



CITY OF HUNTINGTON BEACH
CITY COUNCIL MEETING – COUNCIL MEMBER ITEMS REPORT

TO: THE HONORABLE MAYOR AND CITY COUNCIL

FROM: ERIK PETERSON, CITY COUNCIL MEMBER

DATE: APRIL 19, 2021

SUBJECT: APPEALING SCAG DETERMINATION

On Monday, March 15th, the City Attorney brought to City Council in Closed Session a question about whether the City should appeal the February 16, 2021, SCAG determination of 13,368 RHNA to the City of Huntington Beach for its Sixth Planning Cycle. This matter was agendized for public notice. At that March 15th Closed Session the City Council took a pass on taking action and did not vote to authorize the City Attorney to continue to fight SCAG's 13,368 RHNA determination by filing a challenge in State Court. The City Council's "no action" on this opportunity to appeal is inconsistent with prior City Council direction, and inconsistent with the will of the Huntington Beach community. I am bringing this H Item to authorize and direct the City Attorney to continue appealing this determination, including initiating a lawsuit in State Court.

This March 2021 RHNA determination for Huntington Beach came after many prior events in the SCAG RHNA timeline and after many opportunities that this City Council took to weigh in on the SCAG RHNA development.

On November 7, 2019, SCAG voted 64-1 to adopt its new RHNA plan to approve a modified methodology for distributing a state-mandated 1.34 million housing units in the six-county region over an eight-year period – tripling the state's housing goal for the 2020's. This news generated a lot of community outcry and the City Council at that time directed Planning staff to return to Council every month with a SCAG RHNA update so that the developments could be closely monitored. Around the time of the SCAG news in 2019, most of the Council Members expressed their dismay at such a high RHNA determination, including making statements that "we need to fight this." At every open Council Meeting and Closed Session opportunity where challenging this RHNA determination (i.e., 13,386) was present, the City Council sided with challenging the determination and voted where necessary to direct staff and the City Attorney to fight SCAG, including pursuing appeals, which the City Attorney did.

For some reason, when this March 15th opportunity was presented in a Closed Session, the City Council decided to take no action to appeal. This was not right; it was a missed opportunity, and was inconsistent with Council's repeated direction and the community's input over the past year. Since there is still time to appeal, and since I want to weigh in on this decision, I bring this H Item requesting that the City Council direct the City Attorney to appeal SCAG's February 2021 RHNA determination of 13,386, including initiating a lawsuit in State Court.

RECOMMENDED ACTION

That the City Council direct the City Attorney to appeal SCAG's February 2021 RHNA determination of 13,386, including with authorization from City Council to initiate a lawsuit on behalf of the City in State Court.