



CITY OF HUNTINGTON BEACH

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March 27, 2018

Orange County Board of Supervisors
333 W. Santa Ana Blvd., 5th Floor
Santa Ana, CA 92701

Re: *City of Huntington Beach v. County of Orange*

Dear Chairman Do and Members of the Orange County Board of Supervisors:

At its last special meeting, the Orange County Board of Supervisors ("Board") took action to house homeless individuals in various cities in Orange County, including Huntington Beach. This action was taken in violation of the Ralph M. Brown Act as the agenda for that meeting did not provide the required public notice regarding action. The City was unaware the Board was contemplating such an action, the action was taken without a public hearing and consequently the City of Huntington Beach was unable to provide comments and objections to said action.

As discussed, the Board is proposing to house up to one hundred homeless individuals on County owned property located at 18111 Gothard Street, Huntington Beach ("Homeless Encampment" or "Gothard Site"). This Homeless Encampment creates a host of highly volatile and potentially catastrophic environmental, public health and safety impacts. These impacts include, but are not limited to public health impacts such as long term exposure to methane and other cancer causing chemicals, littering, disturbing the peace, illegally camping, and human waste disposal among the few.

The County cannot consider use of the Gothard site for the establishment of a Homeless Encampment without preparation of a full Environmental Impact Report (EIR) in accordance with the California Environmental Quality Act (CEQA). In addition to the physical health issues, approximately half the site contains significant habitat for the

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California gnatcatcher, a federally threatened species and California Species of Special Concern. The County is well aware of this habitat. The use and development of the site for housing for the homeless, including the installation or construction of tents and/or other temporary or permanent structures has the potential to result in significant impacts to the habitat areas and sensitive species. Clearly a project of this nature will impact the gnatcatcher habitat which cannot be avoided. The human intrusion will affect the sensitive species including the introduction of new sources of noise and glare, without any protection against the degradation to the habitat functions and value. In addition, no mitigation has been identified to ensure that impacts would be substantially lessened. Given that the project has the potential to result in a significant impact to biological resources an EIR must be prepared to identify and address mitigation to substantially reduce the impact to a less than significant level.

As discussed, the Board's March 19th action failed to comply with the Brown Act and CEQA and while the City supports Agenda Item 14. E. to rescind all actions of the March 19th meeting, the County must refrain from any further action toward the establishment of housing for the homeless on the Gothard property in Huntington Beach. The Board must clarify that the Gothard site is not being contemplated in any way that would move the County closer to establishing homeless housing on the Gothard site including the authorization of funding without appropriate environmental considerations.

The Homeless Encampment project would not qualify for any categorical exemption since the property has known federally threatened biological resources and use of the property for homeless housing has the potential to result in significant impacts to these resources. In addition, the authorization of any funding would disqualify the County for claiming this Housing Encampment project is exempt from CEQA. In addition to biological resources, significant impacts would also occur in the following areas: Aesthetics, Land Use/Planning, Population/Housing, Hazards and Hazardous Materials, Public Services, Utilities, Hydrology/Water Quality, Noise and Cultural Resources. Finally, given that the project is subject to CEQA and does not qualify for an exemption, Tribal Consultation pursuant to AB52 must be conducted during the CEQA process. The County has provided no evidence of compliance with AB52.

Very truly yours,



for Michael E. Gates
City Attorney

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