



City of Huntington Beach

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March 4, 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 DETERMINATION FOR THE CITY OF HUNTINGTON BEACH PUBLIC COMMENTS

Dear Regional Council:

The City reincorporates all of the legal and factual arguments presented to the SCAG RHNA Subcommittee and submits for the administrative record of the March 4, 2021 SCAG Regional Council 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 the SCAG region, specifically in Orange County and the City of Huntington Beach.

OCTA Planning Documents are Conceptual

The City has engaged Orange County Transportation Authority (OCTA) staff throughout the RHNA and Connect SoCal process. OCTA has stated 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.

The importance of recognizing that OCTA Planning documents (and the documents of other transit agencies) are conceptual and not project commitments is further supported by the CEHD's recommended addition to the draft RHNA process improvement resolution. The CEHD added in several points, including ensuring that the transportation agencies fully understand that their conceptual transportation projections will be assumed as project commitments for RHNA purposes. The need to add this point in the resolution

demonstrates that the transit agencies are not aware that their conceptual Planning documents are used for RHNA determinations and they were not meaningfully engaged as stakeholders throughout the RHNA process. Including this point in the resolution equates to an acknowledgement of this issue within the 6th Cycle RHNA and Connect SoCal process by SCAG.

Request for SCAG to Engage the California Coastal Commission (CCC) as a Stakeholder

As noted in multiple public comment letters from the City and its RHNA appeal, the RHNA methodology and Connect SoCal disregard coastal issues. The CCC is a key stakeholder for jurisdictions in SCAG's coastal zone. SCAG's Connect SoCal and RHNA methodology have not addressed the impact of sea level rise (SLR), coastal inundation, and other issues at the forefront of analysis for the CCC. 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." Even though SCAG created this map, it does not utilize it for any analysis within Connect SoCal or RHNA.

The 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." 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.

SCAG has not addressed this critical information from the CCC, partly because the CCC has not been engaged as a stakeholder. Coastal cities are explicitly unable to accommodate any new development (especially residential development) in the Coastal Zone and adjacent areas, as they are specifically vulnerable and unable to adapt to managed retreat within areas of sea level rise. The CCC expects all Local Coastal Programs to recognize that public lands adjacent to the Pacific Ocean and harbors will extend inward as a direct result of sea level rise. 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.

Rezoning and associated land use changes required to adequately plan for RHNA allocations will necessitate a Local Coastal Program Amendment subject to CCC approval. 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. The development challenges faced by coastal cities due to sea level rise and other coastal hazards were not analyzed by throughout the RHNA and Connect SoCal process. The

City encourages the Regional Council to include a provision in the resolution to engage the CCC as a stakeholder to ensure that the RHNA methodology does not conflict with the Coastal Act and that coastal hazards and policies/priorities such as public coastal access are utilized in development of the RHNA methodology.

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.

Conclusion

The City has submitted timely, accurate data which demonstrates that the portion of Beach Boulevard within the City limits does not qualify as HQTA based on OCTA documents. SCAG has noted 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 with input from the CCC, include accurate HQTA data within the City of Huntington Beach, and engaging OCTA as a stakeholder to provide accurate data for Orange County.

Sincerely,



Nicolle Aube, AICP

Associate Planner