CITY OF HUNTINGTON BEACH

2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648-2702

OFFICE OF THE INTERIM CITY MANAGER
DAVE KIFF

September 12, 2019

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

Submitted via U.S. Mail and email to: housing@scag.ca.gov

RE: CITY OF HUNTINGTON BEACH DRAFT RHNA METHODOLOGY COMMENT LETTER

Dear Mr. Ajise,

The City of Huntington Beach ("City") would like to thank SCAG staff as well as the RHNA subcommittee, the Community, Economic and Human Development Committee (CEHD) and the Regional Council for the opportunity to comment on the 6th cycle Regional Housing Needs Allocation (RHNA) methodology and for all the hard work that has been done to date, including expanded stakeholder engagement in the process.

General Comments

Since the beginning of the 5th RHNA cycle through 2018, the City has issued almost 3,000 permits for housing units, placing Huntington Beach among the top 10 housing producers for the entire SCAG region[1]. The City has exceeded its above moderate allocation, met all of the moderate income RHNA target (mostly through deed restricted units) and has issued permits for nearly 100 very low and low income units with another 50 extremely low and low income units currently in the planning process. Huntington Beach continues to be one of the more affordable coastal communities to live in Orange County.

While the City acknowledges SCAG's willingness to develop the 6th cycle RHNA methodology in a way that it believes will result in a more fair and equitable allocation to the jurisdictions, the City objects to the arbitrary and capricious RHNA process as a whole as and its applicability to Charter Cities. While we are optimistic that the final RHNA allocation will reflect the State's stated objective to build more housing, this is not

[1] Based on a comparison of the City of Huntington Beach building permit data with the SCAG jurisdictions in the HCD 5th Cycle Annual Progress Report Permit Summary (dated 6/25/19) http://www.hcd.ca.gov/community-development/housing-element/index.shtml

the way to go about it. The City (as we are confident most cities will agree) will insist that SCAG will ensure that the methodology adopted for the 6th cycle will not result in the lopsided jurisdictional allocations that we experienced during the 5th cycle. For example, in 2012, the four cities immediately surrounding Huntington Beach, with a collective population of approximately 323,000, were allocated a combined 11 total RHNA units. The City of Huntington Beach, with a current population of approximately 200,000, was allocated 1,353 units.

In addition, with the recent changes to state housing element law, such as AB 1397, jurisdictions are tasked with identifying eligible RHNA sites and obtaining housing element certification from the California Housing and Community Development Department (HCD) under more stringent site criteria and site analysis requirements. Under new laws such as SB 166, jurisdictions will be challenged with zoning additional sites throughout the planning period if market demand results in a development that does not yield the maximum number of units allowed on a property. Increasing the number of units (in each income category) that cities receive as part of the RHNA process will ultimately create a situation where many cities are unable to comply with the law and ultimately, have their Housing Elements decertified by HCD and/or face draconian State law consequences, including losing the ability to control how and where housing is built within a jurisdiction. With this in mind, input from the local jurisdictions as the primary data source is crucial in determining realistic RHNA numbers as this would provide the most accurate reflection of future growth and need for the 6th cycle.

Local input is critical to the accuracy and legitimacy of the RHNA process. SCAG has acknowledged the importance of using local input in the RHNA process since the beginning of the 6th cycle RHNA process. It was not until 2017, when SCAG consulted with all 197 jurisdictions over the course of a year and a half to collect input on population, housing and employment growth as well as review parcel level data that identified General Plan, zoning, vacant land, potential infill parcels and permanent open space areas. This consultation was critical because the data maps prepared by SCAG for Huntington Beach incorrectly identified private streets within existing multi-family residential areas, open space, developed industrial properties, existing businesses, and existing mobile home parks **as vacant land** available for potential redevelopment. Through SCAG's new Bottom Up Local Input process, the City identified these areas of discrepancy and provided correct GIS data to SCAG.

It should be noted that certain comment letters erroneously suggested that local input should not be used in the methodology. These comment letters appear to be based on faulty assumptions that local input relies on **existing** zoning only. To the contrary, the City based its review on realistic growth potential including possible land use changes if sufficient information was available at the time to make this assumption. The City provided this input as a conservative growth projection to ensure that regional planning efforts are able to adequately plan for improvements to the region's transportation system.

In addition to the comments contained in this letter, the City supports and, by reference, incorporates the comments submitted by the Orange County Council of Governments (OCCOG) and the Center for Demographic Research (CDR) at California State University at Fullerton (CSUF).

Option 1

The City opposes the use of Option 1 as it is currently proposed. To ensure that the most accurate data is utilized, the City recommends that SCAG allow each jurisdiction to review and correct the datasets utilized in this option, if necessary, including verification of land acreage, density calculations and building permit data.

Existing Need

The City opposed the use of a separate existing need calculation as it does not include any local input. Similar to Option 2, existing need is based almost entirely on existing population, which does not meet statutory requirements, and utilizes a one-size-fits-all approach to housing need. RHNA is a response to a statewide housing issue which is implemented on a regional level. The success of the SCAG region depends on the ability of the cities and counties within SCAG to implement their respective RHNA allocation. A one-size fits all approach to housing need that does not include local input will not enable SCAG cities and counties to comply with State law to the extent required, and nor will it successfully produce housing consistent with RHNA targets.

Building Permit Data

The building permit data aspect of Option 1 as currently proposed is flawed and does not logically facilitate developing an accurate RHNA methodology.

For example, using population as the only factor without considering size in land area and capacity appears to create faulty numbers. Using the time period 2006 – 2018 and not including the 4th cycle again appears a faulty methodology. The dates currently proposed include the "Great Recession" years. During the Great Recession, housing production was stagnant in most cities regardless of population. The limited housing unit production during the Great Recession years will have a greater impact on jurisdictions with larger populations when compared to the regional average and result in skewed RHNA outcomes. The 5th cycle should be the only date range used in this calculation and including land area as an additional factor. Without a more detailed analysis and rationale by SCAG, this approach in the methodology is fundamentally flawed.

Redistribution of Above Moderate Category

The City opposes the redistribution of the above moderate income category. Huntington Beach has had inclusionary housing policies in place for 25 years. As a coastal city, land costs can be significantly greater than inland areas. The development

community must be able to build market rate housing in the City to offset additional costs resulting from the provision of affordable inclusionary units. In addition, as identified in the OCCOG letter, the redistribution of the above moderate income category to the three lower income categories would result in unreasonable allocations of lower income RHNA targets to those jurisdictions that already have higher concentrations of very-low income units and those that are already receiving higher allocations of lower-income units due to the social equity adjustments. Further, this approach is not consistent with the State law RHNA objectives, including increasing affordability within each region in an equitable manner and allocating a lower proportion of housing need in income categories in jurisdictions that have a disproportionately high share in comparison to the county distribution.

High Quality Transit Areas (HQTAs)

The City objects to the use of HQTAs as part of the RHNA methodology. The data and assumptions are flawed and terms are not defined, making the use of this factor arbitrary and unreliable.

The most recent RHNA Subcommittee staff report defines a HQTA as "corridors that have at least a fifteen-minute headway (time in between the next scheduled service) during peak hours for bus service." According to SCAG reference maps, all of Beach Boulevard within Huntington Beach is defined as a HQTA.

Based on the June 19, 2019 Orange County Transportation Authority Bus Schedule, there are no bus stops on Beach Boulevard within the City of Huntington Beach with headway times of 15 minutes or less. The shortest headway time during peak hours for bus service is on the Route 29 stop at PCH/1st Street traveling Southbound with an average headway time of 18.23 minutes during the PM peak hours. Most stops have an average peak hour headway time of approximately 19-25 minutes. Some stops, such as the Beach Boulevard/Talbert Avenue stop, have peak hour headway times of 40-49 minutes. One stop (Beach Boulevard/Atlanta Avenue) did not list any stop times as part of any route for this stop.

The Goldenwest Transportation Center (GWTC) is also identified by SCAG as a HQTA. Most of the routes commuting into/out of Huntington Beach here have 15 minutes or less headway during peak hours. However, some of the routes at GWTC do not have stop times that provide service throughout the entirety of the assumed peak commute hours. If bus service ends midway through the peak commute hours, would that meet SCAG's criteria to be considered High Quality Transit? It must also be noted that, starting in October 2019, OCTA will eliminate Route 211, which services Huntington Beach to Irvine (a major Orange County job center), due to low ridership.

If HQTAs is part of any proposed RHNA methodology, SCAG must look at the practical application of HQTAs as they operate - not based on flawed assumptions and data. Otherwise the use of HQTAs to implement the RHNA statute objectives (including promoting an improved intraregional relationship between jobs and housing) is just an

arbitrary factor to be exploited in calculating RHNA allocations. HQTAs must accurately reflect data regarding actual bus service in these areas. Based on SCAG's definition of a HQTA, the entire length of Beach Boulevard in Huntington Beach would not qualify as a HQTA and should be adjusted accordingly.

Local Profile/CIRB Data

In April 2019, the City asked SCAG staff whether the Construction Industry Research Board (CIRB) housing permit data in the SCAG Local Profiles would be utilized in the RHNA methodology. The City was unfamiliar with this data source and unable to verify the accuracy of the data as shown in the Local Profile. SCAG staff confirmed to the City that the CIRB data ***would not*** be utilized for RHNA purposes. Therefore, the City objects to the use of the CIRB data in the RHNA methodology unless all jurisdictions are given an opportunity to review the raw data and confirm or correct the data as necessary.

Option 2

The City objects to any use of Option 2. Option 2 bases RHNA allocation solely on existing population without incorporating any local input or weighing local planning factors as required by State law (Government Code §65584.04[f]). As such, Option 2 should be rejected in its entirety from any further consideration.

However, if this option continues to be explored, a detailed explanation as to how existing population is directly linked to future housing need without consideration for other factors such as geographic area and availability of land must be provided. Additionally, the resulting RHNA allocation[2] under Option 2 would exceed the planned residential growth of our General Plan, which was comprehensively updated in 2017.

Therefore, if Option 2 were utilized, the City's General Plan as well as a recent Environmental Impact Report (EIR) would no longer be valid. Option 2, or any option that is selected cannot require numbers that exceed growth planned in a jurisdiction's General Plan and/or associated infrastructure plans (e.g. – Water Master Plan, Arterial Highway Plan). In addition, if RHNA growth exceeds planned residential growth of a jurisdiction's General Plan, Housing Elements will be out of compliance with state law.

Option 3

Of the three options presented for consideration, Option 3 appears to be the most rational because it relies primarily on local input. However, as discussed, household growth, not population growth, more accurately reflects housing need and is more consistent with the direction provided by the CEHD and Regional Council in their June 6th actions.

---

[2] Based on the SCAG RHNA Methodology tool using the HCD Final Determination and the low and high SCAG proposed alternative determination

RHNA Methodology Tool

The City appreciates SCAG's efforts to create a RHNA methodology tool to assist jurisdictions in understanding how the data and methodology approaches relate in calculating realistic potential RHNA allocations for each jurisdiction. Utilization of the tool to obtain the various RHNA allocations for each option based on the HCD Final Determination and the SCAG-proposed alternative determination resulted in a wide variety of potential RHNA allocations for our City as well as for most of the other regional jurisdictions.

The disparity among the potential RHNA allocations highlights how arbitrary the State law that mandates allocating jurisdictional RHNA requirements can be. The process is clearly flawed. As an example, during the current 5th RHNA cycle, the City issued more permits for new housing units in 2016 (a year after State HCD decertified the City's Housing Element based on allegations of the City not meeting its RHNA numbers) than we did in any other year during the planning period. In order for the RHNA process to be truly effective in facilitating the production of housing for all economic segments, we respectfully advise SCAG and its regional members to work together in advocating for RHNA reform at the State level.

Once again, thank you for the opportunity to comment on the draft 6th cycle RHNA methodology options. The City appreciates SCAG's commitment to a fair and transparent process and will continue to be an active participant during this 6th cycle RHNA process.

Sincerely,

Dave Kiff
Interim City Manager
City of Huntington Beach, California

cc: Members of the Huntington Beach City Council

City of Huntington Beach

2000 MAIN STREET CALIFORNIA 92648

DEPARTMENT OF COMMUNITY DEVELOPMENT

Planning Division 714.536.5271

Code Enforcement Division 714.375.5155

Building Division 714.536.5241

November 5, 2019

Honorable Bill Jahn
Regional Council President
Southern California Association of Governments
900 Wilshire Boulevard, Suite 1700
Los Angeles, CA 90017

Submitted via email to: housing@scag.ca.gov

RE: NOVEMBER 7, 2019 AGENDA ITEM NO. 4 – DRAFT RHNA METHODOLOGY

Dear President Jahn,

The City of Huntington Beach would like to comment in writing on the proposed RHNA methodology that will be considered at the November 7, 2019 meeting. While we appreciate the opportunity to participate in the process, the City cannot emphasize enough the potential disastrous ramifications including unnecessary legal action that may result in the RHNA allocation process contemplated by the State and its sub-regions.

Action taken by the Regional Council on November 7th will be the final step in determining a RHNA methodology that, short of litigation, all member jurisdictions may be required to implement over the next eight years. With the recent changes to state housing element law, such as AB 1397 and SB 166, general law cities are tasked with identifying eligible RHNA sites and obtaining housing element certification from the California Housing and Community Development Department (HCD) under more stringent site criteria and site analysis requirements. While the State continues to assert these laws apply to charter cities, the City of Huntington Beach continues to disagree and we are amid litigation over the very issue. With this in mind, the City of Huntington Beach implores the Regional Council to adopt a methodology that utilizes local input as a primary factor.

The City acknowledges SCAG's objective to develop the 6th cycle RHNA methodology in a way that will result in a more fair and equitable allocation to the jurisdictions and we are optimistic that the final RHNA allocation will reflect this goal. However, local input is critical to the accuracy and legitimacy of the RHNA process.

Oppose Alternative Methodologies

The City of Huntington Beach requests that the Regional Council reject alternative methodologies that have been submitted (very late in the process.) These methodologies do not comply with State Law Government Code Title 7, and in addition, largely remove local input from the process.

Support OCCOG 11/5/19 Letter Regarding HCD Regional Determination

The City of Huntington Beach agrees and joins with OCCOG in its letter of November 5, 2019 which correctly asserts that HCD ignored State Law in determining the final regional housing need. The City will support any legal action taken by SCAG to address this blatant violation of state law in order to prevent further and more damaging overreach by HCD.

The City appreciates SCAG's commitment to a fair and transparent process and will continue to be an active participant during this 6th cycle RHNA process. The City thanks SCAG staff as well as the RHNA subcommittee, Community, Economic and Human Development Committee (CEHD) and Regional Council for all of the hard work that has been done as part of the 6th cycle RHNA process.

Sincerely,

for

Oliver Chi
City Manager

CITY OF HUNTINGTON BEACH
OFFICE
of the
CITY ATTORNEY

Michael E. Gates
City Attorney

Mike Vigliotta
Chief Assistant City Attorney

P.O. Box 190
2000 Main Street
Huntington Beach, California 92648
Telephone: (714) 536-5555
Facsimile: (714) 374-1590

Brian L. Williams
Chief Trial Counsel

Gemia L.T. Mercer
Community Prosecutor

Jemma Dunn
Sr. Deputy City Attorney

Daniel S. Cha
Sr. Deputy City Attorney

Scott Field
Deputy City Attorney

November 20, 2019

Ben Metcalf, Director
Tad Egawa, General Counsel
California Department of Housing and Community Development
2020 West El Camino Avenue
Sacramento, CA 95833

Bill Jahn, President
Kome Ajise, Executive Director
Joann Africa, Chief Counsel
Southern California Association of Governments
900 Wilshire Blvd., Suite 1700
Los Angeles, CA 90017

Jonathon T. Hughes, Regional Affairs Officer
Orange County Regional Office
OCTA Building
600 South Main Street, Suite 406
Orange, CA 92868

Re: ***SCAG's November 7th Illegal Action to Apportion Excessive, Arbitrary & Capricious RHNA to the City of Huntington Beach for the 6th Planning Cycle***

Dear Messrs. Metcalf, Gilhooley, Ikhrata, and Hon. Viegas-Walker,

We are writing to place into the record an objection to the illegal and blatantly unfair vote that took place at the November 7, 2019, Southern California Association of Governments ("SCAG") Regional Council Meeting. As you know, in a substitute motion, in a 43-19 vote, SCAG took action to approve an "alternative" Regional Housing Needs Allocation ("RHNA") distribution method proposed by, and promoted by, Riverside Mayor Rusty Bailey.

To be abundantly clear, this violates the law both procedurally and substantively.

First, the City of Huntington Beach *did not receive proper or adequate* notice that SCAG would entertain such a vote on such an "alternative" and legally unsupported methodology. It was not clearly part of the advance agenda and there was only a brief, vague letter sent by email two days prior to Huntington Beach that this "alternative" methodology was being contemplated. To the contrary, prior to this meeting, SCAG had consistently and repeatedly set forth certain methodologies upon which the City of Huntington Beach relied.

In addition to the lack of adequate notice of the "alternative" RHNA distribution method that ultimately occurred, the City of Huntington Beach was not allowed to provide any meaningful input, or place any objections on the record at the meeting before the vote. In a blatant disregard of controlling parliamentary rules, the Mayor Pro Tem of Huntington Beach, Lyn Semeta's request to speak to the members was categorically denied – depriving her and the City of Huntington Beach any opportunity to voice an objection to, or provide any input to, the voting members before the vote was taken. Again, a blatant denial to Huntington Beach to participate in the SCAG RHNA process.

Moreover, this illegal vote resulted in a massive shift of RHNA for the 6th Cycle to coastal cities. Prior to the November 7th vote, the City of Huntington Beach had been informed by SCAG to anticipate a RHNA distribution for the 6th Cycle of 3,612 units. After the November 7th vote by SCAG, the City of Huntington Beach has learned that the RHNA distribution will be 13,300 – a nearly 370% increase to the City of Huntington Beach.

This massive shift of RHNA to beach cities, like Huntington Beach, squarely undermines SCAG's long and historical defense of the legality of the RHNA methodology. The City of Huntington Beach on the other hand has long held, and has repeatedly voiced, that the methodology for RHNA determinations has been flawed, wrought with political manipulation, and not based on objective, verifiable real-world empirical data, this latest vote on November 7th proves the very point that Huntington Beach has argued all along, i.e., that there is no rational methodology *at all*.

In fact, peeling back the veil of false pretense, we now see these RHNAs amount to nothing more than an arbitrary and capricious assignment of a zoning/development burdens imposed on cities by a political majority from outside those cities.

SCAG Denied the City of Huntington Beach a Voice, Participation in the Process

For the past year, the SCAG RHNA subcommittee and the City of Huntington Beach have been meeting monthly, parsing through complicated formulas in an effort to determine a reasonable methodology that complies with RHNA statutory law. These formulas appear to provide unbridled discretion regarding options like proximity to jobs, access to transportation, available land to build on and projected household growth when determining RHNA distribution. As the process evolved, many public meetings were held throughout the SCAG region to discuss and obtain public comment on the methodology. All of this input also included the opportunity for individual

jurisdictions to use estimation calculator tools provided by SCAG to ascertain impacts of various proposed methodologies on their city. The jurisdictions each had the opportunity to provide suggestions for changing the proposed formulas and many cities, like Huntington Beach, did provide suggestions.

At the end of this year-long process, SCAG staff proposed a final methodology to be voted on at the November 7th Regional Council Meeting. Although we continue to object to the 1.3 million regional allocation, Huntington Beach and the other Orange County cities were prepared to vote in favor of the SCAG staff-recommended methodology as it appeared to be a fair, equitable formula for distribution based on reasonable factors, i.e., factors set forth by State law. Bear in mind, with each change to the proposed methodology options throughout the process, SCAG staff spent considerable time crunching the numbers, applying the different factors so that at the time the Regional Council voted on the final proposal, the methodology had been thoroughly vetted and analyzed for its impacts and rationale as a "reasonable" methodology.

Unfortunately, at the 11th hour, after ignoring earlier multiple opportunities to give input as to why an alternate formula should be proposed, the elected officials of Riverside and Los Angeles, in an apparent backroom deal, sprung new, "alternative" (irrational) methodology that capriciously and baselessly shifted a massive portion of the RHNA distribution onto Orange County, targeting, specifically, beach cities.

Notably, the day of the meeting, eleven of the fourteen Los Angeles City Council Members, who are all able to cast votes due to their city's size, decided to attend the SCAG's meeting to vote against smaller Orange County. It appears that many of these Council Members never attended prior SCAG meetings. San Bernardino County voted in support of the deal because it benefitted them as well. As a result of the massive, 11th hour, "overnight" shift of RHNA to Orange County pursuant to the vote, Riverside's RHNA went from 235,131 units to 165,696; San Bernardino's was reduced, 181,774 to 135,047; and Orange County's increased dramatically from 107,978 units to 182,194.

It appears that the Los Angeles, Riverside contingent orchestrated the 11th hour vote ahead of time and therefore had time to line up multiple comment letters and multiple public comment speakers in advance to come to the Regional Council Meeting to speak and support the alternative methodology. Orange County, kept in the dark until the last minute, did not.

Setting aside for a moment the procedural violations, the new/alternative methodology was not fully analyzed for impacts by SCAG staff before the vote – in square violation of substantive provisions of State law. This methodology was not previously supported by SCAG staff. The new/alternative method fails to follow applicable State law in part by removing local input and growth forecast data. The time staff from all jurisdictions spent analyzing and providing data regarding the realities of our own individual jurisdictions, in terms of cities' ability to build housing, was completely and illegally disregarded. The current methodology ignores the very real constraints that coastal cities must cope with

such as obtaining Coastal Commission approvals for zoning and development, and the scarcity and lack of available land and other environmental constraints – including Huntington Beach's particular interest in preserving the only large undeveloped and natural portion of the City – its beautiful and highly valued Wetlands.

SCAG *Not* Adhering to State Law, Prescribed Methodology

The Department of Housing and Community Development (HCD) through Council of Governments (COG) and/or Southern California Association of Governments (SCAG) purports to identify certain existing and projected regional housing needs for alleged projected State population and household growth. (Government Code § 65584, *et seq.*) SCAG covers the six-county Southern California region counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino and Ventura. The COG develops a Regional Housing Need Allocation Plan (RHNA-Plan) allocating the region's share of the Statewide need to cities and counties within the region." The typical scenario is that HCD, in consultation with each COG, such as SCAG, determines the existing and projected housing needs for each region. (Government Code § 65584.01 (describing the manner in which the needs determination shall be made).)

The RHNA plan must be consistent with the following objectives: (1) increasing the housing supply and the mix of housing types, tenure, and affordability within the region in an equitable manner, which must result in each jurisdiction receiving an allocation for low- and very low-income units; (2) promoting infill development and socioeconomic equity, the protection of environmental and agricultural resources, and the encouragement of efficient development patterns; (3) promoting an improved intraregional relationship between jobs and housing; and (4) allocating a lower proportion of housing needs to an income category when a jurisdiction already has a disproportionately high share of households in that category. (Government Code § 65584(d).)

According to HCD, "the RHNA-Plan process requires local governments to be accountable for ensuring that projected housing needs can be accommodated and provides a benchmark for evaluating the adequacy of local zoning and regulatory actions to ensure each local government is providing sufficient appropriately designated land and opportunities for housing development to address population growth and job generation." The November 7th vote is in direct violation of State Housing law. Moreover, there is no evidence that the State conducted an adequate constraints analysis such that projects built to accommodate the City's additional RHNA numbers would be in conflict with the new State law and regulation regarding water conservation. (Government Code Section 65584.04 (d)(2).)

In apparent contravention to the above State law authorities, it appears that SCAG is unilaterally determining each jurisdiction's share of RHNA through an arbitrary, capricious, and clearly politically motivated approach that is in contravention to State law. What this does, especially for the 13,300 RHNA assigned to Huntington Beach, in combination with the unconstitutional State mandates under SB 35, SB 166, SB 1333, and AB 101, is create a situation where Huntington Beach and many other cities will

automatically be in violation of the newly passed State Housing laws. Such non-compliance will immediately result, according to recent State laws, in massive monetary damages to the City through the operation AB 101.

A scheme of laws that create an impossible situation for individuals and cities are illegal, unconstitutional, and cannot stand. Clearly, the City of Huntington Beach's concerns with this new proposed RHNA distribution are various, many of which have to do with what this excessive RHNA figure means in the context of the recently-passed untenable, unworkable, impractical, and unconstitutionally overreaching State Housing laws. Those are not the complaints here. However, highlighting what excessive RHNA does to a city in light of these laws is quite illuminating – and quite frankly demonstrates the punitive and destructive nature of the State's grand housing proliferation scheme toward cities.

Based upon the foregoing and as a result of this illegal vote (if fully implemented), the City of Huntington Beach will sustain real, appreciable damages. The November 7th vote by SCAG, which resulted in a massive shift of distribution of RHNA to Huntington Beach in the amount of 13,300 for the 6th Cycle, procedurally and substantively violates State Housing law.

As a result, SCAG must reconsider the November 7th vote in a manner that complies with State law.

Very truly yours,

MICHAEL E. GATES,
City Attorney

ERIK PETERSON,
Mayor

LYN SEMETA,
Mayor Pro Tem
Southern California Association of Governments
Regional Council Member, District 64

City of Huntington Beach

2000 MAIN STREET CALIFORNIA 92648

DEPARTMENT OF COMMUNITY DEVELOPMENT

Planning Division 714.536.5271 | Code Enforcement Division 714.375.5155 | Building Division 714.536.5241

January 23, 2020

Draft Connect SoCal PEIR Comments
Attn: Roland Ok
Southern California Association of Governments
900 Wilshire Blvd., Ste. 1700
Los Angeles, CA 90017

Submitted via email to: 2020PEIR@scag.ca.gov

RE: CITY OF HUNTINGTON BEACH DRAFT CONNECT SOCAL AND PEIR COMMENT LETTER

Dear Mr. Ok,

Thank you for the opportunity to submit comments on the Draft Connect SoCal plan and Program EIR. The City of Huntington Beach appreciates SCAG's public outreach efforts for this process and offers the following comments and concerns for your consideration.

High Quality Transit Areas (HQTA)

HQTAs are defined as "corridors that have at least a fifteen minute headway (time in between the next scheduled service) during peak hours bus service." According to RTP/SCS maps, all of Beach Boulevard within the City of Huntington Beach is defined as a HQTA. However, based on the October 13, 2019 Orange County Transportation Authority (OCTA) Bus Schedule[1], there are no bus stops on Beach Boulevard within the City of Huntington Beach with headway times of 15 minutes or less. Route 29 services Beach Boulevard from the City of La Habra to PCH in Huntington Beach. The shortest headway time during peak hours for bus service is on the Route 29 stop at PCH/1st Street (not a stop on Beach Boulevard) traveling southbound with an average headway time of 18.23 minutes during the PM peak hours. Most stops have an average peak hour headway time of approximately 19-25 minutes. Some stops, such as the Beach Boulevard/Talbert Avenue stop, have peak hour headway times of 40-49 minutes. One stop (Beach Boulevard/Atlanta Avenue) did not list any stop times as part of any route for this stop. It must also be noted that OCTA eliminated Route 211 in October 2019, which serviced Huntington Beach to Irvine (a major Orange County job center) due to low ridership.

[1] OCTA Bus Book http://www.octa.net/ebusbook/CompleteBusBook.pdf

Further, OCTA's 2018 Long Range Transportation Plan (LRTP)[2] includes Figure 4.1 – *Local, Community, and Bravo! Final Route Recommendations.* This figure recommends that Route 29 receive a reduction in frequency of service. This will add further delay to the 19-25 minute average peak hour headway service times on Beach Boulevard.

The Connect SoCal Plan and PEIR must utilize practical application of HQTAs as they operate and are planned for in order to implement the statute objectives of the RTP/SCS, including promoting an improved intraregional relationship between jobs and housing. The City of Huntington Beach recommends revising the HQTAs throughout Connect SoCal and the PEIR to accurately reflect available data regarding actual bus service and planned bus service on Beach Boulevard. Based on SCAG's definition of a HQTA, the entire length of Beach Boulevard in Huntington Beach does not qualify as a HQTA and must be adjusted accordingly.

The Connect SoCal Plan and PEIR also include other transportation related errors in Orange County, as identified by comments made by OCTA. The City of Huntington Beach expresses support for OCTA's comments as they pertain to errors and inconsistencies between the existing and planned Orange County transportation network and the RTP/SCS and PEIR. For example, the OCTA Board has not approved conversion from HOV to tolled express lane for SR-55, SR-73, I-605, or north of I-605 on I-405 as depicted in the proposed regional express lanes network. The potential regional express lane network is currently subject to further study to evaluate right-of-way impacts, community issues, and overall feasibility. Additionally, Connect SoCal regional strategies rely on improvements beyond the projects submitted by OCTA, and implementation of the strategies is subject to availability of new revenue sources, necessary project development, and review processes by the implementing agencies.

RHNA Growth Exceeds General Plan Growth

Section 3.14 – Population and Housing of the Connect Socal PEIR includes four guiding principles related to Growth Forecasts approved by SCAG's Regional Council on August 1, 2019:

Principle #1: The draft plan forecast for Connect SoCal shall be adopted by the Regional Council at the jurisdictional level, thus directly reflecting the employment, population and household growth projections derived from local input and previously reviewed and approved by SCAG's local jurisdictions. The draft plan growth forecast maintains these projected jurisdictional growth totals, **meaning further growth is not reallocated from one local jurisdiction to another.**

Principle #2: The draft plan forecast at the Transportation Analysis Zone (TAZ) level is **controlled to be within the density ranges of local general plans or input received from local jurisdictional** in this most recent round of review.

[2] OCTA Long Rage Transportation Plan, Figure 4.1 http://www.octa.net/pdf/OCTALRTP111618FINAL.pdf

Principle #3: For the purpose of determining consistency for California Environmental Quality Act (CEQA) streamlining, lead agencies such as local jurisdictions have the sole discretion in determining a local project's consistency with the Plan.

Principle #4: TAZ level data or any data at a geography smaller than the jurisdiction is included in the draft plan forecast only to conduct the required modeling analytical work and is therefore, only advisory and non-binding as SCAG's sub-jurisdictional forecasts are not formally adopted as part of the Plan.

The SCAG RHNA methodology is inconsistent with Principle #1 and #2. The currently proposed draft 6th Cycle RHNA methodology reallocates "residual" existing need across jurisdictions within the same county. The reallocation is assigned to jurisdictions based on transit accessibility (50%) and job accessibility (50%), and excludes Disadvantaged Community jurisdictions which have over 50% of their populations in very low resource areas using California Tax Credit Allocation Committee (TCAC)/HCD Opportunity Indices.

Further, the cumulative impacts of the reallocation, projected need, and existing need result in a total RHNA that exceeds 1.0368 times planned household growth from the SCAG region[3]. While 1.0368 is the overall exceeded household growth in the region, each jurisdiction may be given a RHNA allocation that exceeds their General Plan growth even further as a result of the reallocated "residual" existing need calculation.

The PEIR also states that although the existing housing need portion of the 6th cycle RHNA is not included in the SCS growth forecast, the existing need portion will be allocated in a manner to support the goals of Connect SoCal through the RHNA process. The PEIR does not provide any meaningful analysis or supporting evidence to demonstrate how this will be accomplished. The currently proposed draft 6th Cycle RHNA methodology which includes reallocated "residual" need and growth exceeding SCAG local jurisdiction General Plan forecasts is not consistent with the goals of Connect SoCal, including the following:

Goal 2: Improve mobility, accessibility, reliability, and travel safety for people and goods

Goal 4. Increase person and goods movement and travel choices within the transportation system

Goal 9: Encourage development of diverse housing types in areas that are supported by multiple transportation options.

The City of Huntington Beach is unable to accommodate any reallocated growth due to a lack of transportation options, which is not consistent with Connect SoCal Goals 2, 4, or 9. As a result, the SCAG RHNA methodology is wholly inconsistent with Connect SoCal and the PEIR must address this information.

---

[3] SCAG 6th Cycle RHNA Draft Allocation Methodology November 7, 2019
http://www.scag.ca.gov/programs/Documents/RHNA/RHNA-Draft-Methodology.pdf

Support for Comments and Recommendations Submitted by Other Groups

The City of Huntington Beach expresses support for comments made by OCTA as they pertain to errors and inconsistencies between the existing and planned Orange County transportation network and the RTP/SCS and PEIR, as noted above. The City also expresses support for comments made by the Center for Demographic Research (CDR) and the Orange County Council of Governments (OCCOG). The City would like to highlight the following comments from CDR and OCCOG that are of the highest level of concern:

1. SCAG must utilize the 2018 Orange County Projections (OCP-2018) dataset provided to SCAG during its Bottom-Up Local Input and Envisioning Process to ensure that general plan capacities are not exceeded and all open space and entitlements are properly reflected for the RTP/SCS and PEIR.
2. CDR PEIR comments #33, #35, and #54 to add the following text: "SB 375 requires the determination to be based upon population projections by the Department of Finance and regional population forecasts used in preparing the regional transportation plan. If the total regional population forecasted and used in the regional transportation plan is within a range of 1.5 percent of the regional population forecast completed by the Department of Finance for the same planning period, then the population forecast developed by the regional agency and used in the regional transportation plan shall be the basis for the determination. If the difference is greater than 1.5 percent, then the two agencies shall meet to discuss variances in methodology and seek agreement on a population projection for the region to use as the basis for the RHNA determination. If no agreement is reached, then the basis for the RHNA determination shall be the regional population projection created by the Department of Finance. Though SCAG's total regional population projections from the regional transportation plan were within 1.5 percent of the Department of Finance projections, HCD rejected the use of SCAG's population projections."
3. CDR RTP/SCS and OCCOG comments which revise text to maintain an objective/unbiased tone, delete sensationalized language, and include meaningful evidence to support generalized claims about the SCAG region.
4. OCCOG comments to revise the definition of a HQTA used in the RTP/SCS and RHNA to be consistent with the definition of a HQTA in SB 375 and the Strategic Growth Council. This is necessary to ensure the SCAG region is able to compete for available funds related to transit-oriented housing.
5. OCCOG comments opposing any alternative in the PEIR that does not utilize local input, including the intensified land use alternative. The RHNA must be consistent with the RTP/SCS as required by Government Code Section 65080(b)(2)(B) and Section 65584.04(m).
6. OCCOG PEIR comments regarding the usage of "can and should" in mitigation measures. Revise all mitigation measures to be "considered where applicable and feasible" to clarify that these mitigation measures are a menu of options and not

requirements. Further, any mitigation measure that includes a new fee or tax to be adopted at the jurisdictional level must be revised to clarify that it is an option for implementation and not a requirement. Also clarify whether the assumed revenue from the suggested new fees were included in the financial plan or economic analysis of the RTP/SCS.

Conclusion

Thank you for the opportunity to comment on the Draft Connect SoCal plan and Program EIR. The City of Huntington Beach appreciates SCAG's commitment to a fair and transparent process and will continue to be an active participant during the RTP/SCS update and 6th cycle RHNA process.

Sincerely,

Nicolle Aubé

Nicolle Aube, AICP
Associate Planner

Cc: Ursula Luna-Reynosa, Director of Community Development
Jennifer Villasenor, Deputy Director of Community Development
Jane James, Planning Manager

City of Huntington Beach

2000 MAIN STREET CALIFORNIA 92648

DEPARTMENT OF COMMUNITY DEVELOPMENT

Planning Division	Code Enforcement Division	Building Division
714.536.5271	714.375.5155	714.536.5241

February 10, 2020

Southern California Association of Governments
900 Wilshire Blvd., Ste. 1700
Los Angeles, CA 90017

Submitted via email to: housing@scag.ca.gov

RE: CITY OF HUNTINGTON BEACH DRAFT RHNA APPEALS PROCEDURES COMMENT LETTER

To whom it may concern,

Thank you for the opportunity to submit comments on the Draft RHNA Appeals Procedures. The City of Huntington Beach requests that the draft appeals procedures be amended to address the following questions and comments.

Section IB. Form of Appeal

- Does this section apply to appeals filed by HCD? If not, what is the process for HCD?

Section IC. Bases for Appeal

- Does this section apply to appeals filed by HCD? If not, what is the process for HCD?

Section IE. Comments on Appeals

- When will jurisdictions be notified if an appeal (not filed by their own jurisdiction) is filed against their RHNA?
- The City of Huntington Beach requests that jurisdictions that are the subject of an appeal not filed by their own jurisdiction receive a copy of the appeal within one business day of SCAG's receipt of the appeal. At a minimum, notification that an appeal has been filed against their RHNA should be provided to the jurisdiction within one business day.

Section IF. Hearing Body

- Is SCAG going to allow ex-officio RHNA subcommittee members to participate in the appeal discussion, hearing, and deliberations?

Section IG. Appeal Hearing

- Section G states: "Notice shall be provided to the appealing jurisdictions, commenting jurisdictions, and HCD at least 21 days in advance of the hearing." Will notice also be provided to the jurisdictions for which an appeal was filed against their RHNA by another jurisdiction and HCD? The City of Huntington Beach requests that this notice also include the jurisdiction whose RHNA is being appealed.
- Section G states: "The hearing(s) shall be conducted to provide the appealing jurisdiction (or HCD) with the opportunity to make its case regarding a change in its draft regional housing need allocation or another jurisdiction's allocation..." Will there be a time limit? How much time will be provided to each appealing jurisdiction to present its case?
- Will all appeals be heard back to back and then the public hearing opened for one set of public comments on all appeals? Or, will the public hearing be opened after each appeal to receive all testimony related to that appeal? How much time will be provided for public testimony?
- How far in advance of the public hearing will the SCAG staff report and recommendation be made available to the public?

Section IH. Determination of Appeal

- How long after the public hearing will the Appeals Board issue the final written determination?

Section II Post Appeal Reallocation of Regional Housing Need

- Will jurisdictions with successful appeals be excluded from receiving reallocation of those units (i.e. – getting their own units reallocated back to them)?

General Comments

- If comments/questions on the draft appeals procedures result in substantial changes to the procedures, SCAG should allow for additional time to review the changes.

Sincerely,

Nicolle Aube

Nicolle Aube, AICP
Associate Planner

Cc: Ursula Luna-Reynosa, Director of Community Development
Jennifer Villasenor, Deputy Director of Community Development
Jane James, Planning Manager

CITY OF HUNTINGTON BEACH

2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648-2702

OFFICE OF THE CITY MANAGER
OLIVER CHI

February 20, 2020

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

RE: Request to the Southern California Association of Governments (SCAG) to Amend the Regional Housing Needs Assessment (RHNA) Methodology for the 6th Cycle

Dear Mr. Ajise:

This letter is submitted for the administrative record of the February 24, 2020 SCAG RHNA Subcommittee meeting. City of Huntington Beach has and continues to object to the arbitrary and capricious process being followed by the State in determining and allocating RHNA for Orange County and specifically the City of Huntington Beach. (Including Mayor Semeta being denied the right to speak at the November 7, 2019 Regional Council meeting.)

The City of Huntington Beach incorporates all of its prior arguments both orally and in writing and again additionally requests that SCAG amend the Final RHNA methodology to reinstate local input (a critical) factor in determining actual existing need. The local input/household growth projections are a critical factor because it takes into consideration the unique growth characteristics of each jurisdiction.

Moreover, the local input growth projections were provided to SCAG to be used globally to show growth development patterns supporting the Regional Transportation Plan/Sustainable Community Strategy (RTP/SCS) Connect SoCal as required by state law. 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 need as follows: household growth (33.3%), job accessibility (33.3%), and population within high quality transit areas (33.3%). While this doesn't address all concerns the City has with the methodology process, we believe it provides a better and more accurate methodology.

Finally, as stated 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.

The City submitted comments regarding the Draft RHNA Appeals Procedure to SCAG on February 10, 2020. However, as of the date of this letter, the City's Appeals Procedures letter has not been posted on SCAG's website or included in the list of comments received during the 6th Cycle in the February 24, 2020 RHNA Subcommittee agenda.

The City advises that SCAG object again to the Department of Housing and Community Development (HCD) because the regional determination did not follow state law [see Government Code Section 65584.01(a)], and mount a legal challenge to this illegal determination.

Finally, the Department of Finance's recently updated population projections show a significant population ***decrease*** since their previous forecast. Governor Newsom has also 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 combined with an inequitable RHNA methodology adopted through questionable actions and political maneuvering during the November 7, 2019, Regional Council meeting, are legally flawed, following no apparent rational basis and setting up local jurisdictions for failure to comply with state housing law and based on inaccurate data assumptions. As the City has said, the data regarding the assignment of High Quality Transit Areas (HQTA) along Beach Boulevard within the City of Huntington Beach is inaccurate. The existing and 2045 planned bus service does not meet the definition of a HQTA.

We request that the RHNA Subcommittee, CEHD Policy Committee, and Regional Council consider all of the legal and factual arguments made by the City of Huntington Beach including the two above referenced recommendations prior to the adoption of the RHNA. The Regional Housing Needs Allocation will have significant impacts on the City of Huntington Beach over the next decade and thoughtful policy decisions, and more importantly the LAW cannot abandoned in favor of an irrational attempt to solve a complicated problem. It is imperative that the RHNA be finalized in a way that is LEGAL, equitable and attainable in responding to state housing mandates.

Sincerely,

Oliver Chi
City Manager

CITY OF HUNTINGTON BEACH

2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648-2702

OFFICE OF THE CITY MANAGER
OLIVER CHI

March 4, 2020

Hon. Bill Jahn, President
Regional Council
Southern California Association of Governments
900 Wilshire Boulevard, Suite 1700
Los Angeles, CA 90017

RE: Request to the Southern California Association of Governments (SCAG) to Amend the Regional Housing Needs Assessment (RHNA) Methodology for the 6th Cycle

Dear President Jahn:

This letter is submitted for the administrative record of the March 5, 2020 SCAG Regional Council meeting. The City of Huntington Beach has and continues to object to the arbitrary and capricious process being followed by the State in determining and allocating RHNA for Orange County and specifically the City of Huntington Beach. (Including Mayor Semeta being denied the right to speak at the November 7, 2019 Regional Council meeting.)

Final RHNA Methodology

The City of Huntington Beach incorporates all of its prior arguments both orally and in writing and again additionally requests that SCAG amend the Final RHNA methodology to reinstate local input (a critical) factor in determining actual existing need. The local input/household growth projections are a critical factor because it takes into consideration the unique growth characteristics of each jurisdiction. In addition, SCAG staff has previously stated (refer to the November 7, 2019, Regional Council staff report on the original SCAG staff-recommended RHNA methodology) that the reintroduction of household growth into the existing need would further the five objectives of state housing law. Moreover, the local input growth projections were provided to SCAG to be used globally to show growth development patterns supporting the Regional Transportation Plan/Sustainable Community Strategy (RTP/SCS) Connect SoCal as required by state law.

Prior to the February 24, 2020 SCAG RHNA Subcommittee meeting, the City of Cerritos submitted an alternate methodology dated 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%). While this does not address all concerns the City has with the methodology process, we believe it provides a better and more accurate methodology than the staff recommended Final RHNA methodology.

At the February 24, 2020 SCAG RHNA Subcommittee meeting, the Subcommittee voted to have SCAG staff include an analysis of the Cerritos methodology in the March 5, 2020 staff report. The "analysis" of the Cerritos methodology in the staff report consists of a single dismissive paragraph, which concludes that the Cerritos methodology would "perform more poorly" against the staff recommended methodology, would require additional HCD review, and jeopardize SCAG's ability to meet arbitrary state mandated deadlines. However, the staff report fails to mention that the Cerritos

methodology does in fact further the five RHNA objectives of state housing element law and that the Regional Council can make the findings to adopt this methodology even if HCD, upon review, does not.

Finally, the City would be more supportive of any methodology that utilizes a larger proportion of local input reflecting a more accurate and equitable RHNA allocation over the staff recommended Final RHNA methodology.

Regional Determination

The City advises that SCAG object again to the Department of Housing and Community Development (HCD) because the regional determination did not follow state law [see Government Code Section 65584.01(a)], and mount a legal challenge to this illegal determination. During the February 20, 2020 RHNA symposium in Anaheim, SCAG Executive Director Kome Ajise stated that SCAG would not file a legal challenge against HCD because the state has more money and lawyers to fight a lawsuit. This reason is not acceptable to the City of Huntington Beach and should not be acceptable to any member of the Regional Council. HCD has violated state law and should be held accountable.

Moreover, the Department of Finance's recently updated population projections show a significant population decrease since their previous forecast. Governor Newsom has also 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...suspiciously in time for the Governor's home region (ABAG) to begin its Housing Element/RHNA process.

The regional determination of 1.34 million housing units combined with an inequitable RHNA methodology adopted through questionable actions and political maneuvering during the November 7, 2019, Regional Council meeting, are legally flawed, following no apparent rational basis and setting up local jurisdictions for failure to comply with state housing law and based on inaccurate data assumptions. As the City has said, the data regarding the assignment of High Quality Transit Areas (HQTA) along Beach Boulevard within the City of Huntington Beach is inaccurate. The existing and 2045 planned bus service does not meet the definition of a HQTA.

We request that the Regional Council consider all of the legal and factual arguments made by the City of Huntington Beach including the two above referenced recommendations prior to the adoption of the RHNA. The Regional Housing Needs Allocation will have significant impacts on the City of Huntington Beach over the next decade and thoughtful policy decisions, and more importantly, the LAW cannot be abandoned in favor of an irrational attempt to solve a complicated problem. It is imperative that the RHNA be finalized in a way that is LEGAL, equitable and attainable in responding to state housing mandates.

Sincerely,

Oliver Chi
City Manager

City of Huntington Beach

2000 MAIN STREET CALIFORNIA 92648

DEPARTMENT OF COMMUNITY DEVELOPMENT

Planning Division 714/536-5271 | Code Enforcement Division 714/375-5155 | Building Division 714/536-5241

September 2, 2020

Kome Ajise
Southern California Association of Governments
900 Wilshire Blvd., Ste. 1700
Los Angeles, CA 90017
Submitted via email to: ajise@scag.ca.gov

Re: CITY OF HUNTINGTON BEACH COMMENT LETTER - SCAG FINAL ADOPTION OF CONNECT SOCAL AND PROGRAM EIR

Dear Mr. Ajise,

The City of Huntington Beach appreciates SCAG's public outreach efforts for the Connect SoCal and RHNA process. The following comments and concerns are offered for your consideration in response to SCAG's 120 day Connect SoCal delay to conduct additional public outreach.

SCAG Disregards Coastal Issues in Connect SoCal and RHNA Methodology

Through its various administrative agencies, the State of California has declared that the impact of sea level rise and planning for coastal inundation is of great concern. The State's Ocean Protection Council (OPC) adopted its first sea level rise guidance document in March 2013. The California Coastal Commission (CCC) has adopted multiple guidance documents since 2015 regarding climate change, sea level rise, and coastal inundation utilizing the best available data. At their May 13, 2020 meeting, the CCC adopted a document titled, "Making California's Coast Resilient to Sea Level Rise: Principles for Aligned State Action." CCC said that the document is a tool for aligned, consistent state agency action in planning and preparing for a minimum baseline 3.5 feet of sea level rise statewide. The principles outlined in the document are intended to guide unified, effective action towards sea level rise resilience for California's coastal communities, ecosystems, and economies across state agencies in order to improve effectiveness in addressing this immediate challenge.

Despite the declaration by State agencies concerning sea level rise, it is notable that the OPC and the CCC have not been engaged in the public review process. The CCC and the OPC are key stakeholders for jurisdictions in the coastal zone across the State Development proposals in the coastal zone are subject to final approval of the CCC even if the jurisdiction has a certified Local Coastal Program. The CCC has the ability to appeal a City's approval of any project within

the coastal zone and conduct their own review of the project, which may ultimately result in project disapproval beyond control of the City. Rezoning and associated land use changes required to adequately plan for the current RHNA methodology allocations will necessitate a Local Coastal Program Amendment for all jurisdictions with certified Local Coastal Programs. Coastal jurisdictions may adopt land use changes to comply with RHNA requirements, but there is no guarantee that those changes will be approved by the CCC.

SCAG's Connect SoCal and RHNA methodology have not addressed the impact of sea level rise (SLR), coastal inundation, and other coastal issues or the ability of coastal jurisdictions to plan for their RHNA. SCAG's 2017 RTP Data Map Book for Huntington Beach includes an exhibit depicting "Sea Level Rise Impacted Areas (2 feet) 2040 Scenario in Orange County[1]." Nearly all of the lowest lying land in Orange County is within Huntington Beach and its annexation of Sunset Beach; a small portion affects Newport Beach and Seal Beach. The data from the Map Book does not utilize the best available science/data as the State has since revised SLR analysis to plan for a baseline of 3.5 feet of SLR statewide. It must also be noted that the Map Book contains these exhibits and information regarding SLR but SCAG does not utilize them for any analysis within Connect SoCal or RHNA.

SCAG fails to address this critical information from the CCC. Coastal cities are explicitly unable to accommodate <u>any</u> new development (especially residential development) in the Coastal Zone and adjacent areas, as it is specifically vulnerable and unable to adapt to managed retreat within areas of sea level rise. The CCC expects all LCPs to recognize that public lands adjacent to the Pacific Ocean and harbors will extend inward as a direct result of sea level rise[2]. This information alone indicates that coastal cities will lose land available for development (and land that is currently developed) to the public trust boundary. , The CCC also recommends that coastal cities purchase land within areas of sea level rise to remove all associated structures and conserve the land as open space.

The development challenges faced by coastal cities due to sea level rise appear to be completely ignored by SCAG throughout the RHNA and Connect SoCal process and replaced with the politics from other areas of the SCAG region to keep RHNA numbers and housing out of their jurisdictions.

Connect Socal, including the associated Program EIR, characterize coastal cities as resistant to new development due to "community resistance to new housing, especially medium and high density projects." It appears that SCAG purposefully does not acknowledge <u>any relevant information</u> regarding the significant negative environmental impacts and CCC policies on development other than protected open space within areas subject to sea level rise, <u>including SCAG's own Data Map Book exhibits produced in 2017</u>. Excluding this pertinent analysis from the RHNA and RTP/SCS process enables Connect Socal and RHNA to <u>arbitrarily and capriciously</u> achieve Governor Newsom's admitted "stretch goal" to construct 3.5 million units in California by 2025.

---

[1] http://scagrtpscs.net/Documents/DataMapBooks/HuntingtonBeach.pdf

[2] California Coastal Commission Sea Level Rise Policy Guidance https://documents.coastal.ca.gov/assets/slr/guidance/2018/0_Full_2018AdoptedSLRGuidanceUpdate.pdf

All lands within the state of California that are subject to sea level rise, including those within the SCAG region such as Huntington Beach, must be accurately identified in Connect SoCal and the PEIR, removed from the model scenarios in each, and also excluded from the RHNA calculation (including but not limited to job accessibility, HQTA proximity, reallocated residual need, and additional social equity adjustments) in order for Connect SoCal and RHNA to be consistent (Government Code Section 65080(b)(2)(B) and Section 65584.04(m)).

High Quality Transit Areas (HQTA)/High Quality Transit Corridors (HQTC)

As noted in multiple public comments from the City of Huntington Beach, the portion of Beach Boulevard within the City is incorrectly identified as HQTA. Public Resources Code Section 21155 (b) defines a high-quality transit corridor as "a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours." It must be emphasized that Public Resources Code Section 21155 (b) does not include planned HQTC within the definition. Further, Government Code Section 65584.04 (e)(3) requires the RHNA methodology to include "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." SCAG's Final RHNA Allocation Methodology[3] explains that HQTAs "are based on state statutory definitions of high□quality transit corridors (HQTCs) and major transit stops." However, SCAG's application of HQTC is incorrect. Public Resources Code Section 21155 (b) does not include planned HQTC within its definition. SCAG's RHNA methodology creates its own definition of HQTC as inclusive of planned HQTC which conflicts with the statutory definition. The Public Resources Code identified above does not include future planned facilities in the definition of HQTC. This new definition is illegal and cannot be used in calculation of RHNA.

Again, SCAG's RHNA Methodology to determine a jurisdiction's existing housing need "assigns 50 percent of regional existing need based on a jurisdiction's share of region's population within the high quality transit areas (HQTAs) based on future 2045 HQTAs." This does not adhere to state statutory definitions of high□quality transit corridors and must be revised to accurately reflect Public Resources Code Section 21155 (b).

To correctly calculate RHNA numbers, SCAG must engage OCTA and other transit operators in the region amid the pandemic to discuss the post COVID-19 feasibility of implementing planned public transit improvements due to budget, cleaning, liability, and health/safety issues.

During his August 24, 2020 COVID-19 press conference, Governor Newsom stated the following regarding the new tiered color system for public health:

"We don't put up green because we don't believe that there is a green light that just says go back to the way things were or back to the pre-pandemic mindset."

---

[3] http://www.scag.ca.gov/programs/Documents/RHNA/SCAG-Final-RHNA-Methodology-030520.pdf

Based on statements made by the Governor, the State of California does not anticipate life in California returning to pre-pandemic conditions through the 6th Cycle planning period.

Despite this, SCAG maintains throughout the September 3, 2020 Regional Council meeting staff report that it has no information regarding the effects of the pandemic. This is misleading and untrue. In addition to the Governors statements, and a host of empirical data regarding COVID-19 and its effects on society, the September 2, 2020 SCAG Executive Administration Committee meeting agenda includes findings and conclusions regarding a SCAG commissioned Housing Production Study that provides updated information regarding the impacts of the pandemic on the region. Despite this new data concerning COVID-19, the State desires to proceed forward with a "pre-pandemic" plan. SCAG should not adopt Connect SoCal until it adequately analyzes the effects of COVID-19 on housing needs in the State. In part, adoption of the pre-pandemic plan in the wake of unprecedented COVID-19 economic downturn and drop in public transit use will not enable the SCAG region to achieve SB 375 reduced GHG emissions goals.

Further, the City of Huntington Beach has engaged the Orange County Transportation Authority (OCTA) regarding implementation of their 2018 Long Range Transportation Plan, including the Final Beach Boulevard Corridor Feasibility Study (Study). OCTA emphasizes the Study is designed to be flexible and adapt to each jurisdiction for their respective needs. The Study lays the foundation for the Beach Blvd. Corridor, but is not used as a rigid implementation arm of the OCTA LRTP. The suggested improvement elements within the Study are conceptual and are not developed into any specific project to be implemented on any specific timeline. It is at the discretion of the local jurisdiction to coordinate implementation and infrastructure improvements with all relevant agencies, such as CalTrans. For example, if Bus Rapid Transit (BRT) to achieve service at 15 minute intervals is hypothetically chosen to be implemented for a portion of Beach Boulevard, a subsequent specific BRT study is required to determine potential alignments, project limits, and other details. There is no requirement upon any City within the Study or OCTA to implement any recommendation of the OCTA LRTP.

Additionally, the OCTA Board of Directors wrote a letter dated March 23, 2020 to Governor Newsom discussing the impact of COVID-19 on their operations. The following excerpt describes the change in circumstances which has created a specific strain on the ability of OCTA to provide transit service:

"The COVID19 response has fundamentally changed the way people interact, and the resulting collapse of nonessential economic activity will have a dramatic impact on the availability of federal, state, and local funding. Short-term revenue decreases will cause extraordinary budgetary constraints. OCTA collects approximately $48 million annually in transit fares, which partially fund bus operations that help our agency maintain ridership. Transit fare are expected to decrease significantly as a result of our current ridership decline. OCTA will also see a severe decline in revenues from Orange County's half-cent sales tax dedicated to transportation improvements, Measure M2. <u>During the Great Recession, OCTA saw a 20 percent decrease in sales tax revenue and ridership levels never fully recovered. If the impacts are similar from COVID-19, long-lasting impacts will be felt systemwide.</u> Similarly, gas tax revenues are likely to

fall as people across the country heed social distancing guidance, which will only exacerbate the Highway Trust Fund's on-going structural revenue deficit. Given the likelihood of long-term revenue instability, OCTA is planning for an uncertain future while maintaining our long-standing commitment to fiscal responsibility."

SCAG must engage OCTA and all other transportation agencies in response to a public health pandemic that has truly shifted mobility methods, transit patterns, and the way people utilize public transportation within the region. Decreased OCTA funding and reduced on-time performance reliability[4] indicates that the identification of HQTA within the SCAG region, including in Huntington Beach, must be reevaluated as part of the RTP/SCS and RHNA process. If the approved RHNA methodology and associated HQTA is implemented, GHG emissions will be increased severely as 1.3 million housing units will be constructed without HQTA service as defined by PRC 21155 (b).

Conclusion

Based upon the foregoing analysis, real and appreciable damages will be sustained by the City of Huntington Beach and current/future Californians if the RHNA and RTP/SCS process do not acknowledge and analyze this information and modify the proposed RHNA numbers. SCAG and HCD must reconsider RHNA and RTP/SCS process in compliance with state law.

Sincerely,

Oliver Chi
City Manager

Cc: Lyn Semeta, Mayor
Michael Gates, City Attorney
Mike Vigliotta, Chief Assistant City Attorney
Ursula Luna-Reynosa, Director of Community Development
Jennifer Villasenor, Deputy Director of Community Development
Nicolle Aube, Associate Planner

[4] OCTA June 22, 2020 Board Agenda Packet - Item 22: Bus Operations Performance Measurement https://octa.legistar.com/View.ashx?M=E1&ID=749492&GUID=340A1A00-DE29-4B85-845E-B1697E8B9FB7