



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

February 16, 2021

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

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

RE: RHNA APPEAL DETERMINATION FOR THE CITY OF HUNTINGTON BEACH COMMENT LETTER

Dear RHNA Appeals Board:

The City reincorporates all of the legal and factual arguments presented to the SCAG RHNA Subcommittee and submits for the administrative record of the February 16, 2021 SCAG RHNA Appeals Board meeting. In addition, the City of Huntington Beach has and continues to object to the arbitrary and capricious process followed by the State in determining and allocating RHNA for Orange County and specifically the City of Huntington Beach.

City of Huntington Beach Denied Due Process throughout RHNA

Previous comments noted the City's former Mayor Semeta was denied the right to speak at the November 7, 2019 Regional Council meeting. Minimization of the City's voice continued throughout the RHNA process and became a pattern.

SCAG Acts with Bias during Appeals Hearings

At the January 25, 2021 RHNA Appeals Hearing, the City of Pico Rivera received a reduction of 1,022 units, resulting in a new RHNA allocation of 2,917 units due to new information submitted regarding the potential failure of the Whittier Narrows Dam. Pico Rivera's first hearing was held on January 8, 2021. The item was continued to January 22, 2021 to allow Pico Rivera staff time to further revise their appeal. The January 22, 2021 hearing was continued to January 25, 2021 in order to allow SCAG staff and Pico Rivera staff time to work together to submit revised flood maps and information regarding the potential dam failure. At the January 25 hearing, SCAG staff noted the time spent over the weekend of January 22 – 24 to assist the City with submitting new information. Pico Rivera's revised appeal was submitted on Saturday, January 23, 2021 and was the basis of the entire January 25 hearing.

At the January 19, 2021 RHNA Appeals Hearing, Regional Council Member Mayor Bucknum asked Huntington Beach staff if they received assistance or guidance for the type of documents to submit regarding flood hazards, sea level rise, or other hazard areas. City staff had not received such assistance. It is clear that Mayor Bucknum asked Huntington Beach staff if they received assistance regarding flood hazard documents as Pico Rivera had received extensive assistance directly from SCAG staff. Multiple cities presented appeal information regarding flood hazards, but it appears that only one jurisdiction has received special treatment (or any assistance at all) from SCAG.

At the January 19, 2021 Huntington Beach hearing, the RHNA Appeals Board voted to continue the item to January 25, 2021 and Chair Huang directed SCAG staff to work with OCTA to resolve conflicting information within OCTA planning documents regarding HQTAs in the City of Huntington Beach. At the January 25, 2021 hearing, Chair Huang asked staff for a report on their discussion with OCTA. SCAG staff responded they did not contact OCTA. SCAG staff did not respond to the OCTA contact assignment to verify data which is vital to the successful implementation of RHNA and achieving statewide greenhouse gas reduction goals.

It is clear that the argument presented by Huntington Beach provided accurate data from OCTA while the RHNA data was incorrect. SCAG has emphasized throughout the RHNA process that they have statutory deadlines to meet. SCAG could not engage OCTA in the appeals process which would correct the erroneous data but hinder SCAG from meeting their deadlines. SCAG has prioritized meeting statutory deadlines over providing accurate data for analysis, which is the only factor that will enable the subregion/State to achieve greenhouse gas reduction goals.

SCAG also demonstrated bias against Huntington Beach regarding OCTA information submitted via email by the City on Friday, January 15, 2021 prior to the January 19, 2021 hearing. At the January 19 hearing, SCAG staff advised the RHNA Appeals Board that the January 15 email contained "new information" and could not be considered at the January 19 hearing. This is in direct conflict with all public hearing processes which allow information to be submitted and considered any time prior to conducting a vote. Further, as noted above, SCAG staff worked with Pico Rivera over the weekend of January 22 – 24 to assist the City with submitting revised flood information. Pico Rivera's letter dated Saturday, January 23, 2021 was not referred to as "new information" during their hearing. The January 23 letter was the basis of the entire discussion on January 25. If SCAG staff applied the Huntington Beach "new information" argument to Pico Rivera, this letter would not have been allowed for discussion or consideration during their hearing.

OCTA Planning Documents are Conceptual

The City has engaged OCTA staff throughout the RHNA and Connect SoCal process. OCTA has indicated that their planning documents, including the 2018 Long Range Transportation Plan and OC Transit Vision, are conceptual. Any conceptual transit idea listed in either of these documents is subject to further analysis, feasibility studies, votes

of the OCTA Board, and other vetting in order to become a funded project. The OCTA planning documents are conceptual and are not project commitments to be funded or operational on any timeline. The City has noted this fact in multiple comment letters throughout the Connect SoCal/RHNA process and in its RHNA appeal as well.

Conclusion

The City has submitted timely, accurate data which demonstrates that the portion of Beach Boulevard within the City limits does not qualify as HQTAs based on OCTA documents. SCAG staff has said during the hearings that there were many "lessons learned" during the 6th Cycle RHNA process. It is unfortunate that the SCAG subregion chooses to accept these "lessons" that will impede the success of its jurisdictions in achieving greenhouse gas reduction goals. The City encourages SCAG, the Regional Council, and the RHNA Appeals Board to correct these lessons by revising the RHNA allocation to include accurate HQTAs data within the City of Huntington Beach and engaging OCTA as a stakeholder to provide accurate data for Orange County.

Sincerely,

A handwritten signature in cursive script that reads "Nicolle Aube".

Nicolle Aube, AICP

Associate Planner