

Minutes

City Council/Public Financing Authority City of Huntington Beach

Tuesday, April 4, 2023
4:00 PM - Council Chambers
6:00 PM - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

**A video recording of the 6:00 PM portion of this meeting
is on file in the Office of the City Clerk, and archived at
www.surfcity-hb.org/government/agendas/**

4:00 PM — COUNCIL CHAMBERS

CALLED TO ORDER — 4:00 PM

ROLL CALL

Present: Kalmick, Moser, Van Der Mark, Strickland, McKeon, Bolton, and Burns
Absent: None

CITY COUNCILMEMBER COMMENTS (3-Minute Time Limit)

Councilmember Moser announced Community Service Day, sponsored by the Greater Huntington Beach Interfaith Council on April 22, 2023 at the Huntington Beach Central Library & Cultural Center; thanked the Library Team for the 2nd Annual Women in S.T.E.A.M. Career Panel at the Central Library Theater on March 30, 2023; and, thanked the Human Relations Committee for a district-wide Day of Dialogue.

Councilmember McKeon congratulated the Huntington Beach High School Baseball Team for their second National High School Invitational (NHSI) Title Win.

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS PERTAINING TO CLOSED SESSION ITEMS (Received After Agenda Distribution) — None

PUBLIC COMMENTS (3-Minute Time Limit) — None

RECESSED TO CLOSED SESSION — 4:03 PM

CLOSED SESSION

- 1. 23-306 CONFERENCE WITH LABOR NEGOTIATORS (Gov. Code section 54957.6.) Agency designated representatives: Al Zelinka, City Manager, and Peter Brown, Chief Negotiator; also in attendance: Jose Rodriguez, Human Resources Manager; Travis Hopkins, Assistant City Manager; Michael E. Gates, City Attorney; Eric Parra, Chief of Police; Sunny Han, Acting Chief Financial Officer; and Robin Estanislau, City Clerk. Employee Organization: Police Officers' Association (POA)**

Discussion was not held on Items 2-6.

2. 23-304 ~~CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION. (Paragraph (1) of subdivision (d) of Section 54956.9). Name of case: People of the State of California/Bonta v. City of Huntington Beach/Zelinka; Case No. 30-2023-01312235.~~
3. 23-305 ~~CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION. (Paragraph (1) of subdivision (d) of Section 54956.9). Name of case: City of Huntington Beach, et al. v. Gavin Newsom, et al.; Case No. 8:23-CV-00421~~
4. 23-307 ~~CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION. (Paragraph (1) of subdivision (d) of Section 54956.9). Name of case: Whitaker (Brittany) v. City of Huntington Beach and Todd McClung; OCSC Case No.: 30-2021-01235807~~
5. 23-308 ~~CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION. (Paragraph (1) of subdivision (d) of Section 54956.9). Name of case: Bottoms (Mark) v. City of Huntington Beach, et al.; OCSC Case No. 30-2021-01196342~~
6. 23-309 ~~CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION. (Paragraph (1) of subdivision (d) of Section 54956.9). Name of case: Gapezzani (Gary) v. John Romero, City of Huntington Beach; OCSC Case No.: 30-2021-01225030~~

6:00 PM — COUNCIL CHAMBERS

RECONVENED CITY COUNCIL/PUBLIC FINANCING AUTHORITY MEETING — 6:00 PM

ROLL CALL

Present: Kalmick, Moser, Van Der Mark, Strickland, McKeon, Bolton, and Burns
Absent: None

PLEDGE OF ALLEGIANCE — Led by City Attorney Michael Gates

INVOCATION

In permitting a nonsectarian invocation, the City does not intend to proselytize or advance any faith or belief. Neither the City nor the City Council endorses any particular religious belief or form of invocation.

7. 23-295 **Huntington Beach Fire and Police Department Chaplain Roger Wing**

AWARDS AND PRESENTATIONS

23-324 Junior Citizens Academy Graduation

Mayor Strickland and Mayor Pro Tem Van Der Mark presented graduation certificates to the Junior Citizens Academy graduates. Mayor Strickland noted these middle school students were hand-picked by their Principal to participate in this program. Allie Hartman spoke on behalf of the graduates to thank everyone for helping them to learn all about the City.

Councilmember Moser acknowledged the role that former Mayor Delgleize played in setting up the Junior Citizens Academy, and thanked staff for making the program a reality.

CLOSED SESSION REPORT BY CITY ATTORNEY — City Attorney Gates announced that Closed Session Items #2 – #6 were not discussed, and may be continued to the April 18, 2023 meeting.

ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS (Received After Agenda Distribution)

Pursuant to the Brown "Open Meetings" Act, City Clerk Robin Estanislau announced supplemental communications that were received by her office following distribution of the Council Agenda packet, which were all uploaded to the City's website and Councilmember iPads:

Consent Calendar #12 (2); #13 (1); Administrative Items #17 (6); and Ordinances for Introduction #18 (1)

PUBLIC COMMENTS (3-Minute Time Limit) — 30 Speakers

The number [hh:mm:ss] following the speakers' comments indicates their approximate starting time in the archived video located at <http://www.surfcity-hb.org/government/agendas>.

Ada Hand, a 10-year resident of Del Mar Mobile Home Park, was called to speak and stated her support for Consent Calendar Item #12 regarding approving the Mobile Home Advisory Board (MHAB) Annual Report and request for a Mobile Home Market Space Rent Study. (00:21:59)

Shirley Dettloff, former Mayor and resident of Huntington Beach since 1964, was called to speak and urged Councilmembers to approve Public Hearing Item #16 regarding the General Plan Housing Element Update. (00:25:06)

Mary Jo Baretich, a resident of Huntington Beach for over 40 years, was called to speak and shared her concerns related to Public Hearing Item #16 regarding the General Plan Housing Element Update, specifically Land Use Plan (LUP), Sub Area 8, provided historical information, and noted this needs to be addressed at the time of the Local Coastal Review. (00:27:07)

Jeanne Farrens, a resident of Skandia Mobile Home Park, was called to speak and stated her support for Consent Calendar Item #12 regarding approving the Mobile Home Advisory Board (MHAB) Annual Report and request for a Mobile Home Market Space Rent Study. Ms. Farrens noted inconsistencies in Attachments #4 and #5 which in her opinion might potentially threaten to eliminate three mobile home communities, and place Huntington Beach in conflict with the California Coastal Commission and the Coastal Act. (00:29:39)

Andrew Einhorn, a long-term Huntington Beach resident, was called to speak and shared his opinions regarding the recent increase in hate and discrimination, and urged Councilmembers to appoint an external ethics committee to investigate previously reported allegations of racist comments made by a Councilmember. Mr. Einhorn also expressed his opinions regarding litigation against the City, and expected results if Councilmembers fail to approve Public Hearing Item #16 regarding the General Plan Housing Element Update. (00:32:43)

Karen Carroll, a long-time resident, was called to speak and shared her opinions on misinformation being circulated on Public Hearing Item #16 regarding the General Plan Housing Element Update, and encouraged Councilmembers to become problem solvers and courageous enough to do the right thing. (00:35:38)

Jeanne Paris, a resident of Huntington Beach for 27 years, was called to speak and stated her opposition to Public Hearing Item #16 regarding the General Plan Housing Element Update. (00:37:50)

Amory Hanson was called to speak and stated his support for Councilmember Items #19 regarding One Stop Shop update. (00:39:37)

Henny Abraham, Iranian/American Engagement Director, Orange County Republican Party, was called to speak and urged City Council to agendize a resolution in solidarity with Orange County Iranian/Americans. Ms. Abraham noted that 16 Orange County cities have already passed this resolution, and noted she can provide a copy of proposed text if needed. (00:41:08)

Pat Goodman was called to speak and referenced the March 7, 2023, City Council meeting when Ordinance 4285 to prohibit builder's remedy applications was passed, but no vote for adoption was taken at the subsequent meeting. She asked for clarification on the status of builder's remedy in the City's building code. (00:44:41)

Luanne Nichols Shoup, a fourth-generation Huntington Beach property owner, was called to speak and stated opposition to Public Hearing Item #16, regarding the General Plan Housing Element Update, specifically a statement of overriding considerations. (00:45:21)

Sylvia Calhoun, a resident of Huntington Beach since 1982, was called to speak and stated opposition to Public Hearing Item #16, regarding the General Plan Housing Element Update. Ms. Calhoun shared a recent conversation with a foreman from Parkwood Landscape, a Huntington Beach City vendor. The foreman shared with her his observation that the homeless situation appears to be improving in Huntington Beach. Ms. Calhoun agreed to relay his observation to Councilmembers and thanked Mayor Pro Tem Van Der Mark for her efforts in addressing the issue. (00:48:18)

Doug Von Dollen was called to speak and shared his opinions on Public Hearing Item #16 regarding the General Plan Housing Element Update, specifically a statement of overriding considerations. (00:49:58)

Deb Janus, a 43-year resident of Huntington Beach, was called to speak and stated opposition to Public Hearing Item #16 regarding the General Plan Housing Element Update. (00:51:08)

Dennis, a resident since 1984, was called to speak and stated his opposition to Public Hearing Item #16 regarding the General Plan Housing Element Update. (00:53:41)

Tim Geddes, a 40-year resident and former Chair of the Mobile Home Advisory Board, was called to speak and stated his support for Consent Calendar Item #12 regarding approving the Mobile Home Advisory Board (MHAB) Annual Report and request for a Mobile Home Market Space Rent Study. (00:55:17)

Cathey Ryder, a 38-year resident, was called to speak and read a letter sent to Councilmembers in March 2023, from Kevin Bailey, Global Brand President of Vans, stating Vans disappointment regarding Council's decision to no longer allow the Pride flag on City property. (00:58:18)

Maureen was called to speak and thanked Councilmember Burns for questioning how taxpayer monies are spent. She asked why Huntington Beach has to pay annual consulting fees to the U. S. Department of Housing and Urban Development (HUD), which she views as double taxation. (01:01:01)

Elaine Bauer Keeley, a 59-year resident, was called to speak and stated support for Public Hearing Item #16 regarding the General Plan Housing Element Update. As a retired educator, she also described the historical roller coaster of increasing and decreasing student populations which require the opening and closing of local schools. (01:03:31)

Farhad Mafie was called to speak and asked for Councilmembers to support a resolution of solidarity to condemn the barbaric criminal Islamic system in Iran, and offered to provide additional information or answer any questions. (01:06:53)

Maryam Mosallaie, a U. S. resident for nearly 40 years, was called to speak and shared how the Iranian regime is torturing and terrorizing the people of Iran, and asked Councilmembers to support a resolution of solidarity to condemn those actions. (01:09:12)

Butch Twining, current Planning Commissioner and 57-year resident speaking on behalf of himself, was called to speak and shared his efforts to fully understand the California housing situation, and offered to further discuss this issue with Councilmembers. (01:12:26)

Russ Neal, a resident of Huntington Beach, was called to speak and stated opposition to Public Hearing Item #16 regarding the General Plan Housing Element Update. (01:15:44)

Ceason Baker was called to speak and stated opposition to Public Hearing Item #16 regarding the General Plan Housing Element Update. (01:18:34)

Heidi Vea, a life-long resident of Huntington Beach, was called to speak and stated opposition to Public Hearing Item #16 regarding the General Plan Housing Element Update. (01:20:50)

Brian Vea was called to speak and stated opposition to Public Hearing Item #16 regarding the General Plan Housing Element Update. (01:22:33)

Ann Palmer, 35-year resident of Huntington Beach, was called to speak and stated opposition to Public Hearing Item #16 regarding the General Plan Housing Element Update, and statement of overriding considerations. (01:23:25)

Bryan Farkas, Union Carpenter, was called to speak and shared his opinions regarding tax fraud in the construction industry. He announced that this month Carpenters Local 714 and the United Brotherhood of Carpenters are taking part in National Tax Fraud Days of Action to raise awareness about construction industry tax fraud. (01:26:14)

Tannaz Razzaghi was called to speak and asked for Councilmembers to agendize and adopt a resolution condemning the Islamic Republic of Iran. (01:28:47)

Roger Noor was called to speak and stated this is day 28 of his hunger strike urging Huntington Beach to designate an oversight commission for the Police Department that he believes is way out of control. Mr. Noor asked that Councilmembers repeal their decision at the last Council meeting to allow the Police Department to determine when to use militarized equipment they acquisitioned. (01:31:21)

COUNCIL COMMITTEE APPOINTMENT ANNOUNCEMENTS — None

AB 1234 REPORTING — None

OPENNESS IN NEGOTIATION DISCLOSURES — None

CITY MANAGER'S REPORT

8. 23-277 Outgoing Public Works Director Sean Crumby recognized for his leadership and management while serving the City

City Manager Al Zelinka introduced Public Works Director Sean Crumby and acknowledged his service to the City since July 2020. City Manager Zelinka noted that Sean is taking his 27 years of Public Works experience to the City of Irvine to complete their Great Park project. City Manager Zelinka described many of the \$90M capital improvement projects that were implemented throughout the City by Director Crumby and his amazing team.

Assistant City Manager Travis Hopkins shared comments from Public Works staff members who described Sean as an advocate, ally and friend to all, approachable and encouraging, bold and spontaneous, someone who works hard and is happy, courteous and courageous. Manager Hopkins thanked him for his outstanding service and wished him well in his future endeavors.

Mayor Strickland noted Sean definitely is not a "typical" engineer because he smiles and has personality. Mayor Strickland thanked him for positively impacting the quality of life for residents, and developing a great Public Works team.

Sean expressed his gratitude to the Councilmembers, City Manager Al Zelinka, and the hard-working staff in the Public Works Department for their support.

Councilmembers Moser, McKeon, and Kalmick thanked Sean for all of his contributions to the City, availability to answer their questions, and stated their good wishes for his future endeavors.

9. 23-319 Upcoming City Programs: Customer Service Input and 2023 Citizens Academy

City Manager Al Zelinka introduced City Treasurer Alisa Backstrom who announced that Huntington Beach received the California Municipal Treasurers Association (CMTA) Investment Policy Certification with an "outstanding". This certification validates that the City of Huntington Beach's investment policy adheres to the State of California Government Code, and meets the program requirements within 18 different topic areas, deemed as "Best Practices".

City Manager Al Zelinka described the first ever OneHB Customer Service Excellence initiative which will support the City-wide effort to focus on issues of importance to the City Council. He explained this quest for improved customer service will include new tools and techniques for service delivery, and will include opportunities for community involvement.

City Manager Zelinka announced the 2023 Citizens Academy training will be April 26 to June 21. This program provides an opportunity for residents to meet Councilmembers, Department Directors, other City staff, receive an overview of services and better understand what the City really does, and why. Applications to attend are due by Friday, April 14, 2023.

CONSENT CALENDAR

Councilmember Moser pulled Item #11; and Mayor Pro Tem Van Der Mark pulled Item #12. Councilmember Burns confirmed with staff that regarding Item #10, notices of public nuisance will be mailed to the taxpayer address as well as to the noticed property address.

COMMUNITY DEVELOPMENT DEPARTMENT

10. 23-272 Adopted Resolution No. 2023-12 declaring weeds and rubbish a nuisance on specific properties and scheduled a Public Hearing on May 2, 2023, at 6:00 PM for protests and objections to the abatement thereof

A motion was made by Kalmick, second Burns to adopt Resolution No. 2023-12, "A Resolution of the City Council of the City of Huntington Beach Finding and Declaring That Certain Weeds Growing in the City, and Rubbish and Refuse Deposited on Public Ways and Private Property are a Public Nuisance; and Fixing the Time for Hearing Protests and Objections to the Abatement Thereof."

The motion carried by the following roll call vote:

AYES: Kalmick, Moser, Van Der Mark, Strickland, McKeon, Bolton, and Burns
NOES: None

OFFICE OF THE CITY CLERK

11. 23-267 Approved and Adopted Minutes as Amended

Councilmember Moser pulled this item to ask that on page 23 of 25, next to last paragraph, last line be corrected from "Councilmember Moser expressed some concerns regarding a recommendation to move the Social Services Supervisor down to a Manager level." to ". . .move the Director of Homelessness and Behavioral Health Services position down to a Manager level."

A motion was made by Moser, second Strickland to approve and adopt the City Council/Public Financing Authority regular meeting minutes of March 21, 2023, **as amended**.

The motion as amended carried by the following roll call vote:

AYES: Kalmick, Moser, Van Der Mark, Strickland, McKeon, Bolton, and Burns
NOES: None

OFFICE OF THE CITY MANAGER

12. 23-274 Approved Mobile Home Advisory Board (MHAB) Annual Report

Mayor Pro Tem Van Der Mark pulled this item to note her approval only of Part A to receive and file the Mobile Home Advisory Board 2022 Annual Report. She shared her opinion that Part B to approve a Mobile Home Market Space Rent Study would be a push for rent control, and would violate the City Charter.

Councilmember McKeon noted that the study in 2001 states the primary purpose of this study was to inform the Council whether or not a rent control or Rent Stabilization Ordinance (RSO) was needed at that time. He stated his opinion it is not proper to use taxpayer money on a survey that will promote rent control, which is prohibited by the City Charter.

Councilmember Burns noted that mobile homes are regulated by the California Department of Housing and Community Development (HCD), and he believes rent control was just recently passed at the State level.

Councilmember Bolton stated the recent State action exempted mobile homes.

Councilmember Kalmick stated the comment made by Councilmember McKeon applied to the 2002 study, but not necessarily to the current request. He stated that the City collecting data would help Councilmembers make good public policy decisions for a nominal fee.

A motion was made by Kalmick, second Moser to receive and file the Mobile Home Advisory Board 2022 Annual Report approved by the MHAB; and, approve the two MHAB recommendations in the Annual Report, including marketing outreach and a Mobile Home Market Space Rent Study.

The motion failed by the following roll call vote:

AYES: Kalmick, Moser, and Bolton
NOES: Van Der Mark, Strickland, McKeon, and Burns

A motion was made by Van Der Mark, second Burns to receive and file the Mobile Home Advisory Board 2022 Annual Report approved by the MHAB.

The motion carried by the following roll call vote:

AYES: Kalmick, Moser, Van Der Mark, Strickland, McKeon, and Burns
NOES: Bolton

OFFICE OF THE CITY TREASURER

- 13. 23-293 Adopted Ordinance No. 4287 Repealing Ordinance No. 3907 relating to the duties of the Finance Director; and, adopted Ordinance No. 4288 to reinstitute the City Treasurer's Powers and Duties, as authorized in the City Charter Approved for Introduction 3/21/23 — Vote: 7 – 0**

A motion was made by Kalmick, second Burns to adopt Ordinance 4287, "An Ordinance of the City Council of the City of Huntington Beach Repealing Ordinance No. 3907 relating to the duties of the Finance Director;" and, adopt Ordinance No. 4288, "An Ordinance of the City Council of Huntington Beach amending Chapter 2.15 relating to the duties of the Finance Department and re-adding Chapter 2.16 as amended relating to the duties of the Treasurer," **as amended by Supplemental Communication to correct two minor typographical errors.**

The motion as amended carried by the following roll call vote:

AYES: Kalmick, Moser, Van Der Mark, Strickland, McKeon, Bolton, and Burns
NOES: None

POLICE DEPARTMENT

- 14. 22-1020 Approved and authorized a one-year contract extension with Universal Protection Services, LP, DBA Allied Universal Security Services for street sweeping parking enforcement services**

A motion was made by Kalmick, second Burns to approve and authorize "Amendment No. 1 to Service Agreement between the City of Huntington Beach and Universal Protection Services, LP dba Allied

Universal Security Services (UASS) for Street Sweeping Enforcement Services" not to exceed \$399,272.14 for the next calendar year; and authorize the Mayor and City Clerk to execute the attached contract.

The motion carried by the following roll call vote:

AYES: Kalmick, Moser, Van Der Mark, Strickland, McKeon, Bolton, and Burns
NOES: None

PUBLIC WORKS DEPARTMENT

15. 23-278 Approved and authorized execution of Amendment #2 to the Limited Partial Basin Equity Assessment Exemption Agreement between the Orange County Water District (OCWD) and City of Huntington Beach (Huntington Beach Well No. 9)

A motion was made by Kalmick, second Burns to approve and authorize the Mayor and City Clerk to execute "Amendment #2 to the Limited Term Partial Basin Equity Assessment Exemption Agreement between the Orange County Water District and City of Huntington Beach (Huntington Beach Well No. 9)."

The motion carried by the following vote:

AYES: Kalmick, Moser, Van Der Mark, Strickland, McKeon, Bolton, and Burns
NOES: None

PUBLIC HEARING

16. 23-292 Continued from March 21, 2023 with Public Hearing Open -- Denied adoption of Resolution No. 2023-15 approving Subsequent Environmental Impact Report No. 2022-002 with findings of fact and statement of overriding considerations (Housing Element Update and Associated Program Implementation Actions)

NO ACTION WAS TAKEN ON THE FOLLOWING REQUESTS: adoption of Resolution No. 2023-14 approving General Plan Amendment No. 2021-003 (Housing Element Update); adoption of Resolution No. 2023-16 approving General Plan Amendment No. 2022-001 (General Plan Land Use Element Affordable Housing Overlay); introduction of Ordinance No. 4289 approving Zoning Map Amendment No. 2022-002 (Zoning Map Affordable Housing Overlay); introduction of Ordinance No. 4291 approving Zoning Text Amendment No. 2022-008 (HBZSO Chapter 229 Affordable Housing Overlay); adoption of Resolution No. 2023-13 approving Zoning Text Amendment No. 2022-009 (Beach and Edinger Corridor Specific Plan Affordable Housing Overlay); and, introduction of Ordinance No. 4290 approving Zoning Text Amendment No. 2022-007 (Holly Seacliff Specific Plan Affordable Housing Overlay)

No ex parte communications were disclosed by Council.

Director of Community Development Ursula Luna-Reynosa noted this item was continued open from the March 21, 2023, Public Hearing when staff was asked to explore possibilities to eliminate the need for a statement of overriding considerations in response to concerns articulated by Councilmembers. Director Luna-Reynosa stated for the benefit of the public that an Environmental Impact Report (EIR) is a

disclosure document to identify environmental impacts, mitigation measures that could lessen those environmental impacts, as well as impacts that cannot be mitigated to less than significant, or significant and unavoidable impacts. She added that a legislative body can approve a project with significant and unavoidable impacts with a statement of overriding considerations. In this case, the project is the Housing Element and the implementing documents.

Director Luna-Reynosa further explained that a statement of overriding considerations is an explanation why the social, economic, legal, technical or other beneficial aspects of a project out-weigh the significant and unavoidable impacts. She clarified that the EIR only identifies five areas of significant and unavoidable impacts: utilities, hydrology, greenhouse gas, air quality and noise. Staff, in consultation with the environmental and housing consultant, explored ideas to eliminate the need for a statement of overriding considerations, and unfortunately, were unable to identify a near-term path to this outcome. Therefore, the recommendation before Councilmembers is exactly the same as it was on March 21, 2023, with the exception of the recommendation for Accessory Dwelling Units (ADUs) and SB 9 as those were acted on at the last meeting. Director Luna-Reynosa stated staff was prepared with the same presentation made at the March 21, 2023 meeting, and available to answer any questions. In summary, staff continues to recommend certification of the EIR, approval of the Housing Element, and approval of implementing documents.

Mayor Strickland recognized the Public Hearing as open.

Pursuant to the Brown "Open Meetings" Act, City Clerk Robin Estanislau announced supplemental communications that were received by her office following distribution of the Council Agenda packet, which had been downloaded to the City's website and Councilmember iPads prior to this meeting:

83 email communications

Public Hearing Speakers — 9

Cari Swan was called to speak and stated opposition to Public Hearing Item #16 regarding the Housing Element Update and statement of overriding considerations. She expressed concerns about repeating the high density development along the Beach/Edinger corridor, and her opinion that if the Housing Element is approved, there will be no recourse to stop any development from being pushed through before the State lawsuit is settled or resolved. She described 10 years of fighting against high density development, her efforts as lead proponent in the recent Council recall, and tireless hours to help the Council majority get elected. She concluded by describing campaign promises and literature against shared in opposition to high density development by certain members of the Council minority as disingenuous. (02:02:01)

Pat Goodman was called to speak and stated support for Public Hearing Item #16 regarding the Housing Element Update. Ms. Goodman shared some historical perspective, and her opinion that the Housing Element is an attempt to address not only affordable housing needs in the community, but market rate as well. She disagreed with claims of negative impacts to wildlife sanctuaries, migration paths or wetlands, and shared her belief that overcrowding, homelessness, and aging housing stock do harm the environment. She also expressed concerns about the item's impact on enrollment in schools, and extended stays at the Navigation Center. (02:05:06)

Doug Von Dollen was called to speak and stated support for Public Hearing Item #16 regarding the Housing Element Update. He discussed how the price of housing equated to 2.5 times the median income in the 1970's, and how current housing prices are closer to ten times the median income level

today. He discussed how first-time buyers are spending 35% of their income for housing, and shared his fear that denying the item will result in a whole future generation missing from the City of Huntington Beach. (02:07:45)

Elaine Bauer Keeley was called to speak and stated support for Public Hearing Item #16 regarding the Housing Element Update. She discussed how changes in population have negatively impacted school enrollment when young families cannot afford a home in Huntington Beach, and how local school boards find it challenging to fund a principal, custodial and secretarial services, and school programs for sites with reduced enrollment. Ms. Keeley stated support for a two-pronged approach of proceeding with the lawsuit while approving the Housing Element Update, and for keeping Huntington Beach a place where children can play outside until the street lights come on as it was for her and for her children growing up here. (02:10:42)

Lita Whitehead was called to speak and stated opposition to the Housing Element Update and statement of overriding considerations. She thanked those Councilmembers who stood their ground in opposition to this at the March 21, 2023 Public Hearing, and requested that they continue to protect the people, the environment, and beautiful way of life, and not acquiesce to political pressures. (02:13:11)

Kathy Carrick, a resident for over 45 years, was called to speak and stated opposition to Public Hearing Item #16 regarding the Housing Element Update and statement of overriding considerations. She thanked Council for their questions and comments relating to the certification of the EIR and statement of overriding considerations at the March 21, 2023 Public Hearing, and shared how she finds it interesting that while a report shared on National Public Radio (NPR) describes California as having some of the strictest environmental regulations, the State is requiring Huntington Beach to sign away concerns for the environment through a statement of overriding considerations. She shared concerns about building more housing when California's population is decreasing, her opinion that the significant and unavoidable impacts revealed in the EIR considered by some Council as "boiler plate and unknowable," should be taken seriously, and her feelings that everyone should be concerned about how additional High Density Development (HDD) in the community will affect air quality, greenhouse gas emissions, water quality, noise, and utility and service systems. (02:14:14)

Cathey Ryder, a longtime resident, was called to speak and stated support for Public Hearing Item #16 regarding the Housing Element Update. She explained how since 1969, California has required cities to develop a plan to meet housing needs across the State, and a compliant Housing Element is just that — a plan. Ms. Ryder shared her appreciation for members of this Council who take environmental issues seriously, such as air quality, gas emissions, wildlife, and hazardous materials used for building. She stated her opinion that after reviewing the EIR, it appears every effort is being made to protect both citizens and wildlife. Ms. Ryder expressed concerns for those working in the city that can't afford to live in here, and how unrealistic it is to expect people to commute 1-2 hours resulting in gas emissions and negative impacts to air quality. She also shared concerns about declining school enrollment, and the unrealistic views that Huntington Beach is a sleepy coastal town, when multi-story buildings and huge swaths of new development exist in various areas of the City. (02:17:12)

Ken Inouye, a 50-year resident, was called to speak and stated support for Public Hearing Item #16 regarding the Housing Element Update. He shared concerns that a Council majority as well as the City Attorney feel that the State housing mandate does not apply to the City of Huntington Beach, and his opinion that until the State lawsuit is adjudicated, the City is required to follow the laws of the land. He also expressed concerns about the City's exposure to thousands of dollars in fines and penalties, as well as potential loss of control of build-outs, if the lawsuit is lost. He requested any Councilmember unwilling

to obey State laws, consider their fiduciary responsibility to the citizens of Huntington Beach, and respectfully asked that the laws be followed until the lawsuit is adjudicated. (02:20:13)

Valentina Bankhead, resident, was called to speak and stated opposition to Public Hearing Item #16 regarding the Housing Element Update. She shared her opinion that the Regional Housing Needs Assessment (RHNA) numbers are bloated in a big scam and no more radical high-density building is needed in Huntington Beach. She stated her support for local planning control, and to fight against government overreach from Sacramento. Valentina explained that she wants what's best for all residents of Huntington Beach, and read excerpts from an article about how a majority of California cities have failed to organize and resist inflated RHNA numbers. She also shared her opinion that certain Councilmembers are not in favor of environmental and safety protection for our Huntington Beach community. (02:22:24)

There being no more public speakers, Mayor Strickland closed the Public Hearing.

Mayor Pro Tem Van Der Mark thanked staff for their hard work, acknowledging that when an item is not approved, it doesn't mean Councilmembers do not place value on the weeks and months of work put into it by staff.

Mayor Pro Tem Van Der Mark reiterated that she read the 500+-page comprehensive report, including the statement of overriding considerations, and never imagined how far a supposedly environmentally conscious Sacramento is willing to take their attack on Huntington Beach residents. She stated her opinion that Huntington Beach residents have been cornered into a position where they have to choose between giving up clean air to breathe, compromising the water supply, giving up community safety, and sacrificing the wetlands, or be fined. She noted that the RHNA-required 13,368 units will provide for about 29,473 new residents if there are 2.5 persons per household, but higher per person households significantly increase that number.

Mayor Pro Tem Van Der Mark repeated her concerns that the General Plan Update (GPU) will result in significant and unavoidable cumulative impacts (generation of greenhouse gas emissions, construction-related ROG emissions and operational ozone, build-out exposing the public or environment to improperly handled hazardous materials or waste, hazardous emissions from candidate housing sites within a quarter mile of an existing or proposed school). She pointed out that there are over 50 public and private schools in Huntington Beach, and the GPU identified Huntington Beach Union High School, Huntington Beach City School, and Ocean View School Districts, as well as portions of the Westminster and Fountain Valley School Districts, as sites that could be affected.

Mayor Pro Tem Van Der Mark continued listing staff report conclusion impacts (insufficient water supplies for future housing demands, anticipated increase in traffic volumes that increase ambient noise levels throughout the City [describing impacted streets and intersections], and substantial adverse physical impacts associated with the provisions of new or physically-altered fire protection facilities [significant environmental impacts in order to maintain acceptable service ratios with response times or other performative objectives]). She stated the report identifies a potential to indirectly impact habitat and wetlands by increasing environmental pollutants, promoting habitat fragmentation and introducing invasive species, and concludes that future development under the General Plan could potentially result in the indirect loss or degradation of wildlife corridors through increased light and noise pollution, introduction of invasive species, habitat fragmentation and increased urban runoff.

Mayor Pro Tem Van Der Mark stated that in addition to her concerns regarding public safety, quality of life and negative impacts on wetlands, she is also concerned about the methodology used to determine

the 13,368 RHNA units allocated to Huntington Beach. She referred to a March 17 article published in the *The Voice of OC*, where Michael S. Tilden, Acting California State Auditor, issued a blistering critique of the Department of Housing and Community Development (HCD) in a letter he sent to Governor Newsom that implied that HCD's needs assessment review is unsatisfactory to ensure accurate calculation of how much housing local governments must plan to build, and how "HCD could not demonstrate that it adequately considered all of the factors that State law requires," and could not support its use of healthy housing vacancy rates.

Mayor Pro Tem Van Der Mark shared support for Huntington Beach doing its fair share to address housing shortage, but with a fair number, and in her opinion, the current RHNA numbers are not fair. She added that asking residents to compromise clean air, water supply, public safety, protected wetlands, endangered species, and migratory paths, or be fined into submission is egregious and punitive. Therefore, she cannot in good conscious support Item 16 as the benefits of building do not outweigh the consequences of destroying the City, quality of life, and sacrificing endangered wildlife.

Mayor Pro Tem Van Der Mark invited Governor Newsom and Attorney General Bonta to come to Huntington Beach so they can take a tour and be shown what will be destroyed if these plans are pushed through.

Councilmember McKeon explained that while he was unable to participate in the Public Hearing discussion on March 21 due to a potential conflict of interest, the Fair Political Practices Commission (FPPC) has since confirmed that no conflict exists, and he is therefore now free to share in this discussion.

Councilmember McKeon shared his thoughts on why housing is so expensive in California (weather and coastal location, and massive government over regulation). Speaking as a retail shopping center developer with projects all over the country, he noted that California projects cost double compared to other states. He described recently learning at a Southern California Association of Governments (SCAG) meeting that during the past four years under Governor Newsom, \$110,000 in fees have been added to each home from housing regulations. He acknowledged the high cost of building materials, and how all costs float down to the bottom line and are borne by the end consumer, renter or home buyer.

Councilmember McKeon stated that adding housing stock to a highly desired coastal community does not bring down the cost of housing, referencing new homes near Gisler Park that are starting at \$2M. For high-density developments that contain 20 percent affordable units, he explained that the remaining 80 percent are sold at market rate in order to subsidize the affordable 20 percent, and those market rate units then push the rents higher for the entire City as the rental market is comp based, actually making the entire City even more unaffordable.

Councilmember McKeon stated his opinion that the RHNA mandate of 13,368 units is flawed, referring to the California State Auditor's report for 2022 that concluded HCD was wrong in their RHNA determinations because HCD did not satisfactorily review its needs assessments to ensure that staff accurately entered data when they calculated how much housing local governments must plan to build. He continued that HCD could not demonstrate that it adequately considered all of the factors that State law requires, therefore violating State law. He described erroneous assumptions that were built into their approach, and how this inefficient oversight and lack of support for their consideration risks eroding public confidence that HCD is informing local governments of the appropriate amount of housing they will need.

Councilmember McKeon reported actions at a 2019 SCAG meeting where he believes the cities of Riverside and Los Angeles colluded to develop new methodology that forced more housing units onto Orange County cities, and significantly reduced housing allocations for Riverside, San Bernardino and Los Angeles without providing the public with the ability to analyze and comment on the new methodology or consider very real constraints that coastal cities must cope with such as obtaining California Coastal Commission (CCC) approvals, and lack of available land to build 13,368 units. He stated that Huntington Beach is 95% built out, which means it has to re-develop existing properties, most of which are industrial buildings that small businesses occupy.

Councilmember McKeon addressed HCD's requirement for a statement of overriding considerations, which states that the benefits of these affordable housing projects override the negative impacts they cause to the environment. He explained that negative impacts to the environment for all development projects must be mitigated through CEQA, and in this instance, he feels that the State is forcing our speech and violating our First Amendment rights by requiring us to state that these mandated housing projects are more important than the negative impacts to the environment (air quality, greenhouse gas emissions, geology, soils, water quality, noise, traffic, etc.).

Councilmember McKeon continued by sharing that for two State laws (RHNA and CEQA) to be in direct conflict, local City Councils are forced to relinquish local decision making one way or the other. He stated that he cannot in good conscious have his speech forced by signing a statement of overriding considerations which goes against everything he stands for. He noted that more than 50% of California cities are out of compliance with their Housing Element because of an unrealistic and unfeasible plan for too many units. He asked why Huntington Beach is being punished with a higher number of RHNA units per acre than any other Southern California city.

Councilmember McKeon expressed concerns about areas like Marin County being allowed to skirt the affordable housing numbers because of lower than normal home density requirements at 20 units per acre, when the rest of the State is required to build at 30 units per acre.

Councilmember McKeon noted that Huntington Beach has been a good steward by building more affordable housing units than most neighboring cities, and noted his belief that the State will never stop their overreach until people stand their ground for local control. He described Senate Bill 423 (Weiner) which removes building and fire code compliance from objective standards for approval of projects, and presented a scenario to question, when a fire truck cannot access a property to prevent fire, who ends up being the party liable for the code standard ... the State?

Councilmember McKeon stated that as an elected official with purview to make land use decisions, he needs to do what is best for Huntington Beach. He recognized his pledge as a candidate to fight back against high-density mandates, and how this fight means everything to residents for local control and quality of life. He shared that he cannot in good conscience simply take orders that come down from the State, and as a Councilmember, he will not give up his right of free speech, or free right of expression because the State mandates a vote in a certain way, or makes certain land use decisions with a State-desired outcome. He stated his objection to the Housing Element, and restated his opinion that this needs to be adjudicated in the courts.

Councilmember Kalmick stated he believes CEQA and housing law are being conflated, and agrees there is conflict, but it can be resolved fairly simply. He also shared his opinion that SB 423 does not remove fire code from the process, it removes the ability to deny a project based on fire issues, and projects still have to meet California building code, but just move through the process a bit more quickly.

Councilmember Kalmick stated his opinion that a lot of people's time has been wasted, and noted the CEQA document has been the same for almost a year now. To now find a technicality in the statement of overriding considerations shows a real lack of understanding of the CEQA process. He acknowledged it is a complicated process, and he is interested to see how upcoming statements of considerations will be handled that will probably need to be signed to move other projects forward that will have similar environmental concerns.

Councilmember Kalmick noted he has lived in Huntington Beach for 20 years, and agreed this is no longer an affordable place to live. He compared housing prices from the 1960s and 1970s to now, and stated people then worked just as hard as people do today to raise a family. He noted that many people who spoke at the last Council meeting then went to the Ocean View School Board meeting to say don't close school sites. He believes there is a direct correlation. He stated emails were received stating you do not solve homelessness by building homes, and noted that doesn't make any sense either. He related his experience of meeting a woman at the shelter last week who has lived in Huntington Beach for a really long time, lost her job, and is now working for the City part-time, but living at the shelter because she is homeless. He explained that this woman doesn't drink alcohol, is not a drug addict, and is not a criminally homeless person. He continued by stating that the cost of Huntington Beach housing is so high, it is impossible to build our way to affordability. Attainable housing is something that is gone in Huntington Beach, and you cannot have a sustainable city with only multi-million-dollar homes in a city of this size.

Councilmember Kalmick noted that statistically older folks do not buy as many things or put sales tax into the system, and a diverse demographic is needed for sustainability. Many people working in Huntington Beach cannot afford \$1.5M – \$2M homes, so they commute and contribute to traffic issues. He described how the latest statistics show that 70% of residents commute out every morning to get to jobs elsewhere, and half of Huntington Beach residents are renters. Councilmember Kalmick stated that he wants to live in a diverse community where people with a family can afford to live. He noted that as the elderly pass on, their children either move into the family home, or sell it as a starter-home for \$1.5M. He is not sure how that is solved. He stated if we go out on a technicality and Council majority says we can't sign the statement of overriding considerations because of the problematic EIR which says some "unknowables" violate a CEQA threshold which is arbitrarily set, then the State probably rolls in and puts Huntington Beach in receivership. He noted that if Council ends up passing a Housing Element that received a "you are OK" letter back in August, it would eliminate all of the compromises that Council came up with for all of the residents on Edwards Hill, Seagate, and all of the other changes made to try and make this a less-worst document.

Councilmember Kalmick stated this is a zoning document, noting hearing the word "build" in many of the comments, including from this Council. He explained the current zoning on Beach Boulevard is the same zoning as being implemented on other properties. He described the document as "administrative" to show we can meet State laws, and that it is not a building target - not to say that at some point in the future it does become a building target based on what Sacramento wants to do, but at this point it is a zoning target. He discussed goals met in the last housing cycle with little fanfare (not low-income goals, but the goal of at least showing on paper that we could meet State goals).

Councilmember Kalmick stated that the Council majority obviously disagrees with State goals, and he agrees 13,000+ units is a high number, but staff has prepared a document that shows we can in theory meet that number, and questioned, "why not pass it?" He stated if Council doesn't approve the plan, the people on Edwards Hill are going to have to come to this Council majority and ask why the zoning on the property next door to them is now 35 units per acre. The properties that were pulled out specifically for

cause are back in the plan, and have been passed by the State because we have been put into receivership under State housing law. That will be at the feet of this Council.

Councilmember Kalmick noted that approving the plan won't result in building, which a lot of folks are worried about. He reiterated that land value is expensive, it is expensive to build, and he believes the speech of this Council is not intended to be individual speech. He referenced an item later on the agenda that talks about speed limits and how they are set, and asked if the Council majority plans to just throw that out too, because it is a State law that says you have to have speed limits and you have to have a methodology to meet speed limits. He noted it appears to him that Council picks and chooses the State laws to comply with. He stated that Huntington Beach is not a sovereign nation, but rather a subdivision of the State of California, and being a Charter City does not make us sovereign under State law which has been adjudicated quite a bit.

Councilmember Kalmick believes in following State law, and if the Council majority wants to fight it, then do so. However, without a Housing Element that has been certified by HCD, he believes our footing is off, and State rules are pretty strong and Huntington Beach will be in a very bad situation and fighting the State from a losing proposition. Councilmember Kalmick noted that he doesn't ever vote against the City, but if the State lawsuit is lost, asked what happens then? He further stated this isn't something that everybody necessarily agrees with, or thinks is great, but in his opinion, it fixes some of the things that a lot of people had concerns with. He concluded by stating if the Council doesn't pass the Housing Element, he is confident the State will pass it for us, and it will be the old plan we had multiple meetings on and a lot of people didn't like, and in his opinion, that will be on the Council majority.

Mayor Strickland responded it will not be on "the Council majority" because they were elected by the citizens of Huntington Beach to fight for Huntington Beach. If the State comes in and does receivership, that is at the feet of Governor Newsom for destroying our City, not at the feet of the majority of the City Council. He stated it is not a technicality, and at the end of the day, he believes in less government. The government closest to the people is the best for the people. Mayor Strickland stated that Governor Newsom can visit all he wants, but he doesn't live here, and we represent the community and should make these decisions.

Mayor Strickland stated the reason we are fighting against this is fundamental -- if we lose this fight, the City that the people living here love, the suburban community, is gone, and that is not at the feet of the Council. He added that if the four newly-elected Councilmembers didn't get elected, it would have been at the feet of the previous Council. The citizens of Huntington Beach voted in four new Councilmembers because they wanted someone to fight for them. There is nothing wrong with urban living, but people here do not want an urban community. Some people like the rural life style, but people in Huntington Beach like a suburban community.

Mayor Strickland continued that the statement of overriding considerations states that the benefits of the Governor's housing crisis overrides any negative impacts that may be caused to our environment and community. He doesn't agree with that at all, nor will he vote for that. He believes it would have a severe negative impact on the quality of life for the community. He campaigned on fighting against high density mandates, and the voters gave Council a mandate to do so. He can't in good conscience vote for the Housing Element. This needs to be adjudicated in the courts, which is happening as the lawsuit moves forward. It is not at the feet of the Council majority. He stated he is not against development, but supports development that fits within our coastal suburban community feel. That's his decision as Mayor. He doesn't want a bureaucrat from Sacramento, or Governor Newsom or Attorney General Bonta to tell us that we have to build in a city that is 95 percent built out. So for all those reasons, he will be voting no.

Councilmember Bolton stated there is a fundamental disagreement on what the future looks like for the City, and whether this should be fought in the courts. Process wise, she supports affordable housing and the future of Huntington Beach where young people can afford to live. She believes there are two ways to fight the mandates. One would be to pass the Housing Element and maintain local control during the time the lawsuit is being litigated. If the lawsuit is won, great, and there would be complete control over how the City provides additional housing. If the lawsuit is lost, then? Councilmember Bolton believes given the direction Council appears to be going, with no Housing Element, someone could come and build a six-story project and nothing can be done about it.

Councilmember Bolton stated that sometimes you have two choices, neither of which is really great. She believes Council should ask what is going to do the least amount of harm while waiting for the lawsuit to be litigated. For her, it is not leaving the City completely open to builder's remedy where there is zero control, but rather doing what we can in the interim. She indicated her vote in favor of the Housing Element.

Councilmember Moser said this decision is about doing the least amount of harm. She stated support for the people who are closest to the decisions, should be making the decisions, but that has also resulted in a lack of housing being built. She noted earlier that someone stated in the 1960s and 1970s Huntington Beach was the fastest growing city. Since then, housing for the most part has not continued at that pace. As a result, in her school district, there is the potential for four schools to close because of the lack of children coming in, and because of the lack of affordability. School closures are a symptom and an indicator of what is on the horizon. She stated Goldenwest College has the same challenge. It is a matter of the fact that Huntington Beach does not have affordable housing, where new families can come and bring more children, and more infrastructure will be built for more diverse families. If people are not coming here, Huntington Beach will only have infrastructure, stores and everything else built for people who are aging. Residents are not going to get new schools, but schools will be closing, and she believes people are going to be upset about that, but they are not connecting the dots right now, that those things are related.

Councilmember Moser stated this Council has gone about this process in the reverse order of what makes sense to her. She believes it would be best to pass the Housing Element so they wouldn't have to deal with potential legal suits, attorney's fees and financial penalties, and loss of permitting authority and court receivership, which is on the horizon if this item is not approved.

Councilmember Moser shared she doesn't know how quickly the reaction will be, but as someone stated earlier, local control will be lost. The reality is Council has a duty to the residents to do the least harm, and the decision that does the least harm is to pass the Housing Element. Then proceed in the courts if you want. She stated she hopes the City wins, but shared she has a lot of concerns about that. Councilmember Moser believes the best thing to do is to obtain HCD certification of the Housing Element. She is very concerned about the ramifications, the loss of funding, loss of local control, and what is going to happen to our City if this is not approved, and doesn't know that everybody else recognizes the financial ramifications of this fight. She stated she will be voting to pass the Housing Element.

Councilmember Burns referred to the scathing report from the State Auditor about HCD's numbers as flawed and unsupported by evidence such as population predictions, vacancy numbers and expected growth. He believes this resolution is not in the best interests of Huntington Beach and does not address the known environmental impacts not addressed in the final EIR. The EIR cannot address all of the impacts, and he doesn't believe that project values override the environmental impacts. Additionally, he

doesn't see in the report how the overbuilding directly affects the residents of Huntington Beach for either the short or long term. He believes quality of life will be adversely affected, something he is hell-bent on protecting. There is no way of knowing the potential long-term impacts of these projects on traffic, overcrowding, overbuilding, housing needs, etc. Huntington Beach has lost population. He believes the impact of these projects will have an adverse effect on quality of life.

Councilmember Burns stated his opinion this resolution leads towards the destruction, not the betterment, of Huntington Beach. What is known is that City Council is being coerced into signing off on a document that he does not agree with, and which he believes does not serve the best interests of the residents, businesses or visitors of Huntington Beach, nor the State of California. He believes this is a political tool to attack the City's power to govern themselves, and most of all, free speech. He referenced a letter received from Governor Newsom and Attorney General Bonta threatening repercussions if Huntington Beach doesn't comply with these mandates from the State. As he reads that letter, he stated he is in disbelief that in the United States a letter like this came from upper government. In his opinion, the State and some Councilmembers do not care about Huntington Beach and actually seem to want to ruin this City. In good conscience he cannot vote for this when it is so wrong in so many ways. He represents the people of Huntington Beach and his vote is for the people and businesses of Huntington Beach. His vote must be given freely without threat, coercion, or repercussions from the State, the Governor or Attorney General. This resolution does not seem to exclude residents from any impact as we are not part of the environment.

Councilmember Burns stated he cannot support the statement of overriding considerations because in his view it is flawed and incomplete. The project value does not come close to overriding the environmental impact. He believes CEQA laws are flawed and favor the destruction of Huntington Beach and supports the unjustifiable political agenda targeting free market capitalism, free speech, and all that makes this a great country.

Regarding unaffordable housing in Huntington Beach, Councilmember Burns stated that every time a house goes up for sale, one of two things happen: the price is too high so it doesn't sell, or an agreeable price is reached. Hardly ever does a house not sell, so he has concluded that somewhere there are people who can afford to buy in Huntington Beach, which supports our nice suburban beach community.

Councilmember Burns stated the thing that bugs him most is Governor Newsom and his administration's attack on our freedoms and self-governance. He stated that when houses do not sell, the prices will drop to more affordable levels. He will show his support for this great country, the system that makes us so great, and the people of Huntington Beach by voting against this item.

A motion was made by Kalmick, second Bolton to approve CEQA Action, Subsequent EIR No. 22-002 with findings of fact and statement of overriding considerations by adopting City Council Resolution No. 2023-15, "A Resolution of the City Council of the City of Huntington Beach certifying Final Subsequent Environmental Impact Report No. 22-002 for the City of Huntington Beach 6th Cycle Housing Element Update (2021-2029), adopting findings pursuant to the California Environmental Quality Act, adopting a statement of overriding considerations, and adopting a mitigation monitoring and reporting program" (Attachment No. 1).

The motion failed by the following roll call vote:

AYES: Kalmick, Moser, and Bolton
NOES: Van Der Mark, Strickland, McKeon, and Burns

A motion was made by McKeon, second Burns to direct the City Manager and Planning staff to return to City Council at the next earliest possible meeting, depending upon what Planning will have to do with the California Department of Housing and Community Development (HCD), with a proposed Housing Element Update to not include this high-density overlay for 13,368 RHNA units; but instead to include only the 1,600 RHNA units that are already in the pipeline. This motion is made on the basis that State mandates are so flawed, onerous, burdensome, and environmentally harmful to the City, the City Council may have to consider self-certifying our Housing Element.

Discussion ensued.

Deputy Director of Community Development Jennifer Villaseñor stated staff understands the direction to include in the overlay only projects that are in queue, and noted that those projects are already approved and the overlay would not benefit them.

Councilmember McKeon questioned the process to self-certify the Housing Element.

Deputy Director Villaseñor stated there is no process for self-certification of a Housing Element, and added that Council could adopt the proposed Housing Element, finding that it complies with State law. This would not be considered self-certification, but rather would be approving a resolution that it is consistent with State law. Self-certification is something that would happen at the court if we were not certified and rather asserted we were in substantial compliance.

City Manager Al Zelinka asked if there would have to be a categorical exemption associated with that. Planning staff confirmed it would have to be a CEQA action.

Councilmember Bolton stated it sounds like this action would put them back right where they started.

City Attorney Michael Gates clarified that in terms of certification, which is a generic term, if this were to come back modified as proposed, and the resolution was adopted or passed as modified at a future date, essentially the City would be moving forward with the approved Housing Element. He added it would basically be self-certification without the HCD certification, and without a formal certification box checked. But Council could move forward with the resolution.

Deputy Director Villaseñor stated that the City Council can adopt any Housing Element they want. Whether or not it gets certified by the State, is another question.

Councilmember Bolton asked City Attorney Gates if Council could take that kind of action without any CEQA related finding. Attorney Gates referred to Planning staff for an answer, and noted that prior to SB 1333, charter cities could actually move forward with updated housing elements without getting any certification from HCD. He additionally added it is theoretically possible to move forward with an updated Housing Element without getting HCD certification.

Mayor Strickland confirmed with Councilmember McKeon his effort is intended to approve a Housing Element that is not concerned about State certification.

Councilmember Bolton noted that the CEQA issue is a separate question. City Manager Zelinka stated that based on what Deputy Director Villaseñor said, we would have to have a CEQA component to bring the policy back, and asked Planning Director Lena-Reynosa if she had any input.

Planning Director Ursula Lena-Reynosa explained that there are a few different things being discussed, and attempted to address each. First, a project would need approval of the Housing Element, which is a policy document, and there is a level of environmental review that is required for that. Staff is bringing forward a means to getting a certified Housing Element which included adopting the implementation documents which became part of the project, so that went to another level of environmental review. As stated by Deputy Director Villasenor, the City Council can adopt whatever housing policy they want, and the City doesn't have to submit it to HCD because based upon what has been said, it is likely it would not be certified by HCD. She explained further that self-certification is where you are looking at the regulations and laws before you, and certifying that it complies with them. Director Luna-Reynosa stated she is not sure City Council would be able to make those findings based on what the laws say.

Councilmember Kalmick asked if there would have to be a CEQA component, as his understanding is that a Housing Element must include findings under CEQA, and if a Housing Element is approved without the CEQA document, he is confident the City would be opening the door to a large, very easy CEQA lawsuit.

City Attorney Gates noted, as was suggested, there might be a categorical exemption or some other mechanism.

Councilmember Kalmick stated he doesn't understand what is achieved by a quasi-Housing Element, or what it looks like, and asked what is contemplated for the Housing Element.

Councilmember McKeon asked Director Luna-Reynosa if it is possible to approve a Housing Element that satisfies CEQA without a statement of overriding considerations.

City Attorney Gates confirmed with Councilmember McKeon that the plan also would not include a high-density Regional Housing Needs Assessment (RHNA) overlay.

Director Luna-Reynosa stated there is not a RHNA overlay, but there are a few affordable housing overlays in the proposed Housing Element to meet the RHNA targets. She explained the policy document that other cities have adopted were categorical exemptions because they have had a bifurcated process. Had Huntington Beach been on time, we could have just adopted the Housing Element and then brought the implementation documents later. However, because the City was late, we now do not have that option to get certified. She continued that when it was combined it was required to include an EIR. If the Housing policy document came forward by itself, yes, she believes a categorical exemption could have been achieved for the City Council to adopt. It would not lead to certification by HCD, and Director Luna-Reynosa thinks City Council would struggle to self-certify based on existing laws on the books.

Deputy Director Villasenor asked if the potential request is to bring back a Housing Element that meets RHNA requirements, or a lesser number. Councilmember McKeon replied a lesser number, or a Housing Element where we exercise local control that satisfied CEQA so we can mitigate the negative impacts to the environment. Deputy Director Villasenor replied that is not possible until City Council determines a target number, if it is not the RHNA number, for the next planning period.

Councilmember McKeon asked if staff has that number, then it is possible to self-certify. Deputy Director Villasenor replied the term self-certify is not correct because that is not a real process. Council could adopt a Housing Element that it believes is in substantial compliance with State housing element law, but it will be very hard to make that finding if it is not tied to RHNA because RHNA is tied to the housing law.

Councilmember McKeon withdrew his motion.

ADMINISTRATIVE ITEMS

17. 23-294 Received, filed and approved 90-Day Plan to Address Homelessness in Huntington Beach

Lt. Brian Smith presented a PowerPoint communication titled *Homeless and Behavioral Health Services: Improving Services to Our Community* with slides entitled *Homeless Services Updates January 1, 2023 through February 28, 2023 (2); 90-Day plan to address the impact of homelessness in our community; Audit Our Programs; Improve Communications with Our Community; Personnel Management; Fiscal Items; and Future goals discussed in January 7, 2023 Presentation.*

During the PowerPoint presentation, Councilmember McKeon, Mayor Pro Tem Van Der Mark and Mayor Strickland asked questions and clarified their expectations, as well as stating their preferences for program options.

Regarding Personnel Management, City Manager Zelinka confirmed he will work with Police Chief Parra and Lt. Smith to bring back to Council the appropriate information to find the right person for the outcome that Council expects and to meet the necessary metrics.

Councilmember McKeon stated interest in looking at additional prevention efforts besides providing housing, or addressing mental health issues and drug addiction, such as high school outreach, or education on money management that could be incorporated to prevent homelessness, rather than just addressing services after someone finds themselves homeless. He also suggested investigating how the efforts of Prosecutor Pomeroy can be maximized to help break the crime cycle, and would like to look at ways to increase communication between case workers and the Homeless Task Force.

Lt. Smith confirmed how important collaborative meetings are to get perspective and insight into effective options to help break the cycle. Lt. Smith confirmed the computer dispatch and records management system is being updated to include stay-away orders.

Councilmember McKeon also suggested advocacy communication at the State and Federal level to find additional resources.

Councilmember Moser stated her support for a common definition of success and metrics, and noted that all of the different parts for system success need to be considered including enforcement. She also stated support for preventive options, ability to collect, validate and report the right data, integrating with the County Homeless Management Information System (HMIS) data, and tracking real time and person specific information for inflow and outflow.

Councilmember Moser and Lt. Smith discussed the changed process for referral options that Officers use, and Councilmember Moser asked for more details on why the process was changed. She asked that any time data is presented she would like to see a table showing the numbers over time, with percentages, to more easily define trends. Councilmember Moser suggested that maybe there needs to be a committee or group effort to determine the data points that need to be tracked. Lt. Smith suggested starting with the County's definition points, and noted the County, State and Federal levels use different definitions.

Councilmember Moser confirmed with Director Luna-Reynosa that funding was made available for Oasis and Home Key projects. Councilmember Moser sees these programs as ways to create more housing supply and possibly help eliminate the bottleneck at the Navigation Center. She is supportive of efforts to educate and incentivize landlords to accept people with vouchers, and noted some sort of subsidy is also required.

Councilmember Moser and Director Luna-Reynosa discussed project Home Key funding and newly available options.

Councilmember Moser confirmed with Lt. Smith that current personnel vacancies include one full-time and one part-time Social Worker, and clarified her opinion that a Social Worker Supervisor is definitely needed, in addition to a program Director who would be working with all of the various agencies. She shared her concerns related to the suggestion of changing the Director position to Manager in order to save a few dollars, or hiring a consultant to possibly provide Director-level services.

City Manager Zelinka replied that there is consideration for surveying other jurisdictions that are having a positive impact, and reviewing the title, level and attributes of the leaders of those efforts. He and Lt. Smith are definitely interested in getting the right person to ensure the program is effective in achieving the metrics that are ultimately defined.

Lt. Smith noted that use of a consultant would not be an on-going "position", but rather a one-time effort to help evaluate existing programs and provide suggestions for modifications. He noted he is looking at surrounding agencies to compare how they operate, where resources are allocated, what departments they fall under, as well as compensation rates. Councilmember Moser confirmed with Lt. Smith that people from throughout the state have looked at Huntington Beach's program.

Councilmember Moser stated support for the suggestion from Councilmember McKeon that Huntington Beach link to the County's 211 program. She noted that former the Director of Homelessness and Mental Health Services had done a GIS survey with faith-based and non-profit service providers, and suggested using that contact information to push something out and update information related to days that services are provided. Lt. Smith replied that the Volunteer Services Coordinator is currently collecting lists of various service providers to determine if there is an interest in working cooperatively. There are plans for a collaborator's meeting in May or June to lay out the City's vision and asking them how they can help meet that vision.

Councilmember Moser noted she is on the O. C. Housing Finance Trust Board, and described ways they are looking to help incentivize the building of Accessory Dwelling Units (ADUs) for the voucher system.

Councilmember Moser thanked Lt. Smith for his outstanding efforts in helping to develop a great system of care utilizing many different resources, and added she is looking forward to learning about permanent shelter options in the future.

A motion was made by McKeon, second Van Der Mark to receive and file this report; and approve the proposed 90-Day Plan.

The motion carried by the following roll call vote:

AYES:	Kalmick, Moser, Van Der Mark, Strickland, McKeon, Bolton, and Burns
NOES:	None

ORDINANCES FOR INTRODUCTION

18. 23-237 Approved for introduction Ordinance No. 4286 amending Huntington Beach Municipal Code Chapter 10.12 relating to speed limits.

Director of Public Works, Sean Crumby, introduced the item and Bob Stachelski, Traffic & Transportation Manager, presented a PowerPoint communication titled *Speed Limit Updates* with slides entitled: *Establishing Speed Limits; Engineering & Traffic Survey; 2023 Speed Survey Update (2); Recommended Action; and Questions.*

Councilmember Kalmick and Manager Stachelski discussed the application of AB 43 when doing the analysis, and Manager Stachelski noted that none of the speed limits for streets shared with bordering cities are being changed. He added that establishing safety corridor discussions will be upcoming after the new State regulations are determined.

Manager Stachelski confirmed that speed limits are totally within the purview of the City, following State law processes.

A motion was made by Strickland, second Kalmick, to after City Clerk reads by title approve for introduction Ordinance No. 4286 "An Ordinance of the City of Huntington Beach Amending Chapter 10.12.080 of the Huntington Beach Municipal Code Relating to Speed Limits."

The motion carried by the following roll call vote:

AYES: Kalmick, Moser, Van Der Mark, Strickland, McKeon, Bolton, and Burns
NOES: None

COUNCILMEMBER ITEMS

19. 23-321 Approved Item submitted by Councilmember McKeon — One Stop Shop Update

Councilmember McKeon stated this item is to fulfill a campaign contract with the voters to cut red tape and roll out the red carpet for businesses, as initiated by Councilmember Peterson last November. This type of program was very successful in Riverside, which City Manager Zelinka oversaw. Councilmember McKeon asked City Manager Zelinka to let Councilmembers know if any additional information is needed from them to move this project along.

City Manager Zelinka stated Councilmembers will be invited to participate in scheduled tours of different One Stop Shops, and staff will be providing a timeline and more details.

A motion was made by McKeon, second Strickland to direct the City Manager to continue providing quarterly updates to City Council and to return to City Council with a proposed scope of work and timeline or schedule showing when the One Stop Shop will be implemented at City Hall in order to cut the red tape and roll out the red carpet for businesses and improve customer service to our residents and visitors. Please also provide any items needed from the City Council in order to streamline this endeavor for maximum success.

The motion carried by the following roll call vote:

AYES: Kalmick, Moser, Van Der Mark, Strickland, McKeon, Bolton, and Burns
NOES: None

ADJOURNMENT — at 10:11 PM, a motion was made by Burns, second by McKeon, to adjourn to the next regularly scheduled meeting of the Huntington Beach City Council/Public Financing Authority on Tuesday, April 18, 2023, in the Civic Center Council Chambers, 2000 Main Street, Huntington Beach, California.

INTERNET ACCESS TO CITY COUNCIL/PUBLIC FINANCING AUTHORITY AGENDA AND
STAFF REPORT MATERIAL IS AVAILABLE PRIOR TO CITY COUNCIL MEETINGS AT
<http://www.huntingtonbeachca.gov>



City Clerk and ex-officio Clerk of the City Council
of the City of Huntington Beach and Secretary of
the Public Financing Authority of the City of
Huntington Beach, California

ATTEST:



City Clerk-Secretary



Mayor-Chair