



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 County¹." 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 any 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 rise². 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 any relevant information regarding the significant negative environmental impacts and CCC policies on development other than protected open space within areas subject to sea level rise, including SCAG's own Data Map Book exhibits produced in 2017. Excluding this pertinent analysis from the RHNA and RTP/SCS process enables Connect SoCal and RHNA to arbitrarily and capriciously 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, HQTAs 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 (HQTAs)/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 HQTAs. 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 Methodology³ 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.scaq.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. 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. 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 reliability⁴ indicates that the identification of HQTAs 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 HQTAs is implemented, GHG emissions will be increased severely as 1.3 million housing units will be constructed without HQTAs 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>