jurisdictional boundaries (see Figure 3). Thus, the growth and need assigned in RHNA is dramatically inconsistent with the adopted Connect SoCal growth forecast development pattern.

<sup>21</sup> [Connect SoCal, Sustainable Communities Strategy Technical Report, Page 28](#)

<sup>22</sup> [Connect SoCal, Sustainable Communities Strategy Technical Report, Pages 17-19](#)

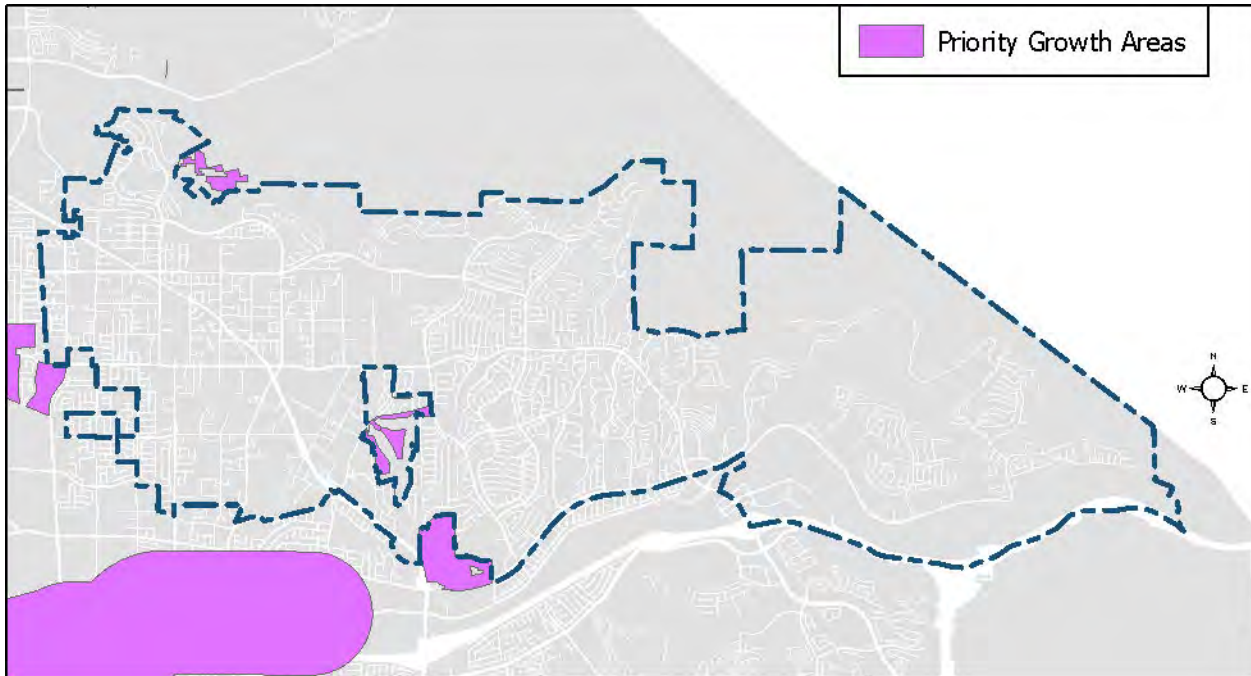


FIGURE 3 PRIORITY GROWTH AREAS AND THE CITY OF YORBA LINDA

SCAG's SCS also states that growth should be avoided in areas identified as growth constraints. SCAG's growth constraints include absolute constraints where growth is not to be directed (e.g., existing open space, conserved land, military use, farmland, etc.) and variable constraints where growth should be avoided (e.g., wildland urban interface, agriculture-grazing land, 500-year flood plains, wildfire-prone areas, and natural land and habitat corridors). The SCS identifies one exception – "when constraint conflicts with accommodating the jurisdictional growth total in the following order:"<sup>23</sup>

- Wildland Urban Interface
- Agriculture-Grazing Land
- Agriculture (within incorporated cities)
- 500-year flood plains
- Wildfire prone areas
- Natural lands and habitat corridors

It is important to note that SCAG only applied these absolute and variable growth constraints to the projected need portion of the RHNA (approximately 1/3 of the total RHNA). SCAG has attempted to focus the remaining approximately 2/3 of the total RHNA into priority growth areas, but completely ignored the SCS growth constraints for approximately 836,000 RHNA housing units. This is in direct conflict with Government Code Section 65080(b)(2)(B) and Government Code Section 65584.04(m) that require that Connect SoCal and RHNA be consistent with one another.

<sup>23</sup> [Connect SoCal, Sustainable Communities Strategy Technical Report, Page 19](#)



This is significant for the City of Yorba Linda because 32.78% (4,167 acres) of the City of Yorba Linda falls within SCAG's absolute constraint areas (see Figure 4), where Connect SoCal states that no growth is anticipated to be constructed. This consists primarily of Chino Hills State Park and Featherly Regional Park. These areas are restricted open space in perpetuity and cannot be redeveloped for housing purposes.

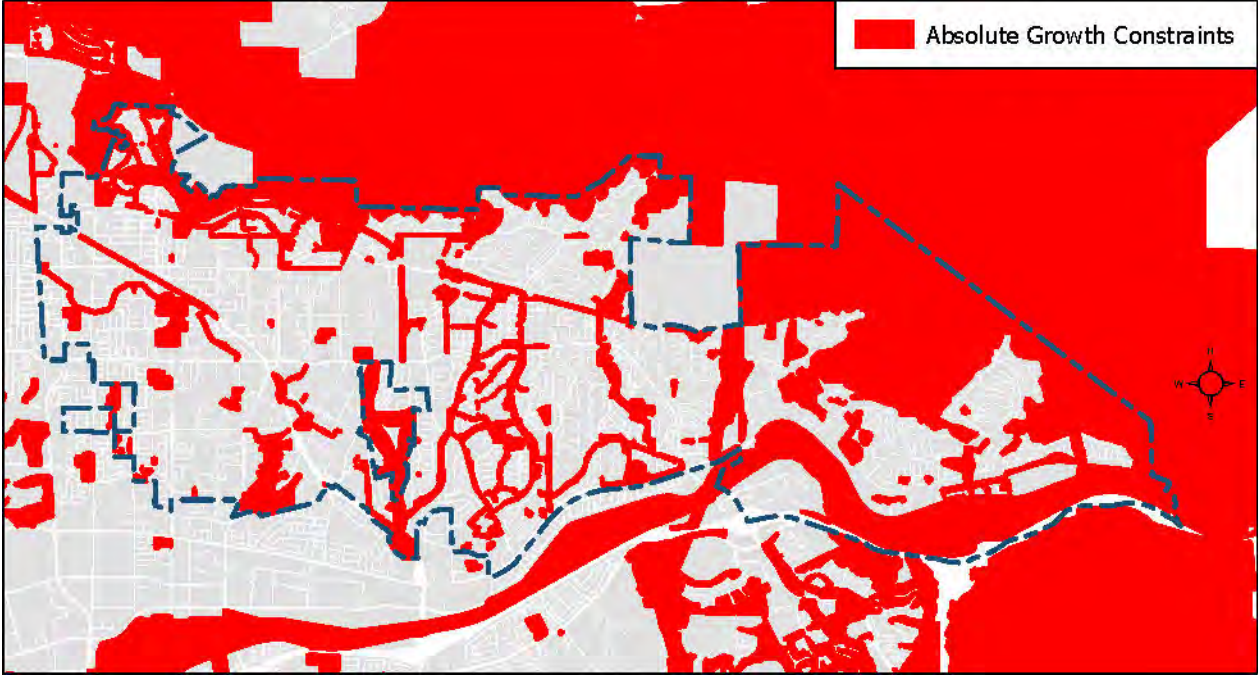


FIGURE 4 ABSOLUTE GROWTH CONSTRAINTS AND THE CITY OF YORBA LINDA

While there is some overlap with absolute constraint areas, 77.22% (9,819 acres) of the City are considered variable constraint areas (see Figure 5), where the Connect SoCal states that growth in these areas should be avoided unless those constraints conflict with accommodating the jurisdictional growth total. As discussed previously, **Yorba Linda's jurisdictional growth total for 2045 is 900 households**. Therefore, any proposed growth beyond the remaining 200 households from the jurisdictional growth totals should not be assumed in variable constraint areas. Therefore, the City's RHNA of 2,411 housing units would be limited to 20.68% (2,630 acres) of the entire City – an area that is almost entirely developed.

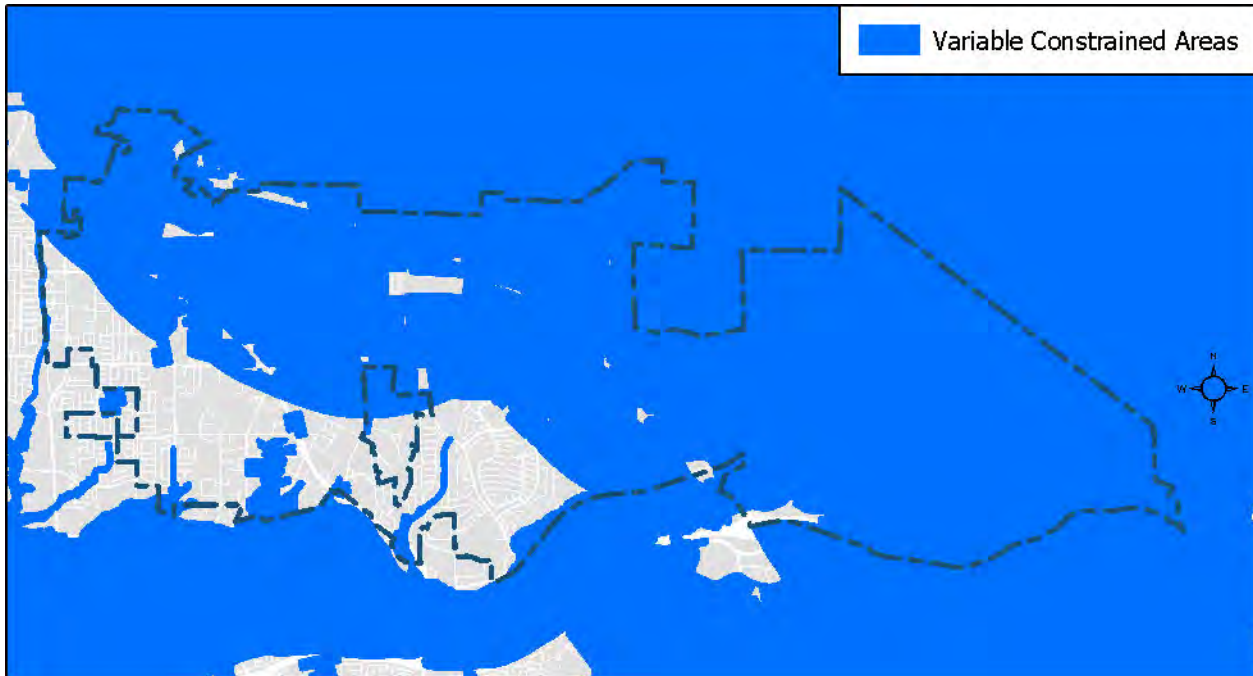


FIGURE 5 VARIABLE GROWTH CONSTRAINT AREAS AND THE CITY OF YORBA LINDA

Within the variable constraint areas, the City has over 6,700 acres located within wildland urban interface areas, nearly 750 acres of land designated where the Federal Emergency Management Agency (FEMA) has determined that the flood management infrastructure designed to protect that land is not adequate to avoid the risk of flooding, and nearly 3,200 acres of land located within the very high fire hazard severity zone (see Figures 6-8).

Furthermore, within these non-constrained and non-priority growth areas, there are approximately 15 vacant properties (totaling less than 10 acres) remaining in the City that have not been developed, entitled, or are in the process of entitlement that are available for urban development. Most of these properties are undeveloped single-family parcels averaging approximately 0.5 acres in size.

Moreover, SCAG's SCS constraints do not take into account numerous local constraints including landslide zones, liquefaction zones, endangered species zones, earthquake fault zones, topography constraints, restrictions around abandoned oil wells, capacity issues from converting septic systems to sewer systems, and numerous public utility easements (see Figures 9-14). These issues will be discussed in greater detail in the section addressing how SCAG failed to adequately consider the information submitted from each jurisdiction's analysis of impediments survey.

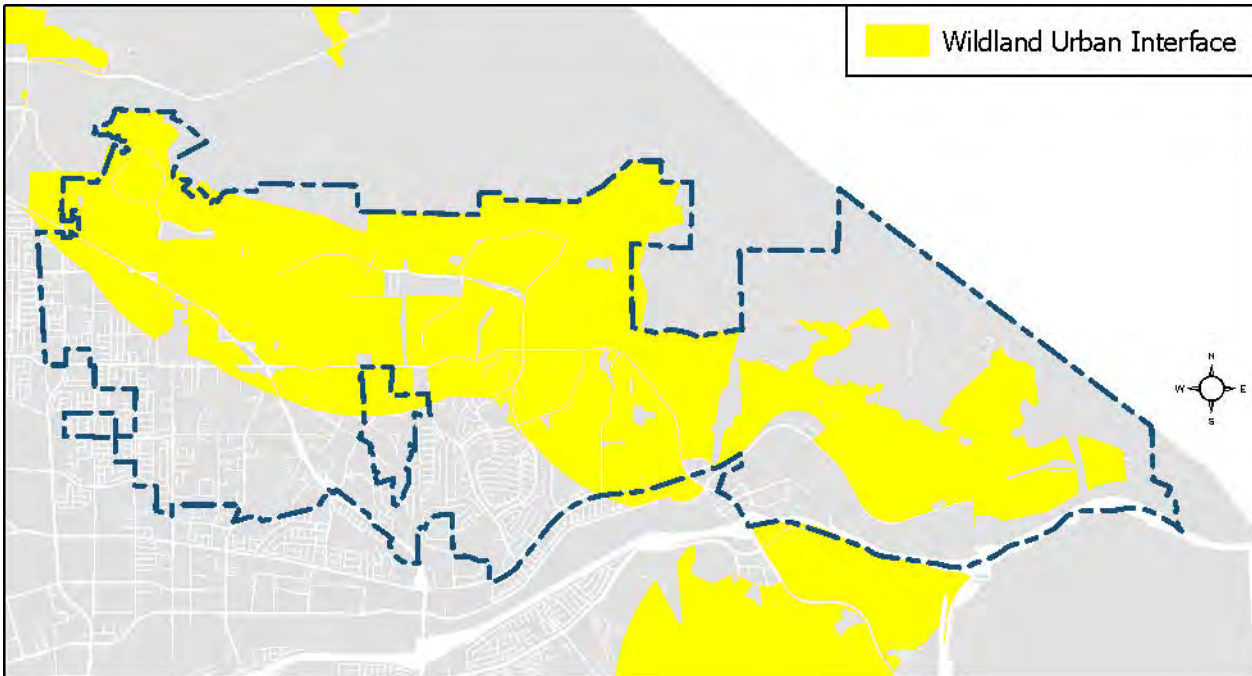


FIGURE 6 WILDLAND URBAN INTERFACE CONSTRAINTS IN THE CITY OF YORBA LINDA

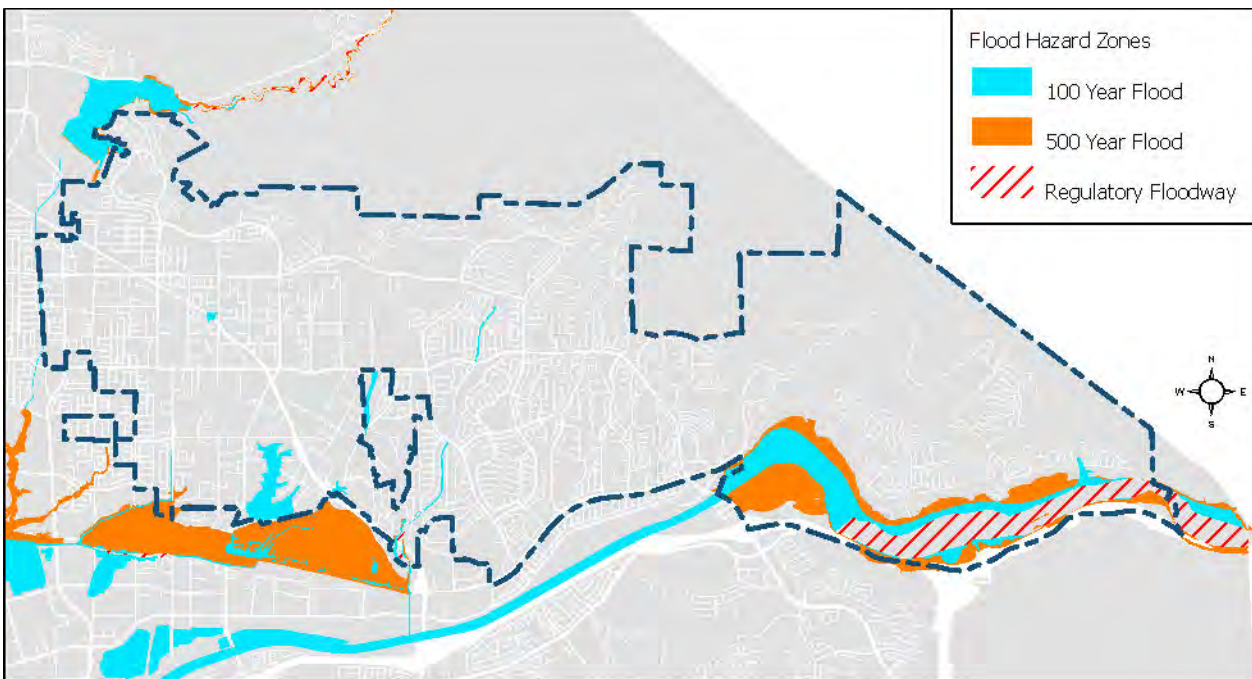


FIGURE 7 FEMA FLOOD ZONES IN THE CITY OF YORBA LINDA

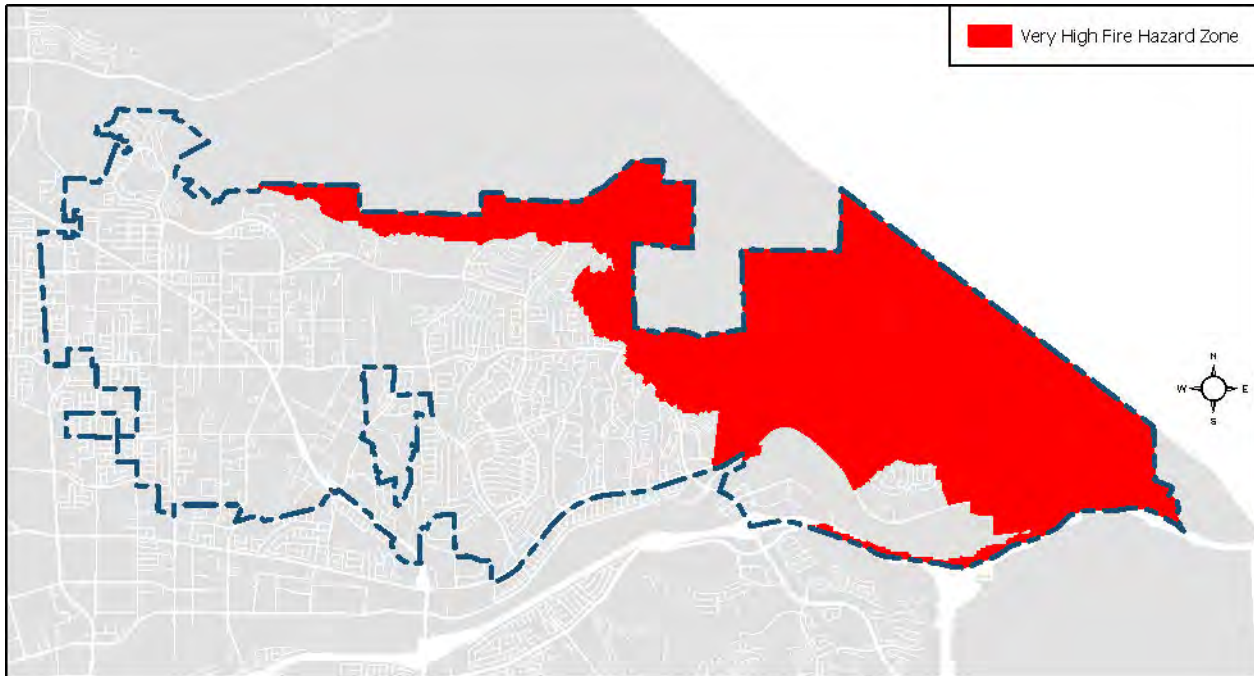


FIGURE 8 VERY FIRE HAZARD SEVERITY ZONES CONSTRAINTS IN THE CITY OF YORBA LINDA

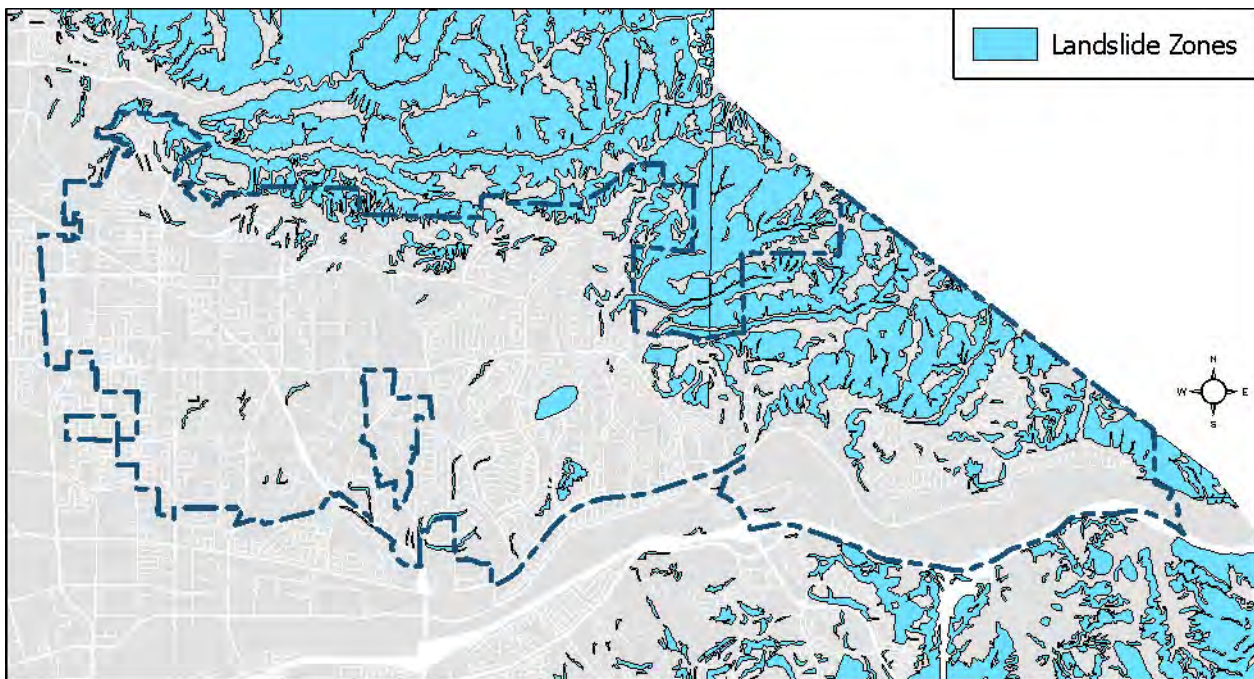


FIGURE 9 LANDSLIDE ZONES IN THE CITY OF YORBA LINDA

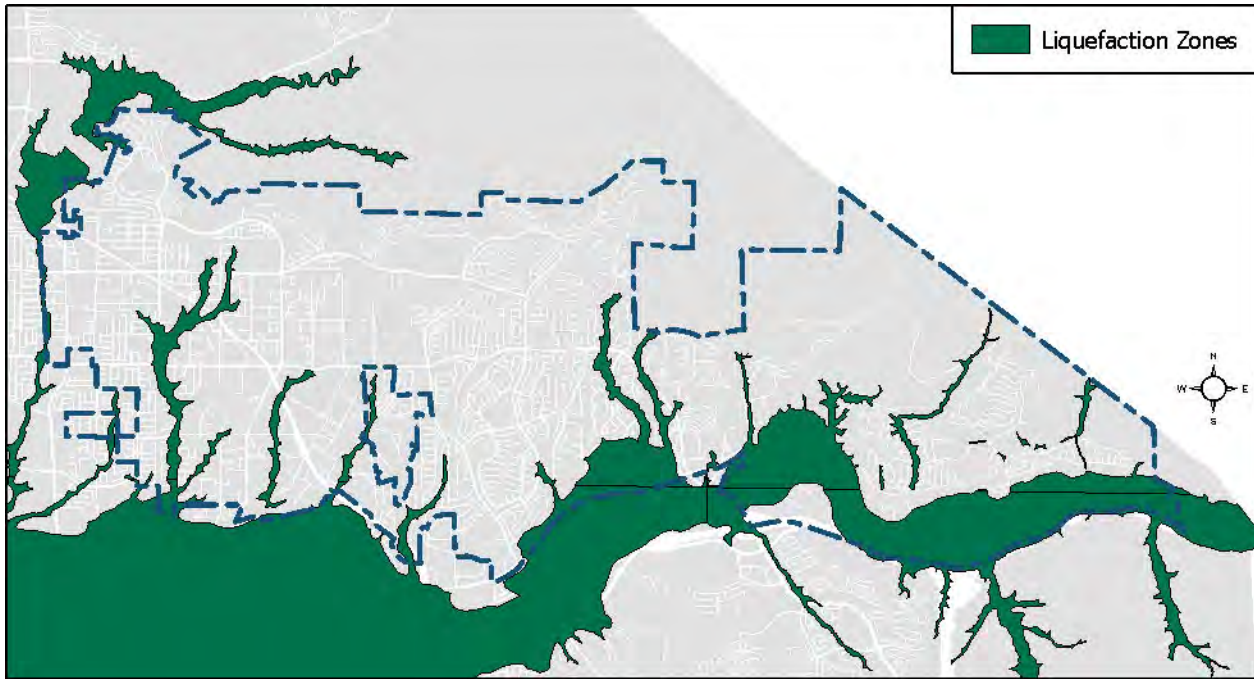


FIGURE 10 LIQUEFACTION ZONES IN THE CITY OF YORBA LINDA



FIGURE 11 ENDANGERED SPECIES ZONES IN THE CITY OF YORBA LINDA

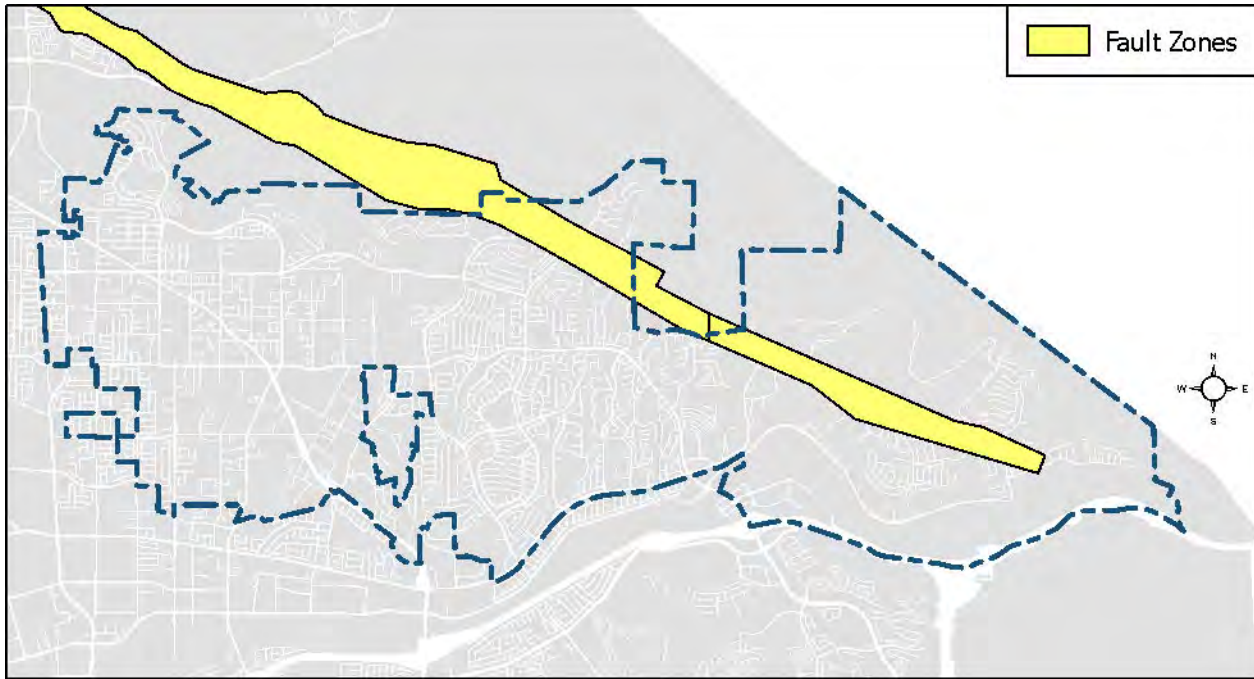


FIGURE 12 EARTHQUAKE FAULT ZONES IN THE CITY OF YORBA LINDA

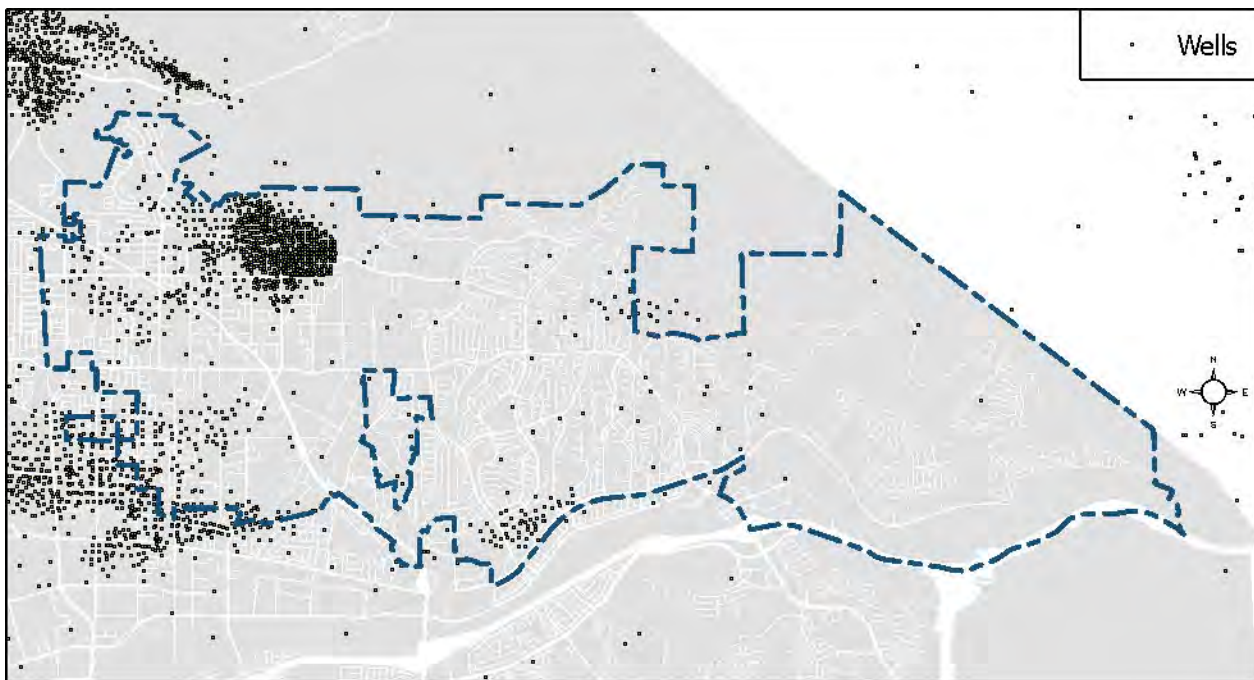


FIGURE 13 OIL WELLS IN THE CITY OF YORBA LINDA

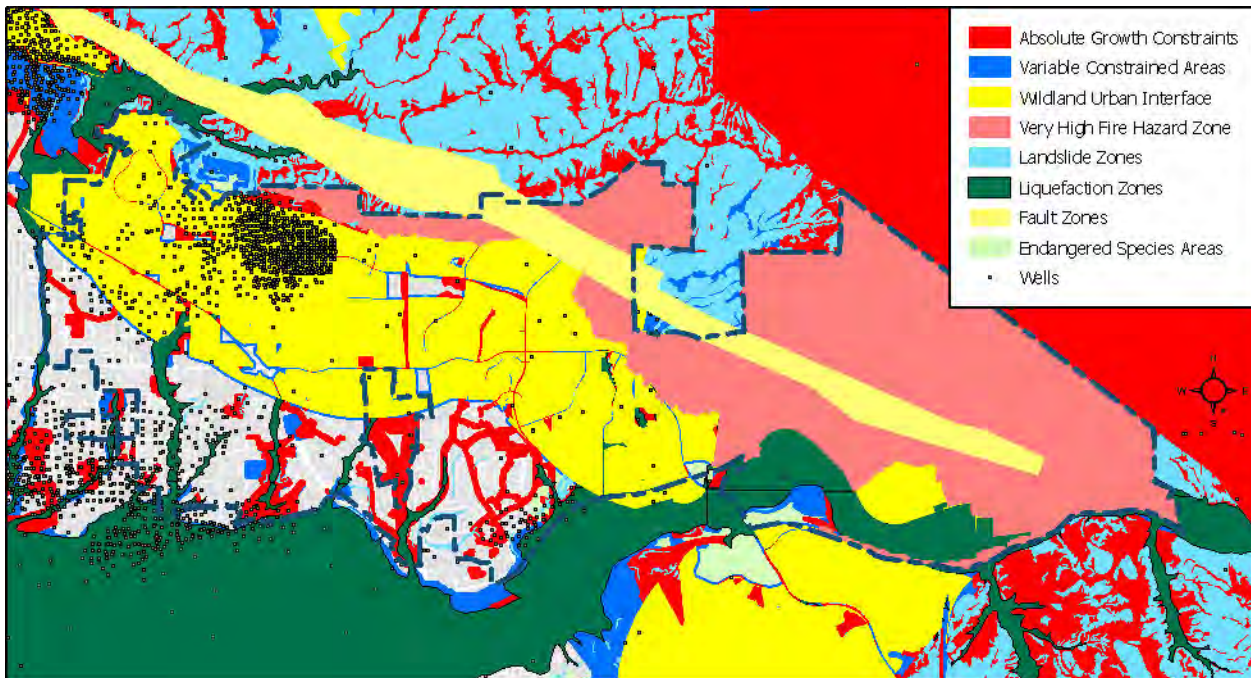


FIGURE 14 ALL CONSTRAINTS IN THE CITY OF YORBA LINDA

Therefore, this inconsistency clearly demonstrates that SCAG “failed to determine the share of the regional housing need in accordance with the information described in...Section 65584.04, and in a manner that...undermine[s] the intent of the objectives [of RHNA]”<sup>24</sup> when it assigned the City of Yorba Linda a RHNA of 2,411 housing units.

## SCAG Failed to Adequately Consider the Information Submitted from the City’s Analysis of Impediments Survey

As discussed previously, SCAG only applied planning factors from the analysis of impediments survey to the projected need portion of the RHNA (approximately 1/3 of the total RHNA). The existing need portion of the RHNA, which makes up approximately 2/3 of the total RHNA, was assigned with no regard for these planning factors. The existing need was assigned solely based on a jurisdiction’s share of the region’s population within the high quality transit areas based on future 2045 HQTAs and based on a jurisdiction’s share of the region’s jobs that can be accessed within a 30-minute driving commute.<sup>25</sup>

The only constraint applied to the existing need was related to extremely disadvantaged communities (DACs), where these DACs would be capped in their total RHNA based on their household growth between 2020-2045. A total of 93,781 residual housing units from DACs are redistributed within the county of origin to non-DAC jurisdictions also irrespective of any planning

<sup>24</sup> [Government Code 65584.05\(b\)\(2\)](#)

<sup>25</sup> [SCAG’s Final RHNA Allocation Methodology Adopted March 4, 2020](#)

factors outlined in a jurisdiction’s analysis of impediments survey. Therefore, many jurisdictions, especially those in Orange County and Los Angeles County, are getting significantly more RHNA units from the existing need and from the DAC residual need with no regard for the planning factors outlined in their analysis of impediments survey.

When SCAG applied these constraints to the City’s projected housing need, the City of Yorba Linda was determined to need to provide for 34 housing units (or 0.0067% of the total projected need). Nearly 840,000 housing units were assigned to the region with no regard for the land use constraints within the City and applied a one-size-fits-all approach to the existing need. Had the same constraints been applied to the existing need, the City’s existing need should not have exceeded 57 housing units. Furthermore, the residual need of 44,441 housing units reallocated within Orange County were also redistributed with no regard for these land use constraints. The City would have only been responsible for 3 additional housing units had the same constraints been applied to the City’s residual need. Therefore, had SCAG taken these constraints into consideration for the existing need and residual need, the City’s total RHNA would have been approximately 94 housing units (34 projected need units + 57 existing need units + 3 residual need units).

The City of Yorba Linda identified the following planning factors that should have been considered for the entire RHNA of 1.34 million housing units and not just for the 504,970 projected need housing units:

## Jobs to Housing Balance

To the extent that sufficient data is available from local governments, SCAG shall consider each member jurisdiction's existing and projected jobs and housing relationship to develop the RHNA methodology. This shall include an estimate based on readily available data on the number of low-wage jobs within the jurisdiction and how many housing units within the jurisdiction are affordable to low-wage workers as well as an estimate based on readily available data, of projected job growth and projected household growth by income level within each member jurisdiction during the planning period.<sup>26</sup>

According to state housing law, “the Legislature finds and declares that insufficient housing in job centers hinders the state’s environmental quality and runs counter to the state’s environmental goals. In particular, when Californians seeking affordable housing are forced to drive longer distances to work, an increased amount of greenhouse gases and other pollutants is released and puts in jeopardy the achievement of the state’s climate goals.”<sup>27</sup>

The City of Yorba Linda currently has approximately 22,400 households and approximately 11,424 jobs<sup>28</sup> (a ratio of nearly two households for every job) and only has 0.2% of the entire region’s low-wage jobs. Connect SoCal projects that by 2045, the City will see an increase in 1,900 jobs and an increase of 900 households;<sup>29</sup> however, the approved RHNA will result in a

<sup>26</sup> [Government Code 65584.04\(e\)\(1\)](#)

<sup>27</sup> [Government Code 65584\(a\)\(3\)](#)

<sup>28</sup> [RHNA Methodology Data Appendix, Jobs-Housing Balance and Index of Dissimilarity Analysis](#)

<sup>29</sup> [Connect SoCal, Demographics and Growth Forecast Technical Report, Table 14](#)



potential increase of 2,411 new housing units by 2029 alone (a 167% increase above SCAG's own 30-year projection). It is important to note that despite the fact that the City of Yorba Linda has no job centers located within its jurisdictional boundaries, the City is receiving 2,376 housing units for RHNA solely based on its proximity to jobs within the region. The closest job centers are in Brea, Anaheim, and Corona.

Moreover, this significant RHNA allocation will more than likely require the City to rezone commercial properties, which would result in significant job losses, in order to accommodate the housing requirement. Furthermore, as the RHNA will not result in any increase in jobs, the proposed RHNA will further exacerbate the jobs and housing balance. However, if the City is required to rezone non-residential property, it will most likely come from lower performing commercial centers. Rezoning commercial centers results in several outcomes that are all contrary to the objectives of RHNA: 1) It will further reduce the City's jobs to housing ratio; 2) It will require the elimination of commercial areas that support low-wage jobs within the community; and 3) It will result in an increased amount of greenhouse gasses and other pollutants.

## Opportunities and Constraints

To the extent that sufficient data is available from local governments, SCAG shall consider the opportunities and constraints to development of additional housing in each member jurisdiction, including the following to develop the RHNA methodology.<sup>30</sup> Interestingly, SCAG's Final Methodology Data Appendix<sup>31</sup> does not identify any of these opportunities and constraints as factors in developing the RHNA methodology.

### Sewer Capacity Limitations

The City of Yorba Linda has 26% of all Orange County septic systems within its jurisdictional boundary and as the highest number of septic systems within Orange County (even higher than the number of septic systems in unincorporated Orange County). The high density area within Yorba Linda has the greatest system density at 56 septic systems per square mile.<sup>32</sup> It is also of interest to point out that the septic systems tend to be in the areas identified in Connect SoCal as unconstrained areas of the City.

Subdivisions, redevelopment, and ADUs on properties with existing septic systems are required to connect to the sewer per requirements of the Santa Ana Regional Water Quality Board. While there is not a known capacity issue for sewer or water service, converting from septic to sewer is a significant cost that often makes it cost prohibitive for property owners to subdivide, redevelop or add ADUs onto their properties. SCAG failed to consider the information associated with this factor in the methodology for RHNA's existing need of 836,857 housing units.

<sup>30</sup> [Government Code 65584.04\(e\)\(2\)](#)

<sup>31</sup> <http://www.scag.ca.gov/programs/Documents/RHNA/SCAG-Final-RHNA-Data-Appendix-030520.pdf>

<sup>32</sup> [Local Agency Management Program for Onsite Wastewater Treatment Systems \(OWTS\) In Unincorporated Orange County Dated March 21, 2016](#)

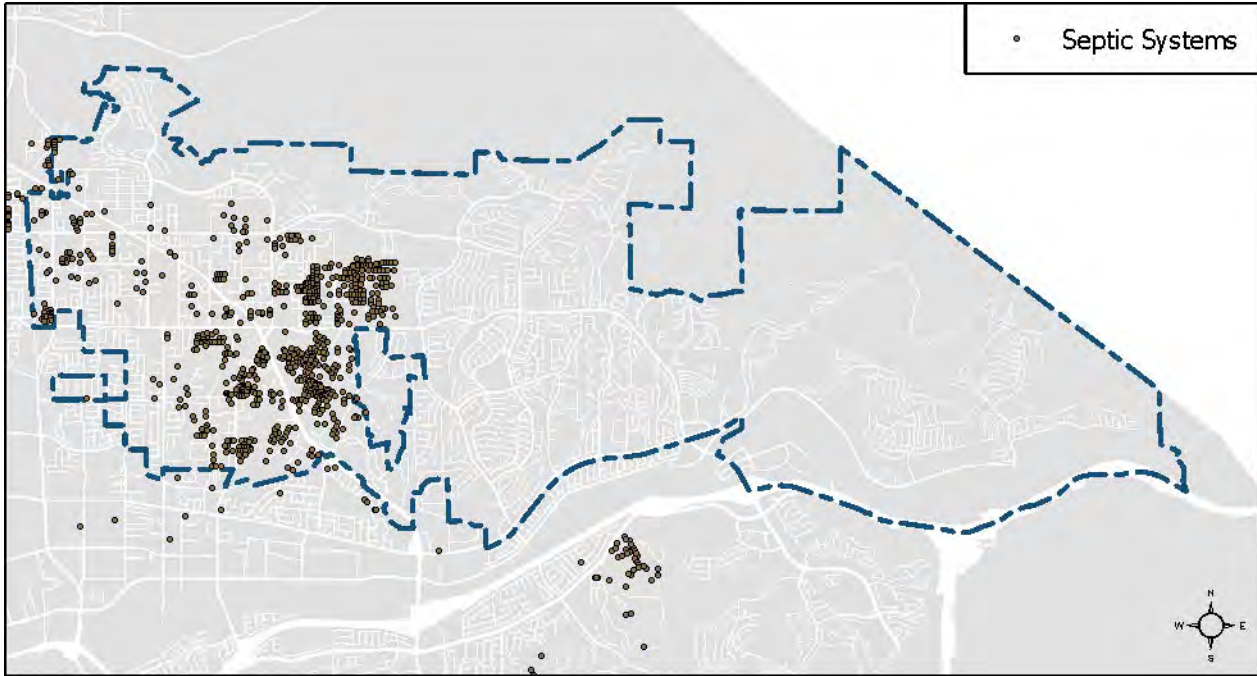


FIGURE 15 SEPTIC SYSTEMS IN THE CITY OF YORBA LINDA

### Availability of Land Suitable for Urban Development

The majority of land suitable for urban development in the City of Yorba Linda has already been developed and the City is nearing build-out conditions. As of today, there are approximately 15 vacant properties (totaling less than 10 acres) remaining in the City that have not been developed, entitled, or are in the process of entitlement that are available for urban development. Most of these properties are undeveloped single-family parcels averaging approximately 0.5 acres in size. There are only two remaining large vacant or underutilized properties: 1) A 26-acre vacant parcel that is restricted through a development agreement for public use purposes only; 2) A state-owned 40-acre vacant parcel in Coal Canyon that has been restricted as a wildlife corridor.

Additionally, the City of Yorba Linda has nearly 750 acres of land designated where the Federal Emergency Management Agency (FEMA) has determined that the flood management infrastructure designed to protect that land is not adequate to avoid the risk of flooding.

### Protected Open Space

Chino Hills State Park takes up approximately 1,500 acres of open space within the City boundary. Furthermore, Featherly Regional Park takes up more than 600 acres of open space within the City boundary. Development of any of these properties would necessitate action by the State or the County to unenroll this dedicated parkland from its restricted public park use.

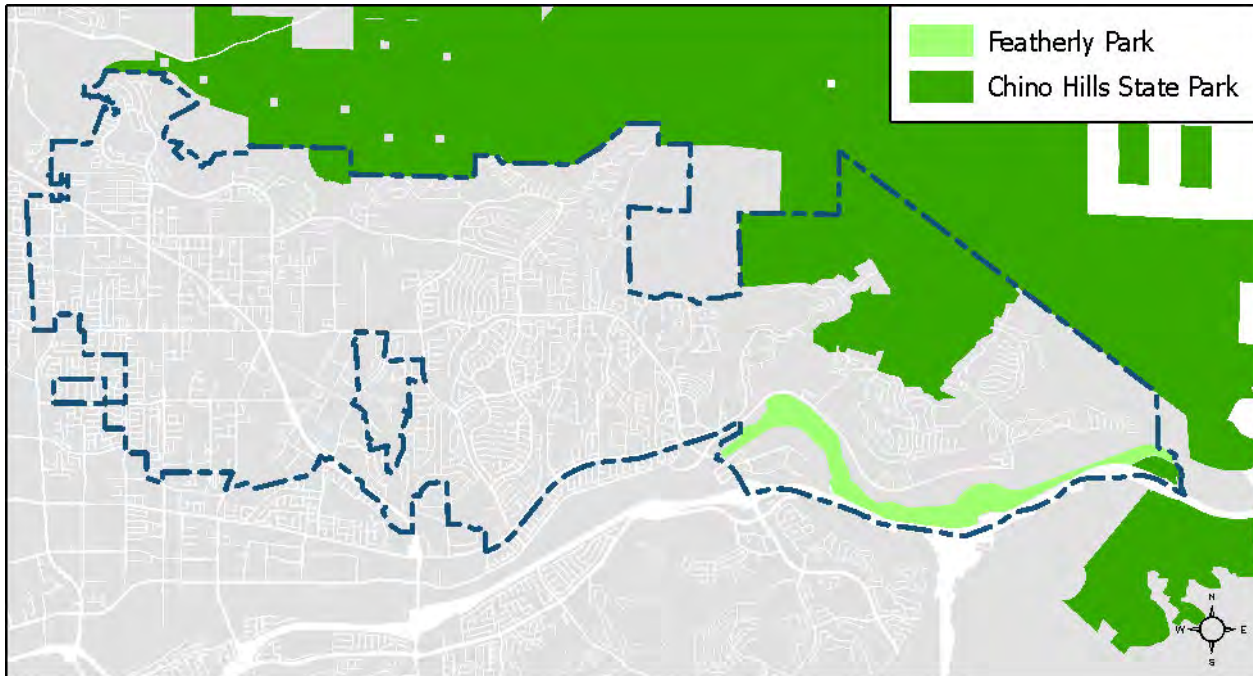


FIGURE 16 CHINO HILLS STATE PARK AND FEATHERLY REGIONAL PARK

## Distribution of Household Growth

To the extent that sufficient data is available from local governments, SCAG shall consider the distribution of household growth assumed for purposes of a comparable period of regional transportation plans and opportunities to maximize the use of public transportation and existing transportation infrastructure to develop the RHNA methodology.<sup>33</sup> It is important to note that Yorba Linda has no projected high quality transit areas (HQTAs), transit priority areas (TPAs), neighborhood mobility areas (NMAs), or livable corridors in the foreseeable future.<sup>34</sup>

The Orange County Transportation Authority (OCTA) operates two local public transit routes that extend into and through portions of Yorba Linda (see Figure 18). The 2016 OCTA Bus Service Plan revised bus service to address the decline in bus ridership and revenue, which eliminated two bus routes in Yorba Linda (Lines 20 and 26). With this change, there are three bus routes that serve limited areas near the City limit (with only two lines actually entering into the City). The average daily ridership in Yorba Linda was 68 in 2019 and dropped to 46 in 2020.

The Inland Empire/OC Metrolink line runs east to west just south of Yorba Linda with the nearest station stop located in Anaheim Canyon. Moreover, there is no vacant or underutilized land located within 1/2 mile of any public transit. Unless OCTA changes its Bus Service Plan (which is not anticipated), the majority of any new housing units built in the City would likely not be serviced by public transportation services and will definitely not be served by any HQTAs.

<sup>33</sup> [Government Code 65584.04\(e\)\(3\)](#)

<sup>34</sup> [Connect SoCal, Chapter 3, Exhibits 3.7 – 3.10](#)

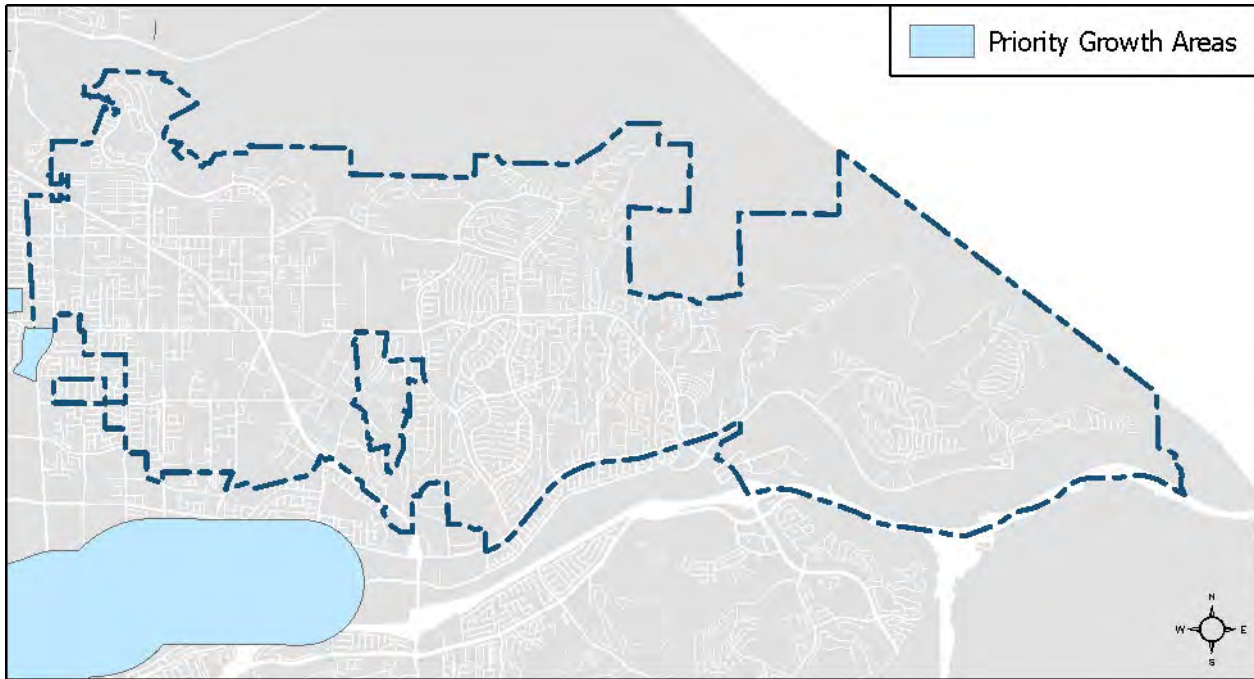


FIGURE 17 HIGH QUALITY TRANSIT AREAS, TRANSIT PRIORITY AREAS, NEIGHBORHOOD MOBILITY AREAS, AND LIVABLE CORRIDORS IN THE CITY OF YORBA LINDA

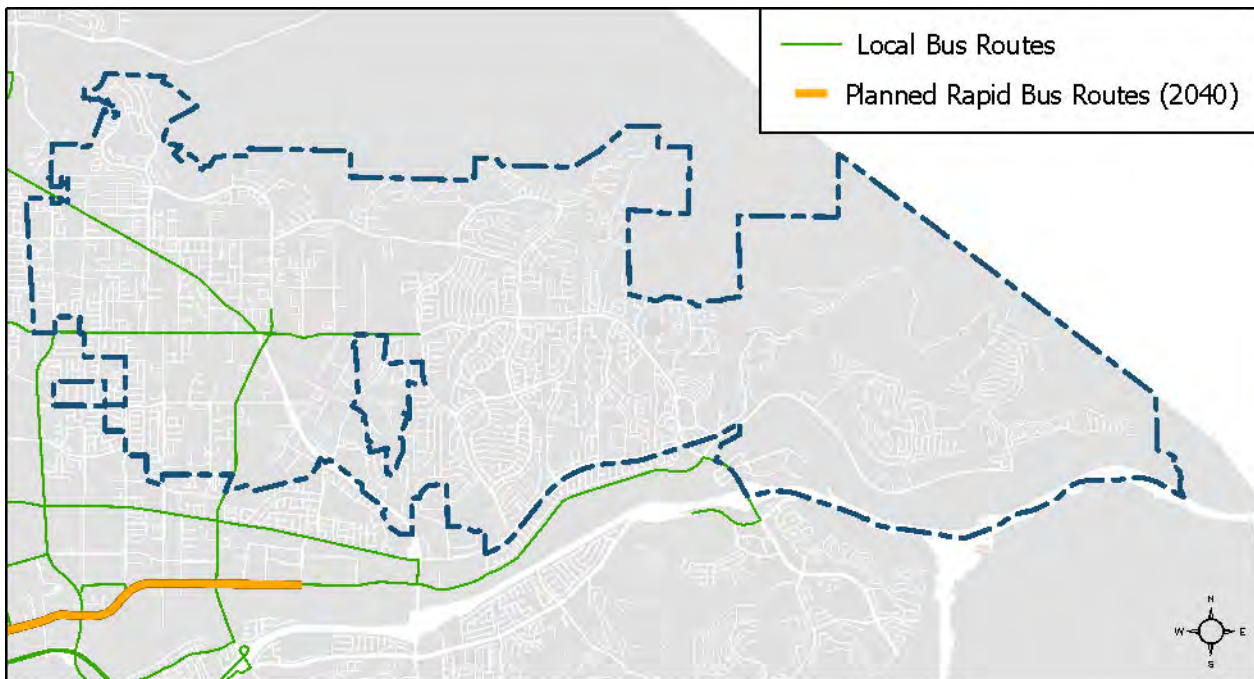


FIGURE 18 BUS ROUTES IN THE CITY OF YORBA LINDA

In summary, clearly SCAG's RHNA assignment of 2,411 housing units for the City of Yorba Linda is inconsistent with the development pattern of the SCS for the following reasons:

- There are no priority growth areas within the City's boundary.
- Over 80% of the City's land mass is restricted by constraints.
- The City's jurisdictional growth totals from Connect SoCal are 900 households, of which the City has already built 734 housing units.

Had SCAG followed state housing law, Yorba Linda's RHNA would be no greater than 211 housing units.

## Rate of Overcrowding

To the extent that sufficient data is available from local governments, SCAG shall consider the rate of overcrowding to develop the RHNA methodology.<sup>35</sup> The City of Yorba Linda only has a total of 452 "overcrowded" housing units (or 1.98% overcrowding rate).<sup>36</sup> Department of Finance figures show an average of 3.04 persons per household in Yorba Linda. Therefore, overcrowding is not a significant issue within the City of Yorba Linda.

Furthermore, the City is concerned that the definition of "overcrowding" is inappropriate. It is based on a self-reported response from the census asking an individual to identify the "number of rooms" in the housing unit. Although the term "number of rooms" is defined<sup>37</sup>, we question whether a respondent would actually read the definition to answer the question or would assume that "number of rooms" means number of bedrooms. Therefore, if any significant number of respondents assumes that "number of rooms" only includes bedrooms, then the overcrowding rates would be higher than actual conditions. The current method of calculating "overcrowding" is inadequate as the current definition would determine that a married couple in a studio apartment would be overcrowded. Depending on how they responded to the census, a family of six could be overcrowded if living in a three-bedroom home and they only assumed bedrooms in the "number of rooms." Neither of these are extreme examples but would constitute overcrowding under the current definition.

<sup>35</sup> [Government Code 65584.04\(e\)\(7\)](#)

<sup>36</sup> SCAG's Final RHNA Methodology Data Appendix (<http://www.scag.ca.gov/programs/Documents/RHNA/SCAG-Final-RHNA-Data-Appendix-030520.pdf>)

<sup>37</sup> Census Definition of "Number of Rooms" – Included in the count of rooms were whole rooms such as living rooms, dining rooms, bedrooms, kitchens, finished basements or attics, recreation rooms, permanently enclosed sun porches which are suitable for year-round use, and lodger's rooms. A partially divided room, such as dinette next to a kitchen or living room was counted as a separate room only if there was a partition from floor to ceiling, but was not counted as a room if the partition consisted solely of shelves or cabinets. Not included in the count of rooms were bathrooms, halls, foyers or vestibules, balconies, closets, alcoves, pantries, strip or pullman kitchens, laundry or furnace rooms, unfinished attics or basements, open porches, sun porches not suited for year-round use, unfinished space used for storage, mobile homes or trailers used only as bedrooms, and offices used only by persons not living in the unit.

### Loss of Units During State of Emergency

To the extent that sufficient data is available from local governments, SCAG shall consider the loss of units during a state of emergency that was declared by the Governor pursuant to the California Emergency Services...that have yet to be rebuilt or replaced at the time of the analysis to develop the RHNA methodology.<sup>38</sup> The City has nearly 4,000 parcels and over 3,000 acres of land located within the very high fire hazard severity zone.

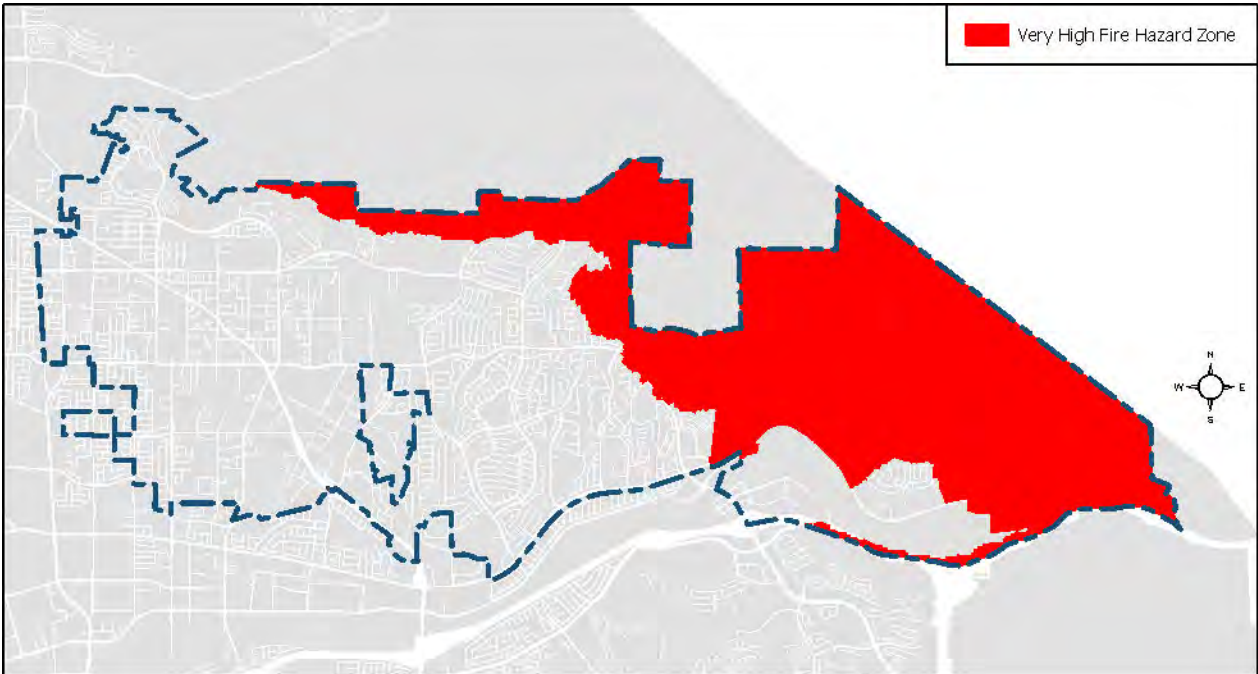


FIGURE 19 VERY HIGH FIRE HAZARD SEVERITY ZONE IN THE CITY OF YORBA LINDA

In 2008, the Freeway Complex Fire was a declared state of emergency by Governor Arnold Schwarzenegger.<sup>39</sup> The fire burned over 30,305 acres and ranks as the fourth largest fire on record in Orange County (see Figure 20). The fire completely burned 123 homes and partially burned 82 homes in the City of Yorba Linda (see Figure 21). While most of these homes have been rebuilt, there are still several properties that have yet to rebuild.

<sup>38</sup> [Government Code 65584.04\(e\)\(10\)](#)

<sup>39</sup> [After Action Report Freeway Complex Fire, Orange County Fire Authority, November 15, 2008](#)

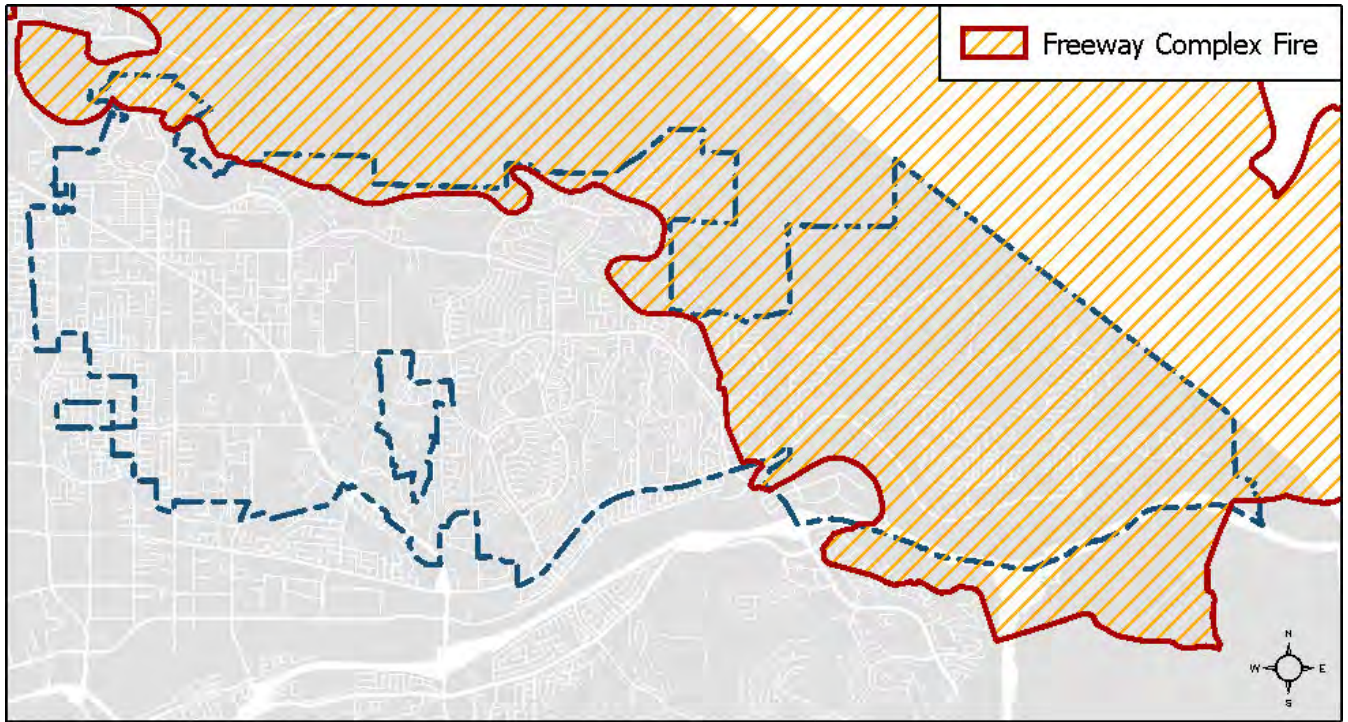


FIGURE 20 FREEWAY COMPLEX FIRE IN THE CITY OF YORBA LINDA



FIGURE 21 PROPERTIES DAMAGED OR DESTROYED IN THE FREEWAY COMPLEX FIRE



Images by Greg P. Matthews

FIGURE 22 PICTURES FROM THE FREEWAY COMPLEX FIRE



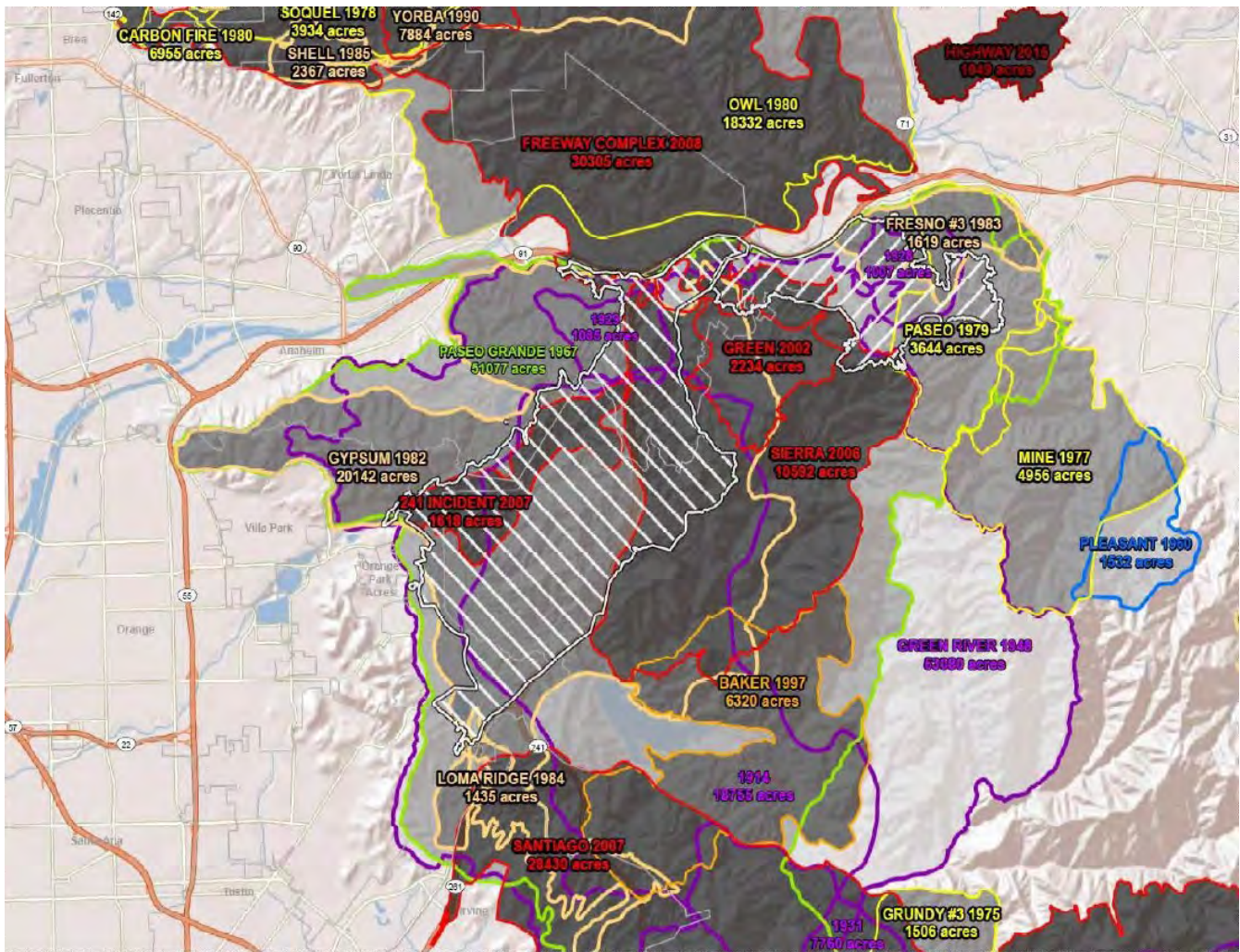


FIGURE 23 SEVENTY-YEAR MAJOR FIRE HISTORY MAP - ORANGE COUNTY

Historically, there have been a significant number of wildfires in and surrounding the City of Yorba Linda: (e.g., Paseo Grande Fire in 1967, Paseo Fire in 1979, Owl Fire 1980, Fresno #3 Fire in 1983, Yorba Fire in 1990, Freeway Complex Fire in 2008, Highway Fire in 2016, and Canyon 2 Fire in 2017). The City has seen a major wildfire within or near its borders every decade since the City’s incorporation in 1967. Most recently, in October 2017, the Canyon 2 Fire broke out near the 91 Freeway and Gypsum Canyon Road on the border of the City of Yorba Linda. The fast-moving fire jumped the 241 toll road and burned a total of 9,217 acres including 80 structures in the cities of Anaheim and Orange. Fortunately, the City of Yorba Linda did not have to experience similar devastation from the Freeway Complex fire in 2017; however, this served as another reminder that the hillside terrain in Yorba Linda makes it a constant threat to potential wildfires.

## Greenhouse Gas Emissions

To the extent that sufficient data is available from local governments, SCAG shall consider the region's greenhouse gas emissions targets provided by the State Air Resources Board to develop the RHNA methodology.<sup>40</sup> The City has prepared a Vehicle Miles Traveled (VMT) screening tool to calculate the impacts of new development. When utilizing this screening tool on the City's assigned RHNA, there is no scenario where VMT is reduced to a level that even comes close to meeting the state's greenhouse gas reduction targets.

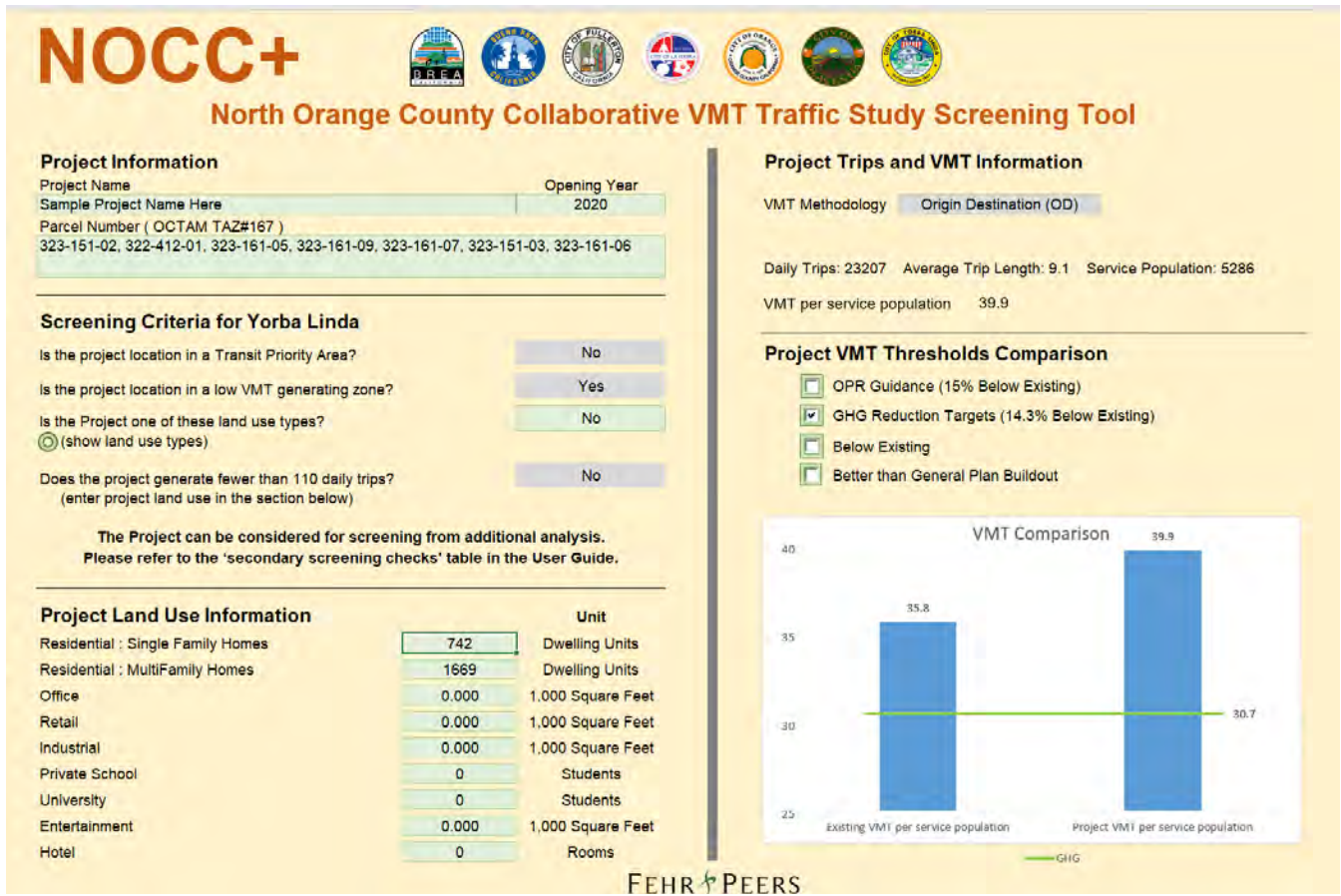


FIGURE 24 VMT SCREENING ANALYSIS ON 2,411 HOUSING UNITS WITH 742 SINGLE FAMILY HOMES AND 1,669 MULTI-FAMILY HOMES

The City's assigned RHNA of 2,411 will result in over 23,000 additional daily trips. Yorba Linda does not have any regional job centers and has a skewed jobs-housing balance towards the housing side of the ratio. Moreover, given that Yorba Linda has extremely limited public transit opportunities, the addition of more housing units (especially affordable housing units) in Yorba Linda would result in the significant addition to the number of vehicle commuters within the City, since vehicular travel is essentially the only current option. As discussed previously, there are two OCTA bus routes in the City with an average ridership of 68 persons (0.1% of City population) per day in 2019 and dropping to 46 person per day (or 0.068%) in 2020 (likely due to the COVID-19 pandemic).

<sup>40</sup> [Government Code 65584.04\(e\)\(11\)](#)

Over 80% of the City's households own two or more vehicles.<sup>41</sup> In fact, only 3% of households do not own a vehicle. This significant increase in the number of households, would add over 5,000 vehicles into the region with less than 0.1% of those households utilizing public transit. This will significantly increase the vehicle miles traveled (VMT) within the region, which would conflict with AB 32, SB 375, and SCS goals.

## Other Planning Factors

The City of Yorba Linda has many properties that are impacted by oil wells. These properties are restricted in their use by the Division of Oil, Gas, and Geothermal Resources (DOGGR). In fact, as of 2011, DOGGR has adjusted their well abandonment and well access requirements such that development of property with abandoned oil well on it is more restrictive now than it has been in the past. Additionally, pursuant to AB 2729 (which took effect January 1, 2017) local land use authorities may be held responsible for cost of well reabandonment if development approvals are granted which deviate from DOGGR access regulations. Furthermore, these properties often have impacted soils that require remediation prior to residential development. These remediation plans can be cost-prohibitive in worst case scenarios, but often add significant cost to housing development in most cases. The City has approximately 330 acres located within oil-production areas.

The City would also recommend that SCAG consider other planning factors such as potential impacts from natural disasters (i.e., earthquakes, fires, floods, liquefaction, landslides, dam inundation, etc.). History of natural disasters should also be taken into consideration.

Furthermore, cities like Yorba Linda have many properties located in areas with slopes more than 15% grade. These slopes significantly restrict and add major cost increases to development opportunities. In other words, when evaluating the availability and suitability of land for urban development, it is important to note that hillside areas are extremely challenging and expensive to develop.

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<sup>41</sup> [SCAG Profile of the City of Yorba Linda Local Profiles Report 2019](#)

## Significant and Unforeseen Change in Circumstances

There are three significant and unforeseen changes that have occurred that merit a revision of the information used in the RHNA methodology and regional determination: 1) Updated data demonstrating that HCD incorrectly calculated the regional determination of 1.34 million housing units; 2) The COVID-19 pandemic has significantly altered assumptions related to growth projections related to jobs, households, and population; and, 3) The redistributed need coming from DACs and resulting in the City's residual need of 793 housing units needs to be recalculated based on updated data available from the City of Santa Ana's website.

## Updated Data for the Calculation of the Regional Determination

As stated previously, several recent studies from reputable sources have demonstrated that HCD incorrectly calculated SCAG's regional need for housing at 1.34 million housing units (i.e., Embarcadero Institute and Freddie Mac). The Embarcadero Institute explains how HCD double counted a significant number of housing units, resulting in a significantly higher regional determination for the SCAG region. This study calculates that the regional determination should have been approximately 651,000 for the SCAG region. By correctly calculating the regional determination at 651,000 housing units and still utilizing SCAG's approved RHNA methodology, the City's RHNA would be 441 housing units. This number is still more than double the 2045 jurisdictional growth totals for Yorba Linda within Connect SoCal; however, 131 of these units would be coming from the redistribution of Orange County DACs.

## COVID-19 Pandemic

The COVID-19 pandemic has resulted in significant socioeconomic changes. As a result of the pandemic, the Governor has mandated which types businesses can operate and limited the way businesses can operate. A record number of people are unemployed or underemployed. There have been significant increases in the number of people working from home. It is unclear when these restrictions will end and even when they do finally end, it is highly unlikely that business will return to the way things were prior to the pandemic. This pandemic will likely completely change the way that people work. Therefore, it is completely unreasonable to move forward with a housing plan that focuses growth around jobs and commute patterns that no longer exist. Tens of thousands of jobs have been lost within the 30-minute travel buffer used to determine the City's existing housing need.

Disney has already announced that it will be laying off 28,000 employees with estimates showing that at least 8,400 will be coming directly from Disneyland. Furthermore, with the closure of Disneyland and California Adventure comes the close of all the tourism industries that rely on the Disneyland Resort area. Cineworld (parent company to Regal Cinemas) has announced closures of nearly all its theaters.

# City of Santa Ana

The City of Yorba Linda is receiving a total of 793 housing units from the nearly 45,000 residual housing need units being redistributed from the five DACs in Orange County. As the City reviewed these numbers, it was discovered that the RHNA methodology resulted in Santa Ana alone contributing over 50% (23,167 housing units) of the Orange County residual housing need and that Santa Ana was capped at 2,974 housing units based on its local input for 2020-2045. This results in Yorba Linda receiving 413 housing units directly from Santa Ana.

Once the City discovered the significant impact this factor had on the RHNA methodology, City staff began to verify the data and discovered that Santa Ana’s current household growth projections should be updated. Specifically, Santa Ana’s website currently shows over 10,000 housing units that are either currently under review or entitled.<sup>42</sup>

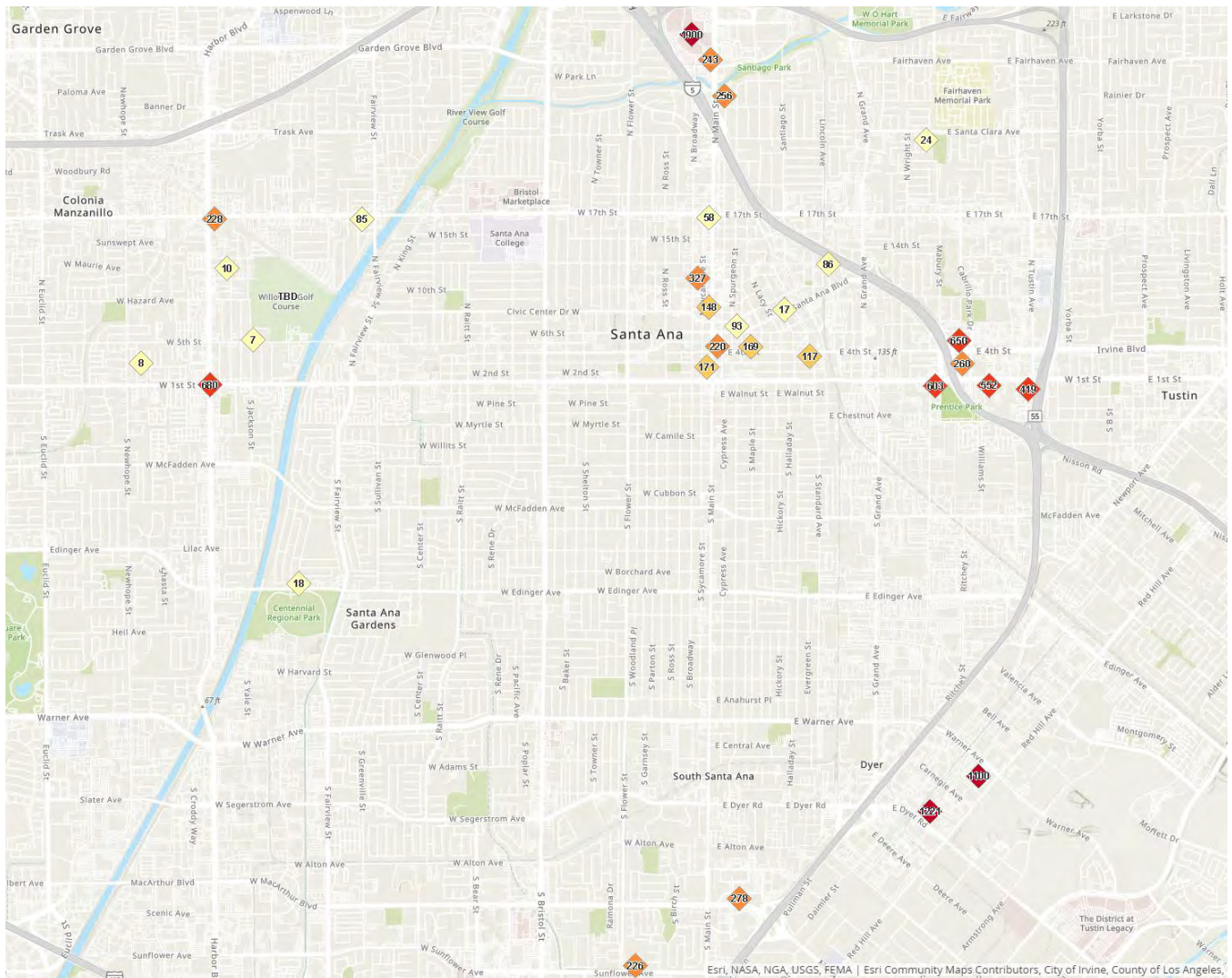


FIGURE 25 CITY OF SANTA ANA HOUSING MAJOR HOUSING PROJECTS LISTED ON THE CITY WEBSITE

<sup>42</sup> <https://www.santa-ana.org/pb/planning-division/major-planning-projects-and-monthly-development-project-reports>

Furthermore, on November 5, 2020, Santa Ana’s Planning Commission will be considering a General Plan update, which projects 36,261 housing units to be built by 2045.<sup>43</sup> The City Council will consider the Planning Commission’s recommendation on November 17, 2020. It is important to note that this growth projection is a realistic buildout projection and not a maximum theoretical buildout projection.<sup>44</sup>

**TABLE LU-2. BUILDOUT TABLE**

Planning Area	Existing <sup>1</sup>			Growth <sup>2</sup>			Buildout		
	Housing Units	Building Sq. Ft.	Jobs	Housing Units	Building Sq. Ft.	Jobs	Housing Units	Building Sq. Ft.	Jobs
<b>Specific Plan / Special Zoning</b>	<b>4,685</b>	<b>13,924,891</b>	<b>38,548</b>	<b>15,839</b>	<b>3,033,554</b>	<b>1,154</b>	<b>20,524</b>	<b>16,958,445</b>	<b>39,702</b>
Adaptive Reuse Overlay Zone <sup>4</sup>	260	976,935	3,043	1,000	0	-476	1,260	976,935	2,567
Bristol Street Corridor Specific Plan	136	140,348	294	-1	2,791	-12	135	143,139	282
Harbor Corridor Specific Plan	1,324	1,767,937	3,286	3,298	200,045	-1,708	4,622	1,967,982	1,578
Main Place Specific Plan	0	1,108,080	2,216	1,900	1,318,843	3,164	1,900	2,426,923	5,380
Metro East Overlay Zone	844	2,516,056	7,524	4,707	2,169,891	4,734	5,551	4,685,947	12,258
Midtown Specific Plan	607	1,885,065	4,824	0	-66,812	-209	607	1,818,253	4,615
Transit Zoning Code	1,514	5,530,470	17,361	4,935	-591,204	-4,339	6,449	4,939,266	13,022
<b>Focus Areas</b>	<b>6,380</b>	<b>13,421,155</b>	<b>28,428</b>	<b>17,575</b>	<b>2,263,130</b>	<b>6,616</b>	<b>23,955</b>	<b>15,684,285</b>	<b>35,044</b>
South Main Street	1,720	1,685,978	3,455	588	-739,316	-1,304	2,308	946,662	2,151
Grand Avenue/17th Street	561	1,400,741	3,568	1,722	-696,847	-1,946	2,283	703,894	1,622
West Santa Ana Boulevard	2,658	3,090,472	9,170	1,262	-281,667	-2,393	3,920	2,808,805	6,777
55 Freeway/Dyer Road	1,221	5,666,453	8,898	8,731	475,830	4,404	9,952	6,142,283	13,302
South Bristol Street	220	1,577,511	3,337	5,272	3,505,130	7,855	5,492	5,082,641	11,192
<b>All Other Areas of the City <sup>5</sup></b>	<b>67,727</b>	<b>39,772,550</b>	<b>92,004</b>	<b>2,847</b>	<b>552,536</b>	<b>3,666</b>	<b>70,574</b>	<b>40,325,086</b>	<b>95,670</b>
<b>Citywide Total</b>	<b>78,792</b>	<b>67,118,596</b>	<b>158,980</b>	<b>36,261</b>	<b>5,849,220</b>	<b>11,436</b>	<b>115,053</b>	<b>72,967,816</b>	<b>170,416</b>

FIGURE 26 CITY OF SANTA ANA UPDATE GROWTH ASSUMPTIONS FROM THE 2020 GENERAL PLAN UPDATE

If Santa Ana were not a DAC, it would be receiving a total of 26,141 housing units; however, since it is a DAC, Santa Ana is redistributing 23,167 housing units throughout Orange County. Therefore, since Santa has now projected 36,261 housing units, the City of Yorba Linda is requesting that the City of Santa Ana be assigned back the 413 housing units currently being assigned to the City of Yorba Linda.

## Conclusion

<sup>43</sup> See [Santa Ana Public Hearing Draft General Plan, Land Use Element, Page LU-11, Table LU-2](#) and [Santa Ana Complete Draft PEIR for the General Plan, Page 3-57, Table 3-8](#)

<sup>44</sup> See [Santa Ana General Plan Update Draft Program Environmental Impact Report, Appendix B-b, Santa Ana General Plan Buildout Methodology, Page B-b-3](#)

SCAG's 6<sup>th</sup> Cycle RHNA does not follow state housing law and as a result, jurisdictions throughout the region are being penalized with serious land use consequences that will have significant permanent ramifications related to a jurisdiction's ability to exercise local control over their own land use decisions. Despite the regional determination of 1.34 million housing units being incorrectly calculated by HCD, the biggest problem with the 6<sup>th</sup> Cycle RHNA methodology is that it is not consistent with the development pattern established by the SCS as required by state housing law. The City of Yorba Linda has been assigned a RHNA of 2,411 housing units over an eight-year period while the SCS projects 900 households over a 29-year period. Furthermore, SCAG only applied local constraint factors to one-third of the RHNA and utilized a one-size-fits-all approach to the remainder of the RHNA. In order to rectify this inconsistency, the RHNA Appeals Board would need to revise Yorba Linda's RHNA allocation to be in the range of 70 to 211 housing units.

**Housing Unit Demolition Data Survey Form**

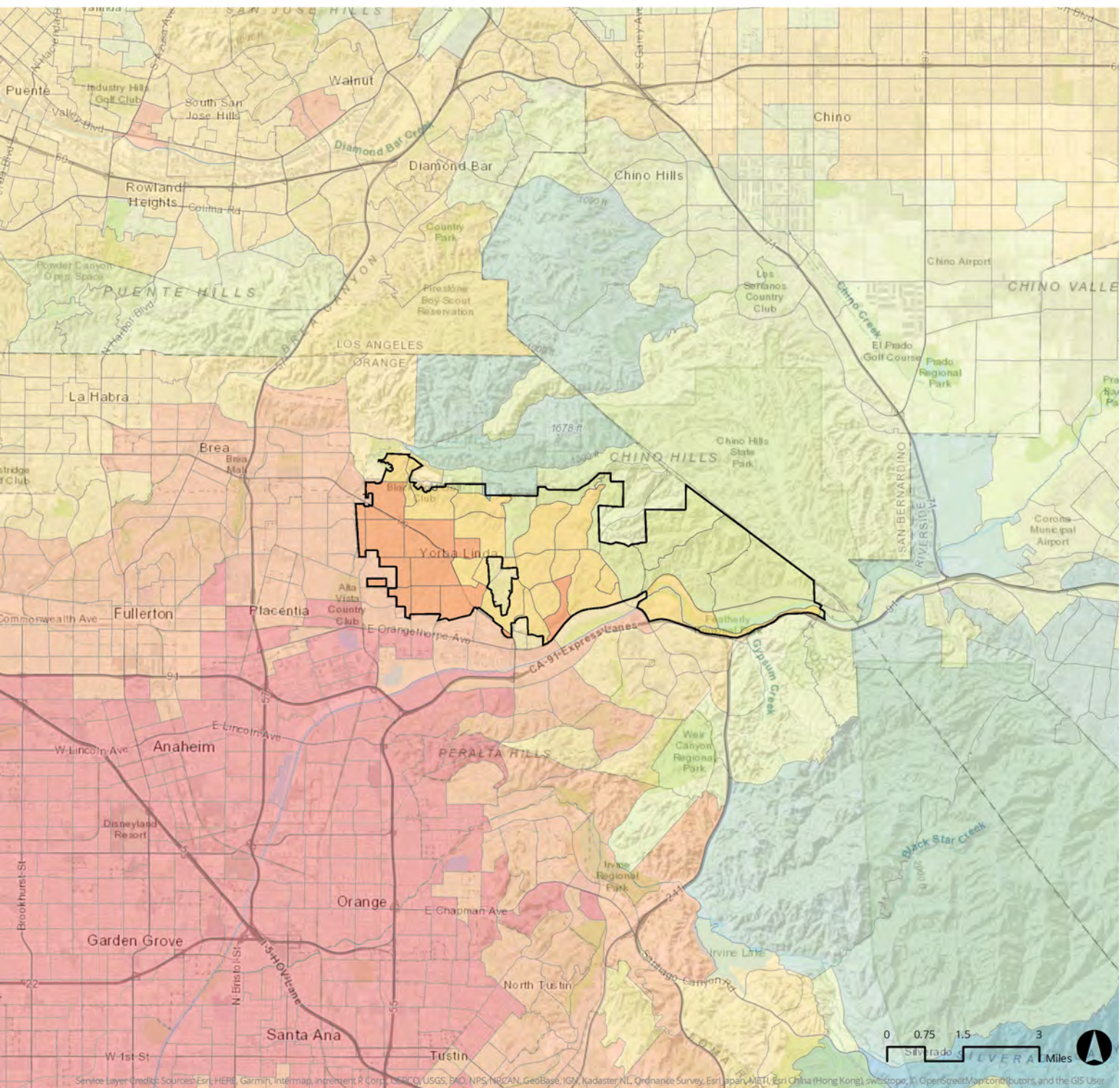
Please complete and return the survey by April 30, 2019 to housing@scag.ca.gov.

City: Yorba Linda  
County: Orange

Report Year	Demolished Housing Units Lost									2012&2018 Newly Constructed or Permitted Housing Units (on site of demolition)								Not Developed Nor Permitted for Housing Uses After the					
	Single Unit Structure				Multi-unit Structure			Total units lost	Affordable units out of total units	Single Unit Structure				Multi-unit Structure				Total units gained	Affordable units out of total units	Not Developed		Land Use Change	
	Detached	Attached	Mobile Homes	Total	2,3, or 4-plex	5 or more	Total			Detached	Attached	Mobile Homes	Total	2, 3, or 4-plex	5 or more	Total	Parcels			Units	Parcels	Units	
A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	
2009	-15	0	0	-15	0	0	0	-15		2	0	0	2	0	0	0	2						
2010	-15	0	0	-15	0	0	0	-15		4	0	0	4	0	0	0	4						
2011	-13	-10	0	-23	0	0	0	-23		6	0	0	6	0	0	0	6						
2012	-2	0	0	-2	0	0	0	-2		6	0	0	6	0	0	0	6						
2013	-1	0	0	-1	0	0	0	-1		0	0	0	0	0	0	0	0						
2014	-13	0	0	-13	0	0	0	-13		3	0	0	3	0	0	0	3						
2015	-11	0	0	-11	0	0	0	-11		7	18	0	25	0	0	0	25						
2016	-4	0	0	-4	0	0	0	-4		27	28	0	55	22	0	22	77						
2017	-6	0	0	-6	0	0	0	-6		21	0	0	21	18	0	18	39						
2018	-4	0	0	-4	0	0	0	-4		9	1	0	10	0	0	0	10						
Total	-84	-10	0	-94	0	0	0	-94	0	85	47	0	132	40	0	40	172	0	0	0	0	0	

Directions	
Column A-I	Confirm that the number of demolished units for each category is correct.
Column J	Enter the number of affordable housing units that were among the demolished housing units.
Column K-R	Enter the number of newly constructed or permitted housing units on the site of demolition.
Column S	Enter the number of affordable housing units among the newly constructed or permitted housing units on the site of demolition.
Column T-U	For sites that remained vacant after the demolition where zoning is designated for housing uses, enter the number of parcels and potential housing unit capacity on these sites
Column V-W	For sites that have been converted to non-housing units after the demolition or sites that have remained vacant after the demolition where zoning is designated for non-housing uses, enter the number of parcels and the potential loss of housing unit capacity from the changes.





## TAZ-level job accessibility in and around: City of Yorba Linda [Year 2045]

0% - 2.29%    2.3% - 7.8%    7.81% - 11.68%    11.69% - 15.51%    15.52% - 19.63%    19.64% - 100%

Note: These data represent the share of jobs in the SCAG region accessible by automobile commute in 30 minutes in 2045 during the peak AM commute (6-9am). Further detail on the job accessibility measure can be found in SCAG's Final RHNA Methodology. Note that since the SCAG region's total employment forecast for 2045 is 10,049,000 jobs, the number of jobs available can be measured by multiplying the percentage found on the map by this number. For example, a TAZ-level job accessibility measure of 10.0% means that 1,049,000 future jobs could be reached in 30 minutes.

Data Source: SCAG, 2020 | Map Created: 10/22/2020

Disclaimer: The data underlying the information shown on this map reflect jurisdiction's input submitted during the Local Input and Envision Connect SoCal. SCAG shall not be responsible for user's misuse or misrepresentation of this map. For the details regarding the sources, methodology of this map, please refer to the SCAG Data/Map Book at <https://www.connectsocial.org/Pages/Local-Input-Process.aspx> or contact RTPLocalIn

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF HOUSING POLICY DEVELOPMENT**

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Sacramento, CA 95833-1829  
916) 263-2911 FAX: (916) 263-7453  
www.hcd.ca.gov



January 13, 2020

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

Dear Executive Director Ajise:

**RE: Review of Draft Regional Housing Need Allocation (RHNA) Methodology**

Thank you for submitting the draft Southern California Association of Governments (SCAG) Sixth Cycle Regional Housing Need Allocation (RHNA) Methodology. Pursuant to Government Code Section 65584.04(i), the California Department of Housing and Community Development (HCD) is required to review draft RHNA methodology to determine whether the methodology furthers the statutory objectives described in Government Code Section 65584(d).

In brief, the draft SCAG RHNA methodology begins with the total regional determination provided by the California Department of Housing and Community Development (HCD) and separates it into two methodologies to allocate the full determination: projected need (504,970) and existing need (836,857).

For projected need, the household growth projected in SCAG's Connect SoCal growth forecast for the years 2020-2030 is used as the basis for calculating projected housing need for the region. A future vacancy and replacement need are also calculated and added to the projected need.

The existing need is calculated by assigning 50 percent of regional existing need based on a jurisdiction's share of the region's population within the high-quality transit areas (HQTAs) based on future 2045 HQTAs. The other 50 percent of the regional existing need is based on a jurisdiction's share of the region's estimated jobs in 2045 that can be accessed within a 30-minute driving commute. For high segregation and poverty areas as defined by [HCD/TCAC Opportunity Maps](#),<sup>1</sup> referred to by SCAG as extremely disadvantaged communities (DACs), existing need in excess of the 2020-2045 household growth forecast is reallocated to non-DAC jurisdictions within the same county.

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<sup>1</sup> Created by the California Fair Housing Task Force and commissioned by HCD and the California Tax Credit Allocation Committee (TCAC) to assist public entities in affirmatively furthering fair housing. The version used in this analysis is the 2019 HCD/TCAC Opportunity Maps available at [treasurer.ca.gov/ctcac/opportunity.asp](http://treasurer.ca.gov/ctcac/opportunity.asp).

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Within both the projected and existing need methodologies the four RHNA income categories (very low, low, moderate, and above moderate) are assigned to each jurisdiction by the use of a 150 percent social equity adjustment, which inversely adjusts based on the current incomes within the jurisdiction. An additional percentage of social equity adjustment is made for jurisdictions that have a high concentration of DACs or Highest Resource areas as defined by the HCD/TCAC Opportunity maps. Overall, the social equity adjustments result in greater shares of lower income RHNA to higher income and higher-resource areas.

**HCD has completed its review of the methodology and finds that the draft SCAG RHNA Methodology furthers the five statutory objectives of RHNA.<sup>2</sup>**

HCD acknowledges the complex task of developing a methodology to allocate RHNA to 197 diverse jurisdictions while furthering the five statutory objectives of RHNA. This methodology generally distributes more RHNA, particularly lower income RHNA, near jobs, transit, and resources linked to long term improvements of life outcomes. In particular, HCD applauds the use of objective factors specifically linked the statutory objectives in the existing need methodology.

Below is a brief summary of findings related to each statutory objective described within Government Code Section 65584(d):

*1. Increasing the housing supply and the mix of housing types, tenure, and affordability in all cities and counties within the region in an equitable manner, which shall result in each jurisdiction receiving an allocation of units for low- and very low-income households.*

The methodology generally allocates increased shares of lower income RHNA to jurisdictions that have higher housing costs. In support of a mix of affordability, the highest housing cost cities generally receive higher shares of lower income RHNA. Under this methodology the 15 cities with the highest median housing costs all receive greater than 50 percent of the RHNA as lower income RHNA. Beverly Hills with the 18<sup>th</sup> highest median housing costs receives the 25<sup>th</sup> highest share of lower income RHNA; Westlake Village with the 14<sup>th</sup> highest median housing costs receives the 12<sup>th</sup> highest share of lower income RHNA; Aliso Viejo with the 23<sup>rd</sup> highest median housing costs receives the 38<sup>th</sup> highest share of lower income RHNA; and Villa Park with the 10<sup>th</sup> highest median housing costs receives the 31<sup>st</sup> highest share of lower income RHNA.

*2. Promoting infill development and socioeconomic equity, the protection of environmental and agricultural resources, the encouragement of efficient development patterns, and the achievement of the region's greenhouse gas reductions targets provided by the State Air Resources Board pursuant to Section 65080.*

The draft SCAG RHNA methodology furthers the environmental principles of this objective as demonstrated by the transportation and job alignment with the RHNA allocations.

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<sup>2</sup> While HCD finds that this particular methodology furthers the objectives of RHNA, HCD's determination is subject to change depending on the region or cycle, as housing conditions in those circumstances may differ.

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*3. Promoting an improved intraregional relationship between jobs and housing, including an improved balance between the number of low-wage jobs and the number of housing units affordable to low-wage workers in each jurisdiction.*

Half of the existing need portion of the draft SCAG RHNA methodology is set based on the jurisdiction's share of the region's estimated jobs in 2045. While future looking job projections are important for housing planning, and housing built in the next decade will likely exist for 50-100 years or more, it is also critical to plan for the needs that exist today. This objective specifically considers the balance of low-wage jobs to housing available to low-wage workers. As part of HCD's analysis as to whether this jobs-housing fit objective was furthered by SCAG's draft methodology, HCD analyzed how the percentage share of the region's lower income RHNA compared to the percentage share of low-wage jobs.

For example, under the draft SCAG RHNA methodology Irvine would receive 1.84 percent of the region's lower income RHNA, and currently has 2.07 percent of the region's low-wage jobs, .23 percent less lower income RHNA than low-wage jobs for the region. Pomona would receive .71 percent of the region's lower income RHNA, and currently has .57 percent of the region's low-wage jobs, .13 percent more lower income RHNA than low-wage jobs for the region. Across all jurisdictions there is generally good alignment between low-wage jobs and lower income RHNA, with all but 15 jurisdictions within a half percent plus or minus difference between their share of lower income RHNA for the region and their percentage low-wage jobs for the region.

HCD is aware there has been some opposition to this current methodology from jurisdictions that received lower allocations under prior iterations; however it is worth noting that even if it is by a small amount, many of the jurisdictions that received increases are still receiving lower shares of the region's lower income RHNA compared to their share of the region's low-wage jobs. HCD recommends any changes made in response to appeals should be in the interest of seeking ways to more deeply further objectives without compromising other objectives.

*4. Allocating a lower proportion of housing need to an income category when a jurisdiction already has a disproportionately high share of households in that income category, as compared to the countywide distribution of households in that category from the most recent American Community Survey.*

This objective is furthered directly by the social equity adjustment factor included in the draft SCAG RHNA methodology. Jurisdictions in the SCAG region range from as little as 10.9 percent lower income households to 82.7 percent lower income households. The 20 jurisdictions with the greatest share of lower income households, 67.2-82.7 percent lower income households, would receive an average of 31.6 percent lower income share of their RHNA; compared to the 20 jurisdictions with the lowest share of lower income households, 10.9-25.1 percent lower income households, would receive an average of 59.1 percent lower income share of their RHNA. While the social equity adjustment explicitly responds to objective four, it also assists in the methodology furthering each of the other objectives.

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*5. Affirmatively furthering fair housing, which means taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws.*

HCD applauds the inclusion of the affirmatively furthering fair housing adjustment factor in the methodology. This factor directs more lower income RHNA to higher opportunity areas and reduces allocations in segregated concentrated areas of poverty, as defined in the [HCD/TCAC Opportunity Maps](#), which evaluate access to opportunity, racial segregation, and concentrated poverty on 11 dimensions, which are all evidence-based indicators related to long term life outcomes. 14 of the top 15 highest shares of lower income RHNA are in regions over 99.95 percent High and Highest Resource areas. These include: Imperial, La Habra Heights, Rolling Hills Estates, Hermosa Beach, La Cañada Flintridge, Palos Verdes Estates, Manhattan Beach, Rolling Hills, Agoura Hills, Rancho Palos Verdes, Westlake Village, San Marino, Eastvale, and Hidden Hills. With the exceptions of the cities of Vernon and Industry, the 31 jurisdictions with the highest share of lower income RHNA are all over 95 percent High and Highest Resource areas.

HCD appreciates the active role of SCAG staff in providing data and input throughout the draft SCAG RHNA methodology development and review period. HCD especially thanks Ping Chang, Kevin Kane, Sarah Jepson, and Ma'Ayn Johnson for their significant efforts and assistance.

HCD looks forward to continuing our partnership with SCAG to assist its member jurisdictions to meet and exceed the planning and production of the region's housing need.

Support opportunities available for the SCAG region this cycle include, but are not limited to:

- SB 2 Planning Technical Assistance (Technical assistance available now through June 2021)
- Regional and Local Early Action Planning grants (25 percent of Regional funds available now, all other funds available early 2020)
- SB 2 Permanent Local Housing Allocation (Available April – July 2020)

If HCD can provide any additional assistance, or if you, or your staff, have any questions, please contact Megan Kirkeby, Assistant Deputy Director for Fair Housing, [megan.kirkeby@hcd.ca.gov](mailto:megan.kirkeby@hcd.ca.gov).



Megan Kirkeby  
Assistant Deputy Director for Fair Housing



# CITY OF YORBA LINDA

4845 CASA LOMA AVENUE • YORBA LINDA • CALIFORNIA 92886

December 1, 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 for the City of Yorba Linda**

Dear Chair Huang:

The City of Yorba Linda appreciates the opportunity to review and provide comment on the RHNA appeals. As outlined within our appeal of Yorba Linda's draft RHNA allocation, the major concern we have raised is that the draft RHNA for the City of Yorba Linda is inconsistent with the development pattern of the sustainable communities strategy (SCS) as required by state housing law (see Government Code 65584.05(m)). The purpose of this letter is not to address the validity of the other jurisdictional appeals of their draft RHNA allocation, but rather our intent is to further demonstrate how the draft RHNA is in violation of state housing law for the City of Yorba Linda.

## Inconsistency Between RHNA and Connect SoCal

SCAG's Regional Council adopted Connect SoCal on September 3, 2020, which included the adoption of the SCS. The forecasted development pattern established by the SCS seeks to focus growth into priority growth areas (PGAs) and to protect natural assets and reduce future risks by avoiding growth in constrained areas. The SCS states that constraint areas (i.e., wildfire urban interface, flood zones, very high fire hazard severity zones, etc.) should be avoided.

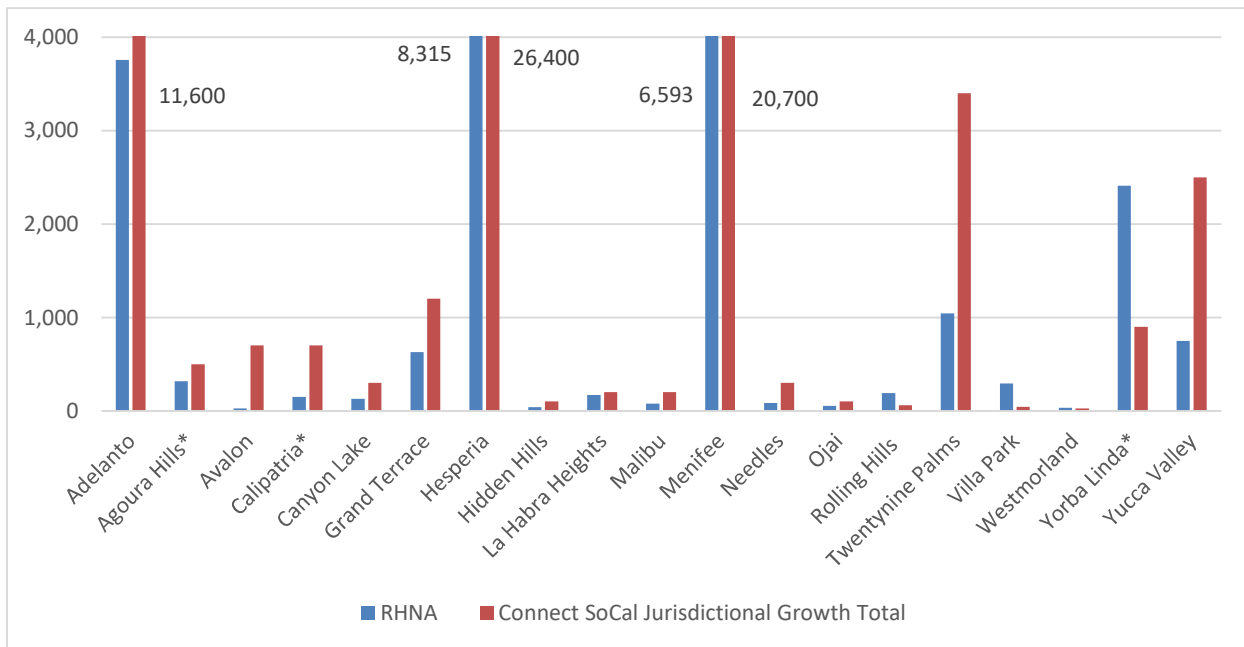
As discussed in our RHNA appeal, the City of Yorba Linda has no PGAs within its jurisdictional boundary. In fact, in the entire SCAG region there are only 19 jurisdictions with no PGAs within their jurisdictional boundaries. Of these 19 jurisdictions, only three jurisdictions filed an appeal (Agoura Hills, Calipatria, and Yorba Linda); however, among these, Yorba Linda is the only jurisdiction with draft RHNA that exceeds Connect SoCal's projected household growth. In fact, Yorba Linda's draft RHNA for an eight-year planning period is 168% higher than its jurisdictional growth totals for the 29-year Connect SoCal projection period. Rolling Hills, Villa Park, and Westmorland are the only other jurisdictions in the SCAG region that also have no PGAs and a draft RHNA that exceeds their jurisdictional growth totals in Connect SoCal; however, these three jurisdictions did not file an appeal. Furthermore, the City of Yorba Linda's draft RHNA exceeds its jurisdictional growth total by over 1,500 housing units, while the combined total of the other three jurisdictions' excess is less than 400 housing units. The RHNA methodology clearly overlooked the unique characteristics of the City of Yorba Linda as it relates to consistency with the development pattern of the SCS.

Attachment: Comments Received during the Comment Period (Appeal of the Draft RHNA Allocation for the City of Yorba Linda)

**Jurisdictions with No Priority Growth Areas**

City	Draft RHNA	SCS Jurisdictional Growth Total	Difference Between RHNA and SCS	% Difference Between RHNA and SCS
Adelanto	3,755	11,600	-7,845	-68%
<b>Agoura Hills*</b>	<b>318</b>	<b>500</b>	<b>-182</b>	<b>-36%</b>
Avalon	27	700	-673	-96%
<b>Calipatria*</b>	<b>151</b>	<b>700</b>	<b>-549</b>	<b>-78%</b>
Canyon Lake	129	300	-171	-57%
Grand Terrace	628	1,200	-572	-48%
Hesperia	8,315	26,400	-18,085	-69%
Hidden Hills	41	100	-59	-59%
La Habra Heights	171	200	-29	-15%
Malibu	78	200	-122	-61%
Menifee	6,593	20,700	-20,693	-100%
Needles	86	300	-214	-71%
Ojai	52	100	-48	-48%
Rolling Hills	191	62	191	208%
Twentynine Palms	1,044	3,400	-2,356	-69%
Villa Park	295	43	295	586%
Westmorland	33	25	33	32%
<b>Yorba Linda*</b>	<b>2,411</b>	<b>900</b>	<b>1,511</b>	<b>168%</b>
Yucca Valley	749	2,500	-1,751	-70%

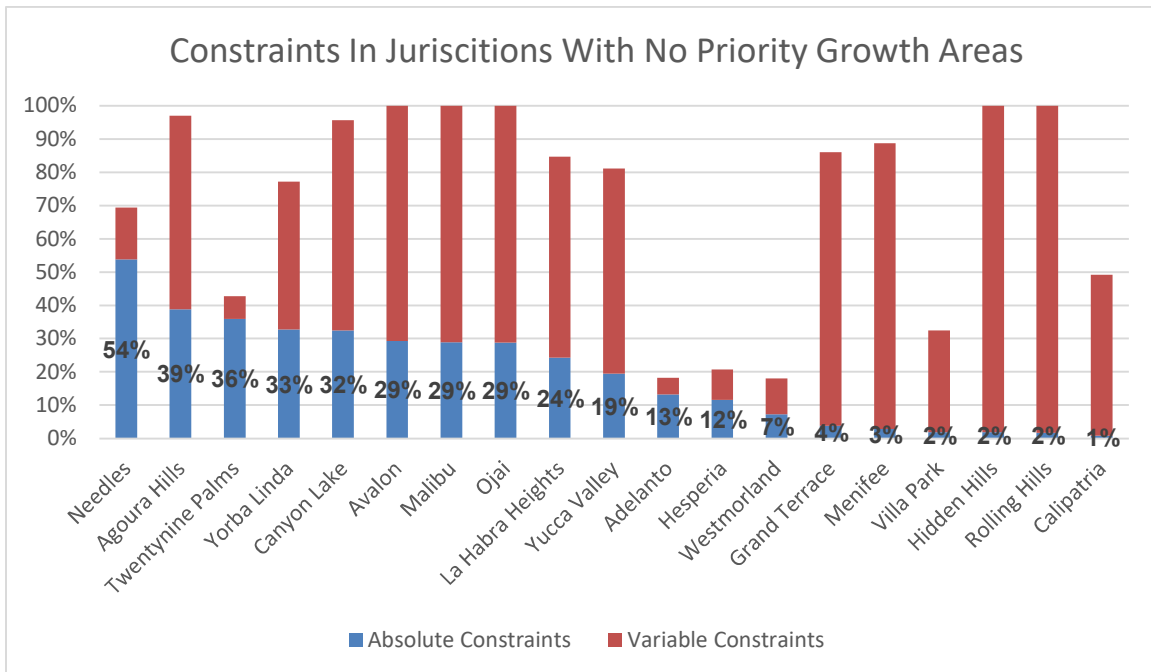
\* Jurisdictions that filed a RHNA appeal



**Figure 1 Comparison of RHNA and Connect SoCal Jurisdictional Growth Totals Among Jurisdictions with No PGAs.**

Note: Due to the size of the projections for Adelanto, Hesperia, and Menifee in comparison to the other smaller projections for the other jurisdictions, the size of the chart was reduced in order to be able to show the comparisons.

Obviously, the development pattern of the SCS does not assume that all growth will occur within PGAs; however, the SCS development pattern also states that growth will not occur in “absolute constraint areas” and will be avoided in “variable constraint areas.” The following chart shows the breakdown of constraint areas into absolute and variable constraints areas among these 19 jurisdictions with no PGAs. This is important to distinguish because the SCS development pattern does anticipate some growth in variable constraint areas, but **only** when the variable constraint conflicts with accommodating the jurisdictional growth total. In other words, if a jurisdiction’s RHNA allocation exceeds its jurisdictional growth total, those housing units cannot be assumed to be in variable constraint areas. On the other hand, if a jurisdiction’s RHNA is less than its jurisdictional growth total, those housing units can be assumed in variable constraint areas, if necessary.



Note: Only Yorba Linda, Westmorland, Villa Park, and Rolling Hills have a draft RHNA allocation that exceeds Connect SoCal’s jurisdictional growth totals; therefore, according to the development pattern of the SCS, this requires that their variable constraint areas be avoided for growth in order to comply with state housing law.

As discussed previously, only four of these jurisdictions have a RHNA that exceeds its jurisdictional growth total: Rolling Hills, Villa Park, Westmorland, and Yorba Linda. As discussed previously, for the RHNA to be consistent with the development pattern of the SCS, growth in excess of the jurisdictional growth totals should not be projected within both absolute **and** variable constraint areas in those four jurisdictions. In other words, the RHNA should not exceed their jurisdictional growth totals. For the City of Yorba Linda, this means that not only has SCAG assigned a RHNA 168% higher than the Connect SoCal jurisdictional growth total through 2045, but it has also assumed that this growth will be limited to approximately 20% of the City’s entire jurisdictional land area. This clearly demonstrates that the draft RHNA assigned to the City of Yorba Linda is not consistent with the development pattern of the SCS as required by state housing law. The only way for SCAG to remedy this discrepancy is to grant the City of Yorba Linda its appeal request.

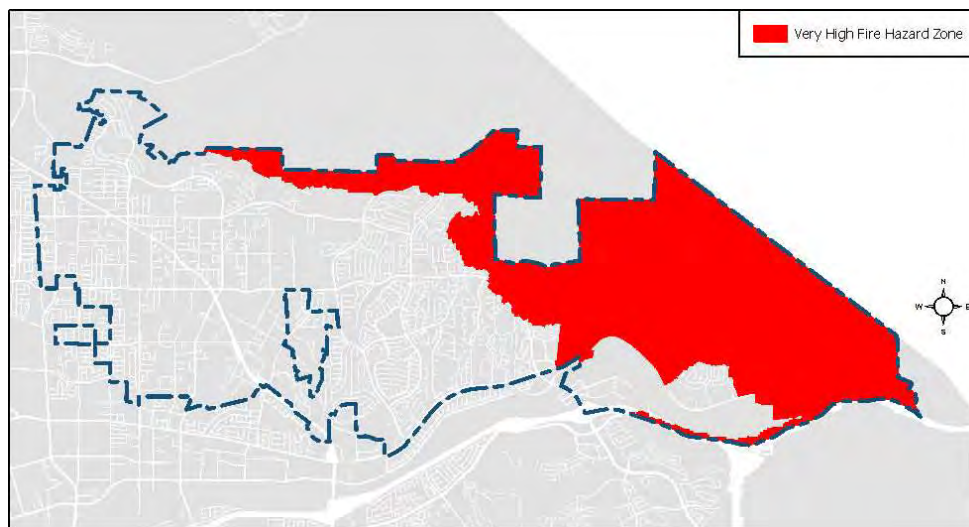
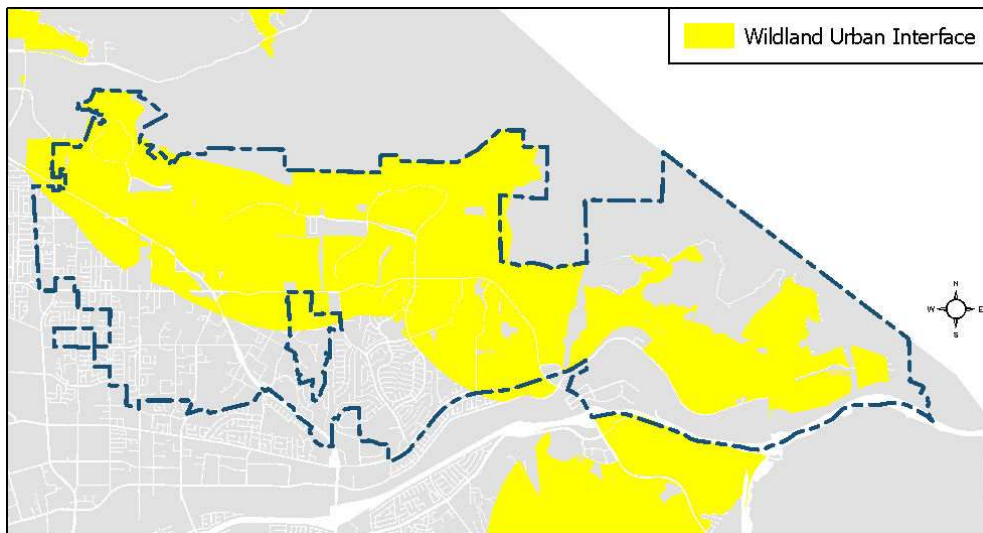


Blue Ridge Fire in Yorba Linda

Wildland urban interface and very high fire hazard severity zones are both specifically identified in the SCS as variable constraints where growth should be avoided. As outlined in our RHNA appeal, the City of Yorba Linda has seen a major wildfire within or near its borders every decade since its incorporation. Ironically, on the day we filed our RHNA appeal, two major wildfires started in Orange County: the Silverado Fire in Irvine and the Blue Ridge Fire in Yorba Linda. These fires served as yet another grave reminder that these wildfire constraints are a very real threat to our community. The Blue Ridge Fire alone burned nearly 14,000 acres, resulted in the evacuation of approximately 4,000 properties and 10,000 people in the City of Yorba Linda, completely destroyed one home, and damaged 10 other structures. Thankfully, due in large part to the prompt action from our first responders and the fortunate cooperation of the weather, what could have been a repeat of Yorba Linda's devastating Freeway Complex Fire in 2008 was avoided.



Additionally, on November 12, 2020, the California Governor’s Office of Planning and Research (OPR) released a draft update to the Fire Hazard Planning Technical Advisory for public comment in response to Senate Bill 901 (Dodd, 2018) and Assembly Bill 2911 (Friedman, 2018), which called for OPR to update this document to include specific land use strategies to reduce fire risk to buildings, infrastructure, and communities. Among many things, the technical advisory is meant to guide jurisdictions as they revise their general plans in ways that reduce risk for existing and future communities. A copy of the draft document has been included as an attachment to this letter as a supplement to our formal appeal. Specifically, Section 2 of this document includes OPR’s overview of fire hazards and risks to California communities, stating, “Today, approximately one third of all homes are located in the wildland-urban interface (WUI). When it comes to wildfire, this trend is of particular concern because the WUI conditions are associated with an increased risk of loss of human life, property, natural resources, and economic assets.” As discussed in our RHNA appeal, the City of Yorba Linda has over 6,700 acres located within the WUI and nearly 3,200 acres of land located within the very high fire hazard severity zone. This fire risk alone accounts for over 70% of the City’s total land area being identified as constraints in Connect SoCal.



City of Yorba Linda RHNA Appeal – Comment Letter  
December 1, 2020

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@yorbalinga.gov](mailto:nfarnsworth@yorbalinga.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

Attachment: Comments Received during the Comment Period (Appeal of the Draft RHNA Allocation for the City of Yorba Linda)

# Fire Hazard Planning Technical Advisory

## General Plan Technical Advice Series

2020 Update

Public Review Draft – November 2020





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Governor's Office of Planning and Research  
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### Disclaimer

Because communities throughout California are varied and have different needs, the recommendations in this technical advisory are designed for a wide spectrum of uses and applications. This document is meant to be a resource for the public to use at their discretion; it does not alter or direct public agency discretion or decision-making in preparing planning documents. This document should not be construed as legal advice, nor is the Governor’s Office of Planning and Research enforcing or attempting to enforce any part of the recommendations contained herein. (Government Code [GC] § 65035 [“It is not the intent of the Legislature to vest in the Office of Planning and Research any direct operating or regulatory powers over land use, public works, or other state, regional, or local projects or programs.”].)

## 1. Introduction

This planning guide is one in a series of technical advisories provided by the Governor’s Office of Planning and Research (OPR) as a service to professional planners, land use officials, and California Environmental Quality Act (CEQA) practitioners. OPR issues technical guidance on issues that broadly affect land use planning, including the application of CEQA. The goal of this technical advisory is to provide a robust planning framework for addressing fire hazards, reducing risk, and increasing resilience across California’s diverse communities and landscapes. To accomplish this goal, it is essential that local jurisdictions develop and incorporate effective policies and implementation programs in their general plans and integrate their general plans with other relevant hazard and risk reduction policies, plans, and programs. This advisory provides guidance on those policies and programs, and is also intended to assist city and county planners in discussions with professionals from fire hazard prevention and mitigation, disaster preparedness, and emergency response and recovery agencies as they work together to develop effective fire hazard policies for the general plan.

### 2020 UPDATE

This Fire Hazard Planning technical advisory was first published in 2015. Pursuant to the requirements of SB 901 (Dodd, 2018) and AB 2911 (Friedman, 2018), as codified in GC § 65040.21, OPR is now updating this document to include “specific land use strategies to reduce fire risk to buildings, infrastructure, and communities.” OPR must prepare this update “in consultation with the Department of Forestry and Fire Protection (CAL FIRE), the State Board of Forestry and Fire Protection (State Board), and other fire and safety experts.” Per GC § 65040.21, OPR must update the guidance document “not less than once every eight years.”

## DOCUMENT OUTLINE

This document is organized into the following sections:

- 1) **Introduction**
- 2) **Overview of Fire Hazards and Risks to California Communities:** This section provides background and context for understanding fire hazards and risks to California’s communities and landscapes.
- 3) **Regulatory and Policy Background:** This section summarizes legal and regulatory requirements that directly address fire hazard planning and mitigation, including federal and state laws and regulations, and key policies, programs and guidelines that complement the regulatory framework.
- 4) **Fire Hazard Planning Guidance:** This section provides an overview of the key steps in the fire hazard planning process, general recommendations for incorporating these steps in general plan updates, and opportunities for alignment of fire hazard planning with other topics such as climate adaptation and local hazard mitigation plans.
- 5) **Example Policies:** This section provides example fire hazard policies and implementation programs that could be included in general plans.
- 6) **Appendices:** The appendices include potential resources – including funding sources, informational guidance, networks, and tools – to support fire hazard planning, recent planning examples from communities throughout California, and other technical sections that support the main body of the document.



## 2. Overview of Fire Hazards and Risks to California Communities

Fire is a natural part of California’s diverse landscapes and is vital to many ecosystems across the state. For centuries, many California Native American tribes recognized this interdependence between fire and the environment and used prescribed burning—the intentional ignition of small fires—to maintain and restore environmental health and promote resilience against catastrophic wildfires (Lake, 2018). However, in the 1800’s, ecosystem management changed when settlers began enforcing a strict fire-suppression regime. Over the next century, firefighters sought to extinguish all fire in California, which led to problems such as forest densification and heightened wildfire risk (Lake, 2018; Johnston-Dodds, 2002). In the 1960’s the National Park Service began to acknowledge the negative impact of fire suppression on California’s forests and revised its policies to better co-exist with fire (Parsons & Nichols, 1986). Since then, California’s communities have also had to grapple with how to sustainably manage fire while reducing the associated risks. Today, this question has become even more complex to answer given the increase in frequency and severity of wildfires due to climate change, and the challenges presented by the expansion of new development into areas prone to severe fire hazards.

Figure 1: Map of California’s Wildland Urban Interface (Available from [CAL FIRE’s Fire and Resource Assessment Program](#))

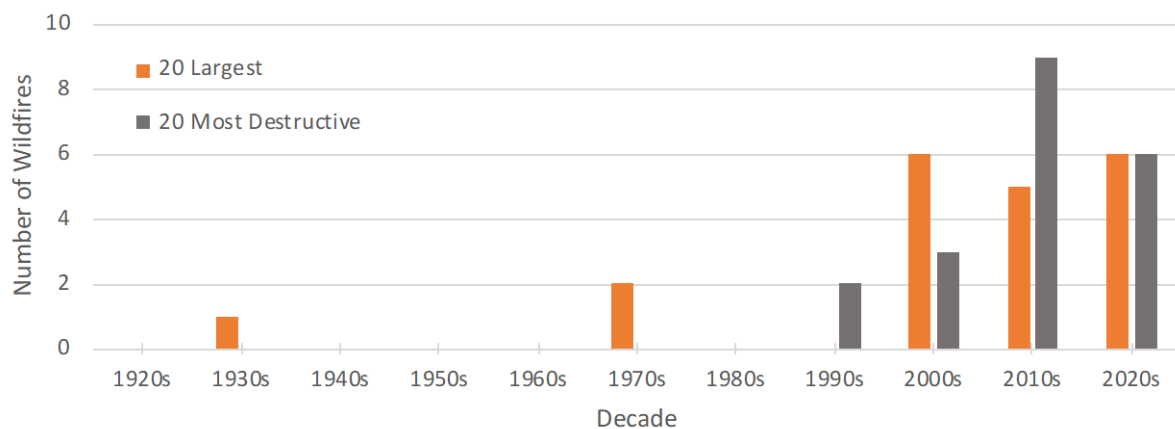


Cities and counties are frequently challenged to accommodate both current and future residents in need of safe and affordable housing. In California, approximately 180,000 homes need to be constructed annually to meet demand (Department of Housing and Community Development, n.d.). Over the past few decades, jurisdictions across the state have approved many new housing units. These are often placed within or adjacent to wildland areas, creating "wildland-urban interface" (WUI) conditions (see Figure 1). Today, approximately one third of all homes in California are located in the WUI (Mowery et al, 2019). When it comes to wildfire, this trend is of particular concern because WUI conditions are associated with an increased risk of loss of human life, property, natural resources, and economic assets. According to the [2018 Strategic Fire Plan for California](#), "since the turn of the century there has been a steep increase in structures lost compared to the 1990s".

This rise in destroyed assets is not only because of increasing housing demand and development in the WUI; it is also correlated to an increase in average fire size and severity (Strategic Fire Plan for California, 2018). The changing climate, specifically rising temperatures, shifting wind patterns, and increasing temporal variability of water availability, is substantially increasing wildfire risk across the state. The frequency of extreme fire weather during the Autumn months has more than doubled in California since the 1980s and, factoring in climate change, this frequency is projected to increase in the future (Goss et.al, 2020). According to [California’s Fourth Climate Change Assessment](#), if greenhouse gas emissions continue to rise, California is likely to see a 50% increase in fires larger than 25,000 acres as well as a potential 77% increase in average area burned by 2100. According to some experts, we are now entering an era of “mega-fires” or “mega-disturbances” (Stephens et.al., 2014).

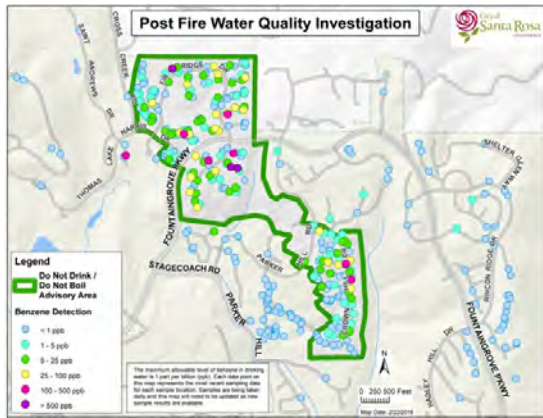
California has already begun to experience the effects of this new era. In 2017, two major catastrophic events in Ventura County and Sonoma County, the Thomas and Tubbs fires, topped the charts as the largest and most destructive wildfire events on record, respectively. However, these records were short-lived. In 2018, the Mendocino Complex Fire burned over 459,000 acres, while the Camp Fire took at least 85 lives and destroyed 18,804 structures in Butte County, including much of the town of Paradise (CAL FIRE, 2019), marking another year of unprecedented loss. Between 2003 and 2018, the top 10 costliest wildland fires in the United States all occurred in California (Insurance Information Institute, 2019). Today, catastrophic wildfire continues to pose a substantial threat to California’s communities with 2020 marking another year of record-breaking events. This year’s August Complex fire became California’s first “gigafire” in modern history, with over 1 million acres burned. Moreover, as shown in Figure 2, six of the 20 largest and most destructive fires in California’s history<sup>1</sup> occurred in 2020 alone (CAL FIRE, 2020).

Figure 2: California’s 20 Largest and Most Destructive Wildfires by Decade  
(Data Source: CAL FIRE, 2020)



<sup>1</sup> CAL FIRE’s historical record, at the time this document was prepared, spans from the 1932 through November 3<sup>rd</sup>, 2020. Three of the largest fires in California’s history were still burning as of November 3<sup>rd</sup>, 2020.

Figure 3: Outline of Santa Rosa’s Water Advisory Area Following the Tubbs Fire (Source: City of Santa Rosa 2/23/18 Advisory)



Wildfires in California not only cause direct damage, but also produce indirect impacts on ecosystem services and the built environment (Hill et al., 2020). For example, following the Tubbs fire, benzene—a toxic chemical—was released from melted plastic piping and entered Santa Rosa’s drinking water system. As a result, the city implemented a water advisory (see Figure 3) that lasted for 11 months (City of Santa Rosa, n.d.). Moreover, as energy utilities responded to the growing threat and severity of catastrophic wildfire events and potential risk of ignitions by electrical transmission and distribution facilities and equipment, communities across the state were affected by public safety power shutoff (PSPS) events.

In 2019, about 2.7 million people experienced extended power outages during PSPS events as utilities responded to risky weather conditions (Botts, 2019). Utility credit downgrades are also resulting in higher customer rates, thereby reducing access to affordable electricity (Office of Planning and Research, 2019).

While many people have been impacted by wildfire, certain groups are particularly vulnerable to and disproportionately affected by these events. For instance, during the Thomas and Tubbs fires, counties struggled to provide Spanish speakers with timely emergency alerts and information (Mendez and Flores-Haro, 2019; Botts and Freedman, 2017; Roos, 2018). Moreover, during the Camp Fire, elderly residents and persons with disabilities were less likely to escape (Verzoni, 2019). The wildfire smoke from these events also had adverse health impacts downwind, particularly on outdoor workers and individuals with underlying health conditions. Similarly, the impacts from PSPS events acutely affected portions of the broader community, particularly low-income individuals and persons experiencing food insecurity (Botts, 2019).

**Bi-lingual Social Media Messaging**

The [U.S. Fire Administration](#) created a social media toolkit to promote fire preparedness and safety. Their messaging is currently available in Spanish and English but may also be customized for additional audiences.



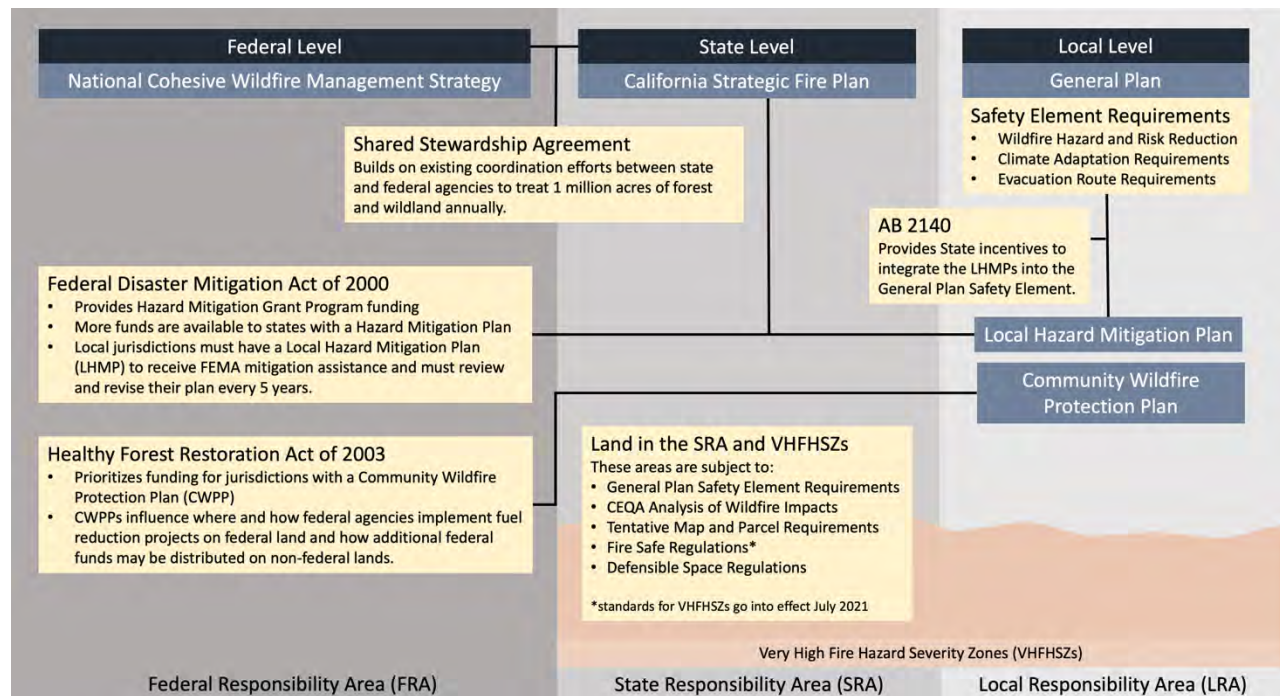
Rebuilding and recovery from wildfire events varies across income and demographic groups as well. For instance, “many individuals in rural areas, low-income neighborhoods, and immigrant communities do not have access to the resources necessary to pay for insurance [or] rebuilding” after a wildfire and, therefore, take a longer time to recover (Davies et al., 2018). Additionally, wildfires can exacerbate existing mental health conditions and lead to post traumatic stress disorder (PTSD), low self-esteem, and/or depression for vulnerable populations, including children and the elderly (Hill et al., 2020). Following the 2017 fires in Sonoma County, the Federal Emergency Management Agency (FEMA) referred thousands of residents to mental health services (Kuipers, 2019) and organizations created a Wildfire Mental Health Collaborative, which supported residents for nearly three years following the event (Healthcare Foundation Northern Sonoma County, n.d.).

Addressing the risks, impacts, and inequities caused by wildfire requires a holistic and integrated approach. California is working with local, regional, tribal, and federal partners to develop and implement a wide array of solutions in order to protect public health, promote resilience, and support local economies. CAL FIRE’s [Community Wildfire Prevention & Mitigation Report](#) outlines how the State will implement strategies such as fuel modification, prescribed burning, home hardening, and public education to reduce future fire risk. In addition, [California’s Forest Management Task force](#) is exploring avenues to address tree mortality and restore forests by developing new markets that will simultaneously promote economic sustainability. As communities plan for the future, they too can rise to the challenge, working collaboratively to address wildfire risk and build resilience moving forward.

### 3. Regulatory and Policy Background

This section describes federal and state laws, regulations, and policies related to fire hazard planning and mitigation, along with major programs and guidelines that complement the current regulatory framework. It is not intended to be an exhaustive list of all fire-related laws or policies that may exist. A general overview is depicted in Figure 4, followed by summary-level descriptions.

Figure 4: Overview of California’s Wildfire Laws, Regulations, Plans, and Policies



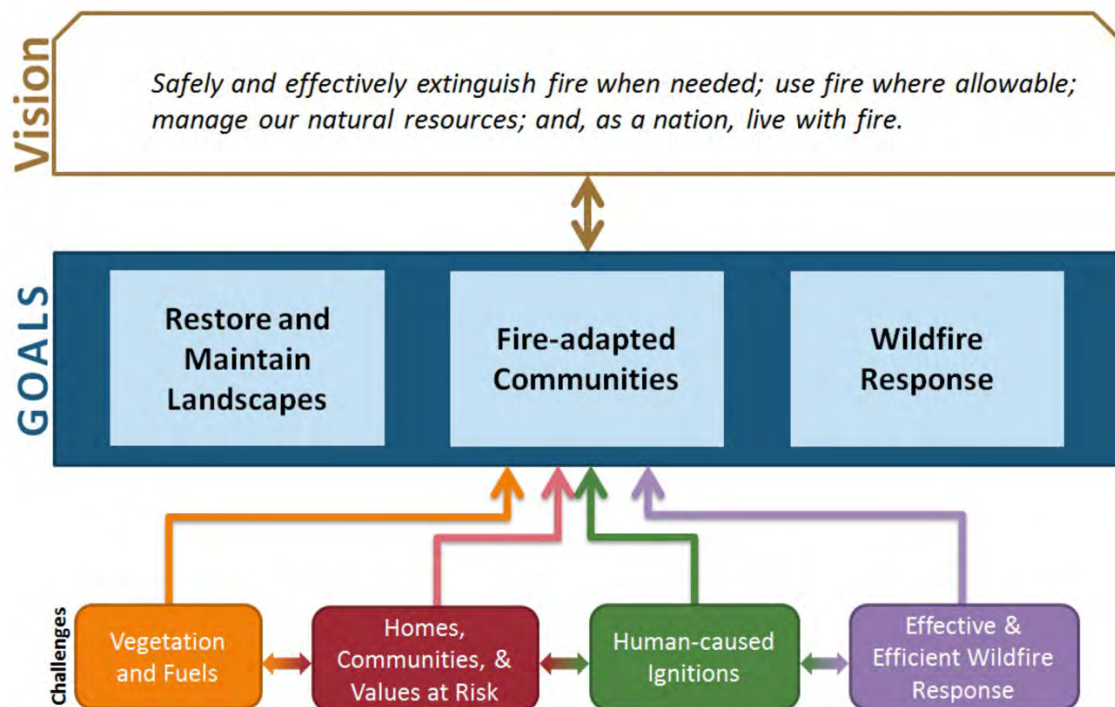
#### 3.1 FEDERAL

##### *National Cohesive Wildland Fire Management Strategy*

In response to requirements of the Federal Land Assistance, Management, and Enhancement Act of 2009, the Wildland Fire Leadership Council directed the development of the [National Cohesive Wildland Fire Management Strategy](#) (Cohesive Strategy). The Cohesive Strategy is a collaborative process with active involvement of all levels of government and non-governmental organizations, as well as the public, to seek national, all-lands solutions to wildland fire management issues. The strategy is regionally oriented and science based.

The Cohesive Strategy identifies three primary goals as presenting the greatest opportunities for making a positive difference in addressing wildland fire problems and achieving their vision (See Figure 5).

Figure 5: The Cohesive Strategy’s Vision, National Goals, and National Challenges



The Cohesive Strategy’s goals are as follows:

- 1) Restoring and maintaining resilient landscapes: The strategy must recognize the current ecosystem health and variability of resilient landscapes from geographic area to geographic area, including variation in impacts from climate change. Because landscape conditions and needs vary depending on local climate and fuel conditions, among other elements, the strategy must address landscapes on a regional and sub-regional scale.
- 2) Creating fire-adapted communities: The strategy must offer options and opportunities to engage communities and work with them to become more resistant to wildfire threats and respond in the event of a wildfire emergency.
- 3) Responding to wildfires: The strategy must consider the full spectrum of fire management activities and recognize the differences in missions among local, state, tribal and federal agencies. The strategy must offer collaboratively developed methodologies to move forward.

### Shared Stewardship Agreement

In a key step to improve stewardship of California’s forests, the State of California and the U.S. Forest Service launched a new joint state-federal initiative in August 2020 to reduce wildfire risks, restore watersheds, protect habitat and biological diversity, and help the state meet its

climate objectives. The [Agreement for Shared Stewardship of California’s Forest and Rangelands](#) includes a commitment by the federal government to match California’s goal of reducing wildfire risks on 500,000 acres of forest land per year. To protect public safety and ecology, experts agree that at least one million acres of California forest and wildlands must be treated annually across jurisdictions using various fuel modification techniques. A historical transition toward unnaturally dense forests, a century of fire suppression and climate change resulting in warmer, hotter and drier conditions have left the majority of California’s forestland highly vulnerable to catastrophic wildfire and in need of active, science-based management. Since the federal government owns nearly 58% of California’s 33 million acres of forestlands, while the state owns three percent, joint state-federal management is crucial to California’s overall forest health and wildfire resilience. Improved coordination also is key since nearly half of the state dollars invested in fuels management in recent years was spent on federal land.

The Shared Stewardship Agreement builds on existing coordination between state and federal agencies, and outlines six core principles that will drive improved state-federal collaboration:

- Prioritize public safety;
- Use science to guide forest management;
- Coordinate land management across jurisdictions;
- Increase the scale and pace of forest management projects;
- Remove barriers that slow project approvals; and
- Work closely with all stakeholders, including tribal communities, environmental groups, academia and timber companies.

Specifically, through this agreement California and the U.S. Forest Service commit to execute the following activities together:

- Treat one million acres of forest and wildland annually to reduce risk of catastrophic wildfire (building on the state’s existing 500,000-acre annual commitment);
- Develop a shared 20-year plan for forest health and vegetation treatment that establishes and coordinates priority projects;
- Expand use of ecologically sustainable techniques for vegetation treatments such as prescribed fire;
- Increase pace and scale of forest management by improving ecologically sustainable timber harvest in California and grow jobs by tackling structural obstacles, such as workforce and equipment shortfalls and lack of access to capital;
- Prioritize co-benefits of forest health such as carbon sequestration, biodiversity, healthy watersheds and stable rural economies;
- Recycle forest byproducts to avoid burning slash piles;
- Improve sustainable recreation opportunities;
- Enable resilient, fire-adapted communities; and
- Share data and continue to invest in science.

### *Local Hazard Mitigation Plans*

[The Federal Disaster Mitigation Act of 2000](#) (DMA 2000) enacted several changes under Section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) related to pre-disaster mitigation, streamlining the administration of disaster relief, and controlling the costs of federal disaster assistance. These changes have collectively brought greater focus on pre-disaster planning and activities as a means for reducing response and post-disaster costs.

On February 26, 2002, an Interim Final Rule (IFR) (44 Code of Federal Regulations Parts 201 & 206) to implement the DMA 2000, was published in the Federal Register. This IFR addressed state mitigation planning, identified new local mitigation planning requirements, authorized Hazard Mitigation Grant Program (HMGP) funds for planning activities, and the possibility of an increase in the percentage of HMGP funds available to states that develop a comprehensive, enhanced, State Hazard Mitigation Plan.

In accordance with the February 26th IFR and a further October 1st IFR, local governments must have a Local Hazard Mitigation Plan (LHMP) that is reviewed by the State Mitigation Officer and then approved by FEMA, prior to November 1, 2004, as this is a required condition of receiving FEMA mitigation project assistance. LHMPs must be revised, reviewed, and approved every five years.

According to the February 26, 2002 IFR, Section 201.6, local and tribal governments must include the following in their LHMPs:

- a planning process;
- a risk assessment;
- a mitigation strategy; and,
- a plan maintenance and updating process.

The February 26th IFR directs state and local governments to develop comprehensive and integrated plans that are coordinated through appropriate state, local, and regional agencies, as well as non-governmental interest groups. Moreover, state and local governments are encouraged to consolidate the planning requirements for different mitigation plans and programs to the extent feasible and practicable.

Although the LHMP and the general plan safety element are not intended to be identical documents, many of the data and analysis requirements are similar. AB 2140 (2006) allows (but does not require) a county or city to adopt and/or incorporate by reference its current, FEMA-approved LHMP into the general plan safety element. AB 2140 encourages LHMP integration or incorporation by reference into the safety element by providing a disaster mitigation funding incentive that authorizes the state to use available California Disaster Assistance Act funds to cover local shares of the 25% non-federal portion of grant-funded post-disaster projects when approved by the legislature per GC § 8685.9. If an LHMP is adopted or incorporated by reference into the safety elements, it must be consistent with the safety element and all other



elements of the general plan, pursuant to internal consistency requirements for the general plan codified at GC § 65300.5.

Local governments can work with their local emergency management agencies, local fire authorities, the State’s Office of Emergency Services (CalOES), CAL FIRE, and Fire Safe Councils to ensure effective, integrated, and consistent wildfire prevention and hazard mitigation programs across numerous plans, including LHMPs, community wildfire protection plans (CWPPs, addressed further below), and general plans. More detailed discussion of plan integration and alignment is addressed in Section 4 of this document.

### *Community Wildfire Protection Plans*

A [Community Wildfire Protection Plan](#) (CWPP) is a planning and funding prioritization tool created by the Healthy Forests and Restoration Act of 2003 as an incentive for communities to engage in comprehensive forest and fire hazard planning and help define and prioritize local needs. They are generally developed by local governments or other entities with assistance from state and federal agencies and in collaboration with other interested partners. This provides communities with a tremendous opportunity to influence where and how federal agencies implement fuel reduction projects on federal land, as well as how additional federal funds may be distributed for projects on non-federal lands. CAL FIRE also provides funding opportunities for projects or activities that may be identified in CWPPs.

The minimum requirements for a CWPP are:

- **Collaboration:** A CWPP must be collaboratively developed. Local and state officials must meaningfully involve federal agencies and other interested parties, particularly non-governmental stakeholders that manage land in the vicinity of the community.
- **Prioritized Fuel Reduction:** A CWPP must identify and prioritize areas for hazardous fuel reduction treatments on both federal and non-federal land and recommend the types and methods of treatment that, if completed, would reduce the risk to the community.
- **Treatment of Structural Ignitability:** A CWPP must recommend measures that homeowners and communities can take to reduce the ignitability of structures throughout the area addressed by the plan.

Three signatures are required to approve a CWPP:

- 1) A representative of the applicable local government;
- 2) The chief of the local fire department/district; and
- 3) The state forester/fire warden.

As with the LHMP, a CWPP is not identical to the general plan; however, some of the data and analysis included in both documents are similar.

## 3.2 STATE

### *2018 California Strategic Fire Plan*

The [Strategic Fire Plan for California](#) is the State's road map for reducing wildfire risk. The Fire Plan is a cooperative effort between the [State Board](#) and CAL FIRE. By placing the emphasis on what needs to be done long before a fire starts, the Strategic Fire Plan looks to reduce firefighting costs and property losses, increase firefighter safety, and contribute to overall ecosystem health. The central goals of the 2018 Strategic Fire Plan include:

- Improve the availability and use of consistent, shared information on hazard and risk assessment;
- Promote the role of local planning processes, including general plans, new development, and existing developments, and recognize individual landowner/homeowner responsibilities;
- Foster a shared vision among communities and the multiple fire protection jurisdictions, including county-based plans and community-based plans such as CWPPs;
- Increase awareness and actions to improve fire resistance of man-made assets at risk and fire resilience of wildland environments through natural resource management;
- Integrate implementation of fire and vegetative fuels management practices consistent with the priorities of landowners or managers;
- Determine and seek the needed level of resources for fire prevention, natural resource management, fire suppression, and related services; and
- Implement needed assessments and actions for post-fire protection and recovery.

### *California Vegetation Treatment Program (CalVTP)*

The [California Vegetation Treatment Program \(CalVTP\)](#), developed by the State Board, is a critical component of the state's multi-faceted strategy to address California's wildfire crisis. The CalVTP defines the vegetation treatment activities and associated environmental protections to reduce the risk of loss of lives and property, reduce fire suppression costs, restore ecosystems, and protect natural resources as well as other assets at risk from wildfire. The CalVTP supports the use of prescribed burning, mechanical treatments, hand crews, herbicides, and prescribed herbivory as tools to reduce hazardous vegetation around communities in the WUI, to construct fuel breaks, and to restore healthy ecological fire regimes. The CalVTP will allow CAL FIRE, along with other agency partners, to expand their vegetation treatment activities to treat up to approximately 250,000 acres per year, contributing to the target of 500,000 annual acres of treatment on non-federal lands.

CAL FIRE has the primary responsibility for implementing proposed CalVTP vegetation treatments, though many local, regional, and state agencies could also employ the CalVTP to

implement vegetation treatments if their projects are within the scope of the CalVTP. For more information, see the State Board’s [CalVTP Implementation](#) page.

### *Fire Risk Reduction Communities*

[Assembly Bill \(AB\) 1823 \(2019\)](#) amended PRC Section 4290.1 to require that, on or before July 1, 2022, the State Board must develop criteria for and maintain a list of local agencies considered to be a “Fire Risk Reduction Community” located in the SRA or VHFHSZ, identified pursuant to GC § 51178, that meet best practices for local fire planning. Criteria that must be used to develop the Fire Risk Reduction Community list include recently developed or updated CWPPs, adoption of the board’s recommendations to improve the Safety Element, participation in Fire Adapted Communities and Firewise USA programs, and compliance with the Board’s minimum fire safety standards.

### *California Wildfire Mitigation Financial Assistance Program*

[AB 38 \(2019\)](#) established a comprehensive wildfire mitigation financial assistance program to, among other things, encourage cost-effective structure hardening and retrofitting to create fire-resistant homes, businesses, and public buildings. The bill requires the State Fire Marshal, in consultation with specified State officials, to identify building retrofits and structure hardening measures, and CAL FIRE to identify defensible space, vegetation management, and fuel modification activities, that are eligible for financial assistance under the program. The bill specifies the types of designated wildfire hazard areas eligible for funding under the program.

## 3.3 LOCAL

### *General Plan Safety Elements*

#### **Wildfire Hazard and Risk Reduction Requirements**

[Senate Bill \(SB\) 1241 \(2012\)](#) revised the safety element provisions in State law to require all cities and counties whose planning area is within the state responsibility area (SRA) or very high fire hazard severity zones (VHFHSZs) to address and incorporate specific information regarding wildfire hazards and risk, and policies and programs to address and reduce unreasonable risks associated with wildfire. The specific requirements are codified in GC § 65302(g)(3) and 65302.5(b).

#### **State Responsibility Area**

Public Resources Code (PRC) Section 4102 defines “state responsibility area” (SRA) to mean areas of the state in which the financial responsibility of preventing and suppressing fires has been determined by the State Board to be primarily the responsibility of the State. As of July 2020, approximately 31% of the state is within the SRA. Any areas outside the SRA are either within the Local Responsibility Area (LRA), or Federal Responsibility Area (FRA) if

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on federal lands. Approximately 21% of the state is within the LRA, while 48% of the state is within the FRA. (Data Source: State Board, SRA20\_2 dataset, July 2020).

Maps of the SRA, LRA and FRA can be viewed at one or more of the following websites:

<https://frap.fire.ca.gov/mapping/> and <http://myhazards.caloes.ca.gov/>

GC § 65302(g)(3) states the following:

*“Upon the next revision of the housing element on or after January 1, 2014, the safety element shall be reviewed and updated as necessary to address the risk of fire for land classified as state responsibility areas, as defined in Section 4102 of the Public Resources Code, and land classified as VHFHSZs, as defined in Section 51177. This review shall consider the advice included in the Office of Planning and Research’s most recent publication of “Fire Hazard Planning, General Plan Technical Advice Series” and shall also include all of the following:*

- (A) *Information regarding fire hazards, including, but not limited to, all of the following:*
  - (i) *Fire hazard severity zone maps available from the Department of Forestry and Fire Protection.*
  - (ii) *Any historical data on wildfires available from local agencies or a reference to where the data can be found.*
  - (iii) *Information about wildfire hazard areas that may be available from the United States Geological Survey.*
  - (iv) *General location and distribution of existing and planned uses of land in very high fire hazard severity zones and in state responsibility areas, including structures, roads, utilities, and essential public facilities. The location and distribution of planned uses shall not require defensible space compliance measures required by State law or local ordinance to occur on publicly owned lands or open space designations of homeowner associations.*
  - (v) *Local, state and federal agencies with responsibility for fire protection, including special districts and local offices of emergency services.*
- (B) *A set of goals, policies, and objectives based on the information identified pursuant to subparagraph (A) for the protection of the community from the unreasonable risk of wildfire.*
- (C) *A set of feasible implementation measures designed to carry out the goals, policies, and objectives based on the information identified pursuant to subparagraph (B) including, but not limited to, all of the following:*
  - (i) *Avoiding or minimizing the wildfire hazards associated with new uses of land.*
  - (ii) *Locating, when feasible, new essential public facilities outside of high fire risk areas, including, but not limited to, hospitals and health care facilities, emergency shelters, emergency command centers, and emergency communications facilities, or identifying construction methods or other methods to minimize damage if these facilities are located in a state responsibility area or very high fire hazard severity zone.*
  - (iii) *Designing adequate infrastructure if a new development is located in a state responsibility area or in a very high fire hazard severity zone, including safe access for emergency response vehicles, visible street signs, and water supplies for structural fire suppression.*
  - (iv) *Working cooperatively with public agencies with responsibility for fire protection.*

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- (D) *If a city or county has adopted a fire safety plan or document separate from the general plan, an attachment of, or reference to, a city or county's adopted fire safety plan or document that fulfills commensurate goals and objectives and contains information required pursuant to this paragraph.*

### Fire Hazard Severity Zones

CAL FIRE maintains fire hazard severity zone (FHSZ) data and maps for the entire state. There are three classes of fire hazard severity ratings within FHSZs: Moderate, High, and Very High. Fire hazard severity considers vegetation amount, topography, and weather (temperature, humidity and wind), and represents the likelihood of an area burning over a 30- to 50-year time period.

GC § 51177 and 51178 define "Very High Fire Hazard Severity Zones" (VHFHSZs) within LRAs to mean areas outside of SRAs designated by the Director of Forestry and Fire Protection based on consistent statewide criteria and based on the severity of fire hazard that is expected to prevail in those areas. VHFHSZs are based on fuel loading, slope, fire weather, and other relevant factors including areas where Santa Ana, Mono, and Diablo winds have been identified by CAL FIRE as a major cause of wildfire spread.

CAL FIRE has a list of incorporated cities or areas within the LRA for which it has made recommendations on VHFHSZs. Local agencies must designate VHFHSZs within their jurisdictions within 120 days of receiving recommendations from the Director (GC § 51179(a)). A local agency may, at its discretion, include areas within the jurisdiction of the local agency, not identified as VHFHSZs by the director, as VHFHSZs following a finding supported by substantial evidence in the record that the requirements of Section 51182 are necessary for effective fire protection within the area (GC § 51179(b)).

FHSZ maps are available at <https://frap.fire.ca.gov/mapping/>

GC § 65302.5(b) further requires that the draft safety element updates must be submitted for review by the State Board and local fire agencies providing service in the territory of the jurisdiction. Specifically:

- (1) *The draft element of or draft amendment to the safety element of a county or a city's general plan shall be submitted to the State Board of Forestry and Fire Protection and to every local agency that provides fire protection to territory in the city or county at least 90 days prior to either of the following:*
  - (A) *The adoption or amendment to the safety element of its general plan for each county that contains state responsibility areas.*
  - (B) *The adoption or amendment to the safety element of its general plan for each city or county that contains a very high fire hazard severity zone as defined pursuant to subdivision (i) of Section 51177.*
- (2) *The State Board of Forestry and Fire Protection shall, and a local agency may, review the draft or an existing safety element and recommend changes to the planning agency within 60 days of its receipt regarding both of the following:*
  - (A) *Uses of land and policies in state responsibility areas and very high fire hazard severity zones that will protect life, property, and natural resources from unreasonable risks associated with wild land fires.*
  - (B) *Methods and strategies for wild land fire risk reduction and prevention within state responsibility areas and very high fire hazard severity zones. These methods and strategies shall reflect accepted best practices in the most recent guidance document entitled "Fire Hazard Planning, General Plan Technical Advice Series," as identified in Section 65040.21.*

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- (3) (A) *Prior to the adoption of its draft element or draft amendment, the board of supervisors of the county or the city council of a city shall consider the recommendations, if any, made by the State Board of Forestry and Fire Protection and any local agency that provides fire protection to territory in the city or county. If the board of supervisors or city council determines not to accept all or some of the recommendations, if any, made by the State Board of Forestry and Fire Protection or local agency, the board of supervisors or city council shall communicate in writing to the State Board of Forestry and Fire Protection or the local agency, its reasons for not accepting the recommendations.*
- (B) *If the board of supervisors or city council proposes not to adopt the board's recommendations concerning its draft element or draft amendment, the board, within 15 days of receipt of the board of supervisors' or city council's written response, may request in writing a consultation with the board of supervisors or city council to discuss the board's recommendations and the board of supervisors' or city council's response. The consultation may be conducted in person, electronically, or telephonically. If the board requests a consultation pursuant to this subparagraph, the board of supervisors or city council shall not approve the draft element or draft amendment until after consulting with the board. The consultation shall occur no later than 30 days after the board's request."*
- (4) *If the State Board of Forestry and Fire Protection's or local agency's recommendations are not available within the time limits required by this section, the board of supervisors or city council may act without those recommendations. The board of supervisors or city council shall take the recommendations into consideration the next time it considers amendments to the safety element."*

Please see Appendix D to this document for additional information about the consultation process with the State Board and CAL FIRE Land Use Planning Program staff.

### Summary of State Fire Hazard Planning Requirements for Local Governments

- Safety elements of general plans must be revised upon the next update to the Housing Element on or after January 1, 2014 to address specific wildfire hazard planning requirements for all jurisdictions with lands in the State Responsibility Area (SRA) or Very High Fire Hazard Severity Zones (VHFHSZs) (GC § 65302(g)). The revisions must include information about wildfire hazards and risks, as well as goals, policies, objectives and implementation measures for the protection of the community from the unreasonable risk of wildfire (GC § 65302(g) and 65302.5).
- Before approving a tentative subdivision map or parcel map within the SRA or VHFHSZs, a county must make certain findings that the subdivision is consistent with fire safety and defensible space regulations in Public Resources Code § 4290 and 4291, and that fire protection and suppression services are available for the subdivision (GC § 66474.02).

### Climate Adaptation Requirements

SB 379 (2015) amended GC § 65302(g)(4) to require that climate change adaptation and resilience be addressed in the safety element of all general plans in California. Specifically, "upon the next revision of a local hazard mitigation plan, adopted in accordance with the Federal Disaster Mitigation Act of 2000 (Public Law 106-390), on or after January 1, 2017, or, if a local jurisdiction has not adopted a LHMP, beginning on or before January 1, 2022, the safety element shall be reviewed and updated as necessary to address climate adaptation and resiliency strategies applicable to the city or county."

GC § 65302(g)(4) requires that the following be included in the preparation of the climate adaptation and resiliency strategy:

- A vulnerability assessment that identifies the risks that climate change poses to the local jurisdiction and the geographic areas at risk from climate change impacts, including, but not limited to, an assessment of how climate change may affect the risks associated with existing natural hazards that must be addressed in the safety element;
- Information that may be available from federal, state, regional, and local agencies that will assist in developing the vulnerability assessment and the adaptation policies and strategies required;
- A set of adaptation and resilience goals, policies, and objectives based on the information specified in the vulnerability assessment, for the protection of the community; and,
- A set of feasible implementation measures designed to carry out the goals, policies, and objectives identified.

SB 1035 (2018) further amended GC § 65302(g)(6) to require that local agencies update the climate adaptation portion of the safety element at least every eight years to identify “new information relating to flood and fire hazards and climate adaptation and resiliency strategies applicable to the city or county that was not available during the previous revision of the safety element.”

#### **OPR’s Integrated Climate Adaptation and Resiliency Program (ICARP)**

Established by Senate Bill 246 (Wieckowski) in 2015, ICARP is California’s primary program for driving a cohesive, coordinated response to the impacts of climate change across local, regional and state efforts, with a commitment to prioritizing equitable approaches and efforts that integrate mitigation with adaptation. ICARP includes oversight of the Adaptation Clearinghouse, an online database of climate adaptation resources, and coordinates a Technical Advisory Council (TAC).

The TAC brings together local government, practitioners, scientists, and community leaders to help coordinate activities that better prepare California for the impacts of a changing climate. The TAC supports OPR in its goal to facilitate coordination among state, regional and local adaptation and resiliency efforts, with a focus on opportunities to support local implementation actions that improve the quality of life for present and future generations. ICARP also develops recommendations and guidance to guide local, regional and statewide efforts: In 2017, the TAC developed a [vision statement](#) that expresses the characteristics of a resilient California, as well as principles that guide how adaptation actions should be implemented to achieve this vision. The TAC adopted the Vision and Principles in September 2017, and adopted a definition for vulnerable communities in April 2018, which is the basis for the ICARP guide Defining Vulnerable Communities in the Context of Climate Adaptation.

OPR recommends that safety element updates to address climate vulnerability assessment and adaptation requirements be coordinated with the ICARP vision and principles, definition of vulnerable communities, and state wildfire requirements, where applicable.

In addition to existing guidance for climate adaptation and safety elements in the General Plan Guidelines, the State of California currently maintains several resources that can assist local agencies with preparing a local climate vulnerability assessment and adaptation and resilience

strategies pursuant to GC § 65302(g)(4). These include the [California Adaptation Planning Guide](#), the [Cal-Adapt](#) tool, and the [Adaptation Clearinghouse](#).

### **Evacuation Route Requirements**

In 2019, two separate bills (AB 747 and SB 99) were signed into law that added new requirements for disclosing residential development without at least two points of ingress and egress and addressing the presence and adequacy of evacuation routes in the general plan safety element.

[SB 99 \(2019\)](#) amended GC § 65302(g) to require that, upon the next revision of the housing element on or after January 1, 2020, the safety element must be updated to include information identifying residential developments in hazard areas that do not have at least two emergency evacuation routes (i.e., points of ingress and egress) (GC § 65302(g)(5)).

[AB 747 \(2019\)](#) added GC § 65302.15, which requires that, upon the next revision of a LHMP on or after January 1, 2022, or beginning on or before January 1, 2022, if a local jurisdiction has not adopted a LHMP, the safety element must be reviewed and updated as necessary to identify evacuation routes and their capacity, safety, and viability under a range of emergency scenarios. If a LHMP, emergency operations plan, or other document that fulfills commensurate goals and objectives, a local agency may use that information in the safety element to comply with this requirement by summarizing and incorporating by reference such a plan or other document into the safety element.

These new requirements apply to all types of hazards in the safety element and are not unique to fire; however, local agencies should take these evacuation requirements into consideration when addressing all hazards generally, including the specific wildfire requirements for the safety element referenced in this document.

### ***Tentative Map and Parcel Map Requirements in the SRA and VHFHSZ***

GC § 66474.02 requires that a legislative body of a county make specific findings before approving a tentative map, or a parcel map for which a tentative map was not required, for an area located in the SRA or VHFHSZ. The findings must show that that the subdivision is consistent with regulations adopted by the State Board pursuant to Sections 4290 and 4291 of the Public Resources Code (PRC) (see Fire Safe Regulations below in this section of the Technical Advisory) or consistent with local ordinances certified by the State Board as meeting or exceeding the State regulations. The county must also submit a copy of the findings to the State Board. Certain tentative maps or parcel maps for purposes of open space and conservation are exempt, as specified in the statute.

Note that the findings described above must be made in order to approve a tentative or parcel map. Even if the lead agency adopts a statement of overriding considerations for a proposed project, or if the lead agency determines a project to be exempt to CEQA, the substantive requirements in the Government Code regarding fire protection must be satisfied.



Information on how to submit these subdivision maps to the State Board can be found in the California Code of Regulations (CCR), Title 14, §§ 1266.00, 1266.01, and 1266.02.

### *Fire Safe Regulations*

[PRC Section 4290](#) gives the State Board the authority to adopt regulations for minimum fire safety standards applicable to SRA lands under the authority of the department, and to VHFHSZs starting on July 1, 2021. The Fire Safe regulations are codified in CCR, Title 14 (Natural Resources), Division 1.5 (Department of Forestry), Chapter 7 (Fire Protection) under Subchapter 2 ([SRA Fire Safe Regulations](#)). These regulations generally address the following:

- Standards for signs identifying streets, roads, and buildings.
- Minimum private water supply reserves for emergency fire use.
- Fuel modification<sup>2</sup> standards for fuel breaks and greenbelts.
- Road and driveway standards for emergency fire equipment access and public evacuation.

These regulations do not supersede local regulations that equal or exceed minimum regulations adopted by the State.

Pursuant to [SB 901 \(2018\)](#), the State Board is also required on and after July 1, 2021, to periodically update these regulations for fuel breaks and greenbelts near communities to provide greater fire safety for the perimeters to all residential, commercial, and industrial building construction within the SRA and VHFHSZs. These updated regulations “shall include measures to preserve undeveloped ridgelines to reduce fire risk and improve fire protection.” (PRC § 4290(b).) The board also, by regulation, must define “ridgeline.” (PRC § 4290(b).)

### *Defensible Space Regulations*

[PRC Section 4291](#) defines and describes mandatory fire protection measures and responsibilities for maintaining defensible space that apply to all property within the SRA in California. Per GC § 51182, defensible space regulations also apply to all property in the VHFHSZ within the Local Responsibility Area (LRA). The defensible space requirements generally include, but are not limited to, the following:

- 100 feet of vegetation clearance (“defensible space”) around homes
- May require extension of clearance past property lines
- May require extension of clearance as needed for insurance
- Removal of dead/dying vegetation
- Vegetation removal around chimneys/stovepipes
- Exemptions and exceptions from code
- Updating public access to code requirements

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<sup>2</sup> For a definition of fuel modification, please refer to Appendix F within this document.

The State Board provides direction for complying with the defensible space law in regulations in CCR Title 14, §§ 1299.01-1299.05.

Figure 6: Defensible Space Zones (Source: [CAL FIRE](#))



### California Environmental Quality Act (CEQA)

[CEQA](#) is California’s statewide environmental review law that requires state and local government agencies to inform decision makers and the public about the potential environmental impacts of proposed projects, and to reduce those environmental impacts to the extent feasible. The laws and rules governing the CEQA process are contained in the CEQA statute (PRC Section 21000 and following), the CEQA Guidelines (CCR, Title 14, Section 15000 and following), published court decisions interpreting CEQA, and locally adopted CEQA procedures.

The California Natural Resources Agency, with assistance from OPR, completed a comprehensive update to the CEQA Guidelines in late 2018. As part of this update, and pursuant to SB 1241 (2012), wildfire was added to the list of environmental topics that should be analyzed in the Environmental Checklist, which is contained in Appendix G to the State CEQA

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Guidelines. The new wildfire section in the updated Appendix G checklist includes the following questions:

*XX. WILDFIRE. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:*

- a) Substantially impair an adopted emergency response plan or emergency evacuation plan?*
- b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?*
- c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?*
- d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?*

The addition of these wildfire questions into the Environmental Checklist clarifies that wildfire hazards, associated risks, and other wildfire-related impacts must be analyzed during the CEQA process for projects located in or near SRAs or VHFHSZs.

## 4. Fire Hazard Planning Guidance

This section provides guidance for addressing fire hazards and related risks during the general plan update process, including guidance for community and stakeholder engagement, preparing fire hazard and risk assessments, and policy development and implementation considerations to ensure long-term safety and resilience. The guidance incorporates the requirements under existing law for general plans, as well as opportunities for integration and coordination of fire hazard planning with hazard mitigation plan updates, climate adaptation planning, CWPPs, and other plans.

In general, local governments have wide discretion in addressing locally important issues in their general plans. While the types of safety issues that concern each city or county may vary, most rural, suburban, and even urban communities recognize wildland fire hazard as a growing concern—one that is exacerbated by climate change, the expansion of development in the WUI, and increasing demands on natural resources. As noted in the previous section, some communities are required by law to address specific wildfire hazard and risks in their safety elements, pursuant to GC § 65302(g) and 65302.5; however, all California communities subject to fire hazards may benefit from the planning guidance provided herein.

[OPR’s 2017 General Plan Guidelines](#) recommends that for every locally relevant issue, the local government should articulate one or more broad objectives, establish policies that would help achieve those objectives, and finally, devise implementation measures (specific action items or funding programs) to carry out the policies. Additionally, adequate and accurate data and information should be collected and analyzed to provide the basis for sound policy decisions.

The primary steps or phases in the fire hazard planning process include:

- Outreach to and engagement with the community and responsible agencies;
- Preparation of a fire hazard and risk assessment; and,
- Development of goals, objectives, policies, and implementation programs that address fire hazards and reduce risk.

Each of these steps or phases is described within the following sub-sections.

### 4.1 ENGAGEMENT AND OUTREACH

The General Plan Guidelines encourage active engagement and involvement of the community, public agencies, subject matter experts, and other interested stakeholders throughout the general plan update process. More detailed guidance on this topic is included in the [General Plan Guidelines under Chapter 3 \(Community Engagement and Outreach\)](#); however, some specific community engagement and outreach considerations relative to fire hazard planning are described further below.

## *Community Engagement*

Local agencies should engage residents, business-owners, fire safe councils, and other interested stakeholders early in the planning process to establish an understanding of existing conditions as well as community issues and concerns regarding fire hazards. Fire safe councils, “Firewise” communities, or similar organizations or programs often already exist in communities subject to fire hazards and can play an important role during the planning process.

### **Fire Safe Councils: A Planning Partner**

Fire Safe Councils can play an important role in the development of LHMPs and general plans.

The typical Council consists of state and federal fire agencies, local fire districts, businesses, local government, and local concerned citizens formed to enhance the effectiveness of fire protection. Some Councils have also combined with neighboring fire safe councils to develop countywide wildfire hazard mitigation plans.

Fire Safe Councils may be an excellent resource to planners and elected officials as they develop fire protection and prevention policies and implementation measures in the general plan. OPR encourages engagement of these Councils for both their expertise and as a means for expanding public participation in the general plan update process.

## **Vulnerable and Disadvantaged Communities**

Outreach and engagement efforts should ensure that vulnerable and disadvantaged communities are properly identified and engaged as part of the fire hazard planning process. Safety element updates now must address both wildfire and the broader topic of climate adaptation and resilience, therefore agencies should consider OPR’s separate resource guide on this topic: [Defining Vulnerable Communities in the Context of Climate Adaptation](#). Agencies should also consider guidance regarding community engagement and disadvantaged communities in OPR’s [Environmental Justice element section of the General Plan Guidelines](#).

## **Tribal Governments**

Local governments must adhere to GC § 65352.3 and the provisions of SB 18 (2004), requiring local governments to consult with Tribal Governments prior to updating or amending their general plan and to provide notice to tribes at certain key points in the planning process. These consultation and notice requirements apply to adoption and amendment of both general plans (defined in GC § 65300 et seq.) and specific plans (defined in GC § 65450 et seq.). Further, AB 52 (2014) added new requirements to CEQA to require analysis of “tribal cultural resources” during the environmental review process and noticing and consultation with all California Native American Tribes.

Many activities related to fire hazard mitigation can impact tribal cultural resources or sites, thus close coordination with Tribal Governments is imperative to protect such resources or sites from permanent damage. In addition, Tribal Governments may have insight into fire

hazards, including historical fire regimes and behavior gained through local traditional ecological knowledge, along with hazard mitigation practices that can be shared with local governments and fire professionals. Tribes may also have unique knowledge that allows for the protection of cultural places while also allowing for fire mitigation and suppression.

Pursuant to GC § 65092, 65352.3 and 65562.5, the Native American Heritage Commission (NAHC) maintains a list of California Native American Tribes with whom local governments must consult. The NAHC's "California Tribal Consultation List" provides the name, address, and contact name for each of these tribes; and telephone, fax and email information if available. Prior to initiating consultation with a Tribe, the city/county must contact the NAHC for a list of Tribes to consult with. OPR maintains separate [Tribal Consultation Guidelines](#) to provide information on how and when to conduct consultation with California Native American Tribes.

### *Interagency Outreach and Coordination*

OPR recommends early consultation with public agencies, such as the State Board and CAL FIRE's Land Use Planning Program, local fire agencies, emergency management agencies, resource conservation districts, and other agencies with local land use jurisdiction. University of California Cooperative Extension fire advisors and forestry management professionals can also be a helpful resource. Consultation with these agencies or organizations either prior to or early in the general plan update process can be beneficial to the local planning agency in scoping the fire hazard planning aspects of the project, particularly for jurisdictions required to comply with statutory requirements for addressing wildfire hazards in the safety element pursuant to GC § 65302(g). For more detailed information regarding the mandatory State Board review process for the safety element pursuant to GC 65302.5, see Appendix D (General Plan Safety Element Assessment).

Early and ongoing interagency consultation can help ensure that the latest resources or best practices are used to inform the planning process. Additionally, as noted earlier in this document, many programs and plans often already exist to address fire hazards and related risks, thus it is important to engage all agencies with responsibility for maintaining or updating related plans or programs during the general plan update. Many of the agencies cited above often lead or contribute to LHMPs, CWPPs, or related plans and thus can help inform the general plan update and avoid duplication of efforts.

Coordination and alignment with other agencies can also mitigate unintended conflicts between different agencies' land use policies and regulations. For example, working with agencies enforcing vegetative erosion control measures, or coordinating with urban greening programs and projects, can reduce instances where agencies have competing priorities over vegetation management in high wildfire risk areas. Agencies should consider working together to align their planning efforts and public engagement and enforcement around vegetation management and other land use policies and regulations.

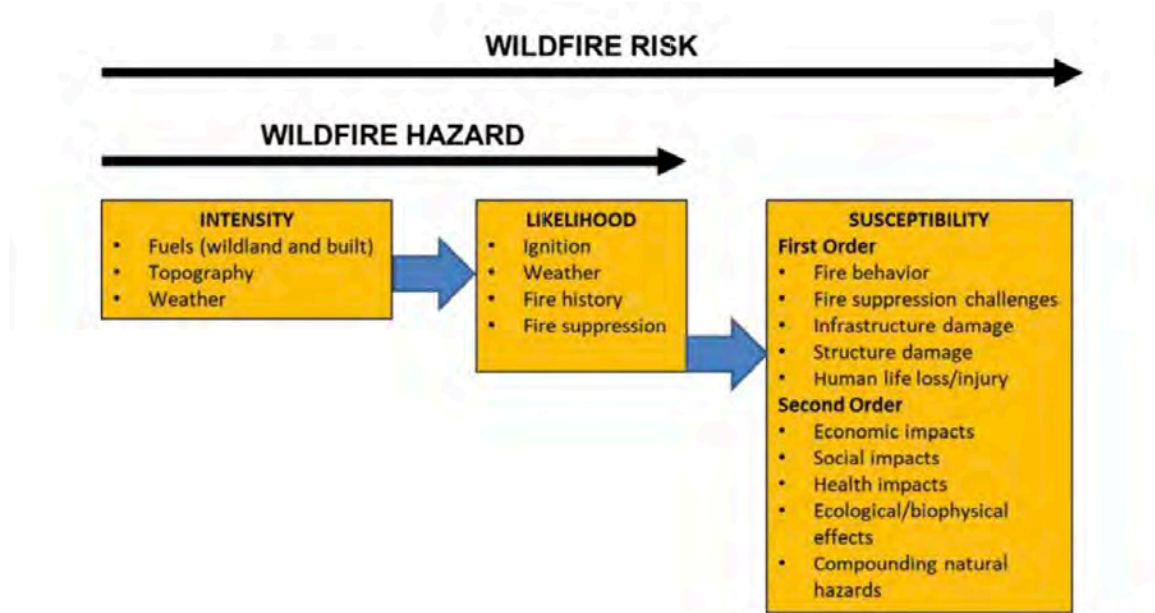
Early and ongoing interagency consultation can help ensure that the latest resources or best practices are used to inform the planning process. Additionally, as noted earlier in this document, many programs and plans often already exist to address fire hazards and related risks, thus it is important to engage all agencies with responsibility for maintaining or updating related plans or programs during the general plan update. Many of the agencies cited above often lead or contribute to LHMPs, CWPPs, or related plans and thus can help inform the general plan update and avoid duplication of efforts.

Finally, agencies should also consider engaging with insurance companies in their area to identify ways to align insurance policies and incentive programs with wildfire mitigation priorities, such as maintaining defensible space requirements or home hardening programs and ensure that affordable and accessible wildfire insurance is available to all residents. This form of engagement can further help to increase long-term resiliency against wildfire risks.

## 4.2 FIRE HAZARD AND RISK ASSESSMENT

The technical phase of the fire hazard planning process is generally referred to in this document as the “fire hazard and risk assessment”. Fire hazard mitigation, risk management, and resource protection all can be enhanced if the fire hazard and risk assessment phase of the planning process adequately describes the existing fire hazard environment, projected future changes in fire hazard severity, and relevant community values and assets that could be considered vulnerable or “at risk” to fire hazards. Figure 7 generally characterizes the key elements in the fire hazard and risk assessment.

*Figure 7: The relationship between wildfire risk and wildfire hazard and the factors that influence the components of each (Source: Community Planning Assistance for Wildfire, with permission by Wildfire Planning International)*



The fire hazard and risk assessment should occur as early as possible in the safety element update and/or general plan update process. If a local agency is preparing or updating a LHMP or CWPP, it may be appropriate for the fire hazard and risk assessment process to occur during the preparation of such plans and then later integrated into the safety element as part of the general plan update. More information and guidance provided by federal and state agencies related to these plans is referenced in the Appendices.

The data collection and analyses required to complete the steps below may include narrative descriptions, numerical data, maps, charts, and any other means of providing information about fire hazards and associated risks or related issues of concern. The result of the analysis should be summarized and included in the general plan and/or in technical background documents adopted with, or incorporated by reference into, the general plan.

### *Fire Hazard Assessment*

The first step in the fire hazard and risk assessment process should begin with data collection and analysis of fire hazards. A “hazard” can be defined generally as an event that could cause harm or damage to human health, safety, or property. A “wildfire” can be generally defined as any unplanned fire in a “wildland” area or in the WUI, while a “wildfire hazard” is the potential fire behavior or fire intensity in an area, given the type(s) of fuel present – from both the natural and built environment – and their combustibility.

Local agencies should determine the appropriate data necessary to describe existing conditions related to fire or wildfire hazards, forecasts or projections of future hazards, and other characteristics of the community and its environs that relate to fire hazards. For communities in SRAs and VHFHSZs, the minimum statutory requirements for information that must be included in this first step are included under GC § 65302(g)(3)(A). Local agencies should also consider addressing post-fire hazards that may be triggered by wildfire events (e.g., flood, debris flow, landslide, toxic releases). Such information can be addressed in other sections of the safety element and cross-referenced to the wildfire section where appropriate. Table 1 includes a summary of data sources that can be incorporated in the fire hazard assessment process.

Moreover, pursuant to SB 379 (2015) and codified in GC § 65302(g)(4), local governments are now required to analyze and identify their community’s vulnerability to climate change and climate-related hazards in the safety element. OPR thus recommends that local agencies coordinate their fire hazard and risk assessment process with preparation of the climate vulnerability assessment to determine how climate change may increase or exacerbate wildfire hazards and risks. More detailed guidance on climate vulnerability and adaptation requirements for the general plan is included under the Safety Element section of Chapter 4 of the General Plan Guidelines. The State’s [Adaptation Planning Guide](#) published by CalOES also provides more detailed guidance on preparing a climate vulnerability assessment and adaptation strategies.



### Climate Impacts on Forests

Climate influences the structure, function, and health of forest ecosystems. Climate change is projected to alter the frequency and intensity of forest disturbances, including wildfires, storms, insect outbreaks, and the occurrence of invasive species. In addition, the productivity of forests could be affected by changes in temperature, precipitation and the amount of carbon dioxide in the air.

In conjunction with the projected impacts of climate change, forests face impacts from land development, suppression of natural periodic forest fires, and air pollution. The combined impact of these different factors is already leading to changes in our forests. Some of the valuable goods and services provided by forests may be compromised as these changes are likely to continue in the years to come.

In a key step to improve stewardship of California’s forests, the State of California and the U.S. Forest Service launched a new joint state-federal initiative in August 2020 to reduce wildfire risks, restore watersheds, protect habitat and biological diversity, and help the state meet its climate objectives. The [Agreement for Shared Stewardship of California’s Forest and Rangelands](#) includes a commitment by the federal government to match California’s goal of reducing wildfire risks on 500,000 acres of forest land per year. To protect public safety and ecology, experts agree that at least one million acres of California forest and wildlands must be treated annually across jurisdictions.

Land managers are also taking steps to minimize the impacts of existing ecosystem stressors, such as habitat fragmentation, pollution, invasive species, insect infestations, and wildfire, to increase the resilience of forests to climate change. Moreover, the U.S. Forest Service has developed a [National Roadmap for Responding to Climate Change](#) (“Roadmap”) that outlines how to apply adaptive management principles to forest and grassland management. OPR recommends that cities and counties that are required to update their safety elements per SB 1241 review the Roadmap and include principals that are tailored to impacts occurring or anticipated to occur within their area.



*Managed Versus Unmanaged Ponderosa Pine Forest (Source: Erika Sloniker, The Nature Conservancy)*

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Table 1 identifies required data and mapping as well as additional inputs that may be helpful to consider during the fire hazard assessment process. While conducting this assessment, jurisdictions with lands in the SRA or VHFHSZs must reference information about wildfire hazard areas from the [U.S. Geological Survey](#) as well as [CAL FIRE’s FHSZ Maps](#). In addition, the following resources may also be useful in this analysis:

- [Cal-Adapt](#)
- CAL FIRE’s [Wildfire Perimeters Map](#), [WUI Map](#), and [Landcover Map](#)
- US Forest Service’s (USFS) [Wildfire Hazard Potential Tool](#) and [CALVEG \(Vegetation\) Map](#)
- CalOES [MyHazards Tool](#)
- California Public Utilities Commission [Fire-Threat Maps](#)

Table 1: Data for Consideration during the Wildfire Hazard Assessment Process

Data Type	Examples
Fire History Data (Required) <sup>1</sup>	Fire perimeters
	Average fire danger
	Worst fire danger
	Rates of spread
	Ignition Causes
Additional Historical Data	Flooding Frequency
	Precipitation
Fire Hazard Mapping	<b>Fire Hazard Severity Zone Maps (Required)<sup>3</sup></b>
	Wildland-Urban Interface (WUI) Maps
	Wildfire Hazard Potential
Topographic characteristics	Slope and Aspect
	100-year and 500-year floodplains
	Landslide prone areas
	Soil moisture, erosion, and permeable surface loss
Fuel Characteristics	Fuel loading
	Shifting plant composition
	Dominant vegetation change
	Vegetation die-off
	Landscaping hazards

<sup>3</sup> Jurisdictions with lands in the SRA or VHFHSZ must incorporate data and analysis requirements specified in GC § 65302(g)(3).

Data Type	Examples
Climate and Weather Characteristics	<b>Climate change exposure (Required)<sup>4</sup></b>
	Climate change impact on flooding frequency & intensity
	Temperature
	Prevailing winds Water table, precipitation, and seasonal water availability
Post-Fire Hazards	Post-fire fuel hazard ratings
	Fuel conditions relative to future flood control
	Areas prone to flooding, landslide, and debris flow
	Post-fire air, water, and soil quality

**Risk Assessment**

The second step in the fire hazard and risk assessment process is determining the current and projected wildfire risk to values or assets in the community as well as the risk to the jurisdiction’s population, for both pre- and post-fire scenarios. “Risk” builds upon the concept of “hazard”, taking into account not only the intensity and likelihood of an event to occur but also the chance, whether high or low, that a hazard such as a wildfire will cause harm. “Wildfire risk” can be determined by identifying the susceptibility of a value, asset, or population to the potential direct or indirect impacts of wildfire hazard events.

For communities in SRAs and VHFHSZs, the minimum statutory requirements for information that must be included in this step are also included under GC § 65302(g)(3)(A). This section identifies both required data and mapping, as well as additional sources and analysis that may be helpful in conducting the fire risk assessment.

**Determining Current and Projected Value and Asset Vulnerability**

Below is a list of data and analyses that may be useful in establishing a current picture of community values and assets that could be at risk. “Values and assets” refers to accepted principles or standards along with any constructed or landscape attribute that has value and contributes to community or individual wellbeing and quality of life. Examples include public health and safety, property, structures, physical improvements, natural and cultural resources, community infrastructure, commercial standing timber, ecosystem health, and production of water. Local agencies should check with the local [CAL FIRE Unit](#) for information with regard to values and assets at risk.

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<sup>4</sup> Climate change vulnerability assessment and adaptation requirements for the safety element are specified in GC § 65302(g)(4). For more information, see the Safety Element section of the General Plan Guidelines and the Adaptation Planning Guide.

## Fire Hazard Planning Technical Advisory

- Identify the location and distribution of existing and planned land uses in the WUI, including structures, roads, utilities, and essential public facilities. (Note: this is a requirement for communities in the SRA and Very High FHSZs pursuant to GC § 65302(g)(4).)
- Identify values and assets that are currently, or projected to be, at risk to wildfire, such as:
  - Recreational areas
  - Scenic areas
  - Urban forests
  - Ecologically significant areas
  - Critical watersheds
  - Public and private timberland
  - Wildlife habitat
  - Rangelands
  - Sensitive soils
  - Landslide prone areas
  - Cropland
  - Water supplies
  - Watersheds that contribute to flooding
  - Air quality
  - Historic sites
  - Cultural sites
  - Tourism sites
  - Emergency shelters
  - Structures, such as homes and business
  - Utilities & accompanying infrastructure
  - Roadways and bridges
  - Population and economic centers
- Classify values and assets based on their vulnerability to wildfire by:
  - Evaluating the identified values and assets based on economic and social value to the community and replacement value.
  - Prioritizing the values and assets to assist in the selection of mitigation efforts and development of fire response plans. Prioritization can be accomplished in a variety of ways: most difficult or expensive to replace, most necessary for communities (especially vulnerable members of the community), easiest to protect, broadest benefit to community, closest to urbanized areas, or any other priority system that may be relevant to the community.

Further analysis may be appropriate based on local conditions and geographic circumstances. The table below identifies additional examples of data and analyses that may be considered during the risk assessment process.

### Example Plan: Riverside County

The Riverside County General Plan Safety Element addresses secondary risks associated with wildfire, including landslides, rockfalls, and debris flows, and includes erosion and sedimentation control plans in design requirements in high-risk areas. To learn more, see Appendix C.

Table 2: Data for Consideration during the Risk Assessment of Values and Assets

Data Type	Examples
Landscape Vulnerability	Pest and drought damaged locations
	Fire damaged forests
	Neighborhood defensible space
	Vulnerabilities within flooding areas
	Landslide and debris-flow susceptibility
Structural Vulnerability	Age and condition of critical infrastructure
	Structure density and size
	Use and occupancy of structures
	Fire-rated roofing prevalence
	Fire-rated construction material prevalence

**Determining Current and Projected Population Vulnerability**

Wildfires can directly impact the public health and safety of a community. Specifically, the increased severity and frequency of wildfires and length of the fire season may result in additional injuries and deaths from burns and smoke inhalation, eye and respiratory illnesses and exacerbation of asthma, allergies, chronic obstructive pulmonary disease (COPD), COVID-19, and other cardiovascular diseases from air pollution (Stone et al., 2019; Centers for Disease Control and Prevention, 2020). Illness and injuries can also result from the release of toxins from inorganic burning material into the air, water, and soil. Wildfires also cause harmful indirect effects. Increased erosion and sediment loading can impair water quality and adversely affect drinking water. Moreover, evacuation, temporary displacement, and property damage from wildfire can have adverse physical and mental health effects (Hill et al., 2020).

While an entire community can be at risk to fire-related health and safety impacts, there are groups who are more vulnerable to the health and safety impacts of fires because demographic and socioeconomic factors such as age, gender, ability, health status, status as a smoker, race/ethnicity/national origin, financial resources, knowledge, language, occupation, and physical location. Fire hazards may also disproportionately affect existing community members considered to be disadvantaged because of a combination of existing environmental or socioeconomic conditions (see Figure 8).

During the risk assessment process, jurisdictions should identify the ways in which their communities are vulnerable to wildfire’s effects and use this information to develop policies and programs to protect public health. The following resources and example data within Table 3 may be helpful in this analysis:

- [OPR’s Defining Vulnerable Communities Guide](#)
- [OPR’s Environmental Justice Element guidance](#)

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- [CalEPA CalEnviroScreen](#)
- [CAL FIRE's Communities at Risk List](#)
- [CAL FIRE's Priority Landscapes Viewer](#)
- [CDPH CalBRACE Health Vulnerability Indicators](#)

Figure 8: Wildfire Vulnerability Indicators  
(Source: Davies et al., 2018)



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Table 3: Additional Population Vulnerability Data for Consideration during the Risk Assessment

Data Type	Examples
Geographic Vulnerability	Communities that are most at-risk to wildfire
	Disadvantaged communities
	Physical barriers to critical services
	Access to temporary shelter
	Evacuation routes
	Access to water resources
Social Isolation	Access to fire safety information
	Ability and health
	Undocumented community status
Financial Support and Stability	Home insurance status
	Health insurance status

**Evaluating Short & Long-term Capacity to Reduce Risk and Improve Resilience**

As part of the risk assessment process, jurisdictions should anticipate community needs should a wildfire event occur and explore both short and long-term opportunities to reduce risk and improve resilience moving forward. As jurisdictions conduct this analysis, they should:

- Evaluate potential primary, secondary, and tertiary impacts of different wildfire scenarios on community values and assets as well as environmental and public health.
- Evaluate the success of previous suppression and risk mitigation efforts.
- Evaluate the jurisdiction’s capacity to adequately suppress wildfire, taking into account adequacy of fighting resources, firefighter safety, water supply availability, fuel breaks, equipment maneuverability, and other factors.
- Evaluate the jurisdiction’s capacity to mitigate wildfire risks through activities such as
  - Short-term evacuation and crisis management
  - Short-term landscape management
  - Fire-rated infrastructure implementation and long-term maintenance
  - Long-term environmental and public health management
- Evaluate opportunities to build resilience against wildfires through activities such as
  - Community education and capacity building,
  - Strategic land use and development
  - Economic development
- Evaluate existing plans and the safety element for adequacy.

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Table 4: Data for Consideration when Evaluating Short and Long-Term Risk and Resilience

Data Type	Examples
Fire Management and Suppression	Fire district capacity and funding
	Water supply
	Ingress and egress, evacuation routes, and refugia
	Fuel breaks
	Neighborhood defensible space
	Prescribed burn and other fuel modification programs
Short-Term Human Health Impacts	Housing, water, and food needs
	Medical and psychological care
	Exposure to air, water, and soil pollution from wildfire
Short-Term Environmental Impacts	Risk of drought
	Risk of flooding or landslides
	Impact on wildlife habitat and ecological communities
	Impact on GHGs
Long-Term Population Trends	Population growth and demographic change
	Physical and mental health
	Socio-economic patterns
Long-Term Environmental Trends	Land use and development patterns
	Climate change effects on wildfire
	Changes to local ecological communities and vegetation
	Endangered species

### 4.3 POLICY DEVELOPMENT

After completing the wildfire hazard and risk assessment process, an analysis of costs and benefits as well as land use alternatives can inform jurisdictions as they work with their community to develop policies and programs. Considerations for these analyses as well as general policy development guidance is included in this section.

#### *Analyzing Costs and Benefits*

As communities determine appropriate policies for their jurisdiction, they should analyze the costs and benefits of a mix of policies and programs that address fire hazard and associated risks and provide for long-term resilience. This analysis can be included as a key input to technical studies conducted to determine “best fit” policies and programs to support the general plan’s goals and objectives, and/or as part of studies conducted during the land use



alternatives analysis phase of the general plan update. Issues that policy makers can consider in such analyses include, but are not limited to:

- Costs of fire effects as a function of fire hazard severity, frequency, and potential for repetitive loss;
- Impact of the loss of critical or irreplaceable community assets;
- Impacts to community income and insurance costs;
- Fuel modification costs versus suppression costs;
- Costs and benefits of mitigation at the building or parcel level versus the landscape or community level;
- Balancing urban greening and vegetative soil cover/erosion management vs. defensible space priorities where appropriate
- Costs and benefits of replacing a community asset versus hardening and resilient design;
- Potential impacts of hazard mitigation measures on areas of special concern (e.g., cultural, environmental); and,
- Fixed fire defense opportunities versus land management opportunities.

For this analysis, communities should reassess as circumstances change, as specified in GC § 65302(g)(6).

### *Analyzing Land Use Alternatives to Avoid, Reduce or Minimize Risk*

During the general plan update process, local agencies frequently develop and analyze land use alternatives or scenarios as part of the planning process. Local agencies can consider avoiding placement of new land uses or new growth designations that are in or near high fire hazard severity areas, particularly in areas subject to high or extreme wildfire threats that could place future development at unreasonable risk. Areas in which avoidance may be considered include:

- All or portions of the High or Very High FHSZs;
- Areas mapped as having high or extreme wildfire threat on CAL FIRE’s Fire Threat maps; and/or
- Specific sites or areas within the planning area that technical studies or fire behavior modeling demonstrate would place new development at unreasonable risk to extreme and catastrophic wildfire events.

Local agencies can develop technical studies, modeling, or mapping to determine avoidance areas during the fire hazard and risk assessment process outlined earlier in this technical advisory. Potential avoidance areas should be considered during the analysis of land use alternatives and selection of a preferred alternative, as well as the environmental impact report prepared for the general plan update.

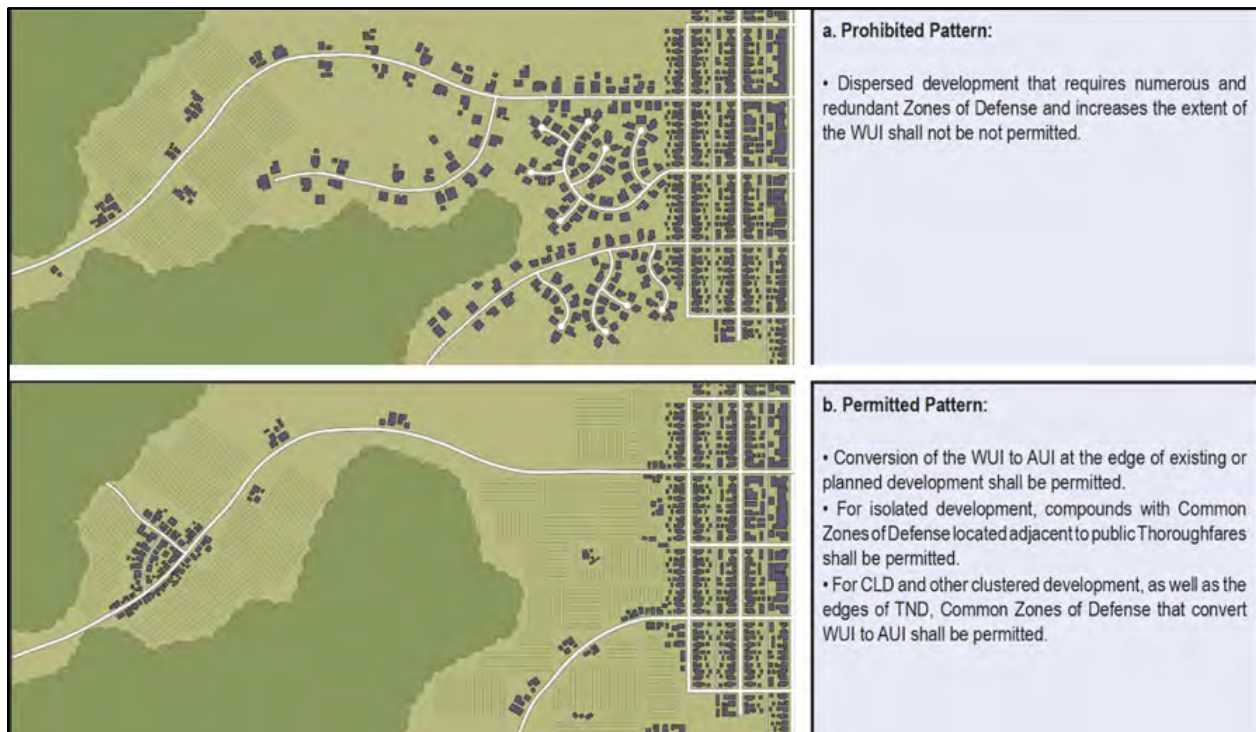
Local agencies can consider designating high or very high fire hazard severity or avoidance areas as open space or other similar land use designations to buffer against wildfire threats (see figure 9), in combination with policies and programs promoting land management activities that mitigate wildfire risk, such as fuel modification, designing and constructing fuel breaks, or related activities at the landscape scale in undeveloped areas. Local agencies can also consider the range of socioeconomic and environmental benefits of a more compact, infill-focused land use and development strategy that also avoids or minimizes further expansion of the WUI and associated risks.

**Example Plan: Berkeley**

The policy background section of Berkeley’s Disaster Preparedness and Safety Element includes a 2010 ordinance that prohibits residential units on Panoramic Hill until an adequate Specific Plan is adopted. For more information on this plan and others, see Appendix C.

If a local agency determines that wildfire hazard avoidance is infeasible, that agency can include specific policies or implementation programs in the land use element and/or safety element that identify and minimize risk during development project review and approval processes (see Section 5 for examples).

Figure 9: Comparison of Conventional Versus Clustered Development in the WUI (Source: [Martin Dreiling Smart Code Module](#))



The clustered development model contains the same amount of housing as the conventional development. In addition, it allows for a larger agricultural buffer between the development and wildlands, requires less fire suppression resources, and is easier to defend (Moritz and Butsic, 2020).

### *Developing Fire Hazard Mitigation and Risk Reduction Policies*

Goals, objectives, policies and implementation measures should be developed based on the outcomes of community and stakeholder engagement, interagency consultation, fire hazard and risk assessment process, costs and benefits analysis, and land use alternatives analysis. Policies should be action-oriented (“shall” rather than “should”) and linked to city or county ordinances or other feasible implementation mechanisms. Goals, objectives, policies and implementation measures will vary between jurisdictions. Generally, every aspect of an issue identified during the community and stakeholder engagement process, interagency consultation process, and fire hazard and risk assessment process should be addressed by a corresponding goal, policy, or objective. For example:

- Areas identified as being subject to extreme wildfire threat or “unreasonable risk” should be addressed through policies and programs in the land use or safety element that avoid or reduce risks to existing or new development.
- If fuel loading is identified as an issue contributing to elevated fire hazard risk, policies or programs requiring development or land management activities to be designed or required to modify, treat or reduce the volume of fuel in certain areas should be incorporated into the safety element.
- If emergency vehicle access and evacuation is identified as a problem or constraint, policies to improve roadway design, identify shelter-in-place facilities or locations, or improve notification and evacuation assistance procedures should be included in the safety element.

Fire hazard mitigation and risk reduction policies can be developed and implemented in a variety of ways. While the safety element is the primary general plan element where wildfire hazards must be addressed by law, other elements, such as land use, circulation, housing, conservation, or open space may also be appropriate for identifying complementary policies and programs. For example, GC § 65564 requires that every local open-space plan contain an “action program consisting of specific programs which the legislative body intends to pursue in implementing its open-space plan.” Fire mitigation policies could be implemented through this action program with regards to fuel break/fuel reduction programs within designated open-space areas. Additionally, GC § 65910 requires each city and county to “prepare and adopt an open-space zoning ordinance consistent with the local open-space plan.” Table 5 provides a crosswalk between various fire-hazard planning topics and the required general plan elements. More detailed examples are also provided in the next section.

Development of goals, policies, objectives, and implementation measures addressing fire hazards should be coordinated with climate vulnerability and adaptation requirements for the safety element. Similarly, coordination and integration of the policy development process with the LHMP, CWPP, or other related plans is also appropriate and encouraged. For more detailed guidance on the development of safety element policies and implementation measures, including incorporation of LHMPs or other plans by reference into the general plan, see OPR’s [General Plan Guidelines](#).

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Finally, GC § 65302(g)(6) requires that wildfire, flood, and climate adaptation portions of the safety element be regularly reviewed and updated at least every eight years to account for new information relating to flood and fire hazards and climate adaptation and resiliency strategies that was not available during the previous revision of the safety element.

*Table 5: Opportunities for Fire Hazard Mitigation and Resource Protection in General Plan Elements*

Elements	Opportunities
Land Use	Fuel breaks and fuel reduction zones, buffer zones, water supply requirements, hazard avoidance areas, fire protection standards and development review requirements
Housing	Definition of appropriate mitigation for protecting existing housing stock or building new housing in higher-risk areas, fire protection standards, building codes, structural and home hardening
Circulation	Strategic access, road standards, helibases, helistops, air tanker base locations, evacuation routes (ground and air), ingress/egress, early warning and notification systems
Conservation	Fuel breaks and fuel reduction zones, additional design requirements for development near commercial timber zones, use of conservation easements or transfer of development rights (TDR) to avoid hazards and protect open space, water supplies
Open Space	Fuel breaks and fuel reduction zones, strategic access, water supplies, off-site linking of strategic improvements, use of conservation easements or TDR to avoid hazards and protect open space
Safety	Identification and mapping of fire hazards and risks, evacuation routes, water supplies, road standards, fuel breaks and fuel reduction buffer zones, air access, definition of hazard areas and mitigation requirements, house and road signage, early warning and notification systems
Environmental Justice	Promotion of safe housing, reduction of air pollution (smoke) exposure, addressing the needs of vulnerable communities, prioritizing measures to reduce disproportionate wildfire-related health and safety risks in disadvantaged and vulnerable communities

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## 5. Example Policies

This section provides example fire hazard policies and programs that could be included in the general plan. The subsections are organized by specific topics related to fire hazards and risks that should be considered during the general plan update process. For each policy topic, the subsection identifies the general plan elements where it may be appropriate to address fire hazard mitigation and risk reduction followed by examples of policies and programs. The subsections are not organized in any particular order and each plays an integral part in fire hazard mitigation planning.

The conceptual goals, objectives, policies, and implementation measures included in this section are primarily intended for use in general plans, but in some cases they may also be suitable for inclusion in more detailed plans, codes or other implementation programs (e.g., CWPPs, LHMPs, consolidated fire codes, or other local plans, ordinances and codes) that implement the overall goals and policies of the general plan. Local governments should develop and implement fire hazard policies in their general plan or other plans, codes and programs that are relative to their local conditions and context. The policy examples included vary in range of scope and level of detail. Because these policies below are merely examples, any of them can be modified by the local public agency in a way that may be appropriate for that particular community. Appendix E provides additional guidance on how these policies can be further addressed in specific plans, zoning, and development agreements.

### 5.1 MINIMIZING RISKS TO EXISTING AND NEW LAND USES

Based on the analysis and prioritization of the local values and assets during the fire hazard and risk assessment phase, appropriate policies should be developed to mitigate fire hazards and reduce risks to existing and new land uses, particularly in areas that could be subject to unreasonable wildfire risks.

Jurisdictions should devote particular attention to addressing vulnerabilities of existing development located in the WUI, such as home hardening measures for existing residential land uses, improving compliance with and enforcement of defensible space and fire safe regulations, or other protective policies to address specific values and assets at risk.

Policies governing land use and future growth also provide an opportunity to integrate resilience into long-range plans by avoiding placing new development or new growth designations for expansion of development in areas with extreme threat or elevated hazard severity that pose an unreasonable risk, or introducing new zoning or building code requirements that help to avoid or minimize risks in such areas. Local agencies can also prioritize new growth in infill areas with existing infrastructure and adequate fire protection capacity in lower-risk areas to reduce overall wildfire risk in the future.

### Potential General Plan Elements

The following general plan elements may be appropriate for incorporating fire hazard and risk reduction information and policies related to existing and new land uses :

- Land Use
- Housing
- Conservation
- Open Space
- Safety
- Circulation (critical infrastructure)
- Environmental Justice

#### Wildland Urban Interface (WUI) Definition

WUI areas can be defined broadly as “any developed area where conditions affecting the combustibility of natural and cultivated vegetation (wildland fuels) and structures or infrastructure (built fuels) allow for the ignition and spread of fire through these combined fuels”. WUI areas can be further defined by different spatial configurations. The “interface” WUI condition exists where development and/or structures are adjacent to wildland areas, in which there may be clear demarcation or a hard edge between developed and undeveloped areas. By contrast, the “intermix” WUI condition refers to areas in which structures or semi-developed areas are mixed with wildland areas and vegetation, such as in rural, ex-urban, or large-lot semi-rural developed conditions. In the “occluded” WUI condition within an urban environment, structures may abut an island of wildland fuels, such as a community park, open space, greenbelt, or other natural area. (APA 2019).

A broader term that further describes conditions that may be adjacent to either the intermix or interface WUI is the “wildfire influence zone”, which can be characterized by susceptible vegetation up to 1.5 miles from the WUI (CAL FIRE 2019). Similarly, in areas where wildfires can occur under high-wind conditions near urbanized areas, the “ember zone” can extend up to several miles into more densely-developed areas that are outside of the WUI or wildfire influence zone areas, in which new spot fires could occur far ahead of the main wildfire perimeter.

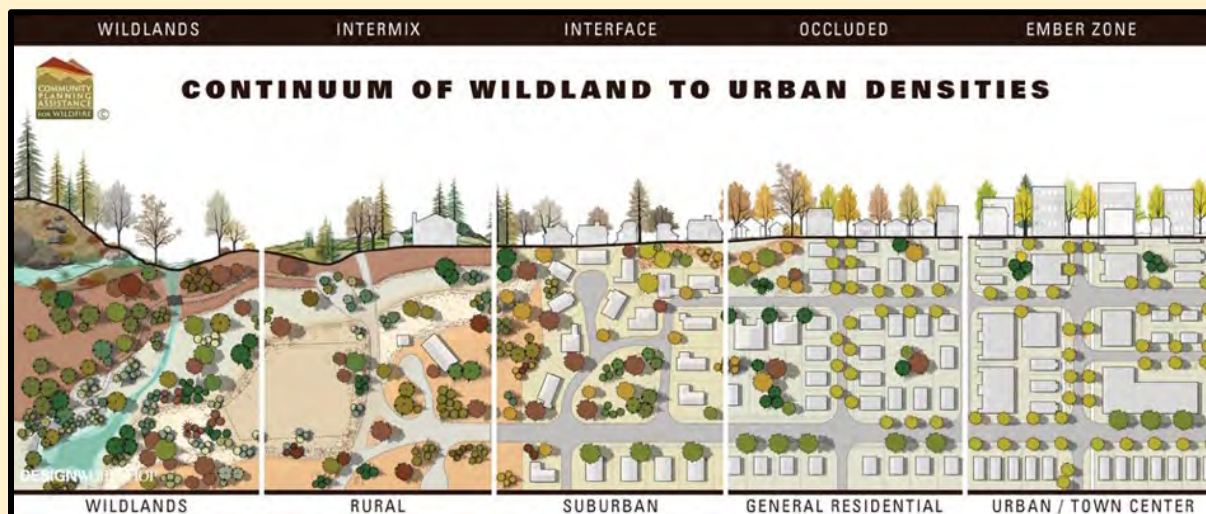


Image of the continuum of wildland to urban densities. (Source: Community Planning Assistance for Wildfire with permission by Wildfire Planning International)

### *Policy and Implementation Program Examples*

Examples of specific policies or implementation programs that address wildfire hazards and reduce risk are listed below according to their applicability in different land use and development contexts, including existing development, infill development, and new development. These examples are meant to provide potential model policies or programs; local agencies are not required to adopt or incorporate any of them into their planning documents.

For a more detailed analysis and compilation of community risk reduction measures that could be incorporated into the general plan policies or implementation measures, see “Building to Coexist with Fire: Community Risk Reduction Measures for New Development in California” (Moritz and Butsic, 2020), and other resources cited in Appendix B.

#### **Existing Development**

- Policy* Increase resilience of existing development in high-risk areas built prior to modern fire safety codes or wildfire hazard mitigation guidance.
- Policy* Public and private landowners for all existing land uses shall comply with all applicable state and local requirements and implement site-specific safety measures that mitigate to a low risk condition around or near public facilities, infrastructure, and natural resources.
- Policy* Public and private funding, where available, shall be used to the greatest extent practical to assist private landowners in implementing defensible space and building retrofits to achieve a low risk condition.
- Policy* Public and private landowners shall minimize the risk of wildfire moving from wildland areas to developed properties, or from property to property, by increasing structural hardening measures (e.g., fire-rated roofing and fire-resistant construction materials and techniques), maintaining and improving defensible space on site, and supporting vegetation management in adjacent undeveloped areas.
- Policy* Require structures with fire protection sprinkler systems to provide for outside alarm notification.
- Program* Update building codes in high fire hazard severity areas to meet or exceed hardening requirements in Chapter 7A of the California Building Code or other applicable codes, based on local studies or conditions identified in the local fire hazard and risk assessment.
- Program* Develop a comprehensive WUI risk reduction program and associated funding/financing for existing development to improve defensible space, increase home and structural hardening, and increase vegetation and fuels management in wildland areas adjacent to existing development.

**Infill Development**

- Policy* Prioritize infill development within the existing developed footprint to reduce vehicle miles traveled; improve access to jobs, services, and education; increase active transportation choices; avoid future unfunded infrastructure repair and maintenance liabilities; and avoid hazardous or environmentally sensitive open space areas.
- Policy* All infill development projects within the SRA or VHFHSZ shall be required to comply with all applicable state or local fire safety and defensible space regulations or standards, and any applicable fire protection or risk reduction measures identified in locally adopted plans.
- Policy* Discretionary infill projects may be required to prepare a project-specific fire hazard and risk assessment and incorporate project-specific risk reduction measures, subject to the determination and approval of the local agency.
- Program* Develop streamlined wildfire risk assessment and mitigation procedures for infill projects in the SRA and VHFHSZ.
- Program* Conduct a feasibility study for a TDR program that identifies undeveloped wildland areas within high or very high FHSZ or subject to extreme threat as “sending areas” and areas outside of FHSZs or high fire threat areas as “receiving areas”.

**New Growth**

- Policy* Avoid expanding new development, critical facilities, and infrastructure in areas subject to extreme threat or high risk, such as High or Very High FHSZs or areas classified by CAL FIRE as having an Extreme Threat classification on Fire Threat maps, unless all feasible risk reduction measures have been incorporated into project designs or conditions of approval.
- Policy* Prohibit land uses that could exacerbate the risk of ignitions in High or Very High FHSZs, such as outdoor storage of hazardous or highly flammable materials, automobile service or gas stations, or temporary fireworks sales.
- Policy* Prohibit land uses that could place occupants at unreasonable risk in high or very high fire hazard severity areas, such as areas with large events or assembly of people, health care facilities, etc.
- Policy* Encourage the use of conservation easements or establish a TDR program in undeveloped wildland areas within high fire hazard severity zones.
- Program* Update local zoning and subdivision codes to designate wildfire hazard overlay zones and associated conditional use, site development standards, and design criteria to mitigate wildfire hazards and reduce risks to new development within the overlay zones.

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*Program* Update local codes and ordinances to require preparation of a project-specific fire protection plan (FPP) for all new development projects in high fire hazard severity areas and require that such projects incorporate all recommended risk reduction measures from the FPP into project designs or conditions of approval.

*Policy* All residential, commercial and industrial construction and development will comply with the statewide Fire Safe Regulations (see CCR, Title 14, Sections 1270 et seq.) relating to roads, water, signing and fuel modification.

*Policy* Urban development shall be planned and constructed to resist the encroachment of uncontrolled wildfires from adjacent WUI or wildland areas.

## 5.2 FUEL MODIFICATION AND LAND MANAGEMENT

This section contains examples of policies that a local government might adopt with regards to fuel modification and other land management activities that promote resilience by reducing wildfire hazard severity and associated risks. Policy considerations for fuel modification or other land management activities may vary considerably for communities based on their development context (e.g., wildland, WUI, or urban areas).

“Wildland areas” generally refer to rural or undeveloped lands outside of the WUI. In some cases, wildland areas might be adjacent to the WUI and may be referred to in some cases as the “Wildfire Influence Zone,” which can be defined as wildland areas with susceptible vegetation within 1.5 miles of the WUI. Addressing and mitigating fire hazards in wildland areas will most often involve land management strategies that address the conditions that lead to uncontrolled wildfire. This may include a variety of vegetation treatments or “fuel modification” strategies designed to reduce the primary driver of wildfire that is within control of managing agencies or entities, which is the biomass or fuel that feeds a wildfire under favorable conditions.

Vegetation treatment and fuel modification activities can be coordinated with other policy objectives, including managing open spaces and natural resources, or enhancing economic development activities associated with forestry, timber production, and harvesting thinned biomass for energy production and other useful end-products such as cross-laminated wood products, biochar, or other end uses.

For more urbanized conditions or interface WUI conditions, jurisdictions may consider additional strategies such as fire-adapted landscaping, agricultural or managed open space buffers, or urban forest management. Generally, when developing policies, jurisdictions should consider the acceptable level of fire risk, the degree of consistency and coordination between federal, state and private landowner fuel modification activities, the variety of fuel modification techniques, as well as public awareness and ability to comply with residential vegetation clearance (i.e., defensible space) regulations or policies.

### *Potential General Plan Elements*

- Land Use
- Conservation
- Open Space
- Safety
- Air Quality<sup>5</sup>
- Environmental Justice

### *Policy Examples*

The following are examples of policies that a local government might adopt with regards to fuel modification and landscaping considerations.

#### **General Considerations**

*Policy* Coordinate with CAL FIRE, local fire agencies, fire safe councils, private landowners, and other responsible agencies to identify the best method(s) of fuel modification to reduce the severity of future wildfires, including:

- Prescribed fire
- Forest thinning
- Grazing
- Mechanical clearing
- Hand clearing (piling, burning/chipping)
- Education
- Defensible space

*Policy* Encourage open space preservation and conservation of sensitive areas within natural and working lands, including wildlands, to achieve multiple benefits including (but not limited to) species and habitat protection, agricultural and forest resource protection, water quality, carbon sequestration and storage, and wildfire hazard and risk mitigation.

*Policy* Balance and integrate fuel modification with habitat and open space management, vegetative soil cover/erosion management, and urban greening, to reduce the potential for conflicts between safety and environmental goals.

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<sup>5</sup>Air quality is a generally an optional element for local governments. GC § 65302.1 requires each city and county within the jurisdictional boundaries of the San Joaquin Valley Air Pollution Control District to either adopt an air quality element or amend appropriate elements of their general plan to include data and analysis, comprehensive goals, policies, and feasible implementation strategies to improve air quality.

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- Program* Facilitate and maintain agreements to provide fuel reduction efforts between public and private landowners where recommended clearances extend onto public lands. This may require collaboration with the USFS or other federal or state agencies.
- Program* Create a special assessment district to fund and maintain a fuel modification program to reduce wildfire risk.
- Program* Develop a local program to identify, prioritize, and fund fuel modification projects in the Local Responsibility Area, and leverage the California Vegetation Treatment Program (CalVTP) and Program EIR for eligible projects in the State Responsibility Area.

### **Defensible Space**

- Policy* Public landowners shall provide a minimum of a one quarter mile defensible fuel profile (buffer zone) at property lines and near points of special interest.
- Policy* Public landowners shall implement safety measures that result in a low risk category designation for wildfires threatening the urban interface.
- Policy* Public and private funding for fire risk hazard reduction shall be prioritized to assist private landowners in implementing safety measures to achieve a low risk condition.
- Policy* Public and private property owners shall maintain property in a low risk category (PRC Section 4291 and GC § 51182).
- Policy* Landowners shall maintain minimum defensible space from all structures or improvements on their property and work with neighbors and local government to address defensible space within 100' of structures that lies on adjacent property.

### **Wildland Considerations**

- Policy* Plant communities in wildland areas shall be monitored over time for changes in potential fire hazard severity or risks.
- Policy* Promote and encourage the conversion of biomass removed during vegetation treatment and fuel modification activities to energy, cross-laminated timber, engineered wood products, biochar, or other end uses.
- Program* Support economic development programs and projects related to productive use of biomass from vegetation treatment and fuel modification projects.
- Program* Update codes and ordinances to identify potential sites, land uses, development standards, and other development criteria for biomass facilities and related industrial projects.

### **Urban Considerations**

- Policy* Prior to the construction of any structure, whether residential, recreational, or commercial, a site-specific fuel modification plan shall be prepared. The location and

development of any road, or any other man-made structure that may act as a fuel barrier, shall be done in consideration of its maximum benefit as a fuel barrier/fire break. The plan shall cover the entire parcel and include measures for modifying fuel loading prior to development and a plan to maintain that protection over time.

*Policy* All residences shall comply with the fuel modification requirements of PRC Section 4291, whether located in state responsibility or local responsibility areas.

*Policy* Plan, design, and manage urban open space facilities to reduce wildfire hazards and associated risks.

*Policy* Maintain open spaces and urban forests so that ground fuels do not promote the spread of wildfire and aerial fuels do not allow the spread of a fire through the tree canopy.

*Policy* Public open spaces shall be used as demonstration areas and examples to neighborhood residents for fire-adapted landscapes.

*Program* Update site landscaping standards to be fire-adapted using native vegetation or fire-resistant planting palettes and prohibit flammable landscaping plantings or materials storage within the structure ignition zone (e.g., within 0-5 feet of the structure).

*Program* Develop a comprehensive vegetation management and weed-abatement program for open-space areas, including those that are located in or adjacent to existing subdivisions and new development areas.

### 5.3 PROTECTING PUBLIC HEALTH AND PROMOTING EQUITY

Fire hazard planning presents an opportunity for local planning agencies to identify just and equitable solutions to fire hazard and risk mitigation when updating general plan policies and programs. Local agencies should coordinate fire hazard planning with environmental justice requirements in the general plan update process where applicable, pursuant to GC § 65302(h). In addition, because wildfire-related vulnerabilities will be exacerbated by climate change, general plan updates should coordinate wildfire-related health and safety vulnerability with climate vulnerability and adaptation requirements that must be included in the safety element pursuant to GC § 65302(g)(4).

Wildfire policies and programs focused on outreach and engagement to vulnerable populations should focus not just on health and safety, but also on education and capacity-building needs. Local agencies can identify the most vulnerable populations and develop a plan to disseminate information about evacuation procedures, develop measures for protecting sensitive receptors from wildfire smoke, or designate locations and programs for sheltering in place or providing temporary housing, and other measures.

Perhaps the most important step for a community is to identify and empower existing organizations or networks (e.g., community-based organizations, faith communities, philanthropic organizations, and others) who can reach, organize, and build capacity among

residents and vulnerable communities most susceptible to wildfires, including people who live alone, the elderly, outdoor workers (including undocumented and migrant workers) and their employers, asthmatics, the differently abled, chronically ill individuals, and populations with literacy/language needs.

*Potential General Plan Elements*

- Safety
- Land Use
- Air Quality<sup>6</sup>
- Housing
- Circulation
- Environmental Justice

*Policy Examples*

The following are examples of policies that a local government might adopt to consider and mitigate impacts to public health and promote equitable fire hazard planning policies and programs:

**Disaster Preparedness Activities**

*Policy* Ensure completeness and availability of identified emergency supplies and resources to all segments of the population, focusing especially on vulnerable and disadvantaged communities, including but not limited to temporary shelter or housing, and items such as medical supplies and services, water main repair parts, generators, pumps, sandbags, road clearing, and communication facilities.

*Policy* Disaster response and recovery capabilities shall be maintained and improved to protect and meet the needs of all members of the community, especially the most vulnerable and disadvantaged.

*Program* Update existing emergency preparedness and response plans and conduct community-facing exercises to enhance disaster preparedness and build local capacity to better address and mitigate health and safety impacts resulting from wildfires.

*Program* Identify and catalogue the current supply of housing, services, and supplies and procure additional items and services to ensure preparedness and availability in the event of a wildfire emergency.

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<sup>6</sup>Air quality is a generally an optional element for local governments. GC § 65302.1 requires each city and county within the jurisdictional boundaries of the San Joaquin Valley Air Pollution Control District to either adopt an air quality element or amend appropriate elements of their general plan to include data and analysis, comprehensive goals, policies, and feasible implementation strategies to improve air quality.

*Program* Partner with existing public health community outreach and engagement efforts to address fire-related health and prevention needs.

**Public Education and Financial Assistance**

*Policy* Work cooperatively with other agencies and private interests to educate private landowners on fire-safe and defensible measures to increase compliance with existing regulations to achieve a low risk condition.

*Policy* Establish public education services through the appropriate fire protection agencies.

*Program* Identify or develop programs to provide financial incentives or assistance to low-income households for defensible space maintenance, home hardening, and other measures to reduce risk.

**5.4 DISASTER RESPONSE, RECOVERY, AND MAINTENANCE**

In California, wildfire is inevitable. Therefore, in addition to minimizing wildfire risk through land use and fuel modification strategies, jurisdictions should also build resilience through policies that address wildfire response, recovery, and maintenance.

Considerations for the response phase may include policies regarding fire suppression that address firefighter safety, response times, mutual aid agreements, water supply, as well as defensible space. The recovery and maintenance phase, meanwhile, presents an opportunity for the community and landowners to reevaluate land uses and practices following a wildfire event or disaster. A current general plan or LHMP will usually have the baseline data for the analysis.

Based on the data and analysis, policies should be developed for short-term recovery methods that are appropriate for local conditions to mitigate potential future losses or impacts due to wildfire. Issues that public policy makers may choose to consider include but are not limited to, benefit of recommended measure commensurate with the protection needed, immediate recovery needs versus long-term environmental health, debris removal versus habitat health, opportunities for re-introduction of native species, and short-term flood risks and mitigation opportunities.

Wildfires can directly cause or exacerbate flooding, debris flow, and landslide hazards because vegetation losses and disruptions or changes in soil permeability and slope stability, which reduce the ability of the landscape to absorb or slow down precipitation and storm runoff. In some cases, these induced or exacerbated hazards can rival the severity of a wildfire event. General plan updates should account for the potential for wildfires to increase or exacerbate flooding, debris flow and landslide hazards and related risks.

Long-term recovery and maintenance policies should also be developed to mitigate future loss due to wildfire. Issues that public policy makers may choose to consider include (but are not

limited to) the extent to which existing land use and zoning designations are appropriate, the potential for the re-evaluation of community assets, the success of past mitigation measures, sustainability of recommended fire mitigation measures, and assurance that mitigation measures will continue to be implemented.

**Potential General Plan Elements**

- Safety
- Land Use
- Open Space
- Conservation
- Housing

**Policy Examples**

**Wildfire Response Considerations**

- Policy* Identify low risk fire safety areas, including locations that may serve as temporary shelter or refugia during wildfire events.
- Policy* Identify fire defense zones where firefighters can control wildfire without undue risk to their lives.
- Policy* Designate and publicize areas where firefighter safety prohibits ground attack firefighting.
- Policy* Maintain fuel breaks and other fire defense improvements on both public and private property.
- Policy* Provide for adequate fire suppression resources in the local responsibility area, and coordinate with CAL FIRE regarding state responsibility area and scenarios where wildfires affect both areas.
- Program* Develop or amend special assessment districts to ensure adequate fire suppression resources in the most vulnerable areas of the community.
- Program* Develop and adopt coordinated emergency notification and evacuation procedures that may be required across jurisdictional boundaries under extreme wildfire event scenarios.
- Program* Review and update emergency response and evacuation plans and procedures at least every 5 years to reflect current conditions and community needs.

**Short-term Recovery Considerations**

- Policy* Prioritize the needs of vulnerable and disadvantaged communities during emergency response and disaster recovery efforts.

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- Policy* Reduce post fire recovery time by replanting native species.
- Policy* Ensure fire protection measures enhance sustainability of restoration projects.
- Policy* Ensure reduced future fire risk by removing sufficient dead woody vegetation while retaining reasonable wildlife habitat (cross-link with water quality).
- Policy* Retain sufficient downed logs for erosion control as well as habitat maintenance.
- Program* Evaluate and update disaster recovery plans every 5 years to respond to changing needs and characteristics of the community.
- Program* Coordinate with planning, housing, health and human services, and other local, regional or state agencies to develop contingency plans for meeting short-term, temporary housing needs of those displaced during a catastrophic wildfire event.
- Program* Research and develop general rules and procedures that would govern planning and permitting requirements for construction of temporary housing or permanent rebuilding activities following a wildfire disaster, such as model emergency or urgency ordinances. This may also need to include staffing and tools needed to facilitate unique permitting needs in the recovery phase.

### **Flood and Debris Flow Considerations**

- Policy* All wildfire burned areas shall be treated to control storm water runoff prior to winter rains.
- Policy* Wildfire areas shall be restored by planting native vegetation cover or encouraging the re-growth of native species using best practices as soon as possible to aid in control of storm water runoff.
- Policy* Potential for future flood hazard shall be reduced by sufficient removal of dead, woody vegetation along watercourses following a catastrophic fire to reduce the risk of future catastrophic fires.
- Policy* Fire hazard reduction measures should balance forest health with fuel reduction activities while considering the potential effect on flood management. Reduction in fire risk will simultaneously reduce flood risk.
- Policy* All wildfire areas prone to landslides shall be treated to avert storm water runoff prior to winter rains.
- Policy* Native vegetation cover shall be planted and/or temporary slope stabilization measures will be installed as soon as possible to aid in landslide control.
- Policy* Potential for landslides shall be reduced by sufficient removal of dead, woody vegetation following a catastrophic fire.

### **Long-Term Considerations**

- Policy* Design subdivisions and developments to exist in concert with the natural ecosystem and to promote forest health and stewardship.



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- Policy* Periodically review trends and projections of future fire risk and fire risk reduction capabilities to ensure that mitigation measures are adequate.
- Policy* Incorporate forecasted impacts from climate change into trends and projections of future fire risk and consideration of policies to address identified risk.
- Policy* Require defensible space maintenance agreements for new development projects and require extension of defensible space maintenance agreements to subsequent landowners.
- Policy* In high fire hazard severity areas, rebuild structures with a minimum 100' setback (when feasible) from property lines.
- Policy* Residential dwellings shall be rebuilt using best practices for fire-resistant or fire-proof construction methods, materials and landscaping to reduce their susceptibility to wildfire.
- Policy* In high fire hazard areas fire rated roofing and construction materials shall be used in reconstruction and new development pursuant to Section 703.1 of the California Fire Code (CCR, Title 14, Part 4).
- Program* Update codes and ordinances to specify procedures and standards for planning and permitting the reconstruction of buildings destroyed by wildfire.
- Program* Update codes and ordinances to require all replacement structures or redevelopment projects following a wildfire to comply with applicable project-level wildfire risk reduction measures and WUI building codes in high hazard areas.
- Program* Periodically review fire history and lessons learned to ensure that hazard mitigation measures and future disaster recovery needs are being managed to optimize effectiveness.
- Program* Using best available data and tools, update the fire hazard and risk assessment regularly to account for climate change or other factors, and alert public and private landowners in future high-risk areas regarding changes in hazard severity or risk levels.

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# Appendices

## A. ACRONYMS/ABBREVIATIONS

CAL FIRE – California Department of Forestry and Fire Protection  
CalOES – California Governor’s Office of Emergency Services  
CalVTP—California Vegetation Treatment Program  
CCR – California Code of Regulations  
CEQA – California Environmental Quality Act  
COPD – Chronic Obstructive Pulmonary Disease  
CWPP – Community Wildfire Protection Plan  
DMA – Disaster Mitigation Act  
FEMA – Federal Emergency Management Agency  
FHSZ – Fire Hazard Severity Zone  
FPP – Fire Protection Plan  
FRA – Federal Responsibility Area  
GC – Government Code  
HMGP – Hazard Mitigation Grant Program  
IFR – Interim Final Rule  
ICARP – Integrated Climate Adaptation and Resiliency Program  
LHMP – Local Hazard Mitigation Plan  
LRA – Local Responsibility Area  
NAHC – Native American Heritage Commission  
OPR – Governor’s Office of Planning and Research  
PRC – Public Resources Code  
PSPS—Public Safety Power Shutoff  
PTSD – Post Traumatic Stress Disorder  
SRA – State Responsibility Area  
State Board – State Board of Forestry and Fire Protection  
TAC – Technical Advisory Council  
TDR – Transfer of Development Rights  
USFS – United States Forest Service  
VHFHSZ – Very High Fire Hazard Severity Zone  
WUI – Wildland-Urban Interface

## B. RESOURCES

The table below describes and provides links to a variety of resources that may be helpful for local fire hazard planning and implementation efforts.

Name	Description	Funding	Guidance	Networks	Examples	Tools & Data
<a href="#">State of California's Grants Portal</a>	OPR recommends using this portal to find out about the latest grants that could support fire hazard planning or related implementation efforts that support fire hazard mitigation, climate adaptation, forest management, and other related projects and programs.					
<a href="#">CalOES / FEMA - Hazard Mitigation Grant Program (HMGP)</a>	The HMGP program provides grants to states and local governments to implement long-term hazard mitigation measures after a major disaster declaration.					
<a href="#">California Air Resources Board Funding Wizard</a>	The Funding Wizard is a tool provided by the California Air Resources Board that aggregates current federal, state, regional, foundation and other funding opportunities for environmental and sustainability projects. It allows entry of keyword search terms to identify possible funding for identified projects.					
<a href="#">CAL FIRE Grant Programs</a>	CAL FIRE offers several different grant opportunities related to fire prevention, hazard mitigation, forest health, many of which can fund implementation of activities identified in or consistent with local plans. Specific CAL FIRE grant opportunities are also outlined in this resource table.					
<a href="#">Fire Prevention Grants Program</a>	CAL FIRE provides funding for local projects and activities that address the risk of wildfire and reduce wildfire potential to forested and forest adjacent communities. Funded activities include hazardous fuel reduction, fire prevention planning, and fire prevention education with an emphasis on improving public health and safety while reducing greenhouse gas emissions. This program is funded by California Climate Investments (CCI).					
<a href="#">Forest Health Grant Program</a>	CAL FIRE funds projects that proactively restore forest health to reduce greenhouse gases, protect upper watersheds where the state's water supply originates, promote the long-term storage of carbon in forest trees and soils, minimize the loss of forest carbon from large, intense wildfires, and further the goals of the California Global Warming Solutions Act of 2006 (AB 32). This program is funded by CCI.					

Attachment: Comments Received during the Comment Period (Appeal of the Draft RHNA Allocation for the City of Yorba Linda)

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Name	Description	Funding	Guidance	Networks	Examples	Tools & Data
<a href="#">Urban &amp; Community Forestry Grant Programs</a>	CAL FIRE provides local grants that optimize the benefits of trees and related vegetation through multiple-objective projects as specified in the California Urban Forestry Act of 1978 (PRC Section 4799.06-4799.12). These projects further the goals of AB 32, result in a net greenhouse gas benefit, and provide environmental services and cost-effective solutions to the needs of urban communities and local agencies. This program is funded by CCI.					
<a href="#">California Forest Improvement Program</a>	California Forest Improvement Program (CFIP) program encourages private and public investment in, and improved management of, California forest lands and resources. This focus of CFIP is to ensure adequate high-quality timber supplies, related employment and other economic benefits, and the protection, maintenance, and enhancement of a productive and stable forest resource system for the benefit of present and future generations. Cost-share assistance is provided to private and public ownerships containing 20 to 5,000 acres of forest land. Cost-shared activities include management planning, site preparation, tree purchase and planting, timber stand improvement, fish and wildlife habitat improvement, and land conservation practices.					
<a href="#">Wildfire Resilience and Forestry Assistance Grant – Prop 68</a>	CAL FIRE has created a new grant opportunity focused around providing funding for eligible entities to provide technical and financial assistance to forestland owners for projects that provide ecological restoration of forests. Projects may include forest restoration activities for forestland already impacted by natural disturbance such as fire, insect, and disease, and forest management practices that promote forest resilience to severe wildfire, climate change, and other disturbances. CAL FIRE expects to award at least \$2,200,000 of Proposition 68 funding for Forestry Assistance in the fiscal year 2019/2020 for projects that propose to provide financial and technical assistance to private, nonindustrial landowners for the goals stated above.					

Attachment: Comments Received during the Comment Period (Appeal of the Draft RHNA Allocation for the City of Yorba Linda)



Fire Hazard Planning Technical Advisory

Name	Description	Funding	Guidance	Networks	Examples	Tools & Data
<a href="#">Northern California Forests and Watersheds Program</a>	The National Fish and Wildlife Foundation has partnered with the U.S. Forest Service to restore and enhance National Forests and watersheds affected by wildfires within Northern California. The Northern California Forests and Watersheds program will administer an initial \$6 million in grants to projects that increase wildfire resiliency for Northern California National Forests and associated watersheds.					
<a href="#">Western Forestry Leadership Coalition</a>	Formally established in 2000, the Western Forestry Leadership Coalition is comprised of members across federal and state agencies of the west who work together to assist family forest owners, rural and state fire organizations, and community forestry groups; improve forest health, encourage land conservation, and stimulate community economic recovery. The Coalition provides funding opportunities such as the Landscape Scale Restoration (LSR) Competitive Grant Program, which prioritizes landscapes of national importance, using the Forest Action Plans and the national themes (specifically the National Themes/Priorities identified in the federal Farm Bill consistent with P.L. 110-246 Section 8001). The objective is to focus competitive LSR funds on activities that address priority areas, challenges, and opportunities facing Western lands. Funding for the LSR Competitive Process is made possible through the USDA Forest Service.					
<a href="#">California FireSafe Council</a> and the <a href="#">Fire Safe California Grants Clearinghouse</a>	The Council’s intent is to bring together governmental agencies and corporations to provide education to the residents of California on the dangers of wildfires and how they can be prevented. As part of its mission, the Council maintains the Fire Safe California Grants Clearinghouse: a one-stop shop that simplifies the process of finding and applying for grants to improve California's community wildfire preparedness. The portal includes information on open grant programs and includes an online grants application process to makes it easier to find and apply for wildfire prevention grants to support community projects.					

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Fire Hazard Planning Technical Advisory

Name	Description	Funding	Guidance	Networks	Examples	Tools & Data
<a href="#">Adaptation Clearinghouse</a>	OPR’s Adaptation Clearinghouse has numerous wildfire related resources such as funding opportunities, assessments, case studies, educational materials, data and tools, example plans and strategies, as well as additional policy guidance.					
<a href="#">Building to Coexist with Fire: Community Risk Reduction Measures for New Development in California</a>	This guidance document, published by University of California Agriculture and Natural Resources, includes a compilation of community risk reduction measures for California communities based on a literature review and professional experiences of both firefighters and planners.					
<a href="#">Climate Action for Health: Integrating Health into Climate Action Planning</a>	This document helps communities that are working to create a Climate Action Plan identify the health co-benefits of reducing Greenhouse Gas Emissions and forge partnerships between planning and health organizations.					
<a href="#">California Climate Adaptation Planning Guide</a>	This guide outlines a step-by-step process to help jurisdictions assess their climate vulnerability as well as develop, implement, and evaluate local and regional climate adaptation strategies.					
<a href="#">General Guidelines for Creating Defensible Space</a>	This guide outlines common practices for managing fuels and creating defensible space around structures.					
<a href="#">Reducing Wildfire Risks in the Home Ignition Zone</a>	This document, created by the National Fire Protection Association, outlines actions that can be taken to reduce wildfire risks in the immediate, intermediate, and extended vicinity of a structure.					
<a href="#">Wildfire Smoke: A Guide for Public Health Officials</a>	This guide characterizes the health effects of wildfire smoke on sensitive populations and provides several strategies for reducing smoke exposure and protecting public health.					
<a href="#">Defining Vulnerable Communities in the Context of Climate Adaptation.</a>	This document defines vulnerable communities in the context of climate adaptation and summarizes existing assessment tools and indicators that can be used to identify vulnerable communities.					

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Fire Hazard Planning Technical Advisory

Name	Description	Funding	Guidance	Networks	Examples	Tools & Data
<a href="#">Planning the Wildland-Urban Interface</a>	This document provides planners with an introduction to challenges in the WUI and highlights potential solutions to mitigate wildfire risk. In addition, case studies from communities across the US are included to showcase how a wide variety of jurisdictions are taking action.					
<a href="#">California Fire Science Consortium (CFSC), Northern California Module</a>	The CFSC is a network of fire science researchers, managers, and outreach specialists tasked with improving the availability and understanding of fire science and management knowledge. This includes increasing communication between fire researchers, managers, policymakers, tribes, landowners, and other stakeholders.					
<a href="#">California Forest Management Task Force</a>	This task force was created to “to establish healthy and resilient forests that can withstand and adapt to wildfire, drought, and a changing climate” and provides a space for local governments to engage with each other, the state and the federal government around wildfire and forest related issues.					
<a href="#">Community Planning Assistance for Wildfire (CPAW)</a>	This organization, funded by the U.S. Forest Service and private foundations, works with communities across the country to reduce wildfire risk in the WUI through land use planning strategies. One aim of CPAW is to build community capacity by providing technical consulting services, trainings, and other resources.					
<a href="#">ICARP Technical Advisory Council</a>	The Advisory Council facilitates the development of holistic, complimentary strategies that increase California’s resilience to climate change, advance equity and environmental justice, and benefit both greenhouse gas emissions reductions and adaptation efforts. The Council provides a space for state, regional, and local coordination.					
<a href="#">Northern California Prescribed Fire Council</a>	The Northern California Prescribed Fire Council is a venue for practitioners, state and federal agencies, academic institutions, tribes, coalitions, and interested individuals to work collaboratively to promote, protect, conserve, and expand the responsible use of prescribed fire in Northern California’s fire-adapted landscapes.					
<a href="#">Northern California Society of American Foresters</a>	The Society is a national organization representing all segments of the forestry profession in the United States. It includes public and private practitioners, researchers, administrators, educators, and forestry students.					

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Fire Hazard Planning Technical Advisory

Name	Description	Funding	Guidance	Networks	Examples	Tools & Data
<a href="#">Fire-Adapted Communities Learning Network</a> (FAC Net) and Self-Assessment Tool (FAC SAT)	The purpose of FAC Net is to exchange information, collaborate to enhance the practice of fire adaptation, and work together and at multiple scales to help communities live safely with fire. This includes embracing resiliency concepts and taking action before, during and after wildfires. The <a href="#">Fire Adapted Communities Self-Assessment Tool (FAC SAT)</a> can also help communities assess their level of fire adaptation and track their capacity to live safely with fire over time. This tool can be used to assess individual neighborhoods, cities and even large counties.					
<a href="#">Firewise Communities</a>	The Firewise Communities/USA Recognition Program brings together homeowners, community leaders, planners, developers, and others in the effort to reduce wildfire risk. The program provides a number of resources and action steps homeowners can utilize now to reduce their community’s risk of potential wildfire damage.					
<a href="#">Unit Fire Plans</a>	Drawn from the California Strategic Fire Plan, the CAL FIRE Units and Contract Counties develop plans that include stakeholder contributions and priorities and identify strategic areas for pre-fire planning and fuel treatment as defined by the people who live and work with the local fire problem.					
<a href="#">Cal-Adapt: Wildfire: Climate Change Fire Risk Map</a>	Cal-Adapt is a statewide tool for viewing downscaled climate change exposure data and associated research on the effects of climate change for the entire state of California. Cal-Adapt includes numerous tools for viewing this data and research, including a Wildfire tool that allows a user to explore projected changes in average area burned by wildfires in California under various scenarios. The tool is based on wildfire scenario projections using a statistical model based on historical data of climate, vegetation, population density, and fire history coupled with regionally downscaled climate projections from Cal-Adapt.					
<a href="#">Connecting Wildlands and Communities Project</a>	This project is assessing the implications of connected landscapes on wildfire risks, patterns, and recovery. As part of the project, the CWC team plans to publish datasets and mapping tools to aid planners and other community stakeholders as they plan, prepare, and adapt to climate risks in southern California. These resources will be coming soon!					

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Name	Description	Funding	Guidance	Networks	Examples	Tools & Data
<a href="#">CalEnviroScreen</a>	This tool maps census tracts that are burdened by or vulnerable to environmental stressors. The map contains over 20 indicators including air quality, asthma, cardiovascular disease, housing burden and linguistic isolation.					
<a href="#">CAL FIRE’s Fire and Resource Assessment Program (FRAP)</a>	The FRAP division within CAL FIRE provides a variety of maps, geospatial data, reports, and other products including a detailed report on California's forests and rangelands. FRAP provides extensive technical and public information for statewide fire threat, fire hazard, watersheds, socio-economic conditions, environmental indicators, and forest-related climate change.					
<a href="#">My Hazards</a>	My Hazards is a tool for the general public to discover hazards in their area (e.g., earthquake, flood, fire, and tsunami) and learn about steps to reduce personal risk. Using the MyHazards tool, users may enter an address, city, zip code, or may select a location from a map. This website is provided by CalOES to allow users to easily make hazard maps for mitigation planning, report generation, and other tasks. The maps under “Fire Risk” depict the SRA according to Fire Hazard Severity Zone (FHSZ) classifications (i.e., Moderate, High and Very High).					
<a href="#">U.S. Forest Service Fire, Fuel, Smoke Science Program – Applications List</a>	The U.S. Forest Service’s Fire, Fuel, and Smoke Science Program includes a list of applications that include possible models or tools to use for understanding fire behavior, fire danger ratings, wind, fire effects, fuels management, monitoring, and fire risk assessment. These tools are typically used by professionals with technical expertise in fire behavior and suppression, forest management, or other related disciplines.					

### C. RECENT EXAMPLES OF FIRE HAZARD PLANNING AND IMPLEMENTATION

The following case studies provide recent examples of local jurisdictions who have updated their safety element or other general plan elements to address wildfire hazards and risks, as well as local implementation measures or programs that have implemented the general plan or other plans that address fire hazards.

#### [Berkeley](#)

## Fire Hazard Planning Technical Advisory

Population: 121,363

Region: Bay Area

Key Words: evacuation planning, community support

The City of Berkeley updated the Disaster Preparedness and Safety Element of its General Plan in 2019. Policies within the element include ensuring safety of residents with access and functional needs, identifying a contingency water supply, undergrounding utilities, and preventing future development in areas with increased fire hazard potential and limited access. The City also adopted its 2019 LHMP by reference into the General Plan, which includes a more detailed analysis of vulnerabilities and values at risk, protections for historically underserved communities, and details regarding mitigation work in progress. The plan includes local policy background, including a 2010 ordinance blocking establishment of residential units on Panoramic Hill until an adequate Specific Plan is adopted. These plans and the City's focus on resilience and disaster preparedness have led to an increased evacuation planning effort, including infrastructure and education surrounding pedestrian evacuation routes. The plan also supports ongoing Disaster Cache and Community Resilience Center programs, which have decentralized emergency resources and have been valuable to residents in decreasing secondary hazard related to wildfires, including Public Safety Power Shutoffs and air quality hazards from wildfire smoke.

### Mammoth Lakes

Population: 8,235

Region: Sierra Nevada

Key Words: tourism, small town, secondary impacts, vulnerable communities, adaptation and resilience

The Town of Mammoth Lakes updated the Safety Element of its General Plan in 2019. The town faces unique wildfire safety challenges associated with tourism and seasonal residents, and limited evacuation access. Policies in the General Plan include incentivizing and funding to support mitigation retrofits, developing plans for emergency and evacuation access, increasing capability for Spanish language emergency notifications, and protecting water supply from wildfire impacts. The plan also includes policies related to secondary impacts from wildfires, including creating wildfire smoke relief centers and addressing the needs of vulnerable communities.

### Santa Paula

Population: 29,806

Region: Central Coast

Key Words: land use, at-risk populations, financing fire protection services

The City of Santa Paula updated its General Plan, including its Hazards and Public Safety Element, in 2020. The plan includes a brief history of wildland fires in the area, acknowledges

increased wildfire risks associated with climate change, and describes existing and proposed land use in FHSZs, including in the city’s sphere of influence. The plan’s policies include enforcing fire safe and defensible space regulations and standards, including the Ventura County Fire Code, which is more stringent than the State requirements. Programs include public outreach targeting at-risk populations, identifying methods of establishing buffer zones between residential development and foothill vegetation, and regularly reviewing and updating fire hazard maps, fire codes, water supply, and the city’s Emergency Operations Plan. The Public Services and Utilities element of the General Plan contains policies and programs related to fire protection services, including options for financing fire protection facilities using impact fees or development agreements, and continuation of a fire code compliance program.

### Riverside County

Unincorporated Population: 385,953

Region: Inland Empire

Key Words: WUI, regulations, open space, secondary risks

The County of Riverside updated its General Plan Safety Element in 2019. The plan explains the wildfire regime in the area, and identifies unique vulnerabilities, including the large number of mobile homes in the County that are disproportionately vulnerable to wildfire. The plan includes policies to implement fire safe development standards, including additional standards and design requirements for high risk facilities. These standards and requirements consider not only wildfire risk, but secondary risks associated with wildfire, including erosion control plans to address post-fire debris flow hazards. The safety element also includes background information and policies related to long-range fire planning, including open space, cluster developments, a TDR program, and a regional coordination program for fire protection and emergency service providers.

### Colton

Population: 54,824

Region: Inland Empire

Key Words: WUI, fuel modification, interjurisdictional cooperation, impaired access, hazard recovery plan

The City of Colton updated its General Plan Safety Element in 2018. The plan identifies connections to other elements of the General Plan, including Land Use, Mobility, Housing, and Open Space and Conservation. The Safety Element of Colton’s General Plan is supplemented by the 2018 City of Colton LHMP. This plan includes a more thorough wildfire hazard background and analysis of vulnerable populations, including disabled individuals, persons with limited English proficiency, households under the poverty limit, and senior citizens living alone, living in CAL FIRE identified Fire Hazard Severity Zones. The safety element describes implementation programs, including the preparation of a CWPP, an Impaired Access Analysis to re-examine circulation requirements, and the preparation of a Hazard Recovery Plan.

### Westlake Village

Population: 8,217  
Region: Southern California  
Key Words: open space, hillside, fire breaks

The City of Westlake Village updated its General Plan in 2019, including the Hazards and Public Safety Elements. This plan explains the current policy landscape around fire hazards, Hillside Development Standards, required fire flow levels, and brush clearance requirements imposed at a minimum of 30 feet from the structure up to 200 feet from the structure. It also explains current fire hazard conditions and ongoing mitigation strategies the City has implemented related to local vegetation, community wildfire breaks, and evacuation access strategies. The plan contains objectives and policies that connect to implementation programs, including code enforcement, a feasibility study about funding for smoke alarms, and evaluating fire safety in the design review process. The plan also includes the Las Virgenes-Malibu Council of Governments 2018 Multi-Jurisdictional Hazard Mitigation Plan as an appendix to the General Plan.

### Redlands

Population: 71,513  
Region: Inland Empire  
Key Words: zoning, development standards, open space, water supply, vegetation management

The City of Redlands updated its General Plan in 2017, including fire hazard planning under its “Healthy Communities” theme. The Fire Hazard section includes local wildfire history, explains mutual aid agreements, and describes areas of the city that are particularly susceptible to wildfire, including canyon areas with extreme topography and susceptible to drought conditions and high winds. The plan describes land use tools in place to address this vulnerability, including low housing density down to one dwelling unit per 40 acres; Open Space designations that prohibit residential, commercial, or industrial development; and, City-owned land preserves maintained as open space. It also describes other current standards and requirements related to water supply, fire access standards, vegetation management, and building and signage. Fire hazard policies and principles in the general plan include 24 action items, which include maintaining updated hazard maps, continuing weed abatement, enforcing codes and standards, considering new fire protection standards and implementation measures for foothill development, and educating the public about fire prevention.

### Humboldt County

Unincorporated Population: 27,191  
Region: Northern Coast  
Key Words: fire services financing, fire safe and defensible space regulations, prescribed burning, conservation



## Fire Hazard Planning Technical Advisory

The County of Humboldt updated the Safety Element of its General Plan in 2017. The plan contains background information on local fire hazards and fire protection services and contains a summary of key findings from the 2013 Humboldt County Community Wildfire Protection Plan. These key findings include wildfire hazard areas in the county that are not included within designated fire districts and rely on “good will” service from nearby fire districts and an increase in hazardous fuel loading. Since then, these issues have been addressed through fire district boundary expansions, formation of a new fire protection district, funding through special tax districts and a County-wide Public Safety and Essential Services sales tax, and increased fuel-reduction efforts including a cost-share program for homeowner fuel reduction efforts. Policies for new development in designated high and very high fire hazard severity zones include requiring building materials conforming to fire safe regulations, and subdivision developments requiring consideration of wildfire hazard mitigation design and layout practices including lot clustering, irrigated green belts, perimeter roads, and slope development constraints. Other policies include encouraging prescribed burning and promoting fire safe practices that encourage conservation and use of native plants and native plant ecosystems. The County’s 2014 LHMP, incorporated into the Safety Element by reference, includes further policies and plans encouraging vegetation management and compliance with defensible space regulations.

## D. GENERAL PLAN SAFETY ELEMENT ASSESSMENT

State law requires that cities and counties adopt a comprehensive general plan with various elements, including a safety element for protection of the community from unreasonable risks associated with various hazards, including wildfires. CAL FIRE and the State Board of Forestry and Fire Protection (Board) have a long history of acknowledging the importance of planning and its importance to wildland fire safety and risk mitigation.

As described under Section 3 (Regulatory and Policy Background) in this technical advisory, pursuant to Government Code 65302.5, local agencies with land classified as SRA and/or VHFHSZ must submit copies of their draft safety element to the Board for review and comment no later than 90 days prior to adoption of the safety element and/or general plan update. CAL FIRE's Land Use Planning Program, within the Office of the State Fire Marshal, assists the Board with safety element reviews and provides information and technical assistance to local agencies.

CAL FIRE's Land Use Planning staff provide planning departments with feedback and guidance to develop draft goals, policies, programs and implementation measures to improve fire safety in the community. Land Use Planning staff attend stakeholder meetings to communicate the collaborative efforts the state and the local jurisdictions are taking to address the threat posed by wildfire in the State of California. Land Use Planning Staff also provide legislative updates to City and County planning staff that relate to wildfire planning and risk mitigation, as well as conducting informal Safety Element Assessment pre-reviews of existing safety elements to provide jurisdictions a guideline for any planned future updates.

CAL FIRE and the Board encourage early consultation with the Land Use Planning staff when a general plan update is being considered by a local agency, so they can provide support and guidance through the process. For additional information on the CAL FIRE Land Use Planning Program, or your local CAL FIRE Land Use Planning staff member, you can go to their website at <https://osfm.fire.ca.gov/divisions/wildfire-planning-engineering/land-use-planning/>

A copy of the Safety Element Review Assessment Checklist and accompanying guidance for the safety element review process can be accessed at <https://bof.fire.ca.gov/board-committees/board-standing-committees-forest-practice-management-resource-protection/>

## E. OTHER PLANNING AND REGULATORY TOOLS

California courts have placed general plans “atop the hierarchy of local government law regulating land use.” (See e.g., *Neighborhood Action Group v. County of Calaveras* (1984) 156 Cal.App.3d 1176, 1183.) The general plan is often analogized to “a constitution for all future development.” (*Ibid.*) In that regard, all other land use plans and development approvals in that jurisdiction are subordinate to the general plan and must be consistent with it. For example, all subdivisions, zoning decisions, specific plans, and public works projects must be consistent with the general plan. On this basis, there are numerous planning tools that are used to implement the general plan. Several commonly used tools are briefly described below to illustrate how fire hazard planning can be incorporated into site specific, or project specific developments, as well as other local plans, codes and ordinances, or other programs that implement the general plan.

### *Specific Plan*

A specific plan is a tool for the systematic implementation of the general plan within all or a portion of the county's planning area (GC § 65450). It may encompass unlimited land area within the jurisdiction, may deal with only one or all policies in a general plan, and may even delve into subjects that were not addressed in a General Plan if they are relevant to the community. At a minimum, the specific plan must include a text and diagram which specifies all of the following: (1) the proposed distribution, location and extent of all land uses including open space, (2) the proposed distribution, location, and extent of major components of the transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities that are needed to support the proposed land uses, (3) standards and criteria by which development will proceed and standards for the conservation and use of natural resources, and (4) a program of implementation measures including regulations, programs, public works projects, and financing measures to carry out the specific plan (GC § 65451). Specific plans must also include a statement of its relationship to the general plan (GC § 65451(b)).

All principles, goals, objectives, policies, standards, and implementation measures of a specific plan must be consistent with the general plan (GC § 65454). Adoption of a specific plan is a legislative act similar to the adoption of a general plan or zoning ordinance (GC § 65453). It can be adopted by resolution or by ordinance and may be amended as often as necessary (GC § 65453). All future public works projects, subdivisions, zoning actions and development activities within the planning area must be consistent with the specific plan (GC § 65455).

A specific plan is particularly useful for planning large projects whose development may be phased over time. It can be used to assemble a set of land use specifications and implementation programs tailored to the unique characteristics of a particular site. Specific plans can stipulate development timing or set a schedule for infrastructure improvements, fuel modification and landscape maintenance requirements, or other development standards or requirements to address and mitigate wildland fire hazards and associated risks.

### *Subdivision Ordinance*

Land cannot be subdivided for sale, lease or financing in California without local government approval. The Subdivision Map Act (GC § 66410, et seq.) establishes the basic subdivision procedures, while giving local government the authority to regulate the design and improvement of subdivisions, require dedications of public improvements, require payment of impact fees, and require compliance with the objectives and policies of the General Plan.

These regulatory powers can promote the usual array of land use, circulation, open space and safety element objectives, policies, and implementation measures. Regulation of subdivision design can encourage numerous General Plan objectives including wildland fire safety, through the requirement to address fire prevention measures such as emergency access, adequate infrastructure and facilities, and separation (buffers) between buildable lots and wildland areas, fuels reductions and fire protection measures such as residential sprinkler systems in homes abutting open space or where there is inadequate water for structural fire suppression. Local governments can also require dedication of public improvements and land (through fee title or easements) to serve the subdivision.

A tentative subdivision map or parcel map cannot be approved unless the county finds that the subdivision, together with design and improvement conditions, is consistent with all aspects of the general plan or any applicable specific plan (GC § 66474). Two (2) of the findings that can cause a subdivision to be denied are (1) that the site is physically ill suited for the proposed type or density of the development or (2) that the subdivision's design or improvements are likely to cause substantial environmental damage or cause public health or safety problems (GC § 66474). These are important considerations for counties who are reviewing subdivision proposals in areas that are subject to wildland fire hazard.

Furthermore, as discussed under Section 3 of this technical advisory, GC § 66474.02, requires that a legislative body of a county make specific findings of compliance with the Fire Safe Regulations before approving a tentative map, or a parcel map for which a tentative map was not required, for any project located in the SRA or VHFHSZs within the LRA. The county must also submit a copy of the findings and accompanying maps to the State Board (GC § 66474.02(b)).

### *Development Agreement*

Development Agreements are contractual agreements voluntarily entered into by a city or county and a developer to vest development rights for a specific development project. They provide the developer with the advantage of “locking-in” zoning and development regulations for a specified time period, giving the developer a degree of assurance that some future local policy or regulation will not nullify a development proposal. In exchange, the Development Agreement allows the local jurisdiction to obtain additional concessions from the developer, such as higher design standards or dedication of additional public facilities, or otherwise obligate the developer to provide improvements in excess of the usual legal limits on exactions.

Through the Development Agreement, the city or county may require the reservation or dedication of land for public purposes and may include conditions and restrictions for subsequent discretionary actions. For example, the city or county may require dedication of emergency access easements, dedication of land for firefighting facilities, on-going maintenance of those facilities, and subsequent review of fire safety plans before later phases of development can begin (GC § 65865.2).

It is important that local governments be aware of their authority to negotiate and enforce the terms of a Development Agreement to prevent and mitigate wildland fire hazards. Since many Agreements include phased development anticipated to occur over many years, they often describe the first phase of development in detail but leave later phases less well defined. To ensure that fire prevention, protection and mitigation are adequately considered in all phases of a project, it is important for local jurisdictions to anticipate fire protection needs for all phases of the project, condition the Agreement accordingly, and monitor and enforce the terms of the Agreement.

GC § 65865.1 requires annual review of the Development Agreement at which time the developer must demonstrate good faith compliance with the terms of the Agreement. If the city or county finds that this has not occurred and makes the necessary findings, it may terminate or modify the Agreement (GC § 65865.1). Where measures to prevent and mitigate fire hazard have been incorporated into a Development Agreement and have not been implemented according to the Agreement, the city or county may enforce compliance.

### *Zoning Ordinances*

Cities and counties are required to adopt zoning ordinances as a means of implementing their general plans (GC § 65860). The zoning ordinance can include requirements for setbacks, landscaping, and site access, to name a few, that can assist in reducing fire hazards and risks. Further, a county could enact a fire hazard overlay zone that would apply to identify specific areas of the community susceptible fire hazards and risks that would set out specific development standards that apply in addition to the requirements in the base zone. Zoning sets out physical standards for development and is generally not well suited to enforcing landscaping and vegetation maintenance and other activities. Most city/county ordinances provide for these activities outside the zoning ordinance; an example is yard or landscaping maintenance ordinances established by some communities to enforce landscaping and vegetation maintenance requirements. In addition, GC § 65910 requires each city and county to have an “open-space zoning ordinance” that is consistent with its open-space element. This requirement is an important implementation tool in linking fire safety provisions in the open-space element such as fuel break/fuel reduction with zoning for site-specific development permits.

## F. GLOSSARY

**Climate Adaptation** - Adaptation is an adjustment in natural or human systems to a new or changing environment. Adaptation to climate change refers to adjustment in natural or human systems in response to actual or expected climatic stimuli or their effects, which moderates harm or exploits beneficial opportunities.

**Climate Change** – A change of climate which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is in addition to natural climate variability observed over comparable time periods.

([https://www.ipcc.ch/site/assets/uploads/2018/02/WGIIAR5-AnnexII\\_FINAL.pdf](https://www.ipcc.ch/site/assets/uploads/2018/02/WGIIAR5-AnnexII_FINAL.pdf))

**Communities at Risk** – Defined by the Healthy Forest Restoration Act of 2003 as “Wildland-Urban Interface Communities within the vicinity of federal lands that are at high risk from wildfire.” CAL FIRE expanded on this definition for California including all communities (regardless of distance from federal lands) for which a significant threat to human life or property exists as a result of a wildland fire event. California uses the following three factors to determine at risk communities: 1) high fuel hazard, 2) probability of a fire, and 3) proximity of intermingled wildland fuels and urban environments that are near fire threats.

**Defensible Space** – In PRC Section 4291, “defensible space” refers to a 100-foot perimeter around a structure in which vegetation (fuels) must be maintained in order to reduce the likelihood of ignition. This space may extend beyond property lines or 100 feet as required by State law as well as local ordinances, rules, and regulations.

**Fire Hazard** – Fire hazard is the potential fire behavior or fire intensity in an area, given the type(s) of fuel present – including both the natural and built environment – and their combustibility.

**Fire Prevention** – Activities such as public education, community outreach, planning, building code enforcement, engineering (construction standards), and reduction of fuel hazards that is intended to reduce the incidence of unwanted human-caused wildfires and the risks they pose to life, property or resources. (<https://www.nwccg.gov/glossary/a-z>)

**Fire Risk** – “Risk” takes into account the intensity and likelihood of a fire event to occur as well as the chance, whether high or low, that a hazard such as a wildfire will cause harm. Fire risk can be determined by identifying the susceptibility of a value or asset to the potential direct or indirect impacts of wildfire hazard events.

**Fire Hazard Severity Zones** – Fire hazard severity zones are defined based on vegetation, topography, and weather (temperature, humidity and wind), and represents the likelihood of an area burning over a 30- to 50-year time period without considering modifications such as fuel reduction efforts. CAL FIRE maintains fire hazard severity zone (FHSZ) data for the entire state. There are three classes of fire hazard severity ratings within FHSZs: Moderate, High, and Very High.

**Fuel Modification**– The manipulation or removal of fuels (i.e., combustible biomass such as wood, leaves, grass, or other vegetation) to reduce the likelihood of igniting and to reduce fire intensity. Fuel modification activities may include lopping, chipping, crushing, piling and burning, including prescribed burning. These activities may be performed using mechanical treatments or by hand crews. Herbicides and prescribed herbivory (grazing) may also be used in some cases. Fuel modification may also sometimes be referred to as “vegetation treatment”.

**Hazard** - A “hazard” can be defined generally as an event that could cause harm or damage to human health, safety, or property.

**Local Responsibility Area** – Wildland fire protection in California is the responsibility of either the state, local government, or the federal government. The Local Responsibility Area (LRA) includes incorporated cities, cultivated agricultural lands, and portions of the desert. Local responsibility area fire protection is typically provided by city fire departments, fire protection districts, counties, and by CAL FIRE under contract to local government.

**Resilience** - Resilience is the capacity of any entity – an individual, a community, an organization, or a natural system – to prepare for disruptions, to recover from shocks and stresses, and to adapt and grow from a disruptive experience.

**Safety Element** – One of the seven mandatory elements of a local general plan, the safety element must identify hazards and hazard abatement provisions to guide local decisions related to zoning, subdivisions, and entitlement permits. The element should contain general hazard and risk reduction strategies and policies supporting hazard mitigation measures.

(<http://opr.ca.gov/planning/general-plan/guidelines.html>)

**State Responsibility Area** – The state responsibility area (SRA) is a legal term defining the area where the State has financial responsibility for wildland fire protection. Incorporated cities and lands under federal ownership are not included in the SRA. Lands under federal ownership are in the federal responsibility area. See also the Local Responsibility Area definition above.

**Transfer of Development Rights** - Transfer of development rights (TDR), sometimes also known as transfer of development credits (TDC), is a market-based tool that allows communities to channel development toward designated growth areas and away from natural/wildland areas, drinking water sources, and farmland. Development rights are separated from a parcel of land that needs protecting (the sending site) and transferred to a parcel of land more appropriate for development (the receiving site). Future development on the sending site is permanently restricted, thereby protecting that asset. The project in the receiving site where the TDR credit is applied gains a density bonus above what would otherwise be allowed by zoning.

(<https://www.smartgrowthamerica.org/app/legacy/documents/transfer-development-rights-policy-toolkit.pdf>)

**Values and Assets at Risk** – The elements of a community or natural area considered valuable by an individual or community that could be negatively impacted by a wildfire or wildfire operations. These values can vary by community and can include public and private assets (natural and manmade) -- such as homes, specific structures, water supply, power grids, natural

and cultural resources, community infrastructure-- as well as other economic, environmental, and social values. (<https://www.nwccg.gov/glossary/a-z> and <https://www.fire.ca.gov/media/4934/fireplan.pdf>)

**Vulnerable Community** – Vulnerable communities experience heightened risk and increased sensitivity to natural hazard and climate change impacts and have less capacity and fewer resources to cope with, adapt to, or recover from the impacts of natural hazards and increasingly-severe hazard events because of climate change. These disproportionate effects are caused by physical (built and environmental), social, political, and/ or economic factor(s), which are exacerbated by climate impacts. These factors include, but are not limited to, race, class, sexual orientation and identification, national origin, and income inequality. ([http://opr.ca.gov/docs/20180723-Vulnerable Communities.pdf](http://opr.ca.gov/docs/20180723-Vulnerable_Communities.pdf))

**Wildfire** – A “wildfire” can be generally defined as any unplanned fire in a “wildland” area or in the wildland-urban interface (WUI).

**Wildfire Influence Zone** – A wildland area with susceptible vegetation up to 1.5 miles from the interface or intermix WUI.

**Wildland** – Those unincorporated areas covered wholly or in part by trees, brush, grass, or other flammable vegetation.

**Wildland Fire** – Fire that occurs in the wildland as the result of an unplanned ignition.

**Wildland-Urban Interface (WUI)** – The WUI can be defined broadly as “any developed area where conditions affecting the combustibility of natural and cultivated vegetation (wildland fuels) and structures or infrastructure (built fuels) allow for the ignition and spread of fire through these combined fuels”. WUI areas can be further defined by different spatial configurations. The “interface” WUI condition exists where development and/or structures are adjacent to wildland areas, in which there may be clear demarcation or hard edge between developed and undeveloped areas. By contrast, the “intermix” WUI condition refers to areas in which structures or semi-developed areas are mixed with wildland areas and vegetation, such as in rural, ex-urban, or large-lot semi-rural developed conditions (APA 2019).



**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF HOUSING POLICY DEVELOPMENT**

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December 10, 2020

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

Dear Executive Director Ajise:

**RE: Comment on Appeals of the Draft Regional Housing Need Allocation (RHNA) Plan**

Thank you for the opportunity to comment on the 52 appeals Southern California Association of Governments (SCAG) has received regarding the draft RHNA plan. The appeal process is an important phase in the development of a RHNA plan that ensures that all relevant factors and circumstances are considered.

The only circumstances under which a jurisdiction can appeal are:

- 65584.05(b)(1): The council of governments failed to adequately consider the information regarding the factors listed in subdivision (e) of section 65584.04.
- 65584.05(b)(2): The council of governments failed to determine the share of the regional housing need in a manner that furthers the intent of the objectives listed in subdivision (d) of section 65584.
- 65584.05(b)(3): A significant unforeseen change in circumstances occurred in the local jurisdiction that merits a revision of the information submitted pursuant to subdivision (e) of Section 65584.04.

The California Department of Housing and Community Development (HCD) urges SCAG to only consider appeals that meet these criteria.

Per Government Code section 65584.05(e)(1), SCAG's final determination on whether to accept, reject, or modify any appeal must be accompanied by written findings, including how the final determination is based upon the adopted RHNA allocation methodology, and how any revisions are necessary to further the statutory objectives of RHNA described in Government Code section 65584(d).

Among the appeals based on Government Code section 65584.05(b)(1), several appeals state that SCAG failed to consider the factor described in Government Code section 65584.04(e)(2)(B), citing the lack of land suitable for development as a basis for the appeal. However, this section states the council of governments may not limit its consideration of suitable housing sites to existing zoning and land use restrictions and must consider the potential for increased development under alternative zoning and

land use restrictions. Any comparable data or documentation supporting this appeal should contain an analysis of not only land suitable for urban development, but land for conversion to residential use, the availability of underutilized land, and opportunity for infill development and increased residential densities. In simple terms, this means housing planning cannot be limited to vacant land, and even communities that view themselves as built out must plan for housing through means such as rezoning commercial areas as mixed-use areas and upzoning non-vacant land.

With regard to appeals submitted related to Government Code section 65584.05(b)(2), that SCAG failed to determine the RHNA in a manner that furthers the statutory objectives, it should be noted that HCD reviewed SCAG's draft allocation methodology and found that the draft RHNA allocation methodology furthered the statutory objectives described in Government Code section 65584.

Among the appeals based on Government Code section 65584.05(b)(2), several contend that the cap on units allocated to extremely disadvantaged communities (DACs) does not further RHNA's statutory objectives. This cap furthers the statutory objective to affirmatively further fair housing by allocating more units to high opportunity areas and fewer units to low resource communities, and concentrated areas of poverty with high levels of segregation. Due to the inclusion of this factor, as well as the use of TCAC/HCD Opportunity Maps, SCAG's methodology allocates 14 of the top 15 highest shares of lower-income RHNA to jurisdictions with over 99.95 percent High and Highest Resource areas. With the exceptions of two jurisdictions, the 31 jurisdictions with the highest share of lower-income RHNA are all over 95 percent High and Highest Resource areas. Any weakening of these inputs to the methodology could risk not fulfilling the statutory objective to affirmatively further fair housing.

Several appeals argue that SCAG's RHNA allocation methodology does not adequately promote access to jobs and transit, as required in objectives two and three. HCD's review of SCAG's RHNA methodology found the allocation does further the environmental principles of objective two. SCAG's overall allocation includes significant weight related to the location of high-quality transit areas and the regional distribution of jobs that can be accessed within a 30-minute driving commutes. Regarding objective three, HCD's analysis as to whether jobs-housing fit was furthered by SCAG's draft methodology found that across all jurisdictions there is generally good alignment between low-wage jobs and lower-income RHNA, with all but 15 jurisdictions within a half percent plus or minus difference between their share of lower-income RHNA for the region and their percentage low-wage jobs for the region.

Several appeals are based upon the provision described in Government Code section 65584.05(b)(3), arguing that the COVID-19 pandemic represents a significant and unforeseen change in circumstances that will affect future population and job growth. Ensuring everyone has a home is critical to public health. Reducing and preventing overcrowding and homelessness are essential concerns for every community. The COVID-19 pandemic has only increased the importance that each community is planning for sufficient affordable housing.

Lastly, several appeals state that the Regional Housing Needs Determination (RHND) HCD provided to the SCAG region is too large. SCAG submitted an objection to the RHND at the appropriate time and through the appropriate process. HCD considered those objections and [determined the final RHND for 6<sup>th</sup> Housing Element Cycle for the SCAG region on October 15, 2019](#). There are no further appeal procedures available to alter the SCAG region's RHND for this cycle. Government Code section 65584.05(b) does not allow local governments to appeal the RHND during the 45-day period following receipt of the draft allocation.

HCD acknowledges that many local governments will need to plan for more housing than in the prior cycle to accommodate a RHND that more fully captures the housing need and as the statutory objectives of RHNA shift more housing planning near jobs, transit, and resources. The Southern California region's housing crisis requires each jurisdiction to plan for the housing needs of their community and the region. In recognition of this effort there are more resources available than ever before to support jurisdictions as they prepare to update their 6<sup>th</sup> cycle housing elements:

- SB 2 Planning Grants – \$123 million one-time allocation to cities and counties
- SB 2 Planning Grants Technical Assistance offered to all jurisdictions
- Regional and Local Early Action Planning Grants – \$238 million one-time allocation for local and regional governments
- SB 2 Permanent Local Housing Allocation – approximately \$175 million annually in ongoing funding for local governments to increase affordable housing stock

If HCD can provide any additional assistance, or if you, or your staff, have any questions, please contact Megan Kirkeby, Deputy Director, [megan.kirkeby@hcd.ca.gov](mailto:megan.kirkeby@hcd.ca.gov).



Megan Kirkeby  
Deputy Director



# City of Whittier

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(562) 567-9320 Fax (562) 567-2872 www.cityofwhittier.org

Electronically Transmitted to: [Housing@scag.ca.gov](mailto:Housing@scag.ca.gov)

December 10, 2020

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

**SUBJECT: City of Whittier's Comments on Appeals to the Sixth Cycle Regional Housing Needs Assessment (RHNA) Allocation**

Honorable Chair and Honorable Committee Members:

The City of Whittier ("City") appreciates the challenges that are inherent in allocating 1,341,827 housing units by the thousands (a 226% increase above the baseline 412,137 unit) to cities across Southern California, especially in built-out cities. However, the City is deeply concerned its housing allocation of 3,431 units from the State Department of Housing and Community Development ("HCD") and the Southern California Association of Government's ("SCAG") unit distribution methodology, along with recent housing legislation will fundamentally abridge the City's ability to develop effective land-use policies that are appropriate for managing the community's actual needs. The 878 units in the 5<sup>th</sup> cycle RHNA allocation has been increased by 290% to 3,431 units in the current 6<sup>th</sup> cycle. Particularly challenging in the 6<sup>th</sup> cycle, is the number of low and very low-income units (1,558) which combined with the moderate and above moderate unit totals forces unplanned and unnecessary residential densification of the community.

The affordable units are an unfunded mandate with very limited regional or State financial support for their development. Considering the affordable housing subsidies typically range from \$50,000 to \$250,000 per unit, the overall funding requirements could range from \$78,000,000 to \$390,000,000 which is clearly beyond the reach of the City of Whittier in that the City's general fund budget is just \$72,000,000 which already include \$2,000,000 annually to house the City's unsheltered residents in transitional housing. Additionally, the City only receives 7.5% of each property tax dollar to provide general services including police and library services.

The City is currently in the process of updating its Housing Element as well as the General Plan to incorporate the current RHNA allocation, so Whittier is acutely aware of the various housing needs as well as the potential obstacles, such as aging infrastructure and unplanned density, to creating the requisite housing within a city that

Attachment: Comments Received during the Comment Period (Appeal of the Draft RHNA Allocation for the City of Yorba Linda)

is essentially built out. The changes in the State's housing laws (SB 35, SB 166 and AB 1397) have created additional constraints for the agencies and may severely impact the City's ability to accomplish our regional and local housing goals.

Since development in Whittier began more than 130 years ago, the City is virtually built-out with little developable vacant land outside of its designated open space areas that are dedicated to accommodating existing and future residents. While the City has made significant efforts through its specific plans to densify existing corridors and districts, the majority of Whittier's remaining single-family residential neighborhoods cannot accommodate similar densification. Furthermore, the hills north of Whittier contain regional open space, sensitive habitat and wildlife areas that must be preserved in perpetuity. There are also significant infrastructure and water service constraints that impact Whittier's ability to produce significantly more housing. Although these facts may not be desirable, they must be pragmatically accounted for and mitigated by not further increasing Whittier's share of housing units contained in SCAG's 6<sup>th</sup> Cycle RHNA. The final RHNA allocation and methodology must be fair and equitable while reflecting the capacity for reasonable housing unit construction.

As with many other cities, the City is concerned about the current allocation, but an even greater concern is that additional units may be applied to the City if reallocated from cities that are successful in their appeals. To that end, the City believes the appeal process itself was unclear as to the potential ramifications to other cities and not fully understood.

Although we fully support the surrounding cities in their appeals, the potential for additional units being applied to the City would exacerbate the problems described herein and in Whittier's September 13, 2019 letter to SCAG.

Should you have any questions, please do not hesitate to contact me.

Sincerely,



Jeffery S. Adams  
Director of Community Development

File

**From:** Christopher Koontz <Christopher.Koontz@longbeach.gov>  
**Sent:** Thursday, December 3, 2020 11:14 AM  
**To:** Regional Housing  
**Subject:** RHNA Appeals

**Categories:** Response Required, Record

Good morning,

The purpose of this email is to provide the City of Long Beach’s position in regards to pending RHNA appeals before SCAG. The City of Long Beach seeks to meet its housing needs and obligations for the benefit of Long Beach residents and the region. Our allocation was extremely large and presents a planning and financing challenge for the City. Nonetheless we chose not to appeal our allocation because the allocation process was fair and transparent including taking the City of Long Beach’s input into consideration.

We oppose and will not accept any transfer of additional allocation due to the pending appeals. We note that within our area, the Gateway COG, appeals are pending from Bellflower, Cerritos, Downey, Huntington Park, La Mirada, Lakewood, Pico Rivera, and South Gate. Each of these appeals should be evaluated by SCAG on the merits, however Long Beach opposes any transfer of allocation to our City. It would be inappropriate to transfer a further burden to Long Beach when we have already accepted a large allocation and have done more than many cities in the region to accommodate housing growth under the current RHNA cycle, including fully meeting our market-rate RHNA allocation.

The City of Long Beach will continue to work with SCAG and our neighbor jurisdictions to address the housing needs of our residents.

We thank you for consideration and please do not hesitate to contact the City regarding our position.

Christopher Koontz, AICP  
*Deputy Director*

Development Services  
411 W. Ocean Blvd., 3rd Floor | Long Beach, CA 90802  
Office: 562.570.6288 | Fax: 562.570.6068



Attachment: Comments Received during the Comment Period (Appeal of the Draft RHNA Allocation for the City of Yorba Linda)